

AGENDA  
LIBERTY TOWNSHIP WORKSHOP

3 November 2022  
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
- Great Meadows Regional Board of Education

Adoption of Agenda

Adoption of Minutes

Meeting 6 October 2022

Unfinished Business

- Detention/Retention Ponds
- Concession Stand – Level 2 Assessment
- NJDEP Transition from Tier B to Tier A Municipal Stormwater General Permit
- Public Hearing – ORD #2022.005, Solar (LandUse Board Comments)
- Climate Change Resilience Strategy
- Flood Damage Prevention Ordinance
- Planet Networks

New Business

Pequest/Townsbury Roads

Resolutions

- Authorization of Duplicate Tax Sale Certificate
- Transfer
- LGCC – Mountain Lake Fire February 2023 Raffle
- Bills List

Public Comment

Adjournment

A regularly scheduled meeting of the Township of Liberty was held in the Municipal Building, 349 Mountain Lake Road, Great Meadows on 3 November 2022. 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; David Rogers; Pete Karcher; and, Wayne Spangenberg

Also, Present: Richard Wenner, Municipal Attorney; and, Diane M Pflugfelder, Municipal Clerk

REPORTS

COMMITTEEPERSON SPANGENBERG – Mr. Spangenberg reported that there are 42 fall soccer registrations and 88 basketball registrations. There are no 7<sup>th</sup>/8<sup>th</sup> grade basketball teams.

MAYOR INSCHO – Mayor Inscho presented an estimate from Eagan Construction for renovations to the beach building. The estimate included demolition of the old roof, installation of a shed style roof, two new double hung windows on the water side, and a new steel door at the cost of \$34,000.00. Committeeperson Karcher to review the estimate specifics.

## GREAT MEADOWS REGIONAL BOARD OF EDUCATION

Amber Gratacos – Ms. Gratacos reported the 2022 PARCC (Partnership for Assessment of Readiness for College and Careers) test results for grades 3 – 8. Results indicate a massive learning decline over the past 3 years. Overall, Great Meadows Regional School test results are above average in all grades in a state comparison. American Rescue Funds are being used to fund after school programs and Saturday tutoring.

APPROVAL OF MINUTES

A motion by Wayne Spangenberg to adopt the minutes of 6 October 2022 carried.

UNFINISHED BUSINESS

## DETENTION/RETENTION PONDS

Attorney Wenner reported that a title search has been ordered for the detention/retention pond off Pheasant Run; and he should be receiving the report on Friday, 4 November.

## CONCESSION STAND – LEVEL 2 ASSESSMENT

Mayor Inscho reported that the UV light unit has been installed and that documentation must be completed by a licensed well driller before the season opens in 2023 to resolve the coliform issues.

## NJDEP TRANSITION FROM TIER B TO TIER A MUNICIPAL STORMWATER GENERAL PERMIT

Mayor Inscho reported that Liberty Township may be invited to participate in a class action suit with other municipalities in objection to the unfunded mandate to be reclassified as a Class A for Stormwater annual general permit conditions.

ORDINANCE #2022.005 - PUBLIC HEARING - A motion by Mayor Inscho to open public hearing carried. Written notice on Ordinance #2022.005 with comments was received from the LandUse Board Attorney. Comments were addressed from public regarding solar farm buildout, zoning and unrestricted installation. No action was taken on Ordinance #2022.005.

## CLIMATE CHANGE RESILIENCE STRATEGY

Dan Grover stated that Eric Snyder, Municipal Zoning Official, was researching the climate change resilience program.

## FLOOD DAMAGE PREVENTION ORDINANCE

Dan Grover stated that Eric Snyder, Municipal Zoning Official, was researching the draft flood damage prevention ordinance.

## PLANET NETWORKS

Following the presentation of Planet Networks by Bob Boyle, Planet Networks CEO, at the 27 October 2022 Liberty Township workshop, a motion by Pete Karcher to adopt the following Resolution carried.

RESOLUTION #2022.065  
RESOLUTION AUTHORIZING THE USE OF THE PUBLIC  
RIGHT-OF-WAY BY PLANET NETWORKS, INC

*WHEREAS*, Planet Networks INC. (“Plant Networks”) is a provider of telecommunication services that is authorized by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout New Jersey; and,

*WHEREAS*, Planet Networks has petitioned the municipality for consent to use the public right-of-way to place its telecommunication facilities aerially on existing and new utility poles and/or in underground conduit; and

*WHEREAS*, the Federal Communications Commission has held that “an effective prohibition (under the Telecommunications Act of 1996) occurs where a state or local legal requirement materially inhibits a provider’s ability to engage in any of a variety of activities related to its provision of a covered service... not only by rendering a service provider unable to provide an existing service in a new geographic area or by restricting the entry of a new provider in providing service in a particular area, but also by materially inhibiting the introduction of new services or the improvement of existing services”. Declaratory Ruling and Third Report and Order, WT Docker No. 17-79; WC Docket No. 17-84, FCC-18-133A1, at para. 36, p. 15-16; and

*WHEREAS*, Planet Networks has or will enter into agreements with the utility companies for the use of their poles; and

*WHEREAS*, NJSA 48:3-19 provides that “(t)he consent of the municipality shall be obtained for the use by a person or the poles of another person unless each person has a lawful right to maintain poles in such street, highway or other public place”; and

*WHEREAS*, NJSA 27:16-6 provides, in part that “(t)he board of chosen freeholders shall not grant an easement, right of way, or use in, under or over, any portion of a county road in a municipality, unless the governing body of the municipality... shall consent thereto.” and

*WHEREAS*, NJSA 46:17-8 provides that “(a)ny telegraph or telephone company organized under the laws of this or any other State , or of the United States may erect, construct and maintain the necessary poles, wires, conduits, and other fixtures for its lines, in, upon, along, over or under any public street, road, highway, upon first obtaining the consent in writing of the owner of the soil to the erection of such poles, and through, across or under any of the waters within this State and upon, through or over any other land, subject to the right of the owners thereof to full compensation for the same”.

*WHEREAS*, NJSA 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right-of-way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal agency; and

*WHEREAS*, it is in the best interests of the municipality and its citizens to grant consent to Plant Networks.

*NOW, THEREFORE, BE IT RESOLVED* that:

1. That the Governing Body does hereby grant permission and authority to Planet Networks, Inc. to install fiber optic cables and related facilities on existing utility poles within the public right-of-way and to install new utility poles, upon the following terms and conditions:
  - a) Planet Networks shall adhere to all applicable federal, State, and local laws in connection with its use of the public right-of-way
  - b) Planet Networks shall obtain any applicable permits in connection with the installation of its facilities
  - c) Planet Networks shall indemnify, defend and hold harmless the municipality, its officials, agents, and employees, from and against any claims of liability, damages or loss resulting in bodily injury or property damage arising out of Planet Network’s use of the public right-of-way, except to the extent such loss, injury or property damage resulting from the acts or omissions of the municipality.
  - d) Planet Networks shall procure and maintain, at its cost and expense, commercial general liability insurance with limits not less than \$1,000,00 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction or property in any one occurrence and shall include the municipality as ad additional insured on said insurance policy
  - e) Planet Networks shall be responsible for the repair of any damage to pavement or any structure arising from its construction, installation or maintenance of its facilities
  - f) Notwithstanding any provision contained herein, neither the municipality nor Planet Networks shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this consent
  - g) That the Mayor is hereby authorized to execute and the Clerk to attest to any other documentation necessary to effectuate the terms of this Resolution

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

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John Inscho,  
Mayor

NEW BUSINESS

PEQUEST/TOWNSBURY ROAD

Discussion ensued on the condition of Pequest and Townsbury Roads following the installation of gas lines to private homes as well as a main from Mansfield Township into Oxford Township by Elizabethtown Gas. Attorney Wenner was directed to forward a letter to Elizabethtown Gas stating that Liberty Township wants the complete road excavated and paved on both sides within the side in fall 2022.

RESOLUTIONS

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

RESOLUTION #2022.066  
RESOLUTION AUTHORIZING THE ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE  
PURSUANT TO CHAPTER 99 OF THE PUBLIC LAWS OF 1997

*WHEREAS*, the Tax Collector of this municipality has previously issued a tax sale certificate to Debra Osadca which certificate is dated December 1, 2016 covering premises commonly known and referred to as Lot 6 in Block 27 as set out on the municipal tax map then in use which certificate bears number 2016-03.

*WHEREAS*, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto.

*NOW, THEREFORE*, be it resolved by the Mayor and Governing Body of the Municipality of Liberty Township that the Tax Collector of the municipality be and is hereby authorized upon receipt of the appropriately executed and notarized Loss of Affidavit and the payment of a fee of \$100.00 per certificate, to issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

*BE IT FURTHER RESOLVED* that a copy of this Resolution and the Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon I the word “Duplicate” as required by law.

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

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John Inscho,  
Mayor

A motion by Wayne Spangenberg to adopt the following Resolution carried.

RESOLUTION #2022.067  
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.

*NOW, THEREFORE, BE IT RESOLVED* by the Township Committee of the Township of Liberty, Warren County, New Jersey that in accordance with the provision of N.J.S.A. 40A:4-58, that the Chief Financial Officer be and is hereby authorized and directed to make the following transfer:

	<u>FROM</u>	<u>TO</u>
Land Use Board S/W	\$500.00	
Zoning Officer S/W	\$500.00	
Land Use Board O/E		\$1,000.00

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

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John Inscho,  
Mayor

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

RESOLUTION #2022.068  
RAFFLE APPLLICATION

*WHEREAS*, Mountain Lake Fire Company, 99 Tamarack Road, Belvidere, New Jersey 07823, is the licensee on the application to conduct an Off-Premises Merchandise Draw Raffle on 12 February 2023 to be held at Mountain Lake Fire Company, 99 Tamarack Road, Belvidere, New Jersey 07823 to be held at 2:00 pm; and

*WHEREAS*, the appropriate application forms and fees have been submitted to the Municipal Clerk; and

*WHEREAS*, there appears to be no reason to deny the aforesaid applications.

*BE IT RESOLVED* By the Township Committee of the Township of Liberty, County of Warren, State of New Jersey

1. The off-premises raffle application is approved contingent to the Legalized Games of Chance Control Commission adoption of aforesaid application.

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

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John Inscho,  
Mayor

A motion by David Rogers to adopt the following Resolution carried.

RESOLUTION #2022.069  
PAYMENT OF BILLS

*RESOLVED*, That the Governing Body 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 Governing Body in the amount of \$492,812.38

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

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John Inscho,  
Mayor

PUBLIC COMMENT was opened at 7:20 pm.

Rachel Bernard – Ms Bernard questioned the status of the detention/retention basin on her property, Block 5, Lot 21.14. Attorney Wenner reiterated that the tittle search is due tomorrow, 4 November 2022 and explained the research process in which terminology of intentions vs. documentation of record are considered.

Amy Peters – Ms. Peters reported that the foundation of the house on 7 Wood Road crack expansion and provided photos of the structure. Mayor reported that the State has been contacted and made aware of our municipal concerns.

Amy Peters – Ms. Peters inquired into the status of 164 Lakeside Drive West. Following discussion, a motion by Wayne Spangenberg authorizing Attorney Wenner to coordinate an auction of the tax sale certificate on 164 Lakeside Drive West within the calendar year 2022 carried.

ADJOURNMENT

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

Meeting adjourned at 7:42 p.m.

Diane M Pflugfelder RMC/MMC  
Municipal Clerk/Administrator  
Minutes Approved 1 December 2022

