

**JOINT MEETING OF THE
MONTAGUE TOWNSHIP COMMITTEE AND
LAND USE BOARD**

**MINUTES
September 8, 2009**

OPENING STATEMENT

Mayor Barbagallo opened the meeting 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 meetings in accordance with the Open Public Meetings Act.

FLAG SALUTE

All present were asked to join in the Pledge of Allegiance.

ROLL CALL COMMITTEE

Present were Mr. Brace, Mr. Ponce, Mr. Teufert, Mr. Zitone, Mayor Barbagallo, Attorney Garofalo and Clerk Francisco.

ROLL CALL LAND USE BOARD

Present were Sharon Tufaro, Gene Crawford, Richard Innella, Jason Dunn, Katherine Snyder and James Guimes. Glen Plotsky, Jody Case-Kennedy and Glenn Barbagallo were absent.

PUBLIC PARTICIPATION REGARDING AGENDA ITEMS

No one from the public wished to be heard.

MINUTES

Mr. Brace motioned to approve the regular session minutes of August 25, 2009. Mr. Zitone seconded, and the motion was carried with the majority in favor, Mr. Teufert abstaining.

MUNICIPAL SELF ASSESSMENT REPORT

Jessica Caldwell indicated that the report was designed to be an assessment of the Township as it relates to the State Plan in terms of Montague's pursuit for Plan Endorsement, and proceeded to explain the contents, adding that the main purpose is to reinstate the town center designation, which will afford the Township access to State grants from which it would otherwise be excluded.

Jim Guimes - expressed his dissatisfaction with the area proposed for town center designation using a number of demographic statistics, and suggested considering a change of location to a Route 23 area instead.

Jason Dunn - questioned whether the State would allow a town center designation without a central sewer system. Mr. Teufert explained that a sewer treatment station would not be allowed without first having acquired the designation, and Mayor Barbagallo added that any such system would have to be self-contained and very expensive, since effluents are no longer allowed to flow to the Delaware.

Janet Woudenberg - questioned the decision to keep the planned town center where it is since Judge Stanton's ruling required a certain percentage of land, some of which are wetlands, within the Highpoint community remains open space. Mayor Barbagallo explained that a key consideration was population density, i.e., numbers of people who could easily travel to business locations within the center. Jessica Caldwell indicated that boundaries of the center may need to, and most likely will be changed because of the environmentally constrained lands.

VOUCHERS

Mr. Teufert motioned to approve the vouchers with the exception of PO's #4190 and #4191, to be reviewed before approval. Mr. Brace seconded, and the motion was carried by a unanimous roll call vote.

RESOLUTIONS

**R 2009-76 AUTHORIZATION TO CANCEL TOWNSHIP TAX SALE
CERTIFICATE (8/48)**

Mr. Teufert made a motion to approve the resolution. Mr. Brace seconded, and the motion was carried by a unanimous roll call vote.

**R 2009-77 AUTHORIZATION TO CANCEL TOWNSHIP TAX SALE CERTIFICATE
(19.03/18)**

Mr. Teufert motioned to approve the resolution. Mr. Brace seconded, and the motion was carried with a unanimous roll call vote.

R 2009-78 CANCELLATION OF UNCOLLECTIBLE TAXES AND REFUND

Mr. Teufert motioned to approve the resolution. Mr. Ponce seconded, and the motion was carried with a majority roll call vote, Mr. Zitone abstaining.

**R 2009-80 STATEMENT OF INTENT TO PURSUE PLAN ENDORSEMENT AND
AUTHORIZATION TO SUBMIT THE MUNICIPAL ASSESSMENT REPORT
TO THE OFFICE OF SMART GROWTH**

Mr. Teufert made a motion to approve the resolution. Mr. Ponce seconded, and the motion was carried by a unanimous roll call vote.

ORDINANCES (First Reading)

**ORD 2009-02 AN ORDINANCE TO AMEND CHAPTER 76 OF THE CODE OF THE
TOWNSHIP OF MONTAGUE ENLISTED ZONING FOR THE
PURPOSE OF AMENDING AND SUPPLEMENTING THE REVISED
GENERAL ORDINANCES TO REGULATE BULK REQUIREMENTS
FOR ACCESSORY BUILDINGS AND STRUCTURES**

Mr. Brace motioned to approve the ordinance. Mr. Zitone seconded, and the motion carried by a unanimous roll call vote.

**ORD 2009-17 ORDINANCE PROVIDING FOR THE REPLACEMENT OF THE
ROOF ON THE MUNICIPAL BUILDING FOR A TOTAL COST OF
\$18,260 FUNDED BY THE RESERVE FOR RENOVATIONS OF
MUNICIPAL BUILDING LOCATED IN THE CAPITAL
IMPROVEMENT FUND**

Mr. Brace motioned to approve the ordinance. Mr. Teufert seconded, and the motion was carried by a unanimous roll call vote.

**ORD 2009-18 AN ORDINANCE TO AMEND CHAPTER 14 ZONING, KNOWN AS
RIGHT TO FARM, OF THE REVISED GENERAL ORDINANCES OF
THE TOWNSHIP OF MONTAGUE**

Mr. Teufert motioned to table the ordinance pending Land Use Board report. Mr. Brace seconded, and the motion was carried by a unanimous roll call vote.

UNFINISHED BUSINESS

Property adjacent to municipal building - Attorney Garofalo indicated he had a letter of interest prepared and was waiting for the contact information, which Mayor Barbagallo said he'd furnish by the next day.

Judge Stanton's Order - Attorney Garofalo wanted to inform the committee that Judge Stanton's 1994 Order clearly stated that Community Corp. of Highpoint is a qualified private community and as such is entitled to receive the municipal services or be reimbursed for same. He indicated that he was bringing this up because at the last meeting a citizen had stated that was not the intent of the Order.

Mayor Barbagallo read parts of a letter from Community Corporation of Highpoint Administrator Bill Cummings wherein Mr. Cummings stated that the snow removal proposal was not initiated

by him or any other official of Community Corporation of Highpoint, and that misinformation was given to the public by Mr. Barbagallo. With substantiation from Mr. Zitone, who attended a meeting with Mr. Brace and Mr. Cummings, Mayor Barbagallo refuted the allegations of this letter and expressed distaste for its unprofessional nature.

Ruth Owen- stated that Community Corporation of Highpoint should not have even had a meeting with the township committee without first having received permission from its members.

Gary McCardle - disputed that CCH's handling of the community roads with the salt and brine mixture last year was a huge success, stating that the roads were in much worse condition than in all the years he has lived here.

Mr. Brace asked attorney Garofalo if a lawsuit regarding property maintenance inspections in Wantage ever came to trial. Mr. Garofalo indicated that Wantage's property maintenance code was held to be constitutional.

NEW BUSINESS

Bid Opening, Park-n-Ride/Heliport -

Andy Matt, Inc.	\$ 286,748.50
U-Con	260,154.60
Zitone.	236,400.00
Earthtec.	232,781.00

Mr. Teufert made a motion to have attorney Garofalo and Township Engineer Michael O'Krepy review the bids. Mr. Brace seconded, and the motion carried with a majority roll call vote, Mr. Zitone abstaining.

REPORTS

Tax Collector Report - August \$1,406,337.99; Year-to-Date \$6,096,565.51

CORRESPONDENCE

Town of Deerpark - There will be a September 11 memorial service at their municipal building.
ShopRite - Partners in Caring Day - September 23, 2009. As part of the month's activities, organizations and businesses across the country will be doing their part to help fight hunger in their communities. On that day ShopRite in Montague is asking anyone interested to come and be a bagger for the benefit of hungry families in the tri-state area.

Black Bear Management - To be posted on the bulletin board.

Tie a Ribbon Campaign - October is Breast Cancer Awareness Month.

PUBLIC PARTICIPATION

Mr. Teufert motioned to open to the public. Mr. Zitone seconded, and the motion was carried with all in favor.

Wes Raymond - expressed his view that a noise ordinance is practical and should be adopted in Montague. He mentioned that Frankford has such an ordinance, and Mayor Barbagallo said he would look at it.

Mayor Barbagallo reminded everyone that September 12th is Montague Day.

Mr. Teufert made a motion to close to the public. Mr. Brace seconded, and the motion was carried with all in favor.

Mayor Barbagallo announced the Committee would take a ten minute break.

* * *

Bierskill Road - Mr. Ponce stated that the committee discussed breaking down the project into three sections: the rebuilding of the wall and the footing, removal of the bridge and construction of new bridge, and the paving. He indicated that he had all the prices from each of the bidders broken down. Mayor Barbagallo stated that he has always taken the position that the responsibility of the town lies only with the wall and any pavement disturbed in the process. Mr. Ponce announced that Zitone came in with the lowest bid, at \$54,500 for the wall only. There

was a discussion as to whether the section involving paving could be omitted and the town pay for any paving necessary instead, after which it was decided clarification was needed before they could proceed. Mr. Brace made a motion to have KSM, the township engineer, present at the next meeting to totally clarify the bids, and have attorney Garofalo speak with the homeowners or their attorney. Mr. Teufert seconded the motion, and it was carried by a unanimous roll call vote.

Mayor Barbagallo announced the committee would go into executive session to discuss personnel and litigation, and that there would be no action taken when they return. Mr. Teufert made the motion. Mr. Brace seconded, and the motion was carried with all in favor.

RESOLUTION AUTHORIZING EXECUTIVE SESSION

R 2009-82

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 personnel and litigation, and after reconvening this public meeting the Mayor or his 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.

DIANA FRANCISCO
Municipal Clerk

ADJOURN

Mr. Brace motioned to close Executive Session return to Public Session and adjourn. Mr. Ponce seconded, and the motion was carried with all in favor.

Submitted by,



DIANA FRANCISCO, RMC
Municipal Clerk