

# MONTAGUE TOWNSHIP COMMITTEE MEETING

## MINUTES December 22, 2009

### OPENING STATEMENT

Mayor Barbagallo opened the meeting at 7:30, announcing that adequate notice had 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

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

### PUBLIC PARTICIPATION REGARDING AGENDA ITEMS

No member of the public wished to be heard.

Mayor Barbagallo announced that state aid, which was previously thought to have been unavailable for the year 2010, has been reinstated and will in fact be available.. He also announced that after 15 years, a traffic light will be erected at the Rt. 84 exit ramp on Rt. 23.

### MINUTES

Mr. Teufert motioned to approve the regular and executive session minutes of December 8, 2009. Mr. Zitone seconded, and the motion was carried with all in favor.

### DEPARTMENT OF PUBLIC WORKS

Written report acknowledged.

### RESOLUTIONS

#### **R 2009-101                      OUTSIDE LIEN REDEMPTION**

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

#### **R 2009-103                      AUTHORIZATION TO CANCEL TOWNSHIP TAX SALE CERTIFICATES**

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

### UNFINISHED BUSINESS

**7 Weider Road Property** - Attorney Garofalo indicated that the offer in the amount of \$142,951.87 had been acknowledged but not as yet accepted. He added that he had run a title search in order to see what the realistic chances were for doing an In Rem foreclosure. He felt this could be done, although it would be more likely the owner would simply redeem the tax certificate rather than allow the Township to foreclose. Mayor Barbagallo stated that since the Township has nothing to lose, Mr. Garofalo should be authorized to make another phone call.

**National Park Service Request** - Mayor Barbagallo explained that the NPS is looking for a contact who is authorized to make comments regarding the historical buildings in town. Mr. Teufert motioned to approve Alicia Batko as said contact. Mr. Brace seconded, and the motion was carried with all in favor.

**Annual Blumhagan Award** - Mayor Barbagallo announced the winners of the annual award for holiday lighting display, Patrick and Marianne Smith who reside on Cole Haven Road.

**New Myrtle Drive** - After a heated, at times, conversation among the committee, Mr. Brace motioned to send a pre-written letter for review by attorney Segreto which states, in essence, the road is accepted by the Township and will be treated as any other road in the Township. Mr. Teufert seconded the motion. Mayor Barbagallo motioned to open to the public. Mr. Teufert seconded. A member of the public spoke, but the undersigned was not present at the meeting, and the comment is inaudible on audio disk. With no one else wishing to be heard, Mr. Teufert motioned to close to the public. Mr. Brace seconded. The main motion carried with a majority roll call vote, with Mr. Ponce and Mayor Barbagallo voting No.

## **NEW BUSINESS**

**Gypsy Moth Inspection** - No evidence of gypsy moth infestation detected.

**2010 Township Committee Meeting Dates** - Township committee meetings will be held on the second and fourth Tuesdays of each month except for January, with Reorganization meeting at 12:00 noon on January 1 and regular meeting on January 12. Since a Special School election will be held January 26, there will be no regular Township Committee meeting on that date.

**2010 Budget Meeting Dates** - To be announced.

**Kelly and Ward Request for Meeting with Township Officials** - Attorney Garofalo explained that this legal correspondence concerns the position of former Construction Official Donald Stambaugh threatening legal action against the Township. After Mr. Garofalo advised the committee of their options, Mayor Barbagallo made a motion to authorize Mr. Garofalo to respond that the Township Committee does not agree to any meeting, and will leave Mr. Stambaugh to proceed as he wishes. Mr. Teufert seconded, and the motion carried with a unanimous roll call vote.

## **CORRESPONDENCE**

**Tax Lien Sale** - The second tax lien sale for 2008 was held on December 21, 2009. Two properties were put up for lien sale, and there are 14 properties remaining with liens unsold.

## **PUBLIC PARTICIPATION**

**Mark Krebs** - asked the committee to sum up their accomplishments during the past year.. There was some light banter, talk of receiving a grant for the heliport, work with the road department creating improvements all over town, updating of the personnel policy, collective hard work in general, and the admission there are matters which remain unresolved.

With no one else wishing to speak, Mr. Teufert made a motion to close public participation. Mr. Ponce seconded, and the motion carried with all in favor.

Mr. Teufert motioned to go into executive session to discuss attorney-client privilege regarding the property formerly known as the Rendezvous Restaurant, after a five minute break. Mr. Brace seconded, and the motion carried with all in favor.

## **RESOLUTION AUTHORIZING EXECUTIVE SESSION R 2009-104**

**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, 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.

**DESRIE W. PICINICH, C.M.R.**  
**Acting Municipal Clerk**

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

**ADJOURN**

Mr. Teufert motioned to adjourn the meeting. Mr. Brace seconded, and the motion carried with all in favor.

Respectfully Submitted:

**DESRIE W. PICINICH, C.M.R.**  
**Acting Municipal Clerk**