

**MINUTES OF A REGULAR MEETING OF THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK HELD SEPTEMBER 17, 2013**

A Regular Meeting of the Lower Alloways Creek Township Committee was held on September 17, 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 -17- (seventeen) members of the Public and Jack Lynch, Public Works Superintendant; David Sowers, Director of Public Safety and the Township Clerk Ronald L Campbell Sr.

APPROVAL OF AUDITED VOUCHERS

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

Nays: none Abstain: none Absent: none

MONTHLY REPORTS TO THE COMMITTEE

The Mayor requested that the minutes reflect that the August 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; in addition the July report of the Animal Control Officer.

APPROVAL OF THE MINUTES

Motion (Bradway, Palombo) to approve the minutes of the August 20, 2013 Regular Township Committee Meeting and the August 20, 2013 Closed Session Meeting Minutes.

The motion to approve the minutes of the August 20, 2013 Regular Township Committee Meeting and the August 20, 2013 Closed Session Meeting Minutes passed a vote of the Township Committee as follows: 5-0

Ayes: Bradway, Palombo, Pompper, Venable and Breslin

Nays: none Abstain: none Absent: none

PUBLIC COMMENT ON AGENDA ITEMS

A resident spoke regarding debris that has been in front of Leisure Arms Unit A-4 for several days, consisting of boards with nails sticking out in the pile. Mayor Breslin directed Mr. Lynch with looking into this and removing said items if found.

RESOLUTIONS

Motion (Palombo, Bradway) for Resolution 2013-85, A Resolution awarding a contract to Autocon, Inc. for HVAC Services from October 1, 2013 through September 30, 2015.

RESOLUTION 2013-85
AWARDING A CONTRACT TO AUTOCON, INC. FOR HVAC SERVICES FROM
OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2015

WHEREAS, the Township of Lower Alloways Creek has need of HVAC Services and;

WHEREAS, the Township had previously authorized the Purchasing Agent to advertise such specifications necessary to receive bids for such services, and;

WHEREAS bids have been received and opened at the advertised date and time, and;

WHEREAS, AUTOCON, INC. of PENNSVILLE, New Jersey submitted the lowest bid at \$82.51/hr Blended Rate for the entire length of the two (2) year contracting period, and;

WHEREAS, the Chief Financial Officer has provided a certification of availability of funds in the amount of \$25,000.00 for the 2013 Budget (account # 13-01-26-310-216) and certifies the remainder of the contract amount will be appropriated in succeeding years as necessary (account # *-01-26-310-216), and;

WHEREAS, the Superintendent of Public Works and Purchasing Agent of the Township are recommending the contract be awarded to Autocon, Inc.

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of Lower Alloways Creek does hereby award a two (2) year contract to Autocon, Inc. of Pennsville, New Jersey to provide HVAC Services from October 1, 2013 through September 30, 2015 to the Township.

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

The motion for Resolution 2013-85 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 (Pompper, Palombo) for Resolution 2013-86, A Resolution awarding a contract to J & N Farms, LLC for the lease of Township Land for farming purposes.

RESOLUTION 2013-86
AWARDING A CONTRACT TO J & N FARMS, LLC FOR THE LEASE OF TOWNSHIP
LAND FOR FARMING PURPOSES FROM JANUARY 1, 2014 THROUGH DECEMBER 31,
2016

WHEREAS, the Township of Lower Alloways Creek desires to lease certain public property for farming purposes and;

WHEREAS, the Township had previously authorized the Purchasing Agent to advertise such specifications necessary to receive bids for such farm ground lease, and;

WHEREAS bids have been received and opened at the advertised date and time, and;

WHEREAS, J & N Farms, LLC of Salem, New Jersey submitted the highest lease bid amount of \$4,142.20 for the entire length of the three (3) year contracting period, and;

WHEREAS, the Purchasing Agent of the Township is recommending a contract be awarded to J & N Farms, LLC.

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of Lower Alloways Creek does hereby award a three (3) year contract to J & N Farms, LLC of Salem, New Jersey to lease the public property describe below for farming purposes from January 1, 2013 through December 31, 2015 to the Township as follows:.

- A. Use of Property: the Tenant's use of the property is restricted exclusively to farmland use and no other use shall be permitted.
- B. Description of Property: The property that is the subject of this Lease is identified on the Lower Alloways Creek Township Tax Map as Block 16, Lot 22, consisting of approximately 12.80 acres, Block 19, Lot 9.01, consisting of approximately 1.85 acres and Block 19, Lot 9.02 consisting of approximately 2.61 acres (17.26 acres total more or less).
- C. Purpose: the Tenant shall use said leased premises for farming purposes only and shall plant a cover crop of at least two (2) bushels of barley or wheat per acre on the entire premises to germinate prior to the termination of the Lease. The Tenant shall have no right to harvest said cover crop or any growing crop from the property after December 31, 2016
- D. Entry by Landlord: the Landlord reserves the right to enter the premises during the term of the Lease to mow the ditches in such a manner as to not damage crops on the property.
- E. Exclusion from Lease: the site of the old creamery on said property shall be excluded from this Lease.

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

The motion for Resolution 2013-86 passed a vote of the Township Committee as follows: 5-0

Ayes: Pompper, Palombo, Bradway, Venable and Breslin

Nays: none Abstain: none Absent: none

Motion (Palombo, Bradway) for Resolution 2013-87, A Resolution approving the submittal of a grant application and executing a grant contract for the reconstruction of Alloway Creek Neck road Phase II.

RESOLUTION 2013-87

Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Reconstruction of Alloway Creek Neck Road Section II

NOW, THEREFORE, BE IT RESOLVED that Committee of the Township of Lower Alloways Creek formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2014-Lower Alloways Creek Township-00233** to the New Jersey Department of Transportation on behalf of Township of Lower Alloways Creek.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Lower Alloways Creek and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

The motion for Resolution 2013-87 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 (Pompper, Palombo) to introduce Ordinance 2013-11, an Ordinance to amend Section 4 and 8 of Chapter 1 known as “General Provisions” of the Code of the Township of Lower Alloways Creek.

ORDINANCE 2013-11

WHEREAS, the Lower Alloways Creek Township Committee has determined it is necessary and appropriate to amend sections §1-4 and §1-8 of Chapter 1 known as “General Provisions” of the Municipal Code of the Township of Lower Alloways Creek.

NOW, THEREFORE, BE IT ADOPTED by the Mayor and Township Committee of Lower Alloways Creek that §1-4 and §1-8 of the Township Code be revised to read as follows:

§ 1-4. Copy of Code to be on file.

A copy of the Code in loose-leaf form has been filed in the office of the Township Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the Township of Lower Alloways Creek by impressing thereon the Seal of the township, as provided by law; and such certified copy shall remain on file in the office of the Clerk of the township, to be made available to persons desiring to examine same during all times while the said Code is in effect and on the official website of the Township in an electronic format that is easily accessible by the general public

§ 1-8. Sale of Codebook.

Copies of the Code book containing the Code may be purchased from the Clerk as provided in the New Jersey Open Public Records Act upon the payment of a fee, ~~by resolution of the Township Committee, which may also arrange by resolution, for procedures for the periodic supplementation thereof, as authorized by the New Jersey Open Public Records Act.~~

THIS ORDINANCE shall take effect according to law after introduction, publication and passage by a majority of the Township Committee.

THIS ORDINANCE shall take effect according to law after introduction, publication and passage by a majority of the Township Committee.

This Ordinance, which was introduced for First Reading on September 17, 2013, shall be published by Title in the News of South Jersey and placed on the Township’s Website and Bulletin Board giving notice of said Public Hearing as required by Law.

Public Hearing on this Ordinance shall be on October 15, 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 2013-11, an Ordinance to amend Section 4 and 8 of Chapter 1 known as “General Provisions” of the Code of the Township of Lower Alloways Creek passed a vote of the Township Committee as follows: 5-0

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

OLD BUSINESS: Mayor Breslin stated that he had put in the Mayor's column of the Newsletter, about residents filling a complaint form with the Public Bureau of Utilities as they were experiencing problems in the phone service, which seems to be a major problem in parts of LAC. Mayor Breslin asked the Clerk to speak to Greenwich's and Stow Creek's effort to have their phone lines upgraded. The Clerk stated that residents had been complaining about the poor phone service and frequent loss of phone service due to the old copper lines that were still in use to provide the service. In addition Greenwich and Stow Creek have few choices in high speed internet services and none at either school building, because neither Township has the population density to support a cable franchise service like Comcast. The District Legislator heard about the complaints and took up the cause, which turned into a complaint being filed with the BPU. The BPU held a hearing and then issued a decision stating that Verizon had violated their State Telephone Franchise and has ordered them to provide both Townships with improved phone service and the ability to connect to Verizon's FIOS system. In addition, Verizon is building a Cell Tower in Stow Creek to boost cell phone connectivity as well.

Mayor Breslin stated that he had a recent conversation with the clerk regarding the contract which was approved about one year ago with Wireless Edge, Inc. to secure cell phone providers and build towers. The clerk has reviewed those contracts and found that they have not sent to the township the required fee, nor have they informed us of any request to renew this agreement, which they were required to do. Therefore they are in violation of that agreement and it is void. Mayor Breslin would like to redo this contract or find a better approach to secure a cell tower in the township and have something for next month's meeting.

NEW BUSINESS:

Motion (Bradway, Palombo) to support the effort to preserve 44.7 acres of farmland known as Block 2 Lot 2, under the provisions outlined by the State Agriculture Development Committee.

The motion support the effort to preserve 44.7 acres of farmland known as Block 2 Lot 2 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) to approve the testing of Heating, Diesel & Gasoline lines & piping by ATS Environmental Services at a cost of \$ 3,200.00.

The motion to approve the testing of Heating, Diesel & Gasoline lines & piping by ATS Environmental Services at a cost of \$ 3,200.00 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, Venable) to approve the overnight stay and attendance at the NJSLOM Conference (November 19 – 21) for Ellen Pompper, (19 & 20), Jeffrey Palombo (19 & 20), Lewis Fogg (20-21), Ronald Campbell (19-20) and the one day attendance of Kevin Clour (21)

The motion to approve the overnight stay and attendance at the NJSLOM Conference for Ellen Pompper, (19 & 20), Jeffrey Palombo (19 & 20), Lewis Fogg (20-21), Ronald Campbell (19-20) and the one day attendance of Kevin Clour (21) passed a vote of the Township Committee as follows: 5-0

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

Motion (Palombo, Bradway) to approve the attendance of Lance Kaufmann to a one-day Recycling Course "Best Management Practices for County and Municipal Recycling Centers" in Hamilton, NJ, Oct

10, 2013

The motion to approve the attendance of Lance Kaufmann to a one-day Recycling Course “Best Management Practices for County and Municipal Recycling Centers” in Hamilton, NJ, Oct 10, 2013 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, Venable) to approve the abandonment of Leisure Arms Well #1 per NJDEP specifications (cut below grade, Cap & Fill out and submit proper paperwork to NJDEP) at a cost not to exceed \$ 4,800.00

The motion to approve the abandonment of Leisure Arms Well #1 per NJDEP specifications (cut below grade, Cap & Fill out and submit proper paperwork to NJDEP) at a cost not to exceed \$ 4,800.00 passed a vote of the Township Committee as follows: 5-0

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

CORRESPONDENCE

Mayor Breslin read letters from the Hancocks House staff thanking the LAC Public Works Dept for helping them, by spreading shells on their walkways.

Mayor Breslin read a letter from C Kite thanking the Township Committee for his scholarship to Salem Community College.

Mayor Breslin also read an invitation received to all the Committee, to an up coming Salem County Historical Dinner.

REPORTS TO THE COMMITTEE & COMMITTEE REPORTS

LAC Fire Company: No Report

Animal Control: No Report

Public Works: Mr. Lynch reported that the Park Basketball court has been paved and that the walking pathway will be paved in the coming weeks.

Public Safety: Mr. Sowers reported that he has been working on the New Vehicle specs and that there will be traffic details for the fall PSEG outage. Mr. Sowers reported that the LAC PD will have a presence at this year’s Truck or Treat Halloween event.

PUBLIC COMMENT

A resident asked that the Committee do something about several properties that have become overgrown, one on Main St., Hancocks Bridge and another on Harmersville Road.

Harold Mitchell wanted to know why the Township recently put in place that seniors had to sign-in at the Leisure Arms Lunch Program and why there is now a cash register. Mr. Mitchell does not think this is necessary and will be of no good use. The Mayor and other Committee members stated that there needs to be a better accounting of how many attend the lunch program each day and their guests and this is why this has been done.

Mr. J Boggs of Stow Creek Twp spoke about Greenwich and Stow Creek Townships’ effort to get more reliable phone service and high speed internet. Mr. Boggs stated that there was a provision in a 1990’s Telephone Act that called for the increase in user fees by the telephone company, which were to be used to upgrade the entire State to a system that was capable of 40

KB per second up and download simultaneously. Mr. Boggs stated that the current copper wire system is not capable of this speed and the additional fees were to pay for the line upgrades needed. Mr. Boggs stated that there is an estimate that Bell Atlantic / Verizon has received about \$4000.00 in fees from every household since the 90's to do these upgrades. There is an effort by Verizon to be relieved of this obligation. Mr. Boggs feels that Verizon is doing the upgrades in Greenwich and Stow Creek to keep quit any further obligations they do not want to do. Mr. Boggs credits residents, filling out the PBU complaint form for getting the ball rolling in those two Townships.

Mayor Breslin encourages everyone to fill out a complaint form if they are experiencing trouble with their phone service.

Motion (Breslin, Palombo) for Resolution 2013-88 A Resolution to accept the highest bids on the three Township properties, to reject a tie bid for the sale of Township property not needed for public use.

RESOLUTION 2013- 88
RESOLUTION OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK, COUNTY OF
SALEM, STATE OF NEW JERSEY, AWARDED THE BIDS FOR THE SALE OF
REAL PROPERTY NOT NEEDED FOR PUBLIC USE AS PROVIDED IN N.J.S.A.
40A:12-13

WHEREAS, the Township of Lower Alloways Creek did authorize and receive bids for real property not needed for public use; and

WHEREAS, the following were the highest bidders for certain properties not needed for public use:

Block 5	Lot 2	approx 16.52 acres, Wetlands
	Hope Creek Farm	\$ 1,050.00
	C/O Eric Peterson	
	119 E Athens Lane,	
	Ardmore, PA 19003	
Block 51	Lot 13.02	substandard lot, approx 144 by 146
	Don Hinchman Jr	\$ 500.00
	PO Box 251	
	Hancocks Bridge, NJ 08038	
Block 53	Lot 11.01	substandard lot, approx 45 by 165, SFD
	Cathy O'Hara	\$ 5,010.00
	935 Main St – Canton	
	Salem, NJ 08079	

NOW THEREFORE BE IT RESOLVED that, the Township Committee of the Township of Lower Alloways Creek does hereby accept the bids as listed for the sale of real property not needed for public use and does hereby award the bids as listed herein.

BE IT FURTHER RESOLVED that Block 29, Lot 17.02 received two identical bids of \$300.00 and that the Township Committee rejects both bids and shall authorize the rebidding this property.

AND BE IT FURTHER RESOLVED that Block 57, Lot 2 received no bids and that the Township Committee shall authorize the rebidding this lot.

The motion to accept the highest bids on the three Township properties, to reject a tie bid for the sale of Township property not needed for public use for Resolution 2013-88 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 (Breslin, Palombo) for Resolution 2013-89 A Resolution to authorize bid sale of Township property not needed for public use.

RESOLUTION 2013- 89

RESOLUTION OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK, COUNTY OF SALEM, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF REAL PROPERTY NOT NEEDED FOR PUBLIC USE AS PROVIDED IN N.J.S.A. 40A:12-13, WHICH LANDS ARE IDENTIFIED AS BLOCK 29, LOT 17.02 AND BLOCK 57, LOT 2 ON THE LOWER ALLOWAYS CREEK TOWNSHIP TAX MAP.

WHEREAS, the Township Committee of the Township of Lower Alloways Creek did authorize on August 20, 2013 and then receive bids for real property not needed for public use on September 13, 2013; and

WHEREAS, the Township Committee of the Township of Lower Alloways Creek desires to rebid two properties that were included in that bid sale, Block 29, Lot 17.02 which received two identical bids which were rejected by the Township Committee and Block 57, Lot 2 which received no bids; and

WHEREAS, the Township of Lower Alloways Creek currently holds title to real property known as Block 29, Lot 17.02 and Block 57, Lot 2; and

WHEREAS, the Lower Alloways Creek Township Committee has determined that said properties are no longer needed for public purposes and should be offered for sale to the highest bidder at public auction: and

WHEREAS, said sale will be for all the Township's right, title and interest in accordance with the following terms and conditions, which shall be published in a public notice in accordance with N.J.S.A. 40A12-13:

- A. There shall be no minimum bid price. The Township Committee will review all bids for each parcel. Upon completion of the bidding, the highest bid for each parcel may be accepted or each bid, including the highest bid, may be rejected by the Township Committee at a regularly scheduled Monthly Township Committee Meeting.
- B. All bids shall be received in sealed envelopes accompanied with a certified check for ten percent (10%) of the bid price, which bids shall be received on or before 11:00 a.m. on October 11, 2013 in the office of the Lower Alloways Creek Township Clerk, 501 Locust Island Road, Hancocks Bridge, New Jersey 08038.
- C. The sale and conveyance hereunder shall be subject to all covenants, conditions, easements and restrictions of record and shall be subject to all present and existing

municipal rules, regulations and ordinances, including the zoning ordinance and amendments thereto. The sale of said parcels shall in no way bind the Township to make any improvements including access or utility installations to the property.

- D. The form of conveyance of said lands by the Township shall be by Municipal Bargain and Sale Deed based upon full payment received by the Township within ten (10) days of the successful bidder having been noticed of the Township's acceptance of said bid.
- E. The Township makes no representation as to the marketability or insurability of title to the parcels. In the event that title to any parcel is not marketable or insurable at regular rates by a reputable title insurance company licensed to do business within the State of New Jersey, the successful bidder's sole remedy shall be the right to the return of any deposit previously paid to the Township without interest. There shall be no refund after the deed has been delivered to and accepted by the buyer.
- F. The cost for recording, transfer fees and such title search and/or insurance as the successful bidder may desire shall be borne by the bidder.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lower Alloways Creek, County of Salem and State of New Jersey as follows:

1. That the Township hereby authorizes the sale of:

Block 29	Lot 17.02	substandard lot, approx 30 by 92
Block 57	Lot 2	substandard lot, approx 70 by 114, SFD

at public auction sale with no minimum sale price.
2. All terms of sale set forth in the preamble of this resolution are hereby adopted.
3. Upon the adoption of the within resolution, the Township Clerk is authorized to publish the required notice as provided in N.J.S.A. 40A:12-13 and post same on the township bulletin board and township website.
4. The Township Solicitor is authorized to prepare deeds and associated paperwork for the subject properties and to incur such expenses and provide such professional services as may be required to obtain title information necessary to transfer title and review the notice to be published and posted by the Township Clerk.
5. The Township Clerk shall obtain proof of publication as required in N.J.S.A. 40A:12-13 and sign a certification or affidavit verifying the publication of the required advertisements and shall cause said certification or affidavit to be filed with the Director of the Division of Local Government Services in the Department of Community Affairs.

The motion for Resolution 2013-89 passed to authorize a bid sale of public property not needed for public use 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 (Bradway, Venable) to adjourn the meeting at 8:35 p.m.
The motion to adjourn the meeting passed unanimously.

Minutes of the September 17, 2013 Meeting were approved at a meeting held October 15, 2013

ATTEST:

LOWER ALLOWAYS CREEK TOWNSHIP

Ronald L Campbell Sr. Clerk

By: _____
Mayor, Robert F. Breslin III