

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

**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 -       **March 11, 2013 Regular Meeting and  
Closed Session Minutes****

Motion by Jay Newman, second by Curtis Corson to approve the 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**

**Edward Barr, Committeeman**, reported on a meeting he and Mr. Dietrich had with the Upper Township School Superintendent Vincent Palmieri, School Board Member Stephen Martinelli, and Business Administrator Laurie Ryan regarding partnering with the school to convert suitable Township and School facilities to solar power. Motion by Edward Barr, second by Curtis Corson to authorize Mr. Dietrich to prepare an RFP and shared services agreement with the school for the solar project. During roll call vote all five Committee members voted in the affirmative. Mr. Barr next reported that the school has requested assistance from the Township to complete a few maintenance projects over the summer. A list of the requested projects will be drawn up and reviewed at a later date.

**Curtis Corson, Committeeman**, reported that the final hearing and adoption of the 2013 budget is scheduled for the April 8, 2013 Committee Meeting at 7:30 p.m..

**Jay Newman, Committeeman**, reported the good news that the Fire Companies have seen a substantial decrease in the amount of calls the past few weeks.

**Richard Palombo, Mayor**, reported on a letter from Congressman LoBiondo regarding his commitment to working with FEMA to address the base flood elevations changes affecting the shore communities. Mayor Palombo next reported on an increasing trend of drug abuse in area teens. He requested a link be available on the Township website for parents to use to access information and resources that are available.

### **OTHER REPORTS**

**Barbara Young, Municipal Clerk**, reported that the Township offices will be closed on Friday March 29. Trash collection will resume on Monday April 1.

**Daniel Young, Municipal Attorney**, reported that there are three matters for closed session; a contract negotiation matter, litigation, and personnel.

**Paul Dietrich, Township Engineer**, reported on the Shared Services Agreement with Cape May County for Fleet Maintenance. The County is happy with the service the Township has been providing, and wishes to continue the agreement for another term. Motion by Curtis Corson, second by Jay Newman, to renew the Shared Services Agreement with Cape May County for Fleet Maintenance Services. During roll call vote all five Committee members voted in the affirmative. Mr. Dietrich next reported that the County will be commencing construction work on Roosevelt Boulevard Tuesday March 26 in the early morning, and should be completed by the afternoon.

**Barbara Spiegel, Chief Financial Officer**, reported on a request from the Deputy Court Administrator to attend a three day conference in Cape May. Motion by Jay Newman, second by Anthony Inserra to approve the request. During roll call vote all five Committee members voted in the affirmative.

### **PRESENTATIONS**

1. Presentation of a POW MIA Flag to Upper Township by the American Legion Aaron Whittkamp Colwell Post 239 of Tuckahoe for Amanda's Field Recreation Complex. **Mayor Palombo stated that the flag will be flown at Amanda's Field with reverence and extended his appreciation to the members of the American Legion for their service to our country.**

### **RESOLUTIONS**

2. Canceling Taxes on Exempt Property.

**TOWNSHIP OF UPPER**

**CAPE MAY COUNTY**

**R E S O L U T I O N**

**Resolution No. 62-2013**

**CANCELING TAXES ON EXEMPT PROPERTY**

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**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 2013,

**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. 62-2013

Offered by: Corson      Seconded by: Newman

Adopted: March 25, 2013

**Roll Call Vote:**

| <b>NAME</b> | <b>YES</b>   | <b>NO</b>     | <b>ABSTAINED</b> | <b>ABSENT</b> |
|-------------|--------------|---------------|------------------|---------------|
| 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> |

**CANCEL TAX 2013**

| <b><u>BLOCK/LOT</u></b> | <b><u>AMOUNT</u></b> | <b><u>NAME</u></b>                                      |
|-------------------------|----------------------|---|
| 558/11.21               | \$2,535.41           | Richard Ker<br>30 Arrowhead Trail<br>Seaville, NJ 08230 |

2013 1<sup>st</sup> & 2<sup>nd</sup> Qtr Taxes  
100% Totally Disabled Veteran

- Reimbursement of property taxes paid for the 2013 tax year to totally disabled veteran Richard Ker for Block 558, Lot 11.21 on the municipal tax map.

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

**RESOLUTION NO. 63-2013**

RE: REIMBURSEMENT OF PROPERTY TAXES PAID FOR THE 2013 TAX YEAR  
TO TOTALLY DISABLED VETERAN RICHARD KER FOR  
BLOCK 558, LOT 11.21 ON THE MUNICIPAL TAX MAP

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WHEREAS, Richard Ker is a 100% disabled American veteran residing at 30 Arrowhead Trail, Block 558, Lot 11.21 on the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Department of Veteran Affairs has determined that Mr. Ker's 100% permanent wartime service-connected disability was effective December 1, 2012; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.30 & 54:4-3.32, the governing body of any municipality may, at its discretion, refund the amount of taxes collected on any property which would have been exempt from taxation; and

WHEREAS, the Township Committee of the Township of Upper in accordance with Chapter XXVII, Section 27-1.2 of the Code of Upper Township has determined that it is just and appropriate in this instance to reimburse Richard Ker the real estate taxes paid for the 2013 tax year for Block 558, Lot 11.21; 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 shall hereby reimburse Richard Ker in the amount of \$1,392.71 for real estate taxes paid for the 2013 tax year for Block 558, Lot 11.21.

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. 63-2013

Offered by: Corson      Seconded by: Barr

Adopted: March 25, 2013

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          | _____     | _____            | _____         |

4. Tax refund.

TOWNSHIP OF UPPER  
CAPE MAY COUNTY

R E S O L U T I O N

Resolution No. 64-2013

TAX REFUND

WHEREAS, certain corrections have been recommended by the Upper Township Tax Collector in order to refund monies,

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. 64-2013

Offered by: Corson      Seconded by: Palombo

Adopted: March 25, 2013

Roll Call Vote:

| NAME    | YES      | NO    | ABSTAINED | ABSENT |
|---------|----------|-------|-----------|--------|
| BARR    | <u>X</u> | _____ | _____     | _____  |
| CORSON  | <u>X</u> | _____ | _____     | _____  |
| INSERRA | <u>X</u> | _____ | _____     | _____  |
| NEWMAN  | <u>X</u> | _____ | _____     | _____  |
| PALOMBO | <u>X</u> | _____ | _____     | _____  |

**REFUND 2012**

| <b><u>BLOCK/LOT</u></b> | <b><u>AMOUNT</u></b> | <b><u>NAME</u></b>   |
|-------------------------|----------------------|--|
| 560/1.01                | \$3,707.35           | THE IRWIN LAW FIRM<br>ATTORNEY TRUST ACCOUNT/F.B.O.<br>RUTH MGMT, LLC & HARJUST MGMT, LLC<br>80 MAIN ST – SUITE 410<br>WEST ORANGE, NJ 07052 |

**2012 State Tax Court Appeal**

5. Approval of a payment plan for Block 30 Lot 1 on the Municipal Tax Map of the Township of Upper.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 65-2013**

**RE: APPROVAL OF A PAYMENT PLAN FOR BLOCK 30 LOT 1  
ON THE MUNICIPAL TAX MAP OF THE TOWNSHIP OF UPPER**

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**WHEREAS**, under N.J.S.A 54:5-19, the owner of the property located at 170 Mill Road in Tuckahoe New Jersey, Dixie McGuire has proposed a payment plan in order to avoid the Township of Upper from offering the Municipal lien for sale, and reducing the unpaid taxes to a tax lien certificate at tax sale;

**WHEREAS**, there are delinquent property taxes for the years 2012 and 2013 in the amount of \$3,217.98.

**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 reference.
2. The total amount owed by property owner Dixie McGuire for the property located at 170 Mill Road in Tuckahoe, New Jersey for unpaid taxes on Block 30 Lot 1, is \$3,217.98.

3. The property owner Dixie McGuire will pay Eighty-One Dollars and Seventy Two Cents (\$81.72) per month to the Township of Upper on the first of each month, beginning May 1, 2013, for a period of Sixty (60) months, which will conclude on April 1, 2018.

4. The Township's agreement to accept such a payment plan is conditioned upon the property owner, Dixie McGuire, continuing to pay all subsequent real estate taxes, assessments and any other Municipal liens imposed in a prompt manner and remaining current on all said obligations during the term of this agreement.

5. If the property owner Dixie McGuire falls delinquent on any of the payments required under this agreement, or any subsequent tax, assessment and/or Municipal lien obligations, then said agreement shall be void and the Township officer charged by law with the duty to collect said Municipal liens and taxes shall proceed to enforce the current Municipal lien by selling it in the manner prescribed under New Jersey law.

6. This Resolution ratifies, confirms and approves actions taken by the Township Committee, by Motion, at the meeting of February 11, 2013.

Resolution No. 65-2013  
Offered by: Palombo  
Adopted: March 25, 2013

Seconded by: Corson

Roll Call Vote:

| NAME    | YES          | NO            | ABSTAINED     | ABSENT        |
|---------|--------------|---------------|---------------|---------------|
| Barr    | <u>  X  </u> | <u>      </u> | <u>      </u> | <u>      </u> |
| Inserra | <u>  X  </u> | <u>      </u> | <u>      </u> | <u>      </u> |
| Corson  | <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> |

6. Approving the application of the Marmora Volunteer Fire Company for Highway Coin Drops.

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

**RESOLUTION NO. 66-2013**

**RE: APPROVING THE APPLICATION OF THE MARMORA VOLUNTEER FIRE  
CO. FOR HIGHWAY COIN DROPS**

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**WHEREAS**, the Marmora Volunteer Fire Co., a non-profit corporation providing firefighting services, has made

application to the Township Committee to hold coin drop solicitations in Upper Township; and

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

**WHEREAS**, the requests require approval from the County of Cape May and the State of New Jersey;

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

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

2. The application of the Marmora Volunteer Fire Co. to hold a coin drop within Upper Township at the Intersection of Roosevelt Boulevard and the Garden State Parkway from the GSP South Exit and South Entrance to the end of the Plaza on the South Side of Roosevelt Boulevard is hereby approved for the following dates:

Saturday, July 6, 2013, and Saturday, July 20, 2013  
from 9:00 a.m. to 3:00 p.m.;

AND

Saturday, August 10, 2013, and Saturday, August 24,  
2013 from 9:00 a.m. to 3:00 p.m.

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

4. A certified copy of this Resolution shall be provided to the State of New Jersey, Department of Transportation and the Board of Chosen Freeholders of the County of Cape May.

Resolution No. 66-2013

Offered by: Corson                      Seconded by: Inserra

Adopted: March 25, 2013

Roll Call Vote:

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

7. Appointing Zachary A. Kooker as a part-time employee to the Upper Township Division of Emergency Medical Services.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 67-2013**

**RE: APPOINTING ZACHARY A. KOOKER AS A PART-TIME EMPLOYEE  
TO THE UPPER TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES**

**WHEREAS**, a need exists to appoint qualified personnel as part-time employees to the Upper Township Division of Emergency Medical Services to insure optimal operation; and

**WHEREAS**, a recommendation has been made to the Township Committee and duly considered at the meeting of March 11, 2013; and

**WHEREAS**, each individual's appointment is conditioned upon successful completion of a background check, drug and alcohol testing, and Civil Service review; and

**WHEREAS**, this Resolution is intended to ratify the action heretofore taken; 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. Zachary A. Kooker is hereby conditionally appointed as a member of the Division of Emergency Medical Services in a part-time position at a rate of \$13.50 per hour in accordance with the Salary Ordinance.

3. This Resolution ratifies, confirms and approves action taken by the Township Committee, by motion, at the meeting of March 11, 2013.

Resolution No. 67-2013  
 Offered by: Newman  
 Adopted: March 25, 2013

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> |
| 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> |

8. 2013 Revised Temporary Budget.

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

RESOLUTION NO. 68-2013

RE: 2013 REVISED TEMPORARY BUDGET

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

WHEREAS, there is a need to increase certain line items in the Temporary Budget until adoption of the Budget takes place.

NOW, THEREFORE BE IT RESOLVED, that the following appropriations shall constitute the Revised Temporary Budget for the year 2013:

| <b>ADMINISTRATIVE &amp; EXECUTIVE</b> | <b><u>INCREASE</u></b> | <b><u>TO:</u></b>   |
|---------------------------------------|------------------------|---------------------|
| <b>Mayor and Committee</b>            |                        |                     |
| <b>Salary and Wages</b>               | <b>\$ 17,300.00</b>    | <b>\$ 19,000.00</b> |
| <b>Mayor and Committee O/E</b>        | <b>\$ 2,500.00</b>     |                     |
| <b>DCRP-Township Committee</b>        | <b>\$ 800.00</b>       |                     |
| <b>Municipal Clerk</b>                |                        |                     |

|   |              |              |
|---|--------------|--------------|
| Salary and Wages                                    | \$ 48,000.00 | \$ 55,000.00 |
| <b>OTHER EXPENSES</b>                               |              |              |
| Legal Advertising                                   | \$ 3,000.00  |              |
| Miscellaneous O/E                                   | \$ 5,000.00  |              |
| Purchase of Office Equipment                        | \$ 3,000.00  |              |
| Codification of Ordinances                          | \$ 2,000.00  |              |
| MAC   | \$ 6,383.00  |              |
| Cape Mediation                                      | \$ 2,300.00  |              |
| Cape Assist EAP                                     | \$ 1,155.00  |              |
| <b>FINANCIAL ADMINISTRATION</b>                     |              |              |
| Salaries & Wages                                    | \$ 32,000.00 | \$ 40,000.00 |
| Miscellaneous O/E                                   | \$ 4,000.00  | \$ 5,500.00  |
| Computer Hardware/Software                          | \$ 15,000.00 |              |
| Annual Audit  | \$ 20,000.00 | \$ 36,000.00 |
| <b>ASSESSMENT OF TAXES</b>                          |              |              |
| Salaries & Wages                                    | \$ 29,000.00 | \$ 35,000.00 |
| Miscellaneous O/E                                   | \$ 4,000.00  | \$ 1,000.00  |
| <b>COLLECTION OF TAXES</b>                          |              |              |
| Salaries & Wages                                    | \$ 24,000.00 | \$ 30,000.00 |
| Miscellaneous O/E                                   | \$ 3,000.00  |              |
| Purchase TTL  | \$ 1,000.00  |              |
| <b>LIQUIDATION OF TTL &amp; FORECLOSED PROPERTY</b> |              |              |
| Other Expenses                                      | \$ 1,000.00  |              |
| <b>LEGAL SERVICES AND COSTS</b>                     |              |              |
| Other Expenses                                      | \$ 35,000.00 | \$ 50,000.00 |
| <b>MUNICIPAL COURT</b>                              |              |              |
| Salaries & Wages                                    | \$ 52,600.00 | \$ 60,000.00 |
| Miscellaneous O/E                                   | \$ 2,000.00  | \$ 1,000.00  |
| <b>PUBLIC DEFENDER</b>                              |              |              |
| Salaries & Wages                                    | \$ 6,400.00  | \$ 8,000.00  |

**MUNICIPAL PROSECUTOR**

Salaries & Wages \$ 10,500.00 \$ 12,000.00

**ENGINEERING SERVICES & COSTS**

Salaries & Wages \$ 24,400.00 \$ 30,000.00  
Other Expenses \$ 5,000.00 \$ 7,000.00

**PUBLIC BUILDINGS & GROUNDS**

Salaries & Wages \$ 26,100.00 \$ 32,000.00  
Other Expenses \$ 75,000.00 \$ 80,000.00

**PLANNING BOARD**

Salaries & Wages \$ 12,000.00 \$ 14,000.00  
Other Expenses \$ 1,000.00 \$ 1,500.00

**BOARD OF ADJUSTMENT**

Salaries & Wages \$ 12,000.00 \$ 14,000.00  
Other Expenses \$ 1,000.00 \$ 1,500.00

**CONSTRUCTION OFFICE & BUILDING INSPECTOR**

Salaries & Wages \$ 45,500.00 \$ 52,000.00  
Other Expenses \$ 2,000.00 \$ 2,500.00

**INSURANCE**

Group Insurance for Employees \$ 370,000.00 \$ 500,000.00  
Other Insurance Premiums \$ 65,000.00 \$ 85,000.00  
Workers Compensation \$ 95,000.00 \$ 190,000.00

**SCHOOL CROSSING GUARD**

Salaries & Wages \$ 2,400.00  
Miscellaneous O/E \$ 500.00

**BEACH PATROL**

Other Expenses \$ 3,000.00

**EMERGENCY MANAGEMENT/RTK/911 COORDINATOR**

Salaries & Wages \$ 6,800.00 \$ 8,000.00  
Miscellaneous O/E \$ 5,000.00 \$ 7,000.00

**ROAD REPAIRS & MAINTENANCE**

|                   |               |               |
|-------------------|---------------|---------------|
| Salaries & Wages  | \$ 425,000.00 | \$ 500,000.00 |
| Miscellaneous O/E | \$ 52,000.00  | \$ 55,000.00  |

**SURFACING OF ROADS CONTRACTUAL** \$ 5,000.00

**STREET LIGHTING** \$ 70,000.00 \$ 90,000.00

**GARBAGE & TRASH REMOVAL**

|                   |              |              |
|-------------------|--------------|--------------|
| Salaries & Wages  | \$ 86,500.00 | \$ 95,000.00 |
| Miscellaneous O/E | \$ 22,000.00 | \$ 25,000.00 |
| Tipping Fees      | \$ 85,000.00 | \$ 95,000.00 |

**BOARD OF HEALTH**

|                   |             |  |
|-------------------|-------------|--|
| Salaries & Wages  | \$ 150.00   |  |
| Miscellaneous O/E | \$ 1,000.00 |  |

**DOG REGULATION**

|                   |              |              |
|-------------------|--------------|--------------|
| Miscellaneous O/E | \$ 27,000.00 | \$ 30,000.00 |
|-------------------|--------------|--------------|

**PUBLIC RELATIONS**

|                   |             |  |
|-------------------|-------------|--|
| Miscellaneous O/E | \$ 1,000.00 |  |
|-------------------|-------------|--|

**ZONING/CODE OFFICIAL**

|                   |             |             |
|-------------------|-------------|-------------|
| Salaries & Wages  | \$ 4,100.00 | \$ 4,800.00 |
| Miscellaneous O/E | \$ 1,000.00 |             |

**SPORTS & RECREATION**

|                   |              |              |
|-------------------|--------------|--------------|
| Salaries & Wages  | \$ 600.00    | \$ 800.00    |
| Miscellaneous O/E | \$ 25,000.00 | \$ 30,000.00 |

**FIRST AID ORGANIZATION**

|                   |               |               |
|-------------------|---------------|---------------|
| Salaries & Wages  | \$ 175,000.00 | \$ 200,000.00 |
| Miscellaneous O/E | \$ 23,000.00  | \$ 28,000.00  |

**RECYCLING**

|  |                        |               |
|--|------------------------|---------------|
| Salaries & Wages                                     | \$ 160,500.00          | \$ 180,000.00 |
| Miscellaneous O/E                                    | \$ 22,000.00           | \$ 25,000.00  |
| <b>AFFORDABLE HOUSING</b>                            |                        |               |
| Salaries & Wages                                     | \$ 700.00              | \$ 900.00     |
| Miscellaneous O/E                                    | \$ 1,000.00            |               |
| <b>COMMUNITY CENTER</b>                              |                        |               |
| Miscellaneous O/E                                    | \$ 10,000.00           | \$ 12,000.00  |
| <b>CELEBRATION OF PUBLIC EVENTS</b>                  | \$ 1,000.00            | \$ 4,000.00   |
| <b>SOCIAL SECURITY SYSTEM</b>                        | \$ 85,000.00           | \$ 95,000.00  |
| <b>SPECIAL LITIGATION</b>                            | \$ 20,000.00           | \$ 25,000.00  |
| <b>SUI CONTRIBUTION</b>                              | \$ 3,000.00            | \$ 5,000.00   |
| <b>CENTRAL DISPATCH</b>                              | \$ 57,000.00           | \$ 115,000.00 |
| <b>MAC GRANT</b>                                     | \$ 25,531.00           |               |
| <b>ALCOHOL &amp; DRUG TESTING</b>                    | \$ 8,500.00            |               |
| <b>COMP. ABSENCES RESERVES</b>                       | \$ 100.00              |               |
| <b>PERS</b>  | \$ 407,149.00          |               |
| <b>INTEREST ON BAN</b>                               | \$ 26,900.00           |               |
| <b>HAZARDOUS DISCHARGE SITE<br/>REMEDIAION GRANT</b> | \$ 94,935.00           |               |
| <b>Total</b>   | <b>\$ 3,009,303.00</b> |               |

Resolution No. 68-2013  
Offered by: Corson  
Adopted: March 25, 2013

Seconded by: Barr

Roll Call Vote:

| NAME    | YES          | NO    | ABSTAINED | ABSENT |
|---------|--------------|-------|-----------|--------|
| Barr    | <u>  X  </u> | _____ | _____     | _____  |
| Corson  | <u>  X  </u> | _____ | _____     | _____  |
| Inserra | <u>  X  </u> | _____ | _____     | _____  |

|         |              |               |               |               |
|---------|--------------|---------------|---------------|---------------|
| Newman  | <u>  X  </u> | <u>      </u> | <u>      </u> | <u>      </u> |
| Palombo | <u>  X  </u> | <u>      </u> | <u>      </u> | <u>      </u> |

- 9. Supporting a Beach Replenishment Project for the Strathmere and Whale Beach sections of Upper Township.

**TOWNSHIP OF UPPER**

**CAPE MAY COUNTY**

**R E S O L U T I O N**

**RESOLUTION NO. 69-2013**

**RE: SUPPORTING A BEACH REPLENISHMENT PROJECT FOR THE STRATHMERE AND WHALE BEACH SECTIONS OF UPPER TOWNSHIP**

**WHEREAS**, the Township of Upper has been fortunate to receive regular beach replenishment projects funded both by the State of New Jersey and the Township of Upper; and

**WHEREAS**, the beach and dune systems created by these projects has served to successfully protect public and private properties; and

**WHEREAS**, some areas of Strathmere and Whale Beach did suffer serious damage to public and private properties during Hurricane Sandy (DR-4086-NJ); and

**WHEREAS**, this area is on a list of authorized projects and is known as “New Jersey Shore Protection Great Egg Harbor Inlet to Townsends Inlet”; and

**WHEREAS**, a Project Partnership Agreement for this area is under review by the Army Corps of Engineers; and

**WHEREAS**, The Project Partnership Agreement and subsequent funding of the project, would provide desperately needed beach replenishment and dune building and serve to protect billions of dollars in public and private property.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, that the Township respectfully requests approval of the Project Partnership Agreement referenced herein, and the authorization of the immediate construction and funding of the project.

**BE IT FURTHER RESOLVED**, that copies of this resolution be forwarded to Senator Robert Menendez, Senator Frank R. Lautenberg, Congressman Frank LoBiondo, New Jersey State Senator Jeff Van Drew, Governor Chris Christie and Lieutenant Governor Kim Guadagno.

Resolution No. 69-2013  
 Offered by: Newman      Seconded by: Barr  
 Adopted: March 25, 2013  
 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> |

10. Authorizing the Engineer to sign and submit an application for Recreation Development to the Cape May County Open Space Program.

**TOWNSHIP OF UPPER  
 CAPE MAY COUNTY  
 RESOLUTION**

**RESOLUTION NO. 70-2013**

**RE: AUTHORIZING THE ENGINEER TO  
 SIGN AND SUBMIT APPLICATION FOR RECREATION DEVELOPMENT  
 TO CAPE MAY COUNTY OPEN SPACE PROGRAM**

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**WHEREAS**, the County of Cape May Open Space Program is soliciting requests for funding for recreation and historic preservation to be funded from the Open Space Trust Fund; and

**WHEREAS**, the goal of the program is to enhance and protect the community assets, provide quality of life and economic stabilization benefits to the Municipalities in the County; and

**WHEREAS**, the Township of Upper wishes to take advantage of this Program and to authorize the execution and submittal of application for the following two projects: Recreational Improvements at Amanda’s Field and Improvements to the Bayview Avenue Boat Ramp; 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 Municipal Engineer of the Township of Upper is hereby authorized, directed, and empowered to sign and submit the Recreation Development Applications.
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. 70-2013  
Offered by: Barr                      Seconded by: Corson  
Adopted: March 25, 2013

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> |

11. Authorizing the Greater Tuckahoe Area Merchants Association 4<sup>th</sup> Annual Tour De Tuckahoe Bike Ride and 3<sup>rd</sup> Annual Duathlon to be held at Amanda’s Field in Petersburg, New Jersey on Saturday April 28, 2013.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 71- 2013**

**RE: AUTHORIZING THE GREATER TUCKAHOE AREA MERCHANTS  
ASSOCIATION 4<sup>th</sup> ANNUAL TOUR DE TUCKAHOE BIKE RIDE AND 3<sup>rd</sup>  
ANNUAL DUATHLON TO BE HELD AT AMANDA’S FIELD  
IN PETERSBURG, NEW JERSEY ON SATURDAY APRIL 28, 2013**

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**WHEREAS**, the Greater Tuckahoe Area Merchants Association, Inc., of P.O. Box 656 Tuckahoe, NJ 08250, has submitted a proposal to the Upper Township Committee requesting authority to hold a Bike Ride in Petersburg, New

Jersey on April 28, 2013 which will consist of four different courses to accommodate riders of all levels, which will include a family ride which will circle Amanda's Field and for the advanced riders a 16 mile, 40 mile or 62 mile ride, starting and ending at Amanda's Field, and a duathlon which will consist of a 2 mile run, 9 mile ride and end with a 2 mile run starting and ending at Amanda's Field, Registration beginning at 7:00 a.m., the duathlon beginning at 8:30 a.m., and the bike rides commencing at 9:00 a.m., as indicated in their Application for Use of Facilities and event description which is attached hereto as Exhibit A; and

**WHEREAS**, the bike tour and the duathlon will travel NJSH Route 50 and will utilize Township, County and State roads in Upper Township as described on maps attached hereto as Exhibit "B"; and

**WHEREAS**, the proposed event is sanctioned and insured by the Greater Tuckahoe Area Merchants Association, Inc. copy of insurance certificate attached as Exhibit "C"; and

**WHEREAS**, the parking area and registration site for the event is proposed on Amanda's Field lots attached hereto as Exhibit "D"; and

**WHEREAS**, the event organizers have represented that approvals have been or will be obtained from the New Jersey State Police, and any all other governmental agencies or entities having any jurisdiction or interest in the race or race course; and

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

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

2. The Township Committee does hereby grant approval, to the extent that it has jurisdiction to do so, to the Greater Tuckahoe Area Merchants Association, Inc. for the Bike Ride event to be held on April 28, 2013 as specified in this Resolution and in the accompanying Exhibits subject to and conditioned upon the following:

- (A) The event described in this Resolution is carried out by the Greater Tuckahoe Area Merchants' Association, Inc. These sponsors have no connection, direct or indirect, with the Township of Upper or any of its officials or employees. These sponsors shall not, in any way, directly or indirectly, represent that the race is, in any way, associated with or affiliated with the Township of Upper and shall make clear that the event is carried out with all appropriate governmental and other approvals. Although the Township of Upper has given permission, subject to the terms of this Resolution, to these event sponsors to conduct the proposed race, it must be made clear that the event is not and shall not be considered a Township of Upper sponsored or sanctioned event.
- (B) Greater Tuckahoe Area Merchants' Association, Inc., has provided general comprehensive liability insurance in form and substance satisfactory to the Township of Upper's Risk Management Consultant. Said insurance includes a medical expense limit. A Certificate of Insurance has been provided to the Township Clerk, which the Risk Management Consultant of the Township

of Upper has approved Certificate of Insurance. Said Certificate of Insurance names the Township of Upper, its officials, officers and employees, as an additional insured.

(C) Greater Tuckahoe Area Merchants' Association, Inc., the event sponsors, have obtained or will obtain written approval from and comply with all conditions imposed by the following entities:

- (i) the Risk Management Consultant of the Township of Upper.
- (ii) the New Jersey State Police.
- (iii) the Upper Township Rescue Squad.
- (iv) Cape May County Board of Chosen Freeholders.

The event sponsors must provide written authorization from the above entities, including any conditions required of said entities, to the Township Clerk at least seven days prior to the event.

(D) Greater Tuckahoe Area Merchants' Association, Inc., has provided a Use of Facilities Agreement and an Indemnification and Hold Harmless Agreement in favor of the Township of Upper, its officials, officers and employees in the form attached hereto as Exhibit "E".

(E) Setup for the event will take place at 6:00 a.m. the morning of the event.

(F) The approval granted herein is subject to all conditions and stipulations as may be recommended or imposed by the Township's Risk Management Consultant or Insurance Representatives. The Township may revoke this approval if the Event Sponsors fail to comply with any said condition or recommendation or any other condition of this Resolution.

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. 71-2013  
 Offered by: Barr  
 Adopted: March 25, 2013

Seconded by: Newman

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> |

**ORDINANCES**

12. **Public Hearing and Final Adoption 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.** Municipal Attorney Daniel Young stated that there was a minor amendment to section 20-2.1 in order to clarify that properties in the RR and RC zoning districts shall be limited to two habitable stories above the Flood Protection Elevation. Mayor Palombo then opened up the public hearing. Ted Kingston, 5 Wilard Rd., Strathmere, stated his opposition to the height requirements in the Ordinance in that they do not make sense and will affect the appearance of Strathmere. Mr. Dietrich stated that the minor amendment that Mr. Young discussed earlier will ensure that the habitable space remains the same. There were no more speakers and the public hearing portion of the meeting was then closed. Motion by Curtis Corson, second by Anthony Inserra, to adopt Ordinance No. 002-2013. During roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER  
 CAPE MAY COUNTY  
 O R D I N A N C E**

**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, but properties in the RR and RC zoning districts shall be limited to two (2) habitable stories above 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 25<sup>TH</sup> 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 25<sup>TH</sup> 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**

13. **2012 JIF Safety Incentive Program Award.** Mayor Palombo commended all employees for the great report.

**NEW BUSINESS**

**UNFINISHED BUSINESS:**

**DISCUSSION**

**PAYMENT OF BILLS:**

14. **“I hereby move that all claims submitted for payment at this meeting be approved and then incorporated in full in the minutes of this meeting.”**  
Motion by Jay Newman, second by Curtis Corson. During roll call vote all five Committee members voted in the affirmative.

Bills approved for payment: \$ 71,631.30  
Payroll: \$ 156,122.34

**REPORT OF MUNICIPAL DEPARTMENTS:**

15. Animal Control  
16. Municipal Court

Motion by Richard Palombo, second by Anthony Inserra, to accept the Municipal Department Reports. During roll call vote all five Committee members voted in the affirmative. Reports are available in the Clerk’s office.

**PUBLIC COMMENT**

**Nathalie Neiss, 759 Route 50, Petersburg**, raised several issues regarding a deed which delineates the boundaries of a neighboring property and a mistake on the Upper Township Tax Map. Mr. Dietrich stated that he can look at the deed to see how it compares to the tax map and if a correction needs to be made it will be sent to the surveyor who maintains the tax maps. Mr. Dietrich stated that corrections are generally performed every quarter. Ms. Neiss then asked several questions concerning her tax appeal filed with the County Tax Board. Municipal Attorney Daniel Young advised her that any questions or issues concerning a pending tax appeal must be referred to the County Tax Board.

**CLOSED SESSION**

17. 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. 072-2013  
MOTION GOING INTO CLOSED SESSION  
March 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. Personnel.
2. Contract negotiation – Historical Society Tuckahoe Train Station Lease.
3. Litigation – Upper Township v. Yank and Sansone Beach Lot Condemnation.

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: 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 9:00 P.M. Next meeting scheduled for April 8, 2013 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC  
Municipal Clerk

### **Bill List**

60532 03/25/13 Alignment Check VOID  
 60533 03/25/13 A0071 ANCHOR FIRE PROTECTION CO. 2,265.69 2771  
 60534 03/25/13 A0081 ARMSTRONG, RALON I. 88.81 2771  
 60535 03/25/13 A0091 ATLANTIC CITY ELECTRIC 3,225.32 2771  
 60536 03/25/13 A0134 ANSELL ZARO GRIMM & AARON, PC 145.61 2771  
 60537 03/25/13 A0167 HESS CORPORATION 3,284.89 2771  
 60538 03/25/13 B0035 BELMONT & CRYSTAL SPRINGS 53.72 2771  
 60539 03/25/13 B0093 BARRY, CORRADO, GRASSI, P.C. 76.91 2771  
 60540 03/25/13 B0207 BARLOW CHEVROLET, INC 1,197.29 2771  
 60541 03/25/13 C0048 CAPE MAY COUNTY MUA 23,811.15 2771  
 60542 03/25/13 C0060 CAPRIONI'S PORTABLE TOILETS 3,228.00 2771  
 60543 03/25/13 C0068 COMCAST 248.85 2771  
 60544 03/25/13 C0077 CHERRY VALLEY TRACTOR SALES 195.20 2771  
 60545 03/25/13 C0116 CINTAS FAX LOCKBOX 636525 73.64 2771  
 60546 03/25/13 C0128 CARDINAL HEALTH 200, LLC 167.56 2771  
 60547 03/25/13 C0171 COLONIAL ELECTRIC SUPPLY CO. 632.30 2771

60548 03/25/13 C0223 CASA PAYROLL SERVICE 246.45 2771  
60549 03/25/13 C0245 CLEGG'S GARAGE, INC. 496.99 2771  
60550 03/25/13 C0246 CRAFT OIL CORPORATION 474.26 2771  
60551 03/25/13 D0040 DELTA DENTAL OF N.J. INC. 6,667.44 2771  
60552 03/25/13 E0012 EHRLICH PEST CONTROL INC 162.52 2771  
60553 03/25/13 F0016 FAZZIO, JOSEPH INC. 148.00 2771  
60554 03/25/13 H0131 HPI PROCESSES, INC 871.63 2771  
60555 03/25/13 H0135 HANSON AGGREGATES, INC. 620.45 2771  
60556 03/25/13 I0021 INTERSTATE BATTERIES 199.90 2771  
60557 03/25/13 J0072 JERSEY WEB DESIGNS 1,372.00 2771  
60558 03/25/13 K0077 KARAYIANNIS, MICHELLE 20.00 2771  
60559 03/25/13 L0087 LINE SYSTEMS INC 2,758.77 2771  
60560 03/25/13 M0016 McAFEE, MEGAN 45.77 2771  
60561 03/25/13 M0055 MAY, JUDITH 150.00 2771  
60562 03/25/13 M0076 MGL PRINTING SOLUTIONS 96.00 2771  
60563 03/25/13 M0180 MED-TECH RESOURCE, INC. 859.04 2771  
60564 03/25/13 N0024 N.J. DIVISION OF FIRE SAFETY 599.50 2771  
60565 03/25/13 N0131 DEFINED CONTRIB RETIRE PROGRAM 30.58 2771  
60566 03/25/13 O0006 SJSHORE MARKETING, LLC 44.25 2771  
60567 03/25/13 P0032 PEDRONI FUEL CO. 1,544.38 2771  
60568 03/25/13 P0050 PARSIO, ANTHONY 89.19 2771  
60569 03/25/13 P0131 360 BUSINESS SOLUTIONS 189.95 2771  
60570 03/25/13 R0030 RIGGINS, INC. 4,753.23 2771  
60571 03/25/13 S0034 SCHULER, DANIEL 71.02 2771  
60572 03/25/13 S0085 SHOCKEY'S PURE WATER SYSTEMS 445.00 2771  
60573 03/25/13 S0121 SMUZ, THERESE A 29.66 2771  
60574 03/25/13 S0134 SO. JERSEY GAS COMPANY 2,213.59 2771  
60575 03/25/13 S0139 SO. JERSEY WATER COND. INC. 531.70 2771  
60576 03/25/13 S0204 SAFETY DOWN UNDER, INC. 2,250.00 2771  
60577 03/25/13 S0209 STAPLES ADVANTAGE 462.99 2771  
60578 03/25/13 S0239 SHORE VET. ANIMAL CONTROL LLC 2,300.00 2771  
60579 03/25/13 S0254 SHOPRITE 63.67 2771  
60580 03/25/13 T0022 TERMINIX 110.00 2771  
60581 03/25/13 T0067 TOWNSHIP OF UPPER PETTY CASH 4.50 2771  
60582 03/25/13 T0097 TRICO EQUIPMENT INC. 62.26 2771  
60583 03/25/13 T0156 DAN TOWN 20.00 2771  
60584 03/25/13 U0055 U.T. CHALLENGER PROGRAM 1,226.10 2771  
60585 03/25/13 V0001 VCI EMERGENCY VEHICLE 40.00 2771  
60586 03/25/13 V0022 VERIZON 185.58 2771  
60587 03/25/13 V0027 VANORDER, ROGER 139.56 2771  
60588 03/25/13 W0038 WILLIAMS, JEREMIAH J. 24.98 2771  
60589 03/25/13 W0063 WRESTLER'S WORLD 165.45 2771  
60590 03/25/13 Y0020 YOUNG, BARBARA L. 150.00 2771

Total: 71,631.30