

INDEPENDENCE TOWNSHIP COMMITTEE
Meeting held at the Municipal Building, Great Meadows, NJ.
December 8, 2020 7:00 p.m. via Zoom

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 NJ Herald 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."

Due to the ongoing COVID-19 pandemic and restrictions on in-person public gatherings by executive orders of the Governor of New Jersey, meetings of the Independence Township Committee will be held remotely via Zoom. The Zoom platform allows for members of the public to participate via computer, mobile device, or telephone. Both adequate and electronic notice of this meeting have been provided by publishing a revised annual notice in the two official newspapers designated by the Township, posting such notice on the door of the municipal building, and posting such notice on the municipal website. Such notice specifies the time of this meeting and provided instructions on how to access the meeting remotely.

Comments can also be emailed by 3:00 p.m. the day of the meeting to dhrebenak@independencenj.com. Written comments may also be submitted via mail or dropped off at the municipal building. Written comments must be no more than 450 words and must include your name and address. Such comments will be read into the record at the appropriate time.

Live comments will also be accepted during the appropriate times of the meeting via Zoom. If you wish to make a comment during the meeting please use the "raise hand" button on your screen if you are signed in via Zoom. If you are accessing the meeting via telephone, please hit *9 and the meeting moderator will call on you and identify you by the last few digits of your phone number. You can press *6 to unmute yourself. Please state your name and address before beginning your comment. The Township reserves the right to mute or remove disruptive meeting participants after an initial warning. Disruptive conduct includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption, and use of profanity.

Please be advised that this meeting is being recorded.

The Pledge of Allegiance to the American Flag was led by Mayor Giordano.

ROLL CALL:

Present: Mayor Robert Giordano, Mike Pennington, Glenn Cogle (via zoom), Bonnie Kelsey (via zoom), and Debi Hrebenak. Also present were Attorney Leslie Parikh, **Joe Vuich from Finelli** (via zoom), and Officer in Charge Lt. Prell (via zoom)

Absent: none

Correspondence: none

Minutes Approval 11.10.2020

A motion was made by Mr. Cogle to approve minutes 11.10.20 as written. Mr. Pennington seconded the motion with roll call as follows:

Ayes: Mr. Pennington, Mr. Cogle, Mrs. Kelsey and Mayor Giordano
Nays: None recorded
Abstain: None recorded

CONSENT AGENDA:

Resolution 20-67

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE

SAFE AND SECURE COMMUNITIES PROGRAM

RESOLUTION OF PARTICIPATION #20-67

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

WHEREAS, the Township of Independence wished to apply for funding of approximately \$ 16,200.00 with a match of \$143,860.03 for an approximate project total cost of \$160,060.03 for a project under the State of New Jersey Safe and Secure Communities Grant Program, and

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

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

THEREFORE, BE IT RESOLVED by the Independence Township Committee that

1. As a matter of public policy, the Township of Independence wished to participate to the fullest extent possible with the Department of Law and Public Safety and does accept grant number 21-2112 for the period 1.01.21 to 12.31.2021
2. The Attorney General will receive funds on behalf of the applicant.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.
4. The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

Resolution 20-68

Title or Subject: Cancellation of Stale Dated Checks

WHEREAS, there exists outstanding checks for the current fund which have been outstanding for over one year; and

WHEREAS, the checks have been investigated and have been determined to have been lost or otherwise destroyed:

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Independence, in the County of Warren, New Jersey, that the following checks be cancelled and the expenditures be deposited into the proper fund:

<u>For</u>	<u>Check #</u>	<u>Date</u>	<u>Amount</u>
Jesse Adams	25509	03/09/2016	\$ 152.00
Edible Arrangements	26596	05/10/2017	\$ 188.30
Unknown	27405	04/11/2018	\$ 73.26

Kiera Stone	28303	04/19/2019	\$ 37.50
Melanie Clark	28874	11/12/2019	\$ 25.00
		Total	\$ 476.06

Resolution 20-69

Title or Subject: Cancellation of Other Trust Fund Reserves

WHEREAS, there exists an amount in the Reserve for Developer’s Escrow for the Other Trust fund which has been outstanding for over one year; and

WHEREAS, the balances have been investigated and have been determined to no longer be valid:

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Independence, in the County of Warren, New Jersey, that the following reserve amounts be cancelled to Current Fund Operations:

Reserve for Developer’s Escrow	\$ 80,000.00
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A motion was made by Mr. Cogle to approve Resolution 20-67 thru 20-69 as written. Mr. Pennington seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Resolution 20-71

**Redemption of Tax Lien
Certificate #20-00033**

WHEREAS, on November 20, 2020, Tax Lien Certificate #20-00033 or property assessed to ERIC OBERNAUER and known as Block 6.02; Lot 184, Sold to BALA PARTNERS, LLC

WHEREAS, redemption of Certificate # 20-00033 was made by ERIC OBERNAUER

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Independence, that the Tax Collector, having received redemption monies from ERIC OBERNAUER, Inc and having received Tax Lien Certificate #20-00033 from BALA PARTNERS, LLC be authorized to forward said redemption monies to BALA PARTNERS, LLC the amount being \$8,230.20.

ALSO, the Premium which was paid by BALA PARTNERS, LLC be returned to BALA PARTNERS, LLC in the amount of \$22,000.

Resolution 20-72

**RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT
Resolution # 20-72**

WHEREAS, INDEPENDENCE TOWNSHIP (hereinafter “Local Unit”) has joined the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the "Fund"; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

WHEREAS, the "Fund" has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of "Local Unit", in the County of Warren and State of New Jersey, as follows:

1. Independence Township (Local Unit) hereby appoints Randy May its Risk Management Consultant.
2. The Mayor (*authorized representative of the public entity*) and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the year 2021 in the form attached hereto.

Resolution 20-73

STATEWIDE INSURANCE FUND

RESOLUTION APPOINTING FUND COMMISSIONER-RESOLUTION # 20-73

WHEREAS, INDEPENDENCE TOWNSHIP (hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Fund's Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the TOWNSHIP OF INDEPENDENCE (Local Unit) that DEBORAH M HREBENAK (entity's elected official or employee) is hereby appointed as the Fund Commissioner for the Local Unit for the Fund Year 2021; and

BE FURTHER RESOLVED that Christopher Prell (second elected official or employee) is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the Fund Year 2021; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute

Resolution 20-74

STATEWIDE INSURANCE FUND

RESOLUTION TO JOIN (RENEW) THE FUND

WHEREAS, a number of local units have joined together to form the Statewide Insurance Fund ("FUND"), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, et seq.; and

WHEREAS, Independence Township ("LOCAL UNIT") has complied with relevant law with regard to the acquisition of insurance; and

WHEREAS, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

WHEREAS, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

WHEREAS, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from January 1, 2021 terminating on January 1, 2024 at 12:01 a.m. standard time; and

WHEREAS, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and

BE IT FURTHER RESOLVED that to the extent required by law, the Local Unit shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

BE IT FURTHER RESOLVED that the LOCAL UNIT will be afforded the following coverage(s):

Workers' Compensation & Employer's Liability	<u> X </u>
Comprehensive General Liability	<u> X </u>
Automobile Liability and Physical Damage	<u> X </u>
Public Officials and Employment Practices Liability	<u> X </u>
Property	<u> X </u>
Inland Marine Boiler and Machinery	<u> X </u>
Crime-Faithful Performance and Fidelity	<u> X </u>
Pollution Liability	<u> X </u>
Cyber Liability	<u> X </u>
Non Owned Aircraft	<u> X </u>

BE IT FURTHER RESOLVED that the LOCAL UNIT's Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND's Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT's admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

A motion was made by Mr. Cogle to approve Resolution 20-71 thru 20-74 as written. Mrs. Kelsey seconded the motion with roll call as follows:

Ayes: Mr. Pennington, Mr. Cogle Mrs. Kelsey and Mayor Giordano
Nays: None recorded
Abstain: None recorded

Resolution 20-75

**Title or Subject: Approval of Limousine License
(ESQ Chauffeured Services LLC)**

WHEREAS, Matthew J Gleason, DBA: ESQ Chauffeured Services LLC has submitted an application for a Limousine License in accordance with the Code of the Township of Independence, Chapter 354, and

WHEREAS, Matthew J Gleason is qualified for the license and all the necessary fees and proof of insurance have been submitted, and

NOW, THEREFORE BE IT RESOLVED by the Independence Township Committee that a Limousine License is hereby issued to Matthew J Gleason, DBA: ESQ Chauffeured Services LLC., effective date January 1, 2021.

Resolution 20-76

**INDEPENDENCE TOWNSHIP,
WARREN COUNTY**

A RESOLUTION ENDORSING A RESOLUTION OF THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF WARREN MADE A PART HEREOF AND ATTACHED HERETO:

RESOLUTION OF THE WARREN COUNTY BOARD OF CHOSEN FREEHOLDERS TO REIMBURSE WARREN COUNTY LOCAL RESTAURANTS AND BARS THE SUM OF TEN DOLLARS (\$10.00) AS A RESULT OF THE SPECIAL FEE/TAX IMPOSED BY THE NEW JERSEY STATE ALCOHOLIC BEVERAGE COMMISSION FOR THE ABILITY TO SERVE ALCOHOLIC BEVERAGES OUTSIDE THEIR LICENSED PREMISES

WHEREAS, the Warren County Board of Chosen Freeholders of the County of Warren understand the financial destruction that the COVID19/Pandemic has imposed upon local businesses in the County of Warren; and

WHEREAS, the Warren County Board of Chosen Freeholders have created an Economic Development Advisory Committee to help foster and encourage opportunities for local businesses; and

WHEREAS, the Pandemic and concomitant closure of local restaurants and bars has had a chilling and devastating financial effect upon local business owners and their employees; and

WHEREAS, the New Jersey State Alcoholic Beverage Commission has imposed a ten-dollar (\$10.00) licensing fee and/or additional tax for establishments to extend special ruling 2020-10 permitting establishments to sell alcoholic beverages outside their licensed premises within the guidelines for social distancing and Executive Order 150 imposed by the Governor; and

WHEREAS, this additional fee and/or tax creates an additional burden and hardship to proprietors of establishments which have been closed for ninety (90) or more days; and

WHEREAS, the Warren County Board of Chosen Freeholders understand the concerns of local business owners and are concerned for their economic viability and have determined that available funds to cover this unnecessary excessive fee/tax are available in the account of the Economic Development Advisory Committee; and

WHEREAS, the Warren County Board of Chosen Freeholders will tender payment for this unnecessary fee/tax to the Municipal Clerks of each Warren County municipality for those businesses to serve the public via outdoor dining and consumption of alcohol and in conformance with all Executive Orders from the State.

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Warren in the State of New Jersey as follows:

1. The Warren County Board of Chosen Freeholders will tender payment for all Warren County restaurants whom desire to open under the Governors Executive Order 150 to serve the public alcoholic beverages at outdoor settings the sum of ten dollars (\$10.00) per licensee to offset the fee/tax imposed by the New Jersey Alcoholic Beverage Commission as it has been determined that this fee/tax creates an unnecessary burden on businesses located in the County of Warren.
2. A copy of this duly certified resolution will be served upon Municipal Clerks for each Warren County Municipality who may also adopt a Resolution allowing participation in this program.
3. Annexed to this Resolution is a certificate from the County Treasurer indicating the availability of funds from Account No.011720 5100.

A motion was made by Mr. Cogle to approve Resolution 20-75 thru 20-76 as written. Mayor Giordano seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Land Use Board – Governing Body’s consideration to memorializing the two Resolutions, the action taken by the Land Use Board.

Resolution 20-77

TOWNSHIP OF INDEPENDENCE

COUNTY OF WARREN

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

WHEREAS, the Highlands Water Protection and Planning Act ("Highlands Act"), N.J.S.A. 13:20-1 et seq., finds and declares that protection of the New Jersey

Highlands is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other significant natural resources; and

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

WHEREAS, the Township has 6,276 acres in the Preservation Area and 6,510 acres in the Planning Area;

WHEREAS, the Township submitted a Petition for Plan Conformance for its Preservation Area lands only in or about April 2011, which was deemed administratively complete by the Highlands Council; and

WHEREAS, Section 13:20-15(a), of the Highlands Act states that for any municipality located wholly in the Planning Area or for the portion of a municipality lying within the Planning Area, the municipality may, by ordinance, petition the Highlands Council of its intention to revise its master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, to conform them with the goals, requirements and provisions of the Regional Master Plan ("Plan Conformance"), and

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

WHEREAS, at any time during the Plan Conformance process, the Township may withdraw from the Plan Conformance process and any approvals, rejections, or conditions of revised municipal master planning documents or development regulations recommended by the Highlands Council during the Plan Conformance process, will not be binding on the Township; and the Township may choose not to obtain conformance with the Regional Master Plan for the lands lying within the Planning Area; and

WHEREAS, should the Township make the determination that the Township shall petition the Highlands Council of its intention to revise its master plan, development regulations, and other regulations, as applicable to the development and use of land in the Planning Area, to conform them with the goals, requirements and provisions of the

Regional Master Plan and Plan Conformance Guidelines, the Township shall enact an ordinance setting forth such intention, as required by the Highlands Act; and

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

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

WHEREAS, pursuant to a Resolution adopted on November 16, 2020, the Township Land Use Board has requested that the Township Committee “entertain plan conformance and all related costs for a Highlands center designation with the New Jersey Highlands [Council] by the Board and to engage with representatives of the [Council] as to the same.”

NOW, THEREFORE BE IT RESOLVED, the Independence Township Committee hereby authorizes the Township’s Attorney and Planner to contact representatives of the Highlands Council to discuss the plan conformance process for the lands located in the Planning Area in the Township.

A motion was made by Mr. Pennington to approve Resolution 20-77 as written. Mayor Giordano seconded the motion with roll call as follows:

Ayes: Mr. Pennington, Mrs. Kelsey and Mayor Giordano
Nays: Mr. Cogle
Abstain: None recorded

Barbara Shimchook Shades of Death guardrail- Approx. \$20,000 to fix the guardrail.

DEPARTMENT REPORTS:

Tax Collector – Report was submitted.
Construction/Zoning – Reports were submitted.

Environmental – nothing to report.

Treasurer – Posted.

Recreation/Green Acres – Report submitted

Police – Report has been submitted. 1 car out of service at dealership.

Emergency Services – Fire Department report submitted.

DPW – Report was submitted.

Municipal Clerk: Municipal Building still closed.

Land Use Board – Nothing to report.

Board of Education – Mr. Mai spoke on the current status at the GMRSD. Fully remotely at this time. Fibro optics being updated at the school.

PROFESSIONAL REPORTS:

Attorney Parikh: Report submitted. Executive session requested.

Finelli Consulting: Report submitted. Thanked the DPW on the work done on Asbury Road for paving. Senior center grant on hold till next year.

OLD BUSINESS: none

NEW BUSINESS: none

PUBLIC COMMENT: Mrs. Neumann – Cemetery Rd. needs some pot holes filled in. Mr. Fuella Thanked everyone for all their hard work this year especially with COVID-19.

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

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

Nays: None recorded

Abstain: None recorded

EXECUTIVE SESSION: 8:25 pm – 9:45 pm

The following Resolution was approved at 7:55 p.m. to enter Executive Session with a motion by Mr. Cougle, seconded by Mrs. Kelsey 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 Mr. Cougle at 9:45 p.m. to exit the executive session, seconded by Mrs. Kelsey followed by a roll call of all ayes

Mayor Giordano stated that Personnel issues were discussed and no action will be taken at this time.

RESOLUTION 20-70
RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE FORMALLY
RATIFYING AND AUTHORIZING THE FINAL NOTICE OF DISCIPLINARY
ACTION DATED JUNE 10, 2020 AND ISSUED TO CHIEF AIELLO

WHEREAS, on September 9, 2019, the Township Committee of the Township of Independence passed Resolution No. 2019-74, which is attached hereto as **Exhibit A**; and

WHEREAS, Resolution No. 2019-74 was passed in response to the Committees' receipt of a September 5, 2019 Internal Affairs Investigation Report (the "September 5, 2019 Report") from the Warren County Prosecutor's Office; and

WHEREAS, the September 5, 2019 Report was prepared after an investigation (the "Investigation") was conducted by the Warren County Prosecutor's Office regarding the Chief's conduct on February 9 and 10, 2019; and

WHEREAS, the September 5, 2019 Report sustains numerous allegations against Chief Aiello; and

WHEREAS, the specific findings set forth in the September 5, 2019 Report are also summarized in Resolution No. 2019-74; and

WHEREAS, the September 5, 2019 Report supports the conclusion that the Chief's conduct on February 9 and 10, 2019, created a risk to the safety, health and order of the public and constitutes the second occasion wherein the Warren County Prosecutor's Office sustained the allegation that Chief Aiello conducted himself in a manner that posed a threat to the safety of the community; and

WHEREAS, the September 5, 2019 Report likewise sustains the allegation that Chief Aiello violated Independence Township Police Procedures and Policies, Township Policies and Attorney General Guidelines pertaining to honesty, integrity, truthfulness and cooperation during its Investigation; and

WHEREAS, as set forth Resolution No. 2019-74, the Appointing Authority found it appropriate to suspend Chief Aiello, without pay, pursuant to N.J.A.C. 4A:2-2.5(b), pending the outcome of removal proceedings which were originally scheduled in or about October 2019; and

WHEREAS, after several hearing adjournments made on behalf of Chief Aiello, the removal hearing was eventually scheduled to take place on March 11, 13, 16, 31 and April 2, 3, 6, 7, 2020; and

WHEREAS, on March 11, 2020, the termination hearing began in-person, shortly before the Covid-19 pandemic hit New Jersey. The hearings were scheduled to continue on March 13, 2020, but were canceled due to the pandemic; and

WHEREAS, given the pandemic, the hearing officer solicited briefs from both sides as to whether the hearings should proceed via ZOOM as the Township wished to proceed in this manner, however, counsel for Chief Aiello objected to proceeding in any manner other than a live, in-person hearing; and

WHEREAS, in his opinion dated April 1, 2020, the hearing officer agreed that an electronic hearing via ZOOM was appropriate and legally supported; and

WHEREAS, in an effort to work with both parties, the hearing officer nevertheless agreed to reschedule hearing dates for June 2020, in the hope that live hearings could be conducted at that time. The hearing officer further ruled that if the hearings could not be held in-person by June 2020, they would be conducted via ZOOM; and

WHEREAS, Chief Aiello continued to insist upon live hearings and refused to attend the scheduled ZOOM hearing dates in June 2020; and

WHEREAS, on June 8, 2009, the hearing officer ruled that the Chief effectively waived his right to a hearing because he refused to participate via ZOOM during the midst of the COVID 19 Pandemic; and

WHEREAS, after consideration of the facts set forth above and for the reasons further set forth in Resolution 19-74, the Mayor and Committee concluded removal is the proper disciplinary action for the charges and a Final Notice of Disciplinary Action (FNDA) should be served on the Chief by the Appointing Authority's designee, the Township Administrator; and

WHEREAS, such action was taken on June 10, 2020; and

WHEREAS, in order to further ratify the Governing Body's authorization of the FNDA, the Governing Body wishes to pass the instant Resolution.

NOW, THEREFORE, BE IT RESOLVED that Mayor and Committee of the Township of Independence hereby ratify its approval of the issuance of the June 10, 2020 Final Notice of Disciplinary Action which was executed by and served by the Township Administrator, pursuant to her explicit authority as the authorized agent of the Appointing Authority, the Township of Independence.

A motion was made by Mr. Cogle to approve Resolution 20-70 as written. Mayor Giordano seconded the motion with roll call as follows:

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

Nays: None

Abstain: Mr. Pennington

ADJOURNMENT: A motion was made by Mr. Cogle to adjourn the meeting at 9:50 p.m. Mrs. Kelsey seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Respectfully submitted,

Deborah M. Hrebenak, RMC/CMR