

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR AUGUST 27, 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 - August 13, 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

Ed Barr, Committeeman, reported on an incident involving a person that was bit by a raccoon in the vicinity of the Dog Park in Tuckahoe. The Park is temporarily closed for further information from Animal Control. Mr. Barr also discussed Insurance renewals for Township sponsored Sports and Recreational programs. Kerry Thomson of the Kerry Thomson Agency was present to explain the premium comparisons. Motion by Jay Newman second by Ed Barr to accept the quote of the New Hampshire Insurance Company for insurance coverage for Township sponsored Sports and Recreational programs. During roll call vote all five members voted in the affirmative.

Anthony Inserra, Committeeman, discussed a recent incident involving target shooting in a residential area of the Township and a proposed ordinance to regulate target practice to insure the safety of our residents. The Committee further discussed that currently there are no State or Township laws that prohibit practice or target shooting within 100 feet of a neighboring property. The diversity of Upper Township was discussed in that some lots are acres in size and some are small neighborhoods and they wanted any regulations to be fair for everyone. The Committee directed that a subcommittee should be formed to review potential regulations for use of firearms within the Township. The Clerk was directed to place a notice for the Sub Committee on the Township website. Next Mr. Inserra discussed the Township's Dental Insurance Plan in that he would like to explore other plans when the contract comes up for renewal in 2013. Lastly Mr. Inserra discussed replacing two of the Township's trash

trucks. The Committee further discussed the matter in that the Union Contract is not settled and there is a requirement in the current contract which requires a certain type of truck for trash collection. Also all of Cape May County will be changing to “single stream” recycling in 2013 which would determine truck style. To prepare for bidding a motion was made by Anthony Inserra, seconded by Jay Newman to direct the Township Engineer to prepare the specs for the trash trucks. During roll call vote four members voted in the affirmative. Curtis Corson opposed the motion.

Jay Newman, Committeeman, reported briefly on a recent meeting with the Upper Township Chiefs Association and UT Emergency Management to discuss emergency preparedness plans for the Township.

Richard Palombo, Mayor, reported that he also attended the recent Township Chiefs’ meeting with Mr. Newman and is very confident that the Township is well prepared for any emergency that may arise. He also reported that the Cape May County Board of Health will hold a Senior Flu Clinic on September 25th from 10:00 AM until noon at the Upper Township Community Center. He reminded everyone of the importance of getting their flu shots.

OTHER REPORTS

Daniel Young, Municipal Attorney, reported that there is a litigation and contract negotiation matter for closed session.

Paul Dietrich, Municipal Engineer, reported the New Jersey Turnpike Authority will hold a Public Information meeting regarding the replacement of the Southbound Great Egg Harbor Bay and Drag Channel Bridges here at the Municipal Building in September. It was discussed that since there is a possibility that three or more members may attend the meeting the Clerk should notice the meeting in compliance with the Open Public meeting law.

Barbara Spiegel, Chief Financial Officer, requested permission to attend the Government Finance Officers Conference in Atlantic City. Motion by Curtis Corson, second by Anthony Inserra to grant permission to Barbara Spiegel to attend the Government Officers Conference in Atlantic City, September 19th to 21st. During roll call vote all five members voted in the affirmative. She next reported on the state’s best practices worksheet for CY 2012/2013 in that the State is asking Municipalities to pass certain resolutions or ordinances in order to get credit for their best practices. One item is to adopt a “Pay to Play” Ordinance. Although we already follow the state’s regulations that pertain to local public contract law they are requesting municipalities to formalize these practices in an ordinance. Motion was made by Curtis Corson, seconded by Anthony Inserra to authorize a “Pay to Play” Ordinance for introduction at the next meeting. During roll call vote all five members voted in the affirmative. A second item is a request for a written policy that requires our elected officials to attend on an annual basis at least one course covering the responsibilities of elected officials. Although this has been a practice through the JIF insurance for many years a resolution to adopt a formal policy will be placed on the next agenda.

STRATHMERE BEACH REPORT

Dr. Stewart Farrell from the Richard Stockton Coastal Research Center gave a detailed report on the condition of the Strathmere Beach which included aerial photos of the beach and the Corson’s Inlet State Park. He reported that their survey completed on August 20, 2012 included 73 cross sections of the Upper Township Beach and 27 cross section lines on the State Park side at Corson’s Inlet, reaching from the dunes to beyond the waters edge. At this

time the beach is over 400 feet in dry beach width at the North end as well as the South end toward Sea Isle City. Since the early 1990's when the Center began surveying the beach there has been no time prior to the 2009 beach fill that there was this much dune height or dune width on Ocean Drive. Dr. Farrell reported that the beach is in as good a condition as it ever gets, the only comparable time is 1999 when the State Park area was much larger. The repair and restoration of the beach done after the last disaster declaration and in conjunction with the State of New Jersey has been quite beneficial. He concluded that although changes to the Shoreline are inevitable and very difficult to predict due to storm activity and other factors the condition of the beach looks very stable at this time. He explained state and federal funding for beach replenishment projects and stated that in the event that there is a disaster declaration FEMA will reimburse the Township under category "G" for up to 75% of losses as long as the Township maintains the beach at a specific level. Then the State of New Jersey also reimburses a portion of the 25% Township responsibility. The Township's responsibility starts at the State Park Boundary and goes south; the State of New Jersey is responsible for all costs at the state park section. He will provide the pictures from tonight's presentation to the Clerk's Office for viewing by the public.

RESOLUTIONS

- 1. Congratulating the Upper Township Soccer Association's U-14 Girls Traveling Team-Heatwave, on becoming the 2012 San Marino Cup Champions.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 179 -2012
RE: A RESOLUTION CONGRATULATING
THE UPPER TOWNSHIP SOCCER ASSOCIATION'S
U-14 HEATWAVE GIRLS TRAVELING TEAM
ON BECOMING THE 2012 SAN MARINO CUP CHAMPIONS**

WHEREAS, the Upper Township U-14 Heatwave Girls Soccer Team did an exceptional job of representing the United States, the State of New Jersey and the Township of Upper with an outstanding win in the 2012 San Marino Cup Championship, which draws over 60 teams from 20 different countries; and

WHEREAS, they are the first team from the Upper Township Soccer Association to win a championship at an international tournament; and

WHEREAS, many have played together and benefited from the Upper Township Soccer Program since they were nine years old and will now move on as they enter High School: and

WHEREAS, it is appropriate that on behalf of the citizens of Upper Township we recognize and congratulate the players listed as follows:

Elyse Barlow
Julia Bornhardt
Samantha Bornhardt

Patricia Flukey
Veronica Garcia
Shayla Murray

Olivia Briggs
Maria Farman
Nicholl Fenton

Alexis Paone
Megan Smock
Allison Zelinski

WHEREAS, we also extend this recognition and thanks to Mike Garcia, Fred Bornhardt and Kelly Barlow who have generously given their personal time and service to coach this team; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee on behalf of the citizens of the Township of Upper, to extend to the Upper Township U-14 Heatwave Girls Soccer Team congratulations on becoming the 2012 San Marino Cup Champions, and to each coach heartfelt thanks and gratitude for the generous donation of their time and service to the young people of this community.

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

Resolution No. 179-2012

Offered by: Newman

Seconded by: Corson

Adopted: August 27, 2012

Roll Call Vote:

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

2. Authorizing an increase to the Public Bidding Threshold.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 180-2012
RE: AUTHORIZING AN INCREASE TO THE PUBLIC BIDDING THRESHOLD**

WHEREAS, the Local Public Contracts Law gives local contracting units the ability to increase its bid threshold up to \$36,000; and

WHEREAS, N.J.S.A. 40A:11-3a permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS, Barbara Spiegel possesses the certification of Qualified Purchasing Agent as issued by the Director of Division of Local Government Services in accordance with N.J.S.A. 40A:11-9 et seq.; and

WHEREAS, the Township of Upper desires to take advantage of the increased bid threshold.

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, hereby increases its bid threshold to \$36,000.

Resolution No. 180-2012

Offered by: Corson

Seconded by: Inserra

Adopted: August 27, 2012

Roll Call Vote:

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

3. Canceling taxes on exempt property.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
Resolution No.181-2012
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.

Offered by: Corson Seconded by: Newman
Adopted: August 27, 2012

Roll Call Vote:

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

2010 Taxes

567 27 C059 \$254.33 (Robert Connolly)

2011 Taxes

567 27 C059 \$4,699.54 (Robert Connolly)

564 30 \$3,214.47 (Ronald Pramov)

2012 Taxes

567 27 C059 \$3,894.13 (Robert Connolly)

564 30 \$189.71 (Ronald Pramov)

Total **\$12,252.18**

100% Totally Disabled Veteran - Tax Exempt

- 4. Reimbursement of property taxes paid from effective date of disability to totally disabled veteran Ronald J. Pramov for Block 564, Lot 30 on the Municipal tax map.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 182-2012**

**RE: REIMBURSEMENT OF PROPERTY TAXES PAID FROM EFFECTIVE DATE
OF DISABILITY TO TOTALLY DISABLED VETERAN RONALD J. PRAMOV FOR
BLOCK 564, LOT 30 ON THE MUNICIPAL TAX MAP**

**WHEREAS, Ronald J. Pramov is a 100% disabled
American veteran residing at 27 Hope Corson Rd, Block 564, Lot
30 on the municipal tax map of Upper Township, New Jersey; and**

WHEREAS, the Department of Veteran Affairs has determined that Mr. Pramov's 100% permanent wartime service-connected disability was effective March 1, 2011; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.30 & 54:4-3.32, the governing body of any municipality may, at its discretion, refund the amount of taxes collected on any property which would have been exempt from taxation; and

WHEREAS, the Township Committee of the Township of Upper has determined that it is just and appropriate in this instance to reimburse Ronald J. Pramov the real estate taxes paid for portions of the 2011/2012 tax year for Block 564, Lot 30; 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 of Upper shall hereby reimburse Ronald J. Pramov in the amount of \$3,404.18 for real estate taxes paid from the effective date of disability of March 1, 2011 to February 13, 2012 of the 2011/2012 tax year for Block 564, Lot 30.

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. 182-2012
Offered by: Corson
Adopted: August 27, 2012

Seconded by: Inserra

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. Reimbursement of property taxes paid from effective date of disability to totally disabled veteran Robert T. Connolly for Block 567, Lot 27, Qualifier C059 on the Municipal tax map.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 183-2012

RE: REIMBURSEMENT OF PROPERTY TAXES PAID FROM EFFECTIVE DATE OF DISABILITY TO TOTALLY DISABLED VETERAN ROBERT T. CONNOLLY FOR BLOCK 567, LOT 27, QUALIFIER C059 ON THE MUNICIPAL TAX MAP

WHEREAS, Robert T. Connolly is a 100% disabled American veteran residing at 1731 Route 9, 59 Osprey Court, Block 567, Lot 27, Qualifier C059 on the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Department of Veteran Affairs has determined that Mr. Connolly's 100% permanent wartime service-connected disability was effective December 10, 2010; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.30 & 54:4-3.32, the governing body of any municipality may, at its discretion, refund the amount of taxes collected on any property which would have been exempt from taxation; and

WHEREAS, the Township Committee of the Township of Upper has determined that it is just and appropriate in this instance to reimburse Robert T. Connolly the real estate taxes paid for portions of the 2010 tax year, the 2011 tax year, and the 2012 tax year for Block 567, Lot 27, Qualifier C059; 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 of Upper shall hereby reimburse Robert T. Connolly in the amount of \$7,980.35 for real estate taxes paid from the effective date of disability of December 10, 2010 for Block 567, Lot 27, Qualifier C059.

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. 183-2012

Offered by: Barr

Seconded by: Inserra

Adopted: August 27, 2012

Roll Call Vote:

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

6. Authorizing the Mayor and Township Clerk to sign a contract with Shore Veterinarian Animal Control Services, LLC for Animal Control services in Upper Township.

TOWNSHIP OF UPPER

CAPE MAY COUNTY

RESOLUTION

RESOLUTION NO. 184 - 2012

RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A CONTRACT WITH SHORE VETERINARIAN ANIMAL CONTROL SERVICES, LLC FOR ANIMAL CONTROL SERVICES IN UPPER TOWNSHIP

WHEREAS, Shore Veterinarian Animal Control Services, L.L.C. has submitted a proposal to the Township for animal control services; and

WHEREAS, the Township wishes to accept said proposal and to authorize the execution of a contract with Shore Veterinarian Animal Control Services, L.L.C.; 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

WHEREAS, Shore Veterinarian Animal Control Services, L.L.C. has completed and submitted a Business Entity Disclosure Certification which certifies that Shore Veterinarian Animal Control Services, L.L.C. 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 Shore Veterinarian Animal Control Services, L.L.C. 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 Shore Veterinarian Animal Control Services, L.L.C. to provide animal control services within the Township of Upper commencing September 15, 2012.
3. Shore Veterinarian Animal Control Services, L.L.C. 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 Shore Veterinarian Animal Control Services, L.L.C. has professional knowledge as to animal control services which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-2.05.

NOTICE OF CONTRACT AWARD

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

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

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

8. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Shore Veterinarian Animal Control Services, L.L.C. 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. 184 -2012

Offered by: Barr Seconded by: Newman

Adopted: August 27, 2012

Roll Call Vote:

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

7. Authorizing a five (5) year extension to the lease between the Township of Upper and Beacon Animal Rescue, Inc. for the building commonly known as the “Former Animal Shelter” located on Butter Road, Palermo, New Jersey.

R E S O L U T I O N
RESOLUTION NO. 185-2012

RE: AUTHORIZING A FIVE (5) YEAR EXTENSION TO THE LEASE BETWEEN THE
TOWNSHIP OF UPPER AND BEACON ANIMAL RESCUE, INC.
FOR THE BUILDING COMMONLY KNOWN AS THE "FORMER ANIMAL SHELTER"
LOCATED ON BUTTER ROAD, PALERMO, NEW JERSEY

WHEREAS, the Township of Upper entered into a Lease Agreement on September 3, 2004 with Beacon Animal Rescue, Inc. for the premises commonly known as the "former Animal Shelter" located on Butter Road, Palermo, New Jersey; and

WHEREAS, Beacon Animal Rescue, Inc. wishes to extend the term of said lease for an additional five years as provided in the original Lease Agreement; and

WHEREAS, the Township of Upper has received documentation from Beacon Animal Rescue as to their being a publicly supported organization therefore being exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501 (c) (3); 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 hereby extends the term of said lease for an additional five years, expiring on September 3, 2017, subject to receipt of valid insurance certificate.

5. 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. 185-2012
Offered by: Corson
Adopted: August 27, 2012

Seconded by: Newman

Roll Call Vote:

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

8. Partnering with the Upper Township School District for the joint purchase of office supplies and paper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 186-2012
RE: PARTNERING WITH THE UPPER TOWNSHIP SCHOOL DISTRICT FOR
THE JOINT PURCHASE OF OFFICE SUPPLIES AND PAPER**

WHEREAS, the Upper Township School District has contacted the Township of Upper and offered to allow the Township of Upper to purchase office supplies and paper through the School District; and

WHEREAS, the proposal entails the Upper Township School District purchasing office supplies and paper on behalf of both public entities and thereafter billing the Township of Upper for the supplies and paper purchased by the Township of Upper; and

WHEREAS, the Township Committee of the Township of Upper recognizes the benefits of this joint purchasing arrangement and desires to authorize the appropriate Township officials to enter into same; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper hereby authorizes all Township officials and officers to take such action as necessary and appropriate to consummate the joint purchase agreement with respect to paper and office supplies with the Upper Township School District.
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.

Adopted: August 27, 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

- 9. **Public hearing and final adoption of Ordinance No. 006-2012, RE: AN ORDINANCE AMENDING ORDINANCE NO. 027-2011 KNOWN AS THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2012.** During the public comment section of the public hearing there were no speakers. Motion by Curtis Corson, second by Jay Newman to adopt Ordinance No. 006-2012. During roll call vote all five Committee members 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

10. **Public hearing and final adoption of 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.** During the public comment section of the public hearing there were no speakers. Motion by Curtis Corson, second by Anthony Inserra to adopt Ordinance No. 007-2012. During roll call vote all five Committee members voted in the affirmative.

TOWNSHIP OF UPPER

CAPE MAY COUNTY

ORDINANCE

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

11. **Introduction and First Reading of Ordinance No. 009-2012 RE: AN ORDINANCE PROVIDING FOR THE REFUND OF LOCAL PROPERTY TAXES FOR THE DWELLING HOUSE OF A QUALIFIED TOTALLY DISABLED VETERAN.** Motion by Curtis Corson second by Anthony Inserra to introduce Ordinance No. 009-2012 with public hearing and final adoption scheduled for September 24, 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. 009-2012
RE: AN ORDINANCE PROVIDING FOR THE REFUND OF LOCAL PROPERTY
TAXES FOR THE DWELLING HOUSE OF
A QUALIFIED TOTALLY DISABLED VETERAN**

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

SECTION 1: Chapter XXVII of the Revised General Ordinances of the Township of Upper also known as the Code of Upper Township is hereby adopted as follows:

27-1 PURPOSE.

The intent of this Chapter is to set forth the policy of Upper Township with respect to the refund of real property taxes for the dwelling house of a qualified totally disabled veteran or his or her surviving spouse or domestic partner. N.J.S.A. 54:4-3:30 requires a tax assessor to provide an exemption from real property taxation upon the filing with the tax assessor of a claim under oath certifying that the claimant has met the statutory requirements for such exemption. N.J.S.A. 54:4-3.32 allows a municipality, in its discretion, to return taxes collected on property which would have been exempt had a proper claim in writing had been made prior to the time the actual claim in writing was made. Upper Township recognizes the public benefit in providing a tax exemption to a disabled veteran, or his or her surviving spouse or domestic partner; however, the Township also understands that retroactive refunds have a significantly adverse financial impact on the Township and its taxpayers. The purpose of this Chapter is to set a policy of the Township of Upper that a refund of real property taxes to a qualified totally disabled veteran, or to his or her surviving spouse or domestic partner, shall be limited solely to those taxes due in the current calendar year the claim for exemption is made to the tax assessor.

27.2 REFUND OF TAXES.

For a veteran, or his or her surviving spouse or domestic partner, entitled to exemption under N.J.S.A. 54:4-3.30, the Township Committee shall, by appropriate resolution after a formal written request, refund taxes previously paid only for the calendar year in which the claim of the veteran, or his or her surviving spouse or domestic partner, was submitted to the Township tax assessor. Any further refund of taxes shall not be permitted, regardless of the date of the disability of the veteran as determined by the United States Department of Veterans Affairs. The formal written request for the refund of

the current calendar year taxes must be submitted within six (6) months of the date the tax assessor approves the claim. Requests submitted beyond said six (6) month period shall not be entitled to a refund pursuant to N.J.S.A. 54:4-3.32.

SECTION 2: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 3: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

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

SECTION 5: CODIFICATION: This Ordinance shall be codified in the Upper Township Code at the sections referenced to above.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 27th 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 24th 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

- 12. Zoning Board Annual Report – report of decision on applications, and findings and recommendations for 2012.** Mr. Inserra discussed the recommendations about undersized lots and that perhaps it did not go far enough to address the matter. There was discussion that the present ordinance allows small lot owners to either sell their undersized lot to adjoining property owners at a COAH set price or that the owner could build a COAH house on the undersized lot if all criteria are met. Motion was made by Curtis Corson, second by Richard Palombo to accept the 2012 Annual Report of the Zoning Board.

UNFINISHED BUSINESS:

DISCUSSION

PAYMENT OF BILLS:

13. **“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: \$ 195,787.99
Bills approved for payment: \$ 196,633.13

REPORT OF MUNICIPAL DEPARTMENTS:

14. MUA Report
15. EMS Department

Reports are available in the Clerk’s Office.

PUBLIC COMMENT

Kitty Neagler, 1401 Woodbine, Tuckahoe, complained about gun shots during summer evenings and spoke in opposition to target practice and the discharge of firearms in Upper Township.

John Geiger, 180 Dennisville Petersburg Road, commented that in the 17 years he has been target practicing in his neighborhood he has only had one complaint.

Kristine Wright, 1581 Route 50 Tuckahoe, spoke in favor of allowing target practice on private lots and stated that she has a target range on her property.

Timothy Rose, 361 Mill Road, Tuckahoe, is a police officer and is in favor of some type of regulations. Mr. Rose also stated that he opposed restrictions at the Mosquito Landing Beach for the launching of motorized water craft.

Ron McCole, 54 East Maple Shade Lane, Marmora asked about items #7 and #8 on the agenda, that the contract renewal resolutions do not specify the dollar amounts of the contract. The Committee responded that many of the Township contracts are based on hourly rates and the scope of the work and it is impossible to give a specific dollar amount. Also the public has the option to view the proposed resolutions at the Clerk’s office prior to the meeting.

Hobart Young, 208 Route 50 Petersburg questioned affordable housing and undersized lots and commented on the trash truck specifications.

Brian Keenan, Somers Point, commented on the trash trucks.

Stewart Segin, Tuckahoe, commented on the trash trucks and the use of firearms in the Township.

CLOSED SESSION

16. Resolution to conduct a closed meeting pursuant to N.J.S.A. 10:4-12, from which the public shall be excluded. Mr. Newman read the following resolution into the record.

**Resolution No. 187-2012
MOTION GOING INTO CLOSED SESSION
August 27, 2012**

I hereby move that a resolution be incorporated into the minutes authorizing the Township Committee to enter into an executive session for the following matters pursuant to the Open Public Meetings Act:

MATTERS:

1. Litigation – Citizens for Strathmere and Whale Beach v. Upper Township
2. Contract negotiation – Michael Donohue – In Rem Foreclosures Attorney

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.

Moved by Jay Newman

Motion seconded by Curtis Corson

During roll vote all five 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 10:00 P.M.
Next meeting scheduled for September 10, 2012 at 7:30 P.M.

Minutes prepared by

Wanda Gaglione, RMC
Municipal Clerk

Bill List

58104 08/27/12 A0006 ADVANCE TREADS INC 237.00 2742
58105 08/27/12 A0018 ACTION SUPPLY INC. 5.49 2742
58106 08/27/12 A0041 ALL ACTION WATER SPORTS, INC. 246.94 2742
58107 08/27/12 A0091 ATLANTIC CITY ELECTRIC 5,366.43 2742
58108 08/27/12 A0134 ANSELL ZARO GRIMM & AARON, PC 549.66 2742
58109 08/27/12 A0167 HESS CORPORATION 4,990.93 2742
58110 08/27/12 B0178 BUGANSKI, PETER R. 46.97 2742
58111 08/27/12 C0048 CAPE MAY COUNTY MUA 33,192.39 2742
58112 08/27/12 C0060 CAPRIONI'S PORTABLE TOILETS 1,689.00 2742
58113 08/27/12 C0068 COMCAST 239.32 2742
58114 08/27/12 C0077 CHERRY VALLEY TRACTOR SALES 164.85 2742
58115 08/27/12 C0143 CODY'S POWER EQUIPMENT 135.97 2742
58116 08/27/12 C0165 CONSOLIDATED PLASTICS CO., INC 220.51 2742
58117 08/27/12 C0171 COLONIAL ELECTRIC SUPPLY CO. 72.20 2742
58118 08/27/12 C0201 CRUZAN'S TRUCK SERVICE INC. 254.62 2742
58119 08/27/12 C0223 CASA PAYROLL SERVICE 296.65 2742
58120 08/27/12 C0246 CRAFT OIL CORPORATION 338.05 2742
58121 08/27/12 C0248 CHAPMAN FORD SALES, INC 721.94 2742
58122 08/27/12 D0003 DATA RESOURCE SOLUTIONS 680.00 2742
58123 08/27/12 D0016 DALEYS PIT 160.00 2742
58124 08/27/12 D0040 DELTA DENTAL OF N.J. INC. 6,618.87 2742
58125 08/27/12 F0016 FAZZIO, JOSEPH INC. 3,090.09 2742
58126 08/27/12 F0030 FASTENAL 74.70 2742
58127 08/27/12 G0016 GARDNER HARDWARE INC. 170.05 2742
58128 08/27/12 G0021 GARTLAND, JOSEPH, INC. 319.30 2742
58129 08/27/12 G0028 GENTILINI FORD 382.12 2742
58130 08/27/12 G0092 GRUND, BARBARA J. 126.30 2742
58131 08/27/12 G0147 GREATAMERICA LEASING CORP. 202.97 2742
58132 08/27/12 H0073 HOME DEPOT CRC/GECE 419.00 2742
58133 08/27/12 H0095 HORIZON BCBSNJ 110,305.15 2742
58134 08/27/12 K0037 KOHLER, JOHN F 99.91 2742
58135 08/27/12 K0047 KLINE, EDWARD T. 114.99 2742
58136 08/27/12 L0007 LC EQUIPMENT, INC. 2,462.25 2742
58137 08/27/12 M0033 MARMORA HARDWARE 17.96 2742
58138 08/27/12 M0188 MCCARTHY TIRE SERVICE OF PHILA 1,580.69 2742
58139 08/27/12 M0217 MUNICIPAL EMERGENCY SERVICES 291.00 2742
58140 08/27/12 N0052 NATL YOUTH SPORTS COACHED ASSN 60.00 2742
58141 08/27/12 N0108 N.J.COUNTY TAX BOARDS ASSOC. 250.00 2742
58142 08/27/12 N0120 NORTHERN SAFETY CO.INC. 133.32 2742
58143 08/27/12 N0131 DEFINED CONTRIB RETIRE PROGRAM 9.85 2742
58144 08/27/12 N0134 NJ Assoc for Floodplain Mangmt 20.00 2742
58145 08/27/12 P0032 PEDRONI FUEL CO. 1,906.74 2742
58146 08/27/12 P0056 TURF EQUIPMENT AND SUPPLY CO 14.31 2742
58147 08/27/12 P0073 POGUE INC. 133.00 2742
58148 08/27/12 P0096 PREVITI, MICHELE M. 98.35 2742
58149 08/27/12 P0121 PENGUIN COMMUNICATION LLC 88.32 2742
58150 08/27/12 P0131 360 BUSINESS SOLUTIONS 59.95 2742
58151 08/27/12 R0030 RIGGINS, INC. 7,838.05 2742
58152 08/27/12 R0092 RUTGERS, THE STATE UNIVERSITY 916.00 2742
58153 08/27/12 S0034 SCHULER, DANIEL 55.87 2742
58154 08/27/12 S0036 SCHULER, JAMES 305.70 2742
58155 08/27/12 S0073 SENIOR TRAVEL SERVICE, INC. 2,250.00 2742
58156 08/27/12 S0083 SHERWIN WILLIAMS, CO. 118.56 2742
58157 08/27/12 S0097 SMH CPR TRAINING CENTER 49.00 2742
58158 08/27/12 S0113 SMITH, THOMAS G. 165.60 2742
58159 08/27/12 S0121 SMUZ, THERESE A 169.14 2742
58160 08/27/12 S0126 SPIEGEL, BARBARA 25.00 2742
58161 08/27/12 S0134 SO. JERSEY GAS COMPANY 189.84 2742
58162 08/27/12 S0165 S.E.T. COMMUNICATIONS INC 136.00 2742

58163 08/27/12 S0196 STEWART BUSINESS SYSTEMS LLC 207.73 2742
58164 08/27/12 S0249 BSN SPORTS 2,699.57 2742
58165 08/27/12 S0260 SHORE VETERINARIANS,PA 21.96 2742
58166 08/27/12 T0085 TREASURER, STATE OF NEW JERSEY 42.00 2742
58167 08/27/12 U0003 U.S. MUNICIPAL SUPPLY, INC. 868.82 2742
58168 08/27/12 U0034 UPPER TWP.GIRLS SOFTBALL ASSOC 105.00 2742
58169 08/27/12 V0001 VCI EMERGENCY VEHICLE 253.30 2742
58170 08/27/12 V0005 VAN EMBDEN, NATHAN, ATTORNEY 225.00 2742
58171 08/27/12 V0024 VAL-U AUTO PARTS L.L.C. 613.88 2742
58172 08/27/12 W0030 WEST PUBLISHING CO. 719.00 2742
Total: \$196,633.13