

Approved: March 23, 2021

MONTAGUE TOWNSHIP COMMITTEE MEETING

MINUTES

January 26, 2021
(Via GoToMeeting and In-Person)

7:00 PM

OPENING STATEMENT

Mayor Innella called the Montague Township Committee meeting to order at 7:00 p.m. announcing that adequate notice had been provided to the New Jersey Herald and the Sunday New Jersey Herald for publication in which notice was given of the date, time, place and general agenda of the meeting according to the Open Public Meetings Act.

FLAG SALUTE

The Pledge of Allegiance commenced.

ROLL CALL

Present were: Ms. Crawford, Ms. Martin, Mr. Merusi, Mr. Zitone, Mayor Innella.

Also present was Clerk DeFabiis via go to meeting

Absent: None

MINUTES

Mr. Merusi made a motion to approve the Regular Meeting Minutes of January 12, 2021. Ms. Crawford seconded, and the motion carried with a unanimous roll call vote.

ORDINANCES (First Reading)

None.

ORDINANCES (Second Reading)

None.

Mayor Innella added two items to the agenda under New Business, Personnel (Zitone) and Free Tree Seedlings (Crawford).

RESOLUTIONS

2021-12 RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT

Mayor Innella stated that this resolution appoints Arthur J. Gallagher Risk Management Services, Inc., as Montague's Risk Management Consultant which is done yearly.

Ms. Martin made a motion to approve Resolution 2021-12. Mr. Merusi seconded, and the motion carried with a unanimous roll call vote.

2021-13 RESOLUTION APPOINTING FUND COMMISSIONER

Mayor Innella stated that this appointment is also done yearly, and the appointment would be the Municipal Clerk as Fund Commissioner, and in her absence, it would be the Deputy Clerk.

Mr. Zitone made a motion to approve Resolution 2021-13. Ms. Crawford seconded, and the motion carried with a unanimous roll call vote.

2021-14 RESOLUTION APPOINTING PUBLIC AGENCY COMPLIANCE OFFICER
(PACO) FOR THE TOWNSHIP OF MONTAGUE, SUSSEX COUNTY, NEW
JERSEY

Mayor Innella stated that this is done yearly, and the appointment would be the Municipal Clerk.

Ms. Crawford made a motion to approve Resolution 2021-14. Mr. Merusi seconded, and the motion carried with a unanimous roll call vote.

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2021-15 **AUTHORIZING THE TOWNSHIP OF MONTAGUE TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF VERNON FOR ANIMAL CONTROL SERVICES**

Mayor Innella informed those in attendance that the previous contract with Wantage came to an end last year. This shared service agreement contract would be for a total of \$15,000. The contract would be in effect for one year starting either February 1st or when Vernon has their first meeting the week after. Vernon has a good animal control force with 3-5 people involved. The regular business days of the contract would be 9 am to 4 pm and Saturday from 9 am to 12 pm. Vernon will provide 2 other days of off hours in the contract, and anything beyond that would be \$100 per call. During non-hours, they would only come out for something like a vicious dog, a bat or a raccoon. They also have a trap, neuter and release program where they pick up the first 35 feral cats and either spay or neuter them, and after that it would cost \$25 per cat. A quarterly report is given, and at that time Montague Township can tell them to discontinue or to just do a certain number more. Montague Township's website will post Vernon's number under Animal Control with their hours of operation.

He went on to say that if an animal is injured to a certain point, they will deliver it for veterinary care and Montague will pay for that care, and the town is trusting that this provider is not going to be doing that all the time. The town would also like to be contacted by the vet so that it may be possible to find the injured animal's owner, and if the owner comes forward, they would pay the vet bill. Feral cats have been an issue in town. One resident's cats are being trapped by a neighbor. Vernon would be agreeable to contacting this resident first to see if the cats are theirs.

The town needs to determine the length of time that the animals will be held and 7 days would be agreeable. Vernon will contact Montague Township to see if the animals are licensed in order to get the owner's information.

Questions concerning chickens would be a Zoning issue. Humane issues would be worked out between Vernon and the State Police.

Mr. Zitone made a motion to approve Resolution 2021-15. Mr. Merusi seconded, and the motion carried with a unanimous roll call vote.

CORRESPONDENCE

None.

NEW BUSINESS

Zoning (Mayor)

The Zoning Official has taken a position in the Sullivan County. There are two interested candidates for the position. Rich Nemeth is retired from the Sussex County Sheriff's Department, belongs to the fire department and would be willing to do the job for \$20/hour at 20 hours per week. The township attorney advised that for a professional position like this, the town would need to advertise for it. The position would be part-time (21 hours per week). The town would consider a mentorship for someone without experience. Bryan Leeper said he would continue to come in after his work hours to take care of issues that need to be addressed. Mr. Leeper will be requested to provide a letter memorializing what he said to the Mayor when he gave verbal notice of his resignation. A Resolution will be written to end Mr. Leeper's full-time employment and note that he will continue to be employed on a part-time basis at his current rate without benefits. This action needs to happen before February 7, 2021.

Ms. Martin made a motion to approve a Resolution to end Mr. Leeper's full-time employment and continue his employment as a part-time employee at his current rate without benefits. Mr. Merusi seconded, and the motion carried with a unanimous roll call vote.

Free Tree Seedlings (Crawford)

Since Hurricane Sandy's loss of trees, the state has been working with the Arbor Day Foundation to provide trees, and a lot of it is being funded by FedEx and other benefactors. Through the DEP and Arbor Day Foundation, tree saplings from 6" to 24" are being made available to communities and other organizations. This would typically take place in April, but no date has been set yet due to COVID-19. The tree saplings would be picked up in Parsippany and the distribution date would have to be no later than ten days from pick up. The Town would let the residents know the date and then they would come to the parking lot, give their names and how many trees they want, and they would be distributed through car windows. The Northern Red

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Oak is the tree that would be provided to our area. The Town has to apply by February 27th and will request 500 saplings.

Personnel (Zitone)

The Township hired Jim Raperto as a part-time snow plow driver. He worked with the Town previously. Mr. Zitone made a motion to approve hiring Jim Raperto as a part-time snow plow driver not to exceed \$20 per hour. Mr. Merusi seconded, and the motion carried with a unanimous roll call vote.

OLD BUSINESS

Burned Out Buildings (Attorney)

The Township Attorney informed the Committee that the vacant and abandoned property fund can be used to demolish the burned-out buildings. The general funds could also be used and it automatically becomes a lien against the property by statute. The more labored process is getting to the point where the structures can actually be demolished. The Township needs to determine how much money is in the vacant and abandoned property fund, how many properties it would cover, and which properties to begin with. The process begins by first using the Township's code and having the Zoning Officer issue a notice to the record owner even though the properties are abandoned. There is a section of the Township's codes that list violations for property owners. A notice would be issued listing what the violations are and giving a finite time period for the owners to abate those violations. If the violations are not abated, the Town can start the process either in court or possibly with a tribunal of people in the Township, which is an easier way to go about it than starting the action in court. When the whole process is completed, the property can be demolished. The money spent on demolition becomes a lien against the property. Most of these properties have already been through the letter writing and citations process. The Township's Attorney wants to see what was done previously. If the Town cannot do the demolition, the work would have to go out for bid. The process takes some time and the Town should get the ball rolling. It will be determined if the attorney's fees can be taken out of the vacant and abandoned fund money, and what other uses the Town may be able to use the money for.

Solar (Attorney)

The Attorney reviewed the contract that was sent and determined it's a pretty standard contract. Before entering into the contract, the Town should make sure the roof of the building will last for as long as the term of the contract. The solar panels will be removed at the end of the term upon request. If the Town wants to take ownership of the solar panels at the end of the term, the company comes up with the fair market value. The contract was not written stating there would be a \$1 buyout at the end of the term. The attorney will check on this because this was the understanding at the beginning of talks. The Township will be accountable for liability due to snow and ice, but will not be able to remove snow and ice because it could damage the panels. The Township will also be responsible for maintaining trees around the solar panels. There is no bond security, but the attorney will check into this. A Resolution would be made to go forward with this.

Two Lots in Township (Attorney)

There was prior discussion about transferring two lots to the Community Corp of High Point for use as a bus stop. The tax map shows that the two lots at issue could be sold on a public auction or the adjacent property owners could be given the right of first refusal. However, the Community Corp of High Point is not an adjacent property owner. The Township Attorney will determine if the Community Corp of High Point is a non-profit corporation so that leasing the property could be an option. If leasing is not an option, then the Township could grant them an easement so they can basically control the property to be used as the bus stop.

Short Term Rentals (air bnb) (Attorney)

The Township Attorney drafted an Ordinance to accomplish limiting rentals of 60 days or fewer. Montague already had a code to accomplish this, so not much needed to be changed. Two definitions were added to the code. Section 2 reads rentals of properties for a period of 60 days or less are prohibited. Under Section B, one exception was put in stating that nothing in this section will prevent the residential occupancy of an otherwise lawful and lawfully occupied dwelling unit for a period of 60 days or less by any person who is a member of a housekeeping staff of the owner or a guest of the owner occupying the dwelling unit with no consideration given in exchange. There was already an existing fee schedule for enforcement that was

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acceptable to the Committee. For the next meeting, the Committee was asked to review Section 54.B.1. that changed the definition section and Section 54.B.9 that was added.

Chickens (Crawford)

A proposal was made to allow people in residential areas to have chickens as pets that would reduce the Rutgers guidelines from 125 for a 2 acre property.

The proposal was as follows:

Anything under 1.5 acres – 6 chickens

1.5 acres – 12 chickens

2 acres – 18 chickens

2.5 acres – 24 chickens

3 acres – 30 chickens

Numbers will be put together for 4 and 5 acre lots. This would be for personal use only and no roosters. They have to be in coops. Zoning would enforce this.

Municibid

A question was raised about the bidder who backed out on taking the Township truck. Municibid has to get back to the Township about whether the truck can be offered to the second highest bidder. If it can't be, the truck will go back out for auction. The bid listing will be sent to the Township Attorney to review.

REPORTS

Nothing

PUBLIC PARTICIPATION (limited to three minutes per person)

The system was unmuted for public participation. Darren Ponce, 19 Millville Road, asked if he could hear again about the number of chickens residents could have. He was informed there are no roosters under 5 acres. He asked about groups like 4-H, Sussex County Chicken Group and Sussex County Chicken Fanciers. He was told that members of these groups could provide letters stating their membership. Mr. Ponce asked about having ducks, but was told that for now the Committee is addressing only chickens. Mr. Ponce asked what the date was to receive the tree saplings and was told there is no date set due to COVID, but that the Township just had to register by February 27, and the saplings to be distributed are red oak.

Mr. Zitone made a motion to close to public participation. Mr. Merusi seconded, and the motion carried with a unanimous voice vote.

ADJOURN

Ms. Martin made a motion to adjourn the meeting at 8:21 pm. Mr. Merusi seconded, and the motion carried with a unanimous voice vote.

Respectfully submitted:

**EILEEN DEFABIUS, RMC
MUNICIPAL CLERK**