

DOWNE TOWNSHIP COMMITTEE
REGULAR MEETING
SEPTEMBER 14, 2015
7:00 P.M.

The Downe Township Committee met in the Meeting Room of the Municipal Complex on Monday, September 14, 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 Bart to approve minutes of the June 8, 2015 Regular Meeting, June 24, 2015 Special Meeting and Executive Session and August 10, 2015 Special Meeting.

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

A motion was made by Cook and seconded by Jordan to approve minutes of the August 3, 2015 Regular Meeting.

Vote: All in favor

A motion was made by Jordan and seconded by Byrne to approve the minutes of the August 17, 2015 Special Meeting.

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

OLD BUSINESS

Mayor Campbell and Deputy Mayor Cook provided updates on the following:

- Plan Reexamination Report As Recommended By The Downe Township Combined Planning Board*
- R-90-2015 *Accepting The Proposed Scope Of Work By Hatch Mott MacDonald For Professional Engineering Services For The Gandy's Beach Beachfront Sustainability Project*
- R-91-2015 *Accepting The Proposal By Hatch Mott MacDonald For Professional Engineering Services For The Wastewater Treatment Plant And Conveyance System Design Project*
- R-92-2015 *Authorizing the Execution Of A Shared Services Agreement With The County Of Cumberland For Services Related To A Petition Before The Board Of Public Utilities Regarding The Intended Discontinuance Of Maintenance Of Copper Landline Telecommunications Wiring By Verizon, New Jersey, Inc. (Verizon NJ)*
- R-93-2015 *Authorizing The Sale Of Tax Sale Certificate 11-00041*
- R-94-2015 *Authorizing The Sale Of Tax Sale Certificate 11-00042*
- R-95-2015 *Authorizing The Sale Of Tax Sale Certificate 11-00043*
- R-96-2015 *Approving Change Order No. 3 To Arawak Paving Co., Inc. For The Reconstruction Of Dyer's Cove And New Jersey Avenue*

Bernie Sayers, Newport, asked the Township Committee to elaborate on R-92-2015. Deputy Mayor Cook explained that the County of Cumberland is filing a group lawsuit against Verizon requiring them to continue to maintain the copper based line as pertains to communication. The cost to the Township to participate in the lawsuit is expected to be \$1,500. Mr. Sayers explained the problem that he is having with the Verizon conversion. The Township Committee encouraged residents to send letters.

Joseph Cerone, Dividing Creek, asked if the properties which are the subject of R-93, 94 and 95-2015 are contiguous. Mayor Campbell responded no, they are three individual properties.

Mary Phfleuger, Money Island, asked about R-90 and R-91-2015 she thought these were FEMA. Mayor Campbell responded they are grant projects overlapping for Gandy's Beach and Fortescue.

Kary Wilson, Newport, asked if there were Resolutions outlining the projects for R-90 and R-91-2015 and Bids. Mayor Campbell responded yes, in 2014. She questioned animal control charges on R-88-2015 and asked Committeeman Byrne to explain? Mayor Campbell will provide her with a copy of the bills.

Trish Gormley, Money Island, asked in connection with R-92-2015 if each municipality is putting in for attorney fees. Deputy Mayor Cook responded yes, court filing fees, etc. The Wastewater Treatment System was explained.

Dave Pflueger, Money Island, stated that Money Island was first, now Fortescue, how did that happen? Mayor Campbell responded that Money Island was being picked on. \$100,000 was given to Cumberland County which does not include Money Island. Under the regulations from FEMA we can apply for funding that includes Money Island.

Money Island is not off the table. Michael McDaniel, Consultant, confirmed that this is being worked on and that a precedent exists for this project. There is no project worksheet yet.

Bernie Sayers, Newport, asked if the DEP is talking to each other. A discussion ensued about the loss of ratables and revenue.

Sheldon Pepper, Dividing Creek, stated a correction as pertains to the Dividing Creek issue in that any waterfront properties have the same increases. Mayor Campbell concurred.

Trish Gormely, Money Island, asked how and why you would stop someone from selling their home. Mayor Campbell responded that he explained it's about losing ratables. She asked why the Township Committee was meeting in Executive Session about Money Island? Mayor Campbell responded that it's about the Township's options concerning the DEP attempting to regulate illegally. She asked about the vacuum system for the Wastewater Treatment. Mayor Campbell responded that the County System would be pumped to Bridgeton and the other proposal is Batch Plants. The line would be run under the road.

Sheldon Pepper, Dividing Creek, asked about R-93-2015, R-94-2015 and R-95-2015. Mayor Campbell responded that these are Tax Sale Certificates that go back to 2011 and the Natural Lands Trust has offered to buy them.

Bernie Sayers, Newport, asked why they aren't being sold at auction. Solicitor Carr responded that it's not a Land Sale, they are Certificates.

Sheldon Pepper, Dividing Creek, asked for the Block and Lot numbers for the Tax Sale Certificates and what the offers were. Deputy Mayor Cook responded B - 50, Ls - 4, 5 and 8 for about \$10,000. Mr. Pepper commented that the public should be aware of this before action is taken on the Resolutions.

There being no further comments, a motion was made by Cook and seconded by Bart to close the Public Comment segment.

Vote: All in favor

RESOLUTIONS

A motion was made by Cook and seconded by Bart to adopt Resolution No. R-88-2015 *Authorizing The Payment Of Bills.*

Vote: All in favor

A motion was made by Cook and seconded by Byrne to adopt Resolution No. R-89-2015 *Accepting The Proposal For An Interlocal Services Agreement Between The Township Of Downe And Cumberland County To Prepare A Master Plan Reexamination Report As Recommended By The Downe Township Combined Planning Board.*

Vote: All in favor

A motion was made by Cook and seconded by Bart to adopt the aforementioned Resolution No. R-90-2015 and Resolution No. R-91-2015 via consent agenda.

Vote: All in favor

A motion was made by Cook and seconded by Bart to adopt Resolution No. R-92-2015 *Authorizing The Execution Of A Shared Services Agreement With The County Of Cumberland For Services Related To A Petition Before The Board Of Public Utilities Regarding The Intended Discontinuance Of Maintenance Of Copper Landline Telecommunications Wiring By Verizon New Jersey, Inc. (Verizon NJ)*

Vote: All in favor

A motion was made by Cook and seconded by Bart to oppose Resolution No. R-93-2015, Resolution No. 94-2015 and Resolution No. 95-2015 via consent agenda.

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

A motion was made by Cook and seconded by Bart to adopt Resolution No. R-96-2015 *Approving Change Order No. 3 To Arawak Paving Co., Inc. For The Reconstruction Of Dyer's Cove Road and New Jersey Avenue.*

Vote: All in favor

MISCELLANEOUS BUSINESS

Solicitor Carr explained that a request had been received by the Township Committee to subordinate a Housing Rehabilitation Loan due to refinancing. He explained the process and said the loan would be placed in front of the Housing Rehabilitation Loan. The Township Committee will consider the request and the Township Solicitor will ask for relative documents such as the history, practice, title commitment, mortgage, application, appraisal, etc. in connection with this matter. Mayor Campbell suggested that such requests be considered on a case-by-case basis. Solicitor Carr will put something together and communicate with the landowner.

COMMITTEE REPORTS / CORRESPONDENCE

Mayor Campbell reported that he and Committeeman Jordan met with Legislator Greenwald about pilot funding; he is committed to fighting for the Township. A check for \$200,000 is expected in October for PILOT Funding. Committeeman Jordan stated that he came away from the meeting positive; it was encouraging.

Deputy Mayor Cook recognized Jenna Hernandez, Chief Financial Officer / Tax Collector for working on Labor Day on finance matters. He thanked her for her dedication and her truthfulness, frankness and the fact that she is not self serving. He then reported that this evening was the last for Clerk Garton whose term ends October 1, 2015. She was given a standing ovation by members of the Township Committee and a nice round of applause by the audience.

Committeeman Bart wished Clerk Garton good luck.

Committeeman Jordan had no report.

Committeeman Byrne stated that he will look into the animal charges questioned by Kary Wilson earlier during the Public Comment on Resolutions segment.

PUBLIC COMMENT

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

Vote: All in favor

Mary Pflueger, Money Island, stated that Atlantic Electric did contact the only full-time resident about the project. Mayor Campbell contacted Engineer Battistini who confirmed that the Contractor was supposed to get notices out to effected property owners. They will be reprimanded and the lack of notice will be remembered regarding future projects.

Karen Smith, Raybin's Beach, told the Township Committee that it was nice coming here tonight; you're not digging at each other but, conducting business for the Township. She can give Clerk Garton some advice on retirement; she's very good at doing nothing. Regarding New Jersey Avenue under Old Business, she stated that there is still no signage, no storm fencing, no dune grass plantings; she feels it is imperative to get that area completed. She also suggested that Fish and Game be included in any meeting with the NJSP regarding any enforcement issues.

Kevin Coll, Fortescue, stopped in to follow up on a paper street matter. Mayor Campbell suggested that he express his interest in writing and explained that the interest is half to one property owner, half to the other property owner.

Bernie Sayers, Newport, asked the Township Committee what they are planning to do about hiring a Clerk to replace Ms. Garton. Mayor Campbell responded that action is being taken and the ad will be sent out.

Bernadette Donohue, Money Island, said kudos to those who worked on the area of the Fortescue beach where the Horseshoe Crab Festival was held; great job on the beach, delightful to see, thank you, lovely.

Kary Wilson, Newport, asked about the FEMA deadline ending. Mayor Campbell informed her that was for individuals.

Meghan Wren, Money Island, thanked the Township Committee for its BPU action and also the Pilot Program, thanks for efforts at meetings. It's great to hear that progress is being made with Legislator Greenwald. It's important for the Mayor's voice to be there. She commended the Township Committee for its help with the bayshore.

Doug Cook, Fortescue, asked what residents could do to help with the Verizon matter. It was suggested that letters be sent or emailed to Senator Van Drew's Office. Meghan Wren shared that a Freeholder suggested that residents contact a telephone number to complain to BPU and that such number be put on the Township Website and posted in the Municipal Complex.

Kevin Coll, Fortescue, stated that he has a farm in Stow Creek and they battled for years to get cell service and sued FIOS and won. Everyone wrote letters; the effort was successful, but it took years.

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

Vote: All in favor

NEXT MEETING

The next Regular Meeting of the Downe Township Committee will be held on Monday, October 5, 2015 at 7:00 p.m. in the Meeting Room of the Municipal Complex.

RESOLUTION

A motion was made by Cook and seconded by Jordan to adopt Resolution No. R-97-2015 *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 the Waterfront Communities and Re: Personnel matters related to the employment, appointment or termination of current or prospective employees pursuant to N.J.S.A. 10:4-12b(8).* It was anticipated that no action would be taken.

Vote: All in favor

OPEN SESSION

A motion was made by Cook and seconded by Byrne 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 Bart and seconded by Cook.

Vote: All in favor



Constance S. Garton
Municipal Clerk