

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
MINUTES FOR MARCH 26, 2007**

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 Municipal Clerk Wanda Gaglione, Finance Officer Patricia Garbutt, Municipal Attorney Daniel Young and Municipal Engineer Paul Dietrich.

**APPROVAL OF MINUTES - **March 12, 2007 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 voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Frank Conrad, reported that the visitors on Seashore Line train runs from Richland to Tuckahoe and visitors to the Train Museum numbered close to 2200 from October to December, 2006. There were 85 this Saturday. He also reported that the GTAMA Scholarship fundraiser was a success.

Barbara Camp, reported on the changes being implemented to the recycling requirements. She asked that a draft ordinance be prepared for a future meeting. She also reported that the Township is applying for a \$3000 grant to improve recycling in municipalities. If awarded the grant would be used to present an educational show on recycling at the Primary School, and for printing a brochure to instruct the public about recycling. Motion by Barbara Camp, second by Jay Newman to authorize the Mayor to sign the grant application. During roll call vote all five voted in the affirmative.

She directed the Superintendent of Public Works and the Municipal Attorney to look into preparing a Personnel Policy that would prohibit using cell phones during work hours.

Curtis Corson, Deputy Mayor, directed that Mr. Young and Mr. Dietrich look into adjustments to the Salary Ordinance.

Richard Palombo, Mayor read Executive Order 002-2007 into the record that appoints Duane Terwilliger to fill an unexpired term as Class II member to the Upper Township Planning Board. Executive Order is as follows:

TOWNSHIP OF UPPER
EXECUTIVE ORDER OF THE MAYOR
002-2007

Pursuant to the authority vested in me as Mayor of the Township of Upper, I hereby make the following appointment to the Upper Township Planning Board, pursuant to the provisions of the Municipal Land Use Act of the State of New Jersey:

CLASS II MEMBER:

Duane Terwilliger is hereby appointed to fill the unexpired term of Leroy Shone effective immediately, which term shall expire on December 31, 2007.

RICHARD PALOMBO, Mayor

Effective March 26, 2007

OTHER REPORTS

RESOLUTIONS

- 1. Resolution recognizing the Sea Isle Ambulance Corps for their outstanding service to the Township of Upper and extending to them heartfelt thanks and appreciation.**

TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 074-2007

RE: A RESOLUTION RECOGNIZING THE SEA ISLE AMBULANCE CORPS FOR THEIR OUTSTANDING SERVICE TO THE TOWNSHIP OF UPPER AND EXTENDING TO THEM HEARTFELT THANKS AND APPRECIATION

WHEREAS, the Sea Isle Ambulance Corps has provided emergency medical services to the residents and visitors of Strathmere in the Township of Upper for over five decades; and

WHEREAS, the selfless volunteers of the Sea Isle Ambulance Corps, both past and present, have worked diligently and with tireless dedication to ensure the well-being of the residents and visitors of Strathmere; and

WHEREAS, the members of the Sea Isle Ambulance Corps continually demonstrate their concern and compassion for and devotion to the community while providing emergency care and prolonging life; and

WHEREAS, without regard to the hour or weather conditions or personal inconvenience, the volunteers of the Sea Isle Ambulance Corps remain always ready to save lives and help lessen injuries, ease pain, and provide comfort.

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, to extend to the Sea Isle Ambulance Corps heartfelt thanks and appreciation for the generous donation of their time and service to this community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 26th of March, 2007.

Resolution No. 074-2007
Offered by: Camp, Seconded by: Conrad
Adopted: March 26, 2007
Roll Call Vote:

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

2. Authorizing the hiring of Scott A. Guntz as a seasonal skatepark attendant for the Department of Recreation at Amanda's Field Skatepark.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 075-2007
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 March 12, 2007; 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 March 12, 2007.

Resolution No. 075-2007
 Offered by: Newman, Seconded by: Conrad
 Adopted: March 26, 2007
 Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
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>

3. Authorizing the application to the Cape May County 2007 Municipal Public Improvements Joint Venture Program.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 RESOLUTION
 RESOLUTION NO. 076-2007
 RE: RESOLUTION AUTHORIZING APPLICATION
 TO THE CAPE MAY COUNTY
 2007 MUNICIPAL PUBLIC IMPROVEMENTS JOINT VENTURE PROGRAM**

WHEREAS, in 2007, the County of Cape May will make funds available to municipal governments in Cape May County through the "2007 Municipal Public Improvements Joint Venture Program;" and

WHEREAS, Cape May County anticipates adopting a bond to make a total of \$2,000,000 in funds available for the

purpose of funding the Joint Venture Program in 2007; and

WHEREAS, the purpose of the 2007 Joint Venture Program is to provide funding that will benefit all residents of the County through eligible projects that will assist municipalities in maintaining and improving their infrastructure, public facilities or related equipment and services; or for efforts to continue to promote and attract the tourism industry in the County; and

WHEREAS, the County of Cape May has developed a set of programmatic parameters and associated documents that will govern the implementation of the program; and

WHEREAS, the Township of Upper desires to pursue funds from the Joint Venture Program and agrees to comply with the program requirements; and

NOW, THEREFORE, BE IT RESOLVED, that the Township of Upper does hereby authorize the application for such a program; and, upon receipt of the Interlocal Agreement from the County of Cape May, with terms and provisions consistent with this resolution, does further authorize the execution of the program agreement.

NOW, THEREFORE, BE IT RESOLVED, that Mayor Richard Palombo be authorized to sign the agreement, and any other documents necessary in connection therewith.

Resolution No. 076-2006

Offered by: Camp, Seconded by: Newman

Adopted: March 26, 2007

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
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>

4. Authorizing the inclusion of the Strathmere Section Of Upper Township in the area covered by the Interlocal Services Agreement with the City of Ocean City for Public Safety Answering and Dispatch Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N**

RESOLUTION NO. 077-2007

RE: AUTHORIZING THE INCLUSION OF THE STRATHMERE SECTION OF UPPER TOWNSHIP IN THE AREA COVERED BY THE INTERLOCAL SERVICES AGREEMENT WITH THE CITY OF OCEAN CITY FOR PUBLIC SAFETY ANSWERING AND DISPATCH SERVICES

WHEREAS, the City of Ocean City and the Township of Upper are parties to an Interlocal Services Agreement to provide Public Safety Answering and Dispatch Services; and

WHEREAS, said Interlocal Services Agreement provides that the Township of Upper has the right to include the Strathmere section into this Services Agreement should the need arise; and

WHEREAS, the Township of Upper has determined that dispatch services for the Strathmere section of the Township should be provided by the City of Ocean City pursuant to the existing Interlocal Services Agreement in the same manner such services are provided to the other portions of the Township; 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 Township Committee of the Township of Upper hereby determines that the Strathmere section of the Township shall now be included in the service area for dispatch services provided by the City of Ocean City pursuant by the existing Interlocal Services Agreement.

3. All municipal officials and officers are hereby authorized and empowered to take any action reasonably required or necessary to carry out the intent and purpose of this Resolution. Specifically, all such notification required under the Interlocal Services Agreement with the City of Ocean City for dispatch services shall forthwith be made so as to include the Strathmere section of the Township in the dispatch service area.

Resolution No. 077-2007

Offered by: Jay Newman, Seconded by: Barbara Camp

Adopted: March 26, 2007

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>	___	___	

5. Authorizing the final payment to Tyler Technologies, Inc.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 078 -2007

RE: AUTHORIZING THE FINAL PAYMENT TO TYLER TECHNOLOGIES, INC.

WHEREAS, the Township of Upper and Tyler Technologies, Inc., successor to Cole Layer Trumble Company, (hereinafter Tyler) are parties to an agreement for revaluation services; and

WHEREAS, the Township Committee of the Township of Upper and Tyler have reached an agreement as to the amount of final payment under said agreement and other terms and condition in connection therewith; 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 Township Committee of the Township of Upper does hereby authorize the Township of Upper to make final payment to Tyler under the following terms and conditions:

A. The sum of Twenty Five Thousand Dollars (\$25,000.00) shall be paid to Tyler within a reasonable time upon submission by Tyler of a voucher to the Township in the appropriate form.

B. The sum of Twenty Five Thousand Dollars (\$25,000.00) shall be paid to Tyler by year end 2007, upon provision of satisfactory Unifers software support by Tyler to Upper Township.

C. Unifers software support shall be provided by Tyler to Upper Township at no additional charge to Upper Township for a period commencing on the date of execution of mutual releases of the Township and Tyler and ending on December 31, 2007, and which shall automatically renew, unless cancelled by the Township, annually through December 31, 2009, at no additional charge to the Township.

D. Upper Township and Tyler shall execute mutual releases.

3. All Township officials and officers are hereby authorized to take such action as may be necessary or required in order to carry out the intent and purpose of this Resolution.

Resolution No. 078-2007

Offered by: Conrad, Seconded by: Corson
 Adopted: March 26, 2007
 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>	___	___	

6. Recognizing Elizabeth Bergus on the occasion of her 80th Birthday on April 5, 2007.

TOWNSHIP OF UPPER

CAPE MAY COUNTY

R E S O L U T I O N

RESOLUTION NO. 079-2007

**RE: A RESOLUTION RECOGNIZING ELIZABETH BERGUS
 ON THE OCCASION OF HER 80TH BIRTHDAY ON APRIL 5, 2007**

WHEREAS, Elizabeth Bergus will celebrate her 80th birthday on April 5, 2007 at a surprise party given in her honor at Mildred's Restaurant in Strathmere; and

WHEREAS, she has worked tirelessly and effectively as a member of the Strathmere Volunteer Fire Company and Strathmere Improvement Association; and

WHEREAS, she is a frequent attendant at Township meetings where she advocates for the residents of Strathmere; and

WHEREAS, it is appropriate that she be publicly honored on the occasion of her 80th birthday and recognized for her achievements.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee on behalf of the citizens of the Township of Upper, in the County of Cape May and State of New Jersey, to extend to Elizabeth Bergus our congratulations on her 80th birthday and honor her for her exemplary

and inspiring life by declaring April 5, 2007, "**ELIZABETH BERGUS DAY IN UPPER TOWNSHIP**" and offer her sincere best wishes for her continued good health and happiness.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 26th day of March, 2007.

Resolution No. 079-2007
 Offered by: Camp, Seconded by: Conrad
 Adopted: March 26, 2007
 Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
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>

ORDINANCES

7. Public Hearing and Final Adoption of Ordinance No. 005-2007, RE: An Ordinance Authorizing sale of lands, to wit Block 625, Lots 1, 2, 5, 6, 7, 8, 26, 27, 28, 29, 30, 32, 33 and 34.

During the public comment section of the hearing there were no speakers from the public. Motion by Jay Newman, second by Barbara Camp to adopt ordinance, during roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 O R D I N A N C E
 ORDINANCE NO. 005 -2007
 RE: AN ORDINANCE AUTHORIZING SALE OF LANDS,
 TO WIT BLOCK 625, LOTS 1, 2, 5, 6, 7, 8, 26, 27, 28, 29, 30, 32, 33 and 34**

WHEREAS, the Township of Upper is the owner, in fee, of certain parcels of vacant ground located within the Township of Upper, County of Cape May, and State of New Jersey, set forth on the municipal tax map as Block 625, Lots 1, 2, 5, 6, 7, 8, 26, 27, 28, 29, 30, 32, 33 and 34; and

WHEREAS, the Township has received an offer from Warren Scott Georgetti and Kimberley Ann Georgetti, the owners of the only real property contiguous with said parcels owned by the Township, to purchase said parcels; and

WHEREAS, after discussion and deliberation the Township Committee is of the opinion that the sale of said parcels will be in the best interest of the Township and will provide for the consolidation of existing nonconforming lots to make a conforming lot; and

WHEREAS, the Township Committee has determined that the fair market value of each such parcel is the sum of \$3,500.00 as evidenced by the recent sale of the adjacent Lot 31, Block 625 and in light of the appraisal prepared by Metro Appraisal Services of December 20, 2006; and

NOW, THEREFORE, 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: The Township of Upper is hereby authorized to sell to Warren Scott Georgetti and Kimberley Ann Georgetti the real property commonly known as follows:

Block 625, Lots 1, 2, 5, 6, 7, 8, 26, 27, 28, 29, 30, 32, 33 and 34

since said persons are the owners of the only real property contiguous thereto in accordance with N.J.S.A. 40A:12-13(b)(5). Pursuant to said statute such sale shall not be for less than the fair market value of said real property and the fair market value of said parcels sold as well as the purchase price of same is hereby established as follows:

Block 625, Lots 1, 2, 5, 6, 7, 8, 26, 27, 28, 29, 30, 32, 33 and 34

Fair Market Value: \$49,000.00

SECTION 2: Prior to said sale, the Township will obtain a title report from a title company or abstract company licensed to do business in the State of New Jersey. Said report shall be available to the purchaser prior to final adoption of this Ordinance.

SECTION 3: The list of property authorized to be sold together with the minimum price thereof shall be posted at Township Hall and advertisement of the sale shall be made in a newspaper circulating in the Township within 5 days following enactment of this ordinance. Offers for the property may thereafter be made to the Township Committee for 20 days following said advertisement. The Township Committee may reconsider this ordinance not later than 30 days after enactment and thereafter advertise the property for public sale pursuant to N.J.S.A. 40A:12-13(a). The Township Clerk shall file with the Director of the Division of Local Government Services in the Department of Community Affairs sworn affidavits verifying the publication of the foregoing advertisements.

SECTION 4: Warren Scott Georgetti and Kimberley Ann Georgetti shall pay the following sum to the Township Clerk prior to the adoption of this Ordinance: \$500.00. This amount shall be used by the Township to defray Township expenses involved in Authorizing the Sale and terms thereof; Engineer s review; Attorney s review; legal advertising; title review; closing costs and other expenses.

SECTION 5: In the event the Township Committee receives no offers for the property pursuant to the advertisement of same in accordance with N.J.S.A. 40A:12-13(b), the adjacent property owners requesting such sale, Warren Scott Georgetti and Kimberley Ann Georgetti, shall purchase same in accordance with this Ordinance and shall appear before the Township Clerk and execute the agreement to purchase same pursuant to this Ordinance. The Township Committee expressly reserves the right to revoke its authorization

to sell the subject real property at any time prior to said sale. The Township Committee is authorized to confirm the sale by resolution to complete the transaction pursuant to this Ordinance and N.J.S.A. 40A:12-13.

SECTION 6: In the event the Township Committee revokes its authorization for the sale of the subject property in its sole judgment and discretion, then, all deposit monies made by Warren Scott Georgetti and Kimberley Ann Georgetti shall be refunded except for the \$50.00 application fee which shall be non-refundable.

SECTION 7: All payments required to be made pursuant to said sale to the Township Clerk must be made by personal check, cash or certified check, or any combination of the foregoing. All payments required to be made hereunder to a title company or abstract company conducting the closing shall be made in collected funds, that is, by cash, certified check, cashier's check or wire transfer.

SECTION 8: A sum equal to ten percent (10%) of the purchase price for said parcel or parcels shall be paid to the Township of Upper by Warren Scott Georgetti and Kimberley Ann Georgetti within 14 days of written notice requiring same from the Township Clerk to Warren Scott Georgetti and Kimberley Ann Georgetti. Said notice shall be sent by the Township Clerk after the posting and advertisement required by SECTION 3 above has not resulted in an offer and the Township Committee has not reconsidered this Ordinance pursuant to N.J.S.A. 40A:12-13(b). The remaining balance of ninety percent (90%) of the highest bid for the parcel or parcels shall be paid to the Township of Upper, and must be received by the Township Clerk, not later than thirty (30) days after the date of said notice. In addition to the deposit of ten percent (10%), Warren Scott Georgetti and Kimberley Ann

Georgetti shall also be required to pay or tender within 14 days of said written notice from the Township Clerk the following:

- (A) (i) The sum of \$100.00 for the preparation of the Deed.
- (ii) The sum of \$70.00 for recording the Deed.

AT THE TIME OF CLOSING Warren Scott Georgetti and Kimberley Ann Georgetti shall be required to pay the following sums:

- (B) Any additional sum required for title search or title insurance.
- (C) The cost of any survey ordered by the purchaser. The purchaser shall place such order directly with the surveyor or with the title company conducting closing, but the survey must be prepared in time to permit the closing to take place as scheduled.
- (D) Title company settlement fees covering services to both the Seller and the Buyer.
- (E) Any additional fees or costs chargeable by the title company.

SECTION 9: The closing of title shall take place as designated by the Township as follows:

- (A) Township Hall, Petersburg, New Jersey; or
- (B) Office of the Township Solicitor; or
- (C) At the office of a title insurance company or title abstract company located within Cape May County.

SECTION 10: If the purchaser fails to close or fails to comply with the provisions hereof, the purchaser shall be in default and all amounts paid to the Township by

or on behalf of the purchaser shall be retained by the Township as **LIQUIDATED DAMAGES AND NOT AS A PENALTY.**

SECTION 11: The Deed from the Township of Upper shall be what is commonly known as a Quitclaim Deed.

SECTION 12: The title to be delivered by the Township shall be free and clear of all taxes up to and including the date when the Deed is delivered and closing takes place. Purchaser shall be responsible for all taxes thereafter. Unless otherwise specified herein, the purchaser shall be liable for payment of all assessments, of any nature, against said land.

SECTION 13: The title to be delivered by the Township shall be under and subject to all easements and rights of way, recorded and unrecorded, whether for utilities or for others, and shall also be subject to all conditions, reservations and restrictions of record, if any. If the title report discloses an unmarketable condition of title, except as specified herein, the remedy of the purchaser shall be limited to the return of payments made to the Township of Upper on account of the purchase price and closing costs only. Any and all other amounts paid to the Township shall be non-refundable. This sale is under and subject to any riparian claim which may affect said property. If any such claim exists, it shall be the sole responsibility of the purchaser to meet and satisfy all requirements of the State of New Jersey with respect to said riparian claim and the payment of any compensation to the State of New Jersey on account thereof. Nothing herein shall be construed as obligating the Township of Upper to construct or maintain access roads to any portion of the property being sold. Such property may not qualify for a building permit due to lack of water supply, lack of sewer or septic facilities, lack of access, inadequate lot size, or other reasons, including those reasons set forth

below. The purchaser is required to comply with all applicable zoning, building and health ordinances and codes and regulations. The property being sold may be situated in a Flood Hazard Zone. The Township of Upper makes no warranties or representations, expressed or implied, as to the property being offered for sale, the condition or marketability of the title or any other matter. The Township of Upper makes no warranties or representations, expressed or implied, as to whether or not the property being offered for sale contains wetlands anywhere on the property. The Township makes no warranties or representations as to any matter of an environmental nature, or otherwise, which may prevent or limit building or construction.

SECTION 14: All references to Lots and Blocks described herein are to the Lots and Blocks as shown on the Current Official Tax Map of the Township of Upper.

SECTION 15: The purchaser shall be required to execute a document acknowledging that the sale is governed by the provisions of this Ordinance as well as N.J.S.A. 40A:12-13.

SECTION 16: The provisions of this Ordinance pertaining to this sale shall survive the closing of title and shall not merge into the Deed.

SECTION 17: It is a requirement of this sale that the purchaser of the subject property be the only contiguous property owner. Said purchaser shall be required to take immediate action to cause a consolidation of the property being purchased with all of the purchaser's existing adjacent lots so as to constitute all such lots in Block 625 as a single parcel of ground which shall not be further subdivided into more than one lot. This restriction shall be included in the deed of conveyance and shall run with the land. The

purchaser shall complete the consolidation as a condition of the sale. The provisions of this Section shall survive closing and shall not merge into the Deed.

SECTION 18: This Ordinance shall take effect immediately upon final adoption and publication as required by law.

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 26th OF February, 2007 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 26th DAY OF March, 2007 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

8. Introduction and First Reading of Ordinance No. 008-2007, RE: An Ordinance Amending Revised General Ordinance Chapter IX (Recreation Facilities) Of The Code Of Upper Township.

There was discussion that the fee increases would include N.J. sales tax and would not require the attendants to carry large amounts of change for transactions. The new fees are comparable to what is being charged at other municipal recreation areas. Motion was made to introduce Ordinance 008-2007 with public hearing and final adoption scheduled for April 16, 2007 at 7:30 P.M. Motion by Jay Newman, second by Curtis Corson with all five Committee members present voting in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE
ORDINANCE NO. 008-2007
RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE
CHAPTER IX (RECREATION FACILITIES)
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 IX 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:

Section 9-4 is revised as follows:

9-4 BOAT RAMP.

9-4.1 Fees.

The following fees shall be charged with respect to Township owned and operated boat ramp facilities:

Type of Pass

	<u>Fee</u>
Daily rate - except Saturdays, Sundays and holidays	\$12.00 per day
Daily rate - Saturdays, Sundays and holidays	\$15.00 per day
Seasonal rate if purchased on or before May 31st	\$100.00
Seasonal rate if purchased after May 31st	\$150.00
Commercial pass (seasonal only)	\$350.00

Certain discounts may be available pursuant to subsection 9-4.7. No commercial vessel shall utilize a Township boat ramp without obtaining a commercial pass. Daily passes are not available for commercial vessels. A boat ramp pass is required for each vessel, boat or personal watercraft (i.e., jet skis or wave runners). The same fee applies for all such vessels. Each permit sticker issued must be placed on the left hand side of the stern of the vessel for which it was purchased. Failure to so display a valid pass shall be considered a violation of this chapter.

9-4.2 Collection.

The fees established in subsection 9-4.1 shall be collectable between the period of the Saturday before Memorial Day and Labor Day of each year.

9-4.3 Purchase of Seasonal and Commercial Passes.

Any person wishing to purchase a commercial pass or seasonal pass and pay the required fee for the use of a Township boat ramp shall do so by making application to the Township Clerk on a prescribed form and tendering the prescribed fee.

9-4.4 Daily Fees.

A daily fee for the use of the boat ramp for noncommercial vessels may be paid either at Township Hall during normal business hours or shall be paid to the attendant in charge of the boat ramp facility.

9-4.5 Length of Vessel; Restriction; Exception.

Unchanged.

9-4.6 Reasons for Length Restriction; Statement of Public Policy.

Unchanged.

9-4.7 Year-round Township Resident.

A year-round resident of the Township of Upper shall be entitled to a discount for noncommercial vessels equal to one-half of the seasonal rate under the following conditions:

- a. The individual must reside within the municipal boundaries of the Township of Upper for a period of at least six months during the year prior to application for the seasonal noncommercial pass; and

- b. Such resident must complete an application on forms prescribed by the Township of Upper which demonstrates such year-round residency; and
- c. Verification of such residency shall be based on voter registration, or a State of New Jersey driver's license, or proof of filing of a State of New Jersey income tax return from a Township of Upper address.
- d. If a year-round Township resident owns more than one (1) vessel such resident shall be charged one-half of the resident rate for each additional noncommercial vessel.
- e. Repealed.

9-4.8 No Loading or Unloading at Boat Ramp.

The Township boat ramp facilities, including all docks, piers and slips, shall be utilized only to launch and retrieve authorized vessels. There shall be no loading or unloading of vessels or equipment associated with vessels at the Township boat ramp facilities.

9-4.9 Violation and Penalty.

Any person who violates the provisions of this section shall be subject to the following penalties:

- a. Any individual who violates the terms and conditions of this section shall immediately forfeit his or her boat ramp pass without refund and shall be denied access to the Township boat ramp for a period of one (1) year.

- b. Any person convicted of violating the provisions of this Ordinance shall pay a fine not to exceed Five Hundred Dollars (\$500.00).

SECTION 2. Chapter 9-7 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:

Section 9-7.6 Fees.

- a. Unchanged.
- b. The following fee schedule shall apply to the use of the park:
 - 1. Cape May County resident - \$20.00 annual
 - 2. Cape May County resident - \$10.00 weekly
 - 3. Cape May County resident - \$5.00 daily
 - 4. Non-Cape May County resident - \$40.00 annual
 - 5. Non-Cape May County resident - \$15.00 weekly
 - 6. Non-Cape May County resident - \$8.00 daily
 - 7. Birthday parties - \$60.00 per hour for a maximum of two (2) hours exclusive use.
 - 8. Unchanged.

SECTION 3: 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 4: 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 5: EFFECTIVE DATE: This Ordinance shall take effect upon final adoption and publication as required by law.

SECTION 6: 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 26TH OF MARCH, 2007 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 16TH DAY OF APRIL, 2007 AT 7:30 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

9. **Shared Services with County of Cape May--Records Management.** It was discussed that the County has applied for PARIS Grant funding for a countywide computer network system that would be capable of performing backup of data of the various municipal and county agencies to a centralized location in Crest Haven. The program would require installation of a microwave transmitter on the tower at Township Hall that is connected to our network system so that every evening in addition to our tape backup that occurs now, we would make an electronic backup that is sent to the county site. That would allow us to recover easily were there ever to be a major computer loss at this building. In the event of a disaster in this building, the county system would enable us to continue operations by setting up a temporary computer area at the Crest Haven site using our programs and data. Motion by Curtis Corson, second by Richard Palombo to authorize Upper Township to participate in this program. During roll call vote all five Committee members present voted in the affirmative.

10. **Arsenal Sound, proposal to provide music for the 4th of July Fireworks display.** Motion by Jay Newman second by Barbara Camp to accept proposal for the music for the

July 4th fireworks display. During roll call vote four Committee members voted in the affirmative, Mr. Corson voted against the motion.

NEW BUSINESS

11. List of equipment to be declared as surplus for disposal by auction.

It was discussed that the vehicles would be disposed via an online auction. The old server would be disposed via auction in the Clerk's Office, motion by Curtis Corson, second by Barbara Camp with all five Committee members voting in the affirmative.

UNFINISHED BUSINESS:

- 12. John J. Germanio, request to purchase Township owned property, Block 10, Lot 146.02.** This was before the Committee last year and tabled due to title discrepancies and inaccurate assessed value. Mr. Young stated that the Tax Assessor did not agree with the assessed value which is the figure used to set the minimum bid when selling a Township owned parcel. As a part of the land sale policy, the Township is requiring an appraisal to be done on the property. In addition there are problems with the title. Mr. Germanio stated that he purchased this property years ago and that at the time he obtained title insurance. The Township now claims ownership and records indicate the validity of that. Mr. Germanio then went to his title company and asked them to resolve the matter. The title company directed him to ask the Township to sell the parcel or quit claim it to him. He asked if the Township would allow the title company to pay for the lot. The Township will accept payment from either him or the title company. Motion by Jay Newman, second by Barbara Camp to sell the lot and authorized Daniel Young to write a letter outlining the matter. During roll call vote all five Committee members voted in the affirmative.

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 with all five Committee members voting in the affirmative.

Payroll:	\$174,905.80
Bills submitted for payment:	\$154,807.54

REPORT OF MUNICIPAL DEPARTMENTS:

- 13. MUA Report**
- 14. Municipal Court**
- 15. Animal Control**

Reports are available from the Clerk's office.

PUBLIC COMMENT

There were no speakers during the public comment section of the meeting, motion by Jay Newman, second by Frank Conrad to close the regular portion of the meeting and go into an executive session. All five Committee members voted in the affirmative.

CLOSED SESSION

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

Motion made by Barbara Camp, second by Frank Conrad with all voting in the affirmative, to close the executive session and go back into the regular portion of the meeting.

RECONVENE PUBLIC PORTION OF MEETING

Motion made by Barbara Camp, second by Frank Conrad to authorize outside attorney, Frank Corrado to handle the Bayberry Cove matter. During roll call vote, four voted in the affirmative, Mr. Corson abstained.

Regarding delinquent MUA Account number 2448, for Gamble, motion by Jay Newman, second by Barbara Camp to cancel permit with no reinstatement. During roll call vote all five Committee members voted in the affirmative.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 5:50 P.M. Next meeting to be April 16, 2007 at 7:30 P.M.

Minutes prepared by

Wanda Gaglione, RMC
Municipal Clerk

Bill List						
043222	R	03/26/07	R0030	VOID		
043223		03/26/07		*** Alignment Check ***		.00
* VOID *						
043224		03/26/07	A0006	ADVANCE TREADS INC		336.00
02/28/07						
043225		03/26/07	A0015	ADVANCE LEARNING		138.00
02/28/07						
043226		03/26/07	A0024	ADVANCE DOOR & SUPPLY CO.		359.00
02/28/07						
043227		03/26/07	A0028	ADVANTAGE RENTAL CENTER INC.		95.96
02/28/07						
043228		03/26/07	A0050	ALL STAR SPORT CENTER		4,298.25
02/28/07						

043229	03/26/07	A0070	ALBERTSONS/ACME	36.45
02/28/07				
043230	03/26/07	A0091	ATLANTIC CITY ELECTRIC	3,620.58
02/28/07				
043231	03/26/07	B0008	BAILEY, CARROLL	48.00
02/28/07				
043232	03/26/07	B0034	BCI BURKE COMPAMY, INC.	67.32
02/28/07				
043233	03/26/07	B0035	BELMONT & CRYSTAL SPRINGS	274.63
02/28/07				
043234	03/26/07	B0070	HORIZON BLUE CROSS/BLUE SHIELD	85,383.59
02/28/07				
043235	03/26/07	B0148	BLUE FLAME GAS OF N.J.	882.54
02/28/07				
043236	03/26/07	B0160	BONNER, ROSEMARY	16.02
02/28/07				
043237	03/26/07	C0030	CAMP, BARBARA	24.00
02/28/07				
043238	03/26/07	C0042	CAMPBELL FREIGHTLINER, LLC	59.76
02/28/07				
043239	03/26/07	C0068	COMCAST	190.00
02/28/07				
043240	03/26/07	C0071	CAPEHART & SCATCHARD, P.A.	8,127.40
02/28/07				
043241	03/26/07	C0116	CINTAS CORPORATION #158	428.79
02/28/07				
043242	03/26/07	C0125	COIA'S GREENHOUSE'S	123.75
02/28/07				
043243	03/26/07	E0012	EHRlich PEST CONTROL	136.00
02/28/07				
043244	03/26/07	E0020	ELMER DOOR CO.	519.50
02/28/07				
043245	03/26/07	E0030	EXECUTIVE BUSINESS PRODUCTS	368.90
02/28/07				
043246	03/26/07	G0015	GALL'S INC.	70.96
02/28/07				
043247	03/26/07	G0028	GENTILINI FORD	285.00
02/28/07				
043248	03/26/07	G0044	GILES & RANSOME, INC.	71.40
02/28/07				
043249	03/26/07	G0077	GRAND HOTEL OF CAPE MAY	303.00
02/28/07				
043250	03/26/07	H0002	H.A. DEHART & SON CORP.	91.48
02/28/07				
043251	03/26/07	H0018	HAROLD RUBIN/L & H SUPPLY	494.76
02/28/07				
043252	03/26/07	H0073	HOME DEPOT CRC/GECF	481.37
02/28/07				
043253	03/26/07	I0020	INTERNATIONAL SALT CO. LLC	4,582.06
02/28/07				
043254	03/26/07	J0005	JACKSON, THOMAS ENTERPRISES, INC	525.00
02/28/07				
043255	03/26/07	J0014	JC MILLER CO.	482.13
02/28/07				
043256	03/26/07	J0033	JANKOWSKI, MATTHEW	450.00
02/28/07				
043257	03/26/07	K0028	KIRK'S PIZZA	496.50
02/28/07				
043258	03/26/07	K0034	KOHLER, CLAUDE JR.	4.00
02/28/07				
043259	03/26/07	K0037	KOHLER, JOHN F	511.00
02/28/07				
043260	03/26/07	L0018	LANIER WORLDWIDE, INC.	289.11
02/28/07				
043261	03/26/07	L0031	LORCO PETROLEUM SERVICES	250.00
02/28/07				
043262	03/26/07	M0021	MASER CONSULTING, P.A.	2,846.25
02/28/07				
043263	03/26/07	M0103	MODERN GAS COMPANY, INC.	3,122.72
02/28/07				

043264	03/26/07	M0174	MCAFEE MEGAN	95.00
02/28/07				
043265	03/26/07	N0024	N.J. DIVISION OF FIRE SAFETY	1,604.50
02/28/07				
043266	03/26/07	N0050	NUBS BUSINESS SYSTEMS, INC.	260.00
02/28/07				
043267	03/26/07	N0094	NEW JERSEY PLANNING OFFICIALS	54.00
02/28/07				
043268	03/26/07	O0003	O.C. CHAMBER OF COMMERCE	25.00
02/28/07				
043269	03/26/07	O0006	OCS PRINTING	38.00
02/28/07				
043270	03/26/07	P0007	PALOMBO, RICHARD A.	68.00
02/28/07				
043271	03/26/07	P0008	PALMER, NANCY	83.02
02/28/07				
043272	03/26/07	P0032	PEDRONI FUEL CO.	1,295.28
02/28/07				
043273	03/26/07	P0064	PITNEY BOWES CREDIT CORP.	285.50
02/28/07				
043274	03/26/07	Q0003	QC INC.	629.50
02/28/07				
043275	03/26/07	Q0008	QUILL CORPORATION	775.05
02/28/07				
043276	03/26/07	R0030	RIGGINS, INC.	3,420.28
02/28/07				
043277	03/26/07	R0055	ROSIK, CAROL	16.00
02/28/07				
043278	03/26/07	S0001	SAM'S CLUB	61.25
02/28/07				
043279	03/26/07	S0031	SCHULER SECURITY, INC.	120.00
02/28/07				
043280	03/26/07	S0054	SENN, FRANCES	32.00
02/28/07				
043281	03/26/07	S0057	SERVICE TIRE TRUCK CENTERS	584.16
02/28/07				
043282	03/26/07	S0106	SIMPLEX/GRINNELL	110.35
02/28/07				
043283	03/26/07	S0134	SO. JERSEY GAS COMPANY	3,416.02
02/28/07				
043284	03/26/07	S0151	SOUTH JERSEY ANIMAL SERVICES	1,333.33
02/28/07				
043285	03/26/07	T0006	T.C.T.A.OF NJ	725.00
02/28/07				
043286	03/26/07	T0020	TERWILLIGER, DUANE E.	99.00
02/28/07				
043287	03/26/07	T0032	THE PRESS & SUNDAY PRESS	625.68
02/28/07				
043288	03/26/07	T0103	TROPICANA CASINO & RESORT	444.00
02/28/07				
043289	03/26/07	T0115	TURF & FARM SUPPLIES, INC.	6,650.00
02/28/07				
043290	03/26/07	U0010	UPPER TOWNSHIP CHEERLEADERS	1,890.00
02/28/07				
043291	03/26/07	V0022	VERIZON	1,427.97
02/28/07				
043292	03/26/07	V0024	VAL-U AUTO PARTS L.L.C.	160.24
02/28/07				
043293	03/26/07	W0020	WEINSTEIN SUPPLY	28.58
02/28/07				
043294	03/26/07	W0030	WEST PUBLISHING CO.	293.65
02/28/07				
043295	03/26/07	W0050	WIRELESS ELECTRONICS, INC.	7,250.00
02/28/07				
043296	03/26/07	Y0020	YOUNG, BARBARA L.	16.00
02/28/07				

Total Paid: \$154,807.54
