

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR JUNE 8, 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	Absent
Richard Palombo	Present

Also present were Municipal Clerk Wanda Gaglione, Municipal Attorney Daniel Young, Township Engineer Paul Dietrich, and Acting Finance Officer Barbara Spiegel.

APPROVAL OF MINUTES

May 11, 2009 Regular Meeting

May 21, 2009 Special Meeting RE: Strathmere Deannexation Petition

May 26, 2009 Regular Meeting

Motion was made by Curtis Corson, second by Barbara Camp to approve the Minutes as written. All four Committee members voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Frank Conrad, reported he received a letter from the NJ Turnpike Authority in that our request for a full exchange at GSP Exit 20 was again turned down for environmental and economic issues especially with a northbound interchange. Mr. Conrad made a motion that the Township request a southbound exit from the Turnpike Authority, Curtis Corson seconded, with all four Committee members present voting in the affirmative. A resolution will be placed on a future agenda.

Mr. Conrad congratulated Mayor Palombo on his success in the recent primary election.

Mayor Palombo commented that he received several emails from residents regarding various sports groups of the Recreation Department. He will set up a meeting with the Recreation Committee to discuss their policies, by-laws, and statements to insure transparency. It was

discussed that the Township Committee has control of the sports programs and that they appoint individuals to represent each sport.

Curtis Corson, Deputy Mayor, presented a letter received from new Township resident Ralph Johnson regarding his request to park his tractor trailer on Township property. Unfortunately the Township cannot accommodate the request and Mr. Corson suggested that Mr. Johnson look at a private contractors.

Richard Palombo, Mayor, reported that he received several emails from Township residents regarding the Route 49 Bridge project and he wanted to confirm anticipated completion dates before responding. Mr. Dietrich confirmed the date provided by Department of Transportation is June 19th. Mayor Palombo also received complaints from residents regarding the beach path on Randolph Avenue and a private lot being overgrown with poison ivy. Mr. Dietrich will look into it.

The Mayor asked Mr. Dietrich to look into alternating locations of the “Porta-Potties” in Strathmere; a location close to the beach but that would present the least “eyesore” for the public. The original thought of alternating streets does not seem to be working.

The Mayor reported on the reaction to the recent Supreme Court findings regarding Sex Offender Residency Ordinances in that many municipalities throughout New Jersey are drafting resolutions and sending them to NJ Legislature in support of passing Assembly Bill 3128 known as the Jessica Lunsford Act. This law puts forth tougher penalties for aiding or harboring sex offenders. Mayor Palombo made a motion to draft a resolution supporting the adoptions of this new law, Curtis Corson seconded. During roll call vote all four Committee members voted in the affirmative.

Mayor Palombo announced a Red Cross Blood Drive would be held at Township Hall, June 30th from 1p.m. to 7p.m. Curtis Corson made a motion to offer a day off with pay as a prize to encourage employee participation in the blood drive, the day off with pay will be awarded to the lucky employee whose name is picked from all employees donating blood. Motion was seconded by Barbara Camp with all four Committee members present voting affirmative.

OTHER REPORTS

Daniel Young, Municipal Attorney, presented a letter from one of the vendors with regards to the fees charged for the electronic transfer of annual records. The vendor requests that an amendment be made to the ordinance to read \$800 as the annual fee. There was discussion as to whether or not the request is in line with other municipalities, which it is.

Mr. Young has three items for closed session this evening; the first is an item under Contract Negotiations, the second are two Litigation matters concerning Sansone and Yank; and the third under Litigation, is a report on the outstanding tax appeals.

Paul Dietrich, Municipal Engineer, reported that the turtle-fencing project is finished. There is approximately 2000 ft. of fencing left which may be used in other areas of the Township.

He also reported the contractor for the beach fill project was on site over the weekend.

The NJDEP has not as yet committed to a start date however representatives will attend the next meeting (June 22) to give a PowerPoint presentation on the project.

RESOLUTIONS

1. Honoring Susan R. Peifer on her retirement from the Township of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 135-2009
HONORING SUSAN R. PEIFER
ON HER RETIREMENT FROM THE TOWNSHIP OF UPPER**

WHEREAS, Susan R. Peifer of the Township of Upper, will soon be retiring after twenty-five (25) years of public service to this community within Township Hall serving as Tax Collector in Upper Township; and

WHEREAS, it is most appropriate that Susan's tenure of public employment and her years of faithful and dedicated service to this Township be publicly recognized.

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. That Susan be publicly congratulated on the occasion of her retirement from the Township of Upper.
2. That she be publicly thanked for her many years of dedicated public service to our community.
3. That this Committee, on behalf of all the citizens of the Township of Upper extend to Susan R. Peifer, our fellow employee and friend, our very best of wishes on her retirement and her future.

GIVEN UNDER OUR HANDS and the seal of the Township of

Upper this 8th day of June, 2009

Resolution No. 135-2009

Offered by: Camp Seconded by: Conrad

Adopted: June 8, 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> </u>	<u> </u>	<u> </u>	<u> x </u>
Palombo	<u> x </u>	<u> </u>	<u> </u>	<u> </u>

2. Appointment of James Thomas as a seasonal employee to the Upper Township Recreation Department.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO.136-2009
RE: APPOINTMENT OF JAMES THOMAS
AS A SEASONAL EMPLOYEE
TO THE UPPER TOWNSHIP RECREATION DEPARTMENT

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

WHEREAS, a recommendation has been made to the Township Committee and duly considered at the meeting of April 13, 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. James Thomas is hereby appointed in seasonal position effective immediately at a salary of \$10.50 per hour in accordance with the Salary Ordinance.

3. This Resolution ratifies, confirms and approves action taken by the Township Committee, by motion, at the meeting of May 26, 2009.

Resolution No. 136-2009

Offered by: Conrad

Seconded by: Palombo

Adopted: June 8, 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> </u>	<u> </u>	<u> </u>	<u> x </u>
Palombo	<u> x </u>	<u> </u>	<u> </u>	<u> </u>

3. Approving the application of the Upper Township Rescue Squad for Highway Coin Drops.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 137-2009
RE: APPROVING THE APPLICATION OF THE UPPER TOWNSHIP RESCUE
SQUAD FOR HIGHWAY COIN DROPS**

WHEREAS, the Upper Township Rescue Squad, a non-profit corporation providing emergency medical and rescue services, has made application to the Township Committee to hold coin drop solicitations in Upper Township; and

WHEREAS, the Township Committee has approved the requests; and

WHEREAS, the requests require approval from the County of Cape May;

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 application of the Upper Township Rescue Squad to hold a coin drop within Upper Township on County Route 623 (Roosevelt Boulevard) and Vernon Avenue is hereby approved for the following dates:

Saturday, June 27, 2009 from 8:00 a.m. to 4:00 p.m.;

AND

Saturday, July 25, 2009 from 8:00 a.m. to 4:00 p.m.

3. Attached to this Resolution is a certified copy of Ordinance No. 7-2001, authorizing coin drops within Upper Township enacted pursuant to N.J.S.A. 39:4-60.

4. A certified copy of this Resolution shall be provided to the Board of Chosen Freeholders of the County of Cape May.

Resolution No. 137-2009

Offered by: Corson

Seconded by: Palombo

Adopted: June 8, 2009

Roll Call Vote:

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

4. Renewal of Alcoholic Consumption Licenses for the license year commencing July 1, 2009.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 138 -2009
RE: RENEWAL OF ALCOHOLIC CONSUMPTION LICENSES
FOR THE LICENSE YEAR COMMENCING JULY 1, 2009.**

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper in the County of Cape May and State of New Jersey, that the following licenses be authorized for issue for the license year effective July 1, 2009:

Twisties, Inc.
T/A Twisties
236 Bayview Drive
Strathmere, N.J. 08248
P.O. Box 88, Marmora, NJ 08223
License # 0511-33-001-005
Plenary Retail Consumption License
Municipal Fee Paid: \$700.00
State Fee Paid: \$200.00

Tyan's Incorporated
T/A Tuckahoe Inn
1 Harbor Rd., Beesleys Point
Marmora, N.J. 08223
License # 0511-33-004-003
Plenary Retail Consumption License

Municipal Fee Paid: \$700.00
State Fee Paid: \$200.00

SJL Group, LLC
T/A Yesterdays
316 Roosevelt Blvd. (Southwest Side)
Marmora, N.J. 08223
License # 0511-32-005-005
Plenary Retail Consumption License with
Broad Package Privilege
Municipal Fee Paid: \$700.00
State Fee Paid: \$200.00

UMMAC Corp.
T//A Obadiah's
301, 311 & 321 Roosevelt Blvd,
Marmora, N.J. 08223
License # 0511-33-007-008
Plenary Retail Consumption License
Municipal Fee Paid: \$700.00
State Fee Paid: \$200.00

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

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

Deauville Inn, Inc.
201 Willard Road
P.O. Box 406
Strathmere, N.J. 08248
License # 0511-33-003-006
Plenary Retail Consumption License

Municipal Fee Paid: \$700.00
State Fee Paid: \$200.00

Levariland, Inc.
T/A Levari's Seafood and American Grille
1291 State Highway Route 50
Petersburg, N.J. 08270
License # 0511-33-006-005
Plenary Retail Consumption License
Municipal Fee Paid: \$700.00
State Fee Paid: \$200.00

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

Resolution No. 138 -2009

Offered by: Camp

Seconded by: Conrad

Adopted: June 8, 2009

Roll Call Vote:

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

5. Resolution renewing Campground Licenses.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 139 -2009
RE: RESOLUTION RENEWING CAMPGROUND LICENSES**

WHEREAS, Chapter XII of the Code of Upper Township provides for the renewal of licenses to operate a Campground annually after certification by the Cape May County Board of Health; and

WHEREAS, each of the Campgrounds hereinafter designated has had an

On-site inspection conducted by the Cape May County Board of Health and has been Attested that the operation of the campground is in compliance with all applicable New Jersey Statutes and the rules and regulations promulgated pursuant thereto.

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 campground licenses are hereby renewed for a term of (1) one year, commencing August 1, 2009.

**BAYBERRY COVE RESORT CONDO
435 ROUTE 9
MARMORA, NJ 08223
310 Sites**

**FRONTIER CAMPGROUND
241 ROUTE 50
GREENFIELD, NJ 08230
196 Sites**

3. All officials of the Township are hereby authorized to take such action as necessary or required in order to carry out the intent and purpose of this Resolution
4. This Resolution shall become effective immediately upon adoption.

Resolution No. 139-2009

Offered by: Camp

Seconded by: Conrad

Adopted: June 8, 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. **Authorizing the extension of a shared services agreement with the Borough of Woodbine and the Township of Dennis for the sharing of a radar equipped vehicle for an additional term of one year commencing July 1, 2009 to June 30, 2010.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO.140-2009**

**RE: AUTHORIZING THE EXTENSION OF A SHARED SERVICES AGREEMENT
WITH THE BOROUGH OF WOODBINE AND THE TOWNSHIP OF DENNIS FOR
THE SHARING OF A RADAR EQUIPPED VEHICLE FOR AN
ADDITIONAL TERM OF ONE (1) YEAR COMMENCING
JULY 1, 2009 TO JUNE 30, 2010**

WHEREAS, pursuant to Ordinance No. 4-1999, the Township of Upper was authorized to enter into a Shared Services Agreement with the Municipalities of Woodbine and Dennis Township for the sharing of a radar equipped vehicle; and

WHEREAS, the parties desire to extend the term of such Agreement for an additional term of one (1) year; and

WHEREAS, the matter has been duly considered by the Township Committee, which has concluded that such extension is in the public interest and will promote the public health, safety and welfare;

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 reference.
2. The Shared Services Agreement, dated May 10, 1999, entered into by municipalities of Woodbine and Dennis Township for sharing of a radar equipped vehicle is hereby extended for an additional term of one (1) year, commencing July 1, 2009 through and inclusive of June 30, 2010, upon the same terms and conditions.
3. In accordance with paragraph 3 of the Agreement of May 10, 1999, Upper Township and Woodbine agree to compensate Dennis Township, as purchaser of the radar vehicle, an annual payment in the amount of \$1,000.00; and in accordance with paragraph 4 of the Agreement, Dennis Township will provide evidence of insurance in the prescribed amounts naming the Township of Upper as an additional insured.
4. Paragraph 5 of Item 2 of the Agreement of May 10, 1999 is hereby deemed amended so that the Contract term will expire on June 30, 2010.

5. This Resolution extending the term of the aforesaid Contract is conditioned upon similar action being taken by the Governing Body of the Borough of Woodbine and the Township of Dennis.
6. All officers and officials of the Township of Upper are authorized, directed and empowered to take such action as may be reasonable, required or necessary to carry out the intent and purpose of this Resolution.

Resolution No.140-2009

Offered by: Camp

Seconded by: Conrad

Adopted: June 8, 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> </u>	<u> </u>	<u> </u>	<u> x </u>
Palombo	<u> x </u>	<u> </u>	<u> </u>	<u> </u>

7. Authorizing a USA Triathlon Association Sanctioned International Distance Race To be held in Beesley’s Point, New Jersey on Sunday August 16, 2009.

It was discussed that the vendor may hire off-duty Township lifeguards, however they will be paid by the vendor not the Township. Event sponsor must submit current necessary safety certifications for other hired lifeguards to the Clerk’s Officer prior to the event. No Township equipment is to be used for the event. Sponsor must hire police for the event and limit registered participants to 300. Frank Conrad suggested that the Committee consider in the future of charging the “For Profit Making” enterprises for the use of Township properties.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 141-2009
RE: AUTHORIZING A USA TRIATHLON ASSOCIATION SANCTIONED
INTERNATIONAL DISTANCE RACE TO BE HELD IN BEESLEY’S POINT,
NEW JERSEY ON SUNDAY AUGUST 16, 2009**

WHEREAS, George L. Reagan, Alejandra Reagan and George A. Reagan, individually and trading as CityTri Sports, LLC, of 115 Eastern Parkway Suite 6A, Brooklyn, NY 11238, have submitted a proposal to the Upper Township

Committee requesting authority to hold an international distance race in Beesley's Point, New Jersey on August 16, 2009 which will consist of a run course, swim course, and a bike course, with activities commencing at 7:30 a.m., as more particularly specified in their proposal, a copy of which is attached hereto as Exhibit "A";

WHEREAS, the run segments will travel NJSH Route 9 and the bike segment will utilize Township, County and State roads in Upper Township as described on maps attached hereto as Exhibit "B"; and

WHEREAS, the proposed event is sanctioned and insured by the USA Triathlon Association copy of insurance certificate attached as Exhibit "C"; and

WHEREAS, a transition area is proposed at Beesley's Point Beach and Harbor Road to operate as the site of Registration, Start and Finish of the race; and

WHEREAS, a vehicle management plan has been prepared with parking at Tuckahoe Inn, Beesley's Point Sea Doo, BL England property, and various neighborhoods, plan, maps and letters of permission from businesses are attached hereto as Exhibit "D"; and

WHEREAS, the event organizers have represented that approvals have been obtained from the New Jersey State Police, and any all other governmental agencies or entities having any jurisdiction or interest in the race or race course; and

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

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

2. The Township Committee does hereby grant approval, to the extent that it has jurisdiction to do so, to George L. Reagan, Alejandra Reagan and George A. Reagan, individually and trading as CityTri Sports, LLC for the race event to be held on August 16, 2009 as specified in this Resolution and in the accompanying Exhibits subject to and conditioned upon the following:

(A) The event described in this Resolution is carried out by George L. Reagan, Alejandra Reagan and George A. Reagan, individually and trading as CityTri Sports, LLC. These sponsors have no connection, direct or indirect, with the Township of Upper or any of its officials or employees. These sponsors shall not, in any way, directly or indirectly, represent that the race is, in any way, associated with or affiliated with the Township of Upper and shall make clear that the event is carried out with all appropriate governmental and other approvals. Although the Township of Upper has given permission, subject to the terms of this Resolution, to these event sponsors to conduct the proposed race, it must be made clear that the event is not and shall not be considered a Township of Upper sponsored or sanctioned event.

(B) George L. Reagan, Alejandra Reagan and George A. Reagan, individually and trading as CityTri Sports, LLC,

has provided general comprehensive liability insurance in form and substance satisfactory to the Township of Upper's Risk Management Consultant. Said insurance includes a medical expense limit. A Certificate of Insurance has been provided to the Township Clerk, which the Risk Management Consultant of the Township of Upper has approved Certificate of Insurance. Said Certificate of Insurance names the Township of Upper, its officials, officers and employees, as an additional insured.

(C) George L. Reagan, Alejandra Reagan and George A. Reagan, individually and trading as CityTri Sports, LLC, the event sponsors, have obtained written approval from and comply with all conditions imposed by the following entities:

- (i) the Risk Management Consultant of the Township of Upper.
- (ii) the New Jersey State Police.
- (iii) the Upper Township Rescue Squad.
- (iv) Cape May County Board of Chosen Freeholders.

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

(D) George L. Reagan, Alejandra Reagan and George A. Reagan, individually and trading as CityTri Sports, LLC

has provided an Indemnification and Hold Harmless Agreement in favor of the Township of Upper, its officials, officers and employees in the form attached hereto as Exhibit "E".

(E) George L. Reagan, Alejandra Reagan and George A. Reagan, individually and trading as CityTri Sports, LLC, the event sponsors, shall provide fully certified lifeguard personnel for the event. Copies of lifeguard certifications must be submitted to the Clerk's Office no later than one week prior to the event. No **on duty** Township lifeguards are to be used during this event, and no Township equipment shall be used during this event. **Any off duty lifeguards utilized shall be the employees of the event sponsor only and not the Township of Upper.**

(F) The event is limited to 300 participants. Setup the night before the event shall not take place until after 5:00 P.M. so as not to interfere with the regular hours of operation of the Boat Ramp.

(G) The approval granted herein is subject to all conditions and stipulations as may be recommended or imposed by the Township's Risk Management Consultant or Insurance Representatives. The Township may revoke this approval if the Event Sponsors fail to comply with

any said condition or recommendation or any other condition of this Resolution.

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

Resolution No. 141 -2009

Offered by: Corson

Seconded by: Palombo

Adopted: June 8, 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> </u>	<u> </u>	<u> </u>	<u> x </u>
Palombo	<u> x </u>	<u> </u>	<u> </u>	<u> </u>

8. Authorizing a Duathlon for the Humane Society of Ocean City, race to be held in Beesleys Point on Saturday July 25, 2009.

It was discussed that the vendor may hire off-duty Township lifeguards, however they will be paid by the vendor not the Township. Event sponsor must submit current necessary safety certifications for other hired lifeguards to the Clerk’s Officer prior to the event. No Township equipment is to be used for the event. Sponsor must hire police for the event. The sponsor has limited the event to 150 race participants.

Louise Noonan, 2807 Baywood Dr., Ocean City, was present and requested clarification of sponsorship on resolution. It was clarified that the Humane Society is the sponsor and that WaWa may be a contributor.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 142 -2009
RE: AUTHORIZING A DUATHLON FOR THE
HUMANE SOCIETY OF OCEAN CITY, RACE TO BE HELD IN
NEW JERSEY ON SATURDAY JULY 25, 2009**

WHEREAS, the Directors of the Humane Society of Ocean City, of 1 Shelter Road P.O. Box 1254 Ocean City, NJ 08226, have submitted a proposal to the Upper Township Committee requesting authority to hold a Duathlon race in Beesley’s Point, New Jersey on July 25, 2009 which will consist of a 1/3 mile swim

and 3.5 Mile run, with activities commencing at 6:00 a.m., as more particularly specified in their proposal, a copy of which is attached hereto as Exhibit “A”;

WHEREAS, the run segments will travel NJSH Route 9 and will utilize Township and State roads in Upper Township as described on maps attached hereto as Exhibit “B”; and

WHEREAS, the proposed event is sanctioned and insured by the Humane Society of Ocean City a copy of insurance certificate attached as Exhibit “C”; and

WHEREAS, a transition area is proposed at Beesley’s Point Beach and Harbor Road to operate as the site of Registration, Start and Finish of the race; and

WHEREAS, a vehicle management plan has been prepared with parking at Tuckahoe Inn and Beesley’s Point Sea Doo, BL England property, maps and letters of permission from businesses are attached hereto as Exhibit “D”; and

WHEREAS, the event organizers have represented that approvals have been obtained from the New Jersey State Police, and any all other governmental agencies or entities having any jurisdiction or interest in the race or race course; and

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

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

2. The Township Committee does hereby grant approval, to the extent that it has jurisdiction to do so, to the Humane Society of Ocean City, for the race event to be held on July 25, 2009 as specified in this Resolution and in the accompanying Exhibits subject to and conditioned upon the following:

(A) The event described in this Resolution is carried out by The Humane Society of Ocean City. These sponsors have no connection, direct or indirect, with the Township of Upper or any of its officials or employees. These sponsors shall not, in any way, directly or indirectly, represent that the race is, in any way, associated with or affiliated with the Township of Upper and shall make clear that the event is carried out with all appropriate governmental and other approvals. Although the Township of Upper has given permission, subject to the terms of this Resolution, to these event sponsors to conduct the proposed race, it must be made clear that the event is not and shall not be considered a Township of Upper sponsored or sanctioned event.

(B) The Humane Society of Ocean City has provided general comprehensive liability insurance in form and substance satisfactory to the Township of Upper's Risk Management Consultant. Said insurance includes a medical expense limit. A Certificate of Insurance has been provided to the Township Clerk, which the Risk

Management Consultant of the Township of Upper has approved Certificate of Insurance. Said Certificate of Insurance names the Township of Upper, its officials, officers and employees, as an additional insured.

(C) The Humane Society of Ocean City, the event sponsors, have obtained written approval from and comply with all conditions imposed by the following entities:

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

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

(D) The Humane Society of Ocean City has provided an Indemnification and Hold Harmless Agreement in favor of the Township of Upper, its officials, officers and employees in the form attached hereto as Exhibit "E".

(G) Ocean City Humane Society the event sponsors, shall provide fully certified lifeguard personnel for the event. Copies of lifeguard certifications must be submitted to the Clerk's Office no later than one week prior to the event. No **on duty** Township lifeguards are to be used during this event, and no Township equipment shall be used during this

event. **Any off duty lifeguards utilized shall be the employees of the event sponsor only and not the Township of Upper.**

(H) The event is limited to 150 participants. Setup the night before the event shall not take place until after 5:00 P.M. so as not to interfere with the regular hours of operation of the Boat Ramp.

(E) The approval granted herein is subject to all conditions and stipulations as may be recommended or imposed by the Township's Risk Management Consultant or Insurance Representatives. The Township may revoke this approval if the Event Sponsors fail to comply with any said condition or recommendation or any other condition of this Resolution.

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

Resolution No. 142-2009

Offered by: Corson

Seconded by: Conrad

Adopted: May 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> </u>	<u> </u>	<u> </u>	<u> x </u>
Palombo	<u> x </u>	<u> </u>	<u> </u>	<u> </u>

9. Authorizing a refund of Skate Park fees in the amount of \$40.00 to Linda Gulla.

TOWNSHIP OF UPPER

**CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 143-2009
RE: AUTHORIZING A REFUND OF SKATE PARK FEES IN THE AMOUNT OF
\$40.00 TO LINDA GULLA**

WHEREAS, Linda Gullo purchased two (2) Skate Park passes for \$20.00 each for a total of \$40.00 for the year 2009; and

WHEREAS, the Skate Park no longer requires passes; and

WHEREAS, the Upper Township Municipal Clerk has recommended that a refund in the amount of \$40.00 be authorized for Linda Gullo.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that a refund is hereby authorized and the Chief Financial Officer is hereby directed to refund monies as indicated below:

<u>AMOUNT</u>	<u>NAME</u>
\$40.00	Linda Gullo 8 MGM Way Seaville, NJ 08230

Resolution No. 143 -2009

Offered by: Camp

Seconded by: Conrad

Adopted: June 8, 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> </u>	<u> </u>	<u> </u>	<u> x </u>
Palombo	<u> x </u>	<u> </u>	<u> </u>	<u> </u>

8. Appointing the 2009 Season Beach Patrol Personnel.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO.144-2009
RE: APPOINTING THE 2009 SEASON BEACH PATROL PERSONNEL**

WHEREAS, the individuals hereinafter named have been determined to possess the requisite skills, training and are otherwise eligible for appointment to the position of lifeguard; 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 following individuals are appointed as lifeguards in the Township of Upper at a salary as stated below in accordance with the Salary Ordinance:

RETURNING GUARDS

Joseph O'Neil \$11.50

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

Resolution No. 144-2009

Offered by: Corson

Seconded by: Camp

Adopted: June 8, 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> </u>	<u> </u>	<u> </u>	<u> x </u>
Palombo	<u> x </u>	<u> </u>	<u> </u>	<u> </u>

ORDINANCES

11. Introduction and First Reading of Ordinance No. 016-2009 RE: BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A STREET SWEEPER BY THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, NEW JERSEY APPROPRIATING \$250,000.00 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$237,500.00 BONDS OR NOTES OF THE TOWNSHIP OF UPPER TO FINANCE PART OF THE COST THEREOF.

Motion was made by Curtis Corson, second by Frank Conrad introduce Ordinance 016-2009 with Public Hearing and Final Adoption set for 7/13/2009. During roll call vote all four Committee members voted in the affirmative.

TOWNSHIP OF UPPER

CAPE MAY COUNTY

O R D I N A N C E

ORDINANCE NO. 016-2009

RE: BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A STREET SWEEPER BY THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, NEW JERSEY APPROPRIATING \$250,000.00 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$237,500.00 BONDS OR NOTES OF THE TOWNSHIP OF UPPER TO FINANCE PART OF THE COST THEREOF

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 improvement described in Section 3 of this Bond Ordinance is hereby authorized to be undertaken by the Township of Upper, New Jersey as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$250,000.00 including the sum of \$12,500.00 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

SECTION 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby

authorized to be issued in the principal amount of \$237,500.00 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3.

(a) The improvement hereby authorized and the purpose of the financing of which the bonds are to be issued is for the acquisition of a new street sweeper including all related costs and expenditures incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefore.

SECTION 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such

rate or rates and be in such form as may be determined by the chief financial officer.

The chief financial officer shall determine all matters in connection with notes issued pursuant to this Bond Ordinance and the chief financial officer's signature upon the notes shall be conclusive as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

SECTION 5. The capital budget of the Township of Upper is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any

inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available therefor public inspection.

SECTION 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this Bond Ordinance is not a current expense. It is an improvement or purpose that the Township of Upper may lawfully undertake as a general improvement and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this Bond Ordinance is five years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this Bond Ordinance by \$237,500.00 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$20,000.00 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

SECTION 7. Any grant monies received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this Bond Ordinance.

The amount of obligation authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

SECTION 8. The chief financial officer of the Township of Upper is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable

for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 9. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this Bond Ordinance. The obligation shall be direct, unlimited obligations of the Township.

SECTION 10. REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 11: 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 12: EFFECTIVE DATE: This Bond Ordinance shall take effect

20 days after the first publication thereof after final adoption as provided by the Local Bond 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 8th DAY OF JUNE, 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 13TH DAY OF JULY, 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

12. Introduction and First Reading of Ordinance No. 017-2009 RE: AN ORDINANCE FOR DETERMINING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM AND AMENDING REVISED GENERAL ORDINANCE CHAPTER 5 OF THE CODE OF UPPER TOWNSHIP. Motion was made by Curtis Corson, second by Barbara Camp to introduce Ordinance 017-2009 with Public Hearing and Final Adoption set for 7/13/2009. During roll call vote all four Committee members voted in the affirmative.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
O R D I N A N C E
ORDINANCE NO. 017-2009

RE: AN ORDINANCE FOR DETERMINING POSITIONS ELIGIBLE FOR THE
DEFINED CONTRIBUTION RETIREMENT PROGRAM AND AMENDING REVISED
GENERAL ORDINANCE CHAPTER 5 OF THE CODE OF UPPER TOWNSHIP

WHEREAS, the State legislature recently adopted Chapter 92 of the
Laws of 2007 (N.J.S. 43:15C-1 et seq.) to create the Defined Contribution Retirement
Program to provide retirement benefits to various county and municipal officials; and

WHEREAS, N.J.S. 43:15C-2 requires the governing body of each
county, municipality and other local entity to adopt, as appropriate, either a resolution
or ordinance to determine the positions that are substantially similar in nature to the
advice and consent of the Senate for appointments by the Governor of the State,
pursuant to guidelines or policy that shall be established by the Local Finance Board in
the Department of Community Affairs, and for which officials appointed to such
positions shall be eligible for and shall participate in the Defined Contribution
Retirement Program, subject to the provisions of law; and

WHEREAS, the Township Committee of the Township of Upper has considered the guidelines issued by the Local Finance Board;

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

SECTION 1: Chapter 5 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented to include the following sections:

5-13 Positions Eligible for the Defined Contribution Retirement Program.

5-13.1 Pursuant to N.J.S. 43:15C-2, the following positions are

deemed to be eligible for and shall participate in the

Defined Contribution Retirement Program:

- a. Solicitor.
- b. Municipal Prosecutor.
- c. Municipal Court Judge.

d. Elected Officials elected to new positions on or after

July 1, 2007.

5-13.2 Individuals serving in the following positions are exempt

from Defined Contribution Retirement Program membership

pursuant to N.J.S. 43:15C-2:

a. Tax Collector.

b. Chief Financial Officer.

c. Construction Code Official.

d. Qualified Purchasing Agent.

e. Tax Assessor.

f. Registered Municipal Clerk.

g. Licensed Uniform Subcode Inspector.

h. Principal Public Works Manager.

5-13.3 If an individual is appointed to one of the positions listed in

Section 5-13.1 and the individual is not serving in a

position as described in Section 5-13.2 above, the Pension Certifying Officer of the municipality may determine that the individual is not required to join the Defined Contribution Retirement Program if that individual (1) was an active participant in the Public Employee Retirement System on July 1, 2007 and continuously since that time; or (2) has been appointed pursuant to a valid promotional process; or (3) is appointed on a temporary, interim, or "acting" basis to a position requiring State Certification as set forth in Section 5-13.2 herein, and is in pursuit of the required certification; or (4) meets such other exceptions that may be approved by the Local Finance Board or the Division of Pensions and Benefits.

5-13.4 This ordinance shall be implemented, construed and subject to the aforesaid Chapter 92 of the Laws of 2007

(N.J.S. 43:15C-1 et seq.) as amended from time to time,
and any regulations or guidance documents from the Local
Finance Board or the Division of Pensions and Benefits.

SECTION 2: Should any part or parts of this ordinance be held to be
invalid by any competent court of law, such invalidity shall only affect the part or parts
held to be invalid, and all other parts shall remain in effect.

SECTION 3: A copy of this ordinance shall be filed with the Director of
the Division of Pensions and Benefits of the New Jersey Department of the Treasury.

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

SECTION 5: CODIFICATION: This Ordinance shall be codified in
Chapter 5 of the Upper Township Code commencing at 5-13.

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 8TH OF JUNE, 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 13TH DAY OF JULY, 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

13. Upper Township School District---request to have a “No Parking” sign on Laurel Ridge Road relocated further beyond the walkway of a home to facilitate transportation of students. Curtis Corson made a motion to draft an ordinance, seconded by Barbara Camp. During roll call vote all four Committee members voted in affirmative.

NEW BUSINESS

14. Greater Tuckahoe Area Merchant’s Association request to use the Tuckahoe beach area for the 28th Annual Tuckahoe River Canoe and Kayak Race, August 2, 2009, 8:00 AM. to 2PM. Barbara Camp made a motion granting permission, seconded by Curtis Corson, with all four Committee members voting in the affirmative.

15. Greater Tuckahoe Area Merchant’s Association–request for an off-premise raffle for August 2, 2009, RA-357. Curtis Corson made motion to approve, second by Barbara Camp; all four committee members voted in the affirmative.

16. Request from Upper Township Lacrosse Association to hold fund raising community event at Amanda’s field, prior to the Fourth of July fireworks display. Richard Palombo made motion to approve the event, Barbara Camp seconded. During roll call vote Frank Conrad abstained, the remaining three Committee members voted in the affirmative.

17. Request from Girl Scouts of New Jerseys North Cape May Service Unit to set up Information table and Activity Booth at Amanda’s Field on July 4, prior to Fireworks display. Curtis Corson made motion to approve request, Frank Conrad second, with all four Committee members voting in the affirmative.

UNFINISHED BUSINESS:

DISCUSSION

PAYMENT OF BILLS:

“I hereby move that all claims submitted for payment at this meeting be approved and then incorporated in full in the minutes of this meeting.” motion by Curtis Corson, second by Barbara Camp with all four Committee members present voting in the affirmative.

Bills approved for payment: \$95,728.56
Payroll: \$169,905.95

REPORT OF MUNICIPAL DEPARTMENTS:

- 18. Construction Code**
- 19. Clerk’s Office**
- 20. Animal Control**
- 21. Tax Assessor**
- 22. MUA Report**
- 23. EMS Department**
- 24. Finance Report**

Reports are available from the Clerk’s Office.

PUBLIC COMMENT

Mrs. Chippianni, of 507 Rt. 49, Tuckahoe; was present and requested information on the Rt. 49 bridge project completion date. The NJ DOT has signs along Rt. 55 stating Rt. 49 is closed. She owns a produce stand on Rt. 49 that is adversely affected by the decreased traffic. She requested that the Township please try to solve this issue.

CLOSED SESSION

Resolution to conduct a closed meeting pursuant to N.J.S.A. 10:4-12, from which the public shall be excluded. Motion was made by Richard Palombo, second by Barbara Camp to close the regular portion of the meeting and go into an executive session to discuss items previously identified as follows: Municipal Attorney Daniel Young had three items for closed session this evening; the first is an item under Contract Negotiations, the second are two Litigation matters concerning Sansone and Yank; and the third under Litigation, is a report on the outstanding tax appeals.

RECONVENE PUBLIC PORTION OF MEETING

ADJOURNMENT

There was no further business for this evening and the meeting was adjourned at 8:45 P.M., motion by Frank Conrad, second by Barbara Camp Conrad with all four Committee members present voting in the affirmative. Next meeting scheduled for June 22, 2009 at 7:30 P.M.

Minutes prepared by

Wanda Gaglione, RMC
Municipal Clerk

Bill List

49017 06/08/09 A0004 A+ COMMERCIAL OFFICE CLEANERS 2,085.00 2533
49018 06/08/09 A0006 ADVANCE TREADS INC 1,230.00 2533
49019 06/08/09 A0023 ADAMS, JOHN 111.97 2533
49020 06/08/09 A0070 ALBERTSONS/ACME 100.14 2533
49021 06/08/09 A0086 AT&T MOBILITY 273.66 2533
49022 06/08/09 A0091 ATLANTIC CITY ELECTRIC 3,494.00 2533
49023 06/08/09 A0121 ABSECON RADIATOR SERVICE 185.00 2533
49024 06/08/09 A0128 AMANJ EDUCATION FUND 250.00 2533
49025 06/08/09 C0003 CCC HEAVY DUTY TRUCK PARTS CO. 479.87 2533
49026 06/08/09 C0030 CAMP, BARBARA 76.00 2533
49027 06/08/09 C0031 CAPE ASSIST 900.00 2533
49028 06/08/09 C0046 CAPE MAY COUNTY CLERK 8.00 2533
49029 06/08/09 C0061 CAPRIONI SEWERAGE SERVICE 350.00 2533
49030 06/08/09 C0068 COMCAST 169.32 2533
49031 06/08/09 C0091 CHISHOLM, JOHN R. 91.48 2533
49032 06/08/09 C0116 CINTAS CORPORATION #100 182.60 2533
49033 06/08/09 C0143 CODY'S POWER EQUIPMENT 29.95 2533
49034 06/08/09 C0146 COLLINS IRON WORKS, INC. 54.00 2533
49035 06/08/09 C0156 COMPUTER HOUSE OF SOUTH JERSEY 9,835.00 2533
49036 06/08/09 C0169 COOPER ELECTRIC SUPPLY CO. 22.54 2533
49037 06/08/09 C0201 CRUZAN'S TRUCK SERVICE INC. 485.60 2533
49038 06/08/09 C0223 CASA PAYROLL SERVICE 226.25 2533
49039 06/08/09 D0080 DOWNAM, HARRY J. JR. 158.00 2533
49040 06/08/09 E0012 EHRlich PEST CONTROL INC 286.00 2533
49041 06/08/09 F0054 FORT DEARBORN LIFE INSURANCE 559.08 2533
49042 06/08/09 G0006 GARBUTT, PATRICIA A. 20.00 2533
49043 06/08/09 G0008 GALLO GMC TRUCK SALES INC. 75.42 2533
49044 06/08/09 G0014 GARDEN STATE HWY PRODUCTS INC. 596.25 2533
49045 06/08/09 G0016 GARDNER HARDWARE INC. 120.45 2533
49046 06/08/09 H0012 HALL, ARTHUR 34.65 2533
49047 06/08/09 H0131 HPI PROCESSES, INC 179.50 2533
49048 06/08/09 J0063 JOHNSON WILSHIRE, INC 139.20 2533
49049 06/08/09 K0034 KOHLER, CLAUDE JR. 75.93 2533
49050 06/08/09 K0048 KLEPAC, THADDEUS 54.45 2533
49051 06/08/09 M0103 MODERN GAS COMPANY, INC. 1,367.78 2533
49052 06/08/09 M0174 MCAFEE MEGAN 63.20 2533
49053 06/08/09 M0188 MCCARTHY TIRE SERVICE OF PHILA 32.87 2533
49054 06/08/09 M0193 MAYNE, MICHAEL 169.97 2533
49055 06/08/09 M0209 MAYBERRY, JOHN D 104.93 2533
49056 06/08/09 N0004 NJ-AMERICAN WATER CO. 69.25 2533
49057 06/08/09 N0052 NATL YOUTH SPORTS COACHED ASSN 20.00 2533
49058 06/08/09 N0072 NFPA INTERNATIONAL 151.95 2533
49059 06/08/09 N0107 N.J.DIV ALCHOLOIC BEV CONTROL 24.00 2533
49060 06/08/09 N0120 NORTHERN SAFETY CO.INC. 390.51 2533
49061 06/08/09 O0004 O.C. SENTINEL LEDGER INC. 40.00 2533
49062 06/08/09 P0001 PC WEATHER PRODUCTS INC. 930.00 2533
49063 06/08/09 P0032 PEDRONI FUEL CO. 1,905.18 2533
49064 06/08/09 P0056 TURF EQUIPMENT AND SUPPLY CO 954.63 2533
49065 06/08/09 P0060 PATENT-CONSTRUCTION SYSTEMS 17.86 2533
49066 06/08/09 P0073 POGUE INC. 118.00 2533
49067 06/08/09 P0096 PREVITI, MICHELE M. 53.48 2533
49068 06/08/09 R0030 RIGGINS, INC. 2,942.28 2533
49069 06/08/09 R0061 RUTGERS, THE STATE UNIVERSITY 316.00 2533
49070 06/08/09 R0071 REMINGTON VERNICK & WALBERG 395.50 2533
49071 06/08/09 R0073 RICOH AMERICAS CORPORATION 512.10 2533
49072 06/08/09 S0001 SAM'S CLUB 150.06 2533
49073 06/08/09 S0016 SAMPSON, MICHELLE 77.26 2533
49074 06/08/09 S0020 AM SAN 29.10 2533

49075 06/08/09 S0056 SEASHORE ASPHALT CORPORATION 191.84 2533
 49076 06/08/09 S0075 SHARP,RHONDA L. 32.80 2533
 49077 06/08/09 S0113 SMITH,THOMAS G. 2,636.57 2533
 49078 06/08/09 S0121 SMUZ, THERESE A 124.20 2533
 49079 06/08/09 S0126 SPIEGEL, BARBARA 12.00 2533
 49080 06/08/09 S0139 SO. JERSEY WATER COND. INC. 68.75 2533
 49081 06/08/09 S0153 STERICYCLE, INC. 254.20 2533
 49082 06/08/09 S0216 DEPT.31 OOOO261489 83.98 2533
 49083 06/08/09 S0240 S.J. WELL DRILLING CO., INC. 1,325.00 2533
 49084 06/08/09 S240 SJTP 180.00 2533
 49085 06/08/09 T0018 TEKK COMM COMMUNICATIONS 150.00 2533
 49086 06/08/09 T0022 TERMINIX 47.00 2533
 49087 06/08/09 T0032 THE PRESS & SUNDAY PRESS 231.36 2533
 49088 06/08/09 T0048 TILL PAINT CO/D. FITZGERALD 415.00 2533
 49089 06/08/09 T0067 TOWNSHIP OF UPPER PETTY CASH 0.51 2533
 49090 06/08/09 T0109 TUCKAHOE NURSERIES,INC. 123.00 2533
 49091 06/08/09 T0115 TURF & FARM SUPPLIES, INC. 25,579.18 2533
 49092 06/08/09 T0131 TROUT, ROSEMARY 65.71 2533
 49093 06/08/09 T0149 TRANS-LUX MIDWEST CORPORATION 521.80 2533
 49094 06/08/09 U0011 UPPER TOWNSHIP BASEBALL 1,891.56 2533
 49095 06/08/09 U0034 UPPER TWP.GIRLS SOFTBALL ASSOC 771.57 2533
 49096 06/08/09 V0005 VAN EMBDEN, NATHAN, ATTORNEY 2,613.84 2533
 49097 06/08/09 V0013 VERIZON WIRELESS 357.53 2533
 49098 06/08/09 V0022 VERIZON 27.69 2533
 49099 06/08/09 V0024 VAL-U AUTO PARTS L.L.C. 528.71 2533
 49100 06/08/09 W0030 WEST PUBLISHING CO. 323.75 2533
 49101 06/08/09 W0038 WILLIAMS, JEREMIAH J. 20.00 2533
 49102 06/08/09 W0069 WAHOO INTERNATIONAL, INC. 139.00 2533
 49103 06/08/09 Y0008 YOUNG, DANIEL J. ESQUIRE PC 23,236.79 2533

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 Total Paid: \$95,728.56