

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR NOVEMBER 24, 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 - November 10, 2014 Regular Meeting and
Closed Session Minutes

Motion by Edward Barr, second by John Coggins, to approve the November 10, 2014 Regular Meeting Minutes as submitted. During roll call vote all five Committee members voted in the affirmative.

Motion by Edward Barr, second by John Coggins, to approve the November 10, 2014 Closed Session Meeting Minutes as submitted. During roll call vote four Committee members voted in the affirmative. Committeeman Inserra abstained.

REPORT OF GOVERNING BODY MEMBERS

Hobie Young, Committeeman, requested an update on the sports field lighting project. The Engineer stated that the bid opening for the lighting material is scheduled for tomorrow November 25 and the results will be discussed at the December 8th meeting. Committeeman Young next reported on a situation with a malfunctioning door at the Upper Township Senior Center. The County has been notified to resolve the issue. He then stated that work is progressing on the baseball fields at Amanda's Field. The topsoil has been brought in and they are working hard to get the grading finished before the ground completely freezes. He next reported that an eligibility issue with the Wrestling program will go before the Recreation Advisory Board at their December 4th meeting, who will then submit a

recommendation to the Committee on how to proceed. He finally requested that quotes be obtained for a blanket event insurance policy for the upcoming year. The information will be obtained for discussion at the 2015 budget workshop meetings.

Richard Palombo, Mayor, congratulated Paul Dietrich and the Upper Township Green Team for obtaining the Bronze designation from Sustainable New Jersey. He stated that the Green Team has worked hard and accomplished quite an achievement in a short amount of time. He next reported on a meeting he, Paul Dietrich, and Barbara Young recently had with the New Jersey American Water Company. Although he felt the outcome of the meeting was not positive, another meeting will be scheduled to see if there may be opportunities for people with well problems to have access to city water. He next stated that he and the CFO have been working on the health insurance quotes and contract for the upcoming year.

Anthony Inserra, Committeeman, gave a brief report on a change to the Public Works schedule for next year in which the brush pickup will be on a monthly schedule. He stated that everything else will remain the same.

Edward Barr, Committeeman, wished everyone a safe and happy Thanksgiving.

OTHER REPORTS

Barbara Young, Municipal Clerk, reminded everyone that the Township offices will be closed on Thursday and Friday for the Thanksgiving holiday.

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

Paul Dietrich, Municipal Engineer, requested the formation of a floodplain management public information group consisting of community stakeholders, residents and Township officials. The public information group is an important component of the CRS certification program for next year. A resolution for formal action will be placed on a future agenda. He next reported that the Planning Board has recommended several zoning changes to Chapter 19 and 20 of the Upper Township Code, the bulkhead standards, and a minor change to the zoning map. The Committee will review the recommendations at a future meeting.

RESOLUTIONS

1. Commemorating the 50th Anniversary of the Upper Township Rescue Squad.

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

RESOLUTION NO. 250 –2014

RE: COMMEMORATING THE 50TH ANNIVERSARY OF THE UPPER TOWNSHIP RESCUE SQUAD

WHEREAS, on October 29, 1964, the first charter of the Upper Township Rescue Squad was drawn up and signed with a total of 16 members listed on the roll call; and

WHEREAS, through the hard work and faithful perseverance of those original members and all that have followed, the Upper Township Rescue Squad now operates 24 hours a day, 7 days a week, serving all of Upper Township, as well as Corbin City and parts of Estell Manor; and

WHEREAS, the men and women of the Rescue Squad faithfully and diligently execute their duties with great skill and dedication, responding to approximately 1,500 calls per year; and

WHEREAS, in addition to providing first rate emergency medical services, the dedicated members of the Squad also volunteer their time and resources to participate in numerous public outreach and fundraising programs, promoting safety awareness and education, and fostering a spirit of community throughout Upper Township; and

WHEREAS, it is an honor to commemorate the 50th Anniversary of the Upper Township Rescue Squad and thank the dedicated members for their service; 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, that the Township Committee does hereby commend the Upper Township Rescue Squad upon this important occasion and for its many years of service to the community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 24th day of November 2014.

Resolution No. 250 –2014

Offered by: Barr

Adopted: November 24, 2014

Seconded by: Young

Roll Call Vote:

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

2. Setting the date and time of the 2015 Reorganization meeting of the Township of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 251 -2014

**RE: SETTING THE DATE AND TIME
OF THE 2015 REORGANIZATION MEETING
OF THE TOWNSHIP OF UPPER**

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 annual Reorganization Meeting of the Township Committee shall be held on Monday, January 5, 2015, commencing at 6:00 P.M. at the Upper Township Municipal Building, County Route 631, Petersburg, New Jersey.
2. Notification of this meeting shall be given in accordance with the requirements of the Open Public Meetings Act of the State of New Jersey.

Resolution No. 251 –2014

Offered by: Young

Seconded by: Barr

Adopted: November 24, 2014

Roll Call Vote:

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

3. Directing the distribution of the Township of Upper's net returned surplus funds held in trust by the Atlantic County Municipal Joint Insurance Fund.

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

RESOLUTION NO. 252 -2014

**RE: DIRECTING THE DISTRIBUTION OF THE TOWNSHIP OF UPPER'S NET
RETURNED SURPLUS FUNDS HELD IN TRUST BY THE ATLANTIC COUNTY
MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the Township of Upper, hereinafter referred to as MUNICIPALITY, participated as a member municipality of the Atlantic County Municipal Joint Insurance Fund, hereinafter referred to as FUND, for one or more of the following FUND fiscal years beginning January 1, 1998, January 1, 1999, January 1, 2000, January 1, 2001, January 1, 2002, January 1, 2003, January 1, 2004, January 1, 2005, January 1, 2006, January 1, 2007, January 1, 2008, January 1, 2009, January 1, 2010; and

WHEREAS, the FUND is a statutory filed municipal joint insurance fund as defined in N.J.A.C. 11:15-2.1 et seq.; and

WHEREAS, the MUNICIPALITY joined the FUND knowing that membership carries with it joint and several liability with all other member municipalities for each year of the MUNICIPALITY's membership; and

WHEREAS, the MUNICIPALITY understands that the FUND's Executive Committee are the only persons authorized in law to make decisions as to when and how much of any available statutory surplus will be released by the FUND; and

WHEREAS, the MUNICIPALITY understands that the FUND's Executive Committee are the only persons authorized in law to make decisions as to when and how

much of any projected deficit will be declared as an additional assessment due to the FUND;
and

WHEREAS, the MUNICIPALITY understands that Available Statutory Surplus is defined to be the amount of money in excess of the projected value of claims by line of coverage, plus an actuarially determined value for Incurred But Not Reported claims, subject to the surplus reserve calculations as defined in N.J.A.C. 11:15-4.6 et seq., and subject to review and approval by the Department of Banking and Insurance and Department of Community Affairs, State of New Jersey, prior to release by the Executive Committee of the FUND; and

WHEREAS, the MUNICIPALITY understands that it remains jointly and severally liable into perpetuity despite the earlier release of Available Statutory Surplus due to the possibility that a FUND year wherein a return of Statutory Surplus has been duly authorized could later be presented with a claim for which it could be responsible causing a demand for an additional assessment from each participating member municipality of that FUND year; and

WHEREAS, the MUNICIPALITY understands that it remains jointly and severally liable into perpetuity despite the earlier collection of an additional assessment due to the possibility that a FUND year wherein an additional assessment has been duly authorized could later be presented with a need for additional assessments from each participating member municipality of that FUND year; and

WHEREAS, the MUNICIPALITY understands that its options for directing the distribution of its net share of released Statutory Surplus to be as follows:

1. Direct the FUND to apply the MUNICIPALITY's share to the MUNICIPALITY's premium as credit in the next FUND fiscal year (N.J.A.C. 11:15-4.21(e)),
2. Direct the FUND to issue a check to the MUNICIPALITY for the MUNICIPALITY's share,
3. Direct the FUND to apply the MUNICIPALITY's share to the FUND's Aggregate Excess Loss Contingency Fund (A.E.L.C.F.), which provides member municipalities with an available individual contingency balance for use in satisfying any possible need for a supplemental assessment for any year they were a member and an annual capacity to use all or a portion of a member municipality's available balance in offsetting future premiums, **or**
4. Direct the FUND to apportion the MUNICIPALITY's share as a stated dollar amount among options 1, 2 and 3 above such that the sum total of allocated dollars equals the amount of the Net Distribution available to the MUNICIPALITY as noted above.

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 MUNICIPALITY does hereby direct the FUND to apply the full amount to the MUNICIPALITY's share of the FUND's Aggregate Excess Loss Contingency Fund (A.E.L.C.F.).

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. 252 -2014

Offered by: Coggins

Seconded by: Barr

Adopted: November 24, 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>

4. Appointing Michael J. Donohue, Esquire and the Law Offices of Blaney & Donohue P.A. as special legal counsel to complete certain in rem foreclosure matters.

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

RESOLUTION NO. 253- 2014

**RE: APPOINTING MICHAEL J. DONOHUE, ESQUIRE AND THE LAW OFFICES OF
BLANEY & DONOHUE P.A. AS SPECIAL LEGAL COUNSEL TO COMPLETE CERTAIN
IN REM FORECLOSURE MATTERS**

WHEREAS, the Township of Upper requires legal counsel to complete certain in rem foreclosure matters; and

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

WHEREAS, the Township has decided to acquire the services of Michael J. Donohue, Esquire and the Law Offices of Blaney & Donohue, P.A. as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-2.05; and

WHEREAS, Michael J. Donohue, Esquire and the Law Offices of Blaney & Donohue, P.A. have completed and submitted a Business Entity Disclosure Certification which certifies that Michael J. Donohue, Esquire and the Law Offices of Blaney & Donohue, P.A. have 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 Michael J. Donohue, Esquire and the Law Offices of Blaney & Donohue, P.A. from making any contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee in 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 J. Donohue, Esquire and the Law Offices of Blaney & Donohue, P.A. with offices at 3200 Pacific Avenue, Wildwood, New Jersey 08260 are hereby appointed as Special Legal Counsel for the Township of Upper for the completion of in rem foreclosure matters.
3. The contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Michael J. Donohue, Esquire and the Law Offices of Blaney & Donohue, P.A. have professional knowledge as to in rem foreclosure matters which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-2.05.

NOTICE OF CONTRACT AWARD

5. The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Michael J. Donohue, Esquire and the Law Offices of Blaney & Donohue, P.A. as Special Legal Counsel for in rem foreclosure matters. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

6. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the official budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.

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

8. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Michael J. Donohue, Esquire and the Law Offices of Blaney & Donohue, P.A. in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

9. A notice of this contract award shall be published in the official newspaper of the Township of Upper within ten (10) days from the date of adoption and shall be filed with the Tax Collector of the Township of Upper.

Resolution No. 253 -2014

Offered By: Barr

Seconded by: Coggins

Adopted: November 24, 2014

<u>ROLL CALL:</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
Coggins	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
Inserra	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
Young	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u>x</u>	<u> </u>	<u> </u>	<u> </u>

5. Authorizing the Mayor to execute a New Jersey Department of Environmental Protection Land Use Regulation Program Application for the purpose of Beach and Dune Maintenance Activities on the beaches in Strathmere, Upper Township, Cape May County, New Jersey.

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

RESOLUTION NO. 254-2014

**RE: AUTHORIZING THE MAYOR TO EXECUTE A NEW JERSEY DEPARTMENT
OF ENVIRONMENTAL PROTECTION LAND USE REGULATION PROGRAM
APPLICATION FOR THE PURPOSE OF BEACH AND DUNE MAINTENANCE
ACTIVITIES ON THE BEACHES IN STRATHMERE, UPPER TOWNSHIP, CAPE
MAY COUNTY, NEW JERSEY**

WHEREAS, the Township Committee of the Township of Upper desires to engage in maintenance activities along the Strathmere beach which include replacement of sand fence and dune grass, the clearing of the beach, the construction and maintenance of dune crossovers and the movement of sand from the lower beach profile; and

WHEREAS, in order to engage in said maintenance activities, the Township of Upper must submit an application (Exhibit A) to the New Jersey Department of Environmental Protection, Land Use Regulation Program; and

WHEREAS, the Township of Upper desires to authorize the Mayor and other municipal officials to execute the aforesaid attached application, Exhibit A; and

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

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

2. The Township Committee of the Township of Upper hereby authorizes the Mayor to execute the New Jersey Department of Environmental Protection Land Use Regulation Program Application for the purpose of beach and dune maintenance activities on the beaches in Strathmere, Upper Township, New Jersey.

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. Specifically, the Township

Engineer is authorized to act as agent/representative of the Township in all matters pertaining to said application.

Resolution No. 254-2014

Offered by: Barr

Seconded by: Coggins

Adopted: November 24, 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>

6. Certification of costs for abatement of nuisance on Block 303 Lot 1.

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

RESOLUTION NO. 255-2014

**CERTIFICATION OF COSTS FOR ABATEMENT OF NUISANCE ON
BLOCK 303 LOT 1**

WHEREAS, pursuant to Township Code Section 11-1, the Township Committee is empowered to enforce the removal of fire hazards and nuisances, including the clearing of obnoxious growth; and

WHEREAS, resolution #225-2014 adopted September 22, 2014 authorized the Zoning Officer to serve a notice of violation to certain property owners describing the violation and stating that unless the violation is abated, removed or remedied within 10 days from the date of such notice the violation shall be abated, removed and remedied by the Township and the cost thereof shall be assessed as a lien against such land; and

WHEREAS, 10 days passed from the date of such notice of violation with no response from the property owners and the Township thereafter remedied the violation; and

WHEREAS, pursuant to Township Code Section 11-1 and N.J.S.A. 40:48-2.14, the Township Principal Public Works Manager has certified the costs of remedying the said violations as set forth on the attached list; and

WHEREAS, the Township Committee now wishes that said certified costs become a lien upon such lands and be added to and become and form part of the taxes assessed and levied against such lands pursuant to Township Code Section 11-1.8 and N.J.S.A. 40:48-2.13.

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 declares that the costs as set forth on the attached list shall be certified to the Township Tax Collector as a lien against the land in question which lien shall become and form a part of the taxes assessed and levied upon such land pursuant to Township Code Section 11-1.8 and N.J.S.A. 40:48-2.14.
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. 255 -2014

Offered by: Barr

Seconded by: Coggins

Adopted: November 24, 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>	_____	_____	_____

CLEARING OF OBNOXIOUS GROWTH

BLOCK/LOT

AMOUNT

LOCATION

ORDINANCES

7. Public hearing and final adoption of Ordinance No. 014-2014 RE: AN ORDINANCE VACATING A PORTION OF WILLETS ROAD ADJACENT TO BLOCK 487, LOTS 22 AND 33; BLOCK 488, LOTS 1, 13 THROUGH 16, AND 22; AND BLOCK 489, LOTS 1, AND 12 THROUGH 22, WITHIN THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY. **During the public hearing portion, there were no speakers. Motion by Hobie Young, second by John Coggins, to adopt Ordinance No. 014-2014. During roll call vote all five Committee members voted in the affirmative.**

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

ORDINANCE NO. 014-2014

**AN ORDINANCE VACATING A PORTION OF WILLETS ROAD ADJACENT TO
BLOCK 487, LOTS 22 AND 33; BLOCK 488, LOTS 1, 13 THROUGH 16, AND 22;
AND BLOCK 489, LOTS 1, AND 12 THROUGH 22, WITHIN THE TOWNSHIP OF
UPPER, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY**

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

WHEREAS, Clayton Development Associates, LLC is the owner of Block 479, Lot 48.01 and has requested that the Township vacate a portion of Willets Road as described in this Ordinance and have agreed to pay the costs incurred by the Township to vacate said street including the costs of the revisions to the tax map; and

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

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

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

SECTION 1: The public right in, along, upon and over the following described land is hereby vacated, surrendered and extinguished:

Description

Vacation of Portion of Willetts Road (50' Wide)
Adjacent to portion of Blocks 479, 487, 488 & 489
as shown on Tax Map Sheet No. 18.01
Marmora Section of
Township of Upper

BEGINNING at the Southwesterly corner of the intersection of Hudson Ave. (50' wide) and Willetts Rd.(50' wide) extending Northwestwardly along Block 488 Lots 1, 13-16 and 22 and Block 487 Lot 33 a distance of 454.88' to the Northwesterly corner of Block 487 Lots 22 and 33; and extending Northeastwardly across Willetts Rd. (50' wide) to a point; and extending Southeastwardly along Block 479 Lot 48.01 distance of 707' plus or minus to a point which is perpendicular to the Southeasterly property line of Block 489 Lot 22; and extending Southwestwardly across Willetts Rd. a distance of 50' to the Southeasterly corner of Block 489 Lot 22; and extending Northwestwardly along Block 489 Lots 1 and 12-22 to a point in the Southeasterly corner of the intersection of Hudson Ave. and Willetts Road; and extending across Hudson Ave. (50' wide) to the point of beginning.

SECTION 2: This Ordinance vacates no portion of Hudson Avenue or of Willetts Road except that portion set forth and described in **SECTION 1** above.

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

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

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

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 27th DAY OF OCTOBER, 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 24th DAY OF NOVEMBER, 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

8. Introduction and first reading of Ordinance No. 015-2014 Re: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER X OF THE CODE OF UPPER TOWNSHIP TO PROVIDE FOR REGISTRATION AND

MAINTENANCE OF VACANT PROPERTIES. Motion by John Coggins, second by Anthony Inserra, to introduce Ordinance No. 015-2014 with public hearing and final adoption scheduled for December 15, 2014. During roll call vote, all five Committee members voted in the affirmative.

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

ORDINANCE NO. 015-2014

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE
CHAPTER X OF THE CODE OF UPPER TOWNSHIP TO PROVIDE FOR
REGISTRATION AND MAINTENANCE OF VACANT PROPERTIES**

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 10, Section 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:

10-6 VACANT PROPERTY REGISTRATION.

10-6.1 Purpose. This ordinance governs the maintenance of vacant properties in the Township of Upper, implementing registration requirements and registration fees for owners of vacant properties.

10-6.2 Definitions.

Owner – The title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of N.J.S.A. 46:10B-51 (P.L. 2008, c. 127, Sec. 17) or any other entity determined by the Township of Upper to have authority to act with respect to the property.

Vacant Property – Any building used or to be used which is not legally occupied or at which substantially all lawful construction operations or

occupancy has ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation; provided, however, that any property that contains all building systems in working order and is being actively marketed by its owner for sale or rental, shall not be deemed vacant. Notwithstanding the foregoing, property determined to be “abandoned property” in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq. shall also be deemed to be vacant property for the purposes of this ordinance.

10-6.3 Registration statement required.

- A. Effective January 1, 2015, the owner of any vacant property as defined herein shall within sixty (60) days after the building becomes vacant property or within thirty (30) days after assuming ownership of the vacant property, whichever is later, file a registration statement for each such vacant property with the Zoning Officer or his or her designee on forms provided by that Zoning Officer or his or her designee for such purposes. The registration shall remain valid for one year from January 1 until December 31 of that year. The owner shall be required to renew the registration annually as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed in Section 10-6.5 of this chapter for each vacant property registered.
- B. Any owner of any building that meets the definitions of vacant property prior to January 1, 2015 shall file a registration statement for that property on or before January 31, 2015. The registration

statement shall include the information required under Section 10-6.4 of this chapter, as well as any additional information that the Zoning Officer or his or her designee may reasonably require.

- C. The owner shall notify the Zoning Officer or his or her designee within thirty (30) days of any change in the registration information by filing an amended registration statement on a form provided by the Zoning Officer or his or her designee for such purpose.
- D. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township against the owner or owners of the building.

10-6.4 Registration statement requirements; property inspection. After filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the Township to conduct an exterior and interior inspection of the building to determine compliance with the Municipal Code, following reasonable notice, during the period covered by the initial registration or any subsequent renewal.

- A. The registration statement shall include the name, street address and telephone number of a natural person twenty-one (21) years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of any applicable code. This person must maintain

an office in the State of New Jersey or reside within the State of New Jersey. The statement shall also include the name of the person responsible for the maintenance and security of the property, if different.

- B. An owner who is a natural person and who meets the requirements of this ordinance as to location of residence or office may designate him or herself as agent.
- C. By designating an authorized agent under the provisions of this section the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the Zoning Officer or his or her designee of a change of authorized agent or until the owner files a new annual registration statement. The designation of an authorized agent in no way releases the owner from any requirement of this ordinance.

10-6.5 Fee schedule. The registration fee for each building shall be Five Hundred Dollars (\$500) each year. For any partial year, there shall be no proration of the fee.

10-6.6 Requirements for owners of vacant property. The owner of any building that has become vacant property, and any

person maintaining, operating or collecting rent for any such building that has become vacant shall, within thirty (30) days:

- A. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Code of the Township of Upper or the laws of the State of New Jersey.
- B. Post a sign affixed to the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated, pursuant to Section 10-6.4 of this chapter), and the person responsible for day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and place in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 18" x 24";
- C. Secure the building from unauthorized entry and maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete.
- D. Post the property with No Trespassing signs of a nature sufficient to give notice to any person entering upon the property that it is against the law to enter the property without permission of the owner.

10-6.7 Administration. The Zoning Officer or his or her designee may issue rules and regulations for the administration of the provisions of this ordinance.

10-6.8 Violations and penalties.

- A. Any owner who is not in full compliance with this ordinance or who otherwise violates any provision of this ordinance or of the rules and regulations issued hereunder shall be subject to a fine of not less than Five Hundred Dollars (\$500) and not more than One Thousand Dollars (\$1,000) for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recoverable from the owner and shall be a lien on the property.
- B. For purposes of this section, failure to file a registration statement in time, failure to provide correct information on the registration statement, failure to comply with the provisions of Section 10-6.4 of this chapter, or such other matters as may be established by the rules and regulations of the Zoning Officer or his or her designee shall be deemed to be violations of this ordinance.

10-6.9 Other regulations not affected. Nothing in this ordinance is intended nor shall be read to conflict or prevent the Township from taking action against buildings found to be unfit for human habitations or unsafe structures as provided in applicable provisions of the Code of the Township of Upper or any other applicable statute or regulation. Further, any action taken under any such Code provisions, statute or regulation, other than the demolition of a structure, shall not relieve an owner from its obligations under this ordinance.

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 24th DAY OF NOVEMBER, 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 15th DAY OF DECEMBER, 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

9. Introduction and first reading of Ordinance No. 016-2014 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER II OF THE CODE OF UPPER TOWNSHIP, TO AMEND THE APPLICATION FEE CHARGED TO PERSONS APPLYING FOR THE SERVICES OF THE MUNICIPAL PUBLIC DEFENDER. **Motion by Hobie Young, second by Anthony Inserra, to introduce Ordinance No. 016-2014 with public hearing and final adoption scheduled for December 15, 2014. During roll call vote, all five Committee members voted in the affirmative.**

TOWNSHIP OF UPPER

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

ORDINANCE NO. 016-2014

**AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER II
OF THE CODE OF UPPER TOWNSHIP, TO AMEND THE APPLICATION FEE
CHARGED TO PERSONS APPLYING FOR THE SERVICES OF THE
MUNICIPAL PUBLIC DEFENDER**

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: Chapter II, Section 2-10 of the Revised General Ordinances of
the Township of Upper, also known as the Code of Upper Township, shall be amended as
follows:

2-10 Municipal Public Defender; Representation By; Application Fee.

A person applying for representation by a Municipal Public
Defender in the Township of Upper shall pay an application fee of
Two Hundred (\$200.00) Dollars. The Municipal Court may waive
any required application fee, in whole or in part, if the Court
determines, in its discretion, that the application fee represents an
unreasonable burden on the person seeking representation.

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 section 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 **24th DAY OF NOVEMBER, 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 **15th DAY OF DECEMBER** 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

10. Introduction and first reading of Ordinance No. 017-2014 RE: AN ORDINANCE ESTABLISHING SALARIES FOR THE TOWNSHIP OF UPPER FOR THE CALENDAR YEAR 2015. **Motion by John Coggins, second by Edward Barr, to introduce Ordinance No. 017-2014 with public hearing and final adoption scheduled for December 15, 2014. During roll call vote, all five Committee members voted in the affirmative.**

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

ORDINANCE NO. 017-2014

**AN ORDINANCE ESTABLISHING SALARIES FOR THE TOWNSHIP
OF UPPER FOR THE CALENDAR YEAR 2015**

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: TITLE: This Ordinance shall be known as the Salary Ordinance of 2015.

SECTION 2: SALARIES: Salaries for the various officials and employees of the Township of Upper for the calendar year 2015 shall be as follows:

<u>POSITION</u> (P/T denotes "Part-Time Position")	<u>MINIMUM</u>	<u>MAXIMUM 2015</u>
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A. ADMINISTRATIVE/REVENUE AND FINANCE:

Mayor	\$3,750.00	\$5,000.00
Township Committeeman	7,000.00	11,250.00
Township Tax Assessor	7,500.00	78,000.00
Deputy Tax Assessor	No Min.	550.00
Clerk 1 (P/T) (Assessor)	6,500.00	20.00 Hr.
Township Tax Collector	15,000.00	78,000.00
Deputy Tax Collector	No Min.	550.00
Clerk 1 (P/T) (Tax)	12.00 Hr.	20.00 Hr.
Township Clerk	15,000.00	78,000.00
Deputy Township Clerk (P/T)	525.00	2,000.00
Keyboarding Clerk 2	15,000.00	62,000.00
Keyboarding Clerk 1	15,000.00	52,000.00
Keyboarding Clerk 1 (P/T)	5.75 Hr.	18.00 Hr.
Keyboarding Clerk 1 (MAC)	No Min	4,950.00
Township Engineer	50,000.00	115,000.00
Chief Financial Officer	42,000.00	78,000.00
Purchasing Agent	35.00 Hr.	45.00 Hr.
Purchasing Agent/QPA	2,000.00	5,000.00
Assistant Finance Officer	No Min.	550.00
Registrar of Vital Statistics/CMR(P/T)	No Min.	4,000.00
Deputy Reg. Vital Statistics (P/T)	No Min.	2,000.00
Alt. Deputy Reg. Vital Statistics (P/T)	No Min.	2,000.00
Public Information Officer	No Min.	10,000.00
Data Information Coordinator/COOP	No Min.	3,500.00
Claims Coordinator	No Min.	3,500.00
Mun. Improvement Official (P/T)	No Min.	1,850.00
Tax Search Officer (P/T)	No Min.	1,850.00
Director of Public Asst. (P/T)	500.00	1,000.00
Personnel Officer (P/T)	No Min.	4,000.00
Asst. Personnel Officer (P/T)	No Min.	2,000.00
Computer Director	No Min.	1,500.00
Safety Coordinator	No Min.	3,500.00
Ass't Safety Coordinator	No Min.	1,500.00
Municipal Housing Liaison	No Min.	2,500.00

B. MUNICIPAL COURT:

Municipal Judge (P/T)	15,000.00	50,000.00
Municipal Court Administrator	15,000.00	78,000.00
Deputy Mun. Court Administrator	15,000.00	68,000.00
Municipal Prosecutor (P/T)	No Min.	45,000.00
Court Attendant (P/T)	No Min.	\$250.00 per session
Municipal Public Defender (P/T)	No Min.	25,000.00

C. CODE ENFORCEMENT/ZONING ENFORCEMENT:

Construction Official	15,000.00	98,000.00
Building Subcode Official (P/T)	2,500.00	6,769.00
Electrical Subcode Official (P/T)	9,500.00	30,000.00
Electrical Inspector (P/T)	9,500.00	30,000.00
FireSub-CodeOff. (P/T)	2,500.00	4,900.00
Zoning Officer (P/T)	2,500.00	7,500.00
Deputy Zoning Officer	No Min.	550.00
Housing Officer/Code Enforce. (P/T)	2,500.00	7,500.00
Fire Prevention Official (P/T)	1,000.00	2,279.00
Plumbing Sub-Code Off. (P/T)	No Min.	12,000.00
Plumbing Inspector (P/T)	No Min.	6,524.00
Fire Protection Subcode Official (P/T)	No Min.	2,279.00
Keyboarding Clerk 1 (Construction)	12,000.00	56,000.00

D. PUBLIC SAFETY/EMERGENCY MANAGEMENT:

Mun. Emerg. Management Coord. (P/T)	No Min.	25,000.00
Coord. 911 Emerg. Response, RTK	No Min.	2,000.00
Deputy Right to Know	No Min.	1,500.00
Deputy Dir. Emerg. Mgt. (P/T)	No Min.	2,845.00
Asst. Emerg. Mgt. (P/T)	No Min.	900.00
Lifeguard, 1st yr. Seasonal		11.50 Hr.
Lifeguard, 2nd yr. Seasonal		12.00 Hr.
Lifeguard, 3rd yr. to 4th yr.		12.70 Hr.
Lifeguard, 5th yr. and higher		13.00 Hr.
Hr. Lifeguard E.M.T.		\$4.00 Per Day
Captain Lifeguard Seasonal		24.00 Hr.
Lieutenant Lifeguard Seasonal		18.00 Hr.
Senior Lifeguard		14.75 Hr.
Emergency Medical Tech. –3 or more years	12,500.00	60,000.00
Emergency Medical Technician-2nd year	12,500.00	50,000.00
Emergency Medical Technician-1st year	12,500.00	45,000.00
Emergency Medical Technician (P/T)	No Min.	14.00 Hr. 1st Yr
Emergency Medical Technician (P/T)	No Min.	14.50 Hr. 2nd Yr

School Crossing Guard (P/T)	13.00 Hr.
Chief Emergency Medical Technician	80,000.00
Deputy Chief Emergency Medical Technician	75,000.00
Sr. Emergency Medical Technician	70,000.00
Supervising Emergency Medical Technician	72,000.00
Supervising Emergency Medical Technician (P/T)	Add'l \$1.00/Hr.

E. PUBLIC WORKS/SPORTS AND RECREATIONAL PROGRAMS:

Superintendent of Public Works	5,000.00	10,000.00
Road Repairer Supervisor	12,500.00	88,000.00
Road Repairer 3	12,500.00	82,000.00
Supervisor Equipment Operator	12,500.00	70,000.00
Supervisor Maintenance Repairer	12,500.00	70,000.00
Supervising Carpenter	20,000.00	70,000.00
Sr. Carpenter (0-9 yrs.)	20,000.00	52,328.00
Sr. Carpenter (10 or more yrs.)	20,000.00	53,767.00
Carpenter (0-9 yrs.)	12,500.00	50,889.00
Carpenter (10 or more yrs.)	12,500.00	52,328.00
Carpenter's Helper	12,500.00	50,889.00
Senior Mechanic (0-9 yrs.)	12,500.00	54,280.00
Senior Mechanic (10 or more yrs.)	12,500.00	55,721.00
Mechanic (0-9 yrs.)	12,500.00	51,846.00
Mechanic (10 or more yrs.)	12,500.00	53,285.00
Mechanics Helper (0-9 yrs.)	12,500.00	49,762.00
Mechanics Helper (10 or more yrs.)	12,500.00	51,201.00
Equipment Operator (0-9yrs.)	12,500.00	50,889.00
Equipment Operator (10 or more yrs.)	12,500.00	52,328.00
Truck Driver (0-9 yrs.)	12,500.00	49,680.00
Truck Driver (10 or more yrs.)	12,500.00	51,121.00
Laborer 1, 1st year	12,500.00	38,778.00
Laborer 1, 2nd year	12,500.00	40,818.00
Laborer 1, 3rd year	12,500.00	42,858.00
Laborer 1, 4th year	12,500.00	44,899.00
Laborer 1, 5th year	12,500.00	46,940.00
Laborer 1 (6-9 yrs.)	12,500.00	48,499.00
Laborer 1 (10 or more yrs.)	12,500.00	49,937.00
Laborer 1 (P/T)	5.00 Hr.	11.50 Hr.
Sr. Sanitation Inspector	12,500.00	52,328.00
Sanitation Inspector (0-9 yrs.)	12,500.00	50,889.00
Sanitation Inspector (10 or more yrs.)	12,500.00	52,328.00
Recycling Laborer	10,400.00	44,863.00
Recycling Coordinator (P/T)	No Min.	5,698.00
Assistant Recycling Coordinator (P/T)	No Min.	2,849.00
Maint. Worker 1, Grounds (0-9 yrs.)	12,500.00	50,889.00
Maint. Worker 1, Grds (10 or more yrs.)	12,500.00	52,328.00
Building Maintenance Worker	22,000.00	35,739.00

Recreational Program Coordinator	15,500.00	70,000.00
Maintenance Supervisor, Grounds	12,500.00	70,000.00
Maint. Worker 2, Grounds (0-9 yrs.)	11,500.00	50,889.00
Maint. Worker 2, Grds (10 or more yrs.)	11,500.00	52,328.00
Maintenance Repairer (0-9 yrs.)	10,500.00	50,889.00
Maintenance Repairer (10 or more yrs.)	10,500.00	52,328.00
Maint. Worker 1, Grounds (0-9 yrs.)	10,500.00	49,680.00
Maint. Worker 1, Grds (10 or more yrs.)	10,500.00	51,121.00
Recreation Aide	9,500.00	48,499.00
Recreation Aide (P/T)	5.00/Hour	11.50/Hour
Beach Sweeper (Seasonal)	5.00/Hour	11.50/Hour
Playground Safety Inspector	500.00	1,000.00
Beach Inspector	No Min.	4,000.00
Boat Ramp Attendant	No Min.	12.00 Hr.
Skate Park Attendant	No Min.	12.00 Hr.
Recreation Advisory Bd. Secretary (P/T)	No Min.	2,200.00
Keyboarding Clerk 1 (Recreation)	12,500.00	45,000.00
Keyboarding Clerk 2 (Recreation)	12,500.00	54,000.00

F. BOARD OF HEALTH/ZONING BOARD/PLANNING BOARD:

Secretary Planning Board (P/T)	42,000.00
Per Meeting	100.00
Secretary Zoning Board of Adjustment (P/T)	42,000.00
Per Meeting	100.00
Secretary Board of Health (P/T)	550.00

G. TOWNSHIP COMMITTEE MEETING ATTENDANCE: The Township Clerk and the Chief Financial Officer, in lieu of receiving compensatory time for attendance at meetings during non-business hours will receive \$100.00 per meeting.

H. MILEAGE: The standard rate per mile in accordance with I.R.S. regulations.

I. GIFT CARD AWARD OR BONUS: In addition to the salary set forth in this Ordinance, the Township Committee, by resolution, may award as a bonus any employee a gift card or gift cards not to exceed a total amount of \$200.00 for the year. Said award shall be by resolution of the Township Committee setting forth the amount of the gift card bonus.

J. EDUCATIONAL CERTIFICATION PAY RAISE: In addition to the salary set forth in this Ordinance upon resolution of the Township Committee, the Township Committee may give an increase in salary of \$1,000.00 to any employee that has satisfied educational certification requirements for his or her position in accordance with current Township policy. The Township Committee shall by resolution fix the pay increase in this regard and certify that the employee has satisfied the educational certification requirement.

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 3: LONGEVITY: In addition to the compensation and benefits otherwise payable, certain employees shall be paid an additional sum based on longevity. Any payment based on longevity shall be in accordance with the following schedule:

<u>YEARS OF SERVICE</u>	<u>AMOUNT OF INCREASE BASED ON LONGEVITY</u>
After 5 years	2%
After 10 years	4%
After 15 years	6%
After 20 years	8%
After 25 years	10%

SECTION 3A: RESTRICTIONS ON LONGEVITY PAYMENTS: Notwithstanding the provisions of Section 3 hereof, a longevity payment or longevity bonus to any single official, officer or employee of the Township of Upper shall not exceed the sum of Three Thousand (\$3,000.00) Dollars. If, as of January 1, 1997, any such official, officer or employee of the Township of Upper was entitled to a longevity payment in excess of Three Thousand (\$3,000.00) Dollars, then such individual shall be entitled to receive the amount to which he or she would have been entitled as of January 1, 1997 and each such official, officer or employee shall thereafter, in all subsequent years, receive a longevity payment or bonus in the amount paid as of January 1, 1997. In no event shall the amount of longevity payments exceed the sum of Three Thousand (\$3,000.00) Dollars, except for those individuals who are entitled to receive in excess of Three Thousand (\$3,000.00) Dollars as of January 1, 1997 and all such individuals shall in 1997 and all succeeding years be restricted to a payment which does not exceed that which was payable on January 1, 1997.

SECTION 3B: LONGEVITY PAY ABOLISHED FOR CERTAIN EMPLOYEES: Any official, officer or employee who was employed by the Township of Upper on or after January 1, 1996 shall not be entitled to any longevity payment. Longevity pay is abolished for any and all officials, officers and employees hired on or subsequent to that date.

SECTION 4: RESOLUTION AS TO SALARIES: The salaries set forth in this Ordinance are the maximum salaries to be paid for the various positions during 2015 and for such period or periods as this Ordinance shall remain in effect. Such maximum salaries shall be paid for each of the positions indicated unless the Township Committee, by Resolution shall fix a lesser salary, in which event such lesser amount shall be paid.

SECTION 5: EFFECTIVE DATE OF PAYMENT: All salaries authorized by this Ordinance shall be paid commencing as follows:

- (A) As of January 1, 2015 for all officials, officers and employees of the Township who were employed or appointed as of December 31, 2014. For those officials, officers and employees appointed at the Reorganization Meeting of the Township Committee, such persons shall be deemed appointed and employed by the Township as of January 1, 2015. This provision shall not apply to members of a Collective Bargaining Unit.
- (B) The payment of any salary increment and longevity payment for members of a Collective Bargaining Unit shall be made in accordance with the provisions of the Collective Bargaining Agreement currently in effect, any other provisions herein to the contrary notwithstanding.
- (C) Upon the effective date of appointment for all officers and employees appointed subsequent to January 1, 2015.
- (D) Any salary increases provided for in this Ordinance shall not apply to any official, officer or employee of the Township who has resigned or otherwise terminated his or her employment with the Township of Upper prior to the effective date of this Ordinance.

SECTION 6: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 7: 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 8: EFFECTIVE DATE: This Ordinance shall take effect immediately upon passage and publication as required by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING ON NOVEMBER 24, 2014 AND WILL BE

**TAKEN UP FOR SECOND READING AND FINAL ADOPTION AT A MEETING
OF THE UPPER TOWNSHIP COMMITTEE TO BE HELD ON DECEMBER 15,
2014 AT 7:30 P.M.**

BY ORDER OF THE TOWNSHIP COMMITTEE.

**BARBARA L. YOUNG, RMC
TOWNSHIP CLERK**

CORRESPONDENCE

NEW BUSINESS

UNFINISHED BUSINESS

DISCUSSION

11. **Draft 2015 Residents Information packet.** Motion by Anthony Inserra, second by Richard Palombo, to accept the 2015 resident information packet as submitted. A resolution will be placed on the next agenda for formal action.
12. **Final Change Order for Reconstruction of Ocean Avenue.** The Municipal Engineer reported that the Reconstruction of Ocean Avenue project was a unit price contract with the original bid based on estimated quantities. As the work is completed, the materials are quantified and a change order to the contract is required. This change order increases certain items, decreases certain items, and also imparts a penalty based on asphalt coring results from Craig Testing Laboratories. The change order will decrease the contract in the amount of \$27,555.08. A resolution for formal action will be placed on the next agenda.

PAYMENT OF BILLS

13. **“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: \$311,412.83

Payroll: \$152,072.14

REPORT OF MUNICIPAL DEPARTMENTS

14. **Animal Control**
15. **Department of Public Works**

Motion by Edward Barr, second by John Coggins, to accept all reports as submitted. During roll call vote all five Committee members voted in the affirmative.

PUBLIC COMMENT

CLOSED SESSION

16. 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. 256-2014
MOTION GOING INTO CLOSED SESSION
NOVEMBER 24, 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. Personnel
2. Potential Litigation - Claim Resolution Facility Vandalism
3. Contract negotiation - Cape Regional Medical Center-Pre-employment testing.
4. Contract negotiation - Shared Services with Fire Districts for website services.
5. Contract negotiation - Hearing examinations

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

Motion by Edward Barr, second by John Coggins, to authorize a contract with Pamela Davidson for secretarial services in the Upper Municipal Court on an as needed basis effective December 1, 2014 at the rate of \$20 per hour. During roll call vote all five Committee members voted in the affirmative.

Motion by Edward Barr, second by Anthony Inserra, to appoint Janet McCrosson as the Upper Township Municipal Court Administrator effective December 1, 2014 at an annual salary of \$57,000. During roll call vote all Committee members voted in the affirmative.

Motion by Edward Barr, second by Hobart Young, to authorize the Personnel Officer to seek an outside contractor for Secretarial Services in the Construction Office on an as needed basis at the rate of \$20 per hour. During roll call vote all five Committee members voted in the affirmative.

Motion by Edward Barr, second by Anthony Inserra, to authorize a one-time payment of \$5,000 to Nancy Palmer for working unassisted in the Municipal Court in the absence of an Court Administrator. During roll call vote all five Committee members voted in the affirmative.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:16 P.M. The next regular meeting is scheduled for December 8, 2014 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC
Municipal Clerk

Bill List

63931 11/24/14 A0018 ACTION SUPPLY INC. 21.24 2854
63932 11/24/14 A0026 ALERT GRAPHICS 2,808.00 2854
63933 11/24/14 A0091 ATLANTIC CITY ELECTRIC 4,294.85 2854
63934 11/24/14 A0114 A.E. STONE INC. 210.00 2854
63935 11/24/14 A0134 ANSELL GRIMM & AARON, PC 1,235.00 2854
63936 11/24/14 A0137 ADVANTAGE EQUIPMENT SERVICE 97.50 2854
63937 11/24/14 A0143 BARLOW BUICK GMC 234.71 2854
63938 11/24/14 B0203 BOY SCOUT TROOP 95 300.00 2854
63939 11/24/14 C0048 CAPE MAY COUNTY MUA 32,589.48 2854
63940 11/24/14 C0060 CAPRIONI'S PORTABLE TOILETS 632.00 2854
63941 11/24/14 C0061 CAPRIONI FAMILY SEPTIC 210.00 2854
63942 11/24/14 C0068 COMCAST 260.75 2854
63943 11/24/14 C0171 COLONIAL ELECTRIC SUPPLY CO. 78.77 2854
63944 11/24/14 C0186 CUB SCOUT PACK #55 300.00 2854
63945 11/24/14 C0201 CRUZAN'S TRUCK SERVICE INC. 178.28 2854
63946 11/24/14 C0223 CASA PAYROLL SERVICE 238.35 2854
63947 11/24/14 C0230 CATAMARAN MEDIA COMPANY 262.00 2854
63948 11/24/14 C0245 CLEGG'S GARAGE, INC. 3,927.10 2854
63949 11/24/14 C0247 CMRS-FP 2,000.00 2854

63950 11/24/14 C0259 CAPE PHYSICIANS ASSOCIATES, PA 440.00 2854
63951 11/24/14 C0268 Cub Scout Park 95 300.00 2854
63952 11/24/14 D0040 DELTA DENTAL OF N.J. INC. 6,077.24 2854
63953 11/24/14 D0148 DIRECT ENERGY BUSINESS 3,649.79 2854
63954 11/24/14 D0149 DANZIGER & MARKOFF, LLP 2,900.00 2854
63955 11/24/14 F0161 FIT RITE UNIFORM CO, INC 366.25 2854
63956 11/24/14 G0016 GARDNER HARDWARE INC. 26.98 2854
63957 11/24/14 G0028 GENTILINI FORD 558.06 2854
63958 11/24/14 G0141 GENTILINI CHEVROLET 470.36 2854
63959 11/24/14 H0018 HAROLD RUBIN L & H SUPPLY 546.49 2854
63960 11/24/14 H0062 HOPE, JOHN J. 94.76 2854
63961 11/24/14 H0083 HUBER LOCKSMITHS, INC. 25.00 2854
63962 11/24/14 H0095 HORIZON BCBSNJ 127,172.84 2854
63963 11/24/14 H0135 HANSON AGGREGATES, INC. 4,162.00 2854
63964 11/24/14 H0158 HERTRICH FLEET SERVICES, INC. 25,635.00 2854
63965 11/24/14 H0162 HARTFORD INSURANCE COMPANY 554.00 2854
63966 11/24/14 J0072 JERSEY WEB DESIGNS 1,272.50 2854
63967 11/24/14 K0037 KOHLER, JOHN F 134.95 2854
63968 11/24/14 K0047 KLINE, EDWARD T. 240.97 2854
63969 11/24/14 L0087 LINE SYSTEMS INC 3,489.49 2854
63970 11/24/14 L0102 LEGALIZED GAMES OF CHANCE 20.00 2854
63971 11/24/14 M0012 McCAULEY, RICHARD 144.98 2854
63972 11/24/14 M0121 McCROSSON, JANET 23.98 2854
63973 11/24/14 M0142 MASON, NICHOLAS 135.00 2854
63974 11/24/14 M0148 MYRON CORP. 376.07 2854
63975 11/24/14 M0180 MED-TECH RESOURCE, LLC 243.99 2854
63976 11/24/14 M0188 MCCARTHY TIRE SERVICE OF PHILA 2,080.09 2854
63977 11/24/14 M0201 MODERN MARKETING, INC. 117.11 2854
63978 11/24/14 N0043 NAPA AUTO PARTS 0.00 11/24/14 VOID 0
63979 11/24/14 N0043 NAPA AUTO PARTS 865.35 2854
63980 11/24/14 N0061 NJ E-Z PASS VIOLATION PROCESS 51.50 2854
63981 11/24/14 N0100 N.J. LEAGUE OF MUNICIPALITIES 10.00 2854
63982 11/24/14 O0005 OFFICE BUSINESS SYSTEMS INC 670.00 2854
63983 11/24/14 O0006 SJSHORE MARKETING, LLC 749.75 2854
63984 11/24/14 O0042 ORCHARD HYDRAULIC SERVICE INC 175.40 2854
63985 11/24/14 P0008 PALMER, NANCY 49.28 2854
63986 11/24/14 P0032 PEDRONI FUEL CO. 949.82 2854
63987 11/24/14 P0075 POSITIVE PROMOTIONS INC 704.43 2854
63988 11/24/14 P0089 PREMIER SCHOOL AGENDAS, INC. 2,086.80 2854
63989 11/24/14 P0120 PULINI PIZZA 1,410.00 2854
63990 11/24/14 Q0008 QUILL CORPORATION 67.35 2854
63991 11/24/14 R0030 RIGGINS, INC. 5,337.13 2854
63992 11/24/14 R0044 RODIO TRACTOR SALES INC 307.30 2854
63993 11/24/14 R106 RUMER, LISA 192.20 2854
63994 11/24/14 S0015 SMYTH, PATRICIA 46.28 2854
63995 11/24/14 S0031 SCHULER SECURITY, INC. 75.00 2854
63996 11/24/14 S0122 SOMERS POINT LUMBER INC. 57.40 2854
63997 11/24/14 S0126 SPIEGEL, BARBARA 42.28 2854
63998 11/24/14 S0134 SO. JERSEY GAS COMPANY 273.92 2854
63999 11/24/14 S0153 STERICYCLE, INC. 446.85 2854
64000 11/24/14 S0196 STEWART BUSINESS SYSTEMS LLC 512.24 2854
64001 11/24/14 S0209 STAPLES ADVANTAGE 157.06 2854
64002 11/24/14 S0232 SOUTH STATE, INC. 44.71 2854
64003 11/24/14 S0241 SAFEGUARD BUSINESS SYSTEMS 140.24 2854
64004 11/24/14 S0276 Brett Schiemer 48.00 2854
64005 11/24/14 S0280 SHERATON HARRISBURG HERSHEY 362.97 2854
64006 11/24/14 T0022 TERMINIX 114.00 2854
64007 11/24/14 T0032 THE PRESS & SUNDAY PRESS 164.73 2854
64008 11/24/14 T0067 TOWNSHIP OF UPPER PETTY CASH 70.50 2854
64009 11/24/14 T0093 TREASURER, STATE OF N.J. 600.00 2854
64010 11/24/14 T0097 TRICO EQUIPMENT INC. 453.94 2854
64011 11/24/14 V0001 VCI EMERGENCY VEHICLE 235.97 2854
64012 11/24/14 V0005 VAN EMBDEN, NATHAN, ATTORNEY 1,575.00 2854
64013 11/24/14 V0022 VERIZON 192.12 2854
64014 11/24/14 V0024 VAL-U AUTO PARTS L.L.C. 600.15 2854
64015 11/24/14 V0025 V.E. RALPH & SON, INC. 127.55 2854

64016	11/24/14	V0026	VITAL COMPUTER RESOURCES, INC.	59,262.28	2854
64017	11/24/14	W0050	WIRELESS ELECTRONICS, INC.	385.00	2854
64018	11/24/14	X0008	XEROX FINANCIAL SERVICES	662.40	2854

Total: \$311,412.83