

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR APRIL 13, 2015**

**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
Jeffrey Pierson	Present
Hobart Young	Arrived at 8:25 pm
Richard Palombo	Present

Also present were Municipal Clerk Barbara Young, Municipal Attorney Daniel Young, Chief Financial Officer Barbara Spiegel, and Municipal Engineer Paul Dietrich. Municipal Auditor, Leon Costello, was present for the Budget section of the meeting.

**APPROVAL OF MINUTES** - March 30, 2015 Regular Meeting and  
Closed Session Minutes

Motion by Jeff Pierson, second by John Coggins, to approve the March 30, 2015 Regular Meeting and Closed Session Minutes. During roll call vote three of the Committee members present voted in the affirmative. Mayor Palombo abstained.

**REPORT OF GOVERNING BODY MEMBERS**

**John Coggins, Committeeman**, thanked all of the Department heads for their diligence during the budget process, and thanked Barbara Spiegel for all of her hard work.

**Ed Barr, Committeeman**, reported that the repaving of Bayview Drive is progressing well. He next stated that the State, County, and Township road crews will be out repairing the winter damaged roads, and requested that the public be mindful and proceed with caution when the road crews are out. He also reported that leaf pickup is underway throughout the Township.

**Jeffrey Pierson, Committeeman**, made a motion, second by Mayor Palombo, to have a Resolution prepared in support of the protection of military bases in New Jersey. During roll call vote all Committee members present voted in the affirmative. He next reported that the County will be celebrating their designation as a Coast Guard Community with various events on May 8<sup>th</sup> through May 12<sup>th</sup>. Mayor Palombo made a motion, second by Jeff Pierson, to have a Resolution prepared congratulating Cape May County on earning the designation as

a Coast Guard Community. During roll call vote all Committee members present voted in the affirmative.

**Richard Palombo, Mayor**, inquired if there are any updates on the reconstruction of Hope Corson Road. Mr. Dietrich stated that he will obtain the information and give an update at the next meeting.

## **OTHER REPORTS**

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

**Paul Dietrich, Municipal Engineer**, requested authority to prepare an RFP for professional surveying services for Klains Lane and the municipal portion of Commonwealth Avenue. The surveys are needed to set the best course of action to correct the issues. It was requested that if the budget allows, the portion of St. Martins where vehicles are scraping along the road be included in the surveys. Motion by Edward Barr, second by Jeff Pierson, to approve the request. During roll call vote all Committee members present voted in the affirmative. He next gave a brief update on the beach fill project. The dredge needs additional work before it can be mobilized to Ludlam Island. The pumping should start on April 21<sup>st</sup> or 22<sup>nd</sup>. Due to a recent survey of the area, the sand needed has increased to 1.3 million cubic yards, which will push the completion of the project to approximately late June or early July. Mr. Dietrich next reported that the DEP Clean Shores program will begin this week. Department of Corrections workers will be cleaning up the dune area and back bays of Strathmere and then continue along Roosevelt Boulevard and Tuckahoe Road in the wetland areas.

## **PRESENTATION**

- 1. Congratulating Thomas H. Heist, IV, Risk Management Consultant of Upper Township, for receiving the 2014 Atlantic County Municipal Joint Insurance Fund Special Safety Incentive Recognition Award.** Mayor Palombo and the Committee presented the following resolution to Tom Heist and thanked him for all of his hard work.

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

**RESOLUTION NO. 61-2015**

**RE: CONGRATULATING THOMAS H. HEIST, IV, RISK MANAGEMENT CONSULTANT  
OF UPPER TOWNSHIP, FOR RECEIVING THE 2014  
ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND  
SPECIAL SAFETY INCENTIVE RECOGNITION AWARD**

---

**WHEREAS**, The Atlantic County Municipal Joint Insurance Fund Safety Incentive Program builds upon the Townships efforts to promote safety and wellness in our community and work culture.

**WHEREAS**, Upper Township Risk Management Consultant Thomas H. Heist, IV is recognized for his tireless efforts in providing many of the safety resources needed to promote health safety and wellness for the employees of Upper Township; and

**WHEREAS**, Tom is always looking for new and innovative ways to increase our employees' safety awareness and decrease employee accidents through safety incentives; and

**WHEREAS**, Tom was recently recognized by the Atlantic County Municipal Joint Insurance Fund for creating safety posters with safety messages that would reach all employees and for taking time out of his day to visit Public Works to speak to the employees as well as answer any questions they may present; and

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

1. That the Committee extends its appreciation and publicly recognizes Thomas H. Heist, IV on his commitment to the safety and wellbeing of the Upper Township Employees through his ingenious ideas and giving of his time.
2. That the Committee, on behalf of our employees and the citizens of the Township of Upper, extend to Tom our congratulations on receiving the 2014 Atlantic County Municipal Joint Insurance Fund Safety Incentive Recognition Award.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper the 9<sup>th</sup> day of March, 2015.

## **2015 BUDGET**

2. **Public Hearing and Final Adoption of Ordinance No. 005-2015, RE: CALENDAR YEAR 2015 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14).** During the public hearing portion there were no speakers. Motion by John Coggins, second by Edward Barr to adopt Ordinance 005-2015. During roll call vote all four Committee members present voted in the affirmative.

**TOWNSHIP OF UPPER  
CALENDAR YEAR 2015**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**ORDINANCE NO. 005-2015**

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 1.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Township Committee of the Township of Upper in the County of Cape May finds it advisable and necessary to increase its CY 2015 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Township Committee of the Township of Upper hereby determines that a 2.0 % increase in the budget for said year, amounting to **\$198,612.74** in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Township Committee of the Township of Upper hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Upper, in the County of Cape May a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the Township of Upper shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ **347,572.30** and that the CY 2015 municipal budget for the Township of Upper be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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 9<sup>th</sup> day of March,

2015 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 13<sup>th</sup> day of April, 2015 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

**3. Authorizing the reading of the 2015 Annual Municipal Budget by title only.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY**

**RESOLUTION NO. 85-2015**

**RE: AUTHORIZING THE READING OF THE 2015  
ANNUAL MUNICIPAL BUDGET BY TITLE ONLY**

---

**WHEREAS**, N.J.S.A. 40:A4-8 authorizes the reading of the budget by title only at the public hearing thereon, provided certain requirements are met; and

**WHEREAS**, the Township Committee of the Township of Upper is satisfied that such conditions have been satisfied.

**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 majority of the full membership concurring, as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper finds and determines that:

A. At least one (1) week prior to the date of this hearing, a complete copy of the approved budget, as advertised, was posted in the Township Hall, the principal municipal building of the municipality, and was made available to each person requesting the same during the week immediately preceding the public hearing and is available to each person requesting a copy during the public hearing, as required by N.J.S.A. 40A:4-8.

B. The Township Committee of the Township of Upper hereby determines and declares that the conditions set forth in subsection 1.a and 1.b of N.J.S.A. 40A:4-8 have been met.

C. The Township Committee of the Township of Upper hereby determines that the 2015 Municipal Budget of the Township of Upper shall be read by its title only at the public hearing to be conducted thereon.

Resolution No. 85- 2015  
 Offered by: Coggins                      Seconded by: Pierson  
 Adopted: April 13, 2015  
 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>
Pierson	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Young	<u>      </u>	<u>      </u>	<u>      </u>	<u>  X  </u>
Palombo	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

**4. 2015 Budget - Public Hearing.**

Municipal Auditor Leon Costello stated that tonight is the public hearing on the budget. The Committee will have the option to adopt the budget as is, make amendments, or postpone the adoption to a future meeting. He stated that the Budget has not changed since the introduction. There is no tax levy increase, however there has been a decrease in ratables, which will cause an increase to the tax rate. The exact tax rate figure will not be known until the County and School adopt their budgets.

Mayor Palombo stated that he was proud that the Budget has a zero tax levy without cutting services. He then opened the Public Hearing.

Russell Morano, requested that future budget workshops be televised. He next requested that the Committee and the various Department heads remember that the economy is tough for everyone, and to try to make do with less.

There were no more public speakers and the public hearing was then closed.

Municipal Clerk, Barbara Young, read the following statement into the record:  
 Be it Resolved by the Township Committee of the Township of Upper, County of Cape May, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$2,689,884.49.

Motion by John Coggins, second by Edward Barr, to adopt the 2015 Budget. During roll call vote all four Committee members present voted in the affirmative.

**5. Local Unit Budget examination.**

**TOWNSHIP OF UPPER  
 COUNTY OF CAPE MAY**

**RESOLUTION NO. 87-2015**

**LOCAL UNIT BUDGET EXAMINATION**

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7 through 7.5 the Township Committee of the Township of Upper has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Upper meets the necessary conditions to participate in the program for the 2015 budget year.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Upper, County of Cape May, that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers' certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amount required for school purposes

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with "CAP" law.)

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate, and correctly stated.
  - b. Items of appropriation are properly set forth.
  - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
  
5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provision of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A 40A:4-5 shall not prevent such certification.
  
6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

Resolution No. 87 -2015  
 Offered By: Coggins                      Seconded By: Pierson  
 Adopted: April 13, 2015  
 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>
Pierson	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Young	<u>      </u>	<u>      </u>	<u>      </u>	<u>  X  </u>
Palombo	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

**CERTIFICATION OF APPROVED BUDGET**

It is hereby certified that the Approved Budget complies with the requirements of the law and approval is given pursuant to N.J.S.A. 40A: 4-78(b) and N.J.A.C. 5:30-7.

It is further certified that the municipality has met the eligibility requirements of N.J.A.C. 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with N.J.A.C. 5:30-7.6.

Barbara A. Spiegel, CFO

This certification form and resolution of the governing body executing such certification should be annexed to the adopted budget (N.J.A.C. 5:30-7.6(e)).

Mayor Palombo thanked Mr. Costello for his service. He also thanked Barbara Spiegel and John Coggins for all their hard work.

**RESOLUTIONS**

**6. Honoring the memory of Kittie (Leaming) King, a woman Air Force Service Pilot and World War II Veteran, for her years of service to this Country.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 88-2015**

**HONORING THE MEMORY OF KITTIE (LEAMING) KING, A WOMAN  
AIR FORCE SERVICE PILOT AND WORLD WAR II VETERAN,  
FOR HER YEARS OF SERVICE TO THIS COUNTRY**

---

**WHEREAS,** Kittie (Leaming) King served this country with absolute integrity and dedication as a Woman Air Force Service Pilot earning the respect, admiration and high regard of all whom she came into contact; and

**WHEREAS,** at the age of 94 on March 10, 2015 Kittie (Leaming) King passed away, leaving her family and this community with a deep feeling of sorrow for the loss of such an honored and respected loved one and citizen; and

**WHEREAS,** we are forever grateful for her diligent and unselfish service to this country; and

**WHEREAS,** while attending the U.S.C. in California, Kitty became fascinated with flying and was ultimately accepted into the newly formed Woman’s Air Force Service Pilots (WASP) graduating in the 43-4 class at Avenger Field in Sweetwater Texas; and

**WHEREAS,** the WASP’S predecessor, the Woman’s Flying Training Detachment (WFTD) and the Woman’s Auxiliary Ferrying Squadron (WAFS) organized separately in September 1942; and

**WHEREAS**, the WASP was the pioneering organization of civilian female pilots, employed to fly military aircraft under the direction of the United States Army Air Force during World War II; and

**WHEREAS**, the WFTD and the WAFS were merged on August 5, 1943 to create the paramilitary WASP organization; and

**WHEREAS**, out of the 25,000 woman that applied only 1,074 were accepted into the WASP’S to fly military aircraft during WWII; and

**WHEREAS**, in 1977 the WASP was granted Veteran status and in 2010 President Barrack Obama and the United States Congress awarded Kitty, along with all WASP’S the Congressional Gold Medal; and

**WHEREAS**, Kitty will always be remembered for her service to this country which she undertook with the utmost commitment, honor and integrity; and

**WHEREAS**, it is just and deserving that on behalf of the residents of Upper Township, we honor and celebrate the life of Kitty; and

**NOW THEREFORE BE IT RESOLVED** that this Township Committee join with all citizens of our community to pay tribute to the life and service of Kitty (Leaming) King, and do hereby extend to Kitty’s family our most heartfelt sympathy for their loss and the hope that they will be consoled by the memories of her fine life and achievements.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 13<sup>th</sup> day of April, 2015.

Resolution No. 88-2015  
Offered by: Pierson  
Adopted: April 13, 2015  
Roll Call Vote:

Seconded by: Barr

<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>
Pierson	<u>X</u>	<u>    </u>	<u>    </u>	<u>    </u>
Young	<u>    </u>	<u>    </u>	<u>    </u>	<u>X</u>
Palombo	<u>X</u>	<u>    </u>	<u>    </u>	<u>    </u>

**7. Designating the 1<sup>st</sup> Thursday in May as “A Day of Prayer in Upper Township”.**

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

**RESOLUTION NO. 89-2015**

**RE: DESIGNATING THE 1<sup>ST</sup> THURSDAY IN MAY  
“A DAY OF PRAYER IN UPPER TOWNSHIP”**

---

**WHEREAS**, Civic Prayers and National Days of Prayer have a long and revered history in our constitutional democracy, dating back to the First Continental Congress in 1775; and

**WHEREAS**, the Declaration of Independence, our first statement as Americans of national purpose and identity, made “the Laws of Nature and Nature’s God” the foundation of our United States of America and asserted that people have inalienable rights that are God-given; and

**WHEREAS**, the Supreme Court has affirmed the right of state legislatures to open their sessions with prayer and the Supreme Court and the U.S. Congress themselves begin each day with prayer; and

**WHEREAS**, in 1988, legislation setting aside the first Thursday in May in each year as a National Day of Prayer was passed unanimously by both Houses of Congress and signed by President Ronald Reagan; and

**WHEREAS**, the National Day of Prayer is an opportunity for Americans of all faiths to join in united prayer to acknowledge our dependence on God, to give thanks for blessings received, to pray for peace, to request healing for wounds endured; and to ask God to guide our leaders and bring wholeness to the United States and her citizens; and

**WHEREAS**, it is fitting and proper to give thanks to God by observing a day of prayer in the Township of Upper when all may acknowledge our blessings and express gratitude for them, while recognizing the need for strengthening religious and moral values in our State and nation;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Upper, that the first Thursday in May, 2015 is hereby designated as “A DAY OF PRAYER IN

UPPER TOWNSHIP”, and all citizens of Upper Township are encouraged to observe the day in ways appropriate to its importance and significance.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 13<sup>th</sup> day of April, 2015.

Resolution No. 89-2015  
 Offered by: Barr  
 Adopted: April 13, 2015  
 Roll Call Vote:

Seconded by: Pierson

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>X</u>	___	___	___
Coggins	<u>X</u>	___	___	___
Pierson	<u>X</u>	___	___	___
Young	___	___	___	<u>X</u>
Palombo	<u>X</u>	___	___	___

**8. Calling for the New Jersey Legislature and Administration to adopt a new, more sensible approach to Affordable Housing.**

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

**RESOLUTION NO. 90-2015**

**RE: CALLING FOR THE NEW JERSEY LEGISLATURE AND ADMINISTRATION TO ADOPT A NEW, MORE SENSIBLE APPROACH TO AFFORDABLE HOUSING**

**WHEREAS**, on September 26, 2013, the New Jersey Supreme Court decision In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 215 N.J. 578 (2013) invalidated the round three regulations adopted by the Council on Affordable Housing (COAH) in 2008 and charged COAH with the responsibility of adopting a third iteration of round three regulations; and

**WHEREAS**, the Supreme Court also invited the Legislature and the Governor, to devise a new legislative-based approach to affordable housing in our State and promised to show enormous deference to any new legislative pronouncement; and

**WHEREAS**, the Supreme Court extended the five month deadline it established in In re Adoption Of N.J.A.C. 5:96 and 5:97 and set May 1, 2014 as the deadline for COAH to propose new round three regulations, and October 22, 2014 as the deadline for COAH to adopt new round three regulations; and

**WHEREAS**, on October 20, 2014 the COAH Board met and were unable to adopt new regulations due to a 3-3 vote, creating more uncertainty and turmoil for municipalities; and

**WHEREAS**, on January 6, 2015 the New Jersey Supreme Court heard argument in a motion brought forth by the Fair Share Housing Center asking the Court to strip COAH of its authority and return implementation of the Fair Housing Act to the Court, thereby potentially exposing municipalities to costly litigation; and

**WHEREAS**, the confusion and uncertainty that has resulted from costly court actions, prolonged litigation and the lack of reasonable guidance demonstrates the need for a new State housing policy based on good planning, incentivizing participation and the provision of additional affordable housing; and

**WHEREAS**, the Legislature and Governor should seize this opportunity to reform the State's housing laws and implement a statewide housing plan predicated on good planning, providing incentives, directing funding to assist municipalities and protect the interests of taxpayers; and

**WHEREAS**, such reformation of the State's housing laws and implementation of the statewide housing plan should include credit for existing mobile homes and manufactured housing since same are clearly affordable.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Upper that we urge the Governor and the State Legislature to partner with municipalities and enact legislation to implement a reasonable and rational state affordable housing policy which promotes rational planning, includes credit for existing mobile homes and

manufactured housing, seeks to achieve results with available housing funding and incentives, encourages partnerships, and protects the interests of taxpayers; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution be forwarded to the Governor Chris Christie, Lieutenant Governor Kim Guadagno, New Jersey Department of Community Affairs Commissioner Richard E. Constable, III, New Jersey State Senator Jeff Van Drew, New Jersey Assemblyman Bob Andrzejczak, New Jersey Assemblyman Samuel Fiocchi, New Jersey Senate President Stephen Sweeney, New Jersey Assembly Speaker Vincent Prieto, and the New Jersey State League of Municipalities.

Resolution No. 90– 2015  
Offered by: Barr  
Adopted: April 13, 2015

Seconded by: Coggins

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>
Pierson	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Young	<u>      </u>	<u>      </u>	<u>      </u>	<u>  X  </u>
Palombo	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

**9. Opposing Atlantic Coast oil and gas drilling adjacent to the State of New Jersey.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 91-2015**

**RE: OPPOSING ATLANTIC COAST OIL AND GAS DRILLING  
ADJACENT TO THE STATE OF NEW JERSEY**

---

**WHEREAS**, the miles of beaches along the Atlantic coast of New Jersey attract hundreds of thousands of visitors annually; and

**WHEREAS**, the tourism industry and its related economy generate jobs directly related to tourism, jobs in ancillary tourism-related businesses and tax revenue; and

**WHEREAS**, there are current proposals under consideration by various agencies including the United States Department of the Interior that would call for oil and gas platform drilling in the areas located on the East Coast of New Jersey; and

**WHEREAS**, the Township Committee of the Township of Upper understands the need to develop alternative strategies to reduce dependence on foreign oil, including support to increase solar and wind generated energy production; and

**WHEREAS**, while finding alternative energy strategies is important, the potential for environmental damage that may occur from oil and gas drilling off the coast of New Jersey must also be given consideration; and

**WHEREAS**, catastrophes like the 2010 explosion, fire and oil spill at the Deepwater Horizon drilling platform in the Gulf of Mexico off the southeastern coast of Louisiana emphasizes the potential damage a spill can cause which would be devastating to the tourism, economy and environment of not only Cape May County, but also the entire State of New Jersey; and

**WHEREAS**, oil and gas drilling off the coast of New Jersey will increase the risk of oil pollution on the beaches of New Jersey; and

**WHEREAS**, the beaches of New Jersey are home to a vibrant ecosystem of marine mammals and sea life that must be protected; and

**WHEREAS**, the beaches of New Jersey are still recovering from the damage caused by Hurricane Sandy, and could be vulnerable to further damage by the potential of a manmade disaster.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper opposes initiatives to open portions of the Atlantic Ocean adjacent to the State of New Jersey for offshore oil and gas drilling, and hereby urges the federal and state legislative representatives of this State to oppose any plans to permit such drilling.

3. A copy of this resolution shall be provided to Governor Christie, Lieutenant Governor Guadagno, Congressman LoBiondo, Senator Booker, Senator Menendez, Senator Van Drew, Assemblyman Fiocchi, and Assemblyman Andrzejczak,.

Resolution No. 91-2015

Offered by: Coggins

Seconded by: Pierson

Adopted: April 13, 2015

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>	___	___	___
Pierson	<u>X</u>	___	___	___
Young	___	___	___	<u>X</u>
Palombo	<u>X</u>	___	___	___

**10. Appointment of Norman W. Briggs to act as Special Legal Counsel.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 92-2015**

**RE: APPOINTMENT OF NORMAN W. BRIGGS  
TO ACT AS SPECIAL LEGAL COUNSEL**

**WHEREAS**, the Township requires legal counsel to provide legal services in the event such services are not provided by the regular Township Solicitor due to a conflict of interest or other reason as determined by the Township Committee; and

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

**WHEREAS**, the Township has decided to acquire the services of Norman W. Briggs, Esquire as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-2.05; and

**WHEREAS**, Norman W. Briggs, Esquire has completed and submitted a Business Entity Disclosure Certification which certifies that Norman W. Briggs, Esquire has not made any contributions to a political or candidate committee in the Township that would bar the award of this

contract and that the contract will prohibit Norman W. Briggs, Esquire from making any contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Norman W. Briggs, Esquire with offices at 110 Roosevelt Boulevard, Suite 201, Marmora, New Jersey is hereby appointed Special Legal Counsel to handle matters in which the regular Township Solicitor has a conflict of interest as well as other matters directed by the Township Committee.
3. This contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Norman W. Briggs, Esquire has professional knowledge as to legal matters which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-2.05.

#### **NOTICE OF CONTRACT AWARD**

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

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

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



**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a Resolution authorizing this municipality to apply for such tonnage grants for calendar *year 2015* (based on 2014 recycling figures) is required, and will memorialize the commitment of this municipality to recycling and indicate the assent of the Township of Upper to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such Resolution should designate the individual authorized to ensure that the application is property completed and timely filed.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Upper that the Township of Upper hereby endorses the submission of a municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and designates William McDaniels, Certified Recycling Coordinator, P.O. Box 205, Tuckahoe, New Jersey, 08250, to ensure that said application is properly filed.

Resolution No. 93-2015  
 Offered by: Coggins                      Seconded by: Pierson  
 Adopted: April 13, 2015

Roll Call Vote:

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

**12. Declaring certain Township property and equipment as surplus and authorizing its disposal by sale on an online auction website.**

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

**RESOLUTION NO. 94-2015**

**RE: DECLARING CERTAIN TOWNSHIP PROPERTY  
 AND EQUIPMENT AS SURPLUS AND AUTHORIZING ITS DISPOSAL  
 BY SALE ON AN ONLINE AUCTION WEBSITE**

**WHEREAS**, N.J.S.A.40A:11-36 authorizes a municipality

to sell or dispose of certain personal property or equipment which is not needed for public use; and

**WHEREAS**, the Township of Upper has determined that the items listed on the attached sheet as Exhibit "A" are not needed for any public purpose and intends to sell those items on an online auction site; and

**WHEREAS**, the Director of the Division of Local Government Services, a Division of the Department of Community Affairs of the State of New Jersey permits the sale of surplus property no longer needed for public use through the use of online auction services, pursuant to the Local Unit Electronic Technology Pilot Program and Study Act, P.L. 2001, c.30, and has granted approval to Upper Township, copy of approval is attached as Exhibit "B"; 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 property and equipment aforementioned on Exhibit "A" are hereby determined to be useless for any public purpose and are determined to be surplus property and will forthwith be advertised for public sale pursuant to the provision of N.J.S.A. 40A:11-36; and

3. The said materials will be sold at a public sale to the highest bidder through a contracted government on-

line auction service, that being GovDeals, Inc., Internet web address at [www.govdeals.com](http://www.govdeals.com).

4. The required notice publication will include the following information:

- a. The dates and times that the auction will take place.
- b. No minimum bid requirement for an item unless otherwise stated.
- c. The Township of Upper reserves the right to reject any and all bids.

Resolution No. 94-2015

Offered by: Barr

Seconded by: Coggins

Adopted: April 13, 2015

Roll Call Vote:

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

**Exhibit "A"**

		<b>Min. Bid</b>
1.	1989 Ford F-350 1 Ton Mini Dump – 2FDKF37G1KCA38548	\$500.00
2.	1998 Dodge Ram 1500 Utility Body Pick-up – 1B7HC16X0WS666437	\$500.00
3.	1999 Ford F-250 Utility Body Pick-up – FTPF27W5NB64814	\$500.00
4.	One 235/85 16 Tire & 8 lug Chevy Wheel	\$ 50.00
5.	Seven (7) Life Guard Stands	\$ 10.00 / each

Exhibit "B"



State of New Jersey  
DEPARTMENT OF COMMUNITY AFFAIRS

September 7, 2007

JON S. CORZINE  
GOVERNOR

CHARLES A. RICHMAN  
ACTING COMMISSIONER

Barbara Spiegel, Deputy Municipal Clerk  
Township of Upper  
P.O. Box 205  
Tuckahoe, New Jersey 08250

Dear Ms. Spiegel:

Thank you for your interest in participating in the E-Procurement Pilot Program. The Division has reviewed your application dated August 10, 2007, which sets forth the preliminary plan for the online sale by the Township of Upper of municipal surplus property no longer needed for public use.

It is the Division's understanding that the Township intends to utilize the services of GovDeals, Inc. to conduct the auction. Further, it is our understanding that GovDeals will be paid by the Township a percentage of the sales of the auction for the use of its services.

The application has been approved. Enclosed is a copy of the Township's resolution approving the online sale of the surplus property. As with a traditional auction, the Township must do a newspaper advertisement for the online sale. Please provide the Division with a copy of the newspaper advertisement.

Finally, please be advised that, if the total amount from the sale of surplus property for the year that is due to GovDeals will exceed 15% of the Township's bid threshold, the Township will be required to obtain a Business Registration Certificate (BRC) from GovDeals. It is our understanding that GovDeals has previously acquired a BRC certificate.

The Division appreciates your efforts and cooperation in this program and wishes you well in the endeavor. If you have any questions, please contact Daniel Kaminski at 609-292-9757 or by e-mail at [dkaminski@dca.state.nj.us](mailto:dkaminski@dca.state.nj.us).

Sincerely,

  
Susan Jacobucci, Director  
Division of Local Government Services

SJ:djk  
enc.



**13. Authorizing the award of a Professional Services Contract with Dr. Stewart C. Farrell/Coastal Research Center of the Richard Stockton College of New Jersey for shoreline monitoring and consulting services for beach related issues.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 95-2015**

**RE: AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITH DR. STEWART C. FARRELL/COASTAL RESEARCH CENTER OF THE RICHARD STOCKTON COLLEGE OF NEW JERSEY FOR SHORELINE MONITORING AND CONSULTING SERVICES FOR BEACH RELATED ISSUES**

---

**WHEREAS**, the Township of Upper has received a proposal from Dr. Stewart Farrell on behalf of the Coastal Research Center of the Richard Stockton College of New Jersey, which outlines shoreline monitoring services to be performed on behalf of the Township during the calendar year 2015 and provides a rate schedule for the services to be provided; and

**WHEREAS**, the Township Committee has considered this matter and has determined that it is in the best interest of the Township to authorize a Professional Services Contract as hereinafter provided; and

**WHEREAS**, the Township Solicitor has determined that the services to be provided are professional services and that a contract may be awarded without competitive bid; and

**WHEREAS**, the Treasurer has certified the availability of funds to permit the Township to enter into a Professional Services Contract; and

**WHEREAS**, a Business Entity Disclosure Certification is not required since this contract is with an agency of the state government; and

**WHEREAS**, the Township has decided to acquire the services of Dr. Stewart C. Farrell of the Coastal Research Center of the Richard Stockton College of New Jersey as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-2.05; 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 proposal of Dr. Stewart Farrell on behalf of the Coastal Research Center of the Richard Stockton College of New Jersey (hereinafter collectively referred to as “Contractor”), is hereby accepted, subject to the provisions of this Resolution.

3. The Mayor and Township Clerk are hereby authorized, directed and empowered to enter into a Professional Services Contract with the Contractor aforesaid for a one (1) year term commencing January 1, 2015. Said Agreement shall be prepared or approved by the Municipal Attorney for the Township of Upper. The Township Clerk is further authorized, directed and empowered to seal said Contract with the seal of the Township of Upper.

4. The Township Clerk shall cause a Notice of Award of this Contract to be published in the official newspaper of the Township as required by N.J.S.A. 40A:11-5.

5. This Contract is a Professional Services Contract and has been awarded without competitive bidding for the following reasons:

(A) The services required are highly specialized or technical in nature;

(B) The services require peculiar ability or skill, and demand a high degree of specialized knowledge or expertise;

(C) The services required are professional services and/or unspecified extraordinary services within the meaning of N.J.S.A. 40A:11-5(a);

(D) The individual who will provide these services has demonstrated his competence and particular expertise in the services required; and

(E) The services to be provided are such that their nature, scope and duration are not capable of precise measurement, but rather require a flexibility and discretion that render competitive bidding impractical and inefficient.

6. A certified copy of this Resolution shall be provided to the Contractor.

7. This Resolution shall take effect immediately provided, however, that the Contract awarded herein shall be effective as of January 1, 2015.

Resolution No. 95-2015  
Offered by: Pierson  
Adopted: April 13, 2015

Seconded by: Coggins

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>	___	___	
Pierson	<u>X</u>	___	___	
Young	___	___	___	<u>X</u>
Palombo	<u>X</u>	___	___	

**14. Authorizing the execution of a contract with Adams, Rehmann & Heggan Associates, Inc. for the maintenance and conversion of the official tax map to a georeferenced digital format.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY**

**R E S O L U T I O N**

**RESOLUTION NO. 96-2015**

**RE: AUTHORIZING THE EXECUTION OF A CONTRACT WITH ADAMS, REHMANN & HEGGAN ASSOCIATES, INC. FOR THE MAINTENANCE AND CONVERSION OF THE OFFICIAL TAX MAP TO A GEOREFERENCED DIGITAL FORMAT**

---

**WHEREAS,** the Township requires a professional land surveyor for the maintenance and conversion of the official tax map to a georeferenced digital format; and

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

**WHEREAS,** Adams, Rehmann & Heggan Associates, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Adams, Rehmann & Heggan Associates, Inc. has not made any contributions to a political or candidate committee in the Township that would bar the award of the contract and that the contract will prohibit Adams, Rehmann & Heggan Associates, 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 Adams, Rehmann & Heggan Associates, Inc., of 850 South White Horse Pike, Hammonton, New Jersey 08037, for professional land surveying services for the maintenance and conversion of the official tax map of Upper Township to a georeferenced digital format.

3. The Contract is awarded 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 Adams, Rehmann & Heggan Associates, Inc., has professional knowledge as to land surveying issues which knowledge is particularly valuable to the Township Committee.

4. The contract shall have a term of one (1) year from full execution.

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

6. Adams, Rehmann & Heggan Associates, Inc. has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.

7. A notice of the contract award shall be published in the official newspaper of the Township of Upper.

8. This Resolution shall be effective as of adoption.

Resolution No. 96-2015  
Offered by: Barr  
Adopted: April 13, 2015

Seconded by: Coggins

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>
Pierson	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Young	<u>          </u>	<u>          </u>	<u>          </u>	<u>          X</u>
Palombo	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>

**15. Appointing The Lomax Consulting Group as an environmental consultant for the preparation of a New Jersey Community Forestry Management Plan.** The Municipal Attorney stated that there is one minor change to the contract that was presented at the last meeting; the grant is for \$3,000, at the last meeting it was indicated that the proposal received by Lomax was revised so that the responsibility of the Township would not exceed \$500. However in reviewing their proposal a calculation error was discovered and the actual amount is \$600 additional. The CFO stated that the availability of funds has been revised to reflect the certified amount of \$3,600.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 97-2015**

**RE: APPOINTING THE LOMAX CONSULTING GROUP AS AN  
ENVIRONMENTAL CONSULTANT FOR THE PREPARATION OF A NEW  
JERSEY COMMUNITY FORESTRY MANAGEMENT PLAN**

---

**WHEREAS**, the Township of Upper has been awarded funding, in the amount of \$3,000.00, from a New Jersey Department of Environmental Protection (NJDEP), Division of Parks and Forestry grant entitled “2013 Green Communities Grant Community Forestry Management Plan”; and

**WHEREAS**, the funds received from the grant are to be used for consulting services to prepare and submit to the Community Forestry Council a New Jersey Community Forestry Management Plan (CFMP) in accordance with the New Jersey Shade Tree and Community Forestry Assistance Act Guidelines; and

**WHEREAS**, the Township requires an Environmental Consultant to obtain the necessary approvals of the CFMP; and

**WHEREAS**, The Lomax Consulting Group possesses the requisite skill and knowledge to perform these services; and

**WHEREAS**, a Resolution is required authorizing the award of a contract for professional services to The Lomax Consulting Group as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, The Lomax Consulting Group has completed and submitted a Business Entity Disclosure Certification which certifies that said firm has not made any contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit The Lomax Consulting Group 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 Lomax Consulting Group with offices at 1435 Route 9 North, Cape May Court House, New Jersey, 08210 is hereby appointed as Environmental Consultant for the preparation of a New Jersey Community Forestry Management Plan.
3. This contract shall have a term of one (1) year commencing upon full execution.
4. This Contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because The Lomax Consulting Group, has professional knowledge as to environmental issues which knowledge is particularly valuable to the Township Committee.

5. This Contract is under and subject to any and all requirements of the State of New Jersey Department of Environmental Protection, Division of Parks and Forestry, and any and all agreements entered into by the Township of Upper with the NJDEP in connection with the grant funding for the preparation of a New Jersey Community Forestry Management Plan.

**NOTICE OF CONTRACT AWARD**

6. 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 The Lomax Consulting Group. 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.

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

8. A 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. 97-2015

Offered by: Barr

Seconded by: Pierson

Adopted: April 13, 2015

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>	_____	_____	_____
Pierson	<u>X</u>	_____	_____	_____
Young	_____	_____	_____	<u>X</u>
Palombo	<u>X</u>	_____	_____	_____

**16. Requesting approval of the Director of the Division of Local Government Services to establish a Dedicated Trust by Rider for the Upper Township Recreation Trust Fund pursuant to N.J.S.A. 40:48-2.56.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 98-2015**

**RE: RESOLUTION REQUESTING APPROVAL OF THE DIRECTOR OF THE  
DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A  
DEDICATED TRUST BY RIDER FOR THE UPPER TOWNSHIP RECREATION  
TRUST FUND PURSUANT TO N.J.S.A. 40:48-2.56**

---

**WHEREAS**, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

**WHEREAS**, N.J.S.A. 40:48-2.56 permits municipalities to receive amounts to offset the costs of operating municipal seasonal recreational events and to provide for the operating costs for administration; and

**WHEREAS**, N.J.S.A. 40:48-2.56 provides the dedicated revenues anticipated from the Upper Township Recreation Trust Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

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

1. The Township Committee of the Township of Upper hereby requests permission of the Director of the Division of Local Government Services to pay expenditures of the Upper Township Recreation Trust Fund created in accordance with the provisions of N.J.S.A. 40:48-2.56; and
2. The Municipal Clerk of the Township of Upper is hereby directed to

forward two certified copies of this resolution to the Director of the  
Division of Local Government Services.

Resolution No. 98-2015

Offered by: Barr

Seconded by: Pierson

Adopted: April 13, 2015

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>	___	___	___
Pierson	<u>X</u>	___	___	___
Young	___	___	___	<u>X</u>
Palombo	<u>X</u>	___	___	___

**ORDINANCES**

**CORRESPONDENCE**

**NEW BUSINESS**

**UNFINISHED BUSINESS**

**DISCUSSION**

**PAYMENT OF BILLS**

17. "I hereby move that all claims submitted for payment at this meeting be approved and then incorporated in full in the minutes of this meeting." **Motion by John Coggins, second by Richard Palombo. During roll call vote all four Committee members present voted in the affirmative.**

Bills approved for payment: \$282,200.65

Payroll: \$150,269.65

**REPORT OF MUNICIPAL DEPARTMENTS**

- 18. Animal Control
- 19. Construction Code
- 20. Tax Collector

Motion by Richard Palombo, second by Jeffrey Pierson, to accept all reports as submitted. During roll call vote all four Committee members present voted in the affirmative.

**PUBLIC COMMENT**

**Ludwig Samselski, Seaville**, inquired into the efforts that have been made to attract ratables to the Township. It was stated that a few years ago potential developers had made inquiries for possible development, however the sluggish economy has slowed down that interest. Mr. Samselski next stated his opposition to semi-professional soccer teams utilizing Township Fields, fall baseball, the need for lights at Amanda’s Field, the need for permanent bathroom facilities, and the need for concession stands. It was stated that the Township has not received a request from a semi-professional soccer team to use the fields.

**Ted Kingston, Strathmere**, questioned if the Army Corps is still fully funding the beach fill project since such a large quantity of additional sand is needed. It was stated that the project is fully funded. The beach fill contract was awarded with additional options, and upon the final survey the appropriate option is chosen. Mr. Kingston next stated his concern with the amount of sand in the inlet and back bay area. He stated that with the inlet clogged, the life span of this current beach fill will not be as long as expected. It was stated that all future beach replenishments are slated to use the inlet for the borrow area.

**At this point, Committeeman Young joined the meeting.**

**Mike Jones, Marshallville**, stated that the fall baseball league is for children ages 10-13. He further stated that Middle Township, Dennis Township, and Egg Harbor Township all have permanent restrooms. Many times the portable bathrooms are tipped over by pranksters, and permanent bathrooms also provide a much needed changing station for parents with babies. Mr. Jones next stated that the concession stands bring much needed revenue to the sports associations.

**CLOSED SESSION**

**21. 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. 99-2015  
MOTION GOING INTO CLOSED SESSION  
APRIL 13, 2015**

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

**MATTERS:**

- 1. Contract negotiation - CASA Payroll Services
- 2. Contract negotiation - Shared Services with Dennis Township
- 3. Contract negotiation - Shared Services with Cape May County for Heavy Equipment Fleet Maintenance
- 4. Contract negotiation - Engineer
- 5. Personnel

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

- A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.
- B. With respect to 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.

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 Edward Barr, to reconvene the public portion of the meeting. During roll call vote, all five Committee members voted in the affirmative.

Motion by John Coggins, second by Edward Barr, to direct the personnel officer to present the employment agreement to Paul Dietrich, and if accepted, authorize the Township Officials to sign the agreement. During roll call vote, all five Committee members voted in the affirmative.

**ADJOURNMENT**

There being no further business this evening the meeting was adjourned at 9:00 P.M. The next regular meeting is scheduled for April 27, 2015 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC  
Municipal Clerk

**Bill List**

64835 04/13/15 A0018 ACTION SUPPLY INC. 27.84 2871  
 64836 04/13/15 A0091 ATLANTIC CITY ELECTRIC 15,154.14 2871  
 64837 04/13/15 A0193 ATLANTIC INVESTIGATIONS, LLC 810.00 2871  
 64838 04/13/15 B0201 BUCK'S ELECTRICAL SERVICE, INC 1,197.00 2871  
 64839 04/13/15 B0220 BERGEY'S TRUCK CENTERS 1,350.00 2871  
 64840 04/13/15 C0046 CAPE MAY COUNTY CLERK 8.00 2871  
 64841 04/13/15 C0068 COMCAST 124.23 2871  
 64842 04/13/15 C0071 CAPEHART & SCATCHARD, P.A. 376.50 2871  
 64843 04/13/15 C0121 CMC CONFERENCE OF MAYORS 325.00 2871  
 64844 04/13/15 C0182 CDW GOVERNMENT, INC 800.82 2871  
 64845 04/13/15 C0223 CASA PAYROLL SERVICE 238.95 2871  
 64846 04/13/15 C0230 CATAMARAN MEDIA COMPANY 72.00 2871  
 64847 04/13/15 C0247 CMRS-FP 2,000.00 2871  
 64848 04/13/15 D0154 DAVIDSON, PAMELA 1,145.00 2871  
 64849 04/13/15 E0012 EHRLICH PEST CONTROL INC 83.00 2871

64850 04/13/15 F0049 FOGLIO'S CARPET & DESIGN CENTE 124.80 2871  
64851 04/13/15 F0054 DEARBORN NATIONAL LIFE INS. CO 416.70 2871  
64852 04/13/15 F0174 F.W. SHAWL & SONS, INC. 74,070.50 2871  
64853 04/13/15 G0035 GENRON FIRE PROTECTION 23.00 2871  
64854 04/13/15 G0163 GOVCONNECTION, INC 2,650.00 2871  
64855 04/13/15 H0083 HUBER LOCKSMITHS, INC. 25.00 2871  
64856 04/13/15 H0095 HORIZON BCBSNJ 137,024.50 2871  
64857 04/13/15 H0148 THOMAS H. HEIST INS AGENCY INC 5,050.00 2871  
64858 04/13/15 J0072 JERSEY WEB DESIGNS 1,938.50 2871  
64859 04/13/15 K0086 K D NATIONAL FORCE SECURITY 1,715.00 2871  
64860 04/13/15 L0007 LC EQUIPMENT, INC. 157.50 2871  
64861 04/13/15 L0080 LOWES, INC. 72.79 2871  
64862 04/13/15 M0142 MASON, NICHOLAS 117.79 2871  
64863 04/13/15 M0180 MED-TECH RESOURCE,LLC 115.90 2871  
64864 04/13/15 N0004 NJ-AMERICAN WATER CO. 234.45 2871  
64865 04/13/15 N0043 NAPA AUTO PARTS 449.77 2871  
64866 04/13/15 N0046 NJ EMERGENCY PREPAREDNESS ASSO 110.00 2871  
64867 04/13/15 N0131 DEFINED CONTRIB RETIRE PROGRAM 103.65 2871  
64868 04/13/15 P0032 PEDRONI FUEL CO. 1,299.30 2871  
64869 04/13/15 Q0003 QC LABORATORIES 2,261.80 2871  
64870 04/13/15 R0030 RIGGINS, INC. 1,493.10 2871  
64871 04/13/15 R0100 ROBERTS OXYGEN COMPANY, INC. 94.44 2871  
64872 04/13/15 R106 RUMER, LISA 157.31 2871  
64873 04/13/15 S0034 SCHULER, DANIEL 148.97 2871  
64874 04/13/15 S0056 SEASHORE ASPHALT CORPORATION 2,867.50 2871  
64875 04/13/15 S0121 SMUZ, THERESE A 20.70 2871  
64876 04/13/15 S0196 STEWART BUSINESS SYSTEMS LLC 105.75 2871  
64877 04/13/15 S0209 STAPLES ADVANTAGE 121.40 2871  
64878 04/13/15 S0239 SHORE VET. ANIMAL CONTROL LLC 2,450.00 2871  
64879 04/13/15 S0263 S.F. SHAFFER COMPANY 642.66 2871  
64880 04/13/15 S0275 SCHAEFER PYROTECHNICS INC. 4,165.50 2871  
64881 04/13/15 S0286 SHEAROUSE, BERNARDINE 65.30 2871  
64882 04/13/15 S0288 SWANA NEW JERSEY CHAPTER 150.00 2871  
64883 04/13/15 T0032 THE PRESS & SUNDAY PRESS 356.49 2871  
64884 04/13/15 T0048 TILL PAINT CO/D. FITZGERALD 196.00 2871  
64885 04/13/15 T0067 TOWNSHIP OF UPPER PETTY CASH 3.00 2871  
64886 04/13/15 T0080 TREASURER STATE OF N.J. 143.00 2871  
64887 04/13/15 T0168 TOWNSHIP OF UPPER 195.36 2871  
64888 04/13/15 V0005 VAN EMBDEN, NATHAN, ATTORNEY 750.00 2871  
64889 04/13/15 V0022 VERIZON 192.62 2871  
64890 04/13/15 Y0003 Y-PERS INC 91.90 2871  
64891 04/13/15 Y0008 YOUNG, DANIEL J. ESQUIRE PC 16,116.22 2871

Total: \$282,200.65