

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR MAY 23, 2016**

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, Municipal Engineer Paul Dietrich, and Chief Financial Officer Barbara Spiegel.

APPROVAL OF MINUTES - May 9, 2016 Regular Meeting and
Closed Session Minutes

Motion by Richard Palombo, second by Edward Barr, to approve the May 9, 2016 Regular Meeting and Closed Session Minutes as submitted. During roll call vote all five Committeemen voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Hobie Young, Committeeman, reported that an event planning meeting will be held on May 24th at 7:00 pm for the 4th of July. He next reported that he attended the Strawberry festival this past weekend which was a huge success.

Edward Barr, Committeeman, thanked all the men and women of the armed forces for keeping our County safe and wished everyone a safe Memorial Day.

Jeffrey Pierson, Committeeman, reported that he and Mr. Cooper recently visited a municipal museum to get an idea of the day to day operations. He next reported that a Memorial Day Ceremony will be held at 9:30 in Osprey Point. A County ceremony will also be held at the Cape May County cemetery at 2:00 pm.

Richard Palombo, Mayor, reported that the beaches will have limited protection for the Memorial Day weekend.

OTHER REPORTS

Barbara Young, Municipal Clerk, reminded everyone that the Township offices will be closed on Monday May 30th for Memorial Day. Trash and recycling will be collected on Monday.

Daniel Young, Municipal Clerk, reported that there are a number of contract negotiation items and a personnel matter for closed session.

RESOLUTIONS

1. Honoring Jeffrey L. Pierson, an Upper Township Committeeman and (retired) Brigadier General United States Army, on receiving an Honorary Doctorate of Letters from the Fairleigh Dickinson University of Teaneck, New Jersey.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 124-2016**

**RE: HONORING JEFFREY L. PIERSON, AN UPPER TOWNSHIP
COMMITTEEMAN AND (RETIRED) BRIGADIER GENERAL UNITED STATES
ARMY, ON RECEIVING AN HONORARY DOCTORATE OF LETTERS FROM THE
FAIRLEIGH DICKINSON UNIVERISTY OF TEANECK, NEW JERSEY**

WHEREAS, Jeffrey L. Pierson, a Fairleigh Dickinson Alumnus and highly respected Upper Township Committeeman who proudly served his country in the United States Army for 42 years and retired as a brigadier general in 2003, recently received an Honorary Doctorate from the Fairleigh Dickinson University of Tea Neck, New Jersey on May 17, 2016; and

WHEREAS, prior to retiring from the Army Jeff served as the Assistant Adjutant General-Army, New Jersey National Guard, New Jersey State Area Command, Fort Dix, New Jersey; and

WHEREAS, Jeff's many duties during his military career included directing, supervising, and coordinating activities for the Army National Guard. Jeff's most notable military assignments included Chief of Staff, Headquarters, New Jersey State Area Command; Director, Military Personnel; Mobilization and Readiness Officer; G-3, 50th Armored Division and Executive Officer, 50th Armored Division Artillery; and

WHEREAS, throughout his career Jeff received numerous military and civilian awards, decorations, and honors including the Legion of Merit award for exceptional service in the U.S. Army; and

WHEREAS, Jeff continues to remain involved serving his community in many ways including serving the Township as an Upper Township Committeeman, working for the Cape May County Veterans Bureau, and volunteering his time as a member of the Marmora Volunteer Fire Department; and

WHEREAS, Jeff's lifetime accomplishments, extraordinary leadership, and service to his country and community is an inspiration for all citizens; 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, this Township Committee on behalf of all citizens of Upper Township we do hereby extend to Jeffrey L. Pierson, our congratulations on being selected as the recipient of the Honorary Doctorate of Letters by the Fairleigh Dickinson University and offer our heartfelt thanks and gratitude for his generous leadership, notable contributions, and donation of time and service to this community and country.

Resolution No. 124-2016
 Offered by: Palombo Secoded by: Barr
 Adopted: May 23, 2016

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

2. Congratulating employee Patricia Smyth of the Upper Township Tax Office for her winning entry in the Upper Township Safety Award Program for the 2nd Quarter of 2016.

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

RESOLUTION NO.125-2016

RE: CONGRATULATING EMPLOYEE PATRICIA SMYTH OF THE UPPER TOWNSHIP TAX OFFICE FOR HER WINNING ENTRY IN THE UPPER TOWNSHIP SAFETY AWARD PROGRAM FOR THE 2ND QUARTER OF 2016

WHEREAS, employee Patricia Smyth, is recognized for her efforts to promote safety for her fellow employees and residents of the Township through her participation in the Upper Township Safety Award Program with the submission of a safety suggestion; and

WHEREAS, Patricia's safety suggestion was chosen by the Upper Township Safety Committee from the entries submitted in the second quarter for the promotion of safety for employees and the community; and

WHEREAS, Patricia should be publicly recognized for reporting a dead tree along Tuckahoe Road leaning on wires toward the road; and

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

1. That the Committee extends its appreciation and publicly recognizes Patricia Smyth on her commitment to safety by identifying a potential safety hazard and offering a suggestion through participation in the program.
2. That the Committee, on behalf of our employees and the citizens of the Township of Upper, extend to Patricia Smyth our congratulations and present her with the "Safety Day Award" of one day off with pay.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper the 23rd day of May, 2016.

Resolution No. 125-2016

Offered by: Young

Seconded by: Pierson

Adopted: May 23, 2016

Roll Call Vote:

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

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

3. Appointing the 2016 Season Beach Patrol Personnel.

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

RESOLUTION NO. 126-2016

RE: APPOINTING THE 2016 SEASON BEACH PATROL PERSONNEL

WHEREAS, the individuals hereinafter named have been determined to possess the requisite skills, training and are otherwise eligible for appointment to the position of lifeguard; 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 following individuals are appointed as lifeguards in the Township of Upper at a salary as stated below in accordance with the Salary Ordinance:

LIEUTENANTS

WILLIAM STULL	\$18.50 per hour
JOSEPH O'NEIL	\$18.50 per hour
JOE LAROSA, III	\$18.50 per hour

SENIOR GUARDS

BLAKE BOFFA	\$15.25 per hour
JAMES DUGAN	\$15.25 per hour
KELLY McHALE	\$15.25 per hour

RETURNING GUARDS

GAIGE BOBBITT	\$13.20 per hour
BRUCKNER CHASE, III	\$13.20 per hour
JACOB DAVIS	\$12.50 per hour
WILLIAM DOONER	\$13.50 per hour
AMANDA ELLER	\$13.50 per hour

RYAN FISHER	\$13.20 per hour
ABIGAIL FREITAG	\$13.50 per hour
JAMES GIBBONS	\$13.50 per hour
KEVIN GILL	\$13.20 per hour
GRIFFIN GRIMES	\$13.50 per hour
ANSON HADLEY	\$13.50 per hour
KRISTI HENNESSY	\$13.50 per hour
AARON HOLIBAUGH	\$13.20 per hour
JOSEPH LAROSA, JR.	\$13.50 per hour
WAYNE MacMURRAY	\$13.50 per hour
WILLIAM MASSEY	\$13.50 per hour
DAVID NEVILLE	\$13.50 per hour
DANIEL PALOMBO	\$13.50 per hour
SAMUEL PALOMBO	\$13.50 per hour
SPENSER POPESON	\$13.50 per hour
KYLE RUMAKER	\$12.50 per hour
IAN STEELE	\$12.50 per hour
MEREDITH STEELE	\$12.50 per hour
COLIN STEWART	\$13.20 per hour
RODNEY TICE	\$13.50 per hour
GREGORY VAN GILDER	\$13.50 per hour

Resolution No. 126-2016

Offered by: Coggins Seconded by: Barr

Adopted: May 23, 2016

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> </u>	<u> </u>	<u> X </u>	<u> </u>

4. Authorizing the Engineer to prepare specifications and solicit bids for the Reconstruction of Bayview Drive Boat Ramp.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 127-2016

**RE: AUTHORIZING THE ENGINEER TO PREPARE SPECIFICATIONS
AND SOLICIT BIDS FOR THE RECONSTRUCTION OF
BAYVIEW DRIVE BOAT RAMP**

WHEREAS, the Township Committee of the Township of Upper has determined a need to reconstruct the Bayview Drive boat ramp; and

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Engineer is hereby authorized and directed to prepare

specifications, bid documents and solicit bids for the following project:

RECONSTRUCTION OF BAYVIEW DRIVE BOAT RAMP

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

Resolution No. 127-2016

Offered by: Coggins

Seconded by: Pierson

Adopted: May 23, 2016

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>	_____	_____	_____

5. Tax Refund Block 453, Lot 307.12.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION

RESOLUTION NO. 128 -2016

TAX REFUND
BLOCK 453 LOT 307.12

WHEREAS, certain corrections have been recommended by the Upper Township Tax Collector in order to refund monies; and

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that corrections to the

Tax records are hereby authorized and the Tax Collector is hereby directed to correct said records or take such action as indicated on the attached sheet.

Resolution No. 128-2016
 Offered by: Coggins Seconded by: Pierson
 Adopted: May 23, 2016

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>	_____	_____	_____

REFUND 2016

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
453/307.12	\$1,637.53	John & Danielle Gosner 22 Ashcroft Ave Seaville, NJ 08230

2nd Quarter property taxes where paid by Title Co. & Mortgage Co.

6. Refund EMS ambulance billing overpayment to United Healthcare Insurance Company.

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

RESOLUTION NO. 129 -2016

**RE: REFUND EMS AMBULANCE BILLING OVERPAYMENT
 TO UNITEDHEALTHCARE INSURANCE COMPANY**

WHEREAS, an overpayment has occurred in the account of an EMS ambulance billing patient, where the monies sent to the Township of Upper by UnitedHealthcare Insurance Company were in excess as evidenced by the attached copy of a letter attached hereto as Exhibit A.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that a refund is hereby authorized and the Chief Financial Officer is hereby directed to refund monies as indicated below:

<u>AMOUNT</u>	<u>NAME</u>
\$88.85	Attn: MSC 410836 P.O. Box 415000 Nashville, TN 37241-0836

Resolution No. 129-2016
 Offered by: Pierson Seconded by: Barr
 Adopted: May 23, 2016

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. Chapter 159 Resolution for the insertion of a special item of revenue into the 2016 budget that was not determined at the time of the adoption of the budget—State of New Jersey 2016 Clean Communities Grant in the amount of \$44,616.66.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 RESOLUTION
 RESOLUTION NO. 130-2016**

RE: CHAPTER 159 RESOLUTION FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE INTO THE 2016 BUDGET THAT WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET—STATE OF NEW JERSEY 2016 CLEAN COMMUNITIES GRANT IN THE AMOUNT OF \$44,616.66

WHEREAS, N.J.S. 40A-87 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY WHEN SUCH ITEM SHALL HAVE BEEN MADE AVAILABLE BY LAW AND THE AMOUNT THEREOF WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET; AND

WHEREAS, SAID DIRECTOR MAY ALSO APPROVE THE INSERTION OF AN ITEM OF APPROPRIATION FOR AN EQUAL AMOUNT; AND

WHEREAS, THE TOWNSHIP OF UPPER WILL RECEIVE AN AMOUNT OF \$44,616.66 FROM THE STATE OF NEW JERSEY 2016 CLEAN COMMUNITIES GRANT PROGRAM AND WISHES TO AMEND ITS 2016 BUDGET TO INCLUDE THIS AMOUNT AS A REVENUE.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HEREBY REQUESTS THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES APPROVE THE INSERTION OF AN ADDITIONAL ITEM OF REVENUE IN THE BUDGET OF THE YEAR 2016 IN THE SUM OF \$44,616.66, WHICH IS NOW AVAILABLE AS A REVENUE FROM:

**REVENUE: STATE & FEDERAL REVENUE OFFSET WITH APPROPRIATIONS:
2016 CLEAN COMMUNITIES GRANT PROGRAM, AND**

BE IT FURTHER RESOLVED THAT A LIKE SUM OF \$44,616.66 BE AND THE SAME IS HEREBY APPROPRIATED UNDER THE CAPTION OF:

**APPROPRIATION: STATE AND FEDERAL PROGRAMS OFFSET BY REVENUE:
2016 CLEAN COMMUNITIES GRANT PROGRAM, AND**

BE IT FURTHER RESOLVED, THAT THE TOWNSHIP CLERK FORWARD TWO COPIES OF THIS RESOLUTION TO THE DIRECTOR OF LOCAL GOVERNMENT SERVICES.

Resolution No.130-2016

Offered by: Young

Seconded by: Coggins

Adopted: May 23, 2016

Roll Call Vote:

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

8. Appointing Brandon L. Smith, Scott T. Mensinger, and Shelbie M. Fahy as part-time employees to the Upper Township Division of Emergency Medical Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 131-2016

RE: APPOINTING BRANDON L. SMITH, SCOTT T. MENSINGER AND SHELBY M. FAHY AS PART-TIME EMPLOYEES TO THE UPPER TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES

WHEREAS, a need exists to appoint qualified personnel as a part-time employees to the Upper Township Division of Emergency Medical Services to insure optimal operation; and

WHEREAS, a recommendation has been made to the Township Committee and duly considered at the meeting of May 9, 2016; and

WHEREAS, these individuals' appointments are conditioned upon successful completion of a background check, drug and alcohol testing, and Civil Service review; and

WHEREAS, this Resolution is intended to ratify the action heretofore taken.

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. Brandon L. Smith, Scott T. Mensinger and Shelbie M. Fahy are hereby conditionally appointed as members of the Division of Emergency Medical Services in a part-time position at a rate of \$14.00 per hour in accordance with the Salary Ordinance.
3. This Resolution ratifies, confirms and approves action taken by the Township Committee, by motion, at the meeting of May 9, 2016.

Resolution No. 131-2016
Offered by: Barr
Adopted: May 23, 2016

Seconded by: Pierson

Roll Call Vote:

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

9. Authorizing the Amateur Athletic Union of the United States, Inc. and the NJ Tar Heels "War at the Shore" event to be held at the Upper Township Community Center on June 25th and 26th, 2016.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 132-2016

RE: AUTHORIZING THE AMATEUR ATHLETIC UNION OF THE UNITED STATES, INC. AND THE NJ TAR HEELS “WAR AT THE SHORE” EVENT TO BE HELD AT THE UPPER TOWNSHIP COMMUNITY CENTER ON JUNE 25th AND 26th, 2016

WHEREAS, the Amateur Athletic Union of the United States, Inc. (AAU) by and through NJ Tar Heels, a sanctioned affiliate of the AAU, and Ray Rose, jointly and severally, have submitted a proposal to the Upper Township Committee requesting authority to hold a “War at the Shore” basketball tournament at the Upper Township Community Center on June 25th and 26th, 2016, as indicated in their Application for Use of Facilities attached hereto as Exhibit A; and

WHEREAS, the proposed event is sanctioned and insured by the Amateur Athletic Union of the United States, Inc., and a copy of the insurance certificate is attached hereto as Exhibit “B”; and

WHEREAS, a fully executed Event Supervisor Agreement, which certifies compliance with the rules and regulations as established in Chapter XXVI of the Code of Upper Township, has been received and is attached hereto as Exhibit “C”; and

WHEREAS, Ray Rose has certified that those having unsupervised direct contact with minor children have undergone a successful criminal history record background check pursuant to N.J.S.A. 15A:3a-1., and said certification is attached hereto as Exhibit “D”; and

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

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

2. The Township Committee does hereby grant approval to the Amateur Athletic Union of the United States, Inc. and Ray Rose to hold the “War at the Shore” basketball tournament at the Upper Township Community Center on June 25th and 26th , 2016 as specified in this Resolution and in the accompanying Exhibits subject to and conditioned upon the following:

(A) The event described in this Resolution is carried out by the Amateur Athletic Union of the United States, Inc. (AAU) and Ray Rose. These sponsors have no connection, direct or indirect, with the Township of Upper or any of its officials or employees. These sponsors shall not, in any way, directly or indirectly, represent that the event is, in any way, associated with or affiliated with the Township of Upper and shall make clear that the event is carried out with all appropriate governmental and other approvals. Although the Township of Upper has given permission, subject to the terms of this Resolution, to these event sponsors to conduct the proposed event, it must be made clear that the event is not and shall not be considered a Township of Upper sponsored or sanctioned event.

(B) The Amateur Athletic Union of the United States, Inc. has provided general comprehensive liability insurance in form and substance satisfactory to the Township of Upper’s Risk Management Consultant. A Certificate of Insurance has been provided to the Township Clerk, and

the Risk Management Consultant of the Township of Upper has approved said Certificate of Insurance. Said Certificate of Insurance names the Township of Upper, its officials, officers and employees, as an additional insured.

(C) The sponsors have obtained or will obtain written approval from and comply with all conditions imposed by the following entities:

(i) the Risk Management Consultant of the Township of Upper.

(ii) the New Jersey State Police.

(iii) the Upper Township Rescue Squad.

The sponsors must provide written authorization from the above entities, including any conditions required of said entities, to the Township Clerk at least seven days prior to the event.

(D) The Amateur Athletic Union of the United States, Inc. (AAU) and Ray Rose have provided a Use of Facilities Agreement and an Indemnification and Hold Harmless Agreement in favor of the Township of Upper, its officials, officers and employees in the form attached hereto as Exhibit "E".

(E) The sponsors shall remit to the Township, before the event, the appropriate fee in accordance with Chapter XXVI of the Code of Upper Township. This fee shall include the hourly fee for use of the Community Center,

as well as the fee equal to the costs of Township personnel, services, or materials required for the event, which shall be determined by the Township.

(F) The approval granted herein is subject to all conditions and stipulations as may be recommended or imposed by the Township’s Risk Management Consultant or Insurance Representatives. The Township may revoke this approval if the Event Sponsors fail to comply with any said condition or recommendation or any other condition of this Resolution.

(G) Pursuant to correspondence from Lt. Doug Pearson of the New Jersey State Police dated May 10, 2016, the event is limited to a maximum of 50 people at the Community Center at any one time.

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. 132-2016
 Offered by: Barr
 Adopted: May 23, 2016

Seconded by: Pierson

Roll Call Vote:

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

10. Authorizing the purchase of certain items from the 2016 Capital Improvement Bond Ordinance and the 2016 Beach Patrol Operating Expenses budgetary line.

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

RESOLUTION NO. 133-2016

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS FROM THE
2016 CAPITAL IMPROVEMENT BOND ORDINANCE AND
THE 2016 BEACH PATROL OPERATING EXPENSES BUDGETARY LINE**

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

WHEREAS, the Township Committee adopted the 2016 Capital Improvement Bond Ordinance 08-2016 on April 25, 2016; and

WHEREAS, the Township's QPA has reviewed and approved the quotes for the five lifeguard stands from Heritage Towers, Inc. and a Stainless Steel Dump Body from H.A. DeHart & Son listed on Exhibit A; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of the acquisition with H.A. DeHart & Son for the year 2016 will exceed \$17,500; and

WHEREAS, H.A. DeHart & Son has completed and submitted a Business Entity Disclosure Certification which certifies that H.A. DeHart & Son have 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 H.A. DeHart & Son from making any reportable contributions through the term of the contract.

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 amount of \$31,630.00 from the 2016 Capital Improvement Bond and the 2016 Beach Patrol Operating Expenses budgetary line.

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.133-2016

Offered by: Coggins Seconded by: Young

Adopted: May 23, 2016

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>

ORDINANCES

11. Public hearing and final adoption of Ordinance No. 009-2016 RE: AN ORDINANCE AUTHORIZING THE GRANT OF AN EASEMENT FROM THE TOWNSHIP OF UPPER TO AN ADJACENT LAND OWNER. During the public hearing portion Nathalie Neiss, Rt 50 Petersburg, inquired if the property will be able to be used for a business. It was stated that this property is part of the Township's Affordable Housing Market to Affordable Program, and will be deed restricted as an affordable housing residential unit. There were no more speakers and the public hearing was then closed. Motion by Jeffrey Pierson, second by John Coggins, to adopt Ordinance 009-2016. 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. 009-2016

RE: AN ORDINANCE AUTHORIZING THE GRANT OF AN EASEMENT FROM THE TOWNSHIP OF UPPER TO AN ADJACENT LAND OWNER

WHEREAS, the Township of Upper is the owner, in fee, of a certain parcel of land located within the Township of Upper, County of Cape May and State of New Jersey and known as Block 350, Lot 11 on the current municipal tax map; and

WHEREAS, the Township received a request from Housing Opportunities Corporation, a New Jersey corporation, owner of Block 350, Lot 9 on the current municipal tax map, for an easement over a portion of Lot 11 to rectify an encroachment of approximately one and a half foot of a barn which has existed for decades; and

WHEREAS, Housing Opportunities Corporation, is a subsidiary of Triad Advisory Associates, Inc., the consultant and administrator for the Township with regard to the Township's Market To Affordable Program and Housing Opportunities Corporation purchased Lot 9 pursuant to this program; and

WHEREAS, after discussion and deliberation, the Township Committee is of the opinion that the grant of this easement will be in the best interest of the Township and its Market to Affordable Program; and

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

SECTION 1: Subject to the provisions hereafter set forth, the Township of Upper is authorized to grant, to the only contiguous owner, Housing Opportunities Corporation, in accordance with N.J.S.A. 40A:12-13(b), an easement over lands owned by it more particularly described as follows:

The Township easement to be conveyed to Housing Opportunities Corporation is over the following land:

An easement over Block 350 Lot 11 on the current municipal tax map more particularly described as follows:

BEGINNING at a point which is 13' North 15 degrees 30 minutes 00 seconds West of the Southwesterly property corner of Lot 9 Block 350 being the common property corner with Lot 8 Block 350; and extending thence;

1. South 74 degrees 30 minutes 00 seconds West, across Lot 11 Block 350 a distance of 2.00 feet to a point; thence
2. North 15 degrees 30 minutes 00 seconds West, through Lot 11 Block 350 a distance of 36.00 feet, a point; thence
3. North 74 degrees 30 minutes 00 seconds East, across Lot 11 Block 350 a distance of 2.00 feet to a point in the division line of Lots 9 and 11 Block 350; thence
4. South 15 degrees 30 minutes 00 seconds East, along said Southwesterly line of Lot 9 a distance of 36.00 feet, a point, to the POINT OF BEGINNING.

SECTION 2: The grant of the easement authorized in Section 1 hereof is expressly conditioned and contingent upon the following:

- (A) The sole purpose of the easement is to permit the current encroachment of the building on Lot 9 onto Lot 11.
- (B) In the event the building encroaching upon Lot 11 is damaged or destroyed, by any means, to the extent of more than seventy-five percent (75%) of the cost of replacement of the structure new the easement shall terminate and be of no further force and effect.
- (C) No consideration is due from the Housing Opportunities Corporation for the grant of this easement. The easement is in furtherance of the affordable

housing programs of the Township of Upper and the subject building has encroached upon the Township land for decades.

SECTION 3: EFFECTIVE DATE: This Ordinance shall take effect 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 **25th DAY OF APRIL, 2016** 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 **23rd DAY OF MAY, 2016** 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

12. Upper Township School District 2016/17 Summer Project Request. **Motion by Hobie Young, second by Edward Barr to table until next meeting for more information. During roll call vote all five Committeemen voted in the affirmative.**
13. Girl Scout Troop #44475 and Troop Leader Casi Pettit request use of the Upper Township Community Center to hold skate nights on June 18th, July 30th and August 19th. **Motion by Richard Palombo, second by John Coggins to approve the request. During roll call vote four Committeemen voted in the affirmative. Hobie Young abstained.**

UNFINISHED BUSINESS

DISCUSSION

14. **Upper Township Zoning Board Annual Report and recommendations for Zoning Ordinance revisions.** The Municipal Attorney reported that pursuant to statute the Zoning Board annually reviews its applications and decisions from the past year and issues a recommendation regarding any changes to the Zoning Ordinance they feel should be addressed. He stated that there are a number of items in the report and typically the Township requests that the Planning Board review the recommendations and offer their guidance with respect to any changes. However, a matter of immediate concern, is the problem along Route 50 where existing buildable lots were rezoned from the Residential Zone to an Agricultural and Rural Density Residential Zone. Motion by Hobie Young, second by Richard Palombo, to request the Planning Board review the Zoning Board report and make recommendations to the Township Committee and to direct the Municipal Clerk to request that the Planning Board fast track addressing the Route 50 issue rather than including it in a general review of the Master Plan and Zoning Ordinance. During roll call vote all five Committeemen voted in the affirmative.

PAYMENT OF BILLS

15. "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 Jeffrey Pierson. During roll call vote all five Committeemen voted in the affirmative.

Bills approved for payment: \$598,894.71
Payroll: \$155,945.01

REPORT OF MUNICIPAL DEPARTMENTS

- 16. Municipal Court
- 17. Finance
- 18. Animal Control
- 19. MUA Report

Motion by Richard Palombo, second by John Coggins, to accept the reports as submitted. During roll call vote all five Committeemen voted in the affirmative. Copies of the reports are available in the Clerk's Office.

PUBLIC COMMENT

Nathalie Neiss, Rt 50 Petersburg, submitted a letter to the Committee along with a copy of a recent OPRA request. She next stated that the property across from her has a vehicle parked along the grass close to the road with a business logo on the side. She inquired if there are any restrictions for parking a vehicle along the road on private property to advertise a business. It was stated that the vehicle in question is probably being sold and that is why it is parked close to the road. Ms. Neiss was directed to talk with the Code Enforcement Officer.

Mike Jones, Marshallville Rd, stated that the vehicle Ms. Neiss was inquiring about is indeed for sale.

CLOSED SESSION

20. 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. 134-2016
MOTION GOING INTO CLOSED SESSION
May 23, 2016**

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:

- Contract negotiation - Jersey Web Design
- Contract negotiation - Collective Bargaining Unit
- Contract negotiation - Cape May County Lease
- Contract negotiation - Shared Services Agreement with Upper Township Board of Education
- 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 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:

Motion seconded by:

During roll vote all five Committee members voted in the affirmative

RECONVENE PUBLIC PORTION OF MEETING

Action may be taken on Closed Session items.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:23 P.M., with a motion by John Coggins, second by Jeffrey Pierson, to adjourn with all five members voting in the affirmative. The next regular meeting is scheduled for June 13, 2016 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC

Bill List

67149 05/23/16 A0018 ACTION SUPPLY INC. 123.40 2924
67150 05/23/16 A0035 AIRLINE HYDRAULIC CORP. 1,126.94 2924
67151 05/23/16 A0091 ATLANTIC CITY ELECTRIC 1,893.24 2924
67152 05/23/16 A0125 AVALON WEED & INSECT CONTROL 995.00 2924
67153 05/23/16 A0134 ANSELL GRIMM & AARON, PC 157.50 2924
67154 05/23/16 A0191 ACTION UNIFORM CO. LLC 360.00 2924
67155 05/23/16 A0193 ATLANTIC INVESTIGATIONS, LLC 1,782.00 2924
67156 05/23/16 A0207 Argento, Dawn E. 44.20 2924
67157 05/23/16 B0035 BELMONT & CRYSTAL SPRINGS 53.55 2924
67158 05/23/16 B0148 AMERIGAS GAS 300.71 2924
67159 05/23/16 B0231 BARKER, GELFAND & JAMES, PC 1,220.50 2924
67160 05/23/16 B0235 BLANEY & KARAVAN, P.C. 5,294.36 2924
67161 05/23/16 C0019 CITY OF OCEAN CITY 61,771.25 2924
67162 05/23/16 C0048 CAPE MAY COUNTY MUA 34,834.67 2924
67163 05/23/16 C0055 CAPE MAY COUNTY HEALTH DEPT. 100.00 2924
67164 05/23/16 C0060 CAPRIONI'S PORTABLE TOILETS 1,590.50 2924
67165 05/23/16 C0068 COMCAST 410.70 2924
67166 05/23/16 C0131 CINTAS FIRST AID & SAFETY 67.47 2924
67167 05/23/16 C0146 COLLINS IRON WORKS, INC. 85.14 2924
67168 05/23/16 C0171 COLONIAL ELECTRIC SUPPLY CO. 14.04 2924
67169 05/23/16 C0201 CRUZAN'S TRUCK SERVICE INC. 144.71 2924
67170 05/23/16 C0223 CASA PAYROLL SERVICE 241.85 2924
67171 05/23/16 C0246 CRAFT OIL CORPORATION 567.91 2924
67172 05/23/16 C0280 CAPE MAY COUNTY HEALTH DEPT. 100.00 2924
67173 05/23/16 D0040 DELTA DENTAL OF N.J. INC. 5,338.43 2924
67174 05/23/16 E0063 ENDICOTT, MICHAEL A 44.20 2924
67175 05/23/16 F0013 FARM RITE INC. 198.48 2924
67176 05/23/16 G0028 GENTILINI FORD 108.06 2924
67177 05/23/16 G0074 GPA OF NEW JERSEY, INC. 100.00 2924
67178 05/23/16 G0086 W.W. GRAINGER, INC. 229.94 2924
67179 05/23/16 G0092 GRUND, BARBARA J. 108.62 2924
67180 05/23/16 G0141 GENTILINI CHEVROLET 125.56 2924
67181 05/23/16 G0157 GRANTURK EQUIPMENT CO., INC. 176.38 2924
67182 05/23/16 G0169 GROFF TRACTOR NEW JERSEY LLC 3,199.57 2924
67183 05/23/16 H0018 HAROLD RUBIN L & H SUPPLY 227.40 2924
67184 05/23/16 H0073 HOME DEPOT CRC/GECF 528.85 2924
67185 05/23/16 H0135 HANSON AGGREGATES, INC. 678.18 2924
67186 05/23/16 H0168 Hart Theresa 44.20 2924
67187 05/23/16 H0169 Hemby John M. 44.20 2924
67188 05/23/16 I0041 POWERDMS, INC. 5,964.00 2924
67189 05/23/16 J0040 JOHNSON & TOWERS, INC. 2,141.29 2924
67190 05/23/16 J0072 JERSEY WEB DESIGNS 1,940.00 2924
67191 05/23/16 J0077 Jackson Anthony 44.20 2924
67192 05/23/16 L0007 LC EQUIPMENT, INC. 303.50 2924
67193 05/23/16 L0081 THE LOMAX CONSULTING GROUP 125.00 2924
67194 05/23/16 L0118 LUCKY DOG CUSTOM APPAREL 5,235.00 2924
67195 05/23/16 M0035 MARMORA FIRE CO. DISTRICT #3 138,916.25 2924
67196 05/23/16 M0131 MULFORD, SHAWNA 621.58 2924
67197 05/23/16 M0188 MCCARTHY TIRE SERVICE OF PHILA 8,758.86 2924
67198 05/23/16 M0252 MCAGC 65.00 2924
67199 05/23/16 N0052 NATL YOUTH SPORTS COACHED ASSN 2,065.00 2924

67200 05/23/16 N0131 DEFINED CONTRIB RETIRE PROGRAM 203.92 2924
67201 05/23/16 N0141 NETCARRIER TELECOM, INC. 1,918.02 2924
67202 05/23/16 O0006 SJSHORE MARKETING,LLC 89.03 2924
67203 05/23/16 O0012 OCEAN CITY BD. OF EDUCATION 389.63 2924
67204 05/23/16 P0032 PEDRONI FUEL CO. 1,540.54 2924
67205 05/23/16 P0050 PARSIO, ANTHONY 195.39 2924
67206 05/23/16 P0056 TURF EQUIPMENT AND SUPPLY CO 1,775.82 2924
67207 05/23/16 P0131 360 BUSINESS SOLUTIONS 220.00 2924
67208 05/23/16 P0140 PIONEER MANUFACTURING CO, INC 3,738.00 2924
67209 05/23/16 P0163 Pero Kenneth E. 44.20 2924
67210 05/23/16 P0164 Pineo, Becky 24.20 2924
67211 05/23/16 R0030 RIGGINS, INC. 3,211.25 2924
67212 05/23/16 R0100 ROBERTS OXYGEN COMPANY, INC. 112.20 2924
67213 05/23/16 R0112 Rodriguez, Jane K. 24.20 2924
67214 05/23/16 S0015 SMYTH, PATRICIA 39.10 2924
67215 05/23/16 S0020 SUPPLY WORKS 865.00 2924
67216 05/23/16 S0031 SCHULER SECURITY, INC. 75.00 2924
67217 05/23/16 S0065 SEAVILLE FIRE CO. DISTRICT #4 133,062.50 2924
67218 05/23/16 S0113 SMITH,THOMAS G. 770.00 2924
67219 05/23/16 S0121 SMUZ, THERESE A 13.82 2924
67220 05/23/16 S0134 SO. JERSEY GAS COMPANY 675.75 2924
67221 05/23/16 S0153 STERICYCLE, INC. 171.08 2924
67222 05/23/16 S0191 STRATHMERE FIRE CO.DISTRICT #1 20,480.50 2924
67223 05/23/16 S0239 SHORE VET. ANIMAL CONTROL LLC 2,400.00 2924
67224 05/23/16 S0253 SAMPLE MEDIA, INC. 480.00 2924
67225 05/23/16 S0270 HOFFMAN SERVICES, INC 360.00 2924
67226 05/23/16 S0297 SOUTH JERSEY MAGIC 450.00 2924
67227 05/23/16 T0080 TREASURER STATE OF N.J. 30.00 2924
67228 05/23/16 T0117 TUCKAHOE FIRE DISTRICT #2 121,700.00 2924
67229 05/23/16 T0183 THIRD DIMENSION SPECIALTIES 2,612.25 2924
67230 05/23/16 T0184 TREASURER, STATE OF NEW JERSEY 850.00 2924
67231 05/23/16 T0185 TREASURER, STATE OF NEW JERSEY 850.00 2924
67232 05/23/16 V0005 VAN EMBDEN, NATHAN, ATTORNEY 750.00 2924
67233 05/23/16 V0022 VERIZON 194.28 2924
67234 05/23/16 V0024 VAL-U AUTO PARTS L.L.C. 45.75 2924
67235 05/23/16 W0050 WIRELESS ELECTRONICS, INC. 7,163.75 2924
67236 05/23/16 W0087 W.B. MASON 95.74 2924
67237 05/23/16 X0008 XEROX FINANCIAL SERVICES 662.40 2924

Total: 598,894.71