

**MINUTES OF A REGULAR MEETING OF THE TOWNSHIP COMMITTEE  
OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK HELD MARCH 19, 2013**

A Regular Meeting of the Lower Alloways Creek Township Committee was held on March 19, 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 -4- (four) members of the Public and Jack Lynch Superintendant of Public Works; 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: 5-0

Ayes: Palombo, Venable, Bradway, Pompper and Breslin

Nays: none Abstain: none Absent: none

**MONTHLY REPORTS TO THE COMMITTEE**

The Mayor requested that the minutes reflect that the February 2013 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**

Motion (Palombo, Venable) to approve the minutes of the February 19, 2013 Regular Township Committee Meeting, the February 19, 2013 Closed Session Meeting and the Minutes of the Special Budget Meetings held February 13, and March 4, 2013.

The motion to approve the minutes of the February 19, 2013 Regular Township Committee Meeting Minutes, the February 19, 2013 Closed Session Minutes and the Minutes of the Special Budget Meetings held February 13, and March 4, 2013 passed a vote of the Township Committee as follows: 4-0-1

Ayes: Bradway, Palombo, Pompper (March 4), Venable and Breslin

Nays: none Abstain: Pompper (February 19 Reg & Closed) Absent: none

**PUBLIC COMMENT ON AGENDA ITEMS**

Mayor Breslin asked if anyone had any comments to make on any agenda items. No one indicated that they wished to make any comments

**RESOLUTIONS**

Motion (Venable, Bradway) for Resolution 2013-48, a resolution canceling unexpended balances in the amount of \$ 47,857.98 of specific Capital Ordinance appropriations.

**RESOLUTION 2013-48**

**A RESOLUTION CANCELING UNEXPENDED BALANCES IN THE AMOUNT OF \$ 47,857.98 OF SPECIFIC CAPITAL ORDINANCE APPROPRIATIONS**

WHEREAS, it is the desire of the Township Committee of the Township of the Township of Lower Alloways Creek to cancel the unexpended balances of specific Capital Ordinance Appropriations previously authorized by the Township Committee, from which all encumbrances have been satisfied and projects completed; and

WHEREAS, the CFO recommends canceling certain Capital Ordinance Appropriations and their unexpended balances totaling \$ 47,857.98 and that the canceled funds, be placed back in the General Capital Account Fund for use on other Capital Projects so authorized by future Ordinances.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lower Alloways Creek that the following Capital Projects, with unexpended funds be canceled and the funds in the amount of \$ 47,857.98 be returned to the General Capital Account Fund as recommended by the Chief Financial Officer.

Capital Account		Original Appropriation	Balance
ORD 2008-05	PUBLIC WORKS EQUIPMENT	\$ 145,000.00	\$ 121..98
ORD 2012-01	RECYCLING TRUCK & CONTAINERS	\$ 400,000.00	\$ 47,736.00
	Totals	<b>\$ 545,000.00</b>	<b>\$ 47,857.98</b>

The motion for Resolution 2013-48, a resolution canceling unexpended balances in the amount of \$ 47,857.98 of specific Capital Ordinance appropriations 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 2013-49, a resolution authorizing the writing of specifications and receipt of bids for the purchase of a Brush Chipper.

**RESOLUTION 2013-49**

**Authorizing the receipt of Bids for the purchase of a Brush Chipper**

WHEREAS, the Township Committee of the Township of Lower Alloways Creek does recognize the need to replace the current Brush Chipper, and;

WHEREAS, bid specifications for a Brush Chipper will be made by the Purchasing Agent in consultation with the Superintendent of Public Works and made available for review by the Township Committee prior to the advertising for the receipt of bids.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lower Alloways Creek that it does authorize the receipt of bids for a Brush Chipper.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Lower Alloways Creek that the Township Purchasing Agent is hereby authorized to advertise for the receipt of bids for a Brush Chipper.

The motion for Resolution 2013-49, a resolution authorizing the writing of specifications and receipt of bids for the purchase of a Brush Chipper passed a vote of the Township Committee as follows: 5-0

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

Motion (Venable, Bradway) for Resolution 2013-50, a resolution granting municipal consent to the March of Dimes Foundation, Inc. to conduct Raffles.

**RESOLUTION 2013 - 50**  
**A RESOLUTION AUTHORIZING MUNICIPAL CONSENT**  
**FOR CONDUCT OF A RAFFLE**

**WHEREAS**, the MARCH OF DIMES FOUNDATION, Inc., has submitted a properly executed Application for a License to operate an On-Premise Raffle at 1 Alloways Creek Neck Road, Lower Alloways Creek, New Jersey in Lower Alloways Creek Township, and

**WHEREAS**, the Committee has reviewed said Application and has determined that the applicant is qualified and that the members designated to conduct these games are qualified, and

**WHEREAS**, the Committee has determined that the games will be conducted according to the regulations of the Legalized Games of Chance Act.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Lower Alloways Creek, hereby grants municipal consent to the March of Dimes Foundation, Inc. to conduct and On-Premise Raffle on:

<u>MARCH 29, 2013 at 12:00 pm</u>	<u>APRIL 05, 2013 at 12:00 pm</u>
<u>APRIL 12, 2013 at 12:00 pm</u>	<u>APRIL 19, 2013 at 12:00 pm</u>
<u>APRIL 26, 2013 at 12:00 pm</u>	<u>SEPTEMBER 27, 2013 at 12:00 pm</u>
<u>OCTOBER 04, 2013 at 12:00 pm</u>	<u>OCTOBER 11, 2013 at 12:00 pm</u>
<u>OCTOBER 18, 2013 at 12:00 pm</u>	<u>OCTOBER 25, 2013 at 12:00 pm</u>

at 1 Alloways Creek Neck Road, Lower Alloways Creek, New Jersey in Lower Alloways Creek Township and does also hereby waive any municipal fee.

The motion for Resolution 2013-50 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 (Bradway, Palombo) for Resolution 2013-51, a resolution authorizing a Shared Services Agreement with the Salem County Improvement Authority for disposal of waste at the Salem County Landfill.

Mr. Rosenberger conveyed to the Committee of his feelings on certain language in the agreement that he wanted the Committee to be aware of. Mr. Rosenberger stated that language has been present in the agreements for the last several years relating to the disposal of hazardous materials. The agreement basically states that if there is found hazardous materials in the landfill, all parties taking their trash to the Landfill, are presumed guilty of placing it there, unless you can prove you didn't and all parties are responsible for cleanup and restoration.

Mr. Rosenberger further stated that the agreement states that if we filed a lawsuit against the Authority, we would be obligated to pay their legal fees to defend the suit, we brought against them. Mr. Rosenberger stated that he has spoken in the past with the Authority about this and has had some language removed, but has not had any removed in recent years. Mr. Rosenberger suggested not approving the agreement and just sending trash to the Authority without it.

The motion for Resolution 2013-51, a resolution authorizing a Shared Services Agreement with the Salem County Improvement Authority for disposal of waste at the Salem County Landfill was defeated by a vote of the Township Committee as follows: 5-0

Ayes: none

Nays: Bradway, Palombo, Pompper, Venable and Breslin

Abstain: none                      Absent: none

## **ORDINANCE (INTRODUCTION)**

Motion (Palombo, Venable) to introduce Ordinance 2013-03, an Ordinance to exceed the Municipal Budget Appropriations Limit and to establish a CAP Bank in accordance with N.J.S.A. 40A-45.14

### **ORDINANCE 2013-03 CALENDAR YEAR 2013**

#### **AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK IN ACCORDANCE WITH N.J.S.A. 40A:4-45.14**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Lower Alloways Creek Township Committee of the Township of Lower Alloways Creek in the County of Salem finds it advisable and necessary to increase its CY 2013 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Lower Alloways Creek Township Committee hereby determines that a 3.5% increase in the budget for said year, amounting to \$ ~~185,006.60~~ in excess of the increase in final appropriation otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Lower Alloways Creek Township Committee hereby determines that any amount authorized herein above that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE BE IT ORDAINED, by the Lower Alloways Creek Township Committee of the Township of Lower Alloways Creek, in the County of Salem, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the Township of Lower Alloways Creek shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$ **185,006.60**, and that the CY 2013 municipal budget for the Township of Lower Alloways Creek be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriations in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within five (5) days introduction; and

Public Hearing on this Ordinance shall be on Tuesday, April 16, 2013 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 March 19, 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.

The motion to introduce for first reading Ordinance 2013-03 an Ordinance to exceed the Municipal Budget Appropriations Limit and to establish a CAP Bank in accordance with N.J.S.A. 40A-45.14 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) to introduce the 2013 Budget in the amount of \$ 9,702,606.67.

**2013 BUDGET RESOLUTION  
MUNICIPAL BUDGET OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK,  
COUNTY OF SALEM, FOR THE FISCAL YEAR 2013.**

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the Year 2013;

BE IT FURTHER RESOLVED that said Budget be published in the NEWS OF SOUTH JERSEY in the issue of April 6th, 2013.

THE GOVERNING BODY of the Township of Lower Alloways Creek does hereby approve the following as the Budget for the Year 2013.

Totals of Revenues and Appropriations being \$ 9,702,606.67

Nine million seven hundred fourteen thousand two hundred eighty-two dollars and 11 cents

A Hearing on the Budget and Tax Resolution will be held at the Municipal Building, on April 16, 2013 at 7:30 o'clock pm at which time and place, objections to said Budget and Tax Resolution for the year 2013 may be made by the taxpayers or other interested persons.

The motion for a resolution to introduce the 2013 Budget 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, Bradway) to introduce Ordinance 2013-04, an Ordinance Amending the Capital Budget of the Township of Lower Alloways Creek and authorizing Capital Appropriations in the amount of \$125,000.00, to purchase Public Works Equipment and for improvements to Buildings & Grounds.

Mrs. Pompper asked why the Capital Budget had not been addressed in the regular 2013 Budget document. Mrs. Pompper stated that the Police Department needs radar units and computers, which should be addressed in the Capital budget. Mayor Breslin asked if an Ordinance was the

proper way to address these needs. The Clerk stated that Current Operating Budget can be used to either inform the public about future Capital items or appropriate Capital funds. The Committee has always appropriated through ordinances, which is a proper method and the most common method used.

Motion (Breslin, Bradway) to amend the motion for Ordinance 2013-04 to include an additional appropriation of \$25,000.000 for Police equipment, thereby bring the total appropriations to \$150,000.00.

The motion to amend the original motion for Ordinance 2013-04, to include an additional appropriation of \$25,000.000 for Police equipment, thereby bring the total appropriations to \$150,000.00 passed a vote of the Township Committee as follows: 5-0

Motion (Palombo, Bradway) to introduce Ordinance 2013-04 as amended, an Ordinance Amending the Capital Budget of the Township of Lower Alloways Creek and authorizing Capital Appropriations in the amount of \$150,000.00, to purchase Public Works Equipment, Police Equipment and for improvements to Buildings & Grounds.

**TOWNSHIP OF LOWER ALLOWAYS CREEK  
ORDINANCE 2013-04**

AN ORDINANCE AMENDING THE CAPITAL BUDGET OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK AND AUTHORIZING CAPITAL APPROPRIATIONS IN THE AMOUNT OF \$ **150,000.00** FOR THE PURPOSES OF PURCHASING PUBLIC WORKS EQUIPMENT, POLICE EQUIPMENT AND IMPROVEMENTS TO BUILDINGS AND GROUNDS

BE IT ORDAINED BY THE, Township Committee of the Township of Lower Alloways Creek (not less than two-thirds of all the members thereof affirmatively concurring) as follows:

Section 1. **\$ 75,000.00** (seventy-five thousand dollars) is hereby appropriated from the Capital Improvement Fund for purpose of purchasing Public Works Equipment. [C-04-55-168-000]

Section 2. **\$ 50,000.00** (fifty thousand dollars) is hereby appropriated from the Capital Improvement Fund for the purpose of Improvements to Buildings and Grounds and hereby added to previous appropriations under Ordinance 2011-03 (\$75,000.00). [C-04-55-163-000]

Section 3. **\$ 25,000.00** (Twenty-five thousand dollars) is hereby appropriated from the Capital Improvement Fund for the purpose of purchasing Police Equipment. [C-04-55-169-000]

Section 4. The capital budget of the Township of Lower Alloways Creek is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistencies herewith. Detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services shall be on file with the Clerk and available there for public inspection.

Section 5. This ordinance shall take effect as provided by the law.

Public Hearing on this Ordinance shall be on April 16, 2013 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 March 19, 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.

The motion to introduce for first reading Ordinance 2013-04 an Ordinance Amending the Capital Budget of the Township of Lower Alloways Creek and authorizing Capital Appropriations in the amount of \$150,000.00 to purchase Police Equipment and Public Works Equipment and for improvements to Buildings & Grounds 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 (Venable, Bradway) to introduce Ordinance 2013-05, an Ordinance to amend Chapter 138 known as “Streets and Sidewalks”.

**ORDINANCE 2013-05**

**AN ORDINANCE AMENDING CHAPTER 138 KNOWN AS “STREETS AND SIDEWALKS”;  
ESTABLISHING PROCEDURES REGARDING THE PLACEMENT, REPLACEMENT OR  
REMOVAL OF PUBLIC UTILITY POLES OR UNDERGROUND FACILITIES PURSUANT TO  
THE AUTHORITY PROVIDED IN N.J.S.A. 48:3-17a**

Be it ordained by the Township Committee of the Township of Lower Alloways Creek, as follows:

Section 1. The Lower Alloways Creek Township Code Chapter 138 known as “Streets & Sidewalks”, is hereby amended by to include the following Article VI:

**ARTICLE VI**

**PUBLIC UTILITY POLES AND UNDERGROUND FACILITIES**

**§138 – 21 Notification required**

Before a public utility places, replaces or removes a pole or an underground facility located in the Township of Lower Alloways Creek, the public utility shall notify both the municipal Engineer and the Municipal Code Official in writing, which may be by Fax or e-Mail, at least, but not less than 24 hours before undertaking any excavation related to the replacement or removal of the utility pole or underground facility, which pole or underground facility is used for the supplying and distribution of electricity for light, heat or power, or for the furnishing of water service or telephone or other telecommunications service on or below a public right of way in the Township. The Township Committee of the Township of Lower Alloways Creek shall notify any public utility that provides service in the Township of the application of the provisions of this ordinance.

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Rev Ord Supp 12/08

138-22

**LOWER ALLOWAYS CREEK CODE**

**§138-22 Restoration of property**

After completing the placement, replacement or removal of a pole or an underground facility pursuant to this ordinance, the public utility shall remove from such right of way any pole or underground facility no longer in use as well as any other debris created from such placement, replacement or removal and restore the property including, but not limited to, the installation of a hot patch as needed to restore the property within the right of way to its previous condition as much as possible.

**§138-23 Definitions**

- a. For the purposes of this section, "pole" means, in addition to its commonly accepted meaning, any wires or cable connected thereto, and any replacements therefor which are similar in construction and use.
- b. For the purposes of this section, "underground facility" means one or more underground pipes, cables, wires, lines or other structures used for the supplying and distribution of electricity for light, heat or power or for the providing of water service, or for the furnishing of telephone or other telecommunications service.
- c. As used in this section, "hot patch" means the installation of a mixture of asphalt to restore property within the right of way to its previous condition subsequent to the construction or excavation of a site required for the placement, replacement of a pole or an underground facility pursuant to this section.

**§138-24 Penalties**

In the event a public utility does not meet the requirements of subsection 138-22 of this section concerning the removal of debris and the restoring of property including, but not limited to, the installation of a hot patch, within a right of way to its previous condition within 90 days of placement, replacement or removal of a pole or an underground facility, said public utility will be fined up to an amount not to exceed \$100 each day until the requirements of subsection 138-22 are met, except that if the public utility is unable to complete the installation of a hot patch due to the unavailability of asphalt material during the period of time from November through April, the public utility shall not be required to complete the hot patch installation until 60 days immediately following the end of the November through April period. At least five business days prior to the end of the 90-day period established by this subsection, the municipality shall notify the public utility that the penalties authorized by this subsection shall begin to be assessed against the utility after the end of the 90-day period unless the utility complies with the requirements of subsection 138-22 of this section. Any penalty imposed shall be collected or enforced in a summary manner, without a jury, in any court of competent jurisdiction according to the procedure provided by "The Penalty Enforcement Law of 1999," N.J.S.A. 2A:58-10 et seq.). The Superior Court and municipal court shall have jurisdiction to enforce the provisions of this section. In the case of removal or replacement of a pole or an underground facility utilized by two or more public utilities, the public utility last removing its pipes, cables, wires, lines or other structures shall be liable for the removal and restoration required under subsection 138-22 of this section, unless a written agreement between the public utilities provides otherwise.

**§138-25 Exceptions**

Under emergency conditions which significantly impact the placement of a pole or underground facility resulting from natural forces or human activities beyond the control of the public utility, or which pose an imminent or existing threat of loss of electrical, water, power, telephone, or other telecommunication service, or which pose an imminent or existing threat to the safety and security of persons or property, or both, or which require immediate action by a public utility to prevent bodily harm or substantial property damage from occurring, the provisions of subsection 138-21 of this section shall not apply when a public utility undertakes any construction or excavation related to the placement, replacement or removal of a pole or an underground facility in response to such an emergency, provided that the public utility undertaking such construction or excavation notifies the Municipal Engineer and the Municipal Code Official of Lower Alloways Creek at the earliest reasonable opportunity and that all reasonable efforts are taken by the public utility to comply with

the removal and restoration requirements of subsection 138-22 of this section after responding to the emergency.

Section 2. This ordinance shall take effect as provided by the law.

Public Hearing on this Ordinance shall be on April 16, 2013 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 March 19, 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.

The motion to introduce for first reading Ordinance 2013-05 an Ordinance to amend Chapter 138 known as "Streets and Sidewalks" passed a vote of the Township Committee as follows: 5-0

Ayes: Venable, Bradway, Palombo, Pompper and Breslin

Nays: none Abstain: none Absent: none

### **ORDINANCE (PUBLIC HEARING)**

**Ordinance 2013-02** An ordinance amending section 5.07 known as "Conditional Uses" of the Land Use Code of the Township of Lower Alloways Creek.

Mayor Breslin opened the meeting to a Public Hearing on Ordinance 2013-02

No one from the Public had any comments.

Mayor Breslin closed the Public Hearing on Ord 2013-02

Mayor Breslin stated his concerns about this ordinance, being, that it completely removes all references to Nuclear waste, both fuel and Low Level waste. Mayor Breslin feels some reference to low level waste may need to remain. Mr. Rosenberger stated that he has not made himself completely familiar with the federal regulations regarding this issue, but is confident in Mr. Ziegler's opinion as solicitor for the Planning Board. Mayor Breslin would like an opportunity to speak with Mr. Ziegler on this issue before continuing with adoption.

Motion (Pompper, Breslin) to table the adoption of Ordinance 2013-02.

The motion to table the adoption of Ordinance 2013-02 passed a vote of the Township Committee: 5-0

### **OLD BUSINESS: None**

### **NEW BUSINESS:**

Motion (Palombo, Venable) to approve the purchase installation of new carpet and vinyl flooring in Unit C-18 by Kennedy Floorcovering at a cost of \$ 2,920.00.

The motion to approve the purchase installation of new carpet and vinyl flooring in Unit C-18 by Kennedy Floorcovering at a cost of \$ 2,920.00 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, Bradway) to approve the purchase & installation of fencing around the solar panels at the Municipal Building, by Burger Fence Company at a cost of \$ 14,100.00.

Mayor Breslin stated he has considered this project and would recommend adding two more vehicle gates for better access to the area.

Motion (Breslin, Palombo) to amend the motion as follows: to approve the purchase & installation of fencing around the solar panels at the Municipal Building, including three vehicle gates, by Burger Fence Company at a cost not to exceed \$ 15,000.00.

The motion for the amendment to the motion passed 5-0

Motion (Palombo, Bradway) for the amended motion, to approve the purchase & installation of fencing around the solar panels at the Municipal Building, including three vehicle gates, by Burger Fence Company at a cost not to exceed \$ 15,000.00.

The motion to approve the motion, to approve the purchase & installation of fencing around the solar panels at the Municipal Building, including three vehicle gates, by Burger Fence Company at a cost not to exceed \$ 15,000.00 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 (Breslin, Bradway) to authorize the paving of a basketball court in the municipal grounds park at a cost not to exceed \$10,800.00.

The motion to authorize the paving of a basketball court in the municipal grounds park at a cost not to exceed \$10,800.00 passed a vote of the Committee as follows: 5-0

Ayes: Breslin Bradway, Palombo, Pompper and Venable

Nays: none Abstain: none Absent: none

Motion (Pompper, Palombo) to acknowledge the resignation of Patricia Willis from the Green Team.

The motion to acknowledge the resignation of Patricia Willis from the Green Team passed a vote of the Committee: 5-0

Ayes: Pompper, Palombo, Bradway, Venable and Breslin

Nays: none Abstain: none Absent: none

## **CORRESPONDENCE**

The Clerk read a letter from the Third District Legislative Office requesting use of the Municipal Building in May for an opportunity, for the public to come and ask questions of, or seek help from the Third District Legislators or their staff. The Committee consented to the buildings use for this function.

The Clerk read a letter regarding a meeting to be held March 28 in Downe Township, Cumberland County where representatives from New Jersey State agencies and the Governor's Cabinet will be available to help the public with problems or concerns regarding recovery from Hurricane Sandy.

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

### **Public Safety**

Mr. Sowers informed the Township Committee that the new Police Interceptor was now in use. Mr. Sowers also stated that the Police Department will be receiving a trailer from PSEG, for use at the range (store equipment, possible classroom).

Mr. Sowers stated that the new Part –Time Officer, Tim Williams is doing well.

Mr. Sowers stated that he would like to purchase two new radar units for the patrol cars and that funds from a grant (Drunk Driving) we have now, are available to purchase these radar units.

Mr. Venable commented on a letter he had been given by a resident of Leisure Arms, requesting that they receive free rent, equal to the value of renovations done by them recently. Many Committee persons commented that it is clearly stated when alterations are approved, that it will be at the expense of the tenant.

### **Public Works**

Mr. Lynch stated that there had been a meeting with Mr. Carpino of All Solar, LLC on the status of the Solar Project. The panels at the kitchen are ready to be turned on, all the electrical work is done and we are now waiting for Atlantic City Electric to complete the meter change. The panels are up for the Ambulance squad, the other half of that support structure is for the PW Garage.

### **Fire Company**

Mr. Hinchman asked if there could be training for the Fire Department to know how to shutdown or handle the Solar Panels if needed. Mr. Lynch stated that he would see to it that some type of training is done.

Mr. Venable, Mr. Palombo and Mr. Bradway had no reports.

Mrs. Pompper thanked Rob Hill and Dan Mitchell of the Public Works Department for helping out at the Cabin each Month, they are most helpful. In addition Mrs. Pompper added that Virginia Finlaw donated ledger books from an old store in Canton, many prominent area names appear in the books.

Mayor Breslin reported that the Alloway Creek Bank was almost complete; there is some soil to be added and grass seeding. Mayor Breslin asked that the Committee read the March Engineer's Report regarding the progress and procedure for the additional 500 foot.

**PUBLIC COMMENT** No one from the public expressed a desire to make any Comments.

### **CLOSED SESSION**

Motion (Palombo, Breslin) to convene into a Closed Session of Business 8:35 pm

### **RESOLUTION 2013- 52 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. Personnel – Seasonal Workers - Grievance
- B. Litigation -

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

- A. At such time the matter is concluded
- B. 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 twenty (20) 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: Palombo, Breslin, Bradway, Pompper and Venable  
Nays: none      Abstain: none      Absent: none

Motion (Bradway, Venable) to come out of the Closed Session of business. 8:55 pm

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

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

### **BUSINESS AFTER CLOSED SESSION**

Motion (Palombo, Bradway) to accept the recommendation of Elizabeth Garcia, Labor Counsel with respect to an employee discipline matter.

The motion to accept the recommendation of Labor Counsel with respect to an employee discipline matter passed a vote of the Township Committee as follows: 4-1

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

Motion (Palombo, Bradway) for Resolution 2013-53, a resolution to offer employment as Seasonal Workers for the Public Works Department at the rate of \$10.00 / hr to Andrew Breslin, Daniel Breslin, Dylan Rush, Daniel Sheets and Edward Stetser.

### **RESOLUTION 2013-53**

**A RESOLUTION TO OFFER EMPLOYMENT TO FIVE (5) TEMPORARY SEASONAL EMPLOYEES FOR THE PUBLIC WORKS DEPARTMENT OF LOWER ALLOWAYS CREEK**

WHEREAS, the Public Works Department of the Township of Lower Alloways Creek Township has asked that FIVE (5) Temporary Summer Workers be hired to fill a need for seasonal help, and;

WHEREAS, the Superintendent of Public Works and or the Public Works Foreman have recommended applicants for said position and presented a recommendation to the Township Committee as to their desire, who be hired as Temporary Summer Workers.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of

Lower Alloways Creek that the following persons be offered employment as Temporary Summer Workers for the Public Works Department at the rate of \$10.00 / hr:

Andrew Breslin, Daniel Breslin, Daniel M. Sheets  
Dylan Rush and Edward Stetser

BE IT FURTHER RESOLVED that the above, be hired under the following conditions:

1. Term of Hire is from April 1, 2013 through September 1, 2013
2. The applicants are aware that this is a part-time as needed position and that, hours per day or week will vary and no set time or schedule is guaranteed.
3. The applicant must pass a physical exam by the Township Physician.
4. The applicant must pass a drug test administered at a Township approved facility.
5. The applicant will acquire approved work shoes before employment at the Township's expense.
6. The employee will report when and where the Superintendent of Public Works and or the Public Works Foreman do so instruct each work day.
7. If the employee leaves the employment of the Township before September 1, 2013 they will have the cost of shoes purchased for them by the Township deducted from their last check, unless the applicant leaves for enrollment in an educational facility.
8. All potential Seasonal Workers will be subject to reference and back round checks prior to employment.

The motion for Resolution 2013-53 passed a vote of the Township Committee as follows: 4-0-1

Ayes: Palombo, Bradway, Pompper and Venable

Nays: none Abstain: Breslin Absent: none

**ADJOURNMENT**

Motion (Venable, Palombo) to adjourn the meeting at 9:00 p.m.

The motion to adjourn the meeting passed unanimously.

Minutes of the March 19, 2013 Meeting were approved at a meeting held April 16, 2013

ATTEST:

LOWER ALLOWAYS CREEK TOWNSHIP

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

By: \_\_\_\_\_  
Mayor, Robert F. Breslin III