

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR SEPTEMBER 11, 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 L. Young, Municipal Attorney Daniel Young, Municipal Engineer Paul Dietrich, Chief Financial Officer Barbara Spiegel and Township Administrator Scott Morgan.

**APPROVAL OF MINUTES -** August 28, 2017 Regular Meeting and  
Closed Session Minutes

Motion by Edward Barr, second by Hobie Young, to approve the August 28, 2017 Regular Meeting and Closed Session Minutes as submitted. During roll call vote four Committeemen voted in the affirmative. John Coggins abstained.

**REPORT OF GOVERNING BODY MEMBERS**

**John Coggins, Committeeman,** reported that the Upper Township Economic Development Advisory Commission is currently working with a consultant to explore future grant opportunities including grants for Bayfront improvements. He also stated that the Economic Development Advisory Commission will be attending the first meeting in October to ask for feedback from the Committee on the presentation they gave at the August 14, 2017 Township Committee meeting. He also commended the public works department on the recent improvements at Caldwell Park.

**Hobie Young, Committeeman,** complimented the department of public works on the recent improvements at Caldwell Park. He next announced that plans are underway for the 2017 Fall Fest and Pumpkin Run Car Show scheduled for November 4<sup>th</sup> at Amanda's Field. Lastly Mr. Young asked for an update on the environmental review of the Sunset Rd building. Mr. Dietrich stated that he will reach out to the County for a status on the review.

**Edward Barr, Committeeman**, reminded everyone that leaf collection will soon be starting and requested public works place yard signs in the effected neighborhoods to notify residents where the leaves will be collected. Lastly, he complimented the department of public works on the Caldwell Park improvements.

**Richard Palombo, Mayor**, inquired as to the status of the asbestos remediation project at the old Municipal building. The engineer stated that the Consultant is expected to have the plans and specifications ready by next week and after that we can move forward with the bidding process.

### **OTHER REPORTS**

**Scott Morgan, Township Administrator**, reported that September is National Preparedness Month. He urged everyone to have an emergency plan, assemble an emergency kit, learn their evacuation routes and document their valuables. Mayor Palombo also recommended making a list of all medications. Mr. Morgan then stated that there is a link on the Township website for a hurricane preparedness check list.

**Barbara Young, Municipal Clerk**, stated that there would be a change in the order of the agenda this evening, item 10. Authorizing the Upper Township Fall Fest and Pumpkin Run Car Show will be moved to item 16 after the Public hearing and final adoption of Ordinance No. 012-2017.

**Paul Dietrich**, reported that the DEP who is partnering with the National Wildlife Federation have requested an Amendment/Modification to extend the boat ramp grant project; Building Ecological Solutions to Coastal Community Hazards until March of 2018. Motion by John Coggins second by Richard Palombo to approve an extension of the DEP grant project until March of 2018. During roll call vote all five Committee members voted in the affirmative. Lastly Mr. Dietrich reported that the paving project at Caldwell Park is now complete.

**Daniel Young, Municipal Attorney**, reported that there are several items for closed session. He next stated that he received several phone calls and inquiries at his office related to the pending Flood Damage Control Ordinance, and he feels appropriate to give some history, address some of the concerns and clear up some of the inaccurate or incomplete information.

Mayor Palombo stated that since we have Dr. Farrell from the Stockton Coastal Research Center here with us this evening if anyone would like to comment they may do so after Mr. Young is finished explaining.

The Municipal Attorney explained that the Flood Damage Control Ordinance was introduced at the last meeting and is set for public hearing and final adoption on September 25, 2017. He explained the biggest issue is the Coastal A zone designation on the flood maps. In reviewing the history of the maps he indicated that after Superstorm Sandy FEMA released advisory maps and that those maps were based on incomplete data with many previous A zone properties now designated as V zone properties. He explained this occurred on all the barrier

islands and that properties in the V zone require a stricter construction standard because this is considered a high-risk area. He stated that Upper Township, along with many other municipalities, were very concerned about the proliferation of the V zones because we knew that the maps were inaccurate. He explained that Dr. Farrell of the Stockton Coastal Research Center was hired by Upper Township as well as Cape May and Atlantic Counties to review the maps and confirm that they were appropriate. Mr. Young stated that when FEMA issued revised maps many of the V zone properties were moved back to the A zone and those revised maps included a LMWA (limit of moderate wave action) line now which designates what is known as the Coastal A Zone. He explained FEMA recommended but did not require stricter construction standards in the Coastal A Zone. Mr. Young stated Upper Township, along with the other municipalities in Cape May and Atlantic Counties, accepted that line given that stricter construction was only a recommendation and not a requirement. He further explained that after the appeal period for those maps expired the State of New Jersey changed the Construction Code to require all new construction in the Coastal A Zone meet the stricter standards. He indicated the LMWA line is based on an analysis of the geographic area which includes bulkhead height. Mr. Young further explained that there is a process where the LMWA line can be appealed and if the Township does not adopt the pending Flood Control Ordinance by October 5, 2017 we will jeopardize our eligibility in the National Flood Insurance Program. Attorney Young next stated that he received a copy of an email from Riordan Real Estate to Strathmere residents that contains inaccurate and misleading statements. Attorney Young explained that he confirmed with Tom Heist, the Township's Risk Management Consultant and an expert in flood insurance matters, that an A Zone designation in no way affects flood insurance or premiums for current housing, as they are grandfathered. He stated it only effects construction standards for new or significantly renovated homes. Mr. Young stated that it was inferred in the email that Ocean City and Sea Isle took action that Upper Township did not. Mr. Young explained that Ocean City and Sea Isle accepted the A Zone designation just as Upper Township did for the same reasons Upper did because at that time the stricter construction standards were optional. Lastly Mr. Young stated that prior to the introduction of the flood ordinance the Township Committee discussed the flood map revisions at different Committee meetings on at least six separate occasions in public.

Dr. Farrell was then invited to comment.

**Dr. Stewart Farrell, Stockton Coastal Research Center**, explained that Mr. Young's assessment is correct and it is a result of the State changing the building codes in 2017. He explained the municipal appeal inventory of the maps began in late 2015 and ended in 2016. He stated in 2008 Cape May County was mapped from the air using Lidar data, the data collected was used to make the elevation maps that we have today. Dr. Farrell further explained that the advisory maps originally had the properties which were in three feet of water or greater in the V Zone which was made an advisory for future new construction. He indicated this rule backfired in New Jersey and the V Zones were practically eliminated. Dr. Farrell explained that to get a property out of the LMWA line a LOMR letter of map revision is required which individual property owners are eligible to apply for. The Municipal Attorney then recommended that public comment be taken at this meeting and stated that there will also be public comment at the next meeting on September 25, 2017 during the public hearing on the flood ordinance. He also suggested that perhaps as suggested by Mr. Barr a time be set aside to speak in more detail with the residents of Strathmere.

**Mayor Palombo**, then invited the public to comment.

**Gerry Bonsall, Strathmere**, questioned why the Committee did not fight this. Mr. Young explained that the Committee did not contest the maps because at that time the stricter construction standards were not required and were only recommended. He again explained that it wasn't until after the appeal period for contesting the maps that it was required by the change in the state code.

**Dave Townsend, Strathmere**, asked for clarification on the state requirements. He questioned if he would be grandfathered in the event his home was destroyed or required to follow the new building codes. The Municipal Attorney explained that if the cost of the construction is 40% or more than the value of the home then Mr. Townsend would be required to build to the current standards. Mr. Townsend next questioned if an individual homeowner could request an LMR, Dr. Farrell responded that the individual would have the right to file a LMR with FEMA.

**Sean Montgomery Strathmere**, commented on the Bulkhead Ordinance currently in place.

**Mike Azeez, Strathmere**, spoke regarding flooding issues in Strathmere and requested the Township review the present Bulkhead Ordinance requirements.

## **PRESENTATIONS**

1. Honoring the memory of our friend Charles Anthony Adelizzi.

### **TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION**

#### **RESOLUTION NO. 173-2017**

#### **HONORING THE MEMORY OF OUR FRIEND CHARLES ANTHONY ADELIZZI**

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**WHEREAS**, the Upper Township Committee was deeply saddened to learn of the death of Charles Adelizzi , an inspirational individual who tirelessly served our community for many years by generously donating his time to numerous community and charitable organizations; and

**WHEREAS**, born in Somers Point on September 29, 1938, Charles graduated from Ocean City High School in 1956, and after earning his BA in German Literature from Rutgers University in 1962, joined the United States Army and served with the Army Security Agency in Vietnam; and

**WHEREAS**, following his Army service, Charles worked for the Cape May County Department of Health as a health inspector for 33 years, and for the Cape May County Veterans' Bureau as Director and Interment Officer for 12 years; and

**WHEREAS**, as a Vietnam veteran Charles was a member of the Veterans of Foreign Wars (VFW), serving as Commander of the Fraser-Ross-Sack-Watchko Post 8695 in Marmora for three decades. He was recognized as an All-State Commander on several occasions with 2017 being the most recent, and as an All-American Commander in 2003; and

**WHEREAS**, as a proud member of the American Legion Post 239 in Tuckahoe and the Vietnam Veterans of America, Commander Charles led the veterans and boy scouts each Memorial Day and Veterans Day in services at many local cemeteries and memorials, and was involved in raising funds every year for disabled and ailing veterans; and

**WHEREAS**, in addition, Charles was an active and faithful member of Trinity United Methodist Church in Marmora, where he served as a Sunday School teacher and Sunday School Superintendent, and diligently assisted with the Upper Township Food Pantry; and

**WHEREAS**, Charles will always be remembered for being a devoted husband and father, a kind and gentle man of character and dedication, and faithful and conscientious in his service to others; and

**WHEREAS**, it is just and deserving that on behalf of the residents of Upper Township, we honor and celebrate the inspiring life of our fellow citizen and friend Charles; and

**NOW THEREFORE BE IT RESOLVED** that this Township Committee join with all citizens of our community to pay tribute to the exemplary life and tireless service of Charles Anthony Adelizzi, and do hereby extend to Charles's family our most heartfelt sympathy for their loss and the hope that they will be consoled by the memories of his fine life and achievements.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 26<sup>th</sup> day of June, 2017.

2. Congratulating the Upper Township Girls Softball Major Division Team on Becoming the 2017 Little League Girls Softball Major Division New Jersey District 16 Champions.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 228-2017**

**RE: CONGRATULATING THE UPPER TOWNSHIP GIRLS SOFTBALL MAJOR DIVISION  
TEAM ON BECOMING THE 2017 LITTLE LEAGUE GIRLS SOFTBALL MAJOR  
DIVISION NEW JERSEY DISTRICT 16 CHAMPIONS**

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**WHEREAS**, the Upper Township Girls Major Division Softball team had an outstanding 2017 season; and

**WHEREAS**, in June of 2017, the team participated in the 2017 Little League Girls Softball Major Division New Jersey District 16 Championship games, where they decidedly won Game 1 and Game 2 of a three game series to clinch the Championship for their division; and

**WHEREAS**, it is appropriate that on behalf of the citizens of Upper Township we recognize and congratulate the players listed as follows:

Natalie Argento	Eva Crager
Veronica Frost	Kailey Grimley
Molly Haak	Abby Laursen
Katie Laursen	Marley Lind
Devin Muir	Taylor Robinson
Alexia Wheeley	

**WHEREAS**, we also extend this recognition and thanks to Julia Steelman, Tracie Cook and Kellie Cook who have generously given their personal time and service to coach this team; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee on behalf of the citizens of the Township of Upper, to extend to the Upper Township Girls Softball Major Division team, congratulations on becoming the 2017 Little League Girls Softball Major Division New Jersey District 16 Champions, and to each coach heartfelt thanks and gratitude for the generous donation of their time and service to the young people of this community.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 14<sup>th</sup> day of August, 2017.

**RESOLUTIONS**

3. Honoring Shoprite Partners in Caring and the Marmora Shoprite Associates for their fight against hunger.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 261-2017**

**HONORING SHOPRITE PARTNERS IN CARING AND THE MARMORA  
SHOPRITE ASSOCIATES FOR THEIR FIGHT AGAINST HUNGER**

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**WHEREAS**, ShopRite Partners In Caring is a year-round community based, hunger fighting initiative that works with food industry manufacturers providing much needed funds to qualified charitable agencies throughout New York, Connecticut, Delaware, Pennsylvania, Maryland and New Jersey; and

**WHEREAS**, since its inception in 1999, ShopRite Partners In Caring has donated to more than 1,700 charities; and

**WHEREAS**, ShopRite Partners In Caring supports emergency food pantries, homeless shelters, child care centers, battered women's shelters, soup kitchens, senior citizen programs, drug rehab centers, programs for the mentally and physically disabled, after-school

programs and other organizations that aid those in need; and

**WHEREAS**, ShopRite associates have collected donations and held various events, raising funds to support regional food banks in communities served by ShopRite stores; and

**WHEREAS**, the Upper Township Committee wishes to acknowledge and thank the Marmora ShopRite for their generous support of our local Community food bank with donations from events such as the “Help Bag Hunger Day”; 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, this Township Committee expresses its sincere appreciation to ShopRite Partners In Caring and the associates of the Marmora ShopRite store for their efforts in fighting hunger and raising awareness of this significant problem.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 11<sup>th</sup> day of September, 2017.

Resolution No. 261-2017  
Offered by: Barr                      Seconded by: Palombo  
Adopted: September 11, 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. Authorizing the Chief Financial Officer to sign renewal agreements with Horizon Blue Cross Blue Shield of New Jersey for Medical and Prescription Insurance.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 262 -2017**

**RE: AUTHORIZING THE CHIEF FINANCIAL OFFICER TO  
SIGN RENEWAL AGREEMENTS WITH HORIZON BLUE CROSS BLUE SHIELD  
OF NEW JERSEY FOR MEDICAL AND PRESCRIPTION INSURANCE**

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**WHEREAS**, the Township wishes to accept renewal agreements with Horizon Blue Cross Blue Shield of New Jersey, attached hereto as Exhibit A, to provide medical and prescription drug coverage for eligible employees effective October 1, 2017; and

**WHEREAS**, the renewal of said agreements will be for a period of October 1, 2017 to September 30, 2018.

**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 renewal agreements between the Township of Upper and Horizon Blue Cross Blue Shield of New Jersey are approved and the Chief Financial Officer is hereby authorized, directed and empowered to execute said renewal 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. 262-2017

Offered by: Coggins                      Seconded by: Barr

Adopted: September 11, 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	_____	_____	_____

5. Appointing Carol Marcolongo as a part-time employee in the office of the Municipal Court.

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

**RESOLUTION NO. 263-2017**

**RE: APPOINTING CAROL MARCOLONGO AS A PART-TIME EMPLOYEE  
IN THE OFFICE OF THE MUNICIPAL COURT**

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**WHEREAS**, a need exists to appoint qualified personnel as a part-time employee in the Office of the Municipal Court to insure optimal operation; and

**WHEREAS**, a recommendation has been made to the Township Committee and duly considered at the meeting of August 14, 2017; and

**WHEREAS**, this Resolution is intended to ratify the action heretofore taken; 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. Carol Marcolongo is hereby appointed to a part-time position in the office of the Municipal Court at an hourly rate of \$15.00 in accordance with the Salary Ordinance.

3. This Resolution ratifies, confirms and approves action taken by the Township Committee at the meeting of August 14, 2017.

Resolution No.263-2017

Offered by: Corson                      Seconded by: Barr

Adopted: September 11, 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. Appointing an Official to bid at the Tax Sale scheduled for October 3, 2017.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 264-2017**

**RE: APPOINTING AN OFFICIAL TO BID AT THE  
TAX SALE SCHEDULED FOR OCTOBER 3, 2017**

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**WHEREAS**, a Tax Sale is scheduled to be conducted by the Tax Collector of the Township of Upper on October 3, 2017 at 10:00 A.M.; and

**WHEREAS**, the Township Committee has duly considered the matter and has determined to take the action hereinafter designated.

**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 Municipal Finance Officer, Barbara Spiegel and or the Municipal Clerk, Barbara Young are hereby designated and appointed as the officials who may bid at said Tax Sale on behalf of the Township of Upper on the scheduled date, as well as on any other date to which the Tax Sale may be adjourned.
3. The Municipal Finance Officer, Barbara Spiegel and or the Municipal Clerk, Barbara Young are hereby authorized to expend on behalf of the Township, up to \$1,000.00 in order to purchase Tax Liens.

Resolution No. 264-2017

Offered by: Coggins

Seconded by: Young

Adopted: September 11, 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>	<u>      </u>	<u>      </u>	<u>      </u>
Palombo	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

7. Cancel Municipal Tax Lien on Block 683, Lot 7.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 265-2017**

**CANCEL MUNICIPAL TAX LIEN ON BLOCK 683, LOT 7**

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**WHEREAS**, certain corrections have been recommended by the Upper Township Tax Collector in order to correct tax records; and,

**WHEREAS**, the Township became the owner of Block 683 Lot 7 known as 8 Harbor Road on the Current Official Tax Map of the Township of Upper; and,

**WHEREAS**, title was conveyed to the Township of Upper by Hartines Inc. by way of deed dated April 22, 2002 and recorded August 23, 2017 at the Cape May County Clerk’s Office in book D3747 at page 585; and,

**WHEREAS**, the Township of Upper holds Tax Sale Certificate #200418 issued November 30, 2004 and recorded at the Cape May County Clerk’s Office on December 14, 2004 in book M3998 at page 826; 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. 265-2017  
Offered by: Coggins                      Seconded by: Barr  
Adopted: September 11, 2017

Roll Call Vote:				
NAME	YES	NO	ABSTAINED	ABSENT
Barr	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

Coggins	<u>  X  </u>	_____	_____	_____
Corson	<u>  X  </u>	_____	_____	_____
Young	<u>  X  </u>	_____	_____	_____
Palombo	<u>  X  </u>	_____	_____	_____

CANCEL MUNICIPAL TAX LIENS

<u>BLOCK</u>	<u>LOT</u>	<u>TSC#</u>	<u>AMOUNT</u>
683	7	200418	\$1,290.63

8. Certification of costs for abatement of nuisance on Block 653.01, Lot 4.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 266-2017**

**CERTIFICATION OF COSTS FOR ABATEMENT OF NUISANCE ON  
BLOCK 653.01 LOT 4**

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**WHEREAS**, pursuant to Township Code Section 11-1, the Township Committee is empowered to enforce the removal of fire hazards and nuisances, including the clearing of obnoxious growth; and

**WHEREAS**, resolution #221-2017 adopted July 24, 2017 authorized the Zoning Officer to serve a notice of violation to certain property owners describing the violation and stating that unless the violation is abated, removed or remedied within 10 days from the date of such notice the violation shall be abated, removed and remedied by the Township and the cost thereof shall be assessed as a lien against such land; and

**WHEREAS**, 10 days passed from the date of such notice of violation with no response from the property owners and the Township thereafter remedied the violation; and

**WHEREAS**, pursuant to Township Code Section 11-1 and N.J.S.A. 40:48-2.14, the Township Principal Public Works Manager has certified the costs of remedying the said

violations as set forth on the list attached hereto as Exhibit A; and

**WHEREAS**, the Township Committee now wishes that said certified costs become a lien upon such lands and be added to and become and form part of the taxes assessed and levied against such lands pursuant to Township Code Section 11-1.8 and N.J.S.A. 40:48-2.13.

**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 declares that the costs as set forth on the attached list shall be certified to the Township Tax Collector as a lien against the land in question which lien shall become and form a part of the taxes assessed and levied upon such land pursuant to Township Code Section 11-1.8 and N.J.S.A. 40:48-2.14.

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

Resolution No. 266-2017

Offered by: Coggins

Seconded by: Barr

Adopted: September 11, 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>	_____	_____	_____

**CLEARING OF OBNOXIOUS GROWTH**

<b><u>BLOCK/LOT</u></b>	<b><u>AMOUNT</u></b>	<b><u>LOCATION</u></b>
653.01/4	\$260.00	10 RT US 9 SO

9. Appointing Louis M. Belasco, CTA to act as Tax Assessor for matters in which the regular Township Tax Assessor may have a conflict of interest.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 267-2017**

**RE: APPOINTING LOUIS M. BELASCO, CTA TO ACT AS TAX  
ASSESSOR FOR MATTERS IN WHICH THE REGULAR TOWNSHIP  
TAX ASSESSOR MAY HAVE A CONFLICT OF INTEREST**

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**WHEREAS**, Louis M. Belasco, CTA has submitted a proposal to perform the duties of Tax Assessor for the Township of Upper for matters in which the regular Township Tax Assessor has a conflict of interest; and

**WHEREAS**, the Township wishes to accept said proposal and to authorize the execution of a contract with Louis M. Belasco, CTA 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**, Louis M. Belasco, CTA has completed and submitted a Business Entity Disclosure Certification which certifies that Louis M. Belasco, CTA 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 Louis M. Belasco, CTA 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. Louis M. Belasco, CTA is hereby appointed to perform the duties of Tax Assessor for matters in which the regular Township Tax Assessor has a conflict of interest.

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 Louis M. Belasco, CTA has professional knowledge as to tax assessment 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 Louis M. Belasco, CTA for Tax Assessor 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 Louis M. Belasco, CTA 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. 267-2017

Offered by: Coggins                      Seconded by: Barr

Adopted: September 11, 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 Mayor and Township Clerk to sign a contract with Shore Animal Control Services, LLC for Animal Control Services in Upper Township.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 268-2017**

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A  
CONTRACT WITH SHORE ANIMAL CONTROL SERVICES, LLC FOR  
ANIMAL CONTROL SERVICES IN UPPER TOWNSHIP**

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**WHEREAS**, Shore Animal Control Services, L.L.C. has submitted a proposal to the Township for animal control services; and

**WHEREAS**, the Township wishes to accept said proposal and to authorize the execution of a contract with Shore Animal Control Services, L.L.C.; and

**WHEREAS**, the proposed contract has been reviewed and approved by the Municipal Attorney and will be on record in the office of the Township Clerk and available for public inspection; and

**WHEREAS**, Shore Animal Control Services, L.L.C. has completed and submitted a Business Entity Disclosure Certification which certifies that Shore Animal Control Services, L.L.C. 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 Shore Animal Control Services, L.L.C. 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 Shore Animal Control Services, L.L.C. to provide animal control services within the Township of Upper commencing September 15, 2017.
3. Shore Animal Control Services, L.L.C. 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.
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 Shore Animal Control Services, L.L.C. has professional knowledge as to animal control services 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**

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 Shore Animal Control Services, L.L.C. for animal control 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 has provided proof of that registration to the Township of Upper.

8. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Shore Animal Control Services, L.L.C. 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.

9. 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.

10. This Resolution shall be effective as of adoption.

Resolution No. 268-2017

Offered by: Corson                      Seconded by: Barr

Adopted: September 11, 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>	_____	_____	_____

11. Authorizing a contract with Atlantic Investigations, LLC for an alcohol and controlled substances training and testing program.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 269-2017**

**RE: AUTHORIZING A CONTRACT WITH ATLANTIC INVESTIGATIONS, LLC  
FOR AN ALCOHOL AND CONTROLLED SUBSTANCES TRAINING  
AND TESTING PROGRAM**

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**WHEREAS**, the Omnibus Transportation Employee Testing Act of 1991 became applicable to the Township of Upper in 1996 in accordance with 49 C.F.R. §382.115(B) and mandates drug and alcohol testing for employees holding commercial driver's licenses engaged in safety sensitive duties, and further requires each employer to maintain a testing policy as required by 49 C.F.R. §382.401(C)(6)(ib); and

**WHEREAS**, the Township has previously determined to extend that policy to all employees working in hazardous or safety sensitive areas and also to public safety employees including the Division of EMS and Township lifeguards; and

**WHEREAS**, to administer such a program in accordance with the Federal rules, regulations and guidelines, it is necessary to employ the services of a firm possessing such specialized skill and training; and

**WHEREAS**, Atlantic Investigations, LLC has the required expertise to provide such services; and

**WHEREAS**, the Township Committee intends to engage the services of Atlantic Investigations, LLC as a Professional Services Contract; and

**WHEREAS**, Atlantic Investigations, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the contractor 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 the contractor from making any contributions through the term of the contract; 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 herein by this reference.

2. Atlantic Investigations, LLC, with offices at 583 13th Street, Suite 101 Hammonton, NJ 08037, is hereby appointed to administer an alcohol and controlled substances training and testing program in compliance with Federal rules, regulations and guidelines and Township policy and to provide other training and testing services as the Township may request.

3. This Contract has been awarded without competitive bidding for the following reason or reasons:

- (A) Professional services of the type herein sought are of such a nature as to require a high degree of trust or confidence in the individual providing the service and, in fact, may require the creation of a confidential or fiduciary relationship between that individual and the municipality;
- (B) The services required are highly specialized or technical in nature;
- (C) The services require peculiar ability or skill and demand a high degree of specialized knowledge or expertise;
- (D) The services are such that their relative work must be judged by subjective considerations that are not susceptible of valuation by competitive bidding; and
- (E) The individual who will provide these services has demonstrated his competence and particular expertise in the services required.

4. This contract shall have a term of one (1) year commencing upon full execution.

**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 Atlantic Investigations, 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.

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 Atlantic Investigations, 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. Atlantic Investigations, LLC 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.

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. 269-2017

Offered by: Barr                      Seconded by: Young

Adopted: September 11, 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>

12. Authorizing the purchase of recycling collection equipment and parts and for the Chief Financial Officer to withdraw funds in the amount of \$27,402.00 from the account entitled Recycling Trust Account for such purposes.

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

RESOLUTION NO.270-2017

**RE: AUTHORIZING THE PURCHASE OF RECYCLING COLLECTION EQUIPMENT AND PARTS AND FOR THE CHIEF FINANCIAL OFFICER TO WITHDRAW FUNDS IN THE AMOUNT OF \$27,402.00 FROM THE ACCOUNT ENTITLED RECYCLING TRUST ACCOUNT FOR SUCH PURPOSES**

---

**WHEREAS**, it is necessary for the Township of Upper to purchase certain recycling collection equipment; and

**WHEREAS**, the Township has available \$27,402.00 in the Recycling Trust account to purchase trash and recycling containers, along with necessary parts; and

**WHEREAS**, the Township's QPA has reviewed and approved the quote for the trash and recycling containers, along with necessary parts from Cascade Engineering of Grand Rapids, Michigan; and

**WHEREAS**, the Qualified Purchasing Agent has determined and certified in writing that the value of the acquisition with Cascade Engineering of Grand Rapids, Michigan for the year 2017 will exceed \$17,500; and

**WHEREAS**, Cascade Engineering has completed and submitted a Business Entity Disclosure Certification which certifies that Cascade Engineering 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 Cascade Engineering from making any reportable contributions through the term of the contract.

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

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

2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the purchase of trash and recycling containers, along with necessary parts to be used for repairs in the amount of \$27,402.00 from the Recycling Trust Account.

3. The Chief Financial Officer of the Township of Upper is hereby authorized, directed and empowered to withdraw funds in the amount of \$27,402.00, from the account entitled Recycling Trust Account to pay for trash and recycling containers, along with necessary parts to be used for repairs and is empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 270-2017

Offered by: Barr

Seconded by: Coggins

Adopted: September 11, 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>	_____	_____	_____

**ORDINANCES**

13. **Public hearing and final adoption of Ordinance No. 011-2017 RE: AN ORDINANCE AMENDING ORDINANCE NO. 017-2016 KNOWN AS THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2017.** During the public hearing portion there were no speakers. Motion by Hobie Young, second by John Coggins, to adopt Ordinance No. 011-2017. 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. 011-2017**

**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 at Section 2, is hereby amended as hereinafter provided for the line items as indicated below:

**SECTION 2: SALARIES:**

**C. CODE ENFORCEMENT/ZONING ENFORCEMENT:**

<b><u>POSITIONS</u></b>	<b><u>MINIMUM</u></b>	<b><u>MAX-2017</u></b>
<b>Plumbing Subcode Official (P/T)</b>	<b>No Min.</b>	<b>20,000.00</b>
<b>Fire Prot. Subcode Official (P/T)</b>	<b>No Min.</b>	<b>15,000.00</b>
<b>Temp. Const. Code/Bldg. Subcode</b>	<b>No Min.</b>	<b>35.00/Hr.</b>
<b>Temp. Plumbing Subcode Official</b>	<b>No Min.</b>	<b>35.00/Hr.</b>
<b>Temp. Fire Prot. Subcode Official</b>	<b>No Min.</b>	<b>35.00/Hr.</b>

**E. PUBLIC WORKS/SPORTS AND RECREATIONAL PROGRAMS:**

<b><u>POSITION</u></b>	<b><u>MINIMUM</u></b>	<b><u>MAX-2017</u></b>
<b>General Supervisor Public Works</b>	<b>12,500.00</b>	<b>88,000.00</b>
<b>Supervisor Sanitation</b>	<b>12,500.00</b>	<b>82,000.00</b>
		<b>I.</b>
		<b>II.</b>

**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 14<sup>th</sup> DAY OF AUGUST, 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 11<sup>th</sup> DAY OF SEPTEMBER, 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

14. **Public hearing and final adoption of Ordinance No. 012-2017 RE: AN ORDINANCE AMENDING CHAPTER XXVI OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF UPPER WHICH ESTABLISH REQUIREMENTS FOR THE USE OF TOWNSHIP FACILITIES.** During the public hearing portion there were no speakers. Motion by Hobie Young, second by John Coggins, to adopt Ordinance No. 012-2017. 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. 012-2017**

**AN ORDINANCE AMENDING CHAPTER XXVI OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF UPPER WHICH ESTABLISH REQUIREMENTS FOR THE USE OF TOWNSHIP FACILITIES**

---

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

**SECTION 1:** Chapter XXVI of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended to add the following Section 26-2.3:

26-2.3 Admission Fees, Vendor Fees and Participant Fees.

The Township may hold and sponsor events at Township facilities and charge fees for admission to the event and for vendors or others to participate in the event. The Township Committee shall, by resolution, set forth the amount to be charged for admission and for vendors and participants at each event. Such resolution may include terms and conditions for admission to the event and for the participation of a vendor or participant at the event.

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

**SECTION 3: 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 4: EFFECTIVE DATE:** This Ordinance shall take effect immediately upon final adoption and publication as required by law.

**SECTION 5: CODIFICATION:** This Ordinance shall be codified in Chapter XXVI 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 14<sup>th</sup> OF AUGUST, 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 11<sup>th</sup> DAY OF SEPTEMBER, 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

**RESOLUTIONS CONTINUED**

15. Authorizing the Upper Township Fall Fest and Pumpkin Run Car Show to be held on November 4, 2017 at Amanda's Field and setting the admission, vendor, and participant fees.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 271-2017**

**RE: AUTHORIZING THE UPPER TOWNSHIP FALL FEST AND  
PUMPKIN RUN CAR SHOW TO BE HELD ON NOVEMBER 4, 2017  
AT AMANDA'S FIELD AND SETTING THE ADMISSION, VENDOR,  
AND PARTICIPANT FEES**

---

**WHEREAS**, Section 26-2.3 of the Code of Upper Township authorizes the Township to hold and sponsor events at Township facilities and charge fees for admission to the event and for vendors or others to participate in the event; and

**WHEREAS**, the Township of Upper desires to hold an Upper Township Fall Fest and Pumpkin Run Car Show on November 4, 2017, (rain date November 5, 2017), at Amanda's Field; and

**WHEREAS**, appropriate advice and approvals from the Township's Risk Management Consultant, the New Jersey State Police, and the Division of EMS shall be obtained prior to the event; 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 authorize the Upper Township Fall Fest and Pumpkin Run Car Show to be held on November 4, 2017, with a rain date scheduled for November 5, 2017, at Amanda's Field.

3. The following fees will be charged for participation/admission to the Upper Township Fall Fest and Pumpkin Run Car Show:

- A. Food Vendor Fee - \$50.00, per 10 x 15 space
- B. Non Food Vendor Fee - \$15.00, per 10 x 15 space
- C. Fee for Each Show Car, Motorcycle, Truck or other vehicle - \$15.00; vehicles participating in a special presentation requested by the Township shall not be charged a fee
- D. Event Parking Admission - \$5.00 per vehicle; no vehicles larger than an SUV; no charge for pedestrians

4. All Vendors will be assigned their spaces prior to arrival and will be required to provide their own canopy/tent, table, chairs, electricity, and any other equipment or supplies they may need for their space.

5. If a Vendor currently has insurance in place, a Certificate of Insurance shall be requested naming the Township of Upper, its officials, officers, and employees as additional insureds.

6. All Food Vendors shall submit a Temporary Food Vendor Application to the Cape May County Department of Health, and shall follow the “Guidelines for Compliance with Chapter 24, Subchapter 8 Temporary Retail Food Establishments” as established by the Cape May County Department of Health.

7. The Township of Upper reserves the right to limit the size, amount, and type of Vendors that will participate during the event.

8. The Township Administrator shall have the authority to establish such additional rules, terms or conditions relating to the event as may be appropriate due to safety, cost or efficiency reasons, including any such terms or conditions recommended by the New Jersey State Police, the Township Department of EMS or the Township’s Risk Management Consultant.

9. 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. 268-2017

Offered by: Young

Seconded by: Palombo

Adopted: September 11, 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>

**CORRESPONDENCE**

**NEW BUSINESS**

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

**2017 Assessment Report of Fire Districts**

**Strathmere Fire Company**

The Fire Commissioners follow the State requirements for adopting their annual budget. They retain the services of Michael Bohrer as their CPA for the Board, who attends their meetings and provides a number of reports for the Commissioner's review, including an actual budget vs. cash on hand report. The Fire Commissioners reported that checks are signed by two Commissioners after approval. They stated they have good attendance at their public meetings. This past year each Commissioner was assigned budget lines to be analyzed for cost savings. They saw savings in insurance and utilities. Kenneth E. Yeutter, CPA, performed their annual audit; no audit findings for 2016. The Board of Fire Commissioners does not have any capital purchases planned for 2016 and have zero debt. Each year their budget includes a line item of approximately \$10,000 for new apparatus.

The Fire Company recruited two new members this year and they have two active Junior Firefighters. A capital purchase they plan for the upcoming year is to replace garage doors, which they will care the cost with the Fire Commissioners. Last year they purchased a new truck with no financing. They have a ten-year plan for any long range planning and discuss possible revisions to it each fall. They currently have surplus funds invested in three CDs.

**Tuckahoe Fire Company**

The Fire Commissioners reported they were delayed slightly posting their required documents monthly to their website because of the Township's recent webmaster change. Ford Scott Associates performs their annual audit; no audit findings for 2016 but one clerical comment. They follow the State requirements for adopting their annual budget that is prepared by Ford Scott. The Board of Fire Commissioners does not have plans for any capital purchases in the upcoming year, but they do help the fire company with purchases. If they have surplus funds, it is applied to the next budget year to help offset taxes.

The Fire Company offers LOSAP, a pension program for volunteers to help encourage volunteerism. They currently have six active junior firefighters but are losing two of them. One to the Navy and one to college. For capital purchases, they have ordered a rescue pumper and expect delivery by the end of 2018. They will also be looking into renovating their hall in the upcoming year. The fire company lost their ladder truck last year because of increasing maintenance costs. They will put the replacement of the ladder truck into their long-range plan. Any surplus funds carry over to lower a truck payment or pay down outstanding debt.

**Marmora Fire Company**

The Fire Commissioners follow the State requirements for adopting their annual budget. They retain the services of Michael Bohrer, who pays all their bills and serves as their Treasurer. The Fire Commissioners contract with the fire company for the building and fire services. At each of their meetings, a finance package is provided to the members. They report that all checks are signed by two Commissioners and each year they meet with an insurance agent for possible savings. They report they have good claims experience. The Commissioners hired a new auditor, Kenneth Yeutter for a savings of approximately \$3,000. There were no audit findings for 2016. The Board of Fire Commissioners uses surplus for capital and emergency purchases. They just needed to replace a hydraulic engine at a cost of \$55,000. They are currently working on specifications for a new truck and are looking into the use of a national cooperative to save money.

The Fire Company reports they try to recruit new members through the schools, looking for non-legacy members. They have offered a LOSAP program to reward long-term members for their volunteerism since mid-1990s. They offer a Junior Firefighter Program with three new members. Capital purchases they are currently working on are replacing a 20-year old piece of truck, gear lockers and a back apron repair. The company is still paying on their building addition loan. Their long-range plan includes replacing their ladder truck. They reported on their cash management policy that requires two person control. It also requires that cash collected from the fund drives is counted and taken to the bank by two people. Social events are paid for through the fire companies fundraising efforts. The Chief's house is listed as a delivery point for security measures. They explained that on one is at the fire house during the day to take delivers so the Chief's house is a more secure place to leave packages. The fire company reports back to the Fire Commissioners annually on all major projects.

**Seaville Fire Company**

The Fire Commissioners reported they were delayed slightly posting their required documents monthly to their website because of the Township's recent webmaster change. There were no findings in their 2016 audit. They follow the State requirements for adopting

their annual budget. They have no capital purchases planned for the upcoming year. The Fire Commissioners carry \$6,000 to pay bills at the beginning of the following year.

The Fire Company encourages volunteerism by participating in Career Day at Ocean City High School, holding a Fire Camp and a Fire Prevention Open House. They also offer LOSAP, a pension program for volunteers. They currently have four active junior firefighters and one cadet. They have approximately 40 active members. The fire company expects to replace a 17-year old tanker by the end of 2018. They will use funds from a truck savings account to help offset the cost. The fire company explained their long-range plan is in the five-year time frame. The plan included potential growth in the community and at the time did not see a need for any expansion of the company. Their plan is set to be revised in the upcoming year. The fire company used \$300,000 of surplus funds to paid off a 2013 truck so surplus funds are depleted currently. They are debt free on all their equipment. This past May they refinanced their loan on the fire house that balloons every five years.

**17. Request for a property tax payment plan for Block 573, Lot 13.** The Municipal Attorney explained the tax collector received a request from a property owner who is delinquent on their taxes to pay the delinquency over a five-year period and that the statue allows for this with the Committee’s approval. He explained that the payment plan would be conditioned upon the property owner remaining current on all subsequent real estate taxes and the payment plan would include interest on the unpaid tax at the same rate the Township would receive if the lien were sold at tax sale. He advised that if the property owner is delinquent on any of the payments then the agreement will be voided and the property will go to tax sale. The Clerk was directed to place a resolution on the next agenda to formally authorize the agreement.

## **UNFINISHED BUSINESS**

### **DISCUSSION**

### **PAYMENT OF BILLS**

**17. “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 Curtis Corson. During roll call vote all five Committeemen voted in the affirmative.

**Bills approved for payment: \$125,779.36**

**Payroll: \$200,376.89**

## **REPORT OF MUNICIPAL DEPARTMENTS**

- 18. Clerk’s Office
- 19. Construction
- 20. Division of EMS
- 21. Finance
- 22. Municipal Court
- 23. 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**

**Ted Kingston, Strathmere**, commented on the Townships Bulkhead requirements and questioned how it is determined which properties are placed in the Coastal A Zone. Dr. Farrell briefly explained how FEMA determines this.

**Daniel Lee, Strathmere**, voiced his opposition regarding the Township decision to support the County installation of rumble strips on Commonwealth. He also requested that the Township urge the County to reduce the speed limit and Install a bike/pedestrian lane along the length of Commonwealth for the safety of everyone using the road. The Municipal Attorney stated that although this is a different issue there have been resolutions adopted in the past asking for reduced speed limits in specific areas along Commonwealth and a letter was recently sent to the County regarding the rumble strips asking for the strips to be placed only on roads with speed limits fifty miles per hour and over.

**Merry May, President of the Greater Tuckahoe Area Merchants Association**, inquired if the Township is considering the purchase of the property next to the Community Center to expand the parking lot at the Center. Paul Dietrich responded that there are two parcels one of which is in foreclosure and the other is bank owned, he has left several voice mails for the bank manager but the manager has yet to return his calls. Ms. May next requested that signage be placed at the entrance to Tuckahoe stating that you are entering the town of Tuckahoe, although there is a sign that states you are entering Upper Township she would like to see an additional sign that says entering Tuckahoe since it is its own unique little town.

**Jason Lebardi, Strathmere** commented regarding the proposed placement rumble strips on Commonwealth by the County and requested that the Township adopt a resolution urging the County to reduce the speed limit on Commonwealth Avenue throughout Strathmere.

### **CLOSED SESSION**

24. 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. 272-2017  
MOTION GOING INTO CLOSED SESSION  
SEPTEMBER 11, 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. Litigation - Holt v. Upper Township Zoning Board of Adjustment, et al.
2. Contract negotiation - Appraisal Services
3. Personnel

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

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

Moved by: John Coggins

Motion seconded by: Richard Palombo

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

**RECONVENE PUBLIC PORTION OF MEETING**

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

Motion John Coggins, second by Richard Palombo to appoint Raymond Poudrier as temporary Fire Protection Subcode Official in the Upper Township Construction Code Office, on a 30-day basis effective September 11, 2017, at a rate of \$35.00 per hour. During roll call vote all five Committee members voted in the affirmative.

**ADJOURNMENT**

There being no further business this evening the meeting was adjourned at 9:50 P.M., with a motion by John Coggins, second by Richard Palombo, and all five Committeemen voting in the affirmative. The next regular meeting is scheduled for Monday September 25, 2017 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC  
Municipal Clerk

Bill List

69942 09/11/17 A0004 A COMMERCIAL OFFICE CLEANERS 1,050.00 2986  
 69943 09/11/17 A0018 ACTION SUPPLY INC. 877.21 2986  
 69944 09/11/17 A0025 ADVANTAGE RENTAL ACE HARDWARE 890.21 2986  
 69945 09/11/17 A0091 ATLANTIC CITY ELECTRIC 17,768.57 2986  
 69946 09/11/17 A0134 ANSELL GRIMM & AARON, PC 981.60 2986  
 69947 09/11/17 A0191 ACTION UNIFORM CO. LLC 312.00 2986  
 69948 09/11/17 A0193 ATLANTIC INVESTIGATIONS, LLC 700.00 2986  
 69949 09/11/17 A0212 ANCERO, LLC 15,428.00 2986

69950 09/11/17 B0035 BELMONT & CRYSTAL SPRINGS 31.66 2986  
69951 09/11/17 C0068 COMCAST 145.88 2986  
69952 09/11/17 C0072 CATERINA SUPPLY INC. 70.50 2986  
69953 09/11/17 C0116 CINTAS CORPORATION 64.75 2986  
69954 09/11/17 C0143 CODY'S POWER EQUIPMENT 63.20 2986  
69955 09/11/17 C0171 COLONIAL ELECTRIC SUPPLY CO. 574.00 2986  
69956 09/11/17 C0223 CASA PAYROLL SERVICE 294.75 2986  
69957 09/11/17 C0283 CUSTOM-BANDAG, INC 251.28 2986  
69958 09/11/17 D0129 DINO'S DINER 180.00 2986  
69959 09/11/17 G0141 GENTILINI CHEVROLET 490.53 2986  
69960 09/11/17 G0157 GRANTURK EQUIPMENT CO., INC. 457.35 2986  
69961 09/11/17 H0030 HILLEGASS, F. THOMAS 700.00 2986  
69962 09/11/17 H0131 HPI PROCESSES, INC 1,375.54 2986  
69963 09/11/17 H0148 THOMAS H. HEIST INS AGENCY INC 0.00 09/11/17 VOID 0  
69964 09/11/17 H0148 THOMAS H. HEIST INS AGENCY INC 26,713.00 2986  
69965 09/11/17 J0079 JAMES WYERS LANDSCAPING, LLC 100.00 2986  
69966 09/11/17 K0086 K D NATIONAL FORCE SECURITY 2,425.50 2986  
69967 09/11/17 K0096 Kolimaga, Tara A. 41.44 2986  
69968 09/11/17 K0097 Karayiannis George 21.44 2986  
69969 09/11/17 L0080 LOWES, INC. 55.45 2986  
69970 09/11/17 M0121 McCROSSON, JANET 39.59 2986  
69971 09/11/17 M0188 MCCARTHY TIRE SERVICE OF PHILA 972.61 2986  
69972 09/11/17 M0247 MORGAN, SCOTT 74.16 2986  
69973 09/11/17 M0252 MCAGC 40.00 2986  
69974 09/11/17 N0004 NJ-AMERICAN WATER CO. 230.70 2986  
69975 09/11/17 N0043 NAPA AUTO PARTS 340.56 2986  
69976 09/11/17 N0131 DEFINED CONTRIB RETIRE PROGRAM 163.94 2986  
69977 09/11/17 N0144 NJ E-ZPASS SERVICE CENTER 75.00 2986  
69978 09/11/17 P0032 PEDRONI FUEL CO. 2,202.84 2986  
69979 09/11/17 P0078 PRO VIDEO ENGINEERING 4,014.85 2986  
69980 09/11/17 R0029 RIDDELL/ALL AMERICAN 4,441.94 2986  
69981 09/11/17 R0030 RIGGINS, INC. 4,246.66 2986  
69982 09/11/17 R0115 RID PEST CONTROL INC. 55.00 2986  
69983 09/11/17 S0015 SMYTH, PATRICIA 50.00 2986  
69984 09/11/17 S0056 SEASHORE ASPHALT CORPORATION 335.89 2986  
69985 09/11/17 S0322 Stroh Gerald 21.44 2986  
69986 09/11/17 T0032 THE PRESS OF ATLANTIC CITY 227.22 2986  
69987 09/11/17 T0168 TOWNSHIP OF UPPER 308.30 2986  
69988 09/11/17 T0173 TRIANGLE COMMUNICATIONS, LLC 5,201.52 2986  
69989 09/11/17 T0193 Thompson Patricia 20.00 2986  
69990 09/11/17 U0067 UT HEALTH REIMB. ACCOUNT 2,496.28 2986  
69991 09/11/17 V0013 VERIZON WIRELESS 1,126.45 2986  
69992 09/11/17 V0024 VAL-U AUTO PARTS L.L.C. 537.50 2986  
69993 09/11/17 V0046 VARGO ASSOCIATES 5,900.00 2986  
69994 09/11/17 W0087 W.B. MASON 1,028.91 2986  
69995 09/11/17 W0088 WAWA INC 1,882.99 2986  
69996 09/11/17 X0008 XEROX FINANCIAL SERVICES 662.40 2986  
69997 09/11/17 Y0008 YOUNG, DANIEL J. ESQUIRE PC 17,018.75 2986

Total: \$125,779.36