TOWNSHIP OF UPPER 2100 TUCKAHOE ROAD PETERSBURG, NJ 08270 CAPE MAY COUNTY MINUTES FOR SEPTEMBER 12, 2016

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, Municipal Engineer Paul Dietrich, and Chief Financial Officer Barbara Spiegel.

APPROVAL OF MINUTES - August 29, 2016 Regular Meeting and Closed Session A and B Minutes

Motion by Jeffrey Pierson, second by Edward Barr, to approve the August 29, 2016 Regular Meeting and Closed Session A and B Minutes as submitted. During roll call vote all five Committeemen voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

John Coggins, Committeeman, reported that audit reviews of the Township fire companies have been completed by the Finance Committee and that there have been no audit findings by their independent auditors. A formal report will be placed on a future agenda for discussion.

Hobie Young, Committeeman, reported that Garret Vliet's Eagle Scout project at the Amanda's Field memorial looks fantastic, and he would like to schedule the rededication of the memorial during the Fall Fest which will be held on October 1, 2016 from 11:00 am to 3:00 pm. He next reported that progress has been made on the lights at the baseball fields at Amanda's Field. Lastly, he requested a monthly supervisors meeting to discuss scheduling and communication issues for recreation.

Jeffrey Pierson, Committeeman, reported that a free rabies clinic will be held on Saturday September 24, 2016 at Shore Veterinarians from 1:00 to 3:00. He next reported that there were several ceremonies held to commemorate the anniversary of 9/11. He stated that he and Committeeman Young attended a wonderful ceremony at the Middle School.

Richard Palombo, Mayor, reported that he, Deputy Mayor Barr, and Committeeman Coggins attended the 9/11 commemoration ceremony at Osprey Point. He stated that it was a good turnout and thanked everyone that attended. He next expressed relief that the predicted Labor Day weekend storm did not materialize, but urged residents to not become complacent or ignore storm forecasts. Lastly, he reported that the Township's Health and Wellness Fair will be held on October 26th from 4:00 to 6:00 pm at the Upper Township Community Center. Free health screenings, flu shots, giveaways which include a bicycle and helmet, and demonstrations will be available, and all residents are welcome to attend.

OTHER REPORTS

Daniel Young, Municipal Attorney, reported that there are a couple of contract negotiation, litigation, and personnel matters for closed session.

Paul Dietrich, Municipal Engineer, reported that the County has resumed work on Commonwealth Avenue in Strathmere. Some road closures during the week are expected. He next reported that New Jersey American Water will soon begin to resurface the streets that had been opened from the installation of the water lines. He next gave a brief update on the issue with ATV use at the George Harms mining pit. George Harms has completed work to secure some of the areas in order to limit access to the area. The also have a security guard that will patrol the areas during the weekends. Committeeman Coggins stated that additional complaints regarding ATVs in the area have been received.

RESOLUTIONS

1. Supporting the selection of Joint Base McGuire-Dix-Lakehurst as the Main Operating Base for the KC-46A.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 210-2016

SUPPORTING THE SELECTION OF JOINT BASE MCGUIRE-DIX-LAKEHURST AS THE MAIN OPERATING BASE FOR THE KC-46A

WHEREAS, Joint Base McGuire-Dix-Lakehurst covers 42,000 acres in Ocean and Burlington counties, is the only Tri-Service Joint Base in the nation, is the second largest employer in the State of New Jersey, and has a \$6.9 billion economic impact on this State; and

WHEREAS, the Joint Base supports more than 80 mission partners and is a critical asset for the Air Force, Army, Navy, Marines, National Guard, and the Reserve component thereof; and

WHEREAS, the creation of the Joint Base in 2009 resulted in increased coordination and collaboration between the military services, and achieved greater operational efficiencies, as desired by the United States Department of Defense; and

WHEREAS, Air Mobility refueling is a major mission at the Joint Base, which is home to KC-10 and KC-135 tanker aircraft; and

WHEREAS, the current fleet of tanker aircraft is aging and must be replaced with the new KC-46A tanker aircraft; and

WHEREAS, Joint Base McGuire-Dix-Lakehurst is one of the top five installations nationwide that are being evaluated by the Air Force for the siting of the KC-46A tanker aircraft; and

WHEREAS, the Joint Base has superior facilities and capabilities for continued air mobility missions using the new KC-46A tanker aircraft; and

WHEREAS, given the tremendous importance of the Joint Base to the State of New Jersey, it is fitting and proper for the Township Committee to support the siting of the new KC-46A tanker aircraft at Joint Base McGuire-Dix-Lakehurst; and

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Upper, County of Cape May urges the United States Air Force to select Joint Base McGuire-Dix-Lakehurst at the Main Operating Base for the KC-46A.

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to Governor Chris Christie, Lieutenant Governor Kim Guadagno, the Secretary of the United States Air Force, and the United States Secretary of Defense.

Resolution N	lo. 210-20	16			
Offered by: 1	Offered by: Barr		Seconded by: Pierson		
Adopted: Se	ptember 12	2, 2016			
Roll Call Vo	te:				
<u>NAME</u>	<u>YES</u>	<u>NO</u>	ABSTAINED	ABSENT	
Barr	X				
Coggins	X				
Pierson	X				
Young	X				
Palombo	X				

2. Recognizing Wanda Adamson for her volunteer efforts as a member of the Upper Township Green Team Advisory Committee.

TOWNSHIP OF UPPER CAPE MAY COUNTY

RESOLUTION

RESOLUTION NO. 211-2016

RE: RECOGNIZING WANDA ADAMSON FOR HER VOLUNTEER EFFORTS AS A MEMBER OF THE UPPER TOWNSHIP GREEN TEAM ADVISORY COMMITTEE

WHEREAS, the Upper Township Green Team Advisory Committee is an established committee consisting of volunteer members who meet throughout the year to develop plans, recommend programs, assist with educational opportunities that support the creation of a sustainable community, and advise the Township Committee on ways to improve municipal operations with "Green" initiatives which are economically and environmentally sound; and

WHEREAS, as a member of the Green Team Advisory Committee,
Wanda Adamson implemented the first community project of the Indigenous Plant
Committee which provided a new butterfly garden at the Cape May County Library
Upper Cape Branch in Petersburg; and

WHEREAS, with funding from the Upper Township Business Association for plants, Wanda oversaw the garden project at the Upper Township Welcome sign located at the Garden State Parkway Exit 25 in Marmora which cleared the area for planting and provides continued maintenance of the space; and

WHEREAS, the Upper Township Committee wishes to acknowledge and thank Wanda Adamson for her commendable volunteer efforts and positive impact to our community, recognizing that Wanda's initiative in the organization and continued upkeep of these beautification projects exemplifies giving back to the community; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee on behalf of the citizens of the Township of Upper, to

extend to the Wanda Adamson recognition on her outstanding commitment and efforts to provide beautification projects in the Township and a heartfelt thanks and gratitude for her generous donation of time and service to the community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 12th day of September 2016.

Resolution N Offered by: 1		6	Seconded by: Ba	arr
Adopted: Se		2016	Seconded by. Ba	111
Roll Call Vo	•	,		
NAME	YES	<u>NO</u>	ABSTAINED	ABSENT
Barr	X		. <u></u>	
Coggins	X		. <u></u>	
Pierson	X			
Young	X			
Palombo	X			

3. Recognizing Rebecca Holden for her volunteer efforts as a member of the Upper Township Green Team Advisory Committee.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 212-2016

RE: RECOGNIZING REBECCA HOLDEN FOR HER VOLUNTEER EFFORTS AS A MEMBER OF THE UPPER TOWNSHIP GREEN TEAM ADVISORY COMMITTEE

WHEREAS, the Upper Township Green Team Advisory Committee is an established committee consisting of volunteer members who meet throughout the year to develop plans, recommend programs, assist with educational opportunities that support the creation of a sustainable community, and advise the Township Committee on ways to improve municipal operations with "Green" initiatives which are economically and environmentally sound; and

WHEREAS, the Green Team Advisory Committee helped establish the Upper Township Farmers Market Steering Committee in 2015 and provided the community with a farmers market showcasing handmade and homemade products and produce of local crafters and vendors; and

WHEREAS, the 2016 Farmers Market showed growth in popularity and added a kids tent with demonstrations by the Cape May County Zoo and Park and the Wetlands Institute; and

WHEREAS, the Upper Township Committee wishes to acknowledge and thank Rebecca Holden, chairperson of the Upper Township Farmers Market Steering Committee, for her volunteer efforts and positive impact to our community, recognizing her organizing, promoting and making available this sustainable activity which provides our community with an enjoyable, family friendly event and exemplifies giving back to the community; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee on behalf of the citizens of the Township of Upper, to extend to the Rebecca Holden recognition on her notable commitment and efforts in spearheading and organizing a local farmers market and a heartfelt thanks and gratitude for her generous donation of time and service to the community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 12th day of September 2016.

Resolution N	No. 212-201	6			
Offered by: Pierson			Seconded by: Barr		
Adopted: Se	ptember 12,	2016			
Roll Call Vo	ote:				
NAME	YES	NO	ABSTAINED ABSENT		
Barr	X				
Coggins	X				
Pierson	X				
Young	X				
Palombo	X				

4. Honoring William Joseph Mack III on attaining the Designation of "Eagle Scout".

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 213-2016

RE: HONORING WILLIAM JOSEPH MACK III ON ATTAINING THE DESIGNATION OF "EAGLE SCOUT"

WHEREAS, William Joseph Mack III of Troop 79, Seaville, New Jersey has recently achieved the designation of Eagle Scout in the Boy Scouts of America; and

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

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

RESOLVED THAT the Township Committee extends its sincere congratulations to William on the occasion of his receiving the designation of Eagle Scout and commends him for this remarkable achievement and the completion of his Eagle Scout project consisting of constructing 24 quail transportation boxes for the New Jersey Division of Fish and Wildlife to aid the division in its new bobwhite population restoration program. Each box holds 10 birds per side and will be used to transport quail to be released in certain locations throughout New Jersey. With the help of his fellow scouts, scout leaders, friends and family, William was able to plan, get donations, lead and complete his project; and

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

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

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 12th day of September, 2016.

Resolution N	To. 213-201	6	
Offered by: 1	Pierson		Seconded by: Barr
Adopted: Se	ptember 12,	, 2016	·
Roll Call Vo	te:		
NAME	YES	NO	ABSTAINED ABSENT
Barr	X		
Coggins	X		
Pierson	X		
Young	X		
Palombo	X		

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

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 214-2016

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

-____

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

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

WHEREAS, ShopRite Partners In Caring supports emergency food pantries, homeless shelters, child care centers, battered women's shelters, soup kitchens, senior citizen programs, drug rehab centers, programs for the mentally and physically disabled, after-school programs and other organizations that aid those in need; and

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

WHEREAS, the Upper Township Committee wishes to acknowledge and

thank the Marmora ShopRite for their generous support of our local Community food bank; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, this Township Committee expresses its sincere appreciation to ShopRite Partners In Caring and the associates of the Marmora ShopRite store for their efforts in fighting hunger and raising awareness of this significant problem.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 12th day of September, 2016.

Resolution I	No. 214-201	6			
Offered by: Pierson			Seconded by: Barr		
Adopted: Se	ptember 12,	2016			
Roll Call Vo	ote:				
NAME	YES	NO	ABSTAINED ABSENT		
Barr	X				
Coggins	X				
Pierson	X				
Young	X				
Palombo	X				

6. Appointing an Official to bid at the Tax Sale scheduled for October 4, 2016.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 215-2016

RE: APPOINTING AN OFFICIAL TO BID AT THE TAX SALE SCHEDULED FOR OCTOBER 4, 2016

WHEREAS, a Tax Sale is scheduled to be conducted by the Tax Collector of the Township of Upper on October 4, 2016 at 10:00 A.M.; and

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

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

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

Resolution N	o. 215-20)16		
Offered by: C	Coggins		Seconded by: Young	;
Adopted: Sep	tember 1	2, 2016		
Roll Call Vot	e:			
NAME	YES	NO	ABSTAINED	ABSEN
Barr	X			
Coggins	X			
Pierson	X			
Young	X			
Palombo	X			

7. Authorizing a US Lacrosse, Inc. and Corrigan Sports Enterprises Lacrosse Tournament to be held at Amanda's Field on July 14th, 15th, and 16th, 2017.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 216-2016

RE: AUTHORIZING A US LACROSSE, INC. AND CORRIGAN SPORTS ENTERPRISES LACROSSE TOURNAMENT TO BE HELD AT AMANDA'S FIELD ON JULY 14th, 15th, AND 16th, 2017

WHEREAS, US Lacrosse, Inc., by and through Corrigan Sports Enterprises and Andrew C. Bielello, jointly, severally and in the alternative, have submitted a proposal to the Upper Township Committee requesting authority to hold a Lacrosse tournament at

Amanda's Field on July 14th, 15th, and 16th, 2017, as indicated in their Application for Use of Facilities attached hereto as Exhibit "A"; and

WHEREAS, US Lacrosse, Inc., by and through Corrigan Sports Enterprises and Andrew C. Bielello, jointly and severally, have provided a Use of Facilities Agreement and an Indemnification and Hold Harmless Agreement in favor of the Township of Upper, its officials, officers and employees in the form attached hereto as Exhibit "B"; and

WHEREAS, a fully executed Event Supervisor Agreement, which certifies compliance with the rules and regulations as established in Chapter XXVI of the Code of Upper Township, has been received and is attached hereto as Exhibit "C"; and

WHEREAS, Andrew C. Bielello has certified that those having unsupervised direct contact with minor children have undergone a successful criminal history record background check pursuant to N.J.S.A. 15A:3a-1., and said certification is attached hereto as Exhibit "D"; and

WHEREAS, a liability release and waiver will be received from every participant, prior to the event, on a form which has been approved by the Township Solicitor; and

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

- 1. The allegations of the preamble are incorporated herein by this reference.
- 2. The Township Committee does hereby grant approval to US Lacrosse, Inc., by and through Corrigan Sports Enterprises and Andrew C. Bielello, jointly and severally, to hold a lacrosse tournament at Amanda's Field on July 14th, 15th, and 16th, 2017 as specified in this Resolution and in the accompanying Exhibits subject to and conditioned upon the following:
 - (A) The event described in this Resolution is carried out by US

 Lacrosse, Inc. by and through Corrigan Sports Enterprises and

Andrew C. Bielello (Sponsors). These Sponsors have no connection, direct or indirect, with the Township of Upper or any of its officials or employees. These Sponsors shall not, in any way, directly or indirectly, represent that the event is, in any way, associated with or affiliated with the Township of Upper and shall make clear that the event is carried out with all appropriate governmental and other approvals. Although the Township of Upper has given permission, subject to the terms of this Resolution, to these event Sponsors to conduct the proposed event, it must be made clear that the event is not and shall not be considered a Township of Upper sponsored or sanctioned event.

- (B) The Sponsors will provide general comprehensive liability insurance coverage to the Township at least thirty (30) days prior to the event. Said insurance coverage will be in form and substance satisfactory to the Township of Upper's Risk Management Consultant and will name the Township of Upper, its officials, officers, and employees as an additional insured.
- (C) The Sponsors have obtained or will obtain written approval from and comply with all conditions imposed by the following entities:
 - (i) the Risk Management Consultant of the Township of Upper.
 - (ii) the New Jersey State Police.
 - (iii) the Upper Township Division of Emergency

Management Services.

The Sponsors have provided written authorization from the above entities, including any conditions required of said entities.

- (D) The Sponsors shall remit to the Township the appropriate fee in accordance with Chapter XXVI of the Code of Upper Township at least thirty (30) days prior to the event. This fee shall include the daily fee per field and facility at Amanda's Field, as well as the fee equal to the costs of Township personnel, services, and materials required for the event. Said costs have been determined by the Township and are outlined and attached hereto as Exhibit "E".
- damage deposit in the amount of \$2,000.00 at least thirty (30) days prior to the event. Said deposit will be refunded within thirty (30) days following the event, provided that the fields and facilities are clean of debris, trash, markings and other materials immediately following the event, and that no damage has been reported upon the post-event inspection of the fields and facilities by Township personnel. If damages exceed the deposit amount, the Sponsors will be held liable for any remaining costs associated with repair or cleanup.
- (F) The Township reserves the right to postpose and/or cancel the event, in part or in its entirety, due to weather and/or damage to the fields or facilities.

- (G) The approval granted herein is subject to all conditions and stipulations as may be recommended or imposed by the Township's Risk Management Consultant or Insurance Representatives. The Township may revoke this approval if the Event Sponsors fail to comply with any said condition or recommendation or any other condition of this Resolution.
- 3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution N	No. 216-201	16	
Offered by:	Young		Seconded by: Pierson
Adopted: Se	ptember 12	2, 2016	
Roll Call Vo	ote:		
NAME	YES	NO	ABSTAINED ABSENT
Barr	X		
Coggins	X		
Pierson	X		
Young	X		
Palombo	X		

8. Authorizing the Mayor and Township Clerk to sign a contract with Shore Veterinarian Animal Control Services, LLC for animal control services in Upper Township.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 217-2016

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

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

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

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

WHEREAS, Shore Veterinarian Animal Control Services, L.L.C. has completed and submitted a Business Entity Disclosure Certification which certifies that Shore Veterinarian Animal Control Services, L.L.C. has not made any contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Shore Veterinarian Animal Control Services, L.L.C. from making any contributions through the term of the contract; and

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

- 1. The allegations of the preamble are incorporated herein by this reference.
- 2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with Shore Veterinarian Animal Control Services, L.L.C.to provide animal control services within the Township of Upper commencing September 15, 2016.
- 3. Shore Veterinarian Animal Control Services, L.L.C. has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.
- 4. This Contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Shore Veterinarian Animal Control Services, L.L.C. has professional knowledge as to animal control services which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

NOTICE OF CONTRACT AWARD

5. The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Shore Veterinarian Animal Control Services, L.L.C. for animal control services. This contract and the resolution authorizing same shall be available for public inspection in

the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

shall be attached to this Resolution and kept in the files of the municipal clerk.

7. The contractor has registered with the State of New Jersey pursuant to c.57, Laws

of 2004 and has provided proof of that registration to the Township of Upper.

8. The Mayor and the Township Clerk are hereby authorized and directed to execute,

on behalf of the Township of Upper, a Professional Contract with Shore Veterinarian Animal Control

Services, L.L.C. in accordance with the terms and provisions of the Local Public Contracts Law,

subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto

said contract shall become effective.

9. A notice of this contract award shall be published in the official newspaper of the

Township of Upper within ten (10) days from the date of adoption.

10. This Resolution shall be effective as of adoption.

Resolution No. 217-2016

Offered by: Pierson Seconded by: Barr

Adopted: September 12, 2016

Roll Call Vote:

Ron Can	otc.			
NAME	YES	NO	ABSTAINED	ABSENT
Barr	X		- <u></u> -	
Coggins	X		- <u></u> -	
Pierson	X		- <u></u> -	
Young	X		- <u></u> -	
Palombo	X			

9. Authorizing a contract with Atlantic Investigations, LLC for an Alcohol and Controlled Substances Training and Testing Program and Safety Consultant Services.

CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 218-2016

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

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

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

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

WHEREAS, Atlantic Investigations, LLC also provides other training, testing, and safety consultant services that the Township wishes to utilize from time to time; and

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

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

WHEREAS, Atlantic Investigations, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the contractor has not made any contributions to a political or candidate committee in the Township that would bar the award

of this contract and that the contract will prohibit the contractor from making any contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified the availability of funds to permit said Contract to be entered into;

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

- 1. The allegations of the preamble are incorporated herein by this reference.
- 2. Atlantic Investigations, LLC, with offices at 583 13th Street, Suite 101 Hammonton, NJ 08037, is hereby appointed to administer an alcohol and controlled substances training and testing program in compliance with Federal rules, regulations and guidelines and Township policy and to provide other training and testing services as the Township may request.
- 3. This Contract has been awarded without competitive bidding for the following reason or reasons:
 - (A) Professional services of the type herein sought are of such a nature as to require a high degree of trust or confidence in the individual providing the service and, in fact, may require the creation of a confidential or fiduciary relationship between that individual and the municipality;
 - (B) The services required are highly specialized or technical in nature;
 - (C) The services require peculiar ability or skill and demand a high degree of specialized knowledge or expertise;
 - (D) The services are such that their relative work must be judged by subjective considerations that are not susceptible of valuation by competitive bidding; and

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

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

NOTICE OF CONTRACT AWARD

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

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

7. Atlantic Investigations, LLC has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township.

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

9. This Resolution shall be effective as of adoption.

Resolution No. 218-2016

Offered by: Barr Seconded by: Young

Adopted: September 12, 2016

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			
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10. Renewing the contract with Triad Advisory Services, Inc. for Administrative Consultant Services for the Township's COAH Market to Affordable program.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 219-2016

RE: RENEWING THE CONTRACT WITH TRIAD ADVISORY SERVICES, INC. FOR ADMINISTRATIVE CONSULTANT SERVICES FOR THE TOWNSHIP'S COAH MARKET TO AFFORDABLE PROGRAM

WHEREAS, the Township of Upper requires administrative consultant services to implement the Township of Upper's COAH Market to Affordable Program; and

WHEREAS, on September 17, 2015 the Township acquired the services of Triad Advisory Services, Inc. (trading as Triad Associates) as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Township wishes to renew said contract with Triad Advisory Services, Inc. for an additional term; and

WHEREAS, Triad Advisory Services, Inc. has completed and submitted a Business Entity Disclosure Certification, which certifies that Triad Advisory Services, Inc. has not made any contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Triad Advisory Services, Inc. from making any contributions through the term of the contract; and

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

- 1. The allegations of the preamble are incorporated herein by this reference.
- 2. The Contract with Triad Advisory Services, Inc. for Administrative Consultant Services, attached hereto as Schedule A, is hereby renewed for an additional one year term for the period commencing September 17, 2016 through September 16, 2017.
- 3. 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 Triad

Advisory Services, Inc. has professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

NOTICE OF CONTRACT AWARD

4. The Township Committee of the Township of Upper, State of New Jersey awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to. The 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 will provide proof of that registration to the Township of Upper.

7. The contractor agrees to the terms and provisions of Schedule B attached hereto and said provisions are incorporated herein at length.

8. Notice of this contract renewal 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. 219-2016

Offered by: Pierson Seconded by: Barr

Adopted: September 12, 2016

Roll Call Vote:

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

11. Authorizing the Chief Financial Officer to sign a renewal agreement with Horizon Blue Cross Blue Shield of New Jersey for medical and prescription insurance.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 220-2016

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

WHEREAS, the Township wishes to accept renewal agreements with Horizon Blue Cross Blue Shield of New Jersey, attached hereto as Exhibit A, to provide medical and prescription drug coverage for eligible employees effective October 1, 2016; and

WHEREAS, the renewal of said agreements will be for a period of October 1, 2016 to September 30, 2017.

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

- 1. The allegations of the preamble are incorporated herein by this reference.
- 2. The renewal agreements between the Township of Upper and Horizon Blue Cross Blue Shield of New Jersey are approved and the Chief Financial Officer is hereby authorized, directed and empowered to execute said renewal agreements on behalf of the Township of Upper.
 - 3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Resolution No. 220-2016

Offered by: Coggins Seconded by: Pierson

Adopted: September 12, 2016

Roll Call Vote:

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

12. Adopting revisions to the Upper Township Supervisor's Personnel Policies and Procedures Manual and Employee Handbook.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 221-2016

RE: ADOPTING REVISIONS TO THE UPPER TOWNSHIP SUPERVISOR'S PERSONNEL POLICIES AND PROCEDURES MANUAL AND EMPLOYEE HANDBOOK

WHEREAS, the Township Committee of the Township of Upper has determined there is a need to adopt revisions to the Township's Personnel Policies, Supervisor's Personnel Policies and Procedures Manual and Employee Handbook; and

WHEREAS, the Township Committee of the Township of Upper has reviewed and approved the revisions to the Supervisor's Personnel Policies and Procedures Manual and Employee Handbook, a copy of which is attached hereto as Exhibit A; and

WHEREAS, the Township Committee has determined that the revisions should be adopted to amend the existing Township Supervisor's Personnel Policies and Procedures Manual and the Employee Handbook; 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 revisions to the Supervisor's Personnel Policies and Procedures Manual and Employee Handbook, attached hereto as Exhibit A is hereby adopted and approved and modifies the existing personnel policies, procedures, manuals and handbooks of the Township.
- 3. The Supervisor's Personnel Policies and Procedures Manual shall apply to all Township officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personal services contract or federal or state law, the terms and conditions of that contract or law shall prevail. In all other cases these policies and procedures shall prevail.
- 4. The manual is intended to provide guidelines covering public service by Township employees and is not a contract. The provisions of this manual may be amended

and supplemented from time to time without notice and at the sole discretion of the Township Committee.

- 5. To the maximum extent permitted by law, employment practices for the Township shall operate under the legal doctrine known as "employment at will".
- 6. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 221-2016

Offered by: Coggins Seconded by: Young

Adopted: September 12, 2016

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	NO	<u>ABSTAINI</u>	ED ABSENT
Barr	X			
Coggins	X			
Pierson	X			
Young	X			
Palombo	_X			

ORDINANCES

CORRESPONDENCE

NEW BUSINESS

UNFINISHED BUSINESS

DISCUSSION

13. **2016 Street Paying project**. The Municipal Engineer reported that several of the roads listed on the paving project need extensive reconstruction which greatly increases the cost of the project. As such, he is requesting to remove several of the smaller roads from the project that are not in dire condition and that can be postponed until the next paving project. He also stated that New Jersey American Water Company (NJAW) has committed to resurfacing, from curb to curb, 12 of the 15 roads that have been trenched by NJAW during installation of water lines in Strathmere. The remaining 3 roads need reconstruction of the road base. It was stated that NJAW should be responsible to repave all of the roads that were opened by them as a cost of doing business. Motion by Mayor Palombo, second by Edward Barr, to direct New Jersey American Water to pave all of the 15 roads in Strathmere that had been trenched by NJAW. During roll call vote all five Committeemen voted in the affirmative. Next Mr. Dietrich reported that the school has requested that the Middle School paving project be included with the Township's paving project in hopes of obtaining a cost savings. It was stated that the CFO and the Municipal Attorney will need to confirm compliance with purchasing regulations. Motion by Richard Palombo, second by Edward Barr, to include the school project in the paving bid

specifications, subject to the appropriate financial controls and bidding procedures, and provided the school remit the funds for the project in advance. During roll call vote all five Committeemen voted in the affirmative.

PAYMENT OF BILLS

14. "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: \$103,014.30

Payroll: \$199,320.18

REPORT OF MUNICIPAL DEPARTMENTS

- 15. Construction Code
- 16. Clerk's Office
- 17. Animal Control
- 18. Tax Collector
- 19. Municipal Court
- 20. Finance Office
- 21. EMS Department

Motion by Richard Palombo, second by John Coggins, to accept the reports as submitted. During roll call vote all five Committeemen voted in the affirmative. Copies of the reports are available in the Clerk's Office.

PUBLIC COMMENT

Brian Keenan, stated that he is one of the parties involved in a personnel discussion this evening and requested that his matter be discussed during the public meeting. It was stated that the Township's Labor Counsel had not arrived as of yet, however, since the matter involves more than one person, it will need to be determined if the matter can be discussed in open session.

Jack Griffin, Roosevelt Blvd, inquired into the plans for the Marmora Town Center and if there are plans to attract businesses to the area. He also offered his assistance in obtaining grants to beautify the area along Roosevelt Boulevard.

CLOSED SESSION

22. Resolution to conduct a closed meeting pursuant to N.J.S.A. 10:4-12, from which the public shall be excluded.

TOWNSHIP OF UPPER RESOLUTION NO. 222-2016 MOTION GOING INTO CLOSED SESSION SEPTEMBER 12, 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 Shared Services Agreement with Cape May County for Fleet Maintenance
- 2. Contract negotiation Shared Services with Egg Harbor Township for equipment washing
- 3. Litigation Affordable Housing
- 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 litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.
- D. With respect to employment and personnel matters such discussions will be made public if and when formal action is taken or when the individuals involved consent that it can be made public.

Moved by: John Coggins

Motion seconded by: Richard Palombo

During roll 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 with all five Committee members voting in the affirmative.

The Municipal Attorney reported that during the public portion of the meeting, Mr. Keenan had requested that his personnel matter be discussed during the open public portion of the meeting. However, in compliance with the Open Public Meetings Act, since the matter involves more than one person, all parties involved would have to agree to hold the discussion in open session. Given that the other party does not wish to have the matter discussed in open session, the personnel matter will be held in closed session.

Motion by Hobie Young, second by Jeffrey Pierson to return to closed session. During roll call vote all five Committee members voted in the affirmative.

ADJOURNMENT

Motion by John Coggins, second by Edward Barr, to reconvene the public portion of the meeting with all five Committee members voting in the affirmative.

There being no further business this evening the meeting was adjourned at 10:40 P.M., with a motion by John Coggins, second by Richard Palombo, and all five members voting in the affirmative. The next regular meeting is scheduled for September 26, 2016 at 7:30 P.M.

Minutes prepared by Barbara L. Young, RMC

Bill List

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67778 09/12/16 A0018 ACTION SUPPLY INC. 194.40 2940
67779 09/12/16 A0025 ADVANTAGE RENTAL ACE HARDWARE 1,152.72 2940
67780 09/12/16 A0060 ALL INDUSTRIAL-SAFETY PRODUCTS 820.00 2940
67781 09/12/16 A0091 ATLANTIC CITY ELECTRIC 17,476.01 2940
67782 09/12/16 A0193 ATLANTIC INVESTIGATIONS, LLC 1,400.00 2940
67783 09/12/16 A0200 AIG LIFE INSURANCE COMPANY 351.59 2940
67784 09/12/16 B0184 BUSHONG, BRIAN 299.00 2940
67785 09/12/16 C0061 CAPRIONI FAMILY SEPTIC 900.00 2940
67786 09/12/16 C0068 COMCAST 400.65 2940
67787 09/12/16 C0091 CHISHOLM, JOHN R. 84.99 2940
67788 09/12/16 C0143 CODY'S POWER EQUIPMENT 21.95 2940
67789 09/12/16 C0171 COLONIAL ELECTRIC SUPPLY CO. 265.37 2940
67790 09/12/16 C0182 CDW GOVERNMENT, INC 2,685.00 2940
67791 09/12/16 C0223 CASA PAYROLL SERVICE 306.85 2940
67792 09/12/16 C0246 CRAFT OIL CORPORATION 1,309.00 2940
67793 09/12/16 D0040 DELTA DENTAL OF N.J. INC. 5,311.23 2940
67794 09/12/16 D0080 DOWNAM, HARRY J. JR. 96.84 2940
67795 09/12/16 E0058 EXTRACTOR WATER RESCUE 1,550.00 2940
67796 09/12/16 G0028 GENTILINI FORD 65.31 2940
67797 09/12/16 G0035 GENRON FIRE PROTECTION 136.50 2940
67798 09/12/16 G0172 GOVT. FORMS AND SUPPLIES, LLC 88.98 2940
67799 09/12/16 H0018 HAROLD RUBIN L & H SUPPLY 444.00 2940
67800 09/12/16 H0062 HOPE, JOHN J. 89.94 2940
67801 09/12/16 H0167 Hindle Mark R. 44.20 2940
67802 09/12/16 J0072 JERSEY WEB DESIGNS 2,920.00 2940
67803 09/12/16 K0020 KENNEY,EDWARD 150.00 2940
67804 09/12/16 K0086 K D NATIONAL FORCE SECURITY 1,911.00 2940
67805 09/12/16 L0031 LORCO PETROLEUM SERVICES 245.00 2940
67806 09/12/16 L0117 LETS PARTY PAINTERS, LLC 650.00 2940
67807 09/12/16 M0016 McAFEE, MEGAN 190.94 2940
67808 09/12/16 M0019 MAXIMUM MARINE 99.00 2940
67809 09/12/16 M0131 MULFORD, SHAWNA 485.20 2940
67810 09/12/16 M0180 MED-TECH RESOURCE,LLC 116.00 2940
67811 09/12/16 M0263 MANGAM SR., ANDREW C 129.72 2940
67812 09/12/16 M0269 MULTI-TEMP MECHANICAL, INC. 367.40 2940
67813 09/12/16 N0004 NJ-AMERICAN WATER CO. 195.04 2940
67814 09/12/16 N0043 NAPA AUTO PARTS 0.00 09/12/16 VOID 0
67815 09/12/16 N0043 NAPA AUTO PARTS 980.78 2940
67816 09/12/16 N0052 NATL YOUTH SPORTS COACHED ASSN 100.00 2940
67817\ 09/12/16\ N0131\ DEFINED\ CONTRIB\ RETIRE\ PROGRAM\ 203.18\ 2940
67818 09/12/16 N0141 NETCARRIER TELECOM, INC. 1,974.89 2940
67819 09/12/16 P0032 PEDRONI FUEL CO. 1,720.23 2940
67820 09/12/16 P0152 READY, LOREN 23.76 2940
67821 09/12/16 R0030 RIGGINS, INC. 3,138.05 2940
67822 09/12/16 S0031 SCHULER SECURITY, INC. 185.00 2940
67823 09/12/16 S0034 SCHULER, DANIEL 5.80 2940
67824 09/12/16 S0056 SEASHORE ASPHALT CORPORATION 125.00 2940
67825 09/12/16 S0139 SO. JERSEY WATER COND. INC. 641.34 2940
67826 09/12/16 S0153 STERICYCLE, INC. 171.08 2940
67827 09/12/16 S0185 STOCKTON STATE COLLEGE 5,190.69 2940
67828 09/12/16 S0204 SAFETY DOWN UNDER, INC. 4,700.00 2940
67829 09/12/16 S0209 STAPLES ADVANTAGE 918.09 2940
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67830\ 09/12/16\ S0239\ SHORE\ VET.\ ANIMAL\ CONTROL\ LLC\ 2,350.00\ 2940
67831 09/12/16 S0249 BSN SPORTS 907.93 2940
67832 09/12/16 S0310 STEWART, COLIN 40.70 2940
67833 09/12/16 T0024 TAYLOR, MATTHEW 110.17 2940
67834 09/12/16 T0032 THE PRESS OF ATLANTIC CITY 100.98 2940
67835 09/12/16 T0129 TRUGREEN CHEMLAWN 11.533.00 2940
67836 09/12/16 T0168 TOWNSHIP OF UPPER 873.13 2940
67837 09/12/16 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 2940
67838 09/12/16 V0001 VCI EMERGENCY VEHICLE 3,691.32 2940
67839 09/12/16 V0013 VERIZON WIRELESS 1,120.45 2940
67840\ 09/12/16\ V0020\ VINELAND\ AUTO\ ELECTRIC\ INC.\ 1,115.27\ 2940
67841 09/12/16 V0022 VERIZON 202.06 2940
67842 09/12/16 V0024 VAL-U AUTO PARTS L.L.C. 62.26 2940
67843 09/12/16 W0087 W.B. MASON 226.77 2940
67844 09/12/16 W0092 WTH TECHNOLOGY, INC 800.00 2940
67845 09/12/16 Y0003 Y-PERS INC 48.54 2940
67846 09/12/16 Y0008 YOUNG, DANIEL J. ESQUIRE PC 16,625.00 2940
67847 09/12/16 Y0020 YOUNG, BARBARA L. 150.00 2940
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TOTAL \$103,014.30