

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR OCTOBER 24, 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	Absent

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

APPROVAL OF MINUTES - **October 11, 2016 Regular Meeting and Closed Session Minutes** - Motion by Jeffrey Pierson, second by John Coggins, to approve the October 11, 2016 Regular Meeting and Closed Session Minutes as submitted. During roll call vote all four Committeemen present voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

John Coggins, Committeeman, Congratulated Committeeman Pierson and wished him luck in his new endeavors. Mr. Coggins next recognized two companies who donated their time and materials to sealcoat the asphalt parking lot at Caldwell Park; Seal Team a local company owned by John DeSalvo and Neyra Industries.

Hobie Young, Committeeman, reported that in addition to the donations at Caldwell Park Mr. DeSalvo has requested information on other areas of the Township that may need seal coating. He stated that in addition Mr. DeSalvo may also know of a company willing to donate the line painting for the Caldwell Park parking lot. He next made a motion, second by Jeff Pierson to authorize a resolution honoring John DeSalvo and Neyra Industries for their donations of time and labor to sealcoat the Caldwell Park parking lot. During roll call vote all four Committeemen present voted in the affirmative. Mr. Young next congratulated Committeeman Pierson and thanked him for his support and mentoring over the past couple of years. Next Mr. Young thanked Shawna Mulford of Lets Party Painters, the Township Clerk’s office and the Township employees for their help in making the Fall Fest a successful event. Mr. Young also reported that the State Police were recently called out for an ongoing issue with quads running over the fields at Amanda’s Field. He next reported that he recently

had the opportunity to participate in the Marmora Shoprite food drive, “Bag Hunger” event. And last he encouraged everyone to come out for the Upper Township Rescue Squad Trunk or Treat event tomorrow evening from 6:00 to 8:00 p.m. at Amanda’s Field.

Jeffrey Pierson, Committeeman, reported on a recent Facebook post regarding an issue with traffic speeding down Randolph Road from Route 9. He requested that the State Police be notified of the matter and urged motorists to find alternative routes to help alleviate the traffic issues on Roosevelt Blvd. He also thanked the Safety Committee for their help with the Township’s Health Fair scheduled for October 26th, and for all the work they do throughout the year. Lastly Committeeman Pierson read his letter of resignation addressed to the Mayor and Committee into the record:

(Continued on next page)

14 October 2016

SUBJECT: R

Dear Mayor Palombo and Committeemen:

PO Box 205

Upper Township

Committeeman

Committeeman

Deputy Mayor

Mayor Richard

As you are well aware I have been selected by the Cape May County GOP to fill the seat of Kris Gabor on the Cape May County Freeholders Board starting 25 October 2016. It is with mixed feelings that I tender my resignation as a Township Committeeman effective at the conclusion of the Regular Township Meeting on 24 October 2016.

I am excited to move on to a higher position and continue support from the County level for this great Township and the entire County. But, at the same time I am saddened that I have to leave this superb Committee and the many Township employees that I have had the chance to meet up close and personal these past two years.

Over the past two years this Committee has come together to provide more cost efficient quality operations to the people of Upper Township. We have worked hard, played hard, and got the job done without bickering, pointing fingers and threats. You are all commended for your dedication, diligence and continuity. To the Mayor, you provide outstanding guidance and counsel to all the Committee, your longevity and expertise is second to none and you have been a friend to us all.

To Township Counsel, the Clerk, the Engineer and Treasurer you have kept us focused, well informed, remained confidential and I appreciate that from the bottom of my heart. From the day I joined the board until now it has been an absolute pleasure working with you. To the employees of my Departments, and Township Hall as a Committeeman I thank you for your support, friendship and dedication to do a first class job for the Township.

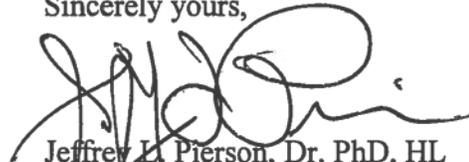
To the citizens of Upper Township thank you for electing me as a Committeeman. I have had the opportunity to get out and about, and meet more of you personally either trying to help or solve and issue, or in a social setting. Thank you for your support, and next year I hope that you support me for election to the Freeholder Board for a three year term starting in 2018.

To the Upper Township Business Association, Tuckahoe Business Association, Strathmere Improvement Association and Historical Preservation Society it has been a pleasure meeting many of you, and you all play such a valuable part in the growth, well being and heritage of the Township. Keep informed and keep in contact with the Committee members so that cooperation from all sides will ensure continued success in the Township.

Finally, for the First Responder organizations and the Upper Township Chief's Association of Upper Township I thank you for your dedication and willingness to drop what you are doing, or get out of bed at all hours of the night to respond to emergencies in the Township. I have been personally involved with most of you since 1980 when I joined the Marmora Volunteer Fire Company. Over the years each organization has vastly improved with leadership, training, facilities, vehicles and equipment. The teamwork, cooperation and dedication are second to none. Again, thank you from the bottom of my heart. This also includes the invaluable protection and response from the New Jersey State Police, and their willingness to participate and cooperate in Township events and emergencies.

I hope I did not miss any group, this is heartfelt and I do not want to insult anyone. I am not moving out, just moving up. And, I will be your voice at the County Level. Again, thank you all for your support, God bless you all, and God bless America.

Sincerely yours,



Jeffrey L. Pierson, Dr. PhD, HL
Brig. Gen. (Ret) U.S.A.
Committeeman

Edward Barr, Committeeman, offered his thanks and congratulations to Committeeman Pierson for his time on the Committee. Lastly he reported that the New Jersey State Police will be holding a food drive to benefit the victims of domestic violence and urged the public to support this worthwhile cause.

OTHER REPORTS

Barbara Young, Municipal Clerk, reported that the Township's Health and Wellness Fair will be held on Wednesday October 26th from 4:00 to 6:00 pm at the Upper Township Community Center. There will be free health screenings, flu shots and gift card giveaways and the public is encouraged to attend. Lastly the Municipal Clerk congratulated Committeeman Pierson on his recent election to the Cape May County Board of Chosen Freeholders and wished him well in his new position with the County.

Daniel Young, Municipal Attorney, congratulated Committeeman Pierson and explained the process to fill the vacancy; with the resignation of Mr. Pierson who has submitted his letter effective at the conclusion of this meeting, the Republican County Committee will have 15 days from this date to submit three names to the Township Committee. The Committee will then have thirty days from tonight to make a determination as to who will serve the unexpired term of Mr. Pierson.

Paul Dietrich, Municipal Engineer, reported that at a recent Flood Plain conference FEMA it was announced that an ongoing appeal by the City of New York for the flood Insurance rate maps was successful. Mr. Dietrich stated that unfortunately, their success is our continued delay. The appeal will require FEMA to redo the entire flood study for the New York and the entire East Coast of New Jersey which means it could take another two to three years to prepare and approve the new maps. He stated that we are happy with the preliminary maps and have been trying to work with FEMA and the NJDEP to adopt the preliminary Flood Insurance Rate (FIRM) maps. Mr. Dietrich next reported that our Safety Consultant in working with our School Crossing Guard at safety improvements in the area of the Elementary and Primary Schools in Marmora has recommended that the small portion of Stagecoach Road that intersects with Tuckahoe Rd and St. Martins Rd at the Battersby Memorial be closed to vehicular traffic in order to create a safer intersection for both vehicular traffic and pedestrians. It was stated that the School district is aware of the recommended changes and is in favor of the recommendation. Motion by Jeff Pierson second by John Coggins to make a recommendation to the County to Close the portion of Stagecoach Rd that intersects with Tuckahoe Rd and St. Martins Rd at the Battersby Memorial in Marmora. During roll call vote all four Committeemen present voted in the affirmative. Lastly Mr. Dietrich offered his congratulations to Mr. Pierson on his election and wished him well in his new position.

Barbara Spiegel, Chief Financial Officer, offered her congratulations to Committeeman Pierson and wished him well in his future endeavors.

PRESENTATION

1. In recognition and appreciation of Upper Township Committeeman Jeffrey Pierson for his dedicated public service to the Township of Upper, and congratulating him on being elected to the Cape May County Board of Chosen Freeholders.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 236-2016

**RE: IN RECOGNITION AND APPRECIATION OF
UPPER TOWNSHIP COMMITTEEMAN JEFFREY PIERSON
FOR HIS DEDICATED PUBLIC SERVICE TO THE TOWNSHIP OF UPPER
AND CONGRATULATING HIM ON BEING ELECTED
TO THE CAPE MAY COUNTY BOARD OF CHOSEN FREEHOLDERS**

WHEREAS, Committeeman Jeffrey Pierson will soon vacate his seat on the Upper Township Committee where he has served with honor and distinction from January 2015 to the present; and

WHEREAS, during his public service to the Township as Committeeman, Jeff served as the Township's Director of the Municipal Court, Fire and Rescue, Public Safety, and Animal Control; and

WHEREAS, on October 12, 2016 Jeff was elected to the Cape May County Board of Chosen Freeholders; and

WHEREAS, it is most appropriate that Jeff's tenure of public service, commitment, and leadership to the Township are publicly recognized and that this Township Committee extends its sincere appreciation to Jeff.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, that Jeffrey Pierson be publicly congratulated on his election to the Cape May County Board of Chosen Freeholders and that we all extend our deepest thanks to him for his years of dedicated public service as Township Committeeman and acknowledge his continued dedication and desire to serve the residents of the County of Cape May.

BE IT FURTHER RESOLVED that this Committee extends to our colleague and friend, Jeffrey Pierson, our very best wishes for continued happiness, good health, and success in his career as County Freeholder.

day of October, 2016.

Resolution No. 236-2016

Offered by: Young

Seconded by: Coggins

Adopted: October 24, 2016

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>---</u>	<u>---</u>	<u>X</u>	<u>---</u>
Young	<u>X</u>	<u>---</u>	<u>---</u>	<u>---</u>
Palombo	<u>---</u>	<u>---</u>	<u>---</u>	<u>X</u>

RESOLUTIONS

2. Congratulating employee Richard McCauley of the Upper Township Public Works Department for his winning entry in the Upper Township Safety Award Program for the 4th quarter of 2016.

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

RESOLUTION NO. 237-2016

**RE: CONGRATULATING EMPLOYEE RICHARD MCCAULEY
OF THE UPPER TOWNSHIP PUBLIC WORKS DEPARTMENT
FOR HIS WINNING ENTRY IN THE UPPER TOWNSHIP SAFETY AWARD PROGRAM
FOR THE 4TH QUARTER OF 2016**

WHEREAS, employee Richard McCauley, is recognized for his efforts to promote safety for his fellow employees and residents of the Township through his participation in the Upper Township Safety Award Program with the submission of a safety suggestion in 2016; and

WHEREAS, Richard's safety suggestion was chosen by the Upper Township Safety Committee from the entries submitted in the fourth quarter for the promotion of safety for employees and the community; and

WHEREAS, Richard should be publicly recognized for reporting the safety hazard of a broken tree limb hanging over the children's playground at Amanda's Field; 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 Richard McCauley on his commitment to safety by identifying a potential safety hazard and offering a suggestion through participation in the program.
2. That the Committee, on behalf of our employees and the citizens of the Township of Upper, extend to Richard McCauley our congratulations and present him with the "Safety Day Award" of one day off with pay.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper the 24th day of October, 2016.

Resolution No. 237-2016

Offered by: Young

Seconded by: Pierson

Adopted: October 24, 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 Mayor and Township Clerk to sign a contract with Quality Asset Recovery, LLC for collection services for Emergency Medical Service accounts.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 238-2016

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A
CONTRACT WITH QUALITY ASSET RECOVERY, LLC FOR COLLECTION
SERVICES FOR EMERGENCY MEDICAL SERVICE ACCOUNTS**

WHEREAS, the Township requires collection services for emergency medical service accounts; and

WHEREAS, Quality Asset Recovery, LLC 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 Quality Asset Recovery, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; 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, Quality Asset Recovery, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Quality Asset Recovery, LLC 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 Quality Asset Recovery, LLC 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 Quality Asset Recovery, LLC to provide collection services for emergency medical service accounts.
3. Quality Asset Recovery, 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 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 Quality Asset Recovery, LLC has professional knowledge which is particularly

valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

NOTICE OF CONTRACT AWARD

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

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

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

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

Resolution No. 238-2016
Offered by: Coggins
Adopted: October 24, 2016

Seconded by: Pierson

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>

4. Certification of costs for abatement of nuisance on Block 455, Lot 33.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 239-2016

**CERTIFICATION OF COSTS FOR ABATEMENT OF NUISANCE ON
BLOCK 455 LOT 33**

WHEREAS, pursuant to Township Code Section 11-1, the Township Committee is empowered to enforce the removal of fire hazards and nuisances, including the clearing of obnoxious growth; and

WHEREAS, resolution #208-2016 adopted August 29, 2016 authorized the Zoning Officer to serve a notice of violation to the property owners of Block 455, Lot 33 on the municipal tax map describing the violation and stating that unless the violation is abated, removed or remedied within 10 days from the date of such notice the violation shall be abated, removed and remedied by the Township and the cost thereof shall be assessed as a lien against such land; and

WHEREAS, 10 days passed from the date of such notice of violation with no response from the property owners and the Township thereafter remedied the violation; and

WHEREAS, pursuant to Township Code Section 11-1 and N.J.S.A. 40:48-2.14, the Township Principal Public Works Manager has certified the costs of remedying the said violations as set forth on the attached list; and

WHEREAS, the Township Committee now wishes that said certified costs become a lien upon such lands and be added to and become and form part of the taxes assessed and levied against such lands pursuant to Township Code Section 11-1.8 and N.J.S.A. 40:48-2.13.

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 hereby declares that the costs as set forth on the

attached list shall be certified to the Township Tax Collector as a lien against the land in question which lien shall become and form a part of the taxes assessed and levied upon such land pursuant to Township Code Section 11-1.8 and N.J.S.A. 40:48-2.14.

3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 239-2016
 Offered by: Young
 Adopted: October 24, 2016

Seconded by: Coggins

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>

CLEARING OF OBNOXIOUS GROWTH

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>LOCATION</u>
455/33	\$236.00	340 DENNS/PTSBG RD

5. Certification of costs for abatement of nuisance on Block 653.01, Lot 4.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 RESOLUTION**

RESOLUTION NO. 240-2016

**CERTIFICATION OF COSTS FOR ABATEMENT OF NUISANCE ON
 BLOCK 653.01 LOT 4**

WHEREAS, pursuant to Township Code Section 11-1, the Township Committee is empowered to enforce the removal of fire hazards and nuisances, including the clearing of obnoxious growth; and

WHEREAS, resolution #225-2016 adopted September 26, 2016 authorized the Zoning Officer to serve a notice of violation to the property owners of Block 653.01, Lot 4 on the

municipal tax map describing the violation and stating that unless the violation is abated, removed or remedied within 10 days from the date of such notice the violation shall be abated, removed and remedied by the Township and the cost thereof shall be assessed as a lien against such land; and

WHEREAS, 10 days passed from the date of such notice of violation with no response from the property owners and the Township thereafter remedied the violation; and

WHEREAS, pursuant to Township Code Section 11-1 and N.J.S.A. 40:48-2.14, the Township Principal Public Works Manager has certified the costs of remedying the said violations as set forth on the attached list; and

WHEREAS, the Township Committee now wishes that said certified costs become a lien upon such lands and be added to and become and form part of the taxes assessed and levied against such lands pursuant to Township Code Section 11-1.8 and N.J.S.A. 40:48-2.13.

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 hereby declares that the costs as set forth on the attached list shall be certified to the Township Tax Collector as a lien against the land in question which lien shall become and form a part of the taxes assessed and levied upon such land pursuant to Township Code Section 11-1.8 and N.J.S.A. 40:48-2.14.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 240-2016
Offered by: Pierson
Adopted: October 24, 2016

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

CLEARING OF OBNOXIOUS GROWTH

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>LOCATION</u>
653.01/4	\$217.00	10 RT US 9 SO

6. Authorizing participation in the Cape May County Cooperative Pricing Program for County Contract Nos. 16-231 (Primary) and 16-232 (Secondary) to Furnish and Deliver Rock Salt.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 241-2016

**RE: AUTHORIZING PARTICIPATION IN THE CAPE MAY COUNTY
COOPERATIVE PRICING PROGRAM FOR COUNTY CONTRACT NOS. 16-231
(PRIMARY) AND 16-232 (SECONDARY) TO FURNISH AND DELIVER ROCK SALT**

WHEREAS, the Township of Upper is a participating agency under the Cape May County Cooperative Pricing Program; and

WHEREAS, the County of Cape May County has acted on behalf of the Township of Upper as lead agency for Cape May County Cooperative Contract No. 16-231 (Primary) and 16-232 (Secondary); Furnish and Deliver Rock Salt; and

WHEREAS, bids to “Furnish and Deliver Rock Salt to the County of Cape May and Participating Cooperative Agencies” were received by the County on September 28, 2016 and contracts were awarded to Mid-Atlantic Salt, LLC, 1305 Hollow Cove, Narberth, PA 19072 (Primary) and Chemical Equipment Labs, DE Inc., 3920 A Providence Road, Newtown Square, PA 19073 (Secondary) for a term of 12 months effective October 12, 2016, 2012 to October 11, 2017, with an option for a one (1) year extension; and

WHEREAS, the Township Engineer has reviewed the above described bid and the contracts awarded by Cape May County and has recommend participation by the Township; and

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that the Township hereby authorizes participation in the Cape May County Cooperative Pricing Program for award of Contract No. 16-231 (Primary) and 16-232 (Secondary); Furnish and Deliver Rock Salt for Township snow removal operations as follows:

**County Contract No. 16-231
Mid-Atlantic Salt, LLC
1305 Hollow Cove
Narberth, PA 19072
Price per delivered ton - \$64.75**

**County Contract No. 16-232
Chemical Equipment Labs, DE Inc.
3920 A Providence Road
Newtown Square, PA 19073
Price per delivered ton - \$65.75**

Resolution No. 241-2016
Offered by: Young
Adopted: October 24, 2016

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

7. Authorizing the purchase of a trailer mounted vacuum debris collector in the amount of \$42,367.00 through the National Joint Powers Alliance (NJPA) National Cooperative contract with funds from the 2016 Capital Improvement Bond Ordinance.

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

RESOLUTION NO. 242-2016

RE: AUTHORIZING THE PURCHASE OF A TRAILER MOUNTED VACUUM DEBRIS COLLECTOR IN THE AMOUNT OF \$42,367.00 THROUGH THE NATIONAL JOINT POWERS ALLIANCE (NJPA) NATIONAL COOPERATIVE CONTRACT WITH FUNDS FROM THE 2016 CAPITAL IMPROVEMENT BOND ORDINANCE

WHEREAS, it is necessary for the Township of Upper to make certain capital purchases; and

WHEREAS, the Township Committee adopted the 2016 Capital Improvement Bond Ordinance 08-2016 on April 25, 2016; and

WHEREAS, N.J.S.A. 52:34-6.2 allows the Township of Upper to utilize national cooperative contracts as a method of procurement; and

WHEREAS, the Township of Upper intends to purchase a ODB Trailer Mounted Vacuum Debris Collector Model SCL800TM25 from Old Dominion Brush Co., Inc. through the National Joint Powers Alliance (NJPA) National Cooperative Contract No. #060612-ODB as herein indicated; and

WHEREAS, Old Dominion Brush Co., Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Old Dominion Brush Co., Inc. has not made any reportable contributions to a political or candidate committee in the Township in the previous one year, and that the contract will prohibit Old Dominion Brush Co., Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer of the Township has certified the availability of funds to allow the award of contract for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose from the 2016 Capital Improvement Bond.

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, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with Old Dominion Brush Co., Inc. for the purchase of a ODB Trailer Mounted Vacuum Debris Collector Model SCL800TM25 through the NJPA National Cooperative Contract No. #060612-ODB in the amount of \$42,367.00.

3. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 242-2016

Offered by: Young

Seconded by: Coggins

Adopted: October 24, 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>

8. Authorizing the execution of an NJDEP TWA-1 Application Statements of Consent form regarding 117 Taylor Avenue, Upper Township, Block 758, Lot 12.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 243-2016

**RE: AUTHORIZING THE EXECUTION OF NJDEP TWA-1 APPLICATION
STATEMENTS OF CONSENT FORM REGARDING 117 TAYLOR AVENUE,
STRATHMERE, BLOCK 758, LOT 12**

WHEREAS, Tamara M.K. Woitas 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, Tamara M.K. Woitas 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 117 Taylor Avenue, Block 758, Lot 12 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 Tamara M.K. Woitas for treatment works approval for the property at Block 758, Lot 12 on the municipal tax map.

4. A certified copy of this Resolution shall be provided to the applicant.

Resolution No. 243-2016

Offered by: Pierson Seconded by: Coggins

Adopted: October 24, 2016

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

ORDINANCES

- 9. **Public hearing and final adoption of Ordinance 012-2016 RE: AN ORDINANCE VACATING A PORTION OF FIRST AVENUE, SOUTH OF BAYAIRE ROAD, WITHIN THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY.** During the public hearing portion there were no speakers. Motion by Jeff Pierson, second by John Coggins, to adopt Ordinance 012-2016. During roll call vote all four Committeemen present voted in the affirmative.

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

ORDINANCE NO. 012-2016

**AN ORDINANCE VACATING A PORTION OF FIRST AVENUE, SOUTH OF
BAYAIRE ROAD, WITHIN THE TOWNSHIP OF UPPER, COUNTY OF CAPE
MAY AND STATE OF NEW JERSEY**

WHEREAS, N.J.S.A. 40:67-1 authorizes the Governing Body of a municipality to adopt an Ordinance, among other things, to vacate any street, highway, lane, alley, square, place or park, or any part thereof, dedicated to public use but not accepted by the municipality, whether or not the same, or any portion, has been actually opened or improved; and

WHEREAS, Michael E. and Robin A. Halpern are the owners of Block 723, Lot 37 and have requested that the Township vacate a portion of First Avenue, south of Bayaire Road, as described in this Ordinance and have agreed to pay the costs incurred by the Township to vacate said street including the costs of the revisions to the tax map; and

WHEREAS, the Township Committee has duly considered the matter and it appears reasonable to agree to the request since there is no present or foreseeable need or intention to utilize said roadway; and

WHEREAS, it is deemed to be in the public interest to vacate a portion of First Avenue within the Township of Upper, as hereinafter provided.

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

SECTION 1: The public right in, along, upon and over the following described land is hereby vacated, surrendered and extinguished:

Description

Vacation of a portion of First Avenue,
south of Bayaire Road,
as shown on Tax Map Sheet No. 28
Marmora Section of Township of Upper

BEGINNING at the Southwesterly line
of Bayaire Ave. (50' wide) and extending
southerly abutting Block 723 Lots 37 and 43 to
the southerly terminus at Block 723 Lot 37.

SECTION 2: This Ordinance vacates no portion of the street except that portion set forth and described in **SECTION 1** above.

SECTION 3: EXCEPTION: This Ordinance expressly reserves and excepts from vacation all rights and privileges now possessed by public utilities, as defined in R.S. 48:2-13, and by any cable television company, as defined in the "Cable Television Act", P.L. 1972, c. 186, (C.48:5A-1, et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated, as hereinabove described.

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

SECTION 5: EFFECTIVE DATE: This Ordinance shall take effect

immediately upon final adoption and publication as required by law.

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 26TH DAY OF SEPTEMBER, 2016 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 24TH DAY OF OCTOBER, 2016 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

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

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

CORRESPONDENCE

NEW BUSINESS

- 10. Tom and Laurie Jones request “No Passing Zone” along Route 50 in the vicinity of 211 Route 50.** Motion by John Coggins, second by Jeff Pierson to table the matter until the next meeting and to direct the engineer to map out the specific area for the “No Passing Zone”. During roll call vote all four Committee members voted in the affirmative.

UNFINISHED BUSINESS

DISCUSSION

PAYMENT OF BILLS

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

Bills approved for payment: \$338,756.75
Payroll: \$154,053.39

REPORT OF MUNICIPAL DEPARTMENTS

- 2. Tax Assessor**

Motion by Coggins, second by Jeffrey Pierson, to accept the report as submitted. During roll call vote all four Committeemen present voted in the affirmative. A copy of the report is available in the Clerk’s Office.

PUBLIC COMMENT

There were no Public Speakers during this portion of the meeting.

CLOSED SESSION

3. 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. 244-2016
MOTION GOING INTO CLOSED SESSION
OCTOBER 24, 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. 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.

Moved by: John Coggins

Motion seconded by: Edward Barr

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

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 8:37 P.M., with a motion by John Coggins, second by Edward Barr, and all four Committeemen present voting in the affirmative. The next regular meeting is scheduled for November 7, 2016 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC

Bill List

67990 10/24/16 A0018 ACTION SUPPLY INC. 188.08 2944
67991 10/24/16 A0035 AIRLINE HYDRAULIC CORP. 74.87 2944
67992 10/24/16 A0091 ATLANTIC CITY ELECTRIC 20,447.22 2944
67993 10/24/16 A0134 ANSELL GRIMM & AARON, PC 4,810.19 2944
67994 10/24/16 A0166 Association of NJ Recyclers 80.00 2944
67995 10/24/16 A0168 ATLANTIC CRANKSHAFT 469.00 2944
67996 10/24/16 A0210 ARMORED REPUBLIC, LLC 966.20 2944
67997 10/24/16 A0211 AMANJ C/O LIZ SIMPKINS CTA 60.00 2944
67998 10/24/16 B0035 BELMONT & CRYSTAL SPRINGS 11.75 2944
67999 10/24/16 B0060 BIANCHINO LOU & SONS 95.00 2944
68000 10/24/16 B0207 BARLOW CHEVROLET, INC 572.50 2944
68001 10/24/16 B0231 BARKER, GELFAND & JAMES, PC 52.50 2944
68002 10/24/16 C0048 CAPE MAY COUNTY MUA 69.00 2944
68003 10/24/16 C0051 COUNTRY SHORE WOMEN'S CLUB 300.00 2944
68004 10/24/16 C0060 CAPRIONI'S PORTABLE TOILETS 850.50 2944
68005 10/24/16 C0061 CAPRIONI FAMILY SEPTIC 1,135.00 2944
68006 10/24/16 C0068 COMCAST 410.70 2944
68007 10/24/16 C0103 St. Maximilian Kolbe 300.00 2944
68008 10/24/16 C0116 CINTAS CORPORATION 25.91 2944
68009 10/24/16 C0182 CDW GOVERNMENT, INC 165.00 2944
68010 10/24/16 C0201 CRUZAN'S TRUCK SERVICE INC. 5,648.72 2944
68011 10/24/16 C0223 CASA PAYROLL SERVICE 262.65 2944
68012 10/24/16 C0247 CMRS-FP 2,000.00 2944
68013 10/24/16 C0278 TIFFANY A. CUVIELLO, PP, LLC 1,125.00 2944
68014 10/24/16 D0040 DELTA DENTAL OF N.J. INC. 5,553.71 2944
68015 10/24/16 D0045 DEPTCOR 99.00 2944
68016 10/24/16 D0077 DIETRICH, PAUL 99.89 2944
68017 10/24/16 D0086 DRAWING BOARD PRINTING 140.75 2944
68018 10/24/16 D0138 GIRL SCOUT TROOP 44480 300.00 2944
68019 10/24/16 E0003 EASTERN SIGN CO. 1,520.00 2944
68020 10/24/16 E0012 EHRlich PEST CONTROL INC 86.00 2944
68021 10/24/16 E0034 ESRI, INC. 1,600.00 2944
68022 10/24/16 F0016 FAZZIO, JOSEPH INC. 1,917.65 2944
68023 10/24/16 F0184 THE FIBREX GROUP, INC. 12,911.00 2944
68024 10/24/16 G0044 GILES & RANSOME, INC. 58,430.00 2944
68025 10/24/16 G0086 W.W. GRAINGER, INC. 105.84 2944
68026 10/24/16 G0142 GIRL SCOUT TROOP 41548 300.00 2944
68027 10/24/16 H0057 HISTORICAL PRESERVATION 300.00 2944
68028 10/24/16 H0073 HOME DEPOT CRC/GECF 704.74 2944
68029 10/24/16 H0170 Hurricanes U.T. Travel Team 300.00 2944
68030 10/24/16 J0072 JERSEY WEB DESIGNS 1,382.50 2944
68031 10/24/16 L0007 LC EQUIPMENT, INC. 582.00 2944
68032 10/24/16 L0080 LOWES, INC. 142.41 2944
68033 10/24/16 L0125 Lick Tracie 20.00 2944
68034 10/24/16 L0126 LICK, WILLIAM 69.20 2944
68035 10/24/16 M0055 MAY, JUDITH 150.00 2944
68036 10/24/16 M0076 MGL PRINTING SOLUTIONS 60.00 2944
68037 10/24/16 M0081 MID-ATLANTIC WASTE SYSTEMS 179,755.43 2944
68038 10/24/16 M0121 McCROSSON, JANET 118.90 2944
68039 10/24/16 M0180 MED-TECH RESOURCE, LLC 249.45 2944
68040 10/24/16 M0188 MCCARTHY TIRE SERVICE OF PHILA 5,018.64 2944
68041 10/24/16 M0247 MORGAN, SCOTT 43.19 2944
68042 10/24/16 M0263 MANGAM SR., ANDREW C 79.99 2944
68043 10/24/16 M0271 McBride, Timothy F. 24.20 2944
68044 10/24/16 M0272 MOMENTUM SOLAR 236.00 2944
68045 10/24/16 N0043 NAPA AUTO PARTS 176.24 2944
68046 10/24/16 N0088 N.J. CONFERENCE OF MAYORS 475.00 2944
68047 10/24/16 N0094 NEW JERSEY PLANNING OFFICIALS 370.00 2944
68048 10/24/16 N0131 DEFINED CONTRIB RETIRE PROGRAM 216.34 2944
68049 10/24/16 N0141 NETCARRIER TELECOM, INC. 1,921.64 2944
68050 10/24/16 P0024 PEER LEADERSHIP 300.00 2944
68051 10/24/16 P0032 PEDRONI FUEL CO. 935.23 2944
68052 10/24/16 P0056 TURF EQUIPMENT AND SUPPLY CO 91.11 2944

68053 10/24/16 P0075 POSITIVE PROMOTIONS INC 341.01 2944
68054 10/24/16 P0124 PRO CLUB 300.00 2944
68055 10/24/16 P0152 READY, LOREN 25.92 2944
68056 10/24/16 P0165 PETROSH'S BIG TOP, LLC 273.20 2944
68057 10/24/16 Q0008 QUILL CORPORATION 129.98 2944
68058 10/24/16 R0030 RIGGINS, INC. 4,935.25 2944
68059 10/24/16 R0059 RUTGERS, THE STATE UNIVERSITY 295.00 2944
68060 10/24/16 R0076 REGISTRARS' ASSOCIATION N.J. 65.00 2944
68061 10/24/16 R0099 HUNTER TRUCK SALES & SERVICE 871.39 2944
68062 10/24/16 R0100 ROBERTS OXYGEN COMPANY, INC. 77.20 2944
68063 10/24/16 R106 RUMER, LISA 169.28 2944
68064 10/24/16 S0018 SUBURBAN PROPANE, LP 230.13 2944
68065 10/24/16 S0056 SEASHORE ASPHALT CORPORATION 1,145.77 2944
68066 10/24/16 S0072 SEGIN, STEWART S. 194.95 2944
68067 10/24/16 S0121 SMUZ, THERESE A 25.70 2944
68068 10/24/16 S0134 SO. JERSEY GAS COMPANY 122.00 2944
68069 10/24/16 S0139 SO. JERSEY WATER COND. INC. 165.00 2944
68070 10/24/16 S0160 STAR LODGE # 65 300.00 2944
68071 10/24/16 S0254 SHOPRITE 454.51 2944
68072 10/24/16 S0264 SOUTH SHORE STITCHERS 300.00 2944
68073 10/24/16 S0282 SUSTAINABLE JERSEY, INC. 35.00 2944
68074 10/24/16 S0284 SOUTH JERSEY INTERPRETERS 300.00 2944
68075 10/24/16 S0313 SUN UP ZERO DOWN 210.00 2944
68076 10/24/16 S305 Smith, Barbara Buffalo 24.20 2944
68077 10/24/16 T0022 TERMINIX 59.00 2944
68078 10/24/16 T0048 TILL PAINT CO/D. FITZGERALD 720.00 2944
68079 10/24/16 T0089 TREASURER, STATE OF N.J. 1,356.00 2944
68080 10/24/16 T0100 Boy Scout TROOP #55 300.00 2944
68081 10/24/16 T0102 TROOP #79 300.00 2944
68082 10/24/16 T0172 Trinity United Methodist Churc 300.00 2944
68083 10/24/16 U0056 UPPER TWP SOCCER ASSN U15 BOYS 300.00 2944
68084 10/24/16 U0057 UPPER TWP SOCCER ASSN U15 GIRL 300.00 2944
68085 10/24/16 U0063 UT Green Team 300.00 2944
68086 10/24/16 V0001 VCI EMERGENCY VEHICLE 255.32 2944
68087 10/24/16 V0005 VAN EMBDEN, NATHAN, ATTORNEY 4,417.50 2944
68088 10/24/16 V0018 VILLAGE PHARMACY, INC. 53.40 2944
68089 10/24/16 V0022 VERIZON 199.72 2944
68090 10/24/16 V0024 VAL-U AUTO PARTS L.L.C. 577.16 2944
68091 10/24/16 V0026 VITAL COMMUNICATIONS, INC. 100.00 2944
68092 10/24/16 W0031 WESLEY METHODIST CHURCH 300.00 2944
68093 10/24/16 W0087 W.B. MASON 359.92 2944
68094 10/24/16 X0008 XEROX FINANCIAL SERVICES 662.40 2944

Total: \$338,756.75