

DOWNE TOWNSHIP COMMITTEE
REGULAR MEETING
SEPTEMBER 11, 2023 at 7:00 P.M.

The Downe Township Committee met in the Meeting Room of the Municipal Office on Monday, September 11, 2023 at 7:00 p.m. Mayor Michael L. Rothman, presided. Deputy Mayor Larry Jordan, Committeemen Edward Bart and Steve Byrne were in attendance. Committeeman Campbell was absent. Municipal Solicitor Rebecca Bertram was 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 – Jordan, Bart, Byrne, and Rothman

Absent - Campbell

DEPARTMENTAL REPORTS

Mayor Rothman read the Tax Collector and Zoning Office Reports. The Township Committee acknowledged the receipt of the following reports:

- Tax Collector August 2023
- Zoning Office August 2023

MARK BLAUER – SMALL CITIES GRANT PROGRAM PRESENTATION

Mr. Blauer of Blauer Associates is a grant writer for Downe Township. He has been working with the Township since 1998. We are conducting a Performance Hearing tonight. We advertised it. With grant money from the Small Cities grant program we need to have a hearing at the beginning to explain what we are applying for and as we are ending a project, we have a second hearing known as a performance hearing to tell the public what we have done. The program has been operating continuously since 1999 is a home rehabilitation program. This program is available to homeowners in Downe Township who own a home in Downe Township, are income qualified, (usually Senior Citizens will qualify without much fuss). The income ceilings vary by family size between one and eight persons. Lastly if the home needs work and the homeowner has home insurance then we can assist that person with a zero interest loan that would be paid back when the person chooses to sell their home. We have probably assisted over 100 homes at this point. We have three programs operating at the present time. A 2021 award for \$113,000. A 2022 award for \$163,000 and we have most recently a 2023 award for \$200,000. We are nearly spent out of the 2021 project funds. In the last few months, we have approved 4 homeowners. Two of those homes were completed in the last two weeks. We are quietly doing a lot of work. We don't talk about where we are working because we don't talk about individual homeowner applications. We are actively looking for new applicants. We have at least \$350,000 available. We commonly spend between \$20,000 - \$30,000 per home depending on the need. We commonly do roofs, windows, doors, heating systems, and air conditioning. We do any number of things that need to be done in a home. This includes electrical, plumbing and roofs, or whatever needs to be done. We try to focus on things that bring a home into more code compliance, more energy efficient, or generally make a home more livable. We have even done handicapped ramps when someone needs one. If there is anyone here who is interested, please contact Nadine or Nicole. They have application forms, and we will quietly just review it and let the person know they are eligible. If they want to proceed, we will then send out an inspector who will do a lead paint report. After that we will seek bids from contractors. We then do the work. All the bills are paid directly. The homeowner never sees an invoice. There is no waiting right now. We are here to tell the public that this performance hearing is to get public comments about the program and to advertise the program. Mr. Blauer mentioned that he also runs a similar program in Upper Deerfield, Hopewell, Deerfield, and Fairfield Townships.

A resident asked if bulkhead repairs are an acceptable project. Mr. Blauer answered no. A resident asked about home raising. Mr. Blauer answered why would a home need to be raised. The resident answered for flood level issues. Mr. Blauer stated this may be beyond our capabilities. We have not done this before, but I will not rule it out. Mr. Blauer asked if there are any estimates on what the cost could be. The resident answered no. Mr. Blauer continued that the contractors we have experience with are good at fixing doors, windows, and roofs. If we need to bring in an architect or a structural engineer, it can get real costly real quick.

Liz Cowley asked if there is a requirement that you must have flood insurance on the home. Mr. Blauer answered yes if you are in the 100-year flood hazard zone. This is a federal requirement that we have not been able to get around. If you are in the 100-year flood hazard zone you must have flood insurance. If someone has a mortgage, they will probably have flood insurance.

A resident commented that he only has an 18-inch crawl space and cannot work on anything because of space. He commented that he is not in the 100-year flood hazard zone but because of his small crawl space he would like to have his house raised. How can I be eligible for the program? Mr. Blauer answered eligibility is determined by the following criteria: you must be a homeowner in Downe Township; your income must meet the income limits and you must have flood insurance if you are in the flood zone.

Mr. Blauer asked the resident a few questions regarding eligibility. He encouraged the resident to pick up an application from the office for the program. The first step is to apply.

A resident asked why the program will not fix bulkheads. Mr. Blauer asked who owns the bulkhead. The bulkhead is owned by the resident. The resident explained his situation regarding his bulkhead that was washed away with Hurricane Sandy. Mr. Blauer asked the committee questions about the cost of bulkheads. Mr. Pete Wagner answered about \$40,000 to construct and design a bulkhead. Mr. Blauer stated a bulkhead project would cost too much. The program was designed to assist homeowners with simple repairs for the home.

Sean Pignatelli commented that it has been stated that the funds are grant funds but need to be paid back when the home is sold. Mr. Blauer stated it is a grant to Downe Township. The State expects us to provide the assistance as a loan. They want to recapture money and their goal is that in 30 years from now, there is still money coming back into the program. It is a deferred loan that we offer to homeowners. It is a loan that is paid back when you transfer the property and is paid back without interest. Mr. Pignatelli asked if the loan would fall on the child when the owner passes away. Mr. Blauer stated we made provision in the documents that if there is going to be a transfer to another family member and they are willing to accept the responsibility, the loan would be transferred to them. However, if the owner passes and the property is sold to an unrelated third party, then our money is due and payable. Mr. Pignatelli asked if the Downe Township property must be the primary home. Mr. Blauer commented that the state has advised him the residence must be the primary residence of the homeowner to use the program.

A resident asked if he takes out a loan and in a year, he does a re-finance, will the title company make him pay off the loan? Mr. Blauer answered yes, the loan will need to be paid unless Downe Township subordinates its interest to the new lender. There is no guarantee that the township committee will agree to subordinate. You would be required to present your case to them.

Laurie Williams asked what are the maximum income limits? Mr. Blauer read the income ceilings.

A resident asked what income is considered. Mr. Blauer answered we count social security, dividends, pensions, rents. We don't count IRA distributions. Mr. Blauer continued discussions about what sources of income are considered.

Mayor Rothman thanked Mr. Blauer for his time.

SOLICITOR'S REPORT

Solicitor Bertram represented her report consists of information and updates on matters that should be discussed in the Executive Session.

ORDINANCE PUBLIC HEARING

Ordinance 2023-05 *An Ordinance Establishing Salaries and Wages for the Officers and Employees of the Township of Downe for the Year 2023*

Motion was made by Byrne and seconded by Jordan to open the Public Hearing for Ordinance 2023-5.

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

Vote: All in favor

There being no comments from the public a motion was made to close the Public Hearing for Ordinance 2023-5 by Byrne and seconded by Jordan.

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

Vote: All in favor

ORDINANCE FINAL ADOPTION

Ordinance 2023-05 *An Ordinance Establishing Salaries and Wages for the Officers and Employees of the Township of Downe for the Year 2023*

Motion was made by Byrne and seconded by Jordan to adopt Ordinance 2023-5.

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

Vote: All in favor

RESOLUTIONS

R-91-2023 *Authorizing the Payment of Bills*

R-92-2023 *Resolution Authorizing Mayor to Act as Temporary Chief Finance Officer*

R-93-2023 *Resolution Authorizing Execution of Agreement with the United States Department of Agriculture (USDA)*

R-94-2023 *Resolution Authorizing the Appointment of Members to the Recreation Committee for the Township of Downe*

R-95-2023 *Resolution Recommending Proposal by Mott MacDonald, LLC for Engineering Services Related to the South Gandy Beach Seawall Rehabilitation - FEMA PW 5122*

R-96-2023 *Resolution Authorizing Executive Session*

A motion was made by Byrne and seconded by Jordan to adopt Resolution No. R-91-2023 *Authorizing the Payment of Bills* in the total amount of \$660,948.71.

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

Vote: All in favor

A motion was made by Bart and seconded by Byrne to adopt Resolution No. R-92-2023.

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

Vote: All in favor

A motion was made by Bart and seconded by Byrne to adopt Resolution No. R-93-2023.

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

Vote: All in favor

A motion was made by Bart and seconded by Jordan to adopt Resolution No. R-94-2023.

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

Vote: All in favor

A motion was made by Byrne and seconded by Bart to adopt Resolution No. R-95-2023.

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

Vote: All in favor

A motion was made by Jordan and seconded by Bart to adopt Resolution No. R-96-2023.

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

Vote: All in favor

Mayor Rothman stated Resolution R-93-2023 refers to an application made to the USDA for the sewer project in Fortescue and Gandy Beach. The USDA has been our biggest financial partner with this project. The cost of the project doubled because of Covid and because of the world climate that we live in today. This committee has worked very hard in trying to make this project happen. We made another application to the USDA for the project. Two weeks ago, we received notice that we were approved for \$6.667M in a forgivable grant for the sewer project. To some of you that may be pocket change but to the rest of the world and to me, this is the fix to the gap we have been looking at. Today and after some meetings, we may receive the ATA (authorization to award) from the State that we have been waiting for which will authorize us to award contracts and start construction. If I remember the numbers correctly, we have been awarded \$18M in forgivable grants for one phase of this project. This township has never seen that kind of money. This committee has worked hard for everyone here to get this done.

Mayor Rothman stated we passed a Bond Ordinance for \$1M in 2022 to cover the cost of construction for the North Cove Road bulkhead repair. Mayor Rothman continued that he was embarrassed by the answers that we gave last month about the status of the Gandy Beach bulkhead repair. One, we didn't have all of the answers. Two, we got blindsided by all of the questions. The blame falls right here. During this past month we have worked very hard to get this resolved. Right now the design is completed. FEMA has given us the authority to go out to bid. We are working on that right now. One issue that came up was about the lighting that will be replaced. This project is ready to go out to bid. There is a process that must be followed. We will advertise the bid opening, award the contract, and start construction. This will not happen overnight. Last month lit the fire that pushed us to get this moving forward to final construction.

Mayor Rothman stated you will be hearing about mandatory 911 house numbering once again. We must get this done. We have had a lot of issues because we don't have properties numbered throughout the township. This is for the benefit of our residents. The time it takes to find some addresses could be the cause of a life. Recently, we were approached about a situation that has happened in Fortescue over the last month. There was an incident that took place in Fortescue. It is horrible and involves children and two adults. Unfortunately, the way the State has things set up with sex offenders, they have rights. This took place in our township. I am sick about this. As a father and a grandfather, if this had happened to one of my kids, you would be visiting me at Bayside Prison. There is nothing we can do to these people who do this. There are a few registered sex offenders in this township. They are registered, they have paid their debt to society, and they are living in your backyard. It is on you to watch your children and also keep an eye out for your neighbors' kids.

Looks like Hurricane Lee is heading to Maine. We did take the precautionary steps of doing a drone flyover of Fortescue and Gandy Beach. We did not use our drone but had Leesburg do the flyover. FEMA usually wants a before a storm and after a storm pictures. We took pictures of everything here just in case Hurricane Lee decides to hit us.

There are several RV trailers that have popped up in this township. We are working on a trailer ordinance. If anyone knows of any specific trailers that are in violations, please contact the office. We have received complaints in Fortescue and Gandy Beach regarding short-term rentals. We are working on an ordinance, registration process and penalty schedule. If you have a place that you want to rent. You charge them a few dollars to rent the property for the week or weekend. Next week you will have new people come in. If that is the type of home you want to own in our township, it is going to cost you a fee. There will be a fee to register and a fee for inspections (possibly two inspections per year). If we are coming to your house we know that you are living there and we know we have to look for you. If we are going to your house and you decided to rent it out for the week and there are 6 people in there, we need to know that too. We need to know that you provided your renter with the necessary equipment and directions. We have been made aware there are a number of these properties in the township. We need to make sure we have rules and regulations that must be followed for the safety of everyone involved.

PUBLIC COMMENT

On a motion by Jordan and seconded by Byrne, the meeting was opened to the public for comment.
Roll Call: Aye – Bart, Byrne, Jordan, and Rothman
Absent - Campbell
Nay – 0

Vote: All in favor

Ken Festa of Gandy Beach stated he appreciates the fire that has been lit to get the Gandy Beach bulkhead project moving forward. Looking forward to seeing the project completed.

Kary Wilson of Newport asked if she could have the bill list emailed to her because there were no more available when she came in. She asked for clarification on R-92-2023 Authorizing the Mayor to Act as Temporary CFO. Mayor Rothman stated our CFO resigned for personal reasons. We are in the process of advertising for a new CFO. We have someone interested, but we are giving ourselves more time to interview other interested people for a good fit. It does not stop what business is being done. The only reason this resolution needed to happen is because of required signatures on documents. Our auditor is certifying everything that happens. When the new CFO is in office, he will be able to pick up and go forward. This is the reason for the resolution. Mrs. Wilson commented thanks for explaining the USDA grant. Do those grants have to be bonded? Kary asked if there are only two people on the Recreation Committee and will there be officers of that committee. Nadine answered yes. Mrs. Wilson continued there is a notice online

about the construction of Phase One of the sewer project. The notice states there are two contracts with construction costs of \$21M. Where did that amount come from? I know that the project doubled in cost, and you are still going to have to get an engineer to oversee the project and other professionals. I am sure there are going to be additional costs associated with the project. Have you made a decision on hiring a contractor? Mayor Rothman stated we have to award to the lowest bidder. We are not allowed to award yet we are waiting on the ATA. Mrs. Bertram stated the resolutions awarding contract will be done at an official township meeting.

Mrs. Wilson stated two individuals have approached the township requesting a resolutions of support of a cannabis business which is part of the application process to get licensed. Will the Township Committee be conducting work sessions to have discussions and come up with regulations for the cannabis business? I realized we have looked at Commercial Township's ordinances and regulations as a guide in preparing Downe Townships ordinance. When will these work session take place? It might be a good idea to do a work session where the public can sit in and watch you talk about it and be involved in the process. The public needs to be aware of this because it has an impact on the entire community. It is just good business to be transparent. Mrs. Wilson stated the Planning Board has to deal with the zoning. For some reason they have not done anything. I have attended the last few meetings and there has been no action. The township committee has to do the majority of the regulations meaning the fees, penalties, and other details for the ordinance. I am requesting that the public be included in the discussions. Mrs. Wilson stated we haven't seen anything from our OEM Department and with the storm season approaching it would be nice to have an update from that Department. They used to periodically give presentations to the public. They used to meet with the seniors, and they would talk about emergency contact, evacuations, shelters, etc. Mayor Rothman stated he will have the OEM Coordinator and Deputy Coordinator at the next meeting to give a presentation of what's going on statewide and locally.

John Gilligan of Gandy Beach asked can we do anything with the cellphone service in this area. Mayor Rothman stated he will reach out to Verizon again to see if something can be done. Mayor Rothman commented that the County is currently working on this situation. The County is spending \$34M on the "Middle Mile Project" that is going to make your Wi-Fi and phone services better in Cumberland County. We attended one of the meetings. We were told there is a beginning, a middle and an end. We need infrastructure to put things in place. This \$34M project is a partnership with Salem County because that is where the project starts. Some of the end users are in Delaware and Philadelphia. The County is spending this money on the "middle" piece of this project, and it will not help us here. It will only help corporate partners to sell you their products. The majority of the County residents that attended these meetings were opposed to the project. They gave every reason, showed every reason and stated every reason this project will not benefit the residents of the County, but the government didn't listen.

Wayne Kief of Gandy Beach asked if there are any talks about beach replenishment in Gandy's Beach? If we continue to get storms eventually there will be no beach left. Beach replenishment is so important to protect what's there. We heard the project was approved. We know millions of dollars have been spent doing studies. What is the roadblock on that project and how can we get it moving. Our counsel and our senators need to know we never received any sand here it all goes to the Atlantic side. Those beaches are replenished every year, and we haven't had any in this area. Mr. Kief stated he contacted the Army Corp and was told the project has been held up for approval by Congress. We need to push for this. Our Township Committee and all our elected officials need to get involved with this. The environment has suffered so badly, there is no place for the horseshoe crabs and the turtles. Mayor Rothman stated the Corp of Engineers and Congress pulled the money that was given to this project. The material from dredging the channel was suppose to come to specific locations, we were one of those locations. We have been fighting with the Army Corp for beach replenishment just as hard as we have been fighting for the sewer project. For the October meeting I will try to get you an answer on beach replenishment in Downe Township. Mayor Rothman stated

he knows we are not being heard by the Army Corp. Mr. Bart commented that he recently heard we are scheduled for 2024 for beach replenishment.

Mayor Rothman thanked Liz and the Green Team for everything they have done in making this event a success and for giving back to the community.

Liz Cowley stated the Green Team has registered with the County for the International Waterways Cleanup on September 30th. We have committed to doing Fortescue Beach, Gandy Beach, Money Island and Maple Avenue. We would like to see 24 people volunteer to help us. The cleanup is from 8:30am until 1pm. We will be collecting as much as we can from the ditches along the roads. The township will pick up the items collected on Monday. We need volunteers. One of the things we heard through the Heart and Soul process was the residents would like to have a better way of getting communication and notices of what's happening. Sean Pignatelli found us a way of getting notices out to everyone. We have purchased one of the old style newspaper boxes and put it at the Convenience Center. The different groups in the township that have notices they want distributed can now place them in the newspaper box for everyone to help yourself. Thank you, Sean, for the newspaper box.

Sean Pignatelli of Fortescue stated he would like to thank the Public Works Department for fixing the potholes on Downe Avenue. We are having a Halloween Decorating Contest coming up. The Recreation Committee will be trying to make this event as fun as possible. If you are decorating your house and would like the Recreation Committee to judge it so you can win a prize, please complete and submit your entry form. The entries are due by October 20th. On the 28th we will judge all of the entries and award the prizes to the winners.

Steve Gallo of Fortescue asked if the potholes near Higbee's can be fixed.

Ken Festa of Gandy's Beach asked if there is a time limit on the grants being received. Mayor Rothman answered no.

Mayor Rothman reported basically what we did in this sewer system in order to make it work is to break up the project in two different phases. Phase 1 will be the treatment plant and the infrastructure in Fortescue. Phase 2 will be Gandy's Beach. The reason we did this is because of the increase in price. This enables us to take advantage of two fiscal years of funding. The monies that were given to us for the road work has enabled us to get all of the roads paved after the sewer project. The County is working on the Fortescue Road issues from the gas installation. Please know that this Committee is working at every angle we can to get more grant funding for this project.

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

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

Vote: All in favor

COMMITTEE REPORTS

Mr. Jordan had nothing to report.

Mr. Bart had nothing to report.

Mr. Byrne reported there will be music at Union Hall on September 16th at 7pm. The Boat Shop Boys will be performing. Come out and join us. Lastly, never forget 911.

NEXT MEETING

The next meeting of the Downe Township Committee will be held on Monday, October 9, 2023 at 7:00 p.m. in the Meeting Room of the Municipal Complex.

EXECUTIVE SESSION

On a motion by Jordan and seconded by Byrne, the meeting was closed to the public and the Executive Session was opened with no action to be taken after Executive Session. Contract/personnel/potential litigation issues will be discussed.

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

Vote: All in favor

On a motion by Jordan and seconded by Bart, the Executive Session portion was closed.

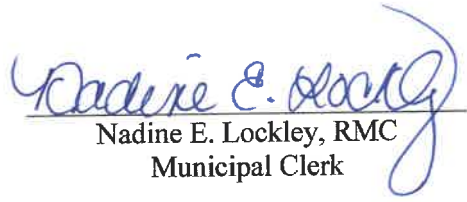
Roll Call: Aye – Bart, Byrne, Jordan, and Rothman
Absent - Campbell
Nay – 0

Vote: All in favor

ADJOURNMENT

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

Vote: All in favor


Nadine E. Lockley, RMC
Municipal Clerk