

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR JUNE 12, 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 Deputy Municipal Clerk Joanne Herron, Municipal Attorney Daniel Young, Municipal Engineer Paul Dietrich, Chief Financial Officer Barbara Spiegel and Township Administrator Scott Morgan.

APPROVAL OF MINUTES - May 30, 2017 Regular Meeting and
Closed Session Minutes

Motion by Edward Barr, second by John Coggins, to approve the May 30, 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

John Coggins, Committeeman, gave a brief update on the Economic Development Commission meeting held last week. He reported that grant consultant Jim Rutala gave a presentation on grant funds that may be available. In the upcoming months the EDC will hold a public meeting to discuss the vision plan and determine public sentiment. They will then move on to a concept development phase where they will begin to apply for the various grants available.

Hobie Young, Committeeman, reported that the 4th of July festivities will start at 4:00 pm on the 4th. He requested that the Public Works Department make sure the area where the fireworks will be shot off is graded and ready for the fireworks contractor. He next reported that the baseball fields at Amanda's Field have had very little progress in the past month. He stated that there are a number of projects that still need to be completed in time for fall baseball. He next stated that the scoreboard that was ordered for Little League does not keep track of the pitch count, which is required for tournament play. Last, he reported that several years ago the Township purchased six ADA compliant swings to be installed at the various

playgrounds around the Township, however only one has been installed. It was stated for the record, the Township playgrounds are ADA compliant.

Edward Barr, Committeeman, made a motion to hire Matthew Kelly as a seasonal employee to the Department of Public Works pending pre-employment testing. The motion was seconded by Committeeman Corson. During roll call vote all five Committeemen voted in the affirmative.

Richard Palombo, Mayor, reported that lifeguard tryouts were held this past weekend for the seven open positions. He made a motion, seconded by Edward Barr, to hire Sean Buckland, Jane Hadley, Spencer Hill, Samuel Lagana, Kelly McCulloch-Beatty, Gregory O'Connell, and Nathaniel Young as rookie guards pending successful pre-employment testing. During roll call vote four Committeemen voted in the affirmative. Committeeman Young abstained due to a potential conflict. A resolution for formal action will be placed on the next agenda. He next reported that Charlie Adelizzi recently passed away. He stated that Charlie was very dedicated to our Veterans and worked tirelessly for the VFW and the American Legion. He made a motion, seconded by Curtis Corson, to prepare a resolution honoring Charlie at the next meeting. During roll call vote all five Committeemen voted in the affirmative. He next reported that long time Gazette columnist Columb Higgins has notified the Township that he has accepted a position with the FAA Technical Center and will be leaving the Gazette. Mayor Palombo made a motion, seconded by Hobie Young, to prepare a resolution honoring Columb at the next meeting. During roll call vote all five Committeemen voted in the affirmative.

OTHER REPORTS

Scott Morgan, Township Administrator, reported that the Public Works Department has installed solar lighted stop signs on West Katharine and Stagecoach Road. They have also installed no trespassing signs at the Upper Township pit, and have completed approximately 85% of the guardrails around the area to reduce access. Mr. Dietrich stated that the owners of the George Harms pit have reduced the size of the dirt hill significantly. He also has spoken with Mr. Graves who is very appreciative of the different efforts to reduce ATV access to the pit. Scott Morgan thanked the Sentinel Ledger for assisting with disseminating educational information regarding traffic and no trespassing laws for ATVs on public property, as well as addressing the 911 issues regarding confusion with ZIP Codes. He stated that it is very important that when calling 911 residents specifically state which Municipality they are in. He next reported that the Emergency Agency Assistance Grant has been processed and the Township will be receiving approximately \$10,000 for 2017. He next stated that the required Community Right to Know report has been submitted to the State. Lastly, he reported that the Township's Office of Emergency Management will be participating in an exercise utilizing drone technology to facilitate first responders during a catastrophic emergency.

Daniel Young, Municipal Attorney, reported that there are a number of items for closed session; several contract negotiation items, litigation, personnel, and safety and security matters.

Paul Dietrich, Municipal Engineer, reported on a request from residents for the installation of a speed hump on Sunset Drive between California Road and the Amanda's Field entrance. After a brief discussion regarding the costs, there was a motion by Curtis Corson, second by

Hobie Young, to move forward with the request and to direct the Engineer obtain a cost comparison of the different materials available for speed humps. During roll call vote all five Committeemen voted in the affirmative. Mr. Dietrich next gave a brief update on the Bayview Drive Boat Ramp. The contractor has graded and installed the stones in the parking area, and most of the plants have been planted. Scott Morgan also reported that the parking area at the Taylor Avenue boat ramp has also been graded, and Public Works has scheduled the installation of track rock at the end of the ramp to correct a hole that has formed.

RESOLUTIONS

1. Honoring Ryan Hogan on attaining the designation of "Eagle Scout".

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

RESOLUTION NO. 161-2017

RE: HONORING RYAN HOGAN ON ATTAINING THE DESIGNATION OF "EAGLE SCOUT"

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

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

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

RESOLVED THAT the Township Committee extends its sincere congratulations to Ryan on the occasion of his receiving the designation of Eagle Scout and commends him for this outstanding accomplishment and the completion of his Eagle Scout project improving the grounds of the Seaville United Methodist Church. Ryan cleared and created a 400 foot path through the woods to an existing fire pit and provided a seating area around the fire pit by building four heavy duty benches; and

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

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

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 12th day of June, 2017.

Resolution No. 161-2017

Offered by: Corson

Seconded by: Barr

Adopted: June 12, 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>

2. Honoring Kyle O'Connor on attaining the designation of "Eagle Scout".

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

RESOLUTION NO. 162-2017

**RE: HONORING KYLE O'CONNOR ON ATTAINING THE
DESIGNATION OF "EAGLE SCOUT"**

WHEREAS, Kyle O'Connor of Troop 79, Upper Township, New Jersey has recently achieved the designation of Eagle Scout in the Boy Scouts of America; and

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

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

RESOLVED THAT the Township Committee extends its sincere congratulations to Kyle on the occasion of his receiving the designation of Eagle Scout and commends him for this outstanding accomplishment and the completion of his Eagle Scout

project which consisted of constructing a “Kids Safe Zone” at the children’s play yard at Holy Trinity Episcopal Church in Ocean City. Kyle replaced an old damaged wooden fence around the play yard with a new white vinyl fence, including a gate for safety, and constructed and installed three benches for seating inside the play yard; and

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

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

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 12th day of June, 2017.

Resolution No. 162-2017

Offered by: Corson

Seconded by: Barr

Adopted: June 12, 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>

3. Appointment of Edward Kline, Robert Young, and Ralon Armstrong as Truck Driver Heavy in the Upper Township Public Works Department.

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

RESOLUTION NO. 163-2017

**RE: APPOINTMENT OF EDWARD KLINE, ROBERT YOUNG,
AND RALON ARMSTRONG AS TRUCK DRIVER HEAVY IN THE
UPPER TOWNSHIP PUBLIC WORKS DEPARTMENT**

WHEREAS, a need exists to appoint qualified personnel to the Upper Township Public Works Department to insure optimal operation; and

WHEREAS, on September 21, 2015 the Township Committee adopted Resolution No. 224-2015 appointing Edward Kline, Robert Young, and Ralon Armstrong to the title of Equipment Operator/Truck Driver; and

WHEREAS, in February 2017 the Civil Service Commission cancelled the promotional symbol for the title of Equipment Operator/Truck Driver because the employees were deemed ineligible; and

WHEREAS, after a subsequent review of Civil Service titles, it has been determined that Edward Kline, Robert Young, and Ralon Armstrong should be appointed to the Truck Driver Heavy title.

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. Edward Kline, Robert Young, and Ralon Armstrong are hereby appointed to a Truck Driver Heavy position effective immediately at an annual salary of \$52,945.00 in accordance with the Salary Ordinance.

Resolution No. 163-2017

Offered by: Barr

Seconded by: Coggins

Adopted: June 12, 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 execution of an NJDEP TWA-1 Application Statements of Consent form regarding 10 East Winthrop Avenue, Strathmere, Block 853, Lot 5.

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

RESOLUTION NO. 164-2017

**RE: AUTHORIZING THE EXECUTION OF AN NJDEP TWA-1 APPLICATION
STATEMENTS OF CONSENT FORM REGARDING 10 EAST WINTHROP AVENUE,
STRATHMERE, BLOCK 853, LOT 5**

WHEREAS, James and Maureen Hoffman have or are about to make application to the New Jersey Department of Environmental Protection (hereinafter “DEP”) for Treatment Works Approval for a proposed three bedroom single family dwelling, and has requested that the Township complete a portion of DEP Form No. WQM-003, which merely consents to the submission of the application to the DEP and certifies that the project, as proposed, conforms with the requirements of all municipal Ordinances and does not otherwise impose any obligation or liability on the Township; and

WHEREAS, James and Maureen Hoffman must apply to the New Jersey Department of Environmental Protection for Treatment Works Approval in order to install a pressure dosing septic system for a three bedroom single family dwelling to be constructed on 10 East Winthrop Avenue, Block 853, Lot 5 of the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Township Engineer has informed the Township Committee as to the general nature of the project and has indicated that the Township has no ordinance prohibiting the proposed project; and

WHEREAS, the matter has been considered by the Township Committee and it has been determined that the consent by the Governing Body should be granted to this application to permit the application process to go forward; and

WHEREAS, the Township Committee wishes to authorize the Township officials to execute said documentation;

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 is hereby authorized to execute on behalf of the Township of Upper a Statements of Consent, Section A-1, in the form attached hereto as Exhibit "A" and said consent shall be completed by inserting therein this Resolution number and the date of its adoption.
3. This Statements of Consent is submitted in conjunction with the application of James and Maureen Hoffman for treatment works approval for the property at Block 853, Lot 5 on the municipal tax map.
4. A certified copy of this Resolution shall be provided to the applicant.

Resolution No. 164-2017

Offered by: Barr Seconded by: Corson

Adopted: June 12, 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>	_____	_____	_____

5. Appointing James Heilman as a seasonal employee to the Upper Township Public Works Department.

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

RESOLUTION NO. 165-2017

**RE: APPOINTING JAMES HEILMAN AS A SEASONAL
EMPLOYEE TO THE UPPER TOWNSHIP PUBLIC WORKS DEPARTMENT**

WHEREAS, a need exists to appoint qualified personnel as a seasonal employee to the Upper Township Public Works Department to insure optimal operation; and

WHEREAS, a recommendation has been made to the Township Committee and duly considered at the meeting of May 30, 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. James Heilman is hereby appointed to a seasonal position pending successful pre-employment testing at an hourly rate of \$12.50 in accordance with the Salary Ordinance.

3. This Resolution ratifies, confirms and approves action taken by the Township Committee at the meeting of May 30, 2017.

Resolution No. 165-2017

Offered by: Corson

Seconded by: Barr

Adopted: June 12, 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>	_____	_____	_____

6. Renewal of Alcoholic Beverage Licenses for the license year 2017.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 166-2017

**RE: RENEWAL OF ALCOHOLIC BEVERAGE LICENSES
FOR THE LICENSE YEAR 2017**

WHEREAS, holders of the alcoholic beverage licenses in the Township of Upper have applied for renewal of licenses in the prescribed manner; and

WHEREAS, said holders of alcoholic beverage licenses have complied with all requirements of law and regulations of the Division of Alcoholic Beverage Control (“Division”); and

WHEREAS, no objections have been filed with the Township Committee as the issuing authority of the Township of Upper.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Upper in the County of Cape May and State of New Jersey, that the following licenses be authorized for issue for the license year effective July 1, 2017:

Twisties, Inc.
T/A Twisties
236 Bayview Drive
Strathmere, NJ 08248
PO Box 88, Marmora, NJ 08223
License # 0511-33-001-005
Plenary Retail Consumption License
Municipal Fee Paid: \$700.00
State Fee Paid: \$200.00

Tyan's Inc.
T/A Tuckahoe Inn
1 Harbor Rd. and Route 9, Beesleys Point
Marmora, NJ 08223
License # 0511-33-004-005
Plenary Retail Consumption License
Municipal Fee Paid: \$700.00
State Fee Paid: \$200.00

SJL Group, LLC
T/A Yesterdays
316 Roosevelt Blvd. (Southwest Side)
Marmora, NJ 08223
License # 0511-32-005-005
Plenary Retail Consumption License with
Broad Package Privilege
Municipal Fee Paid: \$700.00
State Fee Paid: \$200.00

UMMAC Corp.
T/A Obadiah's
311-301 & 321 Roosevelt Blvd,
Marmora, NJ 08223
License # 0511-33-007-008
Plenary Retail Consumption License
Municipal Fee Paid: \$700.00
State Fee Paid: \$200.00

MAH, Inc. a NJ Corp.
T/A Seaville Tavern

South Side Route 50 and New Bridge Road
 Ocean View, NJ 08230
 Three Crescent Dr. Philadelphia, PA 19112
 License # 0511-33-008-004
 Plenary Retail Consumption License
 Municipal Fee Paid: \$700.00
 State Fee Paid: \$200.00

Deauville Inn, Inc.
 201 Willard Road
 PO Box 40
 Strathmere, NJ 08248
 License # 0511-33-003-006
 Plenary Retail Consumption License
 Municipal Fee Paid: \$700.00
 State Fee Paid: \$200.00

Boulevard Liquor Store, Inc.
 T/A Boulevard Liquor Store
 501 & 503 Roosevelt Boulevard
 Marmora, NJ 08223
 License # 0511-44-002-003
 Plenary Retail Distribution License
 Municipal Fee Paid: \$400.00
 State Fee Paid: \$200.00

BE IT FURTHER RESOLVED, that the aforesaid alcoholic beverage licenses which have been authorized to be issued pursuant to this Resolution shall be delivered to the licensee or his authorized agent at such time as the licensee or his authorized agent shall sign an actual receipt therefore in the stub of the license book and otherwise satisfy the requirements of N.J.A.C. 13:2-3.2.

Resolution No. 166-2017
 Offered by: Barr Seconded by: Corson
 Adopted: June 12, 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>	_____	_____	_____

- 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—State of New Jersey 2017 Clean Communities Grant in the amount of \$37,904.66.

TOWNSHIP OF UPPER

**CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 167-2017

**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—STATE OF NEW JERSEY
2017 CLEAN COMMUNITIES GRANT IN THE AMOUNT OF \$37,904.66**

WHEREAS, N.J.S. 40A-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 \$37,904.66 FROM THE STATE OF NEW JERSEY 2017 CLEAN COMMUNITIES GRANT 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 \$37,904.66, WHICH IS NOW AVAILABLE AS A REVENUE FROM:

REVENUE: STATE & FEDERAL REVENUE OFFSET WITH APPROPRIATIONS:
2017 CLEAN COMMUNITIES GRANT PROGRAM, AND

BE IT FURTHER RESOLVED THAT A LIKE SUM OF \$37,904.66 BE AND THE SAME IS HEREBY APPROPRIATED UNDER THE CAPTION OF:

APPROPRIATION: STATE AND FEDERAL PROGRAMS OFFSET BY REVENUE:
2017 CLEAN COMMUNITIES GRANT PROGRAM, AND

BE IT FURTHER RESOLVED, THAT THE TOWNSHIP CLERK FORWARD TWO COPIES OF THIS RESOLUTION TO THE DIRECTOR OF LOCAL GOVERNMENT SERVICES.

Resolution No. 167-2017

Offered by: Coggins Seconded by: Young

Adopted: June 12, 2017

Roll Call Vote:

NAME	<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>

8. Releasing the Maintenance Guaranty of Cedar Villas, Inc. for the Major Subdivision known as extension of Meghan Lane.

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

RESOLUTION NO. 168-2017

**RE: RELEASING THE MAINTENANCE GUARANTY OF CEDAR VILLAS, INC. FOR THE
MAJOR SUBDIVISION KNOWN AS EXTENSION OF MEGHAN LANE**

WHEREAS, Cedar Villas, Inc. (hereinafter “Developer”), has completed the work on the project known as “Extension of Meghan Lane Major Subdivision” in Block 453, Lots 240, 241, and 242, and has requested final inspection of same by the Municipal Engineer for the Township of Upper; and

WHEREAS, the Municipal Engineer has determined that all improvements have been installed and have been in service in excess of two years and are in satisfactory working condition; and

WHEREAS, the Municipal Engineer, based on the field inspection of the work completed as indicated on Exhibit “A” attached hereto, has recommended a release of the Maintenance Guaranty (Irrevocable Standby Letter of Credit), attached hereto as Exhibit “B”, in the amount of \$73,461.33, and cash in the amount of \$8,162.37 plus interest, in accordance with the municipal ordinances of the Township of Upper;

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

1. The allegations above are incorporated herein by this reference.
2. The original Maintenance Guaranty posted by the Developer shall be released.

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. 168-2017

Offered by: Barr

Seconded by: Coggins

Adopted: June 12, 2017

Roll Call Vote:

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

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

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

RESOLUTION NO. 169-2017

**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. 169-2017

Offered by: Barr

Seconded by: Coggins

Adopted: June 12, 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 Chief Financial Officer to withdraw funds in the amount of \$1,790.94 from the account entitled Recycling Trust Account to pay for recycling collection supplies.

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

RESOLUTION NO. 170-2017

**RE: AUTHORIZING THE CHIEF FINANCIAL OFFICER TO WITHDRAW FUNDS IN THE
AMOUNT OF \$1,790.94 FROM THE ACCOUNT ENTITLED RECYCLING TRUST
ACCOUNT TO PAY FOR RECYCLING COLLECTION SUPPLIES**

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

WHEREAS, the Township has available \$1,790.94 in the Recycling Trust account to purchase printed vinyl dumpster stickers

for recycling containers;

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 Chief Financial Officer of the Township of Upper is hereby authorized, directed and empowered to withdraw funds in the amount of \$1,790.94, from the account entitled Recycling Trust Account to pay for printed vinyl dumpster stickers for recycling containers.

Resolution No. 170-2017
Offered by: Coggins
Adopted: June 12, 2017

Seconded by: Barr

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>

ORDINANCES

CORRESPONDENCE

NEW BUSINESS

11. **The ALS Association Greater Philadelphia Chapter request to hold their annual Express Bike Ride on June 17, 2017.** Motion by Edward Barr, second by Hobie Young, to authorize the request. During roll call vote all five Committeemen voted in the affirmative.
12. **Boy Scout Troop 95 request use of Amanda's Field on July 4, 2017 for an overnight camping event.** Motion by Hobie Young, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative.
13. **Application for a Temporary Liquor License Permit.** Motion by Richard Palombo, second by Curtis Corson, to authorize the Clerk or Deputy Clerk to sign a Temporary

Liquor License Permit application if needed. During roll call vote all five Committeemen voted in the affirmative.

UNFINISHED BUSINESS

14. **Appraisal for the sale of Township owned property Block 11, Lot 4.04.** The Municipal Attorney gave a brief update on the matter. Pursuant to the Committee's direction at the last meeting, the Clerk's Office forwarded an Environmental Assessment Report of a nearby property to Block 11, Lot 4.04, as provided by Mr. Bixby, to the Township's Appraiser and requested that he review the report and determine if a revision to his appraisal was necessary. After reviewing the report, the Appraiser notified the Clerk's Office that he stands by his appraisal and value of \$69,000 for the property. The applicant for the sale, Edward Bixby, was then invited to speak. Mr. Bixby stated his objection to the appraisal, and stated that the various environmental constraints on the property were not taken into consideration. The Municipal Attorney stated that the Township's Assessor agrees that there are environmental constraints and has valued the property at \$59,500. Mr. Bixby objected to that value as well. It was stated that the Appraiser based his determination on the information available for the subject property. However, if Mr. Bixby wishes to do so he can obtain an Environmental assessment of the subject property and submit the findings to the Committee for further review. There was a motion by Curtis Corson, second by Hobie Young, to authorize access to Block 11, Lot 4.04 in order to conduct an Environmental Assessment of the property contingent upon Mr. Bixby's chosen professional signing and indemnification agreement in favor of the Township. During roll call vote four Committeemen voted in the affirmative. Committeeman Coggins abstained.

DISCUSSION

PAYMENT OF BILLS

15. **"I hereby move that all claims submitted for payment at this meeting be approved and then incorporated in full in the minutes of this meeting."** Motion by John Coggins, second by Edward Barr. During roll call vote all five Committeemen voted in the affirmative.

Bills approved for payment: \$150,923.97

Payroll: \$182,638.98

REPORT OF MUNICIPAL DEPARTMENTS

- 16. Clerk's Office
- 17. Construction Code
- 18. Finance Office
- 19. Municipal Court
- 20. MUA Report
- 21. 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

There was no public comment.

CLOSED SESSION

22. 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. 171-2017
MOTION GOING INTO CLOSED SESSION
JUNE 12, 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 - Architectural Services
3. Contract negotiation - Remediation of Old Town Hall
4. Contract negotiation - Website Services
5. Contract negotiation - Shared Services Agreement with Cape May County for Fleet Maintenance
6. Contract negotiation - JIF membership renewal
7. Contract negotiation - Special Legal Counsel Labor Contract
8. Contract negotiation - Telephone Contract
9. Litigation - Holt v. Upper Township Zoning Board of Adjustment
10. Safety & Security

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: Curtis Corson

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.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 10:00 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 June 26, 2017 at 7:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC
Deputy Municipal Clerk

Bill List

69377 06/12/17 A0018 ACTION SUPPLY INC. 310.70 2975
69378 06/12/17 A0025 ADVANTAGE RENTAL ACE HARDWARE 800.38 2975
69379 06/12/17 A0091 ATLANTIC CITY ELECTRIC 36,621.17 2975
69380 06/12/17 A0191 ACTION UNIFORM CO. LLC 107.00 2975
69381 06/12/17 A0193 ATLANTIC INVESTIGATIONS, LLC 1,493.00 2975
69382 06/12/17 A0212 ANCERO, LLC 7,615.00 2975
69383 06/12/17 A0215 A.F.D. TITLE COMPANY, INC. 2,850.00 2975
69384 06/12/17 B0039 BEESLEY'S PT. SEA DOO, INC. 419.70 2975
69385 06/12/17 B0239 BAILEY, WILLIAM MICHAEL 791.66 2975
69386 06/12/17 C0021 CIVIL SOLUTION A DIVISION 750.00 2975
69387 06/12/17 C0060 CAPRIONI'S PORTABLE TOILETS 2,215.25 2975
69388 06/12/17 C0061 CAPRIONI FAMILY SEPTIC 560.00 2975
69389 06/12/17 C0068 COMCAST 431.61 2975
69390 06/12/17 C0182 CDW GOVERNMENT, INC 11,946.00 2975
69391 06/12/17 C0201 CRUZAN'S TRUCK SERVICE INC. 2,476.18 2975
69392 06/12/17 C0223 CASA PAYROLL SERVICE 283.25 2975
69393 06/12/17 C0246 CRAFT OIL CORPORATION 1,596.00 2975
69394 06/12/17 C0264 CHERRY HILL FIRE DISTRICT 80.00 2975
69395 06/12/17 C0279 CASA REPORTING SERVICES LLC 102.00 2975
69396 06/12/17 C0285 Candeloro, Jennifer 41.44 2975
69397 06/12/17 D0040 DELTA DENTAL OF N.J. INC. 5,775.91 2975
69398 06/12/17 D0167 Diamond Allison 20.00 2975
69399 06/12/17 E0012 EHRlich PEST CONTROL INC 86.00 2975
69400 06/12/17 E0070 ELLER, AMANDA 40.69 2975
69401 06/12/17 F0148 FOGLIO, JOSEPH 41.44 2975
69402 06/12/17 G0016 GARDNER HARDWARE INC. 224.20 2975
69403 06/12/17 G0141 GENTILINI CHEVROLET 82.96 2975
69404 06/12/17 H0043 HERITAGE SURF & SPORT 1,265.00 2975

69405 06/12/17 H0073 HOME DEPOT CRC/GECF 922.89 2975
69406 06/12/17 H0098 HERITAGE TOWERS, INC. 1,875.00 2975
69407 06/12/17 H0174 HOFFMAN EQUIPMENT CO. 4,356.58 2975
69408 06/12/17 J0072 JERSEY WEB DESIGNS 697.49 2975
69409 06/12/17 K0086 K D NATIONAL FORCE SECURITY 2,499.00 2975
69410 06/12/17 L0007 LC EQUIPMENT, INC. 31.00 2975
69411 06/12/17 M0016 McAFEE, MEGAN 52.75 2975
69412 06/12/17 M0032 MARINE RESCUE PRODUCTS, INC. 1,994.50 2975
69413 06/12/17 M0046 MASON, DAVID 150.00 2975
69414 06/12/17 M0076 MGL PRINTING SOLUTIONS 1,297.00 2975
69415 06/12/17 M0121 McCROSSON, JANET 17.39 2975
69416 06/12/17 M0180 MED-TECH RESOURCE, LLC 1,060.32 2975
69417 06/12/17 M0188 MCCARTHY TIRE SERVICE OF PHILA 3,312.78 2975
69418 06/12/17 M0235 MODERN GROUP, LTD 1,380.68 2975
69419 06/12/17 M0276 Murray Heather 21.44 2975
69420 06/12/17 N0004 NJ-AMERICAN WATER CO. 107.31 2975
69421 06/12/17 N0043 NAPA AUTO PARTS 0.00 06/12/17 VOID 0
69422 06/12/17 N0043 NAPA AUTO PARTS 1,129.96 2975
69423 06/12/17 N0100 N.J. LEAGUE OF MUNICIPALITIES 40.00 2975
69424 06/12/17 N0131 DEFINED CONTRIB RETIRE PROGRAM 135.05 2975
69425 06/12/17 N0141 NETCARRIER TELECOM, INC. 1,922.69 2975
69426 06/12/17 N0143 NATIONAL TIME SYSTEMS 222.60 2975
69427 06/12/17 O0012 OCEAN CITY BD. OF EDUCATION 45.72 2975
69428 06/12/17 P0032 PEDRONI FUEL CO. 740.88 2975
69429 06/12/17 P0050 PARSIO, ANTHONY 350.02 2975
69430 06/12/17 P0076 POSTMASTER-TUCKAHOE 238.00 2975
69431 06/12/17 P0136 POSTNET 76.15 2975
69432 06/12/17 P0140 PIONEER MANUFACTURING CO, INC 6,601.50 2975
69433 06/12/17 R0030 RIGGINS, INC. 6,377.01 2975
69434 06/12/17 R0097 ROCK-N-RESCUE 140.00 2975
69435 06/12/17 R0100 ROBERTS OXYGEN COMPANY, INC. 103.10 2975
69436 06/12/17 R0115 RID PEST CONTROL INC. 45.00 2975
69437 06/12/17 S0020 SUPPLY WORKS 524.58 2975
69438 06/12/17 S0121 SMUZ, THERESE A 21.98 2975
69439 06/12/17 S0194 STULL, WILLIAM O 40.69 2975
69440 06/12/17 S0196 STEWART BUSINESS SYSTEMS LLC 41.57 2975
69441 06/12/17 S0249 BSN SPORTS 1,143.91 2975
69442 06/12/17 S0284 SOUTH JERSEY INTERPRETERS 414.56 2975
69443 06/12/17 S0321 SLAUGHTER, LEDDY 40.69 2975
69444 06/12/17 S0323 Sampson Erin M. 21.44 2975
69445 06/12/17 T0032 THE PRESS OF ATLANTIC CITY 205.06 2975
69446 06/12/17 T0067 TOWNSHIP OF UPPER PETTY CASH 3.00 2975
69447 06/12/17 T0087 TREASURER-STATE OF NEW JERSEY 3,775.00 2975
69448 06/12/17 T0168 TOWNSHIP OF UPPER 339.33 2975
69449 06/12/17 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 2975
69450 06/12/17 T0189 TARVES, SEAN 21.45 2975
69451 06/12/17 V0001 VCI EMERGENCY VEHICLE 1,812.01 2975
69452 06/12/17 V0005 VAN EMBDEN, NATHAN, ATTORNEY 1,267.50 2975
69453 06/12/17 V0013 VERIZON WIRELESS 1,369.20 2975
69454 06/12/17 V0024 VAL-U AUTO PARTS L.L.C. 686.99 2975
69455 06/12/17 V0026 VITAL COMMUNICATIONS, INC. 112.25 2975
69456 06/12/17 W0030 WEST PUBLISHING CO. 414.00 2975
69457 06/12/17 W0038 WILLIAMS, JEREMIAH J. 127.59 2975
69458 06/12/17 W0054 WATER SAFETY PRODUCTS, INC 101.20 2975
69459 06/12/17 W0087 W.B. MASON 176.23 2975
69460 06/12/17 W0109 WARREN, MICHAEL 40.69 2975
69461 06/12/17 X0008 XEROX FINANCIAL SERVICES 662.40 2975
69462 06/12/17 Y0008 YOUNG, DANIEL J. ESQUIRE PC 20,565.30 2975

Total: \$150,923.97