

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR JANUARY 26, 2009**

BUDGET WORKSHOP---6:00 P.M.

The following were in attendance for the Budget Workshop:

Barbara Camp	Present
Frank E. Conrad	Present
Curtis Corson	Present
John "Jay" Newman	Present
Richard Palombo	Present

Also present were Municipal Clerk Wanda Gaglione, Finance Officer Barbara Spiegel, and Municipal Engineer Paul Dietrich. Members of the public were also present.

The worksheets discussed are scanned into the Minutes. Mr. Corson stated that the preliminary numbers presented tonight show that we are \$127,500 over CAP which includes all items in spreadsheet pages 1 through 5, items listed in Statutory Expenditures on page 7, and items in Deferred Charges on page 7 **except** it does not include the Beach Replenishment Project. The Beach Replenishment Project is removed from the Deferred Charges section of the spreadsheet.

After discussion of each item various cuts were made resulting in the \$127,500 over CAP figure being reduced to \$13,500.

Megan McAfee, Tax Assessor, spoke on a budget item request for property records File Conversion. That figure was reduced to \$26,000.

The Tax Office salary and wages figure was reduced to \$124,000 due to the retirement of the Collector.

Engineering Services O&E includes consulting engineer services, survey services, tax map revisions, drafting supplies, certificate fees, GIS mapping, Smart Growth expenses, DEP mandatory fees, and Affordable Housing expenses.

Public Information O&E includes publication of the Bulletin, and public information expense such as mileage.

Recreation O&E includes all sports operations.

The Dog Regulations figure includes \$43,000 for the County Animal Shelter, and \$20,000 for Animal Control and the rabies clinics.

First Aid O&E includes building maintenance and medical waste disposal.

Emergency Management Services O&E of \$41,200 includes radio maintenance, Special Needs and Public Awareness programs, events such as EMS day, and training drills.

Public Works Misc. figure includes fuel, which was very high this year. The figure for Surfacing of Roads was reduced to \$10,000.

The Recycling figure for Salaries and Wages was reduced to \$571,000.

The Garbage & Trash figure under Salaries & Wages was reduced to \$345,000.

The figure under Park & Recreation Functions, Other Expenses was reduced to \$298,186.
 The figure under Capital Improvements, Construction Rec. Facilities was reduced to \$125,958.

It was discussed that Kerry Thomson, UT Risk Management Consultant should be authorized to obtain quotes for environmental insurance.

The workshop was closed at 7:30 PM, motion by Richard Palombo, second by Frank Conrad. During roll call vote all five Committee members voted in the affirmative. The next workshop will be held at 6:00 PM on February 9, 2009, with the regular meeting starting at 7:30 PM.

		Township of Upper 2009 MUNICIPAL BUDGET WORKSHEET 2009			
Current Fund Appropriations		2009	2008	Adjustment	Modified 2008
		Appropriation	Appropriation		Appropriation
OPERATIONS					
Mayor & Committee					
Salaries & Wages		\$ 61,250.00	\$ 61,250.00		\$ 61,250.00
Other Expenses		\$ 19,000.00	\$ 12,000.00		\$ 12,000.00
Township Clerk					
Salaries & Wages		\$ 170,000.00	\$ 156,000.00	\$ (8,000.00)	\$ 157,000.00
Other Expenses		\$ 60,000.00	\$ 60,000.00	\$ (5,000.00)	\$ 55,000.00
Financial Administration					
Salaries & Wages		\$ 120,000.00	\$ 137,000.00	\$ 15,987.36	\$ 212,867.36
Other Expenses		\$ 34,400.00	\$ 32,000.00		\$ 32,000.00
Audit Services		\$ 37,500.00	\$ 35,000.00		\$ 35,000.00
Computer Services		\$ 9,000.00	\$ 9,000.00	\$ 3,000.00	\$ 12,000.00
Misc. Other Expenses		\$ 7,500.00			
Payroll Service					
Assessment of Taxes					
Salaries & Wages		\$ 92,000.00	\$ 86,000.00	\$ (6,500.00)	\$ 80,500.00
Other Expenses		\$ 8,000.00	\$ 7,500.00	\$ 1,700.00	\$ 9,200.00
File Conversion		\$ 42,000.00			
Collection of Taxes					
Salaries & Wages		\$ 149,000.00	\$ 142,000.00		\$ 142,000.00
Other Expenses		\$ 1,000.00	\$ 1,000.00	\$ 500.00	\$ 1,500.00
Purchase of Tax Title Liens		\$ 8,000.00	\$ 8,000.00		\$ 8,000.00
Misc. Other Expenses		\$ 1,000.00	\$ 1,000.00		\$ 1,000.00
Liquidation of Tax Title Liens		\$ 4,500.00			
On-line Payment Program					
Legal Services					
Salaries & Wages		\$ 31,500.00	\$ 30,500.00		\$ 30,500.00
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Township of Upper
2009 MUNICIPAL BUDGET WORKSHEET 2009

Current Fund Appropriations	2009		2008		Adjusted	Modified 2008
	Appropriation		Appropriation			
Other Expenses	\$ 80,000.00	\$	80,000.00	\$	10,000.00	\$ 90,000.00
Special Litigation						
Other Expenses	\$ 100,000.00	\$	100,000.00	\$	70,000.00	\$ 170,000.00
Engineering Services						
Salaries & Wages	\$ 84,300.00	\$	82,050.00	\$		\$ 82,050.00
Other Expenses	\$ 38,450.00	\$	70,000.00	\$	(23,000.00)	\$ 47,000.00
Smart Growth Expenses	\$ 20,000.00	\$	20,000.00	\$		\$ 20,000.00
NJDEP Fees	\$ 12,200.00	\$		\$		\$ -
Affordable Housing						
Salaries & Wages	\$ 2,500.00	\$	2,500.00	\$		\$ 2,500.00
Other Expenses	\$ 17,500.00	\$	2,500.00	\$		\$ 2,500.00
Public Information						
Salaries & Wages	\$ 10,000.00	\$	10,000.00	\$		\$ 10,000.00
UTTV2	\$ 5,500.00	\$	5,200.00	\$		\$ 5,200.00
Other Expenses	\$ 10,000.00	\$	10,000.00	\$		\$ 10,000.00
Public Safety						
Aid to Volunteer Fire Companies						\$ -
First Aid Organization						
Salaries & Wages	\$ 520,000.00	\$	445,000.00	\$	55,000.00	\$ 500,000.00
Other Expenses	\$ 80,700.00	\$	75,000.00	\$	8,000.00	\$ 83,000.00
Emergency Management Services						
Salaries & Wages	\$ 19,500.00	\$	19,545.00	\$	(2,000.00)	\$ 17,545.00
Other Expenses	\$ 41,200.00	\$	37,500.00	\$		\$ 37,500.00

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Township of Upper
2009 MUNICIPAL BUDGET WORKSHEET 2009

Current Fund Appropriations	2009		2008		Adjustment	Modified 2008	
	Appropriation		Appropriation			Appropriation	
Crossing Guard							
Salaries & Wages	\$ 8,400.00	\$	8,300.00	\$	(435.00)	\$	7,865.00
Other Expenses	\$ 500.00	\$	500.00	\$		\$	500.00
Regional Dispatch-Contractual	\$ 218,500.00	\$	203,116.00	\$	5,850.00	\$	208,966.00
Municipal Court							
Salaries & Wages	\$ 150,000.00	\$	143,000.00	\$	(1,000.00)	\$	142,000.00
Other Expenses	\$ 12,600.00	\$	12,000.00	\$	750.00	\$	12,750.00
Public Defender							
Salaries & Wages	\$ 16,600.00	\$	15,600.00	\$		\$	15,600.00
Municipal Prosecutor							
Salaries & Wages	\$ 27,500.00	\$	26,500.00	\$		\$	26,500.00
Public Works Functions							
Road Repairs & Maintenance							
Salaries & Wages	\$ 870,000.00	\$	625,000.00	\$		\$	625,000.00
Other Expenses	\$ 25,000.00	\$	25,000.00	\$	(15,000.00)	\$	10,000.00
Surfacing of Roads	\$ 188,900.00	\$	183,400.00	\$	13,000.00	\$	196,400.00
Misc. Other Expenses							
Recycling							
Salaries & Wages	\$ 589,000.00	\$	625,000.00	\$	(33,550.00)	\$	591,450.00
Other Expenses	\$ 65,800.00	\$	63,900.00	\$	13,000.00	\$	76,900.00
Garbage & Trash							
Salaries & Wages	\$ 363,000.00	\$	480,000.00	\$	(19,050.00)	\$	460,950.00
Other Expenses	\$ 400,000.00	\$	390,000.00	\$		\$	390,000.00
Tipping Fees	\$ 87,000.00	\$	84,500.00	\$	14,000.00	\$	98,500.00
Misc. Other Expenses							

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Township of Upper
2009 MUNICIPAL BUDGET WORKSHEET 2009

Current Fund Appropriations	2009		2008		Adjustment	Modified 2008	
	Appropriation		Appropriation			Appropriation	
Public Buildings & Grounds							
Salaries & Wages	\$ 82,000.00	\$	79,000.00	\$	28,000.00	\$	79,000.00
Other Expenses	\$ 180,500.00	\$	137,000.00	\$		\$	165,000.00
Gypsy Moth Program							
Other Expenses	\$ 75,000.00	\$	300,000.00	\$		\$	300,000.00
Park & Recreation Functions							
Recreation							
Salaries & Wages	\$ 590,000.00	\$	566,000.00	\$	(8,628.44)	\$	557,371.56
Other Expenses	\$ 302,186.00	\$	259,048.00	\$	8,628.44	\$	267,676.44
Shore Protection							
Other Expenses	\$ 40,000.00	\$	40,000.00	\$		\$	40,000.00
Beach Protection							
Salaries & Wages	\$ 199,500.00	\$	214,500.00	\$	(37,000.00)	\$	177,500.00
Other Expenses	\$ 28,300.00	\$	28,850.00	\$		\$	28,850.00
Beach Sweepers Salaries & Wages	\$ 5,000.00	\$		\$		\$	
Community Center							
Salaries & Wages	\$ 34,000.00	\$	32,500.00	\$	600.00	\$	33,100.00
Other Expenses	\$ 42,500.00	\$	44,000.00	\$		\$	44,000.00
State Uniform Construction Code							
Salaries & Wages	\$ 156,000.00	\$	152,000.00	\$	(500.00)	\$	151,500.00
Other Expenses	\$ 6,000.00	\$	6,000.00	\$		\$	6,000.00
Zoning/Code Official							
Salaries & Wages	\$ 15,000.00	\$	15,000.00	\$		\$	15,000.00
Other Expenses	\$ 3,000.00	\$	3,000.00	\$		\$	3,000.00

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Township of Upper
2009 MUNICIPAL BUDGET WORKSHEET 2009

Current Fund Appropriations

	2009		2008		Adjustment	Modified	
	Appropriation		Appropriation			2008	Appropriation
Planning Board							
Salaries & Wages	\$ 36,500.00	\$	\$ 35,500.00	\$	\$	\$ 35,500.00	\$
Master Plan/Coah	\$ 10,000.00	\$	\$ 10,000.00	\$	\$	\$ 10,000.00	\$
Other Expenses	\$ 4,000.00	\$	\$ 4,000.00	\$	\$	\$ 4,000.00	\$
Zoning Board of Adjustment							
Salaries & Wages	\$ 36,500.00	\$	\$ 35,500.00	\$	\$	\$ 35,500.00	\$
Other Expenses	\$ 4,000.00	\$	\$ 4,000.00	\$	\$	\$ 4,000.00	\$
Board of Health							
Salaries & Wages	\$ 550.00	\$	\$ 550.00	\$	\$	\$ 550.00	\$
Other Expenses	\$ 63,000.00	\$	\$ 20,000.00	\$	\$	\$ 20,000.00	\$
Dog Regulation							
Other Expenses	\$ 63,000.00	\$	\$ 57,000.00	\$	\$	\$ 57,000.00	\$
Celebration of Public Events							
Other Expenses	\$ 12,000.00	\$	\$ 12,000.00	\$	\$	\$ 12,000.00	\$
Comp. Accumulated Absence							
Other Expenses	\$ 100.00	\$	\$ 100.00	\$	\$ 5,000.00	\$ 5,100.00	\$
Drug & Alcohol Testing							
Other Expenses	\$ 9,500.00	\$	\$ 9,500.00	\$	\$	\$ 9,500.00	\$
Street Lighting							
Other Expenses	\$ 175,000.00	\$	\$ 170,000.00	\$	\$	\$ 170,000.00	\$
Insurance							
General Liability	\$ 165,000.00	\$	\$ 150,000.00	\$	\$	\$ 150,000.00	\$
Workers Compensation	\$ 308,000.00	\$	\$ 280,000.00	\$	\$	\$ 280,000.00	\$
Employee Group Health	\$ 1,375,000.00	\$	\$ 1,250,000.00	\$	\$	\$ 1,250,000.00	\$
Other Insurance Premiums		\$		\$			\$
Environmental							

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Township of Upper
2009 MUNICIPAL BUDGET WORKSHEET 2009

Current Fund Appropriations	2009		2008		Adjustment	Modified 2008	
	Appropriation		Appropriation			Appropriation	
Clean Communities Program TONNAGE GRANT							
Municipal Alliance Grant	\$ 27,469.00	\$	29,969.00		\$	29,969.00	-
Municipal Alliance Grant Match	\$ 6,867.00	\$	7,492.00		\$	7,492.00	-
DCA Smart Growth Grant	\$ 50,000.00				\$	-	-
Recycling Grant					\$	-	-
Stormwater Grant					\$	-	-
Emergency Management Grant					\$	-	-
2009 NJ MUNICIPAL AID GRANT - NJDOI	\$ 140,000.00	\$	140,000.00		\$	140,000.00	
2008 NJ MUNICIPAL AID GRANT - NJDOI	\$ 140,000.00	\$	140,000.00		\$	140,000.00	
2008 NJ MUNICIPAL AID GRANT - NJDOI	\$ 125,000.00	\$	140,000.00		\$	140,000.00	
HAZARDOUS SITE REMEDIATION					\$	-	-
TOTAL OPERATIONS	\$ 9,430,772.00	\$	9,004,870.00	\$	154,232.36	9,159,102.36	
CAPITAL IMPROVEMENTS							
Capital Improvement Fund	\$ 65,000.00	\$	65,000.00		\$	65,000.00	
Contribution C/F Beach	\$ 50,000.00	\$	50,000.00		\$	50,000.00	
Repairs Municipal Buildings	\$ 45,300.00	\$	36,000.00		\$	36,000.00	
Construction Rec. Facilities	\$ 142,958.00	\$	70,500.00		\$	70,500.00	
Reconstruction Historic Building	\$ 8,000.00	\$	8,000.00		\$	8,000.00	
Purchase Road Equipment	\$ 265,000.00	\$	2,10,000.00		\$	2,10,000.00	
Purchase Recreation Equipment	\$ 79,000.00	\$	55,000.00		\$	55,000.00	
Beach Replenishment	\$ 50,000.00	\$	50,000.00		\$	50,000.00	
Purchase Office Equipment	\$ 19,000.00	\$	10,000.00		\$	10,000.00	
Landfill Closure	\$ 11,500.00	\$	11,500.00		\$	11,500.00	
Community Center Improvements	\$ 3,500.00	\$	85,000.00		\$	85,000.00	
Purchase Safety Equipment					\$	37,080.00	
Amanda's Field Project Communication/Maint.	\$ 31,000.00	\$	26,000.00		\$	26,000.00	
Stormwater Outfall					\$	-	
Purchase Community Center Equip	\$ 20,000.00	\$	4,000.00		\$	4,000.00	
Replace Playground Equipment					\$	-	

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Township of Upper
2009 MUNICIPAL BUDGET WORKSHEET 2009

Current Fund Appropriations	2009 Appropriation	2008 Appropriation	Adjustment	Modified 2008 Appropriation
Purchase Generator School	\$ 8,500.00	\$ 115,000.00	\$ 7,500.00	\$ 115,000.00
Beach Protection Equipment	\$ 31,500.00	\$ 55,000.00	\$ 55,000.00	\$ 55,000.00
Strathmere Projects	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00
Road Const/Reconst.	\$ 1,080,258.00	\$ 1,145,580.00	\$ 1,145,580.00	\$ 1,145,580.00
TOTAL CAPITAL IMPROVEMENTS	\$ 1,080,258.00	\$ 1,145,580.00	\$ 1,145,580.00	\$ 1,145,580.00
DEFERRED CHARGES				
Special Emergency Auth/Reval	\$ 40,500.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00
Ambulance	\$ 600,000.00	\$ 40,500.00	\$ 40,500.00	\$ 40,500.00
Beach Replenishment Project	\$ 82,463.36	-	-	-
Overexpenditure				
STATUTORY EXPENDITURES				
Transfer to Board of Education	\$ 271,191.00	\$ 201,404.00	\$ 201,404.00	\$ 201,404.00
PERS System	\$ 347,000.00	\$ 322,000.00	\$ 322,000.00	\$ 322,000.00
Social Security System	\$ 25,500.00	\$ 24,500.00	\$ 24,500.00	\$ 24,500.00
Unemployment Comp. Insurance			\$ 4,595.00	\$ 4,595.00
Prior Unfunded Expense				
TOTAL STAT. & DEFERRED	\$ 1,366,654.36	\$ 688,404.00	\$ 692,999.00	\$ 692,999.00
Reserve for Uncollected Taxes				
TOTAL GENERAL APPROPRIATION	\$ 10,838,854.00	\$ 10,997,681.36	\$ 10,997,681.36	\$ 10,997,681.36
TOTAL GENERAL REVENUES	\$ 289,993.74	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00

1/26/2009

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Barbara Camp	Present
Frank E. Conrad	Present
Curtis Corson	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.

APPROVAL OF MINUTES - December 22, 2008 and January 12, 2009 Regular Meeting and Closed Session Minutes

Motion was made by Jay Newman, second by Barbara Camp to approve the December 22, 2008 Minutes. During roll call vote all five Committee members voted in the affirmative. Motion was made by Jay Newman, second by Frank Conrad to approve the January 12, 2009 Minutes. During roll call vote four voted in the affirmative, and Mr. Palombo abstained.

REPORT OF GOVERNING BODY MEMBERS

Frank Conrad, reported that the County is having its 5th Annual Transportation Infrastructure Conference on 2/24/09, at 10 A.M. He requested that a copy of the notice be posted in Township Hall.

He reported on a successful animal rescue matter. He thanked the company “The Tree Surgeon” that rescued a turkey buzzard that was entwined at the top of a tall tree for 2 days on Katharine Avenue. Neighbors were very concerned because the weather was very cold. The location of the tree made it impossible for equipment to get to the site for a rescue. Good Samaritan Victor Millard from the Tree Surgeon company scaled the tree and rescued the bird. The neighbors on Katharine Avenue are happy to report the bird is rehabbing an injured wing and expecting a full recovery.

Mr. Conrad then discussed Dr. Holland’s proposal to hold the free rabies clinic at Shore Veterinarians this year rather than at the Twp. Garage. The clinics are scheduled for February 7th and March 7th from 1 to 3p.m. He made a motion to accept the proposal, Curtis Corson seconded. During roll call vote all five Committee members voted in affirmative.

Kitty Nagler of Steelmantown voiced her concerns over the lack of parking at Shore Veterinarians.

Mr. Conrad reported that the Recreation Committee met last Thursday and is very close to finalizing their by-laws, which will be submitted to the Township Committee in the near future.

Barbara Camp made a motion to move Lester Woody from a current part time position to a full time laborer position in Public Works Department. Jay Newman seconded with all five Committee members voting in the affirmative.

Mrs. Camp received correspondence regarding Charitable Clothing Bins legislation that now requires that they be registered with the municipality. The Clerk's office will draft an application. There was some discussion regarding the placement of the bins, their appearance, and the final destination of the donated items.

Curtis Corson, Deputy Mayor, reported that the Township received \$55,000 in franchise fees from Comcast and \$229,000 in hosting fees from the Cape May County MUA. He reported that the next Budget Workshop meeting will be 6:00 PM, on February 9th. He anticipates that the Committee would be ready to introduce the Budget at the February 23rd meeting, with the public hearing and final adoption set for the March 23rd meeting. He invited the public to attend and present input.

Jay Newman, reported that the Township experienced a significant fire event last Thursday, in the Seaville section. Fortunately the residents were safely evacuated from home. He commended the fire fighters for their efficiency in extinguishing the fire and thanked the Road Department for assisting in the clean up. He introduced Sgt. Dwight Payne, of the NJ State Police Woodbine Barracks, to present his report on police calls for the month of December, 2008 for the northern part of the county (Upper Township, Dennis Township and Woodbine). Sgt. Payne stated that they continue to watch over the detours for the Rt. 49 bridge project, and discourage drivers from using cell phones, and encourage seat belt use.

Richard Palombo, Mayor, reported that he has been working with John Deuter, UT Emergency Management Director, and the County Department of Health to set up a Point of Distribution (POD) location to allow for quick response to Pandemic or Mass Medication needs of the community. They have currently identified Seaville Fire Company as a location. That location meets the criteria of the "Drive through Model" which would be a more efficient way of evaluating medical needs in case of a large-scale catastrophic incident. The "Drive Through Model" would more quickly meet a large population base rather than parking, walking in, registrations, etc. Other fire companies are also being looked at as possible locations for the same type of process if need arises. The Mayor commented on the newspaper articles about the beach replenishment project in Strathmere. The project is approximately three times larger than originally sought and will fortify the entire community at a 75% savings to the Township. He reported on a meeting next Monday he was invited to attend with Senator Jeff VanDrew, Bruce Riordan, and the BPU regarding funding requests for the Rita Schiavo library.

OTHER REPORTS

Daniel Young, Municipal Attorney, reported that he has the following items for closed session discussion; under Litigation--matters as follows: Upper Township/Kevin Grubb matter; status of the Strathmere eminent domain matter; tort claim matter in regards to the NJDEP maintenance yard in Petersburg and groundwater contamination; and a Litigation matter with regards to the Tax Assessor. He also will discuss two Personnel matters in regards to personal days and an employee complaint.

Paul Dietrich, Municipal Engineer, reported he has one matter to discuss in closed session that being a Litigation matter regarding the demolition of the structure located in Tuckahoe on Block 306, Lot 27.

He reported that the Township Planner Marsha Shiffman has spoken with COAH on their review of the Township's COAH plan and that there are a few items to be addressed and to be submitted back to COAH by February 6, 2009. One item in particular was their requirement of the naming of specific project sites in advance. There is a two-year advance notice of the project site mentioned in our submitted plan. Mr. Young also reached out to COAH in an effort to get questions answered clearly. He is waiting for a response and working toward a resolution with them.

Mr. Dietrich also reported that he met with the Office of Smart Growth. There is a recertification that must be done every two years. Planners at Smart Growth are satisfied we are complying with Plan Endorsement rules and implementation of those plans. The Township does have grants in place to complete this year's projects. The Township is scheduled for the February 18, 2009, State Planning Commission Agenda for recertification signifying that the Township is meeting its Plan Endorsement obligations.

At this point of the meeting Mayor Palombo directed conflict attorney Norman Briggs to report on the Holt matter (request for Twp. land purchase). Please see page 61 for information on this matter.

RESOLUTIONS

1. Appointment of John Mayberry as a full-time employee 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. 032-2009
RE: APPOINTMENT OF JOHN D. MAYBERRY
AS A FULL-TIME EMPLOYEE
TO THE UPPER TOWNSHIP PUBLIC WORKS DEPARTMENT**

WHEREAS, a need exists to appoint qualified personnel as full-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 January 12, 2009; and

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

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

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

2. John D. Mayberry is hereby appointed in a full-time position effective January 16, 2009 at an annual salary of \$35,982.00 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 January 12, 2009.

Resolution No. 032-2009

Offered by: Camp

Seconded by: Conrad

Adopted: January 26, 2009

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>
Conrad	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Corson	<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. Authorizing the participation in a Cape May County LED Paris Grant application to the State of New Jersey, Division of Archives and Records Management for the 2009-2010-application year.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 033 -2009
AUTHORIZING THE PARTICIPATION IN A CAPE MAY COUNTY LED PARIS
GRANT APPLICATION TO THE STATE OF NEW JERSEY,**

**DIVISION OF ARCHIVES AND RECORDS MANAGEMENT
FOR THE 2009-2010 APPLICATION YEAR**

WHEREAS, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation, and storage needs of county and municipal governments; and

WHEREAS, a top priority of the PARIS grants program is to achieve efficiencies of cost and operation through shared services and to create a service structure for municipalities that do not have the resources to create one for themselves; and

WHEREAS, in the 2009-2010 grant cycle, priority funding will be given to county projects to perform municipal inventories, needs assessments and strategic plans for all of their municipalities; and

WHEREAS, the Township of Upper desires to collaborate with the County of Cape May in the performance of the PARIS Grants Program; and

WHEREAS, the Township of Upper is acknowledging that their application eligibility for funding of \$50,000 be leveraged with the County of Cape May; and

WHEREAS, the Township of Upper is acknowledging that the County of Cape May would be both the lead agency and the applicant for such a proposal; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee, that Township of Upper does support and commit to cooperation and participation in the PARIS grant for the purposes set forth above, and to execute and deliver all documents required incident thereto.

Resolution No. 033–2009

Offered by: Corson

Seconded by: Camp

Adopted: January 26, 2009

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Camp	x _	_____	_____	=====
Conrad	x _	_____	_____	=====
Corson	x _	_____	_____	=====
Newman	x _	_____	_____	=====

3. 2009 Mining License Renewals.

Renewing Mining Licenses for 2009 for George Harms Construction, Inc.; Hanson Aggregates BMC/Upper Township Sand and Gravel; Hanson Aggregates BMC/Julie’s Pit; Thomas Tower/Action Supply, Inc.; Thomas Tower/Atlantic Masonry Supply, Inc.; Tuckahoe Sand and Gravel; Frederick Daley, T/A Daley’s Pit.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 034 -2009

RE: RESOLUTION RENEWING MINING LICENSES AS FOLLOWS:

**GEORGE HARMS CONSTRUCTION CO., INC.
CALDWELL PIT
BLOCK 414, LOT 45 AND BLOCK 451, LOT 4
DENNISVILLE/PETERSBURG ROAD
PETERSBURG, NEW JERSEY**

**THOMAS TOWER/ACTION SUPPLY, INC.
BLOCK 565.03, LOT 54
BLOCK 549, LOTS 110, 132, 133, 134, 135 & 136
1413 STAGECOACH ROAD
SEAVILLE, NEW JERSEY**

**THOMAS TOWER AND ATLANTIC MASONRY SUPPLY, INC.
BLOCK 565.03, LOTS 55.02, 56 & 57;
BLOCK 549, LOTS 111, 127, 128 & 129
1413 STAGECOACH ROAD
SEAVILLE, NEW JERSEY**

**TUCKAHOE SAND AND GRAVEL
BLOCK 249, LOT 1; BLOCK 248, LOTS 1, 2, 3, 4, 5, 6, 7 & 8
BLOCK 247, LOTS 4, 9 & 10
BLOCK 453, LOT 2
ROUTE 610
PETERSBURG, NEW JERSEY**

**FREDERICK DALEY, T/A DALEY'S PIT
BLOCK 453, LOT 3
ROUTE 610 DENNISVILLE/PETERSBURG ROAD
PETERSBURG, NEW JERSEY**

**HANSON AGGREGATES
UPPER TOWNSHIP SAND & GRAVEL
BLOCK 453, LOT 4
1401 ROUTE 610
WOODBINE, NJ 08270**

**HANSON AGGREGATES
JULIES PIT
BLOCK 414, LOT 44
1401 ROUTE 610
WOODBINE, NJ 08270**

WHEREAS, Chapter XV of the Code of Upper Township requires a license for the excavation or mining of sand, gravel, earth, soil or mineral products which license shall be issued on an annual basis;

WHEREAS, each of the mining operations hereinafter designated has completed the application process in accordance with the Code of Upper Township; and

WHEREAS, the Township Committee has reviewed the recommendation of the Township Engineer after his inspection of said mining facilities and review of each application for license renewal and has determined to renew said licenses in accordance with the terms hereinafter specified;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee

of the Township of Upper, in the County of Cape May and State of New Jersey, as follows:

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

2. The following mining and soil excavation licenses are hereby renewed for a term of one (1) year commencing February 1, 2009:

A. George Harms Construction Company, Inc., Block 414, Lot 45 and Block 451, Lot 4, Dennisville/Petersburg Road, Petersburg, New Jersey, in accordance with and subject to compliance with all terms, conditions and other approvals as specified in any resolution of the Upper Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.

B. Thomas Tower/Action Supply, Inc., Block 565.03, Lot 54; Block 549, Lots 110, 132, 133, 134, 135 & 136, 1413 Stagecoach Road, Seaville, New Jersey, in accordance with and subject to compliance with all terms, conditions and other approvals as specified in any resolution of the Upper Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.

C. Thomas Tower and Atlantic Masonry Supply, Inc., Block 565.03, Lots 55.02, 56 & 57; Block 549, Lots 111, 127, 128 & 129, 1413 Stagecoach Road, Seaville, New Jersey, in

accordance with and subject to compliance with all terms, conditions and other approvals as specified in any resolution of the Upper Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.

D. Tuckahoe Sand and Gravel, Block 249, Lot 1; Block 248, Lots 1, 2, 3, 4, 5, 6, 7 & 8; Block 247, Lots 4, 9 & 10; Block 453, Lot 2; Route 610; Petersburg, New Jersey, in accordance with and subject to compliance with all terms, conditions and other approvals as specified in any resolution of the Upper Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.

E. Frederick Daley, T/A Daley's Pit; Block 453, Lot 3; Route 610 Dennisville/Petersburg Road, Petersburg, New Jersey, in accordance with and subject to compliance with all terms, conditions and other approvals as specified in any resolution of the Upper Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.

F. Hanson Aggregates/Upper Township Sand & Gravel; Block 453, Lot 4; Route 610 Dennisville/Petersburg Road, Petersburg, New Jersey, in accordance with and subject to

compliance with all terms, conditions and other approvals as specified in any resolution of the Upper Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.

G. Hanson Aggregates/Julies Pit; Block 414, Lot 44; Route 610 Dennisville/Petersburg Road, Petersburg, New Jersey, in accordance with and subject to compliance with all terms, conditions and other approvals as specified in any resolution of the Upper Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.

3. All officials of the Township are hereby authorized to take such action as may be necessary or required to carry out the intent and purpose of this Resolution.

4. This Resolution shall become effective on February 1, 2009.

Resolution No. 034 -2009

Offered by: Camp

Seconded by: Corson

Adopted: January 26, 2009

Roll Call Vote:

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

4. Authorizing the Township of Upper to enter into a contract with Benjamin Rau for the maintenance and development of the Upper Township Internet Web Site for the year 2009.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO.035-2009
RE: AUTHORIZING THE TOWNSHIP OF UPPER
TO ENTER INTO A CONTRACT WITH BENJAMIN RAU
FOR THE MAINTENANCE AND DEVELOPMENT OF THE
UPPER TOWNSHIP INTERNET WEB SITE FOR THE YEAR 2009

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

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

WHEREAS, the Township of Upper desires to enter into a contract for services with said Benjamin Rau for the aforesaid purposes as set forth in said contract of which a copy is attached and;

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township of Upper is hereby authorized to enter into a contract for services with Benjamin Rau for routine maintenance and enhancement, including the development of new pages and information, with respect to the Township internet web site for the calendar year 2009. A copy of the proposal dated January 4, 2009 is attached hereto as Exhibit "A".
3. The consideration to be paid said Benjamin Rau shall be the sum of two thousand eight hundred dollars (\$2,800.00) for the calendar year 2009.

4. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the official budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.

5. The contractor has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.

6. The contractor has not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and the contract will prohibit Contractor from making any reportable contributions through the term of the contract.

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

8. This Resolution shall be effective as of January 1, 2009.

Resolution No. 035-2009

Offered by: Conrad Seconded by: Palombo

Adopted: January 26, 2009

Roll Call Vote:

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

5. Declaring the Gypsy Moth a Public Nuisance and Public Hearing.

Mayor Palombo opened the Public Comment portion of the hearing and the following speakers were heard:

David Milligan, 101 Poplar Rd. Tuckahoe, stated that Gypsy moths have been a problem for the last ten years. He signed up on the list in the Clerk's office and no one ever inspected his property. Mr. Corson explained that the Clerk's office turned in everyone's information to the State entomologist and he performs the inspections. Based on his inspections he then determines how many acres and what areas are to be sprayed. Mr. Milligan said his property was sprayed but that it is not very effective and he is concerned about the entire Township. He considers the Gypsy moth a major problem that will have long-term lasting effects to the woods and the hunting season if it is not taken care of.

Mr. Dietrich reported that 1200 acres would be sprayed this year, which is approximately one third (1/3) less than what was sprayed last year. Egg count mass numbers are down; last year the gypsy moth egg masses were at 4-5000 masses per acre now they are at 1-2000 egg masses per acre. He stated that this is a suppression program - not an eradication program.

Kitty Nagler, 1401 Woodbine Road, Steelmantown stated that her property was sprayed last year but that it was not effective. She has personally spoken with Mr. Zoltowski, Chief of Plants and Diseases for State of NJ and that he has not been out to inspect her property. She stated that the chemical BT does not work unless the ground is damp. Ms. Nagler has been in several times to the Clerk's Office and has had no response as far as having someone inspect her property. She stated that she is stuck in a hazardous fire situation, that trees are falling down that are over 200 years old. Ms. Nagler is very concerned that she is not included in the upcoming spray zone and that not spraying two thirds of the Township means those gypsy moths will spread even more over the Township. She commented on the Strathmere revetment program.

Mayor Palombo asked that she discuss only the Gypsy moths at this time. He asked Mr. Dietrich to speak with the State Representatives to see what if anything could be done to assist Ms. Negler with this situation. The Township has participated in the Gypsy moth spray programs for every year that it was available except for one.

The resolution is as follows:

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 036-2009
DECLARING THE GYPSY MOTH A PUBLIC NUISANCE
AND PUBLIC HEARING**

WHEREAS, the gypsy moth *Lymantria dispar*, has been found heavily defoliating tree and plant growth in the Township of Upper; and

WHEREAS, continued destruction of foliage may result in loss of valuable forest lands and trees; and

WHEREAS, the Township Committee of the Township of Upper has determined that a gypsy moth control program should be instituted with the State of New Jersey Department of Agriculture and that application for any Federal or State funds available be authorized; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Township Committee of the Township of Upper that the gypsy moth is declared to be a public nuisance and the protection of vegetation or plant life therefrom is deemed to be a subject matter of public welfare, and that all measures deemed necessary, in compliance with the State of New Jersey Department of Agriculture recommendations, is hereby authorized to suppress this forest and shade tree pest.

Resolution No.036-2009
Offered by: Corson Seconded by:Camp
Adopted: January 26, 2009

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Camp	___x___	_____	_____	_____
Conrad	___x___	_____	_____	_____
Corson	___x___	_____	_____	_____
Newman	___x___	_____	_____	_____
Palombo	___x___	_____	_____	_____

6. Maintenance Bond Release-Great Oaks Major Subdivision Block 663, Lots 4-8 & 10.

TOWNSHIP OF UPPER
CAPE MAY COUNTY

R E S O L U T I O N
RESOLUTION NO. 037-2009
RE: AUTHORIZING THE RELEASE OF
MAINTENANCE BOND FOR GREAT OAKS MAJOR SUBDIVISION
OWNER AND/OR DEVELOPER: CLAYTON DEVELOPMENT, ASSOCIATES, LLC
FOR THE SUBDIVISION KNOWN AS: "GREAT OAKS MAJOR SUBDIVISION"
PROPERTY: ON BLOCK 663, LOTS 4-8 AND 10

WHEREAS, CLAYTON DEVELOPMENT ASSOCIATES, LLC (hereinafter "Developer"), has completed the work on the project known as "Great Oaks Major Subdivision" in Block 663, Lots 4-8 and 10, and has requested final inspection of same by the Municipal Engineer for the Township of Upper; and

WHEREAS, the Municipal Engineer has determined that all improvements have been installed and have been in service in excess of two years and are in satisfactory working condition; and

WHEREAS, the Municipal Engineer, based on the field inspection of the work completed as indicated on Exhibit "A" attached hereto, has recommended a release of the Maintenance Bond (Cash and Surety) including cash in the amount of \$3,063.91 plus interest, street light escrow and the remaining Inspection Fee (less \$260 for inspection to be billed) in accordance with the municipal ordinances 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, as follows:

1. The allegations above are incorporated herein by this reference.
2. The original Maintenance Bond posted by the Developer shall be released.

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

Resolution No.037-2009

Offered by: Corson

Seconded by: Camp

Adopted: January 26, 2009

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>
Conrad	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Corson	<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>

7. Maintenance Bond Release-Laurel Ridge Road-Clayton Construction Block 453.10, Lot 335.

TOWNSHIP OF UPPER

CAPE MAY COUNTY

R E S O L U T I O N

RESOLUTION NO. 038-2009

RE: AUTHORIZING THE RELEASE OF

MAINTENANCE BOND FOR LAUREL RIDGE ROAD SUBDIVISION

OWNER AND/OR DEVELOPER: CLAYTON DEVELOPMENT, ASSOCIATES, LLC

FOR THE SUBDIVISION KNOWN AS: "LAUREL RIDGE ROAD MAJOR SUBDIVISION"

PROPERTY: ON BLOCK 453.10, LOTS 335

WHEREAS, CLAYTON DEVELOPMENT ASSOCIATES, LLC (hereinafter "Developer"), has completed the work on the project known as "Laurel Ridge Road Major Subdivision" and requested final inspection of same by the Municipal Engineer for the Township of Upper; and

WHEREAS, the Municipal Engineer has determined that all improvements have been installed and have been in service in excess of two years and are in satisfactory working condition; and

WHEREAS, the Municipal Engineer, based on the field inspection of the work completed as indicated on Exhibit "A"

attached hereto, has recommended a release of the Maintenance Bond (Cash and Surety) including cash in the amount of \$3,058.93 plus interest, street light escrow and the remaining Inspection Fee (less \$260 for inspection to be billed) in accordance with the municipal ordinances 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, as follows:

1. The allegations above are incorporated herein by this reference.
2. The original Maintenance Bond posted by the Developer shall be released.
4. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No.038-2009

Offered by:Camp Seconded by:Conrad

Adopted: January 26, 2009

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>
Conrad	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Corson	<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. Maintenance Bond Release-Cedar Hollow Major Subdivision Block 693, Lot 7.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 039-2009

RE: AUTHORIZING THE RELEASE OF
MAINTENANCE BOND FOR CEDAR HOLLOW MAJOR SUBDIVISION
OWNER AND/OR DEVELOPER: CLAYTON DEVELOPMENT, ASSOCIATES, LLC
FOR THE SUBDIVISION KNOWN AS: "CEDAR HOLLOW MAJOR SUBDIVISION"
PROPERTY: ON BLOCK 693, LOTS 7

WHEREAS, CLAYTON DEVELOPMENT ASSOCIATES, LLC (hereinafter "Developer"), has completed the work on the project known as "Cedar Hollow Major Subdivision" and requested final inspection of same by the Municipal Engineer for the Township of Upper; and

WHEREAS, the Municipal Engineer has determined that all improvements have been installed and have been in service in excess of two years and are in satisfactory working condition; and

WHEREAS, the Municipal Engineer, based on the field inspection of the work completed as indicated on Exhibit "A" attached hereto, has recommended a release of the Maintenance Bond (Cash and Surety) including cash in the amount of \$2,786.25 plus interest, street light escrow and the remaining Inspection Fee (less \$260 for inspection to be billed) in accordance with the municipal ordinances 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, as follows:

1. The allegations above are incorporated herein by this reference.

2. The original Maintenance Bond posted by the Developer shall be released.

4. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or

advisable to carry into effect the intent and purpose of this Resolution.

Resolution No.039-2009

Offered by: Camp

Seconded by:Conrad

Adopted: January 26, 2009

Roll Call Vote:

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

9. Rejecting all bids received for the Field Lighting Project at Amanda’s Field Sports Complex and authorizing the Township to re-advertise for bids.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO.040-2009
RE: REJECTING ALL BIDS RECEIVED FOR THE
FIELD LIGHTING PROJECT AT AMANDA’S FIELD SPORTS COMPLEX
AND AUTHORIZING THE TOWNSHIP TO RE-ADVERTISE FOR BIDS

WHEREAS, the Township of Upper solicited bids for the Field Lighting Project at Amanda’s Field Sports Complex; and

WHEREAS, bids were submitted from six companies; and

WHEREAS, the Township Committee has determined to reject all bids heretofore received and to authorize a new advertisement for bids; 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. All bids for the Field Lighting Project at Amanda's Field Sports Complex which bids were received on December 2, 2008, are hereby rejected.

3. The Township Engineer and other duly authorized Township officers are hereby authorized to revise the bid specifications and thereafter re-advertise for bids.

Resolution No. 040-2009

Offered by: Conrad

Seconded by: Camp

Adopted: January 26, 2009

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>
Conrad	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Corson	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Newman	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u> x </u>	<u> </u>	<u> </u>	<u> </u>

10. Appointment of Dr. Nicholas Holland of Shore Veterinarians as the Veterinarian of Record for the Township of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 041 -2009**

RE: APPOINTMENT OF DR. NICHOLAS HOLLAND OF SHORE VETERINARIANS AS THE VETERINARIAN OF RECORD FOR THE TOWNSHIP OF UPPER

WHEREAS, the Township of Upper from time to time requires the services of a veterinarian in matters that involve sick or injured animals; and

WHEREAS, a recommendation has been made to the Township Committee and duly considered at the meeting of January 12, 2009; and

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

1. Dr. Nicholas Holland of Shore Veterinarians located at 73 Hope Corson Road, Seaville, NJ 08230 is hereby appointed as the

veterinarian of record for the Township of Upper to consult when services of a veterinarian are needed.

2. The allegations of the preamble are incorporated herein by this reference.
3. This Resolution ratifies, confirms and approves action taken by the Township Committee, by motion, at the meeting of January 12, 2009.
4. This Resolution shall be effective as of the date of adoption.

Resolution No. 041 -2009

Offered by: Conrad

Seconded by: Camp

Adopted January 26, 2009

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>
Conrad	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Corson	<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>

11. Authorizing the award of a professional services contract with Dr. Stewart C. Farrell/Coastal Research Center of the Richard Stockton College of New Jersey with respect to a proposal for monitoring of the 2009 Beach Fill.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 042 -2009
RE: AUTHORIZING THE AWARD OF
A PROFESSIONAL SERVICES CONTRACT
WITH DR. STEWART C. FARRELL/COASTAL RESEARCH CENTER OF THE
RICHARD STOCKTON COLLEGE OF NEW JERSEY WITH RESPECT TO A
PROPOSAL FOR MONITORING OF THE 2009 BEACH FILL**

WHEREAS, the Township of Upper has received a proposal from Dr. Stewart C. Farrell on behalf of the Coastal Research Center of the Richard Stockton College of New Jersey, which proposal is dated December 5, 2008 and outlines services to be

performed for monitoring of the 2009 beach fill in the Strathmere section of Upper Township on behalf of the Township and provides a rate schedule for the services to be provided; and

WHEREAS, the Township Committee has considered this matter and has determined that it is in the best interest of the Township to authorize a Professional Services Contract as hereinafter provided; and

WHEREAS, the Township Solicitor has determined that the services to be provided are professional services and that a Contract may be awarded without competitive bid; and

WHEREAS, the Treasurer has certified the availability of funds to permit the Township to enter into a Professional Services Contract; and

WHEREAS, A Business Entity Disclosure Certification is not required since this contract is with an agency of the state government; 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 proposal of Dr. Stewart C. Farrell of the Coastal Research Center of the Richard Stockton College of New Jersey (hereinafter collectively referred to as “Contractor”), dated December 5, 2008, is hereby accepted, subject to the provisions of this Resolution. A copy of said proposal is attached hereto as Exhibit “A”.
3. The Mayor and Township Clerk are hereby authorized, directed and empowered to enter into a Professional Services Contract with the Contractor aforesaid for a one (1) year term commencing January 1, 2009. Said Agreement shall be prepared or approved by the Municipal Attorney for the Township of Upper. The Township Clerk is

further authorized, directed and empowered to seal said Contract with the seal of the Township of Upper.

4. 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.

5. This Contract is a Professional Services Contract and has been awarded without competitive bidding for the following reasons:

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

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

(C) The services required are professional services and/or unspecified extraordinary services within the meaning of N.J.S.A. 40A:11-5(a);

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

(E) The services to be provided are such that their nature, scope and duration are not capable of precise measurement, but rather require a flexibility and discretion that render competitive bidding impractical and inefficient.

6. A certified copy of this Resolution shall be provided to the Contractor.

7. This Resolution shall take effect immediately provided, however, that the Contract awarded herein shall become effective January 1, 2009.

Resolution No.042-2009

Offered by: Corson

Seconded by: Camp

Adopted: January 26, 2009

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>
Conrad	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
Corson	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
Newman	<u>x</u>	<u> </u>	<u> </u>	<u> </u>

12. Authorizing the award of a professional services contract with Dr. Stewart C. Farrell/Coastal Research Center of the Richard Stockton College of New Jersey for shoreline monitoring and consulting services for beach related issue.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 043-2009

RE: AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITH DR. STEWART C. FARRELL/COASTAL RESEARCH CENTER OF THE RICHARD STOCKTON COLLEGE OF NEW JERSEY FOR SHORELINE MONITORING AND CONSULTING SERVICES FOR BEACH RELATED ISSUES

WHEREAS, the Township of Upper has received a proposal from Dr. Stewart C. Farrell on behalf of the Coastal Research Center of the Richard Stockton College of New Jersey, which proposal is dated December 5, 2008 and outlines shoreline monitoring services to be performed on behalf of the Township during the calendar year 2009 and provides a rate schedule for the services to be provided; and

WHEREAS, the Township Committee has considered this matter and has determined that it is in the best interest of the Township to authorize a Professional Services Contract as hereinafter provided; and

WHEREAS, the Township Solicitor has determined that the services to be provided are professional services and that a Contract may be awarded without competitive bid; and

WHEREAS, the Treasurer has certified the availability of funds to permit the Township to enter into a Professional Services Contract; and

WHEREAS, A Business Entity Disclosure Certification is not required since this contract is with an agency of the state government; 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 proposal of Dr. Stewart C. Farrell of the Coastal Research Center of the Richard Stockton College of New Jersey (hereinafter collectively referred to as “Contractor”), dated December 5, 2008, is hereby accepted, subject to the provisions of this Resolution. A copy of said proposal is attached hereto as Exhibit “A”.

3. The Mayor and Township Clerk are hereby authorized, directed and empowered to enter into a Professional Services Contract with the Contractor aforesaid for a one (1) year term commencing January 1, 2009. Said Agreement shall be prepared or approved by the Municipal Attorney for the Township of Upper. The Township Clerk is further authorized, directed and empowered to seal said Contract with the seal of the Township of Upper.

4. 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.

5. This Contract is a Professional Services Contract and has been awarded without competitive bidding for the following reasons:

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

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

(C) The services required are professional services and/or unspecified extraordinary services within the meaning of N.J.S.A. 40A:11-5(a);

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

(E) The services to be provided are such that their nature, scope and duration are not capable of precise measurement, but rather require a flexibility and discretion that render competitive bidding impractical and inefficient.

6. A certified copy of this Resolution shall be provided to the Contractor.

7. This Resolution shall take effect immediately provided, however, that the Contract awarded herein shall become effective January 1, 2009.

Resolution No.043-2009

Offered by:Camp Seconded by:Corson

Adopted: January 26, 2009

Roll Call Vote:

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

13. Designating January 2009 as National Blood Donation Month.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 RESOLUTION
 RESOLUTION NO. 044- 2009
 RE: RESOLUTION DESIGNATING JANUARY 2009 AS
 NATIONAL BLOOD DONOR MONTH**

WHEREAS, more than 500,000 units of blood are transfused in New Jersey hospitals each year with volunteer blood donations not keeping pace; and

WHEREAS, New Jersey used 59,011 more units of blood than it collected and had to borrow from other states that are now facing blood shortages of their own; and

WHEREAS, more than 60 percent of New Jersey adults are eligible to donate blood, yet only 2.5 percent donate on a routine basis; and

WHEREAS, if New Jersey could increase its donor participation to the national average of 5%, the state could eliminate its blood shortage; and

WHEREAS, the Department of Health and Senior Services, the New Jersey Hospital Association and a coalition of businesses announced a statewide campaign to save lives by increasing workplace blood donations; and

WHEREAS, the Upper Township Committee encourages employers to make it easy and convenient for their employees to donate blood and to increase the number of their employees giving blood; and

WHEREAS, the America’s Blood Centers and the American Red Cross celebrate January as National Blood Donor Month.

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

1. January is designated as Blood Donor Month in Upper Township to increase the public's awareness and to stress the importance of giving the gift of life through the donation of blood.
2. The Township Committee calls upon public officials and citizens of this County to observe this month by donating blood.
3. The Township of Upper held its first Blood Drive of the year on January 20th, 2009, at the Municipal Building located at 2100 Tuckahoe Road in Petersburg and collected 31 units.

STATEMENT

This Resolution designates January as Blood Donor Month in Upper Township, Cape May County to increase awareness and understanding of how critical blood donation is to the health and well being of all citizens of Upper Township and Cape May County.

Resolution No. 044- 2009

Offered by: Conrad

Seconded by: Palombo

Adopted: January 26, 2009

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Camp	___x___	_____	_____	_____
Conrad	___x___	_____	_____	_____
Corson	___x___	_____	_____	_____
Newman	___x___	_____	_____	_____
Palombo	___x___	_____	_____	_____

ORDINANCES

14. Introduction and First Reading of Ordinance No. 001-2009, RE: AMENDING AND SUPPLEMENTING CHAPTER XX FOR INCLUSIONARY AFFORDABLE HOUSING OVERLAY.

Motion was made by Jay Newman second by Barbara Camp for introduction of ordinance with public hearing and final adoption scheduled for February 23, 2009. During roll call vote all five Committee members present voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE
ORDINANCE NO. 001 -2009
RE: AMENDING AND SUPPLEMENTING CHAPTER XX FOR INCLUSIONARY
AFFORDABLE HOUSING OVERLAY**

Explanation: Revised Ordinance Standards updated to comply with September 22, 2008 COAH rules concerning inclusionary development. This Ordinance replaces Ord. #020-2006.

WHEREAS, the New Jersey Supreme Court and New Jersey Legislature have recognized and mandated in So. Burl. Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) (“Mount Laurel II”) and the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (“FHA”) that every municipality in New Jersey has an affirmative obligation to facilitate the provision of affordable housing; and

WHEREAS, the New Jersey Council on Affordable Housing (“COAH”) is the State administrative agency created pursuant to the FHA vested with primary jurisdiction for the administration of affordable housing obligations in accordance with sound regional planning considerations in New Jersey; and

WHEREAS, COAH’s Third Round Substantive Rules (NJ.A.C. 5:94-1 et seq.) implement a “growth share” approach to affordable housing production which requires affordable housing to be produced in conjunction with market-priced residential and nonresidential growth and development within the Township of Upper; and

WHEREAS, the Township of Upper intends to implement the “growth share” policies promulgated by COAH in its Third Round Substantive Rules in an effort to foster the production of affordable housing opportunities for qualified low and moderate income households through COAH’s third round, which extends from 2004 to 2018.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Township Committee of the Township of Upper that the Zoning Chapter XX of the Township of Upper be and is hereby amended as follows:

The following Section 20 -14 entitled “ Inclusionary Affordable Housing Overlay “ is hereby added to replace the existing Section 20-14 entitled “Growth Based Affordable Housing” of the Township of Upper’s Zoning Ordinance, to read as follows:

§20- 14 Inclusionary Affordable Housing Overlay

§20- 14.1 Applicability

a. This subsection of the land use regulations of the Township of Upper sets forth mechanisms by which developers shall provide for a fair share of affordable housing based on growth that is associated with residential development taking place within the Township of Upper.

b. Except as exempted in §20-14.2, all residential development that results in the construction of new market-priced dwelling units in accordance with N.J.A.C. 5:94-1 et seq., shall be subject to the “inclusionary affordable housing ” provisions of this ordinance.

§ 20-14.2 Exemptions

The following are exempted from the provisions of this Chapter:

a. Developments that received preliminary or final subdivision approval from the Planning Board and/or Zoning Board of Adjustment, as applicable, prior to the effective date of this ordinance except as required by conditions of approval.

b. Residential developments that have been zoned to produce an affordable housing set-aside greater than the affordable housing requirements of this Article or that are intended to include only low and moderate income housing units.

c. Residential development that results in less than four market-priced dwelling units; with the provision that any future subdivision of this development which results in four

or greater units including units previously subdivided shall be subject retroactively to this inclusionary affordable housing ordinance.

d. As to exemptions c. above, these types of development shall be subject to the developer fee ordinance.

e. Public facilities and public schools.

f. Not-for-profit facilities including churches and private universities.

§ 20-14.3 Inclusionary Affordable Housing Overlay Provisions

a. All residential development which results in the construction of four or more new market-priced dwelling units shall provide non-age restricted affordable housing units at a ratio of one affordable unit for every four market-priced units constructed on-site.

b. For developments that result in a number of market-priced residential units not evenly divisible by four, the developer may construct the additional affordable unit on-site or alternatively, the developer may make a payment in lieu of constructing the additional affordable unit. If the developer selects the latter option, the amount of said payment shall be established by subtracting any whole multiples of four from the total number of market-priced residential units being created, dividing any remaining number of units by four and multiplying the resulting fraction by the established affordable unit cost to construct one affordable residential unit as established by region in N.J.A.C. 5:97G.4(c)3. as revised periodically by COAH.

c. As an alternative to fulfilling the affordable housing requirements set forth in a. and b. above, developers of residential units may elect to provide affordable housing units off-site within existing buildings, but within the Township of Upper in accordance with §20-

14.4 and §20-14.5. If the developer elects to provide the affordable unit off-site but within the Township of Upper, each on-site unit otherwise required to be affordable to a low or moderate income household may be converted to a market-priced unit, but the developer's inclusionary housing obligation shall be increased accordingly and reflected in the number of units being constructed off-site but within the Township.

d. All residential development subject to the provisions of a. through c. above shall be provided with a density increase as mandated by current New Jersey Council of Affordable Housing substantive rules under 5:97-6.4 which established the minimum presumptive density and affordable housing obligation for municipalities.

e. All residential development not subject to the provisions of a. through c. above shall be subject to the provisions of development fees as set forth in the Development Fee Ordinance.

f. The following increased density standards apply depending upon the existing density and the availability of public sewer or advanced on site sewerage treatment facilities (sewered areas) to accommodate density as proposed:

1. For residential zones within sewered areas in PA2 and Centers, the residential density shall be increased to a maximum of six (6) dwelling units per acre. The minimum yard requirements shall be reduced by up to 20% of the minimum required dimensions to accommodate the additional density with the single family attached buildings. The maximum building coverage and maximum impervious coverage shall be increased by 20% over the base coverage requirements to accommodate the additional density on an individual lot basis.

2. For residential zones outside of sewered areas in PA2 and Centers, the residential density shall be increased to a maximum of four (4) dwelling units per acre. The minimum yard requirements shall be reduced by up to 20% of the minimum required dimensions to accommodate the additional density with the single-family attached buildings. The maximum building coverage and maximum impervious coverage shall be increased by

20% over the base coverage requirements to accommodate the additional density on an individual lot basis.

3. For residential zones within non-sewered areas (conventional on site septic systems) in PA3, PA4, and PA5, the residential density shall be increased by 40% over the maximum density permitted in the zone. The minimum yard requirements shall be reduced by up to 20% of the minimum required dimension to accommodate the additional density with the single family attached buildings. The maximum building coverage and maximum impervious coverage shall be increased by 20% over the base coverage requirements to accommodate the additional density on an individual lot basis.

4. For residential zones within non-sewered areas (conventional on site septic systems) in the Pinelands Management Area, the residential density shall be increased by 40% over the maximum density permitted in the zone. The minimum yard requirements shall be reduced by up to 20% of the minimum required dimension to accommodate the additional density with the single family attached buildings. The maximum building coverage and maximum impervious coverage shall be increased by 20% over the base coverage requirements to accommodate the additional density on an individual lot basis.

5. In the Town Center and Town Center Core zone districts with sewer service, residential development shall provide one affordable housing unit on-site for every four market-priced units. A maximum residential density of 6 dwelling units per acre will be permitted. Housing type shall permit multifamily residential units and attached housing units.

§ 20-14.4 General Provisions for Constructing Affordable Units

a. Affordable housing units being constructed on-site or off-site shall meet the requirements of the Township of Upper's affordable housing ordinance, and shall be in conformance with COAH's third round rules at N.J.A.C. 5:94-1 et seq. and the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq., including, but not limited to, requirements regarding phasing schedule, controls on affordability, low/moderate income split, heating source, maximum rent and/or sales prices, affordability average, bedroom distribution, and affirmative marketing.

b. Developers electing to create affordable housing units elsewhere within the Township may do so within existing buildings, whether converted, reconstructed or purchased for buy down or rental subsidy assistance in any zone of the Township of Upper as set forth and regulated in this article.

c. The renovation or conversion of any existing dwelling in which all such dwelling units are deed restricted for affordability to and occupancy by low and moderate income households shall be permitted as of right, subject to meeting all other requirements of this Section 20-14 notwithstanding any other provision of this Ordinance to the contrary.

d. To the greatest extent possible, affordable housing units being provided within inclusionary developments shall be disbursed throughout inclusionary developments and shall be located within buildings designed to be architecturally indistinguishable from the market-priced units otherwise being constructed within the development.

e. Residential structures in the form of two-family side-by-side or over-and-under unit buildings shall be deemed to be permitted uses in the underlying zone when created for the purpose of meeting the growth share obligation on site. These units shall be

constructed within the development. The remaining portion of the project that is not considered to be an affordable unit shall conform to the requirements of the underlying zone.

§20-14.5 Payment in Lieu Provisions

a. The payment in lieu of construction of affordable units shall be based on N.J.A.C. 5:97-6.4 (c) 3. which is established under the COAH substantive rules and shall be revised by the Council periodically.

b. Development that generates a fraction of an affordable housing unit (because the development contains a number of units not evenly divisible by four) shall be required to make a payment in lieu of construction for that fraction of a unit based upon the pro-rated cost of constructing an affordable housing unit in the Township of Upper.

c. All payments in lieu of constructing affordable housing shall be deposited by the Township of Upper into an affordable housing trust fund to be established by the Township of Upper in conformance with regulations established by COAH and shall at all times be identifiable from development fees. These funds shall be used in accordance with regulations established by COAH to create new affordable housing opportunities within the physical boundaries of the Township of Upper.

§20-14.6 Other Requirements

a. A proposed affordable housing plan shall be submitted to the Board at the time application is made for any development requiring affordable housing pursuant to this Section. The Plan shall be a condition of “completeness” determination. All Plans shall be the subject of review by the Township Affordable Housing Liaison or appointee for

consistency with COAH's Rules and with the Town's third round Housing Element and Fair Share Plan. Compliance with all of the terms of COAH's Rules and with the approved plan shall be a condition of development plan approval and may be covered by appropriate performance and maintenance guarantees as with any other required improvement.

b. Where an odd number of low and moderate income housing units are required to be provided, the majority of the units shall be low income units. Where there are an insufficient number of affordable units provided to meet the bedroom distribution requirements of COAH's Rules, the first unit shall be a two bedroom unit, the second unit shall be a one-bedroom unit and third unit shall be a three bedroom unit. Otherwise, the bedroom distribution shall be in strict accordance with COAH's Rules.

c. It shall be the developer's responsibility, at its sole cost and expense, to pay the per unit cost of the initial advertising and ongoing administration of the controls on affordability pursuant to the contract between the Township and the experienced administrative entity. The designated administrative entity shall file with the Township Affordable Housing Liaison or designee such certification, reports and or monitoring forms as may be required by COAH.

d. Developments covered by this Section shall be exempt from the payment of Development Fees under the adopted Development Fee Ordinance.

e. The use of any of the foregoing mechanisms for providing affordable housing within the Township of Upper shall be limited to the provision of non-age restricted affordable housing units in compliance with all of the COAH's Rules set forth at N.J.A.C. 5:97-1 et seq., unless specifically waived by the Township.

REPEAL OF CONFLICTING ORDINANCES

Any ordinances of the Township of Upper that are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication as required by law.

CODIFICATION

This Ordinance shall be codified in Chapter 20 of the Upper Township Code commencing at 20-14.1 and shall replace existing Chapter 20-14 in its entirety.

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 26th DAY OF JANUARY, 2009 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP ON THE 23RD DAY OF FEBRUARY, 2009 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.
BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.
WANDA GAGLIONE, TOWNSHIP CLERK
TOWNSHIP OF UPPER

15. Introduction and First Reading of Ordinance No. 002-2009, RE: AN ORDINANCE AUTHORIZING SALE OF LANDS, TO WIT BLOCK 497, LOTS 18, 19 AND 20.

Motion was made by Jay Newman second by Frank Conrad for introduction of ordinance with public hearing and final adoption scheduled for February 23, 2009. During roll call vote all five Committee members present voted in the affirmative.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
O R D I N A N C E
ORDINANCE NO. 002-2009
RE: AN ORDINANCE AUTHORIZING SALE OF LANDS,
TO WIT BLOCK 497, LOTS 18, 19 AND 20

WHEREAS, the Township of Upper is the owner, in fee, of certain parcels of vacant ground located within the Township of Upper, County of Cape May, and State of New Jersey, set forth on the municipal tax map as Block 497, Lots 18, 19 and 20; and

WHEREAS, the Township has received an offer from Eustace Eggie and Janice Eggie, the owners of real property contiguous with said parcels owned by the Township, to purchase said parcels; and

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

WHEREAS, the Township Committee has determined that the fair market value of such lots is the sum of \$9,000.00 in light of the appraisal prepared by Breazeale & Associates, LLC of October 9, 2008; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee in

the Township of Upper, County of Cape May and State of New Jersey as follows:

SECTION 1: The Township of Upper is hereby authorized to sell to

Eustace Eggie and Janice Eggie the real property commonly known as follows:

Block 497, Lots 18, 19 and 20

since said persons are the owners of the only real property contiguous thereto in accordance with N.J.S.A. 40A:12-13(b)(5). Pursuant to said statute such sale shall not be for less than the fair market value of said real property and the fair market value of said parcels sold as well as the purchase price of same is hereby established as follows:

Block 497, Lots 18, 19 and 20

Fair Market Value: \$9,000.00

SECTION 2: Prior to said sale, the Township will obtain a title report

from a title company or abstract company licensed to do business in the State of New

Jersey. Said report shall be available to the purchaser prior to final adoption of this Ordinance.

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

SECTION 4: Eustace Eggie and Janice Eggie shall pay the following sum to the Township Clerk prior to the adoption of this Ordinance: \$500.00. This amount shall be used by the Township to defray Township expenses involved in

Authorizing the Sale and terms thereof; Engineer's review; Attorney's review; legal advertising; title review; closing costs and other expenses.

SECTION 5: In the event the Township Committee receives no offers for the property pursuant to the advertisement of same in accordance with N.J.S.A. 40A:12-13(b), the adjacent property owners requesting such sale, Eustace Eggie and Janice Eggie, shall purchase same in accordance with this Ordinance and shall appear before the Township Clerk and execute the agreement to purchase same pursuant to this Ordinance. The Township Committee expressly reserves the right to revoke its authorization to sell the subject real property at any time prior to said sale. The Township Committee is authorized to confirm the sale by resolution to complete the transaction pursuant to this Ordinance and N.J.S.A. 40A:12-13.

SECTION 6: In the event the Township Committee revokes its authorization for the sale of the subject property in its sole judgment and discretion, then, all deposit monies made by Eustace Eggie and Janice Eggie shall be refunded except for the \$50.00 application fee which shall be non-refundable.

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

SECTION 8: A sum equal to ten percent (10%) of the purchase price for said parcel or parcels shall be paid to the Township of Upper by Eustace Eggie and Janice Eggie within 14 days of written notice requiring same from the Township Clerk to Eustace Eggie and Janice Eggie. Said notice shall be sent by the Township Clerk after the posting and advertisement required by SECTION 3 above has not resulted in an offer and the Township Committee has not reconsidered this Ordinance pursuant to N.J.S.A. 40A:12-13(b). The remaining balance of ninety percent (90%) of the highest bid for the parcel or parcels shall be paid to the Township of Upper, and must be received by the Township Clerk, not later than thirty (30) days after the date of said notice. In addition to the deposit of ten percent (10%), Eustace Eggie and Janice

Eggie shall also be required to pay or tender within 14 days of said written notice from the Township Clerk the following:

- (A) (i) The sum of \$100.00 for the preparation of the Deed.
- (ii) The sum of \$70.00 for recording the Deed.

AT THE TIME OF CLOSING Eustace Eggie and Janice Eggie shall be required to pay the following sums:

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

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

Township as follows:

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

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

SECTION 11: The Deed from the Township of Upper shall be what is commonly known as a Quitclaim Deed.

SECTION 12: The title to be delivered by the Township shall be free and clear of all taxes up to and including the date when the Deed is delivered and closing takes place. Purchaser shall be responsible for all taxes thereafter. Unless otherwise

specified herein, the purchaser shall be liable for payment of all assessments, of any nature, against said land.

SECTION 13: The title to be delivered by the Township shall be under and subject to all easements and rights of way, recorded and unrecorded, whether for utilities or for others, and shall also be subject to all conditions, reservations and restrictions of record, if any. If the title report discloses an unmarketable condition of title, except as specified herein, the remedy of the purchaser shall be limited to the return of payments made to the Township of Upper on account of the purchase price and closing costs only. Any and all other amounts paid to the Township shall be non-refundable. This sale is under and subject to any riparian claim which may affect said property. If any such claim exists, it shall be the sole responsibility of the purchaser to meet and satisfy all requirements of the State of New Jersey with respect to said riparian claim and the payment of any compensation to the State of New Jersey on account thereof. Nothing herein shall be construed as obligating the Township of Upper to construct or maintain access roads to any portion of the property being sold.

Such property may not qualify for a building permit due to lack of water supply, lack of sewer or septic facilities, lack of access, inadequate lot size, or other reasons, including those reasons set forth below. The purchaser is required to comply with all applicable zoning, building and health ordinances and codes and regulations. The property being sold may be situate in a Flood Hazard Zone. The Township of Upper makes no warranties or representations, expressed or implied, as to the property being offered for sale, the condition or marketability of the title or any other matter. The Township of Upper makes no warranties or representations, expressed or implied, as to whether or not the property being offered for sale contains wetlands anywhere on the property. The Township makes no warranties or representations as to any matter of an environmental nature, or otherwise, which may prevent or limit building or construction.

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

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

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

SECTION 17: It is a requirement of this sale that the purchaser of the subject property be the only contiguous property owner. Said purchaser shall be required to take immediate action to cause a consolidation of the property being purchased with all of the purchaser's existing adjacent lots so as to constitute all such lots in Block 497 as a single parcel of ground which shall not be further subdivided into more than one lot. This restriction shall be included in the deed of conveyance and shall run with the land. The purchaser shall complete the consolidation as a condition of the sale. The provisions of this Section shall survive closing and shall not merge into the Deed.

SECTION 18: This Ordinance shall take effect immediately upon final

adoption and publication as required by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 26th DAY OF JANUARY, 2009 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 23RD DAY OF FEBRUARY, 2009 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

WANDA GAGLIONE, TOWNSHIP CLERK

TOWNSHIP OF UPPER

16. Introduction and First Reading of Ordinance No. 003-2009, RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER VII OF THE CODE OF UPPER TOWNSHIP.

Motion was made by Jay Newman second by Curtis Corson for introduction of ordinance with public hearing and final adoption scheduled for February 23, 2009. During roll call vote all five Committee members present voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
O R D I N A N C E
ORDINANCE NO. 003-2009
RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE
CHAPTER VII OF THE CODE OF UPPER TOWNSHIP**

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 7, Schedule I (entitled “No Parking”) of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be supplemented as hereinafter provided:

SCHEDULE I – NO PARKING

Amend to include the following:

Street	Location
Vincent Avenue	Both sides of Vincent Avenue a distance of one hundred (100') feet from the curbline of Bayview Drive.
Willard Avenue	Both sides of Willard Avenue a distance of forty five (45') feet from the Easterly terminus of Willard Avenue.
Whittier Avenue	Both sides of Whittier Avenue a distance of forty five (45') feet from the Easterly terminus of Whittier Avenue.
Vincent Avenue	Both sides of Vincent Avenue a distance of forty five (45') feet from the Easterly terminus of Vincent Avenue.
Tecumseh Avenue	Both sides of Tecumseh Avenue a distance of forty five (45') feet from the Easterly terminus of Tecumseh Avenue.
Sumner Avenue	Both sides of Sumner Avenue a distance of forty five (45') feet from the Easterly terminus of Sumner Avenue.
Sherman Avenue	Both sides of Sherman Avenue a distance of forty five (45') feet from the Easterly terminus of Sherman Avenue.
Randolph Avenue	Both sides of Randolph Avenue a distance of forty five (45') feet from the Easterly terminus of Randolph Avenue.
Putnam Avenue	Both sides of Putnam Avenue a distance of forty five (45') feet from the Easterly terminus of Putnam Avenue.
Prescott Avenue	Both sides of Prescott Avenue a distance of forty five (45') feet from the Easterly terminus of Prescott Avenue.

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

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

SECTION 5: CODIFICATION: This Ordinance shall be codified in the Upper Township Code at the sections referred to above.

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 26TH OF JANUARY, 2009 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 23RD DAY OF FEBRUARY, 2009 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

17. Introduction and First Reading of Ordinance No. 004-2009, RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XX (ZONING) OF THE CODE OF UPPER TOWNSHIP.

A portion of Block 453, Lot 176 is being changed from Conservation to CM4 Zone. Map is available for review from the Upper Township Clerk's Office, 609-628-2011 Ext. 200. Motion was made by Curtis Corson second by Jay Newman for introduction of ordinance with public hearing and final adoption scheduled for February 23, 2009. During roll call vote all five Committee members present voted in the affirmative.

TOWNSHIP OF UPPER

CAPE MAY COUNTY

O R D I N A N C E

ORDINANCE NO. 004 -2009

RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XX
(ZONING) OF THE CODE OF UPPER TOWNSHIP

WHEREAS, the Township of Upper received a request for a zone change from the Conservation Zone to the Commercial District (CM2) Zone for the property located at 140 Route 50, Greenfield, in Block 453, Lot 176 on the Municipal Tax Map of the Township of Upper, County of Cape May, State of New Jersey; and

WHEREAS, the Township Committee of the Township of Upper does hereby deem it appropriate to undertake a zoning change to a portion of Block 453, Lot 176 from Conservation Zone to Commercial District (CM2) Zone as recommended by the Upper Township Planning Board and outlined in Planning Board Resolution #PB10-08; and

WHEREAS, Notice of the hearing on this Ordinance changing a zone boundary has been given to all affected property owners pursuant to N.J.S.A. 40:55 D-62.1;

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 20 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:

20-3.2 ZONING MAP is amended in its entirety as follows:

The Map prepared by the Township Engineer dated January 12, 2004, revised through January 20, 2009 (modified) is hereby adopted as the Zoning Map of the Township of Upper. (Ord. #7-1976, §302; Ord. #12-1978, §2; Ord. #4-1981, §3; Ord. #4-1982; Ord. #4-1987, §1; Ord #8-1988, §§1 -3; Ord. #2-1989, §1; Ord. #14-1989, §1; Ord. #17-1990, §1; Ord. #10-1995, §1; Ord. #006-2002, §2; Ord. #001-2004, §3; Ord. #009-2007, §2; Ord. #004-2009, §1).

SECTION 2. EFFECTIVE DATE: This Ordinance shall take affect

immediately upon the following: The Ordinance shall take affect upon passage and publication as required by law.

SECTION 3. REPEALER: All Ordinances or parts of Ordinances

inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 4: 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 5: CODIFICATION: This Ordinance shall be codified in the

Upper Township Code at the section referred to above.

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 26th OF JANUARY, 2009 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 23RD DAY OF FEBRUARY, 2009 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

18. Introduction and First Reading of Ordinance No. 005-2009, RE: AN ORDINANCE AMENDING CHAPTER 9-7 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF UPPER.

Motion was made by Frank Conrad second by Jay Newman for introduction of ordinance with public hearing and final adoption scheduled for February 23, 2009. During roll call vote all five Committee members present voted in the affirmative.

TOWNSHIP OF UPPER

CAPE MAY COUNTY

O R D I N A N C E

ORDINANCE NO. 005-2009

**RE: ORDINANCE AMENDING CHAPTER 9-7 OF THE
REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF UPPER**

WHEREAS, the Township of Upper (“TOWNSHIP”) operates a skate park (“PARK”) which is open for use by the residents of the TOWNSHIP and Cape May County, and

WHEREAS, the TOWNSHIP desires to amend certain rules and regulations for the management, use and enjoyment of the PARK, so as to permit the PARK to be used without an attendant present.

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

SECTION 1: Chapter 9-7 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:

9-7.1 Recreation Committee to Promulgate Rules and

Regulations. The Recreation Committee of the

Township of Upper is hereby empowered to

promulgate and adopt rules and regulations

governing the use and operation of the Skate Park

(the "Park") owned and operated by the Township

of Upper. Before taking effect, any rules and

regulations proposed to be adopted by the

Recreation Committee shall be submitted to the

Township Committee for approval.

9-7.2 Posting of Rules and Regulations. Any rules and

regulations promulgated by the Recreation

Committee and approved by the Township
Committee shall be appropriately posted, either by
sign or some other suitable device, so as to advise
all persons desiring to utilize the Park of the nature
of the rules and regulations. Such signs shall be
approved by the Township Solicitor and Township's
insurance carrier.

9-7.3 Use of the Park. The Park shall not be supervised
by Township personnel and a notice to this effect
shall be prominently posted at the Park. The Park
shall be used for skateboards and inline skates
only. No bicycles, scooters or motorized vehicles are
permitted in the Park. Except on the bicycle and
jogging path, skateboarding and inline skating is
prohibited on Township property surrounding the

skateboard park. Any special event to take place at the Park shall be conducted by the Recreation Committee member representing the Park and shall be for non-profit use only. Any outside company, participant or promoter of the event must comply with all applicable Township requirements for the use of Township facilities or for the use of the Park. The approval of the Township Supervisor of Recreation is required.

9-7.4 Safety. All users are required to wear shoes, helmets, kneepads, wrist guards and elbow pads. All equipment must be worn to the manufactures recommendations. All users must skate safely, responsibly and act respectfully of each other.

9-7.4a No use of the park shall be permitted

when equipment is wet or icy.

9-7.4b The Township will determine from time

to time the maximum capacity, which

may utilize the park.

9-7.4c NO glass, radios or pets shall be

permitted within the enclosed park

area.

9-7.4d Backpacks, bags, jackets and other

articles of clothing and personal

belongings must be placed in an

appropriate area, outside the enclosed

park area, removed from the area

where people skate, to avoid the

possibility of injury.

9-7.4e The use of alcohol, drugs and tobacco

are prohibited. Additionally profanity,

abusive language and vandalism is

prohibited.

9-7.5 **Days and Hours of Operation.** The Township

Committee shall determine the hours of operation of

the Park from time to time. It is a violation of this

ordinance to enter the Park at anytime it is closed.

9-7.6 **Supervision of Small Children.** Children under

twelve (12) years of age must be accompanied by

a responsible adult at all times.

9-7.6a **Violations of Rules/ Regulations.**

Any person who violates this

Ordinance or the Park rules and

regulations shall be immediately

removed from the Park. Any person convicted of violating the provisions of this Ordinance or the Park rules shall be guilty upon a first offense of a fine not to exceed \$100.00 and a second offense of a fine not to exceed \$500.00.

SECTION 2: REPEALER: All ordinances or parts of ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of any such inconsistency or conflict 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 will take effect

immediately upon final adoption and publication as required by law.

SECTION 5: CODIFICATION: This Ordinance shall be codified in

Chapter 9-7 of the Upper Township.

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 26th DAY OF JANUARY, 2009 AND WAS 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 23RD DAY OF FEBRUARY, 2009 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

NEW BUSINESS

- 19. Cape May County Dept. of Health—requesting municipalities to identify possible alternate clinic locations in Cape May County.** This matter was discussed earlier in the meeting and can be found on page 10 in the Mayor's report. The site selected is the Seaville Fire Company.
- 20. Church of the Resurrection, request to hold an on-premise 50/50 raffle on February 14, 2009, RA-351.**
- 21. Church of the Resurrection, request to hold an on-premise Penny Auction on February 14, 2009, RA-352.**

Motion was made by Curtis Corson, second by Jay Newman to approve item 20 and 21. During roll call vote all five Committee members voted in the affirmative.
- 22. Tuckahoe Merchants Association request to hold an on-premise 50/50 raffle on February 14, 2009, RA-353.**

Motion was made by Barbara Camp, second by Jay Newman to approve the raffle. During roll call vote all five Committee members voted in the affirmative.

UNFINISHED BUSINESS:

22. Ralph Holt-Potential Land Sale Block 483, Lots 16, 19, 20, 25, 36, 38-40.

Municipal Attorney Daniel Young left the table and did not participate in this matter to avoid any conflict. Conflict attorney Norman Briggs was present and represented the Township. He reported that as with any municipal land sale an appraisal is required to set the minimum bid. The first appraisal was ordered by the Township Committee and was prepared by Richard Farrell; the value was set at \$155,000. It was presented at the August 11, 2008 meeting of the Committee. Mr. Holt challenged the appraisal and requested that he be able to secure his own. Mr. Holt hired Mr. Sofroney to prepare another appraisal which set the value at \$47,000.

After reviewing these appraisals, Mr. Farrell drafted a letter stating the comparables Mr. Sofroney used did not create a “build-able” lot, that it only added land to an existing lot. This lot would have less value than purchasing land that creates a “build-able” lot, which is the situation with the Holt purchase. Mr. Farrell’s letter goes on to say that he is of the opinion his value is much closer to what the fair market value should be for these lots. Attorney Norman Briggs put the matter before the Township Committee to determine what the minimum bid would be.

Paul Dietrich, the Municipal Engineer commented that the Township would be selling Mr. Holt a “build-able” lot, as opposed to adding smaller pieces of land that are not “build-able” to a lot that is “build-able”. Mr. Briggs concurred and stated that those smaller pieces of land are what Mr. Sofroney used for his comparables. His commented that “the two appraisals are apples to oranges and are not based on the same standards.”

Mr. Briggs noted that according to the Statute – only the two individuals that are contiguous to the lots in questions could bid on the lots. Mr. Corson stated that the Township is not obligated to sell this property.

Barbara Camp made a motion to accept Mr. Farrell’s appraisal of \$155,000 and set that as the minimum bid; Curtis Corson seconded the motion. During roll call vote all five Committee members voted in affirmative.

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 was made by Barbara Camp, second by Frank Conrad with all five Committee members voting in the affirmative.

Payroll: \$158,556.17
Total Paid: \$521,803.61

REPORT OF MUNICIPAL DEPARTMENTS:

PUBLIC COMMENT

David Milligan, Poplar Avenue, Tuckahoe, stated that since the construction began on Rt. 49 the trash situation has increased significantly along the roadside. He asked if the Township could have crews pick up the trash. He mentioned that the increase in cars has increased the number of speeders, especially on Mill Road and can the Township look into asking the state to expedite the construction project, and place reduced speed signs in the meantime.

There were no other speakers for the evening.

Motion was made by Curtis Corson, second by Jay Newman to close the regular portion of the meeting and go into an executive session to discuss the matter previously identified as follows: Daniel Young reported that he has the following closed session discussion items: under Litigation--Upper Township/Kevin Grubb matter; status of the Strathmere eminent domain matter; tort claim matter in regards to the NJDEP maintenance yard in Petersburg and groundwater contamination; and a Litigation matter with regards to the Tax Assessor. He also will discuss two Personnel matters in regards to personal days and an employee complaint. Paul Dietrich, Municipal Engineer, reported he has one matter to discuss in closed session that being a Litigation matter regarding the demolition of the structure located in Tuckahoe on Block 306, Lot 27. During roll call vote all five Committee members voted in the affirmative.

CLOSED SESSION

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

RECONVENE PUBLIC PORTION OF MEETING

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:30 P.M. Next meeting scheduled for February 9, 2009 with a Budget Workshop at 6:00 P.M. and the regular meeting starting at 7:30 P.M.

Minutes prepared by

Wanda Gaglione, RMC
Municipal Clerk

Bill List
48223 01/26/09 A0006 ADVANCE TREADS INC 964.00 2509
48224 01/26/09 A0018 ACTION SUPPLY INC. 201.41 2509
48225 01/26/09 A0023 ADAMS, JOHN 344.24 2509

48226 01/26/09 A0025 ADVANTAGE RENTAL ACE HARDWARE 251.19 2509
48227 01/26/09 A0028 ADVANTAGE RENTAL CENTER INC. 40.01 2509
48228 01/26/09 A0031 AGATE CONSTRUCTION CO., INC. 135,704.58 2509
48229 01/26/09 A0050 ALL STAR SPORT CENTER 1,223.50 2509
48230 01/26/09 A0091 ATLANTIC CITY ELECTRIC 1,513.37 2509
48231 01/26/09 A0095 ATLANTIC CITY COURT REPORTING 2,746.00 2509
48232 01/26/09 A0117 AT&T 21.96 2509
48233 01/26/09 A0135 ASSISTIVE TECHNOLOGY, INC. 1,063.00 2509
48234 01/26/09 B0020 BLAKER,RAYMOND 147.46 2509
48235 01/26/09 B0031 BAINBRIDGE, J.P. & ASSOCIATES 3,200.00 2509
48236 01/26/09 B0035 BELMONT & CRYSTAL SPRINGS 160.53 2509
48237 01/26/09 B0052 BENNETT BATTERIES,LLC. 130.00 2509
48238 01/26/09 B0070 HORIZON BLUE CROSS/BLUE SHIELD 100,505.34 2509
48239 01/26/09 B0117 BRIDGESTATE FOUNDRY CORP 1,231.00 2509
48240 01/26/09 B0178 BUGANSKI,PETER R. 65.00 2509
48241 01/26/09 B0184 BUSHONG, BRIAN 56.00 2509
48242 01/26/09 C0006 CMC TAX COLL/TREAS. ASSOC. 300.00 2509
48243 01/26/09 C0035 CAPE ASSIST EAP 1,045.00 2509
48244 01/26/09 C0056 CAPE MEDIATION SERVICE, INC. 1,363.56 2509
48245 01/26/09 C0060 CAPRIONI'S PORTABLE TOILETS 467.00 2509
48246 01/26/09 C0068 COMCAST 403.24 2509
48247 01/26/09 C0078 CARTER, EDWARD, SR. 7.06 2509
48248 01/26/09 C0101 CHATTEN, LINWOOD R. 189.00 2509
48249 01/26/09 C0116 CINTAS CORPORATION #158 39.85 2509
48250 01/26/09 C0124 CMC MUNICIPAL CLERK'S ASSOC. 400.00 2509
48251 01/26/09 C0143 CODY'S POWER EQUIPMENT 5.03 2509
48252 01/26/09 C0146 COLLINS IRON WORKS, INC. 330.00 2509
48253 01/26/09 C0171 COLONIAL ELECTRIC SUPPLY CO. 918.00 2509
48254 01/26/09 C0212 TD BANK 100.00 2509
48255 01/26/09 D0015 DAN'S WELDING 805.00 2509
48256 01/26/09 D0016 DALEY,FREDERICK T/A DALEYS PIT 120.00 2509
48257 01/26/09 D0077 DIETRICH,PAUL 54.95 2509
48258 01/26/09 D0131 Dilks, Matt 250.00 2509
48259 01/26/09 E0016 ERCO CEILINGS & BLINDS INC 182.62 2509
48260 01/26/09 E0017 EDMUNDS & ASSOCIATES,INC. 8,774.00 2509
48261 01/26/09 E0045 ETLING, JOHN 150.00 2509
48262 01/26/09 F0042 FLANAGANS SOUTH AUTO TIRE CENT 47.50 2509
48263 01/26/09 G00057 GARDNER, MICHAEL 25.00 2509
48264 01/26/09 G0008 GALLO GMC TRUCK SALES INC. 113,985.00 2509
48265 01/26/09 G0016 GARDNER HARDWARE INC. 200.20 2509
48266 01/26/09 G0024 GARDEN SCENTS FLORIST 114.00 2509
48267 01/26/09 H0012 HALL,ARTHUR 248.94 2509
48268 01/26/09 H0089 HERTZ EQUIPMENT RENTAL CORP. 2,083.10 2509
48269 01/26/09 H0131 HPI PROCESSES, INC 25,932.60 2509
48270 01/26/09 J0040 JOHNSON & TOWERS, INC. 1,202.12 2509
48271 01/26/09 K0016 KEENE, DAVID 600.00 2509
48272 01/26/09 K0034 KOHLER, CLAUDE JR. 51.97 2509
48273 01/26/09 K0037 KOHLER, JOHN F 40.00 2509
48274 01/26/09 K0048 KLEPAC, THADDEUS 57.92 2509
48275 01/26/09 L0040 LEA, SHELLEY 4.00 2509
48276 01/26/09 L0094 LINUS, SEANN 450.00 2509
48277 01/26/09 M0013 M.A. GRAPHICS 216.00 2509
48278 01/26/09 M0021 MASER CONSULTING, P.A. 9,532.50 2509
48279 01/26/09 M0059 MCDANIELS, WILLIAM J. III 520.78 2509
48280 01/26/09 M0103 MODERN GAS COMPANY, INC. 2,509.23 2509
48281 01/26/09 N0007 NATIONAL SEMINARS GROUP 1,397.00 2509
48282 01/26/09 N0043 NAPA AUTO PARTS OF S.JERSEY 251.00 2509
48283 01/26/09 N0052 NATL YOUTH SPORTS COACHED ASSN 240.00 2509
48284 01/26/09 O0006 OCS PRINTING 72.00 2509
48285 01/26/09 O0012 OCEAN CITY BD. OF EDUCATION 47.92 2509
48286 01/26/09 O0025 OLD DOMINION BRUSH 328.64 2509
48287 01/26/09 P0026 PAYNTER, JOSEPH 540.01 2509
48288 01/26/09 P0032 PEDRONI FUEL CO. 824.30 2509
48289 01/26/09 P0056 TURF EQUIPMENT AND SUPPLY CO 102.77 2509
48290 01/26/09 P0064 PITNEY BOWES 210.00 2509
48291 01/26/09 P0075 POSITIVE PROMOTIONS INC 198.03 2509
48292 01/26/09 P0096 PREVITI,MICHELE M. 107.44 2509
48293 01/26/09 Q0003 QC INC. 696.20 2509
48294 01/26/09 Q0008 QUILL CORPORATION 65.46 2509
48295 01/26/09 R0030 RIGGINS, INC. 3,499.49 2509

48296 01/26/09 R0055 ROSIAK, CAROL 28.00 2509
48297 01/26/09 R0061 RUTGERS, THE STATE UNIVERSITY 912.00 2509
48298 01/26/09 R0071 REMINGTON VERNICK & WALBERG 460.80 2509
48299 01/26/09 R0087 RAGAN, SUSAN 55.00 2509
48300 01/26/09 S0016 SAMPSON, MICHELLE 145.00 2509
48301 01/26/09 S0031 SCHULER SECURITY, INC. 105.00 2509
48302 01/26/09 S0036 SCHULER, JAMES 44.00 2509
48303 01/26/09 S0134 SO. JERSEY GAS COMPANY 1,127.08 2509
48304 01/26/09 S0138 SOUTH JERSEY SOCCER LEAGUE 300.00 2509
48305 01/26/09 S0232 SOUTH STATE, INC. 73,143.40 2509
48306 01/26/09 T0018 TEKK COMM COMMUNICATIONS 162.18 2509
48307 01/26/09 T0022 TERMINIX 8.00 2509
48308 01/26/09 T0024 TAYLOR, MATTHEW 90.37 2509
48309 01/26/09 T0032 THE PRESS & SUNDAY PRESS 288.00 2509
48310 01/26/09 T0036 THIS AND THAT 70.00 2509
48311 01/26/09 T0040 THE TITLE COMPANY OF N.J. 500.00 2509
48312 01/26/09 T0067 TOWNSHIP OF UPPER PETTY CASH 8.82 2509
48313 01/26/09 T0084 TREASURER STATE OF NEW JERSEY 2,942.05 2509
48314 01/26/09 T0089 TREASURER, STATE OF N.J. 1,463.00 2509
48315 01/26/09 T0095 TRI-COUNTY ANIMAL CONTROL 915.61 2509
48316 01/26/09 T0103 TROPICANA CASINO & RESORT 131.35 2509
48317 01/26/09 U0028 UPPER TOWNSHIP BD.OF EDUCATION 1,862.25 2509
48318 01/26/09 V0005 VAN EMBDEN, NATHAN, ATTORNEY 112.50 2509
48319 01/26/09 V0022 VERIZON 2,364.64 2509
48320 01/26/09 V0024 VAL-U AUTO PARTS L.L.C. 327.24 2509
48321 01/26/09 V0025 V.E. RALPH & SON,INC. 37.88 2509
48322 01/26/09 V0027 VANORDER, ROGER 161.10 2509
48323 01/26/09 W0038 WILLIAMS, JEREMIAH J. 24.00 2509
48324 01/26/09 X0002 XEROX CAPITAL SERVICES,LLC 66.00 2509
48325 01/26/09 Y0007 YEP COMPANY 2,074.32 2509

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Total Pail : \$ 521,803.61