

A regularly scheduled meeting of the Township of Liberty was held in the Municipal Building, 349 Mountain Lake Road, Great Meadows on 7 February 2013. The meeting was opened by Mayor John Inscho with Adequate Notice of Meeting and the Pledge of Allegiance at 7:05 p.m.

Present: Mayor John Inscho; Dan Grover; Ronald Petersen, and Peter Karcher

Absent: Deputy Mayor John Fisher

Also, Present: Roger Skoog, Municipal Attorney; and, Diane M Pflugfelder, Municipal Clerk/Administrator

## REPORTS

### COMMITTEEPERSON KARCHER

Committeeperson Karcher reported that he was working with members of the Recreation Commission and their 2013 budget proposal.

### COMMITTEEPERSON PETERSEN

Committeeperson Petersen reported the investigation of a replacement rubber tire backhoe. Available funds were confirmed with the CFO. He would work with Steve Romanowitch, DPW Supervisor, on bid specifications.

Block 52, Lot 42 – former Lisbon Capri – Mr. Petersen confirmed that Eric Bush Engineering will return to Block 52, Lot 42 following spring thaw to document the in ground septic system for site development projects proposed on the site within 2013.

Christmas Tree Collection Program 2013 has been concluded.

Discussion on Pine Drive Road verification of municipal abandonment concluded with the Municipal Attorney to prepare an Ordinance for this specific road vacation issue and future road vacations within the Mountain Lake area to be addressed within a group Ordinance.

### COMMITTEEPERSON GROVER

Committeeperson Grover reported that he is preparing specifications and plans for pavilion construction upon Block 52, Lot 42.

He is preparing sketches and plans for emergency generator connections within the municipal building as well as security camera specification.

### DEPARTMENT OF PUBLIC WORKS

Steve Romanowitch, CPWM, presented the following verbal report:

- ✓ A fire inspection was conducted on 29 January 2013. Five minor violations were sited. All violations have been remediated at this time.

### ADMINISTRATOR

A pre-printed report was received from the Administrator for January 2013 and presented to members of the Township Committee for review.

### MUNICIPAL ZONING

A pre-printed report was received from the Municipal Zoning Official for January 2013 and presented to members of the Township Committee for review

### NEW BUSINESS

#### JOAN KNECHEL MEMORIAL WALK

Marie Accetturo, Co-Chair of the Joan Knechel Memorial Walk, presented items of support from the Liberty Township Committee to conduct the 2013 Memorial Walk. A motion by John Inscho to approve the event carried.

### APPROVAL OF MINUTES

A motion by Ron Petersen to adopt the public minutes of 3 January 2013 carried.

### 2013 BUDGET DISCUSSION

It was agreed to schedule and advertise a Budget Workshop for Thursday, 28 February at 6:00 pm within the Municipal Building, 349 Mountain Lake Road, Great Meadows NJ.

ORDINANCE #2013.001 - Following discussion, a motion by Ron Petersen to introduce Ordinance #2013.001 on First Reading carried. Public Hearing and Adoption are scheduled for 7 March 2013.

ORD. #2013.001  
Calendar Year 2013

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 to 2.0% 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 Governing Body of the Township of Liberty in the County of Warren finds it advisable and necessary to increase its CY 2013 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 the citizens; and

WHEREAS, the Governing Body hereby determines that a 1.5 percent increase in the budget for said year, amounting to \$16,362.43 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.

BE IT ORDAINED, by the Governing Body of the Township of Liberty, County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the Township of Liberty shall, in accordance with this ordinance and N.J.S.A. 40A:40-45.14, be increased by 3.5% amounting to \$38,179.01, and that the CY 2013 municipal budget for the Township of Liberty be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, 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 thereon, be filed with said Director within 5 days after such adoption.

ORDINANCE #2013.002 - Following discussion, a motion by Ron Petersen to introduce Ordinance #2013.002 on First Reading carried. Public Hearing and Adoption are scheduled for 7 March 2013.

An Ordinance to Amend Chapter 3 of the Code of the  
Township of Liberty, Warren County, New Jersey

Whereas the Committee of the Township of Liberty does desire to revise the Liberty Township Code Book to be in conformity with the laws of the State of New Jersey, and

Whereas the committee does also desire to revise the Liberty Township Code Book to encourage efficiency in all of its' Offices and Employees, and

Whereas the committee of Liberty does desire to modify Chapter Three of the aforesaid Code Book in furtherance of the objectives previously recited, and

It is now and be it Ordained by the Committee of Liberty Township that Chapter Three of the Code book shall be modified as specifically recited herein but in all other respects it shall remain and continue the same and be given full force and effect:

At Section 3.2 delete the words "by a majority of the Township Committee" and substitute therein the words "according to the methods and requirements of N.J.S. 40A:9-138."

At Section 3.4 delete the language of subsection G and substitute therein the flowing words "Perform such other duties as may be assigned by the governing body including but not limited to those established in the Liberty Township Employee Handbook".

At Section 3.5 delete subsection B in its' entirety and substitute therein the following as subsection B, "Consult with the Township Committee and Chief Financial Officer with respect to the tentative budget, recording changes, additions and deletions thereto, and make all reasonable efforts to submit by February 15, the tentative budget in the form required by law, together with an analysis of the various items of expenditure and revenue and such explanatory comments as may be required."

#### 2013 REACH THE BEACH RELAY

A request of 22 January 2013 was made by Paul Dionne, Sponsorship Coordinator for "Reach the Beach Relay" to transverse Liberty Township on 18 October 2013 between the hours of 5:30 pm and 10:30 pm in the area of Route 46 to Pequest Road. A certificate of insurance naming Liberty Township as additional insured shall be forth coming as it was in 2012. A motion by Dan Grover authorizing the race to travel through Liberty Township as stated above carried.

#### FILMING PERMIT

A request of 21 January 2013 was received from Robert Campagna, SYFY Channel Haunted Highway, for authorization to film Shades of Death Road within Liberty Township. Filming would be scheduled on 1 and 2 March 2013 and a certificate of insurance naming Liberty Township as additionally insured would be forwarded. A motion by Dan Grover authorizing the filming within Liberty Township as stated above carried.

#### POLLUTION CONTROL FINANCING AUTHORITY OF WARREN COUNTY

Following discussion, a motion by Dan Grover authorizing Mayor Inscho to execute the 2013 Solid Waste Disposal Agreement between the Township of Liberty and the Pollution Control Financing Authority of Warren County carried.

#### SHARED SERVICE AGREEMENT FOR LOCAL PUBLIC HEALTH SERVICE

A letter of 15 January 2013 was received from Warren County Health Department to update the Uniform Shared Services Agreement for Local Public Health Services between the Township of Liberty and Warren County Health Department. Following discussion, a motion by Ron Petersen authorizing the municipal attorney to review the draft document carried.

#### 2013 WARREN COUNTY MOSQUITO EXTERMINATION COMMISSION AGREEMENT

A motion by Ron Petersen authorizing Mayor Inscho to execute the 2013 Warren County Mosquito Extermination Commission Agreement between the Township of Liberty and the Warren County Mosquito Extermination Commission carried.

#### 2013 GRAMCO ANNUAL MAINTENANCE CONTRACT

A motion by Dan Grover authorizing Mayor Inscho to execute the 2013 Gramco Annual Maintenance Contract for the meeting room recording equipment between the Township of Liberty and Gramco carried.

#### ANNUAL RESIDENTIAL CLEANUP 2013

Mayor Inscho reported that the 2013 Annual Residential Cleanup will be conducted the week of 6-11 May 2013 and a second session conducted 15-19 October 2013.

#### MUNICIPAL COMPLEX GARBAGE COLLECTION SERVICES

<u>Company</u>	<u>Price per Compacted Ton</u>
Global Waste. 699 Washington Street Hackettstown, NJ	\$75.00 2 yard dumpster \$95.00 3 yard dumpster \$35.00 biweekly recycling
Sanico PO Box 176 Delaware, NJ	\$69.55 2 yard dumpster \$90.34 3 yard dumpster \$20.00 biweekly recycling
Gary Gray PO Box 48 Delaware, NJ	\$75.00 2 yard dumpster \$100.00 3 yard dumpster \$35.00 biweekly recycling

Following discussion, a motion by John Inscho to adopt the following resolution upon legal review carried.

Resolution #2013.016  
Award of Contract

*BE IT RESOLVED*, That the Township of Liberty hereby awards the contract for Municipal Complex Garbage Collection Services to Sanico, PO Box 176, Delaware, NJ whose bid amounted to \$69.55 per 2 yard dumpster, \$90.34 per 3 yard dumpster and \$20.00 for biweekly recycling.

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

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John Inscho,  
Mayor

MUNICIPAL CLEANING SERVICE AGREEMENT 2013

Following review, a motion by Dan Grover to adopt the contract between Liberty Township and White Glove Cleaning Service for 2013 services carried.

CERTIFIED RECYCLING COORDINATOR

As per the Recycling Enhancement Act, the municipal annual recycling tonnage report must be signed off and submitted via email to the NJDEP by a Certified Recycling Coordinator. Following review and discussion, a motion by Dan Grover to secure Linda Gabel as Certified Recycling Coordinator to sign off on the Liberty Township 2012 tonnage report at a cost not to exceed \$100.00 carried.

RESOLUTIONS

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

Resolution #2013.017  
Resolution Opposing Senate Bill 2511  
Amendments to Open Public Meetings Act

*WHEREAS*, legislation has been introduced to reform and modernize the Open Public Meetings Act (S-2511); and

*WHEREAS*, the governing body 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-2511 will not only be a cost driver for local and State government but make government less effective; and

*WHEREAS*, S-2511 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process; and

*WHEREAS*, S-2511 creates a new definition of subcommittees that expands subcommittees to be overly inclusive; and

*WHEREAS*, subcommittees would be required to provide public notice of subcommittee meetings, if the governing body determines them to be open; and

*WHEREAS*, subcommittees would be required to submit at least one report to the governing body detailing the number of meetings, names of members of the committee and a concise statement of the matters discussed. The governing body would be required to establish a schedule of when the subcommittee reports shall be filed; and

*WHEREAS*, subcommittees do not commit the governing body to action or expend public funds; and

*WHEREAS*, the requirements for subcommittees meetings would, among other things, necessitate additional administrative support for all subcommittees as well as increased legal advertising cost; and

*WHEREAS*, the 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, will delay the award of contracts and could lead to the loss of grant monies; and

*WHEREAS*, the new requirement that the governing body may act upon an item brought up by a citizen at a public meeting if it was not published as an agenda item only if: (1) there is a vote of 2/3 of

the members present to proceed, (2) the municipality demonstrates that it is in the public's best interest and includes the reasons why it is in the public best interest in the minutes; is impractical, ineffective and unnecessarily inhibits the operations of municipal government and runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such input and acting upon it; and

*WHEREAS*, the 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

*WHEREAS*, the new requirement that comprehensive minutes 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 60 days after the meeting will not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and

*WHEREAS*, the new requirement that the public be allowed to speak for a minimum of three minutes, at the start of the public meeting, without the ability of the public body to limit the length of the public comment could disrupt public meetings, lead to filibustering and prevent the governing body from conducting business; and

*WHEREAS*, the provisions of S-2511 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-2511 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*, the provisions of S-2511 continue to exempt the Legislature from the requirements placed on municipalities; and

*WHEREAS*, while we appreciate Senator Weinberg's efforts to address our concerns, we must continue to oppose the amendments to the Open Public Meeting Act as the changes proposed in S-2511 will not only be a cost driver for local and State government but make government less effective;

*BE IT RESOLVED* By the governing body of the Township of Liberty for reasons stated above, does hereby oppose S-2511, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills, and

*BE IT FURTHER RESOLVED* That the governing body of the Township of Liberty does hereby strongly urge the Legislature, in the interest of transparency and openness, to remove the various exceptions in the Open Public Meetings Law that apply to the Legislature. The rules that the legislation makes applicable to other governmental bodies should apply equally to all governmental levels and officials; and

*BE IT FURTHER RESOLVED* that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, the legislators of the Township of Liberty's State Legislative Districts, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks' Association of New Jersey.

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

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 John Inscho,  
 Mayor

A motion by Dan Grover to adopt the following Resolution carried.

Resolution #2013.018  
 Appropriation Transfers

*WHEREAS*, there appears to be insufficient funds in one or more current budget appropriations to meet the demand thereon for the balance of the current year; and

*WHEREAS*, there appears to be a surplus in one or more current budget appropriations over and above the demand deemed to be necessary for the balance of the current year.

*BE IT RESOLVED* by the Township Committee of the Township of Liberty, Warren County, NJ that in accordance with the provision of RS 40A:4-58, that the treasurer be and is hereby authorized and directed to make the following transfers;

	FROM	TO
Roads s/w	\$1,000.00	
Administration o/e		\$900.00
Tax Assessment o/e		\$100.00
Total	\$1,000.00	\$1,000.00

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

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 John Inscho,  
 Mayor

**MUNICIPAL ENGINEER BILLING**

Discussion ensued regarding a Municipal Engineer billing for services for a private matter that exceeded the escrow fee posted. A motion by Dan Grover was adopted to pay the billing of \$3,300.00 by Ferriero Engineering for services toward a potential roadway vacation incurred in October 2011 carried.

**PAYMENT OF BILLS**

A motion by Peter Karcher to adopt the following Resolution carried.

Resolution #2013.019  
 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 \$1,136,351.09.

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

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 John Inscho,  
 Mayor

PUBLIC COMMENT was opened.

Elena Chambous – Ms. Chambous introduced herself as the principle of 65 Marble Hill LLC. She stated that she has the potential to enter into a contract for the sale of the property located at 65 Marble Hill and was inquiring into the necessities to obtain a CO for this residence. Ms. Chambous was requested to supply the Municipal Attorney with contact information on her legal counsel.

Lisa Thomas – Ms. Thomas requested information on the status of the Lodge.

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

Resolution #2013.020

*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.

- ✓ Invasion of Individual Privacy
- ✓ Potential Litigation

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

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

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John Inscho,  
Mayor

At 7:55 pm, a motion by Mayor Inscho to reconvene the public meeting carried.

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

Meeting adjourned at 7:55 p.m.

Diane M Pflugfelder RMC/MMC  
Municipal Clerk/Administrator  
Minutes Approved 7 March 2013