

**MINUTES OF A REGULAR MEETING OF THE TOWNSHIP COMMITTEE  
OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK HELD NOVEMBER 20, 2012**

A Regular Meeting of the Lower Alloways Creek Township Committee was held on November 20, 2012 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 a Special Notice, which was filed with the Lower Alloways Creek Township Clerk, forwarded to the South Jersey Times ( Today's Sunbeam) 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 and Mayor Pompper

**Absent:** Wood

**OTHERS IN ATTENDANCE:**

Also in attendance were -12- (twelve) members of the Public, Lewis Fogg, Public Works Foreman; David Sowers, Director of Public Safety; George Rosenberger, Solicitor and the Township Clerk Ronald L Campbell Sr.

**APPROVAL OF AUDITED VOUCHERS**

Motion (Palombo, Venable) that all properly audited vouchers be paid.

The motion to pay properly audited vouchers passed a vote of the Township Committee as follows: 4-0-1

Ayes: Breslin, Venable, Palombo and Pompper

Nays: none Abstain: Mayor Pompper # Absent: Wood

**MONTHLY REPORTS TO THE COMMITTEE**

The Mayor requested that the minutes reflect that the October 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 PREVIOUS MINUTES**

Motion (Breslin, Venable) to approve the October 16, 2012 Regular Township Committee Meeting Minutes and the October 16, 2012 Closed Session Minutes.

The motion to approve the minutes of the October 16, 2012 Regular Township Committee Meeting Minutes and the October 16, 2012 Closed Session Minutes of the Township Committee passed a vote of the Township Committee as follows: 4-0

Ayes: Breslin, Venable, Palombo and Pompper

Nays: none Abstain: none Absent: Wood

**RESOLUTIONS**

Motion (Palombo, Venable) for Resolution 2012-118 A Resolution authorizing the receipt of bids for Vehicle Parts & Accessories.

**RESOLUTION 2012-118**  
**A RESOLUTION AUTHORIZING THE ADVERTISEMENT FOR THE RECEIPT OF BIDS FOR**  
**VEHICLE PARTS AND ACCESSORIES.**

WHEREAS, the Township Committee of the Township of Lower Alloways Creek desires to have a stable and timely supply of parts and accessories for the maintenance of Township vehicles, and;

WHEREAS, the Township Committee does authorize the Purchasing Agent to compile a list of vehicle parts and accessories that are common for the routine maintenance of the Township's fleet of vehicles and machinery, for use as the bid specifications

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lower Alloways Creek that it does authorize the advertisement for the receipt of bids for Vehicle Parts and Accessories by the Township Purchasing Agent.

The motion for Resolution 2012-118 authorizing the receipt of bids for Vehicle Parts & Accessories passed a vote of the Township Committee as follows: 4-0

Ayes: Palombo, Venable, Breslin and Pompper

Nays: none

Abstain: none

Absent: Wood

Motion (Breslin, Venable) for Resolution 2012-119 A Resolution appointing Special Counsel to foreclose on a Municipal Tax Lien

**RESOLUTION 2012- 119**  
**A RESOLUTION APPOINTING SPECIAL**  
**COUNSEL TO FORECLOSE A TAX SALE CERTIFICATE**

WHEREAS, the Township of Lower Alloways Creek is the owner of tax sale certificates for various properties throughout the Township for which liens and interest have accumulated in the total amount of \$ 4875.02 as of November 14, 2012, and;

WHEREAS, the Township holds a tax sale certificate that is eligible to be foreclosed on the following property:

Block	Lot
4	1.01

WHEREAS, the Mayor and Township Committee desire to appoint special counsel with expertise in the specialty of tax sale certificate foreclosures;

NOW, THEREFORE, BE IT RESOLVED, that the above listed property tax sale certificates shall be foreclosed, and that special counsel be appointed for this purpose; and

BE IT FURTHER RESOLVED, that Adam I. Telsey, Esquire of the firm Puma, Telsey & Rhea be and is hereby appointed as special counsel to take all necessary legal action to complete foreclosure of the above listed property tax sale certificates in the name of Lower Alloways Creek Township and that he be paid at the rate of \$170 per hour plus all reasonable costs incurred for filing, advertising and search fees; and

**BE IT FURTHER RESOLVED**, that the said Adam I. Telsey shall enter into a service agreement with Lower Alloways Creek Township in the form provided by the regular Township solicitor and comply with all regulations and statutes for professionals providing services to Lower Alloways Creek Township including compliance with N.J.S.A. 19:44A-20.4, et seq. and N.J.A.C. 17:27-1, et seq.

The motion for Resolution 2012-119 appointing Special Counsel to foreclose on a Municipal Tax Lien passed a vote of the Township Committee as follows: 4-0

Ayes: Breslin, Venable, Palombo and Pompper

Nays: none

Abstain: none

Absent: Wood

Motion (Breslin, Palombo) for Resolution 2012-120 A Resolution authorizing transfers in the 2012 Current Operating Budget in the amount of \$ 41,000.00.

### **RESOLUTION 2012-120**

#### **A RESOLUTION AUTHORIZING TRANSFERS IN THE 2012 BUDGET CURRENT OPERATING FUND IN THE AMOUNT OF \$ 41,000.00.**

WHEREAS, the Chief Financial Officer of the Township of Lower Alloways Creek has found it necessary to recommend that Transfers be made within the Current Operating Fund of the 2012 Budget of the Township of Lower Alloways Creek on November 20, 2012 in the amount of \$ 41,000.00; and,

WHEREAS, the State of New Jersey authorizes under N.J.S.A. 40A:4-58, the transforming of funds from one line item to another during the last two (2) months of the current budget fiscal 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 Transfers as follows:

FROM:

Mosquito Control O/E                      \$41,000.00

TOTAL                      \$41,000.00

TO:

Tax Collection O/E                      \$1,000.00

Road Dept S/W                              \$8,000.00

Group Insurance                          \$26,000.00

Police O/E                                      \$3,000.00

Ambulance/Rescue O/E                      \$3,000.00

TOTAL                      \$41,000.00

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 November 20, 2012 in accordance with N.J.S.A. 40A:4-58 in the 2012 Budget Current Operation fund as follows:

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

The motion for Resolution 2012-120 authorizing transfers in the 2012 Current Operating Budget in the amount of \$ 41,000.00 passed a vote of the Township Committee as follows: 4-0

Ayes: Breslin, Palombo, Venable and Pompper

Nays: none

Abstain: none

Absent: Wood

Motion (Breslin, Venable) for Resolution 2012-121 A Resolution consenting to the proposed Water Quality Management Plan Amendment entitled: Salem County Future Wastewater Service Area.

RESOLUTION 2012-121  
A RESOLUTION CONSENTING TO THE PROPOSED  
WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT  
ENTITLED: Salem County Future Wastewater Service Area

WHEREAS, the Township Committee of the Township of Lower Alloways Creek desires to provide for the orderly development of wastewater facilities within the County of Salem; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved Water Quality Management Plan; and

WHEREAS, the NJDEP has established the Water Quality Management Plan amendment procedure as the method of incorporating unplanned facilities into a Water Quality Management Plan; and

WHEREAS, a proposed Water Quality Management Plan amendment, noticed in the New Jersey Register on November 5, 2012, for the Salem County Future Wastewater Service Area has been prepared by the Salem County Planning Department on behalf of the Salem County Board of Chosen Freeholders;

NOW, THEREFORE, BE IT RESOLVED on this 20 day of November, 2012, by the governing body of the Township of Lower Alloways Creek that:

1. The Township Committee of the Township of Lower Alloways Creek hereby consents to the amendment entitled Salem County Future Wastewater Service Area publicly noticed on November 5, 2012, prepared by the Salem County Planning Department, for the purpose of its incorporation into the Lower Delaware Water Quality Management Plan.
2. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4.

The motion for Resolution 2012-121 consenting to the proposed Water Quality Management Plan Amendment entitled: Salem County Future Wastewater Service Area was defeated by a tie vote of the Township Committee as follows: 2-2

Ayes: Palombo and Pompper

Nays: Breslin and Venable

Abstain: none

Absent: Wood

Motion (Breslin, Palombo) for Resolution 2012-122 A Resolution to award a contract to Ricky Slade Construction, Inc. for the Alloways Creek Bank Stabilization Project at a cost of \$ 624,273.50 (Base Bid and Alternate #1 & Alternate # 2).

The motion for Resolution 2012-122 to award a contract to Ricky Slade Construction, Inc. for the Alloways Creek Bank Stabilization Project at a cost of \$ 624,273.50 passed a vote of the Township Committee as follows: 4-0

Ayes: Breslin, Palombo, Venable, and Pompper

Nays: none

Abstain: none

Absent: Wood

### **OLD BUSINESS: None**

### **NEW BUSINESS:**

Motion (Palombo, Breslin) to approve the purchase of 200 tons of Rock Salt from Mid-Atlantic, Salt, LLC. at a cost of \$11,890.00 (\$59.45 per ton)

The motion approve the purchase of 200 tons of Rock Salt from Mid-Atlantic, Salt, LLC. at a cost of \$11,890.00 (\$59.45 per ton) passed a vote of the Township Committee as follows: 4-0

Ayes: Palombo, Breslin, Venable and Pompper

Nays: none

Abstain: none

Absent: Wood

Motion (Breslin, Venable) to approve the 2013 Software Maintenance Agreement for the Finance and Tax Collection Software with Edmonds & Associates, Inc. at a cost of \$ 7,829.00

The motion approve the 2013 Software Maintenance Agreement for the Finance and Tax Collection Software with Edmonds & Associates, Inc. at a cost of \$ 7,829.00 passed a vote of the Township Committee as follows: 4-0

Ayes: Breslin, Venable, Palombo and Pompper

Nays: none

Abstain: none

Absent: Wood

Motion (Breslin, Venable) for the purchase and installation of a new Trane Heat Pump at Unit B-11 at the Leisure Arms Complex by Autocon at a cost of \$ 4,235.00

The motion for the purchase and installation of a new Trane Heat Pump at Unit B-11 at the Leisure Arms Complex by Autocon at a cost of \$ 4,235.00 passed a vote of the Township Committee as follows: 4-0

Ayes: Breslin, Venable, Palombo and Pompper

Nays: none

Abstain: none

Absent: Wood

Motion (Palombo, Venable) to purchase D-Chlor Tablets from Toscam/Sanuril at a cost not to exceed \$ 5000.00

The motion purchase D-Chlor Tablets from Toscam/Sanuril at a cost not to exceed \$ 5000.00 passed a vote of the Township Committee as follows: 4-0

Ayes: Palombo, Venable, Breslin and Pompper

Nays: none

Abstain: none

Absent: Wood

Mr. Venable relayed to the Committee a residents concern regarding persons who have been parking on and blocking Frank Smith Road, when those individuals have been fishing off the bridge or unloading/loading boats into the creek.

Mrs. Winchell , who lives on the road stated to the Committee the problems they have had with persons parking on the roadway and blocking access to her property. Mrs. Winchell is concerned that emergency vehicles will not be able to access her home in an emergency because of this practice. She has spoken with those who have parked on the road, but they do not respond to her request for them not to park on the roadway. Mrs. Winchell supports a no parking zone on Frank Smith Road to stop the blocking of proper access to her property.

Mr. Rosenberger suggested that a No Stopping or Standing Ordinance could be introduced.

### **ORDINANCE (INTRODUCTION)**

Motion (Venable, Breslin) to introduce Ordinance 2012-08 an Ordinance to establish No Stopping or Standing along the entirety of Frank Smith Road.

**ORDINANCE 2012-08**  
AN ORDINANCE PROHIBITING  
THE STOPPING OR STANDING ALONG FRANK SMITH ROAD IN THE TOWNSHIP OF LOWER  
ALLOWAYS CREEK

WHEREAS, a Township resident has identified a safety issue in the Township of Lower Alloways Creek, along Frank Smith Road; and

WHEREAS, said concern was brought to the attention of the Mayor and Township Committee of the Township of Lower Alloways Creek; and

WHEREAS, the Mayor requested that the Township Public Works Foreman conduct an investigation as to the feasibility of the placement of No Stopping or Standing” signs; and

WHEREAS, the Public Works Foreman concluded, following a field investigation, that the request for the placement of No Stopping or Standing” signs was found to be warranted; and

WHEREAS, the Township Committee has determined that it is in the Township’s best interests to prohibit stopping or standing along the entirety of Frank Smith Road.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lower Alloways Creek, County of Salem and State of New Jersey, that the of the Code of the Township of Lower Alloways Creek be and hereby is amended to add Frank Smith Road to the list of streets on which Stopping or Standing is prohibited at all times, as follows:

<b>Name of Street</b>	<b>Side</b>	<b>Hours</b>	<b>Location</b>
FRANK SMITH ROAD	Both	All	No Stopping or Standing, beginning at the intersection with Smick Road then continuing along its entirety

This ordinance shall take effect as provided by the law.

Public Hearing on this Ordinance shall be on Tuesday December 18, 2012 at 7:30 p.m., at the Municipal Building, 501 Locust Island Road, Hancock’s Bridge, New Jersey.

This Ordinance which was introduced for First Reading on November 20, 2012 shall be published by Title in the South Jersey News and placed on the Township’s Bulletin Board giving notice of said Public Hearing as required by Law.

The motion to introduce for first reading Ordinance 2012-08 an Ordinance to establish No Stopping or Standing along the entirety of Frank Smith Road passed a vote of the Township Committee as follows: 4-0

Ayes: Venable, Breslin, Palombo and Pompper

Nays: none

Abstain: none

Absent: Wood

## **CORRESPONDENCE**

## **PUBLIC COMMENT**

## **REPORTS TO THE COMMITTEE & COMMITTEE REPORTS**

### **Public Works**

### **Public Safety**

## **CLOSED SESSION**

Motion (Breslin, Venable) to convene into a Closed Session of Business 8:02 pm

### **RESOLUTION 2012- 123 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.

\_\_\_ 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.

\_\_\_ 8. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

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

- A. Contracts - Transportation
- B. Litigation - Tax Lien, Playground
- C. Personnel - Grievance

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

- A. At such time the heretofore mentioned matters are concluded or resolved
- B. At such time the heretofore mentioned matters are concluded or resolved
- C. At such time the heretofore mentioned matters are concluded or resolved

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

**BE IT FURTHER RESOLVED** that this Closed Session is expected to continue for 30 (thirty) minutes and that further business by the Committee may take place at its conclusion.

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

Ayes: Breslin, Venable, Palombo and Pompper

Nays: none Abstain: none Absent: Wood

Motion (Breslin, Breslin) to come out of the Closed Session of business. 8:45 pm

The motion to come out of the Closed Session of Business passed a vote of the Township Committee as follows: 4-0

Ayes: Breslin, Palombo, Venable and Pompper

Nays: none Abstain: none Absent: Wood

### **BUSINESS AFTER CLOSED SESSION**

Motion (Venable, Breslin) to consent to, Donna Calilu providing the meal items for a once a month free lunch at the Senior Lunch Program

The motion to consent to, Donna Calilu providing the meal items for a once a month free lunch at the Senior Lunch Program passed a vote of the Township Committee as follows: 4-0

Ayes: Venable, Breslin, Palombo and Pompper

Nays: none Abstain: none Absent: Wood

Motion (Breslin, Venable) to grant Corporal Douglas Hassler's request to carry 138 hours of Vacation time into 2013, with the stipulation that those hours (138), all be used during 2013 and will not carry into any subsequent year.

The motion to grant Corporal Douglas Hassler's request to carry 138 hours of Vacation time into 2013, with the stipulation that those hours (138), all be used during 2013 and will not carry into any subsequent year passed a vote of the Township Committee as follows: 4-0

Ayes: Breslin, Venable, Palombo and Pompper

Nays: none Abstain: none Absent: Wood

### **ADJOURNMENT**

Motion (Breslin, Palombo) to adjourn the meeting at 8:55 p.m.

The motion to adjourn the meeting passed unanimously.

Minutes of the November 20, 2012 Meeting were approved at a meeting held December 18, 2012

ATTEST:

LOWER ALLOWAYS CREEK TOWNSHIP

\_\_\_\_\_

Ronald L Campbell Sr. Clerk

By: \_\_\_\_\_

Mayor Ellen B. Pompper

\*\*\*\*Motion

\*\*\*\*\*Motion to purchase D Chlor Tablets for the WTP at a cost not to exceed \$ 5000.00