

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR MAY 24, 2010**

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

Presentation of the Colors by North Cape May Service Unit, Cadette Girl Scouts of the “Girl Scouts of the USA.

ROLL CALL

Frank E. Conrad	Present
Curtis Corson	Present
Kristine Gabor	Present
John “Jay” Newman	Present
Richard Palombo	Absent

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

APPROVAL OF MINUTES - **May 10, 2010 Regular Meeting,
(No Closed Session Minutes)**

Motion was made by Jay Newman, second by Curtis Corson to approve the Minutes as submitted. During roll call vote, three Committee members voted in the affirmative. Jay Newman abstained from voting.

REPORT OF GOVERNING BODY MEMBERS

Frank Conrad: reported on a notice from the New Jersey Department of Transportation regarding the Route 50 bridge project. The project is in the design phase and expected to go out to bid September 2011 and begin construction January of 2012 with a projected completion date of 2013.

Kristine Gabor: reported that she sent a letter to all coaches and board members of Upper Township Recreational Sports programs explaining the budget changes for the various sports programs. Ms. Gabor also requested the letter be posted on the Township website.

Jay Newman: requested that Barbara Spiegel begin the process of obtaining quotes for EMS billing services as the present contract will end in a few months.

Mr. Newman made a motion to hire additional part time EMS personnel Mikhaila Hardin, Bobbi Potter, Adam Kooker, Lauren DiGiovanni, Patrick Dugan, and Steven Nicholsberg. Motion was seconded by Frank Conrad with all four Committee members present voting in the affirmative.

OTHER REPORTS

Daniel Young, Municipal Attorney: had one item for closed session that deals with tax appeals.

Wanda Gaglione, Municipal Clerk, reported on a letter received from a resident that lost several large plantings due to the recent Peach Orchard Road Reconstruction project. Motion was made by Curtis Corson, second by Jay Newman to reimburse resident Lonna Remsen \$300 to replace the bushes that were destroyed. During roll call vote all four Committee members present voted in the affirmative.

Barbara Spiegel, Chief Financial Officer: discussed Local Finance Notice 12-2010 and the recent law with regards to public employees and health benefits. The new law, effective May 21, 2010, requires employees that are not currently under a contract to begin paying 1.5% of their salary toward their health care costs. It was discussed was that all Township employees currently receive the same benefits. Motion was made by Frank Conrad, seconded by Kristine Gabor to group all Township Employees equally with the collective bargaining unit with the fees for the health benefits program effective January 1, 2011. During roll call vote all four Committee members present voted in the affirmative.

PRESENTATION

- 1. Presentation of Resolution No. 094-2010, RE: Honoring Cadette Girl Scouts from Troops of the "Girl Scouts of the USA, North Cape May Service Unit" on attaining their Girl Scout Silver Award: Hannah Annarelli, Rebecca Bross, Shannon Green, Rebecca Kolimaga, Meghan Laverty, Jessica Mruz, and Carly Taylor.**

TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO.094-2010

RE: HONORING CADETTE GIRL SCOUTS FROM TROOPS OF
THE "GIRL SCOUTS OF THE USA, NORTH CAPE MAY SERVICE UNIT"
ON ATTAINING THEIR GIRL SCOUT SILVER AWARD
HANNAH MARIE ANNARELLI, REBECCA LAUREN BROSS, SHANNON MARIE GREEN,
REBECCA ANN KOLIMAGA, MEGHAN LOUISE LAVERTY, JESSICA CHRISTINE MRUZ
AND CARLY ANN TAYLOR

WHEREAS, Cadette Girl Scouts from troops of the "Girl Scouts of the USA, North Cape May Service Unit" have recently achieved the Silver Award which is the highest level of advancement for a Cadette Girl Scout; and

WHEREAS, the Township of Upper wishes to acknowledge this outstanding accomplishment; 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:

RESOLVED THAT this Township Committee extends its sincere congratulations to these graduating Cadette Girl Scouts on the occasion of their receiving the Silver Award and commends them for this outstanding accomplishment; and it is

FURTHER RESOLVED that the Township Committee extends its congratulations and best wishes to their parents, family and friends on this happy occasion; and it is

FURTHER RESOLVED that the Township Committee also extends its congratulations and appreciation to the Scout Leaders and others who give so freely and generously of their time for the benefit of our youth.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 26th day of April, 2010.

Resolution No. 094-2010

Offered by: Conrad

Seconded by: Gabor

Adopted: April 26, 2010

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Conrad	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Corson	<u> x </u>	<u> </u>	<u> </u>	<u> </u>

Gabor	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Newman	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u> x </u>	<u> </u>	<u> </u>	<u> </u>

RESOLUTIONS

2. Honoring Guy Austin Simpson, II on attaining the designation of "Eagle Scout".

TOWNSHIP OF UPPER

CAPE MAY COUNTY

R E S O L U T I O N

RESOLUTION NO. 120-2010

**RE: HONORING GUY AUSTIN SIMPSON, II ON ATTAINING THE
DESIGNATION OF "EAGLE SCOUT"**

WHEREAS, Guy Austin Simpson, II, a resident of Upper Township, has recently achieved the designation of Eagle Scout in the Boy Scouts of America; and

WHEREAS, the Township of Upper wishes to acknowledge this outstanding accomplishment; and

WHEREAS, Guy designed and constructed a 20' x 15' Paver Patio with 25' Flag Pole for the Corbin City Town Hall; and

WHEREAS, Guy met the requirements for and having been examined by an Eagle Scout Board of Review; 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:

RESOLVED THAT this Township Committee extends its sincere congratulations to Guy on the occasion of his receiving the designation of Eagle Scout and commends him for his outstanding accomplishment; and it is

FURTHER RESOLVED that the Township Committee extends its congratulations and best wishes to Guy parents, family and friends on this happy occasion; and it is

FURTHER RESOLVED that the Township Committee also extends its congratulations and appreciation to the Scout Masters and others who give so freely and generously of their time for the benefit of our youth.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 24th day of May, 2010

Resolution No. 120-2010

Offered by: Corson

Seconded by: Newman

Adopted:

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Conrad	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Corson	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Gabor	<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. Congratulating employee Barbara Young of the Upper Township Clerks Office for her winning entry in the Upper Township Safety Award Program for the 2nd quarter of 2010.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 121-2010
RE: CONGRATULATING EMPLOYEE BARBARA YOUNG
OF THE UPPER TOWNSHIP CLERKS OFFICE
FOR HER WINNING ENTRY IN
THE UPPER TOWNSHIP SAFETY AWARD PROGRAM
FOR THE 2ND QUARTER OF 2010**

WHEREAS, employee Barbara Young is recognized for her efforts to promote safety for her fellow employees and residents of the Township through her participation in the Upper Township Safety Award Program with a submission of a safety suggestion; and

WHEREAS, Barbara's safety suggestion was chosen by the Upper Township Safety Committee from the entries submitted in the first quarter for the promotion of safety for employees and the community; and

WHEREAS, Barbara should be publicly recognized for reporting that smoking on the grounds of Township Hall should be in designated areas only; 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. That the Committee extends its appreciation and publicly recognizes Barbara Young on her commitment to safety by identifying a potential hazard and presenting a solution through participation in the program.
2. That the Committee, on behalf of our employees and the citizens of the Township of Upper extend to Barbara Young our congratulations and present her with the "Safety Day Award" of one day off with pay.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper

this 24th day of May, 2010.

Resolution No. -2010

Offered by: Gabor

Second by: Conrad

Adopted: May 24, 2010

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Conrad	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Corson	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Gabor	<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. Honoring Pastor Henry Anderson for his years of service to the Community and the Tuckahoe United Methodist Church and congratulating him on his retirement.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 122-2010
RE: HONORING PASTOR HENRY ANDERSON
FOR HIS YEARS OF SERVICE TO THE COMMUNITY AND
THE TUCKAHOE UNITED METHODIST CHURCH AND
CONGRATULATING HIM ON HIS RETIREMENT**

WHEREAS, Pastor Henry Anderson has been serving the community and the Tuckahoe United Methodist Church with his personable, enthusiastic, and joyful spirit for the past ten years; and

WHEREAS, throughout his dedicated tenure of service “Pastor” has earned the deepest respect and admiration of his colleagues, his parishioners, and the citizens of this community; and

WHEREAS, his inspiring leadership and dedication have been powerful influences for good in the spiritual growth and progress of this community; and

WHEREAS, he demonstrated these qualities each day through his devoted work with his congregation as well as community related activities such as the Upper Township Pastor’s Fellowship, the Community Food Pantry, Christmas and Easter Basket collections, and programs for the needy and homeless.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, that we extend to Pastor Anderson, his wife, Kay, and their children our heartfelt thanks and gratitude for the generous donation of his time and service to this community and wish him well in his future endeavors.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 24th day of May, 2010.

Resolution No. 122-2010

Offered by: Conrad

Seconded by: Newman

Adopted: May 24, 2010

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Conrad	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Corson	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Gabor	<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>

***5. Appointment of Joanne Herron as a full time employee to the Upper Township Clerk’s Office.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 123-2010
RE: APPOINTMENT OF JOANNE HERRON
AS A FULL-TIME EMPLOYEE TO THE UPPER TOWNSHIP CLERK’S OFFICE**

WHEREAS, a need exists to appoint an additional full-time employee to the Clerk's Office; and

WHEREAS, a recommendation has been made to the Township Committee and duly considered at the meeting of May 10, 2010; 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. Joanne Herron is hereby appointed as a full-time employee to the Clerk's Office effective June 1, 2010, at an annual salary of \$28,000.00 as established in the current Salary Ordinance of the Township.

3. This Resolution ratifies, confirms and approves action taken by the Township Committee, by motion, at the meeting of May 10, 2010.

Resolution No. 123-2010

Offered by: Conrad

Seconded by: Newman

Adopted: May 24, 2010

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Conrad	<u> x </u>	_____	_____	_____
Corson	<u> x </u>	_____	_____	_____
Gabor	<u> x </u>	_____	_____	_____

Newman x
Palombo x

6. Authorizing the extension of a Shared Services Agreement with the Borough of Woodbine and the Township of Dennis for the sharing of a radar equipped vehicle for an additional term of one (1) year commencing July 1, 2010 to June 30, 2011.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 124-2010**

RE: AUTHORIZING THE EXTENSION OF A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF WOODBINE AND THE TOWNSHIP OF DENNIS FOR THE SHARING OF A RADAR EQUIPPED VEHICLE FOR AN ADDITIONAL TERM OF ONE (1) YEAR COMMENCING JULY 1, 2010 TO JUNE 30, 2011

WHEREAS, pursuant to Ordinance No. 4-1999, the Township of Upper was authorized to enter into a Shared Services Agreement with the Municipalities of Woodbine and Dennis Township for the sharing of a radar equipped vehicle; and

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

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

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

1. The allegations of the preamble are incorporated herein by reference.
2. The Shared Services Agreement, dated May 10, 1999, entered into by municipalities of Woodbine and Dennis Township for sharing of a radar equipped vehicle is hereby extended for an additional term of one (1) year, commencing July 1, 2010 through and inclusive of June 30, 2011, upon the same terms and conditions.

3. In accordance with paragraph 3 of the Agreement of May 10, 1999, Upper Township and Woodbine agree to compensate Dennis Township, as purchaser of the radar vehicle, an annual payment in the amount of \$1,000.00; and in accordance with paragraph 4 of the Agreement, Dennis Township will provide evidence of insurance in the prescribed amounts naming the Township of Upper as an additional insured.
4. Paragraph 5 of Item 2 of the Agreement of May 10, 1999 is hereby deemed amended so that the Contract term will expire on June 30, 2011.
5. This Resolution extending the term of the aforesaid Contract is conditioned upon similar action being taken by the Governing Body of the Borough of Woodbine and the Township of Dennis.
6. All officers and officials of the Township of Upper are authorized, directed and empowered to take such action as may be reasonable, required or necessary to carry out the intent and purpose of this Resolution.

Resolution No. 124-2010

Offered by: Conrad

Seconded by: Newman

Adopted: May 24, 2010

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Conrad	<u> x </u>	_____	_____	_____
Corson	<u> x </u>	_____	_____	_____
Gabor	<u> x </u>	_____	_____	_____
Newman	<u> x </u>	_____	_____	_____
Palombo	_____	_____	_____	<u> x </u>

7. **Accepting the written indoor Air Quality Program and confirming the appointment of Paul E. Dietrich as Air Quality Control Officer in charge of compliance of the program, pursuant to the "PEOSH", Indoor Air Quality Compliance Program under N.J.A.C. 12:100-13.**

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 125-2010
RE: ACCEPTING THE WRITTEN INDOOR AIR QUALITY PROGRAM AND
CONFIRMING THE APPOINTMENT OF PAUL E. DIETRICH
AS AIR QUALITY CONTROL OFFICER IN CHARGE OF COMPLIANCE OF THE

PROGRAM, PURSUANT TO THE “PEOSH”, INDOOR AIR QUALITY COMPLIANCE PROGRAM UNDER N.J.A.C. 12:100-13

WHEREAS, the Township of Upper in order to comply with the Public Employees Occupational Safety and Health (PEOSH), Indoor Air Quality Standard Program pursuant to N.J.A.C. 12:100-13 adopted on May 21, 2007, and established a program in February 2008, attached as Exhibit “A”, to promote good indoor air quality for employees working in Township of Upper municipal buildings; and

WHEREAS, to further comply with the PEOSH Program for Indoor Air Quality Standards an appointment is necessary to designate a person responsible for the enforcement and compliance of the requirements of N.J.A.C. 12-100-13 and the established program policies of the Township of Upper; and

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

1. The Indoor Air Quality Program, updated April 28, 2010 and attached as Exhibit “A” is hereby accepted by the Township of Upper.
2. Paul E. Dietrich is hereby appointed as the Indoor Air Quality Control Officer in charge of compliance of the Public Employees Occupational Safety and Health (PEOSH) Indoor Air Quality Program for 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.
4. This Resolution ratifies, confirms and approves action taken by the Township Committee, by motion, at the meeting of February 11, 2008.

Resolution No. 125-2010

Offered by: Corson

Seconded by: Gabor

Adopted: May 24, 2010

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Conrad	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Corson	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Gabor	<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>

8. Appointing the 2010 Beach Patrol personnel.

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

RESOLUTION NO. 126-2010

RE: APPOINTING THE 2010 SEASON BEACH PATROL PERSONNEL

WHEREAS, the individuals hereinafter named have been determined to possess the requisite skills, training and are otherwise eligible for appointment to the position of lifeguard; and

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

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

2. The following individuals are appointed as lifeguards in the Township of Upper at a salary as stated below in accordance with the Salary Ordinance:

LIEUTENANTS

JASON MARSHALL	\$15.75 per hour
MICHAEL MANNING	\$15.75 per hour

RETURNING GUARDS

WILLIAM DOONER	\$10.75 per hour
CARLY COX	\$10.75 per hour
BLAKE BOFFA	\$10.75 per hour
CARA L. THOMAS	\$10.75 per hour
ZACHARY KRANFELD	\$11.45 per hour
MARYELLEN CURRAN	\$11.45 per hour
KELLY MCHALE	\$11.45 per hour
ANDREW TOBIASEN	\$11.75 per hour
TIMOTHY DRAKE	\$11.45 per hour
PATRICK CURRAN	\$11.75 per hour
NICHOLAS ROASH	\$10.75 per hour

ROOKIE GUARDS

ELIZABETH MILLAR	\$10.25 per hour
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3. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Offered by: Conrad

Seconded by: Gabor

Adopted: May 24, 2010

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Conrad	x			
Corson	x			
Gabor	x			
Newman	x			
Palombo				x

9. Appointment of Luke Hogan, Michael Pfaff, and Hillary Morris as Part-Time Seasonal Beach Sweepers to the Upper Township Recreation Department

TOWNSHIP OF UPPER

CAPE MAY COUNTY

R E S O L U T I O N

RESOLUTION NO. 127-2010

RE: APPOINTMENT OF LUKE HOGAN, MICHAEL PFAFF, AND HILLARY MORRIS AS PART-TIME SEASONAL BEACH SWEEPERS TO THE UPPER TOWNSHIP RECREATION DEPARTMENT

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

WHEREAS, a recommendation has been made to the Township Committee and duly considered at the meeting of May 10, 2010; 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. Luke Hogan, Michael Pfaff and Hillary Morris are hereby appointed in part-time seasonal positions as beach sweepers, effective immediately at a salary of \$10.50 per hour in accordance with the Salary Ordinance.

3. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Resolution No. 127-2010

Offered by: Gabor

Seconded by: Conrad

Adopted: May 24, 2010

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Conrad	<u> x </u>	_____	_____	_____
Corson	<u> x </u>	_____	_____	_____
Gabor	<u> x </u>	_____	_____	_____
Newman	<u> x </u>	_____	_____	_____
Palombo	_____	_____	_____	<u> x </u>

10. Chapter 159 Resolution for the insertion of a special item of revenue into the 2010 Budget that was not determined at the time of the adoption of the Budget—State of New Jersey 2010 Clean Communities Grant Program in the amount of \$28,689.30

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 128-2010

**RE: CHAPTER 159 RESOLUTION FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE INTO THE 2010 BUDGET THAT WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET—STATE OF NEW JERSEY
2010 CLEAN COMMUNITIES GRANT PROGRAM
IN THE AMOUNT OF \$28,689.30**

WHEREAS, N.J.S. 40A-87 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY WHEN SUCH ITEM SHALL HAVE BEEN MADE AVAILABLE BY LAW AND THE AMOUNT THEREOF WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET; AND

WHEREAS, SAID DIRECTOR MAY ALSO APPROVE THE INSERTION OF AN ITEM OF APPROPRIATION FOR AN EQUAL AMOUNT; AND

WHEREAS, THE TOWNSHIP OF UPPER WILL RECEIVE AN AMOUNT OF \$28,689.30 FROM THE 2010 CLEAN COMMUNITIES GRANT PROGRAM AND WISHES TO AMEND ITS 2010 BUDGET TO INCLUDE A PORTION OF THIS AMOUNT AS A REVENUE.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HEREBY REQUESTS THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES APPROVE THE INSERTION OF AN ADDITIONAL ITEM OF REVENUE IN THE BUDGET OF THE YEAR 2010 IN THE SUM OF \$28,689.30 FOR A TOTAL GRANT OF \$28,689.30, WHICH IS NOW AVAILABLE AS A REVENUE FROM:

REVENUE: STATE & FEDERAL REVENUE OFFSET WITH APPROPRIATIONS:
2010 CLEAN COMMUNITIES GRANT PROGRAM, AND

BE IT FURTHER RESOLVED THAT A LIKE SUM OF \$28,689.30 FOR A TOTAL GRANT OF \$28,689.30 BE AND THE SAME IS HEREBY APPROPRIATED UNDER THE CAPTION OF:

APPROPRIATION: STATE AND FEDERAL PROGRAMS OFFSET BY REVENUE:
2010 CLEAN COMMUNITIES GRANT PROGRAM

BE IT FURTHER RESOLVED, THAT THE TOWNSHIP CLERK FORWARD TWO COPIES OF THIS RESOLUTION TO THE DIRECTOR OF LOCAL GOVERNMENT SERVICES.

Resolution No. 128-2010

Offered by: Conrad

Seconded by: Corson

Adopted: May 24, 2010

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Conrad	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Corson	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Gabor	<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>

11. Tax Refund.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
Resolution No. 129-2010

TAX 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. 129-2010

Offered by: Conrad Seconded by: Newman

Adopted: May 24, 2010

Roll Call Vote:

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

REFUND 2010

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
453.10/358	\$746.17	BAC TAX SERVICES CORP PO BOX 10211 MS:CA0-911-01-03 VAN NUYS, CA 91410-0211

(MTG CO.& TITLE CO BOTH PAID 2ND QTR 2010 TAXES)

12. Authorizing the amendment of the Professional Services contract with J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 130-2010
RE: AUTHORIZING THE AMENDMENT OF THE PROFESSIONAL SERVICES
CONTRACT WITH J.P. BAINBRIDGE & ASSOCIATES, INC AND
J. PAUL BAINBRIDGE**

WHEREAS, the Township of Upper and J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge (hereinafter “Bainbridge”) entered into a contract on January 25, 2010 for appraisal services pursuant to Resolution No. 042-2010; and

WHEREAS, the Township Committee has determined that there is a need for additional appraisal services from Bainbridge with regard to various other ongoing tax appeals and Bainbridge has provided a proposal to perform such additional services; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township to authorize an amendment to the existing professional services contract with Bainbridge as hereinafter provided; and

WHEREAS, the Township Solicitor has determined that the services provided pursuant to the amendment to the existing contract with Bainbridge are professional services and that the award of the amended contract may be made without competitive bid; and

WHEREAS, the Treasurer has certified the availability of funds to permit the Township to enter into the Amendment to the Professional Services Contract as aforesaid.

WHEREAS, J. P. Bainbridge & Associates, Inc. and J. Paul Bainbridge have completed and submitted a Business Entity Disclosure Certification which certifies that J. P. Bainbridge & Associates, Inc. and J. Paul Bainbridge have 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 J. P. Bainbridge & Associates, Inc. and J.P. Bainbridge 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 proposal of Bainbridge to amend the existing contract with the Township, as set forth in Exhibit A attached hereto, is hereby accepted subject to the provisions of this Resolution.
3. The Mayor and the Township Clerk are hereby authorized, directed and empowered to enter into an amendment to the professional services contract with Bainbridge. An amendment to the contract shall be prepared or approved by the Township Solicitor.
4. The Township Clerk is further authorized, directed and empowered to seal said amendment to the contract with the seal of the Township of Upper.
5. The Township Clerk shall cause a Notice of Award of this Amendment to Contract to be published in the official newspaper of the Township as required by N.J.S.A. 40A:11-5.
6. This Amendment to Contract is for a Professional Services Contract and has been awarded without competitive bidding.
7. A certified copy of this Resolution shall be provided to Bainbridge.
8. This Resolution shall take effect immediately and shall memorialize the decisions of the Township Committee at its meeting on May 24, 2010.

Resolution No. 130-2010
Offered by: Conrad

Seconded by: Corson

Adopted: May 24, 2010

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Conrad	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Corson	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Gabor	<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>

13. Resolution to authorize Wawa Gift Cards to employees of the Public Works and Recreation Departments.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 131-2010

**RE: RESOLUTION TO AUTHORIZE WAWA GIFT CARDS TO EMPLOYEES OF THE
PUBLIC WORKS AND RECREATION DEPARTMENTS**

WHEREAS, the Township Committee wishes to express their gratitude to the employees of the Public Works and Recreation Departments for their hard work and dedication during the series of winter storms the Township experienced in 2009-2010; and

WHEREAS, the Township Committee in confirmation of its authorization on February 23, 2010 hereby wishes to award a \$25.00 Wawa gift card to each employee of the Public Works and Recreation Departments;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that a \$25.00 Wawa gift card be given to each employee of the Public Works and Recreation Departments.

Resolution No. 131-2010

Offered by: Corson

Seconded by: Newman

Adopted: May 24, 2010

Roll Call Vote:

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

Corson	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Gabor	<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

14. Public Hearing and Final Adoption of ORDINANCE NO. 005-2010 RE: AN ORDINANCE AUTHORIZING A STORM DRAINAGE EASEMENT AGREEMENT BETWEEN THE TOWNSHIP OF UPPER AND THE COUNTY OF CAPE MAY ALONG OLD TUCKAHOE ROAD, UPPER TOWNSHIP, NEW JERSEY. During the public portion of the hearing there were no speakers from the public. Motion was made by Jay Newman, seconded by Frank Conrad to adopt the ordinance. During roll call vote all four Committee members present voted in the affirmative.

TOWNSHIP OF UPPER

CAPE MAY COUNTY

O R D I N A N C E

ORDINANCE NO. 005-2010

RE: AN ORDINANCE AUTHORIZING A STORM DRAINAGE EASEMENT AGREEMENT BETWEEN THE TOWNSHIP OF UPPER AND THE COUNTY OF CAPE MAY ALONG OLD TUCKAHOE ROAD, UPPER TOWNSHIP, NEW JERSEY

WHEREAS, the County of Cape May with an office at 4 Moore Road, Cape May Court House, New Jersey has submitted a proposed Storm Drainage Easement Agreement to the Township of Upper which provides for a perpetual storm drainage easement and right of way over an Upper Township road commonly known as Old Tuckahoe Road, Upper Township, Cape May County, New Jersey; and

WHEREAS, the Township of Upper, owns and maintains the road known as Old Tuckahoe Road, and wishes to accept said Storm Drainage Easement Agreement and authorize the execution of said Agreement; and

WHEREAS, the Storm Drainage 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 the County of Cape May a perpetual storm drainage easement over the road commonly known as Old Tuckahoe Road, Upper Township, Cape May County, New Jersey.

SECTION 2: The Township of Upper shall enter into a Storm Drainage Easement Agreement with the County of Cape May wherein the Township of Upper shall grant a perpetual storm drainage easement and right of way over said road, as more particularly described in Exhibit A attached hereto.

SECTION 3: The Mayor, Township Clerk and other Township officers and representatives are hereby authorized, directed and empowered to execute a Storm Drainage Easement Agreement, on behalf of Upper Township, with the County of Cape May to install, operate, maintain, add, extend, relocate and remove storm drains and accessories and appurtenance thereto to provide such services under the Township=s road commonly known as Old Tuckahoe Road, Upper Township, Cape May County, New Jersey, as more particularly described in Exhibit A attached hereto.

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 26TH OF APRIL, 2010 AND WAS 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 24TH DAY OF MAY, 2010 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

14. **Patricia McMasters, request for zone reclassification, Block 548, Lots 10 and 12.** It was discussed that this could be a difficult request to get state approval as the NJDEP has in the past been reluctant to reclassify any Conservation zoned lands; and that perhaps it might be easier to apply for a variance if the applicant chooses so. Motion was made by Jay Newman, second by Frank Conrad to refer this request to the Planning Board for review and report. During roll call vote all four Committee members voted in the affirmative.

15. **ALS Express Bike Ride, Sponsor-ALS Association-Philadelphia Chapter, June 19, 2010—request permission for event route to run through a portion of Upper Township.** An insurance certificate has been submitted and approved by the Risk Management Consultant. Motion was made by Jay Newman, second by Frank Conrad to grant the request. During roll call vote the four Committee members present voted in the affirmative.

16. **Request to join South Jersey Power Cooperative.** The Township is currently a member of the Cape May County Co-Op, and the Co-Op is also a member of the South Jersey Cooperative and as a result the Township is able to take advantage of program through the County. It was also discussed that by signing the contract the Township is entering into a 2-year commitment. Motion to authorize participation in the program by Curtis Corson, second by Frank Conrad. During roll call vote all four Committee members present voted in the affirmative.

UNFINISHED BUSINESS:

17. **Street Vacation for Rue and Fagan, Block 827, Strathmere.** Motion was made by Curtis Corson, second by Jay Newman to table the request to a future agenda for further discussion with the Engineer.

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 was made by Jay Newman, seconded by Frank Conrad to approve all bills submitted for payment.

Bills submitted for payment: \$66,004.86
Payroll: \$164,132.32

REPORT OF MUNICIPAL DEPARTMENTS:

- 18. **Zoning Board-2009 review and recommendations.**
- 19. **JIF Safety Committee-Safety Coordinator Mid Year Report.**
Reports are available from the Clerk’s Office.

PUBLIC COMMENT

Ted Kingston, Strathmere, discussed the UT School Board Budget Process. He reported on the School Board meeting that occurred after the last Township Committee meeting and how the recommendations for budget cuts made by the Township Committee were utilized by the School Board. He was not in agreement with the manner in which the School Board reduced the budget.

CLOSED SESSION

- 20. **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 Jay Newman, second by Frank Conrad to close the regular portion of the meeting and go into an executive session. During roll call vote all four Committee members present voted in the affirmative.

Resolution 132-2010
MOTION GOING INTO CLOSED SESSION
May 24, 2010

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

MATTERS:

Litigation – tax appeals

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

- A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.
- B. With respect to litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.

Moved by: Jay Newman

Motion seconded: Frank Conrad

During roll call vote all four Committee members voted in the affirmative.

RECONVENE PUBLIC PORTION OF MEETING

ADJOURNMENT

There was no further business for this evening and the meeting was adjourned at 8:28 P.M., motion by Jay Newman, second by Frank Conrad. During roll call vote all four Committee members present voted in the affirmative. Next meeting scheduled for June 14, 2010, at 7:30 P.M.

Minutes prepared by

Wanda Gaglione, RMC
Municipal Clerk

Bill List

51450 05/25/10 A0006 ADVANCE TREADS INC 385.00 2599
51451 05/25/10 A0015 ADVANCE LEARNING 99.00 2599
51452 05/25/10 A0023 ADAMS, JOHN 141.54 2599
51453 05/25/10 A0025 ADVANTAGE RENTAL ACE HARDWARE 103.60 2599
51454 05/25/10 A0027 ACE PLUMBING SUPPLY, INC 479.62 2599
51455 05/25/10 A0082 ARMSTRONG, JOSHUA 259.96 2599
51456 05/25/10 A0091 ATLANTIC CITY ELECTRIC 6,073.24 2599
51457 05/25/10 A0125 AVALON WEED & INSECT CONTROL 1,000.00 2599
51458 05/25/10 B0035 BELMONT & CRYSTAL SPRINGS 137.25 2599
51459 05/25/10 B0160 BONNER, ROSEMARY 418.18 2599
51460 05/25/10 B0178 BUGANSKI, PETER R. 150.00 2599
51461 05/25/10 B0182 BRIGGS LAW OFFICE, P.C. 1,152.79 2599
51462 05/25/10 C0030 CAMP, BARBARA 182.00 2599
51463 05/25/10 C0047 COUNTY OF CAPE MAY 285.00 2599
51464 05/25/10 C0061 CAPRIONI FAMILY SEPTIC 340.00 2599
51465 05/25/10 C0068 COMCAST 109.98 2599
51466 05/25/10 C0072 CATERINA SUPPLY INC. 813.00 2599
51467 05/25/10 C0077 CHERRY VALLEY TRACTOR SALES 504.47 2599
51468 05/25/10 C0131 CINTAS FIRST AID & SAFETY 51.97 2599
51469 05/25/10 C0175 COUNTRY SHORE WOMEN'S CLUB 40.00 2599
51470 05/25/10 C0201 CRUZAN'S TRUCK SERVICE INC. 165.02 2599
51471 05/25/10 C0223 CASA PAYROLL SERVICE 218.35 2599
51472 05/25/10 D0040 DELTA DENTAL OF N.J. INC. 6,604.89 2599
51473 05/25/10 D0133 DOLLARD-BAKER SEW AND VAC 60.00 2599

51474 05/25/10 E0012 EHRLICH PEST CONTROL INC 71.00 2599
51475 05/25/10 F0053 FORD, SCOTT & ASSOCIATES 9,000.00 2599
51476 05/25/10 G0008 GALLO GMC TRUCK SALES INC. 380.97 2599
51477 05/25/10 G0028 GENTILINI FORD 46.66 2599
51478 05/25/10 H0012 HALL,ARTHUR 84.97 2599
51479 05/25/10 H0018 HAROLD RUBIN/L & H SUPPLY 106.24 2599
51480 05/25/10 I0023 IIMC 125.00 2599
51481 05/25/10 J0040 JOHNSON & TOWERS, INC. 91.00 2599
51482 05/25/10 K0037 KOHLER, JOHN F 385.52 2599
51483 05/25/10 K0047 KLINE, EDWARD T. 73.96 2599
51484 05/25/10 L0040 LEA, SHELLEY 150.00 2599
51485 05/25/10 L0080 LOWES, INC. 88.75 2599
51486 05/25/10 M0059 MCDANIELS, WILLIAM J. III 46.00 2599
51487 05/25/10 M0080 McMANIMON & SCOTLAND,L.L.C. 2,683.97 2599
51488 05/25/10 M0103 MODERN GAS COMPANY, INC. 1,702.38 2599
51489 05/25/10 M0188 MCCARTHY TIRE SERVICE OF PHILA 1,062.85 2599
51490 05/25/10 M0217 MUNICIPAL EMERGENCY SERVICES 1,181.98 2599
51491 05/25/10 N0043 NAPA AUTO PARTS OF S.JERSEY 267.04 2599
51492 05/25/10 P0001 PC WEATHER PRODUCTS INC. 720.00 2599
51493 05/25/10 P0008 PALMER, NANCY 55.00 2599
51494 05/25/10 P0032 PEDRONI FUEL CO. 2,126.46 2599
51495 05/25/10 P0037 PENN-JERSEY BLDG MTRL CO INC 448.20 2599
51496 05/25/10 P0056 TURF EQUIPMENT AND SUPPLY CO 212.89 2599
51497 05/25/10 P0064 PITNEY BOWES 210.00 2599
51498 05/25/10 P0096 PREVITI,MICHELE M. 42.07 2599
51499 05/25/10 Q0008 QUILL CORPORATION 984.40 2599
51500 05/25/10 R0030 RIGGINS, INC. 4,338.29 2599
51501 05/25/10 R0073 RICOH AMERICAS CORPORATION 512.10 2599
51502 05/25/10 R0092 RUTGERS, THE STATE UNIVERSITY 155.00 2599
51503 05/25/10 S0020 AM SAN 892.80 2599
51504 05/25/10 S0056 SEASHORE ASPHALT CORPORATION 99.75 2599
51505 05/25/10 S0075 SHARP,RHONDA L. 29.00 2599
51506 05/25/10 S0121 SMUZ, THERESE A 37.09 2599
51507 05/25/10 S0122 SOMERS POINT LUMBER INC. 175.01 2599
51508 05/25/10 S0126 SPIEGEL, BARBARA 137.50 2599
51509 05/25/10 S0134 SO. JERSEY GAS COMPANY 676.31 2599
51510 05/25/10 S0139 SO. JERSEY WATER COND. INC. 687.80 2599
51511 05/25/10 S0196 STEWART BUSINESS SYSTEMS LLC 3,102.61 2599
51512 05/25/10 S0239 SHORE VET. ANIMAL CONTROL 2,050.00 2599
51513 05/25/10 T0006 TCTA OF NJ C/O K. VERDOLINA 185.00 2599
51514 05/25/10 T0032 THE PRESS & SUNDAY PRESS 366.86 2599
51515 05/25/10 T0034 THE PAPER OF U.T./GAZETTE 742.50 2599
51516 05/25/10 T0044 THOMSON, KERRY AGENCY 2,265.50 2599
51517 05/25/10 T0067 TOWNSHIP OF UPPER PETTY CASH 40.67 2599
51518 05/25/10 T0074 TRANSAXLE LLC 215.85 2599
51519 05/25/10 T0131 TROUT, ROSEMARY 64.00 2599
51520 05/25/10 U0011 UPPER TOWNSHIP BASEBALL 262.50 2599
51521 05/25/10 U0025 UNITED STATES POSTAL SERVICE 1,500.00 2599
51522 05/25/10 U0034 UPPER TWP.GIRLS SOFTBALL ASSOC 262.50 2599
51523 05/25/10 U0055 U.T. CHALLENGER PROGRAM 859.74 2599
51524 05/25/10 V0018 VILLAGE PHARMACY, INC. 241.32 2599
51525 05/25/10 V0022 VERIZON 2,917.75 2599
51526 05/25/10 V0024 VAL-U AUTO PARTS L.L.C. 62.16 2599
51527 05/25/10 V0026 VITAL COMPUTER RESOURCES, INC. 61.75 2599
51528 05/25/10 W0060 WOOLLEY, THOMAS 150.00 2599
51529 05/25/10 Y0008 YOUNG, DANIEL J. ESQUIRE PC 45.16 2599
51530 05/25/10 TAX02010 TAX OVERPAYMENT LUMP SUM 746.17 2600
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Total: \$66,004.86