

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR SEPTEMBER 23, 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, and Municipal Attorney Daniel Young.

**APPROVAL OF MINUTES -      **September 9, 2013 Regular Meeting and  
Closed Session Minutes A & B****

Motion by Jay Newman, second by Curtis Corson, to approve the regular meeting minutes as submitted. During roll call vote four Committee members voted in the affirmative. Mayor Palombo abstained.

Motion by Jay Newman, second by Edward Barr, to approve closed session “A” minutes as submitted. During roll call vote three Committee members voted in the affirmative. Mayor Palombo and Committeeman Corson abstained.

Motion by Jay Newman, second by Edward Barr, to approve closed session “B” minutes as submitted. During roll call vote four Committee members voted in the affirmative. Mayor Palombo abstained.

**REPORT OF GOVERNING BODY MEMBERS**

**Jay Newman, Committeeman**, reported that Fire prevention week will be held in Upper Township during the week of October 6<sup>th</sup> with an Open house at the Marmora Fire house on Monday, October 7<sup>th</sup>. He next introduced Sergeant Francis Babinchock, the new Station Commander at the State Police barracks in Woodbine. Sergeant Babinchock gave a rundown of different incidents that have occurred throughout the Township over the past month.

Following Sgt. Babinchocks report Russell Morano of 5 Red Oak Drive discussed a problem with motorists that are failing to yield to stopped school buses along Route 9 in Seaville.

Lastly Mr. Newman thanked Sgt. Babinchock for attending tonight's meeting and invited him to attend the Upper Township Chiefs meeting scheduled for this Wednesday evening at the Seaville Fire hall.

**Curtis Corson, Committeeman**, reported that he is working with the CFO on 2014 Salary Ordinance and directed the Ordinance be placed on the agenda for introduction at the first meeting in November.

**Antonio Inserra, Committeeman**, briefly discussed security upgrades to various facilities throughout the Township and presented the Committee with a sample copy of an RFP that was issued by the County for Security Consulting Services. Mayor Palombo directed the discussion on Safety and Security be placed on the agenda for discussion at last meeting in November.

Mr. Inserra next discussed exploring the possibility of establishing a full time 9-11 dispatch center at the Township Municipal building. It was stated that the dispatch center currently at the Township building is for use only in an emergency in the event the dispatch center in Ocean City goes down. It was further stated that it is not equipped or manned to operate on a full time basis nor would it be cost effective for the Township to bring it up to the required standards and hire staff to man the center full time.

**Edward Barr, Committeeman**, reported that Upper Township will offer a free rabies clinic on October 26th from 1:00-3:00 p.m at Shore Veterinarians Animal Clinic. He also reported on a meeting he attended recently with Cape May County Animal Shelter manager, Judy Dunhour regarding the establishment of the new Cape May County Animal Response Team (CART).

**Richard Palombo, Mayor**, gave an update on the renovations at the Upper Township Senior Center which is expected to be open by the beginning of the year. In the interim the Township hopes to hold a flu clinic at the Upper Township Community Center this fall.

## **OTHER REPORTS**

**Daniel Young, Municipal Attorney**, reported that there is one contract negotiation matter for Closed Session.

**Barbara Spiegel, Chief Financial Officer**, requested permission to register 21 employees along with the Township Committee members for the New Jersey League of Municipalities Conference in Atlantic City, scheduled for November 19-21 at a cost of \$55.00 per person. Motion by Curtis Corson, second by Jay Newman to approve the request with all five Committee members voting in favor. Ms. Spiegel next reported on a request from the Township Tax Assessor. Due to an influx of calls regarding tax appeals the Assessor is requesting approval from the County Tax Board to perform informal appeals. If approved she will be required to work extra hours and due to time constraints in the office she is requesting permission to work from home at her regular hourly rate not to exceed an additional sum of \$4,000. The Township Attorney recommended the informal appeal process stating it could

result in a significant savings to the Township. Motion by Curtis Corson, second by Edward Barr to approve the request. During roll call vote all five Committee members voted in the affirmative.

## **RESOLUTIONS**

1. National Flood Insurance Program Community Rating System Annual Recertification and Annual Progress Report.

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

**RESOLUTION NO. 214-2013**

**NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY RATING SYSTEM ANNUAL  
RECERTIFICATION AND ANNUAL PROGRESS REPORT**

WHEREAS, FEMA approved Upper Township on October 20, 2011 as a Class 7 Community in the National Flood Insurance Program (NFIP) Community Rating System (CRS); and

WHEREAS, under the aforesaid program, communities are required to provide an annual progress report and recertification that they are continuing to comply with the CRS program activities; and

WHEREAS, the Township Committee of the Township of Upper has determined that it is in the best interest of the Township's residents to continue participating in the CRS program, which saves residents over \$100,000 annually; 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 hereby accepts the Annual Progress Report and Recertification.

3. The Mayor is hereby authorized to execute said Report and recertification pursuant to the CRS program rules and submit said report to FEMA.

4. 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. 214-2013

Offered by: Corson                      Seconded by: Newman

Adopted: September 23, 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>

2. Authorizing an extension of the Agreements with Cape Bank with regard to Banking Services.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N  
RESOLUTION NO. 215-2013**

**RE: AUTHORIZING AN EXTENSION OF THE AGREEMENTS WITH CAPE  
BANK  
WITH REGARD TO BANKING SERVICES**

**WHEREAS**, Cape Bank has indicated a desire to continue to provide banking services to the Township of Upper for an additional one year term; and

**WHEREAS**, the Township wishes to extend the agreements with Cape Bank for an additional one year term; and

**WHEREAS**, said agreements will continue under the same terms and current rate of interest of 0.25% ; 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 agreements and forms between the Township and Cape Bank, copies of which are on file in the office of the Township Clerk, are hereby extended for an additional one year term.

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. 215-2013

Offered by: Newman

Seconded by: Inserra

Adopted: September 23, 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>	_____	_____	_____

3. Accepting the conveyance of real property, known as Block 829, Lot 8 on the municipal tax map of The Township of Upper, County of Cape May and State of New Jersey, by gift.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 216-2013**

**RE: ACCEPTING THE CONVEYANCE OF REAL PROPERTY KNOWN AS  
BLOCK 829 LOT 8 ON THE MUNICIPAL TAX MAP OF THE TOWNSHIP OF  
UPPER,  
COUNTY OF CAPE MAY AND STATE OF NEW JERSEY BY GIFT**

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**WHEREAS**, the Township of Upper has received an offer to convey property to the Township by gift from Ronald and Charlotte Vansant; and

**WHEREAS**, said property is commonly known as Block 829, Lot 8 on the municipal tax map, located at Randolph Avenue, Strathmere, New Jersey; and

**WHEREAS,** Ronald and Charlotte Vasant have provided evidence satisfactory to the Township that there are no liens or encumbrances except for al valorem real estate taxes affecting the property; that the title is marketable; that there are no undisclosed ownership interests; that the property is not subject to any environmental hazards or conditions; and is not subject to any pending or threatened environmental enforcement action; and

**WHEREAS,** the Township Committee of the Township of Upper has determined to accept said real property by gift pursuant to its stated policy of acquiring certain properties in Strathmere as part of or in conjunction with beach acquisition, beach replenishment, shore protection programs, flood control or flood mitigation programs or open space programs.

**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 is hereby authorized to accept the conveyance of the property, known as Block 829, Lot 8 on the municipal tax map of the Township of Upper, by gift from Ronald and Charlotte Vasant.
3. The Municipal Attorney is hereby authorized to prepare a Deed of conveyance, and to submit said Deed to the Office of the Clerk of Cape May County to be recorded.
4. 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. 216-2013

Offered by: Corson

Seconded by: Newman

Adopted: September 23, 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>

4. Tax Refund Block 663, Lot 13.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
R E S O L U T I O N  
Resolution No. 217-2013**

**TAX REFUND  
Block 663 Lot 13**

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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. 217-2013

Offered by: Newman

Seconded by: Corson

Adopted: September 23, 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>

**REFUND 2013**

<b><u>BLOCK/LOT</u></b>	<b><u>AMOUNT</u></b>	<b><u>NAME</u></b>
663/13	\$929.83	Lereta Tax Services Attn: Refunds 1123 Park View Dr. Covina, CA 91724

The above property sold on 7/11/13-Mortgage company paid 3<sup>rd</sup> quarter taxes for old owner.

5. Designating October 6<sup>th</sup> through October 12<sup>th</sup> 2013 as “Fire Prevention Week” in Upper Township.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 218-2013**

**RE: DESIGNATING OCTOBER 6<sup>TH</sup> THROUGH OCTOBER 12<sup>TH</sup> 2013  
“FIRE PREVENTION WEEK”  
IN UPPER TOWNSHIP**

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**WHEREAS**, smoke alarms are present in 96% of American homes, of which 20% do not work because of dead or missing batteries preventing the United States from achieving the full potential of fire safety from smoke alarms; and

**WHEREAS**, smoke alarms are still missing in 4% of U.S. homes and this group accounts for 39% of reported fires and nearly half of all the reported home fire deaths; and

**WHEREAS**, smoke alarm maintenance is a simple, effective way to reduce home fire deaths, and

**WHEREAS**, the National Fire Safety Standards recommend a minimum of one smoke alarm on each level of a home, one inside each bedroom, and one outside each sleeping area; and



**WHEREAS**, “Fire Prevention Week” is a national home fire safety program which urges Americans to change smoke alarm batteries each fall; and

**WHEREAS** the Township Committee of the Township of Upper is dedicated to the safety of life and property from the devastating effects of fire and are joined by our volunteer fire departments, businesses, schools, service clubs, churches, and all of our citizens in their fire safety efforts.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Upper, that they designate the week of October 6, 2013 through October 12, 2013 as “Fire Prevention Week” in Upper Township and encourage the citizens of Upper Township to participate in “Fire Prevention Week” the entire month of October to ensure the safety of your loved ones from house fires.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 23<sup>rd</sup> day of September, 2013.

Resolution No. 218-2013

Offered by: Newman

Seconded by: Barr

Adopted: September 23, 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>

## **ORDINANCES**

- 6. Public Hearing and Final Adoption of Ordinance No. 011-2013 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XVIII (FLOOD DAMAGE CONTROL) AND CHAPTER XX (ZONING) OF THE CODE OF UPPER TOWNSHIP.** The Municipal Attorney reported that this Ordinance reflects the changes to the new FEMA Work Maps, and because of language in the Ordinance which states compliance with best available data provided by FEMA, also addresses any future changes that may occur. Mayor Palombo then opened the public hearing of Ordinance No. 011-2013.

Ted Kingston, Strathmere, stated that the Planning Board made adjustments to the height requirements of buildings based on the preliminary FEMA maps. Mr. Young stated that this Ordinance now addresses those height requirements based on best available data, which as a result lowers the height requirements in accordance with the new changes to the FEMA maps.

Mayor Palombo then closed the public hearing. Motion by Jay Newman, second by Curtis Corson, to adopt Ordinance No. 011-2013. During roll call vote all five Committeemen voted in the affirmative.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
O R D I N A N C E  
ORDINANCE NO. 011-2013**

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

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**WHEREAS**, the Township Committee desires to amend the Flood Damage Control Ordinance to provide the appropriate 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 Preliminary Work Maps 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 best available data provided by FEMA;

**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**:

*Best Available Flood Hazard Data* shall mean the most recent available flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM.

*Best Available Flood Hazard Data Elevation* shall mean the most recent available flood elevation FEMA has provided. The Best Available Flood Hazard Data Elevation may be depicted on an Advisory Flood Hazard Area Map; Work Map; or Preliminary FIS and FIRM.

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

*Flood Protection Elevation* shall mean the elevation that a structure must be elevated to in all Special Flood Hazard Areas and Advisory Flood Hazard Areas. Said elevation shall be one (1') foot higher than the best available flood hazard data elevation.

*Floodproofing* shall mean any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Lowest floor* shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement, is not considered a buildings lowest floor provided that such enclosure is not built so as to render the structure in violation of other applicable non-elevation design requirements of CFR Section 60.3.

(Ord. #21-1987, Ord. #14-2012, Ord. #02-2013, Ord. #11-2013 §3.2)

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. Best Available Flood Hazard Data. These documents shall take precedence over effective panels and FIS in construction and development regulations only. 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, Ord. #11-2013 §3.2)

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

**18-5.1 General Standards.**

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

- a. *Anchoring.*

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
  2. All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- b. *Construction Materials and Methods.*
1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
  2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- 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.
- 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.
- e. *Encroachments.* Any proposed development shall be analyzed to determine effects on flood carrying capacity of the area of special flood hazard as set forth in subsection 18-4.3, paragraph a, 3, Permit Review. Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited in any floodway unless a technical evaluation demonstrates that the new encroachments will not result in any increase in the flood levels during the occurrence of the base flood discharge.
- f. *Enclosure Openings.* For all new construction and substantial improvements, fully enclosed areas below the flood protection level that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by

allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1') foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- g. *Enclosure conversion.* No enclosure below the flood protection level 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, Ord. #11-2013 §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 18-3.2 the following standards are required:

- a. *Residential Construction.* New construction and substantial improvement of any residential structure shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor, including basement and utilities (electrical, heating, ventilation, plumbing, duct work and air conditioning equipment), be elevated to or above the flood protection elevation.
- b. *Nonresidential Construction.* New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor, including basement and utilities (electrical, heating, ventilation, plumbing, duct work and air conditioning equipment), be elevated to or above 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 such that the bottom of the lowest horizontal structural member of lowest floor including utilities (electrical, heating, ventilation, plumbing, duct work and air conditioning equipment), is at or above the flood protection elevation.
- (Ord. #21-1987; Ord. #14-2012; Ord. #02-2013, Ord. #11-2013 §5.2)

**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:**

*Flood Protection Elevation* shall mean the elevation that a structure must be elevated to in all Special Flood Hazard Areas and Advisory Flood Hazard Areas. Said elevation shall be one (1') foot higher than the best available flood hazard data elevation.

**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 9<sup>th</sup> DAY OF SEPTEMBER, 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 23<sup>rd</sup> DAY OF SEPTEMBER 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. **Ocean City High School Soccer Booster Club request to hold 50/50 Raffle on December 13, 2013 in Upper Township.** Motion by Curtis Corson, second by Newman, to approve the request. During roll call vote all five Committee members voted in the affirmative.

**UNFINISHED BUSINESS:**

**DISCUSSION**

8. **New Jersey Best Practices Worksheet CY2013/SFY2014-**Motion by Richard Palombo, second by Edward Barr to approve the worksheet. During roll call vote all five Committee members voted in the affirmative.
9. **Animal Control Issues-**Dr. Nick Holland of Shore Veterinarians Animal Clinic thanked the Committee for allowing his company to provide service to the Township for another year and encouraged the Committee to feel free to contact him twenty four hours a day seven days a week with any animal control matters that may occur. A discussion followed regarding various animal control issues.

**PAYMENT OF BILLS:**

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

Bills approved for payment: \$277,490.330  
Payroll: \$162,103.54

**REPORT OF MUNICIPAL DEPARTMENTS:**

11. **Municipal Court**
12. **Department of Public Works**

Motion by Richard Palombo, second by Jay Newman, to accept the Municipal Department reports. During roll call vote all five Committee members present voted in the affirmative.

### **PUBLIC COMMENT**

**Ted Kingston, Strathmere-** spoke regarding an Army Corps of Engineers meeting held earlier in the month to discuss a Back Bay area study.

### **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. 219-2013  
MOTION GOING INTO CLOSED SESSION  
September 23, 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 – Marsh & McLennan Agency, Inc.

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.

Moved by: Newman

Motion seconded by: Corson

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

### **RECONVENE PUBLIC PORTION OF MEETING**

### **ADJOURNMENT**

There being no further business this evening the meeting was adjourned at 9:00 P.M. The next meeting is scheduled for November 12, 2013 at 7:30 P.M.



## Minutes prepared by

Barbara L. Young, RMC  
Municipal Clerk.

### Bill List

61500 09/23/13 A0081 ARMSTRONG, RALON I. 144.99 2797  
61501 09/23/13 A0091 ATLANTIC CITY ELECTRIC 3,540.34 2797  
61502 09/23/13 A0134 ANSELL GRIMM & AARON, PC 3,669.49 2797  
61503 09/23/13 A0143 BARLOW BUICK GMC 179.47 2797  
61504 09/23/13 A0167 HESS CORPORATION 1,989.70 2797  
61505 09/23/13 A0188 A-1 PLUMBING, HEATING & AC 72.00 2797  
61506 09/23/13 B0020 BLAKER,RAYMOND 600.00 2797  
61507 09/23/13 B0035 BELMONT & CRYSTAL SPRINGS 120.21 2797  
61508 09/23/13 C0048 CAPE MAY COUNTY MUA 35,755.47 2797  
61509 09/23/13 C0060 CAPRIONI'S PORTABLE TOILETS 2,155.00 2797  
61510 09/23/13 C0068 COMCAST 254.75 2797  
61511 09/23/13 C0182 CDW GOVERNMENT, INC 41.69 2797  
61512 09/23/13 C0201 CRUZAN'S TRUCK SERVICE INC. 349.71 2796  
61513 09/23/13 C0223 CASA PAYROLL SERVICE 301.05 2796  
61514 09/23/13 C0245 CLEGG'S GARAGE, INC. 378.53 2796  
61515 09/23/13 C0247 CMRS-FP 2,500.00 2796  
61516 09/23/13 C0255 EMILY J CONOVER 26.00 2796  
61517 09/23/13 D0016 DALEYS PIT 125.00 2796  
61518 09/23/13 D0040 DELTA DENTAL OF N.J. INC. 6,154.16 2796  
61519 09/23/13 D0045 DEPTCOR 145.00 2796  
61520 09/23/13 F0048 LESLIE G. FOGG INC 361.08 2796  
61521 09/23/13 G0014 GARDEN STATE HWY PRODUCTS INC. 880.00 2796  
61522 09/23/13 G0028 GENTILINI FORD 1,077.21 2796  
61523 09/23/13 G0035 GENRON FIRE PROTECTION 109.00 2796  
61524 09/23/13 G0153 Larry K. Gremo 26.00 2796  
61525 09/23/13 G0154 JAMES GIBBONS 26.00 2796  
61526 09/23/13 G0158 MICHELLE GAJDALO 46.00 2796  
61527 09/23/13 H0018 HAROLD RUBIN/L & H SUPPLY 492.78 2796  
61528 09/23/13 H0062 HOPE, JOHN J. 261.57 2796  
61529 09/23/13 H0095 HORIZON BCBSNJ 115,451.88 2796  
61530 09/23/13 H0097 HERRON, JOANNE R. 30.00 2796  
61531 09/23/13 H0135 HANSON AGGREGATES, INC. 914.08 2796  
61532 09/23/13 H0153 LANE HENDRICKS 46.00 2796  
61533 09/23/13 J0072 JERSEY WEB DESIGNS 500.00 2796  
61534 09/23/13 K0007 KACZMARSKI, RICHARD 49.99 2796  
61535 09/23/13 K0082 W T KIRKMAN 183.11 2796  
61536 09/23/13 K0083 KNOCK OUT SPECIALTIES, INC 322.71 2796  
61537 09/23/13 L0007 LC EQUIPMENT, INC. 17,937.50 2796  
61538 09/23/13 L0080 LOWES, INC. 79.44 2796  
61539 09/23/13 L0087 LINE SYSTEMS INC 2,867.00 2796  
61540 09/23/13 M0012 McCAULEY, RICHARD 249.98 2796  
61541 09/23/13 M0081 MID-ATLANTIC WASTE SYSTEMS 305.76 2796  
61542 09/23/13 M0164 MURPHY FENCE COMPANY. INC. 470.15 2796  
61543 09/23/13 M0180 MED-TECH RESOURCE,LLC 236.00 2796  
61544 09/23/13 M0188 MCCARTHY TIRE SERVICE OF PHILA 2,155.93 2796  
61545 09/23/13 N0052 NATL YOUTH SPORTS COACHED ASSN 620.00 2796  
61546 09/23/13 N0114 NORTHERN TOOL & EQUIPMENT CO. 234.48 2796  
61547 09/23/13 N0131 DEFINED CONTRIB RETIRE PROGRAM 57.72 2796  
61548 09/23/13 O0006 SJSHORE MARKETING,LLC 1,171.55 2796  
61549 09/23/13 O0038 OSBORN, JAMES 403.28 2796  
61550 09/23/13 O0042 ORCHARDS HYDRAULIC SERVICE INC 437.50 2796  
61551 09/23/13 P0032 PEDRONI FUEL CO. 1,904.69 2796  
61552 09/23/13 P0056 TURF EQUIPMENT AND SUPPLY CO 690.75 2796  
61553 09/23/13 P0073 POGUE INC. 133.00 2796  
61554 09/23/13 P0075 POSITIVE PROMOTIONS INC 1,357.44 2796

61555 09/23/13 P0078 PRO VIDEO ENGINEERING 1,939.75 2796  
61556 09/23/13 P0109 NJ DIV OF PENSIONS & BENEFITS 19,531.27 2796  
61557 09/23/13 R0030 RIGGINS, INC. 6,516.19 2796  
61558 09/23/13 R0076 REGISTRARS' ASSOCIATION N.J. 98.00 2796  
61559 09/23/13 R0100 ROBERTS OXYGEN COMPANY, INC. 124.41 2796  
61560 09/23/13 S0056 SEASHORE ASPHALT CORPORATION 320.10 2796  
61561 09/23/13 S0066 SEETON TURF WAREHOUSE LLC 137.18 2796  
61562 09/23/13 S0122 SOMERS POINT LUMBER INC. 285.00 2796  
61563 09/23/13 S0134 SO. JERSEY GAS COMPANY 60.32 2796  
61564 09/23/13 S0162 SHAFTS AND SLEEVES CO., INC. 28,674.79 2796  
61565 09/23/13 S0239 SHORE VET. ANIMAL CONTROL LLC 2,400.00 2796  
61566 09/23/13 S0254 SHOPRITE 9.98 2796  
61567 09/23/13 S0257 SCHOOL-TECH, INC 32.90 2796  
61568 09/23/13 T0022 TERMINIX 55.00 2796  
61569 09/23/13 T0032 THE PRESS & SUNDAY PRESS 166.75 2796  
61570 09/23/13 T0067 TOWNSHIP OF UPPER PETTY CASH 4.50 2796  
61571 09/23/13 T0129 TRUGREEN CHEMLAWN 437.00 2796  
61572 09/23/13 T0131 TROUT, ROSEMARY 25.00 2796  
61573 09/23/13 V0005 VAN EMBDEN, NATHAN, ATTORNEY 2,692.50 2796  
61574 09/23/13 V0022 VERIZON 185.65 2796  
61575 09/23/13 V0024 VAL-U AUTO PARTS L.L.C. 0.00 09/23/13 VOID 0  
61576 09/23/13 V0024 VAL-U AUTO PARTS L.L.C. 2,148.94 2796  
61577 09/23/13 V0025 V.E. RALPH & SON, INC. 106.32 2796  
61578 09/23/13 W0050 WIRELESS ELECTRONICS, INC. 725.00 2796  
61579 09/23/13 W0063 WRESTLER'S WORLD 176.64 2796  
61580 09/23/13 Y0020 YOUNG, BARBARA L. 45.00 2796

Total: \$277,490.33