

Approved: November 9, 2021

MONTAGUE TOWNSHIP COMMITTEE MEETING

MINUTES

SEPTEMBER 28, 2021

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 Deputy Clerk Dana Klinger and Municipal Attorney Rob Rossmeissl.

Excused: None

MINUTES

None

ORDINANCES (First Reading)

None

ORDINANCES (Second Reading)

None

RESOLUTIONS

2021-89 A RESOLUTION AMENDING RESOLUTION 2021-20 CONCERNING SALARY RANGES AND COMPENSATION OF THE VARIOUS TOWNSHIP OFFICERS AND EMPLOYEES TO INCLUDE THE POSITION OF COMMUNITY CENTER CARETAKER

Ms. Martin made a motion to approve Resolution 2021-89. Ms. Crawford seconded, and the motion carried with a unanimous roll call vote.

2021-90 OPPOSING CUTS IN STATE SCHOOL AID ALLOCATIONS TO SUSSEX COUNTY SCHOOL DISTRICTS

Mr. Zitone made a motion to approve Resolution 2021-90. Mr. Merusi seconded. Mayor Innella commented that the Montague School has seen an 8% reduction in State School Aid and that wasn't even the worst one in the County many of the other school districts fared far worse, including High Point Regional High School. The motion then carried with a unanimous roll call vote.

2021-91 ENDORSING THE "ELECTION INTEGRITY" BILL PACKAGE PENDING IN THE LEGISLATURE IN SUPPORT OF FREE AND FAIR ELECTIONS UNTAINTED BY FRAUD

Mayor Innella expressed a few items within the bill that he disagreed with. Ms. Crawford then made a motion to approve Resolution 2021-91. Mr. Merusi seconded, and the motion carried with Ms. Crawford, Ms. Martin, Mr. Merusi, and Mr. Zitone all voting yes and Mayor Innella voting no.

2021-92 RESOLUTION APPROVING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF SUSSEX FOR THE TOWNSHIP OF MONTAGUE TO PROVIDE THE BOROUGH OF SUSSEX WITH ZONING, HOUSING, AND CODE ENFORCEMENT SERVICES FROM OCTOBER 1, 2021 THROUGH DECEMBER 31, 2021.

Ms. Martin made a motion to approve Resolution 2021-92. Mr. Merusi seconded and the motion carried with a unanimous roll call vote.

CORRESPONDENCE

None

NEW BUSINESS

Tree Removal Quotes – Mr. Merusi stated that there were a few quotes received for Tree Trimming Services on various Township Roads. The first quote was received from Midhurst which totaled \$11,200. The second quote received was from Sequoia Tree Services which totaled \$9,900. The last quote received was from Worbock's which totaled \$900 per day, but the DPW would have to assist in road control. Mr. Merusi made a motion to approve the quote received from Sequoia. Deputy Clerk Dana Klinger announced to all in attendance that the Committee had already approved the funding in the 2021 budget. Ms. Crawford seconded, and the motion carried with a unanimous roll call vote.

Part-Time Snow Plow Driver – Deputy Clerk Dana Klinger commented that the DPW Foreman is requesting to have an advertisement run for a Seasonal Part-Time Snow Plow Driver. The Committee agreed to advertise for the position.

H.P.C.C Request – Zoning Officer – The Montague Township Zoning Officer received a request from the High Point Community Corp. asking him to drive around with a member from their Management Company, Comet Management, to decide what is a Community vs. Township issue and note any trouble spots along the way. The Committee agreed that this request would not be satisfied. HPCC has their own set of Rules and Regulations, they would be the lead agency in their private community and the Township will support them with any necessary follow-up. Ms. Martin said the Township is something like the fifth in-line to addressing any issues within the High Point Community, so they should be handling things on their end as far as they can and then the Township can and will step in. Mr. Zitone added that the Code Enforcement Officer is still involved in the Community, he doesn't treat it any differently than outside of the Community.

Shared Services Agreement – Town of Newton (Tax Collection) – Mayor Innella commented that the Township of Montague initiated this Agreement with Newton a few months ago. The Township has been advertising for a Tax Collector since the previous Tax Collector's retirement back in January, and there has been no luck. The few applications that they have received the applicants did not have a Certified Tax Collectors Certificate. The Township of Montague is very satisfied with services that the Town of Newton has been providing and the current agreement has been working out favorably for both parties. Attorney Rossmeissl added that the Shared Services Agreement is for a length of two-years and is a pretty standard agreement. There is a clause within the Agreement that allows for either party to cancel the Agreement with 30-days' notice if something does come up. Mr. Zitone made a motion to approve the Shared Services Agreement with the Town of Newton for Certified Tax Collection Services and Mr. Merusi seconded. Deputy Clerk Klinger then issued this Resolution 2021-93. The motion then carried with a unanimous roll call vote.

OLD BUSINESS

DPW Equipment – Chipper Quotes (tabled at the 9.14.2021 meeting) – Mr. Zitone commented that a revised quote was received from Modern Group, LTD for a Bandit Chipper. This quote includes a diesel motor, the quote received totaled \$36,913.80. Deputy Clerk Klinger added that the DPW Foreman was also able to secure a third quote from Sawkill Power Equipment, Inc. and that Quote totaled \$47,325 and lastly the third quote received was from Morbark which totaled \$51,337.15 Mr. Zitone and Mr. Merusi felt that all the quotes were more than they were looking to spend and would like the DPW Foreman to continue to look for a used Chipper online and possibly through some of the vendors that submitted quotes. The Committee will table this item upon any availability of a used Chipper.

Airbnb – Mayor Innella moved this item to be heard after the other 'Old Business' items.

Land Sale Auction – Attorney Rossmeissl gave a brief update regarding the possible Land Sale Auction for the Township. Currently the Township Tax Assessor, Jason Laliker is busy with his added assessments and should be able to better advise regarding the properties within the Land Sale list before the next meeting. Attorney Rossmeissl found a number of Township owned lots that could be clustered together to make the lots more desirable. Attorney Rossmeissl further added, if all the properties sold for their assessed value, which is highly unlikely, then the Township would be increasing the tax rolls by \$5,000 or \$6,000 per year from when it was last presented. Hopefully there will be a Resolution to move forward at the next meeting.

Zoning Fees – Attorney Rossmeissl commented that under the Committee's guidance he has looked into the current Zoning Fees and Violation Fees and how they might be increased. After review of

the Township's fees, Montague does have very low fees for all of its doing permits. The Township Zoning Officer, George Hutnick suggested that the Committee consider marginal increases. These increases would bring most of the permit fees from \$30 to about \$50. Attorney Rossmeissl also discussed the violation fees and the Zoning Officer's recommendations. There will be an Ordinance for introduction of the amended Zoning Fees at the next Township Committee Meeting.

Airbnb – Mayor Innella explained that this item is on the Agenda for discussion once again because there has been a lot of interest within the Community for short-term rentals/Airbnb's. The Township has presented this matter to the Land Use Board to draft an Ordinance, but the Land Use Board decided that they did not want to do anything with this. Currently short-term rentals are a non-permitted use in which the Land Use Board would be receptive to hearing any applications for a variance for an Airbnb. The Committee felt that if the Land Use Board would be receptive to hearing an application for an Airbnb, then there should be some sort of guidelines in place. Mayor Innella then read a few ideas for parameters that he felt could be useful including, limiting the number of permits to be issued to allow for short-term rentals, especially in the first year as the kinks are getting worked out. Establishment of a yearly registration fee and inspection. The possibility of setting a minimum acreage for allowable short-term rentals. If a unit is in a HOA or a multi-unit condo then approval would need to be obtained from all owners in adjoining building. The Airbnb host will have to provide a least three paved parking areas. Lastly, the Septic would need to be inspected and approved by an Engineer. Mayor Innella reiterated that these are just a few suggestions or ideas to consider for enacting some sort of guidelines for these short-term rentals.

Ms. Martin added that she felt that guarantee of insurance is very important, especially with any rentals that might be in a multi-unit building. Attorney Rossmeissl added that if the Township wants to put numerous restrictions on short-term rentals then they would have to go back and essentially pass an Ordinance allowing short-term rentals or Airbnb's then the Township has such wide purview to restrict and regulate however they would like to. Attorney Rossmeissl provided the Committee members with a list of potential and not all-encompassing guidelines that the Committee may want to consider in adopting an Ordinance regarding short-term rentals. Mr. Zitone asked if the other members of the Committee are all in favor of passing an Ordinance regarding Short-Term Rentals. Ms. Martin commented that this is something she is not so keen on. Ms. Martin's concern is that there is no local police department, there is no Township trash pickup, there is no water and sewer in many areas of the Township, so things can quickly become issues. Ms. Martin clarified that she is not in favor of short-term rentals in R4 Zones, some of the other areas would be fine. Ms. Martin is in favor of having the individual appeal to the Land Use Board for approval of short-term rentals. Mayor Innella stated that he is not big on the idea of Airbnb's but is a reasonable person and sees where the wind is blowing on this. Ms. Crawford, Mr. Merusi and Mr. Zitone also felt that the Committee should move forward as well. The Committee members will review and discuss at the next Township Committee Meeting.

REPORTS

None

PUBLIC PARTICIPATION (limited to three minutes per person)

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

Nina Fradl – Ms. Fradl suggested having a sub-committee to work out the fine details and regulations regarding short-term rentals. This type of forum is difficult to hatch out these types of particulars. Mayor Innella feels that it may be better suited for the Township Committee to come up with the guidelines first. Ms. Fradl also added that she is also concerned with Landlord Registration Compliance, saying it is eye opening to hear how many people within the Community are not registering as Landlords.

Victor Henriette – River Road – Mr. Henriette commented that he travels for work and has used Airbnb's frequently. He feels that the Township Committee is missing the boat on this. The Township would not be responsible to pay for compliance, this should be the responsibility of the property owners to contract out to a company for inspections and regulations and require a report be sent to the Township. The Township does not have to bear any of the financial responsibility when it comes to regulation the land owners should.

Erin Meyers – River Road – Ms. Meyers owns and purchased a property on River Road with her husband with the idea of using the property as an Airbnb rental. They own and maintain several

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other properties and have been Airbnb hosts for over 10-years. Ms. Meyers added that a lot of the regulations that were mentioned by the Committee are built right into the Airbnb contracts. Airbnb sets up a structure so that an owner can set parameters within the listing. Ms. Meyers feels that imposing a 3% fee on each Airbnb rental within the Township would work out much better than collecting a \$1,500 fee per Airbnb registered property owner. Airbnb also naturally weeds out bad rentals because no one would want to stay in a place that is unsightly.

Jody Case-Kennedy – Shore Drive – Ms. Kennedy explained that she frequently attends the Township Committee Meetings and hears often about the High Point Community Corp. and the grievances and then hearing tonight that they are asking for the Township Code Enforcement Officer to step in and assist them only solidifies her concerns with adding Airbnb's into the mix in the High Point Community. She added that there are a lot of issues within the High Point Community currently that they still do not have a handle on and allowing Airbnb's in this high-density area where there is a new person right next to you each week is a little scary. High Point Community Corp., at this point does not have control over its regular long-term rental units. At the meetings they say about half the units are rentals, yet the Township of Montague is not collecting the fees or getting these inspections done because these Landlords are not in compliance. There are some pretty basic items such as issues with garbage and refuse on properties, especially towards the back gate and the board is not addressing these issues they are looking for the Township to pick up their slack. Ms. Case-Kennedy further added that it is a whole different story if a single-family home with 5-acres would like to have an Airbnb. Mayor Innella acknowledged Ms. Case-Kennedy's concerns and added that if the Township does allow for Airbnb's in this Zone issues with things like the septic and parking will also need to thoroughly be addressed.

Edison AVECILLAS – River Road – Mr. AVECILLAS expressed his support for allowing Airbnb's within the Township. There are several beautiful and historical properties within Montague that complement the Township and will bring people into Montague. Mr. AVECILLAS added that this Township needs supportive neighbors who keep an open mind and do not just shoot something down because they don't like it. Mr. AVECILLAS further added that Airbnb and many other short-term rental sights have insurance built into the contract that covers both the owner, and the renter. A tax/fee could be pulled automatically through Airbnb in which the Municipality could accept tax income directly from the short-term rentals. Mr. AVECILLAS explained that Airbnb gets the money upon the booking of the rental and then sends payment directly to the Township so there would be no overhead administrative fees for this. Mr. AVECILLAS stated that he takes no issue with the Township imposing a fee for Airbnb rentals to the property owners, but upon ever successful recertification the fees should then be lowered, since these rentals are helping support the Township through tax income. Penalties for unregistered listings should also be incurred. Mr. AVECILLAS added that long-term rentals are usually the ones that cause more problems and are harder to regulate. Most Airbnb listings require a local permit number this way the Townships can view which properties are complying and which are not. Mr. AVECILLAS added that having these Airbnb's in the Township bring commerce to the Township and its residents. Mr. AVECILLAS had employed two people within the township who lost their jobs as cleaners for his property. Organizations like the Montague Grange have told Mr. AVECILLAS that a majority of their donations are received from out of town visitors, so this could be a win-win for everyone.

Mr. AVECILLAS further commented that he feels there needs to be more ease of use for the residents when it comes to registering and making payments. The Township is a little behind technologically speaking, there should be online registrations and payments which would cut down on administrative time and lessen the burden on staff.

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

ADJOURN

Mr. Zitone made a motion to adjourn at 8:02 pm. Mr. Merusi seconded, and the motion carried with a unanimous voice vote.

Respectfully submitted:

**DANA KLINGER, RMC
DEPUTY MUNICIPAL CLERK**