

TOWNSHIP OF GALLOWAY
REGULAR MEETING OF THE TOWNSHIP COUNCIL AND UTILITIES DIVISION
MINUTES OF DECEMBER 11, 2012

On January 4, 2012, notice of this meeting was mailed to the Mainland Journal, the Press & the Current & duly posted in Council Chambers. This meeting was called to order by Mayor Don Purdy at approximately 6:30 PM.

ROLL CALL:

Present: Bassford, Coppola, Gorman, McElwee, Tyrrell, Ullman and Purdy

Moment of Silence offered by Mayor Purdy to keep friends & family in our hearts that are still continuing to fight to get their personal belongings back to their homes from Hurricane Sandy.

Galloway Township Manager, Arch Liston and Michael J. Fitzgerald, Township Solicitor were in attendance.

APPROVAL OF MINUTES:

Regular Meeting - November 27, 2012

Motions: Coppola/Tyrrell

Roll Call: Bassford -- Y, Coppola -- Y, Gorman -- Y, Ullman--Y, Tyrrell -- Y,
McElwee -- Y and Purdy -- Y

Closed Session as to Content Only – October 23, 2012

Motions: Coppola/Gorman

Roll Call: Bassford --- Y, Coppola – Y, Gorman -- Y, Ullman—Y, Tyrrell – Y
and Purdy – Y

Abstained: McElwee

Closed Session as to Content Only - November 13, 2012

Motions: Bassford/Tyrrell

Roll Call: Bassford --- Y, Coppola – Y, Gorman --- Y, Ullman—Y,
Tyrrell – Y and Purdy – Y

Abstained: McElwee

DISCUSSION: None

PROCLAMATION: Mayor Purdy presented a proclamation for Radon Action Month to call upon all residents in Galloway Township who have not yet tested their homes for radon and to reduce radon levels if elevated levels are found, to protect their families from the serious health risk of radon.

COMMITTEE REPORTS:

Councilman Coppola: Spoke regarding putting committee together last council meeting in regards to appropriate course of action regarding council invocation. This committee consists of myself, Council Member Ullman and Council Member McElwee. We had some dialog with our Township Solicitor and he gave some things to consider and a few courses of action. We talked

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about three different ways we could address this issue. The one way is no moment of silence or prayer of any kind, we can go directly from flag salute into the agenda, I know some neighboring municipalities currently do that. We can continue with the moment of silence that we have been observing or we can do a prayer led by designated chaplain and/or person selected by Council. The committee and I met and we are evaluating those choices. The committee is not ready to make a recommendation to Council on this issue yet, because we have a few more things to go over and consider. I don't think there is anything we can do to make everyone happy, but it is this committee's opinion that we can come to an agreement and shelter the Township from any type of lawsuit or litigation. We are meeting again and hopefully by the next council meeting we will have some recommendations for Council to consider.

Mayor Purdy: Arch what is the outcome of the liquor license? Arch said no submission at all. Mayor Purdy received a phone call from a resident regarding interest in liquor license. Mayor Purdy will forward the message to Township and Arch can reach out to him and inform resident that it might out go for re-bid. Mike Fitzgerald is surprised that there are no bids and it usually means price is too high, but not necessarily. Arch's recommendation is that we start at a lower number to generate some interest. Mike Fitzgerald suggests that maybe more exposure to market and get more aggressive with pricing to see if it brings interest.

ORDINANCE INTRODUCTION: (First Reading)

None

ORDINANCE PUBLIC HEARING: (Second Reading)

1861-12 Amend Ordinance No. 1833 of 2011 Annual Salary & Compensation Rates for Employees

No Public Comments

Motions: Bassford/Coppola

Roll Call: Bassford --- Y, Coppola – Y, Gorman --- Y, McElwee --- Y, Ullman—Y, Tyrrell – Y and Purdy – Y

RESOLUTIONS:

325-2012 Payment of Bills \$9,667,992.75

Tom Mitchell: page 4 (Fine Shine Detailing in the amount of \$1,023.00)

Planning Board monies in escrow that get paid out of escrow

Page 14 (Nehmad Perillo & Davis in the amount of \$2,106.00)

Arch said this is pertaining to special legal counsel for the Tilton matter.

Resident: page 14 (Best Construction Roof Repairs/Storm in the amount of \$800.00)

Arch said he will get back to resident.

Motions: Bassford/Tyrrell

Roll Call: Bassford --- Y, Gorman --- Y, McElwee --- Y, Ullman—Y, Tyrrell – Y and Purdy – Y

Coppola – Y, but abstain on line item 12-03900

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326-2012 Authorize Council to go into to Closed Session

Under section (7) any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters 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. The parties and docket numbers of each item of litigation and/or the parties to each contract discussed are Jody Smith v Galloway Township et al ATL-L-760-12 and Lisa Tilton v GT et al, ATL – 3331-12 and nature of the discussion, described as specifically as possible without undermining the need for confidentiality is an update on the status of both cases by attorneys and a general discussion of risk management issues. Estimated discussion time is 60 minutes.

Under section (8) any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performances, 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. Subject to the balancing of the public's interest and the employee's privacy rights under South Jersey Publishing Co. v. New Jersey Expressway Authority, 124 N.J. 478, the employee(s) and nature of the discussion, described as specifically as possible without undermining the need for confidentiality are an updated report on the potential layoffs of Township employees.

Action may be taken.

Motions: Bassford/Ullman

Roll Call: Bassford – Y, Coppola – Y, Gorman – Y, McElwee --- Y, Ullman --Y, Tyrrell – Y
Purdy – Y

CONSENT AGENDA

Consent agenda includes items of business which are not controversial and do not require individual discussion. A motion approving the consent agenda is moved, seconded and voted upon as one item by the Township Council. If any discussion is requested on a consent agenda item, it is removed from the consent agenda to regular agenda.

296-12 Person-to Person transfer of Plenary Retail Consumption License.

Removed from agenda still waiting for State clearance.

327-12 Support of County Efforts to Preserve Agricultural Uses

328-12 Refund Escrow for Engineering Review of Sidewalk Extension installation

329-12 Authorizing the cancellation of Sanitary Sewer Fees for 507 Oslo Court for account inactive

330-12 Extend Contract to Animal Capture and Control for Animal Control Services

333-12 Agreement between Atlantic County and Galloway for Road Salt and Salt Brine

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334-12 Authorizing the Refund of Taxes due to Overpayments

336-12 Authorizing a Discharge of Mortgage

337-12 Authorizing the Cancellation of 2012 Taxes

338-12 Authorizing the Cancellation of Excess Emergency Appropriation for Hurricane Sandy

Motions: Bassford/Ullman

Roll Call: Bassford – Y, Coppola – Y, Gorman – Y, McElwee --- Y, Ullman—Y, Tyrrell – Y
Purdy – Y

Public Hearing and Discussion

A. Bingo License/Bingo Bonanza Club @ Four Seasons at Smithville

B. Raffle License/City of Absecon Education Foundation

Motions: Bassford/Ullman

Roll Call: Bassford – Y, Coppola – Y, Gorman – Y, McElwee --- Y, Ullman—Y, Tyrrell – Y
Purdy – Y

331-12 Authorizing an Award of Contract to Action Landscaping for Final Acceptance & Payment

Manager Liston: These are emergency contractors that we called in after storm to help mobilize and get debris picked up. At least 75% of this will be reimbursed by FEMA. They did a decent job to get things cleaned up really fast.

Councilman McElwee: It would be nice to help out our local landscapers be considered first and help our local economy by using Galloway landscapers.

Motions: Bassford/Ullman

Roll Call: Bassford – Y, Coppola – Y, Gorman – Y, McElwee --- Y, Ullman—Y, Tyrrell – Y
Purdy – Y

332-12 Authorizing an Award of Contract to B& J Recycling for Final Acceptance & Payment

This is the same as the above resolution

Motions: Bassford/Ullman

Roll Call: Bassford – Y, Coppola – Y, Gorman – Y, McElwee --- Y, Ullman—Y, Tyrrell – Y
Purdy – Y

335-12 Approval for Towing License for Done Right Towing

(Mayor Purdy steps off dais)

Councilman McElwee: We had a resident complain during public speaking regarding this property. Arch, did we follow up on that?

Arch Liston: We came to a settlement where towing company agreed to put up a stockade fence and resident was very satisfied.

Motions: Tyrrell/Bassford

Roll Call: Bassford --Y, Coppola -- Y, Gorman --Y, McElwee --- Y, Ullman -- Y, Tyrrell -- Y
Purdy -- Abstain

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MANAGER'S REPORT:

Manager Liston: I have good news that we are able to maintain a AA bond rating, which in today's market and environment, I think is outstanding for a community even looking at our budget issues and tax appeals issue we came back with a AA rating, which is very good news. On the refunding bund we are looking at a savings of \$228,000 over the next seven years. Also, to the resident asking about the bill for \$800.00 on the bill list, that was for a new roof due to storm damage at our utility sewer pump station.

COUNCIL'S COMMENTS:

Councilman Gorman: Just want to wish everyone Happy Holidays and Merry Christmas.

Councilman Tyrrell: Happy Holidays everyone.

Councilman McElwee: LPGA has announced their dates for next year and we should boost our marketing for people to get to know Galloway and bring business to us. I wish everyone Happy Holidays and please be safe!

Councilwoman Ullman: Happy Holidays!

Deputy Mayor Coppola: Happy Holidays & Merry Christmas! The year 2012 has been an interesting and eventful year and I am optimistic for a much better 2013 as we move forward.

Mayor Purdy: Happy Holidays and Happy New Year! Please be cautious when out on the streets, if you drink too much, please do not drive. My heart goes to the family of our soldier in Pennsylvania that risked his life overseas to rescue another individual that was in captivity and lost his life. The heroes that we never hear about and it really touched my soul, since my nephew just joined the army. I always try to pay attention to the military. Let's see if we can get 2013 better than year 2012.

PUBLIC COMMENTS:

Ray Alpers, Magnolia Avenue: I called about the liquor license, anything that the county or township can offer me? This is my first step in inquiring about the liquor license, and I was looking online to buy a license in other towns. Every town has a different price, but the price Galloway has is too high. My bid is approximately \$150,000 for this town and from what I have been told no one put a bid in for it. Please consider lowering the price and I might be interested again.

Mayor Purdy: Thank you for your interest and I am sure that our township manager will be looking into that and make sure the Clerk's office has your contact information and we will be in contact with you before we put it back out to bid.

Seeing no one else from the public wishing to speak and with no further business to discuss, this regular meeting was adjourned at 7:24 PM; motion by Bassford, second by Coppola to go into closed session. Action will be taken upon returning to the regular meeting after closed session.

At 8:45PM Council returned to the regular meeting. Township Solicitor Michael Fitzgerald and Special Counsel Kim Procopio explained the Rule of Necessity and that the Council would have to use it in order to take action on this matter because six of the seven current Council Members had been named as defendants in the Tilton litigation.

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A motion was made by Bassford and seconded by Gorman to add Resolution 339-12 to the agenda.

Motions: Bassford/Gorman

Roll Call: Bassford --Y, Coppola -- Y. Gorman --Y, McElwee --- Y, Ullman -- Y,
Tyrrell -- Y Purdy -- Y

Res 339-12 A Resolution Approving a Settlement and General Release Agreement Between the Township of Galloway and Lisa Tilton Resolving Pending Litigation

Motions: Bassford/Tyrrell

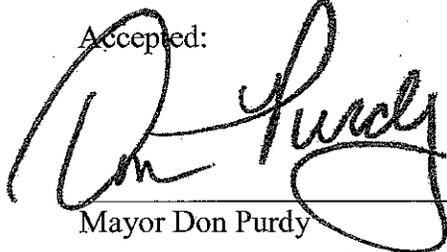
Roll Call: Bassford --Y, Coppola -- Y. Gorman --Y, McElwee --- Abstain, Ullman -- Y,
Tyrrell -- Y Purdy -- Y

With no further business to discuss, this regular meeting was adjourned at 8:48PM

Respectfully submitted,



Thafia C. (TC) Kay, RMC
Township Clerk

Accepted:


Mayor Don Purdy