

DOWNE TOWNSHIP COMMITTEE
REGULAR MEETING HELD ON
NOVEMBER 9, 2020 AT 7:00 P.M.
VIA INPERSON AND TELECONFERENCE

The Downe Township Committee met in the Meeting Room and via In-person and Teleconference at the Municipal Complex on Monday, November 9, 2020 at 7:00p.m. Mayor Robert G. Campbell presided. Committee members present at Township Complex were Edward Bart, Steve Burt and Michael Rothman. Committeeman Byrne in attendance via teleconference. 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, Burt, Byrne, Rothman and Campbell

Nay - 0

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

October 12, 2020

Regular Meeting

Motion was made by Rothman and seconded by Bart to approve the minutes for October 12, 2020 meeting.

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

Nay - 0

Vote: All in Favor

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 | October 2020 |
| • Chief Finance Officer | October 2020 |
| • Tax Collector | October 2020 |

ORDINANCE INTRODUCTION

Ordinance 2020-13 *An Ordinance Authorizing the Acquisition of Property Known as 209 Dyers Creek Road (Block 59, Lot 38) on the Tax Map of the Township of Downe*

Motion was made by Burt and seconded by Bart to introduce Ordinance 2020-13.

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

Nay - 0

Vote: All in Favor

BEST PRACTICE INVENTORY ACKNOWLEDGEMENT

The receipt of the completed Best Practice Inventory Checklist was acknowledged by the Mayor and Township Committee for review and comments. There were no comments from the Township Committee.

MUNICIPAL SOLICITOR'S REPORT

Solicitor Bertram stated in her monthly report she included information related to the sewer project easements that are being prepared for the project. There was a request submitted to vacate a road in Fortescue that was discussed in Executive Session. It was decided the property would be divided by splitting the road giving one property owner the front portion and the other property owner the rear portion. Mrs. Bertram was instructed to move forward to finalize this request. Mrs. Bertram stated we were contacted by the State in reference to a violation associated with our ambulance service. We informed the State we no longer have an ambulance service, and the violation was removed. Mrs. Bertram stated she will do a quick title search for 209 Dyers Creek Road and prepare documentation to move forward with the acquisition once Ordinance 2020-13 is adopted. Lastly, in reference to 244 Landing Road, we have received all fees from the sale and the final documents have been recorded and sent to the new owners.

RESOLUTIONS

- R-109-2020 *Authorizing the Payment of Bills*
- R-110-2020 *Resolution Appointing an Authorized Representative for the US Economic Development Administration Grant Program*
- R-111-2020 *Resolution Authorizing Submission of a Grant Application for the Local Government Emergency Fund and Execute a Grant Agreement with the New Jersey Department of Community Affairs*
- R-112-2020 *Downe Township School Choice Week*
- R-113-2020 *Resolution Seeking Consideration of the New Jersey Department of Environmental Protection and Other Appropriate Parties Such as May be Necessary in Order to Facilitate the Use of Convenience Centers for Waste Disposal by Farmers Whose Vehicle Display "Farmer" and/or "Farm" Tags*
- R-114-2020 *Resolution of Support for High-Speed Internet Accessibility*
- R-115-2020 *Resolution to Rescind Prior Resolution Regarding Mott MacDonald, LLC for Engineering Services Related to Fortescue Concrete Cap/Walkway and Access Design and Acceptance of Revised Proposal*
- R-116-2020 *Authorizing Executive Session*

A motion was made by Bart and seconded by Rothman to adopt Resolution No. R-109-2020 *Authorizing the Payment of Bills* in the total amount of \$588,407.63.

Roll Call: Aye – Bart, Burt, Byrne, Rothman and Campbell
Nay - 0
Vote: All in Favor

A motion was made by Rothman and seconded by Bart to adopt Resolution No. R-110-2020.

Roll Call: Aye – Bart, Burt, Byrne, Rothman and Campbell
Nay - 0
Vote: All in Favor

A motion was made by Rothman and seconded by Bart to adopt Resolution No. R-111-2020.

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

Nay - 0

Vote: All in Favor

A motion was made by Burt and seconded by Bart to adopt Resolution No. R-112-2020.

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

Nay - 0

Vote: All in Favor

A motion was made by Bart and seconded by Burt to adopt Resolution No. R-113-2020.

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

Nay - 0

Vote: All in Favor

A motion was made by Rothman and seconded by Burt to adopt Resolution No. R-114-2020.

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

Nay - 0

Vote: All in Favor

A motion was made by Rothman and seconded by Bart to adopt Resolution No. R-115-2020.

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

Nay - 0

Vote: All in Favor

A motion was made by Bart and seconded by Burt to adopt Resolution No. R-116-2020.

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

Nay - 0

Vote: All in Favor

PUBLIC COMMENT

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

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

Nay - 0

Vote: All in Favor

Liz Cowley of Fortescue stated there is a bridge timber that is laying on the beach at the south end for Fortescue just before the bridge that needs to be removed. We have tried to move it but it is too large. It appears to be about 12 x 16 and 25 feet long. Mr. Bart stated he will have the Public Works Department look at it. Ms. Cowley stated there are a lot of parking issues at the south end. If there is ever an emergency at the other side of the bridge, we will not be able to get emergency vehicles through because of the number of vehicles that are parked on that bridge. We are in need of new signage. We have the wrong signs posted down there currently. There is a sign at the bridge that says "No Parking from 11pm to 5pm. This is the wrong sign. It should just say no parking. We are having problems with vehicles being parked on both sides of the road. We have some signage there but it is not enough. Ms. Cowley asked the committee to come up with one person certified by the township to issue parking tickets. Mr. Rothman stated

we have been in touch with the State Police and Fish and Game and they have told us they will start to increase their patrolling of this area and Gandy Beach. Mr. Rothman stated he has seen the State Police down in the area more frequently. The Sheriff's Dept has been seen more and Fish and Game has been patrolling the area at night. Ms. Cowley asked of anyone knows how many parking tickets have been issued? Mr. Rothman stated he will find out. Mayor Campbell stated even if the township appoints a ticket person, they will have to sit down there 24 hours a day and 7 days a week. This is the problem. Ms. Cowley stated if we start issuing tickets, they will stop parking illegally. Mr. Burt asked Ms. Cowley if she was volunteering to be the ticket writer? Ms. Cowley answered no. Mr. Burt asked Ms. Cowley what her recommendations would be for the signage. Ms. Cowley stated we have signs that say, "No Parking This Side" and we have signs that say, "Park This Side Only". She is recommending that we add more of these signs. If we have more signage it will be a lot easier to legally give a ticket. Mr. Rothman stated the signs need to have the ordinance number on it. Ms. Cowley stated we have from not until about Easter to work on this issue. Ms. Lockley commented news signs have been ordered and we are waiting on delivery. Mayor Campbell stated there are also issued with parking once you cross the bridge. Ms. Cowley stated hopefully that issue will be resolved with the Sustainable Jersey Grant the Green Team was just awarded. Ms. Cowley stated we have been holding meetings but no work has been done yet. Lastly Ms. Cowley stated the storm we had in August created a lot of damage to people who live on the beach side. The problem is there was two kinds of damage. There was damage done to houses that had bulkheads that were poorly built and maintained. Then there was damage done to people who have been maintaining their bulkhead but when the first group of bulkheads broke loose, the debris ran into properties that had good structurally sound bulkheads. She stated that she knows the DEP gets involved in bulkheads but she hasn't seen anyone from the DEP coming out to inspect the bulkheads to see if they are done correctly or if a bulkhead has some issues. Ms. Cowley asked what role can the township play in preventing these issues in the future? Could the township investigate this issue? There is no way a property owner should have to pay for damages caused by someone who is neglecting to maintain their bulkhead. Mayor Campbell asked if there is insurance to protect your bulkhead. Ms. Cowley answered no. Mayor Campbell stated it is the same for the township, we have insurance on all of our public bulkheads, but it depends whether it is damaged by wind or by water. When Storm Iasisas hit in Gandy Beach and the cap was blown off, we submitted a claim to our JIF, they came out and did an inspection and denied our claim. We appealed their decision and submitted additional data that it was the wind gusts that caused the rushing waters, and they upheld their decision. Fortunately, this storm was declared a FEMA storm and we are hopeful that we will be able to fix some of the damage when FEMA responds to our claim. Mayor Campbell stated as far as private bulkhead the township has no jurisdiction over bulkheads, we found this out after Hurricane Sandy. The DEP will let you replace it without permits with the same footprints. How do you get your neighbor to fix their damaged bulkhead, so it doesn't damage your property? It is nearly impossible. The only way the township can do anything is we could adopt an ordinance that says you must maintain your bulkhead and if you do not maintain it the township is going to come in and put a bulkhead in front of your house and put a lien against your property. After Sandy when we discussed this issue it would have costed the township millions of dollars to replace these damaged bulkheads and we do not have that kind of money. We could not afford to do that ordinance without a source of funds. Ms. Cowley stated as a homeowner it is frustrating especially when you can even construct a deck without DEP permits, but yet there are no inspections for something as major as this. Is there some way our DCA inspectors can get involved here and do something?

Mayor Campbell stated that is a really good question and we should investigate. Ms. Cowley stated all the DEP requires is a Zane letter where the homeowner states they will replace the bulkhead with the same footprint and they never follow up on the repair. We also have homeowner putting in bulkhead without the proper equipment and not going down deep enough. These are the bulkheads that are breaking apart when a storm hits. If there was an inspection process, we could prevent some of these issues. Mayor Campbell stated he will be meeting with the DCA this coming week and he will have the conversation with this at that time.

Pete Wagner of Gandy Beach asked if water, sewer project, and beach replenishment project going out for bid. Is this one project or is it going to be broken down into smaller phases.

Mayor Campbell answered the sewer and water project is a separate project in three phases by the township. The cap project on New Jersey Avenue in Fortescue will be bid as a separate project by the township and FEMA. The bulkhead on South Cove Road will be bid as a separate project by the township. All of these projects are not intertwined they are all separate projects. The township will publish public notices so that all interested parties can get noticed.

Mr. Wagner asked if the water at Gandy Beach be by a holding tank or will they be installing a larger pumping system. Mayor Campbell asked if he was referring to drinking water. Middlesex Water Company is in Fortescue and we have tried to have conversations with them to get put in a new separate water service in Gandy Beach. We are not running water from Fortescue to Gandy Beach. We need a separate water service in Gandy Beach. We are also having conversation on behalf of the fire company as to how to put some type of a holding tank system for fire service. All of these conversations are ongoing, but Covid-19 has slowed things down quite a bit.

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

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

Nay - 0

Vote: All in Favor

COMMITTEE REPORTS

Mayor Campbell reported the sewer project is on schedule and has been pushed back about a month because of our Covid and not being allowed to hold any in person meetings. We have our permit applications into the DEP. We are applying for two more grants. One to the USDA for \$1M to run three phase electric service from Fortescue Road to Gandy Beach to run the pumping station in Gandy Beach. One to the EDA for about \$3M that will go to the general cost of the sewer project. This will bring our grants funds for the sewer project up to about \$13M-\$14M in grant funding for the sewer project. This will put the homeowners in a position where there will be little debt service and the costs to the homeowners will be minimal. This is good news.

Mr. Bart had nothing to report.

Mr. Byrne reported that all activities have been shut down at Union Hall due to Covid.

Mr. Burt had nothing to report.

Mr. Rothman reported there will be more patrolling at Gandy Beach and Fortescue. There is some concern about sand on the roadways in Gandy Beach. This will be addressed. Mr. Rothman also stated the County will be coming to Gandy Beach and Fortescue to clean up some of the sand on the roadways.

Mayor Campbell stated as soon as we get some DEP issues resolved we will hold a town hall meeting to discuss the project. In the meantime, we are working on an easement/DEP permission to be signed by all homeowner is Fortescue and Gandy Beach to access their properties during the construction of the sewer project.

EXECUTIVE SESSION

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

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

Nay - 0

Vote: All in Favor

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

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

Nay - 0

Vote: All in Favor

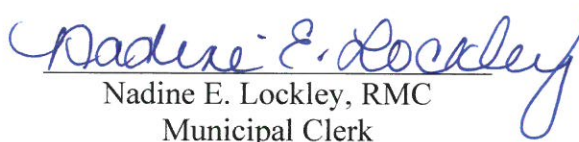
NEXT MEETING

The next meeting of the Downe Township Committee will be held on Monday, December 14, 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 Burt and seconded by Bart.

Vote: All in favor


Nadine E. Lockley, RMC
Municipal Clerk