

Approved: March 15, 2023

## **MONTAGUE TOWNSHIP COMMITTEE MEETING**

### **MINUTES**

**FEBRUARY 28, 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

Mayor Zitone then amended the meeting agenda to include “New Business – Parking on Streets”

#### **PROCLAMATION**

Mayor Zitone read a Proclamation Recognizing and Declaring March 19<sup>th</sup> through March 25<sup>th</sup>, 2023, as National Poison Prevention Week in the Township of Montague.

#### **MINUTES**

Mr. Krumpfer made a motion to approve the Regular Meeting Minutes of February 14, 2023, and the Budget Meeting Minutes of February 02, 2023. Mr. Merusi seconded, and the motion carried with a unanimous roll call vote.

#### **ORDINANCES** (First Reading)

*None*

#### **ORDINANCES** (Second Reading)

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

Mr. Krumpfer made a motion to approve Ordinance 2023-01. Mr. Merusi seconded. Mr. Merusi made a motion to open to the public for discussion regarding Ordinance 2023-01. 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 the public. Mr. Krumpfer seconded, and the motion carried with a unanimous voice vote.

Deputy Municipal Clerk Klinger then called the roll, and the motion to approve Ordinance 2023-01 carried with a unanimous roll call vote.

#### **RESOLUTIONS**

2023-025 RESOLUTION AWARDDING FIREWORKS CONTRACT

Mr. Merusi made a motion to approve Resolution 2023-025. Mr. LeDonne seconded, and the motion carried with a unanimous roll call vote.

2023-026 GOVERNOR’S COUNCIL ON ALCOHOLISM AND DRUG ABUSE ISCAL GRANT CYCLE FY2024

Mr. Innella made a motion to approve Resolution 2025-026. Mr. Merusi seconded, and the motion carried with a unanimous roll call vote.

2023-027 A RESOLUTION AWARDED A CONTRACT TO TRI-STATE RENTALS (TSR) FOR THE RENTAL OF A DUNK TANK, BOUNCE HOUSE, AND 20X40 FRAME TENT AT A COST OF \$1,378.00 FOR 3 DAYS FOR THE TOWNSHIP'S ANNUAL MONTAGUE DAY EVENT

Mr. Merusi made a motion to approve Resolution 2023-027. Mr. LeDonne seconded, and the motion carried with a unanimous roll call vote.

2023-028 RESOLUTION OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A CONTRACT FOR THE SALE OF EASEMENT UNDER THE TOWNSHIP'S LEASEHOLD RIGHTS FOR THE WIRELESS TOWER SITUATED ON PROPERTY LOCATED AT 277 CLOVE ROAD, MONTAGUE, NEW JERSEY.

Attorney Rossmessl stated that the Township received some interest in the wireless cell tower that it owns on the Municipal Building lot. Therefore, the Township felt it was in its best interest to place the sale of the easement under the Township's leasehold rights for the cell tower through the process of a formal bid. The bid was advertised on February 1, 2023, in the New Jersey Herald and was also posted on the Township's website. The formal bid opening took place on Wednesday, February 22, 2023. The Township received two proposals. The first one was received from Diamond Communications for \$850,000 and the second proposal was from APC Municipal Towers for \$1,100,100. Mr. Merusi made a motion to approve Resolution 2023-028. Mr. Krumpfer seconded, and the motion carried with a unanimous roll call vote.

### **CORRESPONDENCE**

Skylands Cycling – Request for Township Approval of their High Point Hill Climb Time Trial Bicycle Race – Mayor Zitone stated that this race will be held on Saturday, April 29<sup>th</sup> from 9:00 am to 12:00 pm. He further added that State Police will be on site for traffic control on Route 23. They have also applied for a High Point State Park Use Permit. They are in the process of obtaining a parade permit with NJDOT and will provide all necessary insurance information. Mr. Merusi made a motion to approve Skylands Cycling's request for approval. Mr. Krumpfer seconded, and the motion carried with a unanimous voice vote.

Fort Knox – Request for Municipal Approval of NJMVC Business License. Deputy Clerk Klinger explained that the owner of Fort Knox Self Storage came to the Township requesting approval for an NJ Motor Vehicle Business License. There have been several vehicles that over the years people who were using the storage facility had left or abandoned the vehicles on Fort Knox's property. They were able to sell about 6 of those vehicles, but because they were selling so many vehicles the NJ Motor Vehicle Commission flagged them and said that if they were going to sell any more of these, they would need to acquire an NJMVC Business License. Fort Knox made it clear that they have no interest in becoming a Used Car Lot, they would like to acquire the license to use on a temporary basis to sell the existing/remaining vehicles on the lot. They are willing to provide any certificate of insurance or sign an agreement with the township saying they will not be posting signage/advertising as a used car lot, they will only be selling the existing vehicles left at the storage facility, and that this will be on a temporary basis only. Deputy Clerk Klinger further added that the Township Committee would have to make special consideration to this approval because as it stands the storage facility is not in the approved use group (Montague Center Zone) to allow for a used car lot. Deputy Clerk Klinger added that the Township Committee has done an approval like this in the past with the Junkyard on River Road which was required to hold the State license to transfer titles. Committeeman Innella asked if Attorney Rossmessl could draft an agreement letter between the Township of Montague and Fort Knox with the discussed stipulations for approval. He further added if they decide they want anything long-term then at that point they would have to go through the Land Use Board for a Variance. The Committee agreed that they would like to approve only for a period of six months. Mr. Merusi made a motion to approve this request with the terms discussed. Mr. LeDonne seconded, and the motion carried with a unanimous voice vote.

Montague Township Volunteer Fire Department – Requesting approval of Application for Membership, NJ State Fireman's Association Membership, and Blue Light Permit for Brian Christmann. Mr. Merusi made a motion to approve all three requests for Brian Christmann. Mr. Krumpfer seconded and the motion carried with a unanimous voice vote.

### **NEW BUSINESS**

Supplemental Patrols – Sussex County Sheriff's Office – Deputy Clerk Klinger asked for the

Committee's approval of service hours for the 2023 Supplemental Patrols provided by the Sussex County Sheriff's Office. Last year, the patrols commenced on April 1<sup>st</sup> and went through November 30<sup>th</sup> (eight months, sixteen hours per month). The Committee agreed that they would like to continue with the contract period and hours the same as in 2022.

Lawn Maintenance 2023 – Mayor Zitone stated that they will be going out for Proposals for the 2023 Lawn Maintenance Contract, all items will remain the same as in the last year's request for proposals with no changes or additions to the service areas.

March 14, 2023, Committee Meeting – Mayor Zitone stated that due to a conflict in scheduling the Deputy Clerk will not be able to attend the March 14<sup>th</sup> Committee Meeting, which was unforeseen when the 2023 meeting dates were scheduled. Therefore, Mayor Zitone asked if the Committee would like to either cancel the first meeting in March or change the date to another day. The Committee agreed to change the date to Wednesday, March 15, 2023, at 7:00 PM. Deputy Clerk Klinger will advertise the change in the meeting date, as well as post the change on the Township Website and Sign Board outside the Municipal Building.

Parking on Streets – Mayor Zitone stated that Attorney Rossmeissl drafted an Ordinance regarding street parking, specifically during a snow event. This Ordinance would establish a policy enabling the DPW to call a tow truck company to have the vehicle removed. Mr. Merusi stated if something like this were to be adopted the Township would have to post additional signage throughout the Township. Attorney Rossmeissl added that the Township already has a no-street parking Ordinance from November 1<sup>st</sup> through April 15<sup>th</sup>, but the only enforcement on this is a fifty-dollar fine. This Ordinance would allow for towing of cars on public streets when there is an appreciable snow event. Attorney Rossmeissl added that yes, you would certainly want to alert the public by way of additional signage. The Committee then discussed if there is truly a need to go to these lengths or if are there just a few constant offenders. Mayor Zitone stated that currently, the DPW will leave warning letters on the vehicles with a copy of the current Ordinance. After a lengthy discussion, Mr. LeDonne made a motion to move forward with introducing this Ordinance at the next Township Committee Meeting and Mr. Innella seconded. Deputy Clerk Klinger then called the roll, and the motion then died with Mr. Innella and Mr. LeDonne all voting yes, and Mr. Krumpfer, Mr. Merusi, and Mayor Zitone all voting no. It was the consensus of the Township Committee that they would not like to move forward with introducing an Ordinance for towing of vehicles during a snow event, since there are only a handful of offenders. The current policy of warning those who consistently park on the roadways will continue.

### **OLD BUSINESS**

Short-Term Rentals – Mayor Zitone said that the current Ordinance regarding Short-Term Rentals disallows STRs from the R-4 Zone. Mayor Zitone stated, as written, in the Township Code that short-term rentals are permitted to be conducted only in the following classifications of property in the Township of Montague:

- 1) Individually or collectively owned single-family residences.
- 2) Up to two separate units within a two-family residential dwelling, upon the agreement by any long-term occupants of the two-family residential dwelling that short-term rentals shall be permitted use therein.
- 3) Up to six separate units within a multifamily residential complex, contingent upon the agreement by all long-term occupants of the multifamily residential complex that short-term rentals shall be permitted use therein; should any long-term occupant of a multifamily residential complex not agree that short-term rentals shall be a permitted use therein, then no short-term rentals shall be permitted in the said multifamily residential complex.
- 4) Guest houses, carriage houses, and any other qualifying structures located on the same property as an owner-occupied dwelling.

Mayor Zitone further added there shall be no short-term rentals of any unit in a two-family residential dwelling, where the other unit is not occupied by the owner nor legally identified by the owner as his or her principal residence. Furthermore, there shall be no short-term rentals of any unit in a multifamily residential complex where no unit is occupied by the owner, nor is any unit legally identified by the owner as his or her principal residence. Mr. Krumpfer asked why that is that the owner must occupy one of the units when an STR in a single-family dwelling does not require an owner on site. Attorney Rossmeissl stated that very simply the logic is, and this was becoming an issue in many of the shore towns, that if there is one entity or person that owns all units within the property, they can basically turn the property into a hotel. Therefore, this

would keep these units as a residential place. Mayor Zitone stated that some of the concerns that he is hearing from the other Committee members and the Housing Officer in allowing STRs in the R-4 Zone and for the current STR Ordinance include, parking, shared driveways, management, registration, no approval if violations are active, trash provisions, the three percent tax that the Township is supposed to be receiving still has not been sent, septic's, and stronger enforcement for those not in compliance or up-to-date with fees. Mr. Krumpfer stated that HPCC will have to do its share in the management and registration of the units within their community. Attorney Rossmeyssl took note of the concerns and will be looking into these and seeing how the Township can possibly address some of these matters.

## **REPORTS**

*None*

## **PUBLIC PARTICIPATION** (limited to three minutes per person)

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

Stephanie Rakotz – AAA Atlantic/ Acting Treasurer for HPCC – Ms. Rakotz spoke regarding the taxation on short-term rentals. Almost every online platform for STRs collects both a use tax and a hospitality tax right online. If they are not pulling out a municipal tax or grouping the tax into a hospitality tax, then the Township needs to address that with the Division of Taxation. Attorney Rossmeyssl agreed and said that they will certainly be looking into this with the Division. Ms. Rakotz spoke regarding the HPCC short-term rental Resolution procedure and permitting. Ms. Rakotz said the new management company (FSR) in HPCC has been fantastic and as far as parking concerns each 2-bedroom unit should have two parking spaces.

Felix Naturelle – 158 Clove Road – Mr. Naturelle stated that he put in a dock on the stream next to his house about a year and a half ago. The County DPW came out and said that he didn't do anything wrong, but they wanted to make sure that the dock was 60 feet from the center of the road. They then measured the distance, and it ended up being 67 feet. Mr. Naturelle then said that he received a letter and came into the Municipal Building to speak with the Zoning Officer about it. The Zoning Officer gave him, the mayor's email which was Rich Innella at the time, and Mr. Naturelle said he never received a response. Mr. Naturelle then said he told the Zoning Officer that he would be in Florida for two months, so the Zoning Officer said he would give him some additional time, but when he was gone, he still received a registered letter. So, he is looking for some clarification on where the Township is with this. Mr. Naturelle stated that when he investigated this the stream is governed by the NJDEP and the DEP website says that any dock whether it is floating or on piers if it is not on a coastal waterway does not require a permit. Mayor Zitone stated that the concern is if the dock gets loose and floats away and goes down against the bridge there are going to be major issues. Mr. Innella said that a structure cannot be put in within 10 feet of the property line. Mr. Innella stated that he did try calling Mr. Naturelle, but his mailbox was full, and he could not leave a message and Mr. Naturelle never tried calling back. Mr. Naturelle stated that he is sure he is within the 10 feet because he has a 10-foot deck plus a set of stairs going up. Mr. Naturelle stated that he plans on doing a cable system and securing the dock in 4 more spots this spring so there is no chance of the dock letting loose.

Ed Zalinski – Shore Drive – Mr. Zalinski asked about the Cell Tower Easement Sale, he thought that when they initially brought it up, they were thinking there would be a lot more money involved. The Committee replied by saying that it was a lot less. Mr. LeDonne asked if he is thinking of the rental term of the cell tower over 40 years. Mr. Zalinski said he wasn't sure. Mr. Zalinski then went on to speak about the STRs within the HPCC. Simply, this is a commercial activity in a private residential community, it should not be allowed. Mr. Zalinski said with all this talk it seems like the Committee is trying to sneak STRs into the HPCC. Mr. Zalinski said the only thing the Committee needs to do to the Ordinance is to embellish that the R-4 Zone because it is a commercial activity, and it is not permitted and be done with it. Mr. Zalinski also expressed his disfavor with the new management company at the HPCC. Mayor Zitone replied saying that the Committee is not trying to sneak anything by anyone, they are doing everything in an open session and hashing it out. Mr. Zalinski replied that he understands that they have a difficult job, but the ordinance that is on the books right now works and serves the community well. If they try and stick this in the HPCC where there are 700 residential units doesn't do anything for the community. There are numerous issues with the HPCC including bridge, dam, and culvert repairs that are needed. The swimming pool, which they want to give access to short-term renters, is also in a much-needed state of repair.

Jody Case-Kennedy – Shore Drive – Ms. Case-Kennedy stated that she has lived in the HPCC for many years, and she has sat here and listened to the STR conversation for a long time. There has also been promising that HPCC was going to provide the Township with a list of Landlords since they claim that almost half of the units are rentals and that still has not happened. They still cannot get a grasp on the long-term renters and how are they going to do the second piece with the STRs, this is a commercial business for these people. The HPCC Board consists of mainly members who do live full-time in this community, they do not vote in this community, they come up here and make their money and they say so long. Unfortunately, the voting system for the Board is set up in such a way that certain people will win every time and it is not local people. Ms. Case-Kennedy stated that she is against STRs in the HPCC and there are enough issues over there, to begin with.

Tasha DeGeorge – Sleepy Hollow – Ms. DeGeorge stated that there still seems to be a few issues with STRs in the Township and that is still not totally managed, so what will happen if they allow for STRs within the HPCC where there are buildings of four and six families. Ms. DeGeorge added that she doesn't feel that the Management Company for the HPCC should be managing STRs. Why should the homeowners in HPCC be paying for this company to be doing their work? The Community also did not approve this, because no one even asked the residents, this was approved by the HPCC Board.

Mike Recchia – AAA Atlantic – Mr. Recchia stated that he and his wife would like to donate \$500 to the Montague Day Fireworks and they are also going to bring up the possibility of the HPCC Board approving a donation to the Township to pay for the bounce house, and dunk tank as well for Montague Day. The Committee thanked Mr. Recchia.

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

**ADJOURN**

Mr. Merusi made a motion to adjourn at 8:26 PM. Mr. Krumpfer seconded, and the motion carried with a unanimous voice vote.

Respectfully submitted:

**DANA KLINGER, RMC  
DEPUTY MUNICIPAL CLERK**