

**MINUTES OF A REGULAR MEETING OF THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK HELD APRIL 17, 2012**

A Regular Meeting of the Lower Alloways Creek Township Committee was held on April 17 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 an Annual Notice, which was filed with the Lower Alloways Creek Township Clerk, forwarded to the Today's Sunbeam and Bridgeton News 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. Breslin, Mr. Palombo, Mr. Venable, Mr. Wood and Mayor Pompper

Absent: None

OTHERS IN ATTENDANCE:

Also in attendance were -15- (fifteen) members of the Public, Jack Lynch, Superintendent 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, Breslin) that all properly audited vouchers be paid.

The motion to pay properly audited vouchers passed a vote of the Township Committee as follows: 4-0-1

Ayes: Palombo, Breslin, Venable, Wood and Pompper

Nays: none Abstain: Venable on check # 14728 Absent: none

MONTHLY REPORTS TO THE COMMITTEE

The Mayor requested that the minutes reflect that the March 2012 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 OF THE REGULAR TOWNSHIP COMMITTEE
MEETING HELD March 20, 2012, THE CLOSED SESSION MINUTES OF March 20,
2012 AND THE MINUTES OF A SPECIAL MEETING HELD March 19, 2012.**

Motion (Breslin, Venable) to approve the March 20, 2012 Regular Township Committee Meeting Minutes, the March 20, 2012 Closed Session Minutes and the March 19 Special Meeting Minutes.

The motion to approve the minutes of the March 20, 2012 Regular Township Committee Meeting Minutes, the March 20, 2012 Closed Session Minutes and the March 19, 2012 Special Meeting of the Township Committee passed a vote of the Township Committee as follows: 5-0

Ayes: Breslin, Venable, Palombo, Wood and Pompper

Nays: none Abstain: none Absent: none

RESOLUTIONS

Motion (Breslin, Venable) for Resolution 2012-65 A Resolution to recognize William Hanby for his years of service as Animal Control Officer.

RESOLUTION 2012-65

A RESOLUTION TO RECOGNIZE WILLIAM B. HANBY FOR HIS SERVICE AND DEDICATION AS ANIMAL CONTROL OFFICER FOR THE TOWNSHIP OF LOWER ALLOWAYS CREEK

WHEREAS, the Township Committee of the Township of Lower Alloways Creek desires to recognize the years of service and dedication that **William B. Hanby** has given the Township, as Animal Control Officer; and

WHEREAS, William B. Hanby, became a Certified Animal Control Officer in February 1991 and shortly thereafter began serving the Township until this time; and

WHEREAS, the Township Committee of the Township of Lower Alloways Creek would like to publically thank **William B. Hanby** for his Dedicated Service, Devotion and professionalism in performing the duties of Animal Control Officer.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Lower Alloways Creek that it does hereby recognize **William B. Hanby** for his service and dedication as Animal Control Officer for the Township of Lower Alloways Creek during the past twenty-one years.

The motion for Resolution 2012-65 to recognize William Hanby for his years of service as Animal Control Officer passed a vote of the Township Committee as follows: 5-0

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

Motion (Breslin, Palombo) for Resolution 2012-66 A Resolution to authorize an agreement with the Salem County Improvement Authority for Solid Waste Disposal at the Salem County Landfill per the attached fee schedule.

RESOLUTION 2012-66

A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE SALEM COUNTY IMPROVEMENT AUTHORITY FOR THE DISPOSAL OF WASTE TYPE C10 AT THE SALEM COUNTY LANDFILL FOR THE FEE OF \$52.43 /TON

WHEREAS, the Township Committee of the Township of Lower Alloways Creek desires to continue an Interlocal agreement with the Salem County Improvement Authority for a set rate of \$52.43 / ton to dispose of Waste Type 10, and;

WHEREAS, pursuant to N.J.S.A. 40:8A- 1 et seq., such agreements between government agencies is permissible and encouraged.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lower Alloways Creek that the Mayor and Clerk be authorized to execute the Interlocal Agreement with the Salem County Improvement Authority, setting the rate of \$52.43/ ton for Waste Type 10 and other Types as per attached sheet, disposed at the Salem County Landfill from April 1, 2012 through December 31, 2012. [12-01-26-305-203]

The motion for Resolution 2012-66 A Resolution to authorize an agreement with the Salem County Improvement Authority for Solid Waste Disposal at the Salem County Landfill per the attached fee schedule passed a vote of the Township Committee as follows: 5-0

Ayes: Breslin, Palombo, Venable, Wood and Pompper

Nays: none

Abstain: none

Absent: none

Motion (Breslin, Venable) for Resolution 2012-67 authorizing an agreement for the sale of “recyclables” to Omni Recycling, LLC for a rate of \$ 30.00 (thirty) per ton flat rate through 4/1/2015

RESOLUTION 2012-67

A RESOLUTION AUTHORIZING AN AGREEMENT WITH OMNI RECYCLING LLC FOR COMMINGLED RECYCLING MATERIALS RECEIVING SERVICES

WHEREAS, the Township Committee of the Township of Lower Alloways Creek desires to have its commingled recyclables delivered to a facility that is both convenient and economical, and;

WHEREAS, municipalities are encouraged under the provisions of the regulations found in NJAC 7:26A - 11 et al to recycle certain materials in a responsible manner, and;

WHEREAS, the Superintendent of Public Works is recommending that the Township of Lower Alloways Creek enter into an agreement with Omni Recycling, LLC for the receiving of the Township’s Class A commingled/single stream recyclable materials, and;

WHEREAS, the Township of Lower Alloways Creek will receive from Omni Recycling, LLC a \$ 30.00 (thirty) flat rate per delivered ton of commingled/single stream recyclable materials.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lower Alloways Creek that the Mayor and Clerk be authorized to execute an Agreement with Omni Recycling, LLC, in a form approved by the Township Solicitor, for the receiving of the Township of Lower Alloways Creek’s Class A commingled/single stream recyclable materials beginning on 4/2/2012 through 4/2/2015.

The motion for Resolution 2012-67 authorizing an agreement for the sale of “recyclables” to Omni Recycling, LLC for a rate of \$ 30.00 (thirty) per ton flat rate through 4/1/2015 passed a vote of the Township Committee as follows: 5-0

Ayes: Breslin, Venable, Palombo, Wood and Pompper

Nays: none

Abstain: none

Absent: none

Motion (Breslin, Palombo) for Resolution 2012-68 A Resolution to read the 2012 Budget by title only.

RESOLUTION 2012-68

A RESOLUTION TO READ THE 2012 BUDGET BY TITLE ONLY AT THE TIME OF THE PUBLIC HEARING

WHEREAS, N.J.S.A. 40A:4-8, as amended by chapter 259, P.L. 1995 provides that a budget may be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that:

- A. At least one week prior to the date of hearing, a complete copy of the budget has been made available for public inspection in the free library, if any, located within our municipality and a county library. If there is no county library located within the municipality, then it must be provided to any county library within the county therein the municipality is located. Further the public officer delegated the responsibility for delivery of the copies to said libraries has completed a certification forwarded to the governing body that such deliveries were made.
- B. Copies have been made available by the Clerk to persons requesting them: and

WHEREAS, those two conditions have been met;

NOW THEREFORE, BE IT RESOLVED, that the budget shall be read by title only.

CERTIFICATION OF DELIVERY OF BUDGET

In accordance with N.J.S.A. 40A:4-8 as amended by Ch. 259, P.L. 1995, I hereby certify that I have delivered a copy of the 2012 Budget, 10 days prior to the budget hearing to the Following:

Library of Salem City, Broad St, Salem, New Jersey

The motion for Resolution 2012-68 to read the 2012 Budget by title only passed a vote of the Township Committee as follows: 5-0

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

Motion (Breslin, Venable) for Resolution 2012-69 A Resolution authorizing a self examination of the 2012 Budget.

**SELF-EXAMINATION OF BUDGET
 RESOLUTION 2012-69**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Lower Alloways Creek has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2012 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Lower Alloways Creek that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

- 1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges

- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

The motion for Resolution 2012-69 authorizing a self examination of the 2012 Budget passed a vote of the Township Committee as follows: 5-0

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

Motion (Breslin, Venable) for Resolution 2012-70 A Resolution authorizing the receipt of bids for "Lab Analysis" Services.

RESOLUTION 2012-70

A resolution authorizing the receipt of Bids on May 9, 2012 at 1:00 p.m., at the Township Municipal Building, Municipal Court Room for LAB ANALYSIS Services, specifications and conditions set forth by and available from the Township Purchasing Agent.

WHEREAS, the Township Committee of the Township of Lower Alloways Creek does recognize the need for LAB ANALYSIS services to fulfill the testing and reporting requirements of the NJ DEP for the Waste Water Treatment Plants, and;

WHEREAS, the Township Purchasing Agent is recommending that these services be advertised for the receipt of bids.

NOW, THEREFORE, BE IT 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 LAB ANALYSIS services.

The motion for Resolution 2012-70 authorizing the receipt of bids for “Lab Analysis” Services passed a vote of the Township Committee as follows: 5-0

Ayes: Breslin, Venable, Palombo, Wood and Pompper

Nays: none

Abstain: none

Absent: none

Motion (Breslin, Palombo) for Resolution 2012-71 A Resolution authorizing the increase the “Schedule of Dwelling Rents” at the Leisure Arms Complex.

RESOLUTION 2012-71

A RESOLUTION TO INCREASE THE “SCHEDULE OF DWELLING RENTS” OF THE UNITS AT LEISURE ARMS BY 2.0% EFFECTIVE MAY 1, 2012

WHEREAS, the Township Committee of the Township of Lower Alloways Creek desires to exercise its right under the Leisure Arms Lease Agreements pursuant to Section 2, B to annually raise the rent at Leisure Arms, and;

WHEREAS, pursuant to Section 2, B the Township can raise the units rental amount by the rate of inflation, plus 1%, and;

WHEREAS, the Township Committee desires to hold the increase, to less than the allowable maximum increase.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lower Alloways Creek that the monthly unit rent shall be set as;

(2.0%) TIMES the current unit monthly rent

2.0% * 348.50 = rounded down to the nearest dollar \$ 355.00

2.0% * 615.00 = rounded down to the nearest dollar \$ 627.00

NOW THEREFORE BE IT FURTHER RESOLVED THAT the monthly unit rents shall increase to these amounts beginning May 1, 2012

The motion for Resolution 2012-71 authorizing the increase the “Schedule of Dwelling Rents” at the Leisure Arms Complex passed a vote of the Township Committee as follows: 3-2

Ayes: Breslin, Palombo and Pompper

Nays: Venable & Wood

Abstain: none

Absent: none

ORDINANCE (PUBLIC HEARING)

Ordinance 2012-03 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

Mayor Pompper opened the meeting to a Public Hearing on Ordinance 2012-03

No one from the Public had any comments.

Mayor Pompper closed the Public Hearing on Ord 2012-03

Motion (Breslin, Palombo) for final adoption of Ordinance 2012-03 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 2012-03
CALENDAR YEAR 2012

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 2012 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 \$ **63,975.36**, 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 2012 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 \$ **63,975.36**, and that the CY 2012 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

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director with five (5) days after such adoption.

Introduction: March 20, 2012

COMMITTEE MEMBER	MOVE	SECOND	YES	NO	ABSTAIN	ABSENT
MR. BRESLIN III	M		Y			
MR. PALOMBO			Y			
MR. VENABLE		S	Y			
MR. WOOD			Y			
MAYOR POMPPER			Y			

Final: April 17, 2012

COMMITTEE MEMBER	MOVE	SECOND	YES	NO	ABSTAIN	ABSENT
MR. BRESLIN III	M		Y			
MR. PALOMBO		S	Y			
MR. VENABLE			Y			
MR. WOOD			Y			
MAYOR POMPPER			Y			

2012 Budget Appropriations

Mayor Pompper opened the meeting to a Public Hearing on the 2012 Budget

No one from the Public had any comments.

Mayor Pompper closed the Public Hearing on the 2012 Budget

Motion (Breslin, Palombo) for final adoption of the 2012 Budget

**2012 BUDGET RESOLUTION
MUNICIPAL BUDGET OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK,
COUNTY OF SALEM, FOR THE FISCAL YEAR 2012.**

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the Year 2012;

BE IT FURTHER RESOLVED, that said Budget was published in the TODAY'S SUNBEAM in the issue of April 6th, 2012.

THE GOVERNING BODY of the Township of Lower Alloways Creek does hereby approve the following as the Budget for the Year 2012.

**Totals of Revenues and Appropriations being \$ \$9,686,518.64
Nine million six hundred eighty six thousand five hundred eighteen and 64 cents**

Introduction: March 20, 2012 4-1

COMMITTEE MEMBER	MOVE	SECOND	YES	NO	ABSTAIN	ABSENT
MR. BRESLIN III	M		Y			
MR. PALOMBO		S	Y			
MR. VENABLE			Y			
MR. WOOD				N		
MAYOR POMPPER			Y			

Final Adoption: April 17, 2012 4-1

COMMITTEE MEMBER	MOVE	SECOND	YES	NO	ABSTAIN	ABSENT
MR. BRESLIN III	M		Y			
MR. PALOMBO		S	Y			
MR. VENABLE			Y			
MR. WOOD				N		
MAYOR POMPPER			Y			

ORDINANCE 2012-04

Mayor Pompper opened the meeting to a Public Hearing on Ordinance 2012-04 An Ordinance to Amend Chapter 153 known as "WASTE & RECYCLING SEPARATION AND COLLECTION" of the Code of the Township of Lower Alloways Creek

A resident asked what in the ordinance changed; Mr. Breslin went over the changes, which include provisions for residents to use Township issued Cans for recycling, change in large tire sticker price from \$25 to \$15 and some minor definition additions.

Mayor Pompper closed the Public Hearing on Ordinance 2012-04 An Ordinance to Amend Chapter 153 known as "WASTE & RECYCLING SEPARATION AND COLLECTION" of the Code of the Township of Lower Alloways Creek

Motion (Breslin, Palombo) for final adoption of Ordinance 2012-04 An Ordinance to Amend Chapter 153 known as “WASTE & RECYCLING SEPARATION AND COLLECTION” of the Code of the Township of Lower Alloways Creek

ORDINANCE 2012-04

AN ORDINANCE AMENDING CHAPTER 153 KNOWN AS “WASTE & RECYCLING SEPARATION AND COLLECTION” OF THE CODE OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK

WHEREAS, the Township Committee of the Township of Lower Alloways Creek desires to amend Chapter 153 known as “WASTE & RECYCLING SEPARATION AND COLLECTION”.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Committee of the Township of Lower Alloways Creek that:

Section 1. Chapter 153 of the Code of the Township of Lower Alloways Creek is hereby amended in its entirety as follows:

CHAPTER 153

WASTE & RECYCLING SEPARATION AND COLLECTION

**Article I
General Provisions**

- § 153-1. **Title.**
- § 153-2. **Definitions.**
- § 153-3. **Program established.**
- § 153-4. **Mandatory Source Separation and Recycling Requirements.**
- § 153-5. **Separation and placement of other recyclables.**
- § 153-6. **Leaves and grass clippings.**
- § 153-7. **Enforcement.**
- § 153-8. **Exemptions.**
- § 153-9. **Non-institutional residential collection.**
- § 153-10. **Receptacles.**
- § 153-11. **Collection by unauthorized persons.**
- § 153-12. **Rules and Regulations**
- § 153-13. **Construction, Renovation and Demolition Debris Recovery Plan**
- § 153-14. **Violations and penalties.**

**Article II
Multifamily Development Regulations**

- § 153-15. **Definitions.**
- § 153-16. **Recycling area required; dimensions.**
- § 153-17. **Location of recycling area.**
- § 153-18. **Lighting; accessibility; protection from theft.**
- § 153-19. **Protection against environmental conditions.**

- § 153-20. **Signs.**
- § 153-21. **Landscaping.**
- § 153-22. **Prohibition of the collection of waste mixed with recyclable materials**
- § 153-23. **Compliance with Diversion Requirement**
- § 153-24. **Violations and penalties**

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek: Art. I, 8-21-1990 as Ord. No. 90-12* ; Art. II, 6-21-1994 as Ord. No. 94-5. Amendments noted where applicable.]

*Editor's Note: This ordinance superseded former Ch. 153, Waste Separation and Collection, adopted 2-20-1984 as Ord. No. 84-3.

15301

153-1 LOWER ALLOWAYS CREEK CODE

GENERAL REFERENCES
Housing & Standards--See Ch. 99.
Litter and Junk--See Ch 104.
Sewage disposal--See Ch 180.
Solid Waste Code--See Ch. 182.

Article I
General Provisions
[Adopted 8-21-1990 as Ord. No.90-12]

§ 153-1. Title.

This Article shall be known as the "Lower Alloways Creek Township Recycling and Waste Ordinance."

§ 153-2. Definitions. [Amended 11-20-07 by Ordinance 2007-14, 12-16-08 by Ordinance 2008-11, 06-15-10 by Ordinance 2010-07, 4-17-2012 by Ordinance 2012-04]

For the purpose of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section and in N.J.S.A.13:1E-99.12.

ALUMINUM -All products made of aluminum, including aluminum cans, foil, wrappers, containers for prepared dinners or other foods, screen frames and lawn chairs.

BATTERY - means a device consisting of one or more electrically connected electrochemical cells which are designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

BULK ITEMS– All items which, cannot or do not fit in a regular Trash Container or Recycling Container because of its size, dimensions, or proportions such as, but not limited to: Washer/Dryer, Stove, Dishwasher, TV, Console TV, Mowers, Furniture, Refrigerator – (door removed), Freezer – (door removed), Hot Water Tank, Large Mattress, Doors, Furnace, Bath Vanity, Toilet, Sink, Bath Tub, Mirror, Couch/Recliner, Tables, Chairs, Windows, Carpet, Box Springs, Air Conditioner,

MUNICIPAL RECYCLING ENFORCEMENT OFFICER – the Recycling Coordinator or other person or persons appointed by the municipal governing body who shall be authorized to enforce the “Recycling” Ordinance.

MUNICIPAL SOLID WASTE (MSW) STREAM – means all solid waste generated at residential, commercial and institutional establishments within the boundaries of the municipality of Lower Alloways Creek Township.

RECHARGEABLE BATTERY: A group of one or more electrochemical cells, that can be recharged very cheaply and used many times, found in consumer electronics, common types are Nickel–cadmium battery (NiCd), Nickel–metal hydride battery (NiMH), Lithium-ion battery and Lithium-ion polymer battery.

RECYCLABLE MATERIAL - Means those materials which would otherwise become solid waste, and which may be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

SOURCE SEPARATION OR SOURCE SEPARATED RECYCLABLE MATERIALS - Means recyclable materials, which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

15304 REV ORD SUPP 04/12
WASTE & RECYCLING SEPARATION AND COLLECTION 153-4

TOTAL MUNICIPAL SOLID WASTE STREAM -means the sum of the municipal solid waste stream disposed of as solid waste, as measured in tons, plus the total number of tons of material separated from municipal solid waste and recycled.

TOTAL SOLID WASTE STREAM -means the aggregate amount of solid waste generated from all sources of generation, including the municipal solid waste stream. This includes all non-hazardous materials disposed and recycled.

TRASH -Ashes, plastic material, ceramics, blue and flat glass, non putrescible solid waste, building materials, contaminated paper and other similar materials.

TYPES - 10 = Municipal (household, commercial, institutional) waste, 13 = Bulky waste and 13C = Construction and Demolition waste

USED OIL -means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use, is contaminated by physical or chemical impurities, or unused oil that is contaminated by physical or chemical impurities through storage or handling and is determined to be a solid waste by the generator.

USED OIL BURNER -means a facility where used oil not meeting the specification requirements in *N.J.A.C. 7:26A-6.2* is burned for energy recovery in devices identified in *N.J.A.C. 7:26A-6.8(b)*.

USED OIL COLLECTION CENTER -means any site or facility that is registered or approved by the municipality or county to manage used oil and accepts and/or aggregates and stores used oil collected from used oil generators regulated under *N.J.A.C. 7:26A-6.4* that bring used oil to the collection center in shipments of no more than 55 gallons pursuant to *N.J.A.C. 7:26A-6.4(e)*. Used oil accumulation centers may also accept used oil from household do-it-yourselfer used oil generators.

§ 153-3. Program established.

There is hereby established a program for the mandatory separation of recyclable material within the Township of Lower Alloways Creek.

§ 153-4. Mandatory Source Separation and Recycling Requirements. [Amended 7-18-2006 by Ord. No. 2006-09, 12-16-08 by Ordinance 2008-11, 4-17-2012 by Ordinance 2012-04]

It shall be mandatory for all persons who are owners, lessees, tenants or occupants of any residential and non-residential premises, including but not limited to retail, commercial, government, schools or institutional locations within the Township of Lower Alloways Creek, to separate the following Designated Recycling Materials from all solid waste. Designated Recyclables shall be placed for disposal, removal or collection in strict conformity with the following regulations:

- B. Recyclable Glass (05), Steel Cans (07), Aluminum Cans (06) and plastic (08), newspaper (03), office paper (02), magazines (04), junk mail (04), corrugated (01), other cardboard (01) and brown paper bags **shall be contained in a Township supplied container only**. The recycling container and its contents shall be placed at curbside on the designated day and time for collection and placed at a minimum 6 (six) feet from any other container or object. The Method, Day and Time of collection shall be determined by the Township and the residents given notice thereof.
- C. White Goods and Light Iron (11) shall only be placed at curbside on the designated day(s) and time for collection **and shall be placed at least six (6) feet from any Township supplied trash or recycling container**. The Method, Day and Time of collection shall be determined by the Township and the resident given notice thereof.

15305

REV ORD SUPP 04/12

153-4

LOWER ALLOWAYS CREEK CODE

- D. **Consumer Electronics (21) and Used Oil (16)**, shall be taken to the Lower Alloways Creek “Recycling Center” at the Public Works Garage or other location so designated to receive such recyclables and placed in the proper space or container, on the designated Day and Time for their receipt. The Method, Day and Time of collection shall be determined by the Township and the residents given notice thereof.
- D. When municipal curbside collection is not provided for Designated Recyclable Materials, as is the case for those recyclables generated by commercial and institution entities, it shall be the obligation of the owners, lessees, tenants or occupants of any residential and non-residential premises, including but not limited to retail, commercial, government, schools or institutional locations to arrange for private collection and delivery of Designated Recyclable materials to a recycling facility or to deliver Designated recyclable Materials to a municipal recycling depot designated by the Township of Lower Alloways Creek.

§ 153-5. Separation and placement of other recyclables.

The occupant or owner of any residential, commercial or institutional building or use within the Township of Lower Alloways Creek, unless exempted, shall place for disposal, removal or collection in the manner specified such other materials as may be identified by the Township when a convenient and economically feasible market exists and this chapter is amended accordingly.

§ 153-6. Leaves and grass clippings.

- A. It is prohibited to place leaves and grass clippings for collection or disposal as solid waste. All persons occupying residential premises within the township shall mulch or compost the leaves and grass clippings generated at those premises.
- B. Residential leaf generators are prohibited from causing or permitting nonorganic materials, paper, plastic, metal, wood, or other materials from becoming mixed in with leaves.
- C. Residential leaf generators are prohibited from mixing in leaves with municipal solid waste for disposal of solid waste.

- (2) Any material not accepted by the Salem County landfill without special arrangements, special packaging, special handling or special fees.
- (3) Any trash resulting from building demolition,
- (4) Contractor renovations materials.
- (5) Motor vehicles, tractors, farm machinery and trucks or parts of any of those items.
- (6) Toxic and hazardous wastes.
- (7) Tree stumps.
- (8) Brush and trees or parts of brush and trees in excess of four (4) inches in diameter.
- (9) Animal carcasses.
- (10) Nonhousehold chemical or petroleum products.

153-9

15307
LOWER ALLOWAYS CREEK CODE

REV ORD SUPP 04/12

- (11) Herbicide, pesticide and chemical containers unless they are empty and triple rinsed.
- (12) Leaves and grass trimmings.
- (13) Concrete of any size, weight or description

C. Garbage, trash and debris from noninstitutional residential buildings **shall be placed in Township supplied containers and shall be placed at curbside on the day(s) designated for collection of such items and placed at a minimum 6 (six) feet from any other container or object.**

D. Brush and Branches from noninstitutional residential property shall be placed at curbside and the township notified as directed by the Superintendent of Public Works or his designee and placed at a minimum 6 (six) feet from any other container or object

E. Bulk Items, White Goods, Scrap metal, Large nonmetal items, such as furniture, rugs, Scrap wood and mattresses, from noninstitutional residential buildings within the township shall be placed at curbside on the day(s) designated for collection of such items and placed at a minimum 6 (six) feet from any other container or object.

(1) Fees Imposed. [added 06/15/10 by Ordinance 2010-07]

There is hereby created a fee for the collection and disposal of Bulk Items in the Township of Lower Alloways Creek to be known as the Sticker Fee.

Each person, firm or corporation who is a qualified user and accepts the service of collection and disposal of Bulk Items shall pay for such service to the Township according to the following fees:

- (a) Fee Schedule Items List
 - \$5.00 Refrigerator
 - \$5.00 Freezer
 - \$5.00 Sofa bed

\$3.00 Sofa
 \$5.00 Cooking stove
 \$5.00 Washer or dryer
 \$5.00 Hot water heater
 \$3.00 Room air conditioner
 \$3.00 Carpet per roll or part roll
 \$3.00 Mattress or box spring
 \$3.00 Stuffed chair or recliner
 \$1.00 Bureau, dresser or similar furniture item
 \$10.00 Televisions (all)
 \$2.00 Desk
 \$2.00 Table (kitchen or dining)
 \$3.00 Tire (passenger or pickup)
~~\$25.00~~ \$15.00 Tire (Large Truck or Tractor)
 \$3.00 Propane Tank under 20 lbs
 \$5.00 Propane Tank over 20 lbs
 \$1.00 Miscellaneous other small items grouped together
 (per 20 pounds, example Pool Cover, tarps & large toys)

15308

REV ORD SUPP 04/12

WASTE & RECYCLING SEPARATION AND COLLECTION 153-9.

(b) Stickers; Advance Payment

The fees provided for shall be paid to the Township by purchase of Township approved and issued stickers be applied to the Bulk Item sought to be disposed. Stickers shall be placed upon the bag, container or item being disposed in a conspicuous place thereon. If no sticker is applied, the waste will not be collected. Stickers maybe purchased only from the authorized officer of the Township who will issue them to qualified users of this service, in books of such number prescribed to be issued.

Application may be made to such officer during any business day so that the service will not be interrupted according to the need of the user to have its waste collected. The application to secure such stickers shall require the name of the user, the address of the property to which the waste will be placed for collection and the nature of the use of the property. The stickers will not be transferable; however, they may be redeemed from the Township at cost if the user decides that there is no further use required. The stickers will remain subject to the conditions of issuance.

(c) Misuse of Stickers

Any person who attempts to duplicate or counterfeit a sticker, reuse a cancelled sticker, provide a sticker to an unqualified user, or transfer a sticker to any person to whom such sticker was not issued shall be in violation of this Article and be subject to prosecution in the Municipal Court. Any person determined guilty shall be subject to the payment of a fine not to exceed \$500 or imprisonment for a period of up to 90 days, or both, for each violation.

F. Residents may receive one roll-off container per calendar year, to dispose of Type C10, C13, C13C waste or roofing material at no charge. For each additional roll-off container requested after the first, there shall be a charge of \$200.00, which shall be paid to the Township before the roll-off

container is delivered. Roll-off containers shall be delivered to residents as available and shall remain at the residents site no longer than 2 (two) weeks.

§ 153-10. Receptacles. [Amended 7-18-2006 by Ord. No. 2006-09, 12-16-08 by Ordinance 2008-11, 4-17-2012 by Ordinance 2012-04]

A. The only trash receptacles permitted are those designed for use with automated trash collection systems and will be provided by the township. Receptacles shall be placed at a minimum 6 (six) feet from any other container or object prior to collection between the curb and sidewalk where they shall be readily accessible. Receptacles shall be placed at curbside no earlier than 6:00 pm of the day immediately preceding the day of collection. After collection, empty receptacles shall be removed from curbside promptly, but no later than 7:00 pm of the day of collection.

B. The only recycling receptacles permitted are those designed for use with automated trash collection systems and will be provided by the township. Receptacles shall be placed at a minimum 6 (six) feet from any other container or object prior to collection between the curb and sidewalk where they shall be readily accessible. Receptacles shall be placed at curbside no earlier than 6:00 pm of the day immediately preceding the day of collection. After collection, empty receptacles shall be removed from curbside promptly, but no later than 7:00 pm of the day of collection.

15309

REV ORD SUPP 04/12

153-11

LOWER ALLOWAYS CREEK CODE

§ 153-11. Collection by unauthorized persons. [Amended 12-16-08 by Ordinance 2008-11]

A. From the time of placement at the curb of any one of the categories described herein for the collection by the Township of Lower Alloways Creek or its agent in accordance with the terms hereof, items shall be and become the property of the Township of Lower Alloway Creek or its authorized agent. It shall be a violation of this Article for any person unauthorized by the Township of Lower Alloways Creek to collect or pick up or cause to be collected or picked up any such items during the twenty-four-hour period commencing at 6:00 p.m. on any day preceding a day designated for collection. Any and each such collection in violation hereof from one or more residences during said twenty-four-hour period shall constitute a separate and distinct punishable violation as hereinafter provided.

B. Once placed in the location identified by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than any personnel authorized by the municipality or the owner or occupant responsible for placement of the Designated Recyclable Materials for collection, shall tamper with, collect, remove, or otherwise handle Designated Recyclable Materials. Upon placement of such Designated Recyclable Material, it shall become property of the municipality or its authorized agent. It shall be a violation of this Ordinance for any person not duly authorized to collect or pick up or cause to be collected or picked up any Recyclable Materials that are the property of the municipality as provided for above.

§ 153-12. Rules and Regulations [Amended 12-16-08 by Ordinance 2008-11]

The governing body is hereby authorized to promulgate, from time to time, additional rules and regulations relating to the Source Separation, preparation, placement and collection of Recyclable Materials pursuant to the provisions of this program and subchapter; provided, however, that such rules and regulations shall not be inconsistent with terms and provisions of this subchapter and shall be approved by the governing body. Such rules and regulations shall be duly promulgated subsequent to publication so that the public has had notice thereof.

**§ 153-13. Construction, Renovation and Demolition Debris Recovery Plan
[Amended 12-16-08 by Ordinance 2008-11]**

For all activities that require municipal approval such as construction, demolition or public event permits, a Designated Recyclable Materials Plan shall be filed along with all other required permit conditions. The Plan shall include provisions for the recovery of all Designated Recyclable Materials generated during construction, renovation and demolition activities, as well as, public events.

§ 153-14. Violations and penalties.

Any person, firm or corporation violating any of the provisions of this Article shall, upon conviction thereof, be punishable by one (1) or more of the following: by fine, not exceeding one thousand dollars (\$1,000.) or by imprisonment not exceeding ninety (90) days or by a period of community service not exceeding ninety (90) days.

15310 REV ORD SUPP 11/08
WASTE & RECYCLING SEPARATION AND COLLECTION 153-15.

**Article II
Multifamily Development Regulations
[Adopted 6-21-1994 as Ord. No. 94-5, Amended 12-16-08 by Ordinance 2008-11, 4-17-2012 by
Ordinance 2012-04]**

**§ 153-15. Definitions. [Amended 12-16-08 by Ordinance 2008-11, 4-17-2012 by Ordinance 2012-04,
4-17-2012 by Ordinance 2012-04]**

For the purpose of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section and in N.J.S.A. 13:1E-99.12.

ALUMINUM -All products made of aluminum, including aluminum cans, foil, wrappers, containers for prepared dinners or other foods, screen frames and lawn chairs.

BATTERY - means a device consisting of one or more electrically connected electrochemical cells which are designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

BULK ITEMS– All items which, cannot or do not fit in a regular Trash Container or Recycling Container because of its size, dimensions, or proportions such as, but not limited to: Washer/Dryer, Stove, Dishwasher, TV, Console TV, Mowers, Furniture, Refrigerator – (door removed), Freezer – (door removed), Hot Water Tank, Large Mattress, Doors, Furnace, Bath Vanity, Toilet, Sink, Bath Tub, Mirror, Couch/Recliner, Tables, Chairs, Windows, Carpet, Box Springs, Air Conditioner, Cabinets, Glass Patio Doors, Microwave, Barbeque grills, Railings, Bicycles, Lawn Chairs, Bed Frames, Machinery

CONCRETE –Cement, block, brick, stonework or any like masonry material or part thereof

COMMINGLED – Means a combining of non-putrescible source-separated recyclable materials for the purpose of recycling.

CONSUMER ELECTRONICS -Means any appliance used in the home or business that includes circuitry. Consumer electronics includes the components and sub-assemblies that collectively make up the electronic products and may, when individually broken down, include batteries, mercury switches, capacitors containing PCBs, cadmium plated parts and lead or cadmium containing plastics. Examples of consumer electronics include, but are not limited to, computers, printers, copiers, telefacsimiles, VCRs, stereos, televisions, and telecommunication devices.

DEBRIS -Stones, dirt, demolition material and other like material, brush, branches, small trees and bushes.

DESIGNATED RECYCLABLE MATERIALS – Means those materials designated within the Salem County Solid Waste Management Plan to be source separated for the purpose of recycling by residential, commercial, institutional and industrial sectors. These materials cannot be deposited in the landfill and include:

153-15

15311
LOWER ALLOWAYS CREEK CODE

REV ORD SUPP 04/12

Aluminum Cans (06): Food and beverage containers made entirely of aluminum.

Consumer Electronics (21): Examples include, but are not limited to, computers, printers, copiers, telefacsimiles, VCRs, stereos, televisions, and telecommunication devices.

Corrugated (01): Containers and similar paper items, usually used to transport supplies, equipment, parts, or other merchandise.

Food Scraps (23): Food plate waste and food processing wastes. Food processing wastes include food processing vegetative waste (material generated in trimming and reject sorting operations from the processing of fruits and vegetables in canneries or similar industries, e.g., tomato skins, pepper cores, bean snips, cranberry hulls, etc.), food processing residuals and animal processing wastes. If the material is transported and processed as animal feed, it may be identified as such.

Glass Containers (05): All glass containers used for packaging food or beverages.

Mixed Office (02): All computer paper, all high-grade white paper (including letterhead, typing paper, copier paper, onionskin, tissue, and notepad).

Newspaper (03): All paper marketed as newsprint or newspaper and containing at least seventy percent (70%) newsprint or newspaper (American Paper Institute grades #6, #7 and #8 news).

Other Paper/Magazines/Junk Mail (04): All magazine stock, white and colored paper and envelopes.

Plastic (08): Containers such as polyethylene terephthalate (PETE - #1) soda bottles, high-density polyethylene (HDPE - #2) milk, water or detergent bottles.

MUNICIPAL SOLID WASTE (MSW) STREAM – means all solid waste generated at residential, commercial and institutional establishments within the boundaries of the municipality of Lower Alloways Creek Township.

RECHARGEABLE BATTERY: A group of one or more electrochemical cells, that can be recharged very cheaply and used many times, found in consumer electronics, common types are Nickel–cadmium battery (NiCd), Nickel–metal hydride battery (NiMH), Lithium-ion battery and Lithium-ion polymer battery.

RECYCLABLE MATERIAL - Means those materials which would otherwise become solid waste, and which may be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

SOURCE SEPARATION OR SOURCE SEPARATED RECYCLABLE MATERIALS - Means recyclable materials, which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

TOTAL MUNICIPAL SOLID WASTE STREAM -means the sum of the municipal solid waste stream disposed of as solid waste, as measured in tons, plus the total number of tons of material separated from municipal solid waste and recycled.

153-15

15313
LOWER ALLOWAYS CREEK CODE

REV ORD SUPP 4/12

TOTAL SOLID WASTE STREAM -means the aggregate amount of solid waste generated from all sources of generation, including the municipal solid waste stream. This includes all non-hazardous materials disposed and recycled.

TRASH -Ashes, plastic material, ceramics, blue and flat glass, non putrescible solid waste, building materials, contaminated paper and other similar materials.

TYPES - 10 = Municipal (household, commercial, institutional) waste, 13 = Bulky waste and 13C = Construction and Demolition waste

USED OIL -means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use, is contaminated by physical or chemical impurities, or unused oil that is contaminated by physical or chemical impurities through storage or handling and is determined to be a solid waste by the generator.

USED OIL BURNER -means a facility where used oil not meeting the specification requirements in *N.J.A.C. 7:26A-6.2* is burned for energy recovery in devices identified in *N.J.A.C. 7:26A-6.8(b)*.

USED OIL COLLECTION CENTER -means any site or facility that is registered or approved by the municipality or county to manage used oil and accepts and/or aggregates and stores used oil collected from used oil generators regulated under *N.J.A.C. 7:26A-6.4* that bring used oil to the collection center in shipments of no more than 55 gallons pursuant to *N.J.A.C. 7:26A-6.4(e)*. Used oil accumulation centers may also accept used oil from household do-it-yourselfer used oil generators.

§ 153-16. Recycling area required; dimensions.

There shall be included in any new multifamily housing development that requires subdivision or site plan approval an indoor or outdoor recycling area for the collection and storage of residentially generated recyclable materials. The dimensions of the recycling area shall be sufficient to accommodate recycling bins or containers which are of adequate size and number and which are consistent with anticipated usage

and with current methods of collection in the area in which the project is located. The dimensions of the recycling area and the bins or containers shall be determined in consultation with the District Recycling Plan adopted pursuant to § 3 of P.L. 1987, c. 102 (N.J.S.A. 13:1E-99.13), and any applicable requirements of the Municipal Master Plan adopted pursuant to § 26 of P.L. 1987, c. 102 (N.J.S.A. 40:55D-28).

§ 153-17. Location of recycling area.

The recycling area shall be conveniently located for the residential disposition of source separated recyclable materials, preferably near, but clearly separated from, a refuse dumpster.

§ 153-18. Lighting; accessibility; protection from theft.

The recycling area shall be well lit and shall be safely and easily accessible by recycling personnel and vehicles. Collection vehicles shall be able to access the recycling area without interference from parked cars or other obstacles. Reasonable measures shall be taken to protect the recycling area, and the bins or containers placed therein, against theft of recyclable materials, bins or containers.

15314
WASTE & RECYCLING SEPARATION AND COLLECTION

REV ORD SUPP 04/12
153-19

§ 153-19. Protection against environmental conditions.

The recycling area or the bins or containers placed therein shall be designed to provide protection against adverse environmental conditions, which might render the collected materials unmarketable. Any bins or containers which are used for the collection of recyclable paper or cardboard and which are located in an outdoor recycling area shall be equipped with a lid, or otherwise covered, to keep the paper or cardboard dry.

§ 153-20. Signs.

Signs clearly identifying the recycling area and the materials accepted therein shall be posted adjacent to all points of access to the recycling area. Individual bins or containers shall be equipped with signs indicating the materials to be placed therein.

§ 153-21. Landscaping.

Landscaping and/or fencing shall be provided around any outdoor recycling area and shall be developed in an aesthetically pleasing manner.

**§ 153-22. Prohibition of the collection of waste mixed with recyclable materials
[Amended 12-16-08 by Ordinance 2008-11]**

A. It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or contains visible signs of, Designated Recyclable Materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice sticker or some other device indicating that the load of solid waste contains Designated Recyclable Materials.

B. It shall be the responsibility of the owner or occupant to properly segregate the uncollected waste for proper disposal and/or recycling. Allowing such unseparated solid waste and

recyclables to accumulate at the curbside beyond 7:00 p.m. on the day of collection will be considered a violation of this Ordinance and the local sanitary code.

C. Once placed in the location identified by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than any personnel authorized by the municipality or the owner or occupant responsible for placement of the Designated Recyclable Materials for collection, shall tamper with, collect, remove, or otherwise handle Designated Recyclable Materials. Upon placement of such Designated Recyclable Material, it shall become property of the municipality or its authorized agent. It shall be a violation of this Ordinance for any person not duly authorized to collect or pick up or cause to be collected or picked up any Recyclable Materials that are the property of the municipality as provided for above.

15315

REV ORD SUPP 04/12

153-23

LOWER ALLOWAYS CREEK CODE

**§ 153-23. Compliance with Diversion Requirement
[Amended 12-16-08 by Ordinance 2008-11]**

The Municipal Recycling Coordinator shall review the information submitted pursuant to this Section of the Ordinance and determine, prior to the issuance of the municipal approval or permit, whether the plan submitted by the owner of the entity carrying out the covered activity will comply or fail to comply with the recycling requirements set forth herein. The determination regarding compliance will be provided to the Municipal Public Works Director/Supervisor and the owner of the entity carrying out the covered project in writing. When such plan is deemed not compliant, the Municipal Recycling Coordinator shall include specific conditions to be implemented by the permit holder to achieve compliance. It shall be a violation of this Ordinance for any owner or permit holder to fail to comply with the recycling requirements set forth herein.

§ 153-24. Violations and penalties. [Amended 12-16-08 by Ordinance 2008-11]

Any person, firm or corporation violating any of the provisions of this Article shall, upon conviction thereof, be punishable by one (1) or more of the following: by fine, not exceeding one thousand dollars (\$1,000.) or by imprisonment not exceeding ninety (90) days or by a period of community service not exceeding ninety (90) days.

15316

REV ORD SUPP 04/12

Section 2. Repealer, Severability and Effective Date.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

Introduction: March 20, 2012

COMMITTEE MEMBER	MOVE	SECOND	YES	NO	ABSTAIN	ABSENT
MR. BRESLIN III	M		Y			
MR. PALOMBO		S	Y			
MR. VENABLE				N		
MR. WOOD			Y			
MAYOR POMPPER			Y			

Final: April 17, 2012

COMMITTEE MEMBER	MOVE	SECOND	YES	NO	ABSTAIN	ABSENT
MR. BRESLIN III	M		Y			
MR. PALOMBO		S	Y			
MR. VENABLE				N		
MR. WOOD			Y			
MAYOR POMPPER			Y			

OLD BUSINESS: None

NEW BUSINESS:

Motion (Venable, Wood) to approve a lease with Edward and Dottie Stetser for Unit A-5 at the Leisure Arms Complex.

Mr. Breslin commented that the language regarding the resident paying the electric cost, needs to be revised

The motion to approve a lease with Edward and Dottie Stetser for Unit A-5 at the Leisure Arms Complex passed a vote of the Township Committee as follows: 5-0

Ayes: Venable, Wood, Breslin, Palombo and Pompper

Nays: none Abstain: none Absent: none

Motion (Breslin, Venable) to approve the request of George William Blades to obtain new carpet for the living room and hallway of Unit B-9 at his expense, under the supervision of Lewis Fogg

The motion to approve the request of George William Blades to obtain new carpet for the living room and hallway of Unit B-9 at his expense, under the supervision of Lewis Fogg passed a vote of the Township Committee as follows: 5-0

Ayes: Breslin, Venable, Palombo, Wood and Pompper

Nays: none Abstain: none Absent: none

Motion (Breslin, Venable) to approve the purchase of a new refrigeration condensing unit for the Leisure Arms Kitchen from Autocon at a cost of \$ 2929.00

The motion to approve the purchase of a new refrigeration condensing unit for the Leisure Arms Kitchen from Autocon at a cost of \$ 2929.00 passed a vote of the Township Committee as follows: 5-0

Ayes: Breslin, Venable, Palombo, Wood and Pompper

Nays: none Abstain: none Absent: none

Motion (Breslin, Palombo) to approve the purchase of a rotary lobe blower from R & M Equipment at a cost of \$ 3468.00.

The motion to approve the purchase of a rotary lobe blower from R & M Equipment at a cost of \$ 3468.00. passed a vote of the Township Committee as follows: 5-0

Ayes: Breslin, Palombo, Venable, Wood and Pompper

Nays: none Abstain: none Absent: none

Motion (Venable, Breslin) to acknowledge the sub lease of a 2011 Ford Vehicle from the County of Salem for Senior & Disabled Transportation

The motion to acknowledge the sub lease of a 2011 Ford Vehicle from the County of Salem for Senior & Disabled Transportation passed a vote of the Township Committee as follows: 5-0

Ayes: Venable, Breslin, Palombo, Wood and Pompper

Nays: none Abstain: none Absent: none

Motion (Breslin, Palombo) to authorize the stenciling of "LAC Animal Control" on the animal control van as required by law.

The motion to authorize the stenciling of "LAC Township Animal Control" on the animal control van as required by law passed a vote of the Township Committee as follows: 5-0

Ayes: Breslin, Palombo, Venable, Wood and Pompper

Nays: none Abstain: none Absent: none

Motion (Breslin, Palombo) to authorize the soliciting of financial analysis proposals to gage the Township's future financial position.

The motion to authorize the soliciting of financial analysis proposals to gage the Township's future financial position passed a vote of the Township Committee as follows: 5-0

Ayes: Breslin, Palombo, Venable, Wood and Pompper

Nays: none Abstain: none Absent: none

Motion (Palombo, Breslin) to advertise for the receipt of applications for Summer Workers in the Township Newsletter.

The motion to advertise for the receipt of applications for Summer Workers in the Township Newsletter passed a vote of the Township Committee as follows: 5-0

Ayes: Venable, Breslin, Palombo, Wood and Pompper

Nays: none Abstain: none Absent: none

Mayor Pompper spoke about the contract for Animal Sheltering with Pennsville that will be up the end of May and we have gotten a proposal from the Cumberland County SPCA, she will look into this further and come back next month with suggestions.

Mayor Pompper discussed with the Committee about raising the rate per call for the Animal Control Officer's and not getting each of them an individual cell phone.

Motion (Breslin, Palombo) to raise the rate for the Animal Control Officers to \$30.00 per call.

The motion to raise the rate for the Animal Control Officers to \$30.00 per call passed a vote of the Township Committee as follows: 5-0

Ayes: Breslin, Venable, Palombo, Wood and Pompper

Nays: none Abstain: none Absent: none

CORRESPONDENCE Annual Salem County Local Government Dinner May 25, 2012

REPORTS TO THE COMMITTEE & COMMITTEE REPORTS

Public Works

Mr. Lynch commented that Mr. Breslin and he had met earlier in the day with representatives of All Solar, Inc. to go over the Solar Project at the Community Center.

Public Safety

Mr. Sowers stated that there will be a meeting here May 1st on Search & Seizure given by the County Prosecutor, other Departments have expressed an interest in attending as well.

Mr. Sowers stated that people have been picking up the outside Police phone and asking the County Dispatchers to have an officer come and let them in the bathroom, Mr. Sowers has put a sign up to discourage this practice.

Mr. Sowers stated that the Department would be audited on the Buffer Grant Funds next week.

Mr. Sowers commented that the Range is now encircled by fencing and the Department will be using it soon.

Ambulance

Mr. Bradway stated that May 24, will be EMS night at the County facility.

Mr. Venable stated that he would strive to inform the Leisure Arms residents about the water, as many residents are unsure and nervous about not having regular updates.

Mr. Venable brought up the possibility of Leisure Arms resident having the electric in their name and they would pay it directly. This will be looked into to see if a security deposit would need to be given to Atlantic City Electric by residents.

Mr. Palombo no report

Mr. Breslin stated that Buckhorn Road residents had commented that the road needs grading, Mr. Fogg stated that it has been done.

Mr. Breslin stated that he had asked Mr. Rosenberger about the Township's residency requirement as an employee who did reside in the Township has left due to extenuating circumstances. There was some questions and discussion on this issue.

Motion (Breslin, Wood) acknowledging the out of Township residency of Amy Evans and granting her an exception to the residency requirement of Chapter 40 -19 as authorized under Chapter 40-20 of the Code of the Township of Lower Alloways Creek.

The motion acknowledging the out of Township residency of Amy Evans and granting her an exception to the residency requirement of Chapter 40 -19 as authorized under Chapter 40-20 of the Code of the Township of Lower Alloways Creek passed a vote of the Township Committee as follows: 5-0

Ayes: Breslin, Venable, Palombo, Wood and Pompper

Nays: none

Abstain: none

Absent: none

Mr. Wood thanked Jack Lynch and Lewis Fogg for the cleanup work they have accomplished.

PUBLIC COMMENT No one from the public indicated that they wished to make any comments.

CLOSED SESSION

Motion (Breslin, Wood) to convene into a Closed Session of Business 8:15 pm

RESOLUTION 2012 - 72
A RESOLUTION FOR A CLOSED SESSION OF BUSINESS

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:

____ 1. A matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of disclosure.

____ 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. Contracts – Solar
- B. Personnel – Employee Matter

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

- A. At such time the heretofore mentioned matters are concluded or resolved
- B. At such time the heretofore mentioned matters are concluded or resolved

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

BE IT FURTHER RESOLVED that this Closed Session is expected to continue for 30 (thirty) Minutes and that further business by the Committee may take place at its conclusion.

The motion for the Closed Session of Business passed a vote of the Committee as follows: 5-0

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

Motion (Breslin, Wood) to come out of the Closed Session of business. 9:00 pm

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

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

BUSINESS AFTER CLOSED SESSION

Motion (Breslin, Venable) to accept the recommendation of the Superintendent of Public Works for an employee's discipline.

The motion to accept the recommendation of the Superintendent of Public Works for an employee's discipline passed a vote of the Township Committee as follows: 5-0

Ayes: Breslin, Venable, Palombo, Wood and Pompper

Nays: none Abstain: none Absent: none

ADJOURNMENT

Motion (Breslin, Palombo) to adjourn the meeting at 9:05 p.m.

The motion to adjourn the meeting passed unanimously.

Minutes of the April 17, 2012 Meeting were approved at a meeting held _____, 2012

ATTEST:

LOWER ALLOWAYS CREEK TOWNSHIP

By: _____

Ronald L Campbell Sr. Clerk

Mayor Ellen B. Pompper