

Approved: October 11, 2022

MONTAGUE TOWNSHIP COMMITTEE MEETING

MINUTES

SEPTEMBER 27, 2022

7:00 PM

OPENING STATEMENT

Deputy Mayor Zitone 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.

Deputy Mayor Zitone announced that Mayor Innella will be participating in tonight's meeting, but Deputy Mayor Zitone will be leading the meeting. Mayor Innella asked Deputy Mayor Zitone to lead the meeting tonight because he injured his back and isn't quite at 100 percent.

ROLL CALL

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

Excused: None

MINUTES

Mr. Merusi made a motion to approve the Regular Meeting Minutes of September 13, 2022. Mr. Krumpfer seconded, and the motion carried with a unanimous roll call vote.

PROPOSALS – Grit Hauling

Clerk DeFabiis stated that the Township received three (3) proposals for Grit Hauling, which included the following:

Bidder	Proposal (Total)
North Church Gravel, Oak Ridge, NJ	\$197.50 per load
BDS Hauling, LLC, Sussex, NJ	\$250.00 per load
G. Zitone Excavating, LLC, Montague, NJ	\$180.00 per load

Mr. Merusi then made a motion to accept the proposal received from G. Zitone Excavating, LLC at a cost of \$180.00 per load. Mr. Krumpfer seconded, and the motion carried with Mr. Krumpfer, Mr. LeDonne, Mr. Merusi, and Mayor Innella all voting yes and Deputy Mayor Zitone abstaining.

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 this item has been tabled a couple of times now and has been introduced but has yet to have an official first reading. The reasoning being that this Ordinance was drafted as a result of yet another unfunded state mandate. This mandate would require the Township to inspect rental properties for lead paint. It was the Township Committee's hope that the DCA would allow for municipalities to put the onus on the property owners and vcthis way the Municipalities would not have to do any of the inspecting themselves. Unfortunately, the DCA did have a hearing on this last week and they ruled that the municipalities can write into their Ordinance that property owners can do the inspections on their own, but the municipality has to provide the inspections for property owners that do not want to hire their own inspector. Attorney Rossmeissl then further discussed the requirements of the mandate. The Committee then agreed that they would rather contract this responsibility out to a third-party rather than have these inspections be done in house. The Township just does not have the resources or

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manpower for this at this time and don't want the additional liability. After further discussion the Committee decided that they would like to move forward with contacting some independent certified lead evaluation contractors in order to procure proposals for these services. Mr. Krumpfer then made a motion to table Ordinance 2022-14 and also have the Township request quotes from certified lead evaluation contractors. Mr. LeDonne seconded, and the motion carried with a unanimous roll call vote.

ORDINANCES (Second Reading)

None

RESOLUTIONS

2022-103 HEATING AND AIR CONDITIONING MAINTENANCE AGREEMENT BETWEEN CR WOLFE AND THE TOWNSHIP OF MONTAGUE

Mr. Merusi made a motion to approve Resolution 2022-103. Mr. LeDonne seconded, and the motion carried with a unanimous roll call vote.

2022-104 RESOLUTION OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY APPROVING PROPOSAL RECEIVED FROM SPATIAL DATA LOGIC FOR ENTERPRISE LICENSING FOR CONSTRUCTION, CODE ENFORCEMENT AND ZONING MODULES

Mr. Krumpfer made a motion to approve Resolution 2022-104. Mr. LeDonne seconded, and the motion carried with a unanimous roll call vote.

2022-106 RESOLUTION OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AWARDDING THE CONTRACT FOR PURCHASE OF A 2022 GMC SIERRA CREW CAB TRUCK WITH TRADE-IN OF TOWNSHIP-OWNED 2013 CHEVY TAHOE LT

Mr. Merusi made a motion to approve Resolution 2022-106. Mr. Krumpfer seconded, and the motion carried with a unanimous roll call vote.

2022-107 RESOLUTION OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY RESCINDING THE TOWNSHIP'S ACCEPTANCE OF THE WINNING BID AT THE TOWNSHIP AUCTION OF JUNE 14, 2022 FOR THE TOWNSHIP-OWNED PROPERTY LOCATED AT BLOCK 18.57, LOT 108, CO101 ON THE TOWNSHIP TAX MAP, AND ACCEPTING THE SECOND HIGHEST BID

Mr. Krumpfer made a motion to approve Resolution 2022-107. Mr. Merusi seconded, and the motion carried with a unanimous roll call vote.

2022-108 RESOLUTION OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY REQUESTING APPROVAL OF ITEMS OF REVENUE

Attorney Rossmessl explained that this Resolution is necessary in order to spend the federally funded American Rescue Plan monies, which came from the federal government and then to the State to send out to the various municipalities. This Resolution notifies the State of New Jersey as to how the Township of Montague plans to spend the ARPA funds. Attorney Rossmessl stated that the Township is not held to these allocations and these figures can change. Mr. Krumpfer made a motion to approve Resolution 2022-108. Mr. LeDonne seconded, and the motion carried with a unanimous roll call vote.

CORRESPONDENCE

Sussex County Board of Chosen Freeholders – Acceptance of Federal Funds for Entitlement Lands and Distribution of Federal Funds for Payment in Lieu of Taxes – Deputy Mayor Zitone stated that the Township of Montague will be receiving \$3,417.72. Clerk DeFabiis stated that she called the County Division of Taxation regarding the fund distribution because the Township has always received at least \$10,000 more annually for the PILOT payment. Clerk DeFabiis added that the calculation was done incorrectly by the County for quite a number of years and the funding is based on only National Park Service property and not State or Federal lands. Mayor Innella added that he has asked the Township CFO, Sharon Yarosz, to contact the Board of Taxation on this to go over the numbers to get a better understanding because he and the Committee disagree with the calculations.

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Montague Township Volunteer Fire Department – Application for Junior Membership – Ashleigh Dickson – Mr. LeDonne made a motion to approve this request. Mr. Merusi seconded, and the motion carried with a unanimous roll call vote.

NEW BUSINESS

None

OLD BUSINESS

Burned-Out Buildings – Clove Road – Mayor Innella stated that a little while back there was a fire at the home located at 56 Clove Road. The home is situated very close to Clove Road which is a County Road. The owner went to the Construction Department to see if they would be able to use two of the existing walls to rebuild the footprint of the home, but the Construction Official deemed that the structure is unfit/unsafe and would not allow for this. The property is currently listed for sale, as is, but since it is an unsafe structure it is doubtful that they will get a buyer. Mayor Innella further added, if the Township wanted to go through the process for this property and tear the building down, which the Township has the funds to do so, it would cost about \$20,000 to do so. The Township would then be able to assess a lien against the property for the cost of the demolition, but what is really going to happen with this. Again, this is a doubtful situation that the township would be able to recoup any of these costs. Mr. Krumpfer asked, how else can you help the owner get out of this situation? Mayor Innella stated that there is a process that the Construction Department would go through to try to put some pressure on the property owner to tear down the structure, but if they go all the way through with the process it is unlikely that the Township will ever see those funds recovered. Mayor Innella asked Attorney Rossmeissl what the Township's options are in a case like this. Attorney Rossmeissl replied saying that the Township can start the process by issuing the notice and then demolish the building and put a lien against the property, but then the question is, will the lien ever get paid for the Township having done the demolition. Attorney Rossmeissl stated, unfortunately, in a situation like this there really isn't too much to be done to "help" the property owner because of the way the Township Ordinance is written. If the Township decided to demolish the structure, they would have to assess a lien against the property. If they do decide to move forward with the process what would need to happen is the Construction Official would go out and do a site inspection and then a 30-day notice would be issued to rectify any issues that were noted upon inspection, and if they are not rectified within 30-days then a second notice would go out, and that would be the one that can lead to the demolition of the property. Mayor Innella stated that he feels that they should at least make the attempt to notice the owner to see if they can get them to take action on their own and then after that the Township can decide what they really want to do, but they have to do something. Mr. LeDonne said, one could assume that they didn't have any homeowner's insurance on this. Mr. Krumpfer replied that he was told that they didn't have insurance. Mr. Krumpfer asked if there are any options that would help the owner get out of it and be able to basically walk away from the property. Deputy Mayor Zitone stated that they would have to do the same due diligence that they have with everyone else to go through the process of tearing these unsafe structures down. The Committee agreed to begin the process of sending the first and second notice to the property owner at 56 Clove Road and then they will make a final decision regarding demolition.

Cell Tower Lease Acquisition Request – Attorney Rossmeissl commented that the Township has received interest from a company called Diamond Communications, whom currently have a ground lease for the cell tower that is located on the Township's property at 277 Clove Road, to purchase the ground lease. Diamond Communications sent a memorandum of understanding which would give them permission to investigate the tower and the tower site. They would have 120 days to do this and then they come back and make a formal offer to the Township of Montague, which would then have to go through all of the formal process and would need to be reconsidered at a public meeting. Mr. LeDonne made a motion to accept the memorandum of understanding and its terms. Mr. Krumpfer seconded, and the motion carried with a unanimous voice vote.

REPORTS

Animal Control – 1st through 3rd Quarter 2022 – The Township Committee reviewed and accepted this report.

PUBLIC PARTICIPATION (limited to three minutes per person)

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

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Stephanie Rakotz (AAA Atlantic, LLC) Shore Drive – Ms. Rakotz handed out a folder to all of the Township Committee Members at the request of Mayor Innella from the last Township Committee Meeting regarding a governance plan for Short-Term Rentals within the R-4 Zone. Ms. Rakotz stated that Michael Szkola, the Security of the High Point Community, was unable to attend the meeting so she has included a letter that he wanted the Committee to have as well. Ms. Rakotz then read the letter written by Michael Szkola regarding his support for allowing Short Term Rentals (STR's) within the R-4 Zone.

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

ADJOURN

Mr. Krumpfer made a motion to adjourn at 7:47 PM. Mr. Merusi seconded, and the motion carried with a unanimous voice vote.

Respectfully submitted:

**EILEEN DEFABIIS, RMC
MUNICIPAL CLERK**