

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR JULY 13, 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	Absent
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.

**APPROVAL OF MINUTES**

**REPORT OF GOVERNING BODY MEMBERS**

**Hobie Young, Committeeman**, thanked all of the participants and volunteers that helped with the July 4th celebration event at Amanda’s Field, and stated that the fireworks were exceptional this year. He also stated for the record that the Township subsidized the vendors that participated in the event in order to keep the costs down for the residents. He then suggested that the Township look into contracting for a special events coordinator. Although the volunteers have done a spectacular job, he stated that having a centralized coordinator will help ensure that everything is done properly and in a timely manner. The CFO was directed to check with other Municipalities and get an estimated cost for such services. Next, Committeeman Young made a motion, seconded by Edward Barr, to have a resolution be prepared to thank Boy Scout Troop 95 for their work cleaning up after the event. During roll call vote all four Committee members present voted in the affirmative. He next made a motion to prepare a resolution to thank Cape Regional for their generous donation to the event. The motion was seconded by Edward Barr. During roll call vote all four Committee members present voted in the affirmative. He next reported on a proposed Eagle Scout project to improve the Amanda Field memorial monument. Committeeman Young next requested the status of the Strathmere playground, and the potholes at the Beesley’s Point boat ramp. Mr. Dietrich stated that he would look into it and give him a report. Later in the meeting Committeeman Young reported that the 9 -10 and the 11-12 year old baseball teams each won their District 16 Championships.

**Edward Barr, Committeeman**, congratulated Hobie and the volunteers for the excellent 4<sup>th</sup> of July event. He stated that a good time was had by all. He also stated that he is in favor of contracting for an event coordinator.

**Jeffrey Pierson, Committeeman**, also congratulated Hobie and the event volunteers for the 4<sup>th</sup> of July event. He stated that the Strathmere parade was also very well done and thanked and congratulated the parade coordinators. He next reported that plans are underway to hold a free rabies clinic in October. More information will be forthcoming. Committeeman Pierson next reported on an ongoing safety concern regarding handicapped access for Municipal Hall. Mr. Dietrich has obtained quotes for a handicap access door, and the cost would be approximately \$4,000.00. It was stated that it may be included in the building line item in the Bond. There was a motion by Jeff Pierson, second by Richard Palombo, to purchase and install a handicapped access door for Town Hall. During roll call vote, all Committeemen present voted in the affirmative.

**Richard Palombo, Mayor**, reported on the recent articles regarding the Township needing to file a pinelands application for accessory buildings at the Public Works Yard. He asked Mr. Dietrich for an update on the progress. Mr. Dietrich stated that the applications were hand delivered today. Mayor Palombo noted that those very same buildings were required by the NJDEP, which is why they were constructed. He next reported that a Union contract negotiation meeting will be held tomorrow. He next reported on the massive traffic issues on State Highways Rt 49 and Rt 50. There followed a lengthy discussion regarding potential ways the NJDOT could alleviate the traffic problems in the area, such as removing the construction barriers since the construction is not ongoing at this time, removing the No Turn on Red sign at the intersection of Rt 49 and Rt 50, and adjusting the signal timing. The Engineer was directed to reach out to the NJDOT. Mayor Palombo next reported that due to a scheduling conflict he would like the September meetings to be rescheduled to Tuesday September 8<sup>th</sup> and Monday September 21<sup>st</sup>. The other Committee members were agreeable to the changes. Motion by Mayor Palombo, second by Jeff Pierson, to change the September meeting dates to Tuesday September 8<sup>th</sup> and Monday September 21<sup>st</sup>. During roll call vote all four Committee members voted in the affirmative.

## **OTHER REPORTS**

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

**Paul Dietrich, Municipal Engineer**, reported that the Surf Rider Association has reached out to the Green Team for their assistance with a couple of beautification projects in Upper Township. The first is a garden area at the Beesley's Point boat ramp. The second is a welcome garden on Roosevelt Boulevard near the former Obadiah's restaurant. The Committee was favorable to the Green Team reaching out to area businesses/organizations for sponsorship of a "Welcome to Upper Township" sign for that area. Mr. Dietrich next reported that a mini dump truck, authorized by the bond ordinance, has not yet been purchased. He requested the authority to purchase the mini dump truck from State Contract. He also stated that two additional vehicles are needed that were not listed in the Bond Ordinance. The equipment trailer is in disrepair and will not function much longer, and an additional pick-up truck is

requested as well. The funds are available in the Bond, the Bond Ordinance will need to be amended to allocate the funds for the trailer and pick-up. The amendment will not change the dollar amount of the bond. He next reported that some areas on the Public Works building and the Rescue Squad building are showing advanced deterioration on the steel skirting and structural elements. He is requesting that the funds from the equipment line item in the bond be transferred to the buildings line item to make the necessary repairs. Committeeman Young requested Paul to look into adding two or three backpack leaf blowers to the equipment line item if possible. Mr. Dietrich next reported that the beach fill has started again and should be finished by the end of next week. They are installing dune fence and will be installing beach grass in the fall. Lastly, he reported that the County has submitted the draft plans for the reconstruction of Commonwealth Avenue. They will be doing major drainage improvements, installing crosswalks, and resurfacing the entire Strathmere section of Commonwealth Avenue. Mayor Palombo requested an update on the Bayview Avenue boat ramp project. Mr. Dietrich stated that he recently met with the DEP, the Army Corps, and Fish & Wildlife Service to coordinate the permitting process. The permit application should be ready by the end of the summer, it is anticipated that the project will take place over the winter in order to be ready for the next summer season.

**PRESENTATIONS**

- 1. Honoring William Layton on his retirement from the Township of Upper.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 146-2015**

**HONORING WILLIAM LAYTON  
ON HIS RETIREMENT FROM THE TOWNSHIP OF UPPER**

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**WHEREAS**, William Layton of the Township of Upper, has retired after twenty-five (25) years of public service to this community within the Department of Public Works serving as Supervising Maintenance Repairer in Upper Township; and

**WHEREAS**, Bill’s daily assignments included overseeing general roadway maintenance and repair and safety inspections for our public facilities; and

**WHEREAS**, in addition to his general duties Bill proudly served our community as a retired U.S. Marine and volunteer assisting our local Boy Scouts in retiring our United States flags no longer fit for display and bringing the Marine Corps Toys for Tots program to Upper

Township, helping to distribute toys to needy children throughout Upper Township and Cape May County.

**WHEREAS**, it is most appropriate that Bill's tenure of public employment and his years of faithful and dedicated service to this Township be publicly recognized.

**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 Bill be publicly congratulated on the occasion of his retirement from the Township of Upper.
2. That he be publicly thanked for his many years of dedicated public service to our community.
3. That this Committee, on behalf of all the citizens of the Township of Upper extend to Bill Layton, our fellow employee and friend, our very best of wishes on his retirement and his future.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 22<sup>nd</sup> day of June, 2015.

2. Honoring James Schuler on his retirement from the Township of Upper.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 147-2015**

**HONORING JAMES SCHULER  
ON HIS RETIREMENT FROM THE TOWNSHIP OF UPPER**

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**WHEREAS**, James Schuler retired on April 30, 2015 after more than twenty-seven (27) years of public service to this community within the Department of Public Works serving as Maintenance Worker/Groundskeeper in Upper Township; and

**WHEREAS**, Jim took great pride in maintaining our Township owned facilities; making sure that even during some of the most extreme weather snow was removed, sidewalks were shoveled, the municipal building lawns were meticulously manicured and our building was beautifully decorated during the holidays; and

**WHEREAS**, it is most appropriate that Jim’s tenure of public employment and his years of faithful and dedicated service to this Township be publicly recognized.

**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 Jim be publicly congratulated on the occasion of his retirement from the Township of Upper.
2. That he be publicly thanked for his many years of dedicated public service to our community.
3. That this Committee, on behalf of all the citizens of the Township of Upper extend to Jim Schuler, our fellow employee and friend, our very best of wishes on his retirement and his future.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 22<sup>nd</sup> day of June, 2015.

**RESOLUTIONS**

3. Congratulating the Upper Township Soccer Association’s U-12 Tornados Boys Team on becoming the 2015 Flight 1 Spring Champions.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 162-2015**

**RE: A RESOLUTION CONGRATULATING  
THE UPPER TOWNSHIP SOCCER ASSOCIATION’S  
U-12 TORNADOS BOYS TEAM  
ON BECOMING THE 2015 FLIGHT 1 SPRING CHAMPIONS**

**WHEREAS**, the Upper Township U-12 Tornados Boys Soccer Team have had an exceptional season becoming the Flight 1 Spring Champions in the South Jersey Soccer League; and

**WHEREAS**, the Tornados ended their spring season with a 7-0-1 record and captured the first place Flight 1 Spring Championship with a 2-0 shutout against the Marlton Rec Lightning Reds; and

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

- |                     |                  |
|---------------------|------------------|
| Chris Calabro       | Conner James     |
| James Carman        | John Lindsay     |
| Nicholas Chiccarine | Pace MacMichael  |
| Maxwell Fisher      | Sean MacNaughton |
| Joseph Garcia       | Conner Meehan    |
| Daniel Givens       | Kyle Plenn       |
| Vincent Gullo       | Drew Tarr        |
| Kyle Harper         | Nathan Zeigler   |

**WHEREAS**, we also extend this recognition and thanks to Gary Harper, Russell Lindsay and Mike Garcia who have generously given their personal time and service to coach this team; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee on behalf of the citizens of the Township of Upper, to extend to the Upper Township U-12 Tornados Boys Soccer Team congratulations on becoming the South Jersey Soccer League Flight 1 Spring Champions, and to each coach heartfelt thanks and gratitude for the generous donation of their time and service to the young people of this community.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 13<sup>th</sup> day of July, 2015.

Resolution No. 162-2015

Offered by: Young

Seconded by: Barr

Adopted: July 13, 2015

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Coggins	<u>          </u>	<u>          </u>	<u>          </u>	<u>  X  </u>
Pierson	<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. Congratulating the Upper Township Soccer Association's U-14 Lightning Boys Team on becoming the 2015 Flight 1 Champions.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 163-2015**

**RE: A RESOLUTION CONGRATULATING  
THE UPPER TOWNSHIP SOCCER ASSOCIATION'S  
U-14 LIGHTNING BOYS TEAM  
ON BECOMING THE 2015 FLIGHT 1 CHAMPIONS**

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**WHEREAS**, the Upper Township U-14 Lightning Boys Soccer Team have had an exceptional season becoming the Flight 1 Fall and Spring Champions in the South Jersey Soccer League; and

**WHEREAS**, the Lightnings ended their fall season with an 8-1-1 record and ended their spring season with a 7-1 record, defeating the Northern Burlington Greyhounds 6-1 for the first place title in the Flight 1 Spring Championship; and

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

Matt Brook	Ben Noble
Anthony Inserra	Sam Oliva
Matt Leap	Trevor Paone
Cole Markley	Hunter Paone
Jake McGonigle	Nick Shaw
Kris Millar	Ty Southard
Jackson Neill	Aidan Tracey

**WHEREAS**, we also extend this recognition and thanks to Lou Paone, Dawn Paone, Larry Brook and Kevin McGonigle who have generously given their personal time and service to coach this team; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee on behalf of the citizens of the Township of Upper, to extend to the Upper Township U-14 Lightning Boys Soccer Team congratulations on becoming the South Jersey Soccer League Flight 1 Champions, and to each coach heartfelt thanks and gratitude for the generous donation of their time and service to the young people of this community.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 13<sup>th</sup> day of July,

2015.

Resolution No. 163-2015

Offered by: Young

Seconded by: Barr

Adopted: July 13, 2015

Roll Call Vote:

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

- Honoring Seaville Volunteer Fire Company Station 19 Fire Police Scott Woods and Sean McClory; and Marmora Volunteer Fire Company Station 15 Fire Police Captain William Miller and Robert DiNicolantonio for their assistance in responding to a severe weather event in Gloucester County, New Jersey.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 164-2015**

**HONORING SEAVILLE VOLUNTEER FIRE COMPANY STATION 19  
FIRE POLICE SCOTT WOODS AND SEAN MCCLORY; AND MARMORA  
VOLUNTEER FIRE COMPANY STATION 15 FIRE POLICE  
CAPTAIN WILLIAM MILLER AND ROBERT DINICOLANTONIO FOR THEIR  
ASSISTANCE IN RESPONDING TO A SEVERE WEATHER EVENT IN  
GLOUCESTER COUNTY NEW JERSEY**

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**WHEREAS**, On June 23 2015, Gloucester County received the brunt of a severe thunderstorm which blew through the area with damaging heavy wind and rain, resulting in downed trees, utility poles, and power lines throughout the area; and

**WHEREAS**, in the aftermath of the storm, Gloucester County sent out a request to all New Jersey Counties for Fire Police Units to assist with their overwhelming need for traffic details due to the blocked roads and widespread power outages impacting the traffic lights; and

**WHEREAS**, Station 19 of Seaville and Station 15 of Marmora answered the call and each





**WHEREAS**, each of the Campgrounds hereinafter designated has had an on-site inspection conducted by the Cape May County Board of Health and it has been attested that the operation of the campground is in compliance with all applicable New Jersey Statutes and the rules and regulations promulgated pursuant thereto.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The following campground licenses are hereby renewed for a term of (1) one year, commencing August 1, 2015.

**OAK RIDGE RESORT CONDO ASSOC.  
516 ROUTE US 9, SOUTH  
MARMORA, NJ 08223  
240 Sites**

**PLANTATION CAMPGROUND  
60 CORSON TAVERN ROAD  
SEAVILLE, NJ 08230  
223 Sites**

**BAYBERRY COVE RESORT CONDO  
435 ROUTE 9  
MARMORA, NJ 08223  
307 Sites**

**SEAVILLE SHORES TRAILER RESORT  
98 CORSON TAVERN ROAD  
SEAVILLE, NJ 08230  
275 Sites**

**SHADY OAKS  
64 ROUTE 50  
SEAVILLE, NJ 08230  
218 Sites**

**ECHO FARMS RV RESORT  
3066 ROUTE US 9 SOUTH  
SEAVILLE, NJ 08230  
241 Sites**

**OCEAN SANDS RESORT  
56 ROUTE 50  
SEAVILLE, NJ 08230**

217 Sites

**WHIPPOORWILL CAMPGROUND**  
**810 ROUTE US 9 SO.**  
**MARMORA, NJ 08223**  
**288 Sites**

**FRONTIER CAMPGROUND**  
**241 ROUTE 50**  
**GREENFIELD, NJ 08230**  
**196 Sites**

**SCENIC RIVERVIEW CAMPGROUND**  
**465 ROUTE 49**  
**P.O. BOX 184**  
**TUCKAHOE, NJ 08250**  
**125 Sites**

**SHOREBIRDS CAMPGROUND**  
**1314 STAGECOACH ROAD**  
**PALERMO, NJ 08230**  
**100 Sites**

- 3. All officials of the Township are hereby authorized to take such action as necessary or required in order to carry out the intent and purpose of this Resolution.
- 4. This Resolution shall become effective immediately upon adoption.

Resolution No. 165-2015

Offered by: Barr

Seconded by: Pierson

Adopted: July 13, 2015

Roll Call Vote:

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

- 7. Renewing Mobile Home Park licenses.

**TOWNSHIP OF UPPER**  
**CAPE MAY COUNTY**  
**RESOLUTION**

**RESOLUTION NO. 166-2015**

**RE: RENEWING MOBILE HOME PARK LICENSES**

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**WHEREAS**, each of the Mobile Home Parks hereinafter designated has attested that the operation of the mobile home park is in compliance with all applicable New Jersey Statutes and the rules and regulations promulgated pursuant thereto.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The following mobile home park licenses are hereby renewed for a term of (1) one year, commencing August 1, 2015.

**HIDDEN PINES MOBILE HOME PARK  
 1414 SOUTH SHORE ROAD  
 OCEAN VIEW, NJ 08230  
 10 Sites**

**PINE HILL MOBILE HOME PARK  
 430 ROUTE 9 SOUTH  
 MARMORA, NJ 08223  
 132 Sites**

**OCEAN BEACH TRAILER RESORT  
 1100 SO.COMMONWEALTH AVENUE  
 P.O. BOX 90  
 STRATHMERE, NJ 08248  
 100 Sites**

**SHORE ACRES MOBILE HOME PARK, LLC  
 1621 SOUTH SHORE ROAD  
 OCEAN VIEW, NJ 08230  
 200 Sites**

3. All officials of the Township are hereby authorized to take such action as necessary or required in order to carry out the intent and purpose of this Resolution.
4. This Resolution shall become effective immediately upon adoption.

Resolution No. 166-2015  
 Offered by: Barr  
 Adopted: July 13, 2015

Seconded by: Young

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	X			

Coggins	_____	_____	_____	<u>  X  </u>
Pierson	<u>  X  </u>	_____	_____	_____
Young	<u>  X  </u>	_____	_____	_____
Palombo	<u>  X  </u>	_____	_____	_____

8. Appointing representatives to the New Jersey Pinelands Municipal Council.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 167-2015**

**RE: APPOINTING REPRESENTATIVES TO THE NEW JERSEY  
PINELANDS MUNICIPAL COUNCIL**

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**WHEREAS**, the New Jersey Pinelands Municipal Council was established pursuant to the "Pinelands Protection Act", effective June 28, 1979; and

**WHEREAS**, the function of the Pinelands Municipal Council is that of an advisory body to the Pinelands Commission with a responsibility to review the Pinelands Comprehensive Management Plan and revision thereto concerning the development and use of land in the Pinelands area; and

**WHEREAS**, the Pinelands Municipal Council is required to state its position to the Pinelands Commission within 60 days of the submission thereof to the Council; and

**WHEREAS**, meetings of the Pinelands Municipal Council with quorums is essential to fulfilling the Statutory advisory role to the Pinelands Commission; and

**WHEREAS**, members of the Pinelands Municipal Council shall consist of the Mayor or Mayor's designee, and additionally an alternate designee in the event of absence by the Mayor or Mayor Designee.

**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. Mayor Richard Palombo is appointed for the year 2015 to represent the Township of Upper.
2. Deputy Mayor Edward Barr is appointed as alternate to represent the Township of Upper in

the absence of Mayor Palombo.

- 3. The aforesaid appointments are for the year 2015 and subsequent annual appointments shall be made by the Township of Upper at its annual reorganization meetings.
- 4. Certified copies of this Resolution shall be forwarded to the New Jersey Pinelands Municipal Council Secretary.

Resolution No. 167-2015

Offered by: Barr

Seconded by: Pierson

Adopted: July 13, 2015

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>	___	___	___

- 9. Supporting the proposed improvements to Route 50 and the replacement of the Route 50 Bridge over the Tuckahoe River between Tuckahoe in the Township of Upper, County of Cape May and Corbin City in the County of Atlantic.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 168-2015**

**RE: SUPPORTING THE PROPOSED IMPROVEMENTS TO ROUTE 50 AND THE REPLACEMENT OF THE ROUTE 50 BRIDGE OVER THE TUCKAHOE RIVER BETWEEN TUCKAHOE IN THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY AND CORBIN CITY IN THE COUNTY OF ATLANTIC.**

**WHEREAS,** The State of New Jersey, Department of Transportation (NJDOT) has begun improvements to the Route 50 Bridge Project in Upper Township, Cape May County, New Jersey; and

**WHEREAS,** the Route 50 Bridge is located in the Tuckahoe Village section of Upper Township which is a connecting route between Corbin City and Upper Township; and

**WHEREAS,** The NJDOT has proposed the construction of a new bridge with a

fixed span across the Tuckahoe River connecting Tuckahoe and Corbin City and the construction of a temporary bridge and/or utilize a portion of the existing structure sufficient to support Emergency Vehicles and School buses to be utilized pending the completion of the replacement of the permanent span; and

**WHEREAS,** The NJDOT will maintain at least one lane of traffic during the construction of the new bridge to be controlled by a temporary traffic signal; and

**WHEREAS,** The NJDOT proposes to commence the bridge work in September of 2015 and anticipates completion by December of 2016; and

**WHEREAS,** The Upper Township Committee requests the following:

- a) The NJDOT place advance notice signage giving notice to motorists of the upcoming lane restrictions.
- b) That those vehicles traveling East bound on Rt-49 making a right turn onto Rt-50 South bound be permitted to make a right turn on red.
- c) The NJDOT will first give advance written notice to Upper Township and the City of Corbin City of any changes to the construction plans prior to implementation of those changes.

**WHEREAS,** the proposed improvements appear to serve the best interests, health, safety and welfare of the citizens of Upper Township; and

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

- 1. The allegations of the preamble are incorporated herein by this reference.
- 2. The Township Committee does hereby support the proposed improvements to Route 50 and the Route 50 Tuckahoe River bridge as set forth in this Resolution and the Township Committee further urges the NJDOT to commence such improvements and to cause

same to be completed with all due speed.

3. A certified copy of this Resolution shall be provided to the New Jersey Department of Transportation and copies shall be sent to the City of Corbin City; County of Cape May, Office of the County Engineer; Cape May County Board of Chosen Freeholders; Senator Jeff VanDrew; Assemblyman Bob Andrzejczak; and Assemblyman Samuel Fiocchi.

Resolution No. 168-2015

Offered by: Pierson

Seconded by: Barr

Adopted: July 13, 2015

Roll Call Vote:

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

10. Supporting a “No Passing Zone” along New Jersey State Highway Route 9 in the vicinity of Seasound Avenue (Mile Post 26.74).

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 169–2015**

**RE: SUPPORTING A “NO PASSING ZONE” ALONG NEW JERSEY STATE HIGHWAY  
ROUTE 9 IN THE VICINITY OF SEASOUND AVENUE (MILE POST 26.74)**

**WHEREAS**, the New Jersey Department of Transportation (NJDOT) has conducted a traffic investigation to inventory the existing center line markings along New Jersey State Highway (NJSH) Route 9 in Upper Township; and

**WHEREAS**, NJDOT recommends a revision to the centerline pavement markings on NJ Route 9 to create a “No Passing Zone” along NJSH Route 9 in the vicinity of Seasound Avenue (Mile Post 26.74); and

**WHEREAS**, in order to insure the safety of citizens, residents, and the general public,



the Township Committee of the Township of Upper supports the creation of a “No Passing Zone” along NJSH Route 9 in the vicinity of Seasound Avenue (Mile Post 26.74); 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 supports creating a “No Passing Zone” along NJSH Route 9 in the vicinity of Seasound Avenue (Mile Post 26.74). The Township Committee hereby requests all State officials to take action forthwith to implement the creation of a “No Passing Zone” along NJSH Route 9 in the vicinity of Seasound Avenue (Mile Post 26.74).
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.
4. A certified copy of this Resolution shall be provided to the New Jersey Department of Transportation.

Resolution No. 169-2015  
 Offered by: Pierson                      Seconded by: Barr  
 Adopted: July 13, 2015  
 Roll Call Vote:

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

11. Authorizing the Mayor to execute a Temporary Construction Easement with the County of Cape May for portions of Township owned streets for the project known as Commonwealth Avenue (CR 619) Resurfacing Improvements from the border with Sea Isle City to the Corson’s Inlet Bridge Township of Upper.

**TOWNSHIP OF UPPER  
 CAPE MAY COUNTY  
 RESOLUTION**

**RESOLUTION NO. 170-2015**

**RE: AUTHORIZING THE MAYOR TO EXECUTE A TEMPORARY CONSTRUCTION EASEMENT WITH THE COUNTY OF CAPE MAY FOR PORTIONS OF TOWNSHIP OWNED STREETS FOR THE PROJECT KNOWN AS COMMONWEALTH AVENUE (CR 619) RESURFACING IMPROVEMENTS FROM THE BORDER WITH SEA ISLE CITY TO THE CORSON’S INLET BRIDGE TOWNSHIP OF UPPER**

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**WHEREAS**, the County of Cape May will be conducting a resurfacing improvement project for Commonwealth Avenue in the Strathmere section of the Township of Upper; and

**WHEREAS**, as a result of the resurfacing work extending beyond the Commonwealth Avenue right-of-way, the County has requested a Temporary Construction Easement, attached hereto as Exhibit A, from the Township of Upper for work that will occur on Township owned streets; and

**WHEREAS**, the Township of Upper has deemed it to be in the Township’s interest to grant said easement to the County of Cape May.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor is hereby authorized to execute on behalf of the Township a Temporary Construction Easement with the County of Cape May for portions of Township owned streets for the project known as Commonwealth Avenue (CR 619) Resurfacing Improvements from the border with Sea Isle City to Corson’s Inlet Bridge Township of Upper.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 170-2015

Offered by: Barr

Seconded by: Palombo

Adopted: July 13, 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      X      \_\_\_\_\_

12. Authorizing a Notice of Violation and Abatement of Nuisance pursuant to Township Code Section 11-1.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 171-2015**

**RE: AUTHORIZING A NOTICE OF VIOLATION AND ABATEMENT OF NUISANCE  
PURSUANT TO TOWNSHIP CODE SECTION 11-1**

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**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 growths; and

**WHEREAS**, the Upper Township zoning officer has determined that the properties, listed and attached hereto as Exhibit A, contain a public nuisance and obnoxious growths which must be removed; and

**WHEREAS**, pursuant to Upper Township Code Section 11-1 and N.J.S.A. 40:48-2.13, the Township Committee is authorized to cause a Notice of Violation to be sent to each owner and/or foreclosing lien holder describing the violation and stating that unless the violation is abated, removed and 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 said land; and

**WHEREAS**, the Township Committee has determined that said Notice of Violation shall be served upon each owner and/or foreclosing lien holder forthwith; 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 zoning officer is hereby directed to serve a Notice of Violation pursuant to Township Code Section 11-1 describing the obnoxious growths violation and nuisance upon each owner and/or foreclosing lien holder of the properties listed on Exhibit A, attached hereto.

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. 171-2015

Offered by: Barr

Seconded by: Pierson

Adopted: July 13, 2015

Roll Call Vote:

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

13. Authorizing purchases to be made under State Contract pursuant to N.J.S.A. 40A:11-12.

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

**RESOLUTION NO. 172-2015**

**RE: AUTHORIZING PURCHASES TO BE MADE UNDER STATE CONTRACT PURSUANT TO  
N.J.S.A. 40A:11-12**

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**WHEREAS**, the Township of Upper, as a contracting unit may, without advertising for bids, purchase any materials, supplies, services or equipment under any contract or contracts entered into by the New Jersey Division of Purchase and Property in the Department of Treasury, for such materials, supplies, services or equipment pursuant to N.J.S.A. 40A:11-12; and

**WHEREAS**, it is desirable for the Township of Upper to utilize these State contracts as needed and when it is in the best interest of the Township to do so; and

**WHEREAS**, purchases made utilizing State contracts meet the requirements of using a fair and open process; and

**WHEREAS**, the attached "Schedule A" represents State contract vendors the Township of Upper intends to use in the current year.

**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 use of the listed State contract vendors when done so in the best interest of the Township of Upper by way of executing a valid Township of Upper Purchase Order in accordance with proper purchasing procedures and practices.

3. The Qualified Purchasing Agent is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 172-2015  
Offered by: Barr  
Adopted: July 13, 2015  
Roll Call Vote:

Seconded by: Pierson

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

**SCHEDULE A**

Caprioni Portable Toilets  
Craft Oil Corp. t/a Petro Choice  
Dell Marketing, LP  
Edmunds & Associates, Inc.  
McCarthy Tire Service  
Napa Auto Parts  
Oceanport, LLC  
Riggins, Inc.  
Steril-Koni USA  
Verizon Wireless  
W. B. Mason

**ORDINANCES**

**14. Public hearing and final adoption of Ordinance No. 009-2015 RE: AN ORDINANCE AMENDING ORDINANCE NO. 017-2014 KNOWN AS THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2015.** During the public hearing portion there were no speakers. Motion by Jeffrey Pierson, second by Edward Barr, to adopt Ordinance 009-2015. During roll call vote all Committeemen present voted in the affirmative.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
ORDINANCE**

**ORDINANCE NO. 009-2015**

**RE: AN ORDINANCE AMENDING ORDINANCE NO. 017-2014 KNOWN AS THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2015**

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

**SECTION 1:** Ordinance No.017-2014, known as the Salary Ordinance of 2015 is hereby amended as hereinafter provided:

**SECTION 2: SALARIES:**

**E. PUBLIC WORKS/SPORTS AND RECREATIONAL PROGRAMS:**

The following existing titles are hereby removed and deleted:

<u>Title</u>	<u>Minimum</u>	<u>Maximum-2015</u>
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Maint. Worker 1, Grounds (0-9 yrs) (former Groundskeeper)	12,500.00	50,889.00
Maint. Worker 1, Grounds (10 or more yrs) (former Groundskeeper)	12,500.00	52,328.00

**SECTION 3: 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 4: REPEALER:** All ordinances or parts of ordinances inconsistent herewith 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 THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 8TH DAY OF JUNE, 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 13TH DAY OF JULY, 2015 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BY ORDER OF THE TOWNSHIP COMMITTEE.  
BARBARA L. YOUNG, RMC  
TOWNSHIP CLERK

15. **Introduction and first reading of Ordinance No. 010-2015 RE: AN ORDINANCE AUTHORIZING SALE OF LANDS, TO WIT BLOCK 667, LOT 7.** Due to a conflict, Municipal Attorney Daniel Young did not participate in this matter. Motion by Hobie Young, second by Jeff Pierson, to introduce Ordinance 010-2015 with public hearing and final adoption scheduled for August 10, 2015. During roll call vote all four Committeemen present voted in the affirmative.

Paul Dietrich and Committeeman Young suggested that the Committee look into dedicating the proceeds from all future Land Sales to the Recreation Developers Fund.

It was stated that right now all funds obtained through the sale of land go into the General Fund and are available for any expenditure necessary. If the monies are dedicated to the Recreation Developers Fund, they can only be used for recreation purposes.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
ORDINANCE**

**ORDINANCE NO. 010-2015**

**RE: AN ORDINANCE AUTHORIZING SALE OF LANDS,  
TO WIT BLOCK 667, LOT 7**

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**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 667, Lot 7; and

**WHEREAS**, the Township has received an offer from Benjamin Duncan, (hereinafter “Duncan”), 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 lot with an existing lot; and

**WHEREAS**, the Township Committee has determined the minimum bid for such lot is the sum of \$10,000.00, as said amount is the fair market value as determined by an appraisal prepared by John A. McCann dated March 30, 2015; 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 667, Lot 7



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 667, Lot 7

Minimum Bid: \$10,000.00

**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:** Duncan 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 parcel 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 renounce 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.

- (B) (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 FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 13<sup>th</sup> DAY OF JULY, 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 10<sup>th</sup> DAY OF AUGUST, 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, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

## CORRESPONDENCE

### NEW BUSINESS

16. Patricia and Bill Curran request for handicap parking designation in front of 18 E. Willard Road in Strathmere. **Motion by Richard Palombo, second by Edward Barr, to approve the request. During roll call vote all four Committee members present voted in the affirmative. An Ordinance will be listed on a future agenda for formal action.**
17. The Greater Tuckahoe Area Merchants Association requests to hold a craft show at the Upper Township Community Center on November 21, 2015. **Motion by Richard Palombo, second by Edward Barr, to approve the request. During roll call vote all four Committee members present voted in the affirmative.**
18. Upper Township EMS requests the use of Amanda's Field to hold a Crash Demo on September 12, 2015. **Motion by Jeffrey Pierson, second by Edward Barr, to approve the request. During roll call vote all four Committee members present voted in the affirmative.**

## UNFINISHED BUSINESS

### DISCUSSION

### PAYMENT OF BILLS

19. "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 Edward Barr, second by Richard Palombo. During roll call vote all four Committeemen present voted in the affirmative.**

Bills approved for payment: \$260,743.68  
Payroll: \$204,506.31

## REPORT OF MUNICIPAL DEPARTMENTS

20. Animal Control
21. Clerk's Office
22. Construction Code
23. EMS

24. Finance Office
25. MUA Report
26. Tax Collector

Motion by Richard Palombo, second by Jeffrey Pierson, to accept all reports as submitted. During roll call vote all four Committeemen present voted in the affirmative.

### **PUBLIC COMMENT**

**Ralph Holt, Jill Avenue**, stated that two months ago the Zoning Board approved his application to utilize his upstairs for additional seating. At the time of the hearing he submitted letters from the Marmora Post Office and the St. Maximillian Kolbe church to utilize their parking lots for any over flow parking needs. He recently received a letter from the Township Engineer stating that he is required to submit lease agreements between himself and the post office and church in order to satisfy his site plan parking requirements. Mr. Holt was informed that the Township Committee has no legal jurisdiction over a Zoning Board matter. Pursuant to the Zoning Ordinance, a parking variance or lease agreements for the overflow parking is required. He was directed to consult with the Zoning Board attorney for guidance as to what he would need to go back before the Zoning Board.

### **CLOSED SESSION**

27. **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. 173-2015  
MOTION GOING INTO CLOSED SESSION  
JULY 13, 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 negotiation – Benefits Consultant
2. Contract negotiation – Emergency Medical Billing
3. Litigation - Upper Township v. Yank and Sansone
4. Litigation – Affordable Housing-Declaratory Judgment

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

- A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.



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

Moved by: Edward Barr

Motion seconded by: Richard Palombo

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

## **RECONVENE PUBLIC PORTION OF MEETING**

## **ADJOURNMENT**

There being no further business this evening the meeting was adjourned at 9:36 P.M. The next regular meeting is scheduled for Monday, July 27, 2015 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC

### Bill List

65337	07/13/15	A0021	ADAMS, GEORGE E. JR.	241.92	2884
65338	07/13/15	A0025	ADVANTAGE RENTAL ACE HARDWARE	562.14	2884
65339	07/13/15	A0071	ANCHOR FIRE PROTECTION CO.	1,999.08	2884
65340	07/13/15	A0091	ATLANTIC CITY ELECTRIC	7,733.40	2884
65341	07/13/15	A0114	A.E. STONE INC.	367.00	2884
65342	07/13/15	A0125	AVALON WEED & INSECT CONTROL	795.00	2884
65343	07/13/15	A0137	ADVANTAGE EQUIPMENT SERVICE	1,072.50	2884
65344	07/13/15	A0176	ACTION FLAG COMPANY	216.47	2884
65345	07/13/15	A0193	ATLANTIC INVESTIGATIONS, LLC	819.00	2884
65346	07/13/15	B0035	BELMONT & CRYSTAL SPRINGS	23.40	2884
65347	07/13/15	B0201	BUCK'S ELECTRICAL SERVICE, INC	527.00	2884
65348	07/13/15	B0228	BACH ASSOCIATES, P.C.	573.75	2884
65349	07/13/15	B0229	BOBBITT, GAIGE L	40.70	2884
65350	07/13/15	C0021	CIVIL SOLUTION A DIVISION	24,000.00	2884
65351	07/13/15	C0046	CAPE MAY COUNTY CLERK	3,561.08	2884
65352	07/13/15	C0060	CAPRIONI'S PORTABLE TOILETS	137.00	2884
65353	07/13/15	C0061	CAPRIONI FAMILY SEPTIC	350.00	2884
65354	07/13/15	C0068	COMCAST	513.27	2884
65355	07/13/15	C0171	COLONIAL ELECTRIC SUPPLY CO.	126.62	2884
65356	07/13/15	C0182	CDW GOVERNMENT, INC	450.08	2884
65357	07/13/15	C0201	CRUZAN'S TRUCK SERVICE INC.	422.08	2884
65358	07/13/15	C0223	CASA PAYROLL SERVICE	618.60	2884
65359	07/13/15	C0246	CRAFT OIL CORPORATION	367.22	2884
65360	07/13/15	C0274	CREATIVE 247, LLC	564.00	2884
65361	07/13/15	D0040	DELTA DENTAL OF N.J. INC.	5,761.99	2884
65362	07/13/15	D0045	DEPTCOR	260.00	2884
65363	07/13/15	D0148	DIRECT ENERGY BUSINESS	5,353.18	2884
65364	07/13/15	D0151	DISASTER RESISTANT COMMUNITIES	583.00	2884
65365	07/13/15	D0154	DAVIDSON, PAMELA	1,260.00	2884
65366	07/13/15	F0053	FORD, SCOTT & ASSOCIATES	3,000.00	2884
65367	07/13/15	F0175	FIENI, MARGARET	190.00	2884
65368	07/13/15	G0016	GARDNER HARDWARE INC.	341.78	2884
65369	07/13/15	G0028	GENTILINI FORD	376.37	2884

65370 07/13/15 G0030 GENERAL SPRING SERVICE 1,005.00 2884  
65371 07/13/15 G0147 GREATAMERICA FINANCIAL SVCS. 176.97 2884  
65372 07/13/15 G0167 Gleason Lauren P. 44.20 2884  
65373 07/13/15 H0002 H.A. DEHART & SON CORP. 63.24 2884  
65374 07/13/15 H0018 HAROLD RUBIN L & H SUPPLY 154.64 2884  
65375 07/13/15 H0043 HERITAGE SURF & SPORT 850.00 2884  
65376 07/13/15 H0095 HORIZON BCBSNJ 135,275.03 2884  
65377 07/13/15 H0144 HOOVER TRUCK CENTERS, INC 155.00 2884  
65378 07/13/15 H0148 THOMAS H. HEIST INS AGENCY INC 47.00 2884  
65379 07/13/15 J0072 JERSEY WEB DESIGNS 3,067.50 2884  
65380 07/13/15 K0007 KACZMARSKI, RICHARD 114.99 2884  
65381 07/13/15 K0086 K D NATIONAL FORCE SECURITY 1,785.00 2884  
65382 07/13/15 L0080 LOWES, INC. 256.25 2884  
65383 07/13/15 M0080 McMANIMON, SCOTLAND & BAUMANN 91.50 2884  
65384 07/13/15 M0121 McCROSSON, JANET 244.88 2884  
65385 07/13/15 M0180 MED-TECH RESOURCE,LLC 120.00 2884  
65386 07/13/15 M0234 METRO SPORT INC. 474.53 2884  
65387 07/13/15 M0263 MANGAM SR., ANDREW C 40.70 2884  
65388 07/13/15 N0004 NJ-AMERICAN WATER CO. 189.39 2884  
65389 07/13/15 N0043 NAPA AUTO PARTS 0.00 07/13/15 VOID 0  
65390 07/13/15 N0043 NAPA AUTO PARTS 485.69 2884  
65391 07/13/15 N0052 NATL YOUTH SPORTS COACHED ASSN 40.00 2884  
65392 07/13/15 N0127 NIMCO INC 217.80 2884  
65393 07/13/15 N0131 DEFINED CONTRIB RETIRE PROGRAM 107.00 2884  
65394 07/13/15 O0005 OFFICE BUSINESS SYSTEMS INC 1,760.00 2884  
65395 07/13/15 O0006 SJSHORE MARKETING,LLC 58.31 2884  
65396 07/13/15 O0012 OCEAN CITY BD. OF EDUCATION 418.94 2884  
65397 07/13/15 P0007 PALOMBO,RICHARD A. 150.00 2884  
65398 07/13/15 P0032 PEDRONI FUEL CO. 2,828.76 2884  
65399 07/13/15 P0056 TURF EQUIPMENT AND SUPPLY CO 1,239.85 2884  
65400 07/13/15 P0152 PASHLEY, LOREN 40.70 2884  
65401 07/13/15 Q0009 QUALITE SPORTS LIGHTING INC. 332.96 2884  
65402 07/13/15 R0030 RIGGINS, INC. 7,363.22 2884  
65403 07/13/15 S0001 SAM'S CLUB 62.44 2884  
65404 07/13/15 S0020 SUPPLY WORKS 577.22 2884  
65405 07/13/15 S0031 SCHULER SECURITY, INC. 160.00 2884  
65406 07/13/15 S0051 SEAL MASTER PRODUCTS & SERVICE 1,105.64 2884  
65407 07/13/15 S0056 SEASHORE ASPHALT CORPORATION 498.75 2884  
65408 07/13/15 S0073 SENIOR TRAVEL SERVICE,INC. 1,200.00 2884  
65409 07/13/15 S0122 SOMERS POINT LUMBER INC. 570.60 2884  
65410 07/13/15 S0134 SO. JERSEY GAS COMPANY 121.39 2884  
65411 07/13/15 S0209 STAPLES ADVANTAGE 949.95 2884  
65412 07/13/15 S0253 SAMPLE MEDIA, INC. 336.00 2884  
65413 07/13/15 S0275 SCHAEFER PYROTECHNICS INC. 4,165.50 2884  
65414 07/13/15 S0279 SPECTROTEL, INC 1,046.48 2884  
65415 07/13/15 S0282 SUSTAINABLE JERSEY, INC. 35.00 2884  
65416 07/13/15 S0284 SOUTH JERSEY INTERPRETERS 173.73 2884  
65417 07/13/15 T0022 TERMINIX 59.00 2884  
65418 07/13/15 T0032 THE PRESS & SUNDAY PRESS 306.00 2884  
65419 07/13/15 T0052 TOWNSHIP OF DENNIS 1,000.00 2884  
65420 07/13/15 T0067 TOWNSHIP OF UPPER PETTY CASH 7.50 2884  
65421 07/13/15 T0168 TOWNSHIP OF UPPER 183.66 2884  
65422 07/13/15 U0003 U.S. MUNICIPAL SUPPLY, INC. 562.03 2884  
65423 07/13/15 U0028 UPPER TOWNSHIP BD.OF EDUCATION 610.00 2884  
65424 07/13/15 V0001 VCI EMERGENCY VEHICLE 548.09 2884  
65425 07/13/15 V0005 VAN EMBDEN, NATHAN, ATTORNEY 1,575.00 2884  
65426 07/13/15 V0013 VERIZON WIRELESS 1,135.39 2884  
65427 07/13/15 V0024 VAL-U AUTO PARTS L.L.C. 110.77 2884  
65428 07/13/15 W0030 WEST PUBLISHING CO. 433.87 2884  
65429 07/13/15 W0087 W.B. MASON 281.04 2884  
65430 07/13/15 Y0008 YOUNG, DANIEL J. ESQUIRE PC 20,431.25 2884  
65431 07/13/15 Y0020 YOUNG, BARBARA L. 50.00 2884  
65432 07/13/15 Y0024 YOUNG IV, KENNETH A 40.70 2884

Total: \$260,743.68