MINUTES OF A REGULAR MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK HELD OCTOBER 16, 2012

A Regular Meeting of the Lower Alloways Creek Township Committee was held on October 16, 2012 with Deputy Mayor Robert Breslin 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 Deputy Mayor Breslin led in the Flag Salute.

ROLL CALL OF COMMITTEE

Present: Mr. Breslin, Mr. Palombo, Mr. Venable and Mr. Wood
Absent: Mayor Pompper

OTHERS IN ATTENDANCE:

Also in attendance were -4- (four) members of the Public, David Sowers, Director of Public Safety; George Rosenberger, Solicitor and the Township Clerk Ronald L Campbell Sr.

APPROVAL OF AUDITED VOUCHERS

Motion (Wood, Palombo) 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

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

MONTHLY REPORTS TO THE COMMITTEE

The Deputy Mayor requested that the minutes reflect that the September 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 SEPTEMBER 18, 2012, THE CLOSED SESSION MINUTES OF SEPTEMBER 18, 2012.

Motion (Wood, Venable) to approve the September 18, 2012 Regular Township Committee Meeting Minutes and the September 18, 2012 Closed Session Minutes.

The motion to approve the minutes of the September 18, 2012 Regular Township Committee Meeting Minutes and the September 18, 2012 Closed Session Minutes of the Township Committee passed a vote of the Township Committee as follows: 4-0

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

RESOLUTIONS

Motion (Wood, Palombo) for Resolution 2012-109 A Resolution

RESOLUTION 2012-109

TOWNSHIP OF LOWER ALLOWAYS CREEK

A RESOLUTION OF THE GOVERNING BODY OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK ADOPTING A FORM REQUIRED TO BE USED FOR THE FILING OF NOTICES OF TORT CLAIM AGAINST THE TOWNSHIP OF LOWER ALLOWAYS CREEK IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY TORT CLAIMS ACT, N.J.S.A. 59:8-6

WHEREAS, the New Jersey Tort Claims Act, N.J.S.A. 59:8-6, provides that a public entity may adopt a form to be completed by claimants seeking to file a Notice of Tort Claim against the public entity, and

WHEREAS, the Township of Lower Alloways Creek is a public entity covered by the provisions of the New Jersey Claims Act, and

WHEREAS, the Township of Lower Alloways Creek deems it advisable, necessary and in the public interest to adopt a Notice of Tort Claim form in the form attached hereto and made a part hereof and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower Alloways Creek, assembled in public session this 16 day of October 2012, that the attached Notice of Tort Claim form be and hereby is adopted as the official Notice of Tort Claim form for the Township of Lower Alloways Creek, and

BE IT FURTHER RESOLVED, that all persons making claims against the Township of Lower Alloways Creek, pursuant to the New Jersey Tort Claims Act, N.J.S.A. 59:801, et seq., be required to complete the form herein adopted as a condition of compliance with the notice requirements of the New Jersey Tort Claims Act.

The motion for Resolution 2012-109 passed a vote of the Township Committee as follows: 4-0
Ayes: Wood, Palombo, Venable, and Breslin
Nays: none Abstain: none Absent: Pompper

Motion (Wood, Palombo) for Resolutions 2012-110 through 2012-113 authorizing Tax Liens for the abatement of excessive weeds and growth by the LAC Public works Department

RESOLUTION 2012-110

A RESOLUTION AUTHORIZING A MUNICIPAL TAX LIEN AGAINST BLOCK 40 LOT 34.01, IN THE AMOUNT OF $227.51 FOR ABATEMENT OF EXCESSIVE WEEDS AND GROWTH PERFORMED BY THE PUBLIC WORKS DEPARTMENT.

WHEREAS the Municipal Clerk of the Township of Lower Alloways Creek does inform the Township Committee that, the abatement of excessive weeds and growth was performed by the Public Works Department on **Block 40, Lot 34.01 known as 986 Main St. – Canton** on June 22, 2012 and that, letters were sent to the owner of record by regular and certified mail detailing the amount due to the Township for the abatement of obnoxious weeds and growth; and,

WHEREAS, under provisions of Chapter 155, Section 5 of the Code of the Township of Lower Alloways Creek, “If the full amount due the Township is not paid within twenty-one (21) days as provided in the preceding section, then the Township municipal clerk shall cause to be recorded in the tax collector's office a sworn statement showing the cost and expense incurred for the work and the date, place or property on which said work was done, and the recordation of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any for collection. The lien shall remain in force until final payment has been made, and payments may be collected in the manner fixed by law for the collection of taxes.”; and,

WHEREAS, no contact or correspondence has been received from the owner of record in reply to the request for payment and the 21 (twenty-one) day window for payment to be made has expired.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lower Alloways Creek, in the County of Salem and the State of New Jersey that, the Clerk be authorized to record a sworn statement with the Tax Collector showing the cost and expense incurred for the abatement of obnoxious weeds and growth from **Block 40, Lot 34.01, 986 Main Street Canton** on October 16, 2012 in the amount of **$ 227.51** and that the Tax Collector shall, then record that statement as a lien on the property and that it shall remain in effect until the final payment may be collected in the manner fixed by law for the collection of taxes.

RESOLUTION 2012-111

A RESOLUTION AUTHORIZING A MUNICIPAL TAX LIEN AGAINST BLOCK 53 LOT 1, IN THE AMOUNT OF $242.51 FOR ABATEMENT OF EXCESSIVE WEEDS AND GROWTH PERFORMED BY THE PUBLIC WORKS DEPARTMENT.

WHEREAS the Municipal Clerk of the Township of Lower Alloways Creek does inform the Township Committee that, the abatement of excessive weeds and growth was performed by the Public Works Department on **Block 53, Lot 1 known as 9 Frog Ocean Road** on July 24, 2012 and that, letters were sent to the owner of record by regular and certified mail detailing the amount due to the Township for the abatement of obnoxious weeds and growth; and,

WHEREAS, under provisions of Chapter 155, Section 5 of the Code of the Township of Lower Alloways Creek, “If the full amount due the Township is not paid within twenty-one (21) days as provided in the preceding section, then the Township municipal clerk shall cause to be recorded in the tax collector's office a sworn statement showing the cost and expense incurred for the work and the date, place or property on which said work was done, and the recordation of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any for collection. The lien shall remain in force until final payment has been made, and payments may be collected in the manner fixed by law for the collection of taxes.”; and,

WHEREAS, no contact or correspondence has been received from the owner of record in reply to the request for payment and the 21 (twenty-one) day window for payment to be made has expired.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lower Alloways Creek, in the County of Salem and the State of New Jersey that, the Clerk be authorized to record a sworn statement with the Tax Collector showing the cost and expense incurred for the abatement of obnoxious weeds and growth from **Block 53, Lot 1, 9 Frog Ocean**

Road on October 16, 2012 in the amount of **$ 242.51** and that the Tax Collector shall, then record that statement as a lien on the property and that it shall remain in effect until the final payment may be collected in the manner fixed by law for the collection of taxes.

RESOLUTION 2012-112

A RESOLUTION AUTHORIZING A MUNICIPAL TAX LIEN AGAINST BLOCK 54 LOT 8, IN THE AMOUNT OF $281.02 FOR ABATEMENT OF EXCESSIVE WEEDS AND GROWTH PERFORMED BY THE PUBLIC WORKS DEPARTMENT.

WHEREAS the Municipal Clerk of the Township of Lower Alloways Creek does inform the Township Committee that, the abatement of excessive weeds and growth was performed by the Public Works Department on **Block 54, Lot 8 known as 977 Main St. – Canton** on July 24, 2012 and that, letters were sent to the owner of record by regular and certified mail detailing the amount due to the Township for the abatement of obnoxious weeds and growth; and,

WHEREAS, under provisions of Chapter 155, Section 5 of the Code of the Township of Lower Alloways Creek, "If the full amount due the Township is not paid within twenty-one (21) days as provided in the preceding section, then the Township municipal clerk shall cause to be recorded in the tax collector's office a sworn statement showing the cost and expense incurred for the work and the date, place or property on which said work was done, and the recordation of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any for collection. The lien shall remain in force until final payment has been made, and payments may be collected in the manner fixed by law for the collection of taxes."; and,

WHEREAS, no contact or correspondence has been received from the owner of record in reply to the request for payment and the 21 (twenty-one) day window for payment to be made has expired.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lower Alloways Creek, in the County of Salem and the State of New Jersey that, the Clerk be authorized to record a sworn statement with the Tax Collector showing the cost and expense incurred for the abatement of obnoxious weeds and growth from **Block 54, Lot 8 known as 977 Main St. – Canton** on October 16, 2012 in the amount of **$ 281.02** and that the Tax Collector shall, then record that statement as a lien on the property and that it shall remain in effect until the final payment may be collected in the manner fixed by law for the collection of taxes.

RESOLUTION 2012-113

A RESOLUTION AUTHORIZING A MUNICIPAL TAX LIEN AGAINST BLOCK 39 LOT 28, IN THE AMOUNT OF $150.98 FOR ABATEMENT OF EXCESSIVE WEEDS AND GROWTH PERFORMED BY THE PUBLIC WORKS DEPARTMENT.

WHEREAS the Municipal Clerk of the Township of Lower Alloways Creek does inform the Township Committee that, the abatement of excessive weeds and growth was performed by the Public Works Department on **Block 39, Lot 28 known as 910 Main St. – Canton** on May 29, 2012 and that, letters were sent to the owner of record by regular and certified mail detailing the amount due to the Township for the abatement of obnoxious weeds and growth; and,

WHEREAS, under provisions of Chapter 155, Section 5 of the Code of the Township of Lower Alloways Creek, "If the full amount due the Township is not paid within twenty-one (21)

days as provided in the preceding section, then the Township municipal clerk shall cause to be recorded in the tax collector's office a sworn statement showing the cost and expense incurred for the work and the date, place or property on which said work was done, and the recordation of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any for collection. The lien shall remain in force until final payment has been made, and payments may be collected in the manner fixed by law for the collection of taxes."; and,

WHEREAS, no contact or correspondence has been received from the owner of record in reply to the request for payment and the 21 (twenty-one) day window for payment to be made has expired.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lower Alloways Creek, in the County of Salem and the State of New Jersey that, the Clerk be authorized to record a sworn statement with the Tax Collector showing the cost and expense incurred for the abatement of obnoxious weeds and growth from **Block 39, Lot 28 known as 910 Main St. – Canton** on October 16, 2012 in the amount of **$ 150.98** and that the Tax Collector shall, then record that statement as a lien on the property and that it shall remain in effect until the final payment may be collected in the manner fixed by law for the collection of taxes.

The motion for Resolution 2012-110 through 2012-113 authorizing Tax Liens for the abatement of excessive weeds and growth by the LAC Public works Department passed a vote of the Township Committee as follows: 4-0

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

Motion (Palombo, Wood) for Resolution 2012-114 A Resolution authorizing the auction sale of surplus, unused equipment on Govdeals.com

RESOLUTION 2012-114

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

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

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

WHEREAS, the Township Committee does authorize the following items:

1. Up - Right Scaffold, telescoping with safety basket.
2. 1 set of 1979 Ford 555 backhoe engine shields.
3. Pull behind lawn shredder for garden tractor size.
4. Pull behind Cut Harrow for garden tractor size.
5. Pull behind Scratch Harrow for garden tractor size
6. 3 point hitch Spreader. tractor size.
7. Side mount Flale Mower head.
8. 2 hallmark cargo trailers.
9. Mixed old scuba equipment.

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

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

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

The motion for Resolution 2012-114 passed a vote of the Township Committee as follows: 4-0
Ayes: Palombo, Wood, Venable, and Breslin
Nays: none Abstain: none Absent: Pompper

Motion (Wood, Venable) for Resolution 2012-115 A Resolution authorizing lease contracts for solar photovoltaic systems with All Solar, LLC in the amount of 460,473.75.

RESOLUTION 2012-115

A RESOLUTION AUTHORIZING 15 YEAR LEASE CONTRACTS FOR SOLAR PHOTOVOLTAIC SYSTEMS (SOLAR ELECTRIC) WITH ALL SOLAR, LLC OF MILLVILLE, NEW JERSEY IN THE AMOUNT OF $460,473.75

WHEREAS, the Township Committee of the Township of Lower Alloways Creek does recognize the benefit to installing Solar Electric Generating Panels, and;

WHEREAS, proposals for the installation of Solar Electric Generating Panels were promulgated by the Superintendant of Public Works and the Purchasing Agent, and;

WHEREAS, such proposals were received, reviewed and a recommendation was made by the Superintendant of Public Works and the appointed sub-committee to accept the proposal from and award a fifteen (15) year lease contract to ALL SOLAR, LLC. of Millville, NJ for the installation of Solar Photovoltaic Electric Generating systems.

NOW, THEREFORE BE IT RESOLVED by, the Township Committee of the Township of Lower Alloways Creek that it does authorize a fifteen (15) year lease contract with All Solar, LLC of Millville, NJ for the installation of Photovoltaic Systems at the following locations:

Hancocks Bridge Fire House	61.610 kW DC	$ 101,656.50 (Located at Mun Bldg)
Canton Sewer Plant	34.465 kW DC	$ 56,867.25
Municipal Building	176.595 kW DC	$ 291,381.75
PW Carpenter Building	6.405 kW DC	$ 10,568.25
	Total	$ 460,473.75

BE IT FURTHER RESOLVED THAT, the Superintendant of Public Works or his designee be authorized to make decisions regarding the placement, location or choice of equipment, which may be necessary, as the Solar Electric Generation Project progresses to completion.

BE IT FURTHER RESOLVED THAT, the Mayor and Clerk are hereby authorized to sign a Lease agreement for such services pending receipt of New Jersey Business Registration, Proof

of Insurances and Wage Reports have been supplied to the Township and in the form approved by the municipal solicitor.

The motion for Resolution 2012-115 passed a vote of the Township Committee as follows: 4-0
Ayes: Wood, Venable Palombo and Breslin,
Nays: none Abstain: none Absent: Pompper

Motion (Breslin, Venable) for Resolution 2012-116 A Resolution granting approval to submit a grant application and execute a grant contract with the NJDOT for the Alloways Creek Neck Road Project Phase II.

RESOLUTION 2012-116

A RESOLUTION GRANTING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE ALLOWAY CREEK NECK ROAD SECTION II PROJECT.

NOW, THEREFORE, BE IT RESOLVED that Township Committee of the Township of Lower Alloways Creek formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2013-Lower Alloways Creek Township-00271** to the New Jersey Department of Transportation on behalf of the Township of Lower Alloways Creek

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Lower Alloways Creek and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

The motion for Resolution 2012-116 passed a vote of the Township Committee as follows: 4-0
Ayes: Wood, Venable Palombo and Breslin,
Nays: none Abstain: none Absent: Pompper

ORDINANCE (PUBLIC HEARING)

Ordinance 2012-05 A Capital Ordinance appropriating $ 1,200,000.00 for Alloways Creek Bank Improvements.

Deputy Mayor Breslin opened the meeting to a Public Hearing on Ordinance 2012-05

A resident commented that he read in the paper that the bank would be raised 3 to 4 feet and he hoped the Committee was aware that if, the bank was raised, that certain properties would then have the potential for flooding. Mr. Breslin stated that he had spoken with Mr. Lynch and Mr. Lynch advised him that the Bank would not be raised, the project is for Bank stabilization only. Mr. Breslin also commented that Mr. Lynch stated to him that Fralinger Engineering is estimating the project will cost approximately $665,000.00.

Deputy Mayor Breslin closed the Public Hearing on Ordinance 2012-05

Motion (Wood, Palombo) for final adoption of Ordinance 2012-05 a Capital Ordinance appropriating $ 1,200,000.00 for Alloways Creek Bank Improvements.

ORDINANCE 2012-05

AN ORDINANCE AMENDING THE CAPITAL BUDGET OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK AND AUTHORIZING CAPITAL APPROPRIATIONS IN THE AMOUNT OF $ **1,200,000.00** FOR THE PURPOSE OF REPAIRS AND RELATED COSTS TO THE ALLOWAYS CREEK BANK

BE IT ORDAINED BY THE, Township Committee of the Township of Lower Alloways Creek (not less than two-thirds of all the members thereof affirmatively concurring) as follows:

Section 1. **$ 1,200,000.00** (one million two hundred thousand dollars) is hereby appropriated from the Capital Improvement Fund for purpose of repairs and related costs to the Alloways Creek Bank.

Section 2. The capital budget of the Township of Lower Alloways Creek is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistencies herewith. Detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services shall be on file with the Clerk and available there for public inspection.

Section 4. This ordinance shall take effect as provided by the law.

Public Hearing on this Ordinance shall be on October 16, 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 September 18, 2012, shall be published by Title in the Today's Sunbeam and placed on the Township's Bulletin Board giving notice of said Public Hearing as required by Law.

Final: October 16, 2012

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

Ordinance 2012-06 A Capital Ordinance appropriating $ 470,000.00 for the resurfacing of Alloways Creek Neck Road.

Deputy Mayor Breslin opened the meeting to a Public Hearing on Ordinance 2012-06

No one from the Public had any comments.

Deputy Mayor Breslin closed the Public Hearing on Ordinance 2012-06.

Motion (Palombo, Venable) for final adoption of Ordinance 2012-06 a Capital Ordinance appropriating $ 470,000.00 for the resurfacing of Alloways Creek Neck Road.

ORDINANCE 2012-06

AN ORDINANCE AMENDING THE CAPITAL BUDGET OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK AND AUTHORIZING CAPITAL APPROPRIATIONS IN THE TOTAL AMOUNT OF $470,000.00 FOR THE PURPOSE OF RESURFACING ALLOWAYS CREEK NECK ROAD.

BE IT ORDAINED BY THE, Township Committee of the Township of Lower Alloways Creek (not less than two-thirds of all the members thereof affirmatively concurring) as follows:

Section 1. **$470,000.00** is hereby appropriated from the Capital Improvement Fund for the purpose of the resurfacing of Alloways Creek Neck Road [C-04-55-166-000]

Section 2. The Capital budget of the Township of Lower Alloways Creek is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistencies herewith. Detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services shall be on file with the Clerk and available there for public inspection.

Section 3. This ordinance shall take effect as provided by the law.

Public Hearing on this Ordinance shall be on Tuesday October 16 , 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 September 18, 2012, shall be published by Title in the Today's Sunbeam and placed on the Township's Bulletin Board giving notice of said Public Hearing as required by Law.

Final: October 16, 2012

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

OLD BUSINESS: None

NEW BUSINESS:

Motion (Palombo, Venable) to purchase a Zero Turn Mower from Roork's Farm Supply at a cost not to exceed $ 12,900.00.

The motion to purchase a Zero Turn Mower from Roork's Farm Supply at a cost not to exceed $ 12,900.00 passed a vote of the Township Committee as follows: 4-0

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

Motion (Palombo, Wood) to authorize Fralinger Engineering to make specifications and authorize the receipt of quotes for the Alloways Creek Bank Stabilization Project.

The motion to authorize Fralinger Engineering to make specifications and authorize the receipt of quotes for the Alloways Creek Bank Stabilization Project passed a vote of the Township Committee as follows: 4-0

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

Motion (Wood, Venable) to receive quotes for the repair or replacement of one or more cameras at the Municipal Complex

The motion receive quotes for the repair or replacement of one or more cameras at the Municipal Complex passed a vote of the Township Committee as follows: 4-0

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

Mr. Breslin stated that he would like a motion to receive quotes on rearranging the locks at the Emergency Operations Facility and in the back hallway of the Police Department to allow access by Municipal Officials to the Emergency Operations Facility. Mr. Sowers stated that he wanted to be on the record as not being in favor of this. Mr. Venable stated that he was not in favor of this proposal. There was no motion made.

Motion (Wood, Venable) to advertise for the receipt of applications, for a substitute Recycling Center attendant.

The motion to advertise for the receipt of applications for a substitute Recycling Center attendant passed a vote of the Township Committee as follows: 4-0

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

Motion (Wood, Venable) to approve the relocation of one basketball court and sandbox in the recreation park area behind the Municipal Building and the receipt of quotes for the paving of the Basketball Court.

The motion to approve the relocation of one basketball court and sandbox in the recreation park area behind the Municipal Building and the receipt of quotes for the paving of the Basketball Court passed a vote of the Township Committee as follows: 4-0

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

ORDINANCE INTRODUCTION

Motion (Breslin, Wood) to introduce Ordinance 2012-07 An Ordinance to repeal Section 5.21 (F) (2) of the Land Use Code of the Township of Lower Alloways Creek.

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 (2,06O) 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.

The motion to introduce Ordinance 2012-07 An Ordinance to repeal subsection (F) (2) of Section 5.21 of the Land Use Code of the Township of Lower Alloways Creek passed a vote of the Township Committee as follows: 3-0-1

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

CORRESPONDENCE None

REPORTS TO THE COMMITTEE & COMMITTEE REPORTS

Public Safety: Mr. Sowers stated that he has received applications for the Part Time Police Offer position and he is in the process of reviewing and investigating these applicants. Mr. Sowers commented that he has an Officer who recently had a knee injury and will be out for several months and he will do his best to manage the over time that may be required.
Mr. Sowers stated that during the PSEG outages, he has directed a “corridor initiative” in which traffic monitoring is increased. Traffic during these periods is a concern to the community and the Department is responding in a proactive way.

Public Works: Mr. Breslin reported that when he had spoken with Jack Lynch earlier in the day he had stated that he would be going to Trenton this week and would be getting the Leisure Arms new Well Permit and hopefully a CAFRA waiver for the Canton Sewer Plant, so solar panels could be placed there.

Ambulance Squad Tim Bradway reported that for the Month of September there were nine calls for a total of 30 man-hours. Mr. Bradway wished to thank the Fire Company for the use of the Fire Hall for a recent Halloween Party, which was a great success.

Animal Control: Steve Fisher reported that he had received a donation of two trap cages from a resident.

Mr. Breslin called on Freeholder Ben Laury to address the Committee. Freeholder Laury thanked the Committee for the work that they do in their community as Committeepersons. Mr. Laury asked that if the LAC Township Committee had any questions about the Senior & Disabled Transportation, that they contact him or the Office on Aging to discuss those matters. Mr. Laury understood that the Committee was considering their options in regards to the Drug & Alcohol policies. Mr. Breslin stated that there should be a meeting of the stakeholders (County and LAC) for these issues to be discussed and that he would see that such a meeting happens.

Mr. Venable wished Mayor Pompper a speedy recovery.

Mr. Palombo and Mr. Wood had no report.

PUBLIC COMMENT

A resident asked what the process was for the recent hiring of a Public Works Department Employee. He stated that he felt if someone had previous jobs where they had run all the equipment our Public Works has and performed most of the jobs that the Public Works does, that that person would be the most qualified and be the one hired. Mr. Breslin stated that the process of hiring is that the Township receives applications and the people we hired to supervise those departments are the ones who do interviews, in this case Jack Lynch & Lewis Fogg and they by reviewing the applications, resumes and by interviews, made a recommendation to the Township Committee. The Committee accepted their recommendation because we believe Mr. Lynch & Fogg are the best people to make that determination for their Department, so the Committee stayed out of the process so it would not become a political one.
The resident stated that he felt the most qualified person should get the job and he does not feel that happened. Mr. Breslin stated that the resident asked about the process and that he had answered that question.
A resident commented that he had heard the discussion about the cameras in the park area and remembers when they had paid "Park Monitors", who were present when sports or events took place. They would monitor the area and have keys for the bathrooms; the resident suggested that perhaps that would be a way to solve the problems of vandalism.

CLOSED SESSION

Motion (Wood, Venable) to convene into a Closed Session of Business 8:20 pm

CLOSED SESSION RESOLUTION 2012- 117

____ 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. Personnel – Grievance
B. Contracts – Transportation – Recycling Truck – Leisure Arms – Municipal Lien Repayments
C. Litigation - TORT Claim - Playground

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 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: 4-0
Ayes: Wood, Venable, Palombo and Breslin
Nays: none Abstain: none Absent: Pompper

Motion (Palombo, Venable) to come out of the Closed Session of business. 8:50 pm

The motion to come out of the Closed Session of Business passed a vote of the Township Committee as follows: 4-0
Ayes: Palombo, Venable, Breslin and Wood
Nays: none Abstain: none Absent: Pompper

BUSINESS AFTER CLOSED SESSION

Motion (Palombo, Breslin) to accept the recommendation of Earl Gage as Hearing Officer in a grievance proceeding.

The motion to accept the recommendation of Earl Gage as Hearing Officer in a grievance proceeding passed a vote of the Township Committee as follows: 4-0
Ayes: Palombo, Venable, Wood and Breslin
Nays: none Abstain: none Absent: Pompper

Motion (Palombo, Breslin) to recommend that a property (Block 4, Lot 1.01) for which a Tax Lien Payment Agreement was executed, but the agreed payment schedule has not been met, be forwarded to Mr. Telsey for inclusion in foreclosure proceedings.

The motion to recommend that a property (Block 4, Lot 1.01) for which a Tax Lien Payment Agreement was executed, but the agreed payment schedule has not been met, be forwarded to Mr. Telsey for inclusion in foreclosure proceedings passed a vote of the Township Committee as follows: 4-0
Ayes: Palombo, Breslin, Venable and Wood
Nays: none Abstain: none Absent: Pompper

ADJOURNMENT

Motion (Venable, Palombo) to adjourn the meeting at 8:50 p.m.
The motion to adjourn the meeting passed unanimously.

Minutes of the October 16, 2012 Meeting were approved at a meeting held November 20, 2012

ATTEST: LOWER ALLOWAYS CREEK TOWNSHIP

_____ By: _____

Ronald L Campbell Sr. Clerk Mayor Ellen B. Pompper