

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR DECEMBER 3, 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 Barbara Young, Finance Officer Barbara Spiegel, Municipal Attorney Daniel Young and Municipal Engineer Paul Dietrich.

**APPROVAL OF MINUTES - November 13, 2012 and November 26, 2012 Regular Meeting and Closed Session Minutes.**

Motion by Jay Newman, second by Curtis Corson to approve the November 13, 2012 Regular and Closed Session Minutes. During roll call vote Mr. Corson, Mr. Inserra, Mr. Newman, and Mayor Palombo voted in the affirmative. Mr. Barr abstained.

Motion by Jay Newman, second by Edward Barr, to approve the November 26, 2012 Regular and Closed Session Minutes. During roll call vote Mr. Barr, Mr. Newman, and Richard Palombo voted in the affirmative. Mr. Corson and Mr. Inserra abstained.

**REPORT OF GOVERNING BODY MEMBERS**

**Edward Barr, Committeeman**, offered his congratulations to Barbara Young on her appointment as the new Municipal Clerk.

**Anthony Inserra, Committeeman**, offered his congratulations to the new Municipal Clerk.

**Curtis Corson, Committeeman**, congratulated the new Township Clerk. He next inquired if the County will be cleaning up the debris left over from the Hurricane on County Rt. 631.

Mr. Dietrich stated that the County began on Roosevelt Boulevard and are working their way down to the barrier island causeways and will then be back to clean up the inland areas. There was a discussion on whether the Township could clean up the area. It was stated that unless the Township had a shared services agreement with the County, the Township would not get reimbursed for any work that was under the County's jurisdiction.

**Jay Newman, Committeeman,** congratulated the new Municipal Clerk. He next reported that Fire and Rescue staff are continuing to work on gathering required materials for FEMA with relation to the recent storm. He next inquired on the status of the Rt. 50 bridge project. The Township Engineer stated that the State should be advertising for a contract in the beginning of next year. It was next asked when the traffic lights on the corner of Rt. 50 and Hope Corson Road will be turned on. The Engineer stated that they are waiting for electric service.

**Richard Palombo, Mayor,** congratulated Barbara Young on her first official meeting as Municipal Clerk. He next reported that the Township was recently honored with the "Legacy Award" given by the Cape May County Historical and Genealogical Society for the Township's support of the Upper Township historic preservation.

Later in the meeting Mayor Palombo inquired into the status of the leaf pickup throughout the Township. The Township Engineer stated that the Public Works Department had been delayed in picking up leaves because of the storm cleanup, however they did begin leaf collection last week and worked a half of day on Saturday until the landfill closed at 12:00. It was suggested that instead of working on Saturdays, the crews work an extra hour at the end of a weekday. Motion by Mr. Corson, second by Mr. Inserra, to ask the union shop stewards to draw up a fair overtime rotation schedule for leaf collection at the end of each regular workday until the leaf collection is complete. During roll call vote all five Committee members voted in the affirmative.

## **OTHER REPORTS**

**Barbara Young, Municipal Clerk,** stated that she is honored to have been appointed as Municipal Clerk and that she is looking forward to working with everyone in this capacity.

**Daniel Young, Municipal Attorney,** welcomed the new Township Clerk. He then reported that there are two matters for closed session; a litigation matter and a personnel matter.

**Paul Dietrich, Township Engineer,** reported that the Marmora Transportation Study is moving forward. They have confirmed that they will be writing a support analysis for a full interchange at Exit 20 and the need for the interchange to help with the regional traffic in our area. However, the Study will need to be submitted without that analysis because of the deadline to change the access classification. He next requested that the Township hold a public information meeting on the Marmora Transportation Study on Tuesday December 11, 2012 between 4:00 pm and 7:00 pm. at the Municipal Building. Mr. Dietrich next reported that FEMA will be releasing their advisory base flood elevations and new flood zones on December 10<sup>th</sup> to enable reconstruction from storm damage to be constructed according to

the new standards. The information is not legally binding, but Mr. Dietrich reported that residents should be made aware of a new federal law that revamps how flood insurance premiums are calculated. Previously, when a flood zone or elevation change took effect, existing homes were grandfathered and rates did not change. Under the new law all homes within the area of a flood zone or elevation zone change will be assessed rates based on the new changes, which could cause a significant increase in flood insurance rates. It was discussed that zoning ordinances can be modified to allow for conformation with any new flood zone elevation requirements, as long as no other changes to the structure is taking place.

**Barbara Spiegel, Chief Financial Officer**, congratulated Barbara Young on her appointment as Municipal Clerk. She next reported that the Township has officially changed banks. The Tax Collector has been notifying as many residents as possible that tax payments for the next quarter will be sent to Cape Bank.

#### RESOLUTIONS

1. Setting the date and time of the 2013 Reorganization Meeting of the Township of Upper.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 224-2012**

**RE: SETTING THE DATE AND TIME  
OF THE 2013 REORGANIZATION MEETING  
OF THE TOWNSHIP OF UPPER**

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**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 annual Reorganization Meeting of the Township Committee shall be held on Friday, January 4, 2013, commencing at 6:30 P.M. at the Upper Township Municipal Building, County Route 631, Petersburg, New Jersey.
2. Notification of this meeting shall be given in accordance with the requirements of the Open Public Meetings Act of the State of New Jersey.

Offered by: Newman  
Adopted: December 3, 2012

Seconded by: Barr

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. Accepting a grant from the Hazardous Discharge Site Remediation Fund Municipal Program through the New Jersey Economic Development Authority and the Department of Environmental Protection.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY**

**R E S O L U T I O N**

**RESOLUTION NO. 225-2012**

**RE: ACCEPTING A GRANT FROM THE HAZARDOUS DISCHARGE SITE  
REMEDICATION FUND MUNICIPAL PROGRAM THROUGH THE NEW JERSEY  
ECONOMIC DEVELOPMENT AUTHORITY AND THE DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

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WHEREAS, the Township of Upper has applied for and has been awarded a grant in the amount of \$49,935.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the Department of Environmental Protection and the New Jersey Economic Development Authority (NJEDA) for the preliminary assessment as well as report preparation of the Estate of Samuel Migliaccio property; 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 grant in the amount of \$49,935.00 from the Hazardous Discharge Site Remediation Fund Municipal Program is hereby accepted.

3. The Township Treasurer is authorized to submit the application fee to the NJEDA.

4. The Mayor and the Township Clerk are hereby authorized to execute the grant documents as the representatives for the Township of Upper.

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.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

Resolution No. 225-2012

Offered by: Newman

Seconded by: Palombo

Adopted: December 3, 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 Joanne R. Herron as Deputy Municipal Clerk of the Township of Upper commencing December 3, 2012.

**TOWNSHIP OF UPPER**

**CAPE MAY COUNTY**

**R E S O L U T I O N**

**RESOLUTION NO. 226-2012**

**RE: APPOINTING JOANNE R. HERRON AS DEPUTY MUNICIPAL CLERK  
OF THE TOWNSHIP OF UPPER COMMENCING DECEMBER 3, 2012.**

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**WHEREAS**, there is a vacancy in the position of Deputy Municipal Clerk and various other positions as a result of the recent resignation of Wanda Gaglione from the position of Municipal Clerk and the subsequent appointment of Barbara L. Young as Municipal Clerk; and

**WHEREAS**, the Township Committee has duly considered the matter and has determined that Joanne R. Herron, possesses all of the requisite qualifications for appointment to said position; and

**WHEREAS**, the Township Committee is of the further opinion that Joanne R. Herron is a competent, fit and suitable person for appointment to the hereinafter designated positions.

**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. Joanne R. Herron is hereby appointed Deputy Municipal Clerk of the Township of Upper effective December 3, 2012 at an annual salary of \$38,914.00.

3. In addition to Deputy Municipal Clerk, Joanne R. Herron is hereby appointed to the following positions:

- 1) Deputy Registrar of Vital Statistics to fill the unexpired one (1) year term of Barbara L. Young with an annual stipend of \$550.00;
- 2) Secretary to the Board of Health to fill the unexpired one (1) year term of Barbara L. Young with an annual stipend of \$550.00.

Resolution No. 226-2012

Offered by: Newman      Seconded by: Corson

Adopted: December 3, 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>

**ORDINANCES**

4. **Public Hearing and Final Adoption of Ordinance No. 013-2012 RE: AN ORDINANCE ESTABLISHING SALARIES FOR THE TOWNSHIP OF UPPER FOR THE CALENDAR YEAR 2013.** 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. 013-2012. 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. 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

(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

- 5. Introduction and First Reading of Ordinance No. 015-2012 RE: AUTHORIZING THE USE OF UP TO \$50,000.00 FROM THE CAPITAL IMPROVEMENT FUND FOR VARIOUS REPAIRS AS A RESULT OF DAMAGE FROM HURRICANE SANDY AND ALSO AUTHORIZING THE USE OF UP TO \$205,000.00 FROM THE RESERVE FOR BEACH REPLENISHMENT FUND FOR SAND FENCE REPLACEMENT AS A RESULT OF DAMAGE FROM HURRICANE SANDY.**

Motion by Jay Newman second by Curtis Corson to introduce Ordinance No. 015-2012 with public hearing and final adoption scheduled for December 17, 2012 at 7:30 P.M. 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. 015-2012**

**RE: AUTHORIZING THE USE OF UP TO \$50,000.00  
FROM THE CAPITAL IMPROVEMENT FUND FOR VARIOUS REPAIRS  
AS A RESULT OF DAMAGE FROM HURRICANE SANDY AND ALSO  
AUTHORITHING THE USE OF UP TO \$205,000.00 FROM THE  
RESERVE FOR BEACH REPLENISHMENT FUND FOR SAND FENCE  
REPLACEMENT AS A RESULT OF DAMAGE FROM HURRICANE SANDY**

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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.** The improvement described in Section 2 of this Ordinance is hereby authorized to be undertaken by the Township of Upper, New Jersey as a general improvement. For the improvement or purpose described in Section 2, there is hereby appropriated the sum of up to \$50,000.00 from the Capital Improvement Fund and the sum of up to \$205,000.00 from the Reserve to Beach Replenishment Fund.

**SECTION 2.**

(a) The improvements hereby authorized are for repair of the floating dock at the Beesley's Point boat ramp, replacement of the backstop netting at Caldwell Park, replacement of turtle fencing along Roosevelt Boulevard, and replacement of sand fence, posts and rails on the Strathmere beach, including all related costs and expenditures incidental thereto.

(b) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefore.

**SECTION 3.** The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 2 of this Ordinance is not a current expense. It is an improvement or purpose that the Township of Upper may lawfully undertake as a general improvement and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose is within the limitations of the Local Bond Law.

**SECTION 4.** Any FEMA reimbursement monies received for the purpose described in Section 2 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this Ordinance. The amount of obligation authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

**SECTION 5: REPEALER:** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

**SECTION 6: 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 7: 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 3rd OF DECEMBER, 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 17<sup>th</sup> DAY OF DECEMBER, 2012 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

BARBARA L. YOUNG, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

**CORRESPONDENCE**

**NEW BUSINESS**

**UNFINISHED BUSINESS**

**DISCUSSION**

6. **Request to accept contribution for improvements to public access at the Bayview Drive Boat Ramp.** The Township Engineer explained that new CAFRA and Waterfront Development rules requires commercial property owners who are developing along waterways to provide public access to those waterways by either providing access through their property, or if an access way is not available, to inquire through the municipality if there are any public access projects that can be supplemented with a contribution. After a brief discussion it was decided to table this matter in order to gather more information. The matter will be placed on a future agenda for further discussion.
7. **Accepting the 2013 Solid Waste Collection Rules and Regulations Resident Information Packet pursuant to Chapter 24 of the Revised General Ordinances of Upper Township.** Motion by Curtis Corson, second by Jay Newman, to accept the 2013

Solid Waste Collection Rules and Regulations. During roll call vote all five Committee members 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 by Jay Newman, second by Curtis Corson. During roll call vote all five Committee members voted in the affirmative.

Bills approved for payment: \$ 61,873.25

Payroll: \$ 158,255.37

**REPORT OF MUNICIPAL DEPARTMENTS:**

**9. MUA Report**

Reports are available in the Clerk’s office.

**PUBLIC COMMENT**

There was no public comment.

**CLOSED SESSION**

10. **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.** The resolution was read into the record by Jay Newman.

TOWNSHIP OF UPPER  
RESOLUTION NO. 227-2012  
MOTION GOING INTO CLOSED SESSION  
December 3, 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 – Tax appeals.
2. 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 litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.

Moved by: Newman

Motion seconded by: Corson

During roll vote all five Committee members voted in the affirmative.

## **RECONVENE PUBLIC PORTION OF MEETING**

## **ADJOURNMENT**

**There being no further business this evening the meeting was adjourned at 8:55 P.M. Next meeting scheduled for December 17, 2012 at 7:30 P.M.**

**Minutes prepared by**

**Barbara L. Young, RMC  
Municipal Clerk**

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

### BILL LIST

60000	12/04/12	A0091	ATLANTIC CITY ELECTRIC	2,445.34	2757
60001	12/04/12	A0167	HESS CORPORATION	1,702.15	2757
60002	12/04/12	A0168	ATLANTIC CRANKSHAFT	68.00	2757
60003	12/04/12	B0020	BLAKER, RAYMOND	134.95	2757
60004	12/04/12	B0178	BUGANSKI, PETER R.	79.99	2757
60005	12/04/12	B0212	BENEDETTI'S BISTRO	552.50	2757
60006	12/04/12	C0011	CAPE OFFICE MACHINES & SERVICE	119.95	2757
60007	12/04/12	C0060	CAPRIONI'S PORTABLE TOILETS	852.00	2757
60008	12/04/12	C0068	COMCAST	224.39	2757
60009	12/04/12	C0071	CAPEHART & SCATCHARD, P.A.	6,590.00	2757
60010	12/04/12	C0078	CARTER, EDWARD, SR.	124.85	2757
60011	12/04/12	C0201	CRUZAN'S TRUCK SERVICE INC.	140.52	2757
60012	12/04/12	C0223	CASA PAYROLL SERVICE	230.35	2757
60013	12/04/12	E0034	ESRI, INC.	1,600.00	2757
60014	12/04/12	F0054	DEARBORN NATIONAL LIFE INS. CO	466.35	2757
60015	12/04/12	G0028	GENTILINI FORD	212.41	2757

60016	12/04/12	G0030	GENERAL SPRING SERVICE	2,686.52	2757
60017	12/04/12	G0035	GENRON FIRE PROTECTION	1,356.85	2757
60018	12/04/12	G0096	GRUND, GEORGE	1,166.67	2757
60019	12/04/12	G0147	GREATAMERICA FINANCIAL SVCS.	202.97	2757
60020	12/04/12	H0057	HISTORICAL PRESERVATION	300.00	2757
60021	12/04/12	J0039	JOHNSON & TOWER INC.	130.36	2757
60022	12/04/12	K0028	KIRK'S PIZZA, INC.	1,380.00	2757
60023	12/04/12	L0072	LLOYD, JOEL	191.96	2757
60024	12/04/12	M0103	MODERN GAS COMPANY, INC.	376.57	2757
60025	12/04/12	M0188	MCCARTHY TIRE SERVICE OF PHILA	1,083.51	2757
60026	12/04/12	M0206	McCARDELL, JOHN	600.00	2757
60027	12/04/12	M0217	MUNICIPAL EMERGENCY SERVICES	2,080.00	2757
60028	12/04/12	M0224	McBRIDE, JANET E	1,166.67	2757
60029	12/04/12	N0043	NAPA AUTO PARTS OF S.JERSEY	632.75	2757
60030	12/04/12	N0094	NEW JERSEY PLANNING OFFICIALS	360.00	2757
60031	12/04/12	O0042	ORCHARDS HYDRAULIC SERVICE INC	210.00	2757
60032	12/04/12	P0032	PEDRONI FUEL CO.	608.36	2757
60033	12/04/12	P0121	PENGUIN MANAGEMENT, INC	9,348.00	2757
60034	12/04/12	P0137	PARDO'S TRUCK SERV PARTS WHSE	419.68	2757
60035	12/04/12	R0030	RIGGINS, INC.	6,905.62	2757
60036	12/04/12	S0001	SAM'S CLUB	50.00	2757
60037	12/04/12	S0034	SCHULER, DANIEL	78.57	2757
60038	12/04/12	S0075	SHARP, RHONDA L.	50.00	2757
60039	12/04/12	S0249	BSN SPORTS	40.71	2757
60040	12/04/12	T0067	TOWNSHIP OF UPPER PETTY CASH	1.50	2757
60041	12/04/12	T0074	TRANSAXLE LLC	266.27	2757
60042	12/04/12	U0003	U.S. MUNICIPAL SUPPLY, INC.	1,425.00	2757
60043	12/04/12	U0055	U.T. CHALLENGER PROGRAM	52.00	2757
60044	12/04/12	V0001	VCI EMERGENCY VEHICLE	463.92	2757
60045	12/04/12	V0024	VAL-U AUTO PARTS L.L.C.	474.80	2757
60046	12/04/12	V0025	V.E. RALPH & SON, INC.	223.29	2757
60047	12/04/12	V0026	VITAL COMPUTER RESOURCES, INC.	2,292.16	2757
60048	12/04/12	W0030	WEST PUBLISHING CO.	374.79	2757
60049	12/04/12	W0050	WIRELESS ELECTRONICS, INC.	9,330.00	2757
Total:				61,873.25	