

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

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

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

APPROVAL OF MINUTES - July 14, 2003 Regular Meeting and Closed Session

Minutes. Motion to approve Minutes by David Bucciarelli, second by Andrew McCrosson. During roll call vote three voted affirmative, Mr. Newman abstained.

**PRESENTATION- Recognizing John Richardson on his outstanding track career; and
Congratulating members of the Ocean City High School Track
Teams for an exceptional season.**

REPORT OF GOVERNING BODY MEMBERS

David Bucciarelli, discussed insurance issues as to whether or not some organizations are covered under the Township insurance. Recently the Cheerleaders Parents Association wanted to sell snacks at the 4th of July fireworks display and discovered that they would not be covered under the Township’s insurance. The players would be covered, the fundraising activities would not be covered. This applies to all our parent’s groups. They would have to get a certificate of insurance naming the Township of an additional insured. The cost would be about \$500. We will have our Risk Management Consultant report on the procedure to insure these groups.

He also discussed a notice received from the League of Municipalities regarding early retirement incentives. He asked that Patricia Garbutt provide a list of the employees this would benefit. There would be costs involved, in addition to benefits to the Township as far as eliminating the higher paid employees, reducing the costs of running the Township.

Andrew McCrosson, discussed whether we wanted to receive disconnection notices from N.J. Gas Company. He recommended that we accept the notices and advise the property owners of any aid programs available; which is already being done with electric service disconnect notices. Moved to execute the form to receive gas disconnect notices, by Andrew McCrosson, second by David Bucciarelli with all four voting affirmative.

He discussed the intersection of Evergreen and Stagecoach Roads, and the intersection of Church and Stagecoach Roads. He discussed requests for four-way “Stop” signs, traffic warning signs, and that some of the trees be cut back. Letters to be forwarded to County

Engineer, Dale Foster. Moved by Mr. McCrosson to endorse the suggestions of Mrs. Harris concerning Church Road intersection, and the letter concerning Evergreen and Stagecoach Roads. Mr. Newman seconded. Mr. Newman discussed the speeding traffic problems on Stagecoach Road. This has been an ongoing problem looked at many times in the past, the Committee will ask the County to please revisit this problem. The Freeholders and the N.J. D.O.T. will be contacted. Mr. McCrosson added "speed limit on Stagecoach" to his motion. During roll call vote all four Committeemen present voted affirmative.

Jay Newman, reported that Emergency Management has been busy this summer with several serious accidents involving local residents. He asked the public to be especially careful during this busy time of year. He also reported that the communication tower at Township Hall has been upgraded and that we are in the process of upgrading others.

Curtis Corson, Deputy Mayor, reported on an accident at the intersection of Rt. 50 and Hope Corson Road where a bicyclist was hit by a car. It is a very dangerous traffic area. He motioned to also send notice to the State and County asking for a traffic light at that spot, second by David Bucciarelli with all four Committeemen voting affirmative. He also reminded everyone that the U.T. Lifeguard's "6 Mile Run" is scheduled for this evening in Strathmere to benefit M.S. Foundation.

OTHER REPORTS

Wanda Gaglione, Municipal Clerk, reported that the Mayor is available by phone everyday this week and anyone could contact him through the Clerk's Office. He asked me to relay congratulations to U.T. Eagle Scouts Mark Simmerman and Kevin Miraglia. He will attend the Eagle Scout ceremony for Mark, and Mr. McCrosson will attend the ceremony for Kevin. He also asked me to remind everyone about the GTAMA Annual Canoe Race on August 3rd.

Daniel Young, Municipal Attorney, reported the work on the Life Guard Station has been stopped by the D.E.P. Discussion with a representative from the D.E.P. at the site determined that as long as we were in the same footprint we could continue and that no further approval was necessary. After review of the plan by a Supervisor at D.E.P. he determined that further permitting was necessary. Although we used the same square footage as the previous building, the new building is configured differently. We are submitting application for approval.

RESOLUTIONS

- 1. Expressing support for Assembly No. 2753 and Senate No. 1924, World Trade Center Families for Proper Burial.**

TOWNSHIP OF UPPER

CAPE MAY COUNTY

R E S O L U T I O N

RESOLUTION NO. 150-2003

RE: EXPRESSING SUPPORT FOR ASSEMBLY NO. 2753 AND SENATE NO. 1924

WHEREAS, the unprovoked attack on the United States carried out by international terrorists on September 11, 2001

against targets in New York City, Washington, D.C. and Arlington, Virginia, resulted in the deaths of thousands of innocent people, injury to countless others and the destruction of innumerable lives; and

WHEREAS, among the victims of this depraved act were civilian and government workers, military personnel, airline passengers and crew members, police officers, firefighters and paramedics, many of whom reside in this State; and

WHEREAS, the remains of many victims of the World Trade Center attacks were never located; and

WHEREAS, the ash from the World Trade Center site, which contains the remains of victims of September 11, 2001, has been held at Fresh Kills Landfill in Staten Island, New York; and

WHEREAS, it is fitting and proper for the State to honor the victims of September 11, 2001 by returning their ashes to the site of a memorial in their honor at the World Trade Center; and

WHEREAS, A-2753 and S-1924 require the Port Authority of New York and New Jersey to honor the victims of the World Trade Center by covering the ashes of their remains, placing them in containers and transporting them to the World Trade Center site to be used in a memorial built in their honor; and

WHEREAS, A-2753 and S-1924 shall take effect upon enactment into law by the State of New York legislation having an identical effect with this legislation.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey does hereby go on record supporting the passage of A-2753 and S-1924 by the New Jersey State Legislature and enactment into law of legislation having an identical effect by the State of New York.

FURTHER BE IT RESOLVED, that copies of this Resolution be forwarded to New Jersey Assemblymen Neil Cohen and Joseph Cryan, New Jersey Senator Raymond Lesniak, New York State Senate Majority Leader Joseph L. Bruno and New York State Assembly Speaker Sheldon Silver.

FURTHER BE IT RESOLVED, that copies of this Resolution also be forwarded to New Jersey District One Legislators Senator James S. Cafiero and Assemblymen Nicholas Asselta and Jeff Van Drew, New York Governor George Pataki, New York City Mayor Michael Bloomberg, New York City Council President Gifford Miller, City Council Majority Leader Joel Rivera and City Council Minority Leader James Oddo.

Resolution No. 150-2003

Offered by: Newman, Seconded by: Bucciarelli

Adopted: July 28, 2003

Roll Call Vote:

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>

**ECHO FARM CAMPGROUND
3066 ROUTE US 9 SOUTH
SEAVILLE, NJ 08230**

**OCEAN SANDS RESORT
56 ROUTE 50
SEAVILLE, NJ 08230**

**WHIPPOORWILL CAMPGROUND
ROUTE US 9 SO.
MARMORA, NJ 08223**

**FRONTIER CAMPGROUND
241 ROUTE 50
GREENFIELD, NJ 08230**

**RIVERVIEW CAMPGROUND
465 ROUTE 49 P.O. BOX 184
TUCKAHOE, NJ 08250**

**SHOREBIRDS CAMPGROUND
1314 STAGECOACH ROAD
PALERMO, NJ 08230**

3. All officials of the Township are hereby authorized to take such action as necessary or required in order to carry out the intent and purpose of this Resolution
4. This Resolution shall become effective immediately upon adoption.

Resolution No.151-2002

Offered by: Newman

Seconded by: McCrosson

Adopted: July 28, 2003

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Bucciarelli	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Corson	<u> </u>	<u> </u>	<u> X </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> </u>	<u> </u>	<u> </u>	<u> X </u>

Committeeman, Andrew McCrosson commented that there are eleven (11) campgrounds providing over 2500 sites which increases our summer population in Upper Township by more than 5000 people.

3. Renewing 2003 Mobile Home Park Licenses.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 152-2003
RE: RESOLUTION RENEWING MOBILE HOME PARK LICENSES

WHEREAS, each of the Mobile Home Parks hereinafter designated has attested that the operation of the mobile home park is in compliance with all applicable New Jersey Statutes and the rules and regulations promulgated pursuant thereto.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The following mobile home park licenses are hereby renewed for a term of (1) one year, commencing August 1, 2003.

HIDDEN PINE MOBILE HOME PARK
1414 SOUTH SHORE ROAD
MARMORA, NJ 08223

PINE HILL TRAILER PARK, INC.
430 ROUTE 9 SOUTH
MARMORA, NJ 08223

OCEAN BEACH TRAILER RESORT
1100 SO.COMMONWEALTH AVENUE
STRATHMERE, NJ 08248

SHORE ACRES MOBILE HOME PARK
1621 SOUTH SHORE ROAD
PALERMO, NJ 08230

3. All officials of the Township are hereby authorized to take such action as necessary or required in order to carry out the intent and purpose of this Resolution.
4. This Resolution shall become effective immediately upon adoption.

Resolution No. 152-2003

Offered by: McCrosion

Seconded by: Newman

Adopted: July 28, 2003

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Bucciarelli	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Corson	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
McCrosion	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Newman	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u> </u>	<u> </u>	<u> </u>	<u> X </u>

4. Establishing Rules and Regulations regarding the operation of the Upper Township Animal Shelter.

This resolution was tabled to the August 25, 2003 meeting.

5. Accepting performance bond for major subdivision Magnolia Court, Block 549, Lots 52 & 54, developer Georgetti Construction.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 153-2003
RE: ACCEPTING THE PERFORMANCE BOND FOR
SCOTT DEVELOPMENT, L.L.C. FOR
BLOCK 549, LOTS 52 AND 54
OWNER AND/OR DEVELOPER: GEORGETTI CONSTRUCTION
SUBDIVISION: MAGNOLIA COURT MAJOR SUBDIVISION
PROPERTY: BLOCK 549, LOTS 52 AND 54**

WHEREAS, Georgetti Construction is the Owner and/or Developer of a major subdivision within the Township of Upper, described as follows: Magnolia Court Major Subdivision, Block 549, Lots 52 and 54; and

WHEREAS, pursuant to N.J.S.A. 40:55D-53, the Developer is required to furnish a Performance Guarantee in favor of the Township for improvements which the Upper Township Zoning Board of Adjustment may deem necessary or appropriate; and

WHEREAS, as further required by N.J.S.A. 40:55D-53, the Municipal Engineer has prepared an itemized cost estimate of the improvements covered by the Performance Guarantee, which itemized cost estimate shall be appended to each Performance Guarantee posted by the Developer and a copy of which is annexed to this Resolution as Exhibit A; and

WHEREAS, the Developers have presented to the Township a Performance Guarantee as follows:

Subdivision Performance Bond

Principal: Scott Development, L.L.C.

c/o Serber, Korschak &
Garrabrant
201 East 34th Street
P. O. Box 59
Ocean City, NJ 08226

Surety: Scott Development, L.L.C.
c/o Serber, Korschak &
Garrabrant 201 East 34th
Street
P. O. Box 59
Ocean City, NJ 08226

Bond Amount: \$24,183.75
Bond Date: July 8, 2003
Bond Amount, Cash: \$22,983.75
Street Lights, Cash: \$1,200.00

WHEREAS, the Municipal Engineer has prepared an itemized cost estimate of the improvements to be covered by the Performance Guarantee, a copy of which is annexed hereto as Exhibit A; and

WHEREAS, the Municipal Attorney has reviewed the Performance Guarantee and has determined that the same complies with the New Jersey Statutes and Township Ordinances applicable thereto and has recommended acceptance of same by the Township Committee;

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 cost estimate of the Municipal Engineer, which is attached hereto as Exhibit A, is hereby accepted and approved.

3. The Surety Bond and Cash Bond Amount described in this Resolution are hereby accepted and approved.

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. 153-2-2003

Offered by: McCrosson, Seconded by: Newman

Adopted: July 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> </u>	<u> </u>	<u> </u>	<u> x </u>

Distribution:

- Engineer
- Construction Official
- Planning Board
- Developer

6. Authorizing the execution of a subcontract with the County of Cape May for the Municipal Alliance Program.

TOWNSHIP OF UPPER
COUNTY OF CAPE MAY
R E S O L U T I O N
RESOLUTION NO. 154-2003
AUTHORIZING THE EXECUTION OF A SUBCONTRACT
WITH THE COUNTY OF CAPE MAY FOR THE
MUNICIPAL ALLIANCE PROGRAM

WHEREAS, pursuant to P. L. 1989, Ch. 51, the Municipal Alliance Program has been made available to each county in order to increase drug and alcohol prevention services; and

WHEREAS, the Township of Upper has agreed to organize and coordinate efforts involving schools, law enforcement, businesses, local organizations and the community for the purpose of reducing alcoholism and drug abuse; and

WHEREAS, the Municipal Alliance Committee (MAC) formed in the Township of Upper will continue to work toward the development and implementation of community based alcoholism and drug abuse education, awareness, alternative and prevention programs; and

WHEREAS, the Township of Upper has submitted an application to conduct prevention activities during the subcontract period.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Upper, County of Cape May, State of New Jersey, that the Mayor and Municipal Clerk are hereby authorized and directed to execute a contract between the County of Cape May and the Township of Upper for the Municipal Alliance Program subcontract period January 1, 2003 to December 31, 2003.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized and directed to execute the section of the subcontract entitled "Statement of Assurances."

BE IT FURTHER RESOLVED that the total amount of the subcontract shall be \$21,820.00; total amount of County funds shall be \$10,910.00 and the amount of local in kind match shall be \$8,183.00 and the local cash amount shall be \$2,727.00.

Resolution No.154-2003

Offered by: McCrosson, Seconded by: Bucciarelli

Adopted: July 28, 2003

Roll Call Vote:

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

7. Authorizing the execution of an architectural services contract with S.J. Fenwick Associates.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 155-2003
RE: APPOINTMENT OF S.J. FENWICK ASSOCIATES
ARCHITECTS AND PLANNERS AS ARCHITECT
FOR THE ADDITION TO TOWNSHIP HALL**

WHEREAS, the Township requires an architect to provide services which include schematic design, design development, construction drawings and any additional services required in connection with the construction of an addition to Township Hall; and

WHEREAS, a resolution is required authorizing the award of such contract for professional services; 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. S.J. Fenwick Associates with offices at 216 New Road, Linwood, New Jersey is hereby appointed Architect for the construction of the addition to Township Hall.
3. The term of this contract is for a period not to exceed the length of time necessary for completion of the aforesaid project, unless sooner terminated by the Township of Upper, at the option of the Township of Upper
4. This Contract is awarded without competitive bidding as a Aprofessional service≡ in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because S.J. Fenwick Associates has professional knowledge as to architectural issues which knowledge is particularly valuable to the Township Committee.

NOTICE OF CONTRACT AWARD

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

5. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of

the official budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.

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

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

8. This Resolution shall be effective as of adoption.

Resolution No. 155-2003

Offered by: Bucciarelli, Seconded by: McCrosson

Adopted: July 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> </u>	<u> </u>	<u> </u>	<u> x </u>

8. Authorizing the execution of N.J. Dept. of Environmental Protection Land Use Regulation program applications and applications for license or easement together with other required documents for the installation of new outfall pipe and tideflex checkvalves.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 156-2003

RE: AUTHORIZING EXECUTION OF NJDEP LAND USE REGULATION PROGRAM APPLICATION AND APPLICATIONS FOR LICENSE OR EASEMENT TOGETHER WITH OTHER REQUIRED DOCUMENTS FOR THE INSTALLATION OF NEW OUTFALL PIPE AND TIDEFLEX CHECK VALVES

WHEREAS, the Township Committee has authorized the installation of a new outfall pipe and Tideflex check valve at the west end of Seacliff Avenue, Strathmere and a new Tideflex check valve on the existing outfall pipe at the west end of Webster Avenue, Strathmere; and

WHEREAS, in order to obtain the appropriate permits and approvals for the aforesaid work, the Township officials must execute and submit NJDEP Land Use Regulation Program Applications and Applications for License or Easement together with other pertinent required documents to the appropriate governmental authorities; and

WHEREAS, the Township Committee wishes to authorize the Township officials to execute said applications and documentation and deliver same to the appropriate governmental authorities;

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 appropriate Township officials are hereby authorized to execute on behalf of the Township any and all documents required in connection with the NJDEP Land Use Regulation Program Application and Applications for License or Easement so as to permit the installation of the new outfall pipe and Tideflex check valve at the west end of Seacliff Avenue, Strathmere, and a new Tideflex check valve on the existing outfall pipe at the west end of Webster Avenue, Strathmere.
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. 156-2003
Offered by: McCrosson, Seconded by: Corson
Adopted: July 28, 2003
Roll Call Vote:

NAME YES NO ABSTAINED ABSENT

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> </u>	<u> </u>	<u> </u>	<u> x </u>

9. In opposition of Legislative S2603, A 3764 regarding management of wildlife in N.J. Deputy Mayor Corson also directed that a copy of this resolution also be sent to Cape May, Cumberland and Atlantic County, the League of Municipalities and all municipalities in Cape May County.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 157-2003
RE: IN OPPOSITION OF NEW JERSEY SENATE BILL S-2603
AND NEW JERSEY ASSEMBLY BILL A-3764,
WHICH EXPANDS MEMBERSHIP AND REVISES
AUTHORITY OF FISH AND GAME COUNCIL**

WHEREAS, there is pending before the New Jersey Assembly Bill A-3764 which expands the membership and revises the authority of the Fish and Game Council; and

WHEREAS, there was pending before the New Jersey Senate Bill S-2603 which expands the membership and revises the authority of the Fish and Game Council; and

WHEREAS, the Township Committee of the Township of Upper hereby wishes to acknowledge its opposition of the aforesaid A-3764 and S-2603, since it will politicize the management of wildlife unfairly and provide the Department of Environmental Protection with undue control over wildlife; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee hereby expresses its opposition of New Jersey Assembly Bill A-3764 and New Jersey Senate Bill S-2603 which will politicize the management of wildlife unfairly and provide the Department of Environmental Protection with undue control over wildlife.

3. A copy of this Resolution shall be forwarded to the Senate Presidents, Assembly Speaker, Minority Leader of the Assembly and Majority Leader of the Assembly as well as the Senate and Assembly representatives of the Township of Upper.

Resolution No. 157-2003

Offered by: McCrosson, Seconded by: Corson

Adopted: July 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> </u>	<u> </u>	<u> </u>	<u> x </u>

10. Authorizing the sum of \$600.00 for the cost of a new sign at Caldwell Park.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 158-2003
RE: AUTHORIZING THE PAYMENT
OF THE SUM OF SIX HUNDRED DOLLARS (\$600.00)
TOWARD THE COST OF A NEW SIGN AT CALDWELL PARK**

WHEREAS, the Township Committee has received a request from Fort Nuwi, a nonprofit organization, to contribute toward the cost of replacing the sign at the entrance to Caldwell Park; and

WHEREAS, Fort Nuwi has agreed to pay the balance of the cost of replacement of the sign at Caldwell Park so long as the Township Committee contributes the sum of Six Hundred Dollars (\$600.00); and

WHEREAS, the Township Committee has agreed to contribute the sum of Six Hundred Dollars (\$600.00) toward replacement of the sign at Caldwell Park, subject to the terms and conditions of this Resolution; and

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

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

2. The Township Committee shall contribute the sum of Six Hundred Dollars (\$600.00) to Fort Nuwi toward the replacement of the sign at the entrance to Caldwell Park.
3. The location, size, type and detail of the new sign at the street entrance into Caldwell Park shall be subject to the prior review and approval of the Township Engineer.
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. 158-2003

Offered by: Bucciarelli, Seconded by: Corson

Adopted: July 28, 2003

Roll Call Vote:

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> </u>	<u> </u>	<u> </u>	<u> x </u>

ORDINANCES

11. **Introduction of Ordinance No. 005-2003-An Ordinance Prohibiting Animals Running At Large.** Public Hearing scheduled for 08-25-2003 at 4:00 pm.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
O R D I N A N C E
ORDINANCE NO. 005-2003**

RE: AN ORDINANCE PROHIBITING ANIMALS RUNNING AT LARGE

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 8 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:

8-11 ANIMALS RUNNING AT LARGE.

8-11.1 ANIMALS RUNNING AT LARGE PROHIBITED.

No person owning, possessing or otherwise having custody of any horses, cattle, swine, goats, fowl or any other animal or fowl, whether or not domesticated, shall allow or permit said animals or fowl to run at large unattended in any area of which said person is not the owner of the premises or has not the written consent of the owner of said premises.

8-11.2 VIOLATIONS AND PENALTIES.

Violations of this section shall be punishable as follows:

- A. First offense, in any twelve (12) month period, a fine of not less than Fifty Dollars (\$50.00);
- B. Second offense, in any twelve (12) month period, a fine of not less than Seventy Five Dollars (\$75.00);
- C. Third subsequent offense, in any twelve (12) month period, a fine of not less than One Hundred Fifty Dollars (\$150.00).

SECTION 2: REPEALER: All Ordinances or parts of Ordinances which are in conflict or inconsistent herewith are

hereby repealed to the extent of such inconsistency or conflict only.

SECTION 3: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudicated 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 4: EFFECTIVE DATE: This Ordinance shall take effect upon final adoption and publication as required by law.

SECTION 5: CODIFICATION: This Ordinance shall be codified in Chapter 8 of the Upper Township Code commencing at 8-11.

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 28th day OF July, 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 25th DAY OF July, 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

CORRESPONDENCE

- 12. Gina Macom, information on Fort Nuwi at Caldwell Park.** This item was pulled from the agenda.

NEW BUSINESS

- 13. UT Planning Board, Resolution MP 01-03, Master Plan Amendment and recommendation of Zoning change.** More information is needed to move forward with this item. Tabled to August 25, 2003 meeting.

14. From Municipal Engineer--Results and recommendations of bid openings for the 2003 Paving Project and for 2003 or Newer Wheel Loader.

Attorney Daniel Young recommended tabling this item to the next meeting. Motion by Andrew McCrosson, second by Curtis Corson.

15. Douglas and Patricia Taylor, request to vacate Pine Road in Tuckahoe.

All neighbors were present that would be affected by the Taylor's request. The Engineer has not had time to review and report on the matter so this will be placed on the 8/11/2003 agenda.

UNFINISHED BUSINESS

16. Municipal Engineer's report on the John and Carolyn Tomlin, Block 348, Lot 96, property clean-up. Tabled to next meeting, more information is needed.

DISCUSSION

17. Lifeguard Rules and Regulations. This item was tabled.

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."

Bills submitted for payment: \$1,029,759.10

Payroll: \$141,854.95

Motion to approve the payment of the bills by David Bucciarelli, second by Andrew McCrosson with all four Committeemen present voting in the affirmative.

REPORT OF MUNICIPAL DEPARTMENTS:

18. Finance Office-CY 2003/FY 2004 Aid Recapitulation and Payment Schedule report was also included in the reports. Mr. McCrosson commented that our first payment is due August 1st and indications from Trenton were that they may arrive later. He again discussed the importance of retaining a reserve fund for the Township to cover expenses in the event of late receipt of aid payments.

19. MUA Report

20. Tax Collector-Certified Proof of Mailing of the 2003 final/2004 preliminary Tax Bills. Motion to accept report by Andrew McCrosson, second by David Bucciarelli with all four Committeemen voting affirmative.

Reports are in the Clerk's Office for inspection.

PUBLIC COMMENT

Robert Steck, had questions on the sidewalk paving project that was completed this year near the Elementary School. This paving was done with grant money. The Township has applied again this year and will continue this project if more grant money is received.

Wendy Dougherty, representative from the School Board asked if the Committee had any concerns they wanted to discuss as she would attend the School Board meeting directly after this meeting.

Libby Schuck, asked if Upper Township had a curfew for our young people. She discussed an incident where she saw teenagers hanging out at Cape Savings Bank at 3:00 A.M. One of the youths ran into the street and she almost hit him. The Township does not have a curfew, however we will ask our State Police liaison to check the area. She also asked about a letter she sent to the Committee. The letter will be reviewed by the Committee.

Ruth Ann Wolford, a property owner in Upper Township, read a letter into the record about how the escalating property taxes are driving out our senior citizens.

Robert Steck, suggested the newspaper print the bar graph shown on the tax bills as to how tax dollars are distributed to the School Board, County, and Fire Districts, showing nothing going to the Township.

State Police Station Commander from Woodbine Barracks SFC. Richard Tesauro, introduced himself and said he was looking forward to working with the Township.

Robert Turnbull also discussed the affect of the increased property taxes on our seniors. There were no more speakers.

The regular portion of the meeting was closed, motion by David Bucciarelli, second by Andrew McCrosson with all four Committeemen voting affirmative.

CLOSED SESSION

21. 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 6:30 P.M. Next meeting is scheduled for August 11, 2003 at 7:30 P.M.

Minutes prepared by

Wanda Gaglione, RMC
Municipal Clerk

Bill List

034215	07/28/03	A0006	ADVANCE TREADS INC	852.22
034216	07/28/03	A0012	ACME MARKETS INC.	88.11
034217	07/28/03	A0018	ACTION SUPPLY INC.	545.89
034218	07/28/03	A0020	ACU-THERM SUPPLY CO., INC.	695.00
034219	07/28/03	A0041	ALL ACTION WATER SPORTS, INC.	41.55
034220	07/28/03	A0046	ALL SEASONS MARINA	12.83
034221	07/28/03	A0050	ALL STAR SPORT CENTER	7,275.00
034222	07/28/03	B0020	BLAKER, RAYMOND	239.12
034223	07/28/03	B0070	HORIZON BLUE CROSS/BLUE SHIELD	68,156.91
034224	07/28/03	B0092	BROKER, EUGENE JR.	44.00
034225	07/28/03	B0104	BRUNETTI, WALTER, SR.	36.00
034226	07/28/03	B0109	BUCCIARELLI, DAVID	150.00
034227	07/28/03	B0143	BARHAM, MARK	20.00
034228	07/28/03	B0146	BYRD, JUSTIN	20.00
034229	07/28/03	C0014	CALISE, MICHAEL	100.00
034230	07/28/03	C0052	CAPE MAY COUNTY TREASURER	855,458.67
034231	07/28/03	C0060	CAPRIONI'S PORTABLE TOILETS	1,533.00
034232	07/28/03	C0114	CITY OF OCEAN CITY	38,346.00
034233	07/28/03	C0131	CINTAS FIRST AID & SAFETY	33.47
034234	07/28/03	C0136	COASTAL ENGRAVING CO., INC.	123.60
034235	07/28/03	C0143	CODY'S POWER EQUIPMENT	55.90
034236	07/28/03	C0144	COGGINS, SEAN	130.00
034237	07/28/03	C0160	CONECTIV POWER DELIVERY	535.29
034238	07/28/03	C0174	COSTANZO, TONY	72.00
034239	07/28/03	C0201	CRUZAN'S TRUCK SERVICE INC.	79.10

034240	07/28/03	D0003	DATA RESOURCE SOLUTIONS	400.00
034241	07/28/03	D0016	DALEY,FREDERICK T/A DALEYS PIT	190.00
034242	07/28/03	D0040	DELTA DENTAL PLAN OF N.J. INC.	3,501.78
034243	07/28/03	D0045	DEPTCOR	240.00
034244	07/28/03	D0054	DiNARDO, BRUCE	182.00
034245	07/28/03	D0066	GARBUTT, PATRICIA A.	20.00
034246	07/28/03	D0086	DRAWING BOARD/WHEELER GROUPINC	113.12
034247	07/28/03	D0105	DANONE WATERS OF NORTH AMERICA	474.60
034248	07/28/03	F0036	FIREWORKS BY GIRONE, INC.	4,600.00
034249	07/28/03	F0039	FITZPATRICK'S JEWISH DELI	33.39
034250	07/28/03	F0053	FORD,SCOTT,SEIDENBURG& KENNEDY	1,700.00
034251	07/28/03	F0069	FRED'S AUTO	393.74
034252	07/28/03	G0002	GAGLIONE, WANDA	12.00
034253	07/28/03	G0061	GLASS SURGEON	374.78
034254	07/28/03	G0066	GIHORSKI,JASON	40.00
034255	07/28/03	G0093	GRUBB, JON KEVIN	257.57
034256	07/28/03	G0094	GRUBB, JON	8.00
034257	07/28/03	G0120	GILBERTSON,GILBERT O.	16.00
034258	07/28/03	H0002	H.A. DEHART & SON CORP.	143.72
034259	07/28/03	I0021	INTERSTATE BATTERIES	503.60
034260	07/28/03	J0002	J.P. COLLINS CO.	1,344.54
034261	07/28/03	J0041	JONES, JAMES M.	708.00
034262	07/28/03	K0032	KINGSTON, TED, INC.	79.00
034263	07/28/03	K0034	KOHLER, CLAUDE JR.	8.00
034264	07/28/03	K0058	KUHAR, JOE	60.00
034265	07/28/03	L0006	LaGROSSE, JOHN	400.00
034266	07/28/03	L0034	LAYTON, BRENDA MRS.	80.90
034267	07/28/03	L0045	LEHMAN HARDWARE & APPLIANCES	428.00
034268	07/28/03	M0009	MCCAULEY, ROBERT	124.00
034269	07/28/03	M0051	MAYNE, RONALD	100.00
034270	07/28/03	M0059	MCDANIELS, WILLIAM J. III	64.88
034271	07/28/03	M0069	MIGLIACCIO FARMS	24.00
034272	07/28/03	M0117	MORELAND, BILLY	40.00
034273	07/28/03	N0026	N.J. RECREATION & PARK ASSOC.	350.00
034274	07/28/03	N0108	N.J.COUNTY TAX BOARDS ASSOC.	545.00
034275	07/28/03	N0115	NORTH, WARREN	100.00
034276	07/28/03	P0008	PALMER,NANCY	20.00
034277	07/28/03	P0032	PEDRONI FUEL CO.	1,506.44
034278	07/28/03	P0064	PITNEY BOWES CREDIT CORP.	585.00
034279	07/28/03	P0073	POGUE INC.	118.00
034280	07/28/03	R0030	RIGGINS, INC.	1,034.16
034281	07/28/03	R0036	R & S AUTO	2,100.00
034282	07/28/03	R0055	ROSIAK, CAROL	150.00
034283	07/28/03	S0001	SAM'S CLUB	288.68
034284	07/28/03	S0054	SENN, FRANCES	118.00
034285	07/28/03	S0133	SOUTH JERSEY AUTO SUPPLY	505.48
034286	07/28/03	S0134	SO. JERSEY GAS COMPANY	56.83
034287	07/28/03	S0144	SOUTH SHORE FORD	161.27
034288	07/28/03	T0016	TEAL, ALICE MS.	1,110.00
034289	07/28/03	T0032	THE PRESS & SUNDAY PRESS	142.13
034290	07/28/03	T0034	THE PAPER OF U.T./GAZETTE	31.96
034291	07/28/03	T0048	TILL PAINT CO/D. FITZGERALD	3,613.55
034292	07/28/03	T0074	TRANSAXLE INC.	733.14
034293	07/28/03	T0095	JOHN HILL T/A	2,000.00
034294	07/28/03	T0097	TRICO EQUIPMENT INC.	2,771.95
034295	07/28/03	T0115	TURF & FARM SUPPLIES, INC.	83.13
034296	07/28/03	U0029	UPPER TOWNSHIP BD.OF EDUCATION	14,445.00
034297	07/28/03	V0005	VAN EMBDEN,NATHAN, ATTORNEY	1,150.00
034298	07/28/03	V0022	VERIZON	353.68
034299	07/28/03	V0026	VITAL COMPUTER RESOURCES, INC.	100.00
034300	07/28/03	W0004	WAECHTER,RICHARD	36.00
034301	07/28/03	W0008	WALDRON, JAMES A. ESQUIRE	4,069.92
034302	07/28/03	W0016	WARRINGTON,MARILYN	8.00
034303	07/28/03	W0030	WEST PUBLISHING CO.	64.50
034304	07/28/03	X0002	XEROX CORPORATION	98.00
Total Paid:				\$1,029,759.10