

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR MAY 16, 2011**

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Frank E. Conrad	Present
Curtis Corson	Present
Kristine Gabor	Present
John “Jay” Newman	Present
Richard Palombo	Present

Also present were Municipal Clerk Wanda Gaglione, Finance Officer Barbara Spiegel, Municipal Attorney Daniel Young and Municipal Engineer Paul Dietrich. Municipal Auditor Leon Costello was present this evening for the School Board Budget matter.

**APPROVAL OF MINUTES - **May 9, 2011 Regular Meeting and
Closed Session Minutes****

Motion was made by Jay Newman, second by Kristine Gabor to approve the Minutes as written. During roll call vote five Committee members voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Frank Conrad, reminded everyone that the annual Strawberry Festival is this Saturday May 21. The PTA run on Sunday had a good turnout despite the rain, and he looks forward to participating in the event next year. In addition, the Greater Tuckahoe Area Merchants Association had a successful fundraiser bike ride and run event on May 1st with over 300 bikers and 40 runners participating. They raised a significant amount of funds for their scholarship program.

Kristine Gabor, reported that she and Deputy Clerk, Barbara Young, have been working on a proposed fee schedule for organizations requesting the use of Township facilities and that a draft would be ready to present to the Committee at a meeting in the near future.

Jay Newman, congratulated Jay Potter and the Upper Township Rescue Squad for recently being named as the 2011 honorees at the Ocean City/Upper Township Exchange Club’s “Book of Golden Deeds Award” Dinner. This is the Exchange Club’s highest honor bestowed upon an

organization for selflessly serving the community. He also reported that today is also the beginning of EMS week. Each area hospital has a daily event that the crew will attend and he recommended consulting the squad's website for a full listing of events. Mr. Newman also reported that another serious traffic accident has occurred on the Garden State Parkway. He strongly encouraged everyone to wear seatbelts and to be extra cautious driving near accident or work sites.

OTHER REPORTS

Daniel Young, Municipal Attorney, reported he had the following items for discussion in closed session: a potential litigation matter, and two contract negotiation matters.

Barbara Spiegel, Finance Officer, had two items for discussion in closed session.

Paul Dietrich, Municipal Engineer, requested authorization to move the Stockton Beach survey from June to May at the recommendation of Dr. Stuart Farrell. Motion was made by Curtis Corson, seconded by Jay Newman to approve the request. During roll call vote all five members voted in the affirmative. He also requested authorization to advertise for a part-time Public Works position. Motion to approve the request was made by Richard Palombo, seconded by Frank Conrad. During roll call vote all five members voted in the affirmative.

Due to conflict, Committeeman Jay Newman recused himself from any participation in this matter. He stepped down from the dais and left the room.

Mayor Richard Palombo opened the meeting for discussion of the defeated school budget.

2011 School Board Budget

Michele Barbieri, President of Upper Township School Board- She expressed her appreciation for the time and effort of the Committee to resolve this matter. She commented that they had a great meeting today (subcommittee meeting between Mayor Palombo, Frank Conrad, and School Board Representatives) and worked together for the best interest of the students and staff of the school district and the community of Upper Township. She stated that she is a firm believer of public education and takes pride in representing the district and is looking forward to her new tenure and a good year. She then introduced the Vice President of the School Board, Dr. Christine Lentz, and Business Administrator, Laurie Ryan.

Laurie Ryan, Business Administrator, stated that the following conclusions were arrived at as a result of the 5-9-2011 meeting with the Township Committee as well as meetings of the Board of Education and the subcommittee meeting of this morning. The conclusions entail the following: a reduction of the tax levy by \$121,000, which correlates to a reduction of 1.9 cents of last years tax levy; this can be done by reducing the budgeted full-time Reading Specialist positions to part-time employment. Mayor Palombo stated that this does not reduce staff, but maintains the current status. Ms. Ryan stated that of the \$121,000 reduction, \$68,000 is salary and \$15,000 is health benefits. The additional \$38,000 will also come from the Health Benefit line from recent insurance proposals of a 4% decrease for prescription, a 5% decrease for dental

and 4.2% increase for medical, realizing an additional savings of the stated \$38,000. Ms. Ryan was commended for negotiating the benefits rate reduction. Ms. Ryan stated that an additional \$200,000 will come out of the Maintenance Reserve line and go into the Required Maintenance line, so overall the budget will increase \$200,000, but there will be a revenue side and an expenditure side. The \$200,000 will be used for maintenance items in the schools. Mayor Palombo asked that if this \$200,000 was in addition to the \$300,000 that was already allocated for maintenance. Ms. Ryan answered in the affirmative. Mayor Palombo stated that he feels that this gives an assurance that the money will not be reallocated but will go directly to repairs and he thinks this is a good start to fix some of the building repairs needed. Also discussed was the use of Township maintenance workers for some school repair projects, which would help decrease the amount of money needed for the repairs. Mr. Corson stated that his issue is that there is no assurance that the money will not be reallocated. He hopes that if the budget transpires this way the maintenance will get done. Ms. Ryan stated that he has their assurance. Dr. Lentz also assured Mr. Corson that this money will go to maintenance and that building repairs is a priority of the Board. Mayor Palombo suggested quarterly report updates of what is being done. Frank Conrad will act as the liaison between the Township Committee and School Board and will make a commitment to go to the Board meetings and report back to the Committee. Mr. Corson said that at the next Dept. of Public Works supervisor's meeting they would attempt to schedule some of the repairs over the summer. Ms. Ryan stated that the final thing that was discussed that morning was taking \$200,000 out of 2010/2011 budget of unencumbered money and moving it to the Capital Reserves to use for facility projects next year. Mr. Corson stated that the money should not go to architects to study the projects; that it needs to go for the purchase of repair materials. Mr. Corson said the real issue is the track record of failed budgets; he thinks that the Board members need to work on getting the right message out to the public. Dr. Lentz stated that she thinks today was the start of that, and that there was good communication today and things will move forward. Kristine Gabor asked if they took a look at the administrative costs to see if possibly in the future they could try and become more efficient and downsize. Dr. Lentz said they have a plan for the future to adjust to the needs of the student body's safety and well-being and can do other things in some administrative areas to make sure the needs are met efficiently. Mr. Conrad commented that the quarterly updates he can bring back will continue to keep the communication in the right direction. Mayor Palombo thanked Mr. Costello and Mr. Young for their help over the past week and during the very productive meeting of this morning. He thinks the change of the Board's meeting dates that eliminate the conflict with the Committee's meeting schedule, will help with communication and going forward he hopes people will be more actively involved throughout the process. Frank Conrad wanted to add that he thinks the School Board has made a tireless effort to make the best decisions for the benefit of the students and the public, and thanked Mr. Palmieri and Ms. Ryan for everything they've done. Mr. Corson requested that Ms. Ryan, Dr. Lentz, and Ms. Barbieri stay for the public comment to answer any questions that may come up. Mayor Palombo then opened the meeting to the public.

Kristie Chisholm, 18 Evergreen Dr, hopes that based on the conversations held today, the Board will at least hold to what was discussed, and stay at that ½ percent. If not, stay at zero and put \$122,000 into maintenance. She implored everyone to work together.

Ted Kingston, Strathmere, stated he is concerned that there are no guarantees that we won't see more new school bond referendums in the future and that there is only a ½ cent tax rate reduction, \$120,000. He stated that there is still all the money from Ocean City that has been absorbed into this budget. It was discussed that there is no question repairs need to be made, and that changes are necessary in how the buildings are maintained. Mayor Palombo stated that the Committee's intention is not to decrease the educational process, but to decrease areas and step up on maintenance. It was commented that the voters have said they don't want a new school; they want to spend the money fixing what we have. The Committee commented that the commitment that was made today reduced their budget items by \$521,000. The \$400,000 was an adjustment from one category to another for maintenance and capital repair and a commitment to do that. The \$121,000 is to reduce the tax rate by ½ %. The School Board changed directions and shifted \$400,000 out of other line items and into the maintenance side.

Russell Morano, 5 Red Oak Drive, commented about the last Board of Education meeting which he attended. Last week you (Twp. Committee) said you would work with them, which turned out to be true. One of the major reasons both referendums were voted down was because the people knew more referendums would follow. Mr. Morano stated that he thought the school election had a great turnout, and he has seen a change in attitude from the School Board's "all or nothing" attitude. He is glad that change is in the works and he will continue to come to meetings and hopes more people will do so. He questioned some of the maintenance items the school listed as necessary. Mayor Palombo said that for this coming year he expects that the school will make the improvements and allocate the funding that is needed to do what we've asked them to do. Mr. Morano agreed and stated that for the taxpayer that does not have any kids and on a different budget the economy is rough. So many houses are for sale; people are leaving. He stated, you come here for three reasons, taxes, location and schools. You need them all. So if you keep raising taxes, part of that is going to break. He thanked the School Board for compromising.

Jill Halbruner, 4 Clayton Dr Seaville, President of PTA, thanked the Township for the use of Amanda's field for the PTA's recent event; "all the Recreation employees were fabulous". She would like to offer the services of the PTA to help sell the schools budget to the public. They are already brainstorming for next year, trying to get the word out. Mayor Palombo stated that he thinks the key is not selling the budget, but rather communicating what is in the budget. Part of the budget process is understanding what is in it. There is a lot of work behind the scenes to get the budget where it is and we need to educate people on why the budget is what it is. Mr. Corson stated that it helps to carefully go through the budget in a public forum so the public can see the process. Ms. Halbruner again stated that the PTA is willing to help with that process.

William Holmes, 140 Rt 610 Petersburg, thanked Mr. Palmieri for giving a clear presentation last week to explain what has been done. Its easy to ride by a building, if the outside doesn't change, and have no idea what has been done in terms of mandatory and required maintenance to prevent future deterioration. So he appreciated the opportunity to see that himself during the much more in depth presentation. One thing he would like to ask from the public in general, is to stop bashing the Superintendent, Administrators, Teachers, Board Members and the Twp. Committee. It's a very tough job. He has been coming to the meetings to educate himself and he will try to help draw more people to come out to the meetings. We have an opportunity to achieve something to be proud of next year. Giving money back and still taking advantage of

maintenance, reduced class sizes and improved education. We can really take an opportunity to produce this product of the future and capitalize on it. Lets let the professionals do the job we elected and pay them to do. The one thing he is proud of is the teamwork, and to question anyone's integrity here would be a bad thing to do. Next year everyone will be able to stand and hold our heads high and be proud of the accomplishments made as a team. He is still asking to keep the budget the way it is and not to reduce it. Mr. Corson hopes we can prove it to the nay sayers so they come out and vote and pass the budget next year.

There were no more speakers from the public and Mayor Palombo closed the public portion and asked Mr. Leon Costello to summarize what was discussed.

Mr. Leon Costello, Municipal Auditor, stated that the details laid out by Ms. Ryan are what was talked about this morning. It is a definite 1.9 cent tax reduction from last year, which is a combination of the original budget being down, plus \$121,000, plus the lack of the debt service contribution from the taxpayers this year. It will be down 1.9 cents.

Mayor Palombo and Committeeman Conrad were thanked for meeting with the School Board in efforts to resolve this matter. Mayor Palombo stated that it was a very difficult week and offered some constructive criticism that Mr. Palmieri's presentation of Wednesday should have been done three months ago. He hopes that we can all work with each other in opening the lines of communication to help better educate the public.

Kristine Gabor, wants to make sure that moving forward we consistently review all budget items including administrative to make sure we're moving in the right direction. She trusts the word of the Board that they're going to work with the Committee and the public and she thinks we're moving in the right direction.

Frank Conrad, agreed and again commends the two Boards for working together. Problem solving is the best thing to do as public officials and he thinks that is what is being accomplished here tonight.

Mayor Palombo read the following resolution into the record.

1. **Upper Township Board of Education--2011-2012 Defeated School Budget.**

**Resolution to Decrease Tax Levy
For 2011/2012
Upper Township
School District Budget
RESOLUTION NO. 121-2011**

WHEREAS, the Board of Education of the Upper Township School District submitted to the electorate on April 27, 2011, a proposal to levy \$22,049,000 in taxes to fund the ensuing school year 2011/2012, and

WHEREAS, said tax levy in the amount of \$22,049,000 was defeated by the electorate by 292 votes (774 yes to 1,066 no), and

WHEREAS, State statute NJSA 18A:22-37 requires the Governing Body, after consultation with the UPPER TOWNSHIP BOE, to conduct a “municipal review” of the defeated budget to determine whether they wish to approve the existing tax levy or reduce said levy, and to certify to the County Board of Taxation the total amount so determined; and

WHEREAS, we have consulted with the UPPER TOWNSHIP BOE, and we recognize the UPPER TOWNSHIP BOE budget has already lost state aid and we recognize their commitment to fiscal responsibility. However, we also recognize in a representative democracy we have a duty to represent the will of the voters expressed in the recent school election; and,

WHEREAS, the state statute requires that a tax levy reduction must “*not adversely affect the district’s ability to provide a thorough and efficient education*” and,

WHEREAS, the Township conducted the required “municipal review” and found the UPPER TOWNSHIP BOE is \$3,276,475 above the required state minimum school tax levy. The Township also concluded it does not wish to recommend any program or position cuts which could adversely affect a “thorough and efficient” education, and

THEREFORE, BE IT RESOLVED, the Township’s recommendation to both lower the levy and avoid any adverse impact on a “thorough and efficient education” is to:

- Reduce 11-230-100-101 by \$68,000.
- Reduce 11-000-291-270 by \$53,000.
- For a total tax levy reduction of \$121,000.
- Also use Maintenance Reserve in the amount of \$200,000 for 11-000-261-420.
- Also transfer \$200,000 to Capital Reserve.
- This will enable the district to spend a total of \$400,000 for maintenance projects and capital projects.

THEREFORE, BE IT RESOLVED that for the above stated reasons, the Township of Upper in the County of Cape May hereby decreases the Upper Township School District tax levy from \$22,049,000 to \$21,928,000 thereby reducing the tax burden on our residents from 99.8 cents, in 2010, to 97.9 cents, in 2011, without negatively affecting the number of district employees or the number of programs in an already fiscally sound school district; and

BE IT FURTHER RESOLVED that the Township Committee hereby certifies to the Cape May County Board of Taxation the amounts necessary to be raised by taxation for school purposes with the Township of Upper:

Total Amount of Tax Levy for School Purposes \$21,928,000

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to: Cape May County Board of Taxation, Upper Township Board of Education, and the Superintendent of Schools for the County of Cape May.

Resolution No. 121-2011

Offered by: Frank Conrad

Seconded by: Richard Palombo

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Conrad	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Corson	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Gabor	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Newman	<u> </u>	<u> </u>	<u> x </u>	<u> </u>
Palombo	<u> x </u>	<u> </u>	<u> </u>	<u> </u>

Mayor Palombo, thanked the public for their comments and thanked the School Board for their cooperation and input on this very difficult task. The resolution is the result of all their efforts to address the failed budget vote and the maintenance needs of the schools.

Curtis Corson, thanked the public for their assistance in making this decision by sending emails and by getting involved in the process.

This portion of the meeting was closed at 9:21 pm.

RESOLUTIONS

- Recognizing William Bailey, Peter Schuler, Elizabeth Conrad, and Adele Coggins for their service on the Upper Township Lacrosse program and extending to them thanks and appreciation.**

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 R E S O L U T I O N
 RESOLUTION NO. 122-2011
 RE: A RESOLUTION RECOGNIZING
 WILLIAM BAILEY, PETER SCHULER,
 ELIZABETH CONRAD AND ADELE COGGINS
 FOR THEIR SERVICE ON THE
 UPPER TOWNSHIP BOYS LACROSSE PROGRAM
 AND EXTENDING TO THEM THANKS AND APPRECIATION**

WHEREAS, William Bailey, Peter Schuler, Elizabeth Conrad and Adele Coggins have generously volunteered their personal time and service to Upper Township Boys Lacrosse since their founding of the program in 2008; and

WHEREAS, during these years of serving this program with dedication and commitment their efforts have touched the lives of over 150 boys by expanding the accessibility of the sport to Upper Township youth. They provided a positive learning environment that helped develop many successful players at the high school level, and they were instrumental in organizing a scholarship that will be awarded for the first time to Ocean City High School LaCrosse players graduating in the class of 2012; and

WHEREAS, these endeavors have benefited all the citizens of Upper Township especially our children, and it is appropriate that these four individuals be publicly thanked for generously dedicating their personal time and service.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee on behalf of the citizens of the Township of Upper, in the County of Cape May, State of New Jersey, to extend to William Bailey, Peter Schuler, Elizabeth Conrad, and Adele Coggins heartfelt thanks and gratitude for the generous donation of their time and service to this community, and wish them well in future endeavors.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 16th day of May, 2011.

Resolution No. 122-2011

Offered by: Gabor

Seconded by: Newman

Adopted: May 16, 2011

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Conrad	_____	_____	___X___	_____
Corson	___X___	_____	_____	_____
Gabor	___X___	_____	_____	_____

Newman X _____ _____ _____ _____
Palombo X _____ _____ _____ _____

- 3. Resolution of Commendation to EMS Technicians Patrick Dugan, Mikhaila Hardin, John Hemby, John Mruz, John Sammons, and Bobbi Lynn Potter, of the Upper Township Division of Emergency Medical Services, and extending to them our sincere appreciation.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 123 -2011
RESOLUTION OF COMMENDATION
TO EMS TECHNICIANS
PATRICK DUGAN, MIKHAILA HARDIN, JOHN HEMBY, JOHN MRUZ,
JOHN SAMMONS, AND BOBBI LYNN POTTER,
OF THE UPPER TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES,
AND EXTENDING TO THEM OUR SINCERE APPRECIATION

WHEREAS, the Township Committee of the Township of Upper wishes to express appreciation and convey commendations to EMS Technicians Patrick Dugan, Mikhaila Hardin, John Hemby, John Mruz, John Sammons, and Bobbi Lynn Potter, for their continually fine service to this community and in particular their quick response and life saving efforts in two (2) recent EMS call incidents---one on April 13, 2011 and the other on April 25, 2011; and

WHEREAS, we commend them for their quick response and life saving skills that they demonstrate on every call, but on these two particular calls the families of those assisted have requested that these EMS technicians be publicly commended and thanked;

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: that Emergency Medical Technicians Patrick Dugan, Mikhaila Hardin, John Hemby, John Mruz, John Sammons, and Bobbi Lynn Potter, are publicly commended for their skilled and compassionate response on these two occasions as well as every time they are called to duty.

FURTHER, that this Committee, on behalf of all the citizens of the Township of Upper extend to them as well as all of our Emergency Medical Services personnel, our sincerest appreciation for their fine skills, the pride they take in their work, and the compassion shown to those with emergency medical needs.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 16th day of May, 2011.

Resolution No. 123-2011

Offered by: Newman

Seconded by: Conrad

Adopted: May 16, 2011

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Conrad	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Corson	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Gabor	<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. Appointment of Justin Schenker, Robert Pelli and Matthew Edwards as part-time Seasonal Employees to the Upper Township Public Works Department.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO.124-2011
RE: APPOINTMENT OF JUSTIN SCHENKER, ROBERT PELLI AND MATTHEW EDWARDS
AS PART-TIME SEASONAL EMPLOYEES
TO THE UPPER TOWNSHIP PUBLIC WORKS DEPARTMENT**

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

WHEREAS, a recommendation has been made to the Township Committee and duly considered at the meeting of May 9, 2011; 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. Justin Schenker, Robert Pelli and Matthew Edwards are hereby appointed in part-time seasonal positions effective immediately at an hourly rate of \$10.50 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 9, 2011.

Resolution No. 124- 2011

Offered by: Gabor

Seconded by: Newman

Adopted: May 16, 2011

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Conrad	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Corson	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Gabor	<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. Appointment of Michael Pfaff, Hillary Morris, and Michael Parsons as part-time Seasonal Beach Sweepers to the Upper Township Public Works Department.

TOWNSHIP OF UPPER

CAPE MAY COUNTY

R E S O L U T I O N

RESOLUTION NO. 125-2011

**RE: APPOINTMENT OF MICHAEL PFAFF, HILLARY MORRIS AND MICHAEL PARSONS
AS PART-TIME SEASONAL BEACH SWEEPERS
TO THE UPPER TOWNSHIP PUBLIC WORKS DEPARTMENT**

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

WHEREAS, a recommendation has been made to the Township Committee and duly considered at the meeting of May 9, 2011; 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 Pfaff and Hillary Morris are hereby appointed in part-time seasonal positions as beach sweepers, effective immediately at a salary of \$10.50 per hour in accordance with the Salary Ordinance.

3. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Resolution No. 125-2011

Offered by: Newman

Seconded by: Conrad

Adopted: May 16, 2011

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Conrad	<u> X </u>	_____	_____	_____
Corson	<u> X </u>	_____	_____	_____
Gabor	<u> X </u>	_____	_____	_____
Newman	<u> X </u>	_____	_____	_____
Palombo	<u> X </u>	_____	_____	_____

6. **Resolution authorizing the Township of Upper to enter into a cooperative pricing agreement for HVAC services with the Upper Township School District for the 2011/2012 school year.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 126-2011**

RE: RESOLUTION AUTHORIZING THE TOWNSHIP OF UPPER TO ENTER INTO A COOPERATIVE PRICING AGREEMENT FOR HVAC SERVICES WITH THE UPPER TOWNSHIP SCHOOL DISTRICT FOR THE 2011/2012 SCHOOL YEAR

WHEREAS, N.J.S.A. 40A:11-10 authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Upper Township Board of Education hereinafter referred to as the “Lead Agency” has offered voluntary participation in a Cooperative Pricing System for an HVAC vendor of record; and

WHEREAS, the Township of Upper wishes to participate with the Lead Agency in a Cooperative Pricing Agreement for an HVAC Vendor of Record; and

WHEREAS, the needs of the Township of Upper were bid by the Lead Agency and received on April 27, 2011 and a contract and recommendation by the Lead Agency for HVAC Vendor of Record – 2011/2012 School Year with Core Mechanical, Inc., of 7150 N. Park Drive, Suite 400, Pennsauken, NJ 08109; and

WHEREAS, the Township Engineer has reviewed the above described bid and the contract awarded by the Lead Agency and recommends participation by the Township; and

WHEREAS, it is recommended that the Township Committee of the Township of Upper approve the HVAC Vendor of Record – 2011/2012 School Year with Core Mechanical, Inc.,

of 7150 N. Park Drive, Suite 400, Pennsauken, NJ 08109 from the Cooperative Pricing Agreement for use in Township HVAC needs.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that the Township hereby authorizes participation in the Cooperative Pricing Agreement with the Upper Township Board of Education for award of a contract for HVAC Vendor of Record – 2011/2012 School Year with Core Mechanical, Inc., of 7150 N. Park Drive, Suite 400, Pennsauken, NJ 08109 for use in Township HVAC needs.

Resolution No. 126-2011

Offered by: Conrad

Seconded by: Newman

Adopted: May 16, 2011

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Conrad	<u>X</u>	_____	_____	_____
Corson	<u>X</u>	_____	_____	_____
Gabor	<u>X</u>	_____	_____	_____
Newman	<u>X</u>	_____	_____	_____
Palombo	<u>X</u>	_____	_____	_____

- 7. Chapter 159 Resolution for the insertion of a special item of revenue into the 2011 Budget that was not determined at the time of the adoption of the budget—State of New Jersey 2011 Clean Communities Grant Program in the amount of \$29,359.60.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 127-2011

**RE: CHAPTER 159 RESOLUTION FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE INTO THE 2011 BUDGET THAT WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET—STATE OF NEW JERSEY
2011 CLEAN COMMUNITIES GRANT PROGRAM
IN THE AMOUNT OF \$29,359.60**

WHEREAS, N.J.S. 40A-87 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY WHEN SUCH ITEM SHALL HAVE BEEN MADE AVAILABLE BY LAW AND THE AMOUNT

THEREOF WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET; AND

WHEREAS, SAID DIRECTOR MAY ALSO APPROVE THE INSERTION OF AN ITEM OF APPROPRIATION FOR AN EQUAL AMOUNT; AND

WHEREAS, THE TOWNSHIP OF UPPER WILL RECEIVE AN AMOUNT OF \$29,359.60 FROM THE 2011 CLEAN COMMUNITIES GRANT PROGRAM AND WISHES TO AMEND ITS 2011 BUDGET TO INCLUDE A PORTION OF THIS AMOUNT AS A REVENUE.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HEREBY REQUESTS THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES APPROVE THE INSERTION OF AN ADDITIONAL ITEM OF REVENUE IN THE BUDGET OF THE YEAR 2011 IN THE SUM OF \$29,359.60 FOR A TOTAL GRANT OF \$29,359.60, WHICH IS NOW AVAILABLE AS A REVENUE FROM:

REVENUE: STATE & FEDERAL REVENUE OFFSET WITH APPROPRIATIONS:
2011 CLEAN COMMUNITIES GRANT PROGRAM, AND

BE IT FURTHER RESOLVED THAT A LIKE SUM OF \$29,359.60 FOR A TOTAL GRANT OF \$29,359.60 BE AND THE SAME IS HEREBY APPROPRIATED UNDER THE CAPTION OF:

APPROPRIATION: STATE AND FEDERAL PROGRAMS OFFSET BY REVENUE:
2011 CLEAN COMMUNITIES GRANT PROGRAM

BE IT FURTHER RESOLVED, THAT THE TOWNSHIP CLERK FORWARD TWO COPIES OF THIS RESOLUTION TO THE DIRECTOR OF LOCAL GOVERNMENT SERVICES.

Resolution No. 127-2011

Offered by: Corson

Seconded by: Newman

Adopted: May 16, 2011

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Conrad	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Corson	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Gabor	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Newman	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

8. Authorizing the Middle Township, Middle School to host a field trip on water safety at the Beesley's Point Beach on Wednesday, June 8, 2011.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 128- 2011
RE: AUTHORIZING THE MIDDLE TOWNSHIP MIDDLE SCHOOL
TO HOST A FIELD TRIP ON WATER SAFETY
AT THE BEESLEY'S POINT BEACH
ON WEDNESDAY JUNE 8, 2011**

WHEREAS, William Handley, event organizer acting on behalf of the Middle Township Middle School, of 300 E. Pacific Avenue, Cape May Court House, NJ 08210 has submitted a proposal to the Upper Township Committee requesting authority to host a field trip on water safety on June 8, 2011 at the Beesley's Point Beach, as more particularly specified in their proposal, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, this event will be held on property owned by the Township of Upper; and

WHEREAS, the Middle Township Board of Education with respect to the Middle Township Middle School has obtained the amount and type of insurance recommended by the Township's Risk Management Consultant and a copy of their insurance certificate is attached as Exhibit "B"; and

WHEREAS, the event organizers have represented that approvals have been obtained from the New Jersey State Police, and any all other governmental agencies or entities having any jurisdiction or interest in the event; 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 grant approval to the Middle Township Middle School to host a Water Safety field trip event to be held on June 8, 2011 as specified in this Resolution and in the accompanying Exhibits subject to and conditioned upon the following:

(A) Middle Township Board of Education, and all event sponsors as set forth in the event proposal, have provided general comprehensive liability insurance in form and substance satisfactory to the Township of Upper's Risk Management Consultant. Said insurance includes a medical expense limit. Certificate(s) of Insurance have been provided to the Township Clerk, which the Risk Management Consultant of the Township of Upper has approved Certificate(s) of Insurance. Said Certificate(s) of Insurance names the Township of Upper, its officials, officers and employees, as an additional insured.

(B) William Handley, event organizer has obtained written approval from and complies with all conditions imposed by the following entities:

- (i) the Risk Management Consultant of the Township of Upper.
- (ii) the New Jersey State Police.
- (iii) The Upper Township Rescue Squad.

The event sponsors have provided written authorization from the above entities, including any conditions required of said entities, to the Township Clerk.

(C) William Handley on behalf of the Middle Township Middle School, has provided a Use of Facilities Agreement in the form attached hereto as Exhibit "C".

(D) Middle Township Board of Education, the event sponsors, shall provide at least two (2) fully certified lifeguard personnel for the event. Copies of lifeguard certifications must be submitted to the Clerk's Office no later than one week prior to the event. No "On Duty" Township lifeguards are to be used during this event, and no Township equipment shall be used during this event. Any off duty lifeguards utilized shall be the employees of the event sponsors only and not of the Township.

(E) Setup for the event will take place at 9:00 a.m. the morning

(F) Of the event.

(G) The approval granted herein is subject to all conditions and stipulations as may be recommended or imposed by the Township's Risk Management Consultant or Insurance

Representatives. The Township may revoke this approval if the Event Sponsors fail to comply with any said condition or recommendation or any other condition of this Resolution.

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. 128-2011

Offered by: Corson

Seconded by: Conrad

Adopted: May 16, 2011

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Conrad	<u>X</u>	_____	_____	_____
Corson	<u>X</u>	_____	_____	_____
Gabor	<u>X</u>	_____	_____	_____
Newman	<u>X</u>	_____	_____	_____
Palombo	<u>X</u>	_____	_____	_____

9. Tax Refund Resolution.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
Resolution No.129-2011

REFUND

WHEREAS, certain corrections have been recommended by the Upper Township Tax Collector in order to refund monies,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that corrections to the Tax records are hereby authorized and the Tax Collector is hereby directed to correct said records or take such action as indicated on the attached sheet.

Resolution No. 129-2011

Offered by: Conrad

Seconded by: Gabor

Adopted: May 16, 2011

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
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CONRAD	<u> X </u>	_____	_____	_____
CORSON	<u> X </u>	_____	_____	_____
GABOR	<u> X </u>	_____	_____	_____
NEWMAN	<u> X </u>	_____	_____	_____
PALOMBO	<u> X </u>	_____	_____	_____

REFUND 2011

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
600/3	\$468.97	LITTON LOAN SERVICING ATTN: REFUND DEPARTMENT 1 CORELOGIC DR WESTLAKE, TX 76262

2ND QTR PAID BY HOMEOWNER & MTG COMPANY.

10. Authorizing an agreement with Paymentech, LLC and JP Morgan Chase Bank, N.A. and authorizing the creation of a separate bank account in order to process and facilitate the online payments of property taxes.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 130-2011
RE: AUTHORIZING AN AGREEMENT WITH PAYMENTECH, LLC AND JP
MORGAN CHASE BANK, N.A. IN ORDER TO PROCESS AND FACILITATE THE
ONLINE PAYMENTS OF PROPERTY TAXES**

WHEREAS, the Township of Upper previously authorized the acceptance of online payments for property taxes pursuant to a program established by Edmunds & Associates, Inc.; and

WHEREAS, in order to accept credit or debit card payments of such taxes the Township must enter into an agreement with Paymentech, LLC and JP Morgan Chase Bank, N.A., in that regard; and

WHEREAS, the Township has established a separate bank account with Ocean City Home Bank to be utilized solely for such online property tax payments; and

WHEREAS, the proposed agreement with Paymentech, LLC and JP Morgan Chase Bank, N.A. has been reviewed and approved by the Municipal Attorney in consultation with the Municipal Auditor.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The proposed agreement with Paymentech, LLC and JP Morgan Chase Bank, N.A., attached hereto as Exhibit A, is approved and the appropriate Township officers are directed to enter into and execute same.
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. 130-2011
Offered by: Conrad
Adopted: May 16, 2011
Roll Call Vote:

Seconded by: Gabor

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Conrad	<u>X</u>	___	___	___
Corson	<u>X</u>	___	___	___
Gabor	<u>X</u>	___	___	___
Newman	<u>X</u>	___	___	___
Palombo	<u>X</u>	___	___	___

ORDINANCES

CORRESPONDENCE

NEW BUSINESS

11. **South Shore Stitchers request to use Community Center on June 13, 2011 for Guild meeting.** Motion was made by Kristine Gabor, second by Curtis Corson to approve the request. During roll call vote all five Committee members voted in the affirmative.
12. **Application to Amend Bingo License #BA-385.** Motion was made by Jay Newman, second by Frank Conrad to approve the request. During roll call vote all five Committee members voted in the affirmative.
13. **“Tri for our Veterans IV” Triathlon for May 28, 2011, race begins in Sea Isle City through to Commonwealth Avenue, Strathmere.** Jay Newman expressed concern that no advance notice of the event was given. There are safety concerns because the event will be held on Memorial Day weekend and the State Police were just made aware of it and have indicated they would not be available to police the event. Over 500 participants are expected. Authorizing a conditional approval was discussed. The conditional approval would be subject to the appropriate authorization and approval of a race plan from the State Police, required policing of controlled intersections by Sea Isle Police, and the completion of a Facilities Use Agreement. The Strathmere Fire District does not have any objections. Motion was by Richard Palombo, seconded by Kristine Gabor, to grant conditional approval subject to the items listed above. During roll call vote all five Committee members voted in the affirmative.
14. **Strathmere Volunteer Fire Company---Re: the Annual 4th of July Parade.** Motion was made by Richard Palombo, second by Frank Conrad to approve the request. During roll call vote all five Committee members voted in the affirmative.
15. **The ALS Association, Greater Philadelphia Chapter request to hold 13th Annual ALS Express Bike Ride to benefit the research programs of the ALS Association.** Motion was made by Frank Conrad, second by Curtis Corson to approve the request. During roll call vote all five Committee members voted in the affirmative.

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.” Motion made by Jay Newman, second by Frank Conrad to pay all bills submitted including a bill, inadvertently omitted from the

list, for Marmora Fire Co. During roll call vote all five Committee members voted in the affirmative.

Bills submitted for payment: \$ 58,118.40
Payroll: \$165,684.00

REPORT OF MUNICIPAL DEPARTMENTS:

16. Department of Public Works.

The report is available from the Clerk's Office.

PUBLIC COMMENT

Burt White, Petersburg, was concerned about traffic speed on his street, Killdeer Hill Road. He reported that there are dozens of vehicles everyday that drive more than 40 mph. He called the State Police and was told that they could not spare the manpower for a Trooper to be stationed at the site. He stated that there is only one speed limit sign on that road and that he has gone so far as to post signs on his property to deter speeders to no avail. He is coming to the Committee for help to either have the state police address this, or put up more speed limit signs. Speedbumps and additional signage were discussed. Mayor Palombo suggested a multi-prong approach of putting out the radar vehicle, placing additional speed limit signs, and contacting the State Police to pay more attention to the area. Mayor Palombo asked that Mr. White keep the Committee informed as to how the temporary measures are working. Mr. White also discussed another situation; that being the huge dead tree overhanging a section of Rt. 610 in front of the Piano Princess sign. He is concerned that the tree could come down on a passing vehicle. Mr. Corson asked Mr. Dietrich to contact the County to resolve the matter. Mr. White also commented on the heavy traffic in Marmora. Recently he was involved in a traffic tie up in Marmora on a Saturday afternoon. He spoke with a friend whose child was having chest pains that also was caught in the traffic. Luckily she knew about the Urgent Care and was able to get there. Mayor Palombo stated, that with critical issues people must call 911. With regards to the traffic situation Mayor Palombo stated that the Township is working with the NJDOT in efforts to make GSP exit 20 a full interchange, and by adding a third lane on the Parkway and a third lane on the bridge. If approved and completed, the projects would reduce the amount of cars on Rt 9. Mr. Young stressed that these are all preliminary plans. Mayor Palombo stated that based on the Master Plan revisions for the Marmora area and the grant the Township received through the NJDOT, that consideration on how to address the infrastructure and traffic in that area has gotten complimentary statements from the State. Jay Newman said there will be some relief when the Rt 52 causeway is completed.

CLOSED SESSION

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

TOWNSHIP OF UPPER
RESOLUTION NO. 131-2011
MOTION GOING INTO CLOSED SESSION

May 16, 2011

I hereby move that a resolution be incorporated into the minutes authorizing the Township Committee to enter into an executive session for the following matters pursuant to the Open Public Meetings Act:

MATTERS:

1. Potential Litigation - Richnan Group Bond with Lexon Insurance\
2. Personnel
3. Contract negotiation – land sale appraiser
4. Contract negotiation – dental plan

I also include in my motion the estimated time and the circumstances under which the discussion conducted in closed session can be disclosed to the public as follows:

- A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.
- B. With respect to employment and personnel matters such discussions will be made public if and when formal action is taken or when the individuals involved consent that it can be made public.
- C. With respect to contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.
- D. With respect to litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.

Motion by: Jay Newman

Motion seconded: Kristine Gabor

During roll call vote all five Township Committee members voted in the affirmative to adopt resolution.

RECONVENE PUBLIC PORTION OF MEETING

ADJOURNMENT

****Please note—the order of the agenda may be changed at the discretion of the Township Committee.**

There was no further business for this evening and the meeting was adjourned at 9:30 P.M.

Next meeting scheduled for June 13, 2011 at 7:30 P.M.

Please note, there will be no meeting on May 23, 2011.

Minutes prepared by

Wanda Gaglione, RMC
Municipal Clerk

Bill List

55543 05/16/11 A0006 ADVANCE TREADS INC 455.40 2661
55544 05/16/11 A0028 ADVANTAGE RENTAL CENTER INC. 139.82 2661
55545 05/16/11 A0074 ATLANTICARE PHYSICIAN GROUP 400.00 2661
55546 05/16/11 A0091 ATLANTIC CITY ELECTRIC 2,086.68 2661
55547 05/16/11 A0117 AT&T 15.01 2661
55548 05/16/11 A0125 AVALON WEED & INSECT CONTROL 1,994.00 2661
55549 05/16/11 A0134 ANSELL ZARO GRIMM & AARON, PC 37.32 2661
55550 05/16/11 B0035 BELMONT & CRYSTAL SPRINGS 280.62 2661
55551 05/16/11 B0076 BOND,LAURENCE E. 1,882.63 2661
55552 05/16/11 B0182 BRIGGS LAW OFFICE, P.C. 122.50 2661
55553 05/16/11 C0046 CAPE MAY COUNTY CLERK 8.00 2661
55554 05/16/11 C0048 CAPE MAY COUNTY MUA 29,229.73 2661
55555 05/16/11 C0060 CAPRIONI'S PORTABLE TOILETS 2,111.00 2661
55556 05/16/11 C0131 CINTAS FIRST AID & SAFETY 92.97 2661
55557 05/16/11 C0201 CRUZAN'S TRUCK SERVICE INC. 543.52 2661
55558 05/16/11 E0012 EHRlich PEST CONTROL INC 74.00 2661
55559 05/16/11 E0047 EFINGER SPORTING GOODS CO 197.00 2661
55560 05/16/11 G0008 GALLO GMC TRUCK SALES INC. 511.14 2661
55561 05/16/11 G0009 GAPVAX, INC. 74.79 2661
55562 05/16/11 G0028 GENTILINI FORD 236.86 2661
55563 05/16/11 G0057 GLOBALSTAR USA LLC 147.07 2661
55564 05/16/11 G0136 Gramco Word Processing, Inc 1,485.00 2661
55565 05/16/11 I0007 INTERCON TRUCK EQUIPMENT, INC. 587.00 2661
55566 05/16/11 J0014 JC MILLER'S 84.10 2661
55567 05/16/11 J0041 JONES, JAMES M. 150.00 2661
55568 05/16/11 L0075 LEXISNEXIS T/A MATTHEW BENDER 66.00 2661
55569 05/16/11 M0017 MOORE MEDICAL CORP. 78.54 2661
55570 05/16/11 M0188 MCCARTHY TIRE SERVICE OF PHILA 241.09 2661
55571 05/16/11 N0043 NAPA AUTO PARTS OF S.JERSEY 218.85 2661
55572 05/16/11 N0052 NATL YOUTH SPORTS COACHED ASSN 0.00 05/16/11 VOID 0
55573 05/16/11 N0052 NATL YOUTH SPORTS COACHED ASSN 1,160.00 2661
55574 05/16/11 N0060 NESLO PETROLEUM PRODUCTS, INC. 1,880.10 2661
55575 05/16/11 N0107 N.J.DIV ALCHOLOIC BEV CONTROL 24.00 2661
55576 05/16/11 N0112 NJ MUNICIPAL COURT LAW REVIEW 20.00 2661
55577 05/16/11 O0005 OFFICE BUSINESS SYSTEMS INC 1,374.00 2661
55578 05/16/11 P0032 PEDRONI FUEL CO. 1,850.00 2661
55579 05/16/11 P0064 PITNEY BOWES 210.00 2661
55580 05/16/11 P0073 POGUE INC. 1,798.00 2661
55581 05/16/11 P0121 PENGUIN COMMUNICATION LLC 60.96 2661
55582 05/16/11 R0030 RIGGINS, INC. 3,290.71 2661
55583 05/16/11 R0073 RICOH AMERICAS CORPORATION 18.91 2661
55584 05/16/11 S0130 SOUTH JERSEY CHIEFS ASSOC. 100.00 2661
55585 05/16/11 S0139 SO. JERSEY WATER COND. INC. 340.50 2661
55586 05/16/11 S0165 S.E.T. COMMUNICATIONS INC 495.00 2661
55587 05/16/11 S0196 STEWART BUSINESS SYSTEMS LLC 459.20 2661
55588 05/16/11 S0209 STAPLES ADVANTAGE 345.67 2661
55589 05/16/11 T0032 THE PRESS & SUNDAY PRESS 17.67 2661
55590 05/16/11 T0074 TRANSAXLE LLC 515.69 2661
55591 05/16/11 U0030 UPPER TOWNSHIP LACROSSE 52.50 2661
55592 05/16/11 U0034 UPPER TWP.GIRLS SOFTBALL ASSOC 52.50 2661
55593 05/16/11 V0022 VERIZON 190.91 2661
55594 05/16/11 V0024 VAL-U AUTO PARTS L.L.C. 181.44 2661
55595 05/16/11 V0027 VANORDER, ROGER 130.00 2661

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Total: \$58,118.40