

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR MARCH 7, 2016**

REGULAR MEETING OF THE TOWNSHIP COMMITTEE –7:30 P.M.

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

After the flag salute, Mayor Palombo requested a moment of silence to commemorate the life of Alice Teal.

ROLL CALL

Edward Barr	Present
John Coggins	Present
Jeffrey Pierson	Present
Hobart Young	Present
Richard Palombo	Present

Also present were Municipal Clerk Barbara Young, Municipal Attorney Daniel Young, Chief Financial Officer Barbara Spiegel, and Municipal Engineer Paul Dietrich.

APPROVAL OF MINUTES - February 22, 2016 Budget Workshop, Regular Meeting, and Closed Session Minutes

REPORT OF GOVERNING BODY MEMBERS

John Coggins, Committeeman, reported that the Township is on schedule to introduce the 2016 budget at the next Committee meeting on March 21st.

Hobie Young, Committeeman, gave a brief update on the progress at Amanda’s Field baseball fields. He next reported that the Spring Fling/Easter Egg Hunt will be held on March 19th at Amanda’s Field beginning at 1:00 pm. They are looking for volunteers to help stuff Easter eggs. Last, he reported that the property adjacent to Amanda’s Field is still for sale. He inquired what is needed in order to proceed with requesting the County to purchase the property and incorporating it into the Township’s Open Space lease. The Municipal Engineer stated that he needs a letter from the property owner stating that they wish to enter into the Open Space program. It was requested that Mr. Dietrich draw up a draft of the letter to help the property owner and move the process along.

Jeffrey Pierson, Committeeman, reported that he recently attended a monthly meeting with the Fire Chiefs where the topic of discussion was preparation for the Fourth of July events. He next reported that the Strathmere Fire Company has requested the Township submit a

letter to the Cape May County Freeholders acknowledging the Strathmere Fire Company’s request to close a portion of Commonwealth Avenue for the Fourth of July Parade. Motion by Jeffrey Pierson, second by Edward Barr, to authorize the Clerk to send the letter. During roll call vote all five Committeemen voted in the affirmative.

Richard Palombo, Mayor, reported that the New Jersey State Police will be having a medicine disposal drop off at the Acme Shopping Center in Ocean View on Thursday March 17th from 10:00 am to noon. He encourage all residents to take advantage of the program. Last he reported that there have been a few complaints from residents regarding door to door solicitation. He stated that the Township does have an ordinance prohibiting such activities, and encouraged residents to report any door to door solicitation to the State Police.

OTHER REPORTS

Barbara Young, Municipal Clerk, requested approval for the Parish of St. Maximillian Kolbe to use the Strathmere Beach for an Easter sunrise service. The church has submitted an application and is in compliance with all facility use requirements. It was stated for the record that three of the Committee members, as well as the Municipal Attorney, are members of this church. Motion by John Coggins, second by Jeffrey Pierson, to approve the request. During roll call vote all five Committeemen voted in the affirmative.

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

Paul Dietrich, Municipal Engineer, gave a brief update on the Parkway Bridge project and the Rt 50 Tuckahoe River Bridge project. Both projects will be continuing into the summer months. There have been requests from residents regarding more signage, and the DOT has been responsive. It was suggested that signs informing travelers of the construction and designating an alternate route be placed on the Atlantic City Expressway and Route 55 to help alleviate some of the traffic issues in Tuckahoe. Mayor Palombo requested that a meeting be held with the DOT in April.

Barbara Spiegel, Chief Financial Officer, reported on a request from the Deputy Emergency Management Coordinator to attend a three day Emergency Management conference in Atlantic City. Motion by Richard Palombo, second by Jeffrey Pierson, to approve the request. During roll call vote all five Committeemen voted in the affirmative.

RESOLUTIONS

- 1. Authorizing the annual Fourth of July fireworks display.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 55-2016

RE: AUTHORIZING THE ANNUAL FOURTH OF JULY FIREWORKS DISPLAY

WHEREAS, for many years, the Township of Upper has provided a fireworks display for the residents of Upper Township and others; and

WHEREAS, the Township wishes to continue to provide a display of fireworks in celebration of the 4th of July; and

WHEREAS, the Township has solicited proposals from several Firework Companies and has selected Schaefer Pyrotechnics, Inc., of 376 Hartman Bridge Road, Ronks, PA 17572; and

WHEREAS, the State of New Jersey, Department of Community Affairs, requires that the Township provide a Resolution approving same; and

WHEREAS, the site for the fireworks display will be determined in conjunction with a State of New Jersey Fire Inspector; and

WHEREAS, FAA Clearance will be applied for; and

WHEREAS, a plot/site plan for site display, showing the distances from the public and structures to the fireworks discharge area, has been provided by the Township Engineer; and

WHEREAS, the Chief Financial Officer has certified the availability of funds to permit said Contract to be entered into.

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 in full herein by this reference.
2. Upon meeting all requirements of the State of New Jersey, Department of Community Affairs as well as any and all recommendations or requirements of the Township’s Risk Management Consultant and the Joint Insurance Fund, the Township Clerk

is hereby directed and authorized to provide a certified copy of this Resolution, with all attachments, to the Department of Community Affairs for their review and issuance of a Fireworks Permit.

3. The contractor shall comply with all terms and provisions of the Municipal Excess Liability Joint Insurance Fund Bulletin MEL 16-08, dated February 8, 2016.

4. The contractor has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.

5. 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, including but not limited to the entering into and execution of an Agreement to Furnish Fireworks Exhibition with Schaefer Pyrotechnics, Inc., Ronks, PA, for the sum of \$8,331.00.

Resolution No. 55-2016

Offered by: Pierson

Seconded by: Barr

Adopted: March 7, 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>	___	___	___

2. Declaring the Gypsy Moth a public nuisance and public hearing.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 56-2016

**DECLARING THE GYPSY MOTH A PUBLIC NUISANCE
AND PUBLIC HEARING**

WHEREAS, the gypsy moth *Lymantria dispar*, has been found heavily defoliating tree and plant growth in the Township of Upper; and

WHEREAS, continued destruction of foliage may result in loss of valuable forest lands and trees; and

WHEREAS, the Township Committee of the Township of Upper has determined that a gypsy moth control program should be instituted with the State of New Jersey Department of Agriculture and that application for any Federal or State funds available be authorized; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Township Committee of the Township of Upper that the gypsy moth is declared to be a public nuisance and the protection of vegetation or plant life therefrom is deemed to be a subject matter of public welfare, and that all measures deemed necessary, in compliance with the State of New Jersey Department of Agriculture recommendations, is hereby authorized to suppress this forest and shade tree pest.

Resolution No. 56-2016
Offered by: Pierson
Adopted: March 7, 2016

Seconded by: Barr

Roll Call Vote:

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

3. Authorizing an Addendum to an Agreement with The Cooper Health System for Basic Life Support Ambulance Services and Expanded Medical Director Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 57-2016

RE: AUTHORIZING AN ADDENDUM TO AN AGREEMENT WITH THE COOPER HEALTH SYSTEM FOR BASIC LIFE SUPPORT AMBULANCE SERVICES AND EXPANDED MEDICAL DIRECTOR SERVICES

WHEREAS, the Township of Upper entered into an Affiliation and Medical Direction Agreement with The Cooper Health System, (hereinafter referred to as “Cooper”) for Basic Life Support (BLS) Ambulance Services on February 14, 2011; and

WHEREAS, the Township desires to amend the BLS Ambulance Services Agreement with Cooper and to allow for an expanded scope of medical director services as set forth in the “Addendum to Affiliation and Medical Direction Agreement for Basic Life Support Ambulance Services”, attached hereto as Exhibit A; and

WHEREAS, the Township Solicitor has determined that the expanded services to be provided are professional services and may be awarded without competitive bid pursuant to the provisions of N.J.S.A. 40A:11-5; and

WHEREAS, the Township Chief Financial Officer, to the extent required, has certified the availability of funds to permit the Township to enter into said professional services contract; and

WHEREAS, a Business Entity Disclosure Certification is not required since this contract is with a non-profit entity; and

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

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

2. The Mayor is hereby authorized, directed and empowered to sign the Addendum to the Affiliation and Medical Direction Agreement for Basic Life Support Ambulance Services for a period of one year, effective January 1, 2016.

3. The Township Clerk shall cause a Notice of Award of this contract to be published in the official newspaper of the Township as required by N.J.S.A. 40A:11-5.

4. This Contract is a Professional Services Contract and has been awarded without competitive bidding for the following reasons:

(A) The services required are highly specialized or technical in nature;

(B) The services require peculiar ability or skill, and demand a high degree of specialized knowledge or expertise;

(C) The services required are professional services and/or unspecified extraordinary services within the meaning of N.J.S.A. 40A:11-5(a);

(D) The individual who will provide these services has demonstrated his competence and particular expertise in the services required; and

(E) The services to be provided are such that their nature, scope and duration are not capable of precise measurement, but rather require a flexibility and discretion that render competitive bidding impractical and inefficient.

Resolution No. 57-2016

Offered by: Pierson

Seconded by: Coggins

Adopted: March 7, 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>	___	___	___

4. Authorizing Mayor to sign FEMA Certification for participating in the Community Rating System.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 58-2016

**RE: AUTHORIZING MAYOR TO SIGN FEMA CERTIFICATION FOR PARTICIPATING
IN THE COMMUNITY RATING SYSTEM**

WHEREAS, FEMA recertified Upper Township on October 1, 2013 as a Class 6 Community in the National Flood Insurance Program (NFIP) Community Rating System (CRS); and

WHEREAS, under the aforesaid program, communities are required to verify every five years that they are continuing to comply and implement the CRS program activities; and

WHEREAS, the Township Committee of the Township of Upper has determined that it is in the best interest of the Township's residents to continue participating in the CRS program, which saves residents over \$120,000 annually; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor is hereby authorized to sign the attached FEMA certification for participating in the CRS.
3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Resolution No. 58-2016
Offered by: Pierson
Adopted: March 7, 2016

Seconded by: Coggins

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>

5. Amending Resolution 012-2016 confirming appointment of various employees to annual and specified terms.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 59-2016

**RE: AMENDING RESOLUTION 012-2016 CONFIRMING APPOINTMENT OF
VARIOUS EMPLOYEES TO ANNUAL AND SPECIFIED TERMS**

WHEREAS, the Township of Upper made appointments of various personnel pursuant to Resolution 012-2016 in order to staff the various positions of the Township for the ensuing year; and

WHEREAS, the Township of Upper now desires to amend Resolution 012-2016 and certain appointments and salaries contained in said Resolution retroactively to January 1, 2016; 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 persons shall be appointed to the Department of Public Works

in the position and salary indicated as follows:

<u>NAME</u>	<u>POSITION</u>	<u>SALARY</u>	<u>TERM</u>
Harry Dowman	Maintenance Repairer (10 or more yrs.)	\$52,328.00	Permanent
George Grund	Equipment Operator (10 or more yrs.)	\$52,328.00	Permanent
Richard Kaczmariski	Maintenance Repairer (10 or more yrs.)	\$52,328.00	Permanent
Stewart Segin	Truck Driver (10 or more yrs.)	\$51,121.00	Permanent
Josh Adams	Laborer 1 (10 or more yrs.)	\$49,937.00	Permanent

Michael Mayne Laborer 1 (10 or more yrs.) \$49,937.00 Permanent

3. This Resolution amends Resolution 012-2016 with respect to the appointments and salaries set forth above.

Resolution No. 59–2016
 Offered by: Coggins
 Adopted: March 7, 2016

Seconded by: Barr

Roll Call Vote:

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

6. 2016 Revised Temporary Budget.

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

RESOLUTION NO. 60-2016

RE: 2016 REVISED TEMPORARY BUDGET

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

WHEREAS, the total of the appropriations so made shall not exceed 26.25% of the total of the appropriations made for all purposes in the Budget for the preceding year excluding public assistance, such amount being **\$2,956,321.90.**

NOW, THEREFORE BE IT RESOLVED, that the following appropriations shall constitute the Temporary Budget for the year 2016:

	Original Approp.:	Increase To:
ADMINISTRATIVE & EXECUTIVE		
Mayor and Committee		
Salary and Wages	\$17,300.00	\$ 3,000.00

Mayor and Committee O/E	\$2,000.00	
DCRP-Township Committee	\$2,000.00	3,000.00
Municipal Clerk		
Salary and Wages	\$51,000.00	65,800.00
OTHER EXPENSES		
Legal Advertising	\$2,000.00	
Miscellaneous O/E	\$3,000.00	5,000.00
Purchase of Office Equipment	\$2,000.00	
Codification of Ordinances	\$1,000.00	
MAC	\$6,098.00	
Cape Mediation	\$2,300.00	
Cape Assist EAP	\$1,155.00	
FINANCIAL ADMINISTRATION		
Salaries & Wages	\$32,800.00	44,800.00
Miscellaneous O/E	\$3,200.00	5,200.00
Computer Hardware/Software	\$15,000.00	20,000.00
Annual Audit	\$20,000.00	
ASSESSMENT OF TAXES		
Salaries & Wages	\$27,900.00	36,000.00
Miscellaneous O/E	\$2,000.00	3,000.00
COLLECTION OF TAXES		
Salaries & Wages	\$25,400.00	32,700.00
Miscellaneous O/E	\$1,000.00	1,500.00
Purchase TTL	\$0	
Other Expenses	\$0	
LEGAL SERVICES AND COSTS		
Other Expenses	\$40,000.00	\$50,000.00
MUNICIPAL COURT		
Salaries & Wages	\$51,500.00	69,500.00
Miscellaneous O/E	\$9,000.00	
PUBLIC DEFENDER		
Salaries & Wages	\$4,850.00	6,550.00
MUNICIPAL PROSECUTOR		

Salaries & Wages	\$10,800.00	13,800.00
ENGINEERING SERVICES & COSTS		
Salaries & Wages	\$27,600.00	35,600.00
Other Expenses	\$5,000.00	
PUBLIC BUILDINGS & GROUNDS		
Salaries & Wages	\$196,500.00	31,500.00
Other Expenses	\$65,000.00	
PLANNING BOARD		
Salaries & Wages	\$9,000.00	11,500.00
Other Expenses	\$2,000.00	4,500.00
BOARD OF ADJUSTMENT		
Salaries & Wages	\$9,000.00	11,500.00
Other Expenses	\$2,000.00	4,500.00
CONSTRUCTION OFFICE & BUILDING INSPECTOR		
Salaries & Wages	\$38,800.00	46,100.00
Other Expenses	\$12,500.00	
INSURANCE		
Group Insurance for Employees	\$500,000.00	570,000.00
Other Insurance Premiums	\$60,000.00	80,000.00
Workers Compensation	\$75,000.00	145,000.00
SCHOOL CROSSING GUARD		
Salaries & Wages	\$2,400.00	
Miscellaneous O/E	\$500.00	
BEACH PATROL		
Salaries & Wages	\$1,000.00	
Other Expenses	\$1,000.00	
EMERGENCY MANAGEMENT/RTK		
Salaries & Wages	\$6,200.00	\$ 8,200.00
Miscellaneous O/E	\$3,000.00	12,000.00

ROAD REPAIRS & MAINTENANCE

Salaries & Wages	\$223,500.00	268,500.00
Miscellaneous O/E	\$40,000.00	55,000.00

SURFACING OF ROADS CONTRACTUAL \$0

STREET LIGHTING \$70,000.00

GARBAGE & TRASH REMOVAL

Salaries & Wages	\$118,300.00	123,800.00
Miscellaneous O/E	\$20,000.00	25,000.00
Tipping Fees	\$70,000.00	77,500.00

BOARD OF HEALTH

Salaries & Wages	\$150.00	250.00
Miscellaneous O/E	\$300.00	

DOG REGULATION

Miscellaneous O/E	\$28,000.00	35,000.00
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PUBLIC RELATIONS

Miscellaneous O/E	\$1,000.00	
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ZONING/CODE OFFICIAL

Salaries & Wages	\$1,750.00	5,250.00
Miscellaneous O/E	\$500.00	

SPORTS & RECREATION

Salaries & Wages	\$600.00	800.00
Miscellaneous O/E	\$20,000.00	30,000.00

FIRST AID ORGANIZATION

Salaries & Wages	\$153,000.00	194,500.00
Miscellaneous O/E	\$20,000.00	30,000.00

RECYCLING

Salaries & Wages	\$116,000.00	135,000.00
Miscellaneous O/E	\$20,000.00	25,000.00

AFFORDABLE HOUSING

Salaries & Wages	\$700.00	900.00
Miscellaneous O/E	\$500.00	

COMMUNITY CENTER

Miscellaneous O/E	\$8,000.00	13,000.00
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CELEBRATION OF PUBLIC EVENTS	\$1,000.00	6,000.00
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SOCIAL SECURITY SYSTEM	\$85,000.00	103,000.00
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SPECIAL LITIGATION	\$30,000.00	35,000.00
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SUI CONTRIBUTION	\$3,500.00	
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CENTRAL DISPATCH	\$61,000.00	119,000.00
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MAC GRANT	\$24,393.00	
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ALCOHOL & DRUG TESTING	\$6,000.00	7,000.00
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COMP. ABSENCES RESERVES	\$100.00	
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GYPSY MOTH MISC.	5,000.00	
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PERS	\$455,684.00	
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Total	\$2,933,780.00	
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Resolution No. 60-2016

Offered by: Coggins

Seconded by: Pierson

Adopted: March 7, 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>	_____	_____	_____

7. Accepting the bid and authorizing the execution of a contract with SiteOne Landscape Supply, Cleveland, OH 44114 for the supply of irrigation supplies at Amanda's Field in the amount of \$33,069.27.

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

RESOLUTION NO. 61-2016

**RE: ACCEPTING THE BID AND AUTHORIZING THE
EXECUTION OF A CONTRACT WITH SITEONE LANDSCAPE SUPPLY,
CLEVELAND, OH 44114 FOR THE SUPPLY OF IRRIGATION SUPPLIES AT
AMANDA'S FIELD IN THE AMOUNT OF \$33,069.27**

WHEREAS, the Township of Upper solicited bids for the supply of irrigation supplies at Amanda's Field, which bids were received on February 18, 2016; and

WHEREAS, the aforesaid bids were thereafter reviewed by the Chief Financial Officer and Municipal Engineer; and

WHEREAS, the Chief Financial Officer of the Township of Upper has certified the availability of funds attached hereto as "Exhibit A" in a sufficient amount to award a contract in the amount of \$33,069.27; and

WHEREAS, the Township intends to take formal action awarding the bid to the lowest responsible bidder as hereinafter provided;

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 hereby accepts the bid submitted by SiteOne Landscape Supply, 1385 East 36th Street, Cleveland, Ohio 44114, for the supply of irrigation supplies at Amanda's Field in the amount of \$33,069.27 subject to the following:

- (A) The Bidder shall comply with all Bid Documents, including the Notice to Bidders, all of which are hereby incorporated herein by this reference.
- (B) The Contract to be entered into must comply in all respects with applicable federal, state and local laws and regulations.
- (C) The Bidder has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.

3. The Mayor and Township Clerk are further authorized to execute a Contract with the successful bidder and/or the Chief Financial Officer is hereby authorized, directed and empowered to issue a Purchase Order to the successful bidder in the amount authorized in this Resolution.

Resolution No. 61-2016

Offered by: Coggins

Seconded by: Barr

Adopted: March 7, 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>

8. Accepting the bid and authorizing the execution of a contract with The Dawson Corporation, Clarksburg, NJ 08570 for the supply of infield mix at Amanda's Field in the amount of \$27,531.25.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

R E S O L U T I O N

RESOLUTION NO. 62-2016

**RE: ACCEPTING THE BID AND AUTHORIZING THE
EXECUTION OF A CONTRACT WITH THE DAWSON CORPORATION,
CLARKSBURG, NJ 08570 FOR THE SUPPLY OF INFIELD MIX AT AMANDA'S
FIELD IN THE AMOUNT OF \$27,531.25**

WHEREAS, the Township of Upper solicited bids for the supply of infield mix at Amanda's Field, which bids were received on February 18, 2016; and

WHEREAS, the aforesaid bids were thereafter reviewed by the Chief Financial Officer and Municipal Engineer; and

WHEREAS, the Chief Financial Officer of the Township of Upper has certified the availability of funds attached hereto as "Exhibit A" in a sufficient amount to award a contract in the amount of \$27,531.25; and

WHEREAS, the Township intends to take formal action awarding the bid to the lowest responsible bidder as hereinafter provided;

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:

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

4. The Township hereby accepts the bid submitted by The Dawson Corporation, PO Box 400, Clarksburg, New Jersey 08270, for the supply of infield mix at Amanda's Field in the amount of \$27,531.25 subject to the following:

(A) The Bidder shall comply with all Bid Documents, including the Notice to Bidders, all of which are hereby incorporated herein by this reference.

(D) The Contract to be entered into must comply in all respects with applicable federal, state and local laws and regulations.

(E) The Bidder has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.

3. The Mayor and Township Clerk are further authorized to execute a Contract with the successful bidder and/or the Chief Financial Officer is hereby authorized, directed and empowered to issue a Purchase Order to the successful bidder in the amount authorized in this Resolution.

Resolution No. 62-2016

Offered by: Coggins

Seconded by: Barr

Adopted: March 7, 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>	_____	_____	_____

- 9. Authorizing the execution of an NJDEP TWA-1 Application Statements of Consent form regarding 2058 South Shore Road, Upper Township, Block 561, Lot 25.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 63-2016

**RE: AUTHORIZING THE EXECUTION OF AN NJDEP TWA-1 APPLICATION
STATEMENTS OF CONSENT FORM REGARDING 2058 SOUTH SHORE ROAD,
UPPER TOWNSHIP, BLOCK 561, LOT 25**

WHEREAS, 2058 South Shore Road, LLC has or is about to make application to the New Jersey Department of Environmental Protection (hereinafter “DEP”) for Treatment Works Approval for a Residential Development Project consisting of one hundred and ten (110) Age-Restricted Mobile Homes and Club House, and has requested that the Township complete a portion of DEP Form No. WQM-003, which merely consents to the submission of the application to the DEP and certifies that the project, as proposed, conforms with the requirements of all municipal Ordinances and does not otherwise impose any obligation or liability on the Township; and

WHEREAS, 2058 South Shore Road, LLC must apply to the New Jersey Department of Environmental Protection for Treatment Works Approval in order to install Sewerage Systems/Sewage Treatment Facilities for a Residential Development Project consisting of one hundred and ten (110) Age-Restricted Mobile Homes and Club House to be constructed on 2058 South Shore Road, Block 561, Lot 25 of the municipal tax map of Upper Township, New Jersey; and

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

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

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor is hereby authorized to execute on behalf of the Township of Upper a Statements of Consent, Section A-1, in the form attached hereto as Exhibit “A” and said consent shall be completed by inserting therein this Resolution number and the date of its adoption.
3. This Statements of Consent is submitted in conjunction with the application of 2058 South Shore Road, LLC for treatment works approval for the property at Block 561, Lot 25 on the municipal tax map.
4. A certified copy of this Resolution shall be provided to the applicant.

Resolution No. 63-2016
 Offered by: Pierson Seconded by: Coggins
 Adopted: March 7, 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>	_____	_____	_____

10. Appointing Douglas K. Walker to serve as an additional Municipal Public Defender on an as needed basis.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 RESOLUTION**

RESOLUTION NO. 64-2016

**RE: APPOINTING DOUGLAS K. WALKER TO SERVE AS AN
ADDITIONAL MUNICIPAL PUBLIC DEFENDER ON AN AS NEEDED
BASIS**

WHEREAS, a need exists to appoint an additional municipal public defender to serve on an as needed basis; and

WHEREAS, N.J.S.A. 2B:24-3 allows for the appointment of additional municipal public defenders as necessary to administer justice in a timely and effective manner; and

WHEREAS, the Township has decided to acquire the services of Douglas K. Walker as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, a resolution is required authorizing the award of such contract for professional services; and

WHEREAS, Douglas K. Walker has completed and submitted a Business Entity Disclosure Certification which certifies that Douglas K. Walker has not made any contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Douglas K. Walker from making any contributions through the term of the contract; and

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

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

2. Douglas K. Walker with offices at 15 East 8th Street, Ocean City New Jersey is hereby appointed as an additional municipal public defender to serve on an as needed basis.

3. This contract shall have a term of one (1) year from date of full execution.

4. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Douglas K. Walker has professional knowledge as to legal matters and municipal court matters, which knowledge is particularly valuable to the Township Committee, and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

NOTICE OF CONTRACT AWARD

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

5. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the official budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.

6. The contractor has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.

7. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Douglas K.

Walker in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

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

9. This Resolution shall be effective as of adoption.

Resolution No. 64-2016
Offered by: Pierson
Adopted: March 7, 2016

Seconded by: Barr

Roll Call Vote:

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

11. Tax Refund Block 567.01, Lot 5.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION

RESOLUTION NO. 65-2016

TAX REFUND
BLOCK 567.01 LOT 5

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

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. 65-2016
Offered by: Coggins
Adopted: March 7, 2016

Seconded by: Pierson

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
BARR	<u>X</u>	_____	_____	_____
COGGINS	<u>X</u>	_____	_____	_____
PIERSON	<u>X</u>	_____	_____	_____
YOUNG	<u>X</u>	_____	_____	_____
PALOMBO	<u>X</u>	_____	_____	_____

REFUND 2016

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
567.01/5	\$985.16	Glenn H. & Karen M. Levin 7 E. Katherine Ave. Seaville, NJ 08230

1st. Quarter property taxes where paid by Mortgage Holder and Title Company.

ORDINANCES

12. **Public hearing and final adoption of Ordinance No. 002-2016 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XI (PROPERTY MAINTENANCE) OF THE CODE OF UPPER TOWNSHIP TO CONTROL INVASIVE PLANTS.** During the public hearing portion there were no speakers. Motion by Jeffrey Pierson, second by Hobie Young, to adopt Ordinance No. 002-2016. 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. 002-2016

RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XI (PROPERTY MAINTENANCE) OF THE CODE OF UPPER TOWNSHIP TO CONTROL INVASIVE PLANTS

WHEREAS, the Township Committee desires to adopt an ordinance to control invasive plants; and

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

SECTION 1. Chapter 11 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended to add Section 11-3 as hereinafter provided:

CHAPTER 11. PROPERTY MAINTENANCE

11-1 Unchanged.

11-2 Unchanged.

11-3 INVASIVE PLANTS PROHIBITED; CONTAINMENT AND REMOVAL.

11-3.1 Purpose.

The purpose of this section is to protect and promote the public health through the control of the growth of invasive plant species.

11-3.2 Definitions.

As used in this section, the following terms shall have the meanings indicated:

Invasive Plants. All native and non-native vines and vegetation that grow out of place and are competitive, persistent and pernicious. These plants may damage trees, vegetation, other plant materials, or structures. Examples include but are not limited to running (monopodial) bamboo, clumping (sympodial) bamboo, multiflora rose, kudzu-vine and poison ivy and oak.

11-3.3 Prohibition.

No owner, tenant or occupant of a property or person, corporation or other entity, shall plant, install or cause or permit the planting or installation of Invasive Plants upon any property located within the Township of Upper.

11-3.4 Duty to Confine.

In the event any Invasive Plants are located upon any property within the Township of Upper prior to the adoption of this ordinance the owner and occupant of said property shall jointly and severally be required to confine such species to prevent the encroachment, spread, invasion or intrusion of same onto any other private or public property or public right-of-way. In lieu of confining the species, the property owner or occupant may elect to totally remove the Invasive Plants from the property and all affective properties. Failure to properly confine such plants shall require removal as set forth below. The cost of said removal shall be at the Invasive Plant property owner's expense. This duty to confine shall not apply if the property owner and/or occupant can establish to the satisfaction of the Code Enforcement Officer that the Invasive Plant which is on his or her property at the time of the adoption of this ordinance originated on another property.

11-3.5 Removal.

In the event Invasive Plants are present on the date of adoption of this ordinance and a complaint is received by the Township regarding an encroachment of any Invasive Plant, and the Code Enforcement Officer of the Township, after observation and/or inspection, determines that there is an encroachment or invasion on any adjoining/neighborly private or public property or public right-of-way (hereinafter "the affected property"), the Township shall serve notice to the Invasive Plant property owner in writing that the Invasive Plant has invaded other private or public property(s) or public right-of-way(s) and demand the removal of the Invasive Plant from the affected property and demand approved confinement against future encroachment or, in the alternative, the total removal from the property owner's property. Notice shall be provided to the Invasive Plant property owner, as well as to

the owner of the affected property, by certified, return receipt requested mail and regular mail. Within forty-five (45) days of receipt of such notice, the Invasive Plant property owner shall submit to the Code Enforcement Officer of the Township, with a copy to the owner of the affected property, a plan for the removal of the Invasive Plant from the affected property, which plan shall include restoration of the affected property after removal. Within one hundred twenty (120) days of receipt of the Code Enforcement Officer's approval of the plan of removal and restoration, the removal and restoration shall be completed to the satisfaction of the Code Enforcement Officer.

11-3.6 Violations and Penalties.

- a. Whenever an Invasive Plant as defined by this section is found on any plot of land, lot or any other premises or place in violation of this ordinance, or if existing upon adoption of this ordinance, but is found to have spread beyond the boundaries of a property and the Invasive Plant property owner does not complete removal in accordance with this ordinance, the Invasive Plant property owner shall upon conviction, be subject to the penalties stated in Chapter I, Section 1-5 of this Code. In addition, the Administrative Officer may request and the Municipal Court may grant, a specific performance remedy.
- b. Nothing herein shall be interpreted as limiting the rights of a private property owner to seek civil relief through a court of proper jurisdiction, nor the institution of civil proceedings against the proper parties.

11-3.7 Other Ordinances and Laws Unaffected.

Nothing herein shall be interpreted as limiting the right of the Township to require abatement and removal of Invasive Plants pursuant to any other applicable Township ordinance or state statute, including but not limited to Upper Township Code Section

11-1 above and N.J.S.A. 40:48-2.13. The Township may require abatement and removal under Section 11-1 or state law prior to pursuing, and independently of, any enforcement action pursuant to this Section 11-3.

SECTION 2. EFFECTIVE DATE: This ordinance shall take effect immediately upon adoption and publication as required by law.

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

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

SECTION 5: CODIFICATION: This Ordinance shall be codified as indicated in Chapter 11 of the Upper Township Code.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 8TH DAY OF FEBRUARY, 2016 AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 7TH DAY OF MARCH, 2016 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

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

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

13. **Public hearing and final adoption of Ordinance No. 003-2016 RE: AN ORDINANCE ADOPTING REVISED GENERAL ORDINANCE CHAPTER XX (ZONING) OF THE CODE OF UPPER TOWNSHIP.** The Municipal Attorney stated that the Planning Board has performed a consistency review and has recommended the ordinance be adopted. During the public hearing portion there were

no speakers. Motion by Jeffrey Pierson, second by Edward Barr, to adopt Ordinance No. 003-2016. 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. 003-2016

**RE: AN ORDINANCE ADOPTING REVISED GENERAL ORDINANCE CHAPTER
XX (ZONING) OF THE CODE OF UPPER TOWNSHIP**

WHEREAS, the Township Committee desires to adopt an ordinance regulating affordable accessory apartments with respect to land subdivision, site plan, land use administration and zoning; and

WHEREAS, the New Jersey Supreme Court and New Jersey Legislature have recognized and mandated in So. Burl. Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) (“Mount Laurel II”) and the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (“FHA”) that every municipality in New Jersey has an affirmative obligation to facilitate the provision of affordable housing; and

WHEREAS, the Township Planning Board prepared and adopted a Housing Element and Fair Share Plan (HEFSP) and Master Plan Reexamination Report on December 18, 2008 in accordance with N.J.S.A.40:55D-89; and

WHEREAS, the Township Planning Board prepared a DRAFT Affordable Accessory Apartment ordinance as part of the 2008 HEFSP; and

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

SECTION 1. Chapter 20 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

Add Section 20-4.19 Affordable Accessory Apartments.

- a. Purpose. The purpose of the Affordable Accessory Apartments is to accommodate the development and conversion of accessory apartments to provide affordable housing in accordance with the Township’s Housing Element and Fair Share Plan.
- b. *Where Permitted* Affordable Accessory Apartments" is provided on Schedule B Commercial and Mixed Use Districts.
- c. Definition. An AFFORDABLE ACCESSORY APARTMENT shall be a self-contained residential dwelling unit with a kitchen, bathroom, sleeping quarters and a private entrance which is created to be occupied by a "moderate" income household in accordance with the applicable provisions of the "Substantive Rules" of the New Jersey Council on Affordable Housing (COAH) at N.J.A.C. 5:97-6.8.
- d. *Additional Conditions.*
 - 1. The "Affordable Accessory Apartment" shall be rented only to a "moderate" income household at the time of initial occupancy of the unit.
 - 2. The "Affordable Accessory Apartment" shall, for a period of thirty (30) years from the date of the issuance of a Certificate of Occupancy, be rented only to "moderate" income households.
 - 3. Rents of "Affordable Accessory Apartments" shall be affordable to moderate income households in accordance with the applicable provisions of N.J.A.C. 5:97-9, and shall specifically include an allowance for utilities in accordance with Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et. seq.
 - 4. There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the "Affordable Accessory Apartment" is located running with the land and limiting its subsequent rental or sale.
 - 5. No more than ten (10) units of the Township’s Affordable Housing Obligation to produce "Affordable Accessory Apartments" shall be permitted.
 - 6. The "Affordable Accessory Apartment" program shall be affirmatively marketed to the Housing Region 6 consisting of Atlantic, Cape May, Cumberland and Salem counties in accordance with the "Affirmative Marketing Plan".
- e. At the end of the 30 year deed restriction, the Township may negotiate with the owner to extend affordability controls subject to COAH’s expiration of affordability controls procedures.
- f. At the termination of the deed restriction, the affordable accessory apartment will be permitted to be marketed to the general public without affordability controls.
- g. The “Affordable Accessory Apartment” may be a newly created accessory apartment in the Commercial and Mixed Use District.
- h. Administration of the “Affordable Accessory Apartment” Program.
 - a. The Township Committee of Upper Township shall designate an "administrative entity" to administer the "Affordable Accessory Apartment" program in accordance with the following:

- i. The administrative entity shall administer the "Affordable Accessory Apartment" program including advertising, income qualifying prospective renters, setting rents and annual rental increases, maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions and monitoring reports, and affirmatively marketing the "Affordable Accessory Apartment" program;
 - ii. The administrative entity shall only deny an application for an accessory apartment if the project is not in conformance with COAH's requirements and/or the provisions of this Ordinance. All denials shall be in writing with the reasons clearly stated; and
 - iii. In accordance with COAH requirements, the Township shall provide at least \$20,000 to subsidize the creation of an "Affordable Accessory Apartment" conforming to the requirements of this Ordinance section and COAH requirements.
 - iv. Prior to the grant of such subsidy, the property owner shall enter into a written agreement with the Township insuring that the apartment shall meet the requirements of this Ordinance and COAH regulations.
- i. Application Procedures
- a. Each application for the creation of an "Affordable Accessory Apartment" shall submit the following information to the designated administrative entity:
 - i. A sketch of floor plan(s) showing the location, size and relationship of both the "Affordable Accessory Apartment" and the primary dwelling within the building or in another structure;
 - ii. Rough elevations showing the modification of any exterior building facade to which changes are proposed; and
 - iii. A site development sketch showing the location of the existing dwelling and other existing buildings; all property lines; proposed addition if any, along with the minimum building setback lines; the required parking spaces for both dwelling units and any natural or man-made conditions which might affect construction.

Schedule B in Chapter 20: Add "Affordable Accessory Apartment" as an accessory use ("A") in the following zones: CM2, RC, TC & TCC.

Schedule B in Chapter 20: Add "For any dwelling unit added after January 1, 2016, said dwelling unit must be an "Affordable Accessory Apartment" and comply with 20-4.19." to notes #5 and #12.

SECTION 2: EFFECTIVE DATE: This ordinance shall take effect immediately upon adoption and publication as required by law.

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

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

SECTION 5: CODIFICATION: This Ordinance shall be codified as indicated in Chapter 20 of the Upper Township Code.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 8TH DAY OF FEBRUARY, 2016 AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 7TH DAY OF MARCH, 2016 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

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

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

CORRESPONDENCE

NEW BUSINESS

14. **United Railroad Historical Society of New Jersey, Inc. requests the use of the Tuckahoe Train Station on April 23, 2016 for the Southern NJ Spring Heritage Festival.** Motion by Hobie Young, second by Jeffrey Pierson, to approve the request. During roll call vote all five Committeemen voted in the affirmative.
15. **Michael R. Rann, Esq. for Rose A. Ordille request for the Township of Upper to accept privately owned property Block 736, lot 45.** Motion by Jeffrey Pierson, second by John Coggins, to authorize the Engineer to investigate if there are any environmental issues with the property and for the Municipal Attorney to contact the attorney for the applicant to review title requirements. During roll call vote all five Committeemen voted in the affirmative.
16. **New Bridge Road (CR 628) Improvements.** The Municipal Engineer reported that the County is requesting to connect a series of catch basins, which will be installed to address flooding issues on New Bridge Road, to the Township's existing storm water system on Belcroft Avenue. He stated that the Belcroft Avenue system does have sufficient capacity to handle the extra drainage from New Bridge Road. The Municipal Attorney stated that if the Committee gives approval to move forward, he

will contact County Counsel to review several technical issues with an easement and Mr. Dietrich will review and approve a road restoration plan. Motion by Jeffrey Pierson, second by Edward Barr, to move forward with the request. During roll call vote all five Committeemen voted in the affirmative.

- 17. Budget update.** The CFO submitted for the Committee’s review and approval an updated capital requests worksheet. Motion by John Coggins, second by Edward Barr, to approve the capital requests and authorize the CFO to move forward with Bond Counsel. During roll call vote all five Committeemen voted in the affirmative. A Bond Ordinance will be drafted for formal action at a future date.

UNFINISHED BUSINESS

DISCUSSION

PAYMENT OF BILLS

- 18.** “I hereby move that all claims submitted for payment at this meeting be approved and then incorporated in full in the minutes of this meeting.” **Motion by John Coggins, second by Edward Barr. During roll call vote all five Committeemen voted in the affirmative.**

Bills approved for payment: \$651,423.16

Payroll: \$157,199.27

REPORT OF MUNICIPAL DEPARTMENTS

- 19. Municipal Clerk
- 20. Finance Officer
- 21. Construction Code
- 22. Tax Assessor
- 23. Tax Collector
- 24. MUA Report
- 25. EMS Department

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

PUBLIC COMMENT

Karen Mitchell, Williams Ave, Strathmere, President of the Citizens for Strathmere and Whale Beach, thanked the Committee and Paul Dietrich for keeping the residents well informed regarding matters concerning Strathmere. She also praised Paul Dietrich and the Public Works Department for their hard work addressing some of the safety issues at the Strathmere playground. She stated that she is very happy with the proposed plans for the new improvements to the playground, however suggested installing more playground equipment instead of the planned picnic tables. She further stated that the Committee’s leadership on this matter has been an example of government functioning at its best.

CLOSED SESSION

26. 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. 66-2016
MOTION GOING INTO CLOSED SESSION
MARCH 7, 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:

1. Contract negotiation - Shared Services with Corbin City for Municipal Court Services
2. Contract negotiation - Collective Bargaining Agreement
3. Contract negotiation - McManimon, Scotland and Baumann, LLC
4. Contract negotiation - Market to Affordable Program Closing Documents
5. Litigation - Affordable Housing
6. Litigation - Upper Township v. Yank and Sansone
7. 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.
- D. With respect to litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.

Moved by: John Coggins

Motion seconded by: Richard Palombo

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

RECONVENE PUBLIC PORTION OF MEETING

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:42 P.M., with a motion by John Coggins, second by Jeffrey Pierson to adjourn with all members voting in the affirmative. The next regular meeting is scheduled for March 21, 2016 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC

BILL LIST

66737	03/07/16	A0018	ACTION SUPPLY INC.	425.32	2914
66738	03/07/16	A0025	ADVANTAGE RENTAL ACE HARDWARE	618.34	2914
66739	03/07/16	A0091	ATLANTIC CITY ELECTRIC	4,452.50	2914
66740	03/07/16	A0175	Adams Rehmann & Haggan Assoc	1,000.00	2914
66741	03/07/16	A0200	AMERICAN GENERAL LIFE INS CO.	192.41	2914
66742	03/07/16	B0035	BELMONT & CRYSTAL SPRINGS	28.13	2914
66743	03/07/16	B0060	BIANCHINO LOU & SONS	60.00	2914
66744	03/07/16	B0160	BONNER, ROSEMARY	1,258.80	2914
66745	03/07/16	B0182	BRIGGS LAW OFFICE, P.C.	227.50	2914
66746	03/07/16	C0008	CMC COURT ADMINISTRATORS ASSOC	200.00	2914
66747	03/07/16	C0031	CAPE ASSIST	225.00	2914
66748	03/07/16	C0052	CAPE MAY COUNTY TREASURER	17,117.00	2914
66749	03/07/16	C0068	COMCAST	681.45	2914
66750	03/07/16	C0143	CODY'S POWER EQUIPMENT	46.00	2914
66751	03/07/16	C0171	COLONIAL ELECTRIC SUPPLY CO.	364.28	2914
66752	03/07/16	C0182	CDW GOVERNMENT, INC	205.00	2914
66753	03/07/16	C0201	CRUZAN'S TRUCK SERVICE INC.	187.37	2914
66754	03/07/16	C0223	CASA PAYROLL SERVICE	241.45	2914
66755	03/07/16	C0230	CATAMARAN MEDIA COMPANY	54.00	2914
66756	03/07/16	C0278	TIFFANY A. CUVIELLO, PP, LLC	2,187.50	2914
66757	03/07/16	C0279	CASA REPORTING SERVICES LLC	1,732.00	2914
66758	03/07/16	D0077	DIETRICH, PAUL	55.00	2914
66759	03/07/16	F0053	FORD, SCOTT & ASSOCIATES	7,000.00	2914
66760	03/07/16	F0174	F.W. SHAWL & SONS, INC.	3,527.43	2914
66761	03/07/16	G0016	GARDNER HARDWARE INC.	47.96	2914
66762	03/07/16	G0028	GENTILINI FORD	272.25	2914
66763	03/07/16	G0030	GENERAL SPRING SERVICE	250.00	2914
66764	03/07/16	G0044	GILES & RANSOME, INC.	1,144.75	2914
66765	03/07/16	G0086	W.W. GRAINGER, INC.	188.52	2914
66766	03/07/16	G0147	GREATAMERICA FINANCIAL SVCS.	176.97	2914
66767	03/07/16	G0157	GRANTURK EQUIPMENT CO., INC.	1,585.70	2914
66768	03/07/16	G0169	GROFF TRACTOR NEW JERSEY LLC	1,612.40	2914
66769	03/07/16	H0002	H.A. DEHART & SON CORP.	5,709.56	2914
66770	03/07/16	H0018	HAROLD RUBIN L & H SUPPLY	862.68	2914
66771	03/07/16	H0095	HORIZON BCBSNJ	143,152.47	2914
66772	03/07/16	J0052	J.J.KELLER & ASSOCIATES, INC	289.07	2914
66773	03/07/16	J0072	JERSEY WEB DESIGNS	1,523.99	2914
66774	03/07/16	J0075	JPMONZO MUNICIPAL	40.00	2914
66775	03/07/16	K0086	K D NATIONAL FORCE SECURITY	2,065.00	2914
66776	03/07/16	L0007	LC EQUIPMENT, INC.	186.00	2914
66777	03/07/16	L0080	LOWES, INC.	29.40	2914
66778	03/07/16	M0035	MARMORA FIRE CO. DISTRICT #3	138,916.25	2914
66779	03/07/16	M0121	McCROSSON, JANET	28.75	2914

66780 03/07/16 M0180 MED-TECH RESOURCE,LLC 1,519.71 2914
66781 03/07/16 M0188 MCCARTHY TIRE SERVICE OF PHILA 2,048.09 2914
66782 03/07/16 N0004 NJ-AMERICAN WATER CO. 147.45 2914
66783 03/07/16 N0043 NAPA AUTO PARTS 0.00 03/07/16 VOID 0
66784 03/07/16 N0043 NAPA AUTO PARTS 1,297.90 2914
66785 03/07/16 N0060 NESLO PETROLEUM PRODUCTS, INC. 2,148.26 2914
66786 03/07/16 N0131 DEFINED CONTRIB RETIRE PROGRAM 154.53 2914
66787 03/07/16 N0147 NJ Shade Tree Federation 95.00 2914
66788 03/07/16 P0032 PEDRONI FUEL CO. 1,625.39 2914
66789 03/07/16 P0118 PLAYBUILDER INC 1,088.00 2914
66790 03/07/16 P0131 360 BUSINESS SOLUTIONS 82.00 2914
66791 03/07/16 R0030 RIGGINS, INC. 2,682.31 2914
66792 03/07/16 R0045 RAINEAR,SCOT 275.00 2914
66793 03/07/16 S0018 SUBURBAN PROPANE, LP 378.08 2914
66794 03/07/16 S0020 SUPPLY WORKS 271.20 2914
66795 03/07/16 S0065 SEAVILLE FIRE CO. DISTRICT #4 133,062.50 2914
66796 03/07/16 S0121 SMUZ, THERESE A 25.00 2914
66797 03/07/16 S0134 SO. JERSEY GAS COMPANY 952.99 2914
66798 03/07/16 S0139 SO. JERSEY WATER COND. INC. 529.00 2914
66799 03/07/16 S0196 STEWART BUSINESS SYSTEMS LLC 676.02 2914
66800 03/07/16 S0250 SOUTH JERSEY GLASS & DOOR CO 9,253.52 2914
66801 03/07/16 S0254 SHOPRITE 31.93 2914
66802 03/07/16 S0279 SPECTROTEL, INC 1,080.96 2914
66803 03/07/16 S0284 SOUTH JERSEY INTERPRETERS 150.00 2914
66804 03/07/16 S0292 JEFFREY SURENIAN & ASSOC. LLC 494.75 2914
66805 03/07/16 T0052 TOWNSHIP OF DENNIS 10,345.50 2914
66806 03/07/16 T0117 TUCKAHOE FIRE DISTRICT #2 121,700.00 2914
66807 03/07/16 T0131 TROUT, ROSEMARY 15.00 2914
66808 03/07/16 T0168 TOWNSHIP OF UPPER 228.38 2914
66809 03/07/16 V0005 VAN EMBDEN, NATHAN, ATTORNEY 1,215.00 2914
66810 03/07/16 V0024 VAL-U AUTO PARTS L.L.C. 353.40 2914
66811 03/07/16 V0025 V.E. RALPH & SON,INC. 94.40 2914
66812 03/07/16 W0087 W.B. MASON 696.19 2914
66813 03/07/16 Y0008 YOUNG, DANIEL J. ESQUIRE PC 16,537.50 2914

Total: \$651,423.16