

AGENDA
LIBERTY TOWNSHIP MEETING

1 April 2021
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
Recreation Commission Questions for 2021 Programs

Adoption of Agenda

Adoption of Minutes

Meeting and Executive Session of 4 March 2021

Unfinished Business

Adoption of 2021 Budget
Planet Network
Mountain Lake Beach Staffing
Mountain Lake 2021 Monitoring Program

New Business

Chapter 49. Article II. Swine
Discussion: Cannabis Ordinance
Muskie Inc. Tournament
2021 Code Green Lawn Care Contract
DPW Shared Service Agreement
Warren County Municipal and Charitable Conservancy Trust Fund Commission
Quotes: Municipal Complex Paving Project
NJDOT 2021 Municipal Aid Program – Free Union Road, Section II
Computer Backup System Upgrade

Resolutions

Salary
ABC Social Permits for Mountain Lake Fire Company

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 1 April 2021. 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 Daniel Grover; and Wayne Spangenberg

Absent: Peter Karcher; and, David Rogers

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

REPORTS

COMMITTEEPERSON SPANGENBERG

Wayne Spangenberg reported that 3 lifeguards and 8 summer recreation employment applications have been received. He also stated that the Spring Soccer program had 72 participants on teams K-8. Community Day 2021 is scheduled for Saturday 25 September with a rain date of 2 October.

DEPARTMENT OF PUBLIC WORKS

A pre-printed report was received from the Department of Public Works for March 2021 and placed on file.

APPROVAL OF MINUTES

A motion by Dan Grover to adopt the public and executive session minutes of 4 March 2021 carried.

UNFINISHED BUSINESS

ADOPTION OF MUNICIPAL BUDGET 2021

A motion by Dan Grover to open the public hearing carried. A motion by Dan Grover to adopt the 2021 Municipal Budget Resolution carried.

Vote: absent - Karcher
absent - Rogers
aye - Spangenberg
aye - Grover
aye - Inscho

PLANET NETWORK

No action at this time

MOUNTAIN LAKE 2021 MONITORING PROGRAM

Mayor Inscho asked that this issue be carried to the May meeting. There is discrepancies with the proposed financial terms.

NEW BUSINESS

CHAPTER 49, ARTICLE II. SWINE.

No action at this time

ORDINANCE #2021.004 - A motion by Dan Grover to introduce Ordinance #2021.004 on First Reading carried. Public Hearing and Adoption are scheduled for 6 May 2021.

ORDINANCE 2021.004

AN ORDINANCE BY LIBERTY TOWNSHIP IN WARREN COUNTY, NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHIC BOUNDARIES AND AMENDING SECTION 105-24.4 OF THE MUNICIPAL CODE

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 year of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c.16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributor license, for businesses involved in transporting cannabis plants in bulk from on licenses cultivator to another licensed cultivator or cannabis items in bulk from any type of licensed business to another
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchase items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and the delivered to a consumer

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location, manner and times of operations of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (i.e., by August 22, 2021): and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five (5) years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Governing Body of the Township of Liberty has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Township of Liberty in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township Liberty's residents and members of the public who visit, travel, or conduct business in Liberty Township, to amend Liberty Township's zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of Liberty Township; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts:

NOW THEREFORE, BE IT ORDAINED, by the Governing Body of the Township of Liberty, in the County of Warren, State of New Jersey, as follows:

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in Liberty Township, except for the delivery of cannabis items and related supplies by a delivery service.
2. Section 105-24.4 of the Municipal Code is hereby amended by adding to the list of prohibited uses, the following: "All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms as defined in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service."
3. Any article, section, paragraph, subsection, clause or other provision of the Liberty Township Municipal Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.
4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.
5. This ordinance shall take effect upon its passage and publication and filing with the Warren County Planning Board, and as otherwise provided for by law

MUSKIE INC TOURNAMENT

An application was received to conduct a Muskie Tournament from 7am to 3 pm; 12 boats maximum; catch & release; “Weigh in”; no food; and, a certificate of insurance naming Liberty Township as additionally insured was provided. A motion by Dan Grover approving the Muskie Inc Tournament carried.

CODE GREEN LAWN CARE

A motion by Wayne Spangenberg to authorize Mayor Inscho to execute the 2021 Code Green Lawn Care contract for Free Union Fields as amended by Attorney Skoog carried.

DPW SHARED SERVICE AGREEMENT

A motion by Wayne Spangenberg to authorize Mayor Inscho to execute a DPW Shared Service Agreement with Independence Township carried.

WARREN COUNTY MUNICIPAL AND CHARITABLE CONSERVANCY TRUST FUND COMMISSION

No action at this time

**MUNICIPAL COMPLEX PAVING PROJECT
QUOTES**

Quotes were received from the following;

<i>Company</i>	<i>Price</i>
Serene Landscape Construction LLC Blairstown, NJ 07825	\$58,000
South State Inc Phillipsburg, NJ	\$113,749.75
K&A Paving Belvidere, NJ	\$82,800
All Image Asphalt Stewartsville, NJ	\$120,797.67

Following brief discussion, a motion by Mayor Inscho to adopt the following Resolution upon legal review carried.

Resolution #2021.XXX
Award of Contract

BE IT RESOLVED, That the Township of Liberty hereby awards the contract for Municipal Complex Paving to South State Inc., Phillipsburg, NJ whose bid amounted to \$113,749.75

Vote: aye - Grover
absent - Rogers
aye - Spangenberg
absent - Karcher
aye - Inscho

John Inscho,
Mayor

NJDOT 2021 MUNICIPAL AID PROGRAM – FREE UNION ROAD, SECTION II

Notification was received from State of New Jersey, Department of Transportation, that Liberty township had been approved for Fiscal Year 2021 Municipal Aid Program for Free Union Road Section II in the amount of

\$106,900.00. The Township Committee agreed to proceed with use of this funding through State Contract approved paving companies.

COMPUTER BACKUP SYSTEM UPGRADE

A motion by Mayor Inscho authorizing Jewell Computing Solutions to upgrade the backup system at a cost not to exceed \$8,716.99 carried.

ORDINANCE #2021.005 - A motion by Dan Grover to introduce Ordinance #2021.005 on First Reading carried. Public Hearing and Adoption are scheduled for 6 May 2021.

ORDINANCE 2021.005

CAPITAL ORDINANCE PROVIDING FOR MUNICIPAL IMPROVEMENTS IN THE TOWNSHIP OF LIBERTY, COUNTY OF WARREN, STATE OF NEW JERSEY APPROPRIATING THE AMOUNT OF \$24,000.00 FROM THE RESERVE FOR MUNICIPAL IMPROVEMENT

BE IT ORDAINED by the Township Committee of the Township of Liberty, in the County of Warren, State of New Jersey as follows:

Section 1. The Township of Liberty, in the County of Warren, New Jersey (the "Township") hereby appropriates \$24,000.00, fully funded by the Reserve for Municipal Improvement, for the acquisition of municipal improvements in the Township of Liberty.

Section 2. The capital budget of the Township is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, is on file in the office of the Clerk and is available for public inspection.

Section 3. The ordinance shall take effect after final adoption and publication and otherwise as provided by law.

RESOLUTIONS

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

RESOLUTION #2021.xxx SALARY

WHEREAS, Salary Ordinance #2021.002 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 2021 in the amounts designated below. All salaries are retroactive to 1 January 2021 unless otherwise noted:

<u>NAME</u>	<u>POSITION</u>	<u>SALARY</u>
John E Inscho	Township Committee	2,129.00
Dan Grover	Township Committee	2,129.00
David Rogers	Township Committee	2,129.00
Mike Beyer	Township Committee	2,129.00

Pete Karcher	Township Committee	2,129.00
Diane M Pflugfelder	Administrator	5,024.00
Diane M Pflugfelder	Municipal Clerk/Registrar	77,739.00
Jennifer Breslin	Deputy Municipal Clerk/Registrar	16.98/hour
Kevin Lifer	Treasurer/CFO	12,485.00
Cindy Eckert	Tax Collector	24,408.00
Penny Holenstein	Tax Assessor	24,619.00
Eric Snyder	Zoning Code Official	11,587.00
Alan DeCarolis	Animal Control Officer	6,154.00
Carrie Gajda	Environmental Commission Secretary	13.50/hour
John Ward	Recreation Commission Assistant	13.53/hour
Steven Ciecwiez	Emergency Management Coordinator	3,121.00
Section 2: Public Works		
Jeffrey Snyder	DPW Supervisor	32.64/hour
Kenneth Lunden	Laborer	22.16/hour
Dion Arace	Laborer	19.00/hour
Martin Merritt	Laborer	23.00/hour, effective 12 April 2021

Vote: absent - Karcher
absent - Rogers
aye - Spangenberg
aye - Grover
aye - Inscho

John Inscho,
Mayor

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

RESOLUTION #2021.XXX
APPLICATION FOR SPECIAL PERMIT FOR SOCIAL AFFAIR
MOUNTAIN LAKE FIRE COMPANY

WHEREAS, "Applications for Special Permit for Social Affair" has been filed by the Mountain Lake Fire Company, 99 Tamarack Road, Belvidere, New Jersey 07823 for said the following social affairs;

- #1 - Barrel Hose Competition
4 June 2021 @ 6:00 pm to 5 June 2021 @ 1:00 am
Rain date: 11 June 2021 @ 6:00 pm to 12 June 2021 @ 1:00 am
- #2 - Car Show
25 July 2021 @ 9:00 am to 9 pm
Rain date: 1 August 2021 @ 9:00 am to 9 pm
- #3 - Community Day
25 September 2021 @ 9:00 am to 26 September @ 1:00 am
Rain date: 2 October 2021 @ 9:00 am to 3 October @ 1:00 am

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

BE IT RESOLVED, that the Liberty Township Committee does hereby approve the following social affairs for the Mountain Lake Fire Company located at 99 Tamarack Road, Belvidere, New Jersey;

- #1 - Barrel Hose Competition
4 June 2021 @ 6:00 pm to 5 June 2021 @ 1:00 am
Rain date: 11 June 2021 @ 6:00 pm to 12 June 2021 @ 1:00 am
- #2 - Car Show
25 July 2021 @ 9:00 am to 9 pm
Rain date: 1 August 2021 @ 9:00 am to 9 pm
- #3 - Community Day
25 September 2021 @ 9:00 am to 26 September @ 1:00 am
Rain date: 2 October 2021 @ 9:00 am to 3 October @ 1:00 am

to be held in the area delineated on the application form.

Vote: absent - Karcher
absent - Rogers
aye - Spangenberg
aye - Grover
aye - Inscho

John Inscho,
Mayor

PAYMENT OF BILLS

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

RESOLUTION #2021.XXXX 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 \$581,950.79.

Vote: absent - Rogers
aye - Grover
aye - Spangenberg
absent - Rogers
aye - Inscho

John Inscho,
Mayor

PUBLIC COMMENT was opened at 7:15 pm.

Leslie Hoffman – Ms. Hoffman inquired into details of Ordinance #2021.004, Cannabis

ADJOURNMENT

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

Meeting adjourned at 7:17 p.m.

Diane M Pflugfelder RMC/MMC
Municipal Clerk/Administrator
Minutes Approved 6 May 2021
