

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR MARCH 13, 2017**

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 - February 27, 2017 Budget Workshop, Regular Meeting, and Closed Session “A” and “B” Minutes

Motion by Curtis Corson, second by John Coggins, to approve the February 27, 2017 Budget Workshop, Regular Meeting, and Closed Session “A” and “B” Minutes as submitted. During roll call vote three Committeemen voted in the affirmative. Committeemen Barr and Young abstained.

REPORT OF GOVERNING BODY MEMBERS

Hobie Young, Committeeman, reported that the Spring Fling Easter Egg Hunt will be held on Saturday April 8th beginning at 1:00 pm at Amanda’s Field, with a rain date scheduled for April 9th. He stated they are looking for volunteers to help. He next reported that he recently met with Committeeman Corson at Caldwell Park to go over some issues. He next reported that there had been some confusion regarding where softball will be playing. He stated that the Somers Avenue fields are being prepared and will be ready for the Softball opening day on April 8th. The baseball fields at Amanda’s Field are almost ready, and they are hoping to have the scoreboards installed soon. Lastly, he inquired if plans have been made to seal the cracks in the basketball and tennis courts. It was stated that it would normally be included in the Recreation operating expense budget.

Edward Barr, Committeeman, thanked his fellow Committeemen and the Finance Team for a smooth budget process. He next stated that the Road Department is prepared for the upcoming storm and suggested that, in the event the weather turns bad, those that do not need to be on the roads should stay home.

Curtis Corson, Committeeman, requested a Resolution to hire Wallace Welliver, Lynda Romero, Robert Palamaro, John Brittin, and Paula Brooks as part time EMTs pending successful pre-employment testing. A resolution for formal action will be placed on the next agenda.

Richard Palombo, Mayor, reported that there have been a few car burglaries in the Beesley's Point area, and reminded everyone to lock their doors and not leave personal items of value in plain view.

OTHER REPORTS

Daniel Young, Municipal Attorney, reported that there are several contract negotiation items and a litigation matter for closed session.

Paul Dietrich, Municipal Engineer, reported on a recent meeting he attended with FEMA regarding the Preliminary Flood Maps and gave a brief history on the subject. Late in 2016 the City of New York successfully appealed the Flood Insurance Rate Maps (FIRM) requiring FEMA to redo the entire flood study for New York and the entire East Coast of New Jersey. FEMA has indicated that it will take another five or six years to prepare and approve the new maps. However, FEMA has announced that they will allow those Municipalities who will be the least affected by the new study to adopt the current Preliminary Maps as submitted. Mr. Dietrich stated that he recommends the adoption of the FIRM, as opposed to making residents wait the five or six years for the new study. Mayor Palombo requested a review of a detailed list of the properties that will be affected before a decision is made. The matter will be placed for discussion at a future meeting. Committeeman Coggins requested an update on the unsafe structure on Stagecoach Road as discussed at the last meeting. Mr. Dietrich stated that the Construction Official has met with the property owner. A demo permit has been issued and the structure is scheduled to be demolished, they are just waiting for a piece of equipment.

2017 BUDGET - CAP Ordinance and Budget Introduction

- 1. Introduction and first reading of Ordinance No. 004-2017, RE: CALENDAR YEAR 2017 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14).** Motion by John Coggins, second by Edward Barr, to introduce Ordinance No. 004-2017, with a public hearing and final adoption scheduled for April 10, 2017. During roll call vote all five Committeemen voted in the affirmative.
- 2. Introduction of 2017 Budget.**

Municipal Auditor Leon Costello stated that the 2017 Budget represents no increase to the local purpose tax rate, is \$882,000 under the cap, and the fund balance is in good condition. The budget can be modified up until the budget adoption scheduled for April 10th.

Motion by John Coggins, second by Curtis Corson, to introduce the 2017 Budget with a Public Hearing and Final Adoption of the Budget and Resolution for the year 2017 scheduled for April 10, 2017 at 7:30 P.M. During roll call vote all five Committee members voted in the affirmative. The introduced budget is available for public inspection on the Upper Township website, a copy is available at the Upper Township Branch of the Cape May County Public Library, and copies are available at the Clerk's Office.

RESOLUTIONS

3. Honoring Matthew William Holmes on attaining the designation of "Eagle Scout".

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 81-2017

**RE: HONORING MATTHEW WILLIAM HOLMES ON ATTAINING THE
DESIGNATION OF "EAGLE SCOUT"**

WHEREAS, Matthew William Holmes of Troop 79, Upper Township, New Jersey has recently achieved the designation of Eagle Scout in the Boy Scouts of America; and

WHEREAS, the Township of Upper wishes to acknowledge the outstanding accomplishment of this remarkable young man; and

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

RESOLVED THAT the Township Committee extends its sincere congratulations to Matthew on the occasion of his receiving the designation of Eagle Scout and commends him for this outstanding accomplishment and the completion of his Eagle Scout project consisting of the construction of a 16 by 16 foot patio, next to the pavilion and playground at the Upper Township Elementary School, featuring two wooden benches on each side along with a statue of a little boy and girl reading a book together. Matthew's project is in honor of all the children who have attended Upper Township Schools yet left this earth too soon, and it is his prayer that when children, teachers, and families see his project they will be reminded of all the precious lives lost at such a young age; and

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

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

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 13th day of March, 2017.

Resolution No. 81-2017

Offered by: Corson Seconded by: Barr

Adopted: March 13, 2017

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. Designating March 12, 2017 as “Change Your Clock, Change Your Battery Day” in Upper Township.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 82-2017

**DESIGNATING MARCH 12, 2017 AS “CHANGE YOUR CLOCK,
CHANGE YOUR BATTERY DAY” IN UPPER TOWNSHIP**

WHEREAS, three out of five home fire deaths result from fires in properties without working smoke alarms and more than one-third (38 percent) of home fire deaths result from fires in which no smoke alarms are present.; and

WHEREAS, the risk of dying in a home fire is cut in half in homes with working smoke alarms; and

WHEREAS, smoke alarm maintenance is a simple, effective way to reduce home fire deaths, and

WHEREAS, the National Fire Safety Standards recommend a minimum of one smoke alarm on each level of a home, one inside each bedroom, and one outside each sleeping area; and

WHEREAS, “Change Your Clock, Change Your Battery”, is a national home fire safety program which urges Americans to change smoke alarm batteries when changing their clocks back to standard time each fall; and

WHEREAS the Township Committee of the Township of Upper is dedicated to the safety of life and property from the devastating effects of fire and are joined by our volunteer fire departments, businesses, schools, service clubs, churches, and all of our citizens in their fire safety efforts.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, that Sunday March 12, 2017 is hereby designated as “Change Your Clock, Change Your Battery” Day in Upper Township; and

BE IT FURTHER RESOLVED that all citizens of the Township of Upper are urged to participate in “Change Your Clock, Change Your Battery Day” the entire month of March to ensure the safety of your loved ones from house fires.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 13th day of March, 2017.

Resolution No. 82-2017

Offered by: Barr Seconded by: Corson

Adopted: March 13, 2017

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>

5. Designating March 19 through March 25, 2017 as “National Poison Prevention Week” in Upper Township.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 83-2017

**DESIGNATING MARCH 19 THROUGH MARCH 25, 2017 AS
“NATIONAL POISON PREVENTION WEEK” IN UPPER TOWNSHIP**

WHEREAS, Congress designated the third full week in March to be National Poison Prevention Week in 1961 and since then this week has helped to raise national awareness of the dangers of potentially poisonous medicines, household chemicals, and other substances; and

WHEREAS, poison centers across the country will focus the public's attention on identifying poisoning hazards at home as well as learning ways to prevent poisoning emergencies; and

WHEREAS, unintentional poisoning is the leading cause of unintentional injury death in New Jersey; and

WHEREAS, drug overdose deaths including prescription pain medicine and heroin remain at epidemic proportions for both New Jersey and the United States. According to the Centers for Disease Control and Prevention (CDC), more than six out of ten drug overdose deaths involve an opioid; and

WHEREAS, a poison is defined as anything that is taken in the wrong amount, in the wrong way or by the wrong person; and

WHEREAS, every poisoning is preventable. From the youngest to the oldest, all people and even pets are at risk; and

WHEREAS, although the majority of reported poison exposures involve children five (5) years old and younger, the majority of poisoning deaths occur in adults aged 20 to 59; and

WHEREAS, the New Jersey Poison Information and Education System (NJPIES), a division of the Department of Emergency Medicine of the New Jersey Medical School of Rutgers, The State University of New Jersey, provides expert advice, drug information, and poison prevention education to NJ residents through the 800-222-1222 Poison Help Hotline; and

WHEREAS, all services are free, confidential, multilingual and available 24 hours a day, 7 days a week, 365 days a year even during bouts of Mother Nature and

WHEREAS, the public can contact a poison expert by calling (1-800-222-1222), chatting (www.njpies.org), or texting (8002221222@njpies.org); and

WHEREAS, consumers must be aware that e-cigarette devices, hookah pipes and liquid nicotine may contain very high doses of nicotine in enticing colors, aromas, and flavors – increasing

the likelihood that small children and pets will focus their attention on them. These products pose serious risk of poisoning; and

WHEREAS, poison experts urge residents to use our services as a resource for poison and drug information instead of consulting the internet for information that may not be accurate; and

WHEREAS, we encourage all residents to program the Poison Help Line 800-222-1222 into home, office, and cell phones because a rapid response can make a difference in preventing serious injury and saving lives; and

WHEREAS, the use of poison centers services saves residents both time and money. Most cases are managed in the convenience of the caller’s home, requiring no hospital visit; and

WHEREAS, NJPIES is also involved with the state’s efforts in homeland defense, counter-terrorism, emergency preparedness and response, bio surveillance, and surveillance for clusters of poisonings and their sources (products, food and beverages, chemicals in the workplace and at home, environmental toxins, drugs and medicine, and animal and insect bites and stings).

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, that the week of March 19 through March 25, 2017 be designated as “**NATIONAL POISON PREVENTION WEEK**” in Upper Township and encourage the citizens of Upper Township to pledge their commitment to ensuring the safety of themselves, their families, and their community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 13th day of March, 2017.

Resolution No. 83-2017

Offered by: Barr Seconded by: Palombo

Adopted: March 13, 2017

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>

6. Designating May 14 through May 20, 2017 as “Food Allergy Awareness Week” in Upper Township.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 84-2017

**DESIGNATING MAY 14 THROUGH MAY 20, 2017 AS
“FOOD ALLERGY AWARENESS WEEK” IN UPPER TOWNSHIP**

WHEREAS, as many as 15 million Americans have food allergies, with nearly 6 million being children under the age of 18; and

WHEREAS, research shows that the prevalence of food allergies is increasing among children; and

WHEREAS, eight foods cause the majority of all food allergy reactions in the U.S.: shellfish, fish, milk, eggs, tree nuts, peanuts, soy and wheat. Symptoms of a food allergic reaction can include hives, intestinal issues, respiratory distress and swelling of the throat; and

WHEREAS, according to Centers for Disease Control and Prevention, food allergies results in more than 200,000 ambulatory care visits a year involving children under 18; and

WHEREAS, reactions typically occur when an individual unknowingly eats a food containing an ingredient to which they are allergic; and

WHEREAS, there is no cure for food allergies, and scientists do not understand why. Strict avoidance of the offending food is the only way to prevent an allergic reaction; and

WHEREAS, anaphylaxis is a serious allergic reaction that is rapid in onset and may cause death; and

WHEREAS, Food Allergy Research & Education (FARE) is a national, non-profit organization dedicated to improving the quality of life and health of individuals with food allergies and to provide them hope through the promise of new treatments;

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, that the week of May 14 through May 20, 2017 be designated as **“FOOD ALLERGY AWARENESS WEEK”** in Upper Township and

encourage the citizens of Upper Township to increase their understanding and awareness of food allergies and anaphylaxis by visiting www.foodallergyweek.org.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 13th day of March, 2017.

Resolution No. 84-2017

Offered by: Corson Seconded by: Barr

Adopted: March 13, 2017

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>

7. Appointing Thomas G. Smith, Esquire to act as Special Legal Counsel regarding Tax Court matters and matters in which the regular Township Solicitor may have a conflict of interest.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 85-2017

**RE: APPOINTING THOMAS G. SMITH, ESQUIRE TO ACT AS SPECIAL LEGAL
COUNSEL REGARDING TAX COURT MATTERS AND MATTERS IN WHICH
THE REGULAR TOWNSHIP SOLICITOR MAY HAVE A CONFLICT OF
INTEREST**

WHEREAS, the Township requires legal counsel to provide legal services for Tax Court matters and in the event a conflict of interest arises in regard to the services provided by the regular Township Solicitor; and

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

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

WHEREAS, Thomas G. Smith, Esquire has completed and submitted a Business Entity Disclosure Certification which certifies that Thomas G. Smith, Esquire has not made any contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Thomas G. Smith, Esquire from making any contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Thomas G. Smith, Esquire with offices at 2312 New Road, Suite 201, Northfield, New Jersey is hereby appointed Special Legal Counsel to handle Tax Court matters and matters in which the regular Township Solicitor has a conflict of interest as well as other matters directed by the Township Committee.
3. This contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Thomas G. Smith, Esquire has professional knowledge as to legal matters which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

NOTICE OF CONTRACT AWARD

The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Thomas G. Smith, Esquire for legal services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

5. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of

the official budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.

6. The contractor has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.

7. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Thomas G. Smith, Esquire in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

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

9. This Resolution shall be effective as of adoption.

Resolution No. 85-2017

Offered by: Young

Seconded by: Barr

Adopted: March 13, 2017

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. Appointing Douglas K. Walker to serve as an additional Municipal Public Defender on an as needed basis.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 86-2017

**RE: APPOINTING DOUGLAS K. WALKER TO SERVE AS AN
ADDITIONAL MUNICIPAL PUBLIC DEFENDER ON AN AS NEEDED
BASIS**

WHEREAS, a need exists to appoint an additional municipal public defender to serve on an as needed basis; and

WHEREAS, N.J.S.A. 2B:24-3 allows for the appointment of additional municipal public defenders as necessary to administer justice in a timely and effective manner; and

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

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

WHEREAS, Douglas K. Walker has completed and submitted a Business Entity Disclosure Certification which certifies that Douglas K. Walker has not made any contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Douglas K. Walker from making any contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Douglas K. Walker with offices at 15 East 8th Street, Ocean City, New Jersey is hereby appointed as an additional municipal public defender to serve on an as needed basis.
3. This contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Douglas K. Walker has professional knowledge as to legal matters and municipal court matters, which knowledge is particularly valuable to the Township

Committee, and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

NOTICE OF CONTRACT AWARD

The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Douglas K. Walker for legal services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

5. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the official budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.

6. The contractor has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.

7. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Douglas K. Walker in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

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

9. This Resolution shall be effective as of adoption.

Resolution No. 86-2017

Offered by: Barr

Seconded by: Coggins

Adopted: March 13, 2017

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>	_____	_____	_____

9. Authorizing the annual Fourth of July Fireworks Display.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 87-2017

RE: AUTHORIZING THE ANNUAL FOURTH OF JULY FIREWORKS DISPLAY

WHEREAS, for many years, the Township of Upper has provided a fireworks display for the residents of Upper Township and others; and

WHEREAS, the Township wishes to continue to provide a display of fireworks in celebration of the 4th of July; and

WHEREAS, the Township has solicited proposals from several Firework Companies and has selected Schaefer Fireworks, of 370 Hartman Bridge Road, Ronks, PA 17572; and

WHEREAS, the State of New Jersey, Department of Community Affairs, requires that the Township provide a Resolution approving same; and

WHEREAS, the site for the fireworks display will be determined in conjunction with a State of New Jersey Fire Inspector; and

WHEREAS, FAA Clearance will be applied for; and

WHEREAS, a plot/site plan for site display, showing the distances from the public and structures to the fireworks discharge area, has been provided by the Township Engineer; and

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

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 in full herein by this reference.

2. Upon meeting all requirements of the State of New Jersey, Department of Community Affairs as well as any and all recommendations or requirements of the Township's Risk Management Consultant and the Joint Insurance Fund, the Township Clerk is hereby directed and authorized to provide a certified copy of this Resolution, with all attachments, to the Department of Community Affairs for their review and issuance of a Fireworks Permit.

3. The contractor shall comply with all terms and provisions of the Municipal Excess Liability Joint Insurance Fund Bulletin MEL 17-08, dated January 1, 2017.

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

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, including but not limited to the entering into and execution of an Agreement to Furnish Fireworks Exhibition with Schaefer Fireworks for the sum of \$8,331.00.

Resolution No. 87-2017

Offered by: Corson

Seconded by: Coggins

Adopted: March 13, 2017

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>	___	___	___

10. Authorizing the award of a contract with U.S. Municipal Supply, Inc. for automotive parts and supplies.

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

RESOLUTION NO.88-2017

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH U.S. MUNICIPAL SUPPLY,
INC. FOR AUTOMOTIVE PARTS AND SUPPLIES**

WHEREAS, the Township of Upper must acquire various automotive parts 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, U.S. Municipal Supply, Inc. has indicated they will provide automotive parts 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 U.S. Municipal Supply, Inc. for the year 2017 will exceed \$17,500 and a contract pursuant to N.J.S.A. 19:44A-20.5 is required; and

WHEREAS, U.S. Municipal Supply, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that U.S. Municipal Supply, 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 U.S. Municipal Supply, 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 2017 Municipal Budget.

WHEREAS, James M. Rutala Associates, LLC has submitted a proposal to the Township to provide said consultant services; and

WHEREAS, the Township wishes to accept said proposal and to authorize the execution of a contract with James M. Rutala Associates, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, James M. Rutala Associates, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that James M. Rutala Associates, LLC has not made any contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit James M. Rutala Associates, LLC from making any contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with James M. Rutala Associates, LLC with offices at 717 River Drive, Linwood, New Jersey, to provide professional grant writing consultant services.
3. This contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because James M. Rutala Associates, LLC has professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5

NOTICE OF CONTRACT AWARD

5. The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to James M. Rutala Associates, LLC for professional grant writing consultant

services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

6. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the official budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.

7. The contractor has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and will provide proof of that registration to the Township of Upper.

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

9. This Resolution shall be effective as of adoption.

Resolution No. 89-2017

Offered by: Young

Seconded by: Barr

Adopted: March 13, 2017

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>	_____	_____	_____

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

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 90-2017

**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>
\$88.49	Attn: MSC 410836 P.O. Box 415000 Nashville, TN 37241-0836

Resolution No. 90-2017
 Offered by: Corson Seconded by: Barr
 Adopted: March 13, 2017

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	_____	_____	_____

13. Authorizing a payment from the Affordable Housing Trust Fund of Upper Township.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 RESOLUTION**

RESOLUTION NO. 91-2017

**RE: AUTHORIZING A PAYMENT FROM THE
 AFFORDABLE HOUSING TRUST FUND OF UPPER TOWNSHIP**

WHEREAS, the Township of Upper adopted an Affordable Housing Trust Fund Spending Plan (hereinafter “Spending Plan”) on April 30, 2012 pursuant to Resolution No. 105-2012; and

WHEREAS, the Upper’s Affordable Housing Trust Fund consists of development fee revenues paid by developers of new construction within the Township; and

WHEREAS, said Spending Plan was approved by the New Jersey Council On Affordable Housing on or about May 22, 2012; and

WHEREAS, pursuant to the terms of the Spending Plan the release of funds requires the adoption by the Township Committee of a resolution in accordance with the Spending Plan; and

WHEREAS, the Township Committee has reviewed the requested release of funds from the Affordable Housing Trust Fund for the specific uses set forth herein and has determined it is in the best interest of the Township to authorize the release of payments from said fund.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, 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 authorized to release the following funds pursuant to the Township’s Market to Affordable Program with respect to Block 599, Lot 16, Qualifier C125 on the current municipal tax map:

Frank Peluso	\$12.00
(refund COAH development fee overpayment)	

Resolution No. 91-2017
 Offered by: Coggins Seconded by: Young
 Adopted: March 13, 2017

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	_____	_____	_____

14. Amending Resolution No. 012-2017 that appoints various officers and employees to annual and specified terms.

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

RESOLUTION NO. 92-2017

**RE: AMENDING RESOLUTION NO. 012-2017
 THAT APPOINTS VARIOUS OFFICERS AND
 EMPLOYEES TO ANNUAL AND SPECIFIED TERMS**

WHEREAS, Resolution No. 012-2017 appoints various officers and employees to annual and specified terms and includes the salary for each; and

WHEREAS, the Township Committee has determined it is necessary to amend said Resolution No. 012-2017 to amend the salary of the Shelley Lea, Keyboarding Clerk 1 to reflect an annual increase in salary of \$500.00.

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. Resolution No. 012-2017 is amended to reflect an annual increase in salary of \$500.00 for Shelley Lea, Keyboarding Clerk 1.
3. This Resolution shall be effective on March 17, 2017.

Resolution No. 92-2017

Offered by: Corson Seconded by: Coggins

Adopted: March 13, 2017

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>

15. Tax Refund, Block 677 Lot 11.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 93-2017

**TAX REFUND
BLOCK 677 LOT 11**

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. 93-2017

Offered by: Coggins

Seconded by: Young

Adopted: March 13, 2017

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>

REFUND

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
677/11	\$1,213.64	Thomas & Elizabeth Weatherill 26 Wilkie Blvd. Beesleys Point, NJ 08223

1st Quarter 2017 property taxes were paid by Homeowner and Mortgage Co.

16. Appointing members to the Upper Township Economic Development Advisory Commission.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 94-2017

**RE: APPOINTING MEMBERS TO THE UPPER TOWNSHIP
ECONOMIC DEVELOPMENT ADVISORY COMMISSION**

WHEREAS, Ordinance 003-2017, adopted on February 27, 2017 provides for the appointment of an Economic Development Advisory Commission, consisting of five (5) regular members and two (2) alternate members, and prescribes the terms of office; and

WHEREAS, such Ordinance further provides that the members of the Economic Development Advisory Commission shall be annually appointed by the Township Committee of the Township of Upper; and

WHEREAS, it is necessary to make the initial appointments to the Economic Development Advisory Commission of the Township of Upper, as hereinafter provided; 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 following appointments are hereby made to the Economic Development Advisory Commission:

John D. Coggins, Jr. appointed to a three (3) year term commencing March 13, 2017 and expiring December 31, 2019.

Susan Adelizzi-Schmidt appointed to a two (2) year term commencing March 13, 2017 and expiring December 31, 2018.

Jack Griffin appointed to a two (2) year term commencing March 13, 2017 and expiring December 31, 2018.

Andrew Shaw appointed to a one (1) year term commencing March 13, 2017 and expiring December 31, 2017.

Joanne Gill appointed to a one (1) year term commencing March 13, 2017 and expiring December 31, 2017.

Beverly Fedorko-Ott appointed to a three (3) year term as Alternate #1, commencing March 13, 2017 and expiring December 31, 2019.

Maura McCray appointed to a two (2) year term as Alternate #2, commencing March 13, 2017 and expiring December 31, 2018.

Resolution No. 94-2017

Offered by: Barr

Seconded by: Coggins

Adopted: March 13, 2017

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>

17. Authorizing institution of In Rem Foreclosure Proceedings Group No. 153.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 95-2017

**RE: AUTHORIZING INSTITUTION OF IN REM FORECLOSURE PROCEEDINGS
GROUP NO. 153**

WHEREAS, the Township Committee has been advised by the Tax Collector

that she is in possession of numerous Tax Sale Certificates which are now eligible for foreclosure, in rem, as more particularly described in the Tax Foreclosure List which is attached hereto as Exhibit A; and

WHEREAS, it is the desire of the Township Committee to authorize the institution of in rem foreclosure proceedings against the parcels that are covered by these Tax Sale Certificates; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee in 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. Keith A. Bonchi, Esquire, of the Law Offices of GMS Law, having been duly appointed as Special Counsel for the Township, is hereby authorized and directed to institute In Rem Foreclosure proceedings, pursuant to the provisions of NJSA 54: 5-104.29, et seq., as amended, against the Tax Sales Certificates held by it and described in Exhibit A affixed hereto and made a part hereof.
3. A copy of this Resolution and Exhibit shall be filed with the Tax Collector of the Township of Upper.
4. All appropriate Township officials are hereby directed to take all actions necessary or reasonably required to carry into effect the intent and purpose of this Resolution.

Resolution No. 95-2017

Offered by: Corson Seconded by: Coggins

Adopted: March 13, 2017

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>	___	___	___

18. Authorizing the purchase of certain items from the 2013 and 2016 Capital Improvement Bond Ordinances in an amount not to exceed \$23,400.00.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

RESOLUTION

RESOLUTION NO. 96-2017

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS FROM THE
2013 AND 2016 CAPITAL IMPROVEMENT BOND ORDINANCES
IN AN AMOUNT NOT TO EXCEED \$23,400.00**

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

WHEREAS, the Township's QPA has reviewed and approved the quotes for the replacement of garage doors and repairs to columns from Spica Steel, Inc. t/a J.D.L. Garage Doors and the quotes for building materials and supplies for improvements at the Department of Public Works building from Home Depot listed on Exhibit A; and

WHEREAS, pursuant to N.J.S.A 40A:11-12a, the Township wishes to have Spica Steel, Inc. t/a J.D.L. Garage Doors replace garage doors and make repairs to columns at the Department of Public Works building in the amount of \$13,900.00, along with purchase building materials and supplies for improvements at the Department of Public Works building from Home Depot in an amount not to exceed \$9,500.00.

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:

(\$8,100.00 from the 2013 Capital Improvement Bond; \$1,400.00 from the 2016 Capital Improvement Bond)

TOTAL \$23,400.00

ORDINANCE

19. Introduction and first reading of Ordinance No. 005-2017 RE: AN ORDINANCE REVISING JOB CLASSIFICATIONS AND TITLES AND AMENDING CHAPTER V, ENTITLED “PERSONNEL”, OF THE CODE OF UPPER TOWNSHIP. Motion by John Coggins, second by Richard Palombo, to introduce Ordinance No. 005-2017 with a public hearing and final adoption scheduled for April 10, 2017. 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. 005-2017

RE: AN ORDINANCE REVISING JOB CLASSIFICATIONS AND TITLES AND AMENDING CHAPTER V, ENTITLED “PERSONNEL”, OF THE CODE OF UPPER TOWNSHIP

WHEREAS, it is necessary to amend certain job classifications or job titles;

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

SECTION 1: Chapter V, entitled “Personnel”, of the Code of Upper Township, Section 5-6.2, is hereby amended and supplemented as follows:

Add The Following Position:

Truck Driver, Heavy

Delete The Following Position:

Equipment Operator/Truck Driver

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

SECTION 3: SEVERABILITY: This Ordinance shall be subject to the severability provisions set forth in Section 5-15 of Chapter V of the Code of Upper Township.

SECTION 4: 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 13TH DAY OF MARCH, 2017 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 10TH DAY OF APRIL, 2017 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

20. Introduction and first reading of Ordinance No. 006-2017 RE: AN ORDINANCE AMENDING ORDINANCE NO. 017-2016 KNOWN AS THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2017. Motion by John Coggins, second by Richard Palombo, to introduce Ordinance No. 006-2017 with a public hearing and final adoption scheduled for April 10, 2017. 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. 006-2017

RE: AN ORDINANCE AMENDING ORDINANCE NO. 017-2016 KNOWN AS THE SALARY ORDINANCE 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: Ordinance No.017-2016, known as the Salary Ordinance of 2017 is hereby amended as hereinafter provided:

SECTION 2: SALARIES:

E. PUBLIC WORKS/SPORTS AND RECREATIONAL PROGRAMS:

The following title is hereby added:

<u>Title</u>	<u>Minimum</u>	<u>Maximum-2017</u>
Truck Driver, Heavy	\$12,500.00	\$52,945.00

The following existing title is hereby removed and deleted:

<u>Title</u>	<u>Minimum</u>	<u>Maximum-2017</u>
Equipment Operator/Truck Driver	\$12,500.00	\$52,945.00

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 13TH DAY OF MARCH, 2017 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 10TH DAY OF APRIL, 2017 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

- 21. Upper Township Soccer request use of Amanda's Field for a Shore Shoot Out Event on July 7, 8, and 9, 2017, an Endless Summer Soccer Tournament on September 2 and 3, 2017, and a Halloween 3v3 Tournament on October 28, 2017.** Motion by John Coggins, second by Hobie Young, to approve the requests. During roll call vote all five Committeemen voted in the affirmative.

22. **Saint Maximilian Kolbe Parish request use of the Strathmere Beach at East Williams Road for a Sunrise Mass on April 16, 2017.** Motion by Hobie Young, second by John Coggins, to approve the request. During roll call vote all five Committeemen voted in the affirmative.
23. **Saint Maximilian Kolbe Parish request use of the Strathmere Beach at East Williams Road for a Feast Day Mass and Raffle RA 474 on August 14, 2017.** Motion by Curtis Corson, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative.
24. **Jersey Premier Soccer, LLC, dba GPS NJ, request use of Amanda's Field for soccer practice and games.** Motion by Hobie Young, second by Richard Palombo, to approve the request. During roll call vote all five Committeemen voted in the affirmative. A Resolution for formal action will be placed on the next agenda.
25. **Tom and Debbie Tower request the installation of a street light on Harbor Road.** Motion by Curtis Corson, second by Edward Barr, to approve the request based on the recommendation of the Municipal Engineer. During roll call vote all five Committeemen voted in the affirmative.
26. **Remedial Investigation Report for the Estate of Samuel Migliaccio Property.** The Municipal Engineer gave a brief update on the project. Motion by Curtis Corson, second by Edward Barr, to authorize the Mayor to sign and submit the report to the DEP. During roll call vote all five Committeemen voted in the affirmative.

UNFINISHED BUSINESS

27. **Upper Township Historical Preservation Society Museum Proposal.** Robert Holden, Chairman of the Museum Committee of the Historical Preservation Society, gave a report on the proposed plan and gave a brief report on the progress that has been made at this point. After a lengthy discussion, the Municipal Engineer was directed to obtain an estimate of the costs to remediate the asbestos in the building. Committeemen Young and Barr were named as liaisons to the Historical Society Museum Committee.

DISCUSSION

PAYMENT OF BILLS

28. **"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: \$270,104.02

Payroll: \$162,656.16.

REPORT OF MUNICIPAL DEPARTMENTS

29. **Animal Control**
30. **Clerk's Office**
31. **Construction Code**

- 32. Department of Public Works**
- 33. Division of EMS**
- 34. Finance**
- 35. MUA**
- 36. Municipal Court**
- 37. Tax Assessor**
- 38. Tax Collector**

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

Louise Letsinger, Tuckahoe, stated she has very fond memories of the Old Town Hall building because she attended first and second grade there. She stated there are so many historical items in Upper Township, and if the old town hall building won't work she hopes the Township will pursue other avenues to achieve a museum in the Township. She further stated how important it is to teach the future generations about our history.

Ralph Holt, Tuckahoe Road, spoke regarding his ongoing attempts to obtain Zoning approval for additional seating for his business. The Municipal Attorney stated that the Township Committee does not have the authority to overturn a Zoning Board or Court issued decision. He further stated that there are procedures to follow to file a complaint against an employee for their performance and instructed Mr. Holt on how to do so.

CLOSED SESSION

- 39. 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. 97-2017
MOTION GOING INTO CLOSED SESSION
MARCH 13, 2017**

I hereby move that a resolution be incorporated into the minutes authorizing the Township Committee to enter into an executive session for the following matters pursuant to the Open Public Meetings Act:

MATTERS:

- Contract negotiation – Route 9 and Roosevelt Blvd
- Contract negotiation – Shared Services Agreement with Dennis Township for Clerical and Administrative Services for the Construction Code Office
- Litigation Tax Lien Foreclosure – Harbor Road Property Block 683, Lot 7

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 litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.

Moved by: John Coggins

Motion seconded by: Richard Palombo

During roll 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, with all five Committeemen voting in the affirmative.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:40 P.M., with a motion by John Coggins, second by Richard Palombo, and all Committeemen voting in the affirmative. The next regular meeting is scheduled for March 27, 2017 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC

Bill List

68840 03/13/17 A0025 ADVANTAGE RENTAL ACE HARDWARE 768.71 2961
 68841 03/13/17 A0035 AIRLINE HYDRAULIC CORP. 9.06 2961
 68842 03/13/17 A0091 ATLANTIC CITY ELECTRIC 18,476.28 2961
 68843 03/13/17 A0176 ACTION FLAG COMPANY 254.54 2961
 68844 03/13/17 A0191 ACTION UNIFORM CO. LLC 621.98 2961
 68845 03/13/17 A0193 ATLANTIC INVESTIGATIONS, LLC 1,400.00 2961
 68846 03/13/17 A0200 AIG LIFE INSURANCE COMPANY 190.90 2961
 68847 03/13/17 B0035 BELMONT & CRYSTAL SPRINGS 30.34 2961
 68848 03/13/17 B0207 BARLOW CHEVROLET, INC 379.02 2961
 68849 03/13/17 C0061 CAPRIONI FAMILY SEPTIC 615.00 2961
 68850 03/13/17 C0068 COMCAST 411.61 2961
 68851 03/13/17 C0124 CMC MUNICIPAL CLERK'S ASSOC. 50.00 2961
 68852 03/13/17 C0143 CODY'S POWER EQUIPMENT 26.94 2961
 68853 03/13/17 C0182 CDW GOVERNMENT, INC 160.00 2961
 68854 03/13/17 C0223 CASA PAYROLL SERVICE 246.85 2961
 68855 03/13/17 C0230 CATAMARAN MEDIA COMPANY 76.25 2961
 68856 03/13/17 C0236 CATHCART, DEBRA 33.17 2961
 68857 03/13/17 C0282 CAPE MAY COUNTY COAST GUARD 350.00 2961
 68858 03/13/17 C0283 CUSTOM-BANDAG, INC 763.18 2961
 68859 03/13/17 D0040 DELTA DENTAL OF N.J. INC. 5,709.84 2961
 68860 03/13/17 E0012 EHRlich PEST CONTROL INC 261.00 2961
 68861 03/13/17 E0068 EPIC ENVIRONMENTAL 1,353.00 2961
 68862 03/13/17 G0014 GARDEN STATE HWY PRODUCTS INC. 200.00 2961
 68863 03/13/17 G0016 GARDNER HARDWARE INC. 64.48 2961
 68864 03/13/17 G0028 GENTILINI FORD 88.21 2961
 68865 03/13/17 G0141 GENTILINI CHEVROLET 63.29 2961

68866 03/13/17 G0157 GRANTURK EQUIPMENT CO., INC. 947.75 2961
68867 03/13/17 H0073 HOME DEPOT CRC/GECF 452.18 2961
68868 03/13/17 H0095 HORIZON BCBSNJ 161,736.12 2961
68869 03/13/17 J0072 JERSEY WEB DESIGNS 1,533.75 2961
68870 03/13/17 K0007 KACZMARSKI, RICHARD 55.00 2961
68871 03/13/17 K0086 K D NATIONAL FORCE SECURITY 1,580.25 2961
68872 03/13/17 L0113 LIBERTY MUTUAL INSURANCE 1,321.00 2961
68873 03/13/17 M0081 MID-ATLANTIC WASTE SYSTEMS 105.00 2961
68874 03/13/17 M0121 McCROSSON, JANET 28.36 2961
68875 03/13/17 M0128 MCANJ 310.00 2961
68876 03/13/17 N0004 NJ-AMERICAN WATER CO. 28.83 2961
68877 03/13/17 N0043 NAPA AUTO PARTS 132.30 2961
68878 03/13/17 N0131 DEFINED CONTRIB RETIRE PROGRAM 140.64 2961
68879 03/13/17 N0134 NJ Assoc for Floodplain Mangmt 20.00 2961
68880 03/13/17 N0141 NETCARRIER TELECOM, INC. 1,090.03 2961
68881 03/13/17 N0154 NEW HORIZON COMMUNICATIONS 1,758.70 2961
68882 03/13/17 O0012 OCEAN CITY BD. OF EDUCATION 969.91 2961
68883 03/13/17 O0055 OCEAN COUNTY UTILITIES AUTHORI 3,913.80 2961
68884 03/13/17 P0032 PEDRONI FUEL CO. 983.45 2961
68885 03/13/17 P0050 PARSIO, ANTHONY 249.98 2961
68886 03/13/17 R0030 RIGGINS, INC. 3,789.73 2961
68887 03/13/17 R0065 ROBERT BROWN TREE SERVICE 500.00 2961
68888 03/13/17 R0115 RID PEST CONTROL INC. 45.00 2961
68889 03/13/17 R106 RUMER, LISA 177.19 2961
68890 03/13/17 S0001 SAM'S CLUB 23.34 2961
68891 03/13/17 S0018 SUBURBAN PROPANE, LP 349.64 2961
68892 03/13/17 S0031 SCHULER SECURITY, INC. 103.00 2961
68893 03/13/17 S0035 SCHOPPY WILLIAM TROPHY CO. 84.95 2961
68894 03/13/17 S0113 SMITH, THOMAS G. 2,993.97 2961
68895 03/13/17 S0134 SO. JERSEY GAS COMPANY 1,000.59 2961
68896 03/13/17 S0185 STOCKTON STATE COLLEGE 7,194.24 2961
68897 03/13/17 S0191 STRATHMERE FIRE CO.DISTRICT #1 21,208.50 2961
68898 03/13/17 S0196 STEWART BUSINESS SYSTEMS LLC 107.06 2961
68899 03/13/17 S0209 STAPLES ADVANTAGE 1,397.72 2961
68900 03/13/17 S0239 SHORE VET. ANIMAL CONTROL LLC 2,200.00 2961
68901 03/13/17 S0279 SPECTROTEL, INC 250.70 2961
68902 03/13/17 S0284 SOUTH JERSEY INTERPRETERS 150.00 2961
68903 03/13/17 T0032 THE PRESS OF ATLANTIC CITY 212.10 2961
68904 03/13/17 T0067 TOWNSHIP OF UPPER PETTY CASH 31.00 2961
68905 03/13/17 T0168 TOWNSHIP OF UPPER 223.17 2961
68906 03/13/17 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 2961
68907 03/13/17 T0190 TRINITY HEATING & AIR 250.00 2961
68908 03/13/17 V0005 VAN EMBDEN, NATHAN, ATTORNEY 1,462.50 2961
68909 03/13/17 V0013 VERIZON WIRELESS 1,072.10 2961
68910 03/13/17 V0024 VAL-U AUTO PARTS L.L.C. 54.91 2961
68911 03/13/17 V0025 V.E. RALPH & SON, INC. 210.63 2961
68912 03/13/17 V0026 VITAL COMMUNICATIONS, INC. 1,433.64 2961
68913 03/13/17 V0027 VANORDER, ROGER 278.84 2961
68914 03/13/17 W0038 WILLIAMS, JEREMIAH J. 72.00 2961
68915 03/13/17 W0087 W.B. MASON 468.84 2961
68916 03/13/17 W0092 WTH TECHNOLOGY, INC 1,098.00 2961
68917 03/13/17 X0008 XEROX FINANCIAL SERVICES 662.40 2961
68918 03/13/17 Y0008 YOUNG, DANIEL J. ESQUIRE PC 10,806.25 2961
68919 03/13/17 Y0012 YOUNG, ROBERT 206.31 2961

Total: 270,104.02