

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR APRIL 22, 2013**

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 - **April 8, 2013 Regular Meeting and
Closed Session Minutes****

Motion by Curtis Corson, second by Anthony Inserra, to approve the regular meeting and closed session minutes as submitted. During roll call vote all five Committee members voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Jay Newman, Committeeman, made a motion for the appointment of Thomas Ivans as a part time EMT to the Division of Emergency Medical Services pending successful pre-employment testing. The motion was seconded by Anthony Inserra. During roll call vote all five Committee members voted in the affirmative.

Richard Palombo, Mayor, reported that the Upper Township webmaster has completed phase one of the plans for the website. He made a motion to allow the webmaster to continue the upgrades and commence with phase two. The motion was seconded by Jay Newman. During roll call vote all five Committee members voted in the affirmative. Mayor Palombo next spoke about a recent visit he had with third grade students in the Upper Township Elementary School. He stated that the children asked many questions and had a lot of great suggestions. He encouraged his fellow Committeemen to visit a class if they have the opportunity.

OTHER REPORTS

Daniel Young, Municipal Attorney, reported that there are two contract negotiation matters and safety and security issues for closed session.

Paul Dietrich, Township Engineer, requested the appointment of Matthew Edwards and Michael Gift as part time seasonal public works employees. Motion made by Anthony Inserra, seconded by Edward Barr, to approve the request. During roll call vote all five Committee members voted in the affirmative. Mr. Dietrich next reported that the dune fencing project in Strathmere has had a slight delay due to the weather. The Contractor is expected to commence work next week. Mr. Dietrich stated that the fencing is FEMA reimbursable.

Barbara Spiegel, Chief Financial Officer, reported on a request from the Tax Collector Rhonda Sharp to attend the Tax Collectors and Treasurers Spring Conference in Atlantic City on May 21st and 22nd. Motion by Richard Palombo, seconded by Anthony Inserra, to approve the request. During roll call vote all five Committee members voted in the affirmative.

RESOLUTIONS

1. In recognition and appreciation of Judy May on her retirement as Senior Emergency Medical Technician for the Township of Upper.

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

RESOLUTION NO. 83-2013

RE: IN RECOGNITION AND APPRECIATION OF JUDY MAY ON HER RETIREMENT AS SENIOR EMERGENCY MEDICAL TECHNICIAN FOR THE TOWNSHIP OF UPPER

WHEREAS, Judy May has recently retired after twenty-eight (28) years of public service to this community during which time she served within the Emergency Medical Services of Upper Township as an Emergency Medical Technician and promoted to Senior Emergency Medical Technician in January 2001 until her retirement; and

WHEREAS, this Township Committee acknowledges the expertise Judy possesses in the field of emergency medical services and on behalf of every citizen in this

community the Township Committee wishes to thank Judy for her invaluable service and assistance to the Township of Upper; and

WHEREAS, it is most appropriate that Judy's tenure of public employment and her years of faithful and dedicated service to this community be publicly recognized.

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

1. That Judy be publicly congratulated on the occasion of her retirement from the Township of Upper.
2. That she be publicly thanked for her many years of dedicated public service to our community.
3. That this Committee, on behalf of all the citizens of the Township of Upper extend to Judy May, our fellow employee and friend, our very best of wishes on her retirement and her future.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 22nd day of April, 2013.

Resolution No. 83-2013

Offered by: Newman Seconded by: Corson

Adopted: April 22, 2013

Roll Call Vote:

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

2. Honoring Andrew Giordano on attaining the designation of "Eagle Scout".

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO.84-2013**

**RE: HONORING ANDREW GIORDANO ON ATTAINING THE
DESIGNATION OF "EAGLE SCOUT"**

WHEREAS, Andrew Giordano of Troop 79, Seaville, NJ, has recently achieved the designation of Eagle Scout in the Boy Scouts of America; and

WHEREAS, the Township of Upper wishes to acknowledge this outstanding accomplishment; 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:

RESOLVED THAT the Township Committee extends its sincere congratulations to Andrew on the occasion of his receiving the designation of Eagle Scout and commends him for this outstanding accomplishment and the completion of his Eagle Scout project consisting of the construction and installation of three Osprey nest platforms at the Beesley Point Boat Ramp area. Andrew's proposal was prepared after discussions with his sponsor, "Conserve Wildlife Foundation of NJ". Andrew recruited all needed volunteers, solicited supplies and tools through donations and fundraising, and organized the construction and installation of the nest platforms; and

BE IT FURTHER RESOLVED that the Township Committee extends its congratulations and best wishes to Andrew's parents, family and friends on this happy occasion; and it is

FURTHER RESOLVED that the Township Committee also extends its congratulations and appreciation to the Scout Masters and others who give so freely and generously of their time for the benefit of our youth.

GIVEN UNDER OUR HANDS and the seal of the Township of
Upper this 22nd day of April, 2013.

Resolution No. 84-2013

Offered by: Barr Seconded by: Inserra

Adopted: April 22, 2013

Roll Call Vote:

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

3. Honoring Shaun O'Connor on attaining the designation of "Eagle Scout".

TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO.85-2013

RE: HONORING SHAUN O'CONNOR ON ATTAINING THE
DESIGNATION OF "EAGLE SCOUT"

WHEREAS, Shaun O'Connor of Troop 79, Seaville, NJ, has recently achieved the designation of Eagle Scout in the Boy Scouts of America; and

WHEREAS, the Township of Upper wishes to acknowledge this outstanding accomplishment; 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:

RESOLVED THAT the Township Committee extends its sincere congratulations to Shaun on the occasion of his receiving the designation of Eagle Scout and commends him for this outstanding accomplishment and the completion of his Eagle Scout project consisting of the reconstruction of the Upper Township Primary

School's greenhouse which included a new floor and two new polling tables as well as any necessary restorations and repairs; and

BE IT FURTHER RESOLVED that the Township Committee extends its congratulations and best wishes to Shaun's parents, family and friends on this happy occasion; and it is

FURTHER RESOLVED that the Township Committee also extends its congratulations and appreciation to the Scout Masters and others who give so freely and generously of their time for the benefit of our youth.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 22nd day of April, 2013.

Resolution No. 85-2013

Offered by: Corson Seconded by: Newman

Adopted: April 22, 2013

Roll Call Vote:

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

4. Designating the 1st Thursday in May "A Day of Prayer in Upper Township".

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 86 -2013**

**RE: DESIGNATING THE 1ST THURSDAY IN MAY
"A DAY OF PRAYER IN UPPER TOWNSHIP"**

WHEREAS, Civic Prayers and National Days of Prayer have a long and revered history in our constitutional democracy, dating back to the First Continental Congress in 1775; and

WHEREAS, the Declaration of Independence, our first statement as Americans of national purpose and identity, made “the Laws of Nature and Nature’s God” the foundation of our United States of America and asserted that people have inalienable rights that are God-given; and

WHEREAS, the Supreme Court has affirmed the right of state legislatures to open their sessions with prayer and the Supreme Court and the U.S. Congress themselves begin each day with prayer; and

WHEREAS, in 1988, legislation setting aside the first Thursday in May in each year as a National Day of Prayer was passed unanimously by both Houses of Congress and signed by President Ronald Reagan; and

WHEREAS, the National Day of Prayer is an opportunity for Americans of all faiths to join in united prayer to acknowledge our dependence on God, to give thanks for blessings received, to pray for peace, to request healing for wounds endured; and to ask God to guide our leaders and bring wholeness to the United States and her citizens; and

WHEREAS, it is fitting and proper to give thanks to God by observing a day of prayer in the Township of Upper when all may acknowledge our blessings and express gratitude for them, while recognizing the need for strengthening religious and moral values in our State and nation;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, that they designate the first Thursday in May, 2013 as “A DAY OF PRAYER IN UPPER TOWNSHIP” and encourage the citizens of Upper Township to observe the day in ways appropriate to its importance and significance.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 22nd day of April, 2013.

Resolution No. 86–2013

Offered by: Newman Seconded by: Barr

Adopted: April 22, 2013

Roll Call Vote:

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

5. Supporting Senate Bill S-1896 and Assembly Bill A-1503 Sharing the Burden of Property Assessment Appeal Refunds.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 87-2013

**RE: SUPPORTING SENATE BILL S-1896 AND ASSEMBLY BILL A-1503
SHARING THE BURDEN OF PROPERTY ASSESSMENT APPEAL REFUNDS**

WHEREAS, when County Tax Board appeals are successful, the municipality must reimburse the property taxpayer 100% of the appealed tax levy, which includes the municipal, school, county and any special districts tax; and

WHEREAS, the municipal tax collector must then adjust the taxpayer's fourth quarter tax bill, resulting in the municipality's fund balance for the preceding year being diminished, if not completely depleted; and

WHEREAS, in recent years, municipalities have experienced a large spike in tax appeals caused by the economic down-turn, which lowered property values and placed increased stress on the income of homeowners all around our Garden State; and

WHEREAS, successful tax appeals have a four-fold negative impact on municipal budgets; first by requiring the municipality, as the collector of taxes for the school district, county and special districts, to fund the full cost of the legal defense of the assessment; and

WHEREAS, the second negative impact on municipal budgets results from State law, which guarantees to the county and the school district 100% of their levies, thereby forcing the municipality to bear the full cost of any reimbursements resulting from the appeal, as well as the full burden for any uncollected taxes; and

WHEREAS, the third negative impact on municipal budgets ensues because the refunds and credits negatively impact the municipality's tax collection rate, resulting in a State required increase in the appropriation for the Reserve for Uncollected Taxes (a non-exempt from cap budget expenditure); and

WHEREAS, fourth, the end result is a further decline in the property tax base used to support municipalities, county governments, school systems and any fire or other special purpose districts, which will necessitate tax rate increases to raise the same amount of revenue; and

WHEREAS, in light of the revenue limitations that have been placed on all levels of local government by the Legislature (2% cap), such declining values will compound and add additional stress to local public officials, as they grapple with the issues confronting the tax paying public.

WHEREAS, Senator Anthony R. Bucco, Assemblyman Michael Patrick Carroll and Assemblyman Anthony M. Bucco have recently introduced Senate Bill S-1896/Assembly Bill A-1503, which requires fire districts, school districts, and county governments to share in burden of property assessment appeal refunds;

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee does hereby urge the swift passage and signing of Senate Bill S-1896 and Assembly Bill A-1503.
3. A copy of this Resolution shall be forwarded to New Jersey Governor Christopher Christie, Lieutenant Governor Kim Guadagno, New Jersey Senate President Stephen Sweeney, New Jersey Assembly Speaker Sheila Oliver, New Jersey State Senator Jeff Van Drew, New Jersey Assemblyman Nelson T. Albano, New Jersey Assemblyman Matthew Milam, and the New Jersey League of Municipalities.

Resolution No. 87-2013

Offered by: Corson Seconded by: Inserra

Adopted: April 22, 2013

Roll Call Vote:

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

6. A Resolution supporting Senate Bill S-1923 and Assembly Bill A-2753 requiring direct payment of energy taxes to municipal government.

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

RESOLUTION NO. 88-2013

**RE: A RESOLUTION SUPPORTING SENATE BILL S-1923 AND ASSEMBLY BILL A-2753
REQUIRING DIRECT PAYMENT OF ENERGY TAXES TO MUNICIPAL GOVERNMENT**

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities, and when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; and

WHEREAS, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State officials have diverted funding from Energy Taxes to plug holes in the State budget and to fund State programs; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, municipalities lost \$331 million in combined Energy Tax and Consolidated Municipal Property Tax Relief Aid (CMPTRA) funding in Fiscal Years 2009, 2010, and 2011, while also being denied scheduled incremental funding; and

WHEREAS, as a result of these cuts, in a number of municipalities property taxes are higher now, despite the fact that they are spending less, proving that the State's diversion of tax relief funding has contributed to higher municipal property taxes; and

WHEREAS, A-2753, sponsored by Assemblymen Daniel Benson and Wayne DeAngelo, and S-1923, sponsored by Senator Linda Greenstein, would restore the \$331 million in municipal property tax relief funding, ensure that each municipality will be restored to the 2007 (SFY 2008) Energy Tax Receipts/CMPTRA level and adjust that amount to account for inflation.; and

WHEREAS, the bills would require certain energy tax receipts to be paid directly to municipalities and, thereby, would assure local property taxpayers compensation for hosting transmission facilities and lines that allow gas and electric energy corporations to serve customers and conduct business in our Garden State; and

WHEREAS, A-2753 has passed the Assembly Appropriations Committee and is now waiting for a second reading.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Upper does hereby urge the swift passage of Assembly Bill A2753 and Senate Bill S; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to Governor Chris Christie, Lieutenant Governor Kim Guadagno, New Jersey Senate President Stephen Sweeney, New Jersey Senate Republican Leader Thomas Kean, Jr., New Jersey Assembly Speaker Sheila Oliver, New Jersey Assembly Republican Leader Jon Bramnick, New Jersey State Senator Jeff Van Drew, New Jersey Assemblyman Nelson T. Albano, New Jersey Assemblyman Matthew Milam, and the New Jersey League of Municipalities.

Resolution No. 88-2013

Offered by: Barr

Seconded by: Inserra

Adopted: April 22, 2013

Roll Call Vote:

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

7. Approving the application of the Tuckahoe Volunteer Fire Company for Highway Coin Drops.

TOWNSHIP OF UPPER

CAPE MAY COUNTY

R E S O L U T I O N

RESOLUTION NO.89-2013

RE: APPROVING THE APPLICATION OF THE TUCKAHOE VOLUNTEER FIRE COMPANY FOR HIGHWAY COIN DROPS

WHEREAS, the Tuckahoe Volunteer Fire Co., a non-profit corporation providing firefighting services, has made application to the Township Committee to hold coin drop solicitations in Upper Township; and

WHEREAS, the Township Committee has approved the requests; and

WHEREAS, the requests require approval from the County of Cape May and the State of New Jersey;

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 application of the Tuckahoe Volunteer Fire Co. to hold a coin drop within Upper Township is hereby approved for the following dates and locations:

Intersection of State Highways 49 & 50:

Friday, July 19, 2013 from 5:00 p.m. - 9:00 p.m.

AND

Intersection of State Highways 49 & 50:

Saturday, July 20, 2013 from 9:00 a.m. to 3:00 p.m.

AND

Intersection of County Route 617 & State Highway 49:

Sunday, July 21, 2013 from 3:00 p.m. to 8:00 p.m.

3. Attached to this Resolution is a certified copy of Ordinance No. 7-2001, authorizing coin drops within Upper Township enacted pursuant to N.J.S.A. 39:4-60.

4. A certified copy of this Resolution shall be provided to the State of New Jersey, Department of Transportation and the Board of Chosen Freeholders of the County of Cape May.

Resolution No.89-2013

Offered by: Newman

Seconded by: Inserra

Adopted: April 22, 2013

Roll Call Vote:

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

8. Appointments to the Upper Township-Ocean City Municipal Alliance Committee (MAC).

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 90-2013**

**RE: APPOINTMENTS TO
THE UPPER TOWNSHIP-OCEAN CITY
MUNICIPAL ALLIANCE COMMITTEE (MAC)**

WHEREAS, a need exists to appoint suitable persons to the Upper Township-Ocean City Municipal Alliance Committee (also known as the MAC), a committee dedicated to the prevention of drug and alcohol abuse in our community; and

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

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

2. The following persons be and are hereby appointed to the Upper Township-Ocean City MAC Committee for a one (1) year term, commencing January 1, 2013 and expiring on December 31, 2013, provided, however, that such member shall continue to serve until his/her successor is duly appointed and qualified:

Township Committee Member in charge of the MAC

Richard Palombo, Mayor

MAC Coordinator

Michele Previti

Upper Township Regular Members

Michael Bolicki

Anita Matousch

Kim Mounce

Susan Peifer

Carolyn Previti

Lisa Rumer

Sheila Stevens

3. The forgoing appointees shall constitute the sole members of the Upper Township—Ocean City Municipal Alliance Committee for 2013, subject to the provision of Paragraph 4 hereof.
4. The Township Committee expressly reserves the right to supplement this Resolution at any time it deems it appropriate to change the membership of the MAC Committee of the Township.

Resolution No. 90-2013

Offered by: Newman

Seconded by: Barr

Adopted: April 22, 2013

Roll Call Vote:

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

9. Appointing the 2013 Season Beach Patrol personnel.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

R E S O L U T I O N

RESOLUTION NO.91-2013

RE: APPOINTING THE 2013 SEASON BEACH PATROL PERSONNEL

WHEREAS, the individual hereinafter named has been determined to possess the requisite skills, training and is otherwise eligible for appointment to the position of lifeguard; and

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

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

2. The following individual is appointed as a lifeguard in the Township of Upper at a salary as stated below in accordance with the Salary Ordinance:

CAPTAIN

WILLIAM HANDLEY

\$22.50 per hour

3. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Resolution No. 91- 2013

Offered by: Corson

Seconded by: Palombo

Adopted: April 22, 2013

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>

10. Appointing Michael Pfaff, Devon Morris and Dennis Neville as part-time seasonal Beach Sweepers to the Upper Township Public Works Department.

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

RESOLUTION NO.92-2013

**RE: APPOINTING MICHAEL PFAFF, DEVON MORRIS AND DENNIS NEVILLE
AS PART-TIME SEASONAL BEACH SWEEPERS
TO THE UPPER TOWNSHIP PUBLIC WORKS DEPARTMENT**

WHEREAS, a need exists to appoint qualified personnel as part-time employees to the Upper Township Public Works Department to insure optimal operation; 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. Michael Pfaff, Devon Morris and Dennis Neville are hereby appointed in part-time seasonal positions as beach sweepers, effective immediately at a salary of \$11.50 per hour in accordance with the Salary Ordinance.

3. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Resolution No.92-2013
Offered by: Newman
Adopted: April 22, 2013

Seconded by: Barr

Roll Call Vote:

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

11. Authorizing the filing of a Recycling Tonnage Grant Application.

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

RESOLUTION NO. 93-2013

**RE: AUTHORIZING THE FILING OF A RECYCLING
TONNAGE GRANT APPLICATION**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102., has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a Resolution authorizing this municipality to apply for such tonnage grants for calendar year 2013 (based on 2012 recycling figures) is required, and will memorialize the commitment of this municipality to recycling and indicate the assent of the Township of Upper to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such Resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Upper that the Township of Upper hereby endorses the submission of a municipal Recycling Tonnage Grant Application to the New Jersey Department of

Environmental Protection and designates Paul Dietrich, Superintendent of Public Works, P.O. Box 205, Tuckahoe, New Jersey, 08250, to ensure that said application is properly filed.

Resolution No. 93-2013

Offered by Inserra Seconded by: Barr

Adopted: April 22, 2013

Roll Call Vote:

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

12. Authorizing a Shared Services Agreement with the County of Cape May for Maintenance of the Upper Township Senior Center.

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

RESOLUTION NO.94-2013

**RE: AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE
COUNTY OF CAPE MAY FOR MAINTENANCE OF THE UPPER TOWNSHIP
SENIOR CENTER**

WHEREAS, the County has undertaken the renovations of a senior citizen facility located at 1369 Stagecoach Road in Upper Township with grant funding received from the New Jersey Department of Community Affairs; and

WHEREAS, the County of Cape May has indicated a desire to enter into a Shared Services Agreement with the Township of Upper for maintenance of the facility upon completion of the renovations; and

WHEREAS, the Township of Upper has deemed it to be in the Township's interest to provide the services to the County as outlined in the Shared Services Agreement; and

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

1. **SHARED SERVICES AGREEMENT.** Pursuant to the provisions of the Uniform Shared Services and Consolidation Act, (N.J.S.A. 40A:65-1, et seq.,) the Township of Upper is hereby authorized and empowered to enter into a Shared Services Agreement with the County of Cape May for maintenance of the senior center facility located at 1369 Stagecoach Road in Upper Township, upon completion of the renovations to said facility by the County.

2. **SERVICES TO BE PROVIDED; CONTRACT.** The Shared Services Agreement authorized in paragraph 1 hereof shall cover those services, which are enumerated in said Agreement, a copy of which is attached hereto.

3. **AUTHORIZATION TO MUNICIPAL OFFICIALS.** The appropriate Township officers and officials are hereby authorized to take any action necessary or advisable to carry out the intent and purpose of this Resolution. Specifically, the Mayor and Township Clerk are hereby authorized and directed to execute such Shared Services Agreement on behalf of the Township of Upper pursuant to the authority conferred by this Resolution. The Township Clerk is further authorized and directed to seal said Agreement with the official seal of the Township of Upper.

4. **COMPLIANCE WITH STATUTORY REQUIREMENTS.** The Shared Services Agreement between the County of Cape May and the Township of Upper shall meet

and satisfy the requirements of N.J.S.A. 40A:65-1, et seq., as same may be amended and supplemented.

5. **CONTRACT TERM.** The term of this Agreement is for a period of five (5) years upon completion of the renovations to the senior center.

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

7. **REPEALER.** All Resolutions or parts of Resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency only.

8. **EFFECTIVE DATE:** This Resolution shall take effect immediately upon final adoption and publication in the manner provided by law.

Resolution No. 94-2013

Offered by: Palombo

Seconded by: Inserra

Adopted: April 22, 2013

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>

13. Authorizing a contract with CASA Payroll Services of Pleasantville, New Jersey for payroll services.

TOWNSHIP OF UPPER

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

RESOLUTION NO. 95-2013

**RE: AUTHORIZING A CONTRACT WITH CASA PAYROLL SERVICES OF
PLEASANTVILLE, NEW JERSEY FOR PAYROLL SERVICES**

WHEREAS, CASA Payroll Services (“CASA”) has submitted a proposal to the Township for payroll services; and

WHEREAS, N.J.A.C. 5:30-17.3 et seq. provides for electronic disbursement controls for payroll purposes and applies to entities which execute disbursements from and/or take possession of municipal bank accounts or funds; and

WHEREAS, the proposal of CASA does not permit CASA to execute disbursements from the Township’s bank account or give CASA possession of Township funds and as such N.J.A.C. 5:30-17.3 et seq. does not apply; and

WHEREAS, the Township wishes to accept said proposal and to authorize a contract with CASA; and

WHEREAS, the proposal 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, CASA has completed and submitted a Business Entity Disclosure Certification which certifies that CASA has not made any contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit CASA from making any 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 enter into a contract with CASA attached hereto as Exhibit "A", to provide payroll service within the Township of Upper commencing immediately.
3. CASA has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.
4. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 95-2013

Offered by: Corson

Seconded by: Newman

Adopted: April 22, 2013

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>

14. Authorizing the Township to enter into a contract and/or issue purchase orders to Computer House of South Jersey, LLC for various services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 96-2013

**RE: AUTHORIZING THE TOWNSHIP TO ENTER INTO A
CONTRACT AND/OR ISSUE PURCHASE ORDERS TO
COMPUTER HOUSE OF SOUTH JERSEY, LLC FOR VARIOUS SERVICES**

WHEREAS, the Township of Upper has previously entered into a Professional Services Contract with Computer House of South Jersey, LLC to service Township computers and the Township wishes to extend and renew that Contract for an additional term; and

WHEREAS, the Township has also transferred past files and records to electronic storage under the rules and regulations and under the supervision of the State of New Jersey; and

WHEREAS, the rules and regulations of the State of New Jersey require certain tests and procedures to be made with respect to such electronic files and further requires that certain tests be performed at periodic intervals; and

WHEREAS, Computer House Of South Jersey, LLC has the necessary expertise, technology and qualifications to perform such service and has demonstrated their capacity and competency in their past services with the Township; and

WHEREAS, the Chief Financial Officer of the Township has certified the availability of funds to allow the award of Contract for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose in the 2013 Municipal Budget;

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. To the extent this Contract also involves the purchase of a product that is not professional services, it is awarded without competitive bidding for the reason that the aggregate of the amounts anticipated to be paid to Computer House of South Jersey, LLC for such products are under the current bid threshold for the State of New Jersey.
3. The Township Clerk shall cause a Notice of Award of this Contract to be published in the official newspaper of the Township as required by N.J.S.A. 40A:11-5.
4. The Chief Financial Officer is hereby authorized, directed and empowered to issue a purchase order consistent with the intention and purpose of this Resolution. All other Township officers and officials are authorized to take such action as may be necessary or required in order to carry out the intent and purpose of this Resolution.

Resolution No. 96-2013

Offered by: Palombo

Seconded by: Barr

Adopted: April 22, 2013

Roll Call Vote:

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

15. Appointment of Norman W. Briggs to act as Special Legal Counsel.

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

RESOLUTION NO. 97-2013

**RE: APPOINTMENT OF NORMAN W. BRIGGS
TO ACT AS SPECIAL LEGAL COUNSEL**

WHEREAS, the Township requires legal counsel to provide legal services in the event a conflict of interest arises in regard to the services provided by the regular Township Solicitor; and

WHEREAS, a resolution is required authorizing the award of such contract for professional services; and

WHEREAS, the Township has decided to acquire the services of Norman W. Briggs, Esquire as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-2.05; and

WHEREAS, Norman W. Briggs, Esquire has completed and submitted a Business Entity Disclosure Certification which certifies that Norman W. Briggs, Esquire has not made any contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Norman W. Briggs, Esquire from making any 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. Norman W. Briggs, Esquire with offices at 110 Roosevelt Boulevard, Suite 201, Marmora, New Jersey is hereby appointed Special Legal Counsel to handle matters in which the regular Township Solicitor has a conflict of interest as well as other matters directed by the Township Committee.
3. This contract shall have a term of one (1) year from date of full execution.
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 Norman W. Briggs, Esquire has professional knowledge as to legal matters 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

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 Norman W. Briggs, Esquire for legal 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.

5. 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.

6. 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.

7. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Norman W. Briggs, Esquire 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.

8. 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.

9. This Resolution shall be effective as of adoption.

Resolution No. 97 - 2013

Offered by: Newman

Seconded by: Corson

Adopted: April 22, 2013

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>

16. Releasing the Maintenance Bond of Kristina A. Wright for the subdivision known as extension of McDaniels Court on Block 348, Lot 84.

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

RESOLUTION NO. 98-2013

**RE: RELEASING THE MAINTENANCE BOND
OF KRISTINA A. WRIGHT FOR THE SUBDIVISION KNOWN
AS EXTENSION OF MCDANIELS COURT
ON BLOCK 348, LOT 84**

WHEREAS, Kristina A. Wright (hereinafter “Developer”), has completed the work on the project known as “Extension of McDaniels Court” in Block 348, Lot 84, and has requested final inspection of same by the Municipal Engineer for the Township of Upper; and

WHEREAS, the Municipal Engineer has determined that all improvements have been installed and have been in service in excess of two years and are in satisfactory working condition; and

WHEREAS, the Municipal Engineer, based on the field inspection of the work completed as indicated on Exhibit “A” attached hereto, has recommended a release of the Maintenance Bond (Surety), as attached hereto as Exhibit “B”, in the amount of \$13,372.53 cash bond plus interest, in accordance with the municipal ordinances 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 allegations above are incorporated herein by this reference.**
- 2. The original Maintenance Bond posted by the Developer shall be released.**
- 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. 98-2013

Offered by: Inserra

Seconded by: Newman

Adopted: April 22, 2013

Roll Call Vote:

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

17. Authorizing the Mayor to sign and submit a License Renewal Application for a Revocable License for Block 682, Lot 3 to the NJDEP, Bureau Of Tidelands Management in accordance with N.J.S.A. 13:1b-13 and N.J.S.A. 12:3-10.

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

RESOLUTION NO. 99-2013

AUTHORIZING THE MAYOR TO SIGN AND SUBMIT A LICENSE RENEWAL
APPLICATION FOR A REVOCABLE LICENSE FOR BLOCK 682, LOT 3 TO THE
NJDEP, BUREAU OF TIDELANDS MANAGEMENT IN ACCORDANCE WITH N.J.S.A.
13:1B-13 AND N.J.S.A. 12:3-10

WHEREAS, the Township of Upper entered into a Revocable License for Block 682, Lot 3 in Upper Township on May 8, 2006 with the State of New Jersey, Bureau of Tidelands Management; and

WHEREAS, said Revocable License will expire on May 8, 2013; and

WHEREAS, the Township Committee of the Township of Upper has determined that the Township should make application for a license renewal; 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 is hereby authorized to execute said Application in accordance with N.J.S.A. 13:1B-13 and N.J.S.A. 12:3-10, a copy of which is attached hereto as Exhibit A.

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. 99-2013

Offered by: Corson

Seconded by: Palombo

Adopted: April 22, 2013

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>

18. Authorizing a change order for the Sand Fence for Strathmere Beach project resulting in an increase in the amount of \$5,565.00.

TOWNSHIP OF UPPER
CAPE MAY COUNTY

R E S O L U T I O N

RESOLUTION NO. 100-2013

RE: AUTHORIZING A CHANGE ORDER FOR THE SAND FENCE FOR
STRATHMERE BEACH PROJECT RESULTING IN AN INCREASE
IN THE AMOUNT OF \$5,565.00

WHEREAS, the Township of Upper has awarded the Sand Fence for Strathmere Beach Project bid to Turfscapes, LLC, 3477 South Black Horse Pike, Williamstown, NJ 08094, in the original Contract amount of \$28,854.00; and

WHEREAS, the Township wishes to approve a Change Order to the aforesaid Contract as hereinafter provided; and

WHEREAS, the Chief Financial Officer has issued a certification as to the availability of funds for this Change Order; and

WHEREAS, this Change Order, comprising of an increase of 1,500 LF of sand fence, does not exceed twenty percent (20%) of the original Contract award; and

WHEREAS, this Change Order is in the best interests of the Township;

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. Change Order No. 1 to the Sand Fence for Strathmere Beach project with

Turfscapes, LLC is hereby authorized as follows:

Increases.....\$5,565.00
Decreases.....\$0.00
Extra Work.....\$0.00
TOTAL.....\$5,565.00

3. A copy of the Change Order detailing the nature and the extent of the work to be done, together with a summary of the Change Order, together with all other prior Change Orders, if any, are attached to this Resolution as Exhibit "A".

4. The Mayor and Chief Financial Officer are hereby authorized, directed and empowered to execute the Change Order on behalf of the Township of Upper.

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

Resolution No. 100-2013

Offered by: Inserra

Seconded by: Barr

Adopted: April 22, 2013

Roll Call Vote:

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

ORDINANCES

CORRESPONDENCE

NEW BUSINESS

19. **Upper Township Lacrosse Association request use of Amanda's Field recreation complex for Lacrosse Tournament on May 19, 2013.** Motion by Jay Newman, seconded by Edward Barr, to approve the request. During roll call vote all five Committee members voted in the affirmative.
20. **Calvary Baptist Church request use of Township Roads for Community "Walk/Run/Ride 4 Relief" fundraiser to be held June 8, 2013, rain date June 15, 2013.** Motion by Jay Newman, seconded by Anthony Inserra, to approve the request. During roll call vote all five Committee members voted in the affirmative.
21. **Strathmere Fire Company 4th of July parade.** Motion by Jay Newman, seconded by Edward Barr, to send a letter of support to the Cape May County Freeholders stating the Township is aware and approves of the temporary closing of Commonwealth Avenue during the parade. During roll call vote all five Committee members voted in the affirmative.
22. **Parish of Saint Maximilian Kolbe request to hold a 50/50 Raffle on August 14, 2013 at the beach on 24 East Williams Avenue, Strathmere.** Motion by Curtis Corson, seconded by Richard Palombo, to approve the request. During roll call vote all five Committee members voted in the affirmative.
23. **South Jersey Gas Company request use of Municipal Building for a public hearing by the New Jersey Board of Public Utilities on South Jersey Gas Company's Petition to construct and install a pipeline to the B. L. England generating facility.** Motion by Curtis Corson, seconded by Anthony Inserra, to approve the request and waive the fee for the use of the Municipal Building. During roll call vote all five Committee members voted in the affirmative.

UNFINISHED BUSINESS:

DISCUSSION

PAYMENT OF BILLS:

24. **"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, seconded by Edward Barr. During roll call vote all five Committee members voted in the affirmative.

Bills approved for payment: \$2,585,406.30
Payroll: \$ 151,140.63

REPORT OF MUNICIPAL DEPARTMENTS:

25. Municipal Court

Motion by Richard Palombo, seconded by Anthony Inserra, to accept the Municipal Department Reports. During roll call vote all five Committee members voted in the affirmative. Reports are available in the Clerk's office.

PUBLIC COMMENT

Nathalie Neiss, 759 Route 50 Petersburg, inquired into the status of her complaint regarding several issues with a property on Route 50. It was stated that without benefit of testimony from the Construction Official and the Zoning Officer, the different issues cannot be fully addressed this evening. A request will be made to have the Zoning Officer send Ms. Neiss a letter as to the status of her investigations and/or findings of the various issues. Ms. Neiss then inquired into the status of the Grubb complaint against the Zoning Officer. This complaint resulted from the Zoning Officer removing an illegal sign in a right-of-way as a matter of public safety and as part of her official duties. It was stated that the matter is still pending.

CLOSED SESSION

26. Resolution to conduct a closed meeting pursuant to N.J.S.A. 10:4-12, from which the public shall be excluded.

**TOWNSHIP OF UPPER
RESOLUTION NO. 101-2013
MOTION GOING INTO CLOSED SESSION
April 22, 2013**

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

MATTERS:

1. Contract negotiation – Jankowski Right-of-Way License Agreement.
2. Contract negotiation – Phone System.
3. Safety and Security Issues.

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.

Moved by: Newman

Motion seconded by: Palombo

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 8:25 P.M. The next meeting is scheduled for May 13, 2013 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC
Municipal Clerk

Bill List

60661 04/22/13 A0017 ATLANTIC CO. MUNICIPAL JIF 100,653.00 2777
60662 04/22/13 A0020 ACU-THERM SUPPLY CO.,INC. 608.82 2777
60663 04/22/13 A0091 ATLANTIC CITY ELECTRIC 3,092.31 2777
60664 04/22/13 A0134 ANSELL ZARO GRIMM & AARON, PC 367.50 2777
60665 04/22/13 A0137 ADVANTAGE EQUIPMENT SERVICE 682.50 2777
60666 04/22/13 A0175 Adams Rehmann & Haggan Assoc 1,858.75 2777
60667 04/22/13 B0024 BCMCAA 225.00 2777
60668 04/22/13 B0035 BELMONT & CRYSTAL SPRINGS 72.42 2777
60669 04/22/13 C0052 CAPE MAY COUNTY TREASURER 1,233,665.76 2777
60670 04/22/13 C0060 CAPRIONI'S PORTABLE TOILETS 1,147.00 2777
60671 04/22/13 C0061 CAPRIONI FAMILY SEPTIC 210.00 2777
60672 04/22/13 C0068 COMCAST 248.85 2777
60673 04/22/13 C0078 CARTER, EDWARD, SR. 150.00 2777
60674 04/22/13 C0122 CMC LEAGUE OF MUNICIPALITIES 400.00 2777
60675 04/22/13 C0196 COMPUTER HOUSE 1,829.40 2777
60676 04/22/13 C0201 CRUZAN'S TRUCK SERVICE INC. 570.44 2777
60677 04/22/13 C0223 CASA PAYROLL SERVICE 228.55 2777
60678 04/22/13 D0016 DALEYS PIT 240.00 2777
60679 04/22/13 D0040 DELTA DENTAL OF N.J. INC. 6,548.03 2777
60680 04/22/13 D0080 DOWNAM, HARRY J. JR. 500.00 2777
60681 04/22/13 E0001 EARTHTECH CONTRACTING INC. 700.00 2777
60682 04/22/13 F0013 FARM RITE INC. 321.12 2777
60683 04/22/13 G0044 GILES & RANSOME, INC. 282.75 2777
60684 04/22/13 G0086 W.W. GRAINGER, INC. 206.81 2777
60685 04/22/13 G0092 GRUND, BARBARA J. 109.00 2777
60686 04/22/13 H0083 HUBER LOCKSMITHS, INC. 50.00 2777
60687 04/22/13 H0095 HORIZON BCBSNJ 111,256.91 2777
60688 04/22/13 H0148 THOMAS H. HEIST INS AGENCY INC 1,696.65 2777
60689 04/22/13 J0028 JESCO, INC. 525.78 2777
60690 04/22/13 J0040 JOHNSON & TOWERS, INC. 100.00 2777
60691 04/22/13 J0072 JERSEY WEB DESIGNS 392.00 2777
60692 04/22/13 K0007 KACZMARSKI, RICHARD 378.74 2777
60693 04/22/13 K0037 KOHLER, JOHN F 600.00 2777
60694 04/22/13 K0078 KOVAL, SOPHIE 26.00 2777
60695 04/22/13 L0080 LOWES, INC. 245.91 2777

60696 04/22/13 L0087 LINE SYSTEMS INC 2,869.73 2777
60697 04/22/13 M0035 MARMORA FIRE CO. DISTRICT #3 513,794.00 2777
60698 04/22/13 M0062 MARLEE CONTRACTORS, LLC 868.19 2777
60699 04/22/13 M0081 MID-ATLANTIC WASTE SYSTEMS 536.00 2777
60700 04/22/13 M0103 MODERN GAS COMPANY, INC. 560.60 2777
60701 04/22/13 M0180 MED-TECH RESOURCE, INC. 295.44 2777
60702 04/22/13 M0188 MCCARTHY TIRE SERVICE OF PHILA 1,616.90 2777
60703 04/22/13 M0193 MAYNE, MICHAEL 137.65 2777
60704 04/22/13 M0209 MAYBERRY, JOHN D 273.20 2777
60705 04/22/13 M0236 MEGAN NICOLE KANKA FOUNDATION 132.00 2777
60706 04/22/13 N0024 N.J. DIVISION OF FIRE SAFETY 148.00 2777
60707 04/22/13 N0043 NAPA AUTO PARTS OF S.JERSEY 0.00 04/22/13 VOID 0
60708 04/22/13 N0043 NAPA AUTO PARTS OF S.JERSEY 481.29 2777
60709 04/22/13 N0052 NATL YOUTH SPORTS COACHED ASSN 265.00 2777
60710 04/22/13 N0094 NEW JERSEY PLANNING OFFICIALS 140.00 2777
60711 04/22/13 N0131 DEFINED CONTRIB RETIRE PROGRAM 27.12 2777
60712 04/22/13 O0042 ORCHARDS HYDRAULIC SERVICE INC 825.00 2777
60713 04/22/13 P0032 PEDRONI FUEL CO. 1,017.28 2777
60714 04/22/13 P0073 POGUE INC. 2,030.00 2777
60715 04/22/13 P0078 PRO VIDEO ENGINEERING 1,130.00 2777
60716 04/22/13 P0137 PARDO'S TRUCK SERV PARTS WHSE 1,127.77 2777
60717 04/22/13 R0030 RIGGINS, INC. 3,949.43 2777
60718 04/22/13 R0092 RUTGERS, THE STATE UNIVERSITY 200.00 2777
60719 04/22/13 R0103 REUTER CONSTRUCTION, INC 891.56 2777
60720 04/22/13 S0001 SAM'S CLUB 78.17 2777
60721 04/22/13 S0031 SCHULER SECURITY, INC. 75.00 2777
60722 04/22/13 S0065 SEAVILLE FIRE CO. DISTRICT #4 500,632.00 2777
60723 04/22/13 S0191 STRATHMERE FIRE CO.DISTRICT #1 75,975.00 2777
60724 04/22/13 S0209 STAPLES ADVANTAGE 811.93 2777
60725 04/22/13 S0254 SHOPRITE 445.19 2777
60726 04/22/13 T0028 TRACTOR SUPPLY COMPANY CREDIT 37.98 2777
60727 04/22/13 U0003 U.S. MUNICIPAL SUPPLY, INC. 1,248.01 2777
60728 04/22/13 U0026 UNIVERSAL SUPPLY CO., INC. 70.95 2777
60729 04/22/13 V0001 VCI EMERGENCY VEHICLE 472.83 2777
60730 04/22/13 V0005 VAN EMBDEN, NATHAN, ATTORNEY 1,237.50 2777
60731 04/22/13 V0022 VERIZON 184.12 2777
60732 04/22/13 W0050 WIRELESS ELECTRONICS, INC. 300.00 2777
60733 04/22/13 Y0012 YOUNG, ROBERT 331.46 2777

Total: 2,585,406.30