

A regularly scheduled meeting of the Township of Liberty was held in the Municipal Building, 349 Mountain Lake Road, Great Meadows on 6 October 2016. 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; Ronald Petersen, and Peter Karcher

Absent: Ronald Petersen

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

## REPORTS

### SUPERINTENDENT OF GREAT MEADOWS SCHOOL - Dave Mango

Mr. Mango spoke on potential for school consolidation; enrollment; shared services; special programs; facilities study; a demographic study; and potential for school consolidation.

### INDEPENDENCE TOWNSHIP CHIEF OF POLICE, DENNIS REILLY

Chief Reilly presented the Warren County initiative for GXP Program. The GXP Program is a mapping program for emergency preparedness. The annual maintenance program fee of \$15,000 would be absorbed by the Warren County arrest funds. The initial set-up cost is \$55,000. It is requested that each municipal participate in the set-up cost with a donation of \$1,200 to the Warren County Prosecutor's Office.

### DEPARTMENT OF PUBLIC WORKS

A pre-printed report was received from the Department of Public Works for January 2016 and placed on file.

### MUNICIPAL CLERK/ADMINISTRATOR

A pre-printed report was received from the Municipal Clerk/Administrator for January 2016 and placed on file

### MUNICIPAL TAX COLLECTOR

A pre-printed report was received from the Municipal Tax Collector for January 2016 and placed on file

## APPROVAL OF MINUTES

A motion by Carl Cummins to adopt the public and executive session minutes of 1 September 2016 carried. Mayor Inscho abstained.

## UNFINISHED BUSINESS

ORDINANCE #2016.007 - PUBLIC HEARING - A motion by Ron Petersen to open public hearing and adopt the following Resolution carried.

Resolution #2016.071  
Adoption of Ordinance # 2016.007

*WHEREAS*, said Ordinance entitled 'An Ordinance Establishing Rules & Regulations for the reservation and Use of the John R Fisher Pavilion' was passed on first reading on 1 September 2016 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 ‘An Ordinance Establishing Rules & Regulations for the reservation and Use of the John R Fisher Pavilion’ be passed on second reading and final adoption.

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

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

MUNICIPAL COMPLEX GENERATOR ENERGY ALLOCATION INITIATIVE PROGRAM  
Dan Grover reported that work has begun on the emergency generator site plans and we should anticipate going out to bid in 2017.

ORDINANCE #2016.008 - Following discussion, a motion by Mayor Inscho to introduce Ordinance #2016.008 on First Reading carried. Public Hearing and Adoption are scheduled for 3 November 2016.

**ESTABLISHING A RETROACTIVE PORPERTY TAX REFUND TO DISABLED VETERANS, THAT IS LIMITED TO THE TAX YEAR IN WHICH THE DISABLED VETERAN HAS SUBMITTED PROOF TO THE TOWNSHIP OF HIS OR HER DISABILITY AS ALLOWED UNDER N.J.S.A. 54:4-3.30**

WHEREAS, pursuant to N.J.S.A. 54:4-3:30, the dwelling house and the lot whereupon the same is erected, of any citizen and resident of this State, honorably discharged or released under honorable circumstances, from active service, in time of war, in any branch of the Armed Forces of the United States, who has been or shall be declared by the United States Veterans Administration or its successor to have a service-connected disability declared by the United States Veterans Administration or its successor to be a total or 100 percent permanent disability, and not so evaluated solely because of hospitalization or surgery and recuperation, sustained through enemy action, or accident, or resulting from disease contracted while in such active service, shall be exempt from taxation on proper claim made therefor, and

WHEREAS, pursuant to N.J.S.A. 54:4-3.31, upon review and approval of the required documentation by the municipal tax assessor, the assessor shall allow said exemption from taxation for the tax year in which the claim was filed, and

WHEREAS, pursuant to N.J.S.A. 54:4-3.32 the governing body of each municipality, by appropriated resolution, may return all taxes collected on property from prior years which would have been exempt had proper claim been timely made in writing, and

WHEREAS, the statutory intent to grant discretion to the governing body of every municipality has been affirmed by the New Jersey Superior Court in Del Priore v. Edison Township 2102 WL

2384250 (L. 2012) affirmed by New Jersey Superior Court, Appellate Division Docket No. A-4447-11T3 (2013), that a municipality has discretion to grant or deny a taxpayer a retroactive refund of property taxes that has been paid from the effective date of the disability as determined by the United States Department of Veteran Affairs as set forth in N.J.S.A. 54:4-3.32, and

WHEREAS, the timing of the determination of Total Disability made by the United States Department of Veterans Affairs is outside the control of either the municipality of the disabled veteran, and

WHEREAS, retroactive refunds have a significantly adverse financial impact on the Township and its taxpayers and are not reimbursed to the Township by the State of New Jersey, and

WHEREAS, the Township of Liberty desires to establish a formal policy providing that a retroactive refund of property taxes as set forth in N.J.S.A. 54:4-3.32 shall be limited to the current year of the submission of a proper claim to the tax assessor as required by N.J.S.A. 54:4-3.30, and

NOW, THEREFORE BE IT ORDAINED BY THE Township of Liberty, County of Warren, State of New Jersey as follows:

### **Section One**

#### Article I 100% DISABLED VETERAN TAX REFUNDS.

##### Retroactive Refund of Property Taxes

##### Timely Filing with the Tax Assessor.

For a veteran, or his or her surviving spouse or domestic partner, entitled to exemption under N.J.S.A. 54:4-3.30, after a formal written request for a retroactive refund of property taxes as set forth in N.J.S.A. 54:4-3, submitted to the Liberty Township Tax Assessor with all required documentation, and which shall have been timely filed within 120 calendar days after the date on the Total Disability Termination Letter issued by the United States Department of Veterans Affairs, the Township Committee, by appropriate resolution, shall refund taxes previously paid only for the calendar year in which the claim of the veteran, or his or her surviving spouse or domestic partner was submitted to the Township Tax Assessor.

No further or additional refund of taxes shall be permitted, regardless of the date of the disability of the veteran as determined by the United States Department of Veterans Affairs.

##### Late Filing with the Tax Assessor.

In the event, or his or her surviving spouse or domestic partner, entitle to exemption under N.J.S.A. 54:4-3.30, shall submit a request to the Liberty Township Tax Assessor for refund of taxes at any time later than 120 calendar days after the date on the Total Disability Termination Letter issued by the United States Department of Veterans Affairs, the Liberty Township

Committee by appropriate resolution, shall refund taxes previously paid only for the calendar year in which the claim of the veteran, or his or her surviving spouse of domestic partner was submitted to the Township Tax Assessor.

No further or additional refund of taxes shall be permitted, regardless of the date of the disability of the veteran as determined by the United States Department of Veterans Affairs.

## **Section Two**

Enforcement.

The Township Tax Assessor, together with all other appropriate officers and employees, are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Ordinance.

## **Section Three**

Repealer Clause.

All Ordinances or parts of Ordinance inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

## **Section Four**

Severability.

If any portion of this Article is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this article, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

## **Section Five**

Effective Date.

This ordinance shall be effective immediately upon final reading and publication in accordance with New Jersey Law.

### **SOLAR ENERGEY SYSTEMS**

Mayor Inscho reported that Eric Snyder, Zoning Official, is researching the installation of solar panels as well as addressing the concern for fire response to a structure with solar panels attached.

### **WARREN COUNTY SHARED SERVICES AGREEMENT**

Mayor Inscho asked that the Township Committee revisit the Warren County Shared Services Agreement. In conclusion it was agreed not to participate.

NEW BUSINESS

NJ STATE FIREMEN’S ASSOCIATION

A motion by Dan Grover authorizing the acceptance of a NJ State Firemen’s Association Membership applications from Abigail R Crisp and Thomas M Feggulis carried. Mayor Inscho abstained.

MORRIS COUNTY COOPERATIVE PRICING AGREEMENT

Following discussion, a motion by Ron Petersen to adopt the following Resolution carried.

Resolution #2016.072  
Authorizing Execution of an Agreement with the  
Morris County Cooperative Pricing Council  
to Renew Membership therein for the period of  
1 October 2016 through 30 September 2021

*WHEREAS*, the Morris County Cooperative Pricing Council ( “MCCOC”) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of educations and other public bodies located in the County of Morris and adjoining counties; and

*WHEREAS*, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

*WHEREAS*, Liberty Township desires to enter into an Agreement with the MCCPC, which id administered by Randolph Township as Lead Agency, to renew its membership in the MCCPC for the period of 1 October 2016 through 30 September 2021.

*BE IT RESOLVED*, Liberty Township, Warren County, State of New Jersey as follows:

1. Governing Body of the Township of Liberty hereby authorize the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated 1 October 2016, pursuant to NJSA 40A:11-11(5). Said Agreement is for renewal of membership in the MCCPC for a five (5) year period from 1 October 2016 through 30 September 2021.
2. The Liberty Township Municipal Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
3. The Resolution shall take effect immediately upon final passage according to law.
4. All appropriate Liberty Township officials and directed to perform all required acts to affect the purpose of this Resolution

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

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

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD COMPREHENSIVE FARMLAND PRESERVATION PLAN

It was agreed to revisit this topic at the November meeting.

**BLOCK 17, LOT 7.01, INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM**

Following review on the number of structures and bedrooms upon this parcel, a motion by Ron Petersen to adopt the following Resolution carried.

**RESOLUTION #2016-073**

*BE IT RESOLVED* by the Mayor and Committee of the Township of Liberty, that the Township of Liberty has been made aware of the Treatment Works Approval Application (TWA), for property owner, George E. Magley; Block 17; Lot 7.01; 738 Pequest Road, on the tax maps of the Township of Liberty, Warren County, New Jersey; for the alteration/replacement of an existing malfunctioning septic system; and

*BE IT FURTHER RESOVLED* that the Mayor and Committee certify that the Township of Liberty consents to the submission of the TWA application to the Department of Environmental Protection for approval; and

*BE IT FURTHER RESOLVED* that the project as proposed conforms with the requirements of all municipal ordinances; and

*BE IT FURTHER RESOLVED* that the Mayor and Committee do not assume responsibility for the TWA application or the design, which will remain the responsibility of the applicant (Magley) and the applicant’s engineer (Paul Harenberg, Engineering & Land Planning Associates, Inc.); and

*BE IT FURTHER RESOLVED* that the Mayor and Committee and Liberty Township Board of Health Respectfully request that they be advised of the status of the technical review and subsequent progress of the project; and

*BE IT FURTHER RESOLVED* that the Mayor, John E Inscho, is here by authorized to sign and execute Section A-1 of the NJDEP Statements of Consent; “Consent by the Governing Body”.

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

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

**BEST PRACTICES INVENTORY 2016**

A motion by John Inscho to adopt the Best Practices 2016 documentation carried.

**ORDINANCE #2016.009** - Following discussion, a motion by Mayor Inscho to introduce Ordinance #2016.009 on First Reading carried. Public Hearing and Adoption are scheduled for 3 November 2016.

An Ordinance to Amend an Ordinance Entitled an Ordinance to Provide for and Determine the Salaries and Compensation for the Officers and Employees of the Township of Liberty, County of Warren, State of New Jersey

BE IT ORDAINED, by the Township Committee of the Township of Liberty, Warren County, New Jersey, that Section 1, 2 and 3 of the above Ordinance be amended as follows:

Section 1: Here is the following schedule of minimum and maximum salaries (yearly and hourly) for the position hereby listed:

POSITION	MINIMUM	MAXIMUM
Township Committee	1,000	4,500
Municipal Clerk	20,000	80,000
Deputy Municipal Clerk	8.25/hour	25.00/hour
Administrator	500	10,000
Treasurer/CFO	10,000	30,500
Tax Collector	10,000	38,500
Tax Assessor	10,000	38,500
LandUse Administrator	5,000	20,500
Zoning Code Official	4,000	11,000
Animal Control Officer	2,500	10,500
Environmental Commission Secretary	8.25/hour	25.00/hour
Emergency Management Coordinator	500	5,000
Deputy Emergency Management Coordinator	500	3,000
Recreation Commission Assistant	8.25/hour	25.00/hour
Seasonal Head Life Guard	10.00/hour	20.00/hour
Lifeguards	9.50/hour	20.00/hour
Seasonal Beach Manager	8.25/hour	25.00/hour
Assistant Seasonal Beach Manager	8.25/hour	25.00/hour
Summer Recreation Counselors	9.00/hour	14.00/hour
Summer Recreation Head Counselor	12.00/hour	25.00/hour

#### Section 2: Public Works

Public Works Supervisor	20.00 per hour	38.00 per hour
Assistant Public Works Supervisor	20.00 per hour	38.00 per hour
Laborer	12.00 per hour	31.00 per hour
Seasonal DPW Help	8.25 per hour	30.00 per hour

Regular work week for road department is forty hours. Overtime will be compensated at time and one half for work performed in excess for forty hours in any work week.

Section 3: The aforesaid Sections 1, and 2 are to be effective as of and retroactive to 1 January 2015.

Section 4: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed.

Section 5: This Ordinance shall take effect immediately upon final adoption according to law.

All ordinances or parts of ordinance inconsistent with this ordinance are hereby repealed.

RESOLUTIONS

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

Resolution #2016.074  
Tax Refund

*WHEREAS*, The Tax Collector recommends to the Township Committee that the necessary administrative action be taken to authorize a refund to the following;

Block/Lot	Name/Address	Reason	Year	Total Refund
10/24.03 Qfarm	Ocean First Bank Attn: Dana LaMonica Escrow Dept 975 Hooper Ave Toms River, NJ 08753	Overpayment	2016	\$ 673.23
61/1.04 Qfarm	Kenneth & Amy Mauriello 26 Jenny Jump Ave Great Meadows, NJ 07838	Overpayment	2016	\$ 90.62

*NOW, THEREFORE, BE IT RESOLVED*, By a majority of the members of the Township Committee of the Township of Liberty, County of Warren, State of New Jersey that the refund on the above list shall be returned to the parties designated.

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

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

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

Resolution #2016.075  
Tax Lien Refund

*WHEREAS*, the Tax Collector recommends to the Township Committee that the necessary administrative action be taken to authorize a refund to the following lienholders.

Block	Lot	Lien #	Name/Address	Lien Amount	Interest	Premium	Total Refund
17	13	2015-06	TWR as CST for Ebury Fund 1NJ PO Box 37695 Baltimore, MD 21297	\$26,197.81	\$ 2,513.48	\$40,100.00	\$68,811.29
55	7	2015-11	TWR as CST for Ebury Fund 1NJ PO Box 37695 Baltimore, MD 21297	\$17,401.18	\$ 1,542.75	\$17,100.00	\$36,043.93



1	10	2011-04	FWDSL & Associates 17 West Cliff St Somerville, NJ 08876	\$ 3,914.88	\$ 2,125.99	\$	\$ 6,040.87
1	18Q	2011-06	FWDSL & Associates 17 West Cliff St Somerville, NJ 08876	\$ 1,484.25	\$ 779.78	\$	\$ 2,264.03
1	20Q	2011-07	FWDSL & Associates 17 West Cliff St Somerville, NJ 08876	\$ 2,248.71	\$ 1,212.78	\$	\$ 3,461.49
1	20.01	2011-08	FWDSL & Associates 17 West Cliff St Somerville, NJ 08876	\$10,148.09	\$ 5,599.95	\$	\$15,748.04
1	20.02	2011-09	FWDSL & Associates 17 West Cliff St Somerville, NJ 08876	\$ 2,208.16	\$ 1,190.45	\$	\$ 3,398.61
1	22Q	2011-10	FWDSL & Associates 17 West Cliff St Somerville, NJ 08876	\$ 1,082.35	\$ 486.96	\$	\$ 1,569.31
1	24Q	2011-12	FWDSL & Associates 17 West Cliff St Somerville, NJ 08876	\$ 4,309.87	\$ 2,351.64	\$	\$ 6,661.51
1	25Q	2011-13	FWDSL & Associates 17 West Cliff St Somerville, NJ 08876	\$ 749.87	\$ 228.95	\$	\$ 978.82
1	27	2011-14	FWDSL & Associates 17 West Cliff St Somerville, NJ 08876	\$68,961.95	\$38,651.44	\$	\$107,613.39

*BE IT RESOLVED*, By a majority of the members of the Township Committee of the Township of Liberty, County of Warren, State of New Jersey that the refund on the above list shall be returned to the parties designated.

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

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

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

Resolution #2016.076  
 Recognition of Pancreatic Cancer Awareness Month

Declaring 17 November as “World Pancreatic Cancer Day” in the Township of Liberty

*WHEREAS*, in 2016, an estimated 53,070 people will be diagnosed with pancreatic cancer in the United States and 41,780 will die from the disease; and

*WHEREAS*, pancreatic cancer surpassed breast cancer this year to become the third leading cause of cancer death in the United States, and it is projected to become the second leading cause by 2020; and

*WHEREAS*, pancreatic cancer is the only major cancer with a five-year relative survival rate in the single digits at just eight percent; and

*WHEREAS*, when symptoms of pancreatic cancer present themselves, it is generally later stages, and 71 percent of pancreatic cancer patients die within the first year of their diagnosis; and

*WHEREAS*, approximately 1260 deaths will occur in New Jersey in 2016; and

*WHEREAS*, pancreatic cancer is the 7<sup>th</sup> most common cause of cancer-related death in men and women across the world; and,

*WHEREAS*, there will be an estimated 418,451 new pancreatic cancer cases diagnosed globally in 2020; and,

*WHEREAS*, the good health and well-being of the residents of Liberty Township are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments; therefore be it

*RESOLVED* That the Mayor designate 17 November as “World Pancreatic Cancer Day” in the Township of Liberty

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

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

PAYMENT OF BILLS

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

Resolution #2016.077  
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 \$729,048.67.

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

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

PUBLIC COMMENT was opened at 8:10 pm.

Mayor Robert Giordano, Independence Township, invited those present to attend the 24<sup>th</sup> Legislative District meeting to be held at that Independence Township Municipal Building on 4 November at 10:30 am.

He also advised that a meeting would be held with members of NJDEP on 17 October 2016, at 7:30 pm, for their explanation on NJDEP acquired property with intentions of reversing cleared, active farmland into a natural swamp environment. Mayor Giordano is anticipating a very large crowd to attend this meeting and is unsure of the location to accommodate the public at this time.

Lisa Thomas – Ms. Thomas the introduction of a salary Ordinance.

EXECUTIVE SESSION

At 8:15 pm a motion by John Inscho to adopt the following Resolution carried.

RESOLUTION #2016.078

*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 Township Committee 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 – Lease/Purchase Options
- ✓ Litigation – OPRA Request, Hopkins
- ✓ Collective Bargaining Agreement – GXP Program

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

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

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

At 8:49 pm, a motion by Mayor Inscho to reconvene the public meeting carried. Mayor Inscho stated that during executive session two matters of contractual bargaining and one potential litigation were discussed. Action to follow.

DPW EQUIPMENT

Discussion ensued, and a motion by Mayor Inscho to authorize the purchase a snow plow for a cost not to exceed \$5,500.00 carried.

GXP PROGRAM

Following discussion, a motion by Mayor Inscho to authorize the Liberty Township donation to the Warren County Prosecutor's office to be applied to the acquisition of a the Countywide GXP Program carried.

ADJOURNMENT

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

Meeting adjourned at 8:50 p.m.

Diane M Pflugfelder RMC/MMC  
Municipal Clerk/Administrator  
Minutes Approved 3 November 2016