

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR MAY 11, 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, Chief Financial Officer Barbara Spiegel, and Municipal Engineer Paul Dietrich.

APPROVAL OF MINUTES - April 27, 2015 Regular Meeting and
Closed Session Minutes

Motion by Jeffrey Pierson, second by Edward Barr, to approve the April 27, 2015 Regular Meeting and Closed Session Minutes as submitted. During roll call vote all five Committee members voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Hobie Young, Committeeman, reported that an organization meeting for the 4th of July event will be held on Tuesday, May 12 at 7:00 pm at Levari's, and will be held every Tuesday night until the event. He next requested if 3 or 4 Township employees can be utilized during the July 4th event to monitor the restrooms, concession stand, parking, and handle any equipment issues that may arise. Committeeman Young next reported that there are still issues with cars parking in No Parking zones at Amanda's Field. He requested that the Township look into what steps can be taken to solve this problem. He next reported that he and the other Committee members attended the County's Coast Guard Community Ceremony. He stated that the event was well attended and successful. Lastly, Committeeman Young inquired into the status of the grading of the Beesley's Point boat ramp parking lot. The Municipal Engineer stated that Public Works have been working on the area and have the lot nicely graded. The NJ Turnpike Authority bridge construction workers have been notified that parking will not be available at the boat ramp lot during the summer season.

Edward Barr, Committeeman, reported that there have been four vacancies in the Road Department since the beginning of the year. He requested that the Township hire 4 part-time or seasonal employees for the busy summer months. After a brief discussion, there was a motion by Edward Barr, second by Richard Palombo, to direct the personnel officer to advertise for three seasonal positions with the Public Works department for 32 - 40 hours per week ending September 30th. During roll call vote all five Committee members voted in the affirmative.

Jeffrey Pierson, Committeeman, commended the County and the Coast Guard for the wonderful event this past weekend celebrating the designation of Cape May County as a Coast Guard Community. He next reported that the EMS will be hosting a Meet the Crew event on May 16, 2015 from 1:00 to 3:00 at Amanda's Field. The Rescue Squad is also holding a fundraising event on May 30, 2015 from 2:00 to 6:00 at the Tuckahoe Inn. He encouraged everyone to come out and support the EMS and Rescue Squad crew.

Richard Palombo, Mayor, reported that he and CFO Barbara Spiegel have recently received quotes for dental insurance for Township Employees and were able to negotiate an agreement with Delta Dental for a zero rate increase. He made a motion, second by John Coggins, to renew with Delta Dental at the same rate as last year. During roll call vote all five Committee members voted in the affirmative. Mayor Palombo next reported that the VFW will be holding Memorial Day services on Monday May 25th beginning at 8:00 am.

OTHER REPORTS

Barbara Young, Municipal Clerk, reported that the Municipal Offices will be closed for the Memorial Day holiday on Monday May 25th, and the next regular Committee meeting will be held on Tuesday May 26th.

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

Paul Dietrich, Municipal Engineer, reported that the Strathmere beach fill is underway and is progressing well. The beach and dune from Hawthorn Avenue to Prescott Avenue has been completed. He reminded the public that all of the beach access areas on the Northern end are closed because of safety concerns. He next reported that the County is continuing the project on Hope Corson Road and is progressing well. The road is closed to thru traffic and a detour route has been posted. Lastly, he reported that New Jersey American Water has started the construction of the new water tower in Seaville and the new well facility in Marmora. They are currently installing the piping for the new well facility on Stagecoach Road between Tuckahoe Road and Roosevelt Boulevard.

PRESENTATION

1. Honoring Augustus Jurasinski on attaining the designation of "Eagle Scout".

TOWNSHIP OF UPPER
CAPE MAY COUNTY

RESOLUTION

RESOLUTION NO. 102-2015

RE: HONORING AUGUSTUS JURASINSKI ON ATTAINING THE
DESIGNATION OF "EAGLE SCOUT"

WHEREAS, Augustus Jurasinski of Troop 79, Seaville, NJ has recently achieved the designation of Eagle Scout in the Boy Scouts of America; and

WHEREAS, the Township of Upper wishes to acknowledge this outstanding accomplishment; and

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

RESOLVED THAT the Township Committee extends its sincere congratulations to Augustus on the occasion of his receiving the designation of Eagle Scout and commends him for this outstanding accomplishment and the completion of his Eagle Scout project consisting of building a Shrine to the Blessed Mother Mary for St. Maximilian Kolbe Parish in Marmora. Flower boxes and a stand for the statue of Mary were created and pavers were placed and, through fundraising efforts, the statute of Mary and benches were purchased along with the materials required to complete the project; and

BE IT FURTHER RESOLVED that the Township Committee extends its sincere congratulations and best wishes to Augustus's parents, family and friends on this happy occasion; and it is

FURTHER RESOLVED that the Township Committee also extends its congratulations and appreciation to the Scout Masters and others who give so freely and generously of their time for the benefit of our youth.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this
27th day of April, 2015.

RESOLUTIONS

2. Appointment of J. P. Bainbridge & Associates, Inc. and J. Paul Bainbridge as an Appraiser for the Township of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 113-2015

**RE: APPOINTMENT OF J. P. BAINBRIDGE & ASSOCIATES, INC. AND
J. PAUL BAINBRIDGE AS AN APPRAISER FOR THE TOWNSHIP OF UPPER**

WHEREAS, the Township requires an appraiser to provide services to obtain the fair market value of lots and beach easements in the Township with respect to the acquisition of said easements or said lots as required or appropriate to complete ongoing condemnation actions; and

WHEREAS, a resolution is required authorizing the award of such contract for professional services; and

WHEREAS, J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge have completed and submitted a Business Entity Disclosure Certification which certifies that J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge have not made any contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge from making any contributions through the term of the contract; and

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

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

2. J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge with offices at 6 Woodland Road, Cape May Court House, New Jersey is hereby appointed appraiser for the Township of Upper to provide services relating to the appraisal of lots and beach easements on lots in the Township as may be necessary in connection with anticipated beach replenishment projects in the Township and ongoing condemnation actions.

3. The contract shall have a term of one (1) year from date of full execution.

4. This Contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge have professional knowledge as to appraisal issues which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-2.05.

NOTICE OF CONTRACT AWARD

5. The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge for appraisal services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

6. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the official budget to which this contract will be properly charged has been provided to the

governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.

7. The contractor has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.

8. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

9. A notice of the contract award shall be published in the official newspaper of the Township of Upper within ten (10) days from the date of adoption.

10. This Resolution shall be effective as of adoption.

Resolution No. 113-2015
Offered by: Coggins
Adopted: May 11, 2015

Seconded by: Pierson

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>	_____	_____	_____

3. Authorizing the Mayor and Township Clerk to sign a contract with Neil Levinbook, Esq., Todd Ruggiero, Esq., and the Levinbook Law Firm, P.C. for Professional Consultant Services.

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

RESOLUTION NO. 114-2015

RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A CONTRACT WITH NEIL LEVINBOOK, ESQ., TODD RUGGIERO, ESQ., AND THE LEVINBOOK LAW FIRM, P.C. FOR PROFESSIONAL CONSULTANT SERVICES

WHEREAS, the Township of Upper has a need for professional consultant services in regard to the Township's cellular tower lease agreements; and

WHEREAS, Neil Levinbook Esq., Todd Ruggiero, Esq., and The Levinbook Law Firm, P.C. have submitted a proposal to the Township to provide said consultant services; and

WHEREAS, the Township wishes to accept said proposal and to authorize the execution of a contract with Neil Levinbook Esq., Todd Ruggiero, Esq., and The Levinbook Law Firm, P.C.; and

WHEREAS, Neil Levinbook Esq., Todd Ruggiero, Esq., and The Levinbook Law Firm, P.C. have completed and submitted a Business Entity Disclosure Certification which certifies that Neil Levinbook Esq., Todd Ruggiero, Esq., and The Levinbook Law Firm, P.C. have not made any contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Neil Levinbook Esq., Todd Ruggiero, Esq., and The Levinbook Law Firm, P.C. from making any contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to
to
execute a contract with Neil Levinbook Esq., Todd Ruggiero, Esq., and The Levinbook Law Firm, P.C. with offices at 100 Motor Parkway, Suite 110, Hauppauge, New York, 11788, to provide professional consultant services.
3. This contract shall have a term of one (1) year from date of full execution
4. This Contract is awarded without competitive bidding as a professional service in

accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Neil Levinbook Esq., Todd Ruggiero, Esq., and The Levinbook Law Firm, P.C. have professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-2.05

NOTICE OF CONTRACT AWARD

5. The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Neil Levinbook Esq., Todd Ruggiero, Esq., and The Levinbook Law Firm, P.C. for professional consultant services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

6. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the official budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.

7. The contractor has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and will provide proof of that registration to the Township of Upper.

8. A notice of this contract award shall be published in the official newspaper of the Township of Upper within ten (10) days from the date of adoption.

9. This Resolution shall be effective as of adoption.

Resolution No. 114-2015
 Offered by: Young
 Adopted: May 11, 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>	_____	_____	_____

4. Appointing Raymond Poudrier as a temporary Electrical Sub-Code Official and Electrical Inspector on an as needed basis in the absence of the permanent Electrical Sub-Code Official and Electrical Inspector.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 115-2015

**RE: APPOINTING RAYMOND POU德里ER AS A TEMPORARY
ELECTRICAL SUB-CODE OFFICIAL AND ELECTRICAL INSPECTOR ON AN AS
NEEDED BASIS IN THE ABSENCE OF THE PERMANENT ELECTRICAL SUB-CODE
OFFICIAL AND ELECTRICAL INSPECTOR**

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

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

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

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

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

WHEREAS, Raymond Poudrier has completed and submitted a Business Entity Disclosure Certification which certifies that Raymond Poudrier has not made any contributions to a political or candidate committee in the Township that would bar the award

of this contract and that the contract will prohibit Raymond Poudrier from making any contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with Raymond Poudrier to serve as the temporary Electrical Sub-Code Official and Electrical Inspector as needed.
3. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Raymond Poudrier has professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-2.05.

NOTICE OF CONTRACT AWARD

4. The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Raymond Poudrier. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

5. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the official budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.

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

Resolution No. 115-2015
 Offered by: Barr
 Adopted: May 11, 2015

Seconded by: Young

Roll Call Vote:

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

- 5. Authorizing the Township of Upper to accept a vehicle from the New Jersey State Agency for Surplus Property, through the New Jersey State Police Emergency Management Section, as part of the Federal Surplus Property Program.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY**

R E S O L U T I O N

RESOLUTION NO. 116-2015

RE: AUTHORIZING THE TOWNSHIP OF UPPER TO ACCEPT A VEHICLE FROM THE NEW JERSEY STATE AGENCY FOR SURPLUS PROPERTY, THROUGH THE NEW JERSEY STATE POLICE EMERGENCY MANAGEMENT SECTION, AS PART OF THE FEDERAL SURPLUS PROPERTY PROGRAM

WHEREAS, the Township of Upper is an eligible participant of the State of New Jersey Federal Surplus Property Program; and

WHEREAS, the Township of Upper’s Emergency Management Coordinator has been awarded a surplus dump truck from the New Jersey State Police Emergency Management Section, State Agency for Surplus Property(NJSASP); and

WHEREAS, the Purchasing Agent has determined that said vehicle can be maintained, stored and insured within the guidelines of the NJSASP; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township to accept said vehicle; 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 of Upper hereby accepts a surplus dump truck from the New Jersey State Agency for Surplus Property, through the New Jersey State Police Emergency Management Section, as part of the Federal Surplus Property Program.

3. The Township Committee hereby authorizes the Mayor, the Municipal Emergency Management Coordinator, and the Purchasing Agent to execute any required documents, and otherwise perform all acts necessary to accomplish the intent of this resolution.

Resolution No. 116-2015
Offered by: Pierson
Adopted: May 11, 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>	_____	_____	_____
Coggins	<u>X</u>	_____	_____	_____
Pierson	<u>X</u>	_____	_____	_____
Young	<u>X</u>	_____	_____	_____
Palombo	<u>X</u>	_____	_____	_____

6. Resolution requesting change in title, text, or amount of appropriation pursuant to NJS 40A:4-85.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 117-2015**

**RESOLUTION REQUESTING CHANGE IN TITLE, TEXT, OR AMOUNT OF
APPROPRIATION PURSUANT TO NJS 40A:4-85**

WHEREAS, N.J.S. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the Governing Body

of any county or municipality, make such correction of the title, text, or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any county or municipality.

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of NJS 40A:4-85, the Township Committee of the Township of Upper hereby requests the Director of the Division of Local Government Services to make the following corrections in the 2015 budget:

<u>General Appropriations</u>	<u>Change</u>
CONSTRUCTION OFFICIAL S/W	(33,750.00)
CONSTRUCTION OFFICIAL O/E	33,750.00

BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the Governing Body, warranted and authorized by the statute referred to above, and is necessary for the orderly operation of the Township of Upper for the reasons set forth:

1. Upper Township has authorized the execution of a Shared Services Agreement with the Township of Dennis to provide clerical and administrative services for the Upper Township Construction Code Office pursuant to Resolution No. 108-2015 attached hereto as Exhibit A.
2. Dennis Township has also authorized the execution of a Shared Services Agreement with the Township of Upper to provide clerical and administrative services for the Upper Township Construction Code Office pursuant to Resolution No. 2015-60 attached hereto as Exhibit B.

Resolution No. 117-2015
 Offered by: Coggins Seconded by: Pierson
 Adopted: May 11, 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>	<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>

7. Resolution amending 012-2015 confirming appointment of various employees to annual and specified terms.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 118-2015

**RE: RESOLUTION AMENDING 012-2015 CONFIRMING APPOINTMENT OF VARIOUS
EMPLOYEES TO ANNUAL AND SPECIFIED TERMS**

WHEREAS, the Township of Upper made appointments of various administrative and other personnel pursuant to Resolution 012-2015 in order to staff the various positions of the Township for the ensuing year; and

WHEREAS, the Township of Upper now desires to amend Resolution 012-2015 and certain appointments contained in said Resolution; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The following person shall be appointed to the position opposite his name for a term to expire on December 31, 2015:

ANNUAL APPOINTMENTS - ONE (1) YEAR TERM

<u>NAME</u>	<u>POSITION</u>	<u>SALARY</u>
William McDaniels	Recycling Program Aide	\$ 2,500.00
	Recycling Certification	\$ 1,000.00

3. The following person will no longer hold the following title opposite his name:

<u>NAME</u>	<u>POSITION</u>
William McDaniels	Recycling Coordinator

4. This Resolution amends Resolution 012-2015 with respect to the appointments set forth above.

Resolution No. 118-2015
Offered by: Barr
Adopted: May 11, 2015
Roll Call Vote:

Seconded by: Pierson

<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>	_____	_____	_____

8. Appointing Michael Pfaff, Thomas Lonergan, and Ronald Reign as part-time seasonal beach sweepers to the Upper Township Public Works Department.

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

RESOLUTION NO. 119-2015

**RE: APPOINTING MICHAEL PFAFF, THOMAS LONERGAN, AND RONALD REIGN
AS PART-TIME SEASONAL BEACH SWEEPERS
TO THE UPPER TOWNSHIP PUBLIC WORKS DEPARTMENT**

WHEREAS, a need exists to appoint qualified personnel as part-time employees to the Upper Township Public Works Department to insure optimal operation; 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. Michael Pfaff, Thomas Lonergan, and Ronald Reign are hereby appointed in part-time seasonal positions as beach sweepers, pending pre-employment testing, at a salary of \$11.50 per hour in accordance with the Salary Ordinance.

3. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Resolution No. 119-2015

Offered by: Barr

Seconded by: Pierson

Adopted: May 11, 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>	_____	_____	_____

9. Appointing the 2015 season Beach Patrol personnel.

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

RESOLUTION NO. 120-2015

RE: APPOINTING THE 2015 SEASON BEACH PATROL PERSONNEL

WHEREAS, the individuals hereinafter named have been determined to possess the requisite skills, training and are otherwise eligible for appointment to the position of lifeguard; and

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

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

2. The following individuals are appointed as lifeguards in the Township of Upper, pending successful completion of pre-employment testing, at a salary as stated below in accordance with the Salary Ordinance:

LIEUTENANTS

WILLIAM STULL	\$18.00 per hour
JOSEPH O'NEIL	\$18.00 per hour
ANDREW TOBIASON	\$18.00 per hour
JOE LAROSA, III	\$18.00 per hour

SENIOR GUARDS

DAN PALOMBO	\$14.75 per hour
KELLY MCHALE	\$14.75 per hour

RETURNING GUARDS

WAYNE MACMURRAY	\$13.00 per hour
JON O'NEILL	\$13.00 per hour
DAVE NEVILLE	\$13.00 per hour
BILL DOONER	\$13.00 per hour
ABIGAIL FRIETAG	\$13.00 per hour
BLAKE BOFFA	\$13.00 per hour
RODNEY TICE	\$13.00 per hour
GREG VAN GILDER	\$13.00 per hour
JAMES DUGAN	\$13.00 per hour
SPENSER POPESON	\$13.00 per hour
JACK O'HARA	\$13.00 per hour
JOE LAROSA, JR.	\$13.00 per hour
WILL MASSEY	\$12.70 per hour
AMANDA ELLER	\$12.70 per hour
K. TAYLOR HENNESSEY	\$12.70 per hour
GRIFFIN GRIMES	\$12.70 per hour
DYLAN PRICE	\$12.70 per hour
ANSON HADLEY	\$12.70 per hour
BRUCKNER CHASE	\$12.70 per hour
SAM PALOMBO	\$12.70 per hour
AARON HOLIBAUGH	\$12.00 per hour

3. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Resolution No. 120-2015

Offered by: Pierson

Seconded by: Young

Adopted: May 11, 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>	

10. Appointing Jeffrey R. Surenian and Associates, LLC to act as Special Legal Counsel in matters involving affordable housing obligations.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 121-2015

**RE: APPOINTING JEFFREY R. SURENIAN AND ASSOCIATES, LLC
TO ACT AS SPECIAL LEGAL COUNSEL IN MATTERS INVOLVING
AFFORDABLE HOUSING OBLIGATIONS**

WHEREAS, the Township of Upper requires legal counsel to provide legal assistance with respect to the Township’s affordable housing obligations involving the New Jersey Council on Affordable Housing (COAH), and/or a New Jersey court of competent jurisdiction; and

WHEREAS, a resolution is required authorizing the award of such contract for professional services; and

WHEREAS, the Township has decided to acquire the services of Jeffrey R. Surenian and Associates, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-2.05; and

WHEREAS, Jeffrey R. Surenian and Associates, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Jeffrey R. Surenian and Associates, LLC has not made any contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Jeffrey R. Surenian and Associates, LLC from making any contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Jeffrey R. Surenian and Associates, LLC with offices at 707 Union Avenue, Suite 301, Brielle, New Jersey is hereby appointed Special Legal Counsel to handle legal matters with respect to the Township’s affordable housing obligations as directed by the Township Committee.
3. This contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Jeffrey R. Surenian and Associates, LLC has professional knowledge as to legal matters which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-2.05.

NOTICE OF CONTRACT AWARD

The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Jeffrey R. Surenian and Associates, LLC for legal services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

5. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the official budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.

6. The contractor has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.

7. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Jeffrey R. Surenian and Associates, LLC in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

8. A notice of this contract award shall be published in the official newspaper of the Township of Upper within ten (10) days from the date of adoption.

9. This Resolution shall be effective as of adoption.

Resolution No. 121-2015

Offered by: Young

Seconded by: Barr

Adopted: May 11, 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>	___	___	___

11. Authorizing the execution of a contract with Leah Furey Bruder and Bach Associates, PC for professional planning services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 122-2015

**RE: AUTHORIZING THE EXECUTION OF A CONTRACT WITH LEAH FUREY BRUDER
AND BACH ASSOCIATES, PC FOR PROFESSIONAL PLANNING SERVICES**

WHEREAS, the Township of Upper requires professional planning services for the Township's Affordable Housing compliance efforts; and

WHEREAS, a resolution is required authorizing the award of such contract for professional services; and

WHEREAS, the Township has decided to acquire the services of Leah Furey Bruder and Bach Associates, PC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-2.05; and

WHEREAS, Leah Furey Bruder and Bach Associates, PC have completed and submitted a Business Entity Disclosure Certification which certifies that Leah Furey Bruder and Bach Associates, PC have not made any contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Leah Furey Bruder and Bach Associates, PC from making any contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with Leah Furey Bruder and Bach Associates, PC, with offices at 304 White Horse Pike, Haddon Heights, New Jersey, to provide professional consultant services.
3. This contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Leah Furey Bruder and Bach Associates, PC have professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-2.05.

NOTICE OF CONTRACT AWARD

The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Leah Furey Bruder and Bach Associates, PC for professional planning services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

5. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the official budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.

6. The contractor has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.

7. A notice of this contract award shall be published in the official newspaper of the Township of Upper within ten (10) days from the date of adoption.

8. This Resolution shall be effective as of adoption.

Resolution No. 122 - 2015

Offered by: Young

Seconded by: Pierson

Adopted: May 11, 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>	<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>

ORDINANCES

CORRESPONDENCE

NEW BUSINESS

12. Upper Township EMS “Meet the Crew” event and Barbeque at Amanda’s Field on May 16th from 1:00 – 4:00 pm. **Motion by John Coggins, second by Hobie Young,**

to approve the request. During roll call vote all five Committee members voted in the affirmative.

13. The Richard Stockton Coastal Research Center – Final Report for 2014 on the condition of Municipal Beaches in Upper Township. **Motion by Jeffrey Pierson, second by Edward Barr, to accept the report. During roll call vote all five Committee members voted in the affirmative.**
14. Upper Township Soccer Association request use of Amanda’s Field and Tyler Davis Soccer fields on July 11th and 12th and September 5th and 6th to hold Soccer Tournaments. **Motion by Hobie Young, second by Edward Barr, to approve the request. During roll call vote all five Committee members voted in the affirmative.**
15. ALS Association Greater Philadelphia Chapter Express Bike Ride. **Motion by Hobie Young, 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

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

Bills approved for payment: \$343,133.23

Payroll: \$154,006.94

REPORT OF MUNICIPAL DEPARTMENTS

17. Construction Code
18. EMS
19. MUA
20. Public Works
21. Tax Collector

Motion by Richard Palombo, second by John Coggins, to accept all reports as submitted. During roll call vote all five Committeemen voted in the affirmative.

PUBLIC COMMENT

Kevin Grubb, Greenfield, questioned if the Township has ever looked into creating a parking authority to handle parking issues and to install parking meters in Strathmere. It was stated that the Township Committee can perform those functions without creating a parking

authority. It was then stated that there is not much transient traffic in Strathmere. The only road where parking meters would be feasible is Commonwealth Avenue, which is a County Road and therefore not under the Township's jurisdiction.

CLOSED SESSION

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

**TOWNSHIP OF UPPER
RESOLUTION NO. 123-2015
MOTION GOING INTO CLOSED SESSION
MAY 11, 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. Personnel
2. Contract Negotiation - Cell Tower Lease

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

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

Moved by: John Coggins

Motion seconded by: Richard Palombo

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

RECONVENE PUBLIC PORTION OF MEETING

Motion by Richard Palombo, second by Jeffrey Pierson, to reconvene the public portion of the meeting. All Committee members present voted in the affirmative

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:02 P.M. The next regular meeting is scheduled for Tuesday, May 26, 2015 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC

Bill List

64985 05/11/15 A0025 ADVANTAGE RENTAL ACE HARDWARE 666.25 2877
64986 05/11/15 A0027 ACE PLUMBING SUPPLY, INC 81.90 2877
64987 05/11/15 A0091 ATLANTIC CITY ELECTRIC 4,295.95 2877
64988 05/11/15 A0177 ALADTEC, INC 1,915.00 2877
64989 05/11/15 A0196 ALLEGRETTO, BRIAN P. 44.20 2877
64990 05/11/15 A0197 ADAMS, STEPHEN K. 44.20 2877
64991 05/11/15 B0035 BELMONT & CRYSTAL SPRINGS 33.40 2877
64992 05/11/15 B0182 BRIGGS LAW OFFICE, P.C. 52.50 2877
64993 05/11/15 B0220 BERGEY'S TRUCK CENTERS 803.31 2877
64994 05/11/15 C0019 CITY OF OCEAN CITY 56,235.10 2877
64995 05/11/15 C0048 CAPE MAY COUNTY MUA 35,011.78 2877
64996 05/11/15 C0061 CAPRIONI FAMILY SEPTIC 200.00 2877
64997 05/11/15 C0068 COMCAST 429.51 2877
64998 05/11/15 C0077 CHERRY VALLEY TRACTOR SALES 149.74 2877
64999 05/11/15 C0091 CHISHOLM, JOHN R. 39.99 2877
65000 05/11/15 C0116 CINTAS CORPORATION 28.39 2877
65001 05/11/15 C0143 CODY'S POWER EQUIPMENT 99.41 2877
65002 05/11/15 C0171 COLONIAL ELECTRIC SUPPLY CO. 96.94 2877
65003 05/11/15 C0196 COMPUTER HOUSE 1,829.40 2877
65004 05/11/15 C0201 CRUZAN'S TRUCK SERVICE INC. 95.00 2877
65005 05/11/15 C0223 CASA PAYROLL SERVICE 233.25 2877
65006 05/11/15 C0260 COOPER JR., THEODORE F. 112.50 2877
65007 05/11/15 D0106 DELL USA LPER CORPORATION 21,905.55 2877
65008 05/11/15 D0148 DIRECT ENERGY BUSINESS 3,649.05 2877
65009 05/11/15 E0003 EASTERN SIGN CO. 1,500.00 2877
65010 05/11/15 E0012 EHRlich PEST CONTROL INC 83.00 2877
65011 05/11/15 F0016 FAZZIO, JOSEPH INC. 105.30 2877
65012 05/11/15 F0053 FORD, SCOTT & ASSOCIATES 9,000.00 2877
65013 05/11/15 F0054 DEARBORN NATIONAL LIFE INS. CO 400.88 2877
65014 05/11/15 F0084 FLEETPRIDE 537.54 2877
65015 05/11/15 G0016 GARDNER HARDWARE INC. 14.38 2877
65016 05/11/15 G0028 GENTILINI FORD 243.11 2877
65017 05/11/15 G0080 GOVDEALS 5,010.76 2877
65018 05/11/15 G0086 W.W. GRAINGER, INC. 161.13 2877
65019 05/11/15 G0157 GRANTURK EQUIPMENT CO., INC. 222.30 2877
65020 05/11/15 G0163 GOVCONNECTION, INC 486.61 2877
65021 05/11/15 G0165 GARREFFI JR, ANTHONY J. 44.20 2877
65022 05/11/15 H0002 H.A. DEHART & SON CORP. 680.40 2877
65023 05/11/15 H0018 HAROLD RUBIN L & H SUPPLY 244.20 2877
65024 05/11/15 H0095 HORIZON BCBSNJ 133,613.51 2877
65025 05/11/15 H0097 HERRON, JOANNE R. 54.17 2877
65026 05/11/15 H0148 THOMAS H. HEIST INS AGENCY INC 3,395.45 2877
65027 05/11/15 I0041 INNOVATIVE DATA SOLUTIONS 2,550.00 2877
65028 05/11/15 J0072 JERSEY WEB DESIGNS 1,300.00 2877
65029 05/11/15 J0074 J.A. MONTGOMERY RISK CONTROL 1,195.00 2877
65030 05/11/15 K0007 KACZMARSKI, RICHARD 14.21 2877
65031 05/11/15 L0007 LC EQUIPMENT, INC. 575.00 2877
65032 05/11/15 L0080 LOWES, INC. 113.05 2877
65033 05/11/15 L0102 LEGALIZED GAMES OF CHANCE 1,000.00 2877
65034 05/11/15 M0012 McCAULEY, RICHARD 45.54 2877
65035 05/11/15 M0121 McCROSSON, JANET 656.65 2877
65036 05/11/15 M0180 MED-TECH RESOURCE, LLC 86.67 2877

65037 05/11/15 M0188 MCCARTHY TIRE SERVICE OF PHILA 3,538.44 2877
65038 05/11/15 N0004 NJ-AMERICAN WATER CO. 86.57 2877
65039 05/11/15 N0043 NAPA AUTO PARTS 160.55 2877
65040 05/11/15 N0056 NEIDIG, GEORGE B, JR. ESQ. 350.00 2877
65041 05/11/15 N0094 NEW JERSEY PLANNING OFFICIALS 100.00 2877
65042 05/11/15 N0131 DEFINED CONTRIB RETIRE PROGRAM 142.71 2877
65043 05/11/15 O0006 SJSHORE MARKETING, LLC 5,177.46 2877
65044 05/11/15 O0012 OCEAN CITY BD. OF EDUCATION 927.55 2877
65045 05/11/15 O0025 OLD DOMINION BRUSH 669.66 2877
65046 05/11/15 P0032 PEDRONI FUEL CO. 2,474.76 2877
65047 05/11/15 P0056 TURF EQUIPMENT AND SUPPLY CO 22.42 2877
65048 05/11/15 P0140 PIONEER MANUFACTURING CO, INC 6,178.00 2877
65049 05/11/15 R0030 RIGGINS, INC. 6,826.92 2877
65050 05/11/15 S0001 SAM'S CLUB 126.62 2877
65051 05/11/15 S0018 SUBURBAN PROPANE, LP 221.06 2877
65052 05/11/15 S0056 SEASHORE ASPHALT CORPORATION 322.50 2877
65053 05/11/15 S0072 SEGIN, STEWART S. 148.00 2877
65054 05/11/15 S0121 SMUZ, THERESE A 19.78 2877
65055 05/11/15 S0122 SOMERS POINT LUMBER INC. 1,228.50 2877
65056 05/11/15 S0134 SO. JERSEY GAS COMPANY 902.63 2877
65057 05/11/15 S0139 SO. JERSEY WATER COND. INC. 1,450.00 2877
65058 05/11/15 S0196 STEWART BUSINESS SYSTEMS LLC 262.40 2877
65059 05/11/15 S0209 STAPLES ADVANTAGE 406.67 2877
65060 05/11/15 S0253 SAMPLE MEDIA, INC. 480.00 2877
65061 05/11/15 S0279 SPECTROTEL, INC 981.17 2877
65062 05/11/15 S0291 STURGESS, JENNIFER J. 24.20 2877
65063 05/11/15 T0003 THE GUIDANCE GROUP 272.00 2877
65064 05/11/15 T0005 TCTA OF NEW JERSEY 300.00 2877
65065 05/11/15 T0032 THE PRESS & SUNDAY PRESS 411.06 2877
65066 05/11/15 T0067 TOWNSHIP OF UPPER PETTY CASH 61.50 2877
65067 05/11/15 T0074 TRANSAXLE LLC 811.62 2877
65068 05/11/15 T0168 TOWNSHIP OF UPPER 220.77 2877
65069 05/11/15 T0177 TUCKER, THOMAS B. 24.20 2877
65070 05/11/15 U0060 UNSWORTH, NATHAN P 750.00 2877
65071 05/11/15 V0013 VERIZON WIRELESS 1,263.52 2877
65072 05/11/15 V0022 VERIZON 187.75 2877
65073 05/11/15 V0024 VAL-U AUTO PARTS L.L.C. 0.00 05/11/15 VOID 0
65074 05/11/15 V0024 VAL-U AUTO PARTS L.L.C. 874.53 2877
65075 05/11/15 W0092 WTH TECHNOLOGY, INC 1,800.00 2877
65076 05/11/15 W0100 WALKER, ESQUIRE DOUGLAS 200.00 2877
65077 05/11/15 Y0008 YOUNG, DANIEL J. ESQUIRE PC 11,298.96 2877
65078 05/11/15 Y0020 YOUNG, BARBARA L. 43.37 2877

Total: 343,133.23