

DOWNE TOWNSHIP COMMITTEE
REGULAR MEETING HELD ON
OCTOBER 12, 2020 AT 7:00 P.M. VIA TELECONFERENCE

The Downe Township Committee met in the Meeting Room and via Teleconference at the Municipal Complex on Monday, October 12, 2020 at 7:00p.m. Mayor Robert G. Campbell presided. Committee members present at Township Complex were Edward Bart and Michael Rothman. Committeeman Byrne in attendance via teleconference. Committeeman Burt was absent. Municipal Solicitor, Rebecca Bertram, 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 – Bart, Byrne, Rothman, and Campbell

Absent - Burt

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

July 13, 2020 Regular Meeting

August 10, 2020 Regular Meeting

September 14, 2020 Regular Meeting

Motion was made by Bart and seconded by Rothman to approve the minutes for July 13, 2020 and August 10, 2020 meetings.

Roll Call: Aye – Bart, Byrne, Rothman, and Campbell

 Absent - Burt

 Vote: Approved

Motion was made by Bart and seconded by Byrne to approve the minutes for September 14, 2020.

Roll Call: Aye – Bart, Byrne, and Campbell

 Absent – Burt

 Abstain – Rothman

 Vote: Approved

DEPARTMENTAL REPORTS

Mayor Campbell read the Zoning Office, Chief Finance Officer and Tax Collector Reports. The Township Committee acknowledged the receipt of the following report:

- Zoning Officer September 2020
- Chief Finance Officer September 2020
- Tax Collector September 2020

MUNICIPAL SOLICITOR'S REPORT

Solicitor Bertram stated all tax appeals have been resolved. There was one matter that went to hearing that the Tax Assessor addressed without the Solicitor. The property auction that was conducted at the last meeting has been completed. All funds due have been paid and documents have been signed and will be recorded tomorrow. The new property owner will then begin to pay property taxes. Mrs. Bertram stated there are a couple of issues for Executive Session this evening.

PUBLIC HEARING

Ordinance 2020-12 *An Ordinance Requiring Mandatory Sewer Connections for the Downe Township Sewer Project.*

Motion was made by Bart and seconded by Rothman to open Public Hearing for Ordinance 2020-12.

Roll Call: Aye – Bart, Byrne, Rothman, and Campbell

Absent - Burt

Vote: Approved

Kary Wilson of Newport stated on some of the previous language for the ordinance she noticed that Heritage Hills Campground and Raybins Beach were included and now she has noticed that they are not included. Is there a reason for that? Mayor Campbell answered that was an error. The ordinance you are looking at now is the correct ordinance. Mrs. Wilson continued the fines and penalties are clearly defined. If it should come to the point where you have to charge fines and litigate for anyone who does not what to hook up to the sewer, where would the money come from for the legal fees, litigation and other costs associated with that. I understand they would have to pay for the litigation but until they pay, where are those funds coming from. Would the funds come from the taxpayers? Mayor Campbell stated if someone does not what to connect and we must fine them under the ordinance the litigation fees would be paid by the township and the moneys would go to the municipal court. Mrs. Bertram stated the property owner would be issued a violation and the violation would go to municipal court where the prosecutor that we have a shared service which hears the case. Mrs. Wilson stated when someone is imposed a fine, but they do not pay right away and are charged court costs, etc. They may not be able to pay that right away either. Mayor Campbell stated on page two of four in the last two sentences, it reads, "as necessary to ensure compliance and all township incurred attorney fees shall be assessed against the non-complying property owner". Mrs. Wilson stated if the person is able to connect, they may not have the money to pay the fines that are assessed. Mayor Campbell stated it is a mandatory connection and if you do not connect you will still be paying a monthly sewer bill. Mrs. Wilson stated there are a number of vacant lots where people have pulled in campers and trailers, how are you going to handle the sewer connections on those properties. Mayor Campbell stated there are no campers or trailers to his knowledge pulled in on any lots anywhere in Fortescue or Gandy's Beach that have any intention of being hooked up to the sewer system. The only place you can put a camper or trailer is in a campground or a trailer park. Mrs. Wilson stated there are a lot of people staying in campers and trailers right now and she did not know how that was going to be handled. This is against the zoning violations. Mayor Campbell stated he does not know what Mrs. Wilson is speaking about. He is aware of two campers or trailers in Gandy's Beach and this has been addressed with the property owners. We were told they were moved there from another property they own and will be gone very shortly. There is no one that

is trying to sneak in campers or RV's to be hooked up to the new sewer system. This is not going to happen, and it is a ridiculous thought. Mr. Rothman and Mayor Campbell asked where these trailers or campers are located. Mrs. Wilson stated there are three or four located on Garrison Avenue and there are some on New Jersey Avenue and Delaware Avenue. Aside from Fortescue, there are people all over the township with trailers parked. They may not be living in the trailers full time, but they are coming down on the weekend and staying there. Mayor Campbell stated we will check on these locations you mentioned. We are here to talk about Ordinance 2020-12 and not the entire township right now.

Doug Cook from Fortescue asked for an update on the permitting process. Mayor Campbell stated the project is going very well. The permitting is being reviewed by the NJDEP and we are pretty much on track. We had a few bumps in the road with the NJDEP and we have ironed them out. We are still looking at the project going out to bid in the late fall around December. Everything is good to go. The financing is all in place. We just applied for a \$1M grant from the USDA to run the three-phase electric service that we need for the Gandy's Beach pump station. All the infrastructure at the beach is being prepared by the Army Corp and DEP to protect all of the new infrastructure.

Mayor Campbell continued there is a handout/flyer that is being circulated from someone that contains a ton of misinformation and inaccurate facts and ridiculous statements. We thought there may be more people listening in that had questions about items in that flyer that are not accurate. If there is anyone even after tonight's meeting that has questions, please call the office or the Mayor and we will be more than happy to enlighten you on the situation.

Mr. Cook stated the work you are doing is greatly appreciated.

Patty Allen of Fortescue stated back in May she asked about the property being purchased and she noticed that it is not in the townships name unless she is not looking correctly. Has the property been purchased? Mayor Campbell answered yes, the property has been purchased. Ms. Allen stated when she looks up the location it is not showing the township as the owner. Ms. Allen stated she is using Tax USA and you can select the area and get the transfer information. Solicitor Bertram stated unfortunately that website is not always up to date. Mayor Campbell stated we brought the large piece in the back and then in front of that there is a road when Bridgeton Avenue comes through and we vacated just the piece of Bridgeton Avenue the same width of that back lot. Mayor Campbell stated because of COVID they are taking a little longer to get done. You have to remember a lot of state offices are not open. Ms. Allen asked if there was water on that property when the storm came through. Mayor Campbell answered no. Ms. Allen asked if the sewer will be built high enough so that it does not flood. Mayor Campbell answered everything is being constructed for the sewer plant in Fortescue and Gandy and will be built according to the best professional engineering standards, FEMA, DEP and DCA and will be fortified so that a storm cannot knock it down. Mayor Campbell stated that in the flyer that is circulating there is talk about infrastructure. We have the Army Corp, DEP, USDA, and others that are working to fortify the bayfront. We have a \$250M beach restoration project coming for Fortescue and Gandy's Beach that is going to put a big beach and hopefully some dunes along the front of those two islands in the next two years. We should have jetties by 2021 and the beach should be finished by 2022. Ms. Allen stated she did receive a copy of the flyer and she has more questions. Mayor Campbell asked Ms. Allen to ask her questions now. Ms. Allen

stated the flyer states that the electric would cost money for the hookup. Are we going to have to do that ourselves? She stated it was previously stated there would be no costs. Mayor Campbell stated one of the few costs to the homeowner is going to be to supply an outlet on the outside of your house so the pump can be hooked up. The flyer stated how is anyone going to be able to afford an electrical hookup for a sewer pump that will be running 24/7. How much is that going to cost? That statement is ridiculous. This is a sump pump and every time you flush the toilet the liquids and solids will go into the sump and until the sump gets full it does not come on. Once it is up to a certain level a trigger switches, the pump kicks on, grinds up the material and pumps it out to the sewer plant. It may run one time a day, maybe. Mr. Rothman stated in the flyer being circulated there are two different things being talked about. It stated the initial cost to connect is \$1500 to \$12,000 and then on the bottom line it states the estimated costs is \$3500 to \$12,000. Please know that none of that information is accurate. Ms. Allen stated it was previously mentioned that there would be no costs to hookup to the homeowner. Mayor Campbell stated there will be a few costs association with the hookup. These costs include closing the existing septic systems but that is not a lot of work. It will have to be pumped and filled with gravel to close.

Amanda of Gandy's Beach asked what facility is being built on Gandy's Beach. Is there anything aboveground that will be visible? Mayor Campbell answered when you come into Gandy's Beach on Gandy's Beach Road and you come to the "T" intersection at North and South Cove Road, on your right hand side, the meadow side, there is a long strip of land (about 4 lots) that we own and the pumping station will be on the first lot of the four lots. The other lots may be used for the well location. We are going to have public water out there also. The pumping station will be a concrete structure with fencing and landscaping. It will be above ground. Amanda stated thank you and she is looking forward to having the sewer. Mayor Campbell thanked Amanda for her support. Mr. Rothman stated there is going to be a pre-requisite of everybody's hookup. Everybody is going to be charged for the hookup. Contractors will be onsite to do the connections and isn't there going to be a flat rate for the hookups for everybody. Mayor Campbell continued the homeowners can probably get their own electrical contractor to get the permit from the DCA and get the work done or the township can put out some proposals and get bids and see if we can get a better deal by having someone come out and do all of the connection for us and save the homeowners some money. It can be done either way.

There being no further comments a motion was made by Bart and seconded by Rothman to close Public Hearing for Ordinance 2020-12.

Roll Call: Aye – Bart, Byrne, Rothman, and Campbell

Absent - Burt

Vote: Approved

FINAL ADOPTION

Ordinance 2020-12 *An Ordinance Requiring Mandatory Sewer Connections for the Downe Township Sewer Project.*

Motion was made by Bart and seconded by Rothman to adopt Ordinance 2020-12.

Roll Call: Aye – Bart, Byrne, Rothman, and Campbell

Absent - Burt

Vote: Approved

RESOLUTIONS

- R-100-2020 *Authorizing the Payment of Bills*
R-101-2020 *Resolution Authorizing Execution of the Discharge or Cancellation of Mortgage*
R-102-2020 *Approval to Submit a Local Freight Impact Fund Application LFIF-2021-Downe Township-00013 and Execute Grant Agreement with the New Jersey Department of Transportation*
R-103-2020 *Resolution Authorizing the Cancellation of Property Taxes for Property Acquired by State of New Jersey*
R-104-2020 *Resolution Adopting a Comprehensive Conflict of Interest Policy for the Township of Downe*
R-105-2020 *Authorizing the Entry into an Agreement for Professional Services with Mark Blauer, an Individual Trading as Blauer Associates as Consultant for the FY 2021 Small Cities Community Development Block Grant Program for Home Rehabilitation*
R-106-2020 *Resolution Recommending Proposal by Mott MacDonald, LLC for Engineering Services Related to Fortescue Concrete Cap/Walkway and Access Design*
R-107-2020 *Resolution Recommending Proposal by Mott MacDonald, LLC for Engineering Services Related to Money Island Road/Nantuxent Drive NJDOT Grant Application*
R-108-2020 *Authorizing Executive Session*

A motion was made by Bart and seconded by Rothman to adopt Resolution No. R-100-2020 *Authorizing the Payment of Bills* in the total amount of \$222,251.81.

Roll Call: Aye – Bart, Byrne, Rothman, and Campbell
Absent - Burt
Vote: Approved

A motion was made by Bart and seconded by Rothman to adopt Resolution No. R-101-2020.

Roll Call: Aye – Bart, Byrne, Rothman, and Campbell
Absent - Burt
Vote: Approved

A motion was made by Bart and seconded by Rothman to adopt Resolution No. R-102-2020.

Roll Call: Aye – Bart, Byrne, Rothman, and Campbell
Absent - Burt
Vote: Approved

A motion was made by Rothman and seconded by Bart to adopt Resolution No. R-103-2020.

Roll Call: Aye – Bart, Byrne, Rothman, and Campbell
Absent - Burt
Vote: Approved

A motion was made by Bart and seconded by Rothman to adopt Resolution No. R-104-2020.

Roll Call: Aye – Bart, Byrne, Rothman, and Campbell
Absent - Burt
Vote: Approved

A motion was made by Bart and seconded by Rothman to adopt Resolution No. R-105-2020.

Roll Call: Aye – Bart, Byrne, Rothman, and Campbell

Absent - Burt

Vote: Approved

A motion was made by Bart and seconded by Rothman to adopt Resolution No. R-106-2020.

Roll Call: Aye – Bart, Byrne, Rothman, and Campbell

Absent - Burt

Vote: Approved

A motion was made by Rothman and seconded by Bart to adopt Resolution No. R-107-2020.

Roll Call: Aye – Bart, Byrne, Rothman, and Campbell

Absent - Burt

Vote: Approved

A motion was made by Bart and seconded by Rothman to adopt Resolution No. R-108-2020.

Roll Call: Aye – Bart, Byrne, Rothman, and Campbell

Absent - Burt

Vote: Approved

PUBLIC COMMENT

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

Roll Call: Aye – Bart, Byrne, Rothman, and Campbell

Absent - Burt

Vote: Approved

Ed Dupper of 510 New Jersey Avenue expressed his concerns with the Green Team's initiative. The lot with the yellow house at the end of NJ Ave that was bought by the State and all the ground that surrounds that lot is listed as DEP property. When the Green Team was done there, they park at that lot (I understand they are trying to get permission to use that lot for parking) and they walked through my dune. We own Block 124 Lot 1, and we are directly in front of this project lot. I have asked people many times to not walk through my lot. They have actually worn a path through our dunes from that lot onto the beach. It is 150 feet from our house, and I have tolerated it. If this gets some momentum and more people are coming down, they need to access the beach through the state's property and not my dune. That area is a very fragile and sensitive area. Meaning the dunes and not the beach. We want to bring people down and we love it there, and everybody that comes there loves it. More than we want to admit, this summer we were robbed, all three houses. We have been broken into twice in the last three years. The State Police say buglers like it for the same reasons we like it, its private, its dark and it doesn't get much traffic. There need to be proper signage informing everyone this area is only open from sun up to sun down. This weekend at 1pm my dogs are barking because they see people out on the beach with flashlights and bonfires as big as a Volkswagen Jetta at the end of the beach. How do I call the State Police? I do not know if it is legal or illegal for people to be out on the beach at that hour. With proper signage, those things can be policed. At the end of the beach where the grass is growing, I have a photo with 4 eagles down there. I was also told that

eagle's nest in trees, but I see it often and I think they nest in that high grass. People are down there with unleashed dogs. I have asked people to be cautious in that area. These are all concerns I have. If the Green Team uses their grant to get something started, I hope there is a way to access the beach and not through our property. Mr. Rothman commented as far as your safety and your home and people being down there late at night with fires on the beach, the State Police have been notified. You should be seeing increased patrols late at night down there. The Fish and Game Office has been notified because this is a state wildlife management area. The game wardens have full access to all that area, and they have been notified. You should be seeing more of them. The New Jersey Park Police have nothing to do with this area they are strictly on the marina side. You will be seeing increased patrols down there. The Sheriff department will also be increasing their patrolling of the area. Hope this will address some of your concerns. Mayor Campbell stated we have an ordinance that there is no parking on New Jersey Avenue after 11pm until 5am. The Road Department will be looking into getting more signs made and installed in that area. Mayor Campbell stated he has committed to help the Green Team go down and figure out a way to get onto the Egg Island site without going across your dunes and damaging your dune and we will work with the DEP. We are going to try to make something happen that works for everybody. The biggest part we must do is getting the signage installed. The sign will have the actual ordinance number so when the police come down violators will be ticketed. Mr. Dupper stated right now is duck hunting season and if the Green Team is down there and inviting others, they need to be aware of the game preserve. I am not sure the Green Team is aware of that. We are inviting people down and having them access a walk around and this leads to a hunting area. There needs to be signage on the hunting area. We just want to see everything done properly. Mayor Campbell thanked Mr. Dupper for expressing his concerns. Mr. Dupper thanked Mr. Rothman for his assistance when they were dealing with the break-ins. Mr. Rothman stated anyone that hunts in any type of wildlife management area knows there are green and white diamond signs that designate areas as fish and game areas. Anybody that hunts any state land and has a state hunting license is very familiar with these signs.

Patty Allen of Garrison Avenue asked when does the township decide that a property has gotten too far in tax debt for the township to seize it and sell it. The house next door is \$7,500 behind in taxes and the taxes are \$1,900 per year. I do not understand why we don't collect that cash. Mayor Campbell asked what the address is. It is 116 Garrison Avenue and there are a bunch of them up and down the street. There are people \$6000 behind in taxes. You sold the trailer across the street from me last year and I would like to understand how you pick and choose. Mayor Campbell stated it is not as simple as if the house is behind in taxes you can grab it and put it in your inventory at the township. If there is a mortgage company involved, the mortgage is holding title to the property and they have an interest in the property. Sometimes you don't want to foreclose on a property if you don't know the condition of the property. Even the township does not want to hold a property that has an underground oil tank, etc. There is a lot that goes into deciding whether or not we want to foreclose on taxes that are in arrears. We will check on that property. Call the office and give Nadine your number and we will check on that property and give you an update.

Charlie Conley of 171 South Cove Road stated he has spoken with the Mayor a few times. We have talked about the road and you need to know the roads are eroding badly. If you have been down there lately you will see it is really getting bad. If these roads take one more storm, they

are going to fold in. Are you going to do the road and the sewer at the same time or is the road coming first? Mayor Campbell asked if he is speaking about where the roads are caving in behind the bin block wall. Mr. Conley answer yes. The road is bad all the way down to the marina and all the way up. Mayor Campbell continued yes, it is caving in and it is sinking down behind the bin block wall. The Road Department has a work order to go down there and do a temporary repair to cut it open and fill it with concrete and patch it and make it stable and secure. Also, we were just approved by FEMA and this goes back to Hurricane Sandy in 2012, eight years ago, we just finished writing with FEMA a new project worksheet to replace the bin block wall and all of the rubble from Perry Ashman's house all the way down to Pete Wagner's Marina. It could end up being a \$4-\$5M project they just finished writing the project worksheet and the engineers are working on a design for a new permanent bulkhead type structure. We don't want to spend too much money on the road right now, but we will be doing the work to make it safe. The new road will come after the sewer system is finished. Mr. Conley stated there is a 3-foot gap right now and it needs to be fixed before someone walking down there gets hurt. Mayor Campbell stated we will try to get it done as soon as possible.

Kary Wilson of Newport thanked everyone that came out to the blood drive. It was a success and we met our goal. It worked out really well signing in donors outside. She didn't realize that there was a public meeting at the senior center tonight. She asked if anyone was in attendance at the township. Mayor Campbell stated he, Committeeman Bart and Committeeman Rothman, our solicitor and Nadine are in the building. Mrs. Wilson commented so is not open to the public. She asked when we will be lifting the limited public access to the township building. Mayor Campbell stated we have been having the ongoing conversations and he noticed in the flyer that was circulated it states we are holding exercising classes and having this and that and how come it is not open to the public. Mayor Campbell stated a few activities have been held in the Senior Center including the Blood Drive, but the office is not open to the public. The reason we have not opened to the public for meetings and the office yet is because we are trying to get the building to comply with the Governors health orders on how to reopen your structure. We have one last thing we have to do for the access to the offices and by the end of this month we should have the offices open with social distancing protocol. The next meeting in November will be open to the public using social distancing and proper spacing. It will be limited to how many people can come. Ms. Wilson asked on Resolution R-104-2020 doesn't the guidelines set forth by the NJ Department of Ethics and DCA cover that or do you have to do something different. Mayor Campbell answered we have in place a conflict of interest policy for the township that we have had for years. This particular conflict of interest policy is one that has to be worded a certain way and contain certain items for the USDA that complies with what they require. Mrs. Wilson asked what is on the agenda for the Executive Session. Mayor Campbell answered personnel and real estate negotiations. There will not be any action taken. Mrs. Wilson asked if there would be litigation. Mayor Campbell answered no litigation.

There being no further comments from the public, on a motion by Bart and seconded by Rothman the public comment portion was closed.

Roll Call: Aye – Bart, Byrne, Rothman, and Campbell

Absent - Burt

Vote: Approved

Mr. Rothmans mention Halloween is coming and keep in mind there will be people walking about on October 31, 2020. Please be careful these are your children and mine. We will be holding "Truck or Treat" here at the township building from 4pm – 7pm. Please remember to practice social distancing and wear a mask. Trick or Treating is also from 4pm to 7pm on October 31st. There is a Halloween house decorating contest being sponsored by the Recreation Committee. The prizes are: \$100 gift card for first place, \$75 gift card for second place and \$50 gift card for third place. We look forward to a Christmas decorating contest this year.

EXECUTIVE SESSION

On a motion by Bart and seconded by Rothman, the meeting was opened to Executive Session.

Roll Call: Aye – Bart, Byrne, Rothman, and Campbell
Absent - Burt
Vote: Approved

On a motion by Bart and seconded by Rothman the Executive Session was closed.

Roll Call: Aye – Bart, Byrne, Rothman, and Campbell
Absent - Burt
Vote: Approved

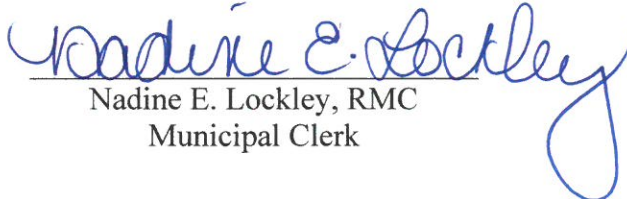
NEXT MEETING

The next meeting of the Downe Township Committee will be held on Monday, November 9, 2020 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 Bart and seconded by Rothman.

Vote: All in favor


Nadine E. Lockley, RMC
Municipal Clerk