

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR MARCH 26, 2012**

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

Boy Scout Troop 95 led the meeting in the flag salute and then stayed for the meeting to learn about community government as part of the requirements for a badge they are working towards.

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 - **March 12, 2012 Regular Meeting and
Closed Session Minutes****

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

REPORT OF GOVERNING BODY MEMBERS

Edward Barr, Committeeman, reported that spring sporting events have begun and demand for the Township fields is at an all time high. He stated that he has received several compliments on the conditions of the fields. He next reported that this Saturday starts the Lacrosse season, and invited all fans to come out and support the players.

Anthony Inserra, Committeeman, made a motion to install Automatic External Defibrillators (AED’s) in the concession stands at Caldwell Park, Amanda’s Field and Somers Avenue. For safety and security he recommended giving keys to the coaches who are certified in CPR and AED and have them be responsible for the machines. The motion was seconded by Jay Newman. During roll call vote all five Committee members voted in the affirmative.

Curtis Corson, Deputy Mayor, reminded everyone that the public hearing and final adoption of the 2012 Budget is scheduled for the April 16 meeting.

Jay Newman, Committeeman, reported that Mr. Corson has suggested he be removed from the Security Committee and be replaced with Edward Barr, given Mr. Barr's security background. Motion was made by Jay Newman, second by Curtis Corson to appoint Mr. Barr to the Security Committee. During roll call vote all five Committee members voted in the affirmative. Mr. Newman next reported that the Security Committee will be meeting to review the report from the Township's Safety Committee and will be presenting their recommendations at the next meeting.

Richard Palombo, Mayor reported that the Township has received a grant in the amount of \$2,178.75 from the Megan Nicole Kanka Foundation to be used for background checks on coaches. He stated that all of the coaches in Upper Township sports programs have to be fingerprinted and their backgrounds checked before they are eligible to coach. He next reported that the County has a program for discount prescription drugs, diabetic supplies, and eyeglasses. The prescription drug card is available to all County residents and provides opportunities to save up to 75% on prescriptions. He requested Mr. Dietrich to put the information up on UTTV. He next reported on a resolution from the Cape May County Freeholders opposing the New Jersey American Water Company's proposed rate increase. He made a motion, second by Anthony Inserra, to place a resolution opposing any rate increase from New Jersey American Water Company on the next agenda. During roll call vote all five Committee members voted in the affirmative. He next stated that the Township has received a \$150,000 grant for repaving Ocean Ave. He also reported that the Country Shore Woman's Club has submitted a raffle license application for a May 12 fundraiser. He made a motion, second by Curtis Corson, to approve the raffle license for the Country Shore Woman's Club. During roll call vote four Committee members voted in the affirmative. Jay Newman abstained.

OTHER REPORTS

Wanda Gaglione, Municipal Clerk, reported that the Township needs to appoint a person to the Cape May County Animal Shelter Advisory Board. Motion was made by Jay Newman, second by Anthony Inserra to appoint Edward Barr. During roll call vote all five Committee members voted in the affirmative.

Daniel Young, Municipal Attorney, stated that he had three items for closed session. One contract negotiation with Lana Shapiro for a possible land exchange; and two litigation items: tax appeals and Citizens for Strathmere and Whale Beach v. Upper Township.

Paul Dietrich, Municipal Engineer, reported that over the past few weeks he has met with several Eagle Scouts about their upcoming projects. One of the projects will be at the entrance to Corsons Inlet State Park in Strathmere. The area was disturbed during the bulkhead and stone revetment work. The Scout plans to re-vegetate the area with native grasses and plants as well as installing signage about the benefits of a dune ecosystem. Another Eagle Scout project planned is for a Scout to build a dog agility course at the UT Dog Park in Tuckahoe. He next reported on correspondence from New Jersey American Water regarding a potential water tower site on

Township owned property on Nadine Boulevard. Mr. Dietrich recommended that the property is not suitable for the site because it is a drainage basin for the subdivision. He next reported that he has met with FEMA officials and the Bureau of Coastal Engineering to do the close-out for the beach fill project. Approximately 316,000 cubic yards of sand was pumped onto the beach for a total project cost of \$3.3 million dollars. FEMA will be reimbursing the Township 75% of the project costs. Next he reported on a meeting with Mr. Inserra and Mr. Barr regarding a Solar Power Purchase Agreement. More research is needed and they will meet once more before they bring a proposal to the Committee. He next reported that the Rt. 50 project is now underway starting with deck repairs on the Cedar Swamp Creek Bridge and joint repairs along Rt. 50. Afterwards the detour and lane closures will be put in place for the mainline paving. It was discussed that the traffic light at the intersection of Hope Corson Rd and Rt. 50 will not be included in this project. Jay Newman stated that the continued delay for this traffic light installation is unacceptable. He stated that this is negatively impacting the safety of our citizens and he asked that the Mayor contact the State Legislators to get the issue resolved. Finally, Mr. Dietrich reported on the remediation of Sam's Gulf Station in Tuckahoe. Changes in NJDEP regulations will now allow towns to be able to hire consultants to oversee the remediation process and certify that the project is being completed according to State rules and regulations. He reported that the State has now released more money into the new program and he is in the process of getting proposals and applying for the additional funds to restart the project.

Barbara Spiegel, Chief Financial Officer, requested permission to attend a purchasing conference in Atlantic City for one day. Motion was made by Mayor Palombo, second by Curtis Corson to approve the request. During roll call vote all five Committee members voted in the affirmative.

RESOLUTIONS

- 1. Refund EMS Ambulance billing overpayment to Highmark Medicare Services, Inc.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 68-2012
RE: REFUND EMS AMBULANCE BILLING OVERPAYMENT
TO HIGHMARK MEDICARE SERVICES, INC.**

WHEREAS, an overpayment has occurred in the account of Don J. Paris, an EMS ambulance billing patient, where the monies sent to the Township of Upper by Highmark Medicare Services, Inc. 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>
\$167.77	Medicare Part B Highmark Medicare Services, Inc. ATTN: Cashier P.O. Box 890034 Camp Hill, PA 17089-0034

Resolution No. 68-2012
Offered by: Newman Seconded by: Corson
Adopted: March 26, 2012

ROLL CALL VOTE:

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

2. Refund EMS Ambulance billing overpayment to Rayant Administrators, Inc., an affiliate of Horizon Healthcare Services, Inc.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 69-2012
RE: REFUND EMS AMBULANCE BILLING OVERPAYMENT
TO RAYANT ADMINISTRATORS, INC., AN AFFILIATE OF HORIZON HEALTHCARE
SERVICES, INC.**

WHEREAS, an overpayment has occurred in the account of Linda Ewing, an EMS ambulance billing patient, where the monies sent to the Township of Upper by Horizon Healthcare Services, Inc. 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>
\$65.95	Rayant Administrators, Inc. P.O. Box 613 Hammonton, NJ 08037-0613

Resolution No. 69-2012

Offered by: Newman

Seconded by: Inserra

Adopted: March 26, 2012

ROLL CALL VOTE:

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

3. Authorizing the filing of a Recycling Tonnage Grant application.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 70 -2012
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 year 2012 (based on 2011 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. 70-2012

Offered by: Corson

Seconded by: Palombo

Adopted: March 26, 2012

Roll Call Vote:

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

4. **Authorizing the American Cancer Society to conduct a fundraising event known as “Bark for Life” at Amanda’s Field in Petersburg, New Jersey on June 2, 2012.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 71- 2012
RE: AUTHORIZING THE AMERICAN CANCER SOCIETY TO
CONDUCT A FUNDRAISING EVENT KNOWN AS “BARK FOR LIFE”
AT AMANDA’S FIELD IN PETERSBURG, NEW JERSEY
ON JUNE 2, 2012**

WHEREAS, the American Cancer Society, Eastern Division, Inc. (hereinafter “Sponsor”) of 260 Osborne Road, Loudonville, NY 12211 , has submitted a proposal to the Upper Township Committee requesting authority to hold a fundraising event known as “Bark For Life” on June 2, 2012 at Amanda’s Field, in Petersburg, as more particularly specified in his facility use application, a copy of which is attached hereto as Exhibit “A”; and

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

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

WHEREAS, the Sponsor has represented that approvals have been obtained from the New Jersey State Police, and any all other governmental agencies or entities having any jurisdiction or interest in the event; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee does hereby grant approval to the Sponsor to conduct the “Bark For Life” fundraiser at Amanda’s Field on June 2, 2012 as specified in this Resolution and in the accompanying Exhibits subject to and conditioned upon the following:

- (A) The Sponsor has provided general comprehensive liability insurance in form and substance satisfactory to the Township of Upper's Risk Management Consultant. Said insurance includes a medical expense limit. Certificate(s) of Insurance have been provided to the Township Clerk, which the Risk Management Consultant of the Township of Upper has approved Certificate(s) of Insurance. Said Certificate(s) of Insurance names the Township of Upper, its officials, officers and employees, as an additional insured.
- (B) The Sponsor has obtained written approval from and complies with all conditions imposed by the following entities:
- (i) the Risk Management Consultant of the Township of Upper.
 - (ii) the New Jersey State Police.
 - (iii) the Upper Township Rescue Squad.
- (C) The event sponsors have provided written authorization from the above entities, including any conditions required of said entities, to the Township Clerk.
- (D) The Sponsor has provided an Indemnification and Hold Harmless Agreement in favor of the Township of Upper, its officials, officers and employees in the form attached hereto as Exhibit "C".

(E) The Sponsor shall remit to the Township, before the event, the appropriate fee in accordance with Ordinance No. 024-2011 and shall also fully comply with the requirements of said Ordinance.

(F) The approval granted herein is subject to all conditions and stipulations as may be recommended or imposed by the Township’s Risk Management Consultant or Insurance Representatives. The Township may revoke this approval if the Event Sponsors fail to comply with any said condition or recommendation or any other condition of this Resolution.

(G) For this event only, walking leashed dogs shall be permitted at those portions of Amanda’s Field utilized by the Sponsor.

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. 71-2012

Offered by: Palombo

Seconded by: Inserra

Adopted: March 26, 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>

5. Authorizing the Mayor to sign a Modification of Subaward Agreement from The College of New Jersey.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

R E S O L U T I O N
RESOLUTION NO. 72-2012
RE: AUTHORIZING THE MAYOR TO SIGN A MODIFICATION OF SUBAWARD
AGREEMENT FROM THE COLLEGE OF NEW JERSEY

WHEREAS, on October 14, 2011 the Township of Upper received a cost reimbursable subaward from the The College of New Jersey, Office of Academic Grants and Sponsored Research, and sponsored by New Jersey Department of Transportation, in the amount of \$15,000 for the period of October 15, 2011 to January 31, 2012; and

WHEREAS, a Modification of Subaward Agreement, attached hereto as Exhibit A, has been issued to provide additional funding in the amount of \$4,000.00, and a time extension for the period of performance through May 31, 2012; and

WHEREAS, the additional funding shall be used for professional consultant services with regard to the current Marmora Town Center development and redevelopment plan, as more particularly specified in the proposed scope of work attached hereto as Exhibit B; and

WHEREAS, the Township Committee fully supports and endorses the additional scope of work to be performed and gratefully accepts this additional funding on behalf 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 of the preamble are incorporated herein by this reference.
2. The Mayor is hereby authorized, directed and empowered to sign and submit the Modification of Subaward Agreement for the project entitled Upper Township Marmora Village Center and "Main Street" Market Assessment.

3. The signature of the Mayor on the Modification of Subaward Agreement constitute acceptance of the terms and conditions of the modification of subaward agreement and accepts the subaward on behalf of the Township of Upper.

4. 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. 72-2012

Offered by: Corson Seconded by: Palombo

Adopted: March 26, 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>

6. Authorizing a contract amendment between Green Door Advisors, LLC and the Township of Upper for economic feasibility consultant services with regard to Township Town Centers.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 73 -2012**

RE: AUTHORIZING A CONTRACT AMENDMENT BETWEEN GREEN DOOR ADVISORS, LLC AND THE TOWNSHIP OF UPPER FOR ECONOMIC FEASIBILITY CONSULTANT SERVICES WITH REGARD TO TOWNSHIP TOWN CENTERS

WHEREAS, the Township of Upper and Green Door Advisors, LLC entered into a contract on December 5, 2011 for Economic Feasibility Consultant services pursuant to Resolution No. 237-2011; and

WHEREAS, the Township of Upper and Green Door Advisors, LLC desire to modify said contract to provide an additional scope of work providing a hotel market analysis to determine the market viability for a hotel within the designated Marmora Town Center; and

WHEREAS, the Township Committee has determined there is a need to amend said contract with Green Door Advisors, LLC with the understanding that funding for the additional work will be provided for by a modification of the subaward agreement with The College of New Jersey ; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township to authorize said amendment to the contract with Green Door Advisors, LLC as hereinafter provided; and

WHEREAS, the Municipal Attorney has determined that the services provided by the proposed amendment to the existing contract are professional services and that the award of the amended contract may be made without competitive bid; and

WHEREAS, the Chief Financial Officer has certified the availability of funds to permit the Township to enter into the proposed amendment to the professional services contract as aforesaid; and

WHEREAS, the Township has decided to acquire the services of Green Door Advisors, LLC pursuant to the provisions of N.J.S.A. 19:44A-2.05;

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 professional services contract between the Township of Upper and Green Door Advisors, LLC is hereby amended to include the additional services as set forth in the correspondence dated February 29, 2012 from Green Door Advisors, LLC to the Township of Upper so as to provide a hotel market analysis to determine the market viability for a hotel within the designated Marmora Town Center.

3. A copy of the proposed contract amendment detailing the nature and the extent of the work to be done shall be attached to this Resolution as Exhibit “A”.
4. The Mayor and the Township Clerk are hereby authorized, directed and empowered to enter into said amendment to the professional services contract with Green Door Advisors, LLC aforesaid.
5. The Township Clerk shall cause a Notice of Award of this amendment to the professional services contract to be published in the official newspaper of the Township as required by N.J.S.A. 40A:11-5.
6. This amendment to the contract is for a professional services contract and has been awarded without competitive bidding.
7. All Township officials and officers are hereby authorized and directed to take all action necessary to carry out the intent and purpose of this Resolution.
8. This Resolution shall be effective as of adoption and shall memorialize the decisions of the Township Committee at its meeting on March 12, 2012.

Resolution No. 73-2012

Offered by: Inserra

Seconded by: Corson

Adopted: March 26, 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. Adopting revisions to the Upper Township Supervisor’s Personnel Policies and Procedures Manual and Employee Handbook.

TOWNSHIP OF UPPER

**CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 74 -2012
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, a summary of which shall be attached hereto as Exhibit A; and

WHEREAS, the Township Committee has determined that the revisions 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 revision to the Supervisor's Personnel Policies and Procedures Manual and Employee Handbook is 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. 74 - 2012

Offered by: Corson

Seconded by: Newman

Adopted: March 26, 2012

Roll Call Vote:

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

8. Reappointment of Paul Dietrich, Sr. as Municipal Engineer, effective April 1, 2012.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 75-2012
RE: REAPPOINTMENT OF PAUL DIETRICH, SR.
AS MUNICIPAL ENGINEER, EFFECTIVE APRIL 1, 2012**

WHEREAS, N.J.S.A. 40A:9-140 requires every municipality to appoint a Municipal Engineer and provides for a

term of office of three (3) years, unless otherwise provided by law; and

WHEREAS, this municipality operates under the Township form of government and the term of office of the Municipal Engineer is three (3) years; 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. Paul Dietrich, Sr., of 235 Tyler Road, Dennisville, New Jersey 08270, is hereby reappointed as Municipal Engineer for the Township of Upper, effective April 1, 2012.

3. Compensation shall be at an annual salary of Eighty Seven Thousand, Six Hundred Fifty-Six Dollars (\$87,656.00) and the other terms and conditions of such employment shall be as set forth in the Contract to be entered into between the Township of Upper and said Paul Dietrich for such professional services.

4. Said compensation shall include representation of the Upper Township Zoning Board of Adjustment and the Upper Township Planning Board.

5. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Mr. Dietrich in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed in Paragraphs 3 and 4 hereof.

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

Resolution No. 75-2012
 Offered by: Corson
 Adopted: March 26, 2012
 Roll Call Vote:

Seconded by: Newman

<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>

9. Adoption of Operating Manual for the administration of owner occupied and rental rehabilitation units.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 RESOLUTION
 RESOLUTION NO. 76-2012
 RE: ADOPTION OF OPERATING MANUAL FOR THE ADMINISTRATION OF OWNER
 OCCUPIED AND RENTAL REHABILITATION UNITS**

WHEREAS, the Governing Body of Township of Upper has petitioned the Council on Affordable Housing (COAH), now known as the Fair Housing Act Administration (FHAA) for substantive certification of its Housing Element and Fair Share Plan, dated December 2008; and

WHEREAS, Township of Upper’s Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and FHAA’s Third Round Substantive Rules (N.J.A.C. 5:94-1, et. seq.); and

WHEREAS, the Township Committee of the Township of Upper has developed an Operating Manual for the Administration of Owner Occupied and Rental Rehabilitation Units (Rehab Manual) in accordance with the Uniform Housing Affordability Controls and the New Jersey Fair Housing Act; and

WHEREAS, the Township Committee of the Township of Upper will dedicate \$250,000.00 during 2012 to rehabilitate properties within the Township of Upper in accordance with the Rehab Manual, and

NOW THEREFORE BE IT RESOLVED, the Township of Upper shall adopt this Rehab Manual and this manual is hereby attached to the original of this resolution; and

BE IT FURTHER RESOLVED, Triad Associates, the Township’s Administrative Agent for this program, shall administer and enforce said plan in coordination with the Township’s Municipal Housing Liaison; and

BE IT FURTHER RESOLVED, the Township’s Municipal Housing Liaison will submit the Rehab Manual and the amended Affordable Housing Trust Fund Spending Plan to the FHAA.

Resolution No. 76-2012

Offered by: Palombo

Seconded by: Corson

Adopted: March 26, 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>

A roll call vote was held to determine if a public meeting should be scheduled to discuss the Rehabilitation Program. All five Committee members voted in the affirmative to hold the public meeting. Mayor Palombo suggested video taping the informative portion of the

meeting to be made available for those who either were not able to attend the meeting, or wished to view the information in private. A date for the public meeting will be announced and advertised in the near future.

ORDINANCES

10. Introduction and First Reading of Ordinance No. 002-2012, RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER VI (ALCOHOLIC BEVERAGE CONTROL) OF THE CODE OF UPPER TOWNSHIP.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE
ORDINANCE NO. 002-2012
RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE
CHAPTER VI (ALCOHOLIC BEVERAGE CONTROL) OF
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 VI, Section 6-4.1 (entitled “Hours of Sale”) of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended as hereinafter provided:

6-4.1 Hours of Sale:

(a) **Plenary Retail Distribution Licenses.** The holder of a Plenary Retail Distribution License shall not sell or deliver or allow, permit or suffer the sale or delivery of any alcoholic beverage or allow, permit or suffer the removal of any alcoholic beverage from licensed premises on weekdays before 9:00 a.m. or after 10:00 p.m. and on Sundays before 10:00 a.m. or after 10:00 p.m., with the exception of wine and malt alcoholic beverages.

(b) **Plenary Retail Consumption Licenses.**

1. **On-Premises Consumption.** The holder of a Plenary Retail Consumption License shall not sell, serve, deliver or allow, permit or suffer the sale, service, or delivery of any alcoholic beverage for on-

premises consumption on weekdays between the hours of 3:00 a.m. and 7:00 a.m. and on Sundays between the hours of 3:00 a.m. and 10:00 a.m.

2. **Off-Premises Consumption.** The holder of a Plenary Retail Consumption License shall not sell, serve, deliver or allow, permit or suffer the sale, service or delivery of any malt alcoholic beverage or wine for off-premises consumption on weekdays between the hours of 3:00 a.m. and 7:00 a.m. and on Sundays between the hours of 3:00 a.m. and 10:00 a.m. Such licensees shall not sell, serve, deliver or allow, permit or suffer the sale, service or delivery of any distilled liquors for off-premises consumption on any weekdays between the hours of midnight and 9:00 a.m. or after 10:00 p.m. and on Sunday between the hours of midnight and 10:00 a.m. or after 10:00 p.m.

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 26th DAY OF March, 2012 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 23rd DAY OF April, 2012 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

*****Please see the March 30, 2012 Special Minutes Meeting on this matter.**

11. Introduction and First Reading of Ordinance No. 003-2012, RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER VII OF THE CODE OF UPPER TOWNSHIP.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
O R D I N A N C E
ORDINANCE NO. 003-2012
RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE
CHAPTER VII OF 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 7, Schedule XVIII (entitled “Parking Area For Handicapped Persons”) of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be supplemented as hereinafter provided:

SCHEDULE XVIII – PARKING AREA FOR HANDICAPPED PERSONS

Amend to include the following:

Street	Location
Putnam Avenue	Southerly side of Putnam Avenue beginning a distance of one hundred sixty-two (162’) feet from the Easterly curblineline of Commonwealth Avenue and extending twenty-two (22’) feet Easterly.

SECTION 3: 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 4: 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 5: EFFECTIVE DATE: This Ordinance shall take effect upon final adoption and publication as required by law.

SECTION 6: 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 26th OF MARCH, 2012 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 23rd OF APRIL, 2012 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

****Please see the March 30, 2012 Special Minutes Meeting on this matter.**

CORRESPONDENCE

NEW BUSINESS

12. **JIF Loss Control Report.** Jay Potter, Safety Coordinator of the Upper Township Safety Committee, spoke on the report. He stated that the Township has had 104 days without injury. He also stated that during a Township wide inspection the JIF was not able to find one safety issue that needed improvement. Mayor Palombo commended all employees for the great report.

UNFINISHED BUSINESS:

13. **Report of quotes received for the 2012 - 4th of July fireworks display.** This matter was tabled for further information and will be placed on the April 16, 2012 agenda.
14. **Kids of Atlantic County Athletic Organization request to hold Lacrosse tournament June 30, 2012 and July 1, 2012 at Amanda's Field.** Many concerns were raised and discussed because of the potential size of this event and that fact that it is being held the weekend before 4th of July. Concerns such as parking, traffic and crowd control, police and rescue protection, and trash pickup. Walter Degan, the organizer of the event, stated that he is willing to fulfill all requirements the Township has. The issue of background checks for the coaches was also raised. Mr. Young stated that per Township Ordinance all coaches with direct unsupervised access to children must have passed a background check. Mayor Palombo suggested that the matter be placed again on the next agenda and allow time for Mr. Degan to meet all of the necessary requirements.

DISCUSSION

PAYMENT OF BILLS:

15. **"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 by Jay Newman seconded by Curtis Corson. During roll call vote all five Committee members voted in the affirmative.

Payroll: \$154,479.48
Bills submitted for payment: \$79,710.16

REPORT OF MUNICIPAL DEPARTMENTS:

16. **Clerk's Office**
17. **EMS Services**
18. **Municipal Court**

Reports are available upon request from the Township Clerks office.

PUBLIC COMMENT

Mayor Palombo asked Boy Scout Troop 95 what they learned tonight and Boy Scout **Shawn Nelson** stated that he learned how the Committee does things, how the Committee makes their decisions and vote on them, and how they get to certain conclusions.

Mike Jones, Secretary Upper Township Men's Softball, inquired why his request for Men's Softball to become an Upper Township sponsored sport was not on the agenda. Edward Barr stated that Mr. Jones has submitted his paperwork, however the insurance underwriter had a

small problem with the name of the organization. Once the name is accepted, the matter will go before the Sports and Recreation Advisory Board and will then be placed on a Committee meeting agenda. Mr. Young stated that he will work with the insurance company to get the name issue settled and suggested that the matter go before the Sports and Recreation Advisory Board with the understanding that the insurance requirement will be met. Mayor Palombo asked that the request be placed on the next agenda.

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.** The following was read into the record by Jay Newman.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION NO. 077-2012
MOTION GOING INTO CLOSED SESSION
March 26, 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. Contract negotiations – Lana Shapiro land exchange
2. Litigation – tax appeals
3. Citizens for Strathmere and Whale Beach v. Upper Township

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

- A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.
- B. With respect to contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.
- 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 by: Edward Barr

During roll call vote all five voted in the affirmative.

RECONVENE PUBLIC PORTION OF MEETING

ADJOURNMENT

****Please note—the order of the agenda may be changed at the discretion of the Township Committee.**

There was no further business for this evening and the meeting was adjourned at 9:05 P.M. The April 2012 meetings are scheduled for April 16th and April 30th at 7:30 P.M.

Minutes prepared by

Wanda Gaglione, RMC
Municipal Clerk

Bill List

57273 03/26/12 O0041 OGREN FAMILY LLC 761.40 2718
57274 03/26/12 A0006 ADVANCE TREADS INC 259.00 2719
57275 03/26/12 A0018 ACTION SUPPLY INC. 144.20 2719
57276 03/26/12 A0020 ACU-THERM SUPPLY CO.,INC. 174.00 2719
57277 03/26/12 A0091 ATLANTIC CITY ELECTRIC 3,130.19 2719
57278 03/26/12 A0121 ABSECON RADIATOR SERVICE 200.00 2719
57279 03/26/12 A0134 ANSELL ZARO GRIMM & AARON, PC 363.12 2719
57280 03/26/12 A0167 HESS CORPORATION 1,725.09 2719
57281 03/26/12 B0035 BELMONT & CRYSTAL SPRINGS 194.51 2719
57282 03/26/12 B0052 BENNETT BATTERIES,LLC. 219.80 2719
57283 03/26/12 B0076 BOND,LAURENCE E. 2,080.31 2719 Direct Deposit
57284 03/26/12 B0184 BUSHONG, BRIAN 59.50 2719
57285 03/26/12 C0048 CAPE MAY COUNTY MUA 21,586.31 2719
57286 03/26/12 C0056 CAPE MEDIATION SERVICE, INC. 776.04 2719
57287 03/26/12 C0060 CAPRIONI'S PORTABLE TOILETS 907.00 2719
57288 03/26/12 C0068 COMCAST 239.32 2719
57289 03/26/12 C0078 CARTER, EDWARD, SR. 150.00 2719
57290 03/26/12 C0091 CHISHOLM, JOHN R. 79.99 2719
57291 03/26/12 C0116 CINTAS FAX LOCKBOX 636525 56.93 2719
57292 03/26/12 C0143 CODY'S POWER EQUIPMENT 1,161.87 2719
57293 03/26/12 C0171 COLONIAL ELECTRIC SUPPLY CO. 1,004.55 2719
57294 03/26/12 C0223 CASA PAYROLL SERVICE 244.25 2719
57295 03/26/12 C0247 CMRS-FP 2,000.00 2719
57296 03/26/12 D0016 DALEYS PIT 20.00 2719
57297 03/26/12 D0096 DELL MARKETING L.P. 58.72 2719
57298 03/26/12 D0133 DOLLARD-BAKER SEW AND VAC 40.00 2719
57299 03/26/12 E0012 EHRlich PEST CONTROL INC 311.62 2719
57300 03/26/12 F0016 FAZZIO, JOSEPH INC. 72.67 2719
57301 03/26/12 F0048 FOGG, LESLIE INC. 530.04 2719
57302 03/26/12 G0002 GAGLIONE, WANDA 35.00 2719
57303 03/26/12 G0028 GENTILINI FORD 1,497.32 2719
57304 03/26/12 H0002 H.A. DEHART & SON CORP. 558.61 2719
57305 03/26/12 H0012 HALL,ARTHUR 201.82 2719
57306 03/26/12 H0018 HAROLD RUBIN/L & H SUPPLY 1,155.10 2719
57307 03/26/12 H0135 HANSON AGGREGATES, INC. 2,947.94 2719
57308 03/26/12 J0014 JC MILLER'S 92.84 2719
57309 03/26/12 L0031 LORCO PETROLEUM SERVICES 37.50 2719
57310 03/26/12 L0080 LOWES, INC. 474.05 2719
57311 03/26/12 L0087 LINE SYSTEMS INC 2,888.24 2719
57312 03/26/12 M0103 MODERN GAS COMPANY, INC. 545.09 2719
57313 03/26/12 M0188 MCCARTHY TIRE SERVICE OF PHILA 1,597.67 2719
57314 03/26/12 M0193 MAYNE, MICHAEL 141.41 2719
57315 03/26/12 M0217 MUNICIPAL EMERGENCY SERVICES 277.00 2719
57316 03/26/12 M0230 MCANJ 65.00 2719
57317 03/26/12 N0043 NAPA AUTO PARTS OF S.JERSEY 310.53 2719
57318 03/26/12 N0052 NATL YOUTH SPORTS COACHED ASSN 140.00 2719
57319 03/26/12 P0032 PEDRONI FUEL CO. 1,503.38 2719
57320 03/26/12 P0064 PITNEY BOWES 210.00 2719
57321 03/26/12 P0075 POSITIVE PROMOTIONS INC 215.45 2719
57322 03/26/12 P0096 PREVITI,MICHELE M. 281.93 2719

57323 03/26/12 P0097 PRESENTATION SYSTEMS INC. 252.00 2719
57324 03/26/12 P0121 PENGUIN COMMUNICATION LLC 71.52 2719
57325 03/26/12 R0030 RIGGINS, INC. 6,572.41 2719
57326 03/26/12 S00259 SPORTS SYSTEMS UNLIMITED CORP 372.76 2719
57327 03/26/12 S0051 SEAL MASTER PRODUCTS & SERVICE 7,753.45 2719
57328 03/26/12 S0106 SIMPLEX/GRINNELL 1,022.44 2719
57329 03/26/12 S0108 SOUTHERN NEW JERSEY NIGP 30.00 2719
57330 03/26/12 S0109 SNAP-ON-INDUSTRIAL 116.12 2719
57331 03/26/12 S0121 SMUZ, THERESE A 13.64 2719
57332 03/26/12 S0134 SO. JERSEY GAS COMPANY 1,641.77 2719
57333 03/26/12 S0153 STERICYCLE, INC. 318.84 2719
57334 03/26/12 S0161 SPICA STEEL, INC./J.D.L.GARAGE 185.00 2719
57335 03/26/12 S0165 S.E.T. COMMUNICATIONS INC 508.25 2719
57336 03/26/12 S0196 STEWART BUSINESS SYSTEMS LLC 117.45 2719
57337 03/26/12 S0209 STAPLES ADVANTAGE 779.79 2719
57338 03/26/12 S0259 SULLIVAN, PATRICK 52.50 2719
57339 03/26/12 T0022 TERMINIX 53.00 2719
57340 03/26/12 T0067 TOWNSHIP OF UPPER PETTY CASH 14.00 2719
57341 03/26/12 T0085 TREASURER, STATE OF NEW JERSEY 42.00 2719
57342 03/26/12 T0115 TURF & FARM SUPPLIES, INC. 1,632.16 2719
57343 03/26/12 T0158 TELECORP, INC. 3,100.00 2719
57344 03/26/12 U0010 UPPER TOWNSHIP CHEERLEADING 78.75 2719
57345 03/26/12 U0040 U.T. MUNICIPAL ALLIANCE COM. 550.00 2719
57346 03/26/12 U0043 ULINE, INC. 166.90 2719
57347 03/26/12 V0005 VAN EMBDEN, NATHAN, ATTORNEY 450.00 2719
57348 03/26/12 V0024 VAL-U AUTO PARTS L.L.C. 89.10 2719
Total: \$79,710.16