

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR APRIL 25, 2016**

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

Following the Salute to the Flag Mayor Palombo asked everyone to remain standing for a moment of reflection to honor the memory of Mort Schmerling, an EMT and longtime member of the Upper Township Division of EMS.

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, and Chief Financial Officer Barbara Spiegel. Municipal Auditor Leon Costello was also in attendance for the Budget portion of the meeting.

APPROVAL OF MINUTES - April 11, 2016 Regular Meeting and
Closed Session Minutes

Motion by Jeffrey Pierson, second by Edward Barr, to approve the April 11, 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

John Coggins, Committeeman, Offered his condolences to the family and coworkers of the fallen Upper Township EMT Mort Schmerling. He next thanked all of the Department heads for their diligence during the Budget process, and especially thanked Barbara Spiegel for all of her hard work.

Hobie Young, Committeeman, reported that he received a request from a resident to have a senior golf program, public works is gathering information on costs. He next thanked the Community and everyone that came out in support of a benefit held recently for a young girl diagnosed with spinal muscular atrophy (SMA). Lastly he reported that plans for the 4th of July are now underway and a planning meeting is scheduled for May 10th.

Edward Barr, Committeeman, expressed his condolences to the Mort Schmerling family on their loss and extended his appreciation for Morts dedication many years of service to our Community.

Jeffrey Pierson, Committeeman, Offered his condolences to the Schmerling family and fellow emergency personnel on their loss.

Richard Palombo, Mayor, extended his condolences to the family of Mort Schmerling; the Township is working with our employees and Division of EMS to offer any counselling services that they may need to help them deal with this tragic occurrence. Mayor Palombo next invited the public to attend the Township’s Day of Prayer Ceremony on Thursday May 5th at the Township Municipal Building at 10:00 a.m. and lastly he reported that there will be a secure medicine drop on Thursday May 5th at the Shoprite, Marmora from 10:00 am to noon.

OTHER REPORTS

Barbara Young, Municipal Clerk, reported that she received a change in date regarding the application from RC Cape May Holdings, BL England to hold a BPU air permit hearing for the BL England Generating Station at the Upper Township Municipal building. The date of the hearing has been changed from on May 10th to May 17th from 5:00 pm to 11:00 pm.

Daniel Young, Municipal Attorney, reported that there is a contract negotiation matter and personnel item for closed session.

2016 BUDGET

- 1. **Public Hearing and Final Adoption of Ordinance No. 006-2016, RE: CALENDAR YEAR 2016 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14).** During the public hearing portion there were no speakers. Motion by John Coggins, second by Edward Barr, to adopt Ordinance No. 006-2016. During roll call vote all five Committeemen voted in the affirmative.

**TOWNSHIP OF UPPER
CALENDAR YEAR 2016
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

ORDINANCE NO. 006-2016

WHEREAS, the Local Government Cap Law, N.J.S.40A: 4-45.1 et seq., provides that in the preparation of it annual budget, a municipality shall limit any increase in said budget up to 0% unless authorized by ordinance to increase it to 3.5% over the previous’ year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between that amount of its

actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Upper in the County of Cape May finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 3.5% increase in the budget for said year, amounting to \$346,270.75 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THERETOFORE BE IT ORDAINED, by the Township Committee of the Township of Upper, in the County of Cape May, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Township of Upper shall, in accordance with this ordinance and N.J. S.A. 40A: 4-45.14, be increased by 3.5% amounting to \$346,270.75 and that the CY 2016 municipal budget for the Township of Upper be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced by filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days of such adoption.

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 21st day of March, 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 25th day of April, 2016 at 7:30 P.M. at the Township Hall, Tuckahoe, New Jersey, at which time said Ordinance was adopted.

BARBARA L. YOUNG, MUNICIPAL CLERK
TOWNSHIP OF UPPER

2. Authorizing the reading of the 2016 Annual Municipal Budget by title only.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 99-2016

**RE: AUTHORIZING THE READING OF THE 2016
ANNUAL MUNICIPAL BUDGET BY TITLE ONLY**

WHEREAS, N.J.S.A. 40:A4-8 authorizes the reading of the budget by title only at the public hearing thereon, provided certain requirements are met; and

WHEREAS, the Township Committee of the Township of Upper is satisfied that such conditions have been satisfied.

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 majority of the full membership concurring, as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper finds and determines that:

A. At least one (1) week prior to the date of this hearing, a complete copy of the approved budget, as advertised, was posted in the Township Hall, the principal municipal building of the municipality, and was made available to each person requesting the same during the week immediately preceding the public hearing and is available to each person requesting a copy during the public hearing, as required by N.J.S.A. 40A:4-8.

B. The Township Committee of the Township of Upper hereby determines and declares that the conditions set forth in subsection 1.a and 1.b of N.J.S.A. 40A:4-8 have been met.

C. The Township Committee of the Township of Upper hereby determines that the 2016 Municipal Budget of the Township of Upper shall be read by its title only at the public hearing to be conducted thereon.

Resolution No. 99-2016
Offered by: Coggins
Adopted: April 25, 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>	_____	_____	_____

3. 2016 Budget - Public Hearing.

Mayor Palombo opened the Public Hearing on the 2016 Municipal Budget.

Public Speakers

Ted Kingston, Strathmere - spoke in opposition to increases in the budget.

Kevin Grubb, Greenfield – questioned increases in the budget regarding the cost of health benefits.

There were no more public speakers and the public hearing was then closed.

Municipal Auditor, Leon Costello, stated that on tonight’s agenda is a resolution to amend the 2016 Budget to add an additional \$121,000 of revenue and expense for the change order for the parking lot paving project. Mr. Costello explained that the funds are coming out of a capital reserve therefore it will have no impact on the budget; revenue on one side and expense on the other, so if the Committee chooses to adopt the budget amendment resolution the two cent increase on the budget will remain unchanged.

4. Resolution to amend the 2016 Budget.

Motion by John Coggins, second by Hobart Young, to amend the 2016 Budget. During roll call vote all five Committeemen voted in the affirmative.

RESOLUTION 100-2016 TO AMEND BUDGET

WHEREAS, the local municipal budget for the year 2016 was approved on the 21st day of March, 2016 and
 WHEREAS, the public hearing on said budget has been held as advertised, and
 WHEREAS, it is desired to amend said approved budget, now
THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, County of Cape May
 that the following amendments to the approved budget of 2016 be made:

Recorded Vote	(((
	(BARR	(Abstained(
	Ayes(COGGINS	Nays((
	(PIERSON	((
	(YOUNG	((
	(PALOMBO	(Absent(
	(((

CURRENT FUND:

ANTICIPATED REVENUES:

	<u>From</u>	<u>To</u>
3 Miscellaneous Revenues		
Section G: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services		
Reserve for Capital Projects	0.00	121,000.00
Total Section G: Special Items of General Revenue Anticipated with Prior Written	117,000.00	238,000.00
Total Miscellaneous Revenues	7,625,046.00	7,746,046.00
5. Subtotal General Revenues (Items 1, 2, 3 and 4)	<u>9,095,046.00</u>	<u>9,216,046.00</u>
7. Total General Revenues	<u>12,156,584.99</u>	<u>12,277,584.99</u>

ANTICIPATED APPROPRIATIONS:

c) Capital Improvements - Excluded from "CAPS"		
Reconstruction of Municipal Parking Lot	0.00	121,000.00
Total Capital Improvements - Excluded from "CAPS"	65,000.00	186,000.00
H-2 Total General Appropriations for Municipal Purposes Excluded from "CAPS"	954,491.38	1,075,491.38
I) Subtotal General Appropriations (Items (H-1) and (O))	<u>11,157,800.38</u>	<u>11,318,800.38</u>
9 Total General Appropriations	<u>12,156,584.99</u>	<u>12,277,584.99</u>

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services for his certification of the local municipal budget so amended.

It is hereby certified that all additions and math in this amendment are correct.


 Leon F. Costello, CPA, RMA

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the governing body on the 25th day of April, 2016.

2016 Budget Final Adoption.

Municipal Clerk, Barbara Young, read the following statement into the record:

Be it Resolved by the Township Committee of the Township of Upper, County of Cape May, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$3, 061, 538. 99.

Motion by John Coggins, second by Jeff Pierson, to adopt the 2016 Budget as amended. During roll call vote all five Committee members voted in the affirmative.

5. Local Unit Budget examination.

Municipal Auditor, Leon Costello, explained that two out of three years the Municipality will have the opportunity to adopt their budget with a local unit self-exam. This year the Township has met all the requirements to adopt the budget with a local self-exam.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 102-2016

LOCAL UNIT BUDGET EXAMINATION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7 through 7.5 the Township Committee of the Township of Upper has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Upper meets the necessary conditions to participate in the program for the 2016 budget year.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, County of Cape May, that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers' certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items

f. Any inclusions of amount required for school purposes

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with “CAP” law.)

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate, and correctly stated.
- b. Items of appropriation are properly set forth.
- c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provision of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

Resolution No. 102-2016

Offered By: Coggins

Seconded By: Pierson

Adopted: April 25, 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>

CERTIFICATION OF APPROVED BUDGET

It is hereby certified that the Approved Budget complies with the requirements of the law and approval is given pursuant to N.J.S.A. 40A: 4-78(b) and N.J.A.C. 5:30-7.

It is further certified that the municipality has met the eligibility requirements of N.J.A.C. 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with N.J.A.C. 5:30-7.6.

Barbara A. Spiegel, CFO

This certification form and resolution of the governing body executing such certification should be annexed to the adopted budget (N.J.A.C. 5:30-7.6(e)).

RESOLUTIONS

6. Honoring Paul Howell on attaining the Designation of "Eagle Scout".

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

RESOLUTION NO. 103-2016

**RE: HONORING PAUL HOWELL ON ATTAINING THE
DESIGNATION OF "EAGLE SCOUT"**

WHEREAS, Paul Howell, a resident of Upper Township and a member of Troop 110, of Egg Harbor Township, New Jersey, has recently achieved the designation of Eagle Scout in the Boy Scouts of America; and

WHEREAS, the Township of Upper wishes to acknowledge this outstanding accomplishment; 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:

RESOLVED THAT the Township Committee extends its sincere congratulations to Paul on the occasion of his receiving the designation of Eagle Scout and commends him for this outstanding accomplishment and the completion of his Eagle Scout project consisting of using the Billion Graves smart phone app to take pictures of the headstones at the Zion Cemetery on Zion Road

in Egg Harbor Township, uploading these pictures to the website www.billiongraves.com, and transcribing all the information on the headstones into the various categories provided by the website. The pictures taken with the smartphones record the location of the headstones. The pictures and transcribed information are now available to the public for family history or genealogy research; and

BE IT FURTHER RESOLVED that the Township Committee extends its sincere congratulations and best wishes to Paul’s parents, family and friends on this happy occasion; and it is

FURTHER RESOLVED that the Township Committee also extends its congratulations and appreciation to the Scout Masters and others who give so freely and generously of their time for the benefit of our youth.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 25th day of April, 2016.

Resolution No. 103-2016
 Offered by: Barr
 Adopted: April 25, 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>	<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. Encouraging the use of reusable, cloth type, shopping bags as opposed to single use plastic bags.

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

RESOLUTION NO. 104-2016

**RE: ENCOURAGING THE USE OF REUSABLE, CLOTH TYPE,
 SHOPPING BAGS AS OPPOSED TO SINGLE USE PLASTIC BAGS**

WHEREAS, non-biodegradable, single use plastic bags are often discarded into the environment and end up polluting our waterways, clogging sewers, endangering marine wildlife and causing unsightly litter; and

WHEREAS, these bags last hundreds of years in landfills and are a potential source of harmful chemicals when they break down; and

WHEREAS, Americans use 100,000,000,000 plastic checkout bags every year; and

WHEREAS, plastic bags do not decompose, but only break down into smaller pieces of poison that pollute our seas; and

WHEREAS, plastic is responsible for the deaths of over 100,000 sea animals and one million seabirds each and every year; and

WHEREAS, worldwide, 1.2 trillion plastic bags are used which is 300 bags for every adult at a rate of over one million per minute; 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 hereby strongly encourages the residents of the Township of Upper to use re-usable, cloth type, shopping bags as opposed to single use, plastic bags.
3. The Township Committee encourages our residents to educate others about how detrimental plastic bags are to our marine life and hopefully enhance compliance through awareness.

Resolution No. 104-2016

Offered by: Young

Seconded by: Pierson

Adopted: April 25, 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>	_____	_____	_____

8. A resolution opposing Assembly Bill A-2281, regarding the “Smart Container Act”.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 105-2016

**RE: A RESOLUTION OPPOSING ASSEMBLY BILL A-2281, REGARDING
THE “SMART CONTAINER ACT”**

WHEREAS, Assembly Bill 2281, sponsored by Assemblywoman Valerie Vainier Huttle, would establish a deposit and return system on beverage containers currently collected curbside in most municipalities; and

WHEREAS, containers identified in A-2281 are already being collected and recycled throughout the State of New Jersey, providing funding to municipalities and counties to develop and maintain successful recycling programs; and

WHEREAS, the passage of A-2281 will have an adverse effect on the collection and recycling system currently in place in the Township of Upper and statewide; and

WHEREAS, A-2281, as currently drafted, will make it almost impossible to continue state grant programs for municipalities funded by the recycling system; and

WHEREAS, removal of such containers from the current system will have a huge financial impact and may possibly end curbside collection programs altogether; and

WHEREAS, the return system will put an undue burden on local retailers in a State that already has strong recycling programs that keeps containers out of landfills; and

WHEREAS, removal of the containers from being collected locally will result in a decrease in the Township’s recycling rate and will result in not meeting the State mandated 50% and 60% recycling rates; and

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Upper does hereby urge the legislature to reject Assembly Bill 2281; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to New Jersey Senate President Sweeney, New Jersey Assembly Speaker Prieto, New Jersey Assemblywoman Huttle, local State representatives, Governor Christie, the New Jersey League of Municipalities, and the Cape May County Board of Chosen Freeholders.

Offered by: Pierson
Adopted: April 25, 2016

Seconded by: Coggins

Roll Call Vote:

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

9. Designating certain Strathmere Beach areas in the Township of Upper as a Surfing Beach and a Catamaran/Sailboat Beach for the 2016 Summer Season.

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

RESOLUTION NO. 106-2016

**RE: DESIGNATING CERTAIN STRATHMERE BEACH AREAS IN
THE TOWNSHIP OF UPPER AS A SURFING BEACH AND A CATAMARAN/SAILBOAT
BEACH FOR THE 2016 SUMMER SEASON**

WHEREAS, in accordance with Chapter IX entitled *Recreational Facilities*, of the Revised General Ordinances it is necessary to designate certain beach areas along the Strathmere shore in the Township of Upper strictly for the use of surfboards, sailboats, catamarans and other similar devices, for the 2016 summer season. **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. It has been determined by the Township Committee that for the 2016 summer season:
 - **Surfing Beach: Between Vincent Avenue and Sherman Avenue**
 - **Catamaran/Sailboat Beach: Between Hawthorne Avenue and Hamilton Avenue**
3. A map designating these areas has been provided by the Township Engineer and shall be attached hereto as Exhibit A.
4. During imminent storm all watercraft shall be removed from the designated beach areas.

Resolution No. 106-2016
Offered by: Barr

Seconded by: Pierson

Adopted: April 25, 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>

10. Authorizing a contract with CASA Payroll Services of Pleasantville, New Jersey for payroll services.

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

RESOLUTION NO. 107-2016

**RE: AUTHORIZING A CONTRACT WITH CASA PAYROLL SERVICES OF
PLEASANTVILLE, NEW JERSEY FOR PAYROLL SERVICES**

WHEREAS, CASA Payroll Services (“CASA”) has submitted a proposal to the Township for payroll services; and

WHEREAS, N.J.A.C. 5:30-17.3 et seq. provides for electronic disbursement controls for payroll purposes and applies to entities which execute disbursements from and/or take possession of municipal bank accounts or funds; and

WHEREAS, the proposal of CASA does not permit CASA to execute disbursements from the Township’s bank account or give CASA possession of Township funds and as such N.J.A.C. 5:30-17.3 et seq. does not apply; and

WHEREAS, the Township wishes to accept said proposal and to authorize a contract with CASA; and

WHEREAS, the proposal has been reviewed and approved by the Municipal Attorney and will be on record in the office of the Township Clerk and available for public inspection; and

WHEREAS, CASA has completed and submitted a Business Entity Disclosure Certification which certifies that CASA 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 CASA 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. The Mayor and Township Clerk are hereby authorized, directed and empowered to enter into a contract with CASA attached hereto as Exhibit “A”, to provide payroll service within the Township of Upper commencing immediately.
3. CASA 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.
4. 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. 107-2016
 Offered by: Coggins
 Adopted: April 25, 2016
 Roll Call Vote:

Seconded by: Palombo

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

11. Authorizing the award of a contract with Caprioni Portable Toilets, Inc. for equipment rental.

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

RESOLUTION NO. 108-2016

**RE: AUTHORIZING THE AWARD OF A CONTRACT
WITH CAPRIONI PORTABLE TOILETS, INC. FOR EQUIPMENT RENTAL**

WHEREAS, the Township of Upper must rent portable toilets for various recreation facilities, and to do so desires to enter into a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Caprioni Portable Toilets, Inc. has indicated they will provide the weekly equipment rental service; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with Caprioni Portable Toilets, Inc. for the year 2016 will exceed \$17,500 and a contract pursuant to N.J.S.A. 19:44A-20.5 is required; and

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

WHEREAS, the Chief Financial Officer of the Township has certified the availability of funds to allow the award of contract for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose in the 2016 Municipal Budget.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee

of the Township of Upper, in the County of Cape May and State of New Jersey, as follows:

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

2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with Caprioni Portable Toilets, Inc. as described herein.

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

4. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 108-2016
Offered by: Young
Adopted: April 25, 2016
Roll Call Vote:

Seconded by: Barr

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>

12. Appointment of Norman W. Briggs to act as Special Legal Counsel.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 109-2016

**RE: APPOINTMENT OF NORMAN W. BRIGGS
TO ACT AS SPECIAL LEGAL COUNSEL**

WHEREAS, the Township requires legal counsel to provide legal services in the event such services are not provided by the regular Township Solicitor due to a conflict of interest or other reason as determined by the Township Committee; and

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

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

WHEREAS, Norman W. Briggs, Esquire has completed and submitted a Business Entity Disclosure Certification which certifies that Norman W. Briggs, Esquire 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 Norman W. Briggs, Esquire 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. Norman W. Briggs, Esquire with offices at 110 Roosevelt Boulevard, Suite 201, Marmora, New Jersey is hereby appointed Special Legal Counsel to handle matters in which the regular Township Solicitor has a conflict of interest as well as other matters directed by the Township Committee.
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 Norman W. Briggs, Esquire has professional knowledge as to legal 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 Norman W. Briggs, Esquire 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 Norman W. Briggs, Esquire in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

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

9. This Resolution shall be effective as of adoption.

Resolution No. 109-2016

Offered by: Pierson

Seconded by: Coggins

Adopted: April 25, 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>	___	___	___

13. Authorizing the Township of Upper to enter into a contract with Cape Regional Health System to provide pre-employment physical examinations.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 110-2016

**RE: AUTHORIZING THE TOWNSHIP OF UPPER TO ENTER INTO A
CONTRACT WITH CAPE REGIONAL HEALTH SYSTEM TO PROVIDE PRE-
EMPLOYMENT PHYSICAL EXAMINATIONS**

WHEREAS, pursuant to Section 9 of the Supervisor’s Personnel Policies and Procedures Manual, the Township of Upper provides for a pre-employment physical examination to a prospective employee in order to insure that they can perform the duties of their position without injury to themselves or others; and

WHEREAS, Cape Regional Health System possesses the requisite skill and knowledge to perform these services; and

WHEREAS, a Resolution is required authorizing the award of a contract for professional services to Cape Regional Health System as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the proposed contract has been reviewed and approved by the Township’s Legal Counsel and will be on record in the office of the Township Clerk and available for public inspection and is attached hereto as Exhibit “A”; and

WHEREAS, Cape Regional Health System has completed and submitted a Business Entity Disclosure Certification which certifies that Cape Regional Health System 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 Cape Regional Health System 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. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with Cape Regional Health System to provide hearing examinations.
3. Cape Regional Health System 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.
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 Cape Regional Health System has professional knowledge which 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

5. 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 Cape Regional Health System. 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.

6. 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.

7. 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. 110-2016
 Offered by: Pierson
 Adopted: April 25, 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>	___	___	___

14. Accepting the Annual Stormwater Report and Certification, and authorizing the Township Engineer to electronically sign and submit it to the NJDEP pursuant to stormwater rules.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 RESOLUTION**

RESOLUTION NO. 111-2016

**ACCEPTING THE ANNUAL STORMWATER REPORT AND CERTIFICATION,
 AND AUTHORIZING THE TOWNSHIP ENGINEER TO ELECTRONICALLY
 SIGN AND SUBMIT IT TO THE NJDEP
 PURSUANT TO STORMWATER RULES**

WHEREAS, the State of New Jersey on January 5, 2004 adopted stormwater rules which impact municipalities; and

WHEREAS, under the aforesaid stormwater rules, municipalities are required to apply for permits and provide reports and certifications to the NJDEP; and

WHEREAS, the Township Committee of the Township of Upper has determined that the Township should make the appropriate applications for permits and prepare appropriate reports pursuant to the stormwater rules; 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 hereby accepts the Stormwater Annual Report.
- 3. The Township Engineer is hereby authorized to execute said Report and

Certification electronically pursuant to the stormwater rules of the State of New Jersey, which Report and Certification are attached hereto as Exhibit A.

4. 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. 111-2016
 Offered by: Young Seconded by: Pierson
 Adopted: April 25, 2016

Roll Call Vote:

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

15. Appointing Michael Pfaff and Ronald Reign as part-time seasonal Beach Sweepers to the Upper Township Public Works Department.

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

RESOLUTION NO. 112-2016

**RE: APPOINTING MICHAEL PFAFF AND RONALD REIGN
 AS PART-TIME SEASONAL BEACH SWEEPERS
 TO THE UPPER TOWNSHIP PUBLIC WORKS DEPARTMENT**

WHEREAS, a need exists to appoint qualified personnel as part-time employees to the Upper Township Public Works Department to insure optimal operation; 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. Michael Pfaff and Ronald Reign are hereby appointed in part-time seasonal positions as beach sweepers, pending pre-employment testing, at a salary of \$12.00 per hour in accordance with the Salary Ordinance.
3. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Resolution No. 112-2016
Offered by: Barr
Adopted: April 25, 2016

Seconded by: Coggins

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>	_____	_____	_____

16. Adopting revisions to the Upper Township Supervisor's Personnel Policies and Procedures Manual and Employee Handbook, Section Six, Upper Township Beach Patrol.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 113-2016

RE: ADOPTING REVISIONS TO THE UPPER TOWNSHIP SUPERVISOR'S PERSONNEL POLICIES AND PROCEDURES MANUAL AND EMPLOYEE HANDBOOK, SECTION SIX, UPPER TOWNSHIP BEACH PATROL

WHEREAS, the Township Committee of the Township of Upper has determined there is a need to adopt revisions to the Township's Personnel Policies, Supervisor's Personnel Policies and Procedures Manual and Employee Handbook, Section Six, Upper Township Beach Patrol; and

WHEREAS, the Township Committee of the Township of Upper has reviewed and approved the addition to the Supervisor's Personnel Policies and Procedures Manual and Employee Handbook, Section Six, Upper Township Beach Patrol, a copy of which is attached hereto as Exhibit A; and

WHEREAS, the Township Committee has determined that the addition should be adopted to amend the existing Township Supervisor's Personnel Policies and Procedures Manual and the Employee Handbook, Section Six, Upper Township Beach Patrol; 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 addition to the Supervisor's Personnel Policies and Procedures Manual and Employee Handbook, Section Six, Upper Township Beach Patrol, attached hereto as Exhibit A is hereby adopted and approved and modifies the existing personnel policies, procedures, manuals and handbooks of the Township.
3. The Supervisor's Personnel Policies and Procedures Manual shall apply to all Township officials, appointees, employees, volunteers and independent contractors. In the

event there is a conflict between these rules and any collective bargaining agreement, personal services contract or federal or state law, the terms and conditions of that contract or law shall prevail. In all other cases these policies and procedures shall prevail.

4. The manual is intended to provide guidelines covering public service by Township employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Township Committee.

5. To the maximum extent permitted by law, employment practices for the Township shall operate under the legal doctrine known as “employment at will”.

6. 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. 113-2016
Offered by: Pierson
Adopted: April 25, 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>	___	___	___

17. Accepting the conveyance of real property known as Block 736 Lot 45 on the Municipal Tax Map of the Township of Upper, County of Cape May and State of New Jersey by gift.

Municipal Attorney stated that the property which is located in the meadowlands off of Roosevelt Blvd meets two of the main requirements under Township Ordinance to accept privately owned property; the title is clear and the engineer has indicated that the physical condition of the property is appropriate. For an additional \$200 cost the Township could purchase \$50,000 worth of title insurance on the property.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

RESOLUTION

RESOLUTION NO. 114-2016

**RE: ACCEPTING THE CONVEYANCE OF REAL PROPERTY KNOWN AS
BLOCK 736 LOT 45 ON THE MUNICIPAL TAX MAP OF THE TOWNSHIP OF
UPPER, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY BY GIFT**

WHEREAS, the Township of Upper has received an offer to convey property to the Township by gift from Rose A. Ordille; and

WHEREAS, said property is commonly known as Block 736, Lot 45 on the municipal tax map; and

WHEREAS, the Township has received evidence satisfactory to the Township that there are no liens or encumbrances affecting the property except for ad valorem real estate taxes; that the title is marketable; that there are no undisclosed ownership interests; that the property is not subject to any environmental hazards or conditions; and is not subject to any pending or threatened environmental enforcement action; and

WHEREAS, the Township Committee of the Township of Upper pursuant to Township Code Section 2-15 has determined to accept said real property by gift pursuant to its stated policy of acquiring certain properties.

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 of Upper is hereby authorized to accept the conveyance of the property, known as Block 736, Lot 45 on the municipal tax map of the Township of Upper, by gift from Rose A. Ordille so long as the title at the time of the gift remains as indicated above.

3. The Municipal Attorney is hereby authorized to prepare a Deed of conveyance, and to submit said Deed to the Office of the Clerk of Cape May County to be recorded.

4. 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. 114-2016

Offered by: Coggins

Seconded by: Pierson

Adopted: April 25, 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>

Motion by John Coggins, second by Hobart Young to approve the \$200 fee for title insurance on property commonly known as Block 736, Lot 45 on the municipal tax map of Upper Township. During roll call vote all five members voted in the affirmative.

- 18. Authorizing the award of a professional services contract with Dr. Stewart C. Farrell/Coastal Research Center of the Richard Stockton College of New Jersey for Shoreline Monitoring and Consulting Services for beach related issues.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 115-2016

RE: AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITH DR. STEWART C. FARRELL/COASTAL RESEARCH CENTER OF THE RICHARD STOCKTON COLLEGE OF NEW JERSEY FOR SHORELINE MONITORING AND CONSULTING SERVICES FOR BEACH RELATED ISSUES

WHEREAS, the Township of Upper has received a proposal from Dr. Stewart Farrell on behalf of the Coastal Research Center of the Richard Stockton College of New Jersey, which outlines shoreline monitoring services to be performed on behalf of the Township during the calendar year 2016 and provides a rate schedule for the services to be provided; and

WHEREAS, the Township Committee has considered this matter and has determined that it is in the best interest of the Township to authorize a Professional Services Contract as hereinafter provided; and

WHEREAS, the Township Solicitor has determined that the services to be provided are professional services and that a contract may be awarded without competitive bid; and

WHEREAS, the Treasurer has certified the availability of funds to permit the Township to enter into a Professional Services Contract; and

WHEREAS, a Business Entity Disclosure Certification is not required since this contract is with an agency of the state government; and

WHEREAS, the Township has decided to acquire the services of Dr. Stewart C. Farrell of the Coastal Research Center of the Richard Stockton College of New Jersey as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; 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 proposal of Dr. Stewart Farrell on behalf of the Coastal Research Center of the Richard Stockton College of New Jersey (hereinafter collectively referred to as “Contractor”), is hereby accepted, subject to the provisions of this Resolution.
3. The Mayor and Township Clerk are hereby authorized, directed and empowered to enter into a Professional Services Contract with the Contractor aforesaid for a one (1) year term commencing January 1, 2016. Said Agreement shall be prepared or approved by the Municipal Attorney for the Township of Upper. The Township Clerk is further authorized, directed and empowered to seal said Contract with the seal of the Township of Upper.
4. 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.
5. 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.

6. A certified copy of this Resolution shall be provided to the Contractor.

7. This Resolution shall take effect immediately provided, however, that the Contract awarded herein shall be effective as of January 1, 2016.

Resolution No. 115-2016

Offered by: Pierson

Seconded by: Barr

Adopted: April 25, 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>	___	___	___

19. Authorizing the purchase of bathroom partitions for the concession stand restrooms at Amanda’s Field in the amount of \$2,612.25 through the Keystone Purchasing Network National Cooperative Contract.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 116-2016

**RE: AUTHORIZING THE PURCHASE OF BATHROOM PARTITIONS FOR THE
CONCESSION STAND RESTROOMS AT AMANDA’S FIELD
IN THE AMOUNT OF \$2,612.25 THROUGH THE KEYSTONE PURCHASING
NETWORK NATIONAL COOPERATIVE CONTRACT**

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

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

WHEREAS, the Township of Upper intends to purchase bathroom partitions for the Concession Stand Restrooms at Amanda’s Field from Third Dimension Specialties through the Keystone Purchasing Network National Cooperative Contract No. #201105-10 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 Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with Third Dimension Specialties for the purchase of bathroom partitions for the Concession Stand Restrooms at Amanda’s Field through the Keystone Purchasing Network National Cooperative Contract No. #201105-10 in the amount of \$2,612.25.
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. 116-2016
Offered by: Young
Adopted: April 25, 2016

Seconded by: Barr

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>	_____	_____	_____

ORDINANCES

20. Public hearing and final adoption of Ordinance No. 007-2016 RE: AN ORDINANCE AUTHORIZING THE EXCHANGE OF CERTAIN PARCELS OF VACANT GROUND WITHIN THE TOWNSHIP OF UPPER SUBJECT TO CERTAIN TERMS AND CONDITIONS. **During the public hearing portion there were no speakers. Motion by John Coggins, second by Edward Barr, to adopt Ordinance 007-2016. During roll call vote all five Committeemen voted in the affirmative.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 007-2016

**RE: AN ORDINANCE AUTHORIZING THE EXCHANGE OF CERTAIN PARCELS
OF VACANT GROUND WITHIN THE TOWNSHIP OF UPPER SUBJECT TO
CERTAIN TERMS AND CONDITIONS**

WHEREAS, the Township of Upper is the owner, in fee, of a certain parcels of vacant ground located within the Township of Upper, County of Cape May, and State of New Jersey; and

WHEREAS, the Township has received an offer from John James Germanio, President of Belleplain Land, Inc. to exchange certain lands; and

WHEREAS, after discussion and deliberation, the Township Committee is of the opinion that the exchange will be in the best interest of the Township as it will eliminate isolated parcels and will permit the Township, as well as a private party, to aggregate land providing for larger parcels; and

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

SECTION 1: Subject to the provisions hereafter set forth, the Township of Upper is authorized to exchange certain lands owned by it with lands owned by Belleplain Land, Inc. more particularly described as follows:

- (A) The Township of Upper shall convey to Belleplain Land, Inc. Block 332, Lots 18, 19, and 20; and Block 333, Lots 23 and 24.
- (B) Belleplain Land, Inc. shall convey to the Township Block 354, Lots 1, 2, 3, 4, and 5.

SECTION 2: The Upper Township Tax Assessor and independent appraisals prepared by Louis A. Bonato dated December 14, 2015 have determined the full and fair market value of the land pursuant to N.J.S.A. 40A:12-16 and the value of the municipal land to be exchanged does not exceed the value of the land to be received by the municipality. The exchange shall be an even exchange with no additional cash consideration from either party.

SECTION 3: The exchange of lands authorized in Section 1 hereof is expressly conditioned and contingent upon the following:

- (A) The parties shall execute an agreement detailing the specifics of the entire transaction. Said agreement shall contain the terms and provisions of this Ordinance and such other terms and conditions as the Township deems appropriate to effectuate the purposes of this Ordinance.
- (B) Title reports shall be prepared by a title abstracting company and title underwriter acceptable to the Township and Belleplain Land, Inc. The title reports must, at a minimum, provide evidence that the property to be exchanged is owned, in fee simple, by the parties who shall be conveying same, that title is marketable and insurable at regular rates and that there are no liens, encumbrances or conditions, reservations or restrictions of record which would interfere with the intended use of the property by the Grantees.
- (C) The agreement between the parties shall expressly provide that the exchange of lands and all contingencies and conditions contained in said

agreement are inter-dependent and one shall not occur without the other. To that end, the parties agree that the exchange shall occur simultaneously.

(D) Any property to be conveyed herein shall be conveyed by Bargain and Sale Deed. The Township of Upper shall pay for the cost of the title report and all title company settlement charges for the land to be received by the Township and Belleplain Land, Inc. shall pay the cost of the title report and all title company settlement charges for the land to be received by Belleplain Land, Inc. Each party shall bear the cost of preparation of the deed conveying the property to the other. Each party shall be solely responsible for the cost of title insurance covering the parcels received by such party as a result of the exchange of lands.

(E) With respect to the property being conveyed by the Township, conveyance is under and subject to any riparian claim which may affect said property. In addition, the Township makes no representation as to the ability of the property to obtain a building permit or any other governmental approval. Belleplain Land, Inc. is required to comply with all applicable zoning, building and health ordinances, codes and regulations. The property to be transferred by the Township may be situated in a flood hazard zone. The Township of Upper makes no warranties or representations, expressed or implied, as to the property being transferred, the condition or marketability of title or any other matter. The Township of Upper makes no warranties or representations, expressed or implied, as to whether or not the property being transferred contains wetlands anywhere on the property. The Township of Upper makes no warranties or representations, expressed or

implied, as to any matter of an environmental nature, or otherwise, which may prevent or limit building or construction or use of the property.

(F) In the event a defect in the title or physical condition of the land to be received by the Township is discovered prior to closing, the Township may cancel this exchange whereupon there shall be no further obligations between the parties.

SECTION 4: This Ordinance shall take effect immediately upon final adoption and publication as required by law.

Notice is hereby given that the foregoing Ordinance was introduced for the First Reading at a meeting of the Township Committee of the Township of Upper held on the 21st day of March, 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 25th day of April, 2016 at 7:30 P.M. at the Township Hall, Tuckahoe, New Jersey, at which time said Ordinance was adopted.

Barbara L. Young, Township Clerk
Township of Upper

21. Public hearing and final adoption of Ordinance No. 008-2016 RE: BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$2,970,300 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,821,785 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF. During the public hearing portion there were no speakers. Motion by John Coggins, second by Edward Barr, to adopt Ordinance 008-2016. 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. 008-2016

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$2,970,300 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,821,785 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Upper, in the County of Cape May, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$2,970,300, and further including the aggregate sum of \$148,515 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,821,785 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are

hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) <u>Department of Public Works:</u>			
i) Acquisition of various vehicles, including rear load trash trucks, a service truck, field maintenance equipment, pickup trucks, sports utility vehicle and a dump truck with plow, including all related costs and expenses incidental thereto.	\$614,000	\$583,300	5 years
ii) Various improvements, including upgrades to the door fob systems at all Township facilities and improvements to the Department of Public Works building, including the expansion of the administrative section of the building, the replacement of steel sections (as needed), the addition of a storage section and the installation of garage doors and insulation, including all work			

and materials necessary therefor and incidental thereto.

\$65,000 \$61,750 10 years

iii) Acquisition of various equipment, including an athletic field mower, a skid steer, a dump truck body and a leaf vacuum, including all related costs and expenses incidental thereto.

\$185,000 \$175,750 15 years

TOTAL: \$864,000 \$820,800

b) Emergency Medical Services:

i) Acquisition of a beach rescue vehicle/trailer and an ambulance, including all related costs and expenses incidental thereto.

\$325,000 \$308,750 5 years

ii) Acquisition of digital camera systems, including all related costs and expenses incidental thereto.

\$6,300 \$5,985 10 years

TOTAL: \$331,300 \$314,735

c) Engineering:

i) Various improvements of Township roads and facilities, including the Webster Avenue playground, bulkhead, road reconstruction and surfacing of playgrounds, including all work and materials necessary therefor and incidental thereto.

\$1,695,000 \$1,610,250 10 years

ii) Repairs to the Seacliff Avenue outfall, including all work and materials necessary

therefor and incidental thereto.	<u>\$25,000</u>	<u>\$23,750</u>	40 years
TOTAL:	<u>\$1,720,000</u>	<u>\$1,634,000</u>	
d) <u>Beach Patrol</u> :			
Acquisition of lifeguard stands, including all related costs and expenditures incidental thereto.	<u>\$9,000</u>	<u>\$8,550</u>	10 years
e) <u>Emergency Management</u> :			
i) Acquisition of a Computer-Aided Dispatch System, including all related costs and expenditures incidental thereto.			
	\$30,000	\$28,500	5 years
ii) Acquisition of various equipment, including a trailer for the Community Emergency Response Team and a PodRunner for Shelter Management, including all related costs and expenditures incidental thereto.			
	<u>\$16,000</u>	<u>\$15,200</u>	15 years
TOTAL:	<u>\$46,000</u>	<u>\$43,700</u>	
GRAND TOTAL:	<u>\$2,970,300</u>	<u>\$2,821,785</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by

the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Township may

lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 8.95 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,821,785, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$300,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance.

The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

22. Introduction and first reading of Ordinance No. 009-2016 RE: AN ORDINANCE AUTHORIZING THE GRANT OF AN EASEMENT FROM THE TOWNSHIP OF UPPER TO AN ADJACENT LAND OWNER. Motion by Jeffrey Pierson, second by John Coggins, to introduce Ordinance No. 009-2016 with a public hearing and final adoption scheduled for May 23 2016. During roll call vote all five Committeemen voted in the affirmative.

The Municipal Attorney explained that this property has a barn that encroaches on Township property which has been there for decades. The property was recently acquired as part of the Township's Market to Affordable program by TRIAD our Administrative Consultant for the program. In order to clear up the encroachment issue the easement will allow the building to stay on the property. In the event the building is torn down or destroyed by more than seventy five percent then the easement goes away.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

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 9 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

23. **Upper Township Historical Society request for the use of Township owned buildings for a Historical Society Museum.** The Municipal Attorney recommended that the Code Enforcement Official and the Engineer to review property to determine habitability of the building. He also recommended that someone from buildings and grounds discuss with them the use of the building. Committeeman Pierson discussed the possibility of grant funding from the State and County to bring the building up to code. Motion by Jeffrey Pierson, second by Hobie Young to direct the Clerk to request the engineer and code official review the building for the requirements needed to bring the building up to habitable condition and for what would be needed to apply for grant funding. During roll call vote all five Committeemen voted in the affirmative.
24. **George Karayiannis request for the use of the Upper Township Community Center for pickup basketball games for adults over 40.** Motion by Hobie Young, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative.

UNFINISHED BUSINESS

DISCUSSION

PAYMENT OF BILLS

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

Bills approved for payment: \$104,580.79
Payroll: \$158,350.95

REPORT OF MUNICIPAL DEPARTMENTS

26. Tax Assessor

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

PUBLIC COMMENT

Kevin Grubb, Rt 50 Greenfield, inquired into the request from the Upper Township Historical Society for use of the Old Municipal Building and the proposed use of the building by the Township for offices.

Nathalie Neiss, Rt 50 Petersburg, questioned several items including a matter pertaining Ordinance No. 009-2016; Ms. Neiss questioned the need for an easement from the Township. The Municipal Attorney explained that this property has been identified by the Administrative Consultant for the Townships Market to Affordable program as a viable property for the program. Due to the encroachment issue the easement is needed in order to clear up the title. Ms. Neiss also questioned a matter pertaining to a fence permit and a complaint she filed with the Zoning office regarding her neighbor’s property. During this discussion pertaining to Ms. Neiss’s neighbor Committeeman Hobie Young recused himself. The Township Attorney stated that he would need to review the file and the complaint with the Zoning Officer in order to give an opinion on the matter.

CLOSED SESSION

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

**TOWNSHIP OF UPPER
RESOLUTION NO. 117-2016
MOTION GOING INTO CLOSED SESSION
APRIL 25, 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 – Verizon Wireless
- 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: John Coggins

Motion seconded by: Richard Palombo

During roll vote all five Committee members voted in the affirmative

RECONVENE PUBLIC PORTION OF MEETING

Motion by John Coggins, second by Richard Palombo, to reconvene the public portion of the meeting with all five Committee members voting in the affirmative.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:32 P.M., with a motion by John Coggins, second by Richard Palombo to adjourn with all five members voting in the affirmative. The next regular meeting is scheduled for May 9, 2016 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC

Bill List

67004 04/25/16 A0025 ADVANTAGE RENTAL ACE HARDWARE 1,108.35 2920
67005 04/25/16 A0060 ALL INDUSTRIAL-SAFETY PRODUCTS 498.00 2920
67006 04/25/16 A0075 ADAMS, JOSHUA 139.00 2920
67007 04/25/16 A0091 ATLANTIC CITY ELECTRIC 2,084.91 2920
67008 04/25/16 A0134 ANSELL GRIMM & AARON, PC 152.50 2920
67009 04/25/16 A0202 ACTIVE 911, INC 264.00 2920
67010 04/25/16 B0231 BARKER, GELFAND & JAMES, PC 942.09 2920
67011 04/25/16 B0232 BLUE FLAME GAS 148.85 2920
67012 04/25/16 C0060 CAPRIONI'S PORTABLE TOILETS 1,050.00 2920
67013 04/25/16 C0068 COMCAST 125.95 2920
67014 04/25/16 C0171 COLONIAL ELECTRIC SUPPLY CO. 364.62 2920
67015 04/25/16 C0223 CASA PAYROLL SERVICE 243.85 2920
67016 04/25/16 C0261 CEUNION 89.00 2920
67017 04/25/16 D0040 DELTA DENTAL OF N.J. INC. 5,518.05 2920
67018 04/25/16 D0045 DEPTCOR 140.00 2920
67019 04/25/16 G0035 GENRON FIRE PROTECTION 265.00 2920
67020 04/25/16 H0037 HENRY SCHEIN 0.69 2920
67021 04/25/16 H0073 HOME DEPOT CRC/GECF 2,200.44 2920
67022 04/25/16 J0072 JERSEY WEB DESIGNS 2,679.99 2920
67023 04/25/16 K0089 Knapp, Katrina 20.00 2920
67024 04/25/16 L0043 LEE RAIN,INC. 505.00 2920
67025 04/25/16 L0080 LOWES, INC. 602.29 2920
67026 04/25/16 M0012 McCAULEY, RICHARD 66.10 2920
67027 04/25/16 M0059 MCDANIELS, WILLIAM J. III 144.99 2920
67028 04/25/16 M0076 MGL PRINTING SOLUTIONS 475.00 2920
67029 04/25/16 M0180 MED-TECH RESOURCE,LLC 160.80 2920
67030 04/25/16 M0247 MORGAN, SCOTT 36.21 2920

67031 04/25/16 N0004 NJ-AMERICAN WATER CO. 81.10 2920
67032 04/25/16 N0046 NJ EMERGENCY PREPAREDNESS ASSO 90.00 2920
67033 04/25/16 N0141 NETCARRIER TELECOM, INC. 1,914.41 2920
67034 04/25/16 P0032 PEDRONI FUEL CO. 2,428.34 2920
67035 04/25/16 P0036 PENNELLO,DAVID 136.95 2920
67036 04/25/16 P0050 PARSIO, ANTHONY 150.00 2920
67037 04/25/16 P0136 POSTNET 34.89 2920
67038 04/25/16 Q0008 QUILL CORPORATION 36.66 2920
67039 04/25/16 R0030 RIGGINS, INC. 4,407.88 2920
67040 04/25/16 R0100 ROBERTS OXYGEN COMPANY, INC. 37.60 2920
67041 04/25/16 R106 RUMER, LISA 223.11 2920
67042 04/25/16 S0020 SUPPLY WORKS 48.00 2920
67043 04/25/16 S0075 SHARP, RHONDA L. 30.00 2920
67044 04/25/16 S0113 SMITH,THOMAS G. 2,838.46 2920
67045 04/25/16 S0121 SMUZ, THERESE A 13.82 2920
67046 04/25/16 S0126 SPIEGEL, BARBARA 50.00 2920
67047 04/25/16 S0134 SO. JERSEY GAS COMPANY 1,564.46 2920
67048 04/25/16 S0139 SO. JERSEY WATER COND. INC. 260.00 2920
67049 04/25/16 S0254 SHOPRITE 314.55 2920
67050 04/25/16 S0284 SOUTH JERSEY INTERPRETERS 150.00 2920
67051 04/25/16 S0294 JEFFREY R. SURENIAN & ASS. LLC 2,000.00 2920
67052 04/25/16 S0303 SITEONE LANDSCAPE SUPPLY, LLC 32,738.58 2920
67053 04/25/16 T0022 TERMINIX 57.00 2920
67054 04/25/16 T0028 TRACTOR SUPPLY COMPANY CREDIT 39.99 2920
67055 04/25/16 T0067 TOWNSHIP OF UPPER PETTY CASH 3.00 2920
67056 04/25/16 T0074 TRANSAXLE LLC 3,715.00 2920
67057 04/25/16 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 2920
67058 04/25/16 T0182 THE DAWSON CORPORATION 27,344.25 2920
67059 04/25/16 V0005 VAN EMBDEN, NATHAN, ATTORNEY 750.00 2920
67060 04/25/16 V0024 VAL-U AUTO PARTS L.L.C. 15.81 2920
67061 04/25/16 V0027 VANORDER, ROGER 170.93 2920
67062 04/25/16 W0050 WIRELESS ELECTRONICS, INC. 600.00 2920
67063 04/25/16 W0092 WTH TECHNOLOGY, INC 1,500.00 2920
67064 04/25/16 X0008 XEROX FINANCIAL SERVICES 662.40 2920
67065 04/25/16 Y0012 YOUNG,ROBERT 122.92 2920

Total: \$104,580.79