

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR SEPTEMBER 25, 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 - September 11, 2017 Regular Meeting and Closed Session Minutes

Motion by Edward Barr, second by Hobie Young, to approve the September 11, 2017 Regular Meeting and Closed Session Minutes as submitted. During roll call vote all five Committeemen voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

OTHER REPORTS

Scott Morgan, Municipal Administrator, reported that in preparation for Hurricane Jose a pre-storm survey was conducted in Strathmere on September 19th, thankfully the impact of the storm was minor and the cleanup needed after the storm of the beach front and boat ramp locations were minimal. He also reported that beginning in October the Upper Township website will include information on the public works schedule for brush collection. Mr. Morgan next requested that the list of items in the 2016 Bond Ordinance be repurposed for a vehicle for the Construction Code Official and communication equipment for the Office of Emergency Management. The CFO explained that the funds are available in the bond, however the specific purposes are not listed correctly and a revision is needed to specifically

state the purposes. Under the line for purchase of equipment additional funds are available for the purchase an additional vehicle and under the Office of Emergency Management funds which were previously purposed for an OEM Trailer are available for the purchase of Communications Equipment. Motion by Curtis Corson, second by John Coggins to amend the Bond Ordinance for the repurpose of the items listed in the 2016 Bond Ordinance to list the purchase of an additional vehicle and Communications Equipment. During roll call vote all five Committee members voted in the affirmative. He also reported on the following items; as of today, Protection One our new Security Monitoring Company has completed the upgrades to our Key Card and Security Systems, Commercial dumpsters have been delivered to businesses throughout the Township and lastly the Office of Emergency Management will soon be adding a new repeater (telecommunications device) to the New Jersey American Water tower in Strathmere, this will replace the old repeater previously housed at the Upper Township Rescue Squad. The device will enhance communications for our Beach Patrol, Strathmere Fire Department and our Public Works Department.

Barbara Young, Municipal Clerk, reminded everyone that the next Committee meeting will be held on a Tuesday, October 10, 2017.

Daniel Young, Municipal Attorney, reported that there are several items for closed session including contract negotiations, litigation, safety and security, and personnel. He also reported on a request submitted to the Township Administrator by the Construction Code Official. He explained that the first thing is regarding the installation of Pilings, Mr. Cooper feels that notice should be sent out to all residents within 200 feet prior to the installation of pilings and that the installation of pilings should be monitored by an engineer. The second is regarding new construction versus the remodeling of a home. Mr. Cooper feels that a detailed demolition plan should be supplied to the Zoning Officer prior to demolition of the home to ensure compliance with zoning requirements. The Municipal Attorney recommended that if the Committee agrees a letter be sent to the Planning and Zoning Board for their review, comment and recommendations. Motion by John Coggins, second by Richard Palombo to direct the Clerk to send the request from the Construction Code Official to the Planning and Zoning Board for review comment and recommendations. During roll call vote all five members voted in the affirmative.

Paul Dietrich, Township Engineer, reported on the asbestos abatement project for the old Municipal building; he received the bid specs and plans from the consultant which will soon be ready for review and technical completeness. He next reported that he met recently with public works to investigate work needed on the septic system and the Rescue Squad building, plans for that should be done this week so that quotes for the project can be obtained so that the work can be done before the end of October. Lastly Mr. Dietrich reported that he has been working with the Township Administrator on a FEMA grant program. He explained that FEMA offers assistance through its Flood Mitigation Assistance Program and Severe Repetitive Loss Program for homeowners who have experienced severe repetitive damage to their property and stated that notices were sent out to over thirty property owners that were eligible for this grant, four applications for the program have been received and those have been submitted to the consultant for review and submission to the State and FEMA.

Hobie Young, Committeeman, reported that he met with Baseball last week to go over the improvements needed to the Baseball Field and the design of the press box at Amanda's

Field. Mr. Young stated that Baseball is willing to contribute to the improvements to ensure that the work is completed prior to the start of their next season. He next thanked the Clerk and her staff for their help in organizing the Fall Fest and Pumpkin Run Car show scheduled for Saturday November 4th, at Amanda's Field from 8:00 a.m. to 4:00 p.m., and announced that an organizational meeting is scheduled for this Wednesday at 10:30 a.m. and a meeting for vendors will be scheduled sometime in the coming weeks.

RESOLUTIONS

1. Designating the date and time for Trick or Treat in Upper Township.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 273-2017

**RE: DESIGNATING THE DATE AND TIME FOR
TRICK OR TREAT IN UPPER TOWNSHIP**

WHEREAS, for many years, the Township of Upper has selected October 31st from 5:00 PM to 8:00 PM as Trick or Treat for residents of Upper Township and others; and

WHEREAS, the Township wishes to continue this tradition of providing a designated time for Trick or Treat in celebration of Halloween; 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 that said Committee hereby pronounces October 31, 2017 from 5:00 PM until 8:00 PM as Trick or Treat Night, and does hereby urge all community members participating in this activity to incorporate the use of safety procedures for a safe and enjoyable event.

Resolution No. 273-2017

Offered by: Young Seconded by: Palombo

Adopted: September 25, 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>	_____	_____	_____
Young	<u> X </u>	_____	_____	_____
Palombo	<u> X </u>	_____	_____	_____

2. Authorizing the purchase of dune fencing in the amount of \$35,940.00 from the 2011 Capital Improvement Bond Ordinance.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 274-2017

**RE: AUTHORIZING THE PURCHASE OF DUNE FENCING IN THE AMOUNT OF
\$35,940.00 FROM THE 2011 CAPITAL IMPROVEMENT BOND ORDINANCE**

WHEREAS, it is necessary for the Township of Upper to install dune fence in the Strathmere section of Upper Township; and

WHEREAS, the Township Committee adopted the 2011 Capital Improvement Bond Ordinance 019-2011 on August 9, 2011; and

WHEREAS, the Township’s QPA has reviewed and approved the quote to supply and install dune fence in the Strathmere section of Upper Township provided by JOLA Site Contractors, LLC; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of the services with JOLA Site Contractors, LLC for the year 2017 will exceed \$17,500; and

WHEREAS, JOLA Site Contractors, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that JOLA Site Contractors, LLC has not made any reportable contributions to a political or candidate committee in the Township in the previous one year, and that the contract will prohibit JOLA Site Contractors, LLC from making any reportable contributions through the term of the contract.

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

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

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 authorizes that an additional separate cash drawer fund be maintained in the Municipal Court Offices in the amount of \$100.00 effective immediately.

Resolution No. 275-2017

Offered by: Coggins Seconded by: Young

Adopted: September 25, 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>	_____	_____	_____

4. Appointing Raymond Poudrier as a temporary employee to the Upper Township Construction Code Office to serve as Fire Protection Subcode Official.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 276-2017

**RE: APPOINTING RAYMOND POUDRIER AS A TEMPORARY EMPLOYEE TO
THE UPPER TOWNSHIP CONSTRUCTION CODE OFFICE TO SERVE AS
FIRE PROTECTION SUBCODE OFFICIAL**

WHEREAS, there is a need by the Township of Upper to appoint a temporary employee to the Upper Township Construction Code Office to insure optimal operation; and

WHEREAS, Raymond Poudrier possesses the requisite licenses as required by the New Jersey Uniform Construction Code to serve as a temporary Fire Protection Subcode Official; and

WHEREAS, there are delinquent property taxes for the years 2016 and 2017 in the amount of \$5,262.14; 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 reference.
2. The total amount owed by property owners Robert and Barbara Haley for the property located at 10 Klains Lane in Marmora, New Jersey for unpaid taxes on Block 573 Lot 13, is \$5,262.14.
3. The property owners Robert and Barbara Haley will pay One Hundred and Thirty-Three Dollars and Sixty-Two Cents (\$133.62) per month to the Township of Upper on the second of each, beginning October 2, 2017, for a period of Sixty (60) months, which will conclude on September 2, 2022.
4. The Township's agreement to accept such a payment plan is conditioned upon the property owners, Robert and Barbara Haley, continuing to pay all subsequent real estate taxes, assessments and any other Municipal liens imposed in a prompt manner and remaining current on all said obligations during the term of this agreement.
5. If the property owners Robert and Barbara Haley falls delinquent on any of the payments required under this agreement, or any subsequent tax, assessment and/or Municipal lien obligations, then said agreement shall be void and the Township officer charged by law with the duty to collect said Municipal liens and taxes shall proceed to enforce the current Municipal lien by selling it in the manner prescribed under New Jersey law.
6. This Resolution ratifies, confirms and approves actions taken by the Township Committee, by Motion, at the meeting of September 11, 2017.

Resolution No. 277-2017

Offered by: Coggins

Seconded by: Barr

Adopted: September 25, 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>

6. Authorizing the Mayor and Township Clerk to sign a contract with Brinkerhoff Environmental Services, Inc. for Asbestos Safety Control Monitoring Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 278-2017

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN
A CONTRACT WITH BRINKERHOFF ENVIRONMENTAL SERVICES, INC.
FOR ASBESTOS SAFETY CONTROL MONITORING SERVICES**

WHEREAS, the Township of Upper has a need for professional services with regard to the asbestos abatement of the Upper Township Old Town Hall, located at 1721 Mount Pleasant Road in Tuckahoe; and

WHEREAS, Brinkerhoff Environmental Services, Inc. has submitted a proposal to the Township to provide said professional services; and

WHEREAS, the Township wishes to accept said proposal and to authorize the execution of a contract with Brinkerhoff Environmental Services, Inc.; and

WHEREAS, Brinkerhoff Environmental Services, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Brinkerhoff Environmental Services, Inc. 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 Brinkerhoff Environmental Services, Inc. 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 Brinkerhoff Environmental Services, Inc. with offices at 1805 Atlantic Avenue, Manasquan, New Jersey, 08736, to provide Asbestos Safety Control Monitoring Services with regard to the asbestos abatement of the Upper Township Old Town Hall.
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 Brinkerhoff Environmental Services, Inc. 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 Brinkerhoff Environmental Services, Inc. for professional consultant services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

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

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

9. This Resolution shall be effective as of adoption.

Resolution No. 278-2017

Offered by: Young

Seconded by: Barr

Adopted: September 25, 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>	_____	_____	_____

7. Authorizing the Engineer to solicit bids for the abatement and removal of asbestos containing material at Upper Township Old Town Hall.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 279-2017

**RE: AUTHORIZING THE ENGINEER TO SOLICIT BIDS FOR THE
ABATEMENT AND REMOVAL OF ASBESTOS CONTAINING MATERIAL
AT UPPER TOWNSHIP OLD TOWN HALL**

WHEREAS, the Township Committee of the Township of Upper has determined a need for the abatement and removal of asbestos containing material at Upper Township old Town Hall, located at 1721 Mount Pleasant Road in Tuckahoe; and

WHEREAS, pursuant to the provisions of the Local Public Contracts Law, the Township of Upper intends to solicit bids as herein indicated; 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 Engineer is hereby authorized and directed to solicit bids for

the following:

- a) Abatement and removal of asbestos containing material at Upper Township Old Town Hall.
3. Sealed bids shall be received by the Township of Upper in accordance with the directives contained in the Notice to Bidders.

Resolution No. 279-2017

Offered by: Young Seconded by: Coggins

Adopted: September 25, 2017

Roll Call Vote:

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

8. Appointing Louis A. Bonato as an Appraiser for the Township of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 280-2017

**RE: APPOINTING LOUIS A. BONATO AS AN APPRAISER
FOR THE TOWNSHIP OF UPPER**

WHEREAS, the Township periodically requires an appraiser to provide services to obtain the fair market value of lots owned by the Township with respect to the anticipated sale of said lots; and

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

WHEREAS, Louis A. Bonato has completed and submitted a Business Entity Disclosure Certification which certifies that Louis A. Bonato 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 A. Bonato from making any contributions through the term of the contract; and

WHEREAS, the Township has decided to acquire the services of Louis A. Bonato as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; 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 A. Bonato with offices at 22 Mockingbird Lane, Petersburg, New Jersey is hereby appointed appraiser for the Township of Upper for the appraisal of lots in connection with the Township's anticipated sale to land owners.
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 A. Bonato has professional knowledge as to appraisal issues 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 Louis A. Bonato for appraisal 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 Louis A. Bonato 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. 280-2017
Offered by: Coggins

Seconded by: Palombo

Adopted: September 25, 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>	___	___	___

9. Refund EMS Ambulance Billing Overpayments to UnitedHealthcare Insurance Company and Family Life Insurance Company.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 281-2017

**RE: REFUND EMS AMBULANCE BILLING OVERPAYMENTS
TO UNITEDHEALTHCARE INSURANCE COMPANY AND FAMILY LIFE
INSURANCE COMPANY**

WHEREAS, overpayments have occurred in the accounts of two EMS ambulance billing patients, where the monies sent to the Township of Upper by United Healthcare Insurance Company and Family Life Insurance Company were in excess as evidenced by the attached copies of letters attached hereto as Exhibit A and B.

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

<u>AMOUNT</u>	<u>NAME</u>
\$91.38	United Healthcare Insurance Company Check Control P.O. Box 740819 Atlanta, GA 30374-0819
\$105.86	Family Life Insurance Company 10777 Northwest Freeway Houston, TX 77092

Resolution No. 281-2017

Offered by: Barr

Seconded by: Corson

Adopted: September 25, 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>

10. Authorizing the Mayor to sign and submit a Municipal Aid Grant application for Fiscal Year 2018.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 282-2017

**RE: AUTHORIZING THE MAYOR TO SIGN AND SUBMIT A
MUNICIPAL AID GRANT APPLICATION FOR FISCAL YEAR 2018**

WHEREAS, the Township of Upper wishes to take advantage of Municipal Aid Grants that will be available for Fiscal Year 2018; and

WHEREAS, the Township Committee fully supports and endorses the actions of the Township Engineer in his filing of the grant application for the following grant program:

FY 2018 Municipal Aid for Roadway Preservation

This program provides grants to municipalities for roadway improvements. The project will involve the reconstruction of Bayview Drive – Phase 3 from South of Prescott Avenue to Sherman Avenue in the Strathmere Section of the Township of Upper, which will include roadway reconstruction, curb & sidewalk improvements and drainage improvements.

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, Engineer and Clerk of the Township of Upper are hereby authorized, directed and empowered to submit an electronic grant application identified as MA-2018 - Reconstruction of Bayview Drive – Phase – 00394 to the New Jersey Department of Transportation 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.

4. The Mayor and clerk are hereby authorized to sign the grant agreement on behalf of the Township of Upper and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

5. A certified copy of this Resolution shall be provided to the Township Engineer for insertion into each Municipal Aid Grant Application for Fiscal year 2018.

Resolution No. 282-2017

Offered by: Coggins

Seconded by: Barr

Adopted: September 25, 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>

11. **Authorizing the purchase of a 2018 Ford F150 Crew Cab 4 X 2 and Options and for the Chief Financial Officer to withdraw funds in the amount of \$33,613.00 from the account entitled Recycling Trust Account for such purposes.** After a brief discussion, there was a motion by John Coggins, second by Curtis Corson, to table the resolution. During roll call vote all five Committeemen voted in the affirmative.

12. Chapter 159 Resolution for the insertion of a special item of revenue into the 2017 budget that was not determined at the time of the adoption of the budget—New Jersey Department of Transportation Municipal Aid Program in the amount of \$158,000.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 283-2017

RE: CHAPTER 159 RESOLUTION FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE INTO THE 2017 BUDGET THAT WAS NOT DETERMINED AT

**THE TIME OF THE ADOPTION OF THE BUDGET—NEW JERSEY
DEPARTMENT OF TRANSPORTATION MUNICIPAL AID PROGRAM IN THE
AMOUNT OF \$158,000**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township of Upper will receive an amount of \$158,000 from the New Jersey Department of Transportation’s (NJDOT) Municipal Aid Program and wishes to amend its 2017 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Upper hereby requests the Director of the Division of Local Government Services approve the insertion of an additional item of revenue in the budget of the year 2017 in the sum of \$158,000, which is now available as a revenue from:

REVENUE: STATE & FEDERAL REVENUE OFFSET WITH APPROPRIATIONS:
2017 NJDOT MUNICIPAL AID PROGRAM, and

BE IT FURTHER RESOLVED that a like sum of \$158,000 be and the same is hereby appropriated under the caption of:

APPROPRIATION: STATE AND FEDERAL PROGRAMS OFFSET BY REVENUE:
2017 NJDOT MUNICIPAL AID PROGRAM, and

BE IT FURTHER RESOLVED, that the Chief Financial Officer submit an electronic filing form for Insertion of Special Items of Revenues and Appropriations to the Director of Local Government Services.

Resolution No. 283-2017

Offered by: Corson

Seconded by: Coggins

Adopted: September 25, 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>

13. Chapter 159 Resolution for the insertion of a special item of revenue into the 2017 budget that was not determined at the time of the adoption of the budget—Cape May County

Open Space Program for the Harbor Road Bike/Pedestrian Gateway project in the amount of \$500,000.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 284-2017

RE: CHAPTER 159 RESOLUTION FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE INTO THE 2017 BUDGET THAT WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET—CAPE MAY COUNTY OPEN SPACE PROGRAM FOR THE HARBOR ROAD BIKE/PEDESTRIAN GATEWAY PROJECT IN THE AMOUNT OF \$500,000

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township of Upper will receive an amount of \$500,000 from the Cape May County Open Space Program and wishes to amend its 2017 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Upper hereby requests the Director of the Division of Local Government Services approve the insertion of an additional item of revenue in the budget of the year 2017 in the sum of \$500,000, which is now available as a revenue from:

REVENUE: STATE & FEDERAL REVENUE OFFSET WITH APPROPRIATIONS:
CAPE MAY COUNTY OPEN SPACE PROGRAM-HARBOR ROAD BIKE/PEDESTRIAN
GATEWAY PROJECT, and

BE IT FURTHER RESOLVED that a like sum of \$500,000 be and the same is hereby appropriated under the caption of:

APPROPRIATION: STATE AND FEDERAL PROGRAMS OFFSET BY REVENUE:
CAPE MAY COUNTY OPEN SPACE PROGRAM-HARBOR ROAD BIKE/PEDESTRIAN
GATEWAY PROJECT, and

BE IT FURTHER RESOLVED, that the Chief Financial Officer submit an electronic filing form for Insertion of Special Items of Revenues and Appropriations to the Director of Local Government Services.

Resolution No. 284-2017

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.

5. A copy of this Resolution shall be forwarded to the appropriate Cape May County and New Jersey state officials.

Resolution No. 285-2017

Offered by: Corson

Seconded by: Palombo

Adopted: September 25, 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>	___	___	___

15. Tax refund Block 306, Lot 14.02 and Block 623, Lot 4.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 286-2017

**TAX REFUND
BLOCK 306 LOT 14.02 AND BLOCK 623 LOT 4**

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. 286-2017

Offered by: Coggins

Seconded by: Barr

Adopted: September 25, 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>	___	___	___

REFUND

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
306/14.02	\$57.09	Andrew Barnum 149 Laurie Meadows Dr
623/4	<u>\$5.65</u>	#279 San Mateo, CA 94403
Total	\$62.74	

2017 Taxes paid on in error

16. Authorizing a notice of violation and abatement of nuisance pursuant to Township Code Section 11-1.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 287-2017

**RE: AUTHORIZING A NOTICE OF VIOLATION AND ABATEMENT OF NUISANCE
PURSUANT TO TOWNSHIP CODE SECTION 11-1**

WHEREAS, pursuant to Township Code Section 11-1, the Township Committee is empowered to enforce the removal of public health hazards, safety hazards, fire hazards and nuisances, including the clearing of obnoxious growths, filth, garbage, trash and debris; and

WHEREAS, the Upper Township zoning officer has determined that the properties listed and attached hereto as Exhibit A each contain a public nuisance, obnoxious growths, filth, garbage, trash or debris as indicated which must be removed; and

WHEREAS, pursuant to Upper Township Code Section 11-1 and N.J.S.A. 40:48-2.13, the Township Committee is authorized to cause a Notice of Violation to be sent to each owner and/or foreclosing lien holder describing the violation and stating that unless the violation is abated, removed and 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 said land; and

WHEREAS, the Township Committee has determined that said Notice of Violation shall be served upon each owner and/or foreclosing lien holder forthwith; 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 zoning officer is hereby directed to serve a Notice of Violation pursuant to Township Code Section 11-1 describing the violation and nuisance upon each owner and/or foreclosing lien holder of the properties listed on Exhibit A, attached hereto.
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. 287-2017

Offered by: Young

Seconded by: Barr

Adopted: September 25, 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>	___	___	___

ORDINANCES

- 17. Public Hearing and Final Adoption of Ordinance No. 013-2017 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XVIII (FLOOD DAMAGE CONTROL) AND CHAPTER XIX (LAND SUBDIVISION AND SITE PLAN) OF THE CODE OF UPPER TOWNSHIP.** The Township Attorney explained that this Ordinance is required by FEMA and must be adopted by October 5th to remain eligible in the National Flood Insurance program.

During the public hearing, there were the following speakers:

Dave Townsend, South Bayview Avenue, Strathmere, gave a summary of a letter he sent to Township Committee on September 23rd regarding the designation of flood zones in Strathmere. He also spoke regarding the regulations for bulkheads and compared the requirements of 1980 to the requirements of today in relation to flood zones. He requested that the Township delay their vote on the Ordinance tonight for further review. Mayor Palombo stated that to delay the vote on the Ordinance tonight will jeopardize our enrollment in the National Flood Insurance program. A lengthy discussion and explanation on construction standards for homes in the flood zone and elevation requirements for bulkheads was then had.

Ed Tetterer, Sherman Avenue, Strathmere, questioned how the Coastal A zone in Strathmere was determined. Dr. Farrell then explained how FEMA determines this.

Charles Cauff, Marshallville Rd, Tuckahoe, questioned how the new Flood Insurance Maps and flood zones will affect his property on Marshallville Road. Mr. Cauff stated that in the eighteen years that he has lived on the property he has never had a problem with flooding. Mr. Dietrich gave an explanation on the new maps in relation to Mr. Cauffs property and offered to go over the maps in more detail with Mr. Cauff during office hours.

Dr. Stewart Farrell explained that according to FEMA, due to limitations of the map scale and the source maps used to prepare the Flood Insurance Rate Maps small areas may have been inadvertently shown in a Flood Hazard Area (SFHA) on the Flood Insurance Rate Maps (FIRM) even though the property is on ground at or above the Base (1 percent annual chance) Flood Elevation (BFE). Dr. Farrell explained that If a property owner feels their property was inadvertently mapped in a Special Flood Hazard Area part of the process to dispute this would include getting a licensed Surveyor to survey their property. He explained that if any point of their property is below the BFE then the property would be included the flood zone.

Patricia Erickson, Bayview Dr. Strathmere, questioned how residents would be effected if the Committee votes no on the Ordinance. Mayor Palombo explained that enrollment in the National Flood Insurance program will be jeopardized if the Committee does not adopt the Ordinance this evening. Ms. Erickson also discussed the current bulkhead requirements.

Mayor Palombo then closed the public hearing. Motion by Edward Barr, second by Hobie Young, to adopt Ordinance 013-2017. 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. 013-2017

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE
CHAPTER XVIII (FLOOD DAMAGE CONTROL) AND CHAPTER XIX (LAND
SUBDIVISION AND SITE PLAN) OF THE CODE OF UPPER TOWNSHIP**

WHEREAS, the FEMA has prepared a new Flood Study and Flood Insurance Rate Maps for Cape May County and the New Jersey Department of Environmental Protection has adopted new model ordinance for the Special Flood Hazard Zone; and

WHEREAS, the Township Committee finds it appropriate to amend Chapter XVIII (Flood Damage Control) of the Code of Upper Township; and

WHEREAS, the Township Committee also finds it is appropriate to amend Chapter XIX of the Code of Upper Township to clarify site plan requirements for mining, excavation and fill activities; and

WHEREAS, the Township Committee referred these ordinance amendments to the Upper Township Planning Board; and

WHEREAS, the Township Planning Board discussed and reviewed this proposed ordinance and determined it is consistent with the Upper Township Master Plan Reexamination; and

WHEREAS, the ordinance revisions and amendments herein are substantially consistent with the Upper Township Master Plan and the Master Plan Reexamination Report and Land Use Plan Amendment of January 2011, as amended; and

WHEREAS, the Township Committee finds that the ordinance revisions herein are substantially consistent with the Land Use Plan Element and Master Plan Reexamination to date;

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 18 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

Revise existing **Section 18-1.2 Statement of Purpose** with the following:

18-1.2 Statement of Purpose.

It is the purpose of this Chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- a. To protect human life and health.

- b. To minimize expenditure of public money for costly flood control projects.
- c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- d. To minimize prolonged business interruptions.
- e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, and streets and bridges located in areas of special flood hazard.
- f. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.
- g. To ensure that potential buyers are notified that property is in an area of special flood hazard.
- h. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

Add the following to **Section 18-2 Definitions**:

AO Zone shall mean areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

AH Zone shall mean areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone.

Coastal A Zone shall mean the portion of the Special Flood Hazard Area (SFHA) starting from a Velocity (V) Zone and extending up to the landward Limit of the Moderate Wave Action delineation. Where no V Zone is mapped the Coastal A Zone is the portion between the open coast and the landward Limit of the Moderate Wave Action delineation. Coastal A Zones may be subject to wave effects, velocity flows, erosion, scour, or a combination of these forces. Construction and development in Coastal A Zones is to be regulated the same as V Zones/Coastal High Hazard Areas.

Cumulative substantial improvement shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure that equals or exceeds forty (40%) percent of the market value of the structure at the time of the improvement or repair when counted cumulatively for 10 years.

Existing Manufactured Home Park or Subdivision shall mean a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Floodplain Management Regulations shall mean zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Freeboard shall mean a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Highest Adjacent Grade shall mean the highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

Historic Structure shall mean any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved State program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in States without approved programs.

New construction shall mean structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision shall mean a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

Primary frontal dune shall mean a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves from coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from the relatively steep slope to a relatively mild slope.

Recreational vehicle shall mean a vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand dunes shall mean naturally occurring or man-made accumulations of sand in ridges or mounds landward of the beach.

Variance shall mean a grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

Violation shall mean the failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Replace existing **Section 18-2 Definitions** with the following:

Appeal shall mean a request for a review of the local administrator's interpretation of any provision of this Chapter or a request for a variance.

Area of special flood hazard shall mean the land in the floodplain within a community subject to a one (1%) percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

Base flood elevation shall mean the flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. For zones VE and V1-30 the elevation represents the stillwater elevation (SWEL) plus wave effect (BFE = SWEL + wave effect) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Best available flood hazard data shall mean the effective Flood Insurance Risk Maps or most recent Advisory Flood Hazard Area Maps FEMA has provided.

Best available flood hazard data elevation shall be depicted on the effective FIRM or FIS, or an Advisory Flood Hazard Area Map or Advisory FIS.

Coastal high hazard area shall mean an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Development shall mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

Elevated building shall mean a non-basement building (a) built in the case of a building in an area of special flood hazard to have the top of the elevated floor, or in the case of a building in a coastal high hazard area or Coastal A Zone, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the base flood elevation plus freeboard by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water; and (b) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In an area of special flood hazard, "elevated building" shall also include a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In areas of coastal high hazard and Coastal A Zones, "elevated building" shall also include a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

Flood Insurance Study shall mean the official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map and the water surface elevation of the base flood.

Flood protection elevation shall mean the elevation that a structure must be elevated to in all special flood hazard areas and advisory flood hazard areas. Said elevation shall be two (2') foot higher than the best available flood hazard data elevation.

Manufactured home shall mean a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel

trailers and other similar vehicles. The term "manufactured home" does not include a "Recreational vehicle".

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act [P.L. 97-348]) shall include substantial improvement, and mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as a clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Substantial improvement shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure during a 10-year period the cost of which equals or exceeds forty (40%) percent of the market value of the structure before the "start of construction" of the improvement. Substantial improvement also means "cumulative substantial improvement." This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed or "repetitive loss." The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local Code Enforcement Officer and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Replace existing **Section 18-3.2** with the following:

18-3.2 Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazard for the Township of Upper, Community No. 340159 identified by the Federal Emergency Management Agency are identified and defined on the following documents:

- a. Scientific and engineering report entitled "The Flood Insurance Study (FIS) for the Cape May County, New Jersey (All Jurisdictions)" dated October 5, 2017, with accompanying Flood Insurance Rate Maps for Cape May County, New Jersey (All Jurisdictions)" as shown on Index and panels 34009C0017F, 34009C0028F, 34009C0029F, 34009C0036F, 34009C0037F, 34009C0039F, 34009C0041F, 34009C0042F, 34009C0043F, 34009C0044F, 34009C0061F, 34009C0062F, 34009C0063F, 34009C0064F, 34009C0066F, 34009C0067F, 34009C0068F, 34009C0069F, 34009C0086F, 34009C0088F, 34009C0131F, 34009C0132F, 34009C0134F, 34009C0151F, 34009C0152F, 34009C0153F, 34009C0154F, 34009C0156F, 34009C0157F, 34009C0158F, 34009C0159F, 34009C0162F, 34009C0166F, whose effective date is October 5, 2017, is hereby adopted and declared to be a part of this Chapter. The Flood Insurance Study and the Flood Insurance Rate Maps are on file in the office of the Township Clerk, Township Hall, 2100 Tuckahoe Rd, Petersburg, New Jersey.

- b. *Best Available Flood Hazard Data.* These documents shall take precedence over effective panels and FIS in construction and development regulations only. Where the Special Flood Hazard Area (SFHA) and the Advisory Flood Hazard Area (AFHA) maps conflict or overlap, whichever imposes the more stringent requirement shall prevail.

Replace existing **Section 18-3.3** with the following:

18-3.3 Penalties for Noncompliance.

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations. Violation of the provisions of this Chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one thousand (\$1,000.00) dollars or imprisoned for not more than ninety (90) days, or both, for each violation and, in addition, shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation.

Replace existing **Section 18-4.1 through 4.4** with the following:

18-4.1 Establishment of Development Permit.

A development permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in subsection 18-3.2. Application for a development permit shall be made on forms furnished by the Construction Official and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the areas in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b. Elevation in relation to mean sea level to which any structure has been floodproofed;
- c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in subsection 18-5.2, paragraph b;
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

18-4.2 Designation of the Local Administrator.

The Construction Official and the Floodplain Manger are hereby each appointed as the Local Administrator to implement applicable portions of this Chapter by granting or denying development permit applications in accordance with its provisions.

18-4.3 Duties and Responsibilities of the Local Administrator.

Duties of the Local Administrator shall include, but not be limited to:

- a. Permit Review.

1. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
 2. Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
 3. Review all development permits in the coastal high hazard and Coastal A Zone area of the area of special flood hazard to determine if the proposed development alters sand dunes or other natural coastal protections so as to increase potential flood damage.
 4. Review plans for walls to be used to enclose space below the base flood level in accordance with section 18-5.3b4).
- b. Use of Other Flood Data. When base flood elevation and floodway data has not been provided in accordance with subsection 18-3.2, Basis for Establishing the Areas of Special Flood Hazard, the Township shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer subsection 18-5.2, Specific Standards.
- c. *Information to Be Obtained and Maintained.*
1. Obtain and record the actual elevation in relation to 1988 North American Vertical Datum (NAVD) of the lowest floor (including basement) of all new or substantially improved structures and whether or not the structure contains a basement.
 2. For all new or substantially improved floodproofed structures:
 - (a) Obtain and record the actual elevation actual elevation in relation to 1988 North American Vertical Datum (NAVD) to which the structure has been floodproofed.
 - (b) Maintain the floodproofing certifications required in subsection 18-4.1, paragraph c.
 3. Maintain for public inspection all records pertaining to the provisions of this Chapter.
 4. In Coastal High Hazard and Coastal A Zone areas, certification shall be obtained from a registered professional engineer or architect that the provisions of 18-5.3b 1. And 18-5.3b, 2(a) and 2(b).
- d. *Alteration of Watercourse.*
1. Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Control and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 2. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.
- e. *Interpretation of FIRM Boundaries.* Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection 18-4.4.
- f. *Substantial Damage Review.*
1. After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.

2. Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section.
3. Ensure substantial improvements meet the requirements of sections 18-5.2a SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 18-5.2b, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

18-4.4 Variance Procedure.

a. *Appeal Board.*

1. The Zoning Board as established by N.J.S.A. 40:55D-1 et seq. (the Municipal Land Use Law) shall hear and decide appeals and requests for variances from the requirements of this Chapter, as this Chapter and Ordinance No. 014-2012 relate to the nature and extent of the uses of land and of buildings and structures thereon pursuant to N.J.S.A. 40:55D-6.
2. The Zoning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this Chapter.
3. Those aggrieved by the decision of the Zoning Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided in NJSA 40:55D-17h & 18.
4. In passing upon such applications, the Zoning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Chapter, and:
 - (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity to the facility of a waterfront location, where applicable;
 - (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems, and streets and bridges.
5. Upon consideration of the factors of subsection 18-4.4a,4. and the purposes of this Chapter, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.

6. The Local Administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

b. *Conditions for Variances.*

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in paragraphs (a)—(k) of subsection 18-4.4a 4., have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection 18-4.4a 4., or conflict with existing local laws or ordinances.
6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
7. Notwithstanding any provision contained within to the contrary, no variance shall be given unless the applicant/appellant can establish a factual basis therefor pursuant to N.J.S.A. 40:55D-70 as interpreted by applicable judicial decision.

Replace existing **Section 18-5.1a2** with the following:

2. All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

Replace existing **Section 18-5.1c.4** with the following:

4. For all new construction and substantial improvement the electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding or one (1') foot above grade if not part of substantial improvement or new construction.

Replace existing **Section 18-5.1e** with the following:

Enclosure Openings. For all new construction and substantial improvements, fully enclosed areas below the flood protection that are usable solely for parking of vehicles, building access or storage in an area other than a basement, level that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two (2) exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1') foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Replace existing **Section 18-5.1f** with the following:

Enclosure Conversion. No enclosure below the flood protection level shall be converted to habitable living space and shall not be utilized for any use other than access, utility and storage. The owner shall file a deed restriction for this area agreeing to this subsection and shall be to the benefit of the Township of Upper.

Delete the existing **Section 18-5.1g**:

Replace existing **Section 18-5.2** with the following:

18-5.2 Specific Standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in subsections 18-3.2 and 18-4.3 b the following standards are required:

a. *Residential Construction.*

1. For Coastal A Zone construction see Section 18-5.3 Coastal High Hazard Area and Coastal A Zone.
2. New construction and substantial improvement of any residential structure located in an A or AE Zone shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor, including basement and utilities (electrical, heating, ventilation, plumbing, duct work and air-conditioning equipment), be elevated to or above the flood protection elevation.

b. *Nonresidential Construction.*

1. For Coastal A Zone construction see Section 18-5.3 Coastal High Hazard Area and Coastal A Zone.
2. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor, including basement and utilities (electrical, heating, ventilation, plumbing, duct work and air-conditioning equipment), be elevated to or above the flood protection elevation; or together with attendant utility and sanitary facilities, shall:
 1. Be flood proofed so that below the flood protection elevation the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in subsection 18-4.3, paragraph c, 2.
- c. *Manufactured Homes.*
1. Manufactured homes shall be anchored in accordance with subsection 18-5.1, paragraph a, 2.
 2. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall
 - i. Be consistent with the need to minimize flood damage,
 - ii. Be constructed to minimize flood damage,
 - iii. Have adequate drainage provided to reduce exposure to flood damage, and
 - iv. Be elevated on a permanent foundation such that the bottom of the lowest horizontal structural member of the lowest floor including utilities (electrical, heating, ventilation, plumbing, duct work and air-conditioning equipment), is at or above the flood protection elevation.
 - v. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

Replace existing **Section 18-5.3** with the following:

18-5.3 Coastal High Hazard Area and Coastal A Zone.

Coastal high hazard areas (V or VE Zones) and Coastal A Zones are located within the areas of special flood hazard established in subsection 18-3.2. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

- a. *Location of Structures.* All buildings or structures shall be located landward of the reach of the mean high tide. The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or subdivision.
- b. *Construction Methods.*
 1. Elevation. All new construction and substantial improvements shall be elevated on pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the flood protection elevation, with all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided for in subsection 18-5.3, paragraph b, 4.
 2. Structural Support.
 - (a) All new construction and substantial improvements shall be securely anchored on pilings or columns.
 - (b) The pile or column foundation and structure attached thereto shall be anchored to resist floatation, collapse or lateral movement due to the effects of wind and water loading values each of which shall have a one (1%) percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

- (c) There shall be no fill used for structural support of the building within the Zones V1-30, VE, V and Coastal A on the community's FIRM.
3. Certification. A registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of subsection 18-5.3, paragraph b, 1 and paragraph b, 2(a) and (b).
 4. Space Below the Lowest Floor.
 - (a) Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this Chapter shall not enclose the space below the lowest floor unless breakaway walls, open wood lattice-work or insect screening are used as provided for in this subsection.
 - (b) Breakaway walls, open wood lattice-work or insect screening shall be allowed below the flood protection elevation provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls which exceed a design safe loading of twenty (20) pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
 - (1) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
 - (2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.
 - (c) If breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access, or storage and not for human habitation.
 - (d) Prior to construction, plans for breakaway walls must be submitted to the Construction Code Official or Building Sub-Code Official for approval.
 - (e) All construction below the flood protection elevation as detailed in paragraph b.1 shall be anchored and constructed of flood-resistant materials in accordance to NFIP requirements.
 - c. *Enclosure Conversion.* No enclosure constructed in accordance with paragraph b.4 shall be converted to habitable living space and shall not be utilized for any use other than access, utility and storage. The owner shall file a deed restriction for this area agreeing to this subsection and shall be to the benefit of the Township of Upper.

SECTION 2. Chapter 19 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

Add the following to **Section 19-4.2a Site Plan Review Required:**

8. Any mining, excavation, dumping or deposit of fill or dredge spoils, or landfill activities.

SECTION 3. EFFECTIVE DATE: The amendment to Chapter XIX in this Ordinance shall take effect immediately upon final adoption and publication as required by law and the amendments to Chapter XVIII in this Ordinance shall take effect on October 5, 2017.

SECTION 4. REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 5. 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 6. CODIFICATION: This Ordinance shall be codified as indicated in Chapters 18 and 19 of the Upper Township Code.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 28TH DAY OF AUGUST, 2017 AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 25TH DAY OF SEPTEMBER, 2017 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

CORRESPONDENCE

NEW BUSINESS

18. **OCHS Soccer Booster Club, Inc. request to hold a Raffle #RA-481 on December 8, 2017 at Yesterday's, 316 Roosevelt Boulevard, Marmora.** Motion by Curtis Corson, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative.
19. **Greater Tuckahoe Area Merchants' Association request to hold Raffles #RA-482 and #RA-483 on November 18, 2017 at the Upper Township Community Center.** Motion by Hobie Young, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative.
20. **New Jersey Best Practices Worksheet CY2017/SFY2018.** Motion by John Coggins, second by Edward Barr, to accept the worksheet. During roll call vote all five Committeemen voted in the affirmative.

UNFINISHED BUSINESS

21. **Steven and Margaret DeMarchi request to purchase Township owned property Block 494, Lots 1 through 15.** Motion by John Coggins, second by Edward Barr, to move forward with the request and obtain an appraisal to set the minimum bid. During roll call vote all five Committeemen voted in the affirmative.

DISCUSSION

PAYMENT OF BILLS

22. "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: \$104,584.67
Payroll: \$ 190,776.43

REPORT OF MUNICIPAL DEPARTMENTS

23. **Animal Control**
24. **Department of Public Works**
25. **MUA Report**

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

Janice Connell, Commonwealth Ave, Whale Beach, Strathmere, questioned if the speed limit resolution adopted this evening also includes the Whale Beach section of Strathmere. Mayor Palombo stated that all of Strathmere is included from end to end. Ms. Connell next stated her concerns with respect to the placement of rumble strips on Commonwelath Avenue in Strathmere and requested the adoption of a resolution in opposition to the placement of rumble strips on Commonwealth Avenue.

Linda Bateman, Strathmere speaking as President of the Strathmere Improvement Association, spoke regarding the placement of rumble strips on Commonwealth Avenue.

Motion by Hobie Young second by Curtis Corson to draft a resolution objecting to the placement rumble strips on roads with speed limits over 50 miles per hour. During roll call vote all five members voted in the affirmative.

Virgil Procaccino, Neptune Avenue Strathmere, spoke regarding speeding and the possible installation of speed humps on Neptune. Mr. Morgan explained that data is being collected to determine whether speed humps would be warranted.

Eric Kehar, South Commonwealth Avenue Strathmere, discussed speed limits and the placement of rumble strips.

Bill Eisele, Old Tuckahoe Road, Petersburg, requested the installation of an additional speed hump in front of the soccer fields on Old Tuckahoe Road. Mr. Eisele speaking on behalf of the Tuckahoe Merchants Scholarship Committee thanked the Township for approving their raffle this evening and for their support over the years.

CLOSED SESSION

26. 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. 288-2017
MOTION GOING INTO CLOSED SESSION
SEPTEMBER 25, 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. Personnel
2. Contract negotiation - Quality Asset Recovery
3. Contract negotiation - Request for Access Block 350, Lot 12

4. Contract negotiation – New Jersey Highway Authority
5. Safety and Security
6. Litigation - Affordable Housing
7. Litigation - Holt v. Upper Township Zoning Board, et al.
8. Litigation - Tax Appeals

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

Moved by: John Coggins

Motion seconded by: Richard Palombo

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

RECONVENE PUBLIC PORTION OF MEETING

Motion by John Coggins, second by Richard Palombo, to reconvene the public portion of the meeting. During roll call vote all four Committeemen present voted in the affirmative. Committee Corson was absent for this portion of the meeting.

Motion by John Coggins, second by Edward Barr, to authorize the execution of a Site Access Agreement with the New Jersey Department of Environmental Protection for Block 350, Lot 12 owned by the Township. During roll call vote all four Committeemen present voted in the affirmative.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 11:20 P.M., with a motion by Richard Palombo, second by Hobie Young, and all four Committeemen present voting in the affirmative. The next regular meeting is scheduled for Tuesday October 10, 2017 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

Bill List

69998 09/25/17 A0004 A COMMERCIAL OFFICE CLEANERS 1,050.00 2988
69999 09/25/17 A0018 ACTION SUPPLY INC. 794.20 2988
70000 09/25/17 A0027 ACE PLUMBING SUPPLY,INC 223.42 2988
70001 09/25/17 A0091 ATLANTIC CITY ELECTRIC 3,229.22 2988
70002 09/25/17 A0113 ARAWAK PAVING CO. INC. 33,157.26 2988
70003 09/25/17 A0114 A.E. STONE INC. 962.40 2988
70004 09/25/17 A0175 Adams Rehmann & Haggan Assoc 800.00 2988
70005 09/25/17 A0191 ACTION UNIFORM CO. LLC 0.00 09/25/17 VOID 0
70006 09/25/17 A0191 ACTION UNIFORM CO. LLC 2,542.99 2988
70007 09/25/17 A0193 ATLANTIC INVESTIGATIONS, LLC 93.00 2988
70008 09/25/17 A0212 ANCERO, LLC 6,805.00 2988
70009 09/25/17 B0035 BELMONT & CRYSTAL SPRINGS 188.49 2988
70010 09/25/17 B0079 BETTER HEARING, INC. 925.00 2988
70011 09/25/17 B0178 BUGANSKI,PETER R. 125.76 2988
70012 09/25/17 B0200 BELLEPLAIN SUPPLY COMPANY INC 309.00 2988
70013 09/25/17 B0201 BUCK'S ELECTRICAL SERVICE, INC 4,195.00 2988
70014 09/25/17 C0046 CAPE MAY COUNTY CLERK 22.00 2988
70015 09/25/17 C0060 CAPRIONI'S PORTABLE TOILETS 2,763.00 2988
70016 09/25/17 C0061 CAPRIONI FAMILY SEPTIC 880.00 2988
70017 09/25/17 C0068 COMCAST 651.46 2988
70018 09/25/17 C0143 CODY'S POWER EQUIPMENT 19.98 2988
70019 09/25/17 C0171 COLONIAL ELECTRIC SUPPLY CO. 383.76 2988
70020 09/25/17 C0182 CDW GOVERNMENT, INC 1,079.50 2988
70021 09/25/17 C0201 CRUZAN'S TRUCK SERVICE INC. 32.93 2988
70022 09/25/17 C0223 CASA PAYROLL SERVICE 284.25 2988
70023 09/25/17 C0279 CASA REPORTING SERVICES LLC 150.00 2988
70024 09/25/17 D0016 DALEYS PIT 160.00 2988
70025 09/25/17 D0040 DELTA DENTAL OF N.J. INC. 6,245.86 2988
70026 09/25/17 D0077 DIETRICH,PAUL 106.86 2988
70027 09/25/17 E0034 ESRI, INC. 1,600.00 2988
70028 09/25/17 G0016 GARDNER HARDWARE INC. 251.84 2988
70029 09/25/17 G0147 GREATAMERICA FINANCIAL SVCS. 170.00 2988
70030 09/25/17 G0182 GOLDENBERG, MACKLER & SAYEGH 231.63 2988
70031 09/25/17 H0073 HOME DEPOT CRC/GEFCF 1,400.76 2988
70032 09/25/17 H0083 HUBER LOCKSMITHS, INC. 450.00 2988
70033 09/25/17 H0135 HANSON AGGREGATES, INC. 1,371.50 2988
70034 09/25/17 H0142 HUB, THE 640.00 2988
70035 09/25/17 J0041 JONES, JAMES M. 150.00 2988
70036 09/25/17 K0007 KACZMARSKI, RICHARD 116.99 2988
70037 09/25/17 M0121 McCROSSON, JANET 20.60 2988
70038 09/25/17 M0180 MED-TECH RESOURCE,LLC 222.68 2988
70039 09/25/17 M0277 MONY LIFE INSURANCE COMPANY 189.37 2988
70040 09/25/17 M0279 MID ATLANTIC PESTICIDE 315.00 2988
70041 09/25/17 N0043 NAPA AUTO PARTS 101.50 2988
70042 09/25/17 N0088 N.J. CONFERENCE OF MAYORS 475.00 2988
70043 09/25/17 N0141 NETCARRIER TELECOM, INC. 1,926.26 2988
70044 09/25/17 N0143 NATIONAL TIME SYSTEMS 375.45 2988
70045 09/25/17 N0154 NEW HORIZON COMMUNICATIONS 1,132.49 2988
70046 09/25/17 P0032 PEDRONI FUEL CO. 2,885.99 2988
70047 09/25/17 P0152 READY, LOREN 100.00 2988
70048 09/25/17 R0030 RIGGINS, INC. 2,961.26 2988
70049 09/25/17 R0065 ROBERT BROWN TREE SERVICE 1,150.00 2988
70050 09/25/17 R0075 RENTAL COUNTRY 166.00 2988
70051 09/25/17 S0031 SCHULER SECURITY, INC. 532.50 2988
70052 09/25/17 S0072 SEGIN, STEWART S. 96.79 2988
70053 09/25/17 S0113 SMITH,THOMAS G. 2,506.63 2988
70054 09/25/17 S0134 SO. JERSEY GAS COMPANY 271.98 2988
70055 09/25/17 S0139 SO. JERSEY WATER COND. INC. 380.95 2988
70056 09/25/17 S0153 STERICYCLE, INC. 171.08 2988
70057 09/25/17 S0239 SHORE VET. ANIMAL CONTROL LLC 2,350.00 2988
70058 09/25/17 S0284 SOUTH JERSEY INTERPRETERS 171.13 2988
70059 09/25/17 S0327 SUASION COMMUNICATIONS GROUP 2,350.00 2988
70060 09/25/17 S0329 SERIOUSLY TOTAL VIDEO 250.00 2988
70061 09/25/17 T0067 TOWNSHIP OF UPPER PETTY CASH 16.50 2988

70062 09/25/17 T0081 TREAS. STATE OF N.J. D.C.A. 105.00 2988
70063 09/25/17 T0129 TRUGREEN CHEMLAWN 4,208.00 2988
70064 09/25/17 T0131 TROUT, ROSEMARY 13.05 2988
70065 09/25/17 T0158 TELECORP, INC. 175.00 2988
70066 09/25/17 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 2988
70067 09/25/17 V0001 VCI EMERGENCY VEHICLE 1,003.24 2988
70068 09/25/17 V0005 VAN EMBDEN, NATHAN, ATTORNEY 1,297.50 2988
70069 09/25/17 V0013 VERIZON WIRELESS 223.58 2988
70070 09/25/17 V0022 VERIZON 483.63 2988
70071 09/25/17 V0025 V.E. RALPH & SON, INC. 149.77 2988
70072 09/25/17 W0038 WILLIAMS, JEREMIAH J. 235.93 2988
70073 09/25/17 W0050 WIRELESS ELECTRONICS, INC. 750.00 2988
70074 09/25/17 W0085 WOODY, LESTER 164.77 2988
70075 09/25/17 W0087 W.B. MASON 67.98 2988

Total: 104,584.67