

INDEPENDENCE TOWNSHIP COMMITTEE
Meeting held at the Municipal Building, Great Meadows, NJ.
December 6, 2016 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 7:00 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 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: Glenn Cougle, Carmen Feula, Bonnie Kelsey (7:10), Deputy Mayor Glenn Williams (7:10), Mayor Robert Giordano and Debi Hrebenak.
Also present was Attorney Leslie Parikh and Engineer Michael Finelli.

Absent: None recorded

MINUTES: The Minutes of the meeting of November 1, 2016 were approved as written by motion of Mr. Feula. Mr. Cougle seconded the motion with roll call as follows:

Ayes: Mr. Feula, Mr. Williams, and Mayor Giordano

Nays: None recorded

Abstain: Deputy Mayor Williams and Mrs. Kelsey because of absence.

Motion carries with three (3) affirmative votes.

Mayor Giordano stated a re-organization meeting will be held on January 3, 2017 at 7 p.m.

Independence First Aid Squad Captain Mike Sickels did a presentation of the new squad vehicle.

Introduction of Officer Thomas Hill and Officer Gerrit Kinney.

Presentation to Deputy Mayor Glenn Williams on his dedication to the Township Committee for his years of service.

CONSENT AGENDA:

**Resolution 16-84: RESOLUTION IN SUPPORT OF REALIGNING THE
WARREN COUNTY AGRICULTURE DEVELOPMENT AREA
(ADA) IN INDEPENDENCE TOWNSHIP**

WHEREAS, on September 13, 2016 the Independence Township Committee supported by resolution the realignment of the Warren County Agriculture Development Area (ADA) within Independence Township to include approximately 66.25 acres of contiguous farmland assessed property to the County ADA with Greco, Block 16 Lot 1, Block 17 Lot 56, Block 17 Lot 56.01, and Block 17 Lot 56.06.

WHEREAS, in order to keep the ADA contiguous, the following additional properties, which are not targeted farms, are to be included in the amended ADA:

- Klobocista, Ekrem %Tim Klobocista – Block 17, Lot 28 (approximately 153 acres)
- Choe, Sun Chu – Block 17, Lot 33 (approximately 18.25 acres)
- Piteo, Laurel LD – Block 17, Lot 52 (approximately 52 acres)

In order to enhance the agriculture industry in Independence Township and promote the viability same through farmland preservation, the Independence Township Committee supports the realignment of the Warren County Agriculture Development Area (ADA) within Independence Township. This proposed change will add approximately 223.25 additional acres to the previously approved 66.25 acre amendment to the County ADA.

The impetus for modification for approved September 15, 2016 resolution is landowner interest in preserving the properties (Block 16 Lot 1 and Block 17 Lot 56, Block 17 Lot 56.01, Block 17 Lot 56.06 in Independence Township). The additional properties, Block 17 Lot 28, Block 17 Lot 33 and Block 17 Lot 52 do not meet the eligibility criteria for farmland preservation, but are merely being included in order to keep the ADA contiguous.

THEREFORE, BE IT RESOLVED that Independence Township hereby adopts this resolution in support of adding the above referenced properties to the Warren County ADA.

Resolution 16-85: RESOLUTION REQUESTING PERMISSION TO CREATE A DEDICATION BY RIDER FOR STORM RECOVERY COSTS PER NJSA 40A: 4-62.1

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedicated by rider of revenues by a municipality when the revenue is not subject to reasonable accurate estimated in advance; and

WHEREAS, PL 2001, c 138 permits municipalities to lapse unexpended balances budgeted annually for snow removal and other storm recovery costs; and

WHEREAS, NJSA 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies dedicated by rider;

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 governing body hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for Storm Recovery created in accordance with the provisions of PL 2001, c 138 as per 40A:4-39; and
2. The municipal clerk of the Township of Independence is hereby directed to forward two certified copies of the resolution to the Director of the Division of Local Government Services.

Resolution 16-86: RESOLUTION REQUESTING APPROVAL OF THE DIRECTORS OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH DEDICATED TRUST BY RIDER FOR ACCUMULATED ABSENCES

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as Dedication by Rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimated in advance; and

WHEREAS, N.J.A.C. 5:30-15 permits municipalities to fund a trust from the current fund appropriation of Accumulated Absences; and

WHEREAS, N.J.S.A. 40A-39 provides that the Director of the Division of the Local Government Services may approve expenditures of monies by Dedication by Rider; and

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 governing body hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for Accumulated Absences created in accordance with the provisions N.J.A.C. 50:30-15 as per N.J.S.A. 4A-4-39; and
2. The municipal clerk of the Township of Independence is hereby directed to forward two certified copies of the resolution to the Director of the Division of Local Government Services.

Resolution 16-87: APPROPRIATION TRANSFERS

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

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

	<u>FROM</u>	<u>TO</u>
Police s/w	\$3,000.00	
Road s/w	\$3,000.00	
Utilities o/e	\$2,700.00	
Condo Services Act o/e	\$2,000.00	
Legal o/e		\$10,000.00
Finance o/e		\$700.00
TOTALS	\$10,700.00	\$10,700.00

Resolution 16-88: Tax Refund

WHEREAS, the Tax Collector recommends to the Township Committee that the necessary administrative action be taken to authorize a refund of the following:

NOW, THEREFORE BE IT RESOLVED by the Independence Township Committee, that the following refunds be made:

Block	Lot	Name/Address	Reason	Total
6.01	512	HMUA P.O. Box 450 Hackettstown, NJ 07840	Payment made to remove from tax sale	\$197.68

6.01	833C0013	HMUA P.O. Box 450 Hackettstown, NJ 07840	Payment made to remove from tax sale	\$350.84
6.02	149	HMUA P.O. Box 450 Hackettstown, NJ 07840	Payment made to remove from tax sale	\$457.89
15.01	11	IMUA P.O. Box 164 Great Meadows, NJ 07838	Payment made to remove from tax sale	\$1,605.57
Total to be refunded				\$2,611.98

Resolution 16-89: Lienholder Refund

The Tax Collector recommends to the Township Committee that the necessary administrative action be taken to authorize a refund to the following lienholder.

<u>Block</u>	<u>Lot</u>	<u>Lien #</u>	<u>Name/Address</u>	<u>Lien Amount</u>	<u>Interest</u>	<u>Legal Fees</u>
<u>Total Refund</u>						
1	33	2011-01	FWDSL & Associates LP 17 W Cliff St Somerville, NJ 08876	\$0	\$0	\$1,316.00
\$1,316.00						
2	8	2012-01	FWDSL & Associates LP 17 W Cliff St Somerville, NJ 08876	\$0	\$0	\$1,170.00
\$1,170.00						
29	36	2013-04	FWDSL & Associates LP 17 W Cliff St Somerville, NJ 08876	\$0	\$0	\$1,186.00
\$1,186.00						
Total amount to be refunded						\$3,672.00

**Resolution 16-90: INTERLOCAL SERVICES AGREEMENT FOR
FIRE PREVENTION SERVICES BETWEEN
THE TOWNSHIP OF WASHINGTON, MORRIS COUNTY
AND THE
TOWNSHIP OF INDEPENDENCE, WARREN COUNTY**

WHEREAS, Independence desires to contract with Washington for the furnishing of fire prevention services as required by the Uniform Fire Code, N.J.A.C. 5:70-1.1et seq., and as hereafter set forth.

NOW, THEREFORE, IN CONSIDERATION OF the mutual promises, covenants and representations herein contained, the parties hereto, for themselves, their heirs, successors and assigns, hereby agree as follows:

I. SCOPE OF SERVICES

1. Washington shall provide the services of a licensed, qualified Fire Official and/or Fire Inspector for fire prevention services to Independence, under the terms and conditions as hereinafter set forth.

2. The Washington Township Fire Prevention Office shall be responsible for inspections for Independence required pursuant to the Uniform Fire Code as set forth in this Agreement.

3. The Fire Official and Fire Inspector shall remain the sole employees of Washington and Washington shall be responsible for the administration and payment of his salary and benefits and for the supervision of the Fire Official and Fire Inspector. The parties agree that Washington will resolve any citizen inquiries or complaints regarding the services provided to Washington and Independence will resolve any citizen inquiries or complaints regarding services provided to Independence.

4. The Washington Township Fire Prevention Office shall provide all the hours required to provide the following services to Independence: smoke detector/carbon monoxide detector inspections and life hazard use inspections as required by the Uniform Fire Code. Non-life hazard use inspections are specifically excluded.

5. Independence will provide all necessary forms for use by the Fire Official and Fire Inspector at the Independence Municipal Building. All records produced by the Washington Township Fire Prevention Office regarding the fire prevention services of Independence shall be retained in the Independence Municipal Building.

II. TERM OF AGREEMENT

6. Washington shall provide the services of the Washington Township Fire Prevention Office to Independence during the term of this Agreement which shall commence on January 1, 2017 and terminate on December 31, 2017. Either party may terminate this Agreement prior to the expiration of the term upon 90 days' advance written notice to the other party, but advance written notice is not required to terminate the Agreement if the employees of the Washington Township Fire Prevention Office retire, becomes disabled or otherwise are rendered incapable of performing the duties required pursuant to this Agreement.

III. PAYMENT FOR SERVICES

7. Independence shall pay Washington the sum of \$33.29/hour for the time spent on inspections and on official fire prevention business for Independence by the

Fire Prevention Official. Said sum shall be paid to Washington upon the receipt by Independence of vouchers from Washington. Any and all inspection fees as required by ordinance or state law will be remitted to Independence.

IV. AMENDMENT

8. Any amendments to this Agreement must be in writing, must specify the effective date of the amendment and must be executed by the Mayor of each municipality, or his/her designated representative.

V. INDEMNIFICATION AND DEFENSE OF PERSONNEL

9. A. Independence shall not be liable for any negligent, reckless or intentional acts or omissions of Washington or the employees of the Washington Fire Prevention Office and Washington shall indemnify, defend and hold Independence harmless from all losses, injuries or damages caused by the negligent, reckless or intentional acts or omissions of Washington or any of its employees rendering the services et forth in this agreement. Such indemnification shall include payment of reasonable attorney's fees and costs in the defense of any claim made by a third person incident to such negligent, reckless or intentional act or omission.

B. It is recognized and understood that Washington participates in a joint insurance fund (JIF) and Independence PAIC. Washington and Independence each name each other as an additional insured on its general liability insurance policy. Washington will provide proof of automobile liability and workers compensation policies.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed by their corporate officers and their proper corporate seals to be affixed hereto the day and year as indicated in the acknowledgments attached hereto and made a part hereof.

Resolution 16-91: RESOLUTION AUTHORIZING SETTLEMENT OF MOUNT LAUREL LITIGATION

WHEREAS, the Township of Independence has filed a Declaratory Judgment Action in the Superior Court of New Jersey, Warren County, in furtherance of the Supreme Court's March 10, 2015, decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"), which was assigned to the Honorable Thomas C. Miller P.J. Cv.; and

WHEREAS, the Township has engaged in good faith settlement discussions with interested party, Fair Share Housing Center ("FSHC"); and

WHEREAS, said negotiations resulted in a comprehensive Settlement Agreement between the Township and FSHC which resolves all litigation between the parties and resolves and settles all issues related to the Township' affordable housing obligations defined by COAH for the Third Round; and

WHEREAS, the Township recognizes that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households; and

WHEREAS, at this time and at this particular point in the process resulting from the Supreme Court decision, when fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round present and prospective need, instead of doing so through plenary adjudication of the present and prospective need

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Committee of the Township of Independence, County of Warren, State of New Jersey, hereby authorizes the settlement of the above referenced litigation substantially in accordance with the terms set forth in the proposed settlement documentation which is attached hereto and was reviewed by the Mayor and Township Committee.

BE IT IS FURTHER RESOLVED that counsel and all other appropriate Township officials and personnel are authorized to prepare any and all related documents and perform all tasks, which will effectuate the purposes of this Resolution.

Resolution 16-92: Animal Control Services Agreement

THIS AGREEMENT, made this January 1, 2017 between Township of Independence and Animal Control Timothy Norton, ACO and

WHEREAS, the Recipient has heretofore funded the expenses of its animal control officer; and

WHEREAS, the Provider has entered into a professional contract for the provision of Animal Control Services; and

WHEREAS, the Recipient and the Provider has arrived at an agreement whereby the Recipient will pay a contractual amount to the Provider, the Provider in turn assuming the aforementioned Animal Control Services.

NOW, THEREFORE, IT IS AGREED between the parties that this Agreement shall be entered into to memorialize the payment of the costs attributable to Animal Control Services:

1) Services to be provided

- a) The Provider shall provide Animal Control Services as required by New Jersey Statute and township ordinances of the Township of Independence, as well as for boarding of animals at Happy Tails Inn. The Animal Control Officer shall be authorized to enforce (including the issuance of summonses) animal control ordinances and licensing requirements of the Township of Independence.
- b) The Provider shall provide for the investigation of wild and possible rabid animals and removal and disposal as necessary.
- c) The Recipient shall pay the contractor for those services according to the schedule set forth below.

2) Term of Agreement

- a) The agreement shall commence on the first of the month following the date of certification as a licensed animal control officer of the contractor retained by the Provider.
- b) The contract shall continue for two years (1/1/2017-12/31/18) following the date of commencement.

3) Manner of Payment

- a) The Recipient shall reimburse the Provider the following amounts for services to be provided within the Township of Independence:

<u>Type</u>	<u>Hours</u>	<u>Cost</u>
Monthly Minimum (Includes up to 5 call outs)		\$450.00
Non-Emergent Response	8 am to 8 pm	\$75.00
Non-Emergent Response	8 pm to 8 am	\$100.00
Per Transport		\$25.00
Per hour for second person assistance		\$25.00
 Monthly Rate (3 or fewer call outs)		 \$350.00

- b) The Recipient shall reimburse for the boarding of non-reclaimed pets at the per day rates set forth below:

Type	Size	Cost
Cats	All	\$8.00
Dogs	Small to Medium	\$10.00
Dogs	Medium to Large	\$12.00
Dogs	Large to X-Large	\$15.00

IN WITNESS WHEREOF, the Township and Contractor have caused these presents to be signed and attested to by their respective officer and the respective deal to be affixed hereto the date and year first above written.

Resolution 16-93: Special Ruling To Permit Renewal of Inactive License Pursuant To NJSA 33:1-12.39 For The 2016-2017 and 2017-2018 License Term

WHEREAS, the renewal applications for the following liquor licenses have been submitted to the Municipal Clerk with the proper fees, and

WHEREAS, Clearance certificates from the State Division of Taxation have been received by the Municipal Clerk for all of the licenses, and

WHEREAS, the Chief of Police has not indicated the need for special restrictions on any of the establishments,

WHEREAS, the licensee has received a special ruling from the Director of ABC pursuant to NJSA 33:1-12.39 to issue a new license for license term 2016-2017, and

NOW, THEREFORE, BE IT RESOLVED by the Independence Township Committee, that the following liquor license be renewed for the period of July 1, 2016 thru June 30, 2017:

Retail:

Vasyl Osadtsia 2112-32-002-006

A motion was made by Mrs. Kelsey to approve Resolutions 16-84 and 16-93 as written. Deputy Mayor Williams seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

NEW BUSINESS:

None

OLD BUSINESS:

Second Reading/Public Hearing of Ordinance 2016-06:

ORDINANCE OF THE TOWNSHIP OF INDEPENDENCE, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING AND APPROVING A FINANCIAL AGREEMENT BETWEEN THE TOWNSHIP OF INDEPENDENCE AND WOODMONT INDEPENDENCE URBAN RENEWAL, LLC, FOR PROPERTY KNOWN AS BLOCK 602, LOT 3 922-930, PURSUANT TO THE LONG-TERM TAX EXEMPTION LAW (N.J.S.A. 40A:20-1 et seq.)

Deputy Mayor Williams made a motion to open up discussion on this ordinance to the Public. Mr. Feula seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

No Public Comment.

A motion was made by Deputy Mayor Williams to close the public hearing. Mr. Feula seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

A motion was made by Deputy Mayor Williams to adopt Ordinance 2016-06 as written. Mr. Cogle seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

Mayor Giordano thanked Rick Fernandez, Chairman of the Land Use Board, on assisting the him and Township Committee on the above Ordinance.

Deputy Mayor Williams stated that this project has been ongoing for the last 6 years and will be a great asset to Independence Township.

DEPARTMENT REPORTS:

Tax Collector – Report Posted

Construction/Zoning – An ordinance change has been suggested dealing with non-conforming lots.

Environmental – Report is posted

Treasurer – Report is posted.

Recreation/Green Acres – John Cummins gave a report and 4 members are up for renewal in the recreation committee.

Police – Report has been submitted. Chief Riley stated that weapons replacement was order 2 years ago rifles to replace older ones. January 1 Bail Reform Act process people that are arrested.

Emergency Services – Several fund raising activities are being planned.

DPW – Report was submitted.

Municipal Clerk: Report is posted

Land Use Board –On the agenda for December meeting is Top of the Hill.

Seniors – Mr. Cummins stated that cards are played on Thursdays.

Board of Education –Working with Superintend Mango on the Shared Services Agreement.

PROFESSIONAL REPORTS:

Attorney Parikh: Report was submitted. Executive Session was requested.

Engineer Finelli: Report was submitted. Motion was made by Mr. Feula to authorize Mr. Finelli to make application to DOT Grant for Mt. Rascal and Russling Road –Section 2. Mrs. Kelsey seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

PUBLIC COMMENT: None

BILLS: A motion was made by Deputy Mayor Williams to pay the bills as presented. Mrs. Kelsey seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

EXECUTIVE SESSION: 8:15 pm – 8:40 pm

EXECUTIVE SESSION:

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

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 Mrs. Kelsey to approve this Resolution at 8:15 p.m., seconded by Deputy Mayor Williams and followed by a roll call of all ayes.

A motion was made by Deputy Mayor Williams at 8:40 p.m. to exit the executive session, Mr. Feula seconded by followed by a roll call of all ayes.

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

ADJOURNMENT: A motion was made by Deputy Mayor Williams to adjourn the meeting at 8:45 p.m. Mr. Cogle seconded the motion with roll call as follows:

Ayes: Mr. Feula, Mr. Cogle, Mrs. Kelsey, Deputy Mayor Williams, 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