

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

The Downe Township Committee met in the Meeting Room of the Municipal Complex on Monday, July 7, 2014 at 7:00 p.m. Mayor Robert G. Campbell presided. Committee members present were Larry Jordan, Sr., Dennis Cook (Deputy Mayor) and Edward Bart; Christine Wilford was absent. Municipal Solicitor, John Carr, was also present.

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 – Jordan, Cook, Bart, Campbell  
Absent – Wilford

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

A motion was made by Cook and seconded by Bart to approve the Regular and Executive Session Meeting Minutes of May 5, 2014 and the Regular Meeting Minutes of June 9, 2014.

Vote: All in favor

UNFINISHED BUSINESS

The Township Committee again discussed correspondence from the Planning Board wherein it recommended an amendment to the Development Ordinance concerning the *Keeping of Animals and Livestock and Land Use Activities Involving Animals*. The Township Committee agreed to introduce the Amending Ordinance next month after Solicitor Carr converses with the Planning Board Solicitor to confirm that there are no additional revisions given the lapse of time for action on this matter between January 2014 when the recommendation was initially received and now.

DEPARTMENTAL REPORTS

The Township Committee acknowledged the receipt of the following reports:

- |                           |      |      |
|---------------------------|------|------|
| • Tax Collector           | May  | 2014 |
| • Chief Financial Officer | May  | 2014 |
| • Housing/Zoning Officer  | June | 2014 |

## MUNICIPAL SOLICITOR'S REPORT

Solicitor Carr reported on the following topics: Pending Planning Board recommendation regarding an amendment to the keeping of animals and livestock ordinance; Resolution R-71-2014; and the receipt of 36 or 37 authorizations from the beach communities. Solicitor Carr stated that he also had a couple items for discussion in Executive Session.

## PUBLIC HEARINGS

Mayor Campbell introduced Mark Blauer, Consultant and Project Coordinator for the 2012 Small Cities Community Development Block Grant Program for Home Rehabilitation. Mr. Blauer reviewed program performance and the status of activities. A motion was made by Cook and seconded by Jordan to open the Public Hearing.  
Vote: All in favor

Deputy Mayor Cook stated that this is a confidential Program in that recipients are not publicized. He's supported this Program for a number of years.

David Pflueger, Money Island, expressed concern about confidentiality in that he feels as a taxpayer that this is part of his money and everyone else's; he should know who the recipients are.

Karen Smith, Raybins Beach, stated that she likes the Program; it's helping people maintain their homes which is helping her value.

Committeeman Bart stated that there is an income threshold. Mr. Bauer confirmed this and spoke about low and moderate income for Cumberland County.

Bernie Sayers, Newport, asked where the \$200,000 comes from. Mr. Blauer responded the U.S. Department of Housing and Urban Development; they give a grant each year to the State of New Jersey and the Department of Community Affairs distributes funding awards to eligible applicants. Mr. Sayers asked how much the Consultant gets paid. Mr. Blauer responded about \$18,000 over a two year period which comes partially from the \$200,000 and partially from the Township's match of 5% equaling \$10,000.

David Raudenbush, Foretescue, stated that it's a good Program, but there are a lot of poor folks that don't know about it. Mr. Blauer stated that some towns piggy back a notification w/tax bills.

Mehgan Wren, Money Island, stated that it's a critically important Program. She relayed two concerns she became aware of concerning the large amount paid to the Consultant in comparison to the grant amount and the award of bids to the lowest responsible contractor; she apologized for relaying second hand information. Mr. Blauer responded that he is very consistent in administering the rules of the Program as he

understands them. He is not going to skip over lower responsible bidders for high bidders because he can not defend that to the public. Mayor Campbell said that the Township has offered this Program for many years with very few complaints.

Mr. Blauer informed the Township Committee that if it decides to apply for another round of funding, a mandatory Program Training must be attended.

There being no further comments, a motion was made by Jordan and seconded by Cook to close the Public Hearing.

Vote: All in favor

A motion was made by Jordan and seconded by Cook to allow Mr. Blauer to attend the mandatory Program Training in behalf of the Township for the next round of funding and to schedule the required Public Hearing for the next Meeting, August 4, 2014 relative to an application for another round of funding.

Vote: All in favor

A motion was made by Cook and seconded by Jordan to open the Public Hearing on 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 ET SEQ IN THE TOWNSHIP OF DOWNE, COUNTY OF CUMBERLAND AND STATE OF NEW JERSEY"*

Vote: All in favor

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

Vote: All in favor

A motion was made by Cook and seconded by Jordan to adopt the aforementioned Ordinance No. 4-2014 on second reading.

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

Nay – 0

A motion was made by Cook and seconded by Jordan to open the Public Hearing on 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.*

Vote: All in favor

Bernie Sayers, Newport, asked why there's a 0.30 some cents difference between a Convenience Center Worker I and II. Mayor Campbell responded that there are different levels of responsibility between the two and he offered to check further if necessary.

A lady asked why the Municipal Clerk is being paid \$45,000. Is she working more hours? Mayor Campbell informed her that is the top of the range for that position. If we needed a full-time Clerk, that would be the top of the range. We have a part-time Clerk so she is paid at the lower end of the range.

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

Vote: All in favor

A motion was made by Jordan and seconded by Cook to adopt the aforementioned Ordinance No. 5-2014 on second reading.

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

#### PUBLIC COMMENT ON RESOLUTIONS

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

Vote: All in favor

- R-72-2014 *Authorizing The Payment Of Bills*
- R-73-2014 *Approving The TWA-1 Form For The State Of New Jersey, Department Of Environmental Protection, Division Of Water Quality Relative To Patricia Lummis At 256 Cove Road, Gandy's Beach, Downe Township Known As Block 1, Lot 29*
- R-74-2014 *Pursuant To N.J.S.A. 4-A:12-13 Authorizing Terms Related To The Advertisement And Sale Of Real Property No Longer Needed For Public Use Situate Within The Township Of Downe*
- R-75-2014 *Adoption Of 2014 Municipal Budget*

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

Vote: All in favor

#### RESOLUTIONS

A motion was made by Cook and seconded by Bart to adopt Resolution No. R-72-2014 *Authorizing the Payment Of Bills* in the amount of \$144,405.94.

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

A motion was made by Cook and seconded by Jordan to adopt Resolution No. R-73-2014 *Approving The TWA-1 For For The State Of New Jersey, Department Of Environmental Protection, Division Of Water Quality Relative To Patricia Lummis At 256 Cove Road, Gandy's Beach, Downe Township Known As Block 1, Lot 29.*

Vote: All in favor

A motion was made by Cook and seconded by Jordan to adopt Resolution No. R-74-2014 *Pursuant To N.J.S.A. 40A:12-13 Authorizing Terms Related To The Advertisement And Sale Of Real Property No Longer Needed For Public Use Situate Within The Township Of Downe*. Solicitor Carr pointed out that a minimum bid price needed to be decided for insertion in the resolution. The Municipal Clerk informed the Township Committee that the Tax Assessor's opinion was to set the minimum bid at 20 – 25% of the assessed value. Mayor Campbell read the assessed values. The Township Committee decided to set the minimum bid price at \$1.00 for each property. The Auction will be held at 6:30 p.m. on August 4, 2014, prior to the next Regular Meeting.

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

A motion was made by Bart and seconded by Cook to adopt Resolution No. R-75-2014 *Adoption of 2014 Municipal Budget*.

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

Solicitor Carr stated that Resolution No. R-71-2014 was discussed at the last meeting, however, a motion to act was not made. A motion was made by Jordan and seconded by Bart to adopt the aforementioned Resolution No. R-71-2014.

Vote: All in favor

Mayor Campbell stated that Resolution No. R-77-2014 *Declaration Of General State Of Emergency, Downe Township, County Of Cumberland, State Of New Jersey For Hurricane Season 2014 Effective Immediately Through December 1, 2014* was added and explained its contents.

A motion was made by Cook and seconded by Bart to open the meeting for public comment on Resolution No. R-77-2014.

Vote: All in favor

Bernie Sayers, Newport, asked what the number of the resolution was. Mayor Campbell responded Resolution No. R-77-2014.

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

Vote: All in favor

A motion was made by Jordan and seconded by Cook to adopt the aforementioned Resolution No. R-77-2014.

Vote: All in favor

## COMMITTEE REPORTS

Mayor Campbell stated that he would forego his report to mention correspondence items under the next caption on the Agenda.

Deputy Mayor Cook stated that the Township survives on volunteerism and he thanked all the seniors who came together to wash and repair the blinds and window treatments in the Senior Center. Volunteers save the taxpayers money and Downe Township has strong participation and representation from all five villages that make up the Township. He announced the following events: 7<sup>th</sup> Annual GardenScape Contest, the deadline for registration is July 7, 2014 and Judging is July 10, 2014; Back Home Day is August 9, 2014, the Luncheon is 1:00 – 4:00 p.m.; Kid’s Kayak-Canoe Outing will be held on August 20, 2014 from 9:30 a.m. – 12:30 p.m. at Shaw’s Mill Pond and on August 27, 2014 from 9:30 a.m. – 12:30 p.m. at Union Lake.

Committeeman Bart reported about the disposal of televisions. The Cumberland County Improvement Authority will no longer take them for free; there is a charge. He suggested that the estimated \$4,000 that the Township gets for metal be used to off set the charges for the disposal of televisions for 2014 and continue to evaluate the matter. Harry Levenknight, Public Works Manager said that Best Buy will take televisions for disposal. Deputy Mayor Cook suggested that residents partake in the Cumberland County Hazardous Waste Day where items can be disposed of for free. Mayor Campbell stated that the costs of disposal will be talked about.

Committeeman Jordan had nothing further to report on.

## CORRESPONDENCE

Mayor Campbell announced that the following correspondence was received: Senator LoBiondo, Re: Hazardous Mitigation Assistance Grants; Cross Country Connection, Re: June Newsletter; Gibson Associates, PA, Re: Tidelands License Application for Gandy’s Beach Bank Stabilization Project; SJ Planning Organization, Re: Reconstitution of SJTPO Citizen’s Advisory Committee; Comcast, Re: Channel Changes; and South Jersey Gas, Re: 50 Yr. Renewed Consent for the Use of Streets. Mayor Campbell asked Solicitor Carr to use this as leverage to get gas out to Money Island and Gandy’s Beach. Solicitor Carr added that feedback is anticipated from Comcast in August.

## PUBLIC COMMENT

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

Vote: All in favor

David Raudenbush, Fortescue, asked about the status of Verizon coming to Downe Township with FIOS. He said that a technician told him that fiber optic lines run to Fortescue, then they are copper. Mayor Campbell said that it’s worth a call to Verizon to check.

Bernie Sayers, Newport, asked that the Comcast situation be explained again. Mayor Campbell responded that the Franchise Agreement ran out; it was a fifteen year

Agreement. Solicitor Carr confirmed that it's going on two (2) years and the extensions weren't met and Comcast said they didn't know where the Township wanted service extended to. The Township's position is that we're not interested in renewing the Franchise with the extensions not done and there has been an exchange about Comcast building out the Township. Comcast is considering the information the Township supplied regarding the areas which still do not have service. Mr. Sayers asked what happens legally if the Franchise Agreement is not renewed. Solicitor Carr responded that a hearing is held at the Board of Public Utilities where Comcast will demand the Agreement and the Township will make a fuss about the failure to extend service, then fact finders step in to see what's best. Mr. Sayers did not think that Gandy's Beach and Money Island had cable service and asked about Dividing Creek for which he was informed that some of Dividing Creek has service. Mayor Campbell said that Comcast keeps giving the Township homework and we've given them everything that they've asked for names, lists, maps, etc. Mr. Sayers asked if Sharp Lane is on the list. Mayor Campbell responded that Sharp Lane is on the list, but it will only go up to your property line. Mr. Sayers stated that Deputy Mayor Cook said that the Horseshoe Crab Festival didn't cost the Township any money; if that is the case, then why is \$1,500 worth of bills being paid? Deputy Mayor Cook responded that funds have been collected to offset the bills and that everything has to be turned into the Township and then paid out. The Chief Financial Officer is overseeing everything.

David Raudenbush, Fortescue, stated that Committeewoman Christine Wilford has been absent a lot and asked if she is getting paid and if her responsibilities are being met. Mayor Campbell responded that Committee members are allowed one absence, after that they do not get paid. Mr. Raudenbush stated that his friend wants to make an offer on a Township owned lot on Garrison Avenue. Mayor Campbell responded to write a letter expressing interest in the lot and make an offer.

Karen Smith, Raybin's Beach, said that she saw an article in The Press and Daily Journal on June 17 regarding an award of 4.75 million dollars, some of which was going for the restoration of roadway beach between Fortescue and Oyster Creek. She doesn't know where roadway beach is and wondered if this would include where she lives. Mayor Campbell stated that he is aware that funding is being received, but deferred the question to Meghan Wren who was in attendance who may have more information.

Meghan Wren, Money Island, responded that some of the funding Larry Niles applied for is being received and that it is for six (6) total beaches. Mayor Campbell stated that he will call Mr. Niles for more information.

Mary Pflueger, Money Island, asked about the status of the bulkhead. Mayor Campbell responded that this has been in the process for six (6) years. Most recently, the DEP has requested a letter from the Army Corp. of Engineers regarding maintenance once the bulkhead is built. We have the money and when the letter from the Army Corp. is received by the DEP, the project can be put out to bid. Mrs. Pflueger asked if this was only for Money Island or also Gandy's Beach. Mayor Campbell responded that that bulkhead is being changed from vinyl to steel and may go out to bid before Money Island which makes no sense. She asked if there was a possibility to bid the Money Island

Bulkhead Project out this year and Mr. Pflueger asked if there was any opposition to the Project. Mayor Campbell responded no.

Meghan Wren, Money Island, stated that she has been involved in coordinating the horseshoe crab effort in Fortescue and Gandy's Beach and the large rip rap traps the crabs. She doesn't want to slow anything down relative to the bulkhead projects, but asked if anything can be done. Mayor Campbell and Deputy Mayor Cook responded that they are aware of the problem and have been communicating the same to the DEP for two years; we don't want rip rap, we want sand.

Helen Siena, Dividing Creek, asked if anything could be done about abandoned properties, specifically at the corner of Dragston Road and Rt. 553. Trees are growing right into the house. Mayor Campbell responded that the Township is now able to go onto properties, clean them up and put a lien against the property. He said it is a big help when someone brings this to our attention like she did tonight. Ms. Sienna said that there is another house on Dragston Road also. These houses are dangerous. Mayor Campbell assured her that both would be looked into.

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, August 4, 2014 at 7:00 p.m. in the Meeting Room of the Municipal Complex.

#### EXECUTIVE SESSION

A motion was made by Cook and seconded by Jordan to adopt Resolution No. R-76-2014 *Authorizing Executive Session In Accordance With The Provisions Of The New Jersey Open Public Meetings Act – N.J.S.A. 10:4-12.*

Vote: All in favor

Solicitor Carr stated that the purpose of the Executive Session was to discuss an employment relationship issue, a contract negotiations issue and a collective bargaining issue. It was anticipated that formal action would be taken by the Township Committee when it returned to Open Session.

#### OPEN SESSION

A motion was made by Jordan and seconded by Cook to reopen the meeting to the public.

Vote: All in favor

Solicitor Carr stated that the matters discussed in Executive Session were the employment relationship with the Chief Financial Officer, who was present, contract

negotiations regarding MEL/JIF Superstorm Sandy Insurance Claim and Collective Bargaining Agreement regarding the Union Contract and one add on issue for which the Public Works Manager attended regarding the best way to remedy employee behavior in the context of disciplinary action, suspension, termination, etc.

On a motion by Cook and seconded by Jordan, Resolution No. R-78-2014 *Granting The Mayor And Municipal Clerk The Authority To Execute A "Superstorm Sandy Claims Release Agreement' With The Municipal Liability Joint Insurance Fund (MELJIF) And Zurich American Insurance Company (Zurich)* was adopted as read.  
Vote: All in favor

On a motion by Cook and seconded by Jordan, Resolution No. R-79-2014 *Granting The Mayor And Municipal Clerk The Authority To Execute A Collective Bargaining Agreement Between The Township Of Downe And The American Federation Of State, County And Municipal Employees (AFSCME), AFL-CIO District Council 71, Local 3779G For The Period January 1, 2012 Through December 31, 2017* was adopted with three (3) changes – page 12 deleting paragraph I, page 25 the Animal Control Officer is not a Township employee and updating the Salary Ordinance effective January 1, 2014.  
Vote: All in favor

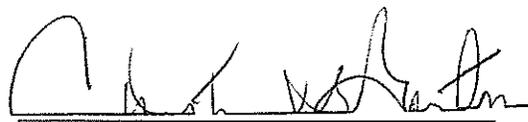
A motion was made by Cook to increase the salary of the Chief Financial Officer to \$12,000 per year retroactive to June 1, 2014. Committeeman Jordan asked about longevity as pertains to next year. He was informed that the Union Contract will be in effect and she will get a 2% raise. Committeeman Jordan seconded the aforementioned motion.

Vote: All in favor

#### ADJOURNMENT

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

Vote: All in favor



Constance S. Garton  
Municipal Clerk