

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
MINUTES FOR APRIL 28, 2003**

**REGULAR MEETING OF THE TOWNSHIP COMMITTEE –4:00 P.M.**  
**After the regular portion of the meeting there will be Discussion with the UPPER**  
**TOWNSHIP BOARD OF EDUCATION---REGARDING THE DEFEATED 2003/2004**  
**SCHOOL DISTRICT BUDGET.**

**CALL TO ORDER**

**SUNSHINE ANNOUNCEMENT**

**SALUTE TO THE FLAG**

**ROLL CALL**

<b>David Bucciarelli</b>	<b>Present</b>
<b>Curtis Corson</b>	<b>Present</b>
<b>Andrew McCrosson</b>	<b>Present</b>
<b>John “Jay” Newman</b>	<b>Present</b>
<b>Richard Palombo</b>	<b>Present</b>

**APPROVAL OF MINUTES - April 14, 2003 Regular Meeting and  
Closed Session Minutes**

The Minutes were approved as written, motion by David Bucciarelli, second by Andrew McCrosson with all five Committeemen voting affirmative.

**REPORT OF GOVERNING BODY MEMBERS**

**David Bucciarelli**, motioned to authorize the purchase of a truck which was budgeted for the Recreation Department. Motion was seconded by Andrew McCrosson with all five Committeemen voting affirmative.

Regarding summer season hires for the Recreation Dept., motion by David Bucciarelli second by Andrew McCrosson to hire Raylon Armstrong, Kelly Forsstrom, Michael Mayne, and Mark Mathis at the rate specified in the Salary Ordinance. During roll call vote all five Committeemen voted in the affirmative.

He discussed that Steven Turner one of our Boat Ramp attendants for the last two years, will not be returning this year. Moved to advertise for another attendant, and to rehire Clive Hope back again this year. Moved by David Bucciarelli, second by Curtis Corson with all five Committeemen voting in favor. The ramp will open on Memorial Day.

He also announced that Tuckahoe Fire Company will hold their housing ceremony for their new fire truck this weekend. This year is also their 75<sup>th</sup> anniversary and they are expecting a large crowd of people. They asked Mr. Bucciarelli for the use of two sets of bleachers from the Recreation Dept. for seating. Moved by David Bucciarelli, second by Jay Newman to let the Fire Company borrow them but that the Township Rec. Dept. would set them up and take them down. All five Committeemen voted in favor during roll call vote.

Mr. Bucciarelli discussed the need for guidelines for use of the Community Center building and the need for a part-time person to man the building during events. Moved by David Bucciarelli, second by Jay Newman with all five voting affirmative.

**Andrew McCrosson**, discussed the Gypsy Moth suppression program scheduled to begin on or about May 5 and run through the end of the month. A safe insecticide, Bt, is being used. Three areas have been designated by the State of New Jersey as areas of heavy infestation. They are located along a portion of Tuckahoe Road and down Butter Rd., along Rt. 49 near Head of the River, and the third area is located at Rt. 50 and Tyler Road. Proper notices have been given; both mailed to affected properties as well as public newspaper advertisements.

**Jay Newman**, he also mentioned the Tuckahoe Fire Company's 75th Anniversary and Fire Truck housing celebration this Sunday. Tuckahoe Fire Company is the oldest company in operation in the Township.

He also announced that an Animal Shelter Committee meeting will be held this Wednesday at 7:30 P.M.

**Richard Palombo, Mayor**, read the resolution congratulating Tuckahoe Fire Company on their 75<sup>th</sup> anniversary and for the housing of their new fire truck on May 4th. Moved to accept resolution by Richard Palombo, second by Andrew McCrosson with all five voting in the affirmative. Resolution is printed in full later in the Minutes.

He also spoke about the antique restored luggage cart in the lobby of the Township Hall. It was donated by Curtis Corson and was restored by the UT Historical Preservation Society members—Charles Burnly, Ralph Regan, David Thompson and James Dunn.

He congratulated employee Carol Rosiak for successfully completing her latest class in a series of three necessary to sit for the State exam for Tax Collector certification—*Municipal Tax Collection 1*.

He also made a motion in support of recognizing the month of May as spay and neuter your animal month in Cape May County. This was seconded by Andrew McCrosson with all five Committeemen voting in favor.

## **OTHER REPORTS**

**Paul Dietrich** reported on the skate park proposed for Amanda's Field. The Committee appointed a board to oversee the construction and operation in order to comply with JIF. The board members are David Bucciarelli, Brenda Layton, Paul Dietrich, Jay Potter, Jeff Pierson, and Steven Martinelli. Moved by David Bucciarelli, second by Jay Newman with all five Committeemen voting in the affirmative.

He also reported on the Rescue Squad building in that the shell of the building is complete.

## **PUBLIC COMMENT**

**Linda Gentile**, thanked the Township Committee for their support of naming the month of May spay and neuter your animal, month in Cape May County.

She had a question on new animal shelter ordinance No. 001-2003 as to what the existing adoption fee is. The new ordinance refers to section 8-9 of Revised Ordinances--those fees do not change.

She also reported that the MAC is sponsoring a 50-minute parenting program on Wednesday night and invited anyone interested to attend.

**Ted Klepac, Information Officer**, reminded everyone that May 1<sup>st</sup> is National Day of Prayer.

**Brenda Layton**, informed everyone that this Saturday the MAC is holding their Hooked on Fishing event for Upper Township children.

**Bob Novak**, discussed the amount of water New Jersey American Water Co. takes out of the aquifer. Engineer Paul Dietrich stated that the water company draws from the Kirkwood aquifer, not the one residents from the Township draw from—the Cohansey. Mr. Dietrich reported that the water company is required to submit quarterly reports to the D.E.P. on the amount of water drawn, and that the Township does not get a copy of this report. He advised Mr. Novak to contact the County Freeholders to obtain a copy of that report.

## **ORDINANCES**

- 1. Public Hearing and Final Adoption of Ordinance No. 010-2002, An Ordinance vacating certain unimproved streets known as Arbutus Road abutting Block 285 and Block 286; Laurel Road abutting Block 286 and Block 287; and Ocean Road abutting Blocks 285, 286, 287 and 288 as the same appear on the current official Tax Map of the Township of Upper, Cape May County, New Jersey.**

During the Public Comment section of the hearing, no comments were received. Applicant will be required to record a deed of consolidation prior to any construction permit being issued. Moved to adopt ordinance by Andrew McCrosson, second by David Bucciarelli with all five Committeemen voting in favor.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
O R D I N A N C E  
ORDINANCE NO. 010-2002  
AN ORDINANCE VACATING CERTAIN UNIMPROVED STREETS,  
KNOWN AS ARBUTUS ROAD ABUTTING BLOCK 285 AND BLOCK 286;  
LAUREL ROAD ABUTTING BLOCK 286 AND BLOCK 287; AND  
OCEAN ROAD ABUTTING BLOCKS 285, 286, 287 AND 288  
AS THE SAME APPEAR ON THE CURRENT OFFICIAL TAX MAP OF THE  
TOWNSHIP OF UPPER, CAPE MAY COUNTY, 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**, James V. Flukey, Jr. is the owner of each of the individual lots comprising all of Tax Block 285, Tax Block 286, Tax Block 287 and Tax Block 288 on the current Official Tax Map of the Township of Upper and has requested the Township to

vacate those certain unimproved streets described in this Ordinance and has agreed to incur all costs and expenses associated therewith; 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 construct said roadways but nevertheless the adoption of this Ordinance is expressly conditioned upon and subject to the condition of James V. Flukey, Jr. executing a Deed of Consolidation combining and consolidating each of the lots and parcels in each of the Tax Blocks aforesaid, that is, Block 285, Block 286, Block 287 and Block 288, into a single lot in each of the aforesaid blocks so that each of the aforesaid Tax Blocks will contain but one (1) lot and one (1) line item;

**WHEREAS**, it is deemed to be in the public interest to vacate an unimproved portion of certain streets or rights-of-way 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  
THOSE UNIMPROVED STREETS IN THE TOWNSHIP OF UPPER  
COUNTY OF CAPE MAY, AND STATE OF NEW JERSEY BEING VACATED:

That portion of Arbutus Road lying between Ocean Road and Atlantic Roads and abutting Block 285 and Block 286 as shown on the current Official Tax Map of the Township of Upper, Cape May County, New Jersey;

That portion of Laurel Road lying between Ocean Road and Atlantic Road and abutting Block 286 and Block 287 as shown on the current Official Tax Map of the Township of Upper, Cape May County, New Jersey; and

That portion of Ocean Road which lies perpendicular to Blocks 285, 286, 287, and 288 as shown on the current Official Tax Map of the Township of Upper, Cape May County, New Jersey.

**SECTION 2: 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 3: REPEALER:** All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

**SECTION 4: EFFECTIVE DATE:** This Ordinance shall take effect immediately upon final adoption and publication as required by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 12th DAY OF November, 2002 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 28th DAY OF April, 2003 AT 4:00 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

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on \_4/28\_, 2003 and notice of adoption was thereafter published pursuant to law in \_CMC Gazette & Gazette of UT\_ on \_April 30, & May 1, \_, 2003.

WANDA GAGLIONE, Township Clerk

- 2. Second Reading and Adoption of Ordinance No. 003-2003: An Ordinance amending Chapter 16 of the Revised General Ordinances of the Township of Upper granting Municipal Consent for placement of facilities and establishment of cable television services in the Township of Upper, County of Cape May, State of New Jersey.** This amendment will allow the Township to establish UTTV, channel 2, a local information television station here. During Public Comment, Mrs. Bergus asked about providing the station for Strathmere. Arrangements will be made to accomplish that. Motion to adopt was by David Bucciarelli, second by Andrew McCrosson with all five Committeemen voting in the affirmative.

**CAPE MAY COUNTY  
O R D I N A N C E  
ORDINANCE NO. 003-2003  
RE: ORDINANCE AMENDING CHAPTER 16 OF THE  
REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF UPPER  
GRANTING MUNICIPAL CONSENT FOR THE PLACEMENT OF  
FACILITIES AND THE ESTABLISHMENT OF CABLE  
TELEVISION SERVICE IN THE TOWNSHIP OF UPPER,  
COUNTY OF CAPE MAY, AND STATE OF NEW JERSEY**

---

WHEREAS, the Township of Upper on May 11, 1998, adopted Chapter 16-2 of the Revised General Ordinances of the Township of Upper granting a franchise to Lenfest Atlantic, Inc., d/b/a Suburban Cable (ALenfest≅), for a period of fifteen (15) years, and

WHEREAS, Lenfest became an indirect, wholly-owned subsidiary of Comcast Corporation on or about January 18, 2000, pursuant to an Order of Approval issued by the Board of Public Utilities of the State of New Jersey on January 6, 2000 in Docket No. CM99110855 and, subsequently, on or about September 13, 2000, its name was changed to Comcast Cablevision of South Jersey, Inc., the Company, and

WHEREAS, the facilitation of an Upper Township education/government (E/G) access channel will fulfill the community programming needs of the Township of Upper as opposed to the provisions set forth in Section 11 of the New Jersey Board of Public Utilities Renewal Certificate of Approval issued on October 21, 1998 in Docket No. CE98060397 and in the Municipal Application submitted by Lenfest on April 19, 1995,

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

**SECTION 1:** Chapter 16-2 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

16-2.27.           **Educational/Government Access Channel.** The Company shall provide a dedicated educational/government access channel for the Municipality, to be managed and operated by the Municipality. This provision will necessitate the installation of a two-way fiber run from the Upper Township Middle School and the Upper Township Hall to the Pleasantville head-end facility and the dedication of the channel on the nodes that feed the Municipality. The Company will provide reasonable technical assistance to the Municipality with regard to the method and equipment needed to manage the channel. The Municipality is authorized to adopt appropriate rules and regulations for the operation and use of the channel in accordance with law.

**SECTION 2:** Subsection 5 of Section IV on page 13 of the Application For Renewal Of Municipal Consent and Section 11 of the Renewal of Certificate of Approval are replaced by the terms and provisions of the aforesaid **SECTION 1.**

**SECTION 3: REPEALER:** All ordinances or parts of ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of any such inconsistency or conflict only.

**SECTION 4: SEVERABILITY:** If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

**SECTION 5: EFFECTIVE DATE:** This Ordinance will take effect immediately upon final adoption and publication as required by law.

**SECTION 6: CODIFICATION:** This Ordinance shall be codified in Chapter 16-2 of the Upper Township Code commencing at 16-2.27.

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 14TH DAY OF APRIL, 2003 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE

TOWNSHIP OF UPPER TO BE HELD ON THE 28th DAY OF April, 2003 AT 4:00 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

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on April 28, 2003 and notice of adoption was thereafter published pursuant to law in CMC Gazette & Gazette of UT on April 28, 2003.

WANDA GAGLIONE, Township Clerk

### **RESOLUTIONS**

- 3. In the matter of John M. Tomlin and Carolyn S. Tomlin, the owners of Block 348, Lot 96, otherwise known as 2001 Tuckahoe Road, Petersburg, Upper Township, New Jersey, extending the time for said owners to repair or demolish the main structure on said property until July 24, 2003.**

The Committee indicated that they can not continue giving extensions, and that they want the project completed. This project dates back 6 months. The Engineer and the Zoning Officer will visit the site to inspect the amount of work necessary to complete the cleanup and inform Mr. Tomlin that this is the last extension that will be granted.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 086-2003  
RE: IN THE MATTER OF JOHN M. TOMLIN AND  
CAROLYN S. TOMLIN, THE OWNERS OF  
BLOCK 348, LOT 96, OTHERWISE KNOWN AS  
2001 TUCKAHOE ROAD, PETERSBURG, UPPER TOWNSHIP,  
NEW JERSEY, EXTENDING THE TIME FOR SAID OWNERS  
TO REPAIR OR DEMOLISH THE MAIN STRUCTURE ON SAID  
PROPERTY UNTIL JULY 24, 2003 AND FURTHER MODIFYING RESOLUTION  
No. 233-9-2003 IN CERTAIN RESPECTS.**

---

**WHEREAS**, the Township Committee conducted a hearing on September 9, 2002 and thereafter on September 23, 2002 adopted Resolution No. 233-9-2002, which memorialized the decision made at the September 9, 2002 meeting; and

**WHEREAS**, Resolution No. 233-9-2002 (the Resolution $\cong$ ) directed the property owners, John M. Tomlin and Carolyn S. Tomlin (the ATomlins $\cong$ ) to repair or

demolish the main structure on Block 348, Lot 96 (the AProperty≡) within sixty (60) days of September 9, 2002 and directed certain additional relief; and

**WHEREAS**, the Township Committee has monitored the progress to date and it is clear that the Tomlins are proceeding to repair and/or demolish the structure on the Property and are otherwise engaged in a general clean-up of the surrounding areas and from the progress made to date, the Township Committee is satisfied that it is reasonable and warranted to grant to the Tomlins a further reasonable extension of time within which to complete the repair and/or demolition of the structure;

**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. Resolution No. 233-9-2002 is hereby further modified as follows:

(A) Paragraph 6.1 is further modified to provide that the Tomlins shall have until July 24, 2003, for the repair or demolition of the structure and all other provisions, terms and conditions of Paragraph 6.1 remain unchanged and in full force and effect.

(B) Paragraph (17) (sic) is hereby further modified to provide that the Municipal Engineer shall solicit bids on or about August 5, 2003, with a view to receiving bids on or about August 19, 2003 so that a recommendation can be submitted to the Township Committee and a demolition bid awarded on or about August 25, 2003.

3. Except as herein modified, all other provisions, findings, conclusions, directives and orders contained in Resolution No. 233-9-2002 remain in full force and effect.

Resolution No. 086-2003  
Offered by: McCrosson, Seconded by: Bucciarelli  
Adopted: April 28, 2003

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Bucciarelli	_____x_____	_____	_____	_____
Corson	_____x_____	_____	_____	_____

McCrosson	<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>

Distribution:

- Paul E. Dietrich, Sr., P.E., Township Engineer
- Edward Kenney, Construction Official
- Anthony Lauriello, Zoning Official and Code Enforcement Official
- Leonard W. Guthrie, Cape May County Health Department
- John M. and Carolyn S. Tomlin

**4. Authorizing Change Order No. 1, Amanda’s Field Project for revision to the pump controller resulting in an increase in contract amount of \$2007.50.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 087-2003  
RE: AUTHORIZING A CHANGE ORDER FOR THE  
PROJECT KNOWN AS THE ASupply Of Irrigation Supplies And Installation Of Well  
For Amanda=s Field, Township of Upper, Cape May County≡, RESULTING IN AN  
INCREASE IN CONTRACT AMOUNT OF \$2,007.50.**

---

**WHEREAS**, the Township of Upper has previously awarded the bid to Lee Rain, Inc. of Vineland, New Jersey for the project known as the ASupply Of Irrigation Supplies And Installation Of Well For Amanda=s Field, Township of Upper, Cape May County≡, in the original Contract amount of \$79,925.76; and

**WHEREAS**, the Township wishes to approve a Change Order to the aforesaid Contract as hereinafter provided; and

**WHEREAS**, the Chief Financial Officer has issued a certification as to the availability of funds for this Change Order; and

**WHEREAS**, this Change Order, comprising both extra work, as well as costs increases, does not exceed twenty (20%) percent of the original Contract award; and

**WHEREAS**, this Change Order is in the best interests of the Township;

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

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

2. Change Order No. 1 to the project known as the ASupply Of Irrigation Supplies And Installation Of Well For Amanda=s Field, Township of Upper, Cape May County≡, with Lee Rain, Inc., is hereby authorized as follows:

Increases.....\$ 2,007.50  
 Decreases.....\$ 0  
 Extra Work.....\$ 0  
 TOTAL.....\$2,007.50

3. The aforesaid Change Order is for a revision to the pump controller for the project.

4. A copy of the Change Order detailing the nature and the extent of the work to be done, together with a summary of the Change Order, together with all other prior Change Orders, if any, is attached to this Resolution as Exhibit AA≡.

5. The Mayor and Chief Financial Officer are hereby authorized, directed and empowered to execute the Change Order on behalf of the Township of Upper.

6. All Township officers and officials are hereby authorized to take all action necessary to carry out the intent and purpose of this Resolution.

Resolution No. 087-2003  
 Offered by: Bucciarelli, Seconded by: McCrosson  
 Adopted: April 28, 2003  
 Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Bucciarelli	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Corson	<u>  x  </u>	<u>          </u>	<u>          </u>	<u>          </u>
McCrosson	<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>

**5. Authorizing the issuance of a Duplicate Tax Sale Certificate pursuant to Chapter 99 of the Public Laws of 1997.**

**TOWNSHIP OF UPPER**

**CAPE MAY COUNTY**  
**RESOLUTION**  
**Resolution No. 088-2003**  
**RESOLUTION AUTHORIZING THE ISSUANCE OF A**  
**DUPLICATE TAX SALE CERTIFICATE PURSUANT TO**  
**CHAPTER 99 OF THE PUBLIC LAWS OF 1997**

---

WHEREAS, the Tax Collector of Upper Township has previously issued a tax sale certificate # 85133 to Philip & Susan Meyer which certificate is dated January 10, 1986 covering premises commonly known and referred to as Block 835 Lot 13.04,

WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached thereto,

NOW, THEREFORE, be it resolved by the Governing Body of the Municipality of Upper Township that the Tax Collector of the Municipality be and is hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit and the payment fee of \$ 100.00 per certificate, to issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described in all accordance with the requirements of Chapter 99 of Public Laws of 1997.

BE IT FURTHER RESOLVED that a copy of this Resolution and the Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word "Duplicate" as required by law.

Moved by Andrew McCrosson, second by David Bucciarelli with all five Committeemen voting in the affirmative.

6. Authorizing the appointment of Barbara Weigand and National Associates/NIA Group as Risk Management Consultant to perform various professional services on behalf of the Township of Upper relative to the Atlantic County Municipal Joint Insurance Fund and Municipal Excess Liability Joint Insurance Fund for the specific time period of 1/1/2003 to 6/30/2003 for an amount not to exceed seven thousand three hundred and one (\$7,301.00) dollars.

**TOWNSHIP OF UPPER**  
**CAPE MAY COUNTY**  
**RESOLUTION**  
**RESOLUTION NO. 089-2003**  
**RE: AUTHORIZING THE APPOINTMENT OF BARBARA WEIGAND**  
**AND NATIONAL ASSOCIATES/NIA GROUP AS RISK MANAGEMENT**  
**CONSULTANT TO PERFORM VARIOUS PROFESSIONAL SERVICES**  
**ON BEHALF OF THE TOWNSHIP OF UPPER RELATIVE TO THE**  
**ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND AND**  
**MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND**  
**FOR AN AMOUNT NOT TO EXCEED SEVEN THOUSAND THREE**  
**HUNDRED ONE DOLLARS (\$7,301.00).**

---

**WHEREAS**, the Township Committee of the Township of Upper has resolved to join the Atlantic County Municipal Joint Insurance Fund, a self-insurance pooling fund, following a detailed analysis; and

**WHEREAS**, the Township Committee of the Township of Upper has resolved to join the Municipal Excess Liability Joint Insurance Fund, subject to approval of assessment; and

**WHEREAS**, the by-laws of the Funds require that each municipality appoint a Risk Management Consultant to perform various professional services as detailed in the by-laws; and

**WHEREAS**, the by-laws indicate a minimum fee not to exceed six percent (6%) of the municipal assessment, which expenditure represents reasonable compensation for the services required and is included in the cost to be considered by the Township Committee; and

**WHEREAS**, the Chief Financial Officer has issued a Certificate of Availability of Funds certifying that funds are available for this purpose; and

**WHEREAS**, the judgmental nature of the Risk Management Consultant's duties renders comparative bidding impractical;

**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, in the County of Cape May and State of New Jersey, does hereby appoint Barbara Weigand and National Associates/NIA Group, Bank Street Commons, Suite 200, Cape May, New Jersey 08204, as its Risk Management Consultant in accordance with N.J.S.A. 40A:11-5, for a term of seven

(7) months commencing January 1, 2003 for an amount not to exceed Seven Thousand Three Hundred One Dollars (\$7,301.00).

3. The Township Clerk is hereby authorized and directed to 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, within ten (10) days of its passage.

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. 089-2003

Offered by: Bucciarelli,

Seconded by: Newman

Adopted: April 28, 2003

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Bucciarelli	<u>x</u>	___	___	___
Corson	<u>x</u>	___	___	___
McCrosson	<u>x</u>	___	___	___
Newman	<u>x</u>	___	___	___
Palombo	<u>x</u>	___	___	___

**7. Authorizing the execution of an interlocal services agreement with the County of Cape May for animal sheltering services.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 090-2003  
RE: AUTHORIZING THE EXECUTION OF AN  
INTERLOCAL SERVICES AGREEMENT WITH THE  
COUNTY OF CAPE MAY FOR ANIMAL SHELTERING SERVICES**

---

**WHEREAS**, the Interlocal Services Act, N.J.S.A. 40:8A-1, et seq., provides that any local governmental unit may enter into a contract with any other local governmental unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement was empowered to render within its own jurisdiction; and

**WHEREAS**, the Interlocal Services Act (the Act) further provides that the parties to an Interlocal Services Contract may agree to provide jointly, or through the agency of one or more of them on behalf of any or all of them, any service or aspect of a service which any of the parties on whose behalf such services are to be performed may legally perform for itself; and

**WHEREAS**, the County of Cape May has indicated a willingness to enter into an Interlocal Services Agreement with the Township of Upper, whereby the County of Cape May will provide animal sheltering services, subject to terms and conditions set forth in said agreement; and

**WHEREAS**, the Township Committee of the Township of Upper deems that an Interlocal Services Agreement with the County of Cape May for the purposes expressed herein is in the mutual interest of both parties and also is in the public interest and that such program will promote the public health, safety and welfare; and

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

1. **INTERLOCAL SERVICES AGREEMENT.** Pursuant to the provisions of the Interlocal Services Act, N.J.S.A. 40:8A-1 et seq., the Township of Upper is hereby authorized and empowered to enter into an Interlocal Services Agreement with the County of Cape May pertaining to the provision of animal sheltering service.

2. **SERVICES TO BE PROVIDED; CONTRACT.** The Interlocal Services Agreement authorized in paragraph 1 hereof shall cover those services which are enumerated in said Agreement, a copy of which is of record in the office of the Township Clerk and is available for public inspection.

3. AUTHORIZATION TO MUNICIPAL OFFICIALS. The appropriate Township officers and officials are hereby authorized to take any action necessary or advisable to carry out the intent and purpose of this Resolution. Specifically, the Mayor and Township Clerk are hereby authorized and directed to execute such Interlocal Services Agreement on behalf of the Township of Upper pursuant to the authority conferred by this Resolution. The Township Clerk is further authorized and directed to seal said Agreement with the official seal of the Township of Upper.

4. COMPLIANCE WITH STATUTORY REQUIREMENTS. The Interlocal Services Agreement between the County of Cape May and the Township of Upper shall meet and satisfy the requirements of N.J.S.A. 40:8A-6, as same may be amended and supplemented.

5. CONTRACT TERM. This Resolution authorizes an Interlocal Services Contract for a term of five (5) years or until such time as said Agreement may be modified by mutual agreement of the parties in accordance with the Interlocal Services Act. The term of the Agreement shall commence on the date set forth in said Agreement.

6. SEVERABILITY. If any section, subsection, paragraph, sentence or other part of this Resolution is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Resolution, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Resolution directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Resolution shall remain in full force and effect.

7. REPEALER. All Resolutions or parts of Resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency only.

8. EFFECTIVE DATE: This Resolution shall take effect immediately upon final adoption and publication in the manner provided by law.

Resolution No. 090-2003

Offered by: Newman, Seconded by: Palombo

Adopted: April 28, 2003

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u> <u>ABSENT</u>
Bucciarelli	<u>x</u>	___	___
Corson	<u>x</u>	___	___
McCrosson	<u>x</u>	___	___
Newman	<u>x</u>	___	___
Palombo	<u>x</u>	___	___

8. **Adoption of rules and regulations for the government/educational access television channel for the Township of Upper and the Upper Township School District, otherwise known as UT TV Channel 2.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 091-2003  
RE: ADOPTION OF RULES AND REGULATIONS FOR THE  
GOVERNMENT/EDUCATIONAL ACCESS TELEVISION CHANNEL  
FOR THE TOWNSHIP OF UPPER AND  
THE UPPER TOWNSHIP SCHOOL DISTRICT,  
OTHERWISE KNOWN AS UT TV CHANNEL 2**

---

**WHEREAS**, the Upper Township Government/Educational Cable Access Channel has been created to serve the community of Upper Township; and

**WHEREAS**, the aforesaid cable television access channel has been established through a franchise agreement with the Township of Upper and Lenfest Atlantic, Inc. d/b/a Comcast and Federal Communications Commission access rules; and

**WHEREAS**, the Township of Upper is empowered to cooperatively establish such rules and regulations as are meaningful and necessary to take full advantage of the television system while protecting the rights the interests of all the citizens of Upper Township; and

**WHEREAS**, the Township of Upper hereby wishes to adopt rules and regulations, attached hereto as Exhibit A, which shall provide reasonable access to schools in

the district as well as programming deemed relevant by the Township Committee of the Township of Upper;

**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, in the County of Cape May and State of New Jersey, does hereby adopt the rules and regulations attached hereto as Exhibit A to provide for the operation of the Upper Township Government/Educational Cable Access Channel serving the community of Upper Township and otherwise known as UT TV Channel 2.

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. 091-2003

Offered by: Corson,      Seconded by: Bucciarelli

Adopted: April 28, 2003

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Bucciarelli	<u>  x  </u>	<u>    </u>	<u>    </u>	
Corson	<u>  x  </u>	<u>    </u>	<u>    </u>	
McCrosson	<u>  x  </u>	<u>    </u>	<u>    </u>	
Newman	<u>  x  </u>	<u>    </u>	<u>    </u>	
Palombo	<u>  x  </u>	<u>    </u>	<u>    </u>	

**Exhibit A**

**RULES AND REGULATIONS**

**UT TV CHANNEL 2**

**UPPER TOWNSHIP, NEW JERSEY**

**POLICY**

I. Philosophy

- A. Television can make a positive contribution to education and the community through quality programming. Quality programming helps the viewers to care for and understand others, provide insight into people and problems, and respect others of different cultures. This programming can reinforce values of the family and community and present different views of problems and

situations. It is our hope that the programming will inspire, enrich and enlighten viewers.

- B. The Government/Educational Access Television Channel will be utilized exclusively by the Township of Upper and the Upper Township School District.

II. Use of the Government/Educational Access Television UT TV Channel 2

- A. The Upper Township Government/Educational Cable Access Channel serves the community of Upper Township. It is the objective of UT TV Channel 2 to fulfill the following purposes:

- 1. Township Emergency Management Needs
  - a. Utilization of this communication source in the event of an emergency to provide information relevant to the safety and health needs of Township residents shall overrule all other programming concerns and schedules.
- 2. Governmental use for the Township of Upper
  - a. The purpose of video and information services provided by UT TV Channel 2 shall be to publicize the meetings and services provided by the Township of Upper.
- 3. Educational use by the Upper Township School District
  - a. The school system shall be encouraged to provide coverage of student activities including special programs providing Township residents with the opportunity to view their children at events that they may have been unable to attend.

- B. This cable television access channel has been established through a franchise agreement with the Township of Upper and Lenfest Atlantic, Inc. d/b/a Comcast (will be referred to as Comcast), and Federal Communications Commission (FCC) access rules.

- C. UT TV Channel 2 operates under the authority of the Township of Upper and the Upper Township School District, the rules and procedures of Comcast, the rules and regulations of the Federal Communications Commission as it applies to cable access television, and any such administrative regulations and procedures that shall be developed under the general direction of the Township of Upper and the Upper Township School District.

- D. The Municipal Clerk and the Superintendent of the School District are empowered to cooperatively establish such regulations as are meaningful and necessary to take full advantage of the television system while protecting the rights and interests of all citizens of Upper Township. Such regulations shall provide reasonable access to schools in the district as well as programming deemed relevant by the Government of the Township of Upper. It is understood, however, that some limitation will have to be placed on programming because of the financial and equipment resources available to those administering the television station.

- E. The Municipal Clerk and the Superintendent of the School District or their designees shall be responsible for determining if there are individual, specific objections to subjects being photographed. This will be subject to the following guidelines:

- 1. Events which are open to the public will not require that releases be signed by the staff or student participants.

2. Events which are not open to the public will require that appropriate administrators determine if any participants have been expressly prohibited from participating.
- F. There shall be no users other than the Township of Upper and the Upper Township School District.

### III. Procedures

- A. A Government/Educational Access Channel Advisory Committee will be established with representatives from each agency. The Advisory Committee will consist of a representative from the Township Committee of the Township of Upper; the Municipal Clerk or designee; the Superintendent of Schools or designee; an employee of the School District with direct knowledge of TV production designated by the Superintendent; and one township resident at the discretion of the Mayor of the Township of Upper to be appointed on an annual basis.
- B. UT TV Channel 2 will abide by FCC regulations.
- C. UT TV Channel 2 will select programming that does not violate the Copyright Laws.
- D. UT TV Channel 2 may be used for emergency school closings for the Upper Township School District and emergency closings of Township government offices.
- E. The School District shall designate one of their employees to run the Governmental/Educational channel and serve as a contact person for the School District.
- F. The Township of Upper will have access to the channel for emergency situations utilizing procedures agreed to by the Advisory Committee.
- G. The Township and the School District will have access to the Character Generator Message Board for publicity regarding upcoming events and general school information. Information presented to the School District by the Township Government shall be broadcast by the end of the second business day following receipt by the School District. It is recognized that personnel commitments may impact the ability of the School District to meet this requirement.
- H. Upper Township School District is responsible for broadcasting 24 hours a day, 7 days a week unless preempted through prior agreement with Comcast. A programming schedule will be established. This schedule is subject to review and change after discussion and agreement by the Township of Upper and the School District. In the event of a dispute that cannot be resolved by the Advisory Committee, the Township Committee of the Township of Upper will make the final decision to resolve the dispute.
- I. At the start of the fiscal year, the Township receives funds from Comcast for the year according to the franchise agreement. Utilizing these funds, the Township will contribute an amount not exceeding that amount by which the franchise revenues are increased by and attributable to the channel and agreeable to the Advisory Committee. The Township Committee of the Township of Upper must approve any funds provided. The School District may contribute an amount agreeable to the Advisory Committee for the operation of the channel.
- J. No political advertising or programming of any kind will be allowed unless it is in the form of a "Candidate's Night" or a Debate where all of the candidates are invited to participate. UT TV Channel 2 shall provide no other political

forum to candidates during the 60 day period prior to an election in which they will be a participant.

- K. No commercial advertising will be allowed on UT TV Channel 2. The only exception to this rule is in the form of a non-profit sponsorship of a particular video production (such as done on PBS) via announcement before and after a program as determined by the Television Coordinator in accordance with station editorial guidelines and policies.
- L. Entities authorized to air information or programming will drop off media at the Upper Township Middle School for review and playback. All media will be clearly marked at the start and end of programming with the name of the organization.
- M. The Upper Township School District Television Coordinator may authorize use of Upper Township pupils to video community activities when requested subject to District policies regarding field and enrichment trips.
- N. The Upper Township Board of Education will appoint the Television Coordinator to be in charge of school access to the television station and implement the following set of administrative regulations:
  - 1. Information concerning any lottery or gift enterprise depending in whole or part upon a game of chance will be prohibited.
  - 2. Material that intends to defraud the viewer will be prohibited.
  - 3. Materials considered being indecent or obscene in violation of the standard national broadcasting rules of decency and/or school standards would not be shown.
  - 4. Anything of a commercial nature will be prohibited except as provided in "L" above.
  - 5. Anything that does not meet reasonable technical/production standards. For example, media with insufficient or poor coloration; media with low or inadequate audio; media with improper or inadequate lighting; media that is not titled properly at the beginning and at the end stating where they are from, who has produced them, and who has appeared in them; or media where in-camera editing or machine to machine editing has lead to an inordinate amount of picture breakup.
  - 6. Materials shall be submitted in a format technically compatible to UT TV Channel 2. The various types of format will be available from the Advisory Committee. Programming shall be submitted in at least 30-second intervals.
  - 7. Users must advise UT TV Channel 2 if their programming involves the use of copyrighted materials. If so, the user must provide UT TV Channel 2 with the proper documentation of clearance for that material to be cablecast.
  - 8. All users will assume complete responsibility for the content of their programming. UT TV Channel 2 still reserves the right to prohibit or deny permission for any cable casting if the subject matter is obviously inappropriate as per the contents of this administrative regulations. UT TV Channel 2 reserves the right to preview and refuse any material based on the judgment of the Television Coordinator at that particular time. Any disputes that cannot be resolved between a user and the Television Coordinator shall be referred to the Superintendent of the District for a final adjudication. Users shall hold UT TV Channel 2

harmless for all liability of any kind whatsoever including the cost of legal defense arising from the presentation of programming provided by the user. This is especially true as it applies to any copyrighted materials, knowingly or inadvertently given to UT TV Channel 2 by a user.

9. At such time as the service is available, materials for transmission should be made available to UT TV Channel 2 at least two weeks in advance of the date requested. UT TV Channel 2, however may at its discretion, waive this requirement in the programming of certain timely materials. Date selection will be at the sole discretion of UT TV Channel 2's school staff. Programming provided by the government of the Township of Upper will be broadcast as requested by the Municipal Clerk or designee.
10. All media provided must be labeled with the following information:
  - a. Title of program
  - b. Producer of program
  - c. Sponsoring group or individual
  - d. Cablecast date and times
  - e. Length of program in rounded 30 second intervals
11. In addition to the rules and regulations of UT TV Channel 2, the users will be required to comply with all the current regulations of the FCC and all the policies as stated in the Comcast lease agreement.
12. When the user places media in the possession of UT TV Channel 2 for purposes of rebroadcast, it is expressly understood that the liability of UT TV Channel 2 for loss or damage to that media shall be limited solely to the replacement cost of new, unused media, to replace an equal physical amount of media or at UT TV Channel 2's option, replacement of the media itself with an equal or better quality in an equal physical amount of media to which was damaged or lost.
13. UT TV Channel 2 operates an informational bulletin board. Because this bulletin board is generated by a computer, it operates 24 hours a day, 365 days a year except when it is interrupted by a scheduled program on videotape (or done live) by the station. The following rules and regulations apply to user access to the bulletin board.
  - a. The message board serves to note government and school sanctioned events for the District's school or community groups and non-profit organizations within Upper Township.
  - b. Message requests must be on UT TV Channel 2 form and have a cover letter on appropriate letterhead of the Township or approved community/non-profit organization. Messages should include Who, What, Where, When, Why, and How as well as Airing Date preference. No phone messages or email will be accepted for posting. All messages shall be approved by the Municipal Clerk or designee for Township associated groups or by the Superintendent of the School District for School District associated groups.
  - c. Messages that endorse political or religious views will not be aired. Messages will also comply with all other regulations of UT TV Channel 2.

- d. Messages shall be submitted in a format technically compatible to UT TV Channel 2. The various types of format will be available from the Advisory Committee. Guidelines for editing messages include:
  - 1. Additions to complete or clarify information
  - 2. Deletions of excess information
  - 3. Omission of entire message because it is unclear and contact person is not available
  - 4. Deferring message to dates judged fair and appropriate by the Television Coordinator.
- Q. Users of UT TV Channel 2 who violate these procedures may be prohibited from future use of broadcast capabilities by the Municipal Clerk or Superintendent of Schools.
- R. The Board of Education and the Township Committee will agree annually on the payment for the professional services of the Television Coordinator, and other operational expenses.

**9. Declaring May 4, 2003 to be Tuckahoe Volunteer Fire Company Day in Upper Township.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 092-2003  
RE: A RESOLUTION DECLARING MAY 4, 2003 TO BE  
TUCKAHOE VOLUNTEER FIRE COMPANY DAY IN UPPER TOWNSHIP**

---

**WHEREAS**, the citizens of Tuckahoe in Upper Township are well aware of the constant need for preparedness to handle fire and all types of hazards; and

**WHEREAS**, the Tuckahoe Volunteer Fire Company is responsible for responding to fire and any emergencies; and

**WHEREAS**, these volunteers and emergency medical personnel stand ready, often under difficult circumstances and a great personal risk, to protect the lives and property of their fellow citizens; and

**WHEREAS**, the Tuckahoe Volunteer Fire Company has been dedicated to the service of its neighbors and Upper Township for 75 years; and

**WHEREAS**, they will be housing a new pumper/tanker truck; and

**WHEREAS**, celebration of this event is scheduled to be held on May 4, 2003 at 12:00 Noon and the public is invited to join together in expressing their appreciation of the members of the Tuckahoe Volunteer Fire Company for their dedication and hard work; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee on behalf of the citizens of the Township of Upper, that May 4, 2003 be Tuckahoe Volunteer Fire Company Day in Upper Township, in honor of the men and women whose diligence and professionalism keep our Township and citizens safe.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 28<sup>th</sup> day of April, 2003.

Resolution No. 092-2003  
Offered by: Palombo, Seconded by: McCrosson  
Adopted: April 28, 2003  
Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Bucciarelli	_____x_____	_____	_____	_____
Corson	_____x_____	_____	_____	_____
McCrosson	_____x_____	_____	_____	_____
Newman	_____x_____	_____	_____	_____
Palombo	_____x_____	_____	_____	_____

**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 David Bucciarelli, second by Curtis Corson with all five Committee voting in the affirmative.

Bills approved for payment: \$307,240.74  
Payroll \$112,558.27

**CLOSED SESSION**

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

**RECONVENE PUBLIC PORTION OF MEETING**  
**RECESS**

**DISCUSSION WITH THE UPPER TOWNSHIP BOARD OF EDUCATION-**  
**REGARDING THE DEFEATED 2003/2004 SCHOOL DISTRICT BUDGET.**

Jay Newman stepped down from the dais and did not participate in this matter because his wife in on the School Board.

The Township attorney advised the Committee that there would be no conflict of interest in the matter of the Mayor's sister-in-law being a member of the School Board. Mr. Young felt that the relationship was far enough removed and that she was not a member of his immediate family to constitute a conflict.

School representatives present were Superintendent Fred Donatucci, Business Adm. Charles Muller, School Board President Frances Newman and several other School Board members. The Mayor introduced the Township Auditor, Leon Costello. He stated that the defeated school budget is now in the Township Committee's hands and must be acted upon by May 19<sup>th</sup>. He explained that the Township can only establish a tax levy. \$.34 ½ was proposed in this defeated budget. The Committee can recommend program cuts in the school budget but the School Board distributes funds internally any way they seem fit. As a result of a defeated school budget the Township establishes the tax levy and if in fact the school agrees with it that will become the levy. If the School Board disagrees then the decision is appealed to the Commissioner of Education.

The Township has given the School Board \$2 million a year for the last several years. The Committee cannot restrict how that money is spent.

David Bucciarelli questioned the number of students actually going to the high school and the number we are being billed for. Charles Muller stated that the current figure is 814 full time students with a large 8<sup>th</sup> grade going in this fall with an even larger 9<sup>th</sup> grade going out. The Mayor stated the charge for instruction went from \$9 million to \$11 million and asked if it includes more than HS tuition. Mr. Muller answered that this figure is high school, technical high school and special services figure.

Comments included the following:

Transportation is an item the Committee does not want to see reduced. Transportation aid from the State is estimated as \$1,366,000, budget amount is slightly lower. The school bussing contract has increased 2.1% over last years figures.

Superintendent Fred Donatucci explained that several public meetings were held to look at ways they could cut back. He stated that 2 teaching positions and 1 secretary position have been eliminated along with other cuts to their present program resulting in a savings of .03 & 04. A vice-principal was hired in February; he replaced another individual so there was no substantial cost increase.

Mr. Bucciarelli read an email message he received in that it stated that Ocean City High School constitutes only \$.46 of the tax bill. Mr. Donatucci stated that the agreement is with Ocean City High School and it's a bill we have to pay. The increase this year is largely due to debt owed on the new high school.

Curtis Corson stated that it costs \$8600 to educate our students from K-8; they are sent to Ocean City and the cost rises to \$12000. Mr. Donatucci stated that costs are higher for high school education. Andrew McCrosson discussed Corbin City and their refusal to pay the tuition. It was discussed that State subsidies have been flat the last couple of years and will probably continue to be so for the next couple of years.

Money budgeted for major projects was discussed—landscaping, irrigation, resurfacing parking areas, sidewalk paving, maintenance, etc. Some of the paving projects were discussed in that the Township could do them at a savings for taxpayers.

Bidding transportation was discussed. Mr. Muller stated that it was cheaper to renew the contract than to bid it.

**Mathew Jamison**, Seasound Ave., was in favor of a full day kindergarten.

**Sandra O'Brien**, Seasound Ave., asked Mr. Muller about the handling of money not yet restricted by resolution, and using it to buy down our debt.

**Robert Steck**, Marmora, discussed the steady increasing of our tax rate, school programming, and tax rates in the future. He wants the debt paid down quickly.

**Jeffrey Holloway**, Stagecoach Rd., wants a full day kindergarten program, and supports the budget.

**Roberta Townsend**, Marmora, discussed fund raising to offset some of the costs.

**Ted Behr**,

**Frances Newman**, School Board President, stated that there are 8500 registered voters in Upper Township and that only 1507 voted in the election, and that less people voted than we have students going to the high school.

**Kathy Mason**, from Seaville, wanted to see an all day kindergarten.

**Libby Schuck**, from Seaville, wanted to have residents pay for the services they wanted, for example pay for their own children's sports programs.

**Patty Tolson**, Beesley's Point, lives here because of the schools and residents should be prepared to pay for the excellent education our children receive.

**Gina Macom and Karen Lawson**, both want the all-day kindergarten, and do not want the school budget cut.

**Jill Cassacio**, praised the school system and staff,

**Robert Steck**, submitted a petition to the Committee asking that the school budget be scrutinized and reduced.

**Bertha Field**, asked how the full day kindergarten came about. She stated that increases such as proposed in this budget will force the elderly on fixed incomes out of the Township.

**Mr. Donatucci** commented that full day kindergarten children like school better, learn more and that children are better prepared and truly do benefit from it. Teachers report half day kindergarten does not give them enough teaching time.

This portion of the meeting was adjourned to allow School Board people to attend their meeting also scheduled for this evening. This matter will be discussed at the next regular meeting of the Township Committee on May 12, 2003 at 7:30 P.M.

**REOPEN REGULAR PORTION OF THE MEETING**—Curtis Corson motioned to hire part-time seasonal employees for the Dept. of Public Works—David Woolley, Joseph Lloyd and Richard McCauley. This was seconded by David Bucciarelli with four Committee voting in favor and Mr. Newman abstaining. David Woolley has since declined the offer for employment.

**ADJOURNMENT**

There being no further business this evening the meeting was adjourned at 7:35 P.M. Next regular meeting is scheduled for May 12, 2003 at 7:30 P.M.

Minutes prepared by  
Wanda Gaglione, RMC  
Municipal Clerk

04/28/03	Bill List			
033674	04/28/03	A0035	AIRLINE HYDRAULIC CORP.	120.48
033675	04/28/03	A0041	ALL ACTION WATER SPORTS, INC.	955.52
033676	04/28/03	A0066	AMERICAN PUBLIC WORKS ASSOC.	130.00
033677	04/28/03	A0110	ATLANTIC SHORE/BABE RUTH LEAGU	2,870.00
033678	04/28/03	B0026	BETTER MATERIALS CORP.	400.53
033679	04/28/03	B0034	BCI BURKE COMPAMY, INC.	1,389.04
033680	04/28/03	B0063	BIRCH GROVE PARK	100.00
033681	04/28/03	B0109	BUCCIARELLI, DAVID	52.00
033682	04/28/03	B0132	BIRCH GROVE PARK	50.00
033683	04/28/03	B0152	BUCHANAN, KAREN A.	356.89

033684	04/28/03	C0046	CAPE MAY COUNTY CLERK	5.00
033685	04/28/03	C0140	CODED SYSTEMS CORPORATION	80.00
033686	04/28/03	C0160	CONNECTIV POWER DELIVERY	1,736.67
033687	04/28/03	D0030	DEL CORIO, ROSEMARY MS.	124.50
033688	04/28/03	D0031	DEGLER-WHITING, INC.	4,375.00
033689	04/28/03	D0040	DELTA DENTAL PLAN OF N.J. INC.	3,258.38
033690	04/28/03	D0066	DOPKO, PATRICIA A.	20.00
033691	04/28/03	D0077	DIETRICH, PAUL	24.00
033692	04/28/03	D0104	DSC SYSTEMS GRAPHICS	356.78
033693	04/28/03	E0030	EXECUTIVE BUSINESS PRODUCTS	891.03
033694	04/28/03	F0013	FARM RITE INC.	854.99
033695	04/28/03	F0020	FEDERAL GLOVE CO.	139.14
033696	04/28/03	F0048	LESLIE FOGG, INC.	15.08
033697	04/28/03	F0061	FOX ELECTRIC SUPPLY COMPANY	119.79
033698	04/28/03	G0037	GFOA OF NEW JERSEY	150.00
033699	04/28/03	G0040	GIBSON ASSOCIATES, P.A.	9,662.00
033700	04/28/03	G0044	GILES & RANSOME, INC.	1,569.06
033701	04/28/03	G0067	GLOBAL EQUIPMENT CO.	54.25
033702	04/28/03	G0100	GUTTER GUYS	89.00
033703	04/28/03	G0120	GILBERTSON, GILBERT O.	24.00
033704	04/28/03	H0012	HALL, ARTHUR	412.82
033705	04/28/03	H0029	HAVEL, ROBERT	277.86
033706	04/28/03	J0002	J.P. COLLINS CO.	258.01
033707	04/28/03	K0014	KEENAN, BRIAN	124.99
033708	04/28/03	K0022	KERR CONCRETE PIPE CO.	1,111.40
033709	04/28/03	K0032	KINGSTON, TED, INC.	1,351.20
033710	04/28/03	K0034	KOHLER, CLAUDE JR.	8.00
033711	04/28/03	L0013	LANIER HEALTHCARE	655.00
033712	04/28/03	L0018	LANIER WORLDWIDE, INC.	551.70
033713	04/28/03	L0038	LAYTON, WILLIAM	68.00
033714	04/28/03	M0010	McCROSSON, ANDREW J.	52.00
033715	04/28/03	M0142	MASON, NICHOLAS	159.01
033716	04/28/03	O0023	OLD CEDAR CREEK FARM	1,200.00
033717	04/28/03	O0025	OLD DOMINION BRUSH	260.00
033718	04/28/03	P0032	PEDRONI FUEL CO.	587.48
033719	04/28/03	P0043	PERRONE DOOR CO. INC.	1,100.00
033720	04/28/03	P0064	PITNEY BOWES CREDIT CORP.	585.00
033721	04/28/03	R0030	RIGGINS, INC.	756.00
033722	04/28/03	R0055	ROSIK, CAROL	58.68
033723	04/28/03	S0031	SCHULER SECURITY, INC.	139.00
033724	04/28/03	S0054	SENN, FRANCES	24.00
033725	04/28/03	S0064	SEAVILLE VOL. FIRE COMPANY	10,000.00
033726	04/28/03	S0072	SEGIN, STEWART S.	20.00
033727	04/28/03	S0075	SHARP, RHONDA L.	35.50
033728	04/28/03	S0122	SOMERS POINT LUMBER INC.	64.28
033729	04/28/03	S0133	SOUTH JERSEY AUTO SUPPLY	199.11
033730	04/28/03	S0134	SO. JERSEY GAS COMPANY	888.09
033731	04/28/03	S0216	DEPT.31 0000261489	84.93
033732	04/28/03	T0032	THE PRESS & SUNDAY PRESS	127.84
033733	04/28/03	T0034	THE PAPER OF U.T./GAZETTE	189.72
033734	04/28/03	T0035	THE PAPER OF UT/GAZETTE	204.40
033735	04/28/03	T0067	TOWNSHIP OF UPPER PETTY CASH	54.37
033736	04/28/03	T0095	JOHN HILL T/A	2,000.00
033737	04/28/03	T0117	TUCKAHOE FIRE DISTRICT #2	242,000.00
033738	04/28/03	U0025	UNITED STATES POSTAL SERVICE	2,000.00
033739	04/28/03	V0005	VAN EMBDEN, NATHAN, ATTORNEY	1,312.50
033740	04/28/03	V0022	VERIZON	1,230.33
033741	04/28/03	W0016	WARRINGTON, MARILYN	16.00
033742	04/28/03	W0037	WALLACE REFRIGERATION	6,000.00
033743	04/28/03	W0038	WILLIAMS, JEREMIAH J.	150.00
033744	04/28/03	W0046	WILLSON INDUSTRIES, INC.	879.42
033745	04/28/03	W0060	WOOLLEY, THOMAS	70.97

-----  
 \$307,240.74