TOWNSHIP OF UPPER 2100 TUCKAHOE ROAD PETERSBURG, NJ 08270 CAPE MAY COUNTY MINUTES FOR TUESDAY OCTOBER 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, Municipal Engineer Paul Dietrich, and Chief Financial Officer Barbara Spiegel.

APPROVAL OF MINUTES -

September 12, 2016 Regular Meeting and Closed Session A Minutes

Motion by Jeffrey Pierson, second by John Coggins, to approve the September 12, 2016 Regular Meeting and Closed Session A Minutes as submitted. During roll call vote all five Committeemen voted in the affirmative.

September 26, 2016 Regular Meeting and Closed Session Minutes

Motion by Jeffrey Pierson, second by John Coggins, to approve the September 26, 2016 Regular Meeting and Closed Session Minutes as submitted. During roll call vote three Committeemen voted in the affirmative. Committeemen Barr and Young abstained.

REPORT OF GOVERNING BODY MEMBERS

Hobie Young, Committeeman, requested that grading around the baseball fields and concession stand be completed, and also requested Mr. Dietrich look into the problem with standing water in the parking areas at Amanda's field. He next reported that the Fall Fest had to be cancelled again. It is now scheduled for October 24th from 11:00 am to 3:00 pm. If the weather does not cooperate on the 24th, the event will be moved in to the Community Center.

Edward Barr, Committeeman, requested a status on the paving in Strathmere. The Engineer reported that the contractor for NJ American Water completed paving the 15 streets that had been trenched. There is a punch list of a few remaining items that will be completed soon, and the curbs in Strathmere will be painted by the beginning of the next summer season.

Jeffrey Pierson, Committeeman, congratulated Garett Vliet on the completion of his Eagle Scout project and for the re-dedication of the Amanda's Field memorial. He next reported that the Township's OEM held an active shooter drill last week, which went very well with a lot of good lessons learned. He next reported that a fire prevention program will be held from 10:00 to 11:30 on October 12th at the Primary School, and the Marmora Fire Company along with the other Fire Companies in the Township will hold a Fire Prevention event from 5:30 to 7:00 at the Marmora Fire House. Lastly, he reported on the meeting with the DOT officials regarding access for emergency vehicles during the parkway bridge construction. He stated the meeting was very productive.

Richard Palombo, Mayor, reported on a complaint received regarding the Rt 50 bridge project. The Engineer reported that 95% of the road work from Rt 49 to New Jersey Avenue is complete, with mostly landscaping and the installation of street lights remaining for that area. The remaining portion of the old bridge has been removed, and traffic has switched to the new section of the bridge. It is estimated that the bridge will be complete in May. There was a brief discussion regarding the turning lane into the area businesses along Rt 50. The Engineer stated that he did send a letter to the DOT to look into alternatives for that area.

OTHER REPORTS

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

Paul Dietrich, Municipal Engineer, gave a brief update on leaf and brush collection.

PRESENTATIONS

1. Recognizing Wanda Adamson for her volunteer efforts as a member of the Upper Township Green Team Advisory Committee.

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

RESOLUTION NO. 211-2016

RE: RECOGNIZING WANDA ADAMSON FOR HER VOLUNTEER EFFORTS AS A MEMBER OF THE UPPER TOWNSHIP GREEN TEAM ADVISORY COMMITTEE

WHEREAS, the Upper Township Green Team Advisory Committee is an

established committee consisting of volunteer members who meet throughout the year to

develop plans, recommend programs, assist with educational opportunities that support the creation of a sustainable community, and advise the Township Committee on ways to improve municipal operations with "Green" initiatives which are economically and environmentally sound; and

WHEREAS, as a member of the Green Team Advisory Committee, Wanda Adamson implemented the first community project of the Indigenous Plant Committee which provided a new butterfly garden at the Cape May County Library Upper Cape Branch in Petersburg; and

WHEREAS, with funding from the Upper Township Business Association for plants, Wanda oversaw the garden project at the Upper Township Welcome sign located at the Garden State Parkway Exit 25 in Marmora which cleared the area for planting and provides continued maintenance of the space; and

WHEREAS, the Upper Township Committee wishes to acknowledge and thank Wanda Adamson for her commendable volunteer efforts and positive impact to our community, recognizing that Wanda's initiative in the organization and continued upkeep of these beautification projects exemplifies giving back to the community; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee on behalf of the citizens of the Township of Upper, to extend to the Wanda Adamson recognition on her outstanding commitment and efforts to provide beautification projects in the Township and a heartfelt thanks and gratitude for her generous donation of time and service to the community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 12th day of September 2016.

2. Recognizing Rebecca Holden for her volunteer efforts as a member of the Upper Township Green Team Advisory Committee.

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

RESOLUTION NO. 212-2016

RE: RECOGNIZING REBECCA HOLDEN FOR HER VOLUNTEER EFFORTS AS A MEMBER OF THE UPPER TOWNSHIP GREEN TEAM ADVISORY COMMITTEE

WHEREAS, the Upper Township Green Team Advisory Committee is an established committee consisting of volunteer members who meet throughout the year to develop plans, recommend programs, assist with educational opportunities that support the creation of a sustainable community, and advise the Township Committee on ways to improve municipal operations with "Green" initiatives which are economically and environmentally sound; and

WHEREAS, the Green Team Advisory Committee helped establish the Upper Township Farmers Market Steering Committee in 2015 and provided the community with a farmers market showcasing handmade and homemade products and produce of local crafters and vendors; and

WHEREAS, the 2016 Farmers Market showed growth in popularity and added a kids tent with demonstrations by the Cape May County Zoo and Park and the Wetlands Institute; and

WHEREAS, the Upper Township Committee wishes to acknowledge and thank Rebecca Holden, chairperson of the Upper Township Farmers Market Steering Committee, for her volunteer efforts and positive impact to our community, recognizing her organizing, promoting and making available this sustainable activity which provides our community with an enjoyable, family friendly event and exemplifies giving back to the community; and NOW, THEREFORE, BE IT RESOLVED by the Township Committee on

behalf of the citizens of the Township of Upper, to extend to the Rebecca Holden recognition on her notable commitment and efforts in spearheading and organizing a local farmers market and a heartfelt thanks and gratitude for her generous donation of time and service to the community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this

12th day of September 2016.

RESOLUTIONS

- 3. Releasing the Maintenance Bond of Clayton Development Associates, LLC for the major subdivision known as White Oak & Willets Road Major Subdivision, Block 573, Lot 26. The Municipal Engineer requested that this matter be tabled in order to verify that the street lighting has been installed according to plans. Motion by John Coggins, second by Jeffrey Pierson, to table this matter. During roll call vote all five Committeemen voted in the affirmative.
- 4. Releasing the Maintenance Bond of Clayton Development Associates, LLC for the major subdivision known as Willets Road Major Subdivision, Block 479, Lots 48.01 and 48.02.

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

RESOLUTION NO. 228-2016

RE: RELEASING THE MAINTENANCE BOND OF CLAYTON DEVELOPMENT ASSOCIATES, LLC FOR THE MAJOR SUBDIVISION KNOWN AS WILLETS ROAD MAJOR SUBDIVISION, BLOCK 479, LOTS 48.01 AND 48.02

WHEREAS, Clayton Development Associates, LLC (hereinafter "Developer"), has

completed the work on the project known as "Willets Road Major Subdivision" in Block 479, Lots 48.01 and 48.02, and has requested final inspection of same by the Municipal Engineer for the Township of Upper; and

WHEREAS, the Municipal Engineer has determined that all improvements have been installed and have been in service in excess of two years and are in satisfactory working condition; and WHEREAS, the Municipal Engineer, based on the field inspection of the work completed as indicated on Exhibit "A" attached hereto, has recommended a release of the Maintenance Bond (Surety), attached hereto as Exhibit "B", in the amount of \$13,593.15, and cash in the amount of \$1,510.35 plus interest, in accordance with the municipal ordinances of the Township of Upper;

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 above are incorporated herein by this reference.
- 2. The original Maintenance Bond posted by the Developer shall be released.
- 3. All Township officials and officers are hereby authorized and empowered to take

all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No.	228-201	16		
Offered by: Coggins			Seconded	d by: Pierson
Adopted: Octob	per 11, 20	016		-
Roll Call Vote:				
NAME	YES	NO	ABSTAINED	ABSENT
Barr	_X			
Coggins	_X			
Pierson	_X			
Young	_X			
Palombo	_X			

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

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

RESOLUTION NO. 229-2016

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

WHEREAS, for many years, the Township of Upper has selected October

31st from 5:00 PM to 8:00 PM as Trick or Treat for residents of Upper Township and others;

and

WHEREAS, the Township wishes to continue this tradition of providing a

designated time for Trick or Treat in celebration of Halloween; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of

the Township of Upper in the County of Cape May and State of New Jersey that said Committee hereby pronounces October 31, 2016 from 5:00 PM until 8:00 PM as Trick or Treat Night, and does hereby urge all community members participating in this activity to incorporate the use of safety procedures for a safe and enjoyable event.

Resolution No. 229–2016 Offered by: Pierson Seconded by: Barr Adopted: October 11, 2016 Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Barr	X			
Coggins	X			
Pierson	X			
Young	X			
Palombo	X			

6. Designating October 9th through October 15th 2016 as "Fire Prevention Week" in Upper Township.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 230-2016

RE: DESIGNATING OCTOBER 9TH THROUGH OCTOBER 15TH 2016 AS "FIRE PREVENTION WEEK" IN UPPER TOWNSHIP

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes

are the locations where people are at greatest risk from fire; and

WHEREAS, National Fire Safety Standards recommend a minimum of one smoke alarm on

each level of a home, one inside each bedroom, and one outside each sleeping area; and

WHEREAS, although smoke alarms are present in 96% of American homes, 20% of the

smoke alarms do not work because of dead or missing batteries; and

WHEREAS, three out of five home fire deaths result from fires in properties without working smoke alarms; and

WHEREAS, the 2016 Fire Prevention Week theme, "Don't Wait-Check the Date. Replace smoke alarms every 10 years!" effectively serves to remind us that we need working smoke alarms to give us the time to get out safely; and

WHEREAS the Township Committee of the Township of Upper is dedicated to the safety of life and property from the devastating effects of fire and are joined by our Volunteer Fire Departments and Emergency Services to remind and urge all citizens to practice routine maintenance of all smoke alarms in their homes and businesses.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, that the week of October 9, 2016 through October 15, 2016 shall be designated as "Fire Prevention Week" in Upper Township, and do hereby encourage the citizens of Upper Township to participate in the 2016 Fire Prevention Week theme, "Don't Wait-Check the Date. Replace smoke alarms every 10 years!" to ensure the safety of your loved ones from house fires.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 11th day of October, 2016.

Resolution No. 230-2016 Offered by: Pierson Adopted: October 11, 2016

Seconded by: Barr

Roll Call Vote:				
NAME	YES	NO	ABSTAINED	ABSENT
Barr	X			
Coggins	X			
Pierson	X			
Young	X			
Palombo	X			

7. Urging the United States Food and Drug Administration to expedite approval of a therapeutically equivalent alternative to the EpiPen.

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

RESOLUTION NO. 231-2016

URGING THE UNITED STATES FOOD AND DRUG ADMINISTRATION TO EXPEDITE APPROVAL OF A THERAPEUTICALLY EQUIVALENT ALTERNATIVE TO THE EPIPEN

WHEREAS, insect and food allergies are the leading cause of anaphylaxis, a life-threatening condition that is easily treatable with epinephrine, a medication only available via prescription; and

WHEREAS, epinephrine auto-injector devices, which safely deliver a premeasured dose of epinephrine using a spring-loaded injection mechanism, are a useful tool in administering epinephrine in emergency situations; and

WHEREAS, many first responders maintain a supply of epinephrine autoinjector devices to have on hand when responding to emergency situations; and

WHEREAS, New Jersey has enacted a number of laws authorizing persons who complete certain training requirements, including emergency medical technicians, school personnel, and members of the general public, to acquire, maintain, and administer epinephrine using auto-injector devices in various settings, including schools and youth camps; and

WHEREAS, because epinephrine loses potency over time, there is a need to obtain new epinephrine auto-injector devices on a regular, typically annual, basis; and

WHEREAS, since 2009, the price of the only name brand epinephrine autoinjector currently available on the market, the EpiPen, has increased more than 600 percent, resulting in significant out-of-pocket costs for people without insurance or whose insurance does not provide coverage for the devices. The price increase has similarly affected first responders, youth camps, and other entities that wish to have epinephrine on hand in case of emergency; and

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WHEREAS, there is currently no generic equivalent to the EpiPen that has

been deemed therapeutically equivalent by the United States Food and Drug Administration,

which limits the ability of pharmacists to offer an affordable alternative to the EpiPen; and

WHEREAS, the approval of a therapeutically equivalent alternative to the

EpiPen is an essential step in ensuring safe, affordable access to epinephrine for those with the greatest need for this lifesaving drug; and

NOW THEREFORE BE IT RESOLVED, that the Township Committee of

the Township of Upper, County of Cape May respectfully urges the United Stated Food and Drug Administration to expedite approval of a therapeutic equivalent to the EpiPen, so as to facilitate access to additional safe, affordable epinephrine products; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Commissioner of the United States Food and Drug Administration.

Resolution No. 231-2016 Offered by: Pierson Seconded by: Barr Adopted: October 11, 2016 Roll Call Vote: NAME YES NO ABSTAINED ABSENT _X___ Barr Coggins _X__ ____ Pierson X_____ Young Х _____ Palombo

8. Authorizing the award of a contract with CDW Government, LLC for Information Technology Equipment.

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

RESOLUTION NO. 232-2016

RE: AUTHORIZING THE AWARD OF A CONTRACT

WITH CDW GOVERNMENT, LLC FOR INFORMATION TECHNOLOGY EQUIPMENT

WHEREAS, from time to time the Township of Upper has a need to purchase IT equipment from CDW Government, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with CDW Government, LLC for the year 2016 will exceed \$17,500; and

WHEREAS, CDW Government, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that CDW Government, LLC 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 CDW Government, LLC 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.

 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 CDW Government, LLC 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. 232-2016 Offered by: Coggins Seconded by: Pierson Adopted: October 11, 2016 Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Barr	_X			
Coggins	_X			
Pierson	_X			
Young	_X			
Palombo	_X			

9. Adopting procedures for the Tax Assessor regarding Tax Appeals.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 233-2016

RE: ADOPTING PROCEDURES FOR THE TAX ASSESSOR REGARDING TAX APPEALS

WHEREAS, the Township Committee of the Township of Upper has determined there is a need to adopt procedures for the Tax Assessor regarding tax appeals; and

WHEREAS, the Township Committee of the Township of Upper has reviewed and approved a procedure requiring the Tax Assessor to provide to the Chief Financial Officer, Municipal Clerk and Township Committee the block, lot, name, address, and land and improvement assessed value of all tax appeals filed no later than June 1 each year.

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 procedure for the Tax Assessor to provide to the Chief Financial

Officer, Municipal Clerk and Township Committee the block, lot, name, address, and land and improvement assessed value of all tax appeals filed no later than June 1 each year is hereby adopted and approved. 3. All Township officials and officers are hereby authorized and empowered

to take all action deemed necessary or advisable to carry into effect the intent and purpose of

this Resolution.

Resolution No. 233-2016 Offered by: Coggins Seconded by: Barr Adopted: October 11, 2016

Roll Call Vote:				
NAME	YES	NO	ABSTAINED	<u>ABSENT</u>
Barr	Х			
Coggins	Х			
Pierson	Χ			
Young	Χ			
Palombo	Χ			

10. Adopting additions to the Upper Township Supervisor's Personnel Policies and Procedures Manual and Employee Handbook.

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

RESOLUTION NO. 234-2016

RE: ADOPTING ADDITIONS TO THE UPPER TOWNSHIP SUPERVISOR'S PERSONNEL POLICIES AND PROCEDURES MANUAL AND EMPLOYEE HANDBOOK

WHEREAS, the Township Committee of the Township of Upper has

determined there is a need to adopt additions to the Township's Personnel Policies,

Supervisor's Personnel Policies and Procedures Manual and Employee Handbook; and

WHEREAS, the Township Committee of the Township of Upper has

reviewed and approved the additions to the Supervisor's Personnel Policies and Procedures

Manual and Employee Handbook, a copy of which is attached hereto as Exhibit A; and

WHEREAS, the Township Committee has determined that the additions should be adopted to amend the existing Township Supervisor's Personnel Policies and Procedures Manual and the Employee Handbook; 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 additions to the Supervisor's Personnel Policies and Procedures Manual and Employee Handbook 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. 234-2016

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Offered by: Pierson Adopted: October 11, 2016

Roll Call Vo	ote:			
NAME	YES	NO	<u>ABSTAINE</u>	ED ABSENT
Barr	Χ	<u> </u>		
Coggins	X			
Pierson	Х	. <u> </u>		
Young	Х			
Palombo	X			

Exhibit A

Add the following subsection to Section Two: Workplace Policies:

Outside Employment Policy:

It is the policy of the Township to allow its employees to engage in outside employment or business as long as such employment does not conflict with his/her responsibilities while working for the Township. The Township recognizes the right of the employees to spend their non-working time away from the job as they please. It does, however, require that activities away from the job must not compromise the Township's interest or adversely affect the employee's job performance and ability to fulfill all responsibilities to the Township.

Before accepting outside employment, employees are cautioned to consider carefully the demands that such employment will create. Outside employment will not be considered as excuse for poor performance, absenteeism, tardiness, leaving early, refusal to travel or refusal to work overtime or different hours. Should the outside employment cause or contribute to any of these situations, the employee is expected to take whatever action is needed to rectify them. Should improvement not be noted, normal disciplinary procedures will be followed up to and including termination.

Full-time Township employees recognize that their employment with the Township is their primary employment. Full-time employees shall be required to immediately submit notice of outside employment to the Personnel Officer to determine whether a conflict of interest exists. Employees may advise the Personnel Officer through their department head and provide scheduling information as the Township may require.

Add the following to the end of subsection Sick Leave Policy in Section Three: Paid and Unpaid Time Off Policies:

All new employees hired after November 1, 2016, will not be compensated for any unused sick time upon retirement.

ORDINANCES

11. Introduction and first reading of Ordinance No. 013-2016 RE: AN ORDINANCE VACATING A PORTION OF OTIS AVENUE, WITHIN THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY. Motion by Jeffrey Pierson, second by John Coggins, to introduce Ordinance No. 013-2016 with a public hearing and final adoption scheduled for November 7, 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. 013-2016

AN ORDINANCE VACATING A PORTION OF OTIS AVENUE, WITHIN THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY

WHEREAS, N.J.S.A. 40:67-1 authorizes the Governing Body of a municipality to adopt an Ordinance, among other things, to vacate any street, highway, lane, alley, square, place or park, or any part thereof, dedicated to public use but not accepted by the municipality, whether or not the same, or any portion, has been actually opened or improved; and

WHEREAS, Randall and Veronica Roash are the owners of Block 821, Lots 10.01 and 10.02, and have requested that the Township vacate a portion of Otis Avenue as described in this Ordinance and have agreed to pay the costs incurred by the Township to vacate said street including the costs of the revisions to the tax map; and

WHEREAS, the Township Committee has duly considered the matter and it appears reasonable to agree to the request since there is no present or foreseeable need or intention to utilize said roadway; and

WHEREAS, it is deemed to be in the public interest to vacate a portion of Otis Avenue within the Township of Upper, as hereinafter provided.

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NOW, THEREFORE, BE IT ORDAINED by the Township Committee of

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

<u>SECTION 1</u>: The public right in, along, upon and over the following

described land is hereby vacated, surrendered and extinguished:

Description

Vacation of a portion of Otis Avenue, as shown on Tax Map Sheet No. 33.01 Strathmere Section of Township of Upper

BEGINNING at the intersection of Otis Ave. and the northwesterly line of Landis Ave. (25' wide) and extending northwestwardly a distance of 410' abutting Block 821 Lots 9, 10.02 and 10.01 and Block 819 Lots 2 and 1 and portion of Block 820 Lot 1.

<u>SECTION 2</u>: This Ordinance vacates no portion of the street except that

portion set forth and described in **<u>SECTION 1</u>** above.

SECTION 3: EXCEPTION: This Ordinance expressly reserves and excepts from vacation all rights and privileges now possessed by public utilities, as defined in R.S. 48:2-13, and by any cable television company, as defined in the "Cable Television Act", P.L. 1972, c. 186, (C.48:5A-1, et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated, as hereinabove described.

<u>SECTION 4:</u> <u>REPEALER:</u> All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

SECTION 5: EFFECTIVE DATE: This Ordinance shall take effect

immediately upon final adoption and publication as required by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE <u>11th DAY OF</u> <u>OCTOBER, 2016</u> 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 <u>7th DAY OF NOVEMBER, 2016</u> 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

12. Introduction and first reading of Ordinance No. 014-2016 RE: AN ORDINANCE ADOPTING REVISED GENERAL ORDINANCE CHAPTER XXIV (SOLID WASTE AND RECYCLABLES) OF THE CODE OF UPPER TOWNSHIP. Motion by Edward Barr, second by Jeffrey Pierson, to introduce Ordinance No. 014-2016 with a public hearing and final adoption scheduled for November 7, 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. 014-2016

RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XXIV (SOLID WASTE AND RECYCLABLES) OF THE CODE OF UPPER TOWNSHIP

WHEREAS, the Township Committee desires to amend the ordinance

regulating the collection of recyclable material at commercial properties; and

BE IT ORDAINED by the Township Committee, in the Township of Upper,

County of Cape May and State of New Jersey, as follows:

<u>SECTION 1.</u> Chapter 24 of the Revised General Ordinances of the Township

of Upper, also known as the Code of Upper Township, shall be amended and supplemented

as hereinafter provided:

Section 24-2.8 Special Obligations: Commercial and Multi-Family Units.

Revise and replace the following in Section 24-2.8a and 24-2.8b:

- a. The owner, operator or manager of any commercial or multi-family premises which generates commingled recyclable and mixed paper materials shall comply with the following:
 - 1. Multi family housing developments shall have a weekly pickup.
 - 2. Facility shall provide a suitable central location on the premises for the storage of said materials.
 - 3. Containers shall be determined by the Township Department of Public Works depending upon the type of facility and efficiency concerns. The Township shall provide one (1) ninety-six (96) gallon container at no cost to the commercial properties. The storage area must be designed so as to allow Township collection crews easy access to said materials and to prevent said materials from being scattered by the elements.
 - 4. The Township, in lieu of Township collection, reserves the right to reimburse the multi-family facilities for the reasonable cost of such collection by a private hauler as set-forth in subsection 24-1.11e.
- b. Commercial properties or businesses that generate more than ninety-six (96) gallons per week recycling shall either:
 - 1. Contract with a private hauler to provide collection service. Said occupant shall provide the Township with a yearly statement of the amount of material recycled from said property in accordance with the rules regulations and procedures established by the NJDEP Office of Recycling and the Township. Such report shall be submitted to the Township of Upper or in the event of an audit by the NJDEP Office or Recycling; or
 - 2. Purchase, from the Township at a cost set by Township Resolution, a 3CY recycling container provided by the Township. The Township will service this container for free. Any repair needed to the container would be the responsibility of the business owner as the container must be kept in good working order. The area for the container must be accessible to the truck, fenced and have a surface made of concrete or asphalt. This area must also be big enough to hold the container so it can be wheeled to the truck to be serviced.

SECTION 2: EFFECTIVE DATE: This ordinance shall take effect

immediately upon adoption and publication as required by law.

SECTION 3: REPEALER: All Ordinances or parts of Ordinances

inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 4: SEVERABILITY: If any section, paragraph, subdivision,

subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and

shall be enforceable.

SECTION 5: CODIFICATION: This Ordinance shall be codified as

indicated in Chapter 24 of the Upper Township Code.

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 <u>11th DAY OF</u> <u>OCTOBER, 2016</u> 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 **7th DAY OF NOVEMBER, 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

- 13. **Pro Custom Solar, dba Momentum Solar, request for a refund of construction permit fees.** Motion by John Coggins, second by Jeffrey Pierson, to approve the request. During roll call vote all five Committeemen voted in the affirmative.
- 14. **Sun Up Zero Down, LLC request for a refund of construction permit fees.** Motion by John Coggins, second by Jeffrey Pierson, to approve the request. During roll call vote all five Committeemen voted in the affirmative.
- 15. Ducks Unlimited NJ State Committee request to hold Raffle RA-467 at the Seaville Fire Hall on October 28, 2016. Motion by Jeffrey Pierson, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative.
- 16. Route 50 Campground, LLC request to purchase Township owned property Block 453.10, Lot 378. The Municipal Attorney reported that one of the Township's standard requirements with the sale of Township property is the consolidation of the purchased lot with the purchaser's existing adjacent property. However, the applicant's property is a campground which is a nonconforming use under the Township's land use ordinance. As such, Route 50 Campground, LLC will need to apply to the Zoning Board for a use variance in order to consolidate the parcel with their existing property. He stated that if the Township wishes to go forward with the request, he would recommend that they authorize the applicant to apply to the Zoning Board for a variance. If the Zoning Board approves the variance, the Township's standard procedures for a land sale will then proceed with the understanding that if Rt

50 Campground, LLC is the successful purchaser, the land will not be used for the calculation for or the use of additional camp sites. Motion by Ed Barr, second by Richard Palombo, to direct the Clerk to send correspondence which states that the Township has approved the applicant to apply for a use variance. During roll call vote all five Committee members voted in the affirmative.

UNFINISHED BUSINESS

DISCUSSION

17. Assessment Report of Fire Districts. The CFO reported that in compliance with the State's Best Practices, the Township performs a yearly review of the Fire Districts to ensure that they are serving the public's interest. She stated that this year's review has found that the Districts are serving the residents effectively and are operating with full transparency. Motion by Jeffrey Pierson, second by John Coggins, to accept the report. During roll call vote all five Committeemen voted in the affirmative.

Strathmere Fire Company

2016 Assessment Report of Fire Districts

The Fire Commissioners follow the State requirements for adopting their annual budget. They retain the services of Michael Bohrer as their CPA for the Board, who attends their meetings and provides a number of reports for the Commissioner's review (i.e. Balance Sheet, Bank Reconciliation, Profit and Loss Statement, and a Budget Transaction Detail by Account Report). Kenneth E. Yeutter, CPA, performed their annual audit; no audit findings for 2015. They also received a letter from Mr. Yeutter, their auditor, saying during his audit he did not identify any deficiencies in internal control that he would consider to be material weaknesses. They have identified one person who is responsible for transmitting their required documents monthly to be posted to their website. The Board of Fire Commissioners does not have any capital purchases planned for 2016. They did purchase a new truck in 2015. They hired John Battistini as their new attorney in 2016.

The Fire Company recruits approximately one new member every year and a half. They do not offer LOSAP, a pension program for volunteers as other fire departments do. They do not have any capital purchases planned in 2016. They have no debt; they own their building and all equipment. They have a ten-year plan for any long range planning. If they have any surplus funds, they are invested in CDs and monthly reports are given to the Company.

Tuckahoe Fire Company

The Fire Commissioners reported they were delayed slightly posting their required documents monthly to their website because of construction, however, all are submitted currently. Ford Scott Associates performs their annual audit; no audit findings for 2015. They follow the State requirements for adopting their annual budget that is prepared by Leon Costello, CPA. The Board of Fire Commissioners has a five-year plan for capital purchases. No capital purchases are anticipated for 2016-2017. If they have surplus funds, it is applied to the next budget year to help offset taxes.

The Fire Company currently has about 35 active members. They currently have 7-8 junior firefighters, the most they have had. Although less than half of the junior firefighters remain partly because of the strict training requirements. For capital purchases, they just completed the replacement of a 50-year old roof on their firehouse. By the end of 2016, they will replace a rescue pumper to replace a 20-year old pumper they sold to another fire company last year. The new pumper will be financed. The fire company's long range plan will be finished by next year. In it they plan to have their addition paid off by 2017 or 2018. Any surplus funds go to capital purchases.

Marmora Fire Company

The Fire Commissioners post their required documents monthly to their website and follow the State requirements for adopting their annual budget. They retain the services of Michael Bohrer as their CPA for the Board, who attends their meetings and provides a number of reports for the Commissioner's review (i.e. Balance Sheet, Bank Reconciliation, Profit and Loss Statement, and a Budget Transaction Detail by Account Report). They have a new auditor this year who performs their annual audit; no audit findings for 2015. Any capital purchases are budgeted through the Board of Fire Commissioners with the recommendation from Fire Company representatives. Surplus funds, if any, are retained for future use.

The Fire Company finds it somewhat difficult to retain their membership because of the amount of training involved. For Firefighter I, it now requires 180 hours of training. Non-legacy members are hard to recruit. Most of their members are in the public safety field for their full-time position, so that hurts their membership. They offer a LOSAP program to reward long-term members for their volunteerism. They offer a Junior Firefighter Program, but no one is enrolled currently. Capital purchases they are currently working on are to replace a 20-year old piece of apparatus and the hydraulic lines on the Jaws of Life. They are currently updating their long-range plan and plan to present it soon. The fire company has a building fund and this is used for repairs. They recently completed some apron repairs this year. The fund maintains about an \$80,000 balance. They present an annual report to the membership. The coin drops that are held offset company personnel and equipment costs. They explained that their ISO (Insurance Service) rating decreased in 2015. It is down from 7 or 8 to 3. Marmora Fire Company owns their vehicles and building and have a lease with the fire district. The fire company borrows money because they can lease or purchase at a lower rate. They have a cash management policy that requires two signatures on checks, the use of purchase orders and a debit card at times. It also requires that cash is counted in front of multiple people. The Chief's house is listed as a delivery point for security measures. They explained that on one is at the fire house during the day to take delivers so the Chief's house is a more secure place to leave packages.

Seaville Fire Company

The Fire Commissioners explained that their required documents were recently given to their webmaster to be posted on their website. There were no findings in their 2015 audit. The fire district uses QuickBooks rather than the services of a professional. It was suggested that the fire commissioners consider hiring a professional to handle their bookkeeping. They follow the State requirements for adopting their annual budget. They have no capital purchases planned for 2016-2017. The Fire Commissioners have a \$3,500 contingency for emergencies. If it is not used, it is used to offset the budget for the following year.

The Fire Company has 40-45 members, but struggle during the day when members are needed. They have mostly legacy members. Their Junior Firefighter program currently has 4-5 members enrolled. They report that the junior members usually go to college and do not return to the area. The fire company expects to replace a tanker in the next couple of years. They will use funds from a truck savings account to help offset the cost. In 2021, they will need to replace all of their air packs. They try to replace a pumper every seven years. The fire company utilizes two accounts with their surplus funds. One currently has a balance of \$125,000 for trucks and the other has a balance of \$45,000 and is used for personal protective equipment. The fire company explained that they have procedures in place to handle cash donations collected from their coin drops. They have 2-3 people count the cash using a cash counting sheet before it is deposited at the bank. They also require two signatures on checks and the purchase process requires three people to approve. They do not have approval for credit or debit card use. After purchases are delivered to the fire company in a secure area, their procedures for receiving those purchases are to match the packing slip with the invoice and then it is approved by the Chief before submitted for payment.

18. New Jersey Best Practices Worksheet CY2016/SFY2017. The CFO reported that the Township scored an 87% on the Best Practices Worksheet, which will ensure that the Township receives the full amount of State Aid.

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PAYMENT OF BILLS

19. "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: \$2,250,370.73 **Payroll:** \$156,157.01

REPORT OF MUNICIPAL DEPARTMENTS

20. Animal Control
21. Clerk's Office
22. Construction Code
23. Division of EMS
24. Finance Office
25. Municipal Court
26. MUA Report
27. Tax Collector
28. Tax Collector - Affidavit of Tax Sale

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

PUBLIC COMMENT

Ralph Cooper, 6 Gladwyn Drive, reported on various upcoming activities for the Historical Society of Upper Township, the Upper Township Green Team, the Upper Township Business Association, and his participation as a CERT team member in the recent OEM active shooter exercise.

CLOSED SESSION

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

TOWNSHIP OF UPPER RESOLUTION NO. 235-2016 MOTION GOING INTO CLOSED SESSION OCTOBER 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. 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 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: Jeffrey Pierson During roll vote all five Committee members voted in the affirmative.

RECONVENE PUBLIC PORTION OF MEETING

Motion by John Coggins, second by Hobie Young, to reconvene the public portion of the meeting. During roll call vote all five Committeemen voted in the affirmative.

Motion by John Coggins, second by Jeffery Pierson, to approve a \$500.00 stipend for Assistant Road Supervisor under the terms and conditions discussed in closed session. During roll call vote all five Committeemen voted in the affirmative.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:08 P.M., with a motion by John Coggins, second by Jeffrey Pierson, and all five Committeemen voting in the affirmative. The next regular meeting is scheduled for October 24, 2016 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC

Bill List

			N.J. STATE DEPT. OF HEALTH 53.40 2942
6791	5 10/11/16	T0071	TOWNSHIP OF UPPER DOG ACCOUNT 244.10 2942
6791	5 10/11/16	T0081	TREAS. STATE OF N.J. D.C.A. 5,754.00 2942
6791	7 10/11/16	T0088	TREASURER, STATE OF NEW JERSEY 425.00 2942
67918	3 10/11/16	U0028	UPPER TOWNSHIP BD.OF EDUCATION 1,972,000.00 2942
6791	9 10/11/16	A0025	ADVANTAGE RENTAL ACE HARDWARE 1,309.17 2943
67920	0 10/11/16	A0043	ALERT-ALL CORPORATION 987.30 2943
6792	1 10/11/16	A0081	ARMSTRONG, RALON I. 279.01 2943
67922	2 10/11/16	A0091	ATLANTIC CITY ELECTRIC 7,322.84 2943
67923	3 10/11/16	A0165	ALBERTSONS ACME 200.00 2943
67924	4 10/11/16	A0193	ATLANTIC INVESTIGATIONS, LLC 1,400.00 2943
6792	5 10/11/16	A0200	AIG LIFE INSURANCE COMPANY 177.26 2943
6792	5 10/11/16	B0184	BUSHONG, BRIAN 139.00 2943
6792	7 10/11/16	B0201	BUCK'S ELECTRICAL SERVICE, INC 280.00 2943
6792	3 10/11/16	C0021	CIVIL SOLUTION A DIVISION 17,200.00 2943
6792	9 10/11/16	C0068	COMCAST 545.05 2943
6793	0 10/11/16	C0116	CINTAS CORPORATION 141.46 2943
6793	1 10/11/16	C0143	CODY'S POWER EQUIPMENT 63.94 2943
67932	2 10/11/16	C0171	COLONIAL ELECTRIC SUPPLY CO. 613.77 2943

67933 10/11/16 C0182 CDW GOVERNMENT, INC 1,322.62 2943 67934 10/11/16 C0201 CRUZAN'S TRUCK SERVICE INC. 4,388.51 2943 67935 10/11/16 C0223 CASA PAYROLL SERVICE 287.75 2943 67936 10/11/16 C0230 CATAMARAN MEDIA COMPANY 199.50 2943 67937 10/11/16 C0261 CEUNION 178.00 2943 67938 10/11/16 F0003 FRA TECHNOLOGIES, INC. 600.00 2943 67939 10/11/16 F0048 LESLIE G. FOGG INC 455.00 2943 67940 10/11/16 G0028 GENTILINI FORD 138.68 2943 67941 10/11/16 G0080 GOVDEALS 2,154.20 2943 67942 10/11/16 G0141 GENTILINI CHEVROLET 340.09 2943 67943 10/11/16 G0147 GREATAMERICA FINANCIAL SVCS. 176.97 2943 67944 10/11/16 H0095 HORIZON BCBSNJ 151,369.34 2943 67945 10/11/16 H0135 HANSON AGGREGATES, INC. 641.60 2943 67946 10/11/16 J0072 JERSEY WEB DESIGNS 4,967.49 2943 67947 10/11/16 K0086 K D NATIONAL FORCE SECURITY 2,021.25 2943 67948 10/11/16 L0007 LC EQUIPMENT, INC. 500.00 2943 67949 10/11/16 L0125 Lick Tracie 24.20 2943 67950 10/11/16 M0032 MARINE RESCUE PRODUCTS, INC. 100.80 2943 67951 10/11/16 M0121 McCROSSON, JANET 33.75 2943 67952 10/11/16 M0180 MED-TECH RESOURCE,LLC 919.41 2943 67953 10/11/16 M0247 MORGAN, SCOTT 165.32 2943 67954 10/11/16 M0268 Mazzoni, Jessica L 24.20 2943 67955 10/11/16 M0269 MULTI-TEMP MECHANICAL, INC. 456.61 2943 67956 10/11/16 M0270 MCAGC C/O WOODBURY CITY CLERK 40.00 2943 67957 10/11/16 N0004 NJ-AMERICAN WATER CO. 261.68 2943 67958 10/11/16 N0052 NATL YOUTH SPORTS COACHED ASSN 60.00 2943 67959 10/11/16 N0100 N.J. LEAGUE OF MUNICIPALITIES 1,375.00 2943 67960 10/11/16 N0147 NJ Shade Tree Federation 415.00 2943 67961 10/11/16 P0008 PALMER, NANCY 206.04 2943 67962 10/11/16 P0032 PEDRONI FUEL CO. 1,470.85 2943 67963 10/11/16 P0050 PARSIO, ANTHONY 226.67 2943 67964 10/11/16 P0056 TURF EQUIPMENT AND SUPPLY CO 23,116.37 2943 67965 10/11/16 P0136 POSTNET 168.00 2943 67966 10/11/16 R0030 RIGGINS, INC. 3,552.69 2943 67967 10/11/16 S0035 SCHOPPY WILLIAM TROPHY CO. 34.95 2943 67968 10/11/16 S0056 SEASHORE ASPHALT CORPORATION 101.25 2943 67969 10/11/16 S0092 SHONE, LEROY 120.00 2943 67970 10/11/16 S0139 SO. JERSEY WATER COND. INC. 72.00 2943 67971 10/11/16 S0153 STERICYCLE, INC. 171.08 2943 67972 10/11/16 S0239 SHORE VET. ANIMAL CONTROL LLC 2,200.00 2943 67973 10/11/16 S0249 BSN SPORTS 3,699.99 2943 67974 10/11/16 S0254 SHOPRITE 200.00 2943 67975 10/11/16 S0292 JEFFREY SURENIAN & ASSOC. LLC 2,475.73 2943 67976 10/11/16 T0032 THE PRESS OF ATLANTIC CITY 650.76 2943 67977 10/11/16 T0080 TREASURER STATE OF N.J. 3,600.00 2943 67978 10/11/16 T0168 TOWNSHIP OF UPPER 306.23 2943 67979 10/11/16 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 2943 67980 10/11/16 U0024 UNIVERSAL COMPUTING SERV. INC. 780.50 2943 67981 10/11/16 V0005 VAN EMBDEN, NATHAN, ATTORNEY 825.00 2943 67982 10/11/16 V0013 VERIZON WIRELESS 1,022.33 2943 67983 10/11/16 V0024 VAL-U AUTO PARTS L.L.C. 789.87 2943 67984 10/11/16 V0025 V.E. RALPH & SON, INC. 127.91 2943 67985 10/11/16 W0030 WEST PUBLISHING CO. 455.56 2943 67986 10/11/16 W0060 WOOLLEY, THOMAS 500.00 2943 67987 10/11/16 W0087 W.B. MASON 295.93 2943 67988 10/11/16 W0092 WTH TECHNOLOGY, INC 3,930.00 2943 67989 10/11/16 Y0008 YOUNG, DANIEL J. ESQUIRE PC 16,493.75 2943 Total: 2,250,370.73