

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR FEBRUARY 8, 2010**

***BUDGET WORKSHOP MEETING-6:30 P.M.**

Mayor Palombo opened the meeting and referred to Frank Conrad for discussion on the Budget. Mr. Conrad commented that he is reviewing the dates and rules to submit and adopt the budget with the Auditor as there is the possibility that there may be a change as Governor Christie's budget address was pushed back and is now scheduled for March 16th. Jay Newman commented that this year's budget would be based on what the State is going to do with Municipal Aid. He commented that the Committee should be ready in the event the gross receipts tax the Township receives from BL England generating Station is cut. The Committee went through the Budget and made adjustments. Jay Newman reported on the following budget requests: Municipal Court for Upper Township, Corbin City and Dennis Township. He commented that the revenue should offset the costs. The only major item the court is asking for is the current video system to be repaired or replaced. Mr. Newman also reported on proposed budget of the Division of EMS. He commented that salaries and wages are determined by hours worked and from time to time additional personnel is need due to certain events that may occur. Mr. Newman reported on a few of the items they are requesting such as two AED units one for the Rescue Squad and for use at the Municipal Building, a portable Mister Fan to be used for heat related incidents, office furniture and equipment, a 1999 Ford Expedition for use as a Beach Unit as well as various other items. The Committee discussed the request to purchase a 2010 Medium Duty Ambulance to replace the 2004 Ambulance. They discussed the need to upgrade the current 911 communications system.

The Committee also discussed the proposed budget for the Office of Emergency Management.

Kristine Gabor-Discussed the proposed budget for the Recreation Department. Items deleted include the following: Mini Dump with plow \$45,000; Toro 72" cut mower \$19,500; Power Box Rake \$9,000; Soccer Goals \$10,000; as well as various other items.

Mrs. Gabor commented that she is still reviewing various items such as sports teams operating expenses and the Dog Park Budget. She thanked Brenda Layton, Supervisor of Recreation for her continued attention to detail and for being extremely cognizant of expenses with regard to her department.

Frank Conrad discussed the Community Center Budget.

Mr. Conrad recommended that another Budget Workshop be held on Tuesday, February 23, 2010 at 6:30 PM. One hour prior to the Regular meeting, which begins at 7:30 P.M.

The Budget meeting was adjourned at 7:29 PM. The regular business meeting convened at 7:30 PM.

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	Absent
Kristine Gabor	Present
John "Jay" Newman	Present
Richard Palombo	Present

Also present were Deputy Municipal Clerk Barbara Young, Municipal Attorney Daniel Young, Chief Financial Officer Barbara Spiegel and Municipal Engineer Paul Dietrich.

APPROVAL OF MINUTES - January 25, 2010 Regular Meeting and Closed Session Minutes

Motion to approve the 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

Richard Palombo, Mayor, acknowledged the Public works and Recreation crews for doing a great job. He commented that he has been overwhelmed with emails and letters thanking the crews for doing a phenomenal job with the snow removal and it is the largest response he has ever seen in all his years as Mayor. The Mayor also thanked Ed Carter for his help with the Storm Shelter over the past weekend. He also reminded everyone of the Cape May County Transportation Infrastructure Conference on February 23rd at the Cape May County Administration Building.

Frank Conrad, Committeeman, reported that the next Budget Workshop would be February 23rd at 6:30 P.M.

Kristine Gabor, Committeewoman, reported that the next Free Rabies Clinic would be held on February 20th from 1:00 to 3:00 P.M. at Shore Veterinarian Animal Hospital. Mrs. Gabor discussed a Recreation meeting that was held to address some of the issues with the Skate Park at Amanda's Field. Mrs. Gabor invited Stephen Martinelli, of 1923 Tuckahoe Road, Chairman and Vice President of Amanda's Field Skate Park to speak with regard to the closure of the park. Mr. Martinelli recommended several changes to the skate park rules such as limit the use of the park to Township residents only, alternate days for Bikes and Skateboards and enforce a zero tolerance policy. Dan Young commented that an amendment to the Township Ordinance might be needed based upon the new rules.

Mrs. Gabor reported on a request from South Jersey Storm Football for the use of Township fields. Hobie Young, President of the team, residing at 208 Route 50 Greenfield addressed the Committee he explained that the team is not a Semi-Pro team and that they are non-profit in the sense they do not make a profit and no one collects a salary. He reported that any funds raised through donations and sponsorships cover administrative costs, league fees and referee

fees. Players pay a \$150.00 registration fee of which \$100.00 goes to cover the cost of their uniforms. With \$50.00 going into the general operations fund, which pays for \$3,000.00 for Referee fees, \$1,800.00 in league fees. He also commented no can be paid to be a part of the organization. This is specifically outlined in the By Laws of which a copy was supplied to Dan Young along with the league Contract that addresses the liability issues and must be signed by each player. He reported that the team is part of the ECFA, which is a program that has been in existence for over 40 years. It is based in Maryland and encompasses twenty teams from West Virginia, Virginia, Maryland, New Jersey, Delaware and Pennsylvania. He commented that the league enforces NFL rules; they have a zero tolerance policy as far as violence and inappropriate language. He commented that they anticipate attendance at the games to be approximately 50 people. He further reported that he spoke to the New Jersey State Police and the Upper Township Rescue Squad and is awaiting their written approval. Dan Young spoke with regard to JIFF Insurance requirements and liability issues he commented that originally there were concerns regarding liability issues due to incorrect information he received that said outside organizations were not covered for liability for participants. The policies that were generated in the past only covered spectators. After further review of the matter Dan Young confirmed in a letter from Paul Miola, Executive Director of the Atlantic County Joint Insurance Fund that the Township is covered for lawsuits arising out of the ownership, operation or use of Township premises including both defense and indemnification up to the limits of coverage. Dan Young recommended that the event be approved at the Township Committee level. The JIFF recommendation is that the team meets the same requirements as used in the past for events such as a Triathlon. Dan Young recommended it would be beneficial if the team could get medical coverage at a reasonable rate in addition to the spectator liability and the player indemnification agreements. The Recreation Committee recommended that the Township inspect the fields after each practice to determine if there is any damage and based upon that the organization would be advised if the field could be used for games. Dan Young recommended that the Township Committee authorize two things the first being the team submit the required player indemnification and Insurance as recommended by the JIFF Consultant for the use of the facilities and as directed by the supervisor of Recreation for the team to start team practices. The second being the team meets several requirements, to be outlined in a formal Resolution. Motion by Jay Newman, seconded by Kristine Gabor, to direct Dan Young to prepare the resolution for a future meeting and to allow the team to use the facilities as long as they satisfy the Insurance requirements and the use of facilities agreement. Kevin Grubb of 216 Route 50, Greenfield asked the Committee if the additional medical Insurance was a requirement. Motion amended by Jay Newman, Second by Kristine Gabor with four committee members voting in the affirmative to include the additional medical coverage if it can be obtained at a reasonable cost or at the discretion of the Risk Management Consultant. Hobie Young asked Municipal Attorney Dan Young to clarify the definition of facility with regard to location indoor or outdoor. Dan Young explained that there is no difference whether it is indoor or outdoor. Mr. Grubb asked a question with regard to insurance requirements for an existing Flag Football program. Dan Young discussed that as long as they have the recommended Insurance coverage and approval by the Risk Management Consultant then he did not see a problem continuing the program.

Mrs. Gabor also reported she received a letter from Brenda Layton of her intent to retire effective April 30, 2011. She commented that Brenda would have 26 years of employment with Upper Township and in the pension plan. She further reported that Brenda is asking permission to use her accumulated time. Dan Young reported that he is reviewing the current personnel policy with the Chief Financial officer with regard to Jiff requirements. He

recommended the Committee review the policy further before they act on Brenda's request to use accumulated time. Mayor Palombo directed the Deputy Clerk to place the matter on the next Agenda.

Jay Newman, Committeeman, reported on the Northeastern snowstorm that took place this past weekend. He reiterated the Mayors comments on a job well done by the Public Works and Recreation Departments. Fire and EMS responded to multiple alarms, the Township firehouses were manned 24/7 from 5pm, Friday the 5th to 6am Sunday the 7th. He commented that the calls were too numerous to mention. He commented that no injuries were reported and everyone worked together very well. He also commented that the record keeping with regard to both the volunteers and EMS would reflect the potential for FEMA to declare the storm a disaster. Paul Dietrich commented that Rob Spiegel would be asking Fire Companies to submit a report with regard to the equipment used and manpower to operate it. Mayor Palombo reported on a call he received from Lieutenant Watkins of the New Jersey State Police, asking Township residents to comply with the State of Emergency and to remind them not to park their cars on township roads during snowstorms. The mayor requested a streamer be placed on channel two to remind residents of this for the upcoming storm. Dan Young suggested utilizing the reverse 911 system as a reminder as well.

OTHER REPORTS

Daniel Young, Municipal Attorney, reported that there were three items for closed session that being a personnel matter, litigation matter and contract safety Issue with regard to one of our Interlocal agreements with Ocean City.

Paul Dietrich, Township Engineer, reported on the Nor'easter we had in November 2009, which was declared a FEMA storm. He reported the storm was declared a Presidential declaration. The cost for that storm was just under \$16,000. FEMA is expected to reimburse 75% of that cost. Mr. Dietrich reported he is still working with the State on the scope and the magnitude of the beach replenishment with regard to the dollar amounts and the volume of the extra mitigation dollars above and beyond the actual funds for sand fencing needed to save sand and dune structures. He commented that the Road and Recreation Departments logged over 900 man-hours, 30 hr straight shifts clearing the roads and in addition they helped the emergency crews get to and from their destinations safely. They used over 200 tons of salt, over 1,000 gallons of fuel and continue to work diligently to repair the equipment for the impending storm that is expected later this week. Mayor Palombo, commented that the Township is now eligible for reimbursement from FEMA for the December storm.

Mr. Dietrich also reported that the new paper shredder is up and running at the public works garage.

Barbara Spiegel, Chief Financial Officer, reported with respect to the emergency shelter located at the Upper Township Community Center. She requested authorization from the Committee to assign a Township EMT that is currently on light duty to work at the shelter. Mayor Palombo commented that in an effort to help those residents who are without power, approximately 40,000 people in the County and prepare for the potentially bad storm that is expected later in the week the shelter would remain open and will stay open until further notice. He also reported that he was asked to sign a State of Emergency Proclamation on February 5th and it would remain in effect for the upcoming storm. Mike Jones, Deputy Director of Emergency Management reported that he has been in contact with Dino's Diner

and they are willing to provide whatever we need as far as food goes. Barbara Spiegel further reported on a matter with regard to online tax payments previously authorized by Resolution 163-2009. The system was never implemented due to problems between the original company and the Bank. The Tax Collector now has a proposal from Edmunds and Association for the service. There would be no fees to the Township. The only fee would be a small service fee to the Taxpayer. Mr. Young commented that he has reviewed the paper work and suggested that the Township Committee authorize the Purchasing Agent with the consent of the Tax Collector to enter into that Agreement. Motion was made by Frank Conrad second by Jay Newman to enter into the Agreement with Edmunds and Associates. During roll call vote all four Committee members voted in the affirmative.

PRESENTATIONS

1. Congratulating Employee Edward Carter of the Upper Township Recreation Department as the Upper Township 2009 Safety employee of the year.

Mayor Palombo and Township Committee congratulated employee Ed Carter on being named Upper Township's Safety Employee of the year for 2009. The Mayor commented that Mr. Carter won two quarters for his safety suggestions.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 022-2010
RE: CONGRATULATING EMPLOYEE EDWARD CARTER
OF THE UPPER TOWNSHIP RECREATION DEPARTMENT
AS THE UPPER TOWNSHIP 2009 SAFETY EMPLOYEE OF THE YEAR**

WHEREAS, employee Edward Carter is recognized for his efforts to promote safety for his fellow employees and residents of the Township through his participation in the Upper Township Safety Award Program; and

WHEREAS, Ed was chosen as the 2009 Safety Employee of the Year by the Upper Township Safety Committee for submitting the best overall safety suggestion for 2009; and

WHEREAS, Ed should be publicly recognized for identifying, reporting and correcting the following safety hazard--*the necessity to replace a drainage grate cover missing from an open hole near a swing set located at Amanda's Field;*

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 this Committee extends its appreciation and publicly recognizes Edward Carter on his participation in this program and his commitment to safety by identifying a potential hazard and presenting a solution.
2. That this Committee, on behalf of Ed's fellow employees and the citizens of the Township of Upper extend to him our congratulations and present him with the "2009 Safety Employee of the Year Award".

BE IT FURTHER RESOLVED, that this Committee also extends appreciation to all of the employees who submitted safety suggestions this year and encourages further participation, and congratulates the 2009 quarterly winners as follows:

1 st Quarter	Rhonda Sharp
2 nd Quarter	Edward Carter
3 rd Quarter	Janet McCrosson
4 th Quarter	Edward Carter

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 4th day of January, 2010.

Resolution No. 022-2010
Offered by: Newman
Adopted: January 4, 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>

RESOLUTIONS

1. Honoring James Joseph Hamilton 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. 047-2010

**RE: HONORING JAMES JOSEPH HAMILTON ON ATTAINING THE
DESIGNATION OF "EAGLE SCOUT"**

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

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

WHEREAS, James completed the requirements for and having been examined by an Eagle Scout Board of Review; 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 James 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 James 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 8th day of February, 2010

Resolution No.047-2010

Offered by: Newman

Seconded by: Gabor

Adopted:

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> </u>	<u> </u>	<u> </u>	<u> x </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 Webelos Scouts of Cub Scout Pack 79, Wolfe Schwartz, Kyle J. O'Connor, Stephen W. Jefferson, Tyler G. Williams, Jacob C. Roman, Luke Alexander Zittle Dice, Bryce Cox, Matthew William Holmes, Liam B. McMurray, and Anthony R. Havens on attaining the Arrow of Light Award.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO.048-2010**

**RE: HONORING WEBELOS SCOUTS OF CUB SCOUT PACK 79,
WOLFE SCHWARTZ, KYLE J. O'CONNOR, STEPHEN W. JEFFERSON, TYLER
G. WILLIAMS, JACOB C. ROMAN, LUKE ALEXANDER ZITTLE DICE, BRYCE
COX, MATTHEW WILLIAM HOLMES, LIAM B. MCMURRAY, AND ANTHONY R.
HAVENS ON ATTAINING THE ARROW OF LIGHT AWARD**

WHEREAS, the Webelos Scouts of Cub Scout Pack 79, have recently achieved the Arrow of Light Award, which is the highest level of advancement for a Cub Scout; 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 these graduating Webelos Scouts on the occasion of their receiving the Arrow of Light Award and commends them for this outstanding accomplishment; and it is

FURTHER RESOLVED that the Township Committee extends its congratulations and best wishes to their 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 8th day of February, 2010.

Resolution No.048- 2010

Offered by: Conrad

Seconded by: Newman

Adopted: February 8, 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> </u>	<u> </u>	<u> </u>	<u> x </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. Appointment of Keith Johnson to the Recreation Committee.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO.049-2010
RE: APPOINTMENT OF KEITH JOHNSON**

TO THE RECREATION COMMITTEE

WHEREAS, a need exists to fill the seat of resigning Recreation Committee member Kevin Wiesner;

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. Keith Johnson is hereby appointed to the Recreation Committee of the Township of Upper, effective immediately and to serve the unexpired term of Kevin Wiesner, which consists of a (1) year term, which commenced January 1, 2010 and expires on December 31, 2010, and, that such member shall continue to serve until his successor is duly appointed and qualified.

Resolution No.049-2010

Offered by: Gabor

Seconded by: Conrad

Adopted: February 8, 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> </u>	<u> x </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. Approving the application of the Upper Township Rescue Squad for Highway Coin Drops.

TOWNSHIP OF UPPER

CAPE MAY COUNTY

R E S O L U T I O N

RESOLUTION NO. 050-2010

**RE: APPROVING THE APPLICATION OF THE UPPER TOWNSHIP RESCUE
SQUAD FOR HIGHWAY COIN DROPS**

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

WHEREAS, the Township Committee has approved the requests; and

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

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

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

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

Saturday, May 29, 2010 from 8:00 a.m. to 4:00 p.m.;

AND

Saturday, July 24, 2010 from 8:00 a.m. to 4:00 p.m.

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

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

Resolution No. 050-2010

Offered by: Newman
Adopted: February 8, 2010
Roll Call Vote:

Seconded by: Gabor

NAME	YES	NO	ABSTAINED	ABSENT
Conrad	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Corson	<u> </u>	<u> </u>	<u> </u>	<u> x </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. Releasing the Performance Surety Bond for Osprey Point, L.L.C. for the Site Plan known as Osprey Point, an age restricted development Block 567, Lot 27.

Township Engineer Paul Dietrich reported that all the work for which the remaining Bond was being held has been completed and the performance Bond may be released. He commented that the Condo Association owns the improvements; therefore a Maintenance Bond is not needed.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO.051-2010
RE: RELEASING THE PERFORMANCE SURETY BOND
FOR OSPREY POINT, L.L.C. FOR THE SITE PLAN KNOWN
AS OSPREY POINT AN AGE RESTRICTED DEVELOPMENT
ON BLOCK 567, LOT 27;
OWNER AND/OR DEVELOPER: OSPREY POINT L.L.C.
SITE PLAN: OSPREY POINT AN AGE RESTRICTED DEVELOPMENT
PROPERTY: BLOCK 567, LOT 27

WHEREAS, Osprey Point, LLC, (hereinafter "Developer"), has heretofore requested the release of a Performance Surety Bond for the major Site Plan known as "OPSREY POINT"; and

WHEREAS, the Developer has completed all work in conformance with the plans and specifications for the project known as "Osprey Point" Major Site Plan as certified and inspected by the Township Engineer and in accordance with recommendations made by the Township Engineer attached as

Exhibit A, the Performance Bond now held by the Township should be released; and

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

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

3. The Performance Bond now held by the Township is hereby released as follows:

Cash and Surety \$2,003.68 plus accrued interest.

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

Resolution No.051-2010

Offered by: Conrad Seconded by: Newman

Adopted: February 8, 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> </u>	<u> x </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. Authorizing the participation in a Cape May County led Paris Grant application to the State of New Jersey, Division of Archives and Records Management for the 2010-2011-application year.

Paul Dietrich reported that this is a standard grant application that has been used in the past to

restore books and last year was used to implement the remote back up with the County Records facility where our backup is transmitted electronically.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 052-2010
AUTHORIZING THE PARTICIPATION IN A CAPE MAY COUNTY LED PARIS
GRANT APPLICATION TO THE STATE OF NEW JERSEY,
DIVISION OF ARCHIVES AND RECORDS MANAGEMENT
FOR THE 2010-2011 APPLICATION YEAR**

WHEREAS, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation, and storage needs of county and municipal governments; and

WHEREAS, a top priority of the PARIS grants program is to achieve efficiencies of cost and operation through shared services and to create a service structure for municipalities that do not have the resources to create one for themselves; and

WHEREAS, in the 2010-2011 grant cycle, priority funding will be given to county projects to perform municipal inventories, needs assessments and strategic plans for all of their municipalities; and

WHEREAS, the Township of Upper desires to collaborate with the County of Cape May in the performance of the PARIS Grants Program; and

WHEREAS, the Township of Upper is acknowledging that their application eligibility for funding of \$40,000 be leveraged with the County of Cape May; and

WHEREAS, the Township of Upper is acknowledging that the County of Cape May would be both the lead agency and the applicant for such a proposal; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee, that Township of Upper does support and commit to cooperation and participation in the PARIS grant for the purposes set forth above, and to execute and deliver all documents required incident thereto.

Resolution No. 052 –2010
Offered by: Newman
Adopted: February 8, 2010

Seconded by: Conrad

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> </u>	<u> </u>	<u> </u>	<u> x </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

7. Introduction and First Reading of Ordinance No. 001-2010 AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XIV (RESIDENTIAL SOLID WASTE PROGRAM) OF THE CODE OF UPPER TOWNSHIP.

Paul Dietrich commented that the Ordinance amends the existing Ordinance to allow the Rules and Regulations to be amended by Resolution.

Motion was made by Jay Newman, second by Frank Conrad to introduce Ordinance 001-2010 with Public Hearing and Final Adoption set for March 8, 2010. During roll call vote all four Committee members voted in the affirmative.

TOWNSHIP OF UPPER

CAPE MAY COUNTY

O R D I N A N C E

ORDINANCE NO. 001 – 2010

RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XIV
(RESIDENTIAL SOLID WASTE PROGRAM) OF THE CODE OF UPPER TOWNSHIP

WHEREAS, the Township has a special program to provide for the no-cost disposal of

small quantities of certain residential solid waste generated within the Township; and

WHEREAS, the Township desires to modify the rules and regulations of the program to

permit a variety of residentially registered vehicles to participate in the program; and

WHEREAS, upon the adoption of this ordinance the Township will adopt a resolution

establishing updated rules and regulations for this program; and

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Township

Committee of the Township of Upper as follows:

SECTION 1. Chapter 24-3 “Residential Solid Waste Program“ of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

Section 24-3.3 entitled “Rules and Regulations Covering Participation in the Program; Limited to Township Residents “ is hereby replaced as follows:

24-3.3 Rules and Regulations Covering Participation in the Program; Limited to Township Residents.

The program described in this section shall be limited to residential use by residents of the Township. The Township Committee by resolution shall adopt rules and regulations controlling participating in such program. Any amendment to the rules and regulations as well as any additional rules and regulations shall also be adopted by resolution of the Township Committee. A certified copy of any such resolution shall be filed with the CMCMUA.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES: Any ordinances of

the Township of Upper that are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 3. SEVERABILITY: If any part of this Ordinance shall be deemed

invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

SECTION 4. EFFECTIVE DATE: This Ordinance shall take effect upon passage

and publication as required by law.

SECTION 5. CODIFICATION: This Ordinance shall be codified in the Upper

Township Code at the sections referred to above.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 8th of FEBRUARY 2010 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP ON THE 8th OF MARCH 2010 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

WANDA GAGLIONE, TOWNSHIP CLERK
TOWNSHIP OF UPPER

CORRESPONDENCE

8. **New Jersey Department of Transportation- Petersburg Maintenance Facility.**
Paul Dietrich commented that the letter reports that the DOT is in compliance with the Department of Environmental Protection's rules and regulations for Drinking

Water and Ground Water Standards. Discussion regarding the content of the letter. Motion was made by Jay Newman, second by Frank Conrad to direct the Engineer to draft a letter to our Legislators expressing the Township's concern and displeasure with the DOT letter.

NEW BUSINESS

UNFINISHED BUSINESS:

9. Engineers Report-Speed Humps on White Pine Lane.

Paul Dietrich reported on a request received at a prior meeting asking for Speed Humps on White Pine Lane. He reported that notices were sent to all the residents on White Pine Lane asking for their opinion about placing speed humps on their road. Mr. Dietrich reported that after he drafted the letter he received additional comments from residents on the street. There were five residents opposed and four in favor. He commented on the response from one of the residents who opposed the speed humps. The resident is of the opinion that the problem is due to one high school age resident on the street and a permanent solution is not necessary at this time. After some discussion the Committee concluded speed humps are not warranted at this time. The Committee discussed other measures to address the matter. Motion by Jay Newman, second by Frank Conrad to deny the request for speed humps on White Pine Lane. During roll call vote all four Committee members voted in the affirmative. Mayor Palombo directed the engineer to send a letter notifying the resident that speed humps are not warranted at this time and that other measures will be taken to address the matter.

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 four Committee members present voting in the affirmative.

Payroll:	\$166,668.32
Bills submitted for payment:	\$316,256.38

REPORT OF MUNICIPAL DEPARTMENTS:

10. Certificate of Determination and Award Re: Bond Anticipation Note

11. Construction Code

12. Clerk's Office

13. Animal Control

14. Tax Assessor

15. Tax Collector

16. Finance Office

17. MUA Report

Reports are available from the Clerk's Office

PUBLIC COMMENT

Russell Morano of 5 Red Oak Drive, Palermo expressed his concern with flooding on Red Oak Drive. He commented that he has been a resident there for over twenty years and this has always been a problem. Township Engineer, Paul Dietrich reported that the drainage system is over 30 years old and the problem is with the seepage pit not draining properly. The Committee discussed solutions to resolve the issue one being the placement of a seepage pit in the roadway. The Mayor directed the Deputy Clerk to place the matter on a future agenda as unfinished business.

CLOSED SESSION

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 NO. 053-2010
MOTION GOING INTO CLOSED SESSION
February 8, 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) Personnel
- (2) Litigation Tax Lien Foreclosure Matters
- (3) Safety and Contract Negotiations

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 litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.

Frank Conrad seconded the motion; during roll call vote all four Committee members voted in the affirmative.

RECONVENE PUBLIC PORTION OF MEETING

Municipal Attorney Daniel Young reported Tax Sale Certificates for Block 558 Lots 56 and 57 are two thirds owned by the State of New Jersey and their outstanding Tax Sale

Certificates. This was discovered during the Title search process. Mr. Young recommended that in order to resolve the litigation the Township rescind the Certificates and direct the Assessor to Title the properties in the name of the State of New Jersey.

Motion was made by Jay Newman, second by Frank Conrad to rescind Tax Sale Certificates and Title the properties in the name of the State of New Jersey. During roll call vote all four Committee members voted in the affirmative.

ADJOURNMENT

There was no further business for this evening and the meeting was adjourned at 9:57 P.M. Motion to adjourn the meeting made by Jay Newman, seconded by Frank Conrad, with all four Committee members voting in the affirmative.

Budget Workshop scheduled for Tuesday, February 23, 2010 at 6:30 PM.

Regular meeting scheduled for February 23, 2010 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC
Deputy Municipal Clerk

Bill List-2/8/2010

50745 02/08/10 A0004 A+ COMMERCIAL OFFICE CLEANERS 250.00 2578
50746 02/08/10 A0023 ADAMS, JOHN 246.93 2578
50747 02/08/10 A0025 ADVANTAGE RENTAL ACE HARDWARE 523.82 2578
50748 02/08/10 A0033 A.M./P.M.SERVICES 283.00 2578
50749 02/08/10 A0035 AIRLINE HYDRAULIC CORP. 428.00 2578
50750 02/08/10 A0061 ASSOC. CERT. TAX ASSESSORS CMC 660.00 2578
50751 02/08/10 A0075 ADAMS, JOSHUA 162.94 2578
50752 02/08/10 A0081 ARMSTRONG, RALON I. 36.00 2578
50753 02/08/10 A0086 AT&T MOBILITY 267.27 2578
50754 02/08/10 A0091 ATLANTIC CITY ELECTRIC 17,303.59 2578
50755 02/08/10 A0113 ARAWAK PAVING CO. INC. 16,011.22 2578
50756 02/08/10 B0034 BCI BURKE COMPAMY, INC. 1,978.05 2578
50757 02/08/10 B0061 BILLOWS ELECTRIC 56.40 2578
50758 02/08/10 B0091 BIRCHMEIER, JAMES 70.00 2578
50759 02/08/10 B0092 BROKER, EUGENE JR. 212.00 2578
50760 02/08/10 B0148 BLUE FLAME/PARACO GAS 828.81 2578
50761 02/08/10 B0184 BUSHONG, BRIAN 24.00 2578
50762 02/08/10 C0019 CITY OF OCEAN CITY 49,514.75 2578
50763 02/08/10 C0048 CAPE MAY COUNTY MUA 31,798.46 2578
50764 02/08/10 C0052 CAPE MAY COUNTY TREASURER 17,935.75 2578
50765 02/08/10 C0056 CAPE MEDIATION SERVICE, INC. 1,363.56 2578
50766 02/08/10 C0071 CAPEHART & SCATCHARD, P.A. 3,949.50 2578
50767 02/08/10 C0087 CATANOSO, ERICA ROSE 25.00 2578
50768 02/08/10 C0091 CHISHOLM, JOHN R. 24.00 2578
50769 02/08/10 C0121 CMC CONFERENCE OF MAYORS 325.00 2578
50770 02/08/10 C0143 CODY'S POWER EQUIPMENT 31.80 2578
50771 02/08/10 C0171 COLONIAL ELECTRIC SUPPLY CO. 243.71 2578
50772 02/08/10 C0202 CRAIG TESTING LABS, INC. 925.00 2578
50773 02/08/10 C0223 CASA PAYROLL SERVICE 434.40 2578
50774 02/08/10 D0015 DAN'S WELDING 80.00 2578
50775 02/08/10 D0031 DEGLER-WHITING, INC. 6,099.00 2578
50776 02/08/10 D0035 DEVINE, FIONA 12.50 2578
50777 02/08/10 D0040 DELTA DENTAL OF N.J. INC. 6,594.00 2578
50778 02/08/10 D0049 DEVER ELECTRIC, INC. 200.00 2578
50779 02/08/10 D0071 DLT SOLUTIONS INC. 1,524.80 2578
50780 02/08/10 D0127 DOUGHERTY, MICHAEL 50.00 2578
50781 02/08/10 D2001 DEJANA 722.64 2578
50782 02/08/10 E0001 EARTHTECH CONTRACTING INC. 2,640.00 2578

50783 02/08/10 E0012 EHRlich PEST CONTROL INC 71.00 2578
 50784 02/08/10 E0048 EDGELL, ASHLEY 25.00 2578
 50785 02/08/10 F0016 FAZZIO, JOSEPH INC. 1,144.00 2578
 50786 02/08/10 F0053 FORD, SCOTT & ASSOCIATES 7,500.00 2578
 50787 02/08/10 F0159 FORCE AMERICA INC 128.40 2578
 50788 02/08/10 G0092 GRUND, BARBARA J. 159.97 2578
 50789 02/08/10 H0012 HALL, ARTHUR 161.99 2578
 50790 02/08/10 H0022 HR DIRECT 54.92 2578
 50791 02/08/10 H0057 HISTORICAL PRESERVATION 161.54 2578
 50792 02/08/10 H0062 HOPE, JOHN J. 24.00 2578
 50793 02/08/10 H0090 HARPER, MATTHEW 50.00 2578
 50794 02/08/10 H0131 HPI PROCESSES, INC 353.84 2578
 50795 02/08/10 J0039 JOHNSON & TOWER INC. 918.00 2578
 50796 02/08/10 J0041 JONES, JAMES M. 24.00 2578
 50797 02/08/10 J0051 JOHNS, ERICA 25.00 2578
 50798 02/08/10 K0034 KOHLER, CLAUDE JR. 72.00 2578
 50799 02/08/10 K0037 KOHLER, JOHN F 6.00 2578
 50800 02/08/10 K0047 KLINE, EDWARD T. 38.00 2578
 50801 02/08/10 L0031 LORCO PETROLEUM SERVICES 180.00 2578
 50802 02/08/10 L0038 LAYTON, WILLIAM 24.00 2578
 50803 02/08/10 L0040 LEA, SHELLEY 32.00 2578
 50804 02/08/10 L0072 LLOYD, JOEL 143.99 2578
 50805 02/08/10 M0012 McCAULEY, RICHARD 24.00 2578
 50806 02/08/10 M0016 McAFEE, MEGAN 20.00 2578
 50807 02/08/10 M0070 MID ATLANTIC WASTE SYSTEMS 210.92 2578
 50808 02/08/10 M0103 MODERN GAS COMPANY, INC. 3,508.58 2578
 50809 02/08/10 M0128 MUNICIPAL CLERKS ASSOC. N.J. 295.00 2578
 50810 02/08/10 M0190 MENDEZ, BELICIA 39.50 2578
 50811 02/08/10 M0197 MEYERS, GEORGIE 52.00 2578
 50812 02/08/10 M0209 MAYBERRY, JOHN D 99.95 2578
 50813 02/08/10 N0003 N.J. MUNICIPAL CLERKS ASSOC. 175.00 2578
 50814 02/08/10 N0052 NATL YOUTH SPORTS COACHED ASSN 520.00 2578
 50815 02/08/10 O0038 OSBORN, JAMES 75.89 2578
 50816 02/08/10 P0008 PALMER, NANCY 34.00 2578
 50817 02/08/10 P0032 PEDRONI FUEL CO. 813.31 2578
 50818 02/08/10 P0034 PEIFER, SUSAN R. 42.71 2578
 50819 02/08/10 P0070 POMEROY, JENNER 50.00 2578
 50820 02/08/10 P0073 POGUE INC. 75.00 2578
 50821 02/08/10 R0030 RIGGINS, INC. 5,000.63 2578
 50822 02/08/10 R0092 RUTGERS, THE STATE UNIVERSITY 3,157.00 2578
 50823 02/08/10 S0001 SAM'S CLUB 431.87 2578
 50824 02/08/10 S0020 AM SAN 969.50 2578
 50825 02/08/10 S0031 SCHULER SECURITY, INC. 216.00 2578
 50826 02/08/10 S0034 SCHULER, DANIEL 24.00 2578
 50827 02/08/10 S0056 SEASHORE ASPHALT CORPORATION 189.05 2578
 50828 02/08/10 S0066 SEETON TURF WAREHOUSE LLC 989.34 2578
 50829 02/08/10 S0072 SEGIN, STEWART S. 76.00 2578
 50830 02/08/10 S0077 SEMCOR II 189.72 2578
 50831 02/08/10 S0085 SHOCKEY'S PURE WATER SYSTEMS 130.00 2578
 50832 02/08/10 S0092 SHONE, LEROY 30.00 2578
 50833 02/08/10 S0153 STERICYCLE, INC. 222.51 2578
 50834 02/08/10 S0188 STADNICKI, JOSEPH 64.50 2578
 50835 02/08/10 S0209 STAPLES ADVANTAGE 1,149.95 2578
 50836 02/08/10 T0020 TERWILLIGER, DUANE E. 6.00 2578
 50837 02/08/10 T0024 TAYLOR, MATTHEW 18.00 2578
 50838 02/08/10 T0032 THE PRESS & SUNDAY PRESS 273.60 2578
 50839 02/08/10 T0038 THOMAS, CHRISTOPHER 88.00 2578
 50840 02/08/10 T0044 THOMSON, KERRY AGENCY 12,456.00 2578
 50841 02/08/10 T0067 TOWNSHIP OF UPPER PETTY CASH 30.95 2578
 50842 02/08/10 U0002 U.T. BASKETBALL ASSOCIATION 3,600.00 2578
 50843 02/08/10 U0010 UPPER TOWNSHIP CHEERLEADING 1,177.50 2578
 50844 02/08/10 U0012 U.T. SOCCER ASSOCIATION 131.25 2578
 50845 02/08/10 U0028 UPPER TOWNSHIP BD.OF EDUCATION 84,545.00 2578
 50846 02/08/10 V0005 VAN EMBDEN, NATHAN, ATTORNEY 885.00 2578
 50847 02/08/10 V0013 VERIZON WIRELESS 362.71 2578
 50848 02/08/10 V0022 VERIZON 542.73 2578
 50849 02/08/10 V0025 V.E. RALPH & SON, INC. 70.42 2578
 50850 02/08/10 V0027 VANORDER, ROGER 18.00 2578
 50851 02/08/10 V0031 VANMETER, DONNIE 25.00 2578
 50852 02/08/10 W0020 WEINSTEIN SUPPLY 353.99 2578
 50853 02/08/10 W0030 WEST PUBLISHING CO. 792.69 2578
 50854 02/08/10 W0037 WALLACE REFRIGERATION 430.00 2578
 50855 02/08/10 W0038 WILLIAMS, JEREMIAH J. 32.00 2578
 50856 02/08/10 W0060 WOOLLEY, THOMAS 24.00 2578
 50857 02/08/10 W0063 WRESTLER'S WORLD 187.32 2578

50858 02/08/10 W0086 WYAND, GABBY 25.00 2578
50859 02/08/10 Y0008 YOUNG, DANIEL J. ESQUIRE PC 13,328.00 2578
50860 02/08/10 Y0012 YOUNG,ROBERT 218.74 2578
50861 02/08/10 Y0023 YOUNG, DANIEL J. ATTORNEY 2,625.00 2578
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Total: \$316,256.38