

**MINUTES OF A REGULAR MEETING OF THE TOWNSHIP COMMITTEE  
OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK HELD FEBRUARY 19, 2013**

A Regular Meeting of the Lower Alloways Creek Township Committee was held on February 19, 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 South Jersey Times, 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, Mr. Venable, and Mayor Breslin

**Absent:** Mrs. Pompper

**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 and the Township Clerk Ronald L Campbell Sr.

**APPROVAL OF AUDITED VOUCHERS**

Motion (Bradway, Venable) 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: Bradway, Venable, Palombo and Breslin

Nays: none Abstain: none Absent: Pompper

**MONTHLY REPORTS TO THE COMMITTEE**

The Mayor requested that the minutes reflect that the January 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 OF THE REGULAR TOWNSHIP COMMITTEE  
MEETING HELD JANUARY 22, 2013 AND THE CLOSED SESSION MINUTES OF  
JANUARY 22, 2013.**

Motion (Venable, Bradway) to approve the Minutes of the January 22, 2013 Regular Township Committee Meeting and the January 22, 2013 Closed Session Meeting Minutes

The motion to approve the minutes of the January 22, 2013 Regular Township Committee Meeting and the January 22, 2013 Closed Session Minutes of the Township Committee passed a vote of the Township Committee as follows: 4-0

Ayes: Bradway, Palombo, Venable and Breslin

Nays: none Abstain: none Absent: Pompper

## RESOLUTIONS

Motion (Palombo, Bradway) for Resolution 2013-39 A Resolution authorizing the submittal of the 2012 Recycling Tonnage Grant Application.

### **RESOLUTION 2013 - 39**

#### A RECYCLING TONNAGE GRANT APPLICATION RESOLUTION FOR 2012

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and,

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and,

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and,

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and,

WHEREAS, A resolution authorizing this municipality to apply for the 2012 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of Lower Alloways Creek Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and,

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lower Alloways Creek that it hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Lance Kaufmann to ensure that the application is properly filed; and,

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

The motion for Resolution 2013-39 authorizing the submittal of the 2012 Recycling Tonnage Grant Application passed a vote of the Township Committee as follows: 4-0

Ayes: Palombo, Bradway, Venable, and Breslin

Nays: none      Abstain: none      Absent: Pompper

Motion (Venable, Bradway) for Resolution 2013-40 A Resolution authorizing a Professional Services Contract with Triad Associates for Grant Consulting Services.

### **RESOLUTION 2013-40**

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH  
TRIAD ASSOCIATES FOR GRANT CONSULTING SERVICES AT A COST NOT TO  
EXCEED \$ 15,000.00

WHEREAS, the Township of Lower Alloways Creek desires to acquire the Professional Services of a Grant Consultant under provisions of the Local Contracts Law N.J.S.A. 40A:11-2(7), “Extraordinary unspecifiable services”, and;

WHEREAS, the Purchasing Agent has determined and certified to writing that the value of the acquisition will not exceed \$15,000

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 as follows:

1. The Township Committee hereby appoints for the year 2013 Triad Associates for Grant Consulting Services
2. The anticipated term of this contract is one (1) year
3. Certification of funds from the CFO has been or will be received stating that funds will be encumbered by Purchase Order as required pursuant to N.J.A.C. 5:30-5.4
4. Said appointment is made without competitive bidding as a professional service under the “Extraordinary unspecifiable services” provisions of the Local Public Contracts Law
5. The Mayor and Clerk are hereby authorized and directed to execute agreements with the aforesaid in connection with such professional services, in a form acceptable to the Township’s Solicitor
6. That the Township Committee authorizes Triad Associates to process the Township’s Grant Applications as directed by the Township Committee or their designee.
7. A copy of this resolution shall be published in “South Jersey Times” as required by law, within ten (10) days of the date of the passage of this resolution or in lieu thereof.

The motion for Resolution 2013-40 authorizing a Professional Services Contract with Triad Associates for Grant Consulting Services passed a vote of the Township Committee as follows:  
4-0

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

Motion (Bradway, Breslin) for Resolution 2013-42 A Resolution approving an Electronic Backup Policy

**Resolution 2013- 42**

A Resolution to approve an Electronic Data Backup Policy

WHEREAS the Township Committee of the Township of Lower Alloways Creek recognizes the necessity and benefit to having an Electronic Backup Policy, and;

WHEREAS, the Township Committee desires to provide a means to:

- (1) **restore** the integrity of the Electronic Data used in computer systems and other types of devices in the event of a hardware/software failure or physical disaster, and

- (2) **provide** a measure of protection against human error or the inadvertent deletion of important files.
- (3) **ensure** that Electronic Data can be restored in a timely manner, so that government functions can continue with the least amount of disruption.

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of Lower Alloways Creek does hereby approve the Electronic Data Backup Policy heretofore attached.

BE, IT FURTHER RESOLVED that Clerk be authorized to distribute and oversee that this policy is understood by each Department and Agency of the Township of Lower Alloways Creek.

The motion for Resolution 2013-42 approving an Electronic Backup Policy passed a vote of the Township Committee as follows: 4-0

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

Motion (Palombo, Bradway) for Resolution 2013-43 A Resolution to increase the “Schedule of Dwelling Rents” of the units at Leisure Arms by 2.7%.

**RESOLUTION 2013-43**

**A RESOLUTION TO INCREASE THE “SCHEDULE OF DWELLING RENTS” OF THE UNITS AT LEISURE ARMS BY 2.7% EFFECTIVE MARCH 1, 2013**

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

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

WHEREAS the Consumer Price Index (index of inflation) for the year 2012 has been determined to be 1.7%

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

(1.7 % + 1%) TIMES the current unit monthly rent

$$2.7\% * 355.00 = \$ 364.58$$

$$2.7\% * 627.00 = \$ 643.92$$

NOW THEREFORE BE IT FURTHER RESOLVED THAT the monthly unit rents shall increase to these amounts beginning March 1, 2013

The motion for Resolution 2013-43 to increase the “Schedule of Dwelling Rents” of the units at Leisure Arms by 2.7% passed a vote of the Township Committee as follows: 3-1

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

## **ORDINANCE (INTRODUCTION)**

Motion (Bradway, Breslin) to introduce 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 shall be on March 19, 2013 at 7:30 p.m., at the Municipal Building, 501 Locust Island Road, Hancock's Bridge, New Jersey.

**CURRENT WORDING 1-31-2013**

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

Rev. Ord. Supp. 10/0 1

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.~~

~~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.~~

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

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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

The motion to introduce for first reading 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 passed a vote of the Township Committee as follows: 4-0

Ayes: Bradway, Breslin, Palombo and Venable

Nays: none Abstain: none Absent: Pompper

**ORDINANCE (PUBLIC HEARING)**

**Ordinance 2013-01** An ordinance Amending Chapter 151 known as “Vehicles and Traffic”

Mayor Breslin opened the meeting to a Public Hearing on Ordinance 2013-01

No one from the Public had any comments.

Mayor Breslin closed the Public Hearing on Ord 2013-01

Mr. Rosenberger commented that he recommended removing some unnecessary language in certain sections, which name the individual traffic violations and then refers back to itself later in the same section. These changes would not be significant enough to require a new Public hearing.

Motion (Bradway, Venable) for final adoption of Ordinance 2013-01 an ordinance Amending Chapter 151 known as “Vehicles and Traffic” as amended (removing unnecessary repetitive language).

#### ORDINANCE 2013-01

#### AN ORDINANCE AMENDING CHAPTER 151 KNOWN AS “VEHICLES AND TRAFFIC” OF THE CODE OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK

**WHEREAS**, the Township Committee of the Township of Lower Alloways Creek desires to amend Chapter 151 known as “VEHICLES AND TRAFFIC”.

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

**Section 1.** Chapter 151 of the Code of the Township of Lower Alloways Creek is hereby amended in its entirety as follows:

### VEHICLES AND TRAFFIC

#### Chapter 151

### VEHICLES AND TRAFFIC

#### ARTICLE I Definitions

§ 151-1. Words and phrases defined.

#### ARTICLE II Parking



**ARTICLE I  
Definitions**

§ 151-1. Words and phrases defined.

Whenever any words and phrases are used in this chapter, the meanings respectively ascribed to them in N.J.S.A. 39:1-1 shall be deemed to apply to such words and phrases used herein.

**ARTICLE II  
Parking**

§ 151-2. Regulations not exclusive.

The provisions of this Article imposing a time limit on parking shall not relieve any person of the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles as set forth in N.J.S.A. 39:4-138, of any other statute or as hereinafter provided.

§ 151-3. Parking prohibited at all times on certain streets.

A. No person shall park a vehicle at any time upon any of the streets or parts thereof described below.

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
<b>Second Street [4-19-2010 as Ord No. 2010-04]</b>	<b>South</b>	<b>between Main Street and Locust Island Road</b>

B. No person shall park, place, store or leave a truck weighing over four (4) tons gross weight or a trailer of any size in any municipal parking lot other than as may be necessary for the purpose of making a pick-up or delivery in the regular course of business.

§ 151-4. Stopping or standing prohibited on certain streets.

No person shall stop or stand a vehicle upon any of the streets or parts of streets described below.

In accordance with the provisions of Section §151-4, no person shall stop or stand a vehicle upon any street designated by ordinance in the Township of Lower Alloways Creek.

<u>Name of Street</u>	<u>Location</u>
<b>Frank Smith Road</b>	<b>Entire Length [12-18-12 as Ord. No. 2012-08]</b>



Upon the declaration of an emergency, there shall be no parking upon streets or sections of streets where temporary emergency no-parking signs are displayed. The Public Safety Director, Chief of Police or, in his absence, the ranking police officer are authorized to declare an emergency and to direct the posting of said emergency no-parking signs when weather conditions, accidents, fires or public celebrations dictate the free flow of traffic. Notification that the emergency no parking signs are being or will be posted shall be given to the operator or owner of any vehicle which has been parked prior to the posting of the signs.

§ 151-9. Removal of vehicles.

Any unoccupied vehicle parked or standing in violation of this Article shall be deemed a nuisance and a menace to the safe and proper regulation of traffic, and any peace officer may provide for the removal of such vehicle. The owner shall pay the reasonable costs of the removal, and storage which may result from such removal, before regaining possession of the vehicle.

§ 151-10. Effectiveness of Article.

The effectiveness of this Article is contingent on signs being erected as required by law.

**ARTICLE VI  
Speed Limits**

§ 151-11. Speed Limits

The following streets shall be designated with the speed limit(s) as set forth upon any of the following streets or parts of streets:

<u>Name of Street</u>	<u>Location</u>	<u>Limit in MPH</u>
<b>Buckhorn Road</b> <b>[3-18-1980 as Ord. No. 80-6]</b>	<b>Entire Length</b>	<b>40 MPH</b>
<b>Harasta Road</b> <b>[5-18-2009 as Ord. No. 2009-06]</b>	<b>Entire Length</b>	<b>15 MPH</b>
	15105	

151-12

LOWER ALLOWAYS CREEK CODE

**ARTICLE VII  
General Provisions**

§ 151-12 Short Title

This Chapter may be known and cited as the “Vehicles and Traffic Ordinance”.

§ 151-13 Violations and Penalties.

Unless another penalty is expressly provided by the New Jersey Statute, every person convicted of a violation of a provision of this chapter or any supplement thereto shall be liable to a penalty of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$ 500.00) for any single offense or to a term of imprisonment for a term not exceeding ninety (90) days, or both.

**Section 2. Repealer, Severability and Effective Date.**

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

This Ordinance, which was introduced for First Reading on January 22, 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.

**Public Hearing on this Ordinance shall be on February 19, 2013 at 7:30 p.m., at the Municipal Building, 501 Locust Island Road, Hancock’s Bridge, New Jersey.**

Introduction: January 22, 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			

Final Adoption: February 19, 2013

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

**OLD BUSINESS: None**

**NEW BUSINESS:**

Motion (Bradway, Venable) to authorize the receipt of applications for MAPSA Summer Camp Supervisor and Counselors

The motion to authorize the receipt of applications for MAPSA Summer Camp Supervisor and Counselors passed a vote of the Township Committee as follows: 4-0

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

Motion (Venable, Bradway) to approve the request to alter/replace Unit C-15; counter top and Sink in kitchen by Mrs. Cerami and the request to replace Unit B-10; vanity in bathroom by Mrs. Fisher

The motion to approve the request to alter/replace Unit C-15; counter top and Sink in kitchen by Mrs. Cerami and the request to replace Unit B-10; vanity in bathroom by Mrs. Fisher passed a vote of the Township Committee as follows: 4-0

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

**CORRESPONDENCE** None

**PUBLIC COMMENT** No one indicated that they wished to make any comments.

### **REPORTS TO THE COMMITTEE & COMMITTEE REPORTS**

**Fire Company** Chief Hinchman indicated that he had no report at this time.

**Animal Control** Mr. Fisher indicated that the Pennsville shelter was close to being full.

**Public Safety** Mr. Sowers stated that the new Police vehicle has arrived and is now getting the radios and other equipment installed.

**Public Works** Mr. Lynch stated that he would like the Committee to advertise for Seasonal Workers, to have them available for spring projects coming up.

Motion (Venable, Bradway) to advertise for the receipt of applications for Seasonal Laborers.

The motion to advertise for the receipt of applications for Seasonal Laborers passed a vote of the Township Committee. 4-0

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

**Mr. Venable** asked the solicitor if the Township could ban smoking in the Senior Complex. Mr. Rosenberger stated that in new leases as they are made, this certainly was possible and that the Township does have the authority to ban smoking in all units. Mr. Rosenberger further stated that the Township could begin requiring tenants to put down a Security Deposit and use those funds if a unit required additional cleanup because a smoker was in the unit.

**Mr. Palombo** had no report at this time.

**Mr. Bradway** reported that a Flammable Liquid Cabinet had been donated to the LAC Fire Company by the PSEG Fire Company.

**Mayor Breslin** stated that he had recently had lunch with the Mayor of Salem City, Charlie Washington, Jr and among other things; they had a discussion about sewer sledge being processed by the Salem City Sewer Authority. They have their own truck to haul the sledge. Mayor Breslin would like for this to be looked at by Mr. Lynch to see if this would be financially beneficial to the Township, instead of having someone collect ours and take it to be processed wherever.

Mr. Lynch asked if the Committee would consider extending the Alloways Creek stabilization project another 500 feet and basically finishing all that would need to be done. Mr. Lynch stated that this may be an advantageous time to get quick approvals from the State to do this work. Mr. Lynch also stated that the cost of the project would be about \$300,000.00 total.

Motion (Bradway, Palombo) to authorize Fralinger Engineering to do the necessary engineering work, to submit an application to the State DEP, for an additional 500 ft of bank stabilization on Alloways Creek, at a cost not to exceed \$59,000.00.

The motion to authorize Fralinger Engineering to do the necessary engineering work, to be able to submit an application to the State DEP, for an additional 500 ft of bank stabilization on Alloways Creek, at a cost not to exceed \$59,000.00 passed a vote of the Township Committee.  
3-1

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

Motion (Palombo, Bradway) for Resolution 2013-47 A Resolution to award a bid to South State, Inc. for the reconstruction of Alloways Creek Neck Road in the amount of \$ 351,078.24

**RESOLUTION 2013 -47**

A RESOLUTION TO AWARD A BID TO SOUTH STATE, INC. FOR THE RECONSTRUCTION OF ALLOWAYS CREEK NECK ROAD IN THE AMOUNT OF \$ 351,078.24

WHEREAS, the Township Engineer has solicited bids for the reconstruction of Alloways Creek Neck Road as authorized by the Township Committee; and,

WHEREAS, a bids were received for the reconstruction of Alloways Creek Neck Road on February 13, 2013 at 10:00 am; and,

WHEREAS, South State, Inc., PO Box 68, Bridgeton, New Jersey submitted the lowest responsible and responsive bid at a cost of \$ 351, 078.24; and,

WHEREAS, the Municipal Engineer and Purchasing Agent are recommending that the base bid (251,014.52) and all the alternates #1 (35,374.59), #2 (32,220.34) & #3 (32,468.79) be accepted and a contract be awarded to South State, Inc., of Bridgeton New Jersey

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lower Alloways Creek that South State, Inc. of Bridgeton, New Jersey be awarded the bid for the reconstruction of Alloways Creek Neck Road in the total amount of \$ 351,078.24 from funds currently in the Capital Appropriation C-04-55-167-000, reconstruction of Alloways Creek Neck Road.

BE IT FURTHER RESOLVED that the Township Committee does authorize the Mayor and Clerk to execute a contract with South State, Inc. for the reconstruction of Alloways Creek Neck Road at a cost of \$ 351,078.24.

The motion for Resolution 2013-47 to award a bid to South State, Inc. for the reconstruction of Alloways Creek Neck Road in the amount of \$ 351,078.24 passed a vote of the Township Committee as follows: 4-0

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

**CLOSED SESSION**

Motion (Bradway, Venable) to convene into a Closed Session of Business 8:10 pm

**RESOLUTION 2013- 44**  
**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. Negotiations - CWA
- B. Personnel

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

- A. At such time the matter is concluded
- B. At such time the matter is concluded

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

**BE IT FURTHER RESOLVED** that this Closed Session is expected to continue for 15 (fifteen) 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: 4-0

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

Motion (Bradway, Palombo) to come out of the Closed Session of business. 8:35 pm

The motion to come out of the Closed Session of Business passed a vote of the Township Committee as follows: 4-0

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

**BUSINESS AFTER CLOSED SESSION**

Motion (Breslin, Venable) for Resolution 2013-45 A Resolution to offer employment to Fred Bierman, Kevin Goodale and Thomas Sylvestro as Part-Time Recycling Workers.

**RESOLUTION 2013-45**  
**A RESOLUTION TO OFFER EMPLOYMENT TO FRED BIERMAN, KEVIN GOODALE**

AND THOMAS SYLVESTRO AS A PART-TIME RECYCLING WORKERS

WHEREAS, the Township of Lower Alloways Creek is in need of a Part-Time Recycling Worker; and,

WHEREAS, the Superintendant of Public Works, Jack Lynch has made a recommendation that **Fred Bierman, Kevin Goodale and Thomas Sylvestro** be hired as a Part-Time Recycling Workers and used on an as needed basis.

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of Lower Alloways Creek does offer employment to **Fred Bierman, Kevin Goodale and Thomas Sylvestro** for the position of Part-Time Recycling Worker at the rate of \$10.38 /hr.

BE IT FURTHER RESOLVED that these candidates first paid day of employment on the job, be considered there hired date, if they so accepts the Township Committee's offer of employment as Part-Time Recycling Workers.

BE IT FURTHER RESLOVED that employment be contingent on passing a pre-employment physical, drug testing as set forth by the Lower Alloways Creek Personnel Policies and completion of any conditions set forth by the Superintendant of Public Works.

The motion for Resolution 2013-45 to offer employment to Fred Bierman, Kevin Goodale and Thomas Sylvestro as Part-Time Recycling Workers passed a vote of the Township Committee as follows: 4-0

Ayes: Bradway, Venable, Palombo and Breslin

Nays: none      Abstain: none      Absent: Pompper

Motion (Palombo, Venable) for Resolution 2013-46 A Resolution authoring a Professional Services Contract with The Southwest Council for Employee Assistance and Substance Abuse professional services.

**RESOLUTION 2013-46**

**A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH THE SOUTHWEST COUNCIL, INC. FOR EMPLOYEE ASSISTANCE AND SUBSTANCE ABUSE PROFESSIONAL SERVICES**

**WHEREAS**, the Township of Lower Alloways Creek desires to acquire the Professional Services of a Substance Abuse Professional under provisions of the Local Contracts Law N.J.S.A. 40A:11-2(7), "Extraordinary unspecifiable services", and;

**WHEREAS**, the Purchasing Agent has determined and certified to writing that the value of the acquisition will not exceed \$ 3,500.00

**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 as follows:

8. The Township Committee hereby appoints for the year 2013 **The Southwest Council, Inc.** for Employee Assistance and Substance Abuse Professional Services
9. The anticipated term of this contract is one (1) year
10. Certification of funds from the CFO has been or will be received stating that funds will be encumbered by Purchase Order as required pursuant to N.J.A.C. 5:30-5.4

11. Said appointment is made without competitive bidding as a professional service under the “Extraordinary unspecifiable services” provisions of the Local Public Contracts Law
12. The Mayor and Clerk are hereby authorized and directed to execute agreements with the aforesaid in connection with such professional services
13. A copy of this resolution shall be published in “South Jersey Times” as required by law, within ten (10) days of the date of the passage of this resolution or in lieu thereof.

The motion for Resolution 2013-46 authoring a Professional Services Contract with The Southwest Council for Employee Assistance and Substance Abuse professional services passed a vote of the Township Committee as follows: 3-0-1

Ayes: Palombo, Venable and Breslin

Nays: none      Abstain: Bradway      Absent: Pompper

**ADJOURNMENT**

Motion (Palombo, Venable) to adjourn the meeting at 8:40 p.m.  
The motion to adjourn the meeting passed unanimously.

Minutes of the February 19, 2013 Meeting were approved at a meeting held March 19, 2013

ATTEST:

LOWER ALLOWAYS CREEK TOWNSHIP

\_\_\_\_\_  
Ronald L Campbell Sr. Clerk

By: \_\_\_\_\_  
Mayor, Robert F. Breslin III