

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR APRIL 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 - **March 24, 2014 Regular Meeting and
Closed Session Minutes****

Motion by Edward Barr, second by Anthony Inserra, to adopt the March 24, 2014 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

John Coggins, Committeeman, reported that Mike Garcia from Ford, Scott & Associates is here this evening to answer questions on the budget. Mr. Coggins next reported the first quarter expenditures for the Zoning Board are \$17,400 and they heard six applications. The first quarter expenditures for the Planning Board are \$18,042 with one application being heard. Mr. Coggins stated that if the boards were combined we would have heard seven applications with one board for \$18,000 and saved \$17,400. Mr. Coggins suggested the Committee revisit their decision to combine the boards. It was stated that the boards presently have several applications pending.

Hobie Young, Committeeman, reported that opening games for the Girls Softball teams were held over the weekend, and thanked Mayor Palombo and Committeeman Barr for attending the games in his absence. He also thanked Mayor Palombo for throwing out the first pitch of the game. Mr. Young stated that the fields are in exceptional condition and ready for the upcoming season. He next reported that a family oriented Fourth of July celebration is being planned at Amanda's Field with music refreshments and activities. Mr.

Young stated that the Kenny Young Band has offered to donate their time for the event. The only thing needed is a professional sound company and we have sponsors to cover some of the costs for that and are hopeful the full cost will be covered. The Township is also going to ask the Township sports organizations to coordinate their efforts to staff and supply the refreshment stand with the proceeds going back to the organizations that donate their time. Motion by Anthony Inserra, second by John Coggins to authorize the Fourth of July event at the Amanda's Field Recreation Complex. During roll call vote all five Committee members voted in the affirmative.

Anthony Inserra, Committeeman, reported that the new trash collection program has been going well, however an additional automated side-loading trash truck is needed for optimum efficiency. It was stated that the Township could use funds from the Recycling Trust Fund as well as funds in the bond. Motion by Anthony Inserra, second by Edward Barr, to place a resolution on the next agenda authorizing the Township to go out to bid for an automated trash truck. During roll call vote all five Committee members voted in the affirmative.

Edward Barr, Committeeman, reported that he will be working with Committeeman Young in preparation of the Fourth of July events.

Richard Palombo, Mayor, reported that he recently met with the Township and County OEM Coordinators to go over the Township's basic emergency plans. Mayor Palombo stated Scott Morgan, the Township's new OEM Coordinator, has been doing a phenomenal job updating the policies and getting everything in order. Mayor Palombo next reported that he was recently picked to serve on a Drug Enforcement Agency stakeholders meeting to discuss ways to prevent prescription drug abuse. He also spoke regarding the County Prosecutors recent decision to allow Narcan to be administered by emergency personnel to prevent drug overdose. Links to informative websites on preventing drug abuse will be posted on the Township's website.

OTHER REPORTS

Barbara Young, Municipal Clerk, announced that Township Offices will be closed on Friday April 18th in observance of Good Friday. For those that have trash collection on Friday, their garbage will be collected on Monday and recycling should be held until the following Friday.

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

Barbara Spiegel, Chief Financial Officer, requested authorization to continue participation in the South Jersey Power Cooperative (SJPC) for Natural Gas. The Township is currently paying \$0.70 per therm with SJPC. In the event we choose not to participate, the current South Jersey Gas rate is over \$1.00 per therm. Motion by Anthony Inserra, second by Ed Barr to authorize participation in the South Jersey Power Cooperative (SJPC) for Natural Gas. During roll call vote all five members voted in the affirmative.

Paul Dietrich, Engineer, reported briefly on the paving project; all affected property owners have been notified of the paving in their neighborhood. Mr. Dietrich next gave a report on the Direct Install Energy Program; all the florescent lighting in the gym at the Community Center has been replaced to be more energy efficient and the replacement of HVAC units

should be complete by the first week in May. Lastly Mr. Dietrich reported there are currently 2 ½ pairs of piping plover on the township beaches, plus a pair at the Natural Area. Restrictions are in full force for driving and working on the beach.

2014 BUDGET

1. Public Hearing and Final Adoption of Ordinance No. 007-2014, RE: CALENDAR YEAR 2014 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14). During the public hearing portion there were no speakers. Motion by John Coggins, second by Hobie Young, to adopt Ordinance No. 007-2014. During roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER
CALENDAR YEAR 2014
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

ORDINANCE NO. 007-2014

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Upper in the County of Cape May finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee of the Township of Upper hereby determines that a 3.0 % increase in the budget for said year, amounting to **\$294,843.27** in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Committee of the Township of Upper hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Upper, in the County of Cape May a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the Township of Upper shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$

343,983.82 and that the CY 2014 municipal budget for the Township of Upper be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 10th DAY OF MARCH, 2014 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 14TH DAY OF APRIL, 2014 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

BARBARA L. YOUNG, MUNICIPAL CLERK
TOWNSHIP OF UPPER

2. A Resolution Authorizing the Township Committee to Adjust the Reserve for Uncollected Taxes by the Amount of Tax Appeal Judgments.

TOWNSHIP OF UPPER
CAPE MAY COUNTY

RESOLUTION NO. 78-2014

**A RESOLUTION AUTHORIZING THE TOWNSHIP COMMITTEE TO
ADJUST THE RESERVE FOR UNCOLLECTED TAXES BY THE
AMOUNT OF TAX APPEAL JUDGMENTS**

WHEREAS, NJSA 40A:4-41-c(2) provides that any municipality in which tax appeal judgments have been awarded

to property owners from action of the County Tax Board or the State Tax Court in the preceding fiscal year, that result in tax reductions for the previous fiscal year, the governing body of the municipality may elect to calculate the current year reserve for uncollected taxes by reducing the certified tax levy of the prior year by the amount of the tax levy adjustment resulting from those judgments. Election of this choice shall be made by resolution approved by a majority vote of the full membership of the governing body and,

WHEREAS, the Governing Body of the Township of Upper recognized a reduction in the percentage of collection of taxes levied in 2013 as a result of tax appeals granted by the State Tax Court and the Cape May County Board of Taxation and,

WHEREAS, the actual percentage of collection of taxes resulting from those appeals was 97.06% in calendar year 2013 and the percentage of collections adjusted for the appeals granted was 98.20%,

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Township of Upper has determined that it is in the best interest of the taxpayers of the Township of Upper to use the percentage of collection adjusted for the tax appeals granted in calculating the Reserve for Uncollected Taxes amount in the 2014 Local Municipal Budget.

Resolution No. 78-2014

Offered By: Coggins

Seconded By: Inserra

Adopted: April 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>			

3. Authorizing the reading of the 2014 Annual Municipal Budget by title only.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION NO. 79-2014**

**RE: AUTHORIZING THE READING OF THE 2014
ANNUAL MUNICIPAL BUDGET BY TITLE ONLY**

WHEREAS, N.J.S.A. 40:A4-8 authorizes the reading of the budget by title only at the

public hearing thereon, provided certain requirements are met; and

WHEREAS, the Township Committee of the Township of Upper is satisfied that such conditions have been satisfied.

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 majority of the full membership concurring, as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper finds and determines that:

A. At least one (1) week prior to the date of this hearing, a complete copy of the approved budget, as advertised, was posted in the Township Hall, the principal municipal building of the municipality, and was made available to each person requesting the same during the week immediately preceding the public hearing and is available to each person requesting a copy during the public hearing, as required by N.J.S.A. 40A:4-8.

B. The Township Committee of the Township of Upper hereby determines and declares that the conditions set forth in subsection 1.a and 1.b of N.J.S.A. 40A:4-8 have been met.

C. The Township Committee of the Township of Upper hereby determines that the 2014 Municipal Budget of the Township of Upper shall be read by its title only at the public hearing to be conducted thereon.

Resolution No. 79 - 2014

Offered by: Coggins

Seconded by: Palombo

Adopted: April 14, 2014

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>	_____	_____	_____

4. **2014 Budget - Public Hearing.** Mr. Garcia reported that the Budget was subject to State review and has been approved. The Budget is \$949,000.00 below the spending CAP, and the tax rate 12.04 cents per \$100.00 of assessed value with the major

portion of increase coming from the first property revaluation payment and lost revenue from tax appeals. Mayor Palombo then opened up the public hearing. Ted Kingston, Strathmere, expressed concerns with the CAP Bank in that residents are never assured that the money will not be spent. Mayor Palombo stated that it is prudent for the Township to establish the CAP Bank in the event of a catastrophic emergency expenditure. There was no further comment and the public hearing was then closed.

Motion was made by Mayor Palombo, second by Edward Barr, to adopt the 2014 Budget. Municipal Clerk, Barbara Young, read the following statement into the record:

Be it Resolved by the Township Committee of the Township of Upper, County of Cape May, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$2,686,849.20.

During roll call vote:

Committeeman Barr voted yes.

Committeeman Coggins voted no, and stated that he feels the Budget could have been reduced more.

Committeeman Inserra voted no for the same reasons as Mr. Coggins.

Committeeman Young voted yes and stated that the services the Township provides are vital.

Mayor Palombo voted yes and stated that the Committee went through the Budget line item by line item during several workshop meetings and made the cuts that could be made. He stated that the items that are driving the increase in the budget are not tied to extra expenditure requests from the Departments. The increase is directly tied to decreased revenue from tax appeals, an increase in health insurance that the Township is mandated to provide, and a state mandated tax revaluation.

With a vote of three yes, and two no, the 2014 Budget was adopted.

RESOLUTIONS

5. Appointment of Norman W. Briggs to act as Special Legal Counsel.

TOWNSHIP OF UPPER CAPE MAY COUNTY R E S O L U T I O N RESOLUTION NO. 81-2014

RE: APPOINTMENT OF NORMAN W. BRIGGS TO ACT AS SPECIAL LEGAL COUNSEL

WHEREAS, the Township requires legal counsel to provide legal services in the event a conflict of interest arises in regard to the services provided by the regular Township Solicitor;
and

WHEREAS, a resolution is required authorizing the award of such contract for professional services; and

WHEREAS, the Township has decided to acquire the services of Norman W. Briggs, Esquire as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-2.05; and

WHEREAS, Norman W. Briggs, Esquire has completed and submitted a Business Entity Disclosure Certification which certifies that Norman W. Briggs, Esquire 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 Norman W. Briggs, Esquire 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. Norman W. Briggs, Esquire with offices at 110 Roosevelt Boulevard, Suite 201, Marmora, New Jersey is hereby appointed Special Legal Counsel to handle matters in which the regular Township Solicitor has a conflict of interest as well as other matters directed by the Township Committee.
3. This contract shall have a term of one (1) year from date of full execution.
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 Norman W. Briggs, Esquire has professional knowledge as to legal matters which knowledge 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

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 Norman W. Briggs, Esquire for legal services. 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.

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 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.

6. The contractor 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. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Norman W. Briggs, Esquire in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

8. 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.

9. This Resolution shall be effective as of adoption.

Resolution No. 81- 2014

Offered by: Inserra

Seconded by: Young

Adopted: April 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>	___	___	___

6. Authorizing the annual Fourth of July fireworks display.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 82-2014**

RE: AUTHORIZING THE ANNUAL FOURTH OF JULY FIREWORKS DISPLAY

WHEREAS, for many years, the Township of Upper has provided a fireworks display for the residents of Upper Township and others; and

WHEREAS, the Township wishes to continue to provide a display of fireworks in celebration of the 4th of July; and

WHEREAS, the Township has solicited proposals from several Firework Companies and has selected Schaefer Pyrotechnics, Inc., of 376 Hartman Bridge Road, Ronks, PA 17572; and

WHEREAS, the State of New Jersey, Department of Community Affairs, requires that the Township provide a Resolution approving same; and

WHEREAS, the site for the fireworks display will be determined in conjunction with a State of New Jersey Fire Inspector; and

WHEREAS, FAA Clearance will be applied for; and

WHEREAS, a plot/site plan for site display, showing the distances from the public and structures to the fireworks discharge area, has been provided by the Township Engineer; and

WHEREAS, the Chief Financial Officer has certified the availability of funds to permit said Contract to be entered into.

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 in full herein by this reference.

2. Upon meeting all requirements of the State of New Jersey, Department of Community Affairs as well as any and all recommendations or requirements of the Township's Risk Management Consultant and the Joint Insurance Fund, the Township Clerk is hereby directed and authorized to provide a certified copy of this Resolution, with all attachments, to the Department of Community Affairs for their review and issuance of a Fireworks Permit.

3. The contractor shall comply with all terms and provisions of the Municipal Excess Liability Joint Insurance Fund Bulletin MEL 14-08, dated February 17, 2014.

4. The contractor 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.

5. 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, including but not limited to the entering into and execution of an Agreement to Furnish Fireworks Exhibition with Schaefer Pyrotechnics, Inc., Ronks, PA, for the sum of \$8,000.00.

Resolution No. 82-2014

Offered by: Barr

Seconded by: Inserra

Adopted: April 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. Designating the 1st Thursday in May as "A Day of Prayer in Upper Township".

TOWNSHIP OF UPPER

**CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 83-2014**

**RE: DESIGNATING THE 1ST THURSDAY IN MAY
“A DAY OF PRAYER IN UPPER TOWNSHIP”**

WHEREAS, Civic Prayers and National Days of Prayer have a long and revered history in our constitutional democracy, dating back to the First Continental Congress in 1775; and

WHEREAS, the Declaration of Independence, our first statement as Americans of national purpose and identity, made “the Laws of Nature and Nature’s God” the foundation of our United States of America and asserted that people have inalienable rights that are God-given; and

WHEREAS, the Supreme Court has affirmed the right of state legislatures to open their sessions with prayer and the Supreme Court and the U.S. Congress themselves begin each day with prayer; and

WHEREAS, in 1988, legislation setting aside the first Thursday in May in each year as a National Day of Prayer was passed unanimously by both Houses of Congress and signed by President Ronald Reagan; and

WHEREAS, the National Day of Prayer is an opportunity for Americans of all faiths to join in united prayer to acknowledge our dependence on God, to give thanks for blessings received, to pray for peace, to request healing for wounds endured; and to ask God to guide our leaders and bring wholeness to the United States and her citizens; and

WHEREAS, it is fitting and proper to give thanks to God by observing a day of prayer in the Township of Upper when all may acknowledge our blessings and express gratitude for them, while recognizing the need for strengthening religious and moral values in our State and nation;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, that the first Thursday in May, 2014 is hereby designated as “A DAY OF PRAYER IN UPPER TOWNSHIP”, and all citizens of Upper Township are encouraged to observe the day in ways appropriate to its importance and significance.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 14nd day of April,

2014.

Resolution No. 83-2014

Offered by: Young

Seconded by: Inserra

Adopted: April 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>

8. Authorizing the award of a Professional Services Contract with Dr. Stewart C. Farrell/Coastal Research Center of the Richard Stockton College of New Jersey for shoreline monitoring and consulting services for beach related issues.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 84-2014**

**RE: AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITH
DR. STEWART C. FARRELL/COASTAL RESEARCH CENTER OF THE RICHARD
STOCKTON COLLEGE OF NEW JERSEY FOR SHORELINE MONITORING AND
CONSULTING SERVICES FOR BEACH RELATED ISSUES**

WHEREAS, the Township of Upper has received a proposal from Dr. Stewart Farrell on behalf of the Coastal Research Center of the Richard Stockton College of New Jersey, which outlines shoreline monitoring services to be performed on behalf of the Township during the calendar year 2014 and provides a rate schedule for the services to be provided; and

WHEREAS, the Township Committee has considered this matter and has determined that it is in the best interest of the Township to authorize a Professional Services Contract as hereinafter provided; and

WHEREAS, the Township Solicitor has determined that the services to be provided are professional services and that a contract may be awarded without competitive bid; and

WHEREAS, the Treasurer has certified the availability of funds to permit the Township to enter into a Professional Services Contract; and

WHEREAS, a Business Entity Disclosure Certification is not required since this contract is with an agency of the state government; and

WHEREAS, the Township has decided to acquire the services of Dr. Stewart C. Farrell of the Coastal Research Center of the Richard Stockton College of New Jersey as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-2.05; 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 proposal of Dr. Stewart Farrell on behalf of the Coastal Research Center of the Richard Stockton College of New Jersey (hereinafter collectively referred to as “Contractor”), is hereby accepted, subject to the provisions of this Resolution.
3. The Mayor and Township Clerk are hereby authorized, directed and empowered to enter into a Professional Services Contract with the Contractor aforesaid for a one (1) year term commencing January 1, 2014. Said Agreement shall be prepared or approved by the Municipal Attorney for the Township of Upper. The Township Clerk is further authorized, directed and empowered to seal said Contract with the seal of the Township of Upper.
4. The Township Clerk shall cause a Notice of Award of this Contract to be published in the official newspaper of the Township as required by N.J.S.A. 40A:11-5.
5. This Contract is a Professional Services Contract and has been awarded without competitive bidding for the following reasons:
 - (A) The services required are highly specialized or technical in nature;
 - (B) The services require peculiar ability or skill, and demand a high degree of specialized knowledge or expertise;
 - (C) The services required are professional services and/or unspecified extraordinary services within the meaning of N.J.S.A. 40A:11-5(a);
 - (D) The individual who will provide these services has demonstrated his competence and particular expertise in the services required; and

(E) The services to be provided are such that their nature, scope and duration are not capable of precise measurement, but rather require a flexibility and discretion that render competitive bidding impractical and inefficient.

6. A certified copy of this Resolution shall be provided to the Contractor.

7. This Resolution shall take effect immediately provided, however, that the Contract awarded herein shall be effective as of January 1, 2014.

Resolution No. 84-2014

Offered by: Inserra

Seconded by: Palombo

Adopted: April 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>	___	___	___

9. A Resolution supporting Assembly Bill A-1021 and Senate Bill S-268 requiring direct payment of Energy Taxes to Municipal Government.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 85-2014

**RE: A RESOLUTION SUPPORTING ASSEMBLY BILL A-1021 AND SENATE BILL S-268
REQUIRING DIRECT PAYMENT OF ENERGY TAXES TO MUNICIPAL GOVERNMENT**

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities, and when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; and

WHEREAS, just as municipalities collect property taxes for the benefit of school districts, counties and other entities, the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State officials have diverted funding from Energy Taxes to plug holes in the State budget and to fund State programs; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, municipalities lost \$331 million in combined Energy Tax and Consolidated Municipal Property Tax Relief Aid (CMPTRA) funding in Fiscal Years 2009, 2010, and 2011, while also being denied scheduled incremental funding; and

WHEREAS, as a result of these cuts, in a number of municipalities property taxes are higher now, despite the fact that they are spending less, proving that the State's diversion of tax relief funding has contributed to higher municipal property taxes; and

WHEREAS, A-1021 would restore the municipal property tax relief funding and ensure that each municipality will be restored to the 2007 (SFY 2008) Energy Tax Receipts/CMPTRA level and adjust that amount to account for inflation.; and

WHEREAS, the bills would require certain energy tax receipts to be paid directly to municipalities and, thereby, would assure local property taxpayers compensation for hosting transmission facilities and lines that allow gas and electric energy corporations to serve customers and conduct business in our Garden State; and

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Upper does hereby urge the swift passage of Assembly Bill A1021 and Senate Bill S268; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to Governor Chris Christie, Lieutenant Governor Kim Guadagno, New Jersey Senate President Stephen Sweeney, New Jersey Senate Republican Leader Thomas Kean, Jr., New Jersey Assembly Speaker Vincent Prieto, New Jersey Assembly Republican Leader Jon Bramnick, New Jersey State Senator Jeff Van Drew, New Jersey Assemblyman Bob Andrzejczak, New Jersey Assemblyman Samuel Fiocchi, and the New Jersey League of Municipalities.

Resolution No. 85–2014
Offered by: Inserra

Seconded by: Barr

Adopted: April 14, 2014

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>	_____	_____	_____

10. Authorizing the filing of a Recycling Tonnage Grant Application.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 86-2014**

**RE: AUTHORIZING THE FILING OF A RECYCLING
TONNAGE GRANT APPLICATION**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102., has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a Resolution authorizing this municipality to apply for such tonnage grants for calendar **year 2014** (based on 2013 recycling figures) is required, and will memorialize the commitment of this municipality to recycling and indicate the assent of the Township of Upper to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such Resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Upper that the Township of Upper hereby endorses the submission of a municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and designates William McDaniels, Certified Recycling

Coordinator, P.O. Box 205, Tuckahoe, New Jersey, 08250, to ensure that said application is properly filed.

Resolution No. 86-2014

Offered by: Young

Seconded by: Coggins

Adopted: April 14, 2014

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>	_____	_____	_____

11. Authorizing the execution of a contract with Adams, Rehmann & Heggan Associates, Inc. for Professional Land Surveyor Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO.87-2014**

**RE: AUTHORIZING THE EXECUTION OF A CONTRACT WITH ADAMS, REHMANN &
HEGGAN ASSOCIATES, INC. FOR PROFESSIONAL LAND SURVEYOR SERVICES**

WHEREAS, the Township of Upper solicited proposals by RFP for a Professional Land Surveyor to Maintain the Official Tax Map of Upper Township, which proposals were received on March 13, 2014; and

WHEREAS, the aforesaid proposals were thereafter reviewed by the Upper Township Tax Assessor and Municipal Engineer and a recommendation was submitted to the Township Committee; and

WHEREAS, the Purchasing Agent and the Municipal Attorney have reviewed the recommendation; and

WHEREAS, the Township intends to take formal action awarding the contract to Adams, Rehmann & Heggan Associates, Inc. as hereinafter provided; and

WHEREAS, Adams, Rehmann & Heggan Associates, Inc. has completed and submitted a Business Entity Disclosure Certification

which certifies that Adams, Rehmann & Heggan Associates, Inc. has not made any contributions to a political or candidate committee in the Township that would bar the award of the contract and that the contract will prohibit Adams, Rehmann & Heggan Associates, Inc. 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 Adams, Rehmann & Heggan Associates, Inc., of 850 South White Horse Pike, Hammonton, New Jersey 08037, for professional land surveying services to maintain the Official Tax Map of Upper Township.

3. The Contract is awarded 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 Adams, Rehmann & Heggan Associates, Inc., has professional knowledge as to land surveying issues which knowledge is particularly valuable to the Township Committee.

4. The contract shall have a term of one (1) year from 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. Adams, Rehmann & Heggan Associates, Inc. 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 the contract award shall be published in the official newspaper of the Township of Upper.

8. This Resolution shall be effective as of adoption.

Resolution No. 87-2014

Offered by: Coggins

Seconded by: Palombo

Adopted: April 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>			

12. Authorizing the Mayor and Emergency Management Coordinator to sign the 2014 Severe Storm Plan of the Township of Upper Emergency Operations Plan.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 88-2014**

**RE: AUTHORIZING THE MAYOR AND EMERGENCY
MANAGEMENT COORDINATOR TO SIGN THE 2014 SEVERE STORM PLAN
OF THE TOWNSHIP OF UPPER EMERGENCY OPERATIONS PLAN**

WHEREAS, in 2012 the Township of Upper Emergency Operating Plan was approved by the Cape May County Office of Emergency Management and the State of New Jersey Office of Emergency Management; and

WHEREAS, the National weather Service has designed the “Storm Ready” program to help communities better prepare for and mitigate effects of extreme weather-related events; and

WHEREAS, the Township of Upper wishes to participate in the plan as a “Storm Ready” Community by adopting a supplement the existing Emergency Operating Plan and by establishing a

policy and procedure specific to response and recovery operations during a severe weather emergency; 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 Emergency Operating Plan for the Township of Upper is hereby amended to include the attached 2014 Severe Storm Plan and the Mayor, the Emergency Management Coordinator and other Township officers are authorized to execute such documents as are necessary in this regard.
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. 88-2014

Offered by: Barr

Seconded by: Inserra

Adopted: April 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>

13. Authorizing the disposal of personal property with no market value.

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

RESOLUTION NO. 89-2014

RE: AUTHORIZING THE DISPOSAL OF PERSONAL PROPERTY
WITH NO MARKET VALUE

WHEREAS, N.J.S.A. 40A:11-36 authorizes a municipality to sell or dispose of certain personal property or equipment which is not needed for public use; and

WHEREAS, the Township of Upper determines that the property and equipment set forth on the attached Exhibit A hereto is not needed for public use and has no market value, and should be disposed of.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The property and equipment aforementioned on Exhibit A hereto is hereby determined to be useless for any public purpose and is also determined to be of no market value such that the Township Committee directs its disposal.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 89-2014

Offered by: Coggins

Seconded by: Palombo

Adopted: April 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>	_____	_____	_____

Exhibit "A"

Fijitsu Scanner Model No. M4097D removed from the Clerk's Office
Fixed Asset ID # 0110000032

ORDINANCES

14. Public Hearing and Final Adoption of Ordinance No.003-2014, RE: AN
ORDINANCE VACATING A PORTION OF MISTLETOE AVENUE ADJACENT
TO PORTIONS OF BLOCK 508 AND BLOCK 497, WITHIN THE TOWNSHIP OF

UPPER, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY. During the public hearing portion there were no speakers. Motion by Hobie Young, second by Edward Barr, to adopt Ordinance No. 003-2014. During roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
O R D I N A N C E
ORDINANCE NO. 003-2014**

**AN ORDINANCE VACATING A PORTION OF MISTLETOE AVENUE
ADJACENT TO PORTIONS OF BLOCK 508 AND BLOCK 497, WITHIN THE
TOWNSHIP OF UPPER, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY**

WHEREAS, N.J.S.A. 40:67-1 authorizes the Governing Body of a municipality to adopt an Ordinance, among other things, to vacate any street, highway, lane, alley, square, place or park, or any part thereof, dedicated to public use but not accepted by the municipality, whether or not the same, or any portion, has been actually opened or improved; and

WHEREAS, Timothy and Carol Ann McCann are the owners of Block 508, Lots 1-13, and have requested that the Township vacate a portion of the street described in this Ordinance and have agreed to pay the costs incurred by the Township to vacate said street including the costs of the revisions to the tax map; and

WHEREAS, the Township Committee has duly considered the matter and it appears reasonable to agree to the request since there is no present or foreseeable need or intention to utilize said roadway; and

WHEREAS, it is deemed to be in the public interest to vacate a portion of Mistletoe Avenue within the Township of Upper, as hereinafter provided.

NOW, THEREFORE, 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: The public right in, along, upon and over the following described land is hereby vacated, surrendered and extinguished:

Description

Vacation of Portion of Mistletoe Avenue
Adjacent to portion of Blocks 497 & 508
as shown on Tax Map Sheet No. 18.01
Marmora Section of
Township of Upper

BEGINNING at the Southeasterly corner of Union Ave. (50' wide) and Mistletoe Ave. (Formerly Holly Ave.)(50' wide) extending Southeastwardly along Block 508 Lots 1 and 11-13 a distance of 160'; and extending Northeastwardly across Mistletoe Ave. (50' wide); and extending Northwestwardly along Block 497 Lots 1 and 17-19 distance of 160'; and extending Southwestwardly along the Southerly line of Union Ave. across Mistletoe Ave. (50' wide) to the point of beginning.

SECTION 2: This Ordinance vacates no portion of the street except that portion set forth and described in **SECTION 1** above.

SECTION 3: EXCEPTION: This Ordinance expressly reserves and excepts from vacation all rights and privileges now possessed by public utilities, as defined in R.S. 48:2-13, and by any cable television company, as defined in the "Cable Television Act", P.L. 1972, c. 186, (C.48:5A-1, et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated, as hereinabove described.

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

SECTION 5: EFFECTIVE DATE: This Ordinance shall take effect immediately upon final adoption and publication as required by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE
WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP

COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 10th DAY OF MARCH, 2014 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 14th DAY OF APRIL, 2014 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

15. Public Hearing and Final Adoption of Ordinance No. 004-2014, RE: BOND ORDINANCE AMENDING BOND ORDINANCE NUMBERED 015-2013 OF THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, NEW JERSEY FINALLY ADOPTED DECEMBER 16, 2013 IN ORDER TO AMEND SECTION ONE AND SECTION TWO, WHICH APPROPRIATES \$3,748,000 AND AUTHORIZES BOND OR NOTES IN THE AMOUNT OF \$3,560,600 FOR VARIOUS CAPITAL IMPROVEMENTS. During the public hearing portion there were no speakers. Motion by John Coggins, second by Anthony Inserra, to adopt Ordinance No. 004-2014. During roll call vote all five Committee members voted in the affirmative.

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

ORDINANCE NO. 004-2014

BOND ORDINANCE AMENDING BOND ORDINANCE
NUMBERED 015-2013 OF THE TOWNSHIP OF UPPER, IN THE
COUNTY OF CAPE MAY, NEW JERSEY FINALLY ADOPTED
DECEMBER 16, 2013 IN ORDER TO AMEND SECTION ONE AND
SECTION TWO, WHICH APPROPRIATES \$3,748,000 AND
AUTHORIZES BOND OR NOTES IN THE AMOUNT OF
\$3,560,600 FOR VARIOUS CAPITAL IMPROVEMENTS.

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 One of Bond Ordinance numbered 015-2013 of the Township of Upper, in the County of Cape May, New Jersey (the "Township"), finally adopted December 16, 2013, is hereby amended in its entirety to read as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) Acquisition of various vehicles and equipment, consisting of an infield sand pro, a utility pickup truck with plow, a utility pickup truck for Recreation, a pickup truck for Supervisor, a mini dump plow with spreader, trash carts, a handheld scanner for trash carts, rear load dumpsters, rear load containers dumpsters, a cab and chassis mini packer, a self-contained leaf vacuum, a beach pickup truck, an ambulance, trash trucks and containers, a dump snow plow and spreader, mowers, a mini-dump truck with utility box and snow plow, a utility body pick-up truck, a utility body pick-up truck with snow plow, a pick-up truck and a loader bucket, improvements to an existing loader and the acquisition and installation of carpeting at the Township Hall meeting room, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$2,136,500	\$2,029,675	5 years
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.	\$900,000	\$855,000	10 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
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.	\$125,000	\$118,750	10 years
d) Recreational field improvements, consisting of fencing, irrigation, baseball dugouts, the sewer pump station, the restroom building, sports field lighting, and a concession stand, 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.	\$216,000	\$205,200	15 years
e) Replacement of the Town Hall roof, the insulation of the Public Works Big Garage, the conversion of the Rescue Building from propane to natural gas and the acquisition of a new heater for the Squad Garage, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$135,000	\$128,250	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, the acquisition and installation of monitors for Township Hall, and the installation of bullet-resistant windows at Town Hall, 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
g) Acquisition of various equipment, consisting of an emergency generator for			

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
the Rescue Squad, a vehicle fueling system, a vehicle lift, a tire lift and a pump for the Strathmere Seacliff Avenue Pump Station, 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 and a GPS System for vehicle trucks, including all related costs and expenditures incidental thereto.	\$46,000	\$43,700	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
TOTALS	<u>\$3,748,000</u>	<u>\$3,560,600</u>	

Section Two. Section Two of Bond Ordinance numbered 015-2013 of the Township, finally adopted December 16, 2013, is hereby amended to read as follows:

of “The average period of usefulness, computed on the basis of the respective amounts obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 7.54 years.”

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

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 10th DAY OF MARCH, 2014 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 14th DAY OF APRIL, 2014 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

16. Public Hearing and Final Adoption of Ordinance No. 006-2014, RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER VIII (ANIMAL CONTROL) OF THE CODE OF UPPER TOWNSHIP. During the public hearing portion there were no speakers. Motion by Edward Barr, second by Anthony Inserra, to adopt Ordinance No. 006-2014. During roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
O R D I N A N C E
ORDINANCE NO. 006-2014**

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE
CHAPTER VIII (ANIMAL CONTROL) OF THE CODE OF UPPER TOWNSHIP**

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

SECTION 1: Chapter VIII of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be revised to add the following Section 8-13:

8-13 Prohibited Activities and Treatment.

8-13.1 Care of Animals

No owner, caretaker, guardian or handler shall withhold proper shelter, protection from weather, veterinary care and immune care to any animal. No owner, caretaker, guardian or handler shall fail to provide his or her animal with sufficient food and drinkable water on a daily basis. Food and drinkable water must be in an animal food consumption or water consumption type container, feeder or waterer.

8-13.2 Unnecessary Suffering and Cruelty

No animal shall be subjected to unnecessary suffering and cruelty such as subjecting the animal to prolonged fear, injury, pain or physical abuse. Interaction with humans and other animals shall not be unreasonably withheld. Any individual, currently licensed by the State Board of Veterinary Medical Examiners to practice veterinary medicine, who is acting within his or her scope of practice to deliver acceptable and medically sound veterinary care to an animal, shall be exempt from this section.

8-13.3 Extreme weather

In extreme weather below 32 degrees and above 95 degrees and in major storms where evacuation is recommended, all outdoor dogs and indoor/outdoor cats (with the exception of feral cats) must be brought indoors whether tethered or kenneled, unless the kennel is heated or air conditioned according to safety code. Indoors will include any area of the

residence which is temperature controlled and garage and basement unless heated in cold or air conditioned in heat will not be considered adequate.

8-13.4 Enforcement, Violations and Penalties

Violations of this Section shall be enforced and shall be punishable pursuant to Sections 8-6 and 8-7 of this Chapter.

SECTION 2: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 3: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 4: EFFECTIVE DATE: This Ordinance shall take effect immediately upon final adoption and publication as required by law.

SECTION 5: CODIFICATION: This Ordinance shall be codified in Chapter VIII of the Upper Township Code.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 10th DAY OF MARCH, 2014 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 14th DAY OF APRIL, 2014 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF

UPPER.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

CORRESPONDENCE

17. **Tuckahoe Volunteer Fire Company – Parking on Old Tuckahoe Road.** Edward Carter, Chief of the Tuckahoe Fire Company, stated that during sporting events vehicles are parked on both sides of Old Tuckahoe Road making passage of emergency vehicles impossible. He is requesting that a portion of the road be designated as No Parking as there is ample parking available in the lots near the field. It was stated that designating a No Parking Zone on the residential side of the road could alleviate the problem, however the procedure to adopt the required Ordinance would take some time and the problem would persist in the interim. Motion by Anthony Inserra, second by Hobie Young, to declare an emergency No Parking Zone along Old Tuckahoe Road and direct Public Works to place signs to that effect. During roll call vote all five Committee members voted in the affirmative. Motion by Richard Palombo, second by Anthony Inserra, to designate the residential side of Old Tuckahoe Road as a No Parking Zone. During roll call vote all five Committee members voted in the affirmative. An Ordinance will be placed on a future agenda for formal action.

NEW BUSINESS

18. **Bid opening results for 2013 or newer 10' Bed Dump Truck.** Motion by Anthony Inserra, second by John Coggins, to accept the bid and award a contract to Robert Hoover & Sons, Inc. for one 10' bed dump truck pursuant to the CFO's recommendation. During roll call vote all five Committee members voted in the affirmative. A resolution for formal action will be placed on the next agenda.

UNFINISHED BUSINESS:

19. **Upper Township Construction Official-request to increase permit fees.** Mayor Palombo stated that talks are underway with Dennis Township with regard to a potential Shared Services Agreement for the Construction Department. He stated that he would like to investigate potential options before discussing a possible increase in the construction permit fees. It was stated that the Township's fees in general should be reviewed. The Committee directed that a listing of the Township's fees along with a comparison of neighboring municipalities be gathered and discussed at a future meeting.
20. **Planning Board recommendation for changes to Plan/Zone fee schedule.** The Committee directed the Municipal Attorney to draft an Ordinance pursuant to the Planning Board's recommendations.

DISCUSSION

PAYMENT OF BILLS:

21. **“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 Anthony Inserra. During roll call vote all five Committee members voted in the affirmative.

Bills approved for payment: \$ 469,589.42

Payroll: \$ 158,054.47

REPORT OF MUNICIPAL DEPARTMENTS:

- 22. Construction Code
- 23. Clerk's Office
- 24. EMS
- 25. Animal Control
- 26. Tax Assessor
- 27. Tax Collector
- 28. Finance Office
- 29. Green Team March 11, 2014 meeting minutes

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

PUBLIC COMMENT

There was no public comment.

CLOSED SESSION

30. 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. 90-2014
MOTION GOING INTO CLOSED SESSION
APRIL 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 – Computer House
- 2. Contract negotiation – Shared Services with Cape May County for Heavy Equipment Fleet Maintenance
- 3. Contract negotiation – CASA Payroll Services
- 4. Litigation – Upper Township v. Yank and Sansone
- 5. 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.
- 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 10:06 P.M. The next regular meeting is scheduled for April 28, 2014 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC
Municipal Clerk

Bill List

62629 04/14/14 A0018 ACTION SUPPLY INC. 9.36 2822
62630 04/14/14 A0025 ADVANTAGE RENTAL ACE HARDWARE 760.86 2822
62631 04/14/14 A0035 AIRLINE HYDRAULIC CORP. 472.00 2822
62632 04/14/14 A0091 ATLANTIC CITY ELECTRIC 15,122.32 2822
62633 04/14/14 A0167 HESS CORPORATION 1,752.82 2822
62634 04/14/14 B0035 BELMONT & CRYSTAL SPRINGS 89.20 2822
62635 04/14/14 B0106 BARLOW BUICK GMC 1,934.27 2822
62636 04/14/14 B0148 AMERIGAS GAS 1,577.23 2822
62637 04/14/14 B0178 BUGANSKI, PETER R. 245.97 2822
62638 04/14/14 B0184 BUSHONG, BRIAN 10.00 2822
62639 04/14/14 B0207 BARLOW CHEVROLET, INC 1,869.31 2822
62640 04/14/14 B0218 BCI BURKE COMPANY, LLC 395.40 2822
62641 04/14/14 C0060 CAPRIONI'S PORTABLE TOILETS 110.00 2822
62642 04/14/14 C0068 COMCAST 347.39 2822
62643 04/14/14 C0071 CAPEHART & SCATCHARD, P.A. 34.00 2822
62644 04/14/14 C0078 CARTER, EDWARD, SR. 10.00 2822
62645 04/14/14 C0171 COLONIAL ELECTRIC SUPPLY CO. 0.00 04/14/14 VOID 0
62646 04/14/14 C0171 COLONIAL ELECTRIC SUPPLY CO. 2,222.01 2822
62647 04/14/14 C0196 COMPUTER HOUSE 1,829.40 2822
62648 04/14/14 C0201 CRUZAN'S TRUCK SERVICE INC. 230.34 2822
62649 04/14/14 C0223 CASA PAYROLL SERVICE 243.35 2822

62650 04/14/14 C0242 CORE MECHANICAL, INC. 767.20 2822
62651 04/14/14 D0045 DEPTCOR 260.00 2822
62652 04/14/14 E0012 EHRLICH PEST CONTROL INC 83.44 2822
62653 04/14/14 E0065 Eric Elberson 20.00 2822
62654 04/14/14 F0054 DEARBORN NATIONAL LIFE INS. CO 427.35 2822
62655 04/14/14 G0012 GANN LAW BOOKS 110.00 2822
62656 04/14/14 G0028 GENTILINI FORD 55.26 2822
62657 04/14/14 G0057 GLOBALSTAR USA LLC 106.09 2822
62658 04/14/14 G0086 W.W. GRAINGER, INC. 106.01 2822
62659 04/14/14 G0096 GRUND, GEORGE 298.30 2822
62660 04/14/14 G0147 GREATAMERICA FINANCIAL SVCS. 176.97 2822
62661 04/14/14 H0002 H.A. DEHART & SON CORP. 161,661.00 2822
62662 04/14/14 H0062 HOPE, JOHN J. 160.00 2822
62663 04/14/14 H0083 HUBER LOCKSMITHS, INC. 425.00 2822
62664 04/14/14 H0095 HORIZON BCBSNJ 130,328.18 2822
62665 04/14/14 H0156 CHRISTOPHER R. HEMBERGER 45.00 2822
62666 04/14/14 J0016 JERSEY SHORE PARTNERSHIP, INC 100.00 2822
62667 04/14/14 J0039 JOHNSON & TOWER INC. 439.09 2822
62668 04/14/14 J0041 JONES, JAMES M. 160.00 2822
62669 04/14/14 J0072 JERSEY WEB DESIGNS 925.00 2822
62670 04/14/14 K0037 KOHLER, JOHN F 10.00 2822
62671 04/14/14 K0077 KARAYIANNIS, MICHELLE 25.00 2822
62672 04/14/14 L0007 LC EQUIPMENT, INC. 270.00 2822
62673 04/14/14 L0080 LOWES, INC. 444.66 2822
62674 04/14/14 L0106 William Law 45.00 2822
62675 04/14/14 L0107 REBECCA K. LAW 45.00 2822
62676 04/14/14 M0012 McCAULEY, RICHARD 159.99 2822
62677 04/14/14 M0046 MASON, DAVID 150.00 2822
62678 04/14/14 M0059 MCDANIELS, WILLIAM J. III 195.31 2822
62679 04/14/14 M0142 MASON, NICHOLAS 10.00 2822
62680 04/14/14 M0166 MOTOROLA SOLUTIONS 627.40 2822
62681 04/14/14 M0174 MCAFEE MEGAN 25.20 2822
62682 04/14/14 0.00 04/14/14 VOID 0
62683 04/14/14 M0209 MAYBERRY, JOHN D 10.00 2822
62684 04/14/14 M0222 MUNICIPAL CAPITAL CORPORATION 392.00 2822
62685 04/14/14 M0247 MORGAN, SCOTT 91.21 2822
62686 04/14/14 N0004 NJ-AMERICAN WATER CO. 118.89 2822
62687 04/14/14 N0043 NAPA AUTO PARTS 152.25 2822
62688 04/14/14 N0088 N.J. CONFERENCE OF MAYORS 295.00 2822
62689 04/14/14 N0094 NEW JERSEY PLANNING OFFICIALS 436.00 2822
62690 04/14/14 N0131 DEFINED CONTRIB RETIRE PROGRAM 89.52 2822
62691 04/14/14 N0139 NELSON MARY 45.00 2822
62692 04/14/14 O0006 SJSHORE MARKETING,LLC 308.42 2822
62693 04/14/14 O0042 ORCHARDS HYDRAULIC SERVICE INC 296.61 2822
62694 04/14/14 P0032 PEDRONI FUEL CO. 3,195.77 2822
62695 04/14/14 P0050 PARSIO, ANTHONY 10.00 2822
62696 04/14/14 P0096 PREVITI,MICHELE M. 333.48 2822
62697 04/14/14 R0030 RIGGINS, INC. 5,323.96 2822
62698 04/14/14 R0099 RANSOME INTERNATIONAL, LLC 32.35 2822
62699 04/14/14 S0001 SAM'S CLUB 112.35 2822
62700 04/14/14 S0018 SUBURBAN PROPANE, LP 3,280.99 2822
62701 04/14/14 S0034 SCHULER, DANIEL 120.00 2822
62702 04/14/14 S0056 SEASHORE ASPHALT CORPORATION 995.00 2822
62703 04/14/14 S0085 SHOCKEY'S PURE WATER SYSTEMS 262.50 2822
62704 04/14/14 S0092 SHONE, LEROY 10.00 2822
62705 04/14/14 S0122 SOMERS POINT LUMBER INC. 262.55 2822
62706 04/14/14 S0134 SO. JERSEY GAS COMPANY 193.49 2822
62707 04/14/14 S0139 SO. JERSEY WATER COND. INC. 1,034.50 2822
62708 04/14/14 S0196 STEWART BUSINESS SYSTEMS LLC 1,216.03 2822
62709 04/14/14 S0209 STAPLES ADVANTAGE 1,036.21 2822
62710 04/14/14 S0232 SOUTH STATE, INC. 98,161.89 2822
62711 04/14/14 S0239 SHORE VET. ANIMAL CONTROL LLC 2,200.00 2822
62712 04/14/14 T0024 TAYLOR, MATTHEW 33.98 2822
62713 04/14/14 T0038 THOMAS, CHRISTOPHER 10.00 2822
62714 04/14/14 T0067 TOWNSHIP OF UPPER PETTY CASH 26.00 2822
62715 04/14/14 T0080 TREASURER STATE OF N.J. 139.00 2822
62716 04/14/14 T0097 TRICO EQUIPMENT INC. 94.96 2822
62717 04/14/14 T0131 TROUT, ROSEMARY 150.00 2822
62718 04/14/14 U0026 UNIVERSAL SUPPLY CO., INC. 108.98 2822
62719 04/14/14 U0040 U.T. MUNICIPAL ALLIANCE COM. 130.45 2822
62720 04/14/14 V0001 VCI EMERGENCY VEHICLE 889.70 2822
62721 04/14/14 V0005 VAN EMBDEN, NATHAN, ATTORNEY 862.50 2822
62722 04/14/14 V0013 VERIZON WIRELESS 694.44 2822
62723 04/14/14 V0022 VERIZON 115.64 2822
62724 04/14/14 V0024 VAL-U AUTO PARTS L.L.C. 1,300.26 2822
62725 04/14/14 V0025 V.E. RALPH & SON,INC. 83.60 2822

62726 04/14/14 V0027 VANORDER, ROGER 129.61 2822
62727 04/14/14 W0026 WEINSTEIN SUPPLY 54.00 2822
62728 04/14/14 W0030 WEST PUBLISHING CO. 413.21 2822
62729 04/14/14 W0038 WILLIAMS, JEREMIAH J. 260.00 2822
62730 04/14/14 W0060 WOOLLEY, THOMAS 10.00 2822
62731 04/14/14 Y0008 YOUNG, DANIEL J. ESQUIRE PC 13,212.50 2822
62732 04/14/14 Y0012 YOUNG,ROBERT 152.94 2822
62733 04/14/14 Y0020 YOUNG, BARBARA L. 150.00 2822
62734 04/14/14 Y0023 YOUNG, DANIEL J. ATTORNEY 2,625.00 2822

Total: \$ 469,589.42