

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR AUGUST 24, 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.

APPROVAL OF MINUTES - August 10, 2015 Regular Meeting and
Closed Session Minutes

Motion by Edward Barr, second by Jeffrey Pierson, to approve the August 10, 2015 Regular Meeting 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 on a meeting he recently attended during which he was able to speak with Nick Lambert, South State project manager for the drainage project on Route 50, to express the concerns of area residents regarding the condition of the staging area along Railroad Avenue in Tuckahoe. Mr. Lambert stated that he will ensure that the staging area is cleaned up. Mr. Lambert also stated that the staging area on Railroad Avenue will be removed after the drainage project is complete and will not be used during the construction of the Route 50 Bridge project. Committeeman Pierson questioned as to whether any weight limitations of the bridge were discussed at the meeting. It was stated that there was no discussion regarding a change in the weight limits. The meeting was mainly to provide general information to the public and receive public comment. The engineer stated that the Fire Chief of the Tuckahoe Fire District made a request to the NJDOT requesting that during the summer months of 2016 a detour be set up for north bound traffic only to travel over the bridge and all south bound traffic detoured around.

Hobie Young, Committeeman, gave a brief report on the progress at the Amanda's Field baseball complex. Sod has been installed on the Little League and Babe Ruth Fields. Two other Little League fields and two T-Ball fields have been laid out and graded. He next

reported that he has spoken with Mr. Dietrich regarding the need for more handicap swings at the various Township playgrounds. Mr. Young next stated that the date for the Fall Fest has been set for October 18th from 1:00 pm to 6:00 pm. Preliminary plans for the event include many vendors and three bands. Mr. Young next reported that there has been an idea proposed to allow sports tournament participants to camp out over night at Amanda's Field. He stated that there are limited hotels in Upper Township, and this would allow the participants to remain in the Township. It was stated that more information is necessary before any decision can be made. Next, Committeeman Young reported that the Atlantic Shore Babe Ruth team, which includes two players from Upper Township, recently won the World Series Title with a perfect 21-0 record. He requested an honoring resolution be prepared for the team. Lastly, he reported that the Upper Township football team along with the Ocean City High School football team recently held a football practice and barbeque at Caldwell Park. He thanked the parents for donating all the food for the event.

Edward Barr, Committeeman, stated that the Amanda's Field baseball fields are looking great and the Township is very fortunate to have skilled and knowledgeable workers. He next reported that the County will soon be paving the intersection of Stagecoach Road and Evergreen Drive. The engineer gave a brief update on the final plans for paving in that area.

Jeffrey Pierson, Committeeman, reminded everyone that a free Rabies Clinic will be held on October 24th from 1:00 to 3:00 at Shore Veterinarians. He next reported that the County did remove the tar piles that were reported at the last meeting along Old Tuckahoe Road, however they still have not lined the street. He next reported that the Upper Township Division of EMS has received a new ambulance. Committeeman Pierson next reported on a recent public meeting held by the NJDOT regarding the Route 50 Bridge replacement project, and gave a brief summary of the issues that he would like to see addressed. He next reported on the Township's performance on a recent JIF Loss Control report. The Township is below average for loss time and accident frequencies. He stated that the Township workers and the Safety Committee should be commended for the excellent report. Lastly, he reported that a basic emergency action plan for Town Hall has been developed and will be presented at a future meeting.

Richard Palombo, Mayor, reported that he has been working with the CFO for comparisons of health insurance options. He stated that they should have a proposal to present to the Committee within the next few weeks. Lastly, he stated that there has been some confusion regarding the Pinelands Commission approval of the gas pipeline. Mayor Palombo stated that the approval was not an authorization to have the pipeline built, but enables South Jersey Gas to move forward with the application process. Lastly he reported on a prior discussion regarding an easement on Township property for an interconnect station. The Municipal Attorney stated that at this point and time the Township is still waiting for information from South Jersey Gas on the proposed station.

OTHER REPORTS

Barbara Young, Municipal Clerk, reminded everyone that the Municipal Offices will be closed on Monday September 7, 2015 for Labor Day, and the next Committee meeting will be held on Tuesday September 8th at 7:30 pm.

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

Paul Dietrich, Municipal Engineer, requested authorization to prepare the specifications and solicit bids for the paving of the roadways and bike paths at Amanda's Field. Funding for the project will be provided by the County Open Space Grant. Motion by Hobie Young, second by Edward Barr, to authorize the preparation and solicitation of bids for paving at Amanda's Field. During roll call vote all five Committeemen voted in the affirmative. A Resolution for formal action will be listed on the next agenda.

Barbara Spiegel, Chief Financial Officer, requested approval to attend a three day Government Finance Officers conference in September at a cost of \$425.00. Motion by John Coggins, second by Richard Palombo, to approve the request. During roll call vote all five Committeemen voted in the affirmative.

PRESENTATIONS

1. Honoring the Cape May County Sheriff's Explorer Post #1692 on their assistance during the Upper Township Annual 4th of July Celebration.

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

RESOLUTION NO. 175-2015

RE: HONORING THE CAPE MAY COUNTY SHERIFF'S EXPLORER POST #1692 ON THEIR ASSISTANCE DURING THE UPPER TOWNSHIP ANNUAL 4TH OF JULY CELEBRATION

WHEREAS, the Cape May County Sheriff's Explorer Post #1692 participated in the Upper Township Annual 4th of July celebration by providing traffic direction, security patrol and general assistance as needed; and

WHEREAS, the Explorers Post #1692 is a worksite-based program, offering hands-on activities for young men and women ages 14 to 19 who are interested in careers in the field of law enforcement; and

WHEREAS, the Explorers of Post #1692 have participated in various community events including the Cape May County 4-H fair, county park and zoo events, community parades, and have also assisted with crime prevention programs such as McGruff the Crime Dog and Eddie Eagle for gun safety; and

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

Joshua Tozer	Andrew Lindholm
Gary Seabridge	Anthony Lindholm
Noah Keen	Victoria Marsden
Alyssa Jones	Carly Krieg
Keith Mckinney	

WHEREAS, we also extend this recognition and thanks to Officer Erick Teasenfitz and Officer Andrew Raniszewski who have given their service and assistance along with the Explorers to help keep the 4th of July celebration a safe and enjoyable experience for the Upper Township community; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee on behalf of the citizens of the Township of Upper, to extend to the Cape May County Sheriff's Explorer Post #1692 recognition on their commitment to community safety during the Upper Township 4th of July celebration and to the officers a heartfelt thanks and gratitude for their time and service to the young people of this community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 27th day of July 2015.

RESOLUTIONS

2. In observance of September 11 as "Always Remember Day", to honor the innocent victims of September 11, 2001 and those who continue to fight for the freedom of this great Nation.

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

RESOLUTION NO. 192 -2015

RE: IN OBSERVANCE OF SEPTEMBER 11 AS "ALWAYS REMEMBER DAY", TO HONOR THE INNOCENT VICTIMS OF SEPTEMBER 11, 2001 AND THOSE WHO CONTINUE TO FIGHT FOR THE FREEDOM OF THIS GREAT NATION

WHEREAS, on September 11, 2001, terrorists hijacked four civilian aircraft, crashing two into the World Trade Center in New York City, a third into the Pentagon outside of Washington, D.C., and a fourth into the countryside of Pennsylvania; and

WHEREAS, thousands of innocent people were killed and injured as a result of these reprehensible attacks;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, that we do hereby observe September 11 as "Always Remember Day" to honor the innocent victims of September 11, 2001 and those who continue to fight for the freedom of this great Nation; and

BE IT FURTHER RESOLVED, that all persons within this municipality are urged to honor these victims and members of our Armed Forces by appropriate displays of our flag and of red, white and blue ribbons.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 24th day of August 2015.

Resolution No. 192-2015

Offered by: Young

Seconded by: Pierson

Adopted: August 24, 2015

Roll Call Vote:

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

3. Authorizing the Mayor to sign a license agreement with New Jersey American Water Company, Inc. for the installation of emergency communications equipment.

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

RESOLUTION NO. 193-2015

**RE: AUTHORIZING THE MAYOR TO SIGN A LICENSE AGREEMENT WITH
NEW JERSEY AMERICAN WATER COMPANY, INC. FOR THE INSTALLATION
OF EMERGENCY COMMUNICATIONS EQUIPMENT**

WHEREAS, New Jersey American Water Company, Inc., (NJAWC), is constructing a water tower in the Seaville section of Upper Township, located on Block 560, Lot 1.01 of the official tax map; and

WHEREAS, the Township of Upper has requested the installation of certain emergency communications equipment on the NJAWC owned property and tower for use by the Upper Township Office of Emergency Management; and

WHEREAS, the Township Committee has determined it to be in the best interest of the Township to enter into a license agreement with NJAWC; and

WHEREAS, said license agreement, attached hereto as Exhibit A, has been reviewed and approved by the Municipal Attorney; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor on behalf of the Township of Upper, is hereby authorized to execute the attached agreement entitled “License Agreement for Emergency Communications Equipment”, with New Jersey American Water Company, Inc.
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. 193-2015

Offered by: Barr

Seconded by: Pierson

Adopted: August 24, 2015

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Barr	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Coggins	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
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. Appointing Water’s Edge Environmental, LLC as an Environmental Consultant for the improvements associated with the replacement of the Bayview Avenue Boat Ramp.

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

RESOLUTION NO. 194–2015

**RE: APPOINTING WATER’S EDGE ENVIRONMENTAL, LLC AS AN
ENVIRONMENTAL CONSULTANT FOR THE IMPROVEMENTS ASSOCIATED
WITH THE REPLACEMENT OF THE BAYVIEW AVENUE BOAT RAMP**

WHEREAS, the Township of Upper was awarded funding, in the amount of \$61,000.00, from a New Jersey Department of Environmental Protection (NJDEP), Office of Coastal Planning grant entitled “Building Ecological Solutions to Coastal Community Hazards”; and

WHEREAS, the monies received from the grant will be used for a proposed project consisting of the construction of a Living Shoreline along Bayview Avenue in conjunction with the replacement of the Bayview Avenue Boat Ramp; and

WHEREAS, the Township requires an Environmental Consultant to obtain the necessary NJDEP and Army Corps of Engineers' approvals for said project; and

WHEREAS, Water's Edge Environmental, LLC possesses the requisite skill and knowledge to perform these services; and

WHEREAS, a Resolution is required authorizing the award of a contract for professional services to Water's Edge Environmental, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Water's Edge Environmental, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that said firm has not made any contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Water's Edge Environmental, LLC from making any contributions through the term of the contract; 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. Water's Edge Environmental, LLC, with offices at 1259 A Asbury Avenue Ocean City, New Jersey, is hereby appointed as Environmental Consultant for the improvements associated with the replacement of the Bayview Avenue Boat Ramp.
3. This contract shall have a term of one (1) year commencing upon full execution.
4. This Contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public

Contract Law because Water's Edge Environmental, LLC, has professional knowledge as to environmental issues which knowledge is particularly valuable to the Township Committee.

5. This Contract is under and subject to any and all requirements of the State of New Jersey Department of Environmental Protection, Office of Coastal Planning and any and all agreements entered into by the Township of Upper with the NJDEP in connection with the grant funding for the proposed improvements associated with the replacement of the Bayview Avenue Boat Ramp.

NOTICE OF CONTRACT AWARD

6. The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Water's Edge Environmental, LLC. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

7. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Water's Edge Environmental, LLC in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

8. A notice of this contract award shall be published in the official newspaper of the Township of Upper within ten (10) days from the date of adoption.

9. This Resolution shall be effective as of adoption.

Resolution No. 194-2015

Offered by: Coggins

Seconded by: Pierson

Adopted: August 24, 2015

Roll Call Vote:

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

5. Authorizing Change Order No. 2 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 \$20,894.70.

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

RESOLUTION NO. 195-2015

RE: AUTHORIZING CHANGE ORDER NO. 2 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 \$20,894.70

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 second 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 No. 2; and

WHEREAS, the aggregate amount of Change Order No. 2, comprising of an increase of \$32,762.50 and a decrease of \$11,867.80, together with Change Order No. 1 does not exceed twenty percent (20%) of the original Contract award; and

WHEREAS, the Township Engineer has requested this change order and indicated that it is permitted under the applicable regulations and that, pursuant to N.J.A.C. 5:30-11.8, it is a minor modification to effect economies and improve service; and

WHEREAS, this Change Order is in the best interests of the Township.

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. Change Order No. 2 to the NJDOT Municipal Aid Project - Reconstruction of Bayview Drive, from N. of Sumner Ave. to N. of Webster Ave. contract with FW Shawl & Sons, Inc. is hereby authorized as follows:

Increases.....\$ 32,762.50

Decreases.....\$ 11,867.80

Extra Work.....\$ 0.00

TOTAL.....\$ 20,894.70

3. A copy of the Change Order detailing the nature and the extent of the work to be done, together with all other prior Change Orders, if any, are attached to this Resolution as Exhibit "A".

4. The Mayor and Chief Financial Officer are hereby authorized, directed and empowered to execute the Change Order on behalf of the Township of Upper.

5. All Township officials and officers are hereby authorized and directed to take all action necessary to carry out the intent and purpose of this Resolution.

Resolution No.195 -2015

Offered by: Barr

Seconded by: Young

Adopted: August 24, 2015

Roll Call Vote:

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

6. Authorizing the Mayor and Township Clerk to sign an agreement and Bill of Sale for the Communications Tower located at 1721 Mt. Pleasant Road, Lot 12 Block 350 Upper Township, New Jersey.

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

RESOLUTION NO. 196-2015

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN AN
AGREEMENT AND BILL OF SALE FOR THE COMMUNICATIONS TOWER
LOCATED AT 1721 MT. PLEASANT ROAD, LOT 12 BLOCK 350, UPPER TOWNSHIP,
NEW JERSEY**

WHEREAS, the Township of Upper wishes to confirm its ownership of the communications tower located on Lot 12, Block 350, 1721 Mt. Pleasant Road, Upper Township, New Jersey (“Tower”) that was transferred to the Township upon the expiration of the Lease of the property with New Cingular Wireless PCS LLC (“Lease”); and

WHEREAS, New Cingular Wireless PCS LLC agreed to convey the Tower to the Township of Upper for nominal consideration upon the termination of the Lease; and

WHEREAS, the Agreement and Bill of Sale attached hereto as Exhibit A, have been reviewed and approved by the Municipal Attorney.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute an Agreement and Bill of Sale for the Tower on Lot 12, Block 350 located at 1721 Mt. Pleasant Road, Upper Township New Jersey on behalf of the Township of Upper.
3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Resolution No. 196-2015

Offered by: Coggins

Seconded by: Pierson

Adopted: August 24, 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>X</u>	<u> </u>	<u> </u>	<u> </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. Authorizing execution of NJDEP TWA-1 Application Statements of Consent Form regarding 301 South Commonwealth Avenue, Strathmere, Block 838, Lot 2.

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

RESOLUTION NO. 197-2015

**RE: AUTHORIZING EXECUTION OF NJDEP TWA-1 APPLICATION STATEMENTS
OF CONSENT FORM REGARDING 301 SOUTH COMMONWEALTH AVENUE,
STRATHMERE, BLOCK 838, LOT 2**

WHEREAS, Clermont Homes c/o Matt Unsworth has or is about to make application to the New Jersey Department of Environmental Protection (hereinafter “DEP”) for Treatment Works Approval for a two bedroom single family dwelling, and has requested that the Township complete a portion of DEP Form No. WQM-003, which merely consents to the submission of the application to the DEP and certifies that the project, as proposed, conforms with the requirements of all municipal Ordinances and does not otherwise impose any obligation or liability on the Township; and

WHEREAS, Clermont Homes c/o Matt Unsworth must apply to the New Jersey Department of Environmental Protection for Treatment Works Approval in order to install a pressure dosing septic system for a two bedroom single family dwelling to be constructed on 301 South Commonwealth Avenue, Block 838, Lot 2 of the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Township Engineer has informed the Township Committee as to the general nature of the project and has indicated that the Township has no ordinance prohibiting the proposed project; and

WHEREAS, the matter has been considered by the Township Committee and it has been determined that the consent by the Governing Body should be granted to this application to permit the application process to go forward; and

WHEREAS, the Township Committee wishes to authorize the Township officials to execute said documentation;

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 of Upper a Statements of Consent, Section A-1, in the form attached hereto as Exhibit "A" and said consent shall be completed by inserting therein this Resolution number and the date of its adoption.
3. This Statements of Consent is submitted in conjunction with the application of Clermont Homes c/o Matt Unsworth for treatment works approval for the property at Block 838, Lot 2 on the municipal tax map.
4. A certified copy of this Resolution shall be provided to the applicant.

Resolution No. 197-2015.

Offered by: Pierson

Seconded by: Young

Adopted: August 24, 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>X</u>	<u> </u>	<u> </u>	<u> </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>

8. Renewal of Alcoholic Consumption Licenses for the License year 2015.

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

RESOLUTION NO. 198-2015

RE: RENEWAL OF ALCOHOLIC CONSUMPTION LICENSES
FOR THE LICENSE YEAR 2015

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

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

WHEREAS, the Division, in order to implement a new electronic web based licensing system, extended the 2014-2015 license terms to no later than September 18, 2015; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper in the County of Cape May and State of New Jersey, that the following licenses be authorized for issue for the license year effective July 1, 2015:

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

Tyan's Incorporated
T/A Tuckahoe Inn
1 Harbor Rd. and Route 9, Beesleys Point
Marmora, N.J. 08223
License # 0511-33-004-005
Plenary Retail Consumption License
Municipal Fee Paid: \$700.00
State Fee Paid: \$200.00

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

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

MAH, Inc. a N.J. Corp.
T/A Seaville Tavern
South Side Route 50 and New Bridge Road
Ocean View, N.J. 08230
Three Crescent Dr. Philadelphia, PA 19112
License # 0511-33-008-004
Plenary Retail Consumption License
Municipal Fee Paid: \$700.00

State Fee Paid: \$200.00

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

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

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

Resolution No. 198-2015

Offered by: Pierson

Seconded by: Barr

Adopted: August 24, 2015

Roll Call Vote:

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

9. Authorizing the purchase of certain items for Amanda's Field from the 2013 Capital Improvement Bond Ordinance in the amount of \$20,228.10.

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

RESOLUTION NO. 199-2015

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS FOR AMANDA'S FIELD
FROM THE 2013 CAPITAL IMPROVEMENT BOND ORDINANCE
IN THE AMOUNT OF \$20,228.10**

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 005-2013 on April 8, 2013 and subsequently amended on December 16, 2013 and again on April 14, 2014; and

WHEREAS, the Township wishes to authorize purchases for equipment and supplies to aid in the installation of light poles at Amanda's Field for items listed on Exhibit A attached hereto based on the lowest quotes received; and

WHEREAS, the Township also wishes to authorize the purchase of pre-cast walls from Northeast Precast and stone footing from Hanson Aggregates to construct a concession stand and restrooms at Amanda's Field listed on Exhibit A attached hereto; and

WHEREAS, the cost of the pre-cast walls and stone footing will be shared between the Capital Improvement Bond and the Shared Services Agreement with the County of Cape May for funding of the project known as "Improvements to Amanda's Field" as listed on Exhibit A attached hereto; and

WHEREAS, the Township additionally wishes to authorize the purchase of rear load containers from Valley Enterprise Container, LLC listed on Exhibit A attached hereto; and

WHEREAS, the Township's QPA has reviewed and approved the quotes for all items on Exhibit A attached hereto.

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 the items listed on Exhibit "A" in the total amount of **\$20,228.10** 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. 199-2015

Offered by: Young

Seconded by: Pierson

Adopted: August 24, 2015

Roll Call Vote:

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

Exhibit "A"

Auger Rental \$5,400.00

Vendor: Specialty Rentals & Attachment

86' Man Lift & Harness Rental \$1,938.30

Vendor: Advantage Rental Ace Hardware

Crane Rental

Vendor: Shaw Crane Co., Inc. \$1,200.00

Rear Load Containers

Vendor: Valley Enterprise Container, LLC \$4,140.00

Pre-cast Walls

Vendor: Northeast Precast \$7,222.60*

Stone Footing

Vendor: Hanson Aggregates \$ 327.20**

TOTAL \$20,228.10

* The Capital Improvement Bond will be charged 40% of the cost or \$7,222.60. The Shared Services Agreement with the County of Cape May for funding of the project known as "Improvements to Amanda's Field" will be charged 60% of the cost or \$10,833.90 for a total cost of \$18,056.50.

** The Capital Improvement Bond will be charged 40% of the cost or \$327.20. The Shared Services Agreement with the County of Cape May for funding of the project known as "Improvements to Amanda's Field" will be charged 60% of the cost or \$490.80 for a total cost of \$818.00.

10. Adopting the rules and regulations for the use of Township owned surf chairs.

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

RESOLUTION NO. 200-2015

**RE: ADOPTING THE RULES AND REGULATIONS FOR
USE OF TOWNSHIP OWNED SURF CHAIRS**

WHEREAS, the Township Committee has determined that it is appropriate to formally establish rules and regulations for the use of municipally owned Surf Chairs; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper hereby approves and adopts the formal rules and regulations for the use of Township owned Surf Chairs attached hereto in Exhibit "A" in season summer use and Exhibit "B" out of season use.
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. 200-2015

Offered by: Palombo

Seconded by: Barr

Adopted: August 24, 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>	___	___	___

ORDINANCES

11. Public hearing and final adoption of Ordinance No. 011-2015 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER VII OF THE CODE OF UPPER TOWNSHIP. **During the public hearing portion there were no**

speakers. Motion by Jeffrey Pierson, second by John Coggins, to adopt Ordinance No. 011-2015. During roll call vote all five Committeemen voted in the affirmative.

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

ORDINANCE NO. 011-2015

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE
CHAPTER VII OF THE CODE OF UPPER TOWNSHIP**

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

SECTION 1. Chapter 7, Schedule I (entitled “No Parking”) of the Revised General Ordinance of the Township of Upper, also known as the Code of Upper Township, shall be amended as hereinafter provided:

SCHEDULE I – NO PARKING

Delete the following:

<i>Street</i>	<i>Location</i>
<i>Vincent Avenue</i>	Both sides of Vincent Avenue a distance of one hundred (100') feet from the curbline of Bayview Drive.

SECTION 2. Chapter 7, Schedule XVIII (entitled “Parking Area for Handicapped Persons”) of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be supplemented as hereinafter provided:

SCHEDULE XVIII – PARKING AREA FOR HANDICAPPED PERSONS

Add to include the following:

<i>Street</i>	<i>Location</i>
<i>Willard Avenue</i>	Southerly side; beginning at a point Three Hundred Twenty Two (322') feet from the centerline of Commonwealth Avenue and extending to a point twenty-five (25') feet northwesterly thereof.

SECTION 3: REPEALER: All Ordinances or parts of Ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

SECTION 4: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

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

SECTION 6: CODIFICATION: This Ordinance shall be codified in the Upper Township Code at the sections referred to above.

Notice is hereby given that the foregoing Ordinance was introduced for the First Reading at a meeting of the Township Committee of the Township of Upper held on the 27th day of July, 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 24th day of August, 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
Township of Upper

CORRESPONDENCE

NEW BUSINESS

UNFINISHED BUSINESS

DISCUSSION

PAYMENT OF BILLS

12. "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 Edward Barr. During roll call vote all five Committeemen voted in the affirmative.**

Bills approved for payment: \$547,699.51
Payroll: \$198,243.59

REPORT OF MUNICIPAL DEPARTMENTS

13. Division of EMS

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

PUBLIC COMMENT

There was no public comment.

CLOSED SESSION

14. 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. 201-2015 MOTION GOING INTO CLOSED SESSION AUGUST 24, 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 – Animal Control
2. Contract negotiation – County Fleet Maintenance
3. Contract negotiation – Rutgers University, Institute of Marine and Coastal Sciences
4. Contract negotiation – Cell Tower Occupancy
5. Litigation – Affordable Housing, Declaratory Judgment
6. Litigation - Upper Township v. Yank and Sansone

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: 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 9:08 P.M. The next regular meeting is scheduled for Tuesday, September 8, 2015 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC

Bill List

65616 08/24/15 A0018 ACTION SUPPLY INC. 34.80 2889
65617 08/24/15 A0091 ATLANTIC CITY ELECTRIC 34,157.51 2889
65618 08/24/15 A0125 AVALON WEED & INSECT CONTROL 1,000.00 2889
65619 08/24/15 A0193 ATLANTIC INVESTIGATIONS, LLC 66.00 2889
65620 08/24/15 A0198 ALL SERVE OZONE, LLC 6,023.60 2889
65621 08/24/15 A0199 A & C SEPTIC SERVICE LLC 180.00 2889
65622 08/24/15 A0201 ALVORD THOMAS S. 24.20 2889
65623 08/24/15 B0035 BELMONT & CRYSTAL SPRINGS 200.64 2889
65624 08/24/15 B0184 BUSHONG, BRIAN 156.00 2889
65625 08/24/15 C0048 CAPE MAY COUNTY MUA 35,578.55 2889
65626 08/24/15 C0060 CAPRIONI'S PORTABLE TOILETS 1,851.25 2889
65627 08/24/15 C0061 CAPRIONI FAMILY SEPTIC 615.00 2889
65628 08/24/15 C0068 COMCAST 580.80 2889
65629 08/24/15 C0131 CINTAS FIRST AID & SAFETY 55.48 2889
65630 08/24/15 C0143 CODY'S POWER EQUIPMENT 710.10 2889
65631 08/24/15 C0171 COLONIAL ELECTRIC SUPPLY CO. 386.23 2889
65632 08/24/15 C0201 CRUZAN'S TRUCK SERVICE INC. 444.24 2889
65633 08/24/15 C0223 CASA PAYROLL SERVICE 289.35 2889
65634 08/24/15 C0230 CATAMARAN MEDIA COMPANY 54.00 2889
65635 08/24/15 C0247 CMRS-FP 2,000.00 2889
65636 08/24/15 D0040 DELTA DENTAL OF N.J. INC. 11,234.51 2889
65637 08/24/15 D0086 DRAWING BOARD PRINTING 154.10 2889
65638 08/24/15 E0012 EHRLICH PEST CONTROL INC 83.00 2889
65639 08/24/15 F0048 LESLIE G. FOGG INC 445.00 2889
65640 08/24/15 F0216 FORSS PAINTING 4,250.00 2889
65641 08/24/15 G0016 GARDNER HARDWARE INC. 15.67 2889
65642 08/24/15 G0057 GLOBALSTAR USA LLC 639.89 2889
65643 08/24/15 G0086 W.W. GRAINGER, INC. 583.74 2889
65644 08/24/15 H0018 HAROLD RUBIN L & H SUPPLY 184.80 2889
65645 08/24/15 H0073 HOME DEPOT CRC/GECF 167.67 2889
65646 08/24/15 H0135 HANSON AGGREGATES, INC. 470.76 2889
65647 08/24/15 J0036 JOHNSON, MICHELLE 23.41 2889
65648 08/24/15 J0072 JERSEY WEB DESIGNS 787.50 2889
65649 08/24/15 L0007 LC EQUIPMENT, INC. 42.00 2889
65650 08/24/15 L0080 LOWES, INC. 106.32 2889
65651 08/24/15 M0012 McCAULEY, RICHARD 150.00 2889
65652 08/24/15 M0019 MAXIMUM MARINE 35.00 2889
65653 08/24/15 M0035 MARMORA FIRE CO. DISTRICT #3 267,275.50 2889
65654 08/24/15 M0180 MED-TECH RESOURCE,LLC 2,676.72 2889
65655 08/24/15 M0188 MCCARTHY TIRE SERVICE OF PHILA 181.71 2889
65656 08/24/15 M0258 MITCHELL, CAROLE 605.00 2889
65657 08/24/15 N0043 NAPA AUTO PARTS 125.90 2889
65658 08/24/15 N0052 NATL YOUTH SPORTS COACHED ASSN 35.00 2889
65659 08/24/15 N0131 DEFINED CONTRIB RETIRE PROGRAM 124.47 2889
65660 08/24/15 N0141 NETCARRIER TELECOM, INC. 1,893.91 2889
65661 08/24/15 O0006 SJSHORE MARKETING,LLC 3,139.06 2889
65662 08/24/15 P0032 PEDRONI FUEL CO. 2,964.04 2889

65663 08/24/15 P0056 TURF EQUIPMENT AND SUPPLY CO 685.72 2889
65664 08/24/15 P0075 POSITIVE PROMOTIONS INC 128.95 2889
65665 08/24/15 P0153 Pashley Seth 24.20 2889
65666 08/24/15 P0155 POLYGON 1,573.84 2889
65667 08/24/15 R0030 RIGGINS, INC. 5,545.80 2889
65668 08/24/15 R0100 ROBERTS OXYGEN COMPANY, INC. 189.50 2889
65669 08/24/15 S0020 SUPPLY WORKS 115.76 2889
65670 08/24/15 S0031 SCHULER SECURITY, INC. 1,678.00 2889
65671 08/24/15 S0034 SCHULER, DANIEL 126.39 2889
65672 08/24/15 S0056 SEASHORE ASPHALT CORPORATION 442.55 2889
65673 08/24/15 S0073 SENIOR TRAVEL SERVICE, INC. 1,200.00 2889
65674 08/24/15 S0113 SMITH, THOMAS G. 158.70 2889
65675 08/24/15 S0121 SMUZ, THERESE A 193.93 2889
65676 08/24/15 S0134 SO. JERSEY GAS COMPANY 316.99 2889
65677 08/24/15 S0204 SAFETY DOWN UNDER, INC. 2,350.00 2889
65678 08/24/15 S0249 BSN SPORTS 3,663.98 2889
65679 08/24/15 S0295 Schmidt, Thomas H. 44.20 2889
65680 08/24/15 T0022 TERMINIX 59.00 2889
65681 08/24/15 T0032 THE PRESS OF ATLANTIC CITY 551.81 2889
65682 08/24/15 T0067 TOWNSHIP OF UPPER PETTY CASH 6.50 2889
65683 08/24/15 T0076 TREASURER, STATE OF N.J. 85.00 2889
65684 08/24/15 V0001 VCI EMERGENCY VEHICLE 143,114.32 2889
65685 08/24/15 V0005 VAN EMBDEN, NATHAN, ATTORNEY 750.00 2889
65686 08/24/15 V0018 VILLAGE PHARMACY, INC. 105.00 2889
65687 08/24/15 V0022 VERIZON 192.83 2889
65688 08/24/15 V0024 VAL-U AUTO PARTS L.L.C. 474.90 2889
65689 08/24/15 W0087 W.B. MASON 68.81 2889
65690 08/24/15 X0008 XEROX FINANCIAL SERVICES 662.40 2889
65691 08/24/15 Y0007 YEP COMPANY 388.00 2889

Total: 547,699.51