

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR JULY 23, 2012**

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 - **July 9, 2012 Regular Meeting and
Closed Session Minutes****

Motion was made by Curtis Corson, second by Jay Newman 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 a Free Rabies Clinic is tentatively scheduled for some time in the Fall, probably in September. He also reported that unfortunately the Endless Summer Soccer Tournament has been cancelled due to a lack of participation. He next reported that the surf chairs for Amanda’s Field and Caldwell Park will be received shortly. Public Information will be posted regarding the new AED’s recently placed at the parks as well as contact information for use of the chairs. Allowing sponsors to advertise on the surf chairs as seen in other municipalities was discussed briefly

Jay Newman, Committeeman, reported briefly on recent Fire and Rescue activities and the fatal accident that occurred on the GS Parkway reminding everyone to drive carefully. He made a motion to appoint Katrina Dore as a part time EMT, motion was seconded by Curtis Corson. During roll call vote all five Committee members voted in the affirmative.

Richard Palombo, Mayor, reported that Janet McBride from the Clerk’s Office has recently passed the state exam for Certified Municipal Registrar. The Clerk requested that she be appointed as an Alternate Deputy Registrar and receive the \$550 stipend

prorated for the remainder of this year and effective at the next pay period. Motion was made by Richard Palombo, seconded by Curtis Corson. During roll call vote all five Committee members voted in the affirmative.

OTHER REPORTS

Wanda Gaglione, Municipal Clerk, stated that it was reported to her that three young Upper Township residents, while jet skiing in the Ocean City Longport Inlet, assisted a family when their catamaran capsized; however it could not be confirmed with the Coast Guard. The Committee directed her to verify the event with officials and if confirmed to gather information to recognize the individuals. Mrs. Gaglione next requested permission to register Joanne Herron from the Clerk's Office into 2 courses for the Fall that would also allow her to sit for the NJ state exam for RMC. Motion was made by Jay Newman, second by Curtis Corson to grant the request. During roll call vote all five Committee members voted in the affirmative.

Daniel Young, Municipal Attorney, reported that there are three contract negotiation matters for closed session.

Barbara Spiegel, Chief Financial Officer, reported on a meeting with Ocean City Home Bank in that as of October 1st some of the services previously offered to the Township will no longer be offered. In addition the interest rate will be lowered on the municipal bank accounts. The Committee discussed setting a minimum amount that the customer can charge on their credit card and/or charging the customer a service fee for use of the card. A motion was made to set a minimum amount then after further discussing the matter the motion was withdrawn. Motion made by Curtis Corson, second by Jay Newman to authorize the CFO to put out an RFP or go out to bid, whichever is appropriate for banking services. During roll call vote all five Committee members voted in the affirmative.

Paul Dietrich, Municipal Engineer, gave an update on the COAH statutes and our affordable Housing Trust Fund. He discussed the law that pertains to the Rehab program in that the deadline for committing the funds that have been held in the fund for the last 4 years was Tuesday July 17, 2012. The law allows the state to claim the funds that are not committed by that date. Mr. Young discussed that there is no definition of committed. The Township has done everything thus far required by the program. Mr. Dietrich reported that as of Monday July 16, 2012 we have encumbered the funds necessary for our Affordable Housing Rehab Program. Mr. Dietrich next reported that the final phase of construction and paving of Route 50 is underway and detours along the route are in place. He briefly reported that he met with the NJDOT to discuss the Transportation Study and the guidelines to reconfigure the Route 9 area of the Marmora Town Center.

RESOLUTIONS

1. **Appointment of Adams Rehmann & Heggan of Hammonton, New Jersey to submit a grant request on behalf of the Township of Upper to the New Jersey Department of Environmental Protection's Hazardous Discharge Site Remediation Fund.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 159-2012
RE: APPOINTMENT OF ADAMS REHMANN & HEGGAN OF HAMMONTON,
NEW JERSEY TO SUBMIT A GRANT REQUEST ON BEHALF OF THE
TOWNSHIP OF UPPER TO THE NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION'S HAZARDOUS DISCHARGE SITE
REMEDIATION FUND**

WHEREAS, the Township requires an environmental engineer to prepare and submit a grant application and all supporting documents (which would include coordination with Township officials and/or the NJDEP to complete the required documents) to the New Jersey Department of Environmental Protections Hazardous Discharge Site Remediation Fund to obtain a grant which would include financial assistance concerning a Preliminary Assessment/Site Investigation of Block 339, Lots 1, 2, 3, 4, 5, 6, 7, 17, 18, 19, 20, 21, 22 and 23.

WHEREAS, a resolution is required authorizing the award of a contract for professional services to Adams Rehmann & Heggan (ARH); and

WHEREAS, ARH will be appointed as the Licensed Site Remediation Professional (LSRP) for the project to oversee the Remedial Investigation (RI); and

WHEREAS, if the Township of Upper receives grant funds ARH is authorized to complete the RI work in accordance with the grant proposal and the Site Remediation Reform Act; 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. ARH, with offices at 850 south White Horse Pike, Hammonton, New Jersey is hereby appointed Environmental Engineer to prepare and submit a grant application and all supporting documents to the New Jersey Department of Environmental Protection's Hazardous Discharge Site Remediation Fund and act as LSRP for the project.

3. The term of this contract is for a period not to exceed the length of time necessary for completion of the aforesaid project, unless sooner terminated by the Township of Upper, at the option of the Township of Upper.

4. The Mayor and other Township Officials are authorized to sign the necessary grant applications to the NJDEP.

5. 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 ARH, has professional knowledge as to environmental issues which knowledge is particularly valuable to the Township Committee.

6. This Contract is under and subject to any and all requirements of the State of New Jersey Hazardous Discharge Site Remediation Fund Municipal Grant Program and any and all agreements entered into by the Township of Upper in connection therewith.

7. This Contract is contingent upon the Township of Upper and ARH obtaining the appropriate legal authority to access the subject property and Project Site. ARH shall take no action unless and until the Township of Upper has been satisfied that the appropriate authority has been obtained to gain access to the Project Site.

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 ARH for environmental 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.

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 ARH, 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. 159-2012

Offered by: Corson

Seconded by: Newman

Adopted: July 23, 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. Canceling Taxes on Exempt Property.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
Resolution No. 160-2012
Canceling Taxes on Exempt Property**

WHEREAS, certain corrections have been recommended by the Upper

Township Tax Collector in order to correct tax records,

WHEREAS, certain properties became tax exempt for the year 2012,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that corrections to the Tax records are hereby authorized and the Tax Collector is hereby directed to correct said records or take such action as indicated on the attached sheet.

Resolution No.160-2012

Offered by: Corson Seconded by: Palombo

Adopted: July 23, 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>

2012 Taxes

564	28	\$2,102.33 (Stephen Savage)
564	30	\$3,630.68 (Ronald Promov)
567	27 C051	\$4,306.78 (Evelyn Palermo)

100% Totally Disabled Veteran - Tax Exempt for 2012

3. Tax Refund.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
Resolution No.161-2012
TAX REFUND

WHEREAS, certain corrections have been recommended by the Upper Township Tax Collector in order to refund monies,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of

the Township of Upper, Cape May County, that corrections to the Tax records are hereby authorized and the Tax Collector is hereby directed to correct said records or take such action as indicated on the attached sheet.

Resolution No.161-2012

Offered by: Newman

Seconded by: Barr

Adopted: July 23, 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>

REFUND 2012

BLOCK/LOT	AMOUNT	NAME
564/30	\$505.61	RONALD PROMOV 27 HOPE CORSON RD SEAVILLE,NJ 08230
567/27/C051	\$92.07	EVELYN PALERMO 1731 RT US 9 SO #51 SEAVILLE, NJ 08230

100% TOTALLY DISABLED VETERAN

- 4. Authorizing the execution of a Subcontract with the County of Cape May for the 2013 Municipal Alliance Program.**

**TOWNSHIP OF UPPER
COUNTY OF CAPE MAY
R E S O L U T I O N
RESOLUTION NO. 162-2012
AUTHORIZING THE EXECUTION OF A SUBCONTRACT
WITH THE COUNTY OF CAPE MAY FOR THE
2013 MUNICIPAL ALLIANCE PROGRAM**

WHEREAS, pursuant to P. L. 1989, Ch. 51, the Municipal Alliance Program has been made available to each county in order to increase drug and alcohol prevention services; and

WHEREAS, the City of Ocean City and the Township of Upper have agreed to participate together in this effort and have designated Upper Township as the lead municipality; and

WHEREAS, the Township of Upper has agreed to organize and coordinate efforts involving schools, law enforcement, businesses, local organizations and the community to work toward the development and implementation of community based alcoholism and drug abuse education, awareness, and alternative and prevention programs for our school aged children; and

WHEREAS, the Cape May County Department of Human Services has informed the Township of Upper/City of Ocean City Municipal Alliance Committee of its eligibility to apply for Municipal Alliance funds in the amount of:

DEDR Funds.....	\$25,531.00
Amount of Local In-Kind Match.....	\$19,148.00
Amount of Local Cash Match.....	\$ 6,383.00

TOTAL AMOUNT OF SUBCONTRACT.....\$51,062.00

WHEREAS, the Township of Upper wishes to apply for said funding; and

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

1. The allegations of the preamble are incorporated herein by this reference.

2. The Township as lead agency is hereby authorized to submit an application for Municipal Alliance funding for 2013 in the amount specified in this Resolution or for such other amounts as may become available, and the Mayor and Township Clerk are further authorized and directed to execute a Sub-Contract on behalf of the Township with the County of Cape May for the period of January 1, 2013 to

December 31, 2013. Such actions of the Township are contingent upon the proper authorization of the participation of the City of Ocean City.

3. Upon confirmation of such authorization from the City of Ocean City, the Chief Financial Officer, Mayor, or Municipal Clerk of the Township of Upper, as appropriate, is hereby authorized and directed to execute the section of the subcontract entitled "Statement of Assurances".

4. A certified copy of this Resolution shall be submitted to the County of Cape May in the Department of Human Services, together with the completed application.

5. All Township officials and officers are hereby authorized and directed to take all action necessary in order to carry out the intent and purpose of this Resolution.

Resolution No. 162-2012

Offered by: Newman

Seconded by: Corson

Adopted: July 23, 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. Amending Resolution No. 116-2012 Designating Certain Strathmere Beach Areas in the Township of Upper as a Surfing Beach and a Catamaran/Sailboat Beach for the 2012 Summer Season.

TOWNSHIP OF UPPER

CAPE MAY COUNTY

R E S O L U T I O N

RESOLUTION NO. 163-2012

RE: AMENDING RESOLUTION NO. 116-2012 DESIGNATING CERTAIN STRATHMERE BEACH AREAS IN THE TOWNSHIP OF UPPER AS A SURFING BEACH AND A CATAMARAN/SAILBOAT BEACH FOR THE 2012 SUMMER SEASON

WHEREAS, in accordance with Chapter IX entitled *Recreational Facilities*, of the Revised General Ordinances it is necessary to designate certain beach areas along the Strathmere shore in the Township of Upper strictly for the use of surfboards, sailboats, catamarans and other similar devices, for the 2012 summer season.

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. It has been determined by the Township Committee that for the 2012 summer season:

- **Surfing Beach: Between Vincent Avenue and Sherman Avenue**
- **Catamaran/Sailboat Beach: Nelson Avenue**

3. A map designating these areas has been provided by the Township Engineer and shall be attached hereto as Exhibit A.

4. In accordance with the Revised General Ordinances of the Township of Upper, use of the designated beaches for surfboards, sailboats, catamarans, etc. are permitted only between the hours of 6:00 AM and 9:00 PM. Swimming on the beach areas designated above is prohibited except in front of lifeguard stand. Owners of permitted catamarans as defined in the ordinance are required to obtain a license from the Township Clerk's Office.

5. During imminent storm all watercraft shall be removed from the designated beach areas.

Resolution No. 163-2012

Offered by: Corson

Seconded by: Barr

Adopted: July 23, 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 the Mayor and Township Clerk to sign a contract with Cape Professional Billing, Inc., DBA Cape Medical Billing for Emergency Medical Billing Services.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 164 -2012**

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A
CONTRACT WITH CAPE PROFESSIONAL BILLING, INC., DBA CAPE
MEDICAL BILLING FOR EMERGENCY MEDICAL BILLING SERVICES**

WHEREAS, Cape Professional Billing, Inc. of 5 Locust Lane P.O. Box 670, Cape May Court House, New Jersey 08210 has submitted a proposal to renew a contract with the Township of Upper for emergency medical billing services; and

WHEREAS, the Township of Upper has previously contracted with Cape Professional Billing, Inc. for emergency medical billing services and wishes to continue such relationship by accepting the proposal and entering into another contract to cover the period of August 1, 2012 to July 31, 2013; and

WHEREAS, the proposed contract has been reviewed and approved by the Municipal Attorney and will be on record in the office of the Township Clerk and available for public inspection and is attached hereto as Exhibit "A"; and

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

WHEREAS, the Township's purchasing agent has determined that this contract is less than the bid threshold and may be awarded to Cape Professional Billing, Inc. since their response to requests for quotes was deemed by the Township Committee as most advantageous, price and other factors considered; 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 Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with Cape Professional Billing to provide billing services for emergency medical services.
3. Cape Professional Billing 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.
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. 164-2012

Offered by: Newman

Seconded by: Inserra

Adopted: July 23, 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 Mayor to sign an Indemnification Agreement with the Cape May County Bridge Commission for the parking of a Township vehicle on the Commission's property at 2 Commonwealth Avenue, Strathmere.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 165 -2012**

**RE: AUTHORIZING THE MAYOR TO SIGN AN INDEMNIFICATION
AGREEMENT WITH THE CAPE MAY COUNTY BRIDGE COMMISSION
FOR THE PARKING OF A TOWNSHIP VEHICLE ON THE
COMMISSION'S PROPERTY AT 2 COMMONWEALTH AVENUE,
STRATHMERE**

WHEREAS, The Township of Upper has requested permission to park a trailer on the property of the Cape May County Bridge Commission located at 2 Commonwealth Avenue in Strathmere; and

WHEREAS, the Cape May County Bridge Commission is requiring the Township to sign an Indemnification Agreement; and

WHEREAS, the Indemnification Agreement has been reviewed and approved by the Municipal Attorney and is attached hereto as Exhibit A.

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 execute an Indemnification Agreement with the Cape May County Bridge Commission on behalf of the Township of Upper.
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. 165-2012

Offered by: Newman

Seconded by: Inserra

Adopted: July 23, 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 USA Triathlon Association sanctioned international distance race to be held in Beesley's Point, New Jersey on Sunday August 12, 2012.**

TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 166-2012
RE: AUTHORIZING A USA TRIATHLON ASSOCIATION SANCTIONED
INTERNATIONAL DISTANCE RACE TO BE HELD
IN BEESLEY'S POINT,
NEW JERSEY ON SUNDAY AUGUST 12, 2012

WHEREAS, Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC., of 322, 2nd Street, #3, Brooklyn, NY 11238, have submitted a proposal to the Upper Township Committee requesting authority to hold an international distance race in Beesley's Point, New Jersey, including the use of Township roads and the Beesley's Point Beach parking lot, on August 12, 2012, which will consist of a run course, swim course, and a bike course, with participants arriving and utilizing the Beesley's Point Parking lot at 5:00 a.m. and activities commencing at 7:30 a.m., as more particularly specified in their proposal, a copy of which is attached hereto as Exhibit "A";

WHEREAS, the run segments will travel NJSH Route 9 and the bike segment will utilize Township, County and State roads in Upper Township as described on maps attached hereto as Exhibit "B"; and

WHEREAS, the proposed event is sanctioned and insured by the USA Triathlon Association copy of insurance certificate attached as Exhibit "C"; and

WHEREAS, a vehicle management plan has been prepared with additional parking at Tuckahoe Inn, Beesley's Point Sea Doo, BL England property, and various neighborhoods, plan, maps and letters of permission from businesses are attached hereto as Exhibit "D"; and

WHEREAS, the event organizers have 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 race or race course; and

WHEREAS, a liability release and waiver from every participant in the triathlon has been provided on a form acceptable to the Township Solicitor; 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 extent that it has jurisdiction to do so, to Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC. for the race event to be held on August 12, 2012 as specified in this Resolution and in the accompanying Exhibits subject to and conditioned upon the following:

- (A) The event described in this Resolution is carried out by Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC.. These sponsors have no connection, direct or indirect,

with the Township of Upper or any of its officials or employees. These sponsors shall not, in any way, directly or indirectly, represent that the race is, in any way, associated with or affiliated with the Township of Upper and shall make clear that the event is carried out with all appropriate governmental and other approvals. Although the Township of Upper has given permission, subject to the terms of this Resolution, to these event sponsors to conduct the proposed race, it must be made clear that the event is not and shall not be considered a Township of Upper sponsored or sanctioned event.

- (B) Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC., has provided general comprehensive liability insurance in form and substance satisfactory to the Township of Upper's Risk Management Consultant. A Certificate of Insurance has been provided to the Township Clerk, which the Risk Management Consultant of the Township of Upper has approved Certificate of Insurance. Said Certificate of Insurance names the Township of Upper, its officials, officers and employees, as an additional insured.
- (C) Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC., the event

sponsors, have obtained written approval from and comply 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.
- (iv) Cape May County Board of Chosen Freeholders.

The event sponsors have provided written authorization from the above entities, including any conditions required of said entities, to the Township Clerk.

- (D) Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC. 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 “E”.
- (E) Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC., the event sponsors, shall provide at least four (4) fully certified lifeguard personnel for the event. Copies of lifeguard certifications must be submitted to the Clerk’s Office no later than one week prior to the event. No “On

Duty” Township lifeguards are to be used during this event, and no Township equipment shall be used during this event. Any off duty lifeguards utilized shall be the employees of the event sponsors only and not of the Township

(F) The event is expressly limited to 350 participants only.

(G) 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.

(H) Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC., have executed and provided to the Township of Upper an approved Use of Facilities Agreement.

(I) Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC., shall remit to the Township, before the event, the appropriate fee in accordance with Ordinance No. 017-2011 and shall also fully comply

with the requirements of said Ordinance. This fee shall include the amount required for closure of the boat ramp and the hourly fee for use of the parking lot since it is a facility not specifically identified in the ordinance. The use of the parking lot terminates at 11:00 a.m.

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. 166-2012

Offered by: Barr

Seconded by: Inserra

Adopted: July 23, 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. Designating the Tuckahoe Beach as an area where small non-motorized watercraft such as kayaks and canoes can be used.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N**

RESOLUTION NO. 167-2012

RE: DESIGNATING THE TUCKAHOE BEACH AS AN AREA WHERE SMALL NON-MOTORIZED WATERCRAFT SUCH AS KAYAKS AND CANOES CAN BE USED

WHEREAS, in accordance with Chapter IX entitled Recreation Facilities of the Revised General Ordinances of the Township of Upper it is appropriate to designate certain beach areas where non-motorized small watercraft may be permitted; and

WHEREAS, the Township Committee recognizes that it would be appropriate to permit kayaks, canoes and similar small non-motorized watercraft at the Tuckahoe beach area;

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

1. The allegations of the preamble are incorporated herein by this reference.
2. In accordance with Code Sections 9-1.3c and 9-1.4 the Tuckahoe beach area shall be designated as an area within which small non-motorized watercraft such as kayaks and canoes may be permitted.
3. Appropriate signage shall be installed at the Tuckahoe beach area designating the beach as permitting such non-motorized watercraft and advising that all other watercraft or vehicles are prohibited.
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. 167-2012

Offered by: Corson

Seconded by: Inserra

Adopted: July 23, 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>	___	___	___

ORDINANCES

10. **Introduction and first reading of Ordinance No. 006-2012 RE: AN ORDINANCE AMENDING ORDINANCE NO. 027-2011 KNOWN AS THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2012.** Motion by Curtis Corson second by Richard Palombo to introduce Ordinance No. 006-2012 with public hearing and final adoption scheduled for August 27, 2012 at 7:30 P.M. During roll call vote all five Committee members present voted in the affirmative.

TOWNSHIP OF UPPER

**CAPE MAY COUNTY
O R D I N A N C E
ORDINANCE NO. 006-2012
RE: AN ORDINANCE AMENDING ORDINANCE NO. 027-2011 KNOWN AS
THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2012**

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

SECTION 1: Ordinance No.027-2011, known as the Salary Ordinance of 2012 is hereby amended as hereinafter provided:

SECTION 2: SALARIES:

E. PUBLIC WORKS/SPORTS AND RECREATIONAL PROGRAMS:

<u>Title</u>	<u>Minimum</u>	<u>Maximum-2012</u>
Laborer 5 th year	\$12,500.00	\$44,540.00

SECTION 3: SEVERABILITY: If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION 4: REPEALER: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

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

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 23th DAY OF JULY, 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 27th DAY OF AUGUST, 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

11. **Introduction and first reading of Ordinance No. 007-2012 RE: AN ORDINANCE VACATING THAT PAPER STREET KNOWN AS PUBLIC ALLEY BETWEEN PRESCOTT AVENUE AND PUTNAM AVENUE ADJACENT TO BLOCK 824 WITHIN THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY.** Motion by Curtis Corson second by Anthony Inserra to introduce Ordinance No. 007-2012 with public hearing and final adoption scheduled for August 27, 2012 at 7:30 P.M. During roll call vote all five Committee members present voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
O R D I N A N C E
ORDINANCE NO. 007-2012**

RE: AN ORDINANCE VACATING THAT PAPER STREET KNOWN AS PUBLIC ALLEY BETWEEN PRESCOTT AVENUE AND PUTNAM AVENUE ADJACENT TO BLOCK 824 WITHIN THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY

WHEREAS, N.J.S.A. 40:67-1 authorizes the Governing Body of a municipality to adopt an Ordinance, among other things, to vacate any street, highway, lane, alley, square, place or park, or any part thereof, dedicated to public use but not accepted by the municipality, whether or not the same, or any portion, has been actually opened or improved; and

WHEREAS, James F. Bonner is the owner of Block 824 Lot 11 and has requested that the Township vacate a certain alley described in this Ordinance and has agreed to pay the costs incurred by the Township to vacate said alley; and

WHEREAS, the Township Committee has duly considered the matter and it appears reasonable to agree to the request since there is no present or foreseeable need or intention to utilize said roadway; and

WHEREAS, it is deemed to be in the public interest to vacate the Public Alley between Prescott Avenue and Putnam Avenue within the Township of Upper, as hereinafter provided.

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

SECTION 1: The public right in, along, upon and over the following described land is hereby vacated, surrendered and extinguished:

Description

Vacation of Alley in

Block 824 and adjacent to Lots 5, 6, 8 and 11
as shown on Tax Map Sheet No. 33.01
Strathmere Section of
Township of Upper

BEGINNING at the Southwesterly intersection of the alley and Prescott Avenue extending in a Northerly direction along the Westerly line of the alley adjacent to Lots 8 & 5 Block 824 a distance of 200' to a point; thence in a Easterly direction across the alley along the Southerly line of Putnam Avenue a distance of 10'; thence extending in a Southerly direction along the Easterly line of the alley adjacent to Lots 6 & 11 Block 824 a distance of 200' to a point; thence across the alley along the Northerly line of Prescott Avenue a distance of 10' to the point of beginning.

SECTION 2: This Ordinance vacates no portion of the alley except that portion set forth and described in **SECTION 1** above.

SECTION 3: EXCEPTION: This Ordinance expressly reserves and excepts from vacation all rights and privileges now possessed by public utilities, as defined in R.S. 48:2-13, and by any cable television company, as defined in the "Cable Television Act", P.L. 1972, c. 186, (C.48:5A-1, et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated, as hereinabove described.

SECTION 4: REPEALER: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

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

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 23rd DAY OF JULY, 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 27th DAY OF AUGUST, 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

CORRESPONDENCE

12. **Letter from the United States Postal Service denying request for new Zip Code in Upper Township.** Motion was made by Anthony Inserra, second by Jay Newman to appeal the decision of the Postal Service. During roll call vote all five Committee members voted in the affirmative.

NEW BUSINESS

UNFINISHED BUSINESS

13. **Proposed Ordinance Re: Time limited Parking on Commonwealth Avenue in Strathmere.** At a previous meeting the Committee directed that a draft ordinance be prepared for "time limited parking on Commonwealth Avenue". In the interim the County has adopted a resolution for limited parking. Mr. Young reported that he placed a call to County Council to discuss the matter further however has not heard back by the time of this meeting. He does not anticipate any problems in coordination with the County.

DISCUSSION

PAYMENT OF BILLS:

14. **"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.

Bills submitted for payment: \$1,623,809.44
Payroll: \$204,946.82

REPORT OF MUNICIPAL DEPARTMENTS:

- 15. Municipal Court**
- 16. Zoning Officer**
- 17. Tax Collector Certification Re: mailing of 2012 Final/2013 Preliminary tax bills and advice copies.** Motion to accept the Certification by Curtis Corson, second by Jay Newman. During roll call vote all five Committee members voted in the affirmative.

Reports are available from the Clerk's Office.

PUBLIC COMMENT

Russell Morano, 5 Red Oak Drive, Marmora, reported that he sent emails to Township Committee members and the Engineer regarding a problem with flooding in front of his home and requested that they visit the site during a heavy rainfall. Mr. Dietrich agreed that the street floods during very heavy rainfall but that the flooding is temporary until the system can accommodate the water. He explained that the drainage system in that area was not designed for the rainfall recently experienced. The conveyance pipes are designed for a 10-year storm and short periods of street flooding will occur. It was also discussed that the system is cleaned by the Township twice a year and that a replacement of the drainage system would cost over \$25000.

CLOSED SESSION

- 18. 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
RESOLUTION NO. 168-2012
MOTION GOING INTO CLOSED SESSION
July 23, 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 negotiation – EMS Collection Services
2. Contract negotiation – Shared Services Agreement with Upper Township School Board of Education for school maintenance and repairs.
3. Contract negotiation – Mass Care Shelter Agreement

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.

Motion made by Jay Newman
Motion seconded by Curtis Corson.

During roll call vote all five Township Committee members 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 8:50 P.M. Motion to adjourn made by Jay Newman and seconded by Curtis Corson with all five Committee members voting in the affirmative. Next meeting scheduled for August 13, 2012 at 7:30 P.M.

Minutes prepared by

Wanda Gaglione, RMC
Municipal Clerk

Bill List

57908 07/23/12 A0006 ADVANCE TREADS INC 356.00 2737
57909 07/23/12 A0017 ATLANTIC CO. MUNICIPAL JIF 89,213.00 2737
57910 07/23/12 A0018 ACTION SUPPLY INC. 265.74 2737
57911 07/23/12 A0025 ADVANTAGE RENTAL ACE HARDWARE 932.67 2737
57912 07/23/12 A0027 ACE PLUMBING SUPPLY,INC 1,327.06 2737
57913 07/23/12 A0091 ATLANTIC CITY ELECTRIC 2,111.42 2737
57914 07/23/12 A0122 ANSELL,ZARO,GRIMM & AARON 1,802.50 2737
57915 07/23/12 A0132 ADCO COMPANY-THE SAFETY STORE 858.60 2737
57916 07/23/12 B0152 BUCHANAN, KAREN A. 62.01 2737
57917 07/23/12 B0160 BONNER, ROSEMARY 150.00 2737
57918 07/23/12 B0209 BOFFA, BLAKE 26.00 2737
57919 07/23/12 C0019 CITY OF OCEAN CITY 53,555.00 2737
57920 07/23/12 C0046 CAPE MAY COUNTY CLERK 4,265.84 2737
57921 07/23/12 C0048 CAPE MAY COUNTY MUA 34,601.25 2737
57922 07/23/12 C0052 CAPE MAY COUNTY TREASURER 1,255,802.40 2737
57923 07/23/12 C0060 CAPRIONI'S PORTABLE TOILETS 2,201.00 2737
57924 07/23/12 C0068 COMCAST 239.32 2737
57925 07/23/12 C0071 CAPEHART & SCATCHARD, P.A. 405.00 2737
57926 07/23/12 C0078 CARTER, EDWARD, SR. 139.99 2737
57927 07/23/12 C0131 CINTAS FIRST AID & SAFETY 92.01 2737
57928 07/23/12 C0146 COLLINS IRON WORKS, INC. 469.50 2737
57929 07/23/12 C0156 COMPUTER HOUSE OF SOUTH JERSEY 17.86 2737
57930 07/23/12 C0223 CASA PAYROLL SERVICE 294.55 2737
57931 07/23/12 C0230 CATAMARAN MEDIA COMPANY 162.00 2737
57932 07/23/12 D0040 DELTA DENTAL OF N.J. INC. 7,096.51 2737
57933 07/23/12 D0077 DIETRICH,PAUL 500.00 2737
57934 07/23/12 D0080 DOWNAM, HARRY J. JR. 49.95 2737
57935 07/23/12 D0096 DELL MARKETING L.P. 1,605.99 2737

57936 07/23/12 E0012 EHRLICH PEST CONTROL INC 77.79 2737
57937 07/23/12 F0049 FOGLIO'S CARPET & DESIGN CENTE 1,527.36 2737
57938 07/23/12 F0163 FREITAG, ABIGAIL 26.00 2737
57939 07/23/12 G0016 GARDNER HARDWARE INC. 458.82 2737
57940 07/23/12 G0040 GIBSON ASSOCIATES,P.A. 2,850.00 2737
57941 07/23/12 G0086 W.W. GRAINGER, INC. 1,664.00 2737
57942 07/23/12 H0016 HANDLEY, WILLIAM 26.00 2737
57943 07/23/12 H0095 HORIZON BCBSNJ 120,873.86 2737
57944 07/23/12 J0014 JC MILLER'S 408.51 2737
57945 07/23/12 L0032 LAROSA, JOSEPH A 26.00 2737
57946 07/23/12 L0072 LLOYD, JOEL 207.90 2737
57947 07/23/12 L0075 LEXISNEXIS T/A MATTHEW BENDER 66.00 2737
57948 07/23/12 L0080 LOWES, INC. 107.92 2737
57949 07/23/12 L0087 LINE SYSTEMS INC 2,710.61 2737
57950 07/23/12 M0012 MCCAULEY, RICHARD 99.99 2737
57951 07/23/12 M0032 MARINE RESCUE PRODUCTS,INC. 2,672.00 2737
57952 07/23/12 M0059 MCDANIELS, WILLIAM J. III 54.96 2737
57953 07/23/12 M0121 MCCROSSON, JANET 150.00 2737
57954 07/23/12 M0136 MUNICIPAL RECORD SERVICE 226.50 2737
57955 07/23/12 M0174 MCAFEE MEGAN 17.38 2737
57956 07/23/12 M0188 MCCARTHY TIRE SERVICE OF PHILA 294.86 2737
57957 07/23/12 M0209 MAYBERRY, JOHN D 96.91 2737
57958 07/23/12 M0224 McBRIDE, JANET E 104.34 2737
57959 07/23/12 N0043 NAPA AUTO PARTS OF S.JERSEY 208.49 2737
57960 07/23/12 N0052 NATL YOUTH SPORTS COACHED ASSN 60.00 2737
57961 07/23/12 N0092 NJ EMERGENCY MANAGEMENT ASSOC 75.00 2737
57962 07/23/12 N0131 DEFINED CONTRIB RETIRE PROGRAM 77.94 2737
57963 07/23/12 O0006 SJSHORE MARKETING,LLC 81.54 2737
57964 07/23/12 O0042 ORCHARDS HYDRAULIC SERVICE INC 346.04 2737
57965 07/23/12 P0016 PALOMBO, DANIEL 26.00 2737
57966 07/23/12 P0032 PEDRONI FUEL CO. 2,693.70 2737
57967 07/23/12 P0056 TURF EQUIPMENT AND SUPPLY CO 8.16 2737
57968 07/23/12 P0073 POGUE INC. 266.00 2737
57969 07/23/12 P0082 POTTER, JAY 60.00 2737
57970 07/23/12 P0117 PYROTECNICO 3,000.00 2737
57971 07/23/12 P0127 PELLI, ROBERT 26.00 2737
57972 07/23/12 Q0003 QC LABORATORIES 696.20 2737
57973 07/23/12 R0030 RIGGINS, INC. 10,081.86 2737
57974 07/23/12 S0056 SEASHORE ASPHALT CORPORATION 277.30 2737
57975 07/23/12 S0113 SMITH,THOMAS G. 269.65 2737
57976 07/23/12 S0121 SMUZ, THERESE A 19.14 2737
57977 07/23/12 S0134 SO. JERSEY GAS COMPANY 140.18 2737
57978 07/23/12 S0162 SHAFTS AND SLEEVES CO., INC. 4,598.67 2737
57979 07/23/12 S0209 STAPLES ADVANTAGE 142.80 2737
57980 07/23/12 S0239 SHORE VET. ANIMAL CONTROL LLC 2,500.00 2737
57981 07/23/12 S0254 SHOPRITE 2.78 2737
57982 07/23/12 S0263 S.F. SHAFFER COMPANY 906.25 2737
57983 07/23/12 T0022 TERMINIX 106.00 2737
57984 07/23/12 T0044 THOMSON, KERRY AGENCY 1,416.00 2737
57985 07/23/12 T0067 TOWNSHIP OF UPPER PETTY CASH 73.81 2737
57986 07/23/12 T0074 TRANSAXLE LLC 881.38 2737
57987 07/23/12 V0005 VAN EMBDEN, NATHAN, ATTORNEY 195.00 2737
57988 07/23/12 V0022 VERIZON 185.11 2737
57989 07/23/12 V0024 VAL-U AUTO PARTS L.L.C. 799.70 2737
57990 07/23/12 V0027 VANORDER, ROGER 237.86 2737

Total Paid: \$1,623,809.44