

A regularly scheduled meeting of the Township of Liberty was held in the Municipal Building, 349 Mountain Lake Road, Great Meadows on 5 April 2012. The meeting was opened by Mayor John Inscho with Adequate Notice of Meeting and the Pledge of Allegiance at 7:04 p.m.

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

Also, Present: 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 March 2012;

- ✓ 11 medical assists
- ✓ 83 motor vehicle stops
- ✓ 33 property checks
- ✓ 1 wellbeing check
- ✓ 1 assault
- ✓ 1 criminal mischief
- ✓ 1 domestic disputes
- ✓ 1 neighbor dispute
- ✓ 1 property damage/disputes
- ✓ 2 thefts

John Mulligan of Hope Road, reported that a hit and run accident had occurred in front of his residence on 16 March. He thanked the NJSP for their increased presence within the township. Records indicate 26 motor vehicle stops in February 2012 and 83 motor vehicle stops in March 2012.

DEPARTMENT OF PUBLIC WORKS

Steve Romanowitch, CPWM, presented the following verbal report:

- ✓ Road improvement work has begun on Lakeside Drive West with installation of three new drains and seeding. He thanked Ron Petersen for donating three days of labor to assist with the project.
- ✓ Five loads of salt have been acquired to fill the slat shed

SEASONAL DPW STAFF

Following discussion, a motion by John Fisher to adopt the following Resolution carried.

Resolution #2012.025
Salary

WHEREAS, Salary Ordinance #2011.001 established the salaries/wages, and compensation for certain employees of the Township of Liberty, Warren County.

BE IT RESOLVED, By the Township Committee of the Township of Liberty, Warren County that the following named employee(s) shall be compensated for the year 2012 in the amounts designated below. All salaries are retroactive to 1 January 2012 unless otherwise noted:

<u>NAME</u>	<u>POSITION</u>	<u>SALARY</u>
John W Cerny	Part-Time DPW Help	\$12.24 per hour,

effective 16 April 2012

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

John Inscho,
Mayor

**MAYOR INSCHO
NJDOT GRANT**

Mayor Inscho announced that a letter of 16 March 2012 was received informing the municipality that they have been selected to receive funding from the NJDOT Fiscal Year 2012 Municipal Aid Program for Lakeside Drive Road Improvements in the amount of \$200,000.00.

ELECTRONIC NOTIFCATIONS

Mayor Inscho expressed information on an electronic notification system that could manage 1000 resident email addresses or be expanded up to 25,000 addresses. Following discussion, a motion by Mark Tibak authorizing the participation in the Blue Pongo Electronic Notification Program carried.

RECREATION

It was announced that signups for soccer and summer recreations would be posted to the municipal web site.

MUNICIPAL CLERK/ADMINISTATOR

A pre-printed report was received from the Municipal Clerk/Administrator for March 2012 and presented to members of the Township Committee for review.

FIREWORKS PROGRAM 2012

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

Resolution #2012.026
June 2012 Community Day Fireworks Event

WHEREAS, Liberty Township Recreation Commission has scheduled a Community Day Fireworks Event for 9 June 2012, rain date 10 June 2012, to be held on the municipal property located at Block 52, Lot 42, 137 Lakeside Drive West; and

WHEREAS, It is desired that the Township sponsor a fireworks display for the entertainment of the residents during the Community Day event; and

WHEREAS, The Mountain Lake Fire Company will be in attendance.

NOW, THEN, BE IT RESOLVED, By the Township Committee of the Township of Liberty, Warren County, New Jersey that the Township of Liberty Township Committee hereby grants permission for and agrees to sponsor a display for fireworks to be performed by Interstate Fireworks Inc., PO Box 260, Rowland, PA 18457, telephone number 201.390.3345, on 9 June 2012, rain date 10 June 2012, provided that Interstate Fireworks Inc provide the Township of Liberty with a Certificate of Insurance naming the municipality as additionally insured in a form acceptable to the Municipal Attorney.

BE IT FURTHER RESOLVED, That a true copy of this Resolution shall be forwarded to the Liberty Township Fire Marshall, Division of Fire Safety, 349 Mountain Lake Road, Great Meadows, New Jersey 07838.

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

John Inscho,
 Mayor

APPROVAL OF MINUTES

A motion by Dan Grover to adopt the public session minutes of 1 March 2012 carried. Mark Tibak abstained.

A motion by Dan Grover to adopt the public session minutes of 22 March 2012 carried. John Inscho and John Fisher abstained.

GREAT MEADOWS REGIONAL BOARD OF EDUCATION

Catherine Mozak, Superintendent of Great Meadows Regional Board of Education, and Julie Mumaw presented the proposed 2012-2013 School Budget. They presented the following;

- ✓ 12012-2013 budget increase is less than 1% with \$374,000 to overlay the Middle School roof and restore damaged paving and sidewalks at Liberty
- ✓ Transportation, HHS tuition and Support Services have decreased
- ✓ Employee benefits, instruction, administration, operations and Capital have increased
- ✓ Liberty taxes will increase \$0.0235/\$100 or \$70.50/year on a home assessed at \$300,000, which is \$5.88/month
- ✓ Independence taxes will increase \$0.029/\$100 or \$86.70/year on a home assessed at \$300,000, which is \$7.30/month
- ✓ Full day kindergarten and ½ Basic Skills teacher added to reduce number of students needing remedial help to be on grade level
- ✓ Doubled grade 6/7 math time and grade 7 literacy time from 37 to 74 minutes
- ✓ Funded state mandated pilot for new teacher evaluation system
- ✓ Expanded bandwidth and added/replace computers for mandated computerized testing in 2014
- ✓ Consolidated the Special Education Supervisor and Social Worker positions
- ✓ Decreased staffing due to drop in enrollment
- ✓ Recouped monies from HHS based on revised tuition rate and reduced student enrollments
- ✓ Compensated for loss of \$43,000 on State Aid and \$2.4 million drop in rateables
- ✓ Moved candidate election to November with a commitment to reduce budget to be at or below the 2% cap on taxes
- ✓ Completed an Energy Audit reimbursed by the state and identified heating and lighting changes with paybacks averaging years
- ✓ Continued auditing of HHS expenditures

OLD BUSINESS

2012 BUDGET

A motion by John Fisher to open the public hearing carried. No comments were offered from the public. Mayor Inscho reported that the municipal budget had flat lined from the 2011 budget. A motion by John Fisher to adopt the 2012 Municipal Budget Resolution carried.

Resolution #2012.027
ATTACHED

AUDIT 2011

Following discussion on Audit Findings, a motion by Ron Petersen to authorize the members of the township committee 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 2011.

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

Ronald Petersen, Committeeperson

Daniel Grover, Committeeperson

John Fisher, Committeeperson

Resolution #2012.028

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 2011 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 he 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
aye - Petersen
aye - Grover
aye - Tibak
aye - Inscho

John Inscho,
Mayor

RESOLUTION

A motion by John Inscho adopting the following Resolution carried.

Resolution #2012.029
Opposing Senate Bills 1451 and 1452

WHEREAS, Legislation has been introduced to reform and modernize both the Open Public Meetings Act (S-1451) and the Open Public Records Act (S-1452); and

WHEREAS, The Township Committee of the Township of Liberty agrees with and supports the statement that “the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process”; and

WHEREAS, The changes, however, proposed in S-1451 will not only be a cost driver for local and State government but make government less effective; and

WHEREAS, S-1451 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process, including the following:

- A new definition of subcommittees that expands subcommittees to be overly inclusive so that, for example, even research projects assigned to one member of a public body could be covered; and
- A new requirement that all subcommittees meetings include notice of their meeting and the preparation of minutes, which would, among other things, necessitate additional administrative support for all meetings of subcommittees as well as increased legal advertising cost; and
- A new requirement that agendas provide a description of all agenda items, including the names of parties to and approximate dollar amounts of any contracts to be acted upon, which will delay the award of contracts and could lead to the loss of grant monies; and
- A new requirement that the governing body may discuss, but not act upon, an item brought up by a citizen at a public meeting if it was not published as an agenda item, that not only runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such input and acting upon it but is impractical, ineffective and unnecessarily inhibits the operations of municipal government; and
- A new requirement for advance notification of estimated start times for the public portion of the meeting and the portion of the meeting from which the public is to be excluded that is unworkable and disruptive; and
- A new requirement that recordings of meetings become a part of the minutes that renders the recordings a permanent municipal record and is not only counter to the already-established records retention schedule of Division of Archive and Records Management for such records but which will be costly to preserve the records to ensure that they are permanent; and
- A new requirement that electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting become part of the minutes and renders the recordings a permanent

municipal record, is unworkable and unmanageable as the technology does not always exist to make “hard copies” or digital copies of text messages and the records custodian does not always have access to them, and which is an unprecedented expansion of the meeting concept; and

- A new requirement that public bodies be permitted to exclude the public from discussion of personnel matters only with the written consent of the employee and potentially affected employees which will inhibit the public bodies’ ability to take necessary actions on personnel matters and could lead to costly litigation; and
- A new requirement that comprehensive minutes that must include each member’s stated reason for their actions or vote, the identity of each member of the public who spoke, and summary of what was said, be made available to the public as soon as possible but no later than 45 days after the meeting that will not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and

WHEREAS, The Township Committee of the Township of Liberty agrees that government records should be readily accessible and transparent but there must be an appropriate balance between the need for openness and transparency in government and citizens’ reasonable expectation of privacy; and

WHEREAS, Among the costly unfunded mandates and impractical new requirements of S-1452 are the following:

- The expansion of the definition of government record to include records that are required by law to be made, maintained or kept on file by any public agency that will lead to a records custodians to be in violation of OPRA for the non-existence of a government records created before their tenure with the public body; and
- The creation of a definition for “advisory, consultative or deliberative” material that may be contrary to the well-established definition in case law leading to costly litigation; and
- The expanding of the definition of government record to include electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting that is unworkable and unmanageable as the technology does not always exist to make “hard copies” or digital copies of text messages, the records custodian does not always have access to the electronic communications and certain cell phone carriers will not provide this information without a subpoena; and
- The inclusion of a subjective definition for “reasonable” that may be contrary to the well-established definition in case law leading to costly litigation; and
- A new requirement that any video or audio recordings or public meetings should be available in unedited form will be in direct violation of the Open Public Meetings Act requirement that requires the redacting of discussions in closed session until the matter can legally be released; and
- A new requirement on how to handle redactions and special services fees is time consuming and costly, especially considering that the Government Records Council has already addressed these procedures in their Custodians’ Toolkit, which should be codified; and

- A provision that permits the records custodian to advise a requestor that a government record is readily available on the public agency's website; however, the bill requires the records custodian to directly provide the records to the requestor if they do not have access to a computer but does not define what is meant by "access to a computer"; and
- A new costly requirement that when there is a special service charge the requestor must be provided, at no cost, an index generally describing the responsive government records to be provided and to the greatest extent possible the index shall include the name of each record or brief description of the record or general categories of records, a detailed breakdown of how the special charges were assessed and if records are exempt or redacted, the records custodian must provide a description of those records; and
- A provision that prohibits the assessment of a special service charge for requests for budgets, bills, vouchers, contracts and public employee salaries and overtime unless the request is deemed voluminous, which is undefined and subjective; and

WHEREAS, The provisions of S-1451 and S-1452 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to layoff municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

WHEREAS, The totality of the new requirements of S-1451 and S-1452 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

WHEREAS, While the Township Committee of the Township of Liberty strives for and agrees that open and transparent government is essential to the democratic process, the provisions of S-1451 and S-1452 will make government inefficient;

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Liberty, Warren County, and State of New Jersey for reasons stated above, does hereby oppose S-1451 and S-1452, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills; and

BE IT FURTHER RESOLVED That a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Senator Barbara Buono, Senator Shirley Turner, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, Assemblyman Upendra Chivukula, the legislators of the 24th State Legislative District, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks' Association of New Jersey.

PAYMENT OF BILLS

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

Resolution #2012.030
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 \$503,396.32.

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

John Inscho,
Mayor

RESOLUTIONS

PUBLIC COMMENT was opened at 7:33 pm.

Lynn Gilmore – Ms Gilmore reported that there was a dislodged floating dock along Lakeside Drive East. The DPW was directed to follow-up with this information and locate the owner. She also questioned the status of red flag properties.

Patsy Earwood – Ms Earwood questioned status of red flag properties. Attorney Skoog informed her on the legal procedures and that he was working with the construction official on this matter.

Paula Tanski – Ms Tanski questioned the core drillings that had taken place along Lewis Lane on 2-4 April 2012. Ron Petersen advised her that the drillings were to determine the type of remedial drainage repair to be installed in the mudslide area.

Louise Calcano – Ms Calcano questioned if the neighboring house, 164 Lakeside Drive West was on the red flag listing. It would be investigated by the construction and zoning officials.

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

Resolution #2012.031

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.

- ✓ Information that May Impair Receipt of Federal Funding
- ✓ Collective Bargaining Agreement
- ✓ Real Property Negotiations
- ✓ Potential Litigation
- ✓ 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

John Inscho,
Mayor

At 8:50 pm, a motion by Ron Petersen to reconvene the public meeting carried.

Mayor Inscho stated that during executive session matters of contractual, potential litigation, personnel policy and contractual agreement were discussed. Action to follow.

IT CONTRACT

In review of past billing and discussion, a motion by John Inscho to amend Jewell Computing Solution bills to reflect an hourly rate of \$85.00 carried. Contingent upon this agreement from Jewell Computing Solution, it was agreed to precede with the acquisition of a replacement backup tape system.

FINANCE COMPUTER

In review of the 2012 budget and quote received, a motion by John Inscho authorizing the expenditure of \$954.71 to purchase a Dell OptiPlex 390 desktop PC on state contract for the finance officer carried.

CORE DRILLINGS

Ron Petersen and John Inscho agreed to meet with Paul Ferriero, Municipal Engineer, to review the core drilling locations and test process.

NJSP MITIGATION

It was agreed to coordinate a subcommittee meeting with Chris Harnett, NJSP.OEM, to review the alternate plans for the beach development plan.

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

Meeting adjourned at 8:50 p.m.

Diane M Pflugfelder RMC/MMC
Municipal Clerk/Administrator
Minutes Approved 3 May 2012