

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR JULY 8, 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 24, 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 five Committee members voted in the affirmative.

**REPORT OF GOVERNING BODY MEMBERS**

**Jay Newman, Committeeman**, reported on a safety concern in the area of Route 9 located near the intersection of Route 9 and Seasounds Avenue in the Palermo section of Upper Township. There have been multiple accidents in this area. He requested a resolution in support of additional signage alerting drivers of the upcoming curve and requesting the NJDOT conduct a transportation study to see if additional measures can be taken to improve the safety of the area. He also reported that there is a large pothole on Church Road right before the railroad tracks and requested that it be fixed. He next reported that the Township had a very successful 4<sup>th</sup> of July fireworks event. There were no reported problems with parking and the event went smoothly. Mr. Newman next made a motion to hire Keely Barrett as a part-time employee to the Division of EMS. The motion was seconded by Anthony Inserra. During roll call vote all five Committee members voted in the affirmative.

**Edward Barr, Committeeman**, reported that Strathmere had a very successful 4<sup>th</sup> of July parade. He next requested that a section be roped off at the Beesley’s Point Boat Ramp to keep jet skis from entering into the swimming area. Mr. Dietrich stated that the Beach Patrol is responsible for designating the area. He will notify the Captain that the rope for the designated swimming area is down.

**Richard Palombo, Mayor**, reported that the Upper Township Office of Emergency Management recently received a government high water vehicle through a joint effort with

the County Office of Emergency Management. He stated that the new vehicle will be a great asset in facilitating an evacuation if needed. Mayor Palombo next made a motion to hire Bruckner Chase, Joseph LaRosa, Jr., and Michael DeSalis to the Upper Township Beach patrol. The motion was seconded by Curtis Corson. During roll call vote all five Committee members voted in the affirmative.

## **OTHER REPORTS**

**Barbara Young, Municipal Clerk**, reported that Upper Township is sponsoring a Red Cross blood drive scheduled for Wednesday July 10, 2013 from 2:00 to 7:00 p.m. at the Upper Township Community Center.

**Daniel Young, Municipal Attorney**, reported that there are a few items for closed session; a contract negotiation matter and two litigation matters.

**Paul Dietrich, Municipal Engineer**, reported that the Governor has conditionally vetoed a bill which in part would have extended a moratorium of the state fee for nonresidential development until January 2018. The moratorium which froze the fee requirement officially expired July 1. As a consequence all Municipalities which have an Ordinance in place must now start collecting non-residential development fees. Mr. Dietrich next requested authority to solicit bids for the planting of dune grass and the completion of the dune fencing project which was delayed because of nesting birds. A resolution will be placed on a future agenda. He next requested authorization for the purchase of street signs from the Capital Improvement Fund. An Ordinance will be placed on a future agenda.

**Barbara Spiegel, Chief Financial Officer**, requested approval for the Deputy Tax Assessor to attend a two day conference in Cape May. Motion by Mayor Palombo, second by Curtis Corson, to approve the request. During roll call vote all five Committee members voted in the affirmative.

## **RESOLUTIONS**

1. 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. 152-2013**

**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**

Griffin Grimes                      \$11.25 per hour

**ROOKIE GUARDS**

Gaige Bobbitt                      \$10.75 per hour  
Kyle McKelvey                      \$10.75 per hour  
Dylan Price                          \$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.

Resolution No. 152-2013

Offered by: Palombo

Seconded by: Barr

Adopted: July 8, 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>			

2. Appointing Judith May and Matthew Capone as part-time employees to the Upper Township Division of Emergency Medical Services.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 153-2013**

**RE: APPOINTING JUDITH MAY AND MATTHEW CAPONE AS PART-TIME  
EMPLOYEES  
TO THE UPPER TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES**

**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 June 24, 2013; and

**WHEREAS**, each 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. Judith May and Matthew Capone are 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.
3. This Resolution ratifies, confirms and approves action taken by the Township Committee, by motion, at the meeting of June 24, 2013.

Resolution No. 153-2013

Offered by: Newman

Seconded by: Barr

Adopted: July 8, 2013

Roll Call Vote:

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

3. Appointing Kevin Day as a part-time seasonal employee 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. 154-2013  
RE: APPOINTING KEVIN DAY  
AS A PART-TIME SEASONAL EMPLOYEE  
TO THE UPPER TOWNSHIP PUBLIC WORKS DEPARTMENT**

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**WHEREAS**, a need exists to appoint qualified personnel as a part-time seasonal employee 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 June 24, 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. Kevin Day is hereby appointed to a part-time seasonal position 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 June 24, 2013.

Resolution No. 154-2013

Offered by: Inserra                      Seconded by: Newman

Adopted: July 8, 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. Authorizing a one year extension of the Contract with Cape Professional Billing, Inc., Dba Cape Medical Billing, for Emergency Medical Billing Services.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 155-2013**

**RE: AUTHORIZING A ONE YEAR EXTENSION OF THE CONTRACT WITH  
CAPE PROFESSIONAL BILLING, INC., DBA CAPE MEDICAL BILLING, FOR  
EMERGENCY MEDICAL BILLING SERVICES**

**WHEREAS**, the Township of Upper and Cape Professional Billing, Inc., of 5 Locust Lane, P.O. Box 670, Cape May Court House, New Jersey 08210, entered into a

Contract on July 27, 2012 for Emergency Medical Billing Services pursuant to Resolution No. 164-2012; and

**WHEREAS**, the Township of Upper desires to extend the terms of the Contract, as stipulated within, for an additional one year; and

**WHEREAS**, Cape Professional Billing, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Cape Professional Billing, Inc. 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 Cape Professional Billing, Inc. from making any contributions through the term of the contract; and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for the renewed term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Contract with Cape Professional Billing, Inc., for Emergency Medical Billing Services, is hereby renewed for an additional one year term for the period commencing August 1, 2013 through July 31, 2014.
3. Cape Professional Billing, Inc. has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.
4. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 155-2013  
Offered by: Newman  
Adopted: July 8, 2013

Seconded by: Palombo

Roll Call Vote:

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

5. Resolution renewing Campground Licenses.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N  
RESOLUTION NO. 156-2013**

**RE: RESOLUTION RENEWING CAMPGROUND LICENSES**

**WHEREAS**, Chapter XII of the Code of Upper Township provides for the renewal of licenses to operate a Campground annually after certification by the Cape May County Board of Health; and

**WHEREAS**, each of the Campgrounds hereinafter designated has had an on-site inspection conducted by the Cape May County Board of Health and it has been attested that the operation of the campground 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 campground licenses are hereby renewed for a term of (1) one year, commencing August 1, 2013.

**OAK RIDGE RESORT CONDO ASSOC.  
516 ROUTE US 9, SOUTH  
MARMORA, NJ 08223  
240 Sites**

**PLANTATION CAMPGROUND  
60 CORSON TAVERN ROAD  
SEAVILLE, NJ 08230  
223 Sites**

**BAYBERRY COVE RESORT CONDO  
435 ROUTE 9  
MARMORA, NJ 08223  
307 Sites**

**SEAVILLE SHORES TRAILER RESORT  
98 CORSON TAVERN ROAD**

**SEAVILLE, NJ 08230  
275 Sites**

**SHADY OAKS  
64 ROUTE 50  
SEAVILLE, NJ 08230  
218 Sites**

**ECHO FARMS CAMPGROUND  
3066 ROUTE US 9 SOUTH  
SEAVILLE, NJ 08230  
241 Sites**

**OCEAN SANDS RESORT  
56 ROUTE 50  
SEAVILLE, NJ 08230  
217 Sites**

**WHIPPOORWILL CAMPGROUND  
810 ROUTE US 9 SO.  
MARMORA, NJ 08223  
288 Sites**

**FRONTIER CAMPGROUND  
241 ROUTE 50  
GREENFIELD, NJ 08230  
196 Sites**

**SCENIC RIVERVIEW CAMPGROUND  
465 ROUTE 49  
P.O. BOX 184  
TUCKAHOE, NJ 08250  
125 Sites**

**SHOREBIRDS CAMPGROUND  
1314 STAGECOACH ROAD  
PALERMO, NJ 08230  
100 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.

Resolution No. 156 - 2013

Offered by: Barr

Seconded by: Newman

Adopted: July 8, 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>          </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>

6. In support of the Field EMS Quality, Innovation and Cost-effectiveness Improvements Act.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N  
RESOLUTION NO. 157-2013**

**RE: IN SUPPORT OF THE FIELD EMS QUALITY, INNOVATION AND COST-EFFECTIVENESS IMPROVEMENTS ACT**

**WHEREAS**, there currently exists pending federal legislation known as the Field EMS Quality, Innovation and Cost-Effectiveness Improvements Act (the “Act”) to address the challenges plaguing field EMS and to better fulfill public expectations so that all who need emergency medical care can depend upon the highest quality of care and transport; and

**WHEREAS**, the Act addresses many of the challenges impeding the ability of EMS to better fulfill public expectations so that all who need emergency medical care in the field can depend upon the highest quality care and transport to the most appropriate clinical setting; and

**WHEREAS**, the Act provides for the establishment of the Department of Health and Human Services as the primary federal agency for EMS and trauma and establishes new EMS programs, enhanced research initiatives, innovation and cost-effective field EMS ; and

**WHEREAS**, the Act does not add to the federal deficit but establishes an EMS Trust Fund created by voluntary contributions by taxpayers in filing their income tax forms; and

**WHEREAS**, the Township Committee of the Township of Upper hereby supports the Act and urges the United States Congress to pass this legislation; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper formally supports the Field EMS Quality, Innovation, and Cost-Effectiveness Improvements Act and urges the United States Congress to pass such legislation.
3. A copy of this Resolution shall be forwarded to Senator Jeff Chiesa, Senator Robert Menendez and Congressman Frank LoBiondo.
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. 157-2013

Offered by: Newman

Seconded by: Barr

Adopted: July 8, 2013

Roll Call Vote:

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

7. Authorizing the Mayor to sign an Escrow Agreement for the Affordable Housing Trust Fund.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N  
RESOLUTION NO. 158-2013**

**RE: AUTHORIZING THE MAYOR TO  
SIGN AN ESCROW AGREEMENT FOR THE AFFORDABLE HOUSING TRUST FUND**

**WHEREAS**, it is necessary for the Township of Upper to sign a three-party Escrow Agreement for the Council on Affordable Housing (COAH) pursuant to their approval of the Township's Development Fee Ordinance; and

**WHEREAS**, the Township wishes to accept said agreement and to authorize the execution of the agreement between COAH, the Township of Upper and Cape Bank; and

**WHEREAS**, the Escrow Agreement has been reviewed and approved by the Municipal Attorney and Cape Bank's attorney and is attached hereto as Exhibit A.

**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 three-party Escrow Agreement between, COAH, the Township of Upper and Cape Bank is approved and the Mayor is hereby authorized, directed and empowered to execute said Escrow Agreement 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. 158-2013

Offered by: Corson

Seconded by: Newman

Adopted: July 8, 2013

Roll Call Vote:

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

## **ORDINANCES**

8. **Public Hearing and Final Adoption of Ordinance No. 009-2013 RE: AN ORDINANCE VACATING A PORTION OF JASPER AVENUE BETWEEN COMMONWEALTH AVENUE AND BAYVIEW DRIVE, WITHIN THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY.** During the public hearing there were no speakers. Motion by Jay Newman, seconded by Edward Barr, to adopt Ordinance No. 009-2013. During roll call vote four Committee members voted in the affirmative. Curtis Corson abstained.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
O R D I N A N C E**

**ORDINANCE NO. 009-2013**

**AN ORDINANCE VACATING A PORTION OF JASPER AVENUE BETWEEN  
COMMONWEALTH AVENUE AND BAYVIEW DRIVE, WITHIN THE TOWNSHIP  
OF UPPER, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY**

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**WHEREAS**, N.J.S.A. 40:67-1 authorizes the Governing Body of a municipality to adopt an Ordinance, among other things, to vacate any street, highway, lane, alley, square, place or park, or any part thereof, dedicated to public use but not accepted by the municipality, whether or not the same, or any portion, has been actually opened or improved; and

**WHEREAS**, James Schroder is the owner of Block 812, Lot 4 and Block 813, Lot 1 and has requested that the Township vacate a portion of the street described in this Ordinance and has agreed to pay the costs incurred by the Township to vacate said street; and

**WHEREAS**, the Township Committee has duly considered the matter and it appears reasonable to agree to the request since there is no present or foreseeable need or intention to utilize said roadway; and

**WHEREAS**, it is deemed to be in the public interest to vacate a portion of Jasper Avenue within the Township of Upper, as hereinafter provided.

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

**SECTION 1:** The public right in, along, upon and over the following described land is hereby vacated, surrendered and extinguished:

Description

Vacation of Portion of Jasper Avenue  
Adjacent to Blocks 807, 808, 811, 812, and 813  
as shown on Tax Map Sheet No. 33.01  
Strathmere Section of  
Township of Upper

BEGINNING at the Northeasterly corner  
of Jasper Ave. (50' wide) and Bayview Dr.  
extending Southeastwardly along Block 813 a

distance of 520'; and continuing across and including that portion therein of Garden Ave. (50' wide); and continuing along Block 812 a distance of 650'; and continuing across Landis Ave. (25' wide) to the Northwesterly line of Block 811 Lot 11; and extending Southwestwardly along Block 811 Lot 11 and the formerly vacated portion of Jasper Ave. a distance of 25'; and extending Southeastwardly along the centerline of Jasper Ave. (unimproved) a distance of 45'; and extending Southwestwardly along Block 811 Lot 7 a distance of 25'; and extending Northwestwardly along Block 811 Lots 4 & 7 a distance of 170'; and continuing across an unnamed alley (10' wide); and continuing along Block 808 a distance of 540'; and continuing across and including that portion therein of Garden Ave. (50' wide); and continuing along Block 807 a distance of 600'; and extending Northeastwardly across Jasper Ave. (50' wide) to the point of beginning.

**SECTION 2:** This Ordinance vacates no portion of the street except that portion set forth and described in **SECTION 1** above.

**SECTION 3: EXCEPTION:** This Ordinance expressly reserves and excepts from vacation all rights and privileges now possessed by public utilities, as defined in R.S. 48:2-13, and by any cable television company, as defined in the "Cable Television Act", P.L. 1972, c. 186, (C.48:5A-1, et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated, as hereinabove described.

**SECTION 4: REPEALER:** All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

**SECTION 5: 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 10<sup>th</sup> DAY OF JUNE, 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 8<sup>th</sup> DAY OF JULY, 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**

### **NEW BUSINESS**

9. **2013 or Newer Refuse Collection Vehicles and Refuse Containers for Upper Township Bid Opening results.** Mr. Dietrich reported that the lowest responsible bidder for Item #1, Automated Refuse Collection Vehicles, did have some exceptions to the specifications, however the exceptions are non-material and he is recommending the Township award the contract to H.A. DeHart & Son for the furnishing and delivery of two Automated Refuse Collection Vehicles. The Committee directed that a Resolution awarding the contract be placed on a future agenda.

Mr. Dietrich next recommended that the contract for item #2, Rear Loading Refuse Collection Vehicle, be awarded to the lowest responsible bidder H.A. DeHart & Son. The Committee directed that a Resolution awarding the contract be placed on a future agenda.

Mr. Dietrich next recommended that the contract for item #3, Refuse Containers, be awarded to the lowest responsible bidder Cascade Engineering, Inc. The Committee directed that a Resolution awarding the contract be placed on a future agenda.

Mayor Palombo requested information be placed on UTTV informing residents of the approximate time frame of when the automated trash pickup program will be implemented.

10. **Alejandra Reagan, CityTri Racing, requests the use of the Beesley's Point Boat Ramp Parking Lot for a Tuckahoe Triathlon event on August 11, 2013.** Motion by Curtis Corson, second by Anthony Inserra to approve the request contingent upon compliance with the requirements of the Use of Facilities Ordinance. During roll call vote all five members voted in the affirmative.
11. **Jo Anne Jobeck request for Redemption in Installments of Municipal Lien for Block 382, Lot 6, 1840 Route 50 Tuckahoe.** The Committee members directed that

a Resolution including compounded interest be prepared for a future agenda.

## **UNFINISHED BUSINESS:**

### **DISCUSSION**

12. **Purchase of Street Signs.** This matter was discussed earlier in the meeting.

## **PAYMENT OF BILLS:**

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

Bills approved for payment: \$123,811.94

Payroll: \$186,506.68

## **REPORT OF MUNICIPAL DEPARTMENTS:**

- 14. Construction Code
- 15. Clerk's Office
- 16. Division of EMS
- 17. Tax Collector
- 18. Tax Assessor
- 19. Finance Office
- 20. MUA Report
- 21. Public Works

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**

**Rob Evans, 2 Seasounds Avenue**, thanked the Township for their help and effort in addressing the hazardous conditions on Route 9 in the area of Sea Sounds Avenue.

**Hobie Young, 208 Route 50**, inquired into several matters including the Township's COAH housing funds, trash containers, issues with various sight triangles throughout the Township, and the location of the football field goal posts at Amanda's Field.

**Alejandra Reagan, Brooklyn NY**, requested a waiver of the Township's requirement that an insurance certificate be submitted along with an application for Use of Facilities. Ms. Reagan is proposing to run a surf camp event on Strathmere Beach, and before the insurance is purchased, she would like to submit a sample insurance certificate with the facility use application for the Committee's approval. The Municipal Attorney stated that a sample of the insurance, which has been reviewed and approved by Township's Risk Management Consultant, can be submitted in order for the Township Committee to review the proposed event. Approval of the event, however, would be contingent upon the actual insurance certificate being submitted along with the other required documentation.

**Kemry Heingold, Rehrig Pacific**, gave a brief presentation on Rehrig Pacific's trash container products.

**Ron McCole, 54 East Maple Shade Lane**, inquired into the State's Affordable Housing requirements.

### **CLOSED SESSION**

#### **22. 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. 159-2013  
MOTION GOING INTO CLOSED SESSION  
July 8, 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 – Gibson Associates, P.A.
2. Contract negotiation – Melvin Development Company Performance Bond
3. Litigation – Upper Township v. Yank and Sansone

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.
- C. With respect to litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.

Moved by: Newman

Motion seconded by: Corson

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

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

Moved by: Newman

Motion seconded by: Corson

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

### **ADJOURNMENT**



There being no further business this evening the meeting was adjourned at 9:50 P.M. The next meeting is scheduled for July 22, 2013 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC  
Municipal Clerk

### **Bill List**

61073	07/08/13	A0006	ADVANCE TREADS INC	237.00	2786
61074	07/08/13	A0018	ACTION SUPPLY INC.	33.00	2786
61075	07/08/13	A0021	ADAMS, GEORGE E. JR.	147.98	2786
61076	07/08/13	A0025	ADVANTAGE RENTAL ACE HARDWARE	1,365.51	2786
61077	07/08/13	A0030	AFTER-PROM COMMITTEE OCHS	2,000.00	2786
61078	07/08/13	A0091	ATLANTIC CITY ELECTRIC	14,100.97	2786
61079	07/08/13	A0167	HESS CORPORATION	1,580.42	2786
61080	07/08/13	A0175	Adams Rehmann & Haggan Assoc	2,617.60	2786
61081	07/08/13	B0117	BRIDGESTATE FOUNDRY CORP	315.00	2786
61082	07/08/13	B0142	BRINKERHOFF ENVIRONMENTAL	750.00	2786
61083	07/08/13	C0068	COMCAST	231.85	2786
61084	07/08/13	C0071	CAPEHART & SCATCHARD, P.A.	31.00	2786
61085	07/08/13	C0072	CATERINA SUPPLY INC.	1,181.45	2786
61086	07/08/13	C0143	CODY'S POWER EQUIPMENT	58.59	2786
61087	07/08/13	C0201	CRUZAN'S TRUCK SERVICE INC.	128.74	2786
61088	07/08/13	C0223	CASA PAYROLL SERVICE	305.55	2786
61089	07/08/13	C0245	CLEGG'S GARAGE, INC.	6,141.58	2786
61090	07/08/13	C0246	CRAFT OIL CORPORATION	2,124.10	2786
61091	07/08/13	D0021	DICICCO, VINCENT	20.00	2786
61092	07/08/13	D0045	DEPTCOR	103.75	2786
61093	07/08/13	D0145	DeMaio's Inc.	13,875.00	2786
61094	07/08/13	E0012	EHRLICH PEST CONTROL INC	162.50	2786
61095	07/08/13	F0006	1ST RESPONDER NEWSPAPER	80.00	2786
61096	07/08/13	F0049	FOGLIO'S CARPET & DESIGN CENTE	13,618.67	2786
61097	07/08/13	F0053	FORD, SCOTT & ASSOCIATES	2,500.00	2786
61098	07/08/13	F0054	DEARBORN NATIONAL LIFE INS. CO	444.75	2786
61099	07/08/13	F0062	FUSCELLARO P.A., SETH A.	300.00	2786
61100	07/08/13	G0032	GENERAL RECREATION, INC.	4,797.00	2786
61101	07/08/13	G0057	GLOBALSTAR USA LLC	105.76	2786
61102	07/08/13	G0096	GRUND, GEORGE	60.10	2786
61103	07/08/13	G0137	G.NEIL	259.96	2786
61104	07/08/13	G0147	GREATAMERICA FINANCIAL SVCS.	176.97	2786
61105	07/08/13	I0007	INTERCON TRUCK EQUIPMENT, INC.	505.00	2786
61106	07/08/13	J0041	JONES, JAMES M.	150.00	2786
61107	07/08/13	J0063	JOHNSON WILSHIRE, INC	342.57	2786
61108	07/08/13	J0072	JERSEY WEB DESIGNS	550.00	2786
61109	07/08/13	L0022	LaROSA, JR. JOSEPH A.	26.00	2786
61110	07/08/13	M0026	MANNING, MICHAEL S.	26.00	2786
61111	07/08/13	M0142	MASON, NICHOLAS	64.76	2786
61112	07/08/13	M0174	MCAFEE MEGAN	17.70	2786
61113	07/08/13	M0180	MED-TECH RESOURCE, LLC	2,700.00	2786
61114	07/08/13	M0222	MUNICIPAL CAPITAL CORPORATION	392.00	2786
61115	07/08/13	N0004	NJ-AMERICAN WATER CO.	92.34	2786
61116	07/08/13	O0026	O'HARA, JOHN	26.00	2786
61117	07/08/13	P0012	PALMER, FRANKLIN	26.00	2786
61118	07/08/13	P0028	PACIFIC BULLETPROOF CO.	10,953.00	2786
61119	07/08/13	P0032	PEDRONI FUEL CO.	3,736.62	2786
61120	07/08/13	P0056	TURF EQUIPMENT AND SUPPLY CO	353.00	2786
61121	07/08/13	P0073	POGUE INC.	2,262.00	2786
61122	07/08/13	P0117	PYROTECNICO	3,250.00	2786
61123	07/08/13	P0122	POPESON, SPENSER	26.00	2786
61124	07/08/13	R0030	RIGGINS, INC.	6,576.72	2786
61125	07/08/13	R0062	RUTGERS, THE STATE UNIVERSITY	320.00	2786
61126	07/08/13	R0065	ROBERT BROWN TREE SERVICE	950.00	2786

61127	07/08/13	S-0257	South Jersey Energy Service Pl	60.48	2786
61128	07/08/13	S0034	SCHULER, DANIEL	66.67	2786
61129	07/08/13	S0092	SHONE, LEROY	30.00	2786
61130	07/08/13	S0134	SO. JERSEY GAS COMPANY	123.84	2786
61131	07/08/13	S0209	STAPLES ADVANTAGE	239.80	2786
61132	07/08/13	S0269	Schellingers	1,800.00	2786
61133	07/08/13	T0028	TRACTOR SUPPLY COMPANY CREDIT	239.98	2786
61134	07/08/13	V0013	VERIZON WIRELESS	797.70	2786
61135	07/08/13	V0027	VANORDER, ROGER	102.96	2786
61136	07/08/13	Y0008	YOUNG, DANIEL J. ESQUIRE PC	14,525.00	2786
61137	07/08/13	Y0023	YOUNG, DANIEL J. ATTORNEY	2,625.00	2786

Total: \$123,811.94