

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR MARCH 9, 2015**

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
Jeffrey Pierson	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. Municipal Auditor Leon Costello was also in attendance for the Budget portion of the meeting.

APPROVAL OF MINUTES - February 23, 2015 Regular Meeting and Closed Session Minutes

Motion by Edward Barr, second by Hobie Young, to approve the February 23, 2015 Regular Meeting Minutes and Closed Session Minutes as submitted. During roll call vote all five Committeemen voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

John Coggins, Committeeman, reported that the Committee will be introducing the budget tonight with the public hearing scheduled for April 13, 2015. Copies of the budget will be available at the Clerk's Office, at the County Library for viewing, and will be posted on the Township's website. He commended Barbara Spiegel for all of the hard work she has done during the budget preparation.

Hobie Young, Committeeman, reported that the lights have been delivered for Amanda's Field, the poles are scheduled to be delivered this week, and quotes are being obtained for a concession stand. Mr. Young next reported that there was a recent issue with vandalism at Amanda's Field, and suggested that the gates may need to be closed earlier. Mr. Young next reported that the Easter Egg Hunt is scheduled for March 29th, and the events committee is looking for volunteers to help with the preparations. Next, Mr. Young stated that the South Jersey Storm recently had their first home game at the Amanda's Field football field, and in order to prepare for the game, he and his brother used their own equipment to plow the snow off of the field. He stated that no Public Works personnel or Township owned equipment was used to clear the field. Later in the meeting, Mr. Young reported that the volunteer in charge of the adult basketball open gym program has stepped down and the Recreation Advisory Board has recommended that Greg McDonough be approved as his replacement. He made a motion, second by Jeffrey Pierson, to approve Greg McDonough as the volunteer in charge of the Adult Basketball Open Gym program. During roll call vote, all five Committeemen voted in the affirmative. Lastly, Mr. Young reported that the Advisory Board has received a request from Global Premier Soccer, a for profit soccer club based in New Jersey, to use the Tyler Davis soccer field for an elite soccer program. It was stated that as long as the applicant complies with the Township's Use of Facilities requirements and the program is in accordance with Township Code, approval can be given.

Edward Barr, Committeeman, commended the Public Works Department for quickly clearing and cleaning up the roads after the recent snow storm. Later in the meeting Committeeman Barr reported that the industrial shredder at the Public Works building is beyond repair. After a brief discussion on the different options available, it was stated that the public shredding days are a valuable service to the residents, and the shredder is necessary to destroy sensitive documents which have been approved by the NJ Division of Archives and Records Management for destruction. Motion by Edward Barr, second by John Coggins, to purchase an industrial shredder in the amount of \$23,400 from the Recycling Trust Fund. During roll call vote all five Committeemen voted in the affirmative. A resolution for formal action will be placed on the next agenda.

Jeffrey Pierson, Committeeman, also commended the Public Works Department for their hard work clearing the Streets. He next commended Barbara Spiegel and Committeeman Coggins for their hard work during the budget preparation process. He reported that the second rabies clinic was held this past Saturday at Shore Veterinarians. During the two rabies clinics 176 dogs and 39 cats have been vaccinated, and to date, 716 licenses have been sold. Mr. Pierson next reported that the Strathmere Fire Company has requested the Township submit a letter to the Cape May County Freeholders acknowledging the Strathmere Fire Company's request to close a portion of Commonwealth Avenue for the Fourth of July Parade. Motion by Jeffrey Pierson, second by Edward Barr, to authorize the Clerk to send the letter. During roll call vote all five Committeemen voted in the affirmative. Lastly, he reported that he will be speaking at the annual dinner for the Shore Acres Mobile Home Park tomorrow night.

Richard Palombo, Mayor, reported that the Township has received a letter from the Cape May County Engineer requesting a resolution supporting the County's plans to improve Commonwealth Avenue and their efforts to obtain federal funding. Motion by Mayor Palombo, second by Edward Barr, to prepare a resolution in support of the County's project. During roll call vote all five Committeemen voted in the affirmative. A Resolution for formal action will be placed on the next agenda.

OTHER REPORTS

Barbara Young, Municipal Clerk, reminded everyone that the next meeting will be held on March 30, 2015.

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

Paul Dietrich, Municipal Engineer, reported that the beach fill project is moving along and he will update the Committee as the information becomes available. It was stated that guidance should be given to the local churches on which beach is available to hold their Easter sunrise services. Mr. Dietrich next reported that last year the Township received a grant from the NJDEP Forestry Management Program in the amount of \$3,000. Mr. Dietrich stated that he has had some difficulty in finding a consultant to prepare a Forestry Management Plan, however he has recently received a proposal in the amount of \$5,800.00. He inquired if the Committee would like to allocate the additional funds from the planning budget. It was suggested that correspondence be sent to the DEP requesting an extension of the grant in order to allow a further discussion and possible allocation of funds for the program in the 2016 budget. Motion by John Coggins, second by Richard Palombo, to direct the Engineer to send a request to extend the grant to the DEP. During roll call vote, all five Committeemen voted in the affirmative. Lastly, Mr. Dietrich gave a brief update on the plans for the Farmer's Market. The Farmer's Market Association has decided to hold the market at Pastime Place and will be applying to the Planning Board for a site plan waiver. Informational flyers are being prepared, and it is anticipated that the market will begin towards the end of June. It was stated that the Farmer's Market will be run by a private nonprofit organization and will not be affiliated with the Township.

PRESENTATION

1. Congratulating Jade Phelps on winning the USA Wrestling New Jersey State Championship.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 54-2015**

**RE: CONGRATULATING JADE PHELPS ON WINNING THE 2015 USA
WRESTLING NEW JERSEY STATE CHAMPIONSHIP**

WHEREAS, Jade Phelps, who has wrestled for three years with the Upper Township Green Hornets, is having an outstanding season winning the USA Wrestling New Jersey State Championship in the 103 Pound, 6-8th Grade Division, being the only female to ever win this title; and

WHEREAS, Jade has also won Third Place at the Schalick 26th Annual Open Wrestling Tournament, and Second Place in the War of the Roses New Jersey State Championship; and

WHEREAS, Jade has qualified to compete in the Ohio Tournament of Champions and plans to compete in the Mid-Atlantic Wrestling Association as well as the 2015 Girls Folkstyle National Championships in Oklahoma City; and

WHEREAS, it is appropriate that on behalf of the citizens of Upper Township we congratulate Jade on her New Jersey State Championship title and celebrate the dedication, hard work and perseverance she exemplifies in her wrestling as well as a student and member of the Upper Township Indians Varsity Football Team; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee, on behalf of the citizens of the Township of Upper, to congratulate Jade Phelps on winning the USA Wrestling New Jersey State Championship in the 103 Pound, 6-8th Grade Division.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 23rd day of February, 2015.

2014 BUDGET –CAP Ordinance and Budget Introduction

2. Introduction and First Reading of Ordinance No. 005-2015, RE: CALENDAR YEAR 2015 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14). **Motion by John Coggins, second by Richard Palombo, to introduce Ordinance 005-2015, with public hearing and final adoption schedule for April 13, 2015. During roll call vote all five Committeemen voted in the affirmative.**

**TOWNSHIP OF UPPER
CALENDAR YEAR 2015
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

ORDINANCE NO. 005-2015

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 1.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

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

WHEREAS, the Township Committee of the Township of Upper in the County of Cape May finds it advisable and necessary to increase its CY 2015 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee of the Township of Upper hereby determines that a 2.0 % increase in the budget for said year, amounting to **\$198,612.74** in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Upper, in the County of Cape May a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the Township of Upper shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ **347,572.30** and that the CY 2015 municipal budget for the Township of Upper be approved and adopted in accordance with this ordinance; and,

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

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

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

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 9th DAY OF MARCH, 2015 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 13TH DAY OF APRIL, 2015 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

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

BARBARA L. YOUNG, MUNICIPAL CLERK

TOWNSHIP OF UPPER

3. Introduction of 2015 Budget.

Committeeman Young requested that funding for the filming of Township special events be reinstated in the Recreation budget. He stated that he had hoped to use the videos of these events in order to gain more sponsors for the future. It was stated that an attempt should be made to obtain the funds for the filming of special events through donations, sponsors, or grants.

Municipal Auditor Leon Costello stated that the 2015 Budget represents a zero tax levy increase, and is still open for modifications until the budget adoption on April 13th.

Municipal Clerk Barbara Young read the following Municipal Budget Notice into the record: Municipal Budget of the Township of Upper, County of Cape May for the Fiscal Year 2015. Be it Resolved that the following statements of revenues and appropriations shall constitute the Municipal Budget for the Year 2015. Be it further Resolved that said Budget be published in the Press in the issue of the 24th day of March 2015. The Governing Body of the Township of Upper does hereby approve the following as the Budget for the year 2015. Motion by John Coggins, second by Richard Palombo, to introduce the 2015 Budget with a Public Hearing and Final Adoption of the Budget and Resolution for the year 2015 scheduled for April 13, 2015 at 7:30 P.M. During roll call vote all five Committee members voted in the affirmative. The introduced budget is available for public inspection on the Upper Township website, a copy is available at the Cape May County Public Library Upper Township Branch, and copies are available at the Clerk's Office.

RESOLUTIONS

- 4. Congratulating Thomas H. Heist, IV, Risk Management Consultant of Upper Township, for receiving the 2014 Atlantic County Municipal Joint Insurance Fund Special Safety Incentive Recognition Award.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 61-2015**

**RE: CONGRATULATING THOMAS H. HEIST, IV, RISK MANAGEMENT
CONSULTANT OF UPPER TOWNSHIP, FOR RECEIVING THE 2014
ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND
SPECIAL SAFETY INCENTIVE RECOGNITION AWARD**

WHEREAS, The Atlantic County Municipal Joint Insurance Fund Safety Incentive Program builds upon the Townships efforts to promote safety and wellness in our community and work culture.

WHEREAS, Upper Township Risk Management Consultant Thomas H. Heist, IV is recognized for his tireless efforts in providing many of the safety resources needed to promote health safety and wellness for the employees of Upper Township; and

WHEREAS, Tom is always looking for new and innovative ways to increase our employees' safety awareness and decrease employee accidents through safety incentives; and

WHEREAS, Tom was recently recognized by the Atlantic County Municipal Joint Insurance Fund for creating safety posters with safety messages that would reach all employees and for taking time out of his day to visit Public Works to speak to the employees as well as answer any questions they may present; and

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

1. That the Committee extends its appreciation and publicly recognizes Thomas H. Heist, IV on his commitment to the safety and wellbeing of the Upper Township Employees through his ingenious ideas and giving of his time.
2. That the Committee, on behalf of our employees and the citizens of the Township of Upper, extend to Tom our congratulations on receiving the 2014 Atlantic County Municipal Joint Insurance Fund Safety Incentive Recognition Award.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper the 9th day of March, 2015.

Resolution No. 61-2015

Offered by: Pierson

Seconded by: Coggins

Adopted: March 9, 2015

Roll Call Vote:

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

5. Appointing AnnMarie McMahon to the Upper Township Security Committee.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 62-2015

**RE: APPOINTING ANNMARIE MCMAHON TO THE UPPER TOWNSHIP
SECURITY COMMITTEE**

WHEREAS, a need exists in the Township of Upper to appoint suitable persons to the Upper Township Security Committee; 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. AnnMarie McMahon is hereby appointed to the Upper Township Security Committee.
3. This Resolution shall be effective as of adoption.

Resolution No. 62-2015
 Offered by: Pierson
 Adopted: March 9, 2015

Seconded by: Young

Roll Call Vote:

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

6. Changing the name of the Upper Township Safety Committee to the Upper Township Safety and Wellness Committee.

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

RESOLUTION NO. 63-2015

**RE: CHANGING THE NAME OF THE UPPER TOWNSHIP SAFETY
 COMMITTEE TO THE UPPER TOWNSHIP SAFETY AND WELLNESS
 COMMITTEE**

WHEREAS, since 2004 the Township of Upper has had an active and robust safety committee tasked with promoting safe work practices, employee morale, and claims management; and

WHEREAS, with the recent emphasis on the role that an employee’s health and well-being contributes to a safer work environment, and in order to more accurately reflect the mission and objectives of the Township’s safety program, the Township Committee deems it appropriate to change the name of the safety committee to the “Upper Township Safety and Wellness Committee”; 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 Upper Township Safety Committee shall hereby be named the Upper Township Safety and Wellness Committee.

2. 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. 63-2015
 Offered by: Pierson
 Adopted: March 9, 2015

Seconded by: Barr

Roll Call Vote:

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

7. Adopting an addition to the Upper Township Supervisor’s Personnel Policies and Procedures Manual and Employee Handbook.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 RESOLUTION**

RESOLUTION NO. 64-2015

**RE: ADOPTING AN ADDITION TO THE UPPER TOWNSHIP SUPERVISOR’S
 PERSONNEL POLICIES AND PROCEDURES MANUAL
 AND EMPLOYEE HANDBOOK**

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

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

WHEREAS, the Township Committee has determined that the addition should be adopted to amend the existing Township Supervisor’s Personnel Policies and Procedures Manual and the Employee Handbook; and

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

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

2. The addition to the Supervisor’s Personnel Policies and Procedures Manual and Employee Handbook attached hereto as Exhibit A is hereby adopted and approved and modifies the existing personnel policies, procedures, manuals and handbooks of the Township.

3. The Supervisor’s Personnel Policies and Procedures Manual shall apply to all Township officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personal services contract or federal or state law, the terms and conditions of that contract or law shall prevail. In all other cases these policies and procedures shall prevail.

4. The manual is intended to provide guidelines covering public service by Township employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Township Committee.

5. To the maximum extent permitted by law, employment practices for the Township shall operate under the legal doctrine known as “employment at will”.

6. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 64– 2015
Offered by: Pierson
Adopted: March 9, 2015

Seconded by: Barr

Roll Call Vote:

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

8. Approving the application of the Tuckahoe Volunteer Fire Company for Highway Coin Drops.

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

RESOLUTION NO. 65-2015

**RE: APPROVING THE APPLICATION OF THE TUCKAHOE VOLUNTEER FIRE
COMPANY FOR HIGHWAY COIN DROPS**

WHEREAS, the Tuckahoe Volunteer Fire Co., a non-profit corporation providing firefighting services, has made application to the Township Committee to hold coin drop solicitations in Upper Township; and

WHEREAS, the Township Committee has approved the requests; and

WHEREAS, the requests require approval from the County of Cape May and the State of New Jersey;

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 application of the Tuckahoe Volunteer Fire Co. to hold a coin drop within Upper Township is hereby approved for the following dates and locations:

Intersection of State Highways 49 & 50:

Friday, July 10, 2015 from 5:00 p.m. - 9:00 p.m.

AND

Intersection of State Highways 49 & 50:

Saturday, July 11, 2015 from 9:00 a.m. to 3:00 p.m.

AND

Intersection of County Route 617 & State Highway 49:

Sunday, July 12, 2015 from 3:00 p.m. to 8:00 p.m.

3. Attached to this Resolution is a certified copy of Ordinance No. 7-2001, authorizing coin drops within Upper Township enacted pursuant to N.J.S.A. 39:4-60.

4. A certified copy of this Resolution shall be provided to the State of New Jersey, Department of Transportation and the Board of Chosen Freeholders of the County of Cape May.

Resolution No. 65-2015
 Offered by: Pierson
 Adopted: March 9, 2015
 Roll Call Vote:

Seconded by: Barr

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

- 9. Authorizing a Change Order for the NJDOT Municipal Aid Project - Reconstruction of Bayview Drive, from N. of Sumner Ave. to N. of Webster Ave. contract resulting in an increase in the amount of \$4,688.00.

TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 RESOLUTION

RESOLUTION NO. 66-2015

RE: AUTHORIZING A CHANGE ORDER FOR THE NJDOT MUNICIPAL AID
 PROJECT - RECONSTRUCTION OF BAYVIEW DRIVE, FROM N. OF SUMNER AVE.
 TO N. OF WEBSTER AVE. CONTRACT RESULTING IN AN
 INCREASE IN THE AMOUNT OF \$4,688.00

WHEREAS, the Township of Upper has awarded the NJDOT Municipal Aid Project - Reconstruction of Bayview Drive, from N. of Sumner Ave. to N. of Webster Ave., bid to F.W. Shawl & Sons, Inc., of 5 Delores Avenue, Marmora, NJ 08223, in the original Contract amount of \$337,703.50; and

WHEREAS, the Township wishes to approve a Change Order to the aforesaid Contract as hereinafter provided; and

WHEREAS, the Chief Financial Officer has issued a certification as to the availability of funds for this Change Order; and

10. Authorizing the Township Engineer and Purchasing Agent to solicit bids for Antenna License Agreements on the Cellular Tower Site located at 1721 Mt. Pleasant Road, Tuckahoe, New Jersey.

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

RESOLUTION NO. 67-2015

RE: AUTHORIZING THE TOWNSHIP ENGINEER AND PURCHASING AGENT TO SOLICIT BIDS FOR ANTENNA LICENSE AGREEMENTS ON THE CELLULAR TOWER SITE LOCATED AT 1721 MT. PLEASANT ROAD, TUCKAHOE, NEW JERSEY

WHEREAS, the Township Committee of the Township of Upper has determined a need to solicit bids for antenna license agreements on the cellular tower located at 1721 Mt. Pleasant Road in Tuckahoe; and

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

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

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

2. The Township Engineer and Purchasing Agent are hereby authorized and directed, in consultation with the Township's cell tower consultant, to prepare specifications, bid documents and solicit bids for antenna license agreements on the cellular tower located at 1721 Mt. Pleasant Road in Tuckahoe.

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

Resolution No. 67-2015
Offered by: Young
Adopted: March 9, 2015

Seconded by: Coggins

Roll Call Vote:

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

11. Authorizing the Purchase of Monitors, a Projector, Projector Screen and Accessories, from the 2013 Capital Improvement Bond Ordinance in the amount of \$8,038.30.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 68-2015

RE: AUTHORIZING THE PURCHASE OF MONITORS, A PROJECTOR, PROJECTOR SCREEN AND ACCESSORIES, FROM THE 2013 CAPITAL IMPROVEMENT BOND ORDINANCE IN THE AMOUNT OF \$8,038.30

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

WHEREAS, the Township Committee has adopted the 2013 Capital Improvement Bond Ordinance No. 05-2013 on April 8, 2013 and subsequently amended on December 16, 2013 and again on April 14, 2014; and

WHEREAS, the Township's QPA has reviewed and approved the quote for the monitors, projector, projector screen and accessories from CDW Government of Vernon Hills, Illinois and GovConnection of Rockville, Maryland, respectively.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the purchase of monitors, a projector, projector screen and accessories from CDW Government of Vernon Hills, Illinois and GovConnection of Rockville, Maryland from the 2013 Capital Improvement Bond.
3. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 68-2015
 Offered by: Barr
 Adopted: March 9, 2015

Seconded by: Pierson

Roll Call Vote:

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

12. 2015 Revised Temporary Budget #2.

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

RESOLUTION NO. 69-2015

RE: 2015 REVISED TEMPORARY BUDGET #2

WHEREAS, N.J.S.A. 40A:4-19 provides that the governing body shall by Resolution adopted prior to January 31 of the fiscal year make appropriations to provide for the period between the beginning of the fiscal year and the adoption of the Budget; and

WHEREAS, the total of the appropriations so made shall not exceed 26.25% of the total of the appropriations made for all purposes in the Budget for the preceding year excluding public assistance, such amount being **\$2,860,183.20.**

NOW, THEREFORE BE IT RESOLVED, that the following appropriations shall constitute the Temporary Budget for the year 2015:

ADMINISTRATIVE & EXECUTIVE	Increase To:
Mayor and Committee	
Salary and Wages	\$ 17,300.00
Mayor and Committee O/E	\$ 1,500.00 \$ 2,500.00
DCRP-Township Committee	\$ 1,000.00 \$ 1,200.00
Municipal Clerk	
Salary and Wages	\$ 44,000.00 \$50,500.00
 OTHER EXPENSES	
Legal Advertising	\$ 2,000.00 \$ 3,000.00

Miscellaneous O/E	\$	3,000.00	\$ 4,000.00
Purchase of Office Equipment	\$	2,000.00	
Codification of Ordinances	\$	1,000.00	
MAC	\$	6,098.00	
Cape Mediation	\$	2,300.00	
Cape Assist EAP	\$	1,155.00	

FINANCIAL ADMINISTRATION

Salaries & Wages	\$	28,000.00	\$32,500.00
Miscellaneous O/E	\$	3,200.00	\$ 4,200.00
Computer Hardware/Software	\$	15,000.00	
Annual Audit	\$	20,000.00	

ASSESSMENT OF TAXES

Salaries & Wages	\$	24,000.00	\$27,500.00
Miscellaneous O/E	\$	2,000.00	

COLLECTION OF TAXES

Salaries & Wages	\$	21,500.00	\$24,900.00
Miscellaneous O/E	\$	1,000.00	\$1,500.00
Purchase TTL	\$	0	

LIQUIDATION OF TTL & FORECLOSED PROPERTY

Other Expenses	\$	0	
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LEGAL SERVICES AND COSTS

Other Expenses	\$	30,000.00	\$ 45,000.00
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MUNICIPAL COURT

Salaries & Wages	\$	40,000.00	\$ 48,100.00
Miscellaneous O/E	\$	8,000.00	\$ 10,000.00

PUBLIC DEFENDER

Salaries & Wages	\$	6,400.00	
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MUNICIPAL PROSECUTOR

Salaries & Wages	\$	10,500.00	
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ENGINEERING SERVICES & COSTS

Salaries & Wages	\$	23,500.00	\$27,100.00
Other Expenses	\$	3,000.00	

PUBLIC BUILDINGS & GROUNDS

Salaries & Wages	\$	24,000.00	\$114,000.00
Other Expenses	\$	65,000.00	\$ 75,000.00

PLANNING BOARD

Salaries & Wages	\$	7,000.00	\$ 8,600.00
Other Expenses	\$	1,000.00	\$ 4,000.00

BOARD OF ADJUSTMENT

Salaries & Wages	\$	7,000.00	\$ 8,600.00
Other Expenses	\$	1,000.00	\$ 4,000.00

CONSTRUCTION OFFICE & BUILDING INSPECTOR

Salaries & Wages	\$	35,000.00	\$ 36,000.00
Other Expenses	\$	2,000.00	

INSURANCE

Group Insurance for Employees	\$	575,000.00	
Other Insurance Premiums	\$	53,000.00	\$ 70,000.00
Workers Compensation	\$	74,200.00	\$137,200.00

SCHOOL CROSSING GUARD

Salaries & Wages	\$	2,400.00	
Miscellaneous O/E	\$	500.00	

BEACH PATROL

Other Expenses	\$	1,000.00	
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EMERGENCY MANAGEMENT/RTK/911 COORDINATOR

Salaries & Wages	\$	5,500.00	\$ 6,700.00
Miscellaneous O/E	\$	3,000.00	\$ 9,000.00

ROAD REPAIRS & MAINTENANCE

Salaries & Wages	\$	372,000.00	
Miscellaneous O/E	\$	40,000.00	\$65,000.00
SURFACING OF ROADS CONTRACTUAL			
		3,000.00	
STREET LIGHTING			
	\$	70,000.00	
GARBAGE & TRASH REMOVAL			
Salaries & Wages	\$	76,000.00	\$95,000.00
Miscellaneous O/E	\$	20,000.00	\$25,000.00
Tipping Fees	\$	70,000.00	
BOARD OF HEALTH			
Salaries & Wages	\$	150.00	
Miscellaneous O/E	\$	500.00	
DOG REGULATION			
Miscellaneous O/E	\$	28,000.00	\$38,000.00
PUBLIC RELATIONS			
Miscellaneous O/E	\$	1,000.00	
ZONING/CODE OFFICIAL			
Salaries & Wages	\$	4,100.00	
Miscellaneous O/E	\$	500.00	
SPORTS & RECREATION			
Salaries & Wages	\$	600.00	
Miscellaneous O/E	\$	20,000.00	\$30,000.00
FIRST AID ORGANIZATION			
Salaries & Wages	\$	140,000.00	\$148,500.00
Miscellaneous O/E	\$	20,000.00	
RECYCLING			
Salaries & Wages	\$	145,000.00	

Miscellaneous O/E	\$	20,000.00	\$ 23,000.00
AFFORDABLE HOUSING			
Salaries & Wages	\$	700.00	
Miscellaneous O/E	\$	500.00	
COMMUNITY CENTER			
Miscellaneous O/E	\$	8,000.00	\$ 12,000.00
CELEBRATION OF PUBLIC EVENTS	\$	1,000.00	\$ 2,000.00
SOCIAL SECURITY SYSTEM	\$	80,000.00	
SPECIAL LITIGATION	\$	20,000.00	
SUI CONTRIBUTION	\$	3,000.00	
CENTRAL DISPATCH	\$	56,000.00	\$112,000.00
MAC GRANT	\$	24,393.00	
ALCOHOL & DRUG TESTING	\$	8,500.00	
COMP. ABSENCES RESERVES	\$	100.00	
PERS	\$	427,828.00	
CAPE MAY CO. OPEN SPACE PROG. AMANDA'S FIELD	\$	15,000.00	
Total	\$	2,854,924.00	

Resolution No. 69-2015
Offered by: Pierson
Adopted: March 9, 2015

Seconded by: Young

Roll Call Vote:

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

ORDINANCES

13. Public hearing and final adoption of Ordinance No. 001-2015 RE: AN ORDINANCE AUTHORIZING SALE OF LANDS, TO WIT BLOCK 417, LOTS 4, 5, 6, 7, 8, 9, AND 10. During the public hearing portion there were no speakers. Motion by Hobie Young, second by Edward Barr, to adopt Ordinance No. 001-2015. During roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 001-2015

**RE: AN ORDINANCE AUTHORIZING SALE OF LANDS,
TO WIT BLOCK 417, LOTS 4, 5, 6, 7, 8, 9, AND 10**

WHEREAS, the Township of Upper is the owner, in fee, of certain parcels of vacant ground located within the Township of Upper, County of Cape May, and State of New Jersey, set forth on the municipal tax map as Block 417, Lots 4, 5, 6, 7, 8, 9, and 10; and

WHEREAS, the Township has received an offer from Dolores M. Clayton, individually, and Ralph Clayton of Clayton Industries, Inc., formerly known as Clayton Equipment Corp., (hereinafter jointly “Claytons”), the owners of Block 417, Lots 1-3 and 11-61, real property contiguous with said parcels owned by the Township, to jointly purchase said parcels owned by the Township; and

WHEREAS, after discussion and deliberation, the Township Committee is of the opinion that the sale of said parcels will be in the best interest of the Township and will provide for the consolidation of existing nonconforming lots with a conforming lot; and

WHEREAS, the Township Committee has determined that the fair market value of such lots is the sum of \$4,645.00 pursuant to the appraisal prepared by Louis A. Bonato on June 23, 2014; and

NOW, THEREFORE, 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: The Township of Upper is hereby authorized to sell to Claytons the real property commonly known as follows:

Block 417, Lots 4, 5, 6, 7, 8, 9, and 10

since said persons are the owners of the only real property contiguous thereto in accordance with N.J.S.A. 40A:12-13(b)(5). Pursuant to said statute such sale shall not be for less than the fair market value of said real property and the fair market value of said parcels sold as well as the purchase price of same is hereby established as follows:

Block 417, Lots 4, 5, 6, 7, 8, 9, and 10

Fair Market Value: \$4,645.00

SECTION 2: Prior to said sale, the Township will obtain a title report from a title company or abstract company licensed to do business in the State of New Jersey. Said report shall be available to the purchaser prior to final adoption of this Ordinance.

SECTION 3: The list of property authorized to be sold together with the minimum price thereof shall be posted at Township Hall and advertisement of the sale shall be made in a newspaper circulating in the Township within 5 days following enactment of this ordinance. Offers for the property may thereafter be made to the Township Committee for 20 days following said advertisement. The Township Committee may reconsider this ordinance not later than 30 days after enactment and thereafter advertise the property for public sale pursuant to N.J.S.A. 40A:12-13(a). The Township Clerk shall file with the Director of the Division of Local Government Services in the Department of Community Affairs sworn affidavits verifying the publication of the foregoing advertisements.

SECTION 4: Claytons shall pay the following sum to the Township Clerk prior to the adoption of this Ordinance: \$500.00. This amount shall be used by the Township

to defray Township expenses involved in Authorizing the Sale and terms thereof; Engineer's review; Attorney's review; legal advertising; title review; closing costs and other expenses.

SECTION 5: In the event the Township Committee receives no offers for the property pursuant to the advertisement of same in accordance with N.J.S.A. 40A:12-13(b), the adjacent property owner requesting such sale, Claytons, shall purchase same in accordance with this Ordinance and shall appear before the Township Clerk and execute the agreement to purchase same pursuant to this Ordinance. The Township Committee expressly reserves the right to revoke its authorization to sell the subject real property at any time prior to said sale. The Township Committee is authorized to confirm the sale by resolution to complete the transaction pursuant to this Ordinance and N.J.S.A. 40A:12-13.

SECTION 6: In the event the Township Committee revokes its authorization for the sale of the subject property in its sole judgment and discretion, then, all deposit monies made by Claytons shall be refunded except for the \$50.00 application fee which shall be non-refundable.

SECTION 7: All payments required to be made pursuant to said sale to the Township Clerk must be made by personal check, cash or certified check, or any combination of the foregoing. All payments required to be made hereunder to a title company or abstract company conducting the closing shall be made in collected funds, that is, by cash, certified check, cashier's check or wire transfer.

SECTION 8: A sum equal to ten percent (10%) of the purchase price for said parcel or parcels shall be paid to the Township of Upper by Claytons within 14 days of written notice requiring same from the Township Clerk to Claytons. Said notice shall be sent by the Township Clerk after the posting and advertisement required by SECTION 3 above has not resulted in an offer and the Township Committee has not reconsidered this Ordinance pursuant to N.J.S.A. 40A:12-13(b). The remaining balance of ninety percent (90%) of the highest bid for the parcel or parcels shall be paid to the Township of Upper, and must be

received by the Township Clerk, not later than thirty (30) days after the date of said notice. In addition to the deposit of ten percent (10%), Claytons shall also be required to pay or tender within 14 days of said written notice from the Township Clerk the following:

- (A) (i) The sum of \$100.00 for the preparation of the Deed.
- (ii) The sum of \$70.00 for recording the Deed.

AT THE TIME OF CLOSING Claytons shall be required to pay the following sums:

- (B) Any additional sum required for title search or title insurance.
- (C) The cost of any survey ordered by the purchaser. The purchaser shall place such order directly with the surveyor or with the title company conducting closing, but the survey must be prepared in time to permit the closing to take place as scheduled.
- (D) Title company settlement fees covering services to both the Seller and the Buyer.
- (E) Any additional fees or costs chargeable by the title company.

SECTION 9: The closing of title shall take place as designated by the Township as follows:

- (A) Township Hall, Petersburg, New Jersey; or
- (B) Office of the Township Solicitor; or
- (C) At the office of a title insurance company or title abstract company located within Cape May County.

SECTION 10: If the purchaser fails to close or fails to comply with the provisions hereof, the purchaser shall be in default and all amounts paid to the Township by or on behalf of the purchaser shall be retained by the Township as **LIQUIDATED DAMAGES AND NOT AS A PENALTY.**

SECTION 11: The Deed from the Township of Upper shall be what is commonly known as a Quitclaim Deed.

SECTION 12: The title to be delivered by the Township shall be free and clear of all taxes up to and including the date when the Deed is delivered and closing takes place. Purchaser shall be responsible for all taxes thereafter. Unless otherwise specified herein, the purchaser shall be liable for payment of all assessments, of any nature, against said land.

SECTION 13: The title to be delivered by the Township shall be under and subject to all easements and rights of way, recorded and unrecorded, whether for utilities or for others, and shall also be subject to all conditions, reservations and restrictions of record, if any. If the title report discloses an unmarketable condition of title, except as specified herein, the remedy of the purchaser shall be limited to the return of payments made to the Township of Upper on account of the purchase price and closing costs only. Any and all other amounts paid to the Township shall be non-refundable. This sale is under and subject to any riparian claim which may affect said property. If any such claim exists, it shall be the sole responsibility of the purchaser to meet and satisfy all requirements of the State of New Jersey with respect to said riparian claim and the payment of any compensation to the State of New Jersey on account thereof. Nothing herein shall be construed as obligating the Township of Upper to construct or maintain access roads to any portion of the property being sold. Such property may not qualify for a building permit due to lack of water supply, lack of sewer or septic facilities, lack of access, inadequate lot size, or other reasons, including those reasons set forth below. The purchaser is required to comply with all applicable zoning, building and health ordinances and codes and regulations. The property being sold may be situated in a Flood Hazard Zone. The Township of Upper makes no warranties or representations, expressed or implied, as to the property being offered for sale, the condition or marketability of the title or any other matter. The Township of Upper makes no warranties or

representations, expressed or implied, as to whether or not the property being offered for sale contains wetlands anywhere on the property. The Township makes no warranties or representations as to any matter of an environmental nature, or otherwise, which may prevent or limit building or construction.

SECTION 14: All references to Lots and Blocks described herein are to the Lots and Blocks as shown on the Current Official Tax Map of the Township of Upper.

SECTION 15: The purchaser shall be required to execute a document acknowledging that the sale is governed by the provisions of this Ordinance as well as N.J.S.A. 40A:12-13.

SECTION 16: The provisions of this Ordinance pertaining to this sale shall survive the closing of title and shall not merge into the Deed.

SECTION 17: It is a requirement of this sale that the purchasers of the subject property be the only contiguous property owner. Said purchasers shall be required to take immediate action to cause a consolidation of the property being purchased with all of the purchaser's existing adjacent lots so as to constitute all such lots in Block 417 as a single parcel of ground which shall not be further subdivided into more than one lot. This restriction shall be included in the deed of conveyance and shall run with the land. The purchasers shall complete the consolidation as a condition of the sale. The provisions of this Section shall survive closing and shall not merge into the Deed.

SECTION 18: 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 THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 9TH DAY OF FEBRUARY, 2015 AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE

TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 9TH DAY OF MARCH, 2015 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK

14. Public hearing and final adoption of Ordinance No. 002-2015 RE: AN ORDINANCE AUTHORIZING SALE OF LANDS, TO WIT BLOCK 424, LOTS 51, 52, 53, 54, 55, 56, 57, 58, 59, AND 60. During the public hearing portion, Nathalie Neiss, Rt 50 Tuckahoe, inquired as to who owns the property, who is requesting to purchase the property, and the amount of the minimum bid. The Municipal Attorney stated that the land is Township owned property, the requestor is Ralph Clayton, a contiguous property owner to the requested land, and the minimum bid is \$5,600.00 as determined by a licensed appraiser. The sale will enable tax exempt land to be placed on the tax rolls and will be deed restricted to prevent further development. There were no more speakers and the public hearing was then closed. Motion by John Coggins, second by Edward Barr, to adopt Ordinance No. 002-2015. During roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 002-2015

**RE: AN ORDINANCE AUTHORIZING SALE OF LANDS,
TO WIT BLOCK 424, LOTS 51, 52, 53, 54, 55, 56, 57, 58, 59, AND 60**

WHEREAS, the Township of Upper is the owner, in fee, of a certain parcels of vacant ground located within the Township of Upper, County of Cape May, and State of New Jersey, set forth on the municipal tax map as Block 424, Lots 51, 52, 53, 54, 55, 56, 57, 58, 59, and 60; and

WHEREAS, the Township has received an offer from Ralph Clayton of Clayton Industries, Inc., formerly known as Clayton Equipment Corp., (hereinafter “Clayton”), the owner of real property contiguous with said parcels owned by the Township, to purchase said parcels; and

WHEREAS, after discussion and deliberation the Township Committee is of the opinion that the sale of said parcels will be in the best interest of the Township and will provide for the consolidation of said lots with an existing lot; and

NOW, THEREFORE, 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: The Township of Upper is hereby authorized to sell the real property commonly known as follows:

Block 424, Lots 51, 52, 53, 54, 55, 56, 57, 58, 59, and 60

to the highest bidder from among all owners of real property contiguous thereto in accordance with N.J.S.A. 40A:12-13(b)(5). Such sale shall not be for less than the fair market value of said real property and the minimum bid for such parcels sold is hereby established as follows:

Block 424, Lots 51, 52, 53, 54, 55, 56, 57, 58, 59, and 60

Minimum Bid: \$5,600.00

SECTION 2: Prior to said sale, the Township will obtain a title report from a title company or abstract company licensed to do business in the State of New Jersey. Said report shall be available to all prospective bidders.

SECTION 3: The list of property authorized to be sold together with the minimum price thereof shall be posted at Township Hall and advertisement of the sale shall be made in a newspaper circulating in the Township within 5 days following enactment of this ordinance. Offers for the property may thereafter be made to the Township Committee for 20 days following said advertisement. The Township Committee may reconsider this ordinance not later than 30 days after enactment and thereafter advertise the property for public sale pursuant to N.J.S.A. 40A:12-13(a). The Township Clerk shall file with the Director of the Division of Local Government Services in the Department of Community Affairs sworn affidavits verifying the publication of the foregoing advertisements.

SECTION 4: Clayton shall pay the following sum to the Township Clerk prior to the adoption of this Ordinance: \$500.00. This payment will be used by the Township and defray Township expenses involved in Authorizing the Sale and terms thereof; Engineer's review; Attorney's review; legal advertising, certified mail notices, title review expenses, closing costs and other expenses. If the parcel is not sold, this amount will be retained by the Township as **LIQUIDATED DAMAGES** and will be used to pay for the review of the title report and other documents. If the highest bidder at the auction sale is not the original applicant, the highest bidder will be required to pay, in addition to the purchase price and other expenses, an additional sum of \$500.00, representing pre-sale amounts paid by the original applicant requesting the sale and the original applicant (who is not the highest bidder) will then be entitled to a refund of all sums paid (\$500.00) except for the non-refundable application fee (\$50.00).

SECTION 5: The aforesaid parcels of real property shall be offered for sale at an auction to be conducted by the Township Clerk at a date and time to be set by the Township Clerk after the appropriate notice of sale has been sent to contiguous owners of the subject real property. Said notice shall be sent certified and regular mail to the owners of contiguous property at the address set forth on the tax assessor's records. Said notice shall be sent no greater than 30 days prior to the date of sale and no less than 14 days prior to the date of sale. At any time, the Township Clerk may adjourn said sale and renote in accordance with the provisions of this Ordinance and N.J.S.A. 40A:12-13.

SECTION 6: The Township Committee expressly reserves the right to reject any and all bids in the exercise of its sole judgment and discretion. The Township Committee is authorized to confirm the sale by resolution and complete the transaction pursuant to this Ordinance and N.J.S.A. 40A:12-13.

SECTION 7: In the event the highest bid at such auction exceeds the minimum bid established herein and the Township Committee rejects same in the exercise of

its sole judgment and discretion, then, in such event, all deposits made by the original applicant or the highest bidder, as the case may be, shall be refunded except for the \$50.00 application fee which shall be non-refundable.

SECTION 8: All payments required to be made pursuant to said sale to the Township Clerk must be made by personal check, cash or certified check, or any combination of the foregoing. All payments required to be made hereunder to a title company or abstract company conducting the closing shall be made in collected funds, that is, by cash, certified check, cashier's check or wire transfer.

SECTION 9: A sum equal to ten percent (10%) of the highest bid for said parcel or parcels shall be paid to the Township of Upper by the highest bidder or bidders at the time of the sale. The remaining balance of ninety percent (90%) of the highest bid for the parcel or parcels shall be paid to the Township of Upper, and must be received by the Township Clerk, not later than thirty (30) days after the date of the sale. In addition to the deposit of ten percent (10%), the highest bidder or bidders shall also be required to pay or tender at the time of sale the following:

IF THE BIDDER IS THE ORIGINAL APPLICANT:

- (A) (i) The sum of \$100.00 for the preparation of the Deed;
and
- (ii) the sum of \$70.00 for recording the Deed.

IF THE BIDDER IS NOT THE ORIGINAL APPLICANT:

- (B) The sum of 500.00, payable to the Township of Upper, representing payment to the Township for expenses of \$500.00 to defray Township expenses, which amounts were required of the original applicant.
- (C) (i) The sum of \$100.00 for the preparation of the Deed.
- (ii) The sum of \$70.00 for recording the Deed.

AT THE TIME OF CLOSING the successful bidder shall be required to pay the following sums:

- (D) Any additional sum required for title search or title insurance.
- (E) The cost of any survey ordered by the successful bidder. Successful bidder shall place such order directly with the surveyor or with the title company conducting closing, but the survey must be prepared in time to permit the closing to take place as scheduled.
- (F) Title company settlement fees covering services to both the Seller and the Buyer.
- (G) Any additional fees or costs chargeable by the title company or otherwise necessary to complete the transaction on behalf of the purchaser.

SECTION 10: The closing of title shall take place as designated by the Township as follows:

- (A) Township Hall, Petersburg, New Jersey; or
- (B) Office of the Township Solicitor; or
- (C) At the office of a title insurance company or title abstract company located within Cape May County.

SECTION 11: If the bidder fails to close or fails to comply with the provisions hereof, such bidder shall be in default and all amounts paid to the Township by or on behalf of the bidder shall be retained by the Township as **LIQUIDATED DAMAGES AND NOT AS A PENALTY.**

SECTION 12: The Deed from the Township of Upper shall be what is commonly known as a Quitclaim Deed.

SECTION 13: The title to be delivered by the Township shall be free and clear of all taxes up to and including the date when the Deed is delivered and closing takes

place. Purchaser shall be responsible for all taxes thereafter. Unless otherwise specified herein, the purchaser shall be liable for payment of all assessments, of any nature, against said land.

SECTION 14: The title to be delivered by the Township shall be under and subject to all easements and rights of way, recorded and unrecorded, whether for utilities or for others, and shall also be subject to all conditions, reservations and restrictions of record, if any. If the title report discloses an unmarketable condition of title, except as specified herein, the remedy of the bidder shall be limited to the return of payments made to the Township of Upper on account of the purchase price and closing costs only. Any and all other amounts paid to the Township shall be non-refundable. This sale is under and subject to any riparian claim which may affect said property. If any such claim exists, it shall be the sole responsibility of the purchaser to meet and satisfy all requirements of the State of New Jersey with respect to said riparian claim and the payment of any compensation to the State of New Jersey on account thereof. Nothing herein shall be construed as obligating the Township of Upper to construct or maintain access roads to any portion of the property being sold. Such property may not qualify for a building permit due to lack of water supply, lack of sewer or septic facilities, lack of access, inadequate lot size, or other reasons, including those reasons set forth below. The purchaser is required to comply with all applicable zoning, building and health ordinances and codes and regulations. The property being sold may be situated in a Flood Hazard Zone. The Township of Upper makes no warranties or representations, expressed or implied, as to the property being offered for sale, the condition or marketability of the title or any other matter. The Township of Upper makes no warranties or representations, expressed or implied, as to whether or not the property being offered for sale contains wetlands anywhere on the property. The Township makes no warranties or representations as to any matter of an environmental nature, or otherwise, which may prevent or limit building or construction.

SECTION 15: All references to Lots and Blocks described herein are to the Lots and Blocks as shown on the Current Official Tax Map of the Township of Upper.

SECTION 16: The successful bidder shall be required, at the time of the sale, to execute a document acknowledging that the sale is governed by the provisions of this Ordinance as well as N.J.S.A. 40A:12-13.

SECTION 17: The provisions of this Ordinance pertaining to this sale shall survive the closing of title and shall not merge into the Deed.

SECTION 18: It is a requirement of this sale that the purchaser of the subject property be a contiguous property owner. Said purchaser shall be required to take immediate action to cause a consolidation of the property being purchased with all of the bidder's existing adjacent property so as to constitute a single parcel of ground which shall not be further subdivided into more than one lot. This restriction shall be included in the deed of conveyance and shall run with the land. The successful bidder shall complete the consolidation as a condition of the sale. The provisions of this Section shall survive closing and shall not merge into the Deed.

SECTION 19: 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 THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 9TH DAY OF FEBRUARY, 2015 AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 9TH DAY OF MARCH, 2015 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK

CORRESPONDENCE

15. **2014 JIF Safety Incentive Program Award.** Teri Smuz, Safety Coordinator, stated that based on the Township's 2014 performance, the Township was awarded \$1,250.00 to be used for a celebration for the employees. The Committee members commended all employees for the great performance.

NEW BUSINESS

16. **Greater Tuckahoe Area Merchants Association request to hold a raffle RA 445 on May 2, 2015 at Amanda's Field.** Motion Richard Palombo, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative.

UNFINISHED BUSINESS

DISCUSSION

PAYMENT OF BILLS

17. "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: \$348,292.08
Payroll: \$165,238.85

REPORT OF MUNICIPAL DEPARTMENTS

18. Tax Collector
19. MUA Report
20. 2014 Community Forestry Services Report
21. Construction Code

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

PUBLIC COMMENT

Kevin Grubb, Rt. 50, Greenfield, inquired as to what types of vendors will be allowed to sell at the farmers market. It was stated that the Farmer's Market Association is in the process of creating the application and guidelines that will govern the program. Mr. Grubb next questioned the Township's cost to build the new baseball fields at Amanda's Field. It was stated that funds received from an Open Space Grant will be used for the cost of materials and the township is providing the labor. It was then stated that a breakdown of the cost for labor to build the baseball fields can be provided.

Nathalie Neiss, Rt. 50, Petersburg, stated that there have been three separate accidents on Route 50 which have caused damage to her property. She stated that she has been here before to ask the Township to help her address these issues with the State. She next inquired as to what the Township's insurance aggregate is. It was stated that Ms. Neiss can request that information through filing an OPRA request at the Clerk's Office. There then followed a lengthy discussion regarding a 1991 subdivision of Ms. Neiss' land, and a subsequent change to the subdivision plan filed in 1995 by her surveyor. Ms. Neiss claimed that the change was submitted and approved without her knowledge. The Municipal Attorney stated that the Township's records from that time period reflect that Ms. Neiss' surveyor, Mr. Karr, submitted on her behalf a subdivision plan which had been signed by Ms. Neiss. The plan was then reviewed and approved by the Planning Board Engineer and submitted to the Chairman of the Planning Board for execution. Ms. Neiss was advised to contact Mr. Karr to determine what happened in 1995 and to ascertain why the plan was modified.

CLOSED SESSION

22. 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. 70-2015
MOTION GOING INTO CLOSED SESSION
MARCH 9, 2015

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 Negotiations - Fourth of July Fireworks
2. Contract Negotiations - Cell Tower Lease
3. Contract Negotiations - Engineer
4. Contract Negotiations - Shared Services with Dennis Township
5. Contract Negotiations - Shared Services with Cape May County for Heavy Equipment Fleet Maintenance
6. Litigation - Upper Township v. Yank & Sansone
7. Safety and Security Issues
8. Personnel

I also include in my motion the estimated time and the circumstances under which the discussion conducted in closed session can be disclosed to the public as follows:

- A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.
- B. With respect to employment and personnel matters such discussions will be made public if and when formal action is taken or when the individuals involved consent that it can be made public.

C. With respect to contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.

D. With respect to litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.

Moved by: John Coggins

Motion seconded by: Richard Palombo

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

RECONVENE PUBLIC PORTION OF MEETING

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 10:46 P.M. The next regular meeting is scheduled for March 30, 2015 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC
Municipal Clerk

Bill List

64648 03/09/15 A0025 ADVANTAGE RENTAL ACE HARDWARE 382.20 2866
64649 03/09/15 A0035 AIRLINE HYDRAULIC CORP. 1.85 2866
64650 03/09/15 A0070 ALBERTSONS/ACME 48.41 2866
64651 03/09/15 A0091 ATLANTIC CITY ELECTRIC 1,484.00 2866
64652 03/09/15 A0175 Adams Rehmann & Haggan Assoc 6,880.00 2866
64653 03/09/15 B0035 BELMONT & CRYSTAL SPRINGS 18.90 2866
64654 03/09/15 B0160 BONNER, ROSEMARY 524.50 2866
64655 03/09/15 B0207 BARLOW CHEVROLET, INC 785.82 2866
64656 03/09/15 C0027 CAPE INSULATION CO.INC 289.52 2866
64657 03/09/15 C0061 CAPRIONI FAMILY SEPTIC 265.00 2866
64658 03/09/15 C0068 COMCAST 370.21 2866
64659 03/09/15 C0122 CMC LEAGUE OF MUNICIPALITIES 500.00 2866
64660 03/09/15 C0143 CODY'S POWER EQUIPMENT 5.39 2866
64661 03/09/15 C0171 COLONIAL ELECTRIC SUPPLY CO. 588.26 2866
64662 03/09/15 C0201 CRUZAN'S TRUCK SERVICE INC. 217.26 2866
64663 03/09/15 C0223 CASA PAYROLL SERVICE 253.95 2866
64664 03/09/15 C0247 CMRS-FP 2,000.00 2866
64665 03/09/15 C0260 COOPER JR., THEODORE F. 87.50 2866
64666 03/09/15 D0040 DELTA DENTAL OF N.J. INC. 5,742.29 2866
64667 03/09/15 D0148 DIRECT ENERGY BUSINESS 1,036.16 2866
64668 03/09/15 E0018 ECN 5,500.00 2866
64669 03/09/15 F0054 DEARBORN NATIONAL LIFE INS. CO 416.70 2866
64670 03/09/15 F0174 F.W. SHAWL & SONS, INC. 74,911.20 2866
64671 03/09/15 G0028 GENTILINI FORD 224.43 2866
64672 03/09/15 G0141 GENTILINI CHEVROLET 1,875.49 2866
64673 03/09/15 H0095 HORIZON BCBSNJ 143,445.85 2866
64674 03/09/15 J0039 JOHNSON & TOWER INC. 131.96 2866
64675 03/09/15 J0072 JERSEY WEB DESIGNS 1,417.46 2866
64676 03/09/15 K0080 KOHLER'S AUTO GLASS 265.00 2866
64677 03/09/15 K0086 K D NATIONAL FORCE SECURITY 1,260.00 2866
64678 03/09/15 L0007 LC EQUIPMENT, INC. 416.00 2866
64679 03/09/15 L0102 LEGALIZED GAMES OF CHANCE 20.00 2866
64680 03/09/15 L0113 LIBERTY MUTUAL INSURANCE 5,236.00 2866
64681 03/09/15 L0114 LARKIN, MAUREEN 20.11 2866
64682 03/09/15 M0012 McCAULEY, RICHARD 114.99 2866
64683 03/09/15 M0080 McMANIMON, SCOTLAND & BAUMANN 2,560.08 2866

64684 03/09/15 M0180 MED-TECH RESOURCE,LLC 2,438.62 2866
64685 03/09/15 M0188 MCCARTHY TIRE SERVICE OF PHILA 7,163.19 2866
64686 03/09/15 M0206 McCARDELL, JOHN 319.98 2866
64687 03/09/15 N0004 NJ-AMERICAN WATER CO. 328.79 2866
64688 03/09/15 N0043 NAPA AUTO PARTS 502.90 2866
64689 03/09/15 N0131 DEFINED CONTRIB RETIRE PROGRAM 96.33 2866
64690 03/09/15 O0006 SJSHORE MARKETING,LLC 341.18 2866
64691 03/09/15 O0042 ORCHARD HYDRAULIC SERVICE INC 846.04 2866
64692 03/09/15 P0032 PEDRONI FUEL CO. 2,178.31 2866
64693 03/09/15 P0147 PURDY AUTOMOTIVE, LLC 243.85 2866
64694 03/09/15 R0030 RIGGINS, INC. 6,160.76 2866
64695 03/09/15 R0045 RAINEAR, SCOT 275.00 2866
64696 03/09/15 R0065 ROBERT BROWN TREE SERVICE 500.00 2866
64697 03/09/15 R106 RUMER, LISA 128.40 2866
64698 03/09/15 S0018 SUBURBAN PROPANE, LP 1,930.67 2866
64699 03/09/15 S0031 SCHULER SECURITY, INC. 400.00 2866
64700 03/09/15 S0034 SCHULER, DANIEL 143.71 2866
64701 03/09/15 S0056 SEASHORE ASPHALT CORPORATION 182.50 2866
64702 03/09/15 S0072 SEGIN, STEWART S. 80.62 2866
64703 03/09/15 S0134 SO. JERSEY GAS COMPANY 3,492.86 2866
64704 03/09/15 S0139 SO. JERSEY WATER COND. INC. 573.95 2866
64705 03/09/15 S0165 S.E.T. COMMUNICATIONS INC 43.50 2866
64706 03/09/15 S0196 STEWART BUSINESS SYSTEMS LLC 97.72 2866
64707 03/09/15 S0209 STAPLES ADVANTAGE 438.96 2866
64708 03/09/15 S0279 SPECTROTEL, INC 968.83 2866
64709 03/09/15 T0168 TOWNSHIP OF UPPER 226.05 2866
64710 03/09/15 T0174 TAC PRINTING 315.00 2866
64711 03/09/15 U0028 UPPER TOWNSHIP BD.OF EDUCATION 535.00 2866
64712 03/09/15 V0005 VAN EMBDEN, NATHAN, ATTORNEY 975.00 2866
64713 03/09/15 V0013 VERIZON WIRELESS 1,122.28 2866
64714 03/09/15 V0026 VITAL COMPUTER RESOURCES, INC. 42,264.00 2866
64715 03/09/15 W0030 WEST PUBLISHING CO. 433.87 2866
64716 03/09/15 W0050 WIRELESS ELECTRONICS, INC. 150.00 2866
64717 03/09/15 Y0008 YOUNG, DANIEL J. ESQUIRE PC 13,097.72 2866

Total: 348,292.08