

MONTAGUE TOWNSHIP COMMITTEE MEETING

February 9, 2010

MINUTES

Mayor Barbagallo called the session to order at 7:00 p.m. and indicated 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, P. L. 1975, c. 231.

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

ROLL CALL: Acting Clerk Picinich was asked to call the roll.

Present were: Deputy Mayor Brislin, Committeeman Ponce, Committeeman Teufert, Committeeman Zitone and Mayor Barbagallo. Also present were Attorney Garofalo and Acting Clerk Picinich.

Absent: None

PUBLIC PARTICIPATION REGARDING AGENDA ITEMS

Luanne Cular - suggested that if the purpose of the bond ordinance is for funding a new fire house, then the over \$100,000.00 in the Capital Budget earmarked for same should be used for its funding.

APPROVAL MINUTES

Mr. Zitone motioned to approve the Regular Minutes of December 22, 2009; Labor Negotiations Minutes of December 22, 2009; Regular and Executive Session Minutes of January 12; Regular and Executive Session Minutes of Special Meeting January 19, 2010. Mr. Ponce seconded, and the motion carried with a majority in favor, with Mr. Brislin abstaining as to the December 22nd minutes and Mr. Teufert abstaining as to the January 19th minutes.

DEPARTMENT OF PUBLIC WORKS

No report.

RESOLUTIONS

R 2010-18 CANCELLATION OF UNCOLLECTIBLE TAXES
AND REFUND

Mr. Zitone motioned to approve the resolution. Mr. Brislin seconded, and the motion carried with a unanimous roll call vote.

R 2010-19 OPPOSING ASSEMBLY BILL A-4151 EXPANDING
PREVAILING WAGE REQUIREMENTS TO FOOD
SERVICES, PUBLIC BODIES, AND SCHOOLS

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

R 2010-20 OPPOSING SENATE BILL S-3094 REQUIRING
APPRENTICESHIP PROGRAMS AND OTHER
STANDARDS FOR PUBLIC WORKS CONTRACTORS

Mr. Zitone motioned to approve the resolution. Mr. Brislin seconded, and the motion carried with all a unanimous roll call vote.

R 2010-21 OPPOSING ASSEMBLY BILL A-4305 (COMPANION
BILL TO S-3094) REQUIRING APPRENTICESHIP
PROGRAMS AND OTHER STANDARDS FOR
PUBLIC WORKS CONTRACTORS

Mr. Zitone motioned to approve the resolution. Mr. Brislin seconded, and the motion carried with a unanimous roll call vote.

R 2010-22 OUTSIDE LIEN REDEMPTION

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

R 2010-23 RESOLUTION ADOPTING MULTI-JURISDICTIONAL
FLOOD PLAN

Mr. Brislin motioned to approve the resolution. Mr. Zitone seconded, and the motion carried with a unanimous roll call vote.

R 2010-24 TRANSFER RESOLUTION

Mr. Brislin motioned to approve the resolution. Mr. Zitone seconded, and the motion carried with a unanimous roll call vote.

ORDINANCES (Second Reading)

ORD 2010-01 AN ORDINANCE OF THE TOWNSHIP OF
MONTAGUE ESTABLISHING AN ECONOMIC
DEVELOPMENT COMMITTEE

Mr. Brislin motioned to table. Mr. Zitone seconded, and the motion carried with a unanimous roll call vote.

ORD 2010-02 AN ORDINANCE TO AUTHORIZE THE
ACQUISITION OF REAL PROPERTY DESIGNATED
AS BLOCK 13, LOT 3.02 ON THE TAX MAPS OF
THE TOWNSHIP OF MONTAGUE

Mr. Zitone made a motion to approve the ordinance for final adoption. Mr. Brislin seconded. Mr. Ponce motioned to open to the public. Mr. Brislin seconded. **Laura Cole** questioned why the purchase was not put to a referendum by the voters considering the current economic climate. Mayor Barbagallo replied that time was of the essence. Mr. Teufert indicated he was against the purchase entirely. Mayor Barbagallo reminded the committee the purchase had already been voted upon and the contract had been signed. Upon roll call the main motion carried with a majority, Mr. Brislin and Mr. Teufert voting No.

(First Reading)

ORD 2010-03 AN ORDINANCE AMENDING ARTICLE XXXII,
UNIFORM CONSTRUCTION CODES, OF THE
CODE OF THE TOWNSHIP OF MONTAGUE

ORD 2010-04 AN ORDINANCE TO AMEND CHAPTER 32 OF
OF THE TOWNSHIP OF MONTAGUE ENTITLED
“PROPERTY MAINTENANCE CODE”

Mr. Garofalo indicated he prepared the above two ordinances in draft only, and although they are legally sound, he would be more comfortable if the committee and the construction official reviewed the fees to determine if they are appropriate. Mr. Brislin motioned to table both ordinances. Mr. Ponce seconded, and the motion carried with a unanimous roll call vote.

ORD 2010-05 BOND ORDINANCE PROVIDING AN APPROPRIATION
OF \$145,000 FOR ACQUISITION OF REAL PROPERTY
FOR AND BY THE TOWNSHIP OF MONTAGUE, IN
THE COUNTY OF SUSSEX, NEW JERSEY AND
AUTHORIZING THE ISSUANCE OF \$137,750 BONDS
OR NOTES OF THE TOWNSHIP FOR FINANCING PART
OF THE APPROPRIATION

Mr. Zitone motioned to approve the ordinance on first reading. Mr. Ponce seconded, and the motion carried with a majority roll call vote, Mr. Brislin and Mr. Teufert voting No.

REPORTS

Tax Collector - 2010 - January Report January - \$575,509.14
2009 Annual Report and Annual Report of Taxes Not Collected - acknowledged
and to be posted on the bulletin board.

Fire Department -

15 Fires
10 Drills
1 Meeting
25 First Responder Calls
1000 Man Hours

Full report to be posted on the bulletin board.

PAYMENT OF VOUCHERS

Mr. Brislin motioned to approve the vouchers for payments. Mr. Ponce seconded, and the motion carried with a unanimous roll call vote.

NEW BUSINESS

Application for Blue Light Permit - Mr. Brislin motioned to approve the application of Frederick L. Drake Sr. for a Blue Light Permit. Mr. Zitone seconded, and the motion carried with all in favor.

Liquor License Renewal - 431 Rt. 206, LLC - Mr. Brislin motioned to table. Mr. Ponce seconded, and the motion carried with all in favor.

Trailblazer Camps - Riel Peerbooms, executive director of the Camp, indicated his desire to get involved with the community and develop day camp programs for the children. He added that once the weather warms up, they will announce a date for an open house.

Recreation - Meg Snyder reported the commission held its first budget meeting on February 8 and will be having the next one on February 15. She indicated that programs are in the works for a 6th 7th and 8th grade social, reading, arts and crafts for pre-school students, an Easter Bunny Breakfast, volley ball programs and more.

CORRESPONDENCE

The White House - Mayor Barbagallo read a letter from President Obama congratulating the Township on its 250th anniversary.

Harold E. Pellow & Associates, Inc. - Notice concerning COAH requirements - to be posted on the bulletin board. Mr. Garofalo advised the committee and the public that Governor Christie has signed on this date an Executive Order that orders COAH to stop taking all action for the next ninety days.

PUBLIC PARTICIPATION

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

Mark Krebs - indicated that he thought the former Economic Development Ordinance had been repealed.

Rich Innella - thanked the township and the voters of Montague for approving the roof referendum.

Mr. Brislin motioned to enter executive session for the purpose of discussing pending litigation re the construction official, labor negotiations and personnel. Mr. Ponce seconded, and the motion carried with all in favor. Mr. Barbagallo indicated there would be a ten minutes break, and that after executive session there would be no action taken.

RESOLUTION

R 2010-25

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 pending litigation, labor relations and personnel, 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, CMR
Acting Municipal Clerk

Mr. Brislin motioned to close executive session. Mr. Zitone seconded, and the motion carried with all in favor.

The committee discussed the expenses involved with the return of the municipal court as opposed to those associated with the shared service agreement.

Mr. Brislin motioned to adjourn. Mr. Barbagallo seconded, and the motion carried with all in favor.

Respectfully Submitted:

DESRIE W. PICINICH, CMR
Acting Municipal Clerk