

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR DECEMBER 20, 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** - **December 13, 2010 Regular Meeting and Closed Session Minutes** Motion was made by Jay Newman, and seconded by Frank Conrad to approve the Minutes as presented. During roll call vote four Committee members voted in the affirmative. Ms. Gabor abstained.

**REPORT OF GOVERNING BODY MEMBERS**

**Frank Conrad**, discussed the list of the meeting dates for next year and suggested that the dates for December 2011 would be more practical if held on December 5 and 19, 2011; they will appear as such on the 2011 meetings resolution.

**Kristine Gabor**, reported on an Animal Control incident that the ASPCA authorized the removal of dogs from a home in the Tuckahoe section of the Township. Ms. Gabor thanked the Animal Control officer for a job well done in assisting the ASPCA with the matter. She also reported that the Skate with the Stars event held by Upper Township’s Hockey Association for their ribbon cutting of the Hockey Rink and lights at Amanda’s Field was a big success. She thanked the Public Works Department for their assistance with the event.

Also discussed was the necessity to find another gatekeeper to open and shut the gates at the Amanda’s Field Recreation Complex everyday. The previous gatekeeper has resigned the position. It was decided that the Rescue Squad be assigned the task; the Rescue Squad is on duty 7 days a week, the task is not time sensitive, and it would save the Township money.

**Richard Palombo**, discussed supporting Senate Bill 1122 that would require registration but no fee for NJ salt water fishing licenses. After much discussion the Committee decided on not taking any action at this time. Mr. Palombo discussed the potential of a snowstorm and directed employee J. Michael Jones to work with Robert Spiegel, Director of Emergency Management in

the event a shelter needs to be opened in the Township. Motion by Mayor Palombo, second by Jay Newman to appoint Barbara Spiegel as Purchasing Agent. During roll call vote all five Committee members voted in the affirmative.

## **OTHER REPORTS**

**Daniel Young, Municipal Attorney**, stated that there were Personnel matters for discussion in closed session.

**Paul Dietrich**, reported that the Public Works Department has almost completed the second round of loose-leaf collection. No brush will be collected until the end of January. In preparation for a possible snow storm this weekend there was discussion that written warnings are being issued to people that still have brush piled at the curb.

**Barbara Spiegel**, reported that she has a personnel matter for closed session.

## **RESOLUTIONS**

- 1. Appointment of Janet McBride as a full-time employee to the Upper Township Clerk's Office.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N  
RESOLUTION NO. 239-2010  
RE: APPOINTMENT OF JANET MCBRIDE  
AS A FULL-TIME EMPLOYEE TO THE UPPER TOWNSHIP CLERK'S OFFICE**

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**WHEREAS**, a need exists to appoint an additional full-time employee to the Clerk's Office; and

**WHEREAS**, a recommendation has been made to the Township Committee and duly considered at the meeting of December 13, 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. Janet McBride is hereby appointed as a full-time employee to the Clerk's Office effective January 3, 2011, at an annual salary of \$28,000.00 as established in the current Salary Ordinance of the Township.

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

Resolution No. 239-2010

Offered by: Conrad

Seconded by: Newman

Adopted: December 20, 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>	_____	_____	_____

**2. Refund EMS Ambulance Billing overpayment to Horizon BCBSNJ.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 240-2010  
RE: REFUND EMS AMBULANCE BILLING OVERPAYMENT  
TO HORIZON BCBSNJ**

**WHEREAS**, an overpayment has occurred in the account of Scott W. Johnson, an EMS ambulance billing patient, where the monies sent to the Township of Upper by Horizon BCBSNJ were in excess as evidenced by the attached copy of a letter attached hereto as Exhibit A.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Upper, Cape May County, that a refund is hereby authorized and the Chief Financial Officer is hereby directed to refund monies as indicated below:

**AMOUNT**

\$74.47

**NAME**

Horizon BCBSNJ  
Federal Employee Program  
P.O. Box 656  
Newark, NJ 07101-0656

Resolution No. 240-2010

Offered by: Newman

Seconded by: Gabor

Adopted: December 20, 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>	___	___	___

- 3. **Authorizing the reduction of the minimum bid for certain Township property and equipment listed as surplus property on Gov Deals online auction that ended December 12, 2010.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 241-2010  
RE: AUTHORIZING THE REDUCTION OF THE MINIMUM BID  
FOR CERTAIN TOWNSHIP PROPERTY AND EQUIPMENT LISTED AS SURPLUS  
PROPERTY ON GOV DEALS ONLINE AUCTION THAT ENDED  
DECEMBER 12, 2010**

**WHEREAS, N.J.S.A. 40A:11-36** authorizes a municipality to sell or dispose of certain personal property or equipment which is not needed for public use; and

**WHEREAS,** the Township of Upper determined the 1995 TORO 72” Recycler Deck is not needed for any public purpose and offered this item for sale on an online auction site; and

**WHEREAS,** said online auction was held November 19, 2010 through December 12, 2010; and

**WHEREAS,** The minimum bid requirement of \$400.00 was not met for the property and equipment aforementioned; and

**WHEREAS**, the Township Committee has determined the need to authorize the reduction of the minimum bid price for equipment aforementioned to that was offered as the highest bid of \$219.00 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 equipment aforementioned will be offered for sale to the highest bidder on the aforementioned equipment for the auction held on GovDeals which ended on December 12, 2010 for the bid of \$219.00.
2. If the highest bidder no longer wants the item, it shall be auctioned again with a minimum bid of \$200.00.

Resolution No. 241–2010

Offered by: Conrad            Seconded by: Corson

Adopted: December 20, 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. **Accepting the bid of and authorizing the execution of a contract with KG Marine Contracting, Inc., of Manahawkin, NJ for the replacement of Whittier Avenue Bulkhead in the amount of \$65,500.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO.242-2010  
RE: ACCEPTING THE BID OF AND AUTHORIZING THE  
EXECUTION OF A CONTRACT WITH KG MARINE CONTRACTING, INC.,  
OF MANAHAWKIN, NJ 08050  
FOR THE REPLEACEMENT OF WHITTIER AVENUE BULKHEAD  
IN THE AMOUNT OF \$65,500.00**

**WHEREAS**, the Township of Upper solicited bids for the Replacement of Whittier Avenue Bulkhead which bids were received on December 8, 2010; and

**WHEREAS**, the aforesaid bids were thereafter reviewed by the Township Engineer; and

**WHEREAS**, the Township Engineer has submitted a recommendation to the Township Committee with respect to the award of said bids; and

**WHEREAS**, the Township Engineer recommended to award Item No. 1 only, the base bid, in accordance with the project Specifications; 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 \$65,500.00, the line item appropriations to which the contract will be charged is Account Number 0-01-44-900-681-611; and

**WHEREAS**, the Township intends to take formal action awarding the bid to the lowest responsible bidder as hereinafter provided;

**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 hereby accepts the bid submitted by KG Marine Contracting, Inc., of 46 Indian Rd, Manahawkin, New Jersey 08050, for the Replacement of Whittier Avenue Bulkhead in the amount of \$65,500.00 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. 242-2010

Offered by: Gabor                      Seconded by: Newman

Adopted: December 20, 2010

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Camp	<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. Appointment of Joseph Pappano as the Upper Township Representative to the Pine Barrens Byway Association.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N  
RESOLUTION NO. 243-2010  
RE: APPOINTMENT OF JOSEPH PAPPANO  
AS THE UPPER TOWNSHIP REPRESENTATIVE  
TO THE PINE BARRENS BYWAY ASSOCIATION**

**WHEREAS**, the New Jersey Pinelands Municipal Council represents the 53 municipalities within the New Jersey Pinelands region; and

**WHEREAS**, the Pinelands Rural Economic Development Program implemented measures to enhance the economic vitality of communities along the Mullica River corridor and the Delaware Bay region; and

**WHEREAS**, these measures included the designation of the New Jersey and National Scenic Byway Council which would promote more recognition and appreciation of the natural and cultural assets of the Pinelands region; and

**WHEREAS**, operation and maintenance of the Byway Council will involve a coordinated effort among the municipalities and counties through which it passes; and

**WHEREAS**, to effect this coordinated effort, a permanent managing entity known as the Pine Barrens Byway Association has been created, which will include representatives of the 16 municipalities and five counties along the byway; and

**WHEREAS**, the Township of Upper has determined the need to appoint a representative of the Township of Upper to the Pine Barrens Byway Association; and

**WHEREAS**, the Township of Upper has determined that Joseph Pappano possesses the necessary qualifications and should be appointed as the Upper Township Representative to the Pine Barrens Byway Association; 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. Joseph Pappano is hereby appointed as the Upper Township Representative to the Pine Barrens Byway Association.
3. A copy of this Resolution shall be forwarded to the Pinelands Municipal Council c/o Mayor Chuck Chiarello – Chairman, 890 Harding Highway, Buena, NJ 08310.

Resolution No. 243-2010

Offered by: Conrad

Seconded by: Palombo

Adopted: December 20, 2010

Roll Call Vote:

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

**6. Appointments to the Upper Township Sports and Recreation Advisory Board.**



**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 244-2010  
RE: APPOINTMENTS TO THE UPPER TOWNSHIP  
SPORTS AND RECREATION ADVISORY BOARD**

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**WHEREAS,** a need exists in the Township of Upper to appoint suitable persons to the Sports and Recreation Advisory Board 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 allegations of the preamble are incorporated herein by this reference.
2. The following persons be and are hereby appointed to the Sports and Recreation Program Advisory Board of the Township of Upper for a one (1) year term, commencing January 1, 2011 and expiring on December 31, 2011, provided, however, that such member shall continue to serve until his/her successor is duly appointed and qualified:

**Township Committee Member in charge of the  
Department of Sports and Recreation Programs**

Kristine A. Gabor

**Volunteer Resident Members**

Al Harris  
Kevin Weisner  
Steve Martinelli  
David Hogan

3. The forgoing appointees shall constitute the sole members of the Sports and Recreation Program for 2011, subject to the provision of Paragraph 4 hereof.

4. The Township Committee expressly reserves the right to supplement this Resolution at any time it deems it appropriate to change the membership of the Sports and Recreation Advisory Board or change the policies, programs and personnel with respect to any recreational activity of the Township.

Resolution No. 244-2010

Offered by: Gabor

Seconded by: Palombo

Adopted: December 20, 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>	_____	_____	_____

7. Authorizing Hobart Young and South Jersey Storm Football Club to use Township facilities and to play games at Amanda’s Field and Caldwell Park.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 245-2010  
RE: AUTHORIZING HOBART YOUNG AND SOUTH JERSEY STORM  
FOOTBALL CLUB TO USE TOWNSHIP FACILITIES AND TO PLAY GAMES  
AT AMANDA’S FIELD AND CALDWELL PARK**

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**WHEREAS**, Hobart Young, individually and trading as South Jersey Storm Football Club, a non-profit organization, (collectively “Sponsor”) of 208 Route 50, Greenfield, New Jersey, have submitted a proposal to the Upper Township Committee requesting authority to hold up to six (6) amateur adult football games at various times at Amanda’s Field and Caldwell Park, as well as the use of other Township fields and facilities for practice;

**WHEREAS**, these games and practices will be held on property owned by the Township of Upper; and

**WHEREAS**, the proposed games are sanctioned by the Atlantic Coast Football Alliance and the Sponsor has obtained the amount and type of insurance recommended by the Township’s Risk Management Consultant and a copy of their insurance certificate is attached as Exhibit “A”; and

**WHEREAS**, the Sponsor has represented that approvals have been obtained from the New Jersey State Police, and any all other governmental agencies or entities having any jurisdiction or interest in the football events; 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 does hereby grant approval to Hobart Young, individually and trading as South Jersey Storm Football Club, to permit up to Six (6) amateur adult football games held at various times at Amanda's Field and Caldwell Park and to use other Township facilities for practices, as specified in this Resolution and in the accompanying exhibits subject to and conditioned upon the following:

- (A) The events described in this Resolution are carried out by Hobart Young, individually and trading as South Jersey Storm Football Club and Atlantic Coast Football Alliance. The Sponsor has no connection, direct or indirect, with the Township of Upper or any of its officials or employees. The Sponsor shall not, in any way, directly or indirectly, represent that any practice or game is, in any way, associated with or affiliated with the Township of Upper and shall make clear that the event is carried out with all appropriate governmental and other approvals. Although the Township of Upper has given permission, subject to the terms of this Resolution, to this event Sponsor to conduct the proposed adult amateur football events, it must be made clear that the events are not and shall not be considered Township of Upper sponsored or sanctioned events.
- (B) Hobart Young, individually and trading as South Jersey Storm Football Club has provided general comprehensive liability insurance in form and substance satisfactory to the Township of Upper's Risk Management Consultant. A

Certificate of Insurance has been provided to the Township Clerk, which the Risk Management Consultant of the Township of Upper has approved. Said Certificate of Insurance names the Township of Upper as an additional insured.

(C) Hobart Young, individually and trading as South Jersey Storm Football Club, the event Sponsor, has obtained written approval from and will comply with all conditions imposed by the following entities:

- (i) Risk Management Consultant of the Township of Upper.
- (ii) New Jersey State Police.
- (iii) Upper Township Rescue Squad.

The event Sponsor has provided written authorization from the above entities, including any conditions or recommendations of said entities, to the Township Clerk.

(D) Hobart Young, individually and trading as South Jersey Storm Football Club has provided a Use of Facilities Agreement in favor of the Township of Upper, its officials, officers and employees in the form attached hereto as Exhibit "B".

(E) Prior to the use of Township facilities, the Sponsor must:

- (i) Provide to the Township executed Player Indemnification Agreements for all South Jersey Storm players, participants, coaches and team

members. This Agreement must be on a form approved by the Township.

(ii) The Sponsor must inspect the field or facility prior to each use and report any defective, hazardous or dangerous conditions found at the facility to the Upper Township Superintendent of Public Works and immediately cease use of the facility until the conditions are remedied. After use of the facility the Sponsor shall immediately report to the Township any and all defects, hazards, damages or dangerous conditions upon or adjacent to the facility.

(F) The Sponsor must schedule the use of any Township facility, field either at Caldwell Park or Amanda's Field in advance with the Department of Sports and Recreation Secretary. The Sports and Recreation Secretary shall confirm in writing to the Sponsor the dates and times of such authorized use. The Sports and Recreation Secretary shall have complete discretion in scheduling use and shall give priority to existing Township programs that utilize the fields and facilities. There is no guarantee as to the availability of any field or facility at any time.

(G) After each game at Caldwell Park or Amanda's Field, the Upper Township Superintendent of Public Works shall inspect the field or facility to determine if future games or use shall be permitted. The use of Caldwell Park and Amanda's Field is only authorized on a game-by-game basis,

depending upon the results of the inspection by the Superintendent of Public Works.

(H) The approval granted herein is subject to all conditions and stipulations as may be recommended or imposed by the Township's Risk Management Consultant or Insurance Representatives. The Township may revoke this approval if the event sponsors fail to comply with any said condition or recommendation or any other condition of this Resolution.

(I) The authorization granted by this Resolution may be revoked by the Township Committee at any time if it determines it is in the best interest of the Township.

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

Resolution No. 245-2010

Offered by: Conrad

Seconded by: Newman

Adopted: December 20, 2010

Roll Call Vote:

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

8. Authorizing reimbursement of the reasonable cost of municipal services to Osprey Point Condominium Association.

TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N  
RESOLUTION NO.246-2010

RE: AUTHORIZING REIMBURSEMENT OF THE REASONABLE COST OF MUNICIPAL  
SERVICES TO OSPREY POINT CONDOMINIUM ASSOCIATION

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WHEREAS, Osprey Point Condominium Association has requested that the Township consider reimbursing said condominium association for the reasonable cost of solid waste collection, snow removal, street lighting, leaf removal and street sweeping for this facility; and

WHEREAS, the Township Committee has considered this matter and has determined it is in the best interest of the Township economically to reimburse Osprey Point Condominium Association for the reasonable cost of snow removal and street lighting at their facility; and

WHEREAS, pursuant to Upper Township Code Section 24-1.11e, the Township of Upper has the option, in lieu of Township solid waste collection, to reimburse the owner of a multi-family housing development for the reasonable cost of collection by a private waste hauler; and

WHEREAS, the Township Committee has considered this matter and determined it is in the best interest of the Township economically to perform street sweeping and the collection of solid waste & recycling with Township manpower and equipment; 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 has determined that the Township will provide for the collection of solid waste and recycling for the Osprey Point Condominium. The Township will schedule the collection to begin the first week in February 2011 and said collection will be once per

week in accordance with the Township's established rules & regulations.

3. The Township shall reimburse said reasonable cost of street lighting in a manner that other residential developments have street lighting. The Osprey Point Condominium as 0.90 miles of roadway and similar residential developments have no more than 22 street lights per mile. Therefore the reasonable cost for street lighting is hereby determined to be 22 lights per mile multiplied by 0.90 miles multiplied by \$7.81/light/month (average cost per light paid by the Township) for a total of \$154.64/ month.

4. The Township shall reimburse said reasonable cost of snow removal based the equivalent manpower effort that the Township expended for each snow event. The reasonable cost for snow removal at Osprey Point Condominium will hereby determined after each snow event utilizing the following formula, Total Township man hours divided by 70.03 Township roadway miles multiplied by 0.90 Osprey Point roadway miles multiplied by \$100/hour (current hourly rate for snow removal services provided by Osprey Point subcontractor)

5. The Township has determined that Osprey Point at this time does not generate a need for leaf removal. The Township will re-evaluate this issue at a future date when the facility has mature trees that require loose leaf collection.

6. The Township has determined that the Township will provide street sweeping services for the Osprey Point Condominium. The Township will schedule the Township's street sweeper to sweep Osprey Point Condominium at least twice a year.

7. The Township shall make a determination on an annual basis to update the unit costs for the reimbursement and determine if



it still is in the best interest of the Township to reimburse the Osprey Point Condominium Associations for providing municipal services.

8. 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.246-2010

Offered by: Conrad

Seconded by: Newman

Adopted: December 20, 2010

Roll Call Vote:

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

9. In Support of the Upper Township Planning Board’s efforts to develop guidelines within the TC and TCC zones in the Marmora and Seaville sections of the Township in connection with the current Upper Township Master Plan Reexamination.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 247-2010**

**RE: IN SUPORT OF THE UPPER TOWNSHIP PLANNING BOARD’S EFFORTS TO DEVELOP GUIDELINES WITHIN THE TC AND TCC ZONES IN THE MARMORA AND SEAVILLE SECTIONS OF THE TOWNSHIP IN CONNECTION WITH THE CURRENT UPPER TOWNSHIP MASTER PLAN REEXAMINATION**

**WHEREAS**, the Upper Township Planning Board is currently in the process of a Master Plan Reexamination pursuant to N.J.S.A. 40:55D-89; and

**WHEREAS**, the Township of Upper, in 2008, received a Smart Future Planning Grant from the New Jersey Office of Smart Growth to provide guidelines for development of the core areas in the Marmora and Seaville sections of the Township; and

**WHEREAS**, in 2010, the New Jersey Municipal Land Use Center received a grant from the New Jersey Department of Transportation to work with Upper Township to assess transportation conditions within and adjoining the core areas of the Township's designated centers in Marmora and Seaville with the goal to either confirm suggested transportation improvements or to provide alternate recommendations in support of the Township's development guidelines; and

**WHEREAS**, the Township Committee of the Township of Upper recognizes the ongoing work of the Upper Township Planning Board in the creation of development guidelines within the TC and TCC zoning districts in Marmora and Seaville which emphasize planning principles such as pedestrian/bike friendly areas, walkable centers, development to promote appropriate tax rates which do not negatively impact municipal or school district services, mixed uses which include architecturally interesting buildings, appropriate build-to-lines, significant open spaces with green buffers along the Route 9 corridor, strong connectivity among areas and uses with off-street parking in the rear of buildings and development which anticipates phased construction driven by market forces over a number of years; 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 expresses its support of the ongoing work of the Upper Township Planning Board in its Master Plan Reexamination, specifically with respect to its efforts to create development guidelines for the TC and TCC zoning districts in the Marmora and Seaville sections of the Township in conjunction with the New Jersey Municipal Land Use Center with the stated objectives to develop livable, walkable and economically viable Town Centers.

3. A copy of this Resolution shall be forwarded to the appropriate representatives of the New Jersey Municipal Land Use Center and the New Jersey Department of Transportation.

Resolution No. 247-2010

Offered by: Conrad

Seconded by: Corson

Adopted: December 20, 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>	_____	_____	_____

**ORDINANCES**

**CORRESPONDENCE**

**NEW BUSINESS**

**10. Upper Township Planning Board-Special Resolution #04-10, Re: New Jersey State Highway Route 9 Transportation Study.**

See resolution 247-2010 above; this was discussed during the presentation of the resolution.

**11. Results of RFP for Banking Services received December 7, 2010.** Barbara Spiegel, CFO reported that three Banks submitted proposals. After review of the proposals and discussion with the Township Auditor, Ms. Spiegel recommended Ocean City Home Bank. Motion by Frank Conrad, second by Jay Newman to authorize banking services with Ocean City Home Bank effective March 1, 2011 During roll call vote all five Committee members voted in the affirmative.

**12. Magnolia Court Major Subdivision, Block 549, Lot 52 & 54-request to release Maintenance Bond.** Motion by was made Curtis Corson, second by Frank Conrad to authorize that a resolution be placed on a future agenda for the release of the Maintenance Bond. During roll call vote all five Committee members voted in the affirmative.

**13. Run Creek Place-Developer Thomas Tower, Block 600, Lot 13-request to release Performance Bond.** Motion was made by Curtis Corson, second by Frank Conrad to authorize that a resolution be placed on a future agenda for the release of the Performance Bond and to waive the Maintenance Bond as the improvements have been in place for several years. During roll call vote all five Committee members voted in the affirmative.

**14. Migliaccio Major Subdivision, Block 348, Lot 94-request to release Maintenance Bond.** Motion was made by Jay Newman, second by Kristine Gabor to authorize a

resolution to be placed on a future agenda to release of the Maintenance Bond. During roll call vote all five Committee members voted in the affirmative.

**UNFINISHED BUSINESS:**

**DISCUSSION**

**PAYMENT OF BILLS:**

- 15. "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."**

The payment of the bills was deferred until the end of the meeting.

**REPORT OF MUNICIPAL DEPARTMENTS:**

**16. Tax Assessor**

Reports are available from the Clerk's Office.

**PUBLIC COMMENT**

**CLOSED SESSION**

- 17. 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  
RESOLUTION NO. 248-2010  
MOTION GOING INTO CLOSED SESSION  
December 20, 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. Personnel issues

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.

Offered by: Jay Newman

Motion seconded by: Frank Conrad  
During roll call vote all five Committee members voted in the affirmative.

**RECONVENE PUBLIC PORTION OF MEETING**

Jay Newman made the motion to pay all bills submitted for payment; Frank Conrad seconded the motion with all five Committee members voting in the affirmative.

<b>Bills submitted for payment:</b>	<b>\$146,026.50</b>
<b>Payroll:</b>	<b>\$159,757.80</b>

**ADJOURNMENT**

Next meeting scheduled is the 2011 Reorganization meeting on January 7, 2011 at 6:30 P.M.  
Jay Newman made the motion to adjourn the meeting. Frank Conrad seconded the motion with all five Committee members voting in the affirmative.

Minutes prepared by

Wanda Gaglione, RMC  
Municipal Clerk

**Bill List**

52806 12/20/10 A0006 ADVANCE TREADS INC 335.00 2636  
52807 12/20/10 A0018 ACTION SUPPLY INC. 250.74 2636  
52808 12/20/10 A0023 ADAMS, JOHN 149.87 2636  
52809 12/20/10 A0091 ATLANTIC CITY ELECTRIC 1,453.55 2636  
52810 12/20/10 A0117 AT&T 21.34 2636  
52811 12/20/10 A0134 ANSELL ZARO GRIMM & AARON, PC 402.50 2636  
52812 12/20/10 A0167 AMERADA HESS CORPORATION 1,759.89 2636  
52813 12/20/10 B0013 BRADCO SUPPLY CORP. 1,191.25 2636  
52814 12/20/10 B0035 BELMONT & CRYSTAL SPRINGS 59.72 2636  
52815 12/20/10 B0076 BOND, LAURENCE E. 102.99 2636  
52816 12/20/10 B0152 BUCHANAN, KAREN A. 169.00 2636  
52817 12/20/10 B0184 BUSHONG, BRIAN 252.37 2636  
52818 12/20/10 C0019 CITY OF OCEAN CITY 16,600.00 2636  
52819 12/20/10 C0068 COMCAST 330.32 2636  
52820 12/20/10 C0138 COASTAL MECHANICAL SYSTEMS INC 2,560.00 2636  
52821 12/20/10 C0221 CRAGER, GARY 8.00 2636  
52822 12/20/10 C0223 CASA PAYROLL SERVICE 215.65 2636  
52823 12/20/10 C0234 CAROLINA BIOLOGICAL SUPPLY 71.57 2636  
52824 12/20/10 D0003 DATA RESOURCE SOLUTIONS 920.00 2636  
52825 12/20/10 F0014 FACE 1,026.38 2636  
52826 12/20/10 G0002 GAGLIONE, WANDA 152.00 2636  
52827 12/20/10 G0028 GENTILINI FORD 95.90 2636  
52828 12/20/10 G0044 GILES & RANSOME, INC. 2,224.59 2636  
52829 12/20/10 G0045 GIBSON ASSOCIATES, P.A. 3,482.50 2636  
52830 12/20/10 G0094 GRUBB, JON 136.00 2636  
52831 12/20/10 H0002 H.A. DEHART & SON CORP. 331.84 2636  
52832 12/20/10 H0018 HAROLD RUBIN/L & H SUPPLY 148.00 2636  
52833 12/20/10 I0007 INTERCON TRUCK EQUIPMENT, INC. 2,684.00 2636  
52834 12/20/10 I0021 INTERSTATE BATTERIES 179.90 2636  
52835 12/20/10 J0014 JC MILLER'S 42.30 2636  
52836 12/20/10 J0053 J & M EMBROIDERY SCREEN PRNTG 1,697.50 2636  
52837 12/20/10 K0020 KENNEY, EDWARD 423.71 2636  
52838 12/20/10 L0040 LEA, SHELLEY 52.00 2636  
52839 12/20/10 L0087 LINE SYSTEMS INC 1,529.83 2636  
52840 12/20/10 M0013 M.A. GRAPHICS 200.00 2636  
52841 12/20/10 M0045 MAX-KRIS MARINE SERVICE INC. 1,995.00 2636  
52842 12/20/10 M0055 MAY, JUDITH 77.29 2636  
52843 12/20/10 M0188 MCCARTHY TIRE SERVICE OF PHILA 649.96 2636  
52844 12/20/10 M0206 MCCARDELL, JOHN 600.00 2636

52845 12/20/10 M0214 MCDONALDS SAW SERVICE INC 42.00 2636  
52846 12/20/10 N0043 NAPA AUTO PARTS OF S.JERSEY 255.15 2636  
52847 12/20/10 N0052 NATL YOUTH SPORTS COACHED ASSN 300.00 2636  
52848 12/20/10 N0094 NEW JERSEY PLANNING OFFICIALS 360.00 2636  
52849 12/20/10 O0002 O.C. FIRST NIGHT COMMITTE 4,785.72 2636  
52850 12/20/10 O0012 OCEAN CITY BD. OF EDUCATION 31.26 2636  
52851 12/20/10 O0025 OLD DOMINION BRUSH 1,308.00 2636  
52852 12/20/10 O0042 ORCHARDS HYDRAULIC SERVICE INC 82.01 2636  
52853 12/20/10 P0008 PALMER, NANCY 9.00 2636  
52854 12/20/10 P0050 PARSIO, ANTHONY 20.00 2636  
52855 12/20/10 P0096 PREVITI,MICHELE M. 53.54 2636  
52856 12/20/10 R0030 RIGGINS, INC. 5,211.64 2636  
52857 12/20/10 S0034 SCHULER, DANIEL 294.93 2636  
52858 12/20/10 S0056 SEASHORE ASPHALT CORPORATION 138.00 2636  
52859 12/20/10 S0072 SEGIN, STEWART S. 82.00 2636  
52860 12/20/10 S0196 STEWART BUSINESS SYSTEMS LLC 110.50 2636  
52861 12/20/10 S0198 SOUTHWEST COUNCIL 450.00 2636  
52862 12/20/10 T0032 THE PRESS & SUNDAY PRESS 23.94 2636  
52863 12/20/10 T0038 THOMAS, CHRISTOPHER 150.00 2636  
52864 12/20/10 T0044 THOMSON, KERRY AGENCY 80,820.00 2636  
52865 12/20/10 T0048 TILL PAINT CO/D. FITZGERALD 66.22 2636  
52866 12/20/10 T0067 TOWNSHIP OF UPPER PETTY CASH 49.90 2636  
52867 12/20/10 T0074 TRANSAXLE LLC 691.13 2636  
52868 12/20/10 U0002 U.T. BASKETBALL ASSOCIATION 905.00 2636  
52869 12/20/10 U0012 U.T. SOCCER ASSOCIATION 1,722.00 2636  
52870 12/20/10 U0025 UNITED STATES POSTAL SERVICE 1,500.00 2636  
52871 12/20/10 U0033 UPPER TOWNSHIP HOCKEY ASSOC. 1,334.91 2636  
52872 12/20/10 U0034 UPPER TWP.GIRLS SOFTBALL ASSOC 105.00 2636  
52873 12/20/10 V0005 VAN EMBDEN, NATHAN, ATTORNEY 360.00 2636  
52874 12/20/10 V0024 VAL-U AUTO PARTS L.L.C. 178.19 2636  
52875 12/20/10 Y0020 YOUNG, BARBARA L. 4.00 2636  
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**Total: \$146,026.50 0.00**