

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR JUNE 24, 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** - **June 10, 2013 Regular Meeting and Closed Session Minutes**--Motion by Jay Newman, second by Antonio 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**, motion to hire part-time employees Matthew Capone and Judy May as emergency medical personnel, seconded by Richard Palombo. During roll call vote all five members voted in the affirmative. Mr. Newman next reported that plans are underway for the Fourth of July Celebration to be held at the Amanda’s Field complex. Mr. Newman reminded everyone to utilize parking in the complex and cautioned that in coordination with the State Police “No Parking” along Route 50 from Sunset Road to County Route 610 will be enforced. Lastly Mr. Newman reported on a phone call he received regarding overgrown brush at various intersections throughout the Township and potential problems with the sight triangle. He directed that the matter be referred to the Public Works Department and the Zoning office. It was stated that the new website also has an interactive link for residents to report problems in the Township.

**Anthony Inserra, Committeeman**, discussed the Township’s appeal to the U.S. Postal service for zip code re-alignment. The original appeal to the Postal Service was denied, a letter was then sent to Congressman Lobiondo outlining the issues. As of this date a response from the Postal Service has not been received. The Committee directed that another letter be drafted from the Mayor to Congressman Lobiondo to reiterate and outline the Township’s

specific issues and concerns and further directed the Township Attorney to look into the procedure for filing a complaint with the department of Banking and Insurance.

**Edward Barr, Committeeman**, reported on a meeting he attended recently with the Mayor, Upper Township Football Association, and Football Parents. The meeting was called to address various issues between the Association and Parents. Mr. Barr stated that the meeting went well and everyone is looking forward to a successful Football season.

**Richard Palombo, Mayor**, motion to hire Griffin Grimes, Gaige Bobbitt, Erin Myers, Kyle McKelvey and Dylan Price to the Upper Township Beach Patrol seconded by Curtis Corson. During roll call vote all five Committee members voted in the affirmative. Mayor Palombo next commended the Lifeguards and EMS personnel on a job well done during a water rescue that took place over the weekend in Strathmere and lastly he reminded everyone of the parade on July 4<sup>th</sup> scheduled to take place at 10:30 a.m. in Strathmere.

### **OTHER REPORTS**

**Daniel Young, Municipal Attorney**, reported that there are two contract negotiation matters for closed session.

**Barbara Spiegel, Chief Financial Officer**, reported the Tax Assessor will hold a Blood Drive at the Upper Township Community Center on July 10<sup>th</sup> from 2:00 to 7:00 pm. and has requested authorization to hold a drawing to receive a free day off work for Township employees that donate blood. Motion by Antonio Inserra, second by Richard Palombo, to approve the request. During roll call vote all five Committee members voted in the affirmative.

**Paul Dietrich, Township Engineer** reported that Bids were received on June 20<sup>th</sup> for the Refuse Collection Vehicles and Containers and are being reviewed. It is anticipated that a recommendation will be made at the next meeting on July 8<sup>th</sup>. He next reported on the Beach Access Paths and nesting birds in Strathmere. The ADA path matting has been installed at most entrances except for two paths where it has not been installed due to active chicks at the base of the entrance. Mr. Dietrich next recommended the appointment of Kevin Day as a seasonal part time employee to the Department of Public Works. Motion by Anthony Inserra, second by Edward Barr to hire Kevin Day as a seasonal part-time employee to the Department of Public Works. During roll call vote all five Committee members voted in the affirmative. He next reported on the Sam's Gulf Station in Tuckahoe all tanks have been removed and the soil investigation is underway to determine the costs and extent of the ground water soil remediation. Lastly Mr. Dietrich reported that the Seaville Plantation paving project has been completed with an approximate savings of \$10, 000 to \$15,000 being returned to the general fund.

### **PRESENTATIONS**

1. **Honoring Christopher Hohman on attaining the designation of "Eagle Scout"**.  
The Mayor and Township Committee presented Christopher with a Resolution honoring him on his achievement and thanked him for his service to the Community.

### **RESOLUTIONS**

2. Resolution and Certification with respect to the 2012 Annual Audit and in compliance with the Local Finance Board of the State of New Jersey.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 140-2013**

**RESOLUTION AND CERTIFICATION WITH RESPECT TO THE 2012 ANNUAL  
AUDIT AND IN COMPLIANCE WITH THE LOCAL FINANCE BOARD OF THE  
STATE OF NEW JERSEY**

**WHEREAS**, N.J.S.A. 40A:5-4 required the governing body of every local unit to have made an annual audit of its books, accounts and financial transaction; and

**WHEREAS**, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

**WHEREAS**, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

GENERAL COMMENTS  
AND  
RECOMMENDATIONS

**WHEREAS**, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

GENERAL COMMENTS  
AND  
RECOMMENDATIONS

as evidenced by the group affidavit form of the governing body; and

**WHEREAS**, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S.52:27BB-52 -"A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

**NOW, THEREFORE BE IT RESOLVED**, that the governing body of the Township of Upper, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Resolution No. 140-2013

Offered by: Corson

Seconded by: Newman

Adopted: June 24, 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>	_____	_____	_____



**WHEREAS**, Jersey Web Design and Francis E. Corcoran possess the requisite skill and knowledge to perform these services; and

**WHEREAS**, the Township has decided to acquire the services of Jersey Web Design as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Jersey Web Design and Francis E. Corcoran have completed and submitted Business Entity Disclosure Certifications which certify that said businesses 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 said businesses 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. Jersey Web Design and Francis E. Corcoran with offices at 5 Sheila Avenue, Ocean View, New Jersey 08230, are hereby hired by the Township of Upper for the purposes as specified in this Resolution and the attached professional services agreement.
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 Jersey Web Design and Francis E. Corcoran have professional knowledge which 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. 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. Jersey Web Design and Francis E. Corcoran have registered with the State of New Jersey pursuant to c.57, Laws of 2004 and will provide 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 Service Agreement with Jersey Web Design and Francis E. Corcoran 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. 141-2013

Offered by: Corson

Seconded by: Barr

Adopted: June 24, 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>	___	___	___

4. Appointing the 2013 Season Beach Patrol Personnel.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 142-2013**

**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:

**RETURNING GUARDS**

Carly Cox	\$11.95 per hour
Mary Ellen Curran	\$12.25 per hour

**ROOKIE GUARDS**

Kevin Gill	\$10.75 per hour
Anson Hadley	\$10.75 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.



6. **Resolution renewing Mobile Home Park Licenses.** Mr. Corson did not participate in the discussion on this matter.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 144-2013**

**RE: RESOLUTION RENEWING MOBILE HOME PARK LICENSES**

**WHEREAS**, each of the Mobile Home Parks hereinafter designated has attested that the operation of the mobile home park is in compliance with all applicable New Jersey Statutes and the rules and regulations promulgated pursuant thereto.

**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 mobile home park licenses are hereby renewed for a term of (1) one year, commencing August 1, 2013.

**HIDDEN PINES MOBILE HOME PARK  
1414 SOUTH SHORE ROAD  
OCEAN VIEW, NJ 08230  
10 Sites**

**PINE HILL MOBILE PARK, INC.  
430 ROUTE 9 SOUTH  
MARMORA, NJ 08223  
132 Sites**

**OCEAN BEACH TRAILER RESORT  
1100 SO.COMMONWEALTH AVENUE  
P.O. BOX 90  
STRATHMERE, NJ 08248  
100 Sites**

**SHORE ACRES MOBILE HOME PARK, LLC  
1621 SOUTH SHORE ROAD  
OCEAN VIEW, NJ 08230  
200 Sites**

3. All officials of the Township are hereby authorized to take such action as necessary or required in order to carry out the intent and purpose of this Resolution.
4. This Resolution shall become effective immediately upon adoption.

Offered by: Newman  
Adopted: June 24, 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>          </u>	<u>          </u>	<u>X</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. Authorizing the Township of Upper to enter into a Cooperative Pricing Agreement for HVAC services with the Upper Township School District for the 2013/2014 school year.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 145-2013**

**RE: AUTHORIZING THE TOWNSHIP OF UPPER TO ENTER INTO A  
COOPERATIVE PRICING AGREEMENT FOR HVAC SERVICES WITH THE  
UPPER TOWNSHIP SCHOOL DISTRICT FOR THE 2013/2014 SCHOOL YEAR**

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**WHEREAS**, N.J.S.A. 40A:11-10 authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

**WHEREAS**, the Upper Township Board of Education hereinafter referred to as the “Lead Agency” has offered voluntary participation in a Cooperative Pricing System for an HVAC vendor of record; and

**WHEREAS**, the Township of Upper wishes to participate with the Lead Agency in a Cooperative Pricing Agreement for an HVAC Vendor of Record; and

**WHEREAS**, the needs of the Township of Upper were bid by the Lead Agency and received on June 5, 2013 and a contract and recommendation by the Lead Agency for HVAC Vendor of Record – 2013/2014 School Year with Core Mechanical of 7150 North Park Drive, Suite 400, Pennsauken, NJ 08109; and

**WHEREAS**, the Township Engineer has reviewed the above described bid and the contract awarded by the Lead Agency and recommends participation by the Township; and

**WHEREAS**, it is recommended that the Township Committee of the Township of Upper approve the HVAC Vendor of Record – 2013/2014 School Year with Core Mechanical of 7150 North Park Drive, Suite 400, Pennsauken, NJ 08109 from the Cooperative Pricing Agreement for use in Township HVAC needs.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Upper, Cape May County, that the Township hereby authorizes participation in the Cooperative Pricing Agreement with the Upper Township Board of Education for award of a contract for HVAC Vendor of Record – 2013/2014 School Year with Core Mechanical of 7150 North Park Drive, Suite 400, Pennsauken, NJ 08109 for use in Township HVAC needs.

Resolution No. 145-2013

Offered by: Barr

Seconded by: Newman

Adopted: June 24, 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>	_____	_____	_____

8. Renewal of an Alcoholic Consumption License to Levariland, Inc. for the License Year commencing July 1, 2013.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 146-2013**

**RE: RENEWAL OF AN ALCOHOLIC CONSUMPTION LICENSE TO  
LEVARILAND, INC. FOR THE LICENSE YEAR COMMENCING JULY 1 2013**

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**WHEREAS**, holders of the alcoholic beverage licenses in the Township of Upper have applied for renewal of licenses in the prescribed

manner; and

WHEREAS, said holders of alcoholic beverage licenses have complied with all requirements of law and regulations of the Division of Alcoholic Beverage Control; and

WHEREAS, no objections have been filed with the Township Committee as the issuing authority 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, that the following license be authorized for issue for the license year effective July 1, 2013:

Levariland, Inc.  
T/A Levari's Seafood and American Grill  
1291 State Highway Route 50  
P.O. Box 17  
Tuckahoe, N.J. 08250  
License # 0511-33-006-005  
Plenary Retail Consumption License  
Municipal Fee Paid: \$700.00  
State Fee Paid: \$200.00

BE IT FURTHER RESOLVED that the aforesaid alcoholic beverage license which has been authorized to be issued pursuant to this Resolution shall be delivered to the licensee or his authorized agent at such time as the licensee or his authorized agent shall sign an actual receipt therefore in the stub of the license book and otherwise satisfy the requirements of N.J.A.C. 13:2-3.2.

Resolution No. 146-2013  
Offered by: Barr                      Seconded by: Newman  
Adopted: June 24, 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>	_____	_____	_____

9. Appointment of Louis A. Bonato as an Appraiser for the Township of Upper.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 147- 2013**

**RE: APPOINTMENT OF LOUIS A. BONATO AS AN APPRAISER  
FOR THE TOWNSHIP OF UPPER**

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**WHEREAS**, the Township periodically requires an appraiser to provide services to obtain the fair market value of lots owned by the Township with respect to the anticipated sale of said lots; and

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

**WHEREAS**, Louis A. Bonato has completed and submitted a Business Entity Disclosure Certification which certifies that Louis A. Bonato 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 Louis A. Bonato from making any contributions through the term of the contract; and

**WHEREAS**, the Township has decided to acquire the services of Louis A. Bonato as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-2.05; 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. Louis A. Bonato with offices at 22 Mockingbird Lane, Petersburg, New Jersey is hereby appointed appraiser for the Township of Upper for the appraisal of lots in connection with the Township’s anticipated sale to land owners.
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 Louis A. Bonato has 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 Louis A. Bonato 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 Louis A. Bonato 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. 147-2013  
Offered by: Corson  
Adopted: June 24, 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>	___	___	___

10. Authorizing the disposal of blank banking checks which are no longer of use to the Township of Upper.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 148-2013**

**RE: AUTHORIZING THE DISPOSAL OF BLANK BANKING CHECKS WHICH  
ARE NO LONGER OF USE TO THE TOWNSHIP OF UPPER**

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**WHEREAS**, the Municipal Auditor has recommended that the Township of Upper dispose of certain blank banking checks from a depository we no longer bank with; and

**WHEREAS**, the Township Committee of the Township of Upper hereby determines that the blank checks listed on Exhibit A attached hereto are no longer needed for public use and should be disposed of accordingly to insure security; 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 blank banking checks aforementioned are hereby determined to be useless for any public purpose and the Township Committee authorizes their disposal by shredding.
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. 148-2013

Offered by: Corson  
Adopted: June 24, 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>	_____	_____	_____

11. Authorizing the Mayor and Township Clerk to sign a Memorandum of Understanding with the New Jersey Office of Emergency Management for FEMA funding.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 149-2013**

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO  
SIGN A MEMORANDUM OF UNDERSTANDING WITH THE  
NEW JERSEY OFFICE OF EMERGENCY MANAGEMENT FOR FEMA FUNDING**

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**WHEREAS**, New Jersey Office of Emergency Management (NJOEM), on behalf of the State of New Jersey is the Grantee receiving funding under the FEMA Public Assistance and/or Hazard Mitigation programs and has the fiduciary responsibility to ensure those funds are spent on eligible Subgrantee facilities and activities, and are properly reimbursed to the Subgrantee; and

**WHEREAS**, Federal Emergency Management Agency (FEMA) has determined that the Township of Upper is eligible to apply for and/or receive FEMA funding under the Public Assistance and/or Hazard Mitigation programs as a Subgrantee; and

**WHEREAS**, a Memorandum of Understanding (Agreement), between the Township of Upper and the New Jersey Office of Emergency Management, is required as part of the application for FEMA Public Assistance and/or Hazard Mitigation programs.

**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 sign and submit the attached Memorandum of Understanding on behalf of the Township of Upper.

3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Resolution No. 149-2013

Offered by: Palombo

Seconded by: Newman

Adopted: June 24, 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 Engineer to prepare specifications and solicit bids for the 2013 Road Paving Project and reconstruction of Ocean Avenue.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 150-2013**

**RE: AUTHORIZING THE ENGINEER TO PREPARE SPECIFICATIONS  
AND SOLICIT BIDS FOR THE 2013 ROAD PAVING PROJECT AND THE  
RECONSTRUCTION OF OCEAN AVENUE**

**WHEREAS**, the Township of Upper participates in a yearly maintenance program to pave various streets throughout the municipality; and

**WHEREAS**, pursuant to the provisions of the Local Public Contracts Law, the Township of Upper intends to solicit bids as herein indicated;

**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 Engineer is hereby authorized and directed to prepare

specifications, bid documents and solicit bids for the following project:

**2013 ROAD PAVING PROJECT AND THE RECONSTRUCTION OF OCEAN AVENUE**

3. An itemized listing of the Roads authorized to be included in the project shall be made part of this Resolution and attached hereto as Exhibit “A”.

4. Sealed bids shall be received by the Township of Upper in accordance with the directives contained in the Notice to Bidders.

Resolution No. 150-2013

Offered by: Barr

Seconded by: Corson

Adopted: June 24, 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>	_____	_____	_____

**ORDINANCES**

13. **Public hearing and final adoption of Ordinance No. 008-2013 – RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER VII OF THE CODE OF UPPER TOWNSHIP TO PROVIDE PARKING BY PERMIT ONLY IN DESIGNATED RESIDENTIAL AREAS.** During the public hearing there were no speakers. Motion by Jay Newman, seconded by Curtis Corson, to adopt Ordinance No. 008-2013. During roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
ORDINANCE  
ORDINANCE NO. 008-2013**

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE  
CHAPTER VII OF THE CODE OF UPPER TOWNSHIP TO PROVIDE  
PARKING BY PERMIT ONLY IN DESIGNATED RESIDENTIAL AREAS**

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

**SECTION 1.** Chapter 7 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be supplemented to add the following:

**7-3.8 Parking By Permit Only In Designated Residential Areas.**

- a. No person shall park a vehicle at any time upon any of the streets or parts thereof described in Schedule I(a) attached to and made part of this Chapter without a valid parking permit displayed in its left rear window in such a manner as to be closely examined by an officer.
- b. Exempt Vehicles. The following shall be exempt from this Parking Permit section:
  1. Contractors' Service and Delivery Vehicles. Contractors' service and delivery vehicles bearing the name and address of a commercial business may be parked without a permit during the time service is being rendered or repairs are being made to a residence within the permit parking area so long as said vehicle is parked in front of the residence receiving such service.
  2. Emergency Vehicles. Emergency vehicles, Public Service, Electric and Gas Company, Telephone Company and other public utility vehicles may be parked within the permit parking area during the

time service is being rendered to the residence adjacent to where such vehicle is parked.

c. Administration. Application for parking permits under this section shall be made in writing to the municipal clerk. Permits shall be granted by the municipal clerk under the following terms and conditions:

1. A permanent parking permit, valid for one (1) year, shall be issued for every vehicle owned or principally operated by the person who is a resident on a street or portion thereof upon which parking is restricted by this section.

2. Proof of residency shall be satisfied as follows:

(a) a completed application to the municipal clerk which includes: applicant name, address, telephone number, license plate number, and whether the applicant is a homeowner or renter. A copy of the vehicle registration must be included with the application.

(b) proof of residency consisting of two of the following current documents: deed, lease, utility bill, telephone bill or tax bill indicating an address on the street or portion thereof upon which the parking is restricted by this section.

3. An annual visitor parking permit, valid for one (1)

year, shall be issued to a person who is a resident on a street or a portion thereof upon which parking is restricted by this section, for use by visitors to that residence or unit. A maximum of five (5) annual visitor permits shall be issued to each residence or unit at the time the permanent parking permit is issued.

4. A daily visitor parking permit, valid for twenty-four (24) hours, shall be issued to a person who is a resident on a street or a portion thereof upon which parking is restricted by this section, for use by daily visitors to that residence or unit. There is no limitation to the number of daily parking permits that may be issued at anytime.

d. There shall be no fee for the issuance of parking permits under this Section.

**SCHEDULE I(a) – PARKING BY PERMIT ONLY  
IN DESIGNATED RESIDENTIAL AREAS**

<b>Street</b>	<b>Location</b>
Harbor Road	Both sides of Harbor Road from the Garden State Parkway heading Easterly.
Cove Road	Both sides of Cove Road for the entire length of Cove Road.

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

**SECTION 3: SEVERABILITY:** If any section, paragraph,

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

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

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

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 10<sup>th</sup> DAY OF JUNE 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 24<sup>th</sup> DAY OF JUNE AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

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

BARBARA L. YOUNG, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

### **CORRESPONDENCE**

### **NEW BUSINESS**

14. **Elma Lou Paynter request to vacate a portion of Elm Avenue between Block 291 and Block 292.** The Clerk was directed to notice the adjoining property owners of the proposed Street Vacation and to send a letter to Ms. Paynter outlining the conditions. Provided Ms. Paynter agrees to the conditions and there are no objections from the contiguous owners a resolution will be placed on a future agenda.
15. **Greater Tuckahoe Merchants Association request to hold Kayak Raffle on August 4, 2013 at the Upper Township Municipal Beach, Mosquito Landing**

**Road, Tuckahoe.** Motion by Jay Newman, second by Curtis Corson, to approve the request. During roll call vote all five Committee members voted in favor.

**UNFINISHED BUSINESS:**

**DISCUSSION**

16. **Disposal of building at Sam’s Gulf Station in Tuckahoe.** Mr. Young stated that the Township Code Official will make the determination for removal of the structure. If removal is required the property owners will be given the opportunity to remove the building. In the event they do not remove the structure the Township can then begin the legal procedure to authorize the department of public works to dispose of the building. Motion by Jay Newman, second by Curtis Corson to authorize the Upper Township Department of Public Works to dispose of the building at the Old Sam’s Gas Station in Tuckahoe if certified by the Construction Code Official that removal of the building is necessary and to utilize the abandoned building credits for the disposal. During roll call vote all five Committee members voted in favor.

17. **Resident requests for street lights on Bryan Road and Cedar Grove Drive.** Motion to grant the request for a street light on Bryan Road by Jay Newman, second by Curtis Corson. During roll call vote all five members voted in the affirmative.

Motion by Curtis Corson, second by Edward Barr to approve the request for a street light on Cedar Grove Drive. During roll call vote all five members voted in the affirmative.

**PAYMENT OF BILLS:**

18. **“I hereby move that all claims submitted for payment at this meeting be approved and then incorporated in full in the minutes of this meeting.”** Motion by Jay Newman, second by Richard Palombo. During roll call vote all five Committee members voted in the affirmative.

Bills approved for payment: \$234,224.88  
Payroll: \$176,971.43

**REPORT OF MUNICIPAL DEPARTMENTS:**

- 19. Division of EMS
- 20. Municipal Court

Motion by Richard Palombo, second by Jay Newman, 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**

**Russell Morano, 5 Red Oak Drive** – inquired into the regulations for Utility Companies that request street opening permits. He also asked about the requirements for licensing of Mobile Home Parks and lastly he reported a neglected property on County Route 610. It was stated that both the Construction Official and the Zoning Officer are aware of the matter and are working with the owner to remedy the problem.

**CLOSED SESSION**

21. 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. 151-2013  
MOTION GOING INTO CLOSED SESSION  
June 24, 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 – Cell Tower Consultant.
2. Contract negotiation – Triad Advisory Services, Inc.

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 call 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 9:20 P.M. The next meeting is scheduled for July 8, 2013 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC  
Municipal Clerk

**BILL LIST**

60990 06/24/13 A0018 ACTION SUPPLY INC. 36.24 2784  
60991 06/24/13 A0020 ACU-THERM SUPPLY CO., INC. 192.72 2784  
60992 06/24/13 A0030 AFTER-PROM COMMITTEE OCHS 2,390.00 2784  
60993 06/24/13 A0091 ATLANTIC CITY ELECTRIC 3,459.94 2784  
60994 06/24/13 A0134 ANSELL GRIMM & AARON, PC 52.50 2784  
60995 06/24/13 A0137 ADVANTAGE EQUIPMENT SERVICE 487.50 2784  
60996 06/24/13 A0167 HESS CORPORATION 1,535.46 2784  
60997 06/24/13 B0035 BELMONT & CRYSTAL SPRINGS 67.52 2784  
60998 06/24/13 B0160 BONNER, ROSEMARY 30.00 2784  
60999 06/24/13 C0008 CMC COURT ADMINISTRATORS ASSOC 200.00 2784  
61000 06/24/13 C0031 CAPE ASSIST 1,800.00 2784  
61001 06/24/13 C0048 CAPE MAY COUNTY MUA 38,196.71 2784  
61002 06/24/13 C0060 CAPRIONI'S PORTABLE TOILETS 4,306.50 2784  
61003 06/24/13 C0061 CAPRIONI FAMILY SEPTIC 425.00 2784  
61004 06/24/13 C0068 COMCAST 254.75 2784  
61005 06/24/13 C0081 CAPE MAY COUNTY TECHNICAL HIGH 200.00 2784  
61006 06/24/13 C0091 CHISHOLM, JOHN R. 150.00 2784  
61007 06/24/13 C0143 CODY'S POWER EQUIPMENT 6.82 2784  
61008 06/24/13 C0156 COMPUTER HOUSE OF SOUTH JERSEY 9,399.97 2784  
61009 06/24/13 C0200 CURRAN, PATRICK 26.00 2784  
61010 06/24/13 C0223 CASA PAYROLL SERVICE 278.25 2784  
61011 06/24/13 D0016 DALEYS PIT 105.00 2784  
61012 06/24/13 D0040 DELTA DENTAL OF N.J. INC. 6,079.88 2784  
61013 06/24/13 E0012 EHRlich PEST CONTROL INC 80.67 2784  
61014 06/24/13 F0009 FAIR-PLAY SCOREBOARDS 218.05 2784  
61015 06/24/13 F0042 FLANAGANS SOUTH AUTO TIRE CENT 96.50 2784  
61016 06/24/13 F0053 FORD, SCOTT & ASSOCIATES 3,600.00 2784  
61017 06/24/13 G0016 GARDNER HARDWARE INC. 55.02 2784  
61018 06/24/13 G0028 GENTILINI FORD 335.05 2784  
61019 06/24/13 G0030 GENERAL SPRING SERVICE 750.00 2784  
61020 06/24/13 G0095 GLOBAL INDUSTRIES, INC. 2,578.27 2784  
61021 06/24/13 H0095 HORIZON BCBSNJ 113,401.38 2784  
61022 06/24/13 H0145 HEILMAN, JAMES C. 26.00 2784  
61023 06/24/13 J0036 JOHNSON, MICHELLE 8.22 2784  
61024 06/24/13 J0072 JERSEY WEB DESIGNS 1,425.00 2784  
61025 06/24/13 K0028 KIRK'S PIZZA, INC. 200.00 2784  
61026 06/24/13 L0080 LOWES, INC. 232.76 2784  
61027 06/24/13 L0087 LINE SYSTEMS INC 3,040.56 2784  
61028 06/24/13 M0062 MARLEE CONTRACTORS, LLC 753.72 2784  
61029 06/24/13 M0188 MCCARTHY TIRE SERVICE OF PHILA 1,699.73 2784  
61030 06/24/13 M0217 MUNICIPAL EMERGENCY SERVICES 1,125.00 2784  
61031 06/24/13 N0043 NAPA AUTO PARTS 486.39 2784  
61032 06/24/13 N0052 NATL YOUTH SPORTS COACHED ASSN 180.00 2784  
61033 06/24/13 N0131 DEFINED CONTRIB RETIRE PROGRAM 43.64 2784  
61034 06/24/13 O0042 ORCHARDS HYDRAULIC SERVICE INC 80.00 2784  
61035 06/24/13 P0001 PC WEATHER PRODUCTS INC. 814.00 2784  
61036 06/24/13 P0032 PEDRONI FUEL CO. 1,309.40 2784  
61037 06/24/13 P0050 PARSIO, ANTHONY 109.18 2784  
61038 06/24/13 P0056 TURF EQUIPMENT AND SUPPLY CO 738.22 2784  
61039 06/24/13 P0073 POGUE INC. 266.00 2784  
61040 06/24/13 R0030 RIGGINS, INC. 3,681.99 2784  
61041 06/24/13 R0044 RODIO TRACTOR SALES INC 42.90 2784  
61042 06/24/13 R0100 ROBERTS OXYGEN COMPANY, INC. 70.60 2784  
61043 06/24/13 S0001 SAM'S CLUB 97.48 2784  
61044 06/24/13 S0018 SUBURBAN PROPANE, LP 385.15 2784  
61045 06/24/13 S0073 SENIOR TRAVEL SERVICE, INC. 1,100.00 2784  
61046 06/24/13 S0121 SMUZ, THERESE A 19.36 2784  
61047 06/24/13 S0122 SOMERS POINT LUMBER INC. 23.68 2784  
61048 06/24/13 S0126 SPIEGEL, BARBARA 50.00 2784  
61049 06/24/13 S0134 SO. JERSEY GAS COMPANY 86.84 2784  
61050 06/24/13 S0185 STOCKTON STATE COLLEGE 1,868.95 2784

61051	06/24/13	S0194	STULL, WILLIAM O	26.00	2784
61052	06/24/13	S0209	STAPLES ADVANTAGE	455.20	2784
61053	06/24/13	T0022	TERMINIX	55.00	2784
61054	06/24/13	T0052	TOWNSHIP OF DENNIS	1,000.00	2784
61055	06/24/13	T0089	TREASURER, STATE OF N.J.	2,300.00	2784
61056	06/24/13	T0094	TREASURER STATE OF NEW JERSEY	50.00	2784
61057	06/24/13	T0097	TRICO EQUIPMENT INC.	11,420.37	2784
61058	06/24/13	T0129	TRUGREEN CHEMLAWN	763.20	2784
61059	06/24/13	T0161	THE LIFE GUARD STORE	2,636.75	2784
61060	06/24/13	U0003	U.S. MUNICIPAL SUPPLY, INC.	445.24	2784
61061	06/24/13	U0032	UPPER TOWNSHIP FOOTBALL ASSOC.	26.00	2784
61062	06/24/13	V0001	VCI EMERGENCY VEHICLE	559.88	2784
61063	06/24/13	V0005	VAN EMBDEN, NATHAN, ATTORNEY	360.00	2784
61064	06/24/13	V0018	VILLAGE PHARMACY, INC.	630.35	2784
61065	06/24/13	V0024	VAL-U AUTO PARTS L.L.C.	538.42	2784
61066	06/24/13	V0025	V.E. RALPH & SON, INC.	1,998.00	2784
61067	06/24/13	W0045	WILDWOOD CATHOLIC HIGH SCHOOL	200.00	2784

Total: 234,224.88