

DOWNE TOWNSHIP COMMITTEE
REGULAR MEETING
JUNE 9, 2014
7:00 P.M.

The Downe Township Committee met in the Meeting Room of the Municipal Complex on Monday, June 9, 2014 at 7:00 p.m. Mayor Robert G. Campbell presided. Committee members present were Larry Jordan, Sr., Christine Wilford, Dennis Cook (Deputy Mayor) and Edward Bart. Municipal Solicitor, John Carr, was also present and Nadine Lockley, Deputy Municipal Clerk was in attendance for Constance S. Garton, Municipal Clerk, who was absent.

CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE / STATEMENT
REGARDING COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT

Mayor Campbell called the meeting to order; led the Pledge of Allegiance and read the Open Public Meetings Act Statement.

ROLL CALL

Present – Bart, Cook, Wilford, Jordan, Campbell
Absent – 0

Mayor Campbell announced that there was going to be some changes in the sequence of the agenda.

HORSESHOE CRAB FESTIVAL RECOGNITION / PETITION

Deputy Mayor Cook spoke about what a spectacular event the Horseshoe Crab Festival was on May 31 in Downe Township. He thanked and recognized all those who helped make the event a success; special recognition was given to Kary Wilson the event leader who was presented with flowers. Ms. Wilson thanked everyone who helped out and supported the event, she was very proud to be part of it. A video of the event was made by Michael Oates and can be found at downefunday.com.

Sandy Boland was present representing the community group at Gandy's Beach. She presented the Township Committee with a petition to *Create A Horseshoe Crab Sanctuary In Gandy's Beach And Protect Our Beach*.

PUBLIC COMMENT ON RESOLUTIONS

A motion was made by Cook and seconded by Wilford to open the meeting for comments on the following resolutions.

Vote: All in favor

- R-66-2014 *Authorizing The Installation Of Signs On A Portion Of The Beaches Of Gandy's Beach And Money Island To Encourage Awareness And Conservation Of The Horseshoe Crab*
- R-69-2014 *Pursuant To N.J.S.A. 40A:11-36 Authorizing Terms Related To The Advertisement And Sale Of Personal Property No Longer Needed For Public Use Within The Township Of Downe*
- R-70-2014 *Accepting Offers For Excess And Unneeded Personal Property Between The Buyers And Downe Township With Regard To The Public Auction*

There being no comments from the public, the segment was closed on a motion by Wilford and seconded by Cook.

Vote: All in favor

RESOLUTIONS

A motion was made by Cook and seconded by Wilford to adopt Resolution No. R-66-2014 *Authorizing the Installation Of Signs On a Portion Of The Beaches Of Gandy's Beach And Money Island To Encourage Awareness And Conservation Of The Horseshoe Crab.*

Vote: All in favor

A motion was made by Jordan and seconded by Wilford to adopt Resolution No. R-69-2014 *Pursuant To N.J.S.A. 40A:11-36 Authorizing Terms Related To The Advertisement And Sale Of Personal Property No Longer Needed For Public Use Within The Township Of Downe.*

Vote: All in favor

PUBLIC AUCTION FOR THE SALE OF PERSONAL PROPERTY – EQUIPMENT

Solicitor Carr advised that a Public Notice concerning the Auction for the Sale of Personal Property appeared in the designated newspaper on May 28, 2014 and he explained the terms and conditions. Solicitor Car conducted the auction and received the below listed bids.

20 hp Agway Mower	\$ 45.00	Kevin Nocon
1992 Ford Van Ambulance	\$3,500.00	Ted Riley
1985 Ford Dump Truck	\$1,100.00	Ron Bauer

RESOLUTION

A motion was made by Wilford and seconded by Jordan to adopt Resolution No. R-70-2014 *Accepting Offers For Excess And Unneeded Personal Property Between The Buyers And Downe Township With Regard To The Public Auction.*

Vote: All in favor

DEPARTMENTAL REPORT

Ron Bauer, Newport, asked if this pertains to someone setting up a table at the Horseshoe Crab Festival. Mayor Campbell responded that folks setting up at the festival paid for the space and this ordinance is exempting the requirement of a vendor's license at township sponsored events.

Sheldon Pepper, Dividing Creek, asked if this exempted someone from obtaining a license or just paying the fee. Mayor Campbell responded that a space fee will be required. Kary Wilson clarified what was done for the Horseshoe Crab Festival.

Annette Perry, Money Island, asked for the definition of traveling vendor and asked if this applies to produce stands. Mayor Campbell responded that produce stands are exempt and than an example of a traveling vendor would be a hot dog cart. Mrs. Perry asked about someone knocking on your door. Solicitor Carr informed her a license would be required.

Solicitor Carr clarified that the hearing pertains only the exemption of a license in concert with Township sponsored events, period.

There being no further comments, the Public Hearing was closed on a motion by Wilford and seconded by Cook.

Vote: All in favor

A motion was made by Bart and seconded by Cook to adopt the aforementioned Ordinance No. 3-2014 on second reading.

Roll Call: Aye - Bart, Cook, Wilford, Jordan, Campbell
Nay - 0

PUBLIC COMMENT ON RESOLUTIONS

A motion was made by Cook and seconded by Wilford to open the meeting to the public for comment on the following resolutions.

Vote: All in favor

- R-65-2014 *Authorizing The Payment Of Bills*
- R-67-2014 *Authorizing The Completion, Execution And Submission Of An Application For Exemption From Requirement To Appoint A Principal Public Works Manager*
- R-68-2014 *Authorizing The Submission Of A Superstorm Sandy Disaster Relief Grant For Historic Properties Application*

Kathy Ryan, Fortescue, asked for an explanation of R-68-2014. Mayor Campbell responded that the Grant is for Superstorm Sandy Historic Properties, public and commercial and its to help the Charlesworth. A designation by the State has to be obtained and it is a very extensive process. Even though it does not meet the criteria of being 200 years old, it is significant to this Township and has historic value. Mayor Campbell is optimistic about the grant.

Bernie Sayers, Newport, didn't see any listing on the Bill List for insurance for the Horseshoe Crab Festival and asked how it was covered. Mayor Campbell responded that everyone had to present riders and asked Kary Wilson to elaborate. Ms. Wilson informed him that the Township sponsored event was covered under the Municipal Joint Insurance Fund and a Certificate of Insurance was presented to the landowner. Mr. Sayers, while complimentary of the event, conveyed that he and his daughter detected exposed rusty rebar located in the area where guests, vendors, etc. roamed. Someone mentioned that it is private property. Mr. Sayers stated that he's a realist and his point is that if someone rams rebar through their foot it's going to ruin the image of the festival. Mayor Campbell agreed and thanked Mr. Sayers for reporting the concern to Township officials.

Kathy Ryan, Fortescue, asked if there are any programs for dune grass. Committeeman Bart and Mayor Campbell responded that there is some inclusion for such in grants being applied for.

There being no further comments from the public, a motion was made by Wilford and seconded by Cook to close the segment.

Vote: All in favor

RESOLUTIONS

A motion was made by Bart and seconded by Wilford to adopt Resolution No. R-65-2014 *Authorizing The Payment Of Bills* totaling \$281,055.54.

Vote: All in favor

A motion was made by Jordan and seconded by Cook to adopt Resolution No. R-67-2014 *Authorizing The Completion, Execution And Submission Of An Application For Exemption From Requirement To Appoint A Principal Public Works Manager.*

Vote: All in favor

ORDINANCES

A motion was made by Cook and seconded by Wilford to introduce on first reading Ordinance No. 4-2014 entitled *AN ORDINANCE REGARDING GAMES OF CHANCE FOR DOWNE TOWNSHIP AND REPEALING ORDINANCE 87.3A ENTITLED "AN ORDINANCE ADOPTING 'BINGO LICENSING LAW' P.L. 1954 C.6 P. 32 IN THE TOWNSHIP OF DOWNE, COUNTY OF CUMBERLAND AND STATE OF NEW JERSEY"*. A public hearing will be held at the next meeting, July 7, 2014 at 7:00 p.m. in the Meeting Room of the Municipal Complex, 288 Main Road, Newport, NJ 08345.

Roll Call: Aye – Bart, Cook, Jordan, Wilford, Campbell

Nay - 0

A motion was made by Cook and seconded by Jordan to introduce on first reading Ordinance No. 5-2014 entitled *AN ORDINANCE ESTABLISHING SALARIES AND WAGES FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF DOWNE*

FOR THE YEAR 2014. A public hearing will be held at the next meeting, July 7, 2014 at 7:00 p.m. in the Meeting Room of the Municipal Complex, 288 Main Road Newport, NJ 08345.

Roll Call: Aye – Bart, Cook, Jordan, Wilford, Campbell
Nay - 0

PUBLIC COMMENT ON RESOLUTION

A motion was made by Cook and seconded by Wilford to open the meeting to the public for comment on Resolution No. R-71-2014

Vote: All in favor

Mayor Campbell explained that this resolution authorizes the Municipal Solicitor, the Township Committee, the Municipal Engineer to take whatever actions are necessary to represent specific homeowners because right now the Cumberland County Health Department is not inclined to deal with the matter in bulk. It gives the ability to do what the aforementioned needs to do to represent the residents.

Bernie Sayers, Newport, asked what the number of the resolution is and asked for it to be explained further. Mayor Campbell responded Resolution No. R-71-2014 and asked Solicitor Carr to elaborate. He said that it pertains to allegations at the beach communities, in that he reached out to the Cumberland County Health Department for information. He asked for raw data to support the allegations. The attorney for the Health Department advised Solicitor Carr that if he represented individuals separately that meetings could be set up individually, but they were not interested in providing a bulk package. The purpose of the resolution is to put it in front of the attorney for the Health Department and hope to get cooperation. It also authorizes the Township Engineer to sift through whatever information may come in. Mr. Sayers stated that the list of properties included with the letter Solicitor Carr sent to residents is a violation of privacy. Solicitor Carr informed him that it wasn't raised as an objection. Deputy Mayor Cook stated that it was with the permission of each landowner.

Patricia Pew, Money Island, stated that she was blindsided by the letter and is very angry. Comments were exchanged between Ms. Pew and Mayor Campbell. She asked when the letter was discussed by the Township Committee. She was unaware of it and doesn't want the Township Committee acting in her behalf; it's a private matter. She wants an apology sent to the Cumberland County Health Department about the letter with the list that included her name on it and an apology to her. Mayor Campbell informed her that she can opt out. She said she never opted in. Committee Bart said that if she doesn't want to be helped the Township Committee will not help her. Mayor Campbell told Ms. Pew her position was noted and that she would receive the apologies requested.

Marie Ashman, Gandy's Beach, stated that she appreciates anything and everything the Township Committee can do to help; put her name on any list. Mayor Campbell stated that that is the intention and a full contact list is being compiled so that

everyone is fully informed. Mayor Campbell advised that the DEP was out this weekend with boats regarding the allegations by the Cumberland County Health Department.

George Boland, Gandy's Beach, stated that he stands behind everything the Township Committee is doing. The problem stems from the County Health Department changing the regulations and when someone calls to have their tank pumped and it fails, the company reports it to the County Health Department. So, if someone has a problem so does everybody else. The DEP was out on Saturday at 6:00 a.m. taking water samples. Mr. Boland stated that the Township Committee has got to help and Mayor Campbell responded that is what we're trying to do.

There being no further comments, the segment was closed on a motion by Cook and seconded by Wilford.

Vote: All in favor

CFO SALARY INCREASE

Mayor Campbell requested that the Chief Financial Officer be given a salary increase of \$5,000.00 retroactive to June 1, 2014 given the workload and number of hours she devotes to the position – nights, weekends and holidays. Further, given the storms, the grant work has been very complicated and time consuming. Deputy Mayor Cook stated that it is essential and moved to support the increase. Committeeman Jordan felt the matter should be tabled for discussion in an Executive Session. Committee members Bart and Wilford agreed that more information was needed. The motion died for lack of a second. The matter will be discussed during an Executive Session and Chief Financial Officer, Jenafer Hernandez, will be noticed as required regarding the matter.

COMMITTEE REPORTS

Mayor Campbell reported that Comcast will be making some channel changes; Resolution 2014-47 was received from Commercial Township opposing the relocation of the Cumberland County Library and Atlantic City Electric has made application for a multi-permit for power line rights-of-way vegetative and structural maintenance, rebuilds and upgrades.

Deputy Mayor Cook announced that Kary Wilson, Chairperson of the Recreation Committee, has put forth a nice flyer listing upcoming events such as the Gardenscape Contest, Back Home Day and the Kids Kayak-Canoe Outing. He thanked her and other members of the Recreation Committee for doing such a nice job.

Committeeman Bart thanked those involved with the Horseshoe Crab Festival, everyone did a nice job.

Committeewoman Wilford reported that the Township Committee is moving forward with the sale of two Township owned properties as discussed earlier and an alley is also being considered. A list of remaining properties is still being reviewed.

Committeeman Jordan reported that he met with Mayor Moore of Commercial Township regarding the increase Commercial is proposing for the Joint Municipal Court. He is also looking into other options and will have some information to share with the Township Committee next month. Committeeman Jordan added that the Public Works Department has received some questions about maintaining Kutney Lane and Birches Lane. He feels the Township Committee should have this researched so that it can make a decision once and for all. Mayor Campbell added that it's been discussed many times previously.

PUBLIC COMMENT

On a motion by Cook and seconded by Wilford, the meeting was opened to the public for comment.

Vote: All in favor

Nancy Hartem, Dividing Creek, asked about the status of the matter referred to the Township Committee from the Planning Board six months ago regarding animals and livestock. Solicitor Carr recalled that he included it in a prior monthly report. Mayor Campbell apologized and requested that the recommendation from the Planning Board regarding the ordinance amendment be provided to the Township Committee again and reflected on the July Meeting Agenda for action. Mayor Campbell stated that he has been in touch with Scott Burnley, the Zoning Enforcement Official, regarding the enforcement aspect.

Patricia Pew, Money Island, asked about the status of the Comcast matter and if cable for everyone is still being pursued. Solicitor Carr reported that the matter has been pending for at least a year and there is currently no outstanding demand for the Township. Solicitor Carr agreed to check on the status and report back. Mayor Campbell added that the Township has provided any information that has been requested from a marketing standpoint; there is no franchise agreement currently in place and the Township just wants Comcast to build us out. He also advised that there has been communications with South Jersey Gas. Ms. Pew asked where the big pile of wood came from and who piled it there? Deputy Mayor Cook responded Hurricane Sandy; Mayor Campbell said that it may be a bridge deck that came loose from somewhere. A contractor was supposed to have picked all that up and must have missed it. Ms. Pew said that the Township Committee is supportive of those rebuilding after Hurricane Sandy and she hopes that there is equal support for anyone offered a Blue Acres Buyout. Mayor Campbell responded that he is not supportive of the buyouts. Of 900 applications, 107 closed. He feels that the chances for buyouts in South Jersey are slim to none from ever happening. Ms. Pew talked about neglect by the Township for the past 20 or 30 years relative to her property and she has been paying her taxes for 20 years. Mayor Campbell informed her of the efforts to build a bulkhead for half a million dollars; Ms. Pew said she wants dunes. The Mayor said that dunes come with the bulkhead. The reason the bulkhead has come to a halt is the Cumberland County Health Department. Relative to a buyout, Committeeman Jordan said that he will sign to let her out if she wants out that bad. Deputy Mayor Cook said he is against anyone stealing property and there needs to be a fair and just process. Committeeman Bart doesn't think she will get a

buyout. He asked what her house would be worth with the bulkhead, dunes and sewer system. She said nothing. She had her house listed and there were three showings where no one could get to her house.

Bernie Sayers, Newport, asked for a clarification of the letter that Solicitor Carr wrote to the residents concerning the Board of Health and asked when the Township Committee authorized the Township Solicitor to send the letter. Mayor Campbell stated that he may have asked Solicitor Carr to send a letter to the affected residents during a telephone call. Mr. Sayers stated that there is a division in the Township; Mayor Campbell disagreed. Mr. Sayers stated that he wanted the Mayor to understand that he is acting outside the law. Committeeman Jordan recalled that during an Executive Session a couple months ago the matter was discussed, before the Cumberland County Health Department sent letters out. At that time, the Township Committee agreed it should do whatever it takes to help the residents.

Doug Cook, Fortescue, reminded Mr. Sayers that he missed two meetings and this very well could have been discussed when he was not in attendance.

Bernie Sayers, Newport, reiterated that in his opinion Mayor Campbell acted outside of the law. Mayor Campbell informed Mr. Sayers that he already said that and asked if he had any further comments to which Mr. Sayers said no.

There being no further comments, the public segment was closed on a motion by Cook and seconded by Wilford.

Vote: All in favor

NEXT MEETING

The next meeting of the Downe Township Committee will be held on Monday, July 7, 2014 at 7:00 p.m. in the Meeting Room of the Municipal Complex.

ADJOURNMENT

There being no further business, the meeting was adjourned on a motion by Wilford and seconded by Jordan.

Vote: All in favor

Constance S. Garton
Municipal Clerk