

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR SEPTEMBER 13, 2010**

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

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

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

APPROVAL OF MINUTES - August 23, 2010 Regular Meeting and Closed Session Minutes

Motion was made by Jay Newman, seconded by Curtis Corson to approve the Regular Meeting and Closed Session Minutes as submitted. During roll call vote, five Committee members voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Kristine Gabor, Committeewoman: announced that Upper Township will hold another free rabies clinic on Saturday October 23, 2010 from 1:00 to 3:00 p.m. at Shore Veterinarians Animal Clinic. She also reported on several items regarding Recreation. She made a motion, which was seconded by Frank Conrad to complete the lighting and finish the In-Line Hockey Rink project at Amanda’s Field. During roll call vote all five Committee members voted in the affirmative. Ms. Gabor discussed that the \$25,000 needed for the project would come from funds earmarked for recreation from the Capital Improvement Fund. Also discussed was the need to install fencing at Amanda’s field to eliminate the damage to the irrigation system that occurs from vehicles driving across the fields. The Committee discussed having Township employees install the fence. Motion was made by Kristine Gabor, seconded by Curtis Corson to authorize \$8,000 for purchase of fencing. During Roll call vote all five Committee members voted in the affirmative. Mrs. Gabor further discussed the ongoing general maintenance at Amanda’s Field and that Mr. Dietrich is working on a cost analysis for items that are needed for the baseball

field. Other projects Recreation is currently working on are the purchase of adjustable backboards for the courts at Caldwell Park, which would give the opportunity to offer outdoor basketball to younger children. She also discussed the Fort Nuwi playground and the costs to replace or repair the equipment. Plans for a program for regular lighting maintenance and regular tree trimming are also being developed. Also discussed was the Somers Avenue softball field. The Recreation Committee is discussing ideas to prevent ATV's from entering the area and damaging the field. She also reported on her proposal to restructure the Recreation Committee that also creates a five person Recreation Advisory Board to be appointed by Township Committee.

Further information will be provided at a future meeting.

Jay Newman, Committeeman: He attended several 9-11 Remembrance events throughout the County. He also reported on the 9-11 Remembrance ceremony that took place at Caldwell Park during the opening of the football season in Upper Township. The event was well attended by members of Upper Township Fire and EMS and Township residents.

Mayor Richard Palombo: He discussed a request by Strathmere Fire Company to keep the Township jet ski normally used by the Rescue personnel at the Fire Station until October. He reported that the lifeguards sent out a telephone alert to notify residents of the limited number of guards covering the beaches over this past weekend. He also reported on a potential proposal he received in that Sea Isle City and Upper Township would partner to provide a limited number of guards to cover the Whale Beach section of Strathmere in the event of an emergency. Mayor Palombo also discussed a recent news article regarding a proposal of the Governor to limit the number of Government jobs one person can hold. Mayor Palombo asked Township Attorney Young to closely monitor the proposal as it could adversely affect our lifeguards.

OTHER REPORTS

Wanda Gaglione, Municipal Clerk: reported that the Upper Township Employee Health and Safety Day is scheduled for September 20th from 11:00 a.m. to 2:30 p.m. at the Community Center and is open to all employees.

Daniel Young, Municipal Attorney: reported that he has several items for closed session: Litigation Grubb v. Upper Township, Personnel matters, and Contract negotiations with respect to the telephone system contract.

Paul Dietrich, Municipal Engineer: reported that South Jersey Gas Company is currently working on extending their gas main to bring gas service to the Municipal Building the Library and the Rescue Squad building. He also discussed that the Township recently received authorization from the State to request proposals to do an energy audit for the Township buildings.

He reported on the status of the Estate of Jean Brown request to donate Block 595, Lots 20 and 21 to the Township that was discussed at the last meeting.

Mr. Dietrich also reported on recent discussions with the Department of Public Works for cost saving suggestions with regard to trash collection at Osprey Point Development. He requested permission to engage in discussion with the Development Association on this matter.

Mayor Palombo thanked Mr. Dietrich for sending Public Works crews over to fill in the low spots on the Strathmere Beaches and further directed him to check with FEMA on whether or not the Congressional money for beach replenishment is approved.

Barbara Spiegel, Chief Financial Officer: reported that one of the Christmas trees in front of the Municipal building has died. The groundskeeper James Schuler has submitted a proposal of \$190 to replace the tree. The Committee directed that Mr. Schuler consult with Mr. Corson before replacing the tree.

PROCLAMATION

1. Recognizing National Hunger Awareness Month.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
PROCLAMATION
PROCLAIMING SEPTEMBER AS
NATIONAL HUNGER AWARENESS MONTH IN UPPER TOWNSHIP AND
HONORING SHOPRITE PARTNERS IN CARING AND MARMORA
SHOPRITE FOR THEIR FIGHT AGAINST HUNGER**

WHEREAS, approximately 35 million people in the United States are at risk of going hungry, including 12 million children; and

WHEREAS, the Township of Upper recognizes that hunger continues to be a serious problem for many families and individuals in Cape May County; and

WHEREAS, on September 22, 2010, members of the Upper Township Committee, along with Senator Jeff Van Drew and Assemblymen Nelson Albano and Matt Millam, will join with ShopRite Partners in Caring and Marmora ShopRite and participate in the Help Bag Hunger Event; and

WHEREAS, it is fitting and proper to give recognition and thanks to ShopRite Partners in Caring and the Marmora ShopRite store for their efforts in fighting hunger and express our gratitude to them, while recognizing the need to commemorate the day and call attention to this significant problem;

NOW, THEREFORE BE IT PROCLAIMED that I, Richard Palombo, Mayor of the Township of Upper, do designate the month of September as

“NATIONAL HUNGER AWARENESS MONTH IN UPPER TOWNSHIP”

and encourage the citizens of Upper Township to commit to bringing awareness and change to the lives of those who suffer from hunger.

Proclaimed this 13th day of September, 2010
Richard Palombo, Mayor

RESOLUTIONS

2. **Authorizing the Mayor and Township Clerk to sign a contract for Animal Control Services in Upper Township.** Municipal Attorney Young reported on a request from Dr. Holland regarding schedule "A" section No. 13 that in the event the Township appoint an Animal Cruelty Officer his firm not be appointed as such and in lieu of that we appoint the County Humane Society. The Committee accepted that stipulation and the section was redacted from the contract prior to adoption of the resolution.

TOWNSHIP OF UPPER

CAPE MAY COUNTY

R E S O L U T I O N

RESOLUTION NO. 191- 2010

RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A CONTRACT FOR
ANIMAL CONTROL SERVICES IN UPPER TOWNSHIP

WHEREAS, Shore Veterinarians Animal Control Services, L.L.C. has submitted a proposal to the Township for animal control services; and

WHEREAS, the Township wishes to accept said proposal and to authorize the execution of a contract with Shore Veterinarians Animal Control Services, L.L.C.; and

WHEREAS, the proposed contract 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, Shore Veterinarians Animal Control Services, L.L.C. has completed and submitted a Business Entity Disclosure Certification which certifies that Shore Veterinarians Animal Control Services, L.L.C. 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 Shore Veterinarians Animal Control Services, L.L.C. 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 execute a contract with Shore Veterinarians Animal Control Services, L.L.C._to provide animal control services within the Township of Upper commencing September 14, 2010.
3. Shore Veterinarians Animal Control Services, L.L.C. 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. 191-2010

Offered by: Gabor

Seconded by: Conrad

Adopted: September 13, 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>	_____	_____	_____

3. Appointment of Louis A. Bonato as an appraiser for the Township of Upper.

TOWNSHIP OF UPPER

CAPE MAY COUNTY

R E S O L U T I O N

RESOLUTION NO. 192-2010

RE: APPOINTMENT OF LOUIS A. BONATO AS AN APPRAISER

FOR THE TOWNSHIP OF UPPER

WHEREAS, the Township periodically requires an appraiser to provide services to obtain the fair market value of lots owned by the Township with respect to the anticipated sale of said lots; and

WHEREAS, a resolution is required authorizing the award of such contract for professional services; and

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

WHEREAS, the Township has decided to acquire the services of Louis A. Bonato as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-2.05; 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. Louis A. Bonato with offices at 22 Mockingbird Lane, Petersburg, New Jersey is hereby appointed appraiser for the Township of Upper for the appraisal of lots in connection with the Township's anticipated sale to land owners.

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

4. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Louis A. Bonato has professional knowledge as to appraisal issues which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-2.05.

NOTICE OF CONTRACT AWARD

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

6. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the official

budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.

7. The contractor has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.

8. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Louis A. Bonato in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

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

10. This Resolution shall be effective as of adoption.

Resolution No. 192 -2010

Offered by: Conrad

Seconded by: Newman

Adopted: September 13, 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 X _____

4. **Authorizing participation in the South Jersey Power Cooperative for electric service.**

TOWNSHIP OF UPPER

CAPE MAY COUNTY

R E S O L U T I O N

RESOLUTION NO. 193-2010

**RE: RESOLUTION AUTHORIZING PARTICIPATION IN THE SOUTH JERSEY
POWER COOPERATIVE FOR ELECTRIC SERVICE**

WHEREAS, the County of Camden on behalf of the South Jersey Power Cooperative (“SJPC”) publicly advertised bids for the purpose of procuring electric energy services; and

WHEREAS, Cape May County is currently a member of the SJPC with Camden County as Lead Agency for the purchase of electric generation supply services for Cape May County and its Cooperative members; and

WHEREAS, the Township of Upper has been a member and wishes to continue its participation with the Cape May County Cooperative; and

WHEREAS, Camden County awarded a one-year contract to Hess Corporation of One Hess Plaza, Woodbury, NJ 07095, to provide electric generation supply services at the rate of \$0.09147 per kilowatt-hour – this being the lowest of two bids received; and

WHEREAS, the Township of Upper, as a participant of the SJPC, wishes to obtain electric services from Hess Corporation.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that the Township hereby authorizes participation in the Cape May County Cooperative and the SJPC with Camden County as the Lead Agency; and

BE IT FURTHER RESOLVED that the Township of Upper hereby acknowledges the following:

1. The Lead Agency of the SJPC will enter into a contract with the winning supplier on behalf of the entire SJPC including Cape May County and it's Cooperative members.
2. The Township of Upper will not sign a contract directly with the winning bidder, but will adhere to the terms and conditions of the master contract.
3. The contract for electric generation supply services under the SJPC will begin September 10, 2010 and continue to September 9, 2011; and

BE IT FURTHER RESOLVED that the Township of Upper shall ensure that sufficient funds shall be appropriated for the balance of 2010 and, contingent upon the availability, shall appropriate sufficient funds for the remainder of the contract upon the adoption of the 2011 budget; and

BE IT FURTHER RESOLVED that no participating contracting unit in the Energy Cooperative shall be responsible for any items ordered or for performance by any other participating contracting unit. Each participating contracting unit shall be liable only for its own performance and for items ordered and received by it and none assumes any additional responsibility of liability.

Resolution No. 193-2010

Offered by: Conrad

Seconded by: Gabor

Adopted: September 13, 2010

Roll Call Vote:

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

5. Authorizing an agreement with the Upper Township School District to commit to joint purchase of office supplies and paper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

RESOLUTION
RESOLUTION NO. 194-2010
RE: AUTHORIZING AN AGREEMENT WITH THE UPPER TOWNSHIP SCHOOL
DISTRICT TO COMMIT TO JOINT PURCHASE OF OFFICE SUPPLIES AND PAPER

WHEREAS, the Upper Township School District has contacted the Township of Upper and offered to allow the Township of Upper to purchase office supplies and paper through the School District; and

WHEREAS, the proposal entails the Upper Township School District purchasing office supplies and paper on behalf of both public entities and thereafter billing the Township of Upper for the supplies and paper purchased by the Township of Upper; and

WHEREAS, the Township Committee of the Township of Upper recognizes the benefits of this joint purchasing arrangement and desires to authorize the appropriate Township officials to enter into same; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper hereby authorizes all Township officials and officers to take such action as necessary and appropriate to consummate the joint purchase agreement with respect to paper and office supplies with the Upper Township School District.
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. 194-2010

Offered by: Conrad

Seconded by: Newman

Adopted: September 13, 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>	_____	_____	_____

6. TAX REFUND

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 195-2010
RE: 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. 195-2010

Offered by: Conrad Seconded by: Palombo

Adopted:

September 13, 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>	_____	_____	_____

REFUND 2010

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
247/15	\$488.92	ROBERT BRAVERMAN 13 HENRY DR NORTHFIELD, NJ 08225

(PAID INCORRECT AMOUNT IN ERROR)

7. Canceling credit balances on exempt property.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
Resolution No.196-2010
RE: CANCELING CREDIT BALANCES ON EXEMPT PROPERTY**

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

WHEREAS, certain properties became tax exempt for the year 2010,

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. 196-2010

Offered by: Newman Seconded by: Gabor

Adopted: September 13, 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>	_____	_____	_____

<u>Block</u>	<u>Lot/Qual.</u>	<u>2010 Credit Balance</u>
10	164	\$(.08) -Dep
246	54	\$(306.57)-Dep

244	17	\$(.03) -Dep
244	19	\$(.01) -Dep
382	9	\$(2.51)- County
758	7	\$(8.69) -Dep
759	17	\$(.60) - Township
777	10	\$(.60) - Township
784	3	\$(.60) - Township
784	12	\$(.60) - Township
809	4	\$(2.98)- Township
811	1	\$(5.39) -Dep

Total Credit Balance \$(328.66)

Tax Exempt for 2010

8. Accepting the All Hazard Mitigation Plan for the Township of Upper prepared by County of Cape May, Office of Emergency Management.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 197 -2010

RE: APPROVING THE COUNTYWIDE MULTI-JURISDICTIONAL ALL HAZARD PRE-DISASTER MITIGATION PLANNING PROJECT

WHEREAS, the property owners of Cape May County experience a high rate of repetitive property losses caused mainly by flooding and they reside in a unique geographic location that could experience a variety of natural and man-made disasters; and

WHEREAS, the County of Cape May received a grant from the Federal Emergency Management Agency (FEMA) to develop a Multi-Jurisdictional All Hazard Pre-Disaster Mitigation Plan to mitigate the potential life and property losses associated with man-made and natural disasters; and

WHEREAS, Cape May County, together with all sixteen municipalities, developed a Multi-Jurisdictional All Hazard Pre-Disaster Mitigation Plan that describes the hazards the County and Municipalities face and the risks associated with those hazards, and developed strategies for mitigating those hazards; and

WHEREAS, a Hazard Mitigation Steering Committee was formed and

developed the Plan that worked with the selected contractor and public stakeholders to identify critical facilities, at-risk populations, potential losses, and producing historical records, studies, and reports relevant to this planning process; and

WHEREAS, the Township of Upper acknowledges that they will be required to adopt by Resolution, the All Hazard Pre-Disaster Mitigation Plan developed by the Hazard Mitigation Steering Committee after FEMA conditional approval. The Draft plan has been submitted to FEMA Region I for review in February 2010.

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 does adopt the Multi-Jurisdictional All Hazard Pre-Disaster Mitigation Plan dated January 2010, which the Upper Township sub-section is attached.

Resolution No. 197 -2010

Offered by: Conrad

Seconded by: Palombo

Adopted: September 13, 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>

9. Reassignment of Clerk Typist Theresa Smuz from the Finance Office to the Department of Public Works.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 198-2010
RE: REASSIGNMENT OF CLERK TYPIST THERESE SMUZ
FROM THE FINANCE OFFICE TO THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, a need exists to assign a Clerk Typist to the Upper Township Department of Public Works to insure optimal operation; and

WHEREAS, a recommendation was made to reassign a Clerk Typist from the Upper Township Finance Office to the Upper Township Department of Public Works, 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. Clerk Typist, Therese Smuz is hereby reassigned from the Finance Office to the Department of Public Works.
3. In accordance with Civil Service guidance and recommendations no further administrative action is necessary to complete the reassignment.
4. The aforesaid reassignment is effective September 10, 2010 with no change in employee's current title, and no change in employee's current salary in accordance with the Salary Ordinance.
5. Employee Therese Smuz has agreed to the terms of the reassignment and has voluntarily accepted it.

Resolution No. 198-2010

Offered by: Corson

Seconded by: Conrad

Adopted: September 13, 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>	_____	_____	_____

10. Reassignment of Clerk Typist Rosemary Trout from the Clerk's Office to the Finance Office.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 199 –2010
RE: REASSIGNMENT OF CLERK TYPIST**

**ROSEMARY TROUT
FROM THE CLERK'S OFFICE
TO FINANCE OFFICE**

WHEREAS, a vacancy has occurred in the Finance Office and it has been determined that there is a need to have this position filled; and

WHEREAS, a recommendation was made to reassign a Clerk Typist from the Upper Township Clerk's Office to the Upper Township Finance Office, 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:

6. The allegations of the preamble are incorporated herein by this reference.
7. Clerk Typist, Rosemary Trout is hereby reassigned from the Clerk's Office to the Finance Office.
8. In accordance with Civil Service guidance and recommendations no further administrative action is necessary to complete the reassignment.
9. The aforesaid reassignment is effective September 10, 2010 with no change in employee's current title, and no change in employee's current salary in accordance with the Salary Ordinance.
10. Employee Rosemary Trout has agreed to the terms of the reassignment and has voluntarily accepted it.

Resolution No. 199-2010

Offered by: Conrad

Seconded by: Newman

Adopted: September 13, 2010

Roll Call Vote:

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

Newman X _____ _____ _____
 Palombo X _____ _____ _____

11. Amending Resolution No. 187-2010 entitled Reassignment of Titles from the former Recreation Department to the Public Works Department and the Department of Sports and Recreational Programs.

TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 R E S O L U T I O N
 RESOLUTION NO. 200-2010
 RE: AMENDING RESOLUTION NO. 187-2010
 REASSIGNMENT OF TITLES FROM THE FORMER RECREATION DEPARTMENT TO THE PUBLIC WORKS DEPARTMENT AND THE DEPARTMENT OF SPORTS AND RECREATIONAL PROGRAMS

WHEREAS, Resolution No. 187-2010 reassigns certain titles from the former Recreation Department to the Department of Public Works Pursuant to Ordinance No. 007-2010; and

WHEREAS, it is deemed necessary to amend said Resolution No. 187-2010 to indicate the provisional appointment of Duane Terwilliger and Brenda Layton pursuant to Civil Service requirements as follows:

<u>NAME</u>	<u>POSITION</u>	<u>TERM</u>
Duane Terwilliger	Supervisor Recreation Maintenance	Provisional
Brenda Layton	Recreational Program Coordinator	Provisional

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. Duane Terwilliger was transferred from the Department of Recreation as Supervisor Recreation Maintenance for a Provisional term to the Department of public works.
3. Brenda Layton was transferred from the Department of Recreation as Recreational Program Coordinator to the Department of Sports and Recreational Programs for a Provisional Term.

4. 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. 200-2010

Offered by: Corson

Seconded by: Newman

Adopted: September 13, 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>

12. Authorizing increase of the Public Bidding Threshold.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 201-2010
RE: AUTHORIZING INCREASE OF PUBLIC BIDDING THRESHOLD**

WHEREAS, the Local Public Contracts Law gives local contracting units the ability to increase its bid threshold up to \$36,000; and

WHEREAS, N.J.S.A. 40A:11-3a permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS, Patricia A. Garbutt possesses the designation of Qualified Purchasing Agent as issued by the Director of Division of Local Government Services in accordance with N.J.A.C. 5-34-5 et seq; and

WHEREAS, the Township of Upper desires to take advantage of the increased bid threshold.

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, hereby increases its bid threshold to \$36,000.

Resolution No. 201-2010

Offered by: Corson

Seconded by: Conrad

Adopted: September 13, 2010

Roll Call Vote:

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

ORDINANCES

CORRESPONDENCE

NEW BUSINESS

13. Request to hold an annual run through Upper Township honoring NJ's Fallen Heroes in Operations Iraqi Freedom and Enduring Freedom on September 25th and 26th 2010. Motion by Curtis Corson, second by Frank Conrad to approve the request to hold run through Upper Township on September 25th and 26th . During roll call vote, all five Committee members voted in the affirmative.

14. Beacon Animal Rescue--request to hold raffle on October 16, 2010 at the Upper Township Community Center, (#375). Motion by Jay Newman, second by Frank Conrad to approve the request. During roll call vote, all five Committee members voted in the affirmative.

15. Church of the Resurrection--request to hold Bingo games on various dates from October 7, 2010 through April 28, 2011 at the Upper Township Community Center (BA#376). Motion by Jay Newman, second by Frank Conrad to approve the request of the Church of the Resurrection to hold Bingo on requested dates. During roll call vote, all five Committee members voted in the affirmative.

UNFINISHED BUSINESS:

16. Report of bids received for Rescue Squad ambulance chassis. Mr. Dietrich reported that there were 7 requests for bid specs although only 1 bid was received. It was discussed that the bid was within the budgeted amount and that the bid documents were in order. Motion was made by Jay Newman, second by Frank Conrad to award the bid to

VCI Emergency Vehicle Specialists in the amount of \$84,877.80. During roll call vote all five Committee members voted in the affirmative. A resolution will be placed on a future agenda.

- 17. R. Bonner request for payment plan for taxes and lien charges for Block 306, Lot 27.** Motion by Curtis Corson, second by Frank Conrad to approve the request. During roll call vote, all five Committee members voted in the affirmative. A resolution and agreement will be placed on the September 27, 2010 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 with all five Committee members voting in the affirmative.

Bills approved for payment: \$347,220.480.

Payroll: \$201,928.69.

REPORT OF MUNICIPAL DEPARTMENTS:

- 18. Construction Code**
- 19. Clerk’s Office**
- 20. Animal Control**
- 21. Tax Assessor**
- 22. Tax Office**
- 23. Department of Public Works**
- 24. EMS July Report**
- 25. Finance**
- 26. Municipal Court-Upper Township, Dennis Township, Corbin City.**

PUBLIC COMMENT

Brian Keenan, an employee of the Upper Township Department of Public Works and local Union shop steward representative presented the Committee with several suggestions made by the department regarding trash collection in general and automated collection one being charging a fee for trash collection.

Charles W. Osborne, of 560 Route 50, Petersburg, stated he is an employee of the Cape May County MUA for over 25 years. He commended the Public Works employees for doing a good job and does not want to see automated trash collection.

CLOSED SESSION

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

MOTION GOING INTO CLOSED SESSION
September 13, 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:

14. Litigation –Grubb v. Upper Township
2. Personnel matters
3. Contract negotiations – telephone system contract

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.

Motion seconded.

Vote of Township Committee to adopt resolution.

RECONVENE PUBLIC PORTION OF MEETING

Barbara Spiegel: reported on a survey received from the Department of Community Affairs pertaining to the Best Practices checklist that is required for all or part of our State Aid to be released. The decision to withhold revenue replacement funding will be based on the percentage of “yes” answers to applicable questions. Ms. Spiegel further reported that the survey must be completed and submitted by October 1, 2010. The Committee directed her to consult with Township Auditor, Leon Costello, before submitting the checklist.

Motion by Frank Conrad second by Jay Newman to authorize the draft an Ordinance for the purchase of a phone system from the Capital Improvement fund. During Roll call, vote all five Committee members voted in the affirmative.

ADJOURNMENT

There was no further business for this evening and the meeting was adjourned at 9:10 P.M. Next meeting scheduled for September 23, 2010 at 7:30 P.M.

Minutes prepared by

Wanda Gaglione, RMC
Municipal Clerk

Bill List

52102 09/13/10 A0004 A+ COMMERCIAL OFFICE CLEANERS 250.00 2619
52103 09/13/10 A0006 ADVANCE TREADS INC 644.00 2619
52104 09/13/10 A0020 ACU-THERM SUPPLY CO.,INC. 598.72 2619
52105 09/13/10 A0024 ADVANCE DOOR & SUPPLY CO. 1,433.50 2619
52106 09/13/10 A0025 ADVANTAGE RENTAL ACE HARDWARE 2,548.91 2619
52107 09/13/10 A0070 ALBERTSONS/ACME 142.80 2619
52108 09/13/10 A0075 ADAMS, JOSHUA 88.97 2619
52109 09/13/10 A0086 AT&T MOBILITY 237.85 2619
52110 09/13/10 A0091 ATLANTIC CITY ELECTRIC 205.02 2619
52111 09/13/10 A0100 ATLANTIC CITY ELECTRIC 13,813.40 2619
52112 09/13/10 A0117 AT&T 37.80 2619
52113 09/13/10 B0035 BELMONT & CRYSTAL SPRINGS 68.71 2619
52114 09/13/10 B0052 BENNETT BATTERIES,LLC. 217.80 2619
52115 09/13/10 B0093 BARRY,CORRADO,GRASSI & GIBSON 262.50 2619
52116 09/13/10 B0152 BUCHANAN, KAREN A. 51.25 2619
52117 09/13/10 C0046 CAPE MAY COUNTY CLERK 8.00 2619
52118 09/13/10 C0048 CAPE MAY COUNTY MUA 36,314.54 2619
52119 09/13/10 C0060 CAPRIONI'S PORTABLE TOILETS 1,833.00 2619
52120 09/13/10 C0068 COMCAST 169.40 2619
52121 09/13/10 C0071 CAPEHART & SCATCHARD, P.A. 4,700.00 2619
52122 09/13/10 C0156 COMPUTER HOUSE OF SOUTH JERSEY 399.00 2619
52123 09/13/10 C0171 COLONIAL ELECTRIC SUPPLY CO. 156.61 2619
52124 09/13/10 C0201 CRUZAN'S TRUCK SERVICE INC. 405.68 2619
52125 09/13/10 C0223 CASA PAYROLL SERVICE 903.50 2619
52126 09/13/10 C0230 CATAMARAN MEDIA COMPANY 378.00 2619
52127 09/13/10 D0040 DELTA DENTAL OF N.J. INC. 6,864.57 2619
52128 09/13/10 D0096 DELL MARKETING L.P. 1,099.00 2619
52129 09/13/10 F0016 FAZZIO, JOSEPH INC. 0.00 2619
52130 09/13/10 F0042 FLANAGANS SOUTH AUTO TIRE CENT 172.50 2619
52131 09/13/10 F0054 FORT DEARBORN LIFE INSURANCE 560.48 2619
52132 09/13/10 G0002 GAGLIONE, WANDA 155.00 2619
52133 09/13/10 G0014 GARDEN STATE HWY PRODUCTS INC. 150.00 2619
52134 09/13/10 G0016 GARDNER HARDWARE INC. 179.35 2619
52135 09/13/10 G0028 GENTILINI FORD 36.24 2619
52136 09/13/10 G0135 GRUCCIO,PEPPER,DeSANTO & RUTH 36.04 2619
52137 09/13/10 H0016 HANDLEY, WILLIAM 40.00 2619
52138 09/13/10 H0018 HAROLD RUBIN/L & H SUPPLY 156.96 2619
52139 09/13/10 H0062 HOPE, JOHN J. 42.80 2619
52140 09/13/10 H0073 HOME DEPOT CRC/GECF 104.28 2619
52141 09/13/10 H0131 HPI PROCESSES, INC 395.60 2619
52142 09/13/10 J0039 JOHNSON & TOWER INC. 1,295.65 2619
52143 09/13/10 J0063 JOHNSON WILSHIRE, INC 592.41 2619
52144 09/13/10 L0040 LEA, SHELLEY 12.00 2619
52145 09/13/10 L0080 LOWES, INC. 71.82 2619

52146 09/13/10 M0142 MASON, NICHOLAS 65.50 2619
52147 09/13/10 M0188 MCCARTHY TIRE SERVICE OF PHILA 591.50 2619
52148 09/13/10 M0217 MUNICIPAL EMERGENCY SERVICES 6,310.00 2619
52149 09/13/10 N0004 NJ-AMERICAN WATER CO. 219.91 2619
52150 09/13/10 N0043 NAPA AUTO PARTS OF S.JERSEY 172.45 2619
52151 09/13/10 N0060 NESLO PETROLEUM PRODUCTS, INC. 1,791.00 2619
52152 09/13/10 N0089 NEXTIRAONE TA BLACK BOX 1,222.00 2619
52153 09/13/10 N0100 N.J. LEAGUE OF MUNICIPALITIES 1,050.00 2619
52154 09/13/10 N0120 NORTHERN SAFETY CO.INC. 206.35 2619
52155 09/13/10 O0006 SJSHORE MARKETING,LLC 186.00 2619
52156 09/13/10 O0038 OSBORN, JAMES 81.86 2619
52157 09/13/10 P0032 PEDRONI FUEL CO. 3,857.49 2619
52158 09/13/10 P0056 TURF EQUIPMENT AND SUPPLY CO 73.07 2619
52159 09/13/10 P0084 PROGRESSIVE BUSINESS PUBLICATI 306.72 2619
52160 09/13/10 P0122 POPESON, SPENSER 12.12 2619
52161 09/13/10 R0029 RIDDELL/ALL AMERICAN 3,796.06 2619
52162 09/13/10 R0030 RIGGINS, INC. 8,174.14 2619
52163 09/13/10 R0059 RUTGERS, THE STATE UNIVERSITY 490.00 2619
52164 09/13/10 R0092 RUTGERS, THE STATE UNIVERSITY 3,454.00 2619
52165 09/13/10 S0001 SAM'S CLUB 320.85 2619
52166 09/13/10 S0003 SAFERSTEIN, RICHARD,Ph.D. 650.00 2619
52167 09/13/10 S0056 SEASHORE ASPHALT CORPORATION 2,026.36 2619
52168 09/13/10 S0072 SEGIN, STEWART S. 112.00 2619
52169 09/13/10 S0196 STEWART BUSINESS SYSTEMS LLC 77.60 2619
52170 09/13/10 S0209 STAPLES ADVANTAGE 1,258.34 2619
52171 09/13/10 S0250 SOUTH JERSEY GLASS & DOOR CO 25.00 2619
52172 09/13/10 T0033 THE PRESS OF ATLANTIC CITY 219.23 2619
52173 09/13/10 T0048 TILL PAINT CO/D. FITZGERALD 252.00 2619
52174 09/13/10 T0067 TOWNSHIP OF UPPER PETTY CASH 86.99 2619
52175 09/13/10 T0074 TRANSAXLE LLC 307.91 2619
52176 09/13/10 T0086 TREASURER, STATE OF NEW JERSEY 85.00 2619
52177 09/13/10 T0097 TRICO EQUIPMENT INC. 122.00 2619
52178 09/13/10 T0131 TROUT, ROSEMARY 46.00 2619
52179 09/13/10 U0003 U.S. MUNICIPAL SUPPLY, INC. 194,275.00 2619
52180 09/13/10 U0011 UPPER TOWNSHIP BASEBALL 5,829.00 2619
52181 09/13/10 U0025 UNITED STATES POSTAL SERVICE 3,500.00 2619
52182 09/13/10 V0001 VCI EMERGENCY VEHICLE 89.14 2619
52183 09/13/10 V0013 VERIZON WIRELESS 277.15 2619
52184 09/13/10 V0022 VERIZON 173.60 2619
52185 09/13/10 V0024 VAL-U AUTO PARTS L.L.C. 144.15 2619
52186 09/13/10 W0030 WEST PUBLISHING CO. 679.88 2619
52187 09/13/10 Y0008 YOUNG, DANIEL J. ESQUIRE PC 23,800.00 2619
52188 09/13/10 Y0012 YOUNG,ROBERT 175.49 2619
52189 09/13/10 Y0023 YOUNG, DANIEL J. ATTORNEY 2,625.00 2619
52190 09/13/10 Z0001 ZOLL MEDICAL CORPORATION 168.96 2619

Total: \$347,220.48 0.00