

MONTAGUE TOWNSHIP COMMITTEE MEETING

April 27, 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: The Clerk was asked to call the roll.

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

Absent: None

PUBLIC PARTICIPATION REGARDING AGENDA ITEMS

No member of the public wished to be heard.

APPROVAL OF MINUTES

Mr. Brislin motioned to approve the Regular Session Minutes of April 13, 2010. Mr. Zitone seconded, and the motion carried with all in favor.

DEPARTMENT OF PUBLIC WORKS

There was no written report.

RESOLUTIONS

R 2010-40 OUTSIDE LIEN REDEMPTION

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

R 2010-41 AUTHORIZATION TO CANCEL TOWNSHIP
TAX SALE CERTIFICATE

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

R 2010-42 TOTALLY DISABLED VETERAN PROPERTY
TAX EXEMPTION BLOCK 7, lot 5.02

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

R 2010-37A AGREEMENT: INTERLOCAL SERVICES -
BOROUGH OF BRANCHVILLE PLUMBING
AND SUB CODE SERVICES

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

ORDINANCES

(Second Reading)

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

The foregoing Ordinance was introduced at a regular meeting of the Township Committee of the Township of Montague, in the County of Sussex, New Jersey, held on April 13, 2010 and will be further considered for final passage after public hearing at a regular meeting of the Township Committee to be held in the Montague Municipal Center, 277 Clove Road, Montague, New Jersey on Tuesday, April 27, 2010.

Mr. Brislin motioned to adopt the ordinance. Mr. Teufert seconded. Mr. Brislin motioned to

open to the public. Mr. Ponce seconded. No member of the public wished to speak. Mayor Barbagallo explained that this ordinance creates a new fee schedule for obtaining permits. Mr. Brislin motioned to close to the public. Mr. Ponce seconded. Upon roll call, the main motion carried unanimously.

ORD 2010-06 ORDINANCE ESTABLISHING THE ANNUAL SALARY
OF THE MUNICIPAL CLERK/BOARD OF HEALTH
SECRETARY

The foregoing Ordinance was introduced at a regular meeting of the Township Committee of the Township of Montague, in the County of Sussex, New Jersey, held on February 23, 2010 and will be further considered for final passage after public hearing at a regular meeting of the Township Committee to be held in the Montague Municipal Center, 277 Clove Road, Montague, New Jersey on Tuesday, April 27, 2010.

Mr. Brislin motioned to approve the ordinance. Mr. Teufert seconded. Mr. Teufert motioned to open to the public. Mr. Zitone seconded. No member of the public wished to speak. Upon roll call, the motion carried unanimously.

ORD 2010-07 AN ORDINANCE TO AMEND CHAPTER 76 OF THE
CODE OF THE TOWNSHIP OF MONTAGUE, COUNTY
OF SUSSEX, STATE OF NEW JERSEY, ENTITLED
“ZONING” FOR THE PURPOSE OF AMENDING AND
SUPPLEMENTING THE REVISED GENERAL
ORDINANCES TO REGULATE BULK REQUIREMENTS
FOR ACCESSORY BUILDINGS AND STRUCTURES.

The foregoing Ordinance was introduced at a regular meeting of the Township Committee of the Township of Montague, in the County of Sussex, New Jersey, held on February 23, 2010 and will be further considered for final passage after public hearing at a regular meeting of the Township Committee to be held in the Montague Municipal Center, 277 Clove Road, Montague, New Jersey on Tuesday, April 27, 2010.

Mr. Brislin motioned to approve the ordinance. Mr. Ponce seconded. Mr. Brislin motioned to open to the public. Mr. Zitone seconded. No member of the public wished to speak. Mr. Brislin motioned to close to the public. Mr. Ponce seconded. Upon roll call, the motion carried unanimously.

NEW BUSINESS

Defeated School Budget - Mayor Barbagallo indicated the school had contacted him requesting an informal meeting. Mr. Brislin stated that a line by line recommendation needed to be done before the deadline in three weeks. Mr. Teufert recommended the next Township Committee Meeting be a joint meeting with the School Board. Mr. Brislin felt a meeting should take place next week. He also suggested the committee seriously consider hiring the municipal auditor as was done in 1996. Mayor Barbagallo disagreed, stating it would be a waste of money. Mr. Teufert motioned to hire the auditor to review the budget. Mr. Brislin seconded, and the motion carried with a majority roll call vote, Mr. Ponce and Mayor Barbagallo voting no.

After a discussion among the committee, Mr. Brislin motioned to have a meeting with the School Board any day during the week before, and a joint public meeting of the Township Committee and the School Board on Monday, May 3, at 7:00 p.m. if they are available. Mr. Teufert seconded. Mayor Barbagallo indicated a motion was not necessary.

Mr. Brislin motioned to add under New Business a request regarding Meet the Candidates Night. Mr. Teufert seconded, and the motion carried with all in favor. He continued with a request that use of the Township meeting room by the Republican Club for their Meet the Candidates Night at 7:00 p.m. on June 2nd be permitted. Attorney Garofalo advised the committee that under the law, political activity is not supposed to go on in a municipal building. Mr. Teufert asked Mr. Garofalo what was the worst that could happen. Mr. Garofalo replied there could be complaints. Upon roll call vote, permission was granted by a majority, with Mayor Barbagallo abstaining.

UNFINISHED BUSINESS

Mr. Brislin suggested Salary Ordinance under Unfinished Business be postponed to later in the agenda, and also suggested that the three Scarinci & Hollenbeck invoices pulled from the Bills List at the April 13, 2010 Regular Meeting of the Committee be added for discussion.

Mr. Brislin indicated that he had spoken with three of the attorneys involved and is satisfied that the bills be paid. Mr. Brislin motioned that the committee pay those three invoices. Mr. Teufert seconded with discussion. He indicated he had a problem with the charges for the bankruptcy proceeding because the bills were submitted after the firm had been told to stop, and the committee never made the decision to continue. He added that they were proceeding under the Mayor's direction and the committee didn't know why. Mayor Barbagallo responded that he has kept the committee up to date on all conversations with the law firm. The motion carried with a majority roll call vote, Mr. Teufert voting no. Mr. Teufert stated that upon reading some of the documentation, it appears the attorneys have an idea of how to recover some of the Township's costs. He recommended not paying the bills until the committee is sure that is going to happen. Mayor Barbagallo stated the vote was already taken.

Salary Ordinance - After discussion among the committee and Mr. Garofalo, it was decided to go into executive session first and then return to take any action necessary.

CORRESPONDENCE

Community Corporation of Highpoint - Mayor Barbagallo read an email from Jim Roach, Operations Manager of Highpoint Country Club, to Committeeman Ponce regarding donation of an ice rink to the Township. Mr. Teufert suggested Recreation be in charge of what to do about it. **Jody Case-Kennedy** advised the committee that the rink was purchased for use by Highpoint but for a number of reasons it didn't work out, and it has been sitting in storage the past few years. The Recreation Committee will decide at their next meeting.

Skylands Cycling - requested the use of four miles on Route 23. Mr. Brislin motioned to grant permission to Skylands Cycling to utilize the four mile portion of Route 23 on May 1, 2010. Mr. Ponce seconded, and the motion carried with all in favor.

Thompson Creative - The committee approved the sign as designed for the Merusi-Youngman ballfield on Route 206.

State of New Jersey Department of Labor - Regarding an employee working under the State shared-wage program, the committee approved four weeks to six months employment.

PUBLIC PARTICIPATION

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

Rhodi Teufert stated she did not want to be identified as Committeeman Teufert's wife. She wanted to know why the PTA from the Montague School was denied permission by the former Clerk to advertise their Tricky Tray on the front sign this year when they had been allowed to do so in the past. Mayor Barbagallo told Mrs. Teufert that Richard Clauberg, who maintains the sign, was ill during the early part of this year and that could have been the reason.

Toni-Lu Martin said she would like to be heard in executive session. She asked if the town needed to contact the State in order for Joe Cooper, the Township's lawn maintenance contractor, to do some work around the 'Welcome to Montague' signs free of charge. Mayor Barbagallo told her it did not.

With no other member of the public wishing to speak, Mr. Brislin motioned to close to the public. Mr. Teufert seconded and the motion carried.

Mayor Barbagallo announced the committee would enter executive session after a ten minute break to discuss litigation regarding New Myrtle Drive, after which action will be taken.

RESOLUTION

R 2010-43

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 litigation/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.

EILEEN DEFABIIS, RMC Municipal Clerk

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

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

Mr. Brislin made a motion to advise Frank Kapusinski, Esq. to send the letter to Mr. Fiore as he has recommended. Mr. Zitone seconded, and the motion carried with a unanimous roll call vote.

Mr. Brislin made a motion to reappoint Jody Case-Kennedy to the Plan Endorsement Committee. Mr. Teufert seconded, and the motion carried with all in favor.

Mayor Barbagallo informed the public that the Township received a congratulations letter from the State that the Township has met the Smart Growth criteria. Mr. Plotsky of the Land Use Board sent a letter of appreciation.

Mr. Teufert made a motion that Tom Segreto prepare an ordinance so the town can accept New Myrtle Drive formally. A discussion ensued and there was no second. Mayor Barbagallo motioned to contact Mr. Segreto to have him address the public either in person or by conference call. Mr. Ponce seconded, and the motion carried with a unanimous roll call vote.

Mr. Brislin suggested setting a date at which the auditor would become involved with the school budget if the committee felt it was needed. Mr. Teufert suggested waiting until after the meeting with the School Board. A discussion ensued among the committee and Mr. Garofalo regarding the feasibility of line by line examination and the recommendation of areas to be cut. Mr. Zitone motioned that if the committee cannot come to an agreement with the School Board within a reasonable time, Judith Tutela, CPA be contacted to provide auditing services. The motion carried with a majority roll call vote, with Mayor Barbagallo voting no.

The Clerk was asked to set up and advertise the meeting between the Township Committee and the School Board.

Louanne Cular stated that if the Township's attorney was to address the public regarding the New Myrtle Drive law suit, then their attorney would be present as well. She asked to be informed of when this will take place. Ms. Cular also referred to a letter she had received which stated in it that advice was given by the Clerk's office to a man stating he would need a variance. Ms. Cular asked who the Clerk received her information from.

Mayor Barbagallo replied, from me. It was about to sell there, or to build there, and he didn't know there was a foundation there. He should have had a variance before he did the foundation.

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

Respectfully Submitted:

EILEEN DEFABIIS, RMC
Municipal Clerk