

DOWNE TOWNSHIP COMMITTEE  
REGULAR MEETING  
OCTOBER 10, 2022 at 7:00 P.M.

The Downe Township Committee met in the Meeting Room of the Municipal Office on Monday, October 10, 2022 at 7:00 p.m. Mayor Michael L. Rothman, presided. Deputy Mayor Edward Bart, Committeeman Robert Campbell, Larry Jordan and Steve Byrne were in attendance. Municipal Solicitor Rebecca Bertram was also present.

CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE / STATEMENT REGARDING COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT

Mayor Rothman called the meeting to order; led the Pledge of Allegiance and read the Open Public Meetings Act Statement.

ROLL CALL

Present – Bart, Byrne, Campbell, Jordan and Rothman

Absent - 0

APPROVAL OF MEETING MINUTES

|                |                                     |
|----------------|-------------------------------------|
| May 9, 2022    | Regular Meeting & Executive Session |
| July 11, 2022  | Regular Meeting                     |
| July 28, 2022  | Special Meeting                     |
| August 8, 2022 | Regular Meeting                     |

On a motion by Campbell and seconded by Byrne the minutes of the previously mentioned meetings were approved as presented.

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

Abstain – Bart Nay – 0

Vote: All in favor

DEPARTMENTAL REPORTS

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

- |                         |                         |
|-------------------------|-------------------------|
| • Chief Finance Officer | August & September 2022 |
| • Tax Collector         | August & September 2022 |
| • Zoning Office         | September 2022          |

ORDINANCE PUBLIC HEARING

Ordinance 2022-6 – *An Ordinance Governing the Use of Travel Trailers and/or Recreational Vehicles in the Township of Downe*

Motion was made by Bart and seconded by Jordan to introduce Ordinance 2022-6.

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

Nay – 0

Vote: All in favor

MUNICIPAL SOLICITOR'S REPORT

Solicitor Bertram stated a report was prepared for the committee. The report references topics that should only be discussed in Executive Session. Mrs. Bertram asked if the committee had any questions about the report. There were no questions from the committee.

## RESOLUTIONS

- R-98-2022      *Authorizing the Payment of Bills*  
R-99-2022      *Resolution Authorizing the Tax Collector to Cancel/Adjust and Refund Property Taxes Due to an Assessor Error for the Tax Year 2022*  
R-100-2022     *Resolution to Authorize Change Order #3 for Mott MacDonald Contract for the Fortescue and Gandy Beach Wastewater Collection, Conveyance and Treatment Project*  
R-101-2022     *Resolution Appointing Archer & Greiner, PC as Special Counsel*  
R-102-2022     *Resolution Authorizing Executive Session*  
R-103-2022     *Resolution Approving Execution of Agreement for Consulting Services*  
R-104-2022     *Resolution of the Township of Downe Authorizing Execution and Filing of Sewer Line Conservation Restrictions*

A motion was made by Campbell and seconded by Byrne to adopt Resolution No. R-98-2022 *Authorizing the Payment of Bills* in the total amount of \$329,718.29.

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

Vote: All in favor

A motion was made by Jordan and seconded by Byrne to adopt Resolution No. R-99-2022.

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

Vote: All in favor

A motion was made by Campbell and seconded by Bart to adopt Resolution No. R-100-2022.

Roll Call:        Aye – Bart, Byrne, Campbell, Jordan and Rothman  
                      Nay - 0

Vote: All in favor

A motion was made by Bart and seconded by Campbell to adopt Resolution No. R-101-2022.

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

Vote: All in favor

A motion was made by Bart and seconded by Byrne to adopt Resolution No. R-102-2022.

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

Vote: All in favor

A motion was made by Campbell and seconded by Bart to adopt Resolution No. R-103-2022.

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

Vote: All in favor

A motion was made by Campbell and seconded by Byrne to adopt Resolution No. R-104-2022.

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

Vote: All in favor

Mayor Rothman asked Mr. Loteck, Downe Township Code Enforcement Officer, to give an update on what he has been working on.

Mr. Loteck stated he has addressed several areas of concerns by the Township Committee and has also received several tips from residents that has been addressed. There was/is a horrible situation on Ackley Road. We are currently working with the County and the State to come up with a way to cleanup that property. The owner of record is deceased and the next of kin is not available. Mr. Loteck stated he is available if anyone has questions or needs to contact him.

Mayor Rothman mentioned there are issues that have been brought to the attention of the Committee and Code Enforcement is one of those areas.

Mayor Rothman continued we are in the process of adopting an ordinance for trailers which will clear up some issues in the Township once it has been adopted. There will be an Open House at the Newport Fire Station Tuesday, October 11<sup>th</sup> from 6pm to 8pm for Fire Prevention Week. Saturday, October 15<sup>th</sup> is Downe Home Day from 10am to 3pm at the Downe Township Elementary School. There is no progress on the Maple Avenue project. The sailboat in Fortescue on the beach is someone's personal property. The State Police has just issued another round of summons to the owner. We have to do things the right way and that usually takes some time. The owner of the campground (Heritage Hills) in Fortescue has promised to fix his bulkhead. The property has not been sold. Trick or Treat will be Monday, October 31<sup>st</sup> from 4pm to 7pm. Bids will be received for 5 roads in Fortescue (Louisiana, Vassar, Adaline, Budney, and Bay) to be paved on October 25<sup>th</sup> at 10am from a NJDOT grant.

Mr. Campbell reported we are still waiting for one permit for the sewer project. We have been told numerous times that it would be here and we are still waiting. One of our resolutions tonight is to hire counsel to represent us against the NJDEP. Once we receive that permit, we will be ready to go out for bids.

#### PUBLIC COMMENT

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

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

Nay – 0

Vote: All in favor

Dave Raudenbush of Fortescue asked for an explanation on how the fines are imposed. They are listed on the ordinance but there is no timeframe on how the fines increase on the proposed trailer ordinance. Mrs. Bertram answered the fines are imposed by the Judge and the Judge would enforce the timeframe and amounts of the fines. The courts would find the individual guilty, issue and collect the fines.

Kathryn Weisenburg of Fortescue stated on July 4, 2021 a trailer arrived in her front yard. The trailer sits one foot off of the front property line. Someone lives in the trailer with an extension cord connecting it to power and it has a new tarp on the top, guess it leaks. There are 6 barking dogs there. Ms. Weisenburg stated she brought this situation to the Committee about a year ago. She has moved out of her house. When you come home from work, the dogs bark at you. Someone comes in my yard, the dogs bark at you. When I let my dog out, the dogs bark at you. These people encourage their dogs to bark. People can't walk their dogs down the street. People are intimidated by these people. I have contacted the State Police and they have even suggested that I move for my own safety. There are cameras surrounding the property. The State Police stated they are well aware of what's going on next door. My property was my piece of heaven. This property belonged to my parents. I can watch the sunset from my house. I was being awakened at all time of the night. Trash littered in my yard. Cigarette butts in my fish pond.

I've been called names and people have even parked in my driveway and threatened me. My others are afraid to say anything and are intimidated by these people. She would like to know the if Township would like to buy her property because she can't live in it. When I walk thru my gate, I am hit in the face with reeking music on the deck blasting like no one else should care. How can I sell my property with this going on. This committee has known about this situation for a year, and what have you done about it?

Mayor Rothman stated in the last year he has personal been to the property. It is difficult to the township to fix this situation. Ms. Weisenburg stated the township has done nothing. She was promised the situation would be fixed and it has been a year and nothing. No one from the township has communicated at all. Ms. Weisenburg commented that these people are saying this is a halfway house or a drug rehab. Are we allowed to have a halfway house here in Fortescue that houses people from Pennsylvania. One person who is on the deed currently lives in the house. There are eight or nine other people living in the house.

Mr. Loteck stated he can not issue a summons without it being a violation of an ordinance. That is the reason the trailer ordinance was written. There is no current ordinance for trailer and recreational vehicles in this township.

Mayor Rothman stated this proposed ordinance will be adopted in 30 days. Once it is adopted, we can enforce it. Next month we can approach this situation differently because of the ordinance. Mayor Rothman commented he had a reason to go into the property along with the State Police. Mayor Rothman commented there was a situation across the street in the water a few weeks ago that originated from that property. He knows and understands. He has been trying to get this situation under control. Ms. Weisenburg stated this situation has ruined her happy home.

Laurie Williams of Fortescue asked what is a "special use permit" listed in the trailer ordinance. Mr. Loteck answered the "special use permit" is issued for weekend sporting events sponsored by the Township, issued when you are remodeling your home. There are other requirements associated with the special use permit, i.e.; sewer pumping service, generators, etc. The next few paragraphs of the ordinance give more details.

Kathy Ryan of Fortescue stated she had an issue with FEMA. The address on the invoice from FEMA was State Street. She has received mail in the past that had State Street and State Avenue. FEMA called and stated I needed proof of my residence and the information had to match what was listed on my deed. Could not find the deed and thought I would visit the court house and find it. Trying to get the phone number for the County Clerk's office with a phone book is impossible. When you call the courthouse, you get the number for the jail or the number for something you don't want. So, I called the most reliable number I know, which is the Downe Township Office, spoke with Nicole and she gave me the number to reach the County Clerks Office. I thanked her and went about getting the information ready to make my call. Before I could call, Nicole called me back and she said I have just what you want. She had located my deed and had made me a copy. She said I can email it to you or you can come by and pick it up. This is just another reason why I am so blessed to live in Downe Township. I hope the rest of you and even Ms. Weisenburg, get the chance to feel as blessed as I do to live here.

Laurie Williams of Fortescue asked if Mr. Carpino the owner of the campground is planning to repair his bulkhead. Mayor Rothman answered yes, he spoke with Mr. Carpino himself. There was no timeframe discussed. Ms. Williams stated the condition of his bulkhead makes everyone around him vulnerable on the bayfront. I understand you are working on an ordinance to help

with this bulkhead situation. Again, we are in this season and any one of these storms can turn and come at us. Everyone of those houses on the bayfront that are breached, are a danger to everyone in Fortescue. Mr. Campbell stated Mr. Carpino is working on a design to replace the entire bulkhead with a new one. Ms. Williams stated there are two residents on New Jersey Avenue who have no bulkhead. Mr. Rothman stated we have serious issues to look into when doing a bulkhead ordinance. Do we grandfather in some and not others. Do we restrict the materials that can be used. What do we do when someone can't afford to put in a bulkhead. Does the Township build that bulkhead and then put a lien on the homeowner. Ms. Williams stated it is so frustrating that this is not a priority in a community that is a velocity zoned flood issue with very expensive flood insurance. Mr. Campbell stated is this probably a good time to continue discussions and come up with a solution for this issue especially with the new sewer coming in that will causing the property values to go up in Fortescue.

Sean Pignatelli of Fortescue stated there are two young girls that walk the streets at 11pm at night during the week, if we don't have a curfew ordinance and we don't have an ordinance for noise violations, could we get some. Mayor Rothman answered there is a curfew. We have had a few situations of strange things happening associated with these two young girls. The State Police and Family Services have been there a few times. It is our understanding these girls are staying with an elderly grandparent. Mr. Pignatelli stated when he moved here three years ago, he received a phone call that said if you don't have a Certificate of Occupancy you need to get out of your house. There are a number of people without a Certificate of Occupancy.

Liz Cowley of Fortescue stated there is an Open House at the Newport Fire Hall from 6-8pm. Cedarville will have their smokehouse there. Dividing Creek Fire House will be bringing some activities. It is a great night for the kids to come out and enjoy the fire company and see all the equipment. On Saturday is Downe Home Day and all are encouraged to come out. The funds raised are for the afterglow party for the 8<sup>th</sup> grade class. Its free. We will see you on Saturday.

There being no further comments, the public comment portion was closed on a motion by Campbell and seconded by Jordan.

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

Nay – 0

Vote: All in favor

#### COMMITTEE REPORTS

Mr. Bart had no report.

Mr. Jordan had no report.

Mr. Byrne reported on Saturday at Union Hall the Snake Brother will be playing from 7-9pm. On Sunday there is a music gathering from 1-4pm.

Mayor Rothman stated there is a lot on the shoulders of Mr. Loteck, this has been something we have been working on for a long time. I know these issues are frustrating. He is eager and aggressive and is willing to do this job for the resident of this community. Give him the opportunity to address these issues. To Ms. Weisenburg, I should have done a much better job of communicating with you through the year. He apologized and stated we are now in the right direction.

#### EXECUTIVE SESSION

It was determined there were no topics for discussion. Therefore, Resolution *R-102-2022 Resolution Authorizing Executive Session* was vacated and not needed as it was determined there was no need for an Executive Session meeting.

#### NEXT MEETING

The next meeting of the Downe Township Committee will be held on Monday, November 14, 2022 at 7pm.

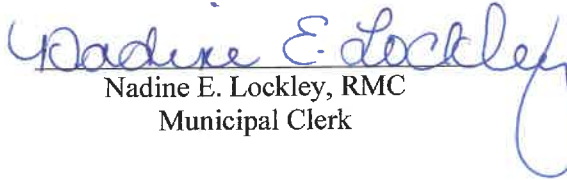
#### ADJOURNMENT

There being no further business, the meeting was adjourned on a motion by Campbell and seconded by Jordan.

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

Nay – 0

Vote: All in favor

  
Nadine E. Lockley, RMC  
Municipal Clerk