

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR AUGUST 24, 2009**

**REGULAR MEETING OF THE TOWNSHIP COMMITTEE –7:30 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, Acting Finance Officer Barbara Spiegel, Municipal Attorney Daniel Young and Municipal Engineer Paul Dietrich.

**APPROVAL OF MINUTES** - The approval of the August 10, 2009 Regular Meeting Minutes was tabled until the next meeting, motion by Jay Newman, second by Barbara Camp. The Closed Session Minutes were approved as written motion by Curtis Corson, second by Frank Conrad with four Committee members voting in the affirmative, and Mayor Palombo abstaining.

**REPORT OF GOVERNING BODY MEMBERS**

**Frank Conrad, Committeeman** reported that they are waiting for a few last minute items to be completed at the dog park and that they should be opening within the next several weeks. Committeeman Corson suggested having a grand opening ceremony.

**Barbara Camp**, commented briefly on the presentation coming later in the meeting with regards to automated trash pickup. Her research found that other towns using it were pleased with the results both with the service and cost savings.

**Curtis Corson, Deputy Mayor**, reported on a request for permission from a semi-pro football team to practice and play on our fields. Frank Conrad said he is presenting it to the Recreation Committee to make sure that it does not interfere with other sports. There were also concerns on the wear and tear it could cause on the playing fields.

**Richard Palombo, Mayor**, commended the beach patrol on their handling of the beaches with the heavy undertow and big waves resulting from the storm.

**OTHER REPORTS**

**Daniel J. Young, Municipal Attorney**, reported that he had the following items for discussion in closed session: 1. Contract Negotiations--Friendship School Lease; 2. Contract Negotiations--NIA Group and Associates; 3. Litigation--tax appeal regarding Elizabeth Buckland, 4. Possible Litigation/Contract Negotiations--Jankowski, and 5. Possible Litigation--Richnan Group. The following statements were made (and will become a part of the closed session resolution) with regards to when the Township Committee expected these items could be made public--“it is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality. With respect to contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality. With respect to litigation matters, such discussions will be made public when litigation is complete and the applicable appeal period has expired.”

**Paul Dietrich, Municipal Engineer**, noted that in the meeting packets he provided quotes for a heavy-duty shredder under state contract pricing, the final price being \$9,525, which also includes some extra supplies. He requested authorization by resolution to approve the funds to come out of the recycling grant. Motion was made by Jay Newman, seconded by Barbara Camp,

to authorize the purchase of the shredder from the recycling grant. During roll call vote all five Committee Members voted in the affirmative.

He also reported on the demolition of the Bonner structure at Block 306, Lot 27 in Tuckahoe. He has received authorization from the Pinelands Commission to proceed. Mr. Dietrich reported that the demolition will happen in 2 phases; first, is the asbestos removal at a cost of \$4,450.00; then the demolition of the building at a cost of \$7,723. Authorization by resolution is necessary to fund the project because it was not budgeted for this year. The funds will be made available as an emergency appropriation from the Buildings and Grounds account and will be recovered from the property owner through a lien. Mr. Corson made a motion that the structure 2236 Rte 50 is a hazard and moved to declare that an emergency appropriation be authorized for its demolition. Jay Newman seconded the motion with all five Committee Members voting in the affirmative. Mr. Dietrich then reported on Strathmere Beach Fill Project. There was no significant erosion in Strathmere from Hurricane Bill although there was some minor erosion. He spoke to Ben Keiser about extending the fill on the western side. The papers were submitted to the Army Corp of Engineers and they are waiting for a reply.

The Public Works Department installed beach fence at Taylor Avenue extending toward the north end. He met with representatives from the Strathmere Environmental and Fishing Club and they are looking forward to assisting in the planting of shrubs, bayberries, and dune grass in the spring. 195,000 sq. ft. of dune grass planting is planned. The Township is planning to install a gate on the north end to prevent motorist from driving on the right away. The plan is to make a ramp or right away large enough for rescue vehicles to have access if needed. The Fish and Wildlife Department, as well as the Rescue and Fire Departments will have access keys to the gate to patrol the area or make a rescue.

**RESOLUTIONS**

- 1. In observance of September 11th as “Always Remember Day”, to honor the innocent victims of September 11, 2001 and those who continue to fight for the freedom of this great nation.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 183 -2009**

**RE: IN OBSERVANCE OF SEPTEMBER 11 AS “ALWAYS REMEMBER DAY”, TO HONOR  
THE INNOCENT VICTIMS OF SEPTEMBER 11, 2001  
AND THOSE WHO CONTINUE TO FIGHT  
FOR THE FREEDOM OF THIS GREAT NATION**

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**WHEREAS, on September 11, 2001, terrorists hijacked four civilian aircraft, crashing two into the World Trade Center in New York City, a third into the Pentagon outside of Washington, D.C., and a fourth into the countryside of Pennsylvania; and**

**WHEREAS, thousands of innocent people were killed and injured as a result of these reprehensible attacks;**

**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, that we do hereby observe September 11 as “Always Remember Day” to honor the innocent victims of September 11, 2001 and those who continue to fight for the freedom of this great Nation; and**

**BE IT FURTHER RESOLVED, that all persons within this municipality are urged to honor these victims and members of our Armed Forces by appropriate displays of our flag and of red, white and blue ribbons.**

**GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 24th day of August 2009.**

**Resolution No. 183 -2009**

**Offered by: Newman**

**Seconded by: Conrad**

**Adopted: August 24, 2009**

**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_____	_____	_____	_____

- 2. Appointing the 2009 Season Beach Patrol Personnel.**  
**TOWNSHIP OF UPPER**

**CAPE MAY COUNTY  
R E S O L U T I O N  
RESOLUTION NO. 184-2009  
RE: APPOINTING THE 2009 SEASON BEACH PATROL PERSONNEL**

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**WHEREAS**, the individuals hereinafter named have been determined to possess the requisite skills, training and are otherwise eligible for appointment to the position of lifeguard; 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 following individuals are appointed as lifeguards in the Township of Upper at a salary as stated below in accordance with the Salary Ordinance:

RETURNING GUARDS

JON O'NEIL	\$11.50 per hour
AMY TOWNSEND	\$11.50 per hour
JOHN MRUZ	\$11.50 per hour

ROOKIE GUARD

ABBY FRIETAG	\$10.00 per hour
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3. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Resolution No. 184-2009  
Offered by: Palombo  
Adopted: August 24, 2009  
Roll Call Vote:

Seconded by: Corson

<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			

**3. Authorizing the Mayor and Township Clerk to sign a contract for Animal Control Services in Upper Township.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N  
RESOLUTION NO. 185-2009  
RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A CONTRACT  
FOR ANIMAL CONTROL SERVICES IN UPPER TOWNSHIP**

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**WHEREAS**, Shore Veterinarians Animal Control Services, L.L.C. has submitted a proposal to the Township for animal control services; and

**WHEREAS**, the Township wishes to accept said proposal and to authorize the execution of a contract with Shore Veterinarians Animal Control Services, L.L.C.; and

**WHEREAS**, the proposed contract has been reviewed and approved by the Municipal Attorney and will be on record in the office of the Township Clerk and available for public inspection; and

**WHEREAS**, Shore Veterinarians Animal Control Services, L.L.C. has completed and submitted a Business Entity Disclosure Certification which certifies that Shore Veterinarians Animal Control Services, L.L.C. 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 Shore Veterinarians Animal Control Services, L.L.C. 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. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with Shore Veterinarians Animal Control Services, L.L.C.\_to provide animal control services within the Township of Upper commencing September 14, 2009.
3. Shore Veterinarians Animal Control Services, L.L.C. 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. 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. 185-2009

Offered by: Conrad                      Seconded by: Palombo

Adopted: August 24, 2009

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 extension of a Shared Services agreement with the municipalities of Avalon, Sea Isle City and Dennis Township for Mass Care Shelter Facilities for an additional term of one (1) year commencing September 1, 2009 to August 31, 2010.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 186 -2009**

**RE: AUTHORIZING THE EXTENSION OF A SHARED SERVICES AGREEMENT WITH THE MUNICIPALITIES OF AVALON, SEA ISLE CITY AND DENNIS TOWNSHIP FOR MASS CARE SHELTER FACILITIES FOR AN ADDITIONAL TERM OF ONE (1) YEAR COMMENCING SEPTEMBER 1, 2009 TO AUGUST 31, 2010**

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**WHEREAS**, pursuant to Ordinance No. 8-1992 the Township of Upper was authorized to enter into an Interlocal Services Agreement with the municipalities of Avalon, Sea Isle City and Dennis Township for a mass care shelter facility; and

**WHEREAS**, the parties desire to extend the term of such Agreement for an additional term of one (1) year; and

**WHEREAS**, the matter has been duly considered by the Township Committee, which has concluded that such extension is in the public interest and will promote the public health, safety and welfare.

**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 Interlocal Services Agreement, dated August 28, 1992, entered into by the municipalities of Avalon, Sea Isle City, Dennis Township and Upper Township for a mass care shelter facility is hereby extended for an additional term of one (1) year, commencing **September 1, 2009** through and inclusive of **August 31, 2010**, upon the same terms and conditions, except that it shall now be referred to as The Shared Services Agreement.
3. Paragraph 6 of the Agreement of August 28, 1992 is hereby deemed amended so that the Contract term will expire on **August 31, 2010**.
4. This Resolution extending the term of the aforesaid Contract is conditioned upon similar action being taken by the Governing Bodies of the Borough of Avalon, the City of Sea Isle City and the Township of Dennis.
5. All officers and officials of the Township of Upper are authorized, directed and empowered to take such action as may reasonably be required or necessary to carry out the intent and purpose of this Resolution.
6. A certified copy of this Resolution shall be sent to each of the municipalities who are parties to such Interlocal Services Agreement.

Resolution No. 186 -2009

Offered by: Camp

Seconded by: Corson

Adopted: August 24, 2009

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. Authorizing the Township Engineer to re-advertise for bids for a Street Sweeper.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N  
RESOLUTION NO. 187-2009  
RE: AUTHORIZING THE TOWNSHIP ENGINEER TO RE-ADVERTISE  
FOR BIDS FOR A STREET SWEEPER**

WHEREAS, the Township of Upper solicited bids for A Street Sweeper; and

WHEREAS, due to advertisement and notification discrepancies no bids were accepted; and

WHEREAS, the Township Committee has determined to authorize a new advertisement for bids; 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 Engineer and other duly authorized Township officers are hereby authorized to re-advertise for bids.

Resolution No. 187-2009

Offered by: Camp

Seconded by: Conrad

Adopted: August 24, 2009

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>	_____	_____	_____

**ORDINANCES**

**6. Introduction and First Reading of Ordinance No. 020-2009, RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER VII OF THE CODE OF UPPER TOWNSHIP.**

A motion was made by Jay Newman, second by Frank Conrad to introduce Ordinance No. 020-2009 with Public Hearing and Final Adoption scheduled for September 28, 2009. During the 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. 020-2009  
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 (entitled “No Parking”) of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be supplemented as hereinafter provided:

**SCHEDULE I – NO PARKING**

Amend to include the following:

<b>Street</b>	<b>Location</b>
Laurel Ridge Road	Both sides of Laurel Ridge Road a distance of two hundred (200’) feet from the curbline of Peach Orchard Road.
Farm Road	Both sides of Farm Road a distance of two hundred Seventy-Five (100’) feet from the curbline of State Highway Rt-50.

**SECTION 2.** Chapter 7, Schedule XVIII (entitled “Parking Area For Handicapped Persons”) of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be supplemented as hereinafter provided:

**SCHEDULE XVIII – PARKING AREA FOR HANDICAPPED PERSONS**

Amend to include the following:

<b>Street</b>	<b>Location</b>
Prescott Avenue	Southerly side of Prescott Avenue a distance of forty-four (44’) feet from the Easterly curbline of Commonwealth Avenue.

**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 24<sup>th</sup> OF AUGUST,

2009 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 28<sup>TH</sup> DAY OF SEPTEMBER, 2009 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

**7. Introduction and First Reading of Ordinance No. 021-2009, RE: AN ORDINANCE REVISING JOB CLASSIFICATIONS AND TITLES AND AMENDING CHAPTER V, ENTITLED "PERSONNEL", OF THE CODE OF UPPER TOWNSHIP AND AMENDING ORDINANCE 017-2008 KNOWN AS THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2009.**

A motion was made by Curtis Corson, second by Frank Conrad to introduce Ordinance 021-2009 with Public Hearing and Final Adoption scheduled for September 28, 2009. During the 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. 021-2009  
RE: AN ORDINANCE REVISING JOB CLASSIFICATIONS  
AND TITLES AND AMENDING CHAPTER V, ENTITLED  
"PERSONNEL", OF THE CODE OF UPPER TOWNSHIP  
AND  
AMENDING ORDINANCE 017-2008 KNOWN AS THE SALARY ORDINANCE FOR  
THE CALENDAR YEAR 2009**

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**WHEREAS**, it has been determined to be necessary to amend certain 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 hereinafter provided:

**Add The Following Title:**

**Carpenter's Helper**

**SECTION 2:** Ordinance No. 017-2008, known as the Salary Ordinance for the calendar year of 2009, Section 2 SALARIES, paragraph E. PUBLIC WORKS/RECREATION is hereby amended and supplemented as hereinafter provided:

**Add the Following Title and Salary Ranges:**

<b><u>Title</u></b>	<b><u>Minimum</u></b>	<b><u>Maximum-2009</u></b>
<b>Carpenter's Helper</b>	<b>\$12,500.00</b>	<b>\$46,339.00</b>

**SECTION 3: REPEALER:** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

**SECTION 4: 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 5: 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 24TH OF AUGUST, 2009 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 28TH OF SEPTEMBER, 2009 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**

**8. Cape May County Open Space & Farmland Preservation Re: Block 415, Lot 1 and Block 416, Lot 1.**

**9. Cape May County Open Space & Farmland Preservation Re: Block 348, Lots 88, 88.01 and 92.**

Both item numbers 8 and 9 were discussed together. Motion was made by Curtis Corson, second by Frank Conrad to place resolutions on the next agenda in support of the two Open Space and Farmland Preservation applications. During roll call vote all five Committee members voted in the affirmative.

#### **NEW BUSINESS**

**10. Request for Maintenance Bond Release—Winchester Court Major Subdivision, Block 453.10, Lots 337.01 & 14.** Mr. Dietrich stated that the improvements have been installed for some time and recommended releasing the Maintenance Bond.

Motion was made by Richard Palombo, second by Curtis Corson to release the bond on this major subdivision. During roll call vote all five Committee members voted in the affirmative. A resolution will be placed on a future agenda.

**11. Request for return of Construction Permit Fees to Paul Canton in the amount of \$142.00.** Motion was made by Barbara Camp, second by Frank Conrad to refund the cost of the construction permit fees as requested. During roll call vote all five Committee members voted in the affirmative. A resolution will be placed on a future agenda.

#### **UNFINISHED BUSINESS:**

## **DISCUSSION**

### **12. Automated Trash Collection presentation by Committeewoman Barbara Camp.**

Committeewoman Camp began by saying that automated trash pickup was considered years ago and that it was time to look at it again. Mr. Dietrich presented a Powerpoint program explaining that a single operator drives the truck. The operator picks up and dumps the specially designed wheeled carts at each residence with the vehicle's automated arms. When fully implemented, automated trash collection would save the Township money in salaries and wages—the new automated trucks require one person to operate it, our trash trucks require 3. Automated service would allow us to assign these extra people to work in other areas and may even save money by being able to use our own workers rather than being forced to bid out some projects. In addition, with automated trucks our insurance costs would decrease with decreased numbers of workers injuries and Workmens Comp. Claims. The automated trucks are safer for our employees; the present vehicles requires workers to ride at the back of the truck. Automated trash pickup would also provide a cleaner appearance to neighborhoods with all trash contained in uniform containers. Mr. Corson mentioned that automated trash pickup was looked at 10 years ago and although the automated trucks require fewer employees there would be no employee layoffs. The workforce would reduce itself by not replacing retirees, and through normal turnover of employees. Automated trash pickup has been proven to be more productive (more houses per day), can decrease labor costs (fewer collection related injuries, fewer employees). It can lower overall collection costs while enhancing customer service and the municipality's appearance. He also discussed the disadvantages to conversion to automated trash pickup which included the following: upfront costs, maintenance costs due to hydraulic machinery, and customer acceptance and training. The cost of the equipment and implementing a startup program was discussed. The matter would be looked into further. For more information contact the Engineer's Office.

### **13. New Jersey Department of Environmental Protection—proposed Stormwater Regulations ordinance.**

The Engineer discussed a draft ordinance. He stated that every five years the NJDEP reviews and updates their current Stormwater policies. In the recent review they concluded that requiring towns to adopt two standards into their model ordinances would improve stormwater runoff and the general water quality in the waters of New Jersey.

The first standard is a storm drain inlet project. When the Township is resurfacing a road, they would be required to retrofit the stormwater inlets to reduce the size of the openings to prevent floatables from getting into the surface waters. This would be required for commercial properties, private parking facilities or lots. Residential properties would be exempt.

The second standard would require all dumpsters, rolling containers and storage containers to be covered and sealed to prevent the discharge of drain water from leaching into the ground and eventually into the stormwater system. Construction dumpsters as well as residential trash cans would be exempt. The Township zoning office would enforce this.

The Committee agreed that the draft ordinance was ready to be placed on the next agenda for introduction.

### **14. Construction Change Order-Reconstruction of Peach Orchard Road project.**

Committeeman Frank Conrad abstained from participation in this matter due to conflict.

Paul Dietrich reported that bids for the Peach Orchard Road Project came back significantly less than estimated. The funds to pay for the change order items are available with the bid savings along with a grant from the NJDOT. The additional change order work consists of relocating a seepage pit, and adding two additional inlets and recharge piping to sections of the road to improve drainage. In addition, the second item would allow new signage with the authorization from the NJDOT. A motion was made by Curtis Corson, second by Barbara Camp to approve the change order on condition of NJDOT approval. During roll call vote four Committee Members voted in the affirmative. Frank Conrad abstained.

**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 Frank Conrad to pay all bills submitted for payment. During roll call vote all five Committee members voted in the affirmative.

<b>Bills approved for payment:</b>	<b>\$112,256.93</b>
<b>Payroll:</b>	<b>\$198,195.22</b>

**REPORT OF MUNICIPAL DEPARTMENTS:**

**PUBLIC COMMENT**

**CLOSED SESSION**

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

The following resolution was read into the record by Jay Newman:

Motion Going Into Closed Session-for August 24, 2009

I hereby move that a resolution be incorporated into the minutes authorizing the Township Committee to enter into an executive session for the following matters pursuant to the Open Public Meetings Act:

Matters:

1. Contract Negotiation – Friendship School Lease
2. Contract Negotiation -- NIA Group Associates, LLC
3. Litigation Tax Appeal – George and Elizabeth Buckland
4. Possible Litigation/Contract Negotiation – Jankowski
5. Possible Litigation – Richnan Group Performance Bond

I also include in my motion the estimated time and the circumstances under which the discussion conducted in closed session can be disclosed to the public as follows:

- A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.
- B. With respect to contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.

C. With respect to litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.

Motion to adopt resolution was made by Jay Newman, second by Frank Conrad with all five Committee members voting in the affirmative.

## **RECONVENE PUBLIC PORTION OF MEETING**

### **ADJOURNMENT**

There was no further business for this evening and the meeting was adjourned at 9:50 P.M.  
Next meeting scheduled for September 14, 2009 at 7:30 P.M.

Minutes prepared by

Wanda Gaglione, RMC  
Municipal Clerk

#### Bill List

49514 08/24/09 A0020 ACU-THERM SUPPLY CO., INC. 659.40 2542  
49515 08/24/09 A0025 ADVANTAGE RENTAL ACE HARDWARE 1,823.18 2542  
49516 08/24/09 A0075 ADAMS, JOSHUA 183.90 2542  
49517 08/24/09 A0091 ATLANTIC CITY ELECTRIC 4,971.74 2542  
49518 08/24/09 A0107 ATLANTIC-CAPE COMMUNITY 357.00 2542  
49519 08/24/09 A0117 AT&T 84.17 2542  
49520 08/24/09 A0122 ANSELL, ZARO, GRIMM & AARON 4,567.50 2542  
49521 08/24/09 B0020 BLAKER, RAYMOND 342.54 2542  
49522 08/24/09 B0031 BAINBRIDGE, J.P. & ASSOCIATES 1,812.50 2542  
49523 08/24/09 B0035 BELMONT & CRYSTAL SPRINGS 680.82 2542  
49524 08/24/09 B0076 BOND, LAURENCE E. 8.00 2542  
49525 08/24/09 B0091 BIRCHMEIER, JAMES 236.00 2542  
49526 08/24/09 B0092 BROKER, EUGENE JR. 64.00 2542  
49527 08/24/09 B0170 BLOOMSTEAD, SCOTT 160.00 2542  
49528 08/24/09 C0048 CAPE MAY COUNTY MUA 35,811.32 2542  
49529 08/24/09 C0068 COMCAST 219.96 2542  
49530 08/24/09 C0116 CINTAS CORPORATION #100 106.74 2542  
49531 08/24/09 C0156 COMPUTER HOUSE OF SOUTH JERSEY 519.99 2542  
49532 08/24/09 C0169 COOPER ELECTRIC SUPPLY CO. 399.00 2542  
49533 08/24/09 C0187 CROWTHER, BILL 1,500.00 2542  
49534 08/24/09 C0221 CRAGER, GARY 150.00 2542  
49535 08/24/09 C0223 CASA PAYROLL SERVICE 264.00 2542  
49536 08/24/09 D0003 DATA RESOURCE SOLUTIONS 680.00 2542  
49537 08/24/09 D0016 DALEY, FREDERICK T/A DALEYS PIT 120.00 2542  
49538 08/24/09 F0002 FENTON, JOSEPH III 210.00 2542  
49539 08/24/09 F0015 FRANKEL, AL 167.00 2542  
49540 08/24/09 F0048 FOGG, LESLIE INC. 163.08 2542  
49541 08/24/09 G0002 GAGLIONE, WANDA 147.35 2542  
49542 08/24/09 G0006 GARBUTT, PATRICIA A. 28.00 2542  
49543 08/24/09 G0016 GARDNER HARDWARE INC. 644.82 2542  
49544 08/24/09 H0019 HARPER, GARY 240.00 2542  
49545 08/24/09 H0090 HARPER, MATTHEW 37.50 2542  
49546 08/24/09 H0091 HOLIDAY INN 774.00 2542  
49547 08/24/09 I0014 INFORMATION PUBLICATIONS 138.00 2542  
49548 08/24/09 K0007 KACZMARSKI, RICHARD 32.00 2542  
49549 08/24/09 L0080 LOWES, INC. 41.91 2542  
49550 08/24/09 M0021 MASER CONSULTING, P.A. 2,448.75 2542  
49551 08/24/09 M0093 MINMAR MARINE INC. 12.49 2542  
49552 08/24/09 M0128 MUNICIPAL CLERKS ASSOC. N.J. 60.00 2542  
49553 08/24/09 M0173 MONROE SYSTEMS FOR BUSINESS 19.14 2542  
49554 08/24/09 M0180 MED-TECH RESOURCE, INC. 551.16 2542  
49555 08/24/09 M0188 MCCARTHY TIRE SERVICE OF PHILA 640.40 2542  
49556 08/24/09 M01192 MCCARDELL, EVAN 12.50 254  
49557 08/24/09 N0043 NAPA AUTO PARTS OF S.JERSEY 700.51 2542  
49558 08/24/09 O0006 OCS PRINTING 451.00 2542  
49559 08/24/09 O0024 O'CONNOR, JIMMY 120.00 2542

49560 08/24/09 P0032 PEDRONI FUEL CO. 519.22 2542  
49561 08/24/09 P0037 PENNSYLVANIA JERSEY CONCRETE 1,410.00 2542  
49562 08/24/09 P0056 TURF EQUIPMENT AND SUPPLY CO 43.72 2542  
49563 08/24/09 P0063 PAONE, LOU 160.00 2542  
49564 08/24/09 P0073 POGUE INC. 133.00 2542  
49565 08/24/09 P0094 PUBLIC SAFETY CENTER, INC. 131.57 2542  
49566 08/24/09 Q0008 QUILL CORPORATION 164.07 2542  
49567 08/24/09 R0030 RIGGINS, INC. 4,539.24 2542  
49568 08/24/09 R0055 ROSIAK, CAROL 12.00 2542  
49569 08/24/09 R0061 RUTGERS, THE STATE UNIVERSITY 578.00 2542  
49570 08/24/09 R0073 RICOH AMERICAS CORPORATION 352.56 2542  
49571 08/24/09 S0015 SMYTH, PATRICIA 172.00 2542  
49572 08/24/09 S0020 AM SAN 1,344.97 2542  
49573 08/24/09 S0031 SCHULER SECURITY, INC. 312.00 2542  
49574 08/24/09 S0056 SEASHORE ASPHALT CORPORATION 92.92 2542  
49575 08/24/09 S0092 SHONE, LEROY 50.00 2542  
49576 08/24/09 S0113 SMITH, THOMAS G. 104.10 2542  
49577 08/24/09 S0121 SMUZ, THERESE A 40.89 2542  
49578 08/24/09 S0134 SO. JERSEY GAS COMPANY 108.04 2542  
49579 08/24/09 S0135 S.J. GIRLS SOCCER LEAGUE 2,620.00 2542  
49580 08/24/09 S0139 SO. JERSEY WATER COND. INC. 83.70 2542  
49581 08/24/09 S0163 SAUL, STEVE 210.00 2542  
49582 08/24/09 S0164 SCECMS LEADERSHIP 398.00 2542  
49583 08/24/09 S0185 STOCKTON STATE COLLEGE 20,696.12 2542  
49584 08/24/09 S0196 STEWART BUSINESS SYSTEMS LLC 155.50 2542  
49585 08/24/09 S0216 DEPT.31 OOOO261489 272.43 2542  
49586 08/24/09 T0032 THE PRESS & SUNDAY PRESS 180.48 2542  
49587 08/24/09 T0035 THE PAPER OF UT/GAZETTE 882.00 2542  
49588 08/24/09 T0044 THOMSON, KERRY AGENCY 555.40 2542  
49589 08/24/09 T0067 TOWNSHIP OF UPPER PETTY CASH 7.30 2542  
49590 08/24/09 T0095 TRI-COUNTY ANIMAL CONTROL 1,500.00 2542  
49591 08/24/09 T0097 TRICO EQUIPMENT INC. 5.84 2542  
49592 08/24/09 T0115 TURF & FARM SUPPLIES, INC. 1,480.00 2542  
49593 08/24/09 T0131 TROUT, ROSEMARY 44.00 2542  
49594 08/24/09 V0001 VCI EMERGENCY VEHICLE 6,681.48 2542  
49595 08/24/09 V0022 VERIZON 2,347.79 2542  
49596 08/24/09 V0024 VAL-U AUTO PARTS L.L.C. 38.77 2542  
49597 08/24/09 W0030 WEST PUBLISHING CO. 331.75 2542  
49598 08/24/09 W0060 WOOLLEY, THOMAS 80.00 2542  
49599 08/24/09 Y0012 YOUNG, ROBERT 56.70 2542

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Total: \$112,256.93