

# MONTAGUE TOWNSHIP COMMITTEE MEETING

April 13, 2010

## MINUTES

Mayor Barbagallo called the session to order at 7:31 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:** Clerk DeFabiis was asked to call the roll.

**Present were:** Committeemen Brislin, Ponce, Teufert, Zitone and Mayor Barbagallo. Also present were Clerk DeFabiis and Attorney Garofalo.

### **PUBLIC PARTICIPATION REGARDING AGENDA ITEMS**

No one from the public wished to speak.

### **APPROVAL OF MINUTES**

Mr. Brislin motioned to approve the Regular Session Minutes of March 23 and the Special Meeting Minutes of April 1 and 11. Mr. Zitone seconded, and the motion carried with a majority in favor, Mr. Teufert abstaining on the March 23 Minutes.

### **DEPARTMENT OF PUBLIC WORKS**

Mayor Barbagallo advised that the DPW has been building drains on Steenykill Road.

### **APPROVAL OF VOUCHERS**

Mr. Brislin motioned to approve the vouchers except for those regarding Scarinci & Hollenbeck. Mr. Teufert seconded with discussion. He stated the bills should be resubmitted in the separate categories of DPW negotiations, foreclosures and bankruptcy. The motion carried with a unanimous roll call vote. Mr. Brislin requested the Clerk supply copies of the bills in question to the Committee.

### **RESOLUTIONS**

R 2010-37                    AGREEMENT: INTERLOCAL SERVICES - BOROUGH  
OF BRANCHVILLE ELECTRICAL SUB CODE SERVICES

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

R 2010-38                    CANCELLATION OF TAX SALE PREMIUMS TO TOWNSHIP

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

R 2010-39                    AMEND RESOLUTION R 2009-49 RESOLUTION TO CREATE  
THE PLAN ENDORSEMENT CITIZEN'S ADVISORY  
COMMITTEE TO AMEND LIST OF INDIVIDUAL NAMES

Mr. Zitone motioned to adopt the resolution, confirming the following membership: George Zitone, Charles Teufert, Glen Barbagallo, Sharon Tufaro, Richard Jones, John Soracco and Kim Cusumano. Mr. Teufert seconded, and the motion carried with all in favor.

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

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

Mr. Zitone motioned to approve the ordinance. Mr. Teufert seconded, with a change to read 'over 100,000 to 500,000 will be \$18.00 per 1000'. The motion carried with a unanimous roll call vote.

The foregoing Ordinance was introduced at a regular meeting of the Township Committee of the Township of Montague on April 13, 2010. It will be further considered for final adoption at a meeting to be held on April 27, 2010. All interested parties may be heard.

### **NEW BUSINESS**

Maintenance of Municipal Building -Mr. Zitone stated that he had been in the municipal building attic attending to a bee problem when he noticed insulation falling from the roof trusses creating gaps where heat or air could escape. He also indicated there is a gutter needing to be re-attached to the building. DPW will be contacted.

Lawn Maintenance - After review of the quotes from:

JRC Contracting.....	\$ 9,000
Down Boy Down Enterprises.....	22,400
Dickson Landscaping.....	8,900
Farmside.....	870 (per cutting)

Mr. Brislin motioned to award the contract to JRC Contracting. Mr. Teufert seconded. For discussion, Mr. Brislin noted that the estimate included weeding of beds around the municipal building and memorial to be included four times per season with the lawn contract, and the lower estimate did not. The motion carried with a unanimous roll call vote.

### **REPORTS**

Tax Collector - March \$169,642 Year to Date \$2,051,655

### **CORRESPONDENCE**

New Jersey Ride Against Aids - Request approved.

Tax Collector - Mr. Teufert motioned to grant permission for attendance at Tax Collector's Conference. Mr. Zitone seconded, and the motion carried with a unanimous roll call vote.

### **PUBLIC PARTICIPATION**

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

**Linda Kelly**, Construction Secretary, said the committee should take some consideration before making any changes in the Construction Department, that she comes in to do her job, is not into politics, has no friends and is "tired of it", and will not be coming to any more meetings. She added that the committee will only be hurting themselves, that the new Construction Official doesn't know what occurs and the department will fall apart if any changes are made. There was applause from the audience.

**Toni-Lu Martin**, Finance Department employee, Clean Communities/Recycling Coordinator, had tote bags purchased by grant money she received to give out to the public. She stated that she works hard every day and when she gets home tries to think of ways to defend her job. She presented the committee and the public with comparable salaries for Recycling Coordinator and a letter of recommendation from the County. She spoke about grants she has increased and her opinion that \$1,000 should not be cut from her salary. There was applause from the audience.

Mayor Barbagallo stated that before the committee is made out to be monsters he wanted everyone to know that the State is cutting a tremendous amount of money, that rumors may be going around, but nothing has been finalized and everyone will be properly addressed.

**Glenn Goodyear**, representative of the Recreation Commission and representative of the Parents of Montague Baseball thanked George Zitone, Teddy Brace, Dave Berhman and Darren Ponce for their help with the ballfields. He requested \$1000 for a 100' X 30' net for the backstop at the 206 field because they are losing baseballs, and field paint. Mayor Barbagallo responded that speaking for himself, he did not believe the Recreation budget would be increased, that once the money is gone, it's gone, and added that it is the Recreation Commission's decision whether or not to purchase the items requested. Mr. Teufert voiced his concern that a third or half of the Recreation budget would be consumed by the 206 ballfields. Mr. Goodyear replied that this would be a necessary, one-time purchase.

**Barbara Holstein** voiced her support for the purchase, advising the Committee that the money would be well spent, that the Commission's plan is to bring the ballfields up to par and then once they are set, concentrate on the other programs planned. Mr. Zitone requested a revised budget from Recreation for the next Budget Meeting. Mr. Teufert was concerned that Recreation is for all ages and should not be just for the children. Ms. Holstein responded that the Commission is well aware of the recreational needs of all of the community, and that they must be given a chance to prove themselves.

Mr. Brislin made a motion to authorize the expenditure of up to \$800 for a 30' X 100' backstop net and up to \$200 to include field paint. Mr. Zitone seconded. Mr. Teufert stated that his vote would be based on the fact that he doesn't know what the rest of the plans are for Recreation.

An unidentified member of the public asked where the funding for the fireworks came from. Mayor Barbagallo responded that it came from Recreation last year. She suggested going without the \$5,000 for fireworks and split that money up for the children.

**Kim Cusumano** stated that not all of the children in Montague play baseball, that her children play soccer, and that the money should be divided equally for the good of all those taking advantage of the Recreation programs. A discussion ensued involving a number of people at which time the Mayor regained order.

**Barbara Holstein** advised the public that the Recreation Commission had a meeting in January, that minutes are posted on their web page, the Commission is not for baseball only, and that anyone is welcome to attend their meetings.

**Jim Guimes** suggested the public hear from Meg Snyder, Chair of the Recreation Commission.

**Meg Snyder** advised the public of all the programs to date as well as those currently being worked on and those being considered by Recreation. She added that there will be no fireworks display at Montague Day this year because last year they cost \$4,000, which funds came from the Celebrations budget, not Recreation. She ran through a list of programs encompassing all age groups, and encouraged all to join the Commission at their next meeting on May 3<sup>rd</sup> at 7:00 in the meeting room at the municipal building. There was applause from the audience.

**Barbara Holstein** advised the public of their first School Social on Friday night, with a DJ and food donated by Prime Time Meats. On behalf of Recreation, she asked the Committee for authorization to spend another \$400 to do this again in May.

**John Donovan** felt a big part of the problem is the inequity in assessed taxes, that people should be 'coughing up' their fare share so there will be enough money to fund the programs. There was applause from the audience.

**Ed Ibold** stated that Toni-Lu Martin did a great job with Montague Day last year, that he can understand that money can be put into better things than fireworks, and that he will offer his assistance this year as well. He cautioned the new Commission to think before they act. There was applause from the audience.

**Alicia Batko** voiced her support for Toni-Lu Martin and Linda Kelly, then made the public aware of an Earth Day Celebration at Trail Blazers Camp on Deckertown Turnpike. She spoke of a meeting with Eric Olson of Nature Conservancy and their vision to bring in eco-tourism and revenue to the Township.

**Mark Utter** asked if Recreation is a Committee or a Commission. Attorney Garofalo responded that it can be called either. Mayor Barbagallo stated that it appears as a Commission in the Montague Code Book. Mr. Garofalo advised Mr. Utter that a Township Committee provides their boards with a budget and they are allowed to spend that money as they wish. Mr. Utter stated there was a motion on the floor that hasn't been voted upon to spend money. Mayor Barbagallo responded that it would be voted upon after Public Session. Mr. Utter then said he was asked to read a letter written by Louanne Cular:

"Dear Mayor Barbagallo and Township Committee Members:

I am unable to attend the meeting due to the fact that I am having surgery today and will be unavailable so I have asked someone to read this letter for me. I am very concerned about a recent incident and would like some answers. Several weeks ago I submitted a letter to Committeeman Brislin regarding my concerns on purchase of property and my concerns regarding a contract I had with the Fire

Department. This letter was distributed to the Committee and the Deputy Clerk during Executive Session. At no time was I contacted regarding my request to address the Committee in Executive Session nor has this been placed on any agenda yet it has been released as public record and is now on *The Montague Buzz*. I spoke with the township attorney, Mr. Garofalo, and he was not given a copy of the letter nor was he consulted prior to the release of this letter. My first question is how did this letter become public record when it had not been released from executive session?"

At this point Mayor Barbagallo advised Mr. Utter that it becomes a public record the minute it is handed to a committeeman. Mr. Utter said the question was how did it get released from Executive Session? Mayor Barbagallo stated it was not an executive session item. Mr. Brislin stated the letter was given by him in Executive Session to the Acting Municipal Clerk for distribution to the Committee, that it was not discussed. He added that prior to that meeting, with Louanne's permission, he faxed a copy of that letter to two members of the Committee. Clerk DeFabiis advised Mr. Utter that she released the document after consultation with the Government Records Council of the State of New Jersey. Mr. Utter asked if Louanne requested it to be discussed in Executive Session, that he didn't believe it to be an Executive Session item. Continuing with the letter:

"My second question is who processed the OPRA request for Meg Snyder and who approved the release?"

The Clerk responded that she did, after consultation with the Government Records Council of the State of New Jersey. Continuing with the letter:

"My third question is how was she made aware of this letter since it was in executive session?"

Mayor Barbagallo said he would have to ask Meg Snyder that question. Mr. Utter did not. The Clerk advised that she did not believe it was ever on an Executive Session Agenda. Continuing with the letter:

"Even though I requested these answers through an OPRA request I would like them publicly answered. Before I close I would like to say that even though *The Montague Buzz* is a public forum, I find it extremely disturbing that the Mayor and Deputy Clerk use it for township business. Personal fun is one thing but as Mayor and Deputy Clerk I believe you should be more professional and above this type of behavior."

Mayor Barbagallo stated that although he has posted, he never saw the Deputy Clerk on the *Montague Buzz*. Mr. Utter stated that he didn't know because he doesn't read it.

"And personally, Mayor Barbagallo, I resent the fact that you accused me of a scam and having a "brass pair". Your choice of words and statements on a public forum is disturbing and I think you owe me a public apology."

Mayor Barbagallo stated that he did apologize publicly on the forum. Mr. Utter asked if he believed it to be a scam, and Mayor Barbagallo replied that personally he thought it was.

**Jim Guimes** asked if the letter Mr. Utter read was addressed to the Mayor and if so, why didn't he give it to him. The Clerk asked Mr. Utter for the letter. Mr. Utter did not submit it, responding that it had a note attached to it saying to "read but not give out".

**Alicia Batko** suggested the Recreation Commission encourage children to write to professional baseball players to get money.

**Toni-Lu Martin** made an announcement that County Recycling has a program ([AngelFoodMinistries.Com](http://AngelFoodMinistries.Com)) where everyone is eligible for food valued at \$65.00 for \$35.00 payable with food stamps, credit cards or money orders at the United Methodist Church in Branchville. She also spoke about the fireworks on Montague Day being paid in part by funds in the 250<sup>th</sup> budget.

With no one else wishing to be heard, Mr. Brislin motioned to close to the public. Mr. Zitone seconded, and the motion carried with all in favor.

Mr. Brislin motioned to authorize the expenditure of up to \$200 to include field paint. Mr. Teufert seconded, and the motion carried with a majority roll call vote, Mr. Teufert abstaining.

Mr. Brislin motioned to authorize the expenditure of up to \$800 for a 30' X 100' backstop. Mr. Teufert seconded, and the motion carried with a majority roll call vote, Mr. Teufert abstaining.

Mr. Brislin motioned to authorize the expenditure of up to \$400 for the May 14<sup>th</sup> School Social. Mr. Teufert seconded, and the motion carried with a unanimous roll call vote.

Mr. Teufert made a motion to expend up to \$600 for Hepatitis B shots for those employees requiring same. Mr. Brislin seconded, and the motion carried with a unanimous roll call vote.

Mr. Teufert motioned to receive monthly reports from the Constables. Mr. Brislin seconded, and the motion carried with a unanimous roll call vote.

After much discussion among the Committee regarding the legal bills from Scarinci & Hollenbeck, Mr. Brislin made a motion to authorize Mr. Teufert to have Scarinci & Hollenbeck split up their bills by task so they can be examined item by item. Mayor Barbagallo seconded, and the motion carried with a unanimous roll call vote.

**ADJOURNMENT:**

There being no further business to come before the Committee, on a motion from Mr. Brislin, second by Mr. Zitone, and with all members in favor, the meeting was adjourned at 9:20 p.m.

Respectfully Submitted:

**EILEEN DEFABIIS, RMC**  
**Municipal Clerk**