

**Independence Township Committee
Regular Meeting Agenda
October 8, 2024
7:00 pm**

This is a regular meeting of the Township Committee of Independence Township, Warren County, New Jersey. This meeting was called to order by Mayor Robert Giordano at 7:00 p.m. with the following announcement: “Adequate notice of this meeting was given in accordance with the Open Public Meetings Act by providing a schedule of regular meetings to the Herald Times and The Express Times, posting a copy thereof on the Township bulletin board and filing a copy thereof in the office of the Municipal Clerk.” The Pledge of Allegiance to the American Flag was led by Mayor Giordano.

Roll Call: Mr. Stuber, Mrs. Kelsey, Deputy Mayor Pennington

Minutes

Mr. Stuber made a motion to approve the minutes from September 10, 2024, which was seconded by Mrs. Kelsey.

Ayes: Mr. Stuber, Mrs. Kelsey, Deputy Mayor Pennington

Nays: None

Absent: Mrs. Gesumaria, Mayor Giordano

Abstain: None

Department Reports:

Consent Agenda:

**24-65
RESOLUTION
Redemption of Tax Lien
Certificate #22-00002**

WHEREAS, on November 29, 2022, Tax Lien Certificate #22-00002 or property assessed to CHESTER J & DOROTHY M KASPER and known as Block 2; Lot 5, Sold to NJSL 301, LLC

WHEREAS, redemption of Certificate # 22-00002 was made by GITSIT SOLUTIONS

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Independence, that the Tax Collector, having received redemption monies from GITSIT SOLUTIONS and having received Tax Lien Certificate #22-00002 from NJSL 301, LLC, be authorized to forward said redemption monies to NJSL 301, LLC, the amount being \$17,587.91.

Also, the Premium which was paid by NJSL 301, LLC in the amount of \$19,500
To be refunded back to NJSL 301, LLC.

Mr. Stuber made a motion to approve Resolution 24-65, which was seconded by Mrs. Kelsey.

Ayes: Mr. Stuber, Mrs. Kelsey, Deputy Mayor Pennington
Nays: None
Absent: Mrs. Gesumaria, Mayor Giordano
Abstain: None

**24-66
RESOLUTION**

**Redemption of Tax Lien
Certificate #21-00041**

WHEREAS, on November 4, 2021, Tax Lien Certificate #21-00041 or property assessed to ERIC OBERNAUER and known as Block 6.02; Lot 184, Sold to WSES C/F ACTLIEN HOLDING, INC
WHEREAS, redemption of Certificate # 21-00041 was made by TD BANK

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Independence, that the Tax Collector, having received redemption monies from TD BANK and having received Tax Lien Certificate #21-00041 from WSES C/F ACTLIEN HOLDING INC, be authorized to forward said redemption monies to WSES C/F ACTLIEN HOLDING INC, the amount being \$34,413.28

Also, the Premium which was paid by WSES C/F ACTLIEN HOLDING, INC in the amount of \$53,300 To be refunded back to WSES C/F ACTLIEN HOLDING, INC.

Mrs. Kelsey made a motion to approve the passage of Resolution 24-66, which was seconded by Mr. Stuber.

Ayes: Mr. Stuber, Mrs. Kelsey, Deputy Mayor Pennington
Nays: None
Absent: Mrs. Gesumaria, Mayor Giordano
Abstain: None

RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE

Warren County, New Jersey

Res. No. 24-67

Date of Adoption: October 8, 2024

Title or Subject: CORRECTIVE ACTION PLAN 2023 AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts, and financial transactions, and

WHEREAS, The Annual Report of the Audit for the year 2023 has been filed by a Registered Municipal Accountant with the Municipal Clerk, pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated in Resolution 24-49 adopted July 9, 2024 and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, the Chief Financial Officer has prepared the attached Corrective Action Plan for the 2023 Annual Audit, responding to the Schedule of Findings and Recommendations.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of Independence Township, that the attached Corrective Action Plan for the 2023 Audit is hereby approved for submission to the Division of Local Government Services, New Jersey Department of Community Affairs.

Mrs. Kelsey made a motion to approve the passage of Resolution 24-67, which was seconded by Mr. Stuber.

Ayes: Mr. Stuber, Mrs. Kelsey, Deputy Mayor Pennington

Nays: None

Absent: Mrs. Gesumaria, Mayor Giordano

Abstain: None

**TOWNSHIP OF INDEPENDENCE
COUNTY OF WARREN
Resolution 24-68**

**RESOLUTION APPOINTING
REGISTERED MUNICIPAL CLERK, TOWNSHIP ADMINSTRATOR AND CERTIFIED
MUNICIPAL REGISTRAR**

WHEREAS, N.J.S.A. 40A:9-133 requires that every municipality have an Official Municipal Clerk of record appointed for a three-year term by the governing body; and

WHEREAS, N.J.S.A. 26:8-11, et. seq. requires the governing body also have a Certified Municipal Registrar; and

WHEREAS, N.J.S.A. 40A:9-136 allows for and Article V §51-19 to §51-24 of the Township Code establishes the position of Township Administrator, and

WHEREAS, Dena Hrebenak has been certified as a Registered Municipal Clerk in accordance with the laws of the State of New Jersey; and

WHEREAS, the Township is now desirous to appoint Dena Hrebenak to fill the position official Municipal Clerk of record, Township Administrator and Certified Municipal Registrar; and

WHEREAS, the Township is also desirous that Dena Hrebenak assumes the duties of Payroll Clerk and 911 Coordinator, as these duties have traditionally been carried out by the Township Administrator.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Independence that Dena Hrebenak be appointed as Municipal Clerk for the Township of Independence for a term of three (3) years in accordance with N.J.S.A. 40A:9-133;

BE IT FURTHER RESOLVED, that Dena Hrebenak be appointed to the position of Township Administrator for the Township of Independence and shall carry out those duties set forth in Article V §51-19 to §51-24 of the Township Code and shall likewise assume the duties of Payroll Clerk and 911 Coordinator.

BE IT FURTHER RESOLVED that Dena Hrebenak will also carry out the duties of Certified Municipal Registrar.

Mrs. Kelsey made a motion to approve the passage of Resolution 24-68, which was seconded by Mr. Stuber.

Ayes: Mr. Stuber, Mrs. Kelsey, Deputy Mayor Pennington

Nays: None

Absent: Mrs. Gesumaria, Mayor Giordano

Abstain: None

24-70
National Fire Prevention Week
October 6 – 12, 2024

WHEREAS, each year, fire devastates thousands of lives and homes across the United States, with over 350,000 structure fires reported annually, resulting in thousands of injuries and tragic loss; and

WHEREAS the National Fire Prevention Association has designated the week of October 6 – 12, 2024 as National Fire Prevention Week; and

WHEREAS, this year’s theme, “Learn the Sounds of Fire Safety,” highlights the critical importance of understanding the different sounds that alarms and alerts make, sounds that can make the difference between safety and tragedy; and

WHEREAS, the proactive education of our citizens regarding fire safety practices, such as smoke alarm maintenance, escape planning, and the dangers of distracted cooking, can dramatically reduce the risk of fire-related tragedies; and

WHEREAS, local fire departments, community organizations, and schools play a vital role in providing fire safety education and resources, fostering a culture of prevention and preparedness; and

WHEREAS, by coming together as a community to promote awareness and implement effective fire safety measures, we can protect our loved ones, our homes, and our neighborhoods.

NOW, THEREFORE, I, Robert Giordano, Mayor of Independence Township on behalf of the Independence Township Committee, do hereby proclaim the week of October 6 – 12, 2024 as National Fire Prevention Week in Independence Township and encourage all residents to participate in fire safety activities and educate themselves about the importance of fire prevention.

Mrs. Kelsey made a motion to approve the passage of Resolution 24-70, which was seconded by Mr. Stuber.

Ayes: Mr. Stuber, Mrs. Kelsey, Deputy Mayor Pennington

Nays: None

Absent: Mrs. Gesumaria, Mayor Giordano

Abstain: None

24-71

RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE AUTHORIZING WAIVER OF A CERTAIN PORTION OF INTEREST ON TAX SALE CERTIFICATE 200911 BLOCK 28 LOT 15.01

WHEREAS, in 2009 the property located at 27 Nykun Lane became delinquent for tax and Tax Sale Certificate #200911; and

WHEREAS, all municipal charges since 2009 have accrued to Tax Sale Certificate #200911; and remain unpaid; and

WHEREAS, the Township is desirous to have the property remediated and returned to the Township's tax records; and

WHEREAS, the property owner agrees that such remediation will be performed within a certain time period as agreed upon the parties, which agreement shall be authorized by separate resolution; and

WHEREAS, the interest and penalties accrued to date on Tax Sale Certificate #200911, is approximately \$285,179.31; and

WHEREAS, the property owner has requested that a portion of the interest due to the Township in the amount of \$ 47,234.76 on Tax Sale Certificate #200911 be waived in order to redeem said certificate.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Independence, County of Warren, State of New Jersey that the Tax Collector waive \$47,234.76 of the interest due to the Township for Tax Sale Certificate #200911 for a total payoff amount of \$430,000.00.

Mrs. Kelsey made a motion to approve the passage of Resolution 24-71, which was seconded by Mr. Stuber.

Ayes: Mr. Stuber, Mrs. Kelsey, Deputy Mayor Pennington

Nays: None

Absent: Mrs. Gesumaria, Mayor Giordano

Abstain: None

INDEPENDENCE TOWNSHIP

RESOLUTION NO. 24-72

APPOINTING SCOTT WILHELM, ESQUIRE AS PUBLIC DEFENDER AND DONALD FARINO AS ALTERNATE TOWNSHIP PUBLIC DEFENDER FOR 2024

WHEREAS, the Township Code of the Independence Township stipulates that the Township Committee shall appoint a Township Public Defender who shall represent defendants in the Municipal Court whom the Judge determines to be indigent and the law requires to be represented by an attorney; and

WHEREAS, the Township Committee wishes to appoint the Prosecutor and an Alternate Public Defender to act in the absence of the Public Defender; and

WHEREAS, Scott Wilhelm, Esquire has accepted an offer of appointment as the Public Defender and Donald Farino has accepted Alternate Public Defender.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Independence Township, County of Warren, State of New Jersey hereby appoints Scott Wilhelm as Public Defender and Donald Farino as Alternate Public Defender.

BE IT FURTHER RESOLVED by the Township Committee that the term of Scott Wilhelm, Esq. and Donald Farino, Esq. shall expire upon the reorganization of the Township Committee in 2025.

BE IT FURTHER RESOLVED by the Township Committee that the Prosecutor and Alternate Public Defender shall be compensated at the rate of \$200 per session.

Mr. Stuber made a motion to approve Resolution 24-72, which was seconded by Mrs. Kelsey.

Ayes: Mr. Stuber, Mrs. Kelsey, Deputy Mayor Pennington

Nays: None

Absent: Mrs. Gesumaria, Mayor Giordano

Abstain: None

Ordinance

First Reading

ORDINANCE NO. 2024-09 TOWNSHIP OF INDEPENDENCE

AN ORDINANCE PROVIDING FOR IMPROVEMENTS TO VARIOUS ROADS BY THE TOWNSHIP OF INDEPENDENCE, IN THE COUNTY OF WARREN, NEW JERSEY, APPROPRIATING NOT IN EXCESS OF \$187,608.23 THEREFOR FROM THE RESERVE FOR ROAD IMPROVEMENTS.

BE IT ORDAINED BY THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF INDEPENDENCE, IN THE COUNTY OF WARREN, NEW JERSEY, AS FOLLOWS:

Section 1. The improvement described in Section 2 of this ordinance is hereby authorized as a general improvement to be made or acquired by The Township of Independence, in the County of Warren, New Jersey. For the said improvement or purpose stated in said Section 2, there is hereby appropriated the sum of \$187,608.23 (or such lesser amount as may be determined by the Administrator or the Chief Financial Officer upon determination of the actual cost of the improvement or purpose described in Section 2 below) from the Reserve for Road Improvements financing said improvement or purpose of the Township.

Section 2. The improvements hereby authorized and purpose for which said appropriation is made are improvements to various roads in and by the Township by the construction or reconstruction therein of roadway pavements at least equal in useful life or durability to a roadway pavement of Class B construction (as such term is used or referred to in Section 40A:2-22 of said Local Bond Law), including all structures, appurtenances, catch basins, milling, curb and sidewalk reconstruction, drainage improvements, guide rails, utility poles, equipment, crack sealing, work and materials necessary therefore or incidental thereto, all shown on and in accordance with the plans and

specifications therefore on file or to be filed in the office of the Township Clerk and hereby approved, the \$187,608.23 hereby appropriated for said improvement to various roads.

Section 3. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved, by the Director, Division of Local Government Services are on file with the Township Clerk and are available for public inspection.

Section 4. This ordinance shall take effect after publication after final adoption, as provided by law.

Mr. Stuber made a motion to approve the introduction of Ordinance 2024-09, which was seconded by Mrs. Kelsey.

Ayes: Mr. Stuber, Mrs. Kelsey, Deputy Mayor Pennington

Nays: None

Absent: Mrs. Gesumaria, Mayor Giordano

Abstain: None

Bill List

Mr. Stuber made a motion to approve the bill list as presented, which was seconded by Mrs. Kelsey.

Ayes: Mr. Stuber, Mrs. Kelsey, Deputy Mayor Pennington

Nays: None

Absent: Mrs. Gesumaria, Mayor Giordano

Abstain: None

Executive Session:

Mrs. Kelsey made a motion to enter into Executive Session at 7:38 pm to discuss a Litigation matter, which was seconded by Mr. Stuber.

Ayes: Mr. Stuber, Mrs. Kelsey, Deputy Mayor Pennington

Nays: None

Absent: Mrs. Gesumaria, Mayor Giordano

Abstain: None

Mr. Stuber made a motion to return to Regular Session at 8:12 pm, which was seconded by Mrs. Kelsey.

Ayes: Mr. Stuber, Mrs. Kelsey, Deputy Mayor Pennington

Nays: None

Absent: Mrs. Gesumaria, Mayor Giordano

Abstain: None

RESOLUTION # 24-69

**RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE APPROVING CONTRACT FOR
MEDIATION SERVICES**

WHEREAS, in the case of IMO Township of Independence (Docket No. WRN-L-246-15), the Township has been ordered to attend mediation with Thomas C. Miller, A.J.S.C. (Ret.) with regard to the request of Liberty House Apartments, LLC to lift an affordable housing deed restriction on their property in the Township; and

WHEREAS, Liberty House Apartments, LLC will pay half of the cost of such mediation; and

WHEREAS, funds are or will be made available for this purpose to be certified by the Chief Financial Officer; and

WHEREAS, the Local Public Contracts Law (*N.J.S.A. 40A:11-1, et seq.*) authorizes the hiring of a Mediator without competitive bidding providing that the Resolution authorizing the award of contracts for “Professional Services” without competitive bidding and the contract itself be made available for public inspection; and

WHEREAS, a copy of the Mediation Agreement is attached hereto.

NOW, THEREFORE, BE IT RESOLVED, this October 8, 2024, by the Township Committee of the Township of Independence, County of Warren, State of New Jersey, as follows:

1. Thomas C. Miller, A.J.S.C. (Ret.) is hereby appointed in order to provide mediation services relating to the matter entitled, IMO Township of Independence (Docket No. WRN-L-246-15) at a rate of \$250 per hour, not to exceed \$2,500 total due from the Township.
2. The Mayor and Clerk are hereby authorized to sign the attached agreement in substantially the same form presented.
3. This contract is awarded without competitive bidding as a “Professional Services” under the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5 and N.J.S.A. 19:44A-20.5.

Mrs. Kelsey made a motion to approve the passage of Resolution 24-69, which was seconded by Mr. Stuber.

Ayes: Mr. Stuber, Mrs. Kelsey, Deputy Mayor Pennington

Nays: None

Absent: Mrs. Gesumaria, Mayor Giordano

Abstain: None

Mrs. Kelsey made a motion to adjourn at 8:13 pm, which was seconded Mr. Stuber and carried by all.