

INDEPENDENCE TOWNSHIP COMMITTEE
Meeting held at the Municipal Building, Great Meadows, NJ.
October 11, 2022 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.

ROLL CALL:

Present: Mrs. Gesumaria, Mrs. Kelsey, Mayor Giordano, Mr. Pennington, and Dena Hrebenak, RMC. Also, Leslie Parikh, Attorney.

Absent: none

November Meeting will be November 1st due to Elections

Minute Approval: 9.13.22

A motion was made by Mr. Pennington to approve minutes 9.13.22 as written. Mrs. Gesumaria seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

CONSENT AGENDA:

Nothing

DEPARTMENT REPORTS:

Tax Collector – Report submitted via email.

Construction/Zoning – Reports submitted via email.

Environmental – Nothing to report

Treasurer – Report posted. CFO reported on NJARM.

Recreation/Green Acres – everything is good.

Police – Report submitted

Emergency Services – Chief Snyder reported on breakfast and money raffle.

DPW – DPW Supervisor gave a report.

Municipal Clerk: Halloween hours 4:30-7

Land Use Board – Mr. Cullen reported on the land use board meeting.

Resolution 22-61

A RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER OF INDEPENDENCE TOWNSHIP, NEW JERSEY TO INVEST FUNDS IN THE NEW JERSEY ASSET & REBATE MANAGEMENT PROGRAM.

BE IT RESOLVED by the Township Committee of Independence Township as follows:

1. The Township Committee hereby finds and determines that (a) the Chief Financial Officer has received and reviewed (i) the Information Statement dated as of January 3, 2005 describing the New Jersey Asset & Rebate Management Program ("NJ/ARM") and (ii) the Amended and Restated Interlocal Services Investment Agreement governing the NJ/ARM Program ("Program Agreement") and (b) the Chief Financial Officer has been afforded the opportunity to discuss NJ/ARM with the Investment Administrator

and Special Counsel to NJ/ARM and the [Governing Body] has determined that it is in the best interests of the Independence Township to authorize the Independence Township to participate in NJ/ARM.

2. The Program Agreement is hereby approved and the Chief Financial Officer is authorized to execute the Program Agreement on behalf of the Independence Township.
3. U.S. Bank, N.A., as Custodian for the NJ/ARM Program, is hereby approved to act as a depository of Public Funds for the Independence Township and the Independence Cash Management Plan is hereby amended to provide the same.
4. The Township Committee acknowledges that its decision to authorize the participation in NJ/ARM is based solely on the information set forth in the Information Statement and in the Program Agreement.
5. This resolution shall take effect immediately upon its adoption.

Mrs. Gesumaria made a motion to approve Resolutions 22-61 as written. Mrs. Kelsey seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

PROFESSIONAL REPORTS:

Attorney Parikh: report submitted. One item for executive session.

ORDINANCE:

ORDINANCE 2022-11 First Reading

ORDINANCE 2022-11

**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 Judgment of Compliance and Repose; and

WHEREAS, pursuant to a memo dated March 6, 2022 the Court-appointed Special Master recommended further changes to the Township’s affordable housing ordinances.

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 (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

Section 1. Monitoring and Reporting Requirements

Unchanged

Section 2. Definitions

Unchanged

Section 3. Applicability

1. The provisions of this Ordinance shall apply:
 - a. To all affordable housing developments and affordable housing units that currently exist within ~~Woodbridge~~ ***Independence*** 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. Affirmative Marketing Requirements

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 *Essex, Morris, Union, and 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
 - j. *New Jersey Housing Resource Center*

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. Pennington to adopt Ordinance 2022-11 for First Reading. Mayor Giordano seconded the motion with roll call as follows:

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

Second reading and public hearing will be on November 1, 2022.

2022-10 Second Reading/Public Comment

ORDINANCE OF THE TOWNSHIP OF INDEPENDENCE ESTABLISHING A BUSINESS INSURANCE REGISTRATION REQUIREMENT

Mrs. Gesumaria made a motion to open up discussion on this ordinance to the Public. Mrs. Kelsey seconded the motion with roll call as follows:

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

Mrs. Kelsey, Mr. Wiseman, Mr. Cogle Mr. Barabas and Mr. O'Connor had questions. A motion was made by Mrs. Gesumaria to close the public hearing. Mrs. Kelsey seconded the motion with roll call as follows:

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

A motion was made by Mr. Pennington to adopt Ordinance 2022-10 as written. Mrs. Gesumaria seconded the motion with roll call as follows:

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

OLD BUSINESS: none

NEW BUSINESS: none

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

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

PUBLIC COMMENT:

Mr. Cogle spoke about Mt. Rascal Road and ash tree problem. Mr. Barabas asked about Ryan and Catswamp Road re-alignment and the Aiello case. Mr. Wiseman asked about the speed sign location. Mrs. Helen Thomlinson asked about the school overpayment and field of dreams. Mr. Ian O'Conner asked about the senior center.

EXECUTIVE SESSION: 8:06 pm – 8:28 pm

The following Resolution was approved at 8:06 p.m. to enter Executive Session with a motion by Mayor Giordano, 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. Pennington at 8:28 p.m. to return to regular session, seconded by Mrs. Kelsey.

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

Nays: None recorded

Abstain: None recorded

ADJOURNMENT: A motion was made by Mrs. Kelsey to adjourn the meeting at 8:28p.m. Mrs. Gesumaria seconded the motion, which was carried by all.

Respectfully submitted,

Dena M. Hrebenak, RMC
Municipal Clerk/Administrator