

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR JANUARY 12, 2015**

**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
Jeffrey Pierson	Present
Hobart Young	Present
Richard Palombo	Present

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

**APPROVAL OF MINUTES** - December 15, 2014 Regular Meeting and Closed Session Minutes

Motion by Edward Barr, second by Hobie Young, to approve the December 15, 2014 Regular Meeting and Closed Session Minutes as submitted. During roll call vote four Committee members voted in the affirmative. Committeeman Pierson abstained.

**REPORT OF GOVERNING BODY MEMBERS**

**John Coggins, Committeeman**, requested that a budget workshop meeting be scheduled. After a brief discussion it was decided to schedule a special budget workshop meeting on February 2, 2015 at 6:30 pm. Notice of the meeting will be advertised. He next reported on a request from the American Legion to lease the Old Township Hall property. It was stated that a representative will contact the Committeeman in charge of Buildings and Grounds, Hobie Young, to go over the request. Committeeman Young will then report back to the Committee. It was also suggested to talk with Jay Potter regarding any safety issues with the property. Lastly, Mr. Coggins reported that a resident has contacted him with a concern regarding a tattoo parlor opening up on Route 9 in the downtown Marmora area. It was stated that tattoo parlors have been permitted previously and under the Ordinance at that time it was a permitted use. A determination initially whether or not it requires Board approval would need to be made by the Zoning and Construction Official. In the event it is found to be a permitted use and does not require a change of use then they would be permitted to open without going before the board.

**Hobie Young, Committeeman**, reported that he will be holding a meeting regarding the special events for 2015. He stated that he hopes to form an advisory committee for the events. He then reported that the Recreation Advisory Board will soon hold their first meeting of the year. Later in the meeting, Mr. Young requested the procedure for a Committeeman lending his professional expertise to a project involving a public building. The municipal attorney advised that for a larger project there may be a conflict. In the past Committee members have given advice to the public works department on a particular project if it happens to fall in their line of expertise.

**Edward Barr, Committeeman**, reported that he recently met with the Supervisors of the Public Works Department to go over plans for projects, equipment, and personnel in 2015.

**Jeffrey Pierson, Committeeman**, reported that the Township will be holding a free rabies clinic on January 17 from 1-3 pm at Shore Veterinarians on Hope Corson Road. A second rabies clinic will be held on February 28 as well. He next reported on a several safety concerns raised by residents regarding the speed limit on a portion of Route 9 from Roosevelt Boulevard to the Beesley's Point Bridge, and on Old Tuckahoe Road. The Municipal Attorney was directed to confer with the Township Engineer and reach out to County and State Officials regarding the issues.

**Richard Palombo, Mayor**, reported on a recent meeting with the DEP. He stated that the DEP is willing to sign off that it appears that there is not going to be a nesting habitat and they are willing to talk to the Army Corps about taking that into consideration when they move forward with the project. A meeting to discuss the beach fill project is scheduled for next week with the Army Corps the DEP and representatives from the effected towns.

## **OTHER REPORTS**

**Barbara Young, Municipal Clerk**, reported that Township offices will be closed on Monday January 19<sup>th</sup> in observance of Martin Luther King Jr.'s Birthday.

**Daniel Young, Municipal Attorney**, reported that there are a number of contract negotiation and personnel items for closed session.

## **PRESENTATIONS**

1. **Honoring William J. Brown for his long and distinguished record of service to the Township of Upper.** Mayor Palombo stated that it is an honor to have Mr. Brown here tonight and thanked him for his dedication and service to our Community. He and the Township Committee then presented the Resolution to Mr. Brown. Cape May County Clerk Rita Fulginiti presented Mr. Brown with a commemorative pen, a symbol of the Clerk's Office, and thanked him for his guidance, wisdom and service. Stoddard Bixby, Jerry Bailey, Ralph Clayton, and Kerry Thompson also spoke and praised Mr. Brown for his friendship and many years of service.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 267-2014**

**HONORING WILLIAM J. BROWN FOR HIS LONG AND DISTINGUISHED  
RECORD OF SERVICE TO THE TOWNSHIP OF UPPER**

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**WHEREAS**, William Brown has had a long and distinguished career as a public servant, serving on the Upper Township Committee, the Cape May County Tax Board, the NJ Pinelands Commission, the Jersey Cape Diagnostic Board, the Board of Trustees for the Woodbine Developmental Center, and the Upper Township Planning Board; and

**WHEREAS**, during his tenure on the Planning Board, Bill has played an essential role in guiding the Township through many phases of growth and development, and he is deeply respected for his commitment to this community and its residents; and

**WHEREAS**, after more than 50 years of public service, Bill has decided to retire from his position on the Upper Township Planning Board; and

**WHEREAS**, it is fitting and proper that we honor Bill for his generous contribution of time, knowledge, and expertise to our community.

**NOW THEREFORE BE IT RESOLVED** that this Township Committee on behalf of all the citizens of the Township of Upper extend to our friend, William J. Brown our heartfelt thanks and gratitude for his dedicated service to Upper Township and extend to him our very best wishes on his retirement and on all his future endeavors.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 15<sup>th</sup> day of December, 2014.

**RESOLUTIONS**

2. **Declaring certain Township property and equipment as surplus and authorizing its disposal by sale on an online auction website.** Mr. Barr stated that the Public Works Department has requested that the list of items to be sold be reviewed further with a possibility of revising the list. Motion by John Coggins, second by Jeffrey Pierson, to table this Resolution. During roll call vote all five Committee members voted in the affirmative. The matter will be re-listed on a future agenda.
  
3. **Authorizing the Chief Financial Officer to sign additional Group Agreements with Horizon Blue Cross Blue Shield of New Jersey for Medical and Prescription Insurance.**

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

**RESOLUTION NO. 24-2015**

**RE: AUTHORIZING THE CHIEF FINANCIAL OFFICER TO  
SIGN ADDITIONAL GROUP AGREEMENTS WITH HORIZON BLUE CROSS  
BLUE SHIELD OF NEW JERSEY FOR MEDICAL AND PRESCRIPTION  
INSURANCE**

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**WHEREAS**, the Township of Upper previously authorized the renewal of a Group Plan Agreement with Horizon Blue Cross Blue Shield for employee medical and prescription drug coverage effective January 1, 2015 pursuant to Resolution No. 273-2014, adopted December 15, 2014; and

**WHEREAS**, as a cost saving measure, the Township has negotiated for two additional alternative Group Plan Agreements for medical and prescription drug coverage attached hereto as Exhibit A; and

**WHEREAS**, said agreements shall be available to eligible employees effective February 1, 2015 through December 31, 2015.

**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 Group Agreements between the Township of Upper and Horizon Blue Cross Blue Shield of New Jersey are approved and the Chief Financial Officer is hereby authorized, directed and empowered to execute said Group Agreements on behalf of the Township of Upper.

3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Resolution No. 24-2015  
 Offered by: Coggins  
 Adopted: January 12, 2015

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>	<u>          </u>	<u>          </u>	<u>          </u>
Coggins	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Pierson	<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. 2015 Temporary Budget – Debt Service.**

TOWNSHIP OF UPPER  
 CAPE MAY COUNTY  
 R E S O L U T I O N  
 RESOLUTION NO. 25-2015

**RE: 2015 TEMPORARY BUDGET – DEBT SERVICE**

WHEREAS, N.J.S.A. 40A:4-19 provides authority for appropriating in a temporary resolution the permanent debt service requirements for the coming fiscal year providing that such resolution is not made earlier than the last ten days of the preceding fiscal year; and

WHEREAS, the date of this resolution is subsequent to that date; and

WHEREAS, principal and interest will be due on various dates from January 1, 2015 to December 31, 2015, inclusive, on sundry bonds issued and outstanding.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, in the County of Cape May, State of New Jersey, that the following appropriations be made to cover the period from January 1, 2015 to December 31, 2015, inclusive:

**DEBT SERVICE – TOWNSHIP OF UPPER**

Interest on Bond Anticipation Note	\$ 28,536.00
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Payment on Bond Anticipation Note	3,480,000.00
Interest on Special Emergency Note	6,305.84
Payment on Special Emergency Note	<u>600,000.00</u>
	\$4,114,841.84

Resolution No. 25-2015

Offered by: Coggins                      Seconded by: Barr

Adopted: January 12, 2015

Roll Call Vote:

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

**5. Reserve Budget Transfers.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 26-2015**

**RE: RESERVE BUDGET TRANSFERS**

**WHEREAS**, various 2014 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2014 budget appropriation reserve in the last two months of 2014; and

**WHEREAS**, N.J.S.A. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available until lapsed at the close of the succeeding year to meet specific claims, commitments or contracts incurred during the preceding fiscal year and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, that the transfers in the amount of \$5,000.00 be made between the 2014 budget appropriation reserves as follows:

<u>TO</u>	<u>FROM</u>
ROAD REPAIRS & MAINT. O/E	ROAD REPAIRS & MAINT. S/W
\$5,000.00	\$5,000.00

Resolution No. 26-2015  
 Offered By: Coggins                      Seconded By: Pierson  
 Adopted: January 12, 2015

Roll Call Vote:

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

**6. A Resolution to affirm the Township of Upper’s Civil Rights Policy with respect to all Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors, and members of the public that come into contact with Municipal Employees, Officials and Volunteers.**

**TOWNSHIP OF UPPER  
 CAPE MAY COUNTY  
 RESOLUTION**

**RESOLUTION NO. 27-2015**

**RE: A RESOLUTION TO AFFIRM THE TOWNSHIP OF UPPER’S  
 CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS,  
 APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS,  
 INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT  
 COME INTO CONTACT WITH MUNICIPAL EMPLOYEES,  
 OFFICIALS AND VOLUNTEERS**

**WHEREAS**, it is the policy of the Township of Upper to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against

Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

**WHEREAS**, the governing body of the of the Township of Upper has determined that certain procedures need to be established to accomplish this policy; and

**NOW, THEREFORE BE IT RESOLVED** to affirm and adopt the Township of Upper’s civil rights policy as follows:

**Section 1:** No official, employee, appointee or volunteer of the Township of Upper by whatever title known, or any entity that is in any way a part of the Township of Upper shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person’s constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Township of Upper’s business or using the facilities or property of the Township of Upper.

**Section 2:** The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Township of Upper to provide services that otherwise could be performed by the Township of Upper.

**Section 3:** Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

**Section 4:** The Township Committee shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

**Section 5:** No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

**Section 6:** The Personnel Officer shall establish written procedures that require all officials, employees, appointees and volunteers of the Township of Upper as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

**Section 7:** The Personnel Officer shall establish a system to monitor compliance and



shall report at least annually to the governing body the results of the monitoring.

**Section 8:** At least annually, the Municipal Clerk shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Township of Upper. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Township of Upper’s web site.

**Section 9:** This resolution shall take effect immediately.

**Section 10:** A copy of this resolution shall be published in the official newspaper of the Township of Upper in order for the public to be made aware of this policy and the Township of Upper’s commitment to the implementation and enforcement of this policy.

Resolution No. 27-2015

Offered by: Pierson

Seconded by: Young

Adopted: January 12, 2015

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>	___	___	___
Pierson	<u>X</u>	___	___	___
Young	<u>X</u>	___	___	___
Palombo	<u>X</u>	___	___	___

**7. Approving the application of the Upper Township Rescue Squad for Highway Coin Drops.**

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

**RESOLUTION NO. 28-2015**

**RE: APPROVING THE APPLICATION OF THE UPPER TOWNSHIP RESCUE  
SQUAD FOR HIGHWAY COIN DROPS**

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**WHEREAS**, the Upper Township Rescue Squad, a non-profit corporation providing emergency medical and rescue

services, has made application to the Township Committee to hold coin drop solicitations in Upper Township; and

**WHEREAS**, the Township Committee has approved the requests; and

**WHEREAS**, the requests require approval from the County of Cape May;

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

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

2. The application of the Upper Township Rescue Squad to hold a coin drop within Upper Township on County Route 623 (Roosevelt Boulevard) and Vernon Avenue is hereby approved for the following dates:

Saturday, June 20, 2015 from 8:00 a.m. to 4:00 p.m.;

Saturday, July 4, 2015 from 8:00 a.m. to 4:00 p.m.;

And

Saturday August 1, 2015 from 8:00 a.m. to 4:00 p.m.

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

4. A certified copy of this Resolution shall be provided to the Board of Chosen Freeholders of the County of Cape May.

Resolution No. 28-2015

Offered by: Pierson                      Seconded by: Young

Adopted: January 12, 2015

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>
Pierson	<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>

**8. Amending Resolution 20-2015 to confirm appointments to various positions required by the Atlantic County Municipal Joint Insurance Fund.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 29-2015**

**RE: AMENDING RESOLUTION 20-2015 TO CONFIRM APPOINTMENTS TO VARIOUS POSITIONS REQUIRED BY THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND**

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**WHEREAS**, Resolution 20-2015, appointing various positions required by the Atlantic County Municipal Joint Insurance Fund, was adopted on January 5, 2015; and

**WHEREAS**, it is necessary to amend Resolution No. 20-2015 in order to correct the designation of the members and alternate members of the Upper Township Safety Committee; 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 makes the following appointments as Township representatives or Township committees with respect to Township participation in the Atlantic County JIF:

**Fund Commissioner:** Therese Smuz

**Alternate Fund Commissioner:** Barbara L. Young, Township Clerk

**Risk Management Consultant:** Thomas H. Heist, IV; Thomas Heist Insurance Agency

**Alternate Risk Management Consultant:** Mike Connolly

**Claims Coordinator:** Therese Smuz

**Safety Coordinator:** Jay Potter, Chief, Upper Township Rescue Squad

**Asst. Safety Coordinator:** Theodore Kingston

**Township Committee Member:** Jeffrey L. Pierson

**Safety Committee:** Scott Morgan; Alt. James M. Jones  
Jay Potter; Alt. Michelle Sampson  
Leroy Shone; Alt. Christopher Thomas  
Theodore Kingston  
Paul Dietrich  
Therese Smuz; Alt. Patricia Smyth  
Barbara Young; Alt. Joanne Herron  
Brian Keenan; Alt. Roger Van Order  
Jeremy Williams

3. The Safety Committee will meet not less than quarterly to discuss safety issues.

4. A certified copy of this Resolution shall be sent to the Atlantic County Joint Insurance Fund to the attention of Paul Miola, Executive Director and a copy of this Resolution shall be provided to each of the persons named herein.

Resolution No. 29-2015  
Offered by: Pierson                      Second by: Coggins  
Adopted: January 12, 2015

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>	_____	_____	_____
Pierson	<u>  X  </u>	_____	_____	_____
Young	<u>  X  </u>	_____	_____	_____
Palombo	<u>  X  </u>	_____	_____	_____

**9. Authorizing the execution of a subcontract with the County of Cape May for the Fiscal Year 2015/2016 Municipal Alliance Program.**

**TOWNSHIP OF UPPER  
COUNTY OF CAPE MAY  
RESOLUTION**

**RESOLUTION NO. 30-2015**

**AUTHORIZING THE EXECUTION OF A SUBCONTRACT  
WITH THE COUNTY OF CAPE MAY FOR THE  
FISCAL YEAR 2015/2016 MUNICIPAL ALLIANCE PROGRAM**

**WHEREAS**, pursuant to P. L. 1989, Ch. 51, the Municipal Alliance Program has been made available to each county in order to increase drug and alcohol prevention services; and

**WHEREAS**, the City of Ocean City and the Township of Upper have agreed to participate together in this effort and have designated Upper Township as the lead municipality; and

**WHEREAS**, the Township of Upper has agreed to organize and coordinate efforts involving schools, law enforcement, businesses, local organizations and the community to work toward the development and implementation of community based alcoholism and drug abuse education, awareness, and alternative and prevention programs for our school aged children; and

**WHEREAS**, the Cape May County Department of Human Services has informed the Township of Upper/City of Ocean City Municipal Alliance Committee of its eligibility to apply for Municipal Alliance funds in the amount of:

DEDR Funds.....\$24,393.00

Amount of Local In-Kind Match.....\$18,295.00

Amount of Local Cash Match.....\$ 6,098.00

TOTAL AMOUNT OF SUBCONTRACT.....\$48,786.00

**WHEREAS**, the Township of Upper wishes to apply for said funding; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township as lead agency is hereby authorized to submit an application and strategic plan for Municipal Alliance funding for the Fiscal Grant Cycle July 2015 – June 2016 grant funds in the amount specified in this Resolution or for such other amounts as may become available, and the Mayor and Township Clerk are further authorized and directed to execute a Sub-Contract on behalf of the Township with the County of Cape May for the period of July 1, 2015 to June 30, 2016. Such actions of the Township are contingent upon the proper authorization of the participation of the City of Ocean City.
3. Upon confirmation of such authorization from the City of Ocean City, the Chief Financial Officer, Mayor, or Municipal Clerk of the Township of Upper, as appropriate, is hereby authorized and directed to execute the section of the subcontract entitled “Statement of Assurances”.
4. A certified copy of this Resolution shall be submitted to the County of Cape May in the Department of Human Services, together with the completed application.
5. All Township officials and officers are hereby authorized and directed to take all action necessary in order to carry out the intent and purpose of this Resolution.

Resolution No. 30-2015

Offered by: Young

Seconded by: Barr

Adopted: January 12, 2014

Roll Call Vote:

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

**10. Refund EMS Ambulance billing overpayment to United Healthcare Insurance Company.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 31-2015**

**RE: REFUND EMS AMBULANCE BILLING OVERPAYMENT  
TO UNITED HEALTHCARE INSURANCE COMPANY**

**WHEREAS**, an overpayment has occurred in the account of an EMS ambulance billing patient, where the monies sent to the Township of Upper by United Healthcare Insurance Company were in excess as evidenced by the attached copy of a letter attached hereto as Exhibit A.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Upper, Cape May County, that a refund is hereby authorized and the Chief Financial Officer is hereby directed to refund monies as indicated below:

<u>AMOUNT</u>	<u>NAME</u>
\$87.58	Attn: MSC 410836 P.O. Box 415000 Nashville, TN 37241-0836

Resolution No. 31-2015  
Offered by: Barr  
Adopted: January 12, 2015

Seconded by: Coggins

**ROLL CALL VOTE:**

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>X</u>	_____	_____	_____
Coggins	<u>X</u>	_____	_____	_____
Pierson	<u>X</u>	_____	_____	_____





## ORDINANCES

## CORRESPONDENCE

## NEW BUSINESS

12. **Ocean City Crew Boosters, Inc. request to hold Raffle RA-441 at Tuckahoe Inn, Yesterday's and Seaville Tavern on Fridays beginning March 13, 2015 through May 1, 2015.** Motion by Jeffrey Pierson, second by Hobie Young, to approve the request. During roll call vote all five Committee members voted in the affirmative.
13. **Upper Township PTA request to hold Raffles RA-442 and RA-443 at the Upper Township Middle School on March 1, 2015 and April 23, 2015.** Motion by John Coggins, second by Jeffrey Pierson, to approve the request. During roll call vote all five Committee members voted in the affirmative.

## UNFINISHED BUSINESS

## DISCUSSION

## PAYMENT OF BILLS

14. **"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: \$439,876.36**

**Payroll: \$225,761.83**

## REPORT OF MUNICIPAL DEPARTMENTS

15. Clerk's Office
16. Tax Assessor
17. Tax Collector
18. Finance Office
19. MUA Report
20. EMS Report
21. Animal Control
22. Green Team meeting minutes for September & October 2014

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

## PUBLIC COMMENT

There were no public speakers during the public comment portion of the meeting.

## CLOSED SESSION

23. 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. 33-2015  
MOTION GOING INTO CLOSED SESSION  
JANUARY 12, 2015

I hereby move that a resolution be incorporated into the minutes authorizing the Township Committee to enter into an executive session for the following matters pursuant to the Open Public Meetings Act:

MATTERS:

1. Contract negotiation - Municipal Prosecutor
2. Contract negotiation - Cape Assist
3. Contract negotiation - Shared Services with Cape May County for use of Equipment.
4. Contract negotiation - Cell Tower
5. Personnel

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

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

Moved by: John Coggins

Motion seconded by: Edward Barr

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

**RECONVENE PUBLIC PORTION OF MEETING**

Motion by John Coggins, second by Edward Barr, to direct the Township attorney to terminate the lease on the cell tower at the public works building. During roll call vote all members present voted in the affirmative.

## ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:42 P.M. The next regular meeting is scheduled for January 26, 2015 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC  
Municipal Clerk

### Bill List

64155	01/12/15	A0004	A COMMERCIAL OFFICE CLEANERS	475.00	2859
64156	01/12/15	A0018	ACTION SUPPLY INC.	45.75	2859
64157	01/12/15	A0025	ADVANTAGE RENTAL ACE HARDWARE	377.38	2859
64158	01/12/15	A0027	ACE PLUMBING SUPPLY, INC	85.50	2859
64159	01/12/15	A0072	AN ENCHANTING FLORIST	289.95	2859
64160	01/12/15	A0091	ATLANTIC CITY ELECTRIC	18,212.37	2859
64161	01/12/15	A0118	AMERICAN SHORE & BEACH	500.00	2859
64162	01/12/15	A0143	BARLOW BUICK GMC	415.23	2859
64163	01/12/15	A0168	ATLANTIC CRANKSHAFT	189.00	2859
64164	01/12/15	A0170	ASFPM	60.00	2859
64165	01/12/15	A0175	Adams Rehmann & Haggan Assoc	7,568.00	2859
64166	01/12/15	A0191	ACTION UNIFORM CO. LLC	980.00	2859
64167	01/12/15	A0193	ATLANTIC INVESTIGATIONS, LLC	175.00	2859
64168	01/12/15	B0035	BELMONT & CRYSTAL SPRINGS	21.50	2859
64169	01/12/15	B0076	BOND, LAURENCE E.	2,307.80	2859
64170	01/12/15	B0142	BRINKERHOFF ENVIRONMENTAL	750.00	2859
64171	01/12/15	B0178	BUGANSKI, PETER R.	329.43	2859
64172	01/12/15	B0182	BRIGGS LAW OFFICE, P.C.	230.50	2859
64173	01/12/15	B0184	BUSHONG, BRIAN	182.85	2859
64174	01/12/15	B0220	BERGEY'S TRUCK CENTERS	216.48	2859
64175	01/12/15	C0031	CAPE ASSIST	150.00	2859
64176	01/12/15	C0046	CAPE MAY COUNTY CLERK	8.00	2859
64177	01/12/15	C0048	CAPE MAY COUNTY MUA	25,661.34	2859
64178	01/12/15	C0061	CAPRIONI FAMILY SEPTIC	265.00	2859
64179	01/12/15	C0068	COMCAST	618.36	2859
64180	01/12/15	C0078	CARTER, EDWARD, SR.	538.66	2859
64181	01/12/15	C0124	CMC MUNICIPAL CLERK'S ASSOC.	300.00	2859
64182	01/12/15	C0143	CODY'S POWER EQUIPMENT	243.89	2859
64183	01/12/15	C0171	COLONIAL ELECTRIC SUPPLY CO.	34.18	2859
64184	01/12/15	C0182	CDW GOVERNMENT, INC	1,207.78	2859
64185	01/12/15	C0201	CRUZAN'S TRUCK SERVICE INC.	624.73	2859
64186	01/12/15	C0223	CASA PAYROLL SERVICE	567.10	2859
64187	01/12/15	D0026	DEAUGUSTINE, JOE	413.05	2859
64188	01/12/15	D0040	DELTA DENTAL OF N.J. INC.	6,077.24	2859
64189	01/12/15	D0045	DEPTCOR	114.00	2859
64190	01/12/15	D0072	DONOHUE, MICHAEL J.	200.00	2859
64191	01/12/15	D0077	DIETRICH, PAUL	29.00	2859
64192	01/12/15	D0148	DIRECT ENERGY BUSINESS	5,771.11	2859
64193	01/12/15	D0152	Emily J. Daher	45.70	2859
64194	01/12/15	D0154	DAVIDSON, PAMELA	700.00	2859
64195	01/12/15	E0012	EHRlich PEST CONTROL INC	166.65	2859
64196	01/12/15	E0017	EDMUNDS & ASSOCIATES, INC.	9,974.00	2859
64197	01/12/15	F0054	DEARBORN NATIONAL LIFE INS. CO	416.70	2859
64198	01/12/15	G0016	GARDNER HARDWARE INC.	166.29	2859
64199	01/12/15	G0028	GENTILINI FORD	367.12	2859
64200	01/12/15	G0035	GENRON FIRE PROTECTION	1,035.00	2859
64201	01/12/15	G0141	GENTILINI CHEVROLET	129.15	2859
64202	01/12/15	G0147	GREATAMERICA FINANCIAL SVCS.	202.97	2859
64203	01/12/15	G0157	GRANTURK EQUIPMENT CO., INC.	1,826.22	2859
64204	01/12/15	G0163	GOVCONNECTION, INC	923.22	2859
64205	01/12/15	H0006	HABERMAN, WILLIAM	220.94	2859

64206 01/12/15 H0018 HAROLD RUBIN L & H SUPPLY 527.58 2859  
64207 01/12/15 H0095 HORIZON BCBSNJ 145,330.16 2859  
64291 01/12/15 H0135 HANSON AGGREGATES, INC. 680.90 2860  
64292 01/12/15 I0043 INTERPORT MAINTENANCE CO, INC 5,900.00 2860  
64293 01/12/15 J0028 JESCO, INC. 2,553.09 2860  
64294 01/12/15 J0064 JOHN DEERE LANDSCAPES, INC. 1,174.79 2860  
64295 01/12/15 J0072 JERSEY WEB DESIGNS 4,255.00 2860  
64296 01/12/15 K0014 KEENAN,BRIAN 275.18 2860  
64297 01/12/15 K0086 K D NATIONAL FORCE SECURITY 1,505.00 2860  
64298 01/12/15 L0007 LC EQUIPMENT, INC. 1,095.00 2860  
64299 01/12/15 L0040 LEA, SHELLEY 150.00 2860  
64300 01/12/15 L0080 LOWES, INC. 91.12 2860  
64301 01/12/15 L0102 LEGALIZED GAMES OF CHANCE 20.00 2860  
64302 01/12/15 M0016 McAFEE, MEGAN 150.00 2860  
64303 01/12/15 M0021 MASER CONSULTING, P.A. 950.00 2860  
64304 01/12/15 M0076 MGL PRINTING SOLUTIONS 635.50 2860  
64305 01/12/15 M0080 McMANIMON, SCOTLAND & BAUMANN 559.00 2860  
64306 01/12/15 M0180 MED-TECH RESOURCE,LLC 597.78 2860  
64307 01/12/15 M0188 MCCARTHY TIRE SERVICE OF PHILA 4,660.34 2860  
64308 01/12/15 M0209 MAYBERRY, JOHN D 478.32 2860  
64309 01/12/15 M0224 McBRIDE, JANET E 2,000.00 2860  
64310 01/12/15 M0254 MIDWEST ELASTOMERS, INC. 967.63 2860  
64311 01/12/15 N0004 NJ-AMERICAN WATER CO. 121.79 2860  
64312 01/12/15 N0043 NAPA AUTO PARTS 456.01 2860  
64313 01/12/15 N0052 NATL YOUTH SPORTS COACHED ASSN 60.00 2860  
64314 01/12/15 N0094 NEW JERSEY PLANNING OFFICIALS 360.00 2860  
64315 01/12/15 N0127 NIMCO INC 109.95 2860  
64316 01/12/15 N0131 DEFINED CONTRIB RETIRE PROGRAM 103.39 2860  
64317 01/12/15 O0005 OFFICE BUSINESS SYSTEMS INC 140.00 2860  
64318 01/12/15 O0006 SJSHORE MARKETING,LLC 730.70 2860  
64319 01/12/15 O0014 OCEANPORT LLC 29,283.03 2860  
64320 01/12/15 O0034 OSPREY POINT CONDO ASSOC. 1,855.68 2860  
64321 01/12/15 O0042 ORCHARD HYDRAULIC SERVICE INC 633.21 2860  
64322 01/12/15 O0053 O C EDUCATION FOUNDATION 1,100.00 2860  
64323 01/12/15 P0032 PEDRONI FUEL CO. 2,662.61 2860  
64324 01/12/15 P0034 PEIFER, SUSAN R. 1,258.80 2860  
64325 01/12/15 P0036 PENNELLO,DAVID 352.11 2860  
64326 01/12/15 P0056 TURF EQUIPMENT AND SUPPLY CO 307.03 2860  
64327 01/12/15 P0078 PRO VIDEO ENGINEERING 26,039.15 2860  
64328 01/12/15 P0121 PENGUIN MANAGEMENT, INC 9,300.00 2860  
64329 01/12/15 P0136 POSTNET 52.95 2860  
64330 01/12/15 Q0003 QC LABORATORIES 696.20 2860  
64331 01/12/15 R0030 RIGGINS, INC. 10,735.01 2860  
64332 01/12/15 R0045 RAINEAR,SCOT 275.00 2860  
64333 01/12/15 R0100 ROBERTS OXYGEN COMPANY, INC. 252.00 2860  
64334 01/12/15 R0101 R.R. DONNELLEY & SONS 147.00 2860  
64335 01/12/15 R106 RUMER, LISA 438.06 2860  
64336 01/12/15 S0001 SAM'S CLUB 178.65 2860  
64337 01/12/15 S0018 SUBURBAN PROPANE, LP 470.69 2860  
64338 01/12/15 S0034 SCHULER, DANIEL 448.61 2860  
64339 01/12/15 S0035 SCHOPPY WILLIAM TROPHY CO. 57.40 2860  
64340 01/12/15 S0036 SCHULER, JAMES 224.73 2860  
64341 01/12/15 S0072 SEGIN, STEWART S. 425.84 2860  
64342 01/12/15 S0121 SMUZ, THERESE A 14.34 2860  
64343 01/12/15 S0122 SOMERS POINT LUMBER INC. 213.72 2860  
64344 01/12/15 S0134 SO. JERSEY GAS COMPANY 2,081.84 2860  
64345 01/12/15 S0209 STAPLES ADVANTAGE 2,661.85 2860  
64346 01/12/15 S0239 SHORE VET. ANIMAL CONTROL LLC 2,250.00 2860  
64347 01/12/15 S0249 BSN SPORTS 3,358.00 2860  
64348 01/12/15 S0279 SPECTROTEL, INC 649.82 2860  
64349 01/12/15 T0005 TCTA OF NEW JERSEY 200.00 2860  
64350 01/12/15 T0022 TERMINIX 59.00 2860  
64351 01/12/15 T0024 TAYLOR, MATTHEW 365.63 2860  
64352 01/12/15 T0032 THE PRESS & SUNDAY PRESS 273.36 2860  
64353 01/12/15 T0038 THOMAS, CHRISTOPHER 12.00 2860  
64354 01/12/15 T0067 TOWNSHIP OF UPPER PETTY CASH 100.00 2860  
64355 01/12/15 T0097 TRICO EQUIPMENT INC. 1,111.50 2860

64356	01/12/15	T0166	TREASURER, STATE OF NEW JERSEY	250.00	2860
64357	01/12/15	T0168	TOWNSHIP OF UPPER	156.33	2860
64358	01/12/15	T0173	TRIANGLE COMMUNICATIONS, LLC	2,004.00	2860
64359	01/12/15	U0003	U.S. MUNICIPAL SUPPLY, INC.	2,236.46	2860
64360	01/12/15	U0035	UPPER TOWNSHIP MIDDLE SCHOOL	247.50	2860
64361	01/12/15	U0040	U.T. MUNICIPAL ALLIANCE COM.	275.00	2860
64362	01/12/15	V0001	VCI EMERGENCY VEHICLE	213.59	2860
64363	01/12/15	V0005	VAN EMBDEN, NATHAN, ATTORNEY	2,512.50	2860
64364	01/12/15	V0013	VERIZON WIRELESS	1,280.79	2860
64365	01/12/15	V0024	VAL-U AUTO PARTS L.L.C.	2,511.92	2860
64366	01/12/15	V0026	VITAL COMPUTER RESOURCES, INC.	42,264.00	2860
64367	01/12/15	V0027	VANORDER, ROGER	268.99	2860
64368	01/12/15	W0030	WEST PUBLISHING CO.	413.21	2860
64369	01/12/15	W0031	WESLEY METHODIST CHURCH	300.00	2860
64370	01/12/15	W0038	WILLIAMS, JEREMIAH J.	321.93	2860
64371	01/12/15	X0008	XEROX FINANCIAL SERVICES	662.40	2860
64372	01/12/15	Y0008	YOUNG, DANIEL J. ESQUIRE PC	14,186.86	2860
64373	01/12/15	Y0012	YOUNG, ROBERT	178.69	2860

Total: \$439,876.36