

A regularly scheduled meeting of the Township of Liberty was held in the Municipal Building, 349 Mountain Lake Road, Great Meadows on 6 October 2011. The meeting was opened by Mayor John Inscho with Adequate Notice of Meeting and the Pledge of Allegiance at 7:06 p.m.

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

Also, Present: Roger Skoog, Municipal Attorney

## REPORTS

### COMMITTEEPERSON GROVER

Dan Grover inquired into the completion of the firehouse direct install improvements. Issue is to be forwarded to attention of the Mountain Lake Fire Company President.

### DEPARTMENT OF PUBLIC WORKS

Steve Romanowitch, CPWM, presented the following verbal report:

- ✓ The last day of employment for part-time employee, John Cerny, was 30 September 2011
- ✓ The DPW staff would be attending a hearing conservation class on Friday, 7 Oct 2011
- ✓ Mountain Lake cleanup is in progress to prepare for the Joan Knechel Memorial Walk scheduled for 16 October 2011

### JOHN INSCHO

Mayor Inscho reported that he was in receipt of the survey showing monitoring of 24 points along Lewis Lane. At this time the points are stable and will continue to be monitored in a rain event.

Mayor Inscho also requested that the Township Committee members be setup with blog access to the municipal website and an email bank be created. Mark Tibak will follow up on this issue.

### MUNICIPAL ZONING

A pre-printed report was received from the Municipal Zoning Official for September 2011 and presented to members of the Township Committee for review

### MUNICIPAL TAX COLLECTOR

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

### MUNICIPAL CLERK/ADMINISTRATOR

A pre-printed report was received from the Municipal Clerk/Administrator for September 2011 and presented to members of the Township Committee for review.

## APPROVAL OF MINUTES

A motion by Ron Petersen to adopt the public and executive session minutes of 4 August 2011 carried.

A motion by Ron Petersen to adopt the public and executive session minutes of 25 August 2011 carried.

A motion by Ron Petersen to adopt the emergency meeting minutes of 9 September 2011 carried. Mark Tibak abstained.

A motion by Ron Petersen to adopt the public session minutes of 15 September 2011 with the following amendments from Dan Grover carried.

- Resolution #2011.86 to reflect an aye vote from Dan Grover
- Resolution #2011.087 to reflect an aye vote from Dan Grover

A motion by John Inscho to adopt the public and executive session minutes of 22 September 2011 carried.

OLD BUSINESS

ORD. #2011.010 - PUBLIC HEARING - A motion by John Inscho to open public hearing carried. A motion by John Inscho to close public hearing carried. A motion by John Inscho to adopt the following resolution carried

Resolution #2011.093  
Adoption of ORD. # 2011.010

*WHEREAS*, said Ordinance entitled "An Ordinance Granting Renewal of Municipal Consent to Comcast of Northwest New Jersey, LLC, to Construct, Connect, Operate and Maintain a Cable Television and Communications System in Liberty Township, New Jersey" was passed on first reading on 15 September 2011 and

*WHEREAS*, the public hearing of said Ordinance has been held as advertised and is now closed,

*NOW, THEREFORE, BE IT RESOLVED* by the Township Committee of the Township of Liberty, County of Warren and State of New Jersey that the Ordinance entitled "An Ordinance Granting Renewal of Municipal Consent to Comcast of Northwest New Jersey, LLC, to Construct, Connect, Operate and Maintain a Cable Television and Communications System in Liberty Township, New Jersey" be passed on second reading and final adoption.

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

\_\_\_\_\_  
John Inscho,  
Mayor

NEW JERSEY STATE POLICE

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

- ✓ five 911 hang-ups
- ✓ 4 alarm responses
- ✓ 7 community policing
- ✓ 7 critical infrastructure checks
- ✓ 2 fire call
- ✓ 9 medical assists
- ✓ 2 motor vehicle accidents
- ✓ 13 motor vehicle stops
- ✓ 41 property checks
- ✓ 2 wellbeing check
- ✓ 1 missing persons
- ✓ 3 property damage/disputes
- ✓ 1 verbal dispute

MUNICIPAL CODE, CHAPTER 38, ALARMS

It was announced that the review of Chapter 38, Alarms is ongoing.

MUNICIPAL CODE, CHAPTER 94, TRAILERS

It was announced that the review of Chapter 94, Trailers is ongoing.

ALARM SYSTEM EXPANSION BID SPECIFICATIONS

It was announced that the expand consideration was no longer being considered.

NEW BUSINESS

ORDINANCE #2011.011 - Following discussion, a motion by John Inscho to introduce Ordinance #2011.011 on First Reading carried unanimously. Public Hearing and Adoption are scheduled for 3 November 2011.

Bond Ordinance Providing for Various Improvements in and for the Township  
of Liberty and Appropriating the Aggregate Amount of \$775,000  
Therefor and Authorizing the Issuance of \$736,250 Bonds or Notes  
of the Township for the Financing of the Cost Thereof and Providing  
for the Down Payment for Said Improvements to be Undertaken in and  
by the Township of Liberty, in the County of Warren, New Jersey

BE IT ORDAINED By the Township Committee of the Township of Liberty, in the County of Warren, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

Section 1. The improvements and purposes described in Section 3 of this bond ordinance are hereby authorized as Water-Sewer Utility capital improvements to be made, acquired or undertaken by the Township of Liberty, County of Warren, New Jersey (hereinafter "Township"). For said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$775,000, said sum being inclusive of all appropriations heretofore made therefore, amounting in the aggregate to \$775,000 including the sum of \$38,750 as the down payment from the Capital Improvement Fund, or other legally available funds of the Township. The down payment is now available by virtue of a provision in the currently adopted budget or a previously adopted budget of the Township and is currently available for down payment or capital improvement purposes, as required by the Local Bond Law of New Jersey, N.J.S.A. 40A:2-1 et seq. (the "Law").

Section 2. For the financing of said improvements or purposes and to meet part of said \$775,000 appropriation not otherwise provided for hereunder, negotiable bonds of the Township are hereby authorized to be issued in the principal amount not to exceed \$736,250, pursuant to the Local Bond Law. In anticipation of the issuance of bonds, negotiable bond anticipation notes (the "Notes") of the Township in an amount not to exceed \$736,250 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. All Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the

Township (the “Chief Financial Officer”); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer in accordance with the Local Bond Law. The Chief Financial Officer shall determine all matters in connection with the Notes issued pursuant to this ordinance; and the Chief Financial Officer’s signatures upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

Section 3. The improvements hereby authorized and the purposes, the estimated cost of such improvements and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for said improvements and the periods of usefulness of said improvements are as follows:

<u>Improvement/Acquisition</u>	<u>Estimated Cost</u>	<u>Down payment (Capital Improvement Fund)</u>	<u>Maximum Amount of Bonds/Notes</u>	<u>Useful Life (Years)</u>
1.) Township Casino structure-building demolition, disposal, site improvement, and stabilization, to include all equipment, costs, and appurtenances necessary therefor or incidental thereto.	\$75,000	\$3,750	\$71,250	15
2.) Lakeshore Drive North-road repairs and reconstruction and drainage improvements, to include all equipment, costs, and appurtenances necessary therefor or incidental thereto.	\$125,000	\$6,250	\$118,750	10
3.) Lewis Lane-road repairs and reconstruction, drainage improvements, and retaining wall repair, replacement and reconstruction, to include all equipment, costs, and appurtenances necessary therefor or incidental thereto.	\$450,000	\$22,500	\$427,500	10
4.)Slope reconstruction of Township property including but not limited to site improvement, and stabilization, to include all equipment, costs, and appurtenances necessary therefor or incidental thereto.	\$125,000	\$6,250	\$118,758	15
<b>TOTALS:</b>	<b>\$775,000</b>	<b>\$38,750</b>	<b>\$736,250</b>	

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses of the Township and are improvements that the Township may lawfully undertake as Water-Sewer Utility improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness is within the limitations of the Local Bond Law. Taking into consideration the amount of the obligations authorized for each purpose, according to the reasonable life of each purpose, computed from the date of the bonds authorized by the bond ordinance, the average period of usefulness is 11.3 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$736,250 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$160,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 5. The capital budget of the Township of Liberty is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 7. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. The Township reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this ordinance and paid prior to the issuance of any bonds or notes authorized by this ordinance with the proceeds of such bonds or notes. This Section is intended to be and hereby is a declaration of the Township's official

intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.150-2, and no action (or inaction) will be an artifice or device in accordance with Treasury regulation 1.148-10 to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements.

Section 9. The Township Committee of the Township hereby covenants on behalf of the Township that to the extent any debt obligations are issued as tax-exempt debt obligations to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of such debt obligations authorized hereunder as is required under the Internal Revenue Code of 1986, as amended, including compliance with said Code with regard to the use, expenditure, investment, timely reporting and the rebate of investment earnings as may be required thereunder.

Section 10. The provisions of this ordinance are severable, to the extent that any clause, phrase, sentence, paragraph, or provision of this ordinance shall be declared void, illegal or unconstitutional, the remaining provisions shall continue in full force and effect.

Section 11. To the extent that any previous ordinance or resolution is inconsistent with or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**RESOLUTIONS**

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

Resolution #2011.094  
 Resolution Authorizing an Emergency Appropriation of \$215,000  
 Pursuant to N.J.S.A. 40a:4-54 as a Special Emergency Appropriation  
 for Extraordinary Expenses for the Repair of Streets and Public Property Damaged  
 as a Result of Hurricane and/or Flood in and by the Township of Liberty,  
 in the County of Warren, New Jersey

*BE IT ORDAINED* By The Township Committee Of The Township Of Liberty, In The County Of Warren, New Jersey, As Follows:

Section 1. The Township Committee of the Township of Liberty, County of Warren, New Jersey (hereinafter referred to as the “Township”), pursuant to N.J.S.A. 40A:4-54 hereby appropriates the sum of \$215,000 as a Special Emergency Appropriation for the purpose set forth in Section 2 hereof.

Section 2. The purpose for which said Special Emergency Appropriation is made is:

Purposes	Estimated Cost

Emergency debris and tree removal from Township Roads and property resulting from flooding caused by Hurricane Irene and Tropical Storm Lee for which the Governor had declared a state of emergency, including all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto.	\$215,000
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Section 3. The purpose described in Section 2 of this resolution is not a current expense and is property or an improvement which the Township may lawfully make, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

Section 4. Any grant or other moneys received for the purposes described in Section 2 hereof, shall be applied either to direct payment of the cost of the purpose.

Section 5. To the extent that any previous resolution is inconsistent with or contradictory hereto, said resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 6. The provisions of this resolution are severable. To the extent any clause, phrase, sentence, paragraph or provision of this resolution shall be declared invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

Section 7. This Resolution shall take effect at the time and in the manner prescribed by law.

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

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 John Inscho,  
 Mayor

A motion by John Inscho authorizing to adopt the following Resolution carried.

Resolution #2011.095  
 Community Planning Month Proclamation

*WHEREAS*, New Jersey municipalities, counties, and regional planning entities continually face changes in their communities and natural environment, and

*WHEREAS*, Community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

*WHEREAS*, Community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

*WHEREAS*, The full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

*WHEREAS*, The American Planning Association has designated the month of October as National Community Planning Month throughout the United States of America and its territories to highlight the contributions of sound planning and plan implementation, and

*WHEREAS*, The celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning and zoning boards and other citizen volunteers who have contributed their time and expertise to the improvement of Liberty Township, New Jersey; and

*WHEREAS*, We recognize the many valuable contributions made by professional planners in Liberty Township, New Jersey and extend our heartfelt thanks for the continued commitment to public service by these professionals;

NOW, THEREFORE, BE IT RESOLVED THAT, The month of October 2011 is hereby designated as Community Planning Month in Liberty Township, New Jersey in conjunction with the celebration of National Community Planning Month.

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

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John Inscho,  
Mayor

PAYMENT OF BILLS

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

Resolution #2011.096  
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 \$460,277.89.

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

\_\_\_\_\_  
John Inscho,  
Mayor

PUBLIC COMMENT was opened at 7:20 pm.

Donald Wise – Mr. Wise presented a water issue between himself and the neighbor. In conclusion it was agreed to have the municipal zoning official inspect the site. Mr. Wise was informed that the municipality could not be involved with a private issue and he may want to retain his own legal counsel.

Patsy Earwood – Ms. Earwood inquired into a municipal residential maintenance program. She was informed that the Construction Official identified and condemned inhabitable residence for removal.



Ann Wilson – Ms Wilson inquired into the permissible traffic upon Lewis Lane. She also reported the new water runoff pattern from Wood Road

Denise Mc Cue – Ms. McCue inquired into the finding of the geological tech.

Public Session closed at 7:50 pm

At 7:51 pm a motion by John Inscho to adopt the following Resolution carried.

Resolution #2011.097

*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.

- ✓ Collective Bargaining Agreement
- ✓ Personnel and Personnel Policy

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

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

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John Inscho,  
 Mayor

At 8:18 pm, a motion by John Inscho to reconvene the public meeting carried.

Mayor Inscho stated that during executive session matters of personnel and contractual agreement were discussed.

**MUNICIPAL ENGINEER CONTRACT**

Upon legal review and amendment, a motion by John Inscho authorizing Mayor Inscho to execute the Professional Engineering Service Contract between the Township of Liberty and Ferriero Engineering, Inc carried.

ADJOURNMENT - There being no further business, a motion by 8:19 to adjourn the meeting carried.

Meeting adjourned at 8:19 p.m.

Diane M Pflugfelder RMC/MMC  
 Municipal Clerk/Administrator  
 Minutes Approved 3 November 2011