

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR TUESDAY MAY 27, 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 - May 12, 2014 Regular Meeting and Closed Session Minutes

Motion by John Coggins, second by Edward Barr, to approve the May 12, 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 on an agenda item to introduce an ordinance for a special emergency appropriation for the preparation of an approved tax map. It was stated that this is an ongoing saga with the State in which for the past year and a half the Tax Assessor has been making changes and addressing any and all issues the State has had with the Township's tax map. However, this past month the State has sent a whole new batch of changes that are required to be made to the map before the Township will receive approval to begin the tax revaluation. It was stated that the changes are for the most part formatting issues and would not affect the revaluation company's ability to perform the revaluation. It is hoped that by showing that the Township is in the process of making the required changes, the State will grant conditional approval to begin the tax revaluation.

Hobie Young, Committeeman, reported that plans for the 4th of July celebrations are underway. There have been numerous sponsors which will allow all of the money earned at the refreshments stand to be donated to the Challenger Sports program. He next requested a resolution congratulating members of the Wrestling team for their performance in the

MAWA national tournament. He next reported on a problem with speeding on Martintown Road. He asked that the Township look into installing a speed bump in the area.

Anthony Inserra, Committeeman, requested the purchase of diagnostic equipment for the maintenance and repair of the automated trash trucks. Recently a sensor failed on one of the new trucks, and although the truck is still under warranty, there was extensive down time during the repair. After a lengthy discussion it was stated that the CFO will need to determine if there are funds in the operation budget or if the recycling trust fund can be used.

Edward Barr, Committeeman, commended the emergency workers that responded to an accident recently on the Garden State Parkway Bridge. He also commended the men that were working in the area for their quick action that saved the gentleman's life. He requested a Resolution honoring those that assisted. He next made a motion, second by Richard Palombo, to hire George Karpinski and Timothy Longnecker as part time EMTs. During roll call vote all five Committee members voted in the affirmative. A Resolution will be placed on the next agenda for formal action. Mr. Barr next requested a Resolution authorizing the American Flag be flown at half-staff on designated days at Township facilities in accordance with the United States Flag Code.

Richard Palombo, Mayor, made a motion, second by Edward Barr, to appoint Gage Babbitt, Jack O'Hara, and Mike Manning to the Beach Patrol. During roll call vote all five Committee members voted in the affirmative. A Resolution will be placed on the next agenda for formal action. He next reported that he attended a ceremony at the Sergeant William R. Godfrey Memorial Park for a Memorial Day service. He commended the public works department for their work in maintaining the area and encouraged all residents to visit the park.

OTHER REPORTS

Barbara Young, Municipal Clerk, reminded everyone that the Primary Election will be held on Tuesday June 3. The polls will be open from 6:00 am to 8:00 pm. She next reported that a survey of fees of the surrounding municipalities has been provided to the Committee for their review. Mayor Palombo requested that the review of the fees be placed on the next agenda as new business.

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

Paul Dietrich, Municipal Engineer, gave a brief update on several projects. The paving project has gone smoothly and should be completed soon. He next reported that the contractor has started the HVAC work at the Community Center and should be finished by the end of the week. He next reported that he attended the Cape May County Open Space Board meeting this morning and presented the Township's application for grant funding for improvements to Caldwell Park. He stated that the meeting went well and he is hopeful that the Township will be awarded the funding.

RESOLUTIONS

1. Honoring Ryan Casey on attaining the designation of Eagle Scout.

R E S O L U T I O N
RESOLUTION NO.124-2014

**RE: HONORING RYAN CASEY ON ATTAINING THE
DESIGNATION OF "EAGLE SCOUT"**

WHEREAS, Ryan Casey of Troop 79, Seaville, NJ, has recently achieved the designation of Eagle Scout in the Boy Scouts of America; and

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

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

RESOLVED THAT the Township Committee extends its sincere congratulations to Ryan on the occasion of his receiving the designation of Eagle Scout and commends him for this outstanding accomplishment and the completion of his Eagle Scout project consisting of renovating the Gold Star Mothers Monument at the entrance to the Cape May County Veterans Cemetery and creating a reflection area in the rear of the cemetery. Ryan raised \$5,850 to fund the project through private donations and sponsorships from various organizations including the North Wildwood Elks, Veterans of Foreign Wars, the American Legion and the Marine Corps League. The deteriorating red brick base of the monument was replaced with a granite base and the plaque was refurbished with gold-leafing. The reflection area was created by replacing the asphalt with decorative pavers and planting shrubs; and

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

FURTHER RESOLVED that the Township Committee also extends its congratulations and appreciation to the Scout Masters and others who give so freely and generously of their time for the benefit of our youth.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 27th day of May, 2014.

Resolution No. 124-2014

Offered by: Barr

Seconded by: Young

Adopted: May 27, 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>

2. Accepting the Performance Bond for Clayton Development Associates, LLC for Willets Road Subdivision Block 479, Lots 48.01 & 48.02.

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

RESOLUTION NO.125-2014

RE: ACCEPTING THE PERFORMANCE BOND FOR
CLAYTON DEVELOPMENT ASSOCIATES, LLC FOR
WILLETS ROAD SUBDIVISION
BLOCK 479, LOTS 48.01 & 48.02

OWNER AND/OR DEVELOPER: CLAYTON DEVELOPMENT ASSOCIATES, LLC
SUBDIVISION: WILLETS ROAD SUBDIVISION
PROPERTY: BLOCK 479, LOTS 48.01 & 48.02

WHEREAS, Clayton Development Associates, LLC is the Owner and/or Developer of a major subdivision within the Township of Upper, described as follows: Willets Road Subdivision, Block 479, Lots 48.01 & 48.02; and

WHEREAS, pursuant to N.J.S.A. 40:55D-53, the Developer is required to furnish a Performance Guarantee in favor of the Township for improvements which the Upper Township Zoning Board of Adjustment may deem necessary or appropriate; and

WHEREAS, as further required by N.J.S.A. 40:55D-53, the Municipal Engineer has prepared an Engineer's Estimate of an itemized cost estimate of the improvements covered by the Performance Guarantee, which itemized cost estimate shall be appended to each Performance Guarantee posted by the Developer and a copy of which is annexed to this Resolution as Exhibit "A"; and

WHEREAS, the Developer has presented to the Township a Performance Guarantee as follows:

Subdivision Performance Bond
Bond No.: B98816025324

Principal: Clayton Development Associates, LLC
4019 Ocean Heights Avenue
Egg Harbor Township, NJ 08234

Surety: American Southern Insurance Company
3715 Northside Parkway, NW
Building 400, 8th Floor
Atlanta, GA 30327

Issue Date: May 1, 2014

Bond Amount, Surety: \$108,745.20

Bond Amount, Cash: \$ 12,082.80

Inspection Fee, Cash: \$ 2,416.00

Street Lights, Cash: \$ 2,500.00

WHEREAS, the Municipal Attorney has reviewed the Performance Guarantee and has determined that the same complies with the New Jersey Statutes and Township Ordinances applicable thereto and has recommended acceptance of same by the Township Committee;

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 cost estimate of the Municipal Engineer, which is attached hereto as Exhibit "A", is hereby accepted and approved.

3. The Surety Bond in the form of a Performance Surety Bond described in this Resolution is hereby accepted and approved.

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. 125-2014

Offered by: Young

Seconded by: Palombo

Adopted: May 27, 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>

3. Authorizing the Township of Upper to enter into a contract with Computer House of South Jersey, LLC for electronic file storage and archival testing services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 126-2014

**RE: AUTHORIZING THE TOWNSHIP OF UPPER TO ENTER INTO A
CONTRACT WITH COMPUTER HOUSE OF SOUTH JERSEY, LLC FOR
ELECTRONIC FILE STORAGE AND ARCHIVAL TESTING SERVICES**

WHEREAS, the Township of Upper has a need to transfer files and records to electronic storage under the rules and regulations and supervision of the State of New Jersey; and

WHEREAS, the rules and regulations of the State of New Jersey require certain tests and procedures to be made with respect to such electronic files and further requires that certain tests be performed at periodic intervals; and

WHEREAS, the Township of Upper wishes to enter into a contract with Computer House of South Jersey, LLC for such services; 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 Computer House of South Jersey, LLC of 740 S. Sixth Avenue, Galloway, New Jersey 08205, for electronic file storage and archival testing services.
3. The contract is awarded without competitive bidding in accordance with N.J.S.A. 40A:11-3 of the New Jersey Local Public Contract Law because the aggregate cost of the contract awarded to Computer House of South Jersey, LLC will not exceed the bid threshold during the term of said contract.
4. The contract shall have a term of one (1) year commencing June 29, 2014 and expiring June 29, 2015.
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. Computer House of South Jersey, LLC 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. This Resolution shall be effective as of adoption.

Resolution No. 126 -2014

Offered by: Barr

Seconded by: Coggins

Adopted: May 27, 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. Tax Refunds - Block 453.10, Lot 374.02 and Block 723, Lot 55.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION

RESOLUTION NO. 127-2014

TAX REFUNDS
Block 453.10 Lot 374.02
Block 723 Lot 55

WHEREAS, certain corrections have been recommended by the Upper Township Tax Collector in order to refund monies,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that corrections to the Tax records are hereby authorized and the Tax Collector is hereby directed to correct said records or take such action as indicated on the attached sheet.

Resolution No. 127-2014

Offered by: Barr

Seconded by: Coggins

Adopted: May 27, 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>	_____	_____	_____

REFUND 2013

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
453.10/374.02	\$744.04	CoreLogic Services, LLC PO Box 961230 Fort Worth, TX 76161-0230

Taxes for 2nd Quarter 2014 paid twice in error from Mortgage Company.

723/55	\$930.95	Stephen & Ashlee Peifer 1504 Stagecoach Road Seaville, NJ 08230
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Taxes for 2nd Quarter 2014 paid by Mortgage Company and Title Company.

5. Authorizing the Mayor and Township Clerk to sign a contract with Neil Levinbook, Esq., Todd Ruggiero, Esq., and The Levinbook Law Firm, P.C. for professional consultant services. **Motion by Richard Palombo, second by Anthony Inserra, to table this matter to allow The Levinbook Law Firm to submit the required contract paperwork. During roll call vote all five Committee members voted in the affirmative.**
6. Renewal of Alcoholic Consumption Licenses for the license year commencing July 1, 2014.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 128-2014

**RE: RENEWAL OF ALCOHOLIC CONSUMPTION LICENSES
FOR THE LICENSE YEAR COMMENCING JULY 1, 2014.**

WHEREAS, holders of the alcoholic beverage licenses in the Township of Upper have applied for renewal of licenses in the prescribed manner; and

WHEREAS, said holders of alcoholic beverage licenses have complied with all requirements of law and regulations of the Division of Alcoholic Beverage Control; and

WHEREAS, no objections have been filed with the Township Committee as the issuing authority of the Township of Upper.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper in the County of Cape May and State of New Jersey, that the following licenses be authorized for issue for the license year effective July 1, 2014:

**Twisties, Inc.
T/A Twisties
236 Bayview Drive
Strathmere, N.J. 08248
P.O. Box 88, Marmora, NJ 08223
License # 0511-33-001-005
Plenary Retail Consumption License
Municipal Fee Paid: \$700.00
State Fee Paid: \$200.00**

**Tyan's Incorporated
T/A Tuckahoe Inn
1 Harbor Rd. and Route 9, Beesleys Point
Marmora, N.J. 08223
License # 0511-33-004-004
Plenary Retail Consumption License
Municipal Fee Paid: \$700.00
State Fee Paid: \$200.00**

**SJL Group, LLC
T/A Yesterdays
316 Roosevelt Blvd. (Southwest Side)
Marmora, N.J. 08223
License # 0511-32-005-005
Plenary Retail Consumption License with
Broad Package Privilege
Municipal Fee Paid: \$700.00
State Fee Paid: \$200.00**

**UMMAC Corp.
T/A Obadiah's
311-301 & 321 Roosevelt Blvd,
Marmora, N.J. 08223
License # 0511-33-007-008
Plenary Retail Consumption License
Municipal Fee Paid: \$700.00
State Fee Paid: \$200.00**

MAH, Inc. a N.J. Corp.

**T/A Seaville Tavern
 South Side Route 50 and New Bridge Road
 Ocean View, N.J. 08230
 License # 0511-33-008-004
 Plenary Retail Consumption License
 Municipal Fee Paid: \$700.00
 State Fee Paid: \$200.00**

**Boulevard Liquor Store, Inc.
 T/A Boulevard Liquor Store
 501 & 503 Roosevelt Boulevard
 Marmora, N.J. 08223
 License # 0511-44-002-003
 Plenary Retail Distribution License
 Municipal Fee Paid: \$400.00
 State Fee Paid: \$200.00**

**Deauville Inn, Inc.
 201 Willard Road
 P.O. Box 40
 Strathmere, N.J. 08248
 License # 0511-33-003-006
 Plenary Retail Consumption License
 Municipal Fee Paid: \$700.00
 State Fee Paid: \$200.00**

BE IT FURTHER RESOLVED that the aforesaid alcoholic beverage licenses which have been authorized to be issued pursuant to this Resolution shall be delivered to the licensee or his authorized agent at such time as the licensee or his authorized agent shall sign an actual receipt therefore in the stub of the license book and otherwise satisfy the requirements of N.J.A.C. 13:2-3.2.

Resolution No. 128-2014

Offered by: Barr

Seconded by: Palombo

Adopted: May 27, 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>	_____	_____	_____

7. Authorizing the Township Engineer to solicit bids for Sports Field Lighting at the Amanda's Field Baseball Complex.

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

RESOLUTION NO. 129-2014

**RE: AUTHORIZING THE TOWNSHIP ENGINEER TO SOLICIT BIDS
FOR SPORTS FIELD LIGHTING
AT THE AMANDA'S FIELD BASEBALL COMPLEX**

WHEREAS, the Township Committee of the Township of Upper has determined a need to provide improvements at Amanda's Field Baseball Complex; 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 Township Engineer is hereby authorized and directed to prepare specifications and solicit bids for the following project:

Sports Field Lighting at Amanda's Field Baseball Complex

3. Sealed bids shall be received by the Township of Upper in accordance with the directives contained in the Notice of Bidders.

Resolution No. 129-2014
Offered by: Barr
Adopted: May 27, 2014

Seconded by: Young

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> </u>	<u> </u>	<u>X</u>	<u> </u>
Inserra	<u> </u>	<u>X</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

8. **Public Hearing and Final Adoption of 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.** During the public hearing portion there were no speakers. Motion by John Coggins, second by Hobie Young, to adopt Ordinance No. 008-2014. 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
TOWNSHIP OF UPPER

9. **Introduction and First Reading of Ordinance No. 010-2014 RE: AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53 FOR THE PREPARATION OF AN APPROVED TAX MAP.** Motion by Hobie Young, second by Anthony Inserra, to introduce Ordinance No. 010-2014 with public hearing and final adoption scheduled for June 9, 2014. During roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

**ORDINANCE
ORDINANCE NO. 010-2014**

**RE: AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY
APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53
FOR THE PREPARATION OF AN APPROVED TAX MAP**

BE IT ORDAINED by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey that pursuant to N.J.S.A. 40A:4-53 the sum of \$50,000.00 is hereby appropriated for the preparation of an approved tax map and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-55.

The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least one-fifth of the amount authorized pursuant to N.J.S.A. 40A:4-55.

EFFECTIVE DATE: This Ordinance shall take effect upon adoption 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 **27th DAY OF MAY, 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 **9th DAY OF JUNE, 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

NEW BUSINESS

10. **Upper Township Soccer Association request to use Amanda's Field for Endless Soccer Tournament August 30 and 31, 2014.** Motion by Anthony Inserra, second by Richard Palombo, to approve the request. During roll call vote all five Committee members voted in the affirmative.
11. **Daley's Pit request for increase in daily tonnage acceptance.** Motion by Richard Palombo, second by Edward Barr, to authorize the Engineer to submit a letter to the NJDEP stating the request by Daley's Pit is consistent with their Municipal Site Plan, does not require any further Municipal approval, and the Township has no objections to the request. During roll call vote all five Committee members voted in the affirmative.
12. **South Jersey Gas request to purchase easement.** Motion by Anthony Inserra, second by Edward Barr, to accept the appraisal as submitted and authorize the sale of the easement to South Jersey Gas. During roll call vote all five Committee members voted in the affirmative. The Municipal Attorney was directed to draft an Ordinance for introduction at the next meeting.
13. **Parish of Saint Maximilian Kolbe request to hold 50/50 Raffle on August 14, 2014 at 24 East Williams Avenue Beach, Strathmere.** Motion by Anthony Inserra, second by Richard Palombo, to approve the request. During roll call vote all five Committee members voted in the affirmative.
14. **South Jersey Shamrocks Lacrosse request to use Old Tuckahoe Road Lacrosse Field for practices on Tuesdays and Thursday in June and July, 2014.** Motion by Hobie Young, second by Anthony Inserra, to approve the request. During roll call vote all five Committee members voted in the affirmative.
15. **Boy Scout Troop 95 request use of Amanda's Field on July 4, 2014 for an overnight camping event.** Motion by John Coggins, second by Hobie Young, to approve the request. During roll call vote all five Committee members voted in the affirmative.

UNFINISHED BUSINESS:

DISCUSSION

PAYMENT OF BILLS:

16. **"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: \$1,171,360.23

Payroll: \$165,906.84

REPORT OF MUNICIPAL DEPARTMENTS:

17. Clerk's Office
18. Finance Office

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

PUBLIC COMMENT

Mike Jones, 263 Marshallville Rd., spoke briefly regarding the consolidation of the baseball operations at Amanda's Field.

Dominick Beningo, 472 Dennisville Petersburg Rd., inquired into the requirements for brush collection. It was stated that per Municipal Ordinance, brush resulting from residential tree trimming and prunings will be collected. Tree limbs resulting from tree removal will not be collected.

CLOSED SESSION

19. 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. 130-2014
MOTION GOING INTO CLOSED SESSION
MAY 27, 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. Safety and Security – Fourth of July Event
2. Contract negotiation – Capehart & Scatchard
3. Personnel
4. Litigation – Tax Appeals

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: Anthony Inserra

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 10:30 P.M. The next regular meeting is scheduled for June 9, 2014 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC
Municipal Clerk

Bill List

62895	05/27/14	A0018	ACTION SUPPLY INC.	299.21	2830
62896	05/27/14	A0024	ADVANCE DOOR & SUPPLY CO.,LLC	125.00	2830
62897	05/27/14	A0091	ATLANTIC CITY ELECTRIC	4,047.94	2830
62898	05/27/14	A0134	ANSELL GRIMM & AARON, PC	262.50	2830
62899	05/27/14	A0167	HESS CORPORATION	4,157.86	2830
62900	05/27/14	A0175	Adams Rehmann & Haggan Assoc	6,743.75	2830
62901	05/27/14	A0191	ACTION UNIFORM CO. LLC	948.00	2830
62902	05/27/14	B0035	BELMONT & CRYSTAL SPRINGS	46.21	2830
62903	05/27/14	B0106	BARLOW BUICK GMC	134.16	2830
62904	05/27/14	B0148	AMERIGAS GAS	1,551.97	2830
62905	05/27/14	C0008	CMC COURT ADMINISTRATORS ASSOC	200.00	2830
62906	05/27/14	C0046	CAPE MAY COUNTY CLERK	8.00	2830
62907	05/27/14	C0048	CAPE MAY COUNTY MUA	31,730.37	2830
62908	05/27/14	C0060	CAPRIONI'S PORTABLE TOILETS	2,108.50	2830
62909	05/27/14	C0068	COMCAST	370.30	2830
62910	05/27/14	C0143	CODY'S POWER EQUIPMENT	31.47	2830
62911	05/27/14	C0182	CDW GOVERNMENT, INC	127.71	2830
62912	05/27/14	C0196	COMPUTER HOUSE	654.50	2830
62913	05/27/14	C0223	CASA PAYROLL SERVICE	252.75	2830
62914	05/27/14	C0254	CHASE, BRUCKNER III	40.70	2830
62915	05/27/14	D0015	DAN'S WELDING	60.00	2830
62916	05/27/14	D0040	DELTA DENTAL OF N.J. INC.	6,077.24	2830
62917	05/27/14	E0062	EASTERN SURPLUS & EQUIPMENT CO	945.00	2830
62918	05/27/14	G0028	GENTILINI FORD	24.46	2830
62919	05/27/14	G0157	GRANTURK EQUIPMENT CO., INC.	285.09	2830
62920	05/27/14	H0002	H.A. DEHART & SON CORP.	58.28	2830
62921	05/27/14	H0062	HOPE, JOHN J.	218.56	2830
62922	05/27/14	J0072	JERSEY WEB DESIGNS	1,275.00	2830
62923	05/27/14	K0007	KACZMARSKI, RICHARD	55.95	2830
62924	05/27/14	L0007	LC EQUIPMENT, INC.	150.00	2830
62925	05/27/14	L0072	LLOYD, JOEL	183.98	2830
62926	05/27/14	L0080	LOWES, INC.	206.33	2830
62927	05/27/14	L0087	LINE SYSTEMS INC	2,972.74	2830
62928	05/27/14	L0102	LEGALIZED GAMES OF CHANCE	1,000.00	2830
62929	05/27/14	M0017	MOORE MEDICAL LLC	170.66	2830
62930	05/27/14	M0180	MED-TECH RESOURCE,LLC	384.58	2830
62931	05/27/14	M0188	MCCARTHY TIRE SERVICE OF PHILA	3,621.10	2830
62932	05/27/14	M0248	Jonathan A. Moll	45.00	2830

62933 05/27/14 M0249 MARRONGELLI, JOSEPH 40.00 2830
62934 05/27/14 N0043 NAPA AUTO PARTS 0.00 05/27/14 VOID 0
62935 05/27/14 N0043 NAPA AUTO PARTS 1,110.76 2830
62936 05/27/14 N0052 NATL YOUTH SPORTS COACHED ASSN 1,350.00 2830
62937 05/27/14 N0131 DEFINED CONTRIB RETIRE PROGRAM 37.52 2830
62938 05/27/14 O0005 OFFICE BUSINESS SYSTEMS INC 1,415.22 2830
62939 05/27/14 O0025 OLD DOMINION BRUSH 1,692.13 2830
62940 05/27/14 P0032 PEDRONI FUEL CO. 3,905.03 2830
62941 05/27/14 P0056 TURF EQUIPMENT AND SUPPLY CO 419.22 2830
62942 05/27/14 P0073 POGUE INC. 375.00 2830
62943 05/27/14 R0030 RIGGINS, INC. 6,938.26 2830
62944 05/27/14 S0015 SMYTH, PATRICIA 38.37 2830
62945 05/27/14 S0065 SEAVILLE FIRE CO. DISTRICT #4 510,646.00 2830
62946 05/27/14 S0121 SMUZ, THERESE A 29.04 2830
62947 05/27/14 S0134 SO. JERSEY GAS COMPANY 1,221.69 2830
62948 05/27/14 S0153 STERICYCLE, INC. 446.85 2830
62949 05/27/14 S0191 STRATHMERE FIRE CO.DISTRICT #1 77,495.00 2830
62950 05/27/14 S0196 STEWART BUSINESS SYSTEMS LLC 216.63 2830
62951 05/27/14 S0209 STAPLES ADVANTAGE 592.86 2830
62952 05/27/14 S0232 SOUTH STATE, INC. 488,540.55 2830
62953 05/27/14 S0253 SAMPLE MEDIA, INC. 137.20 2830
62954 05/27/14 T0067 TOWNSHIP OF UPPER PETTY CASH 15.00 2830
62955 05/27/14 T0085 TREASURER, STATE OF NEW JERSEY 331.00 2830
62956 05/27/14 T0158 TELECORP, INC. 283.00 2830
62957 05/27/14 T0167 TICE, RODNEY 40.70 2830
62958 05/27/14 V0001 VCI EMERGENCY VEHICLE 48.00 2830
62959 05/27/14 V0005 VAN EMBDEN, NATHAN, ATTORNEY 1,650.00 2830
62960 05/27/14 V0024 VAL-U AUTO PARTS L.L.C. 530.64 2830
62961 05/27/14 V0026 VITAL COMPUTER RESOURCES, INC. 64.50 2830
62962 05/27/14 W0020 WEINSTEIN SUPPLY 30.23 2830
62963 05/27/14 W0063 WRESTLER'S WORLD 144.96 2830

Total: 1,171,360.23