

A regularly scheduled meeting of the Township of Liberty was held in the Municipal Building, 349 Mountain Lake Road, Great Meadows on 7 August 2014. 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 Dan Grover; Carl Cummins; and, Ronald Petersen

Absent: Peter Karcher

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

REPORTS

DEPARTMENT OF PUBLIC WORKS

Steve Romanowitch, CPWM, presented the following verbal report:

- ✓ Paving upon Hillcrest Drive is complete
- ✓ Hillcrest Drive edges have been backfilled and seeded
- ✓ Hillcrest Drive stripe painting is schooled next week
- ✓ Warranty repairs have been scheduled for the 2011 GMC
- ✓ Bufford mower parts have been ordered
- ✓ Maintenance work has been completed on the old DPW garage

MUNICIPAL CLERK/ADMINISTRATOR

A pre-printed report was received from the Municipal Clerk/Administrator for July 2014 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 10 July 2014 carried.

OLD BUSINESS

ORDINANCE #2014.009 - Following discussion, a motion by Dan Grover to introduce Ordinance #2014.009 on First Reading carried. Public Hearing and Adoption are scheduled for 4 September 2014.

ORDINANCE #2014.009
 AN ORDINANCE OF THE TOWNSHIP OF LIBERTY,
 COUNTY OF WARREN, STATE OF NEW JERSEY,
 DELETING AND REPLACING CHAPTER§8 OF THE
 CODE OF THE TOWNSHIP OF LIBERTY, COURT, JOINT MUNICIPAL,
 IN ORDER TO CREATE A NEW JOINT MUNICIPAL COURT

BE IT ORDAINED as follows:

Chapter §8 of the Code of the Township of Liberty, Court, Joint Municipal, is hereby deleted in its entirety, and in its place and stead replaced as follows:

Section 1.

§8 Joint Municipal Court

§8.1 Creation of Court; Name; Jurisdiction

A. Creation of Court

There has been created a Joint Municipal Court consisting of the following members: The Township of Hope, The Township of Liberty, the Township of Hardwick, the Township of White and the Township of Blairstown, all located in Warren County. Court was created by the Shared Services Agreement between the aforesaid municipalities, subject to the terms thereof, and shall have an effective date of 1 September 2014.

B. Name of Court

The name of the Joint Municipal Court shall be the Municipal Court of North Warren at Hope.

C. Effective Date

The effective date for the creation of the Municipal Court of North Warren at Hope shall remain 1 September 2014.

D. Jurisdiction

The Joint Municipal Court will have such jurisdiction as is now, or will hereafter be conferred upon it by the laws and court rules of the State of New Jersey, and the practice and procedure of the Court shall be governed by the laws in such case made and provided in such rules as the Supreme Court will promulgate and make applicable to the Court.

§8-2 Municipal Judge; Powers; Duties and Qualifications

- (a) There shall be a municipal judge appointed as provided by law in the case of a joint municipal court. A municipal judge shall serve for a term of three (3) years from the date of appointment and until a successor shall be appointed and qualified.
- (b) The municipal judge shall have and possess the qualifications and shall have, possess and exercise all of the functions, duties, powers and jurisdiction conferred by law or ordinance. He/she shall be an attorney at law of the State of New Jersey. The municipal judge shall comply with the Vicinage XIII Municipal Judge Rotation Protocol as per the Vicinage Assignment Judge for all times the municipal judge is unable to sit as such. Any such designation shall be in writing and filed with the court, and any person so designated, while sitting temporarily, shall possess all of the powers of the municipal judge.
- (c) The municipal judge shall faithfully carry out all of the duties and responsibilities of a municipal judge and shall abide by all rules and regulations established for municipal court judges by the Judiciary.
- (d) The municipal court judge shall have full management and authority of court operations excluding the hiring and termination of all court personnel, and for the establishment, pursuant to New Jersey Court Rule 1:30-3, the municipal court sessions and violations bureau hours.

§8-3 Prosecutor; Administrator; Public Defender; Other Personnel

- (a) Municipal Prosecutor

There shall be a municipal prosecutor of the municipal court who shall prosecute cases in the municipal court, except each member, at its discretion, may appoint its own prosecutor for municipal or board of health ordinance violation cases at the sole cost of that member. The municipal prosecutor shall be appointed for a one (1) year term by the Township of Hope. The compensation of the municipal prosecutor shall be determined by the Township of Hope.

(b) Municipal Court Administrator

There shall be an administrator of the municipal court who shall perform the functions and duties prescribed for the administrator by law, by the rules applicable to municipal courts and by the municipal judge. The administrator shall be appointed in accordance with New Jersey Court Rule 1:34-3 by the Township of Hope for a term of one (1) year, subject however, to the tenure provisions as set forth in New Jersey Statute 2A:8-13.3, and considered an employee of the Township of Hope. The compensation of the administrator shall be determined by the Township of Hope. The municipal court administrator shall have the authority granted by law and the Rules of Court to administrators and clerks of courts of record. The administrator's duty shall include, but not be limited to:

1. Carrying out the rules, regulations, policies and procedures relating to the operation of the court.
2. Interviewing and speaking to persons wishing to file criminal or quasi-criminal complaints or wishing information in this regard.
3. Receiving complaints and dispensing information relating to court matters.
4. Maintaining the financial records of the court, including receiving an accounting for fines and costs.
5. Attending court; recording pleas, judgments and dispositions; arranging trial calendars; signing court documents; preparing and issuing warrants and commitments and other court-related documents.
6. Maintaining and classifying records and files of the court.
7. Maintaining, forwarding, receiving and reporting such records, reports and files as required by the appropriate agencies.
8. Carrying out such additional duties as may be required in order to fulfill the duties of court administrator.

(c) Public Defender

There shall be a municipal public defender who shall represent those defendants assigned by the municipal court judge. The municipal public defender shall be appointed for a one (1) year term by the Township of Hope. Compensation of the public defender shall be determined by the Township of Hope.

(d) Deputy Municipal Court Administrator

There may be one or more deputy administrators of the municipal court who shall be appointed by the Township of Hope, provided that funds are provided for such purpose in the municipal court budget. Deputy municipal court administrator shall perform the functions assigned to them by the municipal judge and the municipal court administrator. Any appointment pursuant to this section shall be made in accordance with New Jersey Court Rule 1:34-3.

(e) Necessary Clerical and Other Assistants

There may be appointed such other necessary clerical and other assistants for the municipal court as is necessary for the efficient operation of the municipal court. The Township of Hope shall appoint such clerical and other assistants.

(f) Auditor

The auditor for the Township of Hope shall act as the auditor for the Municipal Court of North Warren at Hope. The auditor shall perform a yearly audit of the municipal court, which audit shall be prepared generally in accordance with the requirements of the Local Fiscal Affairs Law, N.J.S.A. 4A:5-1 et seq. A copy of the complete audit shall be supplied to each participating municipality by September 1 of each year.

§8-4 Withdrawal by Member; Expansion of Membership

(a) Withdrawal by Member

Any member of the joint municipal court may withdraw at the end of a next calendar year; provided, however, that on or before July 1 the member has given the Municipal Court of North Warren at Hope and each member thereof six (6) months' written notice of its intention to withdraw. The withdrawing member shall remain responsible for its share (based upon the format established in the Shared Services Agreement) of all court expenses through the date of withdrawing member's actual physical departure from the Joint Court's facility.

(b) Inclusion of Members

The members of the Municipal Court of North Warren at Hope may be expanded by the admission of new members. The admission of new members will take place after the Mayor and Municipal Clerk of Hope Township interview the municipality seeking admission and present to the then existing members of the Joint Municipal Court of North Warren at Hope their recommendations, along with an audit of the three most recent years of the applying municipality's existing court expenses and revenues, and any other information they feel relevant to the admission application. Admission shall be granted upon an affirmative vote of the majority of the then existing members of the Joint Municipal Court of North Warren at Hope. (By way of example: if there are three members of the municipal court, two must vote in favor of the admission). The municipality granted admission to the Joint Municipal Court of North Warren at Hope must adopt a resolution accepting membership and authorizing the execution of the Interlocal Services Agreement. The Interlocal Services Agreement shall be amended as necessary to revise the formula for the allocation of the court's budget between the members.

§8-5 Budget and Appointments

The municipal judge shall prepare or have prepared a budget for the municipal court which shall be submitted to the governing body of the Township of Hope by November 1 of each year. The budget shall

set forth, based on income and expenses for the prior twelve-month period ending September 30th, an estimate of all expenses and revenues for the upcoming calendar year, and shall be in a form that is consistent with municipal budgets. The proposed budget shall be circulated by the Township of Hope to the governing body of every other participating municipality.

§8-6 Insurance

Insurance coverage and/or bond shall be obtained that protects the joint municipal court and its personnel from claims against them arising out of worker's compensation, bodily injury, property damage, personal injury, civil rights violations or defalcations by court personnel and such coverage as may be necessary, which claims arise in whole or in part from participating members' cases. The coverage may be provided through policies issued to the members and/or through separate policies issues to the joint municipal court.

§8-7 Contribution Requirement; Revenue Distribution

Improvements to the existing court facility that are required to render the court facility in compliance with state and/or assignment judge mandates shall be undertaken as soon as possible, and the cost for said improvement shall be shared equally by all four municipalities. All other expenses for administering the joint municipal court, including salaries for the judge and court personnel, and costs of materials and equipment for the court, will be shared by all four municipalities in accordance with §8-7 of the enabling ordinance:

- (a) The legally permitted municipal share of all fines, assessments, costs or other charges collected by the court (hereinafter "Municipal Income") shall be forwarded monthly to Hope Township and credited to the court account and applied to the expenses of maintaining and operating the court. The court administration shall simultaneously submit a monthly summary of all income and disbursements to each municipality.
- (b) All other received fines, assessments, court costs and other charges, shall be distributed as required by law.
- (c) To the extent that the annual expenses necessary to maintain and operate the court are the greater or lesser than the Municipal Income received, they shall be allocated among these members pursuant to the following formula: The percentage share of each municipality shall be a total of the fines divided by the amount of the fine generated by that municipality.
- (d) Each municipality shall pay monthly to Hope Township its estimated share of anticipated deficit as established by the budget described in Article 2-6.5 of the Code of the Township of Hope.
- (e) On or about February 1 of each year, Hope Township shall submit to each municipality a final accounting for the prior fiscal/calendar year with any credit due to be applied to future contributions.

§8-8 Uniform Shared Services and Consolidation Act. The governing bodies of the Township of Hope, the Township of Liberty, the Township of Blairstown, the Township of White and the Township of Hardwick are hereby authorized to enter into a contract with each other embodying the provisions of this ordinance pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., in accordance with the terms of the Act. In the event of any discrepancy between this section and said Act, including any amendments thereto, the Act shall take precedence.

Section 2: Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3. Repealer.

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4. Effective Date.

This Ordinance shall take effect upon final passage and publication.

ORD. #2014.008 - PUBLIC HEARING - A motion by Ron Petersen to open public hearing and adopt the following resolution carried.

Resolution #2014.060
Adoption of ORD. # 2014.008

WHEREAS, said Ordinance entitled ‘Payment of Taxes Prior to Issuance of Permits or Licenses’ was passed on first reading on 26 June 2014 and

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

BE IT RESOLVED By the Township Committee of the Township of Liberty, County of Warren and State of New Jersey that the Ordinance entitled ‘Payment of Taxes Prior to Issuance of Permits or Licenses’ be passed on second reading and final adoption.

Vote: absent - Karcher

aye - Petersen

aye - Grover

aye - Cummins

aye - Inscho

John Inscho,
Mayor

NEW BUSINESS

ROAD OPENING PERMIT

Discussion ensued and the Municipal Attorney was directed to investigate local Road Opening Ordinances and the comparable to Liberty Township concerns.

PAYMENT OF BILLS

A motion by Ron Petersen to adopt the following Resolution carried.

Resolution #2014.061
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 \$987,148.37.

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

John Inscho,
Mayor

PUBLIC COMMENT was opened at 7:13 pm.

Ray Rice – Mr. Rice Reviewed a letter of 7 August 2014 composed by Attorney Skoog, which addressed issues at Northridge Lake Estates/Bennett Development.

Paul Dierlam – Mr Dierlam inquired into the responsibility of the Municipal Attorney to the resident of the Township of Liberty.

Vincent Miller – Mr Miller thanked the municipality for cleaning up the trash at the Lodge site. He also requested consideration of speed reduction signage upon Pequest Road.

Phil Woolridge – Mr Woolridge reported on the success of the 2014 Moth Night event coordinated by the Liberty Township Environmental Commission.

Eileen Heydecke – Ms. Heydecke inform the Township Committee that the beach has become a hangout and requested some NJSP presence.

SUMMER RECREATION PROGRAM

Mayor Inscho read a letter of appreciation from the Liberty Township 2014 Summer Recreation participants.

MOUNTAIN LAKE FIRE COMPANY

A letter of request was received from Chief Matuszek for funding to refurbishing the 1995 Pierce Pumper. It was agreed to invite Chief Matuszek to the next meeting and discuss specifics.

At 7:38 pm a motion by John Inscho to adopt the following Resolution carried.

Resolution #2014.062

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.

- ✓ Litigation – Wooded Valley Estates
- ✓ Personnel and Personnel Policy

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

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

John Inscho,
Mayor

At 8:16 pm, a motion by Mayor Inscho to reconvene the public meeting carried. Mayor Inscho stated that during executive session matters of potential litigation and personnel, personnel discipline were discussed. No action to follow.

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

Meeting adjourned at 8:16 p.m.

Diane M Pflugfelder RMC/MMC
Municipal Clerk/Administrator
Minutes Approved 4 September 2014