

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR DECEMBER 9, 2013**

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

After the flag salute Mayor Palombo requested a moment of silence for Barbara Camp. Mrs. Camp was a former Clerk and Township Committeewoman who passed away on December 7, 2013. Mayor Palombo asked everyone to keep the Camp family in their prayers during this difficult time.

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 - November 25, 2013 Regular Meeting and Closed Session Minutes

Motion by Jay Newman, second by Edward Barr, to approve the regular meeting and closed session minutes as submitted. During roll call vote four Committee members voted in the affirmative. Curtis Corson abstained.

REPORT OF GOVERNING BODY MEMBERS

Jay Newman, Committeeman, made a motion to honor Marissa Sampson for receiving the “Outstanding EMS Action by a Youth” award from the New Jersey Office of Emergency Services. The motion was seconded by Curtis Corson. During roll call vote all five Committee members voted in the affirmative. A resolution will be placed on the next agenda.

Curtis Corson, Committeeman, reported that the CFO has been authorized to prepare the Temporary Budget for the beginning of 2014, which will be voted on at the Reorganization meeting.

Edward Barr, Committeeman, reported on a request from Christian Chadwick to use the Community Center for pickup basketball games open to adults. Motion by Ed Barr, seconded

by Anthony Inserra, to designate Christian Chadwick as a Township volunteer to coordinate pickup basketball games on behalf of the Township for adults only at the Upper Township Community Center with no fee, subject to confirmation of the appropriate Insurance, waivers being signed, and the understanding that the requestor is responsible for the facility. During roll call vote all five Committee members voted in the affirmative.

Richard Palombo, Mayor, reported that he attended a meeting this evening in Galloway Township for the New Jersey Pinelands Commission. Mayor Palombo read the following statement which was accepted by the Commission as public comment:

TO: New Jersey Pinelands Commission

FROM: Mayor and Township Committee of the Township of Upper

RE: Statement in Support of Proposed Project by South Jersey Gas

DATE: December 9, 2013

Municipalities have a responsibility to take a balanced approach to economic development, job creation and environmental protection for their communities. Few projects ever accomplish all three priorities, but Upper Township is fortunate to be presented with that opportunity.

The BL England electric generation facility in Beesley's Point was ordered by the New Jersey Department of Environmental Protection to either install cost prohibitive controls to significantly reduce emissions from the coal and oil the plant currently burns, repower the plant with much cleaner natural gas, or shut down entirely. The owners of the plant decided to convert to cleaner natural gas, which is in line with New Jersey's plan to reduce our reliance on coal. By converting the plant to natural gas, they are able to save the jobs of our neighbors at the plant, provide a local reliable energy source and ensure the plant continues to contribute to our local economy.

In order for the plant to operate, South Jersey Gas must build a pipeline to the plant. South Jersey Gas has already received all necessary approvals, after in-depth reviews, from the Army Corps of Engineers, the Department of Environmental Protection, and the Board of Public Utilities. It now awaits final approval from the Pinelands Commission.

The pipeline would be built parallel to Route 49 and Tuckahoe Road. The pipeline will run under and adjacent to already paved roadways, and will therefore not cut into this treasured and pristine area of our state. An independent third party consulting firm has spent over a year performing studies in this area to ensure there are no impacts to nearby threatened and endangered species or to adjacent wetlands along the route.

In addition to being a cleaner energy source, this pipeline would bolster the reliability of the gas supply system in Cape May County and create 75 full time jobs for approximately nine months. The existing system only has one feed into the county. A disruption, such as one seen in other areas of the state from Super Storm Sandy, could severely interrupt service to thousands of our neighbors and residents, possibly for multiple months at a time. Therefore, it is critically important to our residents to have this project approved.

Upper Township respectfully requests that the Pinelands Commission act favorably on the proposal of South Jersey Gas.

Mayor Palombo next reported that he will be attending another meeting regarding the pipeline at the Pinelands Commission this Friday with the Township Engineer.

OTHER REPORTS

Daniel Young, Municipal Attorney, reported that there are a few items for closed session; contract negotiations items, safety and security issues, and a personnel item.

Paul Dietrich, Municipal Engineer, reported that the letters to residents regarding the automated trash collection carts have been sent out and there has been a positive response. He next reported on a New Jersey 2013 Hurricane Sandy Coastal Resiliency Competitive Grant Program offered through the US Department of Interior which will allow the Township to partner with the NJDEP for planning and green infrastructure projects along the back bays, wetlands and waterways. Mr. Dietrich stated that the grant funding could potentially be used to enhance or rebuild the Strathmere Boat Ramp area on the easterly side of Bayview Avenue where it meets the marsh and requested authorization to apply for the grant. Motion by Curtis Corson, seconded by Anthony Inserra, to approve the request. During roll call vote all five Committee members voted in the affirmative. Mr. Dietrich next gave a brief update on the Township's Affordable Housing Rehabilitation Program with regard to a historic home in the Tuckahoe area. Due to the historic designation of the home, budget prices for materials have come in over the allotted amount. The Administrative Agent has requested an additional \$2,235, over the allotted \$20,000 to replace the siding which would bring the total amount for this home to \$22, 235.00. It was stated that the homeowner is still responsible for the repayment of the loan. Motion by Jay Newman, seconded by Ed Barr to approve the request, subject to the approval of Community Affairs and COAH. During roll call vote all five Committee members voted in the affirmative.

RESOLUTIONS

1. Authorizing an Amendment to the Shared Services Agreements with the Upper Township Fire Districts for Website Services.

TOWNSHIP OF UPPER CAPE MAY COUNTY

R E S O L U T I O N

RESOLUTION NO.249 -2013

RE: AUTHORIZING AN AMENDMENT TO THE SHARED SERVICES AGREEMENTS WITH THE UPPER TOWNSHIP FIRE DISTRICTS FOR WEBSITE SERVICES

WHEREAS, on December 17, 2012 the Township of Upper and the Board of Fire Commissioners for Upper Township Fire District No. 1, Upper Township Fire District No. 2, Upper Township Fire District No. 3, and Upper Township Fire District No. 4, entered into Shared Services Agreements for the implementation and routine maintenance of a

website page for each Fire District, to be linked from the Township's website page, www.uppertownship.com; and

WHEREAS, the Township of Upper desires to extend the term of said Agreements to provide routine maintenance of the established website pages of each Fire District for an additional one year term; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee hereby authorizes the Mayor and Township Clerk to sign Amendments to the Shared Services Agreements with the Board of Fire Commissioners for Upper Township Fire Districts 1,2,3, & 4 to extend the term of said agreements for an additional one (1) year, commencing January 1, 2014 and expiring on December 31, 2014.
3. This Resolution extending the terms of the aforesaid Shared Services Agreements is conditioned upon similar action being taken by each Fire District.
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. 249-2013

Offered by: Newman

Seconded by: Inserra

Adopted: December 9, 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>

2. Authorizing the execution of a Shared Services Agreement with the City of Ocean City to provide Public Safety Answering and Dispatch Services and Associated Computer-Aided Dispatch Support.

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

RESOLUTION NO. 250-2013

**RE: AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH
THE CITY OF OCEAN CITY TO PROVIDE PUBLIC SAFETY ANSWERING AND
DISPATCH SERVICES AND ASSOCIATED COMPUTER-AIDED DISPATCH SUPPORT**

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et. seq., (“Act”) provides that any local governmental unit may enter into a contract with any other local governmental unit to provide or receive any service that each local unit is empowered to provide or receive within its own jurisdiction; and

WHEREAS, the City of Ocean City and the Township of Upper have heretofore entered into an Agreement whereby the City of Ocean City has provided public safety answering and dispatch services and associated computer-aided dispatch support for Upper Township fire and rescue units and the New Jersey State Police; and

WHEREAS, Ocean City and Upper Township have agreed to enter into a new Agreement for a term of five years, commencing on January 1, 2014 and continuing through December 31, 2018; and

WHEREAS, the Township of Upper and Ocean City deem that a Shared Services Agreement for the purposes expressed herein is in the mutual interest of both parties and is also in the public interest such that the sharing of this service will promote the public health, safety and welfare.

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 Ocean City pertaining to Ocean City providing public safety answering and dispatch services and associated computer-aided dispatch support to Upper Township.

2. **SERVICES TO BE PROVIDED BY CONTRACT.** The Shared Services Agreement authorized in paragraph 1 shall delineate the services, promises and covenants of each party and a copy of such Agreement shall be maintained by the Township Clerk and shall be available for public inspection.

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 the Agreement with the official seal of the Township of Upper.

4. **COMPLIANCE WITH STATUTORY REQUIREMENTS.** The Shared Services Agreement between the Township of Upper and Ocean City meets and satisfies the requirements of N.J.S.A. 40A:65-7, as may be amended and supplemented.

5. **CONTRACT TERM.** This Resolution authorizes a Shared Services Agreement for a duration of five (5) years commencing on January 1, 2014 and continue through December 31, 2018, unless sooner terminated or modified by either of the parties as provided in the Agreement.

6. **SEVERABILITY.** If any action, subsection, paragraph, sentence or other part of this Resolution is adjudged to be 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.

Resolution No. 250-2013

Offered by: Newman
Adopted: December 9, 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>	<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. Authorizing the Township of Upper to enter into a contract with Better Hearing, Inc. to provide hearing examinations.

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

RESOLUTION NO. 251 -2013

**RE: AUTHORIZING THE TOWNSHIP OF UPPER TO ENTER INTO A
CONTRACT WITH BETTER HEARING, INC. TO PROVIDE HEARING
EXAMINATIONS**

WHEREAS, the Township of Upper from time to time provides hearing examinations for certain employees; and

WHEREAS, Better Hearing, 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 Better Hearing, 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, Better Hearing, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Better Hearing, 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 Better Hearing, 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 Better Hearing, Inc. to provide hearing examinations.
3. Better Hearing, 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 Better Hearing, 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 Better Hearing, Inc. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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. 251-2013

Offered by: Corson Seconded by: Inserra

Adopted: December 9, 2013

Roll Call Vote:

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

4. Authorizing the purchase of a Toro Groundsmaster 5900 from the 2013 Capital Improvement Bond Ordinance in the Amount of \$80,171.53 through the National Intergovernmental Purchasing Alliance Company (National IPA).

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

RESOLUTION NO. 252-2013

**RE: AUTHORIZING THE PURCHASE OF A TORO GROUNDSMASTER 5900
FROM THE 2013 CAPITAL IMPROVEMENT BOND ORDINANCE
IN THE AMOUNT OF \$80,171.53 THROUGH THE NATIONAL INTERGOVERNMENTAL
PURCHASING ALLIANCE COMPANY (NATIONAL IPA)**

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, N.J.S.A. 52:34-6.2 allows the Township of Upper to utilize national cooperative contracts as a method of procurement; and

WHEREAS, the Township of Upper intends to purchase a Toro Groundsmaster 5900 from Turf Equipment and Supply Co., LLC through the National Intergovernmental Purchasing Alliance Company (National IPA) as herein indicated; and

WHEREAS, Turf Equipment and Supply Co., LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Turf Equipment and Supply Co., LLC 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 Turf Equipment and Supply Co., LLC 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 from the 2013 Capital Improvement Bond.

WHEREAS, the Chief Financial Officer also confirmed that the Township has complied with N.J.S.A. 52:34-6.2 as well as all other legal requirements for this method of procurement; 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, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with Turf Equipment and Supply Co., LLC for the purchase of a Toro Groundsmaster 5900 through the National Intergovernmental Purchasing Alliance Company (National IPA) in the amount of \$80,171.53.
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. 252-2013

Offered by: Barr Seconded by: Inserra

Adopted: December 9, 2013

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>

5. Authorizing Execution of NJDEP TWA-1 Application Statements of Consent Form regarding 6 E. Williams Avenue, Strathmere, Block 851, Lot 5.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

R E S O L U T I O N

RESOLUTION NO:253-2013

**RE: AUTHORIZING EXECUTION OF NJDEP TWA-1 APPLICATION
STATEMENTS OF CONSENT FORM REGARDING 6 E. WILLIAMS AVENUE,
STRATHMERE, BLOCK 851, LOT 5**

WHEREAS, Charles and Sandra Koenig has or is about to make application to the New Jersey Department of Environmental Protection (hereinafter “DEP”) for Treatment Works Approval for a four bedroom single family dwelling, and has requested that the Township complete a portion of DEP Form No. WQM-003, which merely consents to the submission of the application to the DEP and certifies that the project, as proposed, conforms with the requirements of all municipal Ordinances and does not otherwise impose any obligation or liability on the Township; and

WHEREAS, Charles and Sandra Koenig must apply to the New Jersey Department of Environmental Protection for Treatment Works Approval in order to install a pressure dosing septic system for a four bedroom single family dwelling to be constructed on 6 E. Williams Avenue, Strathmere, on Block 851, Lot 5 of the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Township Engineer has informed the Township Committee as to the general nature of the project and has indicated that the Township has no ordinance prohibiting the proposed project; and

WHEREAS, the matter has been considered by the Township Committee and it has been determined that the consent by the Governing Body should be granted to this application to permit the application process to go forward; and

WHEREAS, the Township Committee wishes to authorize the Township officials to execute said documentation;

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor is hereby authorized to execute on behalf of the Township of Upper a Statements of Consent, Section A-1, in the form attached hereto as Exhibit "A" and said consent shall be completed by inserting therein this Resolution number and the date of its adoption.
3. This Statements of Consent is submitted in conjunction with the application of Charles and Sandra Koenig for treatment works approval for the property at Block 851, Lot 5 on the municipal tax map.
4. A certified copy of this Resolution shall be provided to the applicant.

Resolution No. 253-2013

Offered by: Newman Seconded by: Inserra

Adopted: December 9, 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 TruGreen, Inc. for recreation field maintenance.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 254-2013

RE: AUTHORIZING THE AWARD OF A CONTRACT

WITH TRUGREEN, INC. FOR RECREATION FIELD MAINTENANCE

WHEREAS, the Township of Upper maintains our recreation fields 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, TruGreen, Inc. submitted a quote on November 9, 2012, indicating they will provide the service for \$17,618.00; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with TruGreen, 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, TruGreen, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that TruGreen, 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 TruGreen, 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 TruGreen, 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. 254-2013

Offered by: Barr

Seconded by: Palombo

Adopted: December 9, 2013

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>

7. Authorizing the Mayor and Township Clerk to sign a contract for an Emergency Notification System in Upper Township.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

R E S O L U T I O N

RESOLUTION NO. 255 -2013

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A
CONTRACT FOR AN EMERGENCY NOTIFICATION SYSTEM IN UPPER
TOWNSHIP**

WHEREAS, Emergency Communications Network, LLC has submitted a proposal to the Township for an emergency notification system; and

WHEREAS, the Township wishes to accept said proposal with modifications and to authorize the execution of a contract with Emergency Communications Network, LLC; 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

WHEREAS, Emergency Communications Network, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Emergency Communications Network, LLC has not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Emergency Communications Network, LLC from making any reportable 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 Emergency Communications Network, LLC to provide an emergency notification system to the Township of Upper.
3. Emergency Communications Network, LLC has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.
4. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 255-2013
Offered by: Inserra

Seconded by: Palombo

Adopted: December 9, 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 disposal of personal property with no market value.

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

RESOLUTION NO. 256 -2013

RE: AUTHORIZING THE DISPOSAL OF PERSONAL PROPERTY
WITH NO MARKET VALUE

WHEREAS, N.J.S.A. 40A:11-36 authorizes a municipality to sell or dispose of certain personal property or equipment which is not needed for public use; and

WHEREAS, the Township of Upper determines that the property and equipment set forth on the attached Exhibit A hereto is not needed for public use and has no market value, and should be disposed of.

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 property and equipment aforementioned on Exhibit A hereto is hereby determined to be useless for any public purpose and is also determined to be of no market value such that the Township Committee directs its disposal.
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. 256-2013

Offered by: Inserra

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>	<u> </u>	<u> </u>	<u> </u>
Corson	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Newman	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Inserra	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

Exhibit “A”

4 Drawer Lateral File Cabinet removed from the Construction Office
Fixed Asset ID # 1150000026

1 Roll up Door Cabinet removed from the Tax Office
Fixed Asset ID # 0270000035

ORDINANCES

9. Public hearing and final adoption 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. During the public hearing there were no speakers. Motion by Curtis Corson, seconded by Jay Newman, to adopt Ordinance No. 012-2013. 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.012-2013**

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

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

10. Public hearing and final adoption 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. During the public hearing there were no speakers. Motion by Jay Newman, seconded by Edward Barr, to adopt Ordinance No. 014-2013. 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

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 12th 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 9th 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
TOWNSHIP OF UPPER

CORRESPONDENCE

NEW BUSINESS

11. **Review of Proposals for RFID Reader, Mobile Computer and Refuse Cart Asset Management System.** Mr. Dietrich reported that two proposals were received and evaluated according to selection criteria outlined in the RFP. The selection team's recommendation was to award the contract to Cascade Engineering, Inc., as the best overall value over a 5-year program and the most functionality for the Township's needs. Motion by Anthony Inserra, second by Richard Palombo, to accept the recommendations of the selection committee and present a resolution for formal action at the next meeting. All members present voted in the affirmative.
12. **Results of the 2013 or Newer 10' Bed Dump Truck and Roadside Boom Mower Bid Opening.** Mr. Dietrich reported on the bids received. One bid was received for the 10' Bed Dump Truck and was significantly higher than the Engineer's estimate for the project. Mr. Dietrich recommended rejecting the bid for that reason. Two bids were received for the Roadside Boom Mower. Mr. Dietrich recommended awarding the contract to the lowest responsible bidder, Rodio Tractor Sales, Inc., in the amount of \$92,186.00. Motion by Jay Newman, second by Anthony Inserra, to accept the Engineer's recommendations and present a resolution for formal action at the next meeting. During roll call vote all five Committee members voted in the affirmative.
13. **Evaluation report of the Strathmere Beaches from Dr. Farrell of the Richard Stockton Coastal Research Center.** Mr. Dietrich gave a brief summary of the report which details the mid-year evaluation of the beaches.

UNFINISHED BUSINESS:

DISCUSSION

14. **Draft 2014 Residents Information packet.** Motion by Anthony Inserra, second by Richard Palombo, to approve the 2014 Resident Information packet with a note stating that the information will be updated with the implementation of the new automated collection system. During roll call vote all five Committee members voted in the affirmative.

PAYMENT OF BILLS:

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

Bills approved for payment: \$167,966.89

Payroll: \$164,900.48

REPORT OF MUNICIPAL DEPARTMENTS:

16. Construction Code
17. Clerk's Office
18. Animal Control
19. Tax Assessor
20. Tax Collector
21. MUA Report
22. Division of EMS
23. Treasurer's Report

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

Ted Kingston, Strathmere - expressed concerns with the Strathmere Beach fill project and the back bay areas. He also discussed Capital Bond purchases.

CLOSED SESSION

24. 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. 257-2013
MOTION GOING INTO CLOSED SESSION
December 9, 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 Benefits
2. Contract Negotiation - Employee Benefits Consultant
3. Contract Negotiation -Tax map revisions
4. Safety and Security Issues
5. Personnel - Potential 2014 appointments.

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: Palombo

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

RECONVENE PUBLIC PORTION OF MEETING

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 10:15 P.M. The next meeting is scheduled for December 16, 2013 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC
Municipal Clerk

Bill List

61965 12/09/13 A0025 ADVANTAGE RENTAL ACE HARDWARE 3,047.24 2807
61966 12/09/13 A0091 ATLANTIC CITY ELECTRIC 13,146.62 2807
61967 12/09/13 A0137 ADVANTAGE EQUIPMENT SERVICE 585.00 2807
61968 12/09/13 A0168 ATLANTIC CRANKSHAFT 525.00 2807
61969 12/09/13 A0170 ASFPM 120.00 2807
61970 12/09/13 B0035 BELMONT & CRYSTAL SPRINGS 3.44 2807
61971 12/09/13 B0178 BUGANSKI, PETER R. 57.98 2807
61972 12/09/13 B0184 BUSHONG, BRIAN 124.95 2807
61973 12/09/13 B0207 BARLOW CHEVROLET, INC 60.57 2807
61974 12/09/13 C0068 COMCAST 231.85 2807
61975 12/09/13 C0071 CAPEHART & SCATCHARD, P.A. 1,277.00 2807
61976 12/09/13 C0223 CASA PAYROLL SERVICE 242.95 2807
61977 12/09/13 C0240 CASCADE SUBSCRIPTION SERVICE 142.00 2807
61978 12/09/13 D0077 DIETRICH, PAUL 2,000.00 2807
61979 12/09/13 D0080 DOWNAM, HARRY J. JR. 194.95 2807
61980 12/09/13 F0013 FARM RITE INC. 182.21 2807
61981 12/09/13 F0048 LESLIE G. FOGG INC 166.79 2807
61982 12/09/13 F0054 DEARBORN NATIONAL LIFE INS. CO 440.25 2807
61983 12/09/13 G0016 GARDNER HARDWARE INC. 3.22 2807
61984 12/09/13 G0028 GENTILINI FORD 217.41 2807
61985 12/09/13 G0037 GFOA OF NEW JERSEY 90.00 2807
61986 12/09/13 G0057 GLOBALSTAR USA LLC 211.60 2807
61987 12/09/13 G0096 GRUND, GEORGE 2,000.00 2807
61988 12/09/13 G0147 GREATAMERICA FINANCIAL SVCS. 176.97 2807
61989 12/09/13 H0006 HABERMAN, WILLIAM 47.98 2807
61990 12/09/13 H0018 HAROLD RUBIN/L & H SUPPLY 358.46 2807
61991 12/09/13 H0073 HOME DEPOT CRC/GECF 21.98 2807
61992 12/09/13 H0148 THOMAS H. HEIST INS AGENCY INC 90,526.00 2807
61993 12/09/13 I0002 IAAO 350.00 2807
61994 12/09/13 J0014 JC MILLER 120.00 2807
61995 12/09/13 J0036 JOHNSON, MICHELLE 613.64 2807
61996 12/09/13 J0072 JERSEY WEB DESIGNS 650.00 2807

61997 12/09/13 K0014 KEENAN,BRIAN 215.96 2807
61998 12/09/13 K0028 KIRK'S PIZZA, INC. 1,050.00 2807
61999 12/09/13 K0030 KNIGHTS OF COLUMBUS 300.00 2807
62000 12/09/13 L0040 LEA, SHELLEY 80.11 2807
62001 12/09/13 M0012 McCAULEY, RICHARD 71.65 2807
62002 12/09/13 M0016 McAFEE, MEGAN 34.86 2807
62003 12/09/13 M0081 MID-ATLANTIC WASTE SYSTEMS 1,602.22 2807
62004 12/09/13 M0142 MASON, NICHOLAS 2,000.00 2807
62005 12/09/13 M0188 MCCARTHY TIRE SERVICE OF PHILA 1,352.97 2807
62006 12/09/13 M0222 MUNICIPAL CAPITAL CORPORATION 392.00 2807
62007 12/09/13 M0224 McBRIDE, JANET E 2,000.00 2807
62008 12/09/13 N0004 NJ-AMERICAN WATER CO. 153.33 2807
62009 12/09/13 N0043 NAPA AUTO PARTS 402.85 2807
62010 12/09/13 N0052 NATL YOUTH SPORTS COACHED ASSN 175.00 2807
62011 12/09/13 N0054 NEWMAN, JOHN C 2,000.00 2807
62012 12/09/13 N0079 NIGP - SOUTH JERSEY 100.00 2807
62013 12/09/13 N0114 NORTHERN TOOL & EQUIPMENT CO. 1,429.54 2807
62014 12/09/13 N0131 DEFINED CONTRIB RETIRE PROGRAM 33.74 2807
62015 12/09/13 P0032 PEDRONI FUEL CO. 2,982.28 2807
62016 12/09/13 P0056 TURF EQUIPMENT AND SUPPLY CO 318.53 2807
62017 12/09/13 P0096 PREVITI,MICHELE M. 399.58 2807
62018 12/09/13 P0137 PARDO'S TRUCK SERV PARTS WHSE 573.40 2807
62019 12/09/13 P0143 PRIME LUBE INC 126.70 2807
62020 12/09/13 P0144 Scott Phelps 26.00 2807
62021 12/09/13 R0030 RIGGINS, INC. 5,008.89 2807
62022 12/09/13 R0100 ROBERTS OXYGEN COMPANY, INC. 55.10 2807
62023 12/09/13 S0001 SAM'S CLUB 955.76 2807
62024 12/09/13 S0018 SUBURBAN PROPANE, LP 670.21 2807
62025 12/09/13 S0031 SCHULER SECURITY, INC. 312.00 2807
62026 12/09/13 S0056 SEASHORE ASPHALT CORPORATION 205.70 2807
62027 12/09/13 S0209 STAPLES ADVANTAGE 1,567.58 2807
62028 12/09/13 S0239 SHORE VET. ANIMAL CONTROL LLC 2,300.00 2807
62029 12/09/13 T0097 TRICO EQUIPMENT INC. 220.20 2807
62030 12/09/13 U0003 U.S. MUNICIPAL SUPPLY, INC. 312.62 2807
62031 12/09/13 U0029 UPPER TOWNSHIP BD.OF EDUCATION 2,128.20 2807
62032 12/09/13 V0013 VERIZON WIRELESS 779.47 2807
62033 12/09/13 V0024 VAL-U AUTO PARTS L.L.C. 0.00 12/09/13 VOID 0
62034 12/09/13 V0024 VAL-U AUTO PARTS L.L.C. 1,583.06 2807
62035 12/09/13 W0030 WEST PUBLISHING CO. 393.53 2807
62036 12/09/13 Y0003 Y-PERS INC 91.04 2807
62037 12/09/13 Y0008 YOUNG, DANIEL J. ESQUIRE PC 13,001.75 2807
62038 12/09/13 Y0023 YOUNG, DANIEL J. ATTORNEY 2,625.00 2807

Total: 167,966.89