

DOWNE TOWNSHIP COMMITTEE
REGULAR MEETING
NOVEMBER 10, 2014
7:00 P.M.

The Downe Township Committee met in the Meeting Room of the Municipal Complex on Monday, November 10, 2014 at 7:00 p.m. Mayor Robert G. Campbell presided. Committee members present were Larry Jordan, Sr., Christine Wilford and Dennis Cook (Deputy Mayor). Committeeman Edward Bart was absent. Municipal Solicitor, John Carr and Chief Financial Officer, Jennafer Hernandez were 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, Campbell
Absent – Bart

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

A motion was made by Cook and seconded by Wilford to adopt the August 4, 2014 Executive Session and October 6, 2014 Regular Meeting and Executive Session.
Vote: All in favor

A motion was made by Jordan and seconded by Cook to adopt the September 8, 2014 Regular Meeting and Executive Session and October 23, 2014 Special Meeting.
Vote: Aye – Jordan Cook, Campbell
Nay – 0
Abstain – Wilford

DEPARTMENTAL REPORTS

The Township Committee acknowledged the receipt of the following reports:

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

BEST PRACTICES INVENTORY – GOVERNING BODY ACKNOWLEDGEMENT

A motion was made by Cook and seconded by Wilford to acknowledge the receipt of the 2014/2015 Best Practices Inventory as completed by the Municipal Finance

Officer. The results of which are: 32 Yes, 7 No, 9 N/A, 2 Prospective for a total of 43 out of 50 for 86%; 41 – 50 = 100% Amount of Aid Disbursed with a no penalty Impact on final 5% aid payment/impact on total aid.

MUNICIPAL SOLICITOR'S REPORT

Solicitor Carr mentioned the following topics as contained in his report: Sample Ordinances for 9-1-1 Building Numbers, two Property Maintenance issues, Taxpayer Economic Developer Zone for Bayshore Region, Access to Waterfront Properties, Deeds recorded and the Gandy's Beach Bulkhead.

PUBLIC HEARING

Mayor Campbell explained the purpose of the Ordinance.

A motion was made by Cook and seconded by Jordan to open the Public Hearing on an ordinance entitled *Bond Ordinance Providing For Capital Improvements By The Township of Downe, In The County Of Cumberland, New Jersey, Necessitated By Hurricane Sandy, And Appropriating One Million Two Hundred Thousand Dollars (\$1,200,000) Therefore And Authorizing The Issuance Of One Million One Hundred Forty Thousand Dollars (\$1,140,000) Bonds Or Notes Of The Township For Financing The Cost Thereof*".

Mimi Marlor, Gandy's Beach, asked if this money can be used for Gandy's Beach. Mayor Campbell responded that it's earmarked as a bridge to keep the projects going.

Bernie Sayers, Newport, confirmed that the money cannot be used for anything but its intended purpose. The Chief Financial Officer responded correct. Mayor Campbell stated that it is going to be used to reimburse the Township for monies already paid out to contractors. Mr. Sayers said that is contradictory to the Mayor's email obtained under OPRA whereby he conveyed that minimal engineering was performed and no permits were required. He asked Mayor Campbell if he believes that FEMA is going to reimburse Downe Township for projects that weren't put out to bid with no engineering. Mayor Campbell reiterated the purpose of the public hearing and said that the berms were in-place, in-kind and that the Township has already been reimbursed for projects and he anticipates that the Fortescue project will be reimbursed as well.

Sheldon Pepper, Dividing Creek, asked for clarification about the use of funds. The Chief Financial Officer responded Fortescue only. Mayor Campbell apologized for any confusion and stood corrected about the use of funds. Deputy Mayor Cook explained that the Bond Ordinance is a means to borrow the money necessary.

Mimi Marlor, Gandy's Beach, asked if another Bond will be needed for Gandy's Beach. Chief Financial Officer reiterated that this Ordinance is for Fortescue and that Gandy's Beach was not even ready when this Ordinance was introduced; another Bond Ordinance may have to be done for the Gandy's Beach project. Deputy Mayor Cook

responded. Mayor Campbell stated that we can't award the Gandy's Beach project until a certification of availability of funds can be issued. Deputy Mayor Cook responded that it's a timing issue and Committeeman Jordan clarifies.

Bernie Sayers, Newport, summarized that this Bond Ordinance is for \$1.2 for Fortescue and the Township Committee may have to come to the taxpayers with hat in hand again to pay for yet another Bond Ordinance for Gandy's Beach if reimbursement is not received from FEMA for Fortescue or the advance of 50% for the Gandy's Beach project is not received. The Township Committee confirmed yes.

Carol Mendell, Fortescue, conveyed her observation that the beach is being lost fast. It is hard for her to get off the beach and when she reaches the deck she sees rebar. The berm is like a mountain and her Hobie kayaks are about 72 lbs. She use to launch at high tide near the little green house. There is no way she can get over the berm now; she use to walk down a path and drop her kayak in. Mayor Campbell stated that while he appreciated her comments, they have nothing to do with the bond. Moving forward he will see that there is a launch area for kayaks.

Joseph Cerone, Dividing Creek, stated that he would like to clear up a misconception the Mayor eluded to earlier about people trying to hurt the community. He and Mr. Sayers are not trying to hurt the community. They are looking for the Township Committee to do the best things for all taxpayers to see that fiduciary responsibilities are fulfilled as pertains to the Oaths of Office. Mr. Cerone referred to a document received on April 23, 2013 that reflected that the applicant must comply with all local and state requirements for construction and that is not being done here. Mayor Campbell responded that is correct, however the Governor's Administrative Order trumps that and he is not going to debate this further because Mr. Cerone does not know the facts.

Bernie Sayers, Newport, stated that he was astounded that the Mayor would permit former comments about kayaks and not allow Mr. Cerone to continue with his comments about the bond.

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

Vote: All in favor

A motion was made by Cook and seconded by Jordan to adopt the aforementioned Ordinance No. 7-2014 on second reading.

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

Nay – 0

PUBLIC COMMENT ON RESOLUTIONS

A motion was made by Wilford and seconded by Jordan to open the meeting for comments on the following Resolutions No. R-116-2014 through R-121-2014.

Vote: All in favor

- R-116-2014 *Authorizing The Payment Of Bills*
- R-117-2014 *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-118-2014 *Authorizing Transfers Between Budget Appropriations*
- R-119-2014 *Authorizing The Submittal Of An Application To Participate In The State Electronic Tax Sale Pilot Program*
- R-120-2014 *Establishing And Authorizing A Mailing Fee To Be Charged In Association With The State Electronic Tax Sale Pilot Program*
- R-121-2014 *Authorizing The Execution Of An Agreement For A National Fish & Wildlife Foundation Grant*

Bernie Sayers, Newport, asked if he could put in an OPRA Request to obtain a copy of R-118-2014. Mayor Campbell responded that he would give him his copy of the resolution after the meeting; we spend enough time each week processing OPRA Requests.

Sheldon Pepper, Dividing Creek, requested an explanation of R-119-2014. The Chief Financial Officer, also Tax Collector responded that it is exactly that, an online Tax Sale. It would no longer be conducted live, but bidders would register through the company and bid online. It is an opportunity for more bidders to participate. A best bid would be placed by the cut-off for bidding. Mr. Sheldon ask the Township Committee to postpone its action on this resolution so that more information could be obtained. He does not use the computer much and fears that this may deter local participation by those not having access to a computer. Committeewoman Wilford asked about the timeline which is four (4) weeks and stated that she does not want to exclude locals from participation and questioned confidentiality. Mayor Campbell stated that the sale is to bid down the interest rate and he feels it is a great opportunity.

Joseph Cerone, Dividing Creek, asked about the cost of the service. The Tax Collector responded \$15.00 per property. Participants are bidding on their own interest rate.

Bernie Sayers, Newport, stated that based on what he has heard, this is a terrible idea. This affects the bidding arbitration. You're curtailing who might bid. Mayor Campbell explained that bidders are only interested in the interest rate, not the property down the street. Mr. Sayers said that he is going to talk to his friend who does this for a living to see what he says. He cannot imagine who came up with this idea.

Joseph Cerone, Dividing Creek, asked if this has anything to do with liens the municipality has not been able to sell. The Tax Collector responded no, they already went to Tax Sale.

Bernie Sayers, Newport, asked for a web address where he could get more information about the topic of Electronic Tax Sales. The Tax Collector responded

realauktion.com. He asked if DCA has an opinion about such and was informed that it is a Pilot Program that has been in effect for about two (2) years. She has researched it and seen the percentages and what the benefits are.

Patricia Pew, Money Island, asked for an explanation of R-121-2014. Mayor Campbell responded that basically it is about a feasibility study for Gandy's Beach. We have to address natural habitat, etc., it is all a part of the grant.

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

Vote: All in favor

RESOLUTIONS

A motion was made by Cook and seconded by Wilford to adopt R-116-2014 *Authorizing The Payment Of Bills* in the amount of \$578,564.73.

Vote: All in favor

A motion was made by Cook and seconded by Wilford to adopt Resolution Nos. R-117-2014 and R-118-2014.

Vote: All in favor

A motion was made by Cook and seconded by Wilford to adopt Resolution No. R-119-2014 *Authorizing The Submittal Of An Application To Participate In The State Electronic Tax Sale Pilot Program*. There was discussion by the Township Committee. Committeeman Jordan stated that his only concern was about the participation of locals and he asked if the resolution could be tabled. The Tax Collector stated that it could wait until next year because if it is not adopted tonight she would have to proceed with the live Tax Sale as usual due to timing. Committeeman Jordan asked that it wait. Deputy Mayor Cook stated that he supported the data and the research that was conducted by the Tax Collector; to make it more convenient for a few is costing the majority more in taxes. We can change it back if it does not work for us. He does not want the people in Downe Township who pay taxes to endure more of an expense. Most everything is online and he does not feel the matter should be delayed. Committeeman Jordan stated that the process was new to him and he needs more time to digest it.

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

Resolution No R-120-2014 was tabled.

A motion was made by Jordan and seconded by Cook to adopt Resolution No. R-121-2014 *Authorizing The Execution Of An Agreement For A National Fish & Wildlife Foundation Grant*.

Vote: All in favor

COMMITTEE REPORTS & CORRESPONDENCE

Deputy Mayor Cook reported that 4,000 dune grass plugs were planted today under the supervision of Harry Levenknight in coordination with Mrs. McCann's 6th grade class at the Elementary School. Another planting will take place on Wednesday and volunteers are being sought. 16,000 more plugs are to be planted. Kary Wilson of the Recreation Committee was present and asked to comment about upcoming events as follows: Magic Show December 5, Holiday Lighting Contest December 8, Fun Night at the School December 12 and the Art & Essay Contest.

Committeewoman Wilford had no report.

Committeeman Jordan proposed a move from the Commercial Township Joint Court to the Upper Deerfield Joint Court. It would be a cost savings from \$10,000 a year plus a proposed \$5,000 increase totaling \$15,000 down to \$5,000 - \$8,000. He asked other members to consider this. The Municipal Solicitor was asked to put something together with the Commercial Township Solicitor to initiate the change which could not take effect until February 2015.

Mayor Campbell reported that correspondence was received from the Cumberland County Improvement Authority. Tipping fees are being raised again from \$52.38 to \$59.54 a ton effective November 1, 2014; that's a big increase. He gave a quick update on the Money Island Bulkhead which has been in the process for six (6) years. \$130,000 was received in grant funds. The Army Corp. decided they wanted to re-review the plans which is the current status. The Township is doing everything it can and is hoping to expedite this review because the timeline has been way too long.

PUBLIC COMMENT

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

Vote: All in favor

Bernie Sayers, Newport, asked what resolution was tabled and if action was taken on R-118-2014. Mayor Campbell informed him that R-120-2014 was tabled and that action was taken on R-118-2014. Mr. Sayers thanked Committee members Jordan and Wilford for their opposing votes on R-119-2014.

Patricia Pew, Money Island, asked for more information about a matter mentioned by the Municipal Solicitor concerning FEMA and waterfront properties. Solicitor Carr informed her that approximately 34 letters went out to waterfront properties regarding access. The Mayor added that this process was initiated by FEMA. The owners were asked to execute an Easement or to Deed the property over to the Township for a \$1. Many of the properties are under water. Access to the same will make it better and easier to maintain bulkheads, etc. in the future. Ms. Pew then asked about a meeting the week before that the Mayor had with representatives of the NJDEP. Mayor Campbell informed her that was about all the pending projects and the FEMA process; there was no discussion about buyouts. The Mayor understands that NJDEP representatives are looking to set up a meeting with him to have a discussion. She stated that the Mayor's

opposition to buyouts is shedding a bad light on those who are considering buyouts. The Mayor conveyed that he is concerned about Township taxpayers and that any property lost hurts the tax base. She stated that she has lost thousands of dollars over the years and at times cannot get out to go to the doctors. Mayor Campbell told her that he appreciates her position on this matter and she disagreed.

Joseph Cerone, Dividing Creek, asked about the status of the bond that was procured prior to the current bond. Specifics were not recalled. Deputy Mayor Cook said that factual information would be gathered and someone would get back to Mr. Cerone. He then asked how many bonds there were currently. The Mayor and Chief Financial Officer agreed two (2). Mr. Cerone asked about a \$900,000 amount and was informed that was a Special Emergency Note.

Bernie Sayers, Newport, asked about the number of dune grass plugs. His recollection was that there were 60,000 total and four (4,000) were planted leaving a balance of 16,000. How can that be? Mayor Campbell explained that only 20,000 plugs of the 60,000 plugs were picked up. Mr. Sayers asked where the plugs were purchased and for how much. Harry Levenkight, Road Supervisor, responded Church's Nursery in Cape May for about \$.14 each.

There being no further comments, a motion was made by Jordan and seconded by Wilford 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, December 1, 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 Cook.

Vote: All in favor



Constance S. Garton
Municipal Clerk