

Approved: August 23, 2022

MONTAGUE TOWNSHIP COMMITTEE MEETING

MINUTES

AUGUST 09, 2022

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: Mr. Krumpfer, Mr. LeDonne, Mr. Merusi, Mr. Zitone and Mayor Innella. Also present was Municipal Clerk Eileen DeFabiis and Municipal Attorney Robert Rossmeissl

Absent: None

VOUCHERS

Mr. Merusi made a motion to approve the vouchers. Mr. Krumpfer seconded, and the motion carried with a unanimous roll call vote.

MINUTES

Mr. Merusi made a motion to approve the Regular Meeting Minutes of July 26, 2022. Mr. Zitone seconded, and the motion carried with Mr. Krumpfer abstaining and Mr. LeDonne, Mr. Merusi, Mr. Zitone and Mayor Innella all voting yes.

QUOTES – Electronic Permitting (Construction Dept.) – Mayor Innella stated that due to some newer legislation the Township would be required to offer online permitting. In order to do so the Township will have to upgrade the program to offer this type of service. Many of the other municipalities, including Sandyston, which the Township has a shared service agreement with, are going with Spatial Data Logic or SDL. Mitchell Humphrey was also contacted for a quote, but did not reply in time for this meeting. SDL provided two separate proposals, one for the online permitting module for just the Construction Department which totaled \$9,200. The other quote received from SDL included the online permitting module for the Construction Department and the Zoning/Code Enforcement Department which totaled \$11,700. Mayor Innella added that the money was budgeted for and is in place. Mr. Krumpfer made a motion to move forward with the quote received from SDL for both the Construction and Code Enforcement modules. Mr. Merusi seconded, and the motion carried with a unanimous roll call vote.

ORDINANCES (First Reading)

None

ORDINANCES (Second Reading)

None

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.

CONSENT AGENDA

RESOLUTIONS

- 2022-088* A RESOLUTION AUTHORIZING 2022 ELECTRONIC TAX SALE
- 2022-089* EXEMPT VETERAN EXEMPTION/CANCEL TAXES (BL 4, LT 60.13)
- 2022-090* RESOLUTION OPPOSING THE PROPOSED INCREASES TO THE STATE HEALTH BENEFITS PROGRAM
- 2022-092* RESOLUTION APPROVING SOCIAL AFFAIRS PERMIT TO TAMERLAINE FARM ANIMAL SANCTUARY INC.

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

CORRESPONDENCE

Montague Township Tax Collector – Acknowledge Certification of Mailing of Tax Bills – the Committee acknowledged that all tax bills for the 3rd and 4th quarters 2022 and the 1st and 2nd quarters 2023 were mailed on July 26, 2022.

NJ State League of Municipalities – Acknowledge receipt of Annual Audit Statement – the Committee acknowledged receipt of the Annual Audit Statement from the NJ State League of Municipalities.

NEW BUSINESS

High Point Cruisers Request for Use of Municipal Parking Lot for Annual Funkhana (*John Cantelmo*) – Mayor Innella invited Mr. Cantelmo of the High Point Cruisers up to speak. Mr. Cantelmo stated that this year the High Point Cruisers will be joining forces with the Montague PTA with their car show on Saturday, October 1, 2022. The following day, October 2, 2022, the High Point Cruisers would like to hold their Annual Funkhana event and are requesting use of the Municipal Building Front Parking lot and the bathrooms at the Community Center. The event will be the same as last year. They understand that there will be a fee to use the facilities. If the township approves this request, the High Point Cruisers will provide a certificate of insurance as well. Mr. Cantelmo added that the monies that they raise for the event go to St. Jude’s Children’s Research Hospital. Mr. Merusi made a motion to approve this request. Mr. LeDonne seconded, and the motion carried with a unanimous roll call vote.

Lead Paint Inspections – Mayor Innella stated that there is yet another mandate from the State imposing an obligation on municipalities to perform or hire a certified lead evaluation contractor to perform inspections of certain single-family, two-family, and multiple-rental dwellings for lead-based paint hazards every three years or upon tenant turnover where there is no valid lead-safe certification. Municipalities must permit dwelling owners/landlords to directly hire a certified lead evaluation contractor for this purpose. Municipalities that fail to comply with the new inspection requirements may be subject to a penalty of up to \$1,000 per week. The Township Clerk was able to get a few examples of Ordinances up for consideration from a few other towns for the Committee to review. Mr. Zitone added that the whole thing is just crazy and is too arduous to place on the municipalities. The Township will be awaiting the DCA decision on whether they will allow the onus to be placed exclusively on the property owners to contract with a certified lead evaluation contractor. The Township would also like to get a few quotes on what a per inspection rate would be to hire a certified lead evaluation contractor. Attorney Rossmeissl, in the meantime, will be working on an Ordinance to introduce at the next Committee Meeting to get on the books and if a better solution comes up, then they can always amend the Ordinance.

OLD BUSINESS

Geo-Scape – Solar Panels – Attorney Rossmeissl stated that former Committeewoman Gene Crawford really pushed for the Township to install solar panels over at the new Firehouse/Community Center to help alleviate some of the energy costs to the Township.

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Originally, the solar panels were meant to power the Municipal Building and the Community Center and would net close to \$13,000 a year in savings. About a month ago, Geo-Scape came back and said that cost savings would be down to a minuscule amount after they found out that they could not install as many panels as previously thought. After hearing this, Attorney Rossmeissl expressed to Geo-Scape that the Township would more than likely be hesitant to proceed. The one encouraging thing that the Geo-Scape representative did mention is that they are very interested in working with Montague Township and feel that the Community Center building is a great location for this type of project. There has been some new Federal Legislation that, in the opinion of Geo-Scape, will allow for much better credits to be offered. The Committee members agreed that they would also like to wait on this. Clerk DeFabiis suggested that since there is an open contract that is fully executed, it should be cancelled. Attorney Rossmeissl agreed and will prepare a Resolution to cancel the contract.

REPORTS

Construction Department – July 2022 – There were 8 permits issued for the month of July 2022, no Certificates of Occupancy, and 11 Certificates of Approval for a total collected of \$1,531.

Tax Collector – July 2022 - (2021) Prior Year Taxes Collected: \$12,730.87; (2022) Current Year Taxes Collected \$166,287.74; Interest Collected \$2,058.98; Prepaid (2023) Taxes \$100.00 for a total collected of \$181,177.59 for the month of July 2022.

PUBLIC PARTICIPATION (limited to three minutes per person)

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

Edward Zielinski – Shore Drive – Mr. Zielinski stated that in the past couple of weeks he has noticed some blinking speed control lights on Clove Road. He asked if that was just a temporary installation. The Committee replied yes, that was put in temporarily by the County. Mr. Zielinski also stated that this Thursday there is a Land Use Board Meeting. He went on to say that reexamination is on the agenda and asked if this was a part of the Master Plan. Mayor Innella replied, yes.

Stephanie Rakotz (AAA Atlantic, LLC) - Ms. Rakotz read a previously prepared letter, which she asked to be directed to Mr. Krumpfer and Attorney Rossmeissl. Within the statement, Ms. Rakotz goes into detail on why she and her company feel that the Montague Township Short-Term Rental Ordinance is discriminatory to those in the R-4 Zone where Short-Term Rentals (STR's) are disallowed. Attorney Rossmeissl responded saying that the Committee has expressed in the past an interest in revisiting the Ordinance. As far as discrimination goes, his office has done similar Ordinances for a number of Municipalities and they really did their due diligence on this. The elements that would have had to exist in formulating the Ordinance did not exist for there to be the kind of discrimination that she mentions in her presentation. Attorney Rossmeissl further added that he is not saying the Committee should not reconsider, but he does feel confident about the Ordinance that was passed in Montague. This seems to be more of a political issue than a legal issue. Attorney Rossmeissl added that he also thinks there were some concerns that the former Committee had about allowing for STRs in the R-4 Zone. Ms. Rakotz replied to Attorney Rossmeissl's comments saying she thinks there is a misnomer concerning some of the property owners. AAA Atlantic LLC exclusively has spent hundreds of thousands of dollars within the community. They have employed a tremendous amount of the worker population in Montague from staff that includes construction, landscaping, cleaning staff, and general maintenance. The amount of money, time and commitment on their own basis to be able to host STRs is already in place. The restrictions that were placed on STRs from the High Point Community Corp. for approval were far denser than what is in the Township Ordinance. Ms. Rakotz thinks it is time to revisit what HPCC stated would be a restriction for multi-unit buildings, single-family homes, and duplexes. Mr. Krumpfer pointed out that the position that the HPCC took in passing a Resolution was that if the restrictions that they made, which were very stringent, then the property owners with the HPCC would have to meet those requirements plus the Township requirements. Attorney Rossmeissl added that the HPCC does extend out of the R4 Zone. Mr. Krumpfer added that there is a work/live zone that falls within the community, but there are currently no homes there. Mayor Innella added that just a few years ago Short-Term Rentals were not allowed whatsoever anywhere in town. The Committee agreed that they would consider revisiting this. Mr. Krumpfer added, if the properties within the R4 Zone meet the same criteria as those outside the HPCC then there should not be any issues. Mayor Innella stated that

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if the Township Committee were to allow for STRs in the HPCC then they would have to step up as well and not just dump all the responsibility on the town.

Edward Zelinski – Shore Drive – Mr. Zelinski spoke regarding Short Term Rentals (STRs) in the HPCC. He stated that the HPCC is really intended to be a private community. Although Ms. Rakotz stated that the bridge and the dam are in the process of being repaired, letting STRs in the community is not going to benefit to help fix those things. What they need is the HPCC Board as a whole to get these things done and make sure the money is in place before they even think about STRs. Having STRs is just going to put pressure on those things; there will be strangers in the community, and there is no police force in the area. There are plenty of other things that need to be addressed in the Community other than STRs at this time.

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

EXECUTIVE SESSION

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

MONTAGUE TOWNSHIP

RESOLUTION 2022-094

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 personnel 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.

Mr. Merusi made a motion to close Executive Session. Mr. Krumpfer seconded, and the motion carried with a unanimous voice vote.

Mr. LeDonne made a motion to open to Regular Session. Mr. Merusi seconded, and the motion carried with a unanimous voice vote.

Mayor Innella stated that there are two vacancies on the Land Use Board that need to be filled. Mr. Merusi made a motion to appoint current Land Use Board Alternate #2, Steven Guida, to the unexpired term of Class 4-member, Joseph Cooper, whose term expires on 12/31/24. Mark Utter is appointed to fill the unexpired term of Alternate #2, Steven Guida, whose term expires on 12/31/23, and William Dickson is appointed to fill the unexpired term of Alternate #1, Jamie Curreri, whose term expires on 12/31/22.

Mr. Merusi made a motion to approve the appointments to the Land Use Board. Mr. LeDonne seconded, and the motion carried with a unanimous roll call vote.

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ADJOURN

Mr. Merusi made a motion to adjourn at 7:53 PM. Mr. Krumpfer seconded, and the motion carried with a unanimous voice vote.

Respectfully submitted:

**EILEEN DEFABIIS, RMC
MUNICIPAL CLERK**