

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR FEBRUARY 10, 2014**

*******BUDGET WORKSHOP MEETING - 6:30 P.M.**

In preparation of the 2014 Municipal Budget the third budget workshop meeting was called to order this evening at 6:30 PM.

The following were present for the meeting tonight:

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

Also present were Municipal Clerk Barbara L. Young, Finance Officer Barbara Spiegel, Municipal Auditor Leon Costello, and Municipal Engineer Paul Dietrich.

The Open Public Meeting notice was read into the record.

Mr. Coggins requested that the Committee continue examining the line items from where they left off from the last budget workshop. There was a brief discussion regarding the reduction of the Public Works Salaries and Wages line item. The amount budgeted reflects a buffer put in place for overtime pay for emergencies such as snow removal, etc. It was stated that a budget transfer could take place starting November 1 in the event of an unexpected expenditure. There was a general consensus to cut the following items:

Road Repairs & Maintenance
Salaries & Wages - \$20,000.00
Miscellaneous Other Expenses -\$5,000.00

Garbage & Trash
Miscellaneous Other Expenses - \$7,000.00

Sports & Recreation
Other Expenses - \$5,000.00

Based on the decisions made tonight, the budget appropriations were reduced an additional \$65,000.00. Mr. Costello stated that the Budget will be scheduled for introduction on March 10, with the public hearing scheduled for April 14. The budget can be changed at any point before adoption.

Motion by Mayor Palombo, second by Hobie Young, to adjourn the budget workshop. During roll call vote all five Committee members voted in the affirmative.

There was a brief recess before the regular meeting convened.

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
Hobie Young	Present
Richard Palombo	Present

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

APPROVAL OF MINUTES - January 27, 2014 Budget Workshop, Regular Meeting and Closed Session Minutes

Motion by Anthony Inserra, second by Edward Barr, to adopt the January 27, 2014 Budget Workshop, 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

Hobie Young, Committeeman, reported that he has met with the Upper Township Historical Society to go over some requested repairs to the three properties the Township leases to the Society. He will be working with the Township's maintenance workers to see what can be done. He next reported that he has received a complaint regarding the way the Community Center is being treated by some of the participants in the different organizations. He stated that he would like to see a part-time employee, with the cost offset by the Associations, in order to supervise during the different events. He next reported that there is an issue at the Amanda's Field baseball field in which there is a hazardous gap between the outfield sod and the infield mix. The infield may have to be raised. He next stated that they are still in the process of working on the plans to utilize the County Open Space grant funding at Amanda's Field.

Edward Barr, Committeeman, reported that a free rabies clinic will be held on February 22, 2014 from 1:00 to 3:00 pm at Shore Veterinarians. He next reported that he recently attended a meeting regarding central dispatch services with the County. A feasibility study has determined that a central dispatch system will result in cost savings for every Municipality in the County. The County will be reaching out to the individual municipalities and will continue to pursue the project. Mr. Barr next reported that Superior Court Judge

Mendez came to visit the Township's court this afternoon along with several officials. They were very impressed with the Township's shared services agreements with Dennis Township and Corbin City, and stated that Upper Township was the first shared court agreement that crossed county lines. They also stated that with the installation of the metal detector, the Township is in total compliance with the State's security mandates.

Richard Palombo, Mayor, reported that he and Committeemen Coggins, Young and Barr attended the grand reopening of the Upper Township Senior Center today. The County, through grant funding, has totally refurbished and renovated the building. The Township has a shared services agreement with the County in which the Township will maintain the building and the County will provide the staff and services. The new center also has a wellness site, which will allow the opportunity for free flu vaccinations and other services for all residents. He thanked and congratulated the County Freeholders and staff, and in particular Freeholder Gabor, for their efforts with obtaining the funding and completing the project.

OTHER REPORTS

Barbara Young, Municipal Clerk, reported that on Tuesday February 11, 2014 the US Postal Service will be holding a public meeting at Town Hall at 6:00 pm with regard to the hours of operation of the Tuckahoe Post Office. She next reported that the Municipal Offices will be closed on Monday February 17 for the Presidents Day holiday.

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

Paul Dietrich, Municipal Engineer, reported that Comcast will be moving UTTV Channel 2 to Channel 97 effective February 28. The information has been placed on UTTV and the website. Mr. Dietrich was directed to confirm with Comcast that all residents will be able to access the new channel regardless of their cable package. Mr. Dietrich next reported that the County will be meeting on Tuesday February 11 to approve the County Open Space Grant funding which will include improvements to Amanda's Field and the Bayview Avenue Boat Ramp. Once the funding has been approved a shared services agreement will be drafted for the Committee's approval.

Barbara Spiegel, Chief Finance Officer, reported on a request from the Public Works Supervisors to attend a Public Works conference on March 19th and 20th to fulfill continuing education requirements. Motion by Anthony Inserra, second by Edward Barr, to approve the request. During roll call vote all five Committee members voted in the affirmative. Ms. Spiegel next reported that pursuant to the State's Best Practices requirements the Township's Health Insurance Broker is to be paid a flat rate. The Broker has confirmed the flat rate and upon the Committee's approval, a contract will be ready for formal action at the next meeting. It was stated that the payment to the Insurance Broker is already included in the premium with Horizon, this contract will just itemize the expense.

RESOLUTIONS

1. Authorizing the Purchasing Agent to prepare specifications and solicit bids for a 10' Bed Dump Truck.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 40-2014

**RE: AUTHORIZING THE PURCHASING AGENT TO PREPARE
SPECIFICATIONS AND SOLICIT BIDS FOR A 10' BED DUMP TRUCK**

WHEREAS, the Township Committee of the Township of Upper has determined a need for a new vehicle to insure optimal operations; and

WHEREAS, pursuant to the provisions of the Local Public Contracts Law, the Township of Upper intends to solicit bids as herein indicated;

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 Purchasing Agent is hereby authorized and directed to prepare specifications, bid documents and solicit bids for the following:
 - a) One (1) 10' Bed Dump Truck.
3. Sealed bids shall be received by the Township of Upper in accordance with the directives contained in the Notice to Bidders.

Resolution No. 40-2014

Offered by: Coggins

Seconded by: Inserra

Adopted: February 10, 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. Appointment of Members to the Green Team Advisory Committee.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 041-2014

**RE: APPOINTMENTS TO THE UPPER TOWNSHIP
GREEN TEAM ADVISORY COMMITTEE**

WHEREAS, the Upper Township Green Team Advisory Committee is an established committee consisting of volunteer members who shall meet throughout the year to develop plans, recommend programs, assist with educational opportunities that support the creation of a sustainable community, and advise the Township Committee on ways to improve municipal operations with “Green” initiatives which are economically and environmentally sound; and

WHEREAS, Township of Upper hereby acknowledges that the residents of the Township of Upper desire a stable, sustainable future for themselves and future generations; and

WHEREAS, by endorsing a sustainable path the Township of Upper is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

WHEREAS, as elected representatives of the Township of Upper, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community.

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 persons are hereby appointed to the Green Team Advisory Committee

of the Township of Upper:

**Fred Beuttler
Zachary Nickerson
Denise Ruch**

3. The following persons are hereby recognized as continuing in their appointments to

the Green Team Advisory Committee of the Township of Upper:

**Anthony Inserra
Paul Dietrich
Katelynn Wintz
Karen Mitchell
Ralph Cooper
Marya Small**

4. The forgoing appointees shall constitute the sole members of the Green Team Advisory Committee, subject to the provision of Paragraph 5 hereof.

5. The Township Committee expressly reserves the right to supplement this Resolution at any time it deems it appropriate to change the membership or policies of the Green Team Advisory Committee.

Resolution No. 41-2014

Offered by: Inserra

Seconded by: Palombo

Adopted: February 10, 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>	_____	_____	_____

3. Amendment of the Official Organizational Chart for the Township of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 042-2014

**AMENDMENT OF THE OFFICIAL ORGANIZATIONAL CHART FOR THE
TOWNSHIP OF UPPER**

WHEREAS, The Township of Upper finds it necessary to revise and update the Official Organizational Chart for the Township of Upper; and

WHEREAS, the aforesaid chart entitled “*Township of Upper Organizational Chart*” is attached hereto as Exhibit “A” and is available for inspection;

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 has determined that the chart attached as Exhibit “A” and identified as the “*Township of Upper Organizational Chart*” is hereby accepted and designated on January 27, 2014 as the official Organizational Chart until such time as amended by the Township Committee.

Resolution No. 42-2014
Offered by: Barr
Adopted: February 10, 2014

Seconded by: Young

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>	___	___	___

4. Appointing Theodore Cooper as a temporary Construction Code and Building Sub-Code Official on an as needed basis in the absence of the permanent Construction Code and Building Sub-Code Official.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 043-2014

**RE: APPOINTING THEODORE COOPER AS A TEMPORARY
CONSTRUCTION CODE AND BUILDING SUB-CODE OFFICIAL ON AN
AS NEEDED BASIS IN THE ABSENCE OF THE PERMANENT
CONSTRUCTION CODE AND BUILDING SUB-CODE OFFICIAL**

WHEREAS, there is a need by the Township of Upper to appoint a temporary Construction Code and Building Sub-Code Official on an as needed basis during the absence of the Permanent Construction Code and Building Sub-Code Official; and

WHEREAS, Theodore Copper possesses the requisite licenses as required by the New Jersey Uniform Construction Code; and

WHEREAS, a Resolution is required authorizing the award of a contract for professional services to Theodore Cooper; and

WHEREAS, the proposed contract has been reviewed and approved by the Municipal Attorney and will be on record in the office of the Township Clerk and available for public inspection and is attached hereto as Exhibit “A”; and

WHEREAS, Theodore Cooper, as an independent contractor, has completed and submitted a Form W-9 to the Township of Upper; and

WHEREAS, Theodore Cooper has completed and submitted a Business Entity Disclosure Certification which certifies that Theodore Cooper 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 Theodore Cooper 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 Theodore Cooper to serve as the temporary Construction Code Official and Building Sub-Code Official as needed.
3. 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 Theodore Cooper has professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-2.05.

NOTICE OF CONTRACT AWARD

4. 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 Theodore Cooper. 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. 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. 43-2014

Offered by: Young

Seconded by: Inserra

Adopted February 10, 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. Authorizing a Professional Services Contract with Pogue, Inc. T/A Pogue Safety & Health Consortium for an alcohol and controlled substances training and testing program for certain Township employees.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

R E S O L U T I O N

RESOLUTION NO. 44-2014

**RE: AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH POGUE,INC.
T/A POGUE SAFETY & HEALTH CONSORTIUM FOR AN ALCOHOL AND CONTROLLED
SUBSTANCES TRAINING AND TESTING PROGRAM FOR CERTAIN TOWNSHIP EMPLOYEES**

WHEREAS, the Omnibus Transportation Employee Testing Act of 1991 became applicable to the Township of Upper in 1996 in accordance with 49 C.F.R. §382.115(B) and mandates drug and alcohol testing for employees holding commercial driver’s licenses engaged in safety sensitive duties and further requires each employer to maintain a testing policy as required by 49 C.F.R. §382.401(C)(6)(ib); and

WHEREAS, the Township has previously determined to extend that policy to all employees working in hazardous or safety sensitive areas and also to public safety employees including the Division of EMS and Township lifeguards; and

WHEREAS, to administer such a program in accordance with the Federal rules, regulations and guidelines, it is necessary to employ the services of a firm possessing such specialized skill and training; and

WHEREAS, Pogue, Inc., t/a Pogue Safety & Health Consortium (hereinafter referred to as “Pogue”), has the required expertise and provides the same or similar services for several other municipalities; and

WHEREAS, the Township Committee intends to engage the services of Pogue under a Professional Services Contract; and

WHEREAS, Pogue, Inc. t/a Pogue Safety & Health Consortium has completed and submitted a Business Entity Disclosure Certification which certify that the contractor 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 the contractor from making any contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified the availability of funds to permit said Contract to be entered into;

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. Pogue 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.**
- 3. The proposed Professional Services Contract between the Township and Pogue, a copy of which is on file in the office of the Township Clerk, is approved and the Mayor and the Township Clerk are hereby authorized, directed and empowered to execute said Contract on behalf of the Township of Upper and the Township Clerk is further authorized, directed and empowered to seal said Contract with the seal of the Township of Upper.**
- 4. The Township Clerk shall cause a Notice of Award of this Contract to be published in the official newspaper of the Township of Upper as required by N.J.S.A. 40A:11-5.**
- 5. This Contract has been awarded without competitive bidding for the following reason or reasons:**
 - (A) Professional services of the type herein sought are of such a nature as to require a high degree of trust or confidence in the individual providing the service and, in fact, may require the creation of a confidential or fiduciary relationship between that individual and the municipality;**
 - (B) The services required are highly specialized or technical in nature;**
 - (C) The services require peculiar ability or skill and demand a high degree of specialized knowledge or expertise;**
 - (D) The services are such that their relative work must be judged by subjective considerations that are not susceptible of valuation by competitive bidding; and**
 - (E) The individual who will provide these services has demonstrated his competence and particular expertise in the services required.**
- 6. This Resolution shall take effect immediately and shall be deemed retroactive to January 1, 2014.**

Resolution No. 44-2014

Offered by: Coggins

Seconded by: Barr

Adopted: February 10, 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			

- 6. Authorizing the Mayor and Township Engineer to sign and submit a New Jersey Community Forestry Program Green Communities Grant Application.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 45-2014**

RE: AUTHORIZING THE MAYOR AND TOWNSHIP ENGINEER TO SIGN AND SUBMIT A NEW JERSEY COMMUNITY FORESTRY PROGRAM GREEN COMMUNITIES GRANT APPLICATION

WHEREAS, the Township of Upper wishes to take advantage of the New Jersey Community Forestry Green Communities grant program , which will assist the Township in developing a Community Forestry Management Plan; and

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

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 Engineer of the Township of Upper are hereby authorized, directed, and empowered to sign and submit a Green Communities Grant Application, a copy of which is attached hereto as Exhibit“A”.

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. 45-2014

Offered by: Coggins

Seconded by: Inserra

Adopted: February 10, 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>

7. Approving the application of the Marmora Volunteer Fire Co. for Highway Coin Drops.

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

RESOLUTION NO. 46-2014

**RE: APPROVING THE APPLICATION OF THE MARMORA VOLUNTEER FIRE
CO. FOR HIGHWAY COIN DROPS**

WHEREAS, the Marmora Volunteer Fire Co., a non-profit corporation providing firefighting services, has made application to the Township Committee to hold coin drop solicitations in Upper Township; and

WHEREAS, the Township Committee has approved the requests; and

WHEREAS, the requests require approval from the County of Cape May and the State of New Jersey;

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 application of the Marmora Volunteer Fire Co. to hold a coin drop within Upper Township at the Intersection of Roosevelt Boulevard and the Garden State Parkway from the GSP South Exit and South Entrance to the end of the Plaza on the South Side of Roosevelt Boulevard is hereby approved for the following dates:

Saturday, July 5, 2014, and Saturday, July 26, 2014
from 9:00 a.m. to 3:00 p.m.;

AND

Saturday, August 2, 2014, and Saturday, August 16,
2014 from 9:00 a.m. to 3:00 p.m.

3. Attached to this Resolution is a certified copy of Ordinance No. 7-2001, authorizing coin drops within Upper Township enacted pursuant to N.J.S.A. 39:4-60.

4. A certified copy of this Resolution shall be provided to the State of New Jersey, Department of Transportation and the Board of Chosen Freeholders of the County of Cape May.

Resolution No. 46-2014

Offered by: Barr

Adopted: February 10, 2014

Seconded by: Coggins

Roll Call Vote:

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

8. Resolution authorizing the issuance of \$600,000 special emergency notes for the revaluation program of the Township of Upper, in the County of Cape May, New Jersey.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 47-2014

RE: RESOLUTION AUTHORIZING THE ISSUANCE OF \$600,000
SPECIAL EMERGENCY NOTES FOR THE REVALUATION
PROGRAM OF THE TOWNSHIP OF UPPER, IN THE COUNTY
OF CAPE MAY, NEW JERSEY.

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. An ordinance authorizing a special emergency appropriation of \$750,000 for the preparation and execution of a complete program of revaluation of real property for the use of the local assessor has been finally adopted and a copy thereof has been filed with the Director of Local Government Services.

Section 2. In order to finance a portion of the special emergency appropriation described in Section 1 of this resolution, the Township of Upper is hereby authorized to

borrow the sum of \$600,000 and to issue its special emergency notes therefor in accordance with the Local Budget Law of New Jersey (N.J.S.A. 40A:4-55).

The special emergency notes authorized by this resolution may be issued in amounts and denominations not exceeding in the aggregate the amount of notes authorized herein, as determined by the chief financial officer of the Township pursuant to this resolution.

The Township may finance the special emergency appropriation from surplus funds available or may borrow money in a manner prescribed herein. Where an appropriation is financed from surplus funds available, at least one-fifth of the amount thereof shall be included in each annual budget until the appropriation has been fully provided for.

Section 3. The following matters in connection with the notes are hereby determined:

(a) All notes issued hereunder and any renewals thereof shall mature at such time as may be determined by the chief financial officer within the limitations of the Local Budget Law, provided however, that at least one-fifth of all such notes and the renewals thereof shall mature and be paid in each year so that all notes and renewals shall have matured and have been paid not later than the last day of the fifth year following the date of this resolution;

(b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer;

(c) The notes shall be in the form determined by the chief financial officer and the chief financial officer's signature upon the notes shall be conclusive as to such determination;

Section 4. The chief financial officer is hereby authorized and directed to determine all matters in connection with the notes not determined by this or a subsequent resolution and the chief financial officer's signature upon the notes shall be conclusive as to such determination.

Section 5. The chief financial officer is hereby authorized to sell the notes from time to time at public or private sale in such amounts as such officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Section 6. Any instrument issued pursuant to this resolution shall be a general obligation of the Township. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 7. The chief financial officer is authorized and directed to report in writing to this governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

Section 8. A copy of this resolution as adopted shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

Section 9. This resolution shall take effect immediately.

Resolution No. 47-2014
Offered by: Coggins
Adopted: February 10, 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>	_____	_____	_____

ORDINANCES

9. **Public Hearing and Final Adoption of Ordinance No. 001-2014 RE: AN ORDINANCE AMENDING ORDINANCE NO. 013-2013 KNOWN AS THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2014.** During the public hearing portion there were no speakers. Motion by John Coggins, second by Anthony Inserra, to adopt Ordinance No. 001-2014. 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. 001-2014

RE: AN ORDINANCE AMENDING ORDINANCE NO. 013-2013 KNOWN AS THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2014

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

SECTION 1: Ordinance No. 013-2013, known as the Salary Ordinance of 2014 at Section 2, is hereby amended as hereinafter provided for the line items as indicated below:

SECTION 2: SALARIES: Salaries for the various officials and employees of the Township of Upper for the calendar year 2014 shall be as follows:

<u>POSITION</u>	<u>MINIMUM</u>	<u>MAX-2014</u>
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A. ADMINISTRATIVE/REVENUE AND FINANCE:

Township Engineer	No Min.	115,000.00
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SECTION 3: SEVERABILITY: If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its

effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION 4: REPEALER: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 5: EFFECTIVE DATE: This Ordinance shall take effect immediately upon final adoption and publication as required by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING ON JANUARY 13, 2014 AND WILL BE TAKEN UP FOR SECOND READING AND FINAL ADOPTION AT A MEETING OF THE UPPER TOWNSHIP COMMITTEE TO BE HELD ON FEBRUARY 10, 2014 AT 7:30 P.M.

BY ORDER OF THE TOWNSHIP COMMITTEE.

**BARBARA L. YOUNG, RMC
TOWNSHIP CLERK**

RESOLUTION

10. Resolution amending 012-2014 confirming appointments of various employees to annual and specified terms.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 48-2014

**RE: RESOLUTION AMENDING 012-2014 CONFIRMING APPOINTMENT OF
VARIOUS EMPLOYEES TO ANNUAL AND SPECIFIED TERMS**

WHEREAS, the Township of Upper made appointments of various administrative and other personnel pursuant to Resolution 012-2014 in order to staff the various positions of the Township for the ensuing year; and

WHEREAS, the Township of Upper now desires to amend Resolution 012-2014 and certain appointments contained in said Resolution; 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 person shall be appointed to the position opposite his name for a one (1) year term commencing *January 1, 2014*:

ANNUAL APPOINTMENTS - ONE (1) YEAR TERM

<u>NAME</u>	<u>POSITION</u>	<u>SALARY</u>
Paul Dietrich	Computer Director	\$ 1,500.00
	Municipal Housing Liaison	\$ 2,500.00
	Floodplain Manager	\$ 1,000.00
	Stormwater Program Coordinator	
	Solid Waste Advisory Committee	
	Air Quality Control Officer	

3. The following person is presently serving in the position indicated for a fixed term.

<u>NAME</u>	<u>POSITION</u>	<u>SALARY</u>	<u>TERM</u>
Paul Dietrich	Township Engineer	\$99,356.00	3-year term commencing 4/1/2012 and expiring 3/31/2015

4. This Resolution amends Resolution 012-2014 with respect to the appointments set forth above.

Resolution No. 48–2014

Offered by: Inserra

Seconded by: Palombo

Adopted: February 10, 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>	_____	_____	_____

CORRESPONDENCE

NEW BUSINESS

11. Solar Speed Radar Signs – Provide to County desired location for sign installation in Township. It was stated that the County has purchased solar-powered radar signs that displays a motorists’ speed and records the data. The County will install one sign in each Municipality upon receiving the desired location. After a brief discussion, it was decided to request that the County install the sign on the south bound side of Stagecoach Road between Coventry and Ocean Avenue. It was stated that the Township should look into the possibility of purchasing an additional sign. The Municipal Engineer was directed to inquire with the County regarding the cost.

UNFINISHED BUSINESS:

12. Planning and Zoning Board Structure. There was a brief discussion regarding several documents submitted by the Planning and Zoning Board Solicitor, the Chair of the Zoning Board, and the Vice Chair of the Planning Board. It was reported that at a recent special meeting held by both the Planning and Zoning Boards, it was proposed that the Solicitor reduce his compensation in the amount of \$2,000.00 for each board as well as contract as an independent contractor rather than an employee, which will save the township \$1,840.00 in withholding taxes. It was also proposed that the fee schedule for the boards is severely deficient as compared to neighboring towns. It was stated that an increase in the fee schedule should be considered, as well as billing each applicant for the services provided by the Township’s professionals during the meetings. Committeeman Coggins stated that the targeted cost reduction by combining the boards was \$15,500, and the proposed compensation reduction of Mr. Marcolongo’s contract does not result in the targeted savings. He stated that even though he believes the Township’s fee schedule should be increased, he does not

believe that fees generated by the applicants should be included in any discussions regarding cost reduction. Mr. Coggins made a motion to place an Ordinance on a future agenda to merge the Zoning Board into the Planning Board. Committee Inserra seconded the motion, and stated that after going through the budgeting process the past few weeks, if a \$1,000.00 budget line item is important enough to cut out of the budget, then \$10,000.00 is even more important to cut.

During roll call vote:

Committeeman Barr voted no. Mr. Barr stated that although there may be a cost savings, he does not believe that merging the boards is in the best interest of the public or for the applicants that are entitled to a speedy application process.

Committeeman Coggins voted yes.

Committeeman Inserra voted yes.

Committeeman Young voted no. Mr. Young stated that he fails to see a cost saving in combining the boards as they represent a very small line item in the budget. The Boards should generate enough funds in user fees to offset the costs, and the fees should be raised in order to ensure this.

Mayor Palombo voted no. Mr. Palombo stated that throughout his tenure he has worked very hard in maintaining a high level of services for the residents. He stated that with the savings realized through the renegotiation of the Solicitor's contract and potentially raising the fees, any savings realized by merging the boards is not worth cutting the services the Planning and Zoning Boards provide to our residents.

The motion was defeated.

DISCUSSION

13. **RFP for Tax Maps.** The Municipal Engineer reported that tax map revisions are required periodically through the year and requested authorization to put out a Request for Proposals for tax map revision services. Motion by Richard Palombo, second by John Coggins, to authorize the Engineer to solicit proposals by RFP for tax map revision services. During roll call vote all five Committee members voted in the affirmative. It was stated that the fees for revisions to the tax map should be included in the costs for Street Vacations, Land Sales, Subdivisions etc. The Municipal Attorney stated that the fee ordinance can be revised at the Committee's direction as long as there is a rational basis for the actual cost.
14. **Amendment to Bond Ordinance No. 015-2013.** The Chief Financial Officer presented a brief summary of the proposed changes to the bond ordinance as directed by the Committee at the January 27 meeting. After some discussion, it was decided to move forward with the proposed Ordinance at the next meeting.

PAYMENT OF BILLS:

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

Bills approved for payment: \$226,964.98

Payroll: \$172,791.21

REPORT OF MUNICIPAL DEPARTMENTS:

- 16. Construction Code
- 17. Clerk’s Office
- 18. Animal Control
- 19. Tax Assessor
- 20. Tax Collector
- 21. Finance Office

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

PUBLIC COMMENT

David Levari, 1291 Rt 50, Tuckahoe, asked for assistance regarding a letter he received from the Planning/Zoning Board Secretary with regard to his property at Levari’s Seafood and American Grill. It was stated that the Township could help facilitate answering Mr. Levari’s questions with the Planning and Zoning Office.

CLOSED SESSION

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

TOWNSHIP OF UPPER
RESOLUTION NO. 49-2014
MOTION GOING INTO CLOSED SESSION
FEBRUARY 10, 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 – Shared Services for Recycling Coordinator
- 2. Personnel
- 3. Safety and Security Issues

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

- A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.
- B. With respect to employment and personnel matters such discussions will be made public if and when formal action is taken or when the individuals involved consent that it can be made public.
- C. With respect to contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.

Moved by: John Coggins

Motion seconded by: Edward Barr

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

RECONVENE PUBLIC PORTION OF MEETING

Motion by John Coggins, second by Anthony Inserra, to appoint Raymond Lauriello as the temporary Electrical Sub-Code Official on an as needed basis at the rate of \$25.00 per hour. During roll call vote all five Committee members voted in the affirmative. A resolution will be placed on the next agenda for formal action.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 8:50 P.M. The next regular meeting is scheduled for February 24, 2014 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC
Municipal Clerk

Bill List

62291 02/10/14 A0023 ADAMS, JOHN 203.68 2815
 62292 02/10/14 A0025 ADVANTAGE RENTAL ACE HARDWARE 557.77 2815
 62293 02/10/14 A0027 ACE PLUMBING SUPPLY, INC 202.82 2815
 62294 02/10/14 A0061 ASSOC. CERT. TAX ASSESSORS CMC 660.00 2815
 62295 02/10/14 A0072 AN ENCHANTING FLORIST 100.00 2815
 62296 02/10/14 A0081 ARMSTRONG, RALON I. 10.00 2815
 62297 02/10/14 A0091 ATLANTIC CITY ELECTRIC 14,826.41 2815
 62298 02/10/14 A0100 ATLANTIC CITY ELECTRIC 1,256.95 2815
 62299 02/10/14 A0167 HESS CORPORATION 4,441.61 2815
 62300 02/10/14 B0035 BELMONT & CRYSTAL SPRINGS 33.20 2815
 62301 02/10/14 B0106 BARLOW BUICK GMC 1,162.22 2815
 62302 02/10/14 B0142 BRINKERHOFF ENVIRONMENTAL 750.00 2815
 62303 02/10/14 B0178 BUGANSKI, PETER R. 34.60 2815
 62304 02/10/14 B0218 BCI BURKE COMPANY, LLC 7,387.29 2815
 62305 02/10/14 C0010 CMC MUNICIPAL JUDGES ASSOC 75.00 2815
 62306 02/10/14 C0031 CAPE ASSIST 1,155.00 2815
 62307 02/10/14 C0068 COMCAST 231.84 2815
 62308 02/10/14 C0116 CINTAS FAX LOCKBOX 636525 193.15 2815

62309	02/10/14	C0121	CMC CONFERENCE OF MAYORS	325.00	2815
62310	02/10/14	C0201	CRUZAN'S TRUCK SERVICE INC.	595.25	2815
62311	02/10/14	C0223	CASA PAYROLL SERVICE	240.65	2815
62312	02/10/14	C0242	CORE MECHANICAL, INC.	1,505.89	2815
62313	02/10/14	D0026	DEAUGUSTINE, JOE	10.00	2815
62314	02/10/14	D0071	DLT SOLUTIONS LLC	3,465.73	2815
62315	02/10/14	E0012	EHRlich PEST CONTROL INC	83.34	2815
62316	02/10/14	E0063	ENDICOTT, MICHAEL A	40.00	2815
62317	02/10/14	F0053	FORD, SCOTT & ASSOCIATES	6,500.00	2815
62318	02/10/14	F0054	DEARBORN NATIONAL LIFE INS. CO	420.90	2815
62319	02/10/14	G0006	GARBUTT,PATRICIA A.	1,258.80	2815
62320	02/10/14	G0014	GARDEN STATE HWY PRODUCTS INC.	450.00	2815
62321	02/10/14	G0015	GALL'S, AN ARAMARK COMPANY	140.47	2815
62322	02/10/14	G0086	W.W. GRAINGER, INC.	143.39	2815
62323	02/10/14	G0096	GRUND, GEORGE	10.00	2815
62324	02/10/14	G0147	GREAT AMERICA FINANCIAL SVCS.	176.97	2815
62325	02/10/14	H0002	H.A. DEHART & SON CORP.	532.12	2815
62326	02/10/14	H0018	HAROLD RUBIN L & H SUPPLY	278.58	2815
62327	02/10/14	H0095	HORIZON BCBSNJ	124,330.02	2815
62328	02/10/14	I0040	John Inserra	25.00	2815
62329	02/10/14	J0018	JERSEY FIRE & SAFETY	289.00	2815
62330	02/10/14	J0053	J & M EMBROIDERY SCREEN PRNTG	102.00	2815
62331	02/10/14	J0072	JERSEY WEB DESIGNS	1,150.00	2815
62332	02/10/14	K0007	KACZMARSKI, RICHARD	10.00	2815
62333	02/10/14	K0037	KOHLER, JOHN F	10.00	2815
62334	02/10/14	L0007	LC EQUIPMENT, INC.	421.00	2815
62335	02/10/14	M0012	McCAULEY, RICHARD	10.00	2815
62336	02/10/14	M0045	MAX-KRIS MARINE SERVICE INC.	2,000.00	2815
62337	02/10/14	M0059	MCDANIELS, WILLIAM J. III	47.98	2815
62338	02/10/14	M0080	McMANIMON, SCOTLAND & BAUMANN	600.00	2815
62339	02/10/14	M0142	MASON, NICHOLAS	10.00	2815
62340	02/10/14	M0180	MED-TECH RESOURCE,LLC	389.33	2815
62341	02/10/14	M0188	MCCARTHY TIRE SERVICE OF PHILA	766.58	2815
62342	02/10/14	M0209	MAYBERRY, JOHN D	10.00	2815
62343	02/10/14	M0222	MUNICIPAL CAPITAL CORPORATION	392.00	2815
62344	02/10/14	M0244	George M. Meher III	25.00	2815
62345	02/10/14	N0004	NJ-AMERICAN WATER CO.	74.90	2815
62346	02/10/14	N0043	NAPA AUTO PARTS	454.91	2815
62347	02/10/14	N0131	DEFINED CONTRIB RETIRE PROGRAM	41.98	2815
62348	02/10/14	O0006	SJSHORE MARKETING,LLC	196.33	2815
62349	02/10/14	O0014	OCEANPORT LLC	13,024.44	2815
62350	02/10/14	O0025	OLD DOMINION BRUSH	2,815.00	2815
62351	02/10/14	O0042	ORCHARDS HYDRAULIC SERVICE INC	36.47	2815
62352	02/10/14	P0032	PEDRONI FUEL CO.	1,450.13	2815
62353	02/10/14	P0050	PARSIO, ANTHONY	10.00	2815
62354	02/10/14	P0075	POSITIVE PROMOTIONS INC	728.26	2815
62355	02/10/14	P0119	PROSOURCE PACKAGING, INC.	128.83	2815
62356	02/10/14	P0137	PARDO'S TRUCK SERV PARTS WHSE	248.53	2815
62357	02/10/14	R0030	RIGGINS, INC.	6,829.66	2815
62358	02/10/14	R0100	ROBERTS OXYGEN COMPANY, INC.	110.85	2815
62359	02/10/14	S0001	SAM'S CLUB	192.17	2815
62360	02/10/14	S0018	SUBURBAN PROPANE, LP	3,032.01	2815
62361	02/10/14	S0020	AM SAN	197.13	2815
62362	02/10/14	S0056	SEASHORE ASPHALT CORPORATION	152.90	2815
62363	02/10/14	S0072	SEGIN, STEWART S.	10.00	2815
62364	02/10/14	S0092	SHONE, LEROY	10.00	2815
62365	02/10/14	S0121	SMUZ, THERESE A	14.34	2815
62366	02/10/14	S0134	SO. JERSEY GAS COMPANY	190.59	2815
62367	02/10/14	S0139	SO. JERSEY WATER COND. INC.	185.00	2815
62368	02/10/14	S0153	STERICYCLE, INC.	446.85	2815
62369	02/10/14	S0209	STAPLES ADVANTAGE	1,046.39	2815
62370	02/10/14	S0239	SHORE VET. ANIMAL CONTROL LLC	2,250.00	2815
62371	02/10/14	T0005	TCTA OF NEW JERSEY	100.00	2815
62372	02/10/14	T0038	THOMAS, CHRISTOPHER	10.00	2815
62373	02/10/14	T0067	TOWNSHIP OF UPPER PETTY CASH	34.67	2815
62374	02/10/14	T0097	TRICO EQUIPMENT INC.	143.22	2815
62375	02/10/14	V0013	VERIZON WIRELESS	663.06	2815

62376 02/10/14 V0024 VAL-U AUTO PARTS L.L.C. 84.96 2815
62377 02/10/14 V0026 VITAL COMPUTER RESOURCES, INC. 100.00 2815
62378 02/10/14 V0027 VANORDER, ROGER 10.00 2815
62379 02/10/14 W0030 WEST PUBLISHING CO. 413.21 2815
62380 02/10/14 W0038 WILLIAMS, JEREMIAH J. 209.90 2815
62381 02/10/14 W0060 WOOLLEY, THOMAS 10.00 2815
62382 02/10/14 Y0008 YOUNG, DANIEL J. ESQUIRE PC 8,626.75 2815
62383 02/10/14 Y0012 YOUNG,ROBERT 10.00 2815
62384 02/10/14 Y0023 YOUNG, DANIEL J. ATTORNEY 2,625.00 2815

Total: 226,964.98