

**MINUTES OF A REGULAR MEETING OF THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK HELD DECEMBER 18, 2012**

A Regular Meeting of the Lower Alloways Creek Township Committee was held on December 18, 2012 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 -11- (eleven) 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 (Wood, 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: Wood, Breslin, Palombo, Venable, and Pompper

Nays: none Abstain: Pompper on check # 15389 Absent: none

MONTHLY REPORTS TO THE COMMITTEE

The Mayor requested that the minutes reflect that the November 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 NOVEMBER 20, 2012 AND THE CLOSED SESSION MINUTES OF
NOVEMBER 20, 2012.**

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

The motion to approve the minutes of the November 20, 2012 Regular Township Committee Meeting Minutes and the November 20, 2012 Closed Session Minutes of the Township Committee passed a vote of the Township Committee as follows: 4-0-1

Ayes: Breslin, Venable, Palombo, and Pompper

Nays: none Abstain: Wood Absent: none

RESOLUTIONS

Motion (Venable, Wood) for Resolution 2012-124 A Resolution of commendations to Patrolman Michael Deparre

RESOLUTION 2012-124 A RESOLUTION OF COMMENDATIONS TO PATROLMAN MICHAEL DEPARRE

WHEREAS, Ptl. Michael Deparre was on patrol the evening of November 17, 2012 and observed a suspicious vehicle that first appeared to be speeding, then suspiciously pulled into a residential driveway and backed out on to the roadway, where Ptl. Deparre followed the vehicle and observed it, then pulling into another residential driveway, during the pursuit it was discovered that the vehicle was listed as a stolen vehicle. Ptl. Deparre then blocked the exit of the vehicle and took the occupants of the vehicle into custody assisted by Ptl. Dwayne Johnson; and,

WHEREAS, one of those taken into custody by Ptl. Michael Deparre was found to be a wanted fugitive facing charges of multiple burglaries and armed robbery; and,

WHEREAS, Ptl. Michael Deparre has continually displayed a strong dedication to his profession, to the Lower Alloways Creek Police Department; and

WHEREAS, in recognition of his excellent police instincts in this incident, the Township Committee of the Township of Lower Alloways Creek have chosen to recognize Ptl. Michael Deparre.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Lower Alloways Creek, pauses from in its normal deliberations to honor Ptl. Michael Deparre, recognizing the significance of his service to this community, extending to him commendations for the work he did in keeping the community safe and protected from a fugitive wanted for multiple burglaries and armed robbery.

The motion for Resolution 2012-124 a resolution of commendations to Patrolman Michael Deparre 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, Wood) for Resolution 2012-125 A Resolution recognizing Patrolman Dwayne Johnson.

RESOLUTION 2012-125 A RESOLUTION RECOGNIZING PTL. DWAYNE JOHNSON

WHEREAS, Ptl. Dwayne Johnson was on patrol the evening of November 17, 2012 and provided backup and assistance to Ptl. Michael Deparre, who had stopped a suspicious vehicle and,

WHEREAS, one of those taken into custody by Ptl. Michael Deparre and Ptl. Dwayne Johnson was found to be a wanted fugitive facing charges of multiple burglaries and armed robbery; and,

WHEREAS, Ptl. Dwayne Johnson by his actions displayed a strong dedication to his profession and to his fellow officer; and

WHEREAS, in recognition of his actions and assistance in this incident, the Township Committee of the Township of Lower Alloways Creek have chosen to recognize Ptl. Dwayne Johnson.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Lower Alloways Creek recognizes Ptl. Dwayne Johnson's work ethic and positive attitude and does hereby express its appreciation to Ptl. Dwayne Johnson for his service to Lower Alloways Creek Township, and extends to him congratulations for the work he did in keeping the community safe and protected.

The motion for Resolution 2012-125 recognizing Patrolman Dwayne Johnson 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 a Resolution honoring Sherman G Wood Jr for his service to the Township Committee.

A RESOLUTION HONORING SHERMAN G. WOOD Jr

WHEREAS, SHERMAN G. WOOD Jr has given six (6) years of dedicated service as a Committeeman to the Township of Lower Alloways Creek; and,

WHEREAS, the Township Committee hereby adopts this resolution as a means to honor and thank SHERMAN G. WOOD Jr for his service to the community.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lower Alloways Creek that it does express its appreciation to SHERMAN G. WOOD Jr for his years of service to the community, in the giving of his time and talents to perform a job well done.

BE IT FURTHER RESOLVED that this resolution be entered into the meeting minutes as a means to honor his service and that a copy of this resolution be presented to SHERMAN G. WOOD Jr. as an expression of the Township Committee's gratitude for his dedicated service.

The motion for the Resolution honoring Sherman G Wood Jr for his service to 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

Motion (Breslin, Palombo) for Resolution 2012-126 A Resolution authorizing an Interlocal Shared Services Agreement by and between LAC, Elsinboro and Mannington Townships for Trash & Recycling Pickup and Disposal Services in 2013.

RESOLUTION 2012-126

A RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH AND BETWEEN ELSINBORO TOWNSHIP, MANNINGTON TOWNSHIP AND LOWER ALLOWAYS CREEK TOWNSHIP FOR TRASH AND RECYCLING COLLECTION SERVICES IN 2013

WHEREAS the Township Committee of the Township of Lower Alloways Creek desires to continue a Shared Services Agreement for Trash and Recycling Services with Elsinboro and

Mannington Townships, and;

WHEREAS, municipalities can enter into such Shared Services Agreement pursuant to N.J.S.A. 40A:65-4 et seq., and;

WHEREAS, the three Townships have agreed to the terms, conditions and scheduling to be memorialized within the Shared Services Agreement for Trash and Recycling Services in 2013.

NOW THEREFORE BE IT RESOLVED that the Township Committee of the Township of Lower Alloways Creek hereby authorizes the Mayor and Clerk to execute a Shared Services Agreement for Trash and Recycling Services with and between Elsinboro Township, Mannington Township and Lower Alloways Creek Township with the following cost sharing agreement;

	2013	Total	Quarterly
	Elsinboro	\$ 99,132.00	\$ 24,783.00
	Mannington	\$ 83,313.00	\$ 20,828.25
	LAC	\$ 107,185.00	\$ 26,796.25

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Clerks of the Township of Elsinboro, the Township of Mannington and the Superintendent of Public Works for Lower Alloways Township.

The motion for Resolution 2012-126 authorizing an Interlocal Shared Services Agreement by and between LAC, Elsinboro and Mannington Townships for Trash & Recycling Pickup and Disposal Services in 2013 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 (Wood, Venable) for Resolution 2012-127 A Resolution authorizing a Foreclosure Action.

RESOLUTION 2012-127

A RESOLUTION AUTHORIZING THE TOWNSHIP TAX COLLECTOR AND ADAM I. TELSEY, TO PROCEED WITH FORECLOSURE ACTION ON ONE MUNICIPAL TAX LIEN CERTIFICATE HELD BY THE TOWNSHIP OF LOWER ALLOWAYS CREEK

WHEREAS, pursuant to the provisions of NJSA 54:5-104.29, et seq., the Tax Collector has certified to the Township Committee that the Township of Lower Alloways Creek is the holder of various Municipal Tax Sale Certificates, covering the lands for the amounts, including subsequent municipal liens, as shown on the Tax Foreclosure List hereto annexed and made a part hereof, being Schedule Number 1, and;

WHEREAS, the Township Committee of the Township of Lower Alloways Creek desires to proceed with the foreclosure action on one (1)Municipal Tax Lien Certificate; and

WHEREAS, the Township Committee of the Township of Lower Alloways Creek has secured the legal services of Adam I. Telsey to process the foreclosure action on one (1) Municipal Tax Lien Certificate held by the Township of Lower Alloways Creek.

NOW THEREFORE BE IT RESOLVED by Township Committee of the Township of Lower Alloways Creek that the Township Tax Collector and Adam I. Telsey are authorized to foreclose said certificate by summary proceedings, In Rem, as provided by N.J.S.A. 54:5-104.29 to 54:5-104.75.:

Certificate	Block	Lot	Location
09-00001	4	1.01	25 Short Road

The motion for Resolution 2012-127 authorizing a Foreclosure Action passed a vote of the Township Committee as follows: 5-0

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

ORDINANCE (PUBLIC HEARING)

Ordinance 2012-07 An ordinance repealing Section 5.21 (F) (2) of the Land Use Code of the Township

Mayor Pompper opened the meeting to a Public Hearing on Ordinance 2012-07

ORDINANCE 2012-07

AN ORDINANCE REPEALING SECTION 5.21 (F) (2) OF THE LAND USE CODE OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK

WHEREAS, the New Jersey legislature has determined that certain agricultural activities are to be encouraged and have been found to be beneficial, which finding is set forth in the “Right to Farm Act”, *N.J.S.A. 4:1C-1, et seq.*; and

WHEREAS, the provisions of the Lower Alloways Creek Township land development ordinance designated LD 5.21 may contain provisions that are inconsistent with the provisions of the “Right to Farm Act”; and

WHEREAS, the Mayor and Township Committee have determined that this ordinance should be reviewed by the Planning Board to determine which sections shall remain, and which sections shall be repealed and/or modified; and

WHEREAS, the Mayor and Township Committee have determined that § LD 5.21(F)(2) should be repealed.

NOW, THEREFORE, BE IT ADOPTED by the Mayor and Township Committee of Lower Alloways Creek that § LD 5.21(F)(2) be and is hereby repealed, and the remainder of subsection (F) shall be renumbered accordingly as follows:

F. Farm and Agricultural Uses. In the districts where farm and agricultural uses are permitted the following additional provisions governing their use shall apply:

1. Such uses are conducted upon a lot not less than five (5) acres in area.

~~2. No building or structure used for shelter or enclosure of fowl, game, horses, farm livestock, or adult dogs shall be closer to any property line than two hundred (200) feet.~~

2. Buildings used for the shelter of fowl of any kind shall have a maximum usable floor area

of two thousand (2,060) square feet for the first ten (16) acres and five thousand (5,000) additional square feet for each additional acre.

3. One domestic horse for the personal use of the occupants of the residence may be maintained on any lot at least three (3) acres in size. An additional two (2) acres shall be required for each additional horse.

4. The display for sales of products grown or raised by the owner, tenant or lessee on a roadside stand shall only be permitted where:

a. The sale of any such products shall not have a deleterious effect on adjoining properties by reason of nuisance or health hazard.

5. Intensive fowl or livestock farms shall be prohibited

THIS ORDINANCE shall take effect according to law following review by the Lower Alloways Creek Township Planning Board for consistency with the Master Plan.

Public Hearing on this Ordinance shall be on Tuesday December 18, 2012 at 7:30 p.m., at the Municipal Building, 501 Locust Island Road, Hancock’s Bridge, New Jersey.

This Ordinance which was introduced for First Reading on October 16, 2012 shall be published by Title in the South Jersey News and placed on the Township’s Bulletin Board giving notice of said Public Hearing as required by Law.

No one from the Public had any comments.

Mayor Pompper closed the Public Hearing on Ord 2012-07

Mayor Pompper commented that the Planning Board had reviewed the Ordinance at their last meeting and came to the conclusion that this section was inconsistent with the Master Plan.

Motion (Breslin, Wood) for final adoption of Ordinance 2012-07 an ordinance repealing Section 5.21 (F) (2) of the Land Use Code of the Township.

Final: December 18, 2012

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

Ordinance 2012-08 An ordinance to prohibit stopping or standing along the entirety of Frank Smith Road

Mayor Pompper opened the meeting to a Public Hearing on Ordinance 2012-08

ORDINANCE 2012-08
AN ORDINANCE PROHIBITING THE STOPPING OR STANDING ALONG FRANK SMITH ROAD IN THE TOWNSHIP OF LOWER ALLOWAYS CREEK

WHEREAS, a Township resident has identified a safety issue in the Township of Lower Alloways Creek, along Frank Smith Road; and

WHEREAS, said concern was brought to the attention of the Mayor and Township Committee of the Township of Lower Alloways Creek; and

WHEREAS, the Mayor requested that the Township Public Works Foreman conduct an investigation as to the feasibility of the placement of No Stopping or Standing” signs; and

WHEREAS, the Public Works Foreman concluded, following a field investigation, that the request for the placement of No Stopping or Standing” signs was found to be warranted; and

WHEREAS, the Township Committee has determined that it is in the Township’s best interests to prohibit stopping or standing along the entirety of Frank Smith Road.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lower Alloways Creek, County of Salem and State of New Jersey, that the of the Code of the Township of Lower Alloways Creek be and hereby is amended to add Frank Smith Road to the list of streets on which Stopping or Standing is prohibited at all times, as follows:

Name of Street	Side	Hours	Location
FRANK SMITH ROAD beginning at the intersection with Smick Road then continuing along its entirety	Both	All	No Stopping or Standing,

This ordinance shall take effect as provided by the law.

Public Hearing on this Ordinance shall be on Tuesday December 18, 2012 at 7:30 p.m., at the Municipal Building, 501 Locust Island Road, Hancock’s Bridge, New Jersey.

This Ordinance which was introduced for First Reading on November 20, 2012 shall be published by Title in the South Jersey News and placed on the Township’s Bulletin Board giving notice of said Public Hearing as required by Law.

No one from the Public had any comments.

Mayor Pompper closed the Public Hearing on Ord 2012-08

Motion (Breslin, Venable) for final adoption of Ordinance 2012-08 an ordinance to prohibit stopping or standing along the entirety of Frank Smith Road.

Final: December 18, 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			

OLD BUSINESS: Mr. Venable stated that he did not know what the provisions were or consider the current Police Contract with regards to vacation time carry over, at the last meeting when voting to approve additional time. He would certainly not go outside the contract in the future and asked that the other members of the Committee consider the negotiated contract when considering such decisions.

NEW BUSINESS:

Mrs. Cerami a resident of Leisure Arms Unit, who occupies C-15 submitted a request for alterations to lighting and outlets. The Committee consented to Mayor Pompper's request to postpone this decision to the next meeting in January 2013, so more information about the changes can be obtained.

Motion (Breslin, Venable) to set January 1, 2013 at 10:00 am, as the date and time for the 2013 Township Committee reorganization Meeting.

The motion to set January 1, 2013 at 10:00 am, as the date and time for the 2013 Township Committee reorganization Meeting passed a vote of the Township Committee as follows: 4-0-1

Ayes: Breslin, Venable, Palombo and Pompper

Nays: none

Abstain: Wood

Absent: none

REPORTS TO THE COMMITTEE & COMMITTEE REPORTS

Public Works Recycling truck has been delivered and will be put in service next Thursday.

Public Safety Mr. Sowers stated that the new Police Vehicle has been delivered to the dealer and will be readied for use.

Ambulance Mr. Bradway stated that there were 17 (seventeen) calls in November and 164 (one hundred sixty-four) so far for the year.

Mr. Venable wished everyone a Merry Christmas and a Happy New Year

Mr. Palombo had no additional report at this time.

Mr. Breslin stated that the Solar Project is now continuing, after some issues were resolved and the Alloways Creek Bank Stabilization construct has also begun.

Mr. Wood wished continued good luck to next year's Committee.

Mayor Pompper stated that she had been contacted by Mr. Sheets, President of LAC School Board and that the School Board would like to make security upgrades to the entrance doors and get cameras and is asking the Township to consider paying for these items at a cost of approximately \$200,000.00.

Mr. Sowers and Corporal Smith both commented that they have for a long wanted the School to get a camera system that the Police Department can monitor.

PUBLIC COMMENT

Mrs. Charlotte Kates spoke to the Committee about what she feels are some issues that need attention at the Leisure Arms Complex. Mrs. Kates stated that there are parking spot concerns, where she believes that neighbors should be leaving parking spots for those that have health issues. Spots should be left open for their health caregivers or family members. In addition, Mrs. Kates believes a resident has both their grandchild and son living with them. Mayor Pompper stated that the Committee has spoken with residents about some of these issues and has noted her concerns.

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

CLOSED SESSION

Motion (Wood, Breslin) to convene into a Closed Session of Business 7:55 pm

RESOLUTION 2012- 128 A RESOLUTION FOR A CLOSED SESSION

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:

___ 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.

___ 4. Any collective bargaining agreement, or the terms and conditions, which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

___ 7. Any pending or anticipated litigation or contract negotiation other than in (4) above in which the public body is, or may become a party. Any matter falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

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

- A. Contracts - Transportation
- B. Litigation - Playground
- C. Personnel - Grievance

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
- C. 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 thirty (30) Minutes and that further business by the Committee will take place at its conclusion.

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

Ayes: Wood, Breslin, Palombo, Venable and Pompper

Nays: none Abstain: none Absent: none

Motion (Wood, Palombo) to come out of the Closed Session of business. 8:55 pm

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

Ayes: Wood, Palombo, Breslin, Venable, and Pompper

Nays: none Abstain: none Absent: none

BUSINESS AFTER CLOSED SESSION

Motion (Venable, Palombo) for Resolution 2012-129 A Resolution

RESOLUTION 2012-129

A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE TOWNSHIP OF LOWER ALLOWAYS CREEK AND THE COUNTY OF SALEM FOR SENIOR AND DISABLED RESIDENTS TRANSPORTATION SERVICES

WHEREAS, The Township Committee of the Township of Lower Alloways Creek, recognizes the need for transportation services for senior and disabled residents in Salem County; and,

WHEREAS, the Township Committee of the Township of Lower Alloways Creek desires to enter into an agreement with the County of Salem to provide for the transportation of senior and disabled residents; and,

WHEREAS, the Interlocal Services Act, N.J.S.A. 40:8a-1 et seq. authorizes and empowers local government entities to enter into such agreements; and,

WHEREAS, the Township of Lower Alloways Creek as part of the transportation service may lease through the County of Salem, motor vehicles to be used to transport senior and disabled residents and provides drivers .

NOW, THEREFORE BE IT RESOLVED by the Township Committee of Lower Alloways Creek that it authorize an agreement for Senior and Disabled Transportation Services by and between the Township of Lower Alloways Creek and the County of Salem for the year 2013.

BE IT FURTHER RESOLVED, by the Township Committee of Lower Alloways Creek that it authorizes, an agreement for the leasing of motor vehicles from the County of Salem to be used for the transportation of senior and disabled residents.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute agreements with the County of Salem for the transportation of Senior and Disabled residents and the leasing of motor vehicles for the transportation of the same after approval of the documents by the Township Solicitor.

The motion for Resolution 2012-129 passed a vote of the Township Committee as follows: 5-0

Ayes: Venable, Palombo, Breslin, Wood and Pompper

Nays: none Abstain: none Absent: none

