

Approved: February 28, 2023

MONTAGUE TOWNSHIP COMMITTEE MEETING

MINUTES

FEBRUARY 14, 2023

7:00 PM

OPENING STATEMENT

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.

ROLL CALL

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

Absent: None

VOUCHERS

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

MINUTES

Mr. Krumpfer made a motion to approve the Regular Meeting Minutes of January 24, 2023, and the Executive Session Meeting Minutes of January 24, 2023. Mr. Innella seconded, and the motion carried with a unanimous roll call vote.

PROPOSALS – Red Hill Road – Tree Removal

Mayor Zitone explained to all in attendance that there is a tree in the right-of-way on Red Hill Road that needs to be taken down, the DPW cannot remove this tree because of the power lines in the area. The Township has received two quotes for the removal. The first quote received was from Sequoia Tree Service which totaled \$900 this would include removal and chipping of brush. The second quote received was from Steve Worobok, which totaled \$750, this would include removal and chipping of brush, but they would require the assistance of the DPW employees and would be using the Township's chipper. Mr. Merusi made a motion to approve the quote received from Sequoia Tree Service. Mr. LeDonne second and the motion carried with a unanimous roll call vote.

ORDINANCES (First Reading)

2023-01 AN ORDINANCE RESCINDING ORDINANCE NO. 2015-13 WHICH ESTABLISHED A NO-CHARGE FEE FOR CERTAIN NOTARY PUBLIC SERVICES, DEEDS, ACKNOWLEDGEMENTS, OATHS, AND AFFIDAVITS

Deputy Clerk Klinger explained that the Township became aware that an Ordinance which was passed in 2015 that would allow for a no-charge for certain Notary Public Services and for a no-charge for Montague residents who are 65 or older would need to be rescinded. According to the Notary Public Laws, this type of exemption could be seen as a form of discrimination, therefore the same fee must be charged to everyone and for every type of notary service. Mr. Merusi made a motion to approve Ordinance 2023-01 upon first reading. Mr. LeDonne seconded and the motion carried with a unanimous roll call vote.

ORDINANCES (Second Reading)

None

RESOLUTIONS

2023-020 RESOLUTION OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AUTHORIZING A TEMPORARY SALARY INCREASE FOR THE TOWNSHIP DEPUTY CLERK

Mr. Krumpfer made a motion to approve Resolution 2023-020. Mr. Merusi seconded, and the motion carried with a unanimous roll call vote.

2023-021 RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN GOODS AND SERVICES THROUGH THE USE OF STATE, COUNTY, AND REGIONAL COOPERATIVE PURCHASING FOR THE YEAR 2023

Mr. Merusi made a motion to approve Resolution 2023-021. Mr. Innella seconded, and the motion carried with a unanimous roll call vote.

2023-022 TRANSFER RESOLUTION

Mr. Merusi made a motion to approve Resolution 2023-022. Mr. Krumpfer seconded, and the motion carried with a unanimous roll call vote.

2023-023 A RESOLUTION OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX STATE OF NEW JERSEY SUPPORTING RevolutionNJ

Mayor Zitone stated that this Resolution is in support of Revolution NJ which was established by the New Jersey Historical Commission to engage New Jerseyans in all 21 counties and 564 municipalities through programs, initiatives, and events over the next ten years in commemorating the 250 Anniversary of the American Revolution and the pivotal role that New Jersey played during the American Revolution. Mr. Merusi made a motion approving Resolution 2023-023. Mr. LeDonne seconded, and the motion carried with a unanimous roll call vote.

CORRESPONDENCE

Altice “Cablevision of Warwick, LLC” – Acknowledge Receipt of the 2022 Franchise Fee. Mayor Zitone announced that the 2% franchise fee that the Township of Montague receives for cable in Montague totaled \$13,484. The Committee acknowledged receipt of this payment.

Montague Township Volunteer Fire Department – Application for Blue Light Permit for Joshua Lewandowski and Ryan Riegel – Mr. Merusi made a motion to approve these applications. Mr. Krumpfer seconded, and the motion carried with a unanimous voice vote.

Montague Township Volunteer Fire Department – Application of NJ State Fireman’s Association for Matthew Brown – Mr. Innella made a motion to approve this application. Mr. Merusi seconded, and the motion carried with a unanimous voice vote.

Highpoint Angels (Salt and Light Community Church) – Request for Motion Picture License for Movie Nights – Deputy Municipal Clerk Klinger stated that the Township received a request from Highpoint Angels who are a part of Salt and Light Community Church in Montague. This group uses the Township Community Center occasionally to host Community Events. One of these events that they are interested in hosting is a Family Movie Night, the Motion Picture License that is required to show movies in a public setting must be held by the entity where the movie would be shown, which would be the Township Community Center. Therefore, Highpoint Angels are requesting that the Township approve applying for the license and the cost being reimbursed completely by Salt and Light Community Church. Deputy Clerk Klinger added that since the license would be held by the Township, any of the other groups, such as Recreation could also host similar events under the license. Mayor Zitone asked who would be responsible for filling out the paperwork. Deputy Clerk Klinger replied saying that a representative from Salt and Light Community Church would provide and prepare any necessary paperwork. Attorney Rossmessl added that if the Committee does decide to approve this, he will send along a simple contract rider that would be signed by Highpoint Angels holding them liable for any breach of contract in conjunction with the Motion Picture License. Mr. Innella stated that he does not see an issue trying it out for this year and seeing how it goes. Mr. Krumpfer then made a motion approving this request. Mr. Innella seconded, and the motion carried with a unanimous roll call vote.

NEW BUSINESS

Cannabis, Drug, and Alcohol Policy – Mayor Zitone explained that the Township’s Insurance company, Statewide Insurance, sent along an update that they would like to see adopted into the Township’s Policy/Personnel Manual regarding Cannabis, Drugs, and Alcohol in the workplace as well as establishing a procedure for each.

Heliport Windcone Repairs – Mayor Zitone stated that the Heliport Windcone is not functioning properly and needs repairs. A quote was received from CRL Electric for labor and material in the

amount of \$3,905. Mayor Zitone stated that Deputy Clerk Klinger researched what the cost of just the cone would be if purchased from the State Contract, Heliport Systems, and that alone was almost \$3,000. Mr. Merusi made a motion to approve a labor and material agreement between CRL Electric Corp., Inc. and the Township of Montague for work to be performed at the Montague Township Municipal Building Helipad. Mr. LeDonne seconded, and the motion carried with a unanimous roll call vote. Deputy Clerk Klinger will issue this approval Resolution 2023-024.

Purchase of Loader – Deputy Clerk Klinger mentioned that the DPW has been interested in purchasing a used Loader. They found that the Maintenance Department for the Sussex County Community College has a surplus of Loaders that they are selling, but the issue is the cost would be over the bid threshold. So, the question to Attorney Rossmeissl would be since the entity selling these are not part of a Co-Op it would be basically like the Township is purchasing from a private seller. Therefore, would the Township have to put this out to bid by a formal bid or could they simply put a simple advertisement? Attorney Rossmeissl stated that he will have to look into this, because if it was the County of Sussex itself selling the equipment then one governmental entity to another you can simply purchase, but this might be a different case. Mr. Innella made a motion depending on Attorney Rossmeissl’s findings, to either purchase the loader or move forward with a request for proposals depending on what is legally permissible. Mr. Krumpfer seconded, and the motion carried with a unanimous roll call vote.

OLD BUSINESS

New Myrtle Drive – Mr. Merusi stated that he received inquiries from property owners on New Myrtle Drive as to whether the Township owns the road and would be doing any repairs and/or paving on the road. Mayor Zitone stated that back in 2019 the Township Committee had the then Township Attorney Bill Hinks look into this, and he determined that New Myrtle Drive was not a Township owned Road. They looked into this back when Mayor Zitone first got on the board in 2009 and it was also determined that it was not a Township Road then as well. Attorney Rossmeissl asked as it stands today what kind of upkeep the Township does on New Myrtle Drive. Mr. Merusi replied that the Township plows the road and will occasionally regrade the road. Mr. Krumpfer asked Attorney Rossmeissl if that implied acceptance of the road. Attorney Rossmeissl added that in his opinion it does not seem like enough to imply acceptance. He further added that Deputy Clerk Klinger sent along the abbreviated file on New Myrtle Drive, which this topic goes back as far back as 1953. The important takeaway from reading through these files was that the Township never actually passed an Ordinance accepting the Road and then recorded the Ordinance. The last thing that was formally passed in 2004 was rescinding an Ordinance that had been passed to accept the road, the Ordinance stated that the residents of New Myrtle Drive are responsible for the roads. The only thing that could hinder this would be if the Township were really taking care of the road with improvements, milling it, paving it, etcetera which would be implied acceptance. If the Township would like to they can pass a “symbolic” Resolution affirming that the Township has not accepted New Myrtle Road as a Township Road. The Township Committee decided to take no action at this time and will continue the few items of maintenance in good faith.

Vacant Properties – At the last Meeting the Township Committee discussed the possibility of foreclosing on some vacant lots, mainly ones that are owned by a company called GP7. There are over 100 lots, and the foreclosure process is very pricey. They have since gotten a price estimate on the cost to foreclose on these lots. Mr. Krumpfer added that he was able to secure “bulk” pricing for title searches on these properties. In total it will be about \$930 per lot to go through the entire process, which includes getting the lots into REM Foreclosure, getting the judgment and going through the auction process, and recording the deeds. \$46,500 is the total amount that the Committee is looking at for 50 lots to not only do the entire foreclosure process but to also auction these off and record. Mr. Krumpfer suggests taking the best 50 buildable lots of the over 100 lots and starting this process. Mr. Krumpfer then asked Attorney Rossmeissl what the reasonable timeline would be from start to finish. Attorney Rossmeissl stated that because these properties still have to go through the In-REM Foreclosure process you are unfortunately at the whims of the Chancery Court, so things move as quickly as they move, but they have been moving along. If the Township does approve he feels that the entire process should take about a calendar year. Mr. Krumpfer suggested, if the Committee is thinking about moving forward with this they should also test the title search on a couple of lots because if there are any Federal Liens on the properties you cannot foreclose, and more than likely if there is a Federal Lien the likelihood of there being similar liens on the others are pretty high considering all of these properties are owned by the same company. Mr. Innella made a motion to do a test title search on

two of the properties that are owned by GP7 for a cost not to exceed \$500. Mr. LeDonne seconded, and the motion carried with a unanimous roll call vote.

REPORTS

2022 Annual Historian's Report – Mayor Zitone announced the various accomplishments that the Township Historian, Maureen Kaman was able to achieve this past year. Mayor Zitone thanked Ms. Kaman for her dedicated service.

Construction Department – January 2023 - There were 15 permits issued for the month of January 2023 for a total collected of \$2,961.

Tax Collector – January 2023 – There was a total of \$781,295 collected for taxes for the month of January 2023.

PUBLIC PARTICIPATION (limited to three minutes per person)

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

Marie Eisele – River Road – Ms. Eisele expressed to the Committee the issues that she has been having regarding the habitability of her home, which she has been renting since early November of 2021. She went on to say that about a month after she moved in the first issue of many issues started to arise, starting with frozen pipes and now a serious mold problem. The Landlord has used 'contractors' that are not qualified and these issues continue. Mayor Zitone stated that the Township does not have the jurisdiction to get involved in landlord-tenant issues, that is something that must be addressed in a judiciary system. Ms. Eisele stated that litigation is proceeding at this point. Mayor Zitone further added that the Township Building Inspector came out to do a courtesy inspection and did not find any evidence of any code violations, which are the only things that the Building Inspector can enforce and issue a summons or violation for. After a lengthy discussion, Ms. Eisele insisted that the Township step up and do something about this particular Landlord. Ms. Eisele added that there might not be any regulation on the books right now, but the Township can adopt something, especially regarding mold, which she has seen evidence of with the City of Hoboken. Attorney Rossmeissl stated that in Montague unfortunately there is such limited capacity to enforce an Ordinance such as the City of Hoboken's mold Ordinance because the Township just doesn't have the manpower for this. Also, if the Township did decide to move forward to adopting a mold Ordinance it still would not be retroactive to her situation. Ms. Eisele stated that she is aware and is a firm believer in being an advocate for other renters. Mayor Zitone added that they are very sympathetic to her situation but regrettably there is nothing that the Township can do in this instance, the inspectors have been out to the home and have not found anything that they can enforce. Attorney Rossmeissl added that the best recourse that Ms. Eisele can take in this instance, which she stated she is doing already, is some sort of contract action against her landlord. Mayor Zitone commented that the Township is having a meeting in the next month with the County Board of Health and they will bring to their attention these issues and see if there is any enforcement on their end that is available.

Stephanie Rakotz – Lake Shore Road/ High Point Community Corp. Treasurer – Ms. Rakotz stated that the HPCC recently sent out an email to their members regarding the Township Dog Ordinance and issues with dogs of leashes and unlicensed dogs. Ms. Rakotz asked who the Animal Control Officer in Montague is. Deputy Clerk Klinger stated that the Township has a shared services agreement with the Township of Vernon. Ms. Rakotz said from personal experience the Township may experience a long wait for the title search with the GP7 properties. Ms. Rakotz also asked if there was any update as to when Short-Term Rentals may be added back on the agenda for discussion. Mayor Zitone stated that they will add that item to the next Agenda for February 28, 2023.

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.

ADJOURN

Mr. Merusi made a motion to adjourn at 8:06 PM. Mr. Krumpfer seconded, and the motion carried with a unanimous voice vote.

Respectfully submitted:

**DANA KLINGER, RMC
DEPUTY MUNICIPAL CLERK**