

DOWNE TOWNSHIP COMMITTEE
REGULAR MEETING
JANUARY 4, 2016
IMMEDIATELY FOLLOWING 7:00 P.M. REORGANIZATION MEETING

The Downe Township Committee met in the Meeting Room of the Municipal Complex on Monday, January 4, 2016 at 7:45p.m. immediately following the Reorganization Meeting. Mayor Robert G. Campbell presided. Committee members present were Larry Jordan, Sr. (Deputy Mayor), Stephen Byrne, Dennis Cook 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

PUBLIC HEARING FOR 2014 SMALL CITIES COMMUNITY DEVELOPMENT
BLOCK GRANT – MONEY ISLAND BULKHEAD – PERFORMANCE REVIEW

Mayor Campbell stated it is a requirement of the grant we received for the Money Island Bulkhead project to hold a public hearing on the performance of the project.

A motion was made by Cook and seconded by Byrne to open the meeting for the public hearing on the performance of the Money Island Bulkhead Project.

Vote: All in favor

Mary Pflueger of Money Island asked Mayor Campbell to define the public hearing. Mayor Campbell stated this is your opportunity to comment on the new bulkhead construction project. This is your opportunity to state exactly how you feel about the project. Mrs. Pflueger stated it is hard to comment on something that is not complete. During a high tide water actually comes right through it. I am hoping when it is completed this will not happen. If this continues to happen it will wash the ground away. Mayor Campbell stated there have been some concerns that the property owners were not properly notified when the traffic pattern changed. The electric company shut the power off for a day and did not notify the property owners. There were some issues but the issues were fixed. I think we are all really happy the bulkhead is there and will be real happy when it is finished. Mrs. Pflueger stated she hopes when it is finished it will eliminate the big lake that develops in front of the Novak property. It comes in at the bridge area. Mayor Campbell stated he hopes all the water that use to break through and cause little lakes is corrected. Mrs. Pflueger stated it is hard to praise the project before

it is finished. Mr. Cook asked if we can arrange a meeting at the location before the paving to look at the whole situation. We need to look at the drawings and compare it to the work to be assured that it will fix these problems. This is a real concern. Another huge issue is the tie-in and the extension. Do we have any idea if the tie-in and extension will be dealt with before the cap is placed? Mayor Campbell stated the extension will be done and it will come around the bend and tie-into the bridge and then it is capped. Once they get the road base in it will be a good idea to check on the elevations before final paving. I think we are going to be surprised. Mr. Cook stated a critical piece is the roadway is literally dropping down at the bridge. I feel that drop increasing when I drove over it. Where are things with the County? When are they going to do their project on that bridge? It is my understanding the paving would not go to the top of the bridge. The piece where the tie-in to the bridge abutment is and where the roadway meets is an issue. Mayor Campbell stated this is a problem. The public works crew has been down there patching and it keeps sinking. Once the bulkhead is in, the paving will go right up to the bulkhead. We may be able to get to the bridge as close as we what to get. Mr. Cook asked if there is a contact person from the County we can talk to. Mayor Campbell answered John Knoop is the County Engineer. We can contact him and have him come out to the location. He has been there a few times with Mr. Battistini. This bridge is a problem they need to address. The Rabin's Beach Bridge and the Fortescue bridge are both on target to be worked on this Spring but they have not talked about the Bayview Bridge. Maybe we need to set up a meeting with Mr. Knoop and our engineer. Mayor Campbell stated this is a good idea.

Jesse Briggs of Money Island stated even with steel sheeting you can still get water seepage. It will not be watertight. Mayor Campbell stated most of the bulkhead is up behind the sand dunes. It doesn't interface with water until it gets around the other bridge. Mr. Briggs stated as a general rule unless you pour a concrete wall there will be seepage. If there is any money left over can we fill in the area by the marina because we can't get out if it's flooded. Mayor Campbell commented that is a reasonable request. Mr. Cook stated another issue we will need to look at is on the northwest side where the public property meets the marina property. The Marina has not been responsible in maintaining their bulkhead. At the end of the public bulkhead there is an area that has to be addressed. Mrs. Pflueger asked if that area was part of the bulkhead project. Mayor Campbell stated there are some bin blocks there and there is an opening that needs to be filled in. At the end of the bulkhead project, we will be taking care of that.

Josepha Cerone of Dividing Creek asked how many contractors actually pick up the bid packages. Of those, how many actually submitted a bid. Mayor Campbell stated there were a lot that picked up the bid packages (maybe 11 or 12) and we received about 6 or 7 actual bids.

A motion was made by Bart and seconded by Cook to close the public hearing on the performance of the Money Island Bulkhead Project.

Vote: All in favor

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

A motion was made by Jordan and seconded by Byrne to approve the following minutes: Regular Meeting of October 5, 2015 and November 9, 2015.

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

DEPARTMENTAL REPORTS

Mayor Campbell read the CFO and Tax Collector Reports. The Township Committee acknowledged the receipt of the following reports:

- Chief Financial Officer October/November 2015
- Tax Collector November/December 2015

MUNICIPAL SOLICITOR'S REPORT

Solicitor Carr presented his report which consisted of information and updates on the following matters: NJ League of Municipalities about OPRA requests and the effects they are having on municipal government and the permeation of those requests as it relates to potential actions for enforcement. This will help to explain the priority that such requests have to take in the office to make sure they are answered in a timely manner. There was a conversation about needing to take action in regards to Tom's Bridge Road that will be discussed later. Ordinarily when you do a road closing you seek the opinion of the engineer. This is an unusual case of an unimproved road with a bridge that is county controlled and has been nonfunctional for a long period of time. There is a form of ordinance relating to the recreation committee dealing with the possibility that the recreation commission and recreation committee have roles that duplicate one another. The MEL employment practices and policies are supposed to be available any time. We may need to update our current policies and procedures manual. It usually pays to adopt these changes to continue coverage with the JIF. There is correspondence that went out about the bridge issue in Money Island. There has been no response from the County. If you are planning a meeting onsite make sure you do not have a majority of the committee in attendance. There is correspondence about some ongoing litigation. Thank you for the opportunity to continue to work as your township solicitor.

INTRODUCTION OF ORDINANCE 2016-1 – *An Ordinance Rescinding Ordinance No. 2007-9 of the Downe Township Code* was introduced on first reading on a motion by Jordan and seconded by Byrne. The public hearing and second reading of the Ordinance will be held at the next Regular Meeting on February 8, 2016 at 7:00 p.m. in the Municipal Complex.

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

Mayor Campbell stated the intent of this ordinance is to repeal the ordinance that was set up to create the Downe Township Recreation Committee. This committee functioned well for a quite a few years. Last year it was relatively inactive. The best intent would be to get rid of that entity and any recreation activities that we want to do we can do through the recreation and tourism commission. We can now focus on the recreation and

tourism commission and solicit volunteers. Mr. Cook requested a copy of the commission ordinance to compare the two.

PUBLIC COMMENTS ON RESOLUTIONS

A motion was made by Cook and seconded by Byrne to open the meeting for public comment on the following resolutions.

Vote: All in favor

- R-22-2016 *Authorizing the Payment of Bills*
- R-23-2016 *Authorizing the Cancellation of Small Tax Balances of \$10.00 or Less for the Year 2015*
- R-24-2016 *Appointing Animal Control Officer for the Township of Downe*
- R-25-2016 *Appointing Animal Shelter Service Provider for Township of Downe*
- R-26-2016 *Designating 2016 Holiday Observances*
- R-27-2016 *Authorizing an Agreement Between the County of Cumberland and the Township of Downe Regarding the Alliance for Substance Abuse Prevention*
- R-28-2016 *Directing Tom's Bridge Road to be Gated and Restricted as to Motor Vehicle Access*
- R-29-2016 *Appointing Safety Coordinator for the Atlantic County Municipal Joint Insurance Fund*
- R-30-2016 *appointing Pest Control Service for the Township of Downe*
- R-31-2016 *Appointing Office of Emergency Management (OEM) Coordinator & Deputy*
- R-32-2016 *Appointing Acting Clerk for Downe Township*
- R-33-2016 *Appointing Administrative Assistant for Downe Township*

Bernie Sayers of Newport asked who is being appointed on R-30, R-31, R-32 and R-33. Why doesn't the resolution name the person being appointed? Mayor Campbell answered R-30 is appointing Ehrlich Pest Control who we have been using for years. R-31 is appointing Charles Lupton as Coordinator and Larry Jordan as Deputy Coordinator of OEM. R-32 is appointing Nadine Lockley as Acting Clerk and R-33 is appointing Nicole Marlette as Administrative Assistant. She is taking over Stefany Levenknight's position. Mr. Sayers commented he is curious to know why Miss Lockley is again Acting Clerk. He has dealt with her for as long as she has been here and she has been one of the best clerks that he has dealt with. Mayor Campbell stated she is being made Acting Clerk not Deputy Clerk. Mr. Sayers asked why she isn't the Clerk. Mr. Carr stated she has to complete classes and there is a timeframe associated with that under the title of Acting Clerk.

Joseph Cerone of Dividing Creek asked about the two Kubota payments. Mayor Campbell stated in December the Kubota Leasing Company charged us late fees. We pay all bills according to our cycle and if bills are not paid in time we receive late fees. Our staff battled with them about the late fees and managed to get them removed and applied to the December payment. This is why you see a payment of \$613 due for December lease period. The other payment is the January payment that is due. Mr. Cerone asked about R-28. You have already closed one side of that road. The bridge is

not able to hold vehicle traffic. This has become a spot where taxpayers can get to the state waterway. That is tidal water. By closing the other side you are limiting access to state waterways. You do not have the authority to do that. Mayor Campbell answered the reason we are closing the road is because it has become a dumping ground for trash. We are not restricting people from going back there we are gating it to restrict vehicle traffic and dumping. The township owns a 60 foot wide right of way from one end to the other. Mr. Cerone stated this is a mile long road. If you block the road you are denying access to the state waterways. Mayor Campbell stated the road is not an open road to the public. We do not have to leave that road open. Mr. Cerone asked if the other side would be reopened. Mr. Bart answered no. Mr. Cerone stated you are limiting access to the state waterways. Mayor Campbell stated there is plenty of public access to the waterways in Downe Township. Mr. Cerone stated this is the way it is supposed to be. What you are doing is causing people to be limited from their access.

Kary Wilson of Newport asked in reference to the OEM Deputy Coordinator, if a committeeman can be in another paid position in the Township. Mr. Jordan stated he is not paid in the position he is a volunteer. Mayor Campbell stated he held the position last year also as a volunteer.

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

Vote: All in favor

RESOLUTIONS

A motion was made by Cook and seconded by Byrne to adopt Resolution No. R-22-2016 *Authorizing the Payment of Bills* in the total amount of \$1,805,293.95.

Mr. Cook stated he wishes to vote "NO" for the Kubota payments. At the last meeting he requested a copy of the agreement and how much money has been spent, is this a lease purchase agreement, how much is still owed, how long does this go on for, and who is being charged and did not received a response to this request. He is making that request again. Mayor Campbell stated all of those documents are available from the CFO. Mr. Cook stated he would like some leadership here and would like the document placed in his mailbox. Because this is another part time position and it is very difficult to go chasing after everybody. This one is only here for a few hours also. This is no reflection on any of those staff members. Miss Lockley asked Mr. Cook to repeat the list of information he is requesting. Mr. Cook repeated his request. Mr. Cook asked if the Kubota goes back after the lease. Mayor Campbell answered yes.

Roll Call: Aye – Jordan, Byrne, Cook (with Kubota excluded), Bart, Campbell
Nay – 0

A motion was made by Cook and seconded by Byrne to adopt the aforementioned Resolution Nos. R-23-2016 through R-30-2016.

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

Vote: All in favor

A motion was made by Cook and seconded by Byrne to adopt the aforementioned Resolution Nos. R-31-2016.

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

Vote: All in favor

A motion was made by Bart and seconded by Cook to adopt the aforementioned Resolution Nos. R-32-2016.

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

Vote: All in favor

A motion was made by Cook and seconded by Byrne to adopt the aforementioned Resolution Nos. R-33-2016.

Mr. Cook stated the hourly rate will be \$9.50.

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

Vote: All in favor

COMMITTEE REPORTS

Mayor Campbell stated the Public Facilities program which is the grant people for the Money Island bulkhead actually came out on December 17th and did a full monitoring assessment of the project. We received an “A+” grade. They are happy with the project. The American Littoral Society sent a letter and they have proposed a habitat restoration project site on Dyer Cove Road beach. They received \$5M. They did south Fortescue, they did something in other areas and they have money left. They were going to spend it on the beach between Money Island and Gandy Beach. They have made application to the DEP to do a habitat restoration project instead. Mr. Cook asked if we could get something in here for New Jersey Avenue that was torn up in terms of the beach replenishment project they did. We need to write back and say they are going to be required to have a reserve for road repair. Mayor Campbell stated they usually do. They have stated in the past they are responsible for the road repairs. Mayor Campbell continued the Gandy Beach Resiliency Project is underway and in the design process. The project consists of the Breakwaters in North Cove Road area of Gandy’s Beach.

Committeeman Cook thanked Doug Cook who wrote an excellent cover letter representative of all the different issues that our residents have experienced with Verizon. We are a part of a consortium of municipalities putting together a lawsuit and complaint to both Verizon and the Board of Public Utilities Commission. This was very well thought out and hit all the points. Mr. Cook stated Mr. Joe Pignetelli of Fortescue wants

to fill out the forms asking Verizon to improve their services also. This project is moving along. Disappointingly the litigation is not moving along as quickly as I would like and the holidays didn't help. I am hoping that we can take another big step in protecting our Money Island residents now that we are out of the holiday season.

Committeeman Bart read a report prepared by the Public Works Department illustrating the cost saving for the Township after switching our hauling contractor. The report also illustrated the Convenience Center recycling efforts. Mr. Bart complimented the Public Works Department for all of their efforts at the convenience center.

Committeeman Jordan stated Harry Levenknight has done a really good job of keeping the recycling numbers up.

Committeeman Byrne stated we are the stewards of the township and it seems like the turtle population keeps decreasing. He plans to look into getting signs for the roadway to watch out for the turtles. Mayor Campbell stated that is a great idea. There are environmental agencies that have turtle ladders and other items that can be used during mating season.

CORRESPONDENCE – Nothing mentioned.

Mayor Campbell stated near the end of January it is proposed that Hatch Mott MacDonald who is working on the sewer plant for Fortescue will have a conceptual plan ready for a pre-application meeting with DEP. This is a really good deal. After the meeting we will have a better understanding of what they will require us to do. We plan to have public hearings to get the input of our residents. The housing market could come back to life if we have public sewer. As far as Money Island and Gandy's Beach the conversations about sewer and water is not over in regards to FEMA paying for it. There are 4 different criteria to meet in order to be eligible for reimbursement. So far we meet three. There is one criterion that is an issue. They want to know who will be responsible for the failed system. Mayor Campbell mentioned a couple of different scenarios to better illustrate the issue. Mayor Campbell stated we are trying to work this issue out with the assistance of an attorney. The debate is coming to a conclusion and it is our hope we can convince FEMA they have to jump on board. There are some other issues that are clouding the way and I hope it doesn't derail this process. The Fortescue State Marina has been on my list from day one after the Hurricane. FEMA is even rethinking that project because it is a public facility.

PUBLIC COMMENT

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

Vote: All in favor

Bernie Sayers of Newport stated Mr. Carr made reference to litigation and he wasn't very comprehensive. Can you tell us more about who we are litigating with and what the issues are. Mr. Carr answered he reported on a tax appeal that is ongoing. That is

Hanson vs. Downe Township. He also reported on an issue that is a matter at the Joint Court related to a failure to obtain a Certificate of Occupancy. Mr. Sayers asked for the status of the litigation against the DEP. At the end of the last meeting he asked why there is an Executive Session and the Mayor said it was to discuss litigation against the DEP. Mayor Campbell answered there was a discussion but no action was taken. Mr. Sayers stated Mayor Campbell uses the phase PW on a regular basis. What does PW stand for. Mayor Campbell answered it is a FEMA term that stands for Project Worksheet. FEMA issues a number to the PW and the project become known as PW-####. Mr. Sayers asked is that an Excel spreadsheet. Mayor Campbell corrected Mr. Sayers it is a Project Worksheet not and Excel spreadsheet. FEMA comes out, asks about our damage, they investigate the damage, and then FEMA writes a PW. The PW contains the scope of work with an estimated cost. They then issue an obligated project worksheet which is there certification of the amount they will pay for the damages. Mayor Campbell stated all he does is point out the damage and the FEMA workers write up the PW. The PW's are available. Mr. Sayers asked if the document is in digital format. How does the township access the document? Mr. Sayers asked if he puts in an OPRA request for PW-- will he receive the response in a digital format. Mayor Campbell answered yes. It may not be immediately available but we will get it. Mr. Sayers stated on Sharp Lane there is a tree falling down and it should be cut. Mayor Campbell said it will be taken care of.

Donna MacMurray of Fortescue stated at the last three meetings she has attended it was brought to the committee's attention about abandoned vehicle on New Jersey Avenue. What progress have we made as to notifying the owner and or removing the vehicles? Mr. Jordan stated he hasn't done anything this past month. Mayor Campbell stated he has talked about it with the zoning officer. We have pictures of the vehicles and something will be done right away. Mr. Jordan informed Mrs. MacMurray this topic will be discussed at the next work session.

Mr. Sayers asked if the conceptual plan for the water treatment facility in Fortescue is available. Mayor Campbell stated is not yet available. It has not been completed yet. Once a final plan is been prepared it will be available. Mr. Sayers asked why the Sheriff's Department is in attendance. Mayor Campbell stated he has requested a representative from the Sheriff Dept. in attendance at our meetings for 2016. Mr. Sayers asked what the cost is. Mayor Campbell answered there is no cost.

Mary Pflueger of Money Island stated a couple of months back we had a proposal about some property on Turkey Point Road. What deal did the township work out? Mayor Campbell stated the deal fell apart. We are not being asked to do anything. Mrs. Pflueger asked why we were involved in it originally. Mayor Campbell stated they wanted to buy the tax sale certificate and we have to approve that. We didn't and so they are doing something else.

Bernadette Donahue of Money Island stated this morning in the Nantuxent Creek some water testing was being done. Was that for the township? Mayor Campbell stated he knows nothing about it. He asked if they were in a boat or walking along. Mrs. Donahue answered they were in a boat. Mayor Campbell stated it could have something to do with the Oyster Industry. They do testing two or three times a year.

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

Vote: All in favor

Mr. Jordan stated we need to set a work session date. Mayor Campbell stated in regards to the Gandy's Beach Bulkhead project - FEMA PW 2755 we had three items to complete the project and submit for reimbursement. There were railings to be installed, striping of the roadway and safety lighting to be installed along the bulkhead. These items will be complete in the next week or so. Once they are complete we will hold a special meeting to pay the invoices and include a work session at that meeting. Once that is done and the project closed out we should receive a check from FEMA for approximately \$700,000.

NEXT MEETING

The next meeting of the Downe Township Committee will be held on Monday, February 8, 2016 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 Byrne.

Vote: All in favor



Nadine Lockley
Acting Municipal Clerk