

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR SEPTEMBER 22, 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	Absent

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

APPROVAL OF MINUTES - September 8, 2014 Regular Meeting and Closed Session Minutes

Motion by Hobie Young, second by John Coggins, to approve the September 8, 2014 Regular Meeting and Closed Session Minutes as submitted. During roll call vote all Committee members present voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

John Coggins, Committeeman, reported that a meeting has been scheduled to begin negotiations for the union contract. He next stated that a resolution on tonight's agenda will authorize a renewal of the Township's banking agreements with Cape Bank. The terms of the agreement will remain the same. He next reported that the State has issued the Best Practices Worksheet with a due date of October 17.

Hobie Young, Committeeman, reported that the honoring resolutions for the 9 & 10 and 11 & 12 year old All Star Baseball teams will be presented at the October 14 meeting. Enrollment in Fall Baseball has resulted in 3 to 4 Little League teams and two Babe Ruth teams. He stated that the success of the All Star teams has increased baseball's popularity in Upper Township. He next reported that work is continuing on the baseball fields at Amanda's Field. The clay from one of the infields is being removed and replaced with grass in order to comply with Little League requirements for tournament play. The removed clay will be used to grade the other fields. He next reported that another attempt was made to

break into the concession stand at Amanda's Field. The lock has been replaced. Next, he reported that the football and cheerleading programs are progressing well. The first and second grade Taxi teams were recently allowed to play during half time at the Ocean City High School game. He next reported that the October Fest / Fall Fest has been tentatively scheduled for October 25 at Amanda's Field. Preliminary plans include a live band, pumpkin picking, face painting, and various other fall activities. Lastly, he reported that the replacement of the Golden Oak playground should be completed within the next two weeks

Edward Barr, Committeeman, thanked the Upper Township Football Association for the First Responders ceremony held on opening day. He next reported that October 5th through the 11th is Fire Prevention Week. On October 8th the Marmora Fire Company will be hosting fire prevention activities at the Fire House, and everyone is encouraged and welcome to attend.

Anthony Inserra, Committeeman, reported that the County has been working on cleaning up the debris and overgrowth along County roads in the Township. He next reported that various maintenance projects have been completed at the schools resulting in dollars saved. He next suggested that the Committee look into purchasing shirts, which have been embroidered with the Township Seal, for Committee members to wear while representing the Township at public events. Lastly, he requested an update on the proposed sale of Township owned vacant property. It was stated that the market values of the various properties are in the process of being obtained.

OTHER REPORTS

Daniel Young, Municipal Attorney, reported that there are a few items for closed session; two litigations items, and a personnel matter.

Paul Dietrich, Municipal Engineer, reported on a recent memo submitted to the Committee regarding the next phase of the Township's tax map maintenance. It was agreed to continue with the plan to convert the tax maps to digital format over the next four to five years. The balance of the emergency appropriation, authorized by Ordinance 010-2014, will be used to start the conversion process. A resolution for formal action will be placed on a future agenda.

RESOLUTIONS

1. Designating October 5th through October 11th, 2014 as "Fire Prevention Week" in Upper Township.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION

RESOLUTION NO. 212-2014

**RE: DESIGNATING OCTOBER 5TH THROUGH OCTOBER 11TH 2014
"FIRE PREVENTION WEEK" IN UPPER TOWNSHIP**

WHEREAS, smoke alarms are present in 96% of American homes, of which 20% do not work because of dead or missing batteries preventing the United States from achieving the full potential of fire safety from smoke alarms; and

WHEREAS, smoke alarms are still missing in 4% of U.S. homes and this group accounts for 39% of reported fires and nearly half of all the reported home fire deaths; and

WHEREAS, smoke alarm maintenance is a simple, effective way to reduce home fire deaths, and

WHEREAS, the National Fire Safety Standards recommend a minimum of one smoke alarm on each level of a home, one inside each bedroom, and one outside each sleeping area; and

WHEREAS, “Fire Prevention Week” is a national home fire safety program which urges Americans to change smoke alarm batteries each fall; and

WHEREAS the Township Committee of the Township of Upper is dedicated to the safety of life and property from the devastating effects of fire and are joined by our volunteer fire departments, businesses, schools, service clubs, churches, and all of our citizens in their fire safety efforts.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, that they designate the week of October 5, 2014 through October 11, 2014 as “Fire Prevention Week” in Upper Township and encourage the citizens of Upper Township to participate in “Fire Prevention Week” the entire month of October to ensure the safety of your loved ones from house fires.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 22nd day of September, 2014.

Resolution No. 212-2014

Offered by: Barr

Seconded by: Coggins

Adopted: September 22, 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
Palombo

 X
 X

2. Authorizing an extension of the agreements with Cape Bank with regard to banking services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 213-2014

**RE: AUTHORIZING AN EXTENSION OF THE AGREEMENTS WITH CAPE
BANK WITH REGARD TO BANKING SERVICES**

WHEREAS, Cape Bank has indicated a desire to continue to provide banking services to the Township of Upper for an additional one year term; and

WHEREAS, the Township wishes to extend the agreements with Cape Bank for an additional one year term; and

WHEREAS, said agreements will continue under the same terms and current rate of interest of 0.25%; 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 agreements and forms between the Township and Cape Bank, copies of which are on file in the office of the Township Clerk, are hereby extended for an additional one year term.

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. 213-2014
Offered by: Young
Adopted: September 22, 2014

Seconded by: Coggins

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Barr	_____	_____	___X___	_____
Coggins	___X___	_____	_____	_____
Inserra	___X___	_____	_____	_____
Young	___X___	_____	_____	_____
Palombo	_____	_____	_____	___X___

3. Authorizing an extension of the Shared Services Agreement with the Township of Egg Harbor for use of facilities, equipment, and supplies for truck and equipment washing.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 214-2014

**RE: AUTHORIZING AN EXTENSION OF THE SHARED SERVICES
AGREEMENT WITH THE TOWNSHIP OF EGG HARBOR FOR USE OF
FACILITIES, EQUIPMENT AND SUPPLIES FOR TRUCK AND EQUIPMENT
WASHING**

WHEREAS, on August 1, 2012 the Township of Upper and the Township of Egg Harbor entered into a Shared Services Agreement for use of facilities, equipment and supplies for truck and equipment washing; and

WHEREAS, the Township of Upper and the Township of Egg Harbor desire to extend the terms of the Agreement for an additional one year; and

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

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

2. The Township Committee hereby authorizes the extension of the term of the Shared Services Agreement with the Township of Egg Harbor for use of facilities, equipment and supplies for truck and equipment washing for an additional one (1) year, commencing August 1, 2014 and expiring on July 31, 2015.

3. This Resolution extending the terms of the aforesaid Shared Services Agreement is conditioned upon similar action being taken by the Township of Egg Harbor.

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. 214-2014
Offered by: Inserra Seconded by: Barr
Adopted: September 22, 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> </u>	<u> </u>	<u> </u>	<u> X </u>

4. Authorizing the Township Engineer to solicit bids for the Furnishing and Delivery of a 2014 or newer Rescue Squad Chassis.

TOWNSHIP OF UPPER

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

RESOLUTION NO. 215-2014

RE: AUTHORIZING THE TOWNSHIP ENGINEER TO SOLICIT BIDS
FOR THE FURNISHING AND DELIVERY OF A 2014 OR NEWER
RESCUE SQUAD CHASSIS

WHEREAS, the Township Committee of the Township of Upper has determined a need for a new rescue squad chassis 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 Township Engineer is hereby authorized and directed to prepare specifications, bid documents and solicit bids for the furnishing and delivery of a 2014 or newer Rescue Squad Chassis.

3. Sealed bids shall be received by the Township of Upper in accordance with the directives contained in the Notice of Bidders.

Resolution No. 215-2014

Offered by: Barr

Seconded by: Inserra

Adopted: September 22, 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> </u>	<u> </u>	<u> </u>	<u> X </u>

5. Authorizing the Engineer to prepare specifications and solicit bids for the Reconstruction of Bayview Avenue Phase I.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 216-2014

RE: AUTHORIZING THE ENGINEER TO PREPARE SPECIFICATIONS AND SOLICIT BIDS FOR THE RECONSTRUCTION OF BAYVIEW AVENUE PHASE I

WHEREAS, the Township Committee of the Township of Upper has determined a need to provide improvements to Bayview Avenue; 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 Township Engineer is hereby authorized and directed to prepare specifications, bid documents and solicit bids for the following project:

THE RECONSTRUCTION OF BAYVIEW AVENUE PHASE I

3. Sealed bids shall be received by the Township of Upper in accordance with the directives contained in the Notice to Bidders.

Resolution No. 216-2014
Offered by: Inserra
Adopted: September 22, 2014
Roll Call Vote:

Seconded by: Barr

<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>

6. Tax Refund for Block 602, Lot 11.01.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION

RESOLUTION NO. 217 -2014

TAX REFUND
BLOCK 602 LOT 11.01

WHEREAS, certain corrections have been recommended by the Upper Township Tax Collector in order to refund monies; and

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that corrections to the Tax records are hereby authorized and the Tax Collector is hereby directed to correct said records or take such action as indicated on the attached sheet.

Resolution No. 217-2014

Offered by: Barr

Seconded by: Young

Adopted: September 22, 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>

REFUND 2014

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
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602/11.01

\$735.30

Joseph Racanelli
42 Brook Dr. South.
New Vernon, NJ 07976

Property Taxes were paid by both Homeowner and Mortgage Company. Homeowner has requested a refund.

7. Chapter 159 Resolution for the insertion of a Special Item of Revenue into the 2014 Budget that was not determined at the time of the adoption of the Budget—Subgrant for the Federal Fiscal Year 2013 from the Department of Homeland Security Emergency Management Performance Grant in the amount of \$5,000.00.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 218-2014**

**RE: CHAPTER 159 RESOLUTION FOR THE INSERTION OF A SPECIAL ITEM OF
REVENUE INTO THE 2014 BUDGET THAT WAS NOT DETERMINED AT THE
TIME OF THE ADOPTION OF THE BUDGET—SUBGRANT FOR THE FEDERAL
FISCAL YEAR 2013 FROM THE DEPARTMENT OF HOMELAND SECURITY
EMERGENCY MANAGEMENT PERFORMANCE GRANT IN THE AMOUNT OF
\$5,000.00**

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

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

WHEREAS, THE TOWNSHIP OF UPPER WILL RECEIVE AN AMOUNT OF \$5,000.00 FROM THE NEW JERSEY STATE POLICE, OFFICE OF EMERGENCY MANAGEMENT FFY2013 HOMELAND SECURITY EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM AND WISHES TO AMEND ITS 2014 BUDGET TO INCLUDE THIS AMOUNT AS A REVENUE.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HEREBY REQUESTS THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES APPROVE THE INSERTION OF AN ADDITIONAL ITEM OF REVENUE IN THE BUDGET OF THE YEAR 2014 IN THE SUM OF \$5,000.00, WHICH IS NOW AVAILABLE AS A REVENUE FROM:

REVENUE: STATE & FEDERAL REVENUE OFFSET WITH APPROPRIATIONS:
 FFY2013 HOMELAND SECURITY EMERGENCY MANAGEMENT PERFORMANCE
 GRANT PROGRAM, AND

BE IT FURTHER RESOLVED THAT A LIKE SUM OF \$5,000.00 BE AND THE
 SAME IS HEREBY APPROPRIATED UNDER THE CAPTION OF:

APPROPRIATION: STATE AND FEDERAL PROGRAMS OFFSET BY REVENUE:
 FFY2013 HOMELAND SECURITY EMERGENCY MANAGEMENT PERFORMANCE
 GRANT PROGRAM, AND

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

Resolution No. 218-2014

Offered by: Coggins Seconded by: Barr

Adopted: September 22, 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> </u>	<u> </u>	<u> </u>	<u> X </u>

8. Authorizing the Mayor to sign and submit a Municipal Aid Grant application for the reconstruction of Commonwealth Avenue from Willard Road to Seaview Avenue in the Strathmere section of the Township of Upper for Fiscal year 2015.

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

RESOLUTION NO.219-2014

**RE: AUTHORIZING THE MAYOR TO SIGN AND SUBMIT A
 MUNICIPAL AID GRANT APPLICATION FOR THE RECONSTRUCTION OF
 COMMONWEALTH AVENUE FROM WILLARD ROAD TO SEAVIEW AVENUE IN THE
 STRATHMERE SECTION OF THE TOWNSHIP OF UPPER
 FOR FISCAL YEAR 2015**

WHEREAS, the Township of Upper wishes to take
 advantage of Municipal Aid Grants that will be available for

Fiscal year 2015; and

WHEREAS, the Township Committee fully supports and endorses the actions of the Township Engineer in his filing of the grant application for the following grant program:

FY 2015 Municipal Aid for Roadway Reconstruction.

This program provides grants to municipalities for roadway improvements.

The project will involve the reconstruction of Commonwealth Avenue from Willard Road to Seaview Avenue in the Strathmere Section of the Township of Upper, which will include roadway reconstruction, curb & sidewalk improvements and drainage improvements.

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, Engineer and Clerk of the Township of Upper are hereby authorized, directed and empowered to submit an electronic grant application identified as MA-2015-Upper Township - 00216 to the New Jersey Department of Transportation 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.

4. That the Mayor and clerk are hereby authorized to sign the grant agreement on behalf of the Township of Upper and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

5. A certified copy of this Resolution shall be provided to the Township Engineer for insertion into each Municipal Aid Grant Application for Fiscal year 2015.

Resolution No. 219-2014

Offered by: Coggins

Seconded by: Inserra

Adopted: September 22, 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> </u>	<u> </u>	<u> </u>	<u> X</u>

- 9. Authorizing a Professional Services Contract with Atlantic Investigations, LLC for an Alcohol and Controlled Substances Training and Testing program for certain Township Employees.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 220-2014

**RE: AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH
ATLANTIC INVESTIGATIONS, LLC 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, Atlantic Investigations, LLC also provides other training and testing services that the Township wishes to utilize from time to time; and

WHEREAS, Atlantic Investigations, LLC has the required expertise to provide such services; and

WHEREAS, the Township Committee intends to engage the services of Atlantic Investigations, LLC as a Professional Services Contract; and

WHEREAS, Atlantic Investigations, LLC has completed and submitted a Business Entity Disclosure Certification which certifies 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. Atlantic Investigations, LLC, with offices at 583 13th Street, Suite 101 Hammonton, NJ 08037, is hereby appointed to administer an alcohol and controlled substances training and testing program in compliance with Federal rules, regulations and guidelines and Township policy and to provide other training and testing services as the Township may request.

3. 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.

4. This contract shall have a term of one (1) year commencing upon full execution.

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 Atlantic Investigations, LLC. 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. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Atlantic Investigations, LLC 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.

7. Atlantic Investigations, LLC has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township.

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. 220-2014

Offered by: Barr

Seconded by: Inserra

Adopted: September 22, 2014

Roll Call Vote:

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

10. Appointing Flexible Communications and James C. Peters as Agent for Telecommunication Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 221-2014

**RE: APPOINTING FLEXIBLE COMMUNICATIONS AND JAMES C. PETERS AS
AGENT FOR TELECOMMUNICATION SERVICES**

WHEREAS, Flexible Communications and James C. Peters, with offices at 1238 Briarwood Road, Belmar, New Jersey 07719, have offered broker services for the Township's telecommunication needs, which will result in a significant savings for the Township; and

WHEREAS, the Township Committee of the Township of Upper wishes to appoint Flexible Communications and James C. Peters to act as Agent for all of the Township's telecommunication services with the understanding that all compensation to James C. Peters will be paid by the telecommunication vendor and not by the Township; and

WHEREAS, Flexible Communications and James C. Peters have completed and submitted a Business Entity Disclosure Certification which certifies that Flexible Communications and James C. Peters have not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Flexible Communications and James C. Peters from making any reportable contributions through the term of the contract; and

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

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

2. The Mayor is hereby authorized, directed and empowered to execute a Letter of Agency, attached hereto as Exhibit A, with Flexible Communications and James C. Peters to operate as Agent for telecommunication services for the Township of Upper with all compensation to said Agent to be paid by the vendor.

3. Flexible Communications has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and have provided proof of that registration to the Township of Upper.

4. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 221-2014
 Offered by: Coggins
 Adopted: September 22, 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>	<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> </u>	<u> </u>	<u> </u>	<u> X </u>

11. Authorizing the Mayor and Township Clerk to sign a contract with Spectrotel Holding Company, LLC for POTS Telephone Services.

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

RESOLUTION NO. 222-2014

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO
 SIGN A CONTRACT WITH SPECTROTEL HOLDING COMPANY, LLC
 FOR POTS TELEPHONE SERVICES**

WHEREAS, Spectrotel Holding Company, LLC, 3535 State Hwy 66, Suite 7, Neptune, New Jersey 07753, has submitted a proposal to provide POTS (aka. Copper hardline) telephone services; and

WHEREAS, the proposed contract has been reviewed and approved by the Municipal Attorney and the Township's Computer Director 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, Spectrotel Holding Company, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Spectrotel Holding Company, LLC has not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Spectrotel Holding Company, LLC from making any reportable contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with Spectrotel Holding Company, LLC to provide POTS (aka. Copper hardline) telephone services for The Township of Upper.
3. This contract shall have a term of one (1) year commencing upon full execution of the contract documents and service beginning December 12, 2014 and ending on December 11, 2015.

4. Spectrotel Holding Company, LLC has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and have provided proof of that registration to the Township of Upper.

5. 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. 222-2014
 Offered by: Inserra
 Adopted: September 22, 2014

Seconded by: Coggins

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>X</u>	<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> </u>	<u> </u>	<u> </u>	<u> X </u>

12. Authorizing the Mayor and Township Clerk to sign a contract with NetCarrier, Inc. for MPLS/VOIP Telecommunication and Data Services.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 RESOLUTION**

RESOLUTION NO. 223-2014

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO
 SIGN A CONTRACT WITH NETCARRIER, INC.
 FOR MPLS/VOIP TELECOMMUNICATION AND DATA SERVICES**

WHEREAS, NetCarrier, Inc., 4000 N. Cannon Avenue, Lansdale, Pennsylvania 19446, has submitted a proposal to provide MPLS/VOIP telecommunication and data services; and

WHEREAS, the proposed contract has been reviewed and approved by the Municipal Attorney and the Township’s Computer Director 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, NetCarrier, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that NetCarrier, Inc. has not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit NetCarrier, Inc. from making any reportable contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with NetCarrier, Inc. to provide MPLS/VOIP telecommunication and data services for the Township of Upper.
3. This contract shall have a term of three (3) years commencing upon full execution of the contract and services beginning on December 12, 2014 and ending on December 11, 2017.
4. NetCarrier, Inc. has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and have provided proof of that registration to the Township of Upper.
5. 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. 223-2014

Offered by: Coggins

Seconded by: Inserra

Adopted: September 22, 2014

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
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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> </u>	<u> </u>	<u> </u>	<u> X </u>

13. Authorizing the release of a Performance Bond and the Acceptance of a 2 year Maintenance Bond of owner and/or Developer: Clayton Development Associates, LLC for the Major Subdivision: Willets Road Property: Block 479, Lot 48.01 & 48.02.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO.224-2014

**RE: AUTHORIZING THE RELEASE OF A PERFORMANCE BOND AND
THE ACCEPTANCE OF A 2 YEAR MAINTENANCE BOND OF**

**OWNER AND/OR DEVELOPER: CLAYTON DEVELOPMENT ASSOCIATES, LLC
MAJOR SUBDIVISION: WILLETS ROAD
PROPERTY: BLOCK 479, LOT 48.01 & 48.02**

WHEREAS, Clayton Development Associates, LLC (hereinafter “Developer”), has heretofore requested acceptance of a Maintenance Bond for the major subdivision project known as “Willets Road”; and

WHEREAS, Developer has completed all work in conformance with the plans and specifications for the project known as Willets Road Major Subdivision as certified and inspected by the Township Engineer and the Performance Bond now held by the Township should be released; and

WHEREAS, Developer is required to furnish a Maintenance Bond for the aforesaid project; and

WHEREAS, said Maintenance Bond shall be for two (2) years in an amount equal to 15% of the original construction value of \$100,690 or \$15,103.50 in accordance with the Township of Upper Municipal Ordinance No. 19 of 1989;

WHEREAS, pursuant to N.J.S.A. 40:55D-53, the Developer is required to post a maintenance bond; and

WHEREAS, the Developer has presented to the Township a Maintenance Guaranty as follows:

Maintenance Surety Bond

Bond No. B98816025345

**Principal: Clayton Development Associates, LLC
4019 Ocean Heights Avenue
Egg Harbor Township, NJ 08234**

**Surety: American Southern Insurance Company
3715 Northside Parkway, NW
Atlanta, Georgia 30327**

Bond Amount Cash: \$ 1,510.35

Bond Amount, Surety: \$ 13,593.15

Bond Date: September 15, 2014

WHEREAS, the Municipal Attorney has reviewed the Maintenance Guaranty and has determined that the same complies with the New Jersey Statutes and the Township Ordinances applicable thereto and has recommended the acceptance of same by the Township Committee;

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 Surety Bond described in this Resolution is hereby accepted and approved.
3. The Performance Bond now held by the Township is hereby released.
4. All Township officials and officers are hereby authorized and empowered to take all actions deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 224-2014
Offered by: Inserra
Adopted: September 22, 2014

Seconded by: Young

Roll Call Vote:

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

14. Authorizing a Notice of Violation and Abatement of Nuisance for Block 567, Lot 12; Block 573.01 Lot 5; Block 303, Lot 1 and Block 549, Lot 1 pursuant to Township Code Section 11-1.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 225-2014

**RE: AUTHORIZING A NOTICE OF VIOLATION AND ABATEMENT OF
NUISANCE FOR BLOCK 567, LOT 12; BLOCK 573.01, LOT 5; BLOCK 303, LOT 1
AND BLOCK 549, LOT 1 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 2009 Route US 9 South, Seaville, Block 567, Lot 12; 1019 Pin Oak Drive, Palermo, Block 573.01, Lot 5; Reading Avenue, Tuckahoe, Block 303, Lot 1 and 107 Route 50, Seaville, Block 549, Lot 1. on the official tax map of the Township of Upper, and the zoning officer has determined that the properties contain 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 each owner and/or foreclosing lien holder above 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 each owner and/or foreclosing lien holder above 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 2009 Route US 9 South, Seaville, Block 567, Lot 12; 1019 Pin Oak Drive, Palermo, Block 573.01, Lot 5; Reading Avenue, Tuckahoe, Block 303, Lot 1 and 107 Route 50, Seaville, Block 549, Lot 1.
- 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. 225-2014
Offered by: Young Seconded by: Coggins
Adopted: September 22, 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>

ORDINANCES

15. Public hearing and final adoption of Ordinance No. 012-2014 RE: AN ORDINANCE VACATING THE PAPER STREET KNOWN AS PUBLIC ALLEY BETWEEN

PRESCOTT AVENUE AND OTIS AVENUE WITHIN BLOCK 821, IN THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY. **During the public hearing portion there were no speakers. Motion by Hobie Young, second by Anthony Inserra, to adopt Ordinance No. 012-2014. During roll call vote, all Committee members present voted in the affirmative.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 012-2014

**RE: AN ORDINANCE VACATING THE PAPER STREET KNOWN
AS PUBLIC ALLEY BETWEEN PRESCOTT AVENUE AND OTIS AVENUE
WITHIN BLOCK 821, IN 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, Thomas B. Leonard is the owner of Block 821 Lot 7 and has requested that the Township vacate a certain alley described in this Ordinance and has agreed to pay the costs incurred by the Township to vacate said alley, 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 the Public Alley between Prescott Avenue and Otis 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 Alley in
Block 821 and adjacent to Lots 7, 9, and 10.02
as shown on Tax Map Sheet No. 33.01
Strathmere Section of
Township of Upper

BEGINNING in the Southwesterly line of Prescott Avenue (50' Wide) 300.5 feet Northeasterly from the Southeasterly line of Bayview Drive and at the Northeasterly corner of Lot 7 in Block 821 extending Southwesterly along Lots 7 & 10.02 in Block 821 a distance of 200 feet to a point in the Northeasterly line of Otis Avenue (50' wide and unimproved); then 10 feet Southeasterly along the Northeasterly line of Otis Avenue (50' wide and unimproved) and across said alley to a point in the property line of Lot 9 in Block 821; then 200 feet in a Northeasterly direction along the property line of Lot 9 to a point in the Southwesterly line of Prescott Avenue (50' wide); then 10 feet in a Northwestwardly direction across said alley and along the Southwesterly line of Prescott Avenue to the point of beginning.

SECTION 2: This Ordinance vacates no portion of the alley 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 25th DAY OF AUGUST, 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 22nd DAY OF SEPTEMBER, 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

16. Introduction and first reading of Ordinance No. 013-2014 RE: AN ORDINANCE AMENDING ORDINANCE NO. 013-2013 KNOWN AS THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2014. **Motion by John Coggins, second by Anthony Inserra, to introduce Ordinance No. 013-2014, with public hearing and final adoption scheduled for October 14, 2014. During roll call vote all Committee members present voted in the affirmative.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 013-2014

**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 addition of the following paragraphs as indicated below:

K. ADDITIONAL PAY TO CREW OF SANITATION VEHICLES:

Laborers employed in the collection of trash and assigned to the rear of a trash truck shall, in addition to any other compensation payable pursuant to this Ordinance, receive an additional sum to be known as “Hazardous Duty Pay”, which shall be payable at the rate of \$.25 per hour.

L. ADDITIONAL PAY TO EMERGENCY MEDICAL TECHNICIANS

(EMTs): The most senior Emergency Medical Technician assigned to a shift where a supervisory employee is not also assigned to that shift, in addition to any other compensation payable pursuant to this Ordinance, shall receive an additional sum to be known as “Officer in Charge Pay”, which shall be payable at the rate of \$.50 per hour.

SECTION 2: 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 3: REPEALER: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 4: 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 SEPTEMBER 22, 2014 AND WILL BE TAKEN UP FOR SECOND READING AND FINAL ADOPTION AT A MEETING OF THE UPPER TOWNSHIP COMMITTEE TO BE HELD ON OCTOBER 14, 2014 AT 7:30 P.M.

BY ORDER OF THE TOWNSHIP COMMITTEE.

BARBARA L. YOUNG, RMC
TOWNSHIP CLERK

CORRESPONDENCE

NEW BUSINESS

- 17. **Upper Township PTA request to hold a raffle RA-434 at the Upper Township Primary School on November 21, 2014.** Motion by Anthony Inserra, second by Hobie Young, to approve the request. During roll call vote all Committee members present voted in the affirmative.
- 18. **Clayton Development Associates, LLC request to vacate a portion of the street known as Willets Road, also known as Willets Point Lane, in Marmora.** Motion by Anthony Inserra, second by John Coggins, to approve the request, contingent upon no objection from the affected adjacent property owners. During roll call vote all Committee members present voted in the affirmative. The adjacent property owners will be notified of the proposed street vacation, and upon no objection, an Ordinance will be placed on a future agenda for formal action.
- 19. **Bid opening results for sports field lighting at Amanda’s Field.** The Municipal Engineer reported that four contractors requested the bid specifications. One bid was submitted in the amount of 175,605.00. After a brief discussion regarding a few of the provisions in the specifications, as well as the installation costs, it was decided to table the matter for further review. Motion by Hobie Young, second by Edward Barr, to table the matter to the October 14, 2014 Committee meeting. During roll call vote all Committee members present voted in the affirmative.

20. Bid opening results for security equipment. The Municipal Engineer reported that six bids were submitted. The lowest bid was submitted by ProVideo Engineering, in the amount of \$57,901.20. Motion by Anthony Inserra, second by Edward Barr, to award the contract for furnishing and installation of security equipment to the lowest responsible bidder, ProVideo Engineering. During roll call vote, all Committee members present voted in the affirmative. A resolution for formal action will be placed on the next agenda.

UNFINISHED BUSINESS

DISCUSSION

21. Best Practices Inventory. The CFO requested that a Finance Committee, consisting of herself, Municipal Clerk Barbara Young, and the Committeeman in charge of Finance John Coggins, be appointed to meet on a monthly basis to discuss financial issues. Motion by Anthony Inserra, second by Edward Barr to approve the request. During roll call vote, all Committee members present voted in the affirmative.

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 Edward Barr. During roll call vote all Committee members present voted in the affirmative.

Bills approved for payment: \$113,431.51

Payroll: \$160,885.87

REPORT OF MUNICIPAL DEPARTMENTS

23. UT Green Team Minutes

Motion by John Coggins, second by Edward Barr to accept all reports as submitted. During roll call vote all Committee members present voted in the affirmative.

PUBLIC COMMENT

Jeff Pierson, Marmora, commended the Tuckahoe Volunteer Fire Company for coordinating a fundraiser event for the family of Rachael Chatten. He stated that the event was well done and well attended.

Camille Sailer, representing the Cape May County Herald, requested more information regarding the Marmora Town Center. It was stated that the Town Center designation is part of the Township’s Master Plan, and the Township is actively pursuing commercial property development and beautification projects. Ms. Sailer then thanked Paul Dietrich for his work for Upper Township.

CLOSED SESSION

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

TOWNSHIP OF UPPER
RESOLUTION NO. 226-2014
MOTION GOING INTO CLOSED SESSION
SEPTEMBER 22, 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. Personnel
2. Litigation – Grubb v. Upper Township
3. Litigation – Upper Township v. Yank & Sansone

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 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: Hobie Young

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

RECONVENE PUBLIC PORTION OF MEETING

Motion by John Coggins second by Edward Barr, to direct the Personnel Officer to send a final notice of termination to James Osborn. All Committee members present voted in the affirmative.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:33 P.M. The next regular meeting is scheduled for Tuesday October 14, 2014 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC
Municipal Clerk

Bill List

63541 09/23/14 A0018 ACTION SUPPLY INC. 584.14 2845
63542 09/23/14 A0020 ACU-THERM SUPPLY CO.,INC. 165.57 2845
63543 09/23/14 A0035 AIRLINE HYDRAULIC CORP. 90.68 2845
63544 09/23/14 A0075 ADAMS, JOSHUA 202.87 2845
63545 09/23/14 A0091 ATLANTIC CITY ELECTRIC 3,948.06 2845
63546 09/23/14 A0175 Adams Rehmann & Haggan Assoc 12,480.00 2845
63547 09/23/14 B0035 BELMONT & CRYSTAL SPRINGS 135.74 2845
63548 09/23/14 B0106 BARLOW BUICK GMC 285.64 2845
63549 09/23/14 C0046 CAPE MAY COUNTY CLERK 20.00 2845
63550 09/23/14 C0048 CAPE MAY COUNTY MUA 34,711.77 2845
63551 09/23/14 C0061 CAPRIONI FAMILY SEPTIC 350.00 2845
63552 09/23/14 C0068 COMCAST 260.75 2845
63553 09/23/14 C0072 CATERINA SUPPLY INC. 230.85 2845
63554 09/23/14 C0128 CARDINAL HEALTH 200, LLC 156.09 2845
63555 09/23/14 C0171 COLONIAL ELECTRIC SUPPLY CO. 0.00 09/23/14 VOID 0
63556 09/23/14 C0171 COLONIAL ELECTRIC SUPPLY CO. 2,883.40 2845
63557 09/23/14 C0196 COMPUTER HOUSE 193.45 2845
63558 09/23/14 C0202 CRAIG TESTING LABS, INC. 1,200.00 2845
63559 09/23/14 C0223 CASA PAYROLL SERVICE 293.95 2845
63560 09/23/14 C0232 COSSABOONE, CHARLES 25.70 2845
63561 09/23/14 C0267 COPIERS PLUS, INC. 387.50 2845
63562 09/23/14 D0016 DALEYS PIT 140.00 2845
63563 09/23/14 D0040 DELTA DENTAL OF N.J. INC. 6,077.24 2845
63564 09/23/14 D0148 DIRECT ENERGY BUSINESS 3,519.81 2845
63565 09/23/14 D0150 DESMOND, BETHANY 39.50 2845
63566 09/23/14 E0012 EHRLICH PEST CONTROL INC 83.77 2845
63567 09/23/14 E0016 ERCO CEILINGS & BLINDS INC 74.62 2845
63568 09/23/14 G0016 GARDNER HARDWARE INC. 196.17 2845
63569 09/23/14 G0028 GENTILINI FORD 229.40 2845
63570 09/23/14 G0035 GENRON FIRE PROTECTION 265.00 2845
63571 09/23/14 G0047 GILLESPIE, PAUL J. INC. 840.00 2845
63572 09/23/14 G0157 GRANTURK EQUIPMENT CO., INC. 1,354.56 2845
63573 09/23/14 H0002 H.A. DEHART & SON CORP. 72.14 2845
63574 09/23/14 H0018 HAROLD RUBIN L & H SUPPLY 144.40 2845
63575 09/23/14 H0131 HPI PROCESSES, INC 626.24 2845
63576 09/23/14 J0072 JERSEY WEB DESIGNS 970.00 2845
63577 09/23/14 K0080 KOHLER'S AUTO GLASS 75.00 2845
63578 09/23/14 L0043 LEE RAIN,INC. 301.11 2845
63579 09/23/14 L0087 LINE SYSTEMS INC 2,953.06 2845
63580 09/23/14 M0055 MAY, JUDITH 150.00 2845
63581 09/23/14 M0142 MASON, NICHOLAS 139.99 2845
63582 09/23/14 M0180 MED-TECH RESOURCE,LLC 348.85 2845
63583 09/23/14 M0188 MCCARTHY TIRE SERVICE OF PHILA 1,220.56 2845
63584 09/23/14 M0252 MCAGC 50.00 2845
63585 09/23/14 M0254 MIDWEST ELASTOMERS, INC. 12,742.25 2845
63586 09/23/14 N0043 NAPA AUTO PARTS 82.71 2845
63587 09/23/14 N0052 NATL YOUTH SPORTS COACHED ASSN 20.00 2845
63588 09/23/14 N0088 N.J. CONFERENCE OF MAYORS 475.00 2845
63589 09/23/14 N0100 N.J. LEAGUE OF MUNICIPALITIES 935.00 2845
63590 09/23/14 N0111 NEW JERSEY STATE POLICE 1,399.84 2845
63591 09/23/14 O0006 SJSHORE MARKETING,LLC 470.27 2845
63592 09/23/14 P0032 PEDRONI FUEL CO. 1,682.26 2845
63593 09/23/14 P0036 PENNELLO,DAVID 149.96 2845
63594 09/23/14 P0056 TURF EQUIPMENT AND SUPPLY CO 895.35 2845
63595 09/23/14 P0136 POSTNET 14.95 2845
63596 09/23/14 R0030 RIGGINS, INC. 5,883.13 2845
63597 09/23/14 R0065 ROBERT BROWN TREE SERVICE 600.00 2845

63598 09/23/14 R0092 RUTGERS, THE STATE UNIVERSITY 226.00 2845
63599 09/23/14 S0018 SUBURBAN PROPANE, LP 98.88 2845
63600 09/23/14 S0031 SCHULER SECURITY, INC. 185.00 2845
63601 09/23/14 S0056 SEASHORE ASPHALT CORPORATION 232.50 2845
63602 09/23/14 S0092 SHONE, LEROY 75.00 2845
63603 09/23/14 S0121 SMUZ, THERESE A 47.26 2845
63604 09/23/14 S0126 SPIEGEL, BARBARA 68.88 2845
63605 09/23/14 S0134 SO. JERSEY GAS COMPANY 53.46 2845
63606 09/23/14 S0209 STAPLES ADVANTAGE 319.36 2845
63607 09/23/14 S0239 SHORE VET. ANIMAL CONTROL LLC 2,300.00 2845
63608 09/23/14 S0249 BSN SPORTS 495.19 2845
63609 09/23/14 T0022 TERMINIX 57.00 2845
63610 09/23/14 T0028 TRACTOR SUPPLY COMPANY CREDIT 299.99 2845
63611 09/23/14 T0032 THE PRESS & SUNDAY PRESS 141.78 2845
63612 09/23/14 T0048 TILL PAINT CO/D. FITZGERALD 737.25 2845
63613 09/23/14 T0067 TOWNSHIP OF UPPER PETTY CASH 63.00 2845
63614 09/23/14 T0097 TRICO EQUIPMENT INC. 497.09 2845
63615 09/23/14 U0003 U.S. MUNICIPAL SUPPLY, INC. 577.14 2845
63616 09/23/14 V0001 VCI EMERGENCY VEHICLE 707.73 2845
63617 09/23/14 V0005 VAN EMBDEN, NATHAN, ATTORNEY 1,500.00 2845
63618 09/23/14 V0024 VAL-U AUTO PARTS L.L.C. 490.75 2845
63619 09/23/14 V0025 V.E. RALPH & SON, INC. 102.95 2845
63620 09/23/14 W0050 WIRELESS ELECTRONICS, INC. 327.00 2845

Total: \$113,431.51