

DOWNE TOWNSHIP COMMITTEE
REGULAR MEETING
MARCH 11, 2024 at 7:00 P.M.

The Downe Township Committee met in the Meeting Room of the Municipal Office on Monday, March 11, 2024 at 7:00p.m. Mayor Michael L. Rothman, presided. Committeeman Robert Campbell, Steve Byrne, Edward Bart and Larry Jordan, Sr. were in attendance. Municipal Solicitor Nathan VanEmbden 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

DEPARTMENTAL REPORTS

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

- Tax Collector February 2024
- Zoning Office January & February 2024

MUNICIPAL SOLICITOR’S REPORT

Solicitor VanEmbden reported that nothing new has come up with the solar project. This may be a dormant deal. Our former representative is with a new company now and they are waiting on the BPU. We are open to any other firm that may be interested. We are considering a fee ordinance today which we know is set up as a mechanism for establishing what fees will be charged for the sewer. The object is to make sure that we only charge what we need to pay for the cost of building the system and operating the system. We won’t know all of the numbers until the next three weeks or so. The system is only for Fortescue and Gandy Beach. The county will have control of the non-served areas. This is a mandatory sign up for everyone who is served. Mr. Van Embden spoke with Mr. Carney’s counsel regarding the property issue. His counsel reported there is no litigation at this time. The attorney who was representing Mr. Carney is no longer with the firm. This contact was in January and we have heard nothing since. We will be awarding a contract today for the construction inspection services for the Gandy Beach Bulkhead project and we made contact with the other interested party to let them know we have selected someone else.

ORDINANCE INTRODUCTION:

ORDINANCE 2024-02 - *An Ordinance Establishing Salaries and Wages for the Officers and Employees of the Township of Downe for the Year 2024*

ORDINANCE 2024-03 - *Calendar Year 2024 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-45.14)*

ORDINANCE 2024-04 - *Sewer User Fee Ordinance*

ORDINANCE 2024-05 - *An Ordinance Regulating the Short-Term Rentals of a Home or Residence Located Within the Township of Downe*

ORDINANCE 2024-06 - *An Ordinance of the Township of Downe Requiring Property Numbering for 911 Emergency Purposes*

ORDINANCE 2024-07 - *An Ordinance Regulating the Short-Term and Long-Term Usage and Storage of Dumpsters (i.e. trash bins, personal or construction dumpsters) Located Within the Township of Downe*

Motion was made by Campbell and seconded by Jordan to introduce Ordinance 2024-02.

Roll Call: Aye – Bary, Byrne, Campbell, Jordan, and Rothman
Nay – 0
Vote: All in favor

Motion was made by Campbell and seconded by Byrne to introduce Ordinance 2024-03.

Roll Call: Aye – Bary, Byrne, Campbell, Jordan, and Rothman
Nay – 0
Vote: All in favor

Motion was made by Campbell and seconded by Byrne to introduce Ordinance 2024-04.

Roll Call: Aye – Bary, Byrne, Campbell, Jordan, and Rothman
Nay – 0
Vote: All in favor

Motion was made by Jordan and seconded by Byrne to introduce Ordinance 2024-05.

Roll Call: Aye – Bary, Byrne, Campbell, Jordan, and Rothman
Nay – 0
Vote: All in favor

Motion was made by Campbell and seconded by Byrne to introduce Ordinance 2024-06.

Roll Call: Aye – Bary, Byrne, Campbell, Jordan, and Rothman
Nay – 0
Vote: All in favor

Motion was made by Campbell and seconded by Byrne to introduce Ordinance 2024-07.

Roll Call: Aye – Bary, Byrne, Campbell, Jordan, and Rothman
Nay – 0
Vote: All in favor

RESOLUTIONS

- R-49-2024 *Authorizing the Payment of Bills*
- R-50-2024 *Resolution Authorizing Shared Service Agreement Between the Township of Downe and the Landis Sewerage Authority*
- R-51-2024 *Resolution Authorizing the Sale of Tax Sale Certificate 24-00049*
- R-52-2024 *Resolution of Approval of Contact Person for the Employment Practices Liability Attorney Consultation Service for the Atlantic County Municipal Joint Insurance Fund*
- R-53-2024 *Resolution Awarding Contract to South State, Inc., for NJDOT 2020 Transportation Fund Project*
- R-54-2024 *Resolution Authorizing an Award of Contract to Engineering Design Associates for Construction Inspection Services for Gandy Beach Bulkhead Repair Project*
- R-55-2024 *Resolution Authorizing Executive Session*

A motion was made by Jordan and seconded by Byrne to adopt Resolution No. R-49-2024 *Authorizing the Payment of Bills* in the total amount of \$393,759.51.

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-50-2024.

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-51-2024.

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

Vote: All in favor

A motion was made by Jordan and seconded by Campbell to adopt Resolution No. R-52-2024.

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

Vote: All in favor

A motion was made by Jordan and seconded by Campbell to adopt Resolution No. R-53-2024.

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-54-2024.

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

Vote: All in favor

A motion was made by Byrne and seconded by Campbell to adopt Resolution No. R-55-2024.

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

Vote: All in favor

Mayor Rothman reported on the following topics: The County is working on the bridge area on Maple Avenue. The County is planning to remove the two pipes and replace them with one larger pipe which will allow the flow of water to be better. There have been numerous drownings at this location. Atlantic City Electric has been working on their new substation and there have been a few power outage situations because of it. The bulkhead in Gandy Beach has been awarded. Tonight, we approved a resolution for the construction inspection services. The contractor has ordered the material for the bulkhead. We should see action there any day. We are aware of what happened at the cul-de-sac in Gandy's Beach due to the weather. Our engineer has come up with a plan to use a special type of material there that will solidified and once we are finished with the bulkhead project, we will look to find a long-term fix for that area. Some people have called in the past month about the work that is being done in Fortescue. They were thinking there was a beach replenishment project going on in Fortescue. There is not a beach replenishment project going on in Fortescue. This is an American Littoral Society project. This project has everything to do with the red knots and horseshoe crabs. The project consists of 100-foot gabion baskets. One of the processes in this project is they are putting gabion baskets right off the beach. When the waves come in it stops the energy. It also has a natural effect like a jetty. When the tides go by a jetty it builds material behind it. We have been talking about doing this for a long time, but DEP would not authorize it. If this works, we can do a similar project in Gandy Beach. They are getting ready to start a project similar to this one in Thompson Beach.

We are working on a fix for the New Jersey Avenue flooding issues. After investigating the flooded area, we found that there is a pipe under the road that has roots growing inside it. We have come up with a fix for this area. We received a call today that bin blocks are falling down near the fishing pier. Tomorrow we will be down there to deal with it. The toe protection project at the end of Fortescue goes back to Hurricane Sandy. We were just given the authorization to move forward with that project. We are informed by FEMA that we must do the Fortescue project first and then we can move forward with the South Cove Road Project. We are still working on two projects from Hurricane Sandy which FEMA pays 90% and the Township is responsible for 10%. Which is a good thing.

Mayor Rothman continued the sewer project is closer than we have ever been. We are beyond the last inch. We are extremely close. We have to go to the County meeting tomorrow night and take care of the County portion of this project. On Friday while driving down the road, my phone rang, and the phone showed "No Caller ID". He answered the phone and heard "Mayor Rothman I am pleased to inform you that you are the recipient of \$4M in Congressional Discretion Funds. Congressmen VanDrew and Senator Booker sponsored a bill within the Federal Government that they can take money and use it at their discretion. From what I understand, nowhere in the Country received \$4M in Congressional Discretion Fund for any project. This money goes to the sewer project. With these funds we are more than 100% funded for this project. We are working to figure out which funds to use that will benefit the entire project. There are six funding sources for this project. There is a lending institution, IBank, USDA, EDA and DEP. When you hear Phase I and Phase II, please know this is all one project. We divided it into phases to capitalize on additional funding over two years. We are looking for more funding. Any additional funding will help to pay off the debt for the project.

Mayor Rothman stated he hopes this information answers some of your questions. We are ready for your comments. We ask that you be respectful. I will not do the one question thing. Ask what you want, we will give you the best answer we can. If it is something that we can't answer right now we will get back to you. This is not going to be a finger pointing, name calling or any type of contact sport. This is a township meeting, and we would like to hear from you.

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

Debbie Harvey of 167 Cove Road stated she spoke on the phone with the Mayor about three weeks ago. The Mayor had promised to call back and never did in regard to Elsinboro beach and finding out how they got their funding for beach replenishment. Another question is how are we going to get sewers if we don't have roads. Mayor Rothman pointed out that he stated he would call back after talking to the Mayor of Elsinboro. There have been no less than a dozen calls made and emails sent to the Mayor with no response. What we did learn is those projects were entirely NJDOT funded. Mrs. Harvey asked what does that mean? How did they get the funding? Mayor Rothman stated they applied to the NJDOT and received the funds. Mrs. Harvey asked why are we not approaching the NJDOT. Mayor Rothman stated the NJDOT has awarded us over \$2M for paving projects. Mrs. Harvey stated the roads will only disappear again when the sewer is done. The sewer makes no sense unless the roads are capable of holding all of this water that we have. Mayor Rothman stated the sewer project is necessary for the survival of Downe Township. If you did not have this sewer project, you would not be here. The DEP came

to us about 12 years ago and told us to do something. If you don't do something in Fortescue and Gandy Beach, they will disappear. A study was done, and it was decided that we could not afford to service this area through the County system. Mr. Campbell came up with this plan. The DEP just invested money in this project, next we can approach them about resiliency. Gandy Beach has never been off the table. If there is no Gandy Beach there is no project.

Mayor Campbell stated as far as the road in Gandy Beach, after Hurricane Sandy we had a lot of areas that were washed out. Because of this the roads get messed up. We have a lot of houses with bulkheads and there are no problems and then we have holes where there are no bulkheads which is a problem. Because this is where all of the sand comes in. After Sandy we went to the DEP and begged them to let us fill in and help the homeowners that did not have a bulkhead along the beachfront. The DEP told us no. We asked the DEP if we could put in dunes like Ocean City, NJ and we were told by the DEP that we could not put any machines on the beach because we are on the Delaware Bay. They refused to let us build dunes on the bay. Delaware Bay is treated differently from all of the waterways. There is some potential mitigation money through FEMA that we might be able to get. The Township owns a strip of land in front of the houses on the Bay and it is about 50ft wide from one end of the island to the other. We are working on a mitigation proposal to the DEP to let us put something there because it is public property and there is public money available. We are working on it to see if we can get some funding. Since the DEP has invested millions in the sewer project that gives us leverage to go back to them and ask for the protection this project needs.

Mrs. Harvey replied the projects should be done in unison because if one storm in it is going to be gone. Mr. Campbell replied we are in agreement with that fact, and we are working on fixing this stuff. You all need to understand that nothing moves fast when dealing with the State. That is why it has taken 10 years to get this project completed. Mrs. Harvey replied the committee needs to be more aggressive. Mayor Rothman commented that he can guarantee that this committee is not just aggressive, contrary to what the message is that you left me in a voicemail, we are extremely proactive. Mrs. Harvey stated she offered to volunteer time in whatever help she can give. She is here. Mayor Rothman commented we appreciate that.

Dennis Murray from 271 Cove Road thanked the Mayor and committee, along with his wife Sarah and Greg Bear for talking to the Congressmens Office and the Senators Office to get us as far as we have gotten. When the Army Corp of Engineers and DEP does a property assessment for the area to figure out whether or not it is worth it to them to fund those projects, they go by the property values and what assets are a part of that community. This sewer project will add to the assessment and give them something substantial that needs to be protected. This group has been working tirelessly to figure out anything that is available to this community. His wife has been putting together a spreadsheet that the Mayor and his team will use that lists what projects are in process and what projects are funded and what projects are in the future so that everyone can be on the same page. His wife is also putting together a document requested by Congressmen Van Drew for everyone to sign as a letter of support for Downe Township to help get us more help. Mr. Murray asked the Mayor to give a brief description of the North Cove Road knob repair he mentioned earlier. Mayor Rothman stated the cul-de-sac is splitting. Our Engineer visited the area and one scenario we visited consisted of putting some sort of material underneath it and pumping in a type of foam so the concrete will hold. The structure is breaking, and we are looking for a temporary fix until we can come up with a more permanent fix. We found out today that the asphalt that has collapsed is three very thin layers and there is no wonder it collapsed. A resident asked if he could use the asphalt on his property. It can not be put in the Bay because it is asphalt and the DEP will be asking how did that get there. We were told if we reuse that asphalt it will be reported to the DEP. If the township puts it in the meadow to fill driveways we

know it will be reported to the DEP. If a resident picks up the asphalt and you put it in your driveway we are not in trouble. Mr. Murray stated his home is right in front of where the temporary bulkhead was placed. The recent storm blew a lot of that rock back onto the road. The township did a great job of cleaning it up quickly. Are we going to have to deal with the rocks blowing around all summer that were put in after that last storm? Mayor Rothman stated the rock was put there when the last storm hit, and we had two days to fix that road before the next storm. The road was washed out. The County came in under a shared service program to us which was beyond unexpected. They put the material down to fill the gaps and put rock in. This weekend that rock did exactly what it was designed to do. Yes, it was in the road, but your road is still there. It could have been a lot worse. Mayor Rothman stated he personally drove down there Saturday night at midnight. Three of our committeemen were also there, the County was there, OEM was there and that is who did the work. To get an additional 200 foot of wall added has been a nightmare. It has taken us years to get a signature from the homeowner's family of the abandoned home near Mr. Ruiz where the additional bulkhead is needed. We did everything we could to find someone. Finally, we got a signature thanks to Mr. Van Embden. There is a plan for a long-term fix, but it will require us to find the funding. The project that took place there recently would not have ever happened if it was not for the shared service from the County.

John Gilligan of Gandy Beach commented that Public Works did a great job on Sunday. Do we have an estimate from the contractor about the damage from the January 9th storm? Mayor Rothman answered the total was over \$800,000.

A resident stated that he received a certified letter from Mott MacDonald what is that about? Miss Lockley stated that was a notice to all residents within 200ft of the bulkhead project to let you know what's going on and give you an opportunity to comment on the project.

Another resident stated she received the same documents also and the print was so small she could not read anything.

A resident stated she realized that New Jersey is a sanctuary state which means Cumberland County is, which means Downe Township is. She owns three pieces of property and she does not want squatters on her properties. Mayor Rothman stated the way sanctuary states work, the State can approve that it is acceptable here and each municipality has the right to sign off on whether they want to be or do not want to be. We can assure you that this committee will not allow Downe Township to be a sanctuary city.

Kary Wilson of Newport asked in reference to resolution R-50-2024, why are we doing a shared service agreement with LSA. Mayor Rothman stated that is associated with the sewer treatment plant. We need someone that has experience with sewer systems. LSA has established themselves as one of the leading sewer systems in the state. They will be our licensed sewer operators for our facility. Our staff will be trained to do the daily work, but LSA will be handling all other issues.

A resident commented that a sewer operators license is not hard to obtain. Mayor Rothman stated this is something we will be discussing in more detail as the project gets closer to completion. We will entertain the idea of hiring staff if it is something we can do in-house after the 5-year agreement with LSA. Right now, because of our financing sources, we had to address this situation now. It is in our best interest to have a service agreement with LSA who is an established sewer service provider.

Tammy Morris 275 Cove Road asked if the port a pots in Fortescue can be cleaned and maintained better. Mayor Rothman stated the port a pots are serviced twice a week. We will reach out to Caprioni. Miss Morris continued they are not clean. She doesn't have sewer at her property and she uses it regularly. She asked when the meeting minutes would be updated online. Mayor Rothman stated we are working on it. We have a very small staff, and some things fall behind. We are working to update the webpage.

Gerritt Campbell of 305 Cove Road asked when the craters with cones in the road would be fixed near his property. His issue in front of his property began with Hurricane Sandy and hasn't been fixed and it is getting worse. Mayor Rothman stated we will take a look at the issue and see what can be done.

Tammy Morris commented she got a broken window when the cap blew off of the bulkhead. She contacted Public Works two times with no response. Mayor Rothman stated we will look into the issue.

Liz Cowley of New Jersey Avenue stated that one of the things we found out when we were out talking to our residents of Downe Township was they needed some improvement in communications. They didn't feel they knew enough about what was going on in the Township. Actually, I am here to thank the township because they realized when we discussed this that there were some things that we could do. If any of you are technically involved in going on the internet, I suggest you look at our township website, it is much improved. It is much easier to read and navigate. Kudos on that. The other thing was having the Recreation Committee come up with the newsletter. This will be very informative for everyone. This is something we heard during the Heart and Soul project. On March 23rd we will be participating in the Countywide Trash Hunt. The Green Team will be out on Route 553 in Dividing Creek. It is really a disaster right now with all of the recyclables blowing out of our vehicles in route to the convenience center. Our vehicles are putting trash on our roads right now. The red recycling container when you are traveling 50 mph the recyclables are blowing out of the container as you ride down the road. Please put a lid on those containers when in route to the convenience center. Also come out and help the Green Team on March 23rd we are meeting at 8:30am at the OEM building. On March 24th we will be at Union Hall with a lecture by Kathy Clark on bald eagles. Miss Clark is the Chief of the Endangered and Nongame species for the State of New Jersey. It is open to everyone, and it starts at 1:30pm. May 11th is the Horseshoe Festival in Fortescue. Letters have been sent out to sponsors and vendors. Sean Piganelli asked if it is possible to make the litter yard signs bigger because they are small and hard to read. Miss Cowley answered the signs were given to us by The Authority for use. There was a huge billboard in Bridgeton and we asked if we could get something similar to the billboard to post in our township. This is what we were given. I agree they are small. Mr. Piganelli asked if the signs could be put in other locations. Miss Cowley stated they are working on updating a lot of signs in the township. That is the reason the old signs have not been taken down because if there is already a footprint, DEP might let us use the signs footprint again with a new sign.

Mayor Rothman stated a meeting was held with representatives from the Green Team, the Recreation Committee, Mr. Bart and Nadine, this past week. We are working together to get information out to our residents using these quarterly newsletters. Sean Piganelli stated the next newsletter will be coming out around April 1st. One of the biggest things we wanted to focus on is there are a lot of people in our township that do not know how to follow ordinances. We are planning to give you more details on the ordinances in our township to help you understand how they work and how they will be enforced. The newsletter will also provide a "Save The Date" section for all upcoming events in this area. If you see anything missing from the newsletter,

please let us know. We want your opinion and comments on how to make it better. If you do not receive a copy in the mail, please let us know.

A resident reported that the dumpster on Cove Road is overflowing again with trash everywhere.

A resident stated the day before the storm the homeowner at 230 & 232 Cove Road came down and must have brought new furniture and did not break the cardboard down which totally overflowed the dumpster. Prior to that when the dumpster was taken away for a week, they must have had guests there, so the trash was left on the shed and it blew everywhere. A resident had pictures to show of the shed.

Ken Festa of Cove Road thanked everyone who came out from the Township to observe the damage. We are in a position where we need something done yesterday. Every tide is taking more of our property. He has spoken in the past about land replenishment because it has taken so long to repair the cap on the bulkhead. I was shot down and didn't hear any response after that. He would like to make a few statements regarding the state of Gandy Beach. We are no better off than we were when we had our meeting with the Mayor and Deputy Mayor. We talked about a dozen items that would be done or started and nothing. We are at the point where we want something done other than pushing sand off the road. We want something permanent.

Sean Pignatelli asked if we could fill in or get South Jersey Gas to fill in the large potholes in front of Higbees. Also, on Back Road and 553 if you are coming from the Bull on the Barn that intersection is really bad, and you cannot see to the left. There are overgrown bushes there that stop you from seeing the traffic. This is a county road, and you can call the county to report this, and they will come out as long as it is in the right of way.

Sergeant Hydell stated troopers are patrolling this area more. There has not been much action in this area. If you have any issues don't hesitate to contact the State Police Barricks. He spoke about the need for more troopers in this area. The troopers at the Port Norris barricks cover Lawrence, Fairfield, Downe and Commercial and Route 55 all the way to exit 39 (Route40). He went on to explain the work they do.

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

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

Vote: All in favor

COMMITTEE REPORTS

Mr. Bart reported April is Amnesty Month. There is no charge for up to 4 tires and you can bring appliances also. There is also a bulk pickup day schedule. Contact the office to fill out the request form and Public Works will come out to pick up your bulk items.

Mr. Jordan had nothing to report at this time.

Mr. Campbell had nothing to report at this time.

Mr. Byrne reported there is music at Union Hall this Saturday at 2pm with the Linwood Fiddlers Club. On Sunday there is also a musical gathering from 1-4pm.

NEXT MEETING

The next meeting of the Downe Township Committee will be held on Monday, April 8, 2024 at 7:00 p.m. in the Meeting Room of the Municipal Complex.

Mayor Rothman thanked everyone for attending.

EXECUTIVE SESSION

On a motion by Campbell 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.

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

Vote: All in favor

On a motion by Byrne and seconded by Campbell, the Executive Session portion was closed.


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

Vote: All in favor

ADJOURNMENT

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

Vote: All in favor


Nadine E. Lockley, RMC
Municipal Clerk