

**MINUTES OF A REGULAR MEETING OF THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK HELD APRIL 16, 2013**

A Regular Meeting of the Lower Alloways Creek Township Committee was held on April 16, 2013 with Mayor Robert F. Breslin III 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 News of South Jersey, posted on the Township's Website and the Bulletin Board in the lobby of the Lower Alloways Creek Township Municipal Building in compliance with said Act.

FLAG SALUTE Mayor Breslin led in the Flag Salute.

ROLL CALL OF COMMITTEE

Present: Mr. Bradway, Mr. Palombo, Mrs. Pompper, Mr. Venable, and Mayor Breslin

Absent: None

OTHERS IN ATTENDANCE:

Also in attendance were -4- (four) members of the Public and Jack Lynch, Superintendant of Public Works; Lewis Fogg, Public Works Foreman; David Sowers, Director of Public Safety; Don Hinchman, Fire Chief; Steve Fisher, Animal Control Officer and the Township Clerk, Ronald L Campbell Sr.

APPROVAL OF AUDITED VOUCHERS

Motion (Palombo, Venable) that all properly audited vouchers be paid.

The motion to pay all properly audited vouchers passed a vote of the Township Committee as follows: 5-0

Ayes: Palombo, Venable, Bradway, Pompper and Breslin

Nays: none Abstain: none Absent: none

MONTHLY REPORTS TO THE COMMITTEE

The Mayor requested that the minutes reflect that the March 2013 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

Motion (Palombo, Venable) to approve the minutes of the March 19, 2013 Regular Township Committee Meeting and the March 19, 2013 Closed Session Minutes.

The motion to approve the minutes of the March 19, 2013 Regular Township Committee Meeting and the March 19, 2013 Closed Session Minutes passed a vote of the Township Committee as follows: 5-0

Ayes: Palombo, Venable, Bradway, Pompper and Breslin

Nays: none Abstain: none Absent: none

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

RESOLUTIONS

Motion (Venable, Breslin) for Resolution 2013-54, A Resolution to read the Budget by Title only at the Public Hearing.

RESOLUTION 2013- 54 A RESOLUTION TO READ THE 2013 BUDGET BY TITLE ONLY AT THE TIME OF THE PUBLIC HEARING

WHEREAS, NJSA 40A:4-8 provides that the budget 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 at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been posted in the Municipal Building and 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.

The motion for Resolution 2013-54 passed a vote of the Township Committee as follows: 5-0

Ayes: Venable, Breslin, Bradway, Palombo and Pompper

Nays: none Abstain: none Absent: none

Motion (Bradway, Venable) for Resolution 2013-55 A Resolution to authorize an agreement with the County of Salem through the Salem County Department of Social Services for Municipal Alliance Services.

RESOLUTION 2013-55 A RESOLUTION AUTHORIZING AN AGREEMENT WITH SALEM COUNTY AND THE SALEM COUNTY DEPARTMENT OF SOCIAL SERVICES TO PERFORM MUNICIPAL ALLIANCE SERVICES

WHEREAS, the Township Committee of the Township of Lower Alloways Creek desires to continue its annual agreement with Salem County and the Salem County Social Services Department for Municipal Alliance Services, 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 Municipal Alliance Services Agreement with Salem County and the Salem County Social Services Department retroactive from January 1, 2013 through December 31, 2013.

The motion for Resolution 2013-55 passed a vote of the Township Committee as follows: 5-0

Ayes: Bradway, Venable, Palombo, Pompper and Breslin

Nays: none Abstain: none Absent: none

ORDINANCE (INTRODUCTION)

Mayor Breslin asked the Committee to go down a list of non-union positions which have not received any increase in salary since 2009 and 2010 and for each Committeeperson to state if they feel that position should be given an increase and what the increase should be. After some discussion the Committee named eight (8) positions to receive a 3% increase.

Motion (Palombo, Pompper) to introduce Ordinance 2013-06, an Ordinance to amend previous ordinances, fixing the compensation to be paid to the Appointed Officers and Employees of the Township of Lower Alloways Creek.

ORDINANCE 2013-06

AN ORDINANCE AMENDING PREVIOUS ORDINANCES FIXING THE COMPENSATION TO BE PAID TO THE APPOINTED OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK

BE IT ORDAINED by the Township Committee of the Township of Lower Alloways Creek, in the County of Salem and the State of New Jersey, that an Ordinance Fixing the Compensation to be Paid to the Appointed Officers and Employees of the Township of Lower Alloways Creek for 2013 is hereby amended to provide rates of Salary and Wage compensation as follows:

	2013	Frequency
Chief Financial Officer	\$35,601.00	Biweekly
Construction Code Official	\$5,871.00	Biweekly
Emergency Management Deputy Coordinator	\$4,808.00	Biweekly
Part Time Police Officer	18.41 /hr	Biweekly
Purchasing Agent	\$35,601.00	Biweekly
Tax Assessor	\$20,600.00	Monthly
Tax Collector	\$19,033.00	Biweekly
Township Clerk	64,117.00	Biweekly

SECTION 1. Other provisions that may increase any one individual’s compensation include, but are not limited to: overtime, extended shifts, night shift differential, holidays, longevity and other provisions in agreements with the Township of Lower Alloways Creek or stated in the Municipal Employees Policy Manual.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith to the extent of such inconsistencies be and the same are hereby repealed to the extent of such inconsistency.

SECTION 3. This Ordinance shall take effect and become operative upon its final passage and publication as required by law. The provisions of this Ordinance shall remain in full force and effect until amended or repealed.

Public Hearing on this Ordinance shall be on May 20, 2013 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 April 16, 2013 shall be published by Title in the News of South Jersey and placed on the Township’s Bulletin Board giving notice of said Public Hearing as required by Law.

The motion to introduce for first reading Ordinance 2013-06 an Ordinance 2013-06 passed a vote of the Township Committee as follows: 4-1

Introduction: March 19, 2013

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

ORDINANCE 2013- 02

Mayor Breslin asked for a motion to consider for adoption Ordinance 2013-02, which had a Public Hearing last Month, but a vote of final adoption was not taken. Mayor Breslin stated that this ordinance would need to be defeated in order for a newer version to be introduced, if that was the Committee’s desire.

Motion (Bradway, Venable) for final adoption of Ordinance 2013-02, an ordinance amending Section 5.07 known as “Conditional Uses” of the Land Use Code of the Township of Lower Alloways Creek.

ORDINANCE 2013- 02

AN ORDINANCE AMENDING SECTION 5.07 KNOWN AS “CONDITIONAL USES” OF THE LAND USE CODE OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK

WHEREAS, the Lower Alloways Creek Township Planning Board has determined that it is inappropriate for the Township to regulate certain activities associated with the storage and use of nuclear fuel and waste associated with the generation of electricity through the use of nuclear power as controlled by the Atomic Energy Act; and

WHEREAS, § 5.07(B) details the Township regulations associated with the storage of low level radioactive waste in the industrial district; and

WHEREAS, the Lower Alloways Creek Township Planning Board has unanimously recommended that the Township repeal § 5.07(B) of the Township ordinance.

NOW, THEREFORE, BE IT ADOPTED by the Mayor and Township Committee of Lower Alloways Creek that § 5.07(B) of the Township land development ordinance be repealed and that the remainder of § 5.07 be revised to read as follows:

§ 5.07 Conditional Uses.

Conditional uses identified in particular districts within the Township land development ordinance may be permitted by the Planning Board only if it has determined that the development proposal complies with the conditions and standards set forth in the land development ordinance, which is applicable to said conditional uses. Only conditional uses permitted in the zoning districts identified in this ordinance and specified within the land development ordinance shall be approved in accordance with the following procedures:

1. Before a construction permit or certificate of occupancy shall be issued for any conditional use, application shall be made to the Planning Board. The Planning Board shall grant or deny said application within ninety-five (95) days of submission of a complete application by a developer or the administrative officer, or within such further time as may be consented to by the applicant.
2. Planning Board review shall include site plan review as set forth in the Township land development ordinance. Public notice and a hearing shall be required for all conditional use applications.
3. The burden of proof shall be on the applicant. The Planning Board shall give due consideration to all reasonable elements which could affect public health, welfare, safety, comfort and convenience, such as, but not limited to, the proposed use(s), the character of the area, vehicular travel patterns and access, pedestrian ways, landscaping, lighting, signs, drainage, sewage treatment, potable water supply, utilities, and buildings and structure location(s) and orientation(s).

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

This Ordinance, which was introduced for First Reading on February 19, 2013, shall be published by Title in the News of South Jersey and placed on the Township's Website and Bulletin Board giving notice of said Public Hearing as required by Law.

Public Hearing on this Ordinance was held on March 19, 2013 at 7:30 p.m., at the Municipal Building, 501 Locust Island Road, Hancock's Bridge, New Jersey.

Introduction: February 19, 2013

COMMITTEE MEMBER	MOVE	SECOND	YES	NO	ABSTAIN	ABSENT
MR. BRADWAY	M		Y			
MR. PALOMBO			Y			
MRS. POMPPER						A
MR. VENABLE			Y			
MAYOR BRESLIN		S	Y			

Final: APRIL 16, 2013

COMMITTEE MEMBER	MOVE	SECOND	YES	NO	ABSTAIN	ABSENT
MR. BRADWAY		S		N		
MR. PALOMBO				N		
MRS. POMPPER	M			N		
MR. VENABLE				N		
MAYOR BRESLIN				N		

Motion (Palombo, Bradway) to introduce Ordinance 2013-07, an ordinance amending Section 5.07 known as "Conditional Uses" of the Land Use Code of the Township of Lower Alloways Creek.

Mayor Breslin stated that this new Ordinance has come about after he had consulted the Planning Board Solicitor about Low Level Radioactive Waste storage being a separate issue from Spent Fuel.

Mr. Rosenberger stated that this newer ordinance would need to go to the Planning Board for review and comments before final adoption could take place.

ORDINANCE 2013- 07

AN ORDINANCE AMENDING SECTION 5.07 KNOWN AS “CONDITIONAL USES” OF THE LAND USE CODE OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK

WHEREAS, the Township Committee of the Township of Lower Alloways Creek desires to amend the Land Use Code Section 5.07 known as “Conditional Uses”.

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

Section 1. Section 5.07 of the Land Use Code of the Township of Lower Alloways Creek is hereby amended as follows:

LD 5.07 CODE OF LOWER ALLOWAYS CREEK

Section 5.07 Conditional Uses.

Uses listed as conditional uses in a particular district may be permitted by the Planning Board only if it has been determined that the development proposal complies with the conditions and standards set forth in this chapter for the location and operation of such use.

A. The only conditional uses permitted are those set forth in this section and shall be obtained in accordance with the following procedures:

Before a construction permit or certificate of occupancy shall be issued for any conditional use as permitted by this section, application shall be made to the Planning Board. The Planning Board shall grant or deny said application within ninety-five (95) days of submission of a complete application by a developer or the Administrative Officer, or within such further time as may be consented to by the applicant.

The review by the Planning Board of a conditional use shall include a site plan review as set forth in the Land Development Ordinance of the Township of Lower Alloways Creek Public notice and a hearing shall be required as set forth in the ordinance.

In all requests for approval of conditional uses, the burden of proof shall be on the applicant. The Planning Board shall give due consideration to all reasonable elements which could affect the public health, welfare, safety, comfort and convenience, such as, but not limited to, the proposed use(s), the character of the area, vehicular travel patterns and access, pedestrian ways, landscaping, lighting, signs, drainage, sewage treatment, potable water supply, utilities, and building and structure location(s) and orientation(s).

B. Conditional Uses Permitted.

1. Storage of Low-Level Radioactive Waste (LLW) in the Industrial District.

a. Intent. It has been determined that there may be a need for onsite, temporary storage of LLW generated by the duly licensed nuclear facility(ies) existing in the Township.

b. The storage of LLW shall be permitted only if it complies with the following conditions and standards:

(1) Only LLW generated by a duly licensed nuclear generating facility(ies) existing within the Township on the date of adoption of this ordinance may be stored.

(2) Storage of LLW must take place

(a) On the site of the nuclear generating facility(ies)

(b) Within the nuclear security fence

(c) Within the Nuclear Regulatory Commission licensed exclusion area of a reactor site, as defined in 10 CFR 100.3(a)

LD-150

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LAND DEVELOPMENT

LD 5.07

(3) There shall be no more than one (1) LLW storage facility permitted in the Township.

(4) The maximum dimensions of an LLW storage facility shall be:

(a) Area: twenty thousand (20,000) square feet

(b) Height: fifty (50) feet

(c) Storage capacity: sixty-five thousand seven hundred fifty (65,750) cubic feet

(5) The LLW storage facility must be designed and constructed in accordance with applicable NRC regulations and guidelines and any other federal and/or state agency(ies) which have jurisdiction over the storage of LLW.

(6) Provided there is a legally available storage or deposit site for low level radioactive waste, at least fifty (50%) percent of the low level radioactive waste accumulated in the storage facility shall be removed from the Township annually.

(7) Any owner or operator of a low level radioactive waste storage facility existing in the Township on the date of adoption of this ordinance shall be required to make application to the Planning Board for conditional use approval within sixty (60) days of the date of the adoption of this ordinance.

~~(8) Any approval granted by the Planning Board for the storage of low level radioactive waste shall terminate no later than five (5) years from the date of approval by the Planning Board.~~

(8) Nothing in this section shall apply to the exclusive Federal regulatory authority granted to the nuclear regulatory authority by the Atomic Energy Act at 42 U.S.C.A. 2021 and the Federal regulations promulgated thereto over radiological safety and protection against radiological hazards. See 42 U.S.C.A. 2021(k).

~~2. Storage of spent nuclear fuel or radioactive waste of any kind in the Industrial District.~~

~~a. Intent. It has been determined that there may be a need for onsite, temporary storage of spent nuclear fuel or radioactive waste of any kind generated by the duly licensed nuclear facilities existing in the Township.~~

~~b. The storage of spent nuclear fuel and radioactive waste of any kind shall be permitted only if it complies with the following conditions and standards:~~

~~(1) Only spent nuclear fuel produced by a duly licensed nuclear generating facility existing within the Township on the date of this ordinance* may be stored and only at that same generating facility which produced it.~~

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LD 5.07

CODE OF LOWER ALLOWAYS CREEK

~~(2) Temporary storage of spent nuclear fuel must take place~~

~~(i) On the site of the nuclear generating facility~~

~~(ii) Within the nuclear security fence~~

~~(iii) Within the Nuclear Regulatory Commission licensed exclusion area of a reactor site, as defined in 10 CFR 100.333(a).~~

~~(3) Such temporary storage may only be permitted until such time as space becomes available in a spent fuel depository outside the Township or until any means of spent fuel disposal becomes available outside the Township to the operator of that generating facility, whichever happens first, after allowing for normal spent fuel cooling time.~~

~~(4) Each generating nuclear facility separately licensed for operation by the Nuclear Regulatory Commission shall be treated as a separate generating facility for purposes of this chapter and for this conditional use. For example, under this section, no spent nuclear fuel produced by the Salem II Nuclear Generating Station may be stored or temporarily retained at the Salem I Nuclear Generating Station at any time, or vice versa, nor may spent fuel or radioactive waste produced by any other nuclear generating facilities located outside or inside the Township be stored or temporarily retained at Salem I, Salem II, or Hope Creek generating facilities.~~

~~(5) The temporary storage facility for spent nuclear fuel of any kind must be designed and constructed in accordance with applicable NRC regulations and guidelines and any other Federal and/or State agency(ies) which have jurisdiction over the storage of spent nuclear fuel.~~

~~(6) Any owner or operator of a storage facility for spent nuclear fuel existing in the Township on date of adoption of this ordinance* shall be required to make application to the Planning Board for conditional use approval within ninety (90) days of the date of the adoption of this ordinance.*~~

~~(7) Any approval granted by the Planning Board for the storage of spent nuclear fuel or radioactive waste of any kind shall terminate no later than five (5) years from the date of the approval by the Planning Board.~~

~~(Ord. No. 99-5; Ord. No. 99-9; Ord. No. 200-1-6)~~

~~*Editors Note: Ordinance No. 2001-6, codified herein, was adopted July 17, 2001.~~

LD-152

Rev. Ord. Supp. 10/01

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

This Ordinance, which was introduced for First Reading on April 16, 2013, shall be published by Title in the News of South Jersey and placed on the Township's Website and Bulletin Board giving notice of said Public Hearing as required by Law.

Public Hearing on this Ordinance shall be on May 20, 2013 at 7:30 p.m., at the Municipal Building, 501 Locust Island Road, Hancock's Bridge, New Jersey.

The motion to introduce for first reading Ordinance 2013-07 passed a vote of the Township Committee as follows: 5-0

Introduction: April 16, 2013

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

ORDINANCE (PUBLIC HEARING)

Mayor Breslin opened the meeting to a Public Hearing on **Ordinance 2013-03**, 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.

No one from the Public had any comments.

Mayor Breslin closed the Public Hearing on Ord 2013-03

Motion (Pompper, Bradway) for final adoption of Ordinance 2013-03 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 2013-03

CALENDAR YEAR 2013

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 2013 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 \$ ~~185,006.60~~, 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 2013 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 \$ ~~185,006.60~~, and that the CY 2013 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.

Public Hearing on this Ordinance shall be on Tuesday, April 16, 2013 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 March 19, 2013 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.

Introduction: March 19, 2013

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

The motion to adopt Ordinance 2013-03 passed a vote of the Township Committee as follows:
5-0

Final: April 16, 2013

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

Mayor Breslin opened the meeting to a Public Hearing on the **2013 Budget**.

No one from the Public had any comments.

Mayor Breslin closed the Public Hearing on the 2013 Budget

Motion (Pompper, Bradway) for a resolution to adopt the 2013 Budget in the amount of \$9,702,606.67.

**2013 BUDGET RESOLUTION
MUNICIPAL BUDGET OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK,
COUNTY OF SALEM, FOR THE FISCAL YEAR 2013.**

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the Year 2013;

BE IT FURTHER RESOLVED that said Budget was published in the NEWS OF SOUTH JERSEY in the issue of April 6th, 2013.

THE GOVERNING BODY of the Township of Lower Alloways Creek does hereby approve the following as the Budget for the Year 2013.

Totals of Revenues and Appropriations being \$ **\$9,702,606.67**
Nine million seven hundred and two thousand six hundred six dollars and sixty-seven cents

A Hearing on the Budget and Tax Resolution was held at the Municipal Building, on April 16, 2013 at 7:30 o'clock pm at which time and place, objections to said Budget and Tax Resolution for the year 2013 were could have been given by the taxpayers or other interested persons.

The motion for a resolution to adopt the 2013 Budget passed a vote of the Township Committee as follows: 5-0

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

Mayor Breslin opened the meeting to a Public Hearing on **Ordinance 2013-04**, an ordinance amending the Capital Budget of the Township of Lower Alloways Creek and authorizing Capital Appropriations in the amount of \$150,000.00 for Buildings & Grounds, Public Works and Police Department Equipment.

No one from the Public had any comments.

Mayor Breslin closed the Public Hearing on Ord 2013-04

Motion (Palombo, Bradway) for final adoption of Ordinance 2013-04, an ordinance amending the Capital Budget of the Township of Lower Alloways Creek and authorizing Capital Appropriations in the amount of \$150,000.00 for Buildings & Grounds, Public Works and Police Department Equipment.

ORDINANCE 2013-04
AN ORDINANCE AMENDING THE CAPITAL BUDGET OF THE TOWNSHIP OF LOWER
ALLOWAYS CREEK AND AUTHORIZING CAPITAL APPROPRIATIONS IN THE AMOUNT OF
\$ **150,000.00** FOR THE PURPOSES OF PURCHASING PUBLIC WORKS EQUIPMENT,
IMPROVEMENTS TO BUILDINGS AND GROUNDS AND POLICE EQUIPMENT

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. **\$ 75,000.00** (seventy-five thousand dollars) is hereby appropriated from the Capital Improvement Fund for purpose of purchasing Public Works Equipment. [C-04-55-168-000]

Section 2. **\$ 50,000.00** (fifty thousand dollars) is hereby appropriated from the Capital Improvement Fund for the purpose of Improvements to Buildings and Grounds and hereby added to previous appropriations under Ordinance 2011-03 (\$75,000.00). [C-04-55-163-000]

Section 3. **\$ 25,000.00** (Twenty-five thousand dollars) is hereby appropriated from the Capital Improvement Fund for the purpose of purchasing Police Equipment. [C-04-55-169-000]

Section 4. 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 5. This ordinance shall take effect as provided by the law.

Public Hearing on this Ordinance shall be on April 16, 2013 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 March 19, 2013 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.

Introduction: March 19, 2013

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

The motion to adopt Ordinance 2013-04 passed a vote of the Township Committee as follows:
5-0

Final: April 16, 2013

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

The motion to adopt Ordinance 2013-04 passed a vote of the Township Committee as follows:
5-0

Mayor Breslin opened the meeting to a Public Hearing on Ordinance 2013-05, an ordinance to amend Chapter 138 known as “Streets and Sidewalks”

No one from the Public had any comments.

Mayor Breslin closed the Public Hearing on Ord 2013-05

Motion (Bradway, Pompper) for final adoption of Ordinance 2013-05, an ordinance to amend Chapter 138 known as “Streets and Sidewalks”

ORDINANCE 2013-05

AN ORDINANCE AMENDING CHAPTER 138 KNOWN AS “STREETS AND SIDEWALKS”;
ESTABLISHING PROCEDURES REGARDING THE PLACEMENT, REPLACEMENT OR
REMOVAL OF PUBLIC UTILITY POLES OR UNDERGROUND FACILITIES PURSUANT TO THE
AUTHORITY PROVIDED IN N.J.S.A. 48:3-17a

Be it ordained by the Township Committee of the Township of Lower Alloways Creek, as follows:

Section 1. The Lower Alloways Creek Township Code Chapter 138 known as “Streets & Sidewalks”, is hereby amended by to include the following Article VI:

**ARTICLE VI
PUBLIC UTILITY POLES AND UNDERGROUND FACILITIES**

§138 – 21 Notification required

Before a public utility places, replaces or removes a pole or an underground facility located in the Township of Lower Alloways Creek, the public utility shall notify both the municipal Engineer and the Municipal Code Official in writing, which may be by Fax or e-Mail, at least, but not less than 24 hours before undertaking any excavation related to the replacement or removal of the utility pole or underground facility, which pole or underground facility is used for the supplying and distribution of electricity for light, heat or power, or for the furnishing of water service or telephone or other telecommunications service on or below a public right of way in the Township. The Township Committee of the Township of Lower Alloways Creek shall notify any public utility that provides service in the Township of the application of the provisions of this ordinance.

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LOWER ALLOWAYS CREEK CODE

§138-22 Restoration of property

After completing the placement, replacement or removal of a pole or an underground facility pursuant to this ordinance, the public utility shall remove from such right of way any pole or underground facility no longer in use as well as any other debris created from such placement, replacement or removal and restore the property including, but not limited to, the installation of a hot patch as needed to restore the property within the right of way to its previous condition as much as possible.

§138-23 Definitions

a. For the purposes of this section, "pole" means, in addition to its commonly accepted meaning, any wires or cable connected thereto, and any replacements therefor which are similar in construction and use.

b. For the purposes of this section, "underground facility" means one or more underground pipes, cables, wires, lines or other structures used for the supplying and distribution of electricity for light, heat or power or for the providing of water service, or for the furnishing of telephone or other telecommunications service.

c. As used in this section, "hot patch" means the installation of a mixture of asphalt to restore property within the right of way to its previous condition subsequent to the construction or excavation of a site required for the placement, replacement of a pole or an underground facility pursuant to this section.

§138-24 Penalties

In the event a public utility does not meet the requirements of subsection 138-22 of this section concerning the removal of debris and the restoring of property including, but not limited to, the installation of a hot patch, within a right of way to its previous condition within 90 days of placement, replacement or removal of a pole or an underground facility, said public utility will be fined up to an amount not to exceed \$100 each day until the requirements of subsection 138-22 are met, except that if the public utility is unable to complete the installation of a hot patch due to the unavailability of asphalt material during the period of time from November through April, the public utility shall not be required to complete the hot patch installation until 60 days immediately following the end of the November through April period. At least five business days prior to the end of the 90-day period established by this subsection, the municipality shall notify the public utility that the penalties authorized by this subsection shall begin to be assessed against the utility after the end of the 90-day period unless the utility complies with the requirements of subsection 138-22 of this section. Any penalty imposed shall be collected or enforced in a summary manner, without a jury, in any court of competent jurisdiction according to the procedure provided by "The Penalty Enforcement Law of 1999," N.J.S.A. 2A:58-10 et seq.). The Superior Court and municipal court shall have jurisdiction to enforce the provisions of this section. In the case of removal or replacement of a pole or an underground facility utilized by two or more public utilities, the public utility last removing its pipes, cables, wires, lines or other structures shall be liable for the removal and restoration required under subsection 138-22 of this section, unless a written agreement between the public utilities provides otherwise.

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STREETS AND SIDEWALKS

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138-25

§138-25 Exceptions

Under emergency conditions which significantly impact the placement of a pole or underground facility resulting from natural forces or human activities beyond the control of the public utility, or which pose an imminent or existing threat of loss of electrical, water, power, telephone, or other telecommunication service, or which pose an imminent or existing threat to the safety and security of persons or property, or both, or which require immediate action by a public utility to prevent bodily harm or substantial property damage from occurring, the provisions of subsection 138-21 of this section shall not apply when a public utility undertakes any construction or excavation related to the placement, replacement or removal of a pole or an underground facility in response to such an emergency, provided that the public utility undertaking such construction or excavation notifies the Municipal Engineer and the Municipal Code Official of Lower Alloways Creek at the earliest reasonable opportunity and that all reasonable efforts are taken by the public utility to comply with the removal and restoration requirements of subsection 138-22 of this section after responding to the emergency.

Section 2. This ordinance shall take effect as provided by the law.

Public Hearing on this Ordinance shall be on April 16, 2013 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 March 19, 2013 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.

Introduction: March 19, 2013

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

The motion to adopt Ordinance 2013-05 passed a vote of the Township Committee as follows:
5-0

Final: April 16, 2013

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

OLD BUSINESS: None

NEW BUSINESS:

There was a lengthy discussion on a recent receipt of bids for a Wood Chipper and the specifications of that bid. No action was taken and Mr. Lynch suggested that he, the Purchasing Agent and Solicitor get together and figure out a course of action to take at next month's meeting.

Motion (Pompper, Palombo) to grant the request of Mrs. Cerami to plant a tree at the Leisure Arms Complex, with the stipulation that Lewis Fogg has the final say in where it is planted.

The motion to grant the request of Mrs. Cerami to plant a tree at the Leisure Arms Complex, with the stipulation that Lewis Fogg, has the final say in where it is planted passed a vote of the Township Committee as follows: 5-0

Ayes: Pompper, Palombo, Bradway, Venable and Breslin

Nays: none Abstain: none Absent: none

Motion (Venable, Pompper) to approve the attendance of Ronald Campbell to the International Institute of Municipal Clerks Conference in Atlantic City, May 20-23, 2013

The motion to approve the attendance of Ronald Campbell to the International Institute of Municipal Clerks Conference in Atlantic City, May 20-23, 2013 passed a vote of the Township Committee as follows: 5-0

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

Motion (Pompper, Palombo) to approve the purchase two Radar units from Stalker Radar at a cost of \$ 4623.00

The motion to approve the purchase two Radar units from Stalker Radar at a cost of \$ 4623.00 passed a vote of the Township Committee as follows: 5-0

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

Motion (Pompper, Breslin) to approve the purchase four computers and software from Premier Technology Solutions, LLC at a cost of \$ 6132.00

The motion to approve the purchase four computers and software from Premier Technology Solutions, LLC at a cost of \$ 6132.00 passed a vote of the Township Committee as follows: 5-0

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

Motion to approve the purchase a Hopper Roof Kit for the Recycling Truck from GranTurk Equipment Co. at a cost of \$ 2685.59 plus shipping costs.

The motion to approve the purchase a Hopper Roof Kit for the Recycling Truck from GranTurk Equipment Co. at a cost of \$ 2685.59 plus shipping costs passed a vote of the Township Committee as follows: 5-0

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

The Clerk asked the Committee if it would be interested in pursuing the ability for residents to pay for items such as Dog/Cat Licenses, Bulk Stickers and or other services by Credit Card.

The Committee indicated that they would be interested in getting information on how this could be implemented.

CORRESPONDENCE

The Committee discussed two letters requesting help with the cleaning out of Ditches. The Committee does not want the Township to bear the cost of the engineering or the permitting required as it has become quite expensive and involved. The Township may consider how it may be involved in a resident's project after these items (engineering & permitting) have been obtained by the owner of a property.

REPORTS TO THE COMMITTEE & COMMITTEE REPORTS

Public Works Jack Lynch reported that the Solar Panels at the Kitchen are now producing electric for us. May 13 is the scheduled start of the Alloways Creek Neck Road resurfacing.

Animal Control Mr. Fisher reported that there have been three confirmed cases of rabies in the Township and other one currently pending confirmation.

Fire Department Chief Hinchman had no report at this time

Public Safety Mr. Sowers reported that the Department has begun the periodic residential census. There will be an Outage Detail to deal with the increased traffic and RERP training has begun and is being done by Shelby George, an Administrative Assistant, who is qualified to do this training.

Mr. Venable and Mr. Palombo had no further report for the Committee.

Mrs. Pompper stated that the Log Cabin would be open this Sunday 1- 4 pm and that it was Sportsman Day, with fishing and trapping displays.

Mr. Bradway reported that the MAPSA Easter Egg Hunt went well and the MAPSA Summer Camp will be held June 24th through July 12th, 2013.

Mayor Breslin stated that he was asked by someone this question. Could a wife apply to the live at the Leisure Arms Complex on her own, after her husband has passed, having applied jointly with her husband previously. Comments from the Committee were that this has not been allowed previously. Many commented that several times residents have asked that the rules be changed to fit a situation or hardship, but it has not been done, so as to maintain consistency.

Mayor Breslin stated he had a resident inquire about adopting a light ordinance, because the resident felt their neighbor's yard light was invasive into their house and property. Mr. Rosenberger stated that what constitutes invasion of privacy or is a nuisance is hard to determine with respect to someone's yard light.

PUBLIC COMMENT

A resident commented that a resident in Hancock's Bridge has a generator running, to supply their house with electric and most neighbors would say it's a nuisance, but they can not be cited because you need a sound meter and trained technician to determine that, good luck with a light.

A resident stated that the Alloways Bank looks good, but the ditch draining water from Hancocks Bridge near Poplar St needs to be cleared out so that water from heavy rains or flooding can drain out of Hancocks Bridge.

ADJOURNMENT

Motion (Pompper, Bradway) to adjourn the meeting at 8:45 p.m.
The motion to adjourn the meeting passed unanimously.

Minutes of the April 16, 2013 Meeting were approved at a meeting held May 20, 2013

ATTEST: LOWER ALLOWAYS CREEK TOWNSHIP

Ronald L Campbell Sr. Clerk

By: _____
Mayor, Robert F. Breslin III