

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR NOVEMBER 9, 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	Absent

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

**APPROVAL OF MINUTES -      **October 26, 2009 Regular Meeting and  
Closed Session Minutes****

The Minutes were approved as written with motion by Jay Newman, and second by Barbara Camp. During roll call vote all four Committee members present voted in the affirmative.

**REPORT OF GOVERNING BODY MEMBERS**

**Frank Conrad, Committeeman:** Congratulated Richard Palombo and Kristine Gabor on the recent election. Mr. Conrad also reported that the Animal Control information/report is still being worked out so that more call detail will be provided on future reports.

**Barbara Camp, Committeewoman:** Reported that the Township Committee received a letter from Laurie Ryan on behalf of the School Board, thanking the Township for their assistance in the removal of the dead trees on school property. The letter also mentioned the fencing along Rt. 631. It was determined that the fencing belongs to the Township and that it will be put on the schedule to be repaired. Mrs. Camp also announced that loose-leaf collections would begin the week of November 16, 2009 with crews starting on either end of the Township.

**Curtis Corson, Deputy Mayor:** Reported a breach of the settlement agreement has occurred with regards to the clean up of property located at 1786 Mount Pleasant Road. He continued that it is necessary for him to make a motion to authorize the Special Council to file a complaint that would allow enforcement of Township Ordinance. The motion was seconded by Jay Newman with all four Committee members present voting in the affirmative.

### **OTHER REPORTS**

**Wanda Gaglione, Municipal Clerk:** reported that the Township auction of surplus items has begun and can be viewed at the online auction site at [www.Govdeals.com](http://www.Govdeals.com).

**Daniel Young, Municipal Attorney:** Reported on the continuing issue with regards to the Richnan development of Killdeer Hill Road major subdivision and completion of the roadway. Notification was sent to the bonding company regarding completion of the roadway topcoat required by the Township and no response has been received. Mr. Young requested direction to put a Default Resolution on next agenda regarding the Bond. Mr. Newman made motion to direct Mr. Young to draft a Default Bond Resolution for the next meeting. Mrs. Camp seconded the motion; during roll call vote three Committee members voted in the affirmative, and Mr. Corson abstained. Mr. Young also reported that the Shared Services Agreement with Dennis Township has been signed by both municipalities. He has one item for discussion in closed session - Potential Contract License Agreement with Jankowski and Frank's Boats.

**Paul Dietrich, Municipal Engineer:** reported that the Municipal Building parking lot is in need of repair. He requested quotes from three vendors to do this work. The lowest quote, Bud Concrete, came in with a cost of \$5.50 sq. foot to cover approximately 1600 sq. foot. Jay Newman made a motion to accept the quote from Bud Concrete for the parking lot repair, seconded by Barbara Camp. During roll call vote three Committee members voted in the affirmative, and Frank Conrad abstained. Mr. Dietrich reported that while Gibson Associates were the acting Construction Site official for the Peach Orchard Road Paving Project, a problem was identified and needed to be corrected. The cost of this additional work for Gibson cost \$2,225. Curtis Corson made motion to approve the additional cost for Gibson, Jay Newman seconded. During roll call vote three Committee members voted in the affirmative, and Frank Conrad abstained.

### **RESOLUTIONS**

- 1. New Appointments to the Recreation Committee.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY**

**RESOLUTION**  
**RESOLUTION NO.222-2009**  
**RE: NEW APPOINTMENTS**  
**TO THE RECREATION COMMITTEE.**

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**WHEREAS**, a need exists to fill new seats on the Recreation Committee created by the establishment of the Dog Park;

**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. Orvis Leopardi is hereby appointed as the Regular Member to the Recreation Committee in charge of the Dog Park, effective immediately and to serve the remaining year commencing on November 9, 2009 and expiring on December 31, 2009, and, that such member shall continue to serve until his successor is duly appointed and qualified.
3. Mark Bisignaro is hereby appointed as the Alternate Member to the Recreation Committee in charge of the Dog Park, effective immediately and to serve the remaining year commencing on November 9, 2009 and expiring on December 31, 2009, and, that such member shall continue to serve until his successor is duly appointed and qualified.

Resolution No. 222-2009

Offered by: Conrad

Seconded by: Newman

Adopted: November 9, 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>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Newman	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>

Palombo \_\_\_\_\_ \_x\_

**2. Appointment of James M. Jones as Supervising Carpenter 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.223-2009  
RE: APPOINTMENT OF JAMES M. JONES AS  
SUPERVISING CARPENTER TO THE UPPER TOWNSHIP  
PUBLIC WORKS DEPARTMENT**

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**WHEREAS,** a need exists to appoint qualified personnel 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 October 26, 2009; and

**WHEREAS,** this Resolution is intended to ratify the action heretofore taken.

**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 M. Jones is hereby promoted from Senior Carpenter to Supervising Carpenter to the Upper Township Public Works Department effective November 20,

2009 at an annual salary of \$51,112.00 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 October 26, 2009.

Resolution No.223-2009

Offered by: Camp                      Seconded by: Conrad

Adopted: November 9, 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>          </u>	<u>          </u>	<u>          </u>	<u>  x  </u>

**3. Appointment of Joseph Paynter as Mechanic 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.224-2009**

**RE: APPOINTMENT OF JOSEPH PAYNTER AS  
MECHANIC TO THE UPPER TOWNSHIP PUBLIC WORKS DEPARTMENT**

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**WHEREAS,** a need exists to appoint qualified personnel 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 October 26, 2009; and

**WHEREAS,** this Resolution is intended to ratify the action heretofore taken.

**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. Joseph Paynter is hereby promoted from Mechanics helper to Mechanic to the Upper Township Public Works Department effective November 20, 2009 at an annual salary of \$47,254.00 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 October 26, 2009.

Resolution No.224-2009

Offered by: Camp

Seconded by: Conrad

Adopted: November 9, 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>          </u>	<u>          </u>	<u>          </u>	<u>  x  </u>

**4. Amending Resolution No. 148-2009 with the Appointment of William McDaniels, Jr. as Carpenter's Helper to the Upper Township Department of Public Works.**

**TOWNSHIP OF UPPER**

**CAPE MAY COUNTY**

**R E S O L U T I O N**

**RESOLUTION NO.225-2009**

**RE: AMENDING RESOLUTION NO. 148-2009 WITH  
THE APPOINTMENT OF WILLIAM MCDANIELS, JR. AS CARPENTERS HELPER  
TO THE UPPER TOWNSHIP DEPARTMENT OF PUBLIC WORKS**

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**WHEREAS**, employee William McDaniels, Jr., pursuant to Resolution No. 148-2009, was appointed to the title of Carpenter with a provisional status; and

**WHEREAS**, the NJ Civil Service Commission advised the Township that said employee does not currently qualify for the appointment to the title Carpenter but does qualify for appointment to the title Carpenters Helper; and

**WHEREAS**, the Township Committee desires to amend and correct the appointment of said employee to the title Carpenters Helper; 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. William McDaniels, Jr., is hereby appointed to the Carpenters Helper title effective immediately at an annual salary of \$46,339.00 in accordance with the Salary Ordinance and the prior appointment to Carpenter is rescinded.

Resolution No. 225-2009

Offered by: Camp

Seconded by: Conrad

Adopted: November 9, 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                          x                                                                                                                                
Palombo                                                                                                                                                                x                    

**5. Authorizing the Mayor and Township Clerk to sign a contract for Employee Benefits Consultant Services.**

TOWNSHIP OF UPPER

CAPE MAY COUNTY

R E S O L U T I O N

RESOLUTION NO. 226-2009

RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A CONTRACT FOR  
EMPLOYEE BENEFITS CONSULTANT SERVICES

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WHEREAS, the Township has decided to acquire the services of the firm of  
  
NIA Group Associates, LLC as a non-fair and open contract pursuant to the provisions of  
  
N.J.S.A. 19:44A-2.05; and

WHEREAS, NIA Group Associates, LLC has submitted a proposal to the  
  
Township to provide employee benefits consultant services; and

WHEREAS, the Township wishes to accept said proposal and to authorize  
  
the execution of a contract with NIA Group Associates, LLC; and

WHEREAS, the proposed contract has been reviewed and approved by the  
  
Municipal Attorney and will be on record in the office of the Township Clerk and available  
  
for public inspection; and



WHEREAS, NIA Group Associates, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that NIA Group Associates, LLC has not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit NIA Group Associates, LLC from making any reportable contributions through the term of the contract; 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 Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with NIA Group Associates, LLC to provide employee benefits consultant services.

3. NIA Group Associates, LLC 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.

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. 226-2009

Offered by: Newman

Seconded by: Corson

Adopted: November 9, 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>      </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>      </u>	<u>      </u>	<u>      </u>	<u>  x  </u>

**6. Resolution concerning deferred School Tax Levy – Township of Upper School District.**

TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N  
RESOLUTION NO. 227-2009  
RE: RESOLUTION CONCERNING DEFERRED  
SCHOOL TAX LEVY – TOWNSHIP OF UPPER SCHOOL DISTRICT

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**WHEREAS**, by the Statute, when a municipality raises school taxes on a school year basis, an amount of not more than 50 per cent of the levy may be deferred to the following year; and

**WHEREAS**, 50 per cent of the school tax levy of the Township of Upper School District is \$10,980,955.00; and

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Township of Upper, desires to defer school taxes to the Year 2010, in the amount of \$7,300,000.00.

Resolution No. 227-2009

Offered by: Corson

Seconded by: Camp

Adopted: November 9, 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></u>	<u></u>	<u></u>	<u>x</u>

**7. Appointing an Official to bid at the Tax Sale scheduled for December 1, 2009.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 228-2009  
RE: APPOINTING AN OFFICIAL TO BID AT THE  
TAX SALE SCHEDULED FOR DECEMBER 1, 2009**

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**WHEREAS,** a Tax Sale is scheduled to be conducted by the Tax Collector of the Township of Upper on December 1, 2009 at 10:00 A.M.; and

**WHEREAS,** the Township Committee has duly considered the matter and has determined to take the action hereinafter designated.

**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 Chief Financial Officer, Barbara A. Spiegel, and or the Municipal Clerk, Wanda Gaglione are hereby designated and appointed as the officials who may bid at said Tax Sale on behalf of the Township of Upper on the scheduled date, as well as on any other date to which the Tax Sale may be adjourned.

3. The Chief Financial Officer, Barbara A. Spiegel and or the Municipal Clerk, Wanda Gaglione are hereby authorized to expend on behalf of the Township, up to \$30,000.00 in order to purchase Tax Liens.

Resolution No. 228-2009

Offered by: Newman

Seconded by: Camp

Adopted: November 9, 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>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Newman	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Palombo	<u>      </u>	<u>      </u>	<u>      </u>	<u>  x  </u>

# **8. Cancel Taxes on Foreclosed Property--Group #150 & 151.**

## **TOWNSHIP OF UPPER**

## **CAPE MAY COUNTY**

## **R E S O L U T I O N**

## **Resolution No. 229-2009**

## **RE: Cancel Taxes on Foreclosed Property-Group #150 & 151**

**WHEREAS**, certain corrections have been recommended by the Upper Township

Tax Collector in order to correct tax records;

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Upper, Cape May County, that corrections to the Tax records are hereby

authorized and the Tax Collector is hereby directed to correct said records or take such action as indicated on the attached sheet.

Resolution No. 229-2009

Offered by: Conrad                      Seconded by: Camp

Adopted: November 9, 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>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Newman	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Palombo	<u>      </u>	<u>      </u>	<u>      </u>	<u>  x  </u>

### **CANCEL LIEN AND TAXES**

#### **FORECLOSED PROPERTY GROUP #150 FINAL 7/28/2009**

<u>BLOCK</u>	<u>LOT</u>	<u>TSC#</u>	<u>LIEN</u>	<u>CURRENT YR</u>	<u>FEES</u>
765	3	002081	\$70.60	\$1.23	\$15.00
777	1	199654	\$997.64	\$1.23	\$15.00
785	2	94203	\$311.38	\$2.45	\$15.00
793	4	94206	\$310.28	\$3.69	\$15.00
801	12	94208	\$156.76	\$2.45	\$15.00
809	11	199656	\$56.67	\$1.23	\$15.00
			<u>\$1,903.33</u>	<u>\$12.28</u>	<u>\$90.00</u>

#### **FORECLOSED PROPERTY GROUP #151 FINAL 9/16/2009**

<u>BLOCK</u>	<u>LOT</u>	<u>TSC#</u>	<u>LIEN</u>	<u>CURRENT YR</u>	<u>FEES</u>
753	3	197819	\$165.20	\$1.23	\$15.00
809	4	199655	\$ 830.09	\$ 0.00	\$29.00
			<u>\$ 995.29</u>	<u>\$1.23</u>	<u>\$44.00</u>

Block 830 Lot 12 acquired in 2006, Ord# 026-2006, taxes in the amount of .57 went on the books in 2008 in error.

**Block 361 Lot 19 per title search, Township owns this property. Resolution 141-2008 cancelled lien & taxes for 2008. Taxes in the amount of \$11.65 went on the books in 2009 in error.**

9. A resolution in support of New Jersey American Water's application to the New Jersey Department of Environmental Protection ("DEP") to increase its monthly and annual water allocation for their Strathmere System, PWS ID: NJ0511001.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N  
RESOLUTION NO. 230-2009**

RE: A resolution in support of New Jersey American Water's application to the New Jersey Department of Environmental Protection ("DEP") to increase its monthly and annual water allocation for their Strathmere System, PWS ID: NJ0511001:

**WHEREAS**, The Township has been advised that water usage in New Jersey American Water's Strathmere System may soon reach the maximum permitted monthly and annual allocation as determined by the DEP; and

**WHEREAS**, New Jersey American Water will submit an application to the DEP for an increase in its monthly and annual water allocation for its Strathmere System; and

**WHEREAS**, An expedited review and approval of this application by the DEP would guarantee New Jersey American Water's ability to serve the residents of Strathmere; and

**WHEREAS**, Sufficient allocation for the Strathmere system benefits all residents of Strathmere; then

**THEREFORE BE IT RESOLVED** that the Upper Township Committee supports New Jersey American Water's application for an increase the monthly and annual allocation for their Strathmere System, PWS ID: NJ0511001 and the DEP's expedited review and approval of such application.

A copy of this Resolution shall be forwarded to New Jersey American Water and The New Jersey Department of Environmental Protection.

Resolution No. 230-2009

Offered by: Camp

Seconded by: Newman

Adopted: November 9, 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>

**10. Authorizing the Deputy Mayor to execute a New Jersey Department of Environmental Protection Land Use Regulation Program Application for the**

**purpose of Beach and Dune Maintenance Activities on the Beaches in Strathmere, Upper Township, Cape May County, New Jersey.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N  
RESOLUTION NO. 232-2009**

**RE: AUTHORIZING THE DEPUTY MAYOR TO EXECUTE A NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION LAND USE REGULATION  
PROGRAM APPLICATION FOR THE PURPOSE OF BEACH AND DUNE  
MAINTENANCE ACTIVITIES ON THE BEACHES IN STRATHMERE, UPPER  
TOWNSHIP, CAPE MAY COUNTY, NEW JERSEY**

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WHEREAS, the Township Committee of the Township of Upper desires to engage in maintenance activities along the Strathmere beach which include replacement of sand fence and dune grass, the clearing of the beach, the construction and maintenance of dune crossovers and the movement of sand from the lower beach profile; and

WHEREAS, in order to engage in said maintenance activities, the Township of Upper must submit an application (Exhibit A) to the New Jersey Department of Environmental Protection, Land Use Regulation Program; and

WHEREAS, the Township of Upper desires to authorize the Deputy Mayor and other municipal officials to execute the aforesaid attached application, Exhibit A; and

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

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

2. The Township Committee of the Township of Upper hereby authorizes the Deputy Mayor to execute the New Jersey Department of Environmental Protection Land Use Regulation Program Application for the purpose of beach and dune maintenance activities on the beaches in Strathmere, Upper Township, New Jersey.

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. Specifically, the Township Engineer is authorized to act as agent/representative of the Township in all matters pertaining to said application.

Resolution No. 232-2009

Offered by: Camp

Seconded by: Conrad

Adopted: November 9, 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>
Corson	<u>x</u>	<u>          </u>	<u>          </u>	<u>          </u>
Conrad	<u>x</u>	<u>          </u>	<u>          </u>	<u>          </u>
Newman	<u>x</u>	<u>          </u>	<u>          </u>	<u>          </u>
Palombo	<u>      </u>	<u>          </u>	<u>          </u>	<u>      x      </u>

11. Budget Transfer.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**



**RESOLUTION NO. 231-2009**  
**RE: BUDGET TRANSFERS**

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**WHEREAS**, budgetary transfers between line items can be made after November 1<sup>st</sup>; and

**WHEREAS**, it is necessary to make transfers between certain line items of the Municipal Budget 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 following transfers between line items in the Municipal Budget of the Township of Upper shall be made immediately:

<u>TO</u>	<u>FROM</u>
LEGAL SERVICES & COSTS O/E \$20,000.00	SPECIAL LITIGATION O/E \$10,000.00
PUBLIC BUILDING & GRDS O/E \$15,000.00	REGIONAL DISPATCH MISC. \$12,500.00
DOG REGULATION O/E \$7,500.00	BEACH PROTECTION S/W \$10,000.00
COMMUNITY CENTER O/E \$7,500.00	BEACH PROTECTION O/E \$7,500.00
FIRST AID ORGANIZATION S/W \$20,000.00	GROUP INS./INS. PREM. EMP. \$30,000.00

Resolution No. 231-2009

Offered By: Corson

Seconded By: Camp

Adopted: November 9, 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>      </u>	<u>      </u>	<u>      </u>	<u>  x  </u>

- 12. Authorizing the Township of Upper to enter into a contract with AtlantiCare Occupational Medicine to provide occupational medicine services to members of Upper Township Departments of Public Works and Recreation.**

TOWNSHIP OF UPPER

CAPE MAY COUNTY

R E S O L U T I O N

RESOLUTION NO. 233-2009

RE: AUTHORIZING THE TOWNSHIP OF UPPER TO ENTER INTO A CONTRACT  
WITH ATLANTICARE OCCUPATIONAL MEDICINE TO PROVIDE OCCUPATIONAL  
MEDICINE SERVICES TO MEMBERS OF UPPER TOWNSHIP DEPARTMENTS  
OF PUBLIC WORKS AND RECREATION

---

WHEREAS, it is required that the Township establish a medical  
surveillance program in accordance with federal regulations (OSHA) and  
occupational health guidelines (NIOSH, NFPA) for the Township's Department of  
Public Works and Department of Recreation; and

WHEREAS, AtlantiCare Occupational Medicine (ACOM) has offered  
to provide such occupational medical services as required in the Medical  
Surveillance Program; and

WHEREAS, the Township intends to enter into a contract with ACOM to provide such services for and on behalf of the employees of the Upper Township Departments of Public Works and Recreation; and

WHEREAS, the Township Solicitor has reviewed and approved a form of Contract between the Township of Upper and ACOM, a copy of which is of record in the office of the Township Clerk; and

WHEREAS, ACOM has completed and submitted a Business Entity Disclosure Certification which certifies that ACOM has not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit ACOM from making any reportable contributions through the term of the contract; and

WHEREAS, the Township has available funds to permit it to enter into this Contract and the availability of such funds has been certified as required by law; 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 is hereby authorized to enter into a Contract with ACOM for a term beginning on December 1, 2009 and ending on September 30, 2011 to provide occupational medicine services required by federal regulations and occupational health guidelines and the Mayor and Township Clerk are hereby authorized, directed and empowered to execute such Contract on behalf of the Township of Upper.

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. 233 -2009

Offered by: Camp

Seconded by: Conrad

Adopted: November 9, 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>    </u>	<u>    </u>	<u>    </u>	<u>_x_</u>

### **ORDINANCES**

13. Introduction and First Reading of **ORDINANCE NO. 026-2009, RE: REPEALING ORDINANCE NO. 009-2005 PROHIBITING CERTAIN SEX OFFENDER RESIDENCY.** Motion was made by Jay Newman, second by Barbara Camp to introduce Ordinance No. 026-2009, with public hearing and final adoption set for December 14, 2009. During roll call vote all four Committee members present voted in the affirmative.

TOWNSHIP OF UPPER

CAPE MAY COUNTY

O R D I N A N C E

ORDINANCE NO. 026-2009

RE: REPEALING ORDINANCE NO. 009-2005

PROHIBITING CERTAIN SEX OFFENDER RESIDENCY

---

WHEREAS, the New Jersey Supreme Court ruled in the case of G.H. v. Township of Galloway that any municipal ordinance restricting the residency of convicted sex offenders is deemed invalid; and

WHEREAS, in order to comply with this New Jersey Supreme Court decision, the Township Committee finds it necessary to repeal Ordinance No. 009-2005, codified at Chapter III, Section 3.2 of the Upper Township Code.

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 III, Section 3-2, entitled Sex Offender Residency Prohibition, of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, is hereby repealed and rescinded.

SECTION 2: EFFECTIVE DATE: This Ordinance shall take effect

immediately upon final adoption and publication as required by law.

SECTION 3: CODIFICATION: This Ordinance shall be codified in

Chapter III of the Upper Township Code repealing Section 3.2.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING  
ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 9th OF  
OCTOBER, 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 14th DAY OF DECEMBER, 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

14. Introduction and First Reading of **ORDINANCE NO. 27-2009, RE: REPEAL AND AMENDMENT OF RECREATION FACILITIES AND CONDOMINIUM CAMPGROUND ORDINANCE PROVISIONS IN CHAPTERS 19 AND 20 OF THE CODE OF UPPER TOWNSHIP DUE TO CHANGES IN STATE LAW AND JUDICIAL DECISIONS.** . Motion was made by Jay Newman, second by Barbara Camp to introduce Ordinance No. 026-2009, with public hearing and final adoption set for December 14, 2009. During roll call vote, three Committee members voted in the affirmative, and Curtis Corson abstained

TOWNSHIP OF UPPER

CAPE MAY COUNTY

O R D I N A N C E

ORDINANCE NO. 027-2009

RE: REPEAL AND AMENDMENT OF RECREATION FACILITIES AND  
CONDOMINIUM CAMPGROUND ORDINANCE PROVISIONS IN CHAPTERS 19  
AND 20 OF THE CODE OF UPPER TOWNSHIP DUE TO CHANGES IN STATE  
LAW AND JUDICIAL DECISIONS

---

WHEREAS, there have been changes in New Jersey state law as well as decisions issued by the New Jersey state courts which have invalidated certain provisions of the Upper Township Land Subdivision and Site Plan Ordinance and Zoning Ordinance with respect to recreation facilities and condominium campgrounds; and

WHEREAS, the Township Committee of the Township of Upper desires to repeal and amend certain sections of Chapters 19 and 20 of the Code of Upper Township which have been rendered unenforceable as aforesaid.

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 19-6.9, entitled Recreation Facilities, of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, is hereby repealed and rescinded.

SECTION 2: Chapter 20-6.4.f.1. of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township is hereby amended by deleting the following definitions:

Condominium campground

Leasehold campground

Multiple entity campground

Single entity campground

Timeshare campground

SECTION 3: Chapter 20-6.4.f.2. of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township is hereby amended as follows:

2. Applicability. No new campgrounds shall be developed  
  
and no existing campgrounds shall be expanded except  
  
in accordance with the following regulations.

SECTION 4: Chapter 20-6.4.f.4. of the Revised General Ordinances  
  
of the Township of Upper, also known as the Code of Upper Township is hereby  
  
amended as follows:

4. Required Recreation Facilities.
  - (a) Playground Equipment. One (1) item of active  
  
play equipment shall be provided for each fifty  
  
(50) campsites. For purposes of this subsection,  
  
active play equipment shall include swing sets,  
  
jungle gyms or other climbing or play apparatus  
  
provided each such piece of equipment shall

have the design capacity for at least five (5)

children ten (10) years old or younger.

(b) Indoor Recreation. Five (5) square feet per

campsite shall be provided in an enclosed

building or pavilion under roof.

Required recreation facilities and open space

shall be for the exclusive use of the occupants

and/or owners of the campground, and shall be

provided in each phase of any phased

development on a pro rata basis, except that

required swimming facilities shall be provided at

the time that any new campground is developed

or that any existing campground is expanded.

SECTION 5: Chapter 20-6.4.f.14., entitled Condominium Campground

Taxation, of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, is hereby repealed and rescinded.

SECTION 6: Chapter 20-6.4.f.15. of the Revised General Ordinances

of the Township of Upper, also known as the Code of Upper Township, is hereby amended as follows:

15. Site Plan Review Required. Every new or expanded campground in the Township shall be subject to site plan review and approval by the Planning Board pursuant to the requirements of this Chapter. Such site plan shall show the location of each campsite and all required facilities, improvements and open space to be constructed or already in existence. Site plan documentation shall include a vegetation and landscape

plan which identifies wooded areas by vegetation type and areas of significant shrub growth or specimen trees. Supplemental landscaping, where required by the Planning Board shall also be shown on the vegetation and landscape plan.

No site plan approval for a campground shall be granted until all necessary and appropriate permits have been granted by any other agencies having jurisdiction including, but not limited to, the New Jersey Department of Health and the New Jersey Department of Environmental Protection.

**SECTION 7: EFFECTIVE DATE:** This Ordinance shall take effect immediately upon final adoption and publication as required by law.

**SECTION 8: CODIFICATION:** This Ordinance shall be codified in

Chapters 19 and 20 of the Upper Township Code.

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 9TH OF NOVEMBER, 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 14th DAY OF DECEMBER, 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. 28-2009, RE: AN ORDINANCE ESTABLISHING SALARIES FOR THE TOWNSHIP OF UPPER FOR THE CALENDAR YEAR 2010.** Motion was made by Curtis Corson, second by Frank Conrad to introduce Ordinance No. 028-2009, with public hearing and final adoption set for December 14, 2009. During roll call vote all four Committee members present voted in the affirmative.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
O R D I N A N C E  
ORDINANCE NO. 028-2009  
AN ORDINANCE ESTABLISHING SALARIES FOR THE TOWNSHIP  
OF UPPER FOR THE CALENDAR YEAR 2010.**

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

**SECTION 1: TITLE:** This Ordinance shall be known as the Salary Ordinance of 2010.

**SECTION 2: SALARIES:** Salaries for the various officials and employees of the Township of Upper for the calendar year 2010 shall be as follows:

<b><u>POSITION</u></b>	<b><u>MINIMUM</u></b>	<b><u>MAXIMUM - 2010</u></b>
(P/T denotes "Part-Time Position")		
<b><u>A. ADMINISTRATIVE/REVENUE AND FINANCE:</u></b>		
Mayor	3,750.00	\$ 5,000.00
Township Committeeman	7,000.00	11,250.00
Municipal Attorney	25,000.00	31,500.00
Township Tax Assessor	7,500.00	78,000.00
Deputy Tax Assessor	No Min.	550.00
Assessing Clerk (P/T)	6,500.00	20.00 Hr.
Township Tax Collector	15,000.00	82,000.00
Deputy Tax Collector	No Min.	550.00
Tax Clerk (P/T)	12.00 Hr.	20.00 Hr.
Township Clerk	15,000.00	78,000.00
Deputy Township Clerk (P/T)	525.00	550.00
Sr. Clerk-Typist	15,000.00	62,000.00
Clerk Typist	15,000.00	52,000.00
Clerk-Typist (P/T)	5.75 Hr.	18.00 Hr.
Clerk-Typist (MAC)	No Min.	4,950.00
Township Engineer	50,000.00	86,550.00
Chief Financial Officer	42,000.00	67,000.00
Purchasing Agent	35.00 Hr.	45.00 Hr.
Assistant Finance Officer	No Min.	550.00
Registrar of Vital Statistics (P/T)	No Min.	1,850.00
Deputy Reg. Vital Statistics (P/T)	No Min.	550.00
Alt. Deputy Reg. Vital Statistics (P/T)	No Min.	550.00
Public Information Officer	No Min.	10,000.00
Data Information Coordinator/COOP	No Min.	3,500.00
Claims Coordinator	No Min.	3,500.00
Mun. Improvement Official (P/T)	No Min.	1,850.00
Tax Search Officer (P/T)	No Min.	1,850.00
Director of Public Asst. (P/T)	500.00	1,000.00
Personnel Officer (P/T)	No Min.	3,550.00
Asst. Personnel Officer (P/T)	No Min.	550.00
Computer Director	No Min.	1,500.00
Safety Coordinator	No Min.	3,500.00
Ass't Safety Coordinator	No Min.	1,500.00

Municipal Housing Liaison	No Min.	2,500.00
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**B. MUNICIPAL COURT:**

Municipal Judge (P/T)	15,000.00	44,500.00
Municipal Court Administrator	15,000.00	78,000.00
Deputy Mun. Court Administrator	15,000.00	68,000.00
Municipal Prosecutor (P/T)	No Min.	42,500.00
Bailiff (P/T)	No Min.	\$200.00 per session
Municipal Public Defender (P/T)	No Min.	19,100.00

**C. CODE ENFORCEMENT/ZONING ENFORCEMENT:**

Construction Official	15,000.00	85,000.00
Building Subcode Official (P/T)	2,500.00	6,769.00
Electrical Subcode Official (P/T)	9,500.00	27,820.00
Electrical Inspector (P/T)	9,500.00	27,820.00
FireSub-CodeOff. (P/T)	2,500.00	4,900.00
Zoning Officer (P/T)	2,500.00	7,500.00
Deputy Zoning Officer	No Min.	550.00
Housing Officer/Code Enforce. (P/T)	2,500.00	7,500.00
Fire Prevention Official (P/T)	1,000.00	2,279.00
Plumbing Sub-Code Off. (P/T)	No Min.	8,900.00
Plumbing Inspector (P/T)	No Min.	6,524.00
Fire Protection Subcode Official (P/T)	No Min.	2,279.00
Clerk Typist	12,000.00	56,000.00

**D. PUBLIC SAFETY/EMERGENCY MANAGEMENT:**

Mun. Dir. Emerg. Management (P/T)	No Min.	11,000.00
Coord. 911 Emerg. Response, RTK	No Min.	1,000.00
Deputy Right to Know	No Min.	1,500.00
Deputy Dir. Emerg. Mgt. (P/T)	No Min.	2,845.00
Asst. Emerg. Mgt. (P/T)	No Min.	900.00
Lifeguard, 1st yr. Seasonal		10.25 Hr.
Lifeguard, 2nd yr. Seasonal		10.75 Hr.
Lifeguard, 3rd yr. to 4 <sup>th</sup> yr.		11.45 Hr.
Lifeguard, 5 <sup>th</sup> yr. and higher		11.75 Hr.
Hr. Lifeguard E.M.T.		\$4.00 Per Day
Captain Lifeguard Seasonal		20.75 Hr.
Lieutenant Lifeguard Seasonal		15.75 Hr.
Senior Lifeguard		13.25 Hr.
Emergency Medical Tech. –3 or more years	12,500.00	47,372.00
Emergency Medical Technician-2 <sup>nd</sup> year	12,500.00	43,100.00
Emergency Medical Technician-1 <sup>st</sup> year	12,500.00	41,600.00



Emergency Medical Technician (P/T)	No Min.	13.00 Hr. 1st Yr
Medical Technician (P/T)	No Min.	13.50Hr.2ndYr
School Crossing Guard (P/T)		12.50 Hr.
Chief Emergency Medical Technician		80,000.00
Deputy Chief Emergency Medical Technician		75,000.00
Sr. Emergency Medical Technician		70,000.00
Supervising Emergency Medical Technician		72,000.00
Supervising Emergency Medical Technician (P/T)		Add'l \$1.00/Hr.

#### **E. PUBLIC WORKS/RECREATION:**

Superintendent of Public Works	5,000.00	10,000.00
Road Supervisor	12,500.00	88,000.00
Assistant Road Supervisor	12,500.00	82,000.00
Supervisor Equipment Operator	12,500.00	70,000.00
Supervisor Maintenance Repairer	12,500.00	70,000.00
Supervising Carpenter	20,000.00	70,000.00
Sr. Carpenter (0-9 yrs.)	20,000.00	49,385.00
Sr. Carpenter (10 or more yrs.)	20,000.00	50,808.00
Carpenter (0-9 yrs.)	12,500.00	47,961.00
Carpenter (10 or more yrs.)	12,500.00	49,385.00
Senior Mechanic (0-9 yrs.)	12,500.00	51,316.00
Senior Mechanic (10 or more yrs.)	12,500.00	52,741.00
Mechanic (0-9 yrs.)	12,500.00	48,908.00
Mechanic (10 or more yrs.)	12,500.00	50,331.00
Mechanics Helper (0-9 yrs.)	12,500.00	46,847.00
Mechanics Helper (10 or more yrs.)	12,500.00	48,270.00
Equipment Operator (0-9yrs.)	12,500.00	47,961.00
Equipment Operator (10 or more yrs.)	12,500.00	49,385.00
Truck Driver (0-9 yrs.)	12,500.00	46,766.00
Truck Driver (10 or more yrs.)	12,500.00	48,191.00
Laborer (0-9 yrs.)	12,500.00	45,597.00
Laborer 1 <sup>st</sup> year	12,500.00	37,241.00
Laborer 2 <sup>nd</sup> year	12,500.00	39,330.00
Laborer 3 <sup>rd</sup> year	12,500.00	41,419.00
Laborer 4 <sup>th</sup> year	12,500.00	43,508.00
Laborer 5 <sup>th</sup> year	12,500.00	45,597.00
Laborer (10 or more yrs.)	12,500.00	47,020.00
Laborer (P/T)	5.00 Hr.	10.50 Hr.
Sr. Sanitation Inspector	12,500.00	47,961.00

Sanitation Inspector (0-9 yrs.)	12,500.00	45,597.00
Sanitation Inspector (10 or more yrs.)	12,500.00	47,020.00
Recycling Laborer	10,400.00	42,001.00
Recycling Coordinator (P/T)	No Min.	5,698.00
Groundskeeper (0-9 yrs.)	12,500.00	47,961.00
Groundskeeper (10 or more yrs.)	12,500.00	49,385.00
Building Maintenance Worker	22,000.00	32,976.00
Supervisor Recreation Maint.	20,000.00	85,000.00
Asst. Supervisor Rec. Maint.	12,500.00	78,000.00
Sr. Recreation Maint. Worker (0-9 yrs.)	11,500.00	47,961.00
Sr. Rec. Maint. Worker (10 or more yrs.)	11,500.00	49,385.00
Maintenance Repairer (0-9 yrs.)	10,500.00	47,961.00
Maintenance Repairer (10 or more yrs.)	10,500.00	49,385.00
Recreation Maint. Worker (0-9 yrs.)	10,500.00	46,766.00
Recreation Maint. Worker (10 or more yrs.)	10,500.00	48,191.00
Recreation Attendant/Laborer	9,500.00	45,597.00
Beach Inspector	No Min.	4,000.00 Boat
Ramp Attendant	No Min.	11.50 Hr.
Skate Park Attendant	No Min.	11.50Hr.
Recreation SecretaryP/T)	No Min.	2,200.00
Clerk Typist (Recreation)	12,500.00	54,000.00

**F. BOARD OF HEALTH/ZONING BOARD/PLANNING BOARD:**

Secretary Planning Board (P/T)	42,000.00
Per Meeting	100.00
Secretary Zoning Board of Adjustment (P/T)	42,000.00
Per Meeting	100.00
Attorney for the Board - Maximum Salary (Not to exceed)	22,000.00
Secretary Board of Health (P/T)	550.00

**G. MILEAGE:** The standard rate per mile in accordance with I.R.S. regulations

SECTION 3: LONGEVITY: In addition to the compensation and benefits otherwise payable, certain employees shall be paid an additional sum based on longevity. Any payment based on longevity shall be in accordance with the following schedule:

<u>YEARS OF SERVICE</u>	<u>AMOUNT OF INCREASE BASED ON LONGEVITY</u>
After 5 years	2%

After 10 years	4%
After 15 years	6%
After 20 years	8%
After 25 years	10%

**SECTION 3A: RESTRICTIONS ON LONGEVITY PAYMENTS:** Notwithstanding the provisions of Section 3 hereof, a longevity payment or longevity bonus to any single official, officer or employee of the Township of Upper shall not exceed the sum of Three Thousand (\$3,000.00) Dollars. If, as of January 1, 1997, any such official, officer or employee of the Township of Upper was entitled to a longevity payment in excess of Three Thousand (\$3,000.00) Dollars, then such individual shall be entitled to receive the amount to which he or she would have been entitled as of January 1, 1997 and each such official, officer or employee shall thereafter, in all subsequent years, receive a longevity payment or bonus in the amount paid as of January 1, 1997. In no event shall the amount of longevity payments exceed the sum of Three Thousand (\$3,000.00) Dollars, except for those individuals who are entitled to receive in excess of Three Thousand (\$3,000.00) Dollars as of January 1, 1997 and all such individuals shall in 1997 and all succeeding years be restricted to a payment which does not exceed that which was payable on January 1, 1997.

**SECTION 3B: LONGEVITY PAY ABOLISHED FOR CERTAIN EMPLOYEES:** Any official, officer or employee who was employed by the Township of Upper on or after January 1, 1996 shall not be entitled to any longevity payment. Longevity pay is abolished for any and all officials, officers and employees hired on or subsequent to that date.

**SECTION 4: RESOLUTION AS TO SALARIES:** The salaries set forth in this Ordinance are the Maximum salaries to be paid for the various positions during 2010 and for such period or periods as this Ordinance shall remain in effect. Such maximum salaries shall be paid for each of the positions indicated unless the Township Committee, by Resolution shall fix a lesser salary, in which event such lesser amount shall be paid.

**SECTION 5: EFFECTIVE DATE OF PAYMENT:** All salaries authorized by this Ordinance shall be paid commencing as follows:

- (A) As of January 1, 2010 for all officials, officers and employees of the Township who were employed or appointed as of December 31, 2009. For those officials, officers and employees appointed at the Reorganization Meeting of the Township Committee, such persons shall be deemed appointed and employed by the Township as of January 1, 2010. This provision shall not apply to members of a Collective Bargaining Unit.
- (B) The payment of any salary increment and longevity payment for members of a Collective Bargaining Unit shall be made in accordance with the provisions of the Collective Bargaining Agreement currently in effect, any other provisions herein to the contrary notwithstanding.
- (C) Upon the effective date of appointment for all officers and employees appointed subsequent to January 1, 2010.
- (D) Any salary increases provided for in this Ordinance shall not apply to any official, officer or employee of the Township who has resigned or otherwise terminated his or her employment with the Township of Upper prior to the effective date of this Ordinance.

**SECTION 6: REPEALER:** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 7: SEVERABILITY:** If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

**SECTION 8: EFFECTIVE DATE:** This Ordinance shall take effect immediately upon passage and publication as required by law.

**NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING ON NOVEMBER 9, 2009 AND WILL BE TAKEN UP FOR SECOND READING AND FINAL ADOPTION AT A MEETING OF THE UPPER TOWNSHIP COMMITTEE TO BE HELD ON DECEMBER 14, 2009 AT 7:30 P.M.**

**BY ORDER OF THE TOWNSHIP COMMITTEE.**

**WANDA GAGLIONE, RMC  
TOWNSHIP CLERK**

**CORRESPONDENCE**

## **NEW BUSINESS**

16. **Public Works Residents Information for 2010.** Motion made by Barbara Camp to accept the schedule as presented, seconded by Frank Conrad. During roll call vote all four Committee members present voted in the affirmative.

## **UNFINISHED BUSINESS:**

## **DISCUSSION**

### **17. Results of Bid Opening held September 23, 2009 for the 2009 Vacuum Road Sweeper.**

Paul Dietrich reported that after careful review of the two bids, the lowest bidder did not comply with bid specifications. He asked for permission to revise the specs and readvertise the bid. Motion was made by Barbara Camp to reject all bids and authorize the Township Engineer to revise and readvertise for bids for a 2009 Vacuum Road Sweeper. Motion was seconded by Jay Newman; during roll call vote 3 Committee members voted in the affirmative and Frank Conrad abstained.

#### **TOWNSHIP OF UPPER**

#### **Cape May County**

#### **RESOLUTION**

#### **RESOLUTION NO. 235-2009**

#### **RE: REJECTING ALL BIDS RECEIVED FOR THE 2009 OR NEWER VACUUM ROAD SWEEPER AND AUTHORIZING THE TOWNSHIP TO RE-ADVERTISE FOR BIDS**

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WHEREAS, the Township of Upper solicited bids for the  
Furnishing and Delivering a 2009 or Newer Vacuum Road Sweeper; and

WHEREAS, bids were submitted from two 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 Furnishing and Delivering a 2009 or Newer Vacuum Road Sweeper received on September 23, 2009, 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. 235-2009

Offered by: Camp

Seconded by: Newman

Adopted: November 9, 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>          </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>          </u>	<u>          </u>	<u>          </u>	<u>  x  </u>

#### **PAYMENT OF BILLS:**

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

Payroll: \$ 159,477.90

Bills submitted for payment: \$ 189,499.58

#### **REPORT OF MUNICIPAL DEPARTMENTS:**

18. Construction Code

19. Clerk's Office

20. Animal Control

21. Tax Assessor

22. Finance Office

23. MUA Report

24. EMS--Sept. & Oct. 2009

25. Public Works--Sept. and Oct. 2009

**26. Tax Office--Oct. 2009**

**PUBLIC COMMENT**

There were no speakers during the Public Comment section of the meeting.

**CLOSED SESSION**

- 27. Resolution to conduct a closed meeting pursuant to N.J.S.A. 10:4-12, from which the public shall be excluded.** The following resolution and motion was read into the record by Jay Newman.

**MOTION GOING INTO CLOSED SESSION  
Resolution No. 234-2009  
November 9, 2009**

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

**MATTERS:**

- I. Contract Negotiation - Jankowski/Frank's Boats

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

- A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.
- B. With respect to contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.

Motion seconded by Barbara Camp

**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>    </u>	<u>    </u>	<u>    </u>	<u>_x_</u>

## **RECONVENE PUBLIC PORTION OF MEETING**

### **ADJOURNMENT**

There was no further business for this evening and the meeting was adjourned at 8:15 P.M.  
Next meeting is scheduled for Monday, November 23, 2009 at 7:30 P.M

Minutes prepared by

Wanda Gaglione, RMC  
Municipal Clerk

### **Bill List**

50103 11/09/09 A0004 A+ COMMERCIAL OFFICE CLEANERS 250.00 2558  
50104 11/09/09 A0006 ADVANCE TREADS INC 178.00 2558  
50105 11/09/09 A0025 ADVANTAGE RENTAL ACE HARDWARE 24.72 2558  
50106 11/09/09 A0070 ALBERTSONS/ACME 2,795.80 2558  
50107 11/09/09 A0086 AT&T MOBILITY 274.31 2558  
50108 11/09/09 A0091 ATLANTIC CITY ELECTRIC 15,890.58 2558  
50109 11/09/09 A0117 AT&T 61.84 2558  
50110 11/09/09 A0122 ANSELL,ZARO,GRIMM & AARON 612.50 2558  
50111 11/09/09 B0160 BONNER, ROSEMARY 24.10 2558  
50112 11/09/09 B0178 BUGANSKI,PETER R. 111.00 2558  
50113 11/09/09 C0031 CAPE ASSIST 450.00 2558  
50114 11/09/09 C0048 CAPE MAY COUNTY MUA 29,386.10 2558  
50115 11/09/09 C0060 CAPRIONI'S PORTABLE TOILETS 1,126.00 2558  
50116 11/09/09 C0068 COMCAST 148.22 2558  
50117 11/09/09 C0071 CAPEHART & SCATCHARD, P.A. 4,258.00 2558  
50118 11/09/09 C0116 CINTAS CORPORATION #100 42.97 2558  
50119 11/09/09 C0140 CODED SYSTEMS 3,869.80 2558  
50120 11/09/09 C0143 CODY'S POWER EQUIPMENT 20.99 2558  
50121 11/09/09 C0171 COLONIAL ELECTRIC SUPPLY CO. 492.45 2558  
50122 11/09/09 C0187 CROWTHER, BILL 1,240.00 2558  
50123 11/09/09 C0201 CRUZAN'S TRUCK SERVICE INC. 311.09 2558  
50124 11/09/09 C0223 CASA PAYROLL SERVICE 234.75 2558  
50125 11/09/09 D0003 DATA RESOURCE SOLUTIONS 940.00 2558  
50126 11/09/09 D0040 DELTA DENTAL OF N.J. INC. 6,687.41 2558  
50127 11/09/09 D0130 DuBELL LUMBER CO. 151.32 2558  
50128 11/09/09 E0012 EHRlich PEST CONTROL INC 221.00 2558  
50129 11/09/09 F0033 FAVINGER, GINA 75.00 2558  
50130 11/09/09 F0054 FORT DEARBORN LIFE INSURANCE 544.98 2558  
50131 11/09/09 G0002 GAGLIONE, WANDA 214.06 2558  
50132 11/09/09 G0028 GENTILINI FORD 107.27 2558  
50133 11/09/09 G0030 GENERAL SPRING SERVICE 668.03 2558  
50134 11/09/09 G0092 GRUND, BARBARA J. 63.06 2558  
50135 11/09/09 H0002 H.A. DEHART & SON CORP. 315.90 2558  
50136 11/09/09 H0018 HAROLD RUBIN/L & H SUPPLY 1,183.45 2558  
50137 11/09/09 I0033 INNOVATIVE BENEFIT PLANNING 190.00 2558  
50138 11/09/09 J0005 JACKSON,THOMAS ENTERPRISES,INC 240.00 2558  
50139 11/09/09 K0007 KACZMARSKI, RICHARD 126.97 2558  
50140 11/09/09 K0034 KOHLER, CLAUDE JR. 34.00 2558  
50141 11/09/09 L0034 LAYTON, BRENDA MRS. 55.79 2558  
50142 11/09/09 L0093 LIPKE, NEAL 357.16 2558  
50143 11/09/09 M0012 McCAULEY, RICHARD 177.20 2558  
50144 11/09/09 M0059 MCDANIELS, WILLIAM J. III 862.70 2558  
50145 11/09/09 M0070 MID ATLANTIC WASTE SYSTEMS 347.96 2558  
50146 11/09/09 M0103 MODERN GAS COMPANY, INC. 2,695.64 2558  
50147 11/09/09 N0004 NJ-AMERICAN WATER CO. 118.35 2558  
50148 11/09/09 N0052 NATL YOUTH SPORTS COACHED ASSN 220.00 2558



50149 11/09/09 N0070 NIA GROUP ASSOCIATES, LLC 2,500.00 2558  
 50150 11/09/09 O0005 OFFICE BUSINESS SYSTEMS HLDGS 91.27 2558  
 50151 11/09/09 O0006 OCS PRINTING 60.00 2558  
 50152 11/09/09 O0040 ORIENTAL TRADING 166.86 2558  
 50153 11/09/09 P0008 PALMER, NANCY 99.95 2558  
 50154 11/09/09 P0032 PEDRONI FUEL CO. 1,619.26 2558  
 50155 11/09/09 P0102 PUBLIC WORKS ASSOC OF N.J. 30.00 2558  
 50156 11/09/09 P0118 PLAYBUILDER INC 921.50 2558  
 50157 11/09/09 Q0008 QUILL CORPORATION 1,094.43 2558  
 50158 11/09/09 R0030 RIGGINS, INC. 4,613.23 2558  
 50159 11/09/09 R0073 RICOH AMERICAS CORPORATION 512.10 2558  
 50160 11/09/09 S0001 SAM'S CLUB 169.93 2558  
 50161 11/09/09 S0016 SAMPSON, MICHELLE 66.00 2558  
 50162 11/09/09 S0020 AM SAN 811.45 2558  
 50163 11/09/09 S0075 SHARP,RHONDA L. 32.75 2558  
 50164 11/09/09 S0097 SMH CPR TRAINING CENTER 168.00 2558  
 50165 11/09/09 S0121 SMUZ, THERESE A 206.76 2558  
 50166 11/09/09 S0126 SPIEGEL, BARBARA 14.00 2558  
 50167 11/09/09 S0196 STEWART BUSINESS SYSTEMS LLC 777.15 2558  
 50168 11/09/09 S0239 SHORE VETERINARIANS PA 2,100.00 2558  
 50169 11/09/09 S0241 SAFEGUARD BUSINESS SYSTEMS 14.13 2558  
 50170 11/09/09 T0020 TERWILLIGER, DUANE E. 48.00 2558  
 50171 11/09/09 T0028 TRACTOR SUPPLY COMPANY CREDIT 856.86 2558  
 50172 11/09/09 T0032 THE PRESS & SUNDAY PRESS 153.90 2558  
 50173 11/09/09 T0034 THE PAPER OF U.T./GAZETTE 558.00 2558  
 50174 11/09/09 T0044 THOMSON, KERRY AGENCY 71,877.00 2558  
 50175 11/09/09 T0067 TOWNSHIP OF UPPER PETTY CASH 31.95 2558  
 50176 11/09/09 T0074 TRANSAXLE LLC 495.60 2558  
 50177 11/09/09 T0131 TROUT, ROSEMARY 86.00 2558  
 50178 11/09/09 U0011 UPPER TOWNSHIP BASEBALL 26.25 2558  
 50179 11/09/09 U0033 UPPER TOWNSHIP HOCKEY ASSOC. 1,000.00 2558  
 50180 11/09/09 U0038 UPPER TOWNSHIP RESCUE SQUAD 719.78 2558  
 50181 11/09/09 V0001 VCI EMERGENCY VEHICLE 1,036.74 2558  
 50182 11/09/09 V0013 VERIZON WIRELESS 450.81 2558  
 50183 11/09/09 V0022 VERIZON 689.18 2558  
 50184 11/09/09 V0024 VAL-U AUTO PARTS L.L.C. 696.97 2558  
 50185 11/09/09 V0026 VITAL COMPUTER RESOURCES, INC. 30.00 2558  
 50186 11/09/09 W0030 WEST PUBLISHING CO. 430.75 2558  
 50187 11/09/09 W0038 WILLIAMS, JEREMIAH J. 10.00 2558  
 50188 11/09/09 W0087 W.B. MASON 58.88 2558  
 50189 11/09/09 Y0008 YOUNG, DANIEL J. ESQUIRE PC 15,773.67 2558

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Total Paid: \$189,499.58