

Approved: September 13, 2022

MONTAGUE TOWNSHIP COMMITTEE MEETING

MINUTES

AUGUST 23, 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. Zitone and Mayor Innella. Also present was Municipal Clerk DeFabiis and Municipal Attorney Robert Rossmeissl

Excused: Mr. Merusi

Mayor Innella amended the meeting agenda to include under “Old Business – Short Term Rentals”.

MINUTES

Mr. Zitone made a motion to approve the Regular Meeting Minutes of August 9, 2022 and the Executive Session Meeting Minutes of August 9, 2022. Mr. LeDonne seconded, and the motion carried with a unanimous roll call vote.

RESOLUTION

2022-098 RESOLUTION TO CANCEL CAPITAL APPROPRIATION BALANCES OF COMPLETED PROJECTS PURSUANT TO N.J.S.A. 5:30-4.1 ET SEQ.

Mr. Zitone made a motion to approve Resolution 2022-098. Mr. Krumpfer seconded, and the motion carried with a unanimous roll call vote.

ORDINANCES (First Reading)

2022-14 AN ORDINANCE OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AMENDING CHAPTER 54B OF THE TOWNSHIP CODE TO MANDATE INSPECTIONS OF CERTAIN RENTAL PROPERTIES FOR LEAD-BASED PAINT

Attorney Rossmeissl stated that after further research into the newly enacted legislation requiring municipalities to conduct lead-based paint inspections on certain rental properties, it came to light that the township would only be responsible to conduct a visual inspection. The Legislation determines whether a dust/swab test versus a visual test is necessary based on how many children within the municipality have certain lead-based paint health issues. Based on this information, Montague Township is currently under the threshold that would be required to do a dust test. Therefore, the Township would only be responsible to conduct a visual inspection. This visual inspection can be done and/or delegated to anyone within the township, such as the Zoning Officer or the Construction Official. They would need to take an online course through the State Department of Health and get a Lead-Based Paint Certification for visual testing. The DCA has yet to issue the guidance to the municipalities on whether or not they can mandate the property owners to conduct the testing on their own through private contractors. Attorney Rossmeissl proposed that the Township Committee, for the time being, while they await the DCA decision, conduct the visual lead-based paint testing available through the Township and impose a fee for the testing, just to have something on the books, and then once the DCA makes their decision they can then always amend the Ordinance. Mr. Krumpfer suggested designating the Fire Marshal to conduct these tests since he is already going in to conduct the Fire Safety Inspection upon change of occupancy. Attorney Rossmeissl added that although there is no regulation for the new legislation, it is still State mandated to comport with the statute, and the Township is actually outside of the timeframe where they are supposed to have passed their Ordinance. Attorney Rossmeissl added that there are a number of municipalities that have not

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done anything yet, and this is actually a majority. The Committee also expressed their many concerns as far as the liability goes for declaring whether or not a unit has lead-based paint or not. After much discussion, Mr. Krumpfer made a motion to table ordinance 2022-14. Mr. LeDonne seconded, and the motion carried with a unanimous voice vote. Attorney Rossmeyss will check into the liability issues with this legislation.

2022-15 AN ORDINANCE OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX, STATE OF NEW JERSEY, PROVIDING FOR THE PURCHASE OF THE SPATIAL DATA LOGIC SYSTEM FOR THE CONSTRUCTION DEPARTMENT AND CODE ENFORCEMENT. THE TOTAL COST OF THE EQUIPMENT IS \$12,000, APPROPRIATING A SUM OF \$12,000 FROM THE CAPITAL IMPROVEMENT FUND

Mr. Zitone made a motion to approve this Ordinance. Mr. Krumpfer seconded, and the motion to approve ordinance 2022-15 upon introduction carried with a unanimous roll call vote.

ORDINANCES (Second Reading)

None

APPROVAL OF CONSENT AGENDA

All items listed with 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.

Mayor Innella removed Resolution 2022-097 from the consent agenda.

Mr. Zitone 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.

CONSENT AGENDA	
<u>RESOLUTIONS*</u>	
2022-095*	OUTSIDE LIEN REDEMPTION (BL 18.55, LT 40, CO101)
2022-096*	OUTSIDE LIEN REDEMPTION (BL 4, LT 18)
2022-099*	RESOLUTION OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY RESCINDING THE CONTRACT AWARD TO NJR CLEAN ENERGY VENTURES II CORPORATION AND THE ACCORDING AUTHORIZATION FOR EXECUTION OF AN EASEMENT AGREEMENT IN CONNECTION WITH THE DEVELOPMENT OF A SOLAR FACILITY ON BLOCK 13, LT 3.07 ON THE TOWNSHIP TAX MAP

RESOLUTIONS (*Pulled From the Consent Agenda*)

2022-097 AUTHORIZATION FOR THE PURCHASE AND INSTALLATION OF SECURITY CAMERAS AND A KEYPAD DOOR LOCK AT THE MONTAGUE TOWNSHIP MUNICIPAL BUILDING PER ATTACHED PROPOSAL

Mayor Innella stated that after review of the proposal he would like to include the addition of a fourth security camera and increase the cost authorization of an amount not to exceed \$4,000.

Mr. Krumpfer made a motion to approve Resolution 2022-097 with the above changes. Mr. Zitone seconded, and the motion carried with a unanimous roll call vote.

CORRESPONDENCE

Statewide Insurance (David Berkenbush) – Zitone Ball Field Inspection Report – Mayor Innella stated that the Insurance Company came out to do an inspection of the Zitone Ball Field located on Clove Road. There were a handful of items that needed to be addressed on the property; of those items, the DPW either is in the process of correcting or has corrected those issues.

NEW BUSINESS

Business Insurance Registry (S-1368) – Clerk DeFabiis stated that this is once again another unfunded mandate from the State, requiring all business owners and owners of multifamily rental

units to maintain certain levels of liability insurance. In addition, the new law requires that all business owners and owners of multifamily rental units annually register a Certificate of Insurance with the municipality where the business or rental unit is located. Mr. Krumpfer added that all these mandates, and this extra work, is just too much for small towns to keep up with. There just is not the work force for all of these. After some discussion, Attorney Rossmeissl stated that there is still some time before the township would have to enact an Ordinance.

Cell Tower Lease Acquisition Requests – Clerk DeFabiis informed those in attendance that over the years that the township has had the cell tower on their property there have been numerous requests from companies to buy the ground lease which offers the township a one-time lump sum payment rather than monthly installments. Clerk DeFabiis stated that the latest offer is from Diamond Communications, and they are offering \$700,000. The cell tower currently has two co-locators and can hold up to five, and with each co-locator the monthly installments increase according to the current lease contract. There was some lengthy discussion by the committee regarding this offer. Attorney Rossmeissl will review the current lease agreement to see what the penalty would be for Diamond to break the current lease agreement. Mayor Innella and the rest of the Committee agreed if they do decide to sell the lease, they would like to have the monies used towards something that the taxpayers can feel, that would make a positive impact, and put the funds back into the community. Mr. Zitone added that they should ask the CFO what they would be able to use the funds towards. The Municipal Clerk will reach out to the CFO and the Tax Assessor regarding the fund allocations and possible tax collection, if the lease were to be sold as well, and location/designation of the cell tower lot.

Municipal Storm Water Management – Mayor Innella stated that recently the NJDEP is moving to reassign all 101 municipalities currently designated Tier B to the Tier A designation. Within this move, the Township of Montague has been re-designated to a Tier A. The regulations, permitting, and reporting is much more elaborate than that of a Tier B designation. Tier A municipalities are generally located within the more densely populated regions of the state, or along or near the coast. Mayor Innella shared his discontent for this change and would like to draft some sort of letter and or resolution in opposition of this change in designation. This is going to be another financial burden placed on the Township from the State. Attorney Rossmeissl will put something together for the Committee to approve.

OLD BUSINESS

American Rescue Plan Projects – Mayor Innella stated that he spoke with the Township’s CFO, Sharon Yarosz. Ms. Yarosz would like to send a letter to the State listing the projects that the Township would like to do using the American Rescue Plan Funds and the cost of each. Mayor Innella stated that they have dedicated \$50,000 for a Fire Chief’s Vehicle and \$75,000 towards a donation to Blue Ridge Rescue Squad for the Squad to replace and purchase a new Ambulance. They would also like to take the remaining balance and use it towards the sprinkler system at the Community Center. Attorney Rossmeissl added that this letter is only to confirm that the projects and purchases are all approved uses. Mr. Zitone suggested putting the Well and Septic system for the ballfield as a backup if there are any funds left after the Sprinkler System. The Committee also decided to add the drainage in the Municipal Building Parking Lot.

Short-Term Rentals – Attorney Rossmeissl stated that there is an issue before the Committee which is that some property owners within the R-4 Zone feel it is discriminatory to not allow for Short-Term Rentals within that zone. Attorney Rossmeissl stated that after the last meeting it seemed that the Committee was in favor of possibly changing the current Ordinance to allow for STR’s within the R-4 Zone but mandating that each of those properties in a multi-family unit must agree to STR’s being allowed, similar to the multi-family units outside of the R-4 Zone. Mr. Krumpfer stated that the Community Corporation of High Point passed a Resolution permitting Short-Term Rentals inside of the County Club, presuming that the Township would give the approval. Within the Resolution, the HPCC regulations are much more stringent than those in the Township’s Ordinance regarding Short-Term Rentals. Mayor Innella said he would like the Committee to review that resolution before making any decisions on amending the Township Ordinance. Mr. Krumpfer said there would be two layers of security when it comes to allowing STR’s within the Country Club because they would have to be approved by the HPCC and each building has their own Homeowners Association as well. Mr. Zitone remarked that as it is we are starting to have some issues with the Short-Term Rentals outside of the High-Density Zone or the R-4 Zone, so it would take some careful considerations to allow for it within the R-4 Zone at this time.

REPORTS

None

PUBLIC PARTICIPATION (limited to three minutes per person)

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

Sandra Kohler – River Road – Ms. Kohler asked the Committee if the letter went out regarding the issues she was having with vehicle traffic due to a Short-Term Rental property. Attorney Rossmeissl replied, yes it had. Ms. Kohler stated that she thought it did because the vehicle traffic has slowed, but now there are people walking from 36 River Road through her property to get access to the River and stated that 36 River Road is not a deeded right-of-way, but a relative of the STR in question owns the property. Ms. Kohler said that the problems are just relentless. She asked if there is any plan to change the Ordinance to add a section for shared roadways/ access. Attorney Rossmeissl stated that this of course is a decision that the Committee would have to make, but he is glad to hear that there has been some effect from the letter that was sent. The Committee suggested to Ms. Kohler to submit a formal written complaint to the Code Enforcement Officer because if three or more complaints are received, then according to the Ordinance the Township can step in and take some action.

Edward Zelinsky – Shore Drive – Mr. Zelinsky also commented on the Short-Term Rentals, specifically in the R-4 Zone, which are located within the High Point Country Club. Mr. Zelinsky stated that he has not heard what real benefit there would be for allowing the STR’s within the R-4 Zone. There are judgments, court orders and everything that go along with the restrictions within the Country Club. There still is nothing within the bi-laws, even with the Resolution that Mr. Krumpfer previously spoke about, revisions to the bi-laws have been sent out three separate times regarding Short-Term Rentals and each time they have been turned down. One of the first judgments made by Judge Stanton back in 1985 strictly prohibits many of the things that are being discussed within the R-4 Zone. Mr. Zelinsky further added that the judgement states that the High Point Country Club is strictly for residential use, and he suggests that the Township Committee further look into this before making any decision on whether or not they would like to move forward to amend the current Township Ordinance to allow for Short-Term Rentals within the R-4 Zone.

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

ADJOURN

Mr. LeDonne made a motion to adjourn at 8:26 PM. Mr. Krumpfer seconded, and the motion carried with a unanimous voice vote.

Respectfully submitted:

**EILEEN DEFABIIS, RMC
MUNICIPAL CLERK**