

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR AUGUST 22, 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	Present
Curtis Corson	Present
Kristine Gabor	Present
John “Jay” Newman	Present
Richard Palombo	Present

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

APPROVAL OF MINUTES - August 9, 2011 Regular Meeting

Motion was made by Jay Newman, second by Kristine Gabor to approve the Minutes as written. During roll call vote four Committee members voted in the affirmative. Frank Conrad abstained from voting.

REPORT OF GOVERNING BODY MEMBERS

Frank Conrad, reported on correspondence received from Natalie Neiss, a Petersburg resident, concerning water drainage and safety issues due to storm flooding in the vicinity of her property at 779 Route 50 in Petersburg. He reported that he has been in contact with New Jersey DOT and will continue to work to resolve the problem. The Municipal Engineer will also offer assistance in contacting state agencies.

Kristine Gabor, made a motion, seconded by Jay Newman to authorize a resolution in recognition of the UT Indians Youth Football Association for various maintenance projects they completed at Caldwell Park at their own expense and time, that included the painting of the concession stand and sprucing up the grounds. During roll call vote all five members voted in the affirmative.

Richard Palombo, reported that he had one additional item to add to the agenda concerning the Strathmere Boat ramp. There was a discussion of the letter and pictures received from the Strathmere Fishing and Environmental Club. There was concern of possible damage caused by vehicles being parked on meadow areas. Snow fencing would be installed as a temporary fix. NJDEP Mayor Palombo also reported that the Cape May County Emergency Preparedness Conference is scheduled for Tuesday September 20th at the County Administration Building. He reported that the Township has an old life boat that he requested be placed at auction. A

resolution will be placed on a future agenda with the boat and any surplus items Township departments may have.

The Mayor also discussed the Facilities Use Ordinance and that perhaps some minor amendments should be made to modify the requirements with regards to beach wedding ceremonies, and non-Township sports events and practices. A draft ordinance amendment will be placed in the meeting packets for discussion at a future meeting.

Curtis Corson, reported Public Works and Upper Township Office of Emergency Management is busy preparing for the possible effects of Hurricane Irene.

Jay Newman, reported that the CityTri Triathlon went smoothly with very few issues reported. N.J. S.P. Lieutenant Fran Donlan was in attendance this evening and reported the only issue he could see was that they could improve on coordination with the volunteers and traffic control. Mr. Newman then reported on a phone call he received regarding drainage work the County is doing along Stagecoach Road and an issue with the traffic being detoured through the Shop Rite Shopping Center. He spoke to Mr. Dietrich and Lieutenant Donlan of the State Police and the issue was corrected. Mr. Dietrich also reported that he had a lengthy discussion with the County Engineer and will follow-up with a letter letting him know the contractor's work and notification of road closing is unsatisfactory.

OTHER REPORTS

Daniel Young, Municipal Attorney, reported he had several items for closed session as follows; employee contract and AtlantiCare Lease.

Paul Dietrich, requested permission for Jeremy Williams, a Public Works employee to attend a refresher course and certification exam for Playground Inspector. Motion was made by Curtis Corson, seconded by Frank Conrad to approve the request. During roll call vote all five Committee members voted in the affirmative.

Mr. Dietrich also discussed necessary bonding for various Capital Improvement projects. Mr. Corson motioned, Jay Newman seconded, to hold a workshop meeting, one hour prior to the regular meeting on September 12th to allow public input and discussion. During roll call vote all five Committee members voted in the affirmative. (Workshop meeting 6:30 PM, Regular meeting 7:30 PM). The Mayor directed that the Strathmere Boat Ramp be discussed at the workshop meeting as to possible improvements that could be made.

Mr. Dietrich also reported on the Pet Smart Charities grant in that it has started off well and that the Township has already received several referrals. The Pet Smart Grant is provided to curtail the wild cat population by offering no-cost spay/neuter services to residents willing to bring in the feral cats.

Barbara Spiegel, Chief Finance Officer: reported that the Best Practices report required by the State of NJ is almost complete and will be placed on the next agenda. She also reported she had items for closed session with regards to a contract negotiation matter.

PRESENTATIONS

- 1. Honoring Michael Hohman on attaining designation of Eagle Scout.**

TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 160-2011
RE: HONORING MICHAEL DOUGLAS HOHMAN ON ATTAINING THE
DESIGNATION OF "EAGLE SCOUT"

WHEREAS, Michael D. Hohman, has recently achieved the designation of Eagle Scout in the Boy Scouts of America; and

WHEREAS, the Township of Upper wishes to acknowledge this outstanding accomplishment; 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:

RESOLVED THAT the Township Committee extends its sincere congratulations to Michael on the occasion of his receiving the designation of Eagle Scout and commends him for this outstanding accomplishment and the completion of his Eagle Scout project consisting of constructing an observation platform at the Tennessee Avenue boat ramp in Ocean City. The platform, built with the intent to survive any storm, is a 16ft x 11ft wooden deck 3-4 feet above the marsh, with a 16ft long handicap accessible ramp leading to the main deck; and

BE IT FURTHER RESOLVED that the Township Committee extends its congratulations and best wishes to Michael's parents, family and friends on this happy occasion; and it is

FURTHER RESOLVED that the Township Committee also extends its congratulations and appreciation to the Scout Masters and others who give so freely and generously of their time for the benefit of our youth.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 25th day of July, 2011.

RESOLUTIONS

- 2. In observance of the 10th Anniversary of September 11 as "Always Remember Day".**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 177 -2011
RE: IN OBSERVANCE OF THE 10TH ANNIVERSARY OF SEPTEMBER 11 AS "ALWAYS
REMEMBER DAY"**

WHEREAS, 10 years ago, on September 11, 2001, terrorists hijacked four civilian aircraft, crashing two into the World Trade Center in New York City, a third into the Pentagon outside of Washington, D.C., and a fourth into the countryside of Pennsylvania; and

WHEREAS, thousands of innocent people were killed and injured as a result of these reprehensible attacks; and

WHEREAS, countless fire departments, police departments, first responders, emergency medical personnel, and volunteers responded heroically to those horrific events: and

WHEREAS, 10 years later, the men and women in the United States Armed Forces continue to defend and protect the United States of America against those who seek to threaten her people; and

WHEREAS, on the 10th anniversary of this tragic day, the thoughts of the citizens of Upper Township are with all of the victims of the events of September 11, 2001 and their families.

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 we do hereby observe the 10th anniversary of September 11 as “Always Remember Day”, to honor the innocent victims of September 11, 2001, the heroic actions of those who rushed to help their fellow citizens, and those who continue to fight for the freedom of this great Nation; and

BE IT FURTHER RESOLVED, that all persons within this municipality are urged to honor and remember the 10th anniversary of September 11, 2001 by appropriate displays of our flag and of red, white and blue ribbons.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 22nd day of August 2011.

Resolution No. 177-2011
Offered by: Newman
Adopted: August 22, 2011
Roll Call Vote:

Seconded by: 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>

3. Honoring Aaron H. Maffei on attaining the designation of “Eagle Scout”.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 178-2011
RE: HONORING AARON H. MAFFEI ON ATTAINING THE
DESIGNATION OF "EAGLE SCOUT"**

WHEREAS, Aaron H. Maffei, has recently achieved the designation of Eagle Scout in the Boy Scouts of America; and

WHEREAS, the Township of Upper wishes to acknowledge this outstanding accomplishment; 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:

RESOLVED THAT the Township Committee extends its sincere congratulations to Aaron on the occasion of his receiving the designation of Eagle Scout and commends him for this outstanding accomplishment and the completion of his Eagle Scout project consisting of building a walkway at the Cape May County Technical School to provide better access to students tending and maintaining the oyster racks, which are part of an educational program teaching the students about the growth of oysters; and

BE IT FURTHER RESOLVED that the Township Committee extends its congratulations and best wishes to Aaron's parents, family and friends on this happy occasion; and it is

FURTHER RESOLVED that the Township Committee also extends its congratulations and appreciation to the Scout Masters and others who give so freely and generously of their time for the benefit of our youth.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 22nd day of August, 2011.

4. **Congratulating employee David Pennello of the Upper Township Public Works Department for his winning entry in the Upper Township Safety Award Program for the 3rd Quarter of 2011.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 179-2011
RE: CONGRATULATING EMPLOYEE DAVID PENNELLO**

**OF THE UPPER TOWNSHIP PUBLIC WORKS DEPARTMENT
FOR HIS WINNING ENTRY IN
THE UPPER TOWNSHIP SAFETY AWARD PROGRAM
FOR THE 3RD QUARTER OF 2011**

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

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

WHEREAS, David should be publicly recognized for reporting the safety hazard that the fence surrounding a drainage pond was down, causing a potential drowning hazard, which resulted in its immediate repair; and

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

1. That the Committee extends its appreciation and publicly recognizes David Pennello on his commitment to safety by his identifying a potential safety hazard and presenting a solution through participation in the program.
2. That the Committee, on behalf of our employees and the citizens of the Township of Upper extend to David Pennello our congratulations and present him with the "Safety Day Award" of one day off with pay.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 22nd day of August, 2011.

5. Appointing Roger VanOrder as Recreation Maintenance Worker 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. 180-2011

**RE: APPOINTING ROGER VAN ORDER AS RECREATION MAINTENANCE WORKER TO
THE UPPER TOWNSHIP PUBLIC WORKS DEPARTMENT**

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

WHEREAS, a recommendation has been made to the Township Committee and duly considered at the meeting of August 9, 2011; 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. Roger Van Order is hereby appointed to Recreation Maintenance Worker effective August 26, 2011 at an annual salary of \$47,280.00 in accordance with the Salary Ordinance.

3. This Resolution ratifies, confirms and approves action taken by the Township Committee, by motion, at the meeting of August 9, 2011.

Resolution No. 180-2011
Offered by: Corson
Adopted: August 22, 2011

Seconded by: Gabor

Roll Call Vote:

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

6. Appointment of Hobart Young as Alternate #3 and Edward Barr as Alternate #4 to the Upper Township Zoning Board of Adjustment.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 181-2011
RE: APPOINTMENT OF HOBART YOUNG AS ALTERNATE #3 AND
EDWARD BARR AS ALTERNATE #4**

**TO THE UPPER TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

WHEREAS, N.J.S.A. 40:55D-69 provides that members of the Zoning Board of Adjustment shall be appointed by the Governing Body of the municipality; and

WHEREAS, it is necessary to make appointments of two additional alternate members to the Zoning Board of Adjustment of the Township of Upper, as hereinafter provided; and

WHEREAS, the existing terms of Alternate #1 and Alternate #2 shall expire in 2012 and N.J.S.A. 40:55D-69 requires that the terms of not more than two alternate members shall expire in any one year; 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 that

1. Hobart Young is hereby appointed to the Upper Township Zoning Board of Adjustment as Alternate #3, which term shall commence on August 9, 2011 and expire on December 31, 2011.
2. Edward Barr is hereby appointed to the Upper Township Zoning Board of Adjustment as Alternate #4, which term shall commence on August 9, 2011 and expire on December 31, 2011.

This Resolution ratifies, confirms and approves action taken by the Township Committee, by motion, at the meeting of August 9, 2011.

Resolution No. 181-2011
Offered by: Palombo
Adopted: August 22, 2011

Seconded by: Gabor

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>

7. **Authorizing Robert Becker to conduct a surf competition known as “Surf For A Cure” to benefit the American Brain Tumor Association in Strathmere on September 4, 2011.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 182- 2011**

**RE: AUTHORIZING ROBERT BECKER TO CONDUCT A SURF
COMPETITION KNOWN AS “SURF FOR A CURE” TO BENEFIT THE
AMERICAN BRAIN TUMOR ASSOCIATION IN STRATHMERE ON
SEPTEMBER 4, 2011**

WHEREAS, Robert Becker (hereinafter “Sponsor”) of 9 Garfield Place, Ocean City, NJ 08226, has submitted a proposal to the Upper Township Committee requesting authority to hold a surf competition known as “Surf For a Cure” to benefit the American Brain Tumor Association on September 4, 2011 in Strathmere, along Tecumseh Avenue, as more particularly specified in his facility use application, a copy of which is attached hereto as Exhibit “A”; and

WHEREAS, this event will be held on property owned by the Township of Upper; and

WHEREAS, the Sponsor has obtained the amount and type of insurance recommended by the Township’s Risk Management Consultant and a copy of their insurance certificate is attached as Exhibit “B”; and

WHEREAS, the Sponsor has represented that approvals have been obtained from the New Jersey State Police, and any all other governmental agencies or entities having any jurisdiction or interest in the event; 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 Sponsor to conduct the “Surf For a Cure” surf competition in Strathmere on September 4, 2011 as specified in this Resolution and in the accompanying Exhibits subject to and conditioned upon the following:

(A) The Sponsor 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. Certificate(s) of Insurance have been provided to the Township Clerk, which the Risk Management Consultant of the Township of Upper has approved Certificate(s) of Insurance. Said Certificate(s) of Insurance names the Township of Upper, its officials, officers and employees, as an additional insured.

(B) The Sponsor has obtained written approval from and complies 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) the Upper Township Beach Patrol Captain.

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

(C) The Sponsor has signed a certification that no participant will be permitted without a signed Sports Participant Release Waiver, in the form attached hereto as Exhibit “C”.

(D) The Sponsor 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 "D".

(E) The Sponsor 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.

(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. 182-2011

Offered by: Newman

Seconded by: Gabor

Adopted: August 22, 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>

8. Authorizing an agreement with the Upper Township School District to commit to the joint purchase of office supplies and paper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 183-2011

RE: AUTHORIZING AN AGREEMENT WITH THE UPPER TOWNSHIP SCHOOL DISTRICT TO COMMIT TO JOINT PURCHASE OF OFFICE SUPPLIES AND PAPER

WHEREAS, the Upper Township School District has contacted the Township of Upper and offered to allow the Township of Upper to purchase office supplies and paper through the School District; and

WHEREAS, the proposal entails the Upper Township School District purchasing office supplies and paper on behalf of both public entities and thereafter billing the Township of Upper for the supplies and paper purchased by the Township of Upper; and

WHEREAS, the Township Committee of the Township of Upper recognizes the benefits of this joint purchasing arrangement and desires to authorize the appropriate Township officials to enter into same; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper hereby authorizes all Township officials and officers to take such action as necessary and appropriate to consummate the joint purchase agreement with respect to paper and office supplies with the Upper Township School District.
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. 183 -2011
Offered by: Conrad
Adopted: August 22, 2011
Roll Call Vote:

Seconded by: 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>	_____	_____	_____

- 9. Authorizing the Mayor and Township Clerk to sign a contract for Animal Control services in Upper Township.**

TOWNSHIP OF UPPER

**CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 184- 2011
RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A CONTRACT FOR
ANIMAL CONTROL SERVICES IN UPPER TOWNSHIP**

WHEREAS, Shore Veterinarians Animal Control Services, L.L.C. has submitted a proposal to the Township for animal control services; and

WHEREAS, the Township wishes to accept said proposal and to authorize the execution of a contract with Shore Veterinarians Animal Control Services, L.L.C.; 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

WHEREAS, Shore Veterinarians Animal Control Services, L.L.C. has completed and submitted a Business Entity Disclosure Certification which certifies that Shore Veterinarians Animal Control Services, L.L.C. 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 Shore Veterinarians Animal Control Services, L.L.C. 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 Shore Veterinarians Animal Control Services, L.L.C. to provide animal control services within the Township of Upper commencing September 15, 2011.
3. Shore Veterinarians Animal Control Services, L.L.C. 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 “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Shore Veterinarians Animal Control Services, L.L.C. has professional knowledge as to animal control services

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

NOTICE OF CONTRACT AWARD

5. The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Shore Veterinarians Animal Control Services, L.L.C. for animal control services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

7. The contractor has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.

8. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Shore Veterinarians Animal Control Services, L.L.C. in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

9. A copy of this Resolution shall be published in the official newspaper of the Township of Upper within ten (10) days from the date of adoption.

10. This Resolution shall be effective as of adoption.

Resolution No. 184-2011

Offered by: Gabor

Seconded by: Conrad

Adopted: August 22, 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>	_____	_____	_____

10. Canceling Taxes on Exempt Property.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
Resolution No. 185-2011
Canceling Taxes on Exempt Property**

WHEREAS, certain corrections have been recommended by the Upper Township Tax Collector in order to correct tax records; and

WHEREAS, certain properties became tax exempt for the year 2011,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that corrections to the Tax records are hereby authorized And the Tax Collector is hereby directed to correct said records or take such action as indicated on the attached sheet.

Resolution No. 185-2011

Offered by: Conrad Seconded by: Gabor

Adopted: August 22, 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>

<u>Block</u>	<u>Lot/Qual.</u>	<u>2011 Taxes</u>
546	5	\$242.64

Purchased by The United States of America - Tax Exempt for 2011

11. Cancel 2010 tax balance up to/including \$5.00.

Resolution No. 186-2011
RE: CANCEL 2010 TAX BALANCE UP TO/INCLUDING \$5.00

WHEREAS, certain corrections have been recommended by the Upper Township Tax Collector in order to make adjustments for the 2010 tax year as allowed by N.J.S.A. 40A:5-17.1.

WHEREAS, the Tax Collector may cancel tax Delinquencies or Tax Credits of less than \$5.00

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that corrections to the Tax Records are hereby authorized and the Tax Collector is hereby directed to correct said records or take such action as indicated.

Resolution No. 186-2011

Offered by: Conrad Seconded by: Corson

Adopted: August 22, 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>	___	_____	___

12. Resolution authorizing participation in the South Jersey Power Cooperative for supply and delivery of natural gas.

TOWNSHIP OF UPPER

CAPE MAY COUNTY

R E S O L U T I O N

RESOLUTION NO. 187-2011

RE: RESOLUTION AUTHORIZING PARTICIPATION IN THE SOUTH JERSEY POWER COOPERATIVE FOR SUPPLY AND DELIVERY OF NATURAL GAS

WHEREAS, the County of Camden on behalf of the South Jersey Power Cooperative (“SJPC”) publicly advertised bids for the purpose of procuring natural gas supply services; and

WHEREAS, Cape May County is currently a member of the SJPC with Camden County as Lead Agency for the purchase of electric generation supply services for Cape May County and its Cooperative members; and

WHEREAS, the Township of Upper has been a member and wishes to continue its participation with the Cape May County Cooperative; and

WHEREAS, Camden County awarded a three-year contract to Woodruff Energy of 73 Water Street, Bridgeton NJ 08302, to provide retail natural gas services at the rate of \$0.70 per therm – this being the lowest of four bids received; and

WHEREAS, the Township of Upper, as a participant of the SJPC, wishes to obtain natural gas services from Woodruff Energy.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that the Township hereby authorizes participation in the Cape May County Cooperative and the SJPC with Camden County as the Lead Agency; and

BE IT FURTHER RESOLVED that the Township of Upper hereby acknowledges the following:

1. The Lead Agency of the SJPC will enter into a contract with the winning supplier on behalf of the entire SJPC including Cape May County and its Cooperative members.
2. The Township of Upper will not sign a contract directly with the winning bidder, but will adhere to the terms and conditions of the master contract.
3. The contract for natural gas supply and delivery services under the SJPC will begin December 2011 and continue to November 2014; and

BE IT FURTHER RESOLVED that the Township of Upper shall ensure that sufficient funds shall be appropriated for this purpose in the Township's permanent 2011 budget and, contingent upon the availability, shall appropriate sufficient funds for the remainder of the contract upon the adoption of the 2012, 2013 and 2014 temporary and/or permanent budgets; and

BE IT FURTHER RESOLVED that no participating contracting unit in the Energy Cooperative shall be responsible for any items ordered or for performance by any other participating contracting unit. Each participating contracting unit shall be liable only for its own performance and for items ordered and received by it and none assumes any additional responsibility of liability.

Resolution No. 187-2011

Offered by: Conrad

Seconded by: Newman

Adopted: August 22, 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>

13. Resolution for renewal of membership in the Atlantic County Municipal Joint Insurance Fund.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
STATE OF NEW JERSEY
RESOLUTION**

RESOLUTION NO. 188-2011

RE: RESOLUTION FOR RENEWAL OF MEMBERSHIP IN THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Township of Upper is a member of the Atlantic County Municipal Joint Insurance Fund (hereinafter the “FUND”); and

WHEREAS, said membership terminates as of January 1, 2012 unless earlier renewed by agreement between the municipality and the FUND; and

WHEREAS, the Township of Upper desires to renew said membership;

NOW THEREFORE be it resolved as follows:

1. The Township of Upper, agrees to renew its membership in the FUND and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures

thereof as presently existing or as modified from time to time by lawful act of the
FUND.

2. Therese Smuz, Fund Commissioner, shall be and hereby is authorized to execute the
“Agreement to Renew Membership” annexed hereto as Exhibit “A” and made a part
hereof and to deliver same to the FUND evidencing the Township’s intention to
renew its membership.

Resolution No. 188-2011

Offered by: Gabor

Seconded by: Palombo

Adopted on August 22, 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>

ORDINANCES

CORRESPONDENCE

NEW BUSINESS

14. **Request for reimbursement of 2011 property taxes on Block 699, Lot 5 owned by a 100% disabled Veteran.** Motion was made by Richard Palombo, second by Frank Conrad to place a resolution on the next agenda. During roll call vote all five Committee members voted in the affirmative.
15. **NJDEP Treatment Works Application (TWA) Statements of Consent form regarding Ocean Beach Trailer Resort, Block 811, Lots 7-11, Commonwealth Ave.** This approval is a requirement of the NJDEP to obtain a Treatment Works Approval for the alteration of the non-conforming but existing permitted Mobile Home Park. The plan proposes the installation of septic tanks between the dwelling units and the existing seepage pits at the Ocean Beach Trailer Resort. An approval signifies that the Township 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; it does not otherwise impose any obligation or liability on the Township. The Township Committee approved the request. A resolution will be placed on a future agenda.

UNFINISHED BUSINESS

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 to approve all bills as submitted. During roll call vote all five Committee members voted in the affirmative.

Bills approved for payment:	\$ 93,296.28
Payroll:	\$206,564.86

REPORT OF MUNICIPAL DEPARTMENTS:

16. Municipal Court-Upper Township, Dennis Township, and Corbin City.

Reports are available from the Clerk’s Office.

PUBLIC COMMENT

Randy Roash, 124 Prescott, briefly discussed the letter with regards to the Strathmere Boat Ramp. Mayor Palombo stated that would be one of the matters discussed at the 9/12/11 6:30 PM Workshop Meeting. Dune fencing would be placed to keep vehicles off of the marshland.

J. Kevin Grubb, 180 Perry Road; Daniel Sheeler and Jeff Sheeler of 303 Butter Road, were present to discuss the use of the School’s sports fields. It was discussed that the team would line the fields and that the Township would not be required to maintain the fields during the winter months and as a result there would be no maintenance cost incurred.

Nathalie Neiss, 759 Route 50, discussed a subdivision of her family’s property that occurred in the 1970’s and questioned why a lot line was changed a few years later.

Russell Morano, 5 Red Oak Drive, asked about assessments for cell towers.

There were no further speakers and the Committee made the motion to go out of the regular portion of the meeting and go into an executive session to discuss the items previously mentioned.

CLOSED SESSION

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

TOWNSHIP OF UPPER
RESOLUTION NO. 189-2011
MOTION GOING INTO CLOSED SESSION
August 22, 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. Contract negotiation –Employee Contract
2. Contract negotiation – AtlantiCare Lease

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 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
Second by: Frank Conrad

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 9:15 P.M. Next meeting scheduled for **September 12, 2011, 6:30 PM Workshop Meeting, RE: Capital Projects and Equipment for 2011; Regular Meeting at 7:30 P.M.**

Minutes prepared by

Wanda Gaglione, RMC
Municipal Clerk

56078 08/23/11 A0006 ADVANCE TREADS INC 317.76 2679
56079 08/23/11 A0018 ACTION SUPPLY INC. 2,569.55 2679
56080 08/23/11 A0028 ADVANTAGE RENTAL CENTER INC. 282.74 2679
56081 08/23/11 A0091 ATLANTIC CITY ELECTRIC 7,889.81 2679
56082 08/23/11 A0122 ANSELL, ZARO, GRIMM & AARON 87.50 2679
56083 08/23/11 A0137 ADVANTAGE EQUIPMENT SERVICE 1,170.00 2679
56084 08/23/11 A0166 Association of NJ Recyclers 35.00 2679
56085 08/23/11 A0167 HESS CORPORATION 3,099.00 2679
56086 08/23/11 B0035 BELMONT & CRYSTAL SPRINGS 621.08 2679
56087 08/23/11 B0076 BOND, LAURENCE E. 1,882.63 2679 Direct Deposit
56088 08/23/11 B0093 BARRY, CORRADO, GRASSI & GIBSON 5,627.55 2679
56089 08/23/11 B0106 BARLOW CHEVROLET, INC. 20.78 2679
56090 08/23/11 B0142 BRINKERHOFF ENVIRONMENTAL 750.00 2679
56091 08/23/11 B0182 BRIGGS LAW OFFICE, P.C. 3,853.09 2679
56092 08/23/11 C0046 CAPE MAY COUNTY CLERK 128.00 2679
56093 08/23/11 C0048 CAPE MAY COUNTY MUA 31,338.98 2679
56094 08/23/11 C0060 CAPRIONI'S PORTABLE TOILETS 1,640.00 2679

56095 08/23/11 C0068 COMCAST 220.16 2679
56096 08/23/11 C0077 CHERRY VALLEY TRACTOR SALES 29.99 2679
56097 08/23/11 C0171 COLONIAL ELECTRIC SUPPLY CO. 18.05 2679
56098 08/23/11 C0201 CRUZAN'S TRUCK SERVICE INC. 514.82 2679
56099 08/23/11 C0223 CASA PAYROLL SERVICE 288.75 2679
56100 08/23/11 D0016 DALEYS PIT 220.00 2679
56101 08/23/11 E0012 EHRlich PEST CONTROL INC 151.00 2679
56102 08/23/11 E0044 Elberson, James 25.00 2679
56103 08/23/11 F0016 FAZZIO, JOSEPH INC. 483.30 2679
56104 08/23/11 F0035 FIREHOUSE MAGAZINE 49.95 2679
56105 08/23/11 G0016 GARDNER HARDWARE INC. 81.50 2679
56106 08/23/11 G0028 GENTILINI FORD 34.94 2679
56107 08/23/11 G0044 GILES & RANSOME, INC. 188.47 2679
56108 08/23/11 H0018 HAROLD RUBIN/L & H SUPPLY 449.55 2679
56109 08/23/11 J0014 JC MILLER'S 456.48 2679
56110 08/23/11 L0031 LORCO PETROLEUM SERVICES 175.00 2679
56111 08/23/11 L0043 LEE RAIN,INC. 614.66 2679
56112 08/23/11 L0080 LOWES, INC. 368.20 2679
56113 08/23/11 L0087 LINE SYSTEMS INC 1,187.94 2679
56114 08/23/11 M0128 MUNICIPAL CLERKS ASSOC. N.J. 15.00 2679
56115 08/23/11 M0174 MCAFEE MEGAN 150.00 2679
56116 08/23/11 M0180 MED-TECH RESOURCE,INC. 365.81 2679
56117 08/23/11 M0188 MCCARTHY TIRE SERVICE OF PHILA 1,549.02 2679
56118 08/23/11 M0224 McBRIDE, JANET E 15.00 2679
56119 08/23/11 N0043 NAPA AUTO PARTS OF S.JERSEY 68.21 2679
56120 08/23/11 N0060 NESLO PETROLEUM PRODUCTS, INC. 3,577.50 2679
56121 08/23/11 P0032 PEDRONI FUEL CO. 3,329.87 2679
56122 08/23/11 P0056 TURF EQUIPMENT AND SUPPLY CO 1,020.12 2679
56123 08/23/11 P0064 PITNEY BOWES 210.00 2679
56124 08/23/11 P0075 POSITIVE PROMOTIONS INC 498.05 2679
56125 08/23/11 P0121 PENGUIN COMMUNICATION LLC 98.40 2679
56126 08/23/11 R0030 RIGGINS, INC. 6,481.07 2679
56127 08/23/11 R0092 RUTGERS, THE STATE UNIVERSITY 1,299.00 2679
56128 08/23/11 S0072 SEGIN, STEWART S. 62.29 2679
56129 08/23/11 S0075 SHARP,RHONDA L. 150.00 2679
56130 08/23/11 S0122 SOMERS POINT LUMBER INC. 113.92 2679
56131 08/23/11 S0126 SPIEGEL, BARBARA 35.52 2679
56132 08/23/11 S0134 SO. JERSEY GAS COMPANY 110.16 2679
56133 08/23/11 S0153 STERICYCLE, INC. 267.36 2679
56134 08/23/11 S0165 S.E.T. COMMUNICATIONS INC 425.37 2679
56135 08/23/11 S0190 STRATHMERE VOLUNTEER FIRE CO. 611.34 2679
56136 08/23/11 S0196 STEWART BUSINESS SYSTEMS LLC 289.68 2679
56137 08/23/11 S0209 STAPLES ADVANTAGE 146.70 2679
56138 08/23/11 T0018 TEKK COMM COMMUNICATIONS 1,555.00 2679
56139 08/23/11 T0032 THE PRESS & SUNDAY PRESS 119.70 2679
56140 08/23/11 T0054 TTI ENVIRONMENTAL, INC. 756.48 2679
56141 08/23/11 T0067 TOWNSHIP OF UPPER PETTY CASH 17.00 2679
56142 08/23/11 T0074 TRANSAXLE LLC 348.40 2679
56143 08/23/11 T0157 SEAVILLE MOTOR SPORTS INC 69.90 2679
56144 08/23/11 U0047 U.S. MUNICIPAL SUPPLY, INC. 334.11 2679
56145 08/23/11 V0005 VAN EMBDEN, NATHAN, ATTORNEY 862.50 2679
56146 08/23/11 V0022 VERIZON 184.04 2679
56147 08/23/11 V0024 VAL-U AUTO PARTS L.L.C. 186.58 2679
56148 08/23/11 V0025 V.E. RALPH & SON,INC. 493.01 2679
56149 08/23/11 W0030 WEST PUBLISHING CO. 356.94 2679
56150 08/23/11 Y0006 YESTERDAY'S 202.00 2679
56151 08/23/11 Y0020 YOUNG, BARBARA L. 50.00 2679

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Total Paid: \$93,296.28