

DOWNE TOWNSHIP COMMITTEE  
REGULAR MEETING  
August 1, 2016

The Downe Township Committee met in the Meeting Room of the Municipal Complex on Monday, August 1, 2016 at 7:05p.m. Mayor Robert G. Campbell presided. Committee members present were Larry Jordan, Sr. (Deputy Mayor), Dennis Cook and Edward Bart. Committeeman Stephen Byrne was absent. 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, Bart, Campbell, Cook

Absent – Byrne

DEPARTMENTAL REPORTS

Mayor Campbell stated Department Reports will be given at the next Township Committee Meeting.

PUBLIC HEARING & FINAL ADOPTION OF ORDINANCES

PUBLIC HEARING – ORDINANCE 2016-8 – Ordinance for the Township of Downe Amending Property Maintenance Terms Regarding Maintenance of Vacant and Abandoned Properties.

A motion was made by Cook and seconded by Jordan to open the Public Hearing for Ordinance 2016-8.

Vote: All in favor

Michael Oates of Fortescue asked for a summary of the proposed ordinance. Mayor Campbell stated this ordinance sets a standard for the registration for maintenance of vacant and abandoned properties in the Township.

Bernie Sayers of Newport asked how the ordinance will be enforced. Mayor Campbell stated it would fall under the Zoning Office.

A motion was made by Cook and seconded by Jordan to close the meeting for public comment on Ordinance 2016-8.

Vote: All in favor

FINAL ADOPTION – ORDINANCE 2016-8

A motion was made by Jordan and seconded by Cook to adopt Ordinance 2016-8

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

Vote: The Ordinance was adopted

PUBLIC HEARING – ORDINANCE 2016-9 - Ordinance Opposing Licensed Casinos Outside of Atlantic City, New Jersey

A motion was made by Cook and seconded by Jordan to open the Public Hearing for Ordinance 2016-9.

Vote: All in favor

There were no comments from the public.

A motion was made by Cook and seconded by Jordan to close the Public Hearing for Ordinance 2016-9.

Vote: All in favor

FINAL ADOPTION – ORDINANCE 2016-9

A motion was made by Jordan and seconded by Cook to adopt Ordinance 2016-9.

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

Vote: The Ordinance was adopted

PUBLIC HEARING – ORDINANCE 2016-10 - Ordinance Amending and Supplementing Ordinance No. 10-4 – An Ordinance to Establish the Policy and Procedures to Purchase Goods and Services by the Township of Downe.

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

Vote: All in favor

Doug Cook of Fortescue stated the Committee should know what is being spent at all times.

Linda Roncetti of Fortescue stated she opposes the ordinance.

Walter Kieba of Fortescue stated he is opposed to the ordinance.

Michael Oates of Fortescue asked for the reason behind the ordinance. Mayor Campbell stated these changes came by recommendation of the CFO. There were discussions and issues with the FEMA reimbursement process that required the Township to update our current policy and procedures for purchasing.

Bernie Sayers asked what method did the CFO use to make the recommendations. Mayor Campbell stated the CFO reviewed the state regulation and FEMA codes and came up with the numbers.

Kary Wilson asked if this is something the Auditors should have picked up. Mayor Campbell stated he cannot answer for the auditors.

A motion was made by Jordan and seconded by Cook to close the Public Hearing for Ordinance 2016-10.

Vote: All in favor

#### FINAL ADOPTION – ORDINANCE 2016-10

A motion was made by Jordan and seconded by Cook to adopt Ordinance 2016-9.

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

Vote: The Ordinance was adopted

#### MUNICIPAL SOLICITOR’S REPORT

Solicitor Carr presented his report which consisted of information and updates on the following matters: Property Auction held at 6:30 with two properties being sold; litigation matters, a potential litigation issue and the USDA Funding Application.

#### 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-92-2016 *Authorizing the Payment of Bills*
- R-93-2016 *Declaring a Fiscal Emergency Caused by the Failure to Fund Payment in Lieu of Taxes for a Community Which is Over 85% Preserved*
- R-94-2016 *Accepting Sale Contract Entered Into Between the Buyer and Township Regarding Public Sale of Land Known as Block 43, Lot 29*
- R-95-2016 *Accepting Sale Contract Entered Into Between the Buyer and Township Regarding Public Sale of Land Known as Block 23, Lot 93 - TABLED*
- R-96-2016 *Accepting Sale Contract Entered Into Between the Buyer and Township Regarding Public Sale of Land Known as Block 8, Lot 2*
- R-97-2016 *Accepting Sale Contract Entered Into Between the Buyer and township Regarding Public Sale of Land Known as Block 9, Lot 11 - TABLED*
- R-98-2016 *Authorizing Executive Session*
- R-99-2016 *Appointing Brian Rosenberger as Tax Assessor*

Augustus Murphy of Newport asked if the Township Meetings can be changed to Tuesday because of football season. Mayor Campbell stated there have been discussions about changing the meeting dates for 2017.

Bernie Sayers asked for an explanation of R-93-2016. Mayor Campbell stated there have been conversations in reference to re-instating PILOT funding. There is a new organization called the Bayshore Council and their first order of business has been to send a letter to the Governor demanding consideration for reinstating PILOT funding at 100% and to include all of the properties that have been excluded in the PILOT program since 2010. This is the beginning of a larger fight to protect ourselves from becoming fiscally insolvent.

Michael Oates asked how much money in PILOT funding are we talking about. Mayor Campbell stated in 2010 we were collecting about \$400,000 now we are down to about \$275,000.

Bernie Sayers asked why hasn't the township reached out to the news media to get this story told. Mayor Campbell stated we have been to the news media. The Atlantic City Press is currently doing a story that the township has been included in.

Karen Smith asked for salary information for R-99-2016. Mayor Campbell answered he is receiving the same pay as Mrs. Sanza, a salary of \$15,000 for 2016. The salary will be negotiated each year as we move forward.

Bernie Sayers asked Mr. Carr to itemize the topics of discussion for the Executive Session. Mr. Carr stated there is a personnel issue, litigation involving Comcast, litigation involving Verizon, litigation issue relating to Blue Acres and Money Island, potential litigation issue relating to the Public Works roof repair and there is a proposal in the matter for work related to a potential litigation issue with Mr. Oates.

Dave Pflueger of Money Island asked Mr. Carr for a summary of the potential litigation with Blue Acres and Money Island. Mr. Carr stated the premises would be the fact that they are disassembling parts of this township through Blue Acres funding that isn't consonant with how the township could be run. Mr. Pflueger stated he is directly involved and would like to participate. Mr. Carr stated in the future Mr. Pflueger may have a role to play in this.

Bernie Sayers stated there is no reason for the committee not to openly discuss the possible litigation with Blue Acres and Money Island in a public forum. Mr. Carr stated there are a couple of issues in this situation that should not be discussed in public until the committee decides what to do.

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

Vote: All in favor

#### RESOLUTIONS

A motion was made by Bart and seconded by Jordan to adopt Resolution No. R-92-2016 *Authorizing the Payment of Bills in the amount of \$676,593.33.*

Roll Call: Aye – Jordan, Bart, Campbell, Cook with abstention to PO #16-00413

Nay – 0  
Absent - Byrne

Vote: The resolution was approved.

A motion was made by Bart and seconded by Jordan to adopt Resolution No. R-93-2016.

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

Vote: The resolution was approved.

A motion was made by Cook and seconded by Jordan to adopt Resolution No. R-94-2016.

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

Vote: The resolution was approved.

Resolution R-95-2016 – Tabled - Property not sold at auction.

A motion was made by Cook and seconded by Jordan to adopt Resolution No. R-96-2016.

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

Vote: The resolution was approved

Resolution R-97-2016 – Tabled – Property not sold at auction.

A motion was made by Jordan and seconded by Cook to adopt Resolution No. R-98-2016.

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

Vote: The resolution was approved

A motion was made by Bart and seconded by Cook to adopt Resolution No. R-99-2016.

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

Vote: The resolution was approved

#### COMMITTEE REPORTS

Mayor Campbell stated the NJDOT has shut down all project in the State. This affects us in respect to Union Street and the NJ Avenue grants. We have received our certified tax rate from the County. There was some damage to Dyers Cove Road due to the beach nourishment project. Our engineer has identified areas of damage from the large number of heavy trucks over the road. We have an estimate of \$5,000 for the repairs. We have quotes for the survey for the Oates property that will be discussed later. Weather permitting we will be out there this week to

gather information needed to resolve this issue. On August 4<sup>th</sup> there is a town meeting scheduled about the Verizon copper line issues. We urge our residents to attend this town meeting at the Estelle Manor Elementary School. There are two meetings scheduled at 3:30pm and 6pm.

Committeeman Cook reported on the Verizon issue in more detail on how Verizon is in breach of their contract.

Committeeman Bart had no report.

Committeeman Jordan had no report.

#### OLD BUSINESS

Covered under Mayor Campbell's Committee Report

#### NEW BUSINESS

Motion made by Campbell and seconded by Cook to alter reserve prices for Block 23 Lot 93 to \$5000 starting bid and Block 9 Lot 11 to \$600 starting bid. The property auction will be held at 6:30pm on September 12, 2016.

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

Vote: The motion was passed.

#### PUBLIC COMMENT

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

Vote: All in favor

Nancy Hartem of Dividing Creek has called the Animal Control officer three times about 10 cats in her backyard at 927 Union Street and he has not responded. Mayor Campbell stated he will contact the Animal Control Officer.

Dave Pflueger asked where Mr. Byrne is tonight. Mayor Campbell stated he had a personal issue. Mr. Pflueger stated he has noticed that Mr. Michael MacDaniels has been in Fortescue. Mayor Campbell answered he did not know that.

Charlie Miller of Newport asked for a timeframe when the tax bills will be mailed. Ms. Lockley answered they will be mailed on August 19<sup>th</sup> and due on September 9<sup>th</sup>.

Kary Wilson of Newport asked what is the deposit procedure for individuals writing checks in the Township. Ms. Lockley stated checks are to be deposited within 72 hours of receipt by the CFO. She continued her check was not cashed for weeks after it was delivered to the office.

Kary Wilson continued she has noticed the website project went out for bids but she hasn't read where a contact was awarded.

Bill Miller of Fortescue commented on the flooding of New Jersey Avenue. Mr. Levenknight stated the Public Works Dept. will be working on that area in the next couple of weeks. Mr. Miller asked if the area along the bulkhead can also be cleaned up.

Bernie Sayers of Newport stated he is displeased with the Sheriff's Department in attendance at our township meetings.

Mr. Oates of Fortescue asked about the Fortescue Sewer System. There has been funds spent on the project, is there a report on the findings. Mayor Campbell stated there is a report available upon request. Mr. Oates asked for a copy of the report. Mr. Oates continued about his frustration with the Cumberland County Health Department and asked why Downe Township does not have its own health officials.

Mr. Pflueger asked if he purchased a home in Fortescue would he get a Certificate of Occupancy. Mayor Campbell stated if the home does not have a current approved system you may have to spend money to get the CO, but if it is approved there will be no problem.

Kary Wilson stated the 22<sup>nd</sup> Red Cross Blood Drive is scheduled for August 10<sup>th</sup> from 2pm-7pm.

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

Vote: All in favor

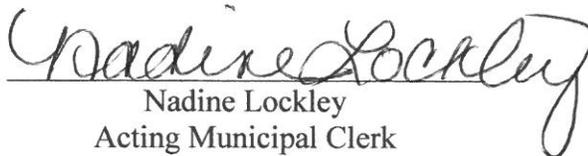
#### NEXT MEETING

The next meeting of the Downe Township Committee will be held on Monday, September 12, 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