

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
AGENDA FOR JANUARY 11, 2016**

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

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

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

APPROVAL OF MINUTES - December 14, 2015 Regular Meeting and Closed Session Minutes

Motion by Jeff Pierson, second by John Coggins, to approve the December 14, 2015 Regular Meeting and Closed Session Minutes as submitted. During roll call vote all five Committeemen voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

John Coggins, Committeeman, reported that the 2016 budget process has begun, and Committee members should have the first budget draft by next week. He requested a budget workshop be held before the next meeting on January 25th at 6:30 pm. Last, he commended all of the departments for coming in under budget in 2015.

Hobie Young, Committeeman, reported that the individual suspected of vandalism at Amanda’s Field will be brought before the court soon. He requested that someone from the Township be in attendance to represent the Township’s interests. The Municipal Engineer stated that he will make sure someone is in attendance. Committeeman Young next brought up an issue regarding the condition of the Community Center during the busy winter weekends. He recommended that a part-time employee be hired to make sure the building is cleaned throughout the day and locked and secured after the events. After a lengthy discussion it was suggested that until the best plan of action is determined, overtime hours be offered to current employees to make sure the building is cleaned and secured over the weekends.

Jeffrey Pierson, Committeeman, reported that the free rabies clinic was a success this past Saturday. The next one will be held on February 6, 2016 from 1:00 to 3:00 at Shore Veterinarians.

Edward Barr, Committeeman, reported that the first round of leaf collection went very well, and the second round is almost complete, along with the Christmas tree collection. He also stated that the Township's supply of salt should be adequate for the season.

OTHER REPORTS

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

Paul Dietrich, Municipal Engineer, gave a brief update on the Route 50 Tuckahoe Bridge project, the Strathmere beach replenishment project, and the Garden State Parkway Bridge project. Last he requested authority to place an ordinance on an agenda which will establish the accessory apartment project as part of the Township's affordable housing fair share plan. A sample Ordinance has already been prepared and reviewed by the Committee a number of years ago. The Municipal Attorney stated that any further details on the project should be discussed during tonight's closed session under litigation – affordable housing.

RESOLUTIONS

1. Honoring Forest Yue-Lin Wan 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. 25-2016

**RE: HONORING FOREST YUE-LIN WAN ON ATTAINING THE
DESIGNATION OF "EAGLE SCOUT"**

WHEREAS, Forest Yue-Lin Wan of Troop 76, Sea Isle City, 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 Forest 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 design and installation of an outdoor volleyball court, benches, pavers, an arbor entrance, and a garden at Trinity United Methodist Church in Marmora, New Jersey; and

BE IT FURTHER RESOLVED that the Township Committee extends its sincere congratulations and best wishes to Forest’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 11th day of January, 2016.

Resolution No. 25-2016
 Offered by: Palombo
 Adopted: January 11, 2016
 Roll Call Vote:

Seconded by: Pierson

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>

- Affirming the Township of Upper’s Civil Rights Policy with respect to all Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors, and members of the public that come into contact with Municipal Employees, Officials and Volunteers.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 RESOLUTION**

RESOLUTION NO. 26-2016

**RE: AFFIRMING THE TOWNSHIP OF UPPER’S
 CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS,
 APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS,
 INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT
 COME INTO CONTACT WITH MUNICIPAL EMPLOYEES,**

OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of the Township of Upper to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of the of the Township of Upper has determined that certain procedures need to be established to accomplish this policy; and

NOW, THEREFORE BE IT RESOLVED to affirm and adopt the Township of Upper's civil rights policy as follows:

Section 1: No official, employee, appointee or volunteer of the Township of Upper by whatever title known, or any entity that is in any way a part of the Township of Upper shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Township of Upper's business or using the facilities or property of the Township of Upper.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Township of Upper to provide services that otherwise could be performed by the Township of Upper.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Township Committee shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Personnel Officer shall establish written procedures that require all officials, employees, appointees and volunteers of the Township of Upper as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Personnel Officer shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Municipal Clerk shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Township of Upper. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Township of Upper’s web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Township of Upper in order for the public to be made aware of this policy and the Township of Upper’s commitment to the implementation and enforcement of this policy.

Resolution No. 26-2016

Offered by: Barr

Seconded by: Pierson

Adopted: January 11, 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>	___	___	___

- 3. Authorizing the execution of a subcontract with the County of Cape May for the State Fiscal Year 2017 Municipal Alliance Program.

**TOWNSHIP OF UPPER
COUNTY OF CAPE MAY
RESOLUTION**

RESOLUTION NO. 27-2016

**AUTHORIZING THE EXECUTION OF A SUBCONTRACT
WITH THE COUNTY OF CAPE MAY FOR THE
STATE FISCAL YEAR 2017 MUNICIPAL ALLIANCE PROGRAM**

WHEREAS, pursuant to P. L. 1989, Ch. 51, the Municipal Alliance Program has been made available to each county in order to increase drug and alcohol prevention services;

and

WHEREAS, the City of Ocean City and the Township of Upper have agreed to participate together in this effort and have designated Upper Township as the lead municipality; and

WHEREAS, the Township of Upper has agreed to organize and coordinate efforts involving schools, law enforcement, businesses, local organizations and the community to work toward the development and implementation of community based alcoholism and drug abuse education, awareness, and alternative and prevention programs for our school aged children; and

WHEREAS, the Cape May County Department of Human Services has informed the Township of Upper/City of Ocean City Municipal Alliance Committee of its eligibility to apply for Municipal Alliance funds in the amount of:

DEDR Funds.....	\$24,393.00
Amount of Local In-Kind Match.....	\$18,295.00
Amount of Local Cash Match.....	\$ 6,098.00
TOTAL AMOUNT OF SUBCONTRACT.....	\$48,786.00

WHEREAS, the Township of Upper wishes to apply for said funding; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township as lead agency is hereby authorized to submit an application and strategic plan for Municipal Alliance funding for the Fiscal Grant Cycle July 1, 2016 to June 30, 2017 grant funds in the amount specified in this Resolution or for such other amounts as may become available, and the Mayor and Township Clerk are further authorized and directed to execute a Sub-Contract on behalf of the Township with the County of Cape May for the period of July 1, 2016 to June 30, 2017. Such actions of the Township are

contingent upon the proper authorization of the participation of the City of Ocean City.

3. Upon confirmation of such authorization from the City of Ocean City, the Chief Financial Officer, Mayor, or Municipal Clerk of the Township of Upper, as appropriate, is hereby authorized and directed to execute the section of the subcontract entitled "Statement of Assurances".

4. A certified copy of this Resolution shall be submitted to the County of Cape May in the Department of Human Services, together with the completed application.

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

Resolution No. 27-2016

Offered by: Young

Seconded by: Coggins

Adopted: January 11, 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>	_____	_____	_____

4. Authorizing a contract amendment between the Township of Upper and Atlantic Investigations, LLC for safety consultant services.

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

RESOLUTION NO. 28-2016

**RE: AUTHORIZING A CONTRACT AMENDMENT BETWEEN THE TOWNSHIP OF
UPPER AND ATLANTIC INVESTIGATIONS, LLC FOR SAFETY CONSULTANT
SERVICES**

WHEREAS, the Township of Upper and Atlantic Investigations, LLC entered into a contract on September 24, 2015 for an alcohol and controlled substances training and testing program pursuant to Resolution No. 221-2015; and

WHEREAS, the Township of Upper and Atlantic Investigations, LLC desire to modify said contract to provide additional Safety Consultant Services; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township to authorize said amendment to the contract with Atlantic Investigations, LLC as hereinafter provided; and

WHEREAS, the Municipal Attorney has determined that the services provided by the proposed amendment to the existing contract are professional services and that the award of the amended contract may be made without competitive bid and pursuant to the provisions of N.J.S.A. 19:44A-2.05; and

WHEREAS, the Chief Financial Officer has certified the availability of funds to permit the Township to enter into the proposed amendment to the professional services contract as aforesaid; 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 professional services contract between the Township of Upper and Atlantic Investigations, LLC is hereby amended to include the additional services, as set forth in the correspondence dated December 7, 2015 from Atlantic Investigations, LLC.
3. A copy of the proposed contract amendment detailing the nature and the extent of the work to be done shall be attached to this Resolution.
4. The Mayor and the Township Clerk are hereby authorized, directed and empowered to enter into said amendment to the professional services contract with Atlantic Investigations, LLC aforesaid.
5. The Township Clerk shall cause a Notice of Award of this amendment to the professional services contract to be published in the official newspaper

of the Township as required by N.J.S.A. 40A:11-5.

- 6. This amendment to the contract is for a professional services contract and has been awarded without competitive bidding.
- 7. All Township officials and officers are hereby authorized and directed to take all action necessary to carry out the intent and purpose of this Resolution.
- 8. This Resolution shall be effective as of adoption.

Resolution No. 28-2016
 Offered by: Pierson
 Adopted: January 11, 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. Authorizing a professional services contract with Cape May County Council on Alcoholism and Drug Abuse, Inc. for an employee assistance program for Township employees.

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

RESOLUTION NO. 29-2016

RE: AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH CAPE MAY COUNTY COUNCIL ON ALCOHOLISM AND DRUG ABUSE, INC. FOR AN EMPLOYEE ASSISTANCE PROGRAM FOR TOWNSHIP EMPLOYEES

WHEREAS, the Township of Upper wishes to continue its Employee Assistance Program to provide assessment, evaluation intervention, referral and case management services for employees of the Township; and

WHEREAS, the Township of Upper has previously contracted with Cape May County Council on Alcoholism and Drug Abuse, Inc., a New Jersey non-profit corporation (hereinafter referred to as “Cape Assist”) for such services and wishes to continue such relationship

by entering into a Professional Services Contract to cover the period from January 1, 2016 to December 31, 2016; and

WHEREAS, Cape Assist has the required expertise to provide and implement the Upper Township Employee Assistance Program; and

WHEREAS, the Township Committee intends to engage the services of Cape Assist under a Professional Services Contract attached hereto as Exhibit A; and

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

WHEREAS, Cape Assist has completed and submitted a Business Entity Disclosure Certification which certifies that Cape Assist 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 Assist 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. Cape Assist 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 proposed Professional Services Contract between the Township of Upper and Cape Assist, a copy of which is on file in the office of the Township Clerk, is hereby approved and the Mayor and the Township Clerk are hereby authorized, directed and empowered to execute said Contract on behalf of the Township of Upper and 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 of Upper as required by N.J.S.A. 40A:11-5.
5. This Contract has been awarded without competitive bidding for the following reason or reasons:

(A) Professional services of the type herein sought are of such a nature as to require a high degree of trust or confidence in the individual providing the service and, in fact, may

require the creation of a confidential or fiduciary relationship between that individual and the municipality;

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

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

(D) The services are such that their relative work must be judged by subjective considerations that are not susceptible of valuation by competitive bidding; and

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

6. This Resolution shall take effect immediately and shall be deemed retroactive to January 1, 2016.

Resolution No. 29-2016

Offered by: Pierson

Seconded by: Young

Adopted: January 11, 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>	___	___	___

6. Authorizing the Township of Upper to apply for an Emergency Management Performance Grant from the State of New Jersey, Division of State Police, Office of Emergency Management FY15 Emergency Management Agency Assistance Sub-Award Program.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 30-2016

RE: AUTHORIZING THE TOWNSHIP OF UPPER TO APPLY FOR AN EMERGENCY MANAGEMENT PERFORMANCE GRANT FROM THE STATE OF NEW JERSEY, DIVISION OF STATE POLICE, OFFICE OF EMERGENCY MANAGEMENT FY15 EMERGENCY MANAGEMENT AGENCY ASSISTANCE SUB-AWARD PROGRAM

WHEREAS, the Township of Upper, Office of Emergency Management, has been authorized to file an application for an Emergency Management Performance Grant from the New Jersey State Police Office of Emergency Management; and

WHEREAS, the EMAA (Emergency Management Agency Assistance) sub-award, consisting of a total amount of \$14,000.00, including \$7,000.00 Federal Award and \$7,000.00 Local Matching Funds, is for the purpose of enhancing Upper Township’s ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the EMAA sub-award application incorporates all conditions and representations contained or made in application; and

WHEREAS, the Township of Upper Office of Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for the sub-award that has been required by the said New Jersey State Police Office of Emergency Management; and

WHEREAS, the Application for the sub-award calls for a match in the amount of \$7,000.00, which the Township of Upper, Office of Emergency Management will satisfy through the 2016 Township of Upper approved budget for Division salaries and wages and fringe benefits.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Upper hereby authorizes the application for the award of the FY 2015 Emergency Management Performance Grant in the amount of \$7,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management; and

BE IT FURTHER RESOLVED that the Director of the Division of Local Government Services is requested to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$7,000.00, once approved, from the New Jersey State Police, Office of Emergency Management in the like amount of \$7,000.00 from the aforementioned grant; and

BE IT FURTHER RESOLVED that the like sum of \$7,000.00 is hereby appropriated under the caption FY 2015 Emergency Management Performance Grant; and

BE IT FURTHER RESOLVED that the Mayor, Chief Financial Officer and the Township Emergency Management Coordinator are authorized to sign the appropriate sub-award documents; and

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; Cape May County Office of Emergency Management; the New Jersey Director of the Division of Local Government Services.

Resolution No. 30-2016
 Offered by: Barr
 Adopted: January 11, 2016
 Roll Call Vote:

Seconded by: Pierson

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>

7. Approving the application of the Upper Township Rescue Squad for Highway Coin Drops.

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

RESOLUTION NO.31-2016

**RE: APPROVING THE APPLICATION OF THE UPPER TOWNSHIP RESCUE
SQUAD FOR HIGHWAY COIN DROPS**

WHEREAS, the Upper Township Rescue Squad, a non-profit corporation providing emergency medical and rescue services, has made application to the Township Committee to hold coin drop solicitations in Upper Township; and

WHEREAS, the Township Committee has approved the requests; and

WHEREAS, the requests require approval from the County of Cape May;

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 application of the Upper Township Rescue Squad to hold a coin drop within Upper Township on County Route 623 (Roosevelt Boulevard) and Vernon Avenue is hereby approved for the following dates:

Saturday, June 18, 2016 from 8:00 a.m. to 4:00 p.m.;

Saturday, July 2, 2016 from 8:00 a.m. to 4:00 p.m.;

And

Saturday August 13, 2016 from 8:00 a.m. to 4:00 p.m.

3. Attached to this Resolution is a certified copy of Ordinance No. 7-2001, authorizing coin drops within Upper Township enacted pursuant to N.J.S.A. 39:4-60.

4. A certified copy of this Resolution shall be provided to the Board of Chosen Freeholders of the County of Cape May.

Resolution No.31-2016

Offered by: Pierson Seconded by: Barr

Adopted: January 11, 2016

Roll Call Vote:

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

8. Tax Refund Block 600, Lot 62-C0235.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 32-2016

**TAX REFUND
BLOCK 600 LOT 62 -C0235**

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. 32-2016

Offered by: Coggins

Seconded by: Palombo

Adopted: January 11, 2016

Roll Call Vote:

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

REFUND 12/07/2015 WIPP PAYMENT

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
600/62/-C0235	\$332.64	John Ekey 1810 Steamboat Station South Hampton PA 18966

4th Quarter property taxes were paid twice in error.

9. Canceling Taxes on exempt property Block 647 Lot 23.

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

RESOLUTION NO. 33-2016

**CANCELING TAXES ON EXEMPT PROPERTY
 BLOCK 647 LOT 23**

WHEREAS, certain corrections have been recommended by the Upper Township
 Tax Collector in order to correct tax records,

WHEREAS, certain properties became tax exempt for the year 2015,

WHEREAS, Paul Iannace is a 100% disabled American veteran residing at 325

Quail Drive, Block 647, Lot 34 on the municipal tax map of Upper Township, New Jersey,

WHEREAS, the Department of Veterans Affairs has determined that Mr. Iannace’s 100% permanent wartime service connected disability was effective December 1, 2007,

WHEREAS, Paul Iannace purchased said property on July 2, 2015 with 50% ownership and made application on July 2, 2015,

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. 33-2016

Offered by: Coggins

Seconded by: Pierson

Adopted: January 11, 2016

Roll Call Vote:

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

CANCEL TAX 2015

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
647/23	\$1,857.52 – 50%	Paul Iannace 23 W Quail Dr Marmora, NJ 08223

100% Totally Disabled Veteran

10. Temporary Budget - Debt Service.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION

RESOLUTION NO. 34-2016

RE: 2016 TEMPORARY BUDGET – DEBT SERVICE

WHEREAS, N.J.S.A. 40A:4-19 provides authority for appropriating in a temporary resolution the permanent debt service requirements for the coming fiscal year providing that such resolution is not made earlier than the last ten days of the preceding fiscal year; and

WHEREAS, the date of this resolution is subsequent to that date; and

WHEREAS, principal and interest will be due on various dates from January 1, 2016 to December 31, 2016, inclusive, on sundry bonds issued and outstanding.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, in the County of Cape May, State of New Jersey, that the following appropriations be made to cover the period from January 1, 2016 to December 31, 2016, inclusive:

DEBT SERVICE – TOWNSHIP OF UPPER

Interest on Bond Anticipation Note and Special Emergency Note	\$ 24,605.00
Payment on Bond Anticipation Note and Special Emergency Note	<u>3,515,000.00</u>
	\$3,539,605.00

Resolution No. 34-2016
Offered by: Coggins
Adopted: January 11, 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>	_____	_____	_____

- 11. Authorizing the purchase of a main front entrance Automatic Door Operator from the 2013 Capital Improvement Bond Ordinance in the amount of \$3,981.68.

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

RESOLUTION NO. 35-2016

RE: AUTHORIZING THE PURCHASE OF A MAIN FRONT ENTRANCE AUTOMATIC DOOR

**OPERATOR FROM THE 2013 CAPITAL IMPROVEMENT BOND ORDINANCE
IN THE AMOUNT OF \$3,981.68**

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

WHEREAS, the Township Committee has adopted the 2013 Capital Improvement Bond Ordinance 05-2013 on April 8, 2013 and subsequently amended on December 16, 2013, April 14, 2014 and again on October 13, 2015; and

WHEREAS, the Township's QPA has reviewed and approved the quote for this main front entrance automatic door operator; and

WHEREAS, pursuant to N.J.S.A 40A:11-12a, the Township wishes to purchase a main front entrance automatic door operator from Door Jockey, Inc. for \$3,981.68.

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

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

2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the purchase of the main front entrance automatic door operator from Door Jockey, Inc. for \$3,981.68 from the 2013 Capital Improvement Bond.

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

Resolution No. 35-2016

Offered by: Young

Seconded by: Pierson

Adopted: January 11, 2016

Roll Call Vote:

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

ORDINANCES

12. Introduction and first reading of Ordinance No. 001-2016 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER VII OF THE CODE OF UPPER TOWNSHIP. Motion by John Coggins, second by Jeffrey Pierson to introduce Ordinance 001-2016 with a public hearing and final adoption scheduled for February 8, 2016. During roll call vote all five Committeemen voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 001-2016

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

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

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

SCHEDULE I – NO PARKING

Add the following:

Street	Location
Mosquito Landing Rd	<i>Both sides of Mosquito Landing Road a distance of one thousand (1,000’) feet easterly from the curbline of State Highway Rt-50.</i>
Tuckahoe Road* (CR 631)	<i>North side of Tuckahoe Road a distance of five hundred sixty (560’) feet westerly from Stagecoach Road (CR667).</i>
Tuckahoe Road* (CR 631)	<i>South side of Tuckahoe Road a distance of three hundred seventy five (375’) feet westerly from Stagecoach Road (CR667).</i>

Tuckahoe Road*

Both sides of Tuckahoe Road a distance of three hundred (CR 631)(300') feet easterly from Stagecoach Road (CR 667).

* No-Parking restriction was approved and authorized by the Cape May County Board of Chosen Freeholders pursuant to Resolution No. xxx-16 and may be enforced by this Township ordinance.

SECTION 2: REPEALER: All Ordinances or parts of Ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

SECTION 3: 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 4: EFFECTIVE DATE: This Ordinance shall take effect upon final adoption and publication as required by law.

SECTION 5: CODIFICATION: This Ordinance shall be codified in the Upper Township Code at the sections referred to above.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE **11th DAY OF JANUARY, 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 **8th DAY OF FEBRUARY, 2016** AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

UPPER.

BARBARA L. YOUNG, TOWNSHIP CLERK

TOWNSHIP OF UPPER

CORRESPONDENCE

NEW BUSINESS

UNFINISHED BUSINESS

DISCUSSION

PAYMENT OF BILLS

13. **“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: \$329,255.39

Payroll: \$209,939.11

REPORT OF MUNICIPAL DEPARTMENTS

- 14. Animal Control
- 15. Clerk's Office
- 16. EMS Department
- 17. Finance Office
- 18. Tax Collector
- 19. MUA Report

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

Ed Dodge, Strathmere, stated that he is having issues with a neighbor's bamboo that has been encroaching onto his property and has caused some damage to his septic system. He inquired if the Township has an ordinance regulating the containment of invasive species like bamboo. The Municipal Attorney stated that there is currently not an ordinance, however the Committee is within its rights to adopt one. Typically an ordinance would prohibit any future planting of invasive nuisance species, regulate the containment of any existing invasive species, and set a fine for violations. There was a general consensus to direct the Municipal Attorney to gather sample ordinances for further review.

Ted Kingston, Strathmere, thanked the Committee and the Engineer for the work involved with obtaining the additional beach fill.

CLOSED SESSION

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

**TOWNSHIP OF UPPER
RESOLUTION NO. 36-2016
MOTION GOING INTO CLOSED SESSION
JANUARY 11, 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. Litigation - Yank and Sansone
2. Litigation - Lloyd v. Upper Township
3. Litigation - Affordable Housing
4. Contract negotiation - Cooper Health System
5. Contract negotiation - Dennis Township Shared Service
6. Contract negotiation - Better Hearing
7. Contract negotiation - Shared Services with Cape May County for Animal Sheltering Services
8. Personnel
9. Safety and Security - Updates to Upper Township Website

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

Motion by John Coggins, second by Jeffrey Pierson, to amend the Dennis Township Shared Services Agreement to hire a part-time employee with the understanding that Dennis Township will credit the Township the cost. During roll call vote four Committee members present voted in the affirmative.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:12 P.M., with a motion by John Coggins, second by Jeffrey Pierson to adjourn with four members present voting in favor. Hobie Young left meeting prior to adjournment and Dennis Township Motion. The next regular meeting is scheduled for January 25, 2016 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC

BILL LIST

66382	01/11/16	A0018	ACTION SUPPLY INC.	767.22	2906
66383	01/11/16	A0021	ADAMS, GEORGE E. JR.	239.00	2906
66384	01/11/16	A0025	ADVANTAGE RENTAL ACE HARDWARE	599.15	2906
66385	01/11/16	A0026	ALERT GRAPHICS	925.00	2906
66386	01/11/16	A0075	ADAMS, JOSHUA	216.06	2906
66387	01/11/16	A0091	ATLANTIC CITY ELECTRIC	12,563.36	2906
66388	01/11/16	A0121	ABSECON RADIATOR SERVICE	580.67	2906
66389	01/11/16	A0134	ANSELL GRIMM & AARON, PC	2,315.00	2906
66390	01/11/16	A0193	ATLANTIC INVESTIGATIONS, LLC	136.00	2906
66391	01/11/16	A0200	AMERICAN GENERAL LIFE INS CO.	195.44	2906
66392	01/11/16	B0035	BELMONT & CRYSTAL SPRINGS	16.92	2906
66393	01/11/16	B0178	BUGANSKI, PETER R.	258.58	2906
66394	01/11/16	B0200	BELLEPLAIN SUPPLY COMPANY INC	272.90	2906
66395	01/11/16	B0201	BUCK'S ELECTRICAL SERVICE, INC	180.00	2906
66396	01/11/16	C0031	CAPE ASSIST	225.00	2906
66397	01/11/16	C0060	CAPRIONI'S PORTABLE TOILETS	604.00	2906
66398	01/11/16	C0068	COMCAST	670.26	2906
66399	01/11/16	C0091	CHISHOLM, JOHN R.	89.99	2906
66400	01/11/16	C0131	CINTAS FIRST AID & SAFETY	44.38	2906
66401	01/11/16	C0143	CODY'S POWER EQUIPMENT	449.00	2906
66402	01/11/16	C0171	COLONIAL ELECTRIC SUPPLY CO.	51.33	2906
66403	01/11/16	C0201	CRUZAN'S TRUCK SERVICE INC.	1,481.72	2906
66404	01/11/16	C0223	CASA PAYROLL SERVICE	572.30	2906
66405	01/11/16	C0230	CATAMARAN MEDIA COMPANY	72.00	2906
66406	01/11/16	C0242	CORE MECHANICAL, INC.	2,952.13	2906
66407	01/11/16	C0247	CMRS-FP	2,000.00	2906
66408	01/11/16	C0258	C2 LOGIX, INC.	1,162.80	2906
66409	01/11/16	D0040	DELTA DENTAL OF N.J. INC.	5,675.20	2906
66410	01/11/16	D0045	DEPTCOR	127.50	2906
66411	01/11/16	E0012	EHRLICH PEST CONTROL INC	83.00	2906
66412	01/11/16	F0048	LESLIE G. FOGG INC	7,516.11	2906
66413	01/11/16	F0177	FITZGERALD & MCGROARTY, MT.	2,000.00	2906
66414	01/11/16	G0016	GARDNER HARDWARE INC.	8.98	2906
66415	01/11/16	G0028	GENTILINI FORD	332.27	2906
66416	01/11/16	G0035	GENRON FIRE PROTECTION	1,159.50	2906
66417	01/11/16	G0086	W.W. GRAINGER, INC.	657.88	2906
66418	01/11/16	G0141	GENTILINI CHEVROLET	147.29	2906
66419	01/11/16	G0147	GREATAMERICA FINANCIAL SVCS.	228.97	2906
66420	01/11/16	G0164	GARTNER, JACK A.	24.20	2906
66421	01/11/16	G0169	GROFF TRACTOR NEW JERSEY LLC	82.65	2906
66422	01/11/16	H0018	HAROLD RUBIN L & H SUPPLY	1,360.80	2906
66423	01/11/16	H0073	HOME DEPOT CRC/GECF	20,583.16	2906

66424 01/11/16 H0095 HORIZON BCBSNJ 144,409.68 2906
66425 01/11/16 H0142 HUB, THE 470.00 2906
66426 01/11/16 H0148 THOMAS H. HEIST INS AGENCY INC 1,651.66 2906
66427 01/11/16 H0162 HARTFORD INSURANCE COMPANY 879.00 2906
66428 01/11/16 J0072 JERSEY WEB DESIGNS 3,935.00 2906
66429 01/11/16 K0007 KACZMARSKI, RICHARD 119.97 2906
66430 01/11/16 K0014 KEENAN,BRIAN 430.60 2906
66431 01/11/16 K0037 KOHLER, JOHN F 51.96 2906
66432 01/11/16 K0047 KLINE, EDWARD T. 310.86 2906
66433 01/11/16 K0086 K D NATIONAL FORCE SECURITY 2,100.00 2906
66434 01/11/16 L0030 LAWYERS DIARY AND MANUAL 96.00 2906
66435 01/11/16 L0038 LAYTON, WILLIAM 944.10 2906
66436 01/11/16 L0102 LEGALIZED GAMES OF CHANCE 120.00 2906
66437 01/11/16 M0012 McCAULEY, RICHARD 301.42 2906
66438 01/11/16 M0016 McAFEE, MEGAN 150.00 2906
66439 01/11/16 M0121 McCROSSON, JANET 17.83 2906
66440 01/11/16 M0180 MED-TECH RESOURCE,LLC 217.68 2906
66441 01/11/16 M0188 MCCARTHY TIRE SERVICE OF PHILA 5,227.87 2906
66442 01/11/16 M0193 MAYNE, MICHAEL 128.95 2906
66443 01/11/16 N0004 NJ-AMERICAN WATER CO. 60.87 2906
66444 01/11/16 N0043 NAPA AUTO PARTS 98.86 2906
66445 01/11/16 N0052 NATL YOUTH SPORTS COACHED ASSN 215.00 2906
66446 01/11/16 N0068 NJ MOTOR VEHICLE COMMISSION 150.00 2906
66447 01/11/16 N0131 DEFINED CONTRIB RETIRE PROGRAM 110.95 2906
66448 01/11/16 O0006 SJSHORE MARKETING,LLC 58.31 2906
66449 01/11/16 O0025 OLD DOMINION BRUSH 1,799.00 2906
66450 01/11/16 P0032 PEDRONI FUEL CO. 2,179.19 2906
66451 01/11/16 P0034 PEIFER, SUSAN R. 1,258.80 2906
66452 01/11/16 P0036 PENNELLO,DAVID 351.14 2906
66453 01/11/16 P0121 PENGUIN MANAGEMENT, INC 9,300.00 2906
66454 01/11/16 P0134 PHIL DESIERE ELEC MOTOR SERV 374.75 2906
66455 01/11/16 Q0003 QC INC. 696.20 2906
66456 01/11/16 Q0008 QUILL CORPORATION 44.98 2906
66457 01/11/16 Q0010 QUINLAN WELL DRILLING 4,200.00 2906
66458 01/11/16 R0030 RIGGINS, INC. 5,888.01 2906
66459 01/11/16 R106 RUMER, LISA 201.37 2906
66460 01/11/16 S0018 SUBURBAN PROPANE, LP 1,334.73 2906
66461 01/11/16 S00259 SPORTS SYSTEMS UNLIMITED CORP 489.60 2906
66462 01/11/16 S0031 SCHULER SECURITY, INC. 1,785.00 2906
66463 01/11/16 S0113 SMITH,THOMAS G. 210.00 2906
66464 01/11/16 S0121 SMUZ, THERESE A 20.52 2906
66465 01/11/16 S0134 SO. JERSEY GAS COMPANY 1,692.10 2906
66466 01/11/16 S0165 S.E.T. COMMUNICATIONS INC 353.15 2906
66467 01/11/16 S0254 SHOPRITE 426.44 2906
66468 01/11/16 S0270 STERTIL-KONI USA 375.00 2906
66469 01/11/16 S0279 SPECTROTEL, INC 1,215.74 2906
66470 01/11/16 S0284 SOUTH JERSEY INTERPRETERS 350.00 2906
66471 01/11/16 T0005 TCTA OF NEW JERSEY 200.00 2906
66472 01/11/16 T0022 TERMINIX 61.00 2906
66473 01/11/16 T0036 THIS AND THAT 500.00 2906
66474 01/11/16 T0052 TOWNSHIP OF DENNIS 33,750.00 2906
66475 01/11/16 T0067 TOWNSHIP OF UPPER PETTY CASH 100.00 2906
66476 01/11/16 T0074 TRANSAXLE LLC 127.79 2906
66477 01/11/16 T0088 TREASURER, STATE OF NEW JERSEY 929.00 2906
66478 01/11/16 T0145 TUTELIAN,CAROL 50.00 2906
66479 01/11/16 T0168 TOWNSHIP OF UPPER 231.40 2906
66480 01/11/16 T0181 TENTCRAFT INC. 57.37 2906
66481 01/11/16 U0003 U.S. MUNICIPAL SUPPLY, INC. 3,549.15 2906
66482 01/11/16 U0026 UNIVERSAL SUPPLY CO., INC. 1,588.30 2906
66483 01/11/16 U0028 UPPER TOWNSHIP BD.OF EDUCATION 431.65 2906
66484 01/11/16 U0038 UPPER TOWNSHIP RESCUE SQUAD 222.45 2906
66485 01/11/16 V0001 VCI EMERGENCY VEHICLE 1,571.64 2906
66486 01/11/16 V0005 VAN EMBDEN, NATHAN, ATTORNEY 750.00 2906
66487 01/11/16 V0013 VERIZON WIRELESS 1,119.53 2906
66488 01/11/16 V0020 VINELAND AUTO ELECTRIC INC. 46.00 2906
66489 01/11/16 V0024 VAL-U AUTO PARTS L.L.C. 148.40 2906
66490 01/11/16 V0027 VANORDER, ROGER 271.98 2906
66491 01/11/16 W0030 WEST PUBLISHING CO. 867.74 2906
66492 01/11/16 W0050 WIRELESS ELECTRONICS, INC. 312.50 2906
66493 01/11/16 W0087 W.B. MASON 107.44 2906

66494 01/11/16 W0099 WATERS EDGE ENVIRONMENTAL, LLC 1,130.00 2906
66495 01/11/16 X0008 XEROX FINANCIAL SERVICES 662.40 2906
66496 01/11/16 Y0008 YOUNG, DANIEL J. ESQUIRE PC 13,734.50 2906
66497 01/11/16 Y0012 YOUNG, ROBERT 305.14 2906

Total: \$329,255.39