

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR JANUARY 25, 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, Municipal Attorney Daniel Young, Chief Financial Officer Barbara Spiegel and Municipal Engineer Paul Dietrich.

**APPROVAL OF MINUTES - **January 4, 2010 Regular Meeting and
January 11, 2010 Regular Meeting and
Closed Session Minutes****

Motion was made by Jay Newman, second by Kristine Gabor to approve the Minutes as written. During roll call vote all four Committee members voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Frank Conrad, Committeeman; discussed the scheduling of budget workshop meetings. They will be held at 6:30 PM on February 8th and February 23rd, which is one hour prior to the regular meetings on those dates. Due to the situation with State budgeting the traditional dates for budget intro and adoption have been amended as follows: our local budget must be introduced by March 31st and adopted by May 11th. The public will be noticed of the workshop meetings through the regular agenda.

Kristine Gabor, Committeewoman; reported on the first rabies clinic of the year which was held on Saturday, January 23rd at which 135 animals were vaccinated. The next clinic is scheduled for February 20th from 1:00 PM to 3:00 PM and will be held at Shore Veterinarians on Hope Corson Road.

She then made a motion to change the appointment of the Football alternate member on the Recreation Committee from Kevin Weisner to Keith Johnson. Motion was seconded by Curtis Corson and during roll call vote all five Committee members voted in the affirmative.

Mrs. Gabor also reported on the progress of the bleachers conversion required by

State safety standards. The program affects the bleachers at Caldwell Park; they need to be changed from 5-tier to 4-tier to be compliant. Paul Dietrich researched the matter and found that another municipality was able to become compliant by utilizing their own employees to accomplish the bleacher conversion at no cost. Mrs. Gabor stated that having the Township convert the bleachers in the same manner would save the Township approximately \$150,000; eliminating the need to purchase and install an expensive conversion kit.

Mrs. Gabor reported that she has reviewed the Recreation Budget. All sport teams have been advised that they must be in compliance with bylaws or they jeopardize financial support from the Township.

She commented that a recent article published in the Gazette on the Skate Park presented a public safety issue. The article failed to report that bikes are not allowed in the park and that proper safety equipment (helmets and pads) is required to be worn at all times while using the Skate Park. Not complying with the rules presents a safety hazard and liability to the Township. Ms. Gabor had the park locked down this past weekend and within 24 hours it was broken into and in full use again.

It was discussed that the park is unmanned, it is illegal to have bikes at the park and having bikes in the park is a serious liability for the Township. If the rules cannot be followed the Committee would have to consider closing the park permanently.

Ms. Gabor invited Stephen Martinelli, the Skate Park Coordinator, to speak. He is looking for alternatives besides closing the park. Mr. Martinelli agreed that unless the park users comply with the regulations or another option is found the park may need to be closed. Mayor Palombo directed that Mr. Martinelli work with the Recreation Committee on a resolution to this matter. He stated that the skate park was placed there and provides another sport for our children. Skate boarding is a popular sport and the park is always in use and he does not want to see it closed. J. Michael Jones of Tuckahoe suggested installing 8' high turnstile gates as a deterrent. The park will be closed until an alternate solution can be determined and a decision is made.

Curtis Corson, Deputy Mayor: reported that the Public Works Department began brush collection this week.

Jay Newman, Committeeman: reminded his departments of the upcoming budget meetings.

Richard Palombo, Mayor: reported that he met with Rob Spiegel, new Director of Emergency Management, and all seems to be going well in the transition. Mayor Palombo also reminded the public that there are still H1N1 vaccines available throughout the county.

OTHER REPORTS

Wanda Gaglione, RMC Municipal Clerk: reported that our Tax Assessor, Megan McAfee is a member of the American Heart Association and is sponsoring “National Wear Red Day for Women” (and men too) on February 5 at the Township Hall. Mrs. McAfee is inviting everyone to wear red that day and is accepting donations for the American Heart Association.

Daniel Young, Municipal Attorney: Reported on the FEMA meeting that took place last week and that Upper Township will most likely receive FEMA funding for the losses incurred in the November storm. Routine beach monitoring and work authorized to address the recent Strathmere beach fill project has provided FEMA with what is required to get Upper Township in line for another replenishment program to restore the beaches to what they were prior to the storm.

Mr. Young commented that he has two items for closed session:

- 1) Contract Negotiations with Shore Line Railroad Historic Society; and
- 2) Litigation matter with Citizens of Strathmere and Whale Beach.

Paul Dietrich, Township Engineer; also reported on the FEMA meeting. Another meeting is scheduled to take place on the beach this Thursday, January 28th. This meeting will assess and review what claims are allowable and what documentation will be needed. Dr. Stewart Farrell will be in attendance; William Dixon from the State has also been invited. FEMA is reimbursing 75% of the total share for all the towns included in the designated disaster area. The remaining 25% (local share of the cost) will be shared between the State and the municipality because the State park is also included in the disaster area and details still need to be worked out.

Mr. Dietrich updated the Committee on the MUA Convenience Account program with regards to vehicle weight; this is a follow-up from the previous meeting. He confirmed the stipulation that the gross vehicle weight is for commercially registered vehicles using the Convenience Account, not personal registered vehicles. Also, that the Committee has the could increase the allowable vehicle weight that will be permitted to participate in the program. A recommendation was made to change the weight from 6000 lbs to 8000 lbs for personal registered vehicles. In addition the Clerk's Office has requested further clarification on the course of action that will be taken with regards to revoking delinquent accounts also be included. Mr. Young added that although it is outlined in the current ordinance to send unpaid accounts to a collection agency, the Committee chose instead to permanently cancel the accounts that were considered un-collectable.

Mr. Dietrich reported that the developer of Osprey Point has completed all the required work and has requested that the Performance Bond be released. A resolution will be placed at a future meeting.

PRESENTATION

1. **Presentation of Resolution No. 024-2010, RE: Honoring Jonathan Trego on attaining the designation of "Eagle Scout"**. Jonathan and his family were present. He stated that his Eagle Scout project was the building and installing of a sign/message board at the entrance to the Cape May County Park North, located on Rt. 9 in Palermo.

**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. Presentation of Resolution No. 026-2010, Re: 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

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	<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>

RESOLUTIONS

- 3. Amending the 2009 campground license for Scenic Riverview Campground at 465 Route 49, Block 12 Lot 9 in Tuckahoe, New Jersey to include twenty-four (24) additional campsites.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION NO. 040-2010
RE: AMENDING THE 2009 CAMPGROUND LICENSE FOR SCENIC
RIVERVIEW CAMPGROUND AT 465 ROUTE 49, BLOCK 12 LOT 9
TUCKAHOE, NEW JERSEY TO INCLUDE TWENTY-FOUR (24)
ADDITIONAL CAMPSITES**

WHEREAS, Chapter XII –Campgrounds and Trailers section 12-1.7 of the Revised General Ordinances of Upper Township requires a license for Campgrounds and Trailers which license shall be issued on an annual basis; and

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

WHEREAS, the original license issued for 2009 was for 101 campsites; and

WHEREAS, Suz-Anthony Corp. doing business at P.O. Box 62, South Seaville, NJ 08246 Owner of Scenic Riverview Campground located at Block 12 Lot 9 on the Municipal Tax Map of the Township of Upper, State of New Jersey commonly known as 465 Route 49, Tuckahoe, New Jersey filed an application with the Upper Township Zoning Board for a use variance for the expansion of a non-conforming use (a campground in the Tuckahoe River (TR) Zone), amended preliminary and final site plan approval, variances for lot coverage, building coverage and campsites within 100 ft. of a property line together with certain variances; and

WHEREAS, the Zoning Board application of Suz-Anthony Corp. was approved with conditions on October 8, 2009 and Zoning Board Resolution No. BA 27-09 dated November 12, 2009 and attached hereto as Exhibit “A” memorializes that approval; and

WHEREAS, an amended license should now be issued to include 24 additional lots increasing the number of campsites to 125; and

WHEREAS, said campground shall be in full compliance with the zoning ordinance and New Jersey Department of Environmental Protection approvals that are further referenced in Zoning Board Resolution BA 27-09.

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

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

2. The following Campground license is hereby amended to expand the following Campground License, Scenic Riverview Campground located at 465 Route 49, Tuckahoe, New Jersey, in accordance with and subject to compliance with all terms, conditions and other approvals as specified in any resolution of the Upper Township Zoning Board of Adjustment, as applicable.

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

Resolution No. 040-2010

Offered by: Conrad

Seconded by: Gabor

Adopted: January 25, 2010

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Conrad	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Corson	<u> </u>	<u> </u>	<u> x </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. Authorizing the Township of Upper to enter into a contract with Benjamin Rau for the maintenance and development of the Upper Township internet web site for the year 2010.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION NO.041-2010**

AUTHORIZING THE TOWNSHIP OF UPPER TO ENTER INTO A CONTRACT WITH BENJAMIN RAU OR THE MAINTENANCE AND DEVELOPMENT OF THE PPER TOWNSHIP INTERNET WEB SITE FOR THE YEAR 2010

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

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

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township of Upper is hereby authorized to enter into a contract for services with Benjamin Rau for routine maintenance and enhancement, including the development of new pages and information, with respect to the Township internet web site for the calendar year 2010. A copy of the proposal dated January 12, 2010 is attached hereto as Exhibit "A".
3. The consideration to be paid said Benjamin Rau shall be the sum of two thousand eight hundred dollars (\$2,800.00) for the calendar year 2010.
4. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the official budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.
5. The contractor has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.
6. The contractor has not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and the contract will prohibit Contractor from making any reportable contributions through the term of the contract.
7. All Township officials are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.
8. This Resolution shall be effective as of January 1, 2010.

Resolution No.041-2010

Offered by: Gabor

Seconded by:Conrad

Adopted: January 25, 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>

5. Appointment of J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge as Appraiser to appraise Marmora Storage, L.L.C., and Manchester Self-Storage, L.L.C.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION NO. 042-2010

RE: APPOINTMENT OF J.P. BAINBRIDGE & ASSOCIATES, INC.
AND J. PAUL BAINBRIDGE
AS APPRAISER TO APPRAISE MARMORA STORAGE, L.L.C., AND
MANCHESTER SELF-STORAGE, L.L.C.

WHEREAS, the Township requires an appraiser to provide services which include a complete summary report for the purpose of estimating retrospective market value to be utilized in the pending tax appeal of Marmora Storage, L.L.C., and Manchester Self-Storage, L.L.C.. for the property located at Block 599, Lot 37 and commonly known as 101 Route 9 South; and

WHEREAS, a resolution is required authorizing the award of such contract for professional services; 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. J. P. Bainbridge & Associates, Inc. and J. Paul Bainbridge with offices at 6 Woodland Road, Cape May Court House, New Jersey is hereby appointed Appraiser for the Township of Upper for the appraisal of Block 599, Lot 37.

3. The term of this contract is for a period not to exceed the length of time necessary for completion of the aforesaid project, unless sooner terminated by the Township of Upper, at the option of the Township of Upper.

This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because J. P. Bainbridge &

Associates, Inc. and J. Paul Bainbridge have professional knowledge as to appraisal issues which knowledge is particularly valuable to the Township Committee.

NOTICE OF CONTRACT AWARD

The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to J. P. Bainbridge & Associates, Inc. and J. Paul Bainbridge for appraisal services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

6. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with J. P. Bainbridge & Associates, Inc. and J. Paul Bainbridge in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein as well as the written proposal dated January 22, 2010 and attached hereto as Exhibit A. Upon execution of all parties thereto said contract shall become effective.

7. A copy of this Resolution shall be published in the official newspaper of the Township of Upper within ten (10) days from the date of adoption.

8. This Resolution shall be effective as of adoption.

Resolution No. 042-2010

Offered by: Palombo

Seconded by: Newman

Adopted: January 25, 2010

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Conrad	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Corson	<u> </u>	<u> </u>	<u> x </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. Renewing the 2010 Mining Licenses.

TOWNSHIP OF UPPER
CAPE MAY COUNTY

RESOLUTION NO. 043 -2010

RE: RESOLUTION RENEWING MINING LICENSES AS FOLLOWS:

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

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

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

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

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

HANSON AGGREGATES, BMC, INC.

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

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

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

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

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

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

- 1. The allegations of the preamble are incorporated herein by this reference.**
- 2. The following mining and soil excavation licenses are hereby renewed for a term of one (1) year commencing February 1, 2010:**

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

Board or Upper Township Zoning Board of Adjustment, as applicable.

- B. Thomas Tower/Action Supply, Inc., Block 565.03, Lot 54; Block 549, Lots 110, 132, 133, 134, 135 & 136, 1413 Stagecoach Road, Seaville, New Jersey, in accordance with and subject to compliance with all terms, conditions and other approvals as specified in any resolution of the Upper Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.**
- C. Thomas Tower and Atlantic Masonry Supply, Inc., Block 565.03, Lots 55.02, 56 & 57; Block 549, Lots 111, 127, 128 & 129, 1413 Stagecoach Road, Seaville, New Jersey, in accordance with and subject to compliance with all terms, conditions and other approvals as specified in any resolution of the Upper Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.**
- D. Tuckahoe Sand and Gravel, Block 249, Lot 1; Block 248, Lots 1, 2, 3, 4, 5, 6, 7 & 8; Block 247, Lots 4, 9 & 10; Block 453, Lot 2; Route 610; Petersburg, New Jersey, in accordance with and subject to compliance with all terms, conditions and other approvals as specified in any resolution of the Upper Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.**
- E. Frederick Daley, T/A Daley's Pit; Block 453, Lot 3; Route 610 Dennisville/Petersburg Road, Petersburg, New Jersey, in**

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

F. Hanson Aggregates, BMC, Inc./Upper Township Sand & Gravel; Block 453, Lot 4; Route 610 Dennisville/Petersburg Road, Petersburg, New Jersey, in accordance with and subject to compliance with all terms, conditions and other approvals as specified in any resolution of the Upper Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.

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

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

4. This Resolution shall become effective on February 1, 2010.

Resolution No. 043 -2010

Offered by: Corson

Seconded by: Newman

Adopted: January 25, 2010

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Conrad	_____	_____	___x___	_____
Corson	___x___	_____	_____	_____
Gabor	_____	_____	___x___	_____
Newman	___x___	_____	_____	_____
Palombo	___x___	_____	_____	_____

7. Tax Refund.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION NO. 044- 2010
TAX REFUND**

WHEREAS, certain corrections have been recommended by the Upper Township Tax Collector in order to refund monies; and

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. 044-2010
Offered by: Corson Seconded by: Conrad
Adopted: January 25, 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>

REFUND 2009

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
560/1.01	\$16,887.56	RUTH MGMT.,LLC AND/OR THE IRWIN LAW FIRM, P.A. 80 MAIN ST, SUITE 410 WEST ORANGE, NJ 07052

(STATE TAX COURT APPEAL)

8. Authorizing an additional expenditure for the demolition of an unsafe structure located at 2236 Route 50, in Tuckahoe, and collection of costs as a Municipal Lien on Block 306, Lot 27 on the Tax Map of the Township Of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION NO. 045-2010**

RE: AUTHORIZING AN ADDITIONAL EXPENDITURE FOR THE DEMOLITION OF AN UNSAFE STRUCTURE LOCATED AT 2236 ROUTE 50, IN TUCKAHOE, AND

COLLECTION OF COSTS AS A MUNICIPAL LIEN ON BLOCK 306, LOT 27 ON THE TAX MAP OF THE TOWNSHIP OF UPPER

WHEREAS, the Township Committee previously passed Resolution No. 190-2009, authorizing the demolition of a structure at 2236 Route-50 in Tuckahoe as an Emergent Condition and Collection of Costs as a Municipal lien on Block 306, Lot 27, a copy of said Resolution is incorporated by reference hereto; and

WHEREAS, the Township Committee previously authorized payment of Seven Thousand, Seven Hundred Twenty-Three (\$7,723.00) Dollars to EarthTech Contracting, Inc. and Four Thousand, Four Hundred Fifty (\$4,450.00) Dollars to Klemco, Inc., for the removal of asbestos siding and demolition of the structure at 2236 Route-50 in Tuckahoe, which resulted in a cost to the Township of Twelve Thousand, One Hundred Seventy-Three (\$12,173.00) Dollars, which shall be reimbursed from the property owner either through direct payment by the homeowner or the Township placing a Municipal lien on said property being Block 306, Lot 27; and

WHEREAS, the Township Engineer has determined that additional costs of Two Thousand Six Hundred and Forty (\$2,640.00) Dollars is necessary for filling in the foundation of the structure previously located at 2236 Route-50 in Tuckahoe, a copy of said invoice is attached as Exhibit "A"; and

WHEREAS, the Chief Financial Officer of the Township of Upper has certified the availability of funds attached hereto as Exhibit "A" in a sufficient amount to award a purchase order for \$2,640.00 to EarthTech Contracting, Inc, the line item appropriation to which the contract will be charged is account no.9-01-26-310-038-299; and

WHEREAS, the Township concurs with the recommendations of the Township Engineer that this additional action relating to the demolition of the structure is necessary to protect the health, safety and welfare of the public;

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

1. The allegations of the Preamble are incorporated herein by reference.
2. The Township hereby accepts the quote for \$2,640.00 to EarthTech Contracting, Inc. for the filling in of the foundation of the structure that was previously located at 2236 Route-50 in Tuckahoe, the cost related to the demolition of said structure, and the entire cost shall be reimbursed from the property owner either through direct payment by the homeowner or the Township placing a Municipal lien on said property being Block 306, Lot 27.
3. The total amount that shall be reimbursed from the property owner, as a result of this Resolution and Resolution No. 190-2009, either through direct payment by the homeowner or the Township placing a Municipal lien on said property of Block 306, Lot 27, is Fourteen Thousand Eight Hundred and Thirteen (\$14,813.00) Dollars.
4. This Resolution ratifies, confirms and approves actions taken by the Township Committee, by Motion, at the meeting of August 24, 2009 and September 14, 2009.

Resolution No. 045 –2010

Offered by: Conrad

Seconded by: Gabor

Adopted: January 25, 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

9. Clean Ocean Action-25th Anniversary Beach Sweeps, Saturday, April 24, 2010 and Saturday October 23, 2010, 9AM to 12:30 PM, Webster Ave., Strathmere.

Richard Palombo made a motion to approve this event on the dates specified, motion was seconded by Jay Newman, with all five Committee members voting in the affirmative.

NEW BUSINESS

10. Alexandra Hamilton, request to purchase Township owned land at Block 10, Lots 107 and 108.

Alexandra Hamilton was present during the meeting. Paul Dietrich commented that the Hamiltons' are required by the Pinelands Commission to have 25 acres in order to build a home on their property at Block 17, Lot 17 & 18. There is no contiguous property available. The Hamiltons have requested to purchase Lots 107 and 108 because they have received written notice from the Pinelands that they would accept noncontiguous property to make up the 25 acres. In view of the fact that Lots 107 & 108 are located across the street from the Hamiltons' property would require that the municipal land sale be conducted as a bid process and that it would be open to the public. It would also require an escrow fund for appraisal fees to determine the minimum bid, a resolution and an ordinance adoption, and a deed restriction. Ms. Hamilton stated that she is aware that the process is quite lengthy; she has been working on the Pinelands approval for 4 years and wants to continue.

Curtis Corson made a motion to grant the request, Mayor Palombo seconded the motion with all five Committee members voting in the affirmative. Resolution and ordinance will be placed on future agendas.

UNFINISHED BUSINESS:

11. Tuckahoe Area Merchants' Association, request the use of Amanda's Field to hold a "Scholarship Bike Ride" community event on Sunday, May 2, 2010.

There was discussion that more details of the event need to be submitted such as the approximate number of participants expected and depending on that—possibly a parking plan, proof of police and Rescue Squad presence, and approvals from affected agencies would be required. An insurance certificate is necessary. Curtis Corson made a motion to approve the request however the event must comply with State of NJ Helmet rules. Motion was seconded by Richard Palombo with all five Committee members voting in the affirmative.

DISCUSSION

PAYMENT OF BILLS:

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

Payroll:	\$ 255,211.31
Bills submitted for payment:	\$1,252,007.28

REPORT OF MUNICIPAL DEPARTMENTS:

12. Municipal Court-Reports for Upper Township, Dennis Township, Corbin City.

13. Tax Assessor.

14. Tax Collectors Annual Report for 2009. Motion was made by Curtis Corson, seconded by Frank Conrad to accept the annual Tax Collector's report. During roll call vote all five Committee members voted in affirmative.

The other reports are available from the Clerk's Office.

PUBLIC COMMENT

Michele Previti asked if Lot 110 was included in the mining license renewal for Thomas Tower, Action Supply and if so what is the status of the Jurisdictional Determination letter that was requested at the meeting of December 14, 2009. Mr. Dietrich responded that he would research the status of this. Richard Palombo asked that the item be listed as unfinished business at future meeting.

CLOSED SESSION

15. 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 046-2010
January 25, 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:

Contract negotiation – Shoreline Railroad Historical Society.
Litigation – Citizens for Strathmere and Whale Beach.

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

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

The motion was seconded by Curtis Corson; during roll call vote all five Committee members voted in the affirmative.

RECONVENE PUBLIC PORTION OF MEETING

Motion was made by Richard Palombo to return to the regular portion of the meeting; motion was seconded by Jay Newman with all five Committee members voting in the affirmative.

Kristine Gabor reported that she was contacted by South Jersey Storm Semi-Pro Football Team asking permission to use Township facilities. They would like permission to use the Community Center for meetings, to hold practices at Amanda's field, and possibly hold games at Caldwell Park. Mrs. Gabor is requesting information and guidelines as to requests from sports organizations not affiliated with our sports programs. There was much discussion regarding this topic and who should approve the use of Township property. In addition there were concerns

about potential damage to the fields, liability to the Township, proof of non-profit status, potential problems with crowd control during games, whether police and Rescue Squad presence during games should be required, and the fact that each player should sign a waiver similar to what Township sports participants are required to do.

Curtis Corson made a motion to deny use. After further discussion Mr. Corson withdrew his motion. Frank Conrad made a motion to grant the permission if the requester follows the same guidelines set by the Recreation Committee for other sports. There was no second to this motion. Motion died.

Kristine Gabor made a motion to suspend all activity on Township property by South Jersey Storm until use guidelines are reviewed and a requirements checklist is compiled. If South Jersey Storm can comply with the required guidelines as determined by the Recreation Committee, the matter will then come back to the Township Committee to decide if the permission can be granted for the use of the fields and the Community Center. Motion was seconded by Jay Newman with all five Committee members voting in the affirmative.

ADJOURNMENT

There was no further business for this evening and the meeting was adjourned at 9:28 P.M. Motion to adjourn the meeting made by Jay Newman, seconded by Curtis Corson, with all four Committee members voting in the affirmative. Next meeting scheduled for February 8, 2010 at 7:30 P.M.

Minutes prepared by

Wanda Gaglione, RMC
Municipal Clerk

Bill List

02/02/10 TOWNSHIP OF UPPER Page No: 1
13:58:26 Check Register By Check Date

Range of Checking Accts: GENERAL to GENERAL Range of Check Dates: 01/25/10 to 01/25/10

Report Type: All Checks Report Format: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

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Check # Check Date Vendor Amount Paid Reconciled/Void Ref Number

GENERAL

50639 01/25/10 A0006 ADVANCE TREADS INC 351.00 2574
50640 01/25/10 A0018 ACTION SUPPLY INC. 536.52 2574
50641 01/25/10 A0025 ADVANTAGE RENTAL ACE HARDWARE 122.76 2574
50642 01/25/10 A0035 AIRLINE HYDRAULIC CORP. 214.00 2574
50643 01/25/10 A0091 ATLANTIC CITY ELECTRIC 7,284.20 2574
50644 01/25/10 A0117 AT&T 93.53 2574
50645 01/25/10 A0122 ANSELL,ZARO,GRIMM & AARON 122.50 2574

50646 01/25/10 B0035 BELMONT & CRYSTAL SPRINGS 345.08 2574
 50647 01/25/10 B0041 B & H PHOTO-VIDEO 374.95 2574
 50648 01/25/10 B0076 BOND, LAURENCE E. 1,661.63 2574
 50649 01/25/10 B0148 BLUE FLAME/PARACO GAS 583.85 2574
 50650 01/25/10 B0152 BUCHANAN, KAREN A. 90.00 2574
 50651 01/25/10 C0030 CAMP, BARBARA 78.00 2574
 50652 01/25/10 C0035 CAPE ASSIST EAP 1,155.00 2574
 50653 01/25/10 C0048 CAPE MAY COUNTY MUA 34,264.42 2574
 50654 01/25/10 C0052 CAPE MAY COUNTY TREASURER 1,117,295.36 2574
 50655 01/25/10 C0061 CAPRIONI SEWERAGE SERVICE 200.00 2574
 50656 01/25/10 C0068 COMCAST 219.96 2574
 50657 01/25/10 C0131 CINTAS FIRST AID & SAFETY 159.83 2574
 50658 01/25/10 C0138 COASTAL PLUMBING & HEATING INC 216.00 2574
 50659 01/25/10 C0171 COLONIAL ELECTRIC SUPPLY CO. 915.75 2574
 50660 01/25/10 C0223 CASA PAYROLL SERVICE 1,271.50 2574
 50661 01/25/10 D0015 DAN'S WELDING 3,005.00 2574
 50662 01/25/10 D0045 DEPTCOR 877.50 2574
 50663 01/25/10 E0017 EDMUNDS & ASSOCIATES, INC. 8,774.00 2574
 50664 01/25/10 E0021 ENCHANTING FLORIST 824.96 2574
 50665 01/25/10 F0048 FOGG, LESLIE INC. 1,019.44 2574
 50666 01/25/10 G0002 GAGLIONE, WANDA 313.50 2574
 50667 01/25/10 G0006 GARBUTT, PATRICIA A. 197.28 2574
 50668 01/25/10 G0009 GAPVAX, INC. 138.38 2574
 50669 01/25/10 G0011 GAMETIME, INC. 2,970.24 2574
 50670 01/25/10 G0014 GARDEN STATE HWY PRODUCTS INC. 951.00 2574
 50671 01/25/10 G0016 GARDNER HARDWARE INC. 11.38 2574
 50672 01/25/10 G0028 GENTILINI FORD 30.72 2574
 50673 01/25/10 G0044 GILES & RANSOME, INC. 549.12 2574
 50674 01/25/10 G0079 GLOBAL CONNECT 2,942.50 2574
 50675 01/25/10 G0080 GOVDEALS 60.75 2574
 50676 01/25/10 G0094 GRUBB, JON 72.00 2574
 50677 01/25/10 G0096 GRUND, GEORGE 145.97 2574
 50678 01/25/10 H0002 H.A. DEHART & SON CORP. 388.26 2574
 50679 01/25/10 H0018 HAROLD RUBIN/L & H SUPPLY 770.97 2574
 50680 01/25/10 H0135 HANSON AGGREGATES 1,698.20 2574
 50681 01/25/10 J0039 JOHNSON & TOWER INC. 652.79 2574
 50682 01/25/10 J0053 J & M EMBROIDERY SCREEN PRNTG 466.00 2574
 50683 01/25/10 J0063 JOHNSON WILSHIRE, INC 708.49 2574
 50684 01/25/10 K0037 KOHLER, JOHN F 28.00 2574
 50685 01/25/10 L0072 LLOYD, JOEL 51.98 2574
 50686 01/25/10 L0093 LIPKE, NEAL 150.12 2574
 50687 01/25/10 M0021 MASER CONSULTING, P.A. 1,265.00 2574
 02/02/10 TOWNSHIP OF UPPER Page No: 2
 13:58:26 Check Register By Check Date

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50688 01/25/10 M0046 MASON, DAVID 189.65 2574
 50689 01/25/10 M0059 MCDANIELS, WILLIAM J. III 551.60 2574
 50690 01/25/10 M0088 MC SYSTEMS SOFTWARE LLC 600.00 2574
 50691 01/25/10 M0103 MODERN GAS COMPANY, INC. 4,792.14 2574
 50692 01/25/10 M0188 MCCARTHY TIRE SERVICE OF PHILA 1,211.40 2574

50693 01/25/10 M0216 MID ATLANTIC SALT 14,027.51 2574
 50694 01/25/10 M0218 MARY BRIDGET ENTERPRISES 940.75 2574
 50695 01/25/10 N0043 NAPA AUTO PARTS OF S.JERSEY 330.36 2574
 50696 01/25/10 N0052 NATL YOUTH SPORTS COACHED ASSN 380.00 2574
 50697 01/25/10 N0070 NIA GROUP ASSOCIATES, LLC 2,500.00 2574
 50698 01/25/10 O0003 O.C. CHAMBER OF COMMERCE 3,536.58 2574
 50699 01/25/10 O0006 OCS PRINTING 873.50 2574
 50700 01/25/10 O0012 OCEAN CITY BD. OF EDUCATION 1,350.00 2574
 50701 01/25/10 O0025 OLD DOMINION BRUSH 520.85 2574
 50702 01/25/10 O0042 ORCHARDS HYDRAULIC SERVICE INC 250.00 2574
 50703 01/25/10 P0050 PARSIO, ANTHONY 53.40 2574
 50704 01/25/10 P0064 PITNEY BOWES 210.00 2574
 50705 01/25/10 P0075 POSITIVE PROMOTIONS INC 518.08 2574
 50706 01/25/10 P0084 PROGRESSIVE BUSINESS PUBLICATI 255.60 2574
 50707 01/25/10 P0121 PENGUIN COMMUNICATION LLC 34.08 2574
 50708 01/25/10 R0030 RIGGINS, INC. 1,987.26 2574
 50709 01/25/10 R0045 RAINEAR, SCOT 550.00 2574
 50710 01/25/10 R0055 ROSIAK, CAROL 26.00 2574
 50711 01/25/10 R0073 RICOH AMERICAS CORPORATION 512.10 2574
 50712 01/25/10 S0001 SAM'S CLUB 153.58 2574
 50713 01/25/10 S0121 SMUZ, THERESE A 111.00 2574
 50714 01/25/10 S0134 SO. JERSEY GAS COMPANY 3,775.56 2574
 50715 01/25/10 S0139 SO. JERSEY WATER COND. INC. 72.00 2574
 50716 01/25/10 S0165 S.E.T. COMMUNICATIONS INC 69.50 2574
 50717 01/25/10 S0196 STEWART BUSINESS SYSTEMS LLC 221.00 2574
 50718 01/25/10 S0239 SHORE VETERINARIANS PA 2,150.00 2574
 50719 01/25/10 T0018 TEKK COMM COMMUNICATIONS 251.47 2574
 50720 01/25/10 T0022 TERMINIX 2.00 2574
 50721 01/25/10 T0032 THE PRESS & SUNDAY PRESS 277.59 2574
 50722 01/25/10 T0036 THIS AND THAT 500.00 2574
 50723 01/25/10 T0067 TOWNSHIP OF UPPER PETTY CASH 18.49 2574
 50724 01/25/10 T0074 TRANSAXLE LLC 583.80 2574
 50725 01/25/10 T0097 TRICO EQUIPMENT INC. 451.60 2574
 50726 01/25/10 U0012 U.T. SOCCER ASSOCIATION 995.00 2574
 50727 01/25/10 U0024 UNIVERSAL COMPUTING SERV. INC. 680.70 2574
 50728 01/25/10 U0025 UNITED STATES POSTAL SERVICE 2,000.00 2574
 50729 01/25/10 U0029 UPPER TOWNSHIP BD.OF EDUCATION 408.00 2574
 50730 01/25/10 U0035 UPPER TOWNSHIP MIDDLE SCHOOL 80.50 2574
 50731 01/25/10 U0051 U. S. LUBES LLC 764.00 2574
 50732 01/25/10 V0005 VAN EMBDEN, NATHAN, ATTORNEY 232.50 2574
 50733 01/25/10 V0022 VERIZON 2,228.54 2574
 50734 01/25/10 V0024 VAL-U AUTO PARTS L.L.C. 109.29 2574
 50735 01/25/10 V0026 VITAL COMPUTER RESOURCES, INC. 100.00 2574
 50736 01/25/10 V0027 VANORDER, ROGER 126.98 2574
 50737 01/25/10 W0038 WILLIAMS, JEREMIAH J. 33.99 2574
 50738 01/25/10 W0050 WIRELESS ELECTRONICS, INC. 1,279.50 2574
 50739 01/25/10 W0085 WOODY, LESTER 109.44 2574
 50740 01/25/10 W0089 WHEELEEZ INC. 1,401.00 2574
 02/02/10 TOWNSHIP OF UPPER Page No: 3
 13:58:26 Check Register By Check Date

Check # Check Date Vendor Amount Paid Reconciled/Void Ref Number

Checking Account Totals Paid Void Amount Void Amount Paid

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Direct Deposit: 0 0 0.00 0.00
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Total:	102 0 0.00	1,252,007.28
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Report Totals Paid Void Amount Void Amount Paid

Checks: 102 0 0.00 1,252,007.28
Direct Deposit: 0 0 0.00 0.00
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Total:	102 0 0.00	1,252,007.28
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