

**Independence Township Committee
Regular Meeting Agenda
November 12, 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: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mrs. Kelsey, Mayor Giordano

Department Reports:

Mr. Fernandez, Land Use Chair, spoke in reference to the Highlands and the Affordable Housing.

Chief Harchar, ITVFD, stated that they have had about average calls, they have 6 new members, that they have received the Knox boxes which will allow them to carry a key to access the commercial buildings, the monthly breakfast went very well, and the ISO rating remained the same.

Chief Prell went through his reports with the Committee.

Mrs. Shurack, Recreation Director, reported that sports were wrapping up, soccer took first in the Championship, a big thank you to the DPW for all that they did, currently there are 122 players signed up for basketball, and the Seniors had their Friendsgiving and the bus trip went well.

Consent Agenda:

RESOLUTION NO. R-24-73

RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE PREVIOUSLY POSTED BY WOODMONT AT INDEPENDENCE, IN THE AMOUNT OF \$74,890.00 AND REQUIRING THE POSTING OF A MAINTENANCE GUARANTEE IN THE AMOUNT OF \$19,626.00 FOR A PERIOD OF TWO YEARS APPLICABLE TO IMPROVEMENTS TO THE REAL PROPERTY DEPICTED AS BLOCK 6.02 LOT 3 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF INDEPENDENCE MORE COMMONLY KNOWN WOODMONT AT INDEPENDENCE

WHEREAS, by Resolution R-18-165 dated October 11, 2018 Woodmont at Independence,

(Developer) entered into a Developer's Agreement for the construction of Woodmont Liberty

("Development") located at the Woodmont Properties, LLC Property in Independence Township

(Township) which is designated as Lot in Block 6.02 on the Official Tax Map of the Township of Independence; and

WHEREAS, Developer has constructed the Development pursuant to the terms and conditions a fully executed Developer's Agreement dated October 11, 2018; and

WHEREAS, according to the Township's Engineer the Developer has satisfactorily fulfilled its obligations under the Developer's Agreement; and

WHEREAS, the Developer is therefore entitled pursuant to the Developer's Agreement aforesaid to the return of its performance guarantee in the amount of \$67,401.00 in a Letter of Credit and \$7,489.00 in cash subject to and conditional upon the posting of a maintenance guarantee in the amount of \$19,626.00.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Independence, County of Warren, and State of New Jersey, they being its Governing Body thereof, as follows:

1. The release of the performance guarantee, in the amount of \$74,890 previously posted by the Developer is hereby authorized subject to and conditional upon the Developer's first posting a maintenance guarantee in the amount of \$19,626.00 in a form of security acceptable to the Township Attorney.
2. The Township shall hold the maintenance guarantee for the required two-year period from the date that the maintenance guarantee is posted and delivered to the Township.
3. The Mayor and Township Clerk together with all other appropriate officers and employees are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.
4. This Resolution shall take effect immediately.

RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE
Warren County, New Jersey

No. 24-74

Date of Adoption: November 12, 2024

Title or Subject: Approval of Fire Department Member

WHEREAS, there is a need for members on the Independence Volunteer Fire Department; and

WHEREAS, Lena Shaffer has made application for membership to the Fire Department and has been approved by the Membership Committee; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Independence, that *Christopher Tyminski* is hereby approved as a member of the Independence Volunteer Fire Department.

RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE
Warren County, New Jersey

No. 24-75

Date of Adoption: November 12, 2024

RESOLUTION AUTHORIZING MASTER PUBLIC WORKS SHARED SERVICES AGREEMENT FOR
SHARING PUBLIC WORKS EQUIPMENT BETWEEN WARREN COUNTY MUNICIPALITIES AND THE
COUNTY OF WARREN

WHEREAS, County of Warren municipalities may be desirous of utilizing public works equipment and public works employees provided by the County to provide public works services, general maintenance and related services; and

WHEREAS, the County of Warren is desirous of providing those services to the County of Warren municipalities in accordance with the terms of an agreement, and

WHEREAS, the Uniform Shared Services & Consolidation Act N.J.S.A. 40A:65-1 et seq.) empowers the County of Warren and the County of Warren municipalities to enter into such an agreement;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Independence on November 12, 2024 hereby authorize the Mayor and Clerk of the Township of Independence to execute agreement.

RESOLUTION 24-76

TOWNSHIP OF INDEPENDENCE

COUNTY OF WARREN

**RESOLUTION OF INTENT TO REVISE MASTER PLAN AND
DEVELOPMENT REGULATIONS FOR HIGHLANDS PLAN CONFORMANCE
FOR LAND IN THE PLANNING AREA**

WHEREAS, the Highlands Water Protection and Planning Act ("Highlands Act"), N.J.S.A. 13:20-1 et seq., finds and declares that protection of the New Jersey Highlands is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other significant natural resources; and

WHEREAS, the Highlands Act creates a coordinated land use planning system requiring the Highlands Water Protection and Planning Council ("Highlands Council") to prepare and adopt a Regional Master Plan for the Highlands Region; and

WHEREAS, Section 13:20-1 5. a, of the Highlands Act states that for any municipality located wholly in the Planning Area or for the portion of a municipality lying within the Planning Area, the municipality may, by ordinance, petition the Highlands Council of its intention to revise its master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, to conform them with the goals, requirements and provisions of the Regional Master Plan ("Plan Conformance"), and

WHEREAS, Independence Township (the "Township") is located in the Highlands Region with lands lying within the Planning Area, as defined by Section 7 of the Highlands Act; and

WHEREAS, the Highlands Council prepared and distributed to the Township and other municipalities within the Highlands Region guidelines outlining the process and procedures for petitioning the Highlands Council for Plan Conformance which includes a comprehensive package of planning and implementation documents that meet the requirements of the Highlands Act, the Regional Master Plan, and the Highlands Plan Conformance Guidelines; and

WHEREAS, Plan Conformance by municipalities is strictly voluntary for lands in the Planning Area, and the Township may at any time voluntarily revise its master plan, development regulations, and other regulations, as applicable to the development and use of land in the Planning Area, to conform them to the Regional Master Plan; and

WHEREAS, at any time during the Plan Conformance process, the Township may withdraw from the Plan Conformance process and any approvals, rejections, or conditions of revised municipal master planning

documents or development regulations recommended by the Highlands Council during the Plan Conformance process, will not be binding on the Township; and the Township may choose not to obtain conformance with the Regional Master Plan for the lands lying within the Planning Area; and

WHEREAS, should the Township make the determination that the Township shall petition the Highlands Council of its intention to revise its master plan, development regulations, and other regulations, as applicable to the development and use of land in the Planning Area, to conform them with the goals, requirements and provisions of the Regional Master Plan and Plan Conformance Guidelines, the Township shall enact an ordinance setting forth such intention, as required by the Highlands Act; and

WHEREAS, upon application of the Township, the Highlands Council has made, or will make, grant funding and other financial and technical assistance available to the Township for the reasonable costs associated with the revision of the master plan, development regulations or other regulations, as applicable to the development and use of land in the Planning Area, which are designed to bring those plans and regulations into conformance with the Regional Master Plan 00228397 and the Highlands Council shall provide grant funds for all mandatory aspects of Plan Conformance in accordance with the Plan Conformance Grant Program, and may also provide grant funds for the discretionary aspects of Plan Conformance as determined by the Highlands Council; and

WHEREAS, should the Township formally withdraw from the Plan Conformance process, grant funding awarded to the Township up to the date of withdrawal that has been appropriately utilized in accordance with the Plan Conformance Grant Program and applicable grant agreement shall not be reimbursable to the Highlands Council;

WHEREAS, the Township adopted Resolution 20-77 on December 8, 2020 recognizing an intent to begin the Plan Conformance process; however, the process was not started; and

WHEREAS, the Highlands Council has adopted an Initial Assessment Grant Program, which will fund preliminary municipal Plan Conformance activities, such as engaging professionals to assess the requirements and benefits of Plan Conformance.

NOW, THEREFORE BE IT RESOLVED, that the Independence Township Council hereby submits this resolution of intention to revise its master plan and development regulations for Plan Conformance to the Highlands Council for that portion of our jurisdiction lying within the Planning Area in accordance with the Highlands Act, the Regional Master Plan, and the Highlands Plan Conformance Guidelines.

BE IT FURTHER RESOLVED, that the Township Planner, Township Attorney, and Township Clerk are authorized to take all steps necessary to apply for an Initial Assessment Grant.

BE IT FURTHER RESOLVED, that the Township Planner, Township Attorney, and Township Clerk are authorized to transmit a copy of this Resolution to the Highlands Council and contact the Highlands Council regarding beginning the Plan Conformance process.

Mr. Stuber made a motion to approve the Consent Agenda, which was seconded by Mayor Giordano.

Ayes: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mrs. Kelsey, Mayor Giordano

Nays: None

Absent: None

Abstain: None

Ordinance

Second 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. Pennington made a motion to open the floor for public comment, which was seconded by Mrs. Gesumaria.

Ayes: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mrs. Kelsey, Mayor Giordano

Nays: None

Absent: None

Abstain: None

Mr. Stuber made a motion to close the floor for public comment, which was seconded by Mrs. Kelsey.

Ayes: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mrs. Kelsey, Mayor Giordano

Nays: None

Absent: None

Abstain: None

Mr. Stuber made a motion to approve the passage of Ordinance 2024-09, which was seconded by Mr. Pennington.

Ayes: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mrs. Kelsey, Mayor Giordano

Nays: None

Absent: None

Abstain: None

Bill List

Mr. Pennington made a motion to approve the Bill List, which was seconded by Mrs. Kelsey.

Ayes: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mrs. Kelsey, Mayor Giordano

Nays: None

Absent: None

Abstain: None

New Business:

Mrs. Newmann explained that she had called in to the Police in regards to a person that was camping out under the bridge on Cemetery Road.

Chief Prell explained that he and Lieutenant Varina went out and investigated to see if there were any signs that someone is camping there and there were not.

Mayor Giordano asked for a motion to advertise the Reorganization meeting being held on January 7, 2025 7:00 pm.

Mr. Pennington made a motion to advertise the Reorganization meeting, which was seconded by Mrs. Gesumaria.

Ayes: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mrs. Kelsey, Mayor Giordano

Nays: None

Absent: None

Abstain: None

Public Comment:

Executive Session:

Mr. Pennington made a motion to enter into Executive Session at 8:01 pm to discuss a Personnel Matter, which was seconded by Mrs, Kelsey.

Ayes: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mrs. Kelsey, Mayor Giordano

Nays: None

Absent: None

Abstain: None

Mrs. Kelsey made a motion to return to Regular Session at 8:24 pm, which was seconded by Mr. Stuber.

Ayes: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mrs. Kelsey, Mayor Giordano

Nays: None

Absent: None

Abstain: None

Mrs. Kelsey made a motion to adjourn at 8:25 pm, which was seconded by Mr. Stuber and carried by all.