

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR APRIL 28, 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 - April 14, 2014 Regular Meeting and Closed Session Minutes

Motion by Edward Barr, second by Anthony Inserra, to adopt the April 14, 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, commented on an agenda item regarding the release of the remaining cash bond and escrow funds from a claim against Lexon Insurance Company. Later in the meeting Mr. Coggins made a motion, second by Hobie Young, to request the Municipal Attorney to research term limits for municipal elected officials. During roll call vote all five Committee members voted in the affirmative.

Hobie Young, Committeeman, briefly reported on the preparations underway for the Fourth of July events. He next reported that Upper Township Lacrosse has put in a request for their annual tournament to be held on May 17. Motion by John Coggins, second by Edward Barr, to approve the request. During roll call vote all five Committee members voted in the affirmative. Mr. Young next reported that the plans for the improvements to Amanda's Field are being finalized. He next reported that last week a recycling presentation was held at the middle and elementary schools and was very well received. The show was filmed and will be posted on UTTV soon.

Anthony Inserra, Committeeman, reminded all residents that all trash must be placed in bags before being placed in the trash carts, and also gave a brief listing of the items that are prohibited from being placed in the carts. This information has been posted on the Upper Township website and UTTV.

Edward Barr, Committeeman, reported that he attended the Tuckahoe Fire Company's open house over the weekend and the event was a great success.

Richard Palombo, Mayor, reported that the Township will be holding the Day of Prayer Ceremony on Thursday May 1, and many of the area pastors have been invited to attend. He next reported that the Township will be meeting with officials from Dennis Township with regard to several shared services agreements.

OTHER REPORTS

Barbara Young, Municipal Clerk, invited everyone to attend the National Day of Prayer ceremony at Municipal Hall on Thursday May 1, 2014 at 10:00 am.

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

PRESENTATIONS

1. **Congratulating the Upper Township Girls Varsity Travel Basketball Team on becoming the 2014 Optimist Basketball Tournament Champions.** This item was cancelled due to a scheduling conflict with the team and will be re-listed on a future agenda.

RESOLUTIONS

2. Congratulating employee Roger Van Order of the Upper Township Department of Public Works for his winning entry in the Upper Township Safety Award Program for the 2nd Quarter of 2014.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 91-2014

RE: CONGRATULATING EMPLOYEE ROGER VAN ORDER
OF THE UPPER TOWNSHIP DEPARTMENT OF PUBLIC WORKS
FOR HIS WINNING ENTRY IN
THE UPPER TOWNSHIP SAFETY AWARD PROGRAM
FOR THE 2ND QUARTER OF 2014

WHEREAS, employee Roger Van Order 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, Roger's safety suggestion was chosen by the Upper Township Safety Committee from the entries submitted in the second quarter for the promotion of safety for employees and the community; and

WHEREAS, Roger should be publicly recognized for reporting the hazard of a hole in the broken lookout glass bubble at the Luke Court playground creating a potential danger to children; and

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

1. That the Committee extends its appreciation and publicly recognizes Roger Van Order 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 Roger Van Order 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 28th day of April, 2014.

Resolution No. 91-2014
Offered by: Barr
Adopted: April 28, 2014
Roll Call Vote:

Seconded by: Inserra

<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>

3. Authorizing a contract with Casa Payroll Services of Pleasantville, New Jersey for Payroll Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 92-2014

**RE: AUTHORIZING A CONTRACT WITH CASA PAYROLL SERVICES OF
PLEASANTVILLE, NEW JERSEY FOR PAYROLL SERVICES**

WHEREAS, CASA Payroll Services (“CASA”) has submitted a proposal to the Township for payroll services; and

WHEREAS, N.J.A.C. 5:30-17.3 et seq. provides for electronic disbursement controls for payroll purposes and applies to entities which execute disbursements from and/or take possession of municipal bank accounts or funds; and

WHEREAS, the proposal of CASA does not permit CASA to execute disbursements from the Township’s bank account or give CASA possession of Township funds and as such N.J.A.C. 5:30-17.3 et seq. does not apply; and

WHEREAS, the Township wishes to accept said proposal and to authorize a contract with CASA; and

WHEREAS, the proposal has been reviewed and approved by the Municipal Attorney and will be on record in the office of the Township Clerk and available for public inspection; and

WHEREAS, CASA has completed and submitted a Business Entity Disclosure Certification which certifies that CASA 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 CASA 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 enter into a contract with CASA attached hereto as Exhibit “A”, to provide payroll service within the Township of Upper commencing immediately.

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

4. 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. 92-2014

Offered by: Young

Seconded by: Inserra

Adopted: April 28, 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>	___	___	___

4. **Accepting the bid and authorizing the execution of a contract with Robert H. Hoover & Sons, Inc. of Flanders, NJ 07836 for the furnishing and delivery of one 10’ Bed Dump Truck in the amount of \$149,949.00.** Committeeman Coggins questioned if the contractor’s submittal was compared to the bid specifications to make sure they are in agreement. It was stated that normally if there are exceptions to the specifications, the Department will bring the issue before the CFO and the Municipal Attorney. This did not happen. However, it could not be verified that the bid submittal had been compared against the specifications. The matter was tabled for further review and will be re-listed on the next agenda.

5. Authorizing a Shared Services Agreement with the County of Cape May for funding of the project known as “Improvements to Amanda’s Field”.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

R E S O L U T I O N

RESOLUTION NO. 93-2014

**RE: AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE
COUNTY OF CAPE MAY FOR FUNDING OF THE PROJECT KNOWN AS
“IMPROVEMENTS TO AMANDA’S FIELD”**

WHEREAS, the Township of Upper submitted an application for the 2013 Open Space Program Park and Recreation Development grant funding for the project known as “Improvements to Amanda’s Field”; and

WHEREAS, on February 11, 2014 the Board of Chosen Freeholders, based on the recommendation of the Open Space Review Board, voted to provide funding in an amount not to exceed \$220,000.00 to support the implementation of the aforementioned project; and

WHEREAS, the Township of Upper has determined that it is in the best interest of the Township to enter into a Shared Services Agreement with the County of Cape May; and

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 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 the County of Cape May for the funding of the project known as “ Improvements to Amanda’s Field”.

2. **SERVICES TO BE PROVIDED; CONTRACT.** The Shared Services Agreement authorized in paragraph 1 hereof shall cover those services, which shall be enumerated in said Agreement.

3. **AUTHORIZATION TO 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 official seal of the Township of Upper.

4. COMPLIANCE WITH STATUTORY REQUIREMENTS. The Shared Services Agreement between the County of Cape May and the Township of Upper shall meet and satisfy the requirements of N.J.S.A. 40A:65-1, et seq., as same may be amended and supplemented.

5. CONTRACT TERM. The term of this Agreement is for the period as stipulated in the Shared Service Agreement from the date of full execution of the Shared Services Agreement.

6. SEVERABILITY. If any section, subsection, paragraph, sentence or other part of this Resolution is adjudged 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.

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

Resolution No. 93-2014
Offered by: Young
Adopted: April 28, 2014

Seconded by: Barr

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
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 a Shared Services Agreement with the County of Cape May for funding of the project known as “ADAAA Upgrades to Bayview Avenue Boat Ramp”.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

RESOLUTION

RESOLUTION NO. 94-2014

**RE: AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE
COUNTY OF CAPE MAY FOR FUNDING OF THE PROJECT KNOWN AS
“ADAAA UPGRADES TO BAYVIEW AVENUE BOAT RAMP”**

WHEREAS, the Township of Upper submitted an application for the 2013 Open Space Program Park and Recreation Development grant funding for the project known as “ADAAA Upgrades to Bayview Avenue Boat Ramp”; and

WHEREAS, on February 11, 2014 the Board of Chosen Freeholders, based on the recommendation of the Open Space Review Board, voted to provide funding in an amount not to exceed \$280,350.00 to support the implementation of the aforementioned project; and

WHEREAS, the Township of Upper has determined that it is in the best interest of the Township to enter into a Shared Services Agreement with the County of Cape May; and

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 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 the County of Cape May for the funding of the project known as “ADAAA Upgrades to Bayview Avenue Boat Ramp”.

2. SERVICES TO BE PROVIDED; CONTRACT. The Shared Services Agreement authorized in paragraph 1 hereof shall cover those services, which shall be enumerated in said Agreement.

3. AUTHORIZATION TO 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 official seal of the Township of Upper.

4. COMPLIANCE WITH STATUTORY REQUIREMENTS. The Shared Services Agreement between the County of Cape May and the Township of Upper shall meet and satisfy the requirements of N.J.S.A. 40A:65-1, et seq., as same may be amended and supplemented.

5. CONTRACT TERM. The term of this Agreement is for the period as stipulated in the Shared Service Agreement from the date of full execution of the Shared Services Agreement.

6. SEVERABILITY. If any section, subsection, paragraph, sentence or other part of this Resolution is adjudged 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.

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

Resolution No. 94-2014

Offered by: Young

Seconded by: Barr

Adopted: April 28, 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. Appointing the 2014 season Beach Patrol Personnel.

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

RESOLUTION NO.95-2014

RE: APPOINTING THE 2014 SEASON BEACH PATROL PERSONNEL

WHEREAS, the individuals hereinafter named have been determined to possess the requisite skills, training and are otherwise eligible for appointment to the position of lifeguard; 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 following individuals are appointed as lifeguards in the Township of Upper pending successful completion of pre-employment testing, at a salary as stated below in accordance with the Salary Ordinance:

	CAPTAIN	
WILLIAM HANDLEY		\$23.00 per hour
	LIEUTENANT	
JOSEPH LAROSA, III		\$17.50 per hour

RETURNING GUARD
RODNEY TICE **\$12.50 per hour**

3. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Resolution No. 95-2014
Offered by: Palombo Seconded by: Barr
Adopted: April 28, 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	_____	_____	_____

8. Appointing Michael Pfaff and Devon Morris as part-time seasonal Beach Sweepers to the Upper Township Public Works Department.

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

RESOLUTION NO. 96-2014

**RE: APPOINTING MICHAEL PFAFF AND DEVON MORRIS
AS PART-TIME SEASONAL BEACH SWEEPERS
TO THE UPPER TOWNSHIP PUBLIC WORKS DEPARTMENT**

WHEREAS, a need exists to appoint qualified personnel as part-time employees to the Upper Township Public Works Department to insure optimal operation; 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. Michael Pfaff and Devon Morris are hereby appointed in part-time seasonal positions as beach sweepers, pending pre-

employment testing, at a salary of \$11.50 per hour in accordance with the Salary Ordinance.

3. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Resolution No. 96-2014
Offered by: Inserra
Adopted: April 28, 2014

Seconded by: Palombo

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. Authorization for the Township of Upper to make application for a subgrant for the Federal Fiscal Year 2013 from the Department of Homeland Security Emergency Management Performance Grant Program Funding.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 97-2014

RE: AUTHORIZATION FOR THE TOWNSHIP OF UPPER
TO MAKE APPLICATION FOR A SUBGRANT FOR THE FEDERAL FISCAL YEAR 2013
FROM THE DEPARTMENT OF HOMELAND SECURITY
EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM FUNDING

WHEREAS, the Township of Upper, Office of Emergency Management has been authorized to file application for a State Homeland Security Grant Program from the New Jersey State Police Office of Emergency Management. The EMAA (Emergency Management Agency Assistance) Subgrant, consisting of a total amount of \$10,000.00, including \$5,000.00 Federal Award and \$5,000.00 Local Matching Funds, is for the purpose of enhancing Upper Township's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the EMAA Subgrant application incorporates all conditions and representations contained or made in application; and

WHEREAS, the Township of Upper Office of Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for

Subgrant Award that has been required by the said New Jersey State Police Office of Emergency Management; and

WHEREAS, the Application for Subgrant Award calls for a match in the amount of \$5,000.00, which the Township of Upper, Office of Emergency Management adequately satisfies through the 2014 Township of Upper approved budget for Division salaries and wages and fringe benefits.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Upper here authorizes the application for the award of the FFY2013 Homeland Security Emergency Management Performance Grant Program Subgrant in the amount of \$5,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management; and

BE IT FURTHER RESOLVED that the Director of the Division of Local Government Services is requested to approve the insertion of an item of revenue in the budget of the year 2014 in the sum of \$5,000.00, once approved from the New Jersey State Police, Office of Emergency Management in the like amount of \$5,000.00 from the aforementioned grant; and

BE IT FURTHER RESOLVED that the like sum of \$5,000.00 is hereby appropriated under the caption FY 2013 Homeland Security Emergency Management Performance Grant; and

BE IT FURTHER RESOLVED that the Mayor, Chief Financial Officer and the Township Emergency Management Coordinator are authorized to sign the appropriate subgrant award documents; and

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; Cape May County Office of Emergency Management; the New Jersey Director of the Division of Local Government Services.

Resolution No. 97-2014

Offered by: Coggins

Seconded by: Inserra

Adopted: April 28, 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. Chapter 159 Resolution for the insertion of a special item of revenue into the 2014 Budget that was not determined at the time of the adoption of the budget—New Jersey State Forestry Services Green Communities Grant in the amount of \$3,000.00.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 98-2014**

RE: CHAPTER 159 RESOLUTION FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE INTO THE 2014 BUDGET THAT WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET—NEW JERSEY STATE FORESTRY SERVICES GREEN COMMUNITIES GRANT IN THE AMOUNT OF \$3,000.00

WHEREAS, N.J.S. 40A-87 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY WHEN SUCH ITEM SHALL HAVE BEEN MADE AVAILABLE BY LAW AND THE AMOUNT THEREOF WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET; AND

WHEREAS, SAID DIRECTOR MAY ALSO APPROVE THE INSERTION OF AN ITEM OF APPROPRIATION FOR AN EQUAL AMOUNT; AND

WHEREAS, THE TOWNSHIP OF UPPER WILL RECEIVE AN AMOUNT OF \$3,000.00 FROM THE NEW JERSEY STATE FORESTRY SERVICES GREEN COMMUNITIES GRANT PROGRAM AND WISHES TO AMEND ITS 2014 BUDGET TO INCLUDE THIS AMOUNT AS A REVENUE.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HEREBY REQUESTS THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES APPROVE THE INSERTION OF AN ADDITIONAL ITEM OF REVENUE IN THE BUDGET OF THE YEAR 2014 IN THE SUM OF \$3,000.00, WHICH IS NOW AVAILABLE AS A REVENUE FROM:

REVENUE: STATE & FEDERAL REVENUE OFFSET WITH APPROPRIATIONS:
2014 NEW JERSEY STATE FORESTRY SERVICES GREEN COMMUNITIES GRANT PROGRAM, AND

BE IT FURTHER RESOLVED THAT A LIKE SUM OF \$3,000.00 BE AND THE SAME IS HEREBY APPROPRIATED UNDER THE CAPTION OF:

APPROPRIATION: STATE AND FEDERAL PROGRAMS OFFSET BY REVENUE:
2014 NEW JERSEY STATE FORESTRY SERVICES GREEN COMMUNITIES GRANT PROGRAM, AND

BE IT FURTHER RESOLVED, THAT THE TOWNSHIP CLERK FORWARD TWO COPIES OF THIS RESOLUTION TO THE DIRECTOR OF LOCAL GOVERNMENT SERVICES.

Resolution No. 98-2014
Offered by: Young
Adopted: April 28, 2014

Seconded by: Coggins

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. Chapter 159 Resolution for the insertion of a special item of revenue into the 2014 Budget that was not determined at the time of the adoption of the budget— State of New Jersey Sustainable Jersey Small Grants Program in the amount of \$2,000.00.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 99-2014**

**RE: CHAPTER 159 RESOLUTION FOR THE INSERTION OF A SPECIAL ITEM OF
REVENUE INTO THE 2014 BUDGET THAT WAS NOT DETERMINED AT THE
TIME OF THE ADOPTION OF THE BUDGET— STATE OF NEW JERSEY
SUSTAINABLE JERSEY SMALL GRANTS PROGRAM
IN THE AMOUNT OF \$2,000.00**

WHEREAS, N.J.S. 40A-87 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY WHEN SUCH ITEM SHALL HAVE BEEN MADE AVAILABLE BY LAW AND THE AMOUNT THEREOF WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET; AND

WHEREAS, SAID DIRECTOR MAY ALSO APPROVE THE INSERTION OF AN ITEM OF APPROPRIATION FOR AN EQUAL AMOUNT; AND

WHEREAS, THE TOWNSHIP OF UPPER WILL RECEIVE AN AMOUNT OF \$2,000.00 FROM THE STATE OF NEW JERSEY 2014 SUSTAINABLE JERSEY SMALL GRANTS PROGRAM AND WISHES TO AMEND ITS 2014 BUDGET TO INCLUDE THIS AMOUNT AS A REVENUE.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HEREBY REQUESTS THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES APPROVE THE INSERTION OF AN ADDITIONAL ITEM OF REVENUE IN THE BUDGET OF THE YEAR 2014 IN THE SUM OF \$2,000.00, WHICH IS NOW AVAILABLE AS A REVENUE FROM:

REVENUE: STATE & FEDERAL REVENUE OFFSET WITH APPROPRIATIONS:
2014 SUSTAINABLE JERSEY SMALL GRANTS PROGRAM, AND

BE IT FURTHER RESOLVED THAT A LIKE SUM OF \$2,000.00 BE AND THE SAME IS HEREBY APPROPRIATED UNDER THE CAPTION OF:

APPROPRIATION: STATE AND FEDERAL PROGRAMS OFFSET BY REVENUE:
2014 SUSTAINABLE JERSEY SMALL GRANTS PROGRAM, AND

BE IT FURTHER RESOLVED, THAT THE TOWNSHIP CLERK FORWARD TWO COPIES OF THIS RESOLUTION TO THE DIRECTOR OF LOCAL GOVERNMENT SERVICES.

Resolution No. 99-2014
Offered by: Coggins
Adopted: April 28, 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>

12. Authorizing the release of the remaining cash bond and escrow funds to the Township of Upper in the settlement of the claim against Lexon Insurance Company, Surety Bond No. 1014147 with respect to Richnan Group, L.P., Principal, regarding that subdivision known as Seaville Plantation, Block 453, Lots 259.19 and 259.07 in the Township of Upper, Cape May County, New Jersey.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 100-2014

RE: AUTHORIZING THE RELEASE OF THE REMAINING CASH BOND AND ESCROW FUNDS TO THE TOWNSHIP OF UPPER IN THE SETTLEMENT OF THE CLAIM AGAINST LEXON INSURANCE COMPANY, SURETY BOND NO. 1014147 WITH RESPECT TO RICHNAN GROUP, L.P., PRINCIPAL, REGARDING THAT SUBDIVISION KNOWN AS SEAVILLE PLANTATION, BLOCK 453, LOTS 259.19 AND 259.07 IN THE TOWNSHIP OF UPPER, CAPE MAY COUNTY, NEW JERSEY

WHEREAS, the Planning Board of Upper Township approved a major subdivision known as Seaville Plantation, Block 453, Lots 259.19 and 259.07, in the Township of Upper, County of Cape May and State of New Jersey; and

WHEREAS, a condition of approval required the Developer, Richnan Group, L.P., to provide to the Township a Performance Bond in sufficient amount to cover the construction of improvements; and

WHEREAS, such Performance Bond was thereafter provided in accordance with the requirements of the Municipal Land Use Law of New Jersey, N.J.S.A. 40:55D-1, et seq.; and

WHEREAS, the Richnan Group, L.P. was the Principal and Lexon Insurance Company was Surety under Bond No. 1014147; and

WHEREAS, the Richnan Group, L.P., failed to complete the improvements as required by the major subdivision approval granted by the Upper Township Planning Board; and

WHEREAS, the Developer, as Principal, and Lexon Insurance Company, as Surety, were placed on notice as to the uncompleted work; and

WHEREAS, by Resolution No. 151-2010 the Township Committee of the Township of Upper declared default with respect to the obligations of the Richnan Group, L.P. and demanded that the Surety, Lexon Insurance Company, forthwith complete the work or pay over to the Township of Upper the amount of the Performance Bond; and

WHEREAS, the Township of Upper has authorized and received the settlement of the claim against the Performance Bond with a payment from Lexon Insurance Company to the Township in the amount of \$100,655.50; and

WHEREAS, the Township of Upper has subsequently completed all necessary work in Subdivision known as Seaville Plantation, Block 453, Lots 259.12 and 259.07 in the Township of Upper, Cape May County, New Jersey and now wishes to release the remaining cash bond of \$13,932.79 together with the street light escrow and the inspection fee escrow of \$6,818.52, including any accrued interest on such amounts to the Township.

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

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

2. The Township Committee hereby directs the Chief Financial Officer to release the remaining cash bond of \$13,932.79 together with the street light escrow and the inspection fee escrow of \$6,818.52, plus any accrued interest to the Township of Upper.

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. 100-2014
Offered by: Coggins
Adopted: April 28, 2014

Seconded by: Barr

Roll Call Vote:

<u>NAME</u>	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>

13. Adopting revisions to the Upper Township Supervisors Personnel Policies and Procedures Manual and Employee Handbook.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 101 -2014

**RE: ADOPTING REVISIONS TO THE UPPER TOWNSHIP SUPERVISOR'S
PERSONNEL POLICIES AND PROCEDURES MANUAL
AND EMPLOYEE HANDBOOK**

WHEREAS, the Township Committee of the Township of Upper has determined there is a need to adopt revisions to the Township's Personnel Policies, Supervisor's Personnel Policies and Procedures Manual and Employee Handbook; and

WHEREAS, the Township Committee of the Township of Upper has reviewed and approved the revisions to the Supervisor’s Personnel Policies and Procedures Manual and Employee Handbook, a summary of which shall be attached hereto as Exhibit A; and

WHEREAS, the Township Committee has determined that the revisions should be adopted to amend the existing Township Supervisor’s Personnel Policies and Procedures Manual and the Employee Handbook; 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 revision to the Supervisor’s Personnel Policies and Procedures Manual and Employee Handbook is hereby adopted and approved and modifies the existing personnel policies, procedures, manuals and handbooks of the Township.
3. The Supervisor’s Personnel Policies and Procedures Manual shall apply to all Township officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personal services contract or federal or state law, the terms and conditions of that contract or law shall prevail. In all other cases these policies and procedures shall prevail.
4. The manual is intended to provide guidelines covering public service by Township employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Township Committee.
5. To the maximum extent permitted by law, employment practices for the Township shall operate under the legal doctrine known as “employment at will”.

6. 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. 101- 2014

Offered by: Inserra

Seconded by: Palombo

Adopted: April 28, 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>	___	___	___

14. Authorizing the purchase of certain items from the 2013 Capital Improvement Bond Ordinance in the amount of \$140,546.69.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO.102-2014

RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS FROM THE 2013 CAPITAL IMPROVEMENT BOND ORDINANCE IN THE AMOUNT OF \$140,546.69

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

WHEREAS, the Township Committee has adopted the 2013 Capital Improvement Bond Ordinance 05-2013 on April 8, 2013 and subsequently amended on December 16, 2013 and again on April 14, 2014; and

WHEREAS, pursuant to N.J.S.A 40A:11-12a, the Township wishes to purchase the vehicles listed on Exhibit A from State Contract; and

WHEREAS, the Township's QPA has reviewed and approved the quote for the Motorola Turbo GPS System; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of the acquisition with Wireless Electronics, Inc. for the year 2014 will exceed \$17,500; and

WHEREAS, Wireless Electronics, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Wireless Electronics, 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 Wireless Electronics, Inc. from making any reportable contributions through the term of the contract.

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 purchase of the items listed on Exhibit "A" in the amount of **\$140,546.69** from the 2013 Capital Improvement Bond.

3. 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. 102-2014
Offered by: Inserra
Adopted: April 28, 2014

Seconded by: Coggins

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
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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"

Motorola Turbo GPS System Vendor: Wireless Electronics, Inc.	\$24,640.00
2014 Ford F150 4 x 4 Extended Cab Truck Vendor: Winner Ford State Contract #A85437	\$26,169.00
2015 Ford F250 4 x 4 Utility Body Truck Vendor: Winner Ford State Contract #A83576	\$34,205.00
2015 Ford F250 4 x 2 Regular Cab Truck Vendor: Winner Ford State Contract #A83576	\$29,659.69
2015 Ford F450 Cab & Chassis Vendor: Winner Ford State Contract #A83559	\$25,873.00
TOTAL	\$140,546.69

15. Authorizing the Purchasing Agent to prepare specifications and solicit bids for one Automated Refuse Collection Vehicle.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 103-2014

**RE: AUTHORIZING THE PURCHASING AGENT TO PREPARE
SPECIFICATIONS AND SOLICIT BIDS FOR ONE AUTOMATED REFUSE
COLLECTION VEHICLE**

WHEREAS, the Township of Upper is in need of certain trash collection equipment, the cost of which will exceed the bid threshold established for the year 2014; and

WHEREAS, pursuant to the provisions of the Local Public Contracts Law, the Township of Upper intends to solicit bids as herein indicated;

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 Purchasing Agent is hereby authorized and directed to prepare specifications, bid documents and solicit bids for the following:
 - a) One (1) Automated Refuse Collection Vehicle.
3. Sealed bids shall be received by the Township of Upper in accordance with the directives contained in the Notice to Bidders.
4. The authority to award the bid shall be contingent upon no protest being signed by any person, nor any petition requesting that a referendum vote be taken, within 20 days after the publication or at any other time after the adoption of Ordinance No. 004-2014. The solicitation of bids shall state the authority to award the bid is subject to and contingent upon the said bond ordinance taking effect as provided by the Local Bond Law.

Resolution No. 103-2014
 Offered by: Inserra
 Adopted: April 28, 2014

Seconded by: Coggins

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>

16. Accepting the conveyance of real property known as Block 595, Lots 20 and 21 on the Municipal Tax Map of the Township of Upper, County of Cape May and State of New Jersey by gift. The Municipal Attorney gave a brief summary of this item. Previously these lots were offered to the Township by donation, which the Committee at the time accepted in order to maintain the vacant undersized lots as open space. However, title issues prevented the transaction from being completed, and a tax lien was subsequently sold to a third party lien holder in the amount of \$227.00. The Municipal Attorney recently inquired with the title company for a possible resolution to the title problem, and the title company agreed to insure in an amount sufficient to cover the title issues. If the Committee chooses to adopt the

Resolution accepting the property, the Township will need to redeem the tax lien and title insurance will need to be purchased. Motion by Edward Barr, second by John Coggins to proceed with the resolution, redeem the tax lien, and authorize the Municipal Attorney to purchase the title insurance. During roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 104-2014

**RE: ACCEPTING THE CONVEYANCE OF REAL PROPERTY KNOWN AS
BLOCK 595 LOTS 20 AND 21 ON THE MUNICIPAL TAX MAP OF THE
TOWNSHIP OF UPPER, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY
BY GIFT**

WHEREAS, the Township of Upper has received an offer to convey property to the Township by gift from Estate of Jean S. Brown; and

WHEREAS, said property is commonly known as Block 595, Lots 20 and 21 on the municipal tax map; and

WHEREAS, the Township has received evidence satisfactory to the Township that there are no liens or encumbrances affecting the property except for ad valorem real estate taxes and a third party tax lien in the current amount of approximately \$227.00 which the Township intends to redeem; that the title is marketable except as aforesaid; that there are no undisclosed ownership interests; that the property is not subject to any environmental hazards or conditions; and is not subject to any pending or threatened environmental enforcement action; and

WHEREAS, the Township Committee of the Township of Upper pursuant to Township Code Section 2-15 has determined to accept said real property by gift pursuant to its stated policy of acquiring certain properties.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township of Upper is hereby authorized to accept the conveyance of the property, known as Block 595, Lots 20 and 21 on the municipal tax map of the Township of Upper, by gift from the Estate of Jean S. Brown so long as the title at the time of the gift remains as indicated above.
3. The Municipal Attorney is hereby authorized to prepare a Deed of conveyance, and to submit said Deed to the Office of the Clerk of Cape May County to be recorded.
4. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No.104 -2014

Offered by: Inserra

Seconded by: Coggins

Adopted: April 28, 20134

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>

ORDINANCES

17. **Introduction and first reading or Ordinance No. 008-2014 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XIX OF THE CODE OF UPPER TOWNSHIP WITH RESPECT TO FEES CHARGED FOR APPLICATIONS FOR LAND USE APPROVAL AND AMENDING CHAPTER XX OF THE CODE OF UPPER TOWNSHIP TO CLARIFY THE REQUIREMENTS FOR AN AFFORDABLE SINGLE FAMILY HOME.** Motion by Richard Palombo, second by Hobie Young, to introduce Ordinance No. 008-2014 with public hearing and final adoption scheduled for May 27, 2014. During roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

ORDINANCE

ORDINANCE NO. 008-2014

RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XIX OF THE CODE OF UPPER TOWNSHIP WITH RESPECT TO FEES CHARGED FOR APPLICATIONS FOR LAND USE APPROVAL AND AMENDING CHAPTER XX OF THE CODE OF UPPER TOWNSHIP TO CLARIFY THE REQUIREMENTS FOR AN AFFORDABLE SINGLE FAMILY HOME

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 XIX, Sections 19-1 and 19-11, of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

CHAPTER XIX – LAND SUBDIVISION, SITE PLAN AND LAND USE ADMINISTRATION

19-1 TITLE AND SHORT TITLE.

19-1.1 Title.

The long title of this Chapter shall be “An ordinance establishing rules, regulations and standards governing the subdivision of land, approval of site plans and land use administration within the Township of Upper, County of Cape May, and the State of New Jersey, pursuant to the authority set forth in N.J.S.A. 40:55D-1 et seq., setting forth the procedures to be followed by the Planning Board and Zoning Board of Adjustment in applying and administering rules, regulations and standards and providing penalties for the violation thereof.” (Ord. #006-2002, §1)

19-1.2 Short Title.

This Chapter shall be known and may be cited as The Land Subdivision, Site Plan and Land Use Administration Chapter of the Township of Upper. (Ord. #006-2002, §1)

19-2 to 19-10 Unchanged.

19-11 FEES.

19-11.1 Reviews and Requests for Approvals

- a. Applications for the following reviews and requests for approvals shall be accompanied by checks payable to the Township of Upper in accordance with the following fee schedule:

FEES

<i>Type of Application</i>	<i>Nonrefundable Application Fee</i>	<i>Escrow Review Fee</i>
Minor Subdivision	\$200.00	\$800.00
D Variance	\$300.00	\$1,000.00
C Variance	\$250.00	\$600.00
Major Subdivision-Sketch Plat	\$200.00	\$600.00
Major Subdivision-Preliminary	\$500.00 plus \$50.00 per lot	\$150.00 per lot
Major Subdivision-Final	\$500.00 plus \$50.00 per lot	\$100.00 per lot
Site Plan-Preliminary (under 10 acres)	\$300.00	\$1,500.00
Site Plan-Preliminary (10 acres and above)*	\$600.00	\$1,500.00 plus \$150.00 per add'l acre over 10 acres
Site Plan-Final**	\$300.00	\$1,000.00
Conditional Use	\$300.00	\$1,000.00
Planning Variance	\$300.00	\$1,000.00
Extension	\$200.00	\$400.00
Site Plan Waiver	\$200.00	\$800.00
Request for Rezoning	\$400.00	\$5,000.00
Special Meeting	\$500.00	--
Concept Plan Review (Planning Board only)***	\$200.00	\$1,000.00
Application Not Listed	\$300.00	\$1,000.00
Tax Map Changes		
Minor Subdivision	\$150.00	--
Major Subdivision		

1-5 lots	\$240.00	--
6-15 lots	\$325.00	--
Over 15 lots	\$440.00	--
Street Vacation	\$100.00	--
Lot Consolidation	\$100.00	--
Zoning Permit for fence, sign, shed	\$10.00	--
Zoning Permit for pool, detached garage, clearing	\$25.00	--
Zoning Permit Revision of house	\$25.00	--
Zoning Permit for buildings, additions or for any other purpose	\$50.00	--

*Partial acres are considered full acres for purposes of determining escrow amount.

**If applicant is applying for both preliminary and final site plan approval at the same time, the applicant shall deposit fees equal to both preliminary and final approval.

***Applications for concept plan review require full notice to property owners and publication pursuant to N.J.S.A. 40:55D-12.

- b. All application fees and escrow review fees pursuant to the Schedule listed above shall be submitted at the time of the application. These monies are intended to cover all necessary and reasonable costs incurred by the technical and/or professional staff retained by the Planning Board or Zoning Board of Adjustment to review and make recommendations on such applications. The technical and professional staff is intended to include but not be limited to the following: Board Attorneys, Municipal Planner, Municipal Engineer, other professionals as may be required on particular applications. The fee for the services of the technical and professional staff shall be determined by resolution of the Planning Board, Zoning Board of Adjustment or Township, as appropriate.
- c. The amount specified for escrow deposits are estimates, and it is recognized additional escrow fees may be necessary in particular applications. In the event that more than the amount specified for escrow is required in order to pay the reasonable costs incurred, the applicant shall, prior to being permitted to move forward in the approval procedure, or prior to obtaining construction permits or Certificates of Occupancy for any portion of the application project, pay all additional required sums.

- d. Escrow fees shall be controlled by the Township Chief Financial Officer. In the event that the escrow deposit is more than required to pay necessary and reasonable costs of the technical and professional staff, the excess funds shall be returned to the applicant within one hundred eighty (180) days of publication of the resolution approving the application.
- e. Additionally, if the Planning Board or Zoning Board of Adjustment creates as a condition of any approval a requirement that ongoing inspections or approvals are necessary by the professional staff or Township officials to insure compliance of a condition of approval by an applicant, then it shall be the obligation of the applicant to bear the cost of the additional fees by placing a sum designated by the Planning Board, Zoning Board of Adjustment or the Township, as appropriate, in an escrow fund. When all approvals or inspections have been completed to the satisfaction of the Planning Board, Zoning Board of Adjustment or Township as appropriate, any excess escrow fund shall be returned to the applicant within sixty (60) days of the last approval or inspection.
- f. When applications for preliminary and final approval are made simultaneously the Planning Board or Zoning Board of Adjustment shall have the right to waive the payment of additional deposits.

19-12 Unchanged.

SECTION 2. Chapter XX, Section 20-5.6, of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

20-5.6 Nonconforming Uses, Structures and Lots.

- a. Unchanged.
- b. Unchanged.
- c. Unchanged.
- d. Unchanged.
- e. Unchanged.
- f. Unchanged.
- g. 1. Unchanged.
 - 2. Unchanged.
 - 3. Deleted.
- h. Unchanged.

i. Unchanged.

j. Any lot in a residential zoning district, except for lots situated in the "PV", "RD", "F3", "F10" and "F25", not meeting the zoning requirements for a single-family residential unit may have a construction permit issued for an affordable housing single-family home provided that all of the following conditions are met:

1. The owner of the lot does not own any adjacent land and cannot either sell the lot to an adjacent owner or purchase adjacent land. The following documentation shall be submitted with zoning permit application to determine if the subject lot is an isolated lot which cannot acquire more land or be sold to an adjacent owner:
 - (a) Real estate appraisal of the property by a licensed real estate appraiser determining its fair market value as a single family affordable housing building lot as defined in subsection j.2. below with the home to be constructed in accordance with the bulk standards contained in subsection j.3. to 17. below; and
 - (b) Letter offering to buy adjacent vacant property and/or sell your property to an adjacent owner at said fair market value pursuant to subsection j.1.(a) above; and
 - (c) Provide evidence by copy of the letter sent with the return receipt requested sent to all adjacent property owners; and
2. The lot shall be deed restricted in perpetuity such that the residential unit shall be occupied by and affordable to households as defined by the Affordable Housing Rules as promulgated from time to time by the State of New Jersey, such that as of the adoption of this Section 20-5.6.j., adopted November 14, 2011, said deed restriction shall require the property be occupied by households earning no more than thirty (30%) percent of the median income for Region 6 as adjusted for family size; and
3. Said lot shall contain a minimum of four thousand (4,000) square feet; and
4. Building coverage shall not exceed twenty-five (25%) percent; and
5. Impervious coverage shall not exceed fifty (50%) percent; and
6. Parking requirements as defined by this chapter are met; and

7. Minimum side yard setback shall be six (6') feet; and
8. Minimum rear yard setback shall be fifteen (15') feet; and
9. Minimum lot frontage and width shall be forty (40') feet; and
10. Front yard depth and setback shall conform to those of adjoining property owners; and
11. Maximum accessory structure coverage shall be five (5%) percent; and
12. Minimum accessory structure rear or side yard setback shall be five (5') feet; and
13. Maximum building height shall be twenty (20') feet; and
14. Minimum building size shall be eight hundred (800) square feet; and
15. Maximum gross floor area shall be one thousand two hundred (1,200) square feet; and
16. Maximum number of bedrooms shall be no more than two (2) bedrooms; and
17. Roof slope shall be a minimum of 4:1 slope.

SECTION 3: REPEALER: All Ordinances or parts of Ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

SECTION 4: 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 5: EFFECTIVE DATE: This Ordinance shall take effect upon final adoption and publication as required by law.

SECTION 6: CODIFICATION: This Ordinance shall be codified in the Upper Township Code at the sections referred to above.

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 28th DAY OF APRIL, 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 27th DAY OF MAY 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

18. **Introduction and first reading of Ordinance No. 009-2014 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER VII OF THE CODE OF UPPER TOWNSHIP.** Motion by Anthony Inserra, second by Hobie Young, to introduce Ordinance No. 009-2014 with public hearing and final adoption scheduled for May 12, 2014. During roll call vote all five Committee members voted in the affirmative.

TOWNSHIP OF UPPER

CAPE MAY COUNTY

ORDINANCE

ORDINANCE NO. 009-2014

RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER VII 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 7, Schedule I (entitled “No Parking”) of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be supplemented as hereinafter provided:

SCHEDULE I – NO PARKING

Add to include the following:

Street	Location
Old Tuckahoe Road	Southerly side of Old Tuckahoe Road beginning 1,447 feet from Perry Road and extending to a point that is 1,128 feet from Dennisville Road (CR-610)

SECTION 2: REPEALER: All Ordinances or parts of Ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict 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 upon final adoption and publication as required by law.

SECTION 5: CODIFICATION: This Ordinance shall be codified in the Upper Township Code at the sections referred to above.

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 28TH DAY OF APRIL, 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 12TH DAY OF MAY, 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

CORRESPONDENCE

NEW BUSINESS

19. **James and Brianna Ginn request to purchase easement across Township owned property, Block 348, Lot 82.25, along Deer Field Trail.** Committeeman Young stepped down from the discussion of this item. There was a brief review on the history of the request. Previously the owners of the property requested to purchase a portion of Township owned property, which had been dedicated as a recreational open space for the Huntfield subdivision, in order to gain frontage on Deerfield Trail as opposed to constructing a new street off of Rt. 50. However, the application was withdrawn based on the unfavorable public opinion of the project. The applicants now request to purchase an easement through this same lot. The Municipal Attorney stated that the Township can obtain an appraisal of the property and then adopt an Ordinance selling the easement to the applicants subject to any rights the property owners in Deerfield Trail may have to the recreational space, and with any title issues being the applicant's responsibility to resolve. The Municipal Engineer stated that the request is favorable from a public safety standpoint, since a new road constructed off of Route 50 in close proximity to Deer Field Trail could cause a hazard. Mr. Carlucci, the attorney representing the Ginns, stated that the Ginns would accept the easement along with any title issues that may be present. Motion by Mayor Palombo, second by John Coggins, to approve the request. During roll call vote four Committee members voted in the affirmative. Committeeman Young abstained. The Municipal Attorney was instructed to draft an Ordinance for introduction at a future meeting. Committeeman Young then returned to the meeting.
20. **Upper Township Soccer Association and Jersey Premier Soccer request use of Amanda's Field for a Soccer Tournament on July 12 and 13, 2014.** There was a brief discussion in order to clarify the actual sponsor of the event and the amount and disbursement of the monies received from the registration fees. Motion by Hobie Young, second by Edward Barr, to approve the request, subject to the application being amended to name Upper Township Soccer Association as the applicant, and the submittal of an itemization of income and expenses following the event. During roll call vote all five Committee members voted in the affirmative.
21. **Request by Deputy Attorney General for Correspondence Waiving Appraisals for Municipal Beach Easements.** Motion by John Coggins, second by Anthony Inserra to submit the correspondence to the NJ DEP. During roll call vote all five Committee members voted in the affirmative.

UNFINISHED BUSINESS:

DISCUSSION

PAYMENT OF BILLS:

22. **“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: \$1,435,542.37

Payroll: \$164,792.38

REPORT OF MUNICIPAL DEPARTMENTS:

23. Municipal Court

24. Certificate of Determination of Award-Issue of Special Emergency Note

Motion by Richard Palombo, seconded by John Coggins, 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

25. 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. 105-2014
MOTION GOING INTO CLOSED SESSION
APRIL 28, 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 - J.P. Bainbridge & Associates, Inc.
2. Contract Negotiation - Cell Tower Lease Consultant
3. Litigation - Upper Township v. Yank and Sansone
4. Litigation - Tax Lien Foreclosure
5. Personnel
6. Safety and Security

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 10:05 P.M. The next regular meeting is scheduled for May 12, 2014 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC
Municipal Clerk

Bill List

62735 04/28/14 A0017 ATLANTIC CO. MUNICIPAL JIF 96,669.00 2824
 62736 04/28/14 A0020 ACU-THERM SUPPLY CO.,INC. 299.23 2824
 62737 04/28/14 A0091 ATLANTIC CITY ELECTRIC 4,686.54 2824
 62738 04/28/14 A0134 ANSELL GRIMM & AARON, PC 962.50 2824
 62739 04/28/14 A0167 HESS CORPORATION 3,105.88 2824
 62740 04/28/14 A0176 ACTION FLAG COMPANY 226.19 2824
 62741 04/28/14 B0035 BELMONT & CRYSTAL SPRINGS 34.13 2824
 62742 04/28/14 C0046 CAPE MAY COUNTY CLERK 24.00 2824
 62743 04/28/14 C0048 CAPE MAY COUNTY MUA 25,085.12 2824
 62744 04/28/14 C0052 CAPE MAY COUNTY TREASURER 1,221,659.79 2824
 62745 04/28/14 C0060 CAPRIONI'S PORTABLE TOILETS 1,127.75 2824
 62746 04/28/14 C0068 COMCAST 370.30 2824
 62747 04/28/14 C0116 CINTAS CORPORATION 43.72 2824
 62748 04/28/14 C0122 CMC LEAGUE OF MUNICIPALITIES 500.00 2824
 62749 04/28/14 C0182 CDW GOVERNMENT, INC 203.78 2824
 62750 04/28/14 C0201 CRUZAN'S TRUCK SERVICE INC. 2,415.90 2824
 62751 04/28/14 C0223 CASA PAYROLL SERVICE 237.75 2824
 62752 04/28/14 C0253 CASCADE ENGINEERING INC. 7,284.95 2824
 62753 04/28/14 C0261 CEUNION 89.00 2824
 62754 04/28/14 D0016 DALEYS PIT 40.00 2824
 62755 04/28/14 D0040 DELTA DENTAL OF N.J. INC. 6,077.24 2824
 62756 04/28/14 D0077 DIETRICH,PAUL 210.00 2824
 62757 04/28/14 F0053 FORD, SCOTT & ASSOCIATES 9,000.00 2824
 62758 04/28/14 G0035 GENRON FIRE PROTECTION 22.00 2824

62759 04/28/14 G0092 GRUND, BARBARA J. 22.99 2824
62760 04/28/14 G0147 GREATAMERICA FINANCIAL SVCS. 202.97 2824
62761 04/28/14 H0002 H.A. DEHART & SON CORP. 184.11 2824
62762 04/28/14 H0018 HAROLD RUBIN L & H SUPPLY 359.26 2824
62763 04/28/14 H0148 THOMAS H. HEIST INS AGENCY INC 603.00 2824
62764 04/28/14 J0041 JONES, JAMES M. 110.00 2824
62765 04/28/14 J0072 JERSEY WEB DESIGNS 662.50 2824
62766 04/28/14 L0063 LIBERTY MUTUAL 4,418.00 2824
62767 04/28/14 L0080 LOWES, INC. 119.03 2824
62768 04/28/14 L0087 LINE SYSTEMS INC 2,938.04 2824
62769 04/28/14 M0081 MID-ATLANTIC WASTE SYSTEMS 4,028.00 2824
62770 04/28/14 M0209 MAYBERRY, JOHN D 43.98 2824
62771 04/28/14 N0004 NJ-AMERICAN WATER CO. 12.10 2824
62772 04/28/14 N0043 NAPA AUTO PARTS 256.65 2824
62773 04/28/14 N0131 DEFINED CONTRIB RETIRE PROGRAM 47.06 2824
62774 04/28/14 O0006 SJSHORE MARKETING,LLC 101.40 2824
62775 04/28/14 O0038 OSBORN, JAMES 140.98 2824
62776 04/28/14 P0032 PEDRONI FUEL CO. 5,141.22 2824
62777 04/28/14 P0073 POGUE INC. 150.00 2824
62778 04/28/14 Q0003 QC LABORATORIES 2,261.80 2824
62779 04/28/14 R0030 RIGGINS, INC. 15,350.13 2824
62780 04/28/14 R106 RUMER, LISA 30.90 2824
62781 04/28/14 S0018 SUBURBAN PROPANE, LP 2,922.03 2824
62782 04/28/14 S0021 LINZ, MELLISSA 150.00 2824
62783 04/28/14 S0031 SCHULER SECURITY, INC. 500.00 2824
62784 04/28/14 S0056 SEASHORE ASPHALT CORPORATION 572.50 2824
62785 04/28/14 S0121 SMUZ, THERESE A 22.96 2824
62786 04/28/14 S0134 SO. JERSEY GAS COMPANY 3,225.13 2824
62787 04/28/14 S0209 STAPLES ADVANTAGE 635.34 2824
62788 04/28/14 S0274 SMITH LISA 25.00 2824
62789 04/28/14 S0275 SCHAEFER PYROTECHNICS INC. 4,000.00 2824
62790 04/28/14 T0005 TCTA OF NEW JERSEY 150.00 2824
62791 04/28/14 T0022 TERMINIX 57.00 2824
62792 04/28/14 T0024 TAYLOR, MATTHEW 129.99 2824
62793 04/28/14 T0032 THE PRESS & SUNDAY PRESS 938.40 2824
62794 04/28/14 T0067 TOWNSHIP OF UPPER PETTY CASH 15.50 2824
62795 04/28/14 V0001 VCI EMERGENCY VEHICLE 1,166.02 2824
62796 04/28/14 V0005 VAN EMBDEN, NATHAN, ATTORNEY 825.00 2824
62797 04/28/14 V0022 VERIZON 178.05 2824
62798 04/28/14 V0024 VAL-U AUTO PARTS L.L.C. 1,204.86 2824
62799 04/28/14 W0020 WEINSTEIN SUPPLY 126.49 2824
62800 04/28/14 W0030 WEST PUBLISHING CO. 413.21 2824
62801 04/28/14 W0050 WIRELESS ELECTRONICS, INC. 633.00 2824
62802 04/28/14 Y0014 YEARSLEY SERVICE LTD. 93.00 2824

Total: 1,435,542.37