

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR TUESDAY NOVEMBER 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	Absent
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 -      October 22, 2012 Regular Meeting and  
Closed Session Minutes**

Motion was made by Jay Newman, seconded by Curtis Corson. During roll call vote all four Committee members present voted in the affirmative.

**REPORT OF GOVERNING BODY MEMBERS**

**Richard Palombo, Mayor**, thanked the voters for their support. Mayor Palombo next offered his gratitude and recognition of the departments and employees regarding the response before, during, and after Hurricane Sandy. He praised at length the work and dedication of the Office of Emergency Management, the Public Works Department, the Township Engineer, the Division of EMS and the Rescue Squad, the State Police, the Municipal Clerk and Deputy Clerk, the Fire and Rescue crews, and the volunteers in the shelter. He asked that they all be publicly recognized with a resolution at the 2013 Reorganization meeting.

**Curtis Corson, Committeeman**, offered his appreciation of the employees and their response and hard work during the Hurricane. He next reported on a request from a resident of Strathmere regarding permits to drive on the beach for the purpose of fishing. The pros and cons of allowing vehicles on the beach for this purpose were discussed. He next requested that information and proposals be gathered regarding the filming and broadcasting of Committee meetings.

**Jay Newman, Committeeman**, gave a brief timeline of events of the Hurricane response and reported some of the issues that arose during the storm. He praised the response and dedication of the departments as well.

**Anthony Inserra, Committeeman**, also stated his gratitude and appreciation for the employees work during the storm. He next offered his congratulations to Mayor Palombo on his reelection. He next reported that a meeting regarding the purchase of trash trucks was held. Additional fact finding is required and a recommendation will be offered at a future meeting. Mr. Inserra next reported that the generator at the Public Works building needs to be replaced. There was a brief discussion on the different options of generators available.

## **OTHER REPORTS**

**Wanda Gaglione, Municipal Clerk**, congratulated everyone on the election. She then announced that the Upper Township Business Association will be holding a community night at the Upper Township Primary school on November 14, 2012 from 6-9 pm at which the Committee was invited.

**Daniel Young, Municipal Attorney**, reported that the Upper Township Rescue Squad has requested the Township submit a letter approving the Rescue Squad entering into a Government Obligation Contract for the financing of an ambulance. This letter will enable the Rescue Squad to receive a low tax exempt interest rate, and does not obligate the Township in any way. Motion by Curtis Corson, second by Jay Newman to authorize Upper Township Officials to execute the requested letter. During roll call vote all four Committee members present voted in the affirmative. Mr. Young next reported that there are a few items for closed session. Three litigation matters, two contract negotiation matters, and a personnel matter.

**Paul Dietrich, Municipal Engineer**, gave an update on some of the changes to the proposed Flood Plain Ordinance. The Planning Board will be reviewing the Ordinance at their next meeting and it should be ready to be introduced before the end of the year. Mr. Dietrich next gave an update on the Marmora Transportation Study. A model of the proposed traffic network has been completed and an application will be submitted to the DOT to change the access level along the section of Route 9 to accommodate the design of the proposed Town Center. As part of the application process, a notice of the change must be sent to the affected property owners along the Route 9 corridor stating that the DOT will be accepting comments for 15 days. The option of holding a public information hearing was discussed. Mr. Dietrich next reported that a meeting was held with FEMA to initiate the public assistance process with regard to Hurricane Sandy. A meeting is scheduled for November 15th to review the preliminary damage assessments that the Township sustained during the storm. Mayor Palombo requested that information be gathered so that the Township can also assist the residents with their applications for FEMA assistance. Mr. Dietrich stated that a FEMA intergovernmental officer has been assigned to assist with the process. Mr. Dietrich next reported that the Public Works Department has removed approximately 200 tons of debris and brush, plus another 100 tons has been removed from roll off containers. The clean-up operation is ongoing. Mayor Palombo requested that the locations of where the crews will be working be posted so that people will know when the brush in their area will be picked up.

## **RESOLUTIONS**

- 1. Authorizing the necessary Township officials to sign the necessary agreements with Cape Bank with regard to banking services.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N  
RESOLUTION NO. 211-2012  
RE: AUTHORIZING THE NECESSARY TOWNSHIP OFFICIALS TO SIGN THE  
NECESSARY AGREEMENTS WITH CAPE BANK  
WITH REGARD TO BANKING SERVICES**

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**WHEREAS**, Cape Bank has submitted a Remote Deposit Capture (RDC) User Setup Form, Remote Deposit Capture Agreement, Business Online Banking Enrollment Form, Business Online Banking Resolution, ACH Agreement, Wire Transfer Agreement, Network Security and Business Online Banking “Best Practices” Form, Business Online Banking Electronic Services Agreement, ACH Agreement for Third Party Payroll Origination, Account Agreements and Commercial Customer Review Forms for municipalities to the Township to provide banking services; and

**WHEREAS**, the Township wishes to accept said agreements and forms and to authorize the execution of said agreements and forms with Cape Bank; and

**WHEREAS**, the said agreements and forms have been reviewed and approved by the Municipal Auditor and will be on record in the office of the Township Clerk and available for public inspection; and

**WHEREAS**, Cape Bank has completed and submitted a Business Entity Disclosure Certification which certifies that Cape Bank has not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Cape Bank 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. Cape Bank 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.

3. The agreements and forms between the Township and Cape Bank, copies of which are on file in the office of the Township Clerk, are approved and the Township Clerk and Chief Financial Officer and other necessary Township officials are hereby authorized, directed and empowered to execute said agreements and forms on behalf of the Township of Upper and the Township Clerk is further authorized, directed and empowered to seal said Agreement with the seal of the Township of Upper.

4. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 211-2012

Offered by: Corson

Seconded by: Inserra

Adopted: November 13, 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>			

## 2. Budget Transfers.

### TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION RESOLUTION NO. 212-2012 RE: BUDGET TRANSFERS

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**WHEREAS**, budgetary transfers between line items can be made after November 1<sup>st</sup>; and

**WHEREAS**, it is necessary to make transfers between certain line items of the Municipal Budget of the Township of Upper.

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

1. The following transfers between line items in the Municipal Budget of the

Township of Upper shall be made immediately:

<u>TO</u>	<u>FROM</u>
ASSESSMENT OF TAXES S/W \$4,000.00	ENGINEER COSTS O/E-DEP FEES \$3,500.00
ENGINEER SERVICES S/W \$160.00	ENGINEER COSTS-SMARTH GROWTH \$15,000.00
WORKERS COMP PREMIUM \$20,000.00	ENGINEER COSTS O/E \$2,000.00
BEACH PROTECTION S/W \$2,150.00	ZONING BOARD O/E \$4,000.00
SHORE PROTECTION O/E \$25,000.00	1 <sup>st</sup> AID ORGANIZATION S/W \$10,000.00
PERS \$47,000.00	ROAD REPAIRS & MAINT S/W \$15,000.00
CLEAN COMMUNITIES O/E \$1,666.00	RECYCLING PROGRAM S/W \$5,000.00
	BOARD OF HEALTH O/E \$15,000.00
	BEACH PROTECTION O/E \$3,810.00
	MISC TIPPING FEES \$25,000.00
	CLEAN COMMUNITIES S/W \$1,666.00

Resolution No. 212-2012  
Offered By: Newman  
Adopted: November 13, 2012

Seconded By: Corson

#### 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____	_____	_____	_____

### ORDINANCES

#### 3. **Public Hearing and Final Adoption of Ordinance No. 011-2012 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER VII OF THE CODE OF UPPER TOWNSHIP TO ESTABLISH TIME LIMITED PARKING ON PARTS OF COMMONWEALTH AVENUE.**

During the public comment section of the public hearing there were no speakers. Motion by Jay Newman, second by Anthony Inserra to adopt Ordinance No. 011-2012. During roll call vote all four Committee members present voted in the affirmative.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
O R D I N A N C E  
ORDINANCE NO. 011-2012**

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE  
CHAPTER VII OF THE CODE OF UPPER TOWNSHIP TO ESTABLISH TIME  
LIMITED PARKING ON PARTS OF COMMONWEALTH AVENUE**

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

**SECTION 1.** Chapter 7, Section 3.6 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be replaced in its entirety as follows:

7-3.6 Parking Time Limited on Certain Streets

No person shall park a vehicle for longer than the time limit shown in Schedule IV at any time between the hours listed in the Schedule IV on any day upon any street(s) or parts of street(s) described in Schedule IV attached to and made a part of this Chapter.

**SECTION 2.** Chapter 7, Schedule IV of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be replaced in its entirety as follows:

SCHEDULE IV – Time Limited Parking

In accordance with the provisions of subsection 7-3.6, no person shall park a vehicle for longer than the time limit shown on any of the following streets or parts of streets:

Street Name	Side	Time Limit; Days	Location
Commonwealth Avenue* (CR 619)	East	15 minutes May 1 to September 30	Beginning at a point 35feet north of the northerly

curbline of Vincent Road  
and extending to a point 22  
feet north therefrom.

Commonwealth Avenue\* East 15 minutes  
(CR 619) May 1 to September 30

Beginning at a point 35 feet  
south of the southerly  
curbline of Tecumseh  
Avenue and extending to a  
point 22 feet south  
therefrom.

Commonwealth Avenue\* East 15 minutes  
(CR 619) May 1 to September 30

Beginning at a point 35 feet  
north of the northerly  
curbline of Putnam Avenue  
and extending to a point 22  
feet north therefrom.

\*This Time Limited Parking restriction was approved and authorized by the Cape May County Board of Chosen Freeholders pursuant to Resolution No. 734-12 and may be enforced by this Township ordinance.

**SECTION 3: REPEALER:** All Ordinances or parts of Ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

**SECTION 4: SEVERABILITY:** If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

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

**SECTION 6: CODIFICATION:** This Ordinance shall be codified in the Upper Township Code at the sections referred to above.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 9<sup>th</sup> OF OCTOBER, 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 13<sup>th</sup> OF NOVEMBER, 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

4. **Introduction and First Reading of Ordinance No. 013-2012 RE: AN ORDINANCE ESTABLISHING SALARIES FOR THE TOWNSHIP OF UPPER FOR THE CALENDAR YEAR 2013.** Motion by Curtis Corson second by Jay Newman to introduce Ordinance No. 013-2012 with public hearing and final adoption scheduled for December 3, 2012 at 7:30 P.M. During roll call vote all four Committee members present voted in the affirmative.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
O R D I N A N C E  
ORDINANCE NO. 013-2012  
AN ORDINANCE ESTABLISHING SALARIES FOR THE TOWNSHIP  
OF UPPER FOR THE CALENDAR YEAR 2013**

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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: TITLE: This Ordinance shall be known as the Salary Ordinance of 2013.

SECTION 2: SALARIES: Salaries for the various officials and employees of the Township of Upper for the calendar year 2013 shall be as follows:

POSITION	MINIMUM	MAXIMUM -2013
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(P/T denotes "Part-Time Position")

A. ADMINISTRATIVE/REVENUE AND FINANCE:

Mayor	3,750.00	\$ 5,000.00
Township Committeeman	7,000.00	11,250.00
Township Tax Assessor	7,500.00	78,000.00
Deputy Tax Assessor	No Min.	550.00
Assessing Clerk (P/T)	6,500.00	20.00 Hr.
Township Tax Collector	15,000.00	82,000.00

Deputy Tax Collector	No Min.	550.00
Tax Clerk (P/T)	12.00 Hr.	20.00 Hr.
Township Clerk	15,000.00	78,000.00
Deputy Township Clerk (P/T)	525.00	550.00
Sr. Clerk-Typist	15,000.00	62,000.00
Clerk Typist	15,000.00	52,000.00
Clerk-Typist (P/T)	5.75 Hr.	18.00 Hr.
Clerk-Typist (MAC)	No Min.	4,950.00
Township Engineer	50,000.00	98,000.00
Chief Financial Officer	42,000.00	67,000.00
Purchasing Agent	35.00 Hr.	45.00 Hr.
Purchasing Agent/QPA	2,000.00	5,000.00
Assistant Finance Officer	No Min.	550.00
Registrar of Vital Statistics (P/T)	No Min.	1,850.00
Deputy Reg. Vital Statistics (P/T)	No Min.	550.00
Alt. Deputy Reg. Vital Statistics (P/T)	No Min.	550.00
Public Information Officer	No Min.	10,000.00
Data Information Coordinator/COOP	No Min.	3,500.00
Claims Coordinator	No Min.	3,500.00
Mun. Improvement Official (P/T)	No Min.	1,850.00
Tax Search Officer (P/T)	No Min.	1,850.00
Director of Public Asst. (P/T)	500.00	1,000.00
Personnel Officer (P/T)	No Min.	3,000.00
Asst. Personnel Officer (P/T)	No Min.	550.00
Computer Director	No Min.	\$1,500.00
Safety Coordinator	No Min.	3,500.00
Ass't Safety Coordinator	No Min.	1,500.00
Municipal Housing Liaison	No Min.	2,500.00

#### B. MUNICIPAL COURT:

Municipal Judge (P/T)	15,000.00	50,000.00
Municipal Court Administrator	15,000.00	78,000.00
Deputy Mun. Court Administrator	15,000.00	68,000.00
Municipal Prosecutor (P/T)	No Min.	45,000.00
Court Attendant (P/T)	No Min.	\$250.00 per session
Municipal Public Defender (P/T)	No Min.	25,000.00

#### C. CODE ENFORCEMENT/ZONING ENFORCEMENT:

Construction Official	15,000.00	95,000.00
Building Subcode Official (P/T)	2,500.00	6,769.00
Electrical Subcode Official (P/T)	9,500.00	30,000.00
Electrical Inspector (P/T)	9,500.00	30,000.00

FireSub-CodeOff. (P/T)	2,500.00	4,900.00
Zoning Officer (P/T)	2,500.00	7,500.00
Deputy Zoning Officer	No Min.	550.00
Housing Officer/Code Enforce. (P/T)	2,500.00	7,500.00
Fire Prevention Official (P/T)	1,000.00	2,279.00
Plumbing Sub-Code Off. (P/T)	No Min.	12,000.00
Plumbing Inspector (P/T)	No Min.	6,524.00
Fire Protection Subcode Official (P/T)	No Min.	2,279.00
Clerk Typist	12,000.00	56,000.00

#### D. PUBLIC SAFETY/EMERGENCY MANAGEMENT:

Mun. Dir. Emerg. Management (P/T)	No Min.	12,000.00
Coord. 911 Emerg. Response, RTK	No Min.	2,000.00
Deputy Right to Know	No Min.	1,500.00
Deputy Dir. Emerg. Mgt. (P/T)	No Min.	2,845.00
Asst. Emerg. Mgt. (P/T)	No Min.	900.00
Lifeguard, 1st yr. Seasonal		10.75 Hr.
Lifeguard, 2nd yr. Seasonal		11.25 Hr.
Lifeguard, 3rd yr. to 4th yr.		11.95 Hr.
Lifeguard, 5th yr. and higher		12.25 Hr.
Hr. Lifeguard E.M.T.		\$4.00 Per Day
Captain Lifeguard Seasonal		22.50 Hr.
Lieutenant Lifeguard Seasonal		17.00 Hr.
Senior Lifeguard		13.75 Hr.
Emergency Medical Tech. –3 or more years	12,500.00	52,000.00
Emergency Medical Technician-2nd year	12,500.00	45,000.00
Emergency Medical Technician-1st year	12, 500.00	42,000.00
Emergency Medical Technician (P/T)	No Min.	13.50 Hr. 1st Yr
Medical Technician (P/T)	No Min.	14.00 Hr. 2nd Yr
School Crossing Guard (P/T)		13.00 Hr.
Chief Emergency Medical Technician		80,000.00
Deputy Chief Emergency Medical Technician		75,000.00
Sr. Emergency Medical Technician		70,000.00
Supervising Emergency Medical Technician		72,000.00
Supervising Emergency Medical Technician (P/T)		Add'l \$1.00/Hr.

#### E. PUBLIC WORKS/SPORTS AND RECREATIONAL PROGRAMS:

Superintendent of Public Works	5,000.00	10,000.00
Road Supervisor	12,500.00	88,000.00
Assistant Road Supervisor	12,500.00	82,000.00
Supervisor Equipment Operator	12,500.00	70,000.00
Supervisor Maintenance Repairer	12,500.00	70,000.00

Supervising Carpenter	20,000.00	70,000.00
Sr. Carpenter (0-9 yrs.)	20,000.00	49,928.00
Sr. Carpenter (10 or more yrs.)	20,000.00	51,367.00
Carpenter (0-9 yrs.)	12,500.00	48,489.00
Carpenter (10 or more yrs.)	12,500.00	49,928.00
Carpenter's Helper	12,500.00	48,489.00
Senior Mechanic (0-9 yrs.)	12,500.00	51,880.00
Senior Mechanic (10 or more yrs.)	12,500.00	53,321.00
Mechanic (0-9 yrs.)	12,500.00	49,446.00
Mechanic (10 or more yrs.)	12,500.00	50,885.00
Mechanics Helper (0-9 yrs.)	12,500.00	47,362.00
Mechanics Helper (10 or more yrs.)	12,500.00	48,801.00
Equipment Operator (0-9yrs.)	12,500.00	48,489.00
Equipment Operator (10 or more yrs.)	12,500.00	49,928.00
Truck Driver (0-9 yrs.)	12,500.00	47,280.00
Truck Driver (10 or more yrs.)	12,500.00	48,721.00
Laborer 1st year	12,500.00	36,378.00
Laborer 2nd year	12,500.00	38,418.00
Laborer 3rd year	12,500.00	40,458.00
Laborer 4th year	12,500.00	42,499.00
Laborer 5th year	12,500.00	44,540.00
Laborer (6-9 yrs.)	12,500.00	46,099.00
Laborer (10 or more yrs.)	12,500.00	47,537.00
Laborer (P/T)	5.00 Hr.	11.50 Hr.
Sr. Sanitation Inspector	12,500.00	49,928.00
Sanitation Inspector (0-9 yrs.)	12,500.00	48,489.00
Sanitation Inspector (10 or more yrs.)	12,500.00	49,928.00
Recycling Laborer	10,400.00	42,463.00
Recycling Coordinator (P/T)	No Min.	5,698.00
Assistant Recycling Coordinator (P/T)	No Min.	2,849.00
Groundskeeper (0-9 yrs.)	12,500.00	48,489.00
Groundskeeper (10 or more yrs.)	12,500.00	49,928.00
Building Maintenance Worker	22,000.00	33,339.00
Recreational Program Coordinator	15,500.00	70,000.00
Supervisor Rec. Maint.	12,500.00	70,000.00
Sr. Recreation Maint. Worker (0-9 yrs.)	11,500.00	48,489.00
Sr. Rec. Maint. Worker (10 or more yrs.)	11,500.00	49,928.00
Maintenance Repairer (0-9 yrs.)	10,500.00	48,489.00
Maintenance Repairer (10 or more yrs.)	10,500.00	49,928.00
Recreation Maint. Worker (0-9 yrs.)	10,500.00	47,280.00
Recreation Maint. Worker (10 or more yrs.)	10,500.00	48,721.00
Recreation Attendant/Laborer	9,500.00	46,099.00
Recreation Aide (P/T)	5.00/Hour	11.50/Hour
Beach Sweeper (Seasonal)	5.00/Hour	11.50/Hour
Playground Safety Inspector	500.00	1,000.00

Beach Inspector	No Min.	4,000.00
Boat Ramp Attendant	No Min.	12.00 Hr.
Skate Park Attendant	No Min.	12.00 Hr.
Recreation Advisory Bd. Secretary (P/T)	No Min.	2,200.00
Clerk Typist (Recreation)	12,500.00	45,000.00
Sr. Clerk Typist (Recreation)	12,500.00	54,000.00

**F. BOARD OF HEALTH/ZONING BOARD/PLANNING BOARD:**

Secretary Planning Board (P/T)	42,000.00
Per Meeting	100.00
Secretary Zoning Board of Adjustment (P/T)	42,000.00
Per Meeting	100.00
Attorney for the Board - Maximum Salary (Not to exceed)	22,000.00
Secretary Board of Health (P/T)	550.00

**G. MILEAGE:** The standard rate per mile in accordance with I.R.S. regulations.

**H. GIFT CARD AWARD OR BONUS:** In addition to the salary set forth in this Ordinance, the Township Committee, by resolution, may award as a bonus any employee a gift card or gift cards not to exceed a total amount of \$200.00 for the year. Said award shall be by resolution of the Township Committee setting forth the amount of the gift card bonus.

**I. EDUCATIONAL CERTIFICATION PAY RAISE:** In addition to the salary set forth in this Ordinance upon resolution of the Township Committee, the Township Committee may give an increase in salary of \$1,000.00 to any employee that has satisfied educational certification requirements for his or her position in accordance with current Township policy. The Township Committee shall by resolution fix the pay increase in this regard and certify that the employee has satisfied the educational certification requirement.

**SECTION 3: LONGEVITY:** In addition to the compensation and benefits otherwise payable, certain employees shall be paid an additional sum based on longevity. Any payment based on longevity shall be in accordance with the following schedule:

YEARS OF SERVICE BASED ON LONGEVITY	AMOUNT OF INCREASE
After 5 years	2%
After 10 years	4%
After 15 years	6%
After 20 years	8%
After 25 years	10%

SECTION 3A: RESTRICTIONS ON LONGEVITY PAYMENTS: Notwithstanding the provisions of Section 3 hereof, a longevity payment or longevity bonus to any single official, officer or employee of the Township of Upper shall not exceed the sum of Three Thousand (\$3,000.00) Dollars. If, as of January 1, 1997, any such official, officer or employee of the Township of Upper was entitled to a longevity payment in excess of Three Thousand (\$3,000.00) Dollars, then such individual shall be entitled to receive the amount to which he or she would have been entitled as of January 1, 1997 and each such official, officer or employee shall thereafter, in all subsequent years, receive a longevity payment or bonus in the amount paid as of January 1, 1997. In no event shall the amount of longevity payments exceed the sum of Three Thousand (\$3,000.00) Dollars, except for those individuals who are entitled to receive in excess of Three Thousand (\$3,000.00) Dollars as of January 1, 1997 and all such individuals shall in 1997 and all succeeding years be restricted to a payment which does not exceed that which was payable on January 1, 1997.

SECTION 3B: LONGEVITY PAY ABOLISHED FOR CERTAIN EMPLOYEES: Any official, officer or employee who was employed by the Township of Upper on or after January 1, 1996 shall not be entitled to any longevity payment. Longevity pay is abolished for any and all officials, officers and employees hired on or subsequent to that date.

SECTION 4: RESOLUTION AS TO SALARIES: The salaries set forth in this Ordinance are the Maximum salaries to be paid for the various positions during 2013 and for such period or periods as this Ordinance shall remain in effect. Such maximum salaries shall be paid for each of the positions indicated unless the Township Committee, by Resolution shall fix a lesser salary, in which event such lesser amount shall be paid.

SECTION 5: EFFECTIVE DATE OF PAYMENT: All salaries authorized by this Ordinance shall be paid commencing as follows:

- (A) As of January 1, 2013 for all officials, officers and employees of the Township who were employed or appointed as of December 31, 2012. For those officials, officers and employees appointed at the Reorganization Meeting of the Township Committee, such persons shall be deemed appointed and employed by the Township as of January 1, 2013. This provision shall not apply to members of a Collective Bargaining Unit.
- (B) The payment of any salary increment and longevity payment for members of a Collective Bargaining Unit shall be made in accordance with the provisions of the Collective Bargaining Agreement currently in effect, any other provisions herein to the contrary notwithstanding.
- (C) Upon the effective date of appointment for all officers and employees appointed subsequent to January 1, 2013.

- (D) Any salary increases provided for in this Ordinance shall not apply to any official, officer or employee of the Township who has resigned or otherwise terminated his or her employment with the Township of Upper prior to the effective date of this Ordinance.

SECTION 6: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 7: 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 8: EFFECTIVE DATE: This Ordinance shall take effect immediately upon passage and publication as required by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING ON NOVEMBER 13, 2012 AND WILL BE TAKEN UP FOR SECOND READING AND FINAL ADOPTION AT A MEETING OF THE UPPER TOWNSHIP COMMITTEE TO BE HELD ON DECEMBER 3, 2012 AT 7:30 P.M.

BY ORDER OF THE TOWNSHIP COMMITTEE.  
WANDA GAGLIONE, RMC  
TOWNSHIP CLERK

### **CORRESPONDENCE**

### **NEW BUSINESS**

**5. Request for defense for Zoning Officer Complaint.**

Motion by Curtis Corson, second by Jay Newman, to authorize conflict attorney Norman Briggs represent the Zoning Officer. During roll call vote all four Committee members present voted in the affirmative.

**6. Seaville Plantation Subdivision bid opening results.**

Mr. Corson recused himself from this discussion. The Township Engineer recommended the contract be awarded to the lowest bidder, Asphalt Paving Corporation. Motion by Jay Newman, second by Tony Inserra, to accept the bid from Asphalt Paving Corporation. During roll call vote Mr. Inserra, Mr. Newman and Mr. Palombo voted in the affirmative. Mr. Corson abstained.

### **UNFINISHED BUSINESS:**

## **DISCUSSION**

### **7. Public Access Plan.**

The Township Engineer reported that this plan follows NJDEP regulations which were promulgated to enhance public access to tidal waterways and their shorelines. He stated that it is anticipated that a beach fill will be needed to repair the damage from Hurricane Sandy and part of the permit requirements for the beach fill is an adopted Beach Access Management Plan. A draft of the plan has been already been submitted to the NJDEP and no comments were returned. Motion by Curtis Corson, second by Jay Newman, to direct the Clerk's office to place a resolution on the agenda of the next meeting adopting the plan and submitting it to the DEP. During roll call vote all four Committee members present voted in the affirmative.

## **PAYMENT OF BILLS:**

8. **"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. During roll call vote all four Committee members present voted in the affirmative.

Bills approved for payment: Total: \$170,975.40

Payroll                \$165,234.57

## **REPORT OF MUNICIPAL DEPARTMENTS:**

- 9. Construction Code
- 10. Clerk's Office
- 11. EMS
- 12. Animal Control
- 13. Tax Assessor
- 14. Tax Office
- 15. Affidavit of Tax Collector Re:10/23/12 Tax Sale
- 16. Finance Office
- 17. MUA Report
- 18. Department of Public Works

**Reports are available from the Clerks Office.**

## **PUBLIC COMMENT**

**Ted Kingston, Strathmere**, thanked the Public Works Department for all of their hard work cleaning up after the Hurricane. Mr. Kingston next asked for a contact name and number for assistance with his flood damage claim. The different services offered by FEMA were discussed. However, as Mr. Kingston had a unique situation regarding his claim, the Township Engineer offered his assistance.



**Stewart Segin, New Jersey Avenue, Tuckahoe**, reported on an issue he recently had with a Township vehicle.

**CLOSED SESSION**

- 19. Resolution to conduct a closed meeting pursuant to N.J.S.A. 10:4-12, from which the public shall be excluded, for possible discussions on items of litigation, contract negotiations, and/or personnel matters. The following items may be discussed in closed session.**

TOWNSHIP OF UPPER  
RESOLUTION NO. 213-2012  
MOTION GOING INTO CLOSED SESSION  
November 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. Litigation - Jon K. Grubb v. Township of Upper
2. Litigation – Township of Upper v. Raymond Sansone and Vincent Sansone
3. Litigation – Township of Upper v. Bette Jean Yank
4. Contract negotiations – Priscilla Moore Land Exchange
5. Contract negotiations – Cape May County MUA Host Benefit Agreement
6. Contract negotiations – Collective Bargaining Agreement
7. Personnel

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 employment and personnel matters such discussions will be made public if and when formal action is taken or when the individuals involved consent that it can be made public.
- C. With respect to contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.
- D. 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 four Committee members present voted in the affirmative.

### **RECONVENE PUBLIC PORTION OF MEETING**

Motion was made by Curtis Corson, second by Jay Newman, to authorize payment to Wanda Gaglione for unused accrued vacation time. During roll call vote all four Committee members present voted in the affirmative.

Motion was made by Curtis Corson, second by Jay Newman, to authorize payment to Barbara Spiegel for unused accrued vacation time. During roll call vote all four Committee members present voted in the affirmative.

### **ADJOURNMENT**

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

There being no further business this evening the meeting was adjourned at 9:55 P.M. Next meeting scheduled for November 26, 2012 at 7:30 P.M.

Minutes prepared by

Wanda Gaglione, RMC  
Municipal Clerk

58477 11/13/12 A0006 ADVANCE TREADS INC 711.00 2754  
58478 11/13/12 A0025 ADVANTAGE RENTAL ACE HARDWARE 1,033.97 2754  
58479 11/13/12 A0026 ALERT GRAPHICS 3,441.00 2754  
58480 11/13/12 A0035 AIRLINE HYDRAULIC CORP. 72.50 2754  
58481 11/13/12 A0091 ATLANTIC CITY ELECTRIC 17,877.22 2754  
58482 11/13/12 A0131 ACORN 300.00 2754  
58483 11/13/12 A0134 ANSELL ZARO GRIMM & AARON, PC 980.00 2754  
58484 11/13/12 A0137 ADVANTAGE EQUIPMENT SERVICE 97.50 2754  
58485 11/13/12 A0165 ALBERTSONS ACME 2,679.00 2754  
58486 11/13/12 A0167 HESS CORPORATION 3,670.49 2754  
58487 11/13/12 A0171 A & E Associates Inc. 1,523.00 2754  
58488 11/13/12 B0102 GIRL SCOUT TROOP#4474 300.00 2754  
58489 11/13/12 B0106 BARLOW BUICK GMC 623.60 2754  
58490 11/13/12 B0107 BROWNIE TROOP #41360 300.00 2754  
58491 11/13/12 B0152 BUCHANAN, KAREN A. 37.74 2754  
58492 11/13/12 B0178 BUGANSKI, PETER R. 69.97 2754  
58493 11/13/12 B0182 BRIGGS LAW OFFICE, P.C. 467.00 2754  
58494 11/13/12 B0199 BROWNIE TROOP #41372 300.00 2754  
58495 11/13/12 B0203 BOY SCOUT TROOP 95 300.00 2754  
58496 11/13/12 B0204 BOY SCOUT TROOP 95 300.00 2754  
58497 11/13/12 B0212 BENEDETTI'S BISTRO 280.00 2754  
58498 11/13/12 C0019 CITY OF OCEAN CITY 53,555.00 2754  
58499 11/13/12 C0046 CAPE MAY COUNTY CLERK 96.00 2754  
58500 11/13/12 C0051 COUNTRY SHORE WOMEN'S CLUB 300.00 2754  
58501 11/13/12 C0061 CAPRIONI FAMILY SEPTIC 200.00 2754

58502 11/13/12 C0068 COMCAST 224.39 2754  
58503 11/13/12 C0091 CHISHOLM, JOHN R. 37.98 2754  
58504 11/13/12 C0103 CHURCH OF THE RESURRECTION 300.00 2754  
58505 11/13/12 C0171 COLONIAL ELECTRIC SUPPLY CO. 136.10 2754  
58506 11/13/12 C0190 CUB SCOUT PACK #79 600.00 2754  
58507 11/13/12 C0201 CRUZAN'S TRUCK SERVICE INC. 1,348.89 2754  
58508 11/13/12 C0223 CASA PAYROLL SERVICE 236.75 2754  
58509 11/13/12 D0003 DATA RESOURCE SOLUTIONS 760.00 2754  
58510 11/13/12 D0016 DALEYS PIT 130.00 2754  
58511 11/13/12 D0138 GIRL SCOUT TROOP 44480 300.00 2754  
58512 11/13/12 E0012 EHRlich PEST CONTROL INC 244.02 2754  
58513 11/13/12 F0013 FARM RITE INC. 80.95 2754  
58514 11/13/12 F0054 FORT DEARBORN LIFE INSURANCE 466.35 2754  
58515 11/13/12 F0080 FAMILIES UNITED NETWORK 300.00 2754  
58516 11/13/12 G0002 GAGLIONE, WANDA 223.87 2754  
58517 11/13/12 G0009 GAPVAX, INC. 149.33 2754  
58518 11/13/12 G0016 GARDNER HARDWARE INC. 167.53 2754  
58519 11/13/12 G0022 G.T.A.M. ASSOCIATION 300.00 2754  
58520 11/13/12 G0028 GENTILINI FORD 62.51 2754  
58521 11/13/12 G0037 GFOA OF NEW JERSEY 90.00 2754  
58522 11/13/12 G0044 GILES & RANSOME, INC. 56.60 2754  
58523 11/13/12 G0057 GLOBALSTAR USA LLC 84.98 2754  
58524 11/13/12 G0142 GIRL SCOUT TROOP 41548 300.00 2754  
58525 11/13/12 G0143 GIRL SCOUT TROOP 41323 300.00 2754  
58526 11/13/12 G0144 GIRL SCOUT TROOP 45127 300.00 2754  
58527 11/13/12 G0147 GREATAMERICA LEASING CORP. 176.97 2754  
58528 11/13/12 H0018 HAROLD RUBIN/L & H SUPPLY 814.92 2754  
58529 11/13/12 H0062 HOPE, JOHN J. 300.38 2754  
58530 11/13/12 H0131 HPI PROCESSES, INC 608.00 2754  
58531 11/13/12 I0002 IAAO 350.00 2754  
58532 11/13/12 J0014 JC MILLER'S 173.65 2754  
58533 11/13/12 J0028 JESCO, INC. 192.49 2754  
58534 11/13/12 J0041 JONES, JAMES M. 32.23 2754  
58535 11/13/12 J0049 DAISY TROOP 41361 300.00 2754  
58536 11/13/12 L0080 LOWES, INC. 146.12 2754  
58537 11/13/12 M0019 MAXIMUM MARINE 37.00 2754  
58538 11/13/12 M0076 MGL PRINTING SOLUTIONS 95.00 2754  
58539 11/13/12 M0103 MODERN GAS COMPANY, INC. 166.69 2754  
58540 11/13/12 M0188 MCCARTHY TIRE SERVICE OF PHILA 3,935.47 2754  
58541 11/13/12 M0217 MUNICIPAL EMERGENCY SERVICES 83.00 2754  
58542 11/13/12 M0218 MARY BRIDGET ENTERPRISES 1,065.67 2754  
58543 11/13/12 M0222 MUNICIPAL CAPITAL CORPORATION 392.00 2754  
58544 11/13/12 N0004 NJ-AMERICAN WATER CO. 240.23 2754  
58545 11/13/12 N0043 NAPA AUTO PARTS OF S.JERSEY 0.00 11/13/12 VOID 0  
58546 11/13/12 N0043 NAPA AUTO PARTS OF S.JERSEY 510.31 2754  
58547 11/13/12 N0052 NATL YOUTH SPORTS COACHED ASSN 160.00 2754  
58548 11/13/12 N0120 NORTHERN SAFETY CO.INC. 36.53 2754  
58549 11/13/12 N0124 NORKIS, MARYELLEN 172.80 2754  
58550 11/13/12 N0131 DEFINED CONTRIB RETIRE PROGRAM 9.85 2754  
58551 11/13/12 O0014 OCEANPORT LLC 3,301.16 2754  
58552 11/13/12 P0024 PEER LEADERSHIP 300.00 2754  
58553 11/13/12 P0032 PEDRONI FUEL CO. 3,428.99 2754  
58554 11/13/12 P0056 TURF EQUIPMENT AND SUPPLY CO 489.22 2754  
58555 11/13/12 P0075 POSITIVE PROMOTIONS INC 886.27 2754  
58556 11/13/12 P0121 PENGUIN COMMUNICATION LLC 98.88 2754  
58557 11/13/12 P0134 PHIL DESIERE ELEC MOTOR SERV 598.25 2754  
58558 11/13/12 P0138 PINELAND CONSTRUCTION, LLC 3,536.83 2754  
58559 11/13/12 R0030 RIGGINS, INC. 13,840.26 2754  
58560 11/13/12 R0045 RAINEAR, SCOT 275.00 2754  
58561 11/13/12 S-0257 South Jersey Energy Service Pl 72.18 2754  
58562 11/13/12 S0001 SAM'S CLUB 149.44 2754  
58563 11/13/12 S0031 SCHULER SECURITY, INC. 175.00 2754  
58564 11/13/12 S0036 SCHULER, JAMES 46.97 2754  
58565 11/13/12 S0097 SMH CPR TRAINING CENTER 7.00 2754  
58566 11/13/12 S0109 SNAP-ON-INDUSTRIAL 690.00 2754  
58567 11/13/12 S0121 SMUZ, THERESE A 57.08 2754  
58568 11/13/12 S0134 SO. JERSEY GAS COMPANY 283.21 2754  
58569 11/13/12 S0139 SO. JERSEY WATER COND. INC. 12.50 2754  
58570 11/13/12 S0160 STAR LODGE # 65 300.00 2754  
58571 11/13/12 S0209 STAPLES ADVANTAGE 1,159.12 2754

58572	11/13/12	S0239	SHORE VET. ANIMAL CONTROL LLC	2,300.00	2754
58573	11/13/12	S0249	BSN SPORTS	511.90	2754
58574	11/13/12	S0254	SHOPRITE	228.55	2754
58575	11/13/12	S0264	SOUTH SHORE STITCHERS	300.00	2754
58576	11/13/12	S0265	SJ CONTINUING EDUCATION CENTER	80.00	2754
58577	11/13/12	T0032	THE PRESS & SUNDAY PRESS	694.26	2754
58578	11/13/12	T0048	TILL PAINT CO/D. FITZGERALD	315.00	2754
58579	11/13/12	T0053	TOWNSHIP OF UPPER	24.95	2754
58580	11/13/12	T0067	TOWNSHIP OF UPPER PETTY CASH	9.00	2754
58581	11/13/12	T0070	TOWNSHIP OF UPPER MAC	300.00	2754
58582	11/13/12	T0100	TROOP #55 TUCKAHOE	300.00	2754
58583	11/13/12	T0158	TELECORP, INC.	833.00	2754
58584	11/13/12	U0003	U.S. MUNICIPAL SUPPLY, INC.	47.30	2754
58585	11/13/12	U0012	U.T. SOCCER ASSOCIATION	157.25	2754
58586	11/13/12	U0013	U.T. WRESTLING ASSOC.	300.00	2754
58587	11/13/12	U0026	UNIVERSAL SUPPLY CO., INC.	1,204.98	2754
58588	11/13/12	U0033	UPPER TOWNSHIP HOCKEY ASSOC.	300.00	2754
58589	11/13/12	U0055	U.T. CHALLENGER PROGRAM	2,778.00	2754
58590	11/13/12	U0056	UPPER TWP SOCCER ASSN U14 BOYS	300.00	2754
58591	11/13/12	U0057	UPPER TWP SOCCER ASSN U14 GIRL	300.00	2754
58592	11/13/12	U0058	UPPER TWP MIDDLE SCHOOL 6TH GR	300.00	2754
58593	11/13/12	U0059	UPPER TWP MIDDLE SCHOOL 8TH GR	300.00	2754
58594	11/13/12	V0005	VAN EMBDEN, NATHAN, ATTORNEY	262.50	2754
58595	11/13/12	V0013	VERIZON WIRELESS	666.94	2754
58596	11/13/12	V0022	VERIZON	188.37	2754
58597	11/13/12	V0024	VAL-U AUTO PARTS L.L.C.	166.22	2754
58598	11/13/12	V0026	VITAL COMPUTER RESOURCES, INC.	30.00	2754
58599	11/13/12	W0010	WELDCO LUMBER & TIMBER CO. LLC	8,297.50	2754
58600	11/13/12	W0020	WEINSTEIN SUPPLY	32.98	2754
58601	11/13/12	W0030	WEST PUBLISHING CO.	589.79	2754
58602	11/13/12	Y0007	YEP COMPANY	622.50	2754
58603	11/13/12	Y0008	YOUNG, DANIEL J. ESQUIRE PC	9,187.50	2754
58604	11/13/12	Y0023	YOUNG, DANIEL J. ATTORNEY	2,625.00	2754

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Total: \$170,975.40