

INDEPENDENCE TOWNSHIP COMMITTEE
Meeting held at the Municipal Building, Great Meadows, NJ,
January 3, 2023
7:00 p.m.

The Reorganization meeting of the Township Committee of Independence Township, Warren County, New Jersey was called to order by Committeeman Robert M Giordano. The following announcement was made: “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.” The Pledge of Allegiance to the American Flag was led by Committeeman Robert M Giordano.

Appointment/Oath of Office Committee Members Elect
3 Year Term- Expiring 12.31.25
Michael Pennington

Appointment/Oath of Office Committee Member
3 Year Unexpired Term- Expiring 12.31.24
Jonathan Stuber

Roll Call: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mr. Giordano
Absent: Mrs. Kelsey

Nomination of Mayor

Mr. Pennington made a motion to appoint Robert Giordano, Mayor for the year 2023, which was seconded by Mrs. Gesumaria.

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

Nomination of Deputy Mayor

Mayor Giordano made a motion to appoint Mr. Pennington, Deputy Mayor for the year 2023, which was seconded by Mrs. Gesumaria.

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

Areas of Responsibility:

- **Board of Education-Robert Giordano**
- **DPW- Michael Pennington**
- **Emergency Services-Robert Giordano**
- **Environmental- Robert Giordano**
- **Land Use Board- Bonnie Kelsey/Jonathan Stuber**
- **Personnel-Robert Giordano**
- **Police Commissioner-Michael Pennington**
- **Recreation-Kathleen Gesumaria**

Annual Appointments:

Deputy Treasurer	Dena M. Hrebenak
Payroll Clerk	Dena M. Hrebenak
Tax Search Officer	Tax Collector
Assessment Search	Dena M. Hrebenak
Solid Waste Advisory	Environmental Commission
Recycling Coordinator	Joanne Fascenelli
Emergency Management	Ernest Kinney- Coordinator
	Thomas Tagliareni-Deputy Coordinator
911 Coordinator	Dena M Hrebenak

Township Professionals:

**Attorney
Engineer
Municipal Court Judge
Prosecutor
Public Defender
Auditor
Bond Counsel
Planner
Insurance Agent**

**Gebhardt & Kiefer Law Firm
Finelli Consulting Engineering
Nicole N Lenar, Esq.
Steven Siegel, Esq.
Scott Wilhelm
Man Lee, Nisivoccia LLP
Michael Israels
David Banisch, Banisch Associates
Randy May, Otterstedt Insurance Agency**

Boards and Commissions:

Mayor Giordano appointed the following people to the Land Use Board.

Land Use Board

Bonnie Kelsey	Class I 1Yr. Term	Exp. 12/31/23
	Class II 1Yr. Term	Exp. 12/31/23
Jonathan Stuber	Class III 1Yr. Term	Exp. 12/31/23
Carmen Feula	Class IV 4Yr. Term	Exp. 12/31/26
Lucy Carvino	Alternate III 2Yr. Term	Exp. 12/31/24
Robert Neumann	Alternate IV 2Yr. Term	Exp. 12/31/24

Consent Agenda:

**RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE
Warren County, New Jersey**

Res. # 23-01

Date of Adoption: January 3, 2023

Title or Subject: Cash Management Plan

Interest Rate on Delinquent Taxes and Municipal Charges

In accordance with RS: 4-67, the interest rate on delinquent taxes and municipal charges shall be as follows:

1. 8% per annum on the first \$1,500 of the delinquency
2. 18% per annum on any amount in excess of \$1,500

No interest shall be charged for a 10-day grace period; after the 10-day grace period, interest shall be calculated from the due date.

An additional penalty of 6% of the amount of the delinquency will be charged to a taxpayer with a delinquency in excess of \$10,000 who fails to pay that delinquency prior to the end of the calendar year.

The Tax Collector is authorized to process or cancel without further action on part of the governing body, any property tax overpayment or delinquency of less than \$10.00. The Tax Collector is further authorized to conduct the annual sale of delinquent taxes for the calendar year 2022.

Investment of Funds

The Chief Financial Officer is hereby authorized to invest funds, as they shall become available, to attain the highest rate of return, provided that all investments are reported to the Township Committee at the next meeting subsequent to the making of the investments.

Official Depositories

In accordance with NJSA 40A: 5-15, all monies collected by taxation, received from any source by or on behalf of any local unit or any board or department shall be deposited or turned over to the Chief Financial Officer within 48 hours.

The following banks are designated as official depositories for checking and/or escrow funds for the Township for 2023, as well as savings funds and investment accounts:

- First Hope Bank
- New Jersey Asset and Rebate Management Program

Authorized Signatures

All procedures in banking shall bear the signatures of two of the following officials: Mayor, Clerk, and Chief Financial Officer.

RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE
Warren County, New Jersey

No. 23-02

Date of Adoption: January 3, 2023

Title or Subject: Official Newspapers

Be It Resolved, by the Township Committee of the Township of Independence, that the following newspapers be designated as official newspapers of the Township of Independence for the purpose of legal notices:

New Jersey Herald
Express-Times NJ Zone

RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE
Warren County, New Jersey

No. 23-03

Date of Adoption: January 3, 2023

Title or Subject: Annual Meeting Notice

WHEREAS, on October 21, 1975, The Open Public Meetings Act (Sunshine Law) became the law of the State of New Jersey, which became law effective on January 19, 1976 and has from time to time been amended; and

WHEREAS, pursuant to the Act, requirements of notice to the Public are prescribed for meetings of the Mayor and Committee of the Township of Independence which notice shall occur at its annual reorganization meeting, but not later than January 10th of each year;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Committee of the Township of Independence Township, County of Warren, State of New Jersey, that the following days during 2023 are designated as the workshop and regular meetings of the Mayor and Committee of the Township of Independence:

Reorganization Meeting January 3, 2023 at 7:00PM

Township Committee Workshop Meeting

February 7, 2023
March 7, 2023
April 4, 2023
May 2, 2023
June 6, 2023

August 1, 2023
September 5, 2023
October 3, 2023
November 7, 2023
December 5, 2023

Township Committee Meeting

January 10, 2023
February 14, 2023
March 14, 2023
April 11, 2023
May 9, 2023
June 13, 2023

July 11, 2023
August 8, 2023
September 12, 2023
October 10, 2023
November 14, 2023
December 12, 2023

RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE
Warren County, New Jersey

No. 23-04

Date of Adoption: January 3, 2023

Title or Subject: Temporary Budget

WHEREAS, 40A: 4-19 Local Budget Act provides that temporary appropriations be made for the purpose and amounts required in the manner and time therein provided: and

WHEREAS, the date of this resolution is within the first thirty days of January 2023 and

WHEREAS, the total appropriations in the 2022 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance, is the sum of \$4,699,046.55; and

WHEREAS, 26.25% of the total appropriations in the 2022 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance in said 2022 budget is the sum of \$1,233,499.72.

NOW, THEREFORE, BE IT RESOLVED, that temporary appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records.

RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE
Warren County, New Jersey

No. 23-05

Date of Adoption: January 3, 2023

WHEREAS, the Mayor and Township Committee of Independence Township are aware that the Tax Assessor of the Township of Independence may be required from time to time to correct errors made in computing the tax assessments of properties located within Independence; and WHEREAS, the Mayor and Township Committee are aware that the laws of New Jersey permit any taxpayer of Independence Township to file a Petition of Appeal with the Warren County Board of Taxation or the Tax Court of the State of New Jersey to adjust this valuation of property or to correct errors made therein; and

WHEREAS, the municipality must be represented at such hearings by its Tax Assessor and by the Municipal Attorney who by law shall be authorized to settle such appeals with taxpayers of Independence Township when it appears that such settlement is in the best interest of the Township and the taxpayer; and WHEREAS, in the event a settlement is reached, the laws of the State of New Jersey require that a Stipulation of Settlement be prepared memorializing the agreement which was reached which Stipulation must then be filed with the Warren County Board of Taxation; and

WHEREAS, the Tax Assessor of the Township of Independence has requested the Mayor and Township Committee to enact a resolution specifically authorizing the Tax Assessor to enter into agreements with taxpayers of the Township of Independence to correct errors and to settle appeals including the authority to execute stipulations of Settlement with taxpayers and appellants.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Township Committee of the Township of Independence that the Tax Assessor is hereby authorized to adjust errors found in the tax assessments covering property within Independence Township, negotiate and enter into settlements of appeals by taxpayers of their tax assessments and in all respects the Tax Assessor is authorized by law including the signing of all such stipulations and settlement agreements.

BE IT FURTHER RESOLVED that the Township Attorney of the Township of Independence is hereby authorized to represent the Township in connection with all matters concerning the assessment of taxes including but not limited to negotiation of settlements, the preparation of settlement stipulations, and the signing of all documents as may be required by law on behalf of the Township of Independence;

AND BE IT FURTHER RESOLVED that the Tax Assessor and the Township Attorney be and the same are hereby authorized to appear on behalf of the Township of Independence before the Warren County Board of Taxation and the Tax Court of the State of New Jersey and to do and perform all lawful acts before such Board and Court on behalf of the Township of Independence as may be provided by law including the authority to enter into settlement agreements and judgments by consent.

RESOLUTION AUTHORIZING THE AWARD OF A
NON-FAIR AND OPEN CONTRACT FOR THE POSITIONS
OF ENGINEER, BOND COUNSEL, PLANNER & AUDITOR
FOR THE TOWNSHIP OF INDEPENDENCE
CALENDAR YEAR 2023
RESOLUTION NO. 23-06

WHEREAS, the Township of Independence has a need to acquire and Bond Counsel, Planner and Auditor as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44A-20.5; and

WHEREAS, Special Bond Counsel Michael Isreals, Banisch Associates, Inc. and Man Lee of Nisivoccia LLP for Township Accountant/Auditor have determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of these contracts is one year; and

WHEREAS, Michael Isreals, Esq., Banisch Associates, Inc. and Nisivoccia LLP have submitted proposals tracts indicating they will provide the following services:

- a. Michael Isreals, Esq.-Special Bond Counsel
- b. Banisch Associates, Inc.-Professional Planning Services
- c. Nisivoccia LLP – review of 2022 financial records and preparation of annual audit.

WHEREAS, Michael Isreals, Esq., Banisch Associates, Inc. and Nisivoccia LLP have completed and submitted a Business Entity Disclosure Certification which certifies that the aforesaid have not made any reportable contributions to a political candidate or candidate for Township Committee in the previous one year, and that the contract will prohibit Michael Isreals, Esq., Banisch Associates, Inc. and Nisivoccia LLP from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified that there are funds available for the procuring of these services pursuant to N.J.A.C. 5:30-5.4 pending approval by the Township Committee;

NOW THEREFORE, BE IT RESOLVED that the Mayor of the Township of Independence is authorized to enter into contracts with Michael Isreals, Esq., Banisch Associates, Inc. and Nisivoccia LLP as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution; and,

BE IT FURTHER RESOLVED that Notice of this Resolution will be published in the NJ Herald, the official newspapers of the Township of Independence.

**INDEPENDENCE TOWNSHIP
WARREN COUNTY, NEW JERSEY**

RESOLUTION #23-07

RESOLUTION APPOINTING MUNICIPAL ATTORNEY

WHEREAS, there exists a need for the performance of legal services for Independence Township for the year 2023; and

WHEREAS, funds are, or will be made, available for this purpose to be certified by the Treasurer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*) authorizes the hiring of an attorney 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.

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

1. Leslie Parikh of Gebhardt & Kiefer, P.C., are hereby appointed to serve as Municipal Attorney for Independence Township during the year 2023 in order to provide legal services for Independence Township.
2. The Mayor and Committee shall enter into a mutually agreeable written compensation agreement with said Attorney within thirty (30) days of the date of this Resolution.
3. This Agreement is awarded without competitive bidding as a "Professional Service" under the provision of the Local Public Contracts Law, N.J.S.A. 40A:11-5.

**RESOLUTION AUTHORIZING THE AWARD OF A
NON-FAIR AND OPEN CONTRACT FOR THE POSITIONS
OF SPECIAL TAX COUNSEL
FOR THE TOWNSHIP OF INDEPENDENCE
CALENDAR YEAR 2023
RESOLUTION NO. 23-08**

WHEREAS, the Township of Independence has a need to acquire a Special Tax Counsel as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44A-20.5; and

WHEREAS, Martin Allen Esq., as Special Tax Counsel have determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of these contracts is one year; and

WHEREAS, Martin Allen Esq. has submitted a proposal indicating he will provide the following services of Special Tax Counsel

WHEREAS, Martin Allen Esq. have completed and submitted a Business Entity Disclosure Certification which certifies that the aforesaid have not made any reportable contributions to a political candidate or candidate for Township Committee in the previous one year, and that the contract will prohibit Martin Allen Esq. from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified that there are funds available for the procuring of these services pursuant to N.J.A.C. 5:30-5.4 pending approval by the Township Committee;

NOW THEREFORE, BE IT RESOLVED that the Mayor of the Township of Independence is authorized to enter into contract with Martin Allen Esq.as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution; and,

BE IT FURTHER RESOLVED that Notice of this Resolution will be published in the NJ Herald, the official newspaper of the Township of Independence.

RESOLUTION 23-09

**TOWNSHIP OF INDEPENDENCE
DESIGNATING THE PUBLIC AGENCY COMPLIANCE OFFICER**

WHEREAS, in accordance with N.J.A.C. 17:27-3.2 each public agency shall designate an individual to serve as its Public Agency Compliance Officer or P.A.C.O; and

NOW, THEREFORE, BE IT RESOLVED that the governing body of The Township of Independence, (hereinafter "Public Agency") in the County of Warren and State of New Jersey, hereby designates Dena M Hrebenak, R.M.C., as its Public Agency Compliance Officer;

BE IT FURTHER RESOLVED, that the Township Clerk forward a certified copy of this resolution to the New Jersey Department of Treasury, Division of Contracts Compliance and Equal Employment Opportunity in Public Contracts.

RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE

Warren County, New Jersey

No. 23-10

Date of Adoption: January 3, 2023

Title or Subject: APPOINTMENTS/ADJUSTMENTS

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

Gerrit Kinney-Patrolman First Class, at a rate of \$ 98,422.00 per annum effective January 1, 2023.

RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE

Warren County, New Jersey

No. 23-11

Date of Adoption: January 3, 2023

Title or Subject: APPOINTMENTS/ADJUSTMENTS

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

Joseph Bozzone-Patrolman Second Class, at a rate of \$ 92,454.00 per annum effective January 1, 2023.

RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE

Warren County, New Jersey

No. 23-12

Date of Adoption: January 3, 2023

Title or Subject: APPOINTMENTS/ADJUSTMENTS

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

Michael Meistrell-Patrolman Second Class, at a rate of \$ 92,454.00 per annum effective January 1, 2023.

RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE

Warren County, New Jersey

No. 23-13

Date of Adoption: January 3, 2023

Title or Subject: APPOINTMENTS/ADJUSTMENTS

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

Rafael Ortiz-Patrolman Second Class, at a rate of \$ 92,454.00 per annum effective January 1, 2023.

RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE

Warren County, New Jersey

No. 23-14

Date of Adoption: January 3, 2023

Title or Subject: APPOINTMENTS/ADJUSTMENTS

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

Khilian Bernard-Patrolman Third Class, at a rate of \$ 83,977.00 per annum effective January 1, 2023.

RESOLUTION OF THE TOWNSHIP OF INDEPENDENCE

Warren County, New Jersey

No. 23-15

Date of Adoption: January 3, 2023

Title or Subject: APPOINTMENTS/ POLICE OFFICER

BE IT RESOLVED by the Township Committee of the Township of Independence the following appointment is hereby made:

Jacob R Lloyd-Police Officer Fourth Class, at a rate of \$ 72,758.00 per annum effective January 1, 2023.

RESOLUTION OF THE INDEPENDENCE TOWNSHIP

Warren County, New Jersey

No. 23-16

Date of Adoption: January 3, 2023

Title or Subject: Approval of Kennel License-Happy Tails Inn

BE IT RESOLVED by the Township Committee of the Township of Independence, County of Warren and State of New Jersey, the Kennel license is hereby issued to Animal Control Officers Rebecca Burton and Jeff Eyre owners of Happy Tails Inn, 69 Route 46 East, Hackettstown New Jersey, the license commences on January 1, 2023 and terminates on December 31, 2023.

Mr. Pennington made a motion to approve Resolutions 23-01 through 23-16 as presented, which was seconded by Mayor Giordano.

Ayes: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mayor Giordano

Nays: None

Absent: Mrs. Kelsey

Abstain: None

ORDINANCE:

2023-01

CALENDAR YEAR 2023

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS

AND TO ESTABLISH A CAP BANK

(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township of Independence in the County of Warren finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the governing body hereby determines that a 1% increase in the budget for said year, amounting to \$34,175.32 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the governing body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township of the Independence, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Township of Independence shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$119,613.62, and that the CY 2023 municipal budget for the Township of Independence be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Second Reading 2.14.23

Mrs. Gesumaria made a motion to introduce Ordinance 2023-01 with a public hearing advertised to be held on February 14, 2023, which was seconded by Mr. Pennington.

Ayes: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mayor Giordano

Nays: None

Absent: Mrs. Kelsey

Abstain: None

Public Comment: none

Mayor Giordano advised Township Committee Meeting is January 10, 2023 at 7 pm and Budget Meeting is January 21, 2023 at 9 am.

Mr. Pennington made a motion to adjourn at 7:11 pm, which was seconded by Mrs. Gesumaria and carried by all.

Respectfully Submitted,

Dena M Hrebenak, RMC
Municipal Clerk/Administrator