

DOWNE TOWNSHIP COMMITTEE
REGULAR MEETING
NOVEMBER 9, 2015
7:00 P.M.

The Downe Township Committee met in the Meeting Room of the Municipal Complex on Monday, November 9, 2015 at 7:00 p.m. Mayor Robert G. Campbell presided. Committee members present were Larry Jordan, Sr., Stephen Byrne, and Dennis Cook (Deputy Mayor). Absent was 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, Campbell
Absent – Bart

ORDINANCE – PUBLIC HEARING FOR ORDINANCE 7-2015

FINAL ADOPTION - ORDINANCE 7-2015 - *An Ordinance Establishing Salaries and Wages for the Officers and Employees of the Township of Downe for the Year 2015*

Mayor Campbell stated this is our Salary and Wage Ordinance that defines what titles and positions we have in the Township and the salary range for each.

A motion was made by Mr. Jordan and seconded by Mr. Cook to open the public hearing for comments on Ordinance 7-2015.

Vote: All in favor

There were no comments on Ordinance 7-2015

A motion was made by Mr. Cook and seconded by Mr. Byrne to close the public hearing for Ordinance 7-2015.

Vote: All in favor

A motion was made by Mr. Cook and seconded by Mr. Byrne to adopt Ordinance 7-2015.

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

aspirational goal, it is something we can look into. Mr. Sayers continued how can the committee possibly vote on the resolution if they have not been ready prior to the meeting. Mayor Campbell stated all of the committee has an opportunity to read the resolution prior to the meetings. We normally have our meeting packet by Friday before the Monday meeting.

Mr. Sayers asked why resolutions 108-111 are being read by a lot and block numbers. Why is one resolution not sufficient? Mayor Campbell answered these are properties that have had work done with man hours and materials charges for the work performed. The individual resolutions are necessary in case there is an issue at a later date. Mr. Carr stated this is part of the notification process required to assess the property owner for the charges.

Mr. Sayers asked for an explanation of resolution 113. Mayor Campbell answered there has been a lot of conversation about doing things by the book. According to Robert's Rules of Order and at the direction of Solicitor Carr and conversations with the committee there is a problem with the way things are currently going. People have been taking advantage of the committee trying to be transparent and answer everyone's questions. This hasn't worked. We sit here an extra hour every month with a bashing session. So we decided that it is time to comply with Robert's Rules of Order and set a time limit and take comments and reply to the comments at a later time. Mr. Carr added stated that if it is properly implemented it is something that the State and the Courts have not frowned on. The bottom line is the people want the chance to address the committee. I would say when you look across the state, all are leaning towards have some kind of a timeframe within which people are to address the committee with the ideal that everybody gets to have a chance to address their issues with the committee. Mr. Sayer stated he has been coming to the meetings for over 20 years and this the first time he has ever considered a need for something like this. It goes back to my earlier question of not have this material available to the public prior to the meeting. We, the public, are going to be in some way influenced by Resolution 113. If you were being an open government, this resolution would not be necessary. This is offensive to me. Mayor Campbell stated it is not intended to be offensive. What happens here every month for the past 4 or 5 months has been offensive. The disrespect and the talk over and the out of orderness, this has been offensive to everybody in the room. We want to fix it. A gentleman approached me tonight early and asked what are we going to do tonight, the same as the last couple meetings. If so, I am leaving if that happens tonight. This is the reason we are doing this so we can take back the control of the meeting. We will listen to your comments and get back to you at a later time with the answers. The rest of the committee (not sure about Mr. Cook) is on board with this whole idea. I have always enjoyed answering all of the questions, sometimes they are good questions.

Mr. Sayers asked if the committee would postpone the vote on that particular resolution and allow the public the opportunity to review it before you vote on it. Mayor Campbell read aloud a few points in the resolution (i.e., 5 minute time limit to make your comments, explain your issues and then you are done). Mr. Sayers stated this is a perfect example of non-transparency. This is what you do when you want to hide things from people. Mayor Campbell stated the committee is not hiding anything. There will be a

money that is certified by the CFO. Mr. Cerone continued why then would Mr. Jordan who is a fireman recuse himself from any of the fire issues. Mr. Sayers stated Mr. Jordan only recused himself when there was a payment to his company, which would be appropriate. Mr. Cerone stated maybe he misunderstood that situation. Mr. Cerone continued that as a fireman Mr. Jordan should not vote on anything that has to do with firemen. Mr. Carr commented the checks and balance system is not inadequate.

Mary Pflueger of Money Island stated that we are not all asking the same questions when there are 30 people here. We hear someone asked our question and listen to the answer, 29 other people are not going to ask the same questions. We all benefit from the dialogue. Now because of Resolution 113 when we ask a question and you say you will respond at a later date to my question, the other people that wanted to know the answer are now going to be flooding the office with OPRA requests. We all come here to get the answers. Mayor Campbell stated that is a good point. After six year of sitting up here I have enjoyed the rapport between the committee and the public. Intelligent questions are a joy. What we don't enjoy is what has transpired for the last 4 or 5 months. It is not fun. We are here to do a job. We are trying to keep the business of the Township moving forward. We are trying to do things to better the Township. That is what we are here for. Mrs. Pflueger stated you may not understand from the audience perspective, you take the hear instantly. You are a public official. You decided to run. You have to be able to take the really hard questions and you shouldn't come unglued. You should be able to take them like a gentleman. Mayor Campbell stated he loves the hard questions. But month after month when you have to sit up here and make accusatory statements that are not a question. Mr. Jordan continued the biggest issue is when Mr. Sayers has a question and we answer his question, thirteen other people will stand up to make more comments on the question that was asked and answered for Mr. Sayers. Everybody needs an opportunity to talk. Mrs. Pflueger stated if Resolution 113 is pass it will look like you are trying to hide behind the resolution so you don't have to give any answers. Mr. Jordan stated we will do whatever we can to get you answers but if we don't the answer tonight we will get one to you. Somehow there has to be a respectful dialogue and that is all we are asking for. Mrs. Pflueger stated if someone asks a question in a public forum then the answer should be given in a public forum. We are here because it is a public forum.

Mr. Cerone stated when people ask a question you think it is offensive because you may not understand the question. A lot of questions are shut down because of a lack of transparency. It looks like someone does not want to answer a question. It sounds like you are trying to hide something. Mayor Campbell interrupted and asked if anyone else has a question about the resolutions.

Donna MacMurray of Fortescue stated they do have a point. I am curious about Resolution 112, please elaborate on that resolution. Mr. Cook stated that was a duplicate payment on the part of the tax payer.

Doug Cook of Fortescue asked what is the water testing for \$8,400. Mayor Campbell answered it was for laboratory test for the Money Island & Nantuxent Creek to challenge the DEP's water test. This is the final payment. Mr. Cook asked about the water testing

department head has the right to unilaterally commit the Township and the expenditure of money without a process of discussion, approval and then final certification that the work has been done and done correctly. I have heard some things tonight even as committee we need to have further discussions about what our authority is and what our responsibilities are. All five of us take on the same legal liability in approving any of these expenditures. Otherwise why do we go through all of this process? I am here to protect the Township and once again, if we approve something, then we make the township legally liable. We know in the past there have been situations where the actions of the committee have gotten the township into very serious legal problems. I have always taken the position personally and in every job that I have worked in the last 54 years. The normal check and balance system has been that even if I make an expenditure that I am not the approver of that expenditure in terms of reimbursement. (Problem with recording). In any organization I have worked for, I cannot approve the expenditure and receive reimbursement. (Problem with recording) I am concerned if we start to begin the practice where we are allowing our self to approve the expenditure. If am sure this will be approved and Mr. Jordan was willing to be so committed and put his own money out. We all have cash flow concerns and then to wait upon a laborious process of public approval. Mr. Jordan interrupted is it too late to remove that PO from the bill list? Mayor Campbell answered your expenditure was approved all we are doing is authorizing the expenditure that the CFO has approved. Mr. Cook interrupt this is no reflection on Mr. Jordan. Mr. Jordan stated he wants to remove that bill from this list because Larry Jordan does not need that \$180. I will donate that \$180 to Mr. Cook so that bill can come off of the list and you will never see Larry Jordan's name on their again for reimbursement because I will never take another dollar of my money to purchase anything for Downe Township. Mr. Jordan asked Mr. Carr how to proceed.

Mr. Carr informed Mr. Jordan he must re-track his motion. Mr. Jordan re-tracked his motion. A motion was made by Jordan to pay the bills with the removal of PO #15-00645 in the amount of \$289.78. Motion was seconded by Byrne. Mr. Jordan continued he had a conversation with Nadine before the purchase. He asked what we can do to get the software we need. Ms. Lockley responded she was unable to order the software needed from the company we purchase office supplies with. She told Mr. Jordan to purchase them and he can be reimbursed. Mr. Jordan continued it was not his brilliant idea to spend his money he was under the guidance of the purchasing agent. Mayor Campbell stated it has never been a problem until now. Mr. Jordan stated because there is a problem we need a final decision from the CFO or the State Finance Office on the proper procedures. He will look into it. The new amount for the bill list is \$815,001.81.

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

A motion was made by Cook and seconded by Byrne to adopt Resolution No. R-107-2015 *Resolution for Consideration at the 2015 NJ League of Municipalities in Regard to Telecommunications*. Mr. Cook stated this a followup to the leadership that our township has been taking. As a result of our initiation, we have about 28 additional municipalities as well as the County of Cumberland in terms of taking Verizon Communications to tasks and the Board of Public Utilities. Neither have been doing their

request a copy of the current appraisal or can we add the word "current appraisal". Mr. Carr stated in these situations and old appraisal would not be much good to you in trying to make your decision. Mayor Campbell stated an appraisal that was done ten years ago would not reflect the current value of the property. Conversation between the solicitor and the committee continued on the proper wording for the resolution. It was decided to revise the wording to include "a copy of a current appraisal related to the subject property and mortgage application". A vote was taken to include the above stated change of wording.

Vote: All in favor

A motion was made by Cook and seconded by Byrne to adopt Resolution No. R-115-2015 *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 and contract negotiations 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 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

COMMITTEE REPORTS / CORRESPONDENCE

Mayor Campbell reported there was a trash issue. There is a lot of trash that has been dumped on Tom's Bridge Road that our Public Works Department had to remove. We are trying to find out who did it. Mr. Jordan will elaborate in his report. Governor Christie has lighten the rules on water quality management which has opened the doors to having public sewer and water in areas that are not in approved public water and sewer areas currently. This is big news for what we are attempting to do on the Bayshore. This takes a hugh blockade out of our way. Fish and Wildlife has removed the restriction for dredging because of winter flounder from Dec 31 to Mar 31. They have finally acknowledged there is no winter flounder in the Bay. The real good news is I spoke with DOT two days ago. They have opened the bids for the dredging of the entire Fortescue Creek from the public ramp all the way to the middle of the river channel. The project is about 75,000 cubic yard. They are preparing for a pre-construction meeting. The estimated start date is around December 1st. They have until March 31st to complete the projects. This is a \$5M project. We have a request for a street vacation of South Carolina Avenue. This is a bend at Delaware Avenue where the steel house is on the beach. We have a paper street that dead ends into the Bay. We have a brand new house going up on one side and the steel house on the other side. We will discuss that further because I am unsure if we want to give up that right of way that butts into the Bay because of a public beach access issue. Mayor Campbell stated he was invited to Rutgers in New Brunswick and we were presented with an award at their luncheon for our Complete Streets Policy that we adopted in 2013. There were 40 different municipalities that received an award. This award was given to us in part because of our bicycle and pedestrian trail plan. I was very proud to accept the award for Downe Township. Now we are looking for implementation funds to do some of the bicycle and pedestrian trail.

the meeting is there is anyone who wishes to speak to Mr. Eisenhower please do so at that time.

Mayor Campbell stated to Mr. Eisenhower the Committee is aware of the proposal and we will make a decision at a later date.

Bernie Sayers of Newport asked what was Mr. Eisenhower speaking about. Mayor Campbell answered this topic will be discussed at a later time.

Donna MacMurray of Fortescue stated in May she questioned the Committee about abandoned vehicles on a property on New Jersey Avenue. At that time I was advised that the vehicles were registered and tagged. I did some research and found the registrations are expired and the tags are invalid. I would like to have the Committee consider citing the property owner or have the vehicles removed. Mr. Jordan answered the last time the situation came up they were tagged and registered. I was not sure if they were current. The problem is they were historic vehicles and it doesn't cost very much to keep tags and insurance on them. I have no problem having the zoning officer re-visit this situation. Mayor Campbell stated this goes back for many years. When he was the zoning officer he was called to the property. At that time I was told they were all registered and insured. He has since passed and it is time to deal with this issue. Mrs. MacMurray stated we have some serious road issues on New Jersey Avenue that needs attention. Mrs. MacMurray continued she is curious to find out if there has been research done by the Township Committee or the engineers regarding a sewerage plant coming or a sewer line coming to Fortescue. Mayor Campbell answered our engineer has just submitted a grant for repaving all of New Jersey Avenue from Downe Avenue to the public fishing beach. If we get the grant there is a year and a half from when we get the grant to when we can actually get to work. At the same time we are dealing with Mr. Bryski under the Hurricane Sandy FEMA issue. We have convinced them that a lot of the damage to the road was done during all of the construction and repair from Sandy. They are writing a new PW for this section of roadway and another section of roadway in that same area. Between those two opportunities, we should be able to get this fixed. That's in discussion. Mr. Jordan stated there is a time issue with paving companies during winter months. We are going to have to weather the winter months somehow until spring. It's probably going to be March before it gets done. In the meantime we will do what we can until it is fixed properly. Mayor Campbell answered about a month or two ago we approved the contract with Hatch Mott MacDonald to do the work under our USDA Search Grant. This grant could only be used in Fortescue for a sewer feasibility study. We had a kick-off meeting and received an status report in the last few day. They are in the process of having a conceptual plan ready to submit to DEP for a pre-application meeting after Thanksgiving. They are aware that time is of the essence. All three beaches will be addressed but Fortescue is first. We have met with a number of organization about funding the project.

Eugene MacMurray of Fortescue stated he has two properties in Fortescue. One of the properties just had the house raised which was very costly. The next phase of our construction is the septic system which will cost about \$20,000. Is it possible if we don't put in the septic in and get a temporary CO using the existing septic system. Once we

OPEN FROM EXECUTIVE SESSION

Mr. Carr made the statement that the Committee is back into Public Session after discussions about the Hansen Litigation, Money Island and Bayfront litigation issues relating to the State of NJ, Money Island marina litigation relating to the use of property and potential foreclosure, ERHA contract.

RESOLUTION

A motion was made by Jordan and seconded by Byrne to adopt Resolution No. R-116-2015 *Resolution Terminating the Agreement with Edminster, Hinshaw, Russ & Associates, Inc., D/B/A/ EHRA.*

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

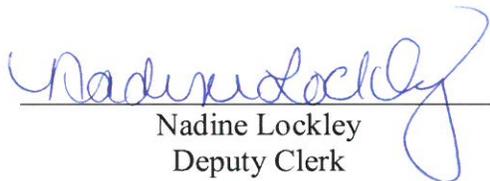
NEXT MEETING

The next Regular Meeting of the Downe Township Committee will be held on Monday, December 7, 2015 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 Cook and seconded by Jordan.

Vote: All in favor



Nadine Lockley
Deputy Clerk