

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR
TUESDAY AUGUST 09, 2011**

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

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

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

**APPROVAL OF MINUTES - **July 25, 2011 Regular Meeting and
Closed Session Minutes****

Jay Newman requested one change to the Closed Session Minutes, correcting it to state all five Committee members were present. Motion was made by Jay Newman, second by Kristine Gabor to approve the Minutes. During roll call vote all four Committee members present voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Curtis Corson, reported that the recycling rate for May was 46% and for June 39%. He believed one reason for it being low was that loose-leaf pickup was still being completed in May. Another reason may be tourists visiting the area are not aware of the recycling regulations. A suggestion was made to look into using future Clean Communities grant money to educate residents and visitors on recycling awareness.

Jay Newman, introduced Staff Sergeant Jim Brady, the new assistant station commander for the State Police Woodbine Barracks. Sergeant Brady greeted everyone and informed the Committee that the State Police is aware of and will be providing support for the upcoming events in Upper Township, more specifically the Triathlon, Surf for a Cure event, and the Men’s Flag Football League activities. He invited the Committee to feel free to reach out with any question or concerns they may have.

Richard Palombo, made a motion to appoint Edward Barr and Hobie Young as Alternate members to the Zoning Board of Adjustment, second by Curtis Corson. During roll call vote all four Committee members present voted in the affirmative. The Clerk’s office was asked to notify

Mr. Barr and Mr. Young of the appointment. An appointing resolution will be placed on the next agenda.

OTHER REPORTS

Daniel Young, read a portion of a letter from Fred Jacob a property owner in Whale Beach thanking the Committee for the exemplary care Upper Township has provided to the Strathmere beaches this year.

Paul Dietrich, gave an update on work being done at the schools. He reported all interior work on the schools has been completed. Public works crews are rebuilding the trash enclosure at the Middle school and once it's complete he will give a final accounting of the man-hours and cost of materials expended. He reported that the carpenter crew has started working on the speeder car at the train station, which should be completed next month. He next reported that usage of Amanda's field would need to be curtailed to enable reseeding of the fields. Finally, he requested a promotion appointing Roger VanOrder as Recreation Maintenance Worker. Motion was made by Curtis Corson, second by Jay Newman to approve the request. During roll call vote all four Committee members present voted in the affirmative.

Barbara Spiegel, requested approval for Rosemary Trout, an employee of the Finance office to attend a purchasing course this fall. Motion was made by Richard Palombo, second by Jay Newman. During roll call vote all four Committee members present voted to approve the request. Next, she requested approval for Joanne Herron, an employee of the Clerk's Office to attend two of the pre-requisite courses required to sit for the Municipal clerks certification. Motion was made by Kristine Gabor, second by Jay Newman. During roll call vote all four Committee members present voted to approve the request.

RESOLUTIONS

1. Appointing the 2011 Season Beach Patrol Personnel.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 167-2011
RE: APPOINTING THE 2011 SEASON BEACH PATROL PERSONNEL**

WHEREAS, the individuals hereinafter named have been determined to possess the requisite skills, training and are otherwise eligible for appointment to the position of lifeguard; 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 following individuals are appointed as lifeguards in the Township of Upper at a salary as stated below in accordance with the Salary Ordinance:

RETURNING GUARDS

Timothy Drake	\$11.75
Jon O'Neil	\$11.75
Richard Horn	\$10.75
Michael DeSalis	\$10.75

3. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Resolution No. 167 - 2011

Offered by: Palombo

Seconded by: Newman

Adopted: August 9, 2011

Roll Call Vote:

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

2. Appointing John Hope as Mechanic's Helper; and Ralon Armstrong and John Chisholm as Truck Drivers to the Upper Township Public Works Department.

TOWNSHIP OF UPPER

CAPE MAY COUNTY

R E S O L U T I O N

RESOLUTION NO. 168-2011

RE: APPOINTING JOHN HOPE AS MECHANIC'S HELPER; AND RALON ARMSTRONG AND JOHN CHISHOLM AS TRUCK DRIVER TO THE UPPER TOWNSHIP PUBLIC WORKS DEPARTMENT

WHEREAS, a need exists to appoint qualified personnel to various positions within the Upper Township Public Works Department to insure optimal operation; 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. John Hope is hereby appointed provisionally to a Mechanic's Helper position effective July 29, 2011 at an annual salary of \$47,362.00 in accordance with the Salary Ordinance.

3. Ralon Armstrong and John Chisholm are hereby provisionally appointed to a Truck Driver position effective July 29, 2011 at an annual salary of \$47,280.00 in accordance with the Salary Ordinance.

4. This Resolution ratifies, confirms and approves action taken by the Township Committee, by motion, at the meeting of July 25, 2011.

Resolution No.168 -2011
Offered by: Corson
Adopted: August 9, 2011

Seconded by: Gabor

Roll Call Vote:

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

3. Authorizing the Mayor and Township Clerk to sign a contract with Accounts Receivable Management, Inc. for collection services for Emergency Medical Service Accounts.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 169 -2011
RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A
CONTRACT WITH ACCOUNTS RECEIVABLE MANAGEMENT, INC. FOR
COLLECTION SERVICES FOR EMERGENCY MEDICAL SERVICE ACCOUNTS**

WHEREAS, Accounts Receivable Management, Inc. has submitted a proposal to the Township to provide collection services for emergency medical service accounts; and

WHEREAS, the Township wishes to accept said proposal and to authorize the execution of a contract with Accounts Receivable Management, Inc.; and

WHEREAS, the proposed contract has been reviewed and approved by the Municipal Attorney and will be on record in the office of the Township Clerk and available for public inspection and is attached hereto as Exhibit “A”; and

WHEREAS, the Township has decided to acquire the services of Accounts Receivable Management, Inc. as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-2.05; and

WHEREAS, Accounts Receivable Management, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Accounts Receivable Management, Inc. has not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Accounts Receivable Management, Inc. from making any reportable contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with Accounts Receivable Management, Inc. to provide collection services for emergency medical service accounts.
3. Accounts Receivable Management, Inc. has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.
4. This Contract is awarded without competitive bidding as a Aprofessional service@ in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Accounts Receivable Management, Inc. has professional knowledge which is

particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-2.05.

NOTICE OF CONTRACT AWARD

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

6. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the official budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.

7. 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. 169 -2011

Offered by: Newman

Seconded by: Corson

Adopted: August 9, 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>	_____	_____	_____

4. Authorizing a Shared Services Agreement with the Township of Egg Harbor for use of facilities, equipment and supplies for truck and equipment washing.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

RESOLUTION
RESOLUTION NO. 170 -2011
RE: AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE
TOWNSHIP OF EGG HARBOR FOR USE OF FACILITIES, EQUIPMENT AND
SUPPLIES FOR TRUCK AND EQUIPMENT WASHING

WHEREAS, the Township of Egg Harbor has indicated a desire to enter into a Shared Services Agreement with the Township of Upper for use of facilities, equipment and supplies for truck and equipment washing; and

WHEREAS, collectively, the Shared Services Agreement being authorized will significantly reduce the cost of providing this service; and

WHEREAS, the Township of Upper has deemed it to be in the Township's interest to provide the service to the Township of Egg Harbor for a fee pursuant to the Shared Services Agreement; and

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

1. **SHARED SERVICES AGREEMENT.** Pursuant to the provisions of the Uniformed Shared Services Act, (N.J.S.A. 40A:65-1, et seq., the Township of Upper is hereby authorized and empowered to enter into a Shared Services Agreement with the Township of Egg Harbor for the use of Upper Township facilities, equipment and supplies for truck and equipment washing.

2. **SERVICES TO BE PROVIDED; CONTRACT.** The Shared Services Agreement authorized in paragraph 1 hereof shall cover those services, which are enumerated in said Agreement, a copy of which is attached hereto as Exhibit "A".

3. **AUTHORIZATION TO MUNICIPAL OFFICIALS.** The appropriate Township officers and officials are hereby authorized to take any action necessary or advisable to carry out the intent and purpose of this Resolution. Specifically, the Mayor and Township

Clerk are hereby authorized and directed to execute such Shared Services Agreement on behalf of the Township of Upper pursuant to the authority conferred by this Resolution. The Township Clerk is further authorized and directed to seal said Agreement with the official seal of the Township of Upper.

4. COMPLIANCE WITH STATUTORY REQUIREMENTS. The Shared Services Agreement between the Township of Egg Harbor and the Township of Upper shall meet and satisfy the requirements of N.J.S.A. 40A:65-1, et seq., as same may be amended and supplemented.

5. CONTRACT TERM. The term of this Agreement is for the period from the date of full execution of the Shared Services Agreement to June 30, 2012.

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

7. REPEALER. All Resolutions or parts of Resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency only.

8. EFFECTIVE DATE: This Resolution shall take effect immediately upon final adoption and publication in the manner provided by law.

Resolution No. 170 -2011
Offered by: Corson
Adopted: August 9, 2011

Seconded by: Newman

Roll Call Vote:

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

5. Chapter 159 Resolution for the insertion of a special item of revenue into the 2011 budget that was not determined at the time of the adoption of the budget – 2011 Pet Smart Charities Grant Program in the amount of \$15,000.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 171-2011

RE: CHAPTER 159 RESOLUTION FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE INTO THE 2011 BUDGET THAT WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET—2011 PETSMA RT CHARITIES GRANT PROGRAM IN THE AMOUNT OF \$15,000.00

WHEREAS, N.J.S. 40A-87 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY WHEN SUCH ITEM SHALL HAVE BEEN MADE AVAILABLE BY LAW AND THE AMOUNT THEREOF WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET; AND

WHEREAS, SAID DIRECTOR MAY ALSO APPROVE THE INSERTION OF AN ITEM OF APPROPRIATION FOR AN EQUAL AMOUNT; AND

WHEREAS, THE TOWNSHIP OF UPPER WILL RECEIVE AN AMOUNT OF \$15,000.00 FROM THE 2011 PETSMA RT CHARITIES GRANT PROGRAM AND WISHES TO AMEND ITS 2011 BUDGET TO INCLUDE THIS AMOUNT AS A REVENUE.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HEREBY REQUESTS THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES APPROVE THE INSERTION OF AN ADDITIONAL ITEM OF REVENUE IN THE BUDGET OF THE YEAR 2011 IN THE SUM OF \$15,000.00, WHICH IS NOW AVAILABLE AS A REVENUE FROM:

REVENUE: STATE & FEDERAL REVENUE OFFSET WITH APPROPRIATIONS:
2011 PETSMA RT CHARITIES GRANT PROGRAM, AND

BE IT FURTHER RESOLVED THAT A LIKE SUM OF \$15,000.00 BE AND THE SAME IS HEREBY APPROPRIATED UNDER THE CAPTION OF:

APPROPRIATION: STATE AND FEDERAL PROGRAMS OFFSET BY REVENUE:
2011 PETSMA RT CHARITIES GRANT PROGRAM

BE IT FURTHER RESOLVED, THAT THE TOWNSHIP CLERK FORWARD TWO COPIES OF THIS RESOLUTION TO THE DIRECTOR OF LOCAL GOVERNMENT SERVICES.

Resolution No. 171-2011
Offered by: Gabor

Seconded by: Newman

Adopted: August 9, 2011

Roll Call Vote:

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

6. Authorizing the release of a Performance Bond and acceptance of a two-year Maintenance Bond of Clayton Development Associates, LLC for the subdivision known as "White Oak & Willets Road Major Subdivision" on Block 573, Lot 26.

TOWNSHIP OF UPPER

CAPE MAY COUNTY

R E S O L U T I O N

RESOLUTION NO.172-2011

**RE: AUTHORIZING THE RELEASE OF A PERFORMANCE BOND AND
THE ACCEPTANCE OF A 2 YEAR MAINTENANCE BOND OF**

OWNER AND/OR DEVELOPER: CLAYTON DEVELOPMENT ASSOCIATES, LLC

SUBDIVISION: WHITE OAK & WILLETS ROAD

PROPERTY: BLOCK 573, LOT 26

WHEREAS, Clayton Development Associates, LLC (hereinafter "Developer"), has heretofore requested acceptance of a Maintenance Bond for the major subdivision project known as "White Oak & Willets Road"; and

WHEREAS, Developer has completed all work in conformance with the plans and specifications for the project known as White Oak & Willets Road Major Subdivision as certified and inspected by the Township Engineer and the Performance Bond now held by the Township should be released; and

WHEREAS, Developer is required to furnish a Maintenance Bond for the aforesaid project; and

WHEREAS, said Maintenance Bond shall be for two (2) years in an amount equal to 15% of the original construction

value of \$117,987.60 or \$17,698.14 in accordance with the Township of Upper Municipal Ordinance No. 19 of 1989;

WHEREAS, pursuant to N.J.S.A. 40:55D-53, the Developer is required to post a maintenance bond; and

WHEREAS, the Developer has presented to the Township a Maintenance Guaranty as follows:

Maintenance Surety Bond

Bond No. 5037622

Principal: Clayton Development Associates, LLC
4019 Ocean Heights Avenue
Egg Harbor Township, NJ 08234

Surety: Bond Safeguard Insurance Company
256 Jackson Meadows Drive, Suite 201
Hermitage, TN 37076

Bond Amount Cash: \$ 1,769.81

Bond Amount, Surety: \$15,928.33

Bond Date: July 22, 2011

WHEREAS, the Municipal Attorney has reviewed the Maintenance Guaranty and has determined that the same complies with the New Jersey Statutes and the Township Ordinances applicable thereto and has recommended the acceptance of same by the Township Committee;

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 Surety Bond described in this Resolution is hereby accepted and approved.

3. The Performance Bond now held by the Township is hereby released.

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

Resolution No. 172-2011

Offered by: Corson

Seconded by: Newman

Adopted: August 9, 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>	_____	_____	_____

7. Authorizing a USA Triathlon Association sanctioned international distance race to be held in Beesley's Point, New Jersey on Sunday August 14, 2011.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 173 -2011

**RE: AUTHORIZING A USA TRIATHLON ASSOCIATION SANCTIONED
INTERNATIONAL DISTANCE RACE TO BE HELD IN BEESLEY'S POINT,
NEW JERSEY ON SUNDAY AUGUST 14, 2011**

WHEREAS, Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC., of 322, 2nd Street, #3, Brooklyn, NY 11238, have submitted a proposal to the Upper Township Committee requesting authority to hold an international distance race in Beesley's Point, New Jersey, including the use of the Beesley's Point Beach parking lot, on August 14, 2011, which will consist of a run course,

swim course, and a bike course, with participants arriving and utilizing the Beesley's Point Parking lot at 5:00 a.m. and activities commencing at 7:30 a.m., as more particularly specified in their proposal, a copy of which is attached hereto as Exhibit "A";

WHEREAS, the run segments will travel NJSH Route 9 and the bike segment 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 USA Triathlon Association copy of insurance certificate attached as Exhibit "C"; and

WHEREAS, a vehicle management plan has been prepared with additional parking at Tuckahoe Inn, Beesley's Point Sea Doo, BL England property, and various neighborhoods, plan, maps and letters of permission from businesses are 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

WHEREAS, a liability release and waiver from every participant in the triathlon has been provided on a form acceptable to the Township Solicitor; 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 Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC. for the race event to be held on August 14, 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 Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, 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) Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC., 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 Certificate of Insurance. Said Certificate of Insurance names the Township of Upper, its officials, officers and employees, as an additional insured.

(C) Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, 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) Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC. has provided 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) Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC., the event sponsors, shall provide at least four (4) fully certified lifeguard personnel for the event. Copies of lifeguard certifications must be submitted to the Clerk's Office no later than one week prior to the event. No "On Duty" Township lifeguards are to be used during this event, and no Township equipment shall be used during this

event. Any off duty lifeguards utilized shall be the employees of the event sponsors only and not of the Township.

(F) The event is expressly limited to 300 participants only.

(G)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.

(H) Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC., have executed and provided to the Township of Upper an approved Use of Facilities Agreement.

(I) Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC., shall remit to the Township, before the event, the appropriate fee in accordance with Ordinance No. 017-2011 and shall also fully comply with the requirements of said Ordinance.

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. 173 -2011
Offered by: Corson
Adopted: August 9, 2011

Seconded by: Gabor

Roll Call Vote:

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

Newman X _____ _____
Palombo X _____ _____

EXHIBIT E

INDEMNITY AND HOLD HARMLESS AGREEMENT

FOR AND IN CONSIDERATION of the sum of **Five Hundred (\$500.00) DOLLARS**, receipt of which is hereby acknowledged, and for other good and valuable consideration, including, but not limited to, receipt of a license or permission from the **TOWNSHIP OF UPPER** to hold a Special Event within the Township of Upper, **ALEJANDRA REAGAN, GEORGE L. REAGAN, AND CITYTRI RACING, INC.**, enter into this Indemnity and Hold Harmless Agreement with the **TOWNSHIP OF UPPER**.

ALEJANDRA REAGAN, GEORGE L. REAGAN, AND CITYTRI RACING, INC., jointly, severally and in the alternative of 2619 Route 9, Ocean View, NJ 08230 and 322 2ND Street, #3, Brooklyn, N.Y., 11238, agree to indemnify and hold harmless the **TOWNSHIP OF UPPER** and/or the Atlantic County Municipal Joint Insurance Fund, or any insurance carrier, or self-insurance fund designated by the **TOWNSHIP OF UPPER** and their agents and employees, from and against all claims, damages, losses, and expenses, including reasonable attorney's fees in case it shall be necessary to file an action, arising out of the holding of the Special Event to be held in Upper Township and use of the Beesley's Point Beach parking lot scheduled for August 14, 2011, which is for bodily injury, illness or death, or for property damage, including loss of use of property, and caused in whole or in part by the negligent act or omission of **ALEJANDRA REAGAN, GEORGE L. REAGAN, AND CITYTRI RACING, INC.**, or that of any agent or that of anyone employed by them or for whose act **ALEJANDRA REAGAN, GEORGE L. REAGAN, AND CITYTRI RACING, INC.**, may be liable. This Indemnification and Hold Harmless Agreement shall apply in all instances whether the

TOWNSHIP OF UPPER and/or the Atlantic County Municipal Joint Insurance Fund, or any insurance carrier, or self-insurance fund, designated by the **TOWNSHIP**, as well as their agents and employees is made a direct party to the initial action or claim or is subsequently made a party to the action by third party in-pleading or is made a party to a collateral action arising, in whole or in part, from any of the issues emanating from the original cause of action or claim.

8. Authorizing a Shared Services Agreement with the Upper Township Board of Education for school maintenance and repairs.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 174-2011

**RE: AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE
UPPER TOWNSHIP BOARD OF EDUCATION
FOR SCHOOL MAINTENANCE AND REPAIRS**

WHEREAS, the Upper Township Board of Education has indicated a desire to enter into a Shared Services Agreement with the Township of Upper for school maintenance and repairs utilizing Upper Township Public Works employees; and

WHEREAS, this Shared Services Agreement will significantly reduce the costs of these services; and

WHEREAS, the Township of Upper has deemed it to be in the Township's interest to provide the service to the Upper Township Board of Education as a cost saving measure for Township residents; and

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

1. SHARED SERVICES AGREEMENT. Pursuant to the provisions of the Uniformed Shared Services Act, N.J.S.A. 40A:65-1, et seq., the Township of Upper is hereby authorized and empowered to enter into a Shared Services Agreement with the Upper Township Board of Education for school maintenance and repairs performed by Upper Township Public Works employees.

2. SERVICES TO BE PROVIDED; CONTRACT. The Shared Services Agreement authorized in paragraph 1 hereof shall cover those services, which are enumerated in said Agreement, a copy of which is attached hereto as Exhibit "A".

3. AUTHORIZATION TO MUNICIPAL OFFICIALS. The appropriate Township officers and officials are hereby authorized to take any action necessary or advisable to carry out the intent and purpose of this Resolution. Specifically, the Mayor and Township Clerk are hereby authorized and directed to execute such Shared Services Agreement on behalf of the Township of Upper pursuant to the authority conferred by this Resolution. The Township Clerk is further authorized and directed to seal said Agreement with the official seal of the Township of Upper.

4. COMPLIANCE WITH STATUTORY REQUIREMENTS. The Shared Services Agreement between the Upper Township Board of Education and the Township of Upper shall meet and satisfy the requirements of N.J.S.A. 40A:65-1, et seq., as same may be amended and supplemented.

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

6. SEVERABILITY. If any section, subsection, paragraph, sentence or other part of this Resolution is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Resolution, but shall be confined in its effect to the section,

subsection, paragraph, sentence or other part of this Resolution directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Resolution shall remain in full force and effect.

7. REPEALER. All Resolutions or parts of Resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency only.

8. EFFECTIVE DATE. This Resolution shall take effect immediately upon final adoption and publication in the manner provided by law.

Resolution No. 174 -2011
 Offered by: Corson
 Adopted: August 9, 2011

Seconded by: Palombo

Roll Call Vote:

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

9. **Resolution authorizing participation in the South Jersey Power Cooperative for supply and delivery of natural gas.** Mr. Palombo made a motion to table the resolution at this time in order to clarify the terms of the service agreement.

10. Authorizing the Mayor to sign Tower License Agreements with Global Signal Acquisitions II, LLC.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 RESOLUTION**

RESOLUTION NO. 175-2011

**RE: AUTHORIZING THE MAYOR TO SIGN TOWER LICENSE AGREEMENTS WITH
 GLOBAL SIGNAL ACQUISITIONS II, LLC.**

WHEREAS, the Township wishes to enter into a tower license agreement with Global Signal Acquisitions II, LLC of 200 Corporate Drive, Canonsburg, PA 15317, for the Tuckahoe and Head of River Tower sites; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township to enter into these agreements and does hereby authorize the Mayor to sign the agreements, copies of which are attached as Exhibit “A” and “B”;

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 on behalf of the Township of Upper, is hereby authorized to execute the attached documents entitled “Government Entity Tower License Agreement”, for the Tuckahoe and Head of River Tower sites, with Global Signal Acquisitions II, LLC.
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.175-2011
 Offered by: Newman Seconded by: Palombo
 Adopted: August 9, 2011

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Conrad	_____	_____	_____	_____X_____
Corson	_____X_____	_____	_____	_____
Gabor	_____X_____	_____	_____	_____
Newman	_____X_____	_____	_____	_____
Palombo	_____X_____	_____	_____	_____

ORDINANCES

11. **Public Hearing and Final Adoption of Ordinance No. 019-2011, RE: BOND ORDINANCE PROVIDING FOR THE FUNDING OF THE STRATHMERE AND WHALE BEACH REPLENISHMENT PROJECTS INCLUDING THE ACQUISITION OF LAND OR EASEMENTS WHERE NECESSARY AND ALL RELATED COSTS IN AND BY THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$4,400,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$4,180,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.** This Ordinance fulfills the obligation of the Committee to protect infrastructure and personal property in Strathmere, and insures the safety of the residents. 75% of the funds spent on this project will be reimbursed by FEMA. During the public hearing portion Ted Kingston, of Strathmere stated that he endorses this action. There were no further comments from the public. The public hearing portion was then closed. Motion was made by Jay Newman, second by Kristine Gabor to adopt

Ordinance No. 019-2011. During roll call vote all four Committee members present voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 019 –2011

RE: BOND ORDINANCE PROVIDING FOR THE FUNDING OF THE STRATHMERE AND WHALE BEACH REPLENISHMENT PROJECTS INCLUDING THE ACQUISITION OF LAND OR EASEMENTS WHERE NECESSARY AND ALL RELATED COSTS IN AND BY THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$4,400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,180,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Upper, in the County of Cape May, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$4,400,000, including the sum of \$220,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$4,180,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the funding of the Strathmere and Whale Beach replenishment projects, including where necessary the acquisition by gift, eminent domain or otherwise of land, easements or other interest therein where necessary and all related costs.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

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

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with

the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$4,180,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$880,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE NO. 019-2011

BOND ORDINANCE STATEMENT AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Township of Upper, in the County of Cape May, State of New Jersey on August 9, 2011 and the 20 day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: "Bond Ordinance Providing for the Funding of the Strathmere and Whale Beach Replenishment Projects Including the Acquisition of Land or Easements Where Necessary and All Related Costs in and by the Township of Upper, in the County of Cape May, New Jersey, Appropriating \$4,400,000 Therefor and Authorizing the Issuance of \$4,180,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof."

Purpose: The funding of the Strathmere and Whale Beach replenishment projects, including where necessary the acquisition by gift, eminent domain or otherwise of land, easements or other interest therein where necessary and all related costs.

Appropriation: \$4,400,000

Bonds/Notes Authorized: \$4,180,000

Grant Appropriated: N/A

Section 20 Costs: \$880,000

Useful Life: 5 years

RESOLUTIONS

12. Authorizing the execution of the State Aid Agreement for 2011 Beach Fill Project and authorizing the Mayor or Deputy Mayor to sign said agreement between the New Jersey Department of Environmental Protection and the Township of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 176-2011

**RE: AUTHORIZING THE EXECUTION OF THE STATE AID AGREEMENT FOR
2011 BEACH FILL PROJECT AND AUTHORIZING THE MAYOR OR DEPUTY
MAYOR TO SIGN SAID AGREEMENT BETWEEN THE NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND
THE TOWNSHIP OF UPPER**

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP), periodically serves as the lead agency in connection with certain beach replenishment projects in the Township of Upper; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) recognizes the additional responsibilities of the Township of Upper to minimize the threat to life and property from coastal flooding and storms and to provide a safe and secure town, a sustainable economy, and recreational opportunities for residents and visitors; and

WHEREAS, the Township of Upper in cooperation with the NJDEP has developed the Township of Upper Beach Fill Project for the beaches in the Strathmere and Whale Beach Section of Upper Township, as well as neighboring municipalities, the NJDEP has developed the State Aid Agreement where the financial responsibility of Township of Upper will be in the amount of \$3,936,000.00; and

WHEREAS, Bond Ordinance 19-2011, upon adoption and becoming effective, provides for funding of the Strathmere and Whale Beach Replenishment Projects including the acquisition of land or easements where necessary and all related costs in and by the Township of Upper, in the County of Cape May, New Jersey, appropriating \$4,400,000 therefore and Authorizing the Issuance of \$4,180,000 Bonds or Notes of the Township to finance part of the cost thereof; and

WHEREAS, Upper Township has received a signed project worksheet from FEMA to reimburse Upper Township 75% of eligible FEMA costs to the Township for the beach replenishment work; and

WHEREAS, the Township Committee of the Township of Upper deems it appropriate to accept and enter into the aforesaid State Aid Agreement; 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 or Deputy Mayor and Township Clerk are hereby authorized, directed and empowered to execute the aforesaid State Aid Agreement, subject to the adoption and normal bond ordinance process of Bond Ordinance 19-2011.
3. The Chief Financial Officer of the Township of Upper is hereby authorized, directed and empowered to withdraw funds from Bond Ordinance 19-2011 in the amount of \$3,936,000.00.
4. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 176 -2011
Offered by: Corson
Adopted: August 9, 2011

Seconded by: Newman

Roll Call Vote:

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

CORRESPONDENCE

NEW BUSINESS

13. **Robert Becker request to hold “Surf for a Cure” event at Whale Beach in Strathmere on September 4, 2011.** Event coordinators Robert Becker, of 9 Garfield Place, Ocean City New Jersey and Patrick Flynn, also of Ocean City were present this evening. Mr. Young recommended that before approval is given that the name on the facility use application and the certificate of insurance be the same. He suggested that whoever is running the event should be the applicant and a certificate of insurance

should be provided under that name. Mr. Young also discussed the recommendations of the Beach Patrol Captain and that they should be addressed prior to approval of a resolution. Motion was made by Jay Newman, second by Richard Palombo to place a resolution on the next agenda. During roll call vote all four Committee members voted in the affirmative.

14. **Seaville Land, LLC request approval of the removal of the existing easement Block 453, Lot 259.60 to Thicket Street and creation of a new easement off the cul-de-sac to provide access to Thicket Street.** Committeeman Curtis Corson did not participate in this matter due to conflict and stepped down from the dais. Mr. Young advised that although the matter can be discussed during tonight's meeting, conflict attorney Norman Briggs should be consulted for any legal advice and passage of a future resolution. Mr. Young then stepped down and did not participate in the matter. Richard King, attorney representing Seaville Land, LLC, gave a brief history of the request and presentation of the project. Mayor Palombo then directed Mr. Dietrich to discuss the matter with Mr. Briggs in order to move forward with a resolution approving the request.

Mr. Corson and Mr. Young then rejoined the meeting.

UNFINISHED BUSINESS:

DISCUSSION

15. **Insurance coverage for Sports and Recreation programs.** Kristine Gabor spoke to the issue raised at the July 25 meeting in which the Men's Softball league was told they are not covered under the Township's insurance policy. After review, it was determined that, while the Township does cover participants of Upper Township Softball 18 years and over, the discrepancy is that under the Sports and Recreation's Rules and Regulations listing of Upper Township sponsored programs, the softball league is listed as the Upper Township Girls Softball Association. The Men's league does not fall in that category and is not technically a Township sponsored league. She also discussed options to rectify the issue such as the Men's Softball league take the steps to become a Township sponsored program or they could ask the Upper Township Girl's Softball Association if they could become an arm of their organization. Mrs. Gabor reported that the only two adult programs in the 18 and over category that the township is currently paying premiums for is Upper Township Softball and Upper Township Basketball and that the premiums for those groups are significantly higher. She then discussed due to the high insurance premiums, the Township may want to consider not sanctioning any more adult programs. The option of combining all the sports under one adult league was discussed as well as charging a fee for participation to offset the costs of insurance. Mrs. Gabor then directed the Deputy Clerk to contact Upper Township's Risk Management Consultant to look into remarketing the sports program accounts.

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 Curtis Corson to approve all bills as submitted. During roll call vote all four Committee members present voted in the affirmative.

Bills approved for payment: \$1,507,047.45
Payroll: \$ 206,564.86

REPORT OF MUNICIPAL DEPARTMENTS:

- 16. Animal Control**
- 17. Clerk's Office**
- 18. Construction Code**
- 19. Emergency Medical Services – July**
- 20. Finance Office**
- 21. Tax Assessor**
- 22. Tax Collector**
- 23. Tax Collector Certification Re: mailing of 2011 Final/2012 Preliminary tax bills and advice copies.**
- 24. Department of Public Works – May & June**
- 25. Zoning Office**

Reports are available from the Clerk's Office.

PUBLIC COMMENT

Jon Kevin Grubb, 180 Perry Rd, Petersburg, submitted sports participant release and waiver forms on behalf of the Men's Flag Football League of South Jersey to the Deputy Clerk with the understanding they will be stamped received with tomorrow's date. He was informed that once all required items are received, his application would be reviewed by the Clerk's office for approval. He then questioned whether he would be able to turn in a special waiver form in case an injury occurred and a new player was brought in the day of a game. Mr. Young advised that that form was developed for a situation in which a one-day event has people show up without advanced notice. Under those circumstances the coach signs a certification saying they will not let any person participate unless they sign the waiver. The option was created for an on-going Township sanctioned sports program with a Township certified coach. Mr. Young advised Mr. Grubb that this was not applicable to his situation. Mr. Grubb then asked whether the reseeding of the fields will affect his use of the fields. Mr. Palombo said every effort will be made to have a field available. Mr. Young advised that the Township Committee meeting is not the forum to do scheduling of fields and should not be done without consulting the sports and recreation schedule. The Committee directed Mr. Dietrich meet with Mr. Grubb and the recreation representative to see which fields are available.

Ronald Mc Cole, 54 East Maple Shade Lane, Beesley's Point, questioned why the Township was allowing Ocean City High School football to use the fields. Mrs. Gabor answered that 70% of the children going to Ocean City High School are residents of Upper Township and therefore the Township is willing to accommodate them when the need arises for the use of a facility. He then questioned about the Surf for a Cure organization, who is also from Ocean City, being allowed to use the beaches. Mr. Young advised that the Surf for a Cure organization is being treated as an outside organization.

Roberta Townsend, 801 Chestnut St, Marmora, spoke about a problem in her neighborhood with new residents moving in and allowing their dogs to defecate on her property. Mr. Dietrich informed Mrs. Townsend that signs, advertising the pooper-scooper law and fines for violations, have been ordered and are scheduled to be put up in her neighborhood. Mrs. Townsend was then

advised that the next time she witnesses such an action to come in and file a complaint with the municipal court and a violation could then be issued to the offenders.

Jon Kevin Grubb, 180 Perry Rd, Petersburg, asked whether any committee members had children on the Ocean City High School football team. Mrs. Gabor informed Kevin that her son was on the team. However, to avoid any conflict, she turned their request to use Amanda's Field over to Mr. Corson. Mr. Young stated that having a family member involved in a sports program does not prevent the Committee from voting on recreation matters, unless it's a controversial issue, and in this case Mrs. Gabor was not involved in the decision to allow the Ocean City High School football team to use Amanda's field.

Ted Kingston, 5 East Willard Avenue, Strathmere, asked about the plans for the beach fill project. He was informed that the project plans are the same as the last beach fill project. Mr. Dietrich stated the plans are available in his office for review.

Russel Morano, 5 Red Oak Drive, Marmora questioned the procedure for the bonding of the beach fill project. Mayor Palombo stated that FEMA requires the Township to pay for the whole project. Once the project is completed, FEMA will then reimburse 75% of the costs. Once the reimbursement is received the bond will be paid down.

CLOSED SESSION

- 26. Resolution to conduct a closed meeting pursuant to N.J.S.A. 10:4-12, from which the public shall be excluded.** There was no executive session for this meeting.

RECONVENE PUBLIC PORTION OF MEETING

ADJOURNMENT

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

There was no further business for this evening the meeting was adjourned at 9:20 P.M. Next meeting scheduled for Monday, August 22, 2011 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC
Deputy Municipal Clerk

Bill List

56007 08/09/11 A0004 A+ COMMERCIAL OFFICE CLEANERS 250.00 2678
56008 08/09/11 A0006 ADVANCE TREADS INC 769.00 2678
56009 08/09/11 A0017 A.C.M. JIF C/O T. FREEDMAN 81,539.00 2678
56010 08/09/11 A0018 ACTION SUPPLY INC. 542.24 2678
56011 08/09/11 A0028 ADVANTAGE RENTAL CENTER INC. 1,025.01 2678
56012 08/09/11 A0035 AIRLINE HYDRAULIC CORP. 43.19 2678
56013 08/09/11 A0070 ALBERTSONS/ACME 19.96 2678
56014 08/09/11 A0091 ATLANTIC CITY ELECTRIC 12,923.43 2678
56015 08/09/11 A0143 BARLOW AUTOMOTIVE LLC 84.49 2678
56016 08/09/11 B0035 BELMONT & CRYSTAL SPRINGS 168.24 2678
56017 08/09/11 B0052 BENNETT BATTERIES,LLC. 475.60 2678

56018 08/09/11 B0152 BUCHANAN, KAREN A. 143.96 2678
56019 08/09/11 C0019 CITY OF OCEAN CITY 51,495.25 2678
56020 08/09/11 C0052 CAPE MAY COUNTY TREASURER 1,244,638.70 2678
56021 08/09/11 C0068 COMCAST 315.28 2678
56022 08/09/11 C0071 CAPEHART & SCATCHARD, P.A. 768.00 2678
56023 08/09/11 C0143 CODY'S POWER EQUIPMENT 22.08 2678
56024 08/09/11 C0156 COMPUTER HOUSE OF SOUTH JERSEY 97.95 2678
56025 08/09/11 C0201 CRUZAN'S TRUCK SERVICE INC. 336.24 2678
56026 08/09/11 C0223 CASA PAYROLL SERVICE 275.85 2678
56027 08/09/11 E0016 ERCO CEILINGS & BLINDS INC 3,307.97 2678
56028 08/09/11 F0054 FORT DEARBORN LIFE INSURANCE 470.85 2678
56029 08/09/11 G0014 GARDEN STATE HWY PRODUCTS INC. 180.00 2678
56030 08/09/11 G0016 GARDNER HARDWARE INC. 88.42 2678
56031 08/09/11 G0021 GARTLAND, JOSEPH, INC. 153.90 2678
56032 08/09/11 G0028 GENTILINI FORD 495.11 2678
56033 08/09/11 H0018 HAROLD RUBIN/L & H SUPPLY 697.00 2678
56034 08/09/11 H0096 HARBOR OUTFITTERS 511.00 2678
56035 08/09/11 J0014 JC MILLER'S 1,269.34 2678
56036 08/09/11 J0053 J & M EMBROIDERY SCREEN PRNTG 5,799.70 2678
56037 08/09/11 K0007 KACZMARSKI, RICHARD 61.44 2678
56038 08/09/11 L0080 LOWES, INC. 110.84 2678
56039 08/09/11 M0012 McCAULEY, RICHARD 204.98 2678
56040 08/09/11 M0032 MARINE RESCUE PRODUCTS,INC. 497.98 2678
56041 08/09/11 M0081 MID-ATLANTIC WASTE SYSTEMS 517.87 2678
56042 08/09/11 M0103 MODERN GAS COMPANY, INC. 563.03 2678
56043 08/09/11 M0188 MCCARTHY TIRE SERVICE OF PHILA 890.58 2678
56044 08/09/11 N0004 NJ-AMERICAN WATER CO. 228.21 2678
56045 08/09/11 N0043 NAPA AUTO PARTS OF S.JERSEY 153.13 2678
56046 08/09/11 N0052 NATL YOUTH SPORTS COACHED ASSN 260.00 2678
56047 08/09/11 O0006 SJSHORE MARKETING,LLC 96.19 2678
56048 08/09/11 P0032 PEDRONI FUEL CO. 4,803.89 2678
56049 08/09/11 P0056 TURF EQUIPMENT AND SUPPLY CO 2,001.53 2678
56050 08/09/11 P0064 PITNEY BOWES 320.93 2678
56051 08/09/11 P0075 POSITIVE PROMOTIONS INC 1,942.04 2678
56052 08/09/11 R0030 RIGGINS, INC. 7,909.80 2678
56053 08/09/11 R0097 ROCK-N-RESCUE 144.35 2678
56054 08/09/11 S0001 SAM'S CLUB 460.18 2678
56055 08/09/11 S0031 SCHULER SECURITY, INC. 312.00 2678
56056 08/09/11 S0056 SEASHORE ASPHALT CORPORATION 1,156.29 2678
56057 08/09/11 S0097 SMH CPR TRAINING CENTER 119.00 2678
56058 08/09/11 S0113 SMITH,THOMAS G. 290.63 2678
56059 08/09/11 S0134 SO. JERSEY GAS COMPANY 58.27 2678
56060 08/09/11 S0185 STOCKTON STATE COLLEGE 38,720.46 2678
56061 08/09/11 S0204 SAFETY DOWN UNDER 3,998.00 2678
56062 08/09/11 S0209 STAPLES ADVANTAGE 633.38 2678
56063 08/09/11 S0239 SHORE VET. ANIMAL CONTROL LLC 2,200.00 2678
56064 08/09/11 T0032 THE PRESS & SUNDAY PRESS 162.45 2678
56065 08/09/11 T0067 TOWNSHIP OF UPPER PETTY CASH 3.36 2678
56066 08/09/11 T0086 TREASURER, STATE OF NEW JERSEY 85.00 2678
56067 08/09/11 T0157 SEAVILLE MOTOR SPORTS INC 13.00 2678
56068 08/09/11 U0025 UNITED STATES POSTAL SERVICE 2,000.00 2678
56069 08/09/11 V0001 VCI EMERGENCY VEHICLE 3,219.66 2678
56070 08/09/11 V0005 VAN EMBDEN, NATHAN, ATTORNEY 5,650.20 2678
56071 08/09/11 V0013 VERIZON WIRELESS 689.88 2678
56072 08/09/11 V0024 VAL-U AUTO PARTS L.L.C. 551.47 2678
56073 08/09/11 W0030 WEST PUBLISHING CO. 276.50 2678
56074 08/09/11 W0037 WALLACE REFRIGERATION 95.00 2678
56075 08/09/11 W0038 WILLIAMS, JEREMIAH J. 67.94 2678
56076 08/09/11 Y0008 YOUNG, DANIEL J. ESQUIRE PC 14,046.23 2678
56077 08/09/11 Y0023 YOUNG, DANIEL J. ATTORNEY 2,625.00 2678

Total: \$1,507,047.45