

ORDINANCE INTRODUCTION:

ORDINANCE 2024-04 - *Sewer User Fee Ordinance – Amended & Re-Introduced*

Motion was made by Bart and seconded by Jordan to introduce Ordinance 2024-04.

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

ORDINANCE 2024-08 - Serwer Utility Bond Ordinance Replacing and Superseding in All Respects Bond Ordinance No. 2024-01, Adopted on January 22, 2024, by the Township of Downe, in the County of Cumberland, NJ, Which Bond Ordinance Replaced and Superseded in All Respects Bond Ordinance No. 2020-7, Adopted ion May 11, 2020, to Increase the Appropriation Amount for the Construction of the New Wastewater Treatment Facility and Sewer System to Serve the Fortescue and Gandy's Beach Sections of the Township and Authorizing the Issuance of Sewer Utility Bonds in an Amont Not to Exceed \$35,000.000n Ordinance Regulating the Short-Term Rentals of a Home or Residence Located Within the Township of Downe

Motion was made by Byrne and seconded by Campbell to introduce Ordinance 2024-08.

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

ORDINANCE 2024-09 - An Ordinance of the Township of Downe, County of Cumberland and State of New Jersey to Provide for the Establishment of a Municipal Sewer Utility

Motion was made by Jordan and seconded by Campbell to introduce Ordinance 2024-09.

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

ORDINANCE 2024-10 - An Ordinance of the Township of Downe, in the County of Cumberland, New Jersey Authorizing the Execution of a Shared Service Agreement with the County of Cumberland in Connection with Certain Sewer Improvements to be Constructed within the Township of Downe

Motion was made by Campbell and seconded by Byrne to introduce Ordinance 2024-10.

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

ORDINANCE PUBLIC HEARING:

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

Motion was made by Campbell and seconded by Jordan to open public hearing for Ordinance 2024-02.

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

Kary Wilson of Newport commented there is a salary listed for the Zoning Officer, but the ordinance does not list the Code Enforcement Officer. Mayor Rothman stated that information was omitted inadvertently and will be corrected.

There being no further comments a motion was made by Bart and seconded by Jordan to close public hearing for Ordinance 2024-02.

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

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)

Motion was made by Campbell and seconded by Byrne to open public hearing for Ordinance 2024-03.

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

There being no comments, a motion was made by Bart and seconded by Campbell to close public hearing for Ordinance 2024-03.

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

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

Motion was made by Campbell and seconded by Bart to open public hearing for Ordinance 2024-05.

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

Kary Wilson of Newport asked when you are accessing will you determine if the property is in compliance with zoning and construction regulations. Mayor Rothman answered yes, a CO will be required to each rental. How are you going to be able to determine if a CO was previously issued. Mayor Rothman stated an inspection will be required to use your property as a rental. We are looking to do two inspections for the short-term rentals throughout the year. There will also be a fee attached to the inspection. No fees have been established for the inspection, but the ordinance does list fines for non-compliance. Mr. Van Embden stated he added a fine structure to the ordinance for anyone not in compliance. Kary Wilson asked what the rental registration fee is? Mayor Rothman answered the fee is \$25. Kary Wilson asked if the homeowner will be required to have insurance. Mayor Rothman answered yes. Kary Wilson asked when you are inspecting the properties will you be comparing the observation during the inspection to the records in the Assessor's office. Mayor Rothman answered yes.

Liz Cowley of Fortescue stated on page two of the ordinance in the area that discusses the classifications, there is a statement that states that the rental is the "principal residence of the owner". We have a lot of properties that are being rented that are not the "principal residence of

the owner”. Mr. Van Embden stated that is an issue. We will amend the ordinance by adding the word “not the” before “principal residence for this section.

Sean Pignatelli of Fortescue stated for those that are currently renting if they decide they are going to continue to rent their Airbnb under the radar, what type of fines will be imposed to them. Mr. Van Embden answered they have a compliance obligation. The first offense is between \$75 and \$200, the second offense is \$100 and \$350. These figures are the penalty for not being in compliance with the ordinance. Mayor Rothman expressed to Mr. Pignatelli this ordinance is for short term rentals, not yearly rentals. Mr. Van Embden read Article 3 Section 1 of the ordinance which breaks down the definition of a short-term rental and a long-term rental.

There being no further comments, a motion was made by Campbell and seconded by Byrne to close public hearing for Ordinance 2024-05.

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

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

Motion was made by Bart and seconded by Campbell to open a public hearing for Ordinance 2024-06.

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

Mr. Jordan stated the Committee has decided to change the time frame for this Ordinance. We realized because of the construction for the sewer project it would be difficult to enforce the ordinance. Please note there will be no fines issued in 2024. Please try to be in compliance by December 2025 thereafter the fines will be in effect. Also, you must “Call 811” for a utility mark out before installing the post. Please call before you dig.

Nancy Hartem of Dividing Creek asked if the township will be purchasing the items and the resident purchase from the township. She remembers a while ago the Fire Company provided them. Mayor Rothman stated the Committee has had discussions about this project for some time. We were trying to find an easy way to assist our resident with this request. We could not come up with a viable solution to this issue. We will continue to look for a way to help our residents. One of the reasons it is so important to have address numbering is because we use an outside EMT service in an emergency and they will not know where your house is if we don't do this numbering. The items will cost from \$50 - \$60 per resident. Mayor Rothman continued to talk about how urgent it is to have your house numbered in an emergency. Liz Cowley stated she just purchase the items for her home and the total was \$50.80 from Lowes. A tip for anyone getting ready to purchase, do not buy the sleeve from the lumber department, go to the garden shop in the fencing department and purchase the sleeve.

Discussion continued about where to put your house number. It was determined the numbers should be on a post at the street and on the house. If your mailbox is on a post, you can put your numbers on that post.

There being no further comments a motion was made by Jordan and seconded by Campbell to close public hearing for Ordinance 2024-06.

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

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 Byrne to open public hearing for Ordinance 2024-07.

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

There being no comments, a motion was made by Campbell and seconded by Byrne to close public hearing for Ordinance 2024-07.

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

ORDINANCE FINAL ADOPTION:

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 2024-05 - 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 Byrne to adopt Ordinances 2024-02, 2024-03, 2024-05, 2024-06 and 2024-07.

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

RESOLUTIONS

R-56-2024 *Authorizing the Payment of Bills*

R-57-2024 *Resolution Authorizing Shared Service Agreement Between the Township of Downe and the Landis Sewerage Authority*

R-58-2024 *Resolution Authorizing the Sale of Tax Sale Certificate 24-00049*

- R-59-2024 *Resolution of Approval of Contact Person for eh Employment Practices Liability Attorney Consultation Service for the Atlantic County Municipal Joint Insurance Fund*
- R-60-2024 *Resolution Awarding Contract to South State, Inc., for NJDOT 2020 Transportation Fund Project*
- R-61-2024 *Resolution Authorizing an Award of Contract to Engineering Design Associates for Construction Inspection Services for Gandy Beach Bulkhead Repair Project*
- R-62-2024 *Resolution Authorizing Executive Session*

A motion was made by Campbell and seconded by Jordan to adopt Resolution No. R-56-2024 *Authorizing the Payment of Bills* in the total amount of \$232,698.35.

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-57-2024.

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-58-2024.

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-59-2024.

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-60-2024.

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-61-2024.

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-62-2024.

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

Vote: All in favor

Mayor Rothman reported on the following topics: We are still looking for funding sources to add to the current funds awarded to the sewer project. We are aware of a situation with some traffic and late-night activity on Turkey Point. I assure you this is being handled.

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

Kary Wilson of Newport asked for details for resolutions R-57-2024 is this for a grant. Mr. Van Embden stated that resolution is for the USDA for the sewer project. She asked what resolution R-59-2024 is for. Mayor Rothman asked Liz Cowley to give some details regarding resolution R-59-2024. Ms. Cowley stated there is a project through Sustainable Jersey that is also connected with the Green Team. Every township should have an energy plan. The BPU has decided to help township by offering a grant to help write the plan and then there are grant funds to implement the projects within the plan. Right now, we are in the beginning stages of the process. Sustainable Jersey is offering grants to contract with someone to help write the energy plan. This resolution is to apply for that grant money to help us write our energy plan. There are a lot of projects that do not apply to Downe Township, but we have some ideas, for example an HVAC system for this building. The projects all relate to being more energy efficient and environmentally sound. Mrs. Wilson asked for details on resolution R-61-2024 regarding the budget introduction. Is there anything that the public can review. Mrs. Wilson asked if the budget can be up on the website. Miss Lockley answered yes and there will be a public hearing also at next month's meeting. Mrs. Wilson asked if there is an agenda for the executive session. Mr. Van Embden stated there is no agenda, but personnel, contracts and litigation are the topics of discussion.

Laurie Williams of Fortescue stated that the Green Team recently completed a trash clean up in Dividing Creek on Route 553. Prior to that we did a different section of Route 553 in Dividing Creek. The Green Team has done multiple clean ups in Dividing Creek. 90% of the litter we pick up during these cleanups are recyclable materials. We believe these recyclables are blowing out of vehicles as they are transporting their trash to the convenience center. You know when it is dump day. Riding down Fortescue Road you see all kinds of milk containers, cardboard and water bottles along the road. We have the evidence. We have at least two ordinances that we could use as enforcement means to pin down the people who are not properly securing their loads enroute to the convenience center. Ms. Williams asked how we can enforce the ordinance. Mayor Rothman stated we are in discussions with the enforcement offices to maybe extend his hours. State Police Officer Hider stated he can see if the patrolmen can be on the look out for those in violation of these ordinances on Wednesdays and Saturdays.

Ms. Williams asked when there will be an update on the bulkhead ordinance. Mayor Rothman stated that the township is trying to figure out a way to approach this bulkhead problem. We do realize that if we mandate bulkheads in this township, we will be responsible to put bulkheads on all township owned properties along the water. This is something the township can not afford to do. Ms. Williams stated the reason Fortescue has survived is because we are a bulkheaded community. Every lot on the bayfront in Fortescue that does not have a bulkhead is a vulnerable point in any type of storm for all of the homes in Fortescue. The bulkheads are that important. If you don't have continuous bulkheading, it makes a weak point and eventually it will be catastrophic if we don't address it. Mr. Campbell stated we have the same problem in Gandy's Beach, there are a lot of houses there that do not have bulkheads. Mayor Rothman stated we will be looking at the bulkhead ordinances. Mayor Rothman asked Ms. Williams to put her ideas on paper and we will review it and it can help us come up with an ordinance that works for all. Mayor Rothman asked the residents of Gandy's Beach to also come up with ideas for our bulkhead ordinance and together maybe we can come up with a plan. Mr. Van Embden asked what is the biggest cost to put in a bulkhead? There is a DEP application that is required, and the actual construction of a bulkhead is outrageous.

Mayor Rothman stated for the people in Gandy's Beach we have your bulkhead construction schedule. I know how much this bulkhead costs. We can only imagine what the cost will be for personal property

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 had nothing to report at this time.

Mr. Jordan had nothing to report at this time.

Mr. Campbell had nothing to report at this time.

Mr. Byrne reported that He along with Joe Kille will be performing on April 20th at 7pm at Union Hall.

NEXT MEETING

The next meeting of the Downe Township Committee will be held on Monday, May 13, 2024 at 7:00 p.m. in the Meeting Room of the Municipal Complex.

EXECUTIVE SESSION

On a motion by Campbell and seconded by Bart, 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.

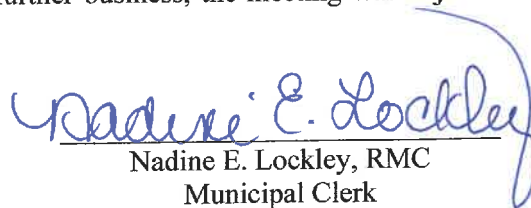
Roll Call: Aye – Bart, Byrne, Jordan, Rothman, and Campbell
Nay – 0

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