

DOWNE TOWNSHIP COMMITTEE
REGULAR MEETING
OCTOBER 6, 2014
7:00 P.M.

The Downe Township Committee met in the Meeting Room of the Municipal Complex on Monday, October 6, 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

DEPARTMENTAL REPORTS

The Township Committee acknowledged the receipt of the following reports:

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

MUNICIPAL SOLICITOR'S REPORT

Solicitor Carr mentioned the following topics as contained in his report: Employees Benefit item as pertains to the Dental Plan question - it is not permissible under the Plan to have employees bear more than 50% of the cost; Tax Sale Certificate Foreclosures and a Tax Appeal matter.

PRESENTATION

A presentation was given regarding the Downe Township Bicycle and Pedestrian Plan. John Federico and David Cox were present from Urban Engineers and Khalad Shaikh, Project Manager, NJ Department of Transportation was also in attendance. Mr. Federico reviewed aspects of the Plan: Project Background, Study Purpose and Deliverables; Project Milestones; Attractions & Amenities; Existing Routes; Types of Cyclists; Recommended Bike Treatments; Other Bicycle Plan Elements; Future Bicycle Network; Bike Compatibility Strategies; Fortescue Road - Bicycle Plan; Newport Area – Bicycle Plan; Dividing Creek - Bicycle Plan; Fortescue – Bicycle Plan; Multi-Use Trail

Network; Newport Area Trails; Recommended Pedestrian Treatments; Newport Area – Pedestrian Plan; Dividing Creek – Pedestrian Plan and Next Steps. Numerous color coded charts/maps were on display.

Mayor Campbell asked for input from the public.

Bernie Sayers, Newport, stated that he lives on Sharp Lane and has walked the area talked about many times. It is going to take hundreds of thousands of dollars to put the proposed trail there; it's impassable to walk let alone ride a bicycle. Mr. Federico informed him that the trail would be kept out of the swamp and would have to be built. Mr. Sayers asked if the Engineers approached the Township or if the Township approached the Engineers. Mr. Cox explained the process. Mr. Sayers asked if there was a financial plan to go along with what's being presented. He was informed that financial sources will be identified as part of the process. Mr. Sayers stated that the reason he is asking these questions and has an attitude is because the residents of the Township have a huge burden given the debacle in Fortescue and there wasn't a presentation given about that.

Mayor Campbell informed him that this was not a platform to complain, it's about the presentation and to get input about the conceptual plan. The Township had an opportunity to apply for a planning grant and was awarded the same for this project because of increased interest in Downe Township as a bicycling and hiking area. They have come up with a conceptual plan and there is nothing being implemented at this time. We're here to get public input on this.

Karen Smith, Raybin's Beach, asked about the projected part of the trail that would go through the Natural Lands Trust property. She stated that they are uncooperative and wondered if they would allow this. Mr. Federico responded that the Natural Lands Trust is on the Steering Committee and they attended a meeting and share data. Their property was part of the Downe Initiative and this is just connecting to that.

Mayor Campbell reiterated that this is all conceptual and that we are going to need a lot of partners. This is all in the planning stages. Mr. Sayers elaborated on the restrictions by the Natural Lands Trust. Mr. Sayers asked how much this Plan was going to cost. It was confirmed that it was being paid for by a grant; no one could recall the amount. Mr. Federico stated that copies of the Presentation are available and that they would remain during Open Session so that folks could view the charts/maps. Mayor Campbell thanked the presenters for coming.

PUBLIC COMMENT ON RESOLUTIONS

A motion was made by Wilford and seconded by Cook to open the meeting for comments on the following Resolutions No. R-107-2014 through R-114-2014.

Vote: All in favor

- 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*
- R-109-2014 *Authorizing The Payment Of Bills*
- R-110-2014 *Authorizing The Refund Of Property Taxes*
- R-111-2014 *Providing For The Insertion Of Revenue In The Budget Pursuant To N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1048) United States Department Of Agriculture (USDA) Special Service Police Vehicle – Emergency Management \$25,700*
- R-112-2014 *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) United States Department Of Agriculture (USDA) Downe Township – Study For Water/Wastewater Solutions \$30,000*
- R-113-2014 *Authorizing The Redemption Of Municipal Tax Sale Certificate 10-00012 In Installments*
- R-114-2014 *Appointing Individuals To The Environmental Commission*

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 R-109-2014 *Authorizing The Payment Of Bills* in the amount of \$563,835.59. Deputy Mayor Cook questioned the reflection of the April dates on Pages 1 and 2; he didn't understand the time frame that they represented as they don't appear to be quarterly payments. The Clerk interjected that the encumbrance dates are reflected.

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

A motion was made by Cook and seconded by Wilford to discuss and act on the adoption of 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* which was tabled at the last meeting. Deputy Mayor Cook explained that action on the Resolution was tabled at the last meeting pending an inquiry by the Solicitor about the Township's contribution. He stated that it was initially considered because the employees were willing to pay 100% of the cost. It was found that that is not the case and the Township cannot afford the luxury of it and that is no reflection of our appreciation of the efforts by our employees. Mayor Campbell asked if it was illegal to have the employees reimburse the Township and Solicitor Carr informed him that does not meet the requirements of the Plan, you have to show the split in costs being contributed. Committeeman Jordan stated that there must be another avenue or Program. Mayor Campbell asked for a roll call vote to adopt the aforesaid Resolution.

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

A motion was made by Wilford and seconded by Jordan to adopt the aforementioned Resolutions No. R-110-2014, R-111-2014, R-112-2014, R-113-2014 and R-114-2014.

Vote: All in favor

COMMITTEE REPORTS & CORRESPONDENCE

Mayor Campbell reported that the following was received: a Newsletter from Cross County Connection; various DEP news releases and correspondence. A resignation was received from David Raudenbush, Planning Board Chairman; he thanked Mr. Raudenbush for his service to the Township and wished him all the best.

Deputy Mayor Cook thanked those responsible for the excellent Presentation earlier; everything starts with a vision and a plan. He reported that he attended a County Meeting last Wednesday on Wastewater Management Solutions. Trick or Treat was designated to be held on Halloween, Friday, October 31, 2014 from 4:00 – 7:00 p.m.

Committee members Bart, Wilford and Jordan had nothing to report.

Mayor Campbell announced that there will be a Joint Commissions Meeting (Environmental, Recreation & Tourism and Historical) here tomorrow evening at 5:30 p.m. Everyone is welcome to attend and if anyone is interested in being appointed to any of the Commissions please let us know. He added that dune grass has been ordered and is coming and needs to be planted in October. Anyone interested in helping with this task was directed to contact Harry Levenknight, Public Works Manager.

PUBLIC COMMENT

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

Vote: All in favor

Charles Lupton, Emergency Management Coordinator, stated that he was approached by Doris Sanza, Tax Assessor about house numbers in the Township. He reminded the Township Committee that he brought this matter to their attention last year also. Who enforces the Ordinance? Emergency responders need to be able to identify houses and he has observed that many property owners are not in compliance with the Ordinance. He suggested previously that letters be sent out with the tax bills. Mr. Lupton requested that the Township Committee address this concern. Deputy Cook suggested that a volunteer approach be taken starting with the seniors.

David Raudenbush, Fortescue, stated that the manner in which the aforesaid house numbers are placed should be uniform and on posts, not houses.

Bernie Sayers, Newport, asked what the Ordinance requires and he was informed 3” reflective numbers on houses where they are visible.

Mario Ruiz-Mesa, Gandy’s Beach, expressed concern about the poor condition of the house next door to him. It is not safe and is an eyesore. This is the second time he has come before the Township Committee about this. Either fix the house or tear it down; Hurricane Sandy happened two (2) years ago. Mayor Campbell stated that people have been interested in buying the house, but there are problems with water hookup. He spoke to the owners last week and reiterated that something has to be done with the house. Solicitor Carr stated that with proper Notice, Public Works personnel can clean up and secure the house and be reimbursed for labor and material through Tax Collection. Committeewoman Wilford expressed caution about removal in terms of being able to rebuild at the site; sometimes regulations prohibit it. Solicitor Carr stated that you have to do what you have to do to make it safe. Mayor Campbell said that the historic footprint is known. Deputy Mayor Cook requested that an Old Business caption appear on the next Agenda to provide some accountability.

David Phleugar, Money Island, asked for an update on the sea wall, Money Island Bulkhead. Mayor Campbell responded that everything is in place, however, a permit is needed by the Army Corps. Deputy Mayor Cook stated that it involves federal money and thanked folks for their patience.

John Gilligan, Gandy’s Beach, stated that the house Mario referred to was partially destroyed before Hurricane Sandy; it’s a safety hazard.

Nicholas Frumento, Fortescue, stated that the property next to him, a small pie shape, has an abandoned trailer on it. He is interested in owning it, but made an inquiry of the Tax Collector and he is not going to pay \$12,000 in back taxes. He would like to own it for a reasonable price. Mayor Campbell stated that the Township would have to foreclose on it. Solicitor Carr explained the In Rem Foreclosure process and confirmed to Mr. Frumento that he was in the right place. Solicitor Carr stated that he will have to contact the Tax Collector for information. In the meantime, the process will be initiated in order for the Township to clean it up.

Annette Perry, Money Island, announced that the Downe Township Seniors Team is walking at the Motor Sports Park on October 25, 2014 for Alzheimer’s and any support will be appreciated.

Bernie Sayers, Newport, asked the Mayor about volunteering employees to clean up derelict properties. Mayor Campbell confirmed that there is a process that allows this. Solicitor Carr stated that property owners are notified and given time to respond and if they do not, Public Works personnel can clean up and secure the structures. Mr. Sayers asked if anyone could tell him why the work in Fortescue has stopped. Mayor Campbell responded that there are other things to do, other projects are being worked on like the bulkheads and Garrison Avenue. Mayor Campbell reiterated that the location of the dune grass plugs will be at the north end of Fortescue. Mr. Sayers asked the Mayor if he investigated the viability of the sand being used to which the Mayor responded yes.

Karen Smith, Raybin's Beach, commented that she is thrilled to have a road back and she can get back and forth and so can the police; she is grateful to see that something is finally being done and it is about a 99% improvement.

Bernie Sayers, Newport, was informed by Mayor Campbell that this would be his last comment. Mr. Sayers said that he had a question. The Mayor informed him that this was a comment segment. Mr. Sayers stated that it was customary and appropriate in accordance to with the law to identify the purpose for the Executive Session. Mayor Campbell responded that will be done when we get to the Executive Session, we're not there yet.

A motion was made by Jordan and seconded by Cook to close the public comment segment.
Vote: All in favor

NEXT MEETING

The next meeting of the Downe Township Committee will be held on Monday, November 10, 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 Wilford to adopt Resolution No. R-115-2014 *Authorizing Executive Session In Accordance With The Provisions Of The New Jersey Open Public Meetings Act – N.J.S.A. 10:4-12* to discuss a matter in which the release of information would impair a right to receive funds from the Government of the United States pursuant to N.J.S.A. 10:4-4-12b(2), Re: Federal Funding Reimbursements related to State Budgetary Requirements.
Vote: All in favor

OPEN SESSION

A motion was made by Jordan and seconded by Cook to reopen the meeting to the public.
Vote: All in favor

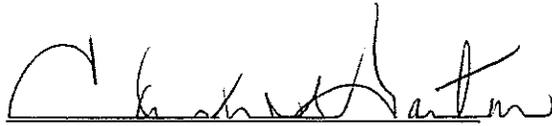
Solicitor Carr stated that the matter discussed in Executive Session was about federal funding reimbursements related to state budgetary requirements. No action was taken.

Municipal Clerk Garton questioned the earlier motion regarding Resolution No. R-107-2014. It was confirmed that such action was moved by Cook and seconded by Wilford.

ADJOURNMENT

There being no further business, the meeting was adjourned on a motion by Bart 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