

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR MAY 10, 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. Municipal/UT School Board Auditor, Leon Costello was also present this evening.

**APPROVAL OF MINUTES**

**April 10, 2010 Closed Session Minutes-**

Motion was made by Jay Newman, second by Kristine Gabor to approve the Closed Session Minutes as submitted. During roll call vote, four Committee members voted in the affirmative, Mayor Palombo abstained from voting.

**April 26, 2010 Regular Meeting and Closed Session Minutes**

Motion was made by Jay Newman, second by Curtis Corson to approve the Minutes as submitted. During roll call vote, all five Committee members present voted in the affirmative.

**REPORT OF GOVERNING BODY MEMBERS**

**OTHER REPORTS**

Committeeman Jay Newman did not participate in the next matter and at this time left the dais.

**2010 School Board Budget**

Mayor Palombo opened this section of the meeting and introduced School Superintendent Vincent Palmieri, School Administrator Laurie Ryan, and School Board President Deborah McClees. The Mayor invited Mr. Palmeri to present his comments on the defeated School Board Budget.

**Vincent Palmeri, Superintendent of Schools**, spoke on behalf of the Upper Township Board of Education with regards to the School Budget that was defeated at the April 20<sup>th</sup> election. He explained the Budget process in that it is the Township Committee's task to recommend whether to approve the School Budget as is; or to direct a specific reduction of the budget and recommend what areas to cut. It is the School Board's task to consider the recommendations and finally approve which budget items to decrease. He stated that both the School Board and the Township Committee had some difficult questions and difficult decisions to make. The Board had from April 20<sup>th</sup> to April 28<sup>th</sup> to get the Budget information to the Township Committee for their review so that the Committee could make recommendations. He requested the record to reflect that at no time did anyone from the School district feel pressured to adhere to the recommendations of the Township Committee. He further explained the Upper Township Board of Education has not met as of this date (date of the election until today). He reported that he and the School Administration would meet with the School Board for a special meeting on Thursday, giving the Administrators until then to come up with a potential budget to present to the School Board. A resolution must be accomplished and sent to the State of New Jersey by May 19<sup>th</sup>. He further commented that the views and recommendations of the Township Committee as well as the public would be taken into consideration when developing the potential budget.

**Debbie McClees, Upper Township Board of Education President**: She reported that this is 3rd time in five years that the budget has been defeated. On April 20<sup>th</sup> the budget was defeated by just over 200 votes. Since then the Superintendent and the Business Administrator have provided information about the operation of the district and details about the defeated budget which is more than 4% lower than last year's budget. **The administrative cost per pupil of \$16,250 is well below the regional average of \$17,400; and \$1,000 less than the State average.** Ms. McClees asked the Committee to keep in mind that the budget that was presented to the public proposed a reduction of four full time and four part time staff (which includes four Certified Teachers, three Special Education teachers, and one Attendance Officer--a position that is mandated by the State).

**Jim Arsenault, Board of Education, Vice President and Chair of the Board's Negotiations Committee**: reported that he was asked by the Mayor and Committeeman Conrad about the status of teachers' negotiations efforts. Mr. Arsenault explained that there are 4 separate negotiation units that comprise the entirety of the employees that work for the Upper Township Schools; all with contracts expiring June 30, 2010. Mr. Arsenault explained that as urged by the Governor they have been in discussions with all four bargaining units to consider a salary freeze even before the budget's defeat, and after. He reported that he is unable to report an agreement of all of the bargaining units for a salary freeze although they are working in good faith; and to this date salary concession talks continue and progress is being made.

**Mayor Palombo** asked what is anticipated with regard to teacher attrition. Mr. Arsenault responded that last year as part of the budget negotiations the School Board offered a separation

initiative to employees at the higher end of the pay scale to result in salary savings. Several teachers agreed to the separation and separated June 30, 2009 prior to this budget season. He continued that he is aware that there are at least two teachers that have indicated they will be retiring from the district as of June 30, 2010. He commented that he would trust that the Administration and Superintendent would take that into consideration when making decisions with regard to salary cuts.

The Mayor asked if there were any possibility to negotiate health care costs. He commented that the Township has realized significant savings through renegotiations of Township employee health care policies.

Mr. Arsenault responded that all of the bargaining units are aware that the administration wants to see cost savings out of the health care benefits program. They are continually shopping for competitive rates with regard to health benefit renewal rates and are working as ardently as possible through the negotiations process to realize those savings.

**Committeeman Conrad:** Commented on the deadline imposed by State Statue of May 22, 2010 for Employees to pay 1.5% of their salary toward the cost of their health benefits. Mr. Arsenault replied that all parties are aware of the deadline although they are still waiting for guidance from the State Department of Education on what the regulations mean when fully enacted.

### **Public Speakers**

**Janet Younghans, of 1957 Tuckahoe Rd, Petersburg:** read comments into the record speaking as a “teacher, mother and tax payer”. She asked Upper Township to support the school budget.

**Kristie Brown Chisolm, of 18 Evergreen Drive:** Spoke in favor of the budget. She commented that the people that voted down the budget only represent 15% of the Township population. It is her opinion that the majority of those that voted are senior citizens. She also gave statistics on how good our schools are compared to neighboring communities.

**Ted Kingston, of Strathmere:** Spoke against the budget. He spoke in favor of asking the teachers to take a pay freeze. He further commented that it should not affect the ability to provide a quality education. Mr. Kingston asked why the details of the negotiations are not public. Leon Costello, Township Auditor responded that details with regard to contract negotiations are not public during the negotiation phase; and when asked if the budget included anything for the construction of a new school, Mr. Costello responded that it did not.

**Jan Christensen of 9 Heritage Dr. Beesley’s Point:** Thanked the Committee for their work with the School Board. He stated that he has been a resident of Upper Township for over twenty-two years, that he is a former president of the Board of Education for the City of Northfield, and a manager at Atlantic Electric. He commented that he understands the difficulty of making the decisions necessary to reduce the budget. He further commented that he agrees with Mr. Kingston in that a pay freeze to the teachers should not diminish the quality of education.

**Dale Goodreau, 23 Brewhaus Lane:** Suggested that Administrative travel be cut from the School Budget. He commented that it should result in a savings of approximately \$150,000.

**Thomas Rossi, 605 S Commonwealth Ave:** Spoke against the School Budget. He thanked the School Board and the teachers for providing a quality education. Mr. Rossi also commended the Township Committee for doing a wonderful job staying within the Township Budget and avoiding a local purpose tax.

**Terry O'Reilly, of 3 Diane Avenue, Marmora:** speaking as the husband of a school teacher, commented that he is in favor of a school budget that would include some administrative cuts as well as eliminating courtesy bussing.

**Gretchen Pickets of 49 West Katherine Avenue, Seaville:** long time area resident spoke in favor of the budget.

**Michael Crowell of 200 Old Tuckahoe Road, Petersburg:** thanked the teachers and staff for providing his son, who is a special education student, with a great school experience.

**Michael Lindner, of 109 Putnam Ave, Strathmere:** commented that he spent 44 years as an educator and he is in favor of reducing the school budget. He questioned the Board on the wage increases that the teachers have received in the past.

**Thomas Jamison-16 Dolores Avenue, Palermo:** spoke in favor of the school budget.

**Timothy Hanna of 6 Prosit Lane, Seaville:** spoke as a High School teacher and reported that students generally are in favor of the budget.

**Andrea Hipkins of 20 Killdeer Hill Rd, Petersburg:** has been a teacher for over 35 years and is in favor of the budget as presented.

**Neil McPeak of Corbin City:** asked the Committee to hold the budget where it is.

**Russell Morano of 5 Red Oak Drive, Marmora:** recommended that the School Board work within their budget.

**James O'Kane of 10 Winchester Court, Seaville:** is in favor of the School budget as presented.

**Maryann McAfee of 1864 Route US 9 South, Seaville:** Spoke in favor of the School budget.

**Anna Kimmerley 560 Woodbine Rd, Steelmantown:** Also is in favor of the budget.

At this point there were no further comments from the public. Motion was made by Frank Conrad, second by Kristine Gabor to close the public portion of the meeting. During roll call vote four Committee members voted in the affirmative.

After some discussion by the Committee, Mayor Palombo commented that as a community we have a responsibility to educate our children. We were elected to be representatives of the entire Township and have a responsibility to be as good stewards of Township funds as possible. He continued that this is a more difficult year than last as demonstrated by the vote. After further discussion motion was made by Frank Conrad, second by Curtis Corson to reduce the school budget as follows: that the School Budget be reduced by \$450,000 which would equate to a school tax reduction from **4.5¢ to 2.5¢** with the following recommended areas to cut:

- decrease the health insurance line item by \$175,000.
- Eliminate travel expenses by \$150,000.
- Eliminate one administrator position resulting in a \$85,000 reduction.
- Decrease all salary line items throughout the budget by \$40,000.
- For a total tax levy reduction of \$450,000.

During roll call vote the four Committee members present voted in the affirmative. The following resolution was read into the record.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION NO. 104-2010  
Resolution to Decrease Tax Levy  
For 2010/2011  
Upper Township  
School District Budget**

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**WHEREAS**, the Board of Education of the Upper Township School District submitted to the electorate on April 20, 2010, a proposal to levy \$22,550,328 in taxes to fund the ensuing school year 2010/2011, and

**WHEREAS**, said tax levy in the amount of \$22,550,328 was defeated by the electorate by 210 votes (1,231 yes to 1,441 no), and

**WHEREAS**, State statute NJSA 18A:22-37 requires the Governing Body, after consultation with the UPPER TOWNSHIP BOE, to conduct a "municipal review" of the defeated budget to determine whether they wish to approve the existing tax levy or reduce said levy, and to certify to the County Board of Taxation the total amount so determined; and

**WHEREAS**, we have consulted with the UPPER TOWNSHIP BOE, and we recognize the UPPER TOWNSHIP BOE budget has already lost state aid and we recognize their commitment to fiscal responsibility. However, we also recognize in a representative democracy we have a duty to represent the will of the voters expressed in the recent school election; and,

**WHEREAS**, the state statute requires that a tax levy reduction must “*not adversely affect the district’s ability to provide a thorough and efficient education*” and,

**WHEREAS**, the Township conducted the required “municipal review” and found the UPPER TOWNSHIP BOE is \$3,777,803 above the required state minimum school tax levy. The Township also concluded it does not wish to recommend any program or position cuts which could adversely affect a “thorough and efficient” education, and

**THEREFORE**, the Township’s recommendation to both lower the levy and avoid any adverse impact on a “thorough and efficient education” is to:

- decrease the health insurance line item by \$175,000.00 which represents an amount equal to the employees contributing 1.5 percent of their salary to their own health insurance coverage.
- Eliminate travel expenses \$150,000.00.
- Eliminate one administrator position \$85,000.00.
- Decrease all salary line items throughout the budget by \$40,000.00
- For a total tax levy reduction of \$450,000.

**THEREFORE, BE IT RESOLVED** that for the above stated reasons, the Township of Upper in the County of Cape May hereby decreases the Upper Township School District tax levy from \$22,550,328 to \$22,100,328 thereby reducing the tax burden on our residents from 4.5 cents to 2.5 cents without negatively affecting the number of district employees or the number of programs in an already fiscally sound school district; and

**BE IT FURTHER RESOLVED** that the Township Committee hereby certifies to the Cape May County Board of Taxation the amounts necessary to be raised by taxation for school purposes with the Township of Upper:

Total Amount of Tax Levy for School Purposes                      \$22,100,328

**BE IT FURTHER RESOLVED** that certified copies of this resolution be forwarded to: Cape May County Board of Taxation, Upper Township Board of Education, and the Superintendent of Schools for the County of Cape May.

Resolution No. 104-2010

Offered by: Conrad,

Second by: Corson

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

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

There was a 10 minutes recess. Committee Newman then returned to his seat at the dais with the other Committee members.

## **2010 Municipal Budget**

2. **Public Hearing and Final Adoption of Ordinance No. 003-2010, RE: CALENDAR YEAR 2010 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14).** During the public portion of the hearing there were no speakers from the public. Motion was made by Jay Newman to adopt the ordinance, seconded by Curtis Corson. During roll call vote all five Committee members present voted in the affirmative.

**TOWNSHIP OF UPPER  
CALENDAR YEAR 2010  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)  
ORDINANCE NO. 003-2010**

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**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Township Committee of the Township of Upper in the County of Cape May finds it advisable and necessary to increase its CY 2010 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Township Committee of the Township of Upper hereby determines that a 3.5 % increase in the budget for said year, amounting to \$ **330,678.82** in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Township Committee of the Township of Upper hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Upper, in the County of Cape May a majority of the full authorized membership of this

governing body affirmatively concurring, that, in the CY 2010 budget year, the final appropriations of the Township of Upper shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ **330,678.82** and that the CY 2010 municipal budget for the Township of Upper be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**NOTICE**

ORDINANCE 003-2010 WAS INTRODUCED AT A REGULAR MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER, HELD ON APRIL 12, 2010 AND WILL BE FURTHER CONSIDERED FOR FINAL PASSAGE DURING A MEETING OF THE TOWNSHIP COMMITTEE, TO BE HELD AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, ON MAY 10, 2010, 7:30 P.M. AT WHICH TIME A PUBLIC HEARING WILL BE HELD.

WANDA GAGLIONE, TOWNSHIP CLERK

**3. Resolution authorizing the reading of the 2010 Annual Municipal Budget by title only.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION NO. 105-2010  
RE: AUTHORIZING THE READING OF THE 2010  
ANNUAL MUNICIPAL BUDGET BY TITLE ONLY**

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WHEREAS, N.J.S.A. 40:A4-8 authorizes the reading of the budget by title only at the public hearing thereon, provided certain requirements are met; and

WHEREAS, the Township Committee of the Township of Upper is satisfied that such conditions have been satisfied.

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 majority of the full membership concurring, as follows:

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



2. The Township Committee of the Township of Upper finds and determines that:

A. At least one (1) week prior to the date of this hearing, a complete copy of the approved budget, as advertised, was posted in the Township Hall, the principal municipal building of the municipality, and was made available to each person requesting the same during the week immediately preceding the public hearing and is available to each person requesting a copy during the public hearing, as required by N.J.S.A. 40A:4-8.

B. The Township Committee of the Township of Upper hereby determines and declares that the conditions set forth in subsection 1.a and 1.b of N.J.S.A. 40A:4-8 have been met.

C. The Township Committee of the Township of Upper hereby determines that the 2010 Municipal Budget of the Township of Upper shall be read by its title only at the public hearing to be conducted thereon.

Resolution No. 105-2010

Offered by: Corson

Seconded by: Newman

Adopted: May 10, 2010

Roll Call Vote:

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

4. 2010 Budget—PUBLIC HEARING AND FINAL ADOPTION.

## 2010 Municipal Budget

of the           TOWNSHIP           of           UPPER           County of  
          CAPE MAY           for the fiscal year 2010.

### Revenue and Appropriations Summaries

Summary of Revenues	Anticipated	
	2010	2009
1. Surplus	3,250,000.00	3,100,000.00
2. Total Miscellaneous Revenues	7,460,206.86	8,292,180.94
3. Receipts from Delinquent Taxes	542,572.14	417,502.62
4. a) Local Tax for Municipal Purposes	0.00	0.00
b) Addition to Local School District Tax	0.00	0.00
Tot Amt to be Rsd by Taxes for Sup of Muni Bnd	0.00	0.00
Total General Revenues	11,252,779.00	11,809,683.56

Summary of Appropriations	2010 Budget	Final 2009 Budget
1. Operating Expenses: Salaries & Wages	4,556,750.00	4,367,600.00
Other Expenses	4,665,886.32	5,026,928.46
2. Deferred Charges & Other Appropriations	728,682.69	766,654.36
3. Capital Improvements	275,960.00	638,750.74
4. Debt Service (Include for School Purposes)	0.00	0.00
5. Reserve for Uncollected Taxes	1,025,500.00	1,009,750.00
Total General Appropriations	11,252,779.00	11,809,683.56
Total Number of Employees	108	108

2010 Dedicated		Utility Budget	
Summary of Revenues	Anticipated		
	2010	2009	
1. Surplus	0.00	0.00	
2. Miscellaneous Revenues	0.00	0.00	
3. Deficit (General Budget)	0.00	0.00	
Total Revenues	0.00	0.00	
Summary of Appropriations		2010 Budget	Final 2009 Budget
1. Operating Expenses: Salaries & Wages		0.00	0.00
Other Expenses		0.00	0.00
2. Capital Improvements		0.00	0.00
3. Debt Service		0.00	0.00
4. Deferred Charges & Other Appropriations		0.00	0.00
5. Surplus (General Budget)		0.00	0.00
Total Appropriations		0.00	0.00
Total Number of Employees			

Balance of Outstanding Debt			
General			
Interest			
Principal			
Outstanding Balance	0.00	0.00	0.00

Notice is hereby given that the budget and tax resolution was approved by the           TOWNSHIP COMMITTEE            
of the           TOWNSHIP           of           UPPER          , County of  
          CAPE MAY           on           APRIL 12          , 2010.

A hearing on the budget and tax resolution will be held at           TOWNSHIP HALL          , on  
          MAY 10          , 2010 at           7:30           o'clock PM at which time and place  
objections to the Budget and Tax Resolution for the year 2010 may be presented by taxpayers or  
other interested parties.

Copies of the budget are available in the office of           TOWNSHIP CLERK           at  
the Municipal Building,           2100 Tuckahoe Road, Petersburg           New Jersey,  
          609-628-2011           during the hours of           9:00 AM           to           4:00 PM          .

**5. ..Resolution---Local Unit Budget Examination.**

**TOWNSHIP OF UPPER**  
**COUNTY OF CAPE MAY**  
**RESOLUTION NO. 107-2010**  
**LOCAL UNIT BUDGET EXAMINATION**

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**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7 through 7.5 the Township Committee of the Township of Upper has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Upper meets the necessary conditions to participate in the program for the 2010 budget year.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Upper, County of Cape May, that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers' certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amount required for school purposes

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with "CAP" law.)

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate, and correctly stated
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provision of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

Resolution No. 107-2010

Offered By: Corson

Seconded By: Conrad

Adopted: May 10, 2010

Roll Call Vote:

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

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At this point of the evening (10:30 PM), Committeeman Curtis Corson left the meeting due to a previous commitment.

## **RESOLUTIONS**

### **6. Appointment of Charles Thonsen as a part-time seasonal employee to the Upper Township Recreation Department.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N  
RESOLUTION NO.108-2010  
RE: APPOINTMENT OF CHARLES THONSEN  
AS A PART-TIME SEASONAL EMPLOYEE  
TO THE UPPER TOWNSHIP RECREATION DEPARTMENT**

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**WHEREAS**, a need exists to appoint qualified personnel as part-time employees to the Upper Township Recreation Department to insure optimal operation; and

**WHEREAS**, a recommendation has been made to the Township Committee and duly considered at the meeting of April 26, 2010; and

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

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

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

2. Charles Thonsen is hereby appointed in part-time seasonal position effective immediately at a salary of \$10.50 per hour in accordance with the Salary Ordinance.

3. This Resolution ratifies, confirms and approves action taken by the Township Committee, by motion, at the meeting of April 26, 2010.

Resolution No. 108-2010

Offered by:Newman

Seconded by:Gabor

Adopted: May 10, 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>

**7. Appointment of Peter Schuler to the Upper Township Zoning Board of Adjustment.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N  
RESOLUTION NO. 109-2010  
RE: APPOINTMENT OF PETER SCHULER  
TO THE UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT**

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**WHEREAS**, N.J.S.A. 40:55D-69 provides that members of the Zoning Board of Adjustment shall be appointed by the Governing Body of the municipality; and

**WHEREAS**, it is necessary to make certain appointments to the Zoning Board of Adjustment of the Township of Upper, as hereinafter provided; 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 that Peter Schuler is hereby appointed as a member of the Upper Township Zoning Board of Adjustment to fill the unexpired term of Mary Jean Burgin commencing immediately and expiring on December 31, 2012.

Resolution No.109-2010

Offered by: Conrad

Seconded by: Palombo

Adopted: May 10, 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>

**8. Authorizing a contract with Casa Payroll Service of Pleasantville, New Jersey for payroll services.**

TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N  
RESOLUTION NO. 110-2010

RE: AUTHORIZING A CONTRACT WITH CASA PAYROLL SERVICE OF  
PLEASANTVILLE, NEW JERSEY FOR PAYROLL SERVICES

---

WHEREAS, CASA Payroll Services (“CASA”) has submitted a proposal to the Township for payroll services; and

WHEREAS, N.J.A.C. 5:30-17.3 et seq. provides for electronic disbursement controls for payroll purposes and applies to entities which execute disbursements from and/or take possession of municipal bank accounts or funds; and

WHEREAS, the proposal of CASA does not permit CASA to execute disbursements from the Township’s bank account or give CASA possession of Township funds and as such N.J.A.C. 5:30-17.3 et seq. does not apply; and

WHEREAS, the Township wishes to accept said proposal and to authorize a contract with CASA; and

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

WHEREAS, CASA has completed and submitted a Business Entity Disclosure Certification which certifies that CASA 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 CASA from making any reportable contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to enter into a contract with CASA attached hereto as Exhibit "A", to provide payroll service within the Township of Upper commencing immediately.
3. CASA has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.



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

Resolution No. 110-2010

Offered by: Conrad

Seconded by: Gabor

Adopted: May 10, 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>

**9. Authorizing the execution of an amendment to the Shared Services agreement with the City of Corbin City to provide Municipal Court Services.**

TOWNSHIP OF UPPER

CAPE MAY COUNTY

R E S O L U T I O N

RESOLUTION NO. 111-2010

RE: AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE SHARED SERVICES

AGREEMENT WITH THE CITY OF CORBIN CITY TO PROVIDE

MUNICIPAL COURT SERVICES

WHEREAS, Corbin City and Upper Township have entered into a Shared Services Agreement to permit the Township to provide all the usual and ordinary services of a Municipal Court for Corbin City; and

WHEREAS, said Shared Services Agreement is currently for a term of one year, commencing May 6, 2010 and continuing through May 5, 2011; and

WHEREAS, the Township of Upper and the City of Corbin City wish to amend said Shared Services Agreement to extend the term for a period of three years.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and the Township Clerk are hereby authorized, directed and empowered to execute an Amendment to the Shared Services Agreement with the City of Corbin City so as to extend the term of said agreement for a period of three years, commencing May 6, 2010 and ending May 5, 2013.

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

Resolution No. 111-2010

Offered by: Newman

Seconded by: Palombo

Adopted: May 10, 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>      </u>	<u>      </u>	<u>      </u>	<u>      </u>

**10. Authorizing the Mayor and/or Municipal Engineer to sign and submit an application to the NJDEP for the replacement of Whittier Avenue Bulkhead pursuant to NJDEP Rules.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO.112-2010**

**RE: AUTHORIZING THE MAYOR AND/OR MUNICIPAL ENGINEER TO SIGN AND SUBMIT AN APPLICATION TO THE NJDEP FOR THE REPLACEMENT OF WHITTIER AVENUE BULKHEAD PURSUANT TO NJDEP RULES**

**WHEREAS**, the Township of Upper wishes to make application to the New Jersey Department of Environmental Protection (NJDEP) for replacement of the bulkhead located at Whittier Avenue, Strathmere, in the Township of Upper; and

**WHEREAS**, the Municipal Engineer has prepared the NJDEP application describing the project and permit fees and wishes to submit it to the NJDEP; and

**WHEREAS**, the Township Committee fully supports and endorses the actions of the Township Engineer in his filing of the NJDEP application for the following project:

**Whittier Avenue Bulkhead Replacement**

Replace the existing timber bulkhead  
with a new vinyl bulkhead

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and/or the Municipal Engineer of the Township of Upper are hereby authorized, directed and empowered to sign and submit the permit and necessary fees for the NJDEP application for Whittier Avenue Bulkhead Replacement, which is attached hereto as Exhibit A.
3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.
4. A certified copy of this Resolution shall be provided to the Township Engineer for insertion into the Whittier Avenue NJDEP General Permit 14 application.

Resolution No.112-2010

Offered by: Newman                      Seconded by: Gabor

Adopted: May 10, 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>

**11. Authorizing a Change Order and an Amendatory Contract to be entered into with South State, Inc. concerning the reconstruction of Peach Orchard Road.**

TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N  
RESOLUTION NO. 113-2010

RE: AUTHORIZING A CHANGE ORDER AND AN AMENDATORY CONTRACT TO BE ENTERED INTO WITH SOUTH STATE, INC. CONCERNING THE RECONSTRUCTION OF PEACH ORCHARD ROAD

---

WHEREAS, the Township of Upper awarded a bid and entered into a contract for the reconstruction of Peach Orchard Road with South State, Inc.; and

WHEREAS, a change order to said contract is necessary and said change order, in combination with a prior change order, will exceed 20% of the originally awarded contract price; and

WHEREAS, a written certification justifying the performance of the work in connection with this most recent change order has been filed by the contractor with the Township explaining the factual circumstances which necessitate the issuance of said change order,

indicating why these circumstances could not have been foreseen and why the change order will be in the best interest of the Township; and

WHEREAS, the Township Engineer has provided a certification explaining in detail the factual circumstances which necessitate the issuance of the proposed change order; and

WHEREAS, the request for the change order together with the statements indicating why the change order is required and appropriate have been filed with the Township Committee of the Township of Upper; and

WHEREAS, the Township Committee of the Township of Upper has reviewed this matter and has determined that the change order is proper and allowable.

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 change order attached hereto as Exhibit A in the amount of \$7,361.10 is hereby authorized and an amendatory contract reflecting same shall be entered into covering said change order. The Mayor and the Township Chief Financial Officer are authorized to execute same..

3. A brief notice indicating the additional amount to be expended, the original contract price, the prior change order and the nature of the original and additional work together with why it is necessary to expend the additional funds shall be printed once in the official newspaper of the Township. A copy of the advertisement shall also be filed with the Township Clerk and will be available for inspection by the public.

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

Resolution No. 113 -2010

Offered by: Newman

Seconded by: Palombo

Adopted: May 10, 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>	_____	_____	_____

**12. Authorizing a Change Order for the 2009 Paving Project resulting in an increase in the contract amount by \$6,339.03.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N**

RESOLUTION NO.114-2010  
RE: AUTHORIZING A CHANGE ORDER FOR THE 2009 PAVING PROJECT  
RESULTING IN AN INCREASE  
IN THE AMOUNT OF \$6,339.03

---

WHEREAS, the Township of Upper has previously awarded the 2009 Paving Project bid to Arawak Paving Company, Inc., 7503 Weymouth Road, Hammonton, NJ 08037, in the original Contract amount of \$200,035.00; and

WHEREAS, the Township wishes to approve a Change Order to the aforesaid Contract as hereinafter provided; and

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

WHEREAS, this Change Order, comprising both extra equipment, as well as cost increases, does not exceed twenty percent (20%) of the original Contract award; and

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

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

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



2. Change Order No. 1 to the 2009 Paving Project with Arawak Paving Company, Inc. is hereby authorized as follows:

Increases.....\$17,694.82  
 Decreases.....\$11,355.79  
 Extra Work.....\$0.00  
 TOTAL.....\$6,339.03

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

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

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

Resolution No. 114-2010

Offered by: Gabor

Seconded by: Newman

Adopted: May 10, 2010

Roll Call Vote:

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

13. Authorizing the Township of Upper to enter into an agreement with the New Jersey Department of Transportation for Township owned property located in Block 348, Lot 55, Route 50, Tuckahoe, so as to permit a property access modification with regards to the Route 50 Bridge Improvement Project.

**TOWNSHIP OF UPPER**

CAPE MAY COUNTY

**RESOLUTION**

RESOLUTION NO. 115-2010

RE: AUTHORIZING THE TOWNSHIP OF UPPER TO ENTER INTO AN AGREEMENT WITH THE  
NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR TOWNSHIP OWNED PROPERTY  
LOCATED IN BLOCK 348, LOT 55, ROUTE 50, TUCKAHOE, SO AS  
TO PERMIT PROPERTY ACCESS MODIFICATION WITH REGARDS  
TO THE ROUTE 50 IMPROVEMENT PROJECT

---

WHEREAS, the New Jersey Department of Transportation has requested that the Township of Upper enter into a Property Access Agreement for Township owned property at Block 348, Lot 55 so as to permit the State to perform property access construction work as part of the Route 50 Improvement Project; and

WHEREAS, the Township Committee has reviewed this request and finds it appropriate to execute the documents entitled "NJDOT Lot Owner Lease Agreement", and "NJDOT Lot Owner Access Concurrence" which are attached hereto as Exhibit A; and

WHEREAS, the execution of the attached documents signify the Township's concurrence with the NJDOT access alteration plan dated 2/10/2010, it also grants the NJDOT permission to access Block 348, Lot 55, and it stipulates that the NJDOT will be responsible for all construction work necessary to implement the alteration.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the

Township of Upper, in the County of Cape May and State of New Jersey, as follows:

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

2. The Mayor is authorized to execute the documents entitled "NJDOT Lot Owner Lease Agreement", and "NJDOT Lot Owner Access Concurrence" with respect to Township owned property at Block 348, Lot 55.

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

Resolution No. 115-2010

Offered by: Newman

Seconded by: Gabor

Adopted: May 10, 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___	_____	_____	_____

**14. Refund EMS Ambulance Billing Overpayment to AtlantiCare Administrators, Inc.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 116-2010  
RE: REFUND EMS AMBULANCE BILLING OVERPAYMENT  
TO ATLANTICARE ADMINISTRATORS, INC.**

---

**WHEREAS**, an overpayment has occurred in the account of Erin Higgins, an EMS ambulance billing patient, where the monies sent to the Township of Upper by Atlanticare Administrators, Inc. were in excess as evidenced by the attached copy of a letter attached hereto as Exhibit A.

**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>
\$120.00	Atlanticare Administrators, Inc. P.O. Box 613 Hammonton, NJ 08037-0613

Resolution No. 116-2010

Offered by: Conrad,

Seconded by: Newman

Adopted: May 10, 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			

**15. 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. 117-2010  
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

**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 SIX: UPPER TOWNSHIP BEACH PATROL:** (page 62) is hereby amended and supplemented to include Upper Township Beach Patrol Standard Operating Policy attached hereto as Exhibit A; and
3. **SECTION SEVEN: UPPER TOWNSHIP DIVISION OF Emergency Medical Services (EMS):** (page 63) is hereby amended and supplemented to include Upper Township Division of EMS Standard Operating Policy attached as Exhibit B.

Resolution No. 117-2010

Offered by: Newman

Seconded by: Conrad

Adopted: May 10, 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>

**16. Appointing the 2010 season Beach Patrol personnel.**

**TOWNSHIP OF UPPER**  
**CAPE MAY COUNTY**  
**R E S O L U T I O N**  
**RESOLUTION NO. 118-2010**  
**RE: APPOINTING THE 2010 SEASON BEACH PATROL PERSONNEL**

---

WHEREAS, the individuals hereinafter named have been determined to possess the requisite skills, training and are otherwise eligible for appointment to the position of lifeguard; 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 following individuals are appointed as lifeguards in the Township of Upper at a salary as stated below in accordance with the Salary Ordinance:

<b>CAPTAIN</b>	
<i>WILLIAM HANDLEY</i>	<i>\$20.75 per hour</i>
<b>LIEUTENANTS</b>	
<i>WILLIAM STULL</i>	<i>\$15.75 per hour</i>
<i>JOSEPH LAROSA</i>	<i>\$15.75 per hour</i>
<b>SENIOR GUARDS</b>	
<i>SPENSER POPESON</i>	<i>\$13.25 per hour</i>
<b>RETURNING GUARDS</b>	
<i>EMILY CONOVER</i>	<i>\$11.45 per hour</i>
<i>HAYLEY CONOVER</i>	<i>\$11.75 per hour</i>
<i>JAMES DUGAN</i>	<i>\$11.50 per hour</i>
<i>JOSEPH GIARDINA</i>	<i>\$10.75 per hour</i>
<i>JAMES GIBBONS</i>	<i>\$11.75 per hour</i>
<i>PATRICK KELLY</i>	<i>\$11.45 per hour</i>
<i>RICHARD KELLY</i>	<i>\$11.75 per hour</i>
<i>FORD PALMER</i>	<i>\$11.45 per hour</i>
<i>GARY RIORDAN</i>	<i>\$11.75 per hour</i>
<i>RODNEY TICE</i>	<i>\$11.75 per hour</i>
<i>GREGORY VAN GILDER</i>	<i>\$11.75 per hour</i>
<i>ALEX FORSMAN</i>	<i>\$11.75 per hour</i>
<i>JOSEPH LAROSA, JR</i>	<i>\$11.75 per hour</i>
<i>JOHN O'HARA</i>	<i>\$11.75 per hour</i>
<i>THOMAS P. McCann</i>	<i>\$11.75 per hour</i>
<i>THOMAS P. McCann, JR</i>	<i>\$11.75 per hour</i>
<i>WAYNE P. MAC MURRAY</i>	<i>\$11.75 per hour</i>
<b>ROOKIE GUARDS</b>	
<i>ABIGAIL FREITAG</i>	<i>\$10.25 per hour</i>

3. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Resolution No. 118- 2010  
 Offered by: Palombo  
 Adopted: May 10, 2010  
 Roll Call Vote:

Seconded by: Newman

<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                       x           \_\_\_\_\_        \_\_\_\_\_  
 Newman                   x           \_\_\_\_\_        \_\_\_\_\_  
 Palombo                   x           \_\_\_\_\_        \_\_\_\_\_

**ORDINANCES**

**17. Public Hearing and Final Adoption of Ordinance No. 004-2010, RE: AN  
 ORDINANCE AMENDING ORDINANCE NO. 028-2009, KNOWN AS THE SALARY  
 ORDINANCE FOR THE CALENDAR 2010.**

During the public portion of the hearing there were no speakers from the public. Motion was made by Jay Newman to adopt the ordinance, seconded by Frank Conrad. During roll call vote all four Committee members present voted in the affirmative.

**TOWNSHIP OF UPPER  
 CAPE MAY COUNTY  
 O R D I N A N C E  
 ORDINANCE NO. 004-2010  
 RE: AN ORDINANCE AMENDING ORDINANCE NO. 028-2009, KNOWN AS THE  
 SALARY ORDINANCE FOR THE CALENDAR YEAR 2010**

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

**SECTION 1:** Ordinance No.028-2009, known as the Salary Ordinance of 2010 is hereby amended as hereinafter provided:

**SECTION 2:** Salaries.

B. MUNICIPAL COURT:

<u>Position</u>	<u>Minimum</u>	<u>Maximum-2010</u>
Court Attendant (formerly Bailff)	No Min.	\$200.00/session
. . . . .		

E. PUBLIC WORKS/RECREATION:

<u>Position</u>	<u>Minimum</u>	<u>Maximum-2010</u>
Carpenter’s Helper	\$12,500.00	\$47,961.00

. . . . .

H. GIFT CARD AWARD OR BONUS: In addition to the salary set forth in this Ordinance, the Township Committee, by resolution, may award as a bonus to any employee a gift card or gift cards not to exceed a total amount of \$200.00 for the year. Said award shall be by resolution of the Township Committee setting forth the amount of the gift card bonus.

I. EDUCATIONAL CERTIFICATION PAY RAISE: In addition to the salary set forth in this Ordinance upon resolution of the Township Committee, the Township Committee may give an increase in salary of \$1,000.00 to any employee that has satisfied educational certification requirements for his or her position in accordance with current Township policy. The Township Committee shall by resolution fix the pay increase in this regard and certify that the employee has satisfied the educational certification requirement.

**SECTION 3: SEVERABILITY**: If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

**SECTION 4: REPEALER**: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

**SECTION 5: EFFECTIVE DATE**: This Ordinance shall take effect immediately upon final adoption and publication as required by law.



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 12<sup>TH</sup> DAY OF APRIL, 2010 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 10<sup>TH</sup> DAY OF MAY, 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**

18. **South Jersey Gas, update on proposal to install gas to the Southwoods development in Petersburg.** Report duly noted.
19. **Strathmere Volunteer Fire Company---Re: the annual 4<sup>th</sup> of July Parade.** Notice received and approved, motion by Jay Newman, second by Richard Palombo. During roll call vote all four Committee members present voted in the affirmative.

**NEW BUSINESS**

20. **20. Upper Township Baseball Association request to hold 50/50 Raffle on June 5, 2010, RA#370.** Motion to approve by Jay Newman, second by Kristine Gabor. During roll call vote all four Committee members present voted in the affirmative.

**UNFINISHED BUSINESS:**

**DISCUSSION**

**PAYMENT OF BILLS:**

21. **“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. During roll call vote all four Committee members present voted in the affirmative.

Payroll: \$172,894.79  
Bills submitted for payment: \$1,323,242.07

**REPORT OF MUNICIPAL DEPARTMENTS:**

21. **Construction Code.**
22. **Clerk’s Office.**
23. **Animal Control.**
24. **Tax Assessor.**
25. **Municipal Court-Upper Township, Dennis Township, Corbin City.**
26. **Finance Office.**

- 27. Department of Public Works.**
- 28. Tax Office.**
- 29. MUA.**
- 30. Upper Township Rescue Squad 21 and Division of EMS**  
Reports are available from the Clerk's Office.

**PUBLIC COMMENT**

Motion was made by Kristine Gabor, second by Jay Newman to hire Joanne Herron as a clerk-typist "floater employee" assigned primarily in the Clerk's Office at a salary of \$28,000. During roll call vote all four Committee members voted in the affirmative.

CFO, Barbara Spiegel discussed that recycling funds released by resolution No. 100-2010 and used to repair the street sweeper did not take into consideration \$170.56 for freight charges. Motion was made by Jay Newman, second by Frank Conrad to release the additional funds of \$170.56 for freight charges. During roll call vote all four Committee members present voted in the affirmative. It was stated that no confirming resolution would be necessary.

Mayor Palombo discussed a request from AtlantiCare Foundation for an endorsement letter in support of their grant application for funding through the Center's For Disease Control and Prevention. The grant would be used for a diabetes initiative focusing on deploying health education, wellness activities, disease prevention, and coordination of services that would work to advance public health and reduce health disparities resulting in healthier lifestyles for residents.

Municipal Engineer, Paul Dietrich gave an update on our FEMA application, that all information has been submitted.

**CLOSED SESSION**

- 31. Resolution to conduct a closed meeting pursuant to N.J.S.A. 10:4-12, from which the public shall be excluded.**

**RECONVENE PUBLIC PORTION OF MEETING**

**ADJOURNMENT**

There was no further business for this evening and the meeting was adjourned at 10:47 P.M. motion by Jay Newman, second by Frank Conrad with the four Committee members present voting in the affirmative. Next meeting scheduled for May 24, 2010 at 7:30 P.M.

Minutes prepared by

Wanda Gaglione, RMC  
Municipal Clerk

51363 05/10/10 A0004 A+ COMMERCIAL OFFICE CLEANERS 250.00 2598  
51364 05/10/10 A0006 ADVANCE TREADS INC 198.00 2598  
51365 05/10/10 A0018 ACTION SUPPLY INC. 16.80 2598  
51366 05/10/10 A0020 ACU-THERM SUPPLY CO.,INC. 81.85 2598  
51367 05/10/10 A0025 ADVANTAGE RENTAL ACE HARDWARE 746.99 2598  
51368 05/10/10 A0075 ADAMS, JOSHUA 191.96 2598  
51369 05/10/10 A0082 ARMSTRONG, JOSHUA 181.38 2598  
51370 05/10/10 A0086 AT&T MOBILITY 267.27 2598  
51371 05/10/10 A0091 ATLANTIC CITY ELECTRIC 14,229.84 2598  
51372 05/10/10 A0113 ARAWAK PAVING CO. INC. 17,842.58 2598  
51373 05/10/10 A0139 ARAMSCO-NEW JERSEY INC. 970.88 2598  
51374 05/10/10 B0024 BCMCAA 225.00 2598  
51375 05/10/10 B0052 BENNETT BATTERIES,LLC. 704.30 2598  
51376 05/10/10 B0093 BARRY,CORRADO,GRASSI & GIBSON 3,290.00 2598  
51377 05/10/10 B0152 BUCHANAN, KAREN A. 445.88 2598  
51378 05/10/10 B0160 BONNER, ROSEMARY 54.50 2598  
51379 05/10/10 C0011 CAPE OFFICE MACHINES & SERVICE 680.00 2598  
51380 05/10/10 C0019 CITY OF OCEAN CITY 49,514.75 2598  
51381 05/10/10 C0048 CAPE MAY COUNTY MUA 42,283.95 2598  
51382 05/10/10 C0052 CAPE MAY COUNTY TREASURER 1,128,216.11 2598  
51383 05/10/10 C0062 CAREERTRACK 695.00 2598  
51384 05/10/10 C0071 CAPEHART & SCATCHARD, P.A. 421.00 2598  
51385 05/10/10 C0141 COASTAL MECHANICAL SYSTEMS INC 448.70 2598  
51386 05/10/10 C0143 CODY'S POWER EQUIPMENT 113.36 2598  
51387 05/10/10 C0146 COLLINS IRON WORKS, INC. 55.80 2598  
51388 05/10/10 C0193 CUMBERLAND CO.CLERK'S ASSOC. 10.00 2598  
51389 05/10/10 C0201 CRUZAN'S TRUCK SERVICE INC. 16.20 2598  
51390 05/10/10 C0223 CASA PAYROLL SERVICE 223.45 2598  
51391 05/10/10 D0040 DELTA DENTAL OF N.J. INC. 6,651.62 2598  
51392 05/10/10 D0128 DAVIS, JAY 189.00 2598  
51393 05/10/10 E0047 EFFINGER SPORTING GOODS CO 72.00 2598  
51394 05/10/10 F0054 FORT DEARBORN LIFE INSURANCE 543.92 2598  
51395 05/10/10 G0002 GAGLIONE, WANDA 146.34 2598  
51396 05/10/10 G0006 GARBUTT,PATRICIA A. 70.14 2598  
51397 05/10/10 G0012 GANN LAW BOOKS 47.00 2598  
51398 05/10/10 G0077 GRAND HOTEL OF CAPE MAY 363.00 2598  
51399 05/10/10 H0018 HAROLD RUBIN/L & H SUPPLY 165.03 2598  
51400 05/10/10 H0083 HUBER LOCKSMITHS, INC. 90.00 2598  
51401 05/10/10 H0135 HANSON AGGREGATES 1,159.77 2598  
51402 05/10/10 J0002 J.P. COLLINS CO. 7.60 2598  
51403 05/10/10 J0053 J & M EMBROIDERY SCREEN PRNTG 20.00 2598  
51404 05/10/10 J0063 JOHNSON WILSHIRE, INC 247.61 2598  
51405 05/10/10 K0048 KLEPAC, THADDEUS 48.50 2598  
51406 05/10/10 L0031 LORCO PETROLEUM SERVICES 49.50 2598  
51407 05/10/10 L0038 LAYTON, WILLIAM 150.00 2598  
51408 05/10/10 L0043 LEE RAIN,INC. 68.29 259  
51409 05/10/10 L0080 LOWES, INC. 66.64 2598  
51410 05/10/10 M0046 MASON, DAVID 99.43 598  
51411 05/10/10 M0115 MOORE WALLACE NORTH AMERICA 66.58 2598  
51412 05/10/10 M0188 MCCARTHY TIRE SERVICE OF PHILA 234.00 2598  
51413 05/10/10 N0004 NJ-AMERICAN WATER CO. 43.09 2598  
51414 05/10/10 N0024 N.J. DIVISION OF FIRE SAFETY 148.00 2598  
51415 05/10/10 N0043 NAPA AUTO PARTS OF S.JERSEY 53.04 2598  
51416 05/10/10 N0060 NESLO PETROLEUM PRODUCTS, INC. 1,242.81 2598  
51417 05/10/10 O0006 OCS PRINTING 412.00 2598  
51418 05/10/10 O0025 OLD DOMINION BRUSH 1,848.35 2598  
51419 05/10/10 O0042 ORCHARDS HYDRAULIC SERVICE INC 991.69 2598  
51420 05/10/10 P0008 PALMER, NANCY 42.00 2598  
51421 05/10/10 P0032 PEDRONI FUEL CO. 625.01 2598  
51422 05/10/10 P0117 PYROTECNICO 3,000.00 2598  
51423 05/10/10 P0121 PENGUIN COMMUNICATION LLC 3.61 2598  
51424 05/10/10 R0030 RIGGINS, INC. 5,982.68 2598  
51425 05/10/10 R0073 RICOH AMERICAS CORPORATION 337.87 2598  
51426 05/10/10 S0001 SAM'S CLUB 202.57 2598  
51427 05/10/10 S0020 AM SAN 264.42 2598  
51428 05/10/10 S0056 SEASHORE ASPHALT CORPORATION 469.30 2598  
51429 05/10/10 S0167 JIF C/O SCIBAL ASSOCIATES 153.92 2598  
51430 05/10/10 S0209 STAPLES ADVANTAGE 495.25 2598  
51431 05/10/10 S0232 SOUTH STATE, INC. 7,875.67 2598  
51432 05/10/10 T0022 TERMINIX 47.00 2598

51433 05/10/10 T0032 THE PRESS & SUNDAY PRESS 342.00 2598  
51434 05/10/10 T0067 TOWNSHIP OF UPPER PETTY CASH 21.00 2598  
51435 05/10/10 T0080 TREASURER STATE OF N.J. 4,463.00 2598  
51436 05/10/10 T0085 TREASURER, STATE OF NEW JERSEY 331.00 2598  
51437 05/10/10 T0089 TREASURER, STATE OF N.J. 304.00 2598  
51438 05/10/10 T0097 TRICO EQUIPMENT INC. 32.54 2598  
51439 05/10/10 U0012 U.T. SOCCER ASSOCIATION 78.75 2598  
51440 05/10/10 U0028 UPPER TOWNSHIP BD.OF EDUCATION 200.00 2598  
51441 05/10/10 Alignment Check VOID  
51442 05/10/10 U0030 UPPER TOWNSHIP LACROSSE 131.25 2598  
51443 05/10/10 V0001 VCI EMERGENCY VEHICLE 55.88 2598  
51444 05/10/10 V0013 VERIZON WIRELESS 301.93 2598  
51445 05/10/10 V0024 VAL-U AUTO PARTS L.L.C. 536.42 2598  
51446 05/10/10 X0002 XEROX CAPITAL SERVICES,LLC 72.00 2598  
51447 05/10/10 Y0008 YOUNG, DANIEL J. ESQUIRE PC 16,537.50 2598  
51448 05/10/10 Y0020 YOUNG, BARBARA L. 40.00 2598  
51449 05/10/10 Y0023 YOUNG, DANIEL J. ATTORNEY 2,625.00 2598

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Total: \$1,323,242.07