

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR TUESDAY MAY 26, 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	Absent
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** - May 11, 2015 Regular Meeting and  
Closed Session Minutes

Motion by John Coggins, second by Edward Barr, to approve the May 11, 2015 Regular Meeting and Closed Session Minutes as submitted. During roll call vote all Committee members present voted in the affirmative.

**REPORT OF GOVERNING BODY MEMBERS**

**John Coggins, Committeeman**, reported that he has received numerous complaints from residents near the staging area of the pipeline project on Route 50. Paul Dietrich was directed to set up a meeting with the contractors to go over the issues. It was stated that assistance from the County Engineer be requested as well.

**Edward Barr, Committeeman**, reported that Public Works has been busy with brush collection and repairing the winter damaged roads. He next reported that a few Strathmere residents have expressed their concerns regarding a jitney service operating in Strathmere. Municipal Attorney stated that it is a private operation started by some of the local businesses in the area. It was suggested that a meeting of the parties be arranged to alleviate any concerns.

**Jeffrey Pierson, Committeeman**, reported that he attended and enjoyed the excellent Memorial Day Service at Osprey Point. He next stated that a Security Meeting will be held on June 1, 2015 at 3:30 in the conference room. He also reported that the Rescue Squad will be holding a fundraising event at the Tuckahoe Inn on May 30<sup>th</sup> from 2:00 pm to 6:00 pm. He next thanked Ted Kingston for his photos of the beach fill project. Lastly, he reported that for the past few years, the Fire Commissioners have had significant problems obtaining State certification of their funds. The Township releases the tax funds collected for the Fire Districts in one lump sum after the State Certification is granted. Committeeman Pierson made a motion, second by John Coggins, authorizing the Township to release half of the tax money collected for the fire districts now, with the second half to be released in August. Commencing in 2016 quarterly payments will be made in March and May, and the final half payment will be made in August. During roll call vote all four Committee members present voted in the affirmative.

**Richard Palombo, Mayor**, reported that the lifeguards are currently on alert status and will be manning the stands beginning June 6, 2015.

**OTHER REPORTS**

**Daniel Young, Municipal Attorney**, reported that there a few items for closed session.

**Paul Dietrich, Municipal Engineer**, reported that the Meghan Lane Developer has completed the final surface paving in the development. He requested a resolution accepting a two year maintenance bond from the developer. A resolution for formal action will be placed on the next agenda. Mr. Dietrich next gave a brief update on the beach fill project. The dredge is currently having some mechanical problems and will be delayed until it can be repaired. Work will continue on the crossovers and the dune fence in the meantime. Lastly, Mr. Dietrich requested authority to join the US Communities Co-op for various upcoming building projects. Motion by Edward Barr, second by John Coggins, to join the coop. During roll call vote all four Committee members present voted in the affirmative.

**RESOLUTIONS**

- 1. Honoring Savanna Kennelly on her selection as New Jersey’s Miss 2015 at the New Jersey National Teenager Scholarship Pageant.

**TOWNSHIP OF UPPER  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

**RESOLUTION NO. 124-2015**

**RE: HONORING SAVANNA KENNELLY ON HER SELECTION AS NEW JERSEY’S MISS  
2015 AT THE NEW JERSEY NATIONAL TEENAGER SCHOLARSHIP PAGEANT**

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**WHEREAS**, Savanna Kennelly of Marmora has been crowned the New Jersey American National Teenager Scholarship Organization’s Miss 2015 at the state pageant held in Ocean City, NJ; and

**WHEREAS**, Savanna has achieved this distinguished honor because of her exemplary academic achievement, leadership, school and community involvement, communication skills, and individuality; and

**WHEREAS**, Savanna will have the honor of representing New Jersey at the national competition held in Nashville, Tennessee; and

**WHEREAS**, Savanna is a Sophomore at Stockton University majoring in Elementary Education with a minor in Dance. She is a member of the Stockton Dance Team and the Circle K Club, a Varsity Cheerleader, an early inductee into the National Honor Society, a 6 year member of Girl Scouts earning the Girl Scout Bronze Award, a South Jersey Ballet Theater Performer as well as a member of the Theater’s Fundraising Committee, and has had the lead role in numerous Theater Productions; and

**WHEREAS**, Savanna’s community activities include Founder of “Volunteering @ Heart”, an organization which gives volunteers an opportunity to do something that benefits the heart and the soul through volunteerism. She also raised over \$9,000 in support of the Cape May County Dog Park, is the recipient of the Martin Luther King Community Service Award, Co-Captain of a Relay for Life Team, and organized a Bowl-A-Thon to benefit a friend diagnosed with cancer; and

**WHEREAS**, through her hard work and dedication Katy has gracefully accepted the responsibility of being a role model to her peers, and it is appropriate that she be publicly recognized for her many accomplishments and services to the community.

**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, to honor Savanna Kennelly on her selection as the New Jersey American National Teenager Scholarship Organization’s Miss 2015 and extend to her our congratulations and best wishes for her future endeavors.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 26<sup>th</sup> day of May,

2015.

Resolution No. 124-2015

Offered by: Pierson

Seconded by: Barr

Adopted: May 26, 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>      </u>	<u>      </u>	<u>      </u>	<u>  X  </u>
Palombo	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

- Honoring Katy Wetzel on her selection as New Jersey’s Preteen National Teenager 2015 at the New Jersey National Teenager Scholarship Pageant.

**TOWNSHIP OF UPPER  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

**RESOLUTION NO. 125-2015**

**RE: HONORING KATY WETZEL ON HER SELECTION AS NEW JERSEY’S PRETEEN  
NATIONAL TEENAGER 2015 AT THE NEW JERSEY NATIONAL TEENAGER  
SCHOLARSHIP PAGEANT**

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**WHEREAS**, Katy Wetzel of Marmora has been crowned New Jersey’s Preteen National Teenager 2015 at the state pageant held in Ocean City, NJ; and

**WHEREAS**, Katy has achieved this distinguished honor because of her exemplary academic achievement, leadership, school and community involvement, communication skills, and individuality; and

**WHEREAS**, Katy will have the honor of representing New Jersey at the national competition held in Nashville, Tennessee; and

**WHEREAS**, Katy is a 4<sup>th</sup> grade honors student at William Davies Middle School, has been chosen as a “Student of the Month” each year of school, and serves as Assistant Student Leader, reviewing student homework and leading classroom discussions. Katy is also a cheerleader for Upper Township JV Football and has studied various forms of dance for 7 years; and



**RESOLUTION NO. 126-2015**

**RE: HONORING ANTONIO GENTILINI ON ATTAINING THE  
DESIGNATION OF "EAGLE SCOUT"**

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**WHEREAS**, Antonio Gentilini 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 Antonio 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 design and installation of wildlife friendly landscaping, building an arbor with benches, and placement of a welcome sign to provide information and directions at the New Jersey Division of Fish and Wildlife's Tuckahoe Game Preserve Field Office; and

**BE IT FURTHER RESOLVED** that the Township Committee extends its sincere congratulations and best wishes to Antonio'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 26<sup>th</sup> day of May, 2015.

Resolution No. 126-2015  
Offered by: Barr  
Adopted: May 26, 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>	<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>          </u>	<u>          </u>	<u>          </u>	<u>  X  </u>
Palombo	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>

4. Recognizing the Community Emergency Response Team (CERT) of Upper Township for 2015.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 127-2015**

**RECOGNIZING THE COMMUNITY EMERGENCY RESPONSE TEAM (CERT)  
OF UPPER TOWNSHIP FOR 2015**

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**WHEREAS**, former President George W. Bush established a program for volunteerism after the events of September 11, 2001 called the Citizen Corps program; and

**WHEREAS**, the Office of Emergency Management has established a Community Emergency Response Team (CERT) which is part of the Citizen Corps program consisting of various officials and citizens who have completed the required training; and

**WHEREAS**, the Community Emergency Response Team (CERT) Program educates people about disaster preparedness for hazards that may impact their area and trains them in basic disaster response skills, such as fire safety, light search and rescue, team organization, and disaster medical operations. Using the training learned in the classroom and during exercises, CERT members can assist others in their neighborhood or workplace following an event when professional responders are not immediately available to help. CERT members also are encouraged to support emergency response agencies by taking a more active role in emergency preparedness projects in their community; and





**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 128-2015**

**RE: ADOPTING AN AMENDMENT TO THE UPPER TOWNSHIP RULES  
AND REGULATIONS FOR SPORTS AND RECREATION PROGRAMS  
AND USE OF TOWNSHIP FACILITIES**

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**WHEREAS**, the Township of Upper has adopted rules and regulations for Upper Township sports and recreation programs and the use of Upper Township facilities in connection with such programs; and

**WHEREAS**, the Township Committee, pursuant to a recommendation from the Sports and Recreation Programs Advisory Board, desires to amend the existing rules and regulations as set forth and attached hereto as Exhibit A; 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 Amendment to the Upper Township Rules and Regulations for Sports and Recreation Programs and Use of Township Facilities, as set forth in Exhibit A, is hereby adopted.
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. 128-2015  
Offered by: Pierson  
Adopted: May 26, 2015

Seconded by: Barr

Roll Call Vote:

NAME                      YES    NO    ABSTAINED   ABSENT

Barr	<u>  X  </u>	<u>    </u>	<u>    </u>	
Coggins	<u>    </u>	<u>    </u>	<u>  X  </u>	
Pierson	<u>  X  </u>	<u>    </u>	<u>    </u>	
Young	<u>    </u>	<u>    </u>	<u>    </u>	<u>  X  </u>
Palombo	<u>  X  </u>	<u>    </u>	<u>    </u>	

6. Amending Resolution 012-2015 confirming appointment of various employees to annual and specified terms.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 129-2015**

**RE: AMENDING RESOLUTION 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 Department of Public Works in

the position and salary indicated as follows:

<u>NAME</u>	<u>POSITION</u>	<u>SALARY</u>
Paul Dietrich	Superintendent of Public Works	\$2,087.00

3. The following person is presently serving in the position indicated for a fixed term.

<u>NAME</u>	<u>POSITION</u>	<u>SALARY</u>	<u>TERM</u>
Paul Dietrich	Computer Director	\$1,500.00	1 year term commencing
	Municipal Housing Liaison	\$2,500.00	
	Floodplain Manager	\$1,000.00	1/1/ 2015
	Stormwater Program Coordinator		
	Solid Waste Advisory Committee		
	Air Quality Control Officer		
Paul Dietrich	Township Engineer	\$99,356.00	3-year term commencing 4/1/2015 and expiring 3/31/2018

4. This resolution hereby amends Resolution 012-2015 and contains all of the paid positions and salaries of Paul Dietrich.

Resolution No. 129-2015

Offered by: Coggins

Seconded by: Barr

Adopted: May 26, 2015

Roll Call Vote:

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

7. 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. 130-2015**

**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**

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**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 Utility Truck, Transfer Order #34-5-0454-34, 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 Utility Truck, Transfer Order #34-5-0454-34, 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. 130-2015  
 Offered by: Pierson  
 Adopted: May 26, 2015

Seconded by: Barr

Roll Call Vote:

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

Young \_\_\_\_\_ X \_\_\_\_\_  
 Palombo \_\_\_\_\_ X \_\_\_\_\_

8. Amending the Official Organizational Chart for the Township of Upper.

**TOWNSHIP OF UPPER  
 CAPE MAY COUNTY  
 RESOLUTION**

**RESOLUTION NO. 131-2015**

**AMENDMENT OF THE OFFICIAL ORGANIZATIONAL CHART FOR THE  
 TOWNSHIP OF UPPER**

**WHEREAS**, The Township of Upper finds it necessary to revise and update the Official Organizational Chart for the Township of Upper; and

**WHEREAS**, the aforesaid chart entitled “*Township of Upper Organizational Chart*” is attached hereto as Exhibit “A” and is available for inspection;

**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 has determined that the chart attached as Exhibit “A” and identified as the “*Township of Upper Organizational Chart*” is hereby accepted and designated on May 26, 2015 as the official Organizational Chart until such time as amended by the Township Committee.

Resolution No. 131-2015  
 Offered by: Barr  
 Adopted: May 26, 2015

Seconded by: Coggins

Roll Call Vote:

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

9. Authorizing the Mayor to sign and submit a Grant Agreement with the New Jersey Department of Environmental Protection for the grant program entitled “Building Ecological Solutions to Coastal Community Hazards”.

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

**RESOLUTION NO. 132-2015**

**RE: AUTHORIZING THE MAYOR TO SIGN AND SUBMIT A GRANT  
AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL  
PROTECTION FOR THE GRANT PROGRAM ENTITLED “BUILDING ECOLOGICAL  
SOLUTIONS TO COASTAL COMMUNITY HAZARDS”**

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**WHEREAS**, the Township of Upper submitted a proposal to the New Jersey Department of Environmental Protection (Department) as part of their application to the National Fish and Wildlife Foundation (NFWF) Hurricane Sandy Coastal Resiliency Competitive Grant Program; and

**WHEREAS**, the Township of Upper proposes to utilize the grant funds as part of the reconstruction of the Boat Ramp at Bayview Drive in Strathmere to construct a living shoreline and stormwater outfall(s) and will utilize as matching funds for this grant the grant funds that the Township of Upper has previously been awarded from the Cape May County Open Space Board in the amount of \$280,230.00.

**WHEREAS**, the Mayor, as Grantee for the Township Upper, executed the grant agreement with the Department on February 23, 2015 as authorized by Resolution No. 232-2014,

adopted on October 14, 2014; and

**WHEREAS,** the Department requires that the authorizing Resolution be no more than sixty (60) days prior to the Grantee's execution of the agreement, and as such, a new Resolution is required.

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

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

2. The Mayor, Engineer, Chief Financial Officer and Clerk of the Township of Upper are hereby authorized, directed and empowered to execute a grant agreement with the State of New Jersey.

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

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

5. A certified copy of this Resolution shall be provided to the Township Engineer for insertion into the grant

agreement.

Resolution No. 132-2015  
Offered by: Barr  
Adopted: May 26, 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>	<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>          </u>	<u>          </u>	<u>          </u>	<u>X</u>
Palombo	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>

10. Authorizing participation in the South Jersey Power Cooperative for electric service.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 133-2015**

**RE: AUTHORIZING PARTICIPATION IN THE SOUTH JERSEY POWER  
COOPERATIVE FOR ELECTRIC SERVICE**

**WHEREAS**, the County of Camden on behalf of the South Jersey Power Cooperative (“SJPC”) publicly advertised bids for the purpose of procuring electric energy services; and

**WHEREAS**, Cape May County is currently a member of the SJPC with Camden County as Lead Agency for the purchase of electric generation supply services for Cape May County and its Cooperative members; and

**WHEREAS**, the Township of Upper has been a member and wishes to continue its participation with the Cape May County Cooperative; and

**WHEREAS**, Camden County awarded a 24-month contract to Constellation/New Energy of 1221 Lamar St. Suite 750 Houston, TX 77010, to provide electric



generation supply services at the rate of \$0.07367 per kilowatt-hour for facilities --these being the lowest of three bids received; and

**WHEREAS**, the Township of Upper, as a participant of the SJPC, wishes to obtain electric services from Constellation/New Energy.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Upper, Cape May County, that the Township hereby authorizes participation in the Cape May County Cooperative and the SJPC with Camden County as the Lead Agency; and

**BE IT FURTHER RESOLVED** that the Township of Upper hereby acknowledges the following:

1. The Lead Agency of the SJPC will enter into a contract with the winning supplier on behalf of the entire SJPC including Cape May County and its Cooperative members.
2. The Township of Upper will not sign a contract directly with the winning bidder, but will adhere to the terms and conditions of the master contract.
3. The contract for electric generation supply services under the SJPC will begin June 2015 and continue to May 2017; and

**BE IT FURTHER RESOLVED** that the Township of Upper shall ensure that sufficient funds shall be appropriated for the balance of 2015 and, contingent upon the availability, shall appropriate sufficient funds for the remainder of the contract upon the adoption of the 2016 and 2017 budgets; and

**BE IT FURTHER RESOLVED** that no participating contracting unit in the Energy Cooperative shall be responsible for any items ordered or for performance by any other participating contracting unit. Each participating contracting unit shall be liable only for its own

performance and for items ordered and received by it and none assumes any additional responsibility of liability.

Resolution No. 133-2015

Offered by: Coggins

Seconded by: Pierson

Adopted: May 26, 2015

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			

- 11. Appointing Raymond Poudrier as a part-time employee to the Upper Township Construction Code Office to serve as Electrical Sub-Code Official and Electrical Inspector on an as needed basis.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 134-2015**

**RE: APPOINTING RAYMOND POU德里ER AS A PART-TIME EMPLOYEE TO THE UPPER TOWNSHIP CONSTRUCTION CODE OFFICE TO SERVE AS ELECTRICAL SUB-CODE OFFICIAL AND ELECTRICAL INSPECTOR ON AN AS NEEDED BASIS**

**WHEREAS**, there is a need by the Township of Upper to appoint a part-time employee to the Upper Township Construction Code Office to insure optimal operation; and

**WHEREAS**, Raymond Poudrier possesses the requisite licenses as required by the New Jersey Uniform Construction Code to serve as a part-time Electrical Sub-Code Official and Electrical Inspector on an as needed basis; and

**WHEREAS**, Raymond Poudrier’s appointment is conditioned upon successful completion of a background check and drug and alcohol testing; 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. Raymond Poudrier is hereby conditionally appointed to the Upper Township Construction Code Office in a part-time position as the Electrical Sub-Code Official and Electrical Inspector on an as needed basis.

3. Compensation shall be at a rate of \$25.00 per hour, pending any necessary revisions to the Salary Ordinance.

Resolution No. 134-2015

Offered by: Coggins

Seconded by: Pierson

Adopted: May 26, 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>---</u>	<u>---</u>	<u>---</u>	<u>X</u>
Palombo	<u>X</u>	<u>---</u>	<u>---</u>	<u>---</u>

12. 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.135-2015**

**RE: APPOINTING THE 2015 SEASON BEACH PATROL PERSONNEL**

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**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:

**RETURNING GUARDS**

<b>EMILY CONOVER</b>	<b>\$13.00 per hour</b>
<b>CARLY COX</b>	<b>\$13.00 per hour</b>
<b>GAIGE BOBBITT</b>	<b>\$12.70 per hour</b>
<b>KEVIN GILL</b>	<b>\$12.70 per hour</b>
<b>KYLE McKELVEY</b>	<b>\$12.70 per hour</b>
<b>RYAN FISHER</b>	<b>\$12.00 per hour</b>

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. 135-2015

Offered by: Barr

Seconded by: Pierson

Adopted: May 26, 2015

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			

**ORDINANCES**

13. Public hearing and final adoption of Ordinance No. 008-2015 RE: AN ORDINANCE AMENDING ORDINANCE NO. 017-2014 KNOWN AS THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2015. During the public hearing portion there were no speakers. Motion by John Coggins, second by Jeffrey Pierson, to adopt Ordinance 008-2015. During roll call vote all Committeemen present voted in the affirmative.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
ORDINANCE**

**ORDINANCE NO. 008-2015**

**RE: AN ORDINANCE AMENDING ORDINANCE NO. 017-2014 KNOWN AS THE  
SALARY ORDINANCE FOR THE CALENDAR YEAR 2015**

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

**SECTION 1:** Ordinance No.017-2014, known as the Salary Ordinance of 2015 is hereby amended to add the following as hereinafter provided:

**SECTION 2: SALARIES:**

**A. ADMINISTRATIVE/REVENUE AND FINANCE:**

<u>Title</u>	<u>Minimum</u>	<u>Maximum-2015</u>
Floodplain Manager	No Min.	\$ 1,000.00

**E. PUBLIC WORKS/SPORTS AND RECREATIONAL PROGRAMS:**

<u>Title</u>	<u>Minimum</u>	<u>Maximum-2015</u>
Superintendent of Public Works	No Min.	\$ 10,000.00

**M. COMPENSATORY, OVERTIME AND OTHER BENEFITS:** In addition to salary, employees shall receive overtime pay, vacation time, sick time, compensatory time and other benefits in accordance with established Township policy as adopted by resolution of the Township Committee or as required by law or collective bargaining agreement.

**SECTION 2: SEVERABILITY:** If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not

affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

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

**SECTION 4: EFFECTIVE DATE:** This Ordinance shall take effect immediately upon final adoption and publication as required by law.

ATTEST:

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 27<sup>th</sup> DAY OF APRIL, 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 26<sup>th</sup> DAY OF MAY, 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

**CORRESPONDENCE**

**NEW BUSINESS**

- 14. Boy Scout Troop 95 request use of Amanda’s Field on July 4, 2015 for an overnight camping event. **Motion by John Coggins, second by Richard Palombo, to**

**approve the request. During roll call vote all Committee members present voted in the affirmative.**

15. South Jersey Gas request use of the Community Center on June 17, 2015 for a public meeting. **Motion by Edward Barr, second by John Coggins, to approve the request. During roll call vote all Committee members present voted in the affirmative.**

16. Upper Township Soccer Association request use of the Tyler Davis Soccer Fields for a travelling soccer camp on August 24<sup>th</sup> through the 28<sup>th</sup>. **Motion by Edward Barr, second by Jeffrey Pierson, to approve the request. During roll call vote all Committee members present voted in the affirmative.**

### **UNFINISHED BUSINESS**

### **DISCUSSION**

### **PAYMENT OF BILLS:**

17. **“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 Committeemen present voted in the affirmative.

**Bills approved for payment: \$687,427.79**

**Payroll: \$156,948.10**

### **REPORT OF MUNICIPAL DEPARTMENTS:**

18. Clerk’s Office

19. Tax Assessor

20. Finance Office

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

### **PUBLIC COMMENT**

**Andrew Ludwig, Marshallville Road**, requested a traffic study of Route 49 and Marshallville Road to see if a no passing zone can be established. He stated that there have been numerous fatal accidents, there are many bus stops along that area, and there is a big problem with speeding. Motion by Mayor Palombo, second by Jeffrey Pierson, to direct the Clerk to prepare a resolution to be submitted to the NJDOT in support of a traffic study of the Route 49/Marshallville Road area. During roll call vote all four Committeemen present voted in the affirmative. A resolution for formal action will be placed on a future agenda.

### **CLOSED SESSION**

**21. 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. 136-2015  
MOTION GOING INTO CLOSED SESSION  
MAY 26, 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 - Capehart & Scatchard
2. Contract negotiation - Jersey Web Design
3. Contract negotiation - Public Works Cell Tower
4. Litigation - Tax Appeals
5. Litigation - Upper Township v. Yank and Sansone
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 Committee members present voted in the affirmative.

**RECONVENE PUBLIC PORTION OF MEETING**

**ADJOURNMENT**

There being no further business this evening the meeting was adjourned at 8:55 P.M. The next regular meeting is scheduled for Monday, June 8, 2015 at 7:30 P.M.



## Minutes prepared by

Barbara L. Young, RMC

### BILL LIST

65079	05/26/15	A0018	ACTION SUPPLY INC.	179.01	2878
65080	05/26/15	A0020	ACU-THERM SUPPLY CO.,INC.	170.46	2878
65081	05/26/15	A0091	ATLANTIC CITY ELECTRIC	15,020.98	2878
65082	05/26/15	A0117	AT&T	1.39	2878
65083	05/26/15	A0125	AVALON WEED & INSECT CONTROL	999.00	2878
65084	05/26/15	A0134	ANSELL GRIMM & AARON, PC	70.00	2878
65085	05/26/15	A0137	ADVANTAGE EQUIPMENT SERVICE	48.00	2878
65086	05/26/15	A0193	ATLANTIC INVESTIGATIONS, LLC	364.00	2878
65087	05/26/15	B0035	BELMONT & CRYSTAL SPRINGS	49.25	2878
65088	05/26/15	B0148	AMERIGAS GAS	1,564.68	2878
65089	05/26/15	B0201	BUCK'S ELECTRICAL SERVICE, INC	3,466.00	2878
65090	05/26/15	B0226	BEACON ANIMAL SHELTER	500.00	2878
65091	05/26/15	B0227	BEALL, REBECCA	48.40	2878
65092	05/26/15	C0011	CAPE OFFICE MACHINES & SERVICE	680.00	2878
65093	05/26/15	C0060	CAPRIONI'S PORTABLE TOILETS	1,936.00	2878
65094	05/26/15	C0068	COMCAST	272.83	2878
65095	05/26/15	C0171	COLONIAL ELECTRIC SUPPLY CO.	475.69	2878
65096	05/26/15	C0201	CRUZAN'S TRUCK SERVICE INC.	721.29	2878
65097	05/26/15	C0223	CASA PAYROLL SERVICE	233.85	2878
65098	05/26/15	C0247	CMRS-FP	2,000.00	2878
65099	05/26/15	C0248	CHAPMAN FORD SALES, INC	140.17	2878
65100	05/26/15	C0270	CW SALES	6,720.00	2878
65101	05/26/15	D0016	DALEYS PIT	240.00	2878
65102	05/26/15	D0040	DELTA DENTAL OF N.J. INC.	5,840.04	2878
65103	05/26/15	D0148	DIRECT ENERGY BUSINESS	3,236.42	2878
65104	05/26/15	F0174	F.W. SHAWL & SONS, INC.	64,070.36	2878
65105	05/26/15	F0175	FIENI, MARGARET	400.00	2878
65106	05/26/15	G0016	GARDNER HARDWARE INC.	11.99	2878
65107	05/26/15	G0035	GENRON FIRE PROTECTION	265.00	2878
65108	05/26/15	G0086	W.W. GRAINGER, INC.	538.58	2878
65109	05/26/15	G0141	GENTILINI CHEVROLET	399.02	2878
65110	05/26/15	H0002	H.A. DEHART & SON CORP.	334.99	2878
65111	05/26/15	H0131	HPI PROCESSES, INC	3,336.00	2878
65112	05/26/15	I0041	INNOVATIVE DATA SOLUTIONS	5,114.00	2878
65113	05/26/15	J0040	JOHNSON & TOWERS, INC.	581.25	2878
65114	05/26/15	J0072	JERSEY WEB DESIGNS	2,101.70	2878
65115	05/26/15	K0086	K D NATIONAL FORCE SECURITY	2,205.00	2878
65116	05/26/15	K0087	KAZELIS, ROSEMARY	20.00	2878
65117	05/26/15	L0007	LC EQUIPMENT, INC.	32.00	2878
65118	05/26/15	M0012	McCAULEY, RICHARD	136.95	2878
65119	05/26/15	M0035	MARMORA FIRE CO. DISTRICT #3	267,275.50	2878
65120	05/26/15	M0121	MCCROSSON, JANET	28.46	2878
65121	05/26/15	M0180	MED-TECH RESOURCE,LLC	785.10	2878
65122	05/26/15	M0259	MCKINLEY TIMOTHY P.	25.70	2878
65123	05/26/15	N0043	NAPA AUTO PARTS	36.31	2878
65124	05/26/15	N0141	NETCARRIER TELECOM, INC.	1,859.46	2878
65125	05/26/15	O0005	OFFICE BUSINESS SYSTEMS INC	179.00	2878
65126	05/26/15	O0042	ORCHARD HYDRAULIC SERVICE INC	690.73	2878
65127	05/26/15	P0008	PALMER, NANCY	33.13	2878
65128	05/26/15	P0032	PEDRONI FUEL CO.	3,092.19	2878
65129	05/26/15	P0056	TURF EQUIPMENT AND SUPPLY CO	0.00	05/26/15 VOID 0
65130	05/26/15	P0056	TURF EQUIPMENT AND SUPPLY CO	2,737.11	2878
65131	05/26/15	P0140	PIONEER MANUFACTURING CO, INC	695.00	2878
65132	05/26/15	R0029	RIDDELL/ALL AMERICAN	3,797.54	2878

65133 05/26/15 R0030 RIGGINS, INC. 5,428.12 2878  
65134 05/26/15 R0100 ROBERTS OXYGEN COMPANY, INC. 94.75 2878  
65135 05/26/15 S0018 SUBURBAN PROPANE, LP 34.18 2878  
65136 05/26/15 S0031 SCHULER SECURITY, INC. 600.00 2878  
65137 05/26/15 S0065 SEAVILLE FIRE CO. DISTRICT #4 260,929.00 2878  
65138 05/26/15 S0102 SHORE CLEAN CAR WASH 450.00 2878  
65139 05/26/15 S0113 SMITH, THOMAS G. 327.50 2878  
65140 05/26/15 S0121 SMUZ, THERESE A 43.01 2878  
65141 05/26/15 S0134 SO. JERSEY GAS COMPANY 812.45 2878  
65142 05/26/15 S0204 SAFETY DOWN UNDER, INC. 2,350.00 2878  
65143 05/26/15 S0239 SHORE VET. ANIMAL CONTROL LLC 2,350.00 2878  
65144 05/26/15 S0253 SAMPLE MEDIA, INC. 480.00 2878  
65145 05/26/15 S0284 SOUTH JERSEY INTERPRETERS 171.73 2878  
65146 05/26/15 S0289 SEARCH INSTITUTE 537.55 2878  
65147 05/26/15 S0290 DENNIS R. SWAN 24.20 2878  
65148 05/26/15 T0022 TERMINIX 59.00 2878  
65149 05/26/15 T0032 THE PRESS & SUNDAY PRESS 51.68 2878  
65150 05/26/15 T0048 TILL PAINT CO/D. FITZGERALD 983.25 2878  
65151 05/26/15 T0067 TOWNSHIP OF UPPER PETTY CASH 27.50 2878  
65152 05/26/15 T0089 TREASURER, STATE OF N.J. 3,000.00 2878  
65153 05/26/15 T0177 TUCKER, THOMAS B. 20.00 2878  
65154 05/26/15 V0005 VAN EMBDEN, NATHAN, ATTORNEY 750.00 2878  
65155 05/26/15 V0018 VILLAGE PHARMACY, INC. 75.00 2878  
65156 05/26/15 V0024 VAL-U AUTO PARTS L.L.C. 763.77 2878  
65157 05/26/15 V0027 VANORDER, ROGER 209.33 2878  
65158 05/26/15 W0030 WEST PUBLISHING CO. 433.87 2878  
65159 05/26/15 X0008 XEROX FINANCIAL SERVICES 662.37 2878

Total: \$687,427.79