

Approved: October 11, 2022

MONTAGUE TOWNSHIP COMMITTEE MEETING

MINUTES

OCTOBER 11, 2022

7:00 PM

OPENING STATEMENT

Mayor Innella called the Montague Township Committee meeting to order at 7:04 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 Eileen DeFabiis and Municipal Attorney Robert Rossmeissl

Excused: Mr. Merusi

MINUTES

Mr. Krumpfer made a motion to approve the Regular Meeting Minutes of September 27, 2022. Mr. LeDonne seconded, and the motion carried with a unanimous roll call vote.

VOUCHERS

Mr. LeDonne made a motion to approve the vouchers. Mr. Krumpfer seconded, and the motion carried with Mr. Krumpfer, Mr. LeDonne, and Mayor Innella all voting yes and Mr. Zitone abstaining.

PROPOSALS – Lead Evaluation Contractor Proposals

Mayor Innella stated that the Township has requested proposals for Lead Evaluation Contractors in order to comply with the new State mandated legislation regarding lead paint inspections and certifications. Two proposals were received. One proposal was received from Environmental Health Investigators (EHI) of Sparta and another proposal was received from NV5 of Parsippany. Mr. Krumpfer noted that after review of the proposals, he was surprised by the over cost of testing which is just a visual test. Mr. Krumpfer further added that if the contractor sees anything that appears to be lead dust, they only report that there is dust and then that would require additional testing sent to a lab which would be an additional cost. Clerk DeFabiis added that both proposals are about the same cost; she estimated that EHI would be about \$1,600 and NV5 would be about \$1,400. NV5 also included that if access to entry was not granted upon arrival that they would still charge a base fee of \$400. Attorney Rossmeissl wanted to clarify one section of the proposed Lead-Based Paint Ordinance stating that the Ordinance reads that a unit would be exempt if it already has a valid lead-safe certification. This means that every time there is an inspection and it passes, a certification would be issued for two years, so even though inspection is typically done when there is a change in occupancy, if the certification is still valid then those units would not require an inspection. The Committee agreed that these costs are extreme and unfair for the residents to have to incur due to an unfunded State mandate. Attorney Rossmeissl stated that to his knowledge hardly any municipalities have anything on the books yet for the lead-paint requirements. Attorney Rossmeissl will keep an eye on this and advise the Committee once there is some action happening with other municipalities, but as for now the Committee does not necessarily have to move forward with this at this time. Mr. LeDonne added that the Committee is in a good place because they already have an Ordinance ready to go when the time comes.

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 (*tabled from the August 23, 2022, September 13, 2022, and September 27, 2022 meetings*)

Approved: October 11, 2022

After the previous discussion that occurred with the proposals for Lead Evaluation Contractors, the Committee felt, at this time, they did not want to move forward with introducing Ordinance 2022-14 until more information could be obtained. Mr. Krumpfer made a motion to table this Ordinance until further notice. Mr. LeDonne seconded, and the motion carried with a unanimous roll call vote.

2022-16 AN ORDINANCE OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX, STATE OF NEW JERSEY, PROVIDING FOR THE PURCHASE OF ROAD EQUIPMENT, THE TOTAL COST OF THE EQUIPMENT NOT TO EXCEED \$70,000, APPROPRIATING A SUM OF \$70,000 FROM THE CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF ROAD EQUIPMENT

Mr. Zitone stated that this is only to appropriate funds for possible use should an item come up on the Municibid Auction site that the Township would like to bid on, then the funding is already in place and they could do so. Mr. Krumpfer made a motion to approve Ordinance 2022-16 upon introduction. Mr. Zitone seconded, and the motion carried with a unanimous roll call vote.

2022-17 AN ORDINANCE OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING THE CODE OF THE TOWNSHIP OF MONTAGUE TO ADD A NEW CHAPTER 64, "BUSINESS INSURANCE REGISTRATION"

Mr. Krumpfer commented that this is another unfunded State mandate that was thrown on the Municipalities. Attorney Rossmessl stated that unfortunately the Township will need to be in compliance with this mandate by November. Attorney Rossmessl added that this new legislation would require any business within the Township to carry at least \$500,000 worth of negligent action omission insurance. The mandate would also include landlords owning any rental property except for multifamily properties of 4 units or less, which would only need to carry \$300,000 worth of negligent action omission insurance. All businesses must file their certificate of insurance, naming the Township as additionally insured, with the Township and fill out an application. The Township will then issue its own certificate of registration for each business acknowledging that the business holds this insurance. The Township will post this information to register on the Township website to get the word out to the community. The Township Committee also stated that they would like to set the registration fee at \$25 and to set the minimum penalty at \$100 for non-compliance. The Committee again expressed their discontent for these mandates that the State is perpetrating upon the residents of New Jersey and to the Municipalities for enforcement. Mayor Innella made a motion to approve Ordinance 2022-17 upon introduction. Mr. LeDonne seconded, and the motion carried with Mr. Krumpfer, Mr. LeDonne and Mayor Innella all voting yes, and Mr. Zitone voting no.

ORDINANCES (Second Reading)

None

RESOLUTIONS

2022-111 CHAPTER 159 BUDGET AMENDMENT CERTIFICATION, APPROPRIATIONS OFFSET BY REVENUE

Mr. Krumpfer made a motion to approve Resolution 2022-111. Mr. LeDonne seconded, and the motion carried with a unanimous roll call vote.

CORRESPONDENCE

Montague Township Tax Collector – Annual Tax Sale – Mayor Innella stated that the Township held their Annual Tax Lien Sale on September 28, 2022. 12 liens were sold for delinquent 2021 taxes. Eleven parcels were sold to outside lien holders and one parcel was struck off to the Township. Total Tax Sale: \$25,610.52; Outside lien holders (taxes/costs paid): \$24,985.93; Tax Title Lien: Block 5, Lot 58.02: \$624.59; and premiums received: \$123,400.

New Jersey Department of Transportation (NJDOT) – Route 23, Bridge over Mill Brook – Mayor Innella stated that the Township received correspondence from the NJDOT. The NJDOT will be performing a study for the reevaluation of a bridge over Mill Brook. Mr. Zitone stated that this is the area by the Citgo station on Route 23. This work is tentatively scheduled for 2025.

New Jersey Department of Transportation (NJDOT) – Route US 206 No Passing Zone Regulation – Mayor Innella explained that the Township received this as information correspondence only, there has been no change within the passing zone along Route 206 in

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Montague, but there has been some changes in the Sandyston area.

Sussex County Board of Taxation – 2022 Abstract of Ratables – The Township Committee acknowledged receipt of the 2022 Abstract of Ratables. The net valuation taxable was \$357,386,500 and the Township Tax Rate is down to 87. Attorney Rossmeyssl added that relative to what he has seen in other municipalities that drop is actually not too bad as some have seen almost a 15 percent drop.

NJ State Division of Taxation – Certification of the Table of Equalized Valuations - The Township Committee acknowledged receipt of the Certification of the Table of Equalized Valuations.

Montague Township Tax Collector – Affidavit of Advertising and Posting of Tax Sale Notice – The Township Committee acknowledged receipt of this correspondence.

NEW BUSINESS

Part-Time Seasonal Snow Plow Operator – Mr. Zitone stated that the Township had advertised for a Part-Time Seasonal Snow Plow Operator. The Township received a few applications for the position and would like to move forward with hiring. Mr. Zitone made a motion to hire Bill McCullough for the position of Part-Time Seasonal Snow Plow Operator at a rate of \$20 per hour. Mr. LeDonne seconded, and the motion carried with a unanimous roll call vote.

OLD BUSINESS

Cell Tower Lease Acquisition Request – Attorney Rossmeyssl stated that the Township has an offer/proposal from a company to buy out the ground lease on the Cell Tower located on Township property. The proposal was made confidentially so Attorney Rossmeyssl would like to brief the Committee Members separately on this item rather than having a public discussion.

REPORTS

Tax Collector – September 2022 – Township Liens \$11,960.95; Outside Lien Redemption \$2,825.80; Cost of Sales \$955.06; (2021) Prior Year Taxes Collected: \$40,172.41; (2022) Current Year Taxes Collected \$153,186.24; Interest Collected \$14,441.36; Prepaid (2023) Taxes \$1,942.81 for a total collected of \$348,854.63 for the month of September 2022.

PUBLIC PARTICIPATION (limited to three minutes per person)

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

Ed Zelinsky – Shore Drive - Mr. Zelinsky stated that a lot of the residents in the HPCC and within the Township as a whole have had a lot of trees cut down by Nelson Tree Service who were hired by JCP&L to trim back by the power lines, and there are larger pieces of the trunks that are difficult to get rid of. Mayor Innella suggested contacting the DPW because they were told that Nelson leaves those pieces hoping that the residents will pick them up and will be able to use them, but they eventually come back with a picker and a loader and take them out of the right-away.

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

EXECUTIVE SESSION – Resolution 2022-110 (Personnel)

Mayor Innella cancelled this Resolution and no Executive Session took place at the meeting.

ADJOURN

Mr. Zitone made a motion to adjourn at 7:40 PM. Mr. Krumpfer seconded, and the motion carried with a unanimous voice vote.

Respectfully submitted:

**EILEEN DEFABIIS, RMC
MUNICIPAL CLERK**