

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR NOVEMBER 21, 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 |
| Hobart Young | Present |
| Richard Palombo | Present |
| Curtis T. Corson, Jr. | Present (**Mr. Corson joined the Committee on the dais after he was sworn in as member of the Township Committee.) |

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

APPROVAL OF MINUTES - November 7, 2016 Regular Meeting and Closed Session Minutes

Motion by Hobie Young, second by John Coggins, to approve the November 7, 2016 Regular Meeting and Closed Session Minutes as submitted. During roll call vote all four Committeemen voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

John Coggins, Committeeman, wished everyone a happy Thanksgiving and asked all to remember those that may be struggling financially during this holiday season.

Hobie Young, Committeeman, thanked Pete Buganski and the Department of Public Works for decorating Town Hall for the Christmas Tree Lighting Ceremony. He next congratulated Ralph Cooper for receiving the Volunteer of the Year award from the Evening Rotary. He next reported that he recently met with the Historical Society and the plans to restore and convert the former Town Hall building into a museum are moving forward. Lastly, he reported that the Amanda's Field baseball fields are progressing and they are moving forward with consolidating all baseball to Amanda's Field and potentially moving Softball to Caldwell Park.

Edward Barr, Committeeman, reported that the Township has begun collecting leaves, and asked residents to please check the website for the schedule. He next reported that trash and recycling collection for this Thursday will be picked up on Friday, and Friday's collection will be picked up on Monday. He next reported that the Tuckahoe Fire Company will be hosting Breakfast with Santa on December 4th from 7:00 to 11:00 am. A Toys for Tots collection box will be available at the breakfast. Lastly, he wished everyone a happy and safe Thanksgiving.

Richard Palombo, Mayor, thanked Mr. Eisele for generously donating the tree for the Christmas Tree Lighting ceremony. He also thanked Township Clerk Barbara Young for coordinating the event. He next made a motion to change the December 12th Committee meeting to December 19th. The motion was seconded by Edward Barr. During roll call vote all four Committeemen voted in the affirmative. Lastly, he reported that the Township will be applying to the NJDEP for outdoor recreation grants.

OTHER REPORTS

Barbara Young, Municipal Clerk, reported that the Township Offices will be closed on Thursday and Friday November 24th and 25th for the Thanksgiving Holiday.

Daniel Young, Municipal Attorney, reported that there are a few items for closed session.

Paul Dietrich, Municipal Engineer, reported that the contractor for the Bayview Drive Boat Ramp project has requested a time extension to complete the remainder of project in the spring when temperatures will be more conducive to pouring concrete curb & sidewalk. After a lengthy discussion, there was a general consensus to deny the request for a time extension. Next, he reported that the Township has closed on the first Market to Affordable housing project. He next reported on proposed COAH legislation, S-2254 and A-3821, which re-affirms the language and legislative intent of the Fair Housing Act in order to progress toward a more rational statewide housing policy. He recommended that the Township adopt a resolution in support of the proposed legislation. The Committee directed that a resolution for formal action be placed on the next agenda. Lastly, Mr. Dietrich reported that the court has upheld New York City's appeal of FEMA's preliminary Flood Insurance Rate Maps. FEMA will now have to re-study the entire flood mapping area, which will take several years. FEMA will allow Municipalities to adopt the preliminary maps as long as all Municipalities in the County also approve. He recommended that the Township give a positive response towards adopting the preliminary flood maps.

TOWNSHIP COMMITTEE VACANCY

1. Presentation by Nominees to fill the vacancy on the Township Committee.

The three nominees recommended by the Upper Township Republican County Committee, Bill Bailey, Curtis Corson, and Roy Zehner, were invited to come forward and address the Township Committee. After a brief discussion, Edward Barr then made a motion to appoint Curtis Corson, as Township Committee member to fill the un-expired term of Jeffrey Pierson, which term expires December 31, 2017. The Motion was seconded by John Coggins. During roll call vote all four Committeemen voted in the affirmative. Mayor Palombo thanked all of the nominees and urged them to stay active and involved in the Township.

** Township Clerk, Barbara Young then administered the oath of office to Mr. Corson, and Mr. Corson then took his seat on the dais as a member of the Committee.

RESOLUTIONS

2. Appointing Nominee to fill the vacancy on the Township Committee.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 252 -2016

**RE: APPOINTING NOMINEE TO FILL THE VACANCY ON THE TOWNSHIP
COMMITTEE**

WHEREAS, Township Committeeperson Jeffrey Pierson resigned his seat on the Upper Township Committee effective October 25, 2016 resulting in a vacancy; and

WHEREAS, N.J.S.A 40A:16-11 states that the municipal committee of the political party of which the incumbent was the nominee shall, no later than 15 days after the occurrence of the vacancy, present to the governing body the names of three nominees for the selection of a successor to fill the vacancy; and

WHEREAS, the Upper Township Republican County Committee has notified the Township Committee of Upper Township that they have selected the following three nominees as a successor to fill such vacancy: Curtis Corson, Bill Bailey, and Roy Zehner; and

WHEREAS, the Township Committee must within 30 days of the occurrence of the vacancy appoint one of said nominees as the successor to fill such vacancy; and

WHEREAS, the Township Committee of the Township of Upper has duly considered the three nominees submitted by said municipal committee.

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. Curtis Corson is hereby appointed as the successor to fill the vacancy on the Township Committee pursuant to N.J.S.A. 40A:16-11.

Resolution No. 252-2016

Offered by: Coggins Seconded by: Barr

Adopted: November 21, 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> | ___ | ___ | ___ |
| Vacant | ___ | ___ | ___ | ___ |
| Young | <u>X</u> | ___ | ___ | ___ |
| Palombo | <u>X</u> | ___ | ___ | ___ |

3. Re-appointing Janet McCrosson as Municipal Court Administrator, on an interim basis, for a term of one year effective December 1, 2016.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 253-2016

**RE: RE-APPOINTING JANET MCCROSSON AS MUNICIPAL COURT ADMINISTRATOR,
ON AN INTERIM BASIS, FOR A TERM OF ONE YEAR EFFECTIVE DECEMBER 1, 2016**

WHEREAS, a need exists to fill a vacancy in the municipal court administrator position; and

WHEREAS, the Township Committee is of the opinion that Janet McCrosson is a competent, fit and suitable person for re-appointment as municipal court administrator.

WHEREAS, pursuant to N.J.S.A. 2B:12-11(e), the governing body may appoint a person who does not hold a municipal court administrator certificate to serve as a municipal court administrator, on an interim basis, for a period not to exceed one year commencing on the date of the appointment, and may be re-appointed for four additional one-year terms until said certificate is obtained; and

WHEREAS, pursuant to Court Rule 1:34-3, the Assignment Judge has approved Janet McCrosson for this appointment; 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. Janet McCrosson is hereby re-appointed as the Municipal Court Administrator of

the Township of Upper, on an interim basis, for a third term of one (1) year effective December 1, 2016 and expiring November 30, 2017, at a salary of \$58, 140.

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. 253-2016

Offered by: Coggins Seconded by: Young

Adopted: November 21, 2016

Roll Call Vote:

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

4. Supporting a “No Passing Zone” along New Jersey State Highway Route 50 between Mile Posts 1.9 and 2.8.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 254-2016

**RE: SUPPORTING A “NO PASSING ZONE” ALONG NEW JERSEY STATE HIGHWAY
ROUTE 50 BETWEEN MILE POST 1.9 AND 2.8**

WHEREAS, there is currently a passing zone in a residential section of NJSH Route 50 between Mile Post 1.9 and 2.8; and

WHEREAS, although a centerline rumble strip currently exists in this area, residents have requested that a No Passing Zone also be implemented; and

WHEREAS, in order to insure the health and safety of citizens, residents, and the general public, the Township Committee of the Township of Upper supports the creation of a “No Passing Zone” along NJSH Route 50 between Mile Post 1.9 and 2.8; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee supports creating a “No Passing Zone” along NJSH

Route 50 between Mile Posts 1.9 and 2.8. The Township Committee hereby requests all State officials to take action forthwith to implement the creation of a “No Passing Zone” along NJSH Route 50 between Mile Posts 1.9 and 2.8.

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.
4. A certified copy of this Resolution shall be provided to the New Jersey Department of Transportation.

Resolution No. 254-2016

Offered by: Barr Seconded by: Coggins

Adopted: November 21, 2016

Roll Call Vote:

| <u>NAME</u> | <u>YES</u> | <u>NO</u> | <u>ABSTAINED</u> | <u>ABSENT</u> |
|-------------|---------------|---------------|------------------|---------------|
| Barr | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Coggins | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Corson | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Young | <u> </u> | <u> </u> | <u> X </u> | <u> </u> |
| Palombo | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |

5. Setting the date and time of the 2017 Reorganization Meeting of the Township of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 255-2016

**RE: SETTING THE DATE AND TIME
OF THE 2017 REORGANIZATION MEETING
OF THE TOWNSHIP OF UPPER**

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 annual Reorganization Meeting of the Township Committee shall be held on Friday, January 6, 2017, commencing at 6:30 P.M. at the Upper Township Municipal Building, County Route 631, Petersburg, New Jersey.

2. Notification of this meeting shall be given in accordance with the requirements of the Open Public Meetings Act of the State of New Jersey.

Resolution No. 255-2016

Offered by: Barr

Seconded by: Coggins

Adopted: November 21, 2016

Roll Call Vote:

| NAME | YES | NO | ABSTAINED | ABSENT |
|---------|--------------|-------|-----------|--------|
| Barr | <u> X </u> | _____ | _____ | _____ |
| Coggins | <u> X </u> | _____ | _____ | _____ |
| Corson | <u> X </u> | _____ | _____ | _____ |
| Young | <u> X </u> | _____ | _____ | _____ |
| Palombo | <u> X </u> | _____ | _____ | _____ |

6. Authorizing the Chief Financial Officer to sign an agreement with New Horizon Communications Corp. for POTS Telephone Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 256-2016

**RE: AUTHORIZING THE CHIEF FINANCIAL OFFICER TO
SIGN AN AGREEMENT WITH NEW HORIZON COMMUNICATIONS CORP.
FOR POTS TELEPHONE SERVICES**

WHEREAS, the Township of Upper desires to enter into an agreement with New Horizons Communications Corp. for POTS (aka Copper hardline) telephone services; and

WHEREAS, New Horizons Communications Corp. has submitted a proposal, attached hereto as Exhibit A, for said services for a one year term; 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 Chief Financial Officer is hereby authorized, directed and empowered to execute an agreement, attached hereto as Exhibit B, with New Horizons Communications Corp. to provide POTS (aka. Copper hardline) telephone services for the Township of Upper.

3. This contract shall have a term of one (1) year commencing upon full execution of the contract documents, with services at the proposed monthly recurring charges to begin December 12, 2016 and end on December 11, 2017.

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

5. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 256-2016
Offered by: Coggins Seconded by: Barr
Adopted: November 21, 2016

Roll Call Vote:

| <u>NAME</u> | <u>YES</u> | <u>NO</u> | <u>ABSTAINED</u> | <u>ABSENT</u> |
|-------------|---------------|---------------|------------------|---------------|
| Barr | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Coggins | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Corson | <u> </u> | <u> </u> | <u> X </u> | <u> </u> |
| Young | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Palombo | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |

7. Withdrawing prior authorization to purchase a Trailer Mounted Vacuum Debris Collector through the National Joint Powers Alliance (NJPA) National Cooperative Contract.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 257-2016

**RE: WITHDRAWING PRIOR AUTHORIZATION TO PURCHASE A TRAILER
MOUNTED VACUUM DEBRIS COLLECTOR
THROUGH THE NATIONAL JOINT POWERS ALLIANCE (NJPA)
NATIONAL COOPERATIVE CONTRACT**

WHEREAS, the Township previously authorized the Qualified Purchasing Agent to enter into a contract with Old Dominion Brush Co., Inc. through the National Joint

Powers Alliance (NJPA) National Cooperative Contract No. 060612-ODB to purchase a Trailer Mounted Vacuum Debris Collector pursuant to Resolution No. 242-2016; and

WHEREAS, the Township Committee has determined not to pursue this contract and therefore abandon the project to enable the review of equipment and purchasing needs in the Public Works Department; 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 authorization to enter into a contract with Old Dominion Brush Co., Inc. through the National Joint Powers Alliance (NJPA) National Cooperative Contract No. 060612-ODB to purchase a Trailer Mounted Vacuum Debris Collector is hereby withdrawn and Resolution No. 242-2016 is hereby rescinded.

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. 257-2016

Offered by: Coggins

Seconded by: Barr

Adopted: November 21, 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> | ___ | ___ | ___ |
| Corson | ___ | ___ | <u>X</u> | ___ |
| Young | <u>X</u> | ___ | ___ | ___ |
| Palombo | <u>X</u> | ___ | ___ | ___ |

8. Authorizing the Township Engineer to submit an application to the New Jersey Department of Transportation for the Local Bicycle/Pedestrian Planning Assistance Program.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 258-2016

RE: AUTHORIZING THE TOWNSHIP ENGINEER TO SUBMIT AN APPLICATION TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE LOCAL BICYCLE/PEDESTRIAN PLANNING ASSISTANCE PROGRAM

WHEREAS, the New Jersey Department of Transportation (NJDOT) has created the Local Bicycle/Pedestrian Planning Assistance Program (LBPPAP) in order to provide no cost consultation and planning services for capital improvement projects that benefit non-motorized modes of transportation; and

WHEREAS, the Township of Upper, in order to provide safe opportunities for its residents to walk or bicycle throughout the Township, wishes to participate in said program; and

WHEREAS, the Township has existing recreation facilities on Harbor Road including a public beach, boat ramp, pier and parking area; and

WHEREAS, as part of the reconstruction of the Garden State Parkway bridge over the Great Egg Harbor Bay, a multi-use path has been constructed and will terminate at the Township's parking area on Harbor Road; and

WHEREAS, the Township of Upper wishes to take advantage of this Program and to authorize the execution and submittal of application for assistance in planning a bicycle and pedestrian gateway at the Harbor Road beach and boat ramp for connection to facilities in Somers Point in Atlantic County and to connect further south in Cape May County; and

NOW, THEREFORE, BE IT RESOLVED the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, does hereby authorize, direct and empower the Township Engineer to prepare and submit an application package for the Local Bicycle/Pedestrian Planning Assistance Program to the NJDOT; and

BE IT FURTHER RESOLVED, that the Township of Upper will make a good faith effort to implement the recommendations of the LBPPAP planning study.

Resolution No. 258-2016

Offered by: Young Seconded by: Barr

Adopted: November 21, 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> |
| Corson | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Young | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Palombo | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |

9. Authorizing the execution of a Collective Bargaining Agreement between the Township of Upper and Council 71, American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO for the term January 1, 2015 to December 31, 2017.

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

RESOLUTION NO. 259-2016

RE: AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWNSHIP OF UPPER AND COUNCIL 71, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), AFL-CIO FOR THE TERM JANUARY 1, 2015 TO DECEMBER 31, 2017

WHEREAS, the Township Committee appointed a Negotiating Committee to meet with a Negotiating Committee appointed by Council 71, American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO (hereinafter “Bargaining Unit”); and

WHEREAS, an agreement has been reached by the respective Negotiating Committees with respect to the contract terms which terms have been ratified by the members of the Collective Bargaining Unit and by the Township Committee; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper hereby ratifies, confirms and approves a contract between the Township of Upper and the Bargaining Unit for the term commencing January 1, 2015 until December 31, 2017, a copy of which is attached hereto as “Exhibit A” and is on file in the office of the Municipal Clerk and available for public inspection. This approval is subject to the ratification and approval of the contract by the members of the Collective Bargaining Unit and Council 71, AFSCME.

3. The Mayor and Township Clerk are hereby authorized, directed and empowered to sign said contract on behalf of the Township of Upper.

Resolution No. 259-2016

Offered by: Barr Seconded by: Coggins

Adopted: November 21, 2016

Roll Call Vote:

| <u>NAME</u> | <u>YES</u> | <u>NO</u> | <u>ABSTAINED</u> | <u>ABSENT</u> |
|-------------|------------|------------|------------------|---------------|
| Barr | <u>X</u> | <u>---</u> | <u>---</u> | <u>---</u> |
| Coggins | <u>X</u> | <u>---</u> | <u>---</u> | <u>---</u> |
| Corson | <u>---</u> | <u>---</u> | <u>X</u> | <u>---</u> |
| Young | <u>X</u> | <u>---</u> | <u>---</u> | <u>---</u> |
| Palombo | <u>X</u> | <u>---</u> | <u>---</u> | <u>---</u> |

10. Directing the distribution of the Township of Upper's net returned surplus funds held in trust by the Atlantic County Municipal Joint Insurance Fund.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 260-2016

**RE: DIRECTING THE DISTRIBUTION OF THE TOWNSHIP OF UPPER'S NET
RETURNED SURPLUS FUNDS HELD IN TRUST BY THE ATLANTIC COUNTY
MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the Township of Upper, hereinafter referred to as MUNICIPALITY, is a participating member municipality of the Atlantic County Municipal Joint Insurance Fund, hereinafter referred to as FUND; and

WHEREAS, the FUND is a statutory filed municipal joint insurance fund as defined in N.J.A.C. 11:15-2.1 et seq.; and

WHEREAS, the MUNICIPALITY joined the FUND knowing that membership carries with it joint and several liability with all other member municipalities for each year of the MUNICIPALITY's membership; and

WHEREAS, the MUNICIPALITY understands that the FUND's Executive Committee are the only persons authorized in law to make decisions as to when and how much of any available statutory surplus will be released by the FUND; and

WHEREAS, the MUNICIPALITY understands that the FUND's Executive Committee are the only persons authorized in law to make decisions as to when and how much of any projected deficit will be declared as an additional assessment due to the FUND; and

WHEREAS, the MUNICIPALITY understands that Available Statutory Surplus is defined to be the amount of money in excess of the projected value of claims by line of coverage, plus an actuarially determined value for Incurred But Not Reported claims, subject to the surplus reserve calculations as defined in N.J.A.C. 11:15-4.6 et seq., and subject to review and approval by the Department of Banking and Insurance and Department of Community Affairs, State of New Jersey, prior to release by the Executive Committee of the FUND; and

WHEREAS, the MUNICIPALITY understands that it remains jointly and severally liable into perpetuity despite the earlier release of Available Statutory Surplus due to the possibility that a FUND year wherein a return of Statutory Surplus has been duly authorized could later be presented with a claim for which it could be responsible causing a demand for an additional assessment from each participating member municipality of that FUND year; and

WHEREAS, the MUNICIPALITY understands that it remains jointly and severally liable into perpetuity despite the earlier collection of an additional assessment due to the possibility that a FUND year wherein an additional assessment has been duly authorized could later be presented with a need for additional assessments from each participating member municipality of that FUND year; and

WHEREAS, the MUNICIPALITY understands that its options for directing the distribution of its net share of released Statutory Surplus to be as follows:

1. Direct the FUND to apply the MUNICIPALITY's share to the MUNICIPALITY's premium as credit in the next FUND fiscal year (N.J.A.C. 11:15-4.21(e)),
2. Direct the FUND to issue a check to the MUNICIPALITY for the MUNICIPALITY's share,
3. Direct the FUND to apply the MUNICIPALITY's share to the FUND's Aggregate Excess Loss Contingency Fund (A.E.L.C.F.), which provides member municipalities with an available individual contingency balance for use in satisfying any possible need for a supplemental assessment for any year they were a member and an annual capacity to use all or a portion of a member municipality's available balance in offsetting future premiums, **or**
4. Direct the FUND to apportion the MUNICIPALITY's share as a stated dollar amount among options 1, 2 and 3 above such that the sum total of allocated dollars equals the amount of the Net Distribution available to the MUNICIPALITY as noted above.

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 MUNICIPALITY does hereby direct the FUND to apply the MUNICIPALITY'S full dividend, in the amount of \$31,964.00, as a credit to the MUNICIPALITY'S 2017 JIF Assessment.
3. The MUNICIPALITY does hereby further direct the FUND to apply a portion of the MUNICIPALITY'S balance in the FUND'S Aggregate Excess Loss

Contingency Fund, in the amount of \$3,036.00, as a credit to the MUNICIPALITY'S 2017 JIF Assessment.

4. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 260-2016

Offered by: Young Seconded by: Coggins

Adopted: November 21, 2016

Roll Call Vote:

| <u>NAME</u> | <u>YES</u> | <u>NO</u> | <u>ABSTAINED</u> | <u>ABSENT</u> |
|-------------|---------------|---------------|------------------|---------------|
| Barr | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Coggins | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Corson | <u> </u> | <u> </u> | <u> X </u> | <u> </u> |
| Young | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Palombo | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |

11. Authorizing the execution of NJDEP TWA-1 Application Statements of Consent form regarding 113 W. Putnam Avenue, Strathmere, Block 827, Lot 1.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO.261-2016

**RE: AUTHORIZING THE EXECUTION OF NJDEP TWA-1 APPLICATION
STATEMENTS OF CONSENT FORM REGARDING 113 W. PUTNAM AVENUE,
STRATHMERE, BLOCK 827, LOT 1**

WHEREAS, Herb Hollinger has or is about to make application to the New Jersey Department of Environmental Protection (hereinafter "DEP") for Treatment Works Approval for a proposed three bedroom single family dwelling, and has requested that the Township complete a portion of DEP Form No. WQM-003, which merely consents to the submission of the application to the DEP and certifies that the project, as proposed, conforms with the requirements of all municipal Ordinances and does not otherwise impose any obligation or liability on the Township; and

WHEREAS, Herb Hollinger must apply to the New Jersey Department of Environmental Protection for Treatment Works Approval in order to install a Gravity Flow Sewage

Disposal System for a three bedroom single family dwelling to be constructed on 113 W. Putnam Avenue, Block 827, Lot 1 of the municipal tax map of Upper Township, New Jersey; and

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

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

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor is hereby authorized to execute on behalf of the Township of Upper a Statements of Consent, Section A-1, in the form attached hereto as Exhibit "A" and said consent shall be completed by inserting therein this Resolution number and the date of its adoption.
3. This Statements of Consent is submitted in conjunction with the application of Herb Hollinger for treatment works approval for the property at Block 827, Lot 1 on the municipal tax map.
4. A certified copy of this Resolution shall be provided to the applicant.

Resolution No.261-2016
Offered by: Coggins Seconded by: Barr
Adopted: November 21, 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> | _____ | _____ | _____ |
| Corson | <u> X </u> | _____ | _____ | _____ |
| Young | <u> X </u> | _____ | _____ | _____ |
| Palombo | <u> X </u> | _____ | _____ | _____ |

12. Authorizing the award of a contract with Cruzan’s Truck Service, Inc. for automotive repair services and supplies.

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

RESOLUTION NO.262-2016

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH CRUZAN'S TRUCK SERVICE,
INC. FOR AUTOMOTIVE REPAIR SERVICES AND SUPPLIES**

WHEREAS, the Township of Upper must acquire various automotive repair services and supplies and to do so desires to enter into a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Cruzan's Truck Service, Inc. has indicated they will provide automotive repair services and supplies, which when aggregated with other purchases from said vendor will exceed the Pay to Play threshold of \$17,500.00; and

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

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

WHEREAS, the Chief Financial Officer of the Township has certified the availability of funds to allow the award of contract for the purchase herein authorized and has certified that adequate

funds have been appropriated for this purpose in the 2016 Municipal Budget.

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

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

2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with Cruzan's Truck Service, Inc. as described herein.

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

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

Resolution No.262-2016

Offered by: Barr Seconded by: Young

Adopted: November 21, 2016

Roll Call Vote:

| NAME | YES | NO | ABSTAINED | ABSENT |
|---------|--------------|-------|--------------|--------|
| Barr | <u> X </u> | _____ | _____ | _____ |
| Coggins | <u> X </u> | _____ | _____ | _____ |
| Corson | _____ | _____ | <u> X </u> | _____ |
| Young | <u> X </u> | _____ | _____ | _____ |
| Palombo | <u> X </u> | _____ | _____ | _____ |

13. Budget Transfers.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 263-2016

RE: BUDGET TRANSFERS

WHEREAS, budgetary transfers between line items can be made after November 1st;
and

WHEREAS, it is necessary to make transfers between certain line items of the
Municipal Budget 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 following transfers between line items in the Municipal Budget of the
Township of Upper shall be made immediately:

| <u>TO</u> | <u>FROM</u> |
|---------------------------------------|-------------------------------------|
| SPECIAL LITIGATION O/E \$10,000.00 | SHORE PROTECTION O/E \$15,000.00 |
| MUNICIPAL COURT O/E \$5,000.00 | |

Resolution No. 263-2016
Offered By: Coggins Seconded By: Barr
Adopted: November 21, 2016

ROLL CALL VOTE:

| <u>NAME</u> | <u>YES</u> | <u>NO</u> | <u>ABSTAINED</u> | <u>ABSENT</u> |
|-------------|---------------|---------------|------------------|---------------|
| Barr | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Coggins | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Corson | <u> </u> | <u> </u> | <u> X </u> | <u> </u> |
| Young | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Palombo | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |

14. Refund EMS ambulance billing overpayment to UnitedHealthcare Insurance Company.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 264-2016

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

WHEREAS, an overpayment has occurred in the account of an EMS ambulance

billing patient, where the monies sent to the Township of Upper by UnitedHealthcare Insurance Company were in excess as evidenced by the attached copy of a letter attached hereto as Exhibit A.

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

| | |
|----------------------|---|
| <u>AMOUNT</u> | <u>NAME</u> |
| \$94.28 | Attn: MSC 410836 P.O. Box 415000 Nashville, TN 37241-0836 |

Resolution No. 264-2016
Offered by: Coggins Seconded by: Young
Adopted: November 21, 2016

ROLL CALL VOTE:

| <u>NAME</u> | <u>YES</u> | <u>NO</u> | <u>ABSTAINED</u> | <u>ABSENT</u> |
|-------------|------------|-----------|------------------|---------------|
| Barr | X | _____ | _____ | _____ |
| Coggins | X | _____ | _____ | _____ |
| Corson | X | _____ | _____ | _____ |
| Young | X | _____ | _____ | _____ |
| Palombo | X | _____ | _____ | _____ |

15. Authorizing the Mayor to sign the recertification of the Emergency Operating Plan for the Township of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 265-2016

**RE: AUTHORIZING THE MAYOR TO SIGN THE RECERTIFICATION OF THE
EMERGENCY OPERATING PLAN FOR THE TOWNSHIP OF UPPER**

WHEREAS, in 2012 the Township of Upper Emergency Operating Plan was submitted to the Cape May County Office of Emergency Management and the State of New Jersey Office of Emergency Management; and

WHEREAS, the Emergency Operating Plan is about to expire and it is necessary to update and adopt a revised Emergency Operating Plan; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor, the Emergency Management Coordinator and other Township officers are authorized to execute the revised Emergency Operating Plan.
3. The Mayor's signature shall constitute acceptance and adoption of the revised Emergency Operating Plan on behalf of the Township of Upper
4. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Resolution No. 265 -2016

Offered by: Young Seconded by: Barr

Adopted: November 21, 2016

Roll Call Vote:

| <u>NAME</u> | <u>YES</u> | <u>NO</u> | <u>ABSTAINED</u> | <u>ABSENT</u> |
|-------------|---------------|---------------|------------------|---------------|
| Barr | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Coggins | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Corson | <u> </u> | <u> </u> | <u> X </u> | <u> </u> |
| Young | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Palombo | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |

16. Authorizing an extension of the agreements with OceanFirst Bank, formerly Cape Bank, with regard to banking services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 266-2016

**RE: AUTHORIZING AN EXTENSION OF THE AGREEMENTS WITH
OCEANFIRST BANK, FORMERLY CAPE BANK,
WITH REGARD TO BANKING SERVICES**

WHEREAS, OceanFirst Bank, formerly Cape Bank, has indicated a desire to continue to provide banking services to the Township of Upper for an additional one year term; and

WHEREAS, the Township wishes to extend the agreements with OceanFirst Bank, formerly Cape Bank, for an additional one year term; and

WHEREAS, said agreements will continue under the same terms and under a new rate of interest effective December 1, 2016, as indicated on the attached correspondence from OceanFirst Bank, dated November 17, 2016, and attached hereto as Exhibit A; 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 agreements and forms between the Township and OceanFirst Bank, formerly Cape Bank, copies of which are on file in the office of the Township Clerk, are hereby extended for an additional one year term.
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. 266-2016

Offered by: Coggins Seconded by: Palombo

Adopted: November 21, 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> |
| Corson | <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

17. Introduction and first reading of Ordinance No. 015-2016 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER II (ADMINISTRATION) OF THE CODE OF UPPER TOWNSHIP. **Motion by Hobie Young, second by Edward Barr, to introduce Ordinance No. 015-2016 with a public hearing and final adoption scheduled for December 19, 2016. During roll call vote all five Committeemen voted in the affirmative.**

TOWNSHIP OF UPPER

**CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 015-2016

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER II
(ADMINISTRATION) OF THE CODE OF UPPER TOWNSHIP**

WHEREAS, the Township Committee of the Township of Upper, in order to provide for the orderly and efficient administration of Township business, has determined that it is appropriate to amend Chapter II (Administration) of the Code of Upper Township to create the office of Township Administrator and identify the various departments within the Township; and

WHEREAS, pursuant to N.J.S.A. 40A:9-136 the governing body of any municipality, by ordinance, may create the office of Township Administrator and delegate to such person all or a portion of the executive responsibilities of the municipality; and

WHEREAS, the Township Committee of the Township of Upper has determined to create the position of Township Administrator and delegate to such person a portion of the executive responsibilities of the Township.

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

SECTION 1. Chapter II 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 2-2.4 is hereby replaced in its entirety with the following:

2-2.4 Township Administrator.

- a. **Creation of Position.** The office of Township Administrator is hereby created in and for the Township of Upper pursuant to the provisions of N.J.S.A. 40A:9-36 et seq.

- b. **Appointment and Term.** The Township Administrator shall be appointed by the majority vote of the Township Committee and the term of office of the Township Administrator shall be at the pleasure of the Township Committee.
- c. **Compensation.** Compensation to perform the duties and responsibilities of Township Administrator shall be determined and established by the Township Committee according to law.
- d. **Qualifications.** The Township Administrator shall possess knowledge and experience in local government for the appointment as Township Administrator.
- e. **Powers and duties.** The Township Administrator, under the supervision and control of the Township Committee, and to the extent not prohibited by law, shall:
 - 1. Be the chief executive and administrative official of the Township of Upper with respect to the following departments: Department of Public Works, Department of Public Safety, Department of Emergency Management, Department of Personnel and Division of Emergency Medical Services (EMS). The Township Administrator shall perform such duties in each department under the general supervision of the member of the Township Committee appointed by the Township Committee as the head of such department.
 - 2. Act as liaison between the Township Committee, the Township Committee department heads, all committees, officers and employees within each department over which the Township Administrator has supervision.
 - 3. Be responsible for the maintenance of sound personnel policies and administrative practice and to study and make recommendations in respect to personnel, hiring, organization and policies of the Township and any of the departments of the Township over which the Township Administrator has

supervision after consultation with the Township Committee and the department head of each such department.

4. Assist in the preparation of the budget, assist the Township Committee in obtaining the necessary data for the preparation of the municipal budget with respect to each department over which the Township Administrator has supervision.
 5. Investigate all complaints regarding Township services with respect to the departments over which the Township Administrator has supervision and, after consultation with the department head of the services involved, to answer same and report the disposition thereof to the Township Committee.
 6. Coordinate for the Township Committee the general affairs of the Township with respect to the departments over which the Township Administrator has supervision, including recommendations with respect to purchasing, administration and enforcement of contracts, leases and franchises.
 7. Attend all meetings as directed and authorized by the Township Committee.
 8. Perform such other duties as may from time to time be specifically assigned to the Township Administrator by the Township Committee.
- f. **Relationship to Other Officials or Bodies.** Nothing herein contained shall derogate from the powers and duties of the elective, appointive or other officials of the Township of Upper or the boards and commissions thereof established pursuant to law, nor shall the rights and tenure of any elected official be affected.

Section 2-3.1 is hereby amended as follows:

Section 2-3.1 Department of Public Works.

- a. Unchanged.

- b. Management of Department. The day-to-day operations of the Department of Public Works shall be managed and directed by a Superintendent of Public Works, provided that the Township Committee fills this position, and certain subordinate officers consisting of a Road Repairer Supervisor and the Road Repairer 3 under the general supervision of a member of the Township Committee as appointed by the Township Committee and the Township Administrator, if appointed to do so by the Township Committee. There shall also be working foreman/assistant supervisors, including but not limited to Supervising Equipment Operator, Supervising Carpenter, Supervising Maintenance Repairer, Maintenance Worker 3 and Supervisor Recreation Maintenance, who will be responsible for supervising work crew(s) as assigned by the Road Repairer Supervisor and/or Road Repairer 3. Officers and employees shall be appointed by the Township Committee as it deems appropriate and who shall constitute the management of the Department and shall be considered management employees.
- c. Qualifications and Duties of Superintendent.
 - 1. Unchanged.
 - 2. Duties. If this position is filled by the Township Committee, the Superintendent of the Department of Public Works shall take an active role in the supervision of the Department and any Division thereof. The Superintendent shall perform such other duties as the Township Committee may prescribe.
- d. Unchanged.
- e. Unchanged.

Section 2-3.2 is hereby replaced in its entirety with the following:

2-3.2 Emergency Management. There shall be a Township Emergency Management Coordinator appointed and serving pursuant to N.J.S.A. App. A:9-40.1. The Township hereby establishes the Department of Emergency Management to be headed by said Township Emergency Management Coordinator subject to the supervision of the Township Administrator, if appointed to do so by the Township Committee, and subject to the overall supervision of the Township Committee member appointed by the Township Committee to supervise and direct this department. The Township also hereby creates, pursuant to and in accordance with N.J.S.A. App. A:9-41, a local emergency management council.

Section 2-3.4 is hereby amended as follows:

Section 2-3.4 Department of Sports and Recreational Programs.

- a. Unchanged.
- b. Supervision and Management of Programs. The Sports and Recreational Programs shall be generally supervised and directed by one (1) or more members of the Township Committee who shall be appointed by the Township Committee.
- c. Qualifications and Duties of Supervisory Personnel.
 1. Qualifications. The Director of the Department shall be a member of the Township Committee duly appointed by the Township Committee. The member(s) of the Township Committee so appointed shall also serve as liaison between the Township Committee and the Township Sports and Recreational Advisory Board, an advisory body created and appointed by the Township Committee.
 2. Duties. The member of the Township Committee serving as Director of the Department of Sports and Recreational Programs shall take an active role in the supervision and direction of the Department. The

Recreational Program Coordinator, if the position is filled by the Township Committee, shall supervise and work with those employees as may be assigned to the Department and engaged in performing the necessary tasks for the efficient operation and utilization of the Township's recreational and sports programs.

d. Unchanged.

e. Unchanged.

Section 2-3.5 is hereby added as follows:

Section 2-3.5 Establishment of Other Township Departments. The following departments are hereby established by the Township of Upper and each such department shall have a member or members of the Township Committee appointed by the Township Committee to serve as director and head of such department: Public Safety, Buildings and Grounds, Revenue and Finance, Municipal Court, Animal Control, Personnel, Lifeguards, Division of Emergency Medical Services (EMS), Housing, Engineering, Clerk's Office, Zoning and Planning, and Construction Code.

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 2 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 **21st DAY OF NOVEMBER, 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 **19th DAY OF DECEMBER, 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

18. Introduction and first reading of Ordinance No. 016-2016 RE: AN ORDINANCE AMENDING ORDINANCE NO. 015-2015 KNOWN AS THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2016. **Motion by John Coggins, second by Edward Barr, to introduce Ordinance No. 016-2016 with a public hearing and final adoption scheduled for December 19, 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. 016-2016

**RE: AN ORDINANCE AMENDING ORDINANCE NO. 015-2015 KNOWN AS
THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2016**

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:

SECTION 1: Ordinance No. 015-2015, known as the Salary Ordinance of 2016 at Section 2, is hereby amended as hereinafter provided for the line items as indicated below:

SECTION 2: SALARIES: Salaries for the various officials and employees of the Township of Upper for the calendar year 2016 shall be as follows:

| <u>POSITION</u> | <u>MINIMUM</u> | <u>MAX-2016</u> |
|------------------------|-----------------------|------------------------|
|------------------------|-----------------------|------------------------|

E. PUBLIC WORKS/SPORTS AND RECREATIONAL PROGRAMS:

| | | |
|--|-----------|-----------|
| Sr. Carpenter (0-9 yrs.) | 20,000.00 | 53,375.00 |
| Sr. Carpenter (10 or more yrs.) | 20,000.00 | 54,842.00 |
| Carpenter (0-9 yrs.) | 12,500.00 | 51,907.00 |
| Carpenter (10 or more yrs.) | 12,500.00 | 53,375.00 |
| Carpenter's Helper | 12,500.00 | 51,907.00 |
| Senior Mechanic (0-9 yrs.) | 12,500.00 | 55,366.00 |
| Senior Mechanic (10 or more yrs.) | 12,500.00 | 56,835.00 |
| Mechanic (0-9 yrs.) | 12,500.00 | 52,883.00 |
| Mechanic (10 or more yrs.) | 12,500.00 | 54,351.00 |
| Mechanics Helper (0-9 yrs.) | 12,500.00 | 50,757.00 |
| Mechanics Helper (10 or more yrs.) | 12,500.00 | 52,225.00 |
| Equipment Operator (0-9yrs.) | 12,500.00 | 51,907.00 |
| Equipment Operator (10 or more yrs.) | 12,500.00 | 53,375.00 |
| Equipment Operator/Truck Driver | 12,500.00 | 51,907.00 |
| Truck Driver (0-9 yrs.) | 12,500.00 | 50,674.00 |
| Truck Driver (10 or more yrs.) | 12,500.00 | 52,143.00 |
| Laborer 1, 1 st year | 12,500.00 | 39,554.00 |
| Laborer 1, 2 nd year | 12,500.00 | 41,634.00 |
| Laborer 1, 3 rd year | 12,500.00 | 43,715.00 |
| Laborer 1, 4 th year | 12,500.00 | 45,797.00 |
| Laborer 1, 5 th year | 12,500.00 | 47,879.00 |
| Laborer1 (6-9 yrs.) | 12,500.00 | 49,469.00 |
| Laborer 1 (10 or more yrs.) | 12,500.00 | 50,936.00 |
| Sr. Sanitation Inspector | 12,500.00 | 53,375.00 |
| Sanitation Inspector (0-9 yrs.) | 12,500.00 | 51,907.00 |
| Sanitation Inspector (10 or more yrs.) | 12,500.00 | 53,375.00 |
| Recycling Laborer | 10,400.00 | 45,760.00 |
| Building Maintenance Worker | 22,000.00 | 36,739.00 |
| Maint. Worker 2, Grounds (0-9 yrs.) | 10,500.00 | 51,907.00 |
| Maint. Worker 2, Grds. (10 or more yrs.) | 10,500.00 | 53,375.00 |
| Maintenance Repairer (0-9 yrs.) | 10,500.00 | 51,907.00 |
| Maintenance Repairer (10 or more yrs.) | 10,500.00 | 53,375.00 |
| Maint. Worker 1, Grounds (0-9 yrs.) | 10,500.00 | 50,674.00 |
| Maint. Worker 1, Grds. (10 or more yrs) | 10,500.00 | 52,143.00 |

SECTION 3: SEVERABILITY: If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION 4: REPEALER: All ordinances or parts of ordinances inconsistent herewith 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 21st DAY OF NOVEMBER, 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 19th DAY OF DECEMBER, 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

19. Introduction and first reading of Ordinance No. 017-2016 RE: AN ORDINANCE ESTABLISHING SALARIES FOR THE TOWNSHIP OF UPPER FOR THE CALENDAR YEAR 2017. **Motion by John Coggins, second by Edward Barr, to introduce Ordinance No. 017-2016 with a public hearing and final adoption scheduled for December 19, 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. 017-2016

**AN ORDINANCE ESTABLISHING SALARIES FOR THE TOWNSHIP
OF UPPER FOR THE CALENDAR YEAR 2017**

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:

SECTION 1: TITLE: This Ordinance shall be known as the Salary Ordinance of 2017.

SECTION 2: SALARIES: Salaries for the various officials and employees of the Township of Upper for the calendar year 2017 shall be as follows:

| <u>POSITION</u> | <u>MINIMUM</u> | <u>MAXIMUM- 2017</u> |
|------------------------------------|-----------------------|-----------------------------|
| (P/T denotes "Part-Time Position") | | |

A. ADMINISTRATIVE/REVENUE AND FINANCE:

| | | |
|---|------------|------------|
| Mayor | \$3,750.00 | \$5,000.00 |
| Township Committeeman | 7,000.00 | 11,250.00 |
| Township Tax Assessor | 7,500.00 | 78,000.00 |
| Deputy Tax Assessor | No Min. | 550.00 |
| Township Tax Collector | 15,000.00 | 78,000.00 |
| Deputy Tax Collector | No Min. | 550.00 |
| Township Clerk | 15,000.00 | 78,000.00 |
| Deputy Township Clerk (P/T) | 525.00 | 2,000.00 |
| Keyboarding Clerk 2 | 15,000.00 | 62,000.00 |
| Keyboarding Clerk 1 | 15,000.00 | 52,000.00 |
| Keyboarding Clerk 1 (P/T) | 5.75 Hr. | 20.00 Hr. |
| Keyboarding Clerk 1 (MAC) | No Min | 4,950.00 |
| Township Engineer | 50,000.00 | 115,000.00 |
| Chief Financial Officer | 42,000.00 | 78,000.00 |
| Purchasing Agent | 35.00 Hr. | 45.00 Hr. |
| Purchasing Agent/QPA | 2,000.00 | 5,000.00 |
| Assistant Finance Officer | No Min. | 550.00 |
| Registrar of Vital Statistics/CMR(P/T) | No Min. | 5,000.00 |
| Deputy Reg. Vital Statistics (P/T) | No Min. | 3,000.00 |
| Alt. Deputy Reg. Vital Statistics (P/T) | No Min. | 3,000.00 |
| Public Information Officer | No Min. | 10,000.00 |
| Data Information Coordinator/COOP | No Min. | 3,500.00 |
| Claims Coordinator | No Min. | 3,500.00 |
| Mun. Improvement Official (P/T) | No Min. | 1,850.00 |
| Tax Search Officer (P/T) | No Min. | 1,850.00 |
| Director of Public Asst. (P/T) | 500.00 | 1,000.00 |
| Personnel Officer (P/T) | No Min. | 5,000.00 |
| Asst. Personnel Officer (P/T) | No Min. | 3,000.00 |
| Computer Director | No Min. | 1,500.00 |
| Safety Coordinator | No Min. | 3,500.00 |
| Ass't Safety Coordinator | No Min. | 1,500.00 |
| Municipal Housing Liaison | No Min. | 2,500.00 |
| Floodplain Manager | No Min. | 1,000.00 |
| Passport Acceptance Agent | No Min. | 500.00 |

B. MUNICIPAL COURT:

| | | |
|---------------------------------|-----------|----------------------|
| Municipal Judge (P/T) | 15,000.00 | 50,000.00 |
| Municipal Court Administrator | 15,000.00 | 78,000.00 |
| Deputy Mun. Court Administrator | 15,000.00 | 68,000.00 |
| Municipal Prosecutor (P/T) | No Min. | 45,000.00 |
| Court Attendant (P/T) | No Min. | \$250.00 per session |
| Municipal Public Defender (P/T) | No Min. | 25,000.00 |

C. CODE ENFORCEMENT/ZONING ENFORCEMENT:

| | | |
|---|-----------|-----------|
| Construction Official | 15,000.00 | 98,000.00 |
| Building Subcode Official (P/T) | 2,500.00 | 6,769.00 |
| Electrical Subcode Official (P/T) | 9,500.00 | 35,000.00 |
| Electrical Inspector (P/T) | 9,500.00 | 30,000.00 |
| Fire Sub-Code Off. (P/T) | 2,500.00 | 4,900.00 |
| Zoning Officer (P/T) | 2,500.00 | 7,500.00 |
| Deputy Zoning Officer | No Min. | 550.00 |
| Housing Officer/Code Enforce. (P/T) | 2,500.00 | 7,500.00 |
| Fire Prevention Official (P/T) | 1,000.00 | 2,279.00 |
| Plumbing Sub-Code Off. (P/T) | No Min. | 12,000.00 |
| Plumbing Inspector (P/T) | No Min. | 6,524.00 |
| Fire Protection Subcode Official (P/T) | No Min. | 2,279.00 |
| Temp. Const. Code/Building Subcode Official | No Min. | 25.00/Hr. |
| Temp. Elect. Subcode Official/Inspector | No Min. | 25.00/Hr. |
| Keyboarding Clerk 1 (Construction) | 12,000.00 | 56,000.00 |

D. PUBLIC SAFETY/EMERGENCY MANAGEMENT:

| | | |
|--|-----------|------------------|
| Mun. Emerg. Management Coord. (P/T) | No Min. | 25,000.00 |
| Coord. 911 Emerg. Response, RTK | No Min. | 2,000.00 |
| Deputy Right to Know | No Min. | 1,500.00 |
| Deputy Dir. Emerg. Mgt. (P/T) | No Min. | 2,845.00 |
| Asst. Emerg. Mgt. (P/T) | No Min. | 900.00 |
| Lifeguard, 1st yr. Seasonal | | 12.50 Hr. |
| Lifeguard, 2nd yr. Seasonal | | 13.00 Hr. |
| Lifeguard, 3rd yr. to 4th yr. | | 13.70 Hr. |
| Lifeguard, 5th yr. and higher | | 14.00 Hr. |
| Hr. Lifeguard E.M.T. | | \$4.00 Per Day |
| Captain Lifeguard Seasonal | | 25.50 Hr. |
| Lieutenant Lifeguard Seasonal | | 19.00 Hr. |
| Senior Lifeguard | | 15.75 Hr. |
| Emergency Medical Tech. -3 or more years | 12,500.00 | 60,000.00 |
| Emergency Medical Technician-2nd year | 12,500.00 | 50,000.00 |
| Emergency Medical Technician-1st year | 12,500.00 | 45,000.00 |
| Emergency Medical Technician (P/T) | No Min. | 14.50 Hr. 1st Yr |
| Emergency Medical Technician (P/T) | No Min. | 15.00 Hr. 2nd Yr |
| School Crossing Guard (P/T) | | 13.50 Hr. |
| Chief Emergency Medical Technician | | 80,000.00 |
| Deputy Chief Emergency Medical Technician | | 75,000.00 |
| Sr. Emergency Medical Technician | | 70,000.00 |
| Supervising Emergency Medical Technician | | 72,000.00 |
| Supervising Emergency Medical Technician (P/T) | | Add'l \$1.00/Hr. |

E. PUBLIC WORKS/SPORTS AND RECREATIONAL PROGRAMS:

| | | |
|---|-----------|-----------|
| Superintendent of Public Works | No Min. | 10,000.00 |
| Road Repairer Supervisor | 12,500.00 | 88,000.00 |
| Road Repairer 3 | 12,500.00 | 82,000.00 |
| Supervisor Equipment Operator | 12,500.00 | 75,000.00 |
| Supervisor Maintenance Repairer | 12,500.00 | 75,000.00 |
| Supervising Carpenter | 20,000.00 | 75,000.00 |
| Maintenance Worker 3, Grounds | 12,500.00 | 75,000.00 |
| Sr. Carpenter (0-9 yrs.) | 20,000.00 | 54,443.00 |
| Sr. Carpenter (10 or more yrs.) | 20,000.00 | 55,939.00 |
| Carpenter (0-9 yrs.) | 12,500.00 | 52,945.00 |
| Carpenter (10 or more yrs.) | 12,500.00 | 54,443.00 |
| Carpenter's Helper | 12,500.00 | 52,945.00 |
| Senior Mechanic (0-9 yrs.) | 12,500.00 | 56,473.00 |
| Senior Mechanic (10 or more yrs.) | 12,500.00 | 57,972.00 |
| Mechanic (0-9 yrs.) | 12,500.00 | 53,941.00 |
| Mechanic (10 or more yrs.) | 12,500.00 | 55,438.00 |
| Mechanics Helper (0-9 yrs.) | 12,500.00 | 51,772.00 |
| Mechanics Helper (10 or more yrs.) | 12,500.00 | 53,270.00 |
| Equipment Operator (0-9yrs.) | 12,500.00 | 52,945.00 |
| Equipment Operator (10 or more yrs.) | 12,500.00 | 54,443.00 |
| Equipment Operator/Truck Driver | 12,500.00 | 52,945.00 |
| Truck Driver (0-9 yrs.) | 12,500.00 | 51,687.00 |
| Truck Driver (10 or more yrs.) | 12,500.00 | 53,186.00 |
| Laborer 1, 1st year | 12,500.00 | 40,345.00 |
| Laborer 1, 2nd year | 12,500.00 | 42,467.00 |
| Laborer 1, 3rd year | 12,500.00 | 44,589.00 |
| Laborer 1, 4th year | 12,500.00 | 46,713.00 |
| Laborer 1, 5th year | 12,500.00 | 48,837.00 |
| Laborer 1 (6-9 yrs.) | 12,500.00 | 50,458.00 |
| Laborer 1 (10 or more yrs.) | 12,500.00 | 51,955.00 |
| Laborer 1 (P/T) | 5.00 Hr. | 12.50 Hr. |
| Sr. Sanitation Inspector | 12,500.00 | 54,443.00 |
| Sanitation Inspector (0-9 yrs.) | 12,500.00 | 52,945.00 |
| Sanitation Inspector (10 or more yrs.) | 12,500.00 | 54,443.00 |
| Recycling Laborer | 10,400.00 | 46,675.00 |
| Recycling Coordinator (P/T) | No Min. | 5,698.00 |
| Recycling Program Aide | No Min. | 2,500.00 |
| Assistant Recycling Coordinator (P/T) | No Min. | 2,849.00 |
| Building Maintenance Worker | 22,000.00 | 37,474.00 |
| Recreational Program Coordinator | 15,500.00 | 70,000.00 |
| Maintenance Supervisor, Grounds | 12,500.00 | 75,000.00 |
| Maint. Worker 2, Grounds (0-9 yrs.) | 11,500.00 | 52,945.00 |
| Maint. Worker 2, Grds (10 or more yrs.) | 11,500.00 | 54,443.00 |
| Maintenance Repairer (0-9 yrs.) | 10,500.00 | 52,945.00 |
| Maintenance Repairer (10 or more yrs.) | 10,500.00 | 54,443.00 |
| Maint. Worker 1, Grounds (0-9 yrs.) | 10,500.00 | 51,687.00 |
| Maint. Worker 1, Grds (10 or more yrs.) | 10,500.00 | 53,186.00 |
| Recreation Aide | 9,500.00 | 48,499.00 |

| | | |
|---|-----------|------------|
| Recreation Aide (P/T) | 5.00/Hour | 12.50/Hour |
| Beach Sweeper (Seasonal) | 5.00/Hour | 12.50/Hour |
| Playground Safety Inspector | 500.00 | 1,000.00 |
| Beach Inspector | No Min. | 4,000.00 |
| Boat Ramp Attendant | No Min. | 12.50 Hr. |
| Skate Park Attendant | No Min. | 12.50 Hr. |
| Recreation Advisory Bd. Secretary (P/T) | No Min. | 2,200.00 |
| Keyboarding Clerk 1 (Recreation) | 12,500.00 | 45,000.00 |
| Keyboarding Clerk 2 (Recreation) | 12,500.00 | 54,000.00 |

F. BOARD OF HEALTH/ZONING BOARD/PLANNING BOARD:

| | |
|--|-----------|
| Secretary Planning Board (P/T) | 42,000.00 |
| Per Meeting | 100.00 |
| Secretary Zoning Board of Adjustment (P/T) | 42,000.00 |
| Per Meeting | 100.00 |
| Secretary Board of Health (P/T) | 550.00 |

G. TOWNSHIP COMMITTEE MEETING ATTENDANCE: The Township Clerk and the Chief Financial Officer, in lieu of receiving compensatory time for attendance at meetings during non-business hours will receive \$100.00 per meeting.

H. MILEAGE: The standard rate per mile in accordance with I.R.S. regulations.

I. GIFT CARD AWARD OR BONUS: In addition to the salary set forth in this Ordinance, the Township Committee, by resolution, may award as a bonus any employee a gift card or gift cards not to exceed a total amount of \$200.00 for the year. Said award shall be by resolution of the Township Committee setting forth the amount of the gift card bonus.

J. EDUCATIONAL CERTIFICATION PAY RAISE: In addition to the salary set forth in this Ordinance upon resolution of the Township Committee, the Township Committee may give an increase in salary of \$1,000.00 to any employee that has satisfied educational certification requirements for his or her position in accordance with current Township policy. The Township Committee shall by resolution fix the pay increase in this regard and certify that the employee has satisfied the educational certification requirement.

K. ADDITIONAL PAY TO CREW OF SANITATION VEHICLES: Laborers employed in the collection of trash and assigned to the rear of a trash truck shall, in addition to any other compensation payable pursuant to this Ordinance, receive an additional sum to be known as “Hazardous Duty Pay”, which shall be payable at the rate of \$.25 per hour.

L. ADDITIONAL PAY TO EMERGENCY MEDICAL TECHNICIANS (EMTs): The most senior Emergency Medical Technician assigned to a shift where a supervisory employee is not also assigned to that shift, in addition to any other compensation payable pursuant to this Ordinance, shall receive an additional sum to be known as “Officer in Charge Pay”, which shall be payable at the rate of \$.50 per hour.

SECTION 3: LONGEVITY: In addition to the compensation and benefits otherwise payable, certain employees shall be paid an additional sum based on longevity. Any payment based on longevity shall be in accordance with the following schedule:

| <u>YEARS OF SERVICE</u> | <u>AMOUNT OF INCREASE BASED ON LONGEVITY</u> |
|-------------------------|--|
| After 5 years | 2% |
| After 10 years | 4% |
| After 15 years | 6% |
| After 20 years | 8% |
| After 25 years | 10% |

SECTION 3A: RESTRICTIONS ON LONGEVITY PAYMENTS: Notwithstanding the provisions of Section 3 hereof, a longevity payment or longevity bonus to any single official, officer or employee of the Township of Upper shall not exceed the sum of Three Thousand (\$3,000.00) Dollars. If, as of January 1, 1997, any such official, officer or employee of the Township of Upper was entitled to a longevity payment in excess of Three Thousand (\$3,000.00) Dollars, then such individual shall be entitled to receive the amount to which he or she would have been entitled as of January 1, 1997 and each such official, officer or employee shall thereafter, in all subsequent years, receive a longevity payment or bonus in the amount paid as of January 1, 1997. In no event shall the amount of longevity payments exceed the sum of Three Thousand (\$3,000.00) Dollars, except for those individuals who are entitled to receive in excess of Three Thousand (\$3,000.00) Dollars as of January 1, 1997 and all such individuals shall in 1997 and all succeeding years be restricted to a payment which does not exceed that which was payable on January 1, 1997.

SECTION 3B: LONGEVITY PAY ABOLISHED FOR CERTAIN EMPLOYEES: Any official, officer or employee who was employed by the Township of Upper on or after January 1, 1996 shall not be entitled to any longevity payment. Longevity pay is abolished for any and all officials, officers and employees hired on or subsequent to that date.

SECTION 4: RESOLUTION AS TO SALARIES: The salaries set forth in this Ordinance are the maximum salaries to be paid for the various positions during 2017 and for such period or periods as this Ordinance shall remain in effect. Such maximum salaries shall be paid for each of the positions indicated unless the Township Committee, by Resolution shall fix a lesser salary, in which event such lesser amount shall be paid.

SECTION 5: EFFECTIVE DATE OF PAYMENT: All salaries authorized by this Ordinance shall be paid commencing as follows:

- (A) As of January 1, 2017 for all officials, officers and employees of the Township who were employed or appointed as of December 31, 2016. For those officials, officers and employees appointed at the Reorganization Meeting of the Township Committee, such persons shall be deemed appointed and employed by the Township as of January 1, 2017. This provision shall not apply to members of a Collective Bargaining Unit.

- (B) The payment of any salary increment and longevity payment for members of a Collective Bargaining Unit shall be made in accordance with the provisions of the Collective Bargaining Agreement currently in effect, any other provisions herein to the contrary notwithstanding.
- (C) Upon the effective date of appointment for all officers and employees appointed subsequent to January 1, 2017.
- (D) Any salary increases provided for in this Ordinance shall not apply to any official, officer or employee of the Township who has resigned or otherwise terminated his or her employment with the Township of Upper prior to the effective date of this Ordinance.

SECTION 6: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 7: SEVERABILITY: If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION 8: EFFECTIVE DATE: This Ordinance shall take effect immediately upon passage 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 21st DAY OF NOVEMBER, 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 19th DAY OF DECEMBER, 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

20. New Jersey Department of Agriculture Gypsy Moth Survey Results and 2017 Gypsy Moth Spray Program. The Department of Agriculture has indicated there are 169 acres in the Township that are expected to have an infestation of gypsy moths next spring. They are offering technical assistance for the gypsy moth spraying and up to a possible 50% reimbursement of the spray costs by the U.S. Forest Service. If the Township wishes to participate, a letter of consent must be returned by December 18th and a Township representative must be appointed to attend a regional meeting in

January 2017. Motion by Richard Palombo, second by Hobie Young, to direct the Municipal Clerk to send the letter of consent to the Department of Agriculture, and appoint Paul Dietrich as the Township's representative. During roll call vote all five Committeemen voted in the affirmative.

UNFINISHED BUSINESS

DISCUSSION

PAYMENT OF BILLS

21. "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: \$342,909.07
Payroll: \$ 148,184.95

REPORT OF MUNICIPAL DEPARTMENTS

- 22. Municipal Court
- 23. Department of Public Works
- 24. EMS Department

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

PUBLIC COMMENT

CLOSED SESSION

25. 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. 267-2016
MOTION GOING INTO CLOSED SESSION
NOVEMBER 21, 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. Annual Appointments
- 2. Contract negotiation – Special Legal Counsel
- 3. Litigation – Affordable Housing
- 4. Personnel

I also include in my motion the estimated time and the circumstances under which the discussion conducted in closed session can be disclosed to the public as follows:

- A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.
- B. With respect to contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.
- C. With respect to employment and personnel matters such discussions will be made public if and when formal action is taken or when the individuals involved consent that it can be made public.
- D. With respect to litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.

Moved by: John Coggins

Motion seconded by: Edward Barr

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

RECONVENE PUBLIC PORTION OF MEETING

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

Motion by John Coggins, second by Curtis Corson, to appoint Elyse Crawford as Special Legal Counsel. During roll call vote all five Committeemen voted in the affirmative. A resolution for formal action will be listed on a future agenda.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 10:01 P.M., with a motion by Richard Palombo, second by John Coggins, and all five Committeemen voting in the affirmative. The next regular meeting is scheduled for December 5, 2016 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC

Bill List

68189 11/21/16 A0018 ACTION SUPPLY INC. 36.80 2947
68190 11/21/16 A0025 ADVANTAGE RENTAL ACE HARDWARE 558.55 2947
68191 11/21/16 A0091 ATLANTIC CITY ELECTRIC 21,301.96 2947
68192 11/21/16 A0099 ATLANTIC TIME SYSTEMS, INC. 649.26 2947
68193 11/21/16 A0134 ANSELL GRIMM & AARON, PC 1,217.30 2947
68194 11/21/16 A0191 ACTION UNIFORM CO. LLC 473.96 2947
68195 11/21/16 A0193 ATLANTIC INVESTIGATIONS, LLC 1,400.00 2947
68196 11/21/16 A0210 ARMORED REPUBLIC, LLC 285.00 2947
68197 11/21/16 B0035 BELMONT & CRYSTAL SPRINGS 55.33 2947
68198 11/21/16 B0039 BEESLEY'S PT. SEA DOO, INC. 118.71 2947

68199 11/21/16 B0060 BIANCHINO LOU & SONS 175.00 2947
68200 11/21/16 B0220 BERGEY'S TRUCK CENTERS 158.96 2947
68201 11/21/16 B0231 BARKER, GELFAND & JAMES, PC 52.50 2947
68202 11/21/16 C0019 CITY OF OCEAN CITY 57,536.25 2947
68203 11/21/16 C0046 CAPE MAY COUNTY CLERK 112.00 2947
68204 11/21/16 C0060 CAPRIONI'S PORTABLE TOILETS 823.00 2947
68205 11/21/16 C0061 CAPRIONI FAMILY SEPTIC 530.00 2947
68206 11/21/16 C0068 COMCAST 125.95 2947
68207 11/21/16 C0131 CINTAS FIRST AID & SAFETY 69.43 2947
68208 11/21/16 C0140 CODED SYSTEMS 3,131.00 2947
68209 11/21/16 C0143 CODY'S POWER EQUIPMENT 121.93 2947
68210 11/21/16 C0171 COLONIAL ELECTRIC SUPPLY CO. 2,043.26 2947
68211 11/21/16 C0182 CDW GOVERNMENT, INC 9,018.10 2947
68212 11/21/16 C0186 CUB SCOUT PACK #55 300.00 2947
68213 11/21/16 C0190 CUB SCOUT PACK #79(LIONS,TIGER 300.00 2947
68214 11/21/16 C0201 CRUZAN'S TRUCK SERVICE INC. 321.08 2947
68215 11/21/16 C0223 CASA PAYROLL SERVICE 242.55 2947
68216 11/21/16 C0230 CATAMARAN MEDIA COMPANY 457.50 2947
68217 11/21/16 C0246 CRAFT OIL CORPORATION 2,695.56 2947
68218 11/21/16 C0269 Cub Pack 79 Wolves, Bears, Web 300.00 2947
68219 11/21/16 D0016 DALEYS PIT 1,125.00 2947
68220 11/21/16 D0040 DELTA DENTAL OF N.J. INC. 5,594.25 2947
68221 11/21/16 D0045 DEPTCOR 140.00 2947
68222 11/21/16 D0077 DIETRICH,PAUL 125.00 2947
68223 11/21/16 F0173 Fellowship Christian Athletes 300.00 2947
68224 11/21/16 G0016 GARDNER HARDWARE INC. 70.86 2947
68225 11/21/16 G0086 W.W. GRAINGER, INC. 860.54 2947
68226 11/21/16 G0147 GREATAMERICA FINANCIAL SVCS. 239.50 2947
68227 11/21/16 G0169 GROFF TRACTOR NEW JERSEY LLC 135.68 2947
68228 11/21/16 H0002 H.A. DEHART & SON CORP. 3,044.00 2947
68229 11/21/16 H0018 HAROLD RUBIN L & H SUPPLY 424.71 2947
68230 11/21/16 H0162 HARTFORD INSURANCE COMPANY 1,004.00 2947
68231 11/21/16 H0171 Higgins, Columb G 41.45 2947
68232 11/21/16 J0041 JONES, JAMES M. 150.00 2947
68233 11/21/16 J0072 JERSEY WEB DESIGNS 3,762.44 2947
68234 11/21/16 K0014 KEENAN,BRIAN 361.61 2947
68235 11/21/16 K0019 KEL TEX IMPRINTS 1,710.00 2947
68236 11/21/16 K0028 KIRK'S PIZZA, INC. 1,500.00 2947
68237 11/21/16 K0030 KNIGHTS OF COLUMBUS 300.00 2947
68238 11/21/16 K0037 KOHLER, JOHN F 74.85 2947
68239 11/21/16 K0080 KOHLER'S AUTO GLASS 385.00 2947
68240 11/21/16 K0086 K D NATIONAL FORCE SECURITY 2,131.50 2947
68241 11/21/16 L0040 LEA, SHELLEY 92.84 2947
68242 11/21/16 L0080 LOWES, INC. 1,008.54 2947
68243 11/21/16 M0081 MID-ATLANTIC WASTE SYSTEMS 167,396.64 2947
68244 11/21/16 M0121 McCROSSON, JANET 91.26 2947
68245 11/21/16 M0142 MASON, NICHOLAS 159.99 2947
68246 11/21/16 M0148 MYRON CORP. 397.91 2947
68247 11/21/16 M0174 MCAFEE MEGAN 48.67 2947
68248 11/21/16 M0180 MED-TECH RESOURCE,LLC 572.52 2947
68249 11/21/16 M0188 MCCARTHY TIRE SERVICE OF PHILA 0.00 11/21/16 VOID 0
68250 11/21/16 M0188 MCCARTHY TIRE SERVICE OF PHILA 4,551.53 2947
68251 11/21/16 M0269 MULTI-TEMP MECHANICAL, INC. 159.98 2947
68252 11/21/16 N0094 NEW JERSEY PLANNING OFFICIALS 100.00 2947
68253 11/21/16 N0131 DEFINED CONTRIB RETIRE PROGRAM 158.74 2947
68254 11/21/16 N0141 NETCARRIER TELECOM, INC. 1,927.70 2947
68255 11/21/16 N0143 NATIONAL TIME SYSTEMS 3,036.00 2947
68256 11/21/16 N0144 NJ E-ZPASS SERVICE CENTER 75.00 2947
68257 11/21/16 P0032 PEDRONI FUEL CO. 1,885.88 2947
68258 11/21/16 P0056 TURF EQUIPMENT AND SUPPLY CO 285.42 2947
68259 11/21/16 P0140 PIONEER MANUFACTURING CO, INC 1,988.50 2947
68260 11/21/16 Q0003 EUROFINS,QC INC. 125.90 2947
68261 11/21/16 R0030 RIGGINS, INC. 5,430.21 2947
68262 11/21/16 R0100 ROBERTS OXYGEN COMPANY, INC. 38.60 2947
68263 11/21/16 S0015 SMYTH, PATRICIA 41.82 2947
68264 11/21/16 S0031 SCHULER SECURITY, INC. 312.00 2947
68265 11/21/16 S0036 SCHULER, JAMES 150.00 2947

68266 11/21/16 S0075 SHARP, RHONDA L. 37.00 2947
68267 11/21/16 S0113 SMITH,THOMAS G. 2,110.66 2947
68268 11/21/16 S0122 SOMERS POINT LUMBER INC. 46.53 2947
68269 11/21/16 S0126 SPIEGEL, BARBARA 27.42 2947
68270 11/21/16 S0153 STERICYCLE, INC. 171.08 2947
68271 11/21/16 S0249 BSN SPORTS 863.94 2947
68272 11/21/16 S0292 JEFFREY SURENIAN & ASSOC. LLC 610.00 2947
68273 11/21/16 S0311 Schultz, Dave 24.20 2947
68274 11/21/16 T0032 THE PRESS OF ATLANTIC CITY 450.84 2947
68275 11/21/16 T0052 TOWNSHIP OF DENNIS 11,250.00 2947
68276 11/21/16 T0080 TREASURER STATE OF N.J. 1,000.00 2947
68277 11/21/16 T0131 TROUT, ROSEMARY 82.24 2947
68278 11/21/16 T0148 THE TITLE COMPANY OF JERSEY 498.00 2947
68279 11/21/16 T0166 TREASURER, STATE OF NEW JERSEY 250.00 2947
68280 11/21/16 U0010 UPPER TOWNSHIP CHEERLEADING 300.00 2947
68281 11/21/16 U0026 UNIVERSAL SUPPLY CO., INC. 470.88 2947
68282 11/21/16 U0029 UPPER TOWNSHIP BD.OF EDUCATION 325.00 2947
68283 11/21/16 U0055 U.T. CHALLENGER PROGRAM 300.00 2947
68284 11/21/16 V0005 VAN EMBDEN, NATHAN, ATTORNEY 787.50 2947
68285 11/21/16 V0013 VERIZON WIRELESS 1,077.64 2947
68286 11/21/16 V0024 VAL-U AUTO PARTS L.L.C. 379.11 2947
68287 11/21/16 V0026 VITAL COMMUNICATIONS, INC. 2,418.76 2947
68288 11/21/16 W0087 W.B. MASON 105.74 2947
68289 11/21/16 W0097 WIGGLESWORTH TREE REMOVAL LLC 595.00 2947
68290 11/21/16 W0100 WALKER, ESQUIRE DOUGLAS 400.00 2947
68291 11/21/16 Y0012 YOUNG,ROBERT 117.79 2947
68292 11/21/16 Y0020 YOUNG, BARBARA L. 82.76 2947

Total: \$342,909.07