# TOWNSHIP OF UPPER 2100 TUCKAHOE ROAD PETERSBURG, NJ 08270 CAPE MAY COUNTY MINUTES FOR MARCH 27, 2017

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

### **CALL TO ORDER**

### **SUNSHINE ANNOUNCEMENT**

### **SALUTE TO THE FLAG**

### **ROLL CALL**

Present
Present
Present
Present
Absent

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

# <u>APPROVAL OF MINUTES</u> - March 13, 3017 Regular Meeting and Closed Session Minutes

Motion by Hobie Young, second by John Coggins, to approve the March 13, 2017 Regular Meeting and Closed Session Minutes as submitted. During roll call vote all four Committeemen present voted in the affirmative.

### **REPORT OF GOVERNING BODY MEMBERS**

Hobie Young, Committeeman, offered his kudos to the Public Works employees for their maintenance of the fields. He next reported that the Spring Fling Easter Egg Hunt will be held on Saturday April 8<sup>th</sup> at Amanda's Field beginning at 1:00. He stated that tomorrow at 6:30 pm at Surf Dog they will be stuffing eggs for the event. He encouraged any that would like to volunteer to come out to help. He next reported that the owner of the 7<sup>th</sup> Day Adventist School property has applied to Cape May County Open Space to purchase the property and attach it to the Amanda's Field Complex. He made a motion, seconded by Curtis Corson, to prepare a resolution in support of the project. During roll call vote all four Committeemen voted in the affirmative. A resolution for formal action will be placed on a future agenda. He next inquired if the unpaved area along Taylor Ave is a public road, and if so, why has it not been paved. Mr. Dietrich stated that the area does not meet the standards required to obtain permits for paving. He stated that if the Committee wishes he can have the area surveyed and try again. Committeeman Young next

stated that the press box at Caldwell Park needs to be inspected for safety concerns. Lastly, he thanked Scott Morgan for quickly addressing some fencing problems at Caldwell Park.

**Edward Barr, Committeeman**, stated that as the weather gets nicer, more people will be out and about. He cautioned the public to be aware of the workers on the roads and kids playing outside.

### **OTHER REPORTS**

**Daniel Young, Municipal Attorney**, reported that there are several contract negotiation matters and a personnel matter for closed session.

**Paul Dietrich, Municipal Engineer**, requested authorization to prepare the bid specifications for the Webster Avenue Bulkhead project. Motion by Curtis Corson, second by John Coggins, to approve the request. During roll call vote all four Committeemen present voted in the affirmative. He next reported that due to a buildup of sand along the sand fence in Strathmere an additional line of dune fence is needed. He requested authorization to prepare bid specifications for the project. He next reported that Arawak Paving will begin the paving project soon. Affected residents have received letters informing them that the project will start soon, and will receive a hand delivered card within 24 or 48 hours of the actual paving on their street.

**Barbara Spiegel, Chief Financial Officer**, requested authorization to join a National Coop that would be beneficial for the purchasing of technology equipment. Motion by John Coggins, second by Hobie Young to approve the request. During roll call vote all four Committeemen voted in the affirmative. A resolution for formal action will be placed on the next agenda.

**Scott Morgan, Township Administrator**, presented the Upper Township Sentinel Ledger's Community Guide and stated that the publication is very well done. He thanked Barbara Young for her assistance with the project. Next, he read an email from the Upper Township Lacrosse Coordinator which thanked the Township and employees for the beautiful and well maintained fields. He next reported that the lighting issues at the Community Center have been resolved. Last, he stated that the Beesley's Point pier bulkhead renovations are complete.

### **PRESENTATION**

 Honoring the Cub Scouts of Pack 79 Kyle Blackledge, Aaron Bliss, Simon Davies, Matthew Jefferson, Noah Law, Timothy Palermo, Hunter Repici, Benjamin Robbins, Kasey Ruf, Marcus Tocci-Esher, Kaleb Williams, and Jack Wriggins on attaining the Arrow of Light Award.

> TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

**RESOLUTION NO. 70-2017** 

RE: HONORING THE CUB SCOUTS OF PACK 79 KYLE BLACKLEDGE, AARON BLISS, SIMON DAVIES, MATTHEW JEFFERSON, NOAH LAW, TIMOTHY PALERMO, HUNTER REPICI, BENJAMIN ROBBINS, KASEY

### RUF, MARCUS TOCCI-ESHER, KALEB WILLIAMS, AND JACK WRIGGINS ON ATTAINING THE ARROW OF LIGHT AWARD

WHEREAS, the Scouts of Cub Scout Pack 79, Kyle Blackledge, Aaron Bliss, Simon Davies, Matthew Jefferson, Noah Law, Timothy Palermo, Hunter Repici, Benjamin Robbins, Kasey Ruf, Marcus Tocci-Esher, Kaleb Williams, and Jack Wriggins have recently achieved the Arrow of Light Award, which is the highest level of advancement for a Cub Scout; and

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

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

**RESOLVED THAT** this Township Committee extends its sincere congratulations to these graduating Cub Scouts on the occasion of their receiving the Arrow of Light Award and commends them for this outstanding accomplishment; and it is

**FURTHER RESOLVED** that the Township Committee extends its congratulations and best wishes to their parents, family and friends on this happy occasion; and it is

**FURTHER RESOLVED** that the Township Committee also extends its congratulations and appreciation to Den Leader Kelly Jefferson 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 27<sup>th</sup> day of February, 2017.

### **RESOLUTIONS**

2. Congratulating employee Barbara Grund of the Upper Township Public Works Department for her winning entry in the Upper Township Safety Award Program for the 1<sup>st</sup> quarter of 2017.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION

#### RESOLUTION NO.98-2017

RE: CONGRATULATING EMPLOYEE BARBARA GRUND OF THE UPPER TOWNSHIP PUBLIC WORKS DEPARTMENT FOR HER WINNING ENTRY IN THE UPPER TOWNSHIP SAFETY AWARD PROGRAM FOR THE  $1^{\rm ST}$  QUARTER OF 2017

WHEREAS, employee Barbara Grund, is recognized for her efforts to promote safety for her fellow employees and residents of the Township through her participation in the Upper Township Safety Award Program with the submission of a safety suggestion; and

WHEREAS, Barbara's safety suggestion was chosen by the Upper Township Safety Committee from the entries submitted in the first quarter for the promotion of safety for employees and the community; and

WHEREAS, Barbara should be publicly recognized for reporting a traffic safety concern resulting from a lack of parking spaces during events at the Upper Township Community Center; 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. That the Committee extends its appreciation and publicly recognizes Barbara Grund on her commitment to safety by identifying a potential safety hazard and offering a suggestion through participation in the program.
- 2. That the Committee, on behalf of our employees and the citizens of the Township of Upper, extend to Barbara Grund our congratulations and present her with the "Safety Day Award" of one day off with pay.

 $\,$  GIVEN UNDER OUR HANDS and the seal of the Township of Upper the  $27^{th}$  day of March, 2017.

Resolution No. 98-2017 Offered by: Coggins Adopted: March 27, 2017

Seconded by: Young

Roll Call Vote:

Coggins	X	 	
Corson	X	 	
Young	X	 	
Palombo		 	X

3. Appointing H. Wallace Welliver, III, Lynda Romero, Robert J. Palamaro, John R. Brittin and Paula J. Brooks as part-time employees to the Upper Township Division of Emergency Medical Services.

### TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

### **RESOLUTION NO. 99-2017**

RE: APPOINTING H. WALLACE WELLIVER, III, LYNDA ROMERO, ROBERT J. PALAMARO, JOHN R. BRITTIN, AND PAULA J. BROOKS AS PART-TIME EMPLOYEES TO THE UPPER TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES

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WHEREAS, a need exists to appoint qualified personnel as part-time employees to the Upper Township Division of Emergency Medical Services to insure optimal operation; and

WHEREAS, a recommendation has been made to the Township Committee and duly considered at the meeting of March 13, 2017; and

**WHEREAS**, these individuals' appointments are conditioned upon successful completion of a background check, drug and alcohol testing, and Civil Service review; and

WHEREAS, this Resolution is intended to ratify the action heretofore taken.

**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. H. Wallace Welliver, III, Lynda Romero, Robert J. Palamaro, John R. Brittin, and Paula J. Brooks are hereby conditionally appointed as members of the Division of Emergency Medical Services in a part-time position at a rate of \$14.50 per hour in accordance with the Salary Ordinance.
- 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. 99-2017 Offered by: Corson Adopted: March 27, 2017

Seconded by: Young

Roll Call Vote:

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

4. Appointing the 2017 Season Beach Patrol Personnel.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION

### RESOLUTION NO.100-2017

### RE: APPOINTING THE 2017 SEASON BEACH PATROL PERSONNEL

WHEREAS, the individual hereinafter named has been determined to possess the requisite skills, training and is otherwise eligible for appointment to the position of lifeguard; 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 following individual is appointed as a lifeguard in the Township of Upper pending successful completion of preemployment testing, at a salary as stated below in accordance with the Salary Ordinance:

#### CAPTAIN

WILLIAM HANDLEY

\$25.50 per hour

3. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Resolution No.100-2017

Offered by: Barr Seconded by: Coggins

Adopted: March 27, 2017

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Barr	X			
Coggins	X		_	·
Corson	X		_	<del>_</del>
Young	X			
Palombo	·			X

5. Appointing Frank L. Corrado, Esquire to act as Special Legal Counsel.

### TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

### **RESOLUTION NO. 101-2017**

## RE: APPOINTING FRANK L. CORRADO, ESQUIRE TO ACT AS SPECIAL LEGAL COUNSEL

WHEREAS, the Township Committee of Upper Township desires special legal counsel in matters in which the regular legal counsel has a conflict and such other matters as the Township Committee may direct; 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 Frank L. Corrado, Esquire as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Frank L. Corrado, Esquire has completed and submitted a Business Entity Disclosure Certification which certifies that Frank L. Corrado, 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 Frank L. Corrado 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. Frank L. Corrado, Esquire with offices at 2700 Pacific Avenue, Wildwood, New Jersey is hereby appointed Special Legal Counsel as 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 Frank L. Corrado, Esquire has professional knowledge as to legal matters which knowledge is particularly valuable to the Township Committee.

### 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 Frank L. Corrado, 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 Frank L. Corrado, 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. A copy of this Resolution 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. 101-2017

Offered by: Corson Seconded by: Coggins

Adopted: March 27, 2017

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<b>ABSTAINED</b>	<b>ABSENT</b>
Barr	X			
Coggins	X			
Corson	X			
Young	X			
Palombo				X_

6. Appointing McManimon, Scotland & Baumann, LLC to act as Special Legal Counsel.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

### **RESOLUTION NO. 102-2017**

RE: APPOINTING MCMANIMON, SCOTLAND & BAUMANN, LLC TO ACT AS SPECIAL LEGAL COUNSEL

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WHEREAS, the Township of Upper requires special legal counsel services with regard to bonding for capital improvement projects and other issues; 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 McManimon, Scotland & Baumann, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, McManimon, Scotland & Baumann, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that McManimon, Scotland & Baumann, 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 McManimon, Scotland & Baumann, 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.
- McManimon, Scotland & Baumann, LLC with offices at 75 Livingston Avenue,
   Roseland, New Jersey 07068 is hereby appointed Special Legal Counsel to handle matters regarding
   capital improvement projects and other issues as directed by the Township Committee.
  - 3. The contract shall have a term of one (1) year from date of full execution.
- 4. The 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 McManimon, Scotland & Baumann, LLC 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 McManimon, Scotland & Baumann, LLC for legal services. The 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 the contract and showing the line item appropriation of the official

budget to which the 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 McManimon, Scotland & Baumann, LLC

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. This contract shall have a term of one (1) year from date of full execution.

9. 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.

10. This Resolution shall be effective as of adoption.

Resolution No. 102-2017

Offered by: Corson Seconded by: Coggins

Adopted: March 27, 2017

Roll Call Vote:

<b>NAME</b>	<b>YES</b>	<u>NO</u>	<b>ABSTAINED</b>	<b>ABSENT</b>
Barr	X			
Coggins	X			
Corson	<u>X</u>			
Young	X			

Palombo	X

7. Authorizing the use of Amanda's Field and Tyler Davis Field by Global Premier Soccer for soccer practices and games.

### TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

### **RESOLUTION NO. 103-2017**

### RE: AUTHORIZING THE USE OF AMANDA'S FIELD AND TYLER DAVIS FIELD BY GLOBAL PREMIER SOCCER FOR SOCCER PRACTICES AND GAMES

WHEREAS, Global Premier Soccer, Jersey Premier Soccer, LLC, dba GPS NJ, and Neil Holloway, General Manager, jointly, severally and in the alternative, (hereinafter collectively referred to as GPS) have requested the use of Amanda's Field and Tyler Davis Field for soccer practices and games, as indicated in their Application for Use of Facilities attached hereto as Exhibit "A"; and

WHEREAS, GPS has 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

WHEREAS, GPS has provided general comprehensive liability insurance coverage to the Township in form and substance which is satisfactory to the Township of Upper's Risk Management Consultant, and which names the Township of Upper, its officials, officers, and employees as an additional insured, attached hereto as Exhibit "C"; and

WHEREAS, GPS has certified that those having unsupervised direct contact with minor children have undergone a successful criminal history record background check pursuant to N.J.S.A. 15A:3a-1., and said certification is attached hereto as Exhibit "D"; and

WHEREAS, appropriate advice and approvals from the Township's Risk Management Consultant, the New Jersey State Police, and the Division of EMS have been obtained; and

WHEREAS, a liability release and waiver will be received from every participant, prior to the event, on a form which has been approved by the Township Solicitor; 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 GPS for the use of Amanda's Field and/or Tyler Davis Field for soccer practice and games as specified in this Resolution and in the accompanying Exhibits subject to and conditioned upon the following:
  - (A) The activities described in this Resolution will be carried out by Global Premier Soccer, Jersey Premier Soccer, LLC, dba GPS NJ, and Neil Holloway, General Manager, jointly, severally and in the alternative (GPS). GPS has no connection, direct or indirect, with the Township of Upper or any of its officials or employees. GPS shall not, in any way, directly or indirectly, represent that the use of Amanda's Field and/or Tyler Davis field by GPS is, in any way, associated with or affiliated with the Township of Upper and shall make clear that the activities conducted by GPS are 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 GPS to use Amanda's Field and/or Tyler Davis Field for soccer practice and games, it must be made clear

- that the activities of GPS are not and shall not be considered a Township of Upper sponsored or sanctioned activity.
- (B) Priority for the use of all Township fields and facilities is to Township residents and existing Township programs. The use of Amanda's Field and/or Tyler Davis Field by GPS will be subject to availability as determined by the Township of Upper, and will be scheduled accordingly. The Township of Upper makes no guarantee that the fields requested by GPS will be available.
- (C) GPS shall remit to the Township the appropriate fee in accordance with Chapter XXVI of the Code of Upper Township.

  This fee shall include the daily fee per field for games held at Amanda's Field and/or Tyler Davis Field, as well as the fee equal to the costs of Township personnel, services, and materials. Said costs have been determined by the Township and are outlined and attached hereto as Exhibit "E".
- (D) GPS will ensure that the fields and facilities are clean of debris, trash, markings, and other materials immediately following each use, and will immediately report any damage of the fields or facilities to Township personnel. GPS may be held liable for any costs associated with repair or cleanup.
- (E) The Township reserves the right to postpone and/or cancel the use of the fields by GPS, due to weather and/or damage to the fields or facilities.
- (F) 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 GPS
fails 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. 103-2017

Offered by: Young Seconded by: Coggins

Adopted: March 27, 2017

Roll Call Vote:

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

8. Tax Refunds Homestead Benefits.

### TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

### **RESOLUTION NO. 104-2017**

### TAX REFUNDS HOMESTEAD BENEFITS

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

**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. 104-20	)17			
Offered by: Coggins		conded	by: Corson	
Adopted: March 27, 2	017			
Roll Call Vote:				
NAME	YES	NO	ABSTAINED	ABSENT
BARR	X			
COGGINS	X			
CORSON	X			
YOUNG	X			
PALOMBO				X
<b>REFUND 2017</b>				
BLOCK/LOT	AMOUNT		NAME	
573.01/34	\$298.60		Joseph & Barbara	Mover
			17 Black Oak Driv	•
			Marmora, NJ 0822	23
			,	

The above properties are tax exempt as a result of a 100% totally disabled veteran status. The above refunds are for the Homestead Benefit which is sent by the State of New Jersey to be applied to taxes.

9. Requesting a designated right turn lane on New Jersey State Highway Route 49 at the intersection of County Route 617 and New Jersey State Highway Route 49.

### TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

### **RESOLUTION NO. 105-2017**

RE: REQUESTING A DESIGNATED RIGHT TURN LANE ON NEW JERSEY STATE HIGHWAY ROUTE 49 AT THE INTERSECTION OF COUNTY ROUTE 617 (WOODBINE ROAD) AND NEW JERSEY STATE HIGHWAY ROUTE 49

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WHEREAS, in order to insure the safety of our residents and the general public, and to insure optimal traffic flow during the peak summer season, the Township Committee of the Township of Upper requests the NJDOT to install a designated right turn lane on the

southbound lane of NJSH Route 49 at the intersection of County Route 617 (Woodbine Road) and NJSH Route 49; 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 hereby strongly recommends the installation of a designated right turn lane on the southbound lane of NJSH Route 49 at the intersection of County Route 617 (Woodbine Road) and NJSH Route 49, and respectfully requests all NJDOT officials to take the appropriate action forthwith in order to implement this request.
- A copy of this Resolution shall be forwarded to the appropriate State of New Jersey and County of Cape May Officials.

 Offered by: Coggins
 Seconded by: Corson

 Adopted: March 27, 2017
 Seconded by: Corson

 Roll Call Vote:
 NO ABSTAINED ABSENT

 Barr
 X

 Coggins
 X

 Corson
 X

 Young
 X

 Palombo
 X

Resolution No. 105-2017

10. Urging the New Jersey Department of Transportation to expedite the installation of Flashing Road Safety Lights and Highway Safety Signs along Route 50 within Mileposts 5.78 and 5.88.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

### **RESOLUTION NO. 106-2017**

RE: URGING THE NEW JERSEY DEPARTMENT OF TRANSPORTATION TO EXPEDITE THE INSTALLATION OF FLASHING ROAD SAFETY LIGHTS AND HIGHWAY SAFETY SIGNS ALONG ROUTE 50 WITHIN MILEPOSTS 5.78 AND 5.88

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WHEREAS, the Upper Township Community Center is located at 1790 Route 50

in the Township of Upper, County of Cape May; and

WHEREAS, serious safety concerns regarding the high volume and speed of

traffic traveling along Route 50 near the Upper Township Community Center have been brought

to the attention of the Township Committee; and

WHEREAS, the safe ingress and egress of the public to and from the Upper

Township Community Center along Route 50 is of the upmost concern; and

WHEREAS, the Township Committee firmly believes that flashing road safety

lights and highway safety signs on Route 50 within Mileposts 5.78 and 5.88 are needed to protect

the health, safety, and welfare of the public; 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 strongly urges the NJDOT to expedite the

installation of flashing road safety lights and highway safety signs along Route 50 between

Mileposts 5.78 and 5.88.

3. A certified copy of this Resolution shall be provided to the appropriate New

Jersey State Officials.

Resolution No. 106-2017

Offered by: Young Seconded by: Corson

Adopted: March 27, 2017

Roll Call Vote:

18

11. Requesting the installation of signs identifying the boundaries of Upper Township along the Garden State Parkway.

### TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

### **RESOLUTION NO. 107-2017**

### RE: REQUESTING THE INSTALLATION OF SIGNS IDENTIFYING THE BOUNDARIES OF UPPER TOWNSHIP ALONG THE GARDEN STATE PARKWAY

**WHEREAS**, the Upper Township Committee recognizes the benefit of the placement of signs along the Garden State Parkway to identify the boundaries of Upper Township and to assist motorists traveling to Upper Township along the Parkway; and

**WHEREAS**, the Township Committee requests the New Jersey Turnpike Authority to install signs along the Garden State Parkway identifying the boundaries of Upper Township; 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 hereby requests the installation of signs along the Garden State Parkway to identify the boundaries of Upper Township.
  - 3. A copy of this Resolution shall be forwarded to the New Jersey Turnpike Authority.
- 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.	107-2017			
Offered by: Co	ggins	Secon	ded by: Corson	
Adopted: Marc	h 27, 2017			
Roll Call Vote:				
<u>NAME</u>	<u>YES</u>	<u>NO</u>	<b>ABSTAINED</b>	<b>ABSENT</b>
Barr	X			
Coggins	X			
Corson	X			
Young	X			
Palombo				<u>X</u>

12. Authorizing the Mayor and Township Clerk to sign a contract with Ancero, LLC for professional Information Technology services.

### TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

### **RESOLUTION NO. 108-2017**

### RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A CONTRACT WITH ANCERO, LLC FOR PROFESSIONAL INFORMATION TECHNOLOGY SERVICES

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**WHEREAS**, the Township of Upper has a need for professional Information Technology services; and

WHEREAS, Ancero, LLC has submitted a proposal to the Township to provide said services; and

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

WHEREAS, Ancero, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Ancero, 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 Ancero, 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.
- The Mayor and Township Clerk are hereby authorized, directed and empowered to
  execute a contract with Ancero, LLC with offices at 1001 Briggs Road, Suite 220, Mt. Laurel, New
  Jersey, to provide professional Information Technology 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 Ancero, 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 Ancero, LLC for professional Information Technology 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. 108-2017

Offered by: Coggins Seconded by: Corson

Adopted: March 27, 2017

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Barr	X			
Coggins	X			
Corson	X			
Young	X			
Palombo				_X_

13. Authorizing Change Order No. 2 for the Reconstruction of Bayview Boat Ramp contract resulting in an increase in the amount of \$9,450.36.

### TOWNSHIP OF UPPER CAPE MAY COUNTY

### RESOLUTION

### **RESOLUTION NO. 109-2017**

# RE: AUTHORIZING CHANGE ORDER NO. 2 FOR THE RECONSTRUCTION OF BAYVIEW BOAT RAMP CONTRACT RESULTING IN AN INCREASE IN THE AMOUNT OF \$9,450.36

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 second 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 No. 2; and

WHEREAS, the aggregate amount of Change Order No. 2, comprising of an increase of \$8,192.48, a decrease of \$10,780.12, and extra work in the amount of \$12,038.00, together with Change Order No. 1 does not exceed twenty percent (20%) of the original Contract award; and

WHEREAS, the Township Engineer has requested this Change Order and has 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. 2 to the Reconstruction of Bayview Boat Ramp contract with Ramson Inc., dba Atlantic Marine Construction is hereby authorized as follows:

Increases	\$ 8,192.48
Decreases	\$10,780.12
Extra Work	\$12,038.00
TOTAL	\$ 9,450.36

- 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. 109-2017

Offered by: Young Seconded by: Coggins

Adopted: March 27, 2017

Roll Call Vote:

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

14. Appointing Water's Edge Environmental, LLC as an Environmental Consultant for the improvements associated with the reconstruction of the Bayview Boat Ramp.

### TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

### RESOLUTION NO. 110-2017

RE: APPOINTING WATER'S EDGE ENVIRONMENTAL, LLC AS AN ENVIRONMENTAL CONSULTANT FOR THE IMPROVEMENTS ASSOCIATED WITH THE RECONSTRUCTION OF THE BAYVIEW BOAT RAMP

WHEREAS, the Township requires an Environmental Consultant for the improvements associated with the reconstruction of the Bayview Boat Ramp; and

WHEREAS, Water's Edge Environmental, LLC possesses the requisite skill and knowledge to perform these services; and

**WHEREAS**, a Resolution is required authorizing the award of a contract for professional services to Water's Edge Environmental, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Water's Edge Environmental, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that said firm 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 Water's Edge Environmental, 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. Water's Edge Environmental, LLC, with offices at 1259 A Asbury Avenue Ocean City, New Jersey, is hereby appointed as Environmental Consultant for the improvements associated with the replacement of the Bayview Avenue Boat Ramp.
- 3. This contract shall have a term of one (1) year commencing upon 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 Water's Edge Environmental, LLC, has professional knowledge as to environmental issues which knowledge is particularly valuable to the Township Committee.

### NOTICE OF CONTRACT AWARD

4. 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 Water's Edge Environmental, LLC. 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 the contract and showing the line item appropriation of the official budget to which the 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 Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Water's Edge Environmental, LLC 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.

7. 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.

8. This Resolution shall be effective as of adoption.

Resolution N	No. 110-2017				
Offered by: Coggins		Seconded by: Barr			
Adopted: Ma	arch 27, 2017				
Roll Call Vo	ote:				
<u>NAME</u>	<u>YES</u>	<u>NO</u>	<b>ABSTAINED</b>	<b>ABSENT</b>	
Barr	X				
Coggins	X				
Corson	X			<del></del>	
Young	X		<del></del>		
Palombo				X	

15. Statement of Uniform Conditions for Retiree Medical Benefits.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

**RESOLUTION NO. 111-2017** 

WHEREAS, the terms of Township Policy and the Township's collective bargaining

agreement provide for medical benefits to an employee who retires after twenty-five (25) years or more of

continuous employment with the Township and twenty-five (25) years of service in the pension system;

and

WHEREAS, such retiree medical benefits are required to be under such uniform

conditions for retirees as the governing body shall prescribe as are permitted by law; and

WHEREAS, the Township Committee wishes to hereby state the uniform medical

benefits offered to eligible Township retirees.

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 sets forth the uniform medical benefits offered to

eligible Township retirees as follows:

1) health and drug prescription coverage, which is presently through

New Jersey Horizon Blue Cross and Blue Shield;

2) dental insurance coverage, which is presently through Delta Dental;

and

3) reimbursement up to \$150.00 per calendar year for the cost of

prescription eye glasses.

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. 111-2017

Adopted: March 27, 2017

Offered by: Corson

Seconded by: Coggins

Roll Call Vote:

**NAME** 

YES ABSTAINED ABSENT NO Barr

Coggins	X	 	
Corson	X	 	
Young	X	 	
Palombo		 	X

16. Authorizing the Chief Financial Officer to sign a Spending Account Client Specification form with Trion Group, Inc. for Employee Health Reimbursement Account.

### TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

### **RESOLUTION NO. 112-2017**

RE: AUTHORIZING THE CHIEF FINANCIAL OFFICER TO SIGN A SPENDING ACCOUNT CLIENT SPECIFICATION FORM WITH TRION GROUP, INC. FOR EMPLOYEE HEALTH REIMBURSEMENT ACCOUNT

WHEREAS, the Township wishes to complete a Spending Account Client Specification form with Trion Group, Inc., attached hereto as Exhibit A, to provide a Health Reimbursement Account (HRA) for eligible employees effective January 1, 2016; and

WHEREAS, said HRA will be for a period from January 1, 2016 to December 31, 2017.

**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 Spending Account Client Specification form between the Township of Upper and Trion Group, Inc. are approved and the Chief Financial Officer is hereby authorized, directed and empowered to execute said agreements on behalf of the Township of Upper.
- 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. 112-2017

Offered by: Coggins Seconded by: Young

Adopted: March 27, 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

17. Adopting revisions to the Upper Township Supervisor's Personnel Policies and Procedures Manual and Employee Handbook to include Use of Body Armor Policy for the Division of Emergency Medical Services (EMS).

### TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

### **RESOLUTION NO. 113-2017**

RE: ADOPTING REVISIONS TO THE UPPER TOWNSHIP SUPERVISOR'S PERSONNEL POLICIES AND PROCEDURES MANUAL AND EMPLOYEE HANDBOOK TO INCLUDE USE OF BODY ARMOR POLICY FOR THE DIVISION OF EMERGENCY MEDICAL SERVICES (EMS)

WHEREAS, the Township Committee of the Township of Upper has determined there is a need to adopt revisions to the Township's Personnel Policies, Supervisor's Personnel Policies and Procedures Manual and Employee Handbook to establish A High Risk Environment and Use of Body Armor Policy; and

**WHEREAS,** the Township Committee of the Township of Upper has reviewed and approved such revisions attached hereto as Exhibit A; and

WHEREAS, the Township Committee has determined that these revisions should be adopted to amend the existing Township Supervisor's Personnel Policies and Procedures Manual and the Employee Handbook; and

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

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

- 2. The revisions to the Supervisor's Personnel Policies and Procedures Manual and Employee Handbook set forth in the attached Exhibit A are hereby adopted and approved and modify the existing personnel policies, procedures, manuals and handbooks of the Township. Said revisions shall be incorporated into Section Seven dealing with the Upper Township Division of Emergency Medical Services.
- 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. 113- 2017

Offered by: Young Seconded by: Corson

Adopted: March 27, 2017

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<b>ABSTAINED</b>	<b>ABSENT</b>
Barr	X			
Coggins	X			
Corson	X			
Young	X			
Palombo				X_

18. Authorizing an amendment to the Shared Services Agreement with the Township of Dennis to provide clerical and administrative services for the Construction Code Office.

### TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

### **RESOLUTION NO. 114-2017**

RE: AUTHORIZING AN AMENDMENT TO THE SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF DENNIS TO PROVIDE CLERICAL AND ADMINISTRATIVE SERVICES FOR THE CONSTRUCTION CODE OFFICE

WHEREAS, on April 21, 2015 the Township of Upper and the Township of Dennis entered into Shared Services Agreement to provide usual and ordinary clerical and administrative services to the Upper Township Construction Code Office; and

WHEREAS, both parties desire to extend the term of said Agreement for an additional one year term; 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 an Amendment to the Shared Services Agreement with the Township of Dennis to extend the term of said agreement for an additional one (1) year, commencing May 1, 2017 and expiring on April 30, 2018.
- 3. This Resolution extending the terms of the aforesaid Shared Services Agreement is conditioned upon similar action being taken by the Township of Dennis.
- 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. 114-2017

 Offered by: Coggins
 Seconded by: Corson

 Adopted: March 27, 2017
 Seconded by: Corson

 Roll Call Vote:
 NO ABSTAINED ABSENT

 Barr
 X

 Coggins
 X

 Corson
 X

 Young
 X

 Palombo
 X

### **ORDINANCES**

19. Introduction and first reading of Ordinance No. 007-2017 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER IV OF THE CODE OF UPPER TOWNSHIP TO ADD SECTION 4-3 ENTITLED JITNEYS. Motion by Curtis Corson, second by Hobie Young, to introduce Ordinance No. 007-2017 with a public hearing and final adoption scheduled for April 10, 2017. During roll call vote all four Committeemen voted in the affirmative.

TOWNSHIP OF UPPER CAPE MAY COUNTY ORDINANCE

**ORDINANCE NO. 007-2017** 

# RE: AN ORDINANCE TO AMEND CHAPTER IV OF THE REVISED GENERAL ORDINANCE OF THE TOWNSHIP ORDINANCES OF THE TOWNSHIP OF UPPER ADDING SECTION 4-3 ENTITLED JITNEYS

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

**SECTION 1.** Chapter 4 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, is hereby amended by adding the following subchapter entitled Jitneys:

### 4-3 JITNEYS

### 4-3.1 Definitions.

As used in this subchapter, the following terms shall have the meanings indicated:

Compressed natural gas vehicles (CNG) shall mean any motor vehicle fueled with clean-burning compressed natural gas, gasoline permitted only as a back up fuel source.

Criminal History Record Background Check shall mean a determination of whether a person has a criminal record by cross-referencing that person's name and fingerprints with those on file with the Federal Bureau of Investigation, Identification Division and the State Bureau of Identification in the Division of State Police.

Jitney shall mean an autobus for hire and shall include any motor vehicle for hire engaged in carrying individual passengers in exchange for a fee, which is operated in a closed loop over and upon the streets of the Township. A jitney shall be constructed and intended to accommodate thirteen (13) passengers.

*Person* shall mean and include person, firm or corporation.

Review Committee shall mean a three (3) member committee consisting of the Township Administrator, the Township Committee member in charge of Public Safety and the Township Clerk. The Review Committee shall be charged with the review of all appeals of disqualifying criminal history background checks.

Street shall mean and include any street, avenue, land or public place in the Township utilized for vehicular jitney traffic.

Zero-emission vehicles (ZEV) shall mean any motor vehicle that produces zero exhaust emissions of all criteria pollutants under any and all possible operational modes and conditions.

### 4-3.2 Licensing; Fee; Renewal.

- a. Before operating any jitney along, through, over or upon any street of the Township, the owner and all drivers shall obtain consent, in the form a license, from the Township Clerk.
- b. There shall be an annual licensing fee of Fifty Dollars (\$50.00) per jitney. A license shall be valid for a period of one (1) year from the date of issue and shall be renewed prior to expiration. No jitney shall be operated if the renewal license is not granted by the expiration of the existing license. All applications for license renewal shall be made in writing and filed with the Township Clerk.
- c. All applications for a license or a renewal license shall be made in writing and filed with the Township Clerk. No application will be

approved by the Township Clerk unless it is accompanied by appropriate forms and contains the information required in the application and the following:

- Type of motor vehicle, name of the manufacturer, a schedule indicating dates of operation and the hours of each day that said vehicle will operate.
- 2. Proof that the seating capacity of the motor vehicle, according to its trade factory rating, is intended to accommodate thirteen (13) passengers.
- 3. The name, age, residence address, business address, date of birth and phone number of the applicant. Name, age, address, date of birth and phone number of all drivers of said vehicle.
- 4. The vehicle identification number, New Jersey vehicle registration number, vehicle insurance policy particulars and a valid New Jersey driver's license of the owner-operator of the jitney. A valid New Jersey driver's license and insurance information for all drivers of the jitney.
- The vehicle must meet all requirements to make it a CNG or ZEV vehicle, as defined herein. Proof that the vehicle is a CNG or ZEV vehicle must be provided.
- 6. A complete description of the vehicle, both inside and out, including whether the vehicle has been converted for jitney use and, if so, the name and place of business of the individual doing the conversion.

- 7. If an individual, the applicant shall submit two (2) identical two inch by two inch (2" x 2") photographs with an image size of between one inch (1") and one and three eighths inches (1-3/8") from chin to the top of the head, including hair. Photographs must be clear, front view, full face printed with a plain light (white or off-white) background and should be taken by a professional photographer. The photographs shall be given to the Township Clerk or his/her designee for the purpose of preparation of an identification card to be executed by and showing the identity of the actual owner of the license. A valid jitney identification card that has been issued by another municipality in the State of New Jersey to the individual meeting all of the requirements herein shall be accepted by the Township Clerk or his/her designee in lieu of the above.
- 8. If a corporation, partnership or limited liability company, the applicant shall have its corporate officer, partner or member, as applicable, submit two (2) identical two inch by two inch (2" x 2") photographs with an image size of between one inch (1") and one and three eighths inches (1-3/8") from chin to the top of the head, including hair. Photographs must be clear, front view, full face printed with a plain light (white or off-white) background and should be taken by a professional photographer. The photographs shall be given to the Township Clerk or his/her designee for the purpose of preparation of an identification card to be executed by and showing the identity of the actual owner of the license. A valid

jitney identification card that has been issued by another municipality in the State of New Jersey to the individual meeting all of the requirements herein shall be accepted by the Township Clerk or his/her designee in lieu of the above.

- 9. The licensed applicant shall affirm that the jitney business and/or license shall not be used and operated for unlawful purposes and shall comply with applicable laws.
- d. No license to own or operate any jitney shall be granted to any person under the age of twenty-one (21) years, without having had a New Jersey or Pennsylvania driver's license for a period of three (3) years.
- e. It shall be unlawful for any person to drive a jitney within the Township of Upper without first having obtained a jitney license and an identification card, the latter to contain the photograph and signature of the licensee. This identification card shall be produced by the Township Clerk. This identification card shall be carried at all times and prominently displayed while driving or operating a jitney. It shall be unlawful for any jitney operator or licensee to permit anyone else to wear his or her identification card or to refuse to show the same to lawful authorities upon request. A fee of Fifteen Dollars (\$15.00) shall be charged for a replacement identification card. All applicants shall provide such information as the Township Clerk requires, including but not limited to fingerprinting and a Criminal History Record Background Check pursuant to the provisions and requirements of N.J.S.A 40:48-1.4 and N.J.A.C. 13:59-1.1 et seq. Fees and costs in any manner associated with the Criminal History Record

Background Check shall be charged to the applicant and collected by the Township Clerk. A Criminal History Record Background Check for an applicant dated within six months of the date of application that is provided directly from another New Jersey municipality to the Township Clerk may be utilized if it complies with the requirements of N.J.S.A. 40:48-1.4 and N.J.A.C. 13:59-1.1 et seq. The Review Committee shall determine whether or not the applicant is disqualified based upon the results of the Criminal History Record Background Check.

If the applicant is a corporation, limited liability company or partnership, then the following individuals shall be subject to a Criminal History Record Background Check:

- In the event that the applicant is a corporation, the background investigation shall include all officers of the corporation and, if practical, the shareholders.
- In the event that the applicant is a limited liability company, such investigation shall include all officers of the limited liability company and, if practical, the members.
- In the event that the applicant is a partnership, such investigation shall be required of each partner, whether full or limited partners.

### 4-3.3 Township Clerk's Authority.

a. No jitney license shall be recommended or awarded to an applicant by the Township Clerk if it appears:

- 1. That the insurance policy required by law has not been furnished and approved, or the same is insufficient in form or substance to properly safeguard the public interest and safety, or that the policy of insurance is not operative for at least one (1) year; or
- That the applicant has not complied with all the terms and conditions of this section and of the State of New Jersey relevant to such cases, or the applicant is not a person entitled to be licensed hereunder.
- b. The license to own and operate a jitney may be revoked by the Township Clerk for a violation of any of the provisions of this section or any ordinance of the Township relating to traffic, use of streets or for the violation of any State law relating to traffic or use of streets, or for failure to pay any judgment for personal damages arising from the unlawful or negligent operation of a jitney for which the license was issued, or for failure to pay any franchise taxes provided by law and, thereupon, all rights and privileges under the license shall terminate.
- c. Before any license shall be revoked, the holder thereof shall have been notified in writing of the reasons for revocation, and shall be given a public hearing, at which the licensee may be represented by counsel. In addition, the licensee shall be given ten (10) days written notice of the time and place of such hearing. The notice provided hereby shall be served personally or by certified mail, to the address last filed by the person licensed as shown in the office of the Township Clerk. It will also be within the discretion of the Township Clerk to levy a fine and/or suspension should he/she deem revocation too severe a penalty.

- d. It shall further be the duty of the Township Clerk to take all reasonable and prudent steps to assure that the terms and conditions of this section are fulfilled.
- e. Where a licensee has been convicted of a crime in any Municipal, County, State or Federal court, upon conviction, the Township Clerk may revoke the license of the jitney owner upon written notice and hearing.
- f. The Township Clerk and the New Jersey State Police or their designee shall take official cognizance of any and all misconduct, deceit, fraud, subterfuge or actions of any jitney licensee which are against the best interest of the public or the jitney industry itself, regardless of whether or not such actions are specifically covered in this section. It shall also be the direct responsibility of all departments to bring such actions to the notice of the Township Clerk.

### 4-3.4 Vehicle Substitution; Replacement; Unsafe.

- a. The holder of any license shall not substitute or replace any licensed and approved vehicle without the written approval of the Township Clerk unless the substituted vehicle had already received such approval.
- b. The use of any jitney which may be found by the New Jersey State

  Police to be unsafe and not in condition to properly carry passengers

  shall be discontinued from service until such time as it is repaired,

  made safe or put in good condition before being used again.

c. Any jitney that is out of service for any reason is not entitled to any prorated fee reimbursement.

### 4-3.5 Transfer of License.

It shall be unlawful for the holder of any license issued under this section to transfer the license to any person.

### 4-3.6 False Statements.

It shall be unlawful for any person making application for any license or identification card to willfully make any false statement as to any of the matters required to be stated in such application. False statements are grounds to deny or revoke a license.

### 4-3.7 Passengers.

It shall be unlawful to drive or operate any jitney while that jitney is carrying more than thirteen (13) passengers. Each passenger must be seated while the jitney is in motion. Passengers must be treated with courtesy and respect; repeated complaints against drivers will be grounds for disciplinary action initiated by the Township Clerk. For the purpose of this section, children in arms shall not be considered as persons.

### 4-3.8 Liability Insurance.

As a condition for the issuance of a license hereunder, the owner/operator of a jitney shall file with the Township Clerk an insurance policy attesting that the jitney is insured under a policy of comprehensive, general liability insurance with limits of not less than Five Hundred Thousand Dollars (\$500,000.00) per occurrence. Consent shall only continue to be effective and such operation be permitted only so long as such insurance to the full and collectible amount shall

remain in force, during the entire term of the policy. The insurance policy, or an accompanying document, shall obligate the liability insurer to notify the Township Clerk if any change occurs in the policy or if the policy is terminated or canceled for any reason. At which time any such notice is received all licenses shall be revoked immediately.

### 4-3.9 General Rules.

- a. There shall be no smoking on jitneys.
- Only licensed jitney owners and their licensed employees can drive an authorized vehicle.
- c. Only a licensed jitney can be used on a prescribed jitney route.
- d. Unsanitary, inadequate, unclean or unsafe jitneys will not be permitted to operate.
- e. It shall be illegal to use profanity or engage in physical violence either on jitneys or in areas on or near jitney stops.
- f. All accidents must be reported to the New Jersey State Police as soon as possible after the occurrence. Any accident involving damage over Five Hundred Dollars (\$500.00) or personal injury must be reported immediately to the State Police.
- g. All lost and found articles not reclaimed by jitney passengers from the licensed jitney operators will be turned in to the Township Clerk the next business day.
- h. Jitney owners must notify the Township Clerk immediately when a change of license number or registration number occurs.
- i. This section is cumulative of all other applicable laws and ordinances.
- j. No flags, banners or advertising of any kind is permitted on jitneys.

k. The Township Committee of the Township of Upper shall, by resolution, from time to time establish additional rules for the operation of jitneys throughout the Township and shall establish approved routes and fares to be charged to passengers. A copy of all such current rules adopted by the Township Committee, in addition to those set forth above, shall be provided to the holder of each jitney license upon the issuance of said license or upon the adoption of such additional rules.

### 4-3.10 Penalty for Violations.

Any person who shall own and/or operate a jitney without complying with the provisions of this subchapter shall be subject to the following fines, in addition to the revocation of any license issued under this subchapter:

- a. First offense: a fine of not more than Five Hundred Dollars (\$500.00),
   but not less than Fifty Dollars (\$50.00).
- b. Subsequent offenses: a fine of not more than One Thousand Dollars (\$1,000.00), but not less than One Hundred Dollars (\$100.00), imprisonment in the county jail for a period not to exceed 90 days, or both.

**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 4 of the Upper Township Code.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE <u>27<sup>TH</sup> DAY OF MARCH</u>, <u>2017</u> AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE <u>10<sup>TH</sup> DAY OF APRIL</u>, <u>2017</u> AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

BARBARA L. YOUNG, TOWNSHIP CLERK TOWNSHIP OF UPPER

### **CORRESPONDENCE**

### **NEW BUSINESS**

- 20. **Upper Township School District 2016/2017 Project Request.** It was requested that the matter be tabled until the next meeting in order to allow for more review.
- 21. 4th of July Parade along Commonwealth Avenue from Prescott Avenue to Williams Avenue from 10:00 a.m. to 11:30 a.m. Motion by John Coggins, second by Hobie Young, to approve the request. During roll call vote all four Committeemen present voted in the affirmative.
- 22. United Railroad Historical Society of New Jersey, Inc. requests the use of the Tuckahoe Train Station on May 5 and 6, 2017 for the Southern NJ Spring Heritage Festival. Motion by Curtis Corson, second by John Coggins, to approve the request. During roll call vote all four Committeemen present voted in the affirmative.

### **UNFINISHED BUSINESS**

### **DISCUSSION**

23. **Preliminary Flood Insurance Rate Maps**. The Municipal Engineer gave a brief explanation of the changes. After a brief discussion, motion by John Coggins, second by Hobie Young, to accept the Preliminary Flood Insurance Rate Maps, and to direct the Engineer to communicate that acceptance to FEMA. During roll call vote all four Committeemen present voted in the affirmative.

### **PAYMENT OF BILLS**

24. "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 four Committeemen present voted in the affirmative.

Bills approved for payment: \$590,457.87

**Payroll:** \$160,086.77

### REPORT OF MUNICIPAL DEPARTMENTS

- 25. Department of Public Works
- 26. Upper Township Green Team
- 27. Zoning Board of Adjustment 2016 Annual Report

Motion by John Coggins, second by Hobie Young, to accept the reports as submitted. During roll call vote all four Committeemen present voted in the affirmative.

### **PUBLIC COMMENT**

**Robert Holden, Steelmantown,** speaking on behalf of the Historical Preservation Society of Upper Township, Mr. Holden implored the Committee to reinstate the architect fees to the Budget for the proposed Museum at the Old Municipal Building. He also submitted a proposal from Sosh Architects, which outlines their scope of work.

### **CLOSED SESSION**

28. 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. 115-2017 MOTION GOING INTO CLOSED SESSION MARCH 27, 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:**

- 1. Contract negotiation J.P. Bainbridge & Associates, Inc.
- 2. Contract negotiation Shared Services with Cape May County for Fleet Maintenance
- 3. Contract negotiation Communications Officer
- 4. Personnel

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

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

Moved by: John Coggins

Motion seconded by: Edward Barr

During roll call vote all four Committee members present voted in the affirmative

### RECONVENE PUBLIC PORTION OF MEETING

Motion by John Coggins, second by Curtis Corson, to reconvene the public portion of the meeting, with all four Committeemen present voting in the affirmative.

Motion John Coggins, second by Edward Barr, to grant a leave of absence to Donna Haugen until June 22, 2017. During roll call vote all four Committeemen voted in the affirmative.

### **ADJOURNMENT**

There being no further business this evening the meeting was adjourned at 8:43 P.M., with a motion by John Coggins, second by Hobie Young, and all four Committeemen present voting in the affirmative. The next regular meeting is scheduled for April 10, 2017 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC

Bill List

68921 03/27/17 A0075 ADAMS, JOSHUA 126.81 2963

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68922 03/27/17 A0091 ATLANTIC CITY ELECTRIC 6,473.14 2963
68923 03/27/17 A0134 ANSELL GRIMM & AARON, PC 241.36 2963
68924 03/27/17 A0191 ACTION UNIFORM CO. LLC 473.00 2963
68925 03/27/17 A0212 ANCERO, LLC 2,000.00 2963
68926 03/27/17 B0035 BELMONT & CRYSTAL SPRINGS 21.69 2963
68927 03/27/17 B0139 BATTELINI TRANSPORTATION 375.00 2963
68928 03/27/17 B0178 BUGANSKI,PETER R. 479.11 2963
68929 03/27/17 C0048 CAPE MAY COUNTY MUA 31,061.49 2963
68930 03/27/17 C0060 CAPRIONI'S PORTABLE TOILETS 659.00 2963
68931 03/27/17 C0068 COMCAST 550.53 2963
68932 03/27/17 C0077 CHERRY VALLEY TRACTOR SALES 601.55 2963
68933 03/27/17 C0116 CINTAS CORPORATION 103.38 2963
68934 03/27/17 C0124 CMC MUNICIPAL CLERK'S ASSOC. 25.00 2963
68935 03/27/17 C0171 COLONIAL ELECTRIC SUPPLY CO. 90.29 2963
68936 03/27/17 C0182 CDW GOVERNMENT, INC 1,000.00 2963
68937 03/27/17 C0223 CASA PAYROLL SERVICE 242.85 2963
68938 03/27/17 C0247 CMRS-FP 2,000.00 2963
68939 03/27/17 C0279 CASA REPORTING SERVICES LLC 94.00 2963
68940 03/27/17 D0016 DALEYS PIT 540.00 2963
68941 03/27/17 D0071 DLT SOLUTIONS LLC 1,246.14 2963
68942 03/27/17 E0026 ERICH PRINTING INC. 640.00 2963
68943 03/27/17 F0053 FORD, SCOTT & ASSOCIATES 11,000.00 2963
68944 03/27/17 G0016 GARDNER HARDWARE INC. 6.52 2963
68945 03/27/17 G0030 GENERAL SPRING SERVICE 216.46 2963
68946 03/27/17 G0147 GREATAMERICA FINANCIAL SVCS. 170.00 2963
68947 03/27/17 G0157 GRANTURK EQUIPMENT CO., INC. 190.88 2963
68948 03/27/17 H0018 HAROLD RUBIN L & H SUPPLY 138.46 2963
68949 03/27/17 H0073 HOME DEPOT CRC/GECF 10,086.77 2963
68950 03/27/17 H0148 THOMAS H. HEIST INS AGENCY INC 1,360.00 2963
68951 03/27/17 J0072 JERSEY WEB DESIGNS 995.00 2963
68952 03/27/17 K0007 KACZMARSKI, RICHARD 59.00 2963
68953 03/27/17 L0043 LEE RAIN,INC. 198.50 2963
68954 03/27/17 L0080 LOWES, INC. 272.00 2963
68955 03/27/17 L0113 LIBERTY MUTUAL INSURANCE 1,218.00 2963
68956 03/27/17 M0035 MARMORA FIRE CO. DISTRICT #3 140,652.00 2963
68957 03/27/17 M0076 MGL PRINTING SOLUTIONS 101.50 2963
68958 03/27/17 M0080 McMANIMON, SCOTLAND & BAUMANN 7,650.00 2963
68959 03/27/17 M0131 MULFORD, SHAWNA 453.36 2963
68960 03/27/17 M0164 MURPHY FENCE COMPANY. INC. 88.00 2963
68961 03/27/17 M0188 MCCARTHY TIRE SERVICE OF PHILA 2,263.99 2963
68962 03/27/17 M0217 MUNICIPAL EMERGENCY SERVICES 104.00 2963
68963 03/27/17 N0141 NETCARRIER TELECOM, INC. 906.94 2963
68964 03/27/17 N0154 NEW HORIZON COMMUNICATIONS 1,258.91 2963
68965 03/27/17 P0032 PEDRONI FUEL CO. 1,459.83 2963
68966 03/27/17 P0056 TURF EQUIPMENT AND SUPPLY CO 455.66 2963
668967 03/27/17 P0136 POSTNET 1,128.75 2963
68968 03/27/17 R0030 RIGGINS, INC. 2,526.85 2963
68969 03/27/17 R106 RUMER, LISA 260.43 2963
68970 03/27/17 S0018 SUBURBAN PROPANE, LP 71.72 2963
68971 03/27/17 S0065 SEAVILLE FIRE CO. DISTRICT #4 135,721.25 2963
68972 03/27/17 S0092 SHONE, LEROY 270.00 2963
68973 03/27/17 S0108 SOUTHERN NEW JERSEY NIGP 90.00 2963
68974 03/27/17 S0121 SMUZ, THERESE A 27.39 2963
68975 03/27/17 S0134 SO. JERSEY GAS COMPANY 2,031.22 2963
68976 03/27/17 S0209 STAPLES ADVANTAGE 114.68 2963
68977 03/27/17 S0275 SCHAEFER PYROTECHNICS INC. 4,165.50 2963
68978 03/27/17 T0080 TREASURER STATE OF N.J. 100.00 2963
68979 03/27/17 T0117 TUCKAHOE FIRE DISTRICT #2 124,575.00 2963
68980 03/27/17 T0190 TRINITY HEATING & AIR 218.00 2963
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68981 03/27/17 V0001 VCI EMERGENCY VEHICLE 1,340.40 2963

68982 03/27/17 V0005 VAN EMBDEN, NATHAN, ATTORNEY 2,512.50 2963

68983 03/27/17 V0024 VAL-U AUTO PARTS L.L.C. 61.44 2963

68984 03/27/17 V0025 V.E. RALPH & SON,INC. 98.05 2963

68985 03/27/17 W0048 WINNER FORD OF CHERRY HILL 84,548.00 2963

68986 03/27/17 W0087 W.B. MASON 72.37 2963

68987 03/27/17 Y0012 YOUNG,ROBERT 150.00 2963

68988 03/27/17 Y0025 Yoa, Katie 24.20 2963

Total: \$590,457.87