

MONTAGUE TOWNSHIP COMMITTEE MEETING

MINUTES

**November 9, 2021
7:00 PM**

OPENING STATEMENT

Deputy Mayor Martin 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, Mr. Merusi, Mr. Zitone, and Deputy Mayor Martin
Also present was Deputy Clerk Dana Klinger and Municipal Attorney Rob Rossmeissl

Excused: Mayor Innella

ORDINANCES (First Reading)

None

ORDINANCES (Second Reading)

2021-17 AN ORDINANCE OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX, STATE OF NEW JERSEY, TO AMEND SECTION 18-76, ENTITLED 'ZONING FEES', AND SECTION 76-12, ENTITLED 'EXTERIOR DESIGN, ORIENTATION AND APPEARANCE OF DWELLING IN RESIDENTIAL NEIGHBORHOODS,' OF THE TOWNSHIP CODE

Mr. Zitone made a motion to approve this Ordinance. Mr. Merusi seconded. Ms. Crawford made a motion to open to public for discussion regarding Ordinance 2021-17. Mr. Merusi seconded, and the motion carried with a unanimous voice vote.

Mr. Zalenski- Shore Drive – Mr. Zalenski asked for some background/clarification on what this Ordinance is for. Attorney Rossmeissl replied, saying that this Ordinance would be amending the Zoning Fees to be on par with the other Sussex County Municipalities. Given that the Township of Montague's fees are generally low, the Zoning Application Fee would now be \$50. The other change this Ordinance makes is to the violations fine, which would now allow the Municipality to charge up to \$2,000 as a one-time fee.

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

Deputy Clerk Klinger then called the roll, and the motion to approve Ordinance 2021-17 carried with a unanimous roll call vote.

APPROVAL OF CONSENT AGENDA

All items listed within an asterisk (*) are considered to be routine and non-controversial by the Township Committee and will be approved by one motion. There will be no separate discussion of these items unless a Committee member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

Mr. Merusi made a motion to approve the Consent Agenda. Mr. Zitone seconded, and the motion carried with a unanimous roll call vote.

CONSENT AGENDA

Vouchers

Minutes

Regular Meeting Minutes of September 28, 2021

RESOLUTIONS

- | | |
|----------|--|
| 2021-104 | AUTHORIZING THE TOWNSHIP OF MONTAGUE TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF STILLWATER FOR THE SERVICES OF A QUALIFIED PURCHASING AGENT IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:65-1 ET SEQ. AND N.J.S.A. 40A:11 ET SEQ. |
| 2021-105 | SERVICE AGREEMENT BETWEEN MASTERS TERMITE AND PEST CONTROL AND THE TOWNSHIP OF MONTAGUE |
| 2021-106 | RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT |
| 2021-107 | RESOLUTION APPOINTING FUND COMMISSIONER |
| 2021-108 | APPOINTMENT OF ALTERNATE DEPUTY REGISTRAR |
| 2021-109 | AUTHORIZING THE TOWNSHIP OF MONTAGUE TO ENTER INTO A SHARED SERVICE AGREEMENT WITH THE TOWNSHIP OF VERNON FOR ANIMAL CONTROL SERVICES IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:65-1 ET SEQ. AND N.J.S.A. 40A:11-10 ET SEQ. |
| 2021-110 | REFUND OF DELINQUENT TAXES TO BALA PARTNERS, LLC IN THE AMOUNT OF \$11,084.70 |
| 2021-111 | CANCELLATION OF TAX SALE CERTIFICATE #2014-175 |
| 2021-112 | TRANSFER RESOLUTION |

CORRESPONDENCE

Chief Financial Officer, Sharon Yarosz – Best Practices Inventory and Governing Body Acknowledgement Certification – The Township Committee made acknowledgement of receipt and review of the Best Practices Inventory.

New Jersey Department of Transportation – Acknowledge Award of \$190,500 for New Mashipacong Road – Section III Resurfacing from the NJDOT’s Municipal Aid Program – Deputy Mayor Martin commented that the Township has received a grant for resurfacing the third and final section of New Mashipacong Road. Deputy Clerk Klinger added that they expect the resurfacing project to begin next October (2022).

Blue Ridge Rescue Squad – Blue Light Permit Approval for Fred Battali – Ms. Crawford made a motion to give Municipal Approval for Fred Battali to obtain a Blue Light Permit. Mr. Merusi seconded, and the motion carried with a unanimous voice vote.

NEW BUSINESS

Chapter 19B-7 – Deputy Mayor Martin has been speaking with Montague Fire Chief, Ryan Riegel and he explained that there has been an increase in False Alarm calls, specifically in Commercial Buildings. The Fire Chief asked if the Committee could possibly review the Ordinance to add Commercial Buildings to Chapter 19B-7 for False Alarms. Attorney Rossmeissl commented that this would be a very simple amendment. He suggested that at the same time if there were any other items in this particular section of the code that needs cleaning-up, now would be the time to do so.

Approved: November 23, 2021

P/T DPW – Snow Plow Operator – Mr. Merusi stated that he and the DPW Foreman, Dave Coss conducted interviews last week for the position of Part-Time DPW Snow Plow Operator. It is Mr. Merusi's recommendation to hire Jeremy Lucey for the position. Mr. Zitone made a motion to hire Jeremy Lucey for the position of Part-Time DPW Snow Plow Operator to include Shoveling and Snow blowing at a rate of \$18 per hour. Ms. Crawford seconded, and the motion carried with a unanimous roll call vote. Deputy Clerk Klinger then issued Resolution 2021-113.

OLD BUSINESS

Short-Term Rentals – Attorney Rossmeissl mentioned that the draft Ordinance will be reviewed with the understanding that the public participation and comments will come at the end. Attorney Rossmeissl then reviewed the proposed draft Ordinance regarding Short-Term Rentals. Currently all short-term rentals, fewer than 60-days, are actually prohibited, so the Committee has heard the residents and are trying to legalize short-term rentals in a certain form. Attorney Rossmeissl added that this draft Ordinance defines short-term rentals as any rental of a rental unit, or dwelling unit in the Township for a period of sixty or fewer days. The Ordinance would establish where in the Township short-term rental would be permitted. These areas, in this draft form are to include, individually or collectively owned single-family residences, in two-family residential dwellings, and in multi-family residential complexes with conditions, as well as owner occupied homes where the homeowner wishes to rent out bedrooms within the home. Some of the qualifications of these permitted uses include for a two family residential dwelling, there must be one unit that is owner occupied while the other is being rented out, and multi-family residential complexes will require the consent of all long-term occupants of those units. In order to rent out a short-term rental, an application must be submitted to the Township Clerk's Office along with an initial fee of \$1,500. A new application must be submitted each year thereafter with an annual fee of \$500.00. With each annual application and fee, the Township will conduct an inspection of the rental unit. Any unit that is reliant upon on onsite septic system must submit a report that outlines how the septic system has been maintained, that the septic system operates satisfactorily, and what the pumping history of the septic system has been. If there is evidence of a failing or malfunctioning septic system, then the application will be denied until rectified. As currently drafted, the tax charged will be the maximum tax allowable under current State statute, which is equivalent to the hotel tax or 3% tax on rent. Attorney Rossmeissl reiterated that this is just a draft and is not being introduced, and that the Committee is open for any suggestions or considerations.

American Rescue Plan Spending – Deputy Mayor Martin stated that she met with representatives from Frankford and Sandyston regarding the American Rescue Plan and the proposal of each town donating monies from the funds received from the American Rescue Plan to Blue Ridge Rescue Squad to purchase a new Ambulance. They will also be reaching out to Branchville to see if they would be interested in donating as well, if acceptable.

REPORTS

Construction Department – October 2021 – There were 16 permits issued for the month of October 2021 for a total collected of \$26,667.

Tax Collector – October 2021 - Current taxes collected for the month of October 2021 totaled \$1,515,877.88. Prior year's taxes collected \$51,578.96. Prepaid Taxes collected totaled \$9,783.95. Interest collected for the month of October totaled \$10,291.09 for a total collected for the month of October of \$1,817,038.63.

Recreation – Deputy Mayor Martin reported that this Saturday the Recreation Committee will be holding a Veterans Day Service at 11:00 am in the Community Center, they will also be serving coffee and cake after the service.

Deputy Mayor Martin also spoke regarding the Mayor Meeting that the County Department of Health and Human Services held. The County is still in a moderate zone for Covid-19 cases which 99% of new cases are the delta variant. Ms. Martin also reminded all in attendance that the Minisink Church offers a food pantry on the third Saturday of each month if they know of anyone who may be in need.

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.

Ellen Phelps – Shore Drive – Ms. Phelps asked for clarification regarding the proposed draft Ordinance for Short-Term Rentals regarding multi-family units. If there is veto power in a building is it for owners and long-term renters. Attorney Rossmeissl replied saying, as it stands the veto power would be to long-term occupants, which would include renter, owner or anyone living there more than 60-days. Ms. Phelps then expressed that she was not in favor of short-term renters due to an awful experience she had. Ms. Phelps had a neighboring unit that was a part of a home exchange app. so there were new people coming in every weekend that were partying, loud and overall disrespectful to other occupants in the building. There is no enforcement to monitor these people because the owners were not even there. Ms. Phelps said from this experience she is not in favor of short-term rentals for a multi-family dwelling a private home is another story.

Ira Alexander – River Road – Mr. Alexander and his family have recently purchased the old Cedar Ridge Campground located at 205 River Road. Mr. Alexander wanted to introduce himself to the Community. Mr. Alexander and his family are in the process of trying to rebuild the campground; they also own Triple Brook in Blairstown, NJ. Currently they have the campground closed while they are trying to cleanup; they have filled over 18 dumpsters and will probably have another 12 or so more to go. Deputy Mayor Martin expressed her enthusiasm for Mr. Alexander and his family's endeavors and welcomed them to the community. Deputy Mayor Martin told Mr. Alexander, when they are ready to open up to contact the Township and they would love to hold a ribbon cutting ceremony.

Cruzita Carrillo – Ms. Carrillo is the owner of a dance fitness company that has locations in Matamoras, Hawley and Sparta. Ms. Carrillo is a resident of Montague and she is asking for permission to rent out the Township Community Center at an hourly rate to teach dance fitness to the Provident Bank Employees. Deputy Mayor Martin asked Ms. Carrillo to reach out to the Deputy Clerk regarding some of the details for the rental and the Committee will revisit this.

Erin Myers – River Road – Ms. Myers remarked that it is unfortunate that Ms. Phelps has had such a bad experience with short-term rentals and she can appreciate her feelings. Ms. Myers added that she can see where somewhere like the County Club, or any other areas that may have multi-family units, could have snafus that take place with short-term rentals. Ms. Myers said she has been doing something about large term projects, even at a government level, and often times when projects are rolled out they do it in phases or a pilot program. Ms. Myers asked if it had been considered to maybe open up short-term rentals to areas that are not struggling with any roadblocks or issues as much, and maybe spend the necessary time that is needed to iron out any kinks. Ms. Meyers also thanked the Committee for being so receptive to the community's requests; it is outstanding that a rough draft ordinance was compiled so quickly. Mr. Zitone asked Ms. Meyers if there is anything in the draft that she can see as an issue, including fees and regulations. Ms. Meyers asked if a short-term rental property owner pays the Landlord Registration fee that is already set-in place, would that then be applied to short-term rental landlord fee. Attorney Rossmeissl said as it is written right now it would not, but he will write that down for review and discussion when Mayor Innella is in attendance. Deputy Mayor Martin suggested the idea of having the difference pro-rated.

Edward Zalenski – Shore Drive – Mr. Zalenski discussed the multi-units in the High Point County Club saying if you count the units that are in the Club they total about 700 units, including the single family homes and multi-family units. Of the 700 he estimates about 70% of them to be multi-units. Some of these units are four, even eight units, so if there is issues in one unit this would be affecting several people. Mr. Zalenski commented that the short-term rentals in this area also bring a more commercial atmosphere to the Country Club which was not set up for this, it was meant for residential only. Mr. Zalenski added that the Township is going to receive many calls because there is no central management with these short-term rentals. Mr. Zalenski further added that he could see where it would work within the Township, but not within the County Club.

Nina Fradl – Deckertown Turnpike – Ms. Fradl said she can appreciate Mr. Zalenski's comments, but the issue right now is that it is totally uncontrolled and that is part of the problem. There are long-term rental property owners that do not register that are part of the problem. Therefore, it seems that the Township can use this opportunity to get a better handle on this problem. Ms. Fradl added that there should be strict management requirements so there is accountability. Ms. Fradl said she does object to the proposed \$1,500 fee for short-term rentals, saying this seems counterproductive if you are an elderly person looking to make some

Approved: November 23, 2021

additional income renting out a room. Most other Municipalities that allow short-term rentals only charge somewhere around \$300-\$500 and she is confident the Committee can come up with a number that might be more appealing.

Edison AVECILLAS – River Road – Mr. AVECILLAS also thanked the Committee for their considerations and progress regarding short-term rentals. Mr. AVECILLAS also agreed that he felt the short-term rental fee is set too high as is, particularly when compared to other fees within the County. Mr. AVECILLAS is in agreement with the other members of the public, saying he feels that for now there should not be short-term rentals in multi-family units, but if there is veto power in those units that would be helpful. Mr. AVECILLAS spoke in opposition of the septic system regulations within the draft short-term rental Ordinance. Deputy Mayor Martin replied saying that all comments will be taken into consideration while in the draft process of this Ordinance.

Mr. Zitone validated some of the recommendations of the members of the public. He agrees that at this time he is not in favor of having short-term rentals in the R4 Zone or multi-family units. He feels that it is just going to create a lot of hardship between owners, renters, neighbors and the Township. Ms. Crawford added that she also felt that then septic systems should not be an issue if they are only allowing single-family homes. Mr. Zitone also felt that the application fee could be lowered as well.

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

Ms. Crawford made a motion to adjourn at 7:57 PM. Mr. Merusi seconded, and the motion carried with a unanimous voice vote.

Respectfully submitted:

**DANA KLINGER, RMC
DEPUTY MUNICIPAL CLERK**