

INDEPENDENCE TOWNSHIP COMMITTEE
Meeting held at the Municipal Building, Great Meadows, NJ.
May 4, 2021 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 Herald Times 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.

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.

ROLL CALL:

Present: Mr. Cogle, Mr. Pennington, Mrs. Gesumaria, Mayor Giordano, and Debi Hrebenak. Also present were Attorney Leslie Parikh and Engineer Joe Vuich via zoom

Absent: Mrs. Kelsey

CFO Derek Macchia spoke on the clean audit results.

Resolution 21-38 Adopt Annual Audit 2020

**GOVERNING BODY CERTIFICATION OF THE ANNUAL
AUDIT RESOLUTION 21-38**

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$ 15000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Township Committee of the Township of Independence, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Mr. Pennington made a motion to approve Resolution 21-38 as written. Mr. Cogle seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Minutes Approval: 4.13.2021

A motion was made by Mr. Cogle to approve minutes 4.13.21 as written. Mrs. Gesumaria seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Proclamation -Older American Month

Consent Agenda:

Resolution 21-35

RESOLUTION AUTHORIZING EXPERT FOR PURPOSES OF LITIGATION

WHEREAS, the Township is in need of a police procedures expert to provide expert opinion in connection with a termination hearing before the Office

of Administrative Law in the matter of Keith Aiello v. Township of Independence, Docket Number CSR 07415-2020 (the “Action”); and

WHEREAS, Wayne S. Fisher, PhD. a distinguished Senior Policy Advisor, Center on Policing, Rutgers University, has agreed to serve as an expert witness on behalf of the Township; and

WHEREAS, Wayne A. Fisher has agreed to provide services in this area which is highly specialized; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*) authorizes the hiring of a professional without competitive bidding providing that the resolution authorizing the award of contracts for “Professional Services” without competitive bidding and the contract itself be made available for public inspection; and

WHEREAS, funds are or will be made available, up to, but not to exceed \$ 10,000.00 for this purpose to be certified by the Treasurer.

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

1. That the Mayor be and is hereby authorized to execute an Agreement to retain the services of Wayne S. Fisher to prepare an expert report on behalf of the Township in the Action for a sum not to exceed \$ 10,000.00;
2. This contract is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public contracts Law, subject to N.J.S.A. 40A:5-11, which states that “No local unit shall be required to advertise for bids for any of the work performed pursuant to 40A:5-4.”
3. This resolution and a copy of the aforementioned shall be published and made available in the Clerk’s office in accordance with applicable law.

Resolution 21-36

Municipal Alliance

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

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

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

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

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

1. The Township Committee does hereby authorize submission of a strategic plan for the Great Meadows Municipal Alliance grant for fiscal year 2022 in the amount of:

DEDR	\$1611.00
Cash Match	\$402.75
In-Kind	\$1208.25

2. The Township acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Resolution 21-37

Title or Subject: Approval of Fire Department Member (Matthew A Scrivanich)

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

Whereas, *Matthew A Scrivanich* 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 *Matthew A Scrivanich* is hereby approved as a member of the Independence Volunteer Fire Department.

Resolution 21-39

Resolution Authorizing Execution Of A Agreement With The Morris County Cooperative Pricing Council To Renew Membership Therein For The Period Of October 1, 2021 through September 30, 2026

See attached

Resolution 21-40

Title or Subject: APPOINTMENTS/ADJUSTMENTS

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

Dena Hrebenak-Administrator for Municibid auction items, at a rate of \$ 500.00 for 2021

Mrs. Gesumaria made a motion to approve Resolutions 21-35, 21-36, 21-39 and 21-40 as written. Mr. Cogle seconded the motion with roll call as follows:

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

Mrs. Gesumaria made a motion to approve Resolutions 21-37 as written. Mr. Cogle seconded the motion with roll call as follows:

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

DEPARTMENT REPORTS:

Tax Collector – Report submitted via email

Construction/Zoning – Reports submitted via email.

Environmental – Spring Cleanup May 8 from 8-4 Shredding May 8 from 9-12

Treasurer – clean audit reported and spoke on tax increase.

Recreation/Green Acres – Softball season has started. The field usage schedule is full.

Police – Report submitted via email. Body camera received awaiting installation

Emergency Services – Fire Department hosting a dinner on May 7th

DPW – Report submitted via email. New mower come in.

Municipal Clerk: Building is open to the public. June meeting moved to June 1 due to Election. Spoke about the new sign.

Land Use Board – Mr. Fuela advised that there are 2 applications to be heard at the next meeting.

Board of Education – Mr. Mai spoke about the grants received and upcoming events. Special meeting May 13 for board members.

PROFESSIONAL REPORTS:

Attorney Parikh: Report submitted via email. Spoke on the Cannabis Legislation - vote next month.

Engineer Finelli: Report submitted. DOT Grants discussed – Russling Road section 2 and Cemetery Road. Senior Center was discussed.

Mr. Cogle made a motion to have Finelli Consulting prepare the application for the 2 DOT grants. Mrs. Gesumaria seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

OLD BUSINESS: None

NEW BUSINESS: None

PUBLIC COMMENT: Mr. Fuela thanked the DPW on a great job at the field of dreams and the new baseball field that was made. Very impressed and grateful for the beautiful grounds.

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

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

Nays: None recorded

Abstain: None recorded

ADJOURNMENT: A motion was made by Mr. Cogle to adjourn the meeting at 8:00 p.m. Mrs. Gesumaria seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Respectfully submitted,

Deborah M. Hrebenak, RMC/CMR
Municipal Clerk