

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR JUNE 14, 2010**

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

**CALL TO ORDER**

**SUNSHINE ANNOUNCEMENT**

**SALUTE TO THE FLAG**-let by Eagle Scout Guy Simpson

**ROLL CALL**

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

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

**APPROVAL OF MINUTES - May 24, 2010 Regular Meeting and Closed Session Minutes**

Motion was made by Jay Newman, second by Frank Conrad to approve the Regular Meeting and Closed Session Minutes as written. During roll call vote, four committee members voted in the affirmative, and Mayor Palombo abstained from voting.

**REPORT OF GOVERNING BODY MEMBERS**

**Frank Conrad:** discussed upgrading the aging phone system for municipal offices. The new equipment would be under a 3-year lease and it was estimated that it would save the Township five to six thousand dollars a year.

**Kristine Gabor:** made a motion to hire two part time seasonal employees for the Recreation Department, Mike Dugan and Joshua Dubrille; motion was seconded by Mayor Palombo. During roll call vote all five Committee members voted in the affirmative. Ms. Gabor also made a motion to designate \$20,000 from the Recreation Development Fund to upgrade maintenance at Amanda’s field. Motion was seconded by Frank Conrad and during roll call vote, all five Committee members voted in the affirmative.

She also reported on a recent Recreation Committee meeting regarding Cheerleading, she met with the Cheerleading Association and Stephen Martinelli, (committee chairman) to discuss issues they were having and to go over new guidelines for the association.

Ms. Gabor further reported that she met with a resident of Upper Township who presented ideas to improve the basketball court at Caldwell Park. There are funds available in the budget so she is looking into some of his suggestions for upgrades and to expand some programs for adults and children. Last weekend she attended the brunch for Pastor Henry Anderson honoring him for his 10 years of service to the Tuckahoe United Methodist Church. She presented the Pastor with a

resolution on behalf of The Township Committee. She discussed Animal Control and the need to review procedures for wildlife. If wildlife proposes a health risk or safety hazard they are required to address it. There was some confusion during recent calls received regarding ground hogs, skunks, etc. Animal Control was giving out the number for NJ Wildlife. Wildlife was saying it was not their responsibility. She recommended reviewing the contract with Animal Control to eliminate confusion in the future. Ms. Gabor reported that she had one item for closed session regarding personnel.

**Jay Newman**, wanted to remind everyone that the fire companies will be at the fireworks assisting and is asking for everyone's cooperation with traffic in and out which is always an issue. On a personal note he recently traveled to Haiti on a mission trip with his church for a week. He commented that "it was truly an eye opening experience and everyone should be thankful that we live in the country we live in".

**Richard Palombo**, acknowledged Barbara Spiegel's successful completion of the course Principles of Public Purchasing I. He reported on letters received from the NJDEP regarding the homeowners that have groundwater contamination near the NJDOT Maintenance Yard in Petersburg. The State is saying to each homeowner with well water contaminated with high levels of lead that the lead in their water was probably caused by their own pipes and not from any contamination from NJDOT. He questioned how they can come to that conclusion without coming out and determining what kind of pipes are in these homes. He was concerned that possibly the residents were being treated unfairly and requested as a follow-up that the state take water samples at each homes well site prior to contact with the house pipes.

He reported that there are two resolutions that need to be added to the agenda tonight regarding lifeguards hourly rates and one that determines rank added as item ten and eleven. Mr. Palombo made a motion to hire David Neville as the fourth beach cleanup person. Frank Conrad seconded the motion with all five Committee members voting in the affirmative. Mr. Palombo suggested that the blazer be used for the beach clean up people since there are four of them and Brenda's truck only holds 3. He announced that Lifeguard Rookie tryouts are on Saturday and since the next meeting is in two weeks, Curtis Corson made a motion for the mayor to authorize the hiring of up to 3 people as needed to the Beach Patrol to be ratified at the next meeting. Jay Newman seconded the motion with all five Committee members voting in the affirmative. On a final note he reported that thank you notes were received from grade school children thanking the Committee for the MAC (MUNICIPAL ALLIANCE) program, which were very much appreciated by the Committee.

## **OTHER REPORTS**

**Wanda Gaglione**, reported on the email received from Ken Weaver, an invitation to participate in the 4<sup>th</sup> of July parade at 10:30 in Strathmere. Also, on the 4<sup>th</sup> there are Fireworks planned at Amanda's Field at dark, prior to that from 6:00pm to 9:00 pm. the Lacrosse Association will host a fun day at the field with games and refreshments. She also discussed the upcoming Red Cross Blood Drive organized by employee Megan McAfee, and again requested from the Township Committee to be able to offer the "One Day Off With Pay" raffle to Upper Township employees that participate in the drive. Motion was made by Curtis Corson, second by Jay Newman with all five Committee members voting in the affirmative to authorize the contest for a day off with pay.

**Daniel Young, Municipal Attorney**: reported he had several items for closed session as follows: Personnel matters; Litigation--Grubb vs the Township; Litigation regarding Strathmere De-Annexation; and Contract Negotiations regarding Jankowski.

**Paul Dietrich, Township Engineer:** requested authorization to place truck #23 up for Auction. It is a 1989 Ford F250 with over 214,000 miles and is scheduled to be replaced in this year's budget. Motion by Curtis Corson, second by Jay Newman, with all five Committee members voting in the affirmative to authorize the Engineer to place the vehicle on Govdeals.com for Public Auction. Mr. Dietrich also discussed Capital Improvement cuts to the Public Works budget with regard to the replacement of the truck and the reconstruction of Bayview Drive in Strathmere. Township Committee directed Mr. Dietrich to prepare an Engineers Estimate for the purpose of a bond ordinance introduction for the project. He also discussed was Echo Farm Campground. Mr. Corson abstained from participation in this matter. Mr. Dietrich reported that after review of their recent survey it appears that a portion of one of their campsites is encroaching on Township property. He reported that they have been notified of the issue and he met with the owners last week to discuss the matter. Township Committee directed Mr. Dietrich to order a survey of the Township owned parcel as well as the property line to determine the boundaries. Mr. Dietrich also reported that the first FEMA reimbursement was received for the November 2009 storm in the amount of \$17,000. He commented that although approved by Congress, the President has not authorized the appropriation for the beach loss for that storm at this time. Mr. Dietrich reported that the payment from the Bonding Company for Kill Deer Hill road project was received. He requested authorization to bid the project based on the funds received. Motion by Jay Newman, second by Frank Conrad, with four Committee members voting in the affirmative to authorize the engineer to prepare the bid specification for the Kill Deer Hill Road project. Curtis Corson abstained from voting. Mayor Palombo directed Mr. Dietrich to look into a problem with a pothole on Second Avenue in Beesley's Point.

## **PRESENTATION**

- 1. Presentation of Resolution No. 120-2010, Re: Honoring Guy Austin Simpson, II on attaining the designation of "Eagle Scout".** Guy led the Pledge of Allegiance. The Mayor read the resolution into the record and presented him with a copy. He was congratulated by his family and everyone in the audience.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N  
RESOLUTION NO. 120-2010  
RE: HONORING GUY AUSTIN SIMPSON, II ON ATTAINING THE  
DESIGNATION OF "EAGLE SCOUT"**

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**WHEREAS,** Guy Austin Simpson, II, 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,** Guy designed and constructed a 20' x 15' Paver Patio with 25' Flag Pole for the Corbin City Town Hall; and

WHEREAS, Guy met 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 Guy 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 Guy 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 24th day of May, 2010

Resolution No. 120-2010

Offered by: Corson

Seconded by:Newman

Adopted: May 24, 2010

Roll Call Vote:

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

**RESOLUTIONS**

- 2. Confirming the appointments of Mikhaila Hardin, Bobbi Potter, Adam Kooker, Lauren DiGiovanni, Patrick Dugan, and Steven Nickelsberg as part-time employees of the Upper Township Division of Emergency Medical Services.**

**TOWNSHIP OF UPPER**

**CAPE MAY COUNTY**

**R E S O L U T I O N**

**RESOLUTION NO.133-2010**

**RE: CONFIRMING THE APPOINTMENTS OF MIKHAILA HARDIN, BOBBI POTTER, ADAM KOOKER, LAUREN DIGIOVANNI, PATRICK DUGAN, AND STEVEN NICKELSBERG AS PART-TIME EMPLOYEES**

**OF THE UPPER TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES**

**WHEREAS**, a need exists to appoint qualified personnel as part-time employees to the Upper Township Division of Emergency Medical Services to insure optimal operation; and

**WHEREAS**, a recommendation has been made to the Township Committee and duly considered at the meeting of May 24, 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. Mikhaila Hardin, Bobbi Potter, Adam Kooker, Lauren DiGiovanni, Patrick Dugan, and Steven Nickelsberg are hereby appointed as members of the Division of Emergency Medical Services in a part-time position effective immediately at a salary of \$13.00 per hour.

3. This Resolution ratifies, confirms and approves action taken by the Township Committee, by motion, at the meeting of June 14, 2010.

Resolution No.133-2010

Offered by: Newman

Seconded by: Gabor

Adopted: June 14, 2010

Roll Call Vote:

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

**3. Authorizing the imposition of an employee contribution of 1.5% of current base salary toward health benefits costs upon the expiration of the current collective bargaining agreement.**

**TOWNSHIP OF UPPER**

**CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 134-2010  
RE: AUTHORIZING THE IMPOSITION OF AN EMPLOYEE CONTRIBUTION  
OF 1.5% OF CURRENT BASE SALARY TOWARD HEALTH BENEFITS COSTS  
UPON THE EXPIRATION OF  
THE CURRENT COLLECTIVE BARGAINING AGREEMENT**

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**WHEREAS**, State Law Chapter 2, P.L. 2010 required that on May 21, 2010, or on the expiration of any labor agreement in force on that date, all public employees must start contributing a minimum of 1.5% of their current base salary towards their health benefits costs; and

**WHEREAS**, the new law also allows public employers to exercise discretion in the implementation of the employee 1.5% contribution to personnel not included in the negotiation unit; and

**WHEREAS**, the Township Committee has reviewed the terms and provisions set forth in Chapter 2, P.L. 2010 and after consideration at its meeting of May 24, 2010 indicated their desire to implement the new law by requiring the 1.5% contribution from all personnel not included in the negotiation unit upon expiration of the current Collective Bargaining Agreement since such non-aligned employees have historically been closely associated with the bargaining unit;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Upper, as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township of Upper does hereby authorize the imposition of an employee contribution of 1.5% of the current base salary toward health benefits costs upon the expiration of the current Collective Bargaining Agreement for both aligned and non-aligned employees.
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. 134-2010

Offered by: Conrad

Seconded by: Palombo

Adopted: June 14, 2010

Roll Call Vote:

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

**4. Renewing the 2010 Campground Licenses.**

**TOWNSHIP OF UPPER**

**CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 135-2010  
RE: RESOLUTION RENEWING CAMPGROUND LICENSES**

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**WHEREAS**, Chapter XII of the Code of Upper Township provides for the renewal of licenses to operate a Campground annually after certification by the Cape May County Board of Health; and

**WHEREAS**, each of the Campgrounds hereinafter designated has had an On-site inspection conducted by the Cape May County Board of Health and has been Attested that the operation of the campground is in compliance with all applicable New Jersey Statutes and the rules and regulations promulgated pursuant thereto.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The following campground licenses are hereby renewed for a term of (1) one year, commencing August 1, 2010.

**OAK RIDGE RESORT CONDO ASSOC.  
516 ROUTE US 9, SOUTH  
MARMORA, NJ 08223  
240 Sites**

**PLANTATION CAMPGROUND  
60 CORSON TAVERN ROAD  
SEAVILLE, NJ 08230  
223 Sites**

**BAYBERRY COVE RESORT CONDO  
435 ROUTE 9  
MARMORA, NJ 08223  
307 Sites**

**SEAVILLE SHORES CAMPGROUND  
98 CORSON TAVERN ROAD  
SEAVILLE, NJ 08230  
275 Sites**

**SHADY OAKS  
64 ROUTE 50  
SEAVILLE, NJ 08230  
218 Sites**

**ECHO FARM CAMPGROUND  
3066 ROUTE US 9 SOUTH  
SEAVILLE, NJ 08230  
241 Sites**

**OCEAN SANDS RESORT  
56 ROUTE 50  
SEAVILLE, NJ 08230  
217 Sites**

**WHIPPOORWILL CAMPGROUND  
810 ROUTE US 9 SO.  
MARMORA, NJ 08223  
288 Sites**

**FRONTIER CAMPGROUND  
241 ROUTE 50  
GREENFIELD, NJ 08230  
196 Sites**

**SCENIC RIVERVIEW CAMPGROUND  
465 ROUTE 49  
P.O. BOX 184  
TUCKAHOE, NJ 08250  
125 Sites**

**SHOREBIRDS CAMPGROUND  
1314 STAGECOACH ROAD  
PALERMO, NJ 08230  
100 Sites**

3. All officials of the Township are hereby authorized to take such action as necessary or required in order to carry out the intent and purpose of this Resolution
4. This Resolution shall become effective immediately upon adoption.

Resolution No. 135 -2010

Offered by: Newman

Seconded by: Gabor

Adopted: June 14, 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_____	_____	_____	_____

**5. Renewing the 2010 Mobile Home Park Licenses.**



**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 136-2010  
RE: RESOLUTION RENEWING MOBILE HOME PARK LICENSES**

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**WHEREAS**, each of the Mobile Home Parks hereinafter designated has attested that the operation of the mobile home park is in compliance with all applicable New Jersey Statutes and the rules and regulations promulgated pursuant thereto.

**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 mobile home park licenses are hereby renewed for a term of (1) one year, commencing August 1, 2010.

**HIDDEN PINE MOBILE HOME PARK  
1414 SOUTH SHORE ROAD  
MARMORA, NJ 08223  
10 Sites**

**PINE HILL MOBILE PARK, INC.  
430 ROUTE 9 SOUTH  
MARMORA, NJ 08223  
132 Sites**

**OCEAN BEACH TRAILER RESORT  
1100 SO.COMMONWEALTH AVENUE  
P.O. BOX 390  
STRATHMERE, NJ 08248  
100 Sites**

**SHORE ACRES MOBILE HOME PARK, LLC  
1621 SOUTH SHORE ROAD  
PALERMO, NJ 08230  
200 Sites**

3. All officials of the Township are hereby authorized to take such action as necessary or required in order to carry out the intent and purpose of this Resolution.
4. This Resolution shall become effective immediately upon adoption.

Resolution No. 136 -2010

Offered by: Conrad

Seconded by: Newman

Adopted: June 14, 2010

Roll Call Vote:

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

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. Renewal of the 2010 Liquor Licenses.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N  
RESOLUTION NO. 137-2010  
RE: RENEWAL OF ALCOHOLIC CONSUMPTION LICENSES  
FOR THE LICENSE YEAR COMMENCING JULY 1, 2010.**

**WHEREAS, holders of the alcoholic beverage licenses in the Township of Upper have applied for renewal of licenses in the prescribed manner; and**

**WHEREAS, said holders of alcoholic beverage licenses have complied with all requirements of law and regulations of the Division of Alcoholic Beverage Control; and**

**WHEREAS, no objections have been filed with the Township Committee as the issuing authority of the Township of Upper.**

**NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper in the County of Cape May and State of New Jersey, that the following licenses be authorized for issue for the license year effective July 1, 2010:**

**Twisties, Inc.  
T/A Twisties  
236 Bayview Drive  
Strathmere, N.J. 08248  
P.O. Box 88, Marmora, NJ 08223  
License # 0511-33-001-005  
Plenary Retail Consumption License  
Municipal Fee Paid: \$700.00  
State Fee Paid: \$200.00**

**Tyan's Incorporated  
T/A Tuckahoe Inn  
1 Harbor Rd., Beesleys Point  
Marmora, N.J. 08223  
License # 0511-33-004-003  
Plenary Retail Consumption License  
Municipal Fee Paid: \$700.00  
State Fee Paid: \$200.00**

**SJL Group, LLC  
T/A Yesterdays  
316 Roosevelt Blvd. (Southwest Side)  
Marmora, N.J. 08223  
License # 0511-32-005-005  
Plenary Retail Consumption License with  
Broad Package Privilege  
Municipal Fee Paid: \$700.00  
State Fee Paid: \$200.00**

**UMMAC Corp.  
T//A Obadiah's  
311-301 & 321 Roosevelt Blvd,  
Marmora, N.J. 08223  
License # 0511-33-007-008  
Plenary Retail Consumption License  
Municipal Fee Paid: \$700.00  
State Fee Paid: \$200.00**

**MAH, Inc. a N.J. Corp.  
T/A Seaville Tavern  
South Side Route 50 and New Bridge Road  
Seaville, N.J. 08230  
License # 0511-33-008-004  
Plenary Retail Consumption License  
Municipal Fee Paid: \$700.00  
State Fee Paid: \$200.00**

**Boulevard Liquor Store, Inc.  
T/A Boulevard Liquor Store  
501 & 503 Roosevelt Boulevard  
Marmora, N.J. 08223  
License # 0511-44-002-003  
Plenary Retail Distribution License  
Municipal Fee Paid: \$400.00  
State Fee Paid: \$200.00**

**Levariland, Inc.  
T/A Levari's Seafood and American Grille  
1291 State Highway Route 50  
P.O. Box 17  
Tuckahoe, N.J. 08250  
License # 0511-33-006-005  
Plenary Retail Consumption License  
Municipal Fee Paid: \$700.00  
State Fee Paid: \$200.00**

**BE IT FURTHER RESOLVED** that the aforesaid alcoholic beverage licenses which have been authorized to be issued pursuant to this Resolution shall be delivered to the licensee or his authorized agent at such time as the licensee or his authorized agent shall sign an actual receipt therefore in the stub of the license book and otherwise satisfy the requirements of N.J.A.C. 13:2-3.2.

**Resolution No. 137-2010**

**Offered by: Conrad**

**Seconded by: Palombo**

**Adopted: June 14, 2010**

**Roll Call Vote:**

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

**7. Renewal of the 2010 Liquor License for Deauville Inn, Inc.**

Jay Newman made a motion to table the resolution with a hearing date set for June 28, 2010. Motion seconded by Frank Conrad with 3 voting in favor. Corson abstained from voting.

**8. Authorizing Township Officials to undertake certain actions with respect to an In Rem Foreclosure Action, Group 137, Superior Court of New Jersey, Docket No. F-43456-08.**

**RESOLUTION**  
**TOWNSHIP OF UPPER**  
**CAPE MAY COUNTY, NEW JERSEY**  
**RESOLUTION NO. 139-2010**  
**Authorizing Township Officials to undertake certain**  
**Actions with respect to an In Rem Foreclosure Action,**  
**Group 137**  
**Superior Court of New Jersey, Docket No. F-43456-08**

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**WHEREAS,** the Township of Upper, pursuant to Resolution No. 049-2008 adopted February 11, 2008, authorized the filing of an In Rem Foreclosure Action in the Superior Court of New Jersey for the purpose of foreclosing certain Tax Sale Certificates held by the Township of Upper; and

**WHEREAS**, said action was filed and completed under Docket No. F-43456-08 resulting in a Final Judgment entered by the Court in favor of the Township of Upper as a result of which the Township of Upper became the owner of and vested with an absolute and indefeasible estate of inheritance in fee simple, in the following described lands:

Schedule No.	Tax Sale Certificate No.	Recorded in Cape May County Clerk's Office Date	Mortgage Bk / page	Description on Tax Duplicate and Certificate of Sale Block / Lot (s)	Name of owner on Tax Duplicate
137-1	199907	4/7/1999	2781 / 0921	15 / 26	Stille, C.E.
137-2	199908	4/7/1999	2781 / 0919	17 / 15, 16	Keller, Harry@ W S Hanna
137-3	199909	4/7/1999	2781 / 0917	17 / 17	Deligio, Bessie & Hanna, WM S
137-4	199912	4/7/1999	2781 / 0915	30 / 5, 6	Payne, George H
137-5	199917	4/7/1999	2781 / 0909	330 / 11	Unknown c/o Angelo DeLanzo
137-6	199937	4/7/1999	2781 / 0901	506 / 34, 35	Hoffman, Edith Julianna

**WHEREAS**, a certified copy of said Final Judgment is on file in the Office of the Township Clerk and is a matter of public record; and

**WHEREAS**, the several parcels subject to the aforesaid in rem foreclosure action are further described below, including the name or names of the last transferee of title appearing of record:

Schedule No.	Block \ Lot	Tax Sale Certificate No.	Name of Transferee or Purchaser of title	Date of Deed	Recorded in Cape May County Clerk's Office Date	Book \ Page
137-1	15 \ 26	199907	Corville E. Stille	9\12\1911	1\26\1927	494 \ 80
137-2	17 \ 15, 16	199908	Harry Keller	8\2\1910	10\27\1910	255 \ 175
137-3	17 \ 17	199909	Bessie Deligio and William Sidney Hanna	4\15\1983	5\6\1983	1526 \ 392

137-4	30 \ 5, 6	199912	George H. Payne	5\24\1910	5\25\1910	260 \ 37
137-5	330 \ 11	199917	Marie A. Boyle	4\7\1925	8\22\1925	407 \ 261
137-6	506 \ 34, 35	199937	Gotfried Hoffman and Marie Hoffman H/W	5\10\1928	10\18\1928	479 \ 26

**WHEREAS**, the Township Committee authorizes certain action to be taken pursuant to said final judgment as hereinafter indicated;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE** , of the Township of Upper, in the County of Cape May, and State of New Jersey as follows:

1. The allegations of the preamble are incorporated herein by reference.
2. The Township Clerk is hereby authorized and directed to transmit to the Cape May County Clerk the certified copy of the Final Judgment referred to herein with instructions to file and record same in the Cape May County Clerk’s office and the Township of Upper shall pay the required fees for such filing and recording of the Final Judgment.
3. Any and all accrued real estate taxes, including any interest or penalty thereon, on the foreclosed parcels shall be cancelled through and inclusive of the date of adoption of this Resolution.
4. All tax and assessment records of the Township of Upper shall be changed to reflect that the Township of Upper is the absolute and sole owner of each of the parcels of land described in this Resolution, in fee simple absolute, effective as of the date of the Final Judgment, pursuant to, and in accordance with said Final Judgment of the Superior Court of New Jersey.
5. A copy of this Resolution shall be provided to the Township Tax Collector and Township Tax Assessor and shall serve as authorization to undertake the actions specified herein or which may otherwise be necessary or required under the circumstances.

6. All Township Officials are hereby authorized and directed to take such action or actions as may be reasonably necessary or required in order to carry out the intent and purpose of this Resolution.

Resolution No. 139-2010

Offered By: Conrad

Seconded By: Palombo

Adopted: June 14, 2010

<u>ROLL CALL:</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>

**9. Tax Refund.**

TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N  
Resolution No.140-2010  
TAX REFUND

---

WHEREAS, certain corrections have been

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

NOW, THEREFORE BE IT RESOLVED, by the

Township Committee of the Township of Upper, Cape May County,

that corrections to the Tax records are hereby authorized and

the Tax Collector is hereby directed to correct said records

or take such action as indicated on the attached sheet.

Resolution No.140-2010

Offered by: Conrad

Seconded by: Newman

Adopted: June 14, 2010

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
CONRAD	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
CORSON	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>

GABOR	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
NEWMAN	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
PALOMBO	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>

**REFUND 2010**

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
851/8	\$3,960.97	BAC TAX SERVICES CORP PO BOX 10211 MS:CA0-911-01-03 VAN NUYS, CA 91410-0211

(MTG CO.& TITLE CO BOTH PAID 2ND QTR 2010 TAXES)

862/6	\$2,813.74	OCEAN ABSTRACT 761 ASBURY AVE 2 <sup>ND</sup> FLOOR PO BOX 1515 OCEAN CITY, NJ 08226
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(MTG CO.& TITLE CO BOTH PAID 2ND QTR 2010 TAXES)

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**10. Amending Resolution No. 126-2010 and 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.141-2010  
AMENDING RESOLUTION NO. 126-2010  
AND  
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:

**LIEUTENANTS**

**JOSEPH O'NEILL** *\$15.75 per hour*

**RETURNING GUARDS**

**JASON MARSHALL** *\$11.75 per hour*  
**ELIZABETH MILLAR** *\$11.75 per hour*

**ROOKIE GUARDS**

**NICHOLAS ROASH** *\$10.25 per hour*

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.141-2010

Offered by: Conrad

Seconded by: Newman

Adopted: June 14, 2010

Roll Call Vote:

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

**11. 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.142-2010**

**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.

***RETURNING GUARDS***

<b><i>EMILY CONOVER</i></b>	<b><i>\$10.75 per hour</i></b>
<b><i>HAYLEY CONOVER</i></b>	<b><i>\$11.45 per hour</i></b>
<b><i>JAMES DUGAN</i></b>	<b><i>\$11.75 per hour</i></b>

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. 142–2010

Offered by: Newman

Seconded by: Gabor

Adopted: June 14, 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___	_____	_____	_____

**ORDINANCES**

**CORRESPONDENCE**

**NEW BUSINESS**

**12. City Tri—Annual Triathlon event, August 15, 2010—Request the use of Beesley’s Point Beach from 7:30 AM. to noon.** Several issues on this matter were discussed. The Committee directed the Municipal Clerk to communicate to the race director that the Township will impose the same conditions as last year and if they can agree to that then the Committee will precede with a resolution.

Items discussed are as follows: Last year 300 participants were permitted. This year’s request is for 350. Other requirements--no use of our lifeguards permitted unless they are off duty, and no use of Township equipment. Sponsor must provide 6-7 police officers for security for this event. The event will close the Boat Ramp on the morning of the 15<sup>th</sup>; the sponsors request to start setting up the day before (Saturday) at noon which would close the boat ramp another day. They will not be able to set up until after 6:30 PM on Saturday.

13. **Stanley Huston-request for reimbursement of an overpayment on a Boat Ramp permit.** Mr. Huston paid for a non-resident permit rather than a resident permit paying \$50 more than what was required. Motion to approve his request by Frank Conrad, second by Curtis Corson, with all five Committee members voting in the affirmative.

**UNFINISHED BUSINESS:**

14. **Street Vacation for Rue and Fagan, Block 827, Strathmere.** Mrs. Fagan, and Mr. Rosenbaum were present for the discussion. A letter was received from Mr. Lindner a neighbor, via email opposing the vacation. Mr. Lindner's letter stated that he uses the alley access to get to his garage. Municipal Attorney Dan Young, explained that the issue the Committee had to address was whether or not there is a public purpose now or foreseen in the future for the alley. Mr. Rosenbaum of 701 Bayview Avenue addressed the Committee he explained that they would like to put a new septic system further from their house. Motion was made to vacate the portion of the alley between Randolph and Putnam and adjacent to Lot 3. Motion made by Curtis Corson, second by Kristine Gabor. During roll call vote all five Committee members voted in the affirmative. An ordinance will be placed on a future agenda.

**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 was made by Jay Newman, second by Frank Conrad. During roll call vote all five Committee members voted in the affirmative.

Bills submitted for payment: \$250,347.49  
Payroll: \$174,360.65

**REPORT OF MUNICIPAL DEPARTMENTS:**

- 15. Construction Code
- 16. Clerk's Office
- 17. Animal Control
- 18. Tax Assessor
- 19. Finance Office
- 20. MUA Report
- 21. Municipal Courts---Upper Twp., Corbin City and Dennis Twp.
- 22. Tax Collector

Reports are available from the Clerk's Office.

**PUBLIC COMMENT**

**CLOSED SESSION**

23. **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 resolution into the record.

RESOLUTION NO. 143-2010  
MOTION GOING INTO CLOSED SESSION  
June 14, 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. Litigation - Strathmere deannexation
2. Litigation - Grubb v. Upper Township, et al
3. Contract negotiation - Jankowski
4. Personnel matters

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

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

Moved by: Jay Newman

Motion seconded by: Frank Conrad

All Five Township Committee members voted in the affirmative to adopt resolution.

**RECONVENE PUBLIC PORTION OF MEETING**

Motion was made Jay Newman, second by Frank Conrad to grant leave request with conditions for employee Josh Armstrong. During roll call vote all five Committee members voted in the affirmative.

Motion was made by Jay Newman, second by Curtis Corson to grant employee Brenda Layton's request to allow her to use sick and vacation time from 10/15/2010 until she officially retires on March 31, 2011, at which time she will receive the balance of time **owed** her in the **approximate** amount of \$12,200. During roll call vote all five Committee members voted in the affirmative.

**ADJOURNMENT**

There being no further business this evening the meeting was adjourned at 10:45 P.M. Next meeting scheduled for June 28, 2010 at 7:30 P.M.

Minutes prepared by

Wanda Gaglione, RMC  
Municipal Clerk

**BILL LIST**

51534 06/14/10 A0004 A+ COMMERCIAL OFFICE CLEANERS 1,775.00 2603  
51535 06/14/10 A0006 ADVANCE TREADS INC 485.00 2603  
51536 06/14/10 A0017 A.C.M. JIF C/O T. FREEDMAN 86,406.00 2603  
51537 06/14/10 A0018 ACTION SUPPLY INC. 1,468.86 2603  
51538 06/14/10 A0020 ACU-THERM SUPPLY CO.,INC. 349.35 2603  
51539 06/14/10 A0024 ADVANCE DOOR & SUPPLY CO. 1,275.00 2603  
51540 06/14/10 A0025 ADVANTAGE RENTAL ACE HARDWARE 1,063.20 2603  
51541 06/14/10 A0074 ATLANTIC CARE OCCU. MEDICINE 1,340.00 2603  
51542 06/14/10 A0075 ADAMS, JOSHUA 76.96 2603  
51543 06/14/10 A0082 ARMSTRONG, JOSHUA 87.15 2603  
51544 06/14/10 A0086 AT&T MOBILITY 267.27 2603  
51545 06/14/10 A0091 ATLANTIC CITY ELECTRIC 14,163.75 2603  
51546 06/14/10 A0134 ANSELL ZARO GRIMM & AARON, PC 17.50 2603  
51547 06/14/10 B0035 BELMONT & CRYSTAL SPRINGS 193.41 2603  
51548 06/14/10 B0076 BOND,LAURENCE E. 1,661.63 2603  
51549 06/14/10 B0093 BARRY,CORRADO,GRASSI & GIBSON 2,327.50 2603  
51550 06/14/10 B0184 BUSHONG, BRIAN 72.00 2603  
51551 06/14/10 B0192 BROMHEAD, NOAH 75.00 2603  
51552 06/14/10 C0011 CAPE OFFICE MACHINES & SERVICE 113.00 2603  
51553 06/14/10 C0021 CIVIL SOLUTION A DIVISION 900.00 2603  
51554 06/14/10 C0030 CAMP, BARBARA 116.41 2603  
51555 06/14/10 C0031 CAPE ASSIST 200.00 2603  
51556 06/14/10 C0048 CAPE MAY COUNTY MUA 32,704.12 2603  
51557 06/14/10 C0060 CAPRIONI'S PORTABLE TOILETS 3,684.00 2603  
51558 06/14/10 C0068 COMCAST 279.45 2603  
51559 06/14/10 C0071 CAPEHART & SCATCHARD, P.A. 1,819.00 2603  
51560 06/14/10 C0156 COMPUTER HOUSE OF SOUTH JERSEY 9,835.00 2603  
51561 06/14/10 C0223 CASA PAYROLL SERVICE 232.55 2603  
51562 06/14/10 D0015 DAN'S WELDING 208.75 2603  
51563 06/14/10 D0016 DALEY,FREDERICK T/A DALEYS PIT 240.00 2603  
51564 06/14/10 D0077 DIETRICH,PAUL 13.80 2603  
51565 06/14/10 E0025 ELECTRO-MESH CORPORATION 19.20 2603  
51566 06/14/10 E0047 EFINGER SPORTING GOODS CO 776.95 2603  
51567 06/14/10 F0016 FAZZIO, JOSEPH INC. 1,013.10 2603  
51568 06/14/10 F0054 FORT DEARBORN LIFE INSURANCE 558.02 2603  
51569 06/14/10 G0002 GAGLIONE, WANDA 52.41 2603  
51570 06/14/10 G0008 GALLO GMC TRUCK SALES INC. 155.85 2603  
51571 06/14/10 G0009 GAPVAX, INC. 60.36 2603  
51572 06/14/10 G0015 GALL'S, AN ARAMARK COMPANY 47.69 2603  
51573 06/14/10 H0012 HALL,ARTHUR 126.00 2603  
51574 06/14/10 H0018 HAROLD RUBIN/L & H SUPPLY 1,046.52 2603  
51575 06/14/10 I0007 INTERCON TRUCK EQUIPMENT, INC. 71.97 2603  
51576 06/14/10 J0016 JERSEY SHORE PARTNERSHIP, INC 100.00 2603  
51577 06/14/10 K0007 KACZMARSKI, RICHARD 206.31 2603  
51578 06/14/10 K0016 KEENE, DAVID 184.00 2603  
51579 06/14/10 K0034 KOHLER, CLAUDE JR. 160.00 2603  
51580 06/14/10 L0080 LOWES, INC. 795.97 2603  
51581 06/14/10 M0001 MAB PAINTS 32.30 2603  
51582 06/14/10 M0016 McAFEE, MEGAN 37.00 2603  
51583 06/14/10 M0021 MASER CONSULTING, P.A. 2,000.00 2603  
51584 06/14/10 M0055 MAY, JUDITH 50.00 2603  
51585 06/14/10 M0076 MGL PRINTING SOLUTIONS 953.00 2603  
51586 06/14/10 M0103 MODERN GAS COMPANY, INC. 32.69 2603  
51587 06/14/10 M0121 McCROSSON, JANET 25.00 2603  
51588 06/14/10 M0180 MED-TECH RESOURCE,INC. 521.90 2603  
51589 06/14/10 M0188 MCCARTHY TIRE SERVICE OF PHILA 1,655.86 2603  
51590 06/14/10 M0193 MAYNE, MICHAEL 116.99 2603  
51591 06/14/10 M0209 MAYBERRY, JOHN D 167.95 2603  
51592 06/14/10 N0004 NJ-AMERICAN WATER CO. 107.72 2603  
51593 06/14/10 N0043 NAPA AUTO PARTS OF S.JERSEY 589.57 2603  
51594 06/14/10 N0068 NJ MOTOR VEHICLE COMMISSION 150.00 2603  
51595 06/14/10 N0070 NIA GROUP ASSOCIATES, LLC 2,500.00 2603  
51596 06/14/10 N0107 N.J.DIV ALCHOLOIC BEV CONTROL 24.00 2603  
51597 06/14/10 O0006 OCS PRINTING 389.00 2603  
51598 06/14/10 O0043 OLDCASTLE PRECAST INC 3,776.00 2603  
51599 06/14/10 P0008 PALMER, NANCY 29.00 2603  
51600 06/14/10 P0032 PEDRONI FUEL CO. 2,929.30 2603  
51601 06/14/10 P0050 PARSIO, ANTHONY 121.98 2603  
51602 06/14/10 P0056 TURF EQUIPMENT AND SUPPLY CO 264.67 2603  
51603 06/14/10 P0073 POGUE INC. 4,925.00 2603  
51604 06/14/10 R0030 RIGGINS, INC. 8,315.95 2603  
51605 06/14/10 R0094 REMSEN, LONNA M 300.00 2603

51606 06/14/10 S0031 SCHULER SECURITY, INC. 360.00 2603  
51607 06/14/10 S0056 SEASHORE ASPHALT CORPORATION 386.65 2603  
51608 06/14/10 S0072 SEGIN, STEWART S. 374.21 2603  
51609 06/14/10 S0113 SMITH, THOMAS G. 1,340.43 2603  
51610 06/14/10 S0124 SORENSON, LESLIE 277.52 2603  
51611 06/14/10 S0154 SOUTH JERSEY OVERHEAD DOOR 853.20 2603  
51612 06/14/10 S0185 STOCKTON STATE COLLEGE 10,116.96 2603  
51613 06/14/10 S0196 STEWART BUSINESS SYSTEMS LLC 110.50 2603  
51614 06/14/10 S0209 STAPLES ADVANTAGE 946.53 2603  
51615 06/14/10 S0239 SHORE VET. ANIMAL CONTROL 2,150.00 2603  
51616 06/14/10 T0022 TERMINIX 49.00 2603  
51617 06/14/10 T0032 THE PRESS & SUNDAY PRESS 222.87 2603  
51618 06/14/10 T0033 THE PRESS OF ATLANTIC CITY 143.00 2603  
51619 06/14/10 T0034 THE PAPER OF U.T./GAZETTE 351.00 2603  
51620 06/14/10 T0067 TOWNSHIP OF UPPER PETTY CASH 6.21 2603  
51621 06/14/10 T0074 TRANSAXLE LLC 975.67 2603  
51622 06/14/10 U0013 U.T. WRESTLING ASSOC. 26.25 2603  
51623 06/14/10 U0025 UNITED STATES POSTAL SERVICE 2,500.00 2603  
51624 06/14/10 U0028 UPPER TOWNSHIP BD.OF EDUCATION 272.00 2603  
51625 06/14/10 V0001 VCI EMERGENCY VEHICLE 350.19 2603  
51626 06/14/10 V0005 VAN EMBDEN, NATHAN, ATTORNEY 4,740.00 2603  
51627 06/14/10 V0013 VERIZON WIRELESS 312.11 2603  
51628 06/14/10 V0022 VERIZON 59.20 2603  
51629 06/14/10 V0024 VAL-U AUTO PARTS L.L.C. 229.54 2603  
51630 06/14/10 V0025 V.E. RALPH & SON, INC. 46.10 2603  
51631 06/14/10 V0026 VITAL COMPUTER RESOURCES, INC. 100.00 2603  
51632 06/14/10 V0027 VANORDER, ROGER 160.00 2603  
51633 06/14/10 W0030 WEST PUBLISHING CO. 184.00 2603  
51634 06/14/10 W0085 WOODY, LESTER 89.88 2603  
51635 06/14/10 W0088 WAWA INC 1,225.00 2603  
51636 06/14/10 Y0008 YOUNG, DANIEL J. ESQUIRE PC 19,924.58 2603

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Total Paid: \$250,347.49