

Approved: April 27, 2021

MONTAGUE TOWNSHIP COMMITTEE MEETING

MINUTES

APRIL 13, 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 and Mayor Innella
Also present was Clerk DeFabiis and Attorney Rossmeissl

Absent: None

Mayor Innella gave a brief update regarding Covid-19 cases in the County as well as in the Township of Montague.

Mayor Innella also expressed the Township's sympathies in the loss of past Committee Member Mark Krebs who passed away. There was then a moment of silence honoring Mr. Krebs.

Mayor Innella commented that he would be leaving the meeting early and Deputy Mayor Martin will be leading the meeting after he has left.

Mayor Innella amended the meeting Agenda to include under Reports – Recreation Report. Under New Business – Grader; Seniors; and Designee.

PROCLAMATION- Child Abuse Prevention Month - April

Mayor Innella read a Proclamation proclaiming the month of April as Child Abuse Prevention Month and called upon all citizens, community agencies, faith groups, medical facilities and businesses to increase their participation in the efforts of Ginnie's House in Newton, New Jersey to support the families, thereby preventing child abuse and strengthening the communities in which we live.

VOUCHERS

Mr. Merusi made a motion to approve the vouchers. Ms. Crawford seconded, and the motion carried with Ms. Crawford, Ms. Martin, Mr. Merusi and Mayor Innella all voting yes and Mr. Zitone abstaining.

MINUTES

Ms. Martin made a motion to approve the Budget Meeting Minutes of January 28, 2021, the Regular Meeting Minutes of March 23, 2021 and the Executive Meeting Minutes of March 23, 2021. Mr. Merusi seconded, and the motion carried with a unanimous roll call vote.

ANNUAL CLEANUP DAY PROPOSALS – Mayor Innella stated that the Annual Cleanup will be held on Friday, May 14th from 12 pm to 3 pm and Saturday, May 15th from 8 am to 4 pm.

Out of the seven Requests for Proposals, only one proposal was received from Ayers Sanitation for the Cleanup Day.

Ayers Sanitations proposal came in at \$275 per 30-yard container plus \$115 per ton tipping rate for disposal. Price per tire rate was \$500 for the tires to be placed in a special trailer, plus various

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disposal charges per tire. The rate for the truck and driver for curbside pickup on the following Monday for disabled residents came in at \$750 plus \$115 per ton tipping charge.

A proposal was received for the paper shredding on Friday, May 14th from SK Paper at a cost of \$750. The Clean Communities Grant will defray this cost.

After some brief discussion, Mr. Zitone made a motion to accept the proposal received from Ayers Sanitation for the 2021 Annual Cleanup Day and the Shredding proposal received from SK Paper Shred. Ms. Martin seconded, and the motion carried with a unanimous roll call vote.

Ms. Martin suggested that due to the Covid-19 pandemic, and the Municipal Building still be closed, it may be favorable to once again have the residents provide proof of residency on the day of the clean-up rather than coming into town hall to pick up a permit prior to the event, and the Committee agreed.

LAWN MAINTENANCE PROPOSALS – Only one proposal was received for the 2021 Lawn Maintenance season. The proposal was received from Wally Costa for \$9,500. This would include the new Firehouse and Community Center property as well. All required certificates and insurances have been provided.

Ms. Martin made a motion to accept the proposal received from Wally Costa for \$9,500. Mr. Merusi seconded, and the motion carried with a unanimous roll call vote.

ORDINANCES (First Reading)

2021-05 AN ORDINANCE TO AMEND CHAPTER 76 OF THE CODE OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX, STATE OF NEW JERSEY, IN ORDER TO ESTABLISH REGULATIONS FOR THE KEEPING OF CHICKENS AND ROOSTER ON RESIDENTIAL PROPERTY

Attorney Rossmeyssl commented that the Committee had a very extensive discussion on this matter at the last meeting. Since then, the Ordinance has been tweaked to allow chickens on lots less than .5 acres (up to six chickens) and would disallow roosters and chickens in the high-density zone (R4). They also added a section where the code would still reference the Rutgers Study, but only when the code does not say otherwise.

Mayor Innella informed those in attendance that anyone that has less than 5-acres would have to register the amount of chickens and/or roosters that they currently have with the Township to be grandfathered in and exempt from the new provisions of this amendment.

Ms. Crawford made a motion to approve Ordinance 2021-05 upon introduction. Ms. Martin seconded, and the motion carried with a unanimous roll call vote.

2021-06 CALENDAR YEAR 2021 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

Mr. Zitone made a motion to approve Ordinance 2021-06 upon introduction. Ms. Martin seconded, and the motion carried with a unanimous roll call vote.

2021-07 AN ORDINANCE AMENDING APPLICATION FEES FOR CERTIFICATE OF SMOKE DETECTOR AND CARBON MONOXIDE ALARM COMPLIANCE ADDING A CHARGE FOR REINSPECTIONS AND SUPPLEMENTING AND AMENDING CHAPTER XXXVI OF THE TOWNSHIP CODE ENTITLED “FIRE CODE”

Ms. Martin made a motion to approve Ordinance 2021-07 upon introduction. Ms. Crawford seconded, and the motion carried with a unanimous roll call vote.

ORDINANCES (Second 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

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Mr. Merusi made a motion to approve this Ordinance, Mr. Zitone seconded. Mr. Zitone made a motion to open to public for discussion regarding Ordinance 2021-04, Mr. Merusi seconded, and the motion carried with a unanimous voice vote.

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

Clerk DeFabiis then called the roll, and the motion to approve Ordinance 2021-04 carried with a unanimous roll call vote.

RESOLUTIONS

2021-29 A RESOLUTION APPROVING RIGHT-OF-WAY USE TO CROSS-RIVER FIBER

Attorney Rossmessl briefly explained that this is a company that will be providing broadband fiber internet. They are governed by the Board of Public Utilities and are mandated to get an approval from every municipality which they will be doing to get consent.

Mr. Merusi made a motion to approve Resolution 2021-29. Ms. Crawford seconded, and the motion carried with a unanimous roll call vote.

2021-30 RESOLUTION AUTHORIZING SUBMISSION OF STRATEGIC PLAN FOR SANDYSTON/MONTAGUE/WALPACK MUNICIPAL ALLIANCE GRANT FOR 2022 FISCAL YEAR

Ms. Martin made a motion to approve Resolution 2021-30. Mr. Zitone seconded, and the motion carried with a unanimous roll call vote.

2021-31 INTRODUCTION OF 2021 LOCAL MUNICIPAL BUDGET

Mayor Innella informed those in attendance that the budget went up just over \$20,000 from last year's budget, and the Township lost \$66,000 in State aid this year.

Ms. Martin made a motion to approve Resolution 2021-31. Mr. Merusi seconded, and the motion carried with a unanimous roll call vote.

CORRESPONDENCE

Sussex County Tax Administrator – Mayor Innella acknowledged receipt of Preliminary Equalization Table for the County of Sussex for the Year 2021. The Committee acknowledged receipt of the Preliminary Equalization Table for year 2021 and stated that the real property ratio assessed to aggregate true value is 92.35%.

Sussex County Clerk – New Election Costs for 2021 – Clerk DeFabiis explained that there are increased new election costs for 2021 that will be billed to the municipalities. The costs include return postage of vote-by mail ballots at \$.61 per voter and printing cost of vote-by-mail envelopes at 3 envelopes per voter totaling \$.81 per voter. Municipalities were also told to expect to be billed for County Clerk staff overtime for next year. Clerk DeFabiis also presented the Committee with a copy of a Resolution that was passed by Vernon Township in which they opposed having to pay for the overtime costs to the County Employees, and they feel that the American Rescue Plan should cover this. The Committee agreed that Montague should do an opposing Resolution like the one passed by Vernon Township. Clerk DeFabiis issued this Resolution Number 2021-32

RESOLUTION 2021-32 RESOLUTION OF THE TOWNSHIP OF MONTAGUE DISAPPROVING OF THE COUNTY OF SUSSEX IMPOSING ADDITIONAL STAFF OVERTIME ELECTION FEES

Ms. Crawford made a motion to approve Resolution 2021-32. Mr. Merusi seconded, and the motion carried with a unanimous roll call vote.

Sussex County Sheriff's Office – Montague Township Patrol – Activity Report Summary for 2020 – There were 80 hours of supplemental patrols and there were 86 traffic stops, 12 summons, 55 warnings, and no arrests.

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Montague Township Historian – Request Funds for Historic Marker Designation for Tappantown through the Sussex County Program - Mr. Zitone made a motion to donate up to \$1,200 to offset the cost of the Tappantown Historic Marker pending confirmation of funds from the Montague Township CFO. Ms. Crawford seconded, and the motion carried with a unanimous roll call vote.

Jersey Central Power & Light Company – Aerial Patrol through April 30, 2021 – Clerk DeFabiis announced that JCP&L will be doing their aerial patrol (helicopters) of the wires through April 30, 2021.

High Point Regional High School – Mayor Innella acknowledged receipt of a letter from High Point Regional High School regarding a resolution they sent to the State on defunding of the School District – The Committee acknowledged receipt of this letter and Resolution.

New Jersey Department of Transportation – Mayor Innella acknowledged receipt of executed agreement from the NJDOT for New Mashipacong Road Section 2 resurfacing in the amount of \$181,200.00 – the Committee acknowledge receipt of this executed agreement.

Montague Little League – Application for use of Facilities (Zitone Ball Field) – Ms. Crawford commented that a correction would be needed to be done to the certificate of liability insurance because they have the additional insured listed as Montague Township National Parks and Recreation, but it must be listed Montague Township (for the Clove Road, Zitone Ball Field) and the National Park Service (for the Route 206, Merusi/Youngman Ball Field). Ms. Martin made a motion to approve the facility use application contingent upon the corrections to the certificates of liability. Ms. Crawford seconded, and the motion carried with a unanimous roll call vote.

LAND USE BOARD APPOINTMENT

Mayor Innella announced the following appointment to the Land Use Board

Class II: One (1) Employee of the Municipality – 1-year term appointed by Mayor
1. George Hutnick (Term Expires 12/31/2021)

NEW BUSINESS

Tamerlaine Farms – Tax Appeal – Attorney Rossmieissl informed the Committee that there has been a pending tax appeal for a number of years now for Tamerlaine Farms. They have filed a tax appeal for 2019, 2020, and now 2021. Montague, for the most part, is in good shape regarding tax appeals. There are not many, but this one for Tamerlaine Farms is a sizable one, about a \$300,000 ratable and they are seeking an exemption.

Airbnb's – Mr. Merusi commented that he feels that there is quite a bit of interest throughout the township in allowing Airbnb's and he feel like this should be something that they should perhaps pursue. Mayor Innella stated that the Land Use Board is going to look at the current ordinance to see if they would like to make any changes. He also informed those in attendance that Airbnb's have never been a permitted use, and if they are going to allow them it isn't going to happen overnight; there is a lot of research that would be needed. Mr. Zitone agreed with Mayor Innella's thoughts, but he added that there has been a lot of interest from the residents of Montague to allow these Airbnb's.

Grader – Mr. Zitone commented that the DPW's current grader is almost to the point of no repair. He further added that Hampton Township has a John Deere 570 Grader from the late 70's in which they would be willing to sell to the Township. They told Montague to make them an offer, Mr. Zitone did some research and he said that similar equipment is going for right around the \$15,000 range. Mr. Zitone made a motion to send a letter to Hampton Township offering \$15,000 for the purchase of their grader, pending inspection of the equipment by the Montague Township DPW Foreman. Mr. Merusi seconded, and the motion carried with a unanimous roll call vote. Clerk DeFabiis issued this Resolution 2021-33.

OLD BUSINESS

Burned Out Buildings – Mr. Merusi remarked that they need to get moving on these burned-out buildings, they have the money in place to take care of them and would like to see this proceed. Attorney Rossmieissl stated that the first one they are going for is 34 River Road as this property has received previous notices, and because of that they have legal basis to proceed. A notice that will allow the Township to begin demolition is in the works. Thirty days after receipt of this

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notice, the Township can take this to court and get a ruling, a lien can then be placed upon the property, and demolition can then begin.

Cannabis - Mayor Innella informed the those in attendance that at the last Land Use Board Meeting there was an applicant that came before the Land Use Board with a Concept Application. He added that even though the Committee has until August 21, 2021 to enact an ordinance to opt-out of one, all, or a combination of cannabis establishments, he feels something should be done now. Otherwise, for five years all cannabis licenses, except retail, will become a permitted use in all industrial zones and retail establishments will become a conditional use in all commercial or retail zones. Applicants may still submit applications. Mayor Innella commented that he would like to have the control on this topic and would like to adopt a similar Ordinance that Hopatcong has adopted which does not permit any Recreational Marijuana facilities of any sort, only Medical Marijuana facilities. Mr. Zitone said he feels there are not enough guidelines laid out by the State on this, and they are dropping the ball and making the towns deal with it. Ms. Martin added that the Committee could always revisit this later, but at this point she is in favor of drafting an ordinance forbidding any of the Recreation Cannabis Establishments since the deadline is so quickly approaching. Attorney Rossmessl added that the upside of this is if you ban all the uses right now, the Township can go back at any time and amend the uses. He went on to say that if you allow any of the uses you cannot go back and ban the uses for 5-years. The Committee agreed that the State guidelines are too unclear right now. Ms. Martin made a motion to draft an ordinance banning all recreational cannabis establishments. Mr. Zitone seconded, and the motion carried with Ms. Crawford, Ms. Martin, Mr. Zitone, and Mayor Innella all voting yes and Mr. Merusi voting no.

American Rescue Plan – Ms. Crawford explained that there is no update yet on this. Mayor Innella added that he did get in contact with Congressman Gottheimer’s Office and they spoke about several different items that the Township and Fire Department needs including: Air Packs, a Small Brush Truck, a Generator, finishing the kitchen at the Community Center, a walking path, and playground. They will be sending over some information on some possible grants.

Tree Saplings – Ms. Crawford commented that the Montague Grange is collaborating with the Arbor Day Foundation for the New Jersey Tree Recovery Campaign and offering free Northern Red Oak tree saplings on Saturday, May 1, 2021 between 10 am and 2 pm at the Montague Grange located at 280 River Road. These saplings help to replant communities damaged by Superstorm Sandy.

REPORTS

Construction Permit Activity Report – March 2021 - There were 21 permits issued for the month of March 2021 for a total collected of \$6,202.

Tax Collector – March 2021 - Current taxes collected for 2021 for the month of March totaled \$156,027.56. Prior year’s taxes collected \$62,800.59. Interest collected for the month of March totaled \$3,765.33 for a total collected for the month of March of \$229,690.76.

Recreation Report – Ms. Martin commented that the Town-Wide Yard Sale will be held on Saturday, May 8th from 8 am to 3 pm. The Annual Cleanup Day will be held on Friday, May 14th and Saturday, May 15th.

PUBLIC PARTICIPATION (limited to three minutes per person)

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

Isis Corris – Ms. Corris introduced herself to the Mayor and Committee as the new bank Manager for the Montague Provident Bank. Ms. Corris looks forward to meeting everyone and working with the Township. Ms. Martin commented that she had the pleasure of meeting Ms. Corris this week and they discussed the banks involvement in various Recreation projects. Ms. Corris replied saying that Provident Bank is very big on Community Involvement

Nina Fradl – Ms. Fradl asked the Committee about how many complaints have been received with Airbnb’s that had been operating as such in the past. Ms. Martin commented that there were quite a lot, if she had to say it would probably be about six people that came to the town. Mayor Innella said it is still not a permitted use at this time and it will be going back the Land Use

Board for their review. Ms. Fradl asked what prevents Airbnb's at this time. Mayor Innella stated that if it is not in the codebook at a permitted use, then it is prohibited. Ms. Fradl added that the Committee should be careful not to govern and make laws based on complaints because it is in the nature of people to complain. Ms. Fradl said it seems like whoever makes the most noise gets what they want, and yet people who are pro Airbnb's are not heard. She added that these are our property rights and micromanaging so much of our lives in all phases and levels of government is dangerous. Any law that is put in place should be done with a great deal of forethought and consideration of the impact of those that are not complaining. Furthermore, the Committee should not assume that they know all the answers, and they know what people need, because that is a problem.

Edison Avecillas – Mr. Avecillas thanked the Committee for their time and thanked those who have kept an open mind regarding short-term rentals. Mr. Avecillas added that he has over 100 signatures on a petition that was started about a week ago. He would have to argue that short-term rentals were never a permitted use; rentals were always allowed in Montague whether short-term or long-term they are still rentals. Seeing how many people are in support of short-term rentals he would recommend to the Committee to not restrict short-term rentals because of the many benefits, and these benefits are not specific to just one property owner. People may want to rent out a room or a house, they may need supplemental income or maybe they are elderly on a fixed income, or unemployed, or even widowed, this can make or break paying bills for some people. They should be able to keep their properties rights and rent out their homes. Many of these complaints are easily remedied if there is open communication. One complaint should not dictate restricting short-term rentals as an allowable use. Mayor Innella commented that this was not an automatic reaction to one complaint, the Ordinance was put in place under the advice of the Zoning Officer, and the Attorney agreed. Mayor Innella further added that they are willing to revisit the issue and will be open-minded to any recommendation from the Land Use Board.

Tasha DeGeorge – Ms. DeGeorge voiced her support for allowing Airbnb's. It could be a great opportunity to bring in business and people in to the town without bringing in kids to overwhelm the schools and taxpayers.

At this time, Mayor Innella left the meeting and Deputy Mayor Martin presided over the meeting.

Anna Burani – Ms. Burani also voiced her support for Airbnb's. It could have great financial benefits for the township and the community as well as allowing new visitors to discover this beautiful area. There is such a lack of accommodations in Montague for residents to have friends and family come stay if their homes are not big enough to accommodate, and it could be a fantastic addition for residents and visitors alike.

Zhanna Kelly – Ms. Kelly is the President of the High Point Country Club Board of Directors. Ms. Kelly too is in favor of short-term rentals. She also owns 15 rental units (long-term) in the High Point Country Club and although she does not foresee herself getting into short-term rentals, she does see there is a lot of support and benefit to allowing short-term rentals. There is a lot of anecdotal talk that short-term renters are worse than long-term renters are. There is no empirical evidence that shows that short-term renters are people here just for the weekend, and are here to destroy our properties. In fact, there are plenty of complaints that come from long-term renters, and they are much more difficult to get rid of if they cause problems. The short-term renters are here for a few days to a weekend, and if there is a problem the host can put a bad review on their account or charge their credit card. The township could be collecting a fee for the short-term rentals as well as many of the same procedures for long-term rentals could be leveraged just the same for short-term rentals, such as housing inspection, fire inspections, landlord registrations etcetera.

Sebastian Osika – Mr. Osika has been in Law Enforcement with the NYPD for over 16-years and he wanted to address some of the law enforcement concerns that he heard regarding short-term rentals. Mr. Osika mentioned that most people that are using Airbnb's are people looking for a weekend escape or a vacation and are not there to cause problems. Mr. Osika is in full support of allowing Airbnb's, and in his experience has never had issues in his 16 years on the force with Airbnb renters.

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Jody Case-Kennedy – Ms. Case-Kennedy expressed her concern regarding the transient piece of Airbnb’s as she lives in the High Point Country Club full-time and has invested in her property. While it might be for the investor or landlord, she is not in favor of having someone new at the nearby properties every weekend. It is disconcerting to her that so many people are in favor of allowing Airbnb’s. There is no local police force to deal with any issues that may come up with Airbnb’s.

Cindy Puente – Ms. Puente commented that as a single-family homeowner she feels that the additional rules and regulations are really an overstep and overreach by government. She does not feel that it is appropriate to be told that she cannot have a short-term renter in her own home. She agrees that there needs to be rules and regulations, particularly for those that are multi-units because you are dealing with multiple owners, but other considerations should be made for single family homes.

Jeffery Torres – Mr. Torres commented that he is in favor of allowing Airbnb’s. He added that he used to be a property owner in Montague and part of the reason that he decided to sell his property was because short-term rentals were not allowed. Mr. Torres further added that over two years ago, the Land Use Board did already discuss short-term rentals, and they all were against allowing them.

Carrie Shepard – Ms. Shepard asked why it would be necessary to register how many chickens you own. Attorney Rossmeissl responded saying that right now it is not required, but if the ordinance passes it would be required only if you would like to be grandfathered into being allowed to keep the amount of chickens and roosters that you currently own. There would be no fee to register.

Michael Smith – Mr. Smith commented that there seems to be more positive feedback on the Airbnb’s than negative feedback. Mr. Smith asked, that with interest rates so low would it be wise to try to finance a new Grader with a warranty rather than purchase a used piece of equipment from another town that could breakdown the day after it is purchased? Deputy Mayor Martin replied that buying a new one would be very costly. They are going to have the DPW Foreman go inspect the Grader before purchase. Mr. Smith asked if the committee had any information on a vacant lot on River Road that has a singlewide mobile trailer that has been sitting there for over the last two-plus years. The Committee was unaware and will have this addressed. Lastly, Mr. Smith asked if a cannabis farm was allowed, would that fall under a farm assessment where they would then only be responsible for minimal property tax? Attorney Rossmeissl responded saying that currently the township appears to be moving in the other direction, but presumably if you were growing cannabis, which would be like any other crop, then you would have to follow the same steps to become farmland assessed. Unless, something comes out of the Governors Board saying differently, we can assume that they could apply for this status.

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

ADJOURN

Ms. Crawford made a motion to adjourn. Mr. Merusi seconded, and the motion carried with a unanimous voice vote.

Respectfully submitted:

**EILEEN DEFABIIS, RMC
MUNICIPAL CLERK**