

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR FEBRUARY 9, 2015**

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

In preparation of the 2015 Municipal Budget the second budget workshop meeting was called to order this evening at 6:30 PM.

Mayor Palombo read the Open Public meeting notice into the record.

**ROLL CALL**

Edward Barr	Present
John Coggins	Present
Jeffrey Pierson	Present
Hobart Young	Present
Richard Palombo	Present

Also present were Deputy Municipal Clerk Joanne Herron, Municipal Clerk Barbara Young, Finance Officer Barbara Spiegel and Municipal Engineer Paul Dietrich.

**Committeeman John Coggins** opened the meeting with a review of the preliminary budget worksheets.

**Rescue Squad** – Chief Jay Potter discussed the proposed budget for 2015. He explained there are two significant increases in the budget, the first being for the services of Medical Director; Cooper University has provided this service to the Township free of charge for the past five years under a grant which is now expired. The cost for 2015 is \$1,500. They provide 24/7 access to doctors and online medical direction. The second significant increase is under contracts for a system called EMS Manager which tracks online scheduling and employee hours. Various other expenses were discussed including the cost of painting the Rescue Squad building, the cost of replacing the Kabota RTV EMT Unit, the cost of painting the Rescue Squad vehicles with rust inhibitor and and the cost of uniforms. The CFO will look into whether or not the Township will be able to Bond for the purchase of new Kabota RTV and Chief Potter will look into the trade in value of the old Kabota Unit.

**Historical Society** – the Historical Society has requested a budget of \$8,900 for 2015. It was stated that in the past the Township would provide a limited budget of approximately \$6,500 which was used primarily for the maintenance of buildings. It was agreed to budget \$7,000 for the maintenance of the Historical Society buildings and grounds. If additional items are needed they will be looked at on as needed basis.

**Richard Stockton College, Coastal Research Center** – the proposal to provide monitoring of the Ludlam Island Shoreline in Strathmere was discussed. The Committee discussed whether or not Dr. Farrell could incorporate the data collected by the Army Corps of Engineers to complete the beach survey. The Engineer will look into whether or not this is a feasible.

**Dog Regulation** – The O/E appropriation for the County Animal Shelter and the Animal Control Contract for 2015 is \$59,524.

**Dispatch and EMS** – Items in the O/E budget were listed and briefly discussed.

**Insurance** – The CFO reported that there is an additional \$5,000 O/E appropriation in the budget for special event Insurance which will be used for various Township sponsored events that are proposed for 2015.

**Recreation** – the Committee briefly discussed the proposed budget for various recreation items.

A motion was made by Jeffrey Pierson, seconded by Edward Barr, to adjourn the Budget Workshop meeting. During roll call vote all five Committee Members voted in the affirmative. The next Budget Workshop meeting is scheduled for February 23, 2015 at 6:30 pm.

There was a brief recess and then the regular meeting convened.

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

### **CALL TO ORDER**

### **SUNSHINE ANNOUNCEMENT**

### **SALUTE TO THE FLAG**

### **ROLL CALL**

Edward Barr	Present
John Coggins	Present
Jeffrey Pierson	Present
Hobart Young	Present
Richard Palombo	Present

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

### **APPROVAL OF MINUTES**

### **REPORT OF GOVERNING BODY MEMBERS**

**Hobie Young, Committeeman**, gave a brief update on the improvements to Amanda's Field. He also announced that the Special Events Committee is scheduled to meet tomorrow evening at 7:30 p.m. at the Municipal building.

**Edward Barr, Committeeman**, briefly reported on DPW projects at Amanda's Field.

**Jeffrey Pierson, Committeeman**, reported on a seminar he attended recently for newly elected officials. He also reported that he is meeting tomorrow with the contractor for the Route 50 bridge project along with local Fire and Rescue personnel to discuss the project and the closing of the bridge. The Seaville Fire Company and the Fire Commissioners are scheduled to attend the Township Committee meeting on March 30<sup>th</sup> to brief the Committee on Fire District #4 and the Fire Company. A second free rabies clinic is scheduled for Saturday February 28<sup>th</sup> Shore Veterinarians from 1:00 to 3:00 p.m.

### **OTHER REPORTS**

**Daniel Young, Municipal Attorney**, briefly reported on the tax assessment revaluation. He explained that the Township is under an order by the Cape May County Board of Taxation to have all of our assessments revalued. An outside company was retained and approved by the New Jersey Division of Taxation to complete the revaluation. The initial notices will be going out this week giving the tax payers an opportunity to schedule meetings with the company to review the values placed on their properties. Meetings will be scheduled with the property owners beginning on February 20<sup>th</sup>. Once this is complete the Township tax rate will be set based upon the recalibration of values throughout the entire Township. The Municipal Attorney also reported that there are several Contract negotiation items and Personnel items for closed session.

**Paul Dietrich, Municipal Engineer**, gave a brief report on the construction project for the bridge structures over the Great Egg Harbor Bay in Beesley's Point.

### **RESOLUTIONS**

1. A resolution proclaiming April 1, 2015 as World Autism Day and April as Autism Awareness Month in Upper Township.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 47-2015**

**A RESOLUTION PROCLAIMING APRIL 1, 2015 AS WORLD AUTISM DAY AND  
APRIL AS AUTISM AWARENESS MONTH IN UPPER TOWNSHIP**

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**WHEREAS**, autism is a pervasive developmental disorder affecting the social, communication and behavioral skills of those affected by it; and

**WHEREAS**, autism is not a single disorder that affects everyone the same way, but a spectrum of disorders; and

**WHEREAS**, as more health professionals become proficient in diagnosing autism, more children are being diagnosed on the autism spectrum, resulting in rates as high as 1 in 88 children nationally and 1 in 49 in New Jersey; and,

**WHEREAS**, while there is no cure for autism, it is well-documented that if individuals with autism receive treatment early in their lives, it is often possible for those individuals to lead significantly improved lives; and

**WHEREAS**, individuals with autism often require a lifetime of specialized and community support services to ensure their health and safety and to support families' resilience as they manage the psychological and financial burdens autism presents; and

**WHEREAS**, the Upper Township School District will participate in Blow Bubbles for Autism on April 1, 2015 to spread awareness and support to its students and their families and has invited the township committee members to participate; and

**WHEREAS**, World Autism Day and Autism Awareness Month is a special opportunity for everyone to educate the public about autism and issues within the autism community; and

**NOW THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey that said Committee hereby proclaims April 1, 2015 as Autism Awareness Day and April as Autism Awareness Month, and does hereby urge all employees and residents to participate in Autism Awareness Month activities in order to become better educated on the subject of autism spectrum disorders and the effect autism has on families and the community.

Resolution No. 47-2015

Offered by: Young                      Seconded by: Pierson

Adopted: February 9, 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>	_____	_____	_____

2. Appointing members to the Upper Township Security Committee.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 48-2015**

**RE: APPOINTING MEMBERS TO THE UPPER TOWNSHIP SECURITY COMMITTEE**

**WHEREAS**, the Township Committee of the Township of Upper has determined that it is necessary to create a temporary Security Committee to address security issues in the Township; and

**WHEREAS**, a need exists to appoint suitable persons to this 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 Township of Upper hereby creates a temporary Security Committee, tasked with surveying the security of all Township facilities and reporting their findings to the Township Committee.
3. The following persons be and are hereby appointed to the Security Committee of the Township of Upper.

Hobart Young, Buildings & Grounds  
Jeffery Pierson, Public Safety  
Lt. Douglas Pearson, NJSP  
Jay Potter  
Paul Dietrich  
Fran Donlan  
Edward Corcoran

4. The forgoing appointees shall constitute the sole members of the Security Committee, subject to the provision of Paragraph 5 hereof.
5. The Township Committee expressly reserves the right to supplement this Resolution at any time it deems it appropriate to change the membership of the Security Committee or change the policies, programs and personnel with respect to any security activity of the Township.

Resolution No. 48-2015  
Offered by: Pierson  
Adopted: February 9, 2015

Seconded by: Barr

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>	_____	_____	_____

3. Consenting to the County of Cape May purchase of a development easement on land known as Block 559, Lots 36.01 and 37 on the official tax map of the Township of Upper.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 49-2015**

**RE: CONSENTING TO THE COUNTY OF CAPE MAY PURCHASE OF  
A DEVELOPMENT EASEMENT ON LAND KNOWN AS BLOCK 559, LOTS 36.01 AND  
37, ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF UPPER**

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**WHEREAS**, the Cape May County Agriculture Development Board has granted final approval for the purchase of a Development Easement on property owned by Theresa Bauer, designated as 31.19 acres, Block 559, Lots 36.01 and 37, also known as 3023 and 3017 Route 9 South, Ocean View, Cape May County, New Jersey, and on the Official Tax Map of the Township of Upper; and

**WHEREAS**, the Board of Chosen Freeholders of the County of Cape May has entered into a contract to purchase said easement; and

**NOW THEREFORE BE IT RESOLVED**, the Township Committee of the Township of Upper has reviewed the aforesaid application, and pursuant to N.J.A.C. 2:76-6.10 (a)4, and in the best interest of the Township, approves the application and the purchase of the development easement of the property designated as Block 559, Lots 36.01 and 37, 31.19 acres, Township of Upper, Cape May County, New Jersey.

Resolution No. 49-2015

Offered by: Coggins

Seconded by: Barr

Adopted: February 9, 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>	_____	_____	_____

4. Declaring certain Township property and equipment as surplus and authorizing its disposal by sale on an online auction website.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 50-2015**

**RE: DECLARING CERTAIN TOWNSHIP PROPERTY  
AND EQUIPMENT AS SURPLUS AND AUTHORIZING ITS DISPOSAL  
BY SALE ON AN ONLINE AUCTION WEBSITE**

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**WHEREAS**, N.J.S.A.40A:11-36 authorizes a municipality to sell or dispose of certain personal property or equipment which is not needed for public use; and

**WHEREAS**, the Township of Upper has determined that the items listed on the attached sheet as Exhibit "A" are not needed for any public purpose and intends to sell those items on an online auction site; and

**WHEREAS**, the Director of the Division of Local Government Services, a Division of the Department of Community Affairs of the State of New Jersey permits the sale of surplus property no longer needed for public use through the use of online auction services, pursuant to the Local Unit Electronic Technology Pilot Program and Study Act, P.L. 2001, c.30, and has granted approval to Upper Township, copy of approval is attached as Exhibit "B"; 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 property and equipment aforementioned on Exhibit "A" are hereby determined to be useless for any public purpose and are determined to be surplus property and will forthwith be advertised for public sale pursuant to the provision of N.J.S.A. 40A:11-36; and
3. The said materials will be sold at a public sale to the highest bidder through a contracted government on-line auction service, that being GovDeals, Inc., Internet web address at [www.govdeals.com](http://www.govdeals.com).
4. The required notice publication will include the following information:
  - a. The dates and times that the auction will take place.
  - b. No minimum bid requirement for an item unless otherwise stated.
  - c. The Township of Upper reserves the right to reject any and all bids.

Resolution No. 50-2015  
Offered by: Coggins  
Adopted: February 9, 2015

Seconded by: Barr

Roll Call Vote:

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

Exhibit "A"

		<b>Min. Bid</b>
1.	<b>1993 GMC 6 cu yd Dump – 1GDM7H1J7PJ512762</b>	<b>\$ 2,000.00</b>
2.	<b>1989 Ford Mini Dump – 2FDKF37G1KCA38548</b>	<b>\$ 2,000.00</b>
3.	<b>1967 Caterpillar Grader – 73G2028W</b>	<b>\$ 2,000.00</b>
4.	<b>1984 Ford 5610 Tractor Boom Mower – C725292</b>	<b>\$ 4,500.00</b>
5.	<b>2008 Chevrolet CC8C042 Compactor 20 cu yd – 1GBP8C1B08F408987</b>	<b>\$ 9,500.00</b>
6.	<b>2005 Freight Liner Compactor 20 cu yd – 1FVACYCS55HU72795</b>	<b>\$ 8,500.00</b>
7.	<b>1998 Dodge Pick-up – 1B7HC16X0WS666437</b>	<b>\$ 3,800.00</b>
8.	<b>1999 Ford Pick-up – 1FTPF27W7XNB99161</b>	<b>\$ 1,800.00</b>
9.	<b>1999 GMC 2500 Pick-up – 1GTGK24F4XF020522</b>	<b>\$ 2,500.00</b>
10.	<b>2003 Ford F150 – 1FTRF17W13NA57711</b>	<b>\$ 1,500.00</b>
11.	<b>1997 Ford F450 Truck – 1FDLF47F1VEB36351 (Cab and Chassis only)</b>	<b>\$ 300.00</b>
12.	<b>1999 Ford Utility Body Pick-up – 291FTPF27W5NB64814</b>	<b>\$ 4,000.00</b>
13.	<b>Diesel Emergency Generator</b>	<b>\$ 500.00</b>
14.	<b>500 Gallon Gas Tank</b>	<b>\$ 100.00</b>
15.	<b>Four 215/85 16 Tire &amp; 8 lug Chevy Wheel</b>	<b>\$ 50.00 each</b>
16.	<b>Two 235/85 16 Tire &amp; 8 lug Chevy Wheel</b>	<b>\$ 50.00 each</b>
17.	<b>Model 2000 Ford Tractor Rear Turf Tire</b>	<b>\$ 100.00</b>

Exhibit "B"



State of New Jersey  
DEPARTMENT OF COMMUNITY AFFAIRS

September 7, 2007

JOHN S. CORZINE  
GOVERNOR

CHARLES A. RICHMAN  
ACTING COMMISSIONER

Barbara Spiegel, Deputy Municipal Clerk  
Township of Upper  
P.O. Box 205  
Tuckahoe, New Jersey 08250

Dear Ms. Spiegel:

Thank you for your interest in participating in the E-Procurement Pilot Program. The Division has reviewed your application dated August 10, 2007, which sets forth the preliminary plan for the online sale by the Township of Upper of municipal surplus property no longer needed for public use.

It is the Division's understanding that the Township intends to utilize the services of GovDeals, Inc, to conduct the auction. Further, it is our understanding that GovDeals will be paid by the Township a percentage of the sales of the auction for the use of its services.

The application has been approved. Enclosed is a copy of the Township's resolution approving the online sale of the surplus property. As with a traditional auction, the Township must do a newspaper advertisement for the online sale. Please provide the Division with a copy of the newspaper advertisement.

Finally, please be advised that, if the total amount from the sale of surplus property for the year that is due to GovDeals will exceed 15% of the Township's bid threshold, the Township will be required to obtain a Business Registration Certificate (BRC) from GovDeals. It is our understanding that GovDeals has previously acquired a BRC certificate.

The Division appreciates your efforts and cooperation in this program and wishes you well in the endeavor. If you have any questions, please contact Daniel Kaminski at 609-292-9757 or by e-mail at [dkaminski@dca.state.nj.us](mailto:dkaminski@dca.state.nj.us).

Sincerely,

SUSAN JACOBUCCI, Director  
Division of Local Government Services

SJ:djk  
enc.



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5. Affirming the ability of the Army Corps of Engineers and its contractor(s) to work on a twenty four hour basis, seven days per week, in connection with the Great Egg Harbor Inlet to Townsends Inlet, New Jersey Hurricane and Storm Reduction Project.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 51-2015**

**RE: AFFIRMING THE ABILITY OF THE ARMY CORPS OF ENGINEERS**



**AND ITS CONTRACTOR(S) TO WORK ON A TWENTY-FOUR HOUR BASIS, SEVEN DAYS PER WEEK IN CONNECTION WITH THE GREAT EGG HARBOR INLET TO TOWNSENDS INLET, NEW JERSEY HURRICANE AND STORM REDUCTION PROJECT**

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**WHEREAS**, the Army Corps of Engineers is the lead agency in connection with The Great Egg Harbor Inlet to Townsends Inlet, New Jersey Hurricane and Storm Reduction Project in the Township of Upper; and

**WHEREAS**, during the course of the project, it may be necessary for the contractor to be able to work on a twenty-four hour basis, seven days per week, in order to complete the project in a timely fashion and take advantage of natural conditions; and

**WHEREAS**, Upper Township Code Section 3-17 prohibits unreasonable or unnecessary noise; and

**WHEREAS**, said ordinance provision also sets forth circumstances which shall be weighed in determining whether a noise is unreasonable or unnecessary; and

**WHEREAS**, the Township Committee has determined that in this instance the proposed operation of the U. S. Army Corps of Engineers is in no manner a violation of Township Code Section 3-17;

**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 recognizes that the operations of the U. S. Army Corps of Engineers in connection with the Great Egg Harbor Inlet to Townsends Inlet Project is an approved and essential Township activity and any noise associated therewith with respect to its twenty-four hour operations is neither unnecessary nor unreasonable such that said activities are in no manner prohibited under Upper Township Code Section 3-17.
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. 51-2015

Offered by: Young

Seconded by: Pierson

Adopted: February 9, 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>	_____	_____	_____

6. Revised 2015 Temporary Budget.

TOWNSHIP OF UPPER  
CAPE MAY COUNTY

RESOLUTION

RESOLUTION NO. 52-2015

RE: REVISED 2015 TEMPORARY BUDGET

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

WHEREAS, the total of the appropriations so made shall not exceed 26.25% of the total of the appropriations made for all purposes in the Budget for the preceding year excluding public assistance, such amount being **\$2,860,183.20**.

NOW, THEREFORE BE IT RESOLVED, that the following appropriations shall constitute the Temporary Budget for the year 2015:

		<b>Increase To:</b>
<b>ADMINISTRATIVE &amp; EXECUTIVE</b>		
<b>Mayor and Committee</b>		
Salary and Wages	\$	17,300.00
Mayor and Committee O/E	\$	1,500.00
DCRP-Township Committee	\$	1,000.00
Municipal Clerk		
Salary and Wages	\$	44,000.00
<b>OTHER EXPENSES</b>		
Legal Advertising	\$	2,000.00
Miscellaneous O/E	\$	3,000.00
Purchase of Office Equipment	\$	2,000.00
Codification of Ordinances	\$	1,000.00
MAC	\$	6,098.00
Cape Mediation	\$	2,300.00
Cape Assist EAP	\$	1,155.00
<b>FINANCIAL ADMINISTRATION</b>		
Salaries & Wages	\$	28,000.00
Miscellaneous O/E	\$	3,200.00
Computer Hardware/Software	\$	15,000.00
Annual Audit	\$	20,000.00
<b>ASSESSMENT OF TAXES</b>		
Salaries & Wages	\$	24,000.00
Miscellaneous O/E	\$	2,000.00
<b>COLLECTION OF TAXES</b>		
Salaries & Wages	\$	21,500.00
Miscellaneous O/E	\$	1,000.00
Purchase TTL	\$	0
<b>LIQUIDATION OF TTL &amp; FORECLOSED PROPERTY</b>		
Other Expenses	\$	0

**LEGAL SERVICES AND COSTS**

**Other Expenses** \$ **30,000.00**

**MUNICIPAL COURT**

**Salaries & Wages** \$ **40,000.00**

**Miscellaneous O/E** \$ **8,000.00**

**PUBLIC DEFENDER**

**Salaries & Wages** \$ **6,400.00**

**MUNICIPAL PROSECUTOR**

**Salaries & Wages** \$ **10,500.00**

**ENGINEERING SERVICES & COSTS**

**Salaries & Wages** \$ **23,500.00**

**Other Expenses** \$ **3,000.00**

**PUBLIC BUILDINGS & GROUNDS**

**Salaries & Wages** \$ **24,000.00**

**Other Expenses** \$ **65,000.00**

**PLANNING BOARD**

**Salaries & Wages** \$ **7,000.00**

**Other Expenses** \$ **1,000.00** \$3,000.00

**BOARD OF ADJUSTMENT**

**Salaries & Wages** \$ **7,000.00**

**Other Expenses** \$ **1,000.00** \$3,000.00

**CONSTRUCTION OFFICE & BUILDING INSPECTOR**

**Salaries & Wages** \$ **35,000.00**

**Other Expenses** \$ **2,000.00**

**INSURANCE**

**Group Insurance for Employees** \$ **575,000.00**

**Other Insurance Premiums** \$ **53,000.00**

**Workers Compensation** \$ **74,200.00**

**SCHOOL CROSSING GUARD**

**Salaries & Wages** \$ **2,400.00**

**Miscellaneous O/E** \$ **500.00**

**BEACH PATROL**

**Other Expenses** \$ **1,000.00**

**EMERGENCY MANAGEMENT/RTK/911 COORDINATOR**

Salaries & Wages	\$	5,500.00	
Miscellaneous O/E	\$	3,000.00	\$8,000.00

**ROAD REPAIRS & MAINTENANCE**

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

**SURFACING OF ROADS CONTRACTUAL** 3,000.00

**STREET LIGHTING** \$ 70,000.00

**GARBAGE & TRASH REMOVAL**

Salaries & Wages	\$	76,000.00	
Miscellaneous O/E	\$	20,000.00	
Tipping Fees	\$	70,000.00	

**BOARD OF HEALTH**

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

**DOG REGULATION**

Miscellaneous O/E	\$	28,000.00	
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**PUBLIC RELATIONS**

Miscellaneous O/E	\$	1,000.00	
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**ZONING/CODE OFFICIAL**

Salaries & Wages	\$	4,100.00	
Miscellaneous O/E	\$	500.00	

**SPORTS & RECREATION**

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

**FIRST AID ORGANIZATION**

Salaries & Wages	\$	140,000.00	
Miscellaneous O/E	\$	20,000.00	

**RECYCLING**

Salaries & Wages	\$	145,000.00	
Miscellaneous O/E	\$	20,000.00	

**AFFORDABLE HOUSING**

Salaries & Wages	\$	700.00	
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Miscellaneous O/E	\$	500.00
<b>COMMUNITY CENTER</b>		
Miscellaneous O/E	\$	8,000.00
CELEBRATION OF PUBLIC EVENTS	\$	1,000.00
SOCIAL SECURITY SYSTEM	\$	80,000.00
SPECIAL LITIGATION	\$	20,000.00
SUI CONTRIBUTION	\$	3,000.00
CENTRAL DISPATCH	\$	56,000.00
MAC GRANT	\$	24,393.00
ALCOHOL & DRUG TESTING	\$	8,500.00
COMP. ABSENCES RESERVES	\$	100.00
PERS	\$	427,828.00
CAPE MAY CO. OPEN SPACE PROG. AMANDA'S FIELD	\$	15,000.00
<b>Total</b>	<b>\$</b>	<b>2,854,924.00</b>

Resolution No. 52-2015  
Offered by: Coggins  
Adopted: February 9, 2015

Seconded by: Barr

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>	_____	_____	_____

**ORDINANCES**

**7. Introduction and first reading of Ordinance No. 001-2015 RE: AN ORDINANCE AUTHORIZING SALE OF LANDS, TO WIT BLOCK 417, LOTS 4, 5, 6, 7, 8, 9, AND 10.**

Motion by Jeffrey Pierson, second by Edward Barr, to introduce Ordinance No. 001-2015 with public hearing and final adoption scheduled for March 9, 2015. During roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
ORDINANCE**

**ORDINANCE NO. 001-2015**

**RE: AN ORDINANCE AUTHORIZING SALE OF LANDS,**

**TO WIT BLOCK 417, LOTS 4, 5, 6, 7, 8, 9, AND 10**

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**WHEREAS**, the Township of Upper is the owner, in fee, of certain parcels of vacant ground located within the Township of Upper, County of Cape May, and State of New Jersey, set forth on the municipal tax map as Block 417, Lots 4, 5, 6, 7, 8, 9, and 10; and

**WHEREAS**, the Township has received an offer from Dolores M. Clayton, individually, and Ralph Clayton of Clayton Industries, Inc., formerly known as Clayton Equipment Corp., (hereinafter jointly “Claytons”), the owners of Block 417, Lots 1-3 and 11-61, real property contiguous with said parcels owned by the Township, to jointly purchase said parcels owned by the Township; and

**WHEREAS**, after discussion and deliberation, the Township Committee is of the opinion that the sale of said parcels will be in the best interest of the Township and will provide for the consolidation of existing nonconforming lots with a conforming lot; and

**WHEREAS**, the Township Committee has determined that the fair market value of such lots is the sum of \$4,645.00 pursuant to the appraisal prepared by Louis A. Bonato on June 23, 2014; and

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

**SECTION 1:** The Township of Upper is hereby authorized to sell to Claytons the real property commonly known as follows:

Block 417, Lots 4, 5, 6, 7, 8, 9, and 10

since said persons are the owners of the only real property contiguous thereto in accordance with N.J.S.A. 40A:12-13(b)(5). Pursuant to said statute such sale shall not be for less than the fair market value of said real property and the fair market value of said parcels sold as well as the purchase price of same is hereby established as follows:

Block 417, Lots 4, 5, 6, 7, 8, 9, and 10

Fair Market Value: \$4,645.00

**SECTION 2:** Prior to said sale, the Township will obtain a title report from a title company or abstract company licensed to do business in the State of New Jersey. Said report shall be available to the purchaser prior to final adoption of this Ordinance.

**SECTION 3:** The list of property authorized to be sold together with the minimum price thereof shall be posted at Township Hall and advertisement of the sale shall be made in a newspaper circulating in the Township within 5 days following enactment of this

ordinance. Offers for the property may thereafter be made to the Township Committee for 20 days following said advertisement. The Township Committee may reconsider this ordinance not later than 30 days after enactment and thereafter advertise the property for public sale pursuant to N.J.S.A. 40A:12-13(a). The Township Clerk shall file with the Director of the Division of Local Government Services in the Department of Community Affairs sworn affidavits verifying the publication of the foregoing advertisements.

**SECTION 4:** Claytons shall pay the following sum to the Township Clerk prior to the adoption of this Ordinance: \$500.00. This amount shall be used by the Township to defray Township expenses involved in Authorizing the Sale and terms thereof; Engineer's review; Attorney's review; legal advertising; title review; closing costs and other expenses.

**SECTION 5:** In the event the Township Committee receives no offers for the property pursuant to the advertisement of same in accordance with N.J.S.A. 40A:12-13(b), the adjacent property owner requesting such sale, Claytons, shall purchase same in accordance with this Ordinance and shall appear before the Township Clerk and execute the agreement to purchase same pursuant to this Ordinance. The Township Committee expressly reserves the right to revoke its authorization to sell the subject real property at any time prior to said sale. The Township Committee is authorized to confirm the sale by resolution to complete the transaction pursuant to this Ordinance and N.J.S.A. 40A:12-13.

**SECTION 6:** In the event the Township Committee revokes its authorization for the sale of the subject property in its sole judgment and discretion, then, all deposit monies made by Claytons shall be refunded except for the \$50.00 application fee which shall be non-refundable.

**SECTION 7:** All payments required to be made pursuant to said sale to the Township Clerk must be made by personal check, cash or certified check, or any combination of the foregoing. All payments required to be made hereunder to a title company or abstract company conducting the closing shall be made in collected funds, that is, by cash, certified check, cashier's check or wire transfer.

**SECTION 8:** A sum equal to ten percent (10%) of the purchase price for said parcel or parcels shall be paid to the Township of Upper by Claytons within 14 days of written notice requiring same from the Township Clerk to Claytons. Said notice shall be sent by the

Township Clerk after the posting and advertisement required by SECTION 3 above has not resulted in an offer and the Township Committee has not reconsidered this Ordinance pursuant to N.J.S.A. 40A:12-13(b). The remaining balance of ninety percent (90%) of the highest bid for the parcel or parcels shall be paid to the Township of Upper, and must be received by the Township Clerk, not later than thirty (30) days after the date of said notice. In addition to the deposit of ten percent (10%), Claytons shall also be required to pay or tender within 14 days of said written notice from the Township Clerk the following:

- (A) (i) The sum of \$100.00 for the preparation of the Deed.
- (ii) The sum of \$70.00 for recording the Deed.

**AT THE TIME OF CLOSING** Claytons shall be required to pay the following sums:

- (B) Any additional sum required for title search or title insurance.
- (C) The cost of any survey ordered by the purchaser. The purchaser shall place such order directly with the surveyor or with the title company conducting closing, but the survey must be prepared in time to permit the closing to take place as scheduled.
- (D) Title company settlement fees covering services to both the Seller and the Buyer.
- (E) Any additional fees or costs chargeable by the title company.



**SECTION 9:** The closing of title shall take place as designated by the Township as follows:

- (A) Township Hall, Petersburg, New Jersey; or
- (B) Office of the Township Solicitor; or
- (C) At the office of a title insurance company or title abstract company located within Cape May County.

**SECTION 10:** If the purchaser fails to close or fails to comply with the provisions hereof, the purchaser shall be in default and all amounts paid to the Township by or on behalf of the purchaser shall be retained by the Township as **LIQUIDATED DAMAGES AND NOT AS A PENALTY.**

**SECTION 11:** The Deed from the Township of Upper shall be what is commonly known as a Quitclaim Deed.

**SECTION 12:** The title to be delivered by the Township shall be free and clear of all taxes up to and including the date when the Deed is delivered and closing takes place. Purchaser shall be responsible for all taxes thereafter. Unless otherwise specified herein, the purchaser shall be liable for payment of all assessments, of any nature, against said land.

**SECTION 13:** The title to be delivered by the Township shall be under and subject to all easements and rights of way, recorded and unrecorded, whether for utilities or for others, and shall also be subject to all conditions, reservations and restrictions of record, if any. If the title report discloses an unmarketable condition of title, except as specified herein, the remedy of the purchaser shall be limited to the return of payments made to the Township of Upper on account of the purchase price and closing costs only. Any and all other amounts paid to the Township shall be non-refundable. This sale is under and subject to any riparian claim which may affect said property. If any such claim exists, it shall be the sole responsibility of the purchaser to meet and satisfy all requirements of the State of New Jersey with respect to said riparian claim and the payment of any compensation to the State of New Jersey on account thereof. Nothing herein shall be construed as obligating the Township of Upper to construct or maintain access roads to any portion of the property being sold. Such property may not qualify for a building permit due to lack of water supply, lack of sewer or septic facilities, lack of access, inadequate lot size, or other reasons, including those reasons set forth below. The purchaser is required to comply with all applicable zoning, building and health ordinances and codes and regulations. The property being sold may be situated in a Flood Hazard Zone. The

Township of Upper makes no warranties or representations, expressed or implied, as to the property being offered for sale, the condition or marketability of the title or any other matter. The Township of Upper makes no warranties or representations, expressed or implied, as to whether or not the property being offered for sale contains wetlands anywhere on the property. The Township makes no warranties or representations as to any matter of an environmental nature, or otherwise, which may prevent or limit building or construction.

**SECTION 14:** All references to Lots and Blocks described herein are to the Lots and Blocks as shown on the Current Official Tax Map of the Township of Upper.

**SECTION 15:** The purchaser shall be required to execute a document acknowledging that the sale is governed by the provisions of this Ordinance as well as N.J.S.A. 40A:12-13.

**SECTION 16:** The provisions of this Ordinance pertaining to this sale shall survive the closing of title and shall not merge into the Deed.

**SECTION 17:** It is a requirement of this sale that the purchasers of the subject property be the only contiguous property owner. Said purchasers shall be required to take immediate action to cause a consolidation of the property being purchased with all of the purchaser's existing adjacent lots so as to constitute all such lots in Block 417 as a single parcel of ground which shall not be further subdivided into more than one lot. This restriction shall be included in the deed of conveyance and shall run with the land. The purchasers shall complete the consolidation as a condition of the sale. The provisions of this Section shall survive closing and shall not merge into the Deed.

**SECTION 18:** 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 9<sup>th</sup> DAY OF FEBRUARY, 2015 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 9<sup>th</sup> DAY OF MARCH, 2015 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

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

BARBARA L. YOUNG, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

8. **Introduction and first reading of Ordinance No. 002-2015 RE: AN ORDINANCE AUTHORIZING SALE OF LANDS, TO WIT BLOCK 424, LOTS 51, 52, 53, 54, 55, 56, 57, 58, 59, AND 60.** Motion by John Coggins, second by Edward Barr, to introduce Ordinance No. 002-2015 with public hearing and final adoption scheduled for March 9, 2015. During roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
ORDINANCE**

**ORDINANCE NO. 002-2015**

**RE: AN ORDINANCE AUTHORIZING SALE OF LANDS,  
TO WIT BLOCK 424, LOTS 51, 52, 53, 54, 55, 56, 57, 58, 59, AND 60**

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**WHEREAS**, the Township of Upper is the owner, in fee, of a certain parcels of vacant ground located within the Township of Upper, County of Cape May, and State of New Jersey, set forth on the municipal tax map as Block 424, Lots 51, 52, 53, 54, 55, 56, 57, 58, 59, and 60; and

**WHEREAS**, the Township has received an offer from Ralph Clayton of Clayton Industries, Inc., formerly known as Clayton Equipment Corp., (hereinafter "Clayton"), the owner of real property contiguous with said parcels owned by the Township, to purchase said parcels; and

**WHEREAS**, after discussion and deliberation the Township Committee is of the opinion that the sale of said parcels will be in the best interest of the Township and will provide for the consolidation of said lots with an existing lot; and

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

**SECTION 1:** The Township of Upper is hereby authorized to sell the real property commonly known as follows:

Block 424, Lots 51, 52, 53, 54, 55, 56, 57, 58, 59, and 60

to the highest bidder from among all owners of real property contiguous thereto in accordance with N.J.S.A. 40A:12-13(b)(5). Such sale shall not be for less than the fair market value of said real property and the minimum bid for such parcels sold is hereby established as follows:

Block 424, Lots 51, 52, 53, 54, 55, 56, 57, 58, 59, and 60

Minimum Bid: \$5,600.00

**SECTION 2:** Prior to said sale, the Township will obtain a title report from a title company or abstract company licensed to do business in the State of New Jersey. Said report shall be available to all prospective bidders.

**SECTION 3:** The list of property authorized to be sold together with the minimum price thereof shall be posted at Township Hall and advertisement of the sale shall be made in a newspaper circulating in the Township within 5 days following enactment of this ordinance. Offers for the property may thereafter be made to the Township Committee for 20 days following said advertisement. The Township Committee may reconsider this ordinance not later than 30 days after enactment and thereafter advertise the property for public sale pursuant to N.J.S.A. 40A:12-13(a). The Township Clerk shall file with the Director of the Division of Local Government Services in the Department of Community Affairs sworn affidavits verifying the publication of the foregoing advertisements.

**SECTION 4:** Clayton shall pay the following sum to the Township Clerk prior to the adoption of this Ordinance: \$500.00. This payment will be used by the Township and defray Township expenses involved in Authorizing the Sale and terms thereof; Engineer's review; Attorney's review; legal advertising, certified mail notices, title review expenses, closing costs and other expenses. If the parcel is not sold, this amount will be retained by the Township as **LIQUIDATED DAMAGES** and will be used to pay for the review of the title report and other documents. If the highest bidder at the auction sale is not the original applicant, the highest bidder will be required to pay, in addition to the purchase price and other expenses, an additional sum of \$500.00, representing pre-sale amounts paid by the original applicant requesting the sale and the original applicant (who is not the highest bidder) will then be entitled to a refund of all sums paid (\$500.00) except for the non-refundable application fee (\$50.00).

**SECTION 5:** The aforesaid parcels of real property shall be offered for sale at an auction to be conducted by the Township Clerk at a date and time to be set by the Township Clerk after the appropriate notice of sale has been sent to contiguous owners of the subject real property. Said notice shall be sent certified and regular mail to the owners of contiguous property at the address set forth on the tax assessor's records. Said notice shall be sent no greater than 30 days prior to the date of sale and no less than 14 days prior to the date of sale.

At any time, the Township Clerk may adjourn said sale and renote in accordance with the provisions of this Ordinance and N.J.S.A. 40A:12-13.

**SECTION 6:** The Township Committee expressly reserves the right to reject any and all bids in the exercise of its sole judgment and discretion. The Township Committee is authorized to confirm the sale by resolution and complete the transaction pursuant to this Ordinance and N.J.S.A. 40A:12-13.

**SECTION 7:** In the event the highest bid at such auction exceeds the minimum bid established herein and the Township Committee rejects same in the exercise of its sole judgment and discretion, then, in such event, all deposits made by the original applicant or the highest bidder, as the case may be, shall be refunded except for the \$50.00 application fee which shall be non-refundable.

**SECTION 8:** All payments required to be made pursuant to said sale to the Township Clerk must be made by personal check, cash or certified check, or any combination of the foregoing. All payments required to be made hereunder to a title company or abstract company conducting the closing shall be made in collected funds, that is, by cash, certified check, cashier's check or wire transfer.

**SECTION 9:** A sum equal to ten percent (10%) of the highest bid for said parcel or parcels shall be paid to the Township of Upper by the highest bidder or bidders at the time of the sale. The remaining balance of ninety percent (90%) of the highest bid for the parcel or parcels shall be paid to the Township of Upper, and must be received by the Township Clerk, not later than thirty (30) days after the date of the sale. In addition to the deposit of ten percent (10%), the highest bidder or bidders shall also be required to pay or tender at the time of sale the following:

**IF THE BIDDER IS THE ORIGINAL APPLICANT:**

- (A) (i) The sum of \$100.00 for the preparation of the Deed; and
- (ii) The sum of \$70.00 for recording the Deed.

**IF THE BIDDER IS NOT THE ORIGINAL APPLICANT:**

- (B) The sum of 500.00, payable to the Township of Upper, representing payment to the Township for expenses of \$500.00 to defray Township expenses, which amounts were required of the original applicant.

(B) (i) The sum of \$100.00 for the preparation of the Deed.

(ii) The sum of \$70.00 for recording the Deed.

**AT THE TIME OF CLOSING** the successful bidder shall be required to pay the following sums:

(D) Any additional sum required for title search or title insurance.

(E) The cost of any survey ordered by the successful bidder. Successful bidder shall place such order directly with the surveyor or with the title company conducting closing, but the survey must be prepared in time to permit the closing to take place as scheduled.

(F) Title company settlement fees covering services to both the Seller and the Buyer.

(G) Any additional fees or costs chargeable by the title company or otherwise necessary to complete the transaction on behalf of the purchaser.

**SECTION 10:** The closing of title shall take place as designated by the Township as follows:

(A) Township Hall, Petersburg, New Jersey; or

(B) Office of the Township Solicitor; or

(C) At the office of a title insurance company or title abstract company located within Cape May County.

**SECTION 11:** If the bidder fails to close or fails to comply with the provisions hereof, such bidder shall be in default and all amounts paid to the Township by or on behalf of the bidder shall be retained by the Township as **LIQUIDATED DAMAGES AND NOT AS A PENALTY.**

**SECTION 12:** The Deed from the Township of Upper shall be what is commonly known as a Quitclaim Deed.

**SECTION 13:** The title to be delivered by the Township shall be free and clear of all taxes up to and including the date when the Deed is delivered and closing takes place. Purchaser shall be responsible for all taxes thereafter. Unless otherwise specified herein, the purchaser shall be liable for payment of all assessments, of any nature, against said land.

**SECTION 14:** The title to be delivered by the Township shall be under and subject to all easements and rights of way, recorded and unrecorded, whether for utilities or for others, and shall also be subject to all conditions, reservations and restrictions of record, if any. If the title report discloses an unmarketable condition of title, except as specified herein, the remedy of the bidder shall be limited to the return of payments made to the Township of Upper on account of the purchase price and closing costs only. Any and all other amounts paid to the Township shall be non-refundable. This sale is under and subject to any riparian claim which may affect said property. If any such claim exists, it shall be the sole responsibility of the purchaser to meet and satisfy all requirements of the State of New Jersey with respect to said riparian claim and the payment of any compensation to the State of New Jersey on account thereof. Nothing herein shall be construed as obligating the Township of Upper to construct or maintain access roads to any portion of the property being sold. Such property may not qualify for a building permit due to lack of water supply, lack of sewer or septic facilities, lack of access, inadequate lot size, or other reasons, including those reasons set forth below. The purchaser is required to comply with all applicable zoning, building and health ordinances and codes and regulations. The property being sold may be situated in a Flood Hazard Zone. The Township of Upper makes no warranties or representations, expressed or implied, as to the property being offered for sale, the condition or marketability of the title or any other matter. The Township of Upper makes no warranties or representations, expressed or implied, as to whether or not the property being offered for sale contains wetlands anywhere on the property. The Township makes no warranties or

representations as to any matter of an environmental nature, or otherwise, which may prevent or limit building or construction.

**SECTION 15:** All references to Lots and Blocks described herein are to the Lots and Blocks as shown on the Current Official Tax Map of the Township of Upper.

**SECTION 16:** The successful bidder shall be required, at the time of the sale, to execute a document acknowledging that the sale is governed by the provisions of this Ordinance as well as N.J.S.A. 40A:12-13.

**SECTION 17:** The provisions of this Ordinance pertaining to this sale shall survive the closing of title and shall not merge into the Deed.

**SECTION 18:** It is a requirement of this sale that the purchaser of the subject property be a contiguous property owner. Said purchaser shall be required to take immediate action to cause a consolidation of the property being purchased with all of the bidder's existing adjacent property so as to constitute a single parcel of ground which shall not be further subdivided into more than one lot. This restriction shall be included in the deed of conveyance and shall run with the land. The successful bidder shall complete the consolidation as a condition of the sale. The provisions of this Section shall survive closing and shall not merge into the Deed.

**SECTION 19:** 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 9<sup>th</sup> DAY OF FEBRUARY, 2015 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 9<sup>th</sup> DAY OF MARCH, 2015 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.



UPPER.

BARBARA L. YOUNG, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

**CORRESPONDENCE**

**NEW BUSINESS**

- 9. **Ocean City Girls Lacrosse Booster Club requests to hold Bingo BA-444 at the Upper Township Community Center on March 14, 2015.** Motion by Edward Barr, second by Hobie Young, to approve the request. During roll call vote all five Committee members voted in the affirmative.

**UNFINISHED BUSINESS**

**DISCUSSION**

**PAYMENT OF BILLS**

- 10. **“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 Hobie Young. During roll call vote all five Committee members voted in the affirmative.

**Bills approved for payment: \$54,528.29**

**Payroll: \$161,991.42**

**REPORT OF MUNICIPAL DEPARTMENTS**

- 11. **Animal Control**
- 12. **Construction Code**
- 13. **EMS Report**
- 14. **Finance Office**
- 15. **MUA Report**
- 16. **Tax Collector**

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

- 17. **Certificate of Determination and Award-Issue of Bond Anticipation Note-**Motion by John Coggins, second by Hobie Young to accept the Certificate of Determination and Award-Issue of Bond Anticipation Note. During roll call vote all five Committee members voted in the affirmative.

**18. Tax Collector 2014 Annual year-end report**-Motion by John Coggins, second by Richard Palombo to accept the Tax Collector 2014 year-end report. During roll call vote all five Committee members voted in the affirmative.

**PUBLIC COMMENT**

**Ted Kingston** – questioned the budget process and whether or not a tax increase is expected. Mr. Coggins responded that at the present time the Committee does not anticipate a tax increase. Mr. Kingston also asked if future budget meetings could be televised. It was stated that the budget meeting to introduce the budget will be televised.

**Robert Vicario** – asked how the 18% penalty for delinquent taxes is determined. The Municipal Attorney explained that this is set by State Statute.

**CLOSED SESSION**

19. 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. 53-2015  
MOTION GOING INTO CLOSED SESSION  
FEBRUARY 9, 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 - NJ Turnpike ROE Agreement
2. Contract negotiation - Bond Counsel
3. Contract negotiation - Tax Appeal Conflict Attorney
4. Contract negotiation - Cell Tower
5. Contract negotiation - Collective bargaining agreement
6. Personnel

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

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

D. With respect to litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.

Moved by: John Coggins

Motion seconded by: Richard Palombo

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

## **RECONVENE PUBLIC PORTION OF MEETING**

### **ADJOURNMENT**

There being no further business this evening the meeting was adjourned at 9:06 P.M. The next regular meeting is scheduled for February 23, 2015 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC  
Municipal Clerk

#### Bill List

64496	02/09/15	A0025	ADVANTAGE RENTAL ACE HARDWARE	454.83	2863
64497	02/09/15	A0091	ATLANTIC CITY ELECTRIC	56.35	2863
64498	02/09/15	B0091	BIRCHMEIER, JAMES	150.00	2863
64499	02/09/15	C0031	CAPE ASSIST	1,155.00	2863
64500	02/09/15	C0061	CAPRIONI FAMILY SEPTIC	210.00	2863
64501	02/09/15	C0068	COMCAST	107.95	2863
64502	02/09/15	C0171	COLONIAL ELECTRIC SUPPLY CO.	174.90	2863
64503	02/09/15	C0182	CDW GOVERNMENT, INC	509.59	2863
64504	02/09/15	C0223	CASA PAYROLL SERVICE	243.85	2863
64505	02/09/15	C0230	CATAMARAN MEDIA COMPANY	54.00	2863
64506	02/09/15	E0012	EHRLICH PEST CONTROL INC	83.08	2863
64507	02/09/15	E0066	ELIZABETH RIVER TUNNELS	4.75	2863
64508	02/09/15	G0028	GENTILINI FORD	1,033.20	2863
64509	02/09/15	G0141	GENTILINI CHEVROLET	773.04	2863
64510	02/09/15	G0157	GRANTURK EQUIPMENT CO., INC.	574.99	2863
64511	02/09/15	H0006	HABERMAN, WILLIAM	184.99	2863
64512	02/09/15	H0163	Horan-Smith, Amy M.	45.70	2863
64513	02/09/15	J0072	JERSEY WEB DESIGNS	1,312.50	2863
64514	02/09/15	L0072	LLOYD, JOEL	402.80	2863
64515	02/09/15	L0111	LONGNECKER, TIMOTHY	40.70	2863
64516	02/09/15	M0019	MAXIMUM MARINE	69.05	2863
64517	02/09/15	M0217	MUNICIPAL EMERGENCY SERVICES	351.00	2863
64518	02/09/15	N0004	NJ-AMERICAN WATER CO.	137.78	2863
64519	02/09/15	N0131	DEFINED CONTRIB RETIRE PROGRAM	101.01	2863
64520	02/09/15	O0002	O.C. FIRST NIGHT COMMITTEE	3,934.05	2863
64521	02/09/15	O0006	SJSHORE MARKETING,LLC	124.03	2863
64522	02/09/15	P0032	PEDRONI FUEL CO.	1,227.92	2863
64523	02/09/15	P0036	PENNELLO,DAVID	146.93	2863
64524	02/09/15	P0050	PARSIO, ANTHONY	148.98	2863
64525	02/09/15	P0056	TURF EQUIPMENT AND SUPPLY CO	344.99	2863
64526	02/09/15	P0078	PRO VIDEO ENGINEERING	16,873.40	2863
64527	02/09/15	R0030	RIGGINS, INC.	1,783.19	2863
64528	02/09/15	R0045	RAINEAR,SCOT	275.00	2863
64529	02/09/15	S0018	SUBURBAN PROPANE, LP	1,038.02	2863
64530	02/09/15	S0209	STAPLES ADVANTAGE	312.84	2863
64531	02/09/15	S0239	SHORE VET. ANIMAL CONTROL LLC	2,300.00	2863
64532	02/09/15	S0283	Wilkinson Clay Smith	45.70	2863
64533	02/09/15	S0284	SOUTH JERSEY INTERPRETERS	171.73	2863
64534	02/09/15	T0067	TOWNSHIP OF UPPER PETTY CASH	3.95	2863
64535	02/09/15	T0087	TREASURER-STATE OF NEW JERSEY	1,056.00	2863
64536	02/09/15	T0168	TOWNSHIP OF UPPER	209.58	2863
64537	02/09/15	Y0008	YOUNG, DANIEL J. ESQUIRE PC	16,300.92	2863

Total: \$54,528.29