

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
MINUTES FOR MAY 24, 2004**

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	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 - **May 10, 2004 Regular Meeting and
Closed Session Minutes****

Moved by Barbara Camp, second by Jay Newman with all five Committee members voting in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Barbara Camp, reported that the new Animal Shelter in Cape May Court House held a tour for local officials and that our Animal Control Officer would report on it latter in the meeting. She made a motion to confirm Joanne Hill of Tri-County Animal Control as the Animal Cruelty Investigator; this was seconded by Curtis Corson with all five Committee people voting in the affirmative.

She reported on a letter received by property owners in the Tuckahoe-Mt. Pleasant Road area. The letter sent by the NJDEP, states that ground water contamination has been detected in that area and that the DEP will be taking water samples to try to find the source. She asked residents to cooperate with the DEP.

She supplied application forms to the Township and various civic groups to apply for grant money from the Delaware River Bay Authority.

She made a motion to adopt a resolution to oppose the closing of the B.L. England Generating Plant. Mr. McCrosson seconded with all five Committee members voting in the affirmative. She directed that Cape May and Atlantic County Freeholders receive a copy of the resolution. She also wants to hold a meeting inviting the Board of Public Utilities, Conectiv and the NJDEP to meet with the Township Committee on this matter.

Andrew McCrosson, also directed that a copy of the resolution opposing the closing of the B.L. England Plant be sent to representatives of the First and Second Legislative Districts. At the last meeting he discussed adopting a resolution opposing the closing of the plant. He stated that after investigation of the matter it appears that in making the decision to close the plant, little consideration was given to supplying electric service to the South Jersey area or the jobs and livelihoods of the workers that depend on this plant.

He discussed the West Jersey Chapter of Railroad Workers that recently held their regional meeting at the Tuckahoe Train Station. The Committee received a thank you note indicating how pleased they were with the meeting. They indicated their interest in supporting a railroad connection between Tuckahoe and Cape May City.

He congratulated Frances Senn from the Clerk's Office for successfully completing the exam and receiving the designation of Certified Municipal Registrar, a necessary certification to work with Vital Statistics. She received an excellent rating.

Curtis Corson, Deputy Mayor, discussed a letter received about a property in block 873 in Strathmere. The Municipal Engineer was directed to submit comments on this matter that if the home is constructed that the Municipality would want the roadway improved.

Waiving the fees for the NJDEP for vacating streets in Strathmere was discussed and request was denied.

He made a motion to hire John Chishom and John Clark as part-time seasonal workers for the Department of Public Works. During roll call all five Committee people voted in the affirmative.

Jay Newman, reminded everyone to attend the Town Meeting that is being held by the NJ State Police this evening at 7:00 P.M. at the Woodbine Elementary School. State Police Colonel Fuentes is expected to attend.

He reported that the Skate Park has been open for a few weeks and that everything is running smoothly. He motioned to hire Mary Lyons as a part-time attend to fill in when Rescue Squad personnel are not available. This was seconded by Curtis Corson with all five Committee people voting in the affirmative. The times are Monday through Friday from 3:00 P.M. to 8:00 P.M. and weekends from 10:00 A.M. to 5:00 P.M. depending on the weather and school schedules. We have over 100 seasonal registrations and there will be an evening registration on June 16, 2004 from 4:00 P.M. to 6:00 P.M.

He motioned to hire Victor Rolls and Misti Shepard as part-time employees of the Upper Township Rescue Squad. Andrew McCrosson seconded with all five Committee members voting in the affirmative.

He reported that the Rescue Squad has started using their larger crews due to summer crowds and more runs.

The Boat Ramp permits start this weekend and it was reported that a commercial crabber was causing problems by blocking the ramp. Mr. Newman will speak with the State Police and Mr. Young will research the matter to include deterrents in our ordinance.

Richard Palombo, Mayor, announced that there will be a Memorial Day Ceremony to honor our Veterans. A tour of several County cemeteries were planned.

He asked about the status of the background-check program for coaches. Brenda Layton from the Recreation Department explained the program is close to implementation.

The Lifeguard crew is being assembled and is expected to be ready for the season. He made a motion to hire Michael Mann as a Lieutenant in the Beach Patrol. This was seconded by Jay

Newman with all five Committee people voting in the affirmative. June 12, 2004, at 10:00 A.M. is the official opening of the beaches in Strathmere . The Subaru loaned to us for the season by Burke Motors, has been delivered to the Township. The Wave Runner from All Action Water Sports will be received within the next few days.

The Township is working on the NJDEP permitting for the Lifeguard Shack. A trailer will be used for this year.

He announced that the Beach Conference will be held on June 14th at 9:30 A.M. at the County Administration Building and urged people to attend this worthwhile conference.

He discussed the condition of the beaches in Strathmere and the piping plovers found in the area.

He discussed that the 4th of July Fireworks are being held at the fields behind the Elementary and Primary Schools, and recommended that the event be posted on UTTV Channel 2.

OTHER REPORTS

Wanda Gaglione, Municipal Clerk, reported the N.J. Domestic Partnership Law was approved January 12, 2004 and will take effect on July 10th of this year. The local Registrar's Office, a function of the Clerk's Office, will start registering domestic partnerships. The law states that registrants may go to any municipality in New Jersey. An Ordinance is necessary to be able to charge for this service. Also, it was recommended that the costs for certified copies be increased. The \$2.00 per certified copy does not cover the costs involved to prepare documents and pay for the safety paper. Mr. Young will prepare ordinances for the next meeting.

Daniel Young, Municipal Attorney, commented on a memo received from the Zoning Board on zoning issues and recommended that the memo should be forwarded to the Planning Board. Items addressed in the memo included age-restricted housing, a recommended zoning change, and accessory building setbacks.

He also discussed a letter received from Barry Keefe and will respond that it should be directed to the Planning Board. The Engineer stated that the subdivision would not be perfected until NJDEP approval is received.

Paul Dietrich, Municipal Engineer, discussed that a consultant would be hired to look at age restricted housing for the Township and that a portion of this type of housing would be eligible for the COAH plan.

The Skate Park received their final safety inspection on May 17th. Mr. McCrosson discussed the egress signage. It was discussed painting directional arrows on the asphalt, and also moving the Stop sign closer to Rt. 50.

He stated that the total cost of the repair to the drainage swale at the Elementary School was \$2250.

RESOLUTIONS

- 1. Honoring Joseph Gary Mruz on attaining the designation of Eagle Scout.**

TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N

RESOLUTION NO. 113-2004
RE: HONORING JOSEPH GARY MRUZ ON ATTAINING THE
DESIGNATION OF "EAGLE SCOUT"

WHEREAS, Joseph Gary Mruz, a resident of Upper Township, has recently achieved the designation of Eagle Scout in the Boy Scouts of America; and

WHEREAS, the Township of Upper wishes to acknowledge this outstanding accomplishment; 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:

RESOLVED THAT this Township Committee extends its sincere congratulations to Joseph on the occasion of his receiving the designation of Eagle Scout and commends him for his outstanding accomplishment; and it is

FURTHER RESOLVED that the Township Committee extends its congratulations and best wishes to Joseph's parents, family and friends on this happy occasion; and it is

FURTHER RESOLVED that the Township Committee also extends its congratulations and appreciation to the Scout Masters and others who give so freely and generously of their time for the benefit of our youth.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 24th day of May, 2004.

Resolution No. 113-2004

Offered by: McCrosson, Seconded by: Camp
 Adopted: May 24, 2004
 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>

2. Appointment of Michael Mayne, Drew Heisler, Jordan Melchionni, Daniel McLaughlin as part-time seasonal employees to the Upper Township Recreation Department.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 R E S O L U T I O N**

RESOLUTION NO. 114-2004

**RE: APPOINTMENT OF MICHAEL MAYNE, DREW HEISLER,
 JORDAN MELCHIONNI AND DANIEL McLAUGHLIN
 AS PART-TIME SEASONAL EMPLOYEES
 TO THE UPPER TOWNSHIP RECREATION DEPARTMENT**

WHEREAS, a need exists to appoint qualified personnel as part-time employees to the Upper Township Recreation Department to insure optimal operation; and

WHEREAS, a recommendation has been made to the Township Committee and duly considered at the meeting of May 10, 2004; 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. Michael Mayne, Drew Heisler, Jordan Melchionni and Daniel McLaughlin are hereby appointed in part-time seasonal positions effective immediately at a salary of \$9.50 per hour in accordance with the Salary Ordinance.

3. This Resolution ratifies, confirms and approves action taken by the Township Committee, by motion, at the meeting of May 10, 2004.

Resolution No. 114-2004

Offered by: Newman, Seconded by: McCrosson

Adopted: May 24, 2004

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>

3. Authorizing the hiring of Morgan Leigh as a seasonal boat ramp attendant for the Department of Recreation at the Beesley's Point Boat Ramp for the 2004 season.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO.115-2004**

RE: AUTHORIZING THE HIRING OF MORGAN LEIGH AS A SEASONAL BOAT RAMP ATTENDANT FOR THE DEPARTMENT OF RECREATION AT THE BEESLEY'S POINT BOAT RAMP FOR THE 2004 SEASON

WHEREAS, a need exists to appoint qualified personnel as seasonal part-time employees to the Upper Township Department of Recreation to insure optimal operation; and

WHEREAS, a recommendation has been made to the Township Committee and duly considered at the meeting of May 10, 2004; 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. Morgan Leigh is hereby appointed in a part-time seasonal position effective immediately at a salary of \$10.25 per hour in accordance with the Salary Ordinance.

3. This Resolution ratifies, confirms and approves action taken by the Township Committee, by motion, at the meeting of May 10, 2004.

Resolution No. 115-2004
Offered by: Newman, Seconded by: McCrosson
Adopted: May 24, 2004
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 a cash drawer fund for the Upper Township Skatepark.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

R E S O L U T I O N
RESOLUTION NO. 116-2004
RE: AUTHORIZING A CASH DRAWER FUND FOR
THE UPPER TOWNSHIP SKATEPARK

WHEREAS, the Upper Township Skatepark has requested a cash drawer fund to be established in the amount of \$30.00; and

WHEREAS, the Township Committee has duly considered the matter and has determined to accept and approve the recommendation of the Skatepark; 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 establishment of the cash drawer fund is hereby authorized in the amount of \$30.00 effective immediately.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 24th day of May, 2004.

Resolution No. 116-2004
 Offered by: Newman, Seconded by: Palombo
 Adopted: May 24, 2004
 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>

5. **Accepting the bid of and authorizing the execution of a contract with Arawak Paving Co., Inc. of Hammonton, New Jersey for the project known as the reconstruction of Perry Road, Phase II and Phase III at a cost of \$244,000.00.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 117-2004

**RE: ACCEPTING THE BID OF AND AUTHORIZING THE
EXECUTION OF A CONTRACT WITH ARAWAK PAVING CO., INC. OF
HAMMONTON, NEW JERSEY FOR THE PROJECT KNOWN AS THE
RECONSTRUCTION OF PERRY ROAD, PHASE II AND PHASE III,
AT A COST OF \$244,000.00**

WHEREAS, the Township of Upper solicited bids for the furnishing of certain services, materials, labor or equipment, which bids were received on May 20, 2004; and

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

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

WHEREAS, the Chief Financial Officer of the Township of Upper has certified the availability of funds in a sufficient amount to award a contract being \$196,000.00 from New Jersey Department of Transportation Municipal Aid Grant and \$19,000.00 from Resurfacing of Roads in the 2004 Municipal Budget; and

WHEREAS, the Township will construct the realignment of Perry Road with Dennisville-Petersburg Road being Option #1 for an additional cost of \$29,000.00 to be paid from the Resurfacing of Roads in the 2004 Municipal Budget; and

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

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

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

2. The Township hereby accepts the bid submitted by Arawak Paving Co., Inc. of Hammonton, New Jersey, for the project known as the Reconstruction of Perry Road, Phase II and Phase III, including Option #1, in the Township of Upper, Cape May County, in the amount of \$244,000.00, subject to the following:

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

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

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

Resolution No. 117-2004

Offered by: Corson,

Seconded by: McCrosson

Adopted: May 24, 2004

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>	___	___	___

6. Authorization for the Township Engineer to advertise for bids for a 2004 or newer Rescue Squad vehicle.

TOWNSHIP OF UPPER

**CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO.118-2004
RE: AUTHORIZATION FOR THE TOWNSHIP ENGINEER
TO ADVERTISE FOR BIDS FOR A 2004 OR NEWER RESCUE SQUAD VEHICLE**

WHEREAS, the Township Committee of the Township of Upper has determined a need for a 2004 or newer Rescue Squad vehicle; and

WHEREAS, pursuant to the provisions of the Local Public Contracts Law, the Township of Upper intends to solicit bids as herein indicated;

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 Engineer is hereby authorized and directed to prepare specifications, bid documents and solicit bids for a 2004 or newer Rescue Squad vehicle.
3. Sealed bids shall be received by the Township of Upper in accordance with the directives contained in the Notice of Bidders.

Resolution No. 118-2004

Offered by: Newman, Seconded by: Camp

Adopted: May 24, 2004

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. Renewal of Alcoholic Consumption Licenses for the license year commencing July 1, 2004.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 119 -2004
RE: RENEWAL OF ALCOHOLIC CONSUMPTION LICENSES
FOR THE LICENSE YEAR COMMENCING JULY 1, 2004.

WHEREAS, holders of the alcoholic beverage licenses in the Township of Upper have applied for renewal of licenses in the prescribed manner; and

WHEREAS, said holders of alcoholic beverage licenses have complied with all requirements of law and regulations of the Division of Alcoholic Beverage Control; and

WHEREAS, no objections have been filed with the Township Committee as the issuing authority of the Township of Upper.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper in the County of Cape May and State of New Jersey, that the following licenses be authorized for issue for the license year effective July 1, 2004:

Twisties, Inc.
T/A Twisties
236 Bayview Drive
Strathmere, N.J. 08248
PO 88, Marmora, NJ 08223
License # 0511-33-001-004
Plenary Retail Consumption License
Municipal Fee Paid: \$700.00
State Fee Paid: \$200.00

Tyan's Incorporated
T/A Tuckahoe Inn
RT 9 Beesleys Point
P.O. Box 116
Marmora, N.J. 08223
License # 0511-33-004-003
Plenary Retail Consumption License
Municipal Fee Paid: \$700.00
State Fee Paid: \$200.00

McIntyre Enterprises, Inc.
T/A Yesterdays
316 Roosevelt Blvd. (Southwest Side)
Marmora, N.J. 08223

License # 0511-32-005-004
Plenary Retail Consumption License with Broad Package Privilege
Municipal Fee Paid: \$700.00
State Fee Paid: \$200.00

UMMAC Corp.
T/A Obadiah's
301 Roosevelt Blvd,
Marmora, N.J. 08223
License # 0511-33-007-005
Plenary Retail Consumption License
Municipal Fee Paid: \$700.00
State Fee Paid: \$200.00

MAH, Inc. a N.J. Corp.
T/A Seaville Tavern
Blue Fin Grill
South Side Route 50 and New Bridge Road
Seaville, N.J. 08230
License # 0511-33-008-004
Plenary Retail Consumption License
Municipal Fee Paid: \$700.00
State Fee Paid: \$200.00

Triton Enterprises, Inc.
T/A Triton Bar
Intersection State Highway #50 and Co. Road 631
Tuckahoe, N.J. 08250
License # 0511-33-006-002
Plenary Retail Consumption License
Municipal Fee Paid: \$700.00
State Fee Paid: \$200.00

Boulevard Liquor Store, Inc.
T/A Boulevard Liquor Store
501 & 503 Roosevelt Boulevard
Marmora, N.J. 08223
License # 0511-44-002-003
Plenary Retail Distribution License
Municipal Fee Paid: \$400.00
State Fee Paid: \$200.00

Deauville Inn, Inc.
T/A Deauville Inn
201 Willard Road
Strathmere, N.J. 08248

License # 0511-33-003-005
 Plenary Retail Consumption License
 Municipal Fee Paid: \$700.00
 State Fee Paid: \$200.00

BE IT FURTHER RESOLVED that the aforesaid alcoholic beverage licenses which have been authorized to be issued pursuant to this Resolution shall be delivered to the licensee or his authorized agent at such time as the licensee or his authorized agent shall sign an actual receipt therefore in the stub of the license book and otherwise satisfy the requirements of N.J.A.C. 13:2-3.2.

Resolution No. 119 -2004
 Offered by: McCrosson, Seconded by: Palombo
 Adopted: May 24, 2004
 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>	_____	_____	_____

8. Authorizing the execution of a contract with Cole Layer Trumble Company, (C.L.T.), for revaluation services in the amount of \$420,429.00.

TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 R E S O L U T I O N
 RESOLUTION NO. 120-2004
 RE: AUTHORIZING THE EXECUTION OF A CONTRACT WITH COLE LAYER TRUMBLE
 COMPANY (ACLT≅) FOR REVALUATION SERVICES IN THE AMOUNT OF
 \$420,429.00

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Township of Middle, State of New Jersey has entered into a Cooperative Pricing System Agreement with the Township of Upper dated December 11, 2003 wherein the Township of

Middle operated as the Lead Agency for the purpose of soliciting cooperative pricing bids for services related to the revaluation of line items on the municipal tax rolls; and

WHEREAS, the Township of Middle solicited such bids for property tax revaluation services on behalf of said Cooperative Pricing System; and

WHEREAS, such bids were received on February 10, 2004; and

WHEREAS, pursuant to Resolution No. 214-04 of the Township of Middle adopted April 5, 2004, the Township Committee of the Township of Middle awarded the bid to Cole Layer Trumble Company (CLT) on behalf of the Cooperative Pricing System; and

WHEREAS, the Township of Upper has determined that it is in the best interest of the Township, as a contracting unit, to enter into a contract with Cole Layer Trumble Company pursuant to the terms and conditions of said Cooperative Pricing System Agreement and the bid specifications; 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 does hereby authorize the Township of Upper to enter into a contract for professional services with Cole Layer Trumble Company (CLT) in the amount of \$420,429.00 in accordance with the Cooperative Pricing System Agreement with Middle Township and in accordance with the specifications set forth

in the solicitation of bids by the Township of Middle to the extent such specifications relate solely to the Township of Upper.

3. The authority granted pursuant to this Resolution is conditioned upon all other regulatory and legal requirements, including those with respect to the availability and certification of funds. This authorization is also subject to any and all requirements in any manner relating to the Cooperative Pricing System Agreement, requirements of the State of New Jersey and its agencies, the requirements of the New Jersey Division of Taxation and the requirements of the Cape May County Board of Taxation.

4. All Township officials and officers are hereby 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. 120-2004

Offered by: Corson,

Seconded by: McCrosson

Adopted: May 24, 2004

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>

ORDINANCES

9. Introduction and First Reading of Ordinance No. 006-2004, Re: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER 24 (SOLID WASTE AND RECYCLABLES) AND INCREASING THE MINIMUM FINE FOR DUMPING AND LITTERING.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
O R D I N A N C E
ORDINANCE NO. 006-2004
RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER 24
(SOLID WASTE AND RECYCLABLES) AND INCREASING THE MINIMUM FINE FOR
DUMPING AND LITTERING

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

SECTION 1. Chapter 24 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

Section 24-4.2 Penalty; Reward is revised as follows:

- a. Any person who shall violate any provision of this section shall, upon conviction, be subject to a penalty involving one (1) or more of the following:
 - (a) A fine in the minimum amount of five hundred (\$500.00) dollars and in the maximum amount of one thousand (\$1,000.00) dollars, plus the cost of clean-up and proper disposal in an approved landfill of the material illegally disposed of; or
 - (b) imprisonment for a term not exceeding ninety (90) days; or (c) by a period of community service not exceeding ninety (90) days; or (d) any combination of (a), (b) or (c) above.

Every day upon which a violation of this section shall continue to exist shall be deemed a separate and distinct offense.

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

SECTION 3: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

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

SECTION 5: CODIFICATION: This Ordinance shall be codified in Chapter 24-4 of the Upper Township Code commencing at 24-4.2.

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 24th OF MAY, 2004 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 14th DAY OF JUNE, 2004 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

10. Introduction of First Reading of Ordinance No. 007-2004, Re: AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53 FOR THE PREPARATION AND EXECUTION OF A COMPLETE PROGRAM OF REVALUATION OF REAL PROPERTY FOR THE USE OF THE LOCAL ASSESSOR.

TOWNSHIP OF UPPER

CAPE MAY COUNTY

O R D I N A N C E

ORDINANCE NO. 007-2004

RE: AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53 FOR THE PREPARATION AND EXECUTION OF A COMPLETE PROGRAM OF REVALUATION OF REAL PROPERTY FOR THE USE OF THE LOCAL ASSESSOR

BE IT ORDAINED by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey that pursuant to N.J.S.A. 40A:4-53 the sum of \$500,000.00 is hereby appropriated for the preparation and execution of a complete program of revaluation of real property for the use of the local assessor and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-55.

The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least one-fifth of the amount authorized pursuant to N.J.S.A. 40A:4-55.

EFFECTIVE DATE: This Ordinance shall take effect upon adoption 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 24th OF MAY, 2004 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 14TH DAY OF JUNE, 2004 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

CORRESPONDENCE

11. **Request to waive fee for certified list, from Department of Environmental Protection.** It was the opinion of the Committee to not waive the certified list fee.
12. **David and Rebecca Milligan, ATV vehicle problems at his property on Poplar Ave., Tuckahoe.** Mr. Milligan owns Block 24, Lot 2. He explained that ATV and bicycle riders are riding across a corner of his property. He suggested that extending the guardrail along Reading Avenue another 100 feet would alleviate this problem.

NEW BUSINESS

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.”

REPORT OF MUNICIPAL DEPARTMENTS:

13. Finance Office

14. MUA Report

15. Animal Control- Animal Control Officer Joanne Hill reported on her public education project this past week. She took several puppies to Mrs. Denton’s second grade class to talk about care of pets and what care to take when coming upon a wild animal. This year she presented the program to three classes. The children gave her a \$100 check for the Shelter from pennies they collected throughout this year. She will use the money for the spay and neuter program, as our shelter will be closing shortly. She presented a copy of the handouts she uses. She also reported on the County Animal Shelter and the tour she attended. She explained the transition plan to be used and that our shelter is expected to be closed by July 12, 2004. She will keep the Committee informed of the progress and any new developments.

PUBLIC COMMENT

Ruth Wolforth, stated that on May 19th the Senior Freeze of taxes was reinstated as a program not as a bill which she explained could be changed at any time.

Robert Steck, the newly elected School Board member, introduced himself and asked if the Committee had any concerns to take back to the Board. The bidding process of the School Roof project was discussed briefly. The Mayor offered the help of the Municipal Engineer in this matter.

Robert Turnbull, asked what the final cost of the County Animal Shelter would be and asked if it was air conditioned. Joanne Hill answered that the State required both air conditioning and heat.

Libby Schuck, asked if Committee meetings or School Board meetings would ever be televised. The Committee answered that because of equipment and personnel constraints we are not ready to do that yet but that a summary broadcast might be feasible in the near future. She asked to have more information about capital projects in the paper and she presented a sample about the County which was written by Allan Grip reporter for the CMC Gazette.

Elizabeth Bergus, complimented Nancy Rump, also a reporter from the CMC Gazette, on her reports.

There were no further speakers.

Moved by Richard Palombo, second by Barbara Camp to close the regular portion of the meeting and go into an executive session.

CLOSED SESSION

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

Payroll **\$129,254.75**

Bills submitted for payment: **\$254,981.34**

Moved by Jay Newman, second by Andrew McCrosson with all five Committee members voting in the affirmative.

RECONVENE PUBLIC PORTION OF MEETING

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 6:25 P.M. Next meeting to be June 14, 2004 at 7:30 P.M.

Minutes prepared by

Wanda Gaglione, RMC
Municipal Clerk

Bill List			TOWNSHIP OF UPPER	
036137	05/24/04	A0004	A+ COMMERCIAL OFFICE CLEANERS	175.00
036138	05/24/04	A0018	ACTION SUPPLY INC.	76.26
036139	05/24/04	A0023	ADAMS, JOHN	20.00
036140	05/24/04	A0025	ADVANTAGE RENTAL ACE HARDWARE	1,201.49
036141	05/24/04	A0050	ALL STAR SPORT CENTER	3,694.10
036142	05/24/04	A0087	AT & T	669.40
036143	05/24/04	B0008	BAILEY, CARROLL	150.00
036144	05/24/04	B0018	BARRETT,GERALD INC.	272.84
036145	05/24/04	B0070	HORIZON BLUE CROSS/BLUE SHIELD	81,712.18
036146	05/24/04	B0112	BURDETTE TOMLIN HOSPITAL	112.00
036147	05/24/04	B0152	BUCHANAN, KAREN A.	56.00
036148	05/24/04	C0023	CALLOWAY,ESQUIRE KENNETH	400.00
036149	05/24/04	C0060	CAPRIONI'S PORTABLE TOILETS	1,632.00
036150	05/24/04	C0131	CINTAS FIRST AID & SAFETY	234.69
036151	05/24/04	C0136	COASTAL ENGRAVING CO., INC.	65.00
036152	05/24/04	C0156	COMPUTER HOUSE TECH.CENTER INC	4,897.50
036153	05/24/04	C0157	COMPUSERVE INCORPORATED	9.95
036154	05/24/04	C0160	CONECTIV POWER DELIVERY	11,396.35
036155	05/24/04	D0016	DALEY,FREDERICK T/A DALEYS PIT	160.00
036156	05/24/04	D0022	DATAPRINT CORPORATION	182.34
036157	05/24/04	D0030	DEL CORIO, ROSEMARY MS.	109.34
036158	05/24/04	D0040	DELTA DENTAL PLAN OF N.J. INC.	3,851.62
036159	05/24/04	D0050	DIAL BLOCK COMPANY, INC.	232.64
036160	05/24/04	D0105	DANONE WATERS OF NORTH AMERICA	262.65
036161	05/24/04	E0021	ENCHANTING FLORIST	25.96
036162	05/24/04	E0030	EXECUTIVE BUSINESS PRODUCTS	403.58
036163	05/24/04	F0069	FRED'S AUTO	70.00
036164	05/24/04	G0006	GARBUTT,PATRICIA A.	16.00

036165	05/24/04	G0016	GARDNER HARDWARE INC.	94.81
036166	05/24/04	G0030	GENERAL SPRING SERVICE	1,023.74
036167	05/24/04	G0032	GENERAL RECREATION, INC.	99,912.00
036168	05/24/04	H0011	HALE TRAILER BRAKE & WHEEL	134.06
036169	05/24/04	H0018	HAROLD RUBIN/L & H SUPPLY	244.41
036170	05/24/04	H0057	HISTORICAL PRESERVATION	1,860.10
036171	05/24/04	J0002	J.P. COLLINS CO.	748.39
036172	05/24/04	J0014	JC MILLER CO.	417.84
036173	05/24/04	J0024	JERSEY CAPE DIAGNOSTIC	230.00
036174	05/24/04	M0076	MGL FORMS-SYSTEM	1,540.00
036175	05/24/04	M0103	MODERN GAS COMPANY, INC.	1,293.25
036176	05/24/04	N0114	NORTHERN TOOL & EQUIPMENT CO.	159.63
036177	05/24/04	P0032	PEDRONI FUEL CO.	578.44
036178	05/24/04	P0034	PEIFER, SUSAN R.	41.52
036179	05/24/04	P0036	PENNELLO,DAVID	16.00
036180	05/24/04	P0055	PHILADELPHIA GENERAL TIRE	193.00
036181	05/24/04	P0073	POGUE INC.	150.00
036182	05/24/04	P0096	PREVITI,MICHELE M.	143.64
036183	05/24/04	R0029	RIDDELL/ALL AMERICAN	1,792.53
036184	05/24/04	R0030	RIGGINS, INC.	2,950.69
036185	05/24/04	R0055	ROSIAK, CAROL	16.00
036186	05/24/04	R0061	RUTGERS, THE STATE UNIVERSITY	121.00
036187	05/24/04	S0034	SCHULER, DANIEL	47.99
036188	05/24/04	S0038	SCHWAAB, INC.	89.85
036189	05/24/04	S0054	SENN, FRANCES	77.12
036190	05/24/04	S0072	SEGIN, STEWART S.	108.81
036191	05/24/04	S0074	SEWER EQUIPMENT CO.OF	1,486.90
036192	05/24/04	S0177	STATEWIDE TRAFFIC SAFETY	14,045.00
036193	05/24/04	S0185	STOCKTON STATE COLLEGE	2,968.87
036194	05/24/04	S0216	DEPT.31 OOOO261489	240.92
036195	05/24/04	T0032	THE PRESS & SUNDAY PRESS	86.68
036196	05/24/04	T0034	THE PAPER OF U.T./GAZETTE	126.82
036197	05/24/04	T0038	THOMAS, CHRISTOPHER	76.00
036198	05/24/04	T0048	TILL PAINT CO/D. FITZGERALD	1,448.43
036199	05/24/04	T0066	TOWNSHIP OF UPPER	30.00
036200	05/24/04	T0067	TOWNSHIP OF UPPER PETTY CASH	3.00
036201	05/24/04	T0095	TRI-COUNTY ANIMAL CONTROL	2,000.00
036202	05/24/04	T0097	TRICO EQUIPMENT INC.	279.68
036203	05/24/04	T0118	TUMELTY, JOHN W. ATTORNEY	425.00
036204	05/24/04	U0025	UNITED STATES POSTAL SERVICE	3,000.00
036205	05/24/04	U0026	UNIVERSAL SUPPLY CO.INC.	343.48
036206	05/24/04	U0029	UPPER TOWNSHIP BD.OF EDUCATION	75.00
036207	05/24/04	V0022	VERIZON	1,510.71
036208	05/24/04	W0016	WARRINGTON,MARILYN	52.00
036209	05/24/04	W0026	WEINSTEIN SUPPLY CORP.	1.14
036210	05/24/04	W0046	WILLSON INDUSTRIES,INC.	448.00
036211	05/24/04	W0067	WILDHARE SERVICES INC.	260.00

Total Paid: \$254,981.34
