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

REGULAR MEETING OF THE TOWNSHIP COMMITTEE -7:30 P.M.

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Edward Barr	Present
Curtis Corson	Present
Antonio Inserra	Present
John "Jay" Newman	Present
Richard Palombo	Present

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

APPROVAL OF MINUTES - July 8, 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 the Upper Township Emergency Services will be holding a Junior Firefighting Camp for 4th through 8th graders, August 19th to 22nd from 6 to 8 p.m. each evening. More information on the camp is available on the Upper Township website at www.uppertownship.com.

Antonio Inserra, Committeeman, discussed several issues including unkempt properties and pot holes throughout the Township. The Township Engineer was directed to follow up on the issues.

Edward Barr, Committeeman, offered a motion, seconded by Anthony Inserra, to authorize a resolution to honor Abigail Craige, and Christopher Furey for winning first place in their respective age divisions in the Philadelphia Phillies Home Run Derby held in Sea Isle City on July 9th. During roll call vote all five members voted in the affirmative. He next reported on the progress of repairs to one of the well pumps at Amanda's Field. Lastly Mr. Barr reported on the construction kick off meeting he attended with Mayor Palombo for the Upper Township Senior Center; all permits are in place and the project to renovate and

redesign the building is moving along as scheduled. Mayor Palombo acknowledged Freeholder Gabor for spearheading the project and seeing it through.

Richard Palombo, Mayor, began by inviting the Township Attorney and Engineer to join him for a meeting later in the week scheduled with FEMA to discuss funding for Beach replenishment. The Federal Government has recently authorized a federal cost share increase for recovery projects funded by FEMA from a 75 percent (local share 25 percent) to 90 percent (local share 10 percent).

Next he reported that earlier this evening he attended the M.S. Row annual fundraiser hosted by the Upper Township Lifeguards in Strathmere. Mayor Palombo acknowledged the lifeguards for their success in some of the local competitions held throughout Cape May and Atlantic Counties. He congratulated them on winning two races in a two day period; the best paddling in North Wildwood and the Tri-Resort competition against Sea Isle City and Wildwood. He also acknowledged the Beach Patrol for holding drills with the Strathmere Fire Company on water emergencies.

Lastly Mayor Palombo reported that four individuals, Katelynn Wintz, Karen Mitchell, Myra Small and Ralph Cooper submitted applications for the Upper Township Green Team Advisory Board. The subcommittee will serve to develop initiatives and promote sustainability and growth throughout the Township. Motion by Mayor Palombo, second by Edward Barr to approve the four applicants to serve on the Upper Township Green Team Advisory Board along with Committeeman Inserra as the Township Liason and Township Engineer Paul Dietrich. During roll call vote all five Committee members voted in the affirmative.

OTHER REPORTS

Barbara L. Young, Municipal Clerk, reported on a resident complaint she received concerning issues with speeding on Corson Tavern Road (CR 628) and waste haulers using the route to access the County Landfill. The resident requested that warning signs be placed along the route to remind waste haulers that they are required to use approved routes only. The Committee discussed also requesting the State Police to increase their presence in the area as well. Motion made by Mayor Palombo, second by Antonio Inserra to direct the Township Clerk to write a letter to the County requesting signage on Corson Tavern Road and to notify the State Police of the problem with speeding. During roll call all five Committee members voted in the affirmative.

Daniel Young, Municipal Attorney, reported that there is one personnel item for closed session.

Paul Dietrich, Municipal Engineer, reported on various issues including progress being made with the clearing of brush in order to keep the site triangles throughout the township clear. He also gave an update on the Old Sams Gulf Station; in the event the Construction Official deems the structure as unsafe the Executrix of the estate has consented to its demolition. He next reported he received estimates for additional cameras to video record Township meetings. Mr. Dietrich stated that for approximately \$6,800 the township can purchase the additional cameras necessary to produce enhanced video recordings. Ed

Corcoran, Upper Township Webmaster gave a brief summary on which types of digital video cameras and connections can be used to stream live videos of the meetings. Motion made by Antonio Inserra, second by Jay Newman to authorize the purchase of additional cameras. Lastly Mr. Dietrich reported on a pre-construction meeting he attended last week with the NJDOT for the Route 50 Tuckahoe River bridge project during which it was discussed that in an effort to shorten the duration of the project which could take up to three years to complete the contractor has proposed to have alternating one way traffic with a traffic signal on the bridge during the construction. Once complete the value Engineering Study outlining the proposal will be submitted to the New Jersey DOT and the surrounding Counties and Municipalities for their approval.

RESOLUTIONS

1. Congratulating employee David Pennello of the Upper Township Department of Public Works for his winning entry in the Upper Township Safety Award Program for the 3rd Quarter of 2013.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION NO. 160-2013

RE: CONGRATULATING EMPLOYEE DAVID PENNELLO
OF THE UPPER TOWNSHIP DEPARTMENT OF PUBLIC WORKS
FOR HIS WINNING ENTRY IN
THE UPPER TOWNSHIP SAFETY AWARD PROGRAM
FOR THE 3rd QUARTER OF 2013

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

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

WHEREAS, David should be publicly recognized for reporting that the emergency site signs at various Recreation facilities are faded and hard to read; 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 David Pennello on his commitment to safety by 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 David Pennello our congratulations and present him with the "Safety Day Award" of one day off with pay.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this $22^{\rm nd}$ day of July, 2013.

Resolution No. 160-2013

Offered by: Newman Seconded by: Corson

Adopted: July 22, 2013

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Barr	X			
Corson	X			
Inserra	X			
Newman	X			
Palombo	X			

2. Appointing the 2013 Season Beach Patrol Personnel.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION NO. 161-2013

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

Joseph Larosa, Jr. \$12.25 per hour Michael DeSalis \$11.95 per hour

ROOKIE GUARD

Bruckner Chase \$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. 161-2013

Offered by: Palombo Seconded by: Inserra

Adopted: July 22, 2013

Roll Call Vote:

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

3. Appointing Keely M. Barrett as a part-time employee to the Upper Township Division of Emergency Medical Services.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION NO. 162-2013

RE: APPOINTING KEELY M. BARRETT AS A PART-TIME EMPLOYEE TO THE UPPER TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES

WHEREAS, a need exists to appoint qualified personnel as a part-time employee 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 July 8, 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. Keely M. Barrett 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.
- 3. This Resolution ratifies, confirms and approves action taken by the Township Committee, by motion, at the meeting of July 8, 2013.

Resolution No. 162-2013

Offered by: Newman Seconded by: Barr

Adopted: July 22, 2013

Roll Call Vote:

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

4. Appointing Gibson Associates, P.A. to perform Professional Land Surveyor Services regarding the Official Tax Map of the Township of Upper.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION NO. 163-2013

RE: APPOINTING GIBSON ASSOCIATES, P.A. TO PERFORM PROFESSIONAL LAND SURVEYOR SERVICES REGARDING THE OFFICIAL TAX MAP OF THE TOWNSHIP OF UPPER

WHEREAS, the Township of Upper requires professional land surveyor services with regards to changes to the official tax map required for State certification; and

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

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

WHEREAS, Gibson Associates, P.A. 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.

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. Gibson Associates, P.A. with offices at 522 Sea Isle Blvd., Ocean View, New Jersey is hereby appointed Surveyor for the Township of Upper to perform the necessary revisions required for the certification of the official tax map of the Township of Upper by the New Jersey Division of Taxation.
 - 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 Gibson Associates, P.A. has professional knowledge as to surveying issues which knowledge is particularly valuable to the Township Committee.

NOTICE OF CONTRACT AWARD

has awarded the contract without competitive bidding as a professional service pursuant to

N.J.S.A. 40A:11-5(1)(a) to Gibson Associates, P.A. for surveying 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

5. The Township Committee of the Township of Upper, State of New Jersey

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 Gibson

Associates, P.A. 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. 163-2013

Offered by: Corson

Adopted: July 22, 2013

Seconded by: Newman

Roll Call Vote:

NAME

NO Barr

ABSTAINED

Corson

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Inserra	X	 	
Newman	X	 	
Palombo	X	 	

5. Appointing Adams, Rehmann & Heggan Associates as a Licensed Site Remediation Professional for the remediation of the site known as Estate of Samuel Migliaccio Property.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION NO. 164–2013

RE: APPOINTING ADAMS, REHMANN & HEGGAN ASSOCIATES AS A LICENSED SITE REMEDIATION PROFESSIONAL FOR THE REMEDIATION OF THE SITE KNOWN AS ESTATE OF SAMUEL MIGLIACCIO PROPERTY

WHEREAS, the Township of Upper was awarded a Hazardous Discharge Site Remediation Fund Grant in the amount of \$49,935.00 from the New Jersey Department of Environmental Protection for the Remedial Investigation of the site known as Estate of Samuel Migliaccio Property, located on Block 339, Lots 1-7 and 17-23 on the official tax map of the Township of Upper; and

WHEREAS, the Township requires a Licensed Site Remediation Professional to oversee the Remedial Investigation and Site Remediation of said site; and

WHEREAS, the firm of Adams, Rehmann & Heggan Associates, Inc. possesses the requisite skill and knowledge to perform these services; and

WHEREAS, a Resolution is required authorizing the award of a contract for professional services to Adams, Rehmann & Heggan Associates, Inc. as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Adams, Rehmann & Heggan Associates, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that said firm 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 said firm 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. Adams, Rehmann & Hegann Associates, Inc. with offices at 850 South White Horse Pike, Hammonton, New Jersey is hereby appointed as the Licensed Site Remediation Professional for the Remedial Investigation of the site known as Estate of Samuel Migliaccio Property, located on Block 339, Lots 1-7 and 17-23 on the official tax map of the Township of Upper.
- 3. The term of this contract is for a period not to exceed the length of time necessary for completion of the aforesaid project, unless sooner terminated by the Township of Upper, at the option of the Township of Upper.
- 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 ARH, has professional knowledge as to environmental issues which knowledge is particularly valuable to the Township Committee.
- 5. This Contract is under and subject to any and all requirements of the State of New Jersey Hazardous Discharge Site Remediation Fund Municipal Grant Program and any and all agreements entered into by the Township of Upper in connection therewith.

NOTICE OF CONTRACT AWARD

6. 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 Adams, Rehmann & Hegann Associates, Inc.. 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.

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

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

9. This Resolution shall be effective as of adoption.

Resolution No. 164-2013

Offered by: Corson Seconded by: Newman

Adopted: July 22, 2013

Roll Call Vote:

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

6. In support of roadway improvements at the intersection of State Highway Route US 9 at MP 26.75 and Seasounds Avenue.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION NO. 165-2013

RE: IN SUPPORT OF ROADWAY IMPROVEMENTS AT THE INTERSECTION OF STATE HIGHWAY ROUTE US 9
AT MP 26.75 AND SEASOUNDS AVENUE

WHEREAS, the Township Committee of the Township of Upper is concerned about the safety of the intersection of State Highway Route US 9 at MP 26.75 and Seasounds Avenue; and

WHEREAS, there have been a number of traffic accidents where vehicles have left

the roadway and have damaged private property; and

WHEREAS, in order to insure the safety of residents and the general public, the

Township Committee of the Township of Upper strongly supports safety improvements to the

roadway in the vicinity of the intersection of State Highway Route US 9 at MP 26.75 and Seasounds

Avenue;

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 strongly requests that safety improvements be

made to the roadway in the vicinity of the intersection of State Highway Route US 9 at MP 26.75 and

Seasounds Avenue.

3. The Township Committee hereby requests State officials to take all appropriate

action forthwith in order to implement safety improvements at the location named above.

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.

5. A copy of this Resolution shall be forwarded to the appropriate New Jersey state

officials.

Resolution No. 165-2013

Offered by: Corson Seconded by: Newman

Adopted: July 22, 2013

Roll Call Vote:

NAME YES NO ABSTAINED ABSENT
Barr X

Corson X
Inserra X

7. Authorizing a USA Triathlon Association sanctioned international distance race to be held in Beesley's Point, New Jersey on Sunday August 11, 2013.

TOWNSHIP OF UPPER

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CAPE MAY COUNTY RESOLUTION NO. 166-2013

RE: AUTHORIZING A USA TRIATHLON ASSOCIATION SANCTIONED INTERNATIONAL DISTANCE RACE TO BE HELD IN BEESLEY'S POINT, NEW JERSEY ON SUNDAY AUGUST 11, 2013

WHEREAS, Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC., of 18E 21st Street, Brooklyn, NY 11226, have submitted a proposal to the Upper Township Committee requesting authority to hold an international distance race in Beesley's Point, New Jersey, including the use of Township roads and the Beesley's Point Beach parking lot, on August 11, 2013, which will consist of a run course, swim course, and a bike course, with participants arriving and activities commencing at 6:30 a.m., as more particularly specified in their proposal, a copy of which is attached hereto as Exhibit "A";

WHEREAS, the run segments will travel NJSH Route 9 and the bike segment will utilize Township, County and State roads in Upper Township as described on maps attached hereto as Exhibit "B"; and

WHEREAS, the proposed event is sanctioned and insured by the USA

Triathlon Association, a copy of insurance certificate is attached hereto as Exhibit "C"; and

WHEREAS, a vehicle management plan has been prepared with additional parking at Tuckahoe Inn, Beesley's Point Sea Doo, and BL England property, map and letters of permission from businesses are attached hereto as Exhibit "D"; and

WHEREAS, a fully executed Event Supervisor Agreement, which certifies compliance with the rules and regulations as established in Chapter XXVI of the Code of Upper Township, has been received and is attached hereto as Exhibit "E"; and

WHEREAS, a liability release and waiver will be received from every participant in the triathlon, prior to the event, on a form which has been approved by the Township Solicitor and is attached hereto as Exhibit "F"; 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 does hereby grant approval, to the extent that it has jurisdiction to do so, to Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC. for the race event to be held on August 11, 2013 as specified in this Resolution and in the accompanying Exhibits subject to and conditioned upon the following:
 - (A) The event described in this Resolution is carried out by
 Alejandra Reagan and George L. Reagan, individually and
 trading as CITYTRI RACING, INC. These sponsors have no
 connection, direct or indirect, with the Township of Upper or
 any of its officials or employees. These sponsors shall not, in
 any way, directly or indirectly, represent that the race is, in any
 way, associated with or affiliated with the Township of Upper
 and shall make clear that the event is carried out with all
 appropriate governmental and other approvals. Although the
 Township of Upper has given permission, subject to the terms
 of this Resolution, to these event sponsors to conduct the
 proposed race, it must be made clear that the event is not and
 shall not be considered a Township of Upper sponsored or
 sanctioned event.

- (B) Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC., have provided general comprehensive liability insurance in form and substance satisfactory to the Township of Upper's Risk Management Consultant. A Certificate of Insurance has been provided to the Township Clerk, which the Risk Management Consultant of the Township of Upper has approved Certificate of Insurance. Said Certificate of Insurance names the Township of Upper, its officials, officers and employees, as an additional insured.
- (C) Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC., the event sponsors, have obtained written approval from and comply with all conditions imposed by the following entities:
 - (i) the Risk Management Consultant of the Township of Upper.
 - (ii) the New Jersey State Police.
 - (iii) the Upper Township Rescue Squad.
 - (iv) Cape May County Board of Chosen Freeholders.
 - (v) New Jersey Department of Transportation.

The event sponsors have provided written authorization from the above entities, including any conditions required of said entities, to the Township Clerk.

(D) Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC., have executed and

- provided to the Township of Upper an approved Use of Facilities Agreement.
- (E) The event is expressly limited to 300 participants only.
- (F) Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC. shall provide an Indemnification and Hold Harmless Agreement in favor of the Township of Upper, its officials, officers and employees in the form attached hereto as Exhibit "G".
- (G) Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC., the event sponsors, shall provide at least four (4) fully certified lifeguard personnel for the event. Copies of lifeguard certifications must be submitted to the Clerk's Office no later than one week prior to the event. No "On Duty" Township lifeguards are to be used during this event, and no Township equipment shall be used during this event. Any off duty lifeguards utilized shall be the employees of the event sponsors only and not of the Township.
- (H) Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC., shall remit to the Township, before the event, the appropriate fee in accordance with Chapter XXVI of the Code of Upper Township. This fee shall include the amount required for closure of the boat ramp and the hourly fee for use of the parking lot since it is a facility not specifically identified in the ordinance. The use of the

parking lot will begin at 6:00 a.m. and will terminate at 12:00 p.m.

- (I) The approval granted herein is subject to all conditions and stipulations as may be recommended or imposed by the Township's Risk Management Consultant or Insurance Representatives. The Township may revoke this approval if the Event Sponsors fail to comply with any said condition or recommendation or any other condition of this Resolution.
- 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. 166-2013

Offered by: Corson Seconded by: Newman

Adopted: July 22, 2013

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Barr	X			
Corson		X		
Inserra	X			
Newman	X			
Palombo	X			

8. Authorizing the Township Engineer to solicit bids for Beach Grass and Sand Fence for Strathmere Beach.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION NO. 167-2013

RE: AUTHORIZING THE TOWNSHIP ENGINEER TO SOLICIT BIDS FOR BEACH GRASS AND SAND FENCE FOR STRATHMERE BEACH

WHEREAS, the Township Committee of the Township of Upper has determined a need to plant beach grass and install sand fence,

posts and rails on the Strathmere beach; 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 and solicit bids for the following project:

BEACH GRASS AND SAND FENCE FOR STRATHMERE BEACH

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

Resolution No. 167-2013

Offered by: Corson Seconded by: Barr

Adopted: July 22, 2013

Roll Call Vote:

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

9. Authorizing the Mayor to execute a Deed of Dedication and Perpetual Storm Damage Reduction Easement on behalf of the Township of Upper with respect to Block 822, Lot 2, owned by John J. and Anna B. Hewes for the Great Egg Harbor Inlet to Townsends Inlet, New Jersey Beach Replenishment Project.

TOWNSHIP OF UPPER

CAPE MAY COUNTY RESOLUTION NO. 168-2013

RE: AUTHORIZING THE MAYOR TO EXECUTE A DEED OF DEDICATION AND PERPETUAL STORM DAMAGE REDUCTION EASEMENT ON BEHALF OF THE TOWNSHIP OF UPPER WITH RESPECT TO BLOCK 822, LOT 2 OWNED BY JOHN J. AND ANNA B. HEWES FOR THE GREAT EGG HARBOR INLET TO TOWNSENDS INLET, NEW JERSEY BEACH REPLENISHMENT PROJECT

WHEREAS, the Township of Upper desires to participate in the United States Army Corps of Engineers Great Egg Harbor Inlet to Townsends Inlet, New Jersey project; and

WHEREAS, in order to participate in the project, Township officials must execute and submit to the NJDEP a "Deed of Dedication and Perpetual Storm Damage Reduction Easement" (Deed), attached hereto as Exhibit "A", for a certain tract of land identified as Block 822, Lot 2, on the official tax map of the Township of Upper; and

WHEREAS, the Township Committee does hereby authorize the Mayor to execute said Deed on behalf of the Township of Upper as Grantee on behalf of the Township of Upper with respect to Block 822, Lots 2 and deliver same to the appropriate governmental authorities.

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

- 1. The allegations of the preamble are incorporated herein by this reference.
- 2. The Mayor is hereby authorized to execute on behalf of the Township any and all documents required in connection with the Deeds of Dedication and Perpetual Storm Damage Reduction Easements so as to permit the Great Egg Harbor Inlet to Townsends Inlet, New Jersey Beach Fill Project to proceed.

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. 168-2013

Offered by: Palombo Seconded by: Newman

Adopted: July 22, 2013

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Barr	X			
Corson	X			
Inserra	X			
Newman	X			
Palombo	X			

10. Authorizing a Notice of Violation and Abatement of Nuisance pursuant to Township Code Section 11-1.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION NO. 169-2013

RE: AUTHORIZING A NOTICE OF VIOLATION AND ABATEMENT OF NUISANCE PURSUANT TO TOWNSHIP CODE SECTION 11-1

WHEREAS, pursuant to Township Code Section 11-1, the Township Committee is empowered to enforce the removal of fire hazards and nuisances, including the clearing of obnoxious growths; and

WHEREAS, the Township has received complaints regarding the property commonly known as 260 Route 49, Tuckahoe, New Jersey and the zoning officer has determined that the property contains a public nuisance and obnoxious growths which must be removed; and

WHEREAS, pursuant to Upper Township Code Section 11-1 and N.J.S.A. 40:48-2.13, the Township Committee is authorized to cause a Notice of Violation to be sent

to the owner and/or foreclosing lien holder describing the violation and stating that unless the violation is abated, removed and remedied within 10 days from the date of such notice the violation shall be abated, removed and remedied by the Township and the cost thereof shall be assessed as a lien against said land; and

WHEREAS, the Township Committee has determined that said Notice of Violation shall be served upon the owner and/or foreclosing lien holder forthwith;

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 zoning officer is hereby directed to serve a Notice of Violation pursuant to Township Code Section 11-1 describing the obnoxious growths violation and nuisance at 260 Route 49 Tuckahoe, New Jersey.
- 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. 169-2013

Offered by: Newman Seconded by: Corson

Adopted: July 22, 2013

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	NO.	<u>ABSTAINE</u>	ED ABSENT
Barr	<u>X</u>			
Corson	<u>X</u>			
Inserra	<u>X</u>			
Newman	X			
Palombo	<u>X</u>			

11. Authorizing the award of a contract with J.W. Scott Service Station Equipment Co., Inc.

TOWNSHIP OF UPPER CAPE MAY COUNTY R E S O L U T I O N RESOLUTION NO. 170-2013

RE: AUTHORIZING THE AWARD OF A CONTRACT WITH J.W. SCOTT SERVICE STATION EQUIPMENT CO., INC.

WHEREAS, the Township of Upper has a need to acquire a fuel pump and management system as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, J. W. Scott Service Station Equipment Co., Inc. has submitted a quote dated April 11, 2013, indicating they will provide the fuel pump and management system for \$17,859.40 plus freight charges; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with J. W. Scott Service Station Equipment Co., Inc. for the year 2013 will exceed \$17,500; and

WHEREAS, J. W. Scott Service Station Equipment Co., Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that J. W. Scott Service Station Equipment Co., Inc. has not made any reportable contributions to a political or candidate committee in the Township in the previous one year, and that the contract will prohibit J. W. Scott Service Station Equipment Co., Inc. from making any reportable contributions through the term of the contract; and

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

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

Jersey, as follows:

- 1. The allegations of the preamble are incorporated herein by this reference.
- 2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with J. W. Scott Service Station Equipment Co., Inc. as described herein.
- 3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
- 4. 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.

Resolution No. 170-2013

Offered by: Newman Seconded by: Corson

Adopted: July 22, 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>	· ———		

ORDINANCES

12. Introduction and first reading of Ordinance No. 010-2013 RE: AUTHORIZING THE USE OF UP TO \$20,000.00 FROM THE CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF STREET SIGNS. Motion by Jay Newman, second by Curtis Corson, to introduce Ordinance No. 010-2013, with public hearing and final adoption scheduled for August 12, 2013. During roll call vote all five Committee members voted in the affirmative.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE NO. 010-2013

RE: AUTHORIZING THE USE OF UP TO \$20,000.00

FROM THE CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF STREET SIGNS

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

SECTION 1. The improvement described in Section 2 of this Ordinance is hereby authorized to be undertaken by the Township of Upper, New Jersey as a general improvement. For the improvement or purpose described in Section 2, there is hereby appropriated the sum of up to \$20,000.00 from the Capital Improvement Fund.

SECTION 2.

- (a) The improvements hereby authorized are for various street signs to be placed throughout the Township.
- (b) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefore.

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

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

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

SECTION 5: **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 6: 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 22nd DAY OF JULY, 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 12th DAY OF AUGUST, 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

13. American Cancer Society requests the use of Amanda's Field for the "Bark for Life" event on August 17. Motion by Jay Newman, second by Edward Barr, to approve the request. During roll call vote all five Committee members voted in favor.

UNFINISHED BUSINESS:

14. Furnishing and Delivery of Refuse Collection Vehicles and Refuse Containers. The Township Engineer reported that following the last Committee meeting where the award of Bids was discussed, he was contacted by one of the unsuccessful truck

bidders, who requested a meeting with the Township to discuss the variations in the bids for the automated trash trucks. The bidder discussed that some of the items that were listed as required were actually optional items that the manufacturer could provide.

Mr. Dietrich stated that after speaking with the bidder and reviewing the specifications for the automated trucks, the review found that two items, a heavy duty mechanical arm and a smaller wheelbase for the truck, were indeed listed as requirements instead of options. The township had intended to make them options, and rebidding the contract with the items listed as options could lower the price.

Mr. Dietrich recommended that the bids for the automated trucks be rejected due to the technical deficiencies and be rebid with the following revisions to the specs: remove the description of the heavy duty arm, clarify the wheel base and the total capacity of the truck and remove the optional tail gate.

The Township Attorney explained that because the technical deficiencies in the specs were discovered after the fact and this may have led a bidder not to bid an item or not to bid as low this is a reason for rejecting the bids and substantially revising the bid specifications. Mr. Young stated that he agrees with the recommendation to rebid the automated trucks.

Motion by Jay Newman, second by Curtis Corson to reject all bids for the automated trash trucks and authorize the engineer to prepare revisions to the specifications and rebid item #1 for the automated trucks. During roll call vote all five Committee members voted in the affirmative.

DISCUSSION

PAYMENT OF BILLS:

15. "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: \$283,083.29

Payroll: \$209,662.29

REPORT OF MUNICIPAL DEPARTMENTS:

- 16. Animal Control
- 17. Municipal Court
- 18. JIF Safety Committee
- 19. Tax Collector Certification Re: mailing of 2013 Final/2014 Preliminary tax bills and advice copies.

Motion made by Richard Palombo, seconded by Jay Newman, to accept the Animal Control, Municipal Court and JIF Safety Committee reports. During roll call vote all five Committee members voted in the affirmative.

Motion made by Curtis Corson, seconded by Antonio Inserra, to accept the Tax Collectors Certification of mailing of the 2013 Final/2014 Preliminary tax bills and advice copies. During roll call vote all five Committee members voted in the affirmative.

All Municipal reports are available in the Clerk's office

PUBLIC COMMENT

Kitty Neagler of Tuckahoe, expressed concerns with automated garbage collection. She questioned the durability of the new cans and expressed concern with older or infirm residents maneuvering the containers. Mayor Palombo explained that careful consideration has gone into the decision regarding the new system which will be streamlined and cost effective.

CLOSED SESSION

1. 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. 171-2013 MOTION GOING INTO CLOSED SESSION July 22, 2013

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

MATTERS:

1. Personnel

I also include in my motion the estimated time and the circumstances under which the discussion conducted in closed session can be disclosed to the public as follows:

- A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.
- B. With respect to employment and personnel matters such discussions will be made public if and when formal action is taken or when the individuals involved consent that it can be made public.

Moved by: Newman

Motion seconded by: Corson

RECONVENE PUBLIC PORTION OF MEETING

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:00 P.M. The next meeting is scheduled for August 12, 2013 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC Municipal Clerk

Bill List

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61138 07/22/13 A0017 ATLANTIC CO. MUNICIPAL JIF 93,093.00 2787
61139 07/22/13 A0018 ACTION SUPPLY INC. 14.88 2787
61140 07/22/13 A0041 ALL ACTION WATER SPORTS, INC. 50.98 2787
61141 07/22/13 A0091 ATLANTIC CITY ELECTRIC 1,655.63 2787
61142 07/22/13 A0134 ANSELL GRIMM & AARON, PC 105.00 2787
61143 07/22/13 A0168 ATLANTIC CRANKSHAFT 178.00 2787
61144 07/22/13 A0174 ACE GOLF NETTING 6,500.00 2787
61145 07/22/13 B0035 BELMONT & CRYSTAL SPRINGS 362.08 2787
61146 07/22/13 B0184 BUSHONG, BRIAN 149.00 2787
61147 07/22/13 C0011 CAPE OFFICE MACHINES & SERVICE 95.00 2787
61148 07/22/13 C0019 CITY OF OCEAN CITY 55,697.25 2787
61149 07/22/13 C0048 CAPE MAY COUNTY MUA 32,211.61 2787
61150 07/22/13 C0060 CAPRIONI'S PORTABLE TOILETS 2,275.00 2787
61151 07/22/13 C0061 CAPRIONI FAMILY SEPTIC 210.00 2787
61152 07/22/13 C0068 COMCAST 119.90 2787
61153 07/22/13 C0071 CAPEHART & SCATCHARD, P.A. 12,630.00 2787
61154 07/22/13 C0077 CHERRY VALLEY TRACTOR SALES 1,371.11 2787
61155 07/22/13 C0171 COLONIAL ELECTRIC SUPPLY CO. 253.19 2787
61156 07/22/13 C0223 CASA PAYROLL SERVICE 302.95 2787
61157 07/22/13 C0230 CATAMARAN MEDIA COMPANY 234.00 2787
61158 07/22/13 C0246 CRAFT OIL CORPORATION 349.50 2787
61159 07/22/13 C0247 CMRS-FP 4,000.00 2787
61160 07/22/13 D0016 DALEYS PIT 365.00 2787
61161 07/22/13 D0019 DEARY BROTHERS, INC. 1,319.00 2787
61162 07/22/13 D0040 DELTA DENTAL OF N.J. INC. 6,154.16 2787
61163 07/22/13 D0077 DIETRICH, PAUL 65.36 2787
61164 07/22/13 D0145 DeMaio's Inc. 6,436.50 2787
61165 07/22/13 D0146 DiPietro, Dean 26.00 2787
61166 07/22/13 E0061 ERIC ELBERSON 46.00 2787
61167 07/22/13 F0167 FIRE RESQ INC 123.80 2787
61168 07/22/13 G0028 GENTILINI FORD 561.64 2787
61169 07/22/13 G0092 GRUND, BARBARA J. 27.89 2787
61170 07/22/13 H0002 H.A. DEHART & SON CORP. 2,950.86 2787
61171 07/22/13 H0018 HAROLD RUBIN/L & H SUPPLY 485.94 2787
61172 07/22/13 H0135 HANSON AGGREGATES, INC. 436.95 2787
61173 07/22/13 J0039 JOHNSON & TOWER INC. 200.02 2787
61174 07/22/13 J0072 JERSEY WEB DESIGNS 1,900.00 2787
61175 07/22/13 J0073 JW SCOTT SERV STA EQUIP CO INC 17,939.40 2787
61176 07/22/13 K0004 KELLY, PATRICK 26.00 2787
61177 07/22/13 K0063 KELLY, RICHARD 26.00 2787
61178 07/22/13 L0080 LOWES, INC. 509.58 2787
61179 07/22/13 L0087 LINE SYSTEMS INC 2,842.71 2787
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61180 07/22/13 M0076 MGL PRINTING SOLUTIONS 1,425.00 2787
61181 07/22/13 M0239 KATHY L. MCNEIL 26.00 2787
61182 07/22/13 M0240 JOHN M. MCCORRISTIN 76.00 2787
61183 07/22/13 N0043 NAPA AUTO PARTS 103.66 2787
61184 07/22/13 N0100 N.J. LEAGUE OF MUNICIPALITIES 40.00 2787
61185 07/22/13 N0108 N.J.COUNTY TAX BOARDS ASSOC. 420.00 2787
61186 07/22/13 N0131 DEFINED CONTRIB RETIRE PROGRAM 80.19 2787
61187 07/22/13 N0134 NJ Assoc for Floodplain Mangmt 20.00 2787
61188 07/22/13 00006 SJSHORE MARKETING, LLC 498.40 2787
61189 07/22/13 P0032 PEDRONI FUEL CO. 1,095.38 2787
61190 07/22/13 P0073 POGUE INC. 416.00 2787
61191 07/22/13 P0136 POSTNET 36.95 2787
61192 07/22/13 R0029 RIDDELL/ALL AMERICAN 2,931.43 2787
61193 07/22/13 R0030 RIGGINS, INC. 7,943.65 2787
61194 07/22/13 R0075 RENTAL COUNTRY 125.00 2787
61195 07/22/13 S0073 SENIOR TRAVEL SERVICE, INC. 1,400.00 2787
61196 07/22/13 S0113 SMITH, THOMAS G. 945.00 2787
61197 07/22/13 S0121 SMUZ, THERESE A 19.36 2787
61198 07/22/13 S0126 SPIEGEL, BARBARA 30.51 2787
61199 07/22/13 S0130 SOUTH JERSEY CHIEFS ASSOC. 150.00 2787
61200 07/22/13 S0209 STAPLES ADVANTAGE 771.42 2787
61201 07/22/13 S0239 SHORE VET. ANIMAL CONTROL LLC 2,350.00 2787
61202 07/22/13 S0254 SHOPRITE 77.22 2787
61203 07/22/13 T0033 THE PRESS OF ATLANTIC CITY 426.36 2787
61204 07/22/13 T0067 TOWNSHIP OF UPPER PETTY CASH 61.50 2787
61205 07/22/13 T0129 TRUGREEN CHEMLAWN 4,185.00 2787
61206 07/22/13 T0161 THE LIFEGUARD STORE 463.50 2787
61207 07/22/13 U0002 U.T. BASKETBALL ASSOCIATION 210.00 2787
61208 07/22/13 U0011 UPPER TOWNSHIP BASEBALL 340.00 2787
61209 07/22/13 V0001 VCI EMERGENCY VEHICLE 887.64 2787
61210 07/22/13 V0018 VILLAGE PHARMACY, INC. 150.00 2787
61211 07/22/13 V0022 VERIZON 184.77 2787
61212 07/22/13 V0024 VAL-U AUTO PARTS L.L.C. 371.26 2787
61213 07/22/13 V0025 V.E. RALPH & SON, INC. 178.25 2787
61214 07/22/13 V0026 VITAL COMPUTER RESOURCES, INC. 100.00 2787
61215 07/22/13 W0050 WIRELESS ELECTRONICS, INC. 180.00 2787
61216 07/22/13 Y0012 YOUNG, ROBERT 62.95 2787
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Total: \$283,083.29