

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR AUGUST 13, 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 23, 2012 Regular Meeting and
Closed Session Minutes**

Motion was made by Jay Newman, seconded 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 on a meeting he and Paul Dietrich held with the Baseball Board members at which the work at Amanda’s Field and the proposed timeline for completion were discussed. Mr. Barr next reported on a meeting he and Mayor Palombo had with Freeholder Gabor and Freeholder Morey regarding the Upper Township Senior Center. A proposal for the Township to partner with the County in manning the facility for both senior programs as well as programs for Veterans and Health and Wellness is under consideration.

Anthony Inserra, Committeeman, inquired about the progress of the repair to Perry Road near the railroad tracks in Petersburg. Mr. Dietrich reported that repairs scheduled for Perry Road are on schedule. Mr. Inserra next reported that the County has identified more than 500 large dead trees along roadways throughout the County and that the County is working on having them removed. He next stated that the entrance and exit to the Garden State Parkway on Roosevelt Boulevard is an eyesore with the NJDOT’s construction equipment and various materials situated there. He also mentioned that it was reported that traffic has been tied up at various times due to moving heavy equipment to and from the site. He will submit a letter to the NJDOT requesting them to improve the site or perhaps move it to another location. Later in the meeting Mr. Inserra reported on an incident of an automatic weapon being

discharged in close proximity to the Hunt Field development in Tuckahoe. Mr. Young advised that an Ordinance restricting the discharge of firearms inside town limits could be adopted as long as the ordinance is consistent with State regulations and befits the current customary legal gun usage in the Township. Mr. Young was directed to draft a proposed ordinance for the Committee's review.

Curtis Corson, Committeeman, congratulated Barbara Spiegel on becoming certified as a Qualified Purchasing Agent (QPA). He then made a motion, seconded by Jay Newman to award Barbara Spiegel a \$1,000 stipend in accordance with the personnel manual. During roll call vote all five Committee members voted in the affirmative. The many benefits of having a QPA were discussed. Mr. Corson next made a motion, seconded by Jay Newman to increase the bid threshold as allowed by statute for municipalities with a QPA. During roll call vote all five Committee members voted in the affirmative. A resolution to increase the bid threshold will be placed on the next agenda.

Richard Palombo, Mayor, reported on the status of the Mass Care Shelter agreement. Mr. Young stated that the Shared Services Agreement with the Upper Township School, scheduled for adoption tonight, authorizes the use of the facilities to shelter Township residents and also provides authorization to shelter residents of other municipalities on an emergent basis. It was also noted that the previous Mass Care Shelter agreement was obsolete and that the resolution on tonight's agenda would supersede it.

OTHER REPORTS

Daniel Young, Municipal Attorney, reported that there are few closed session items - three contract negotiation items, a litigation matter, and a personnel matter.

Paul Dietrich, Municipal Engineer, reported that four additional bids were received for the Affordable Housing Rehabilitation Program projects. He also stated that a certification that the Township has committed the necessary funds in accordance with the COAH rules and regulations was submitted to the State last week. In addition the funds that are committed to cover the obligations will not impact the Townships budget in that no budgetary money will be put out to cover the obligations. The latest Appellate Division ruling regarding the State seizure of municipalities' Affordable Housing funds was discussed.

Barbara Spiegel, Chief Finance Officer, requested approval for Rosemary Trout to attend a purchasing course. Motion by Curtis Corson, second by Anthony Inserra to approve the request. During roll call vote all five Committee members voted in the affirmative

RESOLUTIONS

- 1. Dedicating the Upper Township Beach Patrol Lifeguard boat the "Legacy" in memory of Elizabeth Bergus, Amy Massey, Gerry Bonsall, and Douglas Knobb.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 169-2012
RE: DEDICATING THE UPPER TOWNSHIP BEACH PATROL LIFEGUARD BOAT
THE "LEGACY"
IN MEMORY OF ELIZABETH BERGUS, AMY MASSEY,**

WHEREAS, the Township Committee traditionally dedicates their Beach Patrol life boats to distinguished individuals recognized for their dedication to this community; and

WHEREAS, the Township Committee wishes to commemorate the lives of four individuals that left us all too soon and in appreciation and recognition of their faithful and passionate service to this community the Upper Township Beach Patrol Lifeboat the “Legacy” is dedicated in their memory; and

NOW, THEREFORE BE IT RESOLVED that the Upper Township Beach Patrol Lifeboat called the “Legacy” is hereby dedicated to the following individuals and that each of their names is to be hereby placed on the boat for all to see:

1. **ELIZABETH BERGUS.** Though much of her young adult life was spent abroad, Elizabeth considered Strathmere her home and returned as often as she could, eventually retiring here in 1980. She immersed herself in the community for the next three decades, first training as a firefighter, and then as an EMT. She served on the Upper Township Zoning Board and as a Deputy Director of Emergency Management. Elizabeth marked her years in Upper Township by her exemplary dedication to this community, working for its betterment and demonstrating her concern for others, especially our youth through her generous support of various programs. Elizabeth became a valued friend and an unofficial ambassador to Upper Township and Strathmere, and could be found at almost every Township Committee meeting for over 25 years until her untimely death in 2007 took this legend of Upper Township from us.

2. **AMY MASSEY.** Amy Massey was a lifeguard for the UTBP for six years. At one time she was the only female guard on the patrol and was considered a superior lifeguard and a huge asset to the Beach Patrol. Amy possessed a passionate desire to live her life to the fullest degree, which was apparent to everyone who had the pleasure of knowing her. We believe her experiences in Strathmere and with the UTBP were the inspirations that led her to a long and successful career with the National Oceanic Atmospheric Association (NOAA), where she created programs to protect ocean reefs. She dedicated her life to preserving all that the ocean provides to our world. Amy served our community and our planet well before her untimely death in 2009 took this legend of Upper Township from us.

3. **GERRY BONSTALL.** Lt. Gerry Bonsall was a lifeguard for the UTBP for six years, serving as Lieutenant of the patrol during the 1989 and 1990 seasons. Gerry attended Rutgers University and then went into a career in law enforcement with the Voorhees Police Department. He spent 17 years in the Police Department where he served as the Commander of the SWAT unit. Gerry was a gifted athlete and spent most of his free time in Strathmere as an active member of the Strathmere Fishing and Environmental Club. As a lifeguard and a police officer, Gerry dedicated his life to protecting and serving the public until his untimely death in 2010 took this legend of Upper Township from us.

4. **DOUGLAS KNOBB.** Despite battling illness most of his life, Doug graduated from Ocean City High School in 2003 and went on to receive his RN from Atlantic Cape Community College. Although unable to fully fulfill his dream of practicing as an RN, he worked as a Pharmacy Tech at CVS and as an EMT for the Upper Township Rescue Squad for 3 years. Doug was an advocate for the Gift of Life Foundation, and faithfully and passionately donated his skill and compassion to others in their time of need. Doug always had a smile on his face and a pleasant attitude, living his life to the fullest with no regrets. Doug served this community with great honor and distinction until his untimely death in 2010 took this legend of Upper Township from us.

BE IT FURTHER RESOLVED that this Committee joins with all citizens of this community to pay tribute to the lives of Upper Township legends Elizabeth Bergus, Amy Massey, Gerry Bonsall and Douglas Knobb and that this Committee extends to the families of these individuals our most sincere respect and admiration and know that they find comfort and strength in the memories of their loved one's fine life and achievements.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 13th day of August, 2012.

Resolution No. 169 -2012

Offered by: Palombo

Seconded by: Newman

Adopted: August 13, 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. Congratulating employee William Haberman of the Upper Township Department of Public Works for his winning entry in the Upper Township Safety Award Program for the 3rd Quarter of 2012.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 R E S O L U T I O N
 RESOLUTION NO. 170-2012
 RE: CONGRATULATING EMPLOYEE WILLIAM HABERMAN
 OF THE UPPER TOWNSHIP DEPARTMENT OF PUBLIC WORKS
 FOR HIS WINNING ENTRY IN
 THE UPPER TOWNSHIP SAFETY AWARD PROGRAM
 FOR THE 3RD QUARTER OF 2012**

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

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

WHEREAS, William should be publicly recognized for reporting the safety hazard of splintered and decaying planks on team benches at various Township Fields; and

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

1. That the Committee extends its appreciation and publicly recognizes William Haberman on his commitment to safety by identifying a potential safety hazard and presenting a solution through participation in the program.
2. That the Committee, on behalf of our employees and the citizens of the Township of Upper extend to William our congratulations and present him with the "Safety Day Award" of one day off with pay.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 13th day of August, 2012.

Resolution No. 170 -2012

Offered by: Newman

Seconded by: Inserra

Adopted: August 13, 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> |

3. Appointing Janet McBride as Alternate Deputy Registrar of Vital Statistics for the Upper Township Clerk's Office.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 171-2012
RE: APPOINTING JANET MCBRIDE
AS ALTERNATE DEPUTY REGISTRAR OF VITAL STATISTICS
FOR THE UPPER TOWNSHIP CLERK'S OFFICE**

WHEREAS, a need exists to appoint an Alternate Deputy Registrar to the Clerk's Office; and

WHEREAS, a recommendation has been made to the Township Committee and duly considered at the meeting of July 23, 2012; and

WHEREAS, this Resolution is intended to ratify the action heretofore taken; 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. Janet McBride is hereby appointed as Alternate Deputy Registrar of Vital Statistics effective July 27, 2012 at a salary in accordance with the 2012 Salary Ordinance.
3. This Resolution ratifies, confirms and approves action taken by the Township Committee, by motion, at the meeting of July 23, 2012.

Resolution No. 171 -2012

Offered by: Corson

Seconded by: Newman

Adopted: August 13, 2012

Roll Call Vote:

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

4. Appointing Katrina Dore as a part-time employee to the Upper Township Division of Emergency Medical Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 172-2012
RE: APPOINTING KATRINA DORE AS PART-TIME EMPLOYEE
TO THE UPPER TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES**

WHEREAS, a need exists to appoint qualified personnel as part-time employees to the Upper Township Division of Emergency Medical Services to insure optimal operation; and

WHEREAS, a recommendation has been made to the Township Committee and duly considered at the meeting of July 23, 2012; and

WHEREAS, the individual's appointment is conditioned upon successful completion of a background check, drug and alcohol testing, and Civil Service review; and

WHEREAS, this Resolution is intended to ratify the action heretofore taken; 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. Katrina Dore is hereby conditionally appointed as a member of the Division of Emergency Medical Services in a part-time position effective immediately at a rate of \$13.00 per hour in accordance with the Salary Ordinance.

3. This Resolution ratifies, confirms and approves action taken by the Township Committee, by motion, at the meeting of July 23, 2012.

Resolution No. 172-2012

Offered by: Newman

Seconded by: Palombo

Adopted: August 13, 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. Appointing the 2012 Season Beach Patrol Personnel.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 173-2012
RE: APPOINTING THE 2012 SEASON BEACH PATROL PERSONNEL**

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:

RETURNING GUARD

| | |
|------------------------|-------------------------|
| Michael Desalis | \$11.45 per hour |
| Joseph Switzer | \$11.75 per hour |
| Timothy Drake | \$11.75 per hour |
| Jon Mruz | \$11.75 per hour |

3. 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. 173-2012

Offered by: Palombo

Seconded by: Newman

Adopted: August 13, 2012

Roll Call Vote:

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

6. Authorizing the Mayor and Township Clerk to sign a contract with Accounts Receivable Management, Inc. for collection services for Emergency Medical Service accounts.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 174 -2012

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A
CONTRACT WITH ACCOUNTS RECEIVABLE MANAGEMENT, INC. FOR
COLLECTION SERVICES FOR EMERGENCY MEDICAL SERVICE ACCOUNTS**

WHEREAS, Accounts Receivable Management, Inc. has submitted a proposal to the Township to provide collection services for emergency medical service accounts; and

WHEREAS, the Township wishes to accept said proposal and to authorize the execution of a contract with Accounts Receivable Management, Inc.; 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, the Township has decided to acquire the services of Accounts Receivable Management, Inc. as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-2.05; and

WHEREAS, Accounts Receivable Management, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Accounts Receivable Management, Inc. 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 Accounts Receivable Management, Inc. from making any reportable contributions through the term of the contract; 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 Accounts Receivable Management, Inc. to provide collection services for emergency medical service accounts.
3. Accounts Receivable Management, Inc. 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. 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 Accounts Receivable Management, Inc. has professional knowledge which 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 Accounts Receivable Management, Inc. for emergency medical service accounts collection 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. 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. 174-2012
Offered by: Newman
Adopted: August 13, 2012
Roll Call Vote:

Seconded by: Corson

| <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. Amending Resolution 160-2012 – canceling taxes on exempt property.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

RESOLUTION
Resolution No. 175-2012
AMENDING 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. 175-2012

Offered by: Corson Seconded by: Inserra

Adopted: August 13, 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 | | \$3,946.58 (Ronald Promov) |
| 567 | 27 | C051 | \$3,747.93 (Evelyn Palermo) |

100% Totally Disabled Veteran Tax Exempt for 2012

8. Authorizing the extension of a Shared Services Agreement with the Upper Township Board of Education.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 176 -2012
RE: AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE
UPPER TOWNSHIP BOARD OF EDUCATION

WHEREAS, the Upper Township Board of Education and the Township of Upper have indicated a desire to enter into a Shared Services Agreement for maintenance, repairs and use of facilities; and

WHEREAS, this Shared Services Agreement will significantly reduce the costs of these services; and

WHEREAS, the Township of Upper and the Upper Township Board of Education have deemed it to be in the Township's interest to provide such services as a cost saving measure for Township residents; and

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

1. **SHARED SERVICES AGREEMENT.** Pursuant to the provisions of the Uniformed Shared Services Act, N.J.S.A. 40A:65-1, et seq., the Township of Upper is hereby authorized and empowered to enter into a Shared Services Agreement with the Upper Township Board of Education for maintenance, repairs and use of facilities.

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 Upper Township Board of Education 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 not to exceed the length of time necessary for completion of the aforesaid services, unless sooner terminated by the Township of Upper, at the option of the Township of Upper.

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. 176 -2012

Offered by: Newman

Seconded by: Barr

Adopted: August 13, 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. Tax refund.

TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 R E S O L U T I O N
 Resolution No.177-2012
 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. 177-2012

Offered by: Newman Seconded by: Palombo

Adopted:

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> _____ | _____ | _____ | _____ |

REFUND 2012

| BLOCK/LOT | AMOUNT | NAME |
|-----------|----------|---|
| 663/26 | \$894.79 | CHASE REFUND DEPT C/O CORELOGIC 1 CORELOGIC DRIVE WESTLAKE, TX 76262 |

MORTGAGE COMPANY AND HOMEOWNER BOTH PAID 3RD QUARTER 2012 TAX

ORDINANCES

10. **Introduction and First Reading of Ordinance No. 008-2012 RE: AN ORDINANCE AMENDING ORDINANCE NO. 004-2012 AUTHORIZING THE EXCHANGE OF CERTAIN PARCELS OWNED BY THE TOWNSHIP OF UPPER FOR A ROADWAY EASEMENT SUBJECT TO CERTAIN TERMS AND CONDITIONS.** Motion by Jay Newman second by Curtis Corson to introduce Ordinance No. 008-2012 with public hearing and final adoption scheduled for September 10, 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**

**ORDINANCE
ORDINANCE NO. 008-2012**

RE: AN ORDINANCE AMENDING ORDINANCE NO. 004-2012 AUTHORIZING THE EXCHANGE OF CERTAIN PARCELS OWNED BY THE TOWNSHIP OF UPPER FOR A ROADWAY EASEMENT SUBJECT TO CERTAIN TERMS AND CONDITIONS

WHEREAS, the Township of Upper is the owner, in fee, of certain parcels of vacant ground located within the Township of Upper, County of Cape May, and State of New Jersey; and

WHEREAS, the Township previously adopted Ordinance No. 004-2012 wherein the Township agreed to exchange such vacant ground with an interest in land then owned by Lana Shapiro in order to provide for a roadway easement; and

WHEREAS, subsequent to the adoption of said Ordinance No. 004-2012 and prior to the consummation of such exchange, Lana Shapiro transferred her real property to Priscilla Moore; and

WHEREAS, Priscilla Moore now wishes to complete the exchange originally contemplated by and authorized pursuant to Ordinance No. 004-2012; and

WHEREAS, the Township Committee desires to complete the exchange with the new owner of said lands; and

WHEREAS, after discussion and deliberation, the Township Committee is of the opinion that the exchange will be in the best interest of the Township in that it will rectify

title issues with respect to the existing paved portions of Ocean Avenue as well as allow a private party to aggregate existing Township lands that are currently not being utilized; and

NOW, THEREFORE, 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: Ordinance No. 004-2012 is amended and replaced in its entirety with this Ordinance.

SECTION 2: Subject to the provisions herein set forth, the Township of Upper is authorized to exchange certain lands owned by it with a roadway easement over lands owned by Priscilla Moore more particularly described as follows:

- (A) The Township lands to be conveyed to Priscilla Moore are as follows: Block 624, Lots 3 and 43.
- (B) Priscilla Moore shall convey to the Township a roadway easement over Block 624, Lots 43, 44, 45 and 46 as more particularly described in the legal description attached hereto as Exhibit A.

SECTION 3: In addition to the conveyance of the aforesaid lots by the Township to Priscilla Moore the Township shall pay cash consideration in the amount of \$1,691.00. This additional consideration is based on the fair market value of Lot 3 and Lot 43, Block 624 of \$1,050 per lot and the fair market value of the roadway easement area (1,516.5 sq. ft.) of \$3,791.00 in accordance with appraisals prepared by Louis A. Bonato for such properties. Pursuant to N.J.S.A. 40A:12-16 said full and fair value is consistent with that determined by the Tax Assessor of Upper pursuant to N.J.S.A. 54:4-23.

SECTION 4: The exchange of lands authorized in Sections 2 and 3 hereof is expressly conditioned and contingent upon the following:

- (A) The parties shall execute an agreement detailing the specifics of the entire transaction. Said agreement shall contain the terms and provisions of this Ordinance and such other terms and conditions as the Township deems appropriate to effectuate the purposes of this Ordinance.
- (B) Title reports shall be prepared by a title abstracting company and title underwriter acceptable to the Township and Priscilla Moore. The title reports must, at a minimum, provide evidence that the properties to be exchanged are owned, in fee simple, by the parties who shall be conveying same, and that title is marketable and insurable at regular rates and there are no liens, encumbrances or conditions, reservations or restrictions of record which would interfere with the intended use of the properties by the Grantee.
- (C) The agreement between the parties shall expressly provide that the exchange of lands and all contingencies and conditions contained in said agreement are inter-dependent and one shall not occur without the other. To that end, the parties agree that the exchange shall occur simultaneously.
- (D) Any property to be conveyed herein shall be conveyed by Bargain and Sale Deed and Deed of Easement. Each party shall bear the cost of the preparation of the deed conveying the property to the other. Each party shall be solely responsible for the cost of title searches and title insurance covering the parcels or interests received by such party as a result of the exchange of lands.
- (E) With respect to the property being conveyed by the Township, the conveyance is under and subject to any riparian claim which may affect

said property. In addition, the Township makes no representation as to the ability of the property to obtain a building permit or any other governmental approval. Priscilla Moore is required to comply with all applicable zoning, building and health ordinances, codes and regulations. The property to be transferred by the Township may be situated in a flood hazard zone. The Township of Upper makes no warranties or representations, expressed or implied, as to the property being transferred, the condition or marketability of title or any other matter. The Township of Upper makes no warranties or representations, expressed or implied, as to whether or not the property being transferred contains wetlands anywhere on the property. The Township of Upper makes no warranties or representations as to any matter of an environmental nature, or otherwise, which may prevent or limit building or construction or use of the property.

(F) The agreement between the parties for the exchange of interests herein shall contain a provision whereby the Township of Upper may inspect the roadway easement area for any and all physical conditions or environmental concerns. If for any reason the Township of Upper deems the property not to be suitable for its intended purposes, the Township of Upper may cancel the agreement with no further liability between the parties.

SECTION 5: 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 13th DAY OF AUGUST, 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 10th DAY OF SEPTEMBER, 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

NEW BUSINESS

A memo prepared by the Tax Assessor regarding reimbursements for totally disabled veterans was discussed. State law requires that a totally disabled veteran become tax exempt as of the date of approved application. The statute also allows municipalities, at their discretion, to reimburse property taxes paid from the declared date of 100% permanent disability. Mr. Young suggested a policy be put in place designating the time frame for reimbursement, if any. Mr. Corson stated that the two current requests on the agenda should be granted according to past practice, with any new policy to be enacted from this point forward. It was decided to reimburse the taxes paid by a totally disabled veteran retroactive to the 1st of January in the year the application was approved. Motion by Anthony Inserra, second by Edward Barr, to draft an Ordinance for Committee review and possible introduction, setting a policy for the reimbursement of property taxes for 100% permanently disabled veterans. During roll call vote all five Committee members voted in the affirmative.

- 11. Request for reimbursement of property taxes on Block 564, Lot 30 owned by a 100% disabled Veteran.** Motion by Curtis Corson, second by Tony Inserra to approve the request. During roll call vote all five Committee members voted in the affirmative.
- 12. Request for reimbursement of property taxes on Block 567, Lot 27 owned by a 100% disabled Veteran.** Motion by Curtis Corson, second by Jay Newman to approve the request. During roll call vote all five Committee members voted in the affirmative.
- 13. Friends of Scouting Troop 79 request use of Community Center for Benefit Dance on September 29, 2012.** Motion by Jay Newman, second by Curtis Corson to approve the request. During roll call vote all five Committee members voted in the affirmative.
- 14. Greater Tuckahoe Area Merchants Association request use of Amanda's Field for Car and Craft Show on October 27, 2012.** Motion by Curtis Corson, second by Tony Inserra to approve the request. During roll call vote all five Committee members voted in the affirmative.
- 15. Upper Township Soccer Association, Inc. request to hold raffle on January 6, 2013.** Motion by Richard Palombo, second by Ed Barr to approve the request. During roll call vote all five Committee members voted in the affirmative.
- 16. Cape May County Department of Health request to hold a Flu Clinic on September 25, 2012 from 10:00 am to 12:00 noon at the Upper Township**

Community Center. Motion by Richard Palombo, second by Ed Barr to approve the request. During roll call vote all five Committee members voted in the affirmative.

UNFINISHED BUSINESS:

DISCUSSION

PAYMENT OF BILLS:

17. “I hereby move that all claims submitted for payment at this meeting be approved and then incorporated in full in the minutes of this meeting.” Motion was made by Jay Newman second by Richard Palombo to approve all bills submitted for payment. During roll call vote all five Committee members voted in the affirmative.

| | |
|------------------------------------|----------------------|
| Payroll: | \$ 204,307.91 |
| Bills approved for payment: | \$ 118,773.63 |

REPORT OF MUNICIPAL DEPARTMENTS:

- 18. Construction Code**
- 19. Clerk’s Office**
- 20. Animal Control**
- 21. Tax Assessor**
- 22. Municipal Court**
- 23. Finance Office**
- 24. MUA Report**

Reports are available in the Clerk’s Office.

PUBLIC COMMENT

Russell Morano, 5 Red Oak Drive, inquired as to who pays for the certification training for Township employees and whether the classes are during working hours. It was stated that the Township does pay for the classes as the certifications are necessary to be in compliance with State mandates. Mr. Morano stated that certifications should be considered a part of the job requirement. He next questioned how the Township is notified of the death of a disabled veteran so that taxes can be assessed again. The Township Clerk / Registrar of Vital Statistics notifies the Tax Assessor, Tax Collector and the County Board of Elections of all resident deaths on a monthly basis. It was then stated that the surviving spouse of a disabled veteran is also eligible for tax exempt status. Mr. Morano next inquired as to the status of the bonding for road improvements and trash trucks. Mr. Young advised that although the decision to go forward with the bonding is not directly and entirely tied to the Union contract, in order to prepare for the future the Union contract needs to be settled and the Township is still in negotiations with the Union.

CLOSED SESSION

25. 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. 178-2012
MOTION GOING INTO CLOSED SESSION
August 13, 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 – Animal Control Services
2. Contract negotiation – Beacon Animal Shelter
3. Contract negotiation – RFP for banking services
4. Litigation – Citizens for Strathmere and Whale Beach v. Upper Township
5. Personnel matter

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 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 9:45 P.M.
Next meeting scheduled for August 27, 2012 at 7:30 P.M.

Minutes prepared by

Wanda Gaglione, RMC
Municipal Clerk

Bill List

57996 08/13/12 A0004 A+ COMMERCIAL OFFICE CLEANERS 1,325.00 2740
57997 08/13/12 A0018 ACTION SUPPLY INC. 335.83 2740
57998 08/13/12 A0020 ACU-THERM SUPPLY CO.,INC. 321.74 2740
57999 08/13/12 A0025 ADVANTAGE RENTAL ACE HARDWARE 590.39 2740
58000 08/13/12 A0070 ALBERTSONS/ACME 93.22 2740
58001 08/13/12 A0078 ANCHOR RUBBER STAMP & PRINTING 53.00 2740
58002 08/13/12 A0091 ATLANTIC CITY ELECTRIC 16,687.96 2740
58003 08/13/12 A0167 HESS CORPORATION 4,468.70 2740
58004 08/13/12 A0168 ATLANTIC CRANKSHAFT 123.00 2740
58005 08/13/12 B0035 BELMONT & CRYSTAL SPRINGS 88.59 2740
58006 08/13/12 B0117 BRIDGESTATE FOUNDRY CORP 1,350.00 2740
58007 08/13/12 B0142 BRINKERHOFF ENVIRONMENTAL 750.00 2740
58008 08/13/12 B0152 BUCHANAN, KAREN A. 33.30 2740
58009 08/13/12 B0210 ANDREA C. BALLIETTE, ESQUIRE 1,000.00 2740
58010 08/13/12 B0211 ELLEN NICHOLSON BYRNE, ESQUIRE 1,000.00 2740
58011 08/13/12 C0061 CAPRIONI FAMILY SEPTIC 665.00 2740
58012 08/13/12 C0068 COMCAST 224.39 2740
58013 08/13/12 C0116 CINTAS FAX LOCKBOX 636525 96.29 2740
58014 08/13/12 C0171 COLONIAL ELECTRIC SUPPLY CO. 297.96 2740
58015 08/13/12 C0201 CRUZAN'S TRUCK SERVICE INC. 660.96 2740
58016 08/13/12 C0223 CASA PAYROLL SERVICE 560.00 2740
58017 08/13/12 C0245 CLEGG'S GARAGE, INC. 5,523.09 2740
58018 08/13/12 D0015 DAN'S WELDING 80.00 2740
58019 08/13/12 D0016 DALEYS PIT 120.00 2740
58020 08/13/12 D0080 DOWNAM, HARRY J. JR. 92.99 2740
58021 08/13/12 D0096 DELL MARKETING L.P. 1,107.16 2740
58022 08/13/12 D0141 DESALIS, MICHAEL 26.00 2740
58023 08/13/12 E0047 EFINGER SPORTING GOODS CO 324.00 2740
58024 08/13/12 E0055 ELLER, AMANDA L 26.00 2740
58025 08/13/12 F0013 FARM RITE INC. 865.27 2740
58026 08/13/12 F0014 FACE 922.80 2740
58027 08/13/12 F0016 FAZZIO, JOSEPH INC. 180.30 2740
58028 08/13/12 F0049 FOGLIO'S CARPET & DESIGN CENTE 7.74 2740
58029 08/13/12 F0050 FOREMOST PROMOTIONS 356.31 2740
58030 08/13/12 F0054 FORT DEARBORN LIFE INSURANCE 466.35 2740
58031 08/13/12 F0082 MICHAEL A. FUSCO, II ESQUIRE 3,178.91 2740
58032 08/13/12 G0009 GAPVAX, INC. 2,706.72 2740
58033 08/13/12 G0016 GARDNER HARDWARE INC. 166.25 2740
58034 08/13/12 G0035 GENRON FIRE PROTECTION 49.00 2740
58035 08/13/12 G0057 GLOBALSTAR USA LLC 84.48 2740
58036 08/13/12 G0147 GREATAMERICA LEASING CORP. 176.97 2740
58037 08/13/12 H0002 H.A. DEHART & SON CORP. 4,129.90 2740
58038 08/13/12 H0073 HOME DEPOT CRC/GECF 178.92 2740
58039 08/13/12 H0078 HENNESSEY, KRISTI 26.00 2740
58040 08/13/12 H0083 HUBER LOCKSMITHS, INC. 600.00 2740
58041 08/13/12 H0131 HPI PROCESSES, INC 628.18 2740
58042 08/13/12 H0135 HANSON AGGREGATES, INC. 932.76 2740
58043 08/13/12 I0037 INCARVITO-GARRABRANT, DOROTHY 400.0 2740
58044 08/13/12 J0028 JESCO, INC. 63.94 2740
58045 08/13/12 K0020 KENNEY, EDWARD 7.94 274
58046 08/13/12 L0007 LC EQUIPMENT, INC. 238.25 2740
58047 08/13/12 L0031 LORCO PETROLEUM SERVICES 250.0 2740
58048 08/13/12 L0080 LOWES, INC. 342.45 274
58049 08/13/12 M0012 MCCAULEY, RICHARD 206.08 2740
58050 08/13/12 M0046 MASON, DAVID 150.00 274
58051 08/13/12 M0180 MED-TECH RESOURCE, INC. 954.81 2740
58052 08/13/12 M0188 MCCARTHY TIRE SERVICE OF PHILA 1,225.31 2740
58053 08/13/12 M0217 MUNICIPAL EMERGENCY SERVICES 1,644.00 2740
58054 08/13/12 M0222 MUNICIPAL CAPITAL CORPORATION 392.00 2740
58055 08/13/12 N0004 NJ-AMERICAN WATER CO. 244.31 2740
58056 08/13/12 N0043 NAPA AUTO PARTS OF S.JERSEY 302.33 2740
58057 08/13/12 N0052 NATL YOUTH SPORTS COACHED ASSN 400.00 2740
58058 08/13/12 N0120 NORTHERN SAFETY CO. INC. 620.88 2740
58059 08/13/12 O0006 SJSHORE MARKETING, LLC 248.53 2740
58060 08/13/12 P0032 PEDRONI FUEL CO. 5,092.51 2740
58061 08/13/12 P0073 POGUE INC. 798.00 2740
58062 08/13/12 P0078 PRO VIDEO ENGINEERING 1,158.00 2740
58063 08/13/12 P0121 PENGUIN COMMUNICATION LLC 94.56 2740
58064 08/13/12 R0030 RIGGINS, INC. 9,632.69 2740

58065 08/13/12 R0092 RUTGERS, THE STATE UNIVERSITY 1,161.00 2740
58066 08/13/12 S0020 AM SAN 112.24 2740
58067 08/13/12 S0031 SCHULER SECURITY, INC. 312.00 2740
58068 08/13/12 S0051 SEAL MASTER PRODUCTS & SERVICE 943.20 2740
58069 08/13/12 S0056 SEASHORE ASPHALT CORPORATION 114.92 2740
58070 08/13/12 S0075 SHARP, RHONDA L. 500.00 2740
58071 08/13/12 S0085 SHOCKEY'S PURE WATER SYSTEMS 130.00 2740
58072 08/13/12 S0121 SMUZ, THERESE A 34.19 2740
58073 08/13/12 S0134 SO. JERSEY GAS COMPANY 56.66 2740
58074 08/13/12 S0153 STERICYCLE, INC. 318.84 2740
58075 08/13/12 S0165 S.E.T. COMMUNICATIONS INC 186.50 2740
58076 08/13/12 S0196 STEWART BUSINESS SYSTEMS LLC 307.00 2740
58077 08/13/12 S0209 STAPLES ADVANTAGE 372.14 2740
58078 08/13/12 S0239 SHORE VET. ANIMAL CONTROL LLC 2,600.00 2740
58079 08/13/12 S0262 STRI LLC 4,800.00 2740
58080 08/13/12 S240 STERLING HIGH SCHOOL DISTRICT 2,329.00 2740
58081 08/13/12 T0022 TERMINIX 53.00 2740
58082 08/13/12 T0032 THE PRESS & SUNDAY PRESS 232.56 2740
58083 08/13/12 T0067 TOWNSHIP OF UPPER PETTY CASH 8.50 2740
58084 08/13/12 T0074 TRANSAXLE LLC 1,022.74 2740
58085 08/13/12 T0086 TREASURER, STATE OF NEW JERSEY 85.00 2740
58086 08/13/12 T0089 TREASURER, STATE OF N.J. 2,941.23 2740
58087 08/13/12 T0131 TROUT, ROSEMARY 331.19 2740
58088 08/13/12 U0030 UPPER TOWNSHIP LACROSSE 52.50 2740
58089 08/13/12 V0001 VCI EMERGENCY VEHICLE 2,358.59 2740
58090 08/13/12 V0005 VAN EMBDEN, NATHAN, ATTORNEY 112.50 2740
58091 08/13/12 V0013 VERIZON WIRELESS 659.29 2740
58092 08/13/12 V0018 VILLAGE PHARMACY, INC. 747.10 2740
58093 08/13/12 V0022 VERIZON 185.55 2740
58094 08/13/12 V0024 VAL-U AUTO PARTS L.L.C. 298.16 2740
58095 08/13/12 V0025 V.E. RALPH & SON, INC. 305.78 2740
58096 08/13/12 V0027 VANORDER, ROGER 73.44 2740
Total: \$118,773.63