

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR SEPTEMBER 27, 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 - September 13, 2010 Regular Meeting and

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

REPORT OF GOVERNING BODY MEMBERS

Kristine Gabor: reported on Animal Control items in that she attended a recent meeting of the Cape May County Animal Shelter Advisory Board and that their Spay and Neuter program is progressing satisfactorily. With regards to Recreation she reported that she is recommending a five person Recreation Advisory Board which would consist of the Recreation Department Head which is herself and four Township residents. It was presented to the Recreation Committee this past week and after much discussion was approved by a majority vote. The Recreation Committee will no longer be an official committee of the Township and last Thursday was their last meeting. She discussed the responsibility of the Advisory Board. She requested permission from the Committee to move forward and work with the Township Attorney on getting together a resolution (or ordinance if necessary). The reason for the changes is that the Supervisor is retiring and we have no plans to replace her so we need to streamline our process and make it as efficient as possible. Also, it is important to have an Advisory Board that maintains objectivity concerning Recreation. She put that in the form of a motion and Frank Conrad seconded with all five Committee members voting in the affirmative. It was discussed that the Township Committee would appoint the Advisory Committee. It was discussed that a draft of the rules and regulations should be available for prospective Advisory Board members so that they are clear of what is expected.

Jay Newman: He reported that the annual Fire Prevention Awareness week will be observed in Upper Township Schools on October 5th and 6th with fire safety and prevention activities. Also, on the

evening of October 6th the Marmora Fire Department will host a Fire Prevention program at the Marmora Fire House from 5:30 p.m. to 7:30 p.m. He invited everyone to attend.

Frank Conrad: discussed the possibility of selling the former Township Hall building and ordering an appraisal of the property. It was discussed that a commercial appraisal would be more costly than a residential. Mr. Dietrich will research the matter further and report to the Committee at a future meeting.

Richard Palombo: reported on a request from Steven Martinelli and the Upper Township Business Association for revisions to the Upper Township sign Ordinance. Mayor Palombo referred the matter to the Planning Board for their consideration. The Mayor also discussed a request from Ralph Holt, and a letter received from the County to rezone certain Tuckahoe Road properties as Commercial. He reported that he spoke to Freeholder Director Beyel and the future county plan is a proposal to include a signal light at the Church in order to address traffic issues and the area's future development. Mayor Palombo referred the matter to the Planning Board to request their input and recommendations. Mr. Palombo also reported on a recent meeting he attended with the Ocean City/Upper Township Noon Rotary Club at which the members discussed an initiative to start a new program entitled "Angel Associates". The program would provide free support services to parents and siblings who are dealing with drug addiction and/or alcohol abuse as well as providing the most up to date information for parents on warning signs, drug testing, and treatment. The Rotary Club is hoping to see this program go countywide.

OTHER REPORTS

Daniel Young, Municipal Attorney: reported that he has several items for closed session: Litigation Grubb v. Upper Township, a matter of Contract negotiations with respect to NIA Group for employee benefits consultant services, and a Personnel hearing matter.

Paul Dietrich, Municipal Engineer: requested permission to hire a part time Laborer. The Committee directed that the matter be looked at again later when more information is available about the injury status of members of the workforce. He also recommended putting several items that are no longer needed for Township use up for sale on an online auction. Motion was made by Curtis Corson, seconded by Frank Conrad to dispose of the surplus equipment through the use of an online auction. During roll call vote all five Committee members voted in the affirmative. A resolution will be placed on a future agenda.

PRESENTATION

- 1. Upper Township Board of Education--presentation of the UTBE's building initiative for a new elementary school.** James Arsenault, from the Upper Township Board of Education discussed their long-range facilities building plan, which options include but are not limited to the possible building of a new school building on the site of the existing Elementary school. He explained this has been discussed by the School Board for the past 5 years and the booklet presented this evening to the Township Committee is exactly what the School Board has been working with. (He invited the public to consult their website to view the power point presentation.) Present also were architect Robert Garrett to discuss the building and renovation plans, and School Board auditor Mr. Garcia to address the financing. Mr. Arsenault discussed that the Board has four presentations planned over the next 6 weeks starting with tours of each school showing the exact areas the architects have recommended for potential renovation. The tours include information on environmental impact, green initiative plans, as well as financing plans. The public referendum is targeted for January 25, 2011 and there was discussion as to

how the proposed date was chosen. There was concern that the referendum would fall when many residents are away for the winter and why it is not the same time as the school budget election. The School Board explained that state statute allows 2 dates in both spring and fall, and due to the State Grant funding it is necessary to hold the referendum in January or possibly risk losing the funding. The plan shows a new elementary school and major renovations on both the Primary and Middle Schools, which Mr. Garrett reviewed in depth. Plans also include removal of the “temporary classrooms” at the Elementary School site as well as renovations in rooftop air conditioning and heating, also new sidewalks and redesign of the bus drop off area. Mr. Garcia discussed that state grant funding of \$6 million is available and that it was important to have the referendum in January so that the bonds to pay for the school can be sold early. The total cost of the new school and renovations and additions to the Primary and Middle Schools is estimated at \$38,560,244; Actual Debt estimated at \$3,434,850; State Grants \$6,367,348; and the local Share is expected to be \$28,768,046. He presented several options to pay for the improvements and new school over 15, 20 and 25 years and explained that the impact for \$100,000 assessment in the 25-year scenario is \$79.20 and that the school would add \$269.60 a year to the average homeowner’s tax bill over 25 years of assessment. The Committee thanked the School Board for the presentation and the next order of business began.

RESOLUTIONS

2. Honoring Brenda Layton on her retirement from the Township of Upper .

TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 203 -2010
HONORING BRENDA LAYTON
ON HER RETIREMENT FROM THE TOWNSHIP OF UPPER

WHEREAS, Brenda Layton will soon be retiring from public service to this community and her position of Supervisor of Recreation for the Township of Upper after twenty-five (25) years of dedicated service; and

WHEREAS, her years of faithful and dedicated service to the Township of Upper were a powerful influence in the growth of this community’s youth and adult recreational programs that are second to none both in Cape May County and the State of New Jersey; and

WHEREAS, Brenda has also served her community with great honor and distinction in working for its betterment and demonstrating her concern for others especially our youth through her tireless support of programs such as the Upper Township/Ocean City Municipal Alliance Committee, an organization whose

primary goal is the prevention of drug and alcohol use by our youth; and the Clean Communities Program, a statewide program developed to keep New Jersey communities litter free through community-wide clean up days.

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

1. That Brenda Layton is publicly congratulated on the occasion of her retirement from the Township of Upper.
2. That she be publicly thanked for her many years of dedicated public service to our community.
3. That this Committee, on behalf of all the citizens of the Township of Upper extend to Brenda Layton, our fellow employee and friend, our very best of wishes on her retirement and her future endeavors.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 27th day of September, 2010.

Resolution No. 203-2010
 Offered by: Gabor
 Adopted: September 27, 2010
 Roll Call Vote:

Seconded by: Newman

| NAME | YES | NO | ABSTAINED | ABSENT |
|---------|--------------|-------------------|-------------------|-------------------|
| Gabor | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Conrad | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Corson | <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. Congratulating employee George Grund of the Upper Township Public Works Department for his winning entry in the Upper Township Safety Award program for the 4th quarter of 2010.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 R E S O L U T I O N
 RESOLUTION NO. 204-2010
 RE: CONGRATULATING EMPLOYEE GEORGE GRUND
 OF THE UPPER TOWNSHIP PUBLIC WORKS DEPARTMENT
 FOR HIS WINNING ENTRY IN
 THE UPPER TOWNSHIP SAFETY AWARD PROGRAM FOR THE 4TH QUARTER OF 2010**

WHEREAS, employee George Grund is recognized for his efforts to promote safety for his fellow employees and residents of the Township through his participation in the Upper Township Safety Award Program with a submission of a safety suggestion; and

WHEREAS, George's safety suggestion was chosen by the Upper Township Safety Committee from the seven entries submitted in the fourth quarter for the promotion of safety for employees and the community; and

WHEREAS, George should be publicly recognized for reporting that a recycling container at Caldwell Park was broken with the sharp frame post exposed; 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. That the Committee extends its appreciation and publicly recognizes George Grund on his commitment to safety by his identifying a potential hazard and presenting a solution through participation in the program.
2. That the Committee, on behalf of our employees and the citizens of the Township of Upper extend to George Grund our congratulations and present him with the "Safety Day Award" of one day off with pay.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 27th day of September, 2010.

Resolution No. 204-2010
Offered by: Newman
Adopted: September 27, 2010

Seconded by: Gabor

Roll Call Vote:

| NAME | YES | NO | ABSTAINED | ABSENT |
|---------|--------------|-------------------|-------------------|-------------------|
| Gabor | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Conrad | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Corson | <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. Approval of a payment plan for a Municipal Lien placed on Block 306, Lot 27 on the tax map of the Township of Upper.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 205-2010

RE: APPROVAL OF A PAYMENT PLAN FOR A MUNICIPAL LIEN PLACED ON BLOCK 306, LOT 27 ON THE TAX MAP OF THE TOWNSHIP OF UPPER

WHEREAS, the Township Committee previously passed Resolution No. 190-2009, Authorizing the Demolition of a Structure at 2236 Route-50 in Tuckahoe as an Emergent Condition and Collection of Costs as a Municipal Lien on

Block 306, Lot 27, which authorized the expenditure of Seven Thousand, Seven Hundred Twenty-Three (\$7,723.00) Dollars to EarthTech Contracting, Inc. and Four Thousand, Four Hundred Fifty (\$4,450.00) Dollars to Klemco., Inc., for the removal of asbestos siding and the demolition of the structure at 2236 Route-50 in Tuckahoe, owned by Rosemary Bonner (hereinafter "Bonner"), which resulted in a cost to the Township of Twelve Thousand, One Hundred Seventy-Three (\$12,173.00) Dollars, a copy of said Resolution is incorporated by reference hereto; and

WHEREAS, the Township Committee previously passed Resolution 045- 2010, Authorizing an Additional Expenditure for the Demolition of an Unsafe Structure Located at 2236 Route-50, in Tuckahoe, and Collection of Costs as an Municipal Lien on Block 306, Lot 27, On The Tax Map of The Township of Upper, which authorized an additional cost of Two Thousand, Six Hundred Forty (\$2,640.00) Dollars to EarthTech Contracting, Inc., which was necessary for filling in the foundation of the structure previously located at 2236 Route-50 in Tuckahoe, a copy of said Resolution is incorporated by reference hereto; and

WHEREAS, the Township currently has a Municipal Lien in the amount of Fourteen Thousand, Eight Hundred Thirteen (\$14,813.00) Dollars against the property located at 2236 Route 50, Tuckahoe, NJ, Block 306, Lot 27;

WHEREAS, Bonner owes the Township a total amount of Fifteen Thousand, Eight Hundred Fifteen and 99/100 (\$15,815.99) Dollars, which represents Fourteen Thousand, Eight Hundred Thirteen (\$14,813.00) Dollars for the previously-entered Municipal Lien relating to said demolition costs, and an additional One Thousand, Two and 99/100 (\$1,002.99) Dollars, which represents unpaid real estate taxes and interest on the property located at 2236 Route-50 in Tuckahoe; and

WHEREAS, the owner of the property located at 2236 Route-50 in Tuckahoe, New Jersey, Bonner, has proposed a payment plan in order to avoid the Township of Upper from offering the Municipal lien for sale, and reducing the unpaid taxes to a tax lien certificate at the next scheduled tax sale;

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 total amount owed by property owner Bonner for the property located at 2236 Route-50 in Tuckahoe, for unpaid taxes and the Municipal lien which had been previously placed on said property being Block 306, Lot 27, is \$15,815.99.
3. The property owner Bonner will pay Two Hundred Seventy (\$270.00) Dollars per month to the Township of Upper on the first of each month, beginning October 1, 2010, for a period of Fifty-Eight (58) months, which will conclude on July 1, 2015.

4. The property owner Bonner will then make a Final Payment of One Hundred Fourteen and 01/100 (\$114.01) Dollars as of August 1, 2015. (A copy of said Agreement is attached and incorporated by reference as Exhibit "A").

5. The Township's agreement to accept such a payment plan is conditioned upon the property owner, Bonner, continuing to pay all subsequent real estate taxes, assessments and any other Municipal liens imposed in a prompt manner and remaining current on all said obligations during the term of this agreement.

6. If the property owner Bonner runs delinquent on any of the payments required under this agreement, or any subsequent tax, assessment and/or Municipal lien obligations, then said agreement shall be void and the Township officer charged by law with the duty to collect said Municipal liens and taxes shall proceed to enforce the current Municipal lien by selling it in the manner prescribed under New Jersey law.

7. This Resolution ratifies, confirms and approves actions taken by the Township Committee, by Motion, at the meeting of September 13, 2010.

Resolution No. 205-2010

Offered by: Conrad

Seconded by: Newman

Adopted: September 27, 2010

Roll Call Vote:

| NAME | YES | NO | ABSTAINED | ABSENT |
|---------|--------------|-------------------|-------------------|-------------------|
| Gabor | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Conrad | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Corson | <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. Accepting the bid of and authorizing the execution of a contract with VCI Emergency Vehicle Specialists of Berlin, New Jersey for the 2010 or Newer Chassis and Remount on Existing Rescue Squad Ambulance Body project at a cost of \$84,877.80.

TOWNSHIP OF UPPER

CAPE MAY COUNTY

R E S O L U T I O N

RESOLUTION NO. 206-2010

RE: ACCEPTING THE BID OF AND AUTHORIZING THE

EXECUTION OF A CONTRACT WITH VCI EMERGENCY

VEHICLE SPECIALISTS OF BERLIN, NEW JERSEY FOR THE 2010 OR NEWER AMBULANCE

CHASSIS AND REMOUNT ON EXISTING RESCUE SQUAD

AMBULANCE BODY AT A COST OF \$84,877.80

WHEREAS, the Township of Upper has solicited bids for the 2010 or newer ambulance chassis and remount on existing Rescue Squad ambulance body, which bids were received on August 31, 2010; and

WHEREAS, the only bid submitted was from VCI Emergency Vehicle Specialists, Berlin NJ, in the amount of \$84,877.80; and

WHEREAS, Township Engineer, Paul Dietrich reported said results at the regular meeting of the Township Committee held on September 13, 2010, and further reported that in his professional opinion VCI Emergency Vehicle Specialists is a responsible bidder; and

WHEREAS, the Chief Financial Officer of the Township of Upper has certified the availability of funds attached hereto as "Exhibit A" in a sufficient amount to award a contract for \$84,877.80, to which the contract will be charged to the Capital Improvement Fund; and

WHEREAS, the Township intends to take formal action awarding the bid to VCI Emergency Vehicle Specialists;

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 hereby accepts the bid submitted by VCI Emergency Vehicle Specialists, 43 Jefferson Avenue, Berlin NJ, 08009 for the 2010 or newer ambulance chassis and remount on existing rescue squad ambulance body in the amount of \$84,877.80, subject to the following:

- (A) The Bidder shall comply with all Bid Documents, including the Notice to Bidders, all of which are hereby incorporated herein by this reference.
- (B) The Contract to be entered into must comply in all respects with applicable federal, state and local laws and regulations.
- (C) The Bidder 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.

3. The Mayor and Township Clerk are further authorized to execute a Contract with the successful bidder and/or the Chief Financial Officer is hereby authorized, directed and empowered to issue a Purchase Order to the successful bidder in the amount authorized in this Resolution.

Resolution No. 206-2010

Offered by: Newman

Seconded by: Conrad

Adopted: September 27, 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> |

6. Authorizing the Chief Finance Officer to withdraw funds in the amount of \$53,500 from the account entitled Recreation Trust Fund-Developers, for recreational improvements.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION

RESOLUTION NO. 207-2010

RE: AUTHORIZING THE CHIEF FINANCE OFFICER TO WITHDRAWAL FUNDS IN THE AMOUNT OF \$53,500.00 FROM THE ACCOUNT ENTITLED RECREATION TRUST FUND-DEVELOPERS FOR RECREATIONAL IMPROVEMENTS

WHEREAS, it is necessary for the Township of Upper to make certain improvements at the Amanda’s Field Recreation Complex and Caldwell Park; and

WHEREAS, a recommendation for improvements have been made to the Township Committee and duly considered at the meeting of September 13, 2010; and

WHEREAS, the Township Resolution 149-2010 has previously authorized spending \$20,000.00 for general repairs at Amanda’s Field;

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

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

2. The Chief Financial Officer of the Township of Upper is hereby authorized, directed and empowered to withdraw funds in the amount of \$53,500.00 as shown on Exhibit "A" from the account entitled Recreation Trust Fund-Developers for improvements at various Township recreational facilities.

3. This Resolution ratifies, confirms and approves action taken by the Township Committee, by motion, at the meeting of September 13, 2010.

Resolution No.207-2010

Offered by: Gabor Seconded by: Conrad

Adopted: September 27, 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> |

Exhibit "A"

| | |
|--|--------------------|
| Miscellaneous Repairs & Upgrades | \$20,000.00 |
| Hockey Lighting at Amanda's Field | \$25,000.00 |
| Fencing at Amanda's Field | \$8,000.00 |
| Reconstruction of Tot Swing at Caldwell Park | \$500.00 |
| TOTAL | \$53,500.00 |

ORDINANCES

7. Introduction and First Reading of Ordinance No. 011-2010, RE: AUTHORIZING THE USE OF UP TO \$23,000 FROM THE CAPITAL IMPROVEMENT FUND FOR ACQUISITION OF A PHONE SYSTEM FOR THE TOWNSHIP OF UPPER.

Motion by Curtis Corson second by Frank Conrad to introduce Ordinance No. 011-2010 with public hearing scheduled for October 12, 2010 at 7:30 P.M. During roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
O R D I N A N C E
ORDINANCE NO. 011-2010**

**RE: AUTHORIZING THE USE OF UP TO \$23,000.00
FROM THE CAPITAL IMPROVEMENT FUND FOR ACQUISITION OF AN PHONE
SYSTEM FOR THE TOWNSHIP OF UPPER**

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

SECTION 1. The improvement described in Section 2 of this Ordinance is hereby authorized to be undertaken by the Township of Upper, New Jersey as a general improvement. For the improvement or purpose described in Section 2, there is hereby appropriated the sum of up to \$23,000.00 from the Capital Improvement Fund.

SECTION 2.

(a) The improvement hereby authorized is for the acquisition of a new phone system at the Municipal Building, Community Center, Rescue Squad Building and Public Works Building, including all related costs and expenditures incidental thereto.

(b) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefore.

SECTION 3. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 2 of this Ordinance is not a current expense. It is an improvement or purpose that the Township of Upper may lawfully undertake as a general improvement and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose is within the limitations of the Local Bond Law.

SECTION 4. Any grant monies received for the purpose described in Section 2 hereof shall be applied either to direct payment of the cost of the improvement or to payment

of the obligations issued pursuant to this Ordinance. The amount of obligation authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

SECTION 5: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 6: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 7: 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 27th OF SEPTEMBER, 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 12th DAY OF October, 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

NEW BUSINESS

8. **Echo Farms RV Resort, LLC / Edward N. Belski--request to purchase Township owned property Block 558, Lot 45.** Due to conflict of interest the matter was moved to the next agenda at which time conflict attorney Norman Briggs will appear to represent the Township. Motion made by Richard Palombo, second by Jay Newman to table to next meeting.

UNFINISHED BUSINESS:

DISCUSSION

9. **Further review and discussion of the formation of a five (5) member Recreation Advisory Committee.** This item was previously discussed on page 1 of the Minutes.

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: \$152,806.82
Payroll: \$167,950.28

REPORT OF MUNICIPAL DEPARTMENTS:

10. MUA Report

The reports are available from the Clerk’s Office.

PUBLIC COMMENT

Carol Foster, Mayor of Corbin City, discussed an offer by Corbin City to sell the former Atlantic County Regional Day School and Hostler Hall to the Township rather than build a new school.

Ted Kingston of 5 East Willard Ave, Strathmere: discussed doing an impact study on the cost to taxpayers in Strathmere. He is worried that it could create more “for sale” signs and more people being forced out of the Township.

Russel Morano 5 Red Oak Dr. Marmora: would like the School Board to find other alternatives to building a new school. He is worried about increase in taxes and wants to see the School Board explore other options.

William Collins, 413 Aetna Dr. Corbin City: asked for clarification on the tax rate.

Robert Malkiewicz: asked about the referendum and if the School Board does not raise the money the money from the State of New Jersey will be gone.

Carol Iverson: a member of the Corbin City Board of Education is in favor of using the Corbin City facility.

CLOSED SESSION

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

TOWNSHIP OF UPPER
MOTION GOING INTO CLOSED SESSION
September 27, 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 – Grubb v. Upper Township
2. Personnel matters

3. Contract negotiation – NIA Group n/k/a Marsh & McLennan Agency, LLC

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

During roll call vote all five Township Committee members voted in the affirmative.

Personnel matter

RECONVENE PUBLIC PORTION OF MEETING

ADJOURNMENT

There was no further business for this evening and the meeting was adjourned at 10:50 PM. Next meeting scheduled for October 12, 2010 at 7:30 P.M.

Minutes prepared by

Wanda Gaglione, RMC
Municipal Clerk

BILL LIST

52193 09/27/10 A0006 ADVANCE TREADS INC 116.00 2621
52194 09/27/10 A0017 A.C.M. JIF C/O T. FREEDMAN 87,512.00 2621
52195 09/27/10 A0020 ACU-THERM SUPPLY CO.,INC. 132.44 2621
52196 09/27/10 A0024 ADVANCE DOOR & SUPPLY CO. 67.00 2621
52197 09/27/10 A0025 ADVANTAGE RENTAL ACE HARDWARE 1,218.10 2621
52198 09/27/10 A0070 ALBERTSONS/ACME 105.12 2621
52199 09/27/10 A0091 ATLANTIC CITY ELECTRIC 13,574.68 2621
52200 09/27/10 A0117 AT&T 21.46 2621
52201 09/27/10 A0143 ASPLUNDH BUICK-GMC INC 512.02 2621
52202 09/27/10 B0035 BELMONT & CRYSTAL SPRINGS 726.34 2621
52203 09/27/10 B0052 BENNETT BATTERIES,LLC. 1,047.00 2621
52204 09/27/10 B0076 BOND,LAURENCE E. 1,661.63 2621
52205 09/27/10 B0092 BROKER, EUGENE JR. 144.00 2621
52206 09/27/10 B0170 BLOOMSTEAD, SCOTT 160.00 2621
52207 09/27/10 B0171 BORNHARDT, FRED 240.00 2621
52208 09/27/10 B0182 BRIGGS LAW OFFICE, P.C. 2,326.94 2621
52209 09/27/10 C0030 CAMP, BARBARA 128.41 2621
52210 09/27/10 C0068 COMCAST 219.96 2621
52211 09/27/10 C0131 CINTAS FIRST AID & SAFETY 229.18 2621
52212 09/27/10 C0138 COASTAL MECHANICAL SYSTEMS INC 116.25 2621
52213 09/27/10 C0143 CODY'S POWER EQUIPMENT 114.80 2621
52214 09/27/10 C0201 CRUZAN'S TRUCK SERVICE INC. 1,050.62 2621
52215 09/27/10 C0221 CRAGER, GARY 176.91 2621

52216 09/27/10 C0223 CASA PAYROLL SERVICE 272.35 2621
 52217 09/27/10 C0233 CHAMPION AMERICA 524.16 2621
 52218 09/27/10 D0016 DALEY,FREDERICK T/A DALEYS PIT 40.00 2621
 52219 09/27/10 D0040 DELTA DENTAL OF N.J. INC. 6,864.57 2621
 52220 09/27/10 D0129 DINO'S DINER 40.00 2621
 52221 09/27/10 F0002 FENTON, JOSEPH III 220.00 2621
 52222 09/27/10 F0015 FRANKEL, AL 240.00 2621
 52223 09/27/10 F0016 FAZZIO, JOSEPH INC. 1,142.50 2621
 52224 09/27/10 F0048 FOGG, LESLIE INC. 592.19 2621
 52225 09/27/10 G0002 GAGLIONE, WANDA 32.00 2621
 52226 09/27/10 G0006 GARBUTT,PATRICIA A. 110.50 2621
 52227 09/27/10 G0028 GENTILINI FORD 239.33 2621
 52228 09/27/10 G0135 GRUCCIO,PEPPER,DeSANTO & RUTH 2,000.00 2621
 52229 09/27/10 H0012 HALL,ARTHUR 26.00 2621
 52230 09/27/10 H0018 HAROLD RUBIN/L & H SUPPLY 192.40 2621
 52231 09/27/10 K0034 KOHLER, CLAUDE JR. 251.97 2621
 52232 09/27/10 K0037 KOHLER, JOHN F 144.00 2621
 52233 09/27/10 L0040 LEA, SHELLEY 12.41 2621
 52234 09/27/10 M0046 MASON, DAVID 146.54 2621
 52235 09/27/10 M0059 MCDANIELS, WILLIAM J. III 86.00 2621
 52236 09/27/10 M0076 MGL PRINTING SOLUTIONS 156.00 2621
 52237 09/27/10 M0103 MODERN GAS COMPANY, INC. 55.00 2621
 52238 09/27/10 M0174 MCAFEE MEGAN 32.36 2621
 52239 09/27/10 M0188 MCCARTHY TIRE SERVICE OF PHILA 867.46 2621
 52240 09/27/10 N0043 NAPA AUTO PARTS OF S.JERSEY 39.42 2621
 52241 09/27/10 N0052 NATL YOUTH SPORTS COACHED ASSN 480.00 2621
 52242 09/27/10 N0070 NIA GROUP ASSOCIATES, LLC 2,500.00 2621
 52243 09/27/10 O0006 SJSHORE MARKETING,LLC 336.50 2621
 52244 09/27/10 P0008 PALMER, NANCY 27.00 2621
 52245 09/27/10 P0032 PEDRONI FUEL CO. 1,355.97 2621
 52246 09/27/10 P0063 PAONE, LOU 160.00 2621
 52247 09/27/10 P0096 PREVITI,MICHELE M. 611.16 2621
 52248 09/27/10 P0121 PENGUIN COMMUNICATION LLC 80.64 2621
 52249 09/27/10 Q0008 QUILL CORPORATION 76.18 2621
 52250 09/27/10 R0030 RIGGINS, INC. 4,181.05 2621
 52251 09/27/10 R0073 RICOH AMERICAS CORPORATION 512.10 2621
 52252 09/27/10 R0076 REGISTRARS' ASSOCIATION N.J. 98.00 2621
 52253 09/27/10 R0092 RUTGERS, THE STATE UNIVERSITY 536.00 2621
 52254 09/27/10 S0015 SMYTH, PATRICIA 14.99 2621
 52255 09/27/10 S0020 AM SAN 280.62 2621
 52256 09/27/10 S0021 SCHAFFER, MELLISSA 150.00 2621
 52257 09/27/10 S0097 SMH CPR TRAINING CENTER 84.00 2621
 52258 09/27/10 S0112 SOUTH JERSEY COURT ADM. ASSOC. 25.00 2621
 52259 09/27/10 S0134 SO. JERSEY GAS COMPANY 91.76 2621
 52260 09/27/10 S0196 STEWART BUSINESS SYSTEMS LLC 110.50 2621
 52261 09/27/10 S0209 STAPLES ADVANTAGE 1,989.91 2621
 52262 09/27/10 S0239 SHORE VET. ANIMAL CONTROL 2,200.00 2621
 52263 09/27/10 S0249 SPORT SUPPLY GROUP, INC 3,199.00 2621
 52264 09/27/10 S0250 SOUTH JERSEY GLASS & DOOR CO 25.00 2621
 52265 09/27/10 T0018 TEKK COMM COMMUNICATIONS 84.85 2621
 52266 09/27/10 T0020 TERWILLIGER, DUANE E. 266.00 2621
 52267 09/27/10 T0032 THE PRESS & SUNDAY PRESS 186.39 2621
 52268 09/27/10 T0033 THE PRESS OF ATLANTIC CITY 117.42 2621
 52269 09/27/10 V0001 VCI EMERGENCY VEHICLE 209.54 2621
 52270 09/27/10 V0005 VAN EMBDEN, NATHAN, ATTORNEY 3,262.50 2621
 52271 09/27/10 V0022 VERIZON 2,191.36 2621
 52272 09/27/10 V0024 VAL-U AUTO PARTS L.L.C. 59.52 2621
 52273 09/27/10 W0038 WILLIAMS, JEREMIAH J. 10.00 2621
 52274 09/27/10 W0050 WIRELESS ELECTRONICS, INC. 897.54 2621
 52275 09/27/10 W0063 WRESTLER'S WORLD 353.90 2621
 52276 09/27/10 W0077 WAWA 114.40 2621

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Total: \$152,806.82