

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR AUGUST 12, 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 22, 2013 Regular Meeting and
Closed Session Minutes**

Motion by Jay Newman, second by Curtis Corson, 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 that the Upper Township Chief’s Association is sponsoring a Junior Fire Fighter Camp for 4th through 8th graders from August 19th to the 22nd. He encouraged all who are interested to sign up. He next reported that the Fire Companies had a major training exercise on Sunday to test the Township’s water supply capabilities.

Curtis Corson, Committeeman, reported that the Army Corps of Engineers Ludlam Island Beach fill project will require a zero match from municipalities, which is good news for the Township.

Anthony Inserra, Committeeman, reported on a pothole on Stagecoach Road which may be potentially hazardous to pedestrians and bicyclists. The pothole has been reported to the County, but as of this date has not been fixed. After a brief discussion it was decided to place caution cones in the area and inform the County. Mr. Inserra next reported that several

residents have voiced concerns regarding the option to choose the size of their trash containers. Mr. Dietrich stated that the procedures for the distribution of the containers will be discussed and finalized at the next supervisors meeting. Mr. Inserra requested that the meeting be scheduled soon. Mr. Inserra next inquired into the status of live streaming the Committee meetings. It was stated that the additional equipment necessary to enable the live streaming has been ordered. Next, Mr. Inserra offered a suggestion to place the former Municipal building located on Mt. Pleasant-Tuckahoe Road up for sale. After a brief discussion, it was decided to have Edward Barr, the Committeeman in charge of building and grounds, look into the possible sale.

Edward Barr, Committeeman, reported that the Triathlon event held this past Sunday in Beesley's Point was successful.

Richard Palombo, Mayor, made a motion to hire Brenda Howard, Emily Conover, PJ Dietrich, and Kate Tobiasen for the 2013 Beach Patrol, pending successful pre-employment testing. The Motion was seconded by Edward Barr. During roll call vote all five Committee members voted in the affirmative. Mayor Palombo then congratulated the Beach Patrol for their performance in the South Jersey Lifeguard Championship this past weekend. He requested a resolution congratulating the lifeguards for their successful season and thanking them for the excellent services they provide. He next reported that the Historical Preservation Society of Upper Township will be celebrating the 215th anniversary of Upper Township and the 25th anniversary of the Historical Society. The celebration will be held at the Community Center on September 10, 2013.

OTHER REPORTS

Barbara Young, Municipal Clerk, reminded everyone that the Special Primary Election for the office of US Senate will be held on Tuesday August 13, and the polls will be open from 6:00 am to 8:00 pm.

Daniel Young, Municipal Attorney, reported on a State law that has recently passed which allows residents to raise their properties in order to comply with flood hazard safety standards without having to obtain land use approvals for any pre-existing nonconforming use or bulk issues. This statute mimics an Ordinance the Township adopted earlier this year. He next reported that there are two items for closed session; a personnel item and a contract negotiation item.

Paul Dietrich, Township Engineer, requested authorization to resubmit applications for the next round of FEMA grants for the following projects; additional storm water controls along Bayview Drive, installation of a bulkhead, raising homes, and storm water control along the Garden State Parkway. Motion by Curtis Corson, second by Edward Barr, to allow Mr. Dietrich to submit the grant applications for the above mentioned projects. During roll call vote all five Committee members voted in the affirmative.

RESOLUTIONS

1. Honoring the memory of Sergeant William R. Godfrey, United States Army C CO, 1st Battalion, 8th Cavalry Regiment on the dedication of the Sergeant William R. Godfrey Memorial Park.

**CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 172-2013**

**RE: HONORING THE MEMORY OF SERGEANT WILLIAM R. GODFREY,
UNITED STATES ARMY C CO, 1ST BATTALION, 8th CAVALRY
REGIMENT ON THE DEDICATION OF THE
SERGEANT WILLIAM R. GODFREY MEMORIAL PARK**

WHEREAS, William (Bill) Godfrey was a lifelong resident of Tuckahoe and a 1967 Graduate of Ocean City High School. He joined the military to protect our country during the Vietnam Conflict and became the recipient of both the Bronze Star and the Silver Star; and

WHEREAS, on October 22, 1969 Sergeant William R. Godfrey, of United States Army C CO, 1ST Battalion, 8th Cavalry Regiment, lost his life in the line of duty while serving his country in Vietnam. He was the only fatal casualty of Vietnam from Upper Township; and

WHEREAS, on November 11, 2005, the Township of Upper celebrated the dedication of the William R. Godfrey Patriot Park; and

WHEREAS, the family of Sergeant Godfrey has requested that the park be renamed the William R. Godfrey Memorial Park; and

WHEREAS, it is fitting and proper for the Township of Upper to honor these wishes.

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 on behalf of the citizens of Upper Township, we do hereby honor the memory of Sergeant William R. Godfrey for his selfless service in protecting the citizens of the United States of America, at the dedication of the William R. Godfrey Memorial Park.

_GIVEN UNDER OUR HANDS and the seal of the Township of Upper this

12th day of August, 2013.

Resolution No. 172-2013
Offered by: Newman
Adopted: August 12, 2013

Seconded by: Inserra

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>	_____	_____	_____

2. Congratulating Abigail Craige on winning first place in the 2013 Philadelphia Phillies Home Run Derby.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 173-2013

**CONGRATULATING ABIGAIL CRAIGE ON WINNING FIRST PLACE IN THE
2013 PHILADELPHIA PHILLIES HOME RUN DERBY**

WHEREAS, the Phillies Home Run Derby is one of the Philadelphia Phillies' most successful and long-running programs; and

WHEREAS, since 1971, the home run hitting contest for boys and girls between the ages of 7 and 12 has created a fun and positive experience for over 22,000 children annually; and

WHEREAS, the 2013 Phillies Home Run Derby was held at Dealy Field in Sea Isle City on July 7, 2013 with approximately 85 boys and girls competing in the event; and

WHEREAS, in the Girls Division for ages 9-10, Abigail Craige received first place honors; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee, on behalf of the citizens of the Township of Upper, to extend to Abigail Craige congratulations on winning first place at the 2013 Phillies Home Run Derby.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 12th day of August, 2013.

Resolution No. 173-2013
Offered by: Corson
Adopted: August 12, 2013

Seconded by: Barr

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>	_____	_____	_____

3. Congratulating Christopher Furey on winning first place in the 2013 Philadelphia Phillies Home Run Derby.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 174-2013

**CONGRATULATING CHRISTOPHER FUREY ON WINNING FIRST PLACE IN
THE 2013 PHILADELPHIA PHILLIES HOME RUN DERBY**

WHEREAS, the Phillies Home Run Derby is one of the Philadelphia Phillies' most successful and long-running programs; and

WHEREAS, since 1971, the home run hitting contest for boys and girls between the ages of 7 and 12 has created a fun and positive experience for over 22,000 children annually; and

WHEREAS, the 2013 Phillies Home Run Derby was held at Dealy Field in Sea Isle City on July 7, 2013 with approximately 85 boys and girls competing in the event; and

WHEREAS, in the Boys Division for ages 7-8, Christopher Furey received first place honors; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee, on behalf of the citizens of the Township of Upper, to extend to Christopher Furey congratulations on winning first place at the 2013 Phillies Home Run Derby.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 12th day of August, 2013.

Resolution No. 174-2013
Offered by: Barr
Adopted: August 12, 2013

Seconded by: Inserra

Roll Call Vote:

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

4. Congratulating Brian Furey on winning third place in the 2013 Philadelphia Phillies Home Run Derby.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

RESOLUTION

RESOLUTION NO. 175-2013

CONGRATULATING BRIAN FUREY ON WINNING THIRD PLACE IN THE 2013 PHILADELPHIA PHILLIES HOME RUN DERBY

WHEREAS, the Phillies Home Run Derby is one of the Philadelphia Phillies' most successful and long-running programs; and

WHEREAS, since 1971, the home run hitting contest for boys and girls between the ages of 7 and 12 has created a fun and positive experience for over 22,000 children annually; and

WHEREAS, the 2013 Phillies Home Run Derby was held at Dealy Field in Sea Isle City on July 7, 2013 with approximately 85 boys and girls competing in the event; and

WHEREAS, in the Boys Division for ages 11-12, Brian Furey received third place honors; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee, on behalf of the citizens of the Township of Upper, to extend to Brian Furey congratulations on winning third place at the 2013 Phillies Home Run Derby.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 12th day of August, 2013.

Resolution No. 175-2013

Offered by: Barr

Seconded by: Inserra

Adopted: August 12, 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>	_____	_____	_____

5. Accepting the bid and authorizing the execution of a contract with H.A. Dehart & Son of Thorofare, NJ 08086 for the Furnishing and Delivery of one Rear Loading Refuse Collection Vehicle in the amount of \$161,661.00.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

R E S O L U T I O N

RESOLUTION NO. 176-2013

**RE: ACCEPTING THE BID AND AUTHORIZING THE
EXECUTION OF A CONTRACT WITH H.A. DEHART & SON
OF THOROFARE, NJ 08086 FOR THE FURNISHING AND DELIVERY OF ONE
REAR LOADING REFUSE COLLECTION VEHICLE IN THE AMOUNT OF
\$161,661.00**

WHEREAS, the Township of Upper solicited bids for Furnishing and Delivery of 2013 or Newer Refuse Collection Vehicles and Refuse Containers for Upper Township, which bids were received on June 20, 2013; and

WHEREAS, the aforesaid bids were thereafter reviewed by the Township Engineer; and

WHEREAS, the Chief Financial Officer of the Township of Upper has certified the availability of funds attached hereto as “Exhibit A” in a sufficient amount to award a contract in the aggregate amount of \$161,661.00; and

WHEREAS, the Township intends to take formal action awarding the bid to the lowest responsible bidder as hereinafter provided;

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 hereby accepts the bid submitted by H.A. DeHart & Son, 311 Crown Point Road, Thorofare, New Jersey 08086, for the furnishing and delivery of one Rear Loading Refuse Collection Vehicle in the amount of \$161,661.00 subject to the following:

(A) The Bidder shall comply with all Bid Documents, including the Notice to Bidders, all of which are hereby incorporated herein by this reference.

(B) The Contract to be entered into must comply in all respects with applicable federal, state and local laws and regulations.

(C) The Bidder 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.

3. The Mayor and Township Clerk are further authorized to execute a Contract with the successful bidder and/or the Chief Financial Officer is hereby authorized, directed and empowered to issue a Purchase Order to the successful bidder in the amount authorized in this Resolution.

Resolution No. 176-2013

Offered by: Inserra Seconded by: Newman

Adopted: August 12, 2013

Roll Call Vote:

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

6. Accepting the bid and authorizing the execution of a contract with Cascade Engineering, Inc. of Grand Rapids, MI 49512 for the Furnishing, Curbside Delivery and Assembly of Refuse Containers in the amount of \$558,409.50.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

R E S O L U T I O N

RESOLUTION NO. 177-2013

**RE: ACCEPTING THE BID AND AUTHORIZING THE
EXECUTION OF A CONTRACT WITH CASCADE ENGINEERING, INC.
OF GRAND RAPIDS, MI 49512 FOR THE FURNISHING, CURBSIDE DELIVERY
AND ASSEMBLY OF REFUSE CONTAINERS IN THE AMOUNT OF \$558,409.50**

WHEREAS, the Township of Upper solicited bids for Furnishing and Delivery of 2013 or Newer Refuse Collection Vehicles and Refuse Containers for Upper Township, which bids were received on June 20, 2013; and

WHEREAS, the aforesaid bids were thereafter reviewed by the Township Engineer; and

WHEREAS, the Chief Financial Officer of the Township of Upper has certified the availability of funds attached hereto as "Exhibit A" in a sufficient amount to award a contract in the amount of \$558,409.50; and

WHEREAS, the Township intends to take formal action awarding the bid to the lowest responsible bidder as hereinafter provided;

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 hereby accepts the bid submitted by Cascade Engineering, Inc., 4950 37th Street SE, Grand Rapids, Michigan 49512, for the

furnishing, curbside delivery and assembly of Refuse Containers in the amount of \$558,409.50 subject to the following:

- (A) The Bidder shall comply with all Bid Documents, including the Notice to Bidders, all of which are hereby incorporated herein by this reference.
- (D) The Contract to be entered into must comply in all respects with applicable federal, state and local laws and regulations.
- (E) The Bidder 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.

3. The Mayor and Township Clerk are further authorized to execute a Contract with the successful bidder and/or the Chief Financial Officer is hereby authorized, directed and empowered to issue a Purchase Order to the successful bidder in the amount authorized in this Resolution.

Resolution No. 177-2013
Offered by: Palombo Seconded by: Inserra
Adopted: August 12, 2013

Roll Call Vote:

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

- 7. Rejecting all bids received for the 2013 or Newer Automated Refuse Collection Vehicles and authorizing the Township to re-advertise for bids.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

R E S O L U T I O N

RESOLUTION NO. 178-2013

**RE: REJECTING ALL BIDS RECEIVED FOR THE
2013 OR NEWER AUTOMATED REFUSE COLLECTION VEHICLES
AND AUTHORIZING THE TOWNSHIP TO RE-ADVERTISE FOR BIDS**

WHEREAS, the Township of Upper solicited bids for the Furnishing and Delivery of two 2013 or newer Automated Refuse Collection Vehicles; and

WHEREAS, bids were submitted by three companies; and

WHEREAS, the Township Committee has determined to reject all bids heretofore received due to the fact the Township desires to substantially revise the specifications and to authorize a new advertisement for bids with such revised specifications; 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. All bids for the Furnishing and Delivery of two 2013 or Newer Automated Refuse Collections Vehicles received on June 20, 2013, are hereby rejected.
3. The Township Engineer and other duly authorized Township officers are hereby authorized to revise the bid specifications and thereafter re-advertise for bids.

Resolution No. 178-2013
Offered by: Corson Seconded by: Inserra
Adopted: August 12, 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. Authorizing the Mayor and Township Clerk to sign a Contract with Accounts Receivable Management, Inc. for Collection Services for Emergency Medical Service Accounts.

TOWNSHIP OF UPPER

**CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 179-2013

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A
CONTRACT WITH ACCOUNTS RECEIVABLE MANAGEMENT, INC. FOR
COLLECTION SERVICES FOR EMERGENCY MEDICAL SERVICE ACCOUNTS**

WHEREAS, the Township requires collection services for emergency medical service accounts; and

WHEREAS, Accounts Receivable Management, 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 Accounts Receivable Management, Inc. as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the proposed contract has been reviewed and approved by the Municipal Attorney and will be on record in the office of the Township Clerk and available for public inspection and is attached hereto as Exhibit "A"; and

WHEREAS, Accounts Receivable Management, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Accounts Receivable Management, 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 Accounts Receivable Management, Inc. from making any contributions through the term of the contract; and

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

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

2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with Accounts Receivable Management, Inc. to provide collection services for emergency medical service accounts.

3. Accounts Receivable Management, 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. 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 Accounts Receivable Management, Inc. has 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 Accounts Receivable Management, Inc. for emergency medical service accounts collection 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. 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. 179-2013
 Offered by: Newman
 Adopted: August 12, 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>	___	___	___

- 9. Partnering with the Upper Township School District for the joint purchase of office supplies and paper.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 RESOLUTION**

RESOLUTION NO. 180-2013

**RE: PARTNERING WITH THE UPPER TOWNSHIP SCHOOL DISTRICT FOR
 THE JOINT PURCHASE OF OFFICE SUPPLIES AND PAPER**

WHEREAS, the Upper Township School District has contacted the Township of Upper and offered to allow the Township of Upper to purchase office supplies and paper through the School District; and

WHEREAS, the proposal entails the Upper Township School District purchasing office supplies and paper on behalf of both public entities and thereafter billing the Township of Upper for the supplies and paper purchased by the Township of Upper; and

WHEREAS, the Township Committee of the Township of Upper recognizes the benefits of this joint purchasing arrangement and desires to authorize the appropriate Township officials to enter into same; 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 of the Township of Upper hereby authorizes all Township officials and officers to take such action as necessary and appropriate to consummate the joint purchase agreement with respect to paper and office supplies with the Upper Township School District.
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. 180-2013
Offered by: Corson
Adopted: August 12, 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. Resolution establishing a Green Team Advisory Committee.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 181-2013

RE: RESOLUTION ESTABLISHING A GREEN TEAM ADVISORY COMMITTEE

WHEREAS, the Township Committee of the Township of Upper strives to save tax dollars, assure clean land, air and water, and improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

WHEREAS, Township of Upper hereby acknowledges that the residents of the Township of Upper desire a stable, sustainable future for themselves and future generations; and

WHEREAS, Township of Upper wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically sound, local government practices; and

WHEREAS, by endorsing a sustainable path the Township of Upper is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

WHEREAS, as elected representatives of the Township of Upper, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township of Upper hereby establishes a Green Team Advisory Committee consisting of volunteer members who shall meet throughout the year to develop plans, recommend programs, assist with educational opportunities that support the creation of a sustainable community, and advise the Township Committee on ways to improve municipal operations with “Green” initiatives which are economically and environmentally sound.
3. The following persons are hereby appointed to the Green Team Advisory Committee of the Township of Upper:

**Anthony Inserra
Paul Dietrich
Katelynn Wintz
Karen Mitchell**

**Ralph Cooper
Marya Small**

4. The forgoing appointees shall constitute the sole members of the Green Team Advisory Committee, subject to the provision of Paragraph 5 hereof.

5. The Township Committee expressly reserves the right to supplement this Resolution at any time it deems it appropriate to change the membership or policies of the Green Team Advisory Committee.

Resolution No. 181-2013
Offered by: Newman
Adopted: August 12, 2013

Seconded by: Inserra

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 a Notice of Violation and Abatement of Nuisance for Block 455, Lot 33 Pursuant to Township Code Section 11-1.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 182-2013

**RE: AUTHORIZING A NOTICE OF VIOLATION AND ABATEMENT OF
NUISANCE FOR BLOCK 455, LOT 33 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 340 Dennisville-Petersburg Road, Petersburg, New Jersey, Block 455, Lot 33 on the official tax map of the Township of Upper, 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 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 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 340 Dennisville-Petersburg Road, Petersburg, New Jersey, Block 455, Lot 33.
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. 182-2013
Offered by: Newman
Adopted: August 12, 2013

Seconded by: Inserra

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>	___	___

12. Authorizing a Notice of Violation and Abatement of Nuisance for Block 455, Lot 16 Pursuant to Township Code Section 11-1.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 183-2013

**RE: AUTHORIZING A NOTICE OF VIOLATION AND ABATEMENT OF
NUISANCE FOR BLOCK 455, LOT 16 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 890 Route 50, Petersburg, New Jersey, Block 455, Lot 16 on the official tax map of the Township of Upper, 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 890 Route 50, Petersburg, New Jersey, Block 455, Lot 16.

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. 183-2013
 Offered by: Inserra
 Adopted: August 12, 2013

Seconded by: Palombo

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>	___	___	___

13. Authorizing a Notice of Violation and Abatement of Nuisance for Block 350, Lot 9 Pursuant to Township Code Section 11-1.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 RESOLUTION**

RESOLUTION NO. 184-2013

**RE: AUTHORIZING A NOTICE OF VIOLATION AND ABATEMENT OF
 NUISANCE FOR BLOCK 350, LOT 9 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 2140 Route 50, Tuckahoe, New Jersey, Block 350, Lot 9 on the official tax map of the Township of Upper, 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 2140 Route 50, Tuckahoe, New Jersey, Block 350, Lot 9.
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. 184-2013
 Offered by: Barr
 Adopted: August 12, 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>	___	___	___

14. Declaring a default with respect to Melvin Development, LLC, Principal, and Penn National Insurance, Surety Bond No. SB 0331362 and authorizing the settlement of the claim against Penn National Insurance with respect to that Subdivision known as

Greendale Drive Major Subdivision, Block 646, Lot 17.02 in the Township of Upper, Cape May County, New Jersey.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 185-2013

RE: DECLARING A DEFAULT WITH RESPECT TO MELVIN DEVELOPMENT, LLC, PRINCIPAL, AND PENN NATIONAL INSURANCE, SURETY BOND NO. SB 0331362 AND AUTHORIZING THE SETTLEMENT OF THE CLAIM AGAINST PENN NATIONAL INSURANCE WITH RESPECT TO THAT SUBDIVISION KNOWN AS GREENDALE DRIVE MAJOR SUBDIVISION, BLOCK 646, LOT 17.02 IN THE TOWNSHIP OF UPPER, CAPE MAY COUNTY, NEW JERSEY

WHEREAS, the Planning Board of Upper Township has heretofore approved a major subdivision known as Greendale Drive Major Subdivision, Block 646, Lot 17.02, in the Township of Upper, County of Cape May and State of New Jersey; and

WHEREAS, a condition of approval required the Developer, Melvin Development, LLC, to provide to the Township of Upper a Performance Bond in sufficient amount to cover the construction of improvements; and

WHEREAS, such Performance Bond was thereafter provided in accordance with the requirements of the Municipal Land Use Law of New Jersey, N.J.S.A. 40:55D-1, et seq.; and

WHEREAS, Melvin Development, LLC is the Principal and Penn National Insurance Company is Surety under Bond No. SB 0331362; and

WHEREAS, Melvin Development, LLC (“Developer”), has failed to complete the improvements as required by the major subdivision approval granted by the Upper Township Planning Board; and

WHEREAS, the Developer as Principal and Penn National Insurance Company as Surety have been placed on notice as to the uncompleted work; and

WHEREAS, the work required to complete the improvements had not been commenced by the Developer or Surety; and

WHEREAS, the Developer and the Bonding Company were placed on notice that the Township would declare the Developer, as Principal, to be in default 30 days from such notice

and in the event the work was not completed in accordance with the terms of the original approval the Township would claim payment under the Performance Bond for the cost of completion of the work; and

WHEREAS, the Township Committee hereby declares that the Developer, on the 30th day from said notice, is in default since the improvements have not been commenced; and

WHEREAS, the Township of Upper has also received an offer from Penn National Insurance Company to settle the claim against the Performance Bond in the amount of \$16,567.42 which is in addition to the other amounts the Township Committee has determined should to be released to the Township consisting of the cash bond currently held by the Township of Upper of \$1,887.16 together with street light escrow of \$1,200.00 and inspection fee escrow of \$1,370.00, including any accrued interest on such amounts; and

WHEREAS, the Township Committee has duly considered this matter and has received the recommendations of the Township Engineer and the Township Solicitor; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township to settle the claim on the Performance Bond set forth herein.

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 makes the factual findings and determinations as set forth in the preamble and incorporates the same herein.
3. The Township Committee hereby directs that the claim with respect to the Performance Bond shall be settled by accepting the offer of Penn National Insurance Company for a cash payment in the amount of \$16,567.42 which the Township Engineer estimates is sufficient to complete the work respect to the construction of improvements yet to be performed, with the understanding that the remaining cash bond, street light escrow and inspection fee escrow, with interest, if any, shall be released to the Township.

4. The Township Committee of the Township of Upper hereby authorizes its Mayor and Clerk to execute a Release and Assignment of Claim in favor of Penn National Insurance Company in accordance with the terms and conditions of this Resolution.

5. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 185-2013
Offered by: Newman
Adopted: August 12, 2013

Seconded by: Corson

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>	_____	_____	_____

15. Canceling Taxes on exempt property Block 567, Lot 27 Qualifier C119.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 186-2013

**CANCELING TAXES ON EXEMPT PROPERTY
FOR BLOCK 567 LOT 27 QUALIFIER C119**

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

WHEREAS, certain properties became tax exempt for the year 2013; and

WHEREAS, Robert Henzy is a 100% disabled American veteran residing at 1731 RT US 9 South at Unit 119 Block 567, Lot 27 Qualifier C119 on the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Department of Veterans Affairs has determined that Mr. Henzy's

100% permanent wartime service connected disability was effective January 12, 2001; and
WHEREAS, Robert Henzy made application on May 28, 2013; and

WHEREAS, application was approved by the Upper Township Tax Assessor on
July 11, 2013; and

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

Resolution No. 186-2013
Offered by: Corson
Adopted: August 12, 2013

Seconded by: Newman

Roll Call Vote:

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

CANCEL TAX 2013

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
567/27/C119	\$2,435.84	Robert Henzy
2 nd Quarter – 708.99		1731 RT US 9 So Unit 119
3 RD Quarter – 862.64		Seaville, NJ 08230
4 th Quarter - 864.21		

100% Totally Disabled Veteran

16. Tax Refund Block 567, Lot 27 Qualifier C119.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 187-2013

**TAX REFUND
BLOCK 567 LOT 27 QUALIFIER C119**

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

WHEREAS, certain properties became tax exempt for the year 2013; and

WHEREAS, Robert Henzy is a 100% disabled American veteran residing at 1731 RT US 9 So Block 567, Lot 27 Qualifier C119 on the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Department of Veterans Affairs has determined that Mr. Henzy's 100% permanent wartime service connected disability was effective January 12, 2001,

WHEREAS, Robert Henzy made application on May 28, 2013; and

WHEREAS, Mr. Henzy paid the taxes for the May 2013 Quarter and is entitled to a refund from May 28, 2013 until June 30, 2013 in which he was approved for exemption.

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

Resolution No. 187- 2013

Offered by: Corson Seconded by: Barr

Adopted: August 12, 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>	_____	_____	_____

REFUND TAX 2013

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
567/27/C119	\$708.99	Robert Henzy 1731 RT US 9 So Unit #119 Seaville, NJ 08230

2013 2nd Quarter Taxes- May 28, 2013 – June 30, 2013

100% Totally Disabled Veteran

17. Canceling Taxes on exempt property Block 723, Lot 61.04.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 188-2013

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

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

WHEREAS, certain properties became tax exempt for the year 2013; and

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

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

WHEREAS, James McAfee made application on April 10, 2013; and

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

WHEREAS, application was approved by the Dennis Township Tax Assessor on

April 10, 2013; and

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

Resolution No. 188 - 2013

Offered by: Palombo Seconded by: Newman

Adopted: August 12, 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>	_____	_____	_____

CANCEL TAX 2013

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
723/61.04	\$3,695.20	James & Sandra McAfee 15 Homestead Ct Beesleys Pt, NJ 08223

2013 3rd & 4th Qtr Taxes

100% Totally Disabled Veteran

18. Cancel Tax sale Certificate on Block 330, Lot 17.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 189-2013

**RE: CANCEL TAX SALE CERTIFICATE
ON BLOCK 330 LOT 17**

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

WHEREAS, Tax Sale Certificate #1990-07 was sold on Block 330 Lot 17 for \$23.85; and

WHEREAS, the property sold on 2/11/13; and

WHEREAS, the lienholder surrendered said tax sale certificate properly endorsed for cancellation and recorded at the Cape May County Clerks Office.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that corrections to the Tax Records are hereby authorized and the Tax Collector is hereby directed to CANCEL said Tax Sale Certificate #1990-07.

Resolution No. 189-2013
Offered by: Corson
Adopted: August 12, 2013

Seconded by: Newman

Roll call vote:

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

19. Tax Refunds for Homestead Benefits.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 190-2013

TAX REFUNDS FOR HOMESTEAD BENEFITS

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

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

Resolution No. 190-2013

Offered by: Inserra Seconded by: Corson

Adopted: August 12, 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>	_____	_____	_____

REFUND 2013

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
562/39	\$277.93	James & Priscilla Flanagan 27 Katharine Ave Seaville, NJ 08230
564/30	\$327.92	Ronald & Edna Promov 27 Hope Corson Rd Seaville, NJ 08230
567/27/C051	\$431.90	Evelyn Palermo 1731 RT US 9 So Unit #51 Seaville, NJ 08230
567/27/C059	\$190.95	Robert & Linda Connolly 1731 RT USS 9 So Unit #59 Seaville, NJ 08230
723/61.04	\$434.46	James & Sandra McAfee 15 Homestead Ct Beesleys Point, NJ 08223

The above taxpayers were previously approved for a 100% Totally Disabled Veterans exemption. The above amounts are refunds for the Homestead Benefit which is sent by the State of New Jersey to be applied to taxes.

ORDINANCES

20. **Public Hearing and Final Adoption 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.** During the public hearing there were no speakers. Motion by Jay Newman, second by Curtis Corson, to adopt Ordinance No. 010-2013. During roll call vote all five Committee members voted in the affirmative.

TOWNSHIP OF UPPER

CAPE MAY COUNTY

O R D I N A N C E

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

CORRESPONDENCE

NEW BUSINESS

21. **Upper Township Soccer Association requests to hold a raffle on May 9, 2014 at the Upper Township Community Center.** Motion by Curtis Corson, second by Edward Barr, to approve the request. During roll call vote all five Committee members voted in the affirmative.
22. **Historical Preservation Society of Upper Township request to hold an Anniversary Celebration on September 10, 2013 at the Upper Township Community Center.** Motion by Curtis Corson, second by Edward Barr, to approve the request. During roll call vote all five Committee members voted in the affirmative.
23. **Ronald and Charlotte Vasant request to donate privately owned property located at 30 Randolph Avenue, Block 829, Lot 8 to the Township of Upper.** Motion by Curtis Corson, second by Anthony Inserra, to approve the request. During roll call vote all five Committee members voted in the affirmative.

UNFINISHED BUSINESS:

DISCUSSION

PAYMENT OF BILLS:

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

Bills approved for payment: \$1,476,942.91
Payroll: \$206,971.79

REPORT OF MUNICIPAL DEPARTMENTS:

25. Construction Code
26. Clerk’s Office

27. Animal Control
28. Tax Assessor
29. Tax Collector
30. Finance Office
31. MUA Report
32. Division of EMS

Motion made by Richard Palombo, seconded by Anthony Inserra, to accept the Municipal Department reports. During roll call vote all five Committee members voted in the affirmative.

PUBLIC COMMENT

John Coggins, 12 Coventry Lane, spoke with regard to several concerns he has with the automated trash collection program.

Hobie Young, 208 Rt 50, inquired into several issues regarding automated trash collection in the Township's mobile home parks and COAH regulations.

CLOSED SESSION

33. 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. 191-2013
MOTION GOING INTO CLOSED SESSION
AUGUST 12, 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
2. Contract Negotiation-Shared Services Agreement with Upper Township Board of Education

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.

- C. 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: Curtis Corson

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

RECONVENE PUBLIC PORTION OF MEETING

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:20 P.M. The next meeting is scheduled for August 26, 2013 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC
Municipal Clerk

Bill List

61220	08/12/13	A0004	A+ COMMERCIAL OFFICE CLEANERS	420.00	2789
61221	08/12/13	A0006	ADVANCE TREADS INC	244.00	2789
61222	08/12/13	A0018	ACTION SUPPLY INC.	321.14	2789
61223	08/12/13	A0023	ADAMS, JOHN	150.00	2789
61224	08/12/13	A0025	ADVANTAGE RENTAL ACE HARDWARE	1,045.30	2789
61225	08/12/13	A0070	ALBERTSONS/ACME	76.88	2789
61226	08/12/13	A0091	ATLANTIC CITY ELECTRIC	16,001.86	2789
61227	08/12/13	A0167	HESS CORPORATION	3,887.59	2789
61228	08/12/13	A0168	ATLANTIC CRANKSHAFT	344.00	2789
61229	08/12/13	A0175	Adams Rehmann & Haggan Assoc	1,425.00	2789
61230	08/12/13	B0007	BARRETT, KEELY	26.00	2789
61231	08/12/13	B0035	BELMONT & CRYSTAL SPRINGS	138.73	2789
61232	08/12/13	B0106	BARLOW BUICK GMC	796.75	2789
61233	08/12/13	B0182	BRIGGS LAW OFFICE, P.C.	6,753.18	2789
61234	08/12/13	C0046	CAPE MAY COUNTY CLERK	3,680.32	2789
61235	08/12/13	C0052	CAPE MAY COUNTY TREASURER	1,208,741.32	2789
61236	08/12/13	C0068	COMCAST	366.70	2789
61237	08/12/13	C0078	CARTER, EDWARD, SR.	500.00	2789
61238	08/12/13	C0116	CINTAS FAX LOCKBOX 636525	72.65	2789
61239	08/12/13	C0128	CARDINAL HEALTH 200, LLC	576.69	2789
61240	08/12/13	C0131	CINTAS FIRST AID & SAFETY	149.96	2789
61241	08/12/13	C0143	CODY'S POWER EQUIPMENT	218.08	2789
61242	08/12/13	C0171	COLONIAL ELECTRIC SUPPLY CO.	178.84	2789
61243	08/12/13	C0201	CRUZAN'S TRUCK SERVICE INC.	3,538.42	2789
61244	08/12/13	C0223	CASA PAYROLL SERVICE	603.70	2789
61245	08/12/13	C0242	CORE MECHANICAL, INC.	1,245.81	2789
61246	08/12/13	C0245	CLEGG'S GARAGE, INC.	7,300.34	2789
61247	08/12/13	C0248	CHAPMAN FORD SALES, INC	552.96	2789
61248	08/12/13	C0252	CIVIL SERVICE COMMISSION	150.00	2789
61249	08/12/13	D0015	DAN'S WELDING	80.00	2789
61250	08/12/13	D0016	DALEYS PIT	40.00	2789
61251	08/12/13	D0133	DOLLARD-BAKER SEW AND VAC	11.95	2789
61252	08/12/13	F0013	FARM RITE INC.	584.39	2789
61253	08/12/13	F0048	LESLIE G. FOGG INC	206.03	2789

61254 08/12/13 F0049 FOGGIO'S CARPET & DESIGN CENTE 830.70 2789
61255 08/12/13 F0054 DEARBORN NATIONAL LIFE INS. CO 442.50 2789
61256 08/12/13 G0016 GARDNER HARDWARE INC. 805.45 2789
61257 08/12/13 G0028 GENTILINI FORD 726.68 2789
61258 08/12/13 G0045 GIBSON ASSOCIATES, P.A. 6,981.25 2789
61259 08/12/13 G0047 GILLESPIE, J.F. INC. 588.00 2789
61260 08/12/13 G0057 GLOBALSTAR USA LLC 105.61 2789
61261 08/12/13 G0147 GREATAMERICA FINANCIAL SVCS. 176.97 2789
61262 08/12/13 G0152 GEORGE SPARKS INC ELEC CONTR 6,635.00 2789
61263 08/12/13 H0002 H.A. DEHART & SON CORP. 79.92 2789
61264 08/12/13 H0018 HAROLD RUBIN/L & H SUPPLY 213.40 2789
61265 08/12/13 H0030 HILLEGASS, F. THOMAS 400.00 2789
61266 08/12/13 H0095 HORIZON BCBSNJ 114,289.27 2789
61267 08/12/13 H0148 THOMAS H. HEIST INS AGENCY INC 978.85 2789
61268 08/12/13 J0068 JOE'S BUTCHER SHOP 473.05 2789
61269 08/12/13 J0072 JERSEY WEB DESIGNS 1,200.00 2789
61270 08/12/13 J0073 JW SCOTT SERV STA EQUIP CO INC 182.67 2789
61271 08/12/13 L0072 LLOYD, JOEL 100.00 2789
61272 08/12/13 L0080 LOWES, INC. 62.68 2789
61273 08/12/13 M0019 MAXIMUM MARINE 166.60 2789
61274 08/12/13 M0188 MCCARTHY TIRE SERVICE OF PHILA 1,987.11 2789
61275 08/12/13 M0209 MAYBERRY, JOHN D 64.92 2789
61276 08/12/13 M0222 MUNICIPAL CAPITAL CORPORATION 784.00 2789
61277 08/12/13 M0238 MOTORS & DRIVES, INC 2,239.74 2789
61278 08/12/13 M0241 MC KELVEY, KYLE 26.00 2789
61279 08/12/13 N0004 NJ-AMERICAN WATER CO. 156.12 2789
61280 08/12/13 N0043 NAPA AUTO PARTS 0.00 08/12/13 VOID 0
61281 08/12/13 N0043 NAPA AUTO PARTS 909.42 2789
61282 08/12/13 N0052 NATL YOUTH SPORTS COACHED ASSN 215.00 2789
61283 08/12/13 N0131 DEFINED CONTRIB RETIRE PROGRAM 57.52 2789
61284 08/12/13 O0005 OFFICE BUSINESS SYSTEMS INC 270.00 2789
61285 08/12/13 O0006 SJSHORE MARKETING,LLC 78.74 2789
61286 08/12/13 O0042 ORCHARDS HYDRAULIC SERVICE INC 450.00 2789
61287 08/12/13 P0030 PECO PERIPHERAL COMPANY, INC. 191.55 2789
61288 08/12/13 P0032 PEDRONI FUEL CO. 5,918.13 2789
61289 08/12/13 P0056 TURF EQUIPMENT AND SUPPLY CO 0.00 08/12/13 VOID 0
61290 08/12/13 P0056 TURF EQUIPMENT AND SUPPLY CO 2,915.48 2789
61291 08/12/13 P0061 PINELANDS MUNICIPAL COUNCIL 100.00 2789
61292 08/12/13 P0073 POGUE INC. 341.00 2789
61293 08/12/13 P0109 NJ DIV OF PENSIONS & BENEFITS 14,736.72 2789
61294 08/12/13 P0134 PHIL DESIERE ELEC MOTOR SERV 645.56 2789
61295 08/12/13 Q0003 QC LABORATORIES 696.20 2789
61296 08/12/13 R0030 RIGGINS, INC. 9,775.64 2789
61297 08/12/13 S0001 SAM'S CLUB 279.73 2789
61298 08/12/13 S0018 SUBURBAN PROPANE, LP 265.64 2789
61299 08/12/13 S0020 AM SAN 262.84 2789
61300 08/12/13 S0031 SCHULER SECURITY, INC. 312.00 2789
61301 08/12/13 S0048 SHELTERED WINGS, INC 299.99 2789
61302 08/12/13 S0056 SEASHORE ASPHALT CORPORATION 264.54 2789
61303 08/12/13 S0134 SO. JERSEY GAS COMPANY 110.58 2789
61304 08/12/13 S0153 STERICYCLE, INC. 380.76 2789
61305 08/12/13 S0161 SPICA STEEL, INC./J.D.L.GARAGE 1,310.00 2789
61306 08/12/13 S0196 STEWART BUSINESS SYSTEMS LLC 0.00 08/12/13 VOID 0
61307 08/12/13 S0196 STEWART BUSINESS SYSTEMS LLC 2,103.60 2789
61308 08/12/13 S0209 STAPLES ADVANTAGE 856.55 2789
61309 08/12/13 S0211 SNJAI 30.00 2789
61310 08/12/13 S0239 SHORE VET. ANIMAL CONTROL LLC 4,700.00 2789
61311 08/12/13 S0254 SHOPRITE 12.97 2789
61312 08/12/13 T0032 THE PRESS & SUNDAY PRESS 226.89 2789
61313 08/12/13 T0048 TILL PAINT CO/D. FITZGERALD 338.00 2789
61314 08/12/13 T0067 TOWNSHIP OF UPPER PETTY CASH 1.50 2789
61315 08/12/13 T0086 TREASURER, STATE OF NEW JERSEY 85.00 2789
61316 08/12/13 T0089 TREASURER, STATE OF N.J. 669.00 2789
61317 08/12/13 T0097 TRICO EQUIPMENT INC. 346.03 2789
61318 08/12/13 U0038 UPPER TOWNSHIP RESCUE SQUAD 168.00 2789
61319 08/12/13 V0001 VCI EMERGENCY VEHICLE 318.72 2789
61320 08/12/13 V0005 VAN EMBDEN, NATHAN, ATTORNEY 2,492.15 2789
61321 08/12/13 V0013 VERIZON WIRELESS 706.48 2789

61322 08/12/13 V0022 VERIZON 189.95 2789
61323 08/12/13 V0024 VAL-U AUTO PARTS L.L.C. 860.58 2789
61324 08/12/13 V0025 V.E. RALPH & SON,INC. 389.56 2789
61325 08/12/13 W0030 WEST PUBLISHING CO. 917.56 2789
61326 08/12/13 Y0006 YESTERDAY'S 219.41 2789
61327 08/12/13 Y0007 YEP COMPANY 427.80 2789
61328 08/12/13 Y0008 YOUNG, DANIEL J. ESQUIRE PC 16,166.05 2789
61329 08/12/13 Y0012 YOUNG,ROBERT 179.99 2789
61330 08/12/13 Y0023 YOUNG, DANIEL J. ATTORNEY 2,625.00 2789

Total: \$1,476,942.91