

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR FEBRUARY 8, 2016**

*******BUDGET WORKSHOP MEETING – 6:30 P.M.**

In preparation of the 2016 Municipal Budget a second budget workshop meeting was called to order this evening at 6:30 PM.

Mayor Palombo read the Open Public meeting notice into the record.

Committeeman Coggins requested that for tonight's workshop, the Committee go through the operating expense line items for each department and discuss any variances from the previous years. He stated that this budget does include a 2% increase in the Salaries and Wages line items. Employees have not received a salary increase since 2014. After a lengthy discussion on the proposed operating expenses, Committeeman Coggins stated that for the next budget workshop he would like all Department Heads to have their proposed 5 to 10 year Capital Plan for an in depth discussion regarding future expenditures.

A third budget workshop meeting was then scheduled for Monday February 22, 2016 at 6:00 p.m. to continue the discussion. Motion by Jeffrey Pierson, second by Edward Barr, to adjourn the budget workshop. During roll call vote all five Committee members voted in the affirmative.

There was a brief recess and then the regular meeting convened.

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	Present
Richard Palombo	Present

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

APPROVAL OF MINUTES - January 25, 2016 Budget Workshop, Regular Meeting, and Closed Session Minutes

Motion by Jeff Pierson, second by Edward Barr, to approve the January 25, 2016 Budget Workshop, Regular Meeting, and Closed Session Minutes as submitted. During roll call vote all five Committeemen voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Hobie Young, Committeeman, reported that he will be holding a meeting this week to plan the upcoming Easter Egg Hunt. He will announce the date when it has been determined. Last he stated that the crew that cleaned the underbrush out of the front of Caldwell Park did a great job.

Jeffrey Pierson, Committeeman, reported that the rabies clinic was a success. He next reported that he recently attended the installation dinners for the Upper Township Rescue Squad and the Seaville Volunteer Fire Company. He stated that it was good to see the young people being recognized for their service to the community.

Richard Palombo, Mayor, thanked his colleagues for covering for him while he was recovering from recent surgery. He next reported that the Ocean City After Prom Committee has requested a few beach patrol boats and a lifeguard stand to use as decorations for the after prom party. Motion by Richard Palombo, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative.

OTHER REPORTS

Barbara Young, Municipal Clerk, reported that the Township offices will be closed on Monday February 15, 2016 for Presidents Day. Monday's trash collection will be picked up the following day.

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

Paul Dietrich, Municipal Engineer, reported that Public Works is continuing to clean up from the recent storm. They will be giving residents two weekends to gather any debris on their property for pickup. He next reported that he has met with County and State OEM Officials and FEMA regarding the storm damage assessment. The Army Corps recently replenished some areas of the beach that were lost from the storm. He next requested that Public Works employee John Adams be promoted to Maintenance Worker 3. Committeeman Young stated that the promotion is warranted and well earned. Motion by Hobie Young, second by Edward Barr, to prepare the appropriate ordinances and resolutions to effectuate the promotion of John Adams to Maintenance Worker 3, Grounds. During roll call vote all five Committeemen voted in the affirmative. The matter will be placed on a future agenda for formal action.

RESOLUTIONS

1. Honoring the heroic efforts of Dan and Daniel Bowersock.

TOWNSHIP OF UPPER

**CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 47-2016

HONORING THE HEROIC EFFORTS OF DAN AND DANIEL BOWERSOCK

WHEREAS, the members of the Upper Township Committee are honored to recognize the heroic acts of Upper Township citizens Dan Bowersock and his son Daniel Bowersock, of 5 Somers Avenue in Seaville, for selflessly putting their own lives in danger to extinguish a fire at their neighbor's home; and

WHEREAS, on a late night in November of 2015, shortly after the Freas family of 2 Somers Avenue had retired for the evening, a vehicle parked in the driveway of their home became engulfed in flames and quickly ignited a portion of the Freas' attached garage which contained oxygen bottles; and

WHEREAS, from across the street, Dan and son Daniel spotted the fire and quickly responded with a home fire extinguisher, effectively preventing the fire from spreading to the car's gas tank and an oxygen bottle in the back seat of the car; and

WHEREAS, the Bowersocks, with their quick thinking and courageous response, certainly prevented a dangerous situation from becoming a tragedy; and

WHEREAS, it is fitting and proper for the Township of Upper to honor Mr. Dan Bowersock and his son Daniel Bowersock for their heroic deeds; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, this Township Committee expresses its sincere gratitude to Dan and Daniel Bowersock for their heroic acts of bravery and commitment to the safety and security of their neighbors.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 8th day of February, 2016.

Resolution No. 47-2016

Offered by: Coggins

Seconded by: Pierson

Adopted: February 8, 2016

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>	_____	_____	_____

2. Honoring the memory of our friend Daniel Bready.

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

RESOLUTION NO. 48-2016

**HONORING THE MEMORY OF OUR FRIEND
DANIEL BREADY**

WHEREAS, the Upper Township Committee was deeply saddened to learn of the death of Daniel Bready, an inspiring individual who has tirelessly served our community for many years by generously donating his time to numerous civic and charitable organizations; and

WHEREAS, Daniel served in the community as a member of the Upper Township School Board for nine years and President of the School Board for three years, Vice-President for Cape May School Board Association, member of the New Jersey School Board Association of Upper Township/Ocean City, Kiwanis Trustee of Upper Township Education Foundation, First Certified Board Member in Cape May County by NJSB, member of the Upper Township Republican County Committee, and member of the Upper Township Planning Board since 2005.

WHEREAS, Daniel was actively involved in his professional community as a member of the Ocean City Hotel/Motel Association, the Ocean City Board of Realtors, NJ Association of Realtors and National Association of Realtors; and

WHEREAS, Daniel's diversity of service included serving his country in the US Army, being a member of the Tuckahoe United Methodist Church, and being a foster parent for ten years; and

WHEREAS, Daniel will always be remembered for his service to others which he undertook with the utmost integrity, fairness and professionalism; and

WHEREAS, it is just and deserving that on behalf of the residents of Upper Township, we honor and celebrate the life of our colleague and friend Daniel; 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 Daniel Bready, and do hereby extend to Daniel's family our most heartfelt sympathy for their loss and the hope that they will be consoled by the memories of his fine life and achievements.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 8th day of February, 2016.

Resolution No. 48-2016

Offered by: Pierson

Seconded by: Barr

Adopted: February 8, 2016

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>	___	___	___

3. Authorizing the execution of NJDEP TWA-1 Application Statements of Consent form regarding 100 Putnam Avenue, Strathmere, Block 824, and Lot 7.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO.49-2016

**RE: AUTHORIZING THE EXECUTION OF NJDEP TWA-1 APPLICATION
STATEMENTS OF CONSENT FORM REGARDING 100 PUTNAM AVENUE,
STRATHMERE, BLOCK 824, LOT 7**

WHEREAS, James F. Bonner has or is 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 F. Bonner 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 100 Putnam Avenue, Block 824, Lot 7 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 F. Bonner for treatment works approval for the property at Block 824, Lot 7 on the municipal tax map.
4. A certified copy of this Resolution shall be provided to the applicant.

Resolution No.49-2016

Offered by: Pierson Seconded by: Barr

Adopted: February 8, 2016

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> X </u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

ORDINANCES

4. **Public hearing and final adoption of Ordinance No. 001-2016 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER VII OF THE CODE OF UPPER TOWNSHIP.** The Municipal Attorney stated that the Township had anticipated that the County Resolution authorizing the no parking restriction for Tuckahoe Road would be in place before this ordinance was adopted. However, the County's authorizing resolution is not scheduled for adoption until tomorrow. He recommended that the Committee open the public hearing to allow anyone present tonight to speak, and then continue the matter to the next meeting. Mayor Palombo then opened up the public hearing portion.

Keith Jack, 44 Stagecoach Road, inquired as to how the ordinance will be enforced. It was stated that after the Ordinance has been adopted, signs will be placed designating the no parking areas and any violations will be enforced by the State Police. Mayor Palombo directed the Municipal Engineer to order the No Parking signs now in anticipation of the adoption of this Ordinance.

Mayor Palombo then closed the public hearing portion. Motion by Jeffrey Pierson, second by Edward Barr, to continue the public hearing and final adoption of Ordinance No. 001-2016 at the next meeting on February 22, 2016.

TOWNSHIP OF UPPER CAPE MAY COUNTY O R D I N A N C E

ORDINANCE NO. 001-2016

RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER VII OF THE CODE OF UPPER TOWNSHIP

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

SECTION 1. Chapter 7, Schedule I (entitled "No Parking") of the Revised General Ordinance of the Township of Upper, also known as the Code of Upper Township, shall be amended as hereinafter provided:

SCHEDULE I – NO PARKING

Add the following:

Street	Location
Mosquito Landing Rd	<i>Both sides of Mosquito Landing Road a distance of one thousand (1,000') feet easterly from the curbline of State Highway Rt-50.</i>
Tuckahoe Road* (CR 631)	<i>North side of Tuckahoe Road a distance of five hundred sixty (560') feet westerly from Stagecoach Road (CR667).</i>
Tuckahoe Road* (CR 631)	<i>South side of Tuckahoe Road a distance of three hundred seventy five (375') feet westerly from Stagecoach Road (CR667).</i>
Tuckahoe Road* (CR 631)	<i>Both sides of Tuckahoe Road a distance of three hundred (300') feet easterly from Stagecoach Road (CR 667).</i>

* No-Parking restriction was approved and authorized by the Cape May County Board of Chosen Freeholders pursuant to Resolution No. 159-16 and may be enforced by this Township ordinance.

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

SECTION 3: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

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

SECTION 5: CODIFICATION: This Ordinance shall be codified in the Upper Township Code at the sections referred to above.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 11th DAY OF JANUARY, 2016 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 22nd DAY OF FEBRUARY, 2016 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

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

BARBARA L. YOUNG, TOWNSHIP CLERK

TOWNSHIP OF UPPER

5. **Introduction and first reading of Ordinance No. 002-2016 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XI (PROPERTY MAINTENANCE) OF THE CODE OF UPPER TOWNSHIP TO CONTROL INVASIVE PLANTS.** Motion by John Coggins, second by Hobie Young, to introduce Ordinance 002-2016 with a public hearing and final adoption scheduled for March 7, 2016. During roll call vote, all five Committeemen voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
O R D I N A N C E**

ORDINANCE NO. 002-2016

RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XI (PROPERTY MAINTENANCE) OF THE CODE OF UPPER TOWNSHIP TO CONTROL INVASIVE PLANTS

WHEREAS, the Township Committee desires to adopt an ordinance to control invasive plants; and

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

SECTION 1. Chapter 11 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended to add Section 11-3 as hereinafter provided:

CHAPTER 11. PROPERTY MAINTENANCE

11-1 Unchanged.

11-2 Unchanged.

11-3 INVASIVE PLANTS PROHIBITED; CONTAINMENT AND REMOVAL.

11-3.1 Purpose.

The purpose of this section is to protect and promote the public health through the control of the growth of invasive plant species.

11-3.2 Definitions.

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

Invasive Plants. All native and non-native vines and vegetation that grow out of place and are competitive, persistent and pernicious. These plants may damage trees, vegetation, other plant materials, or structures. Examples include but are not limited to running (monopodial) bamboo, clumping (sympodial) bamboo, multiflora rose, kudzu-vine and poison ivy and oak.

11-3.3 Prohibition.

No owner, tenant or occupant of a property or person, corporation or other entity, shall plant, install or cause or permit the planting or installation of Invasive Plants upon any property located within the Township of Upper.

11-3.4 Duty to Confine.

In the event any Invasive Plants are located upon any property within the Township of Upper prior to the adoption of this ordinance the owner and occupant of said property shall jointly and severally be required to confine such species to prevent the

encroachment, spread, invasion or intrusion of same onto any other private or public property or public right-of-way. In lieu of confining the species, the property owner or occupant may elect to totally remove the Invasive Plants from the property and all affective properties. Failure to properly confine such plants shall require removal as set forth below. The cost of said removal shall be at the Invasive Plant property owner's expense. This duty to confine shall not apply if the property owner and/or occupant can establish to the satisfaction of the Code Enforcement Officer that the Invasive Plant which is on his or her property at the time of the adoption of this ordinance originated on another property.

11-3.5 Removal.

In the event Invasive Plants are present on the date of adoption of this ordinance and a complaint is received by the Township regarding an encroachment of any Invasive Plant, and the Code Enforcement Officer of the Township, after observation and/or inspection, determines that there is an encroachment or invasion on any adjoining/neighboring private or public property or public right-of-way (hereinafter "the affected property"), the Township shall serve notice to the Invasive Plant property owner in writing that the Invasive Plant has invaded other private or public property(s) or public right-of-way(s) and demand the removal of the Invasive Plant from the affected property and demand approved confinement against future encroachment or, in the alternative, the total removal from the property owner's property. Notice shall be provided to the Invasive Plant property owner, as well as to the owner of the affected property, by certified, return receipt requested mail and regular mail. Within forty-five (45) days of receipt of such notice, the Invasive Plant property owner shall submit to the Code Enforcement Officer of the Township, with a copy to the owner of the affected property, a plan for the removal of the Invasive

Plant from the affected property, which plan shall include restoration of the affected property after removal. Within one hundred twenty (120) days of receipt of the Code Enforcement Officer's approval of the plan of removal and restoration, the removal and restoration shall be completed to the satisfaction of the Code Enforcement Officer.

11-3.6 Violations and Penalties.

- a. Whenever an Invasive Plant as defined by this section is found on any plot of land, lot or any other premises or place in violation of this ordinance, or if existing upon adoption of this ordinance, but is found to have spread beyond the boundaries of a property and the Invasive Plant property owner does not complete removal in accordance with this ordinance, the Invasive Plant property owner shall upon conviction, be subject to the penalties stated in Chapter I, Section 1-5 of this Code. In addition, the Administrative Officer may request and the Municipal Court may grant, a specific performance remedy.
- b. Nothing herein shall be interpreted as limiting the rights of a private property owner to seek civil relief through a court of proper jurisdiction, nor the institution of civil proceedings against the proper parties.

11-3.7 Other Ordinances and Laws Unaffected.

Nothing herein shall be interpreted as limiting the right of the Township to require abatement and removal of Invasive Plants pursuant to any other applicable Township ordinance or state statute, including but not limited to Upper Township Code Section 11-1 above and N.J.S.A. 40:48-2.13. The Township may require abatement and removal under Section 11-1 or state law prior to pursuing, and independently of, any enforcement action pursuant to this Section 11-3.

SECTION 2. EFFECTIVE DATE: This ordinance shall take effect immediately upon adoption and publication as required by law.

SECTION 3: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 4: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 5: CODIFICATION: This Ordinance shall be codified as indicated in Chapter 11 of the Upper Township Code.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE **8th DAY OF FEBRUARY**, 2016 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE **7th DAY OF MARCH, 2016** AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

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

BARBARA L. YOUNG, TOWNSHIP CLERK

TOWNSHIP OF UPPER

6. Introduction and first reading of Ordinance No. 003-2016 RE: AN ORDINANCE ADOPTING REVISED GENERAL ORDINANCE CHAPTERS XX (ZONING) OF THE CODE OF UPPER TOWNSHIP. **Motion by Jeffrey Pierson, second by Edward Barr, to introduce Ordinance 003-2016 with a public hearing and final**

adoption scheduled for March 7, 2016. During roll call vote, all five Committeemen voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
O R D I N A N C E**

ORDINANCE NO. 003-2016

**RE: AN ORDINANCE ADOPTING REVISED GENERAL ORDINANCE CHAPTER
XX (ZONING) OF THE CODE OF UPPER TOWNSHIP**

WHEREAS, the Township Committee desires to adopt an ordinance regulating affordable accessory apartments with respect to land subdivision, site plan, land use administration and zoning; and

WHEREAS, the New Jersey Supreme Court and New Jersey Legislature have recognized and mandated in So. Burl. Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) (“Mount Laurel II”) and the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (“FHA”) that every municipality in New Jersey has an affirmative obligation to facilitate the provision of affordable housing; and

WHEREAS, the Township Planning Board prepared and adopted a Housing Element and Fair Share Plan (HEFSP) and Master Plan Reexamination Report on December 18, 2008 in accordance with N.J.S.A.40:55D-89; and

WHEREAS, the Township Planning Board prepared a DRAFT Affordable Accessory Apartment ordinance as part of the 2008 HEFSP; and

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

SECTION 1. Chapter 20 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

Add Section 20-4.19 Affordable Accessory Apartments.

- a. Purpose. The purpose of the Affordable Accessory Apartments is to accommodate the development and conversion of accessory apartments to provide affordable housing in accordance with the Township's Housing Element and Fair Share Plan.
- b. *Where Permitted* Affordable Accessory Apartments" is provided on Schedule B Commercial and Mixed Use Districts.
- c. Definition. An AFFORDABLE ACCESSORY APARTMENT shall be a self-contained residential dwelling unit with a kitchen, bathroom, sleeping quarters and a private entrance which is created to be occupied by a "moderate" income household in accordance with the applicable provisions of the "Substantive Rules" of the New Jersey Council on Affordable Housing (COAH) at N.J.A.C. 5:97-6.8.
- d. *Additional Conditions.*
 1. The "Affordable Accessory Apartment" shall be rented only to a "moderate" income household at the time of initial occupancy of the unit.
 2. The "Affordable Accessory Apartment" shall, for a period of thirty (30) years from the date of the issuance of a Certificate of Occupancy, be rented only to "moderate" income households.
 3. Rents of "Affordable Accessory Apartments" shall be affordable to moderate income households in accordance with the applicable provisions of N.J.A.C. 5:97-9, and shall specifically include an allowance for utilities in accordance with Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et. seq.
 4. There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the "Affordable Accessory Apartment" is located running with the land and limiting its subsequent rental or sale.
 5. No more than ten (10) units of the Township's Affordable Housing Obligation to produce "Affordable Accessory Apartments" shall be permitted.
 6. The "Affordable Accessory Apartment" program shall be affirmatively marketed to the Housing Region 6 consisting of Atlantic, Cape May, Cumberland and Salem counties in accordance with the "Affirmative Marketing Plan".
- e. At the end of the 30 year deed restriction, the Township may negotiate with the owner to extend affordability controls subject to COAH's expiration of affordability controls procedures.
- f. At the termination of the deed restriction, the affordable accessory apartment will be permitted to be marketed to the general public without affordability controls.
- g. The "Affordable Accessory Apartment" may be a newly created accessory apartment in the Commercial and Mixed Use District.
- h. Administration of the "Affordable Accessory Apartment" Program.
 - a. The Township Committee of Upper Township shall designate an "administrative entity" to administer the "Affordable Accessory Apartment" program in accordance with the following:

- i. The administrative entity shall administer the "Affordable Accessory Apartment" program including advertising, income qualifying prospective renters, setting rents and annual rental increases, maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions and monitoring reports, and affirmatively marketing the "Affordable Accessory Apartment" program;
 - ii. The administrative entity shall only deny an application for an accessory apartment if the project is not in conformance with COAH's requirements and/or the provisions of this Ordinance. All denials shall be in writing with the reasons clearly stated; and
 - iii. In accordance with COAH requirements, the Township shall provide at least \$20,000 to subsidize the creation of an "Affordable Accessory Apartment" conforming to the requirements of this Ordinance section and COAH requirements.
 - iv. Prior to the grant of such subsidy, the property owner shall enter into a written agreement with the Township insuring that the apartment shall meet the requirements of this Ordinance and COAH regulations.
- i. Application Procedures
 - a. Each application for the creation of an "Affordable Accessory Apartment" shall submit the following information to the designated administrative entity:
 - i. A sketch of floor plan(s) showing the location, size and relationship of both the "Affordable Accessory Apartment" and the primary dwelling within the building or in another structure;
 - ii. Rough elevations showing the modification of any exterior building facade to which changes are proposed; and
 - iii. A site development sketch showing the location of the existing dwelling and other existing buildings; all property lines; proposed addition if any, along with the minimum building setback lines; the required parking spaces for both dwelling units and any natural or man-made conditions which might affect construction.

Schedule B in Chapter 20: Add “Affordable Accessory Apartment” as an accessory use (“A”) in the following zones: CM2, RC, TC & TCC.

Schedule B in Chapter 20: Add “For any dwelling unit added after January 1, 2016, said dwelling unit must be an “Affordable Accessory Apartment” and comply with 20-4.19.” to notes #5 and #12.

SECTION 2: EFFECTIVE DATE: This ordinance shall take effect immediately upon adoption and publication as required by law.

SECTION 3: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 4: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 5: CODIFICATION: This Ordinance shall be codified as indicated in Chapter 20 of the Upper Township Code.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE **8th DAY OF FEBRUARY, 2016** AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE **7th DAY OF MARCH, 2016** AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

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

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

CORRESPONDENCE

NEW BUSINESS

UNFINISHED BUSINESS

DISCUSSION

7. **Final change order for Reconstruction of Bayview Drive.** The Municipal Engineer reported that the Reconstruction of Bayview Drive project has been completed and the exact as built quantities have been calculated. This final change order reflects those as built quantities. Motion by Richard Palombo, second by Jeffrey Pierson, to direct that a resolution be prepared for formal action at the next meeting. During roll call vote all five Committeemen voted in the affirmative.

PAYMENT OF BILLS

8. **"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 five Committeemen voted in the affirmative.

Bills approved for payment: \$3,395,437.42
Payroll: \$169,386.70

REPORT OF MUNICIPAL DEPARTMENTS

9. Animal Control
10. Construction Code
11. EMS Department
12. Municipal Court
13. MUA Report
14. Tax Collector
15. Certificate of Determination and Award-Issue of Bond Anticipation Note.
16. Tax Collector 2015 Annual year-end report.

Motion by Richard Palombo, second by Jeffrey Pierson, to accept the reports as submitted. During roll call vote all five Committeemen voted in the affirmative.

PUBLIC COMMENT

Ted Kingston, Strathmere, inquired into the Township's budget and bonding practices. He stated that he is concerned that the Township is trying to get around the 2% cap by placing items that were normally listed in the budget and instead purchasing them with a bond. Mayor Palombo stated that in the past, when the Township was receiving the full amount of the energy receipts tax, the Township did make cash purchases. However, they also did not always maintain the Township's vehicle fleet and equipment as they should have. This year alone just with salary increases, insurance and day to day operating expenses we are at the 2% level without buying even one piece of equipment or addressing roads that need repairs. In addition many of purchases the Township has made have been State mandated including the purchase of security equipment for the courts which has allowed the Township to have a Shared Municipal Court. The automated trash trucks have made conditions safer for employees, and has resulted in lower Worker's Comp claims. Committeeman Pierson stated that the budget talks are still ongoing and nothing has been determined as of yet. Mr. Kingston then stated that he is happy that the Army Corps has replenished the beach once again after the recent storm.

CLOSED SESSION

17. 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. 50-2016
MOTION GOING INTO CLOSED SESSION
FEBRUARY 8, 2016**

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 – Tax Appeal Conflict Attorney
2. Contract negotiation – Collective Bargaining Unit
3. Contract negotiation – Germanio Land Exchange
4. Personnel

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

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

Moved by: John Coggins

Motion seconded by: Richard Palombo

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

RECONVENE PUBLIC PORTION OF MEETING

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 8:52 P.M., with a motion by Jeffrey Pierson, second by John Coggins to adjourn. During roll call vote all five Committee members voted in the affirmative. The next regular meeting is scheduled for February 22, 2016. A Budget Workshop Meeting will be held at 6:00 P.M., and the Regular Meeting at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC

Bill List

66581 02/08/16 N0015 N.J. STATE DEPT. OF HEALTH 653.40 2909
66582 02/08/16 T0071 TOWNSHIP OF UPPER DOG ACCOUNT 1,195.60 2909
66583 02/08/16 U0028 UPPER TOWNSHIP BD.OF EDUCATION 1,933,333.00 2909
66584 02/08/16 T0081 TREAS. STATE OF N.J. D.C.A. 3,711.00 2894
66585 02/08/16 A0023 ADAMS, JOHN 18.00 2910
66586 02/08/16 A0025 ADVANTAGE RENTAL ACE HARDWARE 987.32 2910
66587 02/08/16 A0035 AIRLINE HYDRAULIC CORP. 201.36 2910
66588 02/08/16 A0071 ANCHOR FIRE PROTECTION CO. 855.84 2910

66589 02/08/16 A0078 ANCHOR RUBBER STAMP & PRINTING 33.45 2910
66590 02/08/16 A0091 ATLANTIC CITY ELECTRIC 8,451.20 2910
66591 02/08/16 A0139 ARAMSCO-NEW JERSEY INC. 7,295.00 2910
66592 02/08/16 A0166 Association of NJ Recyclers 180.00 2910
66593 02/08/16 A0193 ATLANTIC INVESTIGATIONS, LLC 3,200.00 2910
66594 02/08/16 A0202 ACTIVE 911, INC 1,870.00 2910
66595 02/08/16 B0020 BLAKER, RAYMOND 24.00 2910
66596 02/08/16 B0076 BOND, LAURENCE E. 2,517.60 2910
66597 02/08/16 B0092 BROKER, EUGENE JR. 150.00 2910
66598 02/08/16 B0178 BUGANSKI, PETER R. 30.00 2910
66599 02/08/16 B0184 BUSHONG, BRIAN 12.00 2910
66600 02/08/16 C0002 C.M.C. CHAMBER OF COMMERCE, INC 650.00 2910
66601 02/08/16 C0010 CMC MUNICIPAL JUDGES ASSOC 75.00 2910
66602 02/08/16 C0052 CAPE MAY COUNTY TREASURER 1,221,990.58 2910
66603 02/08/16 C0068 COMCAST 392.30 2910
66604 02/08/16 C0078 CARTER, EDWARD, SR. 6.00 2910
66605 02/08/16 C0091 CHISHOLM, JOHN R. 161.98 2910
66606 02/08/16 C0122 CMC LEAGUE OF MUNICIPALITIES 500.00 2910
66607 02/08/16 C0223 CASA PAYROLL SERVICE 249.55 2910
66608 02/08/16 D0026 DEAGUSTINE, JOE 150.00 2910
66609 02/08/16 E0038 EMSAR NEW JERSEY 973.80 2910
66610 02/08/16 G0157 GRANTURK EQUIPMENT CO., INC. 1,623.15 2910
66611 02/08/16 H0062 HOPE, JOHN J. 6.00 2910
66612 02/08/16 H0095 HORIZON BCBSNJ 142,447.76 2910
66613 02/08/16 J0016 JERSEY SHORE PARTNERSHIP, INC 100.00 2910
66614 02/08/16 J0040 JOHNSON & TOWERS, INC. 965.00 2910
66615 02/08/16 J0041 JONES, JAMES M. 30.00 2910
66616 02/08/16 J0072 JERSEY WEB DESIGNS 2,457.50 2910
66617 02/08/16 K0007 KACZMARSKI, RICHARD 89.99 2910
66618 02/08/16 K0019 KEL TEX IMPRINTS 164.00 2910
66619 02/08/16 K0037 KOHLER, JOHN F 18.00 2910
66620 02/08/16 L0034 LAYTON, BRENDA 1,258.80 2910
66621 02/08/16 L0113 LIBERTY MUTUAL INSURANCE 2,552.00 2910
66622 02/08/16 M0012 McCAULEY, RICHARD 6.00 2910
66623 02/08/16 M0059 MCDANIELS, WILLIAM J. III 24.00 2910
66624 02/08/16 M0142 MASON, NICHOLAS 24.00 2910
66625 02/08/16 M0180 MED-TECH RESOURCE, LLC 122.48 2910
66626 02/08/16 M0209 MAYBERRY, JOHN D 18.00 2910
66627 02/08/16 N0004 NJ-AMERICAN WATER CO. 87.73 2910
66628 02/08/16 N0043 NAPA AUTO PARTS 774.46 2910
66629 02/08/16 N0060 NESLO PETROLEUM PRODUCTS, INC. 353.18 2910
66630 02/08/16 O0005 OFFICE BUSINESS SYSTEMS INC 532.00 2910
66631 02/08/16 O0006 SJSHORE MARKETING, LLC 643.02 2910
66632 02/08/16 P0008 PALMER, NANCY 25.00 2910
66633 02/08/16 P0032 PEDRONI FUEL CO. 1,495.17 2910
66634 02/08/16 P0050 PARSIO, ANTHONY 24.00 2910
66635 02/08/16 P0078 PRO VIDEO ENGINEERING 4,222.00 2910
66636 02/08/16 P0102 PUBLIC WORKS ASSOC OF N.J. 90.00 2910
66637 02/08/16 R0030 RIGGINS, INC. 2,230.54 2910
66638 02/08/16 R106 RUMER, LISA 287.22 2910
66639 02/08/16 S0001 SAM'S CLUB 126.02 2910
66640 02/08/16 S0018 SUBURBAN PROPANE, LP 326.93 2910
66641 02/08/16 S0031 SCHULER SECURITY, INC. 150.00 2910
66642 02/08/16 S0034 SCHULER, DANIEL 24.00 2910
66643 02/08/16 S0056 SEASHORE ASPHALT CORPORATION 190.00 2910
66644 02/08/16 S0113 SMITH, THOMAS G. 262.93 2910
66645 02/08/16 S0121 SMUZ, THERESE A 25.82 2910
66646 02/08/16 S0185 STOCKTON STATE COLLEGE 18,292.44 2910
66647 02/08/16 S0204 SAFETY DOWN UNDER, INC. 2,350.00 2910
66648 02/08/16 S0239 SHORE VET. ANIMAL CONTROL LLC 2,250.00 2910
66649 02/08/16 S0284 SOUTH JERSEY INTERPRETERS 150.00 2910
66650 02/08/16 S0292 JEFFREY SURENIAN & ASSOC. LLC 1,270.94 2910
66651 02/08/16 T0038 THOMAS, CHRISTOPHER 30.00 2910
66652 02/08/16 T0168 TOWNSHIP OF UPPER 253.90 2910
66653 02/08/16 U0028 UPPER TOWNSHIP BD. OF EDUCATION 463.68 2910
66654 02/08/16 V0013 VERIZON WIRELESS 1,158.18 2910
66655 02/08/16 V0024 VAL-U AUTO PARTS L.L.C. 506.29 2910
66656 02/08/16 W0030 WEST PUBLISHING CO. 455.56 2910
66657 02/08/16 W0038 WILLIAMS, JEREMIAH J. 24.00 2910
66658 02/08/16 W0060 WOOLLEY, THOMAS 36.00 2910
66659 02/08/16 Y0008 YOUNG, DANIEL J. ESQUIRE PC 14,527.75 2910
66660 02/08/16 Y0012 YOUNG, ROBERT 24.00 2910

Total: \$3,395,437.42