

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR JUNE 11, 2012**

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

Salute led by members of Boy Scout Troop 95 of Upper Township.

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, Municipal Attorney Daniel Young and Municipal Engineer Paul Dietrich.

APPROVAL OF MINUTES - **May 29, 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 present voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Edward Barr, Committeeman, reported on a safety matter involving the Railroad Bridge over the Tuckahoe River. In an effort to stop vehicles from driving onto the tracks, a temporary barrier has been placed at the end of Marshallville Road and Conrail has been notified of the matter. Mr. Barr next reported that clean up of the Beesleys Point Beach is complete. He also reported that he met recently with Cape May County officials to discuss a proposed agreement regarding the new Upper Township Senior Center. They discussed maintenance of the building and the possibility of the township taking ownership of the property and using it for senior housing, which could go toward meeting the Township’s affordable housing requirements.

Anthony Inserra, Committeeman, discussed the measures that were taken to improve safety at the Railroad Bridge in Tuckahoe. Mr. Inserra next reported that he met recently with members of the Upper Township School Board to discuss township employees completing some of the much-needed repairs at the school. Motion by Anthony Inserra, second by Ed Barr to authorize the township’s DPW employees to complete maintenance repairs at the School. During roll call vote all five Committee members voted in the affirmative.

Mr. Inserra also discussed an issue with boat launching at the Tuckahoe River Beach located on Mosquito Landing Road. He discussed the possibility of staffing the beach in order to charge a fee for boat launching. Mr. Corson responded that he was concerned about the township’s liability with launching there. Also a boat ramp is located nearby on Fish and Game property. The Committee discussed fencing off the beach to eliminate anyone launching watercraft there. The Township Engineer was directed to contact Fish and Game to discuss the matter and to look into the cost of fencing the beach.

Mr. Inserra next reported that he received a complaint regarding handicap access at Caldwell Park. A resident reported that sandy areas in the park make it difficult for wheel chairs to get around. The Committee directed Mr. Dietrich to order Beach Wheel Chairs for Caldwell Park and Amanda’s Field.

Curtis Corson, Committeeman, requested a resolution be placed on a future agenda to honor Upper Township resident Katelyn Washart for achieving the title of New Jersey 4-H Equestrian

of the year. He next complimented Rosemary Trout, of the finance office, for her successful completion of Purchasing Class #1 and continuing with Purchasing Class #2.

Jay Newman, Committeeman, reported that due to safety concerns with cars parking along Route 50 during the 4th of July event at Amanda's Field, Temporary "No Parking" signs will be placed along Route 50 and Perry Road and the Township's "No Parking" Ordinance will be enforced. Mr. Newman stated that there is ample parking in the complex at Amanda's Field.

Richard Palombo, Mayor reported on an email he received from the New Jersey American Water Company regarding possible sites for a new water tower. Dan Young commented that Land Use approvals are required before the matter is brought before the Committee. Mayor Palombo next reported on a recommendation by the Rescue Squad to hire two part time employees. Motion by Richard Palombo, second by Curtis Corson to hire Christopher Vliet and Mark Newman as part time employees to the Upper Township Division of EMS. During roll call vote four Committee members voted in the affirmative. Jay Newman abstained. He also recommended the appointment of Beach Patrol personnel with a resolution confirming the appointment at the next meeting. Motion by Curtis Corson, second by Jay Newman, to appoint William Massey, Catherine Tobiasen, Tyler Baldi, Taylor Hennesey and Amanda Eller as 2012 season lifeguards, pending their successful completion of pre-employment testing. During roll call vote all five members voted in the affirmative.

OTHER REPORTS

Wanda Gaglione, Municipal Clerk, reported changes to tonight's agenda as follows; a title change to item # 6, and item #12 Atlantic Cape Transportation moved from new business Resolutions. She next reported the July 4th Parade is scheduled for 10:30 a.m. in Strathmere and Fireworks are scheduled at dusk at Amanda's Field with a rain date of July 5th. Also reported that Boy Scout Troop #95 will be camping overnight at Amanda's Field on the 4th. They have submitted a facility use application and the required proof of Insurance.

Paul Dietrich, Municipal Engineer, requested the replacement of new hire Christopher Chanaux due to his failure to complete the pre-employment testing requirements. Mr. Dietrich recommended the appointment of Michael Szekely to fill the position of part time employee to the Department of public works. Motion by Anthony Inserra, second by Jay Newman to relieve Christopher Chanaux as seasonal employee to the Department of public works and appoint Michael Szekely as a part-time seasonal employee to the Upper Township Public Works Department. During roll call vote all five Committee members voted in the affirmative. Mr. Dietrich also reported on the Cape May County MUA final recycling rates: Upper Township is leading the County in recycling with a rate over 70%, exceeding both the 50% and State mandated 60% goals. Mr. Dietrich further reported on a meeting he attended with County MUA officials in which they discussed that the MUA is considering converting to single stream recycling pick up and have asked the Township to consider whether a proposal to covert to single stream recycling should be implemented by the MUA on behalf of the Township. The County has requested a response by July 15, 2012. Motion by Richard Palombo, second by Curtis Corson to authorize a resolution in support of single stream recycling. During roll call vote all five Committee members voted in the affirmative. Mr. Dietrich next discussed a conference call he took part in with the NJDOT regarding the traffic signal at the intersection of Hope Corson Road and Route 50 in which they said the project has been delayed due to hold ups within various DOT departments in completing the plans for the design of the signal. Also reported that the NJDOT would be allocating funds to upgrade the railroad crossing on Perry Road and lastly he reported that the NJDOT anticipates the Route 50 bridge project will begin on schedule, with a start date of January 2013.

RESOLUTIONS

- 1. Resolution renewing Campground Licenses.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 129 -2012
RE: RESOLUTION RENEWING CAMPGROUND LICENSES**

WHEREAS, Chapter XII of the Code of Upper Township provides for the renewal of licenses to operate a Campground annually after certification by the Cape May County Board of Health; and

WHEREAS, each of the Campgrounds hereinafter designated has had an On-site inspection conducted by the Cape May County Board of Health and has been Attested that the operation of the campground is in compliance with all applicable New Jersey Statutes and the rules and regulations promulgated pursuant thereto.

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 following campground licenses are hereby renewed for a term of (1) one year, commencing August 1, 2012.

**OAK RIDGE RESORT CONDO ASSOC.
516 ROUTE US 9, SOUTH
MARMORA, NJ 08223
240 Sites**

**PLANTATION CAMPGROUND
60 CORSON TAVERN ROAD
SEAVILLE, NJ 08230
223 Sites**

**BAYBERRY COVE RESORT CONDO
435 ROUTE 9
MARMORA, NJ 08223
307 Sites**

**SEAVILLE SHORES TRAILER RESORT
98 CORSON TAVERN ROAD
SEAVILLE, NJ 08230
275 Sites**

**SHADY OAKS
64 ROUTE 50
SEAVILLE, NJ 08230
218 Sites**

**ECHO FARMS CAMPGROUND
3066 ROUTE US 9 SOUTH
SEAVILLE, NJ 08230
241 Sites**

**OCEAN SANDS RESORT
56 ROUTE 50
SEAVILLE, NJ 08230
217 Sites**

**WHIPPOORWILL CAMPGROUND
810 ROUTE US 9 SO.
MARMORA, NJ 08223
288 Sites**

**FRONTIER CAMPGROUND
241 ROUTE 50
GREENFIELD, NJ 08230**

196 Sites

**SCENIC RIVERVIEW CAMPGROUND
465 ROUTE 49
P.O. BOX 184
TUCKAHOE, NJ 08250
125 Sites**

**SHOREBIRDS CAMPGROUND
1314 STAGECOACH ROAD
PALERMO, NJ 08230
100 Sites**

- 3. All officials of the Township are hereby authorized to take such action as necessary or required in order to carry out the intent and purpose of this Resolution
- 4. This Resolution shall become effective immediately upon adoption.

Resolution No. 129 - 2012

Offered by: Newman

Seconded by: Barr

Adopted: June 11, 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. Resolution renewing Mobile Home Park Licenses.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 130-2012

RE: RESOLUTION RENEWING MOBILE HOME PARK LICENSES

WHEREAS, each of the Mobile Home Parks hereinafter designated has attested that the operation of the mobile home park is in compliance with all applicable New Jersey Statutes and the rules and regulations promulgated pursuant thereto.

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:

- 5. The allegations of the preamble are incorporated herein by this reference.
- 6. The following mobile home park licenses are hereby renewed for a term of (1) one year, commencing August 1, 2012.

**HIDDEN PINES MOBILE HOME PARK
1414 SOUTH SHORE ROAD
OCEAN VIEW, NJ 08230
10 Sites**

**PINE HILL MOBILE PARK, INC.
430 ROUTE 9 SOUTH
MARMORA, NJ 08223**

132 Sites

OCEAN BEACH TRAILER RESORT
1100 SO.COMMONWEALTH AVENUE
P.O. BOX 90
STRATHMERE, NJ 08248
100 Sites

SHORE ACRES MOBILE HOME PARK, LLC
1621 SOUTH SHORE ROAD
OCEAN VIEW, NJ 08230
200 Sites

- 7. All officials of the Township are hereby authorized to take such action as necessary or required in order to carry out the intent and purpose of this Resolution.
- 8. This Resolution shall become effective immediately upon adoption.

Resolution No. 130-2012
Offered by: Newman
Adopted: June 11, 2012

Seconded by: Barr

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. Appointing the 2012 Season Beach Patrol Personnel and amending Resolution No. 110-2012.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 131-2012
RE: APPOINTING THE 2012 SEASON BEACH PATROL PERSONNEL
AND
AMENDING RESOLUTION NO. 110-2012

WHEREAS, the individuals hereinafter named have been determined to possess the requisite skills, training and are otherwise eligible for appointment to the position of lifeguard; 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 following individuals are appointed as lifeguards in the Township of Upper at a salary as stated below in accordance with the Salary Ordinance:

SENIOR GUARDS

ANDREW TOBIASEN \$ 13.25 per hour

RETURNING GUARDS

DAVID NEVILLE \$ 10.75 per hour
ABIGAIL FRIETAG \$ 11.45 per hour
PATRICK KELLY \$ 11.75 per hour
KELLY MCHALE \$ 11.75 per hour
JASON MARSHALL \$ 11.75 per hour
JACK OHARA \$ 11.75 per hour

KATE TOBIASEN \$ 11.75 per hour
FORD PALMER \$ 11.75 per hour

3. Pursuant to the 2012 Salary Ordinance, the salary of Richard Kelly shall be amended to include an additional \$4.00 per day for an EMT Certification.

4. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Resolution No. 131 - 2012

Offered by: Corson

Seconded by: Newman

Adopted: June 11, 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 | | | |

4. Appointment of Louis A. Bonato as an Appraiser for the Township of Upper.

TOWNSHIP OF UPPER

CAPE MAY COUNTY

R E S O L U T I O N

RESOLUTION NO. 132 - 2012

RE: APPOINTMENT OF LOUIS A. BONATO AS AN APPRAISER

FOR THE TOWNSHIP OF UPPER

WHEREAS, the Township periodically requires an appraiser to provide services to obtain the fair market value of lots owned by the Township with respect to the anticipated sale of said lots; and

WHEREAS, a resolution is required authorizing the award of such contract for professional services; and

WHEREAS, Louis A. Bonato has completed and submitted a Business Entity Disclosure Certification which certifies that Louis A. Bonato has not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Louis A. Bonato from making any reportable contributions through the term of the contract; and

WHEREAS, the Township has decided to acquire the services of Louis A. Bonato as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-2.05; 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. Louis A. Bonato with offices at 22 Mockingbird Lane, Petersburg, New Jersey is hereby appointed appraiser for the Township of Upper for the appraisal of lots in connection with the Township's anticipated sale to land owners.
3. This Contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Louis A. Bonato has professional knowledge as to appraisal issues which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-2.05.

NOTICE OF CONTRACT AWARD

5. The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Louis A. Bonato for appraisal services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

6. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the

official budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.

7. The contractor has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.

8. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Louis A. Bonato in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

9. 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.

10. This Resolution shall be effective as of adoption.

Resolution No. 132 -2012

Offered by: Newman

Seconded by: Barr

Adopted: June 11, 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. Appointment of Capehart & Scatchard, P.A. and Joseph F. Betley, Esquire to act as Special Legal Counsel in employment and labor law matters.

TOWNSHIP OF UPPER

CAPE MAY COUNTY

R E S O L U T I O N

RESOLUTION NO. 133-2012

RE: APPOINTMENT OF CAPEHART & SCATCHARD, P.A. AND
JOSEPH F. BETLEY, ESQUIRE TO ACT AS SPECIAL LEGAL COUNSEL IN EMPLOYMENT
AND LABOR LAW MATTERS

WHEREAS, the Township requires legal counsel to provide legal services in connection with employment law and labor law related issues; and

WHEREAS, a resolution is required authorizing the award of such contract for professional services; and

WHEREAS, the firm of Capehart & Scatchard, P.A. and Joseph F. Betley, Esquire have completed and submitted a Business Entity Disclosure Certification which certifies that said firm and said individual have not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit said firm and said individual from making any reportable contributions through the term of the contract; and

WHEREAS, the Township has decided to acquire the services of the firm of Capehart & Scatchard, P.A. and Joseph F. Betley, Esquire as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; 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. Capehart & Scatchard, P.A. and Joseph F. Betley, Esquire with offices at 8000 Midlantic Drive, Suite 300, Mount Laurel, New Jersey are hereby appointed Special Legal Counsel to handle employment law and labor law matters in conjunction with and at the direction of the regular Township Solicitor and as directed by the Township Committee.
3. This contract shall have a term of one (1) year from date of full execution.

4. This Contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Capehart & Scatchard, P.A. and Joseph F. Betley, Esquire have professional knowledge as to legal matters which knowledge is particularly valuable to the Township Committee.

NOTICE OF CONTRACT AWARD

The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Capehart & Scatchard, P.A. and Joseph F. Betley, Esquire for legal services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

5. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the official budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.

6. The contractor has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.

7. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Capehart & Scatchard, P.A. and Joseph F. Betley, Esquire in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

8. 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.

9. This Resolution shall be effective as of adoption.

Resolution No. 133 - 2012

Offered by: Corson

Seconded by: Inserra

Adopted: June 11, 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> |

NOTICE OF CONTRACT AWARD

The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to McManimon, Scotland & Baumann, LLC for legal services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

5. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the official budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.

6. The contractor has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.

7. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with McManimon, Scotland & Baumann, LLC in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

8. 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.

9. This Resolution shall be effective as of adoption.

Resolution No. 134 -2012

Offered by: Newman

Seconded by: Inserra

Adopted: June 11, 2012

| <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 a Shared Services Agreement with the Township of Egg Harbor for use of facilities, equipment and supplies for truck and equipment washing.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 135 -2012

RE: AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF EGG HARBOR FOR USE OF FACILITIES, EQUIPMENT AND SUPPLIES FOR TRUCK AND EQUIPMENT WASHING

WHEREAS, the Township of Egg Harbor has indicated a desire to enter into a Shared Services Agreement with the Township of Upper for use of facilities, equipment and supplies for truck and equipment washing; and

WHEREAS, collectively, the Shared Services Agreement being authorized will significantly reduce the cost of providing this service; and

WHEREAS, the Township of Upper has deemed it to be in the Township's interest to provide the service to the Township of Egg Harbor for a fee pursuant to the Shared Services Agreement; 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 Uniform 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 Township of Egg Harbor for the use of Upper Township facilities, equipment and supplies for truck and equipment washing.

2. **SERVICES TO BE PROVIDED; 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 Egg Harbor and the Township of Upper shall meet and satisfy the requirements of N.J.S.A. 40A:65-1, et seq., as same may be amended and supplemented.

5. **CONTRACT TERM.** The term of this Agreement is for the period of one year from date of full execution.

6. SEVERABILITY. If any section, subsection, paragraph, sentence or other part of this Resolution is adjudged 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.

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

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

Resolution No. 135-2012

Offered by: Corson

Seconded by: Inserra

Adopted: June 11, 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> |

8. Authorizing a Shared Services Agreement with the Sterling High School District for the delivery of technology support and other computer and network related shared services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 136-2012

**RE: AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE
STERLING HIGH SCHOOL DISTRICT FOR THE DELIVERY OF TECHNOLOGY
SUPPORT AND OTHER COMPUTER & NETWORK RELATED SHARED
SERVICES**

WHEREAS, the Township of Upper has indicated a desire to enter into a Shared Services Agreement with the Sterling High School District (also known as South Jersey Technology Partnership [SJTP] for the purchase of certain technology support, supplies and materials; and

WHEREAS, the Shared Services Agreement being authorized will significantly reduce the cost of providing this service; and

WHEREAS, A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this Agreement and showing the line item appropriation of the official budget to which the Agreement will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk; 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 Uniform 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 Sterling High School District to deliver technology support and other shared services.

2. **SERVICES TO BE PROVIDED; CONTRACT.** The Shared Services Agreement authorized in paragraph 1 hereof shall cover those services, which shall be enumerated in said Agreement.

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 Sterling High School District and the Township of Upper shall meet and satisfy the requirements of N.J.S.A. 40A:65-1, et seq., as same may be amended and supplemented.

5. CONTRACT TERM. The term of this Agreement is for the period as stipulated in the Shared Service Agreement from the date of full execution of the Shared Services Agreement.

6. SEVERABILITY. If any section, subsection, paragraph, sentence or other part of this Resolution is adjudged 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.

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

Resolution No. 136-2012

Offered by: Barr

Seconded by: Newman

Adopted: June 11, 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> |

9. Authorizing the purchase of a 1996 Chevy Suburban at a cost of \$8,500.00 from Seaville Fire Rescue of Seaville, New Jersey for the Division of EMS.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 137-2012**

RE: AUTHORIZING THE PURCHASE OF A 1996 CHEVY SUBURBAN AT A COST OF \$8,500.00 FROM SEAVILLE FIRE RESCUE OF SEAVILLE, NEW JERSEY FOR THE DIVISION OF EMS

WHEREAS, it is necessary to purchase certain equipment for the Division of EMS; and

WHEREAS, pursuant to N.J.S.A 40A:11-5(2), this contract may be awarded by resolution of the Township Committee; and

WHEREAS, the Chief Financial Officer has certified the availability of funds to permit said contract to be entered into; 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 authorize the purchase of a 1996 Chevy Suburban at a cost of \$8,500.00 from Seaville Fire Rescue of Seaville, New Jersey.

3. The Chief Financial Officer is hereby authorized, directed and empowered to issue a Purchase Order to the vendor in the amount authorized in this Resolution.

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.

Resolution No. 137 -2012

Offered by: Newman

Seconded by: Barr

Adopted: June 11, 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> </u> | <u> </u> | <u> X </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> |

10. In support of the Marmora Town Center Development Guidelines within the TC and TCC zones.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 138-2012

**RE: IN SUPORT OF THE MARMORA TOWN CENTER DEVELOPMENT
GUIDELINES WITHIN THE TC AND TCC ZONES**

WHEREAS, in 2008, the Township of Upper, received a Smart Future Planning Grant from the New Jersey Office of Smart Growth to provide guidelines for development of the core areas in the Marmora and Seville sections of the Township; and

WHEREAS, in 2010, the New Jersey Municipal Land Use Center received a grant from the New Jersey Department of Transportation to work with Upper Township to assess transportation conditions within and adjoining the core areas of the Township's designated centers in Marmora and Seville with the goal to either confirm suggested

transportation improvements or to provide alternate recommendations in support of the Township's development guidelines; and

WHEREAS, Upper Township has undertaken an economic analysis of the proposed development of the Marmora Town Center which continues to support development of the Marmora Town Center; and

WHEREAS, the Township Committee of the Township of Upper recognizes the ongoing work of the Upper Township Planning Board in the creation of development guidelines within the TC and TCC zoning districts in Marmora and Seaville which emphasize planning principles such as pedestrian/bike friendly areas, walkable centers, development to promote appropriate tax rates which do not negatively impact municipal or school district services, mixed uses which include architecturally interesting buildings, appropriate build-to-lines, significant open spaces with green buffers along the Route 9 corridor, strong connectivity among areas and uses with off-street parking in the rear of buildings and development which anticipates phased construction driven by market forces over a number of 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. The Township Committee of the Township of Upper hereby expresses its support of the ongoing work to create development guidelines for the TC and TCC zoning districts in the Marmora and Seaville sections of the Township in conjunction with the New Jersey Municipal Land Use Center with the stated objectives to develop livable, walkable and economically viable Town Center.
3. A copy of this Resolution shall be forwarded to the appropriate representatives of the New Jersey Municipal Land Use Center and the New Jersey Department of Transportation.

Resolution No. 138-2012
Offered by: Corson
Adopted: June 11, 2012

Seconded by: Newman

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> |

- 11. Authorizing the Issuance of Municipal Limousine Licenses to Atlantic Cape Transportation, LLC Delores Jackson, Christoph Jackson and Christoph Jackson, Jr.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 139 -2012

**RE: AUTHORIZING THE ISSUANCE OF MUNICIPAL LIMOUSINE LICENSES
TO ATLANTIC CAPE TRANSPORTATION, LLC, DELORES JACKSON,
CHRISTOPH JACKSON AND CHRISTOPH JACKSON, JR.**

WHEREAS, Atlantic Cape Transportation LLC, Delores Jackson, Christoph Jackson and Christoph Jackson, Jr. (“Applicants”) have applied to the Township of Upper for limousine licenses pursuant to Upper Township Code Section 4-2 and N.J.S.A. 48:16-17; and

WHEREAS, Applicants have filed the required insurance policy, paid all applicable fees and satisfied all requirements of Upper Township Code Section 4-2; and

WHEREAS, the Upper Township Zoning Officer has confirmed that the business location meets the requirements of the Upper Township Zoning and Site Plan Ordinances; and

WHEREAS, the Township Committee desires to authorize the Township Clerk to issue limousine licenses to the Applicants in accordance with N.J.S.A. 48:16-17 and Upper Township Code Section 4-2;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey that the Township Clerk is hereby directed to issue limousine licenses to Applicants subject to and in accordance with Upper Township Code Section 4-2 and N.J.S.A. 48:16-17.

Resolution No. 139-2012
 Offered by: Corson
 Adopted: June 11, 2012

Seconded by: Newman

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

NEW BUSINESS

11. Breunig Contracting request for a refund of construction permit fees.

Motion made by Curtis Corson, second by Richard Palombo to approve the request. During roll call vote four Committee members voted in the affirmative. Jay Newman abstained.

UNFINISHED BUSINESS:

DISCUSSION

PAYMENT OF BILLS:

12. “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 Curtis Corson second by Jay Newman to approve all bills submitted for payment. During roll call vote all five Committee members voted in the affirmative.

Payroll: \$163,523.02
 Bills approved for payment: \$100,862.57

REPORT OF MUNICIPAL DEPARTMENTS:

- 13. Construction Code**
- 14. Clerk's Office**
- 15. Animal Control**
- 16. Tax Collector**
- 17. Zoning Office**
- 18. Finance Office**
- 19. Municipal Court**

Reports are available from the Clerk's Office.

PUBLIC COMMENT

During the public comment portion, there were no speakers from the public.

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.**

There were no closed session matters to discuss this evening.

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 8:30 P.M.
Next meeting scheduled for June 25, 2012 at 7:30 P.M.

Minutes prepared by

Wanda Gaglione, RMC
Municipal Clerk

BILL LIST

57691 06/11/12 A0004 A+ COMMERCIAL OFFICE CLEANERS 250.00 2732
57692 06/11/12 A0023 ADAMS, JOHN 89.95 2732
57693 06/11/12 A0025 ADVANTAGE RENTAL ACE HARDWARE 1,185.63 2732
57694 06/11/12 A0091 ATLANTIC CITY ELECTRIC 14,108.32 2732
57695 06/11/12 A0125 AVALON WEED & INSECT CONTROL 1,990.00 2732
57696 06/11/12 B0035 BELMONT & CRYSTAL SPRINGS 44.43 2732
57697 06/11/12 B0160 BONNER, ROSEMARY 30.00 2732
57698 06/11/12 B0184 BUSHONG, BRIAN 90.00 2732
57699 06/11/12 C0017 CRAIN, CHARLES 50.00 2732
57700 06/11/12 C0031 CAPE ASSIST 200.00 2732
57701 06/11/12 C0068 COMCAST 224.39 2732
57702 06/11/12 C0071 CAPEHART & SCATCHARD, P.A. 421.50 2732
57703 06/11/12 C0143 CODY'S POWER EQUIPMENT 101.05 2732
57704 06/11/12 C0194 CUMMINS POWER SYSTEMS, INC. 1,647.54 2732
57705 06/11/12 C0223 CASA PAYROLL SERVICE 246.55 2732

57706 06/11/12 C0242 CORE MECHANICAL, INC. 1,420.00 2732
57707 06/11/12 C0247 CMRS-FP 4,000.00 2732
57708 06/11/12 C0248 CHAPMAN FORD SALES, INC 159.41 2732
57709 06/11/12 D0016 DALEYS PIT 95.00 2732
57710 06/11/12 F0013 FARM RITE INC. 1,451.83 2732
57711 06/11/12 F0054 FORT DEARBORN LIFE INSURANCE 466.35 2732
57712 06/11/12 G0040 GIBSON ASSOCIATES,P.A. 4,653.75 2732
57713 06/11/12 G0057 GLOBALSTAR USA LLC 84.98 2732
57714 06/11/12 G0086 W.W. GRAINGER, INC. 253.44 2732
57715 06/11/12 H0131 HPI PROCESSES, INC 282.10 2732
57716 06/11/12 H0144 HOOVER TRUCK CENTERS, INC 32.64 2732
57717 06/11/12 J0014 JC MILLER'S 478.37 2732
57718 06/11/12 J0063 JOHNSON WILSHIRE, INC 346.78 2732
57719 06/11/12 L0080 LOWES, INC. 113.28 2732
57720 06/11/12 M0012 McCAULEY, RICHARD 212.39 2732
57721 06/11/12 M0059 MCDANIELS, WILLIAM J. III 5.49 2732
57722 06/11/12 M0174 MCAFEE MEGAN 14.87 2732
57723 06/11/12 M0188 MCCARTHY TIRE SERVICE OF PHILA 0.00 06/11/12 VOID 0
57724 06/11/12 M0188 MCCARTHY TIRE SERVICE OF PHILA 2,368.91 2732
57725 06/11/12 M0222 MUNICIPAL CAPITAL CORPORATION 392.00 2732
57726 06/11/12 M0230 MCANJ 260.00 2732
57727 06/11/12 N0004 NJ-AMERICAN WATER CO. 242.91 2732
57728 06/11/12 N0043 NAPA AUTO PARTS OF S.JERSEY 0.00 06/11/12 VOID 0
57729 06/11/12 N0043 NAPA AUTO PARTS OF S.JERSEY 777.84 2732
57730 06/11/12 O0048 O/NEIL, JON 26.00 2732
57731 06/11/12 P0008 PALMER, NANCY 30.00 2732
57732 06/11/12 P0032 PEDRONI FUEL CO. 2,042.70 2732
57733 06/11/12 P0056 TURF EQUIPMENT AND SUPPLY CO 1,312.12 2732
57734 06/11/12 P0076 POSTMASTER-TUCKAHOE 188.00 2732
57735 06/11/12 P0089 PREMIER SCHOOL AGENDAS,INC. 2,128.80 2732
57736 06/11/12 P0133 PALOMBO, ALICIA 26.00 2732
57737 06/11/12 R0030 RIGGINS, INC. 6,824.97 2732
57738 06/11/12 R0044 RODIO TRACTOR SALES INC 97.16 2732
57739 06/11/12 R0092 RUTGERS, THE STATE UNIVERSITY 968.00 2732
57740 06/11/12 S0001 SAM'S CLUB 217.44 2732
57741 06/11/12 S0031 SCHULER SECURITY, INC. 360.00 2732
57742 06/11/12 S0056 SEASHORE ASPHALT CORPORATION 381.08 2732
57743 06/11/12 S0092 SHONE, LEROY 500.00 2732
57744 06/11/12 S01266 SPIEGEL, BARBARA 167.74 273
57745 06/11/12 S0196 STEWART BUSINESS SYSTEMS LLC 93.48 2732
57746 06/11/12 S0209 STAPLES ADVANTAGE 1,113.01 2732
57747 06/11/12 S0239 SHORE VET. ANIMAL CONTROL LLC 2,650.00 2732
57748 06/11/12 S0254 SHOPRITE 33.90 2732
57749 06/11/12 T0033 THE PRESS OF ATLANTIC CITY 189.80 2732
57750 06/11/12 T0052 TOWNSHIP OF DENNIS 1,000.00 2732
57751 06/11/12 T0067 TOWNSHIP OF UPPER PETTY CASH 20.09 2732
57752 06/11/12 T0074 TRANSAXLE LLC 1,174.90 2732
57753 06/11/12 U0003 U.S. MUNICIPAL SUPPLY, INC. 1,056.55 2732
57754 06/11/12 U0034 UPPER TWP.GIRLS SOFTBALL ASSOC 131.25 2732
57755 06/11/12 V0013 VERIZON WIRELESS 653.80 2732
57756 06/11/12 V0022 VERIZON 184.00 2732
57757 06/11/12 V0024 VAL-U AUTO PARTS L.L.C. 321.25 2732
57758 06/11/12 V0026 VITAL COMPUTER RESOURCES, INC. 100.00 2732
57759 06/11/12 W0020 WEINSTEIN SUPPLY 2.38 2732
57760 06/11/12 W0030 WEST PUBLISHING CO. 640.79 2732
57761 06/11/12 W0050 WIRELESS ELECTRONICS, INC. 17,393.96 2732
57762 06/11/12 Y0008 YOUNG, DANIEL J. ESQUIRE PC 17,416.70 2732
57763 06/11/12 Y0023 YOUNG, DANIEL J. ATTORNEY 2,625.00 2732
Total Paid: \$100,862.57