

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR TUESDAY OCTOBER 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	Present
Jeffrey Pierson	Absent
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 - September 21, 2015 Regular Meeting and Closed Session Minutes**

Motion by Hobie Young, second by Edward Barr, to accept the September 21, 2015 Regular Meeting and Closed Session Minutes as submitted. During roll call vote all four Committeemen present voted in the affirmative.

**PRESENTATIONS**

- 1. Congratulating the Atlantic Shore 14 Year Old Baseball Team on becoming the 2015 Babe Ruth 14 Year Old World Series Champions.**

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

**RESOLUTION NO. 203-2015**

**RE: A RESOLUTION CONGRATULATING THE ATLANTIC SHORE  
14 YEAR OLD BASEBALL TEAM  
ON BECOMING THE 2015 BABE RUTH 14 YEAR OLD  
WORLD SERIES CHAMPIONS**

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**WHEREAS**, the Atlantic Shore 14 Year Old Team comprised of 14 players from Atlantic City, Linwood, Northfield, Ventnor, Ocean City and Upper Township finished their season by winning the Babe Ruth World Series Title; and

**WHEREAS**, Atlantic Shore remained undefeated throughout district, state and regional play ending with 21 wins after an 8-7 victory against Tri-Valley, California in the Babe Ruth championship game to win the World Series Title; and

**WHEREAS**, the players displayed outstanding team spirit, competitiveness and focus throughout the season and exhibited tremendous talent in their hitting, pitching and fielding abilities, with the members of the community showing great support and pride in recognition of their efforts; and

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

Nick Abrams (Atlantic City)	Jayson Hoopes (Northfield)
Nick Atohi (Northfield)	Brandon Lashley (Upper Township)
Jon Bonczek (Northfield)	Dom Monteleone (Upper Township)
Anthony Cappuccio (Northfield)	Hunter Rich (Linwood)
Frank Curtin (Ventnor)	Devin Sharkey (Northfield)
Kyle Goodman (Northfield)	Sleighter Suriel (Atlantic City)
Solomon Griffith (Ocean City)	Cole Vanderslice (Ocean City)

**WHEREAS**, we also extend this recognition and thanks to the team manager, Dave Geiger, and the coaches Lee Geiger, Joe Geiger and Dennis Foreman, who have generously given their personal time and service to this team; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee on behalf of the citizens of the Township of Upper, to extend to the Atlantic Shore 14 Year Old Team congratulations on becoming the 2015 Babe Ruth World Series 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 8<sup>th</sup> day of September, 2015.

2. Laurie Ryan Business Administrator Upper Township School District - Update on Summer Maintenance projects at Upper Township Schools.

**After the presentations, Mayor Palombo announced a change in the order of the agenda. The Public hearing for Ordinance No. 012-2015 was then held.**

3. Public hearing and final adoption of Ordinance No. 012-2015 RE: AN ORDINANCE AMENDING MULTIPURPOSE BOND ORDINANCE NUMBERED 005-2013, AS AMENDED BY ORDINANCE #015-2013 AND ORDINANCE #004-2014 OF THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, NEW JERSEY, FINALLY ADOPTED APRIL 8, 2013, AS AMENDED DECEMBER 16, 2013 AND APRIL 14, 2014, RESPECTIVELY, IN ORDER TO MOVE A PORTION OF THE AGGREGATE APPROPRIATION AND A PORTION OF THE AGGREGATE AUTHORIZATION FROM SECTION 3(a) TO SECTION 3(b) AND SECTION 3(e), TO AMEND THE DESCRIPTION OF THE PROJECTS IN SECTION 3(a), SECTION 3(b), SECTION 3(d) AND SECTION 3(e) AND TO AMEND THE AVERAGE USEFUL LIFE. During the public hearing portion, there were no speakers. Motion by John Coggins, second by Hobie Young, to adopt Ordinance No. 012-2015. During roll call vote all four Committeemen present voted in the affirmative.

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

**ORDINANCE NO. 012-2015**

AN ORDINANCE AMENDING MULTIPURPOSE BOND ORDINANCE NUMBERED 005-2013, AS AMENDED BY ORDINANCE #015-2013 AND ORDINANCE #004-2014 OF THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, NEW JERSEY, FINALLY ADOPTED APRIL 8, 2013, AS AMENDED DECEMBER 16, 2013 AND APRIL 14, 2014, RESPECTIVELY, IN ORDER TO MOVE A PORTION OF THE AGGREGATE APPROPRIATION AND A PORTION OF THE AGGREGATE AUTHORIZATION FROM SECTION 3(a) TO SECTION 3(b) AND SECTION 3(e), TO AMEND THE DESCRIPTION OF THE PROJECTS IN SECTION 3(a), SECTION 3(b), SECTION 3(d) AND SECTION 3(e) AND TO AMEND THE AVERAGE USEFUL LIFE.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section One. Section 3 of Bond Ordinance #005-2013, as amended by Ordinance #015-2013 and Ordinance #004-2014, finally adopted April 8, 2013, as amended December 16, 2013 and April 14, 2014, respectively, (the “Original Bond

Ordinance”) of the Township of Upper, in the County of Cape May, New Jersey (the “Township”), is hereby amended to read as follows (certain appropriations and debt authorizations have been reallocated among the various purposes, as indicated below, such that the total appropriation and debt authorization are not changed):

<u>Purpose</u>	Appropriation and Estimated <u>Cost</u>	Estimated Maximum Amount of Bonds or <u>Notes</u>	<u>Period of Usefulness</u>
a) Acquisition of various vehicles and equipment, consisting of trash trucks and containers, a dump snow plow and spreader, mowers, a mini-dump truck with utility box and snow plow, a utility body pick-up truck, a utility body pick-up truck with snow plow, a pick-up truck, a loader bucket, road patching equipment, an equipment trailer and a pickup truck, improvements to an existing loader and the acquisition and installation of carpeting at the Township Hall meeting room, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$1,946,500	\$1,849,175	5 years
b) The Paving Project, consisting of milling of existing surface and overlay of 2 inch bituminous surface course with ancillary work, including concrete curb and sidewalk, signs and drainage work, the reconstruction of the municipal parking lot and road condition inventory, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$990,000	\$940,500	10 years
c) The replacement of the boat ramp, consisting of engineering work, permits and the installation of a new pier and floating docks, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$125,000	\$118,750	10 years
d) Recreational field improvements, consisting of fencing, irrigation, baseball dugouts, the sewer pump station, the restroom building and sports field and			

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
baseball field lighting, improvements to Golden Oak Playground and the construction of a concession stand, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$216,000	\$205,200	15 years
e) Replacement of the Town Hall roof, repairs to the Public Works Building and the Rescue Squad Building and the acquisition and installation of an ADA door opener, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$235,000	\$223,250	10 years
f) The Building/Facility Security Project, consisting of the acquisition and installation of web enable cameras and recording equipment at Township Hall, the Community Center, Caldwell Park and Amanda's Field and the installation of bullet-resistant windows at Town Hall, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$100,000	\$95,000	10 years
g) Acquisition of various equipment, consisting of an emergency generator for the Rescue Squad, a vehicle fueling system and a vehicle lift, including all related costs and expenditures incidental thereto.	\$83,000	\$78,850	15 years
h) Acquisition of portable radios for the Public Works Department and the Rescue Squad, including all related costs and expenditures incidental thereto.	\$46,000	\$43,700	10 years
i) Acquisition of a portable tent for use as an emergency shelter, including all related costs and expenditures incidental thereto.	\$6,500	\$6,175	5 years
<b>TOTALS</b>	<b><u>\$3,748,000</u></b>	<b><u>\$3,560,600</u></b>	

Section Two. Section 6(b) of The Original Bond Ordinance is hereby amended to read as follows:

“The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 7.79 years.”

Section Three. The appropriation and the amount of bonds or notes for the purposes described in Section 3(a) of the Original Bond Ordinance are hereby decreased by \$190,000 and \$180,500, respectively, to \$1,946,500 and \$1,849,175, respectively.

Section Four. The appropriation and the amount of bonds or notes for the purposes described in Section 3(b) of the Original Bond Ordinance are hereby increased by \$90,000 and \$85,500, respectively, to \$990,000 and \$940,500, respectively, such amounts representing a portion of the aggregate appropriation and a portion of the aggregate authorization for the purposes described in Section 3(a) of the Original Bond Ordinance.

Section Five. The appropriation and the amount of bonds or notes for the purposes described in Section 3(e) of the Original Bond Ordinance are hereby increased by \$100,000 and \$95,000, respectively, to \$235,000 and \$223,250, respectively.

Section Six. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section Seven. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond 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 **8<sup>th</sup> DAY OF SEPTEMBER, 2015** 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 **13<sup>th</sup> DAY OF OCTOBER, 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

### **REPORT OF GOVERNING BODY MEMBERS**

**John Coggins, Committeeman**, offered his congratulations to Paul Dietrich on obtaining the Outstanding Local Floodplain Management Official award from the NJ Association of Floodplain Management. He stated that Paul's work in floodplain management has helped lower the cost of insurance for residents that live in flood prone areas.

**Hobie Young, Committeeman**, reported that the Upper Township Historical Society will be holding their annual Apple Fest on October 17<sup>th</sup> from 1:00 to 6:00 pm at the Gandy House. He encouraged all to come out and attend this great community event. He next reported that the Fall Fest will be held on October 18<sup>th</sup> at Amanda's Field from 1:00 to 6:00 pm. There will be three live band performances, many vendors, games, and activities for kids. He stated that most of the events and activities are made possible through sponsorships from local businesses and organizations, which help keep the costs down for families that come out to enjoy the events. Next, Committeeman Young expressed his frustration and disappointment with the prioritizing and order of the projects that are being done at the Amanda's Field baseball facilities. He requested that Mr. Dietrich ensure that the workers follow the proposed itinerary of projects before bad weather prevents their completion.

**Edward Barr, Committeeman**, expressed his agreement with Committeeman Young's frustration with the Amanda's Field issues and said that he will work hard to help get them resolved. He next reported that the Rescue Squad will be holding a Trunk or Treat event at Amanda's Field on October 20<sup>th</sup> from 6:00 to 9:00 pm, and a free rabies clinic will be held on October 24<sup>th</sup> at Shore Veterinarians from 1:00 to 3:00 pm. and lastly, he also offered his congratulations to Paul for the floodplain management award.

**Richard Palombo, Mayor**, reported that the New Jersey State Police Woodbine Barracks now has a medicine drop at the station. Residents can take their unused medication to the Woodbine Station at any time to safely dispose of the items. He next reported that the Township will be hosting a Health Fair on October 22<sup>nd</sup> at the Community Center from 12:00 to 2:00 pm. free flu shots, health screenings, and tests will be available. Last, he reported that South Jersey Gas will be holding two public hearings regarding the natural gas pipeline beginning at 3:00 pm and again at 6:00 pm on October 19<sup>th</sup> at Town Hall.

### **OTHER REPORTS**

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

**Paul Dietrich, Municipal Engineer**, reminded everyone that this is the last month for brush collection this year, and Public Works will begin loose leaf collection in November. It was suggested that the location of the brush collection crew be posted so that residents have an idea as to when the truck will be in their neighborhood. Mr. Dietrich stated that residents can call Public Works to report any trees that came down as a result of the recent storm. He next reported that the County has developed a website for the All Hazard Mitigation program which contains a survey link for the various Municipalities. Mr. Dietrich encouraged residents to take the survey to provide their input to the preparedness plan. Next, he requested a resolution authorizing the Mayor to sign the necessary DEP permit applications for the Bayview Drive Boat Ramp project. Motion by Edward Barr, second by John Coggins, to approve the request. During roll call vote all four Committeemen present voted in the affirmative. A resolution for formal action will be placed on the next agenda. Lastly, Mr. Dietrich reported that the State has begun the sidewalk and curbing project in Tuckahoe.

**Due to health reasons, Committeeman Young then left the meeting.**

**RESOLUTIONS**

**4. Designating the date and time for Trick or Treat in Upper Township.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 228-2015**

**RE: DESIGNATING THE DATE AND TIME FOR  
TRICK OR TREAT IN UPPER TOWNSHIP**

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**WHEREAS**, for many years, the Township of Upper has selected October 31<sup>st</sup> from 5:00 PM to 8:00 PM as Trick or Treat for residents of Upper Township and others; and

**WHEREAS**, the Township wishes to continue this tradition of providing a designated time for Trick or Treat in celebration of Halloween; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Upper in the County of Cape May and State of New Jersey that said Committee hereby pronounces October 31, 2015 from 5:00 PM until 8:00 PM as Trick or Treat Night, and does hereby urge all community members participating in this activity to incorporate the use of safety procedures for a safe and enjoyable event.



Resolution No. 228–2015  
Offered by: Barr  
Adopted: October 13, 2015  
Roll Call Vote:

Seconded by: Palombo

<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>	_____	_____	_____

**5. Authorizing the award of a contract with Northeast Precast for precast walls.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 229-2015**

**RE: AUTHORIZING THE AWARD OF A CONTRACT  
WITH NORTHEAST PRECAST FOR PRECAST WALLS**

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**WHEREAS**, the Township of Upper has a need to purchase precast walls to construct a concession stand and restroom facilities at Amanda’s Field, and to do so desires to enter into a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Northeast Precast has submitted a quote indicating they will provide the precast walls for \$17,686.25; and

**WHEREAS**, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with Northeast Precast for the year 2015 will exceed \$17,500 and a contract pursuant to N.J.S.A. 19:44A-20.5 is required; and

**WHEREAS**, Northeast Precast has completed and submitted a Business Entity Disclosure Certification which certifies that Northeast Precast has not made any reportable contributions to a political or candidate committee in the Township in the previous one year, and that the contract will prohibit Northeast Precast from making any reportable contributions through the term of the contract; and

**WHEREAS,** the Chief Financial Officer of the Township has certified the availability of funds to allow the award of contract for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose in the 2015 Municipal Budget.

**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 Qualified Purchasing Agent to enter into a contract with Northeast Precast as described herein.
3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
4. 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. 229-2015  
 Offered by: Barr                                      Seconded by: Coggins  
 Adopted: October 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	<u>  X  </u>	_____	_____	_____

**6. Authorizing the award of a contract with Core Mechanical, Inc. for HVAC Services.**

**TOWNSHIP OF UPPER  
 CAPE MAY COUNTY  
 RESOLUTION**

**RESOLUTION NO. 230-2015**

**RE: AUTHORIZING THE AWARD OF A CONTRACT  
WITH CORE MECHANICAL, INC. FOR HVAC SERVICES**

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**WHEREAS**, from time to time the Township of Upper has a need for HVAC Services from Core Mechanical, Inc. as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with Core Mechanical, Inc. for the year 2015 will exceed \$17,500; and

**WHEREAS**, Core Mechanical, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Core Mechanical, Inc. has not made any reportable contributions to a political or candidate committee in the Township in the previous one year, and that the contract will prohibit Core Mechanical, Inc. from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Chief Financial Officer of the Township has certified the availability of funds to allow the award of contract for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose in the 2015 Municipal Budget.

**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 Qualified Purchasing Agent to enter into a contract with Core Mechanical, Inc. as described herein.
3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
4. 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. 230-2015  
Offered by: Barr  
Adopted: October 13, 2015  
Roll Call Vote:

Seconded by: Coggins

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

**7. Authorizing the award of a contract with Wireless Electronics, Inc. for electronic equipment.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 231-2015**

**RE: AUTHORIZING THE AWARD OF A CONTRACT  
WITH WIRELESS ELECTRONICS, INC. FOR ELECTRONIC EQUIPMENT**

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**WHEREAS**, the Township of Upper has a need to acquire various electronic equipment from Wireless Electronics, Inc. as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with Wireless Electronics, Inc. for the year 2015 will exceed \$17,500; and

**WHEREAS**, Wireless Electronics, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Wireless Electronics, Inc. has not made any reportable contributions to a political or candidate committee in the Township in the previous one year, and that the contract will prohibit Wireless Electronics, Inc. from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Chief Financial Officer of the Township has certified the availability of funds to allow the award of contract for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose in the 2015 Municipal Budget.

**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 Qualified Purchasing Agent to enter into a contract with Wireless Electronics, Inc. as described herein.

3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

4. 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. 231-2015  
Offered by: Barr                      Seconded by: Coggins  
Adopted: October 13, 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>      </u>	<u>      </u>	<u>      </u>	<u>  X  </u>
Young	<u>      </u>	<u>      </u>	<u>      </u>	<u>  X  </u>
Palombo	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

**8. Authorizing an extension of the agreements with Cape Bank with regard to Banking Services.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 232-2015**

**RE: AUTHORIZING AN EXTENSION OF THE AGREEMENTS WITH CAPE BANK WITH REGARD TO BANKING SERVICES**

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**WHEREAS**, Cape Bank has indicated a desire to continue to provide banking services to the Township of Upper for an additional one year term; and

**WHEREAS**, the Township wishes to extend the agreements with Cape Bank for an additional one year term; and

**WHEREAS**, said agreements will continue under the same terms and current rate of interest of 0.25%; 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 agreements and forms between the Township and Cape Bank, copies of which are on file in the office of the Township Clerk, are hereby extended for an additional one year term.
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. 232-2015  
 Offered by: Coggins  
 Adopted: October 13, 2015

Seconded by: Barr

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>      </u>	<u>      </u>	<u>      </u>	<u>  X  </u>
Young	<u>      </u>	<u>      </u>	<u>      </u>	<u>  X  </u>
Palombo	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

**9. Authorizing the Mayor to sign and submit a Municipal Aid Grant Application for Fiscal Year 2016.**

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

**RESOLUTION NO. 233-2015**

**RE: AUTHORIZING THE MAYOR TO SIGN AND SUBMIT A  
 MUNICIPAL AID GRANT APPLICATION FOR FISCAL YEAR 2016**

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**WHEREAS**, the Township of Upper wishes to take advantage of Municipal Aid Grants that will be available for Fiscal Year 2016; and

**WHEREAS**, the Township Committee fully supports and endorses the actions of the Township Engineer in his filing of the grant application for the following grant program:

**FY 2016 Municipal Aid for Roadway Reconstruction**

This program provides grants to municipalities for roadway improvements. The project will involve the reconstruction of Commonwealth Avenue from Willard Road to Seaview Avenue in the Strathmere Section of the Township of Upper, which will include roadway reconstruction, curb & sidewalk improvements and drainage improvements.

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

- 1. The allegations of the preamble are incorporated herein by this reference.
- 2. The Mayor, Engineer and Clerk of the Township of Upper are hereby authorized, directed and empowered to submit an electronic grant application identified as MA-2016 - Reconstruction of Commonwealth Ave - 00462 to the New Jersey Department of Transportation 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.
- 4. The Mayor and clerk are hereby authorized to sign the grant agreement on behalf of the Township of Upper and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.
- 5. A certified copy of this Resolution shall be provided to the Township Engineer for insertion into each Municipal Aid Grant Application for Fiscal year 2016.

Resolution No. 233-2015  
Offered by: Coggins                                  Seconded by: Barr  
Adopted: October 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>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Pierson	<u>      </u>	<u>      </u>	<u>      </u>	<u>  X  </u>
Young	<u>      </u>	<u>      </u>	<u>      </u>	<u>  X  </u>
Palombo	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

**10. Authorizing the purchase of a generator for the Division of EMS building and transfer switches for both Amanda’s Field and the Strathmere storm water pump from the Hazard Mitigation Grant Program in the amount of \$88,430.00 through the National Joint Powers Alliance (NJPA).**

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

RESOLUTION NO. 234-2015

RE: AUTHORIZING THE PURCHASE OF A GENERATOR FOR THE DIVISION OF EMS BUILDING AND TRANSFER SWITCHES FOR BOTH AMANDA'S FIELD AND THE STRATHMERE STORM WATER PUMP FROM THE HAZARD MITIGATION GRANT PROGRAM IN THE AMOUNT OF \$88,430.00 THROUGH THE NATIONAL JOINT POWERS ALLIANCE (NJPA)

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**WHEREAS**, the Township of Upper has been awarded a Hazard Mitigation Grant to ensure essential services to the community and continual use of power during extreme weather events; and

**WHEREAS**, the Township wishes to utilize this grant as approved pursuant to the Scope of Work; and

**WHEREAS**, N.J.S.A. 52:34-6.2 allows the Township of Upper to utilize national cooperative contracts as a method of procurement; and

**WHEREAS**, the Township of Upper intends to purchase a generator for the Division of EMS building and transfer switches for both Amanda's Field and the Strathmere storm water pump from Giles & Ransome, Inc. through the National Joint Powers Alliance (NJPA) as herein indicated; and

**WHEREAS**, Giles & Ransome, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Giles & Ransome, Inc. has not made any reportable contributions to a political or candidate committee in the Township in the previous one year, and that the contract will prohibit Giles & Ransome, Inc. from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Chief Financial Officer of the Township has certified the availability of funds to allow the award of contract for the purchase herein authorized and has certified that adequate



funds have been appropriated for this purpose from the Hazard Mitigation Grant Program.

**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 Qualified Purchasing Agent to enter into a contract with Giles & Ransome, Inc. for the purchase of a generator for the Division of EMS building and transfer switches for both Amanda's Field and the Strathmere storm water pump through the National Joint Powers Alliance (NJPA) in the amount of exceed \$88,430.00.

3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

4. 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. 234-2015

Offered by: Coggins

Seconded by: Palombo

Adopted: October 13, 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>  —  </u>	<u>      </u>	<u>      </u>	<u>  X  </u>
Young	<u>  —  </u>	<u>      </u>	<u>      </u>	<u>  X  </u>
Palombo	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

## **ORDINANCES**

### **11. Introduction and first reading of Ordinance No. 013-2015 RE: AN ORDINANCE REGULATING THE STATUTORY AUTHORITY OF VERIZON NEW JERSEY INC., ITS SUCCESSORS AND ASSIGNS TO USE**

**THE VARIOUS PUBLIC STREETS, ROADS, AVENUES, HIGHWAYS AND OTHER PUBLIC WAYS IN THE TOWNSHIP OF UPPER, CAPE MAY COUNTY, NEW JERSEY, FOR ITS LOCAL AND THROUGH LINES AND OTHER COMMUNICATIONS FACILITIES PRESCRIBING THE CONDITIONS THEREOF.** Motion by John Coggins, second by Richard Palombo, to introduce Ordinance No. 013-2015, with public hearing and final adoption scheduled for November 9, 2015. During roll call vote all three Committeeman present voted in the affirmative.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
ORDINANCE**

**ORDINANCE NO. 013-2015**

**RE: AN ORDINANCE REGULATING THE STATUTORY AUTHORITY OF VERIZON NEW JERSEY INC., ITS SUCCESSORS AND ASSIGNS TO USE THE VARIOUS PUBLIC STREETS, ROADS, AVENUES, HIGHWAYS AND OTHER PUBLIC WAYS IN THE TOWNSHIP OF UPPER, CAPE MAY COUNTY, NEW JERSEY, FOR ITS LOCAL AND THROUGH LINES AND OTHER COMMUNICATIONS FACILITIES PRESCRIBING THE CONDITIONS THEREOF**

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BE IT ORDAINED by the Township Committee of the Township of Upper, Cape May County, New Jersey that:

**SECTION 1.** Chapter 13 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended to add the following Section 13-3:

**13-3 MUNICIPAL CONSENT FOR COMMUNICATIONS FACILITIES.**

13-3.1 Consent

Pursuant to the provisions of N.J.S.A. 48:17-10, N.J.S.A. 48:17-11, and N.J.S.A. 48:17-12, permission and consent is hereby granted to Verizon New Jersey Inc., (the “Company”), its successors and assigns, to install, operate, inspect, maintain, repair, replace and remove its communications facilities and other transmission or process equipment, including underground facilities, such as conduits, manholes, cable, wires, and all other facilities appurtenant thereto, and above-ground facilities, such as cables, wires, antennas, poles, posts, supports, guys, pedestals, cable termination and distribution cabinets and all other facilities appurtenant thereto, in, through, upon, along, over, under, and across all of the various public streets and ways, which include the roads, avenues, right-of-way, sidewalks, highways, bridges, waterways, and other public places, and parts thereof, throughout their entire length, and to effect the necessary street openings and lateral connections to curb poles , property lines and other facilities in the Township of Upper (the “Township”) for said Company’s local and through lines and other communications facilities in connection with the transaction of its business. In the event that any public street or way where the Company has facilities is vacated by the Township, the Township agrees to reserve unto said Company the rights granted the Company by the present Ordinance.

13-3.2 Location

All poles, posts, pedestals, cabinets, or other facilities shall be located and placed back of the curb lines where shown on the official map(s) of the Township the poles and posts, however, shall be located within eighteen (18) inches of the face of such curb line or as may otherwise be mutually agreed by both parties, or at the points or places now occupied by the poles, posts, pedestals, cabinets, or other facilities of the Company, its successors and assigns, and where there are no curb lines, at other convenient points or places in, upon, along, adjacent, or across the public streets and ways as may be mutually agreed upon between the parties.

### 13-3.3 Underground Facilities

The Company may bury its local and through communications facilities such as cables, conduit, manholes and associated equipment, fixtures, process equipment and appurtenances within the right-of-way of the various public streets and ways and at such locations as shall be mutually agreed upon by the parties for said Company's local and through lines and communications facilities. Underground conduits and associated facilities, as aforementioned, shall be placed at least eighteen (18) inches below the surface of said public streets and ways and with the exception of lateral branches to curb poles and property lines and other facilities, the same shall generally not be constructed more than ten (10) feet from the curb line, unless obstructions make it necessary to deviate from such course or unless the parties mutually agree to another location. Manholes shall be located at such points along the line of underground conduits as may be necessary or convenient for placing, maintaining, and operating the facilities, as aforementioned, which the Company may from time to time use in connection with its underground conduit system and shall be so constructed as to conform to the cross-sectional and longitudinal grade of the surface so as not to interfere with the safety or convenience of persons or vehicles.

### 13-3.4 Prior Notice and Permit

Before proceeding with any new construction or relocation work in an area covered by this Ordinance, the Company shall give prior notice in writing thereof to the Township, through its designated representative, of its intention to perform such work. The Company shall obtain such street opening or excavation permits as may be lawfully required by any applicable ordinances regulating such openings or excavations. Notwithstanding any other provisions of this Ordinance, the Company shall install such communication facilities underground when required by Township major subdivision approvals, or site plan approvals, as provided in Section 19-7.8 of the Code or as otherwise required by applicable state law, municipal ordinance or regulation of the New Jersey Board of Public Utilities; provided that Verizon shall not be responsible for the cost of such installation except as expressly provided by the rules and regulations of the said New Jersey Board of Public Utilities. Any such area affected by the Company in constructing its facilities shall be restored to as good condition as it was before the commencement of work thereon. No public streets or ways shall be encumbered for a period longer than shall be reasonable to execute the work.

### 13-3.5 Indemnification

The Company agrees to indemnify and save harmless the Township from and against all claims and liabilities resulting from any injury or damage to the person or property of any person, firm or corporation caused by or arising out of road conditions resulting from any negligent or faulty excavations, installation or maintenance connected with the work or equipment of said Company, and not attributable to the fault or negligence of the Township except that if such injury or damage shall be caused by the joint or concurring negligence or fault of the Company and the Township the same shall be borne by them to the extent of their respective fault or negligence.

### 13-3.6 Establishment of Curb Line

Whenever a curb line shall be established on streets where one does not now exist or where an established curb line shall be relocated in order to widen an existing street in conjunction with road construction being performed by the Township, the Company shall change the location of its above-ground facilities covered by this Ordinance in accordance with applicable law, so that the same shall be back of, and adjacent to, the new curb line so long as the Township has acted in accordance with applicable law and with reasonable care in establishing the new curb line and providing notice thereof.

### 13-3.7 Joint Use

Any company or corporation having legal authority to place its facilities in the public streets and ways of the Township may jointly use the Company's poles, posts, pedestals or other structures for all lawful purposes, provided the Company consents to such use, on terms and conditions acceptable to the Company and not inconsistent with the provisions of the present Ordinance.

### 13-3.8 Municipal Use

The Company shall provide space, to the extent available, on its poles so long as said poles are occupied by the Company and space, to the extent available, in its main conduits existing on the date of passage of this Ordinance, but not exceeding one (1) duct of standard size, for the sole benefit of the Township during the pendency of this Ordinance. Such space shall be provided for the exclusive use of the Township which use shall be limited to accommodating the wires or electrical conductors required for one-way signal control in connection with municipal police patrol, fire alarm signal control and traffic signal control systems only; but for no other uses or purposes, either alone or in conjunction therewith; nor for circuits for the supply of electrical energy for traffic or other signals; nor for wires, conductors, cable or the equivalent which provide a means of transmitting any signal to a private, commercial or residential location, and which is normally provided by a nongovernmental supplier; provided, further, that no such use or attachment by the Township shall interfere with the plant or facilities of or the use thereof by the Company. All costs or expenses incurred by the Company in connection therewith shall be paid by the Township. It shall be the obligation of the Township to attach its wires to the poles or place its electric conductors in the conduits or manholes of the Company, provided that before proceeding with said work, either by itself or by a person, firm or corporation engaged to perform such work, the Township shall give the Company thirty (30) days prior notice in writing. All such work shall be performed under the supervision of said Company. The Township will indemnify and save harmless the Company from and against all claims, liabilities or demands arising in any manner in connection with the Township's wires or facilities or their installation, maintenance, operation or removal, or the Township's use or enjoyment of the Company's plant or facilities provided under this Section 3.8.

### 13-3.9 County or State Jurisdiction

If any or all of the said streets or ways are later taken over by the County of Cape May or the State of New Jersey, such County or State shall have such rights and privileges and be subject to the same terms, conditions and limitations of use as apply herein to the Township provided, however, that satisfactory prior arrangements as may be necessary are made with the Township and the Company for the full protection of the respective interest of each.

### 13-3.10 Township

The term "Township" as used in this Ordinance shall be held to apply to and include any form of municipality or government into which the Township or any part thereof may at any time hereafter be changed, annexed, or merged.

#### 13-3.11 Facilities Covered; Supersede Prior Ordinance

The permission and consent hereby granted shall apply to and cover all communications facilities of the Company existing at any time, and related structures, process equipment, and appurtenances hereto or hereafter erected, constructed, reconstructed, removed, located, relocated, replaced, maintained, repaired, or operated by the Company, its predecessors, successors, or assigns within the Township. This Ordinance shall cancel and supersede all prior consent ordinances between the Township and the Company regarding the subject matter hereof.

#### 13-3.12 Duration of Consent

This Ordinance shall continue in effect for a period of fifty (50) years from the time it becomes operative. The Company shall maintain its property within the Township and shall comply with applicable law for the provision of safe, adequate and proper service at just and reasonable rates, and safeguard the public interest in continuous and uninterrupted service within the Township.

#### 13-3.13 Enforceability

In the event that any provision herein shall for any reason be illegal or unenforceable under applicable law, such illegality or unenforceability shall not affect any other provisions of this Ordinance, and this Ordinance shall be construed as if such illegal or unenforceable provision(s) had never been contained herein.

#### 13-3.14 Payment of Expenses

The Company shall pay the expenses incurred for advertising required in connection with the passage of this Ordinance, after the date of its first reading, within thirty (30) days after the Company has received a bill for said advertising from the publisher. Following final passage of this Ordinance, the Township clerk shall provide the Company with written notice thereof by certified mail. As provided by applicable law, this Ordinance, and any subsequent amendments, shall not become effective until acceptance thereof by the Company and approval thereof by the Board of Public Utilities.

**SECTION 2. CODIFICATION:** This Ordinance shall be codified as indicated in Chapter 13 of the Upper Township Code.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING ON **OCTOBER 13, 2015** AND WILL BE TAKEN UP FOR SECOND READING AND FINAL ADOPTION AT A MEETING OF THE TOWNSHIP COMMITTEE TO BE HELD ON **NOVEMBER 9, 2015** AT 7:30 P.M.

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

**12. Introduction and first reading of Ordinance No. 014-2015 RE: AN ORDINANCE AUTHORIZING SALE OF LANDS, TO WIT BLOCK 330, LOTS 33 AND 34.** Motion by Richard Palombo, second by John Coggins, to introduce Ordinance No. 014-2015, with public hearing and final adoption scheduled

for November 9, 2015. During roll call vote all three Committeeman present voted in the affirmative.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
ORDINANCE**

**ORDINANCE NO. 014-2015**

**RE: AN ORDINANCE AUTHORIZING SALE OF LANDS,  
TO WIT BLOCK 330, LOTS 33 AND 34**

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**WHEREAS**, the Township of Upper is the owner, in fee, of certain parcels of vacant ground located within the Township of Upper, County of Cape May, and State of New Jersey, set forth on the municipal tax map as Block 330, Lots 33 and 34; and

**WHEREAS**, the Township has received an offer from Daniel J. Carter, Jr., (hereinafter “Carter”), the owner of real property contiguous with said parcels owned by the Township, to purchase said parcels; and

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

**WHEREAS**, the Township Committee has determined the minimum bid for such lots is the sum of \$3,000.00, as said amount is the fair market value as determined by an appraisal prepared by Louis A. Bonato dated August 25, 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 330, Lots 33 and 34

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 330, Lots 33 and 34

Minimum Bid: \$3,000.00

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

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

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

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



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

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

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

**IF THE BIDDER IS THE ORIGINAL APPLICANT:**

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

**IF THE BIDDER IS NOT THE ORIGINAL APPLICANT:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION 19:** This Ordinance shall take effect immediately upon final adoption and publication as required by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE **13<sup>th</sup> DAY OF OCTOBER, 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 **9<sup>th</sup> DAY OF NOVEMBER, 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**

- 13. **Upper Township PTO request to hold a Raffle RA-452 at the Upper Township Primary School on November 20, 2015.** Motion by Edward Barr, second by John

Coggins, to approve the request. During roll call vote all three Committeemen present voted in the affirmative.

14. **John James Germanio, Belleplain Land, Inc. request to exchange Block 354 Lots 1, 2, 3, 4 & 5 owned by Belleplain Land, Inc. for Township owned property Block 332 Lots 18, 19, 20 and Block 333 Lots 23 & 24.** Motion by Richard Palombo, second by John Coggins to move forward with the request. During roll call vote all three Committeemen present voted in the affirmative. The Township will obtain an estimate for the appraisals, and if the applicant would like to proceed, the cost of the appraisals will be his responsibility.

## **UNFINISHED BUSINESS**

### **DISCUSSION**

15. **Township Independent Authorities.** In compliance with State Best Practices the Township has met with all four Fire Districts. It was stated that all four Fire Districts are serving the residents effectively, and are operating with full transparency.
16. **New Jersey Best Practices Worksheet CY2015/SFY2016.** CFO Barbara Spiegel reported that the Township scored a 90% on the Best Practices Worksheet. The high score will ensure that the amount of State aid the Township receives will not be reduced.

### **PAYMENT OF BILLS**

17. **“I hereby move that all claims submitted for payment at this meeting be approved and then incorporated in full in the minutes of this meeting.”** Motion by John Coggins, second by Richard Palombo. During roll call vote all three Committeemen present voted in the affirmative.

**Bills approved for payment: \$271,453.91**

**Payroll: \$146,780.02**

### **REPORT OF MUNICIPAL DEPARTMENTS**

18. **Animal Control**
19. **Clerk’s Office**
20. **Construction**
21. **Department of Public Works**
22. **Division of EMS**
23. **Finance Office**
24. **MUA**
25. **Municipal Court**
26. **Tax Assessor**
27. **Tax Collector**
28. **Tax Collector - Affidavit of Tax Sale**
29. **Tax Collector - Certification of Mailing-Added Assessment and Omitted/Added Assessment Taxes for 2015 Final/2016 Preliminary tax bills.**

Motion by Richard Palombo, second by Edward Barr, to accept the reports as submitted. During roll call vote all three Committeemen present voted in the affirmative.

**PUBLIC COMMENT**

**Richard Fellows, Tuckahoe**, praised Township employees Paul Dietrich, Shelley Lea, Edward Kenney, and Eileen McFillin for all of their help through a recent planning and construction project. He stated that they went above and beyond their job description and made the whole process run smoothly. Later, Mr. Fellows spoke briefly regarding the South Jersey Gas pipeline project.

**James Germanio, Belleplain**, questioned what the next step is in his request to exchange land with the Township. The Municipal Attorney stated that the Clerk’s Office will obtain an estimate for the appraisals, and will inform Mr. Germanio as to the amount he will need to place in escrow. Once the appraisals are obtained and both parties agree to go forward, an Ordinance will be drafted that will outline the procedure.

**Nathalie Neiss, Rt 50 Tuckahoe**, voiced her concern and opinions regarding various issues dealing with Municipal Land Use laws, affordable housing development, and the South Jersey Gas pipeline.

**CLOSED SESSION**

30. Resolution to conduct a closed meeting pursuant to N.J.S.A. 10:4-12, from which the public shall be excluded.

**TOWNSHIP OF UPPER  
RESOLUTION NO. 235-2015  
MOTION GOING INTO CLOSED SESSION  
OCTOBER 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:

- Litigation - Upper Township v. Yank and Sansone
- Litigation - Affordable Housing Declaratory Judgment Action
- Contract negotiation - Telephone Services
- Contract negotiation - Collective Bargaining Unit
- Contract negotiation - County Fleet Maintenance
- Contract negotiation - Shared Services - HVAC Inspections
- Personnel

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

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

- B. With respect to 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.
- D. With respect to employment and personnel matters such discussions will be made public if and when formal action is taken or when the individuals involved consent that it can be made public.

Moved by: John Coggins

Motion seconded by: Richard Palombo

During roll vote all three 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 10:50 P.M. The next regular meeting is scheduled for October 26, 2015 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC

**Bill List**

65865 10/13/15 A0018 ACTION SUPPLY INC. 2,938.32 2895  
 65866 10/13/15 A0021 ADAMS, GEORGE E. JR. 99.99 2895  
 65867 10/13/15 A0025 ADVANTAGE RENTAL ACE HARDWARE 747.17 2895  
 65868 10/13/15 A0026 ALERT GRAPHICS 2,595.00 2895  
 65869 10/13/15 A0075 ADAMS, JOSHUA 49.99 2895  
 65870 10/13/15 A0091 ATLANTIC CITY ELECTRIC 10,748.10 2895  
 65871 10/13/15 A0148 ALL HOME RESORT, INC 1,363.20 2895  
 65872 10/13/15 A0168 ATLANTIC CRANKSHAFT 88.00 2895  
 65873 10/13/15 A0175 Adams Rehmann & Haggan Assoc 5,585.00 2895  
 65874 10/13/15 A0191 ACTION UNIFORM CO. LLC 196.00 2895  
 65875 10/13/15 A0193 ATLANTIC INVESTIGATIONS, LLC 805.00 2895  
 65876 10/13/15 A0199 A & C SEPTIC SERVICE LLC 525.00 2895  
 65877 10/13/15 A0200 AMERICAN GENERAL LIFE INS CO. 192.41 2895  
 65878 10/13/15 B0035 BELMONT & CRYSTAL SPRINGS 38.40 2895  
 65879 10/13/15 B0182 BRIGGS LAW OFFICE, P.C. 87.50 2895  
 65880 10/13/15 B0184 BUSHONG, BRIAN 199.96 2895  
 65881 10/13/15 B0228 BACH ASSOCIATES, P.C. 3,442.50 2895  
 65882 10/13/15 C0060 CAPRIONI'S PORTABLE TOILETS 1,592.00 2895  
 65883 10/13/15 C0061 CAPRIONI FAMILY SEPTIC 265.00 2895  
 65884 10/13/15 C0068 COMCAST 614.49 2895  
 65885 10/13/15 C0091 CHISHOLM, JOHN R. 69.99 2895  
 65886 10/13/15 C0116 CINTAS CORPORATION 29.36 2895  
 65887 10/13/15 C0131 CINTAS FIRST AID & SAFETY 61.31 2895  
 65888 10/13/15 C0146 COLLINS IRON WORKS, INC. 35.70 2895  
 65889 10/13/15 C0182 CDW GOVERNMENT, INC 819.73 2895  
 65890 10/13/15 C0202 CRAIG TESTING LABS, INC. 1,225.00 2895  
 65891 10/13/15 C0223 CASA PAYROLL SERVICE 253.35 2895  
 65892 10/13/15 C0230 CATAMARAN MEDIA COMPANY 54.00 2895  
 65893 10/13/15 C0242 CORE MECHANICAL, INC. 823.31 2895  
 65894 10/13/15 C0247 CMRS-FP 2,000.00 2895  
 65895 10/13/15 D0040 DELTA DENTAL OF N.J. INC. 5,716.78 2895

65896 10/13/15 D0080 DOWNAM, HARRY J. JR. 44.14 2895  
65897 10/13/15 D0158 DEAugustine, JOHN 24.20 2895  
65898 10/13/15 D0159 STATE OF NJ DEP 4,000.00 2895  
65899 10/13/15 E0034 ESRI, INC. 1,600.00 2895  
65900 10/13/15 F0013 FARM RITE INC. 4.16 2895  
65901 10/13/15 F0048 LESLIE G. FOGG INC 262.41 2895  
65902 10/13/15 G0016 GARDNER HARDWARE INC. 38.35 2895  
65903 10/13/15 G0028 GENTILINI FORD 325.05 2895  
65904 10/13/15 G0086 W.W. GRAINGER, INC. 231.31 2895  
65905 10/13/15 G0141 GENTILINI CHEVROLET 269.75 2895  
65906 10/13/15 G0147 GREATAMERICA FINANCIAL SVCS. 176.97 2895  
65907 10/13/15 G0157 GRANTURK EQUIPMENT CO., INC. 186.00 2895  
65908 10/13/15 H0018 HAROLD RUBIN L & H SUPPLY 102.24 2895  
65909 10/13/15 H0095 HORIZON BCBSNJ 144,706.01 2895  
65910 10/13/15 H0131 HPI PROCESSES, INC 644.00 2895  
65911 10/13/15 I0007 INTERCON TRUCK EQUIPMENT, INC. 431.34 2895  
65912 10/13/15 J0063 JOHNSON WILSHIRE, INC 473.86 2895  
65913 10/13/15 J0072 JERSEY WEB DESIGNS 2,468.98 2895  
65914 10/13/15 K0086 K D NATIONAL FORCE SECURITY 2,100.00 2895  
65915 10/13/15 L0080 LOWES, INC. 56.40 2895  
65916 10/13/15 M0080 McMANIMON, SCOTLAND & BAUMANN 600.00 2895  
65917 10/13/15 M0188 MCCARTHY TIRE SERVICE OF PHILA 1,007.10 2895  
65918 10/13/15 M0247 MORGAN, SCOTT 34.22 2895  
65919 10/13/15 M0254 MIDWEST ELASTOMERS, INC. 2,721.15 2895  
65920 10/13/15 M0257 MAHONY, JON 25.70 2895  
65921 10/13/15 N0004 NJ-AMERICAN WATER CO. 189.88 2895  
65922 10/13/15 N0043 NAPA AUTO PARTS 909.50 2895  
65923 10/13/15 N0052 NATL YOUTH SPORTS COACHED ASSN 60.00 2895  
65924 10/13/15 N0131 DEFINED CONTRIB RETIRE PROGRAM 147.59 2895  
65925 10/13/15 N0134 NJ Assoc for Floodplain Mangmt 220.00 2895  
65926 10/13/15 N0146 NORTHEAST PRECAST, LLC 17,686.25 2895  
65927 10/13/15 O0005 OFFICE BUSINESS SYSTEMS INC 1,208.72 2895  
65928 10/13/15 O0006 SJSHORE MARKETING,LLC 321.68 2895  
65929 10/13/15 P0008 PALMER, NANCY 52.90 2895  
65930 10/13/15 P0032 PEDRONI FUEL CO. 2,080.75 2895  
65931 10/13/15 P0037 PENN-JERSEY BLDG MTRL CO INC 472.60 2895  
65932 10/13/15 P0056 TURF EQUIPMENT AND SUPPLY CO 2,268.19 2895  
65933 10/13/15 P0156 PALOS SPORTS, INC. 12.80 2895  
65934 10/13/15 Q0003 QC INC. 525.90 2895  
65935 10/13/15 R0030 RIGGINS, INC. 4,033.37 2895  
65936 10/13/15 R0065 ROBERT BROWN TREE SERVICE 800.00 2895  
65937 10/13/15 R0100 ROBERTS OXYGEN COMPANY, INC. 95.75 2895  
65938 10/13/15 S0015 SMYTH, PATRICIA 50.00 2895  
65939 10/13/15 S0020 SUPPLY WORKS 845.50 2895  
65940 10/13/15 S0056 SEASHORE ASPHALT CORPORATION 263.58 2895  
65941 10/13/15 S0121 SMUZ, THERESE A 28.29 2895  
65942 10/13/15 S0126 SPIEGEL, BARBARA 31.05 2895  
65943 10/13/15 S0134 SO. JERSEY GAS COMPANY 223.55 2895  
65944 10/13/15 S0139 SO. JERSEY WATER COND. INC. 165.00 2895  
65945 10/13/15 S0196 STEWART BUSINESS SYSTEMS LLC 48.88 2895  
65946 10/13/15 S0239 SHORE VET. ANIMAL CONTROL LLC 2,450.00 2895  
65947 10/13/15 S0254 SHOPRITE 297.80 2895  
65948 10/13/15 S0279 SPECTROTEL, INC 1,080.22 2895  
65949 10/13/15 S0284 SOUTH JERSEY INTERPRETERS 171.73 2895  
65950 10/13/15 T0067 TOWNSHIP OF UPPER PETTY CASH 68.56 2895  
65951 10/13/15 T0074 TRANSAXLE LLC 325.62 2895  
65952 10/13/15 T0085 TREASURER, STATE OF NEW JERSEY 42.00 2895  
65953 10/13/15 T0168 TOWNSHIP OF UPPER 167.78 2895  
65954 10/13/15 T0169 THE LEVINBOOK LAW FIRM P.C. 2,500.00 2895  
65955 10/13/15 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 2895  
65956 10/13/15 V0001 VCI EMERGENCY VEHICLE 1,769.08 2895  
65957 10/13/15 V0005 VAN EMBDEN, NATHAN, ATTORNEY 1,650.00 2895  
65958 10/13/15 V0013 VERIZON WIRELESS 1,153.66 2895  
65959 10/13/15 V0018 VILLAGE PHARMACY, INC. 540.35 2895  
65960 10/13/15 V0022 VERIZON 189.40 2895  
65961 10/13/15 V0024 VAL-U AUTO PARTS L.L.C. 155.79 2895  
65962 10/13/15 V0025 V.E. RALPH & SON, INC. 451.45 2895  
65963 10/13/15 V0026 VITAL COMPUTER RESOURCES, INC. 100.00 2895  
65964 10/13/15 V0042 VALLEY ENTERPRISE CONTAINER 4,140.00 2895



65965 10/13/15 W0030 WEST PUBLISHING CO. 433.87 2895  
65966 10/13/15 W0038 WILLIAMS, JEREMIAH J. 27.48 2895  
65967 10/13/15 Y0008 YOUNG, DANIEL J. ESQUIRE PC 15,137.50 2895  
65968 10/13/15 Y0012 YOUNG,ROBERT 39.99 2895

Total: 271,453.91