DOWNE TOWNSHIP COMMITTEE
REGULAR MEETING
AUGUST 3, 2015
7:00 P.M.

The Downe Township Committee met in the Meeting Room of the Municipal Complex on Monday, August 3, 2015 at 7:00 p.m. Mayor Robert G. Campbell presided. Committee members present were Larry Jordan, Sr., Stephen Byrne, 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, Byrne, Cook, Bart, Campbell
Absent – 0

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

A motion was made by Cook and seconded by Jordan to approve minutes of the April 6, 2015 Executive Session and May 19, 2015 Special Meeting.
Vote: All in favor

DEPARTMENTAL REPORTS

The Township Committee acknowledged the receipt of the below reports.

- Chief Financial Officer June 2015
- Tax Collector June 2015

MUNICIPAL SOLICITOR'S REPORT

Solicitor Carr reported on the following topics: Entering Upon Properties to Abate a Nuisance, Form of Quitclaim Deed for Donation of Property, Ongoing Tax Appeal Litigation, Updating the Walter's Marine Bulkhead Contract, Attendance at July 8, 2015 Town Hall Meeting, Re: Money Island, Preparation of Resolution for Dyer's Cove Road and New Jersey Avenue - now or then situation and Residency Complaint Against a Township Committee Member.

PUBLIC COMMENT ON RESOLUTIONS

A motion was made by Cook and seconded by Jordan to open the meeting for comments on the following resolutions.
Vote: All in favor

R-73-2015 *To Amend Budget (2015)* [held from July 6, 2015 Meeting]
R-83-2015 *Authorizing The Payment Of Bills*
R-84-2015 *Award Arawak Paving Company The Contract For The Paving Of Dyers Cove Road And New Jersey Avenue Nunc Pro Tunc*

Joseph Cerone, Dividing Creek, questioned Resolution No. R-84-2015. He asked if the job was already done. Mayor Campbell confirmed yes. Mr. Cerone questioned how a contract could be awarded for the project after the fact. Solicitor Carr explained that Nunc Pro Tunc is the latin term now for then and it's used in instances like this to clean up the record.

There being no further comments, a motion was made by Jordan and seconded by Byrne to close the Public Comment segment.
Vote: All in favor

RESOLUTIONS

A motion was made by Jordan and seconded by Byrne to adopt Resolution No. R-73-2015 *To Amend Budget (2015).*
Roll Call: Aye – Jordan, Byrne, Cook, Bart, Campbell
Nay – 0

A motion was made by Jordan and seconded by Byrne to adopt Resolution No. R-83-2015 *Authorizing The Payment Of Bills.*
Roll Call: Aye – Jordan, Byrne, Cook, Bart, Campbell

A motion was made by Jordan and seconded by Byrne to adopt Resolution No. R-84-2015 *Awarding Arawak Paving Company The Contract For The Paving Of Dyers Cove Road And New Jersey Avenue Nunc Pro Tunc.* Deputy Mayor Cook stated that a mistake had been made; the timely adoption of this resolution did not occur so it is being done now. We have to tighten up our administrative procedures.
Roll Call: Aye – Jordan, Byrne, Cook, Bart, Campbell
Nay – 0

COMMITTEE REPORTS / CORRESPONDENCE

Mayor Campbell reported that there was a Telecommunications Meeting. There is no short term fix in terms of communications for the bayshore. People are out there working on that issue. Other projects are moving forward.

Deputy Mayor Cook reported also about telecommunications and the appeal to BPU by 20 municipalities that count on land lines. What is being proposed is estimated to cost Downe Township $1,000 - $1,500. Regarding the weather station, he learned that

he was no longer the liaison for this project according to Mayor Campbell. Deputy Mayor Cook stated that this has been the consistent pattern over the last two (2) months; he has been requested to represent the Township on a numbers of matters only to find the rug being pulled out from underneath him; it's deceitful and underhanded. Each Township Committee member has equal responsibility and authority to represent the people. Everything is to be done with the advice and consent of all five committee members and that is not taking place. Deputy Mayor Cook stated that he has been frozen out. He is not getting emails and the people's business is not getting done. People are being hired, decisions are being made without due process. His first responsibility is to protect Downe Township.

Mayor Campbell refuted the aforementioned comments made by Deputy Mayor Cook.

Committeeman Bart had no report.

Committeeman Jordan had no report.

Committeeman Byrne reported that everything was quiet.

PUBLIC COMMENT

On a motion by Cook and seconded by Jordan, the meeting was opened to the public for comment.
Vote: All in favor

David Pflueger, Money Island, asked about a Code of Conduct for the Township Committee. Mayor Campbell responded yes, Roberts Rules of Order. Solicitor Carr confirmed that Roberts Rules of Order is the standard, default used.

MaryAnn Casper, Newport, stated that she was disappointed in a lot things in Newport especially the five committeemen. She asked if there were two legal junk yards. Mayor Campbell responded no. She referred to cars and buses on Ackley Road and Fortescue Road and said that the condition of some homes in Newport are a disgrace. Deputy Mayor Cook concurred as did Mayor Campbell.

Joseph Cerone, Dividing Creek, stated that he has been to hundreds of meetings throughout the State and it is common conduct for Committee people to debate things. What doesn't happen is that one person takes charge and shuts people down. He felt that his rights were violated and he was discriminated against by the Mayor and he observed that the same thing happened to Deputy Mayor Cook. Nothing that has ever happened at these meetings has fallen under the guidelines of a no no. This is not a communist country, it's Downe Township with five (5) committee people. He does not want to have any more outburst by the Mayor against him or he will file a discrimination suit.

Mary Pflueger, Money Island, wrote an email and received no responses about the lack of notification by Atlantic Electric about the electric being turned off. Someone

should have been in charge of this project. She told the Mayor that she doesn't like how he talks to people; he's a bully. He should have responded to her email, but he didn't because he's mad at her and her husband. She printed and handed out what she had to say tonight because the Mayor will shut her up. What is being done to Deputy Mayor Cook is a personal vendetta and her husband can confirm it. Mayor Campbell stated that he is very sympathetic about the electric being turned off, he was under the impression that the Township Engineer answered everyone's questions. The Engineer, Contractor and Utility Companies are handling this project. She commented about OPRA requests in terms of emails being kept off-site. She stated that they are labeled complainers now and it is not right. They are residents and members of the Township Committee are public officials. The Mayor stated that the County needs to address the bridge; he agreed with the concerns Mrs. Pflueger mentioned. Committeeman Jordan suggested that we get something in writing from the County about the status of the bridge. Mrs. Pflueger also requested that an Old Business Segment appear on each Agenda until the matter is resolved.

Mimi Marlor, Gandy's Beach, informed the public about Roberts Rules of Order…this is a comment segment, say your peace and do not expect to engage the Township Committee. That is an insult to her as a resident; she'd like to take five minutes, then go home. Mayor Campbell asked her not to address the public. She stated that she is a full-time resident on Cove Road in Gandy's Beach. She referred to her letter and attached documents requesting a legal opinion about Committeeman Cook's residency status. She was told that she could obtain a copy of the Solicitor's response and refuting documents via an OPRA Request. She asked the Township Committee that if she is wrong that Mr. Cook be vindicated through the formal investigative process once and for all. As it is her privilege, she will be sending packages to the agencies that can perform the formal investigation including the DCA Ethics Division, the County Prosecutor, the Board of Elections supported by the Attorney General's Office and the newspaper. She shared for the record those factors to determine the true domicile. 1. Does he live and vote there, 2. What is the physical character of each residence, 3. What is the official's division of time between the residences, 4. What is the official's actions in each location, 5. What is the official's ability to demonstrate an intention to return to the original domicile if displaced? She prefers that Mr. Cook do the right thing and step down, but she doesn't think he's going to do that. She thanked the Township Committee in advance and asked that action be taken to move her request to the next step so that this can be resolved once and for all.

Joseph Cerone, Dividing Creek, stated that he challenged the same issue that Ms. Marlor just brought about four (4) years ago. He suspected that it was being brought up again prompted by the Mayor as a vendetta. He stated that Mr. Cook is paying his taxes and asked the Mayor if he is paying his taxes.

Committeeman Bart asked why the Township Committee is entertaining the question of Cook's residency if it came up before. Mayor Campbell informed him that it is being brought up by Ms. Marlor, a resident. Committeeman Bart asked the Mayor if he was putting her up to it. The Mayor responded no.

David Pflueger, Money Island, stated that he talked to the Mayor over a month ago and he said that he wanted to get rid of Deputy Mayor Cook and that Bart is next because he sleeps at meetings. Mayor Campbell denied the accusations.

There being no further comments, the public segment was closed on a motion by Jordan and seconded by Byrne.
Vote: All in favor

A motion was made by Cook and seconded by Campbell to authorize an expenditure of $1,000 - $1,500 to join the County Telecommunications effort.
Vote: All in favor

NEXT MEETING

A Special Meeting will be held on Monday, August 10, 2015. The next Regular Meeting of the Downe Township Committee will be held on Monday, September 14, 2015 at 7:00 p.m. in the Meeting Room of the Municipal Complex.

RESOLUTION

A motion was made by Cook and seconded by Byrne to adopt Resolution No. R-85-2015 *Authorizing Executive Session In Accordance With The Provisions Of The Open Public Meetings Act – N.J.S.A. 10:4-12, Re: Matter relating to anticipated litigation in which the public body may become a party pursuant to N.J.S.A. 10:4-12b(7) as pertains to Money Island/Waterfront Communities.* It was anticipated that no action would be taken.
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

ADJOURNMENT

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

Constance S. Garton
Municipal Clerk