

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
MINUTES FOR SEPTEMBER 22, 2003**

**REGULAR MEETING OF THE TOWNSHIP COMMITTEE –4:00 P.M.**

**CALL TO ORDER**

**SUNSHINE ANNOUNCEMENT**

**SALUTE TO THE FLAG**

**ROLL CALL**

David Bucciarelli	Absent
Curtis Corson	Present
Andrew McCrosson	Present
John “Jay” Newman	Present
Richard Palombo	Present

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

**APPROVAL OF MINUTES - September 8, 2003 Regular Meeting and  
Closed Session Minutes**

Motion to approve the Minutes by Curtis Corson, second by Andrew McCrosson with all four Committeemen present voting in the affirmative.

**REPORT OF GOVERNING BODY MEMBERS**

**Andrew McCrosson**, reported that he attended the Cape May County Animal Shelter groundbreaking on August 26 representing Upper Township. He reported that a Skate Park Risk Management Seminar will be sponsored by J.I.F. which he passed along the Mr. Dietrich.

**Curtis Corson**, reported that the hurricane was mild but that the Dept. of Public Works and Recreation Department removed trash cans and signs off the beach as a precaution. Township workers were out Thursday night to remove downed trees.

**Jay Newman**, reported that the storm allowed us to exercise our Emergency Management Plan. The Fire House and Rescue Squad were manned all Thursday night. He also discussed that plans to issue employee photo I.D.s to each municipal employee is underway. The fire companies and Rescue Squad will also receive an I.D.

**Richard Palombo, Mayor**, reported on the storm damage and that our Emergency Management Plan was in place, and that although the Township experienced some power outages the Township was fortunate in that our damage was relatively minor. He reported that power was lost in Petersburg for a few hours. The Township Hall only experienced it for a few seconds until the generator took over. He explained that the Township Hall is equipped so that in the event power is lost in the community for an extended period of time,

the entire building can be fully functional to be used as the emergency hub for the Township. The generator, which runs on diesel fuel, can keep the building operational for quite awhile. The generator and the community television station are part of the Emergency Management Plan to protect and inform our citizens. He discussed the importance of planning for such an event and thanked Township employees from the Road and Rec. Depts. and Emergency Management people for their fine work this week.

He also reported that Clean Ocean Action will be on the Strathmere beach on October 25, 2003 for a beach cleanup.

The CMC Dept. of Health will again this year drop rabies baits in the woods for wild animals in an attempt to curtail the occurrence of rabies in the county.

## **OTHER REPORTS**

**Daniel Young, Municipal Attorney**, requested direction from the Committee on the possible adoption of a "False Alarm" ordinance. The request for a "False Alarm" ordinance came from Trooper Douglas Adams. He stated that it is getting to be a problem for the Township and the State Police, as the incidents of false alarms has increased greatly over the last few years. Examples from other municipalities were provided for review. The Committee asked that Mr. Young provide a sample suited for the Township for discussion at the next meeting.

**Patricia Garbutt, Finance Officer**, reported that Mrs. Macom from the Mother's Club asked for the use of the Community Center to use for child care during the sanding and sealing event at the Fort Nuwi Playground. Moved by Andrew McCrosson, second by Richard Palombo to grant request. During roll call vote all four Committeemen present voted in the affirmative.

**Paul Dietrich, Municipal Engineer**, reported that street paving work has started this week and that residents will be notified prior to the commencement of work on their street. He reported that the community television station, UTTV, was effective in broadcasting information about the storm this week.

Also, that the Department of Environmental Protection will close Corson's Inlet to marine traffic on Sept. 25, 2003 to perform an oil spill drill.

## **RESOLUTIONS**

- 1. Authorizing a Tax Sale scheduled for November 13, 2003, and appointing an official to bid at the sale and appropriating funds.**

### **TOWNSHIP OF UPPER**

### **CAPE MAY COUNTY**

### **R E S O L U T I O N**

### **RESOLUTION NO.185-2003**

**RE: APPOINTING AN OFFICIAL TO BID AT THE  
TAX SALE SCHEDULED FOR NOVEMBER 13, 2003**

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**WHEREAS**, a Tax Sale is scheduled to be conducted by the Tax Collector of the Township of Upper on November 13, 2003; and

**WHEREAS**, the Township Committee has duly considered the matter and has determined to take the action hereinafter designated.

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

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

2. The Chief Financial Officer, Patricia A. Garbutt, and or the Tax Assessor, Kristen Errickson are hereby designated and appointed as the officials who may bid at said Tax Sale on behalf of the Township of Upper on the scheduled date, as well as on any other date to which the Tax Sale may be adjourned.

2. The Chief Financial Officer, Patricia A. Garbutt and or the Tax Assessor, Kristen Errickson are hereby authorized to expend on behalf of the Township, up to \$30,000.00 in order to purchase Tax Liens.

Resolution No.185-2003

Offered by: McCrosson Seconded by: Newman

Adopted: September 22, 2003

Roll Call Vote:

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

Newman                      x                                  
 Palombo                     x                                

**2. Appointing William Bramble as Plumbing Sub-code Official.**

**TOWNSHIP OF UPPER  
 CAPE MAY COUNTY  
 R E S O L U T I O N  
 RESOLUTION NO. 186-2003  
 RE: APPOINTING WILLIAM BRAMBLE  
 AS PLUMBING SUB-CODE OFFICIAL**

**WHEREAS**, there is a need to fill the title of Plumbing Sub-Code Official; and

**WHEREAS**, the Township Committee has determined that William Bramble possesses all of the requisite qualifications for appointment to said position; 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. William Bramble is hereby appointed as Plumbing Sub-Code Official of the Township of Upper effective immediately at an annual salary of \$6,000 in accordance with the Salary Ordinance.

Resolution No. 186-2003  
 Offered by: Corson    Seconded by: Palombo  
 Adopted: September 22, 2003  
 Roll Call Vote:

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

- 3. Accepting the bid of and authorizing the execution of a contract with Park Lane Construction & Development Corp., Inc. of Clyde, New Jersey for the project known as the Salt Barn in the amount of \$67,000.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 187-2003  
RE: ACCEPTING THE BID OF AND AUTHORIZING THE  
EXECUTION OF A CONTRACT WITH  
PARK LANE CONSTRUCTION & DEVELOPMENT CORP., INC.  
OF CLYDE, NEW YORK FOR THE PROJECT KNOWN AS  
THE SALT BARN IN THE AMOUNT OF \$67,000.00**

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**WHEREAS**, the Township of Upper solicited bids for the furnishing of certain services, materials, labor or equipment, which bids were received on September 4, 2003; and

**WHEREAS**, the specifications of the Bid Package allows the Township at its discretion to award either the construction of the foundation and supply of the building or construction of the entire building; and

**WHEREAS**, the aforesaid bids were thereafter reviewed by the Township Engineer; and

**WHEREAS**, the Township Engineer has submitted a recommendation to the Township Committee with respect to the award of said bid items recommending accepting the bids for construction of the foundation and supply of the building only; and

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

**WHEREAS**, the Township intends to take formal action awarding the bid to the lowest responsible bidder as hereinafter provided;

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

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

2. The Township hereby accepts the bid submitted by Park Lane Construction & Development Corp., of 10269 Old Route 31 West, of Clyde, New York, 14433, for the construction of the foundation and supply of the building only for items as follows: Item number 1: Salt Storage Building Foundation---\$12,000; Item number 2: Supply Salt Storage Building Materials---\$44,000; and Item number 4: Electrical Work (Supply & Install)---\$11,000; for the project known as the "Salt Barn", Township of Upper, Cape May County, in the amount of \$67,000.00, subject to the following:

(A) The Bidder shall comply with all Bid Documents, including the Notice to Bidders, all of which are hereby incorporated herein by this reference.

(B) The Contract to be entered into must comply in all respects with applicable federal, state and local laws and regulations.

3. The Township hereby rejects Item Number 3: Construction of Salt Storage Building \$86,404.00.

4. The Mayor and Township Clerk are further authorized to execute a Contract with the successful bidder and/or the Chief Financial Officer is hereby authorized, directed and empowered to issue a Purchase Order to the successful bidder in the amount authorized in this Resolution.

4. This Resolution ratifies and confirms the action taken by the Township Committee at its regular meeting held on September 8, 2003.

Resolution No. 187-2003

Offered by: Corson      Seconded by: Palombo

Adopted: September 22, 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>	_____	_____	_____

**4. Accepting the bid of and authorizing the execution of a contract with Trico Equipment, Inc. of Vineland, New Jersey for a Wheel Loader 2003 or Newer in the amount of \$61,636.**

TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N  
RESOLUTION NO. 188-2003  
RE: ACCEPTING THE BID OF AND AUTHORIZING THE  
EXECUTION OF A CONTRACT WITH  
TRICO EQUIPMENT, INC. OF VINELAND, NEW JERSEY  
FOR A WHEEL LOADER 2003 OR NEWER IN THE AMOUNT OF \$61,636.00

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**WHEREAS**, the Township of Upper solicited bids for the furnishing of certain services, materials, labor or equipment, which bids were received on September 4, 2003; and

**WHEREAS**, the aforesaid bids were thereafter reviewed by the Township Engineer; and

**WHEREAS**, the Township Engineer has submitted a recommendation to the Township Committee with respect to the award of said bids; and

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

**WHEREAS**, the Township intends to take formal action awarding the bid to the lowest responsible bidder as hereinafter provided;

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

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

2. The Township hereby accepts the bid submitted by Trico Equipment, Inc., of 551 North Harding Highway, Vineland, New Jersey 08360, for furnishing and delivery of a model year 2003 or Newer Wheel Loader for a total cost of \$84,836.00 less trade-in of a 1989 Catapiller Tool Carrier #IT18B for a trade-in allowance of \$23,200.00 resulting in a net cost to the Township of \$61,636.00 subject to the following;

(A) The Bidder shall comply with all Bid Documents, including the Notice to Bidders, all of which are hereby incorporated herein by this reference.

(B) The Contract to be entered into must comply in all respects with applicable federal, state and local laws and regulations.

3. The Mayor and Township Clerk are further authorized to execute a Contract with the successful bidder and/or the Chief Financial Officer is hereby authorized, directed and empowered to issue a Purchase Order to the successful bidder in the amount authorized in this Resolution.

4. This Resolution ratifies and confirms the action taken by the Township Committee at its regular meeting held on September 8, 2003.

Resolution No. 188-2003

Offered by: Corson                      Seconded by: McCrosson

Adopted: September 22, 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>	_____	_____	_____

**5. Accepting bid specifications for revaluation and authorizing advertisement to solicit for bids.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 189-2003  
RE: ACCEPTING BID SPECIFICATIONS FOR REVALUATION  
AND AUTHORIZING ADVERTISEMENT TO SOLICIT THE BIDS**

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**WHEREAS**, the Township of Upper has been directed to undertake a revaluation of its real property; and

**WHEREAS**, the Township Committee of the Township of Upper desires to eventually enter into a contract for said revaluation with an approved appraisal company for this purpose; and

**WHEREAS**, the Township Committee of the Township of Upper has reviewed certain bid specifications in connection with revaluation of its real property, a copy of which are attached hereto as Exhibit A; and

**WHEREAS**, the Township Committee of the Township of Upper wishes to approve said bid specifications as attached hereto as Exhibit A; and

**WHEREAS**, the Township Committee of the Township of Upper also wishes to authorize the advertisement and solicitation of bids in accordance with state law for said revaluation 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 above paragraph are incorporated herein by this reference.
2. The Township Committee hereby approves the bid specifications attached hereto as Exhibit A.
3. The Township Committee hereby authorizes the advertisement for bids for the selection of an appraisal company to conduct said revaluation.
4. The Township Committee hereby directs that any and all such bids shall be opened and reviewed by the Township of Upper, if possible, at the same date and time bids are opened for Tax Revaluation services for other neighboring municipalities.
5. The Township Committee hereby appoints the Township Clerk, the Township Chief Financial Officer and the Township Tax Assessor as those individuals to tabulate said bids at the aforesaid date and time.
6. 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. 189-2003

Offered by: McCrosson, Seconded by: Newman

Adopted: September 22, 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. Approval of the design of and authorization for the Township Engineer to advertise for bids for the Amanda's Field Skate Park project.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 190-2003  
RE: APPROVAL OF DESIGN OF THE AMANDA FIELD SKATEPARK PROJECT  
AND AUTHORIZATION FOR THE TOWNSHIP ENGINEER  
TO ADVERTISE FOR BIDS FOR SAME**

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**WHEREAS**, the Township Committee of the Township of Upper has determined that a skatepark should be constructed at Amanda's Field, Petersburg; and

**WHEREAS**, the Township Engineer for the Township of Upper has prepared a proposed design for said skatepark project which is attached hereto as Exhibit A; and

**WHEREAS**, the Township Engineer has prepared the aforesaid design for the skatepark project in accordance with insurance requirements and guidelines as well as the appropriate statutory and regulatory requirements; and

**WHEREAS**, the Township Committee of the Township of Upper desires to approve the attached skatepark design and authorize the advertisement for bids for the construction of same; and

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

1. The allegations above are incorporated herein by this reference.
2. The Township Committee hereby accepts and approves the design for the skatepark at Amanda's Field as set forth in Exhibit A attached hereto.
3. The Township Committee hereby authorizes the advertisement for bids for the skatepark project at Amanda's Field.
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. 190-2003

Offered by: McCrosson

Seconded by: Newman

Adopted: September 22, 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____	_____	_____	_____

**7. Authorizing the Mayor to enter into an agreement with Sprint Communications for space on communications tower in Estell Manor.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 191-2003**

**RE: AUTHORIZING MAYOR TO ENTER INTO AN AGREEMENT WITH SPRINT SPECTRUM L.P. FOR SPACE ON COMMUNICATIONS TOWER IN ESTELL MANOR**

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**WHEREAS**, Sprint Spectrum, L.P., a Delaware limited partnership, leases and uses real property which contains a communications tower at 118 Head of River Road, Estell Manor, Atlantic County, New Jersey; and

**WHEREAS**, the Township of Upper wishes to lease from Sprint Spectrum L.P., on a non-exclusive basis, certain portions of such real property for the purpose of locating unmanned radio communications equipment; and

**WHEREAS**, the Township Committee of the Township of Upper has determined that it is in the best interest of the Township of Upper to enter into a Collocation Sublease Agreement with Sprint Spectrum L.P. to lease on a non-exclusive basis a portion of said tower and property for a nominal consideration in accordance with the terms and conditions of the Collocation Sublease Agreement attached hereto as Exhibit A; and

**WHEREAS**, the Township Committee has determined that competitive bidding is not required for said contract pursuant to N.J.S.A. 40A:11-3; 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 above are incorporated herein by this reference.
2. The Township Committee hereby directs and authorizes the Mayor and other appropriate municipal officials to enter into the attached Collocation Sublease Agreement on the behalf of the Township of Upper.
3. The appropriate Township officials are hereby authorized to execute on behalf of the Township any and all documents required in connection with the lease on a non-exclusive basis a portion of said tower and property for a nominal consideration in accordance with the terms and conditions of the Collocation Sublease Agreement attached hereto as Exhibit A.
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.191 -2003

Offered by: Newman

Seconded by: Corson

Adopted: September 22, 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____	_____	_____	_____

8. **Authorizing the Mayor to sign a grant for New Jersey Dept. of Transportation, Centers of Place program for fiscal year 2004 for the project of sidewalks along Reading Ave. in Tuckahoe.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 192-2003  
RE: AUTHORIZING THE MAYOR TO SIGN THE  
NEW JERSEY DEPARTMENT OF TRANSPORTATION,  
CENTERS OF PLACE PROGRAM GRANT APPLICATION,**

**FOR FISCAL YEAR 2004,  
FOR THE PROJECT ENTITLED "SIDEWALKS ALONG READING AVENUE".**

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**WHEREAS**, the Township of Upper wishes to take advantage of this Grant that will be available for Fiscal year 2004; and

**WHEREAS**, the Township Committee fully supports and endorses the actions of the Township Engineer in his filing of the grant application for the following grant program:

FY 2004 N.J. Dept. of Transportation, Centers of Place program for the project entitled "Sidewalks along Reading Avenue". This program is designed to assist municipalities that have formally participated in implementation of the New Jersey State Development and Redevelopment Plan (SDRP). The program provides an opportunity to apply for funds to support non-traditional transportation improvements that advance municipal growth management objectives.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor of the Township of Upper is hereby authorized, directed and empowered to sign the Grant Application for Fiscal Year 2004.
3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.
4. A certified copy of this Resolution shall be provided to the Township Engineer for insertion into the Grant Application for Fiscal Year 2004, and be forwarded to Cape May County Freeholders.

Resolution No. 192-2003  
 Offered by: McCrosson    Seconded by: Corson  
 Adopted: September 22, 2003  
 Roll Call Vote:

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

McCrosson      x      \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_  
 Newman         x      \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_  
 Palombo        x      \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_

**9. Tax Corrections.**

**TOWNSHIP OF UPPER  
 CAPE MAY COUNTY  
RESOLUTION  
 Resolution No. 193-2003  
TAX CORRECTIONS**

**WHEREAS**, certain corrections have been recommended by the Upper Township Tax Collector in order to refund a credit, cancel a credit, cancel a tax;

**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.193-2003

Offered by: McCrosson, Seconded by:Newman                      Adopted:    Sept. 22, 2003

Roll Call Vote:

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

**2003 REFUND**

<b><u>Block/Lot</u></b>	<b><u>Amount</u></b>	<b><u>Name</u></b>
247/21	142.68	Alcan Packaging
383/1	446.93	Alcan Packaging
Paid in error/ Sold to Cape May Co.		
565.02/114	979.90	Tom & Kathy Keck
Duplicate payment		
566/42	733.00	Dennis DeZutter
Paid by Tl. Co. & Mtg. Co./sold		
453/192	673.89	Walter Scanlon

Paid by Tl. Co. & Mtg. Co./sold

**Cancel 2002 tax**

589/11 19.78 Township Owned

**Cancel 2002 Credit**

347/11 43.97 Correct error  
Adjustment

**10. Appointing Brenda Layton and Patricia Garbutt as Clean Communities Coordinators.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 194-2003  
RE: APPOINTMENT OF PATRICIA GARBUTT AND BRENDA LAYTON  
AS CLEAN COMMUNITIES COORDINATORS**

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**WHEREAS**, the Township of Upper supports the reauthorization of the Clean Communities Act; and

**WHEREAS**, the Clean Communities Office has been set up to serve as a clearinghouse for information related to litter and solid waste; and

**WHEREAS**, the Clean Communities Office is working to set up a database for all Clean Communities coordinators in the state; and

**WHEREAS**, the Township Committee of the Township of Upper wishes to appoint Brenda Layton and Patricia Garbutt as Clean Communities Coordinators for 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 of Upper hereby appoints Brenda Layton and Patricia Garbutt as Clean Communities Coordinators 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.

Resolution No. 194-2003

Offered by: Newman                      Seconded by: Palombo

Adopted: September 22, 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>	_____	_____	_____

**ORDINANCES**

**11. Introduction of Ordinance 007-2003, Re: An Ordinance amending revised General Ordinance Chapter 15 (Soils and Soil Removal), 19 (Land Subdivision and Site Plan), and 20 (Zoning) of the Code of Upper Township; and repealing of zone change in the Pinelands District from Ordinance 006-2002.**

Mr. Young explained that the F-10 zone is being repealed, (there is also a revision of the zoning map in this regard), resulting from input from previous meetings. This change is not consistent with recommendations made by the Planning Board. If the Committee chooses not to accept the recommendations from the Planning Board the vote must be a majority of the full membership of the Committee, and reasons must be given for not following it. Mr. Palombo stated that it is because of the Committee’s desire to limit residential development since additional residential housing would create an increased tax burden on the Township residents.

Another minor change discussed was Section 20.5.6(i), which requires that an applicant offer his property for sale, prior to making application for variance relief for an undersized vacant lot. Mr. Young was concerned with the time period and with it being in accordance with land use law. He recommended repealing this item instead of delaying the ordinance.

Mr. Dietrich stated that along with the removal of the F-10 zone, the previous realignment of zones done in Ordinance 006-2002 would also be repealed. This would entail the realignment of the F-25 and the RD zones behind Sunset Acres, and the corresponding shift in the RD zone and the F-25 zone on Mill Road. Across Mill Road there is also a shift in the RD and PB zone lines. All those zone lines will go back to the original locations. Many of these changes transpired from recommendations from the Pinelands Commission to create the new F-10 zone. The Pinelands will not certify the plan unless these changes are made.

Mr. McCrosson recommended sending this back to the Planning Board for reconsideration of their recommendations.

Motion was made by Andrew McCrosson to table this matter and refer it to the Planning Board for their review and recommendations. Jay Newman seconded. Mr. Dietrich will request a further extension from the Pinelands.

**CORRESPONDENCE**

**12. Cape May County Office of County Counsel-Re: Estate of Camillo DeLanzo, Block 370, Lots 12, 13, 27-30, 33, 34 and Block 371, Lot 32.**

The County is requesting a resolution from the Township recommending purchasing this property for Open Space. There is question on whether there is any environmental hazard on the property. Liability to the Township was discussed. There may be wetlands on the tract. The Committee asked the Township Engineer to research the property for wetlands maps and report on it at the next meeting.

**NEW BUSINESS**

**UNFINISHED BUSINESS:**

**DISCUSSION**

**13. Revision to proposed Ordinance No. 005-2003 Re: An Ordinance Prohibiting Animals Running At Large.**

Attorney Daniel Young stated that the draft before the Committee tonight includes the recommendations made at the August 25<sup>th</sup> meeting. The document includes the provision whereby you have a 6-month time period before you are subject to fines for an animal running at large. In addition, he included a provision that authorizes the Animal Control Officer to immediately remove dangerous problem animals off of the street.

Motion was made by Jay Newman, second by Curtis Corson to accept the amended version of the ordinance. During roll call vote all four Committeemen present voted in the affirmative. Public Hearing will be held at the October 14<sup>th</sup> meeting.

**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.”**

<b>Bills approved for payment:</b>	<b>\$270,090.77</b>
<b>Payroll</b>	<b>\$112,185.27</b>

**Moved by Curtis Corson, second by Jay Newman to pay the bills as submitted. During roll call vote all four Committeemen present voted in the affirmative.**

**REPORT OF MUNICIPAL DEPARTMENTS:**

- 14. Tax Office
- 15. MUA Report
- 16. Animal Control
- 17. Dept. of Public Works
- 18. Municipal Court

Reports are available for inspection in the Clerk’s office.

**PUBLIC COMMENT**

**Elizabeth Bergus**, thanked Township workers for removing items from the Strathmere beach before the storm.

**Ruth Wolforth**, read a letter into the record regarding increasing property taxes and senior citizens. She thanked the Committee for their support of Bill 2516 which benefits senior citizens with taxes.

**Robert Turnbull**, discussed the costs of education and high property taxes.

### **CLOSED SESSION**

19. 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**

### **ADJOURNMENT**

There being no further business this evening the meeting was adjourned at 6:50 P.M. Next meeting to be Tuesday, October 14, 2003 at 7:30 P.M.

Minutes prepared by

Wanda Gaglione, RMC  
Municipal Clerk

### **Bill List**

			TOWNSHIP OF UPPER	
09/23/03				
034551	09/22/03	A0004	A+ COMMERCIAL OFFICE CLEANERS	175.00
034552	09/22/03	A0006	ADVANCE TREADS INC	417.00
034553	09/22/03	A0017	A.C.M. JIF C/O T. FREEDMAN	55,291.00
034554	09/22/03	A0018	ACTION SUPPLY INC.	35.32
034555	09/22/03	A0023	ADAMS, JOHN	267.99
034556	09/22/03	A0025	ADVANTAGE RENTAL ACE HARDWARE	1,075.76
034557	09/22/03	A0032	AGWAY /T/A J & F HOME & GARDEN	216.00
034558	09/22/03	A0041	ALL ACTION WATER SPORTS, INC.	125.00
034559	09/22/03	A0050	ALL STAR SPORT CENTER	5,741.00
034560	09/22/03	A0087	AT & T	499.23
034561	09/22/03	B0018	BARRETT,GERALD INC.	359.10
034562	09/22/03	B0019	BELASCO, LOUIS J. JR.	400.00
034563	09/22/03	B0070	HORIZON BLUE CROSS/BLUE SHIELD	69,249.65
034564	09/22/03	B0076	BOND,LAURENCE E.	52.00
034565	09/22/03	C0005	CMC JR. FOOTBALL LEAGUE	1,470.00
034566	09/22/03	C0030	CAMP, BARBARA	28.00
034567	09/22/03	C0048	CAPE MAY COUNTY MUA	36,425.48
034568	09/22/03	C0060	CAPRIONI'S PORTABLE TOILETS	1,429.50
034569	09/22/03	C0112	BAUR MUNICIPAL SUPPLIES	30.00
034570	09/22/03	C0118	CLEAN COMMUNITIES OFFICE	80.00
034571	09/22/03	C0125	COIA'S GREENHOUSE'S	292.50
034572	09/22/03	C0138	COASTAL PLUMBING & HEATING INC	93.00
034573	09/22/03	C0143	CODY'S POWER EQUIPMENT	175.04
034574	09/22/03	C0157	COMPUSERVE/WORLD HEADQUARTERS	9.95
034575	09/22/03	C0160	CONECTIV POWER DELIVERY	11,650.26
034576	09/22/03	C0201	CRUZAN'S TRUCK SERVICE INC.	289.56
034577	09/22/03	D0016	DALEY,FREDERICK T/A DALEYS PIT	240.00
034578	09/22/03	D0066	GARBUTT, PATRICIA A.	175.58
034579	09/22/03	D0077	DIETRICH,PAUL	46.83
034580	09/22/03	D0105	DANONE WATERS OF NORTH AMERICA	451.45
034581	09/22/03	E0007	ELITE EQUIPMENT CORPORATION	873.09
034582	09/22/03	E0020	ELMER DOOR CO.	2,730.00
034583	09/22/03	E0026	ERICH PRINTING INC.	52.00
034584	09/22/03	F0061	FOX ELECTRIC SUPPLY COMPANY	250.34
034585	09/22/03	F0069	FRED'S AUTO	1,500.00

034586	09/22/03	G0016	GARDNER HARDWARE INC.	136.46
034587	09/22/03	G0040	GIBSON ASSOCIATES,P.A.	6,000.00
034588	09/22/03	G0047	GILLESPIE, J.F. INC.	628.00
034589	09/22/03	G0094	GRUBB, JON	150.00
034590	09/22/03	G0120	GILBERTSON,GILBERT O.	8.00
034591	09/22/03	H0054	HOFFMANN,WILLIAM	38.70
034592	09/22/03	H0073	HOME DEPOT CRC/GEFC	1,935.65
034593	09/22/03	J0002	J.P. COLLINS CO.	1,217.89
034594	09/22/03	J0014	JC MILLER CO.	388.04
034595	09/22/03	K0016	KEENE, DAVID	32.00
034596	09/22/03	L0013	LANIER HEALTHCARE	407.00
034597	09/22/03	L0059	LIPKE,KANDEE	464.36
034598	09/22/03	M0055	MAY, JUDITH	96.00
034599	09/22/03	M0108	MOTORS FLEET INC.	20,352.00
034600	09/22/03	M0142	MASON, NICHOLAS	253.92
034601	09/22/03	N0026	N.J. RECREATION & PARK ASSOC.	150.00
034602	09/22/03	N0050	NUBS BUSINESS SYSTEMS, INC.	99.00
034603	09/22/03	N0052	NATL YOUTH SPORTS COACHED ASSN	940.00
034604	09/22/03	N0100	N.J. LEAGUE OF MUNICIPALITIES	42.00
034605	09/22/03	N0120	NORTHERN SAFETY CO.INC.	237.34
034606	09/22/03	P0032	PEDRONI FUEL CO.	739.24
034607	09/22/03	P0037	PENNSYLVANIA JERSEY CONCRETE	478.00
034608	09/22/03	P0055	PHILADELPHIA GENERAL TIRE	2,783.64
034609	09/22/03	P0101	PSM DECK & SHAKE	1,018.75
034610	09/22/03	R0030	RIGGINS, INC.	1,964.55
034611	09/22/03	S0031	SCHULER SECURITY, INC.	900.00
034612	09/22/03	S0034	SCHULER, DANIEL	36.00
034613	09/22/03	S0054	SENN, FRANCES	44.00
034614	09/22/03	S0072	SEGIN, STEWART S.	24.00
034615	09/22/03	S0110	SOLTZ PAINT, INC.	538.10
034616	09/22/03	S0185	STOCKTON STATE COLLEGE	3,144.61
034617	09/22/03	S0216	DEPT.31 OOOO261489	126.23
034618	09/22/03	S0219	STAAB, CHUCK	150.00
034619	09/22/03	T0011	TAYLOR, JASON	209.10
034620	09/22/03	T0034	THE PAPER OF U.T./GAZETTE	69.36
034621	09/22/03	T0035	THE PAPER OF UT/GAZETTE	520.05
034622	09/22/03	T0038	THOMAS, CHRISTOPHER	226.52
034623	09/22/03	T0044	THOMSON, KERRY AGENCY	22,298.03
034624	09/22/03	T0067	TOWNSHIP OF UPPER PETTY CASH	20.00
034625	09/22/03	T0095	JOHN HILL T/A	2,000.00
034626	09/22/03	T0097	TRICO EQUIPMENT INC.	5,457.20
034627	09/22/03	T0103	TROPICANA CASINO & RESORT	119.78
034628	09/22/03	V0022	VERIZON	263.78
034629	09/22/03	W0016	WARRINGTON,MARILYN	12.00
034630	09/22/03	W0029	WHILDEN,GARY	141.84
034631	09/22/03	W0038	WILLIAMS, JEREMIAH J.	4.00
034632	09/22/03	W0047	WILLIAMSON, ROSS	130.00
034633	09/22/03	X0002	XEROX CAPITAL SERVICES,LLC	899.00

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Total Paid:                   \$270,090.77