

**INDEPENDENCE TOWNSHIP COMMITTEE**  
**Meeting held at the Municipal Building, Great Meadows, NJ.**  
**January 10, 2017 7:00 p.m.**

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 7:01 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 Star Gazette 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:**

**Present:** Mayor Robert Giordano, Deputy Mayor Cogle, Bonnie Kelsey, Carmen Feula, Mike Pennington, and Debi Hrebenak. Also present were Attorney Leslie Parikh and Engineer Michael Finelli.

**Absent:** None recorded

Chuck Stanski, Boy Scout Troop #146, White Township did a great presentation on his Eagle Scout Project for the Vienna United Methodist Church. George Ulmer stated it was an outstanding project. A life saver for the food pantry and they are very grateful.

Verizon Wireless – Kathy Windsor (network nodes) did a presentation on the Verizon tower on the municipal property. Meeting is scheduled for January 12 at 10:30 am at the municipal building. Resolution 17-19 on hold

Donna Re – presented

**Resolution 17-17 Owen Properties**

**WHEREAS**, OWEN PROPERTIES, LLC (hereinafter "Owen"), the owner of Block 8, Lots 21 and 22.04 (the "Property") on the Independence Township Tax Assessment Maps, filed appeals of its 2012, 2013 and 2014 tax assessments in the Tax Court of New Jersey, Docket Nos. 013684-2012, 012817-2013 and 012760-2014; and

**WHEREAS**, the Township Committee of the Township of Independence met and discussed the aforesaid tax appeals and the recommendations of its Township Tax Assessor and Special Tax Appeal Attorney; and

**WHEREAS**, the Property was assessed in each of the tax years under appeal at a total tax assessment of \$142,500 for Lot 22.04 and \$290,300 for Lot 21; and

**WHEREAS**, the Property has received farmland assessments for the tax years 2015 and 2016; and

**WHEREAS**, Owen provided an appraisal report that valued the Property, as of September 2, 2011 at \$130,000 for both lots; and

**WHEREAS**, an acceptable settlement of the aforesaid tax appeals have been negotiated which withdraw and dismiss the tax appeals and/or affirms the total tax

assessments levied upon the property for all of the tax years under appeal, 2012, 2013 and 2014; and

**WHEREAS**, pursuant to the settlement the Township Tax Assessor has agreed that if Owen triggers the Farmland Rollback Tax by change in use and/or by obtaining approvals to construct improvements to and/or otherwise develop the Property before October 1, 2019, the land assessments for each of the rollback tax years will be no more than \$130,000 a year; and

**WHEREAS**, as a result of the appeals being withdrawn and dismissed and the assessor's prospective agreement as to rollback taxes as stated above there will be no refunds or credits due to Owen; and

**WHEREAS**, the Stipulation of Settlement is annexed hereto and incorporated herein; and

**WHEREAS**, the aforesaid settlement has no general application to other properties within the Township of Independence as a result of the aforesaid specific facts situation; and

**WHEREAS**, the Township Committee of the Township of Independence will make this settlement with Owen, without prejudice to its dealings with any other Independence Township taxpayer's request for tax assessment reduction;

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

1. The Township Special Tax Appeal Attorney is hereby authorized to execute the Stipulation of Settlement relative to the tax appeals of OWEN PROPERTIES, LLC, Docket Nos. 013684-2012, 012817-2013, and 012760-2014, which is annexed hereto and incorporated herein, having been reviewed by Township Committee of the Township of Independence.

2. The settlement outlined above shall be without prejudice to Township of Independence's dealings with any other Township taxpayer's request for tax assessment reductions.

Mr. Feula made a motion to approve Resolutions 17-17 as written. Deputy Mayor Cougle seconded the motion with roll call as follows:

Ayes: Mr. Cougle, Mr. Feula, Mrs. Kelsey, Mr. Pennington, and Mayor Giordano

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

**Warren County Resurfacing Project UPC#173510** – Township Engineer discussed the project.

**MINUTES:** A motion was made by Deputy Mayor Cogle to accept the Minutes of the January 3, 2017 Reorganization meeting as written. Mrs. Kelsey seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mr. Feula, Mrs. Kelsey, Mr. Pennington, and Mayor Giordano

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

**CONSENT AGENDA:**

**Resolution 17-14 Municipal Alliance**

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

**WHEREAS**, The Township Committee of the Township of Independence, County of Warren, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

**WHEREAS**, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Warren;

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Independence, County of Warren, State of New Jersey hereby recognizes the following:

1. The Township Committee does hereby authorize submission of a strategic plan for the Great Meadows Regional Municipal Alliance grant for fiscal year 2018 in the amount of:

DEDR	\$ 5,938.00
Cash Match	\$ 1,781.00
In-Kind	\$ 4,454.00
2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

**Resolution 17-15: Approval to submit a Grant application and execute a grant agreement with the New Jersey Department of Transportation for the Resurfacing of Russling Road, Section 2 project.**

**WHEREAS**, Independence Township, Warren County, New Jersey has given Finelli Consulting Engineers the approval to submit this grant on the behalf of the Township of Independence,

**NOW, THEREFORE, BE IT RESOLVED** that Committee of the Township of Independence formally approves the grant application for the above stated project,

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2017-Resurfacing of Russling Road Section 2 Project-00239** to the New Jersey Department of Transportation on behalf of the Township of Independence.

**BE IT FURTHER RESOLVED** that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Independence and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**Resolution 17-16: Approval to submit a Grant application and execute a grant agreement with the New Jersey Department of Transportation for the Mt. Rascal Road Resurfacing project.**

**WHEREAS**, Independence Township, Warren County, New Jersey has given Finelli Consulting Engineers the approval to submit this grant on the behalf of the Township of Independence,

**NOW, THEREFORE, BE IT RESOLVED** that Committee of the Township of Independence formally approves the grant application for the above stated project,

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2017-Mt. Rascal Road Resurfacing – 00236** to the New Jersey Department of Transportation on behalf of the Township of Independence.

**BE IT FURTHER RESOLVED** that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Independence and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**Resolution 17-18: SAFE AND SECURE COMMUNITIES PROGRAM**

A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY FEDERAL GRANT PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY.

**WHEREAS**, the Township of Independence wished to apply for funding of approximately \$ 30, 000.00 with a match of \$ 106,234.00 for an approximate project total cost of \$136,234.00 for a project under the State of New Jersey Safe and Secure Communities Grant Program, and

**WHEREAS**, the Independence Township Committee has reviewed the accompanying application and has approved said request, and

**WHEREAS**, the project is a joint effort between the Department of Law and Public Safety and the Township of Independence for the purpose described in the application;

**THEREFORE, BE IT RESOLVED** by the Independence Township Committee that

1. As a matter of public policy, the Township of Independence wished to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General will receive funds on behalf of the applicant.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.
4. The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

**Resolution 17-20: Appropriation Transfers**

**WHEREAS**, there appears to be insufficient funds in one or more reserve budget appropriations to meet the demand thereon for the balance of the reserve year; and

**WHEREAS**, there appears to be a surplus in one or more reserve budget appropriations over and above the demand deemed to be necessary for the balance of the reserve year;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Independence Warren County, New Jersey that in accordance with the provision of R.S. 40A: 4-58, that the Treasurer be and is hereby authorized and directed to make the following transfers:

	FROM	TO
Clerk s/w	\$2,000.00	
Engineer o/e	\$2,000.00	
Utilities o/e	\$4,000.00	
Social Security o/e	\$2,000.00	
Road o/e		\$10,000.00
TOTALS	\$10,000.00	\$10,000.00

Mr. Pennington made a motion to approve Resolutions 17-14, 17-15, 17-16, 17-18, and 17-20 as written. Mrs. Kelsey seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mr. Feula, Mrs. Kelsey, Mr. Pennington, and Mayor Giordano

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes

**DEPARTMENT REPORTS:**

Tax Collector - Posted

Construction/Zoning – Reports were submitted.

Environmental – No report.

Treasurer – Budget meeting on January 28<sup>th</sup> and February 4th.

Recreation/Green Acres – John Cummins gave a report. Spring Online registration only for softball and volleyball. Disbandment of the booster club. Field of Dream is closed during the winter.

Police – Report has been submitted.

Emergency Services – No report

DPW – Report was submitted.

Municipal Clerk: Dog licenses are being issued.

Land Use Board – Mr. Feula stated that the meeting is cancelled in January.

Seniors – No report.

Board of Education – No report.

**PROFESSIONAL REPORTS:**

Attorney Parikh: working on updating the Employee handbook. Executive session is requested.

Engineer Finelli: Mike will be meeting on Thursday, January 12 with the Verizon representative regarding the tower on the municipal property

**OLD BUSINESS:** None

**NEW BUSINESS:** Appointments to the Land Use Board:

Muriel Walter	3 Yr. Term	Exp. 12/31/19
James Kelsey	3 Yr. Term	Exp. 12/31/19
Mark Rafalko	2 Yr. Term	Exp. 12/31/18
Melissa Milano	2 Yr. Term	Exp. 12/31/18
Lucy Carvino, Alt. 4	2 Yr. Term	Exp. 12/31/18

**Introduction Ordinance 2017-01: ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**  
(N.J.S.A..40A:4-45.14)

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS**, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Governing Body of the Township of Independence in the County of Warren finds it advisable and necessary to increase its CY 2017 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and the citizens; and

**WHEREAS**, the Governing Body hereby determines that a 3.0 percent increase in the budget for said year, amounting to \$87,899.18 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS**, the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW, THEREFORE, BE IT ORDAINED**, by the Governing Body of the Township of Independence, County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2017 budget year, the final appropriations of the Township of Independence shall, in accordance with this ordinance and N.J.S.A. 40A:40-45.14, be increased by 3.5% amounting to \$102,549.05, and that the CY 2017 municipal budget for the Township of Independence be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote thereon, be filed with said Director within 5 days after such adoption.

Take notice, the foregoing Ordinance was introduced and passed on first reading by the Independence Township Committee at the regular monthly meeting on January 10, 2017 which Ordinance shall be given further consideration for final passage following a public hearing to be conducted thereon at its regular monthly meeting to be held on February 14, 2017 at The Independence Township Administrative Offices, 286-B Route 46, Great Meadows, New Jersey 07838.

A motion was made by Deputy Mayor Cogle to adopt Ordinance 2017-01 for First Reading. Mrs. Kelsey seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mrs. Kelsey, Mr. Feula, Mr. Pennington, and Mayor Giordano

Nays: None recorded

Abstain: None recorded.

Motion carries with five (5) affirmative votes.

Second reading and public hearing will be on February 14, 2017

#### **PUBLIC COMMENT:**

**BILLS:** A motion was made by Mr. Pennington to pay the bills as presented. Mrs. Kelsey seconded the motion with roll call as follows:

Ayes: Mr. Feula, Mrs. Kelsey, Mr. Cogle, Mr. Pennington, and Mayor Giordano

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

#### **EXECUTIVE SESSION: 8:05 pm – 9:10 pm**

**WHEREAS: N.J.S. 2:4-12, Open Public Meetings Act,** permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist:

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

The public shall be excluded from discussion of the hereinafter specified subject matters;

The general nature of the subject matter to be discussed is as follows:

Personnel issues

It is anticipated at this time that the above matter will be made public upon completion of the matter discussed.

This Resolution shall take effect immediately.

A motion was made by Deputy Mayor Cogle to approve this Resolution at 8:05 p.m., seconded by Mr. Feula and followed by a roll call of all ayes.

A motion was made by Mr. Pennington at 9:10 p.m. to exit the executive session, seconded by Mr. Feula followed by a roll call of all ayes.

Roll Call: All five (5) members are present.

Mayor Giordano stated that the executive session was to discuss personnel and no action will be taken at this time.

Mayor Giordano stated that the Committee is ready to adopt Resolution 17-21: Approving the By-Laws of the Independence Township Recreation Committee.

**Resolution 17-21: RESOLUTION APPROVING THE BY-LAWS OF  
THE INDEPENDENCE TOWNSHIP RECREATION COMMITTEE**

**WHEREAS**, the Independence Township Recreation Committee (the “Recreation Committee” was established by Township Ordinance 2015-04, which was codified in Township Code Section 76-1; and

**WHEREAS**, pursuant to Township Code Section 76-1(c), the Recreation Committee may adopt bylaws upon the approval of the Township Committee; and

**WHEREAS**, the Recreation Committee has drafted by-laws and the Township Attorney has reviewed same and recommends approval in the form attached hereto.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Independence as follows:

1. The Recreation Committee by-laws are approved in the form as attached to this resolution and shall govern the Recreation Committee.
2. The Township Clerk shall forward a copy of this resolution to the Chairman of the Recreation Committee.
3. Any amendments and or revisions to these by-laws are ineffective unless and until approved by the Township Committee.
4. This Resolution shall take effect immediately

Mr. Feula made a motion to approve Resolutions 17-21 as written. Deputy Mayor Cogle seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mr. Feula, Mrs. Kelsey, Mr. Pennington, and Mayor Giordano

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes

Mr. Feula made a motion to call for a Sergeant Exam. Mrs. Kelsey seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mr. Feula, Mrs. Kelsey, Mr. Pennington, and Mayor Giordano

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes

**ADJOURNMENT:** A motion was made by Mr. Feula to adjourn the meeting at 9:15 p.m. Mrs. Kelsey seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mr. Feula, Mrs. Kelsey, Mr. Pennington, and Mayor Giordano

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

Respectfully submitted,

Deborah M. Hrebenak, RMC/CMR  
Municipal Clerk