

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR FEBRUARY 27, 2012**

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

In preparation of the 2012 Municipal Budget the second budget workshop meeting was called to order by Mayor Palombo this evening at 6:30 PM.

The following were present for the meeting tonight:

Edward Barr	Present
Curtis Corson	Present
Antonio Inserra	Present
John “Jay” Newman	Present
Richard Palombo	Present

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

The Open Public Meeting notice was read into the record.

Mr. Corson began the meeting by stating that the budget is well under cap with no increase in the local purpose tax. The fund balance is approximately \$44,000. He suggested that they again go through the budget line item by line item and discuss any possible additional cuts.

Shore Protection- A revised proposal received from Dr. Farrell, of the Richard Stockton College, for beach monitoring is lower than last year with a cost savings of \$9,800. The initial proposal surveys the inlet twice a year. The revised proposal allows for two beach surveys and one inlet survey. It was decided to cut the line item from \$75,000.00 to \$67,000.00.

COAH Housing - A possible reduction of \$7,500 in the O/E line item was discussed.

Smart Growth - Because of a recent zone change request, it was agreed to reduce the budgeted amount by only \$5,000.

Paul Dietrich discussed a possible increase in weekend Boat Ramp fees.

Committeeman Inserra briefly discussed merging the Planning and Zoning Boards and the possible elimination of the position of Superintendent of Public Works. It was discussed that researching and implementing any proposed changes are a lengthy process and the current budget amounts must be maintained.

Curtis Corson stated that our budget is approximately \$20,000 less than last year. He then opened up the meeting for public comment.

Roger VanOrder, 29 Luke Court, Seaville, questioned the expense of monthly floor cleaning. He suggested a shared service with the School for this.

Mayor Palombo requested that since time permitted that they review the budget one more time.

Emergency Management- It was discussed that the O/E appropriations are for salaries of the OEM Director, Deputy Director and training.

Crossing Guard- A decrease in salary appropriation for the School Crossing Guard was suggested. Barbara Spiegel advised that the decrease in the 2011 actual expenditure was less than appropriated because of illness, and recommended not decreasing the figure. It was stated that whenever the Crossing Guard is not available the Rescue Squad covers the shift. It was decided to remain at the current amount.

Public Works - Several line items under Public Works Functions were discussed and explained.

There was no further discussion. Curtis Corson announced that the 2012 Budget will be introduced on March 12, 2012 with final adoption scheduled for April 16, 2012. Motion was made by Curtis Corson, second by Jay Newman to adjourn the budget workshop meeting. During roll call vote all five Committee members voted in the affirmative.

There was a 20-minute recess and then the regular meeting convened.

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Edward Barr	Present
Curtis Corson	Present
Antonio Inserra	Present
John “Jay” Newman	Present
Richard Palombo	Present

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

APPROVAL OF MINUTES - February 13, 2012 Regular Meeting, Budget Workshop, and Closed Session Minutes

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

REPORT OF GOVERNING BODY MEMBERS

Anthony Inserra, Committeeman, asked about the progress of the Solar Panel proposals. Barbara Spiegel stated that she is still gathering information as to whether installing solar panels will violate the electric power co-op contract, as well as information from another co-op member who already has solar panels. Mr. Inserra next stated that he had a personnel item for closed session.

Jay Newman, Committeeman, reported on a request from the Upper Township Chiefs Association asking the Committee to request the NJDOT install battery back-up systems for traffic lighted intersections. Motion was made by Jay Newman, second by Curtis Corson, to pass a resolution urging the NJDOT to provide battery back-up systems for all traffic lighted intersections in the Township. During roll call vote all five Committee members voted in the affirmative.

Richard Palombo, Mayor, reported he is scheduled to meet with representatives from B.L. England Generating Station tomorrow morning to discuss Solar Energy park to be located at the Beesleys Point site. He will also discuss possible solar power uses for the old landfill site on Butter Road. He next reported that the Upper Township School Board has applied for Cape May County Open Space and Farmland Preservation for a 60-acre track of land that runs from Rt. 50 up to Perry Rd. A few opinions on the matter were discussed. Mayor Palombo asked that the matter be revisited at a future meeting. He next discussed an email received by the Township Clerk with respect to COAH fees. Mr. Young advised that the State has abolished the COAH fee for commercial development and the actual COAH organization has been folded into the Department of Community affairs. However, the rules of COAH have not been abolished and the State still imposes an obligation on municipalities for affordable housing. Municipalities have the choice to remove the fee for developers, however in turn they must raise taxes to fulfill their affordable housing obligation. It was the consensus of the Committee that the fee should not be changed at this time. Mayor Palombo stated that he will work with the Solicitor and the Clerk to draft a response to the email. He next discussed a request from Rhonda Sharp, Upper Township Tax Collector to appoint a Deputy Tax Collector. Motion was made by Richard Palombo, second by Curtis Corson to appoint Patricia Smyth as Deputy Tax Collector effective in the first pay period with a resolution scheduled for the next agenda. During roll call vote all five Committeemen voted in the affirmative.

OTHER REPORTS

Wanda Gaglione, Municipal Clerk, reported on a vacancy for the Upper Township Pinelands Byway representative. A notice has been on the website and three applicants are interested in serving. She requested that the committee appoint a replacement member to the Pinelands Byways Commission. Motion was made by Curtis Corson, second by Anthony Inserra, to appoint Thomas Keck Jr. as the Upper Township Pinelands Byway Representative. During roll call vote all five Committeemen voted in the affirmative.

Daniel Young, Municipal Attorney, reported that he had a few matters for executive session: Litigation matter – Citizens for Strathmere & Whale Beach v. Upper Township; two contract negotiation matters – Shared Services with Egg Harbor Twp. for vehicle wash and Stockton Coastal Research Center contract; and a few personnel matters.

Paul Dietrich, Municipal Engineer, reported that he received a copy of the final design plans for the Rt. 50 and Tuckahoe Bridge replacement project and the plans are available for viewing in his office. The anticipated start date of construction is January 2013. A few of the project details were briefly discussed. Mr. Dietrich next reported that FEMA has changed their community rating system program. The Township is currently classified as a class 7 community. In order to maintain that current rating, FEMA is now recommending that each town implement a public outreach committee, consisting of at least five members, the majority of which need to be outside of the Municipal Government. It is recommended that members of the public who are affected by the floodplain be on the committee. Mr. Dietrich stated that he will provide a list of suggested names and a notice will be advertised.

Barbara Spiegel, Chief Financial Officer, requested approval for the OEM Director and the Deputy Director to attend an Emergency Management conference in Atlantic City for two days in May. The Deputy is an employee of the Public Works Department and will miss two days of work. Motion was made by Richard Palombo, second by Jay Newman to approve the request. During roll call vote all five Committee members voted in the affirmative.

RESOLUTIONS

- 1. Congratulating employee Rosemary Trout of the Upper Township Finance Office for her winning entry in the Upper Township Safety Award Contest for the 1st Quarter of 2012.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 048-2012
RE: CONGRATULATING EMPLOYEE ROSEMARY TROUT
OF THE UPPER TOWNSHIP FINANCE OFFICE
FOR HER WINNING ENTRY IN
THE UPPER TOWNSHIP SAFETY AWARD PROGRAM
FOR THE 1ST QUARTER OF 2012**

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

WHEREAS, Rosemary'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, Rosemary should be publicly recognized for reporting the safety hazard of the use of paint in an unventilated area creating poor air quality; 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 Rosemary Trout on her commitment to safety by her 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 Rosemary Trout our congratulations and present her with the "Safety Day Award" of one day off with pay.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper
this 27th day of February, 2012.

Resolution No. 048-2012

Offered by: Newman

Seconded by: Palombo

Adopted February 27, 2012

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Corson	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Inserra	<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>

2. Appointment of Susan Adelizzi-Schmidt as Alternate #4 to the Upper Township Zoning Board of Adjustment.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 049-2012
RE: APPOINTMENT OF SUSAN ADELIZZI-SCHMIDT AS ALTERNATE #4
TO THE UPPER TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

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

WHEREAS, due to a recent resignation of a member on the Zoning Board of Adjustment of the Township of Upper it is necessary to make the appointment of a new member to the Board; and

WHEREAS, in addition the Township Committee deems it appropriate to advance the remaining members as hereinafter provided such that the new member appointed shall be appointed to the position of Alternate #4.

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

1. Alistair Lihou is hereby appointed to the unexpired two (2) year term of Edward Barr as Alternate #3, which term shall commence on February 27, 2012 and expire on December 31, 2013.

2. Susan Adelizzi-Schmidt is hereby appointed to the unexpired two (2) year term of Alistair Lihou as Alternate #4, which term shall commence February 27, 2012 and expire on December 31, 2013.
3. This resolution ratifies, confirms and approves action taken by the Township Committee, by motion, at the meeting of February 13, 2012.

Resolution No. 049-2012

Offered by: Newman

Seconded by: Curtis

Adopted: February 27, 2012

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Barr	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Corson	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Inserra	<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. **A Resolution to affirm the Township of Upper's Civil Rights Policy with respect to all Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors, and members of the public that come into contact with municipal employees, officials and volunteers.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 050-2012

**RE: A RESOLUTION TO AFFIRM THE TOWNSHIP OF UPPER'S
CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS,
APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS,
INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME
INTO CONTACT WITH MUNICIPAL EMPLOYEES,
OFFICIALS AND VOLUNTEERS**

WHEREAS, it is the policy of the Township of Upper to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of the of the Township of Upper has determined that certain procedures need to be established to accomplish this policy; and

NOW, THEREFORE BE IT RESOLVED to affirm and adopt the Township of Upper's civil rights policy as follows:

Section 1: No official, employee, appointee or volunteer of the Township of Upper by whatever title known, or any entity that is in any way a part of the Township of Upper shall engage, either directly or indirectly in any act including the failure to act that constitutes

discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Township of Upper's business or using the facilities or property of the Township of Upper.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Township of Upper to provide services that otherwise could be performed by the Township of Upper.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Township Committee shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Personnel Officer shall establish written procedures that require all officials, employees, appointees and volunteers of the Township of Upper as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Personnel Officer shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Municipal Clerk shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Township of Upper. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Township of Upper's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Township of Upper in order for the public to be made aware of this policy and the Township of Upper's commitment to the implementation and enforcement of this policy.

Offered by: Newman Seconded by: Palombo

Adopted: February 27, 2012

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Corson	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Inserra	<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. Refund EMS Ambulance billing overpayment to Coventry Healthcare of Delaware.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 051-2012
RE: REFUND EMS AMBULANCE BILLING OVERPAYMENT
TO COVENTRY HEALTHCARE OF DELAWARE**

WHEREAS, an overpayment has occurred in the account of Marcella Albero, an EMS ambulance billing patient, where the monies sent to the Township of Upper by United Healthcare were in excess as evidenced by the attached copy of a letter attached hereto as Exhibit A.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that a refund is hereby authorized and the Chief Financial Officer is hereby directed to refund monies as indicated below:

<u>AMOUNT</u>	<u>NAME</u>
\$243.60	Coventry Healthcare of Delaware Delaware Plan Refunds Wells Fargo Bank P.O. Box 8500-54328 Philadelphia, PA 19178

Resolution No. 051-2012

Offered by: Newman

Seconded by: Corson

Adopted: February 27, 2012

ROLL CALL VOTE:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Corson	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Inserra	<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>

5. Refund EMS Ambulance billing overpayment to United Healthcare.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 052-2012
RE: REFUND EMS AMBULANCE BILLING OVERPAYMENT
TO UNITED HEALTHCARE**

WHEREAS, an overpayment has occurred in the account of Christopher Masciangelo, an EMS ambulance billing patient, where the monies sent to the Township of Upper by United Healthcare were in excess as evidenced by the attached copy of a letter attached hereto as Exhibit A.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that a refund is hereby authorized and the Chief Financial Officer is hereby directed to refund monies as indicated below:

<u>AMOUNT</u>	<u>NAME</u>
\$320.00	United Healthcare P.O. Box 740800 Atlanta, GA 30374

Resolution No. 052-2012
Offered by: Newman
Adopted: February 27, 2012

Seconded by: Corson

ROLL CALL VOTE:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Corson	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Inserra	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Newman	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

6. Authorizing the Township Clerk to submit a grant application for participation in the Megan Nicole Kanka Foundation "Check 'Em Out" Fingerprint Background Checks Program For Towns.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 053-2012**

**RE: AUTHORIZING THE TOWNSHIP CLERK TO
SUBMIT A GRANT APPLICATION FOR
PARTICIPATION IN THE MEGAN NICOLE KANKA FOUNDATION
“CHECK ‘EM OUT” FINGERPRINT BACKGROUND
CHECKS PROGRAM FOR TOWNS**

WHEREAS, the Township of Upper wishes to take advantage of the Megan Nicole Kanka “Check ‘Em Out” program, which provides one time grant funding to municipalities in New Jersey to do fingerprint background checks on volunteers that supervise children in sports and recreational activities; and

WHEREAS, the goal of the program is to help non-profit sports organizations and other non-profit volunteer organizations in New Jersey pay for state and federal fingerprint checks on their coaches, managers and adult volunteers; and

WHEREAS, the Township Committee fully supports and endorses the actions of the Township Clerk in her filing of the grant application;

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 Clerk of the Township of Upper is hereby authorized, directed, and empowered to sign and submit the “Check ‘Em Out” Towns Grant application.
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. 053 - 2012

Offered by: Corson

Seconded by: Barr

Adopted: February 27, 2012

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Corson	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Inserra	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Newman	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

7. **Authorizing the approval and execution of a Shared Services Agreement with the City of Ocean City to provide EMS and Fire Suppression services to the Strathmere section of the Township of Upper.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 054-2012
RE: AUTHORIZING THE APPROVAL AND EXECUTION OF A SHARED
SERVICES AGREEMENT WITH THE CITY OF OCEAN CITY TO PROVIDE
EMS AND FIRE SUPPRESSION SERVICES TO THE STRATHMERE
SECTION OF THE TOWNSHIP OF UPPER**

WHEREAS, the Uniformed Shared Services Act, N.J.S.A. 40A:65-1, et seq., provides that any local governmental unit may enter into a contract with any other local governmental unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement was empowered to render within its own jurisdiction; and

WHEREAS, the Uniformed Shared Services Act (“Act”) further provides that the parties to a Shared Services Contract may agree to provide jointly, or through the agency of one or more of them on behalf of any or all of them, any service or aspect of a service which any of the parties on whose behalf such services are to be performed may legally perform for itself; and

WHEREAS, the Township of Upper has indicated a willingness to enter into a Shared Services Agreement with the City of Ocean City whereby the City of Ocean City will provide EMS and Fire Suppression Services to the geographic portion of the Township of Upper commonly known as “Strathmere”; and

WHEREAS, the Township Committee of the Township of Upper deems that a Shared Services Agreement with the City of Ocean City for the purposes expressed herein is in the mutual interest of all parties and also is in the public interest and will promote the public health, safety and welfare; and

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

1. **SHARED SERVICES AGREEMENT.** Pursuant to the provisions of the Uniformed Shared Services Act, N.J.S.A. 40A:65-1, et seq., the Township of Upper is hereby authorized and empowered to enter into a Shared Services Agreement with the City of Ocean City to provide fire suppression and emergency medical services.

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

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

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

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

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

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

Resolution No. 054 -2012

Offered by: Newman

Seconded by: Barr

Adopted: February 27, 2012

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Corson	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Inserra	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Newman	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

ORDINANCES

CORRESPONDENCE

8. **Upper Township Chiefs' Association, requesting support to urge the NJDOT to provide battery back-up systems for all Township traffic lighted intersections.** This item was discussed earlier in the meeting during Mr. Newman's report.
9. **Upper Township Safety Committee.** Jay Newman stated that a security committee has already been appointed. He suggested this letter be referred to them for review. Mr. Young advised that before the Safety Committee's final recommendations are approved, someone from the court system should review the specific requirements relevant to the courts. Mayor Palombo asked that the matter be listed as unfinished business for a future meeting.

NEW BUSINESS

10. **Greater Tuckahoe Area Merchants Association request to hold Tour De-Tuckahoe Bike Ride & Duathlon May 6, 2012 at Amanda's Field.** Motion was made by Curtis Corson, second by Edward Barr, to approve the request. During roll call vote all five Committee members voted in the affirmative.
11. **Certifications for Affordable Housing Trust, and Completion of Project and Unit Monitoring.** Barbara Spiegel stated that before the certifications can be sent to the State, approval is needed from the Governing Body for Paul Dietrich and Barbara Spiegel to sign the certifications. Motion was made by Richard Palombo, second by Edward Barr, to authorize Paul Dietrich and Barbara Spiegel's signatures on the certifications. During roll call vote all five Committee members voted in the affirmative.

UNFINISHED BUSINESS:

12. **Cape May County, Dept. of Public Works-request to renew shared services agreement Heavy Equipment Fleet Maintenance.** Paul Dietrich stated that he has talked with Dale Foster from the County Engineer's office, and Mr. Foster is amenable to the Committee's requested changes to the six-year contract. The amended terms will now allow the Township the right to terminate annually as well as amend the fees at any

point during the contract. Mr. Dietrich will notify the Municipal Clerk when the contract is ready to be placed on the agenda.

- 13. Affordable Housing Rehabilitation Program.** Mr. Palombo stated that although he objects to spending the money on administrative costs, he does wish to get the program started before the deadline hits and the money is lost to the State. Mr. Dietrich stated that he does have a proposal that he would like to discuss. The contract negotiation for Affordable Housing Administrator will be moved to closed session.

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 seconded by Richard Palombo. During roll call vote all five Committee members voted in the affirmative.

Payroll:	\$ 155,409.21
Bills submitted for payment:	\$ 74,865.67

REPORT OF MUNICIPAL DEPARTMENTS:

14. MUA-January Report

The report is available from the Clerk’s Office.

PUBLIC COMMENT

Wayne Jack, 115 Tuckahoe Rd, Marmora, questioned why the Committee was considering rezoning his property to commercial. Mayor Palombo advised that the Committee only requested that the Planning Board reconsider the matter. Past recommendations from the 2008 Master Plan Review were briefly discussed. Mayor Palombo stated that the Township is currently involved in a grant process with the NJDOT to identify town centers and the Committee felt it was worthwhile to re-look at the matter. Mr. Jack submitted a petition from surrounding property owners in objection to the zoning change. The Municipal Clerk accepted the petition.

CLOSED SESSION

- 15. 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
CAPE MAY COUNTY
RESOLUTION NO. 055-2012
MOTION GOING INTO CLOSED SESSION
February 27, 2012**

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 – Citizens for Strathmere and Whale Beach v. Upper Township
2. Contract negotiations – Shared Services with Egg Harbor Township for vehicle wash
3. Contract negotiations – Richard Stockton College Coastal Research Center/Stewart Farrell
4. Contract negotiations – Affordable Housing Administrator
5. Personnel

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

Motion seconded by Curtis Corson

During roll call vote all five Committee members voted in the affirmative.

RECONVENE PUBLIC PORTION OF MEETING

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 8:20 P.M. Next meeting scheduled for March 12, 2012 at 7:30 P.M.

Minutes prepared by

Wanda Gaglione, RMC
Municipal Clerk

Bill List

57141 02/27/12 A0006 ADVANCE TREADS INC 32.00 2714
57142 02/27/12 A0018 ACTION SUPPLY INC. 250.74 2714
57143 02/27/12 A0091 ATLANTIC CITY ELECTRIC 3,109.55 2714
57144 02/27/12 A0134 ANSELL ZARO GRIMM & AARON, PC 1,185.44 2714
57145 02/27/12 A0146 AACMC 85.00 2714
57146 02/27/12 A0166 Association of NJ Recyclers 180.00 2714
57147 02/27/12 A0167 HESS CORPORATION 3,152.98 2714
57148 02/27/12 B0035 BELMONT & CRYSTAL SPRINGS 383.75 2714
57149 02/27/12 B0076 BOND, LAURENCE E. 2,080.31 2714 Direct Deposit
57150 02/27/12 B0090 BROADLEY'S MDI. 345.00 2714
57151 02/27/12 B0142 BRINKERHOFF ENVIRONMENTAL 750.00 2714
57152 02/27/12 B0182 BRIGGS LAW OFFICE, P.C. 2,626.52 2714
57153 02/27/12 C0009 CAPE MAY COUNTY TCTA 200.00 2714

57154 02/27/12 C0060 CAPRIONI'S PORTABLE TOILETS 357.00 2714
57155 02/27/12 C0068 COMCAST 239.32 2714
57156 02/27/12 C0078 CARTER, EDWARD, SR. 79.98 2714
57157 02/27/12 C0143 CODY'S POWER EQUIPMENT 3.29 2714
57158 02/27/12 C0201 CRUZAN'S TRUCK SERVICE INC. 45.88 2714
57159 02/27/12 C0223 CASA PAYROLL SERVICE 225.95 2714
57160 02/27/12 C0245 CLEGG'S GARAGE, INC. 1,840.38 2714
57161 02/27/12 E0001 EARTHTECH CONTRACTING INC. 3,000.00 2714
57162 02/27/12 F0054 FORT DEARBORN LIFE INSURANCE 464.40 2714
57163 02/27/12 G-0147 Global Computer Supplies 2,574.90 2714
57164 02/27/12 G0028 GENTILINI FORD 1,604.46 2714
57165 02/27/12 G0037 GFOA OF NEW JERSEY 90.00 2714
57166 02/27/12 G0092 GRUND, BARBARA J. 246.31 2714
57167 02/27/12 G0146 Green Door Advisors LLC 14,242.00 2714
57168 02/27/12 H0002 H.A. DEHART & SON CORP. 3,469.94 2714
57169 02/27/12 K0037 KOHLER, JOHN F 360.09 2714
57170 02/27/12 L0027 LASHLEY HEATING & COOLING INC. 75.00 2714
57171 02/27/12 L0080 LOWES, INC. 593.11 2714
57172 02/27/12 L0087 LINE SYSTEMS INC 1,478.12 2714
57173 02/27/12 M0103 MODERN GAS COMPANY, INC. 1,843.35 2714
57174 02/27/12 M0180 MED-TECH RESOURCE, INC. 501.20 2714
57175 02/27/12 M0188 MCCARTHY TIRE SERVICE OF PHILA 900.36 2714
57176 02/27/12 N0043 NAPA AUTO PARTS OF S.JERSEY 330.43 2714
57177 02/27/12 N0052 NATL YOUTH SPORTS COACHED ASSN 320.00 2714
57178 02/27/12 O0034 OSPREY POINT CONDO ASSOC. 1,855.68 2714
57179 02/27/12 P0026 PAYNTER, JOSEPH 100.00 2714
57180 02/27/12 P0032 PEDRONI FUEL CO. 1,333.71 2714
57181 02/27/12 P0064 PITNEY BOWES 210.00 2714
57182 02/27/12 P0121 PENGUIN COMMUNICATION LLC 67.20 2714
57183 02/27/12 R0030 RIGGINS, INC. 6,350.19 2714
57184 02/27/12 R0046 ROGERS SPORTS GROUP 111.33 2714
57185 02/27/12 S0035 SCHOPPY WILLIAM TROPHY CO. 39.95 2714
57186 02/27/12 S0072 SEGIN, STEWART S. 67.76 2714
57187 02/27/12 S0113 SMITH, THOMAS G. 440.40 2714
57188 02/27/12 S0121 SMUZ, THERESE A 13.64 2714
57189 02/27/12 S0122 SOMERS POINT LUMBER INC. 625.92 2714
57190 02/27/12 S0134 SO. JERSEY GAS COMPANY 2,135.94 2714
57191 02/27/12 S0139 SO. JERSEY WATER COND. INC. 678.45 2714
57192 02/27/12 S0196 STEWART BUSINESS SYSTEMS LLC 1,087.21 2714
57193 02/27/12 S0209 STAPLES ADVANTAGE 253.39 2714
57194 02/27/12 T0020 TERWILLIGER, DUANE E. 26.99 2714
57195 02/27/12 T0022 TERMINIX 53.00 2714
57196 02/27/12 T0032 THE PRESS & SUNDAY PRESS 114.00 2714
57197 02/27/12 T0048 TILL PAINT CO/D. FITZGERALD 229.30 2714
57198 02/27/12 T0067 TOWNSHIP OF UPPER PETTY CASH 18.72 2714
57199 02/27/12 T0074 TRANSAXLE LLC 1,254.54 2714
57200 02/27/12 T0097 TRICO EQUIPMENT INC. 1,328.35 2714
57201 02/27/12 T0158 TELECORP, INC. 1,414.00 2714
57202 02/27/12 U0003 U.S. MUNICIPAL SUPPLY, INC. 98.71 2714
57203 02/27/12 U0025 UNITED STATES POSTAL SERVICE 2,000.00 2714
57204 02/27/12 U0026 UNIVERSAL SUPPLY CO., INC. 517.37 2714
57205 02/27/12 V0001 VCI EMERGENCY VEHICLE 1,055.74 2714
57206 02/27/12 V0005 VAN EMBDEN, NATHAN, ATTORNEY 37.50 2714
57207 02/27/12 V0024 VAL-U AUTO PARTS L.L.C. 253.10 2714
57208 02/27/12 V0025 V.E. RALPH & SON, INC. 20.36 2714
57209 02/27/12 V0026 VITAL COMPUTER RESOURCES, INC. 1,408.78 2714
57210 02/27/12 W0038 WILLIAMS, JEREMIAH J. 148.93 2714
57211 02/27/12 Y0006 YESTERDAY'S 108.75 2714
57212 02/27/12 Z0001 ZOLL MEDICAL CORPORATION 140.00 2714
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Total Paid: \$74,865.67