

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR JANUARY 10, 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	Absent

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

**APPROVAL OF MINUTES - December 20, 2010 Regular Meeting and Closed Session Minutes**

Motion was made by Jay Newman, second by Frank Conrad. During roll call vote all four Committee members present voted in the affirmative.

Deputy Mayor Curtis Corson presided over the meeting.

**REPORT OF GOVERNING BODY MEMBERS**

**Kristine Gabor**, reported that the Sports and Recreation Advisory Board has been appointed and the new members have received a copy of the By-Laws and Rules and Regs. She would be setting up a meeting in the near future. With regards to Animal Control, she reported that she attended the recent meeting with the CMC Animal Shelter Council. The County Shelter is under new management and she is happy to report that euthanasia rates are down, that volunteer hours have dramatically increased, and they have agreements with Pet Smart to provide pet food at a reduced cost. She also reported that the neglected dog picked up in Upper Township a few weeks ago has been making steady progress.

**Jay Newman**, reported that the new NJ State Police Woodbine Barracks Commander is now Sgt. Fran Donnelly; assistant Commander Gene Petrella. Both men are from Upper Township. He reported that the Township is prepared for the next snow event and commented what a fine job the DPW did in clearing the roads during the last storm. With regards to EMS billing, he recommended that the cost, which is presently at \$400 per run, be increased to \$600 a run; this is generally in line with what surrounding

municipalities are charging. This cost is normally reimbursed by Medicaid. Mr. Young was directed to draft an ordinance for introduction at a future meeting.

**Curtis Corson, Deputy Mayor**, commended the workforce for their work on the last 2 snowstorms and stated that Upper Township's streets were in better condition than the county or the state highways. Mr. Newman suggested that a possible shared service with the county should be looked into.

### **OTHER REPORTS**

**Daniel Young, Municipal Attorney**, has several items for discussion in executive session; 2 Contract Negotiation items with regards to the cell phone tower leases and Jankowski, and a Potential Litigation item with regards to an MUA Convenience account.

**Paul Dietrich, Municipal Engineer**, discussed the Sustainable Jersey Partnership certification program that assists communities to seek out community-based sustainable solutions to strengthen themselves. A resolution in support will be adopted at a future meeting.

He reported on a meeting he attended with FEMA representatives, the UT Emergency Director, and Dr. Steward Farrell to study the erosion at the Strathmere beach area that occurred during the December 2010 blizzard. He requested authorization to allow Dr. Farrell to proceed with necessary survey work of the beaches. Motion was made by Jay Newman, second by Frank Conrad to authorize Dr. Farrell to complete additional survey work for the FEMA paperwork. During roll call vote all 4 Committee members present voted in the affirmative. He reported he had matters for discussion in closed session with regards to Personnel and the salary ordinance. He also would discuss amendments to the Personnel Policy Employee Handbook.

Later during the meeting he discussed the Rt. 50 Bridge Project. Mr. Dietrich reminded everyone that in an earlier letter the NJDOT indicated that they would provide historical lighting in the Tuckahoe area. Recently, in reviewing their plan they indicated that 2 small parcels of land owned by the Township are needed to widen Marshall Avenue. The NJDOT is requesting that the Township donate the parcels. The engineer indicated that there are no issues surrounding the properties. Motion was made by Curtis Corson, second by Jay Newman to convey the parcels in question to the NJDOT in order to expedite the long overdue project.

### **RESOLUTIONS**

1. **Honoring Webelos Scouts of Cub Scout Pack 55, John Carter, Joseph Castaldi, Thomas Castaldi, Jeremy Gallagher, Matthew Hackett, Marshall Kohler, Dylan Peck, Shane Wigglesworth, and Sean Wilson on attaining the Arrow of Light Award.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N  
RESOLUTION NO.24-2011**

**RE: HONORING WEBELOS SCOUTS OF CUB SCOUT PACK 55,**

**JOHN CARTER, JOSEPH CASTALDI, THOMAS CASTALDI, JEREMY  
GALLAGHER, MATTHEW HACKETT, MARSHALL KOHLER, DYLAN PECK,  
SHANE WIGGLESWORTH, AND SEAN WILSON ON ATTAINING  
THE ARROW OF LIGHT AWARD**

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**WHEREAS,** the Webelos Scouts of Cub Scout Pack 55, have recently achieved the Arrow of Light Award, which is the highest level of advancement for a Cub Scout; 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** this Township Committee extends its sincere congratulations to these graduating Webelos Scouts on the occasion of their receiving the Arrow of Light Award and commends them for this outstanding accomplishment; and it is

**FURTHER RESOLVED** that the Township Committee extends its congratulations and best wishes to their 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 10th day of January, 2011.

Resolution No. 24-2011  
Offered by: Newman  
Adopted: January 10, 2011  
Roll Call Vote:

Seconded by: Conrad

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

**2. Honoring Bruce DiNardo for his dedicated and exemplary service on the Upper Township Recreation Committee.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 25-2011  
HONORING BRUCE DINARDO  
FOR HIS DEDICATED AND EXEMPLARY SERVICE ON THE  
UPPER TOWNSHIP RECREATION COMMITTEE**

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**WHEREAS**, Bruce DiNardo has served on the Upper Township Recreation Committee for almost thirty (30) years and prior to that coached Township football and baseball teams, always providing exemplary service to this community; and

**WHEREAS**, his years of faithful and dedicated service to the Township of Upper were a powerful influence in the growth of this community's youth and adult recreational programs that are second to none both in Cape May County and the State of New Jersey; and

**WHEREAS**, Bruce has served this community with great honor and distinction in working for its betterment and it is most appropriate that his tenure of public service, dedication, and leadership be publicly recognized.

**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 Bruce DiNardo be publicly commended for his many years of dedicated public service and we extend to him our deepest gratitude for his efforts over the years that helped create the outstanding recreational program we have today.

2. That this Committee, on behalf of all the citizens of the Township of Upper, extends to our friend, Bruce DiNardo, our best wishes for continued happiness and success in his future endeavors.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 10th day of January, 2011.

Resolution No. 25-2011

Offered by: Gabor

Seconded by: Newman

Adopted: January 10, 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>      </u>	<u>      </u>	<u>      </u>	<u>  X  </u>

3. **Appointing Barbara Spiegel as Purchasing Agent for the Township of Upper.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 26-2011  
APPOINTING BARBARA SPIEGEL  
AS PURCHASING AGENT FOR THE TOWNSHIP OF UPPER**

**WHEREAS**, a need exists to appoint a Purchasing Agent under N.J.S.A. 40A:11-2, for the procurement of goods and services to insure an orderly day-to-day operation of the Township of Upper; and

**WHEREAS**, Barbara Spiegel has successfully completed both the course and exam requirements for Purchasing Agent for the Township of Upper; and

**WHEREAS**, the Township Committee has duly considered the matter and has determined that Barbara Spiegel possesses all of the qualifications for appointment to the title of Purchasing Agent; 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. Barbara Spiegel is hereby appointed as Purchasing Agent of the Township of Upper at no change to her current salary.

**BE IT FURTHER RESOLVED**, that the Municipal Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Director of the Division of Local Government Services.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 10th day of January, 2011.

Resolution No. 26-2011

Offered by: Conrad

Seconded by: Gabor

Adopted: January 10, 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>      </u>	<u>      </u>	<u>      </u>	<u>  X  </u>

**4. Authorizing a Professional Services Contract with Cape May County Council on Alcoholism and Drug Abuse, Inc. for an Employee Assistance Program for Township Employees.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 27 -2011**

**RE: AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH CAPE MAY COUNTY COUNCIL ON ALCOHOLISM AND DRUG ABUSE, INC. FOR AN EMPLOYEE ASSISTANCE PROGRAM FOR TOWNSHIP EMPLOYEES**

**WHEREAS**, the Township of Upper wishes to continue its Employee Assistance Program to provide assessment, evaluation intervention, referral and case management services for employees of the Township; and

**WHEREAS**, the Township of Upper has previously contracted with Cape May County Council on Alcoholism and Drug Abuse, Inc., a New Jersey non-profit corporation (hereinafter referred to as "Cape Assist") for such services and wishes to continue such relationship by entering into a Professional Services Contract to cover the period from January 1, 2011 to December 31, 2011; and

**WHEREAS**, Cape Assist has the required expertise to provide and implement the Upper Township Employee Assistance Program; and

**WHEREAS**, the Township Committee intends to engage the services of Cape Assist under a Professional Services Contract attached hereto as Exhibit A; and

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

**WHEREAS**, Cape Assist has completed and submitted a Business Entity Disclosure Certification which certifies that Cape Assist 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 Cape Assist 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. Cape Assist has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.
3. The proposed Professional Services Contract between the Township of Upper and Cape Assist, a copy of which is on file in the office of the Township Clerk, is hereby approved and the Mayor and the Township Clerk are hereby authorized, directed and empowered to execute said Contract on behalf of the Township of Upper and the Township Clerk is further authorized, directed and empowered to seal said Contract with the seal of the Township of Upper.
4. The Township Clerk shall cause a Notice of Award of this Contract to be published in the official newspaper of the Township of Upper as required by N.J.S.A. 40A:11-5.
5. This Contract has been awarded without competitive bidding for the following reason or reasons:
  - (A) Professional services of the type herein sought are of such a nature as to require a high degree of trust or confidence in the individual providing the service

and, in fact, may require the creation of a confidential or fiduciary relationship between that individual and the municipality;

(B) The services required are highly specialized or technical in nature;

(C) The services require peculiar ability or skill and demand a high degree of specialized knowledge or expertise;

(D) The services are such that their relative work must be judged by subjective considerations that are not susceptible of valuation by competitive bidding; and

(E) The individual who will provide these services has demonstrated his competence and particular expertise in the services required.

6. This Resolution shall take effect immediately and shall be deemed retroactive to January 1, 2011.

Resolution No. 27 -2011

Offered by: Newman

Seconded by: Conrad

Adopted: January 10, 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. Budget Transfer.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 28-2011  
RE: RESERVE BUDGET TRANSFERS**

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



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

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, that the transfers in the amount of \$22,000.00 be made between the 2010 budget appropriation reserves as follows:

<u>TO</u>	<u>FROM</u>
FINANCIAL ADMIN. O/E \$1,500.00	CLERK S/W \$5,000.00
CONSTRUCTION CODE O/E \$500.00	FINANCIAL ADMIN. S/W \$3,000.00
BUILDINGS & GROUNDS O/E \$20,000.00	FIRST AID ORG. S/W \$10,000.00
	ROAD REPAIRS & MAINT. S/W \$4,000.00

Resolution No. 28-2010

Offered By: Conrad

Seconded By: Newman

Adopted: January 10, 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. Magnolia Court Major Subdivision, Block 549, Lot 52 & 54-request to release Maintenance Bond.**

TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N  
RESOLUTION NO. 29-2011  
RE: AUTHORIZING THE RELEASE OF

MAINTENANCE BOND FOR MAGNOLIA COURT MAJOR SUBDIVISION  
OWNER AND/OR DEVELOPER: GEORGETTI CONSTRUCTION, INC.  
FOR THE SUBDIVISION KNOWN AS: "MAGNOLIA COURT MAJOR SUBDIVISION"  
PROPERTY: ON BLOCK 549, LOTS 52 AND 54

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WHEREAS, Georgetti, INC. (hereinafter "Developer"), has completed the work on the project known as "Magnolia Court Major Subdivision" in Block 549, Lots 52 and 54, and has requested final inspection of same by the Municipal Engineer for the Township of Upper; and

WHEREAS, the Municipal Engineer has determined that all improvements have been installed and have been in service in excess of two years and are in satisfactory working condition; and

WHEREAS, the Municipal Engineer, based on the field inspection of the work completed as indicated on Exhibit "A" attached hereto, has recommended a release of the Maintenance Bond (Surety), as attached hereto as Exhibit "B", in the amount of \$14,186.25 and cash in the amount of \$1,478.92 plus interest, and the remaining Inspection Fees in the amount of \$1,203.68 plus interest in accordance with the municipal ordinances of the Township of Upper;

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

1. The allegations above are incorporated herein by this reference.
2. The original Maintenance Bond posted by the Developer shall be released.

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.29-2011

Offered by: Newman

Seconded by: Conrad

Adopted: January 10,2011

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>      </u>	<u>      </u>	<u>      </u>	<u>  X  </u>

**7. Run Creek Place-Developer Thomas Tower, Block 600, Lot 13-request to release Performance Bond.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 30-2011  
RE: RELEASING THE PERFORMANCE SURETY BOND  
FOR RUN CREEK PLACE FOR THE SITE PLAN KNOWN  
AS RUN CREEK PLACE MAJOR SUBDIVISION  
ON BLOCK 600, LOT 13;  
OWNER AND/OR DEVELOPER: THOMAS TOWER  
SITE PLAN: RUN CREEK PLACE MAJOR SUBDIVISION  
PROPERTY: BLOCK 600, LOT 13**

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**WHEREAS**, Run Creek Place-Thomas Tower (hereinafter “Developer”), has heretofore requested the release of a Performance Surety Bond for the major Site Plan known as “Run Creek Place”; and

**WHEREAS**, the Developer has completed all work in conformance with the plans and specifications for the project known as “Run Creek Place” Major Site Plan and all improvements have been in place in excess of two years and are in satisfactory condition as certified and inspected by the Township Engineer and in accordance with recommendations made by the Township Engineer attached as Exhibit A, the Performance Bond now held by the Township, attached as Exhibit B, should be released; 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 Performance Bond now held by the Township is hereby released as follows:

Cash and Surety	\$15,146.86 plus accrued interest
Remaining Inspection Fees	\$3,551.68

3. 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. 30-2011

Offered by: Newman

Seconded by: Conrad

Adopted: January 10, 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>

**8. Migliaccio Major Subdivision, Block 348, Lot 94-request to release Maintenance Bond.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 31 -2011  
RE: AUTHORIZING THE RELEASE OF  
MAINTENANCE BOND FOR MIGLIACCIO MAJOR SUBDIVISION  
OWNER AND/OR DEVELOPER: CLAYTON DEVELOPMENT ASSOCIATES,  
LLC  
FOR THE SUBDIVISION KNOWN AS: "MIGLIACCIO MAJOR  
SUBDIVISION"  
PROPERTY: ON BLOCK 348, LOT 94**

**WHEREAS, Clayton Development Associates, LLC. (hereinafter "Developer"), has completed the work on the project known as "Migliaccio Major**

Subdivision” in Block 348, Lot 94, and has requested final inspection of same by the Municipal Engineer for the Township of Upper; and

WHEREAS, the Municipal Engineer has determined that all improvements have been installed and have been in service in excess of two years and are in satisfactory working condition; and

WHEREAS, the Municipal Engineer, based on the field inspection of the work completed as indicated on Exhibit “A” attached hereto, has recommended a release of the Maintenance Bond (Surety), as attached hereto as Exhibit “B”, in the amount of \$42,094.48 and cash in the amount of \$4,801.76 plus interest, and the remaining Inspection Fees of \$4,675.50, in accordance with the municipal ordinances of the Township of Upper;

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

1. The allegations above are incorporated herein by this reference.
2. The original Maintenance Bond posted by the Developer shall be released.
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. 31 -2011

Offered by: Conrad

Seconded by: Gabor

Adopted: January 10, 2011

Roll Call Vote:

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

**ORDINANCES**

**CORRESPONDENCE**

**NEW BUSINESS**

- 9. SJ Men’s Flag Football League, request to use Amanda’s Field on Sunday mornings from 8:30 AM to 3:00 PM, Feb. 6, 2011 through May 29, 2011.** This is the 2<sup>nd</sup> league requesting use of Amanda’s Field. Victor Rolls was present representing the SJ Men’s Flag Football league. He stated that he is signing the application as the person in charge. His request is to use the fields only, no use of the buildings. With regards to scheduling the fields, it was discussed that the youth programs take precedence over the adult league football games. Scheduling requests should be directed to Karen Buchanan of the Dept. of Sports and Recreation. The leagues should inspect the field prior to use and report any problems to the Dept. of Public Works. The PW Dept. will inspect the fields after use. The leagues cannot play unless the proper insurance is in place and a signed waiver from every player is on file in the Clerk’s Office. Mr. Rolls stated that he has not filed as a non-profit corporation. Committeewoman Gabor stated that the leagues would be responsible for lining the fields at this time. It was also discussed that it may be necessary at a future date to impose costs to the leagues for field wear and tear.
- 10. Green Communities 2011 Grant Application; request for authorization to proceed with application.** The \$3000 grant is to be used for a forestry management plan and education programs. It does require match funding or in-kind services. There was discussion as to whether or not it was feasible to utilize employees for the in-kind services requirements. There was also concern that the Township would incur future responsibility for the upkeep of any landscaped areas. It was discussed that prior to a decision a meeting would be held with Kristine Gabor, Jay Newman, Paul Dietrich and a Green Communities representative to further review the responsibilities to the Township with this grant. No action was taken this evening.

**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 made by Jay Newman, second by Frank Conrad with all four Committee members present voting in the affirmative.

Bills submitted for payment:      \$185,377.55  
Payroll :                                      \$196,959.72

**REPORT OF MUNICIPAL DEPARTMENTS:**

11. **Construction Code**
12. **Clerk's Office**
13. **Animal Control**
14. **Tax Assessor**
15. **Tax Office**
16. **Finance Office**
17. **MUA Report**
18. **Department of Public Works**

Reports are available from the Clerk's Office.

### **PUBLIC COMMENT**

**Arthur Turner, Marshallville Road, Tuckahoe**, commented on a few unkempt properties on the Rt. 49 and Rt. 50 corridor and his attempt to get them cleaned up. He also mentioned the rundown condition of the former Sam's Gas Station in Tuckahoe. The property is under a tax lien. The Township has been working with the NJDEP and has received granting for groundwater monitoring. For some time the NJDEP has been very limited in response on any further action at the site. It was discussed that Senator Jeff Van Drew would be contacted on the matter for possible assistance. In addition, Mr. Turner mentioned the Tuckahoe Train Station site and that several vandalized trains sitting on the tracks are unsightly. Mr. Dietrich will contact Tony McCrea in an effort to remove the cars.

There were no further comments from the public.

### **CLOSED SESSION**

19. **Resolution to conduct a closed meeting pursuant to N.J.S.A. 10:4-12, from which the public shall be excluded.**

**UPPER TOWNSHIP  
RESOLUTION NO. 032-2011  
MOTION GOING INTO CLOSED SESSION  
JANUARY 10, 2011**

I hereby move that a resolution be incorporated into the minutes authorizing the Township Committee to enter into an executive session for the following matters pursuant to the Open Public Meetings Act:

**MATTERS:**

1. Personnel
2. Potential litigation- MUA Convenience Account
3. Contract negotiation- Jankowski
4. Contract negotiation – cell tower leases

I also include in my motion the estimated time and the circumstances under which the discussion conducted in closed session can be disclosed to the public as follows:

- A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township

Committee that the public interest will no longer be served by such confidentiality.

- B. With respect to employment and personnel matters such discussions will be made public if and when formal action is taken or when the individuals involved consent that it can be made public.
- C. With respect to contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.
- D. With respect to litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.

Moved by: Jay Newman  
Second by: Frank Contract

During roll call vote all four Committee members presented voted in the affirmative to adopt resolution.

### **RECONVENE PUBLIC PORTION OF MEETING**

### **ADJOURNMENT**

There was no further business for this evening and the meeting was adjourned at 9:05 P.M. Next meeting scheduled for January 24, 2011 at 7:30 P.M.

Minutes prepared by

Wanda Gaglione, RMC  
Municipal Clerk

#### Bill List

52883	01/11/11	A0004	A+ COMMERCIAL OFFICE CLEANERS	1,625.00	2639
52884	01/11/11	A0018	ACTION SUPPLY INC.	378.55	2639
52885	01/11/11	A0021	ADAMS, GEORGE E. JR.	40.26	2639
52886	01/11/11	A0023	ADAMS, JOHN	88.91	2639
52887	01/11/11	A0025	ADVANTAGE RENTAL ACE HARDWARE	623.67	2639
52888	01/11/11	A0026	ALERT GRAPHICS	4,140.00	2639
52889	01/11/11	A0035	AIRLINE HYDRAULIC CORP.	554.70	2639
52890	01/11/11	A0041	ALL ACTION WATER SPORTS, INC.	240.00	2639
52891	01/11/11	A0086	AT&T MOBILITY	198.41	2639
52892	01/11/11	A0091	ATLANTIC CITY ELECTRIC	19,167.07	2639
52893	01/11/11	A0117	AT&T	35.82	2639
52894	01/11/11	A0137	ADVANTAGE EQUIPMENT SERVICE	193.00	2639
52895	01/11/11	B0013	BRADCO SUPPLY CORP.	7,496.60	2639
52896	01/11/11	B0020	BLAKER, RAYMOND	422.19	2639
52897	01/11/11	B0035	BELMONT & CRYSTAL SPRINGS	192.13	2639
52898	01/11/11	B0076	BOND, LAURENCE E.	25.00	2639
52899	01/11/11	B0092	BROKER, EUGENE JR.	93.00	2639
52900	01/11/11	B0117	BRIDGESTATE FOUNDRY CORP	4,580.00	2639
52901	01/11/11	B0152	BUCHANAN, KAREN A.	168.00	2639
52902	01/11/11	B0178	BUGANSKI, PETER R.	391.91	2639
52903	01/11/11	B0184	BUSHONG, BRIAN	79.98	2639
52904	01/11/11	B0200	BELLEPLAIN SUPPLY COMPANY INC	320.00	2639
52905	01/11/11	B0195	BORNHARDT, SAMANTHA	48.00	2639
52906	01/11/11	C0030	CAMP, BARBARA	88.00	2639
52907	01/11/11	C0031	CAPE ASSIST	300.00	2639
52908	01/11/11	C0046	CAPE MAY COUNTY CLERK	16.00	2639
52909	01/11/11	C0060	CAPRIONI'S PORTABLE TOILETS	467.00	2639
52910	01/11/11	C0068	COMCAST	169.29	2639
52911	01/11/11	C0071	CAPEHART & SCATCHARD, P.A.	672.00	2639
52912	01/11/11	C0078	CARTER, EDWARD, SR.	196.35	2639
52913	01/11/11	C0091	CHISHOLM, JOHN R.	18.00	2639



52914 01/11/11 C0143 CODY'S POWER EQUIPMENT 49.34 2639  
52915 01/11/11 C0146 COLLINS IRON WORKS, INC. 7,997.20 2639  
52916 01/11/11 C0159 CORSON, CURTIS T. 556.11 2639  
52917 01/11/11 C0196 COMPUTER HOUSE 1,470.00 2639  
52918 01/11/11 C0221 CRAGER, GARY 80.97 2639  
52919 01/11/11 C0223 CASA PAYROLL SERVICE 242.85 2639  
52920 01/11/11 D0026 DEAugustine, JOE 10.00 2639  
52921 01/11/11 D0040 DELTA DENTAL OF N.J. INC. 6,835.42 2639  
52922 01/11/11 D0080 DOWNAM, HARRY J. JR. 115.09 2639  
52923 01/11/11 D2001 DEJANA 1,226.29 2639  
52924 01/11/11 E0001 EARTHTECH CONTRACTING INC. 482.70 2639  
52925 01/11/11 E0012 EHRlich PEST CONTROL INC 74.00 2639  
52926 01/11/11 E0021 ENCHANTING FLORIST 50.00 2639  
52927 01/11/11 E0047 EFINGER SPORTING GOODS CO 1,236.00 2639  
52928 01/11/11 E0048 EDGELL, ASHLEY 24.00 2639  
52929 01/11/11 E0051 EFOOTBRIDGE 4,694.00 2639  
52930 01/11/11 F0054 FORT DEARBORN LIFE INSURANCE 518.18 2639  
52931 01/11/11 G0002 GAGLIONE, WANDA 6.00 2639  
52932 01/11/11 G0004 UPPER TOWNSHIP WRESTLING ASSOC 1,881.25 2639  
52933 01/11/11 G0006 GARBUTT,PATRICIA A. 159.54 2639  
52934 01/11/11 G0035 GENRON FIRE PROTECTION 987.25 2639  
52935 01/11/11 G0074 GPA OF NEW JERSEY, INC. 180.00 2639  
52936 01/11/11 G0096 GRUND, GEORGE 30.00 2639  
52937 01/11/11 H0006 HABERMAN, WILLIAM 12.00 2639  
52938 01/11/11 H0062 HOPE, JOHN J. 30.00 2639  
52939 01/11/11 H0090 HARPER, MATTHEW 48.00 2639  
52940 01/11/11 H0137 HOWELL, MADISON 24.00 2639  
52941 01/11/11 H0142 HUB, THE 580.00 2639  
52942 01/11/11 J0041 JONES, JAMES M. 30.00 2639  
52943 01/11/11 J0067 JOHNSON, BRETT 48.00 2639  
52944 01/11/11 K0007 KACZMarski, RICHARD 55.97 2639  
52945 01/11/11 K0016 KEENE, DAVID 89.42 2639  
52946 01/11/11 K0020 KENNEY,EDWARD 150.00 2639  
52947 01/11/11 K0034 KOHLER, CLAUDE JR. 34.00 2639  
52948 01/11/11 K0047 KLINE, EDWARD T. 12.00 2639  
52949 01/11/11 K0068 KING, AARON 60.00 2639  
52950 01/11/11 K0069 KALINOWSKI, COREY 36.00 2639  
52951 01/11/11 L0030 LAWYERS DIARY AND MANUAL 86.00 2639  
52952 01/11/11 L0031 LORCO PETROLEUM SERVICES 300.00 2639  
52953 01/11/11 L0043 LEE RAIN,INC. 422.32 2639  
52954 01/11/11 L0080 LOWES, INC. 507.43 2639  
52955 01/11/11 M0012 McCAULEY, RICHARD 18.00 2639  
52956 01/11/11 M0032 MARINE RESCUE PRODUCTS,INC. 1,045.80 2639  
52957 01/11/11 M0055 MAY, JUDITH 150.00 2639  
52958 01/11/11 M0059 MCDANIELS, WILLIAM J. III 481.06 2639  
52959 01/11/11 M0076 MGL PRINTING SOLUTIONS 539.00 2639  
52960 01/11/11 M0081 MID-ATLANTIC WASTE SYSTEMS 1,655.00 2639  
52961 01/11/11 M0103 MODERN GAS COMPANY, INC. 2,381.53 2639  
52962 01/11/11 M0136 MUNICIPAL RECORD SERVICE 180.00 2639  
52963 01/11/11 M0142 MASON, NICHOLAS 189.94 2639  
52964 01/11/11 M0180 MED-TECH RESOURCE,INC. 323.72 2639  
52965 01/11/11 M0222 MUNICIPAL CAPITAL CORPORATION 392.00 2639  
52966 01/11/11 N0004 NJ-AMERICAN WATER CO. 54.65 2639  
52967 01/11/11 N0043 NAPA AUTO PARTS OF S.JERSEY 1,215.53 2639  
52968 01/11/11 N0068 NJ MOTOR VEHICLE COMMISSION 150.00 2639  
52969 01/11/11 N0070 NIA GROUP ASSOCIATES, LLC 2,500.00 2639  
52970 01/11/11 O0012 OCEAN CITY BD. OF EDUCATION 985.79 2639  
52971 01/11/11 O0014 OCEANPORT LLC 19,707.71 2639  
52972 01/11/11 P0007 PALOMBO,RICHARD A. 34.00 2639  
52973 01/11/11 P0008 PALMER, NANCY 14.00 2639  
52974 01/11/11 P0026 PAYNTER, JOSEPH 80.15 2639  
52975 01/11/11 P0032 PEDRONI FUEL CO. 2,538.13 2639  
52976 01/11/11 P0034 PEIFER, SUSAN R. 86.94 2639  
52977 01/11/11 P0036 PENNELLO,DAVID 12.00 2639  
52978 01/11/11 P0064 PITNEY BOWES 210.00 2639  
52979 01/11/11 P0070 POMEROY, JENNER 36.00 2639  
52980 01/11/11 P0073 POGUE INC. 133.00 2639  
52981 01/11/11 P0075 POSITIVE PROMOTIONS INC 406.25 2639  
52982 01/11/11 P0121 PENGUIN COMMUNICATION LLC 56.16 2639  
52983 01/11/11 R0030 RIGGINS, INC. 7,531.26 2639  
52984 01/11/11 R0073 RICOH AMERICAS CORPORATION 512.10 2639  
52985 01/11/11 R0097 ROCK-N-RESCUE 220.04 2639  
52986 01/11/11 S0031 SCHULER SECURITY, INC. 957.00 2639  
52987 01/11/11 S0034 SCHULER, DANIEL 219.11 2639  
52988 01/11/11 S0072 SEGIn, STEWART S. 319.79 2639  
52989 01/11/11 S0092 SHONE, LEROY 36.00 2639  
52990 01/11/11 S0121 SMUZ, THERESE A 212.69 2639

52991 01/11/11 S0122 SOMERS POINT LUMBER INC. 461.08 2639  
52992 01/11/11 S0124 SORENSON, LESLIE 206.49 2639  
52993 01/11/11 S0126 SPIEGEL, BARBARA 6.00 2639  
52994 01/11/11 S0134 SO. JERSEY GAS COMPANY 1,663.56 2639  
52995 01/11/11 S0139 SO. JERSEY WATER COND. INC. 72.00 2639  
52996 01/11/11 S0168 SURESOURCE 243.38 2639  
52997 01/11/11 S0209 STAPLES ADVANTAGE 0.00 01/11/11 VOID 0  
52998 01/11/11 S0209 STAPLES ADVANTAGE 569.59 2639  
52999 01/11/11 Alignment Check VOID  
53000 01/11/11 S0239 SHORE VET. ANIMAL CONTROL LLC 2,350.00 2639  
53001 01/11/11 S0247 STEELMAN, JASON 70.00 2639  
53002 01/11/11 S0251 STEWART, GLEN 424.00 2639  
53003 01/11/11 T0005 TCTA OF NEW JERSEY 75.00 2639  
53004 01/11/11 T0020 TERWILLIGER, DUANE E. 36.57 2639  
53005 01/11/11 T0022 TERMINIX 51.00 2639  
53006 01/11/11 T0024 TAYLOR, MATTHEW 6.00 2639  
53007 01/11/11 T0032 THE PRESS & SUNDAY PRESS 2,223.99 2639  
53008 01/11/11 T0036 THIS AND THAT 500.00 2639  
53009 01/11/11 T0038 THOMAS, CHRISTOPHER 36.00 2639  
53010 01/11/11 T0046 TIFFIN ATHLETIC MATS, INC. 1,478.00 2639  
53011 01/11/11 T0066 TOWNSHIP OF UPPER 20,100.00 2639  
53012 01/11/11 T0097 TRICO EQUIPMENT INC. 331.85 2639  
53013 01/11/11 T0131 TROUT, ROSEMARY 16.00 2639  
53014 01/11/11 T0157 TUCKAHOE MOTOR SPORTS INC 55.18 2639  
53015 01/11/11 U0003 U.S. MUNICIPAL SUPPLY, INC. 1,314.43 2639  
53016 01/11/11 U0025 UNITED STATES POSTAL SERVICE 1,500.00 2639  
53017 01/11/11 U0029 UPPER TOWNSHIP BD.OF EDUCATION 816.00 2639  
53018 01/11/11 U0033 UPPER TOWNSHIP HOCKEY ASSOC. 100.00 2639  
53019 01/11/11 U0037 UPPER TOWNSHIP P.T.A. 1,639.29 2639  
53020 01/11/11 U0055 U.T. CHALLENGER PROGRAM 1,935.71 2639  
53021 01/11/11 V0001 VCI EMERGENCY VEHICLE 42.00 2639  
53022 01/11/11 V0005 VAN EMBDEN, NATHAN, ATTORNEY 1,702.50 2639  
53023 01/11/11 V0013 VERIZON WIRELESS 325.42 2639  
53024 01/11/11 V0022 VERIZON 180.20 2639  
53025 01/11/11 V0024 VAL-U AUTO PARTS L.L.C. 62.81 2639  
53026 01/11/11 V0025 V.E. RALPH & SON, INC. 88.00 2639  
53027 01/11/11 V0027 VANORDER, ROGER 48.00 2639  
53028 01/11/11 W0010 WELDCO LUMBER & TIMBER CO. LLC 7,069.20 2639  
53029 01/11/11 W0030 WEST PUBLISHING CO. 339.94 2639  
53030 01/11/11 W0086 WYAND, GABBY 36.00 2639  
53031 01/11/11 Y0008 YOUNG, DANIEL J. ESQUIRE PC 17,151.84 2639  
53032 01/11/11 Y0012 YOUNG, ROBERT 6.00 2639

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Total Paid: \$185,377.55

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