

INDEPENDENCE TOWNSHIP COMMITTEE
Meeting held at the Municipal Building, Great Meadows, NJ.
June 12, 2018 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: Mayor Robert Giordano, Deputy Mayor Glenn Cogle, Bonnie Kelsey, Mike Pennington, Tim Norton, and Debi Hrebenak. Also present were Attorney Benedict Valliere and Engineer Michael Finelli.

Absent: none

Minute approval: 5.08.2018

Mr. Pennington a motion to approve 5.08.2018 Minutes as written. Mr. Norton seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes

Zoning Officer David Diehl spoke about Maintenance of Vacant/Abandoned Properties and a part-time deputy zoning officer.

Introduction/First Reading Ordinance 2018-04

AN ORDINANCE OF THE TOWNSHIP OF INDEPENDENCE
"MAINTENANCE OF VACANT/ABANDONED PROPERTIES"

WHEREAS, the Township of Independence (the "Township") contains structures which are vacant and/or abandoned in whole or large part; and

WHEREAS, in many cases, the owners or responsible parties of these structures are neglectful of them, are not maintaining or securing them to an adequate standard or restoring them to productive use; and

WHEREAS, it has been established that vacant and abandoned structures cause severe harm to the health, safety and general welfare of the community, including diminution of neighboring property values, increased risk of fire and potential increases in criminal activity and public health risks; and

WHEREAS, the Township incurs disproportionate costs in order to deal with the problems of vacant and abandoned structures, including but not limited to, excessive police calls, fire calls and property inspections; and

WHEREAS, it is in the public interest for the Township to establish minimum standards of accountability on the owners or other responsible parties of vacant and abandoned structures in order to protect the health, safety and general welfare of the residents of the Township; and

WHEREAS, it is in the public interest for the Township to impose a fee in conjunction with registration of vacant and abandoned structures in light of the disproportionate costs imposed on the Township by the presence of these structures.

Section 1.

MAINTENANCE OF VACANT/ABANDONED PROPERTIES

Definitions.

Owner - shall include the title holder, any agent of the title holder having authority to act with respect to a vacant/abandoned property, any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c. 127, Sec. 17 as amended by P.L. 2009, c. 296), or any other entity determined by the Township of Independence to have authority to act with respect to the property.

Vacant Property - any building used or to be used as a residence, commercial or industrial structure which is not legally occupied or at which substantially all lawful construction operations or occupancy has ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation, including but not limited to any property meeting the definition of abandoned property in N.J.S.A. 55:19-54, 55:19-78, 55:19-79, 55:19-80 and 55:19-81; provided, however, that any property where all building systems are in working order, where the building and grounds are maintained in good order, or where the building is in habitable condition, and where the building is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property for purposes of this ordinance.

Abandoned Property - pursuant to N.J.S.A. 55:19-81 is defined as follows:
Any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the public officer that:

- a. The property is in need of rehabilitation in the reasonable judgment of the public officer, and no rehabilitation has taken place during that six-month period;
- b. Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the public officer pursuant to this section;
- c. At least one installment of property tax remains unpaid and delinquent on that property in accordance with chapter 4 of title 54 of the Revised Statutes of the date of the determination by the public officer pursuant to this section; or
- d. The property has been determined to be a nuisance by the public officer in accordance with section 5 of P.L.2003, c. 210 (C.55:1982). A property which contains both residential and non-residential space may be considered abandoned pursuant to P.L. 2003, c. 210 (C.55:19-78 et al.) so long as two-thirds or more of the total net square footage of the building was previously legally occupied as residential or commercial space and none of the residential or commercial space has been legally occupied for at least six month at the time of the determination of abandonment by the public officer and the property meets the criteria of either subsection a. or subsection d. of this section.
- e. Public Officer- The Zoning Officer or other official designated by the Township Committee.

Registration requirements.

Effective upon the adoption of this ordinance, the owner of any vacant property as defined herein shall, within 30 calendar days after the building becomes vacant property; or within 10 calendar days of receipt of notice by the municipality, file a registration statement for such vacant property with the Township Clerk on forms provided by the Township for such purposes. Failure to receive notice by the municipality shall not constitute grounds for failing to register the property.

- a. Each property having a separate block and lot number as designated in official records of the municipality shall be registered separately.

b. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a person 21 years or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceedings on behalf of such owner or owners in connection with the enforcement of any applicable code; and the name, street address, telephone number, and email (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the property. The individual or representative of the firm responsible for maintaining the property shall be available by telephone or in person on a 24 hour per day, seven-day per week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.

The initial registration shall be valid through December 31 of the initial registration year. Thereafter, the owner shall renew their registration annually on or before February 1 of each calendar year as long as the building remains a vacant and/or abandoned property, with renewal registrations being valid for one (1) calendar year.

c. The annual renewal shall be completed by January 1st each year. The initial registration fee shall be pro-rated for registration statements received less than 10 months prior to that date.

d. The owner shall notify the Public Officer within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Township Clerk for such purpose.

e. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township against the owners of the building.

Access to vacant properties.

The owner of any vacant property registered under this Article shall provide access to the Township to conduct exterior and interior inspections of the building to determine compliance with municipal codes, upon reasonable notice to the property owner or the designated agent. Such inspections shall be carried out on weekdays during the hours of 9:00 a.m. and 4:00 p.m., or such other time as may be mutually agreed upon between the owner and the Township.

Responsible owner or agent.

a. An owner who meets the requirements of this Article with respect to the location of his or her residence or workplace in the State of New Jersey may designate him or herself as agent or as the individual responsible for maintaining the property.

b. By designating an authorized agent under the provisions of this section the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the Township in writing of a change of authorized agent or until the owner files a new annual registration statement.

c. Any owner who fails to register vacant/abandoned property under the provisions of this Article shall further be deemed to consent to receive, by posting on the building, in plain view, and by service of notice at the last known address of the owner of the property on record within the Township by regular and certified mail, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

Fee schedule.

The initial registration fee for each building that becomes vacant/abandoned during any calendar year shall be five-hundred (\$500.00) dollars. The fee for first renewal is one thousand (\$1,000.00) dollars, and the fee for the second-third renewal is two thousand (\$2,000.00) dollars. The fee for any subsequent renewal beyond the third renewal is five thousand (\$5,000.00) dollars. All fees shall be submitted with the initial and renewal registrations required pursuant to section 132-2 (c). Neither the initial nor any renewal fee shall be subject to proration or refund based upon a change in status of the property to or from a vacant/abandoned condition during a calendar year for which the fee is applicable.

Requirements of owners of vacant/abandoned properties.

The owner of any building that has become vacant/abandoned property, and any person maintaining or operating or collecting rent for any such building that has become vacant shall, within thirty (30) days thereof:

- (1) Enclose and secure the building against unauthorized entry; and
- (2) Post a sign affixed to the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process, and the person responsible for day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than eight (8) inches by ten (10) inches; and
- (3) Secure the building from unauthorized entry and maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete; and
- (4) Ensure that the exterior grounds of the structure, including yards, fences, sidewalks, walkways, right-of-ways, alleys, retaining walls, attached or unattached accessory structures and driveways, are well-maintained and free from trash, debris, loose litter, and grass and weed growth; and
- (5) Continue to maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and ensure that the sign is visible and intact until the building is again occupied, demolished, or until repair and/or rehabilitation of the building is complete.

Violations.

a. A Summons shall issue to any owner that violates any provision of this Article or the rules and regulations issued hereunder shall be fined not less than \$100.00 and not more than \$1,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recoverable from the owner and shall be a lien on the property.

b. For purposes of this section, failure to file a registration statement within 30 calendar days after a building becomes vacant property or within 120 calendar days after assuming ownership of a vacant property, whichever is later, or within 10 calendar days of receipt of notice by the municipality, and failure to provide correct information on the registration statement, or failure to comply with the provisions of such provisions contained herein shall be deemed to be violations of this ordinance.

Section 2.

BE IT FURTHER ORDAINED by Mayor and Committee that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full

force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

Section 3.

BE IT FURTHER ORDAINED by Mayor and Committee that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

Section 4.

BE IT FURTHER ORDAINED by Mayor and Committee that this ordinance shall take effect immediately after final passage and publication, as required by law.

A motion was made by Mr. Norton to adopt Ordinance 2018-04 for First Reading. Deputy Mayor Cogle seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mrs. Kelsey, Mr. Norton, 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 July 10, 2018

Consent Agenda:

Resolution 18-53

Title: Resolution Authorizing the Appointment of Richard T. Burke, Esq. as Municipal Court Judge for the Township of Independence

WHEREAS, J. Edward Palmer, Esq., Independence Township's long-time Judge is retiring as of August 1, 2018

WHEREAS, it has been recommended that Richard T. Burke, Esq. be appointed to replace Judge Palmer as Municipal Court Judge in the Township of Independence, effective August 1, 2018, and

WHEREAS, the appointment of a Municipal Court Judge is a professional service, and therefore exempt from the strict bidding requirements of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq, and

WHEREAS, the Judge of the Municipal Court shall be compensated at the same rate specified for the Judge of the Municipal Court pursuant to the Township's salary ordinance.

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of Independence in the County of Warren State of New Jersey hereby appoints Richard T. Burke, Esq. as Municipal Court Judge for the remainder of Judge Palmer's term, effective August 1, 2018 and ending December 31, 2020; and

BE IT FURTHER RESOLVED, that a certified copy of the within Resolution be forwarded to the following:

1. Administrative Office of the Courts, CN986, Trenton, NJ 07625
2. Richard T. Burke, Esq, Municipal Court Judge
3. Municipal Court Administrator

Deputy Mayor Cogle made a motion to approve Resolutions 18-53 as written. Mrs. Kelsey seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes

Resolution 18-54

Title or Subject: APPOINTMENTS/ADJUSTMENTS

BE IT RESOLVED by the Township Committee of the Township of Independence the following appointments/adjustments are hereby made:

Christopher Prell-Police Sergeant First Class, at a rate of \$ 93,694.81 per annum effective June 12, 2018.

Resolution 18-55

Title or Subject: APPOINTMENTS/ADJUSTMENTS

BE IT RESOLVED by the Township Committee of the Township of Independence the following appointments/adjustments are hereby made:

Scott Stocker-Police Sergeant First Class, at a rate of \$ 93,694.81 per annum effective June 12, 2018.

Resolution 18-56

Title or Subject: APPOINTMENTS/ADJUSTMENTS

BE IT RESOLVED by the Township Committee of the Township of Independence the following appointments/adjustments are hereby made:

Gregory Varina-Police Sergeant First Class, at a rate of \$ 93,694.81 per annum effective June 12, 2018.

Resolution 18-57

Title or Subject: APPOINTMENTS/ADJUSTMENTS

BE IT RESOLVED by the Township Committee of the Township of Independence the following appointments/adjustments are hereby made:

Christopher Prell-Provisional Police Lieutenant, with a one- time \$ 1,000.00 stipend until such time the Lieutenant's exam is taken and the list is certified, effective date is June 12, 2018.

Mr. Pennington made a motion to approve Resolutions 18-54, 18-55, 18-56, and 18-57 as written. Mayor Giordano seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: Mr. Norton

Motion carries with four (4) affirmative votes

Resolution 18-58

Title or Subject: 2018-2019 Renewal Liquor Licenses

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,

NOW, THEREFORE, BE IT RESOLVED by the Independence Township Committee, that the following liquor licenses be renewed for the period of July 1, 2018 thru June 30, 2019:

Club:	
Independence Twp Vol Fire Dept	2112-31-010-001
Retail:	
Zoey's LLC	2112-33-001-012
Nykuns Store Inc	2112-33-004-002
Top Of The Hill Entertainment LLC	2112-33-003-005
Grow With Map	2112-44-009-003
Stage Dolls Inc	2112-33-006-009
133 Route 46 LLC	2112-32-002-007

Resolution 18-59

Title or Subject: 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 for a Tax Sale Redemption:

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

<u>Block</u>	<u>Lot</u>	<u>Name/Address</u>	<u>Reason</u>	<u>Total</u>
6.01	811	US BKCust for PC7 Firsttrust BK 50 South 16 th St.-Ste2050 Philadelphia, Pa 19102	Lien Redemption TSC-#17-00004	\$ 541.09
Total to be refunded				<u>\$ 541.09</u>

Deputy Mayor Cogle made a motion to approve Resolutions 18-58, and 18-59 as written. Mrs. Kelsey seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes

Resolution 18-60

Approval to submit a Grant application and execute a grant agreement with Warren County Municipal & Charitable Conservancy Trust Fund (WCMCCTF) for the Stabilization/Restoration of the Senior Center.

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 Township has sufficient funds to budget the required 25% match for any grant award made through the WCMCCTF.

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.

Deputy Mayor Cogle made a motion to approve Resolutions 18-60 as written. Mrs. Kelsey seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mrs. Kelsey, Mr. Pennington, Mr. Norton 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 – Went over the budget with new CFO.

Recreation/Green Acres –Field hockey sign up on going to July 13. Golf Outing in October. Township Recreation equipment to be donated to Centenary University softball team to then be donated to Costa Rico.

Police – Report has been submitted.

Emergency Services – First Aid Squad Nick Vasquez gave a report. Fire Department Gerrit Kinney gave a report. No breakfast in July or August.

DPW – Report was submitted.

Municipal Clerk: Everything is running well. No workshop meeting in July.

Land Use Board – Mr. Feula updated the committee.

Seniors – Senior luncheon at the school for municipal alliance.

Board of Education – Tim had nothing to report.

PROFESSIONAL REPORTS:

Attorney Parikh: Report Submitted. Working with Suez regarding the water shed.

Engineer Finelli: Report submitted. Working with Wireless Edge - cell tower application. Working with county on senior center grant.

NEW BUSINESS:

Second Reading Ordinance 2018-03

**AN ORDINANCE OF THE TOWNSHIP OF INDEPENDENCE,
COUNTY OF WARREN AND STATE OF NEW JERSEY,
AMENDING CHAPTER LXXXIII, ARTICLE II OF THE CODE ENTITLED
“AFFORDABLE HOUSING REGULATIONS” TO ADDRESS THE
REQUIREMENTS OF THE FAIR HOUSING ACT AND THE
UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC)
REGARDING COMPLIANCE WITH THE TOWNSHIP’S
AFFORDABLE HOUSING OBLIGATIONS**

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

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

As there were no comments, a motion was made by Deputy Mayor Cogle to close the public hearing. Mrs. Kelsey seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

A motion was made by Mr. Pennington to adopt Ordinance 2018-03 as written. Deputy Mayor Cogle seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

PUBLIC COMMENT:

Mr. Feula thanked the committee for the resolutions in supporting the police department.

Deputy Mayor Cogle had a question on free newspaper being left at the driveways. He will contact the distribution center

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

Ayes: Mrs. Kelsey, Mr. Cogle, Mr. Pennington, Mr. Norton (except PO 18-00484), and Mayor Giordano

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

EXECUTIVE SESSION: 8:30 pm – 10:00 pm

The following Resolution was approved at 8:30 p.m. to enter Executive Session with a motion by Mrs. Kelsey, seconded by Deputy Mayor Cogle and followed by a unanimous roll call

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.

A motion was made by Deputy Mayor Cogle at 10:00 p.m. to exit the executive session, seconded by Mrs. Kelsey followed by a roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes

Mayor 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 Cogle to adjourn the meeting at 10:05 p.m. Mrs. Kelsey seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mrs. Kelsey, Mr. Pennington, Mr. Norton, 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/Administrator