TOWNSHIP OF UPPER 2100 TUCKAHOE ROAD PETERSBURG, NJ 08270 CAPE MAY COUNTY MINUTES FOR FEBUARY 28, 2011

******BUDGET WORKSHOP MEETING-6:30 P.M.*******

In preparation of the 2011 Municipal Budget the third budget workshop meeting was called to order this evening at 6:30 PM. The regular business meeting begin at 7:30 PM.

The following were present for the meeting tonight:

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

Also present were Municipal Clerk Wanda Gaglione, Finance Officer Barbara Spiegel, and Municipal Engineer Paul Dietrich. The Municipal Auditor, Leon Costello was also present. Deputy Mayor Curtis Corson presided over the meeting. The Open Public Meeting notice was read into the record.

Mr. Conrad commented that the State aid figures have been released with no change in the figure from last year. At the last budget workshop meeting the Committee adjourned the meeting with the tax rate at 9.6ϕ .

Deputy Mayor Corson opened the meeting to the public and although there were quite a few attending no one wished to comment at that time.

The Public Events figure was discussed. This figure includes the 4^{th} of July fireworks and the parades. The figure was reduced to \$10,000.

The \$175,000 figure for streetlights was lowered to \$160,000. The unemployment employee compensation figure was discussed.

The figures for recreation were discussed, specifically 2 items; the figure for the porta-potties and maintenance of the Community Center floors. Ms. Gabor reported that it might be possible to cut the floor maintenance figure in half; presently it is \$12,000 per year. She proposed absorbing the cost by doing the floors in-house rather than contract it out. It would entail changing the maintenance procedure. There was discussion that we have the equipment to clean the floors and to cut back on the stripping and waxing of the floors. There was concern about floor damage. She stated that the matter could be revisited if the procedure damages the floors but based on what other municipalities do we may be able to cut the figure in half. She discussed the Public Information figure. Mr. Dietrich researched whether or not we needed

to publish a NJDEP Stormwater notice and reported it was not necessary. The NJDEP Stormwater program provides a grading system for the Flood Insurance FEMA program. The newsletter does provide more points in the grading system and the higher our community is graded means savings to residents in flood insurance costs. Mr. Corson suggested that it could

be mailed in the same envelope with the tax bill. By placing this notice in with the tax bill it would allow the elimination of the Bulletin and save on postage.

The Historical Society was discussed in that the Township may be able to assist in minor upkeep of properties such as painting. The \$10,000 Salary and Wages in Public Information figure was discussed. It was stated that the position showcased the Township in the past but unfortunately the Township is a "need vs. want" situation and that every expense must be looked at closely and items that can be eliminated must be. It was discussed that an additional newspaper has also just came into cover the Township at no cost.

Mr. Conrad stated that for every 10 cent increase in the tax rate, that \$2.24 million must be raised for taxes. He explained that in years past we had significant income from the power plant and our budget was less than the money received from the plant. As early as 15 years ago we received \$6 to \$7 million dollars per year, however we only had to spend \$3 million for the budget, and as a result we accumulated surplus. Then 10-11 yrs ago, our budget became more than what we were bringing in. However, the Township had surplus, so the Committee gave money for the school budget to lower the tax burden on the public. Over the years that totaled over \$55 million dollars handed over to the school board in the form of tax relief for the public. Now, our \$11 million dollar budget exceeds our \$7 million income. We need to raise money to cover that and with our surplus, our revenue, and state aid put together we need to raise \$2.15 million to balance our budget. That's what the 9.4 cents is, which equates \$282.59 per average \$300,000 home. Revenues include the shared services with the court system, the mechanic agreement and the vehicle wash shared services agreements.

Mr. Corson discussed beach tags as another possible source of income; and that for Upper Township it may not be feasible. The cost to run such a program could be more than what we would receive. He also stated that he read in the newspapers that it was suggested that the lifeguards could sell the beach tags; his reply was that the lifeguards are there to protect the public; it would be a safety issue. Mr. Conrad stated that it could be a matter of another Civil Service position to open up, that would require another employee with benefits package. The Committee would take a closer look at a possible beach tag program, however it wouldn't be feasible this year.

Mr. Corson discussed holding events on the beach such as weddings, where a fee schedule could be set up. Ms. Gabor stated that a fee schedule will be looked at for Township facilities as a revenue source. Mr. Newman also stated that other revenue sources are being looked at such as mercantile licenses, or the potential of the Township performing hazard inspections instead of the NJ Dept. of Fire Inspection.

Mr. Corson commented that mercantile licenses are being collected already for mining licenses, liquor licenses, and campground licenses.

Mr. Conrad discussed efforts to attract commercial ratables to Upper Township similar to Shop Rite and CVS that would assist in tax relief.

Mr. Corson opened the meeting to the public.

Ted Kingston, Strathmere, questioned that if overall spending is down and revenue from the state is the same why the local purpose tax is necessary? Mr. Costello stated that the surplus was spent on last year's budget and this year we do not have the surplus. Mr. Kingston stated that he had a higher tax rate on his house than on a large commercial site in the Township. Mr. Conrad answered that if the commercial site is not fully operational the tax assessment is lower. Ken Weaver, Strathmere, stated that years ago utilities would pay the municipalities directly and now it gets distributed by the State; he asked if the State takes off a piece. Mr. Costello

answered that the State takes a large portion of it, that if it was paid directly to the municipality it would be between \$13 and \$14 million dollars. He explained that it is a 1997 law which allows the State to "skim" their portion of that money. We are one of very few municipalities in New Jersey that host a plant. There were no further comments.

The Budget is ready to introduce at the March 14, 2011, 7:30 PM meeting, with Public Hearing and Final Adoption scheduled for the April 11, 2011, 7:30 PM meeting.

The Committee took a short recess and then started the regular meeting at 7:30 PM as follows.

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG Cub Scout Pack 79 led the flag salute.

ROLL CALL

Frank E. Conrad Present
Curtis Corson Present
Kristine Gabor Present
John "Jay" Newman
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 - February 14, 2011 Closed Session Minutes

Motion was made by Jay Newman, seconded by Frank Conrad to approve the Closed Session Minutes as presented. During roll call vote all four Committee members present voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Frank Conrad, reported on the budget workshop held earlier this evening. He discussed that the Committee has been working diligently to get the local tax as low as possible. He discussed that State aid has remained the same from last year. Mr. Conrad reported that the budget would be introduced at the March 14th meeting, which begins at 7:30 PM.

Kristine Gabor, reported that the Township's free rabies clinic held on February 14th at Shore Veterinarian Animal Hospital was a success, 143 animals were innoculated. The next clinic is March 26, 2011 at Shore Veterinarians, from 1:00 PM to 3:00 PM. Ms. Gabor also discussed that the Upper Township PTA contacted her with regard to having external defibrillators available at Township recreation fields. She also discussed that she and Paul Dietrich recently met with Mimi and Scott Avelino founders of "Andrews Friends Fund" a foundation created in memory of their son who drowned in a swimming pool at their grandparents home in Beesley's

Point. The funds are donated to various areas for their parks and playgrounds. They would like to make a donation for playground equipment at Fort Nuwi playground in memory of their son and in turn have that portion of the playground named after their son. They would provide a plaque to be placed at the park. Ms. Gabor will contact the Avelino's to discuss the logistics of the project.

Jay Newman, introduced the new Station Commander, Woodbine Barracks, Lieutenant Fran Dolan. Mr. Newman also reported that he received a letter from Samuel Baker requesting that we rename an alley after Bertha Wittkamp a lifelong resident of Strathmere born in 1901 who was the first baby born in Strathmere. Motion to grant the request and authorize Mr. Young to prepare an Ordinance by Jay Newman, second by Curtis Corson. During roll call vote all five Committee members voted in the affirmative.

OTHER REPORTS

Daniel Young, Municipal Attorney, reported that he had two items for discussion in executive session as follows: litigation matter Grubb v. Upper Township and a Personnel matter.

Paul Dietrich, Municipal Engineer, discussed a request received from Rutgers Institute of Marine Sciences to place a single observatory antenna on Strathmere beach. Mr. Dietrich requested the use of \$5,000 from the Recycling Grant Fund to replace the trash enclosures along the street ends in Strathmere. Motion by Curtis Corson, second by Jay Newman to authorize the expenditure. Mr. Dietrich also discussed the need to complete various small projects that were carried over from last year and requested permission to use the funds from the Developers Recreation Trust Fund. He also discussed that the School Board has approached him regarding their plan to bid for a HVAC contractor of record and asked if the Township would like to partner with the School Board in an effort to get a better rate on HVAC work. Motion was made by Curtis Corson, seconded by Frank Conrad to enter into a shared service agreement with the Upper Township School District for an HVAC Contractor of record.

Barbara Spiegel, Chief Financial Officer, reported that she had one item for closed session regarding personnel. She also reported that the Township is now banking with Ocean City Home Bank and taxpayers may now pay their taxes at Ocean City Home Bank.

PRESENTATIONS

1. The Arrow of Light Award honoring Webelos Scouts of Cub Scout Pack 79. The Township Committee congratulated and presented the resolution to Pack 79.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION NO.033-2011

RE: HONORING WEBELOS SCOUTS OF CUB SCOUT PACK 79,
WILLIAM J. MACK III, GARRETT VLIET, ANDREW J. HOLLOWAY, ERIK
LARSON, ETHAN PATRICK DAWSON, DYLAN ESHELMAN, MATTHEW CATANOSO,
HARRISON HEPDING, RYAN T. ROLLER, RYAN HOGAN, JACK ZEDONEK, AND
KEITH LARKIN ON ATTAINING

THE ARROW OF LIGHT AWARD

WHEREAS, the Webelos Scouts of Cub Scout Pack 79, 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 24th day of January, 2011.

RESOLUTIONS

2. Honoring Benjamin Weisberg on attaining the designation of "Eagle Scout". TOWNSHIP OF UPPER

CAPE MAY COUNTY

RESOLUTION

RESOLUTION NO. 60-2011

RE: HONORING BENJAMIN WEISBERG ON ATTAINING THE DESIGNATION OF "EAGLE SCOUT"

WHEREAS, Benjamin Weisberg, 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 Benjamin 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 renovations to a proposed soup kitchen located on Route 9 in the Burliegh section of Middle Township. Benjamin upgraded the front exterior wall with new vinyl siding, replaced rotted wood at the ground level and replaced the badly deteriorated landscaping in the front and sides of the building. He also installed a sprinkler system for the newly replaced landscaping; and

FURTHER RESOLVED that the Township Committee extends its congratulations and best wishes to Benjamin'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 28th day of February, 2011.

Resolution No. 60-2011

Offered by: Conrad Seconded by: Gabor

Adopted: February 28, 2011

Roll Call Vote:

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

3. Congratulating Employee Joseph Paynter of the Upper Township Road Department for his winning entry in the Upper Township Safety Award Program for the 1st Quarter of 2011.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION NO. 61-2011

RE: CONGRATULATING EMPLOYEE JOSEPH PAYNTER
OF THE UPPER TOWNSHIP ROAD DEPARTMENT
FOR HIS WINNING ENTRY IN
THE UPPER TOWNSHIP SAFETY AWARD PROGRAM
FOR THE 1ST QUARTER OF 2011

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

WHEREAS, Joseph should be publicly recognized for reporting the safety hazard that the hot water heater in the Township Garage had come loose from the wall supports and was in danger of falling down; 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 Joseph Paynter 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 Joseph Paynter 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 28th day of February, 2011.

Resolution No. 61-2011

Offered by: Corson Seconded by: Newman

Adopted: February 28, 2011

Roll Call Vote:

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

4. Strongly urging the County of Cape May Bridge Commission to expedite the replacement of railings on the Ocean Drive Bridge over Corson's Inlet (Corson's Inlet Bridge) also known as County Route No. 619 in the Strathmere section of Upper Township, County of Cape May.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION NO. 62-2011

RE: STRONGLY URGING THE COUNTY OF CAPE MAY BRIDGE COMMISSION TO EXPEDITE THE REPLACEMENT OF RAILINGS ON THE OCEAN DRIVE BRIDGE OVER CORSON'S INLET (CORSON'S INLET BRIDGE) ALSO KNOWN AS COUNTY ROUTE NO. 619 IN THE STRATHMERE SECTION OF UPPER TOWNSHIP, COUNTY OF CAPE MAY

WHEREAS, The Bridge Commission of the County of Cape May is scheduled to undertake a bridge railing replacement project on the Ocean Drive Bridge over Corson's Inlet

(Corson's Inlet Bridge) in Strathmere section of Upper Township, Cape May County, New Jersey; and

WHEREAS, the Corson's Inlet Bridge is located on Ocean Drive (County Route No. 619) which is a connecting route between Ocean City and Strathmere; and

WHEREAS, the bridge is also part of the designated evacuation route from the Southern Jersey shore communities; and

WHEREAS, the Township Committee hereby wishes to express its extreme concern with the present condition of the bridge railings in light of the recent necessary emergency repairs to the bridge such that the Township Committee is firmly convinced that the expedition of the replacement of the bridge railings is urgently needed in order to protect the health, safety, and welfare of the public;

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. In order to insure the safety of all who travel over the bridge, the Township Committee strongly urges the Bridge Commission, County of Cape May to immediately commence the bid process for the Corson's Inlet Bridge Railing Replacement Project and to cause same to be completed with all due speed.
- 3. A certified copy of this Resolution shall be provided to the County of Cape May Board of Chosen Freeholders.

Resolution No. 62-2011
Offered by: Conrad Seconded by: Newman

Adopted: February 28, 2011

Roll Call Vote:

NAME YES NO ABSTAINED ABSENT
Conrad X______

Corson	X	 	
Gabor	X	 	
Newman	X	 	
Palombo		 	X

5. Authorizing the filing of a Recycling Tonnage grant application.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION NO. 63-2011

RESOLUTION NO. 03-2011
RE: AUTHORIZING THE FILING OF A RECYCLING
TONNAGE GRANT APPLICATION

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102., has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a Resolution authorizing this municipality to apply for such tonnage grants for calendar <u>year 2011</u> (based on 2010 recycling figures) is required, and will memorialize the commitment of this municipality to recycling and indicate the assent of the Township of Upper to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such Resolution should designate the individual authorized to ensure that the application is property completed and timely filed.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Upper that the Township of Upper hereby endorses the submission of a municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and designates Paul Dietrich, Superintendent of Public Works, P.O. Box 205, Tuckahoe, New Jersey, 08250, to ensure that said application is properly filed.

Resolution No. 63-2011

Offered by: Corson		Sec	onded by: Gabor	
Adopted: February 28, 2011				
Roll Call Vote:				
NAME	YES	NO	ABSTAINED	ABSENT
Conrad	X			
Corson	X			
Gabor	X			
Newman	X			
Palombo				_X_

- 6. Resolution reaffirming the review and final approval of the application and purchase of the Development Easement on the Kenneth W. and Patricia A. Mason farm, Block 10, Lot 202, at 386 Rt. 49, Tuckahoe, Upper Township, Cape May County. Due to conflict with Jay Newman and Frank Conrad the matter was tabled to the next meeting.
- 7. Amending Township of Upper Beach Management Plan for the beaches in the Strathmere and Whale Beach section of Upper Township for the protection of federally listed and state listed species.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION NO. 64 -2011

RE: AMENDING TOWNSHIP OF UPPER BEACH MANAGEMENT PLAN FOR THE BEACHES IN THE STRATHMERE AND WHALE BEACH SECTION OF UPPER TOWNSHIP FOR THE PROTECTION OF FEDERALLY LISTED AND ST ATE LISTED SPECIES

WHEREAS, it is deemed necessary to amend and supplement the Township of Upper's "Beach Management Plan", 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. <u>II. MANAGEMENT ZONES (pages 9 and 10)</u> are hereby amended and supplemented as attached hereto as Exhibit A; and

WHEREAS, the Township Committee of the Township of Upper deems it appropriate to amend and adopt the Plan.

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 Beach Management Plan attached hereto is hereby amended and accepted.
- 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.	64-2011			
Offered by: Cor	rson		Seconded by: Nev	vman
Adopted: Febru	ary 28, 2011		•	
Roll Call Vote:				
NAME	YES	NO	ABSTAINED	ABSENT
Conrad	X			
Corson	X			
Gabor	X			
Newman	X			
Palombo				X

8. Authorizing the Mayor to sign and submit the New Jersey Office of Clean Energy Block Grant and the Direct Install Program Participation Agreement.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION NO.65-2011

RE: AUTHORIZING THE MAYOR TO SIGN AND SUBMIT THE NEW JERSEY OFFICE OF CLEAN ENERGY BLOCK GRANT AND THE DIRECT INSTALL PROGRAM PARTICIPATION AGREEMENT

WHEREAS, the Township of Upper wishes to take advantage of the Clean Energy Block Grant and the Direct Install Program, which will provide capital improvements for the Municipal Building that result in future energy savings; and

WHEREAS, the Township Committee fully supports and endorses the actions of the Township Engineer in his filing of the grant application and program participation agreement;

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, Engineer, and Clerk of the Township of Upper are hereby authorized, directed, and empowered to sign and submit the Clean Energy Block Grant application and Direct Install Program agreement, copies of which are attached hereto as Exhibit "A"
- 3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Resolution No. 65-2011

Offered by: Conrad Seconded by: Newman

Adopted: February 28, 2011

Roll Call Vote:

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

9. Amending Resolution No. 017-2011, Re: Adoption of the Cash Management Plan of the Township of Upper.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION NO. 66-2011

RE: AMENDING RESOLUTION NO. 017-2011, ADOPTION OF THE CASH MANAGEMENT PLAN OF THE TOWNSHIP OF UPPER

WHEREAS, it is deemed necessary to amend the Cash Management Plan of the

Township of Upper; and

WHEREAS, the Cash Management Plan has been reviewed and approved by the Municipal Auditor and will be on record in the office of the Township Clerk and available for public inspection; and

WHEREAS, the Township Committee of the Township of Upper has also reviewed and approved the Cash Management Plan.

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. SECTION V: DESIGNATION OF OFFICIALS TO SIGN CHECK AND WITHDRAWALS OF THE TOWNSHIP OF UPPER is hereby amended as follows:

Pursuant to N.J.S.A. 40A:5-17B(2), that the following named officials shall sign checks and authorized withdrawals for the Township of Upper <u>for the Current Fund</u>, Public Assistance Fund and Payroll Fund:

Richard Palombo Mayor

Wanda Gaglione, RMC Township Clerk

Barbara A. Spiegel OR <u>Rosemary Trout</u>
CFO Assistant Finance Officer

All checks and withdrawals shall be signed by three (3) signatures, namely, the Mayor, Township Clerk and Township Chief Financial Officer or in the Township Chief Financial Officer's absence, the Assistant Finance Officer.

The following named officials shall sign checks and authorized withdrawals for the Township of Upper for the Trust Fund and the General Capital Fund:

Barbara A. Spiegel OR Rosemary Trout
CFO Assistant Finance Officer

All checks and withdrawals shall be signed by one (1) signature, namely, Township Chief Financial Officer or in the Township Chief Financial Officer's absence, the Assistant Finance Officer.

Resolution No. 66-2011 Offered by: Conrad Adopted: February 28, 2011			Seconded by	y: Newman
Roll Call Vote:				
<u>NAME</u>	YES	<u>NO</u>	ABSTAINED	<u>ABSENT</u>
Conrad	X			
Corson	X			
Gabor	<u>X</u>			
Newman	X			
Palombo				_X_

10. In support of installing marked pedestrian crosswalks at various intersections and urging a reduction of the speed limit from 35 mph to 25 mph along Commonwealth Avenue in Strathmere.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION NO. 67-2011

RE: IN SUPPORT OF INSTALLING MARKED PEDESTRIAN CROSSWALKS AT VARIOUS INTERSECTIONS AND URGING A REDUCTION OF THE SPEED LIMIT FROM 35 MPH TO 25 MPH ALONG COMMONWEALTH AVENUE IN STRATHMERE

WHEREAS, there has been a general increase in vehicles traveling at high speeds along Commonwealth Avenue in Strathmere; and

WHEREAS, there is a substantial amount of foot traffic occurring along and across Commonwealth Avenue especially during the summer months, and the lack of marked pedestrian crosswalks and high vehicle speeds create a dangerous condition for pedestrians; and

WHEREAS, in order to insure the safety of residents and the general public, the Township Committee of the Township of Upper supports both a reduction of the maximum speed limit to 25 mph as well as installing marked pedestrian crosswalks at street intersections along Commonwealth Avenue; 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 hereby expresses its support for the reduction of the maximum speed limit along Commonwealth Avenue in Strathmere from 35 mph to 25 mph as well as the installation of marked pedestrian crosswalks at street intersections.
- 3. The Township Committee hereby requests all County and State officials to take the appropriate action forthwith in order to implement the reduction of the maximum speed limit along Commonwealth Avenue in Strathmere and to install marked pedestrian crosswalks at street intersections.

- 4. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.
- 5. A copy of this Resolution shall be forwarded to the appropriate Cape May County and New Jersey state officials.

Resolution No. 6%	-2011				
Offered by: Gabor		Seconded by: Newman			
Adopted: February	28, 2011				
Roll Call Vote:					
NAME	<u>YES</u>	<u>NO</u>	ABSTAINED	ABSENT	
Conrad			<u>X</u>		
Corson	X				
Gabor	X				
Newman	X				
Palombo				X	

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

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION NO. 68-2011

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 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. 68-2011

Offered by: Conrad Seconded by: Newman

Adopted: February 28, 2011

Roll Call Vote:

NAME YES NO ABSTAINED ABSENT

Conrad X

Corson X
<u>ORDINANCES</u>
12. Introduction and First Reading of Ordinance No. 004-2011, RE: AN ORDINANCE OF THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY, AMENDING FEES TO BE CHARGED FOR COPIES OF DOCUMENTS AND RECORDS. Motion was made by Jay Newman, second by Frank Conrad to introduce Ordinance No. 004-2011, with Public Hearing and Final Adoption set for March 28, 2011 at 7:30 PM. During roll call vote all four Committee members present voted in the affirmative. TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE
ORDINANCE NO. 004-2011
AN ORDINANCE AMENDING FEES TO BE CHARGED FOR COPIES OF DOCUMENTS
AND RECORDS
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 2 of the Revised General Ordinances of the Township
of Upper shall be amended and supplemented as hereinafter provided:
2-6 FEES FOR COPIES OF DOCUMENTS AND RECORDS.
2-6.1 Birth, Death or Marriage Certificates.

Unchanged.

2-6.2 Audio Tape Reproduction.

A fee of ten (\$10.00) dollars shall be payable by the requestor to the Township of Upper for an audio tape reproduction; provided, the requestor provides to the Township a recording device and a blank tape. (Ord. #013-2004 §1)

2-6.3 Other Documents or Records.

The following fee shall be payable by the requestor to the Township of Upper for any other record or document not set forth specifically in this section:

(a) For a record involving the form of a printed matter the fee shall be \$0.05 for a letter size page or smaller, and \$0.07 for a legal size page or larger.

- (b) If the Township can demonstrate that its actual cost of duplication exceeds the foregoing rate, the Township shall be permitted to charge the actual cost of duplicating the record.
- (c) If the nature, format, manner of collation or volume of the government record embodied in the form of a printed matter to be inspected, examined or copied is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort to accommodate the request, the Township may charge, in addition to the actual cost of duplicating the record, a special service charge based upon the actual direct cost of providing the copies. This special service charge shall be based upon the hourly rate of the employee in charge of such record multiplied by the hours of time, or fraction thereof, the employee expended in providing the copy or copies, plus any direct out of pocket costs

to the Township. The requestor shall have the opportunity to review and object to the charge prior to same being incurred.

(d) It is the intent and purpose of this section to comply with the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1 et seq. To the extent provisions of this section contradict or are inconsistent with said Act, the terms of said Act shall supersede and control.

2-6.4 Tax Collector Fees.

(a) Notwithstanding the provisions of Section 2-6.3 above, in accordance with N.J.S.A. 54:5-54 the tax collector shall provide to any party entitled to redeem a certificate pursuant to said statute two calculations of the amount required for redemption within a calendar year at no cost. For each subsequent calculation requested from the tax collector there shall be a \$50.00 fee. A request for a redemption calculation shall be made in writing to the tax collector.

(b) Notwithstanding the provisions of Section 2-6.3 above, in accordance N.J.S.A. 54:5-97.1 the tax collector may charge a lienholder of a tax lien \$50.00 for the calculation of the amount due to redeem the tax lien as required pursuant to said statute. Any request for a redemption calculation shall specify the date to be used for the calculation, which shall be the date of the notice. Neither the tax collector nor the municipality shall be liable for an incorrect calculation. The fee paid to the municipality shall not become part of the lien and shall not be passed on to any party entitled to redeem pursuant to N.J.S.A. 54:5-54.

2-6.5 Request for Documents or Records.

A request for access to a government record shall be in writing and hand delivered, mailed, transmitted electronically or otherwise conveyed to the municipal clerk. The municipal clerk has forms available for this purpose.

2-6.6 Deleted

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

SECTION 3: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this 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 the Upper Township Code at the sections referred to above.

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 28TH OF FEBRUARY, 2011 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 28th DAY OF MARCH, 2011 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

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

WANDA GAGLIONE, TOWNSHIP CLERK TOWNSHIP OF UPPER

13. Public Hearing and Final Adoption of Ordinance No. 002-2011, RE: AN ORDINANCE OF THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY AMENDING CHAPTER XXV OF THE REVISED GENERAL ORDINANCES AND THE CODE OF UPPER TOWNSHIP.

During the public comment section of the hearing there were no speakers. Motion was made by Jay Newman, second by Frank Conrad to adopt Ordinance No. 002-2011. During roll call vote all four Committee members present voted in the affirmative.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE
ORDINANCE NO. 002-2011
RE: AN ORDINANCE AMENDING CHAPTER XXV OF THE REVISED GENERAL
ORDINANCES AND THE CODE OF UPPER TOWNSHIP

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 XXV of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

25-1.6 Billings for services:

The Township of Upper shall contract with a third party billing agent who shall issue a bill in the amount of Six Hundred Dollars (\$600.00) plus Ten Dollars (\$10.00) per mile for loaded miles in each instance where EMS services or non-emergency transport are provided. Said bill shall be issued to the insurance company providing coverage for the person served, if any, or directly to the person served if insurance coverage is not available.

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

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

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

SECTION 5. CODIFICATION: This Ordinance shall be codified in the Upper Township Code at the sections referred to above.

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 <u>24th</u> DAY OF <u>JANUARY</u>, 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 <u>28th</u> DAY OF <u>FEBRUARY</u>, 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

14. James F. Bonner, Block 824, Lot 11. Request for Mayor to sign Treatment Works Approval Permit Application for a 3 bedroom single-family home in Strathmere.

The engineer commented that the property owner should specify on the permit application what construction the permit is intended for, such as a "single family home". Motion was made by Jay Newman, second by Curtis Corson to approve the request subject to the addition of the intended construction on the permit. During roll call vote all four Committee members present voted in the affirmative. A resolution will be placed on a future agenda.

- 15. Church of the Resurrection request to hold Bingo Games at the Upper Township Community Center for various dates from March 30, 2011 to September 28, 2011; BA-385. Motion was made by Kristine Gabor, second by Frank Conrad to approve the event. During roll call vote all four Committee members present voted in the affirmative.
- 16. Ocean City Crew Boosters, Inc. request to hold Calendar Raffle RA #386 on various dates from April 29, 2011 to June 24, 2011. Motion was made by Frank Conrad, second by Jay Newman to approve the event. During roll call vote all four Committee members present voted in the affirmative.
- 17. Ocean City Upper Township Noon Rotary Charities, Inc. request to hold 50/50 Raffle RA #387 on September 4, 2011. Motion was made by Frank Conrad, second by Jay Newman to approve the event. During roll call vote all four Committee members present voted in the affirmative.
- **18. Report of quotes received for the 2011---4th of July fireworks display.** Motion by Jay Newman, second by Frank Conrad to accept the quote from Pyrotechnico. During roll call vote all four Committee members voted in the affirmative.

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 the bills as presented. During roll call vote all four Committee members present voted in the affirmative.

Payroll: \$168,385.78 Bills submitted for payment: \$47,863.28 0.00

REPORT OF MUNICIPAL DEPARTMENTS:

19. MUA Report

The report is available from the Clerk's Office.

PUBLIC COMMENT

CLOSED SESSION

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

TOWNSHIP OF UPPER RESOLUTION NO. 069-2011 MOTION GOING INTO CLOSED SESSION February 28, 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. Litigation Grubb v. Upper Township
- 2. Personnel matters

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 litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.

Motion by: Jay Newman

Motion seconded: Curtis Corson

All four Committee members present voted in the affirmative.

RECONVENE PUBLIC PORTION OF MEETING

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:00 P.M. Next meeting scheduled for March 14, 2011 at 7:30 P.M.

Minutes prepared by

Wanda Gaglione, RMC Municipal Clerk

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53256 02/28/11 A0004 A+ COMMERCIAL OFFICE CLEANERS 750.00 2647
53257 02/28/11 A0006 ADVANCE TREADS INC 21.00 2647
53258 02/28/11 A0018 ACTION SUPPLY INC. 19.40 2647
53259 02/28/11 A0023 ADAMS, JOHN 10.00 2647
53260 02/28/11 A0074 ATLANTICARE PHYSICIAN GROUP 2,731.00 2647
53261 02/28/11 A0091 ATLANTIC CITY ELECTRIC 5.646.07 2647
53262 02/28/11 A0167 HESS CORPORATION 3,724.66 2647
53263 02/28/11 B0020 BLAKER, RAYMOND 10.00 2647
53264 02/28/11 B0034 BCI BURKE COMPAMY, INC. 331.07 2647
53265 02/28/11 B0076 BOND, LAURENCE E. 1,882.63 2647
53266 02/28/11 C0010 CMC MUNICIPAL JUDGES ASSOC 75.00 2647
53267 02/28/11 C0048 CAPE MAY COUNTY MUA 2.689.84 2647
53268 02/28/11 C0060 CAPRIONI'S PORTABLE TOILETS 467.00 2647
53269 02/28/11 C0068 COMCAST 110.08 2647
53270 02/28/11 C0078 CARTER, EDWARD, SR. 10.00 2647
53271 02/28/11 C0124 CMC MUNICIPAL CLERK'S ASSOC. 300.00 2647
53272 02/28/11 C0131 CINTAS FIRST AID & SAFETY 104.62 2647
53273 02/28/11 C0201 CRUZAN'S TRUCK SERVICE INC. 1,155.83 2647
53274 02/28/11 C0223 CASA PAYROLL SERVICE 231.35 2647
53275 02/28/11 C0230 CATAMARAN MEDIA COMPANY 81.00 2647
53276 02/28/11 D0086 DRAWING BOARD PRINTING 83.75 2647
53277 02/28/11 D0136 DIRKES AUTO LLC 150.00 2647
53278 02/28/11 E0047 EFINGER SPORTING GOODS CO 439.00 2647
53279 02/28/11 F0048 FOGG, LESLIE INC, 32.65 2647
53280 02/28/11 G0028 GENTILINI FORD 76.39 2647
53281 02/28/11 G0030 GENERAL SPRING SERVICE 1,841.80 2647
53282 02/28/11 H0002 H.A. DEHART & SON CORP. 35.00 2647
53283 02/28/11 H0062 HOPE, JOHN J. 10.00 2647
53284 02/28/11 H0073 HOME DEPOT CRC/GECF 75.81 2647
53285 02/28/11 J0033 JANKOWSKI, MATTHEW 400.00 2647
53286 02/28/11 J0041 JONES, JAMES M. 10.00 2647
53287 02/28/11 K0037 KOHLER, JOHN F 135.60 2647
53288 02/28/11 K0047 KLINE, EDWARD T. 10.00 2647
53289 02/28/11 L0080 LOWES, INC. 279.00 2647
53290 02/28/11 L0087 LINE SYSTEMS INC 1,571.10 2647
53291 02/28/11 M0012 McCAULEY, RICHARD 10.00 2647
53292 02/28/11 M0059 MCDANIELS, WILLIAM J. III 10.00 2647
53293 02/28/11 M0142 MASON, NICHOLAS 10.00 2647
53294 02/28/11 M0188 MCCARTHY TIRE SERVICE OF PHILA 352.06 2647
53295 02/28/11 M0222 MUNICIPAL CAPITAL CORPORATION 392.00 2647
53296 02/28/11 N0043 NAPA AUTO PARTS OF S.JERSEY 76.91 2647
53297 02/28/11 O0006 SJSHORE MARKETING,LLC 37.25 2647
53298 02/28/11 P0032 PEDRONI FUEL CO. 1.445.34 2647
53299 02/28/11 P0036 PENNELLO, DAVID 51.30 2647
53300 02/28/11 R0030 RIGGINS, INC. 4,127.86 2647
53301 02/28/11 R0073 RICOH AMERICAS CORPORATION 512.10 2647
53302 02/28/11 R0098 RUTGERS THE STATE UNIV OF NJ 45.00 2647
53303 02/28/11 R0099 RANSOME INTERNATIONAL, LLC 524.79 2647
53304 02/28/11 S0020 AM SAN 245.24 2647
53305 02/28/11 S0066 SEETON TURF WAREHOUSE LLC 686.40 2647
53306 02/28/11 S0072 SEGIN, STEWART S. 10.00 2647
53307 02/28/11 S0092 SHONE, LEROY 10.00 2647
53308 02/28/11 S0106 SIMPLEX/GRINNELL 159.15 2647
53309 02/28/11 S0121 SMUZ, THERESE A 12.57 2647
53310 02/28/11 S0126 SPIEGEL, BARBARA 16.32 2647
53311 02/28/11 S0134 SO. JERSEY GAS COMPANY 3,591.25 2647
53312 02/28/11 S0196 STEWART BUSINESS SYSTEMS LLC 104.38 2647
53313 02/28/11 S0209 STAPLES ADVANTAGE 903.45 2647
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53314 02/28/11 T0018 TEKK COMM COMMUNICATIONS 258.00 2647
53315 02/28/11 T0020 TERWILLIGER, DUANE E. 10.00 2647
53316 02/28/11 T0032 THE PRESS & SUNDAY PRESS 391.72 2647
53317 02/28/11 T0067 TOWNSHIP OF UPPER PETTY CASH 10.04 2647
53318 02/28/11 T0131 TROUT, ROSEMARY 25.00 2647
53319 02/28/11 U0012 U.T. SOCCER ASSOCIATION 26.25 2647
53320 02/28/11 U0025 UNITED STATES POSTAL SERVICE 2,000.00 2647
53321 02/28/11 U0026 UNIVERSAL SUPPLY CO.INC. 383.94 2647
53322 02/28/11 U0038 UPPER TOWNSHIP RESCUE SQUAD 3,940.00 2647
53323 02/28/11 U0043 ULINE, INC. 163.69 2647
53324 02/28/11 V0005 VAN EMBDEN, NATHAN, ATTORNEY 660.00 2647
53325 02/28/11 V0022 VERIZON 47.78 2647
53326 02/28/11 W0030 WEST PUBLISHING CO. 356.94 2647
53327 02/28/11 W0038 WILLIAMS, JEREMIAH J. 10.00 2647 53328 02/28/11 W0060 WOOLLEY, THOMAS 10.00 2647
53329 02/28/11 W0081 WILSHIRE, JOHNSON, INC. 454.99 2647
53330 02/28/11 Y0006 YESTERDAY'S 99.95 2647
53331 02/28/11 Y0012 YOUNG, ROBERT 180.96 2647
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Total \$47,863.28