

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR NOVEMBER 22, 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	Absent
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 - November 8, 2010 Regular Meeting and
Closed Session Minutes**

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

REPORT OF GOVERNING BODY MEMBERS

The Clerk requested that an additional resolution for a Budget Transfer be added to the agenda. In addition she requested if item #1 on the agenda could have the phrase “effective the first pay in October” be added to it. Motion by Jay Newman, seconded by Kristine Gabor to add the Budget Transfer resolution to the agenda and to allow the additional language to paragraph 2 of agenda item #1 for the resolution for Joanne Herron. During roll call vote all four Committee members present voted in the affirmative.

Frank Conrad: thanked Township employee, Jim Schuler for doing a great job with the new landscaping and Christmas decorating at Township Hall. This evening the annual Rotary Christmas Tree Lighting ceremony was held and the building was beautiful. He also reported that the Tuckahoe Merchants Association will hold their annual Christmas in the Country event and parade Saturday December 4, 2010 at 9:00 A.M. with the parade stepping off at 10:00 A.M. The Township Committee will participate in the parade.

Kristine Gabor: reported that she received a request from Upper Township Inline Hockey Association to hold an evening “Skate with the Stars” event that included a bonfire at Amanda’s Field on December 18, 2010. Committee members expressed concerns with the bonfire with regards to liability insurance and fire protection. It was also discussed that a Forest Fire permit would be required and recommended that the local Fire District be made aware of the event and be present as well. Motion by Kristine Gabor, second by Jay Newman to authorize Upper Township Inline Hockey Association to have an evening skate night including a controlled bonfire at Amanda’s Field on December 18, 2010, provided all necessary permits are obtained. During roll call vote all four Committee members present voted in the affirmative.

Ms. Gabor also discussed handicap accessibility at the Upper Township Dog Park and that only portions of facility are handicap accessible.

Richard Palombo: acknowledged Patricia Smyth’s successful completion of the Rutgers course “Principals of Municipal Tax Collection One”.

OTHER REPORTS

Daniel Young: reported that he had several items for closed session as follows: contract negotiations-the Collective Bargaining Agreement status; Litigation-Ginn v. Upper Township; Litigation Upper Township v. Yank and Sansone and some Personnel matters.

Paul Dietrich: gave an update on the following projects: he reported that Cape May County is currently accepting RFPs for engineering services for the reconstruction of Hope Corson Road; the County has almost completed the installation of 4-way flashing lights at Hope Corson Road & Stagecoach Road. The NJ DOT is moving along on the traffic light project at Rt-50 & Hope Corson Road, the Clean Shores program is continuing to install snow fence along the beaches in Strathmere, the Township received a \$50,000 grant to do energy systems upgrades at the Township Municipal Building. The installation of a new phone system for Municipal offices is scheduled for installation on November 23rd.

Mr. Dietrich also discussed replacing the playground equipment at Caldwell Park. Motion was made by Kristine Gabor, seconded by Jay Newman to authorize the purchase of playground equipment for the Fort Nuwi recreation area at Caldwell Park. During roll call vote the four Committee members present voted in the affirmative.

Mr. Dietrich also reported he had one item for closed session that being Contract Negotiations.

RESOLUTIONS

- 1. Appointment of Joanne Herron as Alternate Deputy Registrar of Vital Statistics for the Upper Township Clerk’s Office.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

RESOLUTION
RESOLUTION NO. 224-2010
RE: APPOINTMENT OF JOANNE HERRON
AS ALTERNATE DEPUTY REGISTRAR OF VITAL STATISTICS
FOR THE UPPER TOWNSHIP CLERK'S OFFICE

WHEREAS, a need exists to appoint an Alternate Deputy Registrar to the Clerk's Office; and

WHEREAS, a recommendation has been made to the Township Committee and duly considered at the meeting of November 8, 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. Joanne Herron is hereby appointed as Alternate Deputy Registrar of Vital Statistics effective October 1, 2010 the first pay in October at a salary in accordance with the Salary Ordinance.
3. This Resolution ratifies, confirms and approves action taken by the Township Committee, by motion, at the meeting of November 8, 2010.

Resolution No. 224 -2010
 Offered by: Newman Seconded by: Conrad
 Adopted: November 22, 2010
 Roll Call Vote:

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

2. Appointment of Brad Hickman as a part-time employee to the Upper Township Public Works Department.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO.225-2010
RE: APPOINTMENT OF BRAD HICKMAN
AS A PART-TIME EMPLOYEE
TO THE UPPER TOWNSHIP PUBLIC WORKS DEPARTMENT**

WHEREAS, a need exists to appoint qualified personnel as part-time employee to the Upper Township Public Works Department to insure optimal operation; and

WHEREAS, a recommendation has been made to the Township Committee and duly considered at the meeting of November 8, 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. Brad Hickman is hereby appointed in a part-time position effective immediately pending pre-employment testing at a salary of \$10.50 per hour in accordance with the Salary Ordinance.

3. This Resolution ratifies, confirms and approves action taken by the Township Committee, by motion, at the meeting of November 8, 2010.

Resolution No. 225-2010

Offered by: Newman Seconded by: Gabor

Adopted: November 22, 2010

Roll Call Vote:

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

3. Establishing the Sports and Recreation Program Advisory Board and adopting Advisory Board By-Laws and Rules and Regulations for Upper Township Sports and Recreation Programs.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 226-2010
RE: ESTABLISHING THE SPORTS AND RECREATION PROGRAM ADVISORY BOARD
AND ADOPTING ADVISORY BOARD BY-LAWS AND RULES AND REGULATIONS FOR
UPPER TOWNSHIP SPORTS AND RECREATION PROGRAMS**

WHEREAS, the Township Committee of the Township of Upper has determined that it is appropriate to create an advisory board for sports and recreation programs in the Township and establish by-laws for said board; and

WHEREAS, the Township Committee has also determined that it is appropriate to formally establish rules and regulations for Upper Township sports and recreation programs and the use of Upper Township facilities in connection with such programs; 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 creates the Sports and Recreation Programs Advisory Board and establishes same in accordance with the by-laws attached hereto as Exhibit A which are hereby approved and adopted.

3. The Township Committee of the Township of Upper hereby adopts formal rules and regulations for the operation of Upper Township sports and recreation programs and the use of Upper Township facilities in connection with such programs as set forth in Exhibit B attached hereto.

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. 226-2010

Offered by: Gabor

Seconded by: Conrad

Adopted: November 22, 2010

Roll Call Vote:

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

4. Appointment of LeGore & Jones Appraisal Services and Michael D. Jones 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. 227-2010

RE: APPOINTMENT OF LeGORE & JONES APPRAISAL SERVICES AND MICHAEL D. JONES

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 real property owned by the Township with respect to the anticipated sale of said real property; and

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

WHEREAS, LeGore & Jones Appraisal Services and Michael D. Jones have completed and submitted a Business Entity Disclosure Certification which certifies that LeGore & Jones Appraisal Services and Michael D. Jones have 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 LeGore & Jones Appraisal Services and Michael D. Jones from making any reportable contributions through the term of the contract; and

WHEREAS, the Township has decided to acquire the services of LeGore & Jones Appraisal Services and Michael D. Jones 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. LeGore & Jones Appraisal Services and Michael D. Jones with offices at 15 South Main Street, Suite 4, Cape May Court House, New Jersey are hereby appointed appraiser for the Township of Upper for the appraisal of a portion of Block 350, Lot 12 in connection with the Township's anticipated sale of said lot.

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 LeGore & Jones Appraisal Services and Michael D. Jones have 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 LeGore & Jones Appraisal Services and Michael D. Jones 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 LeGore & Jones Appraisal Services and Michael D. Jones 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. 227-2010

Offered by: Conrad

Seconded by: Newman

Adopted: November 22, 2010

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
CONRAD	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
CORSON	<u> </u>	<u> </u>	<u> </u>	<u> X </u>
GABOR	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
NEWMAN	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
PALOMBO	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

5. 2010 Tax Refund.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
Resolution No. 228-2010
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. 228-2010

Offered by: Conrad Seconded by: Gabor

Adopted: November 22, 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>
453/310.11	\$1,060.03	FIRST AMERICAN R/E TAX SERVICE PO BOX 961250 FORTWORTH, TX 76161-9887

4TH QTR PAID BY TITLE CO FOR NEW OWNER & MTG CO FOR OLD OWNER

599/52	\$1,792.20	ROSS ENTERPRISES 245 N. VIRGINIA AVE CARNEYS POINT, NJ 08069
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4TH QTR PAID BY TITLE CO FOR NEW OWNER & OLD OWNER PAID IN ERROR.

6. Approval of a payment plan for the Final Judgment against Joseph Paynter Jr. and Elma Lou Paynter in the matter of Township of Upper v. Joseph Paynter and Elma Lou Paynter.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 229-2010
RE: APPROVAL OF A PAYMENT PLAN FOR THE FINAL JUDGMENT AGAINST
JOSEPH PAYNTER JR. AND ELMA LOU PAYNTER IN THE MATTER OF TOWNSHIP
OF UPPER V. JOSEPH PAYNTER AND ELMA LOU PAYNTER**

WHEREAS, The Paynters are the owners of certain property located in Upper Township. The Property is commonly known as 1786 Mt. Pleasant Road, Tuckahoe, New Jersey; and

WHEREAS, the Township instituted litigation against the Paynters regarding their Property located in Upper Township, Township of Upper v. Joseph Paynter, Jr. and Elma Lou Paynter, Docket Number CPM-C-83-09 in the Superior Court of New Jersey, Cape May County, Chancery Division (hereafter, the “Chancery Division Lawsuit”); and

WHEREAS, the Chancery Division Lawsuit was filed by the Township to enforce the terms of a Settlement Agreement entered into between the Township and the Paynters dated October 31, 2008 (hereinafter “Settlement Agreement”), and approved by Township Resolution, No 288- 2008, dated November 24, 2010; and

WHEREAS, on August 26, 2010, the Honorable William Todd entered a Final Judgment in the Chancery Division Lawsuit in the amount of \$26,600.00 against the Paynters and in favor of the Township, as well as setting other deadlines for the Paynters’ compliance with the terms of the previously entered Settlement Agreement; and

WHEREAS, Pursuant to the terms of the Final Judgment, the Township was precluded from executing and collecting upon the money portion of the Final Judgment until September 1, 2011; and

WHEREAS, Pursuant to the terms of the Final Judgment, the Paynters were required to bring the Property in Compliance with the terms of the Parties' Settlement Agreement by September 30, 2010 (hereinafter "Court Imposed Deadline"); and

WHEREAS, the Paynters made a payment to the Township of Fourteen Thousand, Three Hundred (\$14,300.00) Dollars to the Township on or about October 31, 2010 in exchange for an extension of the Court Imposed Deadline to clean the Property from September 30, 2010 until December 1, 2010; and

WHEREAS, the Paynters has proposed a payment plan of the additional Fourteen Thousand, Three Hundred (\$14,300.00) Dollars in order to avoid the Township pursuing relief to litigant and enforcing the Final Judgment pursuant to New Jersey Court Rule 1:10-3 and the placement of a municipal lien on the Upper Township property; and

WHEREAS, the parties agree to a payment plan in order to permit the Paynters to comply with the Final Judgment and to avoid any further collection efforts by the Township regarding the money portion of the Final Judgment. The Parties' Agreement is attached as Exhibit "A" to this Resolution and incorporated by reference;

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 approves and agrees to the terms of the Agreement between the Township and the Paynters attached as Exhibit "A" to this Resolution.
3. The Paynters have until December 1, 2010 to bring the Property in Compliance with the terms of the Final Judgment;

4. The total amount presently owed by the Paynters pursuant to the Final Judgment of August 26, 2010 is Fourteen Thousand, Three Hundred (\$14,300.00) Dollars.

5. The Paynters, will pay Four Hundred (\$400.00) Dollars per month to the Township of Upper on the first of each month, beginning December 1, 2010, for a period of Thirty two (32) months, which will conclude on July 1, 2013.

6. The Paynters will then make a Final Payment of One Thousand, Five Hundred (\$1,500.00) Dollars as of August 1, 2013.

7. The Township's agreement to accept such a payment plan is conditioned upon the Paynters 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.

8. Additionally, the Township's agreement to accept such a payment plan is conditioned upon the Paynters continuing to comply with all additional provisions of the Final Judgment.

9. If the Paynters run delinquent on any of the payments required under this agreement, or any subsequent tax, assessment and/or Municipal lien obligations, or violate any provision of the Final Judgment, then said agreement shall be void and the Township shall authorize the Township attorney to Move to enforce litigants rights pursuant to Rule 1:10-3. Additionally the Township will pursue placing a Municipal line on 1786 Mt. Pleasant Road, Tuckahoe in accordance with New Jersey law.

10. This Resolution ratifies, confirms and approves actions taken by the Township Committee, by Motion, at the meeting of November 22, 2010.

Resolution No. 229–2010

Offered by: Newman Seconded by: Conrad

Adopted: November 22, 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> </u>	<u> </u>	<u> </u>	<u> X </u>
Newman	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

AGREEMENT

THIS AGREEMENT is entered into this 22nd day of November, 2010, between the **TOWNSHIP OF UPPER** (hereinafter referred to as “Township”), and **JOSEPH PAYNTER, JR. AND ELMA LOU PAYNTER** (hereinafter referred to as “The Paynters”).

WHEREAS, The Paynters are the owners of certain property located in Upper Township. The Property is commonly known as 1786 Mt. Pleasant Road, Tuckahoe, New Jersey; and

WHEREAS, the Township instituted litigation against the Paynters regarding their Property located in Upper Township, Township of Upper v. Joseph Paynter, Jr. and Elma Lou Paynter, Docket Number CPM-C-83-09 in the Superior Court of New Jersey, Cape May County, Chancery Division (hereafter, the “Chancery Division Lawsuit”); and

WHEREAS, the Chancery Division Lawsuit was filed by the Township to enforce the terms of a Settlement Agreement entered into between the Township and the Paynters dated October 31, 2008 (hereinafter “Settlement Agreement”), and approved by Township Resolution, No 288- 2008, dated November 24, 2010; and

WHEREAS, on August 26, 2010, the Honorable William Todd entered a Final Judgment in the Chancery Division Lawsuit in the amount of \$26,600.00 against the Paynters and in favor of the Township, as well as setting other deadlines for the Paynters' compliance with the terms of the previously entered Settlement Agreement. The Final Judgment is incorporated by reference and is attached as Exhibit "A" to this Agreement; and

WHEREAS, Pursuant to the terms of the Final Judgment, the Township was precluded from executing and collecting upon the money portion of the Final Judgment until September 1, 2011; and

WHEREAS, Pursuant to the terms of the Final Judgment, the Paynters were required to bring the Property in Compliance with the terms of the Parties' Settlement Agreement, whereby all junked items and unregistered vehicles must be removed from the Property except for twenty (20) specifically designated unregistered vehicles, by September 30, 2010 (hereinafter "Court Imposed Deadline"); and

WHEREAS, the Paynters made a payment to the Township of Fourteen Thousand, Three Hundred (\$14,300.00) Dollars to the Township on or about October 31, 2010 in exchange for an extension of the Court Imposed Deadline to clean the Property from September 30, 2010 until December 1, 2010; and

WHEREAS, there is presently due and owing from the Paynters Fourteen Thousand, Three Hundred (\$14,300.00) Dollars pursuant to the Final Judgment; and

WHEREAS, the Paynters has proposed a payment plan in order to avoid the Township pursuing relief to litigant and enforcing the Final Judgment pursuant to New Jersey Court Rule 1:10-3 and the placement of a municipal lien on the Upper Township property; and

WHEREAS, the parties agree to a payment plan in order to permit the Paynters to comply with the Final Judgment and to avoid any further collection efforts by the Township regarding the money portion of the Final Judgment;

NOW, THEREFORE, in consideration of the mutual promises contained herein, and intending to be legally bound, the parties AGREE as follows:

1. In exchange for the Paynters' payment of Fourteen Thousand, Three Hundred (\$14,300.00) Dollars on or about October 31, 2010, the parties agreed to extend the Court Imposed Deadline to bring the Property in compliance within the terms of the Settlement Agreement and the Final Judgment is hereby extended from September 30, 2010 to December 1, 2010.

2. The Paynters agree to pay Four Hundred (\$400.00) Dollars per month on the first of each month beginning on December 1, 2010 for thirty-two (32) months. The Paynters will pay to the Township of Upper this amount, \$400.00 per month, on the first of each month until July 1, 2013.

3. The Paynters will pay a final payment of One Thousand, Five Hundred (\$1,500.00) Dollars on or about August 1, 2013.

4. The Township agrees not to pursue a Motion to enforce litigant's rights pursuant to New Jersey Court Rule 1:10-3, nor to pursue a Municipal Lien against the Upper Township property.

5. If the Paynters default on any payment obligation, or becomes delinquent on any subsequent real estate taxes, assessments, and/or Municipal liens on the Upper Township property, or if they fail to comply with all additional provisions of the Final Judgment, then said Agreement shall be null and void and the Township shall authorize the Township attorney to

Move to enforce litigants rights pursuant to Rule 1:10-3 and pursue all remedies to enforce the terms of the Final Judgment. In addition, the Township shall place a Municipal lien on the Upper Township property as prescribed under New Jersey law

6. All additional provisions of the Final Judgment shall remain in full force and effect.

7. The parties agree that if the Township is required to retain counsel to enforce the provisions of this Agreement, then the Paynters must pay for all reasonable attorneys' fees and costs incurred as a result of said reach of the Agreement.

8. The Township retains the right to enforce all applicable ordinances and laws relating to the property.

9. All parties certify that they have carefully read and fully understand all the provisions and effects of this Agreement, and upon reflection, each party has voluntarily entered into this Agreement.

10. Neither party nor their agents, representatives or attorneys has made any representation concerning the terms or effects of this Agreement other than those contained herein.

11. This Agreement is made and entered into in the State of New Jersey and shall in all respects be interpreted and enforced according to the laws of the State of New Jersey.

12. The language of this Agreement shall in all cases be construed as a whole and given its fair meaning and should not be construed strictly for or against either of the parties.

13. This Agreement sets forth the entire agreement between the parties and fully supersedes any and all prior agreements or understandings between them pertaining to the subject matter hereof.

IN WITNESS WHEREOF, and intending to be legally bound hereby, the parties hereto have executed the foregoing Agreement.

7. Authorizing the adoption of the Cape May County Multi-Jurisdictional All Hazards Mitigation Plan.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 230-2010
RE: A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF UPPER AUTHORIZING THE ADOPTION OF THE
CAPE MAY COUNTY MULTI-JURISDICTIONAL
ALL HAZARDS MITIGATION PLAN**

WHEREAS, all of Cape May County has exposure to natural hazards that increase the risk to life, property, environment and the County's economy; and

WHEREAS; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS; a coalition of Cape May County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Cape May County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED that the Township of Upper:

- 1) Adopts in its entirety, the Cape May County Multi-Jurisdictional All Hazards Mitigation Plan (the “Plan”) as the jurisdiction’s Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

Resolution No. 230–2010

Offered by: Newman

Seconded by: Conrad

Adopted: November 22, 2010

Roll Call Vote:

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

* 8. Budget Transfer.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 231-2010**

RE: BUDGET TRANSFERS

WHEREAS, budgetary transfers between line items can be made after November 1st;
and

WHEREAS, it is necessary to make transfers between certain line items of the
Municipal Budget 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, as follows:

1. The following transfers between line items in the Municipal Budget of the
Township of Upper shall be made immediately:

<u>TO</u>	<u>FROM</u>
FIRST AID CONTRIBUTION \$5,000.00	FIRST AID ORGANIZATION S/W \$6,500.00
MUNICIPAL COURT O/E \$1,000.00	
CONSTRUCTION CODE O/E \$500.00	

Resolution No. 231-2010

Offered By: Conrad

Seconded By: Newman

Adopted: November 22, 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

**9. Introduction and First Reading Ordinance No. 013-2010, RE: AN ORDINANCE
VACATING A PORTION OF THAT PAPER STREET KNOWN AS OCEAN
AVENUE, WITHIN THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY
AND STATE OF NEW JERSEY.**

Motion was made by Jay Newman seconded by Frank Conrad to introduce Ordinance
No. 013-2010 with public hearing and final adoption scheduled for December 13, 2010 at

7:30 P.M. During roll call vote the four Committee members present voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
O R D I N A N C E
ORDINANCE NO. 013-2010
ORDINANCE AUTHORIZING THE VACATION OF A PAPER STREET KNOWN
AS OCEAN AVENUE, WITHIN THE TOWNSHIP OF UPPER,
COUNTY OF CAPE MAY AND STATE OF NEW JERSEY**

WHEREAS, The Township Committee of the Township of Upper, Cape May County has determined that it is in the best interest of the Township to vacate a portion of Ocean Avenue, a paper street, and allow it to revert to the adjoining property owners; and

WHEREAS, vacation of a public street, or part thereof, which has not been opened by the municipality, may be authorized by the municipal governing body by Ordinance pursuant to N.J.S.A. 40:67-1 et. Seq., when there is no longer any need for the use of said area by the public; and

WHEREAS, Scott Halliday and Regina Hendricks are the owner of Block 636 Lot 6 and has requested that the Township vacate a portion of a certain street described in this Ordinance; and

WHEREAS, Thomas J. Breazeale; Scott Halliday and Regina Hendricks; and Warren and Kimberly Georgetti are the adjoining land owners to whom the vacated street shall revert.

WHEREAS, it is deemed to be in the public interest to vacate a portion of Ocean Avenue within the Township of Upper, as hereinafter provided.

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

1: Pursuant to N.J.S.A. §40:67-19, et seq., all public right and interest in, along, upon and over Ocean Avenue, a paper street, from Stagecoach Road to Chestnut Street, particularly described on Schedule “A” attached here to, is hereby vacated, surrendered and extinguished as follows:

2: This Ordinance vacates no portion of Ocean Avenue except that portion set forth and described in Schedule “A” attached hereto.

3: All rights and privileges now possessed by any public utility as defined in R.S. 48:2-13, and by any cable television company, as defined in the "Cable Television Act", P.L. 1972, c. 186, (C.48:5A-1, et seq.), to maintain, repair and/ or replace their existing facilities in, adjacent, over or under Ocean Avenue, a paper street, are hereby expressly reserved and excepted from this vacation.

4: All ordinances or parts of ordinances which are inconsistent with this ordinance are repealed as to their inconsistencies only.

5: Once the unimproved paper street has been vacated, then the Township’s interest in and to the said unimproved paper street shall be released. To the extent that any portion(s) of the underlying vacated area does not transfer automatically to the adjacent property owners by operation of law, the Township hereby authorized the conveyance of said

underlying area(s) to the adjoining property owner(s) by Deed, for nominal consideration, pursuant to N.J.S.A. 40:67-19, et. Seq., N.J.S.A. 40:60-28, and N.J.S.A. 40A:12-13(b)(5), so that these portions may be combined with and become part of the said adjacent properties.

7: The Township Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy hereof, certified by the Clerk, under seal of the Township, to be a true and exact copy of the Ordinance, together with a copy of the proof of publication thereof, in the Office of the Cape May County Clerk for recordation in the County's Book of "Vacation," pursuant to N.J.S.A. 40:67-21.

This Ordinance shall take effect immediately upon final adoption and publication as required by law.

This Ordinance shall be known as Ordinance 013-2010.

SCHEDULE "A"

DESCRIPTION
FOR THE VACATION OF A PORTION
OF AN UNIMPROVED STREET, OCEAN AVENUE
IN THE TOWNSHIP OF UPPER
COUNTY OF CAPE MAY, AND
STATE OF NEW JERSEY

That portion of Ocean Avenue extending in a Northwesterly direction from Stagecoach Road (County Road 667) BEGINNING at a point at the intersection of the Northwesterly line of Stagecoach Road and the Northeasterly line of Ocean Avenue, extending in a Northwestwardly direction along the Northeasterly line of Ocean Avenue to a point at the intersection of the Southeasterly line of Chestnut Avenue and the Northeasterly line of Ocean Avenue;

then 40 feet in a Southwestwardly direction across Ocean Avenue to a point in Lot 34 Block 636; then in a Southeastwardly direction along the Southwesterly line of Ocean Avenue and Block 636 to the point of intersection of the Northwesterly line of Stagecoach Road and the Southwesterly line of Ocean Avenue; then extending in a Northeastwardly direction across Ocean Avenue along the Northwesterly line of Stagecoach Road to the place of beginning; as shown on the current Official Tax Map of The Township of Upper, Cape May County, New Jersey.

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 22nd DAY OF NOVEMBER, 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 13TH DAY OF DECEMBER, 2010 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

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

10. Introduction and First Reading of Ordinance No. 014-2010, RE: AN ORDINANCE ESTABLISHING SALARIES FOR THE TOWNSHIP OF UPPER FOR THE CALENDAR YEAR 2011.

Motion was made by Jay Newman seconded by Kristine Gabor to introduce Ordinance No. 014-2010 with public hearing and final adoption scheduled for December 13, 2010 at 7:30 P.M. During roll call vote all four Committee members present voted in the affirmative.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE
ORDINANCE NO. 014-2011

AN ORDINANCE ESTABLISHING SALARIES FOR THE TOWNSHIP
OF UPPER FOR THE CALENDAR YEAR 2011

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

SECTION 1: TITLE: This Ordinance shall be known as the Salary Ordinance of 2011.

SECTION 2: SALARIES: Salaries for the various officials and employees of the Township of Upper for the calendar year 2011 shall be as follows:

<u>POSITION</u>	<u>MINIMUM</u>	<u>MAXIMUM - 2011</u>
(P/T denotes "Part-Time Position")		
<u>A. ADMINISTRATIVE/REVENUE AND FINANCE:</u>		
Mayor	3,750.00	\$ 5,000.00
Township Committeeman	7,000.00	11,250.00
Municipal Attorney	25,000.00	31,500.00
Township Tax Assessor	7,500.00	78,000.00
Deputy Tax Assessor	No Min.	550.00
Assessing Clerk (P/T)	6,500.00	20.00 Hr.
Township Tax Collector	15,000.00	82,000.00
Deputy Tax Collector	No Min.	550.00
Tax Clerk (P/T)	12.00 Hr.	20.00 Hr.
Township Clerk	15,000.00	78,000.00
Deputy Township Clerk (P/T)	525.00	550.00
Sr. Clerk-Typist	15,000.00	62,000.00
Clerk Typist	15,000.00	52,000.00
Clerk-Typist (P/T)	5.75 Hr.	18.00 Hr.
Clerk-Typist (MAC)	No Min.	4,950.00
Township Engineer	50,000.00	95,000.00
Chief Financial Officer	42,000.00	67,000.00
Purchasing Agent	35.00 Hr.	45.00 Hr.
Purchasing Agent/QPA	2,000.00	5,000.00
Assistant Finance Officer	No Min.	550.00
Registrar of Vital Statistics (P/T)	No Min.	1,850.00
Deputy Reg. Vital Statistics (P/T)	No Min.	550.00
Alt. Deputy Reg. Vital Statistics (P/T)	No Min.	550.00
Public Information Officer	No Min.	10,000.00
Data Information Coordinator/COOP	No Min.	3,500.00
Claims Coordinator	No Min.	3,500.00
Mun. Improvement Official (P/T)	No Min.	1,850.00
Tax Search Officer (P/T)	No Min.	1,850.00
Director of Public Asst. (P/T)	500.00	1,000.00
Personnel Officer (P/T)	No Min.	3,000.00
Asst. Personnel Officer (P/T)	No Min.	550.00

Computer Director	No Min.	\$1,500.00
Safety Coordinator	No Min.	3,500.00
Ass't Safety Coordinator	No. Min.	1,500.00
Municipal Housing Liaison	No Min.	2,500.00

B. MUNICIPAL COURT:

Municipal Judge (P/T)	15,000.00	44,500.00
Municipal Court Administrator	15,000.00	78,000.00
Deputy Mun. Court Administrator	15,000.00	68,000.00
Municipal Prosecutor (P/T)	No Min.	42,500.00
Court Attendant (P/T)	No Min.	\$200.00 per session
Municipal Public Defender (P/T)	No Min.	19,100.00

C. CODE ENFORCEMENT/ZONING ENFORCEMENT:

Construction Official	15,000.00	85,000.00
Building Subcode Official (P/T)	2,500.00	6,769.00
Electrical Subcode Official (P/T)	9,500.00	27,820.00
Electrical Inspector (P/T)	9,500.00	27,820.00
FireSub-CodeOff. (P/T)	2,500.00	4,900.00
Zoning Officer (P/T)	2,500.00	7,500.00
Deputy Zoning Officer	No Min.	550.00
Housing Officer/Code Enforce. (P/T)	2,500.00	7,500.00
Fire Prevention Official (P/T)	1,000.00	2,279.00
Plumbing Sub-Code Off. (P/T)	No Min.	8,900.00
Plumbing Inspector (P/T)	No Min.	6,524.00
Fire Protection Subcode Official (P/T)	No Min.	2,279.00
Clerk Typist	12,000.00	56,000.00

D. PUBLIC SAFETY/EMERGENCY MANAGEMENT:

Mun. Dir. Emerg. Management (P/T)	No Min.	11,000.00
Coord. 911 Emerg. Response, RTK	No Min.	1,000.00
Deputy Right to Know	No Min.	1,500.00
Deputy Dir. Emerg. Mgt. (P/T)	No Min.	2,845.00
Asst. Emerg. Mgt. (P/T)	No Min.	900.00
Lifeguard, 1st yr. Seasonal		10.25 Hr.
Lifeguard, 2nd yr. Seasonal		10.75 Hr.
Lifeguard, 3rd yr. to 4 th yr.		11.45 Hr.
Lifeguard, 5 th yr. and higher		11.75 Hr.
Hr. Lifeguard E.M.T.		\$4.00 Per Day
Captain Lifeguard Seasonal		20.75 Hr.
Lieutenant Lifeguard Seasonal		15.75 Hr.
Senior Lifeguard		13.25 Hr.
Emergency Medical Tech. -3 or more years	12,500.00	47,893.00
Emergency Medical Technician-2 nd year	12,500.00	43,100.00
Emergency Medical Technician-1 st year	12,500.00	41,600.00
Emergency Medical Technician (P/T)	No Min.	13.00 Hr. 1st Yr
Medical Technician (P/T) No Min		13.50 Hr. 2nd Yr
School Crossing Guard (P/T)		12.50 Hr.
Chief Emergency Medical Technician		80,000.00
Deputy Chief Emergency Medical Technician		75,000.00
Sr. Emergency Medical Technician		70,000.00
Supervising Emergency Medical Technician		72,000.00
Supervising Emergency Medical Technician (P/T)		Add'l \$1.00/Hr.

E. PUBLIC WORKS/RECREATION:

Superintendent of Public Works	5,000.00	10,000.00
Road Supervisor	12,500.00	88,000.00
Assistant Road Supervisor	12,500.00	82,000.00
Supervisor Equipment Operator	12,500.00	70,000.00
Supervisor Maintenance Repairer	12,500.00	70,000.00
Supervising Carpenter	20,000.00	70,000.00
Sr. Carpenter (0-9 yrs.)	20,000.00	49,928.00
Sr. Carpenter (10 or more yrs.)	20,000.00	51,367.00
Carpenter (0-9 yrs.)	12,500.00	48,489.00
Carpenter (10 or more yrs.)	12,500.00	49,928.00
Carpenter's Helper	12,500.00	48,489.00
Senior Mechanic (0-9 yrs.)	12,500.00	51,880.00
Senior Mechanic (10 or more yrs.)	12,500.00	53,321.00
Mechanic (0-9 yrs.)	12,500.00	49,446.00
Mechanic (10 or more yrs.)	12,500.00	50,885.00
Mechanics Helper (0-9 yrs.)	12,500.00	47,362.00
Mechanics Helper (10 or more yrs.)	12,500.00	48,801.00
Equipment Operator (0-9yrs.)	12,500.00	48,489.00
Equipment Operator (10 or more yrs.)	12,500.00	49,928.00
Truck Driver (0-9 yrs.)	12,500.00	47,280.00
Truck Driver (10 or more yrs.)	12,500.00	48,721.00
Laborer 1 st year	12,500.00	35,982.00
Laborer 2 nd year	12,500.00	36,378.00
Laborer 3 rd year	12,500.00	38,418.00
Laborer 4 th year	12,500.00	40,458.00
Laborer 5 th year	12,500.00	42,499.00
Laborer 6 th year	12,500.00	44,540.00
Laborer (0-9 yrs.)	12,500.00	46,099.00
Laborer (10 or more yrs.)	12,500.00	47,537.00
Laborer (P/T)	5.00 Hr.	10.50 Hr.
Sr. Sanitation Inspector	12,500.00	49,928.00
Sanitation Inspector (0-9 yrs.)	12,500.00	48,489.00
Sanitation Inspector (10 or more yrs.)	12,500.00	49,928.00
Recycling Laborer	10,400.00	42,463.00
Recycling Coordinator (P/T)	No Min.	5,698.00
Assistant Recycling Coordinator (P/T)	No Min.	2,849.00
Groundskeeper (0-9 yrs.)	12,500.00	48,489.00
Groundskeeper (10 or more yrs.)	12,500.00	49,928.00
Building Maintenance Worker	22,000.00	33,339.00
Recreational Program Coordinator	15,500.00	70,000.00
Supervisor Rec. Maint.	12,500.00	70,000.00
Sr. Recreation Maint. Worker (0-9 yrs.)	11,500.00	48,489.00
Sr. Rec. Maint. Worker (10 or more yrs.)	11,500.00	49,928.00
Maintenance Repairer (0-9 yrs.)	10,500.00	48,489.00
Maintenance Repairer (10 or more yrs.)	10,500.00	49,928.00
Recreation Maint. Worker (0-9 yrs.)	10,500.00	47,280.00
Recreation Maint. Worker (10 or more yrs.)	10,500.00	48,721.00
Recreation Attendant/Laborer	9,500.00	46,099.00
Recreation Aide (P/T)	5.00/Hour	10.50/Hour
Beach Sweeper (Seasonal)	5.00/Hour	10.50/Hour
Playground Safety Inspector	500.00	1,000.00
Beach Inspector	No Min.	4,000.00
Boat Ramp Attendant	No Min.	11.50 Hr.
Skate Park Attendant	No Min.	11.50 Hr.
Recreation Advisory Bd. Secretary (P/T)	No Min.	2,200.00
Clerk Typist (Recreation)	12,500.00	45,000.00
Sr. Clerk Typist (Recreation)	12,500.00	54,000.00

F. BOARD OF HEALTH/ZONING BOARD/PLANNING BOARD:

Secretary Planning Board (P/T)	42,000.00
Per Meeting	100.00
Secretary Zoning Board of Adjustment (P/T)	42,000.00
Per Meeting	100.00
Attorney for the Board - Maximum Salary (Not to exceed)	22,000.00
Secretary Board of Health (P/T)	550.00

G. MILEAGE: The standard rate per mile in accordance with I.R.S. regulations.

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

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

SECTION 3: LONGEVITY: In addition to the compensation and benefits otherwise payable, certain employees shall be paid an additional sum based on longevity. Any payment based on longevity shall be in accordance with the following schedule:

<u>YEARS OF SERVICE</u>	<u>AMOUNT OF INCREASE BASED ON LONGEVITY</u>
After 5 years	2%
After 10 years	4%
After 15 years	6%
After 20 years	8%
After 25 years	10%

SECTION 3A: RESTRICTIONS ON LONGEVITY PAYMENTS: Notwithstanding the provisions of Section 3 hereof, a longevity payment or longevity bonus to any single official, officer or employee of the Township of Upper shall not exceed the sum of Three Thousand (\$3,000.00) Dollars. If, as of January 1, 1997, any such official, officer or employee of the Township of Upper was entitled to a longevity payment in excess of Three Thousand (\$3,000.00) Dollars, then such individual shall be entitled to receive the amount to which he or she would have been entitled as of January 1, 1997 and each such official, officer or employee shall thereafter, in all subsequent years, receive a longevity payment or bonus in the amount paid as of January 1, 1997. In no event shall the amount of longevity payments exceed the sum of Three Thousand (\$3,000.00) Dollars, except for those individuals who are entitled to receive in excess of Three Thousand (\$3,000.00) Dollars as of January 1, 1997 and all such individuals shall in 1997 and all succeeding years be restricted to a payment which does not exceed that which was payable on January 1, 1997.

SECTION 3B: LONGEVITY PAY ABOLISHED FOR CERTAIN EMPLOYEES: Any official, officer or employee who was employed by the Township of Upper on or after January 1, 1996 shall not be entitled to any longevity payment. Longevity pay is abolished for any and all officials, officers and employees hired on or

subsequent to that date.

SECTION 4: RESOLUTION AS TO SALARIES: The salaries set forth in this Ordinance are the Maximum salaries to be paid for the various positions during 2011 and for such period or periods as this Ordinance shall remain in effect. Such maximum salaries shall be paid for each of the positions indicated unless the Township Committee, by Resolution shall fix a lesser salary, in which event such lesser amount shall be paid.

SECTION 5: EFFECTIVE DATE OF PAYMENT: All salaries authorized by this Ordinance shall be paid commencing as follows:

- (A) As of January 1, 2011 for all officials, officers and employees of the Township who were employed or appointed as of December 31, 2009. For those officials, officers and employees appointed at the Reorganization Meeting of the Township Committee, such persons shall be deemed appointed and employed by the Township as of January 1, 2011. This provision shall not apply to members of a Collective Bargaining Unit.
- (B) The payment of any salary increment and longevity payment for members of a Collective Bargaining Unit shall be made in accordance with the provisions of the Collective Bargaining Agreement currently in effect, any other provisions herein to the contrary notwithstanding.
- (C) Upon the effective date of appointment for all officers and employees appointed subsequent to January 1, 2011.
- (D) Any salary increases provided for in this Ordinance shall not apply to any official, officer or employee of the Township who has resigned or otherwise terminated his or her employment with the Township of Upper prior to the effective date of this Ordinance.

SECTION 6: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 7: SEVERABILITY: If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION 8: EFFECTIVE DATE: This Ordinance shall take effect immediately upon passage and publication as required by law.

ATTEST:

WANDA GAGLIONE, Mun. Clerk

RICHARD PALOMBO, Mayor

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING ON NOVEMBER 22, 2010 AND WILL BE TAKEN UP FOR SECOND READING AND FINAL ADOPTION AT A MEETING OF THE UPPER TOWNSHIP COMMITTEE TO BE HELD ON DECEMBER 13, 2010 AT 7:30 P.M.

BY ORDER OF THE TOWNSHIP COMMITTEE.

WANDA GAGLIONE, RMC
TOWNSHIP CLERK

CORRESPONDENCE

11. **Upper Township Planning Board-Special Resolution #03-10, Re: New Jersey State Highway Route 9 Transportation Study.** Discussion on this matter tabled to December 20, 2010.

NEW BUSINESS

12. **Request by Anthony and Stephanie Gareffi of 2300 Tuckahoe Rd, Petersburg to vacate Second Street and Atlantic Avenue in Petersburg.** Mr. Dietrich discussed that there is no public purpose for the paper streets in question. The Clerk was directed to contact the Board of Education to see if they have any objection to this request. Motion made by Richard Palombo, second by Jay Newman to place the matter on a future 2011 agenda barring no objections from the School Board. During roll call vote all four Committee members present voted in the affirmative.

UNFINISHED BUSINESS:

DISCUSSION

PAYMENT OF BILLS:

13. **“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.”** Jay Newman made the motion to pay the bills, Frank Conrad seconded the motion with all four Committee members present voting in the affirmative.

Bill submitted for payment:	\$87,861.85
Payroll:	\$161,057.17

REPORT OF MUNICIPAL DEPARTMENTS:

14. **Municipal Court - Upper Township, Dennis Township, and Corbin City.**

15. **EMS Department.**

Reports are available from the Clerk’s Office.

PUBLIC COMMENT

CLOSED SESSION

16. **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 resolution into the record.

TOWNSHIP OF UPPER

CAPE MAY COUNTY
RESOLUTION NO. 232-2010
MOTION GOING INTO CLOSED SESSION
November 22, 2010 MEETING

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. Contract negotiation – Collective Bargaining Agreement
2. Litigation – Ginn v. Upper Township
3. Litigation – Upper Township v. Yank and Sansone
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: Frank Conrad

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

RECONVENE PUBLIC PORTION OF MEETING

Motion was made by Jay Newman, second by Frank Conrad to close the executive session and reopen the regular portion of the meeting. During roll call vote all four Committee members voted in the affirmative.

Motion was made by Jay Newman, second by Frank Conrad to amend the Introduction of the Salary Ordinance No. 014-2010 as follows: Salary of the Township Engineer to reflect an increase of the maximum figure to \$95,000. During roll call vote all four Committee members voted in the affirmative.

ADJOURNMENT

There was no further business for this evening and the meeting was adjourned at 9:20 PM. Next meeting scheduled for December 13, 2010 at 7:30 P.M. The last meeting for 2010 will be December 20, 2010 at 7:30 PM. The meeting previously scheduled for December 27th has been cancelled.

Minutes prepared by

Wanda Gaglione, RMC
Municipal Clerk

Bill List

52548 11/22/10 A0006 ADVANCE TREADS INC 184.00 2629
52549 11/22/10 A0018 ACTION SUPPLY INC. 279.63 2629
52550 11/22/10 A0021 ADAMS, GEORGE E. JR. 559.74 2629
52551 11/22/10 A0025 ADVANTAGE RENTAL ACE HARDWARE 1,511.13 2629
52552 11/22/10 A0070 ALBERTSONS/ACME 37.92 2629
52553 11/22/10 A0074 ATLANTIC CARE OCCU. MEDICINE 1,653.00 2629
52554 11/22/10 A0075 ADAMS, JOSHUA 52.21 2629
52555 11/22/10 A0091 ATLANTIC CITY ELECTRIC 5,333.49 2629
52556 11/22/10 A0117 AT&T 29.66 2629
52557 11/22/10 A0134 ANSELL ZARO GRIMM & AARON, PC 87.50 2629
52558 11/22/10 A0161 ABUNDANT LIFE ASSEMBLY OF GOD 78.09 2629
52559 11/22/10 A0167 AMERADA HESS CORPORATION 1,408.64 2629
52560 11/22/10 B0020 BLAKER,RAYMOND 99.95 2629
52561 11/22/10 B0035 BELMONT & CRYSTAL SPRINGS 225.04 2629
52562 11/22/10 B0091 BIRCHMEIER, JAMES 44.00 2629
52563 11/22/10 B0142 BRINKERHOFF ENVIRONMENTAL 750.00 2629
52564 11/22/10 B0173 BOBS FARM MARKET 614.82 2629
52565 11/22/10 B0182 BRIGGS LAW OFFICE, P.C. 798.04 2629
52566 11/22/10 B0195 BITTNER, MARY D'ARCY, ESQUIRE 200.00 2629
52567 11/22/10 C0030 CAMP, BARBARA 111.41 2629
52568 11/22/10 C0048 CAPE MAY COUNTY MUA 31,113.76 2629
52569 11/22/10 C0060 CAPRIONI'S PORTABLE TOILETS 989.00 2629
52570 11/22/10 C0068 COMCAST 109.98 2629
52571 11/22/10 C0071 CAPEHART & SCATCHARD, P.A. 1,726.00 2629
52572 11/22/10 C0156 COMPUTER HOUSE OF SOUTH JERSEY 209.00 2629
52573 11/22/10 C0171 COLONIAL ELECTRIC SUPPLY CO. 194.86 2629
52574 11/22/10 C0221 CRAGER, GARY 157.25 2629
52575 11/22/10 C0223 CASA PAYROLL SERVICE 218.25 2629
52576 11/22/10 C0230 CATAMARAN MEDIA COMPANY 222.60 2629
52577 11/22/10 D0015 DAN'S WELDING 1,500.00 2629
52578 11/22/10 D0080 DOWNAM, HARRY J. JR. 69.98 2629
52579 11/22/10 D0130 DuBELL LUMBER CO. 1,089.27 2629
52580 11/22/10 D0135 DITROIA, DARYL 240.00 2629
52581 11/22/10 E0012 EHRLICH PEST CONTROL INC 74.00 2629
52582 11/22/10 G0006 GARBUTT,PATRICIA A. 46.20 2629
52583 11/22/10 G0028 GENTILINI FORD 19.20 2629
52584 11/22/10 G0057 GLOBALSTAR USA LLC 73.28 2629
52585 11/22/10 H0018 HAROLD RUBIN/L & H SUPPLY 357.12 2629
52586 11/22/10 H0062 HOPE, JOHN J. 225.53 2629
52587 11/22/10 H0083 HUBER LOCKSMITHS, INC. 90.00 2629
52588 11/22/10 H0096 HARBOR OUTFITTERS 199.00 2629
52589 11/22/10 I0002 IAAO 350.00 2629
52590 11/22/10 I0019 INTERNATIONAL CODE COUNCIL,INC 53.95 2629
52591 11/22/10 J0041 JONES, JAMES M. 300.00 2629
52592 11/22/10 K0014 KEENAN,BRIAN 446.16 2629
52593 11/22/10 K0034 KOHLER, CLAUDE JR. 217.92 2629
52594 11/22/10 K0047 KLINE, EDWARD T. 60.13 2629
52595 11/22/10 L0080 LOWES, INC. 230.00 2629
52596 11/22/10 L0087 LINE SYSTEMS INC 475.24 2629
52597 11/22/10 M0103 MODERN GAS COMPANY, INC. 611.04 2629
52598 11/22/10 N0043 NAPA AUTO PARTS OF S.JERSEY 182.09 2629
52599 11/22/10 N0124 NORKIS, MARYELLEN 169.00 2629
52600 11/22/10 O0006 SJSHORE MARKETING,LLC 1,224.00 2629

52601 11/22/10 O0038 OSBORN, JAMES 202.78 2629
52602 11/22/10 P0007 PALOMBO,RICHARD A. 201.00 2629
52603 11/22/10 P0008 PALMER, NANCY 33.33 2629
52604 11/22/10 P0032 PEDRONI FUEL CO. 2,726.57 2629
52605 11/22/10 P0064 PITNEY BOWES 210.00 2629
52606 11/22/10 P0075 POSITIVE PROMOTIONS INC 398.85 2629
52607 11/22/10 P0121 PENGUIN COMMUNICATION LLC 24.00 2629
52608 11/22/10 R0030 RIGGINS, INC. 5,626.38 2629
52609 11/22/10 R0073 RICOH AMERICAS CORPORATION 788.10 2629
52610 11/22/10 S0015 SMYTH, PATRICIA 112.00 2629
52611 11/22/10 S0034 SCHULER, DANIEL 53.35 2629
52612 11/22/10 S0036 SCHULER, JAMES 154.55 2629
52613 11/22/10 S0092 SHONE, LEROY 124.00 2629
52614 11/22/10 S0097 SMH CPR TRAINING CENTER 35.00 2629
52615 11/22/10 S0122 SOMERS POINT LUMBER INC. 417.36 2629
52616 11/22/10 S0126 SPIEGEL, BARBARA 104.00 2629
52617 11/22/10 S0134 SO. JERSEY GAS COMPANY 610.74 2629
52618 11/22/10 S0157 SORENSEN, MICHAEL 400.00 2629
52619 11/22/10 S0196 STEWART BUSINESS SYSTEMS LLC 223.32 2629
52620 11/22/10 S0201 SURREAN'S NURSERY 1,111.00 2629
52621 11/22/10 S0209 STAPLES ADVANTAGE 236.27 2629
52622 11/22/10 T0022 TERMINIX 2.00 2629
52623 11/22/10 T0032 THE PRESS & SUNDAY PRESS 152.19 2629
52624 11/22/10 T0046 TIFFIN ATHLETIC MATS, INC. 1,478.00 2629
52625 11/22/10 T0067 TOWNSHIP OF UPPER PETTY CASH 14.70 2629
52626 11/22/10 T0074 TRANSAXLE LLC 71.72 2629
52627 11/22/10 T0097 TRICO EQUIPMENT INC. 2,436.91 2629
52628 11/22/10 U0002 U.T. BASKETBALL ASSOCIATION 52.50 2629
52629 11/22/10 U0025 UNITED STATES POSTAL SERVICE 2,000.00 2629
52630 11/22/10 U0034 UPPER TWP.GIRLS SOFTBALL ASSOC 549.50 2629
52631 11/22/10 U0038 UPPER TOWNSHIP RESCUE SQUAD 372.33 2629
52632 11/22/10 U0055 U.T. CHALLENGER PROGRAM 1,233.01 2629
52633 11/22/10 V0001 VCI EMERGENCY VEHICLE 110.40 2629
52634 11/22/10 V0022 VERIZON 2,240.82 2629
52635 11/22/10 W0027 WELSHIE'S 1,000.00 2629
52636 11/22/10 W0030 WEST PUBLISHING CO. 339.94 2629
52637 11/22/10 W0077 WAWA 680.00 2629
52638 11/22/10 W0082 WHARTON HARDWARE & SUPPLY CO 232.17 2629
52639 11/22/10 Y0007 YEP COMPANY 873.75 2629
52640 11/22/10 Y0020 YOUNG, BARBARA L. 75.00 2629
52641 11/23/10 TAX02010 TAX OVERPAYMENT LUMP SUM 1,060.03 2631
52642 11/23/10 TAX02010 TAX OVERPAYMENT LUMP SUM 1,792.20 2631

Total Paid: \$87,861.85