

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR TUESDAY OCTOBER 15, 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 - September 23, 2013 Regular Meeting and Closed Session Minutes

Motion by Curtis Corson, 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 that the Marmora Fire House hosted the Annual Fire Prevention Public Safety Open House last week, and although the weather did not cooperate, it was a successful event with a good turnout. He next reported that the Upper Township security committee recently met to discuss various security issues, and will be submitting recommendations to the Committee at a meeting in the near future.

Curtis Corson, Committeeman, asked for a report on the status of the Ocean Avenue paving project. Mr. Dietrich reported that the Reconstruction of Ocean Avenue paving project is currently out to bid with the bid opening scheduled for October 22, 2013. Mr. Corson next reported that the Historical Society will be holding their annual apple fest on Saturday October 19th at the Gandy House.

Edward Barr, Committeeman, reported that the Township will be holding a free rabies clinic on Saturday October 26th from 1:00 to 3:00 pm at Shore Veterinarians in Seaville.

Richard Palombo, Mayor, reported on correspondence received from Congressman LoBiondo stating that the Army Corps of Engineers Great Egg Harbor to Corson's Inlet beach replenishment project has been approved and has received 100% funding. This is a multi-million dollar ongoing replenishment program that will require zero municipal funds. Mayor Palombo thanked Mr. Dietrich and Mr. Young for their efforts in seeing this project and the funding to fruition, and complimented the partnership between the Township, Ocean City and Sea Isle. He next reported that the Township has received a \$142,000 grant for back-up generators and other emergency systems, and the Township has received notification from the County of an award of a \$220,000 recreation grant for improvements to Amanda's Field, and a \$280,000 grant for the Boat Ramp on Bayview Avenue. He congratulated Paul Dietrich, Daniel Young, Barbara Young, and Barbara Spiegel for their efforts in achieving these grants.

OTHER REPORTS

Barbara Young, Municipal Clerk, reported that the Upper Township annual Health Fair will be held on Monday October 21 from 1:00 to 3:00 pm at the Upper Township Community Center. There will be free health screenings and demonstrations, and the County will be offering free flu shots. The public is invited and encouraged to attend. Mrs. Young next reported that Trick or Treating in Upper Township will be held on October 31 from 5:00 pm to 8:00 pm., and lastly she reported that the Special General Election for US Senate will be held tomorrow October 16. The polls and the Clerk's Office will be open from 6:00 am to 8:00 pm.

Daniel Young, Municipal Attorney, reported that there are several items for closed session; two contract negotiation items, and two litigation items.

Paul Dietrich, Municipal Engineer, distributed a "letter to residents" to the Committee for their review which outlines the automated trash collections procedures. Upon the Committee's approval, the letter will be sent to the residents within the next week. Information will also be available on the website. Mr. Dietrich next requested authorization to solicit bids for a 6 yard dump truck and a road side boom mower. Motion by Anthony Inserra, second by Jay Newman, to accept the request. During roll call vote all five Committee members voted in the affirmative. A resolution will be placed on the next agenda. Mr. Dietrich next requested authorization to join the Intergovernmental Purchasing Agreement, in order to purchase a sixteen foot wide recreational mower from the only vendor that manufactures the mower. IPA is a national cooperative purchasing organization, and there is no cost to participate. Motion by Anthony Inserra, second by Edward Barr, to approve the request. During roll call vote all five Committee members voted in the affirmative. Mr. Dietrich next reported that the 2013 Capital Improvement Bond Ordinance authorized the purchase of a utility body pickup truck and a mini-dump truck with utility box and snow plow. However, it has been determined that the mini-dump truck with utility box and snow plow does not fit the functionality of the Township's needs. State contract prices will allow the Township to purchase a utility body pickup truck, a ½ ton pickup truck, and a ¾ ton pickup with a plow for \$30,000 less than the vehicles authorized by the Capital Improvement Bond. It was stated that Bond Counsel will have to approve the purchase of the different vehicles before a discussion or decision can be made. The issue will be listed under

unfinished business on a future agenda. He then reported that the Strathmere Beach sustained only minor damage and erosion from the recent nor'easter.

RESOLUTIONS

1. Re-appointment of James Schuler as groundskeeper to the Upper Township Department of Public Works.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 220-2013

**RE: RE-APPOINTMENT OF JAMES SCHULER
AS MAINTENANCE WORKER 1 GROUNDS TO THE UPPER TOWNSHIP
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, a need exists to appoint qualified personnel to the Upper Township Department of Public Works to insure optimal operation; and

WHEREAS, James Schuler had been working satisfactorily in the Maintenance Worker 1 Grounds title (referred to as Groundskeeper in the Upper Township Salary Ordinance in accordance with the Civil Service Commission title in effect at the time of adoption of the ordinance) when it became necessary for him to work under the title of Laborer for a short time period; and

WHEREAS, it is necessary to re-appoint James Schuler to the title of Maintenance Worker 1 Grounds (referred to as Groundskeeper in the Upper Township Salary Ordinance in accordance with the prior Civil Service Commission title in effect at the time of adoption of the ordinance) at this time and his re-appointment is conditioned upon Civil Service review.

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. James Schuler is hereby appointed to the title of Maintenance Worker 1 Grounds referred to as Groundskeeper in the Upper Township Salary Ordinance in the Department of Public Works, effective October 15, 2013, in accordance with the salary Ordinance at an annual salary of \$51,128.00.

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. 220-2013
 Offered by: Palombo
 Adopted: October 15, 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>	<u> </u>	<u> </u>	<u> </u>
Corson	<u> </u>	<u> </u>	<u> X </u>	<u> </u>
Inserra	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Newman	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

2. Authorizing the Mayor to sign and submit a Municipal Aid Grant application for Fiscal year 2014.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY**

R E S O L U T I O N

RESOLUTION NO. 221-2013

**RE: AUTHORIZING THE MAYOR TO SIGN AND SUBMIT A
 MUNICIPAL AID GRANT APPLICATION FOR FISCAL YEAR 2014**

WHEREAS, the Township of Upper wishes to take advantage of Municipal Aid Grants that will be available for Fiscal year 2014; and

WHEREAS, the Township Committee fully supports and endorses the actions of the Township Engineer in his filing of

the grant application for the following grant program:

FY 2014 Municipal Aid for Roadway Reconstruction.

This program provides grants to municipalities for roadway improvements.

The project will involve the second phase of reconstruction of Bayview Avenue from Whittier Avenue to Nelson Avenue in the Strathmere Section of the Township of Upper, which will include roadway reconstruction, curb & sidewalk improvements and drainage improvements. Phase 2 will complete approximately 2-Blocks of Bayview Dr.

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, Engineer and Clerk of the Township of Upper are hereby authorized, directed and empowered to submit an electronic grant application identified as MA-2014-Upper Township - 00674 to the New Jersey Department of Transportation on behalf of the Township of Upper.

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

4. That the Mayor and clerk are hereby authorized to sign the grant agreement on behalf of the Township of Upper and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

5. A certified copy of this Resolution shall be provided to the Township Engineer for insertion into each Municipal Aid Grant Application for Fiscal year 2014.

Resolution No. 221-2013

Offered by: Corson Seconded by: Newman

Adopted: October 15, 2013

Roll Call Vote:

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

3. Tax refund Block 560 Lot 9.06.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 222-2013

TAX REFUND
BLOCK 560 LOT 9.06

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

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. 222-2013

Offered by: Newman

Adopted: October 15, 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>	_____	_____	_____

REFUND 2013

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
560/9.06	\$969.25	Chicago Title Attn: Kelly 3705 Quakerbridge Rd. Mercerville, NJ 08619

Taxes for 3rd Quarter 2013 were paid by Chicago Title and Ocean City Home.

4. Adopting revisions to the Township of Upper Purchasing Policy.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 223-2013**

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

WHEREAS, on May 13, 2013 the Township of Upper adopted a Purchasing Policy to assist Township employees in the responsibilities of purchasing and as a guide to the Township's purchasing procedures; and

WHEREAS, the Township Committee of the Township of Upper has determined there is a need to make revisions to the Purchasing Policy; 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 revised Township of Upper Purchasing Policy attached hereto as Exhibit "A" is hereby approved and adopted.

3. The provisions of this policy may be amended and supplemented from time to time at the sole discretion of the Township Committee.

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

Resolution No. 223- 2013
Offered by: Corson
Adopted: October 15, 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>	___	___	___

5. Appointment of Joseph T. Kenney of T/A Services to provide building and inspection services to the Township of Upper with regard to the Municipal Trust Fund Housing Rehabilitation Program.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 224-2013

RE: APPOINTMENT OF JOSEPH T. KENNEY OF T/A SERVICES TO PROVIDE BUILDING AND INSPECTION SERVICES TO THE TOWNSHIP OF UPPER WITH REGARD TO THE MUNICIPAL TRUST FUND HOUSING REHABILITATION PROGRAM

WHEREAS, the Township of Upper requires a Building and Environmental Consultant to provide Building and Inspection services for the Township of Upper's Municipal Trust Fund Housing Rehabilitation Program; and

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

WHEREAS, the Township has decided to acquire the services of Joseph T. Kenney, of T/A Services, as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-2.05; and

WHEREAS, Joseph T. Kenney and T/A Services, have completed and submitted a Business Entity Disclosure Certification, which certifies that Joseph T. Kenney and T/A Services have not made any contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Joseph T. Kenney and T/A Services 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. Joseph T. Kenney and T/A Services, with offices at 140 Persimmon Street, Glassboro, New Jersey 08028, are hereby appointed as Building and Inspection Consultant for the Township of Upper for the purposes as specified in this Resolution and the attached Professional Service Agreement.
3. The term of this Agreement shall be for 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 Joseph T. Kenney of T/A Services 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 Joseph T. Kenney and T/A Services for building and inspection services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

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

8. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Service Agreement with Joseph T. Kenney and T/A Services 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. 224-2013

Offered by: Corson

Seconded by: Palombo

Adopted: October 15, 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. Authorizing the award of a contract with Foglio's Flooring Center, Inc. for carpeting.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 225-2013**

**RE: AUTHORIZING THE AWARD OF A CONTRACT
WITH FOGLIO'S FLOORING CENTER, INC. FOR CARPETING**

WHEREAS, the Township of Upper must replace carpeting at Township Hall and to do so desires to enter into a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Foglio's Flooring Center, Inc. has submitted a

quote May 8, 2013, indicating they will provide the carpeting for \$4,468.75; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with Foglio's Flooring Center, Inc. for the year 2013 will exceed \$17,500 and a contract pursuant to N.J.S.A. 19:44A-20.5 is required; and

WHEREAS, Foglio's Flooring Center, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Foglio's Flooring Center, 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 Foglio's Flooring Center, 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 Foglio's Flooring Center, 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. 225-2013

Offered by: Barr Seconded by: Newman

Adopted: October 15, 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>	_____	_____	_____

7. Authorizing the award of a contract with Demaio's, Inc. for underground storage tank removal.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 226-2013**

**RE: AUTHORIZING THE AWARD OF A CONTRACT
WITH DEMAIO'S, INC. FOR UNDERGROUND STORAGE TANK REMOVAL**

WHEREAS, the Township of Upper must perform underground storage tank removal as part of the remediation of the site known as Estate of Samuel Migliaccio Property, and to do so desires to enter into a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, DeMaio's, Inc. will provide underground storage tank removal for \$20,311.50; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with DeMaio's, Inc. for the year 2013 will exceed \$17,500 and a contract pursuant to

N.J.S.A. 19:44A-20.5 is required; and

WHEREAS, DeMaio's, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that DeMaio's, 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 DeMaio's, 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 DeMaio's, 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. 226-2013

Offered by: Corson

Seconded by: Palombo

Adopted: October 15, 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>	_____	_____	_____

8. Authorizing the execution of a subcontract with the County of Cape May for the Fiscal Year 2014/2015 Municipal Alliance Program.

**TOWNSHIP OF UPPER
COUNTY OF CAPE MAY
RESOLUTION
RESOLUTION NO. 227-2013**

**AUTHORIZING THE EXECUTION OF A SUBCONTRACT
WITH THE COUNTY OF CAPE MAY FOR THE
FISCAL YEAR 2014/2015 MUNICIPAL ALLIANCE PROGRAM**

WHEREAS, pursuant to P. L. 1989, Ch. 51, the Municipal Alliance Program has been made available to each county in order to increase drug and alcohol prevention services; and

WHEREAS, the City of Ocean City and the Township of Upper have agreed to participate together in this effort and have designated Upper Township as the lead municipality; and

WHEREAS, the Township of Upper has agreed to organize and coordinate efforts involving schools, law enforcement, businesses, local organizations and the community to work toward the development and implementation of community based alcoholism and drug abuse education, awareness, and alternative and prevention programs for our school aged children; and

WHEREAS, the Cape May County Department of Human Services has informed the Township of Upper/City of Ocean City Municipal Alliance Committee of its eligibility to apply for Municipal Alliance funds in the amount of:

DEDR Funds.....\$24,393.00

Amount of Local In-Kind Match.....\$18,295.00
Amount of Local Cash Match.....\$ 6,098.00
TOTAL AMOUNT OF SUBCONTRACT.....\$48,786.00

WHEREAS, the Township of Upper wishes to apply for said funding; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township as lead agency is hereby authorized to submit an application and strategic plan for Municipal Alliance funding for the Fiscal Grant Cycle July 2014 – June 2015 grant funds in the amount specified in this Resolution or for such other amounts as may become available, and the Mayor and Township Clerk are further authorized and directed to execute a Sub-Contract on behalf of the Township with the County of Cape May for the period of July 1, 2014 to June 30, 2015. Such actions of the Township are contingent upon the proper authorization of the participation of the City of Ocean City.
3. Upon confirmation of such authorization from the City of Ocean City, the Chief Financial Officer, Mayor, or Municipal Clerk of the Township of Upper, as appropriate, is hereby authorized and directed to execute the section of the subcontract entitled “Statement of Assurances”.
4. A certified copy of this Resolution shall be submitted to the County of Cape May in the Department of Human Services, together with the completed application.
5. All Township officials and officers are hereby authorized and directed to take all action necessary in order to carry out the intent and purpose of this Resolution.

Resolution No. 227-2013
Offered by: Barr
Adopted: October 15, 2013

Seconded by: Inserra

Roll Call Vote:

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

9. Authorizing the purchase of a Loader Bucket from the 2013 Capital Improvement Bond Ordinance in the amount of \$12,328.58.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 228-2013**

**RE: AUTHORIZING THE PURCHASE OF A LOADER BUCKET FROM THE 2013 CAPITAL
IMPROVEMENT BOND ORDINANCE IN THE AMOUNT OF \$12,328.58**

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

WHEREAS, the Township Committee adopted the 2013 Capital Improvement Bond Ordinance No. 005-2013 on April 8, 2013; and

WHEREAS, the Township Committee authorized Giles & Ransome, Inc. as the vendor to supply a new loader bucket in Resolution No. 112-2013 and a Purchase Order was issued to the vendor on May 15, 2013; and

WHEREAS, Giles & Ransome, Inc. has been unresponsive in ordering and delivering the loader bucket; and

WHEREAS, the loader bucket is an integral component in the Township's loose leaf collection process; and

WHEREAS, the Township solicited and received new quotes and in doing so the only responsive quote was from Jesco of Lumberton, New Jersey, who can supply the loader bucket in four to five weeks at a cost of \$12,328.58.

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

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

2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the purchase of a loader bucket from Jesco of Lumberton, New Jersey in the amount of **\$12,328.58** from the 2013 Capital Improvement Bond.

3. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the cancelation of Purchase Order No. 13-00675 and termination of the contract with Giles & Ransome, Inc.

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

Resolution No. 228-2013
Offered by: Barr Seconded by: Inserra
Adopted: October 15, 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

CORRESPONDENCE

NEW BUSINESS

10. **Upper Township Soccer Association requests to hold a Raffle on November 16, 2013 at the Seaville Fire Hall.** Motion by Jay Newman, second by Corson, to approve the request. During roll call vote all five Committee members voted in the affirmative.

UNFINISHED BUSINESS:

DISCUSSION

PAYMENT OF BILLS:

11. **“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: \$152,725.17

Payroll: \$157,498.21

REPORT OF MUNICIPAL DEPARTMENTS:

12. Animal Control
13. Construction Code
14. Clerk’s Office
15. Division of EMS
16. Finance Office
17. MUA Report
18. Municipal Court
19. Tax Assessor
20. Tax Collector
21. Zoning Reports

Motion by Richard Palombo, second by Edward Barr, to accept the Municipal Department reports. During roll call vote all five Committee members voted in the affirmative.

PUBLIC COMMENT

The meeting was opened to the public and there was no public comment.

CLOSED SESSION

22. Resolution to conduct a closed meeting pursuant to N.J.S.A. 10:4-12, from which the public shall be excluded.

TOWNSHIP OF UPPER
RESOLUTION NO. 229-2013
MOTION GOING INTO CLOSED SESSION
October 15, 2013

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

MATTERS:

1. Contract negotiation – Gibson Associates
2. Contract negotiation – Shared services with Cape May County for medical ATVs.
3. Litigation – Grubb v. Upper Township
4. Litigation – Upper Township v. Yank and Sansone

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

- A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.
- B. With respect to contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.
- C. With respect to litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.

Moved by: Newman

Motion seconded by: Corson

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

RECONVENE PUBLIC PORTION OF MEETING

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 8:50 P.M. The next meeting is scheduled for October 28, 2013 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC
Municipal Clerk.

Bill List

61587 10/15/13 A0006 ADVANCE TREADS INC 501.40 2800
61588 10/15/13 A0018 ACTION SUPPLY INC. 2,598.37 2800
61589 10/15/13 A0025 ADVANTAGE RENTAL ACE HARDWARE 627.53 2800

61590 10/15/13 A0074 ATLANTICARE PHYSICIAN GROUP,PA 313.00 2800
61591 10/15/13 A0091 ATLANTIC CITY ELECTRIC 13,908.28 2800
61592 10/15/13 A0099 ATLANTIC TIME SYSTEMS,INC. 597.26 2800
61593 10/15/13 A0100 ATLANTIC CITY ELECTRIC 3,501.49 2800
61594 10/15/13 A0167 HESS CORPORATION 4,063.03 2800
61595 10/15/13 A0175 Adams Rehmann & Haggan Assoc 6,266.95 2800
61596 10/15/13 A0176 ACTION FLAG COMPANY 207.69 2800
61597 10/15/13 B0160 BONNER, ROSEMARY 30.00 2800
61598 10/15/13 C0048 CAPE MAY COUNTY MUA 26,708.30 2800
61599 10/15/13 C0068 COMCAST 231.85 2800
61600 10/15/13 C0083 CAMFEL PRODUCTIONS 450.00 2800
61601 10/15/13 C0104 CHISHOLM, SHANE 20.00 2800
61602 10/15/13 C0128 CARDINAL HEALTH 200, LLC 3,237.05 2800
61603 10/15/13 C0143 CODY'S POWER EQUIPMENT 64.08 2800
61604 10/15/13 C0171 COLONIAL ELECTRIC SUPPLY CO. 34.18 2800
61605 10/15/13 C0182 CDW GOVERNMENT, INC 232.63 2800
61606 10/15/13 C0223 CASA PAYROLL SERVICE 262.35 2800
61607 10/15/13 C0251 COX, CARLY 26.00 2800
61608 10/15/13 C0256 Sean M. Connell 26.00 2800
61609 10/15/13 D0016 DALEYS PIT 150.00 2800
61610 10/15/13 D0045 DEPTCOR 491.50 2800
61611 10/15/13 E0012 EHRlich PEST CONTROL INC 83.71 2800
61612 10/15/13 F0030 FASTENAL 537.17 2800
61613 10/15/13 F0042 FLANAGANS SOUTH AUTO TIRE CENT 147.45 2800
61614 10/15/13 F0049 FOGGIO'S CARPET & DESIGN CENTE 4,490.26 2800
61615 10/15/13 F0054 DEARBORN NATIONAL LIFE INS. CO 440.25 2800
61616 10/15/13 G0009 GAPVAX, INC. 302.21 2800
61617 10/15/13 G0014 GARDEN STATE HWY PRODUCTS INC. 965.00 2800
61618 10/15/13 G0028 GENTILINI FORD 1,393.17 2800
61619 10/15/13 G0057 GLOBALSTAR USA LLC 105.61 2800
61620 10/15/13 G0147 GREATAMERICA FINANCIAL SVCS. 202.97 2800
61621 10/15/13 H0002 H.A. DEHART & SON CORP. 169.25 2800
61622 10/15/13 H0018 HAROLD RUBIN/L & H SUPPLY 363.60 2800
61623 10/15/13 H0083 HUBER LOCKSMITHS, INC. 647.50 2800
61624 10/15/13 H0148 THOMAS H. HEIST INS AGENCY INC 22,144.00 2800
61625 10/15/13 J0063 JOHNSON WILSHIRE, INC 476.62 2800
61626 10/15/13 J0064 JOHN DEERE LANDSCAPES, INC. 4,092.70 2800
61627 10/15/13 J0072 JERSEY WEB DESIGNS 850.00 2800
61628 10/15/13 K0081 KOHLER, WALTER J. 26.00 2800
61629 10/15/13 L0080 LOWES, INC. 155.42 2800
61630 10/15/13 L0087 LINE SYSTEMS INC 2,948.07 2800
61631 10/15/13 M0019 MAXIMUM MARINE 207.00 2800
61632 10/15/13 M0076 MGL PRINTING SOLUTIONS 70.00 2800
61633 10/15/13 M0081 MID-ATLANTIC WASTE SYSTEMS 931.17 2800
61634 10/15/13 M0130 MUNICIPAL COURT ADMIN ASSOC. 120.00 2800
61635 10/15/13 M0188 MCCARTHY TIRE SERVICE OF PHILA 706.87 2800
61636 10/15/13 M0222 MUNICIPAL CAPITAL CORPORATION 392.00 2800
61637 10/15/13 N0004 NJ-AMERICAN WATER CO. 138.84 2800
61638 10/15/13 N0043 NAPA AUTO PARTS 481.02 2800
61639 10/15/13 N0052 NATL YOUTH SPORTS COACHED ASSN 40.00 2800
61640 10/15/13 N0100 N.J. LEAGUE OF MUNICIPALITIES 990.00 2800
61641 10/15/13 N0131 DEFINED CONTRIB RETIRE PROGRAM 91.22 2800
61642 10/15/13 P0032 PEDRONI FUEL CO. 5,600.83 2800
61643 10/15/13 P0056 TURF EQUIPMENT AND SUPPLY CO 440.52 2800
61644 10/15/13 P0075 POSITIVE PROMOTIONS INC 315.02 2800
61645 10/15/13 P0096 PREVITI,MICHELE M. 318.97 2800
61646 10/15/13 Q0003 QC LABORATORIES 696.20 2800
61647 10/15/13 Q0011 Christine Quinn 46.00 2800
61648 10/15/13 R0030 RIGGINS, INC. 8,192.36 2800
61649 10/15/13 R0100 ROBERTS OXYGEN COMPANY, INC. 116.71 2800
61650 10/15/13 R0101 R.R. DONNELLEY & SONS 125.00 2800
61651 10/15/13 S0001 SAM'S CLUB 108.36 2800
61652 10/15/13 S0016 SAMPSON, MICHELLE 150.72 2800
61653 10/15/13 S0018 SUBURBAN PROPANE, LP 77.68 2800
61654 10/15/13 S0056 SEASHORE ASPHALT CORPORATION 366.50 2800
61655 10/15/13 S0121 SMUZ, THERESE A 60.17 2800
61656 10/15/13 S0122 SOMERS POINT LUMBER INC. 53.28 2800

61657 10/15/13 S0126 SPIEGEL, BARBARA 72.12 2800
61658 10/15/13 S0134 SO. JERSEY GAS COMPANY 55.50 2800
61659 10/15/13 S0161 SPICA STEEL, INC./J.D.L.GARAGE 125.00 2800
61660 10/15/13 S0201 SURRAN'S NURSERY 166.00 2800
61661 10/15/13 S0209 STAPLES ADVANTAGE 726.58 2800
61662 10/15/13 S0239 SHORE VET. ANIMAL CONTROL LLC 2,450.00 2800
61663 10/15/13 S0241 SAFEGUARD BUSINESS SYSTEMS 123.84 2800
61664 10/15/13 S0254 SHOPRITE 111.58 2800
61665 10/15/13 S0271 SUMMIT SUPPLY CORP OF COLORADO 265.00 2800
61666 10/15/13 S0272 STEVE SARIAN 46.00 2800
61667 10/15/13 S0273 Jeffrey N.Shaw 46.00 2800
61668 10/15/13 T0032 THE PRESS & SUNDAY PRESS 938.38 2800
61669 10/15/13 T0067 TOWNSHIP OF UPPER PETTY CASH 27.00 2800
61670 10/15/13 T0097 TRICO EQUIPMENT INC. 261.67 2800
61671 10/15/13 T0129 TRUGREEN CHEMLAWN 3,382.00 2800
61672 10/15/13 T0164 THE TITLE COMPANY OF JERSEY 250.00 2800
61673 10/15/13 U0024 UNIVERSAL COMPUTING SERV. INC. 731.00 2800
61674 10/15/13 U0038 UPPER TOWNSHIP RESCUE SQUAD 310.79 2800
61675 10/15/13 V0001 VCI EMERGENCY VEHICLE 312.33 2800
61676 10/15/13 V0013 VERIZON WIRELESS 717.88 2800
61677 10/15/13 V0022 VERIZON 185.14 2800
61678 10/15/13 V0024 VAL-U AUTO PARTS L.L.C. 594.58 2800
61679 10/15/13 V0026 VITAL COMPUTER RESOURCES, INC. 2,361.15 2800
61680 10/15/13 V0027 VANORDER, ROGER 280.43 2800
61681 10/15/13 W0030 WEST PUBLISHING CO. 393.53 2800
61682 10/15/13 W0038 WILLIAMS, JEREMIAH J. 93.94 2800
61683 10/15/13 Y0008 YOUNG, DANIEL J. ESQUIRE PC 9,146.39 2800
61684 10/15/13 Y0023 YOUNG, DANIEL J. ATTORNEY 2,625.00 2800

Total: \$152,725.17