

INDEPENDENCE TOWNSHIP COMMITTEE
Meeting held at the Municipal Building, Great Meadows, NJ.
February 14, 2023 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: Mr. Stuber, Mr. Pennington, Mrs. Gesumaria, Mrs. Kelsey, Mayor Giordano, and Dena Hrebenak. Also present were Attorney Leslie Parikh.

Absent:

Minute Approval: 12.13.22 and 1.10.23

A motion was made by Mr. Pennington to approve minutes 12.13.22 as written. Mrs. Kelsey seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: Mrs. Gesumaria, Mr. Stuber

A motion was made by Mrs. Gesumaria to approve minutes 1.10.23 as written. Mr. Stuber seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: Mr. Pennington

CONSENT AGENDA:

Resolution 23-19

SAFE AND SECURE COMMUNITIES PROGRAM

A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY FEDERAL GRANT PROGRAM ADMINISTERED BY THE 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 \$163,613.95 for an approximate project total cost of \$179,813.95 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 23-2112 for the period 8.11.22 to 8.10.23
2. The Attorney General will receive funds on behalf of the applicant.

3. The Department of Law & Public Safety, Office of the Attorney General shall be responsible for the receipt and review of the applications for said funds.
4. The Department of Law & Public Safety, Office of the Attorney General shall initiate allocations to each applicant as authorized.

Resolution 23-20

AUTHORIZING INDEPENDENCE FIRST AID SQUAD TO SOLICIT FUNDS IN THE ROADWAYS OF THE TOWNSHIP OF INDEPENDENCE

WHEREAS, Ordinance 2022-05 permits application to be made to the Township of Independence by charitable organizations to solicit funds in the roadway of the Township of Independence; and

WHEREAS, Independence First Aid Squad has submitted an application to the Municipal Clerk as required per said ordinance; and

WHEREAS, the dates and times of the charitable solicitation are listed within the written application submitted by the Independence First Aid Squad and included on this Resolution; and

WHEREAS, the Chief of Police of the Township of Independence has reviewed the application of the Independence First Aid Squad and has determined that there is no public safety reason for the Township of Independence to deny this application; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, of the Township of Independence, County of Warren, State of New Jersey, hereby grants permission for the Independence First Aid Squad to solicit funds on the roadways of Independence Township on the dates as set forth below.

2/26/2023, 3/05/2023, 3/12/2023, 3/19/2023, 3/26/2023, 4/02/2023, 4/09/2023, 4/16/2023, 4/23/2023, 4/30/2023, 5/07/2023, 5/14/2023, 5/21/2023, 5/28/2023, 6/04/2023, 6/11/2023, 6/18/2023, 6/25/2023, 7/2/2023, 7/9/2023, 7/16/2023, 7/23/2023, 7/30/2023, 8/06/2023, 8/13/2023, 8/20/2023, 8/27/2023, 9/03/2023, 9/10/2023, 9/17/2023, 9/24/2023, 10/1/2023, 10/8/2023, 10/15/2023, 10/22/2023, 10/29/2023, 11/5/2023, 11/12/2023, 11/19/2023, 11/24/2023, 11/26/2023

Resolution 23-22

A RESOLUTION AUTHORIZING THE TOWNSHIP OF INDEPENDENCE TO ENTER INTO A NATIONAL COOPERATIVE PURCHASING AGREEMENT

WHEREAS, N.J.S.A. 52:34-6.2(b)(3) authorizes local contracting units to utilize national cooperative contracts as a method of procurement and to enter into national cooperative pricing agreements for its administration; and

WHEREAS, Sourcewell Cooperative Purchasing Program, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a cooperative pricing system known as Sourcewell; and

WHEREAS, The Township of Independence, on January 31, 2023 applied for and were awarded membership (No. 39120) as an End User in the Sourcewell Cooperative purchasing program for the contract term commencing on January 2, 2020 and ending on December 20, 2023; and

WHEREAS, The Township of Independence, on January 30, 2023, duly advertised their intent to make a contract award under the Lead Agency's Sourcewell programs request for proposals under Sealed Bid/Proposal No. 110719-CNH-1;

NOW, THEREFORE, BE IT RESOLVED as follows: This RESOLUTION shall be known and may be cited as the National Cooperative Purchasing Resolution of the Township of Independence. Pursuant to the provisions of N.J.S.A. 52:34-6.2(b)(3), the Township Administrator is hereby authorized to enter into a cooperative pricing agreement with the Lead Agency based on the proposals submitted under Sourcewell program Sealed Bid/Proposal No. 110719-CNH-1. The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey. This Resolution shall take effect immediately upon passage.

Mr. Pennington made a motion to approve Resolutions 23-19, 23-20 and 23-22 as written. Mrs. Gesumaria seconded the motion with roll call as follows:

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

ORDINANCE:

2023-01 Second Reading/Public Comment

**CALENDAR YEAR 2023
MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

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

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

Mrs. Cullen asked about this ordinance. The CFO explained the ordinance. As no further comments or questions, a motion was made by Mrs. Kelsey to close the public hearing. Mr. Stuber seconded the motion with roll call as follows:

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

A motion was made by Mrs. Gesumaria to adopt Ordinance 2023-01 as written. Mr. Pennington seconded the motion with roll call as follows:

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

2023-02 Second Reading/Public Comment

**AN ORDINANCE BY THE INDEPENDENCE TOWNSHIP
COMMITTEE AMENDING THE TOWNSHIP OF INDEPENDENCE
CODE OF ORDINANCES TO REPEAL CHAPTER 222 FLOOD
DAMAGE PREVENTION AND TO ADOPT A NEW CHAPTER 222
ENTITLED FLOODPLAIN MANAGEMENT AND ADOPTING
FLOOD HAZARD MAPS; DESIGNATING A FLOODPLAIN
ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND
AN EFFECTIVE DATE.**

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

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

As there were no comments, a motion was made by Mrs. Kelsey to close the public hearing. Mr. Stuber seconded the motion with roll call as follows:

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

Nays: None recorded
Abstain: None recorded

A motion was made by Mrs. Kelsey to adopt Ordinance 2022-02 as written. Mr. Stuber seconded the motion with roll call as follows:

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

2023-03 First Reading/Public Comment

AN ORDINANCE OF THE TOWNSHIP OF INDEPENDENCE, COUNTY OF WARREN AND STATE OF NEW JERSEY, TO BE INCLUDED AS CHAPTER 356, "TAXATION," OF THE TOWNSHIP CODE TO ESTABLISH ARTICLE I, "100% DISABLED VETERAN TAX REFUNDS"

WHEREAS, pursuant to N.J.S.A. 54:4-3.30, the dwelling house and the lot or curtilage whereupon the same is erected, of any citizen and resident of this State, honorably discharged or released under honorable circumstances, from active service, in time of war, in any branch of the Armed Forces of the United States, who has been or shall be declared by the United States Veterans Administration or its successor to have a service-connected disability declared by the United States Veterans Administration or its successor to be a total or 100 percent permanent disability, and not so evaluated solely because of hospitalization or surgery and recuperation, sustained through enemy action, or accident, or resulting from disease contracted while in such active service, shall be exempt from taxation on proper claim made therefor; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.31, upon review and approval of the required documentation by the municipal tax assessor, the assessor shall allow said exemption from taxation for the tax year in which the claim was filed; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.32, the governing body of each municipality, by appropriate resolution, may return all taxes collected on property from prior years which would have been exempt had proper claim been timely made in writing; and

WHEREAS, the statutory intent to grant discretion to the governing body of every municipality has been affirmed by court decisions that have held that a municipality has discretion to grant or deny a taxpayer a retroactive refund of property taxes that has been paid from the effective date of the disability as determined by the United States Department of Veterans Affairs as set forth in N.J.S.A. 54:4-3.32; and

WHEREAS, the Township Committee desires to establish a formal policy providing that a retroactive refund of property taxes as set forth in N.J.S.A. 54:4-3.32 shall be limited to the current year of the submission of a proper claim to the tax assessor as required by N.J.S.A. 54:4-30.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Independence in the County of Warren and State of New Jersey as follows:

SECTION 1. Chapter 356 of the Code of the Township of Independence, entitled "Taxation," is hereby established as follows:

Article I 100% Disabled Veteran Tax Refunds.

356-1 Definitions

"Dwelling House" as used in this Article, shall mean any one-family building or structure or unit in a horizontal property regime or condominium or multiple-family building or structure on that portion occupied by the claimant as his legal residence including any outhouses or appurtenances used for the dwelling's fair enjoyment.

"Curtilage" as used in this Article, shall mean the enclosed space of ground and buildings immediately surrounding the dwelling house and enjoyed with it for its more

convenient occupation. In no event shall the “curtilage” exceed the minimum lot size in the zone in which the dwelling house and associate property are located.

§ 356-2 Property Tax Refunds

Pursuant to N.J.S.A. 54:4-3.30, the dwelling house and curtilage whereupon the same is erected, of a 100% disabled veteran (as defined in N.J.S.A. 54:4-3.30) shall be exempt from taxation on proper claim made therefor. A refund of property taxes pursuant to N.J.S.A. 54:4-3.32 shall be granted provided that the applicant submits a complete application to the Tax Assessor as required by N.J.S.A. 54:4-3.30. A retroactive refund of property taxes as set forth in N.J.S.A. 54:4-3.32 shall be limited to the date of the submission of a proper claim to the Tax Assessor as required by N.J.S.A. 54: 4-3.30.

SECTION 2. All Ordinances of the Township of Independence that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This ordinance shall take effect immediately upon publication as required by law.

Mrs. Kelsey made a motion to introduce Ordinance 2023-03 with a public hearing advertised to be held on March 14, 2023, which was seconded by Mr. Stuber.

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

Second Reading March 14, 2023

DEPARTMENT REPORTS:

Tax Collector – Report submitted via email

Construction/Zoning – Reports submitted via email.

Environmental – No meeting

Treasurer – Working on Budget

Recreation/Green Acres – Adult Community going well. Signup for Spring Sports

Police – Report submitted via email

Emergency Services – Sam Vasquez gave a report on squad. Chief Snyder gave a report and breakfast in March.

DPW – All is going well.

Municipal Clerk: nothing to report. Executive meeting item

Land Use Board – No meeting

.

PROFESSIONAL REPORTS:

Attorney Parikh: Items for executive meeting

Engineer Finelli: report submitted.

OLD BUSINESS: none

NEW BUSINESS: none

PUBLIC COMMENT: Mr. Wiseman asked about the donation to the first aid squad. Mrs. Tomlinson asked about an OPRA request she submitted and questioned about the police report being on facebook. Mrs. Cullen asked about the truck traffic resolution from the county and the floodplain.

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

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

EXECUTIVE SESSION: 7:37 pm – 8:08 pm

The following Resolution was approved at 7:37 p.m. to enter Executive Session with a motion by Mrs. Kelsey, seconded by Mr. Stuber 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:

Litigation

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 Mrs. Gesumaria at 8:08 p.m. to return to regular session, seconded by Mrs. Kelsey.

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

Resolution 2023-21

RESOLUTION AUTHORIZING ADDITIONAL TAX REIMBURSEMENT AND SETTLEMENT

WHEREAS, pursuant to N.J.S.A. 54:4-3.30, “the dwelling house and the lot or curtilage whereon the same is erected” of a 100% disabled veteran shall be exempt from the payment of property taxes upon the filing of a proper application; and

WHEREAS, pursuant to N.J.S.A. 54:4-32, it is within the governing body’s discretion to return all property taxes paid retroactive to the time of actual disability; and

WHEREAS, the owner of the property (the “Property Owner”) designated as Block 13, Lot 60 on the Tax Maps of the Township of Independence (the “Property”), filed a Claim for Property Tax Exemption on Dwelling of Disabled Veteran or Serviceperson dated September 27, 2022;

WHEREAS, the Property Owner was determined to be 100% disabled by the United States Veterans Administration pursuant to a decision dated September 24, 2021; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.32 and by way of Resolution #22-72, passed on December 13, 2022, the

Township Committee declared that the Property Owner was entitled to a tax refund for a portion of the Property for the prorated tax year 2022 commencing from the time of the filing of the Claim for Property Tax Exemption on Dwelling of Disabled Veteran or Serviceperson (i.e. September 27, 2022); and

WHEREAS, the Mayor and Committee have elected to exercise their discretion pursuant to N.J.S.A. 54:4-3.30 and 3.32 to exempt the entire Property from taxation and return all property taxes paid since the time of the Property Owner's actual disability (i.e. September 24, 2021); and

WHEREAS, in connection with the aforementioned determination, the Mayor and Committee are desirous to refund the property owner retroactively to the effective date of disability stated in the Veteran Administration letter for any taxes paid by the owner in excess of the refund amount previously authorized pursuant to Resolution #22-72; and

WHEREAS, these amounts include \$3,712.55 for the year 2021 and \$8,981.07 for the year 2022.

WHEREAS, said refund shall be issued within thirty (30) days of the signing of a Release Agreement between the parties.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Township Committee has elected to exercise their discretion pursuant to N.J.S.A. 54:4-3.30 to exempt the entirety of the Property designated as Block 13, Lot 60 on the Tax Maps of the Township of Independence from taxation.

BE IT FURTHER RESOLVED, that the Mayor and Township Committee has elected to exercise its discretion pursuant to N.J.S.A. 54:4-3.32 to return all property taxes paid since the time of the Property Owner's actual disability (i.e. September 24, 2021).

BE IT FURTHER RESOLVED, that the Chief Financial Officer be and hereby is authorized to issue a refund in the amount of Twelve Thousand, Six Hundred Ninety-Three Dollars and Sixty-Two Cents (\$12,693.62) which represents full reimbursement for the payment of property taxes for the entirety of the aforementioned property beginning September 24, 2021, based on the Claim for Property Tax Exemption on Dwelling of Disabled Veteran or Serviceperson as indicated below:

<u>Block/Lot</u>	<u>Address</u>	<u>Year(s)</u>	<u>Amount</u>
Block 13/60	10 Heather Lane	2021	\$3,712.55
		2022	\$8,981.07

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute the Release Agreement in substantially the same form as attached hereto.

BE IT FURTHER RESOLVED, this Resolution shall take effect immediately.

Mrs. Gesumaria made a motion to approve Resolutions 23-21 as written. Mayor Giordano seconded the motion with roll call as follows:

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

Abstain: None recorded

Mayor Giordano appointed Harry Noble to the Land Use Board as Class II.

ADJOURNMENT: A motion was made by Mrs. Kelsey to adjourn the meeting at 8:10 p.m. Mrs. Gesumaria seconded the motion with roll call as follows:

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

Nays: None recorded

Abstain: None recorded

Respectfully submitted,

Dena M. Hrebenak, RMC
Municipal Clerk/Administrator