

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR JANUARY 9, 2017**

REGULAR MEETING OF THE TOWNSHIP COMMITTEE –7:30 P.M.

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Edward Barr	Present
John Coggins	Present
Curtis Corson	Present
Hobart Young	Present
Richard Palombo	Present

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

APPROVAL OF MINUTES - December 19, 2016 Regular Meeting and
Closed Session Minutes

Motion by Edward Barr, second by Curtis Corson, to approve the December 19, 2016 Regular Meeting and Closed Session Minutes as submitted. During roll call vote all five Committeemen voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

John Coggins, Committeeman, requested that a budget workshop meeting be scheduled for January 23, 2017 at 6:30 pm. He requested the heads of the following departments to attend the meeting: Public Works, EMS, Municipal Court, Beach Patrol, OEM, Township Engineer, and the Township Administrator. He directed Barbara Spiegel to send a letter to those department heads requesting their attendance.

Hobie Young, Committeeman, thanked the Department of Public Works for plowing the roads during the past weekend's storm. He next reported that the Seventh Day Adventist School will be moving forward with their Open Space application for the property adjacent to Amanda's Field.

Edward Barr, Committeeman, also commended the Public Works Department for their excellent snow removal efforts.

Curtis Corson, Committeeman, reported that the Township will be holding two free rabies clinics on January 21st and February 18th at Shore Veterinarians from 1:00 pm to 3:00 pm.

Dog licenses will be available for purchase during the clinics. He next also commended Public Works for their excellent work as usual.

Richard Palombo, Mayor, made a motion to appoint John Coggins as the Committee liaison to the Economic Development Commission. The motion was seconded by Edward Barr with all five Committeemen voting in the affirmative. The Municipal Attorney stated that an Ordinance is required in order to establish an Economic Development Advisory Commission. Mayor Palombo next reported that he recently attended a meeting with the Historical Society regarding the use of the former Town Hall building as a Museum. The Historical Society will be applying for grants to cover the costs of the project, however, before any plans are finalized he would like to hire an Environmental Investigator in order to make sure there are no environmental issues with the property. Motion by Richard Palombo, second by Curtis Corson, to hire an Environmental Investigator to inspect the old town hall building. During roll call vote all five Committeemen voted in the affirmative.

OTHER REPORTS

Daniel Young, Municipal Attorney, reported that upon the Tax Assessor's discovery of an error by Vital Communications, in which the effective age of homes was not recorded correctly in the program which calculated the property values, the Cape May County Board of Taxation authorized her to perform a compliance plan. All of Vital's errors have now been corrected and a letter will be mailed within the next 30 days to all affected property owners explaining the corrections and any changes in assessment. He next reported that there are contract negotiation and personnel matters for closed session.

RESOLUTIONS

1. Honoring Elsie Shearer on the occasion of her 100th Birthday on January 14, 2017.

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

RESOLUTION NO. 25-2017

RE: HONORING ELSIE SHEARER ON THE OCCASION OF HER 100th BIRTHDAY ON JANUARY 14, 2017

WHEREAS, it is a great pleasure and privilege for the Township Committee of the Township of Upper to honor and congratulate Upper Township Resident Elsie Shearer on the occasion of her 100th birthday; and

WHEREAS, born on January 14, 1917 in Philadelphia, Elsie started playing the piano at the age of four. She quickly learned to sight-read music, then learned to play the organ, and at the age of eleven was invited to play with the Haddonfield Symphony; and

WHEREAS, in 1955, Elsie and her husband bought a summer home in the area, and to the delight of all, performed with The Lewis Shearer Chorale on the Ocean City Boardwalk Music Pier every summer; and

WHEREAS, Elsie moved to the area full time in 1996, and became an active member of the Trinity United Methodist Church, where she has served as the church organist since 2003; and

WHEREAS, Elsie also generously volunteers her time to the Upper Township Senior and Wellness Center, where she plays the piano daily and leads an exercise class every week; and

WHEREAS, it is most appropriate that Elsie Shearer be publicly honored and recognized for her lifelong achievements on the occasion of her 100th birthday.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee on behalf of the citizens of the Township of Upper, in the County of Cape May and State of New Jersey, to extend to Elsie Shearer our congratulations on the occasion of her 100th birthday, honor her for her exemplary and inspiring life, and offer her our sincere best wishes for her continued good health and happiness.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 9th day of January, 2017.

Resolution No. 25-2017

Offered by: Young

Seconded by: Corson

Adopted: January 9, 2017

Roll Call Vote:

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

2. Congratulating the Upper Township Soccer Association's U-15 Tornados Boys Team on becoming the 2016 Flight 1 Fall Champions.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 26-2017

**RE: A RESOLUTION CONGRATULATING
THE UPPER TOWNSHIP SOCCER ASSOCIATION'S
U-15 TORNADOS BOYS TEAM
ON BECOMING THE 2016 FLIGHT 1 FALL CHAMPIONS**

WHEREAS, the Upper Township U-15 Tornados Boys Soccer Team has had an exceptional season becoming the Flight 1 Fall Champions in the South Jersey Soccer League; and

WHEREAS, the Tornados ended their fall season undefeated with a 9-0-1 record, scoring 42 goals and allowing only 7 goals, and captured the first place Flight 1 Fall Championship with a 3-0 shutout against the Vineland Vipers at Amanda's Field in Upper Township on November 20, 2016 ; and

WHEREAS, it is appropriate that on behalf of the citizens of Upper Township we recognize and congratulate the players listed as follows:

Luca Bongiovanni
Christopher Calabro
Nicholas Chiccarine
Zachary Dittus
Maxwell Fisher
Joseph Garcia
Maximillian Gilbert
Kyle Harper

Jude Hill
Connor James
Reed Lindsay
Sean MacNaughton
Sergio Miller
Kyle Plenn
Drew Tarr
Nathan Zeigler

WHEREAS, we also extend this recognition and thanks to Gary Harper, Mike Garcia and Matthew Gilbert who have generously given their personal time and service to coach this team; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee on behalf of the citizens of the Township of Upper, to extend to the Upper Township U-15 Tornados Boys Soccer Team congratulations on becoming the South Jersey Soccer League Flight 1 Fall Champions, and to each coach heartfelt thanks and gratitude for the generous donation of their time and service to the young people of this community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 9th day of January, 2017.

Resolution No. 26-2017

Offered by: Young

Adopted: January 9, 2017

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

3. Congratulating the Upper Township Hockey Team, Upper Riptide – Red, on becoming the 2016 Cape May County 5th To 8th Grade Roller Division Champions.

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

RESOLUTION NO. 27-2017

**RE: CONGRATULATING THE UPPER TOWNSHIP HOCKEY TEAM, UPPER RIPTIDE –
RED, ON BECOMING THE 2016 CAPE MAY COUNTY
5TH TO 8TH GRADE ROLLER DIVISION CHAMPIONS**

WHEREAS, the Upper Township 5th to 8th Grade Roller Division Hockey Team, Upper Riptide – Red, had an outstanding 2016 hockey season; and

WHEREAS, they recently participated in the Cape May County Championship Games in December 2016 and won the Cape May County Championship for their division, winning 2 of 3 games, with the third game being a shut out; and

WHEREAS, it is appropriate that on behalf of the citizens of Upper Township we recognize and congratulate the players listed as follows:

Brendan Berns	James Passarella
Sam Gold	Cole Roden
Zachary Linz	Matt Schulte
Alex Loesch	Ryan Shaw
Sean MacNaughton	Denny Shiffler
Conner Meehan	Kaleb Williams
Kyle Parsons	

WHEREAS, we also extend this recognition and thanks to Mark Gold and Dennis Shiffler who have generously given their personal time and service to coach this team; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee on behalf of the citizens of the Township of Upper, to extend to the Upper Township 5th to 8th Grade Roller Division Hockey Team, Upper Riptide - Red, congratulations on becoming the 2016 Cape May County

Hockey League 5th – 8th Grade Roller Division Champions, and to each coach heartfelt thanks and gratitude for the generous donation of their time and service to the young people of this community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 9th day of January, 2017.

Resolution No. 27-2017

Offered by: Young

Seconded by: Barr

Adopted: January 9, 2017

Roll Call Vote:

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

4. Designating January 22nd through January 28th 2017 as “School Choice Week” in Upper Township.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 28-2017

**RE: DESIGNATING JANUARY 22ND THROUGH JANUARY 28TH 2017
AS “SCHOOL CHOICE WEEK” IN UPPER TOWNSHIP**

WHEREAS, all children in Upper Township should have access to the highest-quality education possible; and

WHEREAS, Upper Township recognizes the important role that an effective education plays in preparing all students in Upper Township to be successful adults; and

WHEREAS, quality education is critically important to the economic vitality of Upper Township; and

WHEREAS, Upper Township is home to a variety of high quality public and nonpublic schools from which parents can choose for their children, in addition to families who educate their children in the home; and

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and

WHEREAS, Upper Township has many high-quality teaching professionals in all types of school settings who are committed to educating our children; and

WHEREAS, School Choice Week is celebrated across the county by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, that the week of January 22, 2017 through January 28, 2017 shall be recognized as “School Choice Week” in Upper Township, and do hereby call this observance to the attention of all the citizens of Upper Township.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 9th day of January, 2017.

Resolution No. 28-2017

Offered by: Barr

Seconded by: Palombo

Adopted: January 9, 2017

Roll Call Vote:

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

5. Appointment of William C. Handley as the Upper Township Representative and Steve C. Eisenhower as the Alternate Upper Township Representative to the Great Egg Harbor National Scenic and Recreational River Council.

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

RESOLUTION NO. 29-2017

**RE: APPOINTMENT OF WILLIAM C. HANDLEY
AS THE UPPER TOWNSHIP REPRESENTATIVE AND
STEVE C. EISENHauer AS THE ALTERNATE UPPER TOWNSHIP
REPRESENTATIVE TO THE GREAT EGG HARBOR NATIONAL SCENIC
AND RECREATIONAL RIVER COUNCIL**

WHEREAS, the Great Egg Harbor National Scenic and Recreational River Council (“River Council”) is comprised of one representative from each of the

12 municipalities involved and one representative from the Great Egg Harbor Watershed Association, and Upper Township is one of the municipalities involved; and

WHEREAS, the “River Council” provides input on a wide variety of issues from federal and state permits for construction projects in the river corridor to the expenditure of funds made available through the National Park Service; and

WHEREAS, the present Upper Township Representative to the “River Council”, is William C. Handley; and

WHEREAS, the Township of Upper has determined that William C. Handley should be reappointed as the Representative of the Township of Upper to the “River Council”; and

WHEREAS, from time to time the need for an Alternate Upper Township Representative to the “River Council” has arisen; and

WHEREAS, the present Alternate Upper Township Representative to the “River Council”, is Steve C. Eisenhower; and

WHEREAS, the Township of Upper has determined that Steve C. Eisenhower should be reappointed as the Alternate representative of the Township of Upper to the “River Council”; 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. William C. Handley is hereby reappointed for a two year term commencing on February 1, 2017 and ending on January 31, 2019 to the “River Council” as the Representative of Upper Township, New Jersey.
3. Steve C. Eisenhower is hereby reappointed for a two year term commencing on February 1, 2017 and ending on January 31, 2019 to the “River Council” as the Alternate Representative of Upper Township, New Jersey.

4. A copy of this Resolution shall be forwarded to the Great Egg Harbor National Scenic and Recreational River Council c/o Fred Akers – Administrator, P.O. Box 109, Newtonville, New Jersey 08346.

Resolution No.29-2017

Offered by: Palombo Seconded by: Barr

Adopted: January 9, 2017

Roll Call Vote:

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

6. Approving the application of the Upper Township Rescue Squad for Highway Coin Drops.

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

RESOLUTION NO.30-2017

**RE: APPROVING THE APPLICATION OF THE UPPER TOWNSHIP RESCUE
SQUAD FOR HIGHWAY COIN DROPS**

WHEREAS, the Upper Township Rescue Squad, a non-profit corporation providing emergency medical and rescue services, has made application to the Township Committee to hold coin drop solicitations in Upper Township; and

WHEREAS, the Township Committee has approved the requests; and

WHEREAS, the requests require approval from the County of Cape May;

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 application of the Upper Township Rescue Squad to hold a coin drop within Upper Township on County Route 623 (Roosevelt Boulevard) and Vernon Avenue is hereby approved for the following dates:

Saturday, June 10, 2017 from 8:00 a.m. to 4:00 p.m.;

Saturday, July 1, 2017 from 8:00 a.m. to 4:00 p.m.;

And

Saturday August 12, 2017 from 8:00 a.m. to 4:00 p.m.

3. Attached to this Resolution is a certified copy of Ordinance No. 7-2001, authorizing coin drops within Upper Township enacted pursuant to N.J.S.A. 39:4-60.

4. A certified copy of this Resolution shall be provided to the Board of Chosen Freeholders of the County of Cape May.

Resolution No.30-2017

Offered by: Corson Seconded by: Young

Adopted: January 9, 2017

Roll Call Vote:

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

7. Affirming the Township of Upper's Civil Rights Policy with respect to all Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors, and members of the public that come into contact with Municipal Employees, Officials and Volunteers.

TOWNSHIP OF UPPER

**CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 31-2017

**RE: AFFIRMING THE TOWNSHIP OF UPPER'S
CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS,
APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS,
INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT
COME INTO CONTACT WITH MUNICIPAL EMPLOYEES,
OFFICIALS AND VOLUNTEERS**

WHEREAS, it is the policy of the Township of Upper to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of the Township of Upper has determined that certain procedures need to be established to accomplish this policy; and

NOW, THEREFORE BE IT RESOLVED to affirm and adopt the Township of Upper's civil rights policy as follows:

Section 1: No official, employee, appointee or volunteer of the Township of Upper by whatever title known, or any entity that is in any way a part of the Township of Upper shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Township of Upper's business or using the facilities or property of the Township of Upper.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Township of Upper to provide services that otherwise could be performed by the Township of Upper.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Township Committee shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Personnel Officer shall establish written procedures that require all officials, employees, appointees and volunteers of the Township of Upper as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Personnel Officer shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Municipal Clerk shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Township of Upper. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Township of Upper's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Township of Upper in order for the public to be made aware of this policy and the Township of Upper's commitment to the implementation and enforcement of this policy.

Resolution No. 31 -2017

Offered by: Coggins

Seconded by: Barr

Adopted: January 9, 2017

Roll Call Vote:

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

8. Canceling Taxes on Exempt Property Block 647 Lot 23.

**TOWNSHIP OF UPPER
COUNTY OF CAPE MAY
RESOLUTION**

RESOLUTION NO. 32-2017

**CANCELING TAXES ON EXEMPT PROPERTY
BLOCK 647 LOT 23**

WHEREAS, certain corrections have been recommended by the Upper Township Tax Collector in order to correct tax records; and

WHEREAS, certain properties became tax exempt for the year 2016; and

WHEREAS, Michelle Iannace is a widow of a 100% disabled American veteran residing at 325 Quail Drive, Block 647, Lot 34 on the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Department of Veterans Affairs has determined that Paul Iannace's 100% permanent wartime service connected disability was effective December 1, 2007; and

WHEREAS, Paul Iannace passed away November 7, 2015 with 50% ownership and made application on July 2, 2015; and

WHEREAS, Michelle Iannace took 50% ownership on January 28, 2016 and made application on February 24, 2016.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that corrections to the Tax records are hereby authorized and the Tax Collector is hereby directed to correct said records or take such action as indicated on the attached sheet.

Resolution No. 32 -2017

Offered by: Coggins Seconded by: Palombo

Adopted: January 9, 2017

Roll Call Vote:

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

CANCEL TAX 2016

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
647/23	\$3,852.84 – 50%	Michelle Iannace 23 W Quail Dr Marmora, NJ 08223

100% Totally Disabled Veteran

9. Authorizing building and electrical permit fee refunds to SolarCity for various properties in Upper Township.

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

RESOLUTION NO. 33-2017

**RE: AUTHORIZING BUILDING AND ELECTRICAL PERMIT FEE REFUNDS TO
SOLARCITY FOR VARIOUS PROPERTIES IN UPPER TOWNSHIP**

WHEREAS, SolarCity applied for permits to install roof mounted solar systems on various properties in Upper Township; and

WHEREAS, after the permits were issued, the roof mounted solar system installations were cancelled; and

WHEREAS, the Upper Township Construction Official has recommended granting SolarCity's request for refunds of the original permit fees for each property as indicated below, minus a 20% plan review cost.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that refunds are hereby authorized and the Chief Financial Officer is hereby directed to refund monies to SolarCity, 206 West Parkway Drive, Suite 3, Egg Harbor Township, NJ 08234, Attn: Permitting, as indicated below:

<u>VOIDED PERMIT #</u>	<u>BLOCK / LOT</u>	<u>AMOUNT</u>
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2016-0188	691 / 6	\$ 379.00
2016-0252	246 / 20	\$ 220.00
2016-0254	453 / 9.06	\$ 250.00
2015-0567	479 / 106.01	\$ 303.00
2016-0095	661 / 41.01	\$ 318.00
2016-0375	647 / 28	\$ 400.00
2015-0555	549 / 149	\$ 366.00
2015-0554	498 / 18	\$ 314.00
2016-0343	636 / 6	\$ 240.00
2016-0083	643 / 8	\$ 356.00
2016-0253	505 / 14	\$ 379.00
2016-0262	567 / 34.09	\$ 288.00

TOTAL REFUND \$3,813.00

Resolution No. 33-2017

Offered by: Coggins

Seconded by: Palombo

Adopted: January 9, 2017

ROLL CALL VOTE:

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

10. Authorizing the Mayor and Township Clerk to sign a contract with Marsh & McLennan Agency, LLC for insurance and broker consultant services.

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

RESOLUTION NO. 34-2017

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A CONTRACT
WITH MARSH & MCLENNAN AGENCY, LLC FOR INSURANCE AND BROKER
CONSULTANT SERVICES**

WHEREAS, the Township has decided to continue the services of the firm of Marsh & McLennan Agency, LLC for insurance and broker consultant services; 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, Marsh & McLennan Agency, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Marsh & McLennan Agency, 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 Marsh & McLennan Agency, 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 Marsh & McLennan Agency, LLC to provide insurance and broker consultant services.
3. The term of this contract shall be for a period of one (1) year from January 1, 2017 through December 31, 2017.
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 Marsh & McLennan Agency, 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-2.05.

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 Marsh & McLennan Agency, LLC for insurance and broker consultant 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.

9. This Resolution shall be effective as of adoption.

Resolution No. 34-2017

Offered by: Coggins Seconded by: Barr

Adopted: January 9, 2017

Roll Call Vote:

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

11. Upper Township Sports and Recreation Advisory Board Amendment to By-Laws.

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

RESOLUTION NO. 35-2017

**RE: UPPER TOWNSHIP SPORTS AND RECREATION
ADVISORY BOARD AMENDMENT TO BY-LAWS**

WHEREAS, the Township Committee deems it appropriate that the membership of the Sports and Recreation Advisory Board of the Township of Upper include members with significant experience in Upper Township sports and recreation programs, but also recognizes the need for an avoidance of conflicts of interest in such programs; and

WHEREAS, a clarification is needed to the current membership requirements in the by-laws of the Sports and Recreation Advisory Board to indicate that the prohibition against

members of the Board or their family members from participation in current Upper Township sports and recreation programs be clarified to indicate immediate family members; 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. Article III of the By-Laws of the Sports and Recreation Advisory Board is hereby amended and replaced in its entirety with the following:

ARTICLE III – Membership

The Board shall consist of five members, one of which shall be the Township Committeeperson in charge of the Department of Sports and Recreation Programs and one of which shall also be the Township Committeeperson in charge of the Department of Public Works. The remaining three members of the Board shall consist of volunteers who are residents of the Township of Upper. The Board shall also include, at the discretion of the Township Committee, an alternate volunteer member who is a resident of the Township of Upper. Said alternate may attend and participate in the discussion of any matter but shall only vote in the event one of the five regular members of the Board is absent. Neither the volunteer members nor their immediate family members shall be a participant in or formally or informally associated with a current Upper Township sports and recreation program. Immediate family member refers to a spouse or significant other, child or stepchild. It does not refer to more remote relatives or relations; provided, however, if a more remote relative is associated with a current Upper Township sports and recreation program, the Board

member must abstain from, and not participate in, any discussion or action specifically involving that Upper Township sports and recreation program. Prior participation or involvement in Upper Township programs or sports shall be permitted so long as there is no current involvement. The Township Committee shall appoint the members of the Board annually and shall have the power to remove Board members in its discretion. Upon any vacancy, the Township Committee may fill the position.

3. The Township Committee expressly reserves the right to supplement this Resolution at any time it deems it appropriate to change the membership of the Sports and Recreation Advisory Board or change the policies, programs and personnel with respect to any recreational activity of the Township.

Resolution No. 35-2017
Offered by: Young Seconded by: Barr
Adopted: January 9, 2017

Roll Call Vote:

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

12. Appointing Loren Ready as a full-time employee in the office of the Municipal Court.

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

RESOLUTION NO. 36-2017

**RE: APPOINTING LOREN READY AS A FULL-TIME EMPLOYEE
IN THE OFFICE OF THE MUNICIPAL COURT**

WHEREAS, a need exists to appoint qualified personnel to the Office of the Municipal Court to insure optimal operation; and

WHEREAS, Loren Ready is currently employed as a part time employee with the Office of the Municipal Court and possesses the necessary qualifications as a full-time employee in the Office of the Municipal Court.

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. Loren Ready is hereby appointed as a full-time employee in the Office of the Municipal Court effective January 6, 2017 at an annual salary of \$32,200 in accordance with the Salary Ordinance.

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.36-2017

Offered by: Corson Seconded by: Coggins

Adopted: January 9, 2017

Roll Call Vote:

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

13. Appointing Scott Morgan as Upper Township Administrator.

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

RESOLUTION NO.37-2017

RE: APPOINTING SCOTT MORGAN AS UPPER TOWNSHIP ADMINISTRATOR

WHEREAS, the Township Committee of the Township of Upper recently adopted Ordinance No. 015-2016, amending Chapter II (Administration) of the Code of Upper Township to create the office of Township Administrator pursuant to N.J.S.A. 40A:9-136 et seq.; and

WHEREAS, a need exists to appoint a Township Administrator, in accordance with and subject to the terms and provisions of Upper Township Code Section 2-2.4, to provide for the orderly and efficient administration of the following departments: Department of Public Works, Department of Public Safety, Department of Emergency Management, Department of Personnel and Division of Emergency Medical Services (EMS); and

WHEREAS, the Township Administrator will be under the supervision and control of the Township Committee and to the extent not prohibited by law shall have the powers and duties set forth in Upper Township Code Section 2-2.4e; and

WHEREAS, the Township Committee has duly considered the matter and has determined that Scott Morgan possesses knowledge and experience in local government and all the requisite qualifications for appointment to said position.

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. Scott Morgan is hereby appointed to the position of Township Administrator of the Township of Upper, in accordance with and subject to Upper Township Code Section 2-2.4, effective January 9, 2017, at an annual salary of \$58,000 in accordance with the Salary Ordinance.

3. The Municipal Clerk is hereby directed to forward a certified copy of this Resolution to the Director of the Division of Local Government Services.

4. 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.37-2017

Offered by: Barr Seconded by: Coggins

Adopted: January 9, 2017

Roll Call Vote:

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

14. 2017 Temporary Budget – Debt Service.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 38-2017

RE: 2017 TEMPORARY BUDGET – DEBT SERVICE

WHEREAS, N.J.S.A. 40A:4-19 provides authority for appropriating in a temporary resolution the permanent debt service requirements for the coming fiscal year providing that such resolution is not made earlier than the last ten days of the preceding fiscal year; and

WHEREAS, the date of this resolution is subsequent to that date; and

WHEREAS, principal and interest will be due on various dates from January 1, 2017 to December 31, 2017, inclusive, on sundry bonds issued and outstanding.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, in the County of Cape May, State of New Jersey, that the following appropriations be made to cover the period from January 1, 2017 to December 31, 2017, inclusive:

DEBT SERVICE – TOWNSHIP OF UPPER

Interest on Bond Anticipation Note and Special Emergency Note	\$ 25,000.36
Payment on Bond Anticipation Note and Special Emergency Note	\$ <u>2,725,000.00</u>
	\$2,750,000.36

Resolution No. 38-2017

Offered by: Coggins

Seconded by: Barr

Adopted: January 9, 2017

Roll Call Vote:

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

15. Authorizing the Resolution and Settlement of Title Claims Regarding the Tax Lien Foreclosure of Block 629, Lots 31 and 32 and Authorizing the Execution of a Quitclaim Deed to Whippoorwill Campground, Inc.

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

RESOLUTION NO. 39-2017

**RE: AUTHORIZING THE RESOLUTION AND SETTLEMENT OF TITLE CLAIMS
REGARDING THE TAX LIEN FORECLOSURE OF BLOCK 629, LOTS 31 AND 32
AND AUTHORIZING THE EXECUTION OF A QUITLCLAIM DEED TO
WHIPPOORWILL CAMPGROUND, INC.**

WHEREAS, the Township of Upper obtained record title to certain real property known as Lots 31 and 32 in Block 629 (hereinafter “Subject Property”) on the

municipal tax map pursuant to a final judgment in tax lien foreclosure action entered July 29, 2011; and

WHEREAS, it was recently discovered that Whippoorwill Campground, Inc. obtained title to the Subject Property pursuant to a final judgment in a tax lien foreclosure action entered June 24, 2016; and

WHEREAS, the Subject Property was originally part of a parcel of land included in Tax Sale Certificate #85-364 which was sold by the Township of Upper to Whippoorwill Campground, Inc. on January 3, 1986 and recorded in Book 1769 of Mortgages Page 340 on December 10, 1991; and

WHEREAS, in 1994 the Subject Property apparently was removed on the records of the Township from Tax Sale Certificate #85-364 and thereafter the Subject Property was listed as an unknown owner; and

WHEREAS, the taxes went on the Subject Property thereafter remained unpaid resulting in the tax lien foreclosure judgment of July 29, 2011 vesting record title in the Township of Upper; and

WHEREAS, the Township Committee of the Township of Upper has reviewed the competing claims of title and has agreed that it is in the best interest of the Township to resolve these issues without litigation by the execution of a quitclaim deed for the Subject Property to Whippoorwill Campground, Inc. upon the condition that all back taxes be paid with respect to the Subject Property by Whippoorwill Campground, Inc.; and

WHEREAS, Whippoorwill Campground, Inc. has agreed to the proposed settlement in resolution of the title claims, including the payment of back taxes for the Subject Property to the Township of Upper in the amount of \$1,618.48.

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 hereby agrees to the resolution of title claims with respect to Lots 31 and 32, Block 629 on the municipal tax map such that the Mayor and other Township officers are hereby authorized to execute a quitclaim deed to Whippoorwill Campground, Inc. and Whippoorwill Campground, Inc. shall pay the sum of \$1,618.48 to the Township of Upper for back taxes on the Subject Property.

3. All Township officers and representatives are hereby authorized to take such action as necessary to carry out the intent and purpose of this resolution and to effectuate the resolution in settlement of the title claims against the Subject Property, including but not limited to execution of a quitclaim deed to the Subject Property to Whippoorwill Campground, Inc., execution and delivery of an affidavit of title and other required documents to effectuate the completion of this transaction.

Resolution No. 39-2017

Offered by: Coggins

Seconded by: Barr

Adopted: January 9, 2017

Roll Call Vote:

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

16. In support of South Jersey Gas' proposed Natural Gas Pipeline to enhance reliability for electric and gas customers in Cape May and Atlantic Counties.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 40-2017

**RE: IN SUPPORT OF SOUTH JERSEY GAS' PROPOSED NATURAL GAS
PIPELINE TO ENHANCE RELIABILITY FOR ELECTRIC AND GAS
CUSTOMERS IN CAPE MAY AND ATLANTIC COUNTIES**

WHEREAS, South Jersey Gas has again applied to the New Jersey Pinelands Commission to allow the construction of a 22-mile long natural gas pipeline needed to provide

reliability to Cape May and Atlantic Counties as well as to serve the B.L. England Electric Generating Station; and

WHEREAS, the Township Committee of the Township of Upper wishes to again state its support for this proposal; and

WHEREAS, the existing South Jersey Gas system only has one feed into Cape May County making it vulnerable to a critical loss of service; and

WHEREAS, there are 142,000 residents and businesses still without a reliable back-up supply of natural gas and vulnerable to a disruption of natural gas service due to Mother Nature, an excavator's mistake or terroristic act; and

WHEREAS, disruption which occurred in New Jersey with Superstorm Sandy could severely interrupt service for multiple weeks to thousands of customers within Atlantic and Cape May Counties; and

WHEREAS, any loss of service would have a significant impact on public health and safety of those affected and cause serious damage to the region's economy; and

WHEREAS, the proposed pipeline would have minimal impact on the Pinelands forest, constructed entirely within existing rights-of-way – below and alongside state highways like Route 49 and 50; and

WHEREAS, the pipeline would provide the additional benefit of enabling the conversion of the coal-powered B.L. England Electric Generating Station, long known as one of the most polluting power plants in the state, to cleaner more efficient burning natural gas; and

WHEREAS, without the pipeline the plant will be forced to close resulting in the loss of the only major source of electric generation in the region, loss of jobs and significantly impact the taxpayers of Upper Township; and

WHEREAS, the residents of Upper Township and Cape May County deserve safe and reliable source of energy; 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. Due to the compelling public need for the safety of our residents, the economy, and the protection of our environment, the Township Committee of the Township of Upper strongly supports the South Jersey Gas application to the Pinelands Commission to construct this much-needed pipeline and ask that the Pinelands Commission render its decision favorably.

3. A copy of this resolution shall be provided to Governor Christopher J. Christie, Lieutenant Governor Kim Guadagno, Congressman Frank LoBiondo Senate President Stephen M. Sweeney, Senator Jeff Van Drew, Senator Jim Whelan, Assemblyman Bruce Land, Assemblyman Bob Andrzejczak, Assemblyman Chris A. Brown, Assemblyman Vincent Mazzeo, the Press of Atlantic City, and the Cape May County Herald.

Resolution No. 40-2017

Offered by: Young Seconded by: Barr

Adopted: January 9, 2017

Roll Call Vote:

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

17. Reserve Budget Transfers.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 41-2017

RE: RESERVE BUDGET TRANSFERS

WHEREAS, various 2016 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2016 budget appropriation reserve in the last two months of 2016; and

WHEREAS, N.J.S.A. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available until lapsed at the close of the succeeding year to meet specific claims, commitments or contracts incurred during the

preceding fiscal year and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, that the transfers in the amount of \$44,600.00 be made between the 2017 budget appropriation reserves as follows:

<u>TO</u>	<u>FROM</u>
CLERK O/E	ROAD REPAIRS & MAINT. S/W
\$1,000.00	\$35,100.00
CONSTRUCTION CODE O/E	PUBLIC BLDG/GROUNDS S/W
\$2,500.00	\$9,500.00
FIRST AID CONTRIBUTION	
\$2,000.00	
DOG REGULATION O/E	
\$100.00	
SPORTS & RECREATION O/C	
\$4,000.00	
COMMUNITY CENTER O/E	
\$5,000.00	
MISC. TIPPING FEES	
\$30,000.00	

Resolution No. 41-2017

Offered By: Coggins

Seconded By: Barr

Adopted: January 9, 2017

Roll Call Vote:

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

ORDINANCES

18. Introduction and first reading of Ordinance No. 001-2017 RE: AN ORDINANCE AMENDING ORDINANCE NO. 015-2015 KNOWN AS THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2016. **Motion by John Coggins, second by Edward Barr, to introduce Ordinance No. 001-2017 with the public hearing and final adoption scheduled for February 13, 2017. During roll call vote all five Committeemen voted in the affirmative.**

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

ORDINANCE NO. 001-2017

**RE: AN ORDINANCE AMENDING ORDINANCE NO. 015-2015 KNOWN AS
THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2016**

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: Ordinance No. 015-2015, known as the Salary Ordinance of 2016 at Section 2, is hereby amended as hereinafter provided for the line items as indicated below:

SECTION 2: SALARIES: Salaries for the various officials and employees of the Township of Upper for the calendar year 2016 shall be as follows:

<u>POSITION</u>	<u>MINIMUM</u>	<u>MAX-2016</u>
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E. PUBLIC WORKS/SPORTS AND RECREATIONAL PROGRAMS:

<u>Building Maintenance Worker</u>	22,000.00	<u>37,474.00</u>
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SECTION 2: SEVERABILITY: If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

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

SECTION 4: 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 FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 9th DAY OF JANUARY,

2017 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 13th DAY OF FEBRUARY, 2017 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

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

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

19. Introduction and first reading of Ordinance No. 002-2017 RE: AN ORDINANCE AMENDING ORDINANCE NO. 017-2016 KNOWN AS THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2017. **Motion by Curtis Corson, second by John Coggins, to introduce Ordinance No. 002-2017 with the public hearing and final adoption scheduled for February 13, 2017. During roll call vote all five Committeemen voted in the affirmative.**

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

ORDINANCE NO. 002-2017

**RE: AN ORDINANCE AMENDING ORDINANCE NO. 017-2016 KNOWN AS
THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2017**

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: Ordinance No. 017-2016, known as the Salary Ordinance of 2017 at Section 2, is hereby amended as hereinafter provided for the line items as indicated below:

SECTION 2: SALARIES:

A. ADMINISTRATIVE/REVENUE AND FINANCE:

<u>POSITION</u>	<u>MINIMUM</u>	<u>MAX-2017</u>
Township Administrator	12,500.00	75,000.00

E. PUBLIC WORKS/SPORTS AND RECREATIONAL PROGRAMS:

<u>POSITION</u>	<u>MINIMUM</u>	<u>MAX-2017</u>
Building Maintenance Worker	22,000.00	<u>38,223.00</u>

SECTION 2: SEVERABILITY: If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

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

SECTION 4: 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 FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 9th DAY OF JANUARY, 2017 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 13th DAY OF FEBRUARY, 2017 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

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

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

CORRESPONDENCE

NEW BUSINESS

20. Ocean City Lacrosse Booster Club request to hold a Bingo BA 469 on February 11, 2017 at the Upper Township Community Center. **Motion by Curtis Corson, second by Richard Palombo, to approve the request. During roll call vote all five Committeemen voted in the affirmative.**
21. Use of Field Costs for 2017 including applicability of 2016 exceptions to policy. **Motion by John Coggins, second by Ed Barr, to approve the 2017 Use of Field Costs, with the clarification that all exemptions to the 2016 Facility Costs are no longer valid.**

UNFINISHED BUSINESS

DISCUSSION

22. Local Bicycle/Pedestrian Planning Assistance. **The Municipal Engineer reported that the Township's application for bicycle and pedestrian planning assistance grant has been approved.**

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 five Committeemen voted in the affirmative.**

Bills approved for payment: \$248,621.70

Payroll: \$203,629.33

REPORT OF MUNICIPAL DEPARTMENTS

- 23. Animal Control
- 24. Division of EMS
- 25. Tax Collector

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

PUBLIC COMMENT

Ted Kingston, Strathmere, requested that the budget process be more transparent. He stated that residents should know what the tax rate and any increases in spending are going to be.

CLOSED SESSION

26. 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. 42-2017 MOTION GOING INTO CLOSED SESSION JANUARY 9, 2017

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

MATTERS:

- 1. Contract negotiation – Cape Assist
- 2. Contract negotiation – 1 Roosevelt Blvd, Block 730 Lots 23-26
- 3. Personnel

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

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

Moved by: John Coggins

Motion seconded by: Richard Palombo

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

RECONVENE PUBLIC PORTION OF MEETING

Motion by Curtis Corson, second by John Coggins, to reconvene the public portion of the meeting. During roll call vote all five Committeemen voted in the affirmative.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 8:53 P.M., with a motion by Curtis Corson, second by Edward Barr, and all five Committeemen voting in the affirmative. The next meeting is scheduled for January 23, 2017 with a Budget Workshop meeting at 6:30 P.M. and the regular meeting at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC

Bill List

68468 01/09/17 A0025 ADVANTAGE RENTAL ACE HARDWARE 298.85 2952
 68469 01/09/17 A0091 ATLANTIC CITY ELECTRIC 6,357.06 2952
 68470 01/09/17 A0134 ANSELL GRIMM & AARON, PC 1,762.50 2952
 68471 01/09/17 A0170 ASFPM 70.00 2952
 68472 01/09/17 A0175 Adams Rehmann & Haggan Assoc 2,165.00 2952
 68473 01/09/17 A0209 ATLANTIC MARINE CONSTRUCTION 99,081.99 2952
 68474 01/09/17 B0035 BELMONT & CRYSTAL SPRINGS 18.56 2952
 68475 01/09/17 B0178 BUGANSKI,PETER R. 281.85 2952
 68476 01/09/17 C0021 CIVIL SOLUTION A DIVISION 351.00 2952
 68477 01/09/17 C0048 CAPE MAY COUNTY MUA 32,327.24 2952
 68478 01/09/17 C0068 COMCAST 557.00 2952

 68479 01/09/17 C0143 CODY'S POWER EQUIPMENT 739.00 2952
 68480 01/09/17 C0182 CDW GOVERNMENT, INC 8,459.47 2952
 68481 01/09/17 C0201 CRUZAN'S TRUCK SERVICE INC. 41.55 2952
 68482 01/09/17 C0223 CASA PAYROLL SERVICE 302.75 2952
 68483 01/09/17 C0230 CATAMARAN MEDIA COMPANY 152.52 2952
 68484 01/09/17 C0276 COOPER UNIVERSITY HOSPITAL 1,500.00 2952
 68485 01/09/17 C0279 CASA REPORTING SERVICES LLC 244.00 2952
 68486 01/09/17 C0283 CUSTOM-BANDAG, INC 1,564.31 2952
 68487 01/09/17 D0015 DAN'S WELDING 3,040.00 2952
 68488 01/09/17 D0077 DIETRICH,PAUL 150.00 2952

68489 01/09/17 D0080 DOWNAM, HARRY J. JR. 503.16 2952
68490 01/09/17 E0033 EMERGENCY SYSTEMS SERVICE CO 825.00 2952
68491 01/09/17 G0016 GARDNER HARDWARE INC. 96.51 2952
68492 01/09/17 G0037 GOVT FINANCE OFFICER ASN OF NJ 90.00 2952
68493 01/09/17 G0074 GPA OF NEW JERSEY, INC. 100.00 2952
68494 01/09/17 G0086 W.W. GRAINGER, INC. 4,011.40 2952
68495 01/09/17 G0157 GRANTURK EQUIPMENT CO., INC. 1,546.75 2952
68496 01/09/17 H0018 HAROLD RUBIN L & H SUPPLY 179.88 2952
68497 01/09/17 H0073 HOME DEPOT CRC/GECF 1,561.42 2952
68498 01/09/17 J0028 JESCO, INC. 1,317.26 2952
68499 01/09/17 J0072 JERSEY WEB DESIGNS 3,569.99 2952
68500 01/09/17 K0007 KACZMARSKI, RICHARD 286.32 2952
68501 01/09/17 K0014 KEENAN,BRIAN 238.39 2952
68502 01/09/17 K0028 KIRK'S PIZZA, INC. 60.00 2952
68503 01/09/17 K0086 K D NATIONAL FORCE SECURITY 1,065.75 2952
68504 01/09/17 L0007 LC EQUIPMENT, INC. 30.00 2952
68505 01/09/17 M0007 MCAA OF NJ 60.00 2952
68506 01/09/17 M0012 McCAULEY, RICHARD 150.00 2952
68507 01/09/17 M0059 MCDANIELS, WILLIAM J. III 422.75 2952
68508 01/09/17 M0142 MASON, NICHOLAS 163.00 2952
68509 01/09/17 M0180 MED-TECH RESOURCE,LLC 499.96 2952
68510 01/09/17 N0004 NJ-AMERICAN WATER CO. 35.58 2952
68511 01/09/17 N0068 NJ MOTOR VEHICLE COMMISSION 150.00 2952
68512 01/09/17 N0131 DEFINED CONTRIB RETIRE PROGRAM 153.01 2952
68513 01/09/17 N0145 NATL. BUSINESS FURNITURE, LLC 4,080.00 2952
68514 01/09/17 P0007 PALOMBO,RICHARD A. 15.00 2952
68515 01/09/17 P0032 PEDRONI FUEL CO. 1,446.45 2952
68516 01/09/17 P0152 READY, LOREN 159.84 2952
68517 01/09/17 R0030 RIGGINS, INC. 6,306.08 2952
68518 01/09/17 R0099 HUNTER TRUCK SALES & SERVICE 196.04 2952
68519 01/09/17 R0100 ROBERTS OXYGEN COMPANY, INC. 38.60 2952
68520 01/09/17 S0020 SUPPLY WORKS 1,117.24 2952
68521 01/09/17 S0031 SCHULER SECURITY, INC. 200.00 2952
68522 01/09/17 S0072 SEGIN, STEWART S. 320.70 2952
68523 01/09/17 S0113 SMITH,THOMAS G. 3,312.90 2952
68524 01/09/17 S0126 SPIEGEL, BARBARA 150.00 2952
68525 01/09/17 S0134 SO. JERSEY GAS COMPANY 2,861.47 2952
68526 01/09/17 S0209 STAPLES ADVANTAGE 75.51 2952
68527 01/09/17 S0239 SHORE VET. ANIMAL CONTROL LLC 2,383.23 2952
68528 01/09/17 S0241 SAFEGUARD BUSINESS SYSTEMS 93.94 2952
68529 01/09/17 S0254 SHOPRITE 176.49 2952
68530 01/09/17 S0279 SPECTROTEL, INC 1,128.25 2952
68531 01/09/17 S0292 JEFFREY SURENIAN & ASSOC. LLC 40.50 2952
68532 01/09/17 T0066 TOWNSHIP OF UPPER 20,100.00 2952
68533 01/09/17 T0087 TREASURER-STATE OF NEW JERSEY 952.00 2952
68534 01/09/17 T0129 TRUGREEN CHEMLAWN 5,229.00 2952
68535 01/09/17 T0148 THE TITLE COMPANY OF JERSEY 545.00 2952
68536 01/09/17 U0003 U.S. MUNICIPAL SUPPLY, INC. 4,797.26 2952
68537 01/09/17 U0026 UNIVERSAL SUPPLY CO., INC. 587.50 2952
68538 01/09/17 V0013 VERIZON WIRELESS 1,052.71 2952
68539 01/09/17 V0024 VAL-U AUTO PARTS L.L.C. 268.62 2952
68540 01/09/17 V0025 V.E. RALPH & SON,INC. 158.23 2952
68541 01/09/17 W0030 WEST PUBLISHING CO. 455.56 2952
68542 01/09/17 W0087 W.B. MASON 317.80 2952
68543 01/09/17 Y0008 YOUNG, DANIEL J. ESQUIRE PC 13,475.00 2952

Total: 248,621.70