

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
MINUTES FOR SEPTEMBER 25, 2006**

REGULAR MEETING OF THE TOWNSHIP COMMITTEE –4:00 P.M.

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Barbara Camp	Present
Frank E. Conrad	Present
Curtis Corson	Present
John “Jay” Newman	Present
Richard Palombo	Present

Also present were Deputy Municipal Clerk Barbara Spiegel, Finance Officer Patricia Garbutt, Municipal Attorney Daniel Young and Municipal Engineer Paul Dietrich.

**APPROVAL OF MINUTES - September 11, 2006 Regular Meeting and
Closed Session Minutes**

Moved by Jay Newman, second by Barbara Camp to approve the Minutes as written. During roll call vote all five Committee members present voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Frank Conrad, reported on the great job the Boy Scouts of Troops 55 & 79 did in cleaning up the Tuckahoe River. They may work on cleaning up Cedar Swamp Creek in the spring.

Barbara Camp, reported that the Road Department collected 1.36 ton of storm debris after the September storm. The cleanup took nine days.

Jay Newman, reported that the Annual Fire Prevention Day will be October 11, 2006. The fire departments and the rescue squad will be visiting the schools and also holding an Open House that evening at Marmora Fire Department. There is a request in to the County to close a portion of Tuckahoe Road in front of the firehouse during the Open House to aid in safety from the Elementary School.

The Recreation programs are going well; in-line hockey has started.

Richard Palombo, reminded everyone that the Public Hearing with the Board of Public Utilities (BPU) will be held at the Middle School on October 17 at 7 p.m. to discuss the Township’s resolution of approval to allow the sale of B.L. England to operate as a

generating plant. It is important that we generate some enthusiasm in Upper Township and throughout the County for the sale because of the reliability of electric supply and the great source of tax income that the Township benefits from through the Gross Energy Receipts Tax. He urged individuals to come out and support this measure. The Township is working with the other 15 municipalities in the County to adopt resolutions in support of the sale and reported that Cape May County has already done so.

A fax was received from the NJ Marine Science Consortium inquiring about the Township boat ramp. Information will be sent to them about the Beesley's Point boat ramp.

Mayor Palombo also reminded everyone that on October 27 and 28, there would be a tabletop Emergency Management exercise. They are requesting as many Township Committee members attend as possible.

In addition, Mayor Palombo reported that a brief ceremony would be held at Osprey Point on Sunday, October 8 at 1 p.m. to dedicate a plaque to the Air Force veterans for the old Palermo Air Force Station.

Lastly, Mr. Palombo announced that he has received Steven Ay's resignation from the Zoning Board effective October 2006. A replacement will be necessary.

OTHER REPORTS

Paul Dietrich, Municipal Engineer, reported that work items requested by Strathmere residents at a prior meeting are almost complete. The road resurfacing is still being looked at for next year's paving project. The County is on schedule with the Ocean Drive Bridge. By the beginning of October we are expected to hear if they will increase the load weight rating.

RESOLUTIONS

1. Appointment of Scott A. Guntz as a part-time skate park attendant.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 196-2006
RE: AUTHORIZING THE HIRING OF SCOTT A. GUNTZ AS
A SEASONAL SKATEPARK ATTENDANT FOR THE
DEPARTMENT OF RECREATION AT AMANDA'S FIELD SKATEPARK

WHEREAS, a need exists to appoint qualified personnel as seasonal part-time employees to the Upper Township Department of Recreation to insure optimal operation; and

WHEREAS, a recommendation has been made to the Township Committee and duly considered at the meeting of September 11, 2006; and

WHEREAS, this Resolution is intended to ratify the action heretofore taken; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, as follows:

1. The allegations of the preamble are incorporated herein by this reference.

2. Scott A. Guntz is hereby appointed in a seasonal position effective immediately at a salary of \$10.75 per hour in accordance with the Salary Ordinance.

3. This Resolution ratifies, confirms and approves action taken by the Township Committee, by motion, at the meeting of September 11, 2006.

Resolution No. 196-2006
Offered by: Newman, Seconded by: Conrad,
Adopted: September 25, 2006

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Camp	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Conrad	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Corson	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Newman	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

2. Appointment of Gibson Associates, P.A. to perform Professional Land Surveying Services in the Strathmere section of Upper Township.

Prior to a vote, Dan Young clarified that the contract is for Proposals A and B to replace two separate bulkheads. It was discussed previously as one proposal but it is actually two separate bulkhead replacements.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 197 -2006
RE: APPOINTMENT OF GIBSON ASSOCIATES, P.A. TO PERFORM PROFESSIONAL
LAND SURVEYING SERVICES IN THE STRATHMERE
SECTION OF UPPER TOWNSHIP**

WHEREAS, the Township requires a surveyor to provide services which include topographic/hydrographic surveys and base mapping in connection with future submissions to the appropriate regulatory agencies for the areas located at Whittier Avenue from Bayview Avenue to Strathmere Bay and at Sumner Avenue from Bayview Avenue to Strathmere Bay in the Strathmere section of the Township; and

WHEREAS, a resolution is required authorizing the award of such contract for professional services; and

WHEREAS, Gibson Associates, P.A. has completed and submitted a Business Entity Disclosure Certification which certifies that Gibson Associates, P.A. has not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Gibson Associates, P.A. from making any reportable contributions through the term of the contract; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. Gibson Associates, P.A. with offices at 522 Sea Isle Boulevard, Ocean View, New Jersey is hereby appointed Surveyor for the Township of Upper for the purpose of providing topographic/hydrographic surveys to be utilized as base maps for future submissions to the appropriate

regulatory agencies as part of a bulkhead permitting project pursuant to proposal from Gibson Associates, P.A. dated September 5, 2006 and revised September 11, 2006, subject however to such modification contained in the contract to be executed by the Township and Gibson Associates, P.A.

3. Gibson Associates, P.A. has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.

4. The term of this contract is for a period not to exceed the length of time necessary for completion of the aforesaid project, unless sooner terminated by the Township of Upper, at the option of the Township of Upper.

5. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Gibson Associates, P.A. has professional knowledge as to surveying issues which knowledge is particularly valuable to the Township Committee.

NOTICE OF CONTRACT AWARD

6. The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Gibson Associates, P.A. for surveying services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

7. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the official budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.

8. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Gibson Associates, P.A. in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in

accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

9. A copy of this Resolution shall be published in the official newspaper of the Township of Upper within ten (10) days from the date of adoption.

10. This Resolution shall be effective as of adoption.

Resolution No. 197-2006

Offered by: Corson

Seconded by: Newman

Adopted: September 25, 2006

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Camp	<u>X</u>	___	___	___
Conrad	<u>X</u>	___	___	___
Corson	<u>X</u>	___	___	___
Newman	<u>X</u>	___	___	___
Palombo	<u>X</u>	___	___	___

3. Authorizing the execution of an amendment to contract for Animal Control Services in Upper Township to include the removal of deer carcasses.

Prior to the vote, Committeeman Corson asked for clarification as to the Township being responsible for removing the deer carcasses from Township roads only. Dan Young stated that according to the contract, it would be \$35.00. The Township will pick up deer carcasses from state and county roads as may be necessary for timeliness.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 198 -2006**

**RE: AUTHORIZING THE EXECUTION OF AN AMENDMENT TO CONTRACT
FOR ANIMAL CONTROL SERVICES IN UPPER TOWNSHIP TO INCLUDE
THE REMOVAL OF DEER CARCASSES**

WHEREAS, the Township of Upper and Liam Hughes t/a South Jersey Animal Services, LLC are parties to an existing Contract for Professional Services to provide animal control services within the Township of Upper, said Contract being dated June 12, 2006; and

WHEREAS, the Township wishes to amend its existing Contract for animal control services to include the removal of deer carcasses in accordance with the proposal of Liam Hughes t/a South Jersey Animal Services attached hereto as Schedule A; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. The existing contract for animal control services shall be amended to include the removal of deer carcasses in accordance with the proposal attached hereto as Schedule A.
3. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute an amendment to the existing contract for animal control services in accordance with the terms and provisions of this Resolution.
4. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 198-2006
Offered by: Conrad
Adopted: September 25, 2006

Seconded by: Camp

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Camp	<u>X</u>	___	_____	_____
Conrad	<u>X</u>	___	_____	_____
Corson	<u>X</u>	___	_____	_____
Newman	<u>X</u>	___	_____	_____
Palombo	<u>X</u>	___	_____	_____

4. Appointing an Official to bid at the Tax Sale scheduled for November 28, 2006 at 10:00 A.M.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 199-2006
RE: APPOINTING AN OFFICIAL TO BID AT THE
TAX SALE SCHEDULED FOR NOVEMBER 28, 2006

WHEREAS, a Tax Sale is scheduled to be conducted by the Tax Collector of the Township of Upper on November 28, 2006 at 10:00 A.M.; and

WHEREAS, the Township Committee has duly considered the matter and has determined to take the action hereinafter designated.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, as follows:

1. The allegations of the preamble are incorporated herein by this reference.

2. The Chief Financial Officer, Patricia A. Garbutt, and or the Tax Assessor, Meghan McAfee are hereby designated and appointed as the officials who may bid at said Tax Sale on behalf of the Township of Upper on the scheduled date, as well as on any other date to which the Tax Sale may be adjourned.

3. The Chief Financial Officer, Patricia A. Garbutt and or the Tax Assessor, Meghan McAfee are hereby authorized to expend on behalf of the Township, up to \$30,000.00 in order to purchase Tax Liens.

Resolution No. 199-2006
Offered by: Corson
Adopted: September 25, 2006

Seconded by: Conrad

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Camp	<u>X</u>	_____	_____	_____
Conrad	<u>X</u>	_____	_____	_____
Corson	<u>X</u>	_____	_____	_____
Newman	<u>X</u>	_____	_____	_____
Palombo	<u>X</u>	_____	_____	_____

5. Tax Corrections.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
Resolution No. 200-2006**

CANCEL TAX

WHEREAS, certain corrections have been

Recommended by the Upper Township Tax Collector in order to
Correct tax records,

NOW, THEREFORE BE IT RESOLVED, by the
Township Committee of the Township of Upper, Cape May County,
that corrections to the Tax records are hereby authorized and
the Tax Collector is hereby directed to correct said records
or take such action as indicated:

**CANCEL 2005 TAX \$308.83 on Block 451 Lot 28 Qualification B01
As per Assessor's Office-on in error—no billboard**

Resolution No. 200-2006

Offered by: Camp Seconded by: Conrad

Adopted: September 25, 2006

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
CAMP	<u>X</u>	_____	_____	_____
CONRAD	<u>X</u>	_____	_____	_____

CORSON	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
NEWMAN	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
PALOMBO	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

6. Approval of issuance of tax-exempt obligation of Seaville Volunteer Fire & Rescue Company, Inc.

Prior to a vote, Dan Young pointed out one change to this Resolution made by Counsel to the fire company. It is in Paragraph No. 5—the Note the fire company is taking is for “reconstruction and improvement” of firehouse facilities not “acquisition and construction” as indicated in a draft Resolution. This Resolution is required in order to allow the fire company to refinance its current debt at a reduced interest rate. The Township is not undertaking the debt or any obligations of the fire company. This is a legal requirement by the IRS so that the interest is tax-exempt for the benefits to be passed on to the fire company. It also requires the municipality to direct the fire company to hold a Public Hearing on this matter.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 R E S O L U T I O N
 RESOLUTION NO. 201 -2006
 RE: APPROVAL OF ISSUANCE OF TAX-EXEMPT OBLIGATION OF
 SEAVILLE VOLUNTEER FIRE & RESCUE COMPANY, INC.**

WHEREAS, Seaville Volunteer Fire & Rescue Company, Inc. (the Fire Company), is (i) a non-profit corporation organized and existing under the laws of the State of New Jersey; and (ii) a qualified volunteer fire company within the meaning of Section 150(e) of the Internal Revenue Code of 1986 and related regulations (the Code), which is organized and operated to provide fire fighting or emergency medical services within Fire District No. 4, in the Township of Upper, County of Cape May, New Jersey (the Township), a political subdivision that is not otherwise provided with fire fighting services for such Fire District No. 4; and

WHEREAS, the Fire Company is required by written agreement with the Commissioners of Fire District No. 4 of the Township, or by ordinance or statute, to provide fire fighting services to the Township, within the meaning of Section 150(e) of the Code; and

WHEREAS, under Section 150(e) of the Code, the Fire Company is considered a governmental entity for purposes of issuing its debt obligations, the interest paid on which is exempt from federal income taxes (Tax-Exempt Obligation(s)), subject, however, to the public approval requirements applicable to private activity bonds under Section 147(f) of the Code; and

WHEREAS, the Township has been requested by the Fire Company to approve the issuance of its Tax-Exempt Obligation, in the form of a note (the Note), solely for purposes of Sections 147(f) and 150(e) of the Code; and

WHEREAS, the Fire Company has proposed to issue the Note and use the proceeds of the Note for: (i) the refinancing of outstanding debt of the Fire Company previously issued to provide the funds for the reconstruction and improvement of fire house facilities located at #36 Route 50, Township of Upper, in the County of Cape May and State of New Jersey, and eligible for funding with proceeds of the Note, and (ii) the payment of costs and expenses of issuance of the Note (collectively, the Project); and

WHEREAS, the Township shall be in no manner responsible for any obligations or liability of the Fire Company in regard to its operations or its responsibility under said refinancing agreement, Note or other financial obligation; and

WHEREAS, the Township Committee of the Township hereby directs that it is appropriate that the Mayor acknowledge the emergency services which have been provided to the Township by the Fire Company as requested; and

WHEREAS, the Township Committee of the Township desires to authorize the Fire Company to conduct any and all public hearings in connection with the Project that are required to be held pursuant to Section 147(f) of the Code, and to authorize the Mayor of the Township as the applicable elected representative of the Township to approve the issuance of the Note and the Project as aforesaid and as required by Section 147(f) of the Code; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. The Fire Company and its officers, board members or attorneys, or any of them, are hereby appointed and confirmed as the agents of the Township to hold a public hearing as required by Section 147(f) of the Code, with respect to the Note and the Project, as the lawful agent of the Township, as required and contemplated by Section 147(f) of the Code.
3. The advertisement of such public hearing held on behalf of the Township is hereby approved and confirmed.
4. Following such public hearing, the Fire Company shall submit to the Township a brief report, summary or synopsis of the public hearing in order that the Township may take appropriate action upon the request of the Fire Company for approval, solely for purposes of Section 147(f) of the Code, of the issuance of the Note and of the proposed Project.
5. The Township hereby designates the Mayor of the Township, following any such public hearing, to execute and deliver a Certificate of Approval, in the form attached

hereto as Exhibit A, with respect to the issuance of the Note and the Project on behalf of the Township.

6. All actions of the Township and of the Fire Company taken and to be taken in conformity with the intent and purposes of this Resolution are ratified, confirmed and approved in all respects.

7. The action taken by or on behalf of the Township under this Resolution is taken only as required by Section 150(e) and Section 147(f) of the Code to qualify the Note as a qualified tax-exempt obligation and for no other purpose, and the adoption of this Resolution and the taking of the action authorized hereunder shall not create any other contractual, debt or legal obligation of, against or payable by the Township with respect to the Note or the Project or otherwise.

8. All resolutions or parts of resolutions, insofar as such shall be inconsistent herewith, shall be and the same expressly are repealed.

9. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 201 -2006
Offered by: Newman
Adopted: September 25, 2006

Seconded by: Camp

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Camp	<u>X</u>	___	___	___
Conrad	<u>X</u>	___	___	___
Corson	___	___	<u>X</u>	___
Newman	<u>X</u>	___	___	___
Palombo	<u>X</u>	___	___	___

EXHIBIT A

(FORM OF CERTIFICATE OF APPROVAL)

Township of Upper
County of Cape May
State of New Jersey

CERTIFICATE OF APPROVAL

The undersigned, being the applicable elected representative of the Township of Upper (the Township), a political subdivision of the State of New Jersey, does hereby approve the issuance of tax-exempt obligations, in the form of a note (the Note), in the maximum amount set forth below, by the Seaville Volunteer Fire & Rescue Company, Inc. (the Fire Company) and the use by the Fire Company of the proceeds of the Note for: (i) the refinancing of outstanding debt of the Fire Company previously issued to provide the funds for the acquisition and construction of fire house facilities located at #36 Route 50, Township of Upper, in the County of Cape May and State of New Jersey, and eligible for funding with proceeds of the Note, and (ii) the payment of costs and expenses of issuance of the Note (collectively, the Project), which Project also is hereby approved. This Approval is being given pursuant to authorization given by a Resolution of the Township of Upper, New Jersey, duly adopted on September 25, 2006 and after due consideration of any comments received during a public hearing on the matter held on the date and at the time and place set forth below following reasonable public notice:

Applicant: Seaville Volunteer Fire & Rescue Company, Inc.

Operator or Manager of Facility: Applicant.

Maximum Amount of Note: Not to exceed \$1,600,000.00.

Functional Description of the Type and Use of Facilities Being Financed: Fire House.

Location of Facilities Being Financed: #36 Route 50, Township of Upper, in the County of Cape May and State of New Jersey.

Time, Date and Place of Public Hearing: _____m., prevailing local time, _____, 2006, at the office of _____, _____, New Jersey.

Notice of Public Hearing: Notice of Hearing published _____, 2006, in the _____, _____, New Jersey.

Synopsis of Hearing: A Synopsis of the Hearing was prepared and submitted by the _____ [or his or her delegate]

and is on file with the [Secretary of the Township Committee,
Township of Upper, New Jersey].

This Approval is given by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, as the next higher governmental unit with elected representatives from which the Fire Company derives its authority to finance the Project, and solely for the purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended and related regulations (the Code). The Note to be issued shall not constitute a debt or obligation of the Township, and the Township hereby assumes no obligation whatsoever with respect to payment of the Note or with respect to the Project. This Certificate of Approval is not intended to be, nor shall it be construed as, an approval of the Note to be issued by the Fire Company or of the Project for any purpose other than the approval of the governmental unit of the proposed Project and issuance of the Note for purposes of Section 147(f) of the Code pursuant to the public approval requirement of Section 147(f) of the Code.

IN WITNESS WHEREOF, the undersigned, being duly authorized to act on behalf of the Township Committee of the Township of Upper, New Jersey, has executed this Approval this _____ day of _____, 2006.

Name:

Title:

**7. Authorizing a refund for a building permit to Great Atlantic Building Co.,
Inc. in the amount of \$1339.20.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 202-2006
RE: AUTHORIZING A REFUND FOR A BUILDING PERMIT
TO BRIAN GILES OF GREAT ATLANTIC BUILDING CO.
IN THE AMOUNT OF \$1339.20**

WHEREAS, Brian Giles of Great Atlantic Building Co. has paid the sum of \$1624.00 for the payment of a building permit; and

WHEREAS, the application for the permit was then withdrawn by the applicant and building permit was never issued; and

WHEREAS, it has been recommended by the Upper Township Code

Enforcement Officer that a refund in the amount of \$1339.20 be given. The refunded amount is the difference between the total fee paid and the nonrefundable State and plan review fees as indicated on Exhibit A;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper in the County of Cape May, that the Municipal Clerk is hereby directed to take such corrective action as indicated below.

Resolution No. 202-2006
 Offered by: Corson Seconded by: Camp
 Adopted: September 25, 2006
 Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Camp	<u> X </u>	_____	_____	_____
Conrad	<u> X </u>	_____	_____	_____
Corson	<u> X </u>	_____	_____	_____
Newman	<u> X </u>	_____	_____	_____
Palombo	<u> X </u>	_____	_____	_____

Refund-Great Atlantic Building Co.
 (permit attached at Exhibit A)

Total Sub Code fee was \$1624.00,
 minus 20% plan review, returnable balance would be----- \$1299.20

DCA fee of \$113.00 is paid to the State and is not returnable.----- -0-

Certificate of Occupancy fee is \$40.00 and is returnable in full.---- \$40.00

Total fee that should be returned is----- \$1339.20

8. Appointment of Certain Members to the National Youth Sports Coaches Association (NYSCA) Chapter Review Committee.

TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 R E S O L U T I O N
 RESOLUTION NO. 203-2006
 RE: APPOINTMENT OF CERTAIN MEMBERS TO THE
 NATIONAL YOUTH SPORTS COACHES ASSOCIATION (NYSCA)
 CHAPTER REVIEW COMMITTEE

WHEREAS, a need exists to appoint certain members to the National Youth Sports Coaches Association (NYSCA) Chapter Review Committee as a requirement of the Upper Township's Joint Insurance Fund (JIF).

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, as follows:

1. The allegations of the preamble are incorporated herein by this reference.

2. The following persons are hereby appointed as members of the NYSCA Chapter Review Committee effective immediately and expiring on December 31, 2006, provided, however, that such member shall continue to serve until his/her successor is duly appointed and qualified:

- David Beyel
- Bill Burns
- John Curry
- Harvey Giberson
- Jeff Kodetek
- Bruce DiNardo, Chapter Director
- Jay Newman, Committeeman for Recreation Department
- Brenda Layton, Supervisor of Recreation Department

3. Bruce DiNardo, Jay Newman and Brenda Layton are members of the Committee but shall not vote.

Resolution No. 203-2006
Offered by: Newman Seconded by: Camp
Adopted: September 25, 2006
Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
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Camp	<u> X </u>	_____	_____	_____
Conrad	<u> X </u>	_____	_____	_____
Corson	<u> X </u>	_____	_____	_____
Newman	<u> X </u>	_____	_____	_____
Palombo	<u> X </u>	_____	_____	_____

ORDINANCES

9. Introduction of Ordinance No. 021-2006: Re: An Ordinance amending Revised General Ordinance Chapter VII of the Code of Upper Township.

Engineer Paul Dietrich explained the purpose of this Ordinance. The first six streets in Schedule 1 already exist on the table. The Strathmere Fire Company requested the next four streets for no parking in certain areas. Moved by Jay Newman, second by Curtis Corson to introduce Ordinance No. 021-2006 with Public Hearing and Final Adoption on October 23, 2006 at 4 p.m. During roll call vote, all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE
ORDINANCE NO. 021-2006**

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE
CHAPTER VII OF THE CODE OF UPPER TOWNSHIP**

BE IT ORDAINED by the Township Committee, in the Township of Upper, County of Cape May and State of New Jersey, as follows:

SECTION 1. Chapter 7, Schedule I of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

SCHEDULE I - NO PARKING

In accordance with the provisions of subsection 7-3.3, no person shall park a vehicle at any time upon any of the following described streets or parts of streets.

Street	Location
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Harbor Lane Southerly side of Harbor Lane extending from its intersection with Route 9 along its entire length to the Garden State Parkway.

Harry's Court Southeasterly side of Harry's Court from its intersection with Route 9 and extending a distance of three hundred seventy-five (375') feet.

Neptune Road West side for its entire length.

New Bridge Road Southwest side of New Bridge Road from Route 50 to Route 9.

South Bayview Drive Both sides of South Bayview Drive between Whittier Avenue and Willard Avenue.

White Pine Lane Both sides of White Pine Lane a distance of fifty (50') feet from the curblines of Dennisville-Petersburg Road (CR610).

Neptune Avenue Easterly side of Neptune Avenue extending from fifty (50') feet South of the intersection with Winthrop Avenue extending North to the intersection of Seaview Avenue.

Winthrop Avenue Both sides of Winthrop Avenue a distance of fifty (50') feet from the curblines of Neptune Avenue.

Seacliff Avenue Both sides of Seacliff Avenue a distance of fifty (50') feet from the curblines of Neptune Avenue.

Seaview Avenue Both sides of Seaview Avenue a distance of fifty (50') feet from the curblines of Neptune Avenue.

SECTION 2: REPEALER: All Ordinances or parts of Ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

SECTION 3: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 4: EFFECTIVE DATE: This Ordinance shall take effect upon final adoption and publication as required by law.

SECTION 5: CODIFICATION: This Ordinance shall be codified in the Upper Township Code at the sections referred to above.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 25th OF September, 2006 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 23rd DAY OF October, 2006 AT 4:00 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

WANDA GAGLIONE, TOWNSHIP CLERK
TOWNSHIP OF UPPER

CORRESPONDENCE

NEW BUSINESS

- 10. CMC Archery Association, request to hold fundraiser event at the Community Center.**

This organization is not based in the Township, so they must ask permission from the Township to hold the event. Moved by Barbara Camp, second by Curtis Corson to grant permission for the event at the Community Center contingent upon proof of insurance and all other necessary paperwork. During roll call vote, all five Committee members voted in the affirmative.

11. Church of the Resurrection, request to hold a calendar raffle from January to March 2007 (RA-304) and a penny auction (RA-305) on November 4, 2006.

Moved by Curtis Corson, second by Barbara Camp to grant permission for the raffles. During roll call vote, four Committee members voted in the affirmative with Frank Conrad abstaining.

UNFINISHED BUSINESS

DISCUSSION

PAYMENT OF BILLS:

“I hereby move that all claims submitted for payment at this meeting be approved and then incorporated in full in the minutes of this meeting.”

Moved by Jay Newman, second by Frank Conrad to approve all bills submitted for payment. During roll call vote, all five Committee members voted in the affirmative.

Payroll:	\$159,419.56
Bills submitted for payment:	\$163,870.10

REPORT OF MUNICIPAL DEPARTMENTS:

12. MUA Report

Report available from the Clerk’s Office.

PUBLIC COMMENT

Public Comment was taken from several residents regarding truck traffic on Peach Orchard Road from a minor subdivision approval. Frank Conrad stepped down from the discussion because of a business relationship with the developer.

Steven Loper, 7 Mooring Circle, inquired as to what the developer was doing at a property on Peach Orchard Road. Mr. Loper visited the Code Office recently and was told the developer had permission for two properties with a lake and it was to be completed around November. Now he’s heard rumors it could be two years before completion. Attorney Dan Young read portions of a letter from Planning Board Solicitor Dean Marcolongo that the approval would be reopened because of a potential mistake or misrepresentation that the scope or magnitude may not have been understood. About a week ago, Mr. Young was made aware of some of the issues and he recommended that the Zoning Officer look into this to see if it is in compliance with Township ordinances. It is also

understood that the DEP is investigating the matter. There may be additional approvals to obtain or whether or not the approval they have now incorporates the scope and magnitude of the work being done. Mr. Young's general understanding is that the truck traffic and excavation process could be several more months.

Jim Goodman, 25 Peach Orchard Road, is surprised at the length of the action. He feels the amount of truck traffic is a problem and that the site is a mining operation. He questioned who would be responsible for the lake—each lot owner? Mr. Goodman referenced a golf course in Egg Harbor Township where the developer took fill from that site and sold it for the Atlantic City Tunnel project. He also commented that Somers Avenue was recently repaved so the trucks were not traveling on it.

Mr. Young explained that the Planning Board granted the approval for the subdivision, not the Township Committee. The question comes as to what the Planning Board thought they were approving. A letter from the Planning Board Solicitor to the owners of the land saying they are reconsidering their approval. A notice to the neighbors of the new Planning Board meeting will go out later this month. The Planning Board is the determining authority. Beyond the Planning Board is the Township Committee who has a mining ordinance and other ordinances that the Township can enforce. The Zoning Officer and the Engineer are out investigating as to whether or not any mining licenses were required. There is a question whether or not it was understood that the fill was going to be trucked off-site to the magnitude that it has been or that it would be sold. Another jurisdiction in this matter is the NJDEP. The Township has been copied on a letter from DEP that seems to indicate that the DEP has the same questions about the operation.

Betsy Murphy, 46 Peach Orchard Road, stated she purchased her home one year ago. It was her dream home but it is becoming a nightmare. She lives at the corner of the dirt road and the trucks bump past her home, creating dust. She cannot open her windows. Mrs. Murphy inquired about the Township having a noise ordinance. The trucks start at 7:10 a.m. They are supposed to be limited to between the hours of 9 a.m. and 3 p.m., but the excavating starts earlier.

Robert Caroccio, 8 Peach Orchard Road, voiced concerns about hearing that Mr. Clayton owns a large portion of ground behind Caledonia, which he intends to develop and this lake is a drain off for the future project. Mr. Caroccio is concerned that the truck traffic will continue for quite some time.

William Ferry, 47 Peach Orchard Road, gave statistics on the number of trucks up and down Peach Orchard Road. In the summer, there were 30 individual trucks at five round trips per day. In the last 11 days, there have been 40 individual trucks at four round trips per day. He's concerned that Mr. Clayton will leave the area with a big hole.

Karen Larson, 2 Laurel Ridge Road, is concerned with the truck traffic and the hours the trucks are running. She asked if the work could be stopped until the facts are investigated and would like assurance that the street would be repaved. Mrs. Larson stated that the DEP and Department of Labor are classifying this project as a commercial mining project. There should be a letter sent around October 1.

Karen Marple, 7 Peach Orchard Road, stated she called three times this summer and spoke to the Zoning Officer and was told she was the only one that had called on this matter. She states it's 200 trucks per day that go up and down Peach Orchard Road. Mrs. Marple was told that the project will be completed by September by both the Township and Mr. Clayton's wife and is very concerned why the Township was not aware of this situation before it got to this point.

Ruth Schlaacter, 20 Peach Orchard Road, has lived in her home for 35 years and sat on the Planning Board. Years ago, the Planning Board would go out and investigate a project of this scope.

Holly Cassidy, 23 Laurel Ridge Road, is very upset to hear that Township Committee has not heard about the complaints. She's been speaking with Paul Dietrich from the time the first tree was cut. She is concerned with the pumps that run to pump the water for 24 hours per day, the dirt, noise, trees being cut down, the work hours and the equipment running. She is also concerned with the fencing around the property. Children play and swim in the pit. The fence is only waist high and it is knocked down and kicked over to gain access to the pit.

Mark Cassidy, 23 Laurel Ridge Road, inquired if an emergency meeting can be held to address the matter now. Committeeman Curtis Corson explained that because it was a minor subdivision application that notices were not required.

Bill Anton, 21 Laurel Ridge Road, is concerned with the impact on local wells.

Lonna Remsen, 18 Peach Orchard Road, is concerned with the truck traffic.

Cindy Henzy, 17 Laurel Ridge Road, this morning at 8:45 a.m. she had to wait while 12 trucks turned onto Peach Orchard Road. She feels they have been tolerate but requested that the operation could be stopped for an investigation. Mr. Young stated that the Zoning Officer has the authority to shut down the operation.

Cathy Dotts, 21 Peach Orchard Road, this morning a truck came down the road at 6:30 a.m. She would like to see the trucks go out Somers Avenue.

Betsy Murphy, 46 Peach Orchard Road, is concerned with Mr. Clayton stepping up the activity.

Joe Gleason, 15 Mooring Circle, is concerned that if the operation is stopped what will the site look like.

Jim Goodman, 25 Peach Orchard Road, requested that all residents on Peach Orchard Road be notified because of the impact of this situation. He doesn't feel the trucks should be pushed to use Somers Avenue.

Karen Larson, 2 Laurel Ridge Road, inquired if a performance bond was required. Because it was a minor subdivision application it was not.

Karen Marple, 7 Peach Orchard Road, inquired if Mr. Clayton sold some land to the Wetlands was this the way he obtained the permits to the develop this land with the lake.

Robert Mills, 9 Mooring Circle, concerned that no notification was required for a minor subdivision application.

CLOSED SESSION

Moved by Rich Palombo, second by Jay Newman to close the regular portion of the meeting and go into executive session. During roll call vote, all five Committee members present voted in the affirmative.

- 13. Resolution to conduct a closed meeting pursuant to N.J.S.A. 10:4-12, from which the public shall be excluded.**

RECONVENE PUBLIC PORTION OF MEETING

Moved by Jay Newman, second by Barbara Camp to close the executive session and go back into open session. During roll call vote, all five Committee members present voted in the affirmative.

ADJOURNMENT

There being no further business this evening, the meeting was adjourned at 6:25 p.m. Next meeting to be October 10, 2006 at 7:30 p.m.

Minutes prepared by

Barbara A. Spiegel, RMC
Deputy Municipal Clerk

041924	09/25/06	A0006	ADVANCE TREADS INC	907.03
041925	09/25/06	A0010	ATCO INTERNATIONAL	310.70
041926	09/25/06	A0023	ADAMS, JOHN	32.00
041927	09/25/06	A0025	ADVANTAGE RENTAL ACE HARDWARE	605.23
041928	09/25/06	A0028	ADVANTAGE RENTAL CENTER INC.	443.30
041929	09/25/06	A0035	AIRLINE HYDRAULIC CORP.	500.00
041930	09/25/06	A0041	ALL ACTION WATER SPORTS, INC.	64.95
041931	09/25/06	A0050	ALL STAR SPORT CENTER	259.25
041932	09/25/06	A0070	ALBERTSONS/ACME	26.56

041933	09/25/06	A0091	ATLANTIC CITY ELECTRIC	54.33
041934	09/25/06	B0008	BAILEY, CARROLL	16.00
041935	09/25/06	B0018	BARRETT,GERALD INC.	777.26
041936	09/25/06	B0035	BELMONT & CRYSTAL SPRINGS	422.47
041937	09/25/06	B0070	HORIZON BLUE CROSS/BLUE SHIELD	86,262.31
041938	09/25/06	B0090	BROADLEY'S MDI.	198.00
041939	09/25/06	C0030	CAMP, BARBARA	60.00
041940	09/25/06	C0060	CAPRIONI'S PORTABLE TOILETS	1,689.00
041941	09/25/06	C0068	COMCAST	189.96
041942	09/25/06	C0101	CHATTEN, LINWOOD R.	56.00
041943	09/25/06	C0124	CMC MUNICIPAL CLERK'S ASSOC.	28.00
041944	09/25/06	C0125	COIA'S GREENHOUSE'S	266.25
041945	09/25/06	C0131	CINTAS FIRST AID & SAFETY	30.01
041946	09/25/06	C0143	CODY'S POWER EQUIPMENT	3.90
041947	09/25/06	C0169	COOPER ELECTRIC SUPPLY CO.	252.00
041948	09/25/06	C0176	COTTMAN TRANSMISSION	819.75
041949	09/25/06	C0201	CRUZAN'S TRUCK SERVICE INC.	1,975.03
041950	09/25/06	D0011	DIVISION OF STATE POLICE CUI	180.00
041951	09/25/06	D0026	DEAUGUSTINE, JOE	100.00
041952	09/25/06	D0030	DEL CORIO, ROSEMARY MS.	82.02
041953	09/25/06	D0040	DELTA DENTAL PLAN OF N.J. INC.	4,869.11
041954	09/25/06	D0077	DIETRICH,PAUL	87.00
041955	09/25/06	E0026	ERICH PRINTING INC.	720.00
041956	09/25/06	E0030	EXECUTIVE BUSINESS PRODUCTS	321.17
041957	09/25/06	E0038	EMSAR NEW JERSEY	644.52
041958	09/25/06	F0013	FARM RITE INC.	602.38
041959	09/25/06	F0020	FEDERAL GLOVE CO.	281.75
041960	09/25/06	F0069	FRED'S AUTO	35.00
041961	09/25/06	F0156	FORTUNE GYPSUM PRODUCTS INC.	480.20
041962	09/25/06	G0002	GAGLIONE, WANDA	67.25
041963	09/25/06	G0006	GARBUTT,PATRICIA A.	4.00
041964	09/25/06	G0008	GALLO GMC TRUCK SALES INC.	375.91
041965	09/25/06	G0028	GENTILINI FORD	299.55
041966	09/25/06	G0030	GENERAL SPRING SERVICE	897.10
041967	09/25/06	G0044	GILES & RANSOME, INC.	444.50
041968	09/25/06	G0092	GRUND, BARBARA J.	39.48
041969	09/25/06	G0096	GRUND, GEORGE	32.00
041970	09/25/06	H0002	H.A. DEHART & SON CORP.	644.75
041971	09/25/06	I0007	INTERCON TRUCK EQUIPMENT, INC.	1,376.00
041972	09/25/06	J0002	J.P. COLLINS CO.	3,450.61
041973	09/25/06	J0014	JC MILLER CO.	160.14
041974	09/25/06	K0007	KACZMARSKI, RICHARD	115.98
041975	09/25/06	K0020	KENNEY,EDWARD	9.74
041976	09/25/06	K0034	KOHLER, CLAUDE JR.	8.00
041977	09/25/06	K0048	KLEPAC, THADDEUS	28.04
041978	09/25/06	L0018	LANIER WORLDWIDE, INC.	512.10
041979	09/25/06	L0031	LORCO PETROLEUM SERVICES	250.00
041980	09/25/06	L0080	LOWES, INC.	238.22
041981	09/25/06	L0093	LIPKE, NEAL	110.75
041982	09/25/06	M0012	MCCAULEY, RICHARD	135.98
041983	09/25/06	M0017	MOORE MEDICAL CORP.	395.23
041984	09/25/06	M0019	MAXIMUM MARINE	185.00
041985	09/25/06	M0021	MASER CONSULTING, P.A.	15,881.75
041986	09/25/06	M0039	MacMURRAY,WAYNE	200.00
041987	09/25/06	M0103	MODERN GAS COMPANY, INC.	1,040.53
041988	09/25/06	M0174	MEGAN MCAFEE	150.00
041989	09/25/06	N0050	NUBS BUSINESS SYSTEMS, INC.	250.00
041990	09/25/06	N0101	N.J. DEPARTMENT OF LABOR &	120.00
041991	09/25/06	O0020	O'DONNELL, JAMES	50.00
041992	09/25/06	P0008	PALMER,NANCY	42.95
041993	09/25/06	P0032	PEDRONI FUEL CO.	2,827.19
041994	09/25/06	P0034	PEIFER, SUSAN R.	44.00
041995	09/25/06	P0056	PHILADELPHIA TURF CO.	366.76
041996	09/25/06	P0094	PUBLIC SAFETY CENTER,INC.	86.92
041997	09/25/06	P0102	PUBLIC WORKS ASSOC OF N.J.	10.00
041998	09/25/06	Q0008	QUILL CORPORATION	130.48
041999	09/25/06	R0030	RIGGINS, INC.	5,369.48
042000	09/25/06	S0031	SCHULER SECURITY, INC.	142.50
042001	09/25/06	S0057	SERVICE TIRE TRUCK CENTERS	609.16
042002	09/25/06	S0075	SHARP,RHONDA L.	12.00
042003	09/25/06	S0112	SOUTH JERSEY COURT ADM. ASSOC.	60.00

042004	09/25/06	S0133	SOUTH JERSEY AUTO SUPPLY	213.07
042005	09/25/06	S0134	SO. JERSEY GAS COMPANY	96.38
042006	09/25/06	S0151	SOUTH JERSEY ANIMAL SERVICES	1,250.00
042007	09/25/06	S0218	S.J.A.P. NATURALINK	1,341.00
042008	09/25/06	T0018	TEKK COMM COMMUNICATIONS	3,857.00
042009	09/25/06	T0031	THE HAULER, INC	16.00
042010	09/25/06	T0032	THE PRESS & SUNDAY PRESS	157.68
042011	09/25/06	T0067	TOWNSHIP OF UPPER PETTY CASH	100.00
042012	09/25/06	T0118	TUMELTY, JOHN W. ATTORNEY	350.00
042013	09/25/06	U0002	U.T. BASKETBALL ASSOCIATION	10,515.00
042014	09/25/06	U0011	UPPER TOWNSHIP BASEBALL	900.00
042015	09/25/06	U0034	UPPER TWP.GIRLS SOFTBALL ASSOC	800.00
042016	09/25/06	V0022	VERIZON	1,682.63
042017	09/25/06	V0024	VAL-U AUTO PARTS L.L.C.	139.59
042018	09/25/06	W0030	WEST PUBLISHING CO.	282.36
042019	09/25/06	W0038	WILLIAMS, JEREMIAH J.	73.46
042020	09/25/06	W0046	WILLSON INDUSTRIES, INC.	269.44
Total Paid:		163,870.10		