

# MONTAGUE TOWNSHIP COMMITTEE MEETING

## MINUTES

APRIL 27, 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 amended the meeting Agenda to include under New Business – DPW Employee and Mitchell Humphrey Program

### MINUTES

Ms. Martin made a motion to approve the Regular Meeting Minutes of April 13, 2021. Mr. Merusi seconded, and the motion carried with a unanimous roll call vote.

### ORDINANCES (First Reading)

2021-08 AN ORDINANCE OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX, STATE OF NEW JERSEY PROVIDING FOR THE RESURFACING OF NEW MASHIPACONG ROAD – SECTION I & II AND APPROPRIATING \$60,000.00 FROM THE CAPITAL IMPROVEMENT FUND – IMPROVEMENTS TO ROADS IN THE GENERAL CAPITAL FUND FOR SUCH PURPOSE AND \$341,200.00 FROM A GRANT AWARDED BY THE NJ DEPARTMENT OF TRANSPORTATION FOR SUCH PURPOSE.

Ms. Martin made a motion to approve Ordinance 2021-08 upon introduction. Mr. Zitone seconded, and the motion carried with a unanimous roll call vote.

### ORDINANCES (Second 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 ROOSTERS ON RESIDENTIAL PROPERTY

Mayor Innella informed those in attendance that this Ordinance will be tabled. He stated that the Ordinance is going to the Montague Township Land Use Board for their 35-day review after which it will come back to the Township Committee to approve or vote down. Attorney Rossmeissl expanded on this saying that ultimately it is the prerogative of the Township Committee to go forward with this Ordinance. Back in December, the Land Use Board voted down something similar to this Ordinance, so they are being given the choice to review this as a courtesy. Mr. Merusi made a motion to send this Ordinance to the Land Use Board for review. Ms. Crawford 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)

Ms. Martin made a motion to approve this Ordinance. Mr. Merusi seconded. Ms. Crawford made a motion to open to public for discussion regarding Ordinance 2021-06. Mr. Merusi seconded, and the motion carried with a unanimous voice vote.

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

Clerk DeFabiis called the roll, and the motion to approve Ordinance 2021-06 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"

Mr. Martin made a motion to approve this Ordinance. Mr. Merusi seconded. Mr. Merusi made a motion to open to public for discussion regarding Ordinance 2021-07. Ms. Crawford seconded, and the motion carried with a unanimous voice vote.

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

Clerk DeFabiis called the roll, and the motion to approve Ordinance 2021-07 carried with a unanimous roll call vote.

### **RESOLUTIONS**

2021-34            AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE PERIOD OF OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2026

Mr. Merusi made a motion to approve Resolution 2021-34. Ms. Martin seconded, and the motion carried with a unanimous roll call vote.

### **CORRESPONDENCE**

There was no correspondence.

### **NEW BUSINESS**

Fireworks – Ms. Martin informed those in attendance that at the last Recreation Meeting there was some discussion regarding details and the possibility of having a Fireworks display this year. She added that she personally would rather see the funds that are typically spent on this go towards various projects/needs for the new Community Center. Mr. Merusi suggested having the Fireworks along with the Miss Montague Day Pageant and a Grand Opening of the Firehouse and Community Center. Mr. Zitone agreed that a Grand Opening of the Firehouse and Community Center should take place, but he feels that the Fireworks are not necessary. Mr. Merusi stated that he has heard that many people would like to have the Fireworks this year, and unfortunately, with the Covid-19 pandemic, there has not been too much to celebrate and the kids really look forward to this. Ms. Crawford added that all this money was spent on building the New Firehouse and Community Center and there really needs to be a grand opening with a big celebration. The Fireworks were cancelled last year, and the Community really looks forward to them each year, so she is in favor of having them this year. Mayor Innella commented that he wants to make sure that cars and pedestrians are well separated for safety.

Community Center Rental – Ms. Martin informed those in attendance that she and Mayor Innella got together and started to work on a fee schedule and some rules and regulations as well as a contract for rental of the Community Center. An ordinance will still need to be done, but they would just like the other Committee members to review and comment on what has been put together. Ms. Martin further added that there is a lot that will need to be done to make this available to rent, which will be processed by the Clerk's Office. The Committee discussed several other details regarding the opening of the Community Center. Attorney Rossmeissl will draft a fee schedule and it will be on the next Agenda for discussion at the next meeting. The Committee discussed several other details regarding the opening of the Community Center, and Ms. Crawford stated that the Community Center was built so that the local non-profit organizations (MARCH, the Montague Seniors, Montague Grange, and the Boy and Girl Scouts) would have a place to meet, and they were told they would not have to pay a fee to use it.

DPW Employee – Mr. Zitone stated that one of the DPW Employees just recently resigned from his position, so Montague will be advertising the position on the Township website, the League of Municipalities and in the New Jersey Herald.

Mitchell Humphrey Program - Ms. Martin remarked that from the years of change in Zoning Officers, there have been papers, permits and applications for Zoning, Housing and Code Enforcement that have been falling behind the cracks. The current Zoning Officer expressed a desire in having some sort of a program to track all of this seamlessly. There is a module with Mitchell Humphrey, which is the same program that the Construction office uses, that will allow for Zoning, Housing and Code Enforcement. Ms. Martin stated that this has been budgeted for in past years and there currently is about \$12,000 put aside for this program. She asked for approval to have Mitchell Humphrey give a presentation and provide Montague with pricing information on what it would take to have the Zoning officer have access to this module. Ms. Crawford agreed that something needs to be done to give the department the tools that they need to track, maintain and interface with the Construction Department. The Committee agreed to proceed with this request.

### **OLD BUSINESS**

Draft Ordinance Cannabis Legalization – Attorney Rossmeissl stated that this Ordinance is still in draft form and is not up for introduction, but what this Ordinance does do is ban all six types of uses or licenses, that will be available from the State, from being used in the Township of Montague. This would not ban any resident of Montague from being allowed to partake in recreational Marijuana use or having marijuana delivered to their homes. What wouldn't be allowed would be any cultivation, manufacturing, wholesaling, distributing, retailing, or delivery services operating from inside of Montague. However, this would not ban any previously established or any future medical Marijuana facilities. Attorney Rossmeissl remarked that this Ordinance can be revisited at any time over the next five years, but if Montague does not do anything, then all six uses would automatically be allowed. Ms. Martin made a motion to go forward with introduction of this Ordinance at the next Committee meeting. Ms. Crawford seconded, and the motion carried with a unanimous roll call vote.

Burnt Out-Buildings – Mr. Merusi informed those in attendance that they seem to be making some leeway regarding some of the burnt-out buildings. One of the properties that they been trying to get a response from came into the Construction Department and took out a demolition permit. Attorney Rossmeissl remarked that hopefully this person is going to see this through and complete the work. They will begin the same process now with another address, 174 River Road.

American Rescue Plan – Attorney Rossmeissl and Ms. Crawford said there really hasn't been much update on this. Attorney Rossmeissl did say that he is confident that there will be a use that Montague will be able to spend this money on, and they have five years to do so.

Tree Saplings Update – Ms. Crawford informed those in attendance that the Montague Grange is collaborating with the Arbor Day Foundation for the New Jersey Tree Recovery Campaign and offering free saplings. They were originally told they would receive 500 Northern Red Oak tree saplings, but when Ms. Crawford picked up the saplings from the State, they received 100 Red Maple, 100 Persimmon, 100 Cornelian Cherry, 100 White Pine, and 100 Oak. These saplings will be available on Saturday, May 1, 2021 between 10 am and 2 pm at the Montague Grange located at 280 River Road.

### **REPORTS**

No Reports.

### **PUBLIC PARTICIPATION** (limited to three minutes per person)

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

Michael Smith – Grandview Terrace - Mr. Smith asked if anyone was able to check on the property on River Road that has the trailer on it, or if there is any update? Ms. Crawford replied that they would have the Zoning Official check on the status. Mr. Smith also said that last year the Land Use Board decided that they did not want to do anything with the Chicken Ordinance, but now the Committee is sending it back to the Land Use Board. Attorney Rossmeissl clarified that this is a completely different version of the Ordinance than what was sent last year. The Committee is extending the courtesy to the Land Use Board for comment and review, but ultimately it will be the decision of the Township Committee.

Edison Vecillas – River Road – Mr. Vecillas responded to Mr. Smith’s inquiry about the trailer on River Road. He clarified that the trailer on the property is used for farming storage. The proper Zoning Permit was obtained to do so.

Tasha DeGeorge – Sleep Hollow Road – Ms. DeGeorge remarked that part of the reason as to why the Community Center was built in the first place was so that the local community groups would have a place to gather. She feels that there should be no charge for these groups to use the Community Center, even in the case of holding fundraisers. Most of the time these groups only get a couple hundred dollars for fundraising events and they really cannot afford to pay to use the building on top of the other costs. Mayor Innella replied saying the Committee will take that into serious consideration.

Emil Kwasnik – New Road – Mr. Kwasnik asked for clarification on section 76-113 (a) and (c) of proposed Ordinance 2021-05. Attorney Rossmeissl explained that section (a) makes clear that this Ordinance does not apply to previously established agricultural land, and section (c) makes clear that if someone simply dislikes a neighbor’s chickens or roosters, that will not and does not constitute a nuisance pursuant to the Ordinance. Mr. Kwasnik asked for several other clarifications within the Ordinance to which Attorney Rossmeissl responded.

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

**ADJOURN**

Ms. Crawford made a motion to adjourn at 8:16 pm. Mr. Merusi seconded, and the motion carried with a unanimous voice vote.

Respectfully submitted:

**EILEEN DEFABIIS, RMC  
MUNICIPAL CLERK**