

**MINUTES OF THE REGULAR MONTHLY MEETING OF THE TOWNSHIP COMMITTEE  
OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK HELD AUGUST 18, 2020**

A Regular Meeting of the Lower Alloways Creek Township Committee was held on August 18, 2020 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 the Annual Notice which was filed with the Lower Alloways Creek Township Clerk, forwarded to the South Jersey Times 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. Bradway, Mr. Collier, Mr. Palombo, Mr. Venable and Mayor Pompper

Absent: none

**OTHERS IN ATTENDANCE**

Also in attendance were four- (4) members of the public including, Lewis Fogg; Superintendent of Public Works; Police Chief Richard Venable; Fire Chief, Steve Fisher; Solicitor, Linwood Donelson III and Township Clerk Ronald L Campbell Sr.

**PAYMENT 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, Collier, Palombo and Pompper

Nays: none    Abstain: none    Absent: none

**REPORTS TO THE COMMITTEE**

The Mayor requested that the minutes reflect that the July 2020 Monthly reports to the Township Committee have been received from the following Departments and are on file with the Clerk: Construction Office, Engineer, Finance, Municipal Court, Police Department, Public Works, Sewer and Tax Collector.

**MINUTES**

Motion (Venable, Bradway) to approve the Regular Monthly Meeting and Closed Session Minutes of the Township Committee Meeting held on July 21, 2020.

The motion to approve the Regular Monthly Meeting and Closed Session Minutes of the Township Committee Meeting held on July 21, 2020 passed a vote of the Township Committee as follows: 5-0

Ayes: Venable, Bradway, Collier, Palombo and Pompper

Nays: none    Abstain: none    Absent: none

## RESOLUTIONS

Motion (Venable, Bradway) for Resolution 2020- 48, a Resolution to approve the auction sale of Township property no longer needed for public use.

### **RESOLUTION 2020-48**

#### **A RESOLUTION TO AUTHORIZE THE SALE OF SURPLUS PUBLIC PROPERTY ITEMS AT GOVDEALS.COM ONLINE AUCTION.**

WHEREAS, The Township of Lower Alloways Creek has surplus public property items, which it no longer has need of for public service; and,

WHEREAS, N.J.S.A. 40A 11-36 authorizes municipalities to offer for sale, public property which is no longer needed for public service; and,

WHEREAS, the Township Committee does authorize the following items:

1 – 2006 - Kubota ZD20F Zero Turn Mower, with a sixty inch deck, gearbox is bad

1 – Woods RD7200, Three Point Hitch, PTO Driven Finishing Mower

1 - North Star Hot Water Pressure Washer, does not work

be offered for auction online through Govdeals.com whose headquarters are located in Montgomery Alabama, pursuant to New Jersey Public Property Laws and Local Finance Notice 2008-09.

NOW, THEREFORE BE IT RESOLVED THAT the Township Committee of the Township of Lower Alloways Creek does authorize the sale of this surplus public property by online auction at Govdeals.com and does authorize the Purchasing Agent to negotiate with Govdeals.com as to the terms and conditions of their commission and any other particulars pertaining to the auction.

BE IT FURTHER RESOLVED that the terms and conditions of the online auction be available at the Municipal Clerk's Office and available through the auction website pursuant to Local Finance Notice 2008-09.

The motion for Resolution 2020- 48 to approve the auction sale of Township property no longer needed for public use passed a vote of the Township Committee as follows: 5-0

Ayes: Venable, Bradway, Collier, Palombo and Pompper

Nays: none Abstain: none Absent: none

Motion (Venable, Bradway) for Resolution 2020-49, a Resolution amending the Personnel Policies and Procedures Manual.

### **RESOLUTION 2020- 49**

#### **A Resolution Amending the Personnel Policies and Procedures Manual**

WHEREAS, it is the policy of Township of Lower Alloways Creek to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious

Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Township Committee of the Township of Lower Alloways Creek has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREBY, BE IT RESOLVED by the Township Committee of the Township of Lower Alloways Creek that the Personnel Policies and Procedures Manual is hereby amended in the following Sections to conform to current State laws:

Sick Leave Policy – Changes to be consistent with Current New Jersey Law

Family and Medical Leave Policy - Changes to be consistent with Current New Jersey Law

Domestic Violence Leave – Changes to be consistent with Current New Jersey Law

Equal Opportunity Policy – added the word “Compensation”

Protection and Safe Treatment of Minors – New Section

Policy Against Harassment in the Workplace, becomes, Policy Prohibiting Harassment in the Workplace - Change Solicitor information

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Township officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by Township employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Township Committee.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Township shall operate under the legal doctrine known as “employment at will.”

BE IT FURTHER RESOLVED that the Township Committee and all managerial/supervisory personnel are responsible for these employment practices. All managerial/supervisory personnel shall assist the Township Committee in the implementation of the policies and procedures in this manual.

The motion for Resolution 2020-49 amending the Personnel Policies and Procedures Manual passed a vote of the Township Committee as follows: 5-0

Ayes: Venable, Bradway, Collier, Palombo and Pompper

Nays: none Abstain: none Absent: none

**OLD BUSINESS** none

**NEW BUSINESS**

Motion (Venable, Bradway) to approve the testing of underground fuel lines by A.T.S. Environmental Services, LLC at a cost of \$ 4,100.00.

The motion to approve the testing of underground fuel lines by A.T.S. Environmental Services, LLC at a cost of \$ 4,100.00 was passed by a vote of the Township Committee as follows: 5-0

Ayes: Venable, Bradway, Collier, Palombo and Pompper

Nays: none Abstain: none Absent: none

Motion (Bradway, Collier) for Resolution 2020-50, a Resolution to renew the Township's Health Insurance Policies for the period September 1, 2020 through August 31, 2021 with Insurance Solutions, Inc.

#### **RESOLUTION 2020- 50**

A RESOLUTION TO RENEW THE TOWNSHIP OF LOWER ALLOWAYS CREEK'S HEALTH INSURANCE POLICIES INSURANCE POLICIES FOR THE PERIOD SEPTEMBER 1, 2020 THROUGH AUGUST 31, 2021 WITH INSURANCE SOLUTIONS, INC.

WHEREAS, the Township of Lower Alloways Creek has need of securing Health and Dental Insurance for its employees, and;

WHEREAS, Jason DeMarco of Insurance Solutions, Inc., the Township's Health Insurance agent of record has submitted for review a renewal Health Insurance package covering the period of September 1, 2020 through August 31, 2021, and;

WHEREAS, the Insurance Committee of the Township Committee has met with Jason DeMarco of Insurance Solutions, Inc. and is making a recommendation to the full Township Committee to renew the Health and Dental Insurance Policies of the Township.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lower Alloways Creek that the Township's Health Insurance Policies be hereby authorized for renewal, for the period of September 1, 2020 through August 31, 2021.

BE IT FURTHER RESOLVED that the Clerk notify the Township Purchasing Agent and Jason DeMarco of Insurance Solutions, Inc. of this action.

The motion for Resolution 2020-50 to renew the Township's Health Insurance Policies for the period September 1, 2020 through August 31, 2021 with Insurance Solutions, Inc. passed a vote of the Township Committee as follows: 5-0-0

Ayes: Bradway, Collier, Palombo, Venable and Pompper

Nays: none Abstain: none Absent: none

**CORRESPONDENCE:** All correspondence received has been distributed to the proper parties

## REPORTS TO THE COMMITTEE & COMMITTEE REPORTS:

### **Public Works:**

Superintendent Lewis Fogg spoke with the Committee about a home at Leisure Arms that the tenants are complaining that mold is in the home. Superintendent Lewis Fogg stated he contacted the Township's HVAC contractor and after inspecting the system and conditions, he concurred with the diagnosis that the substance that was on filters and ductwork surfaces was nicotine residue.

Superintendent Lewis Fogg stated that there is a problem with the ballfield lights and he will need to have them looked at, there is a possible shorted ballast which is causing the main breaker to trip and when that happens the LED sign out front loses power also.

Superintendent Lewis Fogg spoke with the Committee about the progress or lack thereof at the intersection of Main Street Canton and Friendship Road (Curbing).

The Public Works Department was going to replace the curbing for the County, when it was informed by the County that a "Drop Down" for handicapped access was required at that location, but it was our responsibility.

A resident at that location complained because he believed the "Drop Down" was and would be the cause of trucks running over his lawn and wants a full height curbing to stop trucks from running over his lawn.

### **Police Department:**

Chief Venable stated that a Part-Time Officer that he thought might be seeking employment with LAC, is instead seeking employment with the State Police.

Chief Venable stated that the Committee had approved the Department getting a new Server and computer equipment at budget time and now that the Department has switch Computer Maintenance Providers, he is now going to get a quote from them for the equipment and will be ready with a proposal in September.

### **Fire Department: no report**

### **Mayor and Committee Members**

Mayor Pompper stated that the Log Cabin will be open on September 20<sup>th</sup>, since everything mostly takes place outdoors, she sees no problem with starting the scheduled openings this fall.

### **PUBLIC COMMENT:**

A member of the public asked about the Wind Port and the Mayor told them that all the known information is available online at [nj.gov/windport](http://nj.gov/windport)

### **CLOSED SESSION**

Motion (Bradway, Collier) for a resolution to convene into a Closed Session of Business. (7:55 pm)

## **RESOLUTION 2020 - 51** **A RESOLUTION FOR A CLOSED SESSION**

WHEREAS, in order to protect personal privacy and to avoid situations wherein the public interest might be disserved, the Open Public Meetings Act permits public bodies to exclude the public from that portion of a meeting at which certain matters are discussed.

NOW THEREFORE 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 in accordance with 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.

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

1. Potential Litigation

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

1. 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 ten (10) minutes and there after the regular meeting would then reconvene and further business by the Committee would not take place at its conclusion.

The motion for a resolution to convene into a Closed Session of Business passed a vote of the Township Committee as follows: 5-0

Ayes: Bradway, Palombo, Collier, Venable and Pompper

Nays: none Abstain: none Absent: none

Motion (Bradway, Collier) to come out of Closed Session and return to Open Session business of the Committee.

The motion to come out of Closed Session and return to Open Session business of the Committee passed a vote of the Township Committee as follows: 5-0 (8:15 pm)

Ayes: Bradway, Collier, Palombo, Venable and Pompper

Nays: none Abstain: none Absent: none

**ADJOURNMENT**

Motion (Bradway, Collier) to adjourn the meeting at 8:16 p.m.

The motion to adjourn the meeting passed unanimously.

Minutes of the August 18, 2020 Meeting were approved at a Township Committee Meeting held September 15, 2020

ATTEST:

LOWER ALLOWAYS CREEK TOWNSHIP

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Ronald L Campbell Sr. Clerk

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Mayor, Ellen B. Pompper