

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
MINUTES FOR JANUARY 24, 2005**

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Barbara Camp	Present
Curtis Corson	Present
Andrew McCrosson	Absent
John “Jay” Newman	Absent
Richard Palombo	Present

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

**APPROVAL OF MINUTES - 1/7/2005 Reorganization Meeting,
1/10/2005 Regular Meeting and
Closed Session Minutes**

**Moved by Barbara Camp, second by Curtis Corson to approve the Minutes as written.
During roll call vote the three Committee members present voted in the affirmative.**

REPORT OF GOVERNING BODY MEMBERS

Barbara Camp, commented on the reporting system from Animal Control, the report is very informative.

She reported that we have been notified from the NJ Natural and Historic Resources Dept. that the Reeves-Izard-Godfrey house has been entered onto the N.J. Register of Historical Places. This home is owned by Lewis Albrecht, a member of the U.T. Historical Preservation Society.

She discussed the \$13 million Conectiv will pay to the Pinelands Commission to allow the installation of transmission lines throughout the Pinelands area and she wondered how much of that money will come to Upper Township. The information was received by email message. Mr. Young commented that this email has been forwarded to our special counsel Hesser McBride.

She moved to support a property tax reform initiative, Bill A-5269 and that we adopt a resolution to that affect. Curtis Corson seconded the motion with all three Committee members present voting in the affirmative.

Curtis Corson, Deputy Mayor, reported that in a 28-day period, 1329 tons of leaves were collected, and our recycling rate for 2004 was 46.1%. He commended the Dept. of Public Works on this accomplishment.

Richard Palombo, Mayor, moved to support Assembly Bill 2731 which outlines the criteria a municipality would consider when establishing speed limits. By supporting this bill, the municipality will have input as to what speed limits it can establish with the criteria put in place by our own township. In the past there have been some problems with streets such as Stagecoach Road and Perry Road where we thought the speed limit should be lower than allowed. This was seconded by Barbara Camp. During roll call vote all three Committee members present voted in the affirmative.

He made a motion to support companion bills, Assembly Bill 2355, and Senate Bill 4365, which impact volunteer emergency services. He commented that if Jay Newman were here instead of fighting the fire he would move to support this as well. Curtis Corson seconded the motion. During roll call vote all three Committee members present voted in the affirmative.

OTHER REPORTS

Wanda Gaglione, Municipal Clerk: Free Rabies Clinic will be held on February 19th and March 12th, from 1:00 P.M. to 3:00 P.M. at the Upper Township Municipal Garage. You can also purchase your 2005 dog tag there.

Regarding Ordinance 13-2004 which increases the cost of records request specifically costs for Vital Records—Birth, Marriage and Death records. The fee in that ordinance specifies \$10 for each certified copy of a record. The request is to amend that ordinance to charge a fee of \$10 for the first copy and \$5 for each subsequent copy in the same request. Motion was made by Curtis Corson, second by Richard Palombo to amend Ordinance 13-2004 to reflect these changes. During roll call vote all three Committee members present voted in the affirmative. Amendment will be introduced at the next meeting.

Paul Dietrich, Municipal Engineer, discussed the ordinance being prepared to allow trash pickup at Osprey Point. Mr. Dietrich and Mr. Young have been working on it and expect it to be introduced at the next meeting. Mr. Dietrich reported that Osprey Point has been notified that recyclables will be picked up if a central location is provided to separate it. He also reported that he is working with the Clerk and Tax Assessor offices to get the trash schedule out to our new residents to try to reduce some of the collection issues we have. He is setting up a procedure with the Dept. of Public Works on the reporting the of unsuitable trash containers.

See Item No. 7, Resolution No. 040-2005, for comments on the Stormwater Management Plan.

RESOLUTIONS

1. School Board Recognition Month in New Jersey, January 2005.

**RESOLUTION NO. 34-2005
SCHOOL BOARD RECOGNITION MONTH
IN NEW JERSEY, JANUARY 2005**

WHEREAS, New Jersey's public schools serve more than 1.4 million children in Pre-Kindergarten through Grade 12; and

WHEREAS, the direction of public education in New Jersey is charted locally by individual school boards, whose 4,800 members serve as advocates for public education as they work with administrators, teachers, parents and local residents; and

WHEREAS, Boards of Education provide accountability to the public; they communicate the needs of the school district to the community; and they convey to school administrators the public's expectations for the school district; and

WHEREAS, school board members receive no remuneration for their services; and

WHEREAS, the Township Committee and all citizens of Upper Township are all justly proud of the academic, athletic and social achievements of the students in our community; and

WHEREAS, the National School Boards Association and the New Jersey School Boards Association have declared January 2005 to be School Board Recognition Month, a time that all residents might acknowledge the contributions made by our local school board members.

NOW, THEREFORE, BE IT RESOLVED, that the Upper Township Committee does hereby commend the service of the Upper Township Board of Education and its members to our community and its children; and be it further

RESOLVED, that the Upper Township Committee proclaims January 2005 as SCHOOL BOARD RECOGNITION MONTH in the Township of Upper and urges all citizens to join in recognizing the dedication of local school board members, past and present, as we work together to improve educational opportunities for our children.

Resolution No. 34-2005

Offered by: Camp

Seconded by: Palombo

Adopted: January 24, 2005

Roll Call Vote:

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

2. Confirming the appointment of Mellissa A. Gannon as a full time employee to the Upper Township Rescue Squad.

TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 R E S O L U T I O N
 RESOLUTION NO. 35-2005
 RE: CONFIRMING THE APPOINTMENT OF MELLISSA A. GANNON
 AS A FULL-TIME EMPLOYEE
 OF THE UPPER TOWNSHIP
 DIVISION OF EMERGENCY MEDICAL SERVICES

WHEREAS, a need exists to appoint qualified personnel as full-time employees to the Upper Township Division of Emergency Medical Services to insure optimal operation; and

WHEREAS, a recommendation has been made to the Township Committee and duly considered at the meeting of January 10, 2005; 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. Mellissa A. Gannon is hereby appointed as a member of the Division of Emergency Medical Services in a full-time position effective February 4, 2005 at an annual salary of \$25,000.

3. This Resolution ratifies, confirms and approves action taken by the Township Committee, by motion, at the meeting of January 10, 2005.

Resolution No. 35-2005

Offered by: Corson

Seconded by: Camp

Adopted: January 24, 2005

Roll Call Vote:

NAME YES NO ABSTAINED ABSENT

Camp	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Corson	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
McCrosson	<u> </u>	<u> </u>	<u> </u>	<u> X </u>
Newman	<u> </u>	<u> </u>	<u> </u>	<u> X </u>
Palombo	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

3. In opposition to New Jersey Assembly Bill A-3529, which would permit workers to receive double benefits for the same injury.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 36-2005

RE: IN OPPOSITION TO NEW JERSEY ASSEMBLY BILL A-3529
WHICH WOULD PERMIT WORKERS TO
RECEIVE DOUBLE BENEFITS FOR THE SAME INJURY

WHEREAS, on November 8, 2004, the New Jersey Superior Court Appellate Division reaffirmed that government workers cannot receive both a full ordinary disability pension and workers compensation benefits at the same time for the same injury; and

WHEREAS, on November 11, 2004, Assembly Bill A-3529 was introduced in response to this court decision to permit such a double payment retroactive to August, 1997, and this bill later has its second reading and is now awaiting a full Assembly vote; and

WHEREAS, if Assembly Bill A-3529 is adopted, government workers will receive substantially more income while out on workers compensation than they would receive if still on the job, and the language of this bill purports to restore a benefit which never existed in the law; and

WHEREAS, if Assembly Bill A-3529 is adopted, it will have a significant negative financial impact on New Jersey's already fiscally stressed municipalities;

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 joins with the New Jersey League of Municipalities and the Municipal Excess Liability Fund in opposition to Assembly Bill A-3529 and supports the referral of Assembly Bill A-3529 to the Pension and Health Benefits Review Commission for further fiscal analysis.

4. A copy of this Resolution shall be forwarded to Acting Governor Richard J. Codey, Assembly Speaker, Minority Leader of the Assembly and Majority Leader of the Assembly, Senate and Assembly representatives of the Township of Upper and the New Jersey State League of Municipalities.

Resolution No. 36-2005
 Offered by: Camp
 Adopted: January 24, 2005
 Roll Call Vote:

Seconded by: Corson

<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> </u>	<u> </u>	<u> </u>	<u>X</u>
Newman	<u> </u>	<u> </u>	<u> </u>	<u>X</u>
Palombo	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

4. In support of New Jersey Assembly Bill A-1835 and Senate Bill S-1023, which would require the State to reimburse municipalities for their retroactive reimbursement and payment of property taxes with respect to totally, disabled veterans.

TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 R E S O L U T I O N
 RESOLUTION NO. 37-2005

RE: IN SUPPORT OF NEW JERSEY ASSEMBLY BILL A-1835 AND SENATE
BILL S-1023 WHICH WOULD REQUIRE THE STATE TO REIMBURSE
MUNICIPALITIES FOR THEIR RETROACTIVE REIMBURSEMENT AND PAYMENT OF
PROPERTY TAXES WITH RESPECT TO TOTALLY DISABLED VETERANS

WHEREAS, Assembly Bill A-1835 and Senate Bill S-1023 have been introduced for the purpose of, in part, requiring the State to reimburse municipalities for the reimbursement and payment of property taxes with respect to disabled veterans whom are exempt from such payment; and

WHEREAS, Assembly Bill A-1835 and Senate Bill S-1023 also require that the governing body of each municipality return all taxes collected on the veteran=s property after the effective date of the determination of total disability from the United States Department of Veterans Affairs, and requires the State to reimburse municipalities for the amount of such property taxes returned to a totally disabled veteran pursuant to the requirements of the bills; and

WHEREAS, the Township of Upper recognizes the bravery of the men and women of our armed services and pays homage to them for their service to our Country at a great sacrifice to their health and welfare that they gave so valiantly for the freedom that we all experience and enjoy today; and

WHEREAS, the exemption of the property tax for the totally disabled veterans, while justified, does possess a burden to the municipalities and seriously impacts the citizens of the

Township of Upper, who would have to bear the burden of this exemption without the reimbursement from the State of New Jersey.

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 strongly supports the passage of Assembly Bill A-1835 and Senate Bill S-1023.

3. A copy of this Resolution shall be forwarded to Acting Governor Richard J. Codey, Assembly Speaker, Minority Leader of the Assembly and Majority Leader of the Assembly, and Senate and Assembly representatives of the Township of Upper

Resolution No. 37-2005
 Offered by: Camp
 Adopted: January 24, 2005
 Roll Call Vote:

Seconded by: Corson

<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>_____</u>	<u>_____</u>	<u>_____</u>	<u>X</u>
Newman	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>X</u>
Palombo	<u>X</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

5. Authorizing a change order for extra work for the project known as the Clearing and Grubbing of Amanda's Field Recreation Complex, resulting in an increase in the contract amount of \$15,000.

TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 R E S O L U T I O N
 RESOLUTION NO. 38-2005
 RE: AUTHORIZING A CHANGE ORDER FOR EXTRA WORK FOR THE PROJECT
 KNOWN AS THE CLEARING AND GRUBBING OF AMANDA'S FIELD
 RECREATION COMPLEX, RESULTING IN AN INCREASE IN CONTRACT
 AMOUNT OF \$15,000

WHEREAS, the Township of Upper has previously awarded the bid known as the Clearing and Grubbing of the Amanda's Field Recreation Complex to Albrecht & Heun, Inc. of PO Box 179, Cape May Court House, New Jersey 08210 in the original Contract amount of \$108,600.00; and

WHEREAS, the Township wishes to approve a Change Order to screen and grind approximately 30 loads of topsoil and root mix which will result in extra work 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 of extra work, does not exceed twenty percent (20) of the original Contract award; and

WHEREAS, this Change Order is in the best interest of the Township because Albrecht & Heun will discount the attached daily rates by 5% with no mobilization charge due to the time of year;

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

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

2. Change Order No. 1 to the project of Clearing and Grubbing of the Amanda's Field Recreation Complex with Albrecht & Heun, Inc. is hereby authorized as follows:

Increases.....	None
Decreases.....	None
Extra Work.....	\$15,000.00
TOTAL.....	\$15,000.00

3. The aforesaid Change Order is to provide extra work throughout the project and cost is estimated, with payment based on time spent multiplied by the attached daily rate for the equipment used.

4. A copy of the Change Order detailing the nature and the extent of the work to be done, 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 to take all action necessary to carry out the intent and purpose of this Resolution.

Resolution No. 38-2005

Offered by: Corson

Seconded by: Camp

Adopted: January 24, 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> </u>	<u> </u>	<u> </u>	<u>X</u>
Newman	<u> </u>	<u> </u>	<u> </u>	<u>X</u>
Palombo	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

- 6. Authorizing a change order for the Smart Growth Grant for extra work in the Plan Endorsement project comprising the Townships of Upper, Middle and Dennis with contractor Maser Consulting, P.A., which results in an increase of \$213.00.

TOWNSHIP OF UPPER

CAPE MAY COUNTY

R E S O L U T I O N

RESOLUTION NO. 39-2005

RE: AUTHORIZING A CHANGE ORDER FOR THE SMART GROWTH GRANT FOR EXTRA WORK IN THE PLAN ENDORSEMENT PROJECT COMPRISING THE TOWNSHIPS OF UPPER, MIDDLE AND DENNIS WITH CONTRACTOR MASER CONSULTING, P.A. WHICH RESULTS IN AN INCREASE OF \$213.00 TO THE TOWNSHIP OF UPPER

WHEREAS, the Township of Upper has previously awarded the bid known as the Smart Growth Grant to Maser Consulting, P.A. of 43 A Newburgh Road, Suite 100, Hackettstown, New Jersey 07840 in the original Contract amount of \$150,000.00; and

WHEREAS, the Township wishes to approve a Change Order to copy and prepare electronic copies of the Master Plan, Master Plan Re-examinations, Zoning Ordinances and other required documents for the pre-petition meeting with the

Office of Smart Growth which will result in extra work 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 of extra work, does not exceed twenty percent (20) of the original Contract award; and

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

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

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

2. Change Order No. 1 to the project of the Smart Growth Grant with Maser Consulting, P.A. is hereby authorized as follows:

Increases.....	None
Decreases.....	None
Extra Work.....	\$213.00
TOTAL.....	\$213.00

3. The aforesaid Change Order is to provide extra work throughout the project.

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

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 to take all action necessary to carry out the intent and purpose of this Resolution.

Resolution No. 39-2005

Offered by: Camp

Seconded by: Corson

Adopted: January 24, 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>	_____	_____	_____

7. Adopting the Upper Township Stormwater Management Plan pursuant to N.J.A.C. 7:8-4.3.

Mr. Dietrich commented that the Township is required to prepare this plan and that it is the first step in complying with the new State regulations. This is the "master plan" of stormwater within the Township. The plan consists of a build-out analysis which shows both impervious coverage and potential building coverage within the Township. The plan was created by a committee of residents and municipal professionals. The committee looked at various areas that have flooding problems. They also looked at additional changes that can be made to the zoning ordinance such as requiring additional buffering and requiring runoff to be recharged to promote what is called non-structural stormwater strategies. Some of the requirements are to clean and inspect every inlet and basin once a year and to implement requirements dealing with street sweeping and looseleaf collection. These will be implemented within the next year by ordinance and he will be working with several Township Departments to comply. The resolution tonight accepts the report, which is then forwarded to the County for approval, then on to the Pinelands

for their review and approval. Mr. Young commented that eventually it will become a part of our Master Plan.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 40-2005
RE: ADOPTING THE UPPER TOWNSHIP STORMWATER MANAGEMENT PLAN
PURSUANT TO N.J.A.C. 7:8-4.3

WHEREAS, pursuant to N.J.S.A. 40:55D-93 every municipality in the State of New Jersey is required to prepare a stormwater management plan; and

WHEREAS, the Township of Upper wishes to adopt a stormwater management plan and integrate same with the municipal master plan in accordance with N.J.S.A. 40:55D-93 and N.J.A.C. 7:8; and

WHEREAS, the Township Committee of the Township of Upper has reviewed and approved the Stormwater Management Plan attached hereto as Exhibit A; 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 of the Township of Upper hereby adopts and approves the Upper Township Stormwater Management Plan attached hereto as Exhibit A and directs that

same be submitted to all appropriate governmental bodies, including the County of Cape May, pursuant to N.J.A.C. 7:8.

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. 40-2005

Offered by: Camp

Seconded by: Corson

Adopted: January 24, 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> </u>	<u> </u>	<u> </u>	<u> X</u>
Newman	<u> </u>	<u> </u>	<u> </u>	<u> X</u>
Palombo	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

8. Authorizing the Township to enter into a contract and/or issue purchase orders to Computer House, Inc., 740 South Sixth Avenue, Galloway, New Jersey 08205, for various services.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 41-2005

RE: AUTHORIZING THE TOWNSHIP TO ENTER INTO A
CONTRACT AND/OR ISSUE PURCHASE ORDERS TO
COMPUTER HOUSE, INC., 740 SOUTH SIXTH AVENUE,
GALLOWAY, NEW JERSEY 08205, FOR VARIOUS SERVICES

WHEREAS, the Township of Upper has previously entered into a Professional Services Contract with Computer House, Inc. to service Township computers and the Township wishes to extend and renew that Contract for an additional term; and

WHEREAS, the Township has also transferred past files and records to electronic storage under the rules and regulations and under the supervision of the State of New Jersey; and

WHEREAS, the rules and regulations of the State of New Jersey require certain tests and procedures to be made with respect to such electronic files and further requires that certain tests be performed at periodic intervals; and

WHEREAS, Computer House, Inc. has the necessary expertise, technology and qualifications to perform such service and has demonstrated their capacity and competency in their past services with the Township; and

WHEREAS, the Chief Financial Officer of the Township has certified the availability of funds to allow the award of Contract for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose in the 2005 Municipal Budget;

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 does hereby authorize the following services to be provided by Computer House, Inc:

(A) A Technical Support Contract, in the annual amount of \$1,000.00 per year, is renewed for the term commencing April 1, 2005. A copy of the sales invoice dated December 20, 2004 is attached hereto as Exhibit AA≅.

(B) Renewal of the Annual Maintenance/Annual Support Agreement for Alchemy versions upgrades, service patches, hot fixes, unlimited technical support via telephone, two (2) on-site visits for up to two (2) hours each and discounts of twenty percent (20%) on additional training and/or consulting, for a term commencing June 29, 2004 and ending June 29, 2005, at a cost of \$4,995.00. A copy of the proposal dated December 20, 2004 is attached hereto as Exhibit AB≅.

(C) Acceptance of the proposal for a bi-annual component-level restoration of the Township of Upper=s Alchemy Database Server to conform to the Township=s IT Disaster Prevention/Recovery Plan for the certification of scanning and archiving of public records for the State of New Jersey Division of Archives and Records Management, to include bi-annual test cycle, for a total annual cost of \$2,700.00. A copy of the proposal dated December 20, 2004 is attached hereto as Exhibit AC≅.

(D) Acceptance of the proposal for Preventive Maintenance Agreement for a cost of \$95 per month (one year prepaid \$1,140.00). A copy of the proposal is attached hereto as Exhibit AD≅.

3. This Resolution is awarded subject to and conditioned upon the following:

- (i) Computer House, Inc., in providing the services contemplated in this Resolution and in the attachments hereto, acknowledges that it is an independent contractor and not an employee of the Township. As such, Computer House, Inc. represents and warrants that it will maintain in full force and effect workers=compensation coverage and disability coverage for all of its employees.
- (ii) During the term of the Contract and any renewal or extension thereof, Computer House, Inc. will maintain in full force and effect the following insurance:
 - (a) Commercial general liability insurance on an occurrence basis with limits of liability of not less than \$500,000.00 per occurrence and/or aggregate combined single limit, personal injury, bodily injury and property damage.
 - (b) Motor vehicle liability insurance, including applicable no-fault coverage, with limits of liability of not less than \$500,000.00 per accident, combined single limit, bodily injury and property damage. Coverage shall include all owned vehicles, all non-owned vehicles and all hired vehicles.

(c) Computer House, Inc. shall not be required to name the Township as an additional insured.

(iii) Computer House, Inc. agrees to indemnify the Township and to hold it harmless from and against any and all damages, claims, losses and/or liabilities of any sort (including attorney=s fees), which the Township may incur as a result of the performances of services under this Resolution and the attachments hereto by Computer House, Inc. or its agents, servants and employees.

(iv) Computer House, Inc. acknowledges that it must comply with the Affirmative Action requirements of the State of New Jersey, which requirements are attached to this Resolution as Exhibit AE≅.

4. This Contract is awarded without competitive bidding for the reason that the aggregate of the amounts anticipated to be paid to Computer House, Inc. are under the current bid threshold for the State of New Jersey.

5. A copy of this Resolution, when signed by the authorized representative of Computer House, Inc., shall constitute a Contract executed in accordance with the requirements and provisions of the Local Public Contracts Law.

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

7. The Chief Financial Officer is hereby authorized, directed and empowered to issue a purchase order consistent

with the intention and purpose of this Resolution. All other Township officers and officials are authorized to take such action as may be necessary or required in order to carry out the intent and purpose of this Resolution.

Resolution No. 41-2005

Offered by: Camp

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

9. Approving the form of Deed of Consolidation submitted by James E. Martz, and Sarah E. Martz consolidating certain parcels as follows:

Parcel A: Township Lots 4-10, 14 and 15 on Block 495 shall be merged with and consolidated with Lots 1-3, 11-13 and 21-25 on Block 495 owned by James E. Martz and Sarah E. Martz.

Parcel B: Township Lots 16-20 shall be merged with and consolidated with Lots 26- 40 on Block 495 owned by James E. Martz and Sarah E. Martz.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 42-2005**

RE: APPROVING THE FORM OF DEED OF CONSOLIDATION SUBMITTED BY JAMES E. MARTZ, AND SARAH E. MARTZ CONSOLIDATING CERTAIN PARCELS AS FOLLOWS:

PARCEL A: TOWNSHIP LOTS 4, 5, 6, 7, 8, 9, 10, 14 AND 15 ON BLOCK 495 SHALL BE MERGED WITH AND CONSOLIDATED WITH LOTS 1, 2, 3, 11, 12, 13, 21, 22, 23, 24 AND 25 ON BLOCK 495 OWNED BY JAMES E. MARTZ AND SARAH E. MARTZ

PARCEL B: TOWNSHIP LOTS 16, 17, 18, 19 AND 20 SHALL BE MERGED WITH AND CONSOLIDATED WITH LOTS 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, AND 40 ON BLOCK 495 OWNED BY JAMES E. MARTZ AND SARAH E. MARTZ

WHEREAS, a land sale was conducted pursuant to the Local Lands and Buildings Law at which time James E. Martz and Sarah E. Martz (hereafter AGrantees≡) were the successful bidders for Lots 4, 5, 6, 7, 8, 9, 10, 14, and 15 on Block 495 and also Lots 16, 17, 18, 19 and 20 on Block 495 as the same appears on the Official Tax Map of the Township of Upper; and

WHEREAS, the Township conveyed the aforesaid property to Grantees by Deed dated February 10, 2003, which thereafter recorded in the Office of the Clerk of Cape May County; and

WHEREAS, the aforesaid Deed from the Township of Upper contained a certain reversionary clause providing that if the consolidation of the parcels and lots acquired from the Township with parcels already owned by the Grantees did not occur, that the parcels acquired from the Township would revert to and become re-vested in the Township at the Township=s option; and

WHEREAS, the Grantees have submitted a proposed Deed of Consolidation which has been reviewed and approved by the Municipal Engineer and Special Counsel for the Township and the Municipal Engineer have both recommended its acceptance to the Township Committee of the release of the reversionary interest contained in the original Deed from 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. The Deed of Consolidation submitted by the Grantees James E. Martz and Sarah E. Martz which creates two (2) separate and distinct parcels is hereby accepted and approved. The parcels created by the consolidation are as follows:

PARCEL A: TOWNSHIP LOTS 4, 5, 6, 7, 8, 9, 10, 14 AND 15 ON BLOCK 495 SHALL BE MERGED WITH AND CONSOLIDATED WITH LOTS 1, 2, 3, 11, 12, 13, 21, 22, 23, 24 AND 25 ON BLOCK 495 OWNED BY JAMES E. MARTZ AND SARAH E. MARTZ

PARCEL B: TOWNSHIP LOTS 16, 17, 18, 19 AND 20 SHALL BE MERGED WITH AND CONSOLIDATED WITH LOTS 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, AND 40 ON BLOCK 495 OWNED BY JAMES E. MARTZ AND SARAH E. MARTZ

3. The Township is hereby authorized to execute a Quitclaim Deed with respect to the parcels conveyed by the Township, that is Block 495, Lots 4-10, and 14-20 releasing the reversionary right contained therein. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute said Quitclaim Deed and the Clerk is hereby authorized to deliver same to the Grantees upon receipt of a copy of the duly recorded Deed of Consolidation.

4. The Municipal Engineer is hereby directed to make the necessary revisions to the current Official Tax Map reflecting the foregoing consolidation and to eliminate all lot lines and subdivision lines so as to create the two (2) separate parcels created by the consolidation.

5. The Municipal Tax Assessor shall take all action necessary or required in order to reflect the aforesaid consolidation of lots.

Resolution No. 42-2005

Offered by:Camp Seconded by:Palombo

Adopted: January 24, 2005

Roll Call Vote:

NAME YES NO ABSTAINED ABSENT

Camp	<u>X</u>	_____	_____	_____
Corson	<u>X</u>	_____	_____	_____
McCrosson	_____	_____	_____	<u>X</u>
Newman	_____	_____	_____	<u>X</u>
Palombo	<u>X</u>	_____	_____	_____

10. Approving the form of Deed of Consolidation submitted by James V. Flukey, Jr. and Lee Ann Flukey consolidating Lots 18 and 19 in Block 359 acquired from the Township of Upper with Lots 16, 17, 20, 21, 24 and 25 in Block 359 into a single parcel and further consolidating Lots 9-13 in Block 359 into a single parcel.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 43-2005**

RE: APPROVING THE FORM OF DEED OF CONSOLIDATION SUBMITTED BY JAMES V. FLUKEY, JR. AND LEE ANN FLUKEY CONSOLIDATING LOTS 18 AND 19 IN BLOCK 359 ACQUIRED FROM THE TOWNSHIP OF UPPER WITH LOTS 16, 17, 20, 21, 24, AND 25 IN BLOCK 359 INTO A SINGLE PARCEL AND FURTHER CONSOLIDATING LOT 9, 10, 11, 12 AND 13 IN BLOCK 359 INTO A SINGLE PARCEL

WHEREAS, a land sale was conducted pursuant to the Local Lands and Buildings Law at which time James V. Flukey, Jr. (hereafter AGrantees≅) was the successful bidder for Block 359, Lots 9, 10, 11, 12, 13, 18 and 19 as the same appears on the Official Tax Map of the Township of Upper; and

WHEREAS, the Township conveyed the aforesaid property to Grantee by Deed dated April 14, 2003, which was thereafter recorded in the Office of the Clerk of Cape May County; and

WHEREAS, the aforesaid Deed from the Township of Upper contained a certain reversionary clause providing that if the Grantee did not consolidate Lots 18 and 19 in Block 359 which he acquired from the Township with Lot 16, 17, 20, 21, 24, and 25 in Block

359 which he already owned and additionally the Grantee was required to consolidate Lots 9, 10, 11, 12, and 13 in Block 359 into a single parcel, and if the consolidation did not occur, then the lots or parcels acquired from the Township of Upper would revert to and become re-vested in the Township at the Township=s option; and

WHEREAS, the James V. Flukey, Jr. and Lee Ann Flukey have submitted a proposed Deed of Consolidation which has been reviewed and approved by the Municipal Engineer and Special Counsel for the Township and the Municipal Engineer have both recommended its acceptance to the Township Committee of the release of the reversionary interest contained in the original Deed from 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. The Deed of Consolidation which consolidates and combines Lots 18 and 19 in Block 359 with Lot 16, 17, 20, 21, 24, and 25 in Block 359 into a single parcel for all purposes and which further consolidates Lots 9, 10, 11, 12, and 13 in Block 359 into a single parcel for all purposes and thereby creating two (2) separate parcels is hereby accepted and approved.
3. The Township is hereby authorized to execute a Quitclaim Deed with respect to Block 359, Lots 9, 10, 11, 12, 13, 18, and 19 releasing the reversionary right contained therein. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute said Quitclaim Deed and the Clerk is hereby authorized to deliver same to the Grantees upon receipt of a copy of the duly recorded Deed of Consolidation.

4. The Municipal Engineer is hereby directed to make the necessary revisions to the current Official Tax Map reflecting the foregoing consolidation and to eliminate all lot lines and subdivision lines so as to give effect to the consolidated parcels.

5. The Municipal Tax Assessor shall take all action necessary or required in order to reflect the aforesaid consolidation of lots.

Resolution No. 42-2005

Offered by: Camp Seconded by: Palombo

Adopted: January 24, 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>	_____	_____	_____

11. Approving the form of Deed of Consolidation submitted by Albert L. DiPritzito and Kathleen J. Leonard consolidating Lots 23, 24, 37, 38 and 39 in Block 485 acquired from the Township of Upper with Lots 33, 34, 40-47 in Block 485 into a single lot to be known as Lot 33.01, Block 485 for all purposes.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 44-2005**

RE: APPROVING THE FORM OF DEED OF CONSOLIDATION SUBMITTED BY ALBERT L. DiPRIZITO AND KATHLEEN J. LEONARD CONSOLIDATING LOTS 23, 24, 37, 38 AND 39 IN BLOCK 485 ACQUIRED FROM THE TOWNSHIP OF UPPER WITH LOTS 33, 34, 40, 41, 42, 43, 44, 45, 46 AND 47 IN BLOCK 485 INTO A SINGLE LOT TO BE KNOWN AS LOT 33.01, BLOCK 485 FOR ALL PURPOSES

WHEREAS, a land sale was conducted pursuant to the Local Lands and Buildings Law at which time Albert L. DiPrizito and Kathleen J. Leonard (hereafter AGrantees) were the successful bidders for Lots 23, 24, 37, 38, and 39 in Block 485 as the same appears on the Tax Map of the Township of Upper; and

WHEREAS, the Township conveyed the aforesaid property to Grantees by Deed dated March 10, 2003, recorded March 28, 2003 in Deed Book 3010, at page 659, in the Cape May County Clerk=s Office; and

WHEREAS, the aforesaid Deed from the Township of Upper contained a certain reversionary clause providing that if the consolidation of the lots acquired from the Township with the adjacent property already owned by the Grantees did not occur, that the property acquired from the Township would revert to and become re-vested in the Township at the Township=s option; and

WHEREAS, the Grantees have submitted a proposed Deed of Consolidation which has been approved by the Township and the Municipal Engineer and Special Counsel for the Township and the Municipal Engineer has recommended acceptance of the Deed of Consolidation and the release of the reversionary interest contained in the original Deed from 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. The Deed of Consolidation submitted by the Grantees which consolidates and combines Lots 23, 24, 37, 38, and 39 in Block 485, which parcels were acquired from the Township, with Lots 33, 34, 40, 41, 42, 43, 44, 45, 46 and 47 in Block 485 is hereby accepted and approved.
3. The Township is hereby authorized to execute a Quitclaim Deed with respect to Lots 23, 24, 37, 38 and 39 in Block 485 releasing the reversionary right contained therein. The Mayor and Township Clerk are hereby authorized, directed and empowered to

execute said Quitclaim Deed and the Clerk is hereby authorized to deliver same to the Grantees upon receipt of a copy of the duly recorded Deed of Consolidation.

4. The Municipal Engineer is hereby directed to make the necessary revisions to the current Official Tax Map reflecting the foregoing consolidation and to eliminate all lot lines and subdivision lines so as to create the single parcel created by the consolidation.

5. The Municipal Tax Assessor shall take all action necessary or required in order to reflect the aforesaid consolidation of lots or parcels to be hereafter known as Lot 33.01, Block 485.

Resolution No. 44-2005

Offered by: Camp Seconded by: Corson

Adopted: January 24, 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> </u>	<u> </u>	<u> </u>	<u> X </u>
Newman	<u> </u>	<u> </u>	<u> </u>	<u> X </u>
Palombo	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

ORDINANCES

CORRESPONDENCE

12. Gina Macom, concerns on vandalism at Fort Nuwi, Caldwell Park.

Gina Macom reported on vandalism that recently took place at Caldwell Park. The sign was damaged and a portion of the Fort Nuwi play area was spray-painted. She asked that the State Police be reminded to patrol the area especially on weekends during the warmer months. She discussed reviewing the surveillance tapes, and the replacement of the sign with a more durable material. Frank Conrad, a member of the public, stated he could recommend sign material to assist in the replacement. Jeff Pierson, a member of the public, commented that the tapes should be viewed by the State Police to rule out possible gang related activities. The Committee will discuss the matter further in closed session.

NEW BUSINESS

13. Request from Shoreline Railroad museum for minor interior improvements to the museum.

The plan proposes model railroad tracks to be installed along the wall, a facade to appear like a caboose, new carpeting and various other minor improvements. Barbara Camp made a motion to allow the organization to install their improvements subject to acquiring all necessary permits and inspections, Curtis Corson seconded. During roll call vote all three Committee members present voted in the affirmative. Resolution will be adopted at next meeting.

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.”

Bills submitted for payment:	\$1,092,386.61
Payroll:	\$ 128,081.17

Moved by Barbara Camp, second by Richard Palombo to approve all bills submitted. During roll call all three Committee members present voted in the affirmative.

REPORT OF MUNICIPAL DEPARTMENTS:

- 14. Animal Control**
- 15. Municipal Court**
- 16. Finance Office**
- 17. MUA Report**
- 18. Department of Public Works**
- 19. Zoning Office**

Reports are in the Clerk’s Office for review.

PUBLIC COMMENT

There were no speakers during public comment.

RECONVENE PUBLIC PORTION OF MEETING

20. 6:00 P.M. B.L. England public meeting with Hesser G. McBride, Esquire

The following people were present during this section of the meeting.

Barbara Camp	Present
--------------	---------

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

Also present were Municipal Clerk Wanda Gaglione and Municipal Attorney Daniel Young.

The Mayor introduced Township special counsel Hesser G. McBride from Wilentz, Goldman & Spitzer, P.A. in Woodbridge. He explained that this firm specializes in Public Utility, Administrative, and Energy Law. They have represented two other municipalities with energy plant closings similar to our situation. The purpose of this meeting is to provide residents with an understanding of the Township’s involvement in Conectiv’s application to close the B.L. England Plant as well as the project involved in the construction and upgrade of transmission lines throughout Cape May County.

Mr. McBride commented that his firm regularly practices before the N.J. Board of Public Utilities as well as the Federal Regulatory Commission and other agencies. He prepared a handout summarizing the events leading up to the proposed closure and transmission project and what will take place by the Board of Public Utilities (BPU) in connection with this review process.

Much of this portion of the Minutes was taken verbatim from the tape. Because we are involved in a matter of litigation before the N.J. BPU where Township of Upper has taken an adverse position to Conectiv and Atlantic City Electric, some questions might not be able to be answered because of the pending litigation.

He provided two sets of handouts—the first outlines what has taken place, the second is a document prepared by Conectiv for the planning of the transmission project, its location etc. He referred to the first set of handouts--in 1999 there was a significant change in N.J. law as to how electric utilities were governed. They passed the Energy Discount and Electric Competition Act known as the “EDECA”. The act declared electric generation to be a competitive industry. The utility industry was restructured so that the only part of the utility industry that would be regulated fully by the BPU would be the distribution system. As a result, electric public utilities were encouraged to divest themselves of their electric generation assets. Their electric generation plants could either be sold into an open market or they could transfer them. It is similar to what happened to the phone company twenty years ago. It’s purpose was to break up the electric utility monopolies.

The Atlantic City Electric (ACE), like most of the other public utilities in the State decided they wanted to get out of the generation business They went to the BPU and filed a plan to transfer their electric generating assets and included in that was the B.L. England plant. In January they entered into an agreement, power sale agreement (PSA), with a company known as NRT Energy, to sell the BL England plant. The deal required approval from the BPU, which took longer to get approval than everyone anticipated and the buyer exercised the right of termination prior to the approval and backed out of the deal.

ACE attempted to remarket the property and were unsuccessful in their attempts. They had one bidder, but ACE contends that the one bidder’s proposal in their favor required a power proposal agreement. The power proposal agreement stipulated that they would buy the plant only under the condition that ACE buy power back from the plant. ACE took the position in

their filings with the BPU that they contend it was a negative and would make no economic sense from their perspective.

They tried to renegotiate the price and were unsuccessful. They were confronted with complying with the Energy Regulation Act and BPU wanted to know what they would do with their B. L. England Plant. They were directed to come to the BPU and explain how they were going to treat that asset.

They filed for a stranded cost determination which entailed them going to the BPU and demonstrating that the value of this plant is substantially less than the full net value they would pay for it and that they should be entitled to get that money back from rate payers. Stranded cost procedures are a common part of deregulation and is very contentious before the Board as to what the amount should be. There was a preliminary finding here that because of the age of the plant, costs associated with coal fire plants, and environmental issues, the plant had no market value for stranded costs purposes. The BPU issued an order that the plant was operating at a loss.

In April, 2004, ACE filed a petition with the BPU explaining that from their perspective the most economic thing to do was to close the plant--it was unmarketable and had serious environmental issues.

In that filing they analyzed various alternatives. The filing went to great detail on environmental issues identifying capital requirements necessary to continue to comply with environment regulations, and focused on Unit 1 of this three-unit generation plant. Unit 1 is currently operated on low sulfur coal alternative. It is required to utilize a blend of coal and ACE contends it is not cost effective and inefficient.

Alternatives such as changing the coal burning plant to gas-fired and changing technology were both rejected as not being cost effective. The cost of natural gas lines and the cost of new units would far exceed the value of their prospective.

The alternative of entering into an agreement with an independent power producer who is building a power plant in Hamilton was rejected as not cost effective. ACE essentially said that there were only two real alternatives--1. being the continuation of the B.L. England Plant and using a low sulfur coal, currently the permit for that ends in 2007. Substantial upgrades and expenditures would be necessary for the equipment. 2. A transmission upgrade alternative to bring power from other places. The report concludes that that is their preferred alternative. They concluded that the cost of producing power at B.L. England is higher than what they could purchase on the power market.

In alternative number 1, the plant would continue to raise environmental issues and they think that eventually they will need the transmission project anyway. That is what they told the BPU in April, 2004.

There are also parallel discussions going on as well between ACE and N.J. Department of Environmental Protection (DEP). The DEP has been very much involved in the environmental issues of the plant. The DEP and Conectiv have entered into a Letter of Intent last year. In that Letter of Intent ACE agreed to seek the necessary approval to close the plant and agreed to certain remediation of the plant and certain penalties. In exchange for that the DEP would forgo certain enforcement actions for alleged environmental violations at the plant. The Letter of Intent is a letter between the DEP and Conectiv of what they hope to agree upon later. Those terms can change. If they ultimately agree to this the document would be transformed into a Memorandum of Understanding and at that time be enforceable. The Letter of Intent is an expression of intent and is not legally binding but a reflection of the

discussions that have been ongoing between the DEP and Conectiv. Within that agreement there are provisions that suggest that the DEP would encourage conservation of the land--use of the land as Green Acres. He just recently received a copy of the Letter of Intent and has not fully analyzed it yet.

Because electric generation is no longer regulated by the BPU the utility that wants to close a plant does not need formal BPU approval to close it. They need to represent that anything they do will not affect their ability to continue to provide reliable service. They need to show their decisions are economically proved. That is why this filing is with alternatives as opposed to a request for approval to close.

Essentially they are looking to upgrade existing transmission facilities to higher voltage lines, larger poles, currently they are 55-60 feet, the proposed ones are 80 ft., and are steel frame H poles.

The transmission project went to PJM which is Pennsylvania-Jersey-Maryland, an entity responsible for the power grid that provides power throughout the entire Northeast. PJM is responsible to make certain that electric service is reliable. When you want to close a plant you have to go to PJM to get permission to do it. What they do is conduct an analysis to determine what will happen if this particular plant comes offline. PJM has blessed this project.

In conjunction with retaining my firm this Township has hired an electrical engineering firm Energy Initiatives, Inc. that will be looking at PJM load studies and analysis to see if we concur that reliability would not be affected. The Township is taking the position on the transmission project that this is an unnecessary project and that it may adversely affect service reliability. Energy Initiatives have been retained on a staged process---1. to look at the same data that PJM has reviewed to determine that transmission would continue to be reliable. 2. to look at the transmission project to analyze the impacts at the local level, 3. to review B.L. England plant issues, analysis of the alternative they proposed etc.

Also looking at this project and before the BPU is the Division of Rate Payer Advocate which are usually concerned with what users pay. The County of Cape May has filed an answer to this petition. Recently the BPU held a public hearing on the project in Middle Township. ACE takes the position that the closure of the plant is not relevant to the transmission line case. Our position is that they have to assess the need for the project first and then assess how the transmission project itself will impact the community.

There is another recent proceeding which was filed at the end of last year by ACE for the BPU. Although ACE does not have to get approval from the BPU they've take a precautionary step by going to the BPU for them to find that the closure of the plant is a prudent economic decision. Why they are doing that is they want to be assured that the cost and expenditures they incur in connection with the closure and the steps leading up to the closure can be recovered through rates. They are also seeking recovery of stranded costs, and seeking determination that the market value of the plant is zero to lock in the value of it for their stranded costs recovery.

Lastly, they are seeking that the board act on this in an expedited manner. They need to know immediately because if for some reason the BPU decision does not allow for the recovery of those costs, they will have to change direction and they need to have sufficient lead time in order to purchase engineering and plan for the installation of sufficient equipment to continue the operation of the plant. He stated that he did not get any sense that that's the direction they are going at all. They want some assurance from them; that the BPU

and DEP are all on the same page and will move in the same direction. He discussed issues of what interested parties or municipalities can say or do about a post closure like this. The first obligation of the BPU is make certain that there be continued reliable power service throughout the territory. Convincing the BPU that the closure would seriously undermine the service could be a basis for the board to require the plant to remain open. Service reliability through Conectiv's perspective has been resolved through the PJM analysis and the transmission upgrade project.

The next issue--is it an uneconomical decision to close the facility preceding the transmission project? Do the cost associated with the transmission project and financial benefits outweigh the benefit of maintaining the plant? Conectiv has taken the position that they have looked at those issues very closely and they take the position that it is economically imprudent to continue to operate the plant. A page of his report gives addresses where the public can send comments, one is the address for the President of the BPU and the other to the current Rate Payer Advocate.

The Mayor then asked for comments and questions from the public and thanked Mr. McBride for giving the public a better understanding of why we are proceeding in this matter. The Mayor stated that it ultimately will have an impact on our tax ratables in the future and it is important to us to pursue this matter.

Mr. Frame, 1621 Shore Rd., stated that transmission lines are not reliable, exposed to the elements etc. He is a former lineman for Atlantic City Electric for 39 years. The last two weeks the B.L. England plant has been running steady probably because they can't get the power cheaper than from there. He is very much against closing the plant.

Libby Schuck, Seaville, stated that she attended the public hearing in Middle Township and was very disappointed. She believes we should use coal to produce energy because gas prices are going up.

Frank Conrad, discussed using alternative resources such as wind generation. He asked if Mr. McBride has any information on that.

Mr. McBride stated that there have been studies on the matter and that the amount of power that could come from that acreage is relatively small compared to the production of what is coming from the site now.

Jeff Pierson, Marmora, asked are there any deed restrictions on the property. Mr. Young answered that it was all privately purchased by Atlantic Electric.

Mayor Palombo stated that there are some rumors circulating that suggest that if the plant closes the property would be cleaned up and then turned over to the DEP to be used for Open Space. Upper Township already has about 43% of this township considered Open Space. None of us are opposed to parks however we do have ample land to be used and it is our hope to use this property for some sort of ratable that benefit the Township such as senior housing or a marina park area. It is too valuable of an opportunity for the Township to not have some say in how the land will be used. Another reason we retained the law firm is to utilize a second opinion that State Statue covers the Township to ensure the receipt of the Gross Receipt Tax. Mr. McBride stated that a preliminary assessment of the situation is consistent and that the Statue guarantees the Gross Receipt Tax .

Jeff Pierson discussed the power line system and possible terrorism, and environmental concerns. He discussed alternative systems such as wind power, and the gas lines recently installed in Atlantic County. He mentioned the \$13 million to the Pinelands Commission.

Committeewoman Barbara Camp, stated that the Pinelands has received this money for payment to install the power lines throughout the Pinelands area.

Mr. McBride stated that this is something they are looking into.

Committeeman, Curtis Corson stated that 11.1 miles of lines are being installed in Upper Township and asked if that \$13 million will be utilized proportionately in Upper Township or is the money going to communities further north.

Ronald Burgin from Marmora, discussed refuse from the Cape May MUA being used as an alternate fuel source. He cited a town in Tennessee that uses refuse as a fuel.

Cape May County is having a building boom and he was skeptical that the transmission lines would solve all our power problems.

Barry Taylor, 245 Marshallville Rd., asked where would funding come from if the Gross Receipts were eliminated. The taxpayers would need to supply that. The Mayor stated that the loss of Gross Receipts affect many municipalities in New Jersey, municipalities much larger than ours, and many people are monitoring the situation.

Rich Ferrin, Frances Drive, discussed the new power plant in Hamilton Township. Mr. McBride answered that electric plants are being construction by independent power producers but not utilities. Mr. Ferrin asked about the cleanup at the B.L. England site. The site would be cleaned up by Conectiv. They discussed the temporary shutdown of Salem Generating Station. The power outage in the Northeast grid system was discussed as well as the power outage in Avalon a few years back.

Committeeman Jay Newman, discussed the following items--that the cleanup of the site is part of the closure plan, discussion on the significant changes in the way power is regulated. The California power shortage a few years ago was discussed.

John Snyder, discussed why the focus is on the Gross Receipt taxes if the receipts are a certain item. Mr. McBride said that as long as the law is in place the Receipts are guaranteed, however the law can be changed at any time. The primary concerns are both the loss of power and the loss of revenue.

Mr. Taylor commented that the Gross Receipts are certain however there is a \$4 billion shortfall in the state budget this year.

Mayor Palombo, stated that this is a substantial undertaking of the Township, we feel it is in the best interest of the Township that we pursue this. It is our hope that the County and other municipalities will partnership with us on this matter.

Carmen Greto, Seaville, feels that transmission lines cannot be relied upon and mentioned the brownouts of power in the past.

Mayor Palombo thanked everyone for attending and plans to hold other meetings to keep the public informed.

Jeff Pierson thanked the Mayor and Committee for holding this meeting and that it was very informative.

CLOSED SESSION

Motion to close the regular portion of the meeting and go into closed session by Curtis Corson, second by Barbara Camp with all voting in the affirmative.

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

RECONVENE THE REGULAR PORTION OF THE MEETING

Motion was made by Curtis Corson, second by Barbara Camp to enter into a proceeding on the Petition that was filed in December of 2004 and to seek to consolidate that. During roll call vote the four Committee members present voted in the affirmative.

Motion was made by Barbara Camp, second by Jay Newman to buy back ten vacation days from Wanda Gaglione. During roll call vote the four Committee members present voted in the affirmative.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 7:35 P.M. Next meeting to be February 14, 2005 at 4:00 P.M.

Minutes prepared by

Wanda Gaglione, RMC
Municipal Clerk

Bill List

037742	01/24/05	A0004	A+ COMMERCIAL OFFICE CLEANERS	175.00
037743	01/24/05	A0025	ADVANTAGE RENTAL ACE HARDWARE	1,575.41
037744	01/24/05	A0034	ALLEN, TRAVOR	24.00
037745	01/24/05	A0050	ALL STAR SPORT CENTER	1,359.90
037746	01/24/05	A0054	A.M./P.M. SERVICES	99.00
037747	01/24/05	A0079	APPARATUS REPAIR CO.	72.00
037748	01/24/05	A0087	AT & T	339.42
037749	01/24/05	B0026	BETTER MATERIALS CORP.	918.59
037750	01/24/05	B0070	HORIZON BLUE CROSS/BLUE SHIELD	78,806.55
037751	01/24/05	B0092	BROKER, EUGENE JR.	156.00
037752	01/24/05	B0158	BRELSFORD, MATT	24.00
037753	01/24/05	C0003	CCC HEAVY DUTY TRUCK PARTS CO.	830.48
037754	01/24/05	C0052	CAPE MAY COUNTY TREASURER	919,094.39
037755	01/24/05	C0053	CAPE MAY COUNTY TREASURER	8,316.00
037756	01/24/05	C0059	COLE-LAYER-TRUMBLE COMPANY	37,098.00
037757	01/24/05	C0060	CAPRIONI'S PORTABLE TOILETS	332.00
037758	01/24/05	C0094	CHERNOSKI, STEVE	200.00
037759	01/24/05	C0117	CLEAN SWEEP SERVICES	1,135.00
037760	01/24/05	C0124	CMC MUNICIPAL CLERK'S ASSOC.	300.00
037761	01/24/05	C0130	CHIEF SUPPLY CORP.	54.45
037762	01/24/05	C0131	CINTAS FIRST AID & SAFETY	257.50
037763	01/24/05	C0143	CODY'S POWER EQUIPMENT	157.17
037764	01/24/05	C0159	CORSON, CURTIS T.	72.00
037765	01/24/05	C0204	CUMBERLAND MUTUAL FIRE INS. CO	1,942.00
037766	01/24/05	D0026	DEAUGUSTINE, JOE	80.00
037767	01/24/05	D0040	DELTA DENTAL PLAN OF N.J. INC.	4,310.35
037768	01/24/05	D0047	DINICOLANTONIO, ROBERT	8.88
037769	01/24/05	E0030	EXECUTIVE BUSINESS PRODUCTS	416.82
037770	01/24/05	E0034	ESRI, INC.	1,600.00
037771	01/24/05	F0048	LESLIE FOGG, INC.	3,200.00
037772	01/24/05	G0006	GARBUTT, PATRICIA A.	44.00
037773	01/24/05	G0037	GFOA OF NEW JERSEY	75.00
037774	01/24/05	G0040	GIBSON ASSOCIATES, P.A.	950.00
037775	01/24/05	G0093	GRUBB, JON KEVIN	251.75
037776	01/24/05	H0012	HALL, ARTHUR	24.00
037777	01/24/05	J0002	J.P. COLLINS CO.	3,243.72
037778	01/24/05	J0010	JACKSON, SUSAN	377.32
037779	01/24/05	K0014	KEENAN, BRIAN	48.00

037780	01/24/05	K0016	KEENE, DAVID	406.89
037781	01/24/05	K0034	KOHLER, CLAUDE JR.	16.00
037782	01/24/05	L0018	LANIER WORLDWIDE, INC.	590.92
037783	01/24/05	L0034	LAYTON, BRENDA MRS.	72.00
037784	01/24/05	L0040	LEA, SHELLEY	16.00
037785	01/24/05	L0043	LEE RAIN, INC.	917.41
037786	01/24/05	L0093	LIPKE, NEAL	200.00
037787	01/24/05	M0012	McCAULEY, RICHARD	181.96
037788	01/24/05	M0013	M.A. GRAPHICS	537.50
037789	01/24/05	M0023	MARCOLONGO, SARAH	36.00
037790	01/24/05	M0038	MATHIS, MARK M.	155.05
037791	01/24/05	M0057	MEYERS, GEORGE	130.00
037792	01/24/05	M0059	MCDANIELS, WILLIAM J. III	16.00
037793	01/24/05	M0103	MODERN GAS COMPANY, INC.	2,151.27
037794	01/24/05	M0148	MYRON MANUFACTURING CORP.	237.73
037795	01/24/05	M0165	MURPHY, WAYNE	160.00
037796	01/24/05	N0008	NEPA, ROBERT	130.00
037797	01/24/05	N0114	NORTHERN TOOL & EQUIPMENT CO.	127.56
037798	01/24/05	P0008	PALMER, NANCY	32.00
037799	01/24/05	P0032	PEDRONI FUEL CO.	297.24
037800	01/24/05	P0064	PITNEY BOWES CREDIT CORP.	585.00
037801	01/24/05	P0098	PUBLIC EMPL RETIREMENT SYSTEM	11.63
037802	01/24/05	Q0008	QUILL CORPORATION	527.90
037803	01/24/05	R0030	RIGGINS, INC.	1,655.55
037804	01/24/05	R0055	ROSIAK, CAROL	94.95
037805	01/24/05	S0034	SCHULER, DANIEL	64.00
037806	01/24/05	S0072	SEGIN, STEWART S.	32.00
037807	01/24/05	S0118	SMITH, HASTINGS	173.94
037808	01/24/05	S0123	SPEAR, MICHAEL	12.00
037809	01/24/05	S0187	STOCKTON HOLOCAUST RESOURCE	600.00
037810	01/24/05	S0216	DEPT.31 0000261489	250.89
037811	01/24/05	S0220	SUNBURST VISUAL MEDIA	492.56
037812	01/24/05	T0011	TAYLOR, JASON	143.40
037813	01/24/05	T0020	TERWILLIGER, DUANE E.	316.00
037814	01/24/05	T0034	THE PAPER OF U.T./GAZETTE	194.14
037815	01/24/05	T0067	TOWNSHIP OF UPPER PETTY CASH	69.10
037816	01/24/05	T0095	TRI-COUNTY ANIMAL CONTROL	2,000.00
037817	01/24/05	V0002	V.W. EIMICKE ASSN, INC.	38.83
037818	01/24/05	V0022	VERIZON	165.96
037819	01/24/05	V0026	VITAL COMPUTER RESOURCES, INC.	27.75
037820	01/24/05	W0016	WARRINGTON, MARILYN	8.00
037821	01/24/05	W0030	WEST PUBLISHING CO.	360.00
037822	01/24/05	W0038	WILLIAMS, JEREMIAH J.	174.36
037823	01/24/05	W0050	WIRELESS ELECTRONICS, INC.	10,008.42

Total Paid: \$1,092,386.61
