

A regularly scheduled meeting of the Township of Liberty was held in the Municipal Building, 349 Mountain Lake Road, Great Meadows on 2 June 2011. The meeting was opened by Mayor John Inscho with Adequate Notice of Meeting and the Pledge of Allegiance at 7:00 p.m.

Present: Mayor John Inscho; Deputy Mayor Mark Tibak; Dan Grover, and John Fisher

Absent: Ron Petersen

Also, Present: Wassim Nader, Municipal Engineer; and, Roger Skoog, Municipal Attorney

REPORTS

NEW JERSEY STATE POLICE

A Trooper of the Washington Township Barracks reported the following activity within Liberty Township for the month of May 2011;

- ✓ two 911 hang-ups
- ✓ 5 alarm responses
- ✓ 3 community policing
- ✓ 2 fire call
- ✓ 9 medical assists
- ✓ 9 motor vehicle stops
- ✓ 21 property checks
- ✓ 1 wellbeing check

COMMITTEEPERSON FISHER

Committeeperson Fisher reported that a response letter had been received from the Board of Education.

COMMITTEEPERSON GROVER

Committeeperson Grover reported that the new Air Conditioning units as per the Direct Install Program had been installed.

DEPARTMENT OF PUBLIC WORKS

Steve Romanowitch, CPWM, presented the following verbal report:

- ✓ Mowing continues around the municipality at intersections and guiderails
- ✓ Ten damaged drains have been rebuilt
- ✓ Eighteen trees have been taken done in the annual tree removal program
- ✓ Danville Mountain Road is being prepared for paving later this summer

MUNICIPAL ENGINEER

Block 20, Lots 21 and 22 (Kerick) – There is one comment regarding the drainage design calculations to be addressed by the engineer. The Land Use Board application was reviewed and comments were issued.

Hillcrest Road residence – It was reported that the property drainage is appropriate. The property is ok to continue with the driveway pavement. The Municipal Engineer suggested that the escrow be replenished with an additional \$1,500.00 prior to the issuance of the CO. The construction official is to be made aware of this stipulation.

Jenny Jump Avenue Vacation

The Municipal Engineer reported that Jenny Jump Avenue vacation has been reviewed and comments submitted.

Birch Drive Lot Line Adjustment

The Municipal Engineer has yet to review the request

Ordinance Review

Chapter 61 (Flood Damage Prevention) – Comments had been submitted regarding the effective Flood Insurance Study

Chapter 94 (Trailers) – No action required on the part of the Municipal Engineer

Municipal Building Damage

The revised impact damage to municipal building report has been submitted.

NJDOT Grant Application

The Municipal Engineer's office is coordinating the access to the SAGE system thru NJDOT for the Township to receive a grant invitation from NJDOT

MUNICIPAL CLERK

Spring Clean-Up Days 2011 – Spring Clean-Up days were conducted 2 May 2011 through 14 May 2011 with a total of 60.78 ton collected. The smallest load collected was on 10 May 2011 at 0.02 (gray ford) and the largest on 13 May at 2.34 (white truck and trailer) at a total municipal cost of \$5,883.07.

2011 Officials Directories – The 2011 Officials Directories have been received from Good Impressions of Washington, NJ at the cost of \$130.18 for 2000 copies.

Records Purging – Records purging has begun by the Tax Assessor, Land Use Board and the registrar documents.

Homestead Rebate Reimbursements – Homestead rebate reimbursements were to be received by the municipality in May 2011 in the amount \$88,859.08 and an additional few hundred was received for mailing reimbursement.

Warren County Auction – The annual County Auction is scheduled for Saturday, 10 September 2011. The auction is for the sale of no longer needed vehicles, furniture, lawn equipment and any excess equipment.

Municipal Attorney Contract – The Municipal Attorney's contract was reviewed and to be amended with a 2% pay increase. A motion by John Fisher authorizing the Mayor to execute said contract carried.

2011 Acquisition Interest in the Lodge – A listing of nine individuals with interest in the acquisition of the Lodge was distributed to the township committee.

LANDUSE

A pre-printed report was received from the Municipal Land Use Board for May 2011 and presented to members of the Township Committee for review.

TAX COLLECTOR

A pre-printed report was received from the Tax Collector for May 2011 and presented to members of the Township Committee for review.

ENVIRONMENTAL COMMISSION

A pre-printed report was received from the Environmental Commission for May 2011 and presented to members of the Township Committee for review.

RECREATION COMMISSION

A pre-printed report was received from the Recreation Commission for May 2011 and presented to members of the Township Committee for review.

APPROVAL OF MINUTES

A motion by Mark Tibak to adopt the public and executive session minutes of 5 May 2011 carried. John Fisher abstained.

A motion by John Inscho to adopt the public and executive session minutes of 26 May 2011 carried. Mark Tibak abstained.

OLD BUSINESS

NJDEP GROUND WATER GENERAL PERMIT AUTHORIZATION – It was reported that no response has been received from the NJDEP to the Mayor’s inquiry on the need for a 2011 NJDEP Ground Water General Permit Authorization at the Lodge.

MUNICIPAL CODE, CHAPTER 38, ALARMS – The Municipal Attorney reported that he is waiting to receive suggested amendments from Steve Matuszek, Chief of the Mountain Lake Fire Company regarding the Municipal Code, Chapter 38, Alarms.

MUNICIPAL CODE, CHAPTER 94, TRAILERS – The Mayor reported that he would speak with the Municipal Zoning Official regarding enforcement of Chapter 94.

IT QUOTES – The subcommittee of Tibak and Grover stated that they would be prepared to discuss IT quotes at the next meeting.

NEW BUSINESS

AUDIT 2010 - Following discussion on Audit Findings, a motion by Dan Grover to authorize the members of the governing body to execute the Group Affidavit Form and adopt the following resolutions carried.

NO PHOTO COPIES OF SIGNATURES GROUP AFFIDAVIT FORM
CERTIFICATION OF GOVERNING BODY

STATE OF NEW JERSEY
COUNTY OF WARREN
LIBERTY TOWNSHIP

We, members of the Township Committee of the Township of Liberty, County of Warren, being duly sworn according to law, upon our oath depose and say:

- We are duly elected (or appointed) members of the Liberty Township Committee Members of the Township of Liberty in the County of Warren.
- In the performance of our duties, and pursuant to N.J.A.C. 50:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6 for the year 2010.

We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations"

John E Inscho, Mayor

Mark Tibak, Deputy Mayor

ABSENT

Ronald Petersen, Committeeperson

Daniel Grover, Committeeperson

John Fisher, Committeeperson

Resolution #2011.58

WHEREAS, N.J.S.A. 40A: 5-4 requires the township committee 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 2010 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 township committee; and

WHEREAS, R.S. 52:2788-34 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. 50:30-6.5, a regulation requiring that the township committee 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 township committee 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 township committee attached hereto; and

WHEREAS, Such resolution of certification shall be adopted by the township committee 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 township committee 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 township committee 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 township committee who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon convictions, may be fined not more than one thousand dollars (\$1,000.00) 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 Liberty hereby states that is 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.

Vote: aye - Fisher
absent - Petersen
aye - Grover
aye - Tibak
aye - Inscho

John Inscho,
Mayor

ABC LICENSE RENEWALS – Following discussion, a motion by Mark Tibak to adopt the following Resolution carried.

Resolution #2011.59
Issuance of 2011-2012 Liquor Licenses

BE IT RESOLVED, By the township committee of the Township of Liberty, County of Warren and State of New Jersey, that the following licenses have made application for the renewal of Plenary Retail Consumption Licenses and Plenary Retail Distribution Licenses and having complied with all the terms of the Liberty Township Municipal Code, Chapter 39, Alcoholic Beverages, be renewed for the premises indicated by the address below with the respective names, for the term of one year from the first day of July 2011, to midnight, 30 June 2012;

| | |
|-------------------------|---|
| John Patrick Kellys Inc | 38 Hope Road Great Meadows, New Jersey 07838 License # 2114.33.004.003 Fee: \$871.93 |
|-------------------------|---|

| | |
|----------------------|---|
| House of Liquors LLC | 514 Route 46 Oxford, New Jersey 07863 License #2114.44.005.004 Fee: \$871.93 |
|----------------------|---|

Vote: aye - Fisher
absent - Petersen
aye - Grover
aye - Tibak
aye - Inscho

John Inscho,
Mayor

A motion by Mark Tibak to adopt the following Resolution carried.

Resolution #2011.60

Issuance of 2011-2012 Liquor Licenses

BE IT RESOLVED, By the township committee of the Township of Liberty, County of Warren and State of New Jersey, that the following license has made application for the renewal of Plenary Retail Consumption License and having complied with all the terms of the Liberty Township Municipal Code, Chapter 39, Alcoholic Beverages; and, that this license is renewed pursuant to a 12:39 Special Ruling of 4 October 2010, Docket No. 07.10.6598, be renewed for the term of one year from the first day of July 2011, to midnight, 30 June 2012;

Sandbox Spirits LLC

Carmen Pio Costa
1275 Bloomfield Avenue
Fairfield, New Jersey 07004
License #2114.33.007.006
Fee: \$871.93

Vote: aye - Fisher
absent - Petersen
aye - Grover
aye - Tibak
aye - Inscho

John Inscho,
Mayor

PAYMENT OF BILLS

A motion by John Fisher to adopt the following Resolution carried.

Resolution #2011.61
Payment of Bills

RESOLVED, that the township committee of the Township of Liberty, does hereby authorize the Finance Department to pay all vouchers when properly endorsed and approved by at least 3/5 majority of the township committee in the amount of \$443,477.34.

Vote: aye - Fisher
absent - Petersen
aye - Grover
aye - Tibak
aye - Inscho

John Inscho,
Mayor

PUBLIC COMMENT was opened at 7:30 pm.

Virginia Brady – Presented concerns regarding tree removal and excavating on a Hillcrest Drive site. The Municipal Engineer is to investigate.

Alice Bechok - Questioned the 2011 Clean Communities funding and projects. She also questioned the large amount of dead fish within the lake. The Municipal Clerk was directed to contact the Pequest Hatchery.

Lisa Thomas – Informed the township committee that the Lodge deck was in need of repair.

Robert Ishka – Informed the township committee that the boat launch dock is in need of repair and there are two vacated canoes chained behind the Lodge. The Department of Public Works was directed to investigate.

Lynn Gilmore – Stated that the Lodge auction sign needs to be elevated to read the auction date. She volunteered to clean the Lodge for the Open House on the morning of 11 June 2011.

Michael Doyle – As chairperson of the Recreation Commission, Mike Doyle reported that the Commission was in possession of a Kawasaki Mule SUV recently acquired for field and beach maintenance tasks. Following discussion it was agreed that the Department of Public works would be responsible for the engine maintenance of the SUV and storage of the unit. The Recreation Commission would follow through with the insurance company and create a list of potential drivers and copies of their drivers licenses. The township committee reiterated that the SUV would not be for any off road use or transport. Mike Doyle also informed the township committee that construction of the dugouts would reconvene after baseball season had concluded.

PUBLIC COMMENT closed at 7:50 pm

At 7:50 pm a motion by Dan Grover to adopt the following Resolution carried.

Resolution #2010.62

WHEREAS, The Open Public Meetings Act P.L. 1975, Chapter 231 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 exists; and

WHEREAS, The governing body may wish to discuss any of the following conditions; confidential provisions of Federal Law or State Statute; information that may impair receipt of federal funding; invasion of individual privacy; collective bargaining agreement; real property negotiations; litigation; and, personnel and personnel policy. Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

- ✓ Contractual Bargaining Agreement
- ✓ Personnel

NOW, THEREFORE, BE IT RESOLVED, That the public be excluded from this meeting.

Vote: aye - Fisher
 absent - Petersen
 aye - Grover
 aye - Tibak
 aye - Inscho

 John Inscho,
 Mayor

At 8:44 pm, a motion by Mark Tibak to reconvene the public meeting carried.

AUCTION RESOLUTION – Following discussion a motion by John Inscho adopting the following Resolution carried.

Resolution #2011.62

Resolution Authorizing the Auction and Advertising for Bids to Sell Certain Land Owned by the Township of Liberty

WHEREAS, Tax Block 52, Lot 43.01 and Block 44, Lot 1.01 owned by the Township of Liberty are not needed for public purposes, and are therefore excess lands; and

WHEREAS, It is in the best interest of the Township of Liberty to advertise for this property to be sold at public sale to the highest bidder at public auction; and

NOW, THEREFORE, BE IT RESOLVED, By the Township Committee of the Township of Liberty, County of Warren, State of New Jersey as follows:

1. The above property shall be advertised for public sale by public auction pursuant to all requirements and procedures set forth in the Local Lands and Buildings Law (NJSA 40A:12-1 et seq.) subject to the following conditions;

(a) Bids shall be received by the Township Clerk on 28 July 2011 at the Lodge Restaurant within the Township of Liberty at 11 Lakeside Drive East, Great Meadows, New Jersey, in the manner of a public auction in accordance with procedures to be announced by the Administrator of Liberty Township who shall be administering the public auction on behalf of the Township of Liberty

(b) All bids shall be referred to the Township Committee for review and final approval pursuant to NJSA 40A:12-13a. The Township of Liberty reserves the right to accept the highest bidder or to reject any and all bids as described herein, including the highest bid, and shall make its decision known by Resolution within twenty-one (21) days after bids are received

(c) A minimum bid of \$250,000.00 has been established as the lowest sum to be considered for acceptance by the Township Committee

(d) Bidders shall have the option of making payment as follows:

Cash or certified check within fifteen minutes of the close of bidding (Ten Percent) 10%

Plus

Cash or certified check at a closing to be held on or before 45 days (or as otherwise may be established by Liberty Township) after the committee's acceptance of the bidder's bid

(e) Upon the closing of bidding, the highest qualified bidder, as designated by the Township Clerk, shall submit cash or certified check in the amount of 10% of his bid and shall immediately execute an offer to purchase at his bid price, which offer shall include the terms and conditions specified herein.

(f) Title shall be conveyed by Bargain and Sale Deed with final payment to be made as described in (d) above on the closing date as established herein.

(g) Bids shall be received for the property: Subject to the following restrictions and conditions: A restrictive covenant will be inserted in the deed which will remain in effect for a period of five years from the date of conveyance. The covenant shall restrict the parcel to be used only for restaurant purposes. The term restaurant as used herein shall mean the onsite preparation of hot and cold food stuffs for retail sale and consumption on premises. It shall however, also allow for "take out" services and the sale of alcoholic beverages for consumption on or off site. Specialty foods and beverages not prepared on site may also be sold to the public from the premises. The term restaurant may include what is commonly known as pizzerias, delicatessen or other like businesses.

In addition, a restrictive covenant will be inserted in the deed which will attach to and run with land forever which will limit the height of any buildings on the parcel to one story but in no event greater than fifteen (15) feet in height from ground level.

(h) Failure to comply with any of the above requirements or to close on or before 45 days of acceptance of the bid by Liberty Township shall entitle the Township of Liberty to rescind prior bid approval, terminate any and all rights of the designated bidder in said property and retain all monies therefore deposited.

(i) All lots are conveyed subject to existing encumbrances, liens, zoning regulations, easements, other restrictions, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting said property. Further, the lands and buildings being sold herein are being conveyed without any warranties or guarantees as to the condition of the land and buildings or contents there in. The lands, buildings, and contents are being sold in an "as is" condition.

Vote: aye - Fisher
absent - Petersen
aye - Grover
aye - Tibak
aye - Inscho

John Inscho,
Mayor

COMMUNITY DAY – Following discussion and review by the Municipal Attorney, a motion by Dan Grover authorizing the Mayor to execute the 2011 contract between the Township of Liberty and New Jersey Partyworks and Sammy’s Amusements carried.

ADJOURNMENT - There being no further business, a motion by John Inscho to adjourn the meeting carried.

Meeting adjourned at 8:48 p.m.

Diane M Pflugfelder RMC/CMC
Municipal Clerk/Administrator
Minutes Approved 7 July 2011