

DOWNE TOWNSHIP COMMITTEE
REGULAR MEETING
AUGUST 4, 2014
7:00 P.M.

The Downe Township Committee met in the Meeting Room of the Municipal Complex on Monday, August 4, 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.

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, Wilford, Cook, Bart, Campbell

Absent – 0

APPROVAL OF MINUTES OF PREVIOUS MEETING

A motion was made by Cook and seconded by Bart to approve the Regular Meeting Minutes of July 7, 2014.

Vote: All in favor

DEPARTMENTAL REPORTS

The Township Committee acknowledged the receipt of the following reports:

- | | | |
|---------------------------|-----|------|
| • Tax Collector | May | 2014 |
| • Chief Financial Officer | May | 2014 |

Mayor Campbell asked the Municipal Clerk to announce what was received in the mail today. Clerk Garton stated that reimbursement of a MEL/JIF Insurance Claim relative to Hurricane Sandy was received in the amount of \$988,163.

MUNICIPAL SOLICITOR'S REPORT

Solicitor Carr reported on the following topics: Auction for the Sale of Township Owned Lots; a foreclosure matter in which the Township is a defendant; Keeping of Animals and Livestock and Land Use Activities Involving Animals Ordinance; Union Contract; and the receipt of 39 authorizations from the beach communities. Solicitor Carr stated that he also had a couple items for discussion in Executive Session.

PUBLIC HEARING

- FY 2015 Application for Small Cities Community Development Block Grant
Re: Housing Rehabilitation Program

A motion was made by Wilford and seconded by Cook to open the Public Hearing.

Vote: All in favor

Mayor Campbell introduced Mark Blauer, Consultant and Project Coordinator for the Small Cities Community Development Block Grant Program for Home Rehabilitation. Mr. Blauer explained the purpose of the Public Hearing. He summarized that the Township was awarded \$200,000 previously and spent it helping ten (10) families replace doors, windows, wells, etc. The primary qualification for the Program is low and moderate income. Currently, applications are being taken and copies of the same are available tonight; a Waiting List is being created. This holds your place in sequence and substantiates the need for additional funding. Funding is offered as interest free loans that recipients get to use until they sell their home, then the Township recaptures the money. On \$200,000, the Township has to match \$10,000 equaling 5%. Any recaptured money can be used toward the match so that additional taxpayer's money does not have to be raised. Mr. Blauer reported that since 1999 approximately sixty (60) homeowners have been helped. He stated that if the Township Committee decides to proceed, an application will have to be submitted by September 5th and word of an award should be known by the end of October. If an award is received the program would kick off in the beginning of 2015. Also, a number of Resolutions are being presented tonight for adoption in connection with this application.

Bernie Sayers, Newport, asked as pertains to confidentiality, if there is a penalty if names become public. Mr. Blauer responded that he is not aware of a penalty. Mr. Sayers informed him that recipient names appear on the Bill List so they are not confidential. Mr. Blauer responded that perhaps an address could be listed instead, however, there will need to be some reference between the contractor and the recipient in terms of identification to validate the bill. Mayor Campbell suggested that a Project Number be assigned and listed for privacy instead of a name.

Mayor Campbell asked if the funding from one grant needs to be all used up before a municipality can reapply. Mr. Blauer responded no; however, from a practical standpoint it is better to exhaust the funds. A two year period is given to utilize the funds or lose the funds. Mayor Campbell then asked if you utilize all the funds in a shorter time period, can you reapply again sooner. Mr. Blauer responded yes. Mayor Campbell asked how this went from a Grant to Loan Program. Mr. Blauer responded that the staff at the Department of Community Affairs decided that they wanted to see a Program set up that would recapture funds, thus it became a Loan Program.

Judy Williams, Dividing Creek, clarified that if five (5) families were given \$20,000 totaling \$100,000 and they all sell out, that \$100,000 would come back to the Township? Mr. Blauer responded yes. Mayor Campbell added that the recaptured funds

would then be used to help other homeowners through the same Program. This funding can only be used for a Homeowner's Rehabilitation Program.

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

Vote: All in favor

PUBLIC COMMENT ON RESOLUTIONS

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

Vote: All in favor

- R-80-2014 *Authorizing The Payment Of Bills*
- R-81-2014 *Providing For The Insertion Of Items Of Revenue In The Budget Pursuant To N.J.S.A. 40A:4-87 – Small Cities CDBG – Bayview Road Bulkhead-Nantuxent Creek \$136,860*
- R-82-2014 *Providing For The Insertion Of Items Of Revenue In The Budget Pursuant To N.J.S.A. 40A:4-87 – Department Of Environmental Protection (DEP) Shore Protection Program-Bayview Road Bulkhead-Nantuxent Creek \$397,500*
- R-83-2014 *Authorizing The Sale Of Tax Sale Certificate 12-00028*
- R-84-2014 *Authorizing The Sale Of Tax Sale Certificate 12-00030*
- R-85-2014 *Authorizing The Sale Of Tax Sale Certificate 12-00031*
- R-86-2014 *Authorizing The Sale Of Tax Sale Certificate 14-00035*
- R-87-2014 *Authorizing The Sale Of Tax Sale Certificate 14-00037*
- R-88-2014 *Authorizing The Submission Of A Small Cities Community Development Block Grant For Home Rehabilitation FY 2015*
- R-89-2014 *Authorizing The Adoption Of A State Model Citizen Participation Plan For State Of New Jersey, Department of Community Affairs Small Cities Program*
- R-90-2014 *Designating Fair Housing Officer Small Cities Community Development Block Grant Program For Home Rehabilitation FY 2015*
- R-91-2014 *Approving Grant Management Plan For Small Cities Community Development Block Grant Housing Rehabilitation FY 2015*
- R-92-2014 *Adopting Housing Rehabilitation Loan Program Policies & Procedures Manual Small Cities Community Development Block Grant*
- R-93-2014 *Authorizing The Entry Into An Agreement For Professional Services With Mark Blauer, An Individual, Trading As Blauer Associates As Consultant For FY 2015 NJ Small Cities Community Development Block Grant Program For Home Rehabilitation*
- R-94-2014 *Granting The Mayor And Municipal Clerk The Authority To Execute A Collective Bargaining Union 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 Of January 1, 2012 Through December 31, 2017*

R-95-2014 *To Award Contract For The Paving Of Garrison Avenue In The Township Of Downe*

Sheldon Pepper, Dividing Creek, asked if there is a list of Tax Sale Certificates. Mayor Campbell responded no, the Tax Sale Certificates are listed separately on the Agenda. The Township has these certificates and will make 18% interest on the sale of them. Solicitor Carr added that the Township is assigning its rights. Mr. Pepper asked if there is a List by block and lot of these properties. Mayor Campbell informed him that the Tax Collector could identify these properties and suggested that he contact her.

Marie Ashin, Gandy's Beach, asked if these properties would have to be paid off in full if someone wanted to redeem them. Mayor Campbell responded yes, plus interest.

Bernie Sayers, Newport, asked as pertains to R-94-2014 if the Union has been working without a contract since 2012. Mayor Campbell responded yes, the employees have been working without a contract. Mr. Sayers said that was admirable and the Mayor said they are good people.

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

Vote: All in favor

RESOLUTIONS

A motion was made by Wilford and seconded by Cook to adopt Resolution No. R-80-2014 *Authorizing the Payment Of Bills* in the amount of \$263,962.09.

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

Nay – 0

A motion was made by Cook and seconded by Jordan to adopt Resolution No. R-81-2014 *Providing For The Insertion Of Items Of Revenue In The Budget Pursuant To N.J.S.A. 40A:4-87 – Small Cities CDBG – Bayview Road Bulkhead – Nantuxent Creek \$136,860* and Resolution No. R- 82-2014 *Providing For The Insertion Of Items Of Revenue In The Budget Pursuant To N.J.S.A. 4-A:4-87 – Department Of Environmental Protection (DEP) Shore Protection Program – Bayview Road Bulkhead – Nantuxent Creek \$397,500.*

Vote: All in favor

A motion was made by Wilford and seconded by Cook to adopt the aforementioned Resolutions No. R-83-2014, R-84-2014, R-85-2014, R-86-2014, R-87-2014, R-88-2014, R-89-2014, R-90-2014, R-91-2014, R-92-2014 and R-93-2014.

Vote: All in favor

A motion was made by Jordan and seconded by Cook to adopt the aforementioned Resolutions No. R-94-2014 and R-95-2014.

Vote: All in favor

ORDINANCE

A motion was made by Wilford and seconded by Bart to introduce on first reading Ordinance No. 6-2014 entitled "*An Ordinance Regarding Keeping Of Animals And Livestock And Land Use Activities Involving Animals*". The Public Hearing and second reading of the Ordinance will be held on Monday, September 8, 2014 at 7:00 p.m. in the Municipal Complex, 288 Main Street, Newport, NJ 08345.

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

COMMITTEE REPORTS

Mayor Campbell reported that the following correspondence was received: Cumberland County Health Department – May 2014 Report; Cross County Connection – July 2014 Newsletter; Maurice River Township – Resolution supporting the designation of four state songs; David Pflueger – interest in purchasing vacant property. The Mayor also stated that there has been some interaction with the DEP regarding the beach communities' violations.

Deputy Mayor Cook acknowledged the receipt of funding for the Money Island Bulkhead and thanked everyone for their patience. He reported that Mr. & Mrs. Raudenbush won the Gardenscape Contest and congratulated them and other runners up; he announced the following events: Back Home Day is August 9, 2014, the Luncheon is 1:00 – 4:00 p.m.; the Downe Township Community American Red Cross Blood Drive will be held on August 13, 2014 from 2:00 – 7:00 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. Deputy Mayor Cook said that the spirit of volunteerism makes Downe Township very special.

Committeeman Bart complimented residents on their recycling efforts and reported the tonnage for 2012, 2013 and single stream for 2014 is expected to be over 100,000 tons. Also, the Cumberland County Improvement Authority signed a contract with Vintage Tech Recyclers and there will be no charge for TV's.

Committeewoman Wilford reported that an Auction for the sale of two Township owned properties was held earlier this evening. The process will continue to be worked on so other properties can be sold to generate income.

Committeeman Jordan asked for the Township Committee's blessing to go out to bid for a Dump Truck to explore the possibilities. Committeeman Cook asked that used trucks be looked at too. Mayor Campbell agreed to get information about used trucks and report his findings back to the Township Committee. A motion was made by Wilford and seconded by Cook to accept bids for a new Dump Truck.

Vote: All in favor

CORRESPONDENCE

Mayor Campbell mentioned correspondence previously under the Committee Reports caption.

RESOLUTIONS

A motion was made by Wilford and seconded by Bart to adopt the following Resolutions as presented in connection with the Public Auction held earlier this evening for the sale of surplus real property.

Vote: All in favor

- R-97-2014 *Accepting Sale Contract Entered Into Between The Buyers And Downe Township With Regard To That Public Sale Of Land Known As Block 49, Lot 5 Held At The Downe Township Municipal Building Pursuant To Advertisement Under The Municipal Land Sale Law Of N.J.S.A. 40A:12-13 Et Seq On August 4, 2014 At 6:30 P.M.*
- R-98-2014 *Accepting Sale Contract Entered Into Between The Buyers And Downe Township With Regard To That Public Sale Of Land Known As Block 9, Lot 4 Held At The Downe Township Municipal Building Pursuant To Advertisement Under The Municipal Land Sale Law Of N.J.S.A. 40A:12-13 Et Seq On August 4, 2014 At 6:30 P.M.*

PUBLIC COMMENT

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

Vote: All in favor

David Pflueger, Money Island, mentioned that in other states municipalities can piggy back on the State Contract for purchasing goods, materials and equipment. Mayor Campbell informed him that we are aware of purchasing under State Contract. Committeeman Jordan added that sometimes it is good and sometimes it is not. In our case, the State Contract may be for a more elaborate truck than the Township is interest in so it may be cheaper for us to bid it, but we'll look at it.

Karen Smith, Raybin's Beach, asked if the Township was going to host another shredding event. Mayor Campbell agreed that it was a good event and will check on it. Ms. Smith commented about what a good job was done on the access road where she lives; it is such an improvement. Having said that, however, vehicles are coming from everywhere parking close to equipment and rocks, bikes are being ridden on GEO tubes; is anything going to be done to prevent this. Mayor Campbell responded that he doesn't understand why people do it and stated that you can't police 24 hours and that signs are up. Harry Levenknight, Newport, commented that he can use the overtime if you want him to ride around down there. Ms. Smith stated that a solution would be to hire a

Constable. Mayor Campbell acknowledged that with beach improvements there will be an influx of people and this will have to be managed.

Bernie Sayers, Newport, had a copy of a letter from the attorney for the Cumberland County Health Department to Solicitor Carr and recited in part...are you truly representing all of the individuals that received letters from the Cumberland County Health Department. Mr. Sayers said there has not been any public discussion about what exactly the Municipal Solicitor is doing and he would like an explanation to include how it is affecting taxpayers that do not live in the beach communities. Solicitor Carr responded that the Township Committee has asked that information be gathered and to have the Township Engineer look through it to see about legitimate complaints and what can be done. Solicitor Carr stated that he does not represent individual landowners; he represents the Township and in so doing asked for that information. He does not know about the costs, but anticipates that it may involve two to three meetings which will include the Township Engineer and the information will be reviewed. Hopefully within a month a report can be rendered to the Township Committee. Mr. Sayers asked who is going to pay for this and the Solicitor repeated that he works for the Township, not the individuals. Mr. Sayers asked the Solicitor if he was available to meet with residents outside the beach area for any problems. Solicitor Carr responded that he presumes he would be asked to help with any problems facing the Township that garners interest by the Township Committee. Mr. Sayers explained that he has a friend that has been dealing with the County Health Department for a year and a half and asked if he could seek help from the Solicitor and Engineer for assistance with his matter like people in the beach communities. Mayor Campbell stated that the individual cannot go directly to Township professionals, but can come to the Township Committee about the matter and the Township Committee will help anybody who needs help. That's what we're here to do.

David Raudenbush, Fortescue, asked about the two (2) sink holes on Fortescue Road up the street from Higbees Restaurant. Committeeman Jordan stated that the County has been made aware of the problem. Mayor Campbell agreed to follow up.

Bernadette Donohue, Money Island, asked about the project done in the Spring time by the Lands Trust about putting stuff in the corner at Nantuxent to help build up some substance to help with the flooding and she's seen people stepping down there which will break it all down and they've spent all that time putting it in. Mayor Campbell responded that it was the Delaware Estuary and suggested that signage be put up. Someone commented that the local minnow guy is down there stepping on whatever he wants. Mayor Campbell agreed to check it out.

Mary Pfleger, Money Island, stated that you can't satisfy the Health Department. She stated that the fact that the Township Committee is willing to help its residents out is a wonderful thing. She stated that Downe Township pays a lot of money to the Health Department and asked if the Township could get rid of it and get another agency. Mayor Campbell responded that the Township has looked into it and it's complicated. He was told that the Township could not afford a Senior Health Officer and that one could not be shared, although that was being done between the City of Vineland and the County of Cumberland. A shared service with Cape May County could be a possibility. Mayor

Campbell stated that it's a tuff thing to fight because the Cumberland County Health Department is an autonomous body. Mrs. Pfleuger stated that the letters received by Money Island property owners from the Health Department asked if Blue Acres has been contacted, like it is steering folks in that direction because the homes are inhabitable. Mayor Campbell stated that it's frustrating to deal with the Health Department because you cannot get answers when seeking help and Mrs. Pfleuger concurred.

Judy Williams, Dividing Creek, conveyed a safety concern. She lives on Hansey's Creek Road which is newly paved and boat traffic coming from south on Rt. 553 is speeding. It is dangerous for bike riding and dog walking and she asked for signage to slow the speed limit or redirect the traffic to Russell Lane. Mayor Campbell responded that he would get in touch with Cumberland County. A New Jersey State Police speed trap was suggested and signage. Signage would have to be enforced. Ms. Williams said that someone mentioned Russell Lane earlier and she wanted to know what that was about. Mayor Campbell informed her that Russell Lane was improved previously and a last draw was mentioned and Committeeman Jordan responded that was for a prior project for the extension.

Bernie Sayers, Newport, asked for the purpose of the Executive Session. Solicitor Carr stated the Purchase or Acquisition of Real Property, Re: Beachfront Communities, Anticipated Litigation, Re: In Rem Foreclosures and Agency Harassment; it was anticipated that action may or may not be taken.

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

Vote: All in favor

NEXT MEETING

The next meeting of the Downe Township Committee will be held on Monday, September 8, 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-96-2014 *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

OPEN SESSION

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

Vote: All in favor

Solicitor Carr stated that the matters discussed in Executive Session were the Purchase or Acquisition of Properties in the Beachfront Communities pursuant to

10:4-12b(5) and Anticipated Litigation pursuant to N.J.S.A. 10:4-12b(7) including the In Rem Foreclosures and Agency Harassment.

ADJOURNMENT

There being no further business, the meeting was adjourned on a motion by Wilford and seconded by Cook
Vote: All in favor

A handwritten signature in black ink, appearing to read "Constance S. Garton", written over a horizontal line.

Constance S. Garton
Municipal Clerk