

Approved: January 25, 2022

MONTAGUE TOWNSHIP COMMITTEE MEETING

MINUTES

December 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 Municipal Clerk Eileen DeFabiis and Municipal Attorney Rob Rossmeissl

Absent: None

Mayor Innella took a moment to thank Ms. Crawford and Ms. Martin for the dedicated years of service on the Township Committee. Their efforts and hard work within the community have been much appreciated.

Mayor Innella also took a moment to memorialize Mr. Jim Carpenter one of the founding members and the last remaining founders of the Montague Township Volunteer Fire Department. Mayor Innella asked for all those in attendance to join him in a moment of silence.

MINUTES

Ms. Martin made a motion to approve the Regular and Executive Session Meeting Minutes of November 23, 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 absence at the November 23, 2021 meeting.

Mr. Merusi made a motion to approve the Regular and Executive Session Meeting Minutes of December 14, 2021. Ms. Martin seconded, and the motion carried with Ms. Martin, Mr. Merusi, Mr. Zitone and Mayor Innella all voting yes on the regular session meeting minutes and Mr. Zitone abstaining from the Executive Session Meeting Minutes of December 14, 2021 and Ms. Crawford abstaining from both the regular and executive session meeting minutes.

Mayor Innella announced to all in attendance that due to the current spike in Covid-19 cases the Township Committee has decided to move the Committee Meetings to remote access via GoToMeetings. He further added the Municipal Building is closed to the public until the cases start to decrease. The Municipal Staff will still be working and will accommodate the public as best as possible during this time.

ORDINANCES (First Reading)

None

ORDINANCES (Second Reading)

2021-18 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 PERIODS OF SIXTY ('60') DAYS OR FEWER

Mr. Merusi made a motion to approve this Ordinance. Ms. Crawford seconded.

Attorney Rossmeissl gave a brief explanation of the changes and major highlights to recognize within this Ordinance.

Mr. Merusi made a motion to open to public for discussion regarding Ordinance 2021-18. Ms. Crawford seconded, and the motion carried with a unanimous voice vote.

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Nina Fradl – Deckertown Turnpike – Ms. Fradl asked for a clarification on whether or not an investor that owned a property would be eligible to for Short-Term Rental status throughout the year. Attorney Rossmeissl replied yes, they would.

Edison Avecillas – River Road – Mr. Avecillas thanked the Committee for their considerations and the adjustments that were made to the Ordinance and for really listening to the concerns and suggestions of the public. Mr. Avecillas then asked why the Committee did not want to allow a homeowner to be able to rent out a single room or rooms within their home. Mr. Avecillas commented that if this were allowed it could be a great opportunity for someone on a fixed income to make some extra money. Mayor Innella commented that on a short-term basis, it would become similar to a boarding house and this is not the interest or wishes of the Township Committee to allow at this time. Mr. Avecillas felt that though the fees have gone down since first drafted, he still feels that the fees are still high in comparison to neighboring towns. Mayor Innella commented based on the size of the town and the staffing shortages it is going to be more of a burden to allow for these rentals. Mr. Avecillas replied saying that if that was a concern going forward then an annual inspection should not have been included as one of the requirements. Attorney Rossmeissl added that it is not only the administrative costs of the annual inspection but vetting the applications and making sure all the taxes and fees are received etcetera are also included in this.

Zhanna Kelly – Shore Drive – Ms. Kelly commented that it seems that the Committee is missing Mr. Avecillas' point, if the Township were already understaffed with the current workload then why would the Committee adopt Ordinances which would require annual landlord inspections, annual short-term rentals that in essence is just putting more of a burden on the existing staff.

Stephanie Rakotz – Ms. Rakotz said that she is the half owner of three of four units within a building in the Country Club. They have recently been renovating and one of the things that bothers them, which they may have gone into this blindly, but they had assumed they would be able to do short-term rentals on a luxury basis. Ms. Rakotz added that CCHP has approved Short-Term Rentals within the community. The CCHP would be requiring registrations as well as being fully insured and requiring that the units have a fully established HOA. Ms. Rakotz said she is not against the fees but does feel that owners within the CCHP are being discriminated against concerning being able to provide for Short-Term Rentals and being a resident and not being able to do so. Ms. Rakotz added that there are a very few people within the community that would be able to provide for Short-Term Rentals on a consistent basis to begin with. Mr. Zitone commented that the Committee feels that allowing Short-Term Rentals within the R4 Zone has a high potential for creating many problems. The R4 is unique in there are multi-family dwellings not everyone within the unit is going to agree that they would like to have a Short-Term Rental unit within their building. If a neighbor has an objection, the likelihood of animosity between owners is high. Ms. Rakotz further asked for clarification on the objections of the Township Committee. Ms. Martin commented that there is no local police department; there is no township central water and/or sewer among other concerns. Ms. Rakotz disagreed with these objections. Mayor Innella added that if Ms. Rakotz thought or was misled that Short-Term Rentals would be allowed when they purchased the units, then that is unfortunate, because prior to this the Township had an Ordinance on the books that completely banned Short-Term Rentals, therefore they were never allowed. Mayor Innella further added that this is basically phase one, if things seem to be working well within the Township then sometime down the road the Committee may be in agreeance to open Short-Term Rentals up in the R4 Zone, but not at this time. Ms. Crawford added that just because the Ordinance is written to not allow for Short-Term Rentals in the R4 Zone does not mean it is the end all and be all, at any time anyone within the R4 Zone that would like to have a Short-Term Rental can do so by apply for a variance with the Land Use Board.

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

Municipal Clerk DeFabiis then called the roll, and the motion to approve Ordinance 2021-18 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

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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. Zitone asked that Resolution 2021-130 be removed from the consent agenda for discussion.

2021-130 RESOLUTION OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AUTHORIZING AN AMENDMENT TO THE SITE LEASE AGREEMENT BETWEEN THE TOWNSHIP

Mr. Zitone asked for clarification of this Resolution and asked if there were any fee changes within the amendment to the site lease. Attorney Rossmessl responded saying that the only change to the agreement was regarding the antenna and the height placement. The agreement remains the same Diamond Communications was just moving the antenna to accommodate for AT&T. Mr. Merusi made a motion to approve Resolution 2021-130.

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

CONSENT AGENDA	
<u>RESOLUTIONS</u>	
2021-129*	PEST CONTROL SERVICES RENEWAL AGREEMENT BETWEEN MASTERS PEST CONTROL AND THE TOWNSHIP OF MONTAGUE
2021-131*	ACCEPT NEW MASHIPACONG ROAD – SECTION I & II PROJECT AS FINAL AND COMPLETE

CORRESPONDENCE

Montague Volunteer Fire Department – Request approval of Application for Membership for Christopher Mazzawy – Ms. Crawford made a motion to approve this request for membership for Christopher Mazzawy. Mr. Merusi seconded, and the motion carried with a unanimous roll call vote.

NEW BUSINESS

None

OLD BUSINESS

None

REPORTS

None

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.

Anna Burani – Shore Drive – Ms. Burani thanked the Township Committee for the progress that has been made with the Short-Term Rental Ordinance. Ms. Burani then asked if the entire Country Club is considered R4 or if this Zone only applies to the multi-family units. Mayor Innella commented that would apply to the entire R4 Zone even single family homes.

There being no further comment 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.

Ms. Crawford commented that it has been an honor and privilege to serve on this Committee over the past nine-years. She is confident that the Committee will continue the outstanding job in the future. She then thanked the members of the Committee and of the public.

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Ms. Martin also added that living in Montague and working in Montague and being on this Committee has all kind-of melded together and it has been an honor to serve the residents and to be able to move forward with a lot of the things that they set out to do. The main thing is taking care of the taxpayers and that is what the Committee always thinks about and does.

EXECUTIVE SESSION

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

MONTAGUE TOWNSHIP

RESOLUTION 2021-132

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 Attorney Client Privilege without taking action, and after reconvening this public meeting action may be taken and the Mayor or her 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. Crawford made a motion to close Executive Session. Ms. Martin seconded, and the motion carried with a unanimous voice vote.

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

ADJOURN

Ms. Crawford made a motion to adjourn at 8:51 PM. Ms. Martin seconded, and the motion carried with a unanimous voice vote.

Respectfully submitted:

**EILEEN DEFABIIS, RMC
MUNICIPAL CLERK**