

MONTAGUE TOWNSHIP COMMITTEE MEETING

MINUTES

DECEMBER 13, 2022

7:00 PM

OPENING STATEMENT

Mayor Innella called the Montague Township Committee meeting to order at 7:06 p.m. after the Board of Health Meeting announced 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 at the Board of Health Meeting before the Township Committee Meeting.

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 November 29, 2022. Mr. LeDonne seconded, and the motion carried with Mr. Krumpfer, Mr. LeDonne, and Mayor Innella all voting yes and Mr. Zitone abstaining.

VOUCHERS

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

ORDINANCES (First Reading)

2022-21 AN ORDINANCE OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY RE-ADOPTING TAX ABATEMENT ORDINANCE 2013-06

Mayor Innella added that this Ordinance was done quite a few years ago and would need to be re-adopted for the Township Committee to allow a new business that comes into town or puts an addition on a business to apply for a five-year tax abatement. Mayor Innella further added that this would be a tax abatement only for Municipal Taxes, not County or School taxes. This is also just allowing for businesses to apply, it is not a guarantee. Each application would be heard on a case-to-case basis. Attorney Rossmeissl also added that this tax abatement currently exists in two zoning districts, the C1 Neighborhood Commercial District and C2 Highway Commercial District. Attorney Rossmeissl further added that this tax abatement is structured modestly. In those two districts previously mentioned, just for Municipal Taxes, there would be a tax break as follows for just improvements that are added onto the lots: in year one there would be a full exemption on new improvements, year two 20% of taxes would be due, year three 40% of taxes due, it then escalates like that until the tax abatement is gone. Mr. Krumpfer made a motion to approve Ordinance 2022-21 upon introduction. Mr. Zitone seconded and the motion carried with a unanimous roll call vote.

ORDINANCES (Second Reading)

2022-19 AN ORDINANCE TO AMEND GENERAL LEGISLATION, ARTICLE XII, ROUTE 206 CENTER DISTRICT (RCD ZONE), DISTRICT OF THE CODE OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY

Mr. Zitone made a motion to approve this Ordinance. Mr. LeDonne seconded. Mr. Krumpfer stated that the last paragraph of the first page under, "whereas, self-storage facility or warehouse facility which could serve the onsite business operation, which would provide storage for a permitted onsite business." Mr. Krumpfer added that this makes it seem like they are restricting

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it to those businesses that are already approved, but it was his understanding that this is not what they are trying to do. Mr. Zitone added that if it wasn't one of the approved businesses in that district they would have to go before the Land Use Board for a variance. Mayor Innella said that it was also his understanding if the square footage was 100,000 or less they were going to allow anyone to go for this in that particular zone. Mr. LeDonne said from the history that he has on this matter the Land Use Board wanted to keep it as a business and then if that business needed warehouse storage within the business that use would be okay. The intention is to try and keep warehouse storage with trucking that would be in and out of that area. Attorney Rossmeissl stated that it would be perfectly okay for the Committee to change the wording if they so felt tonight since this wording comes in the "whereas" section of the Ordinance and is only context and does not change the intention of this Ordinance. Mr. Krumpfer stated that he would like to see this read simply, "or warehouse facility/business not to exceed 100,000 square feet". After some discussion, the Committee members agreed to leave the wording of the Ordinance as written. Mr. Krumpfer made a motion to open to the public for discussion regarding Ordinance 2022-19. Mr. Zitone seconded, and the motion carried with a unanimous voice vote.

Ed Zalenski, Shore Drive – Mr. Zalenski asked if the Ordinance opens up that whole zone to warehousing. Mayor Innella replied saying that this ordinance will make it stricter rather than easier for warehousing in that area. Mr. Zalenski also asked if someone did come into that area as a new business would they be able to get the tax abatement on that property. Attorney Rossmeissl answered saying that they could but the business would still have to apply and it would then be up to the Committee's discretion whether or not to grant the abatement.

With 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.

Municipal Clerk DeFabiis then called the roll, and the motion to approve Ordinance 2022-19 carried with a unanimous roll call vote.

2022-20 AN ORDINANCE OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING THE CODE OF THE TOWNSHIP OF MONTAGUE TO ADD A NEW CHAPTER 64, "BUSINESS INSURANCE REGISTRATION"

Attorney Rossmeissl explained that at the last meeting the Committee approved Ordinance 2022-20 upon introduction. They changed the Ordinance from the first time it came around when it was voted down. They have since removed all penalties for non-compliance. Businesses within the Township can register with the Township and pay a \$25 registration fee, and they are technically obligated to do so, but the Township will not be enforcing any penalty. Therefore, the municipality will comply and the municipality does not have to spend any resources enforcing. Mr. Krumpfer made a motion to approve this Ordinance. Mr. LeDonne seconded. Mr. Krumpfer made a motion to open to the public for discussion regarding Ordinance 2022-20. Mr. Zitone seconded, and the motion carried with a unanimous voice vote.

With no 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.

Municipal Clerk DeFabiis then called the roll, and the motion to approve Ordinance 2022-20 carried with a unanimous roll call vote.

Mayor Innella took a moment to deviate from the Agenda and make a few announcements before moving forward. Mayor Innella shared the unfortunate news that the Township of Montague's longtime tax collector, Fran Multari, had recently passed away, and he and the Committee send their condolences to her family.

Mayor Innella also stated that next year, especially budget-wise is going to be challenging, everything has increased exponentially.

RESOLUTIONS

2022-128 RESOLUTION TO CANCEL CURRENT APPROPRIATION BALANCES PURSUANT TO N.J.S.A. 40A:4-60

Mr. Zitone made a motion to approve Resolution 2022-128. Mr. LeDonne seconded, and the motion carried with a unanimous roll call vote.

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2022-129 DEER CARCASSES REMOVAL SERVICE AGREEMENT FROM JANUARY 1, 2023 THROUGH DECEMBER 31, 2023

Mr. Zitone made a motion to approve Resolution 2022-129. Mr. Krumpfer seconded, and the motion carried with a unanimous roll call vote.

2022-131 KYOCERA COPIER SERVICE CONTRACTS

Mr. Zitone made a motion to approve Resolution 2022-132. Mr. Krumpfer seconded, and the motion carried with a unanimous roll call vote.

2022-132 TRANSFER RESOLUTION

Mr. Krumpfer made a motion to approve Resolution 2022-132. Mr. LeDonne seconded, and the motion carried with a unanimous roll call vote.

2022-133 RESOLUTION OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY ADOPTING A CYBER INCIDENT RESPONSE PLAN

Mr. Krumpfer made a motion to approve Resolution 2022-133. Mr. LeDonne seconded, and the motion carried with a unanimous roll call vote.

2022-134 A RESOLUTION AWARDED A CONTRACT TO MILLENNIUM STRATEGIES LLC TO PREPARE AND SUBMIT A GRANT APPLICATION, ON BEHALF OF THE TOWNSHIP OF MONTAGUE THROUGH THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS LOCAL RECREATION IMPROVEMENT GRANT PROGRAM

Mr. LeDonne made a motion to approve Resolution 2022-134. Mr. Krumpfer seconded, and the motion carried with a unanimous roll call vote.

2022-135 RESOLUTION OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AUTHORIZING A TRANSFER OF FUNDS TO THE MONTAGUE TOWNSHIP VOLUNTEER FIRE DEPARTMENT FROM THE FUNDS ALLOCATED TO THE TOWNSHIP IN CONNECTION WITH THE AMERICAN RESCUE PLAN ACT

Mr. Krumpfer made a motion to approve Resolution 2022-135. Mr. Zitone seconded, and the motion carried with a unanimous roll call vote.

2022-136 RESOLUTION AUTHORIZING THE TOWNSHIP OF MONTAGUE TO APPLY AND OBTAIN A GRANT FROM THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR IMPROVEMENTS TO THE ZITONE BALL FIELD

Mr. LeDonne made a motion to approve Resolution 2022-136. Mr. Krumpfer seconded, and the motion carried with Mr. Krumpfer, Mr. LeDonne, and Mayor Innella all voting yes and Mr. Zitone abstaining.

CORRESPONDENCE

Harold E. Pellow & Associates, Inc. – Year-End Report and Engineer’s Appointment for 2023 – Mayor Innella stated that Harold E. Pellow & Associates, Inc. expressed their interest in serving in the capacity of Township Engineer and Planner once again for the year 2023. They also included some notable projects that they worked on and completed this year.

Sussex County Sheriff’s Office – Supplemental Patrol Report for CY 2022 – Mayor Innella briefly read a few of the items from this report. There were 149 motor vehicle stops, 37 summons issues, 122 warnings, and 0 arrests.

NEW BUSINESS

None

OLD BUSINESS

Lead Paint Inspections – Attorney Rossmeissl gave a brief update regarding the lead paint inspections. Attorney Rossmeissl stated that his firm also represents Washington Township in Morris County and they have recently hired a full-time staff member to take on Lead Paint Inspections. They are also currently working on a Shared Service Agreement with another Municipality, within that agreement the fees charged will be based on a pre-inspection rate. Any inspection that is received 10 or more days in advance will be \$40 per visual inspection, plus

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time. Attorney Rossmeissl stated that they have expressed the possibility of also extending this service to Montague Township so long as the inspections were done periodically and in batches. Attorney Rossmeissl further added that almost no municipalities have passed their Lead Paint Ordinance, most are still waiting on the DCA and the DCA is still formulating rules. Attorney Rossmeissl feels that as it stands now a Shared Services Agreement might be the best way to go for this. Mayor Innella stated that he has spoken with the Town of Newton on this and they are paying \$500 per inspection for the visual lead paint testing and charging the property owners \$700 per inspection.

Community Center Sprinkler System – Attorney Rossmeissl stated that to allow for certain uses in the Community Center such as banquet functions, a sprinkler system would need to be installed. Attorney Rossmeissl put together an RFP to send out for potential bids. When this RFP was put together it was stated that one contractor would be doing all of the work; for example, if a well needs to be dug, a pump house needs to be built or a tank needs to be put outside. They would do all the work in one shop. At the time Committeeman Zitone felt that this would not work and there is too much involvement. If you are a sprinkler firm, you want to stick to that rather than occupying yourself with architectural specs and plumbing and he was correct because the Township did not receive any bids through bid packets that were requested and picked up. Charles Schaffer Architect Services will be putting together some sketches and design elements that will be incorporated into the bid packet and the RFP will go out once again.

REPORTS

Construction Department – November 2022 - There were 18 permits issued for the month of November 2022, no Certificates of Occupancy, and 23 Certificates of Approval for a total collected of \$9,343.

Tax Collector – November 2022 – Outside Lien Redemption \$13,830.30; (2021) Prior Year Taxes Collected: \$40,172.41; (2022) Current Year Taxes Collected \$1,617,941.63; Interest Collected \$999.91; Prepaid (2023) Taxes \$54,667.77 for a total collected of \$1,687,439.61 for the month of November 2022.

PUBLIC PARTICIPATION (limited to three minutes per person)

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

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

EXECUTIVE SESSION – Resolution 2022-130 (Attorney-Client Privilege)

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

MONTAGUE TOWNSHIP

RESOLUTION 2022-130

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 attorney-client privilege 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

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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 a closed session of the public body can be disclosed to the public is when the need for confidentiality no longer exists.

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

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

ADJOURN

Mr. Krumpfer made a motion to adjourn at 8:12 PM. Mr. LeDonne seconded, and the motion carried with a unanimous voice vote.

Respectfully submitted:

**DANA KLINGER, RMC
DEPUTY MUNICIPAL CLERK**