

DOWNE TOWNSHIP COMMITTEE  
REGULAR MEETING  
May 2, 2016

The Downe Township Committee met in the Meeting Room of the Municipal Complex on Monday, May 2, 2016 at 7:00p.m. 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, Bart, Campbell, Cook

Absent – 0

DEPARTMENTAL REPORTS

Mayor Campbell highlighted reports from the CFO for the months of January, February and March 2016. Mayor Campbell highlighted reports from the Tax Collectors Office for the months of February and March 2016. Mayor Campbell highlighted the Housing/Zoning Officer report for March and April 2016.

MUNICIPAL SOLICITOR'S REPORT

Solicitor Carr presented his report which consisted of information and updates on the following matters: related to litigation, abandoned property ordinance, settlement of an estate, and information on a burned out property on Landing Road.

Mayor Campbell asked how would enforce, manage, track and have to contact the mortgage company if the abandoned property ordinance is passed by the Township. Mr. Carr stated it is the responsibility of the mortgage company to contact the township about our abandoned property policy. The onus would fall on the Clerk's office. Mayor Campbell asked the committee to review the document and be prepared to discuss it.

INTRODUCTION OF ORDINANCE 2016-3 2016 Salary Ordinance

A motion was made by Cook and seconded by Byrne to introduce Ordinance 2016-3.

ROLL CALL

Aye – Jordan, Byrne, Cook, Bart, Campbell

Nay – 0

INTRODUCTION OF ORDINANCE 2016-4 – Flood Damage Prevention Ordinance

A motion was made by Bart and seconded by Byrne to introduce Ordinance 2016-4.

ROLL CALL

Aye – Jordan, Byrne, Bart, Campbell

Nay - Cook

INTRODUCTION OF ORDINANCE 2016-5 – Amending the Code of the Township to Update Maximum Penalties for Violations

A motion was made by Bart and seconded by Byrne to introduce Ordinance 2016-5.

INTRODUCTION OF ORDINANCE 2016-6 - Declaring Certain Parcels of Real Property Owned by the Township of Downe Situate in the County of Cumberland No Longer Needed for Public Use and Authorizing the Public Sale of Same Pursuant to N.J.S.A. 40A: 12-13 ET SEQ.

A motion was made by Cook and seconded by Jordan to introduce Ordinance 2016-6.

ROLL CALL

Aye – Jordan, Byrne, Bart, Cook, Campbell

Nay – 0

INTRODUCTION OF ORDINANCE 2016-7 – Vacating a Portion of an Unnamed and Unimproved Alley – John Gilligan

A motion was made by Cook and seconded by Byrne to introduce Ordinance 2016-7.

ROLL CALL

Aye – Jordan, Byrne, Bart, Cook, Campbell

Nay - 0

PUBLIC COMMENTS ON RESOLUTIONS

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

Vote: All in favor

- R-61-2016 *Authorizing the Payment of Bills*
- R-62-2016 *Approving Shared Service Agreement Between the Township of Downe and the Cumberland County Office of Emergency Management for a New Generator*
- R-63-2016 *Authorizing the Township of Downe to Submit an Eligibility Determination and Funding Application to the USDA for the Fortescue Sewer Service System*
- R-64-2016 *Approving the TWA-1 Form for 296 Nantuxent Drive, Money Island*
- R-65-2016 *Authorizing the Entry into an Agreement for Professional Services with Hatch Mott MacDonald for the Fortescue Sewer Quality Assurance Work Plan*

- R-66-2016 *Authorizing Terms Related to the Advertisement and Sale of Real Property No Longer Needed for Public Use Situate Within the Township of Downe – THIS RESOLUTION WAS TABLED -*
- R-67-2016 *Authorizing Executive Session*
- R-68-2016 *Authorizing – Michael Oates*
- R-69-2016 *Authorizing Release of Mortgages in Matter of Estate of William C. Hand, Block 13, Lot 12, 12 Fortescue Road, Newport, NJ*

Mayor Campbell stated R-63-2016 is authorizing an application to USDA for additional funding (about \$30,000) to fund R-65-2016 an agreement with Mott MacDonald for the next step in the sewer project to move it forward.

Mayor Campbell stated there are 4 properties associated with R-66-2016 to put these properties up for sale in a public auction. They will be advertised and a date for the auction will be set at another time. Mr. Carr stated this process required an ordinance to set the terms. This can be accomplished tonight.

A motion was made by Cook and seconded by Jordan to open for public comments on the Resolutions.

#### ROLL CALL

Aye – Jordan, Byrne, Bart, Cook, Campbell  
Nay - 0

Bernie Sayers of Newport asked for more information on R-63-2016. Mayor Campbell stated we are working on a public sewer system for Fortescue. The Township received a USDA Grant for \$30,000 to do a feasibility study and plan. Last month a pre-application meeting was held with all agencies involved. The plan received a 99% positive vote. All of the agencies voiced what was needed to move the project forward. There is a 24-month schedule proposed to have the project up and running. We had a visit from a representative of NJEIT an organization that finances these types of projects. We have their support. Now that we have the green light to go forward with the project; the first step is to complete a water quality testing for the discharge of the treated wastewater is going to take 6-months to complete. This testing situation is in progress. This testing set the entire project back. Everything is moving forward favorably for a sewer system in Fortescue. Mayor Campbell stated Rutala Associates are writing the grant for the funds needed for Mott MacDonald to get paid to move forward with the next steps for the sewer project. Mr. Sayers asked why isn't a bidding process being considered here. Mayor Campbell stated there will be a bidding process at the next phase of the financing.

Dave Pflueger of Money Island asked what happens to the systems that have just been installed. Mayor Campbell stated within two years they will have to sign on to this system. Mayor Campbell continued Fortescue, Money Island and Gandy's Beach will have to have infrastructure in order to survive.

Mr. Sayers asked how are these sewer systems going to affect those of us to live inland and will not benefit from these new systems. Mayor Campbell answered not at all. The key to making

this work is the funding. If we can get grant money for these projects the lower the end cost to our residents. Because we have less than 3000 people the USDA will fund up to 75% as a grant. Mr. Sayers asked Mayor Campbell to repeat there will be absolutely no cost to the residents who do not live in those areas. Mayor Campbell stated that is correct.

Cathy Ryan of Fortescue stated by keeping the village of Fortescue afloat which is a high tax area the other residents of Downe Township will not face a tax increase. You say we need Comcast, sewer and natural gas in Fortescue do we not need water in our fire hydrants. Mayor Campbell answered yes. While at a meeting at the Nature Conservancy office about the two new beaches, there was a conversation about a project in Gandy's Beach to put in dry lines and service for firefighting with a tap out into the bay. My plan is to follow up on this conversation because the Township Committee has no knowledge of this project. A tower is needed to charge the hydrants. The conversation is not off the table with FEMA funding the sewer in Gandy's Beach and Money Island because of Hurricane Sandy issue with all of the septic tanks.

Mr. Sayers asked what issues will be discussed during executive session. Mr. Carr answered Hansen Tax Appeal, Blue Acres and Money Island continuing potential litigation, the new DEP violations notices on Money Island, the Estate of William Hand a small cities loan issue, Michael Oates potential litigation, probate court matter regarding a right or way of John Gilligan are the issues to be discussed in executive session. Also action may or may not be taken about executive session.

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 Jordan and seconded by Bart to adopt Resolution No. R-61-2016 *Authorizing the Payment of Bills in the amount of \$621,786.48.*

Roll Call: Aye – Jordan, Byrne, Bart, Campbell, Cook with exception of Item #2  
Tedesco Engineering  
Nay – 0

Vote: The resolution was approved.

A motion was made by Cook and seconded by Byrne to adopt Resolution No. R-62-2016.

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

Vote: The resolution was approved.

A motion was made by Cook and seconded by Byrne to adopt Resolution No. R-63-2016.

Mr. Cook asked if the resolution for the \$30,000 grant. Is our approval for R-63-2016 associated with R-65-2015. We should first get the approval of the grant so we will have the money to pay invoices for the consultant. Mayor Campbell answered these are reimbursement type grants.

Mr. Cook continued that he doesn't want to obligate Downe Township for \$30,000 if we haven't secured the grant funding. Mayor Campbell stated we can not afford to wait months for grant approval. We must keep moving forward with the sewer project. USDA has stated they will support us all the way through the process

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

Vote: The resolution was approved.

A motion was made by Cook and seconded by Byrne to adopt Resolution No. R-64-2016.

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

Vote: The resolution was approved

A motion was made by Jordan and seconded by Byrne to adopt Resolution No. R-65-2016.

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

Vote: The resolution was approved

Resolution R-66-2016 – Tabled an ordinance is required.

A motion was made by Cook and seconded by Byrne to adopt Resolution No. R-67-2016.

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

Vote: The resolution was approved

A motion was made by Cook and seconded by Byrne to adopt Resolution No. R-68-2016.

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

Vote: The resolution was approved

A motion was made by Cook and seconded by Jordan to adopt Resolution No. R-69-2016.

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

Vote: The resolution was approved

## COMMITTEE REPORTS

Mayor Campbell stated Atlantic City Electric is crediting everyone \$113.00 on their next bill. Mr. Cook commented the amount is insulting. Lastly he reported that the breakwater

design by Hatch Mott MacDonald which is an Army Corp project has been completed and it looks beautiful. It has been projected the two beach projects will be completed in two years.

Committeeman Cook stated the Money Island project has been a betrayal. We were told by Commissioner Martin some time ago that the same projects happening in Fortescue would be done in Money Island. All of the people of Money Island have consistently support any benefits that any of our villages can receive within Downe Township. The action of the DEP is discriminatory and retaliatory. They are continuing to use selective enforcement. New letters have just come out to a number of residents of Money Island. This pretty much makes it impossible for anyone to stay. When Mr. Martin was in Downe Township he made the statement and many heard it that if the people of Money Island did not accept a Blue Acre/Green Acre buyout we would be regulated out. Here it is. He threatened us and now he is delivering. Money Island is not going to get any sand or dunes. By the time that happens we will not be there. One after another folks are simply throwing in the towel. We are in the 1% of the poorest townships in the State of New Jersey and Cumberland County is the poorest county in the State of New Jersey. Shame on our County Freeholders. We will continue to fight for the residents of Downe Township

Committeeman Bart reported the security/surveillance system has been installed.

Committeeman Jordan reported the Historic Commission is in the process of doing a past and present Downe Township Military Member recognition page on their website. We are currently working on the first six people to be recognized. This should be posted in the next week or two. Mayor Campbell reported there was a joint commission meeting held last week and he was extremely disappointed that only 8 or 9 people came out to show any interest in the whole process. We hear the complaints about not having any activities in the township and the reason is because we have no support from our residents. We will try to hold another joint commission meeting but if there is no support, we will not do it again.

Committeeman Byrne stated he is working on the cat situation and nothing is happening yet.

Mayor Campbell stated he attended an excellent Mayors Convention last week. It was very well attended by state agencies. In reference to the Pilot Funding issues, I had a chance to address the panel at the convention and I asked if anyone could bring me up to date on the status of the Pilot Funding. There is a resolution out that defines how the money is to be spent. There is a section in the resolution that defines stewardship. The section talked about the Fish and Wildlife officers, and the Nature Conservancy but nothing about the municipal stewards and the Pilot Funding. It is believed that Governor Christie will veto this bill. It needs to be vetoed because it is a flawed bill. The panel also agrees that it is a flawed bill. I was asked to work with the committee revising the bill.

#### OLD BUSINESS

Downe Township Commissions was mentioned during the Mayors Committee Report.

#### NEW BUSINESS

### Request for Proposals for Website Design and Maintenance

Mr. Jordan stated the committee has had a month to review the RFP. We need to move forward with an ad in the newspaper.

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

Vote: The motion was approved

### Abandoned Property Ordinance

The committee will review the proposed ordinance and be ready to discuss at the next meeting.

### PUBLIC COMMENT

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

Vote: All in favor

Karen Smith of Rabin Beach asked for the location of the beach replenishment projects and status of discussions regarding the steel bulkhead. Mayor Campbell answered on the south end there was an old wooden bulkhead that went from the public fishing beach all the way down. Where that wooden bulkhead is, that is where FEMA has proposed the steel bulkhead. We were asked for a design that has been completed and delivered to them. It currently sits in front of the Federal Consistency Commission and the DEP for review. Ms. Smith asked if this project has been coordinated with the County bridge repair project. Mayor Campbell answered the beach replenishment project is from Oyster Creek to the inlet. Ms. Smith stated in the past few year there has been a discussion about the possibility of a constable that would be able to write tickets for ordinance violations. Are any of those beach area issues still on the radar? Mayor Campbell stated he was hoping we would have people interested in the recreation and tourism commission because this is something that group of people could brainstorm ideas about. As far as the constable goes, we can use the sheriff department for enforcement.

Carol Marshall of Fortescue asked if another one or two trash cans could be placed in Fortescue due to the large amount of trash from the weekends. Mr. Cook commented the cans will be filled to overflowing and Public Works spends an entire day on Monday just at the south end of Fortescue collecting trash. On Tuesdays a full day is spent collecting trash on Maple Avenue at the tax payers expense. Mayor Campbell stated we need to find a way to generate some revenue so we can afford the upkeep of our beach area.

Ms. Smith stated the constable could generate some revenue through violations. We need to look at increasing the fines associated with ordinance violations. Maybe we need a surveillance system in these areas.

Mary Pflueger of Money Island asked for an explanation of what's going on at Dyers Cove Road. Mayor Campbell stated that project is being run by Larry Niles and the American Littoral Society. The sand was supposed to go from the north end of Cove Road up to Money Island to reinforce the meadow along that stretch. The plan was changed to build oyster reefs. They have

placed bags along this area to reinforce the oyster reef to rebuild the meadow. That is not our project. Mrs. Pflueger asked if the new violations are for the people who are not in the buyout. Mr. Cook states it appears the residents who refused to sell out are the ones who are receiving this new violation notice. The DEP needs to be called on this issue. Mayor Campbell stated after reading the entire violation letter he found that two of the properties are on the east end and a few houses on Nantuxent which was very surprising. Just like we were told by Mr. Martin, if you don't sell to Green Acres or Blue Acres you will be regulated out of your house. Mrs. Pflueger asked how they can do this to some residents and not all. Mayor Campbell stated he doesn't have the answer to that question. Mr. Cook added why Fortescue or Gandy's Beach residents aren't being given these same notices. It is selective enforcement which is discrimination and is illegal. We can discuss this further in Executive Session. Mrs. Pflueger asked if the township owned properties on Money Island will be relinquished to Blue Acres/Green Acres. Mayor Campbell answered the township will not relinquish our land to them. Our lands are covered with water and they are interested in them. This is all a very complicated situation. Mr. Cook stated he has never put in an application. Mayor Campbell stated Mr. Cook received a violation letter this time. There are others who received a letter this time who are not interested in selling. We will discuss it and set up a strategy to deal with it. Mrs. Pflueger asked if the township has pursued residents on Money Island to purchase their property. Mayor Campbell stated after the Blue Acres letters went out, we sent a letter to the homeowners that received Blue Acres letters and asked them to send a copy of the offer letters and maybe we can offer a little more. We didn't get very pleasant responses. We received responses asking for the amount of our offer and we will share the Blue Acres offer. First we heard all of our septic systems are poisoning the water. The next thing we were told was we are all in a repetitive loss zone every time there is a storm.

Dave Pflueger asked for an opinion for our solicitor if he owned a home in Money Island, what he would do. Mr. Carr answered there is so much up in the air and this situation is so dynamic he doesn't know if he would race to get out of town he would stick it out for as long as he could. This is something big and no one knows the outcome. Mayor Campbell stated in the worst case scenario may be the people who want to stay will be able to in some kind of negotiated deal. Then the question becomes who is going to maintain the island. There are still options. Mr. Cook stated if people knew the wastewater management would be addressed, new people would come. The people don't see where the township is doing anything and they don't want to be left holding the bag. They don't see the township taking any action or doing anything on their behalf so they are getting out. In Fortescue I would tell everybody to wait and not put in that new system the Health Dept. is requiring. I honestly believe we are going to get our wastewater treatment system for Fortescue. But to be honest on Money Island I haven't seen the will. Look at what they are doing to the poor people. They are not treating the people on the Oceanside this way. They pick on us because they think we are weak and they think we won't do anything. They keep picking and we don't do anything. Mayor Campbell stated you need to put yourself in our shoes. You say we are not working hard enough and not putting enough time into this situation.

Cathy Ryan of Raybins Beach asked if we should contact the news media about our situation. We need to get them involved. The Township Committee needs to make that call to the media. Ms. Ryan continued there are positive ways to go about our beach situation. In other places the

Sherriff's office does what our state police do. Why don't we start out with something positive and sell something like a \$10 sticker. Mr. Jordan stated that comes back to enforcement. Mayor Campbell stated he suggested \$5 a carload parking sticker. I was told no way are we going to charge a fee.

Mathew Walder stated the beach tags in Ocean City afford them to be able to take care of their beaches. If we sold beach tags it would help fund the cleanup of the beach. Mr. Bart stated we hear the business people saying if we charge it will chase the fishermen away. Mr. Cook stated there are two businesses in Fortescue and we don't need to worry about what they are saying. Mayor Campbell stated this is a perfect conversation for the next recreation and tourism commission meeting.

Mayor Campbell commented on his attendance at a group Chamber of Commerce meeting that was well attended by area Chambers and other dignitaries.

On a motion by Jordan and seconded by Byrne, the meeting was closed to the public for comment.

Vote: All in favor

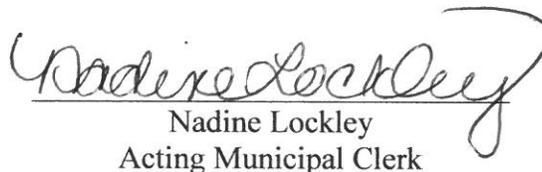
#### NEXT MEETING

The next meeting of the Downe Township Committee will be held on Monday, June 6, 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 Jordan.

Vote: All in favor

  
Nadine Lockley  
Acting Municipal Clerk