TOWNSHIP OF UPPER 2100 TUCKAHOE ROAD PETERSBURG, NJ 08270 CAPE MAY COUNTY MINUTES FOR JUNE 23, 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.

<u>APPROVAL OF MINUTES</u> - June 9, 2014 Regular Meeting and Closed Session Minutes "A" and "B"

REPORT OF GOVERNING BODY MEMBERS

Hobie Young, Committeeman, gave a brief report on the plans for the Fourth of July Event at Amanda's Field. There will be a free concert by the Kenny Young Band & D-Suspended Band from 4:30 to 8:30 p.m., with the intermission performed by Lets Party Painter's Characters. A salute to veterans performed by the Upper Township Boy Scout Troops and American Legion Post 239 of Tuckahoe. There will be various activities including free face painting, Moon Bounce and Pony Rides, and refreshments will be available with the proceeds going to support the Upper Township Challenger Sports programs. The Fireworks show will begin at dusk.

Edward Barr, Committeeman, reported that he has been working along with Committeeman Young and Emergency Management on the parking and safety plans for the Fourth of July events at Amanda's Field.

Richard Palombo, Mayor, reported that the Committee members will be riding in the OEM deuce and a half truck in the Strathmere parade. He next reported that the Township has been able to obtain several items from army surplus, including a heavy tow truck and a self-contained cooking trailer. In addition there is a partnership with the NJ State Police for the use of two Humvees. Mayor Palombo then congratulated the graduates from Ocean City High School and the eighth graders from Upper Township.

OTHER REPORTS

Barbara Young, Municipal Clerk, reported that the Upper Township Municipal Offices will be closed on Friday July 4th in observance of the holiday. A parade will be held in Strathmere beginning at 10:30 a.m. and later in the day festivities will continue at Amanda's Field with a free concert and various other activities.

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

Paul Dietrich, Municipal Engineer, reported that the Federal Government and the NJ Department of Environmental Protection signed the project partnership for the Army Corps of Engineers beach replenishment project. It is anticipated that the project will be advertised in August with the bid to be awarded in October. He next gave a brief update on the Township's Housing Rehabilitation project. The last house to be rehabbed will soon be completed. This will place the Township in full compliance with that aspect of the Fair Share Plan.

Barbara Spiegel, Chief Financial Officer, reported that the Township's employee picnic is scheduled for Thursday July 10th at Caldwell Park. Motion by Richard Palombo, second by Anthony Inserra to authorize \$500.00 to cover the cost of the picnic. During roll call vote all five Committee members voted in the affirmative. She next reported on a recent RFQ for actuarial services. Three companies responded, with the lowest quote being \$2,900.00 for a full actuarial report for 2013, and \$960 for later interim years. Motion by John Coggins, second by Anthony Inserra, to authorize a contract with Danziger & Markhoff for actuarial services. During roll call vote all five Committee members voted in the affirmative. A Resolution will be placed on the next agenda for formal action.

PRESENTATIONS

1. Honoring Ryan Casey on attaining the designation of Eagle Scout.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION NO.124-2014

RE: HONORING RYAN CASEY ON ATTAINING THE DESIGNATION OF "EAGLE SCOUT"

WHEREAS, Ryan Casey of Troop 79, Seaville, NJ, has recently achieved the designation of Eagle Scout in the Boy Scouts of America; and WHEREAS, the Township of Upper wishes to acknowledge this outstanding accomplishment; 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:

RESOLVED THAT the Township Committee extends its sincere congratulations to Ryan on the occasion of his receiving the designation of Eagle Scout and commends him for this outstanding accomplishment and the completion of his Eagle Scout project consisting of renovating the Gold Star Mothers Monument at the entrance to the Cape May County Veterans Cemetery and creating a reflection area in the rear of the cemetery. Ryan raised \$5,850 to fund the project through private donations and sponsorships from various organizations including the North Wildwood Elks, Veterans of Foreign Wars, the American Legion and the Marine Corps League. The deteriorating red brick base of the monument was replaced with a granite base and the plaque was refurbished with gold-leafing. The reflection area was created by replacing the asphalt with decorative pavers and planting shrubs; and

BE IT FURTHER RESOLVED that the Township Committee extends its sincere congratulations and best wishes to Ryan's parents, family and friends on this happy occasion; and it is

FURTHER RESOLVED that the Township Committee also extends its congratulations and appreciation to the Scout Masters and others who give so freely and generously of their time for the benefit of our youth.

 $\,$ GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 27th day of May, 2014.

Resolution No. 124-2014

Offered by: Barr Seconded by: Young

Adopted: May 27, 2014

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Barr	X			
Coggins	X			
Inserra	X			
Young	X			
Palombo	X			

2. Honoring Jason Armbruster, Aaron Grace, Deputy Chief Jeffrey McIntyre, Captain DJ Young, Firefighter Matthew Long, and Firefighter Mark Newman for their selfless acts of bravery and heroism.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 132-2014

RE: HONORING JASON ARMBRUSTER FOR HIS SELFLESS ACT OF HEROISM

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 9th day of

June, 2014.

Resolution No. 132-2014

Offered by: Barr

Adopted: June 9, 2014

Seconded by: Young

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Roll Call Vo	te:			
NAME	YES	NO	ABSTAINED	ABSENT
Barr	X			
Coggins	X			
Inserra	\overline{X}	· ·		
Young	X			
Palombo	X			

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 133-2014

RE: HONORING AARON GRACE FOR HIS SELFLESS ACT OF HEROISM

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 9th day of June, 2014.

Resolution No. 133-2014

Offered by: Coggins Seconded by: Inserra

Adopted: June 9, 2014

Roll Call Vote:

NAME	YES	<u>NO</u>	ABSTAINED	ABSENT
Barr	_X			
Coggins	X			
Inserra	\overline{X}			
Young	\overline{X}			
Palombo	\overline{X}			

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

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

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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 9th day of

Resolution No. 134-2014	
Offered by: Young	Seconded by: Inserra
Adopted: June 9, 2014	

Roll Call Vote:

June, 2014.

NAME	YES	NO	ABSTAINED	ABSENT
Barr	_X			
Coggins	X			
Inserra	_X			
Young	_ X			
Palombo	_X			

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

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 9th day of June, 2014.

Resolution No. 135-2014

Offered by: Barr Seconded by: Inserra

Adopted: June 9, 2014

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Barr	_X			
Coggins	_X			
Inserra	_X			
Young	X			
Palombo	\overline{X}			

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

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 9th day of June, 2014.

Resolution No. 136-2014

Offered by: Young Seconded by: Inserra

Adopted: June 9, 2014

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	ABSTAINED	ABSENT
Barr	_X			
Coggins	_X			
Inserra	_X			
Young	X			
Palombo	\overline{X}			<u></u>

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

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 9th day of

June, 2014.

Resolution No. 137-2014

Offered by: Coggins Seconded by: Barr

Adopted: June 9, 2014

Roll Call Vote:

NAME YES NO ABSTAINED ABSENT

Inserra	X	 	
Young	_X	 	
Palombo	_X	 	_

3. 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

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)

Nicolas DiMarco

Evan Nathan

Christian McDermott

Christian Power gordner

Christian Power gordner

Christian Baumgardner

WHEREAS, we also extend this recognition and thanks to John Millar and Mike Millar 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.

June, 2014.

Resolution No. 138-2014

Offered by: Inserra Seconded by: Coggins

Adopted: June 9, 2014

Roll Call Vote:

<u>NAME</u>	YES	NO	ABSTAINED	ABSENT
Barr	_X			
Coggins	_X			
Inserra	_X			
Young	X			
Palombo	\overline{X}			

RESOLUTIONS

4. Congratulating Brock Zurawski on winning the Mid Atlantic Wrestling Association Eastern National Championship.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION NO. 148–2014

RE: CONGRATULATING BROCK ZURAWSKI ON WINNING THE MID ATLANTIC WRESTLING ASSOCIATION EASTERN NATIONAL CHAMPIONSHIP

WHEREAS, Brock Zurawski, who has wrestled for three years with the Upper Township Green Hornets, had an outstanding season with a team leading 55-7 record with 18 pins while competing in the Midget age division at the 70 pound weight class; and

WHEREAS, Brock wrestled on a national duals team earlier this year where he competed against some of the toughest competition in the nation and compiled a 5-1 record with two pins; and

WHEREAS, Brock won 13 individual tournament championships, placed fifth at the War at the Shore National Championships and became only the eighth Upper Township

Green Hornet wrestler in team history to become a Mid Atlantic Wrestling Association (MAWA) Eastern National Champion; and

WHEREAS, it is appropriate that on behalf of the citizens of Upper Township we congratulate Brock on his National Championship title and celebrate the dedication, hard work and perseverance he has exemplified while becoming an elite athlete on a national level; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee, on behalf of the citizens of the Township of Upper, to congratulate Brock Zurawski on winning the MAWA Eastern National Championship in the Midget 70 pound class.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 23rd day of June, 2014.

Resolution No. 148-2014

Offered by: Barr Seconded by: Young

Adopted: June 23, 2014

Roll Call Vote:

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

5. Congratulating Charlie Cossaboone on placing second in the Mid Atlantic Wrestling Association Eastern National Championship.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION NO. 149–2014

RE: CONGRATULATING CHARLIE COSSABOONE ON PLACING SECOND IN THE MID-ATLANTIC WRESTLING ASSOCIATION EASTERN NATIONAL CHAMPIONSHIP WHEREAS, Charley Cossaboone, who has wrestled for four years with the Upper

Township Green Hornets, had an outstanding season compiling a 55-13 record with 22 pins while

competing in the Midget age division at the 75 pound weight class; and

WHEREAS, Charley wrestled varsity for the Green Hornets for the third consecutive

season and also wrestled on a national duals team comprised of elite wrestlers from across the nation;

and

WHEREAS, Charley is one of the most decorated wrestlers in Upper Township

Wrestling history, winning numerous national titles which include being a two time War at the Shore

National Champion, and a 2012 Mid Atlantic Wresting Association (MAWA) National Champion; and

WHEREAS, this year Charley placed fourth at the North Jersey State Championships,

fifth at the War at the Shore Nationals, and second at the MAWA Eastern National Championship in

May 2014; and

WHEREAS, it is appropriate that on behalf of the citizens of Upper Township we

congratulate Charley on his State and National Championship titles and celebrate the dedication, hard

work and perseverance he has exemplified while becoming an elite athlete on a national level; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee, on behalf of

the citizens of the Township of Upper, to congratulate Charley Cossaboone on achieving second place

in the Midget 75 pound class of the MAWA Eastern National Championship.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 23rd day

of June, 2014.

Resolution No. 149-2014

Offered by: Young Seconded by: Barr

Adopted: June 23, 2014

Roll Call Vote:

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6. Congratulating Nick Layton on placing eighth in the Mid Atlantic Wrestling Association Eastern National Championship.

> **TOWNSHIP OF UPPER CAPE MAY COUNTY** RESOLUTION RESOLUTION NO. 150-2014

RE: CONGRATULATING NICK LAYTON ON PLACING EIGTH IN THE MID ATLANTIC WRESTLING ASSOCIATION EASTERN NATIONAL CHAMPIONSHIP

WHEREAS, Nick Layton, who is a first year wrestler with the Green Hornets,

had an outstanding season compiling a 29-11 record with 23 pins while competing in the

Bantam age division at the 70 pound weight class; and

WHEREAS, Nick competed in 13 tournaments during his first season, winning

seven individual championships; and

WHEREAS, this year Nick surpassed expectations by placing eighth at the

Mid Atlantic Wrestling Association (MAWA) Eastern National Championships in May 2014

earning a spot on the podium and All-American status; and

WHEREAS, it is appropriate that on behalf of the citizens of Upper Township

we congratulate Nick on his National Championship title and celebrate the dedication, hard

work and perseverance he has exemplified while becoming an elite athlete on a national level;

and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee, on

behalf of the citizens of the Township of Upper, to congratulate Nick Layton on achieving

eighth place in the Bantam 70 pound class of the MAWA Eastern National Championship.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 23rd

day of June, 2014.

Resolution No. 150-2014

Offered by: Young

Adopted: June 23, 2014

Seconded by: Coggins

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Roll Call Vo	ote:			
<u>NAME</u>	<u>YES</u>	<u>NO</u>	ABSTAINED	ABSENT
Barr	X			
Coggins	X			
Inserra	_X			
Young	X			
Palombo	_X			

7. Resolution and Certification with respect to the 2013 Annual Audit and in compliance with the Local Finance Board of the State of New Jersey.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 151-2014

RESOLUTION AND CERTIFICATION WITH RESPECT TO THE 2013 ANNUAL AUDIT AND IN COMPLIANCE WITH THE LOCAL FINANCE BOARD OF THE STATE OF NEW JERSEY

WHEREAS, N.J.S.A. 40A:5-4 required the governing body of every local unit to have

made an annual audit of its books, accounts and financial transaction; and

WHEREAS, the Annual Report of Audit for the year <u>2013</u> has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

GENERAL COMMENTS
AND
RECOMMENDATIONS

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

GENERAL COMMENTS AND RECOMMENDATIONS

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S.52:27BB-52 -"A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE BE IT RESOLVED, that the governing body of the Township of Upper, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Resolution No. 151-2014 Offered by: Coggins Seconded by: Barr Adopted: June 23, 2014 Roll Call Vote: NAME NO ABSTAINED ABSENT YES Barr X Coggins Inserra Young Palombo

8. Authorizing the Mayor to sign a Special Use System Map Delivery and Non-Disclosure Agreement with New Jersey American Water Company, Inc.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 152-2014

RE: AUTHORIZING THE MAYOR TO SIGN A SPECIAL USE SYSTEM MAP DELIVERY AND NON-DISCLOSURE AGREEMENT WITH NEW JERSEY AMERICAN WATER COMPANY, INC.

WHEREAS; The Township of Upper has requested the New Jersey American Water Company, Inc. to deliver a Special Use System Map; and

WHEREAS, New Jersey American Water Company, Inc. is requiring the Township to sign a Special Use System Map Delivery and Non-Disclosure Agreement; and

WHEREAS, said Agreement has been reviewed and approved by the Municipal Attorney and is attached hereto as Exhibit A.

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, directed and empowered to execute a Special Use System Map Delivery and Non-Disclosure Agreement with the New Jersey American Water Company, Inc. on behalf of the Township of Upper.
 - 3. All Township officials, officers and employees are empowered to take such

action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Resolution No. 152-2014

Offered by: Barr Seconded by: Palombo

Adopted: June 23, 2014

Roll Call Vote:

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

9. Renewal of an Alcoholic Consumption License to Levariland, Inc. for the license year commencing July 1, 2014.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 153-2014

RE: RENEWAL OF AN ALCOHOLIC CONSUMPTION LICENSE TO LEVARILAND, INC. FOR THE LICENSE YEAR COMMENCING JULY 1 2014.

WHEREAS, the holder of an alcoholic beverage license in the Township of Upper has applied for renewal of its license in the prescribed manner; and

WHEREAS, said holder of an alcoholic beverage license has complied with all requirements of law and regulations of the Division of Alcoholic Beverage Control; and

WHEREAS, no objections have been filed with the Township Committee as the issuing authority of the Township of Upper.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper in the County of Cape May and State of New Jersey, that the following license be authorized for issue for the license year effective July 1, 2014:

Levariland, Inc.
T/A Levari's Seafood and American Grill
1291 State Highway Route 50
P.O. Box 17
Tuckahoe, N.J. 08250
License # 0511-33-006-005
Plenary Retail Consumption License

Municipal Fee Paid: \$700.00 State Fee Paid: \$200.00

BE IT FURTHER RESOLVED that the aforesaid alcoholic beverage license which has been authorized to be issued pursuant to this Resolution shall be delivered to the licensee or his authorized agent at such time as the licensee or his authorized agent shall sign an actual receipt therefore in the stub of the license book and otherwise satisfy the requirements of N.J.A.C. 13:2-3.2.

Resolution No. 153-2014

Offered by: Young Seconded by: Inserra

Adopted: June 23, 2014

NAME	YES	NO	ABSTAINED	ABSENT
Barr	<u>X</u>			
Coggins	_X			
Inserra	$\overline{\mathbf{X}}$		-	
Young	<u>_X</u>			
Palombo	$\overline{\mathbf{X}}$			

10. Appointment of Louis A. Bonato as an Appraiser for the Township of Upper.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 154 - 2014

RE: APPOINTMENT OF LOUIS A. BONATO AS AN APPRAISER FOR THE TOWNSHIP OF UPPER

WHEREAS, the Township periodically requires an appraiser to provide services to obtain the fair market value of lots owned by the Township with respect to the anticipated sale of said lots; and

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

WHEREAS, Louis A. Bonato has completed and submitted a Business Entity

Disclosure Certification which certifies that Louis A. Bonato 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 Louis A. Bonato from making any contributions through the term of the contract; and

WHEREAS, the Township has decided to acquire the services of Louis A. Bonato as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-2.05; 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. Louis A. Bonato with offices at 22 Mockingbird Lane, Petersburg, New Jersey is hereby appointed appraiser for the Township of Upper for the appraisal of lots in connection with the Township's anticipated sale to land owners.
 - 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 Louis A. Bonato has professional knowledge as to appraisal issues which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-2.05.

NOTICE OF CONTRACT AWARD

- 5. The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Louis A. Bonato for appraisal services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.
- 6. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the official budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.

- 7. The contractor has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.
- 8. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Louis A. Bonato in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.
- 9. A 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.
 - 10. This Resolution shall be effective as of adoption.

Resolution No. 154 - 2014

Offered by: Young Seconded by: Coggins

Adopted: June 23, 2014

Roll Call Vote:

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

11. Appointing the 2014 season Beach Patrol Personnel.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION

RESOLUTION NO. 155-2014

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:

ROOKIE GUARDS

Aaron Holibaugh	\$11.00	per	hour
Chris Walton	\$11.00	per	hour
Ryan Fisher	\$11.00	per	hour
Colin Stewart	\$11.00	per	hour

3. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Resolution No. 155-2014

Offered by: Inserra Seconded by: Barr

Adopted: June 23, 2014

Roll Call Vote:

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

12. Authorizing execution of NJDEP TWA-1 application Statements of Consent form regarding 14 Randolph Avenue, Strathmere, Block 829, Lot 4.02.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION

RESOLUTION NO. 156-2014

RE: AUTHORIZING EXECUTION OF NJDEP TWA-1 APPLICATION STATEMENTS OF CONSENT FORM REGARDING 14 RANDOLPH AVENUE, STRATHMERE, BLOCK 829, LOT 4.02

WHEREAS, Joseph A. Gallagher has or is about to make application to the New Jersey Department of Environmental Protection (hereinafter "DEP") for Treatment Works Approval for a two 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, Joseph A. Gallagher 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 two bedroom single family dwelling to be constructed on 14 Randolph Avenue, Block 829, Lot 4.02 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:

- 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 Joseph A. Gallagher for treatment works approval for the property at Block 829, Lot 4.02 on the municipal tax map.
- 4. A certified copy of this Resolution shall be provided to the applicant.

Resolution No. 156-2014

Offered by: Palombo Seconded by: Young

Adopted: June 23, 2014

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Barr	x			
Coggins	X			
Inserra	x			
Young	x			
Palombo	x			

13. Authorizing a Professional Services Contract with Jersey Web Design and Francis E. Corcoran for the maintenance and development of the Upper Township Internet Web Site and other technology related tasks.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 157-2014

RE: AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH JERSEY WEB DESIGN AND FRANCIS E. CORCORAN FOR THE MAINTENANCE AND DEVELOPMENT OF THE UPPER TOWNSHIP INTERNET WEB SITE AND OTHER TECHNOLOGY RELATED TASKS

WHEREAS, the Township of Upper maintains an internet web site which requires routine maintenance and web site enhancement, including but not limited to the development of new pages, information, and data for the web site; and

WHEREAS, from time to time the Township is also in need of computer maintenance and other technology related tasks; and

WHEREAS, Jersey Web Design and Francis E. Corcoran possess the requisite skill and knowledge to perform these services; and

WHEREAS, the Township has decided to acquire the services of Jersey Web Design as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Jersey Web Design and Francis E. Corcoran have completed and submitted Business Entity Disclosure Certifications which certify that said businesses 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 businesses 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. Jersey Web Design and Francis E. Corcoran with offices at 5 Sheila Avenue, Ocean View, New Jersey 08230, are hereby hired by the Township of Upper for the purposes as specified in this Resolution and the attached professional services agreement.
 - 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 Jersey Web Design and Francis E. Corcoran have 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 Jersey Web Design and Francis E. Corcoran for maintenance of the Upper Township internet web site and other technology related tasks. 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. Jersey Web Design and Francis E. Corcoran have registered with the State of New Jersey pursuant to c.57, Laws of 2004 and will provide proof of that registration to the Township of Upper.
- 8. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Service Agreement with Jersey Web Design and Francis E. Corcoran in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto-said contract shall become effective.
- 9. A 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.

Resolution No. 157-2014 Offered by: Inserra Adopted: June 23, 2014

Seconded by: Barr

Roll Call Vote:

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

14. Authorizing the extension of a Shared Services Agreement with the Borough of Woodbine and the Township of Dennis for the sharing of a radar equipped vehicle for an additional term of one (1) year commencing July 1, 2014 to June 30, 2015.

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

RESOLUTION NO. 158-2014

RE: AUTHORIZING THE EXTENSION OF A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF WOODBINE AND THE TOWNSHIP OF DENNIS FOR THE SHARING OF A RADAR EQUIPPED VEHICLE FOR AN ADDITIONAL TERM OF ONE (1) YEAR COMMENCING JULY 1, 2014 TO JUNE 30, 2015

WHEREAS, pursuant to Ordinance No. 4-1999, the Township of Upper was authorized to enter into a Shared Services Agreement with the Municipalities of Woodbine and Dennis Township for the sharing of a radar equipped vehicle; and

WHEREAS, the parties desire to extend the term of such Agreement for an additional term of one (1) year; and

WHEREAS, the matter has been duly considered by the Township Committee, which has concluded that such extension is in the public interest and will promote the public health, safety and welfare;

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 reference.
- 2. The Shared Services Agreement, dated May 10, 1999, entered into by municipalities of Woodbine and Dennis Township for sharing of a radar equipped vehicle is hereby extended for an additional term of one (1) year, commencing July 1, 2014 through and inclusive of June 30, 2015, upon the same terms and conditions.
- 3. In accordance with paragraph 3 of the Agreement of May 10, 1999, Upper Township and Woodbine agree to compensate Dennis Township, as purchaser of the radar vehicle, an annual payment in the amount of \$1,000.00; and in accordance with paragraph 4 of the Agreement, Dennis Township will provide evidence of insurance in the prescribed amounts naming the Township of Upper as an additional insured.
- 4. Paragraph 5 of Item 2 of the Agreement of May 10, 1999 is hereby deemed amended so that the Contract term will expire on June 30, 2015.
- 5. This Resolution extending the term of the aforesaid Contract is conditioned upon similar action being taken by the Governing Body of the Borough of Woodbine and the Township of Dennis.
- 6. All officers and officials of the Township of Upper are authorized, directed and empowered to take such action as may be reasonable, required or necessary to carry out the intent and purpose of this Resolution.

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Resolution	INO •	

Offered by: Barr Seconded by: Coggins

Adopted: June 23, 2014

Roll Call	Vote:			
NAME	YES	NO	ABSTAINED	ABSENT
Barr	_X _			
Coggins	X			
Inserra	_X			
Young	X			
Palombo	X			

15. Appointing Thomas M. Lonergan as a part-time seasonal Beach Sweeper to the Upper Township Public Works Department.

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

RESOLUTION NO. 159-2014

RE: APPOINTING THOMAS M. LONERGAN
AS A PART-TIME SEASONAL BEACH SWEEPER
TO THE UPPER TOWNSHIP PUBLIC WORKS DEPARTMENT

WHEREAS, a need exists to appoint qualified personnel as part-time employees to the Upper Township Public Works Department to insure optimal operation; 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. Thomas M. Lonergan is hereby appointed in a part-time seasonal position as a beach sweeper, pending pre-employment testing, at a salary of \$11.50 per hour in accordance with the Salary Ordinance.
- 3. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Resolution No. 159-2014
Offered by: Barr Seconded by: Coggins
Adopted: June 23, 2014
Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Barr	_X			
Coggins	_X			

Inserra	X		
Young	X	 	
Palombo	_X	 	

16. Authorizing a Notice of Violation and Abatement of Nuisance for Block 350, Lot 9; Block 306, Lot 20; Block 10, Lot 177 and Block 414.02, Lot 81 pursuant to Township Code Section 11-1.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 160-2014

RE: AUTHORIZING A NOTICE OF VIOLATION AND ABATEMENT OF NUISANCE FOR BLOCK 350, LOT 9; BLOCK 306, LOT 20; BLOCK 10, LOT 177; BLOCK 414.02, LOT 81 PURSUANT TO TOWNSHIP CODE SECTION 11-1

WHEREAS, pursuant to Township Code Section 11-1, the Township Committee is empowered to enforce the removal of fire hazards and nuisances, including the clearing of obnoxious growths; and

WHEREAS, the Township has received complaints regarding the properties commonly known as 2140 Route 50, Tuckahoe, New Jersey, Block 350, Lot 9; 2280 Route 50, Tuckahoe, New Jersey, Block 306, Lot 20; 340 Steelmantown Road, Steelmantown, New Jersey, Block 10, Lot 177 and 42 N. Sunset Drive, Petersburg, New Jersey, Block 414.02, Lot 81 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 2140 Route 50, Tuckahoe, New Jersey, Block 350, Lot 9; 2280 Route 50, Tuckahoe, New Jersey, Block 306, Lot 20; 340 Steelmantown Road, Steelmantown, New Jersey, Block 10, Lot 177 and 42 N. Sunset Drive, Petersburg, New Jersey, Block 414.02, Lot 81.
- 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. 160-2014

Offered by: Young Seconded by: Inserra

Adopted: June 23, 2014

Roll Call Vote:

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

17. Authorizing the Mayor and Township Clerk to sign a contract with Neil Levinbook, Esq., Todd Ruggiero, Esq., and the Levinbook Law Firm, P.C. for Professional Consultant Services.

TOWNSHIP OF UPPER CAPE MAY COUNTY

RESOLUTION

RESOLUTION NO. 161-2014

RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A CONTRACT WITH NEIL LEVINBOOK, ESQ., TODD RUGGIERO, ESQ., AND THE LEVINBOOK LAW FIRM, P.C. FOR PROFESSIONAL CONSULTANT SERVICES

WHEREAS, the Township of Upper has a need for professional consultant services in regard to the Township's cellular tower lease agreements; and

WHEREAS, Neil Levinbook Esq., Todd Ruggiero, Esq., and The Levinbook Law Firm, P.C. have submitted a proposal to the Township to provide said consultant services; and

WHEREAS, the Township wishes to accept said proposal and to authorize the execution of a contract with Neil Levinbook Esq., Todd Ruggiero, Esq., and The Levinbook Law Firm, P.C.; and

WHEREAS, Neil Levinbook Esq., Todd Ruggiero, Esq., and The Levinbook Law Firm, P.C. have completed and submitted a Business Entity Disclosure Certification which certifies that Neil Levinbook Esq., Todd Ruggiero, Esq., and The Levinbook Law Firm, P.C. 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 Neil Levinbook Esq., Todd Ruggiero, Esq., and The Levinbook Law Firm, P.C. 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 Neil Levinbook Esq., Todd Ruggiero, Esq., and The Levinbook Law Firm, P.C. with offices at 100 Motor Parkway, Suite 110, Hauppauge, New York, 11788, to provide professional consultant services.
 - 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 Neil Levinbook Esq., Todd Ruggiero, Esq., and The Levinbook Law Firm, P.C. have 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 Neil Levinbook Esq., Todd Ruggiero, Esq., and The Levinbook Law Firm, P.C. for professional consultant services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.
- 6. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the official budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.
- 7. The contractor has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and will provide proof of that registration to the Township of Upper.
- 8. 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. 161-2014
Offered by: Inserra
Adopted: June 23, 2014

Roll Call Vote:

NAME YES NO ABSTAINED ABSENT
Barr X
Coggins X
Inserra X
Young X

ORDINANCES

Palombo

CORRESPONDENCE

NEW BUSINESS

18. **Benjamin Duncan request to purchase Township owned property Block 667, Lot 7.**Due to a conflict, Municipal Attorney Daniel Young stepped down from this discussion. Conflict Attorney Norman Briggs reported that the request is for the purchase of an undersized lot which under the statute, if the Township votes to move forward with the request, will need to be put out to bid to the three other contiguous land owners. Motion by Mayor Palombo, second by Anthony Inserra, to move forward with the request. An appraisal of the requested property will be obtained to set the minimum bid and the parcel will then be offered up to bid to all contiguous land owners. During roll call vote all five Committee members voted in the affirmative.

At this point Mr. Briggs stepped down and Mr. Young returned to the meeting.

- 19. Bid opening results for 2013 or Newer Refuse Collection Vehicle for Upper Township. The CFO reported on the recent bid opening held on June 12, 2014; two bidders responded, with the lowest bid from Gran Turk Equipment Company being \$254,866.00 with a 1% discount if the invoice is paid within 10 days of delivery. Mr. Inserra stated that he believes the decision to purchase the vehicle should wait in order to gather more information. The Municipal Attorney stated that the Township must act within 60 days of the bid opening Mr. Coggins requested a report from the Department of Public Works outlining the current trash pickup routes and new routes using a third automated truck, manpower assignments now and after a third truck is delivered, and a schedule of disposal of the trucks that are no longer needed. Motion by Anthony Inserra, second by Mayor Palombo to table this matter, to be relisted on the July 28 agenda. During roll call vote all five Committee members voted in the affirmative.
- 20. **Debra S. and Anthony R. Maiatico request for a refund of construction permit fees.** Motion by Anthony Inserra, second by Edward Barr, to approve the request. During roll call vote all five Committee members voted in the affirmative.
- 21. Greater Tuckahoe Area Merchants Association request to hold Kayak raffle at the Upper Township Municipal Beach on August 3, 2014. Motion by Edward Barr, second by Anthony Inserra, to approve the request. During roll call vote all five Committee members voted in the affirmative.

UNFINISHED BUSINESS:

DISCUSSION

PAYMENT OF BILLS:

22. "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: \$105,143.06

Payroll: \$182,995.70

REPORT OF MUNICIPAL DEPARTMENTS:

- 23. Animal Control
- 24. Municipal Court
- 25. Green Team Minutes

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

Richard Fellows, Tuckahoe, expressed his concern with a report that the Township will be selling an easement on a parcel of Township owned property which is currently being used as a baseball field in Tuckahoe. It was stated that the sale of the easement fits into the Township's plans to consolidate all recreation fields into Amanda's Field, as well as furthers the Township's support for the South Jersey Gas pipeline to BL England project.

Bob Allen, Seaville, spoke regarding the potential impact radius of a gas pipeline blowout and voiced his opposition to the proposed valve station in Tuckahoe.

Dave Lauro, President of Bayberry Cove Condominium Association, spoke regarding taxes and Township services in Bayberry Cove. The Municipal Attorney stated that the taxes are set by the assessor for the market value of the land and any improvements on it. In addition every individual land owner has the right to appeal their assessment if they feel their property is assessed too high. He further stated that because under State law Bayberry Cove Condominium Campground is considered a seasonal proprietary business and not a residential year round community, the Municipal services that residential properties receive are not available to businesses.

Pat Welsh, President of Oakridge Condominium Resort, stated that the residents of Oakridge campground love Upper Township, own and maintain their homes, and pay their taxes faithfully. They consider Upper Township as their home and anything the Township can do for the residents of Oakridge and Bayberry would be greatly appreciated.

Donald Rainear, Strathmere, stated his opposition to the Township executing the Treatment Works Application for Block 829, Lot 4.02, and requested the Township to reconsider submitting the application.

Anna Bauer, Strathmere, voiced her frustration with the County and the State with regards to a dispute she has with the owners of Block 829, Lot 4.02 and their plans to build a home.

Mellissa Linz, Tuckahoe Rd, requested that in the future if the Township is going to honor emergency workers for their response to a call, then everyone that was at the scene should be acknowledged. Committeeman Barr suggested forming a recognition Committee with the Chiefs Association to make sure that no one is slighted from receiving the recognition they deserve.

Joel Wentz, Bayberry Cove, inquired as to why a campground is treated as a business. Municipal Attorney stated that Bayberry Cove is a seasonal licensed approved campground and the state statute for municipal services does not cover campgrounds. It was stated that while the Township cannot provide the same services to the campground as they do for a residential property, the Township will pick up recycling if the recycling is placed in appropriate containers and located in one centralized location.

CLOSED SESSION

26. 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. 162-2014 MOTION GOING INTO CLOSED SESSION JUNE 23, 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 JIF membership renewal
- 2. Contract negotiation Shared Service Dennis Township Municipal Court
- 3. Contract negotiation Auditing service
- 4. Safety and Security 4th of July
- 5. 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 10:40 P.M. The next regular meeting is scheduled for July 14, 2014 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC Municipal Clerk

Bill List

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63042 06/23/14 A0018 ACTION SUPPLY INC. 467.03 2834
63043 06/23/14 A0027 ACE PLUMBING SUPPLY, INC 403.03 2834
63044 06/23/14 A0030 AFTER-PROM COMMITTEE OCHS 5,507.50 2834
63045 06/23/14 A0091 ATLANTIC CITY ELECTRIC 4,270.99 2834
63046 06/23/14 A0134 ANSELL GRIMM & AARON, PC 875.00 2834
63047 06/23/14 A0191 ACTION UNIFORM CO. LLC 324.00 2834
63048 06/23/14 B0035 BELMONT & CRYSTAL SPRINGS 60.79 2834
63049 06/23/14 B0039 BEESLEY'S PT. SEA DOO, INC. 1,040.00 2834
63050 06/23/14 B0106 BARLOW BUICK GMC 601.04 2834
63051 06/23/14 B0142 BRINKERHOFF ENVIRONMENTAL 750.00 2834
63052 06/23/14 B0201 BUCK'S ELECTRICAL SERVICE, INC 369.00 2834
63053 06/23/14 B0221 Paul Boehmler 45.00 2834
63054 06/23/14 C0031 CAPE ASSIST 1,800.00 2834
63055 06/23/14 C0046 CAPE MAY COUNTY CLERK 8.00 2834
63056 06/23/14 C0060 CAPRIONI'S PORTABLE TOILETS 2,191.25 2834
63057 06/23/14 C0061 CAPRIONI FAMILY SEPTIC 760.00 2834
63058 06/23/14 C0068 COMCAST 254.75 2834
63059 06/23/14 C0081 CAPE MAY COUNTY TECHNICAL HIGH 400.00 2834
63060 06/23/14 C0130 CHIEF SUPPLY CORP. 90.80 2834
63061 06/23/14 C0143 CODY'S POWER EQUIPMENT 9.38 2834
63062 06/23/14 C0146 COLLINS IRON WORKS, INC. 272.76 2834
63063 06/23/14 C0156 COMPUTER HOUSE OF SOUTH JERSEY 7,695.00 2834
63064 06/23/14 C0171 COLONIAL ELECTRIC SUPPLY CO. 228.04 2834
63065 06/23/14 C0201 CRUZAN'S TRUCK SERVICE INC. 1,983.46 2834
63066 06/23/14 C0223 CASA PAYROLL SERVICE 280.35 2834
63067 06/23/14 C0242 CORE MECHANICAL, INC. 650.01 2834
63068 06/23/14 D0015 DAN'S WELDING 3,700.00 2834
63069 06/23/14 D0040 DELTA DENTAL OF N.J. INC. 6,077.24 2834
63070 06/23/14 D0148 DIRECT ENERGY BUSINESS 3,243.05 2834
63071 06/23/14 E0012 EHRLICH PEST CONTROL INC 167.16 2834
63072 06/23/14 E0062 EASTERN SURPLUS & EQUIPMENT CO 247.00 2834
63073 06/23/14 G0014 GARDEN STATE HWY PRODUCTS INC. 225.00 2834
63074 06/23/14 G0016 GARDNER HARDWARE INC. 169.15 2834
63075 06/23/14 G0028 GENTILINI FORD 176.11 2834
63076 06/23/14 G0057 GLOBALSTAR USA LLC 212.34 2834
63077 06/23/14 G0141 GENTILINI CHEVROLET 170.60 2834
63078 06/23/14 H0002 H.A. DEHART & SON CORP. 132.60 2834
63079 06/23/14 H0018 HAROLD RUBIN L & H SUPPLY 853.86 2834
63080 06/23/14 J0006 JDS GENERAL CONTRACTING, INC. 3,850.00 2834
63081 06/23/14 J0028 JESCO, INC. 302.21 2834
63082 06/23/14 J0072 JERSEY WEB DESIGNS 700.00 2834
63083 06/23/14 K0020 KENNEY, EDWARD 82.00 2834
63084 06/23/14 L0007 LC EQUIPMENT, INC. 965.00 2834
63085 06/23/14 L0040 LEA, SHELLEY 25.00 2834
63086 06/23/14 L0087 LINE SYSTEMS INC 3,036.95 2834
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63087 06/23/14 L0112 LONERGAN, THOMAS M. 40.70 2834
63088 06/23/14 M0016 McAFEE, MEGAN 16.80 2834
63089 06/23/14 M0019 MAXIMUM MARINE 317.20 2834
63090 06/23/14 M0080 McMANIMON, SCOTLAND & BAUMANN 1,335.35 2834
63091 06/23/14 M0136 MUNICIPAL RECORD SERVICE 204.50 2834
63092 06/23/14 M0180 MED-TECH RESOURCE, LLC 302.59 2834
63093 06/23/14 M0188 MCCARTHY TIRE SERVICE OF PHILA 2,924.46 2834
63094 06/23/14 N-0141 NICKERSON, ZACHARY 163.83 2834
63095 06/23/14 N0043 NAPA AUTO PARTS 0.00 06/23/14 VOID 0
63096 06/23/14 N0043 NAPA AUTO PARTS 1,201.74 2834
63097 06/23/14 N0094 NEW JERSEY PLANNING OFFICIALS 38.00 2834
63098 06/23/14 N0131 DEFINED CONTRIB RETIRE PROGRAM 64.12 2834
63099 06/23/14 N0140 NORRIS SALES COMPANY, INC 5,483.80 2834
63100 06/23/14 00012 OCEAN CITY BD. OF EDUCATION 453.71 2834
63101 06/23/14 P0032 PEDRONI FUEL CO. 3,961.70 2834
63102 06/23/14 P0056 TURF EQUIPMENT AND SUPPLY CO 1,522.48 2834
63103 06/23/14 P0073 POGUE INC. 591.00 2834
63104 06/23/14 P0075 POSITIVE PROMOTIONS INC 820.46 2834
63105 06/23/14 P0089 PREMIER SCHOOL AGENDAS, INC. 2,039.75 2834
63106 06/23/14 P0096 PREVITI, MICHELE M. 198.66 2834
63107 06/23/14 P0148 PBA LOCAL 61 610.35 2834
63108 06/23/14 R0029 RIDDELL/ALL AMERICAN 3,861.92 2834
63109 06/23/14 R0030 RIGGINS, INC. 9,134.94 2834
63110 06/23/14 R0065 ROBERT BROWN TREE SERVICE 500.00 2834
63111 06/23/14 S0001 SAM'S CLUB 123.40 2834
63112 06/23/14 S0073 SENIOR TRAVEL SERVICE, INC. 1,775.00 2834
63113 06/23/14 S0112 SOUTH JERSEY COURT ADM. ASSOC. 30.00 2834
63114 06/23/14 S0122 SOMERS POINT LUMBER INC. 57.40 2834
63115 06/23/14 S0134 SO. JERSEY GAS COMPANY 117.10 2834
63116 06/23/14 S0196 STEWART BUSINESS SYSTEMS LLC 117.45 2834
63117 06/23/14 S0209 STAPLES ADVANTAGE 273.83 2834
63118 06/23/14 T0032 THE PRESS & SUNDAY PRESS 582.93 2834
63119 06/23/14 T0067 TOWNSHIP OF UPPER PETTY CASH 7.10 2834
63120 06/23/14 U0003 U.S. MUNICIPAL SUPPLY, INC. 1,922.28 2834
63121 06/23/14 U0037 UPPER TOWNSHIP P.T.A. 500.00 2834
63122 06/23/14 V0005 VAN EMBDEN, NATHAN, ATTORNEY 900.00 2834
63123 06/23/14 V0018 VILLAGE PHARMACY, INC. 96.00 2834
63124 06/23/14 V0024 VAL-U AUTO PARTS L.L.C. 534.78 2834
63125 06/23/14 V0026 VITAL COMPUTER RESOURCES, INC. 100.00 2834
63126 06/23/14 V0027 VANORDER, ROGER 158.63 2834
63127 06/23/14 W0045 WILDWOOD CATHOLIC HIGH SCHOOL 400.00 2834
63128 06/23/14 W0050 WIRELESS ELECTRONICS, INC. 5,880.00 2834
63129 06/23/14 Y0006 YESTERDAY'S 106.65 2834
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Total: \$105,143.06