

MONTAGUE TOWNSHIP COMMITTEE MEETING

March 2, 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: Committeemen Ponce, Teufert, Zitone and Mayor Barbagallo.

Excused: Deputy Mayor Brislin

PUBLIC PARTICIPATION REGARDING AGENDA ITEMS

Unaware of the rules governing municipalities regarding 48 Hour Notice Meetings, Mrs. **Barbara Utter** was concerned that this meeting was in violation of the Open Public Meetings Act. After it was explained to her by the undersigned and Mayor Barbagallo, he suggested that if it was still a concern she should file a complaint.

PRESENTATION BY TOWNSHIP PLANNER

Jessica Caldwell, Township Planner, was in attendance to apprise the committee on the remaining items due for Plan Endorsement. She indicated the Township is now in Step 4 of a 10 step process, and that she has drawn up a proposal for Steps 5, 6 and 7, which are needed to reinstate the Center designation for the Township. Ms. Caldwell explained the separate steps, and said she would come back to set up the workshops, meeting times and time frames.

APPROVAL OF MINUTES

Mr. Zitone motioned to approve the Regular and Executive Session Minutes of February 9, 2010 and the Budget Workshop Minutes of January 25, February 8 and February 22, 2010. Mr. Ponce seconded, and the motion carried with a unanimous roll call vote.

DEPARTMENT OF PUBLIC WORKS

DPW Foreman Dave Berhman submitted his report and updated the committee on damage to Township DPW vehicles during the last storm. Mayor Barbagallo thanked Dave and his team for their outstanding work, and also thanked Committeeman Ponce, who worked along with the crew, and Committeeman Zitone for the loan of his equipment.

RESOLUTIONS

R 2010-26 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MONTAGUE PROVIDING FOR A TEMPORARY CAPITAL BUDGET
Mr. Zitone motioned to adopt the resolution. Mr. Ponce seconded, and the motion carried with a unanimous roll call vote.

R 2010-27 RESOLUTION SUPPORTING SENATE BILL S-1
Mr. Zitone motioned to adopt the resolution. Mr. Teufert seconded, and the motion carried with a unanimous roll call vote.

R 2010-28 LIQUOR LICENSE RENEWAL - 431 Rt. 206 LLC
Mr. Teufert motioned to adopt the resolution. Mr. Zitone seconded, and the motion carried with a unanimous roll call vote.

R 2010-29 RESOLUTION OPPOSING LEGISLATION AMENDING THE TIME OF DECISION RULE
Mayor Barbagallo made a motion to send the resolution to the Land Use Board for their recommendation. Mr. Zitone seconded, and the motion carried with all in favor.

ORDINANCES (Second Reading)

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 adopt the ordinance. Mr. Ponce seconded. Mr. Teufert motioned to open to the public. Mr. Zitone seconded. Ms. **Louanne Cular** submitted a letter she had written to the committee and told them the bond ordinance did not pass on first reading because it did not get a vote of 2/3 of the full membership, and the meeting notice was not published at least ten days after introduction, further suggesting this Clerk seek instruction from Bond Counsel. Mayor Barbagallo expressed his thought that the committee should proceed with the vote since an emergency situation may be a factor. The Mayor thanked Ms. Cular for bringing this to the committee's attention and the opportunity to check into it on Wednesday, March 3. Mr. Zitone motioned to adopt the ordinance providing it is okay with the time frames involved. Mr. Ponce seconded. Roll Call: Mr. Ponce, Yes; Mr. Teufert, No; Mr. Zitone, Yes; Mayor Barbagallo, Yes. Needing an affirmative vote of 2/3 of the full membership on *second* reading, the motion did not pass.

CONSENT AGENDA

Mr. Teufert motioned to approve the applications of Blennie Kelly, James Ricciardi and Thomas Yarosz for Blue Light Permits; the application of Kyle Gottemoller for N.J. State Firemen's Assoc. membership; and the applications of Blennie Kelly, Krystal Hall, James Ricciardi and Nicholas Ruberto for Montague Fire Department 1st Responder memberships. Mr. Zitone seconded, and the motion carried with all in favor.

CORRESPONDENCE

Mayor Barbagallo read a report from Fran Multari, Tax Collector regarding a tax lien sale scheduled for June 3, 2010 at 10:30 a.m.

Trail Blazer Camps - Mayor Barbagallo commented on their generosity in inviting Montague's children to join them at the camp for a day of ice skating, sleigh riding, marshmallow roasting and other events on February 28th.

PUBLIC PARTICIPATION

Louanne Cular referred to the second part of her letter, and the fact that at the last meeting, Mr. Brislin discussed the need for an attorney to handle In Rem foreclosures, at which time Mr. Garofalo stated it was not a matter for Executive Session and that his firm is capable of handling such matters. Ms. Cular expressed her surprise that a legal ad was published by Scarinci & Hollenbeck for In Rem foreclosures. She added that the firm should not be handling them because they were not appointed. The Clerk was asked to provide her with a copy of the Resolution. On a brighter note, Ms. Cular thanked the Road and Fire Departments for their work during the storm.

Mr. Teufert motioned to close Public Session. Mr. Zitone seconded, and the motion carried with all in favor.

Mayor Barbagallo stated that although pending litigation appeared on the Executive Session agenda, it would probably not be discussed in the absence of counsel. Mr. Ponce motioned to enter Executive Session to discuss the hiring of new employees. Mr. Zitone seconded, and the motion carried with all in favor

RESOLUTION

R 2010-30

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 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. Ponce motioned to close Executive Session. Mr. Tuefert seconded, and the motion carried with all in favor.

Mr. Teufert motioned to resume Regular Session. Mr. Zitone seconded, and the motion carried with all in favor.

Mr. Ponce motioned to hire Paul Vitz for the position of Mechanic/Laborer at the hourly rate of \$18.50 per hour with a three month probationary period. Mr. Teufert seconded, and the motion carried with a majority roll call vote, Mr. Zitone abstaining.

Mr. Ponce motioned to have the Acting Clerk contact Eileen DeFabiis with an offer of \$50,000 per year for the positions of Township Clerk and Board of Health Secretary. Mr. Zitone seconded, and the motion carried with a unanimous roll call vote.

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

Respectfully submitted:

DESRIE W. PICINICH, CMR
Acting Municipal Clerk