

**MINUTES OF A REGULAR MEETING OF THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK HELD JANUARY 22, 2013**

A Regular Meeting of the Lower Alloways Creek Township Committee was held on January 22, 2013 with Mayor Robert F. Breslin III 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 News of South Jersey, posted on the Township's Website and the Bulletin Board in the lobby of the Lower Alloways Creek Township Municipal Building in compliance with said Act.

FLAG SALUTE Mayor Breslin led in the Flag Salute.

ROLL CALL OF COMMITTEE

Present: Mr. Bradway, Mr. Palombo, Mrs. Pompper, Mr. Venable, and Mayor Breslin

Absent: None

OTHERS IN ATTENDANCE:

Also in attendance were -5- (five) members of the Public and Lewis Fogg, Public Works Foreman; David Sowers, Director of Public Safety and the Township Clerk, Ronald L Campbell

APPROVAL OF AUDITED VOUCHERS

Motion (Venable, Bradway) 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: Venable, Bradway, Palombo, Pompper and Breslin

Nays: none Abstain: none Absent: none

MONTHLY REPORTS TO THE COMMITTEE

The Mayor requested that the minutes reflect that the December 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.

Mayor Breslin asked if anyone had any thing that they wished to add to these reports.

Mr. Sowers stated that he was recommending that the Committee consider the hiring of Timothy Williams as a Part-Time Police Officer. Mayor Breslin stated that this would be considered later in the meeting.

APPROVAL OF MINUTES

Motion (Venable, Bradway) to approve the minutes of the December 18, 2012 Regular Township Committee Meeting, the December 18, 2012 Closed Session Minutes and the 2013 Reorganization Meeting Minutes of the Township Committee held January 1, 2013

The motion to approve the minutes of the December 18, 2012 Regular Township Committee Meeting, the December 18, 2013 Closed Session Minutes and the 2013 Reorganization Meeting Minutes of the Township Committee passed a vote of the Township Committee as follows: 5-0

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

PUBLIC COMMENT ON AGENDA ITEMS

No one from the Public indicated that they wished to make any comments.

RESOLUTIONS

Motion (Palombo, Venable) for Resolution 2013-34, A Resolution to cancel the Open Balances of less then five dollars on 2012 Taxes.

RESOLUTION 2013-34

A Resolution Canceling open balances less than \$ 5.00 for property tax owed for 2012

WHEREAS, there are a number of taxpayers, with list attached, who for various reasons have open balances less than \$1.00 on 2012 Property Taxes; and

WHEREAS, since the time and expense involved to collect these amounts is greater than the amount open; and,

WHEREAS, the cancellation of these small balances would promote the efficiency of the tax office by eliminating the need to track these small amounts;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lower Alloways Creek, that the Tax Collector is hereby authorized to cancel these balances for property tax owed for 2012. These amounts are listed individually and shown in the last column on the report as attached totaling \$ 2.71:

The motion for Resolution 2013-34 to cancel the Open Balances of less then five dollars on 2012 Taxes passed a vote of the Township Committee as follows: 5-0

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

Motion (Palombo, Venable) for Resolution 2013-35, A Resolution to authorize the Transfer of 2012 Tax overpayments to 2013 Open Balances.

RESOLUTION 2013-35

A Resolution to Transfer 2012 Overpayments on Property Tax Records to 2013 Open Tax Balances

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

WHEREAS, the Tax Collector has certified to the Township Committee that certain 2012 Tax Overpayments have been made and has requested that a resolution be passed to authorize the transfer of these overpayments to 2013 Open Balances. The Tax Collector has attached a list of these overpayments as part of the end of year process.

NOW THEREFORE BE IT RESOLVED, that the Tax Collector be authorized as part of the year end process to transfer these 2012 tax overpayments to 2013 open tax balances. These amounts are listed individually and shown in the last column on the report as attached totaling \$1180.43.

The motion for Resolution 2013-35 to authorize the Transfer of 2012 Tax overpayments to 2013 Open Balances passed a vote of the Township Committee as follows: 5-0

Ayes: Palombo, Venable, Bradway, Pompper and Breslin

Nays: none Abstain: none Absent: none

Motion (Venable, Bradway) for Resolution 2013-36, A Resolution to authorize Transfers in 2012 Appropriation Reserves in the amount of \$ 6,000.00.

RESOLUTION 2013- 36

A RESOLUTION AUTHORIZING TRANSFERS IN THE 2012 BUDGET APPROPRIATION RESERVES IN THE AMOUNT OF \$ 6,000.00.

WHEREAS, the Chief Financial Officer of the Township of Lower Alloways Creek has found it necessary to recommend that Transfers be made within the 2012 Budget Appropriation Reserves of the Township of Lower Alloways Creek on January 22, 2013 in the amount of \$ 6,000.00; 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:		
2-10-26	290-203	
Road Dept. O&E		\$6,000.00
	TOTAL	\$6,000.00
TO:		
2-01-20	145-203	
Tax Collector O&E		\$6,000.00
	TOTAL	\$6,000.00

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 January 22, 2013 in accordance with N.J.S.A. 40A:4-58 in the 2012 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 2013-36 to authorize Transfers in 2012 Appropriation Reserves in the amount of \$ 6000.00 passed a vote of the Township Committee as follows: 5-0

Ayes: Venable, Bradway, Palombo, Pompper and Breslin

Nays: none Abstain: none Absent: none

Motion (Palombo, Bradway) for Resolution 2013-37 A Resolution to award a bid to Williams Auto for the supplying of Vehicle Parts.

RESOLUTION 2013-37

A RESOLUTION AWARDING A BID TO WILLIAMS AUTO PARTS FOR THE SUPPLYING OF VEHICLE PARTS THROUGH DECEMBER 31, 2014

WHEREAS, the Township Committee had previously accepted the specifications for and authorized the receipt of bids for Vehicle Parts, and;

WHEREAS, the Township Purchasing Agent circulated such specifications as necessary to receive bids for Vehicle Parts, and;

WHEREAS, bids were received and opened on Wednesday December 20, 2012 at 1:30 pm for the delivery of Vehicle Parts, and;

WHEREAS, Williams Auto Parts submitted the only bid as a proposal of \$20,000.00

WHEREAS, the Purchasing Agent of the Township has recommended that a contract be awarded to Williams Auto Parts for the delivery of a Vehicle Parts.

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of Lower Alloways Creek does hereby award a contract to Williams Auto Parts for the delivery of Vehicle Parts beginning January 1, 2013 ending on December 31, 2014.

BE, IT FURTHER RESOLVED that the Mayor and Clerk be authorized to sign a contract for such services.

The motion for Resolution 2013-37 to award a bid to Williams Auto for the supplying of Vehicle Parts passed a vote of the Township Committee as follows: 5-0

Ayes: Palombo, Bradway, Pompper, Venable and Breslin

Nays: none Abstain: none Absent: none

ORDINANCE (INTRODUCTION)

Motion (Venable, Bradway) to introduce Ordinance 2013-01 an Ordinance amending Chapter 151 known as “Vehicles and Traffic” in its entirety.

ORDINANCE 2013-01

AN ORDINANCE AMENDING CHAPTER 151 KNOWN AS “VEHICLES AND TRAFFIC” 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 151 known as “VEHICLES AND TRAFFIC”.

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

Section 1. Chapter 151 of the Code of the Township of Lower Alloways Creek is hereby amended in its entirety as follows:

VEHICLES AND TRAFFIC

Chapter 151

VEHICLES AND TRAFFIC

ARTICLE I Definitions

§ 151-1. Words and phrases defined.

ARTICLE II Parking

§ 151-2. Regulations not exclusive.

§ 151-3. Parking prohibited at all times on certain streets.

§ 151-4. Stopping or standing prohibited on certain streets.

ARTICLE III Stop Intersections

§ 151-5. Stop intersections designated.

ARTICLE IV Turn Prohibitions

§ 151-6. Left-turn prohibition.

ARTICLE V Parking During Snow or Other Emergencies

§ 151-7. Parking unlawful during snow emergency.

§ 151-8. Declaration of emergency: display of emergency no-parking signs.

§ 151-9. Removal of vehicles.

§ 151-10. Effectiveness of Article.

151-11

LOWER ALLOWAYS CREEK CODE

ARTICLE VI
Speed Limits

§ 151-11. Speed Limits

ARTICLE VII
General Provisions

§ 151-12. Short title.

§ 151-13. Violations and penalties.

[HISTORY: Adopted by the Township Committee 02-19-13 as Ord. No. 2013-01 Amendments noted where applicable.]

**ARTICLE I
Definitions**

§ 151-1. Words and phrases defined.

Whenever any words and phrases are used in this chapter, the meanings respectively ascribed to them in N.J.S.A. 39:1-1 shall be deemed to apply to such words and phrases used herein.

**ARTICLE II
Parking**

§ 151-2. Regulations not exclusive.

The provisions of this Article imposing a time limit on parking shall not relieve any person of the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles as set forth in N.J.S.A. 39:4-138, of any other statute or as hereinafter provided.

§ 151-3. Parking prohibited at all times on certain streets.

A. No person shall park a vehicle at any time upon any of the streets or parts thereof described below.

In accordance with the provisions of Section §151-3 A, no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Second Street [4-19-2010 as Ord No. 2010-04]	South	between Main Street and Locust Island Road

B. No person shall park, place, store or leave a truck weighing over four (4) tons gross weight or a trailer of any size in any municipal parking lot other than as may be necessary for the purpose of making a pick-up or delivery in the regular course of business.

§ 151-4. Stopping or standing prohibited on certain streets.

No person shall stop or stand a vehicle upon any of the streets or parts of streets described below.

In accordance with the provisions of Section §151-4, no person shall stop or stand a vehicle upon any street designated by ordinance in the Township of Lower Alloways Creek.

<u>Name of Street</u>	<u>Location</u>
Frank Smith Road	Entire Length [12-18-12 as Ord. No. 2012-08]

§ 151-8. Declaration of emergency, display of emergency no parking signs.

Upon the declaration of an emergency, there shall be no parking upon streets or sections of streets where temporary emergency no-parking signs are displayed. The Public Safety Director, Chief of Police or, in his absence, the ranking police officer are authorized to declare an emergency and to direct the posting of said emergency no-parking signs when weather conditions, accidents, fires or public celebrations dictate the free flow of traffic. Notification that the emergency no parking signs are being or will be posted shall be given to the operator or owner of any vehicle which has been parked prior to the posting of the signs.

§ 151-9. Removal of vehicles.

Any unoccupied vehicle parked or standing in violation of this Article shall be deemed a nuisance and a menace to the safe and proper regulation of traffic, and any peace officer may provide for the removal of such vehicle. The owner shall pay the reasonable costs of the removal, and storage which may result from such removal, before regaining possession of the vehicle.

§ 151-10. Effectiveness of Article.

The effectiveness of this Article is contingent on signs being erected as required by law.

**ARTICLE VI
Speed Limits**

§ 151-11. Speed Limits

The following streets shall be designated with the speed limit(s) as set forth upon any of the following streets or parts of streets:

<u>Name of Street</u>	<u>Location</u>	<u>Limit in MPH</u>
Buckhorn Road [3-18-1980 as Ord. No. 80-6]	Entire Length	40 MPH
Harasta Road [5-18-2009 as Ord. No. 2009-06]	Entire Length	15 MPH

ARTICLE VII
General Provisions

§ 151-12 Short Title

This Chapter may be known and cited as the “Vehicles and Traffic Ordinance”.

§ 151-13 Violations and Penalties.

Unless another penalty is expressly provided by the New Jersey Statute, every person convicted of a violation of a provision of this chapter or any supplement thereto shall be liable to a penalty of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$ 500.00) for any single offense or to a term of imprisonment for a term not exceeding ninety (90) days, or both.

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 January 22, 2013, 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 February 19, 2013 at 7:30 p.m., at the Municipal Building, 501 Locust Island Road, Hancock’s Bridge, New Jersey.

The motion to introduce for first reading Ordinance 2013-01 an Ordinance amending Chapter 151 known as “Vehicles and Traffic” in its entirety, passed a vote of the Township Committee as follows: 5-0

Introduction: January 22, 2013

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

OLD BUSINESS: Mr. Fogg gave an update on Mrs. Cerami’s request to make alteration to Unit C-15 at the Leisure Arms Complex. Mr. Fogg stated that the tubes and ballasts have been replaced in Mrs. Cerami’s Kitchen and that she is now satisfied with the amount of lighting in that area. Mr. Fogg also stated that he showed and explained to Mrs. Cerami that the outlets in the kitchen are ground fault protected.

NEW BUSINESS:

Motion (Palombo, Venable) to accept the resignation of Marjorie Malinowski as a part-time Food Service Worker.

The motion to accept the resignation of Marjorie Malinowski as a part-time Food Service Worker passed a vote of the Township Committee as follows: 5-0

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

Motion (Palombo, Venable) to authorize the transfer of investment accounts to J.P. Morgan Securities, with Kim Fonseca as the account manager.

The motion to authorize the transfer of investment accounts to J.P. Morgan Securities, with Kim Fonseca as the account manager passed a vote of the Township Committee as follows: 5-0

Ayes: Bradway, Palombo, Pompper, Venable and Breslin

Nays: none Abstain: none Absent: none

The Clerk spoke to the Committee about efforts to prepare a Continuance of Government Operations Plan. With the recent Hurricane Sandy, some municipalities had to set up their government offices in other municipalities, as their buildings were not useable. Many State agencies are asking what each municipality has, not only for emergency plans, but plans for operating government services when those services may need to be moved to other locations.

Mayor Breslin stated that he has spoken with Jack Lynch and Lewis Fogg about developing a Safety Maintenance Program for the Playground here at the municipal complex and expects to have that plan within the next few weeks.

The Clerk stated that the annual Rabies Clinic will be held February 2, 2013 and help is needed to fill out the Rabies Certification forms.

CORRESPONDENCE None

PUBLIC COMMENT

A resident stated that they had seen trash being blow out of the new recycling truck, by the wind when following it one day. Mr. Fogg stated that, what they are aware of is; that plastic bags, which residents put in their recycling containers, get caught by the wind, inflated and blow about. Mr. Fogg stated that the Public Works Dept is trying to educate residents not to place the plastic bags in with recyclables.

No one else from the Public indicated that they wished to make any comments.

REPORTS TO THE COMMITTEE & COMMITTEE REPORTS

Mayor Breslin asked but no Committee members indicated that they wished to make any comments or reports at this time.

Mayor Breslin stated that the Township will be hosting the Salem County Local Government Dinner in March and he has talked with PSEG about providing a speaker. Mayor Breslin stated that topics being considered are; what PSEG went through during Hurricane Sandy and the steps they take when those type of situations arise, which would go well with a continuance of government theme.

Mayor Breslin stated that the Committee should send Earl Gage a thank you letter for his help with a recent matter and he will see that it is done.

Mayor Breslin commented that solar panels are being installed at the kitchen and Public Works area and he has been assured by Mr. Carpino that the installation will be done shortly and that a "cut in card" will be issued, so that Atlantic City Electric can install the necessary meter.

Mayor Breslin stated that the Committee needs to schedule budget workshops to work on the 2013 budget. Two dates were set by unanimous consent of the Committee:

Wednesday February 13th at 6:00 pm and Tuesday March 4th at 6:00 pm.

Public Works: Mr. Fogg stated the new Recycling Truck was purchased with a 50 gallon fuel tank per the specifications, but a 70 gallon tank needs to be installed. When doing the Mannington run the tank has returned with as little as 5-8 gallons left. The larger tank is needed to ensure adequate fuel for that days run.

Public Safety: Mr. Sowers commented that the new Patrol Car should be delivered within the next few weeks. Mr. Sowers asked that the Committee consider hiring a Part-Time Officer at this meeting. Mayor Breslin stated that this would be brought up in the Closed Session.

CLOSED SESSION

Motion (Venable, Bradway) to convene into a Closed Session of Business 8:05 pm

RESOLUTION 2013- 38 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. Personnel Matters – Grievance and Part-Time Police Officer

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 1 hour (one hour) 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: Venable, Bradway, Palombo, Pompper and Breslin

Nays: none Abstain: none Absent: none

Motion (Venable, Palombo) to come out of the Closed Session of business. 9:10 pm

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

Ayes: Venable, Palombo, Bradway, Pompper and Breslin

Nays: none Abstain: none Absent: none

BUSINESS AFTER CLOSED SESSION

Motion (Venable, Bradway) for Resolution 2013-39, A Resolution to offer employment to Timothy Todd Williams for the position of Part-Time Police Officer at the rate of \$17.87 /hr.

RESOLUTION 2013-39

A RESOLUTION TO OFFER EMPLOYMENT TO TIMOTHY TODD WILLIAMS AS A PART-TIME POLICE OFFICER

WHEREAS, the Township of Lower Alloways Creek is in need of a Part-Time Police Officer; and,

WHEREAS, the Director of Public Safety has made a recommendation that Timothy Todd Williams be hired as a Part-Time Police Officer.

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of Lower Alloways Creek does offer employment to Timothy Todd Williams for the position of Part-Time Police Officer at the rate of \$17.87 /hr.

BE IT FURTHER RESOLVED that Timothy Todd Williams first paid day of employment on the job, be considered his hired date, if he so accepts the Township Committee’s offer of employment as a Part-Time Police Officer.

BE IT FURTHER RESLOVED that employment be contingent on passing a pre-employment physical, drug testing as set forth by the Lower Alloways Creek Personnel Policies and completion of any conditions set forth by Police Department Regulations and the Public Safety Director.

The motion for Resolution 2013-39 to offer employment to Timothy Todd Williams for the position of Part-Time Police Officer passed a vote of the Township Committee as follows: 5-0

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

Motion (Palombo, Breslin) that the Lower Alloways Creek Township Committee does find that; in a personnel hearing presided over by Hearing Officer, Mr. Earl Gage, that his determination of the facts are correct, but that the two day suspension is warranted and upheld; given a review of the employee’s Personnel file.

The motion to uphold the two day suspension of an employee passed a vote of the Township Committee as follows: 5-0

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

ADJOURNMENT

Motion (Breslin, Palombo) to adjourn the meeting at 9:12 p.m.
The motion to adjourn the meeting passed unanimously.

Minutes of the January 22, 2013 Meeting were approved at a meeting held February 19, 2013

ATTEST: LOWER ALLOWAYS CREEK TOWNSHIP

Ronald L Campbell Sr. Clerk By: _____
Mayor, Robert F. Breslin III