

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
MINUTES FOR OCTOBER 22, 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 | Absent |
| 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 - **October 1, 2007 Special Meeting, October 9, 2007
Regular Meeting, and Closed Session Minutes****

Moved by Frank Conrad, second by Barbara Camp to approve the October 1, 2007 Minutes as written. During roll call vote four committee members voted in the affirmative minutes.

Moved by Frank Conrad, second by Barbara Camp to approve the October 9, 2007 Minutes as written. During roll call vote three committee members voted in the affirmative. Mayor Palombo abstained from voting.

REPORT OF GOVERNING BODY MEMBERS

Wanda Gaglione, Township Clerk, reminded everyone of Trick or Treat night scheduled for Wednesday October 31, 2007 from 5:00 to 8:00 P.M.

She also reported on the success of the first Upper Township Employee Health Fair held earlier today and sponsored by our insurance organization, the Atlantic County Municipal Joint Insurance Fund.

Daniel Young, Municipal Attorney, commented on the result of the legal action filed by the Strathmere Citizen’s Association for a request for emergent relief. The association was asking for an immediate order to send the request for deannexation to the Planning Board. The request for emergent relief was denied by the court. The Court said that there was no irreparable harm. More importantly, the court dismissed the case on the grounds that the claims made against the Township were without merit and that the petition did not comply with the specific requirements of the statute. He also reported that the court confirmed the Township acted reasonably and appropriately in all respects to the rejection of the petition and that there were no violations of the Open Public Meeting Act.

Paul Dietrich, Township Engineer, reported that the paving program was underway. The roads were completed last week; the tennis courts at Caldwell Park and Southwoods are also scheduled for completion this year. He also reported that he received a quote to hire a consultant for a fee of \$950 to complete a study of the Township's Flood Insurance Rating. The program would assess the flood zones in the Township and determine where the Township stands with regard to the regulations. This study may possibly mean a reduction in the rates for flood insurance for our residents. Motion to approve the study by Jay Newman, second by Barbara Camp with the four Committee members present voting in the affirmative. Mr. Dietrich also reported that as part of the Township's Plan Endorsement process, recent reports were submitted to the Pinelands for certification. A large part of the Township is outside of the Pinelands Management Area but still within the National Reserve. The Pinelands Commission has a separate procedure to certify the plans. He will continue to report on the matter as information becomes available. He also commented that the Upper Township Gazette would be publishing a new map of the Township and asked whether the Committee wanted information publicized on the map. The Committee declined the expense as that information is already being published in the Township Bulletin which is distributed in the Gazette, through the new resident packets, and on the website.

Frank Conrad, reported on a lighting problem at Caldwell Park in that the area of the concession stand was too dark. He asked that the Committee authorize Paul Dietrich to check to see what additional lighting can be added to insure safety and security of the site. He also reported that he has been in contact with the management company developing the new Shop Rite complex in Marmora, scheduled to have their ground breaking in the near future. The opening date is targeted for the fall of 2008. He also commented that they are currently accepting new leases for the stores and that the complex will enhance our tax base. He discussed the new businesses opening up in the Township. In the Tuckahoe area the diner is reopening; a new pizza shop has opened and a couple of new businesses are looking at the Train Station area.

Barbara Camp reported that the Township Department of Public Works continues to collect trash, recycling and compost five days a week. The solid waste reduction rate as of the latest report was at a rate of 40%. She also reported that the Sanitation Inspector has been out working with residents to correct problems before they result in sanitation violation matters in municipal court. She also commented that 41 tons of brush was collected during the last reporting period and that loose-leaf collection would start around the week of November 13th. She also thanked the Department of Public Works carpenter crew for their work on the Township Hall. Rather than contracting out for the work, our employees completed the necessary maintenance on the building. They power washed the building, painted the clock tower, completed minor roof repairs, and installed drains in the parking lot.

Jay Newman, commented that the annual barbecue hosted by Upper Township Indians, was well attended. He also reported on an email received from Rob Winder asking for an amendment to the ordinance to allow residents to walk their pets on the walking jogging path at Amanda's Field. Mr. Newman also commented that he spoke with another resident in the area of Amanda's Field that asked to see the Township designate a specific area for use as a dog park. Motion to direct the Township Attorney to review the Dog Ordinance, by Jay Newman second by Barbara Camp with the four Committee members present voting in the affirmative. Mr. Newman also commented that he received another email with respect to the

Township holiday schedule. The Mayor commented that the holiday schedule is established at the annual reorganization meeting in January but suggested a tentative schedule. Motion to approve the tentative schedule of holidays by Barbara Camp, second by Mayor Palombo with four committee members present voting in the affirmative.

Richard Palombo, Mayor commented that Election Day is November 6th from 6:00 A.M. to 8:00 P.M. He also reported on a news release he received from Pepco Holdings, the company that owns Atlantic City Electric. The news release reported they have received approval to install a 230-mile interstate power line. The report indicates the construction would be situated along existing structures in order to lower the impact to the environment. Mayor Palombo directed Paul Dietrich, Township Engineer to monitor the project. Mayor Palombo thanked Dan Young, Township Attorney for all his hard work and expertise with the matter concerning the Strathmere request for deannexation.

OTHER REPORTS

RESOLUTIONS

- 1. Authorizing the Township of Upper to enter into a contract with AtlantiCare Occupational Medicine to provide services under the Respiratory Protection Program required by the Occupational Safety and Health Administration to members of Upper Township Division of EMS.**

TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 204-2007

RE: AUTHORIZING THE TOWNSHIP OF UPPER TO ENTER INTO A CONTRACT WITH
ATLANTICARE OCCUPATIONAL MEDICINE TO PROVIDE SERVICES UNDER THE
RESPIRATORY PROTECTION PROGRAM REQUIRED BY THE OCCUPATIONAL
SAFETY AND HEALTH ADMINISTRATION TO MEMBERS OF
UPPER TOWNSHIP DIVISION OF EMS

WHEREAS, the Occupational Safety and Health Administration requires that the Township establish a Respiratory Protection Program pursuant to 29 CFR 1910.134; and

WHEREAS, AtlantiCare Occupational Medicine (ACOM) has offered to perform the medical testing services required in the Respiratory Protection Program; and

WHEREAS, the Township intends to enter into a contract with ACOM to provide such services for and on behalf of the members of the Upper Township Division of Emergency Medical Services; and

WHEREAS, the Township Solicitor has reviewed and approved a form of Contract between the Township of Upper and ACOM, a copy of which is of record in the office of the Township Clerk; and

WHEREAS, the Township has available funds to permit it to enter into this Contract and the availability of such funds has been certified as required by law; 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 is hereby authorized to enter into a Contract with ACOM for a term of three (3) years to provide certain medical testing services required by the Respiratory Protection Program (29 CFR 1910.134) and the Mayor and Township Clerk are hereby authorized, directed and empowered to execute such Contract on behalf of the Township of Upper.

3. 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. 204 -2007

Offered by: Newman

Seconded by: Camp

Adopted: October 22, 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> </u> | <u> </u> | <u> </u> | <u> x </u> |
| Newman | <u> x </u> | <u> </u> | <u> </u> | <u> </u> |
| Palombo | <u> x </u> | <u> </u> | <u> </u> | <u> </u> |

2. Authorizing the Township of Upper to pay all costs and expenses associated with the contract between each of the Township's four Fire Districts, the Upper Township Rescue Squad, Inc. and AtlantiCare Occupational Medicine to provide services under the Respiratory Protection Program required by the Occupational Safety and Health Administration.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 205-2007**

RE: AUTHORIZING THE TOWNSHIP OF UPPER TO PAY ALL COSTS AND EXPENSES ASSOCIATED WITH THE CONTRACT BETWEEN EACH OF THE TOWNSHIP'S FOUR FIRE DISTRICTS, THE UPPER TOWNSHIP RESCUE SQUAD, INC. AND ATLANTICARE OCCUPATIONAL MEDICINE TO PROVIDE SERVICES UNDER THE RESPIRATORY PROTECTION PROGRAM REQUIRED BY THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

WHEREAS, the Occupational Safety and Health Administration requires that each of the Township=s fire districts establish a Respiratory Protection Program pursuant to 29 CFR 1910.134; and

WHEREAS, AtlantiCare Occupational Medicine (ACOM) has offered to perform the medical testing services required in the Respiratory Protection Program; and

WHEREAS, the Township intends to provide any and all payments associated with each contract of the fire district and the Upper Township Rescue Squad, Inc. (Squad) with ACOM to provide such services for and on behalf of the individual members of each of the Township=s four fire districts and the Squad; and

WHEREAS, the Township has available funds to pay the costs of said contracts and the availability of such funds has been certified as required by law; 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 has reviewed each of the contracts entered into between ACOM and the four fire districts and the Squad and hereby agrees to pay all costs associated with medical testing services under said contracts as required by the Respiratory Protection Program.
3. Prior to authorizing the payment of any such sums required under the aforesaid contracts, the Township shall have in its possession a fully executed copy of each such contract with the fire district or the Squad and ACOM.
4. It is a specific condition of this authorization resolution that the Township assume no responsibility or liability in any manner with respect to the implementation of the Respiratory Protection Program of each fire district and the Squad and that each fire district

and the Squad indemnifies the Township to the fullest extent required in exchange for the third party payment of costs of each fire district under its contract.

5. 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. 205 -2007
 Offered by: Camp
 Adopted: October 22, 2007
 Roll Call Vote:

Seconded by:Newman

| <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> </u> | <u> </u> | <u> </u> | <u> x </u> |
| Newman | <u> x </u> | <u> </u> | <u> </u> | <u> </u> |
| Palombo | <u> x </u> | <u> </u> | <u> </u> | <u> </u> |

3. Authorizing the release of Performance Bond and the acceptance of a 2-Year Maintenance Bond for Camlough Road Associates, LLC., Camlough Road Subdivision, Block 453, Lots 79, 80.01-80.08.

TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 R E S O L U T I O N
 RESOLUTION NO. 206-2007

RE: AUTHORIZING THE RELEASE OF PERFORMANCE BOND AND
 THE ACCEPTANCE OF A 2-YEAR MAINTENANCE BOND OF

OWNER AND/OR DEVELOPER: CAMLOUGH ROAD ASSOCIATES, LLC.
 SUBDIVISION: CAMLOUGH ROAD SUBDIVISION
 PROPERTY: BLOCK 453, LOTS 79, 80.01-80.08

WHEREAS, Camlough Road Associates, LLC., (hereinafter "Developer"), has heretofore requested acceptance of a Maintenance Bond for the major subdivision project known as "Camlough Road Subdivision"; and

WHEREAS, Developer has completed all work in conformance with the plans and specifications for the project known as Camlough Road Subdivision as certified and inspected by the

Township Engineer and the Performance Bond now held by the Township should be released; and

WHEREAS, pursuant to N.J.S.A. 40:55D-53, the Developer is required to post a maintenance bond for the aforesaid project; and

WHEREAS, said Maintenance Bond shall be for two (2) years in an amount equal to 15% of the original construction value of \$132,491.75 or \$19,873.76 in accordance with the municipal ordinance of the Township of Upper;

WHEREAS, the Developer has presented to the Township a Maintenance Guaranty as follows:

Maintenance Surety Bond
Bond No. 22719141M

Principal: Camlough Road Associates, LLC
225 Highway 35
Red Bank, NJ 07701

Surety: Western Surety Company
P.O. Box 5077
Sioux Falls, SD 57117-5077

Bond Amount Cash: \$ 1,987.38
Bond Amount, Surety: \$17,886.38
Bond Date: October 1, 2007

WHEREAS, the Municipal Attorney has reviewed the Maintenance Guaranty attached hereto as "exhibit A" and has determined that same complies with the New Jersey Statutes and the Township Ordinances applicable thereto and has recommended the acceptance of same by the Township Committee;

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 Surety Bond described in this Resolution is hereby accepted and approved.
3. The Performance Bond now held by the Township is hereby released.
4. All Township officials and officers are hereby authorized and empowered to take all actions deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 206-2007
Offered by: Palombo Seconded by: Camp
Adopted: October 22, 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___ | _____ | _____ | _____ |
| Palombo | ___x___ | _____ | _____ | _____ |

4. Authorizing the execution of NJDEP TWA-1 application Statements of Consent form regarding Block 758, Lot 11.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO: 207-2007
RE: AUTHORIZING EXECUTION OF NJDEP TWA-1 APPLICATION
STATEMENTS OF CONSENT FORM REGARDING BLOCK 758, LOT 11**

WHEREAS, Albert Passamente has or is about to make application to the New Jersey Department of Environmental Protection (hereinafter “DEP”) for Treatment Works Approval and has requested that the Township complete a portion of DEP Form No. WQM-003, which merely consents to the submission of the application to the DEP and certifies that the project, as proposed, conforms with the requirements of all municipal Ordinances and does not otherwise impose any obligation or liability on the Township; and

WHEREAS, Mr. Passamente must apply to the New Jersey Department of Environmental Protection for Treatment Works Approval in order to construct a permanent holding tank to handle sewage generated from a single family dwelling to be constructed on Taylor Avenue, on Block 758, Lot 11 of the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Township Engineer has informed the Township Committee as to the general nature of the project and has indicated that the Township has no ordinance prohibiting such permanent holding tank; and

WHEREAS, the matter has been considered by the Township Committee and it has been determined that the consent by the Governing Body should be granted to this application to permit the application process to go forward; and

WHEREAS, the Township Committee wishes to authorize the Township officials to execute said documentation;

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 Mayor is hereby authorized to execute on behalf of the Township of Upper a Statements of Consent, Section A-1, in the form attached hereto as Exhibit “A” and said consent shall be completed by inserting therein this Resolution number and the date of its adoption.**

3. This Statements of Consent is submitted in conjunction with the application of Albert Passamente for treatment works approval for the Passamente residence at Lot 11, Block 758 on the municipal tax map.

4. A certified copy of this Resolution shall be provided to the applicant.

Resolution No. 207-2007

Offered by: Camp

Seconded by: Newman

Adopted: October 22, 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> </u> | <u> </u> | <u> </u> | <u> x </u> |
| Newman | <u> x </u> | <u> </u> | <u> </u> | <u> </u> |
| Palombo | <u> x </u> | <u> </u> | <u> </u> | <u> </u> |

5. Endorsing and supporting the Proposed Improvements to Route 50 and the replacement of the Route 50 Bridge over the Tuckahoe River between Tuckahoe in the Township of Upper, County of Cape May and Corbin City in the County Of Atlantic.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 208-2007
RE: ENDORSING AND SUPPORTING THE PROPOSED
IMPROVEMENTS TO ROUTE 50 AND THE REPLACEMENT
OF THE ROUTE 50 BRIDGE OVER THE TUCKAHOE RIVER
BETWEEN TUCKAHOE IN THE TOWNSHIP OF UPPER,
COUNTY OF CAPE MAY AND
CORBIN CITY IN THE COUNTY OF ATLANTIC**

WHEREAS, the New Jersey Department of Transportation (NJDOT) is scheduled to undertake a bridge replacement project on Route 50 in Tuckahoe between Tuckahoe, Cape May County and Corbin City Atlantic County; and

WHEREAS, the plan includes the construction of a new bridge with a fixed span across the Tuckahoe River connecting Tuckahoe and Corbin City and the construction of a temporary bridge to be utilized pending the completion of the replacement of the permanent span; and

WHEREAS, the Township is firmly convinced that this project is urgently needed in order to promote and protect the public health, safety and welfare; and

WHEREAS, additional issues and concerns have been previously raised by the Upper Township Fire and Rescue Companies, and the Greater Tuckahoe Area Merchant's Association, Inc., which are significant and likewise need to be addressed and resolved prior to the commencement of the project, and are specified in Resolutions 66-5-1996 and 67-5-2001 which are attached hereto as exhibit "A"; and

WHEREAS, the proposed improvements appear to serve the best interests, health, safety and welfare of the citizens of Upper Township;

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 does hereby endorse, and support the proposed improvements to Route 50 and the Route 50 Tuckahoe River bridge as set forth in this Resolution and the Township Committee further urges the NJDOT to commence such improvements and to cause same to be completed with all due speed.
3. A certified copy of this Resolution shall be provided to the New Jersey Department of Transportation and copies shall be sent to the City of Corbin City; County of Cape May, Office of the County Engineer; Cape May County Board of Chosen Freeholders; Senator Nicholas Asselta; Assemblyman Jeff Van Drew; and Assemblyman Nelson Albano.

Resolution No. 208-2007
Offered by: Camp Seconded by: Newman
Adopted: October 22,2007
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> </u> | <u> </u> | <u> </u> | <u> x </u> |
| Newman | <u> x </u> | <u> </u> | <u> </u> | <u> </u> |
| Palombo | <u> x </u> | <u> </u> | <u> </u> | <u> </u> |

6. **Approving the transfer of the Excavation (Mining) License and accepting the Performance Guarantee of owner: George Harms Construction Co., Inc., Block 414, Lot 45, and Block 451, Lot 4.** Committeeman Frank Conrad stepped down from the dais, did not participate in discussion, and abstained from voting on this matter to avoid any conflict of interest. Mr. Dietrich stated that 2007 is the major review year of the 5-year cycle for the mining operations. He has inspected the site and found it generally in conformance with the site plan and that fencing has been installed.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 209-2007

RE: APPROVING THE TRANSFER OF THE EXCAVATION (MINING) LICENSE
AND ACCEPTING THE PERFORMANCE GUARANTEE OF
OWNER: GEORGE HARMS CONSTRUCTION CO., INC.
PROPERTY: BLOCK 414, LOT 45, AND BLOCK 451, Lot 4

WHEREAS, George Harms Construction Co., Inc. of PO Box 817, Farmingdale, New Jersey 07727, has heretofore requested the transfer of the excavation (mining) license for premises located at Block 414, Lot 45 and Block 451, Lot 4, on the official Tax Map of the Township of Upper; and

WHEREAS, a copy of the recorded deed transferring the facility, as well as a fully executed Assignment transferring all other permits, licenses and approvals held by the seller, is attached as Exhibit "A"; and

WHEREAS, pursuant to Chapter XV of the Municipal Codes of Upper Township, the Developer is required to post a performance guarantee bond for the aforesaid excavation operation and has presented it for acceptance by the Township of Upper copy of which is attached as Exhibit "B"; and

WHEREAS, the Developer has presented to the Township a Performance Guaranty as follows:

Performance Surety Bond
Bond No. 929387049

Principal: George Harms Construction Co.,
Inc.
62 Yellowbrook Road
Howell, NJ 07731
Mailing Address: PO Box 817
Farmingdale, NJ 07727

Surety: Western Surety Company
30 S. 17th Street
Philadelphia, PA 19103

Bond Amount: \$22,325.00
Bond Date: September 4, 2007

WHEREAS, the Municipal Attorney has reviewed the Performance Guaranty and Assignment attached hereto and has determined that same complies with the New Jersey Statutes and the Township Ordinances applicable thereto and has recommended the acceptance of same by the Township Committee; and

WHEREAS, the Township Engineer, after his inspection of said mining facilities certifies that the facility is still in conformance with the site plan approved by the Upper Township Planning Board and the Township Ordinances applicable thereto and has recommended the approval of the transfer of the excavation license by the Township Committee;

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 excavation license and all permits for mining facilities at the Block 414, Lot 45 and Block 451, Lot 4 location is hereby transferred to George Harms Construction Co., Inc.

3. The Performance Guarantee described in this Resolution is hereby accepted and approved.

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

5. This Resolution shall become effective immediately.

Resolution No. 209-2007

Offered by: Camp

Seconded by: Newman

Adopted: October 22, 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_____ | _____ | _____ | _____ |
| Palombo | _____x_____ | _____ | _____ | _____ |

ORDINANCES

7. **Introduction and First Reading of Ordinance No. 018-2007 RE: AN ORDINANCE CREATING ADDITIONAL JOB CLASSIFICATIONS AND TITLES AND AMENDING CHAPTER V, ENTITLED “PERSONNEL”, OF THE CODE OF UPPER TOWNSHIP.** Motion to introduce Ordinance No. 018-2007 with public hearing set for November 13, 2007 at 7:30 P.M. Motion by Barbara Camp, second by Frank Conrad with all four Committee members present voting in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE
ORDINANCE NO. 018-2007
AN ORDINANCE CREATING ADDITIONAL JOB CLASSIFICATIONS
AND TITLES AND AMENDING CHAPTER V, ENTITLED
“PERSONNEL”, OF THE CODE OF UPPER TOWNSHIP.**

WHEREAS, it has been determined to be necessary to create certain additional job classifications or job titles to conform to job descriptions promulgated by the New Jersey Department of Personnel;

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

SECTION 1: Chapter V, entitled “Personnel”, of the Code of Upper Township, Section 5-6.2, is hereby amended and supplemented as follows:

Add The Following Positions:

Senior Sanitation Inspector

Municipal Housing Liaison

Positions To Be Deleted: None.

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

SECTION 3: SEVERABILITY: This Ordinance shall be subject to the severability provisions set forth in Section 5-15 of Chapter V of the Code of Upper Township.

SECTION 4: EFFECTIVE DATE: 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 22ND OF OCTOBER, 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 13TH OF NOVEMBER, 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

NEW BUSINESS

8. NJ Department of Agriculture, report of Township gypsy moth survey.

Motion to participate in gypsy moth spray program by Richard Palombo, second by Jay Newman with the four Committee members present voting in the affirmative. The notice mentioned that the State of New Jersey may be spraying their own lands. Mayor Palombo directed the Township Engineer to contact the State to confirm what areas they would spray.

9. Ralph and Deana Holt, request for zoning change on Tuckahoe Road.

Ralph Holt, 50 Jill Avenue, Marmora reported that he has an additional seventy-five names of registered voters he would like added to the petition he previously submitted at the last meeting. Mayor Palombo stated that the normal procedure would be to send the petition to the Planning Board for their review and a report on the request. Motion by Jay Newman, second by Barbara Camp to forward the request to the Planning Board for their review. During roll call vote all four Committee members present voted in the affirmative.

10. Donna M. Lombard, request to purchase Township owned property in

Block 483. John and Donna Lombard of 615 Elmwood Avenue, Marmora, were both present and stated that they have owned Block 483 lots 1-10, (1/2 acre) for the past seventeen years. Their original request was for the purchase of two lots however the Lombards stated they would purchase as many lots as the Township required of them. Mr. Dietrich stated that in order to make the Lombard's lot conforming, they would need another 10 lots. Mr. Young stated that this is the second request received to purchase Township owned lots in Block 483. The first request came a few months ago from Ralph Holt, owner of lots 17 and 18. At that time the Township said if Mr. Holt could get a septic system approval from the County, then the Committee would entertain an offer to sell adjacent land. There is enough land in that block to increase the size of the Lombard's lot, and the Holt's lot if they were to get the septic permit. Motion to approve the sale of lots 11 and 21 to the Lombards; motion by Richard Palombo, second by Frank Conrad with four committee members present voting in the affirmative.

11. Country Shore Women's Club, request to hold a Chinese Auction, RA 322.

12. Country Shore Women's Club, request to hold a raffle, RA 323.

Motion to approve both raffles, by Richard Palombo, second by Barbara Camp with all four Committee members present voting in the affirmative.

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.” Motion by Jay Newman, second by Barbara Camp with all four Committee members present voting in the affirmative.

Bills submitted for payment: \$176,650.39
Payroll: \$147,279.04

REPORT OF MUNICIPAL DEPARTMENTS:

- 13. Animal Control**
- 14. Tax Assessor**
- 15. Municipal Court**
- 16. Finance Office**
- 17. Tax Office-Certification of mailing of Added Assessment and Omitted/Added Assessment taxes for 2006, Omitted 2007, and Final/2008 Preliminary tax bills.**

Reports are available from the Clerk’s Office.

PUBLIC COMMENT

Ken Weaver, 212 Bayview Drive, Strathmere requested that the Township not place any lettering on the Strathmere water tower.

Kitty Neagler, Tuckahoe, commented on the recent paper shredding event held by the CMCMUA and that employees indicated that the program would not be continued next year. She would like to have a shredding day in Upper Township for residents. The Mayor directed Mr. Dietrich to look into the possibility of arranging a Township wide shredding day or arrange an interlocal agreement with another municipality; motion by Richard Palombo, second by Barbara Camp with the four Committee members present voting in the affirmative.

Terry Flay, 26 South Sunset Drive, Petersburg, commented that she is concerned with the mining operation near her home beginning each day at 6:00 A.M. she also expressed concern with ATV’s using the pit which is located directly behind her home.

Kitty Neagler, Tuckahoe, expressed her concern with ATV’s in the Tuckahoe Area near Pulini’s Pizza Parlor. Mayor Palombo, commented that if the problem continues the matter should be reported to the State Police.

There were no further comments. Motion by Jay Newman, second by Barbara Camp to close the regular portion of the meeting and go into an executive session. During roll call vote all four Committee members present voted in the affirmative.

CLOSED SESSION

- 18. 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

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 6:50 P.M., motion by Jay Newman, second by Barbara Camp with all four Committee members present voting in the affirmative. Next meeting scheduled for November 13, 2007 at 7:30 P.M.

Minutes prepared by

Wanda Gaglione, RMC
Municipal Clerk

Bill List

| | | | | |
|--------|----------|-------|--------------------------------|-----------|
| 044557 | 10/22/07 | A0012 | ACME MARKETS INC. | 2,821.50 |
| 044558 | 10/22/07 | A0015 | ADVANCE LEARNING | 89.00 |
| 044559 | 10/22/07 | A0018 | ACTION SUPPLY INC. | 60.55 |
| 044560 | 10/22/07 | A0024 | ADVANCE DOOR & SUPPLY CO. | 368.00 |
| 044561 | 10/22/07 | A0070 | ALBERTSONS/ACME | 48.85 |
| 044562 | 10/22/07 | A0077 | ADVANCED SATELLITE SYSTEMS | 3,855.96 |
| 044563 | 10/22/07 | A0094 | ARCH WIRELESS | 49.74 |
| 044564 | 10/22/07 | B0013 | BRADCO SUPPLY CORP. | 317.20 |
| 044565 | 10/22/07 | B0035 | BELMONT & CRYSTAL SPRINGS | 152.52 |
| 044566 | 10/22/07 | B0070 | HORIZON BLUE CROSS/BLUE SHIELD | 89,647.58 |
| 044567 | 10/22/07 | B0086 | BROWNIE TROOP #3360 | 300.00 |
| 044568 | 10/22/07 | B0102 | GIRL SCOUT TROOP#4474 | 300.00 |
| 044569 | 10/22/07 | B0103 | BROWNIE TROOP #42714 | 300.00 |
| 044570 | 10/22/07 | B0107 | BROWNIE TROOP #41323 | 300.00 |
| 044571 | 10/22/07 | B0152 | BUCHANAN, KAREN A. | 517.10 |
| 044572 | 10/22/07 | C0019 | CITY OF OCEAN CITY | 43,237.25 |
| 044573 | 10/22/07 | C0030 | CAMP, BARBARA | 16.00 |
| 044574 | 10/22/07 | C0042 | CAMPBELL FREIGHTLINER, LLC | 250.60 |
| 044575 | 10/22/07 | C0054 | CAPE MAY COUNTY TREASURER | 60.00 |
| 044576 | 10/22/07 | C0060 | CAPRIONI'S PORTABLE TOILETS | 1,154.00 |
| 044577 | 10/22/07 | C0068 | COMCAST | 285.00 |
| 044578 | 10/22/07 | C0130 | CHIEF SUPPLY CORP. | 202.94 |
| 044579 | 10/22/07 | C0131 | CINTAS FIRST AID & SAFETY | 266.41 |
| 044580 | 10/22/07 | C0143 | CODY'S POWER EQUIPMENT | 79.09 |
| 044581 | 10/22/07 | C0168 | CLOVER BUDS 4-H PREP CLUB | 300.00 |
| 044582 | 10/22/07 | C0175 | COUNTRY SHORE WOMEN'S CLUB | 300.00 |
| 044583 | 10/22/07 | C0186 | CUB SCOUT PACK #55 | 300.00 |
| 044584 | 10/22/07 | C0188 | CUB SCOUT PACK #71 | 300.00 |
| 044585 | 10/22/07 | C0190 | CUB SCOUT PACK #79 | 300.00 |
| 044586 | 10/22/07 | C0197 | COVENANT LIFE CHRISTIAN FELLOW | 300.00 |
| 044587 | 10/22/07 | D0008 | DIAMOND M LUMBER CO. | 374.66 |
| 044588 | 10/22/07 | F0020 | FEDERAL GLOVE CO. | 213.80 |
| 044589 | 10/22/07 | F0042 | FLANAGANS SOUTH AUTO TIRE CENT | 295.00 |
| 044590 | 10/22/07 | F0061 | FOX ELECTRIC SUPPLY COMPANY | 10.84 |
| 044591 | 10/22/07 | G0002 | GAGLIONE, WANDA | 36.00 |
| 044592 | 10/22/07 | G0014 | GARDEN STATE HWY PRODUCTS INC. | 1,108.00 |
| 044593 | 10/22/07 | G0022 | G.T.A.M. ASSOCIATION | 300.00 |
| 044594 | 10/22/07 | G0040 | GIBSON ASSOCIATES,P.A. | 1,727.50 |
| 044595 | 10/22/07 | G0096 | GRUND, GEORGE | 84.00 |
| 044596 | 10/22/07 | H0012 | HALL,ARTHUR | 68.00 |
| 044597 | 10/22/07 | H0054 | HOFFMANN,WILLIAM | 12.40 |
| 044598 | 10/22/07 | H0057 | HISTORICAL PRESERVATION | 300.00 |
| 044599 | 10/22/07 | H0073 | HOME DEPOT CRC/GECF | 370.94 |
| 044600 | 10/22/07 | I0019 | INTERNATIONAL CODE COUNCIL,INC | 92.00 |
| 044601 | 10/22/07 | J0002 | J.P. COLLINS CO. | 1,138.90 |
| 044602 | 10/22/07 | J0014 | JC MILLER CO. | 291.84 |
| 044603 | 10/22/07 | J0030 | JUNIOR GIRL SCOUNT TROOP 4225 | 300.00 |
| 044604 | 10/22/07 | J0049 | JR. GIRL SCOUT TROOP#6853 | 300.00 |
| 044605 | 10/22/07 | J0061 | JUST SPORTS | 37.44 |
| 044606 | 10/22/07 | K0014 | KEENAN,BRIAN | 56.00 |
| 044607 | 10/22/07 | K0034 | KOHLER, CLAUDE JR. | 20.00 |
| 044608 | 10/22/07 | K0037 | KOHLER, JOHN F | 6.00 |
| 044609 | 10/22/07 | L0084 | LIONS AND TIGERS #79 | 300.00 |
| 044610 | 10/22/07 | M0007 | MCAA OF NJ | 110.00 |

| | | | | |
|--------|----------|-------|--------------------------------|----------|
| 044611 | 10/22/07 | M0009 | MCCAULEY, ROBERT | 750.00 |
| 044612 | 10/22/07 | M0012 | McCAULEY, RICHARD | 150.00 |
| 044613 | 10/22/07 | M0024 | MAMA MIA'S RISTORANTE | 810.00 |
| 044614 | 10/22/07 | M0076 | MGL PRINTING SOLUTIONS | 607.00 |
| 044615 | 10/22/07 | N0004 | NJ-AMERICAN WATER CO. | 122.05 |
| 044616 | 10/22/07 | N0052 | NATL YOUTH SPORTS COACHED ASSN | 300.00 |
| 044617 | 10/22/07 | N0066 | N.J. CHAPTER INTERNATIONAL | 75.00 |
| 044618 | 10/22/07 | N0098 | N.J.A.P.Z.A. | 50.00 |
| 044619 | 10/22/07 | N0114 | NORTHERN TOOL & EQUIPMENT CO. | 289.53 |
| 044620 | 10/22/07 | P0008 | PALMER,NANCY | 64.00 |
| 044621 | 10/22/07 | P0024 | PEER LEADERSHIP | 300.00 |
| 044622 | 10/22/07 | P0032 | PEDRONI FUEL CO. | 1,487.84 |
| 044623 | 10/22/07 | P0064 | PITNEY BOWES | 420.00 |
| 044624 | 10/22/07 | P0090 | PTA | 300.00 |
| 044625 | 10/22/07 | P0096 | PREVITI, MICHELE M. | 34.63 |
| 044626 | 10/22/07 | Q0003 | QC INC. | 696.20 |
| 044627 | 10/22/07 | Q0008 | QUILL CORPORATION | 55.46 |
| 044628 | 10/22/07 | R0030 | RIGGINS, INC. | 4,783.52 |
| 044629 | 10/22/07 | R0045 | RAINEAR, SCOT | 275.00 |
| 044630 | 10/22/07 | R0055 | ROSIK, CAROL | 20.00 |
| 044631 | 10/22/07 | S0001 | SAM'S CLUB | 316.72 |
| 044632 | 10/22/07 | S0062 | SEAVILLE METHODIST YOUTH GROUP | 300.00 |
| 044633 | 10/22/07 | S0075 | SHARP, RHONDA L. | 12.00 |
| 044634 | 10/22/07 | S0123 | SPEAR, MICHAEL | 6.00 |
| 044635 | 10/22/07 | S0134 | SO. JERSEY GAS COMPANY | 60.06 |
| 044636 | 10/22/07 | T0011 | TAYLOR, JASON | 6.00 |
| 044637 | 10/22/07 | T0018 | TEKK COMMUNICATIONS | 333.70 |
| 044638 | 10/22/07 | T0032 | THE PRESS & SUNDAY PRESS | 92.16 |
| 044639 | 10/22/07 | T0036 | THIS AND THAT | 250.00 |
| 044640 | 10/22/07 | T0048 | TILL PAINT CO/D. FITZGERALD | 153.26 |
| 044641 | 10/22/07 | T0067 | TOWNSHIP OF UPPER PETTY CASH | 18.00 |
| 044642 | 10/22/07 | T0102 | TROOP #79 | 300.00 |
| 044643 | 10/22/07 | T0131 | TROUT, ROSEMARY | 150.00 |
| 044644 | 10/22/07 | U0010 | UPPER TOWNSHIP CHEERLEADING | 300.00 |
| 044645 | 10/22/07 | U0038 | UPPER TOWNSHIP RESCUE SQUAD | 760.80 |
| 044646 | 10/22/07 | V0001 | VCI EMERGENCY VEHICLE | 48.74 |
| 044647 | 10/22/07 | V0010 | VARSITY SPIRIT FASHIONS | 1,107.70 |
| 044648 | 10/22/07 | V0022 | VERIZON | 1,341.89 |
| 044649 | 10/22/07 | W0010 | WELDCO LUMBER & TIMBER CO. LLC | 3,446.60 |
| 044650 | 10/22/07 | W0021 | WEBELOS PACK 71 | 300.00 |
| 044651 | 10/22/07 | W0024 | WEBELOS PACK #55 | 300.00 |
| 044652 | 10/22/07 | W0031 | WESLEY METHODIST CHURCH | 300.00 |
| 044653 | 10/22/07 | W0036 | WEBELOS PACK #79 | 300.00 |
| 044654 | 10/22/07 | W0060 | WOOLLEY, THOMAS | 123.92 |
| 044655 | 10/22/07 | W0076 | WURST, MARK H. | 550.00 |
| 044656 | 10/22/07 | W0077 | WAWA | 150.00 |

Total Paid: \$176,650.39