

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR JANUARY 12, 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	Absent

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

**APPROVAL OF MINUTES - December 22, 2008 Regular Meeting and  
Closed Session and January 2, 2009 Reorganization Meeting**

Motion was made by Jay Newman, second by Frank Conrad to approve the January 2, 2009 Minutes. During roll call vote all four Committee members voted in the affirmative. The approval of the December 22, 2008 will be postponed until the 1/26/2009 meeting.

**REPORT OF GOVERNING BODY MEMBERS**

**Frank Conrad**, reported he has one Personnel item for discussion in closed session. He discussed a letter received from the NJDOT regarding the recent request for speed limit reductions and a “No Passing” zone on Rt. 557 near Mill Road in Tuckahoe. It was discussed that the County of Cape May has jurisdiction over Rt. 557 so the approval for the items requested would be a County decision rather than come the State.

**Barbara Camp**, made a motion to hire John Mayberry as a full time laborer for the Dept. of Public Works effective the next pay period. Curtis Corson second with all four Committee members voting in the affirmative. She reported the end of year statistics for the Dept. of Public Works in that they collected a total of 9551.906 tons of solid waste, and 5017.586 tons of recyclables with a solid waste reduction rate of 52.5 % in 2008. In addition, 1,014 tons of loose leaves were also collected.

**Jay Newman**, has one Potential Litigation item for discussion in closed session. He discussed the EMS Department activities and that they answered 94 calls in December.

**Curtis Corson, Deputy Mayor**, reported that the Township received \$229,000 for hosting the CMCMUA. The payment represents the benefit for a six-month period. He discussed a letter written by a resident that was published in the Gazette this past week. The letter writer asks the Committee to “use every cent of Strathmere’s tax money to replenish the beach”. Mr. Corson stated that Upper Township has no Local Purpose Tax which means that not one cent of taxes collected stays in Upper Township. As illustrated on our tax bills tax money is distributed to the School Board, the County and the fire districts. None of the tax money stays in the Township because we have no Local Purpose Tax. He discussed that the Committee will start to work on the 2009 Budget and that the first work meeting is scheduled for January 26, 2009 at 6:00 PM. The meetings are open to the public and he invited everyone to attend. He distributed the Budget work packets to the Committee.

### **OTHER REPORTS**

**Daniel Young, Municipal Attorney**, reported that he has one Litigation matter in regards to the Strathmere condemnation proceedings and one Contract Negotiation matter in regards to the Animal Control contract for discussion in closed session.

**Paul Dietrich, Municipal Engineer**, discussed the Gypsy Moth program for this year. The State’s October survey of egg masses recommended that 1,176 acres be treated for the pest. The acreage was increased slightly to include a small heavily infested area that was not treated last year. The estimated cost to budget for this year is \$75,000 and is well below the cost of last year’s program. A resolution will be placed on the next agenda and be advertised for public hearing.

He briefly discussed the RFP’s received for the study of the Upper Township/Corbin City consolidation issue. Corbin City will act as lead agency.

He discussed a call from a resident on Brewhaus Lane requesting that speed humps and “Children at Play” signs be installed. The Committee directed him to inspect the street to determine if speed humps were necessary and to contact the NJ State Police to add the street to their watch list. Andrew Eget, from 10 Brewhaus Lane was present and presented a petition signed by residents concerned with the speeding traffic on that street. Motion was made by Curtis Corson, second by Jay Newman to direct the Engineer to inspect Brewhaus as well as Ortlieb for placement of speed humps and additional signage. During roll call vote all four Committee members voted in the affirmative.

Mr. Dietrich reported that in regards to the Strathmere Beach Fill project that the final plans have been sent to the NJDEP and to the Army Corps of Engineers for approval and permits.

**Barbara Spiegel, Chief Financial Officer**, reported that a Blood Drive is scheduled at Township Hall on Tuesday, January 20, 2009. On behalf of the Tax Assessor Megan McAfee, the organizer of the event, she asked the Committee to donate one day with pay. As an incentive for people to sign up, any employee donating blood will be given a change to win the day off. Motion was made by Curtis Corson, second by Jay Newman to approve the request. During roll call vote all four Committee members voted in the affirmative.

**PRESENTATIONS**

- 1. Resolution No. 265-2008, Re: Honoring Johnette Halpin of the South Jersey Pines, Girl Scout Troop 46090 on attaining the Gold Award.** Miss Halpin was present along with her family. The Committee presented the resolution. A certificate from the Marines Auxiliary was also presented to her.

**RESOLUTIONS**

- 2. Authorizing a professional services contract with Cape May County Council on Alcoholism and Drug Abuse, Inc. for an Employee Assistance Program for Township Employees.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 024 -2009  
RE: AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH CAPE MAY  
COUNTY COUNCIL ON ALCOHOLISM AND DRUG ABUSE, INC. FOR AN EMPLOYEE  
ASSISTANCE PROGRAM FOR TOWNSHIP EMPLOYEES**

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**WHEREAS,** the Township of Upper wishes to continue its Employee Assistance Program to provide assessment, evaluation intervention, referral and case management services for employees of the Township; and

**WHEREAS,** the Township of Upper has previously contracted with Cape May County Council on Alcoholism and Drug Abuse, Inc., a New Jersey non-profit corporation (hereinafter referred to as “Cape Assist”) for such services and wishes to continue such relationship by entering into a Professional Services Contract to cover the period from January 1, 2009 to December 31, 2009; and

**WHEREAS,** Cape Assist has the required expertise to provide and implement the Upper Township Employee Assistance Program; and

**WHEREAS,** the Township Committee intends to engage the services of Cape Assist under a Professional Services Contract attached hereto as Exhibit A; and

**WHEREAS,** the Chief Financial Officer has certified the availability of funds to permit said Contract to be entered into;

**WHEREAS**, Cape Assist has completed and submitted a Business Entity Disclosure Certification which certifies that Cape Assist 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 Cape Assist 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. Cape Assist 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.
3. The proposed Professional Services Contract between the Township of Upper and Cape Assist, a copy of which is on file in the office of the Township Clerk, is hereby approved and the Mayor and the Township Clerk are hereby authorized, directed and empowered to execute said Contract on behalf of the Township of Upper and the Township Clerk is further authorized, directed and empowered to seal said Contract with the seal of the Township of Upper.
4. The Township Clerk shall cause a Notice of Award of this Contract to be published in the official newspaper of the Township of Upper as required by N.J.S.A. 40A:11-5.
5. This Contract has been awarded without competitive bidding for the following reason or reasons:

(A) Professional services of the type herein sought are of such a nature as to require a high degree of trust or confidence in the individual providing the service and, in fact, may require the creation of a confidential or fiduciary relationship between that individual and the municipality;

(B) The services required are highly specialized or technical in nature;

(C) The services require peculiar ability or skill and demand a high degree of specialized knowledge or expertise;

(D) The services are such that their relative work must be judged by subjective considerations that are not susceptible of valuation by competitive bidding; and

(E) The individual who will provide these services has demonstrated his competence and particular expertise in the services required.

6. This Resolution shall take effect immediately and shall be deemed retroactive to January 1, 2009.

Resolution No. 024-2009

Offered by: Camp

Seconded by: Conrad

Adopted: January 12, 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>    </u>	<u>    </u>	<u>    </u>	<u>  x  </u>

**3. Authorizing the Mayor and Township Engineer to sign and submit application and necessary fees to the New Jersey Pinelands Commission for a Development permit for the installation of potable well at Block 290, Lot 3, 1700 Mt. Pleasant-Tuckahoe Road in the Township of Upper.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO.025-2009**

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP ENGINEER TO SIGN AND SUBMITT APPLICATION AND NECESSARY FEES TO THE NEW JERSEY PINELANDS COMMISSION FOR A DEVELOPMENT PERMIT FOR THE INSTALLATION OF POTABLE WELL AT BLOCK 290, LOT 3, 1700 MT. PLEASANT-TUCKAHOE ROAD IN THE TOWNSHIP OF UPPER**

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**WHEREAS**, the New Jersey Pinelands Commission has requested signatures on an application for Development Permit for the installation of a potable well for drinking fountain and use at the Upper Township Dog Park; and

**WHEREAS**, the potable well will be located at 1700 Mt. Pleasant-Tuckahoe Road, Block 290, Lot 3 as indicated on the map attached hereto as Exhibit "A"; and

**WHEREAS**, the New Jersey Pinelands Commission requires the signature of the property owner on all permit Applications for Development, as the property is owned by Upper Township, a representative of Upper Township is required to sign the permit, a copy of which is attached hereto as Exhibit "B".

**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 Engineer of the Township of Upper are hereby authorized, directed and empowered to sign and submit the Application for Development and the required fee of \$100.00 to the New Jersey Pinelands Commission on behalf of the Township of Upper.
3. 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. 025-2009

Offered by: Conrad      Seconded by: Camp

Adopted: January 12, 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>          </u>	<u>          </u>	<u>          </u>	<u>  x  </u>

**4. Appointment of Walker, Previti, Holmes, & Associates to perform professional land surveying services for the reconstruction of Bayview Drive (Nelson to Willard**

Avenue) and the Nelson Boat Ramp at Block 825, Lots 1 & 2 in the Strathmere section of Upper Township.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 026-2009  
RE: APPOINTMENT OF WALKER, PREVITI, HOLMES, & ASSOCIATES TO  
PERFORM PROFESSIONAL LAND SURVEYING SERVICES FOR THE  
RECONSTRUCTION OF BAYVIEW DRIVE (NELSON TO WILLARD AVENUE)  
AND THE NELSON BOAT RAMP AT BLOCK 825, LOTS 1 & 2  
IN THE STRATHMERE  
SECTION OF UPPER TOWNSHIP**

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**WHEREAS**, the Township requires a surveyor to provide services which include topographic/hydrographic surveys and base mapping in connection with future submissions to the appropriate regulatory agencies for the reconstruction of Bayview Drive (Nelson to Willard Avenue) and the Nelson Boat Ramp and Block 825 Lots 1 & 2 in the Strathmere section of the Township; and

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

**WHEREAS**, Walker, Previti, Holmes, & Associates has completed and submitted a Business Entity Disclosure Certification which certifies that Walker, Previti, Holmes, & Associates 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 Walker, Previti, Holmes, & Associates 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. Walker, Previti, Holmes, & Associates with offices at 156 Stagecoach Road, Marmora, New Jersey is hereby appointed Surveyor for the Township of Upper for the purpose of providing topographic/hydrographic surveys to be utilized as base maps for future submissions to the appropriate regulatory agencies as part of a reconstruction of Bayview Drive and the Nelson Boat Ramp project pursuant to proposal from Walker, Previti, Holmes, & Associates dated December 12, 2008 and revised December 22, 2008, and attached hereto as Exhibit "A" subject however to such modification contained in the contract to be executed by the Township and Walker, Previti, Holmes, & Associates

3. Walker, Previti, Holmes, & Associates has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.

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

5. This Contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Walker, Previti, Holmes, & Associates has professional knowledge as to surveying issues which knowledge is particularly valuable to the Township Committee, and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-2.05.

#### **NOTICE OF CONTRACT AWARD**

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

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

8. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Walker, Previti, Holmes, & Associates in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

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

10. This Resolution shall be effective as of adoption.

Resolution No. 026-2009

Offered by: Newman                      Seconded by: Camp

Adopted: January 12, 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	___	___	___	___  x

**5. Authorizing the purchase of a 2009 Ford Ranger Pickup Truck from Gentilini Ford at a Cost Of \$14,493.00 for the Upper Township Recreation Department.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 027-2009  
RE: AUTHORIZING THE PURCHASE OF  
A 2009 FORD RANGER PICKUP TRUCK FROM GENTILINI FORD  
AT A COST OF \$14,493.00  
FOR THE UPPER TOWNSHIP RECREATION DEPARTMENT**

**WHEREAS**, the Township of Upper solicited quotes for the furnishing of a small pickup truck to be used in the Recreation Department, which quotes were received on December 22, 2008; and

**WHEREAS**, the aforesaid quotes were thereafter reviewed by the Township Engineer, Recreation Supervisor, and Chief Financial Officer; and

**WHEREAS**, the Township Engineer has made a recommendation to the Township Committee with respect to accepting the lowest quote; and

**WHEREAS**, the Chief Financial Officer of the Township of Upper has certified the availability of funds in sufficient amount to issue a purchase order; and

**WHEREAS**, the Township intends to take formal action in accepting the lowest quote as submitted from Gentilini Ford, which is hereinafter attached as Exhibit A;

**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 hereby accepts the quote submitted by Gentilini Ford

located at Washington and Dennisville Roads, Woodbine, NJ 08270 for the delivery of a “Model Year 2009 Ford Ranger Pickup Truck” for the delivered price of \$14,493.00, subject to the following:

(a) The Vendor (Gentilini Ford) shall provide all warranties and manuals applicable to said truck and provide same at or before the time of delivery.

(b) The Chief Financial Officer is hereby authorized, directed and empowered to issue a Purchase Order to the vendor with the lowest quote

in the amount authorized in this Resolution.

3. This Resolution ratifies and confirms the action taken by the Township Committee at its regular meeting held on December 22, 2008.

Resolution No. 027-2009

Offered by: Conrad    Seconded by: Newman

Adopted: January 12, 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>      </u>	<u>      </u>	<u>      </u>	<u>  x  </u>

**6. Tax Refund.**

TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION No. 028-2009  
REFUND

WHEREAS, certain corrections have been recommended by the Upper Township Tax Collector in order to refund monies,

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

Resolution No. 028-2009

Offered by: Camp           Seconded by: Conrad

Adopted: January 12, 2009

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
CAMP	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
CONRAD	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
CORSON	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
NEWMAN	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
PALOMBO	<u>      </u>	<u>      </u>	<u>      </u>	<u>  x  </u>

**REFUND 2008**

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
12/5	\$540.10	WILSON M & MARYANN TURNER 541 RT 49 WOODBINE, NJ 08270 (4 <sup>TH</sup> QTR PAID BY MTG CO. & HOMEOWNER)

**7. Authorizing the acquisition by the Township of Upper of Tax Sale Certificates for Block 753, Lot 3 and Block 809, Lot 4 on the Municipal Tax Map of the Township of Upper.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N  
RESOLUTION NO. 029 -2009**

**RE: AUTHORIZING THE ACQUISITION BY THE TOWNSHIP OF UPPER OF TAX SALE CERTIFICATES FOR BLOCK 753, LOT 3 AND BLOCK 809, LOT 4 ON THE MUNICIPAL TAX MAP OF THE TOWNSHIP OF UPPER**

**WHEREAS**, the Township of Upper is currently contemplating a beach nourishment/renourishment maintenance and replenishment project for the Strathmere and Whale Beach sections of the Township; and

**WHEREAS**, pursuant to Ordinance No. 014-2008, Ordinance No. 015-2008 and Upper Township Code Section 2-15 the Township Committee is

authorized to acquire interests in properties which are the subject of beach replenishment and maintenance projects; and

**WHEREAS**, the Township has been approached by John James Germanio, the holder of tax sale certificates number **19/78** and 199655 for Block 753, Lot 3 and Block 809, Lot 4 on the municipal tax map, respectively, with an offer for the Township to purchase said tax sale certificates for the amount of \$335.37 for Block 753, Lot 3 and \$1,365.77 for Block 809, Lot 4; and

**WHEREAS**, the Township Committee finds it in the best interest of the Township to acquire said tax sale certificates as aforesaid and to proceed to foreclose upon same so as to acquire title to such properties; 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 of Upper shall acquire tax sale certificate number 19178 for Block 753, Lot 3 by way of assignment from John James Germanio for the sum of \$335.37.
3. The Township of Upper shall acquire tax sale certificate number 199655 for Block 809, Lot 4 by way of assignment from John James Germanio for the sum of \$1,365.77.

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. 029 -2009

Offered by: Camp

Seconded by: Conrad

Adopted: January 12, 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>

**8. Appointing an Animal Control Officer for the Township of Upper.**

This matter was deferred to later in the meeting to allow further discussion in executive session under Contract Negotiation and continues on page 19.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 030-2009  
RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A  
CONTRACT FOR ANIMAL CONTROL SERVICES IN UPPER TOWNSHIP**

**WHEREAS**, Joanne Hill and Tri-County Animal Control Services, LLC 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 Joanne Hill and Tri-County Animal Control Services, LLC; 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**, Joanne Hill and Tri-County Animal Control Services, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Joanne Hill and Tri-County Animal Control Services, LLC 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 Joanne Hill and Tri-County Animal Control Services, LLC 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 Joanne Hill and Tri-County Animal Control Services, LLC to provide animal control services within the Township of Upper commencing immediately.

3. Joanne Hill and Tri-County Animal Control Services, LLC 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. 030-2009

Offered by: Conrad      Seconded by: Newman  
Adopted: January 12, 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>    </u>	<u>    </u>	<u>    </u>	<u>  x  </u>

**ORDINANCES**

**CORRESPONDENCE**

- 9. **Richard Stockton Coastal Research Center, final beach survey report for 2008.**  
Report duly noted.
  
- 10. **New Jersey Department of Agriculture—Re: gypsy moth survey.** See Mr. Dietrich’s report on page 2.

**NEW BUSINESS**

- 11. **Oscar & Virginia Torres request to purchase Township owned property, Block 623 Lots 21, 22, 23, & 24.** It was discussed that the Torres’ are aware that a condition of any sale is that any Township property sold to them must be consolidated with their own lot and that no new lots may be created. Motion was made by Jay Newman, second by Barbara Camp to sell the lots to Oscar & Virginia Torres. An ordinance will be placed on a future agenda.
  
- 12. **Maintenance Bond Release-Great Oaks Major Subdivision Block 663, Lots 4-8 & 10.**
- 13. **Maintenance Bond Release-Laurel Ridge Road-Clayton Construction Block 453.10, Lot 335.**
- 14. **Maintenance Bond Release-Cedar Hollow Major Subdivision Block 693, Lot 7.**

Municipal Engineer Paul Dietrich stated that all improvements have been in place in excess of 2 years and are in good working order and recommended that the maintenance bonds be released. Motion was made by Barbara Camp, second by Frank Conrad to release maintenance bonds for items 12, 13 and 14 above. During roll call vote all four Committee members voted in the affirmative. Resolutions will be placed on a future agenda.

- 15. **Upper Township Planning Board---Recommendation of amendment to Township Ordinance Chapter 20 regarding small wind energy systems, (resolution and ordinance draft).** Committeeman Curtis Corson abstained from participation in this matter and next senior Committee person, Jay Newman presided over the meeting. Mr. Young discussed that the proposed ordinance amendment has omitted several items

such as not addressing grandfathered lots. The Committee discussed that in order for it to be comprehensive that it be referred back to the Planning Board and recommended that it be included in a Master Plan re-examination.

- 16. Proposed Ordinance-Amending and Supplementing Chapter 20 for Inclusionary Affordable Housing Overlay.** Mr. Young stated that the new COAH rules render our previous Growth Share Ordinance invalid. This ordinance draft includes new formulas or updates that does not need COAH approval. The ordinance is necessary to collect developers’ Growth Share funds for the Township. Motion to place on a future agenda for ordinance introduction, by Frank Conrad, second by Curtis Corson. During roll call vote all four Committee members voted in the affirmative.

**UNFINISHED BUSINESS:**

- 17. No Parking Zone- along Vincent Road between Bayview Drive and Commonwealth Avenue, Strathmere.** Mr. Dietrich reported that requests have been made by Strathmere residents and Fire & Rescue officials to place “No Parking” zones along areas around the Strathmere water tower. He also recommended that “No Parking” zones be placed 100 ft. from Bayview Drive and at various street ends to provide enough room for large fire and rescue vehicles the ability to turn around. An ordinance amendment will be placed on a future agenda and will include the streets listed below.

Amend Ordinance to include the following:

SCHEDULE I - NO PARKING

Street	Location
Vincent Avenue	Both sides of Vincent Avenue a distance of one hundred (100’) feet from the curblineline of Bayview Drive.
Willard Avenue	Both sides of Willard Avenue a distance of forty five (45’) feet from the Easterly terminus of Willard Avenue.
Whittier Avenue	Both sides of Whittier Avenue a distance of forty five (45’) feet from the Easterly terminus of Whittier Avenue.
Vincent Avenue	Both sides of Vincent Avenue a distance of forty five (45’) feet from the Easterly terminus of Vincent Avenue.
Tecumseh Avenue	Both sides of Tecumseh Avenue a distance of forty five (45’) feet from the Easterly terminus of Tecumseh Avenue.
Sumner Avenue	Both sides of Sumner Avenue a distance of forty five (45’) feet from the Easterly terminus of Sumner Avenue.
Sherman Avenue	Both sides of Sherman Avenue a distance of forty five (45’) feet from the Easterly terminus of Sherman Avenue.
Randolph Avenue	Both sides of Randolph Avenue a distance of forty five (45’) feet from the Easterly terminus of Randolph Avenue.
Putnam Avenue	Both sides of Putnam Avenue a distance of forty five (45’) feet from the Easterly terminus of Putnam Avenue.

Prescott Avenue      Both sides of Prescott Avenue a distance of forty five (45') feet from the Easterly terminus of Prescott Avenue.

## **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 to pay the bills by Jay Newman, second by Barbara Camp with all four Committee members present voting in the affirmative.

**Bills approved for payment:            \$266,530.02**  
**Payroll:                                        \$252,133.50**

### **REPORT OF MUNICIPAL DEPARTMENTS:**

- 18. Construction Code**
- 19. Clerk’s Office**
- 20. Animal Control**
- 21. Tax Assessor**
- 22. Municipal Court**
- 23. Finance Office**
- 24. Department of Public Works**
- 25. MUA Report**
- 26. Dept. of EMS**

Reports are available from the Clerk’s Office.

### **PUBLIC COMMENT**

There were no speakers during the Public Comment section of the meeting and motion was made by Curtis Corson, second by Barbara Camp to close the regular portion of the meeting and go into an executive session to discuss items previously identified as follows: Municipal Attorney Daniel Young reported that he has one Litigation matter in regards to the Strathmere condemnation proceedings and one Contract Negotiation matter in regards to the Animal Control contract for discussion in closed session. Frank Conrad has one Personnel matter and Jay Newman has one Potential Litigation item regarding the Paynter matter for discussion in closed session During roll call vote all four Committee members present voted in the affirmative.

### **CLOSED SESSION**

- 27. 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 Barbara Camp to close the executive session of the meeting and to go back into open session. This was seconded by Frank Conrad with all four Committee members present voting in the affirmative.

### **RECONVENE PUBLIC PORTION OF MEETING**

**Committeeman Frank Conrad** stated that both proposals for Animal Control were reviewed and made a motion to accept the Tri-County Animal Control contract at \$18,000 per year. Jay Newman seconded motion with all four Committee members present voting in the affirmative.

Motion was made by Frank Conrad seconded by Barbara Camp to name Dr. Nicholas Holland from Shore Veterinarians the veterinarian of record for the Township of Upper. During roll call vote all four Committee members present voted in the affirmative.

### **ADJOURNMENT**

There was no further business for this evening and the meeting was adjourned at 9:05 P.M., motion by Jay Newman, second by Barbara Camp with all four Committee members present voting in the affirmative. The next meeting is scheduled for January 26, 2009; a Budget Workshop will be held at 6:00 P.M and the regular meeting will begin at 7:30 P.M.

Minutes prepared by

Wanda Gaglione, RMC  
Municipal Clerk

#### Bill list--

48101	01/12/09	A0004	A+ COMMERCIAL OFFICE CLEANERS	4,975.00	2504
48102	01/12/09	A0006	ADVANCE TREADS INC	643.00	2504
48103	01/12/09	A0017	A.C.M. JIF C/O T. FREEDMAN	77,714.00	2504
48104	01/12/09	A0018	ACTION SUPPLY INC.	55.00	2504
48105	01/12/09	A0023	ADAMS, JOHN	8.00	2504
48106	01/12/09	A0025	ADVANTAGE RENTAL ACE HARDWARE	60.11	2504
48107	01/12/09	A0041	ALL ACTION WATER SPORTS, INC.	155.00	2504
48108	01/12/09	A0066	AMERICAN PUBLIC WORKS ASSOC.	152.00	2504
48109	01/12/09	A0091	ATLANTIC CITY ELECTRIC	19,004.33	2504
48110	01/12/09	A0117	AT&T	138.71	2504
48111	01/12/09	B0013	BRADCO SUPPLY CORP.	2,882.80	2504
48112	01/12/09	B0035	BELMONT & CRYSTAL SPRINGS	14.09	2504
48113	01/12/09	C0021	CIVIL SOLUTION A DIVISION	917.50	2504
48114	01/12/09	C0031	CAPE ASSIST	200.00	2504
48115	01/12/09	C0046	CAPE MAY COUNTY CLERK	16.00	2504
48116	01/12/09	C0048	CAPE MAY COUNTY MUA	30,658.62	2504
48117	01/12/09	C0060	CAPRIONI'S PORTABLE TOILETS	467.00	2504
48118	01/12/09	C0078	CARTER, EDWARD, SR.	142.94	2504
48119	01/12/09	C0116	CINTAS CORPORATION #158	285.35	2504
48120	01/12/09	C0140	CODED SYSTEMS	3,113.00	2504
48121	01/12/09	C0159	CORSON, CURTIS T.	168.00	2504
48122	01/12/09	C0201	CRUZAN'S TRUCK SERVICE INC.	296.88	2504
48123	01/12/09	D0018	DAVIS, ELIZABETH	62.50	2504
48124	01/12/09	D0026	DEAUGUSTINE, JOE	488.02	2504
48125	01/12/09	D0040	DELTA DENTAL PLAN OF N.J. INC.	5,983.00	2504
48126	01/12/09	D0080	DOWNAM, HARRY J. JR.	407.66	2504
48127	01/12/09	D0128	DAVIS, JAY	160.00	2504

48128 01/12/09 D0130 DuBELL LUMBER CO. 2,832.45 2504  
48129 01/12/09 E0012 EHRlich PEST CONTROL INC 68.00 2504  
48130 01/12/09 E0030 EXECUTIVE BUSINESS PRODUCTS 682.01 2504  
48131 01/12/09 F0014 FACE 134.40 2504  
48132 01/12/09 F0042 FLANAGANS SOUTH AUTO TIRE CENT 130.00 2504  
48133 01/12/09 F0048 FOGG, LESLIE INC. 106.87 2504  
48134 01/12/09 F0054 FORT DEARBORN LIFE INSURANCE 544.98 2504  
48135 01/12/09 G0002 GAGLIONE, WANDA 25.70 2504  
48136 01/12/09 G0006 GARBUTT, PATRICIA A. 8.00 2504  
48137 01/12/09 G0008 GALLO GMC TRUCK SALES INC. 115.82 2504  
48138 01/12/09 G0025 GARDEN SCENTS 242.00 2504  
48139 01/12/09 G0028 GENTILINI FORD 14,608.28 2504  
48140 01/12/09 G0047 GILLESPIE, J.F. INC. 4,972.50 2504  
48141 01/12/09 G0096 GRUND, GEORGE 449.95 2504  
48142 01/12/09 H0018 HAROLD RUBIN/L & H SUPPLY 138.06 2504  
48143 01/12/09 H0057 HISTORICAL PRESERVATION 1,221.00 2504  
48144 01/12/09 I0002 IAAO 350.00 2504  
48145 01/12/09 J0002 J.P. COLLINS CO. 168.80 2504  
48146 01/12/09 J0040 JOHNSON & TOWERS, INC. 891.00 2504  
48147 01/12/09 J0041 JONES, JAMES M. 193.76 2504  
48148 01/12/09 J0042 JP COLLINS CO. 99.80 2504  
48149 01/12/09 K0014 KEENAN, BRIAN 228.36 2504  
48150 01/12/09 K0034 KOHLER, CLAUDE JR. 12.00 2504  
48151 01/12/09 K0037 KOHLER, JOHN F 40.00 2504  
48152 01/12/09 L0030 LAWYERS DIARY AND MANUAL 87.00 2504  
48153 01/12/09 L0034 LAYTON, BRENDA MRS. 1,199.00 2504  
48154 01/12/09 L0040 LEA, SHELLEY 46.98 2504  
48155 01/12/09 L0080 LOWES, INC. 454.47 2504  
48156 01/12/09 L0093 LIPKE, NEAL 371.46 2504  
48157 01/12/09 M0046 MASON, DAVID 36.00 2504  
48158 01/12/09 M0055 MAY, JUDITH 145.00 2504  
48159 01/12/09 M0103 MODERN GAS COMPANY, INC. 828.53 2504  
48160 01/12/09 M0121 McCROSSON, JANET 150.00 2504  
48161 01/12/09 M0174 MCAFEE MEGAN 16.00 2504  
48162 01/12/09 M0199 MacFARLAND, BRENDAN 75.00 2504  
48163 01/12/09 M0204 MANNING MATERIALS 545.00 2504  
48164 01/12/09 M0205 MAC AND MANCO PIZZA 225.00 2504  
48165 01/12/09 M0206 McCARDELL, JOHN 150.00 2504  
48166 01/12/09 N0043 NAPA AUTO PARTS OF S.JERSEY 832.01 2504  
48167 01/12/09 N0045 NJHMFA HSNB AFFORDABILITY SVS 2,000.00 2504  
48168 01/12/09 O0012 OCEAN CITY BD. OF EDUCATION 179.56 2504  
48169 01/12/09 P0008 PALMER, NANCY 25.00 2504  
48170 01/12/09 P0032 PEDRONI FUEL CO. 352.52 2504  
48171 01/12/09 P0064 PITNEY BOWES 210.00 2504  
48172 01/12/09 P0075 POSITIVE PROMOTIONS INC 853.30 2504  
48173 01/12/09 P0082 POTTER, JAY 100.00 2504  
48174 01/12/09 P0084 PROGRESSIVE BUSINESS PUBLICATI 255.60 2504  
48175 01/12/09 P0102 PUBLIC WORKS ASSOC OF N.J. 70.00 2504  
48176 01/12/09 P0104 PASHUCK, SUZANNE 65.89 2504  
48177 01/12/09 Q0008 QUILL CORPORATION 2,242.14 2504  
48178 01/12/09 R0029 RIDDELL/ALL AMERICAN 6,694.57 2504  
48179 01/12/09 R0030 RIGGINS, INC. 5,599.81 2504  
48180 01/12/09 R0059 RUTGERS, THE STATE UNIVERSITY 1,536.00 2504  
48181 01/12/09 R0061 RUTGERS, THE STATE UNIVERSITY 856.00 2504  
48182 01/12/09 R0077 RFP SOLUTIONS, INC 318.24 2504  
48183 01/12/09 S0001 SAM'S CLUB 9.31 2504  
48184 01/12/09 S0021 SCHAFFER, MELLISSA 145.00 2504  
48185 01/12/09 S0036 SCHULER, JAMES 381.07 2504  
48186 01/12/09 S0075 SHARP, RHONDA L. 4.00 2504  
48187 01/12/09 S0085 SHOCKEY'S PURE WATER SYSTEMS 2,340.00 2504  
48188 01/12/09 S0092 SHONE, LEROY 52.00 2504  
48189 01/12/09 S0113 SMITH, THOMAS G. 375.10 2504  
48190 01/12/09 S0126 SPIEGEL, BARBARA 12.72 2504  
48191 01/12/09 S0139 SO. JERSEY WATER COND. INC. 65.79 2504  
48192 01/12/09 S0157 SORENSON, MICHAEL 200.00 2504  
48193 01/12/09 S0216 DEPT.31 OOOO261489 186.53 2504  
48194 01/12/09 T0005 TCTA OF NEW JERSEY 187.50 2504  
48195 01/12/09 T0018 TEKK COMMUNICATIONS 535.27 2504  
48196 01/12/09 T0020 TERWILLIGER, DUANE E. 116.00 2504  
48197 01/12/09 T0026 TEK-TRON 2,114.00 2504  
48198 01/12/09 T0032 THE PRESS & SUNDAY PRESS 22.40 2504

48199 01/12/09 T0040 THE TITLE COMPANY OF N.J. 3,000.00 2504  
48200 01/12/09 T0044 THOMSON, KERRY AGENCY 8,268.00 2504  
48201 01/12/09 T0067 TOWNSHIP OF UPPER PETTY CASH 100.00 2504  
48202 01/12/09 T0074 TRANSAXLE LLC 144.84 2504  
48203 01/12/09 T0097 TRICO EQUIPMENT INC. 304.24 2504  
48204 01/12/09 U0024 UNIVERSAL COMPUTING SERV. INC. 669.80 2504  
48205 01/12/09 U0029 UPPER TOWNSHIP BD.OF EDUCATION 300.00 2504  
48206 01/12/09 U0030 UPPER TOWNSHIP LACROSSE 3,293.50 2504  
48207 01/12/09 U0033 UPPER TOWNSHIP HOCKEY ASSOC. 300.07 2504  
48208 01/12/09 V0004 VAN DUYN BROTHERS 1,162.00 2504  
48209 01/12/09 V0005 VAN EMBDEN,NATHAN, ATTORNEY 2,235.00 2504  
48210 01/12/09 V0013 VERIZON WIRELESS 419.07 2504  
48211 01/12/09 V0022 VERIZON 27.70 2504  
48212 01/12/09 V0024 VAL-U AUTO PARTS L.L.C. 148.29 2504  
48213 01/12/09 W0026 WEINSTEIN SUPPLY CORP. 43.12 2504  
48214 01/12/09 W0030 WEST PUBLISHING CO. 308.33 2504  
48215 01/12/09 W0038 WILLIAMS, JEREMIAH J. 55.92 2504  
48216 01/12/09 X0002 XEROX CAPITAL SERVICES,LLC 233.00 2504  
48217 01/12/09 Y0008 YOUNG, DANIEL J. ESQUIRE PC 34,621.81 2504  
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Amount Paid: \$266,333.71