

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR SEPTEMBER 26, 2011**

**SPECIAL WORKSHOP MEETING-6:30 PM- Capital Projects and Equipment for 2011
Workshop meeting.**

In preparation for potential bonding of various Capital projects and equipment a workshop meeting was held on September 26, 2011 at 6:30 P.M.

The following were present for the meeting tonight:

Frank E. Conrad	Present
Curtis Corson	Present
Kristine Gabor	Present
John "Jay" Newman	Present
Richard Palombo	Present

Also present were Deputy Municipal Clerk Barbara Young, Finance Officer Barbara Spiegel, and Municipal Engineer Paul Dietrich. Jay Potter, Chief of Rescue Squad, was also present for tonight's meeting to answer questions regarding the projects pertaining to the Rescue Squad.

Mayor Palombo began by discussing the need for bonding of various potential capital purchases. He noted that no action would be taken during the workshop portion of the meeting.

The Committee discussed the following projects:

Paving Project, the engineers estimate to resurface approx. 4 miles of roadway or 12 roads throughout the Township is \$1,300,000. Paul Dietrich commented that the township has over 70 miles of paved roads throughout the township, with over 22.5 miles of roadway nearing their life expectancy. Based on the scope of work previously done during the last two paving projects in 2008 and 2009, the cost estimate is \$325,000 per mile. He also reported the township could realize a 15-percent savings per mile based on the scope of the paving projects. Mr. Dietrich further reported that grants for various streets have been applied for.

Security, estimated cost to install security cameras to monitor township facilities is approximately \$20,000. Committee discussed forming a subcommittee to address the security issues.

Emergency Management-Folding Cots, estimated cost of \$40.00 each. Committee discussed purchasing the cots from Surplus or Gov Deals.

Public Works Radios, the estimated cost to replace the radios is approximately \$20,000 to \$25,000. Engineer reported that it is required to have upgrades to the digital radios by 2013.

EMS-Emergency Shelter, the approximate cost to purchase a 10 x 12 x 15 inflatable shelter is \$6,550.00.

EMS-AED, Jay Potter, Chief Upper Township Rescue Squad commented that the life expectancy of the AED they are currently using has expired and updates for the machine are not available. The cost to replace the AED, which would be equipped to send telemetry directly to the Doctor, is approximately \$5,400.00.

EMS-Motorola Radios, approximate cost to replace the radios and bring them up to the standards required by 2013 is \$2,575.00.

EMS Truck #21-10, replacement of the emergency vehicle was discussed.

Amanda's Field, estimate for upgrades and lighting is \$200,000. Funds are available in the Recreation Developers fund to help offset the costs.

Trash Trucks, estimated cost to replace one trash truck with a truck similar to the one we are currently using is \$220,000.00.

Chief Financial Officer Barbara Spiegel was directed to contact township auditor Leon Costello to attend a future Committee meeting to report on the details and the cost of bonding for the various items.

The workshop meeting was then closed.

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

APPROVAL OF MINUTES - September 12, 2011 Regular Meeting and Closed Session Minutes

Motion was made by Jay Newman, second by Frank Conrad to approve the Minutes as written. During roll call vote all five Committee members voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Frank Conrad, Committee person, reported that the Upper Township Business Association, along with the Challenger Sports Program, will host their second annual Fall Festival on Saturday October 1st beginning at 9:00 a.m. at the Seaville Tavern.

Kristine Gabor, Committee person, reported on a phone call she received from a resident on Old Tuckahoe Road having an issue with soccer and golf balls routinely landing in his yard and coaches sending players across the street to retrieve the soccer balls, creating a safety hazard. Although this issue was addressed at the last meeting, he called to again request that the township look into changing the direction of play on the fields to prevent the soccer balls from coming into his yard. The issue with the golf balls was addressed by Paul Dietrich, who reported that signs are on order prohibiting the use of playing golf on township fields. Lastly she reported on a letter she received from the American Littoral society, a coastal conservation organization, asking the township to pass a resolution urging Cape May County Freeholders to submit an application to the New Jersey DEP Green Acres Program for Land Acquisition and Park Development for matching grant funds which can be used to help the County and Municipalities develop parks and recreational infrastructure.

Jay Newman, Committee person, reported that Upper Township's Annual Fire Prevention Day and Open House for all the township fire companies would be held Wednesday October 5, 2011 at the Marmora Fire House from 5:30 to 8:00 p.m.

Richard Palombo, Mayor, reported Cape May County is offering free flu shots on September 27th at the Upper Township Senior Center for seniors and for everyone on September 29th at the Department of Health Building on Moore Road in Cape May Court House. Mayor Palombo also discussed the need to convince our State Government to comply with its own statutory funding requirements and restore Municipal Property Tax Relief Funding. The Mayor then requested permission to sign and fax the support form back to the NJ League of Municipalities. Motion to authorize the Mayor to sign and fax the support form for statutory distribution of Energy Tax Receipts and CMPTR Revenue replacement funding by Jay Newman, seconded by Kristine Gabor. During roll call vote all five Committee members voted in the affirmative.

OTHER REPORTS

Daniel Young, Municipal Attorney, reported he had one contract negotiation item for executive session for a potential administrator for the Health Insurance Cafeteria plan.

Paul Dietrich, Municipal Engineer, gave a brief update on the Marmora Town Center project in that the NJ Department of Transportation is looking to partner with the township for Economic Consulting Services for the Center project.

PRESENTATIONS

Kristine Gabor read the following resolution into the record. Tom Shallcross President of the Football Association, Tom Meehan Vice President and Treasurer David Krause were then presented with the resolution.

1. Honoring the Upper Township Indians Football Association for their dedicated public service to Upper Township at Caldwell Park.

R E S O L U T I O N

RESOLUTION NO.190-2011

RE: HONORING UPPER TOWNSHIP INDIANS FOOTBALL ASSOCIATION
FOR THEIR DEDICATED PUBLIC SERVICE TO
UPPER TOWNSHIP AT CALDWELL PARK

WHEREAS, The Upper Township Indians have performed a great public service to the Township of Upper; and

WHEREAS, the players and coaches of the Upper Township Indians, at their own expense and time, have done several cleanup and maintenance projects at Caldwell Park, including painting the concession stand and cleaning up any and all litter around the fields; and

WHEREAS, The Township of Upper would like to honor and extend their appreciation to the team members and coaches for their dedicated service to Upper Township; 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: that The Upper Township Indians are hereby honored for their public service to the Township of Upper at Caldwell Park.

FURTHER, that this Committee, on behalf of all the citizens of the Township of Upper extend to them our sincerest appreciation for their fine skills, the pride they take in their work, and their assistance in maintaining Caldwell Park.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 12th of September, 2011.

RESOLUTIONS

2. Authorizing the appointment of employee John Marc Hemby as a part time Mechanic's Helper on an as needed basis.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 202-2011**

**RE: AUTHORIZING THE APPOINTMENT OF EMPLOYEE JOHN MARC HEMBY AS A PART
TIME MECHANIC'S HELPER ON AN AS NEEDED BASIS**

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

WHEREAS, John Marc Hemby is currently employed as a part time Emergency Medical Technician with the Upper Township Rescue Squad; and

WHEREAS, John Marc Hemby possesses the necessary qualifications to be a part time Mechanic's Helper with the Upper Township Public Works Department on an as needed basis; 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 Marc Hemby is hereby appointed to a part time Mechanic's Helper position on an as needed basis at a rate of \$22.77 per hour in accordance with the Salary Ordinance.

3. This Resolution ratifies, confirms and approves action taken by the Township Committee, by motion, at the meeting of September 12, 2011.

Resolution No. 202-2011

Offered by: Newman

Seconded by: Corson

Adopted: September 26, 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>

3. Authorizing the Township of Upper to enter into a contract with AtlantiCare Physician Group, PA to provide Occupational Medicine Services to Upper Township.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 203-2011

**RE: AUTHORIZING THE TOWNSHIP OF UPPER TO ENTER INTO A CONTRACT
WITH ATLANTICARE PHYSICIAN GROUP, PA
TO PROVIDE OCCUPATIONAL MEDICINE SERVICES TO UPPER TOWNSHIP**

WHEREAS, it is required that the Township establish a medical surveillance program in accordance with federal regulations (OSHA) and occupational health guidelines (NIOSH, NFPA) for the Township's Department of Public Works; and

WHEREAS, AtlantiCare Physician Group, PA has offered to provide such occupational medical services as required in the Medical Surveillance Program; and

WHEREAS, the Township intends to enter into a contract with AtlantiCare Physician Group, PA to provide such services for and on behalf of the employees of the Upper Township Department of Public Works; and

WHEREAS, the Township Solicitor has reviewed and approved a form of Contract between the Township of Upper and AtlantiCare Physician Group, PA, a copy of which is on record in the office of the Township Clerk; and

WHEREAS, AtlantiCare Physician Group, PA has completed and submitted a Business Entity Disclosure Certification which certifies that AtlantiCare Physician Group, PA 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 AtlantiCare Physician Group, PA from making any reportable contributions through the term of the contract; and

WHEREAS, the Township has available funds to permit it to enter into this Contract and the availability of such funds has been certified as required by law; 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 is hereby authorized to enter into a Contract with AtlantiCare Physician Group, PA for a term beginning on October 1, 2011 and ending on September 30, 2013 to provide occupational medicine services required by federal regulations and occupational health guidelines and the Mayor and Township Clerk are hereby authorized, directed and empowered to execute such Contract on behalf of the Township of Upper.

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. 203-2011

Offered by: Newman

Seconded by: Conrad

Adopted: September 26, 2011

Roll Call Vote:

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

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

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 204-2011

**RE: ADOPTING REVISIONS TO THE UPPER TOWNSHIP SUPERVISOR'S
PERSONNEL POLICIES AND PROCEDURES MANUAL
AND EMPLOYEE HANDBOOK**

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

WHEREAS, the Township Committee of the Township of Upper has reviewed and approved the revisions to the Supervisor's Personnel Policies and Procedures Manual and Employee Handbook attached hereto and has determined that same should be adopted to amend the existing Township Supervisor's Personnel Policies and Procedures Manual and the Employee Handbook; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The revisions to the Supervisor's Personnel Policies and Procedures Manual and Employee Handbook attached hereto as Exhibit "A" and are hereby adopted and approved and modify the existing personnel policies, procedures, manuals and handbooks of the Township.
3. The Supervisor's Personnel Policies and Procedures Manual shall apply to all Township officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personal services contract or federal or state law, the terms and conditions of that contract or law shall prevail. In all other cases these policies and procedures shall prevail.
4. The manual is intended to provide guidelines covering public service by Township employees and is not a contract. The provisions of this manual may be amended and

supplemented from time to time without notice and at the sole discretion of the Township Committee.

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

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

Resolution No. 204 - 2011

Offered by: Conrad

Seconded by: Newman

Adopted: September 26, 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>	___	___	___

5. Cancel Tax/Credit/Refund.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
Resolution No. 205-2011**

RE: CANCEL TAX/CREDIT/REFUND

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

WHEREAS, A Deed of Consolidation was filed at the Cape May County Clerks Office on February 21, 2007 consolidating Block 631 Lot 19 into Lot 16 for the tax year 2008, and

WHEREAS, The Assessor deleted Lot 19 for the tax year 2008, and

WHEREAS, The assessment for Lot 19 erroneously appeared back on the assessment records for the tax years 2008, 2009, 2010 and 2011, and

WHEREAS, under N.J.S.A 54:5-19, the owner of the property located at 1467 Stagecoach Road in Greenfield, New Jersey, Charles Weaver has proposed a payment plan in order to avoid the Township of Upper from offering the Municipal lien for sale, and reducing the unpaid taxes to a tax lien certificate at tax sale;

WHEREAS, there are delinquent property taxes for the years 2010 and 2011 in the amount of \$1,536.11.

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

1. The allegations of the Preamble are incorporated herein by reference.
2. The total amount owed by property owner Charles Weaver for the property located at 1467 Stagecoach Road in Greenfield, New Jersey for unpaid taxes on Block 563 Lot 3, is \$1,536.11.
3. The property owner Charles Weaver will pay Thirty-One Dollars and Fifteen Cents (\$31.15) per month to the Township of Upper on the first of each month, beginning October 1, 2011, for a period of Sixty (60) months, which will conclude on September 1, 2016.
4. The Township's agreement to accept such a payment plan is conditioned upon the property owner, Charles Weaver, continuing to pay all subsequent real estate taxes, assessments and any other Municipal liens imposed in a prompt manner and remaining current on all said obligations during the term of this agreement.
5. If the property owner Charles Weaver falls delinquent on any of the payments required under this agreement, or any subsequent tax, assessment and/or Municipal lien obligations, then said agreement shall be void and the Township officer charged by law with the duty to collect said Municipal liens and taxes shall proceed to enforce the current Municipal lien by selling it in the manner prescribed under New Jersey law.
6. This Resolution ratifies, confirms and approves actions taken by the Township Committee, by Motion, at the meeting of June 27, 2011.

Resolution No. 206 –2011
Offered by: Corson
Adopted: September 26, 2011

Seconded by: Palombo

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>

AGREEMENT

THIS AGREEMENT is entered into this 26th day of September 2011, between the Township of Upper (hereinafter referred to as "Township"), and Charles Weaver.

WHEREAS, Charles Weaver is the owner of a property located at 1467 Stagecoach Road in Greenfield, New Jersey, known as Block 563 Lot 3: and

WHEREAS there is currently owed One Thousand, Five Hundred Thirty Six Dollars and Eleven Cents (\$1,536.11) relating to unpaid property taxes: and

WHEREAS, the parties agree to a payment plan in order to avoid the sale of said Municipal lien at a Tax Sale;

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

1. Charles Weaver agrees to pay Thirty-One Dollars and Fifteen Cents (\$31.15) per month on the first of each month beginning on October 1, 2011 and final payment on September 1, 2016.
2. The Township agrees not to enforce said Municipal Lien or offer said lien at any Tax Sale while Charles Weaver remains current on the aforesaid payment obligations as well as all subsequent real estate taxes, Municipal liens and/or assessments on the property.
3. Upon receipt of the final payment, the Plan will be deemed complete.
4. If Charles Weaver defaults on any payment obligation, or becomes delinquent on any subsequent real estate taxes, assessments, and /or Municipal liens, then said agreement shall be null and void and the Township will offer said Municipal lien for sale as prescribed under New Jersey Law.
5. The parties agree that if the Township is required to retain counsel to enforce the provisions of this agreement, then Charles Weaver must pay for all reasonable attorney's fees and costs incurred as a result of said breach of the Agreement.
6. The Township retains the right to enforce all applicable ordinances and laws relating to the property, which do not involve collection relating to unpaid taxes.
7. All parties certify that they have carefully read and fully understand all the provisions and effects of this Agreement, and upon reflection, each party has voluntarily entered into this agreement.
8. This Agreement sets forth the entire agreement between the parties and fully supercedes any and all prior agreements or understandings between them pertaining to the subject matter hereof.

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

ORDINANCES

7. **Introduction and First Reading of Ordinance No. 024-2011, RE: AN ORDINANCE AMENDING CHAPTER XXI OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF UPPER WHICH ESTABLISH REQUIREMENTS FOR THE USE OF TOWNSHIP FACILITIES.** Motion was made by Jay Newman, second by Kristine Gabor to introduce Ordinance No. 024-2011 with public hearing and final adoption set for October 24, 2011. During roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
O R D I N A N C E**

ORDINANCE NO. 024-2011

**AN ORDINANCE AMENDING CHAPTER XXI OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF UPPER WHICH ESTABLISH
REQUIREMENTS FOR THE USE OF TOWNSHIP FACILITIES**

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

SECTION 1: Chapter XXI of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended as follows:

21.1 Unchanged.

21-2.1 No fee required for certain participants.

- a. Upper Township religious or charitable organizations, the Upper Township School District, the Ocean City High School, Upper Township approved ongoing sports and recreation programs, and Upper Township community or civic organizations shall be exempt from payment of fees for the use of Upper Township facilities. This exemption applies only to such organizations based primarily in Upper Township and which primarily serve Upper Township residents.
- b. When a participant has received approval for an event and has paid the required fee for the event, no additional fee shall be charged for use of a Township athletic field for practices for the event; provided, however, such use shall be strictly limited to practice only and the Township may schedule the practices at any available field, including those other than where the event will be held.
- c. Weddings of Township residents shall be exempt from payment of a fee for use of a Township facility so long as the facility is available and the use does not exceed 30 minutes in duration.

21-2.2 Fee for use of facilities.

- a. Unchanged.
- b. Unchanged.
- c. Unchanged
- d. Unchanged
- e. Beesley's Point Beach: \$200.00 per day or part thereof for use of the beach only; \$500.00 per day or part thereof for use of or the closure of the boat ramp.
- f. Beach in Strathmere and Whale Beach: \$200.00 per municipal beach block or part thereof.
- g. Use of any facility not specifically listed above: \$50.00 per hour.
- h. In addition to the above, any use of facilities involving Township personnel, services or materials shall pay an additional fee equal to the costs of such personnel, services or materials.

21.3. Requirements for use of facilities.

21.3.1 Unchanged

21.3.2 Unchanged

21.3.3 Unchanged

21.3.4 Unchanged

21.3.5 Background checks

Any event which involves unsupervised direct access to minor children must be accompanied by a certification from the applicant that those having unsupervised direct contact with minor children have undergone a successful criminal history record background check pursuant to N.J.S.A. 15A:3a-1.

21.3.6 Unchanged

21.3.7 Unchanged

21.3.8 Unchanged

21.3.9 Unchanged

21.3.10 Unchanged

21.3.11 Unchanged

21.3.12 Unchanged

21.3.13 Unchanged

21.3.14 Unchanged

21.3.15 Unchanged

21.4. Unchanged

SECTION 2: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 3: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause or provision of the Ordinance shall be adjudged invalid, such adjudication shall only apply to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of the Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 4: EFFECTIVE DATE: This Ordinance shall take effect immediately upon final adoption and publication as required by law.

SECTION 5: CODIFICATION: This Ordinance shall be codified in Chapter XXI of the Upper Township Code commencing 21-1.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 26TH OF SEPTEMBER, 2011 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 24TH DAY OF OCTOBER, 2011 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

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

WANDA GAGLIONE, TOWNSHIP CLERK
TOWNSHIP OF UPPER

8. **Introduction and First Reading of Ordinance No. 025-2011, RE: AN ORDINANCE AUTHORIZING THE TOWNSHIP OF UPPER TO ENTER INTO A LEASE AGREEMENT WITH ATLANTICARE REGIONAL MEDICAL CENTER, A NEW JERSEY CORPORATION, WITH RESPECT TO OFFICE PREMISES AND PARKING SPACES LOCATED AT TOWNSHIP HALL, 2100 TUCKAHOE ROAD, PETERSBURG, NEW JERSEY.** Motion was made by Jay Newman, second by Curtis Corson to introduce Ordinance No. 025-2011 with public hearing and final adoption set for October 24, 2011. During roll call vote all five Committee members voted in the affirmative.

TOWNSHIP OF UPPER

CAPE MAY COUNTY

ORDINANCE

ORDINANCE NO. 025-2011

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF UPPER TO ENTER INTO A LEASE AGREEMENT WITH ATLANTICARE REGIONAL MEDICAL CENTER, A NEW JERSEY CORPORATION, WITH RESPECT TO OFFICE PREMISES AND PARKING SPACES LOCATED AT TOWNSHIP HALL, 2100 TUCKAHOE ROAD, PETERSBURG, NEW JERSEY

BE IT ORDAINED 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:

SECTION 1: FACTUAL FINDINGS AND DETERMINATIONS: The Township Committee hereby expressly finds and determines the following:

- (A) Pursuant to N.J.S.A. 40A:12-14, a municipality is authorized to lease any real property, capital improvement or personal property not needed for public use and which is not otherwise dedicated or restricted pursuant to law.
- (B) N.J.S.A. 40A:12-14(c) further provides and authorizes a lease to a non-profit corporation for a public purpose, provided that such Lease shall be

authorized by Ordinance and further authorizes such Lease for a nominal consideration. Said Statute further requires and mandates that the non-profit corporation file annual reports with the Governing Body as more particularly described and required in Section 4 hereof.

- (C) N.J.S.A. 40A:12-15 sets forth the purposes for which Leases or a public purpose may be made and provides a maximum term for a leasehold and expressly authorizes such Lease for health care and emergency services as well as the promotion of the health, safety, morals and general welfare of the community of any non-profit corporation or association (N.J.S.A. 40A:12-15(a), (b) and (i)).
- (D) It has been represented to the Township Committee that Atlanticare Regional Medical Center is a non-profit corporation organized and existing under the laws of the State of New Jersey and in good standing and the Township Committee accepts and relies upon those representations made by or on behalf of Atlanticare Regional Medical Center.
- (E) The activities of Atlanticare Regional Medical Center will promote the public purpose of providing a medical office space as an EMS Field Office for the conduct of EMS Response for the benefit of the residents of Upper Township and nearby areas.

SECTION 2: The Township of Upper is hereby authorized to enter into a Lease Agreement with Atlanticare Regional Medical Center for the lease of office premises and parking spaces at Township Hall, 2100 Tuckahoe Road, Petersburg, New Jersey. Said Lease shall be for a term of one (1) year. Said Lease may thereafter be renewed for a successive term or terms as permitted by law. The consideration shall be equal to Four Hundred Fifty Dollars (\$450.00) per month for a total of Five Thousand Four Hundred Dollars (\$5,400.00) per year.

Said Lease shall be prepared or approved by the Municipal Attorney for the Township of Upper and ultimate final approval of said Lease shall be vested in the Township Committee, as the Governing Body of the Township of Upper.

SECTION 3: CONDITIONS AFFECTING LEASE: The Lease authorized in Section 2 hereof shall be expressly subject to the following terms, reservations and restrictions:

- (A) The property described herein shall be used by Atlanticare Regional Medical Center as office premises and parking spaces subject to the terms and conditions of an Agreement to be negotiated between the Township of Upper and Atlanticare Regional Medical Center which defines the rights, duties and responsibilities of the Township and Atlanticare Regional Medical Center with respect to the maintenance and use of the property described in this Ordinance.
- (B) In the event that Atlanticare Regional Medical Center should, in the opinion of the Township Governing Body, cease to exist or become inactive, then the right is reserved unto the Township of Upper, through its Governing Body, to terminate the Lease and to make the property described herein available to a successor entity or group to be used for the same or similar purpose or for any other purpose permitted by law.

SECTION 4: AUTHORITY OF TOWNSHIP OFFICIALS: All Township officers, officials and employees are hereby authorized to take all action necessary or required in order to carry out the intent and purpose of this Ordinance. Without in any way intending to limit the generality of the foregoing, the Mayor and the Township Clerk are expressly authorized, empowered and directed to sign the Lease Agreement on behalf of the Township of Upper as Lessor and the Township Clerk is further authorized, directed and empowered to affix the Township seal to said Lease.

SECTION 5: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

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

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 26TH OF SEPTEMBER, 2011 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 24th DAY OF OCTOBER, 2011 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

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

WANDA GAGLIONE, TOWNSHIP CLERK
TOWNSHIP OF UPPER

CORRESPONDENCE

NEW BUSINESS

9. NJDEP Treatment Works Application (TWA) Statements of Consent form, Estate of Vincent J. Girard, Block 828, Lot 1, 5 W. Putnam Road, Strathmere.

Mr. Dietrich reported that the property meets all the municipal and zoning standards of the township for the construction of the home and the septic system. Motion by Richard Palombo, second by Kristine Gabor to accept the application and prepare a resolution to be placed on a future agenda. During roll call vote all five Committee members present voted in the affirmative.

UNFINISHED BUSINESS:

DISCUSSION

10. ORDINANCE No. 023-2011 AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XX (ZONING) OF THE CODE OF UPPER TOWNSHIP.

The Engineer reported on the revisions to the land Use Ordinance. The Ordinance will be placed on the next agenda for Introduction.

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.” Moved by Jay Newman, second by Frank Conrad with all five Committee members voting in the affirmative.

Bill List: \$117,109.13

Payroll: \$163,134.48.

REPORT OF MUNICIPAL DEPARTMENTS:

11. Municipal Court.

12. MUA Report.

13. EMS Report.

Reports are available from the Clerk’s Office.

PUBLIC COMMENT

CLOSED SESSION

14. 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. 207-2011
MOTION GOING INTO CLOSED SESSION
September 26, 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 negotiations – potential administrator of health insurance cafeteria program.

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 8:10 P.M. Next meeting scheduled for October 11, 2011 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC
Deputy Municipal Clerk

BILL LIST

56244 09/26/11 A0006 ADVANCE TREADS INC 20.70 2684
56245 09/26/11 A0018 ACTION SUPPLY INC. 98.82 2684
56246 09/26/11 A0033 A.M./P.M.SERVICES 198.00 2684
56247 09/26/11 A0091 ATLANTIC CITY ELECTRIC 7,120.83 2684
56248 09/26/11 A0146 AACMC 85.00 2684
56249 09/26/11 A0167 HESS CORPORATION 2,286.75 2684
56250 09/26/11 B0035 BELMONT & CRYSTAL SPRINGS 573.50 2684
56251 09/26/11 B0076 BOND, LAURENCE E. 1,882.63 2684 Direct Deposit
56252 09/26/11 B0093 BARRY, CORRADO, GRASSI & GIBSON 752.50 2684
56253 09/26/11 C0046 CAPE MAY COUNTY CLERK 8.00 2684
56254 09/26/11 C0048 CAPE MAY COUNTY MUA 34,987.90 2684
56255 09/26/11 C0060 CAPRIONI'S PORTABLE TOILETS 1,750.00 2684
56256 09/26/11 C0068 COMCAST 231.35 2684
56257 09/26/11 C0146 COLLINS IRON WORKS, INC. 724.20 2684
56258 09/26/11 C0171 COLONIAL ELECTRIC SUPPLY CO. 538.71 2684
56259 09/26/11 C0201 CRUZAN'S TRUCK SERVICE INC. 388.64 2684
56260 09/26/11 C0223 CASA PAYROLL SERVICE 251.55 2684
56261 09/26/11 D0016 DALEYS PIT 100.00 2684
56262 09/26/11 D0040 DELTA DENTAL OF N.J. INC. 7,077.68 2684
56263 09/26/11 D0077 DIETRICH, PAUL 59.95 2684
56264 09/26/11 D0080 DOWNAM, HARRY J. JR. 129.99 2684
56265 09/26/11 F0042 FLANAGANS SOUTH AUTO TIRE CENT 47.50 2684
56266 09/26/11 G0002 GAGLIONE, WANDA 168.21 2684
56267 09/26/11 G0016 GARDNER HARDWARE INC. 643.75 2684
56268 09/26/11 G0141 GENTILINI CHEVROLET 510.35 2684
56269 09/26/11 H0006 HABERMAN, WILLIAM 364.95 2684
56270 09/26/11 H0018 HAROLD RUBIN/L & H SUPPLY 851.96 2684
56271 09/26/11 J0014 JC MILLER'S 418.00 2684
56272 09/26/11 J0041 JONES, JAMES M. 62.00 2684
56273 09/26/11 L0034 LAYTON, BRENDA MRS. 150.00 2684
56274 09/26/11 L0080 LOWES, INC. 136.08 2684
56275 09/26/11 L0087 LINE SYSTEMS INC 1,221.18 2684
56276 09/26/11 M0016 MCAFEE, MEGAN 36.80 2684
56277 09/26/11 M0164 MURPHY FENCE COMPANY. INC. 78.16 2684

56278 09/26/11 M0209 MAYBERRY, JOHN D 18.18 2684
56279 09/26/11 M0217 MUNICIPAL EMERGENCY SERVICES 4,370.00 2684
56280 09/26/11 M0222 MUNICIPAL CAPITAL CORPORATION 392.00 2684
56281 09/26/11 N0004 NJ-AMERICAN WATER CO. 7.33 2684
56282 09/26/11 N0043 NAPA AUTO PARTS OF S.JERSEY 505.56 2684
56283 09/26/11 N0052 NATL YOUTH SPORTS COACHED ASSN 640.00 2684
56284 09/26/11 N0100 N.J. LEAGUE OF MUNICIPALITIES 450.00 2684
56285 09/26/11 N0120 NORTHERN SAFETY CO.INC. 125.14 2684
56286 09/26/11 N0132 NJLM EDUCATIONAL FOUNDATION 150.00 2684
56287 09/26/11 O0006 SJSHORE MARKETING,LLC 93.50 2684
56288 09/26/11 O0012 OCEAN CITY BD. OF EDUCATION 838.04 2684
56289 09/26/11 P0032 PEDRONI FUEL CO. 1,829.97 2684
56290 09/26/11 P0036 PENNELLO,DAVID 139.93 2684
56291 09/26/11 P0056 TURF EQUIPMENT AND SUPPLY CO 1,332.09 2684
56292 09/26/11 P0064 PITNEY BOWES 210.00 2684
56293 09/26/11 P0089 PREMIER SCHOOL AGENDAS,INC. 2,206.20 2684
56294 09/26/11 P0121 PENGUIN COMMUNICATION LLC 23.37 2684
56295 09/26/11 R0030 RIGGINS, INC. 9,525.04 2684
56296 09/26/11 R0076 REGISTRARS' ASSOCIATION N.J. 49.00 2684
56297 09/26/11 R0092 RUTGERS, THE STATE UNIVERSITY 1,214.00 2684
56298 09/26/11 S0015 SMYTH, PATRICIA 25.00 2684
56299 09/26/11 S0020 AM SAN 490.48 2684
56300 09/26/11 S0121 SMUZ, THERESE A 40.88 2684
56301 09/26/11 S0122 SOMERS POINT LUMBER INC. 504.11 2684
56302 09/26/11 S0126 SPIEGEL, BARBARA 33.88 2684
56303 09/26/11 S0134 SO. JERSEY GAS COMPANY 104.63 2684
56304 09/26/11 S0165 S.E.T. COMMUNICATIONS INC 542.65 2684
56305 09/26/11 S0196 STEWART BUSINESS SYSTEMS LLC 110.50 2684
56306 09/26/11 S0209 STAPLES ADVANTAGE 226.94 2684
56307 09/26/11 T0032 THE PRESS & SUNDAY PRESS 478.80 2684
56308 09/26/11 T0044 THOMSON, KERRY AGENCY 19,984.05 2684
56309 09/26/11 T0067 TOWNSHIP OF UPPER PETTY CASH 107.76 2684
56310 09/26/11 T0074 TRANSAXLE LLC 619.87 2684
56311 09/26/11 T0097 TRICO EQUIPMENT INC. 337.68 2684
56312 09/26/11 V0005 VAN EMBDEN, NATHAN, ATTORNEY 2,887.50 2684
56313 09/26/11 V0018 VILLAGE PHARMACY, INC. 465.70 2684
56314 09/26/11 V0027 VANORDER, ROGER 82.72 2684
56315 09/26/11 W0050 WIRELESS ELECTRONICS, INC. 1,794.90 2684
56316 09/26/11 Y0012 YOUNG, ROBERT 196.09 2684

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Total \$117,109.130.00