

Approved: November 29, 2022

MONTAGUE TOWNSHIP COMMITTEE MEETING

MINUTES

OCTOBER 25, 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

Excused: None

MINUTES

Mr. Krumpfer made a motion to approve the Regular Meeting Minutes of October 11, 2022. Mr. Zitone seconded, and the motion carried with Mr. Krumpfer, Mr. LeDonne, Mr. Zitone and Mayor Innella all voting yes and Mr. Merusi abstaining.

Mayor Innella then made an amendment to the meeting Agenda to include two items under "New Business". These items were "Land Use/Warehouses" and "Volunteer Dinner".

ORDINANCES (First Reading)

2022-18 AN ORDINANCE OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AMENDING THE CODE OF THE TOWNSHIP OF MONTAGUE AT CHAPTER 36, "FIRE CODE", TO ESTABLISH PERMIT FEES AS REQUIRED BY THE UNIFORM FIRE CODE OF THE STATE OF NEW JERSEY

Mr. LeDonne made a motion to approve Ordinance 2022-18 upon introduction. Mr. Merusi seconded, and the motion carried with a unanimous roll call vote.

ORDINANCES (Second Reading)

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. LeDonne made a motion to approve this Ordinance. Mr. Merusi seconded. Mr. Merusi made a motion to open to public for discussion regarding Ordinance 2022-16. Mr. LeDonne seconded, and the motion carried with a unanimous voice vote.

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

Municipal Clerk DeFabiis then called the roll, and the motion to approve Ordinance 2022-16 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"

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Mayor Innella informed those in attendance that this Ordinance is on the agenda due to yet another state mandated regulation. Mr. Krumpfer asked Attorney Rossmeissl if he had gotten a clear answer on whether or not a neglect/omissions or error/omissions insurance would suffice for business owners to hold to be in compliance with the new legislation. Attorney Rossmeissl stated that he is still looking into this and will get back to him with a definitive answer. Mr. Zitone asked, according to the State, how are they classifying a business? Attorney Rossmeissl replied that the definition is very broad, they describe it as, “any person offering and/or engaged in buying, selling, storing and/or transferring merchandise, goods, real-property, personal-property, monies, services, and/or other items for a fee, price, retainer, commission, or percentage, and/or other means of compensation for the purpose stated or otherwise realizing profit or other gain. Attorney Rossmeissl stated that they used the state’s model on this Ordinance.

Mr. LeDonne made a motion to approve this Ordinance. Mayor Innella seconded. Mr. Merusi made a motion to open to public for discussion regarding Ordinance 2022-17. Mr. Krumpfer seconded, and the motion carried with a unanimous voice vote.

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

Municipal Clerk DeFabiis then called the roll, and the motion to approve Ordinance 2022-17 was defeated with Mr. Krumpfer, Mr. Merusi, and Mr. Zitone voting no and Mr. LeDonne and Mayor Innella voting yes. Attorney Rossmeissl will do some further research regarding the mandate and come back to the committee on this.

RESOLUTIONS

2022-112 RESOLUTION APPOINTING FUND COMMISSIONER

2022-113 RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT

Mr. Merusi made a motion to approve Resolutions 2022-112 and Resolution 2022-113. Mr. Krumpfer seconded, and the motion carried with a unanimous roll call vote.

2022-114 ACCEPT NEW MASHIPACONG ROAD – SECTION III PROJECT AS FINAL AND COMPLETE

Mr. Zitone made a motion to approve Resolution 2022-114. Mr. LeDonne seconded, and the motion carried with a unanimous roll call vote.

2022-115 OUTSIDE LIEN REDEMPTION (BL 46, LT 32.02)

Mr. Krumpfer made a motion to approve Resolution 2022-115. Mr. Zitone seconded, and the motion carried with a unanimous roll call vote.

2022-116 AUTHORIZING THE TOWNSHIP OF MONTAGUE TO ENTER INTO A SHARED SERVICE AGREEMENT WITH THE TOWNSHIP OF VERNON FOR ANIMAL CONTROL SERVICES IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:65-1 ET SEQ. AND N.J.S.A. 10A:11-10 ET SEQ.

Mr. Krumpfer made a motion to approve Resolution 2022-116. Mr. Merusi seconded, and the motion carried with a unanimous roll call vote.

2022-117 OUTSIDE LIEN REDEMPTION (BL 5, LT 10.02)

Mr. Zitone made a motion to approve Resolution 2022-117. Mr. Merusi seconded, and the motion carried with a unanimous roll call vote.

CORRESPONDENCE

Sussex County Municipal Utilities Authority (SCMUA) – FY2023 Proposed Rate Schedule – Clerk DeFabiis stated that according to the proposed rate schedule there would be no changes in fees that would affect the Township.

NJ Dept. of Environmental Protection – Dam Safety Inspection Report for Fountain House Dam Mayor Innella stated that this inspection report shows that the Fountain House Dam was deemed to be in poor condition. The Township was included in this piece of correspondence, but the Township does not have any obligation in getting this back in compliance since this not a Township owned property.

NEW BUSINESS

Land Sale Auction – Mr. Krumpfer would like to begin the process to hold another Land Sale Auction since the last one held in September was so successful. Clerk DeFabiis added that, yes there are plenty of properties that could be auctioned off, but they have to wait until budget time to see if another auction is possible. Mayor Innella suggested beginning to compile a list of properties and reviewing the properties. Mr. Krumpfer also inquired as to whether or not Attorney Rossmeyssl has heard anything back regarding the GP7 lots. Attorney Rossmeyssl stated that unfortunately he has not heard a word from them in response to his attempts. The cost for title searches at the moment are as high as they have ever been, with one title search costing as much as \$1,600. Therefore, if the Township is interested in moving forward with foreclosing on the GP7 parcels, they can expect a pretty tremendous price tag to do so. Mr. Krumpfer asked if there are any grants available to the Township for legal costs for foreclosures. Clerk DeFabiis stated that she would have the Deputy Clerk keep an eye out for anything like this through Millennium’s Grant Portal.

Request Use of Parking Area – Mr. Zitone stated that the new owners of 261 Clove Road will be holding an Auction this Saturday, October 29, 2022, and would like to use the field by the Firehouse for additional parking for the Auction. They estimate there will be somewhere around 40 to 50 vehicles. They are also willing to make a donation to the Firehouse or Township for the use of the parking. Mr. LeDonne made a motion to approve this request. Mr. Merusi seconded, and the motion carried with a unanimous voice vote.

Volunteer Dinner – Mr. LeDonne had someone ask him if the Township would be hosting a Volunteer Dinner this year as they have in the past. Mr. LeDonne stated that he has never been involved in this before, so he wasn’t sure what the process was. Mr. LeDonne made a motion to move forward with hosting a Volunteer Dinner for the various Volunteer Groups in the Township. Mr. LeDonne will work with the Deputy Clerk on this. Mr. Merusi seconded, and the motion carried with a unanimous roll call vote.

Land Use Board/Warehouse – Mr. LeDonne explained to all in attendance that at the last Land Use Board Meeting the subject of Warehouses was brought up, and the fact that they seem to be growing in demand and popularity for developers to be looking in this area. The Land Use Board would like to get an idea on how the Committee would feel about the Land Use Board making a slight change to the Code to be a little stricter in the area of Route 206 and Clove Road for this type of use. The Land Use Board felt that if a warehouse were to come into the Township, that there are other areas within the Township that would be better suited for this type of use. When the Township had “warehouses” initially in mind, they were on a much smaller scale and now you have these mega warehouses that are hundreds of thousands of square feet. Mr. LeDonne added that now would be the time to make any change like this since the Master Plan is being reexamined. Mr. Zitone added that if a warehouse were to come in, the reason for not wanting it on the Route 206 side of town would simply be because the bridges on Clove Road cannot support something like this, and the access isn’t there. The Committee agreed that they would be open to hearing the Land Use Board suggestions on this matter.

OLD BUSINESS

Short-Term Rentals – The Committee did not have any new comment on this subject.

REPORTS

Construction Report – September 2022 - There were 22 permits issued for the month of September 2022, 2 Certificates of Occupancy, and 18 Certificates of Approval for a total collected of \$5,408.

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.

Gary McCardle – North Shore Point – Mr. McCardle asked if the Short-Term Rentals were to be allowed within the High Point Country Club, would the Zoning Class then have to change? Attorney Rossmeyssl replied saying that it would be an administrative change in the code rather than a Zoning change. Mr. McCardle wanted the Township Committee to be aware that the High Point Community has voted down three times not to change any Zoning within the Community. Mr. McCardle stated that the Community will be close to a million and a half dollars in the hole next year just on all of the infrastructure and amenities that need to be repaired. The Community

simply does not have the money to bring all these additional people each and every weekend who are using the amenities and the roadways. Mr. McCardle feels that it would be unfair to the residents within the Community to be subjected to dealing with Short-Term Rentals within the HPCC. Mr. McCardle further added that there are three members of the High Point Community Board that are very pro Short-Term Rentals and whom have taken upon themselves to write a letter to the Montague Land Use Board regarding changing the Zoning within the Community, having a 55 and older area, and Short-Term Rental. Mr. McCardle stated that those members are not representing the Community they are only representing themselves when they sent out that letter because the Community has voted this down several times. Mr. McCardle stated that the Board is also already making up Short-Term Rental applications, even though they are not allowed by the Township's Code.

Tasha DeGeorge – Sleepy Hollow Road – Ms. DeGeorge agreed with Mr. McCardle's comment regarding the Short-Term Rentals within the High Point Community. Ms. DeGeorge further added that she received several Resolutions that the Board approved and sent out in their mailer last Saturday. The mailer stated that the High Point Community Board has formed a sub-committee to research the feasibility of STR's. This sub-committee was only made up of two people from the board and they did not ask anyone else within the Community if they would like an opportunity to be a part of the sub-committee. The other Resolution included was regarding the Community's pool, to which Ms. DeGeorge plainly stated that this Board does not comprehend how the pool works and how the pool passes work. If they cannot even put in work to make the Resolution correct and understand their own rules, then how are they going to enforce them? Ms. DeGeorge further added that she has always questioned the oversight and the lack-thereof at the High Point Country Club, and the fact the Township would have to pick up the slack. Ms. DeGeorge stated that she also questions the security, the additional calls for the State Police, Blue Ridge and the Volunteer Fire Department, to which none of this has been addressed. Ms. DeGeorge feels that it is not fair to have this forced upon them by the few that want STR's. There are still thousands of dollars in unpaid dues, the pool and the bridge both need repairs, and so many other things that need to be worked on, and it seems like all the HPCC Board Members can focus on is making money for themselves. Ms. DeGeorge also spoke regarding the possibility of a warehouse on Route 206. She stated that Route 206 is a gateway to Montague and it is the first thing that people see coming from Pennsylvania, and what people going up to the Poconos see. She went on to say that the Historic value of the farm alone looks much nicer than a warehouse. There would be increased truck traffic on Route 206 and Clove Road which is not the truck Route, and it could be a big problem for the Township.

Steve Guida – Minisink Drive – Mr. Guida is a Land Use Board member and was there for the discussion that Mr. LeDonne spoke about regarding the warehouses in the Route 206 and Clove Road area and he is quite alarmed. This seems to be a little bit deeper than what is being talked about because there seems to be some concept involved in this already, and there has been back and forth between the Land Use Board Attorney and the Township Engineer/Planner. Mr. Guida said his problem is that they always bring up Clove Road/ River Road. The bridge on Clove Road can definitely not be used and the trucks are not supposed to be going through Clove, but then that leaves them to come through River Road. River Road has turned into a turnpike, it is the only route from the north-west part of this area out to Route 84. He stated that if a mega warehouse does go in, there will be a tractor-trailer every five to ten minutes coming out of the location on Route 206 and going up River Road. Mr. Guida stated that there have been numerous tractor-trailer accidents/incidents and turnovers on River Road. He further added that he is aware that the Township cannot do anything about a County Road, but what they can do, as a Committee, is to request that the County now do a little bit of an analysis of River Road, and perhaps they can install better signage for the curves. Mr. Guida also commented on Mr. McCardle's comments regarding the letter that the Land Use board received from the Board members of the High Point Country Club, and stated that, if he is remembering correctly, the Land Use Board is not doing anything about that and stated that just because they sent a letter does not mean the Township Land Use Board is going to make it happen. Mr. Zitone stated that the Township has written numerous letters to the County regarding both Clove and River Roads and there is typically no response or no to very little action.

Ralph Cashell – Minisink Drive – Mr. Cashell thanked Mr. Merusi for his assistance in getting rid of the abandoned camper that was dumped on River Road. Mr. Cashell also spoke regarding the leaning decapitated garage on River Road as well. Mr. Merusi said he's been in contact with the County about this and many other issues on River Road. Mr. Cashell also asked about the burned-out house on Clove Road. Attorney Rossmeissl stated that the Township's Construction

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Official, as of last week was going to go out to the property and issue the 30-day notice, which will start the process on getting this addressed. Mr. Cashell also spoke about the various abandoned power poles within the Township.

Ed Zalenski – Shore Drive – Mr. Zalenski spoke regarding the Short-Term Rentals within the R4 Zone, specifically in the High Point Country Club. Mr. Zalenski feels that there really isn't too much left to say besides that this just wouldn't be a good fit. It is not zoned correctly, the by-laws, and the court judgments, would all agree with this. Mr. Zalenski further added that the State of New Jersey mandates that sales tax be assessed on any transactions for rentals of STR's, therefore now making this a commercial process which is strictly forbidden within the HPCC. Mr. Zalenski further added that the High Point Country Club Board of Trustees have much bigger issues that they should be committing themselves to such as infrastructure.

Jody Case-Kennedy – Shore Drive – Ms. Case-Kennedy thanked the Committee for renewing the contract for shared services with Vernon Animal Control. Ms. Case-Kennedy said she has had nothing but a positive report with them and they have done great work with the animals that have ended up having to be placed and also with the trap/neuter release program.

Ed Zalenski – Shore Drive – Mr. Zalenski also took a moment to thank the Fire Department for hosting their Annual Fish and Chips Dinner. Everything was great, and it was a wonderful way to support the Volunteer Fire Department and their fundraising efforts.

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

EXECUTIVE SESSION

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

MONTAGUE TOWNSHIP

RESOLUTION 2022-118

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), a legal discussion: Short-Term Rental Ordinance 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. Merusi made a motion to open to Regular Session. Mr. Krumpfer seconded, and the motion carried with a unanimous voice vote.

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ADJOURN

Mr. LeDonne made a motion to adjourn at 8:28 PM. Mr. Merusi seconded, and the motion carried with a unanimous voice vote.

Respectfully submitted:

**EILEEN DEFABIIS, RMC
MUNICIPAL CLERK**