

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR JANUARY 11, 2010**

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

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

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

APPROVAL OF MINUTES - 12-14-2009 Regular Meeting and Closed Session Minutes; and

Motion was made by Jay Newman, second by Curtis Corson to approve the December 14th regular and closed session minutes as written. During roll call vote all five committee members voted in the affirmative. The January 4th minutes will be presented at the next meeting for approval.

REPORT OF GOVERNING BODY MEMBERS

Frank Conrad, stated he would like to discuss a Contract item in executive session. He briefly discussed the 2010 Budget process for this year in that he wants to schedule the first workshop at the Feb. 8th meeting. He stated that hopefully there would be no Local Purpose Tax for this year, but due to the economic situation of the country it probably could not be avoided in the following year. He plans to continue with a 5-year financial plan for the Township. He also mentioned that Upper Township businesses would meet at the Tuckahoe Inn on Friday night at 5 PM to discuss forming a new Chamber of Commerce.

Kristine Gabor, reported that the Free Rabies Clinics would be held on Jan. 23, and February 20, from 1to 3PM at Shore Veterinarians. Dog licenses can also be purchased at the same time. She discussed the proposed amendments of the Recreation Committee’s By-Laws that were forwarded to the Committee last month. There were a few comments on the amendments that she would look into and report on at a later meeting.

Curtis Corson, Deputy Mayor reported Upper Township has achieved 52.8% recycling rate this past year. He discussed a letter received in this week's packet for a proposal to place a solar farm on the old landfill on Butter Road. Mr. Dietrich commented that the area may not be suited for that use due to the topography of the 12-acre site. The surface is sloped rather than flat however it is a worthwhile endeavor and he would look into the proposal.

Jay Newman, reported on the activities of the Fire and Rescue Departments in that they answered over 1400 calls in 2009. He commented on the NJDOT contaminated site on Old Tuckahoe Road and that letters from Mayor Palombo, the Twp. Engineer, and the CMC Health Director were forwarded to State Legislators and that there is a resolution on tonight's agenda.

Richard Palombo, Mayor reported that he is working to possibly implement a paperless agenda this year for the Committee. He briefly discussed the recent skunk problem and has spoken to Mayor Pagliughi of Avalon and is satisfied that the matter has been resolved. He also commented on the CMC Conference of Mayor's meeting schedule.

OTHER REPORTS

Wanda Gaglione, Municipal Clerk; requested permission to add Wildwood Catholic Resolution to this evening's agenda, and the second item Resolution Number 9 has been amended to add another name, Independent Blue Cross.

Daniel Young, Municipal Attorney; has two items for closed session; one regarding contract negotiations with respect to the lease with Historic Shoreline Railroad; the second being a Personnel Matter.

Paul Dietrich, Municipal Engineer; reported on a recent FEMA briefing pertaining to the November 2009 storm he attended along with Roy Shone and Rob Spiegel. President Obama did declare a Federal Disaster in Cape May County so the Township will be reimbursed for expenses resulting from that storm. It was estimated that Upper Township lost close to 300,000 cu yds. of sand. Additional meetings will take place with FEMA regarding these losses. Mayor Palombo discussed the Township receiving funding from FEMA for both sand replacement and necessary costs such as labor overtime, mobilization costs, and disposal costs. The reimbursement calculation will not exceed 75% of actual costs. Mayor Palombo suggested that Mr. Young and Dr. Farrell also attend those future FEMA meetings. He also reported on the building located at 2236 Rt. 50 in Tuckahoe that was demolished by the Township, costs of which will be paid through a lien on the property. The original demolition contract did not include filling in of a basement, as the Township was not aware that it existed. The fee to fill the basement in was an additional \$2,640. Jay Newman made a motion to add the additional demolition cost to the lien already on the property. Curtis Corson seconded the motion with all five Committee members voting in the affirmative. Mr. Dietrich will confer with conflict attorney in the matter, Norman Briggs. He discussed a letter from a resident living on White Pine Lane requesting speed humps being placed on the street. The Mayor directed that a neighborhood consensus be taken prior to any

decision on this matter. Mr. Dietrich will contact the residents and report on the matter at a future meeting.

Mr. Dietrich brought up the memo received from the Clerk's Office regarding MUA accounts. The Clerk's Office has received complaints from residents regarding the 6000 lb. weight limitation and what is viewed as commercial vehicles. There was discussion as to how the MUA controls the use of commercial vehicles and that possibly the MUA would require a DEP sticker if the gross weight exceeded 6000 pounds. Mr. Corson commented that generally a residential pick up truck weighs 7000 pounds, which would be excluded from this program. Mayor Palombo agreed that owners of personal vehicles should not be penalized based on the weight of their vehicle and wants the matter looked into.

He also discussed a letter received from a resident on Somers Avenue with concerns of vehicles being driven over an open field near her home. It was discussed that "No Trespassing" signs could be installed, however fencing the area would not be feasible. It was directed that Mr. Dietrich would reach out to the property owners and that this item would be placed on a future agenda after further research.

Barbara Spiegel, Chief Financial Officer reported that employee Theresa Smuz completed the Purchasing classes and will apply for her RPPO certification. Motion was made by Curtis Corson, second by Frank Conrad to authorize the \$1000 stipend retroactive to January 1, 2010. During roll call vote all five Committee members voted in the affirmative.

She also discussed the upcoming Red Cross Blood Drive organized by employee Megan McAfee, and again requested from the Township Committee to be able to offer a contest among the employees that participate in the drive for one day off with pay. Motion was made by Jay Newman, second by Curtis Corson with all five Committee members voting in the affirmative.

RESOLUTIONS

1. Honoring Jonathan Trego 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.24-2010

**RE: HONORING JONATHAN TREGO ON ATTAINING THE
DESIGNATION OF "EAGLE SCOUT"**

WHEREAS, Jonathan Trego, 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

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 Jonathan 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 Jonathans'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 11th day of January, 2010.

Resolution No. 24-2010

Offered by: Newman Seconded by: Conrad

Adopted: January 11, 2010

Roll Call Vote:

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

2. Honoring Andrew Patrick Simmerman 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.25-2010**

**RE: HONORING ANDREW PATRICK SIMMERMAN ON ATTAINING THE
DESIGNATION OF "EAGLE SCOUT"**

WHEREAS, Andrew Patrick Simmerman, 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

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 Andrew 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 Andrew'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 11th day of January, 2010.

Resolution No. 25-2010
Offered by: Newman
Adopted: January 11, 2010
Roll Call Vote:

Seconded by: Gabor

| <u>NAME</u> | <u>YES</u> | <u>NO</u> | <u>ABSTAINED</u> | <u>ABSENT</u> |
|-------------|--------------|-------------------|-------------------|-------------------|
| Conrad | <u> x </u> | <u> </u> | <u> </u> | <u> </u> |
| Corson | <u> x </u> | <u> </u> | <u> </u> | <u> </u> |

| | | | | |
|---------|--------------|-------------------|-------------------|-------------------|
| Gabor | <u> x </u> | <u> </u> | <u> </u> | <u> </u> |
| Newman | <u> x </u> | <u> </u> | <u> </u> | <u> </u> |
| Palombo | <u> x </u> | <u> </u> | <u> </u> | <u> </u> |

3. Congratulating the Upper Township Inline Hockey Team on their winning season and becoming the 2009 Cape May County 13-15 Year Old Division Champions.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 26-2010
RE: A RESOLUTION CONGRATULATING
THE UPPER TOWNSHIP INLINE HOCKEY TEAM
ON BECOMING THE 2009 CAPE MAY COUNTY
13-15 YEAR OLD DIVISION CHAMPIONS**

WHEREAS, the Upper Township 13-15 Year Old division Inline Hockey Team has had an outstanding 2009 hockey season; and

WHEREAS, they recently participated in the Cape May County Championship Games and won the County Championship Trophy for their division; and

WHEREAS, it is appropriate that on behalf of the citizens of Upper Township we recognize and congratulate the players listed as follows:

| | |
|-----------------|-----------------|
| Brad Breitzman | Chaz Mangine |
| Zachary DiSante | Andrew Santiago |
| Kevin Dougherty | Martin Shaw |
| Derrick Etling | Ryan Schiffler |
| Daniel Spatol | |

WHEREAS, we also extend this recognition and thanks to Sharon Dougherty and TJ Spatol who have generously given their personal time and service to coach this team; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee on behalf of the citizens of the Township of Upper, to extend to the Upper Township 13-15 year old Division Inline Hockey Team congratulations on becoming the 2009 Cape May County 13-15 Year Old Division Champions, and to each coach heartfelt thanks and gratitude for the generous donation of their time and service to the young people of this community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 11th day of January, 2010.

Resolution No. 26-2010
Offered by: Conrad
Adopted: January 11, 2010
Roll Call Vote:

Seconded by: Gabor

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

4. In recognition and appreciation of John R. Deuter on his retirement as Director of Emergency Management for the Township Of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

**R E S O L U T I O N
RESOLUTION NO. 27-2010**

**RE: IN RECOGNITION AND APPRECIATION OF
JOHN R. DEUTER**

**ON HIS RETIREMENT AS DIRECTOR OF EMERGENCY MANAGEMENT FOR THE
TOWNSHIP OF UPPER**

WHEREAS, John R. Deuter has recently retired after twenty-one (21) years of public service to this community serving as the Director of Emergency Management in the Township of Upper; and

WHEREAS, this Township Committee acknowledges the expertise John possesses in the field of Emergency Management and on behalf of every citizen in this community the Township Committee wishes to thank John for his invaluable service and assistance through the years in the development and implementation of a superior emergency response plan for the Township of Upper; and

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

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

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

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 11th day of January, 2010.

Resolution No. 27-2009

Offered by:Newman Seconded by:Conrad

Adopted: January 11, 2009

Roll Call Vote:

Roll Call Vote:

| <u>NAME</u> | <u>YES</u> | <u>NO</u> | <u>ABSTAINED</u> | <u>ABSENT</u> |
|-------------|-------------|-----------|------------------|---------------|
| Conrad | _____x_____ | _____ | _____ | _____ |
| Corson | _____x_____ | _____ | _____ | _____ |
| Gabor | _____x_____ | _____ | _____ | _____ |
| Newman | _____x_____ | _____ | _____ | _____ |
| Palombo | _____x_____ | _____ | _____ | _____ |

5. Appointment of William C. Handley as the Upper Township Representative to the Great Egg Harbor National Scenic and Recreational River Council.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO.28-2010**

**RE: APPOINTMENT OF WILLIAM C. HANDLEY
AS THE UPPER TOWNSHIP REPRESENTATIVE
TO THE GREAT EGG HARBOR NATIONAL SCENIC
AND RECREATIONAL RIVER COUNCIL**

WHEREAS, the Great Egg Harbor National Scenic and Recreational River Council (“River Council”) is comprised of one representative from each of the 12 municipalities involved and one representative from the Great Egg Harbor Watershed Association, and Upper Township is one of the municipalities involved; and

WHEREAS, the “River Council” provides input on a wide variety of issues from federal and state permits for construction projects in the river corridor to the expenditure of funds made available through the National Park Service; and

WHEREAS, the present Upper Township representative to the “River Council”, is William C. Handley; and

WHEREAS, the Township of Upper has determined that William C. Handley should be reappointed as the representative of the Township of Upper to the “River Council”; 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 C. Handley is hereby appointed for a two year term commencing on February 1, 2010 and ending on January 31, 2012 to the “River Council” as the representative of Upper Township, New Jersey.

3. A copy of this Resolution shall be forwarded to the Great Egg Harbor National Scenic and Recreational River Council c/o Fred Akers – Administrator, P.O. Box 109, Newtonville, New Jersey 08346.

Resolution No. 28-2010

Offered by: Conrad Seconded by: Palombo

Adopted: January 11, 2010

Roll Call Vote:

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

6. Amending and supplementing Upper Township Personnel Policies and the Township of Upper’s “Employee Handbook” and “Supervisor’s Personnel Policies and Procedures Manual”.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 29-2010**

**RE: AMENDING AND SUPPLEMENTING UPPER TOWNSHIP PERSONNEL
POLICIES AND THE TOWNSHIP OF UPPER’S
“EMPLOYEE HANDBOOK” AND
“SUPERVISOR’S PERSONNEL POLICIES AND PROCEDURES MANUAL”**

WHEREAS, it is deemed necessary to amend and supplement certain policies and procedures and incorporate such amendments and supplements in the Township of Upper’s “Employee Handbook” and “Supervisor’s Personnel Policies and Procedures Manual”; and

WHEREAS, the Township Committee of the Township of Upper has reviewed and approved the policy regarding dental benefits for eligible employees and their dependents and wishes to adopt same.

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. SECTION FOUR: Dental Benefits Policy: (page 46) is hereby amended and supplemented as follows:

“Full-time ~~and part-time~~, regular employees may join the dental insurance plan after completing three months of employment. The cost of this insurance is fully paid by the Township. The Township shall reimburse up to \$500.00 of orthodontic costs for eligible employees and their dependents per calendar year.”

Resolution No. 29-2010

Offered by: Corson

Seconded by: Newman

Adopted: January 11, 2010

Roll Call Vote:

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

7. Authorizing a Professional Services Contract with Cape May County Council On Alcoholism and Drug Abuse, Inc. for an Employee Assistance Program for Township employees.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 30 -2010**

RE: AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH CAPE MAY COUNTY COUNCIL ON ALCOHOLISM AND DRUG ABUSE, INC. FOR AN EMPLOYEE ASSISTANCE PROGRAM FOR TOWNSHIP EMPLOYEES

WHEREAS, the Township of Upper wishes to continue its Employee Assistance Program to provide assessment, evaluation intervention, referral and case management services for employees of the Township; and

WHEREAS, the Township of Upper has previously contracted with Cape May County Council on Alcoholism and Drug Abuse, Inc., a New Jersey non-profit corporation (hereinafter referred to as “Cape Assist”) for such services and wishes to continue such relationship by entering into a Professional Services Contract to cover the period from January 1, 2010 to December 31, 2010; and

WHEREAS, Cape Assist has the required expertise to provide and implement the Upper Township Employee Assistance Program; and

WHEREAS, the Township Committee intends to engage the services of Cape Assist under a Professional Services Contract attached hereto as Exhibit A; and

WHEREAS, the Chief Financial Officer has certified the availability of funds to permit said Contract to be entered into;

WHEREAS, Cape Assist has completed and submitted a Business Entity Disclosure Certification which certifies that Cape Assist 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 Cape Assist 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. Cape Assist 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 proposed Professional Services Contract between the Township of Upper and Cape Assist, a copy of which is on file in the office of the Township Clerk, is hereby approved and the Mayor and the Township Clerk are hereby authorized, directed and empowered to execute said Contract on behalf of the Township of Upper and the Township Clerk is further authorized, directed and empowered to seal said Contract with the seal of the Township of Upper.
4. The Township Clerk shall cause a Notice of Award of this Contract to be published in the official newspaper of the Township of Upper as required by N.J.S.A. 40A:11-5.
5. This Contract has been awarded without competitive bidding for the following reason or reasons:
 - (A) Professional services of the type herein sought are of such a nature as to require a high degree of trust or confidence in the individual providing the service and, in fact, may

require the creation of a confidential or fiduciary relationship between that individual and the municipality;

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

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

(D) The services are such that their relative work must be judged by subjective considerations that are not susceptible of valuation by competitive bidding; and

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

6. This Resolution shall take effect immediately and shall be deemed retroactive to January 1, 2010.

Resolution No. 30-2010

Offered by: Corson

Seconded by: Conrad

Adopted: January 11, 2010

Roll Call Vote:

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

8. Authorizing a Professional Services Contract with Pogue, Inc. T/A Pogue Safety & Health Consortium for an Alcohol and Controlled Substances Training and Testing Program for certain Township employees.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 31-2010

**RE: AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH POGUE, INC.
T/A POGUE SAFETY & HEALTH CONSORTIUM FOR AN ALCOHOL AND CONTROLLED
SUBSTANCES TRAINING AND TESTING PROGRAM FOR CERTAIN TOWNSHIP EMPLOYEES**

WHEREAS, the Omnibus Transportation Employee Testing Act of 1991 became applicable to the Township of Upper in 1996 in accordance with 49 C.F.R. §382.115(B) and mandates drug and alcohol

testing for employees holding commercial driver's licenses engaged in safety sensitive duties and further requires each employer to maintain a testing policy as required by 49 C.F.R. §382.401(C)(6)(ib); and

WHEREAS, the Township has previously determined to extend that policy to all employees working in hazardous or safety sensitive areas and also to public safety employees including the Division of EMS and Township lifeguards; and

WHEREAS, to administer such a program in accordance with the Federal rules, regulations and guidelines, it is necessary to employ the services of a firm possessing such specialized skill and training; and

WHEREAS, Pogue, Inc., t/a Pogue Safety & Health Consortium (hereinafter referred to as "Pogue"), has the required expertise and provides the same or similar services for several other municipalities; and

WHEREAS, Pogue has been performing such services in the Township of Upper since in or about May of 1996 and proposes to continue to provide such services; and

WHEREAS, the Township Committee intends to engage the services of Pogue under a Professional Services Contract; and

WHEREAS, Pogue, Inc. t/a Pogue Safety & Health Consortium has completed and submitted a Business Entity Disclosure Certification which certify that the contractor has not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit the contractor from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified the availability of funds to permit said Contract to be entered into;

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. Pogue 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.

3. The proposed Professional Services Contract between the Township and Pogue, a copy of which is on file in the office of the Township Clerk, is approved and the Mayor and the Township Clerk are hereby authorized, directed and empowered to execute said Contract on behalf of the Township of Upper and the Township Clerk is further authorized, directed and empowered to seal said Contract with the seal of the Township of Upper.

4. The Township Clerk shall cause a Notice of Award of this Contract to be published in the official newspaper of the Township of Upper as required by N.J.S.A. 40A:11-5.

5. This Contract has been awarded without competitive bidding for the following reason or reasons:

(A) Professional services of the type herein sought are of such a nature as to require a high degree of trust or confidence in the individual providing the service and, in fact, may require the creation of a confidential or fiduciary relationship between that individual and the municipality;

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

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

(D) The services are such that their relative work must be judged by subjective considerations that are not susceptible of valuation by competitive bidding; and

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

6. This Resolution shall take effect immediately and shall be deemed retroactive to January 1, 2010.

Resolution No. 31-2010

Offered by: Corson Seconded by: Newman

Adopted: January 11, 2010

Roll Call Vote:

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

9. Refunding an EMS ambulance billing overpayment to Bunch & Associates.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 32-2010
RE: REFUND EMS AMBULANCE BILLING OVERPAYMENTS
TO BUNCH & ASSOCIATES AND INDEPENDENCE BLUE CROSS**

WHEREAS, an overpayment has occurred in the account of Kristin Rauer, an EMS ambulance billing patient, where the monies sent to the Township of Upper by Bunch & Associates, Inc. were in excess as evidenced by the attached copy of a letter from Bunch & Associates attached hereto as Exhibit A; and

WHEREAS, an overpayment has occurred in the account of P.B. Pace, an EMS ambulance billing patient, where the monies sent to the Township of Upper by Independence Blue Cross were in excess as evidenced by the attached copy of a letter from Independence Blue Cross attached hereto as Exhibit B.

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

| <u>AMOUNT</u> | <u>NAME</u> |
|---------------|---|
| \$400.00 | Bunch & Associates P.O. Box 32037 Lakeland, FL 33802 |
| \$175.20 | Independence Blue Cross c/o Processing Center Attn: AR Refund Suite 333 North 8000 Midlantic Drive Mt. Laurel, NJ 08054-1560 |

Resolution No. 32-2010
Offered by: Corson

Seconded by: Newman

Adopted: January 11, 2010

Roll Call Vote:

| <u>NAME</u> | <u>YES</u> | <u>NO</u> | <u>ABSTAINED</u> | <u>ABSENT</u> |
|-------------|-------------|-----------|------------------|---------------|
| Conrad | _____x_____ | _____ | _____ | _____ |
| Corson | _____x_____ | _____ | _____ | _____ |
| Gabor | _____x_____ | _____ | _____ | _____ |
| Newman | _____x_____ | _____ | _____ | _____ |
| Palombo | _____x_____ | _____ | _____ | _____ |

- 10. A Resolution strongly urging that the State of New Jersey Department of Transportation take immediate steps to remediate the environmental contamination at the N.J.D.O.T. Maintenance Yard, at Block 476, Lot 1, Old Tuckahoe Road, Petersburg, in the Township of Upper, County of Cape May.**

TOWNSHIP OF UPPER

CAPE MAY COUNTY

R E S O L U T I O N

RESOLUTION NO. 33-2010

**RE: A RESOLUTION STRONGLY URGING THAT
THE STATE OF NEW JERSEY
DEPARTMENT OF TRANSPORTATION
TAKE IMMEDIATE STEPS TO REMEDIATE
THE ENVIRONMENTAL CONTAMINATION
AT THE NJDOT MAINTENANCE YARD, AT BLOCK 476, LOT 1,
OLD TUCKAHOE ROAD, PETERSBURG,
IN THE TOWNSHIP OF UPPER,
COUNTY OF CAPE MAY**

WHEREAS, for more than 10 years the New Jersey Department of Transportation has been investigating the environmental effects of a leaking underground fuel storage tank at the NJDOT Maintenance Yard located in Block 476, Lot 1 on Old Tuckahoe Road, Petersburg, Upper Township, Cape May County; and

WHEREAS, although the leaking underground fuel tank was finally removed in November of 2000, the NJDOT's groundwater sampling program revealed that constituents from gasoline have formed a subterranean plume which is presently heading in a northeasterly direction adversely affecting drinking wells and groundwater in its path and is gradually moving towards the Upper Township Middle School and the Upper Township Municipal Hall; and

WHEREAS, in addition to the fuel contamination, there also exists a second issue of groundwater contamination with sodium, a result from the maintenance yard's long history of storing road deicing rock salt in an open area; and

WHEREAS, results of the NJDOT's well monitoring and groundwater samplings of neighboring properties have confirmed the presence of V.O.C.'s and other petroleum based constituents, and sodium contamination in the surrounding homeowners' wells; and

WHEREAS, in light of the extensive contamination that has already occurred and the potential widespread risk to public health as the plume migrates, the Township of Upper believes it is vitally important that these issues be resolved and also urges the appropriate participation and action by the New Jersey Environmental Protection in this matter.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township of Upper strongly believes that uncontaminated drinking water and environment are the unalienable rights of every citizen of Upper Township.
3. The Township of Upper strongly urges the participation and cooperation of the NJDOT and the NJDEP in resolving this contamination matter as follows: The Township of Upper concurs with the recommendations of the Director of the Cape May County Health Department, Kevin L Thomas in his letter dated December 1, 2009, (copy of which is attached as Exhibit A), "strongly urging the New Jersey Department of Transportation to provide new wells that are drilled deep enough and safely shielded by future plume contamination to all affected residents or fund the development of a community water system."
4. The Township Committee further emphasizes their concerns in this matter by including with this resolution a letter from Mayor Richard Palombo to New Jersey Legislators

(Exhibit B), and a letter from Paul Dietrich, Upper Township Engineer to NJDOT Section Chief Robert Lane, (Exhibit C).

5. A certified copy of this Resolution shall be forwarded to the Governor of the State of New Jersey, the New Jersey Department of Transportation, the New Jersey Department of Environmental Protection, Senator Jeffrey Van Drew, Assemblymen Nelson Albano and Matthew W. Milam, the Cape May County Board of Chosen Freeholders, the Cape May County Health Department, and all affected property owners.

Resolution No. 33-2010

Offered by: Newman

Seconded by: Gabor

Adopted: January 11, 2010

Roll Call Vote:

| <u>NAME</u> | <u>YES</u> | <u>NO</u> | <u>ABSTAINED</u> | <u>ABSENT</u> |
|-------------|-------------|-----------|------------------|---------------|
| Conrad | _____x_____ | _____ | _____ | _____ |
| Corson | _____x_____ | _____ | _____ | _____ |
| Gabor | _____x_____ | _____ | _____ | _____ |
| Newman | _____x_____ | _____ | _____ | _____ |
| Palombo | _____x_____ | _____ | _____ | _____ |

11. Reserve Budget Transfers.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 34-2010
RE: RESERVE BUDGET TRANSFERS**

WHEREAS, various 2009 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2009 budget appropriation reserve in the last two months of 2009; and

WHEREAS, N.J.S.A. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available until lapsed at the close of the succeeding year to meet specific claims, commitments or contracts incurred during the preceding fiscal year and allow

transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding 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, that the transfers in the amount of \$14,000.00 be made between the 2009 budget appropriation reserves as follows:

| <u>TO</u> | <u>FROM</u> |
|---------------------------------------|---------------------------------------|
| RECYCLING O/E \$5,000.00 | RECYCLING S/W \$5,000.00 |
| ROAD REPAIRS MAINT. O/E \$6,000.00 | ROAD REPAIRS MAINT. S/W \$6,000.00 |
| GARBAGE & TRASH O/E \$3,000.00 | FINANCE ADMIN. S/W \$3,000.00 |

Resolution No. 34-2010

Offered By: Conrad

Seconded By: Newman

Adopted: January 11, 2010

ROLL CALL VOTE:

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

12. A Resolution authorizing the Township of Upper to execute a Memorandum Of Understanding with the New Jersey Department of Transportation to provide consultant assistance to the Township of Upper, County of Cape May.

TOWNSHIP OF UPPER

CAPE MAY COUNTY

R E S O L U T I O N

RESOLUTION NO. 35-2010

RE: A RESOLUTION AUTHORIZING THE TOWNSHIP OF UPPER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION TO PROVIDE CONSULTANT ASSISTANCE TO THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY

WHEREAS, the Township of Upper has been working with the Office of Smart Growth in developing a DRAFT Form Based Code for the future development in the Town Centers of Marmora and Seaville; and

WHEREAS, the State of New Jersey Department of Transportation (NJDOT) wishes to build upon the work that was completed in developing the DRAFT Form Based Code and the Township Committee of the Township of Upper, has agreed to participate with the NJDOT as a Demonstration Community for exploring and applying the principles of Mobility and Community Form on Route 9 in the Township of Upper; and

WHEREAS, the NJDOT has agreed to provide consultant assistance to the Township of Upper for this effort and the Municipal Land Use Center will act as a liaison between the NJDOT, the NJDOT consultants and the Township of Upper; and

WHEREAS, the Township Committee of the Township of Upper will provide data, meeting space, assistance with public outreach, and the cooperation necessary to achieve the maximum mutual benefit from the effort expended; and

WHEREAS, the NJDOT consultants provided to the Township of Upper will be contracted to make recommendations to the Township of Upper's DRAFT Form Based Code regarding municipal connectivity, mixed-use and housing diversity, street scale, placemaking, pedestrian access and municipal identity based on the; and

WHEREAS, the Township Committee of the Township of Upper, at any time in the process may terminate this effort by notifying the NJDOT; and

WHEREAS, the NJDOT, at any time during the process may terminate this effort by notifying the Township Committee 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 Township of Upper hereby agrees to become a Demonstration Community for the Mobility and Community Form program accepting the assistance provided by the NJDOT;

2. The Township of Upper will constructively receive and carefully consider for implementation the recommendations attained from this process;

3. The Township of Upper will carefully consider the adoption of municipal ordinances to effectuate said recommendations;

4. The obligations of the Township of Upper and NJDOT are subject to the preparation of a separate Memorandum of Understanding (Exhibit I) to be executed between the parties and the Mayor is authorized to execute said Memorandum of Understanding.

Resolution No. 35-2010

Offered by: Conrad

Seconded by: Newman

Adopted: January 11, 2010

Roll Call Vote:

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

13. Tax Refund.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
Resolution No. 36-2010
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. 36-2010

Offered by: Conrad Seconded by: Newman

Adopted: January 11, 2010

Roll Call Vote:

| NAME | YES | NO | ABSTAINED | ABSENT |
|---------|--------------|---------------|---------------|---------------|
| CONRAD | <u> x </u> | <u> </u> | <u> </u> | <u> </u> |
| CORSON | <u> x </u> | <u> </u> | <u> </u> | <u> </u> |
| GABOR | <u> x </u> | <u> </u> | <u> </u> | <u> </u> |
| NEWMAN | <u> x </u> | <u> </u> | <u> </u> | <u> </u> |
| PALOMBO | <u> x </u> | <u> </u> | <u> </u> | <u> </u> |

REFUND 2010

| <u>BLOCK/LOT</u> | <u>AMOUNT</u> | <u>NAME</u> |
|-------------------------|----------------------|---|
| 723/6 | \$811.80 | TD BANK COMMERCIAL LOANS AIM# 02-206-01-35 6000 ATRIUM WAY MT LAUREL, NJ 08054 |

(TD BANK PAID THIS ACCOUNT IN ERROR)

14. Cancel Credit balances on Township acquired property.
TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
Resolution No. 37-2010
Cancel Credit Balances on Township Acquired Property

WHEREAS, certain corrections have been recommended by the Upper Township Tax Collector in order to correct tax records,

WHEREAS, the Township took possession of certain Portions of land throughout the Township by gift, condemnation, tax lien foreclosure or otherwise.

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. 37-2010

Offered by: Corson Seconded by: Newman

Adopted: January 11, 2010

Roll Call Vote:

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

| <u>Block</u> | <u>Lot/Qual.</u> | <u>Credit Balance</u> |
|---------------------|-------------------------|------------------------------|
| 752 | 3 | (12.34) |
| 753 | 8 | (23.96) |
| 759 | 12 | (15.53) |
| 759 | 16 | (7.10) |
| 759 | 17 | (10.46) |
| 760 | 11.02 | (20.21) |
| 764 | 5 | (16.28) |
| 765 | 11 | (16.44) |
| 769 | 6.06 | (16.44) |
| 770 | 10 | (21.34) |
| 777 | 10 | (3.86) |
| 784 | 3 | (6.39) |
| 784 | 5 | (51.67) |
| 784 | 12 | (9.59) |
| 800 | 5.02 | (12.34) |
| 801 | 13 | (10.29) |
| 809 | 4 | (22.67) |

Total Credit \$276.91

DECLARATION OF TAKING ORD# 015-2008, 014-2008 & GROUP 151

14A. Closure of Wildwood High School.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 014A-2010
RE: TO ENDORSE THE EFFORTS OF THE STUDENTS, PARENTS, FACULTY,
FRIENDS, AND ALUMNI OF
WILDWOOD CATHOLIC HIGH SCHOOL
AS THEY PETITION BISHOP JOSEPH GALANTE AND
THE DIOCESE OF CAMDEN TO RECONSIDER THEIR RECENT DECISION TO
CLOSE WILDWOOD CATHOLIC HIGH SCHOOL
AT THE END OF THE CURRENT SCHOOL YEAR**

WHEREAS, Wildwood Catholic High School was established in the City of North Wildwood in the County of Cape May in 1948; and

WHEREAS, for the past sixty two years Wildwood Catholic High School has faithfully and diligently educated and served thousands of children from the Wildwoods as well as throughout Cape May County; and

WHEREAS, the values and traditions of Wildwood Catholic High School are so engrained into the fabric of the communities of Cape May County by those persons who have been taught, mentored and graduated from Wildwood Catholic High School; and

WHEREAS, Wildwood Catholic High School is the one and the only Catholic educational high school within the County of Cape May and that its closure would deny so many citizens within Cape May County an opportunity for formal parochial education; and

WHEREAS, the closure of Wildwood Catholic High School would impose an undue financial and personal burden on the students and families of Wildwood Catholic High School by forcing them to travel one hour each way to attend school, athletic practices, and games, and any other extra curricular activities and events in Atlantic County at Holy Spirit High School, the most proximate Catholic high school; and

WHEREAS, the closure of Wildwood Catholic High School would impose a great and far reaching negative financial impact on the teachers, employees, parents and businesses within Cape May County; and

NOW, THEREFORE BE IT RESOLVED that this Township Committee does hereby strongly endorse the efforts of the students, parents, faculty, friends, and alumni of

Wildwood Catholic High School in their endeavors to persuade the Diocese of Camden to reconsider their recent decision to close Wildwood Catholic High School at the end of the current school year.

Resolution No. 014A -2010

Offered by: Palombo, Seconded by: Corson

Adopted: January 11, 2010

Roll Call Vote:

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

ORDINANCES

CORRESPONDENCE

NEW BUSINESS

15. Upper Township Baseball, Inc., request to hold an on-premise 50/50 raffle on February 6, 2010, RA#362.

16. Church of the Resurrection request to hold Silent Auction raffle, RA#363; and request to hold 50/50 raffle, RA#364 on February 13, 2010.

Motion was made by Jay Newman, second by Kristine Gabor to approve the raffles listed in agenda items 15 and 16. During roll call vote all five Committee members voted in the affirmative.

17. Noel McCreesh--request for an amendment to a campground license to expand Scenic Riverview Campground from 101 to 125 sites. Committeeman Curtis Corson abstained from any participation in this matter due to conflict. There was discussion that the site plan application was sent to the Zoning Board rather than the Planning Board because it included a “D” variance for a non-permitted use. A copy of the Zoning Board resolution approving the plan was submitted with the request for this evening. Motion was made by Jay Newman, second by Frank Conrad to accept the application for campground license amendment and place it on a future agenda for approval. During roll call vote four Committee members voted in the affirmative, Mr. Corson abstained.

18. Request from Gary Seagraves to raise the elevation of dwelling at 501 S. Bayview Drive in Block 833, Lot 4, Strathmere, which presently encroaches on Bayview Drive. Mr. and Mrs. Seagraves, of 7 Democrat Rd., Mickleton, NJ, were present for tonight’s meeting. They stated that they purchased the property in 2006 and were aware at the time of purchase that the house encroaches onto the right of way of Bayview Drive. They are requesting an easement or license to continue the encroachment and permission

that would allow them to raise the structure 5 ft. to curtail storm flooding of the house. They originally were denied by the Zoning Board and have now appeared before the Committee. Mr. Seagraves stated that a few months after they purchased the house they submitted a \$13,000 insurance claim due to flooding of the house. It was discussed that more research into the matter was necessary and that it should be moved to a future meeting.

UNFINISHED BUSINESS:

DISCUSSION

PAYMENT OF BILLS:

“I hereby move that all claims submitted for payment at this meeting be approved and then incorporated in full in the minutes of this meeting.” Moved by Jay Newman, second by Frank Conrad with all five Committee members voting in the affirmative.

Bill submitted for payment: \$197,432.01
Payroll: \$170,119.21

REPORT OF MUNICIPAL DEPARTMENTS:

- 19. Construction Code.
- 20. Clerk’s Office.
- 21. Animal Control.
- 22. Tax Office-December, 2009 report.
- 23. Finance Office.
- 24. MUA Report.
- 25. Department of Public Works, November & December 2009.

Reports are available from the Clerk’s Office.

PUBLIC COMMENT

There were no speakers from the public.

CLOSED SESSION

- 26. **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 039-2010
MOTION GOING INTO CLOSED SESSION
January 11, 2010

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 - Shoreline Railroad Historical Society, Inc.
- 2. Personnel

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.

The motion was seconded by Frank Conrad. During roll call vote all five Township Committee members voted in the affirmative to adopt resolution.

RECONVENE PUBLIC PORTION OF MEETING

The Committee briefly mentioned that this is the year the Union Contract will be renegotiated and in place by year-end.

ADJOURNMENT

There was no further business for this evening and the meeting was adjourned at 9:50 P.M., by motion from Jay Newman, second by Frank Conrad with a unanimous vote. Next meeting scheduled for January 25, 2010 at 7:30 P.M.

Minutes prepared by

Wanda Gaglione, RMC
Municipal Clerk

Bill list
2010 01/12/10 TAX02010 TAX OVERPAYMENT LUMP SUM 811.80 2573
50577 01/12/10 A0017 A.C.M. JIF C/O T. FREEDMAN 83,896.00 2572
50578 01/12/10 A0024 ADVANCE DOOR & SUPPLY CO. 895.00 2572
50579 01/12/10 A0025 ADVANTAGE RENTAL ACE HARDWARE 4,031.63 2572
50580 01/12/10 A0066 AMERICAN PUBLIC WORKS ASSOC. 156.00 2572
50581 01/12/10 A0082 ARMSTRONG, JOSHUA 90.00 2572
50582 01/12/10 A0086 AT&T MOBILITY 274.34 2572
50583 01/12/10 A0091 ATLANTIC CITY ELECTRIC 19,834.11 2572
50584 01/12/10 A0113 ARAWAK PAVING CO. INC. 14,123.05 2572
50585 01/12/10 A0162 AIR & ELECTRIC EQUIPMENT CO 2,250.00 2572
50586 01/12/10 B0076 BOND, LAURENCE E. 105.80 2572
50587 01/12/10 B0172 BRAMBLE, WILLIAM 14.99 2572
50588 01/12/10 C0068 COMCAST 169.29 2572
50589 01/12/10 C0078 CARTER, EDWARD, SR. 232.55 2572

50590 01/12/10 C0171 COLONIAL ELECTRIC SUPPLY CO. 91.58 2572
50591 01/12/10 C0201 CRUZAN'S TRUCK SERVICE INC. 873.69 2572
50592 01/12/10 C0227 COUNTY CONSERVATION LLC 1,800.00 2572
50593 01/12/10 D0077 DIETRICH,PAUL 182.00 2572
50594 01/12/10 D0080 DOWNAM, HARRY J. JR. 480.02 2572
50595 01/12/10 E0047 EFFINGER SPORTING GOODS CO 3,138.00 2572
50596 01/12/10 G0006 GARBUTT,PATRICIA A. 65.00 2572
50597 01/12/10 G0030 GENERAL SPRING SERVICE 359.83 2572
50598 01/12/10 G0096 GRUND, GEORGE 36.00 2572
50599 01/12/10 K0007 KACZMARSKI, RICHARD 93.83 2572
50600 01/12/10 K0016 KEENE, DAVID 600.00 2572
50601 01/12/10 K0047 KLINE, EDWARD T. 92.96 2572
50602 01/12/10 K0048 KLEPAC, THADDEUS 43.45 2572
50603 01/12/10 L0034 LAYTON, BRENDA MRS. 18.00 2572
50604 01/12/10 L0038 LAYTON, WILLIAM 12.00 2572
50605 01/12/10 M0012 MCCAULEY, RICHARD 150.00 2572
50606 01/12/10 M0103 MODERN GAS COMPANY, INC. 282.57 2572
50607 01/12/10 N0004 NJ-AMERICAN WATER CO. 37.29 2572
50608 01/12/10 N0070 NIA GROUP ASSOCIATES, LLC 2,500.00 2572
50609 01/12/10 P0026 PAYNTER, JOSEPH 129.98 2572
50610 01/12/10 P0032 PEDRONI FUEL CO. 2,604.96 2572
50611 01/12/10 P0050 PARSIO, ANTHONY 99.99 2572
50612 01/12/10 P0096 PREVITI,MICHELE M. 200.00 2572
50613 01/12/10 P0104 PASHUCK, SUZANNE 51.13 2572
50614 01/12/10 R0030 RIGGINS, INC. 11,268.03 2572
50615 01/12/10 R0073 RICOH AMERICAS CORPORATION 512.10 2572
50616 01/12/10 S0034 SCHULER, DANIEL 274.99 2572
50617 01/12/10 S0036 SCHULER, JAMES 218.38 2572
50618 01/12/10 S0093 SHORE TRUE VALUE HARDWARE 2,592.00 2572
50619 01/12/10 S0134 SO. JERSEY GAS COMPANY 463.31 2572
50620 01/12/10 S0209 STAPLES ADVANTAGE 1,390.62 2572
50621 01/12/10 S0216 DEPT.31 OOOO261489 159.04 2572
50622 01/12/10 T0005 TCTA OF NEW JERSEY 75.00 2572
50623 01/12/10 T0018 TEKK COMM COMMUNICATIONS 150.00 2572
50624 01/12/10 T0020 TERWILLIGER, DUANE E. 94.00 2572
50625 01/12/10 T0032 THE PRESS & SUNDAY PRESS 85.50 2572
50626 01/12/10 T0044 THOMSON, KERRY AGENCY 10,634.00 2572
50627 01/12/10 T0048 TILL PAINT CO/D. FITZGERALD 672.00 2572
50628 01/12/10 T0067 TOWNSHIP OF UPPER PETTY CASH 100.00 2572
50629 01/12/10 V0004 VAN DUYNE BROTHERS 8,350.00 2572
50630 01/12/10 V0013 VERIZON WIRELESS 464.86 2572
50631 01/12/10 V0022 VERIZON 604.96 2572
50632 01/12/10 V0025 V.E. RALPH & SON,INC. 35.11 2572
50633 01/12/10 W0038 WILLIAMS, JEREMIAH J. 4.00 2572
50634 01/12/10 W0060 WOOLLEY, THOMAS 211.52 2572
50635 01/12/10 Y0008 YOUNG, DANIEL J. ESQUIRE PC 15,618.75 2572
50636 01/12/10 Y0012 YOUNG,ROBERT 2.00 2572
50637 01/12/10 Y0023 YOUNG, DANIEL J. ATTORNEY 2,625.00 2572
=====
Total: \$197,432.01