

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
MINUTES FOR JANUARY 10, 2005**

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

**CALL TO ORDER**

**SUNSHINE ANNOUNCEMENT**

**SALUTE TO THE FLAG**

**ROLL CALL**

Barbara Camp	Present
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 -      **December 27, 2004 Regular Meeting and  
Closed Session Minutes****

Moved by Jay Newman, second by Curtis Corson to approve the Minutes as written. During roll call vote all five Committee members voted in the affirmative.

**REPORT OF GOVERNING BODY MEMBERS**

**Barbara Camp**, reported that Judge Gilbertson has retired and James Birchmeier has been named as the new Judge, and Patrick Martin is the new Prosecutor.

**Andrew McCrosson**, congratulated the Mayor, the Deputy Mayor, and Curtis Corson and Jay Newman their re-election.

He reported on a Boy Scout Court of Honor ceremony for Ryan Higgins, stating that Upper Township has a large number of young men that have become Eagle Scouts. He congratulated Mr. Higgins and all the Eagle Scouts from Upper Township.

He discussed the budget process and will get the worksheets to everyone. He stated that February 10<sup>th</sup> is the technical date the budget should be introduced, however it is unlikely we will get the State figures by then. Last year it was into March before they arrived.

He made a motion to adopt a resolution opposing Assembly Bill 3529, which allows “double dipping”. It allows an individual to receive disability benefits as well as other benefits, which can result in him receiving more money by not working than by working.

Barbara Camp seconded that motion. During roll call vote all five Committee members voted in the affirmative.

He made a motion to adopt a resolution in support of Assembly Bill 1835 to require the State to reimburse municipalities for disabled veterans' tax exemptions. Disabled veterans are exempt from property taxes however the municipality must still provide the funds required to be sent to the other agencies such as schools, fire districts, and the county. The Bill asks that the State reimburse the municipality. This was seconded by Jay Newman. During roll call vote all five Committee members voted in the affirmative.

**Curtis Corson, Deputy Mayor,** reported on the leaf vacuum that was in the recent accident. The insurance company has reimbursed the Township for the replacement cost and gave us the option to buy the machine back for salvage at \$750.00. Mr. Corson authorized the purchase and stated that the equipment would be repaired and mounted on another vehicle for use.

**Jay Newman,** moved to hire Melissa Gannon full time as an EMT. She is currently a part time employee. This was seconded by Curtis Corson with all five Committee members present voting in the affirmative.

**Richard Palombo, Mayor** welcomed the Upper Township Indians Junior Varsity Football Team and their families to tonight's meeting. A laminated copy of Resolution No. 244-2004 was presented to each player. He asked Committeeman Jay Newman, also a football coach, to read the resolution.

### **OTHER REPORTS**

**Daniel Young, Municipal Attorney,** discussed the Conectiv and B.P.U. matter. There was a meeting last week in Middle Township for the B.P.U. to present in a public forum what they intended to do and to accept public comment. Our special counsel, Hesser McBride was present. During a phone conversation of today between Mr. Young and Mr. McBride, it was suggested that we hold a public meeting to inform our citizens and Mr. McBride would attend to explain the procedure and answer any questions. The Mayor asked that it be coordinated with the next regular meeting, which is January 24, 2005 at 4:00 P.M. It was decided to hold it at 6:00 P.M. directly after the regular meeting.

He reported on problems with Ordinance No. 014-2004 in case anyone was here for the public hearing. There are significant title and probate problems that the owner does not wish to resolve due to the value of the property. (See item 13 below for further explanation). Motion to withdraw the ordinance by Andrew McCrosson, second by Barbara Camp with all five Committee members voting in the affirmative.

**Paul Dietrich, Municipal Engineer,** discussed a change order for bid awarded to Albrecht & Heun for the Clearing and Grubbing at Amanda's Field. Because of the time of year the cost will be \$15,000 to screen and grind topsoil, which will cost less than if the Township did the work. Motion was made by Curtis Corson, second by Jay Newman to authorize the change order. During roll call vote all five Committee members voted in the affirmative. Resolution will be scheduled for next meeting.

Patricia Garbutt, Municipal Finance Officer, asked that meeting dates be set for preparation of the 2005 Budget. The Mayor asked the Clerk to schedule some dates.

**PRESENTATION**

**1. Congratulating the Upper Township Indians Junior Varsity Football Team on their undefeated season and becoming the 2004 Cape May County Junior Football League Junior Varsity Division Champions.**

The Township Committee congratulated them and gave each team member a laminated copy of Resolution No. 244-2004.

**RESOLUTIONS**

**2. Recognizing the occurrence of the 60<sup>th</sup> Anniversary of Boy Scout Troop 55 of Tuckahoe.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION NO. 23-2005**

**RE: RECOGNIZING THE OCCURRENCE OF THE 60TH ANNIVERSARY  
OF BOY SCOUT TROOP 55 OF TUCKAHOE**

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**WHEREAS**, during 2005, Boy Scout Troop 55 of Tuckahoe is celebrating its 60<sup>th</sup> Anniversary; and

**WHEREAS**, the Township of Upper is pleased to join Troop 55 in marking and observing its 60<sup>th</sup> Anniversary at a Celebration Dinner to be held on January 30, 2005 at the Golden Inn in Avalon, New Jersey; and

**WHEREAS**, many community members and friends and family of Troop 55 have benefited from their presence in the community over the past 60 years; and

**WHEREAS**, it is altogether proper and fitting for the Township of Upper to recognize the 60<sup>th</sup> Anniversary of Boy Scout Troop 55 of Tuckahoe.

**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 to recognize the occurrence of the 60th Anniversary of Boy Scout Troop 55 of Tuckahoe.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 10<sup>th</sup> day of January 2005.

Resolution No. 23-2005

Offered by: Corson                      Seconded by: McCrosson

Adopted: January 10, 2005

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Camp	X_ _	_____	_____	_____
Corson	X_ _	_____	_____	_____
McCrosson	X_ _	_____	_____	_____
Newman	X_ _	_____	_____	_____
Palombo	X_ _	_____	_____	_____

**3. Appointment of John Chism as a laborer to the Upper Township Department of Public Works.**

**TOWNSHIP OF UPPER**

**CAPE MAY COUNTY**

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

**RESOLUTION NO. 24-2005**

**RE: APPOINTMENT OF JOHN CHISHOLM AS A LABORER  
TO THE UPPER TOWNSHIP DEPARTMENT OF PUBLIC WORKS**

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**WHEREAS**, a need exists to appoint qualified personnel as laborers to the Upper Township Department of Public Works to insure optimal operation; and

**WHEREAS**, this Resolution is intended to ratify the action heretofore taken; and

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

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

2. John Chisholm is hereby appointed in a laborer position effective January 7, 2005 at a salary of \$35,328.00, and at the completion of the probationary period, his annual salary will be \$38,328.00 in accordance with the Salary Ordinance.

3. This Resolution ratifies, confirms and approves action taken by the Township Committee.

Resolution No. 24-2005

Offered by: Corson                      Seconded by: Palombo

Adopted: January 10, 2005

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Camp	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>
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>

**4. Authorizing the Township of Upper to enter into a contract with Benjamin Rau for the maintenance and development of the Upper Township Internet Web Site for the year 2005.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 25-2005  
RE: AUTHORIZING THE TOWNSHIP OF UPPER  
TO ENTER INTO A CONTRACT WITH BENJAMIN RAU  
FOR THE MAINTENANCE AND DEVELOPMENT OF THE**

## UPPER TOWNSHIP INTERNET WEB SITE FOR THE YEAR 2005

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**WHEREAS**, the Township of Upper maintains an internet web site which requires routine maintenance and web site enhancement, including but not limited to the development of new pages, information and data for the web site; and

**WHEREAS**, Benjamin Rau possesses the requisite skill and knowledge to perform routine maintenance on the Upper Township web site and enhance same by developing new pages and information; and

**WHEREAS**, the Township of Upper desires to enter into a contract for services with said Benjamin Rau for the aforesaid purposes; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township of Upper is hereby authorized to enter into a contract for services with Benjamin Rau for routine maintenance and enhancement, including the development of new pages and information, with respect to the Township's internet web site for the calendar year 2005.
3. The consideration to be paid said Benjamin Rau shall be the sum of Two Thousand Five Hundred Dollars (\$2,500.00) for the calendar year 2005.
4. All Township officials are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.
5. This Resolution shall be effective as of January 1, 2005.

Resolution No. 25-2005

Offered by: Camp      Seconded by: McCrosson

Adopted: January 10, 2005

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Camp	<u>X</u> ___	___	___	___
Corson	<u>X</u> ___	___	___	___
McCrosson	<u>X</u> ___	___	___	___
Newman	<u>X</u> ___	___	___	___
Palombo	<u>X</u> ___	___	___	___

**5. Authorizing a professional services contract with Pogue, Inc. T/A Pogue Safety and Health Consortium for an alcohol and controlled substances training and testing program for certain Township employees.**

TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N  
RESOLUTION NO. 26-2005

RE: AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH POGUE, INC. T/A POGUE SAFETY & HEALTH CONSORTIUM FOR AN ALCOHOL AND CONTROLLED SUBSTANCES TRAINING AND TESTING PROGRAM FOR CERTAIN TOWNSHIP EMPLOYEES

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WHEREAS, the Omnibus Transportation Employee Testing Act of 1991 became applicable to the Township of Upper in 1996 in accordance with 49 C.F.R. §382.115(B) and mandates drug and alcohol testing for employees holding commercial driver's licenses engaged in safety sensitive duties and further requires each employer to maintain a testing policy as required by 49 C.F.R. §382.401(C)(6)(ib); and

WHEREAS, the Township has previously determined to extend that policy to all employees working in hazardous or safety sensitive areas and also to public safety employees including the Rescue Squad and Township lifeguards; and

WHEREAS, to administer such a program in accordance with the Federal rules, regulations and guidelines, it is necessary to employ the services of a firm possessing such specialized skill and training; and

WHEREAS, Pogue, Inc., t/a Pogue Safety & Health Consortium (hereinafter referred to as "Pogue"), has the required expertise and provides the same or similar services for several other municipalities; and

WHEREAS, Pogue has been performing such services in the Township of Upper since in or about May of 1996 and proposes to continue to provide such services; and

WHEREAS, the Township Committee intends to engage the services of Pogue under a Professional Services Contract; and

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

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 proposed Professional Services Contract between the Township and Pogue, a copy of which is on file in

the office of the Township Clerk, is approved and the Mayor and the Township Clerk are hereby authorized, directed and empowered to execute said Contract on behalf of the Township of Upper and the Township Clerk is further authorized, directed and empowered to seal said Contract with the seal of the Township of Upper.

3. The Township Clerk shall cause a Notice of Award of this Contract to be published in the official newspaper of the Township of Upper as required by N.J.S.A. 40A:11-5.

4. This Contract has been awarded without competitive bidding for the following reason or reasons:

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

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

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

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

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

5. This Resolution shall take effect immediately and shall be deemed retroactive to January 1, 2005.

Resolution No. 26-2005

Offered by: McCrosson

Seconded by: Camp

Adopted: January 10, 2005

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Camp	X	_____	_____	_____
Corson	X	_____	_____	_____
McCrosson	X	_____	_____	_____
Newman	X	_____	_____	_____
Palombo	X	_____	_____	_____

6. Authorizing a professional services contract with Cape May County Council on Alcoholism and Drug Abuse, Inc., for an employee assistance program for Township employees.

TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N  
RESOLUTION NO. 27-2005

RE: AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH  
CAPE MAY COUNTY COUNCIL ON ALCOHOLISM AND DRUG ABUSE, INC.  
FOR AN EMPLOYEE ASSISTANCE PROGRAM FOR TOWNSHIP EMPLOYEES

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

WHEREAS, the Township of Upper has previously contracted with Cape May County Council on Alcoholism and Drug Abuse, Inc. (hereinafter referred to as ACape Assist≅) for such services and wishes to continue such relationship by entering into a Professional Services Contract to cover the period from January 1, 2005 to December 31, 2005; and

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

WHEREAS, the Township Committee intends to engage the services of Cape Assist under a Professional Services Contract; and

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

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 proposed Professional Services Contract between the Township of Upper and Cape Assist, a copy of which is on file in the office of the Township Clerk, is hereby approved and the Mayor and the Township Clerk are hereby authorized, directed and empowered to execute said Contract on behalf of the Township of Upper and the Township Clerk is further authorized, directed and empowered to seal said Contract with the seal of the Township of Upper.

3. The Township Clerk shall cause a Notice of Award of this Contract to be published in the official newspaper of the Township of Upper as required by N.J.S.A. 40A:11-5.

4. This Contract has been awarded without competitive bidding for the following reason or reasons:

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

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

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

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

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

5. This Resolution shall take effect immediately.

Resolution No. 27-2005

Offered by: McCrosson

Seconded by: Corson

Adopted: January 10, 2005

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Camp	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Corson	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>
McCrosson	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>

Newman       X       \_\_\_\_\_     \_\_\_\_\_     \_\_\_\_\_     \_\_\_\_\_
Palombo       X       \_\_\_\_\_     \_\_\_\_\_     \_\_\_\_\_     \_\_\_\_\_

7. Authorizing the reduction of the Performance Bond of Clayton Development Association, LLC for the subdivision known as Major Subdivision on Block 348, Lot 94.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 28-2005
RE: AUTHORIZING THE REDUCTION OF THE PERFORMANCE BOND OF
CLAYTON DEVELOPMENT ASSOCIATES, LLC
FOR THE SUBDIVISION KNOWN AS MIGLIACCIO MAJOR SUBDIVISION
ON BLOCK 348, LOT 94
OWNER AND/OR DEVELOPER: CLAYTON DEVELOPMENT ASSOCIATES, LLC
SUBDIVISION: MIGLIACCIO MAJOR SUBDIVISION
PROPERTY: BLOCK 348, LOT 94

WHEREAS, Clayton Development Associates, LLC is the Owner and/or Developer of a major subdivision within the Township of Upper, described as follows: Migliaccio Major Subdivision, Block 348, Lot 94; and

WHEREAS, pursuant to N.J.S.A. 40:55D-53, the Developer furnished a Performance Guarantee in favor of the Township for improvements which the Upper Township Planning Board deemed necessary or appropriate; and

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

WHEREAS, the Performance Guarantee shall be reduced to reflect a Cash Bond Amount of \$4,977.89 and a Surety Bond Amount of \$44,800.99.

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

3. The reduction of the Cash Bond Amount described in this Resolution is 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. 28-2005  
Offered by: McCrosson  
Adopted: January 10, 2005

Seconded by: Camp

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Camp	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>

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>

**8. Release of Performance Bond and acceptance of a two year Maintenance Bond of Aldon Development, Inc. for the subdivision known as “Preswyck Lane Major Subdivision” on Block 561, Lot 35.02. Owner/Developer Albert Donzanti.**

TOWNSHIP OF UPPER  
 CAPE MAY COUNTY  
 R E S O L U T I O N  
 RESOLUTION NO. 29-2005

RE: AUTHORIZING THE RELEASE OF PERFORMANCE BOND AND  
 THE ACCEPTANCE OF A 2 YEAR MAINTENANCE BOND OF  
 OWNER AND/OR DEVELOPER: ALDON DEVELOPMENT, INC.  
 SUBDIVISION: PRESWYCK LANE MAJOR SUBDIVISION  
 PROPERTY: BLOCK 561, LOT 35.02

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WHEREAS, Aldon Development (hereinafter ADeveloper), has heretofore requested acceptance of a Maintenance Bond for the major subdivision project known as APreswyck Lane Major Subdivision; and

WHEREAS, Developer has completed all work in conformance with the plans and specifications for the project known as Preswyck Lane Major Subdivision as certified and inspected by the Township Engineer and the Performance Bond now held by the Township should be released; and

WHEREAS, Developer is required to furnish a Maintenance Bond for the aforesaid project; and

WHEREAS, said Maintenance Bond shall be for two (2) years in an amount equal to 15% of the original construction

value of \$146,337.00 or \$21,950.00 in accordance with the municipal ordinance of the Township of Upper;

WHEREAS, pursuant to N.J.S.A. 40:55D-53, the Developer is required to post a maintenance bond; and

WHEREAS, the Developer has presented to the Township a Maintenance Guaranty as follows:

Maintenance Surety Bond  
Bond No. B188046

Principal: Aldon Development, Inc.  
P. O. Box 608  
Marmora, NJ 08223

Surety: Selective Insurance  
Company of America  
40 Wantage Avenue  
Branchville, NJ 07890

Bond Amount Cash: \$2,195.00

Bond Amount, Surety: \$19,755.00

Bond Date: December 21, 2004

WHEREAS, the Municipal Attorney has reviewed the Maintenance Guaranty and has determined that same complies with the New Jersey Statutes and the Township Ordinances applicable thereto and has recommended the 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 Surety Bond described in this Resolution is hereby accepted and approved.

3. The Performance Bond now held by the Township is hereby released.

4. All Township officials and officers are hereby authorized and empowered to take all actions deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 29-2005

Offered by: Newman

Seconded by: Camp

Adopted: January 10, 2005

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Camp	<u>X</u>	_____	_____	_____
Corson	<u>X</u>	_____	_____	_____
McCrosson	<u>X</u>	_____	_____	_____
Newman	<u>X</u>	_____	_____	_____
Palombo	<u>X</u>	_____	_____	_____

**9. Authorizing a change order for the 2004 or Newer Rescue Squad Vehicle Bid resulting in an increase in the amount of \$1,213.00.**

TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N  
RESOLUTION NO.30-2005

RE: AUTHORIZING A CHANGE ORDER FOR THE 2004 OR NEWER RESCUE  
SQUAD VEHICLE RESULTING IN AN INCREASE  
IN THE AMOUNT OF \$1,213.00

WHEREAS, the Township of Upper has previously awarded the 2004 or Newer Rescue Squad Vehicle bid to VCI, Inc. of 45 Cross Keys Road, Berlin, New Jersey 08009, in the original Contract amount of \$139,764.00; 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 equipment, as well as cost increases, does not exceed twenty percent (20) 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 2004 or Newer Rescue Squad Vehicle with VCI, Inc., Inc. is hereby authorized as follows:

Increases.....	\$2,763.00
Decreases.....	\$1,550.00
Extra Work.....	NONE

TOTAL.....\$1,213.00

3. 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, are 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.

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

Resolution No. 30-2005  
Offered by:Newman           Seconded by: Camp  
Adopted: January 10, 2005

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Camp	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>
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>

**10. Authorizing the Mayor to sign a document relating to a vehicle lease agreement by the Upper Township Rescue Squad.**

TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N  
RESOLUTION NO. 31-2005  
RE: RESOLUTION AUTHORIZING MAYOR TO SIGN A DOCUMENT RELATING  
TO A VEHICLE LEASE AGREEMENT BY  
THE UPPER TOWNSHIP RESCUE SQUAD, INC.

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WHEREAS, Upper Township Rescue Squad, Inc., a New Jersey non-profit corporation, has requested that the Mayor of the Township of Upper sign an acknowledgment that said non-profit entity has provided emergency services for the Township; and

WHEREAS, Upper Township Rescue Squad, Inc. requires said acknowledgment in order to enter into a vehicle lease agreement; and

WHEREAS, the Township of Upper shall be in no manner responsible for any obligations or liability of Upper Township Rescue Squad, Inc. in regard to its operations or its responsibility under said vehicle lease agreement; and

WHEREAS, the Township Committee of the Township of Upper hereby directs that it is appropriate that the Mayor acknowledge the emergency services which have been provided to the Township by Upper Township Rescue Squad, Inc. as requested;

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 is hereby authorized to execute an acknowledgment on behalf of Upper Township Rescue Squad, Inc. confirming that said non-profit corporation is a separate private entity that has provided emergency services to the Township of Upper.

3. The aforesaid acknowledgment shall specifically indicate that the Township of Upper assumes no obligation or liability with respect to the anticipated vehicle lease agreement of Upper Township Rescue Squad, Inc. and shall confirm that Upper Township Rescue Squad, Inc. is a separate private non-profit corporation.

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. 31-2005  
 Offered by: Newman  
 Adopted: January 10, 2005  
 Roll Call Vote:

Seconded by: Palombo

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Camp	<u>X</u>	_____	_____	
Corson	<u>X</u>	_____	_____	
McCrosson	<u>X</u>	_____	_____	
Newman	<u>X</u>	_____	_____	
Palombo	<u>X</u>	_____	_____	

11. Authorize the purchase of a John Deere 4045 Turbo SCL800TM leaf collector at a cost of \$23,600.00 from ODB of Richmond, Virginia for the Department of Public Works.

**TOWNSHIP OF UPPER  
 CAPE MAY COUNTY  
 R E S O L U T I O N  
 RESOLUTION NO. 32-2005**

**RE: AUTHORIZE THE PURCHASE OF A JOHN DEERE 4045 TURBO  
 SCL800TM LEAF COLLECTOR AT A COST OF \$23,600.00 FROM ODB OF  
 RICHMOND, VIRGINIA FOR THE DEPARTMENT OF PUBLIC WORKS**

---

**WHEREAS,** it is necessary to replace certain equipment destroyed in a motor vehicle accident for the Department of Public Works; and

**WHEREAS,** the contract amount for such equipment does not exceed the bid threshold of \$25,000 for a Qualified Purchasing Agent;

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

**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 authorizes the purchase of a John Deere 4045 Turbo SC1800TM Leaf Collector at a cost of \$23,600.00 from ODB of Richmond, Virginia.

3. The Chief Financial Officer is hereby authorized, directed and empowered to issue a Purchase Order to the vendors 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 December 27, 2004.

Resolution No. 32-2005

Offered by: Corson

Seconded by: Newman

Adopted: January 10, 2005

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>
<u>ABSENT</u>			
Camp	<u>  X  </u>	<u>          </u>	<u>          </u>
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>

**12. In support of New Jersey Assembly Bill A-3606, which clarifies that the Fish and Game Council has full authority to regulate freshwater Fishing, Hunting and Trapping.**

TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N  
RESOLUTION NO. 33-2005

RE: IN SUPPORT OF NEW JERSEY ASSEMBLY BILL A-3606  
WHICH CLARIFIES THAT THE FISH AND GAME COUNCIL HAS SOLE  
AUTHORITY TO REGULATE FRESHWATER FISHING, HUNTING AND TRAPPING

---

WHEREAS, there is pending before the New Jersey Assembly Bill A-3606 which clarifies that the Fish and Game Council has sole authority to regulate freshwater fishing, hunting and trapping; and

WHEREAS, Assembly Bill A-3606 will clarify that the Fish and Game Council is empowered as the sole State governmental entity responsible for determining whether or not any species of freshwater fish, game bird, game animal or fur-bearing animal may be fished, hunted or trapped, and in determining what circumstances, when and in what localities, by what means and in what amounts and numbers those species may be fished, hunted or trapped; and

WHEREAS, this bill also clarifies the law to require the Division of Fish and Wildlife, the division director, the Department of Environmental Protection and the Commissioner of Environmental Protection to implement the State Fish and Game Code as adopted by

the Council and any comprehensive policies concerned therewith as formulated by the Council, all as directed by the Council. The bill emphasizes the autonomy of the Council pertaining to matters of fresh water fishing, hunting and trapping by removing the Council from the Division and instead locating it in, but not of, the Division and the Department of Environmental Protection; and

WHEREAS, this bill is necessary to correct the interpretation of the statutory law given recently by the New Jersey Supreme Court in the case of U.S. Sportsmen=s Alliance Foundation v. New Jersey Department of Environmental Protection.

WHEREAS, the Township Committee of the Township of Upper hereby wishes to acknowledge its support of Assembly Bill A-3606.

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 full support of New Jersey Assembly Bill A-3606 which clarifies that the Fish and Game Council has sole authority to regulate freshwater fishing, hunting and trapping.

3. A copy of this Resolution shall be forwarded to Acting Governor Richard J. Codey, the New Jersey Department of Environmental Protection, the New Jersey Division of Fish and Wildlife, City of Corbin City, Township of Dennis, Township of Middle, Township of Lower, 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. 33-2005

Offered by: Corson

Seconded by: McCrosson

Adopted: January 10, 2005

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Camp	X	_____	_____	_____
Corson	X	_____	_____	_____
McCrosson	X	_____	_____	_____
Newman	X	_____	_____	_____
Palombo	X	_____	_____	_____

### ORDINANCES

**13. Second Reading and Final Adoption of Ordinance NO. 014-2004, RE: AN ORDINANCE ACCEPTING REAL PROPERTY KNOWN AS BLOCK 375 LOTS 9 AND 10 ON THE MUNICIPAL TAX MAP OF THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY BY GIFT.**

There were outstanding issues with the title to the property and the estate. The applicant has not responded to the Municipal Attorney's correspondence. The Committee withdrew this ordinance, motion by Andrew McCrosson, second by Barbara Camp with all five Committee members voting in the affirmative.

**14. Second Reading and Final Adoption of Ordinance 015-2004, Re: AN ORDINANCE AUTHORIZING SALE OF LANDS, TO WIT BLOCK 10, LOT 33.**

During Public Comment Libby Schuck asked a question about the ordinance title wording. There were no other speakers. Motion was made by Andrew McCrosson, second by Jay Newman for final adoption. During roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
O R D I N A N C E  
ORDINANCE NO. 015-2004  
RE: AN ORDINANCE AUTHORIZING SALE OF LANDS,  
TO WIT BLOCK 10, LOT 33**

---

WHEREAS, the Township of Upper is the owner, in fee, of a certain parcel of vacant ground located within the Township of Upper, County of Cape May, and State of New Jersey, set forth on the municipal tax map as Block 10, Lots 33; and

WHEREAS, the Township has received an offer from Anthony Bianchino, the owner of real property contiguous with said parcel owned by the Township, to purchase said parcel; and

WHEREAS, after discussion and deliberation the Township Committee is of the opinion that the sale of said parcel will be in the best interest of the Township; will provide for the consolidation of an existing undersized lot with a nonconforming lot to make a nonconforming lot more conforming; and

**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:** The Township of Upper is hereby authorized to sell the real property commonly known as follows:

Block 10, Lot 33

to the highest bidder from among all owners of real property contiguous thereto in accordance with N.J.S.A. 40A:12-13(b)(5). Such sale shall not be for less than the fair market value of said real property and the minimum bid for each parcel or parcels sold is hereby established as follows:

Block 10, Lot 33

Minimum Bid:           \$16,900.00

**SECTION 2:** Prior to said sale, the Township will obtain a title report from a title company or abstract company licensed to do business in the State of New Jersey. Said report shall be available to all prospective bidders.

**SECTION 3:** Anthony Bianchino shall pay the following sum to the Township Clerk prior to the adoption of this Ordinance:

Upon approval of Township  
Committee to offer property  
for sale at public auction.....\$500.00

Of this amount, \$250.00 will be retained by the Township and used to defray Township expenses involved in Authorizing the Sale and terms thereof; Engineer=s review; Attorney=s review; legal advertising, certified mail notices and other expenses.

The balance of \$250.00 will be applied toward the cost of title report, title insurance and closing costs. If the parcel is not sold at auction, This amount will be retained by the Township as **LIQUIDATED DAMAGES** and will be used to pay for the title report and other documents.

If the highest bidder at the auction sale is not the original applicant:

-The highest bidder will be required to pay, in addition to the purchase price and other expenses, an additional sum of \$300.00, representing pre-sale amounts paid by the original applicant requesting the sale, exclusive of the deposit for title insurance and closing costs;

And

-The original applicant (who is not the highest bidder) will then be entitled to a complete refund of all sums paid (\$500.00) plus the application fee (\$50.00), for a total of \$550.00.

**SECTION 4:** The aforesaid parcel of real property shall be offered for sale at an auction to be conducted by the Township Clerk at a date and time to be set by the Township Clerk after the appropriate notice of sale has been sent to contiguous owners of the subject real property. Said notice shall be sent certified and regular mail to the owners of contiguous property at the address set forth on the tax assessor=s records. Said notice shall be sent no greater than 30 days from the date of sale and no earlier than 14 days from the date of sale. At any time, the Township Clerk may

adjourn said sale and renote in accordance with the provisions of this Ordinance and N.J.S.A. 40A:12-13.

**SECTION 5:** The Committee Township expressly reserves the right to reject any and all bids in the exercise of its sole judgment and discretion. The Township Committee is authorized to confirm the sale by resolution and complete the transaction pursuant to this Ordinance and N.J.S.A. 40A:12-13.

**SECTION 6:** In the event the highest bid at such auction exceeds the minimum bid established herein and the Township Committee rejects same in the exercise of its sole judgment and discretion, then, in such event, all deposits made by the original applicant or the highest bidder, as the case may be, shall be refunded except for the \$50.00 application fee which shall be non-refundable.

**SECTION 7:** All payments required to be made pursuant to said sale to the Township Clerk must be made by personal check, cash or certified check, or any combination of the foregoing. All payments required to be made hereunder to a title company or abstract company conducting the closing shall be made in collected funds, that is, by cash, certified check, cashier's check or wire transfer.

**SECTION 8:** A sum equal to ten percent (10%) of the highest bid for said parcel or parcels shall be paid to the Township of Upper by the highest bidder or bidders at the time of the sale. The remaining balance of ninety percent (90%) of the highest bid for the parcel or parcels shall be paid to the Township of Upper, and must be received by the Township Clerk, not later than thirty (30) days after the date of the sale. In addition to the deposit of ten percent (10%), the highest bidder or bidders shall also be required to pay or tender at the time of sale the following:

**IF THE BIDDER IS THE ORIGINAL APPLICANT:**

- (A) The sum of \$130.00 (\$380.00 less the \$250.00 deposit, equals \$130.00), payable to a title company designated by the Township Clerk, which company prepared the report of title prior to the auction sale, and representing the following:

- (i) The sum of \$100.00 for the preparation of the Deed.
- (ii) The sum of \$30.00 for recording the Deed.
- (iii) At closing the bidder shall be entitled to receive a refund in the event that the charges for title insurance or title search and other closing costs are less than \$380.00 or, in the alternative, the bidder will be required to pay to the title company conducting closing any excess amount.

**IF THE BIDDER IS NOT THE ORIGINAL APPLICANT:**

- (B) The sum of 300.00, payable to the Township of Upper, representing payment of the non-refundable application fee of \$50.00; payment to the Township for administrative expenses of \$250.00; to defray Township expenses, which amounts were required of the original applicant.
- (C) The sum of \$380.00, payable to a title company designated by the Township Clerk, which company prepared the report of title prior to the auction sale, and representing the following:
  - (i) The sum of \$100.00 for the preparation of the Deed.
  - (ii) The sum of \$30.00 for recording the Deed.
  - (iii) The sum of \$250.00 as a deposit for the title search and title insurance and other closing costs. At closing the bidder shall be entitled to receive a refund in the event that the charges for title insurance or title search and other closing costs are less than said amount or, in the alternative, the bidder will be required to pay to the title company conducting closing any excess amount.

**AT THE TIME OF CLOSING** the successful bidder shall be required to pay the following sums:

- (D) Any additional sum required for title search or title insurance.

(E) The cost of any survey ordered by the successful bidder. Successful bidder shall place such order directly with the surveyor or with the title company conducting closing, but the survey must be prepared in time to permit the closing to take place as scheduled.

(F) Title company settlement fees covering services to both the Seller and the Buyer.

(G) Any additional fees or costs chargeable by the title company.

**SECTION 9:** The closing of title shall take place as designated by the Township as follows:

(A) Township Hall, Petersburg, New Jersey; or

(B) Office of the Township Solicitor; or

(C) At the office of a title insurance company or title abstract company located within Cape May County.

**SECTION 10:** If the bidder fails to close or fails to comply with the provisions hereof, such bidder shall be in default and all amounts paid to the Township by or on behalf of the bidder shall be retained by the Township as **LIQUIDATED DAMAGES AND NOT AS A PENALTY.**

**SECTION 11:** The Deed from the Township of Upper shall be what is commonly known as a Bargain and Sale Deed.

**SECTION 12:** The title to be delivered by the Township shall be free and clear of all taxes up to and including the date when the Deed is delivered and closing takes place. Purchaser shall be responsible for all taxes thereafter. Unless otherwise specified herein, the purchaser shall be liable for payment of all assessments, of any nature, against said land.

**SECTION 13:** The title to be delivered by the Township shall be under and subject to all easements and rights of way, recorded and unrecorded, whether for utilities or for others, and shall also be subject to all conditions, reservations and restrictions of record, if any. If the title report

discloses an unmarketable condition of title, except as specified herein, the remedy of the bidder shall be limited to the return of payments made to the Township of Upper on account of the purchase price and closing costs only. Any and all other amounts paid to the Township shall be non-refundable. This sale is under and subject to any riparian claim which may affect said property. If any such claim exists, it shall be the sole responsibility of the purchaser to meet and satisfy all requirements of the State of New Jersey with respect to said riparian claim and the payment of any compensation to the State of New Jersey on account thereof. Nothing herein shall be construed as obligating the Township of Upper to construct or maintain access roads to any portion of the property being sold. Such property may not qualify for a building permit due to lack of water supply, lack of sewer or septic facilities, lack of access, inadequate lot size, or other reasons, including those reasons set forth below. The purchaser is required to comply with all applicable zoning, building and health ordinances and codes and regulations. The property being sold may be situate in a Flood Hazard Zone. The Township of Upper makes no warranties or representations, expressed or implied, as to the property being offered for sale, the condition or marketability of the title or any other matter. The Township of Upper makes no warranties or representations, expressed or implied, as to whether or not the property being offered for sale contains wetlands anywhere on the property. The Township makes no warranties or representations as to any matter of an environmental nature, or otherwise, which may prevent or limit building or construction.

**SECTION 14:** All references to Lots and Blocks described herein are to the Lots and Blocks as shown on the Current Official Tax Map of the Township of Upper.

**SECTION 15:** The successful bidder shall be required, at the time of the sale, to execute a document acknowledging that the sale is governed by the provisions of this Ordinance as well as N.J.S.A. 40A:12-13.

**SECTION 16:** The provisions of this Ordinance pertaining to this sale shall survive the closing of title and shall not merge into the Deed.

**SECTION 17:** It is a requirement of this sale that the purchaser of the subject property be a contiguous property owner. Said purchaser shall be required to take immediate action to cause a consolidation of the property being purchased with the bidder=s existing property so as to constitute a single parcel of ground which shall not be further subdivided into more than one lot. This restriction shall be included in the deed of conveyance and shall run with the land. The successful bidder shall complete the consolidation as a condition of the sale. The provisions of this Section shall survive closing and shall not merge into the Deed.

**SECTION 18:** 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 22<sup>nd</sup> DAY OF NOVEMBER, 2004 AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 10TH DAY OF JANUARY, 2005 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY. BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

WANDA GAGLIONE, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

**15. Second Reading and Final Adoption of Ordinance No. 016-2004, RE: AN ORDINANCE AUTHORIZING SALE OF LANDS, TO WIT BLOCK 510 LOTS 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30.**

During Public Comment there were no speakers. Motion was made by Andrew McCrosson, second by Richard Palombo for final adoption. During roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
O R D I N A N C E  
ORDINANCE NO. 016-2004  
RE: AN ORDINANCE AUTHORIZING SALE OF LANDS,  
TO WIT BLOCK 510 LOTS 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30**

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WHEREAS, the Township of Upper is the owner, in fee, of certain parcels of vacant ground located within the Township of Upper, County of Cape May, and State of New Jersey, set forth on the municipal tax map as Block 510, Lots 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30; and

WHEREAS, the Township has received an offer from Jeffrey Edward McAfee, the owner of real property contiguous with said parcels owned by the Township, to purchase said parcels; and

WHEREAS, after discussion and deliberation the Township Committee is of the opinion that the sale of said parcels will be in the best interest of the Township; will provide for the consolidation of existing undersized lots with a nonconforming lot to make a nonconforming lot conforming; and

**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:** The Township of Upper is hereby authorized to sell the real property commonly known as follows:

Block 510, Lots 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30

to the highest bidder from among all owners of real property contiguous thereto in accordance with N.J.S.A. 40A:12-13(b)(5). Such sale shall not be for less than the fair market value of said real property and the minimum bid for each parcel or parcels sold is hereby established as follows:

Block 510, Lots 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30

Minimum Bid: \$10,000.00

**SECTION 2:** Prior to said sale, the Township will obtain a title report from a title company or abstract company licensed to do business in the State of New Jersey. Said report shall be available to all prospective bidders.

**SECTION 3:** Jeffrey Edward McAfee shall pay the following sum to the Township Clerk prior to the adoption of this Ordinance:

Upon approval of Township  
Committee to offer property  
for sale at public auction.....\$500.00

Of this amount, \$250.00 will be  
retained by the Township and used to  
defray Township expenses involved in

Authorizing the Sale and terms thereof;  
Engineer=s review; Attorney=s review;  
legal advertising, certified mail  
notices and other expenses.

The balance of \$250.00 will be applied  
toward the cost of title report,  
title insurance and closing costs.

If the parcel is not sold at auction,  
This amount will be retained by the  
Township as **LIQUIDATED DAMAGES** and  
will be used to pay for the title  
report and other documents.

If the highest bidder at the auction  
sale is not the original applicant:

-The highest bidder will be required  
to pay, in addition to the purchase  
price and other expenses, an  
additional sum of \$300.00, represent-  
ing pre-sale amounts paid by the  
original applicant requesting the  
sale, exclusive of the deposit for  
title insurance and closing costs;

And

-The original applicant (who is not  
the highest bidder) will then be  
entitled to a complete refund of  
all sums paid (\$500.00) plus the  
application fee (\$50.00), for a  
total of \$550.00.

**SECTION 4:** The aforesaid parcels of real property shall be offered for sale at an auction to be conducted by the Township Clerk at a date and time to be set by the Township Clerk after the appropriate notice of sale has been sent to contiguous owners of the subject real property. Said notice shall be sent certified and regular mail to the owners of contiguous property at the address set forth on the tax assessor=s records. Said notice shall be sent no greater than 30 days from the date of sale and no earlier than 14 days from the date of sale. At any time, the Township Clerk may adjourn said sale and renotice in accordance with the provisions of this Ordinance and N.J.S.A. 40A:12-13.

**SECTION 5:** The Committee Township expressly reserves the right to reject any and all bids in the exercise of its sole judgment and discretion. The Township Committee is authorized to confirm the sale by resolution and complete the transaction pursuant to this Ordinance and N.J.S.A. 40A:12-13.

**SECTION 6:** In the event the highest bid at such auction exceeds the minimum bid established herein and the Township Committee rejects same in the exercise of its sole judgment and discretion, then, in such event, all deposits made by the original applicant or the highest bidder, as the case may be, shall be refunded except for the \$50.00 application fee which shall be non-refundable.

**SECTION 7:** All payments required to be made pursuant to said sale to the Township Clerk must be made by personal check, cash or certified check, or any combination of the foregoing. All payments required to be made hereunder to a title company or abstract company conducting the closing shall be made in collected funds, that is, by cash, certified check, cashier's check or wire transfer.

**SECTION 8:** A sum equal to ten percent (10%) of the highest bid for said parcel or parcels shall be paid to the Township of Upper by the highest bidder or bidders at the time of the sale. The remaining balance of ninety percent (90%) of the highest bid for the parcel or parcels shall be paid to the Township of Upper, and must be received by the Township Clerk, not later than thirty (30) days after the date of the sale. In addition to the deposit of ten percent (10%), the highest bidder or bidders shall also be required to pay or tender at the time of sale the following:

**IF THE BIDDER IS THE ORIGINAL APPLICANT:**

- (A) The sum of \$130.00 (\$380.00 less the \$250.00 deposit, equals \$130.00), payable to a title company designated by the Township Clerk, which company prepared the report of title prior to the auction sale, and representing the following:
  - (i) The sum of \$100.00 for the preparation of the Deed.
  - (ii) The sum of \$30.00 for recording the Deed.

- (iii) At closing the bidder shall be entitled to receive a refund in the event that the charges for title insurance or title search and other closing costs are less than \$380.00 or, in the alternative, the bidder will be required to pay to the title company conducting closing any excess amount.

**IF THE BIDDER IS NOT THE ORIGINAL APPLICANT:**

- (B) The sum of 300.00, payable to the Township of Upper, representing payment of the non-refundable application fee of \$50.00; payment to the Township for administrative expenses of \$250.00; to defray Township expenses, which amounts were required of the original applicant.
- (C) The sum of \$380.00, payable to a title company designated by the Township Clerk, which company prepared the report of title prior to the auction sale, and representing the following:
  - (i) The sum of \$100.00 for the preparation of the Deed.
  - (ii) The sum of \$30.00 for recording the Deed.
  - (iii) The sum of \$250.00 as a deposit for the title search and title insurance and other closing costs. At closing the bidder shall be entitled to receive a refund in the event that the charges for title insurance or title search and other closing costs are less than said amount or, in the alternative, the bidder will be required to pay to the title company conducting closing any excess amount.

**AT THE TIME OF CLOSING** the successful bidder shall be required to pay the following sums:

- (D) Any additional sum required for title search or title insurance.
- (E) The cost of any survey ordered by the successful bidder. Successful bidder shall place such order directly with the surveyor or with the title company

conducting closing, but the survey must be prepared in time to permit the closing to take place as scheduled.

- (F) Title company settlement fees covering services to both the Seller and the Buyer.
- (G) Any additional fees or costs chargeable by the title company.

**SECTION 9:** The closing of title shall take place as designated by the Township as follows:

- (A) Township Hall, Petersburg, New Jersey; or
- (B) Office of the Township Solicitor; or
- (C) At the office of a title insurance company or title abstract company located within Cape May County.

**SECTION 10:** If the bidder fails to close or fails to comply with the provisions hereof, such bidder shall be in default and all amounts paid to the Township by or on behalf of the bidder shall be retained by the Township as **LIQUIDATED DAMAGES AND NOT AS A PENALTY.**

**SECTION 11:** The Deed from the Township of Upper shall be what is commonly known as a Bargain and Sale Deed.

**SECTION 12:** The title to be delivered by the Township shall be free and clear of all taxes up to and including the date when the Deed is delivered and closing takes place. Purchaser shall be responsible for all taxes thereafter. Unless otherwise specified herein, the purchaser shall be liable for payment of all assessments, of any nature, against said land.

**SECTION 13:** The title to be delivered by the Township shall be under and subject to all easements and rights of way, recorded and unrecorded, whether for utilities or for others, and shall also be subject to all conditions, reservations and restrictions of record, if any. If the title report discloses an unmarketable condition of title, except as specified herein, the remedy of the bidder shall be limited to the return of payments made to the Township of Upper on account of the purchase price

and closing costs only. Any and all other amounts paid to the Township shall be non-refundable. This sale is under and subject to any riparian claim which may affect said property. If any such claim exists, it shall be the sole responsibility of the purchaser to meet and satisfy all requirements of the State of New Jersey with respect to said riparian claim and the payment of any compensation to the State of New Jersey on account thereof. Nothing herein shall be construed as obligating the Township of Upper to construct or maintain access roads to any portion of the property being sold. Such property may not qualify for a building permit due to lack of water supply, lack of sewer or septic facilities, lack of access, inadequate lot size, or other reasons, including those reasons set forth below. The purchaser is required to comply with all applicable zoning, building and health ordinances and codes and regulations. The property being sold may be situate in a Flood Hazard Zone. The Township of Upper makes no warranties or representations, expressed or implied, as to the property being offered for sale, the condition or marketability of the title or any other matter. The Township of Upper makes no warranties or representations, expressed or implied, as to whether or not the property being offered for sale contains wetlands anywhere on the property. The Township makes no warranties or representations as to any matter of an environmental nature, or otherwise, which may prevent or limit building or construction.

**SECTION 14:** All references to Lots and Blocks described herein are to the Lots and Blocks as shown on the Current Official Tax Map of the Township of Upper.

**SECTION 15:** The successful bidder shall be required, at the time of the sale, to execute a document acknowledging that the sale is governed by the provisions of this Ordinance as well as N.J.S.A. 40A:12-13.

**SECTION 16:** The provisions of this Ordinance pertaining to this sale shall survive the closing of title and shall not merge into the Deed.

**SECTION 17:** It is a requirement of this sale that the purchaser of the subject property be a contiguous property owner. Said purchaser shall be required to take immediate action to cause a consolidation of the property being purchased with the bidder=s existing property so as to

constitute a single parcel of ground which shall not be further subdivided into more than one lot. This restriction shall be included in the deed of conveyance and shall run with the land. The successful bidder shall complete the consolidation as a condition of the sale. The provisions of this Section shall survive closing and shall not merge into the Deed.

**SECTION 18:** 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 22ND OF NOVEMBER, 2004 AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER WAS HELD ON THE 10th DAY OF JANUARY, 2005 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY. BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

WANDA GAGLIONE, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

**16. Introduction of Ordinance No. 001-2005, Re: AN ORDINANCE AUTHORIZING SALE OF LANDS, TO WIT BLOCK 603, Lot 4.01.**

Motion to introduce ordinance by Curtis Corson, second by Jay Newman with Public Hearing set for February 14, 2005 at 4:00 P.M.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
O R D I N A N C E  
ORDINANCE NO. 001-2005  
RE: AN ORDINANCE AUTHORIZING SALE OF LANDS,  
TO WIT BLOCK 603, LOTS 4.01**

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WHEREAS, the Township of Upper is the owner, in fee, of a certain parcel of vacant ground located within the Township of Upper, County of Cape May, and State of New Jersey, set forth on the municipal tax map as Block 603, Lot 4.01; and

WHEREAS, the Township has received an offer from Joseph and Catherine Berenato, the owners of real property contiguous with said parcel owned by the Township, to purchase said parcel; and

WHEREAS, after discussion and deliberation the Township Committee is of the opinion that the sale of said parcel will be in the best interest of the Township; will provide for the consolidation of an existing undersized lot with a nonconforming lot to make a nonconforming lot more conforming; and

**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:** The Township of Upper is hereby authorized to sell the real property commonly known as follows:

Block 603, Lot 4.01

to the highest bidder from among all owners of real property contiguous thereto in accordance with N.J.S.A. 40A:12-13(b)(5). Such sale shall not be for less than the fair market value of said real property and the minimum bid for each parcel or parcels sold is hereby established as follows:

Block 603, Lot 4.01  
Minimum Bid: \$1,000.00

**SECTION 2:** Prior to said sale, the Township will obtain a title report from a title company or abstract company licensed to do business in the State of New Jersey. Said report shall be available to all prospective bidders.

**SECTION 3:** The list of property authorized to be sold together with the minimum price thereof shall be posted at Township Hall and advertisement of the sale shall be made in a newspaper circulating in the Township within 5 days following enactment of this ordinance. Offers for the property may thereafter be made to the Township Committee for 20 days following said advertisement. The Township Committee may reconsider this ordinance not later than 30 days after enactment and thereafter advertise the property for public sale pursuant to N.J.S.A. 40A:12-13(a). The Township Clerk shall file with the Director of the Division of Local Government Services in the Department of Community Affairs sworn affidavits verifying the publication of the foregoing advertisements.

**SECTION 4:** Joseph and Catherine Berenato shall pay the following sum to the

Township Clerk prior to the adoption of this Ordinance:

Upon approval of Township  
Committee to offer property  
for sale at public auction.....\$500.00

Of this amount, \$250.00 will be  
retained by the Township and used to  
defray Township expenses involved in  
Authorizing the Sale and terms thereof;  
Engineer=s review; Attorney=s review;  
legal advertising, certified mail  
notices and other expenses.

The balance of \$250.00 will be applied  
toward the cost of title report,  
title insurance and closing costs.  
If the parcel is not sold at auction,  
This amount will be retained by the  
Township as **LIQUIDATED DAMAGES** and  
will be used to pay for the title  
report and other documents.

If the highest bidder at the auction  
sale is not the original applicant:

-The highest bidder will be required  
to pay, in addition to the purchase  
price and other expenses, an  
additional sum of \$300.00, represent-  
ing pre-sale amounts paid by the  
original applicant requesting the  
sale, exclusive of the deposit for  
title insurance and closing costs;

And

-The original applicant (who is not  
the highest bidder) will then be  
entitled to a complete refund of  
all sums paid (\$500.00) plus the  
application fee (\$50.00), for a  
total of \$550.00.

**SECTION 5:** The aforesaid parcel of real property shall be offered for sale at an  
auction to be conducted by the Township Clerk at a date and time to be set by the Township Clerk  
after the appropriate notice of sale has been sent to contiguous owners of the subject real property.

Said notice shall be sent certified and regular mail to the owners of contiguous property at the address set forth on the tax assessor=s records. Said notice shall be sent no greater than 30 days prior to the date of sale and no less than 14 days prior to the date of sale. At any time, the Township Clerk may adjourn said sale and renote in accordance with the provisions of this Ordinance and N.J.S.A. 40A:12-13.

**SECTION 6:** The Committee Township expressly reserves the right to reject any and all bids in the exercise of its sole judgment and discretion. The Township Committee is authorized to confirm the sale by resolution and complete the transaction pursuant to this Ordinance and N.J.S.A. 40A:12-13.

**SECTION 7:** In the event the highest bid at such auction exceeds the minimum bid established herein and the Township Committee rejects same in the exercise of its sole judgment and discretion, then, in such event, all deposits made by the original applicant or the highest bidder, as the case may be, shall be refunded except for the \$50.00 application fee which shall be non-refundable.

**SECTION 8:** All payments required to be made pursuant to said sale to the Township Clerk must be made by personal check, cash or certified check, or any combination of the foregoing. All payments required to be made hereunder to a title company or abstract company conducting the closing shall be made in collected funds, that is, by cash, certified check, cashier=s check or wire transfer.

**SECTION 9:** A sum equal to ten percent (10%) of the highest bid for said parcel or parcels shall be paid to the Township of Upper by the highest bidder or bidders at the time of the sale. The remaining balance of ninety percent (90%) of the highest bid for the parcel or parcels shall be paid to the Township of Upper, and must be received by the Township Clerk, not later than thirty (30) days after the date of the sale. In addition to the deposit of ten percent (10%), the highest bidder or bidders shall also be required to pay or tender at the time of sale the following:

**IF THE BIDDER IS THE ORIGINAL APPLICANT:**

- (A) The sum of \$130.00 (\$380.00 less the \$250.00 deposit, equals \$130.00), payable to a title company designated by the Township Clerk, which company prepared the report of title prior to the auction sale, and representing the following:
- (i) The sum of \$100.00 for the preparation of the Deed.
  - (ii) The sum of \$30.00 for recording the Deed.
  - (iii) At closing the bidder shall be entitled to receive a refund in the event that the charges for title insurance or title search and other closing costs are less than \$380.00 or, in the alternative, the bidder will be required to pay to the title company conducting closing any excess amount.

**IF THE BIDDER IS NOT THE ORIGINAL APPLICANT:**

- (B) The sum of 300.00, payable to the Township of Upper, representing payment of the non-refundable application fee of \$50.00; payment to the Township for administrative expenses of \$250.00; to defray Township expenses, which amounts were required of the original applicant.
- (C) The sum of \$380.00, payable to a title company designated by the Township Clerk, which company prepared the report of title prior to the auction sale, and representing the following:
- (i) The sum of \$100.00 for the preparation of the Deed.
  - (ii) The sum of \$30.00 for recording the Deed.
  - (iii) The sum of \$250.00 as a deposit for the title search and title insurance and other closing costs. At closing the bidder shall be entitled to receive a refund in the event that the charges for title insurance or title search and other closing costs are less than said

amount or, in the alternative, the bidder will be required to pay to the title company conducting closing any excess amount.

**AT THE TIME OF CLOSING** the successful bidder shall be required to pay the following sums:

- (D) Any additional sum required for title search or title insurance.
- (E) The cost of any survey ordered by the successful bidder. Successful bidder shall place such order directly with the surveyor or with the title company conducting closing, but the survey must be prepared in time to permit the closing to take place as scheduled.
- (F) Title company settlement fees covering services to both the Seller and the Buyer.
- (G) Any additional fees or costs chargeable by the title company.

**SECTION 10:** The closing of title shall take place as designated by the Township as follows:

- (A) Township Hall, Petersburg, New Jersey; or
- (B) Office of the Township Solicitor; or
- (C) At the office of a title insurance company or title abstract company located within Cape May County.

**SECTION 11:** If the bidder fails to close or fails to comply with the provisions hereof, such bidder shall be in default and all amounts paid to the Township by or on behalf of the bidder shall be retained by the Township as **LIQUIDATED DAMAGES AND NOT AS A PENALTY.**

**SECTION 12:** The Deed from the Township of Upper shall be what is commonly known as a Bargain and Sale Deed.

**SECTION 13:** The title to be delivered by the Township shall be free and clear of all taxes up to and including the date when the Deed is delivered and closing takes place. Purchaser shall

be responsible for all taxes thereafter. Unless otherwise specified herein, the purchaser shall be liable for payment of all assessments, of any nature, against said land.

**SECTION 14:** The title to be delivered by the Township shall be under and subject to all easements and rights of way, recorded and unrecorded, whether for utilities or for others, and shall also be subject to all conditions, reservations and restrictions of record, if any. If the title report discloses an unmarketable condition of title, except as specified herein, the remedy of the bidder shall be limited to the return of payments made to the Township of Upper on account of the purchase price and closing costs only. Any and all other amounts paid to the Township shall be non-refundable. This sale is under and subject to any riparian claim which may affect said property. If any such claim exists, it shall be the sole responsibility of the purchaser to meet and satisfy all requirements of the State of New Jersey with respect to said riparian claim and the payment of any compensation to the State of New Jersey on account thereof. Nothing herein shall be construed as obligating the Township of Upper to construct or maintain access roads to any portion of the property being sold. Such property may not qualify for a building permit due to lack of water supply, lack of sewer or septic facilities, lack of access, inadequate lot size, or other reasons, including those reasons set forth below. The purchaser is required to comply with all applicable zoning, building and health ordinances and codes and regulations. The property being sold may be situate in a Flood Hazard Zone. The Township of Upper makes no warranties or representations, expressed or implied, as to the property being offered for sale, the condition or marketability of the title or any other matter. The Township of Upper makes no warranties or representations, expressed or implied, as to whether or not the property being offered for sale contains wetlands anywhere on the property. The Township makes no warranties or representations as to any matter of an environmental nature, or otherwise, which may prevent or limit building or construction.

**SECTION 15:** All references to Lots and Blocks described herein are to the Lots and Blocks as shown on the Current Official Tax Map of the Township of Upper.

**SECTION 16:** The successful bidder shall be required, at the time of the sale, to execute a document acknowledging that the sale is governed by the provisions of this Ordinance as well as N.J.S.A. 40A:12-13.

**SECTION 17:** The provisions of this Ordinance pertaining to this sale shall survive the closing of title and shall not merge into the Deed.

**SECTION 18:** It is a requirement of this sale that the purchaser of the subject property be a contiguous property owner. Said purchaser shall be required to take immediate action to cause a consolidation of the property being purchased with the bidder=s existing property so as to constitute a single parcel of ground which shall not be further subdivided into more than one lot. This restriction shall be included in the deed of conveyance and shall run with the land. The successful bidder shall complete the consolidation as a condition of the sale. The provisions of this Section shall survive closing and shall not merge into the Deed.

**SECTION 19:** 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 10<sup>th</sup> OF JANUARY, 2005 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 14<sup>th</sup> DAY OF FEBRUARY, 2005 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**

**NEW BUSINESS**

- 17. Robert McAllister from Magnolia Court. Request for relocation of swale from Lot 52.04 to a location onto Lot 42 in Block 549.**

Item was removed from the agenda at the request of the applicant.

**UNFINISHED BUSINESS:**

## DISCUSSION

### PAYMENT OF BILLS:

**“I hereby move that all claims submitted for payment at this meeting be approved and then incorporated in full in the minutes of this meeting.”**

Moved by Jay Newman, second by Barbara Camp to pay all bills submitted. During roll call vote all five Committee members voted in the affirmative.

Payroll:	\$230,697.71
Bills submitted for payment:	\$326,466.45

### REPORT OF MUNICIPAL DEPARTMENTS:

**18. Construction Code.**

**19. Clerk’s Office.**

**20. Tax Office-12/2004 and End of Year Reports.**

**21. Finance Office.**

Reports are available from the Clerk’s Office.

### PUBLIC COMMENT

**Frank Roach**, from Osprey Point, asked questions about the amendment to the Solid Waste and Recyclables Ordinance. Some additional research must be done. It is expected to be introduced within the next few weeks.

**Libby Schuck**, from Seaville, discussed the Board of Public Utilities meeting in Middle Township this past week and that Jan. 15, 2005 was the last day to respond to Conectiv’s proposal. As discussed earlier, the Township Committee will schedule a public meeting with special counsel on this matter at 6:00 P.M. on January 24, 2005 at the Township Hall. She also asked about the Animal Control Contract and if it will be a bid. Mr. Young answered that it is a professional services contract, it is not required to be bid.

**Mayor Palombo** discussed the problem on Stagecoach Road of the operation of unlicensed motor bikes and asked Trooper Kuhar from the N.J. State Police to look into the matter.

**Elizabeth Bergus** also reported that bricks have been thrown through windows of a vacant home on Webster Avenue in Strathmere. Trooper Kuhar will look into the matter.

There were no more speakers, motion was made by Jay Newman, second by Andrew McCrosson to close the regular portion of the meeting and go into a closed session. All voted in the affirmative during roll call vote.

### CLOSED SESSION

**22. 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 9:20 P.M. Next meeting to be January 24, 2005 at 4:00 P.M.

Minutes prepared by

Wanda Gaglione, RMC  
Municipal Clerk

#### Bill List

037640	01/10/05	A0006	ADVANCE TREADS INC	303.00
037641	01/10/05	A0012	ACME MARKETS INC.	154.95
037642	01/10/05	A0017	A.C.M. JIF C/O T. FREEDMAN	68,768.00
037643	01/10/05	A0018	ACTION SUPPLY INC.	184.80
037644	01/10/05	A0025	ADVANTAGE RENTAL ACE HARDWARE	370.28
037645	01/10/05	A0041	ALL ACTION WATER SPORTS, INC.	512.39
037646	01/10/05	A0050	ALL STAR SPORT CENTER	5,997.40
037647	01/10/05	A0060	ALL INDUSTRIAL-SAFETY PRODUCTS	216.00
037648	01/10/05	A0094	ARCH WIRELESS	15.65
037649	01/10/05	B0092	BROKER, EUGENE JR.	48.00
037650	01/10/05	B0152	BUCHANAN, KAREN A.	32.00
037651	01/10/05	C0030	CAMP, BARBARA	24.00
037652	01/10/05	C0039	CANDERAN, ELIZABETH	58.00
037653	01/10/05	C0042	CAMPBELL FREIGHTLINER, LLC	99,854.00
037654	01/10/05	C0048	CAPE MAY COUNTY MUA	32,670.25
037655	01/10/05	C0094	CHERNOSKI, STEVE	200.00
037656	01/10/05	C0128	COMMERCE BANK	1,200.00
037657	01/10/05	C0130	CHIEF SUPPLY CORP.	250.93
037658	01/10/05	C0131	CINTAS FIRST AID & SAFETY	45.23
037659	01/10/05	C0140	CODED SYSTEMS	1,950.00
037660	01/10/05	C0143	CODY'S POWER EQUIPMENT	132.55
037661	01/10/05	C0157	COMPUSERVE INCORPORATED	19.90
037662	01/10/05	C0160	CONNECTIV POWER DELIVERY	16,417.62
037663	01/10/05	C0201	CRUZAN'S TRUCK SERVICE INC.	1,155.80
037664	01/10/05	D0016	DALEY,FREDERICK T/A DALEYS PIT	120.00
037665	01/10/05	D0040	DELTA DENTAL PLAN OF N.J. INC.	4,367.71
037666	01/10/05	D0043	DIVISION OF STATE POLICE	1,224.00
037667	01/10/05	D0050	DIAL BLOCK COMPANY, INC.	25.50
037668	01/10/05	D0051	DILLING, TIMOTHY	24.00
037669	01/10/05	D0077	DIETRICH,PAUL	166.00
037670	01/10/05	D0096	DELL MARKETING L.P.	1,834.49
037671	01/10/05	D0099	DEVER ELECTRIC	1,088.00
037672	01/10/05	D0105	DANONE WATERS OF NORTH AMERICA	28.27
037673	01/10/05	E0030	EXECUTIVE BUSINESS PRODUCTS	5.09
037674	01/10/05	F0054	FORT DEARBORN LIFE INSURANCE	488.58
037675	01/10/05	F0069	FRED'S AUTO	104.40
037676	01/10/05	F0157	FRANKEL, EMILY	43.50
037677	01/10/05	G0014	GARDEN STATE HWY PRODUCTS INC.	304.00
037678	01/10/05	G0120	GILBERTSON,GILBERT O.	8.00
037679	01/10/05	H0006	HABERMAN, WILLIAM	160.75
037680	01/10/05	H0027	HARBRO	101.00
037681	01/10/05	H0057	HISTORICAL PRESERVATION	2,622.33
037682	01/10/05	J0014	JC MILLER CO.	535.96
037683	01/10/05	J0034	JOHNSON'S ELECTRIC	349.99
037684	01/10/05	J0041	JONES, JAMES M.	76.00
037685	01/10/05	K0007	KACZMARSKI, RICHARD	109.99
037686	01/10/05	K0016	KEENE, DAVID	44.00

037687	01/10/05	K0023	KER, CATHERINE	58.00
037688	01/10/05	L0018	LANIER WORLDWIDE, INC.	740.78
037689	01/10/05	L0034	LAYTON, BRENDA MRS.	48.00
037690	01/10/05	L0072	LLOYD, JOEL	352.58
037691	01/10/05	L0080	LOWES, INC.	526.90
037692	01/10/05	M0009	MCCAULEY, ROBERT	188.00
037693	01/10/05	M0021	MASER CONSULTING, P.A.	21,000.00
037694	01/10/05	M0029	MARGATE ADVERTISING	68.75
037695	01/10/05	M0059	MCDANIELS, WILLIAM J. III	93.74
037696	01/10/05	M0072	MILLVILLE IRON WORKS INC.	450.00
037697	01/10/05	M0076	MGL FORMS-SYSTEM	387.51
037698	01/10/05	N0004	NJ-AMERICAN WATER CO.	8.01
037699	01/10/05	N0052	NATL YOUTH SPORTS COACHED ASSN	460.00
037700	01/10/05	N0060	NESLO PETROLEUM PRODUCTS, INC.	830.00
037701	01/10/05	N0100	N.J. LEAGUE OF MUNICIPALITIES	780.00
037702	01/10/05	N0104	NEW JERSEY MAYORS ASSOCIATION	100.00
037703	01/10/05	N0120	NORTHERN SAFETY CO.INC.	324.56
037704	01/10/05	O0012	OCEAN CITY BD. OF EDUCATION	379.08
037705	01/10/05	O0025	OLD DOMINION BRUSH	326.55
037706	01/10/05	P0008	PALMER, NANCY	8.00
037707	01/10/05	P0032	PEDRONI FUEL CO.	918.14
037708	01/10/05	P0055	PHILADELPHIA GENERAL TIRE	799.90
037709	01/10/05	P0073	POGUE INC.	120.00
037710	01/10/05	P0075	POSITIVE PROMOTIONS INC	218.50
037711	01/10/05	P0099	PRINCETON NASSAU CONOVER FLM	12,500.00
037712	01/10/05	R0030	RIGGINS, INC.	2,309.35
037713	01/10/05	R0046	ROGERS USA, INC.	1,294.00
037714	01/10/05	R0077	RFP SOLUTIONS, INC	259.20
037715	01/10/05	S0036	SCHULER, JAMES	353.82
037716	01/10/05	S0066	SEETON TURF WAREHOUSE LLC	542.00
037717	01/10/05	S0075	SHARP, RHONDA L.	4.00
037718	01/10/05	S0092	SHONE, LEROY MR.	28.00
037719	01/10/05	S0133	SOUTH JERSEY AUTO SUPPLY	128.17
037720	01/10/05	S0135	S.J. GIRLS SOCCER LEAGUE	1,015.00
037721	01/10/05	S0139	SO. JERSEY WATER COND. INC.	241.95
037722	01/10/05	S0185	STOCKTON STATE COLLEGE	2,968.87
037723	01/10/05	S0218	S.J.A.P. NATURALINK	2,176.20
037724	01/10/05	T0018	TEKK COMM COMMUNICATIONS	89.00
037725	01/10/05	T0038	THOMAS, CHRISTOPHER	388.35
037726	01/10/05	T0044	THOMSON, KERRY AGENCY	12,454.00
037727	01/10/05	T0048	TILL PAINT CO/D. FITZGERALD	1,230.00
037728	01/10/05	T0050	TOLEDO PHYSICAL EDUCATION	291.12
037729	01/10/05	T0067	TOWNSHIP OF UPPER PETTY CASH	100.00
037730	01/10/05	T0080	TREASURER STATE OF N.J.	2,942.05
037731	01/10/05	T0101	TRI-COUNTY BUILDING SUPPLIES, I	615.03
037732	01/10/05	U0024	UNIVERSAL COMPUTING SERV. INC.	728.00
037733	01/10/05	U0029	UPPER TOWNSHIP BD.OF EDUCATION	264.00
037734	01/10/05	U0038	UPPER TOWNSHIP RESCUE SQUAD	1,224.67
037735	01/10/05	V0013	VERIZON WIRELESS	183.38
037736	01/10/05	V0022	VERIZON	1,045.88
037737	01/10/05	W0046	WILLSON INDUSTRIES, INC.	505.60
037738	01/10/05	W0060	WOOLLEY, THOMAS	48.00
037739	01/10/05	X0002	XEROX CAPITAL SERVICES, LLC	57.00
037740	01/10/05	Y0008	YOUNG, DANIEL J. ESQUIRE PC	6,880.50

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Total Paid:                   \$326,466.45

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