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

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

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

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

<u>APPROVAL OF MINUTES</u> - September 22, 2014 Regular Meeting and Closed Session Minutes

Motion by Hobie Young, second by Edward Barr, to approve the September 22, 2014 Regular Meeting and Closed Session Minutes as submitted. During roll call vote four Committee members voted in the affirmative. Mayor Palombo abstained.

REPORT OF GOVERNING BODY MEMBERS

John Coggins, Committeeman, reported that the first union contract negotiation meeting was recently held.

Hobie Young, Committeeman, reported that a video of the Upper Township/Ocean City 10-11 year old championship baseball game will be shown on UTTV Channel 97 on Tuesdays and Saturdays at 5:00 pm. He next stated that a video of the UT Indians Homecoming and Parent Appreciation night will also be shown on UTTV soon. He next commended employee John McCardle for the work he has done maintaining and lining the Township fields. He stated that in commemoration of breast cancer awareness, John spent his own time to go above and beyond his regular duties. He thanked John for his hard work. Committeeman Young next addressed a recent Letter to the Editor in the Upper Township Gazette regarding the Sports Field Lighting Bid and expressed his frustration with the misconceptions contained in the letter. After a lengthy discussion regarding the field lighting bid, Mayor

Palombo stated that strict adherence to the rules and regulations of the bid process must be followed. Committeeman Young next reported on the plans to expand the number of community events to be held at Amanda's Field next year. He finally reported that the Fall Festival will be held on October 26 from 3-6. There will be numerous family activities including live music, face painting, pumpkin picking, pony rides, and Let's Party Painters characters.

Anthony Inserra, Committeeman, reported that there is approximately a four hundred feet area on Nordic Drive which is extremely dark. He made a motion, second by John Coggins, to authorize the installation of a street light on Nordic Drive. During roll call vote all five Committee members voted in the affirmative. He next stated that a portion of Iroquois Avenue is unpaved, and asked about the requirements to have that section paved. Mr. Dietrich stated that the area is in the pinelands which will require numerous permits, the area will need to be surveyed, and funds will need to be appropriated. Mr. Inserra requested that the project be included in the budget discussions for next year. He next reported that he was recently approached by a resident who expressed worry that he will not be able to pay his property taxes. The resident is a partially disabled veteran, and was wondering if there are any tax assistance programs. The Municipal Attorney stated that he will research if there are any programs available for partially disabled veterans.

Edward Barr, Committeeman, offered kudos to the Marmora Fire Company for hosting a very successful Fire Prevention Week event. All of the fire companies participated and a good time was had by all. He next reported that the Upper Township Rescue Squad will be holding a Trunk or Treat at Amanda's Field on October 21, 2014 from 5:30 pm to 9:30pm. He next reported that a free rabies clinic will be held on October 25 from 1:00 to 3:00 at Shore Veterinarians. Lastly, Mr. Barr addressed the concerns he has received from residents regarding the recent indictments of several former members of the Seaville Fire Company. Mr. Barr stated that the Upper Township governing body and the Seaville Fire District were notified in the beginning of the year that there were suspicions of misappropriation of funds, and with due diligence members of the Seaville Fire Company brought their suspicions to the proper authorities who launched an investigation, which is still ongoing. He stated that the actions of a few should not reflect on the whole company, and he is confident in the professionalism and dedication of the members of the Fire Company.

Richard Palombo, Mayor, reported that bids for the US Army Corps of Engineers beach fill project have been received. The project should begin by the end of the year. He next reported that the Township will be holding a Health and Wellness Fair on October 16 from 12:00 to 3:00 at the Upper Township Community Center. There will be free flu shots and health screenings, and all residents are welcome and encouraged to attend. Mayor Palombo next reported that there is a vacancy on the Zoning Board. He made a motion to appoint Sherri Galderisi as Alternate number 4. The motion was seconded by Anthony Inserra. During roll call vote all five Committee members voted in the affirmative. A Resolution for formal action will be placed on the next agenda.

OTHER REPORTS

Barbara Young, Municipal Clerk, reported that Trick or Treat in Upper Township will be held on October 31, 2014 from 5:00 to 8:00 pm. She next reported that the Upper Township

Historical Society will be holding the 14th annual Apple Fest on Saturday October 18 from 10:00 am to 4:00 pm. at the Gandy House, with a rain date scheduled for October 19th.

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

Paul Dietrich, Municipal Engineer, reported that the Community Rating System has certified the Township for an additional year. He stated that in preparation of applying for a higher classification next year he is requesting the authority to form a group to research and perform public information outreach to the community. He next reported that FEMA has completed two rounds of governmental public information meetings for the flood insurance rate maps and it is anticipated that the 90 day appeal and review period will begin during the first quarter of 2015. It was stated that the Township should schedule Open House type meetings in the early Spring to allow residents in the affected areas the opportunity to voice any questions or concerns they may have. Lastly, Mr. Dietrich reported that through the work of the Upper Township Green Team, the Township has been awarded bronze status from Sustainable New Jersey.

PRESENTATIONS

1. Congratulating the Upper Township Little League 9-10 year old All-Star Team on becoming the 2014 East Region Champions.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 191-2014

RE: A RESOLUTION CONGRATULATING THE UPPER TOWNSHIP LITTLE LEAGUE 9-10 YEAR OLD ALL-STAR TEAM ON BECOMING THE 2014 EAST REGION CHAMPIONS

WHEREAS, the Upper Township 9-10-Year-Old All-Star Team had an exceptional debut season in Little League baseball, ending their summer as East Region Champions with an outstanding 16-4 victory against the host state's Lincoln Little League; and

WHEREAS, prior to winning their 23rd game of the season at the East Region Invitational Tournament in Cranston, RI, the Upper Township 9-10-Year-Old team also won the New Jersey District 16, Section 4, New Jersey State and Mid-Atlantic championships with a final record of 21 wins 2 losses; and

WHEREAS, the players displayed outstanding team spirit and competiveness throughout the season and exhibited tremendous talent in their hitting, pitching and fielding abilities, with the Upper Township community showing great support in recognition of their efforts; and

WHEREAS, it is appropriate that on behalf of the citizens of Upper Township we recognize and congratulate the players listed as follows:

Ben Hoag Tristan Laughlin
Cohl Mercado Brendan McGonigle
Ben Liebrand Will Moffitt

Tommy Finnegan

Dylan Oliver

Joseph Garcia

CJ Furey

Joseph Brace Michael Wagner

Ryan Couse

WHEREAS, we also extend this recognition and thanks to the team manager, Mike Liebrand, and the coaches, Dan Mercado and Jason Couse, who have generously given their personal time and service to this team; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee on behalf of the citizens of the Township of Upper, to extend to the Upper Township Little League 9-10 All-Star Team congratulations on becoming the 2014 East Region Champions, and to each coach heartfelt thanks and gratitude for the generous donation of their time and service to the young people of this community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 25th day of August, 2014.

2. Congratulating the Ocean City-Upper Township Little League 11-12 year old All-Star Team on becoming the New Jersey Section 4 Champions.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 192-2014

RE: A RESOLUTION CONGRATULATING THE OCEAN CITY-UPPER TOWNSHIP LITTLE LEAGUE 11-12 YEAR OLD ALL-STAR TEAM ON BECOMING THE NEW JERSEY SECTION 4 CHAMPIONS

WHEREAS, the Ocean City-Upper Township 11-12-Year-Old All-Star Team had an outstanding undefeated season in Little League baseball making history as the only Cape May County team to ever win the New Jersey Section 4 Championship; and

WHEREAS, being the first year the Ocean City and Upper Township Little League teams combined, they became the first Cape May County team to advance to the New Jersey Little League state championship since 1957, making it to the last playoff, nearly winning by battling back from a deficit to a final 7-6 loss; and

WHEREAS, the players displayed outstanding team spirit and competiveness throughout the season and exhibited tremendous talent in their pitching and defense skills setting the standard for all Cape May County teams to strive for; and

WHEREAS, it is appropriate that on behalf of the citizens of Upper Township we recognize and congratulate the players listed as follows:

Luke BowmanEric GreenlingGannon BradyJohn LloydIsaac EberlyJake McKennaGavyn FoxBrock MercadoBrian FureyTodd ReimetJoseph GallagherNick Troiano

MJ Ginn

WHEREAS, we also extend this recognition and thanks to team manager, Greg Brady, and coaches, Frank Fumo and Joe Furey, who have generously given their personal time and service to this team; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee on behalf of the citizens of the Township of Upper, to extend to the Ocean City-Upper Township Little League 11-12 All-Star Team congratulations on becoming the 2014 New Jersey Section 4 Champions, and to each coach heartfelt thanks and gratitude for the generous donation of their time and service to the young people of this community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 25th day of August, 2014.

3. Congratulating Kevin Gill member of the Upper Township Beach Patrol for his outstanding win in the South Jersey Lifeguard Championships.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 204-2014

CONGRATULATING KEVIN GILL, MEMBER OF THE UPPER TOWNSHIP BEACH PATROL, FOR HIS OUTSTANDING WIN IN THE SOUTH JERSEY LIFEGUARD CHAMPIONSHIPS

WHEREAS, the Upper Township Beach Patrol has within its ranks the finest lifeguards on the Jersey Shore; and

WHEREAS, the members of the Upper Township Beach Patrol, both past and present, have always worked diligently and with tireless dedication to first and foremost ensure the safety and well-being of the residents and visitors that come to enjoy the Strathmere and Beesley's Point beaches; and

WHEREAS, with outstanding performances in the lifeguarding competitions this summer, Kevin Gill, a rising senior at Ocean City High School, has demonstrated his superb athleticism, skill, and competitive spirit, by winning two events at the Cape May County Championships helping the Upper Township Beach Patrol finish second-place overall and winning swim at the Beschen-Callahan race, the Dutch Hoffman Memorials and Margate Memorials; and

WHEREAS, Kevin represented the Upper Township Beach Patrol in the ocean swim event of the South Jersey Lifeguard Championship, placing first amongst representatives from all other South Jersey beach patrols, realizing a place for himself on the list of top South Jersey beach patrol athletes of all-time; 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, to extend to Kevin Gill congratulations on his swim victory in the South Jersey Lifeguard Championships and congratulations and appreciation to Captain Handley and the members of the Upper Township Beach Patrol for their time and service to this community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 8th day of September, 2014.

RESOLUTIONS

4. Honoring Brandon Hadtke on attaining the designation of "Eagle Scout".

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION NO. 227-2014

RE: HONORING BRANDON HADTKE ON ATTAINING THE DESIGNATION OF "EAGLE SCOUT"

WHEREAS, Brandon Hadtke 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 Brandon 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 replacing and refurbishing the outside reading area at the Upper Township branch of the Cape May County Library. The small rocks were replaced with

20' by 20' pavers, wood was replaced on the picnic tables and four new benches and an arbor were added along with mulching and new shrubs. Through fundraising efforts enough donations were received to meet the project goal and provide a \$600 donation to the library. The project was completed over two days in the rain with the help of fellow Troop 79 scouts, family and friends; and

BE IT FURTHER RESOLVED that the Township Committee extends its sincere congratulations and best wishes to Brandon'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 $14^{\rm th}$ day of October, 2014.

Resolution No. 227-2014

Offered by: Barr Seconded by: Coggins

Adopted: October 14, 2014

Roll Call Vote:

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

5. Accepting the bid and authorizing the execution of a contract with ProVideo Engineering of Northfield, NJ for the furnishing and installation of security equipment in the amount of \$57,901.20.

TOWNSHIP OF UPPER CAPE MAY COUNTY

RESOLUTION

RESOLUTION NO. 228-2014

RE: ACCEPTING THE BID AND AUTHORIZING THE EXECUTION OF A CONTRACT WITH PROVIDEO ENGINEERING

OF NORTHFIELD NJ, FOR THE FURNISHING AND INSTALLATION OF SECURITY EQUIPMENT IN THE AMOUNT OF \$57,901.20

WHEREAS, the Township of Upper solicited bids for the furnishing and installation of security equipment, which bids were received on September 16, 2014; and

WHEREAS, the aforesaid bids were thereafter reviewed by the Chief Financial Officer and Municipal Engineer; and

WHEREAS, the Chief Financial Officer of the Township of Upper has certified the availability of funds attached hereto as "Exhibit A" in a sufficient amount to award a contract in the amount of \$57,901.20; and

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

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

- 1. The allegations of the preamble are incorporated herein by this reference.
- 2. The Township hereby accepts the bid submitted by ProVideo Engineering, 1901 Wabash Avenue, Northfield, New Jersey 08225, for the furnishing and installation of security equipment in the amount of \$57,901.20 subject to the following:
 - (A) The Bidder shall comply with all Bid Documents, including the Notice to Bidders, all of which are hereby incorporated herein by this reference.
 - (B) The Contract to be entered into must comply in all respects with applicable federal, state and local laws and regulations.

- (C) The Bidder has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.
- 3. The Mayor and Township Clerk are further authorized to execute a Contract with the successful bidder and/or the Chief Financial Officer is hereby authorized, directed and empowered to issue a Purchase Order to the successful bidder in the amount authorized in this Resolution.

Resolution No. 228-2014

Offered by: Barr Seconded by: Young

Adopted: October 14, 2014

<u>NAME</u>	YES	NO	ABSTAINED	ABSENT
Barr	X			
Coggins	X			
Inserra	\overline{X}			
Young	\overline{X}			_
Palombo	X			

6. Rejecting all bids received for the Supply of Sports Field Lighting at Amanda's Field and authorizing the Township to re-advertise for bids.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 229-2014

RE: REJECTING ALL BIDS RECEIVED FOR THE SUPPLY OF SPORTS FIELD LIGHTING AT AMANDA'S FIELD IN UPPER TOWNSHIP AND AUTHORIZING THE TOWNSHIP TO RE-ADVERTISE FOR BIDS

WHEREAS, the Township of Upper solicited bids for the supply of sports field lighting at Amanda's Field in Upper Township; and

WHEREAS, a bid was submitted by one company; and

WHEREAS, the Township Committee has determined to reject all bids heretofore received due to the fact the Township desires to substantially revise the specifications for the project and authorize a new advertisement for bids with such revised specifications; 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.
- All bids for the Supply of Sports Field Lighting at Amanda's Field in Upper Township, received on September 16, 2014, are hereby rejected.
- 3. The Township Engineer and other duly authorized Township officers are hereby authorized to revise the bid specifications and thereafter re-advertise for bids.

Resolution No. 229-2014

Offered by: Young Seconded by: Barr

Adopted: October 14, 2014

Roll Call Vote:

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

7. Authorizing the Purchasing Agent to sign a Business Associate Agreement with Cape Professional Billing, Inc.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 230 -2014

RE: AUTHORIZING THE PURCHASING AGENT TO SIGN A BUSINESS ASSOCIATE AGREEMENT WITH CAPE PROFESSIONAL BILLING, INC.

WHEREAS, the Township of Upper and Cape Professional Billing, Inc. renewed the contract for emergency medical billing services on July 28, 2014 pursuant to Resolution No. 182-2014; and

WHEREAS, in compliance with the "Health Information Technology for Economic and Clinical Health" ("HITECH") Act, the Township of Upper and Cape Professional Billing, Inc. desire to enter into a Business Associate Agreement, attached hereto as Exhibit A, to set forth the terms and conditions for the use and disclosure of Protected Health Information; 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 Purchasing Agent is hereby authorized, directed and empowered to execute said Business Associate Agreement on behalf of the Township of Upper.
- 3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Resolution No. 230 -2014

Offered by: Barr Seconded by: Inserra

Adopted: October 14, 2014

rton cun vote.				
<u>NAME</u>	<u>YES</u>	NO	ABSTAINED	<u>ABSENT</u>
Barr	X			
Coggins	X			
Inserra	X			
Young	X			
Palombo	X			

8. Authorizing a Township sponsored Fall Fest Event on October 26, 2014 at Amanda's Field.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 231 - 2014

RE: AUTHORIZING A TOWNSHIP SPONSORED FALL FEST EVENT ON OCTOBER 26, 2014 AT AMANDA'S FIELD

WHEREAS, in the spirit of community, the Township of Upper

desires to hold a Fall Fest on October 26, 2014 at Amanda's Field; and

WHEREAS, said event will be under the direction of the

Committeeman in charge of Sports and Recreational Programs; and

WHEREAS, appropriate advice and approvals from the Township's

Risk Management Consultant, the New Jersey State Police, and the Division of EMS

shall be obtained prior to the event; and

NOW, THEREFORE, BE IT RESOLVED by the Township

Committee of the Township of Upper, in the County of Cape May and State of New

Jersey, as follows:

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

reference.

2. The Township Committee does hereby authorize a Fall Fest Event,

under the direction of the Committeeman in charge of Sports and Recreational

Programs, to be held on October 26, 2014 at Amanda's Field.

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. 231-2014

Offered by: Inserra Seconded by: Palombo

Adopted: October 14, 2014

Roll Call Vote:

Barr

NAME YES NO ABSTAINED ABSENT

Inserra X

Young	X	 	
Palombo	X	 	

9. Authorizing the Mayor to sign and submit an application to the New Jersey Department of Environmental Protection for the grant program entitled "Building Ecological Solutions to Coastal Community Hazards".

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 232-2014

RE: AUTHORIZING THE MAYOR TO SIGN AND SUBMIT AN APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE GRANT PROGRAM ENTITLED "BUILDING ECOLOGICAL SOLUTIONS TO COASTAL COMMUNITY HAZARDS"

WHEREAS, the Township of Upper submitted a proposal to the New Jersey

Department of Environmental Protection (Department) as part of their application to the

National Fish and Wildlife Foundation (NFWF) Hurricane Sandy Coastal Resiliency

Competitive Grant Program; and

WHEREAS, the Department received the grant from the NFWF in the amount of \$3,440,000.00 and \$61,000.00 was budgeted for the Township of Upper (Exhibit A).

WHEREAS, the Township of Upper proposes to utilize the grant funds as part of the reconstruction of the Boat Ramp at Bayview Drive in Strathmere to construct a living shoreline and stormwater outfall(s).

WHEREAS, the Township of Upper proposes to utilize as matching funds for this grant the grant funds that the Township of Upper has previously been awarded from the Cape May County Open Space Board in the amount of \$280,230.00.

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, Engineer, Chief Financial Officer and Clerk of the Township of Upper are hereby authorized, directed and empowered to make formal application for such grant and if awarded, to execute a grant agreement with the State of New Jersey
- 3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.
- 4. The Mayor and clerk are hereby authorized to sign the grant agreement, if awarded, on behalf of the Township of Upper and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.
- 5. A certified copy of this Resolution shall be provided to the Township Engineer for insertion into the grant agreement.

Resolution No. 232-2014

Offered by: Palombo Seconded by: Young

Adopted: October 14, 2014

Roll Call Vote:

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

10. Authorizing the Township to enter into a State Aid Agreement with the New Jersey Department of Environmental Protection for the construction of the Great Egg Harbor Inlet to Townsends Inlet, New Jersey Hurricane and Storm Reduction Project (Project Number 6038-I) in the Strathmere section of Upper Township.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 233-2014

RE: AUTHORIZING THE TOWNSHIP TO ENTER INTO A
STATE AID AGREEMENT WITH THE NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE
CONSTRUCTION OF THE GREAT EGG HARBOR INLET TO TOWNSENDS
INLET, NEW JERSEY HURRICANE AND STORM REDUCTION PROJECT
(PROJECT NUMBER 6038-I)
IN THE STRATHMERE SECTION OF UPPER TOWNSHIP

WHEREAS, there is an emergent need for beach replenishment in the Strathmere section of the Township; and

WHEREAS, the New Jersey Department of Environmental Protection, Office of Engineering and Construction and the Army Corps of Engineers have entered into a Project Partnership Agreement, hereinafter referred to as the "PPA," on June 23, 2014 for the initial construction of the beach and dune features in the City of Ocean City, City of Sea Isle City and the Township of Upper, and for periodic renourishment, operation, and maintenance of the Project at an estimated total cost of \$84,941,000; and

WHEREAS, the New Jersey Department of Environmental Protection, Office of Engineering and Construction has submitted to the Township a State Aid Agreement for the initial construction of the project; and

WHEREAS, the initial construction of the Project will be federally funded 100%, and future renourishment costs over the fifty-year life of the Project is 50% federal and 50% non-federal as set forth in the PPA; and

WHEREAS, in the event of periodic renourishments, 75% of the non-federal share will be paid by the Office and the remaining 25% will be paid by the Municipality, and will be subject to a future State Aid Agreement; and

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WHEREAS, the Township Committee has reviewed the contents of the said State Aid Agreement and has determined that it is in the best interest of the Township to enter into same.

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 hereby authorizes the Mayor to enter into the State Aid Agreement with the New Jersey Department of Environmental Protection for the construction of the Great Egg Harbor Inlet to Townsend's Inlet, Upper Township, New Jersey Hurricane and Storm Damage Reduction Project in the Strathmere section of the Township.
- 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. 233 -2014

Offered by: Young Seconded by: Barr

Adopted: October 14, 2014

Roll Call Vote:

<u>NAME</u>	YES	<u>NO</u>	ABSTAINED	<u>ABSENT</u>
Barr	X			
Coggins	X			
Inserra	\overline{X}			
Young	X			
Palombo	X			

11. Authorizing the issuance of \$50,000 Special Emergency Notes for the preparation of an approved Tax Map of the Township of Upper, in the County of Cape May, New Jersey.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 234 -2014

RE: RESOLUTION AUTHORIZING THE ISSUANCE OF \$50,000

SPECIAL EMERGENCY NOTES FOR THE PREPARATION OF
AN APPROVED TAX MAP OF THE TOWNSHIP OF UPPER, IN
THE COUNTY OF CAPE MAY, NEW JERSEY

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, NEW JERSEY (not less than two-thirds of all

members thereof affirmatively concurring) AS FOLLOWS:

Section 1. An ordinance authorizing a special emergency appropriation of \$50,000 for the preparation of an approved tax map has been finally adopted and a copy thereof has been filed with the Director of Local Government Services.

Section 2. In order to finance a portion of the special emergency appropriation described in Section 1 of this resolution, the Township of Upper is hereby authorized to borrow the sum of \$50,000 and to issue its special emergency notes therefor in accordance with the Local Budget Law of New Jersey (N.J.S.A. 40A:4-55).

The special emergency notes authorized by this resolution may be issued in amounts and denominations not exceeding in the aggregate the amount of notes authorized herein, as determined by the chief financial officer of the Township pursuant to this resolution.

The Township may finance the special emergency appropriation from surplus funds available or may borrow money in a manner prescribed herein. Where an appropriation is financed from surplus funds available, at least one-fifth of the amount thereof shall be included in each annual budget until the appropriation has been fully provided for.

- Section 4. The following matters in connection with the notes are hereby determined:
- (a) All notes issued hereunder and any renewals thereof shall mature at such time as may be determined by the chief financial officer within the limitations of the Local Budget Law, provided however, that at least one-fifth of all such notes and the renewals thereof shall mature and be paid in each year so that all notes and renewals shall have matured and have been paid not later than the last day of the fifth year following the date of this resolution;
- (b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer;
- (c) The notes shall be in the form determined by the chief financial officer and the chief financial officer's signature upon the notes shall be conclusive as to such determination;
- Section 5. The chief financial officer is hereby authorized and directed to determine all matters in connection with the notes not determined by this or a subsequent resolution and the chief financial officer's signature upon the notes shall be conclusive as to such determination.
- Section 6. The chief financial officer is hereby authorized to sell the notes from time to time at public or private sale in such amounts as such officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.
- Section 7. Any instrument issued pursuant to this resolution shall be a general obligation of the Township. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be

inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 8. The chief financial officer is authorized and directed to report in writing to this governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

Section 9. A copy of this resolution as adopted shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

Section 10. This resolution shall take effect immediately.

Resolution No. 234-2014

Offered by: Young Seconded by: Coggins

Adopted: October 14, 2014

Roll Call Vote:

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

ORDINANCES

12. Public hearing and final adoption of Ordinance No. 013-2014 RE: AN ORDINANCE AMENDING ORDINANCE NO. 013-2013 KNOWN AS THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2014. During the public hearing portion there were no speakers. Motion by John Coggins, second by Edward Barr, to adopt Ordinance No. 013-2014. During roll call vote all five Committee members voted in the affirmative

TOWNSHIP OF UPPER CAPE MAY COUNTY ORDINANCE

ORDINANCE NO. 013-2014

RE: AN ORDINANCE AMENDING ORDINANCE NO. 013-2013 KNOWN AS THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2014

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

SECTION 1: Ordinance No. 013-2013, known as the Salary Ordinance of 2014 at Section 2, is hereby amended as hereinafter provided for the addition of the following paragraphs as indicated below:

K. ADDITIONAL PAY TO CREW OF SANITATION VEHICLES:

Laborers employed in the collection of trash and assigned to the rear of a trash truck shall, in addition to any other compensation payable pursuant to this Ordinance, receive an additional sum to be known as "Hazardous Duty Pay", which shall be payable at the rate of \$.25 per hour.

L. ADDITIONAL PAY TO EMERGENCY MEDICAL TECHNICIANS

(EMTs): The most senior Emergency Medical Technician assigned to a shift where a supervisory employee is not also assigned to that shift, in addition to any other compensation payable pursuant to this Ordinance, shall receive an additional sum to be known as "Officer in Charge Pay", which shall be payable at the rate of \$.50 per hour.

SECTION 2: **SEVERABILITY**: If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly

involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION 3: **REPEALER**: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

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

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING ON <u>SEPTEMBER 22, 2014</u> AND WILL BE TAKEN UP FOR SECOND READING AND FINAL ADOPTION AT A MEETING OF THE UPPER TOWNSHIP COMMITTEE TO BE HELD ON <u>OCTOBER 14, 2014</u> AT 7:30 P.M.

BY ORDER OF THE TOWNSHIP COMMITTEE.

BARBARA L. YOUNG, RMC TOWNSHIP CLERK

CORRESPONDENCE

NEW BUSINESS

- 13. New Jersey Best Practices Worksheet CY2014/SFY2015. CFO Barbara Spiegel reported that the Township scored a 94% on the worksheet, which will ensure that State Aid funding will remain at 100%. The Committee discussed a new question on the worksheet for 2014 that asks if the Township oversees the local authorities, including the fire districts. The CFO reported that because it's a new question the Township could answer prospective and address it in the coming year. The Committee commended Barbara for her hard work.
- 14. **Matt Unsworth request for the installation of a street light at 397 Willets Road, Marmora**. Motion by Mayor Palombo, second by Edward Barr, to approve the request. During roll call vote all five Committee members voted in the affirmative.
- 15. Ocean City Crew Boosters request to hold Bingo BA# 435 at the Upper Township Community Center on various dates beginning November 8, 2014 through January 24, 2015. Motion by Anthony Inserra, second by John Coggins, to

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

16. Greater Tuckahoe Area Merchants' Association requests to hold Raffle RA-436 at the Upper Township Community Center on November 22, 2014. Motion by Hobie Young, second by John Coggins, to approve the request. During roll call vote all five Committee members voted in the affirmative.

UNFINISHED BUSINESS

17. Benjamin Duncan request to purchase Township owned property Block 667, Lot 7. Due to a conflict, Municipal Attorney Daniel Young did not participate in this discussion. Conflict Attorney Norman Briggs reported that the Township Committee had previously authorized the sale of Block 667, Lot 7. An appraisal of the requested property was obtained to determine the fair market value of the property and set the minimum bid for the sale. The appraisal set the value of the property at \$59,000. The applicant disagrees with this appraisal and has requested the authority to obtain a second appraisal. Motion by Anthony Inserra, second by Edward Barr, to authorize a second appraisal to be obtained within 60 days at the applicant's expense. Acceptance of the appraisal will be conditioned upon confirmation of the appraiser's qualifications. During roll call vote all five Committee members voted in the affirmative. Mr. Briggs was directed to inform the applicant.

Mr. Briggs then stepped down and Mr. Young returned to the meeting.

DISCUSSION

PAYMENT OF BILLS

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

Bills approved for payment: \$628,264.36

Payroll: \$159,416.64

REPORT OF MUNICIPAL DEPARTMENTS

- 19. Construction Code
- 20. Division of EMS
- 21. Finance Office
- 22. Tax Assessor
- 23. Tax Collector
- 24. MUA Report
- 25. Animal Control
- 26. Township Clerk
- 27. Tax Collector Affidavit Re: Tax Sale

Motion by Mayor Palombo, second by Hobie Young to accept all reports as submitted. During roll call vote all five Committee members voted in the affirmative.

PUBLIC COMMENT

Jay Newman, 559 South Shore Rd, Palermo, gave a brief background on the agreement between the Township and the Upper Township Baseball Association for lights at the baseball fields, and implored the Committee to honor that agreement. He then commented on the budget process for the Fire Districts.

Lieutenant Douglas Pearson, NJSP Station Commander, Woodbine Barracks, submitted a summary of incidents that took place throughout the Township this past quarter and gave a brief update on the new patrol measures being employed in the Township, including an increase of patrols along Stagecoach Road and Commonwealth Avenue to address the speeding issues. He also reported that the State Police will have a child car seat demonstration at the Upper Township Health Fair. Committeeman Young extended an invitation for the State Police to attend the Fall Fest on October 26th.

Gary Schaffer, Cape May County Sheriff, reported that the Southbound parkway improvements are up and running. Committeeman Young stated that he hopes to submit a master plan of next year's Township events to the Sheriff's Office and the State Police.

CLOSED SESSION

28. 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. 235-2014 MOTION GOING INTO CLOSED SESSION OCTOBER 14, 2014

I hereby move that a resolution be incorporated into the minutes authorizing the Township Committee to enter into an executive session for the following matters pursuant to the Open Public Meetings Act:

MATTERS:

- 1. Contract negotiation Adams, Rehmann & Heggan
- 2. Contract negotiation possible shared services agreement with Cape May County for Sheriff Services at Township events.
- 3. Contract negotiations Collective bargaining agreement.
- 4. Personnel
- 5. Litigation Upper Township v. Yank & Sansone
- 6. Litigation Grubb v. Upper Township

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 contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.
- C. 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.
- D. With respect to litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.

Moved by: John Coggins

Motion seconded by: Richard Palombo

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

RECONVENE PUBLIC PORTION OF MEETING

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 11:10 P.M. The next regular meeting is scheduled for October 27, 2014 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC Municipal Clerk

Bill List

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63627 10/14/14 A0018 ACTION SUPPLY INC. 405.80 2848
63628 10/14/14 A0025 ADVANTAGE RENTAL ACE HARDWARE 1,975.75 2848
63629 10/14/14 A0035 AIRLINE HYDRAULIC CORP. 30.59 2848
63630 10/14/14 A0043 ALERT-ALL CORPORATION 736.00 2848
63631 10/14/14 A0081 ARMSTRONG, RALON I. 413.97 2848
63632 10/14/14 A0091 ATLANTIC CITY ELECTRIC 15,340.77 2848
63633 10/14/14 A0134 ANSELL GRIMM & AARON, PC 14,881.72 2848
63634 10/14/14 A0143 BARLOW BUICK GMC 253.89 2848
63635 10/14/14 A0166 Association of NJ Recyclers 80.00 2848
63636 10/14/14 A0168 ATLANTIC CRANKSHAFT 263.00 2848
63637 10/14/14 A0168 ATLANTIC CRANKSHAFT 263.00 2848
63638 10/14/14 A0192 David M. Austin 20.00 2848
63639 10/14/14 A0193 ATLANTIC INVESTIGATIONS, LLC 80.00 2848
63640 10/14/14 B0031 BAINBRIDGE, J.P. & ASSOCIATES 4,350.00 2848
63641 10/14/14 B0035 BELMONT & CRYSTAL SPRINGS 141.80 2848
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63642 10/14/14 B0039 BEESLEY'S PT. SEA DOO, INC. 311.16 2848
63643 10/14/14 B0106 BARLOW BUICK GMC 37.72 2848
63644 10/14/14 B0182 BRIGGS LAW OFFICE, P.C. 558.26 2848
63645 10/14/14 B0220 BERGEY'S TRUCK CENTERS 751.30 2848
63646 10/14/14 C0046 CAPE MAY COUNTY CLERK 8.00 2848
63647 10/14/14 C0048 CAPE MAY COUNTY MUA 31,634.86 2848
63648 10/14/14 C0060 CAPRIONI'S PORTABLE TOILETS 2,319.25 2848
63649 10/14/14 C0061 CAPRIONI FAMILY SEPTIC 265.00 2848
63650 10/14/14 C0068 COMCAST 356.60 2848
63651 10/14/14 C0071 CAPEHART & SCATCHARD, P.A. 218.00 2848
63652 10/14/14 C0091 CHISHOLM, JOHN R. 159.97 2848
63653 10/14/14 C0143 CODY'S POWER EQUIPMENT 49.95 2848
63654 10/14/14 C0171 COLONIAL ELECTRIC SUPPLY CO. 23.72 2848
63655 10/14/14 C0223 CASA PAYROLL SERVICE 249.05 2848
63656 10/14/14 C0247 CMRS-FP 2,000.00 2848
63657 10/14/14 C0265 CLEMENSON FARMS NATIVE NURSERY 8.00 2848
63658 10/14/14 C0267 COPIERS PLUS, INC. 172.50 2848
63659 10/14/14 D0045 DEPTCOR 114.00 2848
63660 10/14/14 D0148 DIRECT ENERGY BUSINESS 1,732.88 2848
63661 10/14/14 E0012 EHRLICH PEST CONTROL INC 83.69 2848
63662 10/14/14 E0034 ESRI, INC. 1,600.00 2848
63663 10/14/14 E0058 EXTRACTOR WATER RESCUE 460.00 2848
63664 10/14/14 F0054 DEARBORN NATIONAL LIFE INS. CO 421.20 2848
63665 10/14/14 G0028 GENTILINI FORD 1,073.24 2848
63666 10/14/14 G0147 GREATAMERICA FINANCIAL SVCS. 176.97 2848
63667 10/14/14 G0157 GRANTURK EQUIPMENT CO., INC. 252,687.34 2848
63668 10/14/14 H0002 H.A. DEHART & SON CORP. 69.48 2848
63669 10/14/14 H0018 HAROLD RUBIN L & H SUPPLY 459.60 2848
63670 10/14/14 H0081 HENNESSY, BRITTANY 25.70 2848
63671 10/14/14 H0095 HORIZON BCBSNJ 127,779.59 2848
63672 10/14/14 H0148 THOMAS H. HEIST INS AGENCY INC 23,599.00 2848
63673 10/14/14 10019 INTERNATIONAL CODE COUNCIL, INC 6.00 2848
63674 10/14/14 J0072 JERSEY WEB DESIGNS 650.00 2848
63675 10/14/14 J0073 JW SCOTT SERV STA EQUIP CO INC 225.38 2848
63676 10/14/14 K0086 K D NATIONAL FORCE SECURITY 1,505.00 2848
63677 10/14/14 L0080 LOWES, INC. 200.59 2848
63678 10/14/14 M0012 McCAULEY, RICHARD 220.98 2848
63679 10/14/14 M0076 MGL PRINTING SOLUTIONS 39.00 2848
63680 10/14/14 M0188 MCCARTHY TIRE SERVICE OF PHILA 2,078.78 2848
63681 10/14/14 M0255 Mark A. McDowell 45.70 2848
63682 10/14/14 N0004 NJ-AMERICAN WATER CO. 274.86 2848
63683 10/14/14 N0043 NAPA AUTO PARTS 307.66 2848
63684 10/14/14 N0052 NATL YOUTH SPORTS COACHED ASSN 265.00 2848
63685 10/14/14 N0100 N.J. LEAGUE OF MUNICIPALITIES 110.00 2848
63686 10/14/14 N0131 DEFINED CONTRIB RETIRE PROGRAM 120.54 2848
63687 10/14/14 00005 OFFICE BUSINESS SYSTEMS INC 3,991.00 2848
63688 10/14/14 00006 SJSHORE MARKETING, LLC 1,352.01 2848
63689 10/14/14 00025 OLD DOMINION BRUSH 380.13 2848
63690 10/14/14 P0008 PALMER, NANCY 108.64 2848
63691 10/14/14 P0032 PEDRONI FUEL CO. 3,076.23 2848
63692 10/14/14 P0056 TURF EQUIPMENT AND SUPPLY CO 17,885.07 2848
63693 10/14/14 P0075 POSITIVE PROMOTIONS INC 612.88 2848
63694 10/14/14 Q0003 QC LABORATORIES 696.20 2848
63695 10/14/14 R0030 RIGGINS, INC. 7,322.91 2848
63696 10/14/14 R0076 REGISTRARS' ASSOCIATION N.J. 55.00 2848
63697 10/14/14 R0099 RANSOME INTERNATIONAL, LLC 826.01 2848
63698 10/14/14 R108 Joseph Cliff Repetti 25.70 2848
63699 10/14/14 S0001 SAM'S CLUB 245.87 2848
63700 10/14/14 S0016 SAMPSON, MICHELLE 650.00 2848
63701 10/14/14 S0056 SEASHORE ASPHALT CORPORATION 555.95 2848
63702 10/14/14 S0075 SHARP, RHONDA L. 50.00 2848
63703 10/14/14 S0092 SHONE, LEROY 60.00 2848
63704 10/14/14 S0126 SPIEGEL, BARBARA 25.20 2848
63705 10/14/14 S0130 SOUTH JERSEY CHIEFS ASSOC. 39.00 2848
63706 10/14/14 S0134 SO. JERSEY GAS COMPANY 86.01 2848
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63707 10/14/14 S0139 SO. JERSEY WATER COND. INC. 684.50 2848
63708 10/14/14 S0196 STEWART BUSINESS SYSTEMS LLC 720.31 2848
63709 10/14/14 S0209 STAPLES ADVANTAGE 877.33 2848
63710 10/14/14 S0239 SHORE VET. ANIMAL CONTROL LLC 2,300.00 2848
63711 10/14/14 S0254 SHOPRITE 59.33 2848
63712 10/14/14 T0022 TERMINIX 57.00 2848
63713 10/14/14 T0024 TAYLOR, MATTHEW 337.85 2848
63714 10/14/14 T0067 TOWNSHIP OF UPPER PETTY CASH 69.00 2848
63715 10/14/14 T0129 TRUGREEN CHEMLAWN 4,590.93 2848
63716 10/14/14 T0168 TOWNSHIP OF UPPER 161.80 2848
63717 10/14/14 T0171 Eric Tornblom 45.70 2848
63718 10/14/14 U0029 UPPER TOWNSHIP BD.OF EDUCATION 2,614.70 2848
63719 10/14/14 V0004 VAN DUYNE BROTHERS 975.00 2848
63720 10/14/14 V0013 VERIZON WIRELESS 710.58 2848
63721 10/14/14 V0024 VAL-U AUTO PARTS L.L.C. 358.54 2848
63722 10/14/14 V0026 VITAL COMPUTER RESOURCES, INC. 31,698.00 2848
63723 10/14/14 V0027 VANORDER, ROGER 53.27 2848
63724 10/14/14 W0030 WEST PUBLISHING CO. 437.21 2848
63725 10/14/14 W0048 WINNER FORD OF CHERRY HILL 29,659.69 2848
63726 10/14/14 W0050 WIRELESS ELECTRONICS, INC. 23.00 2848
63727 10/14/14 W0063 WRESTLER'S WORLD 1,055.00 2848
63728 10/14/14 Y0008 YOUNG, DANIEL J. ESQUIRE PC 13,650.00 2848
63729 10/14/14 Y0023 YOUNG, DANIEL J. ATTORNEY 2,625.00 2848
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Total: 628,264.36