

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR MAY 13, 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	Absent

Also present were Municipal Clerk Barbara Young, Finance Officer Barbara Spiegel, Municipal Attorney Daniel Young and Municipal Engineer Paul Dietrich.

**APPROVAL OF MINUTES -      **April 22, 2013 Regular Meeting and  
Closed Session Minutes****

Motion by Jay Newman, second by Edward Barr, to approve the regular meeting and closed session minutes as submitted. During roll call vote all four Committee members present voted in the affirmative.

**REPORT OF GOVERNING BODY MEMBERS**

**Edward Barr, Committeeman**, reported on an article in the Atlantic City Press regarding the Township’s application for recreation funding from Cape May County’s open space and farmland fund for improvements at Amanda’s Field and other projects the Township wishes to complete utilizing the grant money. Mr. Barr next reported that spring sports are well underway and summer sports are getting ready to begin. He next stated he has received a few complaints regarding people not cleaning up after their pets. He requested that the public works confirm that signs are posted reminding everyone that we have an ordinance in place requiring everyone to clean up after their pets and requested that Animal Control police the area.

**Anthony Inserra, Committeeman**, requested a change to Township policy in which all employees driving standard size Township vehicles be required to back into a parking space. He stated that this is in response to a couple of recent incidents and is a recommended course of action by the Upper Township safety committee and the Risk Management Consultant. A resolution with the suggested amendment to the policy will be placed on a future agenda.

**Jay Newman, Committeeman,** reported that work on the Garden State Parkway bridge will soon begin, and in order to prevent workers connected with the project from parking on and blocking access to area roads, he is requesting an amendment to the Township's parking Ordinance to allow parking by permit only on Harbor Road east of the Garden State Parkway and no Parking on Cove Road. The Municipal Attorney was directed to prepare an Ordinance.

### **OTHER REPORTS**

**Barbara Young, Municipal Clerk,** reported that the Township Municipal offices will be closed on Monday May 27 for Memorial Day and the next Committee meeting will be held on Tuesday May 28 at 7:30 pm.

**Daniel Young, Municipal Attorney,** reported that there is one contract negotiation item for medical billing services for closed session.

**Paul Dietrich, Township Engineer,** reported that dune fencing has been installed in Strathmere except for an area from Vincent Avenue north because of nesting birds. A project will have to be planned after the nesting season in the fall to complete the fencing. He next reported that additional work is needed to clear off some of the dune access paths. He next recommended the appointment of two seasonal part time workers. Motion by Anthony Inserra, second by Jay Newman, to hire Matthew Hoke and Daniel Devlin as seasonal part time workers to the Department of Public Works. During roll call vote all four Committee members present voted in the affirmative. Mr. Dietrich next reported on a proposal from Asphalt Paving for additional work on the Seaville Plantation Paving Project. Mr. Corson abstained from participating in this discussion. The Committee directed Mr. Dietrich to perform an analysis of the proposal and place a change order resolution on a future agenda. Mr. Dietrich next reported that a revision to the Public works Rules and Regulations is needed to update information on single stream recycling, and bulk trash and brush collection scheduling. A resolution accepting the rules and regulations will be placed on a future agenda.

**Barbara Spiegel, Chief Financial Officer,** reported that the Township has received informal approval from the State regarding the Township's expenditure of its affordable housing trust fund. A certification will be sent to the Council on Affordable Housing to receive formal approval from the Council.

### **PRESENTATIONS**

1. 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"**

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**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.

2. 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"**

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**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.

**RESOLUTIONS**

3. Congratulating Savanna Holt on winning the New Jersey State Knights of Columbus Free Throw Championship.

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

**RESOLUTION NO. 102-2013**

**CONGRATULATING SAVANNA HOLT ON WINNING THE NEW JERSEY STATE KNIGHTS  
OF COLUMBUS FREE THROW CHAMPIONSHIP**

**WHEREAS**, Savanna Holt has had an outstanding basketball season, winning the Council, District 50, and Camden Diocese Regional free throw competitions for 11 year old girls; and

**WHEREAS**, Savanna then went on to the 2013 New Jersey State Knights of Columbus Free Throw Championship held on April 7 at St. Gregory the Great in Hamilton Square; and

**WHEREAS**, at the State Championship event, Savanna scored an impressive 22 out of 25 shots to win her division; and

**WHEREAS**, it is appropriate that on behalf of the citizens of Upper Township we recognize and congratulate Savanna on her exceptional accomplishment; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee, on behalf of the citizens of the Township of Upper, to extend to Savanna Holt congratulations on becoming the 2013 New Jersey State Knights of Columbus Free Throw Champion.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 13th day of May, 2013.

Resolution No. 102-2013  
Offered by: Barr  
Adopted: May 13, 2013

Seconded by: Newman

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>

4. Congratulating Kelsey LeNoir on winning the New Jersey State Knights of Columbus Free Throw Championship.

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

**RESOLUTION NO. 103-2013**

**CONGRATULATING KELSEY LENOIR ON WINNING THE NEW JERSEY STATE KNIGHTS  
OF COLUMBUS FREE THROW CHAMPIONSHIP**

**WHEREAS,** Kelsey LeNoir has had an outstanding basketball season, winning the Council, District 50, and Camden Diocese Regional free throw competitions for 12 year old girls; and

**WHEREAS,** Kelsey then advanced to the 2013 New Jersey State Knights of Columbus Free Throw Championship held on April 7 at St. Gregory the Great in Hamilton Square; and

**WHEREAS,** at the State Championship event, Kelsey scored an impressive 22 out of 25 shots to tie her division and then clinched the championship by winning the tie breaker with 4 out of 5 shots; and

**WHEREAS,** it is appropriate that on behalf of the citizens of Upper Township we recognize and congratulate Kelsey on her exceptional accomplishment; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee, on behalf of the citizens of the Township of Upper, to extend to Kelsey LeNoir congratulations on becoming the 2013 New Jersey State Knights of Columbus Free Throw Champion.

GIVEN UNDER OUR HANDS and the seal of the Township of  
Upper this 13th day of May, 2013.

Resolution No. 103-2013

Offered by: Barr

Seconded by: Newman

Adopted: May 13, 2013

Roll Call Vote:

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

5. Congratulating Logan Bloomstead on winning the New Jersey State Knights of Columbus Free Throw Championship.

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

**RESOLUTION NO. 104-2013**

**CONGRATULATING LOGAN BLOOMSTEAD ON WINNING THE NEW JERSEY STATE  
KNIGHTS OF COLUMBUS FREE THROW CHAMPIONSHIP**

**WHEREAS**, Logan Bloomstead has had an outstanding basketball season, winning the Council, District 50, and Camden Diocese Regional free throw competitions for 13 year old boys; and

**WHEREAS**, Logan then advanced to the 2013 New Jersey State Knights of Columbus Free Throw Championship held on April 7 at St. Gregory the Great in Hamilton Square; and

**WHEREAS**, at the State Championship event, Logan scored an impressive 24 out of 25 shots to win his division; and

**WHEREAS**, it is appropriate that on behalf of the citizens of Upper Township we recognize and congratulate Logan on his exceptional accomplishment; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee, on behalf of the citizens of the Township of Upper, to extend to Logan Bloomstead congratulations on becoming the 2013 New Jersey State Knights of Columbus Free Throw Champion.

GIVEN UNDER OUR HANDS and the seal of the Township of

Upper this 13th day of May, 2013.

Resolution No. 104-2013

Offered by: Barr

Seconded by: Newman

Adopted: May 13, 2013

Roll Call Vote:

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

- 6. Congratulating employee Patty Smyth of the Upper Township Tax Office for her winning entry in the Upper Township Safety Award Program for the 2<sup>nd</sup> quarter of 2013.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 105-2013**

**RE: CONGRATULATING EMPLOYEE PATTY SMYTH  
OF THE UPPER TOWNSHIP TAX OFFICE  
FOR HER WINNING ENTRY IN  
THE UPPER TOWNSHIP SAFETY AWARD PROGRAM  
FOR THE 2nd QUARTER OF 2013**

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

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

**WHEREAS,** Patty should be publicly recognized for reporting the hazard of a tree that had been uprooted in the Dog Park creating a potential danger to employees and the 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. That the Committee extends its appreciation and publicly recognizes Patty Smyth on her commitment to safety by her identifying a potential safety hazard and offering a suggestion through participation in the program.
2. That the Committee, on behalf of our employees and the citizens of the Township of Upper extend to Patty Smyth our congratulations and present her with the "Safety Day Award" of one day off with pay.

**GIVEN UNDER OUR HANDS** and the seal of the Township of

Upper this 13th day of May, 2013.

Resolution No. 105-2013

Offered by: Newman

Seconded by: Barr

Adopted: May 13, 2013

Roll Call Vote:

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

7. Supporting the Cape May County Board of Chosen Freeholders application to the United States Coast Guard for the official designation of Cape May County as a "Coast Guard Community".

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 106-2013**

**RE: SUPPORTING THE CAPE MAY COUNTY BOARD OF CHOSEN FREEHOLDERS  
APPLICATION TO THE UNITED STATES COAST GUARD FOR THE OFFICIAL  
DESIGNATION OF CAPE MAY COUNTY AS A "COAST GUARD COMMUNITY"**

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**WHEREAS**, the United States Congress, through federal legislation, has enabled the United States Coast Guard to designate a community having a special relationship with the Coast Guard as a "Coast Guard Community"; and

**WHEREAS**, a local Coast Guard command is empowered to recommend that the "Coast Guard Community" designation be awarded to a surrounding city, county or other

jurisdictional entity that meets rigorous application standards, with only 14 communities across the nation having received such designation; and

**WHEREAS**, the residents of Cape May County have enjoyed a unique relationship with Coast Guard personnel and their families for nearly a century, by virtue of, among other things, the Coast Guard’s ownership and maintenance of properties in municipalities throughout the County; and

**WHEREAS**, most notably, since as early as 1917, the Coast Guard has had a presence at what has grown into the 352-acre site in the Cape May City, County of Cape May, now known as Training Center Cape May, or “TRACEN”; and

**WHEREAS**, Cape May County residents and businesses have a longstanding history of supporting their Coast Guard neighbors, and wish to formalize their continuing commitment to these men, women, and children and make known to the public their commitment by attaining the designation of “Coast Guard Community”; and

**WHEREAS**, the Township Committee of the Township of Upper wishes to join and support the County of Cape May in their efforts to attain this designation.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper supports the County of Cape May Board of Chosen Freeholders in their efforts to attain the regional designation by the United States Coast Guard as an official “Coast Guard Community”
3. On behalf of the residents of the Township of Upper, the Township Committee affirms its honored relationship with the United States Coast Guard and pledges to continue the long history of full and unwavering support for Coast Guard personnel and their families.

Resolution No. 106-2013  
Offered by: Barr  
Adopted: May 13, 2013

Seconded by: Newman

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>	___	___	___
Inserra	<u>X</u>	___	___	___
Newman	<u>X</u>	___	___	___
Palombo	___	___	___	<u>X</u>

- Appointment of J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge as an appraiser for the Township of Upper.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 107-2013**

**RE: APPOINTMENT OF J. P. BAINBRIDGE & ASSOCIATES, INC. AND  
J. PAUL BAINBRIDGE AS AN APPRAISER FOR THE TOWNSHIP OF UPPER**

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**WHEREAS**, the Township requires an appraiser to provide services to obtain the fair market value of lots and beach easements in the Township with respect to the acquisition of said easements or said lots as required or appropriate to complete ongoing condemnation actions; and

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

**WHEREAS**, J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge have completed and submitted a Business Entity Disclosure Certification which certifies that J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge have 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 J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge 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:

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

2. J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge with offices at 6 Woodland Road, Cape May Court House, New Jersey is hereby appointed appraiser for the Township of Upper to provide services relating to the appraisal of lots and beach easements on lots in the Township as may be necessary in connection with anticipated beach replenishment projects in the Township and ongoing condemnation actions.

3. The 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 J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge have professional knowledge as to appraisal issues which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-2.05.

#### **NOTICE OF CONTRACT AWARD**

5. The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge for appraisal services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

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

8. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

9. A copy of this Resolution shall be published in the official newspaper of the Township of Upper within ten (10) days from the date of adoption.

10. This Resolution shall be effective as of adoption.

Resolution No. 107-2013  
 Offered by: Inserra  
 Adopted: May 13, 2013

Seconded by: Newman

Roll Call Vote:

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

9. Appointing Matthew Edwards and Michael Gift as part-time seasonal employees 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. 108-2013**

**RE: APPOINTING MATTHEW EDWARDS AND MICHAEL GIFT  
 AS PART-TIME SEASONAL EMPLOYEES  
 TO THE UPPER TOWNSHIP PUBLIC WORKS DEPARTMENT**

**WHEREAS**, a need exists to appoint qualified personnel as part-time seasonal employees to the Upper Township Public Works Department to insure optimal operation; and

**WHEREAS**, a recommendation has been made to the Township Committee and duly considered at the meeting of April 22, 2013; and

**WHEREAS**, this Resolution is intended to ratify the action heretofore taken; and

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

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

2. Matthew Edwards and Michael Gift are hereby appointed to part-time seasonal positions pending successful pre-employment testing at an hourly rate of \$11.50 in accordance with the Salary Ordinance.

3. This Resolution ratifies, confirms and approves action taken by the Township Committee at the meeting of April 22, 2013.

Resolution No. 108-2013

Offered by: Inserra

Seconded by: Barr

Adopted: May 13, 2013

Roll Call Vote:

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

10. Appointing Thomas F. Ivans as part-time employee to the Upper Township Division of Emergency Medical Services.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 109-2013**

**RE: APPOINTING THOMAS F. IVANS AS A PART-TIME EMPLOYEE  
TO THE UPPER TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES**

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

**WHEREAS**, a recommendation has been made to the Township Committee and duly considered at the meeting of April 22, 2013; and

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

**WHEREAS**, this Resolution is intended to ratify the action heretofore taken; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Thomas F. Ivans is hereby conditionally appointed as a member of the Division of Emergency Medical Services in a part-time position effective immediately at a rate of \$13.50 per hour in accordance with the Salary Ordinance.
4. This Resolution ratifies, confirms and approves action taken by the Township Committee, by motion, at the meeting of April 22, 2013.

Resolution No. 109-2013

Offered by: Newman

Seconded by: Barr

Adopted: May 13, 2013

Roll Call Vote:

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

11. Designating certain Strathmere beach areas in the Township of Upper as a Surfing Beach and a Catamaran/Sailboat Beach for the 2013 summer season.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 110-2013**

**RE: DESIGNATING CERTAIN STRATHMERE BEACH AREAS IN THE TOWNSHIP OF UPPER AS A SURFING BEACH AND A CATAMARAN/SAILBOAT BEACH FOR THE 2013 SUMMER SEASON**

**WHEREAS**, in accordance with Chapter IX entitled *Recreational Facilities*, of the Revised General Ordinances it is necessary to designate certain beach areas along the Strathmere shore in the Township of Upper strictly for the use of surfboards, sailboats, catamarans and other similar devices, for the 2013 summer season.

**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. It has been determined by the Township Committee that for the 2012 summer

season:

- **Surfing Beach: Between Vincent Avenue and Sherman Avenue**
- **Catamaran/Sailboat Beach: Nelson Avenue**

3. A map designating these areas has been provided by the Township Engineer and shall be attached hereto as Exhibit A.

4. During imminent storm all watercraft shall be removed from the designated beach areas.

Resolution No. 110-2013

Offered by: Barr

Seconded by: Newman

Adopted: May 13, 2013

Roll Call Vote:

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

12. Authorizing the Execution of a Temporary Access Agreement with Groundwater & Environmental Services, Inc. for the surrounding area of the former Exxon Service Station.

**CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 111-2013**

**RE: AUTHORIZING THE EXECUTION OF A TEMPORARY ACCESS AGREEMENT WITH GROUNDWATER & ENVIRONMENTAL SERVICES, INC. FOR THE SURROUNDING AREA OF THE FORMER EXXON SERVICE STATION**

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**WHEREAS**, the Township of Upper has received a request from Groundwater & Environmental Services, Inc., hereinafter “GES”, for a temporary access agreement to the site and surrounding area of the Former Exxon Service Station #3-8137, located at 1891 Route 50 in the Tuckahoe section of Upper Township; and

**WHEREAS**, GES will be conducting an environmental investigation in the vicinity of the Former Exxon Service Station and requests permission to enter various properties located in Block 322, Lot 15; Block 323, Lots 22 and 24; and Block 324, Lot 2 of the municipal tax map of Upper Township, New Jersey; and

**WHEREAS**, the nature, extent and scope of the project is more particularly set forth in a narrative letter from GES dated April 29, 2013, a copy of which is attached to hereto as Exhibit “A”, and Site Plan, a copy of which is attached hereto as Exhibit “B”; and

**WHEREAS**, the proposed Temporary Access Agreement has been reviewed by the Municipal Attorney and by the Municipal Engineer.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute the Temporary Access Agreement with Groundwater & Environmental Services, Inc. for the land in which the Township possesses title or an interest (right of ways) at the site and surrounding area of the Former Exxon Service Station #3-8137 as outlined in the attached Agreement.

3. The approval granted in this Resolution is expressly contingent upon the following:

- a. GES agrees to execute a Hold Harmless Agreement in favor of the Township of Upper, its officials, officers and employees in the form attached hereto as Exhibit "C".
- b. GES and its employees and agents are protected by Worker's Compensation Insurance, Employer's Liability Insurance, General Liability Insurance, and Automobile Insurance for bodily injury and property damage and will furnish to the Township evidence thereof, including contractual liability coverage for independent contractors, prior to access of Township property.

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. 111-2013  
 Offered by: Barr      Seconded by: Newman  
 Adopted: May 13, 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>      </u>	<u>      </u>	<u>      </u>	<u>  X  </u>

13. Authorizing the purchase of certain items from the 2013 Capital Improvement Bond Ordinance in the amount of \$106,553. 97.

**TOWNSHIP OF UPPER  
 CAPE MAY COUNTY  
 RESOLUTION**

**RESOLUTION NO. 112-2013**

RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS FROM THE 2013 CAPITAL  
IMPROVEMENT BOND ORDINANCE IN THE AMOUNT OF \$106,553.97

---

**WHEREAS**, it is necessary for the Township of Upper to make certain capital purchases; and

**WHEREAS**, the Township Committee has adopted the 2013 Capital Improvement Bond Ordinance 05-2013 on April 8, 2013; and

**WHEREAS**, the Township's QPA has reviewed and approved the quotes for all items on Exhibit A attached hereto with the exception of a vehicle lift system; and

**WHEREAS**, the vehicle lift system is subject to the formal bidding requirements of the New Jersey Local Public Contracts Law (N.J.S.A. 40A11-1 et seq); and

**WHEREAS**, pursuant to N.J.S.A 40A:11-12a, the Township has received a quote for a ST1082-2FWA Mobile Column Earth Lift and Support Stand on State Contract #A80126 from Steril-Koni for \$41,475.00.

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

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

2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the purchase of the items listed on Exhibit "A" in the amount of **\$106,553.97** from the 2013 Capital Improvement Bond.

3. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Offered by: Inserra      Seconded by: Newman  
Adopted: May 13, 2013

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>

**Exhibit "A"**

Loader Bucket Vendor: Ransome	\$10,846.20
Loader coupler and frame repair Vendor: Trio Equipment Services, LLC	\$11,420.37
Stertil-Koni St1082-2FWA Vehicle Lift Vendor: Hoffman Services, Inc. State Contract	\$41,475.00
Fuel Pump & fuel management system Vendor: J.W. Scott	\$17,859.40
Motorola XPR4350 Radios Vendor: Wireless	\$14,000.00
Townhall safety improvements Safety Glass Vendor: Pacific Bulletproof Co.	\$10,953.00
<b>TOTAL</b>	<b>\$106,553.97</b>

14. 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. 113-2013**

**RE: APPOINTING THE 2013 SEASON BEACH PATROL PERSONNEL**

---

WHEREAS, the individuals hereinafter named have been determined to possess the requisite skills, training and are otherwise eligible for appointment to the position of lifeguard; and

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

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

2. The following individuals are appointed as lifeguards in the Township of Upper at a salary as stated below in accordance with the Salary Ordinance:

LIEUTENANTS

WILLIAM STULL	\$17.00 per hour
JOSEPH LAROSA III	\$17.00 per hour
MIKE MANNING	\$17.00 per hour
JOSEPH O'NEIL	\$17.00 per hour

SENIOR GUARDS

SPENSER POPESON	\$13.75 per hour
ANDREW TOBIASON	\$13.75 per hour

RETURNING GUARDS

SAMUEL PALOMBO	\$11.25 per hour
AMANDA ELLER	\$11.25 per hour
WILLIAM MASSEY	\$11.25 per hour
BETHANY DESMOND	\$11.95 per hour
ADAM HADLEY	\$11.95 per hour
ALICIA PALOMBO	\$11.95 per hour
DAN PALOMBO	\$11.95 per hour
DAVID NEVILLE	\$11.95 per hour
NICK ROASH	\$12.25 per hour
ABIGAIL FREITAG	\$12.25 per hour
RICHARD KELLY	\$12.25 per hour
PATRICK KELLY	\$12.25 per hour
BLAKE BOFFA	\$12.25 per hour
WILLIAM DOONER	\$12.25 per hour
JON O'NEIL	\$12.25 per hour
WAYNE MACMURRAY	\$12.25 per hour
RODNEY TICE	\$12.25 per hour
JAMES DUGAN	\$12.25 per hour
CARA THOMAS	\$12.25 per hour
ALEX FORSMAN	\$12.25 per hour
GREGORY VAN GILDER	\$12.25 per hour
PAT CURRAN	\$12.25 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. 113-2013

Offered by: Barr

Seconded by: Newman

Adopted: May 13, 2013

Roll Call Vote:

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

**15. Accepting the annual Stormwater report and certification, and authorizing the Township Engineer to electronically sign and submit it to the NJDEP pursuant to stormwater rules.** Township Engineer Paul Dietrich gave a brief report on the Township's efforts to ensure any stormwater runoff is as clean as possible. Throughout the year the Township has given several stormwater education presentations at area schools and stormwater information has been posted on the Township's website. The Township currently has approximately 750 stormwater inlets and collection systems throughout the Township that are maintained and inspected on a regular basis. After each rainfall of more than an inch, all of the basins are inspected to ensure optimal operation. The Township also performs regular street sweeping of over 740 miles of roads within the Township, collecting approximately 132 cubic yards of material and collect approximately 25 cubic yards of material out of the stormwater inlets.

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

**RESOLUTION NO. 114-2013**

**ACCEPTING THE ANNUAL STORMWATER REPORT AND CERTIFICATION, AND  
AUTHORIZING THE TOWNSHIP ENGINEER TO ELECTRONICALLY SIGN AND SUBMIT IT TO  
THE NJDEP PURSUANT TO STORMWATER RULES**

---

WHEREAS, the State of New Jersey on January 5, 2004 adopted stormwater rules which impact municipalities; and

WHEREAS, under the aforesaid stormwater rules, municipalities are required to apply for permits and provide reports and certifications to the NJDEP; and

WHEREAS, the Township Committee of the Township of Upper has determined that the Township should make the appropriate applications for permits and prepare appropriate reports pursuant to the stormwater rules; and

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

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

2. The Township Committee hereby accepts the Stormwater Annual Report.

3. The Township Engineer is hereby authorized to execute said Report and Certification electronically pursuant to the stormwater rules of the State of New Jersey, which Report and Certification are attached hereto as Exhibit A.

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. 114-2013  
Offered by: Inserra  
Adopted: May 13, 2013

Seconded by: Barr

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>          </u>	<u>          </u>	<u>          </u>	<u>  X  </u>

16. Adopting the Township of Upper Purchasing Policy.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 115-2013**

**RE: ADOPTING THE TOWNSHIP OF UPPER  
PURCHASING POLICY**

**WHEREAS**, the Township Committee of the Township of Upper has determined there is a need to adopt a Purchasing Policy; and

**WHEREAS**, the Township Committee of the Township of Upper has reviewed and approved the Purchasing Policy attached hereto and has determined that same should be adopted; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township of Upper Purchasing Policy attached hereto as Exhibit "A" is hereby adopted and approved.
3. The policy is intended to assist Township employees in the responsibilities of purchasing and as a guide to the Township's purchasing procedures.
4. The provisions of this policy may be amended and supplemented from time to time at the sole discretion of the Township Committee.
5. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 115 - 2013  
Offered by: Corson  
Adopted: May 13, 2013

Seconded by: Barr

Roll Call Vote:

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

17. Canceling Taxes on Exempt Property Block 584, Lot 1.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 116-2013**

**CANCELING TAXES ON EXEMPT PROPERTY BLOCK 584, LOT 1**

---

**WHEREAS**, certain corrections have been recommended by the Upper Township Tax Collector in order to correct tax records,

**WHEREAS**, certain properties were conveyed to the Township in accordance with Ordinance No. 022-2011 adopted on October 11, 2011,

**WHEREAS**, property taxes in the amount of \$32.04 remain due for the year 2012.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Upper, Cape May County, that Corrections to the Tax records are hereby authorized and the Tax Collector is hereby directed to correct said records or take such action as indicated below.

Resolution No. 116-2013

Offered by: Newman

Seconded by: Barr

Adopted: May 13, 2013

**Roll Call Vote:**

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

<b><u>Block</u></b>	<b><u>Lot/Qual.</u></b>	<b><u>2012 Taxes</u></b>
584	1	\$32.04
Tax Exempt – Owned by Township		

18. Canceling Taxes on Exempt Property Block 723, Lot 61.04.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 117-2013**

**CANCELING TAXES ON EXEMPT PROPERTY BLOCK 723, LOT 61.04**

---

**WHEREAS**, certain corrections have been recommended by the Upper Township Tax Collector in order to correct tax records,

**WHEREAS**, certain properties became tax exempt for the year 2013,

**WHEREAS**, James McAfee is a 100% disabled American veteran residing at 15 Homestead Ct Block 723, Lot 61.04 on the municipal tax map of Upper Township, New Jersey,

**WHEREAS**, the Department of Veterans Affairs has determined that Mr. McAfee's 100% permanent wartime service connected disability was effective August 1, 2008,

**WHEREAS**, James McAfee made application on April 10, 2013,

**WHEREAS**, a conflict arose between the applicant and the Upper Township Tax Assessor,

**WHEREAS**, application was approved by the Dennis Township Tax Assessor on April 10, 2013,

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Upper, Cape May County, that corrections to the Tax records are hereby authorized and the Tax Collector is hereby directed to correct said records or take such action as indicated on the attached sheet.

Offered by: Newman  
Adopted: May 13, 2013

Seconded by: Barr

**Roll Call Vote:**

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

**CANCEL TAX 2013**

<b><u>BLOCK/LOT</u></b>	<b><u>AMOUNT</u></b>	<b><u>NAME</u></b>
723/61.04	\$3,259.61	James & Sandra McAfee 15 Homestead Ct Beesleys Pt, NJ 08223

2013 1<sup>st</sup> & 2<sup>nd</sup> Qtr Taxes

100% Totally Disabled Veteran

19. Tax Refund for Block 723, Lot 61.04.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**Resolution No. 118-2013**

**TAX REFUND FOR BLOCK 723, LOT 61.04**

---

**WHEREAS**, certain corrections have been recommended by the Upper Township Tax Collector in order to refund monies,

**WHEREAS**, certain properties became tax exempt for the year 2013,

**WHEREAS**, James McAfee is a 100% disabled American veteran residing at 15 Homestead Ct Block 723, Lot 61.04 on the municipal tax map of Upper Township, New Jersey,

**WHEREAS**, the Department of Veterans Affairs has determined that Mr. McAfee's 100% permanent wartime service connected disability was effective August 1, 2008,

**WHEREAS**, James McAfee made application on April 10, 2013,

**WHEREAS**, Township of Upper Ordinance No. 009-2012 allows for the refund of property taxes paid for the calendar year in which claim is made.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Upper, Cape May County, that corrections to the Tax records are hereby authorized and the Tax Collector is hereby directed to correct said records or take such action as indicated on the attached sheet.

Resolution No. 118-2013

Offered by: Newman                      Seconded by: Barr

Adopted: May 13, 2013

**Roll Call Vote:**

<b>NAME</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAINED</b>	<b>ABSENT</b>
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>      </u>	<u>      </u>	<u>      </u>	<u>  X  </u>

**REFUND TAX 2013**

<b><u>BLOCK/LOT</u></b>	<b><u>AMOUNT</u></b>	<b><u>NAME</u></b>
723/61.04	\$3,259.61	James & Sandra McAfee 15 Homestead Ct Beesleys Pt, NJ 08223

2013 1<sup>st</sup> & 2<sup>nd</sup> Quarter Taxes

100% Totally Disabled Veteran

**ORDINANCES**

**20. Public hearing and final adoption of Ordinance No. 007-2013 RE: AN ORDINANCE AUTHORIZING THE TOWNSHIP OF UPPER TO ENTER INTO A LEASE AGREEMENT WITH THE HISTORICAL PRESERVATION SOCIETY OF UPPER TOWNSHIP, INC., A NON-PROFIT CORPORATION, WITH RESPECT TO LAND AND PREMISES KNOWN AS THE**

**“FRIENDSHIP SCHOOL”, BLOCK 587, LOT 1 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF UPPER, FOR A NOMINAL CONSIDERATION.** During the public hearing there were no speakers. Motion by Jay Newman, seconded by Anthony Inserra, to adopt Ordinance No. 007-2013. During roll call vote all four Committee members present voted in the affirmative.

**TOWNSHIP OF UPPER**

**CAPE MAY COUNTY**

**ORDINANCE**

**ORDINANCE NO. 007-2013**

**AN ORDINANCE AUTHORIZING THE TOWNSHIP OF UPPER TO ENTER INTO A LEASE AGREEMENT WITH THE HISTORICAL PRESERVATION SOCIETY OF UPPER TOWNSHIP, INC., A NON-PROFIT CORPORATION, WITH RESPECT TO LAND AND PREMISES KNOWN AS THE “FRIENDSHIP SCHOOL”, BLOCK 587, LOT 1 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF UPPER, FOR A NOMINAL CONSIDERATION.**

---

**BE IT ORDAINED** 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:

**SECTION 1: FACTUAL FINDINGS AND DETERMINATIONS:** The Township Committee hereby expressly finds and determines the following:

- (A) Pursuant to N.J.S.A. 40A:12-14, a municipality is authorized to lease any real property, capital improvement or personal property not needed for public use and which is not otherwise dedicated or restricted pursuant to law.
- (B) N.J.S.A. 40A:12-14(c) further provides and authorizes a lease to a non-profit corporation for a public purpose, provided that such Lease shall be authorized by Ordinance and further authorizes such Lease for a nominal consideration. Said Statute further requires and mandates that the non-profit corporation file annual reports with the Governing

Body as more particularly described and required in Section 4 hereof.

- (C) N.J.S.A. 40A:12-15 sets forth the purposes for which Leases for a public purpose may be made and provides a maximum term for a leasehold and expressly authorizes such Lease for any civic or historic programs or activities by duly incorporated historical societies (N.J.S.A. 40A:12-15(g)), as well as for any activity for the promotion of the health, safety, morals and general welfare of the community of any non-profit corporation or association (N.J.S.A. 40A:12-15(i)).
- (D) It has been represented to the Township Committee that the Historical Preservation Society of Upper Township, Inc. (“Society”) is a duly incorporated non-profit corporation organized and existing under the laws of the State of New Jersey and in good standing and the Township Committee accepts and relies upon those representations made by or on behalf of the Society and the Township Committee further finds that the Society meets the requirements of N.J.S.A. 40A:12-15(g) and (i).
- (E) The activities of the Society will promote the health, safety, morals and general welfare of the community through educational programs conducted which will foster a knowledge, awareness and appreciation of the Township’s unique historical background.

**SECTION 2:** The Township of Upper is hereby authorized to enter into a Lease Agreement with the Society, for the lease of the property known as the “Friendship School”, designated as Block 587, Lot 1 as shown on the Official Tax Map of the Township of Upper. Said Lease shall be for a term of five (5) years, commencing June 1, 2013. Said Lease may thereafter be renewed for a successive term of five (5) years. Said Lease may thereafter be renewed for a successive term or terms as permitted by law. The consideration

shall be nominal and shall be stated at the sum of One Dollar (\$1.00) per year for the term of said Lease. Said Lease shall be prepared or approved by the Municipal Attorney for the Township of Upper and ultimate final approval of said Lease shall be vested in the Township Committee, as the Governing Body of the Township of Upper.

**SECTION 3: CONDITIONS AFFECTING LEASE:** The Lease authorized in Section 2 hereof shall be expressly subject to the following terms, reservations and restrictions:

- (A) The property described herein shall be used by the Society subject to the terms and conditions of an Agreement to be negotiated between the Township of Upper and the Society, which defines the rights, duties and responsibilities of the Township and the Society with respect to the maintenance and use of the property described in this Ordinance.
- (B) In the event that the Society should, in the opinion of the Township Governing Body, cease to exist or become inactive, then the right is reserved unto the Township of Upper, through its Governing Body, to terminate the Lease and to make the property described herein available to a successor entity or group to be used for the same or similar purpose or for any other purpose permitted by law.

**SECTION 4: RESPONSIBILITIES OF LESSEE:** In compliance with N.J.S.A. 40:12-14, as the same may, from time to time, be amended or supplemented, it shall be the responsibility of the Tenant, the Historical Preservation Society of Upper Township, Inc., as the holder of a Lease for a public purpose, to submit annually a report to the Township Committee, in writing, setting forth the use to which the leasehold was put during the preceding year; the activities of the Lessee undertaken in furtherance of the public purpose for which the leasehold was granted; the approximate value or cost, if any, of such activities in furtherance of such purpose; and an affirmation of the continued tax-exempt

status of the non-profit corporation pursuant to both State and Federal law. Failure on the part of the Tenant to comply with the provisions of this law or any similar law enacted by the State of New Jersey during the term of this Lease shall be cause for the termination of the Lease by action of the Township Governing Body.

**SECTION 5: AUTHORITY OF TOWNSHIP OFFICIALS:** All Township officers, officials and employees are hereby authorized to take all action necessary or required in order to carry out the intent and purpose of this Ordinance. Without in any way intending to limit the generality of the foregoing, the Mayor and the Township Clerk are expressly authorized, empowered and directed to sign the Lease Agreement on behalf of the Township of Upper as Lessor and the Township Clerk is further authorized, directed and empowered to affix the Township seal to said Lease.

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

**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 8th DAY OF APRIL, 2013 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 13th DAY OF MAY, 2013 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**

21. **New Jersey Department of Transportation bus stop survey.** Mr. Dietrich stated the NJDOT is conducting a survey of local bus stop shelters and is requesting that the Township report on three issues. Whether the bus stops are active or inactive; if inactive, would the Township like the bus stop to remain; and have there been any reported problems, e.g. vandalism. After a brief discussion, it was decided that the Committee has no objection to the bus stop shelters remaining in the Township. Motion was made by Curtis Corson, seconded by Anthony Inserra, to direct the Township Engineer to complete the survey as per the discussion. During roll call vote all four Committee members voted in the affirmative.

### **NEW BUSINESS**

22. **Request to sign acceptance of monthly billing for a street light to be installed on McDaniel's Court.** Paul Dietrich reported that the developer has paid for the installation of the street light. After a brief discussion, it was agreed to have a resolution placed on the next meeting agenda authorizing payment of the monthly billing.
23. **Thomas Heist Insurance Agency-Insurance coverage for Upper Township Sports Teams.** Mr. Young reported that this additional insurance has been recommended by the Township's Risk Management Consultant. However, since it is insurance for internal issues that may arise within the Associations, the Township is not directly impacted. The decision to have this coverage should be up to each individual Association and purchased at their expense. The Clerk's office was directed to request the Thomas Heist Insurance Agency to send a letter to each Association with information on the recommended additional coverage.
24. **New Jersey Planning Officials 2013 Achievement in Planning Award.** Mr. Dietrich reported that he and Mr. Inserra recently attended a NJPO dinner at which time the Township was awarded the Achievement in Planning Award due to the Township's work on the Marmora Town Center and for becoming the first Municipality in the state to attain access classification for our Main Street design.
25. **New Jersey Department of Transportation 2013 Municipal Aid Program for the reconstruction of Bayview Drive in the amount of \$175,000.00.** Mr. Dietrich reported that the Township has received this grant for the first phase of the reconstruction of Bayview Drive.

### **UNFINISHED BUSINESS:**

26. **Request from South Jersey Gas Company for authorization to apply for governmental approvals.** Mr. Young reported that the South Jersey Gas Company is preparing applications to obtain approval from governmental agencies to construct a 24 inch Natural Gas Pipeline for supply to B.L. England Power Plant and is requesting the Township's signature on a Property Owner Authorization form giving SJG authorization to submit permit applications that pertain to Township owned property. The property in question is under tax lien foreclosure by the Township. Motion by Curtis Corson, seconded by Jay Newman, to authorize the Mayor or Deputy Mayor to sign a Property Owners Authorization form. During roll call vote all four Committee members present voted in the affirmative.

27. **FEMA floodplain map update.** After a brief discussion, motion was made by Edward Barr, second by Anthony Inserra, to authorize Dr. Farrell of the Stockton Coastal Research Center to assist in the analysis of and the formulation of the Township's response to the updated floodplain maps which are scheduled to be released by FEMA. This additional work will fall under the contingency provision of Dr. Farrell's current contract with the Township for coastal monitoring consultant services.

## **DISCUSSION**

### **PAYMENT OF BILLS:**

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

Bills approved for payment: \$679,323.55  
Payroll: \$161,800.86

### **REPORT OF MUNICIPAL DEPARTMENTS:**

- 29. Construction Code
- 30. Clerk's Office
- 31. Animal Control
- 32. Tax Assessor
- 33. Tax Collector
- 34. Finance Office
- 35. MUA Report
- 36. Department of Public Works
- 37. Division of EMS
- 38. Municipal Court

Reports are available in the Clerk's office.

## **PUBLIC COMMENT**

**George Grund, Marmora**, requested assistance with stray cats on Ocean Avenue. The Clerk was directed to notify Animal Control of the problem.

**Ted Kingston, Strathmere**, stated his objection to the procedure being used to authorize the purchase of items from the 2013 Capital Improvement Bond Ordinance, in that he feels the items should be authorized individually. It was stated that if a Committeeman has an objection to a specific item, the resolution can be amended to remove that item upon a motion, second and vote on the amendment. It was also stated that major items will be authorized individually. Mr. Kingston then inquired about the scope of work that Dr. Farrell will be performing and whether an effort will be made to lower the new base flood elevation requirements. It was stated that the Township cannot change the base flood elevations. Rather, the Township is working to make sure the new FEMA maps have the correct and appropriate flood zone designations.

## **CLOSED SESSION**

39. 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. 119-2013  
MOTION GOING INTO CLOSED SESSION  
May 13, 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 – Cape Professional Billing, Inc. DBA Cape Medical Billing for Emergency Medical Billing Services.

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: Corson

During roll vote all four Committee members present voted in the affirmative.

## **RECONVENE PUBLIC PORTION OF MEETING**

## **ADJOURNMENT**

There being no further business this evening the meeting was adjourned at 8:45 P.M. The next meeting is scheduled for Tuesday May 28, 2013 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC  
Municipal Clerk

### **Bill List**

60737 05/13/13 A0018 ACTION SUPPLY INC. 105.81 2779  
60738 05/13/13 A0020 ACU-THERM SUPPLY CO., INC. 562.92 2779  
60739 05/13/13 A0023 ADAMS, JOHN 29.97 2779  
60740 05/13/13 A0025 ADVANTAGE RENTAL ACE HARDWARE 1,196.64 2779  
60741 05/13/13 A0035 AIRLINE HYDRAULIC CORP. 87.33 2779

60742 05/13/13 A0091 ATLANTIC CITY ELECTRIC 14,679.66 2779  
60743 05/13/13 A0167 HESS CORPORATION 2,913.95 2779  
60744 05/13/13 A0168 ATLANTIC CRANKSHAFT 388.00 2779  
60745 05/13/13 A0176 ACTION FLAG COMPANY 128.40 2779  
60746 05/13/13 B0035 BELMONT & CRYSTAL SPRINGS 93.96 2779  
60747 05/13/13 B0092 BROKER, EUGENE JR. 150.00 2779  
60748 05/13/13 B0178 BUGANSKI,PETER R. 50.95 2779  
60749 05/13/13 B0182 BRIGGS LAW OFFICE, P.C. 2,549.84 2779  
60750 05/13/13 B0184 BUSHONG, BRIAN 99.92 2779  
60751 05/13/13 C0011 CAPE OFFICE MACHINES & SERVICE 680.00 2779  
60752 05/13/13 C0019 CITY OF OCEAN CITY 55,697.25 2779  
60753 05/13/13 C0048 CAPE MAY COUNTY MUA 66,506.85 2779  
60754 05/13/13 C0068 COMCAST 225.95 2779  
60755 05/13/13 C0171 COLONIAL ELECTRIC SUPPLY CO. 191.68 2779  
60756 05/13/13 C0201 CRUZAN'S TRUCK SERVICE INC. 9.21 2779  
60757 05/13/13 C0223 CASA PAYROLL SERVICE 233.45 2779  
60758 05/13/13 C0247 CMRS-FP 2,000.00 2779  
60759 05/13/13 C0248 CHAPMAN FORD SALES, INC 657.79 2779  
60760 05/13/13 D0016 DALEYS PIT 80.00 2779  
60761 05/13/13 E0059 TRISTATE EZ DOCK, INC. 1,329.00 2779  
60762 05/13/13 F0016 FAZZIO, JOSEPH INC. 590.16 2779  
60763 05/13/13 F0054 DEARBORN NATIONAL LIFE INS. CO 440.55 2779  
60764 05/13/13 F0166 Kristie N. Fenton 20.00 2779  
60765 05/13/13 G0016 GARDNER HARDWARE INC. 23.19 2779  
60766 05/13/13 G0028 GENTILINI FORD 1,205.07 2779  
60767 05/13/13 G0030 GENERAL SPRING SERVICE 1,415.78 2779  
60768 05/13/13 G0057 GLOBALSTAR USA LLC 212.50 2779  
60769 05/13/13 G0086 W.W. GRAINGER, INC. 26.80 2779  
60770 05/13/13 G0096 GRUND, GEORGE 218.38 2779  
60771 05/13/13 G0145 GRAU, AMANDA 20.00 2779  
60772 05/13/13 G0147 GREATAMERICA FINANCIAL SVCS. 176.97 2779  
60773 05/13/13 H0002 H.A. DEHART & SON CORP. 106.76 2779  
60774 05/13/13 H0018 HAROLD RUBIN/L & H SUPPLY 958.10 2779  
60775 05/13/13 H0131 HPI PROCESSES, INC 608.40 2779  
60776 05/13/13 J0040 JOHNSON & TOWERS, INC. 573.46 2779  
60777 05/13/13 J0072 JERSEY WEB DESIGNS 551.95 2779  
60778 05/13/13 K0074 KERWOOD, WILLIAM G 1,125.00 2779  
60779 05/13/13 L0007 LC EQUIPMENT, INC. 385.50 2779  
60780 05/13/13 L0080 LOWES, INC. 126.35 2779  
60781 05/13/13 M0080 McMANIMON, SCOTLAND & BAUMANN 1,966.72 2779  
60782 05/13/13 M0166 MOTOROLA SOLUTIONS 2,716.00 2779  
60783 05/13/13 M0188 MCCARTHY TIRE SERVICE OF PHILA 3,649.64 2779  
60784 05/13/13 M0209 MAYBERRY, JOHN D 56.97 2779  
60785 05/13/13 M0222 MUNICIPAL CAPITAL CORPORATION 392.00 2779  
60786 05/13/13 N0004 NJ-AMERICAN WATER CO. 69.00 2779  
60787 05/13/13 N0043 NAPA AUTO PARTS OF S.JERSEY 0.00 05/13/13 VOID 0  
60788 05/13/13 N0043 NAPA AUTO PARTS OF S.JERSEY 413.19 2779  
60789 05/13/13 N0046 NJ EMERGENCY PREPAREDNESS ASSO 200.00 2779  
60790 05/13/13 N0052 NATL YOUTH SPORTS COACHED ASSN 290.00 2779  
60791 05/13/13 N0094 NEW JERSEY PLANNING OFFICIALS 80.00 2779  
60792 05/13/13 N0131 DEFINED CONTRIB RETIRE PROGRAM 63.22 2779  
60793 05/13/13 O0038 OSBORN, JAMES 196.37 2779  
60794 05/13/13 P0032 PEDRONI FUEL CO. 3,647.24 2779  
60795 05/13/13 P0056 TURF EQUIPMENT AND SUPPLY CO 1,847.70 2779  
60796 05/13/13 P0073 POGUE INC. 2,262.00 2779  
60797 05/13/13 P0117 PYROTECNICO 3,250.00 2779  
60798 05/13/13 P0125 PACER SERVICE CENTER 18.60 2779  
60799 05/13/13 P0137 PARDO'S TRUCK SERV PARTS WHSE 178.32 2779  
60800 05/13/13 P0140 PIONEER MANUFACTURING CO, INC 695.00 2779  
60801 05/13/13 P0141 JENNIFER T. PRETTYMAN 45.00 2779  
60802 05/13/13 R0030 RIGGINS, INC. 10,805.75 2779  
60803 05/13/13 R0044 RODIO TRACTOR SALES INC 142.96 2779  
60804 05/13/13 R0065 ROBERT BROWN TREE SERVICE 700.00 2779  
60805 05/13/13 R0100 ROBERTS OXYGEN COMPANY, INC. 64.05 2779  
60806 05/13/13 R0103 REUTER CONSTRUCTION, INC 225.00 2779  
60807 05/13/13 R0104 RAYMOND BIERBRUNNER 276.00 2779  
60808 05/13/13 S-0257 South Jersey Energy Service Pl 69.72 2779  
60809 05/13/13 S0056 SEASHORE ASPHALT CORPORATION 382.80 2779  
60810 05/13/13 S0121 SMUZ, THERESE A 45.20 2779  
60811 05/13/13 S0126 SPIEGEL, BARBARA 32.15 2779

60812	05/13/13	S0134	SO. JERSEY GAS COMPANY	2,630.62	2779
60813	05/13/13	S0153	STERICYCLE, INC.	373.74	2779
60814	05/13/13	S0209	STAPLES ADVANTAGE	466.60	2779
60815	05/13/13	S0239	SHORE VET. ANIMAL CONTROL LLC	2,550.00	2779
60816	05/13/13	T0005	TCTA OF NEW JERSEY	310.00	2779
60817	05/13/13	T0032	THE PRESS & SUNDAY PRESS	556.89	2779
60818	05/13/13	T0048	TILL PAINT CO/D. FITZGERALD	2,087.50	2779
60819	05/13/13	T0067	TOWNSHIP OF UPPER PETTY CASH	72.40	2779
60820	05/13/13	T0080	TREASURER STATE OF N.J.	30.00	2779
60821	05/13/13	T0097	TRICO EQUIPMENT INC.	1,324.91	2779
60822	05/13/13	T0117	TUCKAHOE FIRE DISTRICT #2	437,268.00	2779
60823	05/13/13	T0129	TRUGREEN CHEMLAWN	360.00	2779
60824	05/13/13	U0026	UNIVERSAL SUPPLY CO., INC.	1,735.80	2779
60825	05/13/13	V0005	VAN EMBDEN, NATHAN, ATTORNEY	3,817.50	2779
60826	05/13/13	V0013	VERIZON WIRELESS	691.35	2779
60827	05/13/13	V0018	VILLAGE PHARMACY, INC.	336.00	2779
60828	05/13/13	V0022	VERIZON	187.82	2779
60829	05/13/13	V0024	VAL-U AUTO PARTS L.L.C.	357.70	2779
60830	05/13/13	W0030	WEST PUBLISHING CO.	393.53	2779
60831	05/13/13	W0050	WIRELESS ELECTRONICS, INC.	7,939.00	2779
60832	05/13/13	W0085	WOODY, LESTER	576.39	2779
60833	05/13/13	Y0008	YOUNG, DANIEL J. ESQUIRE PC	18,418.75	2779
60834	05/13/13	Y0023	YOUNG, DANIEL J. ATTORNEY	2,625.00	2779

Total: 679,323.55