

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR DECEMBER 19, 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
Curtis Corson	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 - December 5, 2016 Regular Meeting and Closed Session Minutes

Motion by Edward Barr, second by John Coggins, to approve the December 5, 2016 Regular Meeting and Closed Session Minutes as submitted. During roll call vote four Committeemen voted in the affirmative. Mayor Palombo abstained.

REPORT OF GOVERNING BODY MEMBERS

John Coggins, Committeeman, wished everyone a Merry Christmas and Happy Hanukkah. He next reminded all department heads that 2017 Budget requests are due tomorrow.

Hobie Young, Committeeman, wished everyone a very safe Christmas and New Year. He next requested resolutions honoring several teams for their winning seasons.

Edward Barr, Committeeman, wished everyone a Merry Christmas and Happy Hanukkah, and a safe and happy New Year.

Curtis Corson, Committeeman, wished everyone a safe and happy holiday season. He then reported that the Township will be holding a free rabies clinic on Saturday January 21st from 1:00 to 3:00 pm at Shore Veterinarians. Dog licenses will be available for purchase at the clinic as well.

Richard Palombo, Mayor, reminded everyone that the Reorganization meeting will be held on Friday January 6th at 6:30 pm and the public is welcome to attend. He next thanked

everyone that donated and helped those less fortunate during this holiday season, and encouraged all to continue to look out for those needing help. He then wished everyone a happy and healthy Christmas and holiday season.

OTHER REPORTS

Barbara Young, Municipal Clerk, reminded everyone that the Township Offices will be closed on December 26th and again on January 2nd for the Christmas and New Year Holidays. She then wished everyone Happy Holidays.

Daniel Young, Municipal Attorney, reported that there a few items for closed session; personnel, litigation, and safety and security.

Paul Dietrich, Municipal Engineer, reported that he will be meeting with the owners of the property on the corner of Roosevelt Boulevard and Route 9 for possible redevelopment. He next reported that Rutgers is starting a master gardening course in January, and stated that it may be a good idea to send an employee in order to help with beautification projects throughout the Township. There was a general consensus to gather more information before making a decision. Mr. Dietrich then gave a brief update on the Bayview Avenue Boat Ramp project in Strathmere. The concrete curbing is completed, and contractor hopes to start the roadway grading within the next week. Lastly, he reported that leaf pickup is going through its final pass through the Township.

Barbara Spiegel, Chief Financial Officer, wished everyone a Happy Holiday.

RESOLUTIONS

1. Supporting Cape May County’s project to improve Corson Tavern Road (CR628).

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

RESOLUTION NO. 277-2016

**RE: SUPPORTING CAPE MAY COUNTY’S PROJECT TO IMPROVE
CORSON TAVERN ROAD (CR628)**

WHEREAS, Corson Tavern Road, County Road No. 628, exhibits rough and uneven pavement, potholes, wide cracks in the pavement, and ponding of stormwater runoff; and

WHEREAS, the County of Cape May is planning to improve Corson Tavern Road (County Road No. 628) from the border with Dennis Township to New Bridge Road; and

WHEREAS, the improvements will provide smoother and safer riding surface of the roadway, reduce stormwater ponding on the pavement, and update traffic stripes and markings; and

WHEREAS, the Township is working with the County to ensure compliance with the applicable state and federal guidelines; and

WHEREAS, the project is meant to achieve the goals of Cape May County and the Township of Upper to provide appropriate improvements to preserve and sustain the vital infrastructure of the Township of Upper; 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 endorses and supports Cape May County’s effort in advancing a project to improve Corson Tavern Road (CR 628) from the border with Dennis Township to New Bridge Road.

Resolution No. 277-2016

Offered by: Barr Seconded by: Young

Adopted: December 19, 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>	___	___	___

2. Appointing members of the Local Emergency Management Council.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 278-2016

**RE: APPOINTING MEMBERS OF THE LOCAL EMERGENCY MANAGEMENT
COUNCIL**

WHEREAS, on May 12, 2014, the Township Committee of the Township of Upper established a Local Emergency Management Council (LEMC) to assist the Municipal Emergency Management Coordinator in the development & revision of the Emergency Operations Plan (EOP) of the Township; hazardous materials planning, including natural, technological and civil disasters; and the implementation of procedures for community right to know reporting; and

WHEREAS, a need exists to appoint suitable persons to this 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. The Township of Upper hereby appoints the following volunteer members to the Upper Township Local Emergency Management Council:

- Scott Morgan, Chair
- Richard Palombo
- Curtis Corson
- Paul Dietrich
- Jay Potter
- Lou Raniszewski
- Jay Newman
- Richard Stevens
- Bruce Riordan
- Ed Carter

3. The forgoing appointees shall constitute the sole members of the LEMC, subject to the provision of Paragraph 4 hereof.

4. The Township Committee expressly reserves the right to supplement this Resolution at any time it deems it appropriate to change the membership or policies of the LEMC.

Resolution No. 278-2016

Offered by: Barr

Seconded by: Coggins

Adopted: December 19, 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>

3. Authorizing a Change Order for the Reconstruction of Bayview Boat Ramp contract resulting in an increase in the amount of \$15,199.05.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 279-2016

**RE: AUTHORIZING A CHANGE ORDER FOR THE RECONSTRUCTION
OF BAYVIEW BOAT RAMP CONTRACT RESULTING IN AN INCREASE
IN THE AMOUNT OF \$15,199.05**

WHEREAS, the Township of Upper has awarded the Reconstruction of Bayview Boat Ramp bid to Ramson Inc., dba Atlantic Marine Construction, of 561 Shunpike Road, Cape May Court House, NJ 08210, in the original Contract amount of \$336,692.35; and

WHEREAS, the Township wishes to approve a Change Order to the aforesaid Contract as hereinafter provided; and

WHEREAS, the Chief Financial Officer has issued a certification as to the availability of funds for this Change Order; and

WHEREAS, this Change Order, comprising of an increase of \$20,925.00 and a decrease of \$5,725.95, does not exceed twenty percent (20%) of the original Contract award; and

WHEREAS, the Township Engineer has requested the change order and indicated that it is permitted under the applicable regulations and that, pursuant to N.J.A.C. 5:30-11.8, it is a minor modification to effect economies and improve service; and

WHEREAS, this Change Order is in the best interests of the Township.

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. Change Order No. 1 to the Reconstruction of Bayview Boat Ramp contract

with Ramson Inc., dba Atlantic Marine Construction is hereby authorized as follows:

Increases.....	\$ 20,925.00
Decreases.....	\$ 5,725.95
Extra Work.....	\$ 0.00

TOTAL \$ 15,199.05

3. A copy of the Change Order detailing the nature and the extent of the work to be done, together with all other prior Change Orders, if any, are attached to this Resolution as Exhibit "A".

4. The Mayor and Chief Financial Officer are hereby authorized, directed and empowered to execute the Change Order on behalf of the Township of Upper.

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

Resolution No. 279-2016

Offered by: Corson Seconded by: Barr

Adopted: December 19, 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>	_____	_____	_____

4. Authorizing an amendment to the Shared Services Agreements with the Upper Township Fire Districts for Website Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 280-2016

**RE: AUTHORIZING AN AMENDMENT TO THE SHARED SERVICES AGREEMENTS
WITH THE UPPER TOWNSHIP FIRE DISTRICTS FOR WEBSITE SERVICES**

WHEREAS, on December 17, 2012 the Township of Upper and the Board of Fire Commissioners for Upper Township Fire District No. 1, Upper Township Fire District No. 2, Upper Township Fire District No. 3, and Upper Township Fire District No. 4, entered into Shared Services Agreements for the implementation and routine maintenance of a website page for each Fire District, to be linked from the Township's website page, www.uppertownship.com; and

WHEREAS, the Township of Upper desires to amend the term of said Agreements to provide routine maintenance of the established website pages of each Fire District; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee hereby authorizes the Mayor and Township Clerk to sign Amendments to the Shared Services Agreements with the Board of Fire Commissioners for Upper Township Fire Districts 1, 2, 3, & 4 to extend the term of said agreements for an additional one (1) year, commencing January 1, 2017 and expiring on December 31, 2017.
3. This Resolution amending the terms of the aforesaid Shared Services Agreements is conditioned upon similar action being taken by each Fire District.
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. 280-2016

Offered by: Barr

Seconded by: Coggins

Adopted: December 19, 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>	___	___	___

5. Accepting the 2017 Solid Waste Collection Rules and Regulations Resident Information Packet pursuant to Chapter 24 of the Revised General Ordinances of Upper Township.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 281-2016

**ACCEPTING THE 2017 SOLID WASTE COLLECTION
RULES AND REGULATIONS RESIDENT INFORMATION PACKET
PURSUANT TO CHAPTER 24 OF THE REVISED GENERAL
ORDINANCES OF UPPER TOWNSHIP**

WHEREAS, the Township of Upper has adopted rules and regulations with regards to collection and disposal of solid waste and recyclables pursuant to Chapter 24 of the Revised General Ordinances; and

WHEREAS, the aforesaid rules and regulations are assembled into a summary entitled “*Residents Information-2017*” to be distributed to Township residents and attached hereto as Exhibit “A”;

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 has determined that the summary attached as

Exhibit “A” is in accordance with Chapter 24 of the Revised General Ordinances of Upper Township and is hereby accepted.

Resolution No. 281-2016

Offered by: Coggins Seconded by: Barr

Adopted: December 19, 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>	_____	_____	_____

6. Authorizing the reimbursement of Fish and Wildlife license fees to Luke Eisele.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 282-2016

RE: AUTHORIZING THE REIMBURSEMENT OF

FISH AND WILDLIFE LICENSE FEES TO LUKE EISELE

WHEREAS, a refund has been requested by Luke Eisele for licenses purchased in error on August 31, 2016 through Upper Township as a New Jersey Division of Fish and Wildlife agent, and these licenses have been voided by New Jersey Division of Fish and Wildlife and refunded to the Township of Upper's New Jersey Fish and Wildlife account as evidenced by the attached Exhibit A; and

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> \$34.50	<u>NAME</u> Luke Eisele 310 Tuckahoe Road Woodbine, NJ 08270
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Resolution No. 282-2016
Offered by: Barr Seconded by: Coggins
Adopted: December 19, 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	_____	_____	_____

7. Tax Refund Block 835, Lot 21.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 283-2016

**TAX REFUND
BLOCK 835 LOT 21**

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

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that corrections to the Tax records are hereby authorized and the Tax Collector is hereby directed to correct said records or take such action as indicated on the attached sheet.

Resolution No. 283-2016

Offered by: Coggins

Seconded by: Barr

Adopted: December 19, 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>	_____	_____	_____

REFUND

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
835/21	\$4,078.52	Christopher & Jessica Kohles 2410 Spruce St Philadelphia, PA 19103

4th Quarter property taxes were paid by Homeowner and Mortgage Co.

- 8. Cancel Tax Sale Certificate on Block 354, Lot 1.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 284-2016

**RE: CANCEL TAX SALE CERTIFICATE
ON BLOCK 354 LOT 1**

WHEREAS, certain corrections have been recommended by the Upper

Township Tax Collector in order to correct the tax records; and

WHEREAS, Tax Sale Certificate #1978006 was sold on Block 354 Lot 1 to John & Elizabeth DelCorio on 11/21/78 in the amount of \$20.22; and

WHEREAS, Tax Sale Certificate #1978006 was redeemed on 3/19/84 by Vincent Lamanna; and

WHEREAS, Tax Sale Certificate #1978006 was erroneously placed back on the tax records.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that corrections to the Tax Records are hereby authorized and the Tax Collector is hereby directed to CANCEL said Tax Sale Certificate #1978006 in the amount of \$20.22.

Resolution No. 284-2016

Offered by: Coggins Seconded by: Corson

Adopted: December 19, 2016

Roll call vote:	YES	NO	ABSTAINED	ABSENT
Barr	<u> X </u>	_____	_____	_____
Coggins	<u> X </u>	_____	_____	_____
Corson	<u> X </u>	_____	_____	_____
Young	<u> X </u>	_____	_____	_____
Palombo	<u> X </u>	_____	_____	_____

9. Cancel 2016 Tax Balance up to \$1.00.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 285-2016

CANCEL 2016 TAX BALANCE UP TO \$1.00

WHEREAS, certain corrections have been recommended by the

Upper Township Tax Collector in order to make adjustments for the 2016 tax year as allowed by N.J.S.A. 40A:5-17.1.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that corrections to the Tax records are hereby authorized and the Tax Collector is hereby directed to correct said records or take such action as indicated.

Resolution No. 285-2016

Offered by: Coggins Seconded by: Young

Adopted: December 19, 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>

10. Authorizing the Mayor to sign an agreement with the New Jersey Department of Community Affairs for the non-federal cost share program under the Superstorm Sandy Community Development Block Grant-Disaster Recovery Assistance.

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

RESOLUTION NO. 286-2016

**RE: AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH
THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR THE
NON-FEDERAL COST SHARE PROGRAM UNDER THE SUPERSTORM SANDY
COMMUNITY DEVELOPMENT BLOCK GRANT-DISASTER RECOVERY
ASSISTANCE**

WHEREAS, The Department of Community Affairs (DCA), Sandy Recovery Division, has developed a Non-Federal Cost Share Program to assist local municipalities, counties, and school districts with eligible disaster recovery costs under the Superstorm Sandy Community Development Block Grant-Disaster Recovery Assistance (CDBG-DR); and

WHEREAS, the program is intended to provide funding for some or all of the FEMA Public Assistance (PA) required ten percent (10%) non-Federal match.

WHEREAS, the Township of Upper has been awarded a CDBG-DR grant in the amount of \$18,140.00; and

WHEREAS, the Township Committee gratefully accepts this grant award on behalf 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 of the preamble are incorporated herein by this reference.
2. The Mayor and Chief Financial Officer of the Township of Upper are hereby authorized, directed and empowered to execute a Subrecipient Agreement with the State of New Jersey Department of Community Affairs.
3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Resolution No. 286-2016

Offered by: Corson Seconded by: Coggins

Adopted: December 19, 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>

11. Adopting the Continuity of Operations/Continuity of Government Plan for the Township of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 287-2016

RE: ADOPTING THE CONTINUITY OF OPERATIONS/CONTINUITY OF GOVERNMENT PLAN FOR THE TOWNSHIP OF UPPER

WHEREAS, the Continuity of Operations/Continuity of Government (COOP/COG) Plan (hereinafter “Plan”) for the Township of Upper, Cape May County, New Jersey provides a framework in which the local government, along with its officials, departments, agencies, and other governmental entities, can plan and perform their respective functions during a disaster or national emergency; and

WHEREAS, the Plan was prepared in accordance with direction from Presidential Decision Directive 67 and subsequent implementing guidance in Federal Preparedness Circular 65, dated June 15, 2004, and is in accordance with other existing Federal, State, and local statutes and understanding of the various departments involved; and

WHEREAS, the Plan supersedes the New Jersey Department of Military & Veterans Affairs Business Continuity Plan (Undated) and has been concurred by the Mayor of the Township of Upper; and

WHEREAS, the Plan will be reviewed and re-certified annually.

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 Continuity of Operations/Continuity of Government (COOP/COG) Plan for the Township of Upper, Cape May County, New Jersey is hereby approved and adopted.
3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Resolution No. 287-2016

Offered by: Palombo Seconded by: Barr

Adopted: December 19, 2016

Roll Call Vote:

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

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>

12. Declaring certain Township property and equipment as surplus and authorizing its disposal by sale on an online auction website.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 288-2016

**RE: DECLARING CERTAIN TOWNSHIP PROPERTY
AND EQUIPMENT AS SURPLUS AND AUTHORIZING ITS DISPOSAL
BY SALE ON AN ONLINE AUCTION WEBSITE**

WHEREAS, N.J.S.A.40A:11-36 authorizes a municipality to sell or dispose of certain personal property or equipment which is not needed for public use; and

WHEREAS, the Township of Upper has determined that the items listed on the attached sheet as Exhibit “A” are not needed for any public purpose and intends to sell those items on an online auction site; and

WHEREAS, the Director of the Division of Local Government Services, a Division of the Department of Community Affairs of the State of New Jersey permits the sale of surplus property no longer needed for public use through the use of online auction services, pursuant to the Local Unit Electronic Technology Pilot Program and Study Act, P.L. 2001, c.30, and has granted approval to Upper Township, copy of approval is attached as Exhibit “B”; 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 property and equipment aforementioned on Exhibit “A” are hereby determined to be useless for any public purpose and are determined to be surplus property

and will forthwith be advertised for public sale pursuant to the provision of N.J.S.A. 40A:11-36; and

3. The said materials will be sold at a public sale to the highest bidder through a contracted government on-line auction service, that being GovDeals, Inc., Internet web address at www.govdeals.com.

4. The required notice publication will include the following information:

- a. The dates and times that the auction will take place.
- b. No minimum bid requirement for an item unless otherwise stated.
- c. The Township of Upper reserves the right to reject any and all bids.

Resolution No.288-2016

Offered by: Barr Seconded by: Young

Adopted: December 19, 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> ___	___	___	___

Exhibit "A"

		Min. Bid
1.	2005 Freightliner with Heil 20cy Rear Load Compactor – 1FVACYCS35HU72794	\$500.00
2.	1986 Caterpillar 931 Track Loader – 29Y01837	\$500.00
3.	6' Woods Brush Hog Mower 3 point hitch	\$100.00
4.	Olympia Model 1440.4C Three Phase Paper Shredder	\$100.00

Exhibit "B"



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS

September 7, 2007

JOHN S. CORZINE
GOVERNOR

CHARLES A. RICHMAN
ACTING COMMISSIONER

Barbara Spiegel, Deputy Municipal Clerk
Township of Upper
P.O. Box 205
Tuckahoe, New Jersey 08250

Dear Ms. Spiegel:

Thank you for your interest in participating in the E-Procurement Pilot Program. The Division has reviewed your application dated August 10, 2007, which sets forth the preliminary plan for the online sale by the Township of Upper of municipal surplus property no longer needed for public use.


It is the Division's understanding that the Township intends to utilize the services of GovDeals, Inc. to conduct the auction. Further, it is our understanding that GovDeals will be paid by the Township a percentage of the sales of the auction for the use of its services.

The application has been approved. Enclosed is a copy of the Township's resolution approving the online sale of the surplus property. As with a traditional auction, the Township must do a newspaper advertisement for the online sale. Please provide the Division with a copy of the newspaper advertisement.

Finally, please be advised that, if the total amount from the sale of surplus property for the year that is due to GovDeals will exceed 15% of the Township's bid threshold, the Township will be required to obtain a Business Registration Certificate (BRC) from GovDeals. It is our understanding that GovDeals has previously acquired a BRC certificate.

The Division appreciates your efforts and cooperation in this program and wishes you well in the endeavor. If you have any questions, please contact Daniel Kaminski at 609-292-9757 or by e-mail at dkaminski@dca.state.nj.us.

Sincerely,


Susan Jacobucci, Director
Division of Local Government Services

SJ:djk
enc.



13. Authorizing the approval and execution of a Shared Services Agreement with the City of Ocean City to provide EMS and Fire Suppression Services to the Strathmere section of the Township of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 289-2016

RE: AUTHORIZING THE APPROVAL AND EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE CITY OF OCEAN CITY TO PROVIDE EMS AND FIRE SUPPRESSION SERVICES TO THE STRATHMERE SECTION OF THE TOWNSHIP OF UPPER

WHEREAS, the Uniformed Shared Services Act, N.J.S.A. 40A:65-1, et seq., provides that any local governmental unit may enter into a contract with any other local governmental unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement was empowered to render within its own jurisdiction; and

WHEREAS, the Uniformed Shared Services Act (“Act”) further provides that the parties to a Shared Services Contract may agree to provide jointly, or through the agency of one or more of them on behalf of any or all of them, any service or aspect of a service which any of the parties on whose behalf such services are to be performed may legally perform for itself; and

WHEREAS, the Township of Upper has indicated a willingness to enter into a Shared Services Agreement with the City of Ocean City whereby the City of Ocean City will provide EMS and Fire Suppression Services to the geographic portion of the Township of Upper commonly known as “Strathmere”; and

WHEREAS, the Township Committee of the Township of Upper deems that a Shared Services Agreement with the City of Ocean City for the purposes expressed herein

is in the mutual interest of all parties and also is in the public interest and will promote the public health, safety and welfare; and

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

1. **SHARED SERVICES AGREEMENT.** Pursuant to the provisions of the Uniformed Shared Services Act, N.J.S.A. 40A:65-1, et seq., the Township of Upper is hereby authorized and empowered to enter into a Shared Services Agreement with the City of Ocean City to provide fire suppression and emergency medical services.

2. **SERVICES TO BE PROVIDED BY CONTRACT.** The Shared Services Agreement authorized in paragraph 1 hereof shall cover those services which are enumerated in said Agreement, a copy of which is attached hereto as Exhibit A.

3. **AUTHORIZATION TO MUNICIPAL OFFICIALS.** The appropriate Township officers and officials are hereby authorized to take any action necessary or advisable to carry out the intent and purpose of this Resolution. Specifically, the Mayor and Township Clerk are hereby authorized and directed to execute such Shared Services Agreement on behalf of the Township of Upper pursuant to the authority conferred by this Resolution. The Township Clerk is further authorized and directed to seal said Agreement with the official seal of the Township of Upper.

4. **COMPLIANCE WITH STATUTORY REQUIREMENTS.** The Shared Services Agreement between the Township of Upper and the City of Ocean City shall meet and satisfy the requirements of N.J.S.A. 40A:65-1, as may be amended and supplemented.

5. **SEVERABILITY.** If any action, subsection, paragraph, sentence or other part of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Resolution, but shall be confined in its effect

to the section, subsection, paragraph, sentence or other part of this Resolution directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Resolution shall remain in full force and effect.

6. REPEALER. All Resolutions or parts of Resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency only.

7. EFFECTIVE DATE. This Resolution shall take effect immediately upon final adoption and publication in the manner provided by law.

Resolution No. 289-2016

Offered by: Corson

Seconded by: Coggins

Adopted: December 19, 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>	___	___	___

14. Authorizing Kathryn M. Wright and B&K Enterprise to hold a ‘Spring in Tuckahoe Craftsmen and Home Event’ at the Upper Township Community Center on April 8th and 9th, 2017.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 290-2016

RE: AUTHORIZING KATHRYN M. WRIGHT AND B&K ENTERPRISE TO HOLD A ‘SPRING IN TUCKAHOE CRAFTSMEN AND HOME EVENT’ AT THE UPPER TOWNSHIP COMMUNITY CENTER ON APRIL 8th AND 9th, 2017

WHEREAS, Kathryn M. Wright and B & K Enterprise, jointly, severally and in the alternative, have submitted a proposal to the Upper Township Committee requesting authority to hold a “Spring in Tuckahoe Craftsmen and Home Event” at the Upper Township

Community Center on April 8th and 9th, 2017, as indicated in their Application for Use of Facilities attached hereto as Exhibit “A”; and

WHEREAS, Kathryn M. Wright and B & K Enterprise, jointly, severally and in the alternative, have provided a Use of Facilities Agreement and an Indemnification and Hold Harmless Agreement in favor of the Township of Upper, its officials, officers and employees in the form attached hereto as Exhibit “B”; 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 does hereby grant approval to Kathryn M. Wright and B & K Enterprise, jointly, severally and in the alternative, to hold a “Spring in Tuckahoe Craftsmen and Home Event” on April 8th and 9th, 2017 as specified in this Resolution and in the accompanying Exhibits subject to and conditioned upon the following:

(A) The event described in this Resolution is carried out by Kathryn M. Wright and B & K Enterprise, jointly, severally and in the alternative (Sponsors). These Sponsors have no connection, direct or indirect, with the Township of Upper or any of its officials or employees. These Sponsors shall not, in any way, directly or indirectly, represent that the event is, in any way, associated with or affiliated with the Township of Upper and shall make clear that the event is carried out with all appropriate governmental and other approvals. Although the Township of Upper has given permission, subject to the terms of this Resolution, to these event Sponsors to conduct the proposed event, it must be made clear that the event is not and

shall not be considered a Township of Upper sponsored or sanctioned event.

- (B) The Sponsors will provide general comprehensive liability insurance coverage to the Township at least thirty (30) days prior to the event. Said insurance coverage will be in form and substance satisfactory to the Township of Upper's Risk Management Consultant and will name the Township of Upper, its officials, officers, and employees as an additional insured.
- (C) The Sponsors have obtained or will obtain written approval from and comply with all conditions imposed by the following entities:
 - (i) the Risk Management Consultant of the Township of Upper.
 - (ii) the New Jersey State Police.
 - (iii) the Upper Township Division of Emergency Management Services.

The Sponsors have provided written authorization from the above entities, including any conditions required of said entities.

- (D) The Sponsors shall remit to the Township the appropriate fee in accordance with Chapter XXVI of the Code of Upper Township at least thirty (30) days prior to the event. This fee shall include the hourly fee for use of the Upper Township Community Center.

(E) The approval granted herein is subject to all conditions and stipulations as may be recommended or imposed by the Township's Risk Management Consultant or Insurance Representatives. The Township may revoke this approval if the Event Sponsors fail to comply with any said condition or recommendation or any other condition of this Resolution.

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. 290-2016

Offered by: Young Seconded by: Barr

Adopted: December 19, 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>

15. Budget Transfers.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 291-2016

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>
TOWNSHIP CLERK O/E \$1,000.00	CROSSING GUARD S/W \$800.00
FINANCE ADMIN. S/W \$200.00	ROAD REPAIRS & MAINT. S/W \$50,000.00
CROSSING GUARD O/E \$500.00	MISC. MAINTENANCE ROADS \$13,000.00
FIRST AID CONTRIB S/W \$15,000.00	GARBAGE & TRASH S/W \$5,000.00
SPORTS & RECREATION O/E \$10,000.00	PUBLIC BLDGS & GRDS S/W \$10,000.00
COMMUNITY CENTER O/E \$2,000.00	SPORTS & RECREATION S/W \$1,000.00
COMP ABSENCES RESERVE \$20,000.00	MUNICIPAL COURT S/W \$2,400.00
STREET LIGHTS O/E \$20,000.00	
MISC. TIPPING FEES \$13,500.00	

Resolution No. 291-2016

Offered By: Coggins

Seconded By: Barr

Adopted: December 19, 2016

ROLL CALL VOTE:

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

16. Authorizing the purchase of certain items from the 2013 Capital Improvement Bond Ordinance in the amount of \$27,958.00.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 292-2016

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS FROM THE
2013 CAPITAL IMPROVEMENT BOND ORDINANCE IN THE AMOUNT OF \$27,958.00**

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

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

WHEREAS, the Township's QPA has reviewed and approved the quotes for spray foam insulation for the Department of Public Works building from Cape Insulation and the conversion to natural gas for the Division of EMS building from Northeast Plumbing Services, LLC listed on Exhibit A; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of the services with Northeast Plumbing Services, LLC for the year 2016 will exceed \$17,500; and

WHEREAS, Northeast Plumbing Services, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Northeast Plumbing Services, 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 Northeast Plumbing Services, LLC from making any reportable contributions through the term of the contract.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the purchase of the items listed on Exhibit "A" in the amount of \$27,958.00 from the 2013 Capital Improvement Bond.
3. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 292-2016

Offered by: Young

Seconded by: Coggins

Adopted: December 19, 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>

Exhibit “A”

Spray Foam Insulation for
Public Works Building
Vendor: Cape Insulation \$ 6,980.00

Conversion of Natural Gas for
Division of EMS Building
Vendor: Northeast Plumbing Services, LLC \$ 20,978.00

TOTAL \$27,958.00

17. Authorizing the purchase of certain items from the 2016 Capital Improvement Bond Ordinance in the amount of \$84,548.00.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 293-2016

RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS FROM THE 2016 CAPITAL IMPROVEMENT BOND ORDINANCE IN THE AMOUNT OF \$84,548.00

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

WHEREAS, the Township Committee adopted the 2016 Capital Improvement Bond Ordinance 08-2016 on April 25, 2016; and

WHEREAS, pursuant to N.J.S.A 40A:11-12a, the Township wishes to purchase the vehicles listed on Exhibit A from State Contract; and

WHEREAS, the Township's QPA has reviewed and approved the quotes for a 2017 Ford F350 Chassis Cab and options and a 2017 Ford F250 Extended Cab pickup truck from Winner Ford listed on 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 Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the purchase of the items listed on Exhibit "A" in the amount of **\$84,548.00** from the 2016 Capital Improvement Bond.

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

Resolution No.293-2016
Adopted: December 19, 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>

Exhibit "A"

2017 Ford F350 Chassis Cab & Options
Vendor: Winner Ford

State Contract #A88758	\$44,383.00
2017 Ford F250 Extended Cab Pickup Truck Vendor: Winner Ford State Contract #A88726	\$40,165.00

TOTAL \$84,548.00

ORDINANCES

18. Public hearing and final adoption of Ordinance No. 015-2016 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER II (ADMINISTRATION) OF THE CODE OF UPPER TOWNSHIP. During the public hearing portion there were no speakers. Motion by Hobie Young, second by Edward Barr, to adopt Ordinance 015-2016. 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. 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 THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 21ST DAY OF NOVEMBER, 2016 AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 19TH DAY OF DECEMBER, 2016 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

19. **Public hearing and final adoption of Ordinance No. 016-2016 RE: AN ORDINANCE AMENDING ORDINANCE NO. 015-2015 KNOWN AS THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2016.** During the public hearing portion there were no speakers. Motion by John Coggins, second by Edward Barr, to adopt Ordinance 016-2016. 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>
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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 THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 21ST DAY OF NOVEMBER, 2016 AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 19TH DAY OF DECEMBER, 2016 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

20. **Public hearing and final adoption of Ordinance No. 017-2016 RE: AN ORDINANCE ESTABLISHING SALARIES FOR THE TOWNSHIP OF UPPER FOR THE CALENDAR YEAR 2017.** During the public hearing portion Ted Kingston of Strathmere inquired as to whether the Township plans to hire an administrator. It was stated that Ordinance 015-2016 just establishes the position, the

decision to hire an administrator has not been made at this time. However, the intention of establishing an administrator position would be to increase the efficiency and streamline the daily operations of certain departments within the Township. Mr. Kingston expressed his concern that an administrator may diminish the power of the Committee and in turn diminish the power of the public. It was stated that the Ordinance establishes a hierarchy, with the administrator position under the direction and control of the Township Committee. There was no other public comment and Mayor Palombo closed the public hearing portion. Motion by Edward Barr, second by Hobie Young, to adopt Ordinance 017-2016. 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>
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(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
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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 THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 21ST DAY OF NOVEMBER, 2016 AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 19TH DAY OF DECEMBER, 2016 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

CORRESPONDENCE

NEW BUSINESS

21. **Andrew & Robert Wilsey request for the Township of Upper to accept privately owned property Block 450, Lot 3.** Motion by Hobie Young, second by John Coggins, to authorize the Engineer to investigate if there are any environmental issues with the property and for the Municipal Attorney to obtain a title search. During roll call vote all five Committeemen voted in the affirmative.
22. **Stockton University Coastal Research Center – 2016 3rd Quarter Municipal Shoreline Survey.** Paul Dietrich reported that the beaches are in good condition and the inlet portion is nice and wide. Some sand loss has occurred; however, the loss is negligible compared to the amount of sand installed during the most recent beach fill project.

UNFINISHED BUSINESS

DISCUSSION

PAYMENT OF BILLS

23. “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: \$150,093.72

Payroll: \$ 165,479.64

REPORT OF MUNICIPAL DEPARTMENTS

- 24. Clerk's Office**
- 25. Animal Control**
- 26. Tax Collector**
- 27. Municipal Court**
- 28. Finance Office**

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

There was no public comment.

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. 294-2016 MOTION GOING INTO CLOSED SESSION DECEMBER 19, 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:

- Safety and Security
- Litigation – Affordable Housing
- 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 litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.
- C. With respect to employment and personnel matters such discussions will be made public if and when formal action is taken or when the individuals involved consent that it can be made public.

Moved by: John Coggins

Motion seconded by: Richard Palombo

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

RECONVENE PUBLIC PORTION OF MEETING

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

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 10:13 P.M., with a motion by Richard Palombo, second by John Coggins, and all five Committeemen voting in the affirmative. The 2017 Annual Reorganization Meeting is scheduled for January 6, 2017 at 6:30 p.m. The next regular meeting is scheduled for January 9, 2017 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC

Bill List

68380 12/19/16 A0021 ADAMS, GEORGE E. JR. 568.91 2950
68381 12/19/16 A0025 ADVANTAGE RENTAL ACE HARDWARE 1,373.78 2950
68382 12/19/16 A0027 ACE PLUMBING SUPPLY,INC 9.30 2950
68383 12/19/16 A0075 ADAMS, JOSHUA 197.84 2950
68384 12/19/16 A0091 ATLANTIC CITY ELECTRIC 19,382.63 2950
68385 12/19/16 A0193 ATLANTIC INVESTIGATIONS, LLC 1,896.00 2950
68386 12/19/16 B0035 BELMONT & CRYSTAL SPRINGS 9.33 2950
68387 12/19/16 B0160 BONNER, ROSEMARY 150.00 2950
68388 12/19/16 B0220 BERGEY'S TRUCK CENTERS 454.49 2950
68389 12/19/16 B0231 BARKER, GELFAND & JAMES, PC 200.00 2950
68390 12/19/16 C0002 C.M.C. CHAMBER OF COMMERCE,INC 650.00 2950
68391 12/19/16 C0046 CAPE MAY COUNTY CLERK 16.00 2950
68392 12/19/16 C0048 CAPE MAY COUNTY MUA 34,254.92 2950
68393 12/19/16 C0060 CAPRIONI'S PORTABLE TOILETS 659.00 2950
68394 12/19/16 C0061 CAPRIONI FAMILY SEPTIC 615.00 2950
68395 12/19/16 C0068 COMCAST 265.75 2950
68396 12/19/16 C0078 CARTER, EDWARD, SR. 600.00 2950
68397 12/19/16 C0171 COLONIAL ELECTRIC SUPPLY CO. 739.62 2950
68398 12/19/16 C0182 CDW GOVERNMENT, INC 489.57 2950
68399 12/19/16 C0223 CASA PAYROLL SERVICE 254.55 2950
68400 12/19/16 C0230 CATAMARAN MEDIA COMPANY 152.50 2950
68401 12/19/16 C0246 CRAFT OIL CORPORATION 1,080.82 2950
68402 12/19/16 D0016 DALEYS PIT 50.00 2950
68403 12/19/16 D0040 DELTA DENTAL OF N.J. INC. 5,821.20 2950
68404 12/19/16 E0012 EHRLICH PEST CONTROL INC 347.00 2950
68405 12/19/16 E0017 EDMUNDS & ASSOCIATES,INC. 9,974.00 2950
68406 12/19/16 G0028 GENTILINI FORD 492.17 2950
68407 12/19/16 G0092 GRUND, BARBARA J. 113.89 2950
68408 12/19/16 G0147 GREATAMERICA FINANCIAL SVCS. 170.00 2950
68409 12/19/16 G0157 GRANTURK EQUIPMENT CO., INC. 2,190.37 2950
68410 12/19/16 H0018 HAROLD RUBIN L & H SUPPLY 127.06 2950
68411 12/19/16 H0073 HOME DEPOT CRC/GECF 1,090.44 2950
68412 12/19/16 H0135 HANSON AGGREGATES, INC. 793.80 2950
68413 12/19/16 I0002 IAAO 335.00 2950
68414 12/19/16 J0072 JERSEY WEB DESIGNS 3,149.49 2950
68415 12/19/16 K0047 KLINE, EDWARD T. 140.00 2950
68416 12/19/16 K0086 K D NATIONAL FORCE SECURITY 2,021.25 2950
68417 12/19/16 L0007 LC EQUIPMENT, INC. 822.50 2950

68418 12/19/16 L0080 LOWES, INC. 111.20 2950
68419 12/19/16 L0127 LIBERTY KENWORTH OF SO. JERSEY 7.43 2950
68420 12/19/16 M0012 McCAULEY, RICHARD 62.87 2950
68421 12/19/16 M0076 MGL PRINTING SOLUTIONS 512.00 2950
68422 12/19/16 M0121 McCROSSON, JANET 23.76 2950
68423 12/19/16 M0188 MCCARTHY TIRE SERVICE OF PHILA 409.56 2950
68424 12/19/16 M0216 MID ATLANTIC SALT 6,527.46 2950
68425 12/19/16 M0264 M.A.S.E. CONCEPTS, LLC 1,482.00 2950
68426 12/19/16 M0269 MULTI-TEMP MECHANICAL, INC. 860.67 2950
68427 12/19/16 M0273 MORRIS, LINDSAY L. 41.45 2950
68428 12/19/16 N0004 NJ-AMERICAN WATER CO. 128.13 2950
68429 12/19/16 N0043 NAPA AUTO PARTS 143.59 2950
68430 12/19/16 N0131 DEFINED CONTRIB RETIRE PROGRAM 145.12 2950
68431 12/19/16 N0141 NETCARRIER TELECOM, INC. 1,919.48 2950
68432 12/19/16 O0012 OCEAN CITY BD. OF EDUCATION 288.34 2950
68433 12/19/16 O0042 ORCHARD HYDRAULIC SERVICE INC 317.85 2950
68434 12/19/16 P0032 PEDRONI FUEL CO. 1,543.39 2950
68435 12/19/16 P0075 POSITIVE PROMOTIONS INC 624.16 2950
68436 12/19/16 P0121 PENGUIN MANAGEMENT, INC 9,300.00 2950
68437 12/19/16 P0152 READY, LOREN 479.52 2950
68438 12/19/16 R0030 RIGGINS, INC. 4,992.55 2950
68439 12/19/16 R0114 RUDERMAN, HORN & ESMERADO, PC 1,435.00 2950
68440 12/19/16 R0115 RID PEST CONTROL INC. 45.00 2950
68441 12/19/16 R106 RUMER, LISA 204.97 2950
68442 12/19/16 S0018 SUBURBAN PROPANE, LP 141.93 2950
68443 12/19/16 S0031 SCHULER SECURITY, INC. 162.50 2950
68444 12/19/16 S0056 SEASHORE ASPHALT CORPORATION 210.00 2950
68445 12/19/16 S0072 SEGIN, STEWART S. 84.35 2950
68446 12/19/16 S0153 STERICYCLE, INC. 171.08 2950
68447 12/19/16 S0185 STOCKTON STATE COLLEGE 5,190.71 2950
68448 12/19/16 S0196 STEWART BUSINESS SYSTEMS LLC 48.24 2950
68449 12/19/16 S0239 SHORE VET. ANIMAL CONTROL LLC 2,400.00 2950
68450 12/19/16 S0253 SAMPLE MEDIA, INC. 180.00 2950
68451 12/19/16 S0301 SPICA STEEL, INC. 125.00 2950
68452 12/19/16 T0005 TCTA OF NEW JERSEY 100.00 2950
68453 12/19/16 T0032 THE PRESS OF ATLANTIC CITY 83.64 2950
68454 12/19/16 T0038 THOMAS, CHRISTOPHER 50.00 2950
68455 12/19/16 T0067 TOWNSHIP OF UPPER PETTY CASH 13.00 2950
68456 12/19/16 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 2950
68457 12/19/16 U0003 U.S. MUNICIPAL SUPPLY, INC. 5,722.34 2950
68458 12/19/16 U0062 UNITED RENTALS N. AMERICA INC. 1,760.58 2950
68459 12/19/16 V0001 VCI EMERGENCY VEHICLE 576.54 2950
68460 12/19/16 V0005 VAN EMBDEN, NATHAN, ATTORNEY 750.00 2950
68461 12/19/16 V0024 VAL-U AUTO PARTS L.L.C. 474.84 2950
68462 12/19/16 W0087 W.B. MASON 448.12 2950
68463 12/19/16 W0092 WTH TECHNOLOGY, INC 7,225.00 2950
68464 12/19/16 X0008 XEROX FINANCIAL SERVICES 662.40 2950
68465 12/19/16 Y0003 Y-PERS INC 48.71 2950
68466 12/19/16 Y0012 YOUNG, ROBERT 176.06 2950

Total: 150,093.72