

INDEPENDENCE TOWNSHIP COMMITTEE
Meeting held at the Municipal Building, Great Meadows, NJ.
August 14, 2018 6:00 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 6:00 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, Mike Pennington, Tim Norton, and Debi Hrebenak. Also present were Attorney Leslie Parikh and Engineer Michael Finelli.

Absent: Bonnie Kelsey

Meeting with CFO – Finance update

Consent Agenda:

Resolution 18-67

Title or Subject: APPOINTMENTS/ADJUSTMENTS

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

Lumarys Mendez, position P/T Technical Assistant Construction Official at a rate of \$ 15.00 per hour, twelve (12) hrs. per week effective July 25, 2018.

Mr. Pennington made a motion to approve Resolutions 18-67 as written. Deputy Mayor Cogle seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with four (4) affirmative votes

Resolution 18-68

Title or Subject: Approval of Junior Fire Department Member (*Olivia Pennington*)

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

Whereas, *Olivia Pennington* 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 *Olivia Pennington* is hereby approved as a Junior member of the Independence Volunteer Fire Department.

Mayor Giordano made a motion to approve Resolutions 18-68 as written. Deputy Mayor Cogle seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mr. Norton and Mayor Giordano

Nays: None recorded

Abstain: Mr. Pennington

Motion carries with three (3) affirmative votes

Resolution 18-69

Title: Tricky Tray

WHEREAS, Hackettstown Community Hospital Foundation is registered by the State of New Jersey to operate legalized games of chance, (181-4-31694) and,

WHEREAS, they have submitted an application for a Tricky Tray Raffle to be held on 9.15.18 and all fees have been paid,

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Independence, that RA# 457 be issued to Hackettstown Community Hospital Foundation.

Mr. Norton made a motion to approve Resolutions 18-69 as written. Deputy Mayor Cougle seconded the motion with roll call as follows:

Ayes: Mr. Cougle, Mr. Pennington, Mr. Norton and Mayor Giordano

Nays: None recorded

Abstain: None recorded

Motion carries with four (4) affirmative votes

Resolution 18-70

RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE AMENDING ITS AFFIRMATIVE MARKETING PLAN PURSUANT TO NEW JERSEY UNIFORM HOUSING AFFORDABILITY CONTROLS (U.H.A.C.) AND INDEPENDENCE TOWNSHIP'S COMMITMENT TO AFFIRMATIVE MARKETING OF AFFORDABLE HOUSING

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, in furtherance of compliance with the Court's directives in the Declaratory Judgment Action, the Township adopted an Affirmative Marketing Plan in accordance with the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26-1, et seq. by resolution 18-47 dated May 8, 2018; and

WHEREAS, at a Compliance Hearing on July 19, 2018, the Court set forth certain conditions for the Township to meet in order for the Court to enter a Judgment of Compliance and Repose; and

WHEREAS, one of those conditions was that the Township amend its Affirmative Marketing Plan in accordance with recommendations from the Special Master assigned to the Township's Declaratory Judgment Action.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Independence, County of Warren that its Affirmative Marketing Plan be amended to read as follows:

Affirmative Marketing Plan

- A. All affordable housing units in the Township of Independence shall be marketed in accordance with the provisions herein.
- B. The Township of Independence has a Prior Round Obligation and a Third Round Obligation covering the years from 1999-2025. This Affirmative Marketing Plan shall apply to all developments that contain or will contain very low-, low-and moderate-income units, including those that are part of the Township's Prior Round Fair Share Plan and its current Fair Share Plan and those that may be constructed in future developments not yet anticipated by the Fair Share Plan.
- C. The Affirmative Marketing Plan shall be implemented by one or more Administrative Agent(s) designated by and/or under contract to the Township of Independence. All of the costs of advertising and affirmatively

marketing affordable housing units shall be borne by the developers/sellers/owners of affordable unit(s), and all such advertising and affirmative marketing shall be subject to approval and oversight by the designated Administrative Agent.

- D. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Township of Independence, shall undertake, at the minimum, all of the following strategies:
1. Publication of an advertisement in one or more newspapers of general circulation within the housing region.
 2. Broadcasting of an advertisement by a radio or television station broadcasting throughout the housing region.
 3. At least one additional regional marketing strategy using one of the other sources listed below.
- E. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Region 3 Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Township of Independence is located in COAH Housing Region 2, consisting of Essex, Morris, Union and Warren Counties.
- F. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:
1. All newspaper articles, announcements and requests for applications for very low, low-, and moderate-income units shall appear in the Phillipsburg Free Press.
 2. The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers once a week for four consecutive weeks. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of all publications to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.
 3. The advertisement shall include a description of the:
 - a. Location of the units;
 - b. Directions to the units;
 - c. Range of prices for the units;
 - d. Size, as measured in bedrooms, of units;
 - e. Maximum income permitted to qualify for the units;
 - f. Location of applications;
 - g. Business hours when interested households may obtain an application; and
 - h. Application fees.
- G. Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:
1. Independence Township Municipal Building
 2. Independence Township Web Site
 3. Developer's Sales/Rental Offices
 4. Warren County Library Headquarters Branch, Belvidere, NJ
- Applications shall be mailed by the Administrative Agent and Municipal Housing Liaison to prospective applicants upon request. Also, applications shall be available at the developer's sales/rental office.
- H. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Essex, Morris, Union and Warren Counties that will aid in the affirmative marketing

program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers identified in Attachment A, Part III, Marketing, Section 3e of COAH's Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 2 (attached to and hereby made part of this Resolution) as well as the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, the New Jersey Housing Resource Center and the Central Jersey Housing Resource Center.

1. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies within the counties of Essex, Morris, Union and Warren:

Welfare or Social Service Board (via the Director)
Rental Assistance Office (local office of DCA)
County Office on Aging

2. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all of the major employers within the region, as listed on Attachment A, Part III, Marketing, Section 3e (attached to and hereby made part of this Resolution).

3. In addition, specific notification of the availability of affordable housing units in Independence shall be provided to the following entities: Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002), the New Jersey State Conference of the NAACP, the Latino Action Network (P.O. Box 943, Freehold, NJ 07728, East Orange NAACP (P.O. Box 1127, East Orange, NJ 07019), Newark NAACP (P.O. Box 1262, Newark, NJ 07101, Morris County NAACP (P.O. Box 2256, Morristown, NJ 07962), and Elizabeth NAACP (P.O. Box 6732, Elizabeth, NJ 07206).

I. The following is a listing of community contact person(s) and/or organizations in *Essex, Morris, Union and Warren* Counties that will aid in the affirmative marketing program and provide guidance and counseling services to prospective occupants of very low-, low- and moderate-income units:

1. Central Jersey Housing Resource Center, 600 First Avenue, Suite 3, Raritan, NJ 08869

2. Northwest New Jersey Community Action Program, Inc. (NORWESCAP), 350 Marshall Street, Phillipsburg, NJ 08865

J. A random selection method to select occupants of very low-, low- and moderate-income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (I). The Affirmative Marketing Plan shall provide a regional preference for very low-, low- and moderate-income households that live and/or work in COAH Housing Region 2, comprised of *Essex, Morris, Union and Warren* Counties. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for very low-, low- and moderate-income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised, provided an agreement to this effect has been executed between the developer or landlord and the Township prior to the affirmative marketing of the units.

K. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify very low-, low- and moderate-income households; to place income eligible households in very low-, low- and moderate-income units upon initial occupancy; to provide for the initial occupancy of very low-, low- and moderate-income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to very low-, low- and moderate-income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C 5:80-26-1, *et seq.*

L. The Administrative Agent shall provide or direct qualified very low-, low- and moderate-income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and

update a list of entities and lenders willing and able to perform such services.

- M. All developers/owners of very low-, low- and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.
- N. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very low-, low- and moderate-income housing units are initially occupied and for as long as the affordable units remain deed restricted such that qualifying new tenants and/or purchasers continues to be necessary.
- O. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, *et seq.*

3e. Employer Outreach (names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing) (Check all that applies)		
Essex County		
<input type="checkbox"/>	Newark Liberty International Airport	Newark Airport, Newark, NJ
<input type="checkbox"/>	Verizon Communications	540 Broad St Newark, NJ 07102
<input type="checkbox"/>	Prudential Financial, Inc.	751 Broad St Newark, NJ 07102
<input type="checkbox"/>	Continental Airlines	1 Newark Airport, Newark, NJ
<input type="checkbox"/>	University of Medicine/Dentistry	Office of Marketing & Media Relations 150 Bergen Street Room D347 Newark, NJ 07103
<input type="checkbox"/>	Public Service Enterprise Group	80 Park Plz Newark, NJ 07102
<input type="checkbox"/>	Prudential Insurance	751 Broad Street, Newark, NJ 07102-3777
<input type="checkbox"/>	Horizon Blue Cross & Blue Shield of NJ	3 Raymond Plz W Newark, NJ 07102
<input type="checkbox"/>	Newark Liberty International Airport	Newark Airport, Newark, NJ
<input type="checkbox"/>	Horizon Blue Cross & Blue Shield of NJ	540 Broad St Newark, NJ 07102
Morris County		
<input type="checkbox"/>	Atlantic Health System- Morristown Memorial Hospital	100 Madison Avenue Morristown, NJ 07962
<input type="checkbox"/>	AT&T	295 N Maple Ave, Basking Ridge, NJ and 180 Park Ave, Florham Park, NJ
<input type="checkbox"/>	US Army Armament R&D	21 Picatinny Arsenal, Picatinny Arsnl, NJ
<input type="checkbox"/>	Lucent Technologies	67 Whippany Rd, Whippany, NJ and 475 South St, Morristown, NJ and 5 Wood Hollow Rd, Parsippany, NJ and 24 Mountain Ave, Mendham, NJ
<input type="checkbox"/>	Pfizer	Morris Plains/Parsippany
<input type="checkbox"/>	Novartis Pharmaceutical	59 State Route 10, East Hanover, NJ
<input type="checkbox"/>	Kraft foods	200 Deforest Ave, East Hanover, NJ and 7 Campus Dr, Parsippany, NJ
<input type="checkbox"/>	Mennen Sports Arena	161 E Hanover Ave, Morristown, NJ
<input type="checkbox"/>	Honeywell	101 Columbia Rd Morristown, NJ 07960
<input type="checkbox"/>	Pfizer	5 Woodhollow Rd, Parsippany and 175 Tabor Rd, Morris Plains
<input type="checkbox"/>	St. Clare's Hospital	130 Powerville Road Boonton Township, NJ 07005 and 25 Pocono Road Denville, NJ 07834 and 400 West Blackwell Street Dover, NJ 07801 and 3219 Route 46 East, Suite 110 Parsippany, NJ 07054
Union County		
<input type="checkbox"/>	A&M Industrial Supply Co	1414 Campbell St Rahway
<input type="checkbox"/>	A.J. Seabra inc,	574 Ferry St Newark
<input type="checkbox"/>	Bristol-myers Products Research & Dev	1350 Liberty Ave Hillside
<input type="checkbox"/>	Cede Candy Inc	1091 Lousons Road PO Box 271 Union, NJ
<input type="checkbox"/>	Comcast Network	800 Rahway Ave Union, NJ
<input type="checkbox"/>	HoneyWell Inc.	1515 West Blancke Street Bldgs 1501 and

		1525 Linden, NJ
<input type="checkbox"/>	IBM Corporation	27 Commerce Drive Cranford, NJ
<input type="checkbox"/>	Howard Press	450 West First Ave Roselle, NJ
<input type="checkbox"/>	Lucent Technologies	600 Mountain Ave Murray Hill, NJ
<input type="checkbox"/>	Merck & Co. Inc	1 Merck Drive PO Box 2000 (RY60-200E) Rahway, NJ
<input type="checkbox"/>	Rahway Hospital	865 Stone Street Rahway, NJ
<input type="checkbox"/>	Rotuba Extruders, Inc	1401 Park Ave South Linden
<input type="checkbox"/>	Union County College	1033 Springfield Ave Cranford, NJ
Warren County		
<input type="checkbox"/>	Masterfoods USA	800 High Street Hackettstown, NJ
<input type="checkbox"/>	Warren Hospital	185 Roseberry St Phillipsburg, NJ
<input type="checkbox"/>	Roche Vitamins	206 Roche Drive Belvidere, NJ
<input type="checkbox"/>	Hackettstown Hospital	651 Willow Grove St. Hackettstown, NJ
<input type="checkbox"/>	Pechiney	191 Route 31 North Washington, NJ
<input type="checkbox"/>	Lopatcong Care Center	390 Red School Lane Phillipsburg, NJ
<input type="checkbox"/>	Mallinckrodt/Baker, Inc	222 Red School Lane Phillipsburg, NJ

Deputy Mayor Cougle made a motion to approve Resolutions 18-70 as written. Mayor Giordano seconded the motion with roll call as follows:

Ayes: Mr. Cougle, Mr. Pennington, Mr. Norton and Mayor Giordano

Nays: None recorded

Abstain: None recorded

Motion carries with four (4) affirmative votes

Resolution 18-71

**RESOLUTION GRANTING SOIL REMOVAL
PERMIT TO
PARTAC PEAT CORPORATION
BLOCK 29, LOT 51
BLOCK 33, LOT 2**

WHEREAS, Section 134-3 of the Independence Township Code requires the issuance of a soil removal permit by the Township Committee where soil is removed for sale or for use other than on the premises from which the soil shall be taken; and

WHEREAS, the Partac Peat Corporation has made application for a soil removal permit for Block 29, Lot 51 and Block 33, Lot 2 by application dated July 5, 2018; and

WHEREAS, the office of the Township Engineer has issued a report in connection with said application dated August 10, 2018; and

WHEREAS, in the foregoing report, the Township Engineer has noted the requirement for the filing with the Township of a Restoration Bond pursuant to Section 134-6C of the Independence Township Code

which is intended to ensure faithful completion of final restoration measures;
and

WHEREAS, the facility in question has been in existence for over fifty (50) years and in the past the Township waived the Restoration Bond requirement; and

WHEREAS, the office of the Township Engineer takes no exceptions to the renewal of this application;

NOW, THEREFORE, BE IT RESOLVED on this 14th day of August, 2018 that the application of Partac Peat Corporation for a soil removal permit be and the same is hereby granted effective August 14, 2018 to August 14 2020; and

BE IT FURTHER RESOLVED that the requirement to file a Restoration Bond is hereby waived.

Deputy Mayor Cogle made a motion to approve Resolutions 18-71 as written. Mr. Norton seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with four (4) affirmative votes

Resolution 18-72

RESOLUTION ENDORSING THE HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY THE PLANNING BOARD AND AUTHORIZING ACTIONS IN COMPLIANCE WITH A JUDGMENT OF COMPLIANCE AND REPOSE

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 dated September 11, 2017 (the "Settlement Agreement"); and

WHEREAS, a Fairness hearing was held on October 23, 2017, 2017, at which the FSHC Settlement Agreement was approved, and said approval was later memorialized by an Order entered by the Court on March 26, 2018; and

WHEREAS, as per the terms of the Settlement Agreement and the Court's March 26, 2018 Order, the Township's planner prepared a Housing Element and Fair Share Plan, which was reviewed by the Planning Board and is attached hereto as Exhibit A; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Housing Element and Fair Share Plan on March 19, 2018 and adopted the Housing Element and Fair Share on that same day by Resolution, which is attached hereto as Exhibit B; and

WHEREAS, as per the terms of the Settlement Agreement and the Court's March 26, 2018 Order and after review of the Housing Element and Fair Share Plan, the Township Council adopted an amended Affordable Housing Ordinance and Affirmative Marketing Plan on May 8, 2018; and

WHEREAS, the Special Master assigned to the Township's case, Elizabeth K. McManus, submitted a report to the Court dated July 16, 2018 recommending that the Court grant the Township a Judgment of Compliance and Repose, subject to certain conditions set forth in such report, which is attached hereto as Exhibit C; and

WHEREAS, pursuant to the terms of the Settlement Agreement and the Court's March 26, 2018 Order, the Township submitted its Housing Element and Fair Share Plan to the Court and its Special Master for consideration at a duly noticed Compliance Hearing on July 19, 2018;

WHEREAS, consistent with the conditions of the Judgment of Compliance and Repose, the Township Council of Independence wishes to endorse the Housing Element and Fair Share Plan and take all actions necessary to meet the conditions set forth in the Court's Order.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Independence:

1. That it hereby endorses the Housing Element and Fair Share Plan, which is attached hereto as Exhibit A, as adopted by the Township of Independence Planning Board via the Planning Board resolution that is attached hereto as Exhibit B.
2. That it authorizes and directs its professionals to take all actions necessary to meet the conditions imposed by the Judgment of Compliance and Repose that is attached hereto as Exhibit D.
3. That it reserves the right to amend the Housing Element and Fair Share Plan, should that be necessary.

Deputy Mayor Cogle made a motion to approve Resolutions 18-72 as written. Mr. Pennington seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with four (4) affirmative votes

Resolution 18-73

RESOLUTION APPOINTING MUNICIPAL HOUSING LIAISON

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, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq., the Township is required to appoint a Municipal Housing Liaison for the administration of affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C.5:80-26.1 et. seq.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Independence, County of Warren that Deborah M. Hrebenak is appointed Municipal Housing Liaison.

Deputy Mayor Cogle made a motion to approve Resolutions 18-73 as written. Mayor Giordano seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

-Motion carries with four (4) affirmative votes

Resolution 18-74

**RESOLUTION
AUTHORIZING RESERVE FOR PRELIMINARY ENGINEERING EXPENSES
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
INDEPENDENCE, IN THE COUNTY OF WARREN, NEW JERSEY,
AUTHORIZING THE TOWNSHIP TREASURER TO CREATE A RESERVE FOR
PRELIMINARY ENGINEERING EXPENSES RELATED TO THE
IMPROVEMENTS TO THE SENIOR CITIZENS CENTER**

WHEREAS, the Township Committee of the Township of Independence hereby acknowledges the requirement of preliminary costs to determine the scope and cost of a proposed undertaking. The purpose of these preliminary costs are for the engineering costs associated with the improvements to the Senior Citizens Center building, including but not limited to costs associated with a potential grant application, and that the amount to be charged is for the purpose for which bonds may be issued under Chapter 2 of Title 40A; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Independence, in the County of Warren, New Jersey, that the amount appropriated for preliminary costs shall not exceed \$10,000.00 and the Chief Financial Officer is (authorized or directed) to set up a “Reserve for Preliminary Expenses out of the Capital Improvement Fund of the General Capital Fund.

Mr. Norton made a motion to approve Resolutions 18-74 as written. Deputy Mayor Cogle seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with four (4) affirmative votes

Resolution 18-75

Title or Subject: APPOINTMENTS/ADJUSTMENTS

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

Andrew Sevensky-full time DPW Truck Driver/Laborer, at a rate of \$ 21.42 per hour effective September 10, 2018.

Deputy Mayor Cogle made a motion to approve Resolutions 18-75 as written. Mayor Giordano seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with four (4) affirmative votes

Resolution 18-76

A RESOLUTION AUTHORIZING THE TOWNSHIP OF INDEPENDENCE TO ENTER INTO A SETTLEMENT AGREEMENT AND RELEASE

WHEREAS, the Township of Independence initiated disciplinary action against employee, Julius Somogyi.

WHEREAS, in the interest of working out the issue in a manner beneficial to all involved, the parties agreed to a mutually agreeable settlement; and

WHEREAS, the terms and conditions of the settlement have been memorialized into a written Agreement; and

WHEREAS, the Mayor and Committee of the Township of Independence find it to be in the best interest of the Township to enter into the settlement with Officer Julius Somogyi, thereby resolving any further disciplinary action or hearings in connection with same.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Independence, County of Warren, State of New Jersey, hereby authorizes and approves the Agreement with Officer Julius Somogyi pursuant to the terms and conditions set forth in the Agreement.

BE IT FURTHER RESOLVED that the Mayor and other appropriate municipal officials are hereby authorized to sign and execute the Agreement;

BE IT FURTHER RESOLVED that the Mayor and other appropriate municipal officials are hereby authorized to take any and all actions required to complete the settlement and fulfill the purpose of this Resolution; and

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

Mr. Norton made a motion to approve Resolutions 18-76 as written. Mayor Giordano seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with four (4) affirmative votes

Resolution 18-77

RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE OPPOSING THE LEGALIZATION OF RECREATIONAL CANNABIS USE IN THE STATE OF NEW JERSEY

WHEREAS, it is the public position of the Governor of New Jersey, Philip D. Murphy, to pursue the legalization of recreational cannabis (colloquially known as “marijuana”) with legislation enabling same pending before the New Jersey State Legislature; and

WHEREAS, the United States of America has outlawed recreational cannabis pursuant to the Controlled Substances Act, 21 U.S.C. Section 811; and

WHEREAS, there are significant concerns regarding the effects of the use of cannabis especially as it pertains to the operation of motor vehicles. Such concerns involve user reaction time and effects negatively affecting a user's ability to operate a motor vehicle and generally react to emergency situations; and

WHEREAS, there is currently no objective standard for operating under the influence of drugs like cannabis as compared to standards established for driving under the influence of alcohol, making enforcement of existing traffic laws and ensuring public safety difficult; and

WHEREAS, some healthcare professionals consider cannabis a "gateway" drug and, in the midst of a serious and well-publicized opioid epidemic in the State of New Jersey, the Township Committee believes that legalized recreational cannabis may compound this epidemic and hinder the efforts of law enforcement and public health officials in curtailing same.

WHEREAS, the Township Committee may in the future codify an ordinance to ban the sale, processing, storage and distribution of recreational cannabis within the Township, and

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Independence in the County of Warren and State of New Jersey is hereby opposed to the legalization of cannabis for recreational use;

BE IT FURTHER RESOLVED, that certified copies of this resolution shall be made available to Governor Phil Murphy, members of the New Jersey General Assembly, the New Jersey State Senate and the New Jersey League of Municipalities.

Public Comment: Mrs. Spuckes spoke with regards as the substance abuse coordinator at the high school.

Mayor Giordano made a motion to approve Resolutions 18-77 as written. Mr. Pennington seconded the motion with roll call as follows:

Ayes: Mr. Pennington and Mayor Giordano

Nays: Mr. Cogle and Mr. Norton

Abstain: None recorded

No action taken

DEPARTMENT REPORTS:

Tax Collector – Posted. Extension to August 24 for 3rd quarter. Tax rate went down.

Construction/Zoning – Reports were submitted.

Environmental – No report.

Treasurer – Report submitted.

Recreation/Green Acres – Report submitted

Police – Report submitted.

Mayor Giordano made a motion to approve new officer. Mr. Pennington seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with four (4) affirmative votes

Emergency Services – Report submitted. Left meeting for a call.

DPW – Report was submitted. More detail on monthly report

Municipal Clerk: Everything is running well.

Land Use Board – Next meeting August 20.

Seniors – Meeting on Thursdays

Board of Education – August 28 next meeting

PROFESSIONAL REPORTS:

Attorney Parikh: Report Submitted. Towing Ordinance to be reviewed. MOU policy

Engineer Finelli: Report submitted. Liberty Square discussed. Wireless Edge project status. Mt. Rascal – awaiting DOP approval. Senior Center Grant site inspection 8/18/18 at 1:45 and 9/10/18 presentation

Old Business - None

NEW BUSINESS:

Introduction/First Reading Ordinance 2018-06

**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**

WHEREAS, the Township of Independence 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, in furtherance of compliance with the Court’s directives in the Declaratory Judgment Action, the Township adopted a “Third Round Affordable Housing Ordinance” on May 8, 2018; and

WHEREAS, at a Compliance Hearing on July 19, 2018, the Court set forth certain conditions for the Township to meet in order for the Court to enter a Judgement of Compliance and Repose; and

WHEREAS, one of those conditions was that the Township amend its Third Round Affordable Housing Ordinance in accordance with recommendations from the Special Master assigned to the Township’s Declaratory Judgment Action.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Independence, Warren County, New Jersey, that the Third Round Affordable Housing Ordinance be amended as follows:

Section 1. entitled “Monitoring and Reporting Requirements” shall be deleted in its entirety and replaced with the following:

The Township of Independence shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its Court-approved Housing Element and Fair Share Plan:

1. Beginning on September 26, 2018, and on every anniversary of that date through September 26, 2025, the Township agrees to provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center (FSHC) and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs (NJCA), Council on Affordable Housing (COAH), or Local Government Services (NJLGS). The reporting shall include an accounting of all

Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

2. Beginning on September 26, 2018, and on every anniversary of that date through September 26, 2025, the Township agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by COAH or any other forms endorsed by the Special Master and FSHC.
3. By July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the Court regarding these issues.
4. By September 26, 2020, and every third year thereafter, as required by N.J.S.A. 52:27D-329.1, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very low-income requirements, including its family very low-income requirements. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very low-income and family very low-income housing obligations.

Section 2. Definitions.

Unchanged

Section 3. entitled “Applicability” shall be deleted in its entirety and replaced with the following:

1. The provisions of this Ordinance shall apply:
 - a. To all affordable housing developments and affordable housing units that currently exist within Woodbridge Township;
 - b. To all affordable housing developments and affordable housing units that are proposed to be created pursuant to the Township’s Housing Plan Element and Fair Share Plan;
 - c. To all unanticipated future developments that will provide affordable housing for low- and moderate-income households; and
 - d. To any property in the Township that is currently zoned for nonresidential uses and that is subsequently rezoned for multifamily residential purposes, and to all approvals for multifamily residential development granted by the Township Planning Board or Zoning Board of Adjustment, including approvals of use or density variances, site plans, or subdivisions, and redevelopment projects subject to a redevelopment plan adopted by the Township governing body governing the development and redevelopment of designated areas in need of rehabilitation or areas in need of redevelopment in the township, including substantial revisions to previously approved developments, where such rezoning, approval or revision results in or increases the number of residential units by five (5) or more units.

Section 4. Alternative Living Arrangements”

Unchanged

Section 5. Phasing Schedule for Inclusionary Zoning

Unchanged

Section 6. New Construction

Unchanged

Section 7. Utilities

Unchanged

Section 8. Occupancy Standards

Unchanged

Section 9. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

Unchanged

Section 10. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

Unchanged

Section 11. Buyer Income Eligibility

Unchanged

Section 12. Limitations on Indebtedness Secured by Ownership Unit; Subordination

Unchanged

Section 13. Capital Improvements To Ownership Units

Unchanged

Section 14. Control Periods for Restricted Rental Units

Unchanged

Section 15. Rent Restrictions for Rental Units; Leases

Unchanged

Section 16. Tenant Income Eligibility

Unchanged

Section 17. Municipal Housing Liaison

Unchanged

Section 18. Administrative Agent

Unchanged

Section 19. entitled “Affirmative Marketing Requirements” shall be deleted in its entirety and replaced with the following:

1. The Township of Independence shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region 3 2 and is required to be followed throughout the period of restriction.
3. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 3 2, comprised of Warren, Monmouth and Ocean Counties.
4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and rerentals. The Administrative Agent designated by the Township of Independence shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
5. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
6. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
7. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
8. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; and the municipal administration building in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.
9. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.
10. The affirmative marketing plan shall specifically notify the following community and regional organizations in advertisement for affordable housing:
 - a. Fair Share Housing Center, Cherry Hill.
 - b. NJ State Conference of the NAACP, Trenton.
 - c. Latino Action Network, Freehold.
 - d. Supportive Housing Association, Cranford,
 - e. Central Hersey Housing Resource Center, Raritan,
 - f. East Orange NAACP,
 - g. Newark NAACP,
 - h. Morris County NAACP
 - i. Elizabeth NAACP

Section 20. Enforcement of Affordable Housing Regulations

Unchanged

Section 21. Appeals

Unchanged

Section 22.

Unchanged

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication as provided by law.

A motion was made by Mr. Norton to adopt Ordinance 2018-06 for First Reading. Deputy Mayor Cogle seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded.

Motion carries with four (4) affirmative votes.

Second reading and public hearing will be on September 11, 2018

PUBLIC COMMENT: Mrs. Spuckes thanked the committee for the help on Rose Lane but the run off of the rain is still washing the road away. First Aid Squad – Nick spoke about billing for services. Deputy Cogle spoke about West Nile virus in Hackettstown. Use caution with water.

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

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

Nays: None recorded

Abstain: None recorded

Motion carries with four (4) affirmative votes.

ADJOURNMENT: A motion was made by Deputy Mayor Cogle to adjourn the meeting at 8:40 p.m. Mr. Norton seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Motion carries with four (4) affirmative votes.

Respectfully submitted,

Deborah M. Hrebenak, RMC/CMR
Municipal Clerk/Administrator