

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR DECEMBER 14, 2009**

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

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

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

APPROVAL OF MINUTES - November 23, 2009 Regular Meeting and Closed Session Minutes

Motion to approve the Minutes by Barbara Camp, and seconded by Jay Newman. During roll call vote Curtis Corson abstained from voting and the remaining four Committee members voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Frank Conrad, Committeeman; reported that there was approximately \$10,000 in damage to the Township dock in Beesleys Point during the recent storm. There are funds left in the Capital Fund that would allow this to be corrected this year. Mr. Conrad made a motion to approve repairing the dock, Curtis Corson seconded, with all five Committee Members voting in the affirmative.

Richard Palombo made motion to draft a resolution and copy our Congressman and Senators urging President Obama to approve the FEMA funding for damages incurred in the November 11th-15th Nor’easter storm. Frank Conrad seconded the motion and all five Committee Members voted affirmative. In the meantime it was decided a letter from the Township Committee would be sent to our Congressman and Senators requesting the approval of same. *(FYI-On Dec. 22, 2009, President Obama declared Cape May, Atlantic and Ocean Counties a “Major Disaster Area” allowing us to be eligible for FEMA funding.)*

Mr. Conrad also reported that Freeholder, Leonard Desiderio had requested that the Township appoint two individuals to the Cape May County Animal Shelter Board. He made a motion to

appoint the Department Head and the Animal Control Officer, motion was seconded by Jay Newman with all five Committee Members voting in the affirmative.

Barbara Camp, Committeewoman; reported that Paul Dietrich was named Vice President of the NJ Public Works Association for Region 7, which includes Cape May, Atlantic, and Cumberland counties.

Curtis Corson, Deputy Mayor; requested information about the skunk complaint made by one of our residents. Wanda Gaglione responded that the Animal Control Officer went out and spoke with the resident and was not able to reach a resolution at this point. Mayor Palombo commented that dropping off these animals in our Township is not in accordance with NJ law. Curtis Corson made a motion authorizing Mayor Palombo to draft and forward a letter to the Borough of Avalon notifying them that this practice is not in accordance with NJ law. Frank Conrad seconded the motion with all five Committee Members voting in the affirmative.

Jay Newman, Committeeman; inquired on the progress of the Hope Corson and Stagecoach Rd. four-way stop traffic signal. Mr. Dietrich responded that he spoke with the County Engineer and was told that the project is on their schedule but that Mr. Foster could not give him an installation date at this time. Mayor Palombo will reach out to one of the Freeholders to expedite the project's completion.

Mr. Newman commented on the email the Committee received concerning the Old Tuckahoe Road NJDOT Maintenance yard contamination problem. A leaking fuel tank and runoff from rock salt storage has resulted in two levels of contamination present in grounds surrounding those areas--both fuel and sodium contamination. In addition, ground water monitoring has detected a large subterranean plume traveling towards the Middle School and Township Hall. Mr. Newman expressed his concern that the NJ Department of Environmental Protection is not treating the NJ Department of Transportation with the force and diligence that they would have if a private citizen caused this kind of contamination. The NJ DOT is reluctant to drill new wells for the properties affected. He spoke with Senator Jeff Van Drew in an attempt to get these wells drilled to provide safe drinking water to those affected. The Township takes the same stance as the County Bd. Of Health and urges that the NJDOT take responsibility and provide new wells or a public water system to affected properties. Jay Newman made a motion to draft a strong letter outlining our concerns to the NJDEP and NJDOT immediately, and draft a resolution for adoption at the next regular meeting. He included in his motion to continue to reach out to our State legislators, and hire our own environmental expert to investigate possible litigation. Barbara Camp seconded the motion with all five Committee members voting in the affirmative.

Richard Palombo, Mayor; discussed that Resolution 08-2010 that will be adopted at the Reorganization meeting does not provide authorization for the Tax Collector to currently assess taxes on Municipal Liens. He made a motion to amend Resolution 08-2010 accordingly (which will be adopted at the Jan. 4, 2010 Reorganization meeting); motion was seconded by Curtis Corson with all five Committee members voting in the affirmative.

The Mayor then commented that this was the last meeting Barbara Camp would be attending as a Committeewoman. He acknowledged her achievements and her time on the Committee and thanked her for her years of hard work. All conveyed their best wishes to her for a happy and healthy retirement.

OTHER REPORTS

Daniel Young, Municipal Attorney, reported that he had the following matters for discussion in the closed session portion of the meeting as follows: a Contract Negotiation Matter with regards to the Jankowski license proposal; Contract Negotiation with regards to the Municipal Prosecutor; a Litigation matter regarding the Strathmere De-Annexation matter; a Litigation-Contract Negotiation matter for an appraiser for a tax appeal matter; a Litigation matter regarding Ruth Management Tax appeal; and a Personnel matter.

Paul Dietrich, Township Engineer; reported that he spoke with the consultant handling the Route 50 Bridge over Tuckahoe River project. The consultant was looking for some feedback regarding sidewalks, which will extend from Kendall Lane to Marshall Avenue. The Committee agreed that they wanted to see historic looking sidewalks in that area, constructed with pavers. Mr. Dietrich also reported that the planting of the dune grass on Whale Beach has been completed and that dune fencing is being placed on the State Park area of Strathmere. Mayor Palombo commented that he had received emails from several residents adjacent to State Park asking for information about the width of the sand road and their concerns about the blowing sand. Mr. Dietrich responded that the dune fencing would take care of most of this. Mayor Palombo requested clarification on what is to happen with the unfinished portion of Commonwealth Road and is concerned that the path is larger than originally proposed and asked Mr. Dietrich to look into the matter.

Mr. Dietrich reported that the paving project on Brewhaus Lane is set to start. Also, leaf pickup is approximately one week behind in the schedule; Mr. Newman directed that some of the more heavily traveled roads in the Township should be given priority for leaf pickup because of safety concerns.

Barbara Speigel, Chief Finance Officer; has one Personnel matter for discussion in closed session.

NEW BUSINESS

- 1. Application and hearing required for modification of Mining License of Thomas Tower/Action Supply, Inc., 1413 Stagecoach Road to include Block 549, Lot 110 to the license. Formal action by resolution may be taken.**

Daniel Young recused himself from any participation in this matter to avoid conflict and Norman Briggs, Special Legal Council was present to represent the Township. Mining operation owner Thomas Tower was present along with his attorney Julius Konschak, and his engineer Vincent Orlando.

Mayor Palombo opened the hearing by stating for the public that the Planning Board has the authority over site plan review, which includes the buffer zones; and the Township Committee has jurisdiction over the licensing of the operation, which can include sound buffering. The ultimate decision as to approve, reject, or modify a license application is for the Township Committee.

Mr. Konschak gave a brief review of what has transpired the last few years in this matter. In 2007 the Planning Board imposed a large buffer with the first 100 ft fully vegetated and a 12 ft.

vegetated berm on the next 100ft. of buffer. The applicant challenged the recommendation in Superior Court who confirmed the Planning Board's decision. The applicant then appealed to Appellate Court who remanded it back to the Planning Board. The Appellate Court said there was insufficient evidence that a berm and trees were necessary. This went back again to the Planning Board for review in September and October 2009. In 2009 the Planning Board made a recommendation (resolution number PB 05-09) to approve the addition of Lot 110 to the site plan, and did away with the 2007 requirements for a berm and heavy vegetation. The buffer area was reduced but the applicant still was required to maintain the existing buffer and planting additional trees in accordance with the recommendations made by the Appellate Court. A license is now submitted before the Township Committee for approval to include Lot 110 within the license.

The Mayor opened the hearing for comments from the public.

Michele Previti, 16 Canterbury Lane; thanked the Township for allowing her to speak and stated that she is passionate about this issue. Ms. Previti reviewed a history of the zoning at this site. When she purchased her home the location was zoned agricultural/residential and is quite puzzled at how the site became zoned for mining. She discussed the Upper Township Ordinances that regulate mining. The buffer zone requirements outlined in ordinances are 200 feet from the property line or 500 feet from a residential use. The Planning Board approved a 200 ft. buffer. The residents want protection from noise and dust associated with mining operations and the Planning Board allowed Mr. Tower to provide a 200 foot buffer with the first 100 feet (from the property line) being vegetation, the existing six foot stockade fence will remain in place, and the second 100 foot will include a 12- foot berm with trees and a fence. This takes away 300 feet of the protection specified in the ordinance. She went on to say that Middle and Dennis Townships have the same 500-foot buffer requirement in their ordinances. The applicant hired a Noise Certification Specialist to verify the current noise levels do not exceed the state requirements – Ms. Previti agrees they are not violating noise requirements at this time because there is no mining activity going on at this time. However that once mining begins the noise will only be 200 feet from the residential property lines. The applicant also had his engineer Vincent Orlando perform other noise testing which showed that 200' from the mining equipment the noise level would be well above the acceptable level. Ms. Previti referred to two recommendations provided by the Township Engineer to the Planning Board regarding noise protection and felt that the Planning Board chose the option providing the least noise protection to the residents. She continued and stated that the lot is in a CAFRA zone and CAFRA rules require a 500-foot buffer from the residential area and felt that the Planning Board was not aware of this condition when they made their rulings. She stated that neighbors have contacted the New Jersey DEP, which recommends that the Township and the applicant should request a Jurisdictional Determination letter. Ms Previti requested that the Committee delay any decision in this matter until this Jurisdictional Determination is received. She further asked the Committee to deny the license as the site plan is defective as it does not comply with CAFRA requirements.

With regards to a Jurisdictional Determination, Mr. Dietrich responded that he has spoken with the Bureau of Land Use and Management at the NJDEP. His understanding is that neither the applicant nor the Township are required to apply for this letter. Mayor Palombo commented that he feels it prudent to have that in writing rather than verbal. Ms. Previti provided a form to the Committee to request a Jurisdictional Determination letter. Mr. Briggs responded it is his

understanding that the form only needs to be completed if the activity requires a CAFRA permit and this activity does not.

Tom Zyckowski, 18 Canterbury Lane; asked if the Committee has the authority to impose certain conditions of the applicant. He is requesting that periodic noise testing be done. Mayor Palombo replied he would be in favor of monitoring noise levels.

Joseph Schwab, 17 Cambridge Drive; stated that his property is contiguous to Lot 110 and the operation directly affects him. He is concerned about the approvals given by the Planning Board as they have been made in direct conflict to preexisting rules or conditions. He is asking that the Committee require that this operation be monitored and stay in compliance.

Bill Hawthorne, 10 Cambridge Drive; remarked that the noise expert stated the noise of a mining operation will be similar to a lawn mower. "This means 52 weeks a year he would be listening to a lawn mower eight hours a day, five days a week." The start up time is as early as 6 a.m.

Lou Angelino, 15 Cambridge Drive; stated that he moved to this area four years ago and that the noise has been excessive ever since. He noted that a comment had come from the Planning Board that no one has complained. He stated that he hadn't complained because he was hoping things would be resolved. His biggest concern are the hours of operation which will be from 6 a.m. to 6 p.m. and back up alarms go off at 5 a.m. He requests the hours of operation be changed to 8 a.m. to 4 p.m.

Jules Kenschak, representing Thomas Tower and Action Supply; stated that the Planning Board granted his clients the approval for this lot for the site plan and the right to mine it. Mr. Kenschak reviewed the history of this application, which began in 1986. At that time Mr. Tower included Lot 110 in his application. Mr. Kenschak summarized site plan application approvals and time lines. He reviewed the specific dates public hearings were held on this matter from as far back as 1987. Historically in matters of site plans, the Committee issues licenses to mining operations and included as a condition of those licenses are all the conditions outlined in the Planning Board resolutions. Mr. Kenschak requests that the Committee issue the requested license and include as conditions of approval all the conditions put forth in Planning Board resolutions PB03-07A and PB05-09. Mr. Kenschak stated that his client has complied with all requirements put forth. He commented that hours of operation are not required of any other business except mining. Curtis Corson asked the size of the original buffer/berm that the applicant requested. Mr. Kenschak responded that applicant at one time offered a six-foot berm; and that the Planning Board increased the buffer from 100 foot to 200 feet. Mr. Kenschak referred to tree lined photos. The proposed buffer is 200 feet of vegetation and there is an existing 6-foot high fence that is faced with a stockade fence 50 feet from the property line. The Planning Board has requested that the applicant extend the fence to include Mr. Schwabs property. With regards to the Jurisdictional Determination letter, Mr. Kenschak stated that it is their position that it is not necessary since Planning Boards' decisions, by statute are subject to "any other approvals that may be necessary". He continued that any action taken by the Committee or Planning Board does not absolve the applicant's responsibilities from obtaining required items; an approval is granted conditionally upon meeting requirements of the various boards.

Tom Tower, President of Action Supply; added that they have installed the fence. He stated that the residents on Evergreen Drive have a 30-foot buffer and in the last five years he has not had any complaints from those residents. He stated that he makes a conscientious effort to be a good neighbor.

Norman Briggs, conflict attorney representing the Township of Upper; responded to questions of hours of operation and noise in that the Planning Board resolution found that the noise level was well within the State Regulatory limits. He discussed the Township Ordinance outlining hours of operation and monitoring noise and pollution. Mayor Palombo asked if the Committee could require quarterly impartial monitoring of noise decibels. Mr. Briggs affirmed that the Township has the right to put conditions on the approval, however that there is a compliance clause in the ordinance. Jay Newman noted that historically any issues that have been raised by Mr. Tower's operations have been addressed by Mr. Tower. When asked, Mr. Tower stated that he would like to start mining at that location as soon as the licensing is approved.

Mayor Palombo asked about monitoring of decibel levels. Mr. Tower replied that they check all equipment to be sure they are in compliance. Historically the mining business operates between 8a.m. to 4p.m. and the retail sales go to 6p.m. Mr. Tower asked that if any of the neighbors have a complaint or concern to please call him first because he is ready to address any issues his neighbors may have.

Michele Previti, requested that she be allowed to respond to a few points, they being that the noise testing was not done during times of actual excavating/dredging of dirt. Another point was that the vegetative buffer being planted would take years to grow. She requested that the Committee set the hours of operation, with no weekends or holidays into the approval.

Mayor Palombo requested confirmation that the Jurisdictional Determination is not an issue. He stated that he is not opposed to monitoring noise levels but feels a neutral party must do it. Mr. Korschak responded that this is a costly process and argues that if a private party wants it done it should be at their own expense. Mr. Briggs replied that the ordinance already requires the mining operation to maintain state approved noise levels. There were no further speakers.

Barbara Camp made a motion to approve the modification of the 2009 Mining License to include Block 549, Lot 110 in the application. Mayor Palombo asked that the resolution include that the Jurisdictional Determination letter be obtained before their license renewal of 2010, to which Mrs. Camp concurred. Motion was seconded by Curtis Corson with all five Committee Members voting in the affirmative.

Mr. Briggs stepped down from the dais and Mr. Daniel Young returned to his position.

RESOLUTIONS

2. In recognition and appreciation of Upper Township Committeewoman Barbara A. Camp, on her retirement from public service.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION NO. 241-2009**

**RE: IN RECOGNITION AND APPRECIATION OF
UPPER TOWNSHIP COMMITTEEWOMAN BARBARA A. CAMP,
ON HER RETIREMENT FROM PUBLIC SERVICE**

WHEREAS, effective December 31, 2009, Committeewoman Barbara A. Camp will retire from her seat on the Upper Township Committee after six years, culminating an active career of over thirty (30) years of exemplary public service to this community; and

WHEREAS, her 30 years of public service also includes her appointment as Municipal Clerk from 1978 through 2002, after which time she then accepted the nomination for a seat on the governing body, and in 2004 was elected and became the first woman in Upper Township to serve as a member of the Township Committee; and

WHEREAS, it is most appropriate that Barbara Camp's tenure of public service, commitment, and leadership to her community are 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, that Barbara A. Camp be publicly congratulated on the occasion of her retirement as Township Committeewoman and that we all extend our deepest thanks to her for her many years of dedicated public service and acknowledge that her dedication has served to enhance the lives of everyone in this community.

BE IT FURTHER RESOLVED, that this Committee extends to our colleague and friend, Barbara A. Camp, our very best wishes for continued happiness, good health, and success in her future endeavors.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 14th day of December, 2009.

Resolution No. 241-2009

Offered by: Corson

Seconded by: Newman

Adopted: December 14, 2009

Roll Call Vote:

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

3. Honoring Edward Silvia on attaining the designation of "Eagle Scout".

TOWNSHIP OF UPPER

CAPE MAY COUNTY

R E S O L U T I O N

RESOLUTION NO. 242-2009

**RE: HONORING EDWARD SILVIA ON ATTAINING THE
DESIGNATION OF "EAGLE SCOUT"**

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

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

WHEREAS, Edward's project was to redesign and landscape a tree planting memorializing a long time teacher; and

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

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

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

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

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 14th day of December, 2009.

Resolution No. 242-2009

Offered by: Newman

Seconded by: Conrad

Adopted: December 14, 2009

Roll Call Vote:

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

4. Honoring John Chester on attaining the designation of Eagle Scout".

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 243-2009
RE: HONORING JOHN CHESTER ON ATTAINING THE
DESIGNATION OF "EAGLE SCOUT"**

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

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

WHEREAS, John's project was landscaping the front yard of Beacon Animal Rescue Center in Palermo; and

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

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

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

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

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 14th day of December, 2009.

Resolution No. 243-2009

Offered by: Conrad

Seconded by: Camp

Adopted: December 14, 2009

Roll Call Vote:

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

**5. Setting the salary of various Municipal Court officers and employees.
This item was not voted upon till after closed session meeting.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 244-2009
RE: SETTING THE SALARY OF VARIOUS MUNICIPAL COURT**

OFFICERS AND EMPLOYEES

WHEREAS, a need exists in the Township of Upper to set the salaries of various Municipal Court personnel in order to staff the various positions of the Township for the ensuing year.

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 persons are presently serving in the position indicated.
3. The following person are as listed below salaries and positions are as indicated below opposite his or her name effective December 1, 2009 with no change in salary for the year 2010:

<u>NAME</u>	<u>POSITION</u>	<u>SALARY</u>
James Birchmeier	Judge, Municipal Court	\$42,000.00
William E. Brewer, Esq.	Municipal Public Defender	\$19,000.00
Rosemary Bonner	Municipal Court Admin. Violations Clerk	\$64,100.00
Nancy Palmer	Deputy Mun. Court Admin. Deputy Violations Clerk	\$51,950.00
Edward Johnson	Bailiff	\$200.00 Per session

Resolution No. 244-2009
 Offered by: Newman
 Adopted: December 14, 2009
 Roll Call Vote:

Seconded by: Conrad

<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	_____	_____	_____

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 245-2009
RE: SETTING THE SALARY OF VARIOUS MUNICIPAL COURT
OFFICERS AND EMPLOYEES**

WHEREAS, a need exists in the Township of Upper to set the salaries of various Municipal Court personnel in order to staff the various positions of the Township for the ensuing year.

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.
4. The following persons are presently serving in the position indicated.
5. The following person are as listed below salaries and positions are as indicated below opposite his or her name effective ***December 1, 2009 with no change in salary for the year 2010:***

<u>NAME</u>	<u>POSITION</u>	<u>SALARY</u>
Partick F. Martin, Esq.	Municipal Prosecutor	\$39,000.00

Resolution No. 245-2009

Offered by: Newman

Seconded by: Conrad

Adopted: December 14, 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. Accepting the 2010 Solid Waste Collection Rules and Regulations resident information packet Pursuant to Chapter 24 of the Revised General Ordinances of Upper Township.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 246-2009
ACCEPTING THE 2010 SOLID WASTE COLLECTION
RULES AND REGULATIONS
RESIDENT INFORMATION PACKET PURSUANT TO CHAPTER 24 OF
THE REVISED GENERAL ORDINANCES OF UPPER TOWNSHIP**

WHEREAS, the Township of Upper has adopted rules and regulations with regards to collection and disposal of solid waste and recyclables pursuant to Chapter 24 of the Revised General Ordinances; and

WHEREAS, the aforesaid rules and regulations are assembled into a summary entitled "*Residents Information-2010*" to be distributed to Township residents and attached hereto as Exhibit "A";

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 has determined that the summary attached as Exhibit "A" is in accordance with Chapter 24 of the Revised General Ordinances of Upper Township and is hereby accepted.

Resolution No. 246-2009

Offered by: Camp

Seconded by: Conrad

Adopted: December 14, 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>	_____	_____	_____

7. Ralph's Bagel Shop, request for release of Performance Surety for Block 642.01, Lot 19.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 247-2009
RE: RELEASING THE PERFORMANCE SURETY**

(CASH & LETTER OF CREDIT)
FOR PROJECT KNOWN AS RALPH'S BAGEL SHOP
ON BLOCK 19, LOT 642.01;
OWNER AND/OR DEVELOPER: RALPH AND DEANNA HOLT
PROPERTY: BLOCK 19, LOT 642.01

WHEREAS, Ralph and Deanna Holt, (hereinafter "Owner"), has heretofore requested the release of the performance surety (cash and letter of credit) for Ralph's Bagels and

WHEREAS, the Owner has completed all work in conformance with the plans and specifications for the project known as Ralph's Bagel Shop as certified and inspected by the Township Engineer and the Performance Surety (cash and letter of credit number 09-2009) now held by the Township should be released; 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 Performance Bond now held by the Township is hereby released as follows:

Surety and cash (\$3,020.55 plus interest)

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

WHEREAS, the Municipal Engineer, has recommended a release of the remaining balance of \$1,100.00 for streetlight fees in accordance with the Municipal Ordinances of the Township of Upper; 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 above are incorporated herein by this reference.

2. 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. 248-2009

Offered by: Corson

Seconded by: Conrad

Adopted: December 14, 2009

Roll Call Vote:

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

9. Confirming the appointment of William Bramble as Acting Construction Official for a certain time period.

TOWNSHIP OF UPPER

CAPE MAY COUNTY

R E S O L U T I O N

RESOLUTION NO.249-2009

RE: CONFIRMING THE APPOINTMENT OF WILLIAM BRAMBLE

AS ACTING CONSTRUCTION OFFICIAL

EFFECTIVE NOVEMBER 25, 2009

AND AS NEEDED, THROUGH DECEMBER 31, 2009

WHEREAS, a need exists to appoint a qualified individual as acting Construction Official for a certain time period to insure optimal operation; 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. William Bramble is hereby appointed in the acting Construction Official position effective November 25, 2009 and at other times, as needed, through December 31, 2009 at a salary of \$25.00 per hour.

3. This Resolution ratifies, confirms and approves action taken by the Township Committee.

Resolution No.249-2009

Offered by: Conrad

Seconded by: Camp

Adopted: December 14, 2009

Roll Call Vote:

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

10. Authorizing the purchase of a 2010 Van Duyne Lifeguard Rescue Boat from Van Duyne Bros., Inc. at a cost of \$8,350.00 for the Upper Township Beach Patrol.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

RESOLUTION
RESOLUTION NO. 250-2009
RE: AUTHORIZING THE PURCHASE OF
A 2010 VAN DUYNE LIFEGUARD RESCUE BOAT FROM
VAN DUYNE BROS., INC. AT A COST OF \$8,350.00
FOR THE UPPER TOWNSHIP BEACH PATROL

WHEREAS, the need exists to replace a Lifeguard Rescue Boat used by the Beach Patrol specifically a 2000 Van Duyne Lifeguard Rescue Boat that sustained damage on August 21, 2009; and

WHEREAS, the Township Recreation Supervisor has made a recommendation to the Township Committee with respect to replacing the boat; and

WHEREAS, The Purchasing Agent has advised that it is not practicable to obtain quotes due to the nature of the purchase; and

WHEREAS, the Chief Financial Officer of the Township of Upper has certified the availability of funds in sufficient amount to issue a purchase order; and

WHEREAS, the Township intends to take formal action to purchase a 2010 Van Duyne Lifeguard Rescue Boat from Van Duyne Bros., Inc., which the Invoice price hereto is attached as 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 hereby accepts the invoice price submitted by Van Duyne Bros., Inc. located at 507A Barr Avenue, Linwood, NJ 08221 for the delivery of a “2010 Van Duyne lifeguard Rescue Boat ” for the delivered price of \$8,350.00, subject to the following:

- (a) The Vendor (Van Duyne Bros., Inc.) shall provide all warranties and manuals applicable to said boat and provide same at or before the time of delivery.
- (b) The Chief Financial Officer is hereby authorized, directed and empowered to issue a Purchase Order to the vendor in the amount authorized in this Resolution.

(c) 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.250 -2009

Offered by: Palombo

Seconded by: Conrad

Adopted: December 14, 2009

Roll Call Vote:

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

11. Accepting the bid of and authorizing the execution of a contract with U.S. Municipal Supply of Huntingdon, PA, for the 2009 or newer Vacuum Road Sweeper at a cost of \$194,275.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO.251-2009
RE: ACCEPTING THE BID OF AND AUTHORIZING THE
EXECUTION OF A CONTRACT WITH
U.S. MUNICIPAL SUPPLY OF HUNTINGDON, PA
FOR THE 2009 OR NEWER VACUUM ROAD SWEEPER
AT A COST OF \$194,275.00**

WHEREAS, the Township of Upper has solicited bids for the furnishing and delivery of a 2009 or newer Vacuum Road Sweeper, which bids were received on December 8, 2009; and

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

WHEREAS, the Township Engineer has submitted a recommendation to the Township Committee with respect to the award of said bid, written recommendation is attached hereto as "Exhibit A"; and

WHEREAS, the Chief Financial Officer of the Township of Upper has certified the availability of funds attached hereto as “Exhibit B” in a sufficient amount to award a contract for \$194,275.00, the line item appropriation to which the contract will be charged is Account Number C-04-55-209-016-101; and

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

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

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

2. The Township Committee hereby accepts the Engineer’s recommendations and the bid submitted by U.S. Municipal Supply, Inc., of 10583 Raystown Road P.O. Box 574, Huntingdon, Pennsylvania, 16652 for the 2009 or newer Vacuum Road Sweeper, in the amount of \$194,275.00 subject to the following:

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

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

(C) The Bidder 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.

3. The Mayor and Township Clerk are further authorized to execute a Contract with the successful bidder and/or the Chief Financial Officer is hereby authorized, directed and

WHEREAS, the Chief Financial Officer has issued a certification as to the availability of funds for this Change Order; and

WHEREAS, approval of this Change Order is in the best interests of the Township;

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. Change Order No. 1 to the Gibson Associates contract for professional construction inspection services for the Peach Orchard Road reconstruction project is hereby authorized as follows:

Extra Services Increase.....\$2,225.00

3. A copy of the Change Order detailing the nature and the extent of the work to be done, and all other prior Change Orders, if any, are attached to this Resolution as Exhibit "A".

4. The Mayor and Chief Financial Officer are hereby authorized, directed and empowered to execute the Change Order on behalf of the Township of Upper.

5. All Township officials and officers are hereby authorized and directed to take all action necessary to carry out the intent and purpose of this Resolution.

Resolution No. 254-2009

Offered by: Camp

Seconded by: Corson

Adopted: December 14, 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> x </u>	<u> </u>	<u> </u>	<u> </u>

13. Tax Refund.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
Resolution No. 252-2009
TAX REFUND

WHEREAS, certain corrections have been

Recommended by the Upper Township Tax Collector in order to refund monies;

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

Resolution No. 252-2009

Offered by: Camp

Seconded by: Conrad

Adopted: December 14, 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> X </u>	<u> </u>	<u> </u>	<u> </u>

REFUND 2009

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
348/82.21	\$1,429.30	WELLSFARGO R/E TAX SERVICE 1 HOME CAMPUS MAC X2302-04D DES MOINES, IA 50328

(PROPERTY SOLD 4TH QTR PAID BY WELLSFARGO FOR PRIOR OWNER)

668/22	\$788.40	WELLSFARGO R/E TAX SERVICE 1 HOME CAMPUS MAC X2302-04D DES MOINES, IA 50328
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(PROPERTY SOLD 4TH QTR PAID BY WELLSFARGO FOR PRIOR OWNER)

456/25	\$545.81	REFUND DEPARTMENT FIRST AMERICAN R/E TAX SERVICE PO BOX 961250 FORT WORTH, TX 76161-9887
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(PROPERTY SOLD 4TH QUARTER PAID BY 1ST AMERICAN FOR PRIOR OWNER)

730/23	\$556.50	GRACE OIL CO C/O ZIPP & TANNENBAUM 166 GATZMER AVE JAMESBURG, NJ 08831
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(REFUND REQUESTED DUE TO SUCCESSFUL TAX APPEAL)

14. Budget Transfers.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 253-2009
RE: BUDGET TRANSFERS**

WHEREAS, budgetary transfers between line items can be made after November 1st;
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>
CLERK S/W \$1,000.00	BOARD OF HEALTH O/E \$10,000.00
MUNICIPAL COURT S/W \$500.00	GROUP INS./INS. PREM. EMP. \$2,900.00
MUNICIPAL PROSECUTOR S/W \$1,000.00	RECYCLING PROGRAM S/W \$5,000.00
PUBLIC DEFENDER S/W \$200.00	ROAD REPAIRS MAINT. S/W \$5,000.00
FIRST AID ORGANIZATION S/W \$5,000.00	RECREATION S/W \$15,000.00
GARBAGE & TRASH S/W \$5,000.00	
FINANCIAL ADMINISTRATION O/E \$1,000.00	
DOG REGULATION O/E \$3,000.00	
COMP. ACCUMULATED ABSENCE \$20,000.00	
MUNICIPAL COURT O/E \$500.00	
REGIONAL DISPATCH MISC. \$700.00	

Resolution No. 253-2009

Offered By: Corson

Seconded By: Newman

Adopted: December 14, 2009

ROLL CALL VOTE:

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

ORDINANCES

**15. Public Hearing and Final Adoption of ORDINANCE NO. 026-2009, RE:
REPEALING ORDINANCE NO. 009-2005 PROHIBITING CERTAIN SEX
OFFENDER RESIDENCY.**

It was discussed that this ordinance is necessary and is the result of a Supreme Court Decision, which by State law pre-empts our Ordinance 009-2005 and makes it unenforceable. The Committee commented that the Supreme Court Decision does not reflect the feelings of this governing body. There were no speakers during the public comment section of the hearing. Motion was made by Jay Newman, second by Barbara Camp to adopt Ordinance No. 026-2009. During roll call vote all five Committee members 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

16. Public Hearing and Final Adoption 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. Mr. Corson did not participate in this matter. There were no speakers during the Public Comment section of the hearing. Motion was made by Jay Newman, second by Frank Conrad to adopt Ordinance No. 027-2009. During roll call vote

Curtis Corson abstained from voting, the remaining four Committee members voted in the affirmative.

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

17. Public Hearing and Final Adoption of ORDINANCE NO. 28-2009, RE: AN ORDINANCE ESTABLISHING SALARIES FOR THE TOWNSHIP OF UPPER FOR THE CALENDAR YEAR 2010. Daniel Young commented that when originally introduced there was one item inadvertently omitted, that being “Laborers 1st year to 5th year”. The ordinance was corrected and republished for this evenings hearing. During the Public Comment section of the hearing there were no speakers. Motion was made by Barbara

Camp, second by Frank Conrad to adopt Ordinance No. 028-2009. During roll call vote all five Committee members voted in the affirmative.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE
ORDINANCE NO. 028-2009
AN ORDINANCE ESTABLISHING SALARIES FOR THE TOWNSHIP
OF UPPER FOR THE CALENDAR YEAR 2010.

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:

POSITION	MINIMUM	MAXIMUM - 2010
(P/T denotes "Part-Time Position")		
A. _ADMINISTRATIVE/REVENUE AND FINANCE:		
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

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	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 4th yr.	11.45 Hr.	
Lifeguard, 5th 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-2nd year	12,500.00	43,100.00
Emergency Medical Technician-1st 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.	13.50 Hr. 2nd Yr
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 1st year	12,500.00	35,982.00
Laborer 2nd year	12,500.00	38,000.00
Laborer 3rd year	12,500.00	40,018.00
Laborer 4th year	12,500.00	42,037.00
Laborer 5th year	12,500.00	44,055.00
Laborer (0-9 yrs.)	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.	11.50 Hr.
Recreation Secretary P/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:

YEARS OF SERVICE BASED ON LONGEVITY	AMOUNT OF INCREASE
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

**18. Frederick A. Jacob, RE: Strathmere beach and dune maintenance.
The letter was read into record.**

JACOB & CHIARELLO, LLC
COUNSELLORS AT LAW
A Limited Liability Corporation

*12/14/09 Meeting
Correspondence*

FREDERICK A. JACOB +*
JOSEPH M. CHIARELLO +*

*CERTIFIED CIVIL TRIAL ATTORNEY
*ALSO MEMBER OF PENNSYLVANIA BAR

600 WEST MAIN STREET
P.O. Box 429
MILLVILLE, NEW JERSEY 08332

(856) 825-0700
FACSIMILE (856) 825-2441
Matrimonial Direct Dial (856) 825-0782
Matrimonial Facsimile (856) 327-2252

BOHDAN ZACHARIASEVYCH *

www.jtrialfirm.com
Toll Free 800-303-0701

November 24, 2009

Paul Dietrich, Sr. P.E.
Upper Township Engineer
Township Hall
2100 Tuckahoe Road
P.O. Box 205
Tuckahoe NJ 08250-0205

*File
Strathmere*

Dear Paul:

Enclosed please find a copy of my letter to the New Jersey Department of Environmental Protection. Upper Township's foresight in agreeing to pay for additional sand for the Strathmere beaches provided us with a measure of protection that preserved the dunes and protected our properties from any damage from the ocean. I believe the recent noreaster storms would have destroyed most of the existing dunes if this had not taken place.

Please also accept the thanks of my wife and I for the snow fencing that was put up so quickly. I noticed appreciable sand retention on the dunes within a couple of weeks of their construction. Because the fences were in place, children were not tempted to play on the dunes in a destructive manner. I am hopeful that the budget will permit some judicious planning of grasses sometime in the spring.

Very truly yours,

JACOB & CHIARELLO, LLC

Frederick A. Jacob, Esquire
FAJ/mas

JACOB & CHIARELLO, LLC

COUNSELLORS AT LAW
A Limited Liability Corporation

FREDERICK A. JACOB +*
JOSEPH M. CHIARELLO+*

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BOHDAN ZACHARIASEVYCH *

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Toll Free 800-303-0701

COPY

November 24, 2009

Commissioner
Department of Environmental Protection
401 E. State Street, East Wing
P.O. Box 402
Trenton NJ 08625-0402

Re: Upper Township - Application for Beach and Dune Maintenance Activities

Dear Commissioner:

I am submitting comments relative to Upper Township's application for beach and dune maintenance activities . I live at 1900 Commonwealth Avenue in the Whale Beach section of Strathmere.

I would urge you to grant Upper Township's application. The Township did a splendid job in securing easements on the beach properties so that pumping could occur. They erected snow fencing on the rebuilt sand dunes within a week or two of their placement. They have also been maintaining the beaches regularly and efficiently. I remain hopeful that some new dune grass can be planted in the areas protected by the snow fencing.

Please also extend my appreciation to the DEP for the very efficient way in which the pumping occurred. The contractor did a superb job in all aspects of the operation. The fact that the dredge materials were from Corson's Inlet and that the navigable part of that inlet is now closer to Ocean City than previously has also substantially cut down on beach erosion. I am convinced, moreover, that if this project had not taken place this summer that residents of Strathmere and Whale Beach would have been subjected to substantial property damage during the severe

and frequent noreaster storms that have occurred throughout the late summer and fall months.

Very truly yours,

JACOB & CHIARELLO, LLC

Frederick A. Jacob, Esquire
FAJ/mas

cc: Paul Dietrich

NEW BUSINESS

19. Ocean City Crew Boosters request to hold Calendar Raffle at Yesterday's, RA #359, to begin March 12, 2010 through May 7, 2010.

Barbara Camp made a motion to approve the request and Frank Conrad seconded. During roll call vote four Committee members voted in the affirmative, Jay Newman abstained.

20. Country Shore Woman's Club request to hold Basket Bingo BA# 360 February 6, 2010. Jay Newman made a motion to approve the request. Curtis Corson seconded with all five Committee members voting in the affirmative.

members voted in affirmative.

21. Country Shore Woman's Club request to hold Raffle RA# 361 February 6, 2010.

Jay Newman made a motion to approve request the request. Curtis Corson seconded with all five Committee members voting in the affirmative.

UNFINISHED BUSINESS:

20. James Burger--request for a street light on Ella Layne, in Petersburg.

Paul Dietrich provided information that this is a new development and the developer has funds available to provide street lights along the entire street. Motion made by Jay Newman to allow street lights as recommended by the engineer. Motion was second by Barbara Camp with all five Committee members voting in the affirmative.

DISCUSSION

23. South Jersey Gas, possible extension of lines along Tuckahoe Road.

Curtis Corson made motion to allow the extension and consider converting the Municipal building to natural gas. Frank Conrad seconded the motion with all five Committee members voting in the affirmative.

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 five Committee members present voting in the affirmative.

Payroll: \$ 162,262.98
Bills submitted for payment: \$ 341,634.53

Barbara Spiegel requested that the Committee make a motion to pay the bills that would have been presented at the canceled December 28, 2009 meeting. Curtis Corson made the motion to approve claims submitted for payment at the canceled December meeting be approved. Motion was seconded by Barbara Camp with all five Committee Members voting in affirmative. The total paid are as follows and the list of these bills can be found at the end of these Minutes.

Payroll: \$154,236.33
Bills paid \$147,910.86

REPORT OF MUNICIPAL DEPARTMENTS:

- 24. Clerks Office**
- 25. Tax Office-Nov. Report; Affidavit of Delinquent Properties.**
- 26. Construction Code**
- 27. Animal Control**
- 28. Tax Assessor**
- 29. Municipal Court**

30. Finance Office

31. Upper Township Safety Committee-2009 Annual Report

32. MUA Report

Reports are available from the Clerk's Office.

PUBLIC COMMENT

Ted Kingston, from Strathmere, is concerned about the size of the ramp at the State Park area in Strathmere. Mayor Palombo concurred with the width issue. It was originally understood that the ramp was to be wide enough to allow a "Blazer" size vehicle pass; it is much wider and the Mayor asked that Mr. Dietrich to look into the matter. Mr. Kingston also wanted to know about a letter he saw with regards to planting beach grass. Paul Dietrich responded that this was the general permit application for beach and dune maintenance that is renewed every five years and requires that all residents within 200 feet of crossover be notified and that there is no action necessary for residents.

Mr. Kingston asked how he could know about a Pre-Tax Appeal meeting. Mr. Young replied that the only way the public would know is if they attended meetings that brought this information forward. The deadline was set by the Tax Assessor to meet the Counties deadline and has since passed.

Lyn Fayter, 118 Putnam, Strathmere; discussed the Community Rating System. The Municipal Coordinator is Paul Dietrich; he provided Ms. Fayter with a brief summary of the background and funding information. There was some discussion regarding the position and requirements of the System. Mayor Palombo requested that Ms. Fayter leave the information she has on this topic so that it could be reviewed.

She requested that the Committee review the 13 holidays allowed in the Township Policy. She also questioned why a pick up truck follows the trash truck through Strathmere. Mr. Dietrich responded this is the Compliance Officer who educates and notifies residents not in compliance with Township solid waste rules and regulations rather than issuing violation notices.

CLOSED SESSION

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

Resolution 255-2009
MOTION GOING INTO CLOSED SESSION
December 14, 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:

- (1) Contract Negotiation - Jankowski License Proposal
- (2) Contract Negotiation - Municipal Prosecutor
- (3) Litigation - Strathmere De-Annexation
- (4) Contract Negotiation for appraiser for tax appeal

- (5) Litigation - Ruth Management tax appeal
- (6) Personnel Matters

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

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

Moved by: Jay Newman

Motion seconded by: Frank Conrad

During roll call vote all five Committee members voted in the affirmative.

Jay Newman made motion to close the executive session and go back into open session, Barbara Camp seconded with all five Committee members voting in the affirmative.

RECONVENE PUBLIC PORTION OF MEETING

Jay Newman made a motion to grant Barbara Spiegel her request to be paid for 70 hours of comp-time, Curtis Corson seconded with all five Committee members voting in the affirmative.

Jay Newman made a motion to appoint Paul Bainbridge as an appraiser for a tax appeal matter of Marmora Storage, LLC; Barbara Camp seconded the motion. During roll call vote four Committee members voted in the affirmative and Committeeman Curtis Corson abstained.

Motion was made by Jay Newman, second Frank Conrad to set the Prosecutor's salary at \$39,000. During roll call vote four Committee members voted in the affirmative, Mr. Corson opposed.

ADJOURNMENT

There was no further business for this evening and the meeting was adjourned at 10:55 P.M. The December 28, 2009 meeting has been cancelled. Next meeting scheduled is the 2010 Reorganization meeting on January 4, 2010 at 6:30 P.M.

Jay Newman made the motion to adjourn the meeting. Barbara Camp seconded the motion with all five Committee members voting in the affirmative.

Minutes prepared by

Wanda Gaglione, RMC
Municipal Clerk

Bills List

50324 12/14/09 A0004 A+ COMMERCIAL OFFICE CLEANERS 250.00 2565
50325 12/14/09 A0023 ADAMS, JOHN 340.00 2565
50326 12/14/09 A0025 ADVANTAGE RENTAL ACE HARDWARE 82.93 2565
50327 12/14/09 A0041 ALL ACTION WATER SPORTS, INC. 75.00 2565
50328 12/14/09 A0071 ANCHOR FIRE PROTECTION CO. 900.00 2565
50329 12/14/09 A0081 ARMSTRONG, RALON I. 184.86 2565
50330 12/14/09 A0082 ARMSTRONG, JOSHUA 8.00 2565
50331 12/14/09 A0086 AT&T MOBILITY 274.34 2565
50332 12/14/09 A0092 ARC REPROGRAPHICS 59.85 2565
50333 12/14/09 A0117 AT&T 22.35 2565
50334 12/14/09 A0122 ANSELL, ZARO, GRIMM & AARON 157.50 2565
50335 12/14/09 A0139 ARAMSCO-NEW JERSEY INC. 3,645.48 2565
50336 12/14/09 A0161 ABUNDANT LIFE ASSEMBLY OF GOD 98.41 2565
50337 12/14/09 B0035 BELMONT & CRYSTAL SPRINGS 222.77 2565
50338 12/14/09 B0061 BILLOWS ELECTRIC 123.43 2565
50339 12/14/09 B0068 BLACKLEDGE, MELISSA 2,280.00 2565
50340 12/14/09 B0091 BIRCHMEIER, JAMES 136.00 2565
50341 12/14/09 B0092 BROKER, EUGENE JR. 89.07 2565
50342 12/14/09 B0093 BARRY, CORRADO, GRASSI & GIBSON 1,732.50 2565
50343 12/14/09 B0142 BRINKERHOFF ENVIRONMENTAL 750.00 2565
50344 12/14/09 B0160 BONNER, ROSEMARY 32.70 2565
50345 12/14/09 B0178 BUGANSKI, PETER R. 86.73 2565
50346 12/14/09 B0182 BRIGGS LAW OFFICE, P.C. 1,306.93 2565
50347 12/14/09 B0184 BUSHONG, BRIAN 44.00 2565
50348 12/14/09 C0046 CAPE MAY COUNTY CLERK 8.00 2565
50349 12/14/09 C0048 CAPE MAY COUNTY MUA 29,390.25 2565
50350 12/14/09 C0052 CAPE MAY COUNTY TREASURER 385.00 2565
50351 12/14/09 C0060 CAPRIONI'S PORTABLE TOILETS 989.00 2565
50352 12/14/09 C0068 COMCAST 95.19 2565
50353 12/14/09 C0116 CINTAS CORPORATION #105 285.63 2565
50354 12/14/09 C0143 CODY'S POWER EQUIPMENT 16.72 2565
50355 12/14/09 C0169 COOPER ELECTRIC SUPPLY CO. 63.80 2565
50356 12/14/09 C0171 COLONIAL ELECTRIC SUPPLY CO. 728.85 2565
50357 12/14/09 C0187 CROWTHER, BILL 840.00 2565
50358 12/14/09 C0197 COVENANT LIFE CHRISTIAN FELLOW 300.00 2565
50359 12/14/09 C0212 TD BANK 100.00 2565
50360 12/14/09 C0223 CASA PAYROLL SERVICE 221.55 2565
50361 12/14/09 D0016 DALEY, FREDERICK T/A DALEYS PIT 80.00 2565
50362 12/14/09 D0026 DEAGUSTINE, JOE 740.00 2565
50363 12/14/09 D0040 DELTA DENTAL OF N.J. INC. 6,593.90 2565
50364 12/14/09 D0096 DELL MARKETING L.P. 2,114.00 2565
50365 12/14/09 D0128 DAVIS, JAY 338.00 2565
50366 12/14/09 E0001 EARTHTECH CONTRACTING INC. 8,102.24 2565
50367 12/14/09 E0012 EHRLICH PEST CONTROL INC 71.00 2565
50368 12/14/09 F0048 FOGG, LESLIE INC. 6.67 2565
50369 12/14/09 F0054 FORT DEARBORN LIFE INSURANCE 544.98 2565
50370 12/14/09 G0028 GENTILINI FORD 688.04 2565
50371 12/14/09 G0040 GIBSON ASSOCIATES, P.A. 7,830.00 2565
50372 12/14/09 G0044 GILES & RANSOME, INC. 1,780.03 2565
50373 12/14/09 G0052 GIRL SCOUT TROOP #6090 300.00 2565
50374 12/14/09 G0074 GPA OF NEW JERSEY, INC. 90.00 2565
50375 12/14/09 G0092 GRUND, BARBARA J. 2,000.00 2565
50376 12/14/09 G0096 GRUND, GEORGE 128.00 2565
50377 12/14/09 H0006 HABERMAN, WILLIAM 199.00 2565
50378 12/14/09 H0083 HUBER LOCKSMITHS, INC. 90.00 2565
50379 12/14/09 H0084 HISTORICAL PRES. SOCIETY UT 6,466.00 2565
50380 12/14/09 I0021 INTERSTATE BATTERIES 189.89 2565
50381 12/14/09 J0033 JANKOWSKI, MATTHEW 400.00 2565
50382 12/14/09 J0036 JOHNSON, MICHELLE 663.38 2565
50383 12/14/09 J0049 JR. GIRL SCOUT TROOP#6853 300.00 2565
50384 12/14/09 K0007 KACZMARSKI, RICHARD 250.98 2565

50385 12/14/09 K0016 KEENE, DAVID 96.00 2565
50386 12/14/09 K0034 KOHLER, CLAUDE JR. 246.12 2565
50387 12/14/09 K0037 KOHLER, JOHN F 178.00 2565
50388 12/14/09 L0034 LAYTON, BRENDA MRS. 86.00 2565
50389 12/14/09 L0080 LOWES, INC. 138.66 2565
50390 12/14/09 M0012 McCAULEY, RICHARD 75.20 2565
50391 12/14/09 M0017 MOORE MEDICAL CORP. 107.12 2565
50392 12/14/09 M0021 MASER CONSULTING, P.A. 9,154.80 2565
50393 12/14/09 M0046 MASON, DAVID 161.00 2565
50394 12/14/09 M0055 MAY, JUDITH 80.00 2565
50395 12/14/09 M0059 MCDANIELS, WILLIAM J. III 370.22 2565
50396 12/14/09 M0103 MODERN GAS COMPANY, INC. 517.64 2565
50397 12/14/09 M0180 MED-TECH RESOURCE, INC. 785.01 2565
50398 12/14/09 M0188 MCCARTHY TIRE SERVICE OF PHILA 247.00 2565
50399 12/14/09 M0206 MCCARDELL, JOHN 600.00 2565
50400 12/14/09 M0214 MCDONALDS SAW SERVICE INC 62.00 2565
50401 12/14/09 N0004 NJ-AMERICAN WATER CO. 89.40 2565
50402 12/14/09 N0052 NATL YOUTH SPORTS COACHED ASSN 140.00 2565
50403 12/14/09 N0054 NEWMAN, JOHN C 2,000.00 2565
50404 12/14/09 N0088 N.J. CONFERENCE OF MAYORS 475.00 2565
50405 12/14/09 N0094 NEW JERSEY PLANNING OFFICIALS 420.00 2565
50406 12/14/09 N0100 N.J. LEAGUE OF MUNICIPALITIES 858.00 2565
50407 12/14/09 N0124 NORKIS, MARYELLEN 119.50 2565
50408 12/14/09 O0006 OCS PRINTING 108.00 2565
50409 12/14/09 O0012 OCEAN CITY BD. OF EDUCATION 590.00 2565
50410 12/14/09 O0025 OLD DOMINION BRUSH 95.32 2565
50411 12/14/09 O0040 ORIENTAL TRADING 10.99 2565
50412 12/14/09 P0007 PALOMBO, RICHARD A. 92.00 2565
50413 12/14/09 P0008 PALMER, NANCY 67.10 2565
50414 12/14/09 P0032 PEDRONI FUEL CO. 2,261.40 2565
50415 12/14/09 P0034 PEIFER, SUSAN R. 69.00 2565
50416 12/14/09 P0064 PITNEY BOWES 210.00 2565
50417 12/14/09 P0075 POSITIVE PROMOTIONS INC 420.62 2565
50418 12/14/09 P0094 PUBLIC SAFETY CENTER, INC. 75.27 2565
50419 12/14/09 P0104 PASHUCK, SUZANNE 72.32 2565
50420 12/14/09 R0030 RIGGINS, INC. 8,709.55 2565
50421 12/14/09 R0044 RODIO TRACTOR SALES INC 594.00 2565
50422 12/14/09 R0055 ROSIAK, CAROL 36.00 2565
50423 12/14/09 R0073 RICOH AMERICAS CORPORATION 512.10 2565
50424 12/14/09 R0075 RENTAL COUNTRY 1,640.06 2565
50425 12/14/09 R0077 RFP SOLUTIONS, INC 331.08 2565
50426 12/14/09 S0001 SAM'S CLUB 316.50 2565
50427 12/14/09 S0034 SCHULER, DANIEL 325.01 2565
50428 12/14/09 S0072 SEGIN, STEWART S. 108.79 2565
50429 12/14/09 S0075 SHARP, RHONDA L. 6.00 2565
50430 12/14/09 S0097 SMH CPR TRAINING CENTER 7.00 2565
50431 12/14/09 S0126 SPIEGEL, BARBARA 25.30 2565
50432 12/14/09 S0185 STOCKTON STATE COLLEGE 20,445.99 2565
50433 12/14/09 S0203 SUNSET ENTERPRISES 3,246.25 12/15/09 VOID 2565
50434 12/14/09 S0232 SOUTH STATE, INC. 167,535.26 2565
50435 12/14/09 S0239 SHORE VETERINARIANS PA 2,000.00 2565
50436 12/14/09 T0018 TEKK COMMUNICATIONS 168.04 2565
50437 12/14/09 T0032 THE PRESS & SUNDAY PRESS 675.58 2565
50438 12/14/09 T0044 THOMSON, KERRY AGENCY 1,874.00 2565
50439 12/14/09 T0048 TILL PAINT CO/D. FITZGERALD 370.90 2565
50440 12/14/09 T0067 TOWNSHIP OF UPPER PETTY CASH 18.25 2565
50441 12/14/09 T0089 TREASURER, STATE OF N.J. 608.00 2565
50442 12/14/09 T0097 TRICO EQUIPMENT INC. 536.12 2565
50443 12/14/09 T0131 TROUT, ROSEMARY 160.97 2565
50444 12/14/09 U0011 UPPER TOWNSHIP BASEBALL 78.75 2565
50445 12/14/09 U0025 UNITED STATES POSTAL SERVICE 2,000.00 2565
50446 12/14/09 U0028 UPPER TOWNSHIP BD.OF EDUCATION 3,411.00 2565
50447 12/14/09 U0029 UPPER TOWNSHIP BD.OF EDUCATION 446.58 2565
50448 12/14/09 V0013 VERIZON WIRELESS 321.31 2565
50449 12/14/09 V0022 VERIZON 3,040.65 2565
50450 12/14/09 V0024 VAL-U AUTO PARTS L.L.C. 692.22 2565
50451 12/14/09 V0027 VANORDER, ROGER 2,138.98 2565
50452 12/14/09 W0026 WEINSTEIN SUPPLY CORP. 12.65 2565
50453 12/14/09 W0030 WEST PUBLISHING CO. 323.75 2565
50454 12/14/09 W0085 WOODY, LESTER 56.00 2565
50455 12/14/09 W0088 WAWA INC 1,900.00 2565
50456 12/14/09 Y0006 YESTERDAY'S 1,199.00 2565
50457 12/14/09 Y0008 YOUNG, DANIEL J. ESQUIRE PC 11,637.50 2565

Amount Paid \$341,634.53

End of year bills approved for payment:

50464 12/29/09 A0004 A+ COMMERCIAL OFFICE CLEANERS 6,100.00 2568
50465 12/29/09 A0023 ADAMS, JOHN 18.00 2568
50466 12/29/09 A0027 ACE PLUMBING SUPPLY,INC 959.24 2568
50467 12/29/09 A0032 AGWAY /T/A J & S HOME & GARDEN 252.00 2568
50468 12/29/09 A0081 ARMSTRONG, RALON I. 91.98 2568
50469 12/29/09 A0091 ATLANTIC CITY ELECTRIC 17,784.85 2568
50470 12/29/09 B0013 BRADCO SUPPLY CORP. 27.80 2568
50471 12/29/09 B0020 BLAKER, RAYMOND 18.00 2568
50472 12/29/09 B0076 BOND, LAURENCE E. 1,751.83 2568
50473 12/29/09 B0152 BUCHANAN, KAREN A. 258.13 2568
50474 12/29/09 B0178 BUGANSKI, PETER R. 217.60 2568
50475 12/29/09 B0184 BUSHONG, BRIAN 287.51 2568
50476 12/29/09 C0018 C & C WELDING 750.00 2568
50477 12/29/09 C0030 CAMP, BARBARA 109.00 2568
50478 12/29/09 C0046 CAPE MAY COUNTY CLERK 32.00 2568
50479 12/29/09 C0052 CAPE MAY COUNTY TREASURER 18,902.29 2568
50480 12/29/09 C0068 COMCAST 219.96 2568
50481 12/29/09 C0071 CAPEHART & SCATCHARD, P.A. 2,006.00 2568
50482 12/29/09 C0078 CARTER, EDWARD, SR. 155.10 2568
50483 12/29/09 C0091 CHISHOLM, JOHN R. 268.94 2568
50484 12/29/09 C0143 CODY'S POWER EQUIPMENT 37.52 2568
50485 12/29/09 C0146 COLLINS IRON WORKS, INC. 995.70 2568
50486 12/29/09 C0187 CROWTHER, BILL 2,000.00 2568
50487 12/29/09 C0221 CRAGER, GARY 12.00 2568
50488 12/29/09 C0223 CASA PAYROLL SERVICE 231.05 2568
50489 12/29/09 D0015 DAN'S WELDING 240.00 2568
50490 12/29/09 D0026 DEAUGUSTINE, JOE 36.00 2568
50491 12/29/09 D0040 DELTA DENTAL OF N.J. INC. 6,593.80 2568
50492 12/29/09 D0130 DuBELL LUMBER CO. 2,655.31 2568
50493 12/29/09 E0012 EHRlich PEST CONTROL INC 71.00 2568
50494 12/29/09 F0016 FAZZIO, JOSEPH INC. 69.30 2568
50495 12/29/09 F0054 FORT DEARBORN LIFE INSURANCE 544.98 2568
50496 12/29/09 F0080 FAMILIES UNITED NETWORK 300.00 2568
50497 12/29/09 G0002 GAGLIONE, WANDA 86.50 2568
50498 12/29/09 G0004 UPPER TOWNSHIP WRESTLING ASSOC 1,400.00 2568
50499 12/29/09 G0006 GARBUTT, PATRICIA A. 342.00 2568
50500 12/29/09 G0014 GARDEN STATE HWY PRODUCTS INC. 277.00 2568
50501 12/29/09 G0028 GENTILINI FORD 357.04 2568
50502 12/29/09 H0006 HABERMAN, WILLIAM 201.03 2568
50503 12/29/09 H0062 HOPE, JOHN J. 531.23 2568
50504 12/29/09 J0033 JANKOWSKI, MATTHEW 400.00 2568
50505 12/29/09 J0041 JONES, JAMES M. 126.00 2568
50506 12/29/09 J0053 J & M EMBROIDERY SCREEN PRNTG 50.00 2568
50507 12/29/09 K0014 KEENAN, BRIAN 167.62 2568
50508 12/29/09 K0020 KENNEY, EDWARD 394.00 2568
50509 12/29/09 K0028 KIRK'S PIZZA 200.75 2568
50510 12/29/09 K0034 KOHLER, CLAUDE JR. 96.00 2568
50511 12/29/09 K0037 KOHLER, JOHN F 36.00 2568
50512 12/29/09 L0072 LLOYD, JOEL 24.00 2568
50513 12/29/09 L0080 LOWES, INC. 773.21 2568
50514 12/29/09 M0012 McCAULEY, RICHARD 36.00 2568
50515 12/29/09 M0021 MASER CONSULTING, P.A. 316.25 2568
50516 12/29/09 M0033 MARMORA HARDWARE 6.99 2568
50517 12/29/09 M0059 MCDANIELS, WILLIAM J. III 36.00 2568
50518 12/29/09 M0076 MGL PRINTING SOLUTIONS 522.00 2568
50519 12/29/09 M0103 MODERN GAS COMPANY, INC. 385.72 2568
50520 12/29/09 M0121 McCROSSON, JANET 16.00 2568
50521 12/29/09 M0142 MASON, NICHOLAS 30.00 2568
50522 12/29/09 M0174 MCAFEE MEGAN 9,894.89 2568
50523 12/29/09 M0180 MED-TECH RESOURCE, INC. 682.13 2568
50524 12/29/09 M0188 MCCARTHY TIRE SERVICE OF PHILA 308.50 2568
50525 12/29/09 M0206 McCARDELL, JOHN 12.00 2568
50526 12/29/09 M0216 MID ATLANTIC SALT 3,334.16 2568
50527 12/29/09 N0052 NATL YOUTH SPORTS COACHED ASSN 60.00 2568
50528 12/29/09 N0070 NIA GROUP ASSOCIATES, LLC 2,500.00 2568
50529 12/29/09 O0012 OCEAN CITY BD. OF EDUCATION 130.50 2568
50530 12/29/09 P0008 PALMER, NANCY 112.15 2568

50531 12/29/09 P0026 PAYNTER, JOSEPH 18.00 2568
50532 12/29/09 P0032 PEDRONI FUEL CO. 1,070.22 2568
50533 12/29/09 P0035 PEPPERMINT PUPPETEERS 1,125.00 2568
50534 12/29/09 P0036 PENNELLO,DAVID 151.23 2568
50535 12/29/09 P0064 PITNEY BOWES 252.49 2568
50536 12/29/09 P0096 PREVITI,MICHELE M. 1,859.47 2568
50537 12/29/09 P0104 PASHUCK, SUZANNE 22.56 2568
50538 12/29/09 P0121 PENGUIN COMMUNICATION LLC 9,300.00 2568
50539 12/29/09 R0030 RIGGINS, INC. 1,558.62 2568
50540 12/29/09 R0075 RENTAL COUNTRY 1,866.56 2568
50541 12/29/09 S0021 SCHAFFER, MELLISSA 1,166.69 2568
50542 12/29/09 S0031 SCHULER SECURITY, INC. 175.00 2568
50543 12/29/09 S0035 SCHOPPY WILLIAM TROPHY CO. 210.00 2568
50544 12/29/09 S0066 SEETON TURF WAREHOUSE LLC 511.60 2568
50545 12/29/09 S0072 SEGIN, STEWART S. 293.47 2568
50546 12/29/09 S0092 SHONE, LEROY 36.00 2568
50547 12/29/09 S0121 SMUZ, THERESE A 36.41 2568
50548 12/29/09 S0124 SORENSON, LESLIE 362.79 2568
50549 12/29/09 S0126 SPIEGEL, BARBARA 13.75 2568
50550 12/29/09 S0134 SO. JERSEY GAS COMPANY 437.79 2568
50551 12/29/09 T0018 TEKK COMM COMMUNICATIONS 1,661.08 2568
50552 12/29/09 T0020 TERWILLIGER, DUANE E. 18.00 2568
50553 12/29/09 T0032 THE PRESS & SUNDAY PRESS 22.23 2568
50554 12/29/09 T0038 THOMAS, CHRISTOPHER 36.00 2568
50555 12/29/09 T0066 TOWNSHIP OF UPPER 20,100.00 2568
50556 12/29/09 T0067 TOWNSHIP OF UPPER PETTY CASH 8.50 2568
50557 12/29/09 T0132 TRI STATE EZ DOCK INC 8,158.20 2568
50558 12/29/09 U0025 UNITED STATES POSTAL SERVICE 3,000.00 2568
50559 12/29/09 U0028 UPPER TOWNSHIP BD.OF EDUCATION 372.15 2568
50560 12/29/09 U0037 UPPER TOWNSHIP P.T.A. 934.76 2568
50561 12/29/09 U0040 U.T. MUNICIPAL ALLIANCE COM. 316.22 2568
50562 12/29/09 V0005 VAN EMBDEN, NATHAN, ATTORNEY 2,602.50 2568
50563 12/29/09 V0022 VERIZON 1,909.41 2568
50564 12/29/09 V0027 VANORDER, ROGER 30.00 2568
50565 12/29/09 W0020 WEINSTEIN SUPPLY 149.52 2568
50566 12/29/09 W0038 WILLIAMS, JEREMIAH J. 54.00 2568
50567 12/29/09 W0060 WOOLLEY, THOMAS 36.00 2568
50568 12/29/09 W0085 WOODY, LESTER 16.00 2568
50569 12/29/09 Y0012 YOUNG,ROBERT 176.08 2568

total paid \$147,910.86
