

Approved: July 27, 2010

**MONTAGUE TOWNSHIP COMMITTEE MEETING**

**July 13, 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:** Clerk DeFabiis was asked to call the roll.

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

**Absent:** None

**PUBLIC PARTICIPATION REGARDING AGENDA ITEMS**

No member of the public wished to speak regarding agenda items.

**MINUTES**

Mr. Brislin motioned to approve the minutes of the June 29, 2010 Regular Session. Mr. Zitone seconded, and the motion carried with a majority roll call vote, Mr. Teufert abstaining.

**PAYMENT OF VOUCHERS**

Mr. Brislin motioned to approve the payment of vouchers. Mr. Zitone seconded. Mr. Teufert asked that the vote be tabled because of the next item on the agenda. Mayor Barbagallo stated payment of the vouchers would be returned to after the Resolutions.

**RESOLUTIONS**

**R 2010-71 RESOLUTION AUTHORIZING TAX ANTICIPATION NOTES**

Mayor Barbagallo explained that the Township has not been able to issue tax bills, and has been informed there is not enough in cash reserves to pay the July payment for the school, nor any funds to make payments until August because of the delay on the County level. Therefore, CFO Gail Magura suggested tax anticipation notes be issued. Because the amount accompanied no breakdown, it was decided among the Committee to hold off on this until Ms. Magura could be reached for clarification.

**R 2010-72 RESOLUTION AUTHORIZING AN EXTENSION OF LIQUOR LICENSE TO A BANKRUPTCY TRUSTEE**

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

**R 2010-73 AUTHORIZATION TO CANCEL TOWNSHIP TAX SALE CERTIFICATES**

Mr. Brislin then motioned to approve the Resolution. Mr. Teufert seconded, and the motion carried with a unanimous roll call vote.

**ORDINANCES** (Second Reading)

2010-10 AN ORDINANCE TO AMEND CHAPTER 54B OF THE CODE OF THE TOWNSHIP OF MONTAGUE, ENTITLED "RENTAL PROPERTIES REGISTRATION, LICENSING AND INSPECTION"

Mr. Brislin motioned to adopt the ordinance. Mr. Ponce seconded. Mr. Brislin motioned to open to the public. Mr. Teufert seconded. With no one wishing to speak, Mr. Brislin motioned to close to the public. Mr. Ponce seconded. Mr. Teufert asked the purpose of this revision. Mayor Barbagallo answered there would be a one time registration fee and a thorough inspection upon change in occupancy. Mr. Teufert suggested looking at the ordinances because he thought there was another ordinance obligating the township to do more inspections yearly. Mr. Garofalo to look into that. Upon roll call, the motion carried with a majority, Mr. Zitone voting no.

## **CORRESPONDENCE**

Division of Taxation – Mayor Barbagallo indicated this was a confirmation that Montague Township’s tax maps are now at the State level for review and formal certification. He added that in Wantage it took a full year to get their tax maps back from the State. Mr. Garofalo stated it could take even longer.

Sussex County Board of Taxation – Communication advising that Montague Township will not be receiving tax information until August.

## **UNFINISHED BUSINESS**

Volunteer of the Year – Mr. Brislin motioned to recognize Joe Lashendock as the male Volunteer of the Year because of his volunteer work on the County level. Mr. Teufert seconded, and the motion carried with a unanimous roll call vote.

Vacating a portion of Red Hill Road – Under the advice of counsel, the committee considered re-doing the ordinance since a deed had never been recorded, and could not be recorded without the adoption advertisement, dating back to 1977, which cannot be located. Call to be made to The Conservatory, the property owner, to determine their position.

KSM Engineering – Mr. Zitone indicated he had spoken with Mike O’Krepky, township engineer, who said he would stay on and finish the Heliport and Bierskill projects, but if the township wanted to hire another engineer he would have no problem with that, and he would resign. Mr. Zitone felt it would be in the best interest of the town if he did stay on with those two projects. Mayor Barbagallo said he hadn’t heard from Mr. McGowan of the Bridge Commission, but had spoken with Carl of Earth-Tec, who said McGowan is pleased with how the project is progressing. The Mayor to contact Mr. McGowan for confirmation. Mayor Barbagallo wanted the public to be aware that the change orders ran approximately \$100,000 over and specs submitted included the words for ‘Montague Day,’ which was a problem. Mr. Zitone suggested that now is the time to solicit quotes from other engineers for 2011. After much discussion among the Committee regarding performance/non performance, the feasibility of switching engineers midstream, and potential financial ramifications, Mr. Ponce motioned to continue with KSM on the projects in progress, and if there are any problems at all, his services will be terminated. Mr. Teufert seconded, and upon roll call the motion carried with a majority vote, Mr. Brislin voting no. Mayor Barbagallo assigned the monitoring to Mr. Ponce.

Economic Development Commission - Mr. Brislin made a motion to appoint Mary Morell of Sussex Bank to the committee for the purpose of drafting an Ordinance to revive the Economic Development Commission or an Economic Development Committee. Mr. Teufert seconded, and the motion carried with all in favor.

Tennessee Pipeline – Mayor Barbagallo explained that they have asked for use of the Municipal Building on September 13, 2010 for an informational meeting about their presence in town. Permission was granted.

## **REPORTS**

DPW – Dave Berhman reported there was a problem with the transmission with the New Holland backhoe and asked the committee how to proceed. He felt it was not worth repairing. After further discussion among the Committee, Mr. Ponce made a motion to put an ad in to bid on a used backhoe equivalent to a 420E. Mr. Teufert seconded, and the motion carried with a unanimous roll call vote.

Mayor Barbagallo announced the Committee would return to Payment of Vouchers and the Resolution Authorizing Tax Anticipation notes. Clerk DeFabiis stated she was told by CFO Gail Magura there is \$110,000 in operating expenses. In order to pay the school \$445,000 per month for the months of July and August, and also September since the tax bills won’t be going out until the end of August, the tax anticipation notes will be needed. The Clerk added that Ms. Magura assured her that as soon as the tax revenues are received, operating expenses, County taxes, and payroll would be covered.

Mr. Brislin motioned to approve Resolution 2010-71. Mr. Zitone seconded, and the motion carried with a unanimous roll call vote.

Mr. Brislin motioned to approve the payment of vouchers pending receipt of \$1.7 million. Mr. Teufert seconded, and the motion carried with a unanimous roll call vote.

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## **REPORTS**

Tax Collector - Month of June: \$141,301.00 Year to Date: \$4,087,330

Recreation - Meg Snyder announced that adult softball will now be held every Sunday instead of every other Sunday at the Route 206 ball field. Miss Montague Pageant to take place at 1:00 Saturday at the Firehouse.

Construction - Report acknowledged.

## **PUBLIC PARTICIPATION**

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

**Mark Krebs** stated he had been asked by Mr. Brislin in the beginning of the year to look over two ordinances regarding the Economic Development Commission, and had submitted a draft for review. Voicing displeasure, he added that he has heard nothing except that seven people were appointed to do just that.

**Jordan Denner**, Vice President, Community Corporation of Highpoint, urged the Committee to contact bankruptcy Trustee Wasserman to enter into a maintenance agreement for the now deteriorated golf course. Mr. Zitone stated some Committee members had written letters to the Court about having the course taken over, and was told by Community Corp. that it was none of their business. Mr. Denner replied that having read the minutes of that meeting and the letters of Mr. Zitone, Mr. Brislin and a committee member no longer in office, he felt it was those letters that supported a plan for Community Corp. to take over the golf course which legally could not be done, adding that those actions were irresponsible and ludicrous to suggest a non-profit corporation enter into a fiduciary relationship to take over a for-profit corporation. After further discussion, Mr. Brislin motioned to send written communication urging Mr. Wasserman to enter into a maintenance agreement for the golf course, with a copy to the Judge. Mr. Zitone seconded, and the motion carried with a unanimous roll call vote.

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

Mr. Brislin mentioned an email from Special Counsel, regarding New Myrtle Drive, requesting authorization to release a letter to counsel for the Plaintiffs. He motioned to authorize the Clerk to contact the attorney to release the letter as soon as possible. Mr. Teufert seconded, and the motion carried with a unanimous roll call vote.

Mr. Brislin requested a special executive session to discuss personnel. Mr. Garofalo stated a Rice Notice needed to be sent. Mayor Barbagallo motioned to authorize the Clerk to send a Rice Notice to the individual for discussion at the next meeting. Mr. Brislin seconded, and the motion carried with a unanimous roll call vote.

## **ADJOURN**

Mr. Brislin motioned to adjourn. Mayor Barbagallo seconded.

Mayor Barbagallo asked for support in working with the federal government to exchange land so the Township can own the ball fields on Route 206.

The motion to adjourn carried with all in favor.

Respectfully Submitted:

**Eileen DeFabiis, RMC**  
**Municipal Clerk**