

**MINUTES OF A REGULAR MEETING OF THE TOWNSHIP COMMITTEE  
OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK HELD FEBRUARY 21, 2012**

A Regular Meeting of the Lower Alloways Creek Township Committee was held on February 21 with Mayor Ellen B. Pompper calling the meeting to order at 7:30 p.m.

**STATEMENT OF NOTICE GIVEN**

The Township Clerk read the following statement.

This is a Regular Meeting of the Township Committee of the Township of Lower Alloways Creek being held in compliance with the "Open Public Meetings Act" N.J.S.A. 10:4-6. To insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which any business affecting them is discussed or acted upon. Advance written notice of this meeting was given by way of an Annual Notice, which was filed with the Lower Alloways Creek Township Clerk, forwarded to the Today's Sunbeam and Bridgeton News and posted on the Bulletin Board in the lobby of the Lower Alloways Creek Township Municipal Building in compliance with said Act.

**FLAG SALUTE** Mayor Pompper led in the Flag Salute.

**ROLL CALL OF COMMITTEE**

**Present:** Mr. Breslin, Mr. Palombo, Mr. Venable, Mr. Wood and Mayor Pompper

**Absent:** None

**OTHERS IN ATTENDANCE:**

Also in attendance were -6- (six) members of the Public, Jack Lynch, Superintendent of Public Works; David Sowers, Director of Public Safety; George Rosenberger, Solicitor and the Township Clerk Ronald L Campbell Sr.

**APPROVAL OF AUDITED VOUCHERS**

Motion (Breslin, Wood) that all properly audited vouchers be paid.

The motion to pay properly audited vouchers passed a vote of the Township Committee as follows: 5-0

Ayes: Breslin, Wood, Palombo, Venable and Pompper

Nays: none Abstain: none Absent: none

**MONTHLY REPORTS TO THE COMMITTEE**

The Mayor requested that the minutes reflect that the January 2012 Monthly Reports to the Township Committee have been received from the following Departments and are on file with the Clerk: Police Department, Municipal Court, Tax Collector, Sewer Collector, Construction Office, Engineer and Finance.

**APPROVAL OF THE MINUTES OF THE REGULAR TOWNSHIP COMMITTEE  
MEETING HELD JANUARY 21, 2012 AND THE CLOSED SESSION MINUTES OF  
JANUARY 21, 2012**

Motion (Breslin, Wood) to approve the January 17, 2012 Regular Township Committee Meeting Minutes and the January 17, 2012 Closed Session Minutes.

The motion to approve the Minutes of the January 17, 2012 Regular Township Committee Meeting and January 17, 2012 Closed Session Minutes passed a vote of the Township Committee as follows: 5-0

Ayes: Breslin, Wood Venable, Palombo and Pompper

Nays: none Abstain: none Absent: none

## RESOLUTIONS

Motion (Wood, Palombo) for Resolution 2012-41 A Resolution authorizing the submittal of the 2011 Recycling Tonnage Grant Application.

### RESOLUTION 2012 - 41

#### A RECYCLING TONNAGE GRANT APPLICATION RESOLUTION FOR 2011

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the 2011 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of Lower Alloways Creek Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lower Alloways Creek that it hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Lance Kaufmann to ensure that the application is properly filed; and,

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

The motion for Resolution 2012-41 authorizing the submittal of the 2011 Recycling Tonnage Grant Application passed a vote of the Township Committee as follows: 5-0

Ayes: Wood, Palombo, Breslin, Venable and Pompper

Nays: none

Abstain: none

Absent: none

Motion (Palombo, Wood) for Resolution 2012-42 A Resolution authorizing the Township to enter into a Cooperative Pricing Agreement with Middlesex Regional Educational Services Commission for Heating Fuel.

### RESOLUTION 2012- 42

#### A RESOLUTION AUTHORIZING THE TOWNSHIP OF LOWER ALLOWAYS CREEK TO ENTER INTO A COOPERATIVE PRICING AGREEMENT WITH THE MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION

WHEREAS, N.J.S.A. 40A:11 - 11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Middlesex Regional Educational Services Commission, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on February 21, 2012 the governing body of the Township of Lower Alloways Creek, County of Salem, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

**TITLE**

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution 2012- 42 of the Township of Lower Alloways Creek

**AUTHORITY**

Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor and Clerk are hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

**CONTRACTING UNIT**

The Lead Agency, Middlesex Regional Education Services Commission shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

**EFFECTIVE DATE**

This resolution shall take effect immediately upon passage.

**GOODS AND SERVICES**

The Goods and Services that compromise this Cooperative Pricing Agreement shall be for Heating Fuel and such other items as found to be cost affective and advantageous through the Middlesex Regional Educational Services Commission, Cooperative Pricing System.

The motion for Resolution 2012-42 authorizing the Township to enter into a Cooperative Pricing Agreement with Middlesex Regional Educational Services Commission for Heating Fuel passed a vote of the Township Committee as follows: 5-0

Ayes: Palombo, Wood, Breslin, Venable and Pompper

Nays: none Abstain: none Absent: none

Motion (Breslin, Palombo) for Resolution 2012-43 A Resolution to award a contract to GrandTurk for the purchase of 2000, 95 gallon Recycling Containers at a cost of \$ 95,200.00.

**RESOLUTION 2012-43**

**A RESOLUTION TO AWARD A BID FOR THE PURCHASE OF 2000, 95 GALLON, RECYCLING CONTAINERS TO GRANTURK OF BRIDGEPORT, PA FOR THE AMOUNT OF \$95,200.00**

WHEREAS, the Township Purchasing Agent has promulgated and solicited bids for the purchase of 2000, 95 gallon, recycling containers; and,

WHEREAS, bids were received for the purchase of 2000, 95 gallon, recycling containers as advertised; and,

WHEREAS, GranTurk of Bridgeport, PA submitted the lowest responsive and responsible bid of \$ 95,200.00; and,

WHEREAS, the Purchasing Agent of the Township of Lower Alloways Creek has or will certify that funds have been appropriated and are available for this purpose; and,

WHEREAS, the Purchasing Agent and Superintendent of Public Works are recommending that the bid of GranTurk for 2000, 95 gallon recycling containers, be accepted and awarded.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lower Alloways Creek that GranTurk be awarded the bid for 2000, 95 gallon, recycling containers, in the amount of \$ 95,200.00.

BE IT FURTHER RESOLVED that the Township Committee does authorize the Mayor and Clerk to execute a contract, which is consistent with the promulgated Bid Specifications for the purchase of 2000, 95 gallon, recycling containers.

*Mr. Breslin commented that a contract should not be sent, until the colors of the cans have been made final with all the coalition partners.*

The motion for Resolution 2012-43 to award a contract to GrandTurk for the purchase of 2000, 95 gallon Recycling Containers at a cost of \$ 95,200.00 passed a vote of the Township Committee as follows: 5-0

Ayes: Breslin, Palombo, Venable, Wood and Pompper  
Nays: none                      Abstain: none                      Absent: none

Motion (Breslin, Palombo) for Resolution 2012-45 A Resolution to increase the "Schedule of Dwelling Rents" of the Units at Leisure Arms by 4% effective March 1, 2012.

**RESOLUTION 2012-45**

**A RESOLUTION TO INCREASE THE "SCHEDULE OF DWELLING RENTS" OF THE UNITS AT LEISURE ARMS BY 4.0% EFFECTIVE MARCH 1, 2012**

WHEREAS, the Township Committee of the Township of Lower Alloways Creek desires to exercise its right under the Leisure Arms Lease Agreements pursuant to Section 2, B, and;

WHEREAS, pursuant to Section 2, B the Township can raise the units rental amount by the rate of inflation, plus 1%, and;

WHEREAS the Consumer Price Index (index of inflation) for the year 2011 has been determined to be 3.0%

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lower Alloways Creek that the monthly unit rent shall be set as;

( 3.0% + 1% ) TIMES the current unit monthly rent

4.0% \* 348.50 = \$ 362.44

4.0% \* 615.00 = \$ 639.60

NOW THEREFORE BE IT FURTHER RESOLVED THAT the monthly unit rents shall increase to these amounts beginning March 1, 2012

The motion for Resolution 2012-45 to increase the "Schedule of Dwelling Rents" of the Units at Leisure Arms by 4% effective March 1, 2012 was defeated by a vote of the Township Committee as follows: 2-3

Ayes: Breslin and Palombo  
Nays: Venable, Wood and Pompper    Abstain: none    Absent: none

Motion (Breslin, Palombo) for Resolution 2012-46 A Resolution authorizing transfers in the amount of \$ 26,000.00 in the 2011 Budget Appropriation Reserves.

**RESOLUTION 2012- 46**

**A RESOLUTION AUTHORIZING TRANSFERS IN THE 2011 BUDGET APPROPRIATION RESERVES IN THE AMOUNT OF \$ 26,000.00.**

WHEREAS, the Chief Financial Officer of the Township of Lower Alloways Creek has found it necessary to recommend that Transfers be made within the 2011 Budget Appropriation Reserves of the Township of Lower Alloways Creek on February 21, 2012 in the amount of \$ 26,000.00; and,

WHEREAS, the State of New Jersey authorizes under N.J.S.A. 40A:4-58, the transforming of funds from the preceding budget fiscal year reserves, one line item to another during the first (2) months of the successive year, by a resolution adopted by a two-thirds (2/3) vote of the full membership, except that no transfers may be made from an appropriation outside the CAP to an appropriation within the CAP; and,

WHEREAS, the Township Committee of the Township of Lower Alloways Creek does concur with the Chief Financial Officers recommendation to make such reserve Transfers as follows:

FROM:

Police Dept S/W	\$26,000.00
TOTAL	\$26,000.00

TO:

Police Radio O/E	\$26,000.00
TOTAL	\$26,000.00

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lower Alloways Creek, no less than 2/3 of the full voting Committee affirming, that these transfers be made on February 21, 2012 in accordance with N.J.S.A. 40A:4-58 in the 2011 Budget Appropriation Reserves fund as follows:

BE IT FURTHER RESOLVED THAT, a copy of this resolution be forwarded to the CFO, Kevin Clour.

The motion for Resolution 2012-46 authorizing transfers in the amount of \$ 26,000.00 in the 2011 Budget Appropriation Reserves passed a vote of the Township Committee as follows: 5-0

Ayes: Breslin, Palombo, Venable, Wood and Pompper  
Nays: none                      Abstain: none                      Absent: none

Motion (Breslin, Palombo) for Resolution 2012-47 A Resolution to amend the LAC Personnel Policy Manuel to include sections pertaining to Residency Requirements and Computer, Internet, email and Social Media Usage.

**RESOLUTION 2012 -47**

WHEREAS, the Township Committee of the Township of Lower Alloways Creek desires to amend the Employment & Personnel Manual of the Township, and;

WHEREAS, the Township Committee hereby amends the Employment and Personnel Manual know as "Use of Municipal Property" to add the following:

1. *(New Policy)*

### **RESIDENCY REQUIREMENTS FOR PUBLIC EMPLOYEES**

Effective September 1, 2011, all seasonal, temporary, part and full-time employees (hereinafter "employees"), volunteers or any other person that holds a Township office must have their principal residence in the State of New Jersey. Employees, volunteers or other persons holding a Township office, who lives out-of-State before September 1, 2011, may continue in their positions. Employees, however, who move out of the State after the effective date of September 1, 2011, are not grandfathered and can no longer work, volunteer or hold any office with the Township. Any employee, volunteer or individuals holding an office, who have a break in employment or position of office, also loses his or her grandfathered status.

Any individual hired or appointed to an office or volunteer position by the Township after September 1, 2011, may be allowed up to one year to relocate to a principal residence in the State of New Jersey.

A principal residence means: (1) where a person spends the majority of his or her non-working time; and (2) which is most clearly the center of his or her domestic life; and (3) which is designated as his or her legal address and residence for voting.

A grandfathered employee, volunteer or individual holding an office before September 1, 2011, may file a request for an exception from the residency requirement with the State for critical need or hardship before he or she moves out-of-State.

In the event the Township discovers that an employee has moved out-of-State in violation of the law, the Township will provide the employee with a Notice of Termination. If the employee, volunteer or individual in office can prove that his or her principal residence is in the State of New Jersey, that he or she has not moved out-of-State and has not had a break in service, the employee can file a grievance with the Mayor. The Mayor, in consultation with the Township attorney, will then make a determination based on the evidence provided as to whether the individual violated the law.

2. *(Replaces current language)*

### **COMPUTERS, INTERNET, E-MAIL AND SOCIAL MEDIA USAGE**

The availability and use of the personal computer, access to the Internet and use of e-mail within the work environment has provided many opportunities to enhance productivity and effectiveness. Nevertheless, these new technologies also entail the opportunity for rapid transfer and broad distribution of sensitive information that can have damaging effects on the Township and employees using these electronic systems. Therefore, all Township employees must abide by the guidelines set forth in this policy when using personal computers, services of external databases and information exchange networks, and voice mail, mobile digital terminals and related electronic messaging devices.

#### Definition

**Electronic Messaging Device ("EMD"):** EMDs include personal computers, electronic mail systems, voice mail systems, paging systems, electronic bulletin boards and Internet services, social media sites and pages, mobile digital terminals and facsimile transmissions.

#### General Principles

1. Transmission of electronic messages and information on communication media provided to employees must be treated with the same degree of propriety and professionalism as official written correspondence. Township supplied e-mail accounts and Internet IDs should not be used for anything other than Township-sanctioned communications.

2. Correspondence via e-mail and social media sites or pages are not guaranteed to be private and are subject to monitoring by the Township. Confidential e-mails should not be sent without encryption or password protection. If the Township determines that encryption software is appropriate, encryption software must be provided or approved by the Department Head. The Department Head must be given a copy of all passwords, and encryption and decryption "keys." In the event the employee maintains a private social media site or page that only permits access to a third party after a password is entered, the Township will not access such information until it obtains a password from the employee maintaining the site or page.
3. Use of EMDs will be monitored for security and/or management reasons. Users are subject to limitations on their use of such resources.
4. The distribution of any information through EMDs is subject to all policies and procedures applicable to dissemination of information by non-electronic means. The Township reserves the right to determine the suitability of this information.
5. Use of any Township EMDs for personal use is discouraged by the Township except in a limited role in compliance with this policy. Employees should use their discretion on its use, while understanding that the Township reserves the right to monitor such usage. Personal use of Township EMDs must not amount to more than the minimus occasional use and must be restricted to authorized break times. More than limited incidental personal use will subject and employee to discipline. Employees may use Township personal computers for professional and career development purposes in keeping with other restrictions of this policy and with prior Department Head approval; however, the employee may not use the Township's computers to seek other employment.
6. No employee shall access any file or database unless they have a need and a right to such information. Additionally, personal identification and access codes shall not be revealed to any unauthorized source.
7. To avoid any breaches of security, employees must log off any personal computer, which has access to the Township's computer network, electronic mail system, the Internet or sensitive information whenever they leave their workstation.

### Usage Rules

The Township prohibits any employee using Township EMDs resources from:

1. Viewing, downloading and/or transmitting materials (other than that required for law enforcement business) that involve the use of obscene, hateful or other objectionable materials; viewing, downloading and/or transmitting any material that is obscene or defamatory or which is intended to annoy, harass or intimidate another person; viewing, downloading and/or transmitting sexually-explicit images, messages, ethnic slurs, racial epithets or any thing which could be construed as harassment or as disparaging of others, whether or not a recipient has consented to or requested such material;
2. Violate policies prohibiting harassment, workplace violence or sexual harassment;
3. Sending or receiving e-mails that are unrelated to Township business activities other than occasional personal communications that otherwise comply with this policy;

4. Soliciting business for personal gain or profit;
5. Soliciting for religious, political, charitable or other causes,
6. Using EMDs for any illegal purpose;
7. Representing personal opinions as those of the Township;
8. Making or posting indecent remarks, proposals, or materials;
9. Uploading, downloading, or otherwise transmitting commercial software or any copyrighted materials belonging to parties outside of the Township, or licensed to the Township. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized. The Township may remove any software for which proof of licensing (original disks, original manuals and/or license) cannot be provided. Privately owned software may be loaded on Township computers if it is necessary for business purposes and if it is properly licensed. Personal software will be removed if it conflicts with hardware or software, interferes with the ability of other employees to use the computer or occupies excessive storage space;
10. Downloading or installing any software or electronic files (including sound and video files and files attached to e-mail messages), software, or other materials from the Internet or other external sources onto any computer without the prior approval of the Department Head. After receipt of approval from the Department, and before being entered into any personal computer, floppy drive and/or shared system, material installed/downloaded must be scanned for viruses with virus protection software approved by the Township. In no case shall external materials or applications be downloaded directly to any shared (network) drive without consulting the Department Head;
11. Making any hardware enhancements or additions to Township owned equipment without the prior approval of the Department Head. The Department Head is responsible for determining proper installation procedures if approved;
12. Intentionally interfering with the normal operation of the Township's computers and/or network, including the propagation of computer viruses and sustained high volume network traffic which substantially hinders others in their use of the network;
13. Revealing or publicizing confidential Township information. Confidential, proprietary or sensitive information may be disseminated only to individuals with a need and a right to know and when there is sufficient assurance that appropriate security of such information will be maintained. Such information includes but is not limited to the transmittal of personnel information, such as complaints, grievances, misconduct, disciplinary information, medical records or related information. In law enforcement operations, confidential, proprietary or sensitive information also includes criminal history information, confidential informant identification, and intelligence and tactical operations files.
14. Examining, changing or using another person's files, output, or user name without explicit authorization;

15. Sharing passwords or permitting unauthorized persons to use the Township's electronic mail system;
16. Performing any other inappropriate uses;
17. Wasting time on non-Township business, including playing games on the internet or "surfing" the Web on Township time.
18. Accessing, using, reviewing, reading, etc. any e-mail on any personal e-mail address or account while at work and on work computer or other work EMD (this does not include any e-mail that are considered attorney-client privileged between an employee and his/her counsel).

### No Expectation of Privacy

Employees shall use computer equipment and on-line access for Township purposes only, except for limited personal use in accordance with this policy. EMD equipment and its contents, and all information gathered via on-line resources belong to the Township. Additionally, all information stored on Township computers belongs to the Township. Except as necessary for limited personal use, personal material and electronic mail should not be created or stored on the Township's computers. The Township may inspect all computers and information at any time as necessary for the conduct of its business.

The Township retains the right to monitor all on-line communications to ensure that employees pursue only appropriate business purposes. Monitoring may include, but is not limited to, review of e-mail content and attachments, e-mail addresses, tracking Internet sites visited by each user, the frequency and time spent on the Internet by each user, blocking access to certain types of sites, and ensuring compliance with this Policy. Employees must have no expectation of privacy in any EMD equipment or its contents.

Employees learning of any misuse of the Township's Internet access or e-mail resources must notify the Department Head. Users who violate this policy may be subject to disciplinary action up to and including termination of employment. The Township also retains the right to report any illegal violations to the appropriate authorities.

### Social Media Policy

The Township of Lower Alloways Creek may use Social Media to further the goals of the Township and the missions of its departments. The Township Committee and the Township Clerk have an interest in who may speak and what is spoken about the Township on social media sites or pages.

The Mayor, or his or her designee shall approve what social media outlet may be suitable for us by the Township and its Department. All official Township presences on social media sites are considered an extension of the Township's information network.

Any department or employee of a Department who wishes to include information on a social media site or page created by or on behalf of the Township must be presented to the Township Clerk. The Township Clerk, in consultation with the Township's attorney, is required to determine whether the information to be included on a social media site complies with applicable federal or state laws. The Township Clerk will then present the information to the Mayor, who shall approve or deny the information.

Employees who are responsible for posting information on behalf of the Township on Social Media outlets must conduct themselves at all times as representatives of the Township. Employees that fail to conduct themselves in an appropriate manner shall be subject to the Disciplinary Procedures outlined in the Township Employee Handbook and Internet Policies upon adoption.

The Township Clerk and the Mayor shall monitor content on each Department social media sites to ensure adherence to the Social Media Policy for appropriate use, message and branding consistent with the goals of the Township.

## **ELECTED OFFICIALS**

Technology and social media are great ways to communicate information to the public by the Township's elected officials. Therefore, if Township elected officials wish to maintain a blog under the Township's social media page, the Township elected officials must follow the guidelines below:

### **Scope and Content of Announcements**

Announcements should be objective and descriptive. The tone of the announcement should be polite and professional. Announcements should concern upcoming events, or constituent services (such as opportunities to meet a Committee member at public events, office hours, etc.). Announcements must comply with all local, State and Federal rules, regulations and policies.

### **Prohibited Uses**

1. No discussion of a Committee member's views or opinions;
2. No responses to press or residents;
3. No comments or feedback to any posting;
4. No copyrighted, trade secret or materials otherwise subject to a third party's proprietary interest may be posted, including privacy and publicity rights;
5. No matters within the Township Committee's jurisdiction other than announcements of upcoming public meetings or agenda items;
6. No political campaigning or fundraising;
7. No disclosure of confidential or otherwise privileged information;
8. No posting of information regarding a Committee member's personal business.

### **Termination of blog**

The Township Committee member's blog and URL remain the property of the Township. Upon leaving elected office, the blog and URL will be terminated. The records will be retained consistent with the State's overall records retention policy.

The motion for Resolution 2012-47 to amend the LAC Personnel Policy Manual to include sections pertaining to Residency Requirements and Computer, Internet, email and Social Media Usage passed a vote of the Township Committee as follows: 5-0

Ayes: Breslin, Palombo, Venable, Wood and Pompper

Nays: none

Abstain: none

Absent: none

Motion (Breslin, Wood) for Resolution 2012-48 A Resolution to appoint additional members to the "Green Team".

**RESOLUTION 2012-48**  
**RESOLUTION APPOINTING PERSONS TO THE "GREEN TEAM" OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK**

WHEREAS, Mayor Ellen B. Pompper is recommending that the following persons be appointed to the Green Team:

Jack Lynch, Lewis Fogg, Lance Kaufmann, Kevin Clour and Ronald Campbell.

NOW THEREFORE BE IT RESOLVED that Jack Lynch, Lewis Fogg, Lance Kaufmann, Kevin Clour and Ronald Campbell are hereby appointed to the Green Team of the Township of Lower Alloways Creek Township; and,

BE IT FURTHER RESOLVED by the Township Committee of the Township of Lower Alloways Creek, in the County of Salem and the State of New Jersey that their terms will end December 31, 2012.

The motion for Resolution 2012-48 to appoint additional members to the "Green Team" passed a vote of the Township Committee as follows: 5-0

Ayes: Breslin, Palombo, Wood, Venable and Pompper

Nays: none

Abstain: none

Absent: none

Motion (Palombo, Breslin) for Resolution 2012-49 A Resolution authorizing Jack Lynch to register the Township's Emergency Generators with the NJDEP as required by law.

**RESOLUTION 2012-49**  
**A RESOLUTION AUTHORIZING JACK LYNCH TO REGISTER THE TOWNSHIP'S EMERGENCY GENERATORS AS REQUIRED BY STATE LAW**

WHEREAS, the State of New Jersey under the guidelines of N.J.S.A 26:2C-9.2., has established pollutant guidelines and registration procedures for certain size Emergency Generators; and,

WHEREAS, the Township Committee of the Township of Lower Alloways Creek desires to conform to the requirements promulgated by the NJDEP; and,

WHEREAS, Jack Lynch is familiar with the forms and process to register the Township's Emergency Generators; and,

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lower Alloways Creek Jack Lynch be authorized to act as the Township's agent, to complete and submit whatever forms or documents are required to register the Township's Emergency Generators.

BE IT FURTHER RESOLVED that the Mayor and Clerk be authorized to sign such documents, which may be necessary to register the Township's Emergency Generators on behalf of the Township of Lower Alloways Creek.

The motion for Resolution 2012-49 authorizing Jack Lynch to register the Township's Emergency Generators with the NJDEP as required by law passed a vote of the Township Committee as follows: 5-0

Ayes: Palombo, Breslin, Venable, Wood and Pompper

Nays: none

Abstain: none

Absent: none

## **ORDINANCE (INTRODUCTION)**

Motion (Wood, Venable) to introduce Ordinance 2012-02 an Ordinance to amend Section 6 of Chapter 11 known as “Court, Municipal”.

### **ORDINANCE 2012-02**

#### **AN ORDINANCE AMENDING CHAPTER 11 KNOWN AS “COURT, MUNICIPAL” OF THE CODE OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK**

WHEREAS, the Township Committee of the Township of Lower Alloways Creek desires to amend Chapter 11 known as “Court, Municipal”, subsection 6.

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Township Committee of the Township of Lower Alloways Creek that:

**Section 1.** Chapter 11 section 6 of the Code of the Township of Lower Alloways Creek is hereby amended to include as follows:

#### **§ 11-6.6. Court costs imposed for voluntary dismissal. [Adopted 3-20-2012 by Ord. No. 2012-2]**

The judge shall have the authority to impose court costs for any summons or complaint dismissed at the request of the complaining party or as recommended by the prosecutor. The assessment of costs shall be within the judge’s discretion, and all such costs shall be distributed as provided in § 11-6.4 herein.

#### **Section 2. Repealer, Severability and Effective Date.**

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

This Ordinance, which was introduced for First Reading on February 21, 2012, shall be published by Title in the Today’s Sunbeam and placed on the Township’s Bulletin Board giving notice of said Public Hearing as required by Law.

Public Hearing on this Ordinance shall be on March 20, 2012 at 7:30 p.m., at the Municipal Building, 501 Locust Island Road, Hancock’s Bridge, New Jersey.

Introduction: FEBRUARY 21, 2012

COMMITTEE MEMBER	MOVE	SECOND	YES	NO	ABSTAIN	ABSENT
MR. BRESLIN III			Y			
MR. PALOMBO			Y			
MR. VENABLE		S	Y			
MR. WOOD	M		Y			
MAYOR POMPPER			Y			

**OLD BUSINESS: None**

**NEW BUSINESS:**

Motion (Palombo, Breslin) to purchase two Hydromatic Grinder Pumps from Deltronics Corp. at a cost of \$ 10,852.00.

*Mr. Lynch was asked to comment on why these pumps were needed. Mr. Lynch stated that these are pumps are regularly used at the sewer plants and that one pump was needed to replace a non-operating pump that was in daily use and that the other would be used as a spare.*

The motion to purchase two Hydromatic Grinder Pumps from Deltronics Corp. at a cost of \$ 10,852.00 passed a vote of the Township Committee as follows: 5-0

Ayes: Palombo, Breslin, Venable, Wood and Pompper  
Nays: none                      Abstain: none                      Absent: none

*Mayor Pompper stated that the Committee needs to schedule at least one Budget Meeting and asked the Committee what night was good for everyone.*

Motion (Wood, Venable) to advertise for a Budget Meeting to be held on March 7, 2012 starting at 6:30 PM.

The motion to advertise for a Budget Meeting to be held on March 7, 2012 starting at 6:30 PM passed a vote of the Township Committee as follows: 5-0

Ayes: Wood, Venable, Breslin, Palombo and Pompper  
Nays: none                      Abstain: none                      Absent: none

**CORRESPONDENCE**

Mayor Pompper read a letter from Jim Baca, Emergency Medical Services Director of Underwood Memorial Hospital. In the letter, Mr. Baca recognized and expressed thanks to the LAC Ambulance Squad, LAC Fire Company and LAC Police Department for their efforts in saving a patient who was in cardiac arrest. Mr. Baca stated in the letter that the Paramedic crew felt their efforts exemplified the conduct and professionalism all hospital providers should strive to achieve.

Motion (Wood, Venable) for a resolution to be sent to the LAC Ambulance Squad, LAC Fire Company and LAC Police Department recognizing them for their efforts in this incident.

**REPORTS TO THE COMMITTEE & COMMITTEE REPORTS**

**Public Works** Mr. Lynch asked the Committee if they had any questions with respect to the Public Works January 2012 Report. Mr. Lynch stated that he has been in negotiations of sorts with the NJDEP regarding the moving of the Canton Sewer Treatment Plant Outflow Pipe. Mr. Lynch feels that the NJDEP is starting to come around and may not require the outflow pipe

location to be changed; this would be a great savings to the Township, if the NJDEP allows the pipe to stay in its present location.

**Public Safety** Mr. Sowers stated that the company, who is doing the changes to the Police keyless entry system on the entrance doors, has run into a wiring problem, which must be addressed.

The Range on Hell Neck Road is progressing.

Mr. Sowers stated that we have gotten through the winter season without any major storms and the costs associated with them.

Mr. Sowers commented that he is concerned about Animal Control in the Township, he knows this is being worked on but he is concerned about what happens currently.

### **Township Committee:**

Mr. Wood stated that MAPSA was sponsoring an Easter Egg Hunt at Jersey Oaks on March 31, 2012, starting at 11:00 AM.

Mr. Breslin stated that lights for the Court room should be installed this week. Mr. Breslin asked that the Committee review the Recycling Ordinance of the Township, when we go to the new truck there are changes to make regarding the Township providing the recycling Containers and there maybe other areas that need changing as well.

Mr. Palombo No Report at this time.

Mr. Venable stated that he had Officer DeParre do a Security Audit of his home and found it to be very informative. Mr. Venable encourages residents to use this service provided by the LAC Police Department and Officer DeParre.

Mayor Pompper stated that at the Rabies Clinic held February 4th, there were 79 Dogs, 44 Cats vaccinated, and currently there are 170 Dogs and 133 Cats licensed for 2012.

Mayor Pompper stated that the Planning Board is finishing the Master Plan Review and should have a final draft for the Township Committee in March.

Mayor Pompper stated that the County is looking at some properties in LAC to put in preservation, which may mean that LAC will need to put in some funds towards the project.

**PUBLIC COMMENT** Mark Burnham from Mid-Atlantic made some comments regarding the Recycling Truck bids recently received. Mr. Burnham stated that his company is local, the truck is made in the USA and he will provide free factory training to the mechanic to familiarize him with the truck and its components.

### **CLOSED SESSION**

Motion (Wood, Venable) to convene into a Closed Session of Business 8:07 pm

### **RESOLUTION 2012- 50 A RESOLUTION FOR A CLOSED SESSION**

BE IT RESOLVED, by the Township Committee of the Township of Lower Alloways Creek that a portion of the meeting of the Township Committee be closed to the public to enable the Township Committee to discuss, and where appropriate, take action concerning the following matter(s) as permitted by N.J.S.A. 10:4-12:

\_\_\_\_ 3. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution

operated by a public body pertaining to any individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

\_\_\_\_ 4. Any collective bargaining agreement, or the terms and conditions, which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

\_\_\_\_ 7. Any pending or anticipated litigation or contract negotiation other than in (4) above in which the public body is, or may become a party. Any matter falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

More specifically, the matter to be discussed involves the following:

A. Contracts: Solar installation – Recycle Trucks – Public Safety Director

BE IT FURTHER RESOLVED, that the matters discussed will be available for public inspection

A. At such time the matter is concluded

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately.

**BE IT FURTHER RESOLVED** that this Closed Session is expected to continue for 15 (fifteen) Minutes and that further business by the Committee will take place at its conclusion.

The motion for the Closed Session of Business passed a vote of the Committee as follows: 5-0

Ayes: Wood, Venable, Breslin, Palombo and Pompper

Nays: none Abstain: none Absent: none

Motion (Palombo, Breslin) to come out of the Closed Session of business. 8:35 pm

The motion to come out of the Closed Session of Business passed a vote of the Township Committee as follows: 5-0

Ayes: Palombo, Breslin, Venable, Wood and Pompper

Nays: none Abstain: none Absent: none

## **BUSINESS AFTER CLOSED SESSION**

Motion (Breslin, Palombo) for Resolution 2012-51 A Resolution to rescind the awarding of a Lease Contract to All Solar, Inc. to install, own, operate and maintain a Photovoltaic (Solar) Electric Generation System, on property owned by the Township of Lower Alloways Creek.

### **RESOLUTION 2012-51**

**A RESOLUTION TO RESCINDING THE AWARDING OF A LEASE CONTRACT TO ALL, SOLAR , INC. TO INSTALL, OWN, OPERATE AND MAINTAIN A PHOTOVOLTAIC (SOLAR) ELECTRIC GENERATING SYSTEM ON PROPERTY OWNED BY THE TOWNSHIP OF LOWER ALLOWAYS CREEK**

BE IT RESOLVED, by the Township Committee of the Township of Lower Alloways Creek, State of New Jersey, as follows:

WHEREAS, ALL SOLAR, LLC HAS FAILED TO SIGN A LEASE CONTRACT TO install, own, operate and maintain a Photovoltaic (Solar) Electric Generation System on property owned by the Township of Lower Alloways Creek.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Lower Alloways Creek rescinds the awarding of a Lease Contract to All Solar, LLC to install, own, operate and maintain a Photovoltaic (Solar) Electric Generation System, on property owned by the Township of Lower Alloways Creek.

The motion for Resolution 2012-51 A Resolution to rescind the awarding of a Lease Contract to All Solar, Inc. to install, own, operate and maintain a Photovoltaic (Solar) Electric Generation System, on property owned by the Township of Lower Alloways Creek passed a vote of the Township Committee as follows: 5-0

Ayes: Breslin and Palombo, Venable, Wood and Pompper  
Nays: none Abstain: none Absent: none

Motion (Breslin, Palombo) to approve a three-year Public Safety Director's Contract, at a salary of 85,075.00 per year.

The motion to approve a three-year Public Safety Director's Contract passed a vote of the Township Committee as follows: 3-1-1

Ayes: Breslin, Palombo and Pompper  
Nays: Wood Abstain: Venable Absent: none

Motion (Wood, Venable) to authorize the advertising for the receipt of applications for MAPSA Summer Camp Supervisor and Counselor positions.

The motion to authorize the advertising for the receipt of applications for MAPSA Summer Camp Supervisor and Counselor positions passed a vote of the Township Committee as follows: 5-0

Ayes: Wood, Venable, Breslin, Palombo and Pompper  
Nays: none Abstain: none Absent: none

Motion (Breslin, Palombo) to authorize the payment of \$60.00 per Monthly Court session to the Court Recorder.

The motion to authorize the payment of \$60.00 per Monthly Court session to the Court Recorder passed a vote of the Township Committee as follows: 5-0

Ayes: Breslin and Palombo, Venable, Wood and Pompper  
Nays: none Abstain: none Absent: none

## **ADJOURNMENT**

Motion (Breslin, Wood) to adjourn the meeting at 8:45 p.m.  
The motion to adjourn the meeting passed unanimously.

Minutes of the February 21, 2012 Meeting were approved at a meeting held March 20, 2012

ATTEST:

LOWER ALLOWAYS CREEK TOWNSHIP

\_\_\_\_\_  
Ronald L Campbell Sr. Clerk

By: \_\_\_\_\_  
Mayor Ellen B. Pompper