

DOWNE TOWNSHIP COMMITTEE
REGULAR MEETING
SEPTEMBER 8, 2014
7:00 P.M.

The Downe Township Committee met in the Meeting Room of the Municipal Complex on Monday, September 8, 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 MEETING

A motion was made by Cook and seconded by Bart to approve the Regular Meeting Minutes of August 4, 2014.

Vote: All in favor

DEPARTMENTAL REPORTS

The Township Committee acknowledged the receipt of the following reports:

- | | | |
|---------------------------|---------------|------|
| • Tax Collector | July | 2014 |
| • Chief Financial Officer | July | 2014 |
| • Zoning/Housing Officer | July / August | 2014 |

MUNICIPAL SOLICITOR'S REPORT

Solicitor Carr reported on the following topics: Land Sale Deeds; Gandy's Beach Alley; Updated Flood Insurance Maps and attendance at County Meeting and a foreclosure proceeding.

PUBLIC HEARING

- Second Reading of Ordinance No. 6-2014 entitled “AN ORDINANCE REGARDING KEEPING OF ANIMALS AND LIVESTOCK AND LAND USE ACTIVITIES INVOLVING ANIMALS’

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

Vote: All in favor

Joseph Cerone, Dividing Creek, stated that he does not understand the need for such an Ordinance given that we live in a rural area and asked what was to be accomplished. Mayor Campbell asked Mr. Cerone if he read the proposed Ordinance and the existing Ordinance. The Mayor explained that the existing Ordinance is vague and broad and the Planning Board was asked to review the same and make a recommendation back to the Township Committee. Mr. Cerone stated that the Ordinance would only apply to new situations not existing ones to which the Mayor concurred.

Kary Wilson, Planning Board, explained that the Ordinance was revisited after many years due to grey areas. Local municipalities are updating ordinances with provisions that protect residents and the quality of life and to protect animals and address issues like the disposal of manure and area requirements. She stated that she did a lot of research on this matter; the Department of Agriculture was contacted and other places that offer care and she was involved in 4-H for many years and is familiar with animals and livestock issues. The proposed Ordinance addresses both animals and livestock in a way that will take care of animals, respect neighbors, address area and fencing requirements and can be enforced for the benefit of all.

Joseph Cerone, Dividing Creek, stated that it sounds like pre-existing people are being attacked. Mayor Campbell responded that no one is being attacked. The purpose is to make things better in the residential communities and for the animals. Mr. Cerone stated that he was a former sponsor of 4-H Programs and asked if kids involved with 4-H are going to be hampered by this Ordinance. Mayor Campbell responded absolutely not.

Committeeman Jordan stated that the proposed Ordinance was recommended by the Planning Board. Kary Wilson clarified that some time ago the Township Committee asked the Planning Board to review the matter and make its recommendation back to the Township Committee.

Nancy Hartem, Dividing Creek, stated that she did not see a provision in the proposed Ordinance concerning “grandfathering”. Mayor Campbell responded that if existing situations are in violation, the proposed Ordinance will not protect them.

Mary Phleuger, Money Island, asked about the enforcement of regulations for domestic animals. Mayor Campbell informed her to contact the Animal Control Officer.

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

Vote: All in favor

A motion was made by Cook and seconded by Bart to adopt the aforementioned Ordinance No. 6-2014 on second reading.

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

PUBLIC COMMENT ON RESOLUTIONS

A motion was made by Cook and seconded by Bart to open the meeting for comments on the following Resolutions No. R-99-2014 through R-106-2014; Resolution No. R-107-2014 was tabled.

Vote: All in favor

- R-99-2014 *Authorizing The Payment Of Bills*
- R-100-2014 *Appointing Alternate Fund Commissioner For The Atlantic County Municipal Joint Insurance Fund*
- R-101-2014 *Designating Claims Coordinator For The Township Of Downe*
- R-102-2014 *Providing For The Insertion Of Items Of Revenue In The Budget Pursuant To N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1048) Federal Emergency Management Agency (FEMA) PW-02684(1) – Maple Avenue \$41,621.36*
- R-103-2014 *Providing For The Insertion Of Items Of Revenue In The Budget Pursuant To N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1048) Federal Emergency Management Agency (FEMA) PW-02755 – Gandy's Beach Bulkhead \$247,838.69*
- R-104-2014 *Providing For The Insertion Of Items Of Revenue In The Budget Pursuant To N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1048) Federal Emergency Management Agency (FEMA) PW-05116 – Dyers Cove Road \$17,997.61*
- R-105-2014 *Providing For The Insertion Of Items Of Revenue In The Budget Pursuant To N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1048) Federal Emergency Management Agency (FEMA) PW-02756 Fortescue Roadside Soil Erosion Control Berm \$745,584.89*
- R-106-2014 *Authorizing The Correction Of Budget Appropriations Made In 2014*
- R-107-2014 *To Authorize Participation In The New Jersey State Health Benefits Program Act Of The State Of New Jersey For SHBP Dental Plan Coverage*

Bernie Sayers, Newport, stated that he has been coming to meetings for a long time and this is the largest amount of money being paid out on a Bill List; most of which is going to shore related issues. He is curious to know what the status is in terms of reimbursement by FEMA. Mayor Campbell responded that the statement by Mr. Sayers is not true due to payments also being paid to the County, School and Fire Districts. About \$400,000 is being paid on the projects. The projects are identified by the PW

numbers reflected for which reimbursements are being requested from FEMA. Some reimbursements are coming in as is evidenced in a number of the other Resolutions reflected on the Agenda. The process is ongoing. Mr. Sayers quoted that in an email received from the Mayor in response to an OPRA Request that there are no permits, engineering, etc. required and asks if he is implying that FEMA doesn't care if the requirements of the State and Federal Government aren't being complied with? Mayor Campbell responded that is absolutely not what he said. When items are required they are being provided and if they are not required under the Administrative Order for in-place, in-kind replacement which is the case in Fortescue they are not needed. He mentioned projects for which items are being provided.

Joseph Cerone, Dividing Creek, stated that FEMA is going to pay for the project that is going on in Fortescue right now, but there is no engineering? Mayor Campbell reiterated that the work being done is under the scope of the Administrative Order from the Governor to do in-place, in-kind replacement for anything that was broken by the storm that can be put back. Mr. Cerone asked who was paying. Mayor Campbell responded that FEMA is paying...he has walked the beach with them many times; they wrote the PW, they wrote the scope of work, etc., not me. Bernie Sayers has copies of all this stuff that has been OPRA requested. I (the Mayor) am just implementing what someone else has done. Reimbursement requests are being submitted, money is being received and everything is working fine. If someone doesn't want this to work, call someone and complain. An argument ensued.

David Raudenbush, Fortescue, asked if the New Jersey State Police needed to be called. Mayor Campbell responded that he will let him no when it's time.

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

Vote: All in favor

RESOLUTIONS

A motion was made by Cook and seconded by Bart to adopt Resolution No. R-99-2014 *Authorizing The Payment Of Bills* in the amount of \$1,025,221.20.

Vote: All in favor

A motion was made by Cook and seconded by Jordan to adopt the aforementioned Resolutions No. R-100-2014, R-101-2014, R-102-2014, R-103-2014, R-104-2014, R-105-2014, R-106-2014.

Vote: All in favor

COMMITTEE REPORTS

Mayor Campbell reported that a Pre-construction Meeting is being planned for the Garrison Avenue Project and that Senator Van Drew has been contacted regarding the Dredging Project of the channel. Correspondence was received regarding opposition to Seismic Airguns and Offshore Drilling.

Deputy Mayor Cook reported that August was a busy month for the Recreation Committee and he recognized members and volunteers that were in attendance. Back Home Day was August 9, 2014 with 67 folks in attendance; a successful Downe Township Community American Red Cross Blood Drive was held on August 13, 2014 with 55 donors; a good time was had at the Kid's Kayak-Canoe Outings on August 20, 2014 and August 27, 2014.

Committeeman Bart had no report.

Committeeman Jordan had no report.

CORRESPONDENCE

Mayor Campbell stated that he mentioned correspondence previously under the Committee Reports caption.

PUBLIC COMMENT

A motion was made by Jordan and seconded by Cook to open the meeting to the public for comment.

Vote: All in favor

Bernie Sayers, Newport, asked what the status was of Solicitor Carr's work on the Gandy's Beach and Money Island matter and who will be billed. Solicitor Carr responded that we asked for information and are awaiting the receipt of same. Whatever he does the Township will be billed for as he represents the Township.

John Gilligan, Gandy's Beach, stated that he read where there was going to be a bunch of sand dropped in Fortescue, is that correct? Mayor Campbell responded that this ties into the dredging of the Fortescue Creek, Phase II and explained the project and entities that are involved with it, not the Township.

Bernie Sayers, Newport, asked about the status of the Comcast Cable issue in terms of service to the Township. Solicitor Carr responded that he has been in contact with Salmon Ventures, representing the Township and something should be known this month. Mr. Sayers asked if the Franchise Agreement was extended; Mayor Campbell responded no. It was agreed that could be leverage. Mr. Sayers asked if correspondence between Solicitor Carr and Comcast could be OPRA requested. Mayor Campbell and Solicitor Carr responded no as it pertains to litigation.

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

Vote: All in favor

NEXT MEETING

The next meeting of the Downe Township Committee will be held on Monday, October 6, 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-108-2014 *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 Jordan to reopen the meeting to the public.

Vote: All in favor

Solicitor Carr stated that the matters discussed in Executive Session were Anticipated Litigation / Contract Negotiation regarding an Insurance Claim, the State of New Jersey and Money Island - West End and a Dental Plan Insurance matter. No action was taken.

ADJOURNMENT

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

Vote: All in favor



Constance S. Garton
Municipal Clerk