

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR JUNE 9, 2014**

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

**CALL TO ORDER**

**SUNSHINE ANNOUNCEMENT**

**SALUTE TO THE FLAG**

**ROLL CALL**

Edward Barr	Present
John Coggins	Present
Antonio Inserra	Present
Hobart Young	Present
Richard Palombo	Present

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

**APPROVAL OF MINUTES -      **May 27, 2014 Regular Meeting and  
Closed Session Minutes****

Motion by John Coggins, second by Edward Barr, to approve the May 27, 2014 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**

**John Coggins, Committeeman**, reported on a few items on the agenda which will be adding revenue into the budget.

**Hobie Young, Committeeman**, reported that the plans for the Fourth of July celebration are well underway. Another meeting for the 4<sup>th</sup> of July committee will be held this Wednesday. He next reported that the steps have been fixed at the Friendship school and The Public Works Department is working on completing the list of repairs requested by the Historical Society.

**Edward Barr, Committeeman**, reported that he recently attended the Upper Township Chief's Association meeting to go over the safety issues and plans for the Fourth of July event.

**Richard Palombo, Mayor**, reported that today he had the great honor of being a mystery reader for the Upper Township Primary School first and second grade classes. He stated that the kids asked a lot of questions and he enjoyed himself greatly. He next reported that FEMA

has increased the allotment of money that will be available for pre-disaster mitigation. The Township has previously applied for these funds and will continue to apply. He next reported that the Township has recently initiated the CodeRED system which has replaced the reverse 911 system. A test of all of the numbers in the system will be held this month. A notification of the exact date and time will be announced and posted soon. All residents are encouraged to register with the CodeRED system. A link to register is on the Township's website. Later in the meeting Mayor Palombo requested authorization to allow the Captain of the Beach Patrol to appoint rookie guards prior to the next meeting in order to allow them to attend training before the 4<sup>th</sup> of July weekend. Motion by Edward Barr, second by Anthony Inserra, to approve the request. During roll call vote all five Committee members voted in the affirmative. The appointments will be formalized in an appointing resolution at the next meeting.

## **OTHER REPORTS**

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

**Paul Dietrich, Municipal Engineer**, reported that the Upper Township Green Team has recently applied for the Sustainable Jersey certification, and should be notified if they have been awarded the bronze level certification in September.

## **RESOLUTIONS**

1. Honoring Rosemary Bonner on the occasion of her retirement as Municipal Court Administrator of the Township of Upper.

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

RESOLUTION NO. 131-2014

HONORING ROSEMARY BONNER ON THE OCCASION OF HER RETIREMENT AS  
MUNICIPAL COURT ADMINISTRATOR OF THE TOWNSHIP OF UPPER

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**WHEREAS**, Rosemary Bonner will soon be retiring after more than 27 years of exemplary public service to this community, during which she has served as the Municipal Court Administrator for the Township of Upper from 1996 to the present; and

**WHEREAS**, since 2009, Rosemary has also served as the Court Administrator for the Township of Dennis and the City of Corbin City, playing an integral role in the successful administration of these two municipal courts together with Upper Township Municipal Court

through a shared services agreement; the first such agreement in the area and which now serves as a model for other Municipalities to follow; and

**WHEREAS**, throughout her tenure as Municipal Court Administrator, Rosemary has always executed her duties with dignity, compassion, and great skill; and

**WHEREAS**, it is most appropriate that Rosemary be publicly recognized and commended for her tenure of public employment, and years of faithful and dedicated service to this Township; and

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

1. That Rosemary Bonner be publicly congratulated on the occasion of her retirement as Municipal Court Administrator of the Township of Upper.
2. That she be publicly thanked for her many years of dedicated public service to our community.
3. That this Committee, on behalf of all the citizens of the Township of Upper extend to our fellow employee and friend, Rosemary Bonner, our very best of wishes on her retirement and her future.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this

9<sup>th</sup> day of June, 2014.

Resolution No. 131-2014

Offered by: Barr

Seconded by: Inserra

Adopted: June 9, 2014

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>X</u>	___	___	___
Coggins	<u>X</u>	___	___	___
Inserra	<u>X</u>	___	___	___
Young	<u>X</u>	___	___	___
Palombo	<u>X</u>	___	___	___

2. Honoring Jason Armbruster for his selfless act of heroism.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 132 -2014**

**RE: HONORING JASON ARMBRUSTER FOR HIS SELFLESS ACT OF HEROISM**

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**WHEREAS**, on extraordinary occasions ordinary citizens find themselves face to face with a life and death situation of another; and

**WHEREAS**, a select few, when faced with the choice to help or stand by, choose to come to the assistance of their fellow man, performing their selfless acts of heroism with great courage; and

**WHEREAS**, on Friday May 23, 2014, Jason Armbruster, a dock builder for the Rt. 52 Bridge Company, was thrown into just such a situation when he witnessed a large commercial dump truck lose control and plunge 40 feet off the Garden State Parkway Bridge into the water below, trapping the injured driver in approximately 8 to 9 feet of water of the Great Egg Harbor Bay; and

**WHEREAS**, in the moments immediately following this horrific accident, Jason Armbruster and a fellow worker, without thought to their own safety, entered the water and smashed the dump truck's windshield with a hammer to free the injured driver, cutting the seatbelt and holding the driver's head out of the water while first responders from the Marmora Fire Company quickly worked to free his trapped leg; and

**WHEREAS**, Jason's quick and selfless act of courage saved the driver's life and it is just and fitting that we commend and celebrate the exceptional character and heart of this hero.

**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, to extend to Jason Armbruster our heartfelt gratitude and admiration for his brave act of heroism.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 9<sup>th</sup> day of June, 2014.

Resolution No. 132-2014

Offered by: Barr

Seconded by: Young

Adopted: June 9, 2014

Roll Call Vote:

<u>NAME</u>	YES	NO	ABSTAINED	ABSENT
Barr	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Coggins	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Inserra	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Young	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Palombo	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>

3. Honoring Aaron Grace for his selfless act of heroism.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 133-2014**

**RE: HONORING AARON GRACE FOR HIS SELFLESS ACT OF HEROISM**

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**WHEREAS**, on extraordinary occasions ordinary citizens find themselves face to face with a life and death situation of another; and

**WHEREAS**, a select few, when faced with the choice to help or stand by, choose to come to the assistance of their fellow man, performing their selfless acts of heroism with great courage; and

**WHEREAS**, on Friday May 23, 2014, Aaron Grace, a crane operator for the Rt. 52 Bridge Company, was thrown into just such a situation when he witnessed a large commercial dump truck lose control and plunge 40 feet off the Garden State Parkway Bridge into the water below, trapping the injured driver in approximately 8 to 9 feet of water of the Great Egg Harbor Bay; and

**WHEREAS**, in the moments immediately following this horrific accident, Aaron Grace and a fellow worker, without thought to their own safety, entered the water and smashed the dump truck's windshield with a hammer to free the injured driver, cutting the seatbelt and holding the driver's head out of the water while first responders from the Marmora Fire Company quickly worked to free his trapped leg; and

**WHEREAS**, Aaron’s quick and selfless act of courage saved the driver’s life, and it is just and fitting that we commend and celebrate the exceptional character and heart of this hero.

**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, to extend to Aaron Grace our heartfelt gratitude and admiration for his brave act of heroism.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 9<sup>th</sup> day of June, 2014.

Resolution No. 133-2014  
Offered by: Coggins  
Adopted: June 9, 2014

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>	___	___	___
Coggins	<u>X</u>	___	___	___
Inserra	<u>X</u>	___	___	___
Young	<u>X</u>	___	___	___
Palombo	<u>X</u>	___	___	___

- Honoring Deputy Chief Jeffrey McIntyre of the Marmora Volunteer Fire Company for his bravery and heroism.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 134-2014**

**RE: HONORING DEPUTY CHIEF JEFFREY MCINTYRE OF THE MARMORA VOLUNTEER  
FIRE COMPANY FOR HIS BRAVERY AND HEROISM**

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**WHEREAS**, the Township of Upper has the finest Fire Companies and Emergency Medical Services in the State of New Jersey; and

**WHEREAS**, the brave men and women who volunteer to serve our community as first responders, faithfully and diligently execute their duties with skill and dedication; saving lives and property, and bringing order, calm, and security to those who may be experiencing the most traumatic event of their life; and

**WHEREAS**, on Friday May 23, 2014, just such an event occurred when members of the Marmora Fire Company received the call that a large commercial dump truck had lost control and plunged 40 feet off the Garden State Parkway Bridge into the water below, trapping the injured driver in approximately 8 to 9 feet of water of the Great Egg Harbor Bay; and

**WHEREAS**, Marmora Deputy Chief Jeffrey McIntyre responded to the call, and in the moments immediately following this horrific accident arrived on scene; and

**WHEREAS**, after quickly and expertly assessing the situation, Deputy Chief McIntyre, without regard to his own safety, entered the water along with the Marmora Engine 1530 crew where they quickly worked to free the victim's entangled legs, placed him on a long board and stokes basket while still in the water, and then transferred him to the waiting Upper Township Rescue and Atlantic Care Paramedics crew; and

**WHEREAS**, based on the injuries the victim suffered, he would not have survived his injuries had not Deputy Chief McIntyre and the crew of Marmora Engine 1530 extricated him as quickly as they did; 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, that we extend to Deputy Chief Jeffrey McIntyre, of the Marmora Volunteer Fire Company, our heartfelt gratitude and admiration for his quick lifesaving actions on that day, and for the selfless and heroic acts he and his fellow first responders perform every day.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 9<sup>th</sup> day of June, 2014.

Resolution No. 134-2014

Offered by: Young

Seconded by: Inserra

Adopted: June 9, 2014

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>X</u>	_____	_____	_____
Coggins	<u>X</u>	_____	_____	_____
Inserra	<u>X</u>	_____	_____	_____
Young	<u>X</u>	_____	_____	_____
Palombo	<u>X</u>	_____	_____	_____

5. Honoring Captain DJ Young of the Marmora Volunteer Fire Company for his bravery and heroism.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 135-2014**

**RE: HONORING CAPTAIN DJ YOUNG OF THE MARMORA VOLUNTEER FIRE COMPANY  
FOR HIS BRAVERY AND HEROISM**

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**WHEREAS**, the Township of Upper has the finest Fire Companies and Emergency Medical Services in the State of New Jersey; and

**WHEREAS**, the brave men and women who volunteer to serve our community as first responders, faithfully and diligently execute their duties with skill and dedication; saving lives and property, and bringing order, calm, and security to those who may be experiencing the most traumatic event of their life; and

**WHEREAS**, on Friday May 23, 2014, just such an event occurred when members of the Marmora Fire Company received the call that a large commercial dump truck had lost control and plunged 40 feet off the Garden State Parkway Bridge into the water below, trapping the injured driver in approximately 8 to 9 feet of water of the Great Egg Harbor Bay; and

**WHEREAS**, Marmora Engine 1530, led by Captain DJ Young, responded to the call, and in the moments immediately following this horrific accident arrived on scene; and

**WHEREAS**, Captain Young, without regard to his own safety, entered the water with his crew where they quickly worked to free the victim's entangled legs, placed him on a long board and stokes basket while still in the water, and then transferred him to the waiting Upper Township Rescue and Atlantic Care Paramedics crew; and

**WHEREAS**, based on the injuries the victim suffered, he would not have survived his injuries had not Captain Young and the crew of Marmora Engine 1530 extricated him as quickly as they did; 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, that we extend to Captain DJ Young, of the Marmora Volunteer Fire Company, our heartfelt gratitude and admiration for his quick lifesaving actions on that day, and for the selfless and heroic acts he and his fellow first responders perform every day.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 9<sup>th</sup> day of June, 2014.

Resolution No. 135-2014  
 Offered by: Barr  
 Adopted: June 9, 2014

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>	___	___	___
Coggins	<u>X</u>	___	___	___
Inserra	<u>X</u>	___	___	___
Young	<u>X</u>	___	___	___
Palombo	<u>X</u>	___	___	___

- Honoring Firefighter Matthew Long of the Marmora Volunteer Fire Company for his bravery and heroism.

**TOWNSHIP OF UPPER  
 CAPE MAY COUNTY  
 RESOLUTION**

**RESOLUTION NO. 136-2014**

**RE: HONORING FIREFIGHTER MATTHEW LONG OF THE MARMORA VOLUNTEER  
 FIRE COMPANY FOR HIS BRAVERY AND HEROISM**

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**WHEREAS**, the Township of Upper has the finest Fire Companies and Emergency Medical Services in the State of New Jersey; and

**WHEREAS**, the brave men and women who volunteer to serve our community as first responders, faithfully and diligently execute their duties with skill and dedication; saving lives and

property, and bringing order, calm, and security to those who may be experiencing the most traumatic event of their life; and

**WHEREAS**, on Friday May 23, 2014, just such an event occurred when members of the Marmora Fire Company received the call that a large commercial dump truck had lost control and plunged 40 feet off the Garden State Parkway Bridge into the water below, trapping the injured driver in approximately 8 to 9 feet of water of the Great Egg Harbor Bay; and

**WHEREAS**, Firefighter Matthew Long, along with his fellow members of Marmora Engine 1530, responded to the call , and in the moments immediately following this horrific accident arrived on scene; and

**WHEREAS**, Firefighter Long, without regard to his own safety, entered the water with his team where they quickly worked to free the victim’s entangled legs, placed him on a long board and stokes basket while still in the water, and then transferred him to the waiting Upper Township Rescue and Atlantic Care Paramedics crew; and

**WHEREAS**, based on the injuries the victim suffered, he would not have survived his injuries had not Firefighter Long and the crew of Marmora Engine 1530 extricated him as quickly as they did; 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, that we extend to Firefighter Matthew Long, of the Marmora Volunteer Fire Company, our heartfelt gratitude and admiration for his quick lifesaving actions on that day, and for the selfless and heroic acts he and his fellow first responders perform every day.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 9<sup>th</sup> day of June, 2014.

Resolution No. 136-2014  
Offered by: Young  
Adopted: June 9, 2014

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>

Coggins	<u>  X  </u>	___	___	___
Inserra	<u>  X  </u>	___	___	___
Young	<u>  X  </u>	___	___	___
Palombo	<u>  X  </u>	___	___	___

- Honoring Firefighter Mark Newman of the Marmora Volunteer Fire Company for his bravery and heroism.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 137-2014**

**RE: HONORING FIREFIGHTER MARK NEWMAN OF THE MARMORA VOLUNTEER FIRE  
COMPANY FOR HIS BRAVERY AND HEROISM**

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**WHEREAS**, the Township of Upper has the finest Fire Companies and Emergency Medical Services in the State of New Jersey; and

**WHEREAS**, the brave men and women who volunteer to serve our community as first responders, faithfully and diligently execute their duties with skill and dedication; saving lives and property, and bringing order, calm, and security to those who may be experiencing the most traumatic event of their life; and

**WHEREAS**, on Friday May 23, 2014, just such an event occurred when members of the Marmora Fire Company received the call that a large commercial dump truck had lost control and plunged 40 feet off the Garden State Parkway Bridge into the water below, trapping the injured driver in approximately 8 to 9 feet of water of the Great Egg Harbor Bay; and

**WHEREAS**, Firefighter Mark Newman, along with his fellow members of Marmora Engine 1530, responded to the call , and in the moments immediately following this horrific accident arrived on scene; and

**WHEREAS**, Firefighter Newman, without regard to his own safety, entered the water with his team where they quickly worked to free the victim’s entangled legs, placed him on a long board and stokes basket while still in the water, and then transferred him to the waiting Upper Township Rescue and Atlantic Care Paramedics crew; and

**WHEREAS**, based on the injuries the victim suffered, he would not have survived his injuries had not Firefighter Newman and the crew of Marmora Engine 1530 extricated him as quickly as they did; 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, that we extend to Firefighter Mark Newman, of the Marmora Volunteer Fire Company, our heartfelt gratitude and admiration for his quick lifesaving actions on that day, and for the selfless and heroic acts he and his fellow first responders perform every day.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 9<sup>th</sup> day of June, 2014.

Resolution No. 137-2014  
Offered by: Coggins  
Adopted: June 9, 2014

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>	___	___	___
Coggins	<u>X</u>	___	___	___
Inserra	<u>X</u>	___	___	___
Young	<u>X</u>	___	___	___
Palombo	<u>X</u>	___	___	___

8. Congratulating the Ocean City High School JV8 Boys Crew Team on becoming the 2014 Scholastic Rowing Association of America Regatta Champions.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 138-2014**

**RE: CONGRATULATING THE OCEAN CITY HIGH SCHOOL  
JV8 BOYS CREW TEAM ON BECOMING THE 2014 SCHOLASTIC ROWING  
ASSOCIATION OF AMERICA REGATTA CHAMPIONS**

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**WHEREAS**, the Ocean City High School JV8 Boys Crew Team participated in the Scholastic Rowing Association of America Regatta (SRAA) on Mercer Lake in West Windsor on May 24, 2014; and

**WHEREAS**, the Crew Team beat seventeen of the best boats from across the country to win the SRAA Championship in their category; and

**WHEREAS**, the team dedicated their victory to Tara Miller, who is suffering from Stage 4 cancer and was the inspiration for the team, encouraging them to live life to the fullest; and

**WHEREAS**, it is appropriate that on behalf of the citizens of Upper Township we recognize and congratulate the rowers listed as follows:

Chase Devlin (coxswain)	Colin Stewart
Nicolas DiMarco	Michael Daddi
Evan Nathan	Erik Lam
Christian McDermott	Ryan Fisher
Christian Baumgardner	

**WHEREAS**, we also extend this recognition and thanks to John Miller and Mike Miller who have generously given their personal time and service to coach this team; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee on behalf of the citizens of the Township of Upper, to extend to the Ocean City High School JV8 Boys Crew Team congratulations on becoming the 2014 SRAA National Champions, and to each coach heartfelt thanks and gratitude for the generous donation of their time and service to the young people of this community.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 9<sup>TH</sup> day of June, 2014.

Resolution No. 138-2014  
Offered by: Inserra  
Adopted: June 9, 2014

Seconded by: Coggins

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>X</u>	___	___	___
Coggins	<u>X</u>	___	___	___
Inserra	<u>X</u>	___	___	___
Young	<u>X</u>	___	___	___
Palombo	<u>X</u>	___	___	___

9. Appointment of Capehart & Scatchard, P.A. and Joseph F. Betley, Esquire to act as Special Legal Counsel in Employment and Labor Law matters.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 139 -2014**

**RE: APPOINTMENT OF CAPEHART & SCATCHARD, P.A. AND  
JOSEPH F. BETLEY, ESQUIRE TO ACT AS SPECIAL LEGAL COUNSEL IN  
EMPLOYMENT AND LABOR LAW MATTERS**

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**WHEREAS**, the Township requires legal counsel to provide legal services in connection with employment law and labor law related issues; and

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

**WHEREAS**, the firm of Capehart & Scatchard, P.A. and Joseph F. Betley, Esquire have completed and submitted a Business Entity Disclosure Certification which certifies that said firm and said individual 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 said firm and said individual from making any contributions through the term of the contract; and

**WHEREAS**, the Township has decided to acquire the services of the firm of Capehart & Scatchard, P.A. and Joseph F. Betley, Esquire as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; 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. Capehart & Scatchard, P.A. and Joseph F. Betley, Esquire with offices at 8000 Midlantic Drive, Suite 300, Mount Laurel, New Jersey are hereby appointed Special Legal Counsel to handle employment law and labor law matters in conjunction with and at the direction of the regular Township Solicitor and as directed by the Township Committee.

3. This contract shall have a term of one (1) year from date of full execution.

4. This Contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Capehart & Scatchard, P.A. and Joseph F. Betley, Esquire have professional knowledge as to legal matters which knowledge is particularly valuable to the Township Committee.

#### **NOTICE OF CONTRACT AWARD**

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 Capehart & Scatchard, P.A. and Joseph F. Betley, Esquire for legal 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.

5. 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.

6. 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.

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

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

9. This Resolution shall be effective as of adoption.

Resolution No. 139 - 2014

Offered by: Inserra

Seconded by: Palombo

Adopted: June 9, 2014

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>X</u>	_____	_____	_____
Coggins	<u>X</u>	_____	_____	_____
Inserra	<u>X</u>	_____	_____	_____
Young	<u>X</u>	_____	_____	_____
Palombo	<u>X</u>	_____	_____	_____

10. Appointing George Karpinski and Timothy Longnecker as part-time employees to the Upper Township Division of Emergency Medical Services.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 140-2014**

**RE: APPOINTING GEORGE KARPINSKI AND TIMOTHY LONGNECKER  
AS PART-TIME EMPLOYEES TO THE UPPER TOWNSHIP  
DIVISION OF EMERGENCY MEDICAL SERVICES**

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**WHEREAS**, a need exists to appoint qualified personnel as part-time employees to the Upper Township Division of Emergency Medical Services to insure optimal operation; and

**WHEREAS**, a recommendation has been made to the Township Committee and duly considered at the meeting of May 27, 2014; and

**WHEREAS**, each individual's appointment is conditioned upon successful completion of a background check, drug and alcohol testing, and Civil Service review; and

**WHEREAS**, this Resolution is intended to ratify the action heretofore taken; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. George Karpinski and Timothy Longnecker are hereby conditionally appointed as a member of the Division of Emergency Medical Services in a part-time position at a rate of \$13.50 per hour in accordance with the Salary Ordinance.
3. This Resolution ratifies, confirms and approves action taken by the Township Committee, by motion, at the meeting of May 27, 2014.



Resolution No. 140 -2014

Offered by: Young

Seconded by: Barr

Adopted: June 9, 2014

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>
Coggins	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Inserra	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Young	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Palombo	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>

11. Appointing the 2014 season Beach Patrol personnel.

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

**RESOLUTION NO. 141-2014**

**RE: APPOINTING THE 2014 SEASON BEACH PATROL PERSONNEL**

---

**WHEREAS**, the individuals hereinafter named have been determined to possess the requisite skills, training and are otherwise eligible for appointment to the position of lifeguard; and

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

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

2. The following individuals are appointed as lifeguards in the Township of Upper, pending successful completion of pre-employment testing, at a salary as stated below in accordance with the Salary Ordinance:

**LIEUTENANT**

**Mike Manning                      \$17.50 per hour**

**RETURNING GUARDS**



**WHEREAS**, the Township has received complaints regarding the properties commonly known as 909 Upper Bridge Road, Petersburg, New Jersey, Block 449, Lot 5; 651 Stagecoach Road, Marmora, New Jersey, Block 601.01, Lot 9; 909 Upper Bridge Road, Petersburg, New Jersey, Block 449, Lot 5; 260 Route 49, Tuckahoe, New Jersey, Block 26, Lot 1; 890 Route 50, Petersburg, New Jersey, Block 455, Lot 16; 340 Dennisville/Petersburg Road, Petersburg, New Jersey, Block 455, Lot 33; 119 Dennisville/Petersburg Road, Petersburg, New Jersey, Block 474, Lot 1.01; 2289 Route 50, Tuckahoe, New Jersey, Block 348, Lot 27; 8 Allendale Road, Marmora, New Jersey, Block 730, Lot 21; 26 Red Oak Drive, Palermo, New Jersey, Block 569, Lot 24; Reading Avenue, Tuckahoe, New Jersey, Block 303, Lots 1, 2, 22, & 23 on the official tax map of the Township of Upper, and the zoning officer has determined that the properties contains a public nuisance and obnoxious growths which must be removed; and

**WHEREAS**, pursuant to Upper Township Code Section 11-1 and N.J.S.A. 40:48-2.13, the Township Committee is authorized to cause a Notice of Violation to be sent to the owner and/or foreclosing lien holder describing the violation and stating that unless the violation is abated, removed and remedied within 10 days from the date of such notice the violation shall be abated, removed and remedied by the Township and the cost thereof shall be assessed as a lien against said land; and

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The zoning officer is hereby directed to serve a Notice of Violation pursuant to Township Code Section 11-1 describing the obnoxious growths violation and nuisance at

909 Upper Bridge Road, Petersburg, New Jersey, Block 449, Lot 5; 651 Stagecoach Road, Marmora, New Jersey, Block 601.01, Lot 9; 909 Upper Bridge Road, Petersburg, New Jersey, Block 449, Lot 5; 260 Route 49, Tuckahoe, New Jersey, Block 26, Lot 1; 890 Route 50, Petersburg, New Jersey, Block 455, Lot 16; 340 Dennisville/Petersburg Road, Petersburg, New Jersey, Block 455, Lot 33; 119 Dennisville/Petersburg Road, Petersburg, New Jersey, Block 474, Lot 1.01; 2289 Route 50, Tuckahoe, New Jersey, Block 348, Lot 27; 8 Allendale Road, Marmora, New Jersey, Block 730, Lot 21; 26 Red Oak Drive, Palermo, New Jersey, Block 569, Lot 24; Reading Avenue, Tuckahoe, New Jersey, Block 303, Lots 1, 2, 22, & 23.

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. 142-2014

Offered by: Palombo

Seconded by: Inserra

Adopted: June 9, 2014

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>X</u>	___	___	___
Coggins	<u>X</u>	___	___	___
Inserra	<u>X</u>	___	___	___
Young	<u>X</u>	___	___	___
Palombo	<u>X</u>	___	___	___

13. Authorizing the Upper Tax Collector to extend the 3<sup>rd</sup> Quarter Grace Period.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 143-2014**

**AUTHORIZING THE UPPER TOWNSHIP TAX COLLECTOR  
TO EXTEND THE 3<sup>RD</sup> QUARTER GRACE PERIOD**

**WHEREAS**, the tax rate or bills were not received in time to

meet the statutory mailing and due dates, the grace period for the 3<sup>rd</sup> quarter of 2014 which is 10 days, will be extended to meet the statutory requirements as per N.J.S.A. 54:4-66.3d . (N.J.S.A.54:4-67) By law, the bills must be mailed 25 days prior to due date.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Upper, Cape May County, that in accordance with the law the third quarter of 2014 shall not be subject to interest until 25 days after mailing. Anyone paying after the extended grace period shall pay interest from the due date of August 1<sup>st</sup>.

Resolution No. 143-2014  
 Offered by: Coggins  
 Adopted: June 9, 2014

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>
Coggins	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Inserra	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Young	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Palombo	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

- 14. Chapter 159 Resolution for the insertion of a special item of revenue into the 2014 budget that was not determined at the time of the adoption of the budget - State of New Jersey Department of Transportation 2014 Municipal Aid Program for the Reconstruction of Bayview Drive Phase 2 in the amount of \$172,000.00.

**TOWNSHIP OF UPPER  
 CAPE MAY COUNTY  
 R E S O L U T I O N  
 RESOLUTION NO. 144-2014**

**RE: CHAPTER 159 RESOLUTION FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE INTO THE 2014 BUDGET THAT WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET—STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION 2014 MUNICIPAL AID PROGRAM FOR THE RECONSTRUCTION OF BAYVIEW DRIVE PHASE 2 IN THE AMOUNT OF \$172,000.00**

**WHEREAS, N.J.S.A 40A-87 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY WHEN SUCH ITEM SHALL HAVE BEEN MADE AVAILABLE BY LAW AND THE AMOUNT THEREOF WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET; AND**

**WHEREAS, SAID DIRECTOR MAY ALSO APPROVE THE INSERTION OF AN ITEM OF APPROPRIATION FOR AN EQUAL AMOUNT; AND**

**WHEREAS, THE TOWNSHIP OF UPPER WILL RECEIVE AN AMOUNT OF \$172,000.00 FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION 2014 MUNICIPAL AID PROGRAM FOR THE RECONSTRUCTION OF BAYVIEW DRIVE PHASE 2 AND WISHES TO AMEND ITS 2014 BUDGET TO INCLUDE THIS AMOUNT AS A REVENUE.**

**NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HEREBY REQUESTS THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES APPROVE THE INSERTION OF AN ADDITIONAL ITEM OF REVENUE IN THE BUDGET OF THE YEAR 2014 IN THE SUM OF \$172,000.00, WHICH IS NOW AVAILABLE AS A REVENUE FROM:**

**REVENUE: STATE & FEDERAL REVENUE OFFSET WITH APPROPRIATIONS: 2014 NJ DEPARTMENT OF TRANSPORTATION 2014 MUNICIPAL AID PROGRAM, AND**

**BE IT FURTHER RESOLVED THAT A LIKE SUM OF \$172,000.00 BE AND THE SAME IS HEREBY APPROPRIATED UNDER THE CAPTION OF:**

**APPROPRIATION: STATE AND FEDERAL PROGRAMS OFFSET BY REVENUE: 2014 NJ DEPARTMENT OF TRANSPORTATION 2014 MUNICIPAL AID PROGRAM, AND**

**BE IT FURTHER RESOLVED, THAT THE TOWNSHIP CLERK FORWARD TWO COPIES OF THIS RESOLUTION TO THE DIRECTOR OF LOCAL GOVERNMENT SERVICES.**

Resolution No. 144-2014

Offered by: Coggins

Seconded by: Barr

Adopted: June 9, 2014

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	X	_____	_____	_____
Coggins	X	_____	_____	_____
Inserra	X	_____	_____	_____
Young	X	_____	_____	_____
Palombo	X	_____	_____	_____

15. Chapter 159 Resolution for the insertion of a special item of revenue into the 2014 budget that was not determined at the time of the adoption of the budget - State of New Jersey 2014 Clean Communities Grant in the amount of \$32,099.13.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 145-2014**

**RE: CHAPTER 159 RESOLUTION FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE INTO THE 2014 BUDGET THAT WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET—STATE OF NEW JERSEY 2014 CLEAN COMMUNITIES GRANT IN THE AMOUNT OF \$32,099.13**

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**WHEREAS**, N.J.S. 40A-87 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY WHEN SUCH ITEM SHALL HAVE BEEN MADE AVAILABLE BY LAW AND THE AMOUNT THEREOF WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET; AND

**WHEREAS**, SAID DIRECTOR MAY ALSO APPROVE THE INSERTION OF AN ITEM OF APPROPRIATION FOR AN EQUAL AMOUNT; AND

**WHEREAS**, THE TOWNSHIP OF UPPER WILL RECEIVE AN AMOUNT OF \$32,099.13 FROM THE STATE OF NEW JERSEY 2014 CLEAN COMMUNITIES GRANT PROGRAM AND WISHES TO AMEND ITS 2014 BUDGET TO INCLUDE THIS AMOUNT AS A REVENUE.

**NOW, THEREFORE, BE IT RESOLVED** THAT THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HEREBY REQUESTS THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES APPROVE THE INSERTION OF AN ADDITIONAL ITEM OF REVENUE IN THE BUDGET OF THE YEAR 2014 IN THE SUM OF \$32,099.13, WHICH IS NOW AVAILABLE AS A REVENUE FROM:

REVENUE: STATE & FEDERAL REVENUE OFFSET WITH APPROPRIATIONS:  
2014 CLEAN COMMUNITIES GRANT PROGRAM, AND

**BE IT FURTHER RESOLVED** THAT A LIKE SUM OF \$32,099.13 BE AND THE SAME IS HEREBY APPROPRIATED UNDER THE CAPTION OF:

APPROPRIATION: STATE AND FEDERAL PROGRAMS OFFSET BY REVENUE:  
2014 CLEAN COMMUNITIES GRANT PROGRAM, AND

**BE IT FURTHER RESOLVED**, THAT THE TOWNSHIP CLERK FORWARD TWO COPIES OF THIS RESOLUTION TO THE DIRECTOR OF LOCAL GOVERNMENT SERVICES.

BARBARA L. YOUNG, TWP. CLERK

Resolution No. 145-2014

Offered by: Coggins

Seconded by: Palombo

Adopted: June 9, 2014

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>
Coggins	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Inserra	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Young	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Palombo	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>

16. Authorizing the release of the remaining cash bond and escrow funds to the Township of Upper in the settlement of the claim against Penn National Insurance Company, Surety Bond No. SB 0331362 with respect to Melvin Development, LLC, Principal, regarding that subdivision known as Greendale Drive, Block 646, Lot 17.02 in the Township of Upper, Cape May County, New Jersey.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 146-2014**

**RE: AUTHORIZING THE RELEASE OF THE REMAINING CASH BOND AND ESCROW FUNDS TO THE TOWNSHIP OF UPPER IN THE SETTLEMENT OF THE CLAIM AGAINST PENN NATIONAL INSURANCE COMPANY, SURETY BOND NO. SB 0331362 WITH RESPECT TO MELVIN DEVELOPMENT, LLC, PRINCIPAL, REGARDING THAT SUBDIVISION KNOWN AS GREENDALE DRIVE, BLOCK 646, LOT 17.02 IN THE TOWNSHIP OF UPPER, CAPE MAY COUNTY, NEW JERSEY**

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

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



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

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

**WHEREAS**, Melvin Development, LLC, failed to complete the improvements as required by the major subdivision approval granted by the Upper Township Planning Board; and

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

**WHEREAS**, by Resolution No. 185-2013 the Township Committee of the Township of Upper declared default with respect to the obligations of Melvin Development, LLC, and demanded that the Surety, Penn National Insurance Company, forthwith complete the work or pay over to the Township of Upper the amount of the Performance Bond; and

**WHEREAS**, the Township of Upper has authorized and received the settlement of the claim against the Performance Bond with a payment from Penn National Insurance Company to the Township in the amount of \$16,567.42; and

**WHEREAS**, the Township of Upper has subsequently completed all necessary work in Subdivision known as Greendale Drive, Block 646, Lot 17.02 in the Township of Upper, Cape May County, New Jersey and now wishes to release the remaining cash bond of \$12,749.08 together with the street light escrow and the inspection fee escrow of \$2,570.00, including any accrued interest on such amounts to the Township.

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

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

2. The Township Committee hereby directs the Chief Financial Officer to release the remaining cash bond of \$12,749.08 together with the street light escrow and the inspection fee escrow of \$2,570.00, plus any accrued interest to the Township of Upper.

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. 146 -2014

Offered by: Coggins

Seconded by: Inserra

Adopted: June 9, 2014

Roll Call Vote:

<u>NAME</u>	YES	NO	ABSTAINED	ABSENT
Barr	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Coggins	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Inserra	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Young	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Palombo	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>

**ORDINANCES**

**17. Public hearing and final adoption of Ordinance No. 010-2014 RE: AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53 FOR THE PREPARATION OF AN APPROVED TAX MAP.** During the public comment portion there were no speakers. Motion by John Coggins, second by Hobie Young, to adopt Ordinance No. 010-2014. During roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY**

**O R D I N A N C E  
ORDINANCE NO. 010-2014**

**RE: AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION  
PURSUANT TO N.J.S.A. 40A:4-53  
FOR THE PREPARATION OF AN APPROVED TAX MAP**

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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 \$50,000.00 is hereby appropriated for the preparation of an approved tax map 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 27<sup>th</sup> DAY OF MAY, 2014 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 JUNE, 2014 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**

- 18. Benjamin Duncan request to purchase Township owned property Block 667, Lot 7.**  
Due to a last minute scheduling issue with the conflict attorney, this matter was tabled and will be re-listed on the next agenda.

19. **Dan Williamson request to place temporary trailer at 415 Route 49 Tuckahoe during the re-construction of his home.** Motion by Anthony Inserra, second by Hobie Young to authorize the Municipal Clerk to issue a temporary use permit for the placement of a trailer at 415 Route 49, for a period of time up to one year, subject to compliance with all Township, County and State regulations including the approval and recommendation of the Zoning Board. During roll call vote all five Committee members voted in the affirmative.

20. **George and Joshua Ludlam request the re-configuration of Martintown Road.** Motion by Anthony Inserra, second by Hobie Young to approve placing speed bumps on Martintown Road. During roll call vote all five Committee members voted in the affirmative.

## UNFINISHED BUSINESS

## DISCUSSION

### PAYMENT OF BILLS:

21. **“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 John Coggins, second by Richard Palombo. During roll call vote all five Committee members voted in the affirmative.

Bills approved for payment: \$661,264.89  
Payroll: \$177,022.19

### REPORT OF MUNICIPAL DEPARTMENTS:

- 22. Construction Code
- 23. Clerk’s Office
- 24. Tax Collector
- 25. Tax Assessor
- 26. Finance
- 27. MUA Report
- 28. EMS
- 29. JIF Final Report - Upper Township 2014 Property Appraisals

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

## PUBLIC COMMENT

**Ted Kingston, Strathmere**, inquired into the plans to utilize the grant monies the Township has received for Bayview Drive and the boat ramp. Mr. Dietrich stated that he is in the process of preparing the designs for the reconstruction of Bayview Drive and once completed will present the plans to the Strathmere residents for discussion and address any questions.

**Robert Young, Jr., Tuckahoe**, recommended that the Committee look into reconfiguring Martintown Road. He stated that the road is definitely a safety hazard.

**CLOSED SESSION**

30. 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. 147-2014  
MOTION GOING INTO CLOSED SESSION  
JUNE 9, 2014

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 - Jersey Web Design
2. Contract negotiation - Louis Bonato
3. Contract negotiation – Digital tax maps
4. Contract negotiation – Shared Service with Dennis Township and Woodbine for a Radar Equipped Vehicle.
5. Litigation - Upper Township v. Yank and Sansone
6. Contract negotiation - Building Maintenance
7. Personnel

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

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

Moved by: John Coggins

Motion seconded by: Richard 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 9:05 P.M. The next regular meeting is scheduled for June 23, 2014 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC  
Municipal Clerk

#### BILL LIST

62971	06/09/14	A0018	ACTION SUPPLY INC.	86.68	2833
62972	06/09/14	A0025	ADVANTAGE RENTAL ACE HARDWARE	290.43	2833
62973	06/09/14	A0027	ACE PLUMBING SUPPLY, INC	31.30	2833
62974	06/09/14	A0035	AIRLINE HYDRAULIC CORP.	29.75	2833
62975	06/09/14	A0091	ATLANTIC CITY ELECTRIC	14,009.96	2833
62976	06/09/14	A0125	AVALON WEED & INSECT CONTROL	995.00	2833
62977	06/09/14	A0167	HESS CORPORATION	2,485.45	2833
62978	06/09/14	B0039	BEESELY'S PT. SEA DOO, INC.	6,500.00	2833
62979	06/09/14	B0220	BERGEY'S TRUCK CENTERS	397.48	2833
62980	06/09/14	C0068	COMCAST	231.84	2833
62981	06/09/14	C0143	CODY'S POWER EQUIPMENT	35.99	2833
62982	06/09/14	C0146	COLLINS IRON WORKS, INC.	216.97	2833
62983	06/09/14	C0171	COLONIAL ELECTRIC SUPPLY CO.	493.66	2833
62984	06/09/14	C0223	CASA PAYROLL SERVICE	307.45	2833
62985	06/09/14	C0247	CMRS-FP	6,000.00	2833
62986	06/09/14	C0264	CHERRY HILL FIRE DISTRICT	1,755.00	2833
62987	06/09/14	D0045	DEPTCOR	440.00	2833
62988	06/09/14	D0080	DOWNAM, HARRY J. JR.	173.00	2833
62989	06/09/14	F0030	FASTENAL	285.59	2833
62990	06/09/14	F0054	DEARBORN NATIONAL LIFE INS. CO	433.80	2833
62991	06/09/14	G0147	GREATAMERICA FINANCIAL SVCS.	176.97	2833
62992	06/09/14	H0002	H.A. DEHART & SON CORP.	40.96	2833
62993	06/09/14	H0018	HAROLD RUBIN L & H SUPPLY	338.16	2833
62994	06/09/14	H0073	HOME DEPOT CRC/GECF	827.20	2833
62995	06/09/14	H0095	HORIZON BCBSNJ	130,328.18	2833
62996	06/09/14	H0148	THOMAS H. HEIST INS AGENCY INC	40.00	2833
62997	06/09/14	J0039	JOHNSON & TOWER INC.	1,421.66	2833
62998	06/09/14	J0072	JERSEY WEB DESIGNS	1,200.00	2833
62999	06/09/14	K0047	KLINE, EDWARD T.	91.53	2833
63000	06/09/14	K0085	KARPINSKI, GEORGE	40.70	2833
63001	06/09/14	L0080	LOWES, INC.	168.78	2833
63002	06/09/14	M0032	MARINE RESCUE PRODUCTS, INC.	709.14	2833
63003	06/09/14	M0180	MED-TECH RESOURCE, LLC	1,767.92	2833
63004	06/09/14	M0222	MUNICIPAL CAPITAL CORPORATION	392.00	2833
63005	06/09/14	M0247	MORGAN, SCOTT	40.00	2833
63006	06/09/14	N0004	NJ-AMERICAN WATER CO.	127.05	2833
63007	06/09/14	N0052	NATL YOUTH SPORTS COACHED ASSN	535.00	2833
63008	06/09/14	N0100	N.J. LEAGUE OF MUNICIPALITIES	38.00	2833
63009	06/09/14	N0107	N.J.DIV ALCHOLOIC BEV CONTROL	24.00	2833
63010	06/09/14	N0131	DEFINED CONTRIB RETIRE PROGRAM	40.05	2833
63011	06/09/14	O0006	SJSHORE MARKETING, LLC	5,083.07	2833
63012	06/09/14	O0042	ORCHARD HYDRAULIC SERVICE INC	105.32	2833
63013	06/09/14	P0032	PEDRONI FUEL CO.	1,619.70	2833
63014	06/09/14	P0056	TURF EQUIPMENT AND SUPPLY CO	183.26	2833
63015	06/09/14	P0076	POSTMASTER-TUCKAHOE	226.00	2833

63016 06/09/14 R0030 RIGGINS, INC. 6,085.40 2833  
63017 06/09/14 R0099 RANSOME INTERNATIONAL, LLC 235.20 2833  
63018 06/09/14 R0100 ROBERTS OXYGEN COMPANY, INC. 78.58 2833  
63019 06/09/14 S0031 SCHULER SECURITY, INC. 360.00 2833  
63020 06/09/14 S0034 SCHULER, DANIEL 73.13 2833  
63021 06/09/14 S0056 SEASHORE ASPHALT CORPORATION 588.89 2833  
63022 06/09/14 S0106 SIMPLEX/GRINNELL 74.26 2833  
63023 06/09/14 S0122 SOMERS POINT LUMBER INC. 63.68 2833  
63024 06/09/14 S0134 SO. JERSEY GAS COMPANY 100.49 2833  
63025 06/09/14 S0196 STEWART BUSINESS SYSTEMS LLC 332.65 2833  
63026 06/09/14 S0209 STAPLES ADVANTAGE 1,109.50 2833  
63027 06/09/14 S0239 SHORE VET. ANIMAL CONTROL LLC 2,250.00 2833  
63028 06/09/14 T0067 TOWNSHIP OF UPPER PETTY CASH 7.41 2833  
63029 06/09/14 T0089 TREASURER, STATE OF N.J. 2,300.00 2833  
63030 06/09/14 T0117 TUCKAHOE FIRE DISTRICT #2 446,800.00 2833  
63031 06/09/14 T0168 TOWNSHIP OF UPPER 155.65 2833  
63032 06/09/14 U0026 UNIVERSAL SUPPLY CO., INC. 18.99 2833  
63033 06/09/14 U0028 UPPER TOWNSHIP BD.OF EDUCATION 616.81 2833  
63034 06/09/14 V0013 VERIZON WIRELESS 873.48 2833  
63035 06/09/14 V0022 VERIZON 220.13 2833  
63036 06/09/14 V0024 VAL-U AUTO PARTS L.L.C. 383.58 2833  
63037 06/09/14 V0025 V.E. RALPH & SON,INC. 122.45 2833  
63038 06/09/14 W0030 WEST PUBLISHING CO. 737.21 2833  
63039 06/09/14 Y0008 YOUNG, DANIEL J. ESQUIRE PC 14,268.98 2833  
63040 06/09/14 Y0020 YOUNG, BARBARA L. 19.42 2833  
63041 06/09/14 Y0023 YOUNG, DANIEL J. ATTORNEY 2,625.00 2833

Total: \$661,264.89