

**MINUTES OF THE REGULAR MONTHLY MEETING OF THE TOWNSHIP COMMITTEE  
OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK HELD OCTOBER 18, 2022**

A Regular Meeting of the Lower Alloways Creek Township Committee was held on October 18, 2022 with Mayor Timothy W. Bradway 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 Bradway led in the Flag Salute

**ROLL CALL OF COMMITTEE**

Present: Mr. Collier, Mr. Crane, Mr. Palombo, Mr. Venable and Mayor Bradway

Absent: none

**OTHERS IN ATTENDANCE**

Also in attendance were 8-(eight) members of the public including Police Chief, Richard Venable, Jr.; Fire Chief, Steve Fisher; Solicitor, Linwood Donelson III and Township Clerk, Ronald L Campbell Sr.

**PAYMENT OF AUDITED VOUCHERS**

Motion (Venable, Collier) 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, Collier, Crane, Palombo and Bradway

Nays: none    Abstain: none    Absent: none

**REPORTS TO THE COMMITTEE**

The Mayor requested that the minutes reflect that the September 2022 Monthly reports to the Township Committee have been received from the following Departments and are on file with the Clerk: Construction Office, Engineer, Municipal Court, Police Department, Public Works, Sewer and Tax Collector.

**MINUTES**

Motion (Venable, Collier) to approve the Regular Meeting and Closed Session Minutes of the Township Committee Meeting held on September 20, 2022.

The motion to approve the Regular Meeting and Closed Session Minutes of the Township Committee Meeting held on September 20, 2022 passed a vote of the Township Committee as follows: 5-0

Ayes: Venable, Collier, Crane, Palombo, and Bradway

Nays: none    Abstain: none    Absent: none

## RESOLUTIONS

Motion (Venable, Collier) for Resolution 2022-89, a resolution authorizing the auction sale of items no longer needed for public use, using the Online Auction Site GovDeals.com.

### **RESOLUTION 2022- 89**

#### **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. Two Dell Laptop Computers E5-430 w/i5 and E5-440 w/i5

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 2022-89 authorizing the auction sale of items no longer needed for public use, using the Online Auction Site GovDeals.com passed a vote of the Township Committee as follows: 5-0

Ayes: Venable, Collier, Crane, Palombo and Bradway

Nays: none Abstain: none Absent: none

Motion (Palombo, Collier) for Resolution 2022-90, a Resolution authorizing a service adjustment for Jake Liddle.

### **RESOLUTION 2022-90**

#### **A RESOLUTION AUTHORIZING A SERVICE ADJUSTMENT FOR JAKE LIDDLE**

WHEREAS, Jake Liddle has requested a Service Adjustment to include his time served as a part time police officer; and,

WHEREAS, such service adjustments are permissible under Article 3 Salaries; section D. of the Police Contract; and

WHEREAS, his previous part time service has been determined to equal 1.24 years under the formula established by the Police Contract, and;

NOW THEREFORE BE IT RESOLVED, that Jake Liddle shall have added to his Full Time service as a Police Officer in the Township of Lower Alloways Creek an additional 1.24 (one point, two four) years as a service adjustment.

The motion for Resolution 2022-90 authorizing a service adjustment for Jake Liddle. passed a vote of the Township Committee as follows: 4-01

Ayes: Palombo, Collier, Crane and Bradway

Nays: none Abstain: Venable Absent: none

Motion (Venable, Collier) for Resolution 2022- 91, a Resolution authorizing an agreement with Scheule Planning Solutions, LLC for Master Plan Review services.

#### **RESOLUTION 2022-91**

#### **A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE TOWNSHIP OF LOWER ALLOWAYS CREEK AND SCHEULE PLANNING SOLUTIONS, LLC FOR MASTER PLAN REVIEW SERVICES.**

Whereas, the Township of Lower Alloways Creek recognizes the need and benefit to its residents to have the Master Plan reviewed at certain intervals, and;

WHEREAS, the Scheule Planning Solutions, LLC is a qualified to provide professional services for a Master Plan Review for the Township of Lower Alloways Creek, and;

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution authorizing the award of contract for "Extraordinary Unspecifiable Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the Township Attorney has certified that this award meets the statutes and regulations governing the award of Extraordinary Unspecifiable Services contracts.

WHEREAS, the Chief Financial Officer has or will provided a certification of availability of funds for the purpose of conducting a Master Plan Review

NOW THEREFORE BE IT RESOLVED by the Township of Lower Alloways Creek in the County of Salem, and the State of New Jersey that the Mayor and Clerk of the Township of Lower Alloways Creek are hereby authorized to enter into an agreement with Scheule Planning Solutions, LLC for Master Plan Review Services in an amount not to exceed \$17,475.00.

The motion for Resolution 2022-91 authorizing an agreement with Scheule Planning Solutions, LLC for Master Plan Review services passed a vote of the Township Committee as follows: 5-0

Ayes: Venable, Collier, Crane, Palombo and Bradway

Nays: none Abstain: none Absent: none

Motion (Venable, Collier) for Resolution 2022-92, a Resolution authorizing Transfers in the 2022 Current Budget Operating Fund in the amount of ten thousand dollars (\$ 10,000.00).

#### **RESOLUTION 2022-92**

#### **A RESOLUTION AUTHORIZING TRANSFERS IN THE 2022 BUDGET CURRENT OPERATING FUND IN THE AMOUNT OF TEN THOUSAND DOLLARS (\$ 10,00.00).**

WHEREAS, the Chief Financial Officer of the Township of Lower Alloways Creek has found it necessary to recommend that Transfers be made within the Current Operating Fund of

the 2022 Budget of the Township of Lower Alloways Creek on the 1<sup>st</sup> Day of November 2022 in the amount of ten thousand dollars (\$ 10,000.00) ; and,

WHEREAS, the State of New Jersey authorizes under N.J.S.A. 40A:4-58, the transforming of funds from one line item to another during the last two (2) months of the current budget fiscal year, by a resolution adopted by a two-thirds (2/3) vote of the full membership, except that no transfers may be made from an appropriation outside the CAP to an appropriation within the CAP; and,

WHEREAS, the Township Committee of the Township of Lower Alloways Creek does concur with the Chief Financial Officers recommendation to make such Transfers as follows:

TO :	
ENGINEERING O&E	\$ 1,000.00
PLANNING BOARD O&E	\$ 2,000.00
LEGAL SERVICES	\$ 2,000.00
PW GARAGE O&E	\$ 5,000.00
	<hr/>
TOTAL	\$ 10,000.00

FROM:	
DOG O&E	\$5,000.00
GROUP INSURANCE	\$5,000.00
	<hr/>
TOTAL	\$ 10,000.00

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 the 1<sup>st</sup> Day of November 2022 in accordance with N.J.S.A. 40A:4-58 in the 2022 Budget Current Operation fund as recommended in the amount of ten thousand dollars (\$ 10,000.00).

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

The motion for Resolution 2022-92 authorizing Transfers in the 2022 Current Budget Operating Fund in the amount of ten thousand dollars (\$ 10,000.00) passed a vote of the Township Committee as follows: 5-0

Ayes: Venable, Collier, Crane, Palombo and Bradway

Nays: none Abstain: none Absent: none

Motion (Crane, Palombo) for Resolution 2022-93, a Resolution in opposition to the reassignment by the New Jersey Department of Environmental Protection of all municipalities currently designated Tier B under the Municipal separate storm sewer system permit program to Tier A designation and expansion of Tier A permit conditions.

**TOWNSHIP OF LOWER ALLOWAYS CREEK  
RESOLUTION 2022-93**

**A RESOLUTION IN OPPOSITION TO THE REASSIGNMENT BY THE NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION OF ALL MUNICIPALITIES  
CURRENTLY DESIGNATED TIER B UNDER THE MUNICIPAL SEPARATE STORM  
SEWER SYSTEM PERMIT PROGRAM TO TIER A DESIGNATION AND  
EXPANSION OF TIER A PERMIT CONDITIONS.**

**WHEREAS**, the New Jersey Department of Environmental Protection (NJDEP) has undertaken efforts to reassign to 'Tier A' designation under the Municipal Separate Storm Sewer System Permit Program (MS4 Permit Program) all New Jersey Municipalities currently designated 'Tier B'; and

**WHEREAS**, compliance with the MS4 Permit Program for a Municipality designated Tier A is far more costly and more onerous than compliance for a Municipality designated Tier B; and

**WHEREAS**, under the existing designation system, the Tier B designation was specifically created for Municipalities that are located in more rural areas and non-coastal regions, while Tier A designation was created for Municipalities that are located within the more densely populated regions of the State or along or near the coast; and

**WHEREAS**, many Municipalities designated Tier B under the existing designation system simply do not have the resources to comply with Tier A designation; and

**WHEREAS**, the NJDEP, while attempting to reassign all Municipalities to Tier A, is simultaneously proposing to renew the Tier A MS4 General Permit to include additional conditions on municipal permit holders; and

**WHEREAS**, the NJDEP is asking current Tier B Municipalities to come into compliance with both existing Tier A requirements and a set of still unfinalized Tier A renewal requirements on practically the same schedule as existing Tier A Municipalities; and

**WHEREAS**, the State, however well intended in its actions, continues to saddle Municipalities with additional responsibilities through unfunded and underfunded mandates, putting additional burdens on property taxpayers; and

**WHEREAS**, the reassignment by the NJDEP to Tier A designation for all New Jersey Municipalities currently designated Tier B will result in a redistribution of these municipalities' limited resources, away from their crucial government functions; and

**WHEREAS**, Pilesgrove Township supports taking action to better protect and improve the quality of its own waterways, as well as waterways throughout the State but efforts to do so must be balanced against other critical needs with consideration for the limited resources of Municipal Government.

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

1. The Township of Lower Alloways Creek hereby urges the members of the New Jersey Assembly and Senate to support, co-sponsor, and adopt legislation that would prevent the NJDEP from reassignment Tier A designation under the MS4 Permit Program for NEW Jersey Municipalities that are currently designated Tier B, and also prevent the NJDEP from expanding conditions of the Tier A permit until a full analysis of the fiscal impact these changes will have on these Municipalities can be completed, and State funding is made available.
2. The Township of Lower Alloways Creek hereby urges Governor of the State of New Jersey to sign any legislation adopted by the State Assembly and Senate that would prevent the NJDEP from reassignment Tier A designation under the MS4 Permit Program for NEW Jersey Municipalities that are currently designated Tier B, and also

prevent the NJDEP from expanding conditions of the Tier A permit until a full analysis of the fiscal impact these changes will have on these Municipalities can be completed, and State funding is made available.

A certified copy of this resolution upon its adoption shall be furnished to the Salem County Assembly Representative and State Senator, Governor Phil Murphy, the Commissioner of the New Jersey Department of Environmental Protection, and the New Jersey State League of Municipalities.

The motion for Resolution 2022-93 in opposition to the reassignment by the New Jersey Department of Environmental Protection of all municipalities currently designated Tier B under the Municipal separate storm sewer system permit program to Tier A designation and expansion of Tier A permit conditions passed a vote of the Township Committee as follows: 5-0

Ayes: Crane, Palombo, Collier, Venable and Bradway

Nays: none Abstain: none Absent: none

#### **OLD BUSINESS**

Motion (Crane, Collier) to approve rehab / repair of the AIR PACK RE-FILLER [received from the County], Rehab is \$2874.00 & Electric work is \$ 1986.00 totaling \$ 4,860.00 at the Hancocks Bridge Fire House.

The motion to approve rehab / repair of the AIR PACK RE-FILLER [received from the County], Rehab is \$2874.00 & Electric work is \$ 1986.00 totaling \$ 4,860.00 at the Hancocks Bridge Fire House passed a vote of the Township Committee as follows: 5-0

Ayes: Crane, Collier, Palombo, Venable and Bradway

Nays: none Abstain: none Absent: none

The Committee had some discussion on the Fire Hose purchase and the Township Solicitor recommended first rejecting all bids received from the June Bid.

Motion (Collier, Crane) to reject all bids received for Fire Hose, from the bid in June 2022.

The motion to reject all bids received for Fire Hose, from the bid in June 2022 passed a vote of the Township Committee as follows: 5-0

Ayes: Collier, Crane, Palombo, Venable and Bradway

Nays: none Abstain: none Absent: none

Motion to purchase one thousand feet of five-inch suction hose from Mid Atlantic Fire & Air at a cost of \$ 12,095.00.

The motion to purchase one thousand feet of five-inch suction hose from Mid Atlantic Fire & Air at a cost of \$ 12,095.00 passed a vote of the Township Committee as follows: 4-1

Ayes: Collier, Crane, Palombo and Bradway

Nays: Venable Abstain: none Absent: none

#### **NEW BUSINESS**

Motion (Venable, Crane) to approve the purchase of a Waste Oil Heater from JMT Equipment Specialists, LLC at a cost of \$ 8,499.00.

The motion to approve the purchase of a Waste Oil Heater from JMT Equipment Specialists, LLC at a cost of \$ 8,499.00 was passed by a vote of the Township Committee as follows: 5-0

Ayes: Venable, Crane, Collier, Palombo and Bradway  
Nays: none    Abstain: none    Absent: none

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

**REPORTS TO THE COMMITTEE & COMMITTEE REPORTS:**

**Police Department:** Chief Venable stated that he had no report at this time.

**Fire Department:** Chief Fisher thanked the Committee for approving the hose.  
Chief Fisher asked if the Fire Company can take the Fire Truck to the Salem Parade on December 3<sup>rd</sup>.

Motion (Crane, Venable) to authorize the Fire Company to take Township Fire equipment to participate in the Salem Holiday Parade.

The motion to authorize the Fire Company to take Township Fire equipment to participate in the Salem Parade was passed by a vote of the Township Committee as follows: 5-0

Ayes: Venable, Collier, Crane, Palombo and Bradway  
Nays: none    Abstain: none    Absent: none

Chief Fisher asked the Committee if anything has been said to the County about Salem Hancocks Bridge Road sinking, just past the bridge because of the high tides we have been having.  
Mayor Bradway indicated that the County has not been contacted lately, but we will remind them again.

Mayor Bradway called on School representatives present to speak if they wished to.  
Christina Bowers, School Nurse stated that she is concerned that the school has cut required programs to balance the budget. No one else from the School indicated that they wished to speak.

Mayor Bradway called on Mr. Mosley to speak.

Keith Mosley spoke with the Committee about his desire to operate a Cannabis growing and manufacturing facility within LAC Township. Mr. Mosley stated that he is looking to find land and hopes to begin sometime within the next year. Mr. Mosley stated that he is trying to arrange funding sources and plans to have a 20 – 30 thousand square foot growing facility.

**Mayor and Committee Members**

Mr. Collier stated that he and other members of the Committee had a tour of the Wind Port and the progress they are making. Mr. Collier stated that they are still in need of housing and food services.

Mrs. Crane stated that this past Sunday was the Log Cabin open house which went well and the next one is Sunday November 20<sup>th</sup>, 1-4 pm.

Mayor Bradway stated that the current PSEG refuel / outage is about to come to an end and they are in the process of getting back online.

**PUBLIC COMMENT:**

A School Board member stated that there will be a Muskrat March for M & M, a benefit for Juvenile diabetes on October 28<sup>th</sup> beginning at 1:30 pm, all are invited

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

## CLOSED SESSION

Motion (Crane, Venable) for a resolution to convene into a Closed Session of Business.

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: Crane, Venable, Collier, Palombo and Bradway

Nays: none Abstain: none Absent: none

### **RESOLUTION 2022 – 94** 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.

\_\_\_\_ 6. Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.

\_\_\_\_ 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:

1. Personnel - Personnel
2. Contracts – Cell tower

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

1. At such time the matter is concluded
2. 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 there after the regular meeting would then reconvene and further business by the Committee will take place at its conclusion.



Motion (Collier, Crane) 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: 4-0

Ayes: Collier, Crane, Venable and Bradway

Nays: none Abstain: none Absent: Palombo

Motion to authorize VCOMM Telecommunication Engineering to promulgate specifications to receive bids for a ground lease of a parcel of Township land in Hancocks Bridge for the purpose of the awardee to construct a Cellular Telecommunications Tower, reserving space for placement of emergency services antennas by the Township.

The motion to authorize VCOMM Telecommunication Engineering to promulgate specifications to receive bids for a ground lease of a parcel of Township land in Hancocks Bridge for the purpose of the awardee to construct a Cellular Telecommunications Tower, reserving space for placement of emergency services antennas by the Township passed a vote of the Township Committee as follows: 4-0

Ayes: Collier, Crane, Venable and Bradway

Nays: none Abstain: none Absent: Palombo

#### ADJOURNMENT

Motion (Venable, Collier) to adjourn the meeting at 9:30 p.m.

The motion to adjourn the meeting passed unanimously.

Minutes of the October 18, 2022 Meeting were approved at a Township Committee Meeting held November 14, 2022

ATTEST:

LOWER ALLOWAYS CREEK TOWNSHIP

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Ronald L Campbell Sr. Clerk

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Mayor, Timothy W. Bradway