

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR MARCH 14, 2011**

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

The following were present for the meeting tonight:

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, and Municipal Engineer Paul Dietrich. The Municipal Auditor, Leon Costello was also present.

APPROVAL OF MINUTES - **February 14, 2011 Regular Meeting Minutes** motion was made by Jay Newman seconded by Frank Conrad to approve the Minutes as corrected. During roll call vote all five Committee members voted in the affirmative.

February 28, 2011 Regular and Closed Session Minutes. Motion was made by Jay Newman, seconded by Curtis Corson to approve the Minutes as written. During roll call vote four Committee members voted in the affirmative. Richard Palombo abstained from voting.

REPORT OF GOVERNING BODY MEMBERS

Frank Conrad, Committee person, reported that the 2011 Budget is ready to be introduced this evening. He stated that unfortunately there would be a local purpose tax, it started at 20¢ and the Committee reduced it to 9.3¢. He compared Upper Township’s budget to those of Lower and Middle Townships; “we compare in size however our budget is half of what theirs are”. The budget that will be presented tonight is lean and the Committee will continue to look at ways to keep costs down.

Kristine Gabor, Committee person, reported that the Township is getting the sports fields ready. She reported that vandalism is getting to be a problem especially at Amanda’s Field and the Somers Avenue Field, and that the Township has zero tolerance for vandalism because the damage is costly to repair.

Curtis Corson, Deputy Mayor, discussed placing solar panels on the municipal garage roof in an effort to cut energy costs at that site. He made a motion, seconded by Jay Newman to authorize the Township Engineer to investigate garage rooftop solar panels, as well as possibly contracting with a firm to place a solar farm on the former landfill site on Butter Road. During roll call vote all five Committee members voted in the affirmative.

Jay Newman, Committee person, discussed a recent 3-car accident that occurred last Friday morning at the corner of Tuckahoe Road near the Resurrection Church. It involved 7 or 8 people all of which were Ocean City High School students. Fortunately there were no serious injuries. He reminded everyone to wear seatbelts and no texting or phone calls while driving. He introduced Trooper Leo who reported the February stats for the Township, which included 329 calls for service, 35 investigations, and 20 accidents.

Richard Palombo, Mayor, reported that the Upper Township Rescue Squad has set the dates for their annual coin drops. An approving resolution will be placed on the next agenda. He received a request from Cape Assist requesting that the Township adopt an ordinance to prohibit underage drinking at private properties. He directed that Mr. Young review the matter and report to the Committee at a future meeting.

OTHER REPORTS

Daniel Young, Municipal Attorney, reported that he had several items for discussion in executive session as follows: Personnel items, and two Contract Negotiation matters—a potential Shared Services contract with City of Linwood, and potential contract for tax appeal conflict attorney.

Barbara Spiegel, CFO, discussed the benefits of the Township's Shared Service agreement with South Jersey Power Co-op and requested permission to also participate in their bid process for natural gas. Motion to authorize participation in the bid process with South Jersey Power by Frank Conrad, seconded by Kristine Gabor. During roll call vote all five Committee members voted in the affirmative.

Paul Dietrich, Municipal Engineer, discussed the Township's status regarding the NJ Plan Endorsement petition and our Biennial review. He also reported that Cape May County is holding a meeting for public officials this Wednesday regarding wastewater management plan update. He briefly reported on the beach erosion on the North end of Strathmere and that the FEMA project was approved.

2011 BUDGET –CAP Ordinance and Budget Introduction

1. **Introduction and First Reading of Ordinance No. 005-2011, Re: CALENDAR YEAR 2011 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14).** Motion was made by Curtis Corson, second by Frank Conrad to introduce Ordinance with Public Hearing and Final Adoption scheduled for April 11, 2011. During roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER
CALENDAR YEAR 2011
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

ORDINANCE NO. 005-2011

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Upper in the County of Cape May finds it advisable and necessary to increase its CY 2011 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee of the Township of Upper hereby determines that a 1.5 % increase in the budget for said year, amounting to \$ 147,048.57 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Committee of the Township of Upper hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Upper, in the County of Cape May a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2011 budget year, the final appropriations of the Township of Upper shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$343,113.32 and that the CY 2011 municipal budget for the Township of Upper be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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 14th DAY OF MARCH, 2011 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 11TH DAY OF APRIL, 2011 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

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

WANDA GAGLIONE, TOWNSHIP CLERK
TOWNSHIP OF UPPER

2. Introduction of 2011 Budget.

The Revenue and Appropriations Summary is included below. Contact the Clerk's Office for a full copy of the Budget.

2011 Municipal Budget

of the TOWNSHIP of UPPER County of
CAPE MAY for the fiscal year 2011.

Revenue and Appropriations Summaries

Summary of Revenues	Anticipated	
	2011	2010
1 Surplus	220,000.00	0 250 000.00
2 Total Miscellaneous Revenues	7,637,173.00	7,489,000.00
3 Receipts from Delinquent Taxes	660,000.00	642,072.00
4 (a) Local Tax for Municipal Purposes	2,059,745.23	0.00
(b) Addition to Local School District Tax	0.00	0.00
Total Available for Use by Taxes for Sup of Muni Bud	2,059,745.23	0.00
Total General Revenues	11,516,867.23	11,281,093.68

Summary of Appropriations	2011 Budget	Final 2010 Budget
1 Operating Expenses - Salaries & Wages	4,442,586.00	4,629,750.00
Other Expenses	4,625,176.00	4,721,707.30
2 Defered Charges & Other Appropriations	845,553.00	728,981.68
3 Capital Improvements	76,000.00	275,960.00
4 Debt Service (Incl. for School Purposes)	563,765.00	0.00
5 Reserve for Uncollected Taxes	983,787.23	1,075,800.00
Total General Appropriations	11,516,867.23	11,201,503.68
Total Number of Employees	88	105

2011 Dedicated Utility Budget		Anticipated	
Summary of Revenues	2011	2010	
1 Surplus	0.00	0.00	
2 Miscellaneous Revenues	0.00	0.00	
3 Deficit (General Budget)		0.00	
Total Revenues	0.00	0.00	
Summary of Appropriations	2011 Budget	Final 2010 Budget	
1 Operating Expenses - Salaries & Wages	0.00	0.00	
Other Expenses	0.00	0.00	
2 Capital Improvements	0.00	0.00	
3 Debt Service	0.00	0.00	
4 Defered Charges & Other Appropriations	0.00	0.00	
5 Surplus (General Budget)	0.00	0.00	
Total Appropriations	0.00	0.00	
Total Number of Employees			

Balance of Outstanding Debt			
	General		
Issued	23,760.00		
Principal	2,700,000.00		
Outstanding Balance	2,723,760.00	0.00	0.00

Notice is hereby given that the budget and tax resolution was approved by the TOWNSHIP COMMITTEE of the TOWNSHIP of UPPER County of CAPE MAY on MARCH 14, 2011.

A hearing on the budget and tax resolution will be held at TOWNSHIP HALL on APRIL 11, 2011 at 7:30 o'clock PM or which time and place objections to the Budget and Tax Resolution for the year 2011 may be presented by taxpayers or other interested parties.

Copies of the budget are available in the office of TOWNSHIP CLERK at the Municipal Building, 2500 Luckahoe Road, Pelegrusburg, New Jersey, 038-023-2011 during the hours of 9:00 AM to 4:00 PM.

RESOLUTIONS

3. Annual Fourth of July Fireworks Display.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 70-2011
RE: ANNUAL FOURTH OF JULY FIREWORKS DISPLAY

WHEREAS, for many years, the Township of Upper has provided a fireworks display for the residents of Upper Township and others; and

WHEREAS, the Township wishes to continue to provide a display of fireworks in celebration of the 4th of July; and

WHEREAS, the Township solicited bids from several Firework Companies and has selected Pyrotecnico, a Pennsylvania corporation; and

WHEREAS, the State of New Jersey, Department of Community Affairs, requires that the Township provide a Resolution approving same; and

WHEREAS, the site for the fireworks display will be determined in conjunction with a State of New Jersey Fire Inspector; and

WHEREAS, FAA Clearance will be applied for; and

WHEREAS, a Certificate of Insurance will be provided by the Township's Insurance Carrier for the amount specified by the State Department of Community Affairs; and

WHEREAS, a plot/site plan for site display, showing the distances from the public and structures to the fireworks discharge area, will be provided by the Township Engineer; and

WHEREAS, the Chief Financial Officer has certified the availability of funds to permit said Contract to be entered into.

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 in full herein by this reference.

2. Upon meeting all requirements of the State of New Jersey, Department of Community Affairs as well as any and all recommendations or

requirements of the Township's Risk Management Consultant and the Joint Insurance Fund, the Township Clerk is hereby directed and authorized to provide a certified copy of this Resolution, with all attachments, to the Department of Community Affairs for their review and issuance of a Fireworks Permit.

3. The contractor shall comply with all terms and provisions of the Municipal Excess Liability Joint Insurance Fund Bulletin MEL 11-08, dated January 30, 2011.

4. 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.

5. 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, including but not limited to the entering into and execution of an Agreement to Furnish Fireworks Exhibition with Pyrotecnico, New Castle, PA, for the sum of \$6,000.00.

Resolution No. 70-2011

Offered by: Frank Conrad

Seconded by: Jay Newman

Adopted: March 14, 2011

Roll Call Vote:

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

4. Reserve Budget Transfers.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 71 -2011
RE: RESERVE BUDGET TRANSFERS**

WHEREAS, various 2010 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2010 budget appropriation reserve in the last two months of 2010; and

WHEREAS, N.J.S.A. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available until lapsed at the close of the succeeding year to meet specific claims, commitments or contracts incurred during the preceding fiscal year and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year.

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

transfers in the amount of \$100,000.00 be made between the 2010 budget appropriation reserves as follows:

<u>TO</u>	<u>FROM</u>
SPECIAL LITIGATION SERVICES \$100,000.00	CLERK S/W \$2,000.00
	ASSESSMENT OF TAXES S/W \$5,000.00
	SMART GROWTH EXPENSES \$10,000.00
	GENERAL LIABILITY INS. \$20,000.00
	GROUP INS. EMPLOYEES \$10,000.00
	REGIONAL DISPATCH O/E \$3,000.00
	RECYCLING S/W \$10,000.00
	GARBAGE & TRASH S/W \$20,000.00
	BOARD OF HEALTH O/E \$20,000.00

Resolution No. 71-2011
Offered By: Frank Conrad
Adopted: March 14, 2011
ROLL CALL VOTE:

Seconded By: Curtis Corson

<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>	_____	_____	_____

5. 2011 Emergency Temporary Budget.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 072-2011
RE: 2011 EMERGENCY TEMPORARY BUDGET**

WHEREAS, N.J.S.A. 40A:4-19 provides that the governing body shall by Resolution adopted prior to January 31 of the fiscal year make appropriations to provide for the period between the beginning of the fiscal year and the adoption of the Budget; and

WHEREAS, there is a need to increase certain line items in the Temporary Budget until adoption of the Budget takes place.

NOW, THEREFORE BE IT RESOLVED, that the following appropriations shall constitute the Emergency Temporary Budget for the year 2011:

ADMINISTRATIVE & EXECUTIVE

INCREASE TO:

Mayor and Committee

Salary and Wages	16,500.00
Mayor and Committee O/E	2,900.00
DCRP-Township Committee	100.00
Municipal Clerk	
Salary and Wages	48,000.00

OTHER EXPENSES

Legal Advertising	5,000.00
Miscellaneous O/E	8,000.00
Purchase of Office Equipment	3,000.00
Codification of Ordinances	2,000.00
MAC	6,867.00
Cape Mediation	1,364.00
Cape Assist EAP	1,155.00

FINANCIAL ADMINISTRATION

Salaries & Wages	32,000.00
Miscellaneous O/E	4,000.00
Computer Hardware/Software	10,000.00
Annual Audit	18,000.00

ASSESSMENT OF TAXES

25,000.00	Salaries & Wages	17,000.00
	Miscellaneous O/E	4,000.00

COLLECTION OF TAXES

	Salaries & Wages	23,000.00
<u>Miscellaneous O/E</u>	<u>3,000.00</u>	
	Purchase TTL	1,000.00

LIQUIDATION OF TTL & FORECLOSED PROPERTY

INCREASE TO:

Other Expenses 1,000.00

LEGAL SERVICES AND COSTS

Other Expenses 30,000.00 35,000.00

MUNICIPAL COURT

Salaries & Wages	52,800.00	58,800.00
Miscellaneous O/E		4,000.00

PUBLIC DEFENDER

Salaries & Wages 6,400.00

MUNICIPAL PROSECUTOR

Salaries & Wages 11,300.00

ENGINEERING SERVICES & COSTS

Salaries & Wages 24,000.00
Other Expenses 5,000.00

PUBLIC BUILDINGS & GROUNDS

Salaries & Wages 26,000.00
Other Expenses 75,000.00

PLANNING BOARD

Salaries & Wages 12,000.00
Other Expenses 2,000.00

BOARD OF ADJUSTMENT

<u>Salaries & Wages</u>	<u>12,000.00</u>	
Other Expenses		2,000.00

CONSTRUCTION OFFICE & BUILDING INSPECTOR

Salaries & Wages	47,000.00	
Other Expenses	3,000.00	

INSURANCE

Group Insurance for Employees	356,000.00	475,000.00
Other Insurance Premiums	70,000.00	
Workers Compensation	80,500.00	

SCHOOL CROSSING GUARD

<u>Salaries & Wages</u>	<u>2,200.00</u>	<u>2,300.00</u>
Miscellaneous O/E		500.00

BEACH PATROL

INCREASE TO:

Salaries & Wages	1,100.00
Other Expenses	1,000.00

EMERGENCY MANAGEMENT/RTK/911 COORDINATOR

Salaries & Wages	6,700.00
Miscellaneous O/E	5,000.00

ROAD REPAIRS & MAINTENANCE

Salaries & Wages	321,000.00	
<u>Miscellaneous O/E</u>	<u>46,700.00</u>	<u>51,700.00</u>

351,000.00

SURFACING OF ROADS CONTRACTUAL	5,000.00
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STREET LIGHTING	60,000.00
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GARBAGE & TRASH REMOVAL

Salaries & Wages	102,000.00	
Miscellaneous O/E	22,000.00	
Tipping Fees	75,000.00	85,000.00

BOARD OF HEALTH

Salaries & Wages	200.00
Miscellaneous O/E	5,000.00

DOG REGULATION

Miscellaneous O/E	27,000.00
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PUBLIC RELATIONS & INFORMATION OFFICER

Salaries & Wages	2,700.00
Miscellaneous O/E	2,000.00

ZONING/CODE OFFICIAL

Salaries & Wages	5,000.00
Miscellaneous O/E	1,000.00

SPORTS & RECREATION

Salaries & Wages	135,000.00	
Miscellaneous O/E	20,000.00	30,000.00

FIRST AID ORGANIZATION

Salaries & Wages	165,000.00
Miscellaneous O/E	23,000.00

RECYCLING

Salaries & Wages	165,000.00	167,500.00
Miscellaneous O/E		22,000.00

AFFORDABLE HOUSING

INCREASE TO:

Salaries & Wages	700.00
Miscellaneous O/E	2,000.00

COMMUNITY CENTER

Salaries & Wages	10,500.00
Miscellaneous O/E	10,000.00

CELEBRATION OF PUBLIC EVENTS	1,000.00
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SOCIAL SECURITY SYSTEM	85,000.00	100,000.00
SPECIAL LITIGATION	30,000.00	40,000.00
SUI CONTRIBUTION		7,000.00
SHORE PROTECTION O/E		10,000.00
CENTRAL DISPATCH		52,000.00
RENOVATIONS HISTORICAL BUILDING		3,000.00
MAC GRANT		27,469.00
ALCOHOL & DRUG TESTING		8,500.00
REPAIRS MUNICIPAL BUILDING		33,000.00
COMP. ABSENCES RESERVES		100.00
PERS		400,553.00
INTEREST ON BAN		25,000.00
		\$2,953,808.00

Resolution No. 072-2011

Offered by: Conrad

Seconded by: Newman

Adopted: March 14, 2011

Roll Call Vote:

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

- Resolution reaffirming the review and final approval of the application and purchase of the Development Easement on the Kenneth W. and Patricia A. Mason farm, Block 10, Lot 202, at 386 Rt. 49, Tuckahoe, Upper Township, Cape May County.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 73-2011**

RE: RESOLUTION REAFFIRMING THE REVIEW AND FINAL APPROVAL OF THE APPLICATION AND PURCHASE OF THE DEVELOPMENT EASEMENT ON THE KENNETH W. & PATRICIA A. MASON FARM, BLOCK 10, LOT 202, AT 386 RT. 49, TUCKAHOE, UPPER TOWNSHIP, CAPE MAY COUNTY, NEW JERSEY

WHEREAS, the Cape May County Agriculture Development Board has granted final approval for the purchase of a Development Easement on property owned by Kenneth W. & Patricia F. Mason, at a certified value of \$3,350.00 per acre, designated as 86.6 acres, Block 10, Lot 202, also known as 386 Route 49, Upper Township, Cape May County, New Jersey; and

WHEREAS, the Board of Chosen Freeholders of the County of Cape May has entered into a contract to purchase said easement; and

NOW THEREFORE BE IT RESOLVED, the Township Committee of the Township of Upper has reviewed the aforesaid application, pursuant to N.J.A.C. 2:76-6.10(a)4, and in the best interest of the Township approves the application and the purchase of the development easement of the property designated as, Block 10, Lot 202, 86.6 acres, Township of Upper, Cape May County, New Jersey.

Resolution No. 73-2011

Offered by: Curtis Corson

Seconded by: Kristine Gabor

Adopted: March 14, 2011

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 the Greater Tuckahoe area Merchants Association 2nd Annual Tour De Tuckahoe Bike Ride and Duathlon to be held at Amanda's Field in Petersburg, New Jersey on Sunday May 1, 2011.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 74 - 2011**

**RE: AUTHORIZING THE GREATER TUCKAHOE AREA MERCHANTS
ASSOCIATION 2nd ANNUAL TOUR DE TUCKAHOE BIKE RIDE AND 1st
ANNUAL DUATHLON TO BE HELD AT AMANDA'S FIELD
IN PETERSBURG, NEW JERSEY ON SUNDAY MAY 1, 2011**

WHEREAS, the Greater Tuckahoe Area Merchants Association, Inc., of P.O. Box 656 Tuckahoe, NJ 08250, has submitted a proposal to the Upper Township Committee requesting authority to hold an Bike Rally in Petersburg, New Jersey on May 1, 2011 which will consist of four different courses to accommodate riders of all levels, the family ride which will circle Amanda's Field 1.3 mile trail and for the advanced rider a 16 mile, 40 mile or 62 mile ride, starting and ending at Amanda's Field, and a duathlon which will consist of a 2 mile run, 9 mile ride and end with a 2 mile run starting and ending at Amanda's Field, Registration beginning at 7:30 a.m., the duathlon beginning at 8:00 a.m. and ending about 9:30 a.m., and the bike rides commencing at 10.00 a.m. and ending at 3:00 p.m., as more particularly specified in their proposal, a copy of which is attached hereto as Exhibit A; and

WHEREAS, the bike tour and the duathlon will travel NJSH Route 50 and will utilize Township, County and State roads in Upper Township as described on maps attached hereto as Exhibit "B"; and

WHEREAS, the proposed event is sanctioned and insured by the Greater Tuckahoe Area Merchants Association, Inc. copy of insurance certificate attached as Exhibit "C"; and

WHEREAS, the parking area and registration site for the event is proposed on Amanda's Field lots attached hereto as Exhibit "D"; and

WHEREAS, the event organizers have 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 race or race course; 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 the extent that it has jurisdiction to do so, to the Greater Tuckahoe Area Merchants Association, Inc. for the Bike Ride event to be held on May 1, 2011 as specified in this Resolution and in the accompanying Exhibits subject to and conditioned upon the following:

(A) The event described in this Resolution is carried out by the Greater Tuckahoe Area Merchants' Association, Inc. These sponsors have no connection, direct or indirect, with the Township of Upper or any of its officials or employees. These sponsors shall not, in any way, directly or indirectly, represent that the race 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 these event sponsors to conduct the proposed race, it must be made clear that the event is not and shall not be considered a Township of Upper sponsored or sanctioned event.

(B) Greater Tuckahoe Area Merchants' Association, Inc., has provided general comprehensive liability insurance in form and substance satisfactory to the Township of Upper's Risk Management Consultant. Said insurance includes a medical expense limit. A Certificate of Insurance has been provided to the Township Clerk, which the Risk Management Consultant of the Township of Upper has approved Certificate of Insurance. Said Certificate of Insurance names the Township of Upper, its officials, officers and employees, as an additional insured.

(C) Greater Tuckahoe Area Merchants' Association, Inc., the event sponsors, have obtained written approval from and comply with all conditions imposed by the following entities:

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

(iv) Cape May County Board of Chosen Freeholders.

The event sponsors have provided written authorization from the above entities, including any conditions required of said entities, to the Township Clerk.

(D) Greater Tuckahoe Area Merchants' Association, Inc., has provided a Use of Facilities Agreement and an

Indemnification

and Hold Harmless Agreement in favor of the Township of Upper, its officials, officers and employees in the form

attached

hereto as Exhibit "E".

(E) Setup for the event will take place at 6:00 a.m. the morning of the event.

(F)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.

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. 74 -2011
 Offered by: Jay Newman
 Adopted: March 14, 2011
 Roll Call Vote:

Seconded by: Frank Conrad

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

8. Authorizing execution of NJDEP TWA-1 application Statements of Consent form regarding 101 W. Prescott Avenue, Strathmere, Block 824, Lot 11.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 R E S O L U T I O N
 RESOLUTION NO: 75-2011
 RE: AUTHORIZING EXECUTION OF NJDEP TWA-1 APPLICATION
 STATEMENTS OF CONSENT FORM REGARDING 101 W. PRESCOTT AVENUE,
 STRATHMERE, BLOCK 824, LOT 11**

WHEREAS, James F. Bonner has or is about to make application to the New Jersey Department of Environmental Protection (hereinafter “DEP”) for Treatment Works Approval for a single family dwelling, and has requested that the Township complete a portion of DEP Form No. WQM-003, which merely consents to the submission of the application to the DEP and certifies that the project, as proposed, conforms with the requirements of all municipal Ordinances and does not otherwise impose any obligation or liability on the Township; and

WHEREAS, Mr. Bonner must apply to the New Jersey Department of Environmental Protection for Treatment Works Approval in order to construct a pressure dosing septic system for a single family dwelling to be constructed on 101 W. Prescott Avenue, on Block 824, Lot 11 of the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Township Engineer has informed the Township Committee as to the general nature of the project and has indicated that the Township has no ordinance prohibiting the proposed project; and

WHEREAS, the matter has been considered by the Township Committee and it has been determined that the consent by the Governing Body should be granted to this application to permit the application process to go forward; and

WHEREAS, the Township Committee wishes to authorize the Township officials to execute said documentation;

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor is hereby authorized to execute on behalf of the Township of Upper a Statements of Consent, Section A-1, in the form attached hereto as Exhibit "A" and said consent shall be completed by inserting therein this Resolution number and the date of its adoption.
3. This Statements of Consent is submitted in conjunction with the application of James F. Bonner for treatment works approval for the property at Block 824, Lot 11 on the municipal tax map.
4. A certified copy of this Resolution shall be provided to the applicant.

Resolution No. 75-2011
Offered by: Curtis Corson Seconded by: Frank Conrad
Adopted: March 14, 2011
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>	_____	_____	_____

9. Adopting revisions to the Upper Township Supervisor's Personnel Policies and Procedures Manual and Employee Handbook.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 76-2011
RE: ADOPTING REVISIONS TO THE UPPER TOWNSHIP SUPERVISOR'S
PERSONNEL POLICIES AND PROCEDURES MANUAL
AND EMPLOYEE HANDBOOK**

WHEREAS, the Township Committee of the Township of Upper has determined there is a need to adopt revisions to the Township's Personnel Policies, Supervisor's Personnel Policies and Procedures Manual and Employee Handbook; and

WHEREAS, the Township Committee of the Township of Upper has reviewed and approved the revision to the Supervisor's Personnel Policies and Procedures Manual and Employee Handbook to remove sick time for part-time employees on page 38; and

WHEREAS, the Township Committee has determined that the revision should be adopted to amend the existing Township Supervisor's Personnel Policies and Procedures Manual and the Employee Handbook; 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 revision to the Supervisor's Personnel Policies and Procedures Manual and Employee Handbook is hereby adopted and approved and modify the existing personnel policies, procedures, manuals and handbooks of the Township.
3. The Supervisor's Personnel Policies and Procedures Manual shall apply to all Township officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement,

personal services contract or federal or state law, the terms and conditions of that contract or law shall prevail. In all other cases these policies and procedures shall prevail.

4. The manual is intended to provide guidelines covering public service by Township employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Township Committee.

5. To the maximum extent permitted by law, employment practices for the Township shall operate under the legal doctrine known as “employment at will”.

6. 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. 76- 2011
 Offered by: Frank Conrad
 Adopted: March 14, 2011
 Roll Call Vote:

Seconded by: Kristine Gabor

<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>	___	___	___

10. Authorizing the Chief Financial Officer to withdraw funds in the amount of \$5,000.00 from the account entitled Recycling Trust Account for the purchase of recycling corrals.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 R E S O L U T I O N
 RESOLUTION NO.77-2011**

RE: AUTHORIZING THE CHIEF FINANCIAL OFFICER TO WITHDRAW FUNDS IN THE AMOUNT OF \$5,000.00 FROM THE ACCOUNT ENTITLED RECYCLING TRUST ACCOUNT FOR THE PURCHASE OF RECYCLING CORRALS

WHEREAS, it is necessary for the Township of Upper to have corrals to hold recycling containers in recreational areas to prevent tipping of the cans; and

WHEREAS, it is necessary for the Township of Upper to construct corrals to place the recycling containers in; and

WHEREAS, the appropriation for the purchase of the material will be from the Recycling Trust Account; 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 Chief Financial Officer of the Township of Upper is hereby authorized, directed and empowered to withdraw funds in the amount of \$5,000.00 from the account entitled Recycling Trust Fund for certain materials, supplies and equipment.

Resolution No. 77-2011

Offered by: Curtis Corson

Seconded by: Jay Newman

Adopted: March 14, 2011

Roll Call Vote:

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

11. Authorizing the Chief Financial Officer to withdraw funds in the amount of \$12,667.09 from the account entitled Recreation Trust Fund-Developers for Recreational improvements.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 78-2011**

RE: AUTHORIZING THE CHIEF FINANCIAL OFFICER TO WITHDRAW FUNDS IN THE AMOUNT OF \$12,667.09 FROM THE ACCOUNT ENTITLED RECREATION TRUST FUND-DEVELOPERS FOR RECREATIONAL IMPROVEMENTS

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

WHEREAS, the Township Resolution 149-2010 has previously authorized spending \$53,500.00 for general repairs in 2010; and

WHEREAS, the Township has not completed all the necessary work and has \$12,667.09 remaining from the 2010 funds that were allocated;

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Chief Financial Officer of the Township of Upper is hereby authorized, directed and empowered to withdraw funds in the amount of \$12,667.09, being the balance of the work previously authorized and as shown on Exhibit “A”, from the account entitled Recreation Trust Fund-Developers for improvements at various Township recreational facilities.
3. This Resolution ratifies, confirms and approves action taken by the Township Committee, by motion, at the meeting of February 28, 2011.

Resolution No. 78-2011
 Offered by: Kristine Gabor Seconded by: Frank Conrad
 Adopted: March 14, 2011
 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>	_____	_____	_____

Exhibit "A"

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

12. In support of the opportunity of a natural gas generator at the B.L. England Generating Station.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 79-2011
RE: IN SUPPORT OF THE OPPORTUNITY OF A NATURAL GAS GENERATOR
AT THE B. L. ENGLAND GENERATING STATION**

WHEREAS, Rockland Capital has submitted a bid to operate a natural gas generator at its B.L. England Generating Station property as part of a Gas Supply Agreement with South Jersey Gas; and

WHEREAS, the construction and operating of such facility will represent a significant investment in the Township's economy; and

WHEREAS, a natural gas generator will create power products designed to comply with proposed greenhouse gas regulations and will be environmentally friendly to the Township; and

WHEREAS, the Township Committee of the Township of Upper has reviewed Rockland Capital's proposal and has determined that it is in the best interest of the residents and citizens of the Township.

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 formally supports Rockland Capital's bid for its B.L. England Generating Station property to operate a natural gas generator.

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

Resolution No. 79-2011
Offered by: Richard Palombo Seconded by: Jay Newman
Adopted: March 14, 2011
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>	___	___	___

13. Authorizing the Mayor to sign and submit an Emergency Management performance grant application for Fiscal Year 2011.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 80-2011
RE: AUTHORIZING THE MAYOR TO SIGN AND SUBMIT AN
EMERGENCY MANAGEMENT PERFORMANCE GRANT APPLICATION FOR
FISCAL YEAR 2011**

WHEREAS, the Township of Upper wishes to take advantage of the Emergency Management Agency Assistance Performance Grant that will be available for Fiscal year 2011; and

WHEREAS, the Township Committee fully supports and endorses the actions of the Upper Township Director of Emergency Management in his filing of the grant application for the grant program known as the FY 11 Emergency Management Performance Grant and Emergency Management Agency Assistance Subgrant ("Program"); and

WHEREAS, the Program provides funding to assist State and local governments in enhancing and sustaining their all-hazards emergency management capabilities and funds are made available to County and municipal agencies under the Emergency Management Agency Assistance Subgrant Program; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor, and Director of Emergency Management of the Township of Upper is hereby authorized, directed and empowered to submit the grant application identified as CFDA 97.042 to the New Jersey Division of State Police Office of Emergency Management Emergency Preparedness Bureau on behalf of the Township of Upper.
3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.
4. That the Mayor and Upper Township Director Of Emergency Management are hereby authorized to sign and submit the grant application on behalf of the Township of Upper and that their signature constitutes acceptance of the terms and conditions of the grant application and approves the execution of the grant agreement.
5. A certified copy of this Resolution shall be provided to the Township Director of Emergency Management for insertion into the Emergency Management Agency Assistance Grant Application for Fiscal year 2011.

Resolution No. 80-2011

Offered by: Frank Conrad

Seconded by: Jay Newman

Adopted: March 14, 2011

Roll Call Vote:

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

Palombo X ___ ___ ___

14. Approving the application of the Tuckahoe Volunteer Fire Co. for highway coin drops.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 81-2011**

RE: APPROVING THE APPLICATION OF THE TUCKAHOE VOLUNTEER FIRE CO. FOR HIGHWAY COIN DROPS

WHEREAS, the Tuckahoe Volunteer Fire Co., a non-profit corporation providing firefighting services, has made application to the Township Committee to hold coin drop solicitations in Upper Township; and

WHEREAS, the Township Committee has approved the requests; and

WHEREAS, the requests require approval from the County of Cape May and the State of New Jersey;

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 application of the Tuckahoe Volunteer Fire Co. to hold a coin drop within Upper Township is hereby approved for the following dates and locations:

Intersection of Routes 49 & 50

AND Friday, July 15, 2011 from 5:00 p.m. to 9:00 p.m.
Saturday, July 16, 2011 from 9:00 a.m. to 3:00 p.m.

AND
Intersection of Co. Route 617 & Route 49
Sunday, July 17, 2011 from 3:00 p.m. to 8:00 p.m.

3. Attached to this Resolution is a certified copy of Ordinance No. 7-2001, authorizing coin drops within Upper Township enacted pursuant to N.J.S.A. 39:4-60.

4. A certified copy of this Resolution shall be provided to the State of New Jersey, Department of Transportation and the Board of Chosen Freeholders of the County of Cape May.

Resolution No. 81-2011
Offered by: Curtis Corson Seconded by: Jay Newman
Adopted: March 14, 2011
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>	_____	_____	_____

ORDINANCES

15. Public Hearing and Final Adoption of Ordinance No. 003-2011, RE: AN ORDINANCE AUTHORIZING A LICENSE AGREEMENT OVER A PORTION OF WHITTIER AVENUE ADJACENT TO BLOCK 842, LOT 3.

During the public comment section of the hearing Ted Kingston from Strathmere questioned the purpose of the ordinance. The Committee explained that the ordinance allows the continued use of the property as a boat rental and marina operation. There will be no change except a new bulkhead will be installed and the ordinance provides a license fee in the amount of \$5000 per year. There were no other speakers and the public comment section of the meeting was closed. Motion was made by Jay Newman,

seconded by Curtis Corson to adopt Ordinance No. 003-2011. During roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
O R D I N A N C E
ORDINANCE NO. 003-2011
RE: AN ORDINANCE AUTHORIZING A LICENSE AGREEMENT OVER A
PORTION OF WHITTIER AVENUE ADJACENT TO BLOCK 842, LOT 3**

WHEREAS, the Township of Upper is the owner of a certain right of way known as Whittier Avenue located within the Township of Upper, County of Cape May, and State of New Jersey, adjacent to Block 842, Lot 3 on the municipal tax map; and

WHEREAS, the Township has received a request from Francis J. Jankowski, Jr. and Laura C. Jankowski (“Jankowskis”), the owners of the only real property contiguous with a twenty (20) foot portion of Whittier Avenue adjacent to Block 842, Lot 3, to enter into a License Agreement permitting them to use said portion of Whittier Avenue; and

WHEREAS, after discussion and deliberation the Township Committee is of the opinion that authorizing a License Agreement for said portion of Whittier Avenue will be in the best interest of the Township and will provide for the continuation of an existing marina use on the adjacent lot owned by the Jankowskis; and

WHEREAS, the Township Committee has determined that the fair market value of the use of such portion of Whittier Avenue is the sum of Five Thousand Dollars (\$5,000.00) per year; and

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

SECTION 1: The Township of Upper is hereby authorized to enter into a License Agreement with the Jankowskis for the use of the real property commonly known as follows:

The southernmost twenty (20) feet of Whittier Avenue
adjacent to Block 842, Lot 3

Said persons are the owners of the only real property contiguous thereto. The fair market value of said license is the sum of Five Thousand Dollars (\$5,000.00) per year in addition to the other obligations of the Licensee set forth in the License Agreement.

SECTION 2: A copy of the proposed License Agreement as authorized by this Ordinance shall be on file with the Township Clerk.

SECTION 3: The interest to be conveyed by the Township shall be under and subject to all easements, recorded and unrecorded, whether for utilities or for others, and shall also be subject to all conditions, reservations and restrictions of record, if any. If a title report discloses an unmarketable condition of title, except as specified herein, the remedy of the purchaser of the license shall be limited to the cancellation of the agreement with no further liability to the Township of Upper. This transaction is under and subject to any riparian claim which may affect said property. If any such claim exists, it shall be the sole responsibility of the purchaser of the license to meet and satisfy all requirements of the State of New Jersey with respect to said riparian claim and the payment of any compensation to the State of New Jersey on account thereof. Nothing herein shall be construed as obligating the Township of Upper to construct or maintain access roads to any portion of the property in this transaction. Such property may not qualify for a building permit due to lack of water supply, lack of sewer or septic facilities, lack of access, inadequate lot size, or other reasons, including those reasons set forth below. The purchaser is required to comply with all

applicable zoning, building and health ordinances and codes and regulations. The property may be situate in a Flood Hazard Zone. The Township of Upper makes no warranties or representations, expressed or implied, as to the property, the condition or marketability of the title or any other matter. The Township of Upper makes no warranties or representations, expressed or implied, as to whether or not the property contains wetlands anywhere on the property. The Township makes no warranties or representations as to any matter of an environmental nature, or otherwise, which may prevent or limit building or construction.

SECTION 4: All references to Lots and Blocks described herein are to the Lots and Blocks as shown on the Current Official Tax Map of the Township of Upper.

SECTION 5: It is a requirement of this transaction that the purchaser of the license interest in the subject property be the only contiguous property owner. Said purchaser shall be required to use the licensed area in connection with the existing marina/boat rental operation on Lot 3, Block 842.

SECTION 6: This Ordinance shall take effect immediately upon final adoption and publication as required by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 14th DAY OF FEBRUARY, 2011 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 14th DAY OF MARCH, 2011 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.
BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

WANDA GAGLIONE, TOWNSHIP CLERK
TOWNSHIP OF UPPER

- 16. Introduction and First Reading of Ordinance No. 006-2011, Re: AN ORDINANCE VACATING THAT PAPER STREET KNOWN AS CEDAR ROAD IN BLOCK 21 ADJACENT TO LOT 1, WITHIN THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY. Motion**

was made by Curtis Corson, second by Frank Conrad to introduce Ordinance No. 006-2011 with public hearing and final adoption set for April 11, 2011. During roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE
ORDINANCE NO. 006-2011
AN ORDINANCE VACATING THAT PAPER STREET KNOWN AS CEDAR ROAD
IN BLOCK 21 ADJACENT TO LOT 1, WITHIN THE TOWNSHIP OF UPPER,
COUNTY OF CAPE MAY AND STATE OF NEW JERSEY**

WHEREAS, N.J.S.A. 40:67-1 authorizes the Governing Body of a municipality to adopt an Ordinance, among other things, to vacate any street, highway, lane, alley, square, place or park, or any part thereof, dedicated to public use but not accepted by the municipality, whether or not the same, or any portion, has been actually opened or improved; and

WHEREAS, Elma Lou Dilks is the owner of Block 21, Lot 1 and has requested that the Township vacate a certain street described in this Ordinance and has agreed to pay the costs incurred by the Township to vacate said street; and

WHEREAS, the Township Committee has duly considered the matter and it appears reasonable to agree to the request since there is no present or foreseeable need or intention to utilize said roadway; and

WHEREAS, it is deemed to be in the public interest to vacate Cedar Road 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:

SECTION 1: The public right in, along, upon and over the following described land is hereby vacated, surrendered and extinguished:

Description

Vacation of Cedar Road
Adjacent to Block 21
as shown on Tax Map Sheet No. 11
Tuckahoe Section of
Township of Upper

BEGINNING at the Southeasterly intersection of Cedar Road and Poplar Road extending along the Southerly line of Cedar Road and Lot 1 Block 21 a distance of 259.52' to a point at the Southwesterly intersection of Cedar Road and Reading Boulevard; thence across Cedar Road in a Northerly direction along the extension of the Westerly line of Reading Boulevard to the Northerly line of Cedar Road and Block 20; thence extending in a Westerly direction along Block 20 to the Northeasterly intersection of Cedar Road and Poplar Road; thence extending across Cedar Road in a Southerly direction a distance of 50' to the point of beginning.

SECTION 2: This Ordinance vacates no portion of the street except that portion set forth and described in **SECTION 1** above.

SECTION 3: EXCEPTION: This Ordinance expressly reserves and excepts from vacation all rights and privileges now possessed by public utilities, 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 replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated, as hereinabove described.

SECTION 4: REPEALER: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

SECTION 5: EFFECTIVE DATE: This Ordinance shall take effect immediately upon final adoption and publication as required by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 14TH DAY OF MARCH, 2011 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 11th DAY OF April, 2011 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

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

WANDA GAGLIONE, TOWNSHIP CLERK
TOWNSHIP OF UPPER

CORRESPONDENCE

NEW BUSINESS

- 17. Upper Township Lacrosse Association - request to host an End of Season Playoffs on Sunday May 22, 2011 at Amanda's Field and the Tyler Davis Memorial Park fields.** Frank Conrad did not participate in this matter due to conflict. This event is for Lacrosse Playoffs and it was discussed that there may be a scheduling problem with soccer, however it was thought it could be resolved by moving some teams to another location. Motion was made by Kristine Gabor, second by Curtis Corson to approve the event if scheduling could be resolved. During roll call vote four Committee members voted in the affirmative. Frank Conrad abstained.
- 18. Upper Township PTA - request to hold a 5K Run fundraiser on May 15, 2011 at Amanda's Field.** Motion was made by Frank Conrad, seconded by Kristine Gabor to approve this event subject to certificate of insurance review by the JIF Risk Management Consultant, Kerry Thomson. During roll call vote all five Committee members voted in the affirmative.
- 19. Rutgers Institute of Coastal Marine Sciences- request to perform a temporary trail installation of equipment (a single antenna) on Strathmere Beach for research purposes.** Additional information received on this matter showed that the antenna proposed is small and could be located next to the Beach Patrol building. An agreement and resolution would be necessary. Motion was made by Curtis Corson, seconded by Frank Conrad to grant the request subject to any and all permit. During roll call vote all five Committee members voted in the affirmative.

UNFINISHED BUSINESS:

- 20. Report from Engineer on Bayview Drive in Strathmere.** Mr. Dietrich reported that this matter concerns the Seagraves property located at 501 S. Bayview Drive and that the house encroaches onto the street right-of-way. This encroachment prevents the house from being raised above storm water levels, which has resulted in many incidents of property damage throughout the years. Vacating a small portion of the

right-of-way would eliminate this problem. Motion was made by Curtis Corson, second by Kristine Gabor to vacate a 2.5 ft. portion of the right-of-way. During roll call vote all five Committee members voted in the affirmative. An ordinance will be placed on a future meeting agenda.

DISCUSSION

PAYMENT OF BILLS:

“I hereby move that all claims submitted for payment at this meeting be approved and then incorporated in full in the minutes of this meeting.” Motion was made by Jay Newman, second by Frank Conrad. During roll call vote all five Committee members voted in the affirmative.

Bills submitted for payment: \$198,657.23

Payroll: \$168,771.79

REPORT OF MUNICIPAL DEPARTMENTS:

- 21. Construction Code
- 22. Clerk’s Office
- 23. Animal Control
- 24. Tax Assessor
- 25. Tax Collector
- 26. Municipal Court
- 27. Finance Office
- 28. EMS Department
- 29. Department of Public Works

Reports are available from the Clerk’s Office.

PUBLIC COMMENT

Roberta Townsend, of Marmora, requested that the Township pick up the fallen trees in the Township owned right-of-way next to her house. Mr. Dietrich said he would send someone from Public Works to look at it. Mrs. Townsend asked about the proposed research antenna that was discussed earlier. She also commented on Fort Nuwi.

Russell Marano, of Palermo, requested that the Township and the School Board hold their meetings on different days so he could attend both. The Committee would consider that next year.

CLOSED SESSION

- 30. **Resolution to conduct a closed meeting pursuant to N.J.S.A. 10:4-12, from which the public shall be excluded.** Mr. Newman read the following resolution into the record.

TOWNSHIP OF UPPER
RESOLUTION NO. 082-2011
MOTION GOING INTO CLOSED SESSION

March 14, 2011

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 matters
2. Contract negotiations – Shared Services Agreement with Linwood
3. Contract negotiations – tax appeal conflict attorney

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.

Moved by: Jay Newman

Motion seconded: Curtis Corson

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

RECONVENE PUBLIC PORTION OF MEETING

ADJOURNMENT

****Please note—the order of the agenda may be changed at the discretion of the Township Committee.**

There being no further business this evening the meeting was adjourned at 9:30 P.M. Next meeting scheduled for March 28, 2011 at 7:30 P.M.

Minutes prepared by

Wanda Gaglione, RMC
Municipal Clerk

Bill List

55155 03/14/11 A0006 ADVANCE TREADS INC 32.00 2649
55156 03/14/11 A0015 ADVANCE LEARNING 99.00 2649
55157 03/14/11 A0018 ACTION SUPPLY INC. 828.61 2649
55158 03/14/11 A0028 ADVANTAGE RENTAL CENTER INC. 503.90 2649
55159 03/14/11 A0086 AT&T MOBILITY 198.41 2649

55160 03/14/11 A0091 ATLANTIC CITY ELECTRIC 14,319.16 2649
55161 03/14/11 A0121 ABSECON RADIATOR SERVICE 185.00 2649
55162 03/14/11 B0035 BELMONT & CRYSTAL SPRINGS 50.80 2649
55163 03/14/11 B0090 BROADLEY'S MDI. 281.96 2649
55164 03/14/11 B0092 BROKER, EUGENE JR. 150.00 2649
55165 03/14/11 B0117 BRIDGESTATE FOUNDRY CORP 185.00 2649
55166 03/14/11 C0009 CAPE MAY COUNTY TCTA 200.00 2649
55167 03/14/11 C0027 CAPE INSULATION CO.INC 1,960.00 2649
55168 03/14/11 C0048 CAPE MAY COUNTY MUA 25,739.51 2649
55169 03/14/11 C0056 CAPE MEDIATION SERVICE, INC. 1,323.60 2649
55170 03/14/11 C0060 CAPRIONI'S PORTABLE TOILETS 962.00 2649
55171 03/14/11 C0068 COMCAST 205.20 2649
55172 03/14/11 C0071 CAPEHART & SCATCHARD, P.A. 3,288.00 2649
55173 03/14/11 C0131 CINTAS FIRST AID & SAFETY 90.17 2649
55174 03/14/11 C0156 COMPUTER HOUSE OF SOUTH JERSEY 997.29 2649
55175 03/14/11 C0223 CASA PAYROLL SERVICE 221.15 2649
55176 03/14/11 D0016 DALEYS PIT 160.00 2649
55177 03/14/11 D0026 DEAUGUSTINE, JOE 150.00 2649
55178 03/14/11 D0035 DEVINE, FIONA 60.00 2649
55179 03/14/11 D0040 DELTA DENTAL OF N.J. INC. 7,066.25 2649
55180 03/14/11 D0118 DIAMOND M. LUMBER CO. INC. 6,079.40 2649
55181 03/14/11 E0012 EHRLICH PEST CONTROL INC 156.00 2649
55182 03/14/11 F0016 FAZZIO, JOSEPH INC. 1,290.60 2649
55183 03/14/11 F0053 FORD, SCOTT & ASSOCIATES 10,000.00 2649
55184 03/14/11 F0054 FORT DEARBORN LIFE INSURANCE 525.22 2649
55185 03/14/11 G0094 GRUBB, JON 150.00 2649
55186 03/14/11 H0012 HALL,ARTHUR 234.04 2649
55187 03/14/11 I0013 IMPACT TECHNOLOGY SOLUTION LLC 1,140.00 2649
55188 03/14/11 J0014 JC MILLER'S 532.39 2649
55189 03/14/11 J0036 JOHNSON, MICHELLE 11.22 2649
55190 03/14/11 J0041 JONES, JAMES M. 50.00 2649
55191 03/14/11 K0007 KACZMARSKI, RICHARD 34.99 2649
55192 03/14/11 K0071 KG Marine Contracting, Inc. 65,500.00 2649
55193 03/14/11 M0021 MASER CONSULTING, P.A. 1,291.25 2649
55194 03/14/11 M0103 MODERN GAS COMPANY, INC. 4,377.62 2649
55195 03/14/11 M0188 MCCARTHY TIRE SERVICE OF PHILA 388.12 2649
55196 03/14/11 M0217 MUNICIPAL EMERGENCY SERVICES 463.43 2649
55197 03/14/11 M0225 MCANJ/PATRICIA L. HUNT, RMC 15.00 2649
55198 03/14/11 N0004 NJ-AMERICAN WATER CO. 383.09 2649
55199 03/14/11 N0043 NAPA AUTO PARTS OF S.JERSEY 56.64 2649
55200 03/14/11 N0052 NATL YOUTH SPORTS COACHED ASSN 320.00 2649
55201 03/14/11 N0060 NESLO PETROLEUM PRODUCTS, INC. 1,241.91 2649
55202 03/14/11 N0070 MARSH & MCLENNAN AGENCY, LLC 2,500.00 2649
55203 03/14/11 N0114 NORTHERN TOOL & EQUIPMENT CO. 279.56 2649
55204 03/14/11 P0032 PEDRONI FUEL CO. 2,602.95 2649
55205 03/14/11 P0056 TURF EQUIPMENT AND SUPPLY CO 173.22 2649
55206 03/14/11 R0030 RIGGINS, INC. 6,957.87 2649
55207 03/14/11 R0065 ROBERT BROWN TREE SERVICE 600.00 2649
55208 03/14/11 R0092 RUTGERS, THE STATE UNIVERSITY 165.00 2649
55209 03/14/11 S0020 AM SAN 43.65 2649
55210 03/14/11 S0072 SEGIN, STEWART S. 25.00 2649
55211 03/14/11 S0085 SHOCKEY'S PURE WATER SYSTEMS 3,650.00 2649
55212 03/14/11 S0108 SOUTHERN NEW JERSEY NIGP 30.00 2649
55213 03/14/11 S0153 STERICYCLE, INC. 520.20 2649
55214 03/14/11 S0196 STEWART BUSINESS SYSTEMS LLC 689.61 2649
55215 03/14/11 S0209 STAPLES ADVANTAGE 1,180.24 2649
55216 03/14/11 S0218 S.J.A.P. NATURALINK 2,135.00 2649
55217 03/14/11 S0239 SHORE VET. ANIMAL CONTROL LLC 2,300.00 2649
55218 03/14/11 T0028 TRACTOR SUPPLY COMPANY CREDIT 14.99 2649
55219 03/14/11 T0044 THOMSON, KERRY AGENCY 26.00 2649
55220 03/14/11 T0048 TILL PAINT CO/D. FITZGERALD 2,148.80 2649
55221 03/14/11 T0067 TOWNSHIP OF UPPER PETTY CASH 3.48 2649
55222 03/14/11 U0038 UPPER TOWNSHIP RESCUE SQUAD 167.00 2649
55223 03/14/11 V0013 VERIZON WIRELESS 679.50 2649
55224 03/14/11 V0022 VERIZON 180.38 2649
55225 03/14/11 V0024 VAL-U AUTO PARTS L.L.C. 288.22 2649
55226 03/14/11 V0027 VANORDER, ROGER 241.08 2649
55227 03/14/11 W0030 WEST PUBLISHING CO. 356.94 2649
55228 03/14/11 W0038 WILLIAMS, JEREMIAH J. 73.36 2649
55229 03/14/11 W0050 WIRELESS ELECTRONICS, INC. 152.25 2649
55230 03/14/11 Y0008 YOUNG, DANIEL J. ESQUIRE PC 14,350.00 2649
55231 03/14/11 Y0023 YOUNG, DANIEL J. ATTORNEY 2,625.00 2649
Total: \$198,657.23