

Approved: April 13, 2021

MONTAGUE TOWNSHIP COMMITTEE MEETING

MINUTES

MARCH 23, 2021
(Via GoToMeeting)
7:00 PM

OPENING STATEMENT

Mayor Innella called the Montague Township Committee meeting to order at 7:00 p.m. announcing that adequate notice has 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 and Attorney Rossmeissl

Absent: None

MINUTES

Ms. Martin commented that there was a small typo in the title of Resolution 2021-14 in the meeting minutes of January 26, 2021. Clerk DeFabiis made a note and will update with the change. Ms. Martin made a motion to approve the Regular Meeting Minutes of January 26, 2021 with the discussed edit. Mr. Merusi seconded, and the motion carried with a unanimous roll call vote.

Ms. Martin made a motion to approve the Special Meeting Minutes of February 12, 2021. Ms. Crawford seconded, and the motion carried with Ms. Crawford, Ms. Martin and Mayor Innella all voting yes and Mr. Merusi and Mr. Zitone abstaining due to their excused absence at the Special Meeting.

Mr. Merusi made a motion to approve the Budget Meeting Minutes of March 4, 2021. Ms. Crawford seconded, and the motion carried with a unanimous roll call vote.

Ms. Martin made a motion to approve the Regular Meeting Minutes of March 9, 2021. Mr. Zitone seconded, and the motion carried with a unanimous roll call vote.

Mr. Merusi made a motion to approve the Executive Session Minutes of March 9, 2021. Ms. Crawford seconded, and the motion carried with a unanimous roll call vote.

Ms. Crawford asked to amend the meeting agenda to include under New Business – Generator Engineer Design Plan Proposal.

Mayor Innella further amended the meeting agenda to include Ordinance 2021-04 (First Reading), Resolution 2021-26 (Outside Lien Redemption), and under New Business (Tree Saplings).

ORDINANCES (First Reading)

2021-04 AN ORDINANCE OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX, STATE OF NEW JERSEY, PROVIDING FOR THE PURCHASE OF A ROLLER. THE TOTAL COST OF THE EQUIPMENT IS \$43,000, APPROPRIATING A SUM OF \$43,000 FROM THE CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF ROAD EQUIPMENT.

Mr. Merusi made a motion to approve Ordinance 2021-04 upon introduction. Mr. Zitone seconded, and the motion carried with a unanimous roll call vote.

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ORDINANCES (Second Reading)

2021-02 AN ORDINANCE FIXING THE SALARIES OF OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX AND STATE OF NEW JERSEY FOR THE YEAR 2021.

Ms. Crawford made a motion to approve this Ordinance and Ms. Martin seconded. Mr. Merusi made a motion to open to the public for discussion regarding Ordinance 2021-01. Mr. Zitone seconded, and the motion carried with a unanimous voice vote.

With no comments from the public, Ms. Martin made a motion to close to the public. Ms. Crawford seconded, and the motion carried with a unanimous voice vote.

Clerk DeFabiis called the roll. and the motion to approve Ordinance 2021-01 carried with a unanimous roll call vote.

2021-03 AN ORDINANCE TO AMEND CHAPTER 54B OF THE CODE OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX, STATE OF NEW JERSEY, IN ORDER TO ESTABLISH RESTRICTIONS ON THE RENTAL OF RESIDENTIAL DWELLING UNITS FOR CERTAIN TIME PERIODS.

Mr. Zitone and Mr. Merusi commented that a few residents had come forward in opposition to this Ordinance. They feel that this could be a good opportunity for the township to bring in some revenue and a younger population into the community. Attorney Rossmeissl clarified that this Ordinance would effectively ban Air B&B's. Ms. Martin stated that the township has had issues in the past with Air B&B type rentals and they need something in place to regulate these properties. Attorney Rossmeissl further commented that when discussion on drafting this ordinance began it was his understanding that the Committee took the position of wanting to ban these types of uses for properties within the township. If the Committee is feeling differently, he can certainly go back to the drawing board to have some enforcement and restrictions such as putting a hotel type of tax on any properties that are hosting Air B&B's. Attorney Rossmeissl cautioned the Committee that if they do go in this direction it is definitely much more complicated, the Municipal staff would have to issue permits and do many other various administrative items with allowing for Air B&B's.

After some lengthy discussion by the Committee, Ms. Martin made a motion to approve this Ordinance. Ms. Crawford seconded. Ms. Crawford made a motion to open to the public for discussion regarding Ordinance 2021-03, Mr. Zitone seconded, and the motion carried with a unanimous voice vote.

With no comments from the public, Ms. Martin made a motion to close to the public. Mr. Merusi seconded, and the motion carried with a unanimous voice vote.

Clerk DeFabiis called the roll and the motion to approve Ordinance 2021-03 carried with Ms. Crawford, Ms. Martin and Mayor Innella all voting yes and Mr. Merusi and Mr. Zitone voting no.

RESOLUTIONS

2021-20 A RESOLUTION FIXING THE SALARIES OF OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX AND STATE OF NEW JERSEY FOR THE YEAR 2021

Ms. Martin made a motion to approve Resolution 2021-20. Ms. Crawford seconded, and the motion carried with a unanimous roll call vote.

2021-23 RESOLUTION IN OPPOSITION TO SENATE BILL S3375

Ms. Crawford made a motion to approve Resolution 2021-23. Ms. Martin seconded, and the motion carried with a unanimous roll call vote.

2021-24 RESOLUTION OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY OPPOSING CONSTRUCTION OF COMPRESSION TURBINES ON THE TENNESSEE GAS PIPELINE RUNNING THOROUGH NORTHERN NEW JERSEY

Attorney Rossmeissl commented that when he drafted this resolution he did not mimic the sample resolution that some of the other towns have passed because he wanted to pull out some of the incendiary language that was not necessarily based on facts. This is just expressing the Committee's opposition to the addition of a few new compressors that would add a lot of

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pressure to the pipeline going through the township. So this is nothing against the Company itself, just to the Proposed Project. Ms. Crawford made a motion to approve Resolution 2021-24. Mr. Zitone seconded, and the motion carried with a unanimous roll call vote.

2021-26 OUTSIDE LIEN REDEMPTION (BLOCK 41 LOT 18.01)

Ms. Martin made a motion to approve Resolution 2021-26. Ms. Merusi seconded, and the motion carried with a unanimous roll call vote.

CORRESPONDENCE

Montague Volunteer Fire Department – Request Membership Approval for Colby M. Westervelt and Tom Yarosz - Ms. Crawford made a motion to approve the Application of Membership into the Montague Township Volunteer Fire Department for Colby M. Westervelt and Tom Yarosz. Mr. Merusi seconded, and the motion carried with a unanimous roll call vote.

NEW BUSINESS

Chicken Ordinance – Attorney Rossmeissl clarified that this is a draft ordinance for discussion, not for introduction at tonight’s meeting. There are some guidelines on how many chickens and roosters will be allowed based on the size of the property. As it stands, the ordinance would allow for 12 chickens and no roosters on a 1.5-acre lot, 2-acre lots would allow for 18 chickens and no roosters, 2.5-acre lots would permit 24 chickens no roosters, 3-acres would allow 30 chickens no roosters, 4-acres would allow for 60 chickens and two roosters, and over 4-acres would allow for up to 90 chickens and 3 roosters. Attorney Rossmeissl added that under the new guidelines the existing residents with chickens and roosters would be grandfathered. Mr. Merusi commented that by allowing existing residents to be grandfathered and exempt from these new guidelines will not address the problems that they are having. Ms. Crawford replied saying that that particular instance has been resolved. Mr. Zitone commented that if there are issues, the enforcement would fall under the nuisance ordinance for any of these existing instances. This Ordinance would still exclude the R4 Zone from being allowed to own chickens or roosters. The Committee agreed to a few more tweaks before introduction.

Altice – Attorney Rossmeissl informed those in attendance that he sat in on the hearing before the board of public utilities and it is apparent that Altice is in some hot water over the poor service that they have been providing. As it stands, the hearing ended at somewhat of an impasse, but a further hearing date will be set.

American Rescue Plan – Ms. Crawford remarked that the Township is scheduled to receive \$358,000 under the American Rescue (stimulus) Plan. Ms. Crawford further added that there are guidelines on what are allowable uses for this money. The Township is hoping that they might be able to use some of this for the Generator over at the New Firehouse and Community Center or to finish the kitchen. Mayor Innella added that with the parameters that have been laid out already by the federal government, the Township is unsure if they will even qualify to spend any of the money because they do not have many things such as central water, broad band cable, etc.

Generators – Ms. Crawford commented that the Fire Department tried to obtain some proposals for an Emergency Generator for the New Firehouse and Community Center, but the Electricians asked for the plans and specs for the building. When they questioned the Architect for these, he said that these were not included, and an Engineer would have to do that. Therefore, he suggested Strunk-Albert Engineering. They were able to provide a proposal which includes surveying the electric service and distribution equipment to determine connection points and a new transfer switch and perform all electrical load calculations. The proposal came in at a total of \$3,300. Ms. Crawford made a motion to approve the proposal and to spend up to \$3,500 contingent on the CFO’s certification of funds. Mr. Merusi seconded, and the motion carried with Ms. Crawford, Ms. Martin, Mr. Merusi, and Mayor Innella all voting yes and Mr. Zitone abstaining.

OLD BUSINESS

Cannabis Legalization – Attorney Rossmeissl asked the Committee if they had any further thoughts in the direction that the Township would like to go regarding allowable permitting, if any, for Cannabis. Ms. Martin asked for some clarification on how the State will be issuing permits, how the tax is collected etc. Attorney Rossmeissl responded saying that the Governor has set up a Commission that is writing the rules right now. Therefore, the Commission is more than likely going to set up something along the lines of only issuing so many permits for dispensaries in one area, etc. The Township can choose to legalize any of the six different types

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of uses that will be issued by the State. Anyone wishing to do this type of business in Montague would then have to first present the State license, and then the township would have to permit that type of use. As far as tax revenue goes, the State gets a large portion, but the Township can charge up to two percent on sales between any of these entities. The Committee will be looking at all the different variables as more information becomes available by the State Commission before they make any decision.

Transfer of Properties to Community Corp. of Highpoint - Attorney Rossmeyssl informed those in attendance that the High Point Community Corp. has reached out to the Township regarding two properties: 221 New Road and 357 Wagon Wheel, both which are owned by the Township. Attorney Rossmeyssl expanded upon this saying the two properties are assessed very low, about six to seven thousand each, so they are not worth very much as far as Ratables. The High Point Community Corp. is looking to use these properties as bus stops and were looking for the Township to donate them. He has been in contact with the HPCC's attorney and since they are non-profit, they can in fact work something out, but not a donation. What is possible, however, is leasing the properties to the HPCC for a period of fifty-years for something like a dollar. Mr. Zitone commented that these both were up for tax sale and could have been purchased this way. He went on to say that with the Township leasing these properties they take on a tremendous liability, especially with these properties being used as bus stops. Mr. Zitone suggested having the HPCC purchase these properties at tax sale. Ms. Martin added, if they buy the properties at tax sale they are then liable to pay back all the back taxes and associated fees, unless the tax responsibility could be abated. Mr. Zitone said more than likely only the municipal portion of the taxes could be abated, they would still be responsible for the County and School Tax portion.

Tree Saplings – Ms. Crawford explained that the Montague Grange is working with the New Jersey Forest Service for the New Jersey Tree Recovery Campaign. Residents are eligible to receive bundles of five free seedlings at the Montague Grange on Saturday, May 1, 2021.

Mayor Innella announced that the Montague Girl Scouts will be selling Girl Scout cookies in the parking lot of the Township Municipal building this Saturday, March 27th for a few hours. They will provide the Township with a certificate of liability insurance.

REPORTS

Historian Report – Year 2020 – The Committee acknowledged receipt of the 2020 Historians report. Mayor Innella thanked Township Historian Maureen Kaman for her efforts and contributions.

Ms. Martin added that the Montague Township Volunteer Fire Department will be having their Fish and Chips drive thru event on April 16th. The Recreation Committee is also working on their spring/summer flyer. The Little League is still looking for some funding for some of the items that are needed for the Zitone Ball Field, such as the bleachers.

PUBLIC PARTICIPATION (limited to three minutes per person)

Mr. Zitone made a motion to open to the public. Ms. Crawford seconded, and the motion carried with a unanimous voice vote.

Allison Orsi of 41 Lowe Road, Wantage – Ms. Orsi thanked the Committee for passing the resolution in opposition of the construction of the compression turbines on the Tennessee Gas Pipeline running though Northern New Jersey. Ms. Orsi further added that not only is she grateful, but many other residents in Wantage will be grateful that Montague has joined Wantage in support.

Emil Kwasnik – New Road – Mr. Kwasnik commented, regarding the proposed chicken ordinance, saying if whoever has chickens and roosters currently will be grandfathered in, then what is stopping them from going out and putting hundreds of chickens on their properties. Attorney Rossmeyssl expanded saying this is a draft of the ordinance that was placed on the agenda for discussion only and can still be changed in whatever way the committee would like. Mr. Kwasnik feels that there should be more language included in nuisances, and there should not be any roosters allowed unless a property is farm assessed.

With no further comments from the public Mr. Merusi made a motion to close to the public. Ms. Martin seconded, and the motion carried with a unanimous voice vote.

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EXECUTIVE SESSION

Ms. Martin made a motion to enter Executive Session. Mr. Merusi seconded, and the motion carried with a unanimous voice vote.

MONTAGUE TOWNSHIP

RESOLUTION 2021-25

WHEREAS the Township of Montague is authorized, pursuant to N.J.S.A. 10:4-12 to exclude the public from that portion of this meeting for purposes of discussing specific matters as permitted by N.J.S.A. 10:4-12; and

WHEREAS the Township intends to discuss certain matters which are deemed confidential pursuant to N.J.S.A. 10:4-12 in Executive Session; and

WHEREAS at this time the Township cannot determine the time when the discussions to be held in Executive Session will be made public but will disclose the minutes of the Executive Session when the need for confidentiality no longer exists.

NOW THEREFORE, be it resolved by the Township Committee of the Township of Montague that this meeting shall be adjourned to an executive session (closed session) and the public will be excluded in order that the Committee may, in accordance with N.J.S.A. 10:4-13(a), discuss Personnel, without taking action, and after reconvening this public meeting action may be taken and the Mayor or his designee will announce, if possible, the time when and the circumstances under which the discussion conducted in Executive Session will be disclosed to the public. This resolution is authorized and allowed by and pursuant to N.J.S.A. 10:4-13.

NOW THEREFORE, be it further resolved by the Township Committee that pursuant to N.J.S.A. 10:4-13(b) the time when and the circumstances under which the discussion conducted in closed session of the public body can be disclosed to the public is when the need for confidentiality no longer exists.

Ms. Martin made a motion to close the Executive Session. Ms. Crawford seconded, and the motion carried with a unanimous voice vote.

Mr. Merusi made a motion to go back to the Regular Session. Ms. Martin seconded, and the motion carried with a unanimous voice vote.

Ms. Martin made a motion to hire George Hutnick as the Zoning/Housing/Code Enforcement Officer at a rate of \$22.50 per hour to work 3 days per week, and to attend classes to receive his Zoning Officer certification. Kevin Kervatt will mentor Mr. Hutnick. After a 6-month probationary period there will be a review. Mr. Merusi seconded, and the motion carried with a unanimous roll call vote.

ADJOURN

Mr. Zitone made a motion to adjourn the meeting at 8:32 pm. Ms. Crawford seconded, and the motion carried with a unanimous voice vote.

Respectfully submitted:

**EILEEN DEFABIIS, RMC
MUNICIPAL CLERK**