

AGENDA
LIBERTY TOWNSHIP MEETING

3 October 2019
7:00 PM

Municipal Building
349 Mountain Lake Road
Great Meadows, NJ 07838

Sunshine Notice
Flag Salute
Roll Call

Reports:
New Jersey State Police
Committeepersons
Mayor
Municipal Professionals
Municipal Departments/Boards/Commissions

Adoption of Agenda

Adoption of Minutes
Meeting of 5 September 2019

Unfinished Business

New Business
Lodge Auction
Best Practices Inventory 2019
Mountain Lake Fire Ordinance Proposal
ABC Social Permit Applications
NJ Fireman’s Association - Cavaliere
NJDOT Grant – Marble Hill Road

Resolution

Adoption of Bill List
Public Comment
Executive Session

Adjournment

A regularly scheduled meeting of the Township of Liberty was held in the Municipal Building, 349 Mountain Lake Road, Great Meadows on 3 October 2019. The meeting was opened by Mayor John Inscho with Adequate Notice of Meeting and the Pledge of Allegiance at 7:02 p.m.

Present: Mayor John Inscho; Deputy Mayor Daniel Grover; Carl Cummins, Peter Karcher and Michael Beyer

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

REPORTS

COMMITTEEPERSON KARCHER

Mr. Karcher presented an interest by Colonial Baseball to reserve the use of Free Union Fields for the 2019 baseball season. A motion by Dan Grover to authorize Colonial Baseball to use Free Union Fields for the 2019 season carried. (This request was previously approved at the 9 May 2019 meeting)

Mr. Karcher requested that the Department of Public Works remove tress that had grown up within the batting cages located in Free Union Fields.

The Recreation Commission inquired into the process for establishing a new Recreation program. Attorney Skoog will research.

COMMITTEEPERSON GROVER

Mr. Grover reported that he had attended the first Great Meadows Regional Board of Education meeting. He advised that there had been a break-in at the Independence school and the alarm process has been amended to notify the Independence Police first. He stated that the Board of Education announced that they anticipate a large State funding reduction in the next budget.

MAYOR INSCHO

Mayor Inscho announced that bids for Marble Hill Road Improvements would be opened on 25 November 2019 and the consideration to award on 5 December 2019.

DEPARTMENT OF PUBLIC WORKS

A pre-printed report was received from the Department of Public Works for September 2019 and placed on file.

MUNICIPAL CLERK/ADMINISTRATOR

A pre-printed report was received from the Municipal Clerk/Administrator for September 2019 and placed on file

MUNICIPAL TAX COLLECTOR

A pre-printed report was received from the Municipal Tax Collector for September 2019 and placed on file

RECREATION COMMISSION

A pre-printed report was received from the Municipal Tax Collector for September 2019 and placed on file

ENVIRONMENTAL COMMISSION

A pre-printed report was received from the Municipal Tax Collector for September 2019 and placed on file

APPROVAL OF MINUTES

A motion by Mike Beyer to adopt the public minutes of 5 September 2019 carried. Pete Karcher abstained.

UNFINISHED BUSINESS

NEW BUSINESS

MOUNTIAN LAKE LODGE

Resolution #2019.070, authorizing the auction and advertising for bids to sell certain land owner by the Township of Liberty was published in both 10 and 17 September 2019 editions of the Express Times. The auction was advertised for 3 October 2019 at 5:00 pm.

On 3 October 2019, Mayor Inscho and Attorney Skoog were in attendance with the Municipal Clerk. The Municipal Clerk read the following information;

And it now being 5:00 PM October 3

Good afternoon and welcome to Liberty Township. Today we are gathered for a public auction of 11 Lakeside Drive East. If you anticipate bidding on this property please sign the registration sheet.

Auction of Lodge, 11 Lakeside Drive East, Belvidere, New Jersey

Good Afternoon. My name is Diane M Pflugfelder. I am the Municipal Clerk/Administrator for the Township of Liberty in Warren County, New Jersey. Pursuant to Resolution Number 2019.070 adopted by the Liberty Township Committee on 5 September 2019, I have been authorized to advertise and auction for bids to sell certain land owned by the Township of Liberty, formerly known as the Lodge.

The Land consists of property identified as Block 52, Lot43.01 and Block 44, Lot 1.01 on the Liberty Township Tax Map. Said property was advertised for public sale by public auction pursuant to NJSA 40A:12-13., Sales of Real property, capital improvements or personal property: exceptions; procedure, and subject to the following conditions:

- A. Bids shall be received by the Municipal Clerk/Administrator on this day, 3 October 2019 at 5:00 pm at the Liberty Township Municipal Building, 349 Mountain Lake Road, Great Meadows, New Jersey 07838 in the manner of a public auction
- B. All bids shall be referred to the Township Committee for review and consideration of final approval pursuant to NJSA 40A:12-13.A. The Liberty Township Committee reserves the right to accept the highest bid or to reject any and all bids as described herein, including the highest bid, and shall make its decision known by Resolution within twenty-one (21) days after bids are received
- C. A minimum bid of \$220,000.00 has been established as the lowest sum to be considered for acceptance by the Liberty Township Committee
- D. Bidders shall have the option of making payments as follows: cash or certified check within fifteen minutes of the close of bidding at the amount of 10% (ten percent)

Plus

Cash or certified check at a closing to be held on or before 45 (forty-five) days or as otherwise may be established by Liberty Township after the Township Committee's acceptance of the bidder's bid.

Upon the closing of bidding the highest qualified bidder, as designated by the Municipal Clerk/Administrator, shall submit cash or certified check in the amount of 10% (ten percent) of his bid and shall immediately execute a contract of sale at the bid price, which offer shall include the terms and conditions specified in the Resolution of Liberty Township dated 5 September 2019 authorizing this sale. The deposit herein shall be non-refundable.

Title shall be conveyed by bargain and sale deed with final payment to be made as described above on the closing date as established herein

Bids shall be received for the property; subject to the terms and conditions of the Resolution adopted by the Liberty Township Committee on 5 September 2019. A copy of the Resolution is posted on the front door of the Liberty Township Municipal Building as well as within the Township Committee minutes of 5 September 2019 posted on the municipal web site. Copies are available from the Municipal Clerk’s office.

The following restrictions and conditions are placed upon this sale:

- a) The Resolution indicates the property shall be a restrictive covenant and said language will be inserted in the deed which will remain in effect for a period of five years from the date of conveyance.
- b) This covenant shall restrict the parcel to be used only for restaurant purposes. The term restaurant as used herein shall mean the onsite preparation of hot and cold food stuffs for retail sale and consumption on premises. It shall, however, also allow for ‘take out’ services and the sale of alcoholic beverages as per NJSA 33 and NJAC 13:2. Specialty foods and beverages not prepared on site may also be sold to the public from the premises. The term restaurant may include what is commonly known as pizzerias, delicatessen or other like business.
- c) In addition a restrictive covenant will be inserted in the deed which will attach to and run with the land forever which will limit the height of any buildings on the parcel to one story but in no event greater than fifteen (15) feet in height from the ground level
- d) The land being sold is also subject to the exception noted in the Chicago Title Insurance Policy No.72106-1214253. A copy is available for anyone to review.

All lots are conveyed subject to existing encumbrances, lines, zoning regulations, easements, and other restrictions such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting said property. Further, the lands and buildings being sold herein are being conveyed without any warranties or guarantees as to the condition of the land and buildings or contents therein. The lands, buildings and contents are being sold in an “as is condition”.

After I open the floor to bidding the last highest bidder will be awarded the Bid subject to the hereinbefore recited terms. The last highest bidder will be so deemed and awarded at the third count, by example, going once, going twice, and then the award will be made.

A minimum increase of \$1000 will be set in each bid increment.
I now open the floor to bidding and ask does anyone submit a bid of \$220,000?

The Bidding Sign-in Sheet was signed by Laura & Jeff McConnell, 24 Jenny Jump Ave, Great Meadows, NJ and John Zsilavetz, 113 Greenwich Street, Belvidere, NJ 07823.
A bid was received from Jeffery Lane Mc Connell in the amount of \$220,000.00. No additional bids were received. Bidding closed at 5:09 pm to Jeffrey Lane McConnell in the amount of \$220,000.00. A PNC Bank Cashier’s Check #3455309 in the amount of \$22,000.00 was received from Jeffrey Lane McConnell.

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

RESOLUTION #2019.071
Resolution Accepting Bids to Sell Certain
Land Owned by the Township of Liberty

WHEREAS, the Liberty Township Committee, Said property was advertised for public sale by public Auction pursuant to NJSA 40A:12-13., Sales of Real property, on 10 and 17 September 2019 in the Express Times; and

WHEREAS, in accordance with that advertisement, an auction was conducted, in the Liberty Township Municipal Building, 349 Mountain Lake Road, Great Meadows, NJ on 3 October 2019 at 5:00 pm. A total of one bid was received.

NOW, THEREFORE, BE IT RESOLVED that the bid be awarded to Jeffrey Lane McConnell in the total amount of \$220,000.00 subject to the terms and conditions of a contractual agreement, the Mayor is authorized to execute the contract on behalf of the Township Committee.

Vote: aye - Grover
aye - Beyer
aye - Cummins

John Inscho,
Mayor

aye - Karcher
aye - Inscho

BEST PRACTICES INVENTORY 2019

A motion by John Inscho to adopt the Best Practices 2019 documentation carried.

MOUNTAIN LAKE FIRE ORDINANCE PROPOSAL

Chief Thomas submitted an Ordinance adopted by White township in July 2017 which authorizes Mountain Lake Fire Company to submit requests for reimbursement for the costs of materials used in fighting fires and providing emergency services. He requested Liberty Township consider the adoption of a similar Ordinance. Following discussion, The Township Committee agree to research the proposed Ordinance.

ABC SOCIAL PERMIT APPLICATIONS

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

Resolution #2019.072
Application for Special Permit for Social Affair
Mountain Lake Fire Company

WHEREAS, an “Application for Special Permit for Social Affair” has been filed by the Mountain Lake Fire Company, 99 Tamarack Road, Belvidere, New Jersey 07823 for said social affair to be held on 2 November 2019 between the hours of 1:00 pm and 3 November 2019, 1:00 am; and

WHEREAS, an “Application for Special Permit for Social Affair” has been filed by the Mountain Lake Fire Company, 99 Tamarack Road, Belvidere, New Jersey 07823 for said social affair to be held 6 December 2019 between the hours of 1:00 pm and 7 December 2019, 1:00 am; and

WHEREAS, the submitted application form is complete in all respects, and the State fees have been paid.

BE IT RESOLVED, that the Liberty Township Committee does hereby approve a social affair for the Mountain Lake Fire Company located at 99 Tamarack Road, Belvidere, New Jersey to be held on 2 November 2019 between the hours of 1:00 pm and 3 November 2019, 1:00 am, to be held in the area delineated on the application form.

BE IT RESOLVED, that the Liberty Township Committee does hereby approve a social affair for the Mountain Lake Fire Company located at 99 Tamarack Road, Belvidere, New Jersey to be held on 6 December 2019 between the hours of 1:00 pm and 7 December 2019, 1:00 am, to be held in the area delineated on the application form.

Vote: aye - Karcher
aye - Cummins
aye - Beyer
aye - Grover
abstain - Inscho

John Inscho,
Mayor

NJ STATE FIREMEN’S ASSOCIATION

A motion by Carl Cummins authorizing the acceptance of a NJ State Firemen’s Association Membership application from Sebastian F Cavaliere carried. Mayor Inscho abstained.

PUBLIC COMMENT was opened at 7:15 pm.

Shannon Schaaf – Ms. Schaaf announced that the Environmental Commission had a successful native planting event at the John R Fisher Pavilion on 15 September 2019 between 1:00-3:00 pm. She also advised that the Habitat Project at Mountain Lake for the fish pyramids would be built and installed within September.

Shannon Schaaf – Ms. Schaaf stated that the Environmental Commission was interested in repainting the Liberty Township totem pole in 2020.

Justin Townsend – Mr. Townsend reported that he was attempting to remove a large tree on his property. The tree removal company advised that they would need use a crane and the crane would block Lakeside Drive West Road. Mr Townsend was advised that the Township Committee would work with him for his crane placement.

Ethan Hashagen – Mr. Hashagen inquired into paving Hillside Avenue

Joe Thomas – Mr. Thomas questioned if the Township Committee could assist the Mountain Lake Fire Company with obtaining a key to the inactive Liberty School for emergency access and retrieving a repeated that is in the office.

Arthur Strock – Mr. Strock asked if there was any intention to clear access to Mountain Lake from the current kayak rack location.

EXECUTIVE SESSION

At 7:28 pm a motion by John Inscho to adopt the following Resolution carried.

RESOLUTION #2019.073

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 - Samson Concrete and Masonry LLC
- ✓ Personnel and Personnel Policy - Nicolls State Fireman’s Association Application

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

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

John Inscho,
Mayor

At 7:44 pm, a motion by Mayor Inscho to reconvene the public meeting carried. Mayor Inscho stated that during executive session matters of personnel and contractual consideration were discussed. Action to follow.

RESOLUTIONS

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

RESOLUTION #2019.074
AUTHORIZING CONTRACT CHANGE ORDER NO. 4
FOR THE LAKESIDE DRIVE WEST WALL RESTORATION

WHEREAS, a contract was awarded on 29 August 2018, via Resolution #2018.059, to Samson Concrete & Masonry LLC, 102 S. Main Street, Suite A, Phillipsburg, NJ 08865 in the amount of \$400,000.00; and

WHEREAS, said contract was amended on 9 May 2019, via resolution #2019.042, to Samson Concrete & Masonry LLC, 102 S. Main Street, Suite A, Phillipsburg, NJ 08865 to the amended amount of \$405,090.63; as adjusted for three-quarters (¾) of bid request as the perforated pipe installed was six-inch (6”) and not the eight-inch (8”) as per spec; and

WHEREAS, said contract was amended on 3 October 2019, via resolution #2019.074, to Samson Concrete & Masonry LLC, 102 S. Main Street, Suite A, Phillipsburg, NJ 08865 to the amended amount of \$409,090.63; as adjusted for water proofing material purchased out of contractual specifications.; and

WHEREAS, the Municipal Engineer and Municipal Attorney recommend Change Order No.4, be approved for the Lakeside Drive West Wall Restoration Project; and

WHEREAS, this Change Order will increase the contract amount by \$4,000.00 for a new total of \$409,090.63; and

WHEREAS funds are available for said Change Order; and

WHEREAS, the CFO has filed the required Certificate of Funds with the Municipal Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Liberty, Warren County, NJ that it does hereby approve Change Order No.4 for the Lakeside Drive West Wall Restoration Project, which results in a \$4,000.00 increase in the overall contract.

Vote: aye - Cummins
aye - Grover

John Inscho, Mayor

aye - Beyer
aye - Karcher
aye - Inscho

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

RESOLUTION #2019.075
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 \$463,046.60.

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

John Inscho,
Mayor

ADJOURNMENT

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

Meeting adjourned at 7:44 p.m.

Diane M Pflugfelder RMC/MMC
Municipal Clerk/Administrator
Minutes Approved 14 November 2019

