## TOWNSHIP OF UPPER 2100 TUCKAHOE ROAD PETERSBURG, NJ 08270 CAPE MAY COUNTY MINUTES FOR DECEMBER 16, 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 -

# December 9, 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 all five Committee members voted in the affirmative.

# **REPORT OF GOVERNING BODY MEMBERS**

**Edward Barr, Committeeman,** stated that it has been an honor working with Committeeman Jay Newman and Curtis Corson, and said they will be greatly missed and thanked them for their years of dedication to the Township.

**Anthony Inserra, Committeeman,** stated that it has been a pleasure working with Jay and Curtis and wished them well in the future. Later in the meeting, Mr. Inserra requested that the Township look into consolidating the Planning and Zoning Boards. It was stated that an Ordinance would be required and the matter should be listed for discussion on the next agenda.

**Richard Palombo, Mayor**, also stated his joy with working with Jay and Curtis over the years. He stated that it has been a lot of fun, and is looking forward to continuing to work with them for the good of the Township. He next reported that there will be a Pinelands Commission meeting on Wednesday evening regarding the South Jersey Natural Gas Pipeline. He next wished everyone a Merry Christmas and happy Holiday Season.

**Curtis Corson, Committeeman**, thanked his wife and family for their support over his many years of service to the Township. He stated that it has been a pleasure working with his fellow Committeeman and the employees.

**Jay Newman, Committeeman**, thanked the residents of the Township for allowing him the privilege to serve the Township as Committeeman. He offered the best of luck to John Coggins and Hobie Young. He next praised the Township employees, and gave special recognition to Daniel Young for his service. He next gave special recognition to the men and women of the public safety community, and said it has been a pleasure to serve and work with them. He then thanked his wife and family for their love and support over the years.

## **OTHER REPORTS**

**Barbara Young, Municipal Clerk**, stated what a pleasure it has been to work with Curtis and Jay and wished them well in the future.

**Daniel Young, Municipal Attorney**, thanked Curtis and Jay and stated they will be missed. He next reported that there are a few personnel items for closed session.

**Paul Dietrich, Township Engineer**, thanked Curtis and Jay for their support over the years and stated they will be missed.

**Barbara Spiegel, Chief Financial Officer**, offered her well wishes to Curtis and Jay and stated that she has enjoyed working with them.

# **PRESENTATIONS**

1. In recognition and appreciation of Jeffrey Pierson for his dedicated service to the Upper Township Safety Committee.

TOWNSHIP OF UPPER CAPE MAY COUNTY R E S O L U T I O N RESOLUTION NO. 230-2013

# RE: IN RECOGNITION AND APPRECIATION OF JEFFREY PIERSON FOR HIS DEDICATED SERVICE TO THE UPPER TOWNSHIP SAFETY COMMITTEE

WHEREAS, Jeffrey Pierson has recently stepped down from active membership of the Upper Township Safety Committee where he served as the Assistant Safety Coordinator for 12 years; and

WHEREAS, the Township Committee wishes to thank Jeff for his invaluable service and assistance through the years in the development and implementation of a superior Safety Program for the Township of Upper; and

WHEREAS, it is most appropriate that Jeff's years of faithful and dedicated service to this community be publicly recognized.

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 we extend to Jeffrey Pierson our heartfelt thanks and gratitude for his generous donation of time, commitment, leadership and public service to this Township and we wish him well in his future endeavors.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 28th day of October, 2013.

Resolution No. 230-2013Seconded by: CorsonOffered by: NewmanSeconded by: CorsonAdopted: October 28, 2013Seconded by: Corson

Roll Call Vote:				
NAME	YES	<u>NO</u>	<b>ABSTAINED</b>	ABSENT
Barr	<u>X</u>			
Corson	<u>X</u>			
Inserra	<u> </u>			
Newman	<u> </u>			
Palombo	<u>X</u>			

2. Honoring Marissa Sampson on receiving the Award of Outstanding EMS Action by a Youth.

#### TOWNSHIP OF UPPER CAPE MAY COUNTY R E S O L U T I O N RESOLUTION NO. 258-2013

RE: HONORING MARISSA SAMPSON ON RECEIVING THE AWARD OF OUTSTANDING EMS ACTION BY A YOUTH WHEREAS, on November 15, 2013 Marissa Sampson, age 9, received the "Outstanding EMS Action by a Youth" award from the New Jersey Office of Emergency Services; and

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

WHEREAS, Marissa has been assisting the volunteer members of the Upper Township Rescue Squad since she was an infant;

WHEREAS, Marissa has volunteered to act as a patient assisting members in training efforts on specialized equipment; and

WHEREAS, Marissa has aided members with pediatric patient training which includes securing a child into a car seat and securing the seat to a stretcher, applying a backboard to a pediatric patient and removing the patient from a school bus, and in addition Marissa has assisted in numerous fundraising events, and is currently assisting with 911 education for children; and

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

**RESOLVED THAT** the Township Committee extends its sincere congratulations to Marissa on the occasion of her receiving the "Outstanding EMS Action by a Youth" Award; and

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

**FURTHER RESOLVED** that the Township Committee also extends its congratulations and appreciation to the volunteer members of the Upper Township Rescue Squad who give so generously of their time for the benefit of our community.

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this 16th day of December, 2013.

Resolution No. 258-2013 Offered by: Palombo Seconded by: Newman Adopted: December 16, 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>			

#### **RESOLUTIONS**

3. In recognition and appreciation of Upper Township Committeeman Curtis T. Corson, Jr. for his dedicated public service to the Township of Upper.

#### **TOWNSHIP OF UPPER CAPE MAY COUNTY** RESOLUTION

#### **RESOLUTION NO. 259-2013**

#### **RE: IN RECOGNITION AND APPRECIATION OF** UPPER TOWNSHIP COMMITTEEMAN CURTIS T. CORSON, JR. FOR HIS DEDICATED PUBLIC SERVICE TO THE TOWNSHIP OF UPPER

WHEREAS, after 18 years of exemplary public service, Committeeman Curtis T. Corson, Jr.

will soon depart his seat on the Upper Township Committee where he has served as the Township's

Deputy Mayor, Director of the Department of Public Works, Buildings and Grounds, and Revenue and Finance; and

WHEREAS, during his tenure as Committeeman, Curtis has been an avid proponent for maintaining and improving the township's infrastructure, and ensuring that the Township sustain a minimal local purpose tax while preserving a high level of services, and

WHEREAS, Curtis's commitment to excellence has played an integral role in keeping the Township of Upper proactively moving towards the future, as well as ensuring the preservation of our history; and

WHEREAS, throughout his public life, Curtis has always carried out his duties with integrity, candor, and a unique and infectious laugh; and

**WHEREAS,** it is most appropriate that Curtis's tenure of public service, commitment, and leadership to the Township be publicly recognized and that this Township Committee extend its sincere appreciation to Curtis.

**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 we extend our sincere and heartfelt gratitude to Curtis T. Corson, Jr. for his years of dedicated public service to the residents of Upper Township; and

**BE IT FURTHER RESOLVED**, that this Committee extends to our colleague and friend, Curtis Corson, our very best wishes for continued happiness, good health, and success in all of his future endeavors.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 16th day of

December, 2013.

Resolution No. 259-2013Offered by: PalomboSeconded by: NewmanAdopted: December 16, 2013

Roll Call Vote:				
NAME	YES	NO	ABSTAINED	ABSENT
Barr	<u> </u>			
Corson	<u> </u>			
Inserra	<u> </u>			
Newman	<u>X</u>			
Palombo	<u>X</u>			

4. In recognition and appreciation of Upper Township Committeeman John "Jay" Newman for his dedicated public service to the Township of Upper.

#### TOWNSHIP OF UPPER CAPE MAY COUNTY R E S O L U T I O N RESOLUTION NO. 260-2013

#### RE: IN RECOGNITION AND APPRECIATION OF UPPER TOWNSHIP COMMITTEEMAN JOHN "JAY" NEWMAN FOR HIS DEDICATED PUBLIC SERVICE TO THE TOWNSHIP OF UPPER

WHEREAS, Committeeman John "Jay" Newman will soon depart his seat on the Upper Township Committee where he has served with integrity, good faith, and dedication from January 2002 to the present; and

WHEREAS, during his public service to the Township, Jay has served as the Township's Director of the Municipal Courts, Animal Shelter, Buildings and Grounds, Recreation, Fire and Rescue and Public Safety; and

WHEREAS, during his tenure, Jay has carried out his duties as a member of the Township Committee with dignity and resolve, providing valued leadership, sound judgment, and a passionate dedication to public safety; and

**WHEREAS**, to the benefit of this community, Jay will continue his selfless and generous service to Upper Township as Chief of the Marmora Fire Company; and

WHEREAS, it is most appropriate that Jay's tenure of public service, commitment, and leadership to the Township be publicly recognized and that this Township Committee extend its sincere appreciation to Jay.

**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 we extend our deepest thanks to Jay Newman for his years of dedicated public service as Township Committeeman and acknowledge his continued dedication and desire to serve the residents of Upper Township through his selfless commitment to service and generosity as Fire Chief and local business owner; and

**BE IT FURTHER RESOLVED,** that this Committee extends to our colleague and friend, Jay Newman, our very best wishes for continued happiness, good health, and success in all of his future endeavors.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 16th day of December, 2013.

Resolution No. 260-2013 Offered by: Palombo Seconded by: Corson Adopted: December 16, 2013

Roll Call Vote:

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

5. Authorizing the Township of Upper to enter into a contract with Cape Regional Health System to provide Pre-Employment Physical Examinations.

# TOWNSHIP OF UPPER CAPE MAY COUNTY R E S O L U T I O N RESOLUTION NO. 261-2013

# RE: AUTHORIZING THE TOWNSHIP OF UPPER TO ENTER INTO A CONTRACT WITH CAPE REGIONAL HEALTH SYSTEM TO PROVIDE PRE-EMPLOYMENT PHYSICAL EXAMINATIONS

WHEREAS, pursuant to Section 9 of the Supervisor's Personnel Policies and Procedures Manual, the Township of Upper provides for a pre-employment physical examination to a prospective employee in order to insure that they can perform the duties of their position without injury to themselves or others; and

WHEREAS, Cape Regional Health System possesses the requisite skill and

knowledge to perform these services; and

WHEREAS, a Resolution is required authorizing the award of a contract for professional services to Cape Regional Health System as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

WHEREAS, Cape Regional Health System has completed and submitted a Business Entity Disclosure Certification which certifies that Cape Regional Health System has not made any contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Cape Regional Health System from making any contributions through the term of the contract; and

#### NOW, THEREFORE, BE IT RESOLVED by the Township Committee of

the Township of Upper, in the County of Cape May and State of New Jersey, as follows:

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

2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with Cape Regional Health System to provide hearing examinations.

3. Cape Regional Health System has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.

4. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Cape Regional Health System has professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-2.05.

#### NOTICE OF CONTRACT AWARD

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

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

7. 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. 261-2013 Offered by: Newman Seconded by: Barr Adopted: December 9, 2013

Roll Call Vo	te:			
NAME	YES	<u>NO</u>	ABSTAINE	D ABSENT
Barr	X			
Corson	Χ			
Inserra	Χ			
Newman	Χ			
Palombo	Χ			

6. Accepting the 2014 Solid Waste Collection Rules and Regulations Resident Information Packet pursuant to Chapter 24 of the Revised General Ordinances of Upper Township.

# TOWNSHIP OF UPPER CAPE MAY COUNTY R E S O L U T I O N RESOLUTION NO. 262-2013

# ACCEPTING THE 2014 SOLID WASTE COLLECTION RULES AND REGULATIONS RESIDENT INFORMATION PACKET PURSUANT TO CHAPTER 24 OF THE REVISED GENERAL ORDINANCES OF UPPER TOWNSHIP

WHEREAS, the Township of Upper has adopted rules and regulations with

regards to collection and disposal of solid waste and recyclables pursuant to Chapter 24 of

the Revised General Ordinances; and

WHEREAS, the aforesaid rules and regulations are assembled into a summary entitled "*Residents Information-2014*" to be distributed to Township residents and

attached hereto as Exhibit "A";

#### NOW, THEREFORE, BE IT RESOLVED by the Township Committee of

the Township of Upper, in the County of Cape May and State of New Jersey, as follows:

- 1. The allegations of the preamble are incorporated herein by this reference.
- 2. The Township Committee has determined that the summary attached as

Exhibit "A" is in accordance with Chapter 24 of the Revised General Ordinances of Upper

Township and is hereby accepted.

Resolution No. 262-2013Offered by: CorsonSeconded by: InserraAdopted: December 16, 2013

Roll Call Vo	ote:			
NAME	YES	NO	ABSTAINED	ABSENT
Barr	Χ			
Corson	X			
Inserra	X			
Newman	X			
Palombo	X			

7. Authorizing the award of a contract with Caprioni Portable Toilets, Inc. for equipment rental.

#### TOWNSHIP OF UPPER CAPE MAY COUNTY R E S O L U T I O N RESOLUTION NO.263-2013

#### RE: AUTHORIZING THE AWARD OF A CONTRACT WITH CAPRIONI PORTABLE TOILETS, INC. FOR EQUIPMENT RENTAL

WHEREAS, the Township of Upper must rent portable toilets for various recreation facilities and to do so desires to enter into a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Caprioni Portable Toilets, Inc. has submitted a quote on December 3, 2013, indicating they will provide the weekly equipment rental service; and

WHEREAS, the Qualified Purchasing Agent has determined

and certified in writing that the value of acquisitions with Caprioni Portable Toilets, Inc. for the year 2013 will exceed \$17,500 and a contract pursuant to N.J.S.A. 19:44A-20.5 is required; and

WHEREAS, Caprioni Portable Toilets, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Caprioni Portable Toilets, Inc. has not made any reportable contributions to a political or candidate committee in the Township in the previous one year, and that the contract will prohibit Caprioni Portable Toilets, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer of the Township has certified the availability of funds to allow the award of contract for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose in the 2013 Municipal Budget.

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 of the Township of Upper, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with Caprioni Portable Toilets, Inc. as described herein.

3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

4. The Chief Financial Officer is hereby authorized,

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directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution. Resolution No. 263-2013 Offered by: Barr Seconded by: Newman Adopted: December 16, 2013 Roll Call Vote: YES NO ABSTAINED ABSENT NAME \_\_\_X\_\_\_ Barr Corson \_\_\_X\_\_\_ \_\_\_\_ \_\_\_X\_\_\_\_ \_\_\_\_ Inserra Newman \_\_X\_\_\_ \_\_\_\_\_ Palombo Х

- 8. Authorizing the execution of a contract with Cascade Engineering Inc., of Grand Rapids, MI 49512, for RFID Reader, Mobile Computer, and Refuse Cart Asset Management System. Motion by Richard Palombo, second by Anthony Inserra, to reject all proposals received and table this item. During roll call vote all five Committee members voted in the affirmative.
- 9. Rejecting the bid received for the furnishing and delivery of a 2013 or newer 10' Bed Dump Truck and authorizing the Township to re-advertise for bids.

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

#### **RESOLUTION NO. 264-2013**

# RE: REJECTING THE BID RECEIVED FOR THE FURNISHING AND DELIVERY OF A 2013 OR NEWER 10' BED DUMP TRUCK AND AUTHORIZING THE TOWNSHIP TO RE-ADVERTISE FOR BIDS

WHEREAS, the Township of Upper solicited bids for the Furnishing and

Delivery of a 2013 or newer 10' Bed Dump Truck; and

WHEREAS, a bid was submitted by one company; and

WHEREAS, the Township Committee has determined to reject the bid for the

10' Bed Dump Truck heretofore received, due to the fact the bid substantially exceeds the

Engineer's cost estimate for the project and the Township only received one bid, and to

authorize a new advertisement for bids; 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 bid for the Furnishing and Delivery of a 2013 or Newer 10' Bed Dump

Truck received on December 3, 2013, is hereby rejected.

3. The Township Engineer and other duly authorized Township officers are

hereby authorized to re-advertise for bids.

Resolution No. 264 -2013 Offered by: Newman Adopted: December 16, 2013

Seconded by: Inserra

Roll Call Vote	e:			
NAME	YES	NO	ABSTAINED	ABSENT
Barr	X			
Corson	X			
Inserra	X			
Newman	X			
Palombo	X			

10. Accepting the bid and authorizing the execution of a contract with Rodio Tractor Sales, Inc. of Hammonton, New Jersey 08037 for the furnishing and delivery of a 2013 or newer Roadside Boom Mower in the amount of \$92,186.00.

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

#### **RESOLUTION NO. 265-2013**

# RE: ACCEPTING THE BID AND AUTHORIZING THE EXECUTION OF A CONTRACT WITH RODIO TRACTOR SALES, INC. OF HAMMONTON, NEW JERSEY 08037 FOR THE FURNISHING AND DELIVERY OF A 2013 OR NEWER ROADSIDE BOOM MOWER IN THE AMOUNT OF \$92,186.00

WHEREAS, the Township of Upper solicited bids for Furnishing and

Delivery of 2013 or Newer Roadside Boom Mower, which bids were received on December

3, 2013; and

WHEREAS, the aforesaid bids were thereafter reviewed by the Township Engineer; and

WHEREAS, the Chief Financial Officer of the Township of Upper has certified the availability of funds attached hereto as "Exhibit A" in a sufficient amount to award a contract for the Roadside Boom Mower in the amount of \$92,186.00; and

WHEREAS, the Township intends to take formal action awarding the bid to the lowest responsible bidder as hereinafter provided;

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 hereby accepts the bid submitted by Rodio Tractor Sales, Inc., 717 White Horse Pike, Hammonton, New Jersey 08037, for the furnishing and delivery of one 2013 or Newer Roadside Boom Mower in the amount of \$92,186.00 subject to the following:

- (A) The Bidder shall comply with all Bid Documents, including the Notice to Bidders, all of which are hereby incorporated herein by this reference.
- (B) The Contract to be entered into must comply in all respects with applicable federal, state and local laws and regulations.
- (C) The Bidder has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.

3. The Mayor and Township Clerk are further authorized to execute a Contract with the successful bidder and/or the Chief Financial Officer is hereby authorized,

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directed and empowered to issue a Purchase Order to the successful bidder in the amount

authorized in this Resolution.

Resolution No. 265-2013 Offered by: Inserra Seconded by: Newman Adopted: December 16, 2013

Roll Call Vote:	:			
NAME	<u>YES</u>	NO	<b>ABSTAINED</b>	ABSENT
Barr	X			
Corson	X			
Inserra	X			
Newman	X			
Palombo	X			

11. Authorizing a Second Contract Amendment between Gibson Associates, P.A. and the Township of Upper for revisions to the official tax map of the Township of Upper.

#### TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

#### RESOLUTION NO. 266-2013

#### RE: AUTHORIZING A SECOND CONTRACT AMENDMENT BETWEEN GIBSON ASSOCIATES, P.A. AND THE TOWNSHIP OF UPPER FOR REVISIONS TO THE OFFICIAL TAX MAP OF THE TOWNSHIP OF UPPER

WHEREAS, the Township of Upper and Gibson Associates, P.A. entered

into a contract on July 25, 2013 for professional land surveyor services pursuant to Resolution No. 163-2013; and

### WHEREAS, the Township of Upper and Gibson Associates, P.A. modified

said contract pursuant to Resolution No. 233-2013 and an Amendment to Contract in

accordance with said Resolution; and

WHEREAS, the Township Committee has determined that there is a need to

further amend said contract to provide an additional scope of work with regards to revisions

to the official tax map required for State Certification; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township to authorize a Second Amendment to Contract with Gibson Associates, P.A. as hereinafter provided; and

**WHEREAS**, the Municipal Attorney has determined that the services provided pursuant to the Second Amendment to the existing contract are professional services and that the award of the amended contract may be made without competitive bid and pursuant to the provisions of N.J.S.A. 19:44A-2.05; and

WHEREAS, the Chief Financial Officer has certified the availability of funds to permit the Township to enter into the Second Amendment to the professional services contract as aforesaid; 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 professional services contract between the Township of Upper and Gibson Associates, P.A. and the Amendment to Contract are hereby amended to include the additional services as set forth in the correspondence dated December 4, 2013 from Gibson Associates, P.A. to the Township of Upper for the completion of the revisions to the official tax map of the Township of Upper.
- 3. A copy of the Second Amendment detailing the nature and the extent of the work to be done shall be attached to this Resolution as Exhibit "A".
- 4. The Mayor and the Township Clerk are hereby authorized, directed and empowered to enter into said Second Amendment to the professional services contract with Gibson Associates, P.A. aforesaid.
- 5. The Township Clerk shall cause a Notice of Award of this Second

Amendment to the professional services contract to be published in the official newspaper of the Township as required by N.J.S.A. 40A:11-5.

- 6. This Second Amendment to the contract is for a professional services contract and has been awarded without competitive bidding.
- 7. All Township officials and officers are hereby authorized and directed to take all action necessary to carry out the intent and purpose of this Resolution.

Resolution No. 266-2013 Offered by: Palombo Seconded by: Inserra Adopted: December 16, 2013

YES	NO	<b>ABSTAINED</b>	ABSENT
Х			
Х			
Χ			
Χ			
Χ			

12. Authorizing the total expenditure of \$22,235.00 for the rehabilitation of an income qualified home.

#### TOWNSHIP OF UPPER CAPE MAY COUNTY R E S O L U T I O N RESOLUTION NO. 267 -2013

# **RE:** AUTHORIZING THE TOTAL EXPENDITURE OF \$22,235.00 FOR THE REHABILITATION OF AN INCOME QUALIFIED HOME

WHEREAS, the Governing Body of Township of Upper has petitioned the Council on Affordable Housing (COAH), now known as the Fair Housing Act Administration (FHAA) for substantive certification of its Housing Element and Fair Share Plan, dated December 2008; and

**WHEREAS**, Township of Upper's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, <u>et</u>. <u>seq</u>.) and FHAA's Third Round Substantive Rules (<u>N.J.A.C</u>. 5:94-1, <u>et</u>. <u>seq</u>.); and

**WHEREAS**, the Township Committee of the Township of Upper has developed an Operating Manual for the Administration of Owner Occupied and Rental Rehabilitation Units (Rehab Manual) in accordance with the Uniform Housing Affordability Controls and the New Jersey Fair Housing Act and was approved by Township Committee Resolution No. 76-2012 ; and

**WHEREAS**, the Rehab Manual established a maximum of \$20,000.00 may be spent on each unit and any amount above that must be approved by Township Committee, and

**WHEREAS**, an approved income eligible property located at 284 Marshallville Road needs necessary repairs totaling \$22,235.00, and

**NOW THEREFORE BE IT RESOLVED**, the Township of Upper shall approve the expenditure of \$22,235.00 for the necessary repairs at 284 Marshallville Road in accordance with the Rehab Manual; and

**BE IT FURTHER RESOLVED**, Triad Associates, the Township's Administrative Agent for this program, shall administer the necessary contracts for the repairs at 284 Marshallville Road.

Resolution No. 267-2013 Offered by: Newman Seconded by: Inserra Adopted: December 16, 2013 Roll Call Vote:

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

13. Budget Transfers.

# TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

#### **RESOLUTION NO. 268 - 2013**

#### **RE: BUDGET TRANSFERS**

WHEREAS, budgetary transfers between line items can be made after November 1<sup>st</sup>;

and

WHEREAS, it is necessary to make transfers between certain line items of the

Municipal Budget of the Township of Upper.

#### 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 following transfers between line items in the Municipal Budget of the

Township of Upper shall be made immediately:

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Palombo

TO

#### FROM

DCRP-TWP. CONTRIBUTION			1 <sup>st</sup> AID ORGAN	IZATION S/W
\$100.	00		\$20,000.0	00
COMP ACC	UMULATED A	ABSENCES	<b>ROAD REPAIRS</b>	S & MAINT. S/W
\$30,0	00.00		\$20,000.0	00
STREET LIC	HTING O/E		<b>RECYCLING S/</b>	W
\$12,0	00.00		\$10,000.0	00
SPECIAL LI	TIGATION		TIPPING FEES	
\$20,0	00.00		\$12,600.0	00
	LATION O/E			
\$500.	00			
Resolution N	o. 268-2013			
Offered By: 0	Corson	Sec	onded By: Inserra	
•	cember 16, 201		5	
Roll Call Vot				
NAME	YES	NO	ABSTAINED	ABSENT
Barr	X			
Corson	X			
Inserra	X			
Newman	X			

14. Authorizing the Chief Financial Officer to sign a Group Renewal Agreement with Horizon Blue Cross Blue Shield of New Jersey for medical and prescription insurance.

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

#### **RESOLUTION NO. 269 - 2013**

#### RE: AUTHORIZING THE CHIEF FINANCIAL OFFICER TO SIGN A GROUP RENEWAL AGREEMENT WITH HORIZON BLUE CROSS BLUE SHIELD OF NEW JERSEY FOR MEDICAL AND PRESCRIPTION INSURANCE

WHEREAS, the Township wishes to accept a group renewal agreement with

Horizon Blue Cross Blue Shield of New Jersey to provide medical and prescription drug coverage for eligible employees effective January 1, 2014 attached hereto as Exhibit A; and

WHEREAS, the renewal of said agreement will be for a period of January 1, 2014 to

December 31, 2014.

#### 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.
- The Group Renewal Agreement between the Township of Upper and Horizon Blue Cross Blue Shield of New Jersey is approved and the Chief Financial Officer is hereby authorized, directed and empowered to execute said Group Renewal Agreement on behalf of the Township of Upper.
- 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. 269 -2013 Offered by: Inserra Seconded by: Barr Adopted: December 16, 2013

Roll Call Vote:			
NAME	YES	NO	ABSTAINED ABSENT
Barr	X		
Corson	X		
Inserra	X		
Newman	X		
Palombo	X		

15. Authorizing the Mayor to execute a Deed of Dedication and Perpetual Storm Damage Reduction Easement on behalf of the Township of Upper with respect to Block 851, Lot 12 owned by Henry and Grace Steenland for the Great Egg Harbor Inlet to Townsends Inlet, New Jersey Beach Replenishment Project.

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

#### **RESOLUTION NO. 270-2013**

# RE: AUTHORIZING THE MAYOR TO EXECUTE A DEED OF DEDICATION AND PERPETUAL STORM DAMAGE REDUCTION EASEMENT ON BEHALF OF THE TOWNSHIP OF UPPER WITH RESPECT TO BLOCK 851, LOT 12 OWNED BY HENRY AND GRACE STEENLAND FOR THE GREAT EGG HARBOR INLET TO TOWNSENDS INLET, NEW JERSEY BEACH REPLENISHMENT PROJECT

WHEREAS, the Township of Upper desires to participate in the United States Army Corps of Engineers Great Egg Harbor Inlet to Townsends Inlet, New Jersey project; and

WHEREAS, in order to participate in the project, Township officials must execute and submit to the NJDEP a "Deed of Dedication and Perpetual Storm Damage Reduction Easement" (Deed), attached hereto as Exhibit "A", for a certain tract of land identified as Block 851, Lot 12, on the official tax map of the Township of Upper; and

WHEREAS, the Township Committee does hereby authorize the Mayor to execute said Deed on behalf of the Township of Upper as Grantee on behalf of the Township of Upper with respect to Block 851, Lots 12 and deliver same to the appropriate governmental authorities.

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

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

2. The Mayor is hereby authorized to execute on behalf of the Township any and all documents required in connection with the Deeds of Dedication and Perpetual Storm Damage Reduction Easements so as to permit the Great Egg Harbor Inlet to Townsends Inlet, New Jersey Beach Fill Project to proceed. 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. 270-2013 Offered by: Corson Seconded by: Barr Adopted: December 16, 2013 Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Barr	X			
Corson	X			
Inserra	X			
Newman	X			
Palombo	X			

#### **ORDINANCES**

16. Public Hearing and final adoption of Ordinance No. 013-2013 RE: AN ORDINANCE ESTABLISHING SALARIES FOR THE TOWNSHIP OF UPPER FOR THE CALENDAR YEAR 2014. CFO Barbara Spiegel stated that there was one minor revision to the Ordinance to correct a change in a job title. During the public hearing there were no speakers. Motion by Jay Newman, seconded by Curtis Corson, to adopt Ordinance No. 013-2013. During roll call vote all five Committee members voted in the affirmative.

#### **TOWNSHIP OF UPPER**

#### CAPE MAY COUNTY

#### **ORDINANCE**

#### ORDINANCE NO. 013-2013

## AN ORDINANCE ESTABLISHING SALARIES FOR THE TOWNSHIP OF UPPER FOR THE CALENDAR YEAR 2014

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

SECTION 1: TITLE: This Ordinance shall be known as the Salary Ordinance of 2014.

SECTION 2: SALARIES: Salaries for the various officials and employees of the Township of Upper for the calendar year 2014 shall be as follows:

# POSITION

# (P/T denotes "Part-Time Position")

# A. ADMINISTRATIVE/REVENUE AND FINANCE:

Mayor	\$3,750.00	\$5,000.00
Township Committeeman	7,000.00	11,250.00
Township Tax Assessor	7,500.00	78,000.00
Deputy Tax Assessor	No Min.	550.00
Clerk 1 (P/T) (Assessor)	6,500.00	20.00 Hr.
Township Tax Collector	15,000.00	78,000.00
Deputy Tax Collector	No Min.	550.00
Clerk 1 (P/T) (Tax)	12.00 Hr.	20.00 Hr.
Township Clerk	15,000.00	78,000.00
Deputy Township Clerk (P/T)	525.00	2,000.00
Keyboarding Clerk 2	15,000.00	62,000.00
Keyboarding Clerk 1	15,000.00	52,000.00
Keyboarding Clerk 1 (P/T)	5.75 Hr.	18.00 Hr.
Keyboarding Clerk 1 (MAC)	No Min	4,950.00
Township Engineer	50,000.00	98,000.00
Chief Financial Officer	42,000.00	78,000.00
Purchasing Agent	35.00 Hr.	45.00 Hr.
Purchasing Agent/QPA	2,000.00	5,000.00
Assistant Finance Officer	No Min.	550.00
<b>Registrar of Vital Statistics/CMR(P/T)</b>	No Min.	4,000.00
Deputy Reg. Vital Statistics (P/T)	No Min.	2,000.00
Alt. Deputy Reg. Vital Statistics (P/T)	No Min.	2,000.00
Public Information Officer	No Min.	10,000.00
Data Information Coordinator/COOP	No Min.	3,500.00
Claims Coordinator	No Min.	3,500.00
Mun. Improvement Official (P/T)	No Min.	1,850.00
Tax Search Officer (P/T)	No Min.	1,850.00
Director of Public Asst. (P/T)	500.00	1,000.00
Personnel Officer (P/T)	No Min.	4,000.00
Asst. Personnel Officer (P/T)	No Min.	2,000.00
Computer Director	No Min.	\$1,500.00
Safety Coordinator	No Min.	3,500.00
Ass't Safety Coordinator	No Min.	1,500.00
Municipal Housing Liaison	No Min.	2,500.00

# **B. MUNICIPAL COURT:**

Municipal Judge (P/T)	15,000.00	50,000.00
Municipal Court Administrator	15,000.00	78,000.00

Deputy Mun. Court Administrator Municipal Prosecutor (P/T) Court Attendant (P/T) Municipal Public Defender (P/T)

15,000.00	68,000.00
No Min.	45,000.00
No Min.	\$250.00 per session
No Min.	25,000.00

# C. CODE ENFORCEMENT/ZONING ENFORCEMENT:

Construction Official	15,000.00	98,000.00
Building Subcode Official (P/T)	2,500.00	6,769.00
Electrical Subcode Official (P/T)	9,500.00	30,000.00
Electrical Inspector (P/T)	9,500.00	30,000.00
FireSub-CodeOff. (P/T)	2,500.00	4,900.00
Zoning Officer (P/T)	2,500.00	7,500.00
Deputy Zoning Officer	No Min.	550.00
Housing Officer/Code Enforce. (P/T)	2,500.00	7,500.00
Fire Prevention Official (P/T)	1,000.00	2,279.00
Plumbing Sub-Code Off. (P/T)	No Min.	12,000.00
Plumbing Inspector (P/T)	No Min.	6,524.00
Fire Protection Subcode Official (P/T)	No Min.	2,279.00
Keyboarding Clerk 1 (Construction)	12,000.00	56,000.00

## **D. PUBLIC SAFETY/EMERGENCY MANAGEMENT:**

Mun. Emerg. Management Coor. (P/T)	No Min.	12,000.00
Coord. 911 Emerg. Response, RTK	No Min.	2,000.00
Deputy Right to Know	No Min.	1,500.00
Deputy Dir. Emerg. Mgt. (P/T)	No Min.	2,845.00
Asst. Emerg. Mgt. (P/T)	No Min.	900.00
Lifeguard, 1st yr. Seasonal		11.00 Hr.
Lifeguard, 2nd yr. Seasonal		11.50 Hr.
Lifeguard, 3rd yr. to 4th yr.		12.20 Hr.
Lifeguard, 5th yr. and higher		12.50 Hr.
Hr. Lifeguard E.M.T.		\$4.00 Per Day
Captain Lifeguard Seasonal		23.00 Hr.
Lieutenant Lifeguard Seasonal		17.50 Hr.
Senior Lifeguard		14.25 Hr.
Emergency Medical Tech. –3 or more years	12,500.00	60,000.00
Emergency Medical Technician-2nd year	12,500.00	50,000.00
<b>Emergency Medical Technician-1st year</b>	12, 500.00	45,000.00
<b>Emergency Medical Technician (P/T)</b>	No Min.	13.50 Hr. 1st Yr
<b>Emergency Medical Technician (P/T)</b>	No Min.	14.00 Hr. 2nd Yr
School Crossing Guard (P/T)		13.00 Hr.
Chief Emergency Medical Technician		80,000.00
Deputy Chief Emergency Medical Technician		75,000.00
Sr. Emergency Medical Technician		70,000.00
Supervising Emergency Medical Technician		72,000.00
Supervising Emergency Medical Technician		Add'l \$1.00/Hr.
( <b>P</b> / <b>T</b> )		

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

Superintendent of Dublic Works	5 000 00	10 000 00
Superintendent of Public Works	5,000.00 12 500 00	10,000.00
Road Repairer Supervisor	12,500.00	88,000.00 82,000.00
Road Repairer 3	12,500.00 12,500.00	82,000.00
Supervisor Equipment Operator	·	70,000.00
Supervisor Maintenance Repairer	12,500.00	70,000.00
Supervising Carpenter	20,000.00	70,000.00
Sr. Carpenter (0-9 yrs.)	20,000.00	52,328.00 53 767 00
Sr. Carpenter (10 or more yrs.)	20,000.00	53,767.00
Carpenter (0-9 yrs.)	12,500.00 12,500.00	50,889.00
Carpenter (10 or more yrs.)	· · · · · · · · · · · · · · · · · · ·	52,328.00
Carpenter's Helper	12,500.00	50,889.00
Senior Mechanic (0-9 yrs.)	12,500.00	50,889.00
Senior Mechanic (10 or more yrs.)	12,500.00	55,721.00
Mechanic (0-9 yrs.)	12,500.00	51,846.00
Mechanic (10 or more yrs.)	12,500.00	53,285.00
Mechanics Helper (0-9 yrs.)	12,500.00	49,762.00
Mechanics Helper (10 or more yrs.)	12,500.00	51,201.00
Equipment Operator (0-9yrs.)	12,500.00	50,889.00
Equipment Operator (10 or more yrs.)	12,500.00	52,328.00
Truck Driver (0-9 yrs.)	12,500.00	49,680.00
Truck Driver (10 or more yrs.)	12,500.00	51,121.00
Laborer 1, 1st year	12,500.00	38,778.00
Laborer 1, 2nd year	12,500.00	40,818.00
Laborer 1, 3rd year	12,500.00	42,858.00
Laborer 1, 4th year	12,500.00	44,899.00
Laborer 1, 5th year	12,500.00	46,940.00
Laborer 1 (6-9 yrs.)	12,500.00	48,499.00
Laborer 1 (10 or more yrs.)	12,500.00	49,937.00
Laborer 1 (P/T)	5.00 Hr.	11.50 Hr.
Sr. Sanitation Inspector	12,500.00	52,328.00
Sanitation Inspector (0-9 yrs.)	12,500.00	50,889.00
Sanitation Inspector (10 or more yrs.)	12,500.00	52,328.00
Recycling Laborer	10,400.00	44,863.00
<b>Recycling Coordinator (P/T)</b>	No Min.	5,698.00
Assistant Recycling Coordinator (P/T)	No Min.	2,849.00
Maint. Worker 1, Grounds (0-9 yrs.)	12,500.00	50,889.00
Maint. Worker 1, Grds (10 or more yrs.)	12,500.00	52,328.00
<b>Building Maintenance Worker</b>	22,000.00	35,739.00
<b>Recreational Program Coordinator</b>	15,500.00	70,000.00
Maintenance Supervisor, Grounds	12,500.00	70,000.00
Maint. Worker 2, Grounds (0-9 yrs.)	11,500.00	50,889.00
Maint. Worker 2, Grds (10 or more yrs.)	11,500.00	52,328.00
Maintenance Repairer (0-9 yrs.)	10,500.00	50,889.00
Maintenance Repairer (10 or more yrs.)	10,500.00	52,328.00
Maint. Worker 1, Grounds (0-9 yrs.)	10,500.00	49,680.00
	<b>A</b> (	

Maint. Worker 1, Grds (10 or more yrs.)	10,500.00	51,121.00
Recreation Aide	9,500.00	48,499.00
Recreation Aide (P/T)	5.00/Hour	11.50/Hour
Beach Sweeper (Seasonal)	5.00/Hour	11.50/Hour
Playground Safety Inspector	500.00	1,000.00
Beach Inspector	No Min.	4,000.00
Boat Ramp Attendant	No Min.	12.00 Hr.
Skate Park Attendant	No Min.	12.00 Hr.
Recreation Advisory Bd. Secretary (P/T)	No Min.	2,200.00
Keyboarding Clerk 1 (Recreation)	12,500.00	45,000.00
Keyboarding Clerk 2 (Recreation)	12,500.00	54,000.00

#### F. BOARD OF HEALTH/ZONING BOARD/PLANNING BOARD:

Secretary Planning Board (P/T)	42,000.00
Per Meeting	100.00
Secretary Zoning Board of Adjustment (P/T)	42,000.00
Per Meeting	100.00
Attorney for the Board - Maximum Salary (Not to exceed)	22,000.00
Secretary Board of Health (P/T)	550.00

<u>G. TOWNSHIP COMMITTEE MEETING ATTENDANCE</u>: The Township Clerk and the Chief Financial Officer, in lieu of receiving compensatory time for attendance at meetings during non-business hours will receive \$100.00 per meeting.

**<u>H. MILEAGE</u>**: The standard rate per mile in accordance with I.R.S. regulations.

**<u>I. GIFT CARD AWARD OR BONUS</u>**: In addition to the salary set forth in this Ordinance, the Township Committee, by resolution, may award as a bonus any employee a gift card or gift cards not to exceed a total amount of \$200.00 for the year. Said award shall be by resolution of the Township Committee setting forth the amount of the gift card bonus.

J. EDUCATIONAL CERTIFICATION PAY RAISE: In addition to the salary set forth in this Ordinance upon resolution of the Township Committee, the Township Committee may give an increase in salary of \$1,000.00 to any employee that has satisfied educational certification requirements for his or her position in accordance with current Township policy. The Township Committee shall by resolution fix the pay increase in this regard and certify that the employee has satisfied the educational certification requirement.

SECTION 3: <u>LONGEVITY</u>: In addition to the compensation and benefits otherwise payable, certain employees shall be paid an additional sum based on longevity. Any payment based on longevity shall be in accordance with the following schedule:

#### **YEARS OF SERVICE**

#### AMOUNT OF INCREASE

#### **BASED ON LONGEVITY**

After 5 years	2%
After 10 years	4%
After 15 years	6%
After 20 years	8%
After 25 years	10%

**SECTION** 3A: RESTRICTIONS ON LONGEVITY **PAYMENTS:** Notwithstanding the provisions of Section 3 hereof, a longevity payment or longevity bonus to any single official, officer or employee of the Township of Upper shall not exceed the sum of Three Thousand (\$3,000.00) Dollars. If, as of January 1, 1997, any such official, officer or employee of the Township of Upper was entitled to a longevity payment in excess of Three Thousand (\$3,000.00) Dollars, then such individual shall be entitled to receive the amount to which he or she would have been entitled as of January 1, 1997 and each such official, officer or employee shall thereafter, in all subsequent years, receive a longevity payment or bonus in the amount paid as of Januarv 1, 1997. In no event shall the amount of longevity payments exceed the sum of Three Thousand (\$3,000.00) Dollars, except for those individuals who are entitled to receive in excess of Three Thousand (\$3,000.00) Dollars as of January 1, 1997 and all such individuals shall in 1997 and all succeeding years be restricted to a payment which does not exceed that which was payable on January 1, 1997.

SECTION 3B: LONGEVITY PAY ABOLISHED FOR CERTAIN EMPLOYEES: Any official, officer or employee who was employed by the Township of Upper on or after January 1, 1996 shall not be entitled to any longevity payment. Longevity pay is abolished for any and all officials, officers and employees hired on or subsequent to that date.

SECTION 4: RESOLUTION AS TO SALARIES: The salaries set forth in this Ordinance are the Maximum salaries to be paid for the various positions during 2014 and for such period or periods as this Ordinance shall remain in effect. Such maximum salaries shall be paid for each of the positions indicated unless the Township Committee, by Resolution shall fix a lesser salary, in which event such lesser amount shall be paid.

SECTION 5: EFFECTIVE DATE OF PAYMENT: All salaries authorized by this Ordinance shall be paid commencing as follows:

- (A) As of January 1, 2014 for all officials, officers and employees of the Township who were employed or appointed as of December 31, 2013. For those officials, officers and employees appointed at the Reorganization Meeting of the Township Committee, such persons shall be deemed appointed and employed by the Township as of January 1, 2014. This provision shall not apply to members of a Collective Bargaining Unit.
- (B) The payment of any salary increment and longevity payment for members of a Collective Bargaining Unit shall be made in accordance

with the provisions of the Collective Bargaining Agreement currently in effect, any other provisions herein to the contrary notwithstanding.

- (C) Upon the effective date of appointment for all officers and employees appointed subsequent to January 1, 2014.
- (D) Any salary increases provided for in this Ordinance shall not apply to any official, officer or employee of the Township who has resigned or otherwise terminated his or her employment with the Township of Upper prior to the effective date of this Ordinance.

**SECTION 6: REPEALER:** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 7: SEVERABILITY: If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION 8: EFFECTIVE DATE: This Ordinance shall take effect immediately upon passage and publication as required by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS

INTRODUCED FOR FIRST READING ON NOVEMBER 25, 2013 AND WILL BE

TAKEN UP FOR SECOND READING AND FINAL ADOPTION AT A MEETING OF

THE UPPER TOWNSHIP COMMITTEE TO BE HELD ON DECEMBER 16, 2013 AT

7:30 P.M.

#### BY ORDER OF THE TOWNSHIP COMMITTEE.

# BARBARA L. YOUNG, RMC TOWNSHIP CLERK

17. Public hearing and final adoption of Ordinance No. 015-2013 RE: AN ORDINANCE AMENDING BOND ORDINANCE NUMBERED 005-2013 OF THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, NEW JERSEY, FINALLY ADOPTED APRIL 8, 2013 IN ORDER TO MOVE A PORTION OF THE AGGREGATE APPROPRIATION AND A PORTION OF THE AGGREGATE AUTHORIZATION FROM SECTION 3(c) AND SECTION 3(g) TO SECTION 3(f) AND SECTION 3(h), RESPECTIVELY, TO AMEND THE DESCRIPTION OF THE PROJECTS IN SECTION 3(a) AND SECTION 3(c) AND TO AMEND THE AVERAGE USEFUL LIFE. During the public hearing there were no speakers. Motion by Jay Newman, seconded by Curtis Corson, to adopt Ordinance No. 015-2013. During roll call vote all five Committee members voted in the affirmative.

#### TOWNSHIP OF UPPER CAPE MAY COUNTY

#### **ORDINANCE**

#### **ORDINANCE NO. 015-2013**

RE: ORDINANCE AMENDING BOND ORDINANCE NUMBERED 005-2013 OF THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, NEW JERSEY, FINALLY ADOPTED APRIL 8, 2013 IN ORDER TO MOVE A PORTION OF THE AGGREGATE APPROPRIATION AND A PORTION OF THE AGGREGATE AUTHORIZATION FROM SECTION 3(c) AND SECTION 3(g) TO SECTION 3(f) AND SECTION 3(h), RESPECTIVELY, TO AMEND THE DESCRIPTION OF THE PROJECTS IN SECTION 3(a) AND SECTION 3(c) AND TO AMEND THE AVERAGE USEFUL LIFE.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section One. Section 3 of Bond Ordinance #005-2013 of the Township of Upper, in the County of Cape May, New Jersey (the "Township"), finally adopted April 8, 2013 ("Bond Ordinance #005-2013") is hereby amended to read as follows:

Purpose	Appropriation and Estimated <u>Cost</u>	Estimated Maximum Amount of Bonds or <u>Notes</u>	Period of <u>Usefulness</u>
b) The Paving Project, consisting of milling of existing surface and overlay of 2 inch bituminous surface course with ancillary work, including concrete curb and sidewalk, signs and drainage work, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$1,500,000	\$1,425,000	10 years
c) The replacement of the boat ramp, consisting of engineering work, permits and the installation of a new pier and floating docks, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$200,000	\$190,000	10 years
d) Recreational field improvements, consisting of fencing, irrigation, baseball dugouts, the sewer pump station, the restroom building and sports field lighting and improvements to Golden Oak Playground, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$166,000	\$157,700	15 years
e) Replacement of the Town Hall roof, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$100,000	\$95,000	10 years
f) The Building/Facility Security Project, consisting of the acquisition and installation of web enable cameras and recording equipment at Township Hall, the Community Center, Caldwell Park and Amanda's Field and the installation of bullet-resistant windows at Town Hall, including all related costs and expenditures incidental thereto and further	\$150,000	\$142,500	10 years
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including all work and materials necessary therefor and incidental thereto.

g) Acquisition of various equipment, consisting of an emergency generator for the Rescue Squad, a vehicle fueling system and a vehicle lift, including all related costs and expenditures incidental thereto.	\$83,000	\$78,850	15 years
h) Acquisition of portable radios for the Public Works Department and the Rescue Squad, including all related costs and expenditures incidental thereto.	\$36,000	\$34,200	10 years
i) Acquisition of a portable tent for use as an emergency shelter, including all related costs and expenditures incidental thereto.	\$ <u>6,500</u>	\$ <u>6,175</u>	5 years
	\$ <u>6,500</u> \$ <u>3,748,000</u>	\$ <u>6,175</u> \$ <u>3,560,600</u>	

Section Two. Section 6(b) of Bond Ordinance #005-2013 is hereby amended to read as follows:

"The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 8.31 years."

Section Three. The appropriation and the amount of bonds or notes for the purposes described in Section 3(f) of Bond Ordinance #005-2013 are hereby increased by \$100,000 and \$95,000, respectively, to \$150,000 and \$142,500, respectively, such amounts representing a portion of the aggregate appropriation and a portion of the aggregate authorization for the purposes described in Section 3(c) of Bond Ordinance #005-2013.

Section Four. The appropriation and the amount of bonds or notes for the purposes described in Section 3(c) of Bond Ordinance #005-2013 are hereby decreased by \$100,000 and \$95,000, respectively, to \$200,000 and \$190,000, respectively.

Section Five. The appropriation and the amount of bonds or notes for the purposes described in Section 3(h) of Bond Ordinance #005-2013 are hereby increased by \$22,000 and \$20,900, respectively, to \$36,000 and \$34,200, respectively, such amounts representing a portion of the aggregate appropriation and a portion of the aggregate authorization for the purposes described in Section 3(g) of Bond Ordinance #005-2013.

Section Six. The appropriation and the amount of bonds or notes for the purposes described in Section 3(g) of Bond Ordinance #005-2013 are hereby decreased by \$22,000 and \$20,900, respectively, to \$83,000 and \$78,850, respectively.

Section Seven. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section Eight. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

#### **CORRESPONDENCE**

#### NEW BUSINESS

18. Country Shore Women's Club requests to hold a 50/50 raffle at the Upper Township Community Center on February 8, 2014. Motion by Jay Newman, seconded by Curtis Corson, to approve the request. During roll call vote all five Committee members voted in the affirmative.

#### **UNFINISHED BUSINESS:**

#### **DISCUSSION**

19. Request for Resolution from Julius N. Konschak on behalf of 2058 South Shore Road, LLC. Paul Dietrich reported that this project was included on the Township's adopted Wastewater Quality Management plan map and submitted to the NJDEP. This resolution is a formality to further the permitting process for this specific project since the Township's WQM plan has not been approved by the DEP as of yet. Motion by Jay Newman, second by Edward Barr, to adopt the requested Resolution as Resolution No. 271-2013.

## TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

#### **RESOLUTION NO. 271-2013**

# RE: AN AMENDMENT TO THE UPPER TOWNSHIP WASTEWATER MANAGEMENT PLAN AND CAPE MAY COUNTY WATER QUALITY MANAGEMENT (WQM) PLAN

WHEREAS, 2058 South Shore Road, L.L.C. is requesting the Township of Upper provide a Resolution for an amendment to the Upper Township Wastewater Management Plan and Cape May County Water Quality Management Plan; and

WHEREAS, 2058 South Shore Road, L.L.C. proposes to construct the Osprey Village Mobile Home Park, consisting of 110 age-restricted single family mobile home dwellings, clubhouse and related improvements on Block 561 Lot 25 in the Marmora Section of Upper Township; and

WHEREAS, the property at 2058 South Shore Road (Block 561, Lot 25) is located in a MH Zone, in which the proposed Mobile Home Park is a permitted use; and

WHEREAS, these proposed residential units will have an anticipated sewage flow of 21,550 gallons per day utilizing the wastewater flow criteria of N.J.A.C. 7:14A-23.3; and

WHEREAS, 2058 South Shore Road, L.L.C. is applying to the New Jersey Department of Environmental Protection for an amendment to the Cape May County Water Quality Management Plan; and

**WHEREAS**, the New Jersey Department of Environmental Protection requires that the proposed wastewater treatment and conveyance facilities and

wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM Plan; and

WHEREAS, the Upper Township Planning Board granted Preliminary Major Site Plan Approval and certain variances for this project by Resolution No. PB 02-12; and

**WHEREAS,** the Plan Amendment proposes a sewer service area in Township of Upper to serve the proposed Osprey Village residential community; and

WHEREAS, the Osprey Village residential community project will have a projected wastewater flow of 21,550 gallons per day (gpd) discharge to groundwater (DGW); and

WHEREAS, the property is included in the Map of Proposed Existing And Proposed Sewer Service Areas, prepared by the Township Engineer dated April, 2012, and endorsed by the Resolution of the Township of Upper Committee, Resolution No. 118-2012, entitled "Endorsing Wastewater Facilities and Service Map", dated May 14, 2012 ; and

**WHEREAS,** the Township of Upper Committee has determined that the proposed discharge for the residential development is in compliance with the Township Zoning and Municipal requirements for this parcel of land within the municipality.

**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 finds that the proposed project will benefit the Township and there is the need for such affordable housing in Marmora.

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- 3. The Township Committee recommends that the County of Cape May and the New Jersey Department of Environmental Protection approve the amendment to the Cape May County Water Quality Management Plan for a sewage flow of 21,550 gallons.
- The Township of Upper Committee hereby finds the proposed plan amendment is in compliance with the Township of Upper Wastewater Management (WMP) as follows:

A. To permit the discharge for the proposed wastewater treatment facility;

B. To provide for "on-site groundwater discharge" area

designation for Block 561, Lot 25.

5. This Resolution shall be submitted to the Cape May County Board of

Chosen Freeholders, NJDEP and all other interested parties.

Resolution No. 271-2013 Offered by: Newman Seconded by: Barr Adopted: December 16, 2013 Roll Call Vote:

NAME	YES	NO	ABSTAINED ABSENT	
Barr	X	·		
Corson	X			
Inserra			X	
Newman	X			
Palombo	X			

# **PAYMENT OF BILLS:**

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

Bills approved for payment: \$45,801.40 Payroll: \$ 0.00

# **REPORT OF MUNICIPAL DEPARTMENTS:**

# PUBLIC COMMENT

# Arthur Treon, Deputy Coordinator, Cape May County Office of Emergency

**Management**, expressed his confidence, admiration and respect for the Township's Director of Emergency Management and Deputy Director.

# **CLOSED SESSION**

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

# TOWNSHIP OF UPPER RESOLUTION NO. 272-2013 MOTION GOING INTO CLOSED SESSION December 16, 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

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.

Moved by: Newman Motion seconded by: Palombo 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 11:20 P.M. Next meeting scheduled is the 2014 Reorganization meeting on Friday January 3, 2014 at 6:30 P.M. The next regular meeting will be held on January 13, 2014 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC Municipal Clerk

#### **Bill List**

62039 12/16/13 A0035 AIRLINE HYDRAULIC CORP. 463.65 2808 62040 12/16/13 A0118 AMERICAN SHORE & BEACH 500.00 2808 62041 12/16/13 A0167 HESS CORPORATION 4,548.37 2808 62042 12/16/13 B0068 BLACKLEDGE, MELISSA 2,000.00 2808 62043 12/16/13 B0178 BUGANSKI, PETER R. 326.12 2808 62044 12/16/13 C0031 CAPE ASSIST 1,200.00 2808 62045 12/16/13 C0078 CARTER, EDWARD, SR. 275.92 2808 62046 12/16/13 C0182 CDW GOVERNMENT, INC 5,950.81 2808 62047 12/16/13 C0186 CUB SCOUT PACK #55 300.00 2808 62048 12/16/13 C0223 CASA PAYROLL SERVICE 243.05 2808 62049 12/16/13 C0230 CATAMARAN MEDIA COMPANY 54.00 2808 62050 12/16/13 C0242 CORE MECHANICAL, INC. 449.50 2808 62051 12/16/13 D0016 DALEYS PIT 200.00 2808 62052 12/16/13 D0080 DOWNAM, HARRY J. JR. 229.08 2808 62053 12/16/13 G0074 GPA OF NEW JERSEY, INC. 100.00 2808 62054 12/16/13 H0018 HAROLD RUBIN/L & H SUPPLY 503.39 2808 62055 12/16/13 H0148 THOMAS H. HEIST INS AGENCY INC 405.00 2808 62056 12/16/13 J0040 JOHNSON & TOWERS, INC. 955.00 2808 62057 12/16/13 J0072 JERSEY WEB DESIGNS 1,000.00 2808 62058 12/16/13 K0075 KENNEY, JOSEPH T 400.00 2808 62059 12/16/13 L0087 LINE SYSTEMS INC 2,897.31 2808 62060 12/16/13 M0076 MGL PRINTING SOLUTIONS 559.00 2808 62061 12/16/13 M0142 MASON, NICHOLAS 203.97 2808 62062 12/16/13 M0206 McCARDELL, JOHN 600.00 2808 62063 12/16/13 N0043 NAPA AUTO PARTS 272.23 2808 62064 12/16/13 N0052 NATL YOUTH SPORTS COACHED ASSN 20.00 2808 62065 12/16/13 N0114 NORTHERN TOOL & EQUIPMENT CO. 90.63 2808 62066 12/16/13 P0008 PALMER, NANCY 79.65 2808 62067 12/16/13 P0083 PRICE, DYLAN 26.00 2808 62068 12/16/13 P0096 PREVITI, MICHELE M. 673.36 2808 62069 12/16/13 P0121 PENGUIN MANAGEMENT, INC 9,300.00 2808 62070 12/16/13 R0030 RIGGINS, INC. 4,250.57 2808 62071 12/16/13 R0044 RODIO TRACTOR SALES INC 879.49 2808 62072 12/16/13 S0018 SUBURBAN PROPANE, LP 1,098.32 2808 62073 12/16/13 S0067 SECOND CAPE MAY BAPTIST 300.00 2808 62074 12/16/13 S0108 SOUTHERN NEW JERSEY NIGP 80.00 2808 62075 12/16/13 S0109 SNAP-ON-INDUSTRIAL 245.92 2808 62076 12/16/13 S0209 STAPLES ADVANTAGE 322.16 2808 62077 12/16/13 T0005 TCTA OF NEW JERSEY 100.00 2808 62078 12/16/13 T0018 TEKK COMM COMMUNICATIONS 163.00 2808 62079 12/16/13 T0020 TERWILLIGER, DUANE E. 150.00 2808 62080 12/16/13 T0032 THE PRESS & SUNDAY PRESS 891.48 2808 62081 12/16/13 T0036 THIS AND THAT 428.14 2808 62082 12/16/13 T0057 TOBIASEN, ANDREW 26.00 2808 62083 12/16/13 T0067 TOWNSHIP OF UPPER PETTY CASH 2.00 2808 62084 12/16/13 V0005 VAN EMBDEN, NATHAN, ATTORNEY 675.00 2808 62085 12/16/13 V0022 VERIZON 185.81 2808 62086 12/16/13 V0024 VAL-U AUTO PARTS L.L.C. 45.99 2808 62087 12/16/13 W0037 WALLACE REFRIGERATION 1,100.00 2808 62088 12/16/13 Y0020 YOUNG, BARBARA L. 31.48 2808

Total: \$45,801.40