

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR MARCH 9, 2009**

REGULAR MEETING OF THE TOWNSHIP COMMITTEE –7:30 P.M.

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

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

Also present were Municipal Clerk Wanda Gaglione, Finance Officer Barbara Spiegel, Municipal Attorney Daniel Young and Municipal Engineer Paul Dietrich.

APPROVAL OF MINUTES - February 23, 2009 Regular Meeting and Closed Session Minutes

Motion was made by Jay Newman, second by Frank Conrad to approve the Minutes as written. During roll call vote all four Committee members present voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Frank Conrad: Reported that the second rabies clinic held at Shore Veterinarians took place on March 7, 2009. There were 145 shots distributed. He mentioned that he would like to hold another clinic in the Fall and asked the Clerk to look into it.

He reported that the Custard Hut, located adjacent to Shore Veterinarians, held a fund-raiser for the schools the same day as the rabies clinic. The two events proved to be successful with no major traffic issues reported. Traffic between Hope Corson Road and Route 50 was very manageable and things ran smoothly.

Mr. Corson then asked for information on the status of the traffic light at the intersection of Route 50 and Hope Corson Road. Mr. Dietrich would report on it at the next meeting.

Mr. Conrad noted that the NJDOT has repaved nearly all of the State highways in the Township. He also reported on a magazine article he found that lists all 21 counties in New Jersey as counties that pay the highest taxes in the country. All 21 New Jersey counties were listed in the top 50 of the “100 Highest Taxed Counties” listed in Forbes 2009 Magazine.

Mr. Conrad reported on the County Transportation Infrastructure meeting he attended. Local and County representatives attended as well as NJ Turnpike representative John T. Withers. Mr. Withers is the Supervising Engineer of Highways, and spoke on the design of the interchange improvements proposed on the GSP in Cape May Court House. Items discussed included the Stimulus Package but much of the discussion pertained to the proposed construction of the redesigned interchanges on the Garden State Parkway in Cape May County including Exit 20 in Seaville. Mr. Conrad made a motion to draft another resolution requesting a full interchange of Exit 20, and that Mr. Withers receive a copy. Mr. Corson seconded, with all four Committee members present voting in the affirmative.

Curtis Corson, Deputy Mayor, discussed the list of delinquent MUA Convenience Accounts that Mr. Young was going to discuss in executive session. Rather than go into executive session, Mr. Corson made a motion to cancel account numbers 2907, 2927, and 3194, Jay Newman seconded, with all four Committee members present voting in the affirmative.

Mr. Corson discussed the Payroll Service proposals that CFO Barbara Spiegel had placed in the meeting packets. He noted that this service is a budgeted item and requested that Mr. Young review the contracts.

He also requested that Paul Dietrich provide a status report at the next meeting, for the NJDEP clean up of Sams' Gas Station on Rt. 50 in Tuckahoe.

Jay Newman, has one closed session item regarding Municipal Courts consolidation with Corbin City.

He reported that the Township received awards of \$1900 and Bronze certificates for outstanding performance in the JIF Safety Incentive Program. The Township received this award as a member of the Joint Insurance Fund and participating in their many programs to promote safety in the workplace.

Mr. Newman commended the Public Works Department for the fine work they did in clearing the roads in the last snow storm. Mr. Newman noted that the Township roads were clear and clean early in the day but the county and state roads were not. Mayor Palombo added that he had also, received a number of compliments on how well the Public Works and Recreation Departments did.

In an effort to save paper, postage and work he requested that Minutes and other materials for the meeting be emailed rather than printed out. A lively discussion ensued and the general consensus of the group was that the regular meeting Minutes would be a good start. Mr. Newman continued that possibly in the near future laptops could be utilized in an effort to go green.

Richard Palombo, Mayor, reported that the next meeting will be Tuesday, March 24th, at 7:30 PM and not the 23rd as originally scheduled. This will include the Public Hearing for the Budget. Notices were published to inform the public.

He reported that the Township received a \$5000 Grant for Municipal Emergency Management that will be used to purchase items that further enhance our emergency preparedness plan in the Township. The Mayor will also attend the Emergency Management meeting planned for March 18th, 6:30 p.m. at Township Hall for a full scale table top/emergency exercise.

Mayor Palombo received a letter from Balance Fitness and Health Center, located in Cedar

Square Plaza, offering a discounted program for Upper Township employees. Mayor Palombo requested that the Clerk reach out to local fitness centers to see if they too offer competitive employee packages or group rates. He also noted that some of the health insurance companies offer a discount to groups who invest in “Wellness” programs and this may be a way to cut some health insurance costs. Both he and Barbara Spiegel will be negotiating with the health insurance carrier in May and he would like to incorporate this as a possible negotiating tool at that time. Mayor Palombo noted that the Township has done well in keeping health care costs down and it is something he intends to continue to do. He thanked the employees for not abusing the health care provided.

OTHER REPORTS

Wanda Gaglione, Municipal Clerk, today received a letter from Clean Ocean Action, requesting our participation in the Spring and Fall beach clean up events on April 25, 2009 and October 24, 2009 from 9 a.m. to 12:30 p.m. Ms. Gaglione will respond in writing that Upper Township wishes to participate. Paul Dietrich asked that the letter include reference to Beach Management Plan and that some restrictions may apply.

Daniel Young, Municipal Attorney, discussed the Dog Chaining Ordinance and a summary he prepared. The summary included several options available with the most favorable being Option #2 which allows a chained dog to move freely within 15 feet of chain, a buckle type collar, plus it allows the dog access to food and shelter. It was discussed that this option is consistent with what Animal Control Officers and State Ordinances require. Mr. Young reported that he spoke with our Animal Control Officer and she is in agreement that this, that it would provide proper care of animals, gives her sufficient standards to cite violators and be successful. Mayor Palombo agreed and mentioned that this would be clear enough to enforce without difficulty. Frank Conrad made a motion to accept Option # 2 and authorized Daniel Young to prepare an ordinance for introduction for a future meeting. Curtis Corson seconded the motion with all four Committee members present voting in the affirmative.

Mr. Young has the following items for discussion in executive session: Personnel--Collective Bargaining Unit; Litigation-K. Grubb v. Township of Upper; Litigation—regarding beach condemnation issues; Contract--Personnel—regarding Personnel Officer; Contract—shared services agreement with Ocean City for emergency dispatch services. Although mentioned as an executive session matter, Mr. Corson discussed the cancellation of delinquent MUA Convenience Accounts during his report in the regular portion of the meeting.

Barbara Spiegel, Chief Finance Officer, discussed the possible use of a (procurement) P-Card Service. Both she and Theresa Smuz will be attending a County run seminar to gather more information. It was discussed that pre-set amounts, and other restrictions and controls can be placed on the cards. P-Cards would allow some of the departments to make purchases on-line which may be more cost effective. The Mayor directed that this item be placed on a future agenda.

Paul Dietrich, Township Engineer, reported that the planning workshop held on Saturday, March 7, 2009 at the Middle School was successful with approximately 60 residents present. The workshop was held to receive ideas from the public on what they would like to see in the town centers planning for the Marmora and Seaville area. A questionnaire is available on the

Township website to residents who could not attend. Mr. Dietrich is asking that completed surveys be returned to him. He would like to have as much input as possible to present to the Smart Growth Planners assisting us in the development of this phase of the plan for the Township. The planners will present their findings and recommendations based on these questionnaires at a second workshop in April or May 2009.

Mayor Palombo directed that a news streamer be placed on Channel 2 alerting residents that the questionnaire is available online and participation is appreciated. He thanked Mr. Dietrich for arranging the workshop.

Mr. Dietrich reported that the Bureau of Coastal Engineering has put their bids out last week (March 5) for the beach fill project. The Township will receive their copy this week (March 10). The bids for the State will be received March 25th.

Mayor Palombo inquired about a caveat in language regarding bid changes. Mr. Dietrich replied that after the contractors received the bids and if they have "substantive" questions that require a response from the Bureau of Coastal Engineering, the bid date would be postponed an additional ten days to allow fair time for all bidders to see what the questions were and respond appropriately. Mr. Dietrich said this allowance of additional time is a fairly standard practice. He also noted that since this is such a specialized project the State pre-qualifies bidders to know they are familiar with and equipped to do this type of work.

RESOLUTIONS

1. Appointment of Anthony Parsio as a full-time employee to the Upper Township Public Works Department.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 062-2009
RE: APPOINTMENT OF ANTHONY PARSIO
AS A FULL-TIME EMPLOYEE
TO THE UPPER TOWNSHIP PUBLIC WORKS DEPARTMENT**

WHEREAS, a need exists to appoint qualified personnel as full-time employees to the Upper Township Public Works Department to insure optimal operation; and

WHEREAS, a recommendation has been made to the Township Committee and duly considered at the meeting of February 23, 2009; 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. Anthony Parsio is hereby appointed in a full-time position effective February 27, 2009 at an annual salary of \$35,982.00 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 February 23, 2009.

Resolution No. 062-2009

Offered by: Conrad

Seconded by: Palombo

Adopted: March 9, 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. Extending good wishes and a heartfelt welcome to the Second Cape May Baptist Church on the occasion of their new worship center groundbreaking ceremony on March 29, 2009.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 063-2009**

**RE: EXTENDING GOOD WISHES AND A HEARTFELT WELCOME TO
THE SECOND CAPE MAY BAPTIST CHURCH ON THE OCCASION OF THEIR NEW
WORSHIP CENTER GROUNDBREAKING CEREMONY ON MARCH 29, 2009**

WHEREAS, the Second Cape May Baptist Church has been in existence since 1770 serving for generations the spiritual needs of the citizens of Upper Township as well as all of Cape May County; and

WHEREAS, the current chapel located on Route 9 and dating back to 1853 is still in use today although through the years the congregation has outgrown it many times over; and

WHEREAS, through much determined work and effort Pastor Bry and the congregation are now ready to build a larger worship center to accommodate and attend to the needs of the ever-growing number of members; and

NOW, THEREFORE, BE IT RESOLVED, that it is appropriate that the Mayor and Township Committee join in with all Upper Township citizens to publicly recognize this notable event of the groundbreaking ceremony of the new Second Cape May Baptist Church in Upper Township on March 29, 2009;

BE IT FURTHER RESOLVED, that the Township Committee on behalf of the citizens of the Township of Upper, in the County of Cape May and State of New Jersey, extends congratulations to Second Cape May Baptist Church and recognize that their new worship center will create an unquestioned positive impact upon the spiritual development of the entire community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 9th day of March, 2009.

Resolution No. 063-2009

Offered by: Newman Seconded by: Conrad

Adopted: March 9, 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_____	_____	_____	_____

3. Resolution designating March 2009 as National Nutrition Month.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 064- 2009
RE: RESOLUTION DESIGNATING MARCH 2009 AS
NATIONAL NUTRITION MONTH**

WHEREAS, food is the substance by which life is sustained; and

WHEREAS, the type, quality and amount of food that individuals consume each day plays a vital role in their overall health and physical fitness; and

WHEREAS, there is a need for continuing nutrition education and a wide-scale effort to enhance good eating practices.

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

1. March 2009 is designated as National Nutrition Month in Upper Township.
2. The Township Committee respectfully requested to issue a proclamation calling upon public officials and the citizens of the Township to join the campaign to observe March 2009 as National Nutrition Month and encourage all citizens to become concerned about their nutrition and the nutrition of others in the hope of achieving optimum health for both today and tomorrow.

STATEMENT

This Resolution designates March 2009 as National Nutrition Month in Upper Township, Cape May County to increase awareness and understanding of the importance of good eating habits.

Resolution No. 064- 2009

Offered by: Palombo

Seconded by: Conrad

Adopted: March 9, 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___	_____	_____	_____

4. Approving the Recreation Committee By-laws, Rules and Regulations.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 065-2009
RE: APPROVING THE RECREATION COMMITTEE BY-LAWS**

WHEREAS, the Township Committee of the Township of Upper is in receipt of proposed by-laws for the Upper Township Recreation Committee; and

WHEREAS, the Upper Township Recreation Committee has requested that the Township Committee review and approve the proposed by-laws attached hereto as Exhibit A; and

WHEREAS, the Township Committee of the Township of Upper has reviewed the proposed Upper Township Recreation Committee by-laws and deems it in the best interest of the Township to approve same; 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 approves the proposed Upper Township Recreation Committee by-laws attached hereto as Exhibit A and directs that the Recreation Committee adopt same unless and until they are modified in accordance with provisions therein and said modifications are approved by the Township Committee 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. 065 -2009

Offered by: Conrad

Seconded by: Newman

Adopted: March 9, 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_____	_____	_____	_____

**EXHIBIT A
TOWNSHIP OF UPPER
RECREATION COMMITTEE
BY-LAWS
ARTICLE I - Name**

Recreation Committee of the Township of Upper.

ARTICLE II - Purpose

The Recreation Committee shall serve as the advisory body for the Department of Recreation and the Township of Upper. The Committee shall suggest policies to the Department and the Governing Body, within its powers and responsibilities as stated in these by-laws. The Committee members shall serve as liaison between their activity and this Committee.

ARTICLE III - Membership

Section 1: The Upper Township Committee shall appoint the members. Membership shall consist of one representative and one alternate appointed by Upper Township Committee for each of the following activities:

- A. Baseball
- B. Basketball
- C. Certifications
- D. Cheerleading
- E. Dog Park
- F. Football
- G. Hockey
- H. Lacrosse
- I. Skate Park
- J. Softball
- K. Soccer
- L. Wrestling

In the event a private nonprofit organization wishes to raise funds from Upper Township residents engaged in one of these activities (registration fees, etc.) or utilize Township facilities or programs in connection with such activity the nonprofit organization must be authorized to do so by the Township Committee. Nonprofit organizations supporting one of these activities may also ask that their representatives be appointed to the Recreation committee for that activity. The Township Committee, in its sole discretion, may appoint members of such organizations to represent the activity. Any nonprofit organization permitted to utilize Township facilities and participate in Township programs shall do so at the sole discretion of the Township Committee. Such authorization may be withdrawn by the Township Committee at any time. Any such nonprofit organizations is required to provide the following:

- A. Proof that the organization is a validly formed and existing nonprofit corporation organized and existing under the laws of the Sate of New Jersey and in good standing. The organization must provide a copy of the certificate of incorporation of the organization together with other documentary evidence that the corporation is in good standing. The Township may also require a copy of the by-laws of the organization.
- B. Proof that the organization has qualified and is currently qualified as a nonprofit corporation under both federal and state law. The organization must provide a copy of the IRC 501c(3) registration and confirmation.

- C. Proof that the organization remains in good standing with the State and maintains its nonprofit status during the period of use of the Township facilities. In other words, the organization must, upon request, provide to the Township documentary evidence attesting to such facts. In addition, the organization must provide proof that the organization has registered under the New Jersey Charitable Registration Act and has filed the appropriate annual forms in this regard.
- D. The organization must provide reports from the organization to the Township delineating that the activities of the organization are undertaken in furtherance of its public purpose, the approximate value or cost, if any, of such activities in furtherance of such purpose and an affirmation of the continued tax exempt status of the nonprofit organization pursuant to both state and federal law.

Section 2. The Department Head and the Supervisor of Recreation will also be voting members on the Recreation Committee. In the absence of the Supervisor of Recreation the Assistant Supervisor may vote in his or her place and in the absence of the Department Head any other member of Township Committee may vote in his or her place.

Section 3. Members shall serve a one-year term and may be eligible to serve additional terms.

Section 4. A member may not represent more than one organization at a time.

Section 5. Only one member of each organization or alternate shall be entitled to vote at all bi-monthly or special meetings.

Section 6. In the event a Committee member is unable to attend a bi-monthly or special meetings, his or her alternate may attend in his place.

Section 7. If a member ceases to be a regular member of his duly authorized nonprofit organization, he shall also cease to be a member of the Recreation Committee.

Section 8. No person or organization shall be denied membership because of race, color, National origin, religion, sex, age, or mental or physical disability.

ARTICLE IV - Officers

Section 1. The officers of this Committee shall be a Chairperson and a Vice-Chairperson elected by and from the Recreation Committee membership. Upper Township Committee will appoint a Corresponding Secretary.

Section 2. The officers of this Committee shall be elected at the January meeting each year to serve a term of one year or until their successors shall be elected.

Section 3. It shall be the duty of the Chairperson to preside at all meetings of the Recreation Committee, maintain order, appoint all committees subject to the approval of the Recreation Committee and see that the officers and committees perform their respective duties.

- Section 4.** In the absence of the Chairperson, the Vice-Chairperson shall perform all duties of the Chairperson.
- Section 5.** The Corresponding Secretary shall attend to all correspondence of the Recreation Committee and shall keep the Chairperson accurately informed of all correspondences of the Recreation Committee.
- Section 6.** An officer may be removed from office for cause by the affirmative vote of two-thirds of the Recreation Committee. The officer to be removed shall not have a vote concerning his dismissal.
- Section 7.** A vacancy caused by death, resignation, disability, or removal of an officer shall be filled by Upper Township Committee.
- Section 8.** The Recording Secretary will be the Staff representative and will not be a voting member or officer.

ARTICLE V - Meetings

- Section 1.** There shall be bi-monthly meetings of the Recreation Committee to be held the fourth Thursday of January, March, May, July, September and the third Thursday of November. Meetings are held at the Municipal building in the courtroom at 8:00 pm.
- Section 2.** Special meetings may be called by the Chairperson or from a member of the Recreation Committee.
- Section 3.** 50 % plus 1 constitutes a quorum.
- Section 4.** If a quorum is not met, the meeting will be informational only.

ARTICLE VI - Minutes and Records

- Section 1.** The written minutes of all meetings shall be distributed on a timely basis and shall be kept on file at the Recreation Department office and available to the public.
- Section 2.** All written records of the Recreation Committee shall be maintained by the Recreation Department in a safe and secure location for a minimum of ten years.

ARTICLE VII - Parliamentary Authority

The Committee shall be governed by Robert's Rules of Order, Revised, unless otherwise provided for in these By-Laws.

ARTICLE VIII - Rules and Regulations

- Section 1. Coaches**
- A. All coaches shall take the National Youth Sports Coaches Association certification classes.
- B. All coaches shall be fingerprinted as per the Policy of Upper Township.

- C. All coaches shall turn in a team roster with children's name, parents phone number and jersey number to the Recreation Department within two weeks of first game played.
- D. There will be zero tolerance for bad behavior from any coach while coaching a practice, game or when children are present.
- E. All head coaches must return uniforms and equipment to the Recreation Department within two weeks after the sport has ended.
- F. There will be no smoking on the fields when children are present.
- G. Absolutely no alcohol/illegal drugs are permitted on Township property.

Section 2. Players

- A. Team members shall conduct themselves in a proper manner and show respect to all coaches, officials and the opposing team.
- B. Team members shall be responsible for their uniform and equipment.
- C. There will be zero tolerance for bad behavior from any team member on or off the field/court while at a sporting event.

Section 3. Parent/Spectators

- A. Parents are responsible to return their child's uniform to the coach or Recreation Department within two weeks after the sport has ended.
- B. All Spectators shall conduct themselves in a proper manner and show respect to all coaches, officials, Upper Township team members and the opposing team on and off the field/court.
- C. There will be zero tolerance for bad behavior from any spectator on or off the field/court while at a sporting event.
- D. Absolutely no alcohol/illegal drugs are permitted on Township property.

ARTICLE IX - Finance

- Section 1.** The financial records of each authorized nonprofit organization shall be reviewed annually, and upon request, by the Department Head of Recreation and the Supervisor of Recreation. These records shall be turned in by January 31 of each calendar year. The records shall include but not be limited to of a copy of:

- A. Checking accounts - a copy of the register with receipts to back up any checks written for cash.
- B. Savings accounts - a copy of bank statements with a receipt to back up any monies not deposited to the checking account.
- C. These records are to be signed off by the President, Vice President, Secretary and the Treasurer.

Section 2. No funds from Upper Township shall be spent on an organization without the review being completed.

Section 3. In the event an organization dissolves, all assets will be transferred to an IRC 501(c)(3) organization.

ARTICLE X - Procedures

Section 1. Complaints

- A. In the event a complaint is filed with NYSCA against a coach. A special review committee shall be set up to hear the complaint. The meeting will be taped and a written transcript with results of the hearing will be sent to NYSCA headquarters. If everyone is in agreement with the results of the hearing the case is closed. If not the tape is sent to NYSCA headquarters and they will make the final decision. In the event the ruling is against the coach his or her coaching certification will be withdrawn and he or she will no longer be permitted to coach in Upper Township. The review committee shall be appointed by the Recreation Committee and shall be made up of volunteers that have been involved in sports, or have sat on a board and no longer coach, or a member of the community that has knowledge of the sport.
- B. In the event a complaint is filed with the Recreation Department. The person will go back to the organization and go before that organization's board. If the complaint is not resolved the next step would be for the person to contact the Supervisor of Recreation and a meeting will be set up with: the Department Head of Recreation, the Supervisor of Recreation, President of the organization, coordinator of age/group the complaint is filed on, the person that has filed the complaint and the coach the complaint has been filed against. The decision of this committee is final.

Section 2. Finger Printing

- A. In the event a background check prevents a person from coaching he or she can request a hearing. The committee reviewing this matter consists of: the Mayor, the Department head of the Recreation Department and the Supervisor of Recreation. After hearing and review of the information provide by the applicant, this committee will make a decision and the committee's decision is final. This process is further described, and subject to, the separate policy adopted by the Township Committee requiring criminal background checks.

Section 3. Zero Tolerance of bad behavior

- A. Any coach that has a complaint lodged against him will meet with the board of the organization he or she is coaching. If the complaint is not resolved or the Recreation Committee is not satisfied with the way it was handled the next step would be for the person to contact the Supervisor of Recreation and a meeting will be set up with: the Department Head of Recreation, the Supervisor of Recreation, President of the organization, coordinator of age/group the complaint is filed on, the person that has filed the complaint and the coach the complaint has been filed against. The decision of this committee is final.
- B. Any Player that has a complaint lodged against him will meet with the Department Head of Recreation, the Supervisor of Recreation, President of the organization, coordinator of age/group the complaint is filed on, the person that has filed the complaint and the Player the complaint has been filed against. The decision of this committee is final.
- C. Any Parent/Spectator that has a complaint lodged against him or her will meet with the Department Head of Recreation, the Supervisor of Recreation, President of the organization, coordinator of age/group the complaint is filed on, the person that has filed the complaint and the Parent/Spectator the complaint has been filed against. The decision of this committee is final.

ARTICLE X - Special Committees

Special committees may be appointed for such purposes as deemed necessary.

ARTICLE XI - Amendments

All amendments to these by-laws must be proposed in writing and acted upon at the next regular Recreation meeting then presented to the Township Committee.

ARTICLE XII Township Committee

The Recreation Committee and its members as well as all coaches, parents, spectators, nonprofit organizations and their members and officers recognize that the Township Committee may, at any time it deems appropriate, change its policies, programs and personnel (including Recreation Committee Members, coaches and volunteers) with respect to any recreational activity of the Township.

- 5. Authorizing the Chief Finance Officer to withdrawal funds in the amount of \$ 170,000.00 from the account entitled Recreation Trust Fund-Developers for improvements at Amanda's Field Recreation Complex.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 066-2009**

**RE: AUTHORIZING THE CHIEF FINANCE OFFICER TO WITHDRAWAL FUNDS IN THE
AMOUNT OF \$ 170,000.00 FROM THE ACCOUNT ENTITLED RECREATION TRUST
FUND-DEVELOPERS FOR IMPROVEMENTS AT
THE AMANDA'S FIELD RECREATION COMPLEX**

WHEREAS, it is necessary for the Township of Upper to make certain improvements at the Amanda's Field Recreation Complex; and

WHEREAS, a recommendation for improvements have been made to the Township Committee, attached Exhibit "A", and duly considered at the meeting of February 23rd, 2009.

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

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

2. The Chief Financial Officer of the Township of Upper is hereby authorized, directed and empowered to withdraw funds in the amount of \$170,000.00 from the account entitled Recreation Trust Fund-Developers for improvements outlined in Exhibit "A", at the Amanda's Field Recreation Complex.

3. This Resolution ratifies, confirms and approves action taken by the Township Committee, by motion, at the meeting of February 23, 2009.

Resolution No.066-2009

Offered by: Conrad

Seconded by: Newman

Adopted: March 9, 2009

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Camp	_____	_____	_____	_____x_____

Conrad	<u> x </u>	_____	_____	_____
Corson	<u> x </u>	_____	_____	_____
Newman	<u> x </u>	_____	_____	_____
Palombo	<u> x </u>	_____	_____	_____

6. Authorizing the filing of a Recycling Tonnage Grant.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 067-2009
RE: AUTHORIZING THE FILING OF A RECYCLING
TONNAGE GRANT APPLICATION**

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

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

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

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

WHEREAS, a Resolution authorizing this municipality to apply for such tonnage grants for calendar year 2008 will memorialize the commitment of this municipality to recycling and indicate the assent of the Township of Upper to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such Resolution should designate the individual authorized to ensure that the application is property completed and timely filed.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Upper that the Township of Upper hereby endorses the submission of a municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and designates Wanda Gaglione, the Township Clerk, P.O. Box 205, Tuckahoe, New Jersey, 08250, to ensure that said application is properly filed.

Resolution No. 067-2009
Offered by: Corson
Adopted: March 9, 2009

Seconded by: Newman

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Camp	_____	_____	_____	___x___
Conrad	___x___	_____	_____	_____
Corson	___x___	_____	_____	_____
Newman	___x___	_____	_____	_____
Palombo	___x___	_____	_____	_____

7. Authorizing execution of NJDEP TWA-1 application statements of consent form regarding Block 548, Lot 20.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO.068-2009

**RE: AUTHORIZING EXECUTION OF NJDEP TWA-1 APPLICATION STATEMENTS OF
CONSENT FORM REGARDING BLOCK 548, LOT 20**

WHEREAS, The Frontier Campground (George Reagan) Applicant/ Owner 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, the Township Engineer has informed the Township Committee as to the general nature of the project and has indicated that the project, as proposed, conforms to the requirements of all municipal Ordinances; 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 Statement of Consent is submitted in conjunction with the application of The Frontier Campground (George Reagan) Applicant/ Owner for treatment works approval for the Proposed Residential Dwelling at Lots 20, Block 548 on the municipal tax map.
4. A certified copy of this Resolution shall be provided to the applicant.

Resolution No. 068-2009

Offered by: Newman

Seconded by: Conrad

Adopted: April 13, 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_____	_____	_____	_____

8. Authorizing the Mayor to sign a Shared Services Agreement with the County of Cape May for the Public Archives and Records Infrastructure Support (PARIS) Grant, a portion of which is dedicated to the conservation of historic documents originating from the County of Cape May and the Township of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 069-2009**

**AUTHORIZING THE MAYOR TO SIGN A
SHARED SERVICES AGREEMENT WITH THE COUNTY OF CAPE MAY**

**FOR THE PUBLIC ARCHIVES AND RECORDS INFRASTRUCTURE
SUPPORT (PARIS) GRANT, A PORTION OF WHICH IS DEDICATED TO THE
CONSERVATION OF HISTORIC DOCUMENTS ORIGINATING FROM THE
COUNTY AND THE TOWNSHIP OF UPPER.**

WHEREAS, the County of Cape May has launched its Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation, and storage needs of county and municipal governments; and

WHEREAS, the Township of Upper desires to collaborate with the County of Cape May in the performance of the PARIS Grants Program; and

WHEREAS, the County of Cape May has dedicated a portion of the Public Archives and Records Infrastructure Support (PARIS) Grant for the Conservation of Historic Documents originating from the County and the Township of Upper.

WHEREAS, the County will solicit for bids to select one vendor and execute a contract with said vendor to furnish and deliver conservation treatments, preservation microfilming, and scanning for archival and historically significant document collections of the County and of the Township of Upper; and

WHEREAS, the Township of Upper is acknowledging that the County of Cape May would be both the lead agency and the applicant for such a proposal; and

1. The Mayor of the Township of Upper is hereby authorized, directed and empowered to sign and submit the Shared Services Agreement attached hereto as Exhibit A, on behalf of the Township of Upper.

2. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Resolution No. 069 –2009
Offered by: Conrad
Adopted: March 9, 2009

Seconded by: Palombo

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			

9. Authorizing the cooperation of Upper Township and Cape May County and recognizing the County as lead agency for the duration of the FEMA funded countywide multi-jurisdictional all hazard pre-disaster mitigation planning project.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 070 -2009**

RE: AUTHORIZING THE COOPERATION OF THE TOWNSHIP OF UPPER AND CAPE MAY COUNTY AND RECOGNIZING THE COUNTY AS LEAD AGENCY FOR THE DURATION OF THE FEMA FUNDED COUNTYWIDE MULTI-JURISDICTIONAL ALL HAZARD PRE-DISASTER MITIGATION PLANNING PROJECT

WHEREAS, the property owners of Cape May County experience a high rate of repetitive property losses caused mainly by flooding and they reside in a unique geographic location that could experience a variety of natural and man-made disasters; and

WHEREAS, the County of Cape May received a grant from the Federal Emergency Management Agency (FEMA) to develop a Multi-Jurisdictional All Hazard Pre-Disaster Mitigation Plan to mitigate the potential life and property losses associated with man-made and natural disasters; and

WHEREAS, Cape May County, together with all sixteen municipalities, will develop a Multi-Jurisdictional All Hazard Pre-Disaster Mitigation Plan that will describe the hazards the County and Municipalities face and the risks associated with those hazards, and will develop strategies for mitigating those hazards; and

WHEREAS, a Hazard Mitigation Steering Committee will be formed that includes one member from each Municipality, requiring that the Township of Upper appoint a representative capable of attending meetings, working with the selected contractor to identify critical facilities, at-risk populations, potential losses, and producing historical records, studies, and reports relevant to this planning process; and

WHEREAS, the Township of Upper acknowledges that they will be required to adopt by Resolution, the All Hazard Pre-Disaster Mitigation Plan developed by the Hazard Mitigation Steering Committee after Federal Emergency Management Agency conditional approval.

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 does hereby agree to participate in the planning process fully and recognize the County of Cape May as the lead agency in this planning process.

BE IT FURTHER RESOLVED, that the Township of Upper has assigned the following person as the Point of Contact for our Municipality and said person will be responsible for attending the kick-off meeting, Hazard Mitigation Steering Committee meetings, and assure that the minimum requirements of the municipal participation is met:

John Deuter, Representative, Planning Point of Contact
Mike Jones, Alternate Representative, Planning Point Contact

Resolution No. 070-2009

Offered by: Newman

Seconded by: Conrad

Adopted: March 9, 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___	_____	_____	_____

10. Resolution again supporting the reduction of the speed limit on County Road 557 and creating a “No Passing Zone”.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 071 –2009
RE: RESOLUTION AGAIN SUPPORTING THE REDUCTION OF THE SPEED LIMIT
ON COUNTY ROAD 557 AND CREATING A “NO PASSING ZONE”**

WHEREAS, the Township Committee previously recognized there has been a general increase in vehicles traveling along County Route 557, in the Steelmantown area, as set forth in Resolution No. 269-2008; and

WHEREAS, said Resolution No. 269-2008 identified that there are numerous private driveways and streets in the Steelmantown area along Route 557, and this fact in combination with high vehicle speeds and the amount of traffic create dangerous conditions, particularly with respect to tri-axle trucks traveling to and from local sand and gravel pits; and

WHEREAS, the situation still exists that due to the increased development in the Steelmantown area along County Route 557, and use of this road as a detour during the Route 49 Bridge reconstruction this increased traffic has rendered the current speed limit excessive endangering the residents along said route; and

WHEREAS, in order to insure the safety of citizens, residents and the general public, the Township Committee of the Township of Upper again wishes to affirm its strong support for a reduction of the maximum speed limit allowable, and the elimination of current "Passing Zone" from mile marker 5 south to intersection of Narrows Road and Steelmantown Road on County Route 557; 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 hereby strongly expresses its support for the reduction of the speed limit along County Route 557, in the Steelmantown area to a maximum of 45 miles per hour.

3. The Township Committee also strongly supports creating a “No Passing Zone” from mile marker 5, south to intersection of Narrows Road and Steelmantown Road on County Route 557, in the Steelmantown area.

4. The Township Committee hereby requests all County and State officials to take action forthwith to implement these requests.

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.

6. A copy of this Resolution shall be forwarded to the appropriate Cape May County and New Jersey State Officials.

Resolution No. 071 -2009

Offered by: Conrad

Seconded by: Newman

Adopted: March 9, 2009

Roll Call Vote:

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

11. Resolution supporting a “No Passing Zone” along New Jersey State Highway Route 49 in the vicinity of Woodbine Road (Mile Post 52.3) and NJSH Route 50 (Mile Post 53.8).

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 072 –2009
RE: RESOLUTION SUPPORTING A “NO PASSING ZONE”
ALONG NEW JERSEY STATE HIGHWAY ROUTE 49 IN THE VICINITY OF
WOODBINE ROAD (MILE POST 52.3) AND NJSH ROUTE 50 (MILE POST 53.8)**

WHEREAS, the New Jersey Department of Transportation has conducted an investigation to inventory the existing center line markings along NJ Route 49 in Upper Township. Based on this investigation it has been recommended to revise the center pavement markings to a No Passing Zone in the vicinity of Woodbine Road (Mile post 52.3) and NJ Route 50 (Mile Post 53.8); and

WHEREAS, in order to insure the safety of citizens, residents and the general public, the Township Committee of the Township of Upper supports the creation of a “No Passing Zone” along NJSH Route 49 in the vicinity of Woodbine Road (Mile post 52.3) and NJ Route 50 (Mile Post 53.8); 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 supports creating a “No Passing Zone” along NJSH Route 49 in the vicinity of Woodbine Road (Mile post 52.3) and NJ Route 50 (Mile Post 53.8); 3. The Township Committee hereby requests all State officials to take action forthwith to implement the creation of a “No Passing Zone” along NJSH Route 49 in the vicinity of Woodbine Road (Mile post 52.3) and NJ Route 50 (Mile Post 53.8).
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.

4. A copy of this Resolution shall be forwarded to the appropriate New Jersey State Officials.

Resolution No. 072 -2009

Offered by: Corson

Seconded by: Conrad

Adopted: March 9, 2009

Roll Call Vote:

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

12. Resolution supporting Senate Bill 2524 and Assembly Bill 3697 which revise laws relative to Affordable Housing.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 073 -2009
RE: RESOLUTION SUPPORTING SENATE BILL 2524 AND ASSEMBLY BILL 3697
WHICH REVISE LAWS RELATIVE TO AFFORDABLE HOUSING**

WHEREAS, New Jersey Senate Bill 2524 (S2524) and Assembly Bill 3697 (A3697) have been recently introduced and attempt to revise the laws relative to affordable housing and the Fair Housing Act; and

WHEREAS, S2524 and A3697 would amend the existing affordable housing laws in an attempt to provide such housing while at the same time giving municipalities greater flexibility in meeting these obligations; and

WHEREAS, S2524 and A3697 will allow a municipality to transfer up to 50% of their fair share obligation to another municipality pursuant to Regional Contribution Agreements; and

WHEREAS, S2524 and A3697 will provide that municipalities may comply with the Fair Housing Act by zoning for present and prospective affordable housing rather than requiring actual construction; and

WHEREAS, S2524 and A3697 will repeal the Statewide Non-residential Development Fee Act which imposed a fee of 2.5% on non-residential construction; 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 supports S2524 and requests that same be adopted and enacted into law.

3. A copy of this Resolution shall be forwarded to Governor Jon Corzine, Senator Jeff Van Drew, Assemblyman Nelson Albano, Assemblyman Matthew Milam, the New Jersey League of Municipalities, Cape May County Board of Chosen Freeholders and the Atlantic County Board of Freeholders.

Resolution No. 073-2009

Offered by: Palombo

Seconded by: Corson

Adopted: March 9, 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>	_____	_____	_____

Committeeman Frank Conrad voiced concerns regarding this Resolution. He stated that he is not in favor of supporting the bills because he feels they do not go far enough. At first glance they appear to be beneficial but in the end he believes they will end up costing Township residents money by forcing the Township to impose a Local Purpose Tax. The Committee has been doing everything it can to avoid that. Affordable Housing is just one of the many agencies the Township has been working with on this issue but the requirements keep changing and nothing firm is in place. This is a burden on every town in the entire state of New Jersey. "These agencies need to really get a firm grip on these issues", and in his opinion "towns need to start stepping out against some of these issues." If the bills could become more Bi-Partisan he would be supportive but as they stand he is not in favor.

Mayor Palombo interjected that he sees this as a first step in helping protect the Township. From his perspective, he would like to see us move forward and support any bill or resolution that continues to address these issues and possibly save the Township money. He understands there are more proposed bills coming and he sees it as a way to protect the Township.

13. Authorizing the Mayor and Township Clerk to execute a signature card and corporate resolution designating the authorized signers for accounts at Sovereign Bank.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 074-2009**

RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A SIGNATURE CARD AND CORPORATE RESOLUTION DESIGNATING THE AUTHORIZED SIGNERS FOR ACCOUNTS AT SOVEREIGN BANK

WHEREAS, Sovereign Bank is designated as a depository for funds of the Township of Upper; and

WHEREAS, Sovereign Bank has requested that the Township of Upper execute a Signature Card and Corporate Resolution designating account signers for Upper Township accounts at Sovereign Bank; and

WHEREAS, the Township Committee of the Township of Upper deems it appropriate to designate signers for said accounts with Sovereign Bank; 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 the Township Clerk are hereby authorized, directed and empowered to execute the Signature Card and Corporate Resolution with Sovereign Bank to designate signers on accounts of Upper Township with Sovereign Bank to indicate that the following individuals are authorized signers on said accounts: Richard Palombo, Barbara Spiegel, Teri Smuz and Wanda Gaglione.

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. 074 -2009
 Offered by: Conrad
 Adopted: March 9, 2009

Seconded by: Corson

Roll Call Vote:

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

ORDINANCES

14. Introduction and First Reading of Ordinance No. 008-2009 Re: An Ordinance Vacating A Portion of that paper street known as Atlantic Avenue, between Stagecoach Road and Chestnut Avenue within the Township Of Upper, County of Cape May and State of New Jersey.

Motion was made by Curtis Corson, second by Jay Newman to introduce Ordinance No. 008-2009, with public hearing and final adoption set for April 13, 2009. During roll call vote all four Committee members voted in the affirmative.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 O R D I N A N C E
 ORDINANCE NO. 008-2009**

AN ORDINANCE VACATING A PORTION OF THAT PAPER STREET KNOWN AS ATLANTIC AVENUE, BETWEEN STAGECOACH ROAD AND CHESTNUT AVENUE WITHIN THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY

WHEREAS, N.J.S.A. 40:67-1 authorizes the Governing Body of a municipality to adopt an Ordinance, among other things, to vacate any street, highway, lane, alley, square, place or park, or any part thereof, dedicated to public use but not accepted by the municipality, whether or not the same, or any portion, has been actually opened or improved; and

WHEREAS, Roberta Townsend is the owner of Block 622, Lots 1 to 16 and has requested that the Township vacate a portion of a certain street described in this Ordinance; and

WHEREAS, the Township Committee has duly considered the matter and it appears reasonable to agree to the request since there is no present or foreseeable need or intention to utilize said roadway; and

WHEREAS, it is deemed to be in the public interest to vacate a portion of Atlantic Avenue within the Township of Upper, as hereinafter provided.

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: The public right in, along, upon and over the following described land is hereby vacated, surrendered and extinguished:

DESCRIPTION
FOR THE VACATION OF A PORTION
OF AN UNIMPROVED STREET, ATLANTIC AVENUE
IN THE TOWNSHIP OF UPPER
COUNTY OF CAPE MAY, AND
STATE OF NEW JERSEY

That portion of Atlantic Avenue extending in a
Northwesterly direction from Stagecoach Road
(County Road 667) BEGINNING at a point at
the intersection of the Northwesterly line of

Stagecoach Road and the Southwesterly line of Atlantic Avenue, extending a distance of 202.66 feet in a Northwestwardly direction along the Southwesterly line of Atlantic Avenue to a point at the corner of Lots 8 & 9 in Block 625; then 40 feet in a Northeastwardly direction across Atlantic Avenue to a point at the corner of Lots 8 & 9 in Block 622; then 209.8 feet in a Southeastwardly direction along the Northeasterly line of Atlantic Avenue to the point of intersection of the Northwestery line of Stagecoach Road and the Northeasterly line of Atlantic Avenue; then extending in a Southwestwardly direction across Atlantic Avenue along the Northwestery line of Stagecoach Road to the place of beginning; as shown on the current Official Tax Map of The Township of Upper, Cape May County, New Jersey.

SECTION 2: This Ordinance vacates no portion of Atlantic Avenue except that portion set forth and described in **SECTION 1** above.

SECTION 3: EXCEPTION: This Ordinance expressly reserves and excepts from vacation all rights and privileges now possessed by public utilities, as defined in R.S. 48:2-13, and by any cable television company, as defined in the "Cable Television Act", P.L. 1972, c. 186, (C.48:5A-1, et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated, as hereinabove described.

SECTION 4: REPEALER: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

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 9th DAY OF MARCH, 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 13TH DAY OF APRIL, 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

15. Introduction and First Reading of Ordinance No. 009-2009, Re: An Ordinance authorizing a utility easement agreement among the Township of Upper, Atlantic City Electric Company and Verizon New Jersey, Inc. for the real property commonly known as 2028 Tuckahoe Road, Upper Township, New Jersey.

Motion was made by Curtis Corson, second by Jay Newman to introduce Ordinance No. 009-2009, with public hearing and final adoption set for April 13, 2009. During roll call vote all four Committee members voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE
ORDINANCE NO. 009-2009
RE: AN ORDINANCE AUTHORIZING A UTILITY EASEMENT AGREEMENT AMONG
THE TOWNSHIP OF UPPER, ATLANTIC CITY ELECTRIC COMPANY AND
VERIZON NEW JERSEY, INC. FOR THE REAL PROPERTY COMMONLY KNOWN
AS 2028 TUCKAHOE ROAD, UPPER TOWNSHIP, NEW JERSEY**

WHEREAS, Atlantic City Electric Company, a New Jersey corporation, with an office at 5100 Harding Highway, Mays Landing, New Jersey and Verizon New Jersey, Inc., a New Jersey corporation, with an office located at 540 Broad Street, Newark, New Jersey have submitted a proposed Utility Easement Agreement to the Township of Upper which provides for a perpetual easement and right of way over Upper Township real property commonly known as 2028 Tuckahoe Road, Upper Township, Cape May County, New Jersey; and

WHEREAS, the Township of Upper, as owner of the land located at 2028 Tuckahoe Road, wishes to accept said Utility Easement Agreement and authorize the execution of said Agreement; and

WHEREAS, the Utility Easement Agreement has been reviewed and approved by the Municipal Attorney and the Municipal Engineer and will be on record in the office of the Township Clerk available for public inspection.

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

SECTION 1: The Township of Upper is hereby authorized to grant to Atlantic City Electric Company and Verizon New Jersey, Inc. a utility easement over the property commonly known as 2028 Tuckahoe Road, Upper Township, Cape May County, New Jersey.

SECTION 2: The Township of Upper shall enter into a Utility Easement Agreement with Atlantic City Electric Company and Verizon New Jersey, Inc. wherein the Township of Upper shall grant a perpetual easement and right of way over said real property.

SECTION 3: The Mayor, Township Clerk and other Township officers and representatives are hereby authorized, directed and empowered to execute a Utility Easement Agreement, on behalf of Upper Township, with Atlantic City Electric Company and Verizon New Jersey, Inc. to install, operate, maintain, add, extend, relocate and remove its electric communications and other appropriate facilities, and accessories and appurtenance thereto to extend such system and to provide such services to the Township of Upper including any other cables, conduits, fiber optic

cables and wires on, over, under and across the Township's real property known as 2028 Tuckahoe Road, Upper Township, Cape May County, New Jersey.

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 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 9th OF March, 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 13TH DAY OF APRIL, 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

NEW BUSINESS

UNFINISHED BUSINESS:

16. Joseph Kohler, 1300 Mt. Pleasant Rd., Tuckahoe, request for streetlight.

Motion made by Richard Palombo to place streetlight in this location, Jay Newman seconded, with all four Committee members present voting 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.” Motion made by

Jay Newman, seconded by Frank Conrad; all four committee members present voted affirmative.

Bills submitted for payment: \$91,266.81

Payroll: \$158,969.96

REPORT OF MUNICIPAL DEPARTMENTS:

- 17. Construction Code**
- 18. Clerk's Office**
- 19. Animal Control**
- 20. Tax Assessor**
- 21. Finance Office**
- 22. MUA Report**
- 23. Department of Public Works**
- 24. EMS Report**

Reports are available from the Clerk's Office.

PUBLIC COMMENT

Roberta Townsend, Chestnut Avenue, inquired about the Introduction of Ordinance 008-2009 and the portion of the street being vacated. She was shown the section to be vacated on the map and given a copy of the ordinance. The vacation stops at a point so as not to landlock 2 lots under foreclosure. The Public Hearing is scheduled for the April 13, 2009 meeting.

She also asked about the trees being cut down on an area adjacent to her property and owned by Township. Mr. Dietrich understood that a Public Works employee visited the site and trimmed the trees in question. Mrs. Townsend indicated there was still a problem with overhanging trees. Mr. Dietrich will have someone from the Public Works Department come out and take a look at what needs to be done.

CLOSED SESSION

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

Motion was made by Frank Conrad, second by Richard Palombo, with all four Committee members voting in the affirmative to discuss items previously mentioned as follows: Municipal Attorney Daniel Young---Personnel--Collective Bargaining Unit; Litigation-K. Grubb v. Township of Upper; Litigation—regarding beach condemnation issues; Contract--Personnel—regarding Personnel Officer vacancy; Contract—shared services agreement with Ocean City for emergency dispatch services. Mr. Newman will discuss a Contract matter—Corbin City Court consolidation. Although previously mentioned as an executive session matter, Mr. Corson discussed the cancellation of delinquent MUA Convenience Accounts in the regular portion of the meeting.

RECONVENE PUBLIC PORTION OF MEETING

Motion was made by Jay Newman second by Curtis Corson to appoint Wanda Gaglione as the Personnel Officer, effective February 27, 2009. During roll call vote all four Committee members present voted in the affirmative.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:30 P.M. Next meeting scheduled for, Tuesday, March 24, 2009 at 7:30 P.M.

Minutes prepared by

Wanda Gaglione, RMC
Municipal Clerk

Bill List

48516 03/09/09 A0006 ADVANCE TREADS INC 862.40 2517
48517 03/09/09 A0018 ACTION SUPPLY INC. 4,642.72 2517
48518 03/09/09 A0020 ACU-THERM SUPPLY CO.,INC. 107.31 2517
48519 03/09/09 A0023 ADAMS, JOHN 6.00 2517
48520 03/09/09 A0025 ADVANTAGE RENTAL ACE HARDWARE 1,899.29 2517
48521 03/09/09 A0070 ALBERTSONS/ACME 185.69 2517
48522 03/09/09 A0075 ADAMS, JOSHUA 84.98 2517
48523 03/09/09 A0086 AT&T MOBILITY 164.99 2517
48524 03/09/09 A0091 ATLANTIC CITY ELECTRIC 7,257.58 2517
48525 03/09/09 A0092 ARC REPROGRAPHICS 305.25 2517
48526 03/09/09 A0095 ATLANTIC CITY COURT REPORTING 1,865.00 2517
48527 03/09/09 A0130 ANDREWS, KYLE 30.00 2517
48528 03/09/09 B0013 BRADCO SUPPLY CORP. 1,639.88 2517
48529 03/09/09 B0020 BLAKER, RAYMOND 18.00 2517
48530 03/09/09 B0148 BLUE FLAME/PARACO GAS 1,170.59 2517
48531 03/09/09 B0160 BONNER, ROSEMARY 32.60 2517
48532 03/09/09 B0182 BRIGGS LAW OFFICE, P.C. 615.74 2517
48533 03/09/09 C0027 CAPE INSULATION CO. INC 844.80 2517
48534 03/09/09 C0046 CAPE MAY COUNTY CLERK 32.00 2517
48535 03/09/09 C0068 COMCAST 59.34 2517
48536 03/09/09 C0071 CAPEHART & SCATCHARD, P.A. 346.50 2517
48537 03/09/09 C0078 CARTER, EDWARD, SR. 6.00 2517
48538 03/09/09 C0101 CHATTEN, LINWOOD R. 32.00 2517
48539 03/09/09 C0116 CINTAS CORPORATION #158 144.93 2517
48540 03/09/09 C0131 CINTAS FIRST AID & SAFETY 54.43 2517
48541 03/09/09 C0146 COLLINS IRON WORKS, INC. 682.56 2517
48542 03/09/09 C0171 COLONIAL ELECTRIC SUPPLY CO. 355.18 2517
48543 03/09/09 C0196 COMPUTER HOUSE 359.40 2517
48544 03/09/09 C0201 CRUZAN'S TRUCK SERVICE INC. 100.10 2517
48545 03/09/09 D0026 DEAGUSTINE, JOE 18.00 2517
48546 03/09/09 D0040 DELTA DENTAL OF N.J. INC. 6,124.44 2517
48547 03/09/09 D0077 DIETRICH, PAUL 114.95 2517
48548 03/09/09 E0012 EHRlich PEST CONTROL INC 218.00 2517
48549 03/09/09 F0002 FENTON, JOSEPH III 160.00 2517
48550 03/09/09 F0015 FRANKEL, AL 210.00 2517
48551 03/09/09 F0042 FLANAGANS SOUTH AUTO TIRE CENT 77.50 2517
48552 03/09/09 F0054 FORT DEARBORN LIFE INSURANCE 615.48 2517
48553 03/09/09 G0002 GAGLIONE, WANDA 28.25 2517
48554 03/09/09 G0006 GARBUTT, PATRICIA A. 24.00 2517
48555 03/09/09 G0012 GANN LAW BOOKS 47.00 2517
48556 03/09/09 G0016 GARDNER HARDWARE INC. 19.93 2517

48557 03/09/09 G0056 GARCIA, MIKE 210.00 2517
 48558 03/09/09 G0061 GLASS SURGEON 274.00 2517
 48559 03/09/09 G0081 GRANT SUPPLY COMPANY, INC 645.00 2517
 48560 03/09/09 H0006 HABERMAN, WILLIAM 6.00 2517
 48561 03/09/09 H0018 HAROLD RUBIN/L & H SUPPLY 66.84 2517
 48562 03/09/09 H0019 HARPER, GARY 168.00 2517
 48563 03/09/09 H0062 HOPE, JOHN J. 18.00 2517
 48564 03/09/09 I0007 INTERCON TRUCK EQUIPMENT, INC. 918.91 2517
 48565 03/09/09 J0033 JANKOWSKI, MATTHEW 450.00 2517
 48566 03/09/09 J0041 JONES, JAMES M. 392.67 2517
 48567 03/09/09 J0063 JOHNSON WILSHIRE, INC 266.16 2517
 48568 03/09/09 K0007 KACZMARSKI, RICHARD 18.00 2517
 48569 03/09/09 K0028 KIRK'S PIZZA 749.10 2517
 48570 03/09/09 K0034 KOHLER, CLAUDE JR. 4.00 2517
 48571 03/09/09 K0047 KLINE, EDWARD T. 18.00 2517
 48572 03/09/09 K0055 KING, MIKE 168.00 2517
 48573 03/09/09 L0034 LAYTON, BRENDA MRS. 176.00 2517
 48574 03/09/09 L0072 LLOYD, JOEL 446.09 2517
 48575 03/09/09 L0080 LOWES, INC. 163.59 2517
 48576 03/09/09 M0012 MCCAULEY, RICHARD 18.00 2517
 48577 03/09/09 M0057 MEYERS, GEORGE 660.00 2517
 48578 03/09/09 M0128 MUNICIPAL CLERKS ASSOC. N.J. 250.00 2517
 48579 03/09/09 M0142 MASON, NICHOLAS 18.00 2517
 48580 03/09/09 M0170 MURRAY, TIM 240.00 2517
 48581 03/09/09 M0196 MUNYON, BILL 510.00 2517
 48582 03/09/09 M0198 MULLEN, NORM 240.00 2517
 48583 03/09/09 N0004 NJ-AMERICAN WATER CO. 34.01 2517
 48584 03/09/09 N0043 NAPA AUTO PARTS OF S.JERSEY 482.66 2517
 48585 03/09/09 O0034 OSPREY POINT CONDO ASSOC. 8,528.76 2517
 48586 03/09/09 P0026 PAYNTER, JOSEPH 18.00 2517
 48587 03/09/09 P0032 PEDRONI FUEL CO. 776.45 2517
 48588 03/09/09 P0034 PEIFER, SUSAN R. 44.00 2517
 48589 03/09/09 P0036 PENNELLO, DAVID 18.00 2517
 48590 03/09/09 Q0008 QUILL CORPORATION 129.77 2517
 48591 03/09/09 R0030 RIGGINS, INC. 3,530.40 2517
 48592 03/09/09 R0055 ROSIAK, CAROL 20.00 2517
 48593 03/09/09 R0073 RICOH AMERICAS CORPORATION 512.10 2517
 48594 03/09/09 S0072 SEGIN, STEWART S. 18.00 2517
 48595 03/09/09 S0092 SHONE, LEROY 18.00 2517
 48596 03/09/09 S0121 SMUZ, THERESE A 43.58 2517
 48597 03/09/09 S0185 STOCKTON STATE COLLEGE 9,158.84 2517
 48598 03/09/09 S0216 DEPT.31 OOOO261489 139.95 2517
 48599 03/09/09 S0238 STILES, EMILY 1,475.00 2517
 48600 03/09/09 T0018 TEKK COMM COMMUNICATIONS 70.37 2517
 48601 03/09/09 T0020 TERWILLIGER, DUANE E. 6.00 2517
 48602 03/09/09 T0032 THE PRESS & SUNDAY PRESS 139.84 2517
 48603 03/09/09 T0038 THOMAS, CHRISTOPHER 18.00 2517
 48604 03/09/09 T0067 TOWNSHIP OF UPPER PETTY CASH 12.17 2517
 48605 03/09/09 T0097 TRICO EQUIPMENT INC. 230.36 2517
 48606 03/09/09 T0131 TROUT, ROSEMARY 56.00 2517
 48607 03/09/09 U0001 U.T. BEACH PATROL ASSOC. 14.20 2517
 48608 03/09/09 U0025 UNITED STATES POSTAL SERVICE 1,500.00 2517
 48609 03/09/09 U0030 UPPER TOWNSHIP LACROSSE 2,053.20 2517
 48610 03/09/09 V0001 VCI EMERGENCY VEHICLE 67.20 2517
 48611 03/09/09 V0005 VAN EMBDEN, NATHAN, ATTORNEY 1,642.50 2517
 48612 03/09/09 V0013 VERIZON WIRELESS 328.80 2517
 48613 03/09/09 V0022 VERIZON 630.94 2517
 48614 03/09/09 W0026 WEINSTEIN SUPPLY CORP. 70.88 2517
 48615 03/09/09 W0030 WEST PUBLISHING CO. 323.75 2517
 48616 03/09/09 W0038 WILLIAMS, JEREMIAH J. 6.00 2517
 48617 03/09/09 W0060 WOOLLEY, THOMAS 18.00 2517
 48618 03/09/09 Y0008 YOUNG, DANIEL J. ESQUIRE PC 20,410.91 2517

Total Paid ---\$91,266.81
