

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR FEBRUARY 25, 2013**

CAPITAL BOND PROJECTS WORKSHOP - 7:00 P.M.

The capital bond projects workshop meeting was called to order by Mayor Palombo this evening at 7:00 PM.

The following were present for the meeting tonight:

Edward Barr	Present
Curtis Corson	Present
Antonio Inserra	Present
John "Jay" Newman	Present
Richard Palombo	Present

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

The Open Public Meeting notice was read into the record.

Curtis Corson opened the meeting by stating that bonding for any proposed projects does not automatically authorize money to be borrowed or spent.

The proposed projects were then discussed item by item. Due to time constraints the workshop was continued at the end of the regular meeting. A general consensus was reached to bond for the following potential capital projects:

Paving Project
3 Trash Trucks with Containers
Bayview Avenue Boat ramp
Recreation Field Improvements
6 yard Dump Snow Plow and Spreader
Mowers
Mini Dump Truck
Building/Facility Security
Emergency Generator for Rescue Squad
¾ ton Utility Body Pickup
Vehicle Fueling System
Vehicle Lift
Digital Radios for Public Works & Rescue Squad
Loader Bucket
Carpet for Township Hall Meeting Room
Groundskeeper Mower
Emergency Shelter
Golden Oak Playground
Replacement of Town Hall roof

The Clerk was directed to have Bond Counsel prepare a Bond Ordinance in the estimated amount of \$3,726,000.00 for introduction on the next agenda.

REGULAR MEETING OF THE TOWNSHIP COMMITTEE - 7:30 P.M.

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Edward Barr	Present
Curtis Corson	Present
Antonio Inserra	Present
John “Jay” Newman	Present
Richard Palombo	Present

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

APPROVAL OF MINUTES - February 11, 2013 Capital Bond Projects and Budget Workshop, Regular Meeting and Closed Session Minutes.

Motion by Jay Newman, second by Curtis Corson to approve the closed session, regular meeting, capital bond projects and budget workshop minutes as submitted. During roll call vote all five Committee members voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Edward Barr, Committeeman, reported that the Township had another successful rabies clinic this past Saturday at Shore Veterinarians Animal Clinic at which time 94 Dogs and 53 Cats were vaccinated and 41 dog licenses were purchased. He next reported on the Good Samaritan Emergency Response Act, which is a pending bill which offers protection from prosecution for someone who witnesses a drug overdose and calls for help, current legislation only calls for a study of the issues relating to drug overdose reporting. Motion by Curtis Corson, second by Anthony Inserra, to authorize a resolution to be placed on the next agenda in support of the “Good Samaritan Emergency Response Act”. During roll call vote all five Committee members voted in the affirmative.

Anthony Inserra, Committeeman, reported on a request he received to turn the railroad tracks heading into the BL England power plant into a bike path once the tracks are no longer in use. He next reported a street light outage in front of the Community Center. The Rescue Squad will report the outage to Atlantic Electric.

Jay Newman, Committeeman, requested a resolution honoring newly retired Tuckahoe Fire Chief William Chatten. The motion was seconded by Anthony Inserra. During roll call vote all five Committee members voted in the affirmative.

Richard Palombo, Mayor, reported that he had one personnel item for closed session. He next reported that a meeting was held at Township Hall this past Saturday with FEMA officials regarding the new flood elevation standards and funding from the Hazard Mitigation Grant. Mayor Palombo, Mr. Inserra, and Mr. Barr were in attendance as well as many residents. Mayor Palombo stated that Township officials will continue to attend meetings and gain information in order to advise and assist residents to comply with the new regulations.

OTHER REPORTS

Daniel Young, Municipal Attorney, reported that there is one contract negotiation item for closed session.

Paul Dietrich, Township Engineer, reported that the terrapin fencing is being replaced on Roosevelt Boulevard. Mr. Newman requested the engineer to ask the contractors to place the fencing behind the fire hydrants. It was also requested that the County clean up the trash and debris along Roosevelt Boulevard. Mr. Dietrich also briefly reported that the Contractor for the Sand Fence for Strathmere Beach has indicated the project will commence soon.

Barbara Spiegel, Chief Financial Officer, reported that the Township has requested proposals for Dental insurance from various companies for services similar to what we are currently receiving. So far only one company has responded with a proposal that is higher than what the Township is currently paying.

RESOLUTIONS

1. Congratulating employee Rosemary Trout of the Upper Township Finance Office for her winning entry in the Upper Township Safety Award Program for the 1st Quarter of 2013.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 48-2013**

**RE: CONGRATULATING EMPLOYEE ROSEMARY TROUT
OF THE UPPER TOWNSHIP FINANCE OFFICE
FOR HER WINNING ENTRY IN
THE UPPER TOWNSHIP SAFETY AWARD PROGRAM
FOR THE 1ST QUARTER OF 2013**

WHEREAS, employee Rosemary Trout is recognized for her efforts to promote safety for her fellow employees and residents of the Township through her participation in the Upper Township Safety Award Program with a submission of a safety suggestion; and

WHEREAS, Rosemary's safety suggestion was chosen by the Upper Township Safety Committee from the entries submitted in the first quarter for the promotion of safety for employees and the community; and

WHEREAS, Rosemary should be publicly recognized for suggesting the Township take a more proactive approach to the security of the Municipal Offices; 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. That the Committee extends its appreciation and publicly recognizes Rosemary Trout on her commitment to safety by her identifying a potential safety hazard and offering a suggestion through participation in the program.
2. That the Committee, on behalf of our employees and the citizens of the Township of Upper extend to Rosemary Trout our congratulations and present her with the "Safety Day Award" of one day off with pay.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 25th day of February, 2013.

Resolution No. 48-2013

Offered by: Newman

Seconded by: Inserra

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>
Corson	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Inserra	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Newman	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

2. Authorizing the disposal of equipment with no market value.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION

RESOLUTION NO. 49-2013

RE: AUTHORIZING THE DISPOSAL OF EQUIPMENT
WITH NO MARKET VALUE

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 determined that the equipment set forth on Exhibit A hereto was not needed for public use, has no market value, and has authorized its disposal; 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 hereto are hereby determined to be useless for any public purpose and are also determined to be of no market value such that the Township Committee directs its disposal.
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. 49-2013

Offered by: Barr

Seconded by: Newman

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>
Corson	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Inserra	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Newman	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Exhibit "A"

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3. Authorizing the Mayor and Township Clerk to sign and submit a safety contract for participation in the Atlantic County Municipal Joint Insurance Fund 2013 Safety Incentive Program.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 50 -2013

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO
SIGN AND SUBMIT A SAFETY CONTRACT FOR PARTICIPATION IN THE
ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND
2013 SAFETY INCENTIVE PROGRAM**

WHEREAS, the Atlantic County Municipal Joint Insurance Fund (ACMJIF) has offered a Safety Incentive Program to participating members in order to promote workplace safety and wellness in our community; and

WHEREAS, the goal of the Safety Incentive program is to build a program that will be effective in promoting safe work practices, employee morale and claims management; and

WHEREAS, the Township of Upper wishes to take advantage of the Safety Incentive Program and to authorize the execution and submittal of the 2013 Safety Contract to the ACMJIF; and

WHEREAS, the Safety Contract has been reviewed and approved by the Municipal Attorney and is attached hereto;

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 of the Township of Upper are hereby authorized, directed, and empowered to sign and submit the Atlantic County Municipal Joint Insurance Fund 2013 Safety Contract.
3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Resolution No. 50-2013
Offered by: Corson
Adopted: February 25, 2013

Seconded by: Newman

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>
Corson	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Inserra	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Newman	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

4. Canceling Taxes on Exempt Property.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
Resolution No. 51-2013
Canceling Taxes on Exempt Property**

WHEREAS, certain corrections have been recommended by the Upper Township Tax Collector in order to correct tax records,

WHEREAS, certain properties became tax exempt for the year 2012,

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

Resolution No. 51-2013

Offered by: Newman Seconded by: Barr

Adopted: February 25, 2013

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Barr	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Corson	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Inserra	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Newman	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Block 562 Lot 19 (John Van Epps)

2012 Taxes - \$2,394.72

Block 601 Lot 14.22 (John Van Epps)

2012 Taxes - \$3,648.73

100% Totally Disabled Veteran

5. Amending Resolution No. 43-2013 to authorize the reimbursement of property taxes paid for the 2012 tax year to totally disabled veteran John M. Van Epps for Block 601, Lot 14.22 and Block 562, Lot 19 on the Municipal Tax Map.

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

RESOLUTION NO. 52-2013

**RE: AMENDING RESOLUTION NO. 43-2013 TO AUTHORIZE THE
REIMBURSEMENT OF PROPERTY TAXES PAID FOR THE 2012 TAX YEAR TO
TOTALLY DISABLED VETERAN JOHN M. VAN EPPS FOR BLOCK 601, LOT
14.22 AND BLOCK 562, LOT 19 ON THE MUNICIPAL TAX MAP**

WHEREAS, John M. Van Epps is a 100% disabled American veteran whose legal residence in 2012 was 30 Jill Avenue, Block 601, Lot 14.22, until May 16, 2012; and thereafter his legal residence was 38 Island View Terrace, Block 562, Lot 19 on the municipal tax map of Upper Township, New Jersey; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.30, the dwelling house, as defined by N.J.S.A 54:4-3.33, of a totally disabled veteran declared by the United States Veterans Administration shall be exempt from taxation; and

WHEREAS, pursuant to N.J.S.A 54: 4-3.32, the body of any municipality may, at it's discretion, refund the amount of taxes collected on any property which would have been exempt from taxation; and

WHEREAS, Resolution No. 43-2013 did not reflect the fact that John M. Van Epps moved from his dwelling house at 30

Jill Avenue to his new dwelling house at 38 Island View Terrace on May 16, 2012 and thus set forth an incorrect reimbursement amount which is now being corrected by this resolution; and

WHEREAS, the Township Committee of the Township of Upper in accordance with Chapter XXVII, Section 27-1.2 of the Code of the Upper Township has determined that it is just and appropriate to reimburse John M. Van Epps the real estate taxes paid for the 2012 tax year for Block 601, Lot 14.22 in the amount of \$3,648.73 and for Block 562, Lot 19 in the amount of \$2,394.72; 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. Resolution No. 43-2013 is hereby amended to reflect the authorization to reimburse John M. Van Epps in the total amount of \$6,043.45 for real estate taxes paid for the 2012 tax year for Block 601, Lot 14.22 and Block 562, Lot 19 on the municipal tax map of Upper Township, New Jersey.

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. 52-2013

Offered by: Corson
Adopted: February 25, 2013

Seconded by: Newman

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	X	_____	_____	_____
Corson	X	_____	_____	_____
Inserra	X	_____	_____	_____
Newman	X	_____	_____	_____
Palombo	X	_____	_____	_____

ORDINANCES

6. Introduction and first reading of Ordinance No. 002-2013 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XVIII (FLOOD DAMAGE CONTROL) AND CHAPTER XX (ZONING) OF THE CODE OF UPPER TOWNSHIP. Motion by Jay Newman, second by Richard Palombo, to introduce Ordinance No. 002-2013 with public hearing and final adoption scheduled for March 25, 2013 at 7:30 P.M. During roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 002-2013

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE
CHAPTER XVIII (FLOOD DAMAGE CONTROL) AND CHAPTER XX (ZONING)
OF THE CODE OF UPPER TOWNSHIP**

WHEREAS, the Township Planning Board prepared and adopted a Conservation Plan Element Update and Master Plan Reexamination Report on February 17, 2011 in accordance with N.J.S.A.40:55D-89; and

WHEREAS, the Township Committee desires to amend the Flood Damage Control Ordinance to provide additional flood protection to those properties located in the Special Flood Hazard Zone; and

WHEREAS, the Township wishes apply to FEMA to lower the Community Rating System (CRS) class rating which will lower flood insurance premiums; and

WHEREAS, the FEMA has prepared Advisory Base Flood Elevations (ABFE) for New Jersey and the New Jersey Department of Environmental Protection has adopted an emergency rule requiring all new construction located in the Special Flood Hazard Zone in the State of New Jersey to comply with the ABFEs; and

WHEREAS, the Township Committee referred this ordinance amendment to the Upper Township Planning Board; and

WHEREAS, the Township Planning Board discussed the proposed ordinance amendment at their January 17, 2013 meeting and reviewed this proposed ordinance and determined it is consistent with the Upper Township Master Plan Reexamination at their February 21, 2013 meeting; and

WHEREAS, the ordinance revisions and amendment herein are part of those recommended in connection with the periodic general reexamination of the Upper Township Master Plan as evidenced by the Master Plan Reexamination Report and Land Use Plan Amendment of January 2011, as amended; and

WHEREAS, the Township Committee finds that the ordinance revisions herein are substantially consistent with the Land Use Plan Element and Master Plan Reexamination to date;

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. Chapter 18 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

Add the following to **Section 18-2 Definitions**:

Advisory Base Flood Elevation (ABFE) shall mean the elevation shown on a community's Advisory Flood Hazard Map that indicates the advisory stillwater elevation plus wave effect ($ABFE = SWEL + \text{wave effect}$) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Advisory Flood Hazard Area (AFHA) shall mean the land in the floodplain within a community subject to flooding from the 1% annual chance event depicted on the Advisory Flood Hazard map.

Advisory Flood Hazard Map shall mean the official map on which the Federal Emergency Management Administration has delineated the areas of advisory flood hazards applicable to the community.

Flood Protection Elevation shall mean the elevation that a structure must be elevated to in all Flood Hazard and Advisory Flood Hazard Areas. Said flood protection elevation shall be measured to the lowest horizontal structural member and that said elevation is one (1') foot higher than the base flood elevation or advisory base flood elevation whichever is more restrictive.

Limit of Moderate Wave Action (LiMWA) shall mean inland limit of the area affected by waves greater than 1.5 feet during the base flood. Base flood conditions between the VE Zone and the LiMWA will be similar to, but less severe than those in the VE Zone.

Special Flood Hazard Area (SFHA) shall mean the land in the floodplain within a community subject to flooding from the 1% annual chance event depicted on the Flood Insurance Rate map.

Replace the following **Section 18-2 Definitions** as follows:

Base flood shall mean the flood having a one (1%) percent chance of being equaled or exceeded in any given year.

Base Flood Elevation shall mean the elevation as shown on the approved FIRM for the special Flood Hazard Area of the property as determined by the administrator of this chapter.

Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure during a 10 year period the cost of which equals or exceeds 40 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed or "repetitive loss". The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- (b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Replace the following **Section 18-3.2** as follows:

18-3.2 Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency are identified and defined on the following documents:

- a. Scientific and engineering report entitled "The Flood Insurance Study (FIS) for the Township of Upper, Cape May County, New Jersey" dated December 1, 1983, with accompanying Flood Insurance Rate Map, revised June 1, 1984, is hereby adopted by reference and declared to be a part of this Chapter. The Flood Insurance Study and the Flood Insurance Rate Map is on file in the office of the Township Clerk, Township Hall, Tuckahoe, New Jersey.

- b. Advisory Base Flood Elevations and Advisory Flood Hazard Maps dated (ABFE effective date of December 14, 2012). These documents shall take precedence over previous panels and FIS in construction and development regulations only.
 - c. FEMA is in the process of preparing updated Flood Insurance Rate Maps, when released to the Township they shall be hereby adopted by reference and declared to be part of this Chapter.
 - d. Where the Special Flood Hazard Area (SFHA) and the advisory Flood Hazard Area (AFHA) maps conflict or overlap, whichever imposes the more stringent requirement shall prevail.
- (Ord. #21-1987, Ord. #02-2013 §3.2)

Replace the following **Section 18-4.3c** as follows:

18-4.3 Duties and Responsibilities of the Construction Official.

c. Information To Be Obtained and Maintained.

- 1. Obtain and record the actual elevation in relation to 1988 North American Vertical Datum (NAVD) of the lowest habitable floor (including basement) of all new or substantially improved structures and whether or not the structure contains a basement.
- 2. For all new or substantially improved floodproofed structures:
 - (a) Obtain and record the actual elevation actual elevation in relation to 1988 North American Vertical Datum (NAVD) to which the structure has been floodproofed.
 - (b) Maintain the floodproofing certifications required in subsection 18-4.1, paragraph c.
- 3. Maintain for public inspection all records pertaining to the provisions of this Chapter.

(Ord. #21-1987; Ord. #14-2012, Ord. #02-2013 §4.3)

Replace the following **Section 18-5.1c** as follows:

18-5.1c General Standards.

c. Utilities.

- 1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- 2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- 3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. Engineering drawings shall be submitted to show compliance of this section prior to issuance of a building permit. Drawings shall show protection from scour from wave action, flood proofing of tank access which is located below flood protection elevation and protection of electrical components located below flood protection elevation; and
- 4. Replacement Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding or one (1') foot above grade if not part of substantial improvement or new construction.

Replace the following **Section 18-5.1d** as follows:

18-5.1d General Standards.

d. *Subdivision and Site Plan Proposals.*

1. Shall be consistent with the need to minimize flood damage;
2. Shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. Shall have adequate drainage provided to reduce exposure to flood damage; and
4. Base flood elevation and flood hazard area data shall be provided for all subdivision proposals, as well as all applications for site plan approval and other proposed development.
5. All subdivision proposals shall construct a sign no smaller than 12"x12" with the following wording "Entering Flood Hazard Area" at a location as directed by the Township Engineer.

(Ord. #21-1987; Ord. #14-2012; Ord. #02-2013§5.1)

Replace the following **Section 18-5.2** as follows:

18-5.2 Specific Standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in subsection 18-4.3, paragraph b, Use of Other Base Flood Data, the following standards are required:

- a. *Residential Construction.* New construction and substantial improvement of any residential structure shall have the lowest floor, including basement and utilities (electrical, heating, ventilation, plumbing, duct work and air conditioning equipment), elevated to the flood protection elevation.
- b. *Nonresidential Construction.* New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement and utilities (electrical, heating, ventilation, plumbing, duct work and air conditioning equipment), elevated to the flood protection elevation; or together with attendant utility and sanitary facilities, shall:
 1. Be flood proofed so that below the flood protection elevation the structure is watertight with walls substantially impermeable to the passage of water;
 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in subsection 18-4.3, paragraph c, 2.
- c. *Manufactured Homes.*
 1. Manufactured homes shall be anchored in accordance with subsection 18-5.1, paragraph a, 2.
 2. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation at or above the flood protection elevation.

(Ord. #21-1987; Ord. #14-2012; Ord. #02-2013, §5.2)

Replace the following **Section 18-5.3:**

18-5.3 Coastal High Hazard Area.

Coastal high hazard areas (V Zones) are located within the areas of special flood hazard established in subsection 18-3.2. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

- a. *Location of Structures.* All buildings or structures shall be located landward of the reach of the mean high tide.

b. *Construction Methods.*

1. Elevation. All new construction and substantial improvements shall be elevated on pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the flood protection elevation, with all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided for in subsection 18-5.3, paragraph b, 4.
2. Structural Support.
 - (a) All new construction and substantial improvements shall be securely anchored on pilings or columns.
 - (b) The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values each of which shall have a one (1%) percent chance of being equaled or exceeded in any given year (100 year mean recurrence interval).
 - (c) There shall be no fill used for structural support.
3. Certification. A registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of subparagraph 1 and subparagraph 2(a) and (b).
4. Space Below the Lowest Floor.
 - (a) Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this Chapter shall not enclose the space below the lowest floor unless breakaway walls, open wood lattice-work or insect screening are used as provided for in this subsection.
 - (b) Breakaway walls, open wood lattice-work or insect screening shall be allowed below the flood protection elevation provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls which exceed a design safe loading of twenty (20) pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
 - (1) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
 - (2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and non-structural).
 - (c) If breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access, or storage and not for human habitation.
 - (d) Prior to construction, plans for breakaway walls must be submitted to the Township for approval.
 - (e) All construction below the flood protection elevation as detailed in subsection b.1 shall be anchored and constructed of flood-resistant materials in accordance to NFIP requirements.

c. *Enclosure conversion.* No enclosure constructed in accordance with subsection b.4 shall be converted to habitable living space and shall not be utilized for any use other than

access, utility and storage. The owner shall file a deed restriction for this area agreeing to this subsection and shall be to the benefit of the Township of Upper. (Ord. #21-1987; Ord. #14-2012; Ord. #02-2013, §5.3)

SECTION 2. Chapter 20 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

Add the following to **Section 20-2.1 Definitions of Township Wide Application:**

Advisory Base Flood Elevation (ABFE) shall mean the elevation shown on a community's Advisory Flood Hazard Map that indicates the advisory stillwater elevation plus wave effect ($ABFE = SWEL + \text{wave effect}$) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Advisory Flood Hazard Area (AFHA) shall mean the land in the floodplain within a community subject to flooding from the 1% annual chance event depicted on the Advisory Flood Hazard map.

Advisory Flood Hazard Map shall mean the official map on which the Federal Emergency Management Administration has delineated the areas of advisory flood hazards applicable to the community.

Area of special flood hazard shall mean the land in the flood plain within a community subject to a one (1%) percent or greater chance of flooding in any given year.

Base flood shall mean the flood having a one (1%) percent chance of being equaled or exceeded in any given year.

Base Flood Elevation shall mean the elevation as shown on the approved FIRM for the special Flood Hazard Area of the property as determined by the administrator of Chapter 18.

Flood Protection Elevation shall mean the elevation that a structure must be elevated to in all Flood Hazard and Advisory Flood Hazard Areas. Said flood protection elevation shall be measured to the lowest horizontal structural member and that said elevation is one (1') foot higher than the base flood elevation or advisory base flood elevation whichever is more restrictive.

Replace the following to **Section 20-2.1 Definitions of Township Wide Application:**

Building height shall mean the vertical distance measured to the highest point from the mean elevation of the finished grade five (5') feet away from the foundation along the side(s) of building facing a street or a street line, whichever is closer to the foundation. On a corner lot, the height shall be measured on the street having the greatest slope. In all cases where this Chapter provides for height limitations by reference to specified height the intent is to limit height to the specified maximum footage. Properties located in the Special Flood Hazard Area or the Advisory Flood Hazard Area shall have the height measured from the flood protection elevation.

Delete the following to **Section 20-2.1 Definitions of Township Wide Application:**

Flood hazard area shall mean areas within the Township subject to inundation from tidal flood waters.

Replace the following to **Section 20-4.10e "M" Mining District:**

- e. Area and Yard Requirements. See site plan design standards as noted in Section 19-6.

Replace the following to **Section 20-6.7b Density Transfer Program – Pinelands:**

- b. *Forest Area - F-25 Zone.* Residential dwelling units on 1.0 acre lots existing as of January 14, 1981 shall be permitted in that portion of the F-25 District provided that:
1. The owner of the lot proposed for development acquires sufficient vacant contiguous or noncontiguous land which, when combined with the acreage of the lot proposed for development, equals at least twenty-five (25) acres;
 2. All lands acquired pursuant to paragraph a,1. above, which may or may not be developable, are located within the F-25 District;
 3. All noncontiguous lands acquired pursuant to paragraphs a,1. and 2. above are permanently dedicated as open space through recordation of a deed to the property with no further development permitted except agriculture, forestry and low intensity recreational uses. Any such deed restrictions shall be in a form to be approved by the Township Solicitor and the Pinelands Commission;
 4. Tax assessments for the acquired noncontiguous lands are combined and assigned to the land to be developed; and
 5. The lot proposed for development otherwise meets the minimum standards of subsection 20-5.15 of this Chapter.

Add the following to **Section 20-11.1k4 Zoning Officer:**

- k. *Enforcement.*
4. The Zoning Officer or the Public Works Department as directed by the Zoning Officer may remove unpermitted yard signs located in the public right-of-way, on utility poles or trees adjacent to the public right-of-way.

Amend **SCHEDULE C AREA AND YARD REQUIREMENTS FOR ZONE DISTRICTS** as follows:

Footnote 8 shall be deleted
Height for Zone RR and RC shall be revised to 35

SECTION 3: EFFECTIVE DATE: This ordinance shall take effect immediately upon adoption and publication as required by law.

SECTION 4: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 5: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 6: CODIFICATION: This Ordinance shall be codified as indicated in Chapter 18 of the Upper Township Code.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 25TH DAY OF FEBRUARY, 2013 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 25TH DAY OF MARCH 2013 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

7. **Upper Township Construction Official-request to increase permit fees.** After a brief discussion, Curtis Corson made a motion to increase the fees by 20%. A second was not offered and the motion was withdrawn. Motion was then made by Ed Barr, second by Jay Newman, to increase the permit fees by 15%. During roll call vote four members voted in the affirmative, Anthony Inserra voted against.
8. **Upper Township Recreation Advisory Board recommendation to authorize Challenger Sports and Upper Township Girls Lacrosse to become Upper Township Organizations in accordance with Township requirements.** Motion by Edward Barr, second by Curtis Corson, to approve the requests. During roll call vote all five Committee members voted in the affirmative. A resolution will be placed on a future agenda.

UNFINISHED BUSINESS:

DISCUSSION

PAYMENT OF BILLS:

9. **“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 Jay Newman, second by Richard Palombo. During roll call vote all five Committee members voted in the affirmative.

Bills approved for payment: \$ 222,306.62
Payroll: \$ 169,200.98

REPORT OF MUNICIPAL DEPARTMENTS:

10. Municipal Court

11. Zoning Office

- 12. Tax Collector 2012 Annual Report** –Motion was made by Curtis Corson, second by Richard Palombo to accept the report. During roll call vote all five Committee members voted in the affirmative.

Reports are available in the Clerk’s office.

PUBLIC COMMENT

Hobie Young, Rt 50 Seaville, Congratulated the Committee on reaching a consensus on the purchase of trash trucks and expressed appreciation for the excellent condition of the recreation fields at Amanda’s Field. Mr. Young also inquired if the proposed ordinance allowing the elevation of existing buildings also applies to parking. The Township Attorney stated that the ordinance applies only to the extent necessary for compliance with the current flood hazard standards.

CLOSED SESSION

- 13. 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. 053-2013
MOTION GOING INTO CLOSED SESSION
February 25, 2013

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 - Shared Services Agreement with the Corbin City for Municipal Court Services.
2. 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 contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.
- C. 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.

Moved by: Newman

Motion seconded by: Corson

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 9:15 P.M. Next meeting scheduled for March 11, 2013 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC
Municipal Clerk

Bill List

60394 02/25/13 A0006 ADVANCE TREADS INC 32.00 2767
60395 02/25/13 A0071 ANCHOR FIRE PROTECTION CO. 900.00 2767
60396 02/25/13 A0091 ATLANTIC CITY ELECTRIC 3,622.09 2767
60397 02/25/13 A0134 ANSELL ZARO GRIMM & AARON, PC 3,010.00 2767
60398 02/25/13 A0167 HESS CORPORATION 1,481.63 2767
60399 02/25/13 B0018 BARR, EDWARD 1,166.67 2767
60400 02/25/13 B0035 BELMONT & CRYSTAL SPRINGS 49.62 2767
60401 02/25/13 B0142 BRINKERHOFF ENVIRONMENTAL 750.00 2767
60402 02/25/13 B0148 AMERIGAS GAS 625.30 2767
60403 02/25/13 C0009 CAPE MAY COUNTY TCTA 200.00 2767
60404 02/25/13 C0046 CAPE MAY COUNTY CLERK 48.00 2767
60405 02/25/13 C0048 CAPE MAY COUNTY MUA 35,075.70 2767
60406 02/25/13 C0060 CAPRIONI'S PORTABLE TOILETS 852.00 2767
60407 02/25/13 C0068 COMCAST 248.85 2767
60408 02/25/13 C0143 CODY'S POWER EQUIPMENT 61.52 2767
60409 02/25/13 C0171 COLONIAL ELECTRIC SUPPLY CO. 42.84 2767
60410 02/25/13 C0201 CRUZAN'S TRUCK SERVICE INC. 2,623.87 2767
60411 02/25/13 C0223 CASA PAYROLL SERVICE 276.45 2767
60412 02/25/13 C0246 CRAFT OIL CORPORATION 837.63 2767
60413 02/25/13 C0249 COKER, PERRY 26.00 2767
60414 02/25/13 D0040 DELTA DENTAL OF N.J. INC. 6,667.44 2767
60415 02/25/13 E0059 TRISTATE EZ DOCK, INC. 16,111.00 2767
60416 02/25/13 E0060 EBER, ALICIA G. INTERPRETING 330.80 2767
60417 02/25/13 G0016 GARDNER HARDWARE INC. 24.99 2767
60418 02/25/13 G0028 GENTILINI FORD 91.85 2767
60419 02/25/13 G0147 GREATAMERICA FINANCIAL SVCS. 176.97 2767
60420 02/25/13 H0084 HISTORICAL PRES. SOCIETY UT 800.00 2767
60421 02/25/13 H0095 HORIZON BCBSNJ 113,171.65 2767
60422 02/25/13 J0028 JESCO, INC. 34.01 2767
60423 02/25/13 L0007 LC EQUIPMENT, INC. 443.75 2767
60424 02/25/13 L0040 LEA, SHELLEY 104.95 2767
60425 02/25/13 L0072 LLOYD, JOEL 500.00 2767
60426 02/25/13 L0080 LOWES, INC. 1,086.91 2767
60427 02/25/13 L0087 LINE SYSTEMS INC 2,787.17 2767
60428 02/25/13 M0059 MCDANIELS, WILLIAM J. III 48.97 2767
60429 02/25/13 M0103 MODERN GAS COMPANY, INC. 832.60 2767

60430 02/25/13 M0166 MOTOROLA SOLUTIONS 403.20 2767
60431 02/25/13 M0188 MCCARTHY TIRE SERVICE OF PHILA 2,049.42 2767
60432 02/25/13 M0209 MAYBERRY, JOHN D 204.91 2767
60433 02/25/13 N0043 NAPA AUTO PARTS OF S.JERSEY 0.00 02/25/13 VOID 0
60434 02/25/13 N0043 NAPA AUTO PARTS OF S.JERSEY 559.04 2767
60435 02/25/13 N0100 N.J. LEAGUE OF MUNICIPALITIES 150.00 2767
60436 02/25/13 N0131 DEFINED CONTRIB RETIRE PROGRAM 42.16 2767
60437 02/25/13 N0135 NJEHA 110.00 2767
60438 02/25/13 N0136 NEW JERSEY FORESTRY ASSN 55.00 2767
60439 02/25/13 O0042 ORCHARDS HYDRAULIC SERVICE INC 929.54 2767
60440 02/25/13 P0032 PEDRONI FUEL CO. 1,879.19 2767
60441 02/25/13 P0139 Princeton Hydro, LLC 600.00 2767
60442 02/25/13 R0030 RIGGINS, INC. 7,682.82 2767
60443 02/25/13 S-0257 South Jersey Energy Service Pl 78.90 2767
60444 02/25/13 S0034 SCHULER, DANIEL 169.41 2767
60445 02/25/13 S0056 SEASHORE ASPHALT CORPORATION 174.90 2767
60446 02/25/13 S0097 SMH CPR TRAINING CENTER 105.00 2767
60447 02/25/13 S0121 SMUZ, THERESE A 12.66 2767
60448 02/25/13 S0134 SO.JERSEY GAS COMPANY 3,096.85 2767
60449 02/25/13 S0153 STERICYCLE, INC. 373.74 2767
60450 02/25/13 S0209 STAPLES ADVANTAGE 224.86 2767
60451 02/25/13 S0239 SHORE VET. ANIMAL CONTROL LLC 4,500.00 2767
60452 02/25/13 S240 STERLING HIGH SCHOOL DISTRICT 90.00 2767
60453 02/25/13 T0067 TOWNSHIP OF UPPER PETTY CASH 25.50 2767
60454 02/25/13 T0097 TRICO EQUIPMENT INC. 103.02 2767
60455 02/25/13 T0129 TRUGREEN CHEMLAWN 880.90 2767
60456 02/25/13 V0001 VCI EMERGENCY VEHICLE 1,585.94 2767
60457 02/25/13 V0024 VAL-U AUTO PARTS L.L.C. 1,076.43 2767

Total: 222,306.62