

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR FEBRUARY 24, 2014**

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

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.

SALUTE TO THE FLAG

ROLL CALL

APPROVAL OF MINUTES - February 3, 2014 Special Budget Workshop Meeting Minutes and February 10, 2014 Budget Workshop, Regular Meeting and Closed Session Minutes

Motion by Edward Barr, second by Anthony Inserra, to approve the February 3, 2014 Special Budget Workshop Meeting Minutes, and the February 10, 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

John Coggins, Committeeman, reported on an agenda item regarding a revision to the temporary budget. He stated that this revision does not increase the budget, it allows the temporary budget to be spread from three months to four months to allow time for the budget to be adopted.

Hobie Young, Committeeman, briefly reported on the agenda item pertaining to repairs that are currently underway on the well at the Municipal building. He next stated that he will be requesting an additional \$50,000 from the bond to finish the lighting at the little league and adjacent fields at the Amanda's Field Recreation Complex. He next commended employees

Mike Jones and Dave Pennello on the compliments he has received from School Administrators regarding the professionalism they have shown while working at the school.

Anthony Inserra, Committeeman, gave a brief update on the automated trash collection program. The drivers are being trained on using the automated trucks, the carts are scheduled to be delivered to the residents beginning March 3, and the automated pickup is scheduled to begin March 17. This information has been posted on the website and UTTV. He next reported that the school has requested the following projects be completed by the Township over the summer: grade, fill and topsoil around the Primary and Elementary School playgrounds; remove chain link fencing and curbing at the former playground site, and install drainage, and grade for asphalt for parking at this area; install a pavilion kit between the Primary School and Elementary School and finish with a concrete floor; and install new locks on doors throughout the interior of the schools. Mr. Inserra stated that in exchange for the completion of these projects, the school has agreed to provide janitorial services at the Upper Township Senior Center. Motion by Anthony Inserra, second by Richard Palombo, to authorize Township employees to complete the above listed projects, with the understanding that the school will provide janitorial maintenance services at the Upper Township Senior Center. During roll call vote all five Committee members voted in the affirmative. Mr. Inserra next stated that he has had several requests for the Township to coordinate the Committee meeting schedule with the School Board to allow residents the opportunity to attend both meetings. Mr. Inserra requested that the Committee look into changing the meeting schedule to the 1st and 3rd Mondays. The Municipal Clerk was directed to draft a schedule for further review.

Edward Barr, Committeeman, reported that the Township held another successful rabies clinic this past Saturday, with approximately 150 vaccinations given. Next Mr. Barr reported on a recent meeting he attended with the Township Chiefs Association. Due to a pending application by New Jersey American Water Company to construct a water tower in the township, the Chiefs Association is requesting that the water company grant them access to place emergency communication equipment on the tower. The Township Attorney recommended that the fire companies send a letter to the zoning board secretary requesting the zoning board address this request. Mr. Young further recommended that the fire companies may want to have their attorneys contact the water company attorney to confirm their position prior to the zoning board hearing on the matter.

Richard Palombo, Mayor, reported that he met this past week with the new station commander at the State Police Barracks in Woodbine. They discussed several issues including the placement of radar signs along Corson Tavern and Stagecoach Road and other areas throughout the Township. It was requested that the areas be identified by the Township. They also discussed the possibility of the Township supporting the purchase of exercise equipment to be used at the barracks for training purposes. Mr. Young stated that although he would need to explore the matter further it may be allowed as long as the equipment was used for the furtherance of the township.

OTHER REPORTS

Barbara Young, Municipal Clerk, requested permission to attend a NJ Municipal Clerks Association Conference on March 24-27 in order to obtain continuing education credits.

Motion by Richard Palombo, second by Anthony Inserra, to approve the request. During roll call vote all five Committee members voted in the affirmative.

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, gave a brief update regarding the public access channel UTTV 2 changing to Channel 97. He stated Comcast does not have authorization to stream information on the channel once the change takes place. However, they have placed inserts in all bills notifying residents of the change. He next reported that the paving project is set to commence as early as next week depending on the weather. They will most likely begin on Ocean Avenue towards Seasounds Avenue. The affected residents will be notified. It was requested to coordinate the trash pickup schedule with the paving contractors, and have the paving schedule placed on UTTV. Mr. Dietrich next reported that the Green Team has submitted a proposed Resolution supporting wildlife habitat. He requested that the Committee look over the draft.

Barbara Spiegel, Chief Financial Officer, reported that there is a need to purchase an additional six hundred 64 gallon carts, and an additional cart tipper. The CFO requested the Committee to approve up to \$35,000 be withdrawn from the Recycling Trust Fund to purchase the requested items. Motion by Richard Palombo, second by John Coggins, to approve a change order for the additional carts and authorize the funds be withdrawn from the Recycling Trust Fund for the carts and tipper. During roll call vote all five Committee members voted in the affirmative. A Resolution will be place on a future agenda for formal action.

RESOLUTIONS

1. Authorizing the Mayor and Township Clerk to sign a contract with Marsh & McLennan Agency, LLC for insurance and broker consultant services.

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

RESOLUTION NO. 50 -2014

RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A CONTRACT WITH MARSH & MCLENNAN AGENCY, LLC FOR INSURANCE AND BROKER CONSULTANT SERVICES

WHEREAS, the Township has decided to continue the services of the firm of Marsh & McLennan Agency, LLC for insurance and broker consultant services; and

WHEREAS, Marsh & McLennan Agency, LLC has submitted a proposal to the Township to provide consultant services; and

WHEREAS, the Township wishes to accept said proposal and to authorize the execution of a contract with Marsh & McLennan Agency, LLC; and

WHEREAS, the proposed contract has been reviewed and approved by the Municipal Attorney and will be on record in the office of the Township Clerk and available for public inspection; and

WHEREAS, Marsh & McLennan Agency, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Marsh & McLennan Agency, LLC 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 Marsh & McLennan Agency, LLC 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 Marsh & McLennan Agency, LLC to provide insurance and broker consultant services.
3. The term of this contract shall be for a period of one (1) year from the first day of January 2014 through December 31, 2014.
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 Marsh & McLennan Agency, LLC has professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-2.05.

NOTICE OF CONTRACT AWARD

5. The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Marsh & McLennan Agency, LLC for insurance and broker 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 copy of this Resolution shall be published in the official newspaper of the Township of Upper within ten (10) days from the date of adoption.

9. This Resolution shall be effective as of adoption.

Resolution No. 50-2014

Offered by: Coggins

Seconded by: Young

Adopted: February 24, 2014

Roll Call Vote:

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

- 2. Appointing Raymond Lauriello as a temporary Electrical Sub-Code Official on an as needed basis in the absence of the permanent Electrical Sub-Code Official.

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

RESOLUTION NO. 51 -2014

**RE: APPOINTING RAYMOND LAURIELLO AS A TEMPORARY
ELECTRICAL SUB-CODE OFFICIAL ON AN AS NEEDED BASIS IN THE ABSENCE OF
THE PERMANENT ELECTRICAL SUB-CODE OFFICIAL**

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

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

WHEREAS, Raymond Lauriello has completed and submitted a Business Entity Disclosure Certification which certifies that Raymond Lauriello 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 Raymond Lauriello 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 Raymond Lauriello to serve as the temporary Electrical 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 Raymond Lauriello 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 Raymond Lauriello. 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. 51-2014
Offered by: Young
Adopted February 24, 2014

Seconded by: Barr

Roll Call Vote:

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

3. Authorizing the Mayor and Township Clerk to sign and submit a Safety Contract for participation in the Atlantic County Municipal Joint Insurance Fund 2014 Safety Incentive Program.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 52-2014

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO
SIGN AND SUBMIT A SAFETY CONTRACT FOR PARTICIPATION IN THE
ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND
2014 SAFETY INCENTIVE PROGRAM**

WHEREAS, the Atlantic County Municipal Joint Insurance Fund (ACMJIF) has offered a Safety Incentive Program to participating members in order to promote workplace safety and wellness in our community; and

WHEREAS, the goal of the Safety Incentive program is to build a program that will be effective in promoting safe work practices, employee morale and claims management; and

WHEREAS, the Township of Upper wishes to take advantage of the Safety Incentive Program and to authorize the execution and submittal of the 2014 Safety Contract to the ACMJIF; and

WHEREAS, the Safety Contract has been reviewed and approved by the Municipal Attorney and is attached hereto;

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 of the Township of Upper are hereby

authorized, directed, and empowered to sign and submit the Atlantic County Municipal Joint Insurance Fund 2014 Safety Contract.

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. 52 -2014

Offered by: Barr

Seconded by: Inserra

Adopted: February 24, 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>

4. Honoring Cub Scouts of Pack 79 Jack Ryan Bruce, Michael J. Dickinson, Stephen W. Leypoldt, Jr., Steven Michael Myers, Jr., Jake Primus, Joshua Alexandre Reade, Donald Repici, James Repici, Matthew Robbins and Joseph W. Sharp on attaining the Arrow of Light Award.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 53-2014**

**RE: HONORING CUB SCOUTS OF PACK 79 JACK RYAN BRUCE, MICHAEL J. DICKINSON, STEPHEN W. LEYPOLDT, JR., STEVEN MICHAEL MYERS, JR., JAKE PRIMUS, JOSHUA ALEXANDRE READE, DONALD REPICI, JAMES REPICI, MATTHEW ROBBINS AND JOSEPH W. SHARP
ON ATTAINING THE ARROW OF LIGHT AWARD**

WHEREAS, the Scouts of Cub Scout Pack 79, Jack Ryan Bruce, Michael J. Dickinson, Stephen W. Leypoldt, Jr., Steven Michael Myers, Jr., Jake Primus, Joshua Alexandre Reade, Donald Repici, James Repici, Matthew Robbins and Joseph W. Sharp have recently achieved the Arrow of Light Award, which is the highest level of advancement for a Cub Scout; 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 this Township Committee extends its sincere congratulations to these graduating Cub Scouts on the occasion of their receiving the Arrow of Light Award and commends them for this outstanding accomplishment; and it is

FURTHER RESOLVED that the Township Committee extends its congratulations and best wishes to their 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 24th day of February, 2014.

Resolution No. 53 -2014

Offered by: Inserra

Seconded by: Palombo

Adopted: February 24, 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>

5. Annual Progress Report to update the Township of Upper's Chapter of the Cape May County Multi-Jurisdictional All Hazards Pre-Disaster Mitigation Plan.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 54-2014

**ANNUAL PROGRESS REPORT TO UPDATE THE TOWNSHIP OF UPPER'S CHAPTER OF THE
CAPE MAY COUNTY MULTI-JURISDICTIONAL ALL HAZARDS PRE-DISASTER MITIGATION
PLAN**

WHEREAS, Cape May County, together with all sixteen municipalities, developed a Multi-Jurisdictional All Hazard Pre-Disaster Mitigation Plan ("PLAN") that describes the hazards the County and Municipalities face and the risks associated with those hazards, and developed strategies for mitigating those hazards; and

WHEREAS, FEMA has approved the PLAN; and

WHEREAS, under the aforesaid PLAN, Upper Township prepares an annual progress report detailing program activities and any updates to the PLAN; and

WHEREAS, the Township Engineer has submitted a revised annual progress report, dated February 20, 2014; and

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

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

2. The Township Committee hereby accepts the Annual Progress Report.

3. The Mayor is hereby authorized to forward the Annual Progress Report to the Cape May County Office of Emergency Management for inclusion as an amendment to the Township of Upper's chapter in the PLAN.

4. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or

advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 54-2014

Offered by: Palombo

Seconded by: Young

Adopted: February 24, 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. 2014 Revised Temporary Budget.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION

RESOLUTION NO. 55 -2014

RE: 2014 REVISED TEMPORARY BUDGET

WHEREAS, N.J.S.A. 40A:4-19 provides that the governing body shall by Resolution adopted prior to January 31 of the fiscal year make appropriations to provide for the period between the beginning of the fiscal year and the adoption of the Budget; and

WHEREAS, there is a need to increase certain line items in the Temporary Budget until adoption of the Budget takes place.

NOW, THEREFORE BE IT RESOLVED, that the following appropriations shall constitute the Revised Temporary Budget for the year 2014:

ADMINISTRATIVE & EXECUTIVE	<u>INCREASE</u>	<u>TO:</u>
Mayor and Committee		
Salary and Wages	\$ 17,300.00	\$ 19,500.00
Mayor and Committee O/E	\$ 1,500.00	
DCRP-Township Committee	\$ 800.00	1,400.00
Municipal Clerk		

Salary and Wages	\$ 44,000.00	\$ 49,900.00
OTHER EXPENSES		
Legal Advertising	\$ 2,000.00	
Miscellaneous O/E	\$ 3,000.00	
Purchase of Office Equipment	\$ 1,000.00	
Codification of Ordinances	\$ 1,000.00	
MAC	\$ 3,192.00	
Cape Mediation	\$ 2,300.00	
Cape Assist EAP	\$ 1,155.00	
FINANCIAL ADMINISTRATION		
Salaries & Wages	\$ 28,000.00	\$ 32,700.00
Miscellaneous O/E	\$ 3,200.00	\$ 3,500.00
Computer Hardware/Software	\$ 15,000.00	20,000.00
Annual Audit	\$ 20,000.00	
ASSESSMENT OF TAXES		
Salaries & Wages	\$ 24,000.00	\$ 28,200.00
Miscellaneous O/E	\$ 2,000.00	\$ 4,000.00
COLLECTION OF TAXES		
Salaries & Wages	\$ 21,500.00	\$ 24,800.00
Miscellaneous O/E	\$ 1,000.00	\$ 1,500.00
Purchase TTL	\$ 0	
LIQUIDATION OF TTL & FORECLOSED PROPERTY		
Other Expenses	\$ 0	
LEGAL SERVICES AND COSTS		
Other Expenses	\$ 30,000.00	
MUNICIPAL COURT		
Salaries & Wages	\$ 51,000.00	\$ 62,000.00
Miscellaneous O/E	\$ 2,000.00	
PUBLIC DEFENDER		

Salaries & Wages	\$	6,400.00	
MUNICIPAL PROSECUTOR			
Salaries & Wages	\$	10,500.00	
ENGINEERING SERVICES & COSTS			
Salaries & Wages	\$	23,500.00	\$ 27,900.00
Other Expenses	\$	3,000.00	\$ 5,000.00
PUBLIC BUILDINGS & GROUNDS			
Salaries & Wages	\$	24,000.00	\$ 30,500.00
Other Expenses	\$	65,000.00	\$ 70,000.00
PLANNING BOARD			
Salaries & Wages	\$	11,000.00	\$ 12,000.00
Other Expenses	\$	1,000.00	\$ 1,500.00
BOARD OF ADJUSTMENT			
Salaries & Wages	\$	11,000.00	\$ 12,000.00
Other Expenses	\$	1,000.00	\$ 1,500.00
CONSTRUCTION OFFICE & BUILDING INSPECTOR			
Salaries & Wages	\$	41,000.00	\$ 46,400.00
Other Expenses	\$	2,000.00	
INSURANCE			
Group Insurance for Employees	\$	556,000.00	
Other Insurance Premiums	\$	50,000.00	\$ 62,100.00
Workers Compensation	\$	70,000.00	\$ 140,000.00
SCHOOL CROSSING GUARD			
Salaries & Wages	\$	2,400.00	
Miscellaneous O/E	\$	500.00	
BEACH PATROL			
Other Expenses	\$	1,000.00	

EMERGENCY MANAGEMENT/RTK/911 COORDINATOR

Salaries & Wages	\$ 5,500.00	\$ 6,500.00
Miscellaneous O/E	\$ 3,800.00	

ROAD REPAIRS & MAINTENANCE

Salaries & Wages	\$ 372,000.00	\$ 420,000.00
Miscellaneous O/E	\$ 40,000.00	\$ 50,000.00

SURFACING OF ROADS CONTRACTUAL \$ 3,000.00

STREET LIGHTING \$ 70,000.00

GARBAGE & TRASH REMOVAL

Salaries & Wages	\$ 76,000.00	\$ 83,400.00
Miscellaneous O/E	\$ 20,000.00	
Tipping Fees	\$ 75,000.00	

BOARD OF HEALTH

Salaries & Wages	\$ 150.00	
Miscellaneous O/E	\$ 500.00	

DOG REGULATION

Miscellaneous O/E	\$ 28,000.00	\$ 40,000.00
-------------------	--------------	--------------

PUBLIC RELATIONS

Miscellaneous O/E	\$ 1,000.00	
-------------------	-------------	--

ZONING/CODE OFFICIAL

Salaries & Wages	\$ 4,100.00	
Miscellaneous O/E	\$ 1,000.00	

SPORTS & RECREATION

Salaries & Wages	\$ 600.00	
Miscellaneous O/E	\$ 20,000.00	\$ 25,000.00

FIRST AID ORGANIZATION

Salaries & Wages	\$ 144,000.00	
Miscellaneous O/E	\$ 20,000.00	\$ 25,000.00
RECYCLING		
Salaries & Wages	\$ 145,000.00	\$ 159,200.00
Miscellaneous O/E	\$ 20,000.00	
AFFORDABLE HOUSING		
Salaries & Wages	\$ 700.00	
Miscellaneous O/E	\$ 500.00	
COMMUNITY CENTER		
Miscellaneous O/E	\$ 8,000.00	\$ 10,000.00
CELEBRATION OF PUBLIC EVENTS	\$ 1,000.00	
SOCIAL SECURITY SYSTEM	\$ 80,000.00	
SPECIAL LITIGATION	\$ 20,000.00	
SUI CONTRIBUTION	\$ 3,000.00	
CENTRAL DISPATCH	\$ 57,000.00	\$ 114,000.00
MAC GRANT	\$ 12,766.00	
ALCOHOL & DRUG TESTING	\$ 8,500.00	
COMP. ABSENCES RESERVES	\$ 100.00	
PERS	\$ 432,261.00	
CAPE MAY CO. OPEN SPACE PROG. BAYVIEW AVE. BOAT RAMP	\$ 15,000.00	
REPAIRS TO MUNICIPAL BUILDINGS		\$ 40,000.00
Total	\$ 2,843,324.00	

Resolution No. 55-2014

Offered by: Inserra
Adopted: February 24, 2014

Seconded by: Coggins

Roll Call Vote:

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

ORDINANCES

- 7. Introduction and First Reading of Ordinance No.002-2014 RE: AN ORDINANCE VACATING ADAMS AVENUE ADJACENT TO BLOCK 417 THROUGH 424, WITHIN THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY.** Motion by Anthony Inserra, second by Edward Barr, to introduce Ordinance No. 002-2014, with the public hearing and final adoption scheduled for March 24, 2014. During roll call vote all five Committee members voted in the affirmative.

TOWNSHIP OF UPPER

CAPE MAY COUNTY

ORDINANCE

ORDINANCE NO. 002 -2014

AN ORDINANCE VACATING ADAMS AVENUE ADJACENT TO BLOCKS 417 THROUGH 424, WITHIN THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY

WHEREAS, N.J.S.A. 40:67-1 authorizes the Governing Body of a municipality to adopt an Ordinance, among other things, to vacate any street, highway, lane, alley, square, place or park, or any part thereof, dedicated to public use but not accepted by the municipality, whether or not the same, or any portion, has been actually opened or improved; and

WHEREAS, Ralph Clayton, Delores Clayton and Clayton Equipment Corp are the owners of Block 417, Lots 1-3; Block 417, Lots 11-28, 30, 32, 34-60; and Block 417,

Lots 29, 31 and 33 and have requested that the Township vacate Adams Avenue as described in this Ordinance and have agreed to pay the costs incurred by the Township to vacate said street including the costs of the revisions to the tax map; and

WHEREAS, the Township Committee has duly considered the matter and it appears reasonable to agree to the request since there is no present or foreseeable need or intention to utilize said roadway; and

WHEREAS, it is deemed to be in the public interest to vacate Adams Avenue within the Township of Upper, as hereinafter provided.

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

SECTION 1: The public right in, along, upon and over the following described land is hereby vacated, surrendered and extinguished:

Description

Vacation of Adams Avenue
Adjacent to Blocks 417 - 424
as shown on Tax Map Sheet No. 13.01
Petersburg Section of
Township of Upper

BEGINNING at the Southwesterly corner of Adams Ave. (30' wide) and Mill Rd. (40' wide) extending Southwestwardly along Block 417 a distance of 613.03'; and continuing across Second St. (30' wide); and continuing along Block 418 a distance of 600'; and continuing across Third St. (30' wide); and continuing along Block 419 a distance of 600'; and continuing across Fourth St. (30' wide); and continuing along Block 420 a distance of 445'; and extending Southeasterly across Adams Ave. (30 wide) ; and extending Northeastwardly along Block 421 a distance of 447'; and continuing across Fourth St. (30' wide); and continuing along Block 422 a distance of 600' ; and continuing across Third St. (30' wide); and

continuing along Block 423 a distance of 600'; and continuing across Second St. (30' wide); and continuing along Block 424 a distance of 611.69'; and extending Northwesterly along the Southerly line of Mill Rd. across Adams Ave. (30' wide) to the point of beginning; excepting out those portions of Right-of-Way for Second, Third and Fourth Streets.

SECTION 2: This Ordinance vacates no portion of the street except that portion set forth and described in **SECTION 1** above.

SECTION 3: EXCEPTION: This Ordinance expressly reserves and excepts from vacation all rights and privileges now possessed by public utilities, as defined in R.S. 48:2-13, and by any cable television company, as defined in the "Cable Television Act", P.L. 1972, c. 186, (C.48:5A-1, et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated, as hereinabove described.

SECTION 4: REPEALER: All Ordinances or parts of Ordinances inconsistent with this Ordinance 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 AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 24th DAY OF FEBRUARY, 2014 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 24th DAY OF MARCH, 2014 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

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

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

- 8. Introduction and First Reading of Ordinance No.003-20014 RE: AN ORDINANCE VACATING A PORTION OF MISTLETOE AVENUE ADJACENT TO PORTIONS OF BLOCK 508 AND BLOCK 497, WITHIN THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY.** The Municipal Attorney reported that due to a current ongoing Land Sale of one of the adjacent property owners, he is recommending that this Ordinance be tabled for a future date to allow the completion of the Sale. Motion by John Coggins, second by Edward Barr, to table Ordinance No. 003-2014. During roll call vote all five Committee members voted in the affirmative.

CORRESPONDENCE

NEW BUSINESS

- 9. Upper Township PTA requests to hold a raffle on April 3, 2014 in Upper Township.** Motion by John Coggins, second by Edward Barr, to approve the request. During roll call vote all five Committee members voted in the affirmative.
- 10. Greater Tuckahoe Area Merchants Association request to hold a raffle on May 4, 2014 at Amanda's Field.** Motion by Richard Palombo, second by Hobie Young, to approve the request. During roll call vote all five Committee members voted in the affirmative.

UNFINISHED BUSINESS:

DISCUSSION

- 11. Amending Revised General Ordinance Chapter XXIV (Solid Waste and Recyclables) of the Code of Upper Township.** The Municipal Attorney reported that due to the new automated collection program, the ordinance will need to be amended to reflect the new system, and direction from the Committee is needed regarding the cost that will be charged to residents who wish to purchase an additional cart. After a brief discussion, an amending Ordinance was directed to be prepared for introduction on the next agenda.
- 12. Proposed Animal Welfare Ordinance amendment.** Mr. Barr reported that the Township's Animal Control Officer has requested an amendment to the Animal Welfare Ordinance to include regulations on sheltering animals during extreme weather conditions. Motion by Edward Barr, second by Hobie Young, to direct an Ordinance amendment be prepared for introduction at the next meeting. During roll call vote all five Committee members voted in the affirmative.

13. Amanda's Field Volunteer Services Indemnification agreement. The Municipal Attorney reported that Atlantic City Electric inquired as to whether the Township would indemnify their company if they provide volunteers to install lighting at Amanda's Field. The Township's Risk Management Consultant indicated the Township is insured, but it is always better to have an indemnification from the contractor. It is unusual that the Township would indemnify the contractor. The Municipal Attorney advised that the Committee must balance the value of volunteer labor and equipment versus the liability in the event of an accident. Motion by Hobie Young, second by Edward Barr, to offer an indemnification to Atlantic City Electric for the use of equipment and volunteers for the purpose of installing lighting at Amanda's Field. During roll call vote all five Committee members voted in the affirmative.

14. Amending Bond Ordinance 015-2013. Motion by Committeeman Young to amend the Bond Ordinance to reflect an additional amount of \$50,000.00 for improvements and lighting at Amanda's Field. After a lengthy discussion, the motion was seconded by Edward Barr. During roll call vote all five Committee members voted in the affirmative. The Clerk was directed to gather demographical information regarding the size of the sports organizations, including the number of participants and use of facilities, for the Committee's review.

15. Assessment of well damage at Township Hall. Motion by Hobie Young, second by John Coggins, to authorize the Purchasing Agent to proceed on an emergent basis to obtain quotes for the repair or replacement of the well at the Municipal Building as necessary. It was stated that the damage to the well could be filed as an insurance claim. The Municipal attorney advised that a claim should be filed with the insurance company.

PAYMENT OF BILLS:

16. "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: \$372,745.50
Payroll: \$161,605.05

REPORT OF MUNICIPAL DEPARTMENTS:

17. Municipal Court

18. MUA Report

19. Construction Code 2013 end of year report

20. Certificate of Determination of Award-Issue of Bond Anticipation Note - Motion by Richard Palombo, second by Edward Barr, to accept all reports. During roll call vote all five Committee members voted in the affirmative.

21. Tax Collector 2013 Annual year-end report – Motion by John Coggins, second by Anthony Inserra, to accept the Tax Collector 2013 Annual year-end report. During roll call vote all five Committee members voted in the affirmative.

PUBLIC COMMENT

Mike Jones, Marshallville Rd, Tuckahoe, inquired as to why the Committee meetings were changed from 4:00 pm to 7:30 pm. It was stated that the 4:00 pm meetings were not well attended because most residents are at work. The meetings were changed to encourage attendance and participation. Mr. Jones next spoke with regard to the expanding demand for use of the Township’s sports facilities.

Stewart Segin, New Jersey Avenue, Tuckahoe, inquired into numerous issues regarding the functions and procedures of the Public Works Department and several code enforcement issues. Mr. Segin was informed of the standard operating procedures for Public Works and Code Enforcement, and was advised to address his concerns with his Department supervisor or personnel.

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. 56-2014
MOTION GOING INTO CLOSED SESSION
FEBRUARY 24, 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. Safety and Security Issues
2. Contract negotiation – Tax Appeal Conflict Attorney
3. 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.

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 11:25 P.M. The next regular meeting is scheduled for March 10, 2014 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC
Municipal Clerk

Bill List

62385 02/25/14 A0091 ATLANTIC CITY ELECTRIC 4,399.31 2816
62386 02/25/14 A0134 ANSELL GRIMM & AARON, PC 237.03 2816
62387 02/25/14 A0167 HESS CORPORATION 3,311.29 2816
62388 02/25/14 A0168 ATLANTIC CRANKSHAFT 146.00 2816
62389 02/25/14 B0092 BROKER, EUGENE JR. 150.00 2816
62390 02/25/14 B0106 BARLOW BUICK GMC 2,458.04 2816
62391 02/25/14 B0139 BATTELINI TRANSPORTATION 440.00 2816
62392 02/25/14 B0182 BRIGGS LAW OFFICE, P.C. 907.11 2816
62393 02/25/14 B0184 BUSHONG, BRIAN 150.00 2816
62394 02/25/14 C0048 CAPE MAY COUNTY MUA 29,224.77 2816
62395 02/25/14 C0068 COMCAST 254.75 2816
62396 02/25/14 C0113 CAMP, JR ROBERT T 2,517.60 2816
62397 02/25/14 C0143 CODY'S POWER EQUIPMENT 67.55 2816
62398 02/25/14 C0201 CRUZAN'S TRUCK SERVICE INC. 292.58 2816
62399 02/25/14 C0223 CASA PAYROLL SERVICE 239.45 2816
62400 02/25/14 C0242 CORE MECHANICAL, INC. 607.73 2816
62401 02/25/14 C0245 CLEGG'S GARAGE, INC. 235.48 2816
62402 02/25/14 C0253 CASCADE ENGINEERING INC. 179,409.50 2816
62403 02/25/14 D0040 DELTA DENTAL OF N.J. INC. 5,976.27 2816
62404 02/25/14 D0089 DUGAN, JIM 26.00 2816
62405 02/25/14 E0018 ECN 2,942.50 2816
62406 02/25/14 E0064 ELWOOD MCGINNIS & SONS 2,375.00 2816
62407 02/25/14 G0028 GENTILINI FORD 507.94 2816
62408 02/25/14 H0002 H.A. DEHART & SON CORP. 3,051.36 2816
62409 02/25/14 H0006 HABERMAN, WILLIAM 115.00 2816
62410 02/25/14 H0148 THOMAS H. HEIST INS AGENCY INC 2,330.00 2816
62411 02/25/14 I0007 INTERCON TRUCK EQUIPMENT, INC. 2,565.97 2816
62412 02/25/14 J0018 JERSEY FIRE & SAFETY 247.00 2816
62413 02/25/14 J0063 JOHNSON WILSHIRE, INC 278.40 2816
62414 02/25/14 J0072 JERSEY WEB DESIGNS 375.00 2816
62415 02/25/14 L0042 LAWMEN SUPPLY CO. 3,660.83 2816
62416 02/25/14 L0087 LINE SYSTEMS INC 2,913.60 2816
62417 02/25/14 L0089 LILLA, JOHNNY 400.00 2816
62418 02/25/14 L0104 Kevin Lappin 20.00 2816
62419 02/25/14 L0105 LAURIELLO, RAY 175.00 2816
62420 02/25/14 M0059 MCDANIELS, WILLIAM J. III 110.92 2816

62421 02/25/14 M0076 MGL PRINTING SOLUTIONS 30.00 2816
62422 02/25/14 M0188 MCCARTHY TIRE SERVICE OF PHILA 94.40 2816
62423 02/25/14 M0235 MODERN HANDLING EQUIPMENT CO 2,181.54 2816
62424 02/25/14 M0245 MOFFIT JUSTIN 25.00 2816
62425 02/25/14 M0246 MORRISON, VINCENT 1,200.00 2816
62426 02/25/14 N0043 NAPA AUTO PARTS 249.38 2816
62427 02/25/14 N0100 N.J. LEAGUE OF MUNICIPALITIES 884.00 2816
62428 02/25/14 N0131 DEFINED CONTRIB RETIRE PROGRAM 63.42 2816
62429 02/25/14 O0042 ORCHARDS HYDRAULIC SERVICE INC 163.85 2816
62430 02/25/14 P0032 PEDRONI FUEL CO. 3,590.24 2816
62431 02/25/14 P0050 PARSIO, ANTHONY 166.71 2816
62432 02/25/14 P0073 POGUE INC. 4,599.00 2816
62433 02/25/14 P0131 360 BUSINESS SOLUTIONS 199.00 2816
62434 02/25/14 R0030 RIGGINS, INC. 3,077.81 2816
62435 02/25/14 R0044 RODIO TRACTOR SALES INC 92,186.00 2816
62436 02/25/14 R0092 RUTGERS, THE STATE UNIVERSITY 668.00 2816
62437 02/25/14 S0018 SUBURBAN PROPANE, LP 1,574.32 2816
62438 02/25/14 S0020 AM SAN 262.84 2816
62439 02/25/14 S0056 SEASHORE ASPHALT CORPORATION 248.75 2816
62440 02/25/14 S0134 SO. JERSEY GAS COMPANY 2,385.86 2816
62441 02/25/14 S0161 SPICA STEEL, INC./J.D.L.GARAGE 1,075.00 2816
62442 02/25/14 S0196 STEWART BUSINESS SYSTEMS LLC 187.45 2816
62443 02/25/14 S0209 STAPLES ADVANTAGE 518.65 2816
62444 02/25/14 S0254 SHOPRITE 65.74 2816
62445 02/25/14 T0022 TERMINIX 112.00 2816
62446 02/25/14 T0032 THE PRESS & SUNDAY PRESS 1,337.72 2816
62447 02/25/14 T0067 TOWNSHIP OF UPPER PETTY CASH 10.00 2816
62448 02/25/14 T0074 TRANSAXLE LLC 225.19 2816
62449 02/25/14 U0003 U.S. MUNICIPAL SUPPLY, INC. 264.91 2816

62450 02/25/14 V0001 VCI EMERGENCY VEHICLE 1,425.42 2816
62451 02/25/14 V0005 VAN EMBDEN, NATHAN, ATTORNEY 112.50 2816
62452 02/25/14 V0022 VERIZON 188.89 2816
62453 02/25/14 V0024 VAL-U AUTO PARTS L.L.C. 152.98 2816
62454 02/25/14 W0020 WEINSTEIN SUPPLY 76.34 2816
62455 02/25/14 W0085 WOODY, LESTER 23.61 2816

Total: 372,745.50