

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR JULY 14, 2014**

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Edward Barr	Present
John Coggins	Present
Antonio Inserra	Present
Hobart Young	Present
Richard Palombo	Present

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

APPROVAL OF MINUTES - June 9, 2014 Regular Meeting and Closed Session Minutes “A” and “B”
and
June 23, 2014 Regular Meeting and Closed Session Minutes “A” and “B”

Motion by John Coggins, second by Edward Barr, to approve the June 9th and June 23rd Regular Meeting and Closed Session Minutes as submitted. During roll call vote, all five Committee members voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Hobie Young, Committeeman, reported that Upper Township Football recently had their summer camp which had a very good turnout. He next reported that the Little League and Babe Ruth teams have done very well at the State Championship level. He next thanked all of the participants of the July 4th celebration events at Amanda’s Field. The event was a great success, and plans are already underway for next year.

Anthony Inserra, Committeeman, requested the Township to move forward with the purchase of a third automatic trash collection vehicle. Bids for the automated vehicle were received on June 12th. A resolution accepting the bid and awarding a contract will be placed on the next agenda. He next reported that the Department of Public Works is working to change the lettering on all of their vehicles to say Department of Public Works.

Edward Barr, Committeeman, congratulated Committeeman Young on the great 4th of July event. He next thanked the NJ State Police, the Sheriff's department, the Rescue Squad, and the fire companies for their help with security during the event. He next thanked Paul Dietrich for installing the speed bumps on Martintown Road and Luke Court.

Richard Palombo, Mayor, reported that he has received a resignation from employee Janet McCrosson for her seat on the Planning Board. He requested that Township employees be notified of the open position if any would like to serve. He reported that there is also an opening on the Zoning Board. Any resident who wishes to serve is encouraged to submit their resume to the Township Clerk. He next congratulated the Beach Patrol for their performance in the recent Lifeguard competitions.

OTHER REPORTS

Daniel Young, Municipal Attorney, reported that there are a number of items for Closed Session.

Paul Dietrich, Municipal Engineer, reported that New Jersey American Water has notified the Township that the new well for the water supply in Strathmere has received approval from the NJDEP. The old well on Vincent Road will be removed and the street will be rebuilt.

PRESENTATIONS

1. **Presentation by Alice Teal of a spear for the top of the New Jersey State Flag.** Ms. Teal stated that only the American Flag should have the highest honor of the eagle finial on the top of the staff. She then presented her generous donation of a spear for the top of the New Jersey State Flag.
2. **Presentation of JIF Membership benefits.** Paul Miola, Executive Director, gave a brief presentation on the benefits and cost savings to members of the Joint Insurance Fund.
3. **Law Enforcement updates by Lieutenant Pearson, New Jersey State Police.** Lieutenant Pearson gave a brief report on the number and types of incidents throughout the Township for the past quarter. He next stated that any resident, who wishes to address any issues or concerns that affect Upper Township, is encouraged to attend the Chat with a Trooper program on Thursday July 17th at Ralph's Bagels. He stated that the Township's 4th of July event was well attended and was a great success for the Township. Committeeman Young thanked Lieutenant Pearson for the police presence at the event.

RESOLUTIONS

4. Adopting a policy for the display of the Flag of the United States of America at half-staff.

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

RESOLUTION NO. 163-2014

**RE: ADOPTING A POLICY FOR THE DISPLAY OF THE FLAG OF THE
UNITED STATES OF AMERICA AT HALF-STAFF**

WHEREAS, it is appropriate that we salute the men and woman who have selflessly sacrificed for our country and show our gratitude to all who continue to defend our great Nation and protect our communities by the display of the American Flag at half-staff on Memorial Day, Patriot Day, Pearl Harbor Day, Peace Officers Memorial Day and as directed by the President of the United States or the Governor of the State of New Jersey to honor the memory of certain recently deceased individuals; and

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 do hereby establish a policy to observe these solemn days of remembrance by directing that the flag of the United States of America shall be flown at half-staff at all Upper Township government buildings on “Memorial Day”, “Patriot Day”, “Pearl Harbor Day”, “Peace Officers Memorial Day”, and as a mark of respect to the memory of certain recently deceased individuals as ordered by the President of the United States or by the Governor of the State of New Jersey; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that this Township Committee joins with all citizens of our community to respectfully display the flag at half-staff on these designated days of remembrance.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 14th day of July, 2014.

Resolution No. 163-2014

Offered by: Barr

Seconded by: Coggins

Adopted: July 14, 2014

Roll Call Vote:

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

5. Congratulating employee Stewart Segin of the Upper Township Department of Public Works for his winning entry in the Upper Township Safety Award Program for the 3rd quarter of 2014.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO.164-2014**

**RE: CONGRATULATING EMPLOYEE STEWART SEGIN
OF THE UPPER TOWNSHIP DEPARTMENT OF PUBLIC WORKS
FOR HIS WINNING ENTRY IN
THE UPPER TOWNSHIP SAFETY AWARD PROGRAM
FOR THE 3RD QUARTER OF 2014**

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

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

WHEREAS, Stewart should be publicly recognized for reporting the hazard of a curb in need of repair in front of Municipal Hall creating a potential danger to employees and the community; and

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

1. That the Committee extends its appreciation and publicly recognizes Stewart Segin on his commitment to safety by his identifying a potential safety hazard and offering a suggestion through participation in the program.
2. That the Committee, on behalf of our employees and the citizens of the Township of Upper, extend to Stewart Segin our congratulations and present him with the "Safety Day Award" of one day off with pay.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 14th day of July, 2014.

Resolution No. 164-2014

Offered by: Barr

Seconded by: Inserra

Adopted: July 14, 2014

Roll Call Vote:

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

- 6. Authorizing the purchase of a Toro Infield Pro 3040 from the 2013 Capital Improvement Bond Ordinance in the amount of \$17,807.51 through the National Intergovernmental Purchasing Alliance Company (National IPA).

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 165-2014

**RE: AUTHORIZING THE PURCHASE OF A TORO INFIELD PRO 3040
FROM THE 2013 CAPITAL IMPROVEMENT BOND ORDINANCE
IN THE AMOUNT OF \$17,807.51 THROUGH THE NATIONAL INTERGOVERNMENTAL
PURCHASING ALLIANCE COMPANY (NATIONAL IPA)**

WHEREAS, it is necessary for the Township of Upper to make certain capital purchases; and

WHEREAS, the Township Committee adopted the 2013 Capital Improvement Bond Ordinance No. 005-2013 on April 8, 2013 and subsequently amended on December 16, 2013 and again on April 14, 2014; and

WHEREAS, N.J.S.A. 52:34-6.2 allows the Township of Upper to utilize national cooperative contracts as a method of procurement; and

WHEREAS, the Township of Upper intends to purchase a Toro Infield Pro 3040 from Turf Equipment and Supply Co., LLC through the National Intergovernmental Purchasing Alliance Company (National IPA) as herein indicated; and

WHEREAS, Turf Equipment and Supply Co., LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Turf Equipment and Supply Co., LLC 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 Turf Equipment and Supply Co., LLC 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 from the 2013 Capital Improvement Bond; and

WHEREAS, the Chief Financial Officer also confirmed that the Township has complied with N.J.S.A. 52:34-6.2 as well as all other legal requirements for this method of procurement; 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 of the Township of Upper, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with Turf Equipment and Supply Co., LLC for the purchase of a Toro Infield Pro 3040 through the National Intergovernmental Purchasing Alliance Company (National IPA) in the amount of \$17,807.51.
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, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 165-2014

Offered by: Young

Seconded by: Inserra

Adopted: July 14, 2014

Roll Call Vote:

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

7. Authorizing the purchase of an ODB Trailer Mounted Vacuum Debris Collector from the 2013 Capital Improvement Bond Ordinance in the amount of \$36,787.00 through the National Joint Powers Alliance (NJPA).

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO.166-2014

**RE: AUTHORIZING THE PURCHASE OF AN
ODB TRAILER MOUNTED VACUUM DEBRIS COLLECTOR FROM THE
2013 CAPITAL IMPROVEMENT BOND ORDINANCE IN THE AMOUNT OF \$36,787.00
THROUGH THE NATIONAL JOINT POWERS ALLIANCE (NJPA)**

WHEREAS, it is necessary for the Township of Upper to make certain capital purchases; and

WHEREAS, the Township Committee adopted the 2013 Capital Improvement Bond Ordinance No. 005-2013 on April 8, 2013 and subsequently amended on December 16, 2013 and again on April 14, 2014; and

WHEREAS, N.J.S.A. 52:34-6.2 allows the Township of Upper to utilize national cooperative contracts as a method of procurement; and

WHEREAS, the Township of Upper intends to purchase an ODB Trailer Mounted Vacuum Debris Collector Model SCL800TM25 from Old Dominion Brush Co., Inc. through the National Joint Powers Alliance (NJPA) as herein indicated; and

WHEREAS, Old Dominion Brush Co., Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Old Dominion Brush Co., 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 Old Dominion Brush Co., 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 from the 2013 Capital Improvement Bond; and

WHEREAS, the Chief Financial Officer also confirmed that the Township has complied with N.J.S.A. 52:34-6.2 as well as all other legal requirements for this method of procurement; 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 of the Township of Upper, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with Old Dominion Brush Co., Inc. for the purchase of an ODB Trailer Mounted Vacuum Debris Collector Model SCL800TM25 through the National Joint Powers Alliance (NJPA) in the amount of \$36,787.00.
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, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 166-2014
Offered by: Inserra Seconded by: Coggins
Adopted: July 14, 2014

Roll Call Vote:

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

8. Renewing Mobile Home Park licenses.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 167-2014

RE: RENEWING MOBILE HOME PARK LICENSES

WHEREAS, each of the Mobile Home Parks hereinafter designated has

attested that the operation of the mobile home park is in compliance with all applicable New Jersey Statutes and the rules and regulations promulgated pursuant thereto.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The following mobile home park licenses are hereby renewed for a term of (1) one year, commencing August 1, 2014.

**HIDDEN PINES MOBILE HOME PARK
 1414 SOUTH SHORE ROAD
 OCEAN VIEW, NJ 08230
 10 Sites**

**PINE HILL MOBILE PARK, INC.
 430 ROUTE 9 SOUTH
 MARMORA, NJ 08223
 132 Sites**

**OCEAN BEACH TRAILER RESORT
 1100 SO.COMMONWEALTH AVENUE
 P.O. BOX 90
 STRATHMERE, NJ 08248
 100 Sites**

**SHORE ACRES MOBILE HOME PARK, LLC
 1621 SOUTH SHORE ROAD
 OCEAN VIEW, NJ 08230
 200 Sites**

3. All officials of the Township are hereby authorized to take such action as necessary or required in order to carry out the intent and purpose of this Resolution.
4. This Resolution shall become effective immediately upon adoption.

Resolution No. 167 -2014

Offered by: Barr

Seconded by: Palombo

Adopted: July 14, 2014

Roll Call Vote:

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

9. Renewing Campground licenses.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY**

RESOLUTION

RESOLUTION NO. 168-2014

RE: RENEWING CAMPGROUND LICENSES

WHEREAS, Chapter XII of the Code of Upper Township provides for the renewal of licenses to operate a Campground annually after certification by the Cape May County Board of Health; and

WHEREAS, each of the Campgrounds hereinafter designated has had an on-site inspection conducted by the Cape May County Board of Health and it has been attested that the operation of the campground is in compliance with all applicable New Jersey Statutes and the rules and regulations promulgated pursuant thereto.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The following campground licenses are hereby renewed for a term of (1) one year, commencing August 1, 2014.

**OAK RIDGE RESORT CONDO ASSOC.
516 ROUTE US 9, SOUTH
MARMORA, NJ 08223
240 Sites**

**PLANTATION CAMPGROUND
60 CORSON TAVERN ROAD
SEAVILLE, NJ 08230
223 Sites**

**BAYBERRY COVE RESORT CONDO
435 ROUTE 9
MARMORA, NJ 08223
307 Sites**

**SEAVILLE SHORES TRAILER RESORT
98 CORSON TAVERN ROAD
SEAVILLE, NJ 08230
275 Sites**

**SHADY OAKS
64 ROUTE 50
SEAVILLE, NJ 08230
218 Sites**

**ECHO FARMS RV RESORT
3066 ROUTE US 9 SOUTH
SEAVILLE, NJ 08230
241 Sites**

**OCEAN SANDS RESORT
56 ROUTE 50
SEAVILLE, NJ 08230
217 Sites**

**WHIPPOORWILL CAMPGROUND
810 ROUTE US 9 SO.
MARMORA, NJ 08223
288 Sites**

**FRONTIER CAMPGROUND
241 ROUTE 50
GREENFIELD, NJ 08230
196 Sites**

**SCENIC RIVERVIEW CAMPGROUND
465 ROUTE 49
P.O. BOX 184
TUCKAHOE, NJ 08250
125 Sites**

**SHOREBIRDS CAMPGROUND
1314 STAGECOACH ROAD
PALERMO, NJ 08230
100 Sites**

3. All officials of the Township are hereby authorized to take such action as necessary or required in order to carry out the intent and purpose of this Resolution.
4. This Resolution shall become effective immediately upon adoption.

Resolution No. 168- 2014
Offered by: Young
Adopted: July 14, 2014

Seconded by: Inserra

Roll Call Vote:

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

5. Authorizing the execution of a contract renewing membership in the Atlantic County Municipal Joint Insurance Fund.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 169 -2014

**RE: AUTHORIZING THE EXECUTION OF A CONTRACT RENEWING MEMBERSHIP IN
THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the Township of Upper (hereinafter the "MUNICIPALITY") is a member of the Atlantic County Municipal Joint Insurance Fund (hereinafter the "FUND"); and

WHEREAS, the MUNICIPALITY'S membership terminates as of January 1, 2015 unless earlier renewed by a Contract between the MUNICIPALITY and the FUND; and

WHEREAS, N.J.S.A. 40A:11-5 (1) (m) provides that a Contract which exceeds the bid threshold may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor, if the subject matter is for the purchase of insurance coverage and consultant services, provided that the award is in accordance with the requirements for extraordinary unspecifiable services; and

WHEREAS, N.J.S.A. 40A:11-6.1(b) provides that the MUNICIPALITY shall make a documented effort to secure competitive quotations; however, a Contract may be awarded upon a determination, in writing, that the solicitation of competitive quotations is impracticable; and

WHEREAS, in accordance with N.J.A.C. 5:34-2.3, a designated official of the MUNICIPALITY, has filed a certificate with the governing body describing in detail, as set forth below in this Resolution, why this Contract meets the provisions of the statutes and the regulations and why the solicitation of competitive quotations is impracticable; and

WHEREAS, it has been determined that the purchase of insurance coverage and insurance consultant services by the MUNICIPALITY requires a unique knowledge and understanding of the municipal exposures and risks associated with the operation of a municipal entity, and many insurance professionals are not qualified to assess these risks and exposures based upon their inherent complexity; and

WHEREAS, insurance coverage for municipal entities can vary greatly in the type, limits, and exceptions to coverage, and therefore particularized expertise in determining and obtaining the appropriate coverage is required to protect the MUNICIPALITY; and

WHEREAS, it is the goal of the MUNICIPALITY to obtain a single integrated program to provide all types of insurance coverage with a plan to limit the MUNICIPALITIES exposure; and

WHEREAS, the FUND has provided comprehensive insurance coverage to member municipalities since 1987; and

WHEREAS, since 1987, the Fund has continually refined all of the types of coverage that it provides to its members so that it offers comprehensive insurance coverage and limits to all members that is unique and cannot be purchased from a single entity in the commercial insurance market; and

WHEREAS, the FUND has also developed and made available to its members Safety, Risk Management and Litigation Management programs that address the specific exposures and risks associated with municipal entities; and

WHEREAS, the FUND provides the MUNICIPALITY with Fund Administration, Claims Review, Claims Processing, Claims Administration, Actuarial and Legal services; and

WHEREAS, the FUND is one of the most financially sound Municipal Joint Insurance Funds in New Jersey, and the FUND operates with strong fiscal controls, member oversight, and meets all of the requirements promulgated by the New Jersey Department of Community Affairs and the Department of Banking and Insurance; and

WHEREAS, as an existing member of the FUND, the MUNICIPALITY would be renewing its membership in an organization with experienced and dedicated FUND Professionals who provide specialized services to the members; and

WHEREAS, the membership of the FUND includes many neighboring municipalities that uniquely have similar exposures to the MUNICIPALITY, and with whom the MUNICIPALITY has existing inter-local arrangements; and

WHEREAS, all of the aforementioned factors categorize the award of this Contract as an “extraordinary, unspecifiable service” that cannot be duplicated, accounted for, accurately detailed, or described in a manner that truly depicts the value of the MUNICIPALITY’S membership in the FUND; and

WHEREAS, for all of the aforementioned reasons, it is impracticable for the MUNICIPALITY to seek competitive quotations for a Contract to provide the procurement of insurance coverage and consultant services; and

WHEREAS, the FUND has been organized pursuant to N.J.S.A. 40A:10 36 et seq., and as such is an agency of the municipalities that created it; and

WHEREAS, N.J.S.A. 40A:11-5(2) also provides that a Contract which exceeds the bid threshold may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor, if the Contract is entered into with a municipality or any board, body, officer, agency or authority thereof; and

WHEREAS, the FUND meets the definition of an agency as set forth in N.J.S.A. 40A:11-5(2); and

WHEREAS, for all of the aforementioned reasons, the MUNICIPALITY desires to enter into a Contract to renew its membership with the FUND for a period of three (3) years, for insurance coverage and consultant services, as an exception to the public bidding requirements of the Local Public Contracts Law.

NOW THEREFORE, be it resolved by the governing body of the MUNICIPALITY as follows:

1. The MUNICIPALITY agrees to renew its membership in the FUND and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the FUND.

2. The Mayor and Clerk of the MUNICIPALITY shall be and hereby are authorized to execute the "Contract to Renew Membership" annexed hereto and made a part hereof and to deliver same to the FUND evidencing the MUNICIPALITY’S renewal of its membership.

3. In accordance with N.J.A.C. 5:34-2.3, the certificate of a designated official of the MUNICIPALITY, which details why the solicitation of competitive quotations is impracticable, is attached hereto and made a part of this Resolution.

4. The Clerk of the MUNICIPALITY is authorized and directed to place a notice of the adoption of this Resolution and the award of this Contract in the official newspaper of the MUNICIPALITY.

Resolution No. 169-2014
Offered by: Coggins
Adopted: July 14, 2014

Seconded by: Inserra

Roll Call Vote:

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

6. Authorizing the Township of Upper to enter into a contract with Danziger & Markhoff, LLP for Actuarial Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 170 -2014

**RE: AUTHORIZING THE TOWNSHIP OF UPPER TO ENTER
INTO A CONTRACT WITH DANZIGER & MARKHOFF, LLP
FOR ACTUARIAL SERVICES**

WHEREAS, the Township of Upper has a need for an actuarial analysis of the Township's financial liability in compliance with GASB Statement No. 45 – Accounting and Financial Reporting by Employers for Post-employment Benefits Other than Pensions; and

WHEREAS, the Township of Upper solicited quotes for GASB Statement No. 45-related Actuarial Services, which quotes were received on June 17, 2014; and

WHEREAS, the aforesaid quotes were thereafter reviewed by the Upper Township Chief Financial Officer and a recommendation was submitted to the Township Committee; and

WHEREAS, the Township intends to take formal action awarding the contract to Danziger & Markhoff, LLP for Actuarial Services as hereinafter provided; and

WHEREAS, Danziger & Markhoff, LLP has completed and submitted a Business Entity Disclosure Certification which certifies that Danziger & Markhoff, LLP 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 Danziger & Markhoff, LLP 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 Danziger & Markhoff, LLP, of 123 Main Street 9th Floor, White Plains, New York 10601, for GASB Statement No. 45-related Actuarial Services.
3. The contract is awarded without competitive bidding in accordance with N.J.S.A. 40A:11-3 of the New Jersey Local Public Contract Law because the aggregate cost of the contract awarded to Danziger & Markhoff, LLP will not exceed the bid threshold during the term of said contract.
4. The contract shall have a term of one (1) year commencing upon full execution.
5. 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 the 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.

6. Danziger & Markhoff, LLP 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.

7. A notice of this contract award shall be published in the official newspaper of the Township of Upper within ten (10) days from the date of adoption.

8. This Resolution shall be effective as of adoption.

Resolution No. 170-2014

Offered by: Coggins

Seconded by: Young

Adopted: July 14, 2014

Roll Call Vote:

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

7. Consenting to the County of Cape May purchase of land known as Block 559, Lots 22, 23, 25, and 26, on the Official Tax Map of the Township of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

R E S O L U T I O N

RESOLUTION NO. 171-2014

**RE: CONSENTING TO THE COUNTY OF CAPE MAY PURCHASE OF LAND
KNOWN AS BLOCK 559, LOTS 22, 23, 25, AND 26, ON THE OFFICIAL TAX MAP
OF THE TOWNSHIP OF UPPER**

WHEREAS, the Cape May County Agriculture Development Board has granted final approval for the purchase of a Development Easement on property owned by Curtis T. Corson, Jr. and Elizabeth A. Corson, designated as 30 acres, Block 559, Lots 22, 23, 25, and 26, also known as 3071, 3065, 3057, and 3055 Route 9 South, Seville, Cape May County, New Jersey,

and on the Official Tax Map of the Township of Upper; and

WHEREAS, the Board of Chosen Freeholders of the County of Cape May has entered into a contract to purchase said easement; and

NOW THEREFORE BE IT RESOLVED, the Township Committee of the Township of Upper has reviewed the aforesaid application, and pursuant to N.J.A.C. 2:76-6.10 (a)4, and in the best interest of the Township, approves the application and the purchase of the development easement of the property designated as Block 559, Lots 22, 23, 25, and 26, 30 acres, Township of Upper, Cape May County, New Jersey.

Resolution No. 171-2014

Offered by: Young

Seconded by: Barr

Adopted: July 14, 2014

Roll Call Vote:

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

- 8. Confirming the issuance of a temporary use permit for the placement of a mobile home or trailer as temporary living quarters on Block 12, Lot 19.01.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO.172 -2014

**RE: CONFIRMING THE ISSUANCE OF A TEMPORARY USE PERMIT FOR THE
PLACEMENT OF A MOBILE HOME OR TRAILER AS TEMPORARY LIVING
QUARTERS ON BLOCK 12, LOT 19.01**

WHEREAS, pursuant to Chapter 12, Section 2.3, the Township Committee may authorize a temporary use permit allowing occupancy of trailers and mobile homes on premises within the Township other than established trailer and mobile home parks, upon recommendation of the Board of Adjustment; and

WHEREAS, on June 9, 2014, the Township Committee received a request from the resident of Block 12, Lot 19.01, for the issuance of a temporary use permit prior to receiving the recommendation of the Board of Adjustment, due to extenuating and emergent circumstances; and

WHEREAS, on June 9, 2014, the Township Committee, by motion, authorized the Municipal Clerk to issue a temporary use permit for the placement of a trailer on Block 12, Lot 19.01, for a period of time up to one year, subject to compliance with all Township, County and State regulations including the approval and recommendation of the Board of Adjustment; and

WHEREAS, the Upper Township Zoning Board of Adjustment issued said recommendation on June 12, 2014; 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 of the Township of Upper is satisfied that all conditions precedent were complied with, and does hereby confirm the issuance of temporary use permit #01-2014 on Block 12, Lot 19.01, subject to and conditioned upon compliance with the terms of the attached Upper Township Zoning Board of Adjustment Resolution BA 10-14.

Resolution No. 172-2014
Offered by: Young
Adopted: July 14, 2014

Seconded by: Inserra

Roll Call Vote:

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

9. Authorizing a USA Triathlon Association sanctioned international distance race to be held in Beesley's Point, New Jersey on Sunday August 10, 2014.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 173-2014

RE: AUTHORIZING A USA TRIATHLON ASSOCIATION SANCTIONED INTERNATIONAL DISTANCE RACE TO BE HELD IN BEESLEY'S POINT, NEW JERSEY ON SUNDAY AUGUST 10, 2014

WHEREAS, Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC., of 18E 21st Street, Brooklyn, NY 11226, have submitted a proposal to the Upper Township Committee requesting authority to hold an international distance race in Beesley's Point, New Jersey, including the use of Township roads and the Beesley's Point Beach parking lot, on August 10, 2014, which will consist of a run course, swim course, and a bike course, with participants arriving and activities commencing at 6:00 a.m., as more particularly specified in their proposal, a copy of which is attached hereto as Exhibit "A";

WHEREAS, the run segments will travel NJSH Route 9 and the bike segment will utilize Township, County and State roads in Upper Township as described on maps attached hereto as Exhibit "B"; and

WHEREAS, the proposed event is sanctioned and insured by the USA Triathlon Association, a copy of insurance certificate is attached hereto as Exhibit "C"; and

WHEREAS, a vehicle management plan has been prepared with additional parking at Tuckahoe Inn, Beesley's Point Sea Doo, and BL England property, map and letters of permission from businesses are attached hereto as Exhibit "D"; and

WHEREAS, a fully executed Event Supervisor Agreement, which certifies compliance with the rules and regulations as established in Chapter XXVI of the Code of Upper Township, has been received and is attached hereto as Exhibit "E"; and

WHEREAS, a liability release and waiver will be received from every participant in the triathlon, prior to the event, on a form which has been approved by the Township Solicitor and is attached hereto as Exhibit “F”; and

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

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

2. The Township Committee does hereby grant approval, to the extent that it has jurisdiction to do so, to Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC. for the race event to be held on August 10, 2014 as specified in this Resolution and in the accompanying Exhibits subject to and conditioned upon the following:

(A) The event described in this Resolution is carried out by Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC. These sponsors have no connection, direct or indirect, with the Township of Upper or any of its officials or employees. These sponsors shall not, in any way, directly or indirectly, represent that the race is, in any way, associated with or affiliated with the Township of Upper and shall make clear that the event is carried out with all appropriate governmental and other approvals. Although the Township of Upper has given permission, subject to the terms of this Resolution, to these event sponsors to conduct the proposed race, it must be made clear that the event is not

and shall not be considered a Township of Upper sponsored or sanctioned event.

(B) Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC., have provided general comprehensive liability insurance in form and substance satisfactory to the Township of Upper's Risk Management Consultant. A Certificate of Insurance has been provided to the Township Clerk, which the Risk Management Consultant of the Township of Upper has approved Certificate of Insurance. Said Certificate of Insurance names the Township of Upper, its officials, officers and employees, as an additional insured.

(C) Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC., the event sponsors, have obtained written approval from and comply with all conditions imposed by the following entities:

- (i) the Risk Management Consultant of the Township of Upper.
- (ii) the New Jersey State Police.
- (iii) the Upper Township Division of Emergency Management Services.
- (iv) Cape May County Board of Chosen Freeholders.
- (v) New Jersey Department of Transportation.

The event sponsors have provided written authorization from the above entities, including any conditions required of said entities, to the Township Clerk.

- (D) Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC., have executed and provided to the Township of Upper an approved Use of Facilities Agreement.
- (E) The event is expressly limited to 300 participants only.
- (F) Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC. shall provide an Indemnification and Hold Harmless Agreement in favor of the Township of Upper, its officials, officers and employees in the form attached hereto as Exhibit “G”.
- (G) Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC., the event sponsors, shall provide at least four (4) fully certified lifeguard personnel for the event. Copies of lifeguard certifications must be submitted to the Clerk’s Office no later than one week prior to the event. No “On Duty” Township lifeguards are to be used during this event, and no Township equipment shall be used during this event. Any off duty lifeguards utilized shall be the employees of the event sponsors only and not of the Township.
- (H) Alejandra Reagan and George L. Reagan, individually and trading as CITYTRI RACING, INC., shall remit to the Township, before the event, the appropriate fee in accordance with Chapter XXVI of the Code of Upper Township. This fee shall include the amount required for

closure of the boat ramp and the hourly fee for use of the parking lot since it is a facility not specifically identified in the ordinance. The use of the parking lot will begin at 6:00 a.m. and will terminate at 12:00 p.m.

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

3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 173-2014
 Offered by: Inserra
 Adopted: July 14, 2014

Seconded by: Barr

Roll Call Vote:

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

10. Authorizing the execution of a Shared Services Agreement with the Township of Dennis to provide Municipal Court Services.

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

RESOLUTION NO. 174-2014

**RE: AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH
 THE TOWNSHIP OF DENNIS TO PROVIDE MUNICIPAL COURT SERVICES**

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et. seq., (“Act”) provides that any local governmental unit may enter into a contract with any other local governmental unit to provide or receive any service that each local unit is empowered to provide or receive within its own jurisdiction; and

WHEREAS, Dennis Township has indicated a willingness to enter into a Shared Services Agreement with the Township of Upper to permit the Township to provide all the usual and ordinary services of a Municipal Court for Dennis Township; and

WHEREAS, Dennis Township and Upper Township have agreed to enter into a Shared Services Agreement for a term of ten years, commencing on December 1, 2014 and continuing through November 30, 2024; and

WHEREAS, the Township of Upper has deemed it would be in the best interest of the residents of the Township to enter into a Shared Services Agreement with the Township of Dennis for the sharing of Municipal Court operations with the Dennis Township Municipal Court.

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

1. **SHARED SERVICES AGREEMENT.** Pursuant to the provisions of the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et. seq., the Township of Upper is hereby authorized and empowered to enter into a Shared Services Agreement with Dennis Township pertaining to Upper Township providing Municipal Court Services to Dennis Township.

2. **SERVICES TO BE PROVIDED BY CONTRACT.** The Shared Services Agreement authorized in paragraph 1 shall cover those services which are enumerated in said Agreement, a copy of which is attached hereto as Exhibit A.

3. **ASSIGNMENT JUDGE APPROVAL.** The authority to enter into this Shared Services Agreement is subject to the approval of the Assignment Judge.

4. **AUTHORIZATION OF MUNICIPAL OFFICIALS.** The appropriate Township officers and officials are hereby authorized to take any action necessary or advisable to carry out the intent and purpose of this Resolution. Specifically, the Mayor and Township Clerk are hereby

authorized and directed to execute such Shared Services Agreement on behalf of the Township of Upper pursuant to the authority conferred by this Resolution. The Township Clerk is further authorized and directed to seal said Agreement with the seal of the Township of Upper. Additionally, the Mayor is authorized to negotiate modifications in the language of the Agreement prior to his final execution of same so long as said modifications are consistent with the intent and purpose of the authority granted by this Resolution.

5. **COMPLIANCE WITH STATUTORY REQUIREMENTS.** The Shared Services Agreement between the Township of Upper and the Township of Dennis shall meet and satisfy the requirements of N.J.S.A. 40A:65-7, as may be amended and supplemented.

6. **CONTRACT TERM.** This Resolution authorizes a Shared Services Agreement for a duration of ten (10) years from December 1, 2014.

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

8. **REPEALER.** All Resolutions or parts of Resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency only.

9. **EFFECTIVE DATE.** This Resolution shall take effect immediately upon final adoption and publication in the manner provided by law.

Resolution No. 174-2014

Offered by: Coggins

Seconded by: Barr

Adopted: July 14, 2014

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>X</u>	<u>---</u>	<u>---</u>	<u>---</u>
Coggins	<u>X</u>	<u>---</u>	<u>---</u>	<u>---</u>
Inserra	<u>X</u>	<u>---</u>	<u>---</u>	<u>---</u>
Young	<u>X</u>	<u>---</u>	<u>---</u>	<u>---</u>
Palombo	<u>X</u>	<u>---</u>	<u>---</u>	<u>---</u>

11. Authorizing the Mayor to Execute Deeds of Dedication and Perpetual Storm Damage Reduction Easements on behalf of the Township of Upper for portions of Township street right-of-ways on the Official Tax Map of the Township of Upper 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. 175 -2014

**RE: AUTHORIZING THE MAYOR TO EXECUTE DEEDS OF DEDICATION AND
PERPETUAL STORM DAMAGE REDUCTION EASEMENTS ON BEHALF OF
THE TOWNSHIP OF UPPER FOR PORTIONS OF TOWNSHIP STREET RIGHT-OF-
WAYS
ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF UPPER
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 (“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” for portions of unimproved Township Street Right-of-Ways located Easterly of the Project Work Limit Line, on the official tax map of the Township of Upper; and

WHEREAS, the Township Committee does hereby authorize the Mayor to execute said such deed or deeds on behalf of the Township of Upper as Grantor with respect to said portions of Township Street Right-of-Ways located Easterly of the Project Work Limit Line, 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 aforesaid deeds 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. 175-2014

Offered by: Inserra

Seconded by: Barr

Adopted: July 14, 2014

Roll Call Vote:

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

ORDINANCES

CORRESPONDENCE

NEW BUSINESS

12. **Saint Maximillian Kolbe Church of the Resurrection request waiver of site plan application fees to construct a 30' x 70' open pavilion.** The Municipal Attorney stated that three Committee members are members of this church. However, if all three members step down there will not be a quorum available to vote on this matter. He advised that the rule of necessity precludes any issue of conflict. Motion by Anthony Inserra, second by Hobie Young, to approve the request. During roll call vote all five Committee members voted in the affirmative.

13. **Parish of Saint Maximilian Kolbe request amendment to application for use of Williams Avenue Beach for Feast Day celebration on August 14, 2014 to include Band, staging area and electric generator for band sound system.** Motion by Anthony Inserra, second by Richard Palombo, to approve the request. During roll call vote all five Committee members voted in the affirmative.

14. **The Richard Stockton Coastal Research Center – Final Report for 2013 of Municipal Beaches in Upper Township.** Dr. Stewart Farrell gave a detailed report on the status of the beaches on the North end of Strathmere, which have rapidly deteriorated in the aftermath of the recent storm Hurricane Arthur, which passed offshore on July 4, 2014. Dr. Farrell stated that the contingency plan should be put in place now with contractors to shore up Seaview Avenue and if needed Seacliff Avenue street ends with sand prior to any approaching hurricane this summer/fall. It was stated that the Township has funds available from the two previous beach fill bonds. The Municipal Attorney stated that in order to utilize the funds for an emergency beach fill, the Township would have to declare an emergency, and authorize the Municipal Engineer to solicit quotes and negotiate a contract with a company, who would then be placed on notice to do an emergency beach fill. At this time the Committee adopted Resolution No. 176-2014 Re: DECLARING AN EMERGENCY AT THE NORTHERN END OF STRATHMERE.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 176-2014**

**RE: DECLARING AN EMERGENCY AT
THE NORTHERN END OF STRATHMERE**

WHEREAS, the Township of Upper has seen the beach and shoreline at the Northern end of Strathmere (Ludlam Island) continue to erode at an alarming rate; and

WHEREAS, the final report for 2013 and interim report dated July 3, 2014 done by Dr. Stewart Farrell, Director of the Richard Stockton Coastal Research Center have documented a continued retreat of beach in this area; and

WHEREAS, all of the sand that the Township previously placed in this area since the most recent maintenance project for the Township's engineered beach in January 2012, has now been lost causing rapid erosion resulting in a significant risk of loss of property in light of eminent tropical storms and hurricanes.

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:

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee hereby declares an emergency at the Northern end of Strathmere (Ludlam Island) and hereby authorizes Township officials to execute the document attached hereto as Exhibit "A" entitled, 'Proclamation of Local Disaster/Emergency'.
3. That appropriate short-term remedies will be undertaken to protect the beaches at the Northern end of Strathmere.

Resolution No. 176-2014

Offered by: Inserra Seconded by: Barr

Adopted: July 14, 2014

Roll Call Vote:

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

Exhibit "A"

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

PROCLAMATION OF LOCAL DISASTER/EMERGENCY

TO ALL CITIZENS AND PERSONS WITHIN THE MUNICIPALITY OF UPPER TOWNSHIP, NEW JERSEY, AND TO ALL DEPARTMENTS, DIVISIONS AND BUREAUS OF THE MUNICIPAL GOVERNMENT OF UPPER TOWNSHIP, NEW JERSEY:

WHEREAS, pursuant to the powers vested in me by (Chapter 251 of the Laws of 1942, as amended and supplemented, N.J.S.A. App. A:9-30 et. seq. ; N.J.S.A. 40: 48-1(6), and ordinances enacted pursuant thereto; N.J.S.A. 2C: 33-1 et. seq.;-- whichever law or laws apply), and by ordinances adopted by the Township of Upper, I have declared that a local disaster/emergency exists within the Township of Upper; and

WHEREAS, the aforesaid laws authorize the promulgation of such orders, rules and regulations, as are necessary to meet the various problems which have or may be presented by such a disaster/emergency; and

WHEREAS, by reason of the **rapid erosion to the beach and dune at the Northern end of Strathmere (Ludlam Island)**; there are conditions which presently exist in certain areas of the Township of Upper as stated above, which may affect the health, safety, and welfare of the people of the Township of Upper; and

WHEREAS, it has been determined that these areas, of the Township of Upper should then be declared disaster areas, and further that certain measures should then be taken to insure that the authorities will be unhampered in their efforts to maintain law and order as well as in order to protect the persons and property of the residents affected by the conditions; and

WHEREAS, the following areas are designated disaster areas:

Northern end of Strathmere (Ludlam Island), at the Strathmere Natural Area.

NOW, THEREFORE, IN ACCORDANCE WITH the aforesaid laws, I do hereby promulgate and declare the following regulations shall be in addition to all other laws of the State of New Jersey and of the Township of Upper.

That appropriate short-term remedies will be undertaken to protect the beach and dune at the Northern end of Strathmere.

- 15. Dennis Township request for support of correspondence to NJDOT to investigate possible drainage issues on Route 9.** Motion by Anthony Inserra, second by Edward Barr, to coordinate with the Township of Dennis to submit correspondence to the NJDOT requesting an investigation of the drainage issues for the area located on Route 9 at the municipal border between Upper and Dennis. During roll call vote all five Committee members voted in the affirmative.

UNFINISHED BUSINESS

DISCUSSION

- 16. Solar Power Purchase Agreement for Solar Panels at Public Works Yard and Rescue Squad Building.** Paul Dietrich reported on the progress of the cooperative

solar energy project and the potential for a Community wide energy aggregation solar project.

PAYMENT OF BILLS:

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

Bills approved for payment: \$697,590.87

Payroll: \$207,106.76

REPORT OF MUNICIPAL DEPARTMENTS:

- 18. Construction Code
- 19. Clerk’s Office
- 20. EMS
- 21. Animal Control
- 22. Tax Assessor
- 23. Tax Collector
- 24. Finance Office
- 25. Zoning
- 26. MUA Report
- 27. Department of Public Works
- 28. Tax Collector Certification Re: mailing of 2014 Final/2015 Preliminary tax bills and advice copies.

Motion by Richard Palombo, second by Anthony Inserra, to accept all reports as submitted. During roll call vote all five Committee members voted in the affirmative.

PUBLIC COMMENT

Richard Fellows, Tuckahoe, stated his opposition to the proposed route of the pipeline, and stated that in his opinion the Township will not be affected if the BL England plant is closed.

Nathalie Neiss, Rt 50 Petersburg, spoke regarding several issues pertaining to the proposed South Jersey Gas pipeline, an ongoing litigation item, revisions to the tax map, and drainage issues along Route 50.

Georgina Shadling, Ocean City, requested the Committee to reconsider their support of the proposed South Jersey Gas pipeline to BL England.

Steven Fenichel, Ocean City, stated his opposition to the BL England plant and the proposed South Jersey Gas pipeline.

CLOSED SESSION

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

RESOLUTION NO. 177-2014
MOTION GOING INTO CLOSED SESSION
JULY 14, 2014

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 - Cape Professional Billing, Inc.
2. Contract negotiation - Shared Services with Egg Harbor Township for equipment washing.
3. Contract negotiation - Adams, Rehmann & Heggan, LSRP
4. Contract negotiation - AFSCME Union Contract
5. Contract negotiation - Court Security Company
6. Safety and Security
7. Personnel
8. Litigation - Upper Township v. Yank and Sansone
9. Contract negotiation – Cell Tower

I also include in my motion the estimated time and the circumstances under which the discussion conducted in closed session can be disclosed to the public as follows:

- A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.
- B. With respect to employment and personnel matters such discussions will be made public if and when formal action is taken or when the individuals involved consent that it can be made public.
- C. With respect to contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.
- D. With respect to litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.

Moved by: John Coggins

Motion seconded by: Richard Palombo

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

RECONVENE PUBLIC PORTION OF MEETING

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 11:50 P.M. The next regular meeting is scheduled for July 28, 2014 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC
Municipal Clerk

Bill List

63135 07/14/14 A0018 ACTION SUPPLY INC. 13.76 2836
63136 07/14/14 A0020 ACU-THERM SUPPLY CO.,INC. 325.25 2836
63137 07/14/14 A0023 ADAMS, JOHN 190.38 2836
63138 07/14/14 A0025 ADVANTAGE RENTAL ACE HARDWARE 417.87 2836
63139 07/14/14 A0081 ARMSTRONG, RALON I. 173.22 2836
63140 07/14/14 A0091 ATLANTIC CITY ELECTRIC 13,653.39 2836
63141 07/14/14 A0114 A.E. STONE INC. 382.18 2836
63142 07/14/14 A0125 AVALON WEED & INSECT CONTROL 999.00 2836
63143 07/14/14 A0137 ADVANTAGE EQUIPMENT SERVICE 1,072.50 2836
63144 07/14/14 A0168 ATLANTIC CRANKSHAFT 473.00 2836
63145 07/14/14 A0175 Adams Rehmann & Haggan Assoc 790.00 2836
63146 07/14/14 B0031 BAINBRIDGE, J.P. & ASSOCIATES 3,770.00 2836
63147 07/14/14 B0035 BELMONT & CRYSTAL SPRINGS 191.69 2836
63148 07/14/14 B0039 BEESLEY'S PT. SEA DOO, INC. 62.98 2836
63149 07/14/14 B0220 BERGEY'S TRUCK CENTERS 14.98 2836
63150 07/14/14 C0048 CAPE MAY COUNTY MUA 36,283.21 2836
63151 07/14/14 C0068 COMCAST 353.39 2836
63152 07/14/14 C0101 CHATTEN, LINWOOD R. 147.90 2836
63153 07/14/14 C0143 CODY'S POWER EQUIPMENT 28.27 2836
63154 07/14/14 C0171 COLONIAL ELECTRIC SUPPLY CO. 52.29 2836
63155 07/14/14 C0201 CRUZAN'S TRUCK SERVICE INC. 94.86 2836
63156 07/14/14 C0223 CASA PAYROLL SERVICE 608.90 2836
63157 07/14/14 C0242 CORE MECHANICAL, INC. 8,831.36 2836
63158 07/14/14 C0265 CLEMENSON FARMS NATIVE NURSERY 74.20 2836
63159 07/14/14 D0148 DIRECT ENERGY BUSINESS 3,484.92 2836
63160 07/14/14 E0003 EASTERN SIGN CO. 400.00 2836
63161 07/14/14 E0012 EHRlich PEST CONTROL INC 252.50 2836
63162 07/14/14 F0030 FASTENAL 180.80 2836
63163 07/14/14 F0049 FOGLIO'S CARPET & DESIGN CENTE 11.52 2836
63164 07/14/14 F0053 FORD, SCOTT & ASSOCIATES 7,100.00 2836
63165 07/14/14 F0054 DEARBORN NATIONAL LIFE INS. CO 433.80 2836
63166 07/14/14 G0009 GAPVAX, INC. 85.16 2836
63167 07/14/14 G0016 GARDNER HARDWARE INC. 383.41 2836
63168 07/14/14 G0028 GENTILINI FORD 52.25 2836
63169 07/14/14 G0057 GLOBALSTAR USA LLC 106.17 2836
63170 07/14/14 G0086 W.W. GRAINGER, INC. 205.70 2836
63171 07/14/14 G0092 GRUND, BARBARA J. 96.95 2836
63172 07/14/14 G0147 GREATAMERICA FINANCIAL SVCS. 176.97 2836
63173 07/14/14 G0157 GRANTURK EQUIPMENT CO., INC. 455.90 2836
63174 07/14/14 H0018 HAROLD RUBIN L & H SUPPLY 299.80 2836
63175 07/14/14 H0022 HR DIRECT 271.96 2836
63176 07/14/14 H0073 HOME DEPOT CRC/GECF 151.92 2836
63177 07/14/14 H0095 HORIZON BCBSNJ 130,328.18 2836
63178 07/14/14 H0096 HARBOR OUTFITTERS 748.35 2836
63179 07/14/14 H0148 THOMAS H. HEIST INS AGENCY INC 782.50 2836
63180 07/14/14 J0072 JERSEY WEB DESIGNS 2,551.00 2836
63181 07/14/14 J0074 J.A. MONTGOMERY RISK CONTROL 1,522.00 2836
63182 07/14/14 K0047 KLINE, EDWARD T. 39.12 2836
63183 07/14/14 L0043 LEE RAIN,INC. 215.48 2836
63184 07/14/14 M0076 MGL PRINTING SOLUTIONS 1,359.00 2836
63185 07/14/14 M0166 MOTOROLA SOLUTIONS 3,597.75 2836
63186 07/14/14 M0180 MED-TECH RESOURCE,LLC 1,731.99 2836
63187 07/14/14 M0188 MCCARTHY TIRE SERVICE OF PHILA 3,354.12 2836
63188 07/14/14 M0193 MAYNE, MICHAEL 85.98 2836
63189 07/14/14 M0222 MUNICIPAL CAPITAL CORPORATION 392.00 2836
63190 07/14/14 M0231 MORRIS, DEVON 40.70 2836
63191 07/14/14 M0246 MORRISON, VINCENT 400.00 2836
63192 07/14/14 M0250 MAIATICO, ANTHONY & DEBRA 401.60 2836
63193 07/14/14 N0004 NJ-AMERICAN WATER CO. 193.87 2836
63194 07/14/14 N0043 NAPA AUTO PARTS 694.23 2836
63195 07/14/14 N0052 NATL YOUTH SPORTS COACHED ASSN 155.00 2836
63196 07/14/14 N0100 N.J. LEAGUE OF MUNICIPALITIES 130.00 2836

63197 07/14/14 N0131 DEFINED CONTRIB RETIRE PROGRAM 49.74 2836
63198 07/14/14 O0006 SJSHORE MARKETING,LLC 578.75 2836
63199 07/14/14 O0014 OCEANPORT LLC 13,731.41 2836
63200 07/14/14 P0008 PALMER, NANCY 131.78 2836
63201 07/14/14 P0032 PEDRONI FUEL CO. 4,102.76 2836
63202 07/14/14 P0036 PENNELLO,DAVID 97.93 2836
63203 07/14/14 P0056 TURF EQUIPMENT AND SUPPLY CO 388.73 2836
63204 07/14/14 P0073 POGUE INC. 2,262.00 2836
63205 07/14/14 Q0003 QC LABORATORIES 696.20 2836
63206 07/14/14 R0030 RIGGINS, INC. 8,861.71 2836
63207 07/14/14 R0044 RODIO TRACTOR SALES INC 160.81 2836
63208 07/14/14 R0100 ROBERTS OXYGEN COMPANY, INC. 400.90 2836
63209 07/14/14 S0001 SAM'S CLUB 79.54 2836
63210 07/14/14 S0036 SCHULER, JAMES 110.52 2836
63211 07/14/14 S0056 SEASHORE ASPHALT CORPORATION 488.08 2836
63212 07/14/14 S0121 SMUZ, THERESE A 19.71 2836
63213 07/14/14 S0122 SOMERS POINT LUMBER INC. 635.99 2836
63214 07/14/14 S0134 SO. JERSEY GAS COMPANY 52.58 2836
63215 07/14/14 S0204 SAFETY DOWN UNDER, INC. 2,250.00 2836
63216 07/14/14 S0209 STAPLES ADVANTAGE 581.58 2836
63217 07/14/14 S0232 SOUTH STATE, INC. 382,902.97 2836
63218 07/14/14 S0239 SHORE VET. ANIMAL CONTROL LLC 2,250.00 2836
63219 07/14/14 S0253 SAMPLE MEDIA, INC. 404.34 2836
63220 07/14/14 S0275 SCHAEFER PYROTECHNICS INC. 4,331.00 2836
63221 07/14/14 S0277 7TH ST SURF SHOP 1,300.00 2836
63222 07/14/14 T0022 TERMINIX 114.00 2836
63223 07/14/14 T0052 TOWNSHIP OF DENNIS 1,000.00 2836
63224 07/14/14 T0067 TOWNSHIP OF UPPER PETTY CASH 5.00 2836
63225 07/14/14 T0089 TREASURER, STATE OF N.J. 3,000.00 2836
63226 07/14/14 T0129 TRUGREEN CHEMLAWN 8,336.00 2836
63227 07/14/14 T0168 TOWNSHIP OF UPPER 167.74 2836
63228 07/14/14 T0169 THE LEVINBOOK LAW FIRM P.C. 1,500.00 2836
63229 07/14/14 U0003 U.S. MUNICIPAL SUPPLY, INC. 182.25 2836
63230 07/14/14 U0028 UPPER TOWNSHIP BD.OF EDUCATION 348.00 2836
63231 07/14/14 V0001 VCI EMERGENCY VEHICLE 365.01 2836
63232 07/14/14 V0004 VAN DUYN BROTHERS 475.00 2836
63233 07/14/14 V0005 VAN EMBDEN, NATHAN, ATTORNEY 750.00 2836
63234 07/14/14 V0013 VERIZON WIRELESS 742.90 2836
63235 07/14/14 V0020 VINELAND AUTO ELECTRIC INC. 1,978.16 2836
63236 07/14/14 V0022 VERIZON 230.11 2836
63237 07/14/14 V0024 VAL-U AUTO PARTS L.L.C. 0.00 07/14/14 VOID 0
63238 07/14/14 V0024 VAL-U AUTO PARTS L.L.C. 540.68 2836
63239 07/14/14 V0025 V.E. RALPH & SON,INC. 215.62 2836
63240 07/14/14 W0020 WEINSTEIN SUPPLY 115.23 2836
63241 07/14/14 W0030 WEST PUBLISHING CO. 797.71 2836
63242 07/14/14 Y0008 YOUNG, DANIEL J. ESQUIRE PC 15,356.25 2836
63243 07/14/14 Y0023 YOUNG, DANIEL J. ATTORNEY 2,625.00 2836

Total: 697,590.87