

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR TUESDAY NOVEMBER 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** - **October 28, 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**, offered his congratulations to Hobie Young and John Coggins on their election as Committeemen, and offered any help he could provide. He next reported that there are several street signs throughout the Township that are misspelled. Mr. Dietrich stated that as the misspellings are received corrections can generally be made within the day.

**Curtis Corson, Committeeman**, also offered his congratulations to Mr. Young and Mr. Coggins, and offered his assistance to insure a smooth transition.

**Anthony Inserra, Committeeman**, reported that there is a problem with speeding on Stagecoach Road and suggested asking the County to reduce the speed limit, and request the State Police increase their patrol of the area. Motion by Anthony Inserra, second by Edward Barr, to have a resolution prepared asking the County to reduce the speed limit on Stagecoach Road from 35 mph to 25 mph. During roll call vote all five Committee members voted in the affirmative. He next requested permission to donate his time and services to

supervise a Township project to replace the tank to the water system at Township Hall. It was stated that as long as the work is covered under the Township's insurance, there is no conflict with a Committeeman donating his time or services. Lastly Mr. Inserra reported on a recent supervisors meeting with the department of public works in that the DPW yearend budget is approximately ten percent under budget.

**Edward Barr, Committeeman**, offered his congratulations to Mr. Young and Mr. Coggins. He next reported that there was an issue with vandalism to the bathrooms at Amanda's Field over the weekend. There was a brief discussion on possible security measures that could be taken to reduce access to the facilities. He next reported that the Upper Township Business Association will be hosting a community night at the primary school from 6:00 -9:00 pm.

**Richard Palombo, Mayor**, offered his congratulations to Mr. Young and Mr. Coggins on their election, and also offered his assistance for a successful transition. He next discussed the date and time for the annual reorganization meeting which by State Statue must be held the first week of January. Mayor Palombo directed a notice for the annual reorganization meeting scheduled for Friday January 3, 2014 at 6:30 p.m. be posted.

### **OTHER REPORTS**

**Barbara L. Young, Municipal Clerk**, invited everyone to attend the annual Christmas Tree Lighting, hosted by the Ocean City-Upper Township Noon Rotary, to be held on November 25 at 6:30 pm at Township Hall.

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

**Paul Dietrich, Municipal Engineer**, requested the Committee's approval to waive the construction permit fees for the demolition of the old Sam's Gulf Station. The demolition will be performed by the Township. Motion by Jay Newman, second by Anthony Inserra, to approve the request. During roll call vote all five Committee members voted in the affirmative. Mr. Dietrich next reported loose leaf collection will be commencing next week. He then gave a brief update on the progress of the Upper Township Green Team.

### **RESOLUTIONS**

1. Authorizing the purchase of certain items from the 2013 Capital Improvement Bond Ordinance in the amount of \$23,272.29.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N**

**RESOLUTION NO. 235-2013**

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS FROM THE 2013 CAPITAL  
IMPROVEMENT BOND ORDINANCE IN THE AMOUNT OF \$23,272.29**

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

**WHEREAS**, the Township Committee has adopted the 2013 Capital Improvement Bond Ordinance 005-2013 on April 8, 2013; and

**WHEREAS**, the Township's QPA has reviewed and approved the quotes for all items on Exhibit A attached hereto; and

**WHEREAS**, pursuant to N.J.S.A 40A:11-12a, the Township has also determined that it is necessary to purchase a Voltage Play Structure for East Golden Oak Tot-Lot on State Contract #A81430 from BCI Burke Co. for \$7,387.29.

**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 the items listed on Exhibit "A" and a State Contract purchase in the total amount of **\$23,272.29** from the 2013 Capital Improvement Bond.

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. 235-2013

Offered by: Newman

Seconded by: Inserra

Adopted: November 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>	_____	_____	_____

**Exhibit "A"**

Cart Tippers	\$9,990.00
Vendor: H.A. DeHart & Son Inc.	
SCAG SSVR36A FX Mower	\$5,895.00
Vendor: Cody's Power Equipment	
<b>TOTAL</b>	<b>\$15,885.00</b>

**2. Appointing Michael J. Donohue, Esquire and the Law Offices of Blaney & Donohue P.A. as Special Legal Counsel to complete certain in rem foreclosure matters.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 236 - 2013**

**RE: APPOINTING MICHAEL J. DONOHUE, ESQUIRE AND THE LAW OFFICES OF  
BLANEY & DONOHUE P.A. AS SPECIAL LEGAL COUNSEL TO COMPLETE CERTAIN  
IN REM FORECLOSURE MATTERS**

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**WHEREAS**, the Township of Upper requires legal counsel to complete certain in rem foreclosure matters; 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 Michael J. Donohue, Esquire and the Law Offices of Blaney & Donohue, P.A. as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-2.05; and

**WHEREAS**, Michael J. Donohue, Esquire and the Law Offices of Blaney & Donohue, P.A. have completed and submitted a Business Entity Disclosure Certification which certifies that Michael J. Donohue, Esquire and the Law Offices of Blaney & Donohue, P.A. 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 Michael J. Donohue, Esquire and the Law Offices of Blaney & Donohue, P.A. from making any contributions through the term of the contract.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee in 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. Michael J. Donohue, Esquire and the Law Offices of Blaney & Donohue, P.A. with offices at 3200 Pacific Avenue, Wildwood, New Jersey 08260 are hereby appointed as Special Legal Counsel for the Township of Upper for the completion of in rem foreclosure matters.
3. The contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Michael J. Donohue, Esquire and the Law Offices of Blaney & Donohue, P.A. have professional knowledge as to in rem foreclosure matters which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-2.05.

#### NOTICE OF CONTRACT AWARD

5. The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Michael J. Donohue, Esquire and the Law Offices of Blaney & Donohue, P.A. as Special Legal Counsel for in rem foreclosure matters. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

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

8. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Michael J. Donohue, Esquire and the Law Offices of Blaney & Donohue, P.A. in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

9. A copy of this Resolution shall be published in the official newspaper of the Township of Upper within ten (10) days from the date of adoption and shall be filed with the Tax Collector of the Township of Upper.

Resolution No. 236 -2013

Offered By: Barr

Seconded by: Corson

Adopted: November 12, 2013

<u>ROLL CALL:</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. Accepting the bid of and authorizing the execution of a contract with South State Inc. of Bridgeton, New Jersey for the project known as the 2013 Paving Project and NJDOT Municipal Aid Project Reconstruction of Ocean Avenue from Wildwood Avenue to Seasounds Avenue at a cost of \$1,019,787.20.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY**

**R E S O L U T I O N**

**RESOLUTION NO. 237-2013**

**RE: ACCEPTING THE BID OF AND AUTHORIZING THE  
EXECUTION OF A CONTRACT WITH SOUTH STATE INC. OF BRIDGETON,  
NEW JERSEY FOR THE PROJECT KNOWN AS THE 2013 PAVING PROJECT  
AND NJDOT MUNICIPAL AID PROJECT RECONSTRUCTION OF OCEAN  
AVENUE FROM WILDWOOD AVENUE TO SEASOUNDS AVENUE AT A COST  
OF \$1,019,787.20**

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**WHEREAS**, the Township of Upper solicited bids for the 2013 Paving Project and NJDOT Municipal Aid Project Reconstruction of Ocean Avenue from Wildwood Avenue to Seasounds Avenue, which bids were received on October 22, 2013; and

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

**WHEREAS**, the Township Engineer has submitted a recommendation to the Township Committee with respect to the award of said bids; 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 \$1,019,787.20; 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 South State Inc. of Bridgeton, New Jersey, for the project known as the Reconstruction of Ocean Avenue in the Township of Upper, Cape May County, in the amount of \$1,019,787.20, subject to the following:

- (A) The approval of the State of New Jersey Department of Transportation.
- (B) The Bidder shall comply with all Bid Documents, including the Notice to Bidders, all of which are hereby incorporated herein by this reference.

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

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. 237-2013

Offered by: Newman

Seconded by: Barr

Adopted: November 12, 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>---</u>	<u>---</u>	<u>X</u>	<u>---</u>
Newman	<u>X</u>	<u>---</u>	<u>---</u>	<u>---</u>
Palombo	<u>X</u>	<u>---</u>	<u>---</u>	<u>---</u>

4. Authorizing a Shared Services Agreement with the County of Cape May for use of equipment.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY**

**R E S O L U T I O N**

**RESOLUTION NO. 238-2013**

**RE: AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE COUNTY  
OF CAPE MAY FOR USE OF EQUIPMENT**

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**WHEREAS**, the County of Cape May has been the recipient of various grants from the Office of Homeland Security and Federal Emergency Management Agency for the purchase of various vehicles, equipment, materials and control devices, hereinafter referred to as "Equipment"; and



**WHEREAS**, this Equipment was purchased with the intent to be shared with various municipalities in the County; and

**WHEREAS**, from time to time the Township of Upper has a need to use some of the Equipment for a short duration when the County is not in need of the use of the Equipment; and

**WHEREAS**, the Township Committee has determined that it is in the best interest of the Township to authorize said Agreement with the County of Cape May as hereinafter provided.

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

1. **SHARED SERVICES AGREEMENT.** Pursuant to the provisions of the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., the Township of Upper is hereby authorized and empowered to enter into a Shared Services Agreement with the County of Cape May pertaining to use of Equipment.

2. **SERVICES TO BE PROVIDED; CONTRACT.** The Shared Services Agreement authorized in paragraph 1 hereof shall cover those services, which are enumerated in said Agreement, a copy of which shall be attached to this Resolution.

3. **AUTHORIZATION TO MUNICIPAL OFFICIALS.** The appropriate Township officers and officials are hereby authorized to take any action necessary or advisable to carry out the intent and purpose of this Resolution. Specifically, the Mayor and Township Clerk are hereby authorized and directed to execute such Shared Services Agreement on behalf of the Township of Upper pursuant to the authority conferred by this Resolution. The Township Clerk is further authorized and directed to seal said Agreement with the official seal of the Township of Upper.

4. COMPLIANCE WITH STATUTORY REQUIREMENTS. The Shared Services Agreement between the County of Cape May and the Township of Upper shall meet and satisfy the requirements of N.J.S.A. 40A:65-1, et seq., as same may be amended and supplemented.

5. CONTRACT TERM. The term of this Agreement shall be from November 1, 2013 to December 31, 2014. Either party may cancel the agreement upon 60 days written notice.

6. SEVERABILITY. If any section, subsection, paragraph, sentence or other part of this Resolution is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Resolution, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Resolution directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Resolution shall remain in full force and effect.

7. REPEALER. All Resolutions or parts of Resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency only.

8. EFFECTIVE DATE: This Resolution shall take effect immediately upon final adoption and publication in the manner provided by law.

Resolution No. 238-2013

Offered by: Corson

Seconded by: Newman

Adopted: November 12, 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>

**5. Budget Transfers.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY**

**RESOLUTION  
RESOLUTION NO. 239-2013**

**RE: BUDGET TRANSFERS**

**WHEREAS**, budgetary transfers between line items can be made after November 1<sup>st</sup>;  
and

**WHEREAS**, it is necessary to make transfers between certain line items of the  
Municipal Budget of the Township of Upper.

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

1. The following transfers between line items in the Municipal Budget of the  
Township of Upper shall be made immediately:

<u>TO</u>	<u>FROM</u>
DCRP-TWP. CONTRIBUTION \$500.00	REGIONAL DISPATCH O/E \$5,000.00
ASSESSMENT OF TAXES S/W \$1,500.00	CROSSING GUARD S/W \$700.00
ASSESSMENT OF TAXES O/E \$500.00	BEACH PROTECTION S/W \$20,000.00
CONTRACT ACO \$3,200.00	
BEACH PROTECTION O/E \$20,000.00	

Resolution No. 239-2013  
Offered By: Corson                      Seconded By: Palombo  
Adopted: November 12, 2013  
ROLL CALL VOTE:

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

**6. Authorizing the execution of the Municipal Alliance Fiscal Grant Extension for the period of January 1, 2014 to June 30, 2014.**

**TOWNSHIP OF UPPER  
COUNTY OF CAPE MAY  
RESOLUTION**

**RESOLUTION NO. 240-2013**

**AUTHORIZING THE EXECUTION OF THE MUNICIPAL ALLIANCE FISCAL  
GRANT EXTENSION FOR THE PERIOD OF JANUARY 1, 2014 TO JUNE 30, 2014**

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**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; 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 was approved for a Municipal Alliance grant for the January 1, 2013 through December 31, 2013 grant term; and

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse has extended the 2013 grant term until June 30, 2014, in order to transition the grant to a fiscal year rather than calendar year cycle; and

**WHEREAS**, funding has been made available to Upper Township Municipal Alliance in the amount of 50% of its approved 2013 grant total for the six-month extension period of January 1, 2014 to June 30, 2014, contingent upon meeting the 25% Cash Match and 75% In-Kind Match grant requirement for the extension 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 does hereby authorize the Mayor to sign and submit the grant extension Amended Form 1 for the Township of Upper/City of Ocean City Municipal Alliance grant in the amount of:

DEDR Funds.....\$12,766.00  
 Amount of Local In-Kind Match.....\$ 9,574.00  
 Amount of Local Cash Match.....\$ 3,192.00  
 TOTAL AMOUNT OF SUBCONTRACT.....\$25,532.00

3. Such actions of the Township are contingent upon the proper authorization of the participation of the City of Ocean City.
4. The Township hereby acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.
5. A certified copy of this Resolution shall be submitted to the County of Cape May in the Department of Human Services, together with Amended Form 1.
6. 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. 240-2013  
 Offered by: Barr  
 Adopted: November 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>	_____	_____	_____

**ORDINANCES**

7. **Introduction and first reading of Ordinance No. 012-2013 Re: AN ORDINANCE REVISING JOB CLASSIFICATIONS AND TITLES AND AMENDING CHAPTER V, ENTITLED “PERSONNEL”, OF THE CODE OF UPPER TOWNSHIP.** Motion by Curtis Corson, second by Anthony Inserra, to introduce Ordinance No. 012-2013 with public hearing and final adoption scheduled for December 9, 2013. During roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY**

**ORDINANCE  
ORDINANCE NO.012-2013**

**RE: AN ORDINANCE REVISING JOB CLASSIFICATIONS  
AND TITLES AND AMENDING CHAPTER V, ENTITLED  
“PERSONNEL”, OF THE CODE OF UPPER TOWNSHIP.**

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**WHEREAS**, it has been determined to be necessary to amend certain job classifications or job titles to conform to job descriptions promulgated by the New Jersey Civil Service Commission;

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

**SECTION 1:** Chapter V, entitled “Personnel”, of the Code of Upper Township, Section 5-6.1.b, is hereby amended and supplemented as follows:

**Add The Following Positions:**

**Municipal Emergency Management Coordinator**

**Fire Sub-code Official**

**SECTION 2:** Chapter V, entitled “Personnel”, of the Code of Upper Township, Section 5-6.2, is hereby amended and supplemented as follows:

**Add The Following Positions:**

**Clerk 1**

**Keyboarding Clerk 1**

**Keyboarding Clerk 2**

**Senior Mechanic**

**Laborer 1**

**Recycling Laborer**

**Supervising Carpenter**

**Road Repairer Supervisor**

**Road Repairer 3**

**Maintenance Worker 1, Grounds**

**Maintenance Worker 2, Grounds**

**Sanitation Inspector**

**Recreation Aide**

**Maintenance Supervisor, Grounds**

**Delete the Following Positions:**

**Tax Clerk**

**Senior Clerk Typist**

**Clerk Typist**

**Laborer**

**Recreation Maintenance Worker and Truck Driver**

**Road Supervisor**

**Assistant Road Supervisor**

**Groundskeeper**

**Supervisor Recreation Maintenance**

**SECTION 3:** Chapter V, entitled “Personnel”, of the Code of Upper Township, Section 5-6.3, is hereby amended and supplemented as follows:

**Add The Following Positions:**

**Deputy Zoning Officer**

**Coordinator 911 Emergency Response, RTK**

**Deputy Right to Know**

**Deputy Director Emergency Management (P/T)**

**Assistant Emergency Management (P/T)**

**SECTION 4:** Chapter V, entitled “Personnel”, of the Code of Upper Township, Section 5-6.4, is hereby amended and supplemented as follows:

**Add The Following Positions:**

**Senior Lifeguard**

**Playground Safety Inspector**

**SECTION 5: REPEALER:** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

**SECTION 6: SEVERABILITY:** This Ordinance shall be subject to the severability provisions set forth in Section 5-15 of Chapter V of the Code of Upper Township.

**SECTION 7: 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 12th OF NOVEMBER, 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 9th OF DECEMBER, 2013 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

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

BARBARA L. YOUNG, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

8. **Introduction and first reading of Ordinance No. 013-2013 RE: AN ORDINANCE ESTABLISHING SALARIES FOR THE TOWNSHIP OF UPPER FOR THE CALENDAR YEAR 2014.** Motion by Curtis Corson, second by Anthony Inserra, to table the Ordinance until the next meeting. During roll call vote all five Committee members voted in the affirmative.
9. **Introduction and first reading of Ordinance No. 014-2013 RE: AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53 FOR THE PREPARATION AND EXECUTION OF A COMPLETE PROGRAM OF REVALUATION OF REAL PROPERTY FOR THE USE OF THE LOCAL ASSESSOR.** Motion by Jay Newman, second by Anthony Inserra, to introduce Ordinance No. 014-2013 with the public hearing and final adoption scheduled for December 9, 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. 014-2013

RE: AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53 FOR THE PREPARATION AND EXECUTION OF A COMPLETE PROGRAM OF REVALUATION OF REAL PROPERTY FOR THE USE OF THE LOCAL ASSESSOR

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BE IT ORDAINED by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey that pursuant to N.J.S.A. 40A:4-53 the sum of \$750,000.00 is hereby appropriated for the preparation and execution of a complete program

of revaluation of real property for the use of the local assessor and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-55.

The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least one-fifth of the amount authorized pursuant to N.J.S.A. 40A:4-55.

EFFECTIVE DATE: This Ordinance shall take effect upon adoption 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 12<sup>th</sup> DAY OF NOVEMBER, 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 9<sup>th</sup> DAY OF DECEMBER, 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

10. NJDEP Treatment Works Application (TWA) Statements of Consent form, Richard Acciavatti, Block 838, Lot 11, 38 E. Vincent Avenue, Strathmere. Mr. Dietrich reported that the proposed project complies with all Township rules and regulations. Motion by Jay Newman, second by Edward Barr, to approve the request. During roll call vote all five Committee members voted in the affirmative.

11. **NJDEP Treatment Works Application (TWA) Statements of Consent form, Charles & Sandra Koenig, Block 861, Lot 5, Commonwealth Avenue, Strathmere.** Mr. Dietrich reported that the proposed project complies with all Township rules and regulations. Motion by Anthony Inserra, second by Edward Barr, to approve the request. During roll call vote all five Committee members voted in the affirmative.

### **UNFINISHED BUSINESS:**

12. **Municipal purchases with the Municipal Capital Bond.**

It had previously been determined that several items authorized for purchase in the 2013 Capital Bond Ordinance no longer fit the functionality of the Township's needs and several alternative purchases were requested and listed in a memo prepared by the Superintendent of Public Works dated October 22, 2013. Upon consultation with Bond Counsel, a draft ordinance was prepared for the Committee's review. After a brief discussion, there was a motion by Jay Newman, second by Anthony Inserra, to amend the Bond Ordinance per the requests listed in the memo prepared by the Superintendent of Public Works. During roll call vote all five Committee members voted in the affirmative.

### **DISCUSSION**

### **PAYMENT OF BILLS:**

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

**Bills approved for payment: \$139,796.03**

**Payroll: \$165,974.07**

### **REPORT OF MUNICIPAL DEPARTMENTS:**

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

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

### **PUBLIC COMMENT**

**Mike Jones, Marshallville Road, Tuckahoe**, spoke regarding the Townships proposed security plans and requested that a Township employee familiar with Township issues be appointed to the security committee.

**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. 241-2013  
MOTION GOING INTO CLOSED SESSION  
November 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. Contract negotiation – Health Insurance Contract
2. 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: Palombo

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 9:00 P.M. The next meeting is scheduled for November 25, 2013 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC  
Municipal Clerk

Bill List

61796 11/12/13 A0018 ACTION SUPPLY INC. 144.07 2804  
61797 11/12/13 A0025 ADVANTAGE RENTAL ACE HARDWARE 1,181.90 2804  
61798 11/12/13 A0026 ALERT GRAPHICS 965.00 2804  
61799 11/12/13 A0043 ALERT-ALL CORPORATION 673.99 2804  
61800 11/12/13 A0091 ATLANTIC CITY ELECTRIC 13,352.47 2804  
61801 11/12/13 A0167 HESS CORPORATION 181.66 2804  
61802 11/12/13 B0031 BAINBRIDGE, J.P. & ASSOCIATES 5,292.50 2804  
61803 11/12/13 B0148 AMERIGAS GAS 782.32 2804  
61804 11/12/13 B0184 BUSHONG, BRIAN 85.85 2804  
61805 11/12/13 B0219 Boy Scout Troop 55 300.00 2804  
61806 11/12/13 C0019 CITY OF OCEAN CITY 19,100.00 2804  
61807 11/12/13 C0048 CAPE MAY COUNTY MUA 30,685.04 2804  
61808 11/12/13 C0068 COMCAST 231.85 2804  
61809 11/12/13 C0078 CARTER, EDWARD, SR. 203.81 2804  
61810 11/12/13 C0130 CHIEF SUPPLY CORP. 5,152.79 2804  
61811 11/12/13 C0143 CODY'S POWER EQUIPMENT 530.50 2804  
61812 11/12/13 C0171 COLONIAL ELECTRIC SUPPLY CO. 999.90 2804  
61813 11/12/13 C0182 CDW GOVERNMENT, INC 110.97 2804  
61814 11/12/13 C0201 CRUZAN'S TRUCK SERVICE INC. 2,124.79 2804  
61815 11/12/13 C0223 CASA PAYROLL SERVICE 246.05 2804  
61816 11/12/13 C0246 CRAFT OIL CORPORATION 1,022.69 2804  
61817 11/12/13 E0012 EHRlich PEST CONTROL INC 252.34 2804  
61818 11/12/13 F0030 FASTENAL 73.33 2804  
61819 11/12/13 F0054 DEARBORN NATIONAL LIFE INS. CO 440.25 2804  
61820 11/12/13 F0080 FAMILIES UNITED NETWORK 300.00 2804  
61821 11/12/13 G0016 GARDNER HARDWARE INC. 25.48 2804  
61822 11/12/13 G0028 GENTILINI FORD 1,140.58 2804  
61823 11/12/13 G0044 GILES & RANSOME, INC. 282.97 2804  
61824 11/12/13 G0057 GLOBALSTAR USA LLC 105.80 2804  
61825 11/12/13 H0018 HAROLD RUBIN/L & H SUPPLY 748.04 2804  
61826 11/12/13 H0131 HPI PROCESSES, INC 706.75 2804  
61827 11/12/13 J0064 JOHN DEERE LANDSCAPES, INC. 2,395.25 2804  
61828 11/12/13 J0072 JERSEY WEB DESIGNS 1,300.00 2804  
61829 11/12/13 K0007 KACZMARSKI, RICHARD 36.29 2804  
61830 11/12/13 K0080 KOHLER'S AUTO GLASS 500.00 2804  
61831 11/12/13 L0007 LC EQUIPMENT, INC. 220.00 2804  
61832 11/12/13 L0080 LOWES, INC. 820.73 2804  
61833 11/12/13 M0012 McCAULEY, RICHARD 97.68 2804  
61834 11/12/13 M0188 MCCARTHY TIRE SERVICE OF PHILA 677.18 2804  
61835 11/12/13 M0218 MARY BRIDGET ENTERPRISES 811.81 2804  
61836 11/12/13 M0222 MUNICIPAL CAPITAL CORPORATION 392.00 2804  
61837 11/12/13 M0235 MODERN HANDLING EQUIPMENT CO 43.93 2804  
61838 11/12/13 N0004 NJ-AMERICAN WATER CO. 166.09 2804  
61839 11/12/13 N0043 NAPA AUTO PARTS 0.00 11/12/13 VOID 0  
61840 11/12/13 N0043 NAPA AUTO PARTS 671.62 2804  
61841 11/12/13 N0052 NATL YOUTH SPORTS COACHED ASSN 120.00 2804  
61842 11/12/13 N0088 N.J. CONFERENCE OF MAYORS 475.00 2804  
61843 11/12/13 N0131 DEFINED CONTRIB RETIRE PROGRAM 59.96 2804  
61844 11/12/13 N0134 NJ Assoc for Floodplain Mangmt 220.00 2804  
61845 11/12/13 O0042 ORCHARDS HYDRAULIC SERVICE INC 372.98 2804  
61846 11/12/13 P0032 PEDRONI FUEL CO. 3,338.02 2804  
61847 11/12/13 P0075 POSITIVE PROMOTIONS INC 108.85 2804  
61848 11/12/13 P0078 PRO VIDEO ENGINEERING 6,850.00 2804  
61849 11/12/13 P0119 PROSOURCE PACKAGING, INC. 88.10 2804  
61850 11/12/13 P0124 PRO CLUB 300.00 2804  
61851 11/12/13 P0125 PACER SERVICE CENTER 30.60 2804

61852 11/12/13 P0137 PARDO'S TRUCK SERV PARTS WHSE 88.38 2804  
61853 11/12/13 R0030 RIGGINS, INC. 5,447.16 2804  
61854 11/12/13 R0045 RAINEAR, SCOT 275.00 2804  
61855 11/12/13 S0018 SUBURBAN PROPANE, LP 1,306.95 2804  
61856 11/12/13 S0020 AM SAN 262.84 2804  
61857 11/12/13 S0031 SCHULER SECURITY, INC. 100.00 2804  
61858 11/12/13 S0056 SEASHORE ASPHALT CORPORATION 607.95 2804  
61859 11/12/13 S0121 SMUZ, THERESE A 26.56 2804  
61860 11/12/13 S0122 SOMERS POINT LUMBER INC. 345.56 2804  
61861 11/12/13 S0139 SO. JERSEY WATER COND. INC. 222.15 2804  
61862 11/12/13 S0153 STERICYCLE, INC. 380.76 2804  
61863 11/12/13 S0196 STEWART BUSINESS SYSTEMS LLC 70.00 2804  
61864 11/12/13 S0209 STAPLES ADVANTAGE 252.19 2804  
61865 11/12/13 S0239 SHORE VET. ANIMAL CONTROL LLC 2,350.00 2804  
61866 11/12/13 S0254 SHOPRITE 58.35 2804  
61867 11/12/13 T0032 THE PRESS & SUNDAY PRESS 145.86 2804  
61868 11/12/13 T0067 TOWNSHIP OF UPPER PETTY CASH 1.50 2804  
61869 11/12/13 T0085 TREASURER, STATE OF NEW JERSEY 84.00 2804  
61870 11/12/13 U0028 UPPER TOWNSHIP BD.OF EDUCATION 431.25 2804  
61871 11/12/13 U0043 ULINE, INC. 1,956.63 2804  
61872 11/12/13 V0013 VERIZON WIRELESS 702.64 2804  
61873 11/12/13 V0022 VERIZON 188.60 2804  
61874 11/12/13 V0024 VAL-U AUTO PARTS L.L.C. 361.65 2804  
61875 11/12/13 V0025 V.E. RALPH & SON, INC. 186.00 2804  
61876 11/12/13 W0030 WEST PUBLISHING CO. 612.53 2804  
61877 11/12/13 Y0006 YESTERDAY'S 825.00 2804  
61878 11/12/13 Y0008 YOUNG, DANIEL J. ESQUIRE PC 12,141.74 2804  
61879 11/12/13 Y0020 YOUNG, BARBARA L. 200.00 2804  
61880 11/12/13 Y0023 YOUNG, DANIEL J. ATTORNEY 2,625.00 2804

Total: 139,796.03

