# TOWNSHIP OF UPPER 2100 TUCKAHOE ROAD PETERSBURG, NJ 08270 CAPE MAY COUNTY MINUTES FOR FEBRUARY 13, 2017

### \*\*\*\*\*BUDGET WORKSHOP MEETING - 6:00 P.M.

In preparation of the 2017 Municipal Budget a budget workshop meeting was called to order this evening at 6:00 PM.

### **SUNSHINE ANNOUNCEMENT**

Mayor Palombo read the Sunshine Announcement into the record.

### 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 Engineer Paul Dietrich, Chief Financial Officer Barbara Spiegel, and Township Administrator Scott Morgan.

**Committeeman John Coggins** began the meeting with review of the budget worksheets and continued discussion of the proposed appropriations for 2017 in comparison with the appropriations and actual expenditures for 2016.

**Community Center** – Items in the O/E budget for the Community Center were discussed. 2016 O/E appropriations were \$37,000; 2017 O/E appropriation is \$58,000. This includes a request for Salary and Wage of \$18,000 for a part time employee and \$5,000 for the purchase of new tables and chairs for the center.

**Zoning Code** - 2016 O/E appropriations were \$30,000 with an actual spend of \$15,000 and an O/E appropriation of \$16,000 for 2017. Planning and Zoning Board Salaries and other expenses have remained neutral.

**Celebrations** – 2016 budget for Celebrations was \$16,000 with an actual spend of \$15,000. The 2017 appropriation is \$22,000 which includes funding for four events, equipment and the  $4^{th}$  of July celebration.

**Street Lighting** – 2016 actual expenditures were \$220,000 this was a \$40,000 increase over the prior year, due in part to unforeseen resident requests for street lights. Committeeman Young stated that due to safety concerns with traffic in front of the Community Center he would like to request that funds for street lighting in front of the Community Center be included in the budget. After some discussion it was agreed the street lighting budget appropriation should be \$210,000.

**Insurance** – the CFO stated that this line is up \$116,000 from last year. The appropriation in 2016 was \$2,400,000, 2017 appropriation \$2,514,000, this includes liability and workers comp and liability for sports teams and workers comp for our fire companies.

**Capital Improvement and Beach Replenishment** – after some discussion on the cost of bonding and beach replenishment Committeeman Coggins proposed contributions of \$50,000 to the Capital Improvement fund and \$40,000 to the Beach Replenishment fund.

Repairs to Municipal Buildings – 2016 budget appropriations were \$16,000 with a zero spend. The 2017 appropriation of \$24,500 includes the cost of a new shed for beach patrol and repairs to the old Township hall. A lengthy discussion on the cost of repairing the old Municipal building ensued; Committeeman Young stated that the Upper Township Historical Society anticipates receiving a grant to restore the old Municipal building for use as a Historical Museum. The engineer stated that \$20,000 has been budgeted for in the proposed budget for Architectural services. As part of the planning process it was recommended that an Architect be hired to assess the condition of the building in order to calculate the rehabilitation costs.

**Recreation equipment** – the Committee discussed the purchase of message signs for Amanda's Field and the Community Center. The DPW Supervisor stated that he would like to see the sign at the Community Center replaced to alleviate having an employee physically change the signs at the center on a weekly basis for various events.

**Municipal Court** – The CFO stated that the 2017 O/E appropriation of \$16,000 for office equipment is for four fire rated filing cabinets.

Committeeman Coggins stated that there are currently \$420,000 in Capital requests and in order to avoid borrowing money this year or raising taxes our target amount needs to be at \$335,000 or less. He directed the departments to review the Capital requests for further discussion at the next budget workshop. A third budget workshop meeting was then scheduled for Monday February 27, 2017 at 6:00 p.m. with the anticipated introduction of the Budget scheduled for March 13, 2017.

Motion by Richard Palombo, second by John Coggins to close the Budget workshop. During roll call vote all five committee members voted in the affirmative.

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

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

### **CALL TO ORDER**

### 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 Engineer Paul Dietrich, Chief Financial Officer Barbara Spiegel, Township Administrator Scott Morgan, and Attorney Norman Briggs.

<u>APPROVAL OF MINUTES</u> - January 23, 2017 Budget Workshop, Regular Meeting, and Closed Session Minutes

Motion by Curtis Corson, second by John Coggins, to approve the January 23, 2017 Budget Workshop, Regular Meeting, and Closed Session Minutes as submitted. During roll call vote four Committeemen voted in the affirmative. Mr. Barr abstained.

### REPORT OF GOVERNING BODY MEMBERS

**John Coggins, Committeeman**, reported that a number of resumes have been received for the Economic Development Advisory Commission. He anticipates that a selection will be made after the adoption of the Ordinance establishing the Commission, and a tentative date for the first meeting has been scheduled for March 6, 2017.

Hobie Young, Committeeman, reported that during the last Sports and Recreation Advisory Board meeting there were questions regarding insurance coverages. He requested that a representative from the Risk Management Consultant's office attend the next meeting to go over the insurance coverage for the sports programs. He next stated that the Amanda's Field baseball fields still have some items that need to be completed before the season starts. He requested that the manpower be focused on completing those tasks. He next commended employee Mike Jones for his hard work and stated that he always goes above and beyond the call of duty. Lastly, he reported that he recently attended the Rescue Squad banquet and the Marmara Fire Company's installation dinner and thanked both organizations for the invitation.

**Curtis Corson, Committeeman**, reported that the Township will hold a free rabies clinic on Saturday February 18<sup>th</sup> from 1:00 pm to 3:00 pm at Shore Veterinarians. Dog licenses will be available for purchase. He next stated that at the Marmora Fire Company's installation dinner Ed Kooker was honored for 50 years of service, and requested that the Committee adopt a resolution honoring Ed for his service. He also requested a resolution honoring Corville Griner for over 65 years of service to the Tuckahoe Fire Company. Resolutions for formal action will be placed on the next agenda.

**Richard Palombo, Mayor**, reported that the Coast Guard has requested a liaison from the Township to work with the Coast Guard Community foundation. He asked anyone that is interested to serve as a liaison to please contact him.

### **OTHER REPORTS**

**Paul Dietrich, Municipal Engineer**, reported that this year the Township will need to apply for the Sustainable Jersey recertification. The Green Team will be working on the process for recertification and requested guidance from the Township Committee when available.

**Barbara Spiegel, Chief Financial Officer**, reported that while writing the specifications for an upcoming bid for a new ambulance, previously authorized by the Township Committee, they found a National Co-op which may give a better price option. She requested authority to join the H-GAC Co-op and stated that there is no fee to join. Motion by Curtis Corson, second by John Coggins, to approve the request. During roll call vote all five Committeemen voted in the affirmative.

Scott Morgan, Township Administrator, briefly reported on several projects that will help streamline and improve communications and productivity in the Public Works Department, as well as a communications program for all Township Departments. He next reported that the Upper Township Sentinel, in conjunction with the Upper Township Business Association, will be publishing a Community Guide to be circulated throughout the Township. He requested authority to place a two-page ad outlining Township information, services, and Township sponsored events. The cost for a two-page ad would be \$2,600.00. The CFO stated that because the Township is still under a temporary budget, at this time she would not be able to certify the funds for this expense. Motion by Hobie Young, second by Richard Palombo, to authorize a two-page ad in the Upper Township Sentinel Community Guide with payment pending adoption of the 2017 Budget. During roll call vote all five Committeemen voted in the affirmative. Lastly, he reported that the Tuckahoe Fire Company is planning a simulated full structure fire exercise and have requested the use of the old Municipal Building. Motion by Curtis Corson, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative.

### **PRESENTATIONS**

1. Honoring the Memory of our friend Marshall E. "Ted" Behr, Jr.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

**RESOLUTION NO. 43-2017** 

HONORING THE MEMORY OF OUR FRIEND MARSHALL E. "TED" BEHR, JR.

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

WHEREAS, upon earning his Master of Arts degree in education from Glassboro State College, Ted became a school teacher and supervisor of curriculum and special programs for the Linwood Public School District, and later served as the chief school administrator for the Weymouth Township School District; and

WHEREAS, as a Vietnam veteran and an avid military historian, Ted was a very active member of the American Legion Post #295 in Northfield and Post #239 in Tuckahoe, and eventually became State Commander in 2003; and

WHEREAS, in addition, Ted served as both President and Member of the Board of Trustees for the Head of the River Church and Tuckahoe Methodist Church, was a member of the Veterans Advisory Council of the Vineland Veterans Home, was a Certified Master Gardner with Rutgers Cooperative Extension of Ocean County, and served on the Upper Township Planning and Zoning Boards for 22 years; and

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

WHEREAS, it is just and deserving that on behalf of the residents of Upper Township, we honor and celebrate the life of our colleague and friend Ted; and

**NOW THEREFORE BE IT RESOLVED** that this Township Committee join with all citizens of our community to pay tribute to the life and service of Marshall E. "Ted" Behr, Jr., and do hereby extend to Ted's family our most heartfelt sympathy for their loss and the hope that they will be consoled by the memories of his fine life and achievements.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 23<sup>rd</sup> day of January, 2017.

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

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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 Jude Hill Christopher Calabro Connor James Nicholas Chiccarine Reed Lindsay Sean MacNaughton **Zachary Dittus** Maxwell Fisher Sergio Miller Joseph Garcia Kyle Plenn Maximillian Gilbert Drew Tarr Kyle Harper 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 9<sup>th</sup> day of January, 2017.

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 RESOLUTION

### **RESOLUTION NO. 27-2017**

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

**WHEREAS,** the Upper Township 5<sup>th</sup> to 8<sup>th</sup> 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 5<sup>th</sup> to 8<sup>th</sup> Grade Roller Division Hockey Team, Upper Riptide - Red, congratulations on becoming the 2016 Cape May County Hockey League 5<sup>th</sup> – 8<sup>th</sup> 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 9<sup>th</sup> day of January, 2017.

### **RESOLUTIONS**

4. Honoring Teri Smuz on receiving recognition from the Atlantic County Municipal Joint Insurance Fund for her tenure as Fund Commission Chair.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

**RESOLUTION NO. 53-2017** 

RE: HONORING TERI SMUZ ON RECEIVING RECOGNITION FROM THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND

#### FOR HER TENURE AS FUND COMMISSION CHAIR

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WHEREAS, the Atlantic County Municipal Joint Insurance Fund has been organized pursuant to NJSA 40A:10-36 with a mission of achieving savings and stability through comprehensive insurance, safety and claims management programs; and

**WHEREAS,** on January 18, 2017 at the public session of the Atlantic County Municipal Joint Insurance Fund, Teri Smuz was recognized by the Commissioners for her tenure as 2016 Fund Commission Chair; and

WHEREAS, Teri has served as a distinguished Fund Commissioner from the Township of Upper for five years and was elected by her peers as Chair for the 2016 Fund Commission; and

WHEREAS, Teri was recognized by the Atlantic County Municipal Joint Insurance Fund members for her decision making approach, her careful attention to and her assistance in promulgating Fund policies and procedures, her determination to ensure that the Fund would operate in a consistent, orderly and fair manner, and her unwavering dedication to achieving the goals of the Fund.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, this Township Committee on behalf of all citizens of Upper Township, we do hereby extend to Teri Smuz our congratulations on being recognized by the Atlantic County Municipal Joint Insurance Fund Commissioners for her unselfish and dedicated service as Fund Commission Chair and offer our thanks and gratitude for her continued service and dedication to the Fund and to the Township of Upper.

Offered by: Barr Seconded by: Young

Adopted: February 13, 2017

Roll Call Vote:

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

Young	X	 	
Palombo	X	 	

5. Commemorating the 30th Anniversary of the Atlantic County Municipal Joint Insurance Fund.

### TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

### **RESOLUTION NO. 54-2017**

### COMMEMORATING THE 30TH ANNIVERSARY OF THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND

**WHEREAS**, the Atlantic County Municipal Joint Insurance Fund has been organized pursuant to N.J.S.A. 40A:10-36 et seq.; and

**WHEREAS**, the Township of Upper is a member of the Atlantic County Municipal Joint Insurance Fund; and

WHEREAS, the Atlantic County Municipal Joint Insurance Fund commenced operations on January 1, 1987 with seven charter members who, when challenged with an unfavorable market for their insurance, decided to join together to avoid the high costs and limited coverage associated with traditional insurance for fire and property, liability and workers compensation risks; and

**WHEREAS**, over the past 30 years the Fund has grown to 41 members and stands today as one of the greatest examples of an inter-local service agreement in the State of New Jersey's history; and

**WHEREAS**, municipalities participating in the ACMJIF have saved their local taxpayers millions of dollars in the form of lower premiums and the return of nearly \$31 million dollars in surplus distributions; and

WHEREAS, the elected officials and the municipal employees covered by the Atlantic County Municipal Joint Insurance Fund are the foundation of the Fund's success and without whose dedication to the Fund Safety and Risk Management programs the Fund would not have achieved the status it enjoys today; and

**WHEREAS**, the Township of Upper wishes to recognize and commemorate the Fund on its 30<sup>th</sup> year of successful operation.

**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 this body does hereby recognize and commemorate 2017 as the 30<sup>th</sup> year of the successful operation of the Atlantic County Municipal Joint Insurance Fund; and

**BE IT FURTHER RESOLVED**, that the Township of Upper wishes to acknowledge this 30<sup>th</sup> Anniversary as a milestone event in the history of the Fund and wishes the Fund continued success for many years to come; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution shall be provided to the Executive Director of the Atlantic County Municipal Joint Insurance Fund for his information and distribution to the membership.

Resolution N	lo. 54-2	017		
Offered by: Coggins			Seconded by:	Barr
Adopted: Fel	oruary 1	3, 2017		
Roll Call Vot	e:			
<u>NAME</u>	<b>YES</b>	<u>NO</u>	<b>ABSTAINED</b>	<b>ABSENT</b>
Barr	_X			
Coggins	_X			
Corson	_X			
Young	_X			
Palombo	X			

6. Appointing Randolph C. Lafferty to serve as an Additional Municipal Prosecutor on an as needed basis.

### TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

### **RESOLUTION NO. 55-2017**

RE: APPOINTING RANDOLPH C. LAFFERTY TO SERVE AS AN ADDITIONAL MUNICIPAL PROSECUTOR ON AN AS NEEDED BASIS

WHEREAS, a need exists to appoint an additional municipal prosecutor to serve on an as needed basis; and

**WHEREAS**, N.J.S.A. 2B:25-4 allows for the appointment of additional municipal prosecutors as necessary to administer justice in a timely and effective manner; and

WHEREAS, the Township has decided to acquire the services of Randolph C. Lafferty as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

WHEREAS, Randolph C. Lafferty has completed and submitted a Business Entity Disclosure Certification which certifies that Randolph C. Lafferty 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 Randolph C. Lafferty 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. Randolph C. Lafferty with offices at 1125 Atlantic Avenue, Atlantic City, New Jersey 08401 is hereby appointed as an additional municipal prosecutor to serve on an as needed basis.
  - 3. This contract shall have a term of one (1) year from date of full execution.
- 4. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Randolph C. Lafferty has professional knowledge as to legal and municipal court matters, which knowledge is particularly valuable to the Township Committee, and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

NOTICE OF CONTRACT AWARD

The Township Committee of the Township of Upper, State of New

Jersey has awarded the contract without competitive bidding as a professional service

pursuant to N.J.S.A. 40A:11-5(1)(a) to Randolph C. Lafferty for legal services. This contract

and the resolution authorizing same shall be available for public inspection in the office of the

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

5. A certificate from the Chief Financial Officer of Upper Township showing

the availability of adequate funds for this contract and showing the line item appropriation of

the official budget to which this contract will be properly charged has been provided to the

governing body and shall be attached to this Resolution and kept in the files of the municipal

clerk.

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

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

7. The Mayor and the Township Clerk are hereby authorized and directed to

execute, on behalf of the Township of Upper, a Professional Contract with Randolph C.

Lafferty in accordance with the terms and provisions of the Local Public Contracts Law,

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

thereto said contract shall become effective.

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

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

9. This Resolution shall be effective as of adoption.

Resolution No. 55-2017

Offered by: Barr

Seconded by: Coggins

Adopted: February 13, 2017

Roll Call Vote:

NAME

YES

NO

ABSTAINED ABSENT

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Barr	X	 	
Coggins	X	 	
Corson	X	 	
Young	X	 	
Palombo	X	 	

7. Appointing Keith A. Bonchi, Attorney at Law and the Law Offices of GMS Law as Special Legal Counsel to complete certain In Rem Foreclosure matters.

### TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

#### **RESOLUTION NO. 56-2017**

## RE: APPOINTING KEITH A. BONCHI, ATTORNEY AT LAW AND THE LAW OFFICES OF GMS LAW AS SPECIAL LEGAL COUNSEL TO COMPLETE CERTAIN IN REM FORECLOSURE MATTERS

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WHEREAS, the Township of Upper requires legal counsel to complete certain in rem foreclosure matters; and

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

WHEREAS, the Township has decided to acquire the services of Keith A. Bonchi, Esquire and the Law Offices of GMS Law as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Keith A. Bonchi, Esquire and the Law Offices of GMS Law have completed and submitted a Business Entity Disclosure Certification which certifies that Keith A. Bonchi, Esquire and the Law Offices of GMS Law have 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 Keith A. Bonchi, Esquire and the Law Offices of GMS Law from making any contributions through the term of the contract.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee in 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. Keith A. Bonchi, Esquire and the Law Offices of GMS Law with offices at 660 New Road,

First Floor, Northfield, New Jersey 08225 are hereby appointed as Special Legal Counsel for the Township of Upper for the completion of in rem foreclosure matters.

- 3. The contract shall have a term of one (1) year from date of full execution.
- 4. This Contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Keith A. Bonchi, Esquire and the Law Offices of GMS Law have professional knowledge as to in rem foreclosure matters which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-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 Keith A. Bonchi, Esquire and the Law Offices of GMS Law as Special Legal Counsel for in rem foreclosure matters. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.
- 6. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the official budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.
- 7. The contractor has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.
- 8. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Keith A. Bonchi, Esquire and the Law Offices of GMS Law in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.
- 9. A notice of this contract award shall be published in the official newspaper of the Township of Upper within ten (10) days from the date of adoption.

Resolution No. 56-2017

8. Declaring the Gypsy Moth a public nuisance and public hearing.

### TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

### **RESOLUTION NO. 57-2017**

### DECLARING THE GYPSY MOTH A PUBLIC NUISANCE AND PUBLIC HEARING

**WHEREAS,** the gypsy moth *Lymantria dispar*, has been found heavily defoliating tree and plant growth in the Township of Upper; and

WHEREAS, continued destruction of foliage may result in loss of valuable forest lands and trees; and

WHEREAS, the Township Committee of the Township of Upper has determined that a gypsy moth control program should be instituted with the State of New Jersey Department of Agriculture and that application for any Federal or State funds available be authorized; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Township Committee of the Township of Upper that the gypsy moth is declared to be a public nuisance and the protection of vegetation or plant life therefrom is deemed to be a subject matter of public welfare, and that all measures deemed necessary, in compliance with the State of New Jersey Department of Agriculture recommendations, is hereby authorized to suppress this forest and shade tree pest.

Resolution No. 57-2017

Offered by: Barr Seconded by: Coggins

Adopted: February 13, 2017

Roll Call Vote:

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

9. Authorizing the Township of Upper to enter into a contract with Better Hearing, Inc. to provide hearing examinations.

### TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

### **RESOLUTION NO. 58-2017**

RE: AUTHORIZING THE TOWNSHIP OF UPPER TO ENTER INTO A CONTRACT WITH BETTER HEARING, INC. TO PROVIDE HEARING EXAMINATIONS

WHEREAS, the Township of Upper from time to time provides hearing examinations for certain employees; and

**WHEREAS**, Better Hearing, Inc. 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 Better Hearing, Inc. 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 is attached hereto as Exhibit "A"; and

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

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

- 1. The allegations of the preamble are incorporated herein by this reference.
- 2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with Better Hearing, Inc. to provide hearing examinations.
- 3. Better Hearing, Inc. has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.
- 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 Better Hearing, Inc. has professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

### NOTICE OF CONTRACT AWARD

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 Better Hearing, Inc. 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. 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. 58-2017

Offered by: Coggins Seconded by: Palombo

Adopted: February 13, 2017

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<b>ABSTAINE</b>	ED ABSENT
Barr	X			
Coggins	X			
Corson	X			
Young	X			
Palombo	X			

10. Approving the application of the Marmora Volunteer Fire Co. for highway coin drops.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

**RESOLUTION NO. 59-2017** 

RE: APPROVING THE APPLICATION OF THE MARMORA VOLUNTEER FIRE CO. FOR HIGHWAY COIN DROPS

WHEREAS, the Marmora Volunteer Fire Co., a non-profit corporation providing firefighting 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 and the State of New Jersey;

**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 Marmora Volunteer Fire Co. to hold a coin drop within Upper Township at the Intersection of Roosevelt Boulevard and the Garden State Parkway from the GSP South Exit and South Entrance to the end of the Plaza on the South Side of Roosevelt Boulevard is hereby approved for the following dates:

Saturday, May 27, 2017 from 9:00 am to 3:00 pm; Saturday, July 22, 2017 from 9:00 am to 3:00 pm; Saturday, August 5, 2017 from 9:00 am to 3:00 pm

- 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 State of New Jersey,

  Department of Transportation and the Board of Chosen Freeholders of the County of Cape May.

Resolution N	o. 59-201	17		
Offered by: Young			Seconde	d by: Coggins
Adopted: Feb	ruary 13,	2017		
Roll Call Vot	e:			
NAME	YES	NO	ABSTAINED	ABSENT
Barr	X			
Coggins	X			
Corson	X		_	
Young	X		_	
Palombo	X			

11. Authorizing the Mayor to sign and submit a Municipal Aid Grant application for Fiscal Year 2017.

### TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

#### **RESOLUTION NO. 60-2017**

### RE: AUTHORIZING THE MAYOR TO SIGN AND SUBMIT A MUNICIPAL AID GRANT APPLICATION FOR FISCAL YEAR 2017

**WHEREAS,** the Township of Upper wishes to take advantage of Municipal Aid Grants that will be available for Fiscal Year 2017; and

**WHEREAS,** the Township Committee fully supports and endorses the actions of the Township Engineer in his filing of the grant application for the following grant program:

### FY 2017 Municipal Aid for Roadway Reconstruction

This program provides grants to municipalities for roadway improvements. The project will involve the reconstruction of Commonwealth Avenue from Willard Road to Seaview Avenue in the Strathmere Section of the Township of Upper, which will include roadway reconstruction, curb & sidewalk improvements and drainage improvements.

**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, Engineer and Clerk of the Township of Upper are hereby authorized, directed and empowered to submit an electronic grant application identified as MA-2017 Reconstruction of Commonwealth Ave 00549 to the New Jersey Department of Transportation on behalf of the Township of Upper.
- 3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.
- 4. The Mayor and clerk are hereby authorized to sign the grant agreement on behalf of the Township of Upper and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.
  - 5. A certified copy of this Resolution shall be provided to the Township Engineer for

insertion into each Municipal Aid Grant Application for Fiscal year 2017.

Resolution N	lo. 60-201	.7				
Offered by: Barr			Seconded by: Coggins			
Adopted: Fel	bruary 13,	2017				
Roll Call Vot	e:					
<u>NAME</u>	<u>YES</u>	<u>NO</u>	<b>ABSTAINED</b>	<u>ABSENT</u>		
Barr	X			- <u></u> -		
Coggins	X			- <u></u> -		
Corson	X			- <u></u> -		
Young	X					

\_X\_\_\_ \_\_\_

Palombo

12. Supporting Senate Bill S-211 and Assembly Bill A-3798 authorizing use of school bus stop arm cameras.

### TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

#### **RESOLUTION NO. 61-2017**

### SUPPORTING SENATE BILL S-211 AND ASSEMBLY BILL A-3798 AUTHORIZING USE OF SCHOOL BUS STOP ARM CAMERAS

\_\_\_\_\_

**WHEREAS**, N.J.S.A. 39:4-128.1 mandates motorists stop and remain stopped when a school bus is stopped and its red lights are flashing, indicating children are loading or unloading from the school bus; and

**WHEREAS,** the National Association of Pupil Transportation finds the illegal passing of stopped school buses unnecessarily exposes children to the risk of injury and death; and

**WHEREAS,** 4,900 citations were issued to New Jersey drivers who illegally passed school buses from 2012 to 2014 and New Jersey police officers issued more than 1,600 violation notices to drivers who failed to stop for a school bus last year; and

**WHEREAS,** Senate Bill S-211 and Assembly Bill A-3798 would allow school districts and local law-enforcement to utilize school bus stop arm cameras as a means to deter dangerous driving and help keep children safe when loading and unloading from their school bus; and

**WHEREAS**, this legislation would enable law enforcement to review video evidence captured on camera to determine if a violation has occurred and be able to issue tickets to violators; and

**WHEREAS**, bus drivers would be able to focus on the road and the children they are transporting while operating the bus rather than monitoring the actions of reckless drivers; and

**WHEREAS**, the program would be funded by violators and would operate at no cost to school districts or local law enforcement; and

**WHEREAS**, the school bus arm legislation would not mandate the installation of school bus monitoring safety systems but would leave the decision of implementation to school district officials; and

**NOW, THEREFORE, BE IT RESOLVED,** on this 13<sup>th</sup> day of February, 2017 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 strongly supports Senate Bill S-211 and Assembly Bill A-3798 that would allow school districts and local law enforcement to make use of school bus stop arm cameras as a means to discourage dangerous driving and help keep children safe when loading and unloading from their school bus.
- 3. A copy of this resolution shall be provided to Governor Christopher J. Christie, Lieutenant Governor Kim Guadagno, Congressman Frank LoBiondo, Senator Jeff Van Drew, Assemblyman R. Bruce Land, Assemblyman Bob Andrzejczak, New Jersey Department of Education and the Traffic Safety Coalition.

Resolution No. 61–2017

Offered by: Barr Seconded by: Palombo

Adopted: February 13, 2017

Roll	Call	Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Barr	X			
Coggins	X			
Corson	X			
Young	X			
Palombo	X			

13. Authorizing building and electrical permit fee refunds to Trinity Solar for 506 Grant Avenue in Upper Township.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

**RESOLUTION NO. 62-2017** 

### RE: AUTHORIZING BUILDING AND ELECTRICAL PERMIT FEE REFUNDS TO TRINITY SOLAR FOR 506 GRANT AVENUE IN UPPER TOWNSHIP

WHEREAS, Trinity Solar applied for a permit to install a roof mounted solar system at 506 Grant Avenue in Upper Township; and

WHEREAS, after the permit was issued, the roof mounted solar system installation was cancelled; and

**WHEREAS**, the Upper Township Construction Official has recommended granting Trinity Solar's request for a refund of the original permit fees for the 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 the refund is hereby authorized and the Chief Financial Officer is hereby directed to refund monies to Trinity Solar, 2211 Allenwood Road, Wall, NJ 07719 payable to Trinity Heating & Air, as indicated below:

VOIDED PERMIT #	BLOCK / LOT	<b>AMOUNT</b>
2016-0036	672/21	\$ 250.00
	TOTAL REFUND	\$ 250.00

Resolution No. 62-2017

Offered by: Coggins Seconded by: Palombo

Adopted: February 13, 2017

**ROLL CALL VOTE:** 

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

14. Authorizing a payment from the Affordable Housing Trust Fund of Upper Township.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

**RESOLUTION NO. 63-2017** 

### RE: AUTHORIZING A PAYMENT FROM THE AFFORDABLE HOUSING TRUST FUND OF UPPER TOWNSHIP

-

WHEREAS, the Township of Upper adopted an Affordable Housing Trust Fund Spending Plan (hereinafter "Spending Plan") on April 30, 2012 pursuant to Resolution No. 105-2012; and

**WHEREAS**, the Upper's Affordable Housing Trust Fund consists of development fee revenues paid by developers of new construction within the Township; and

WHEREAS, said Spending Plan was approved by the New Jersey Council On Affordable Housing on or about May 22, 2012; and

**WHEREAS**, pursuant to the terms of the Spending Plan the release of funds requires the adoption by the Township Committee of a resolution in accordance with the Spending Plan; and

**WHEREAS**, the Township Committee has reviewed the requested release of funds from the Affordable Housing Trust Fund for the specific uses set forth herein and has determined it is in the best interest of the Township to authorize the release of payments from said fund.

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

- 1. The allegations of the preamble are incorporated herein by this reference.
- 2. The Chief Financial Officer is authorized to release the following funds pursuant to the Township's Market to Affordable Program with respect to Block 849, Lot 1 on the current municipal tax map:

Blueyes LP \$541.50 (refund COAH development fee overpayment)

Resolution No. 63-2017

Offered by: Coggins Seconded by: Palombo

Adopted: February 13, 2017

#### **ROLL CALL VOTE:**

ROLL CITEL	VOIL.			
<u>NAME</u>	<u>YES</u>	<u>NO</u>	<b>ABSTAINED</b>	<u>ABSENT</u>
Barr	X			·
Coggins	X			·
Corson	X			·
Young	X			
Palombo	X			

15. Canceling Taxes on Exempt Property Block 331, Lot 6.

### TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

### **RESOLUTION NO. 64-2017**

### CANCELING TAXES ON EXEMPT PROPERTY BLOCK 331, LOT 6

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

**WHEREAS,** certain properties were conveyed to the Township in accordance with Resolution No. 270-2016 adopted on December 5, 2016; and

WHEREAS, property taxes in the amount of \$5.97 remain due for the year 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 below.

Offered by	February 13,		Secon	nded b	y: Palomb	00
NAME	otc.	YES	NO	ABS'	TAINED	ABSENT
Barr		_X				
Coggins		_X				
Corson		_X		_		
Young		_X				
Palombo		_X		_		
Cancel 201	6 Taxes					
Block	Lot	<u>Amount</u>				
331	6	\$5.97				

16. Authorizing the Mayor and/or Municipal Engineer to sign and submit an application to the NJDEP for the replacement of Webster Avenue Bulkhead pursuant to NJDEP rules.

### TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

### **RESOLUTION NO. 65-2017**

RE: AUTHORIZING THE MAYOR AND/OR MUNICIPAL ENGINEER TO SIGN AND SUBMIT AN APPLICATION TO THE NJDEP FOR THE REPLACEMENT OF WEBSTER AVENUE BULKHEAD PURSUANT TO NJDEP RULES

\_\_\_\_\_

WHEREAS, the Township of Upper wishes to make application to the New Jersey Department of Environmental Protection (NJDEP) for replacement of the bulkhead located at Webster Avenue, Strathmere, in the Township of Upper; and

WHEREAS, the Municipal Engineer has prepared the NJDEP application describing the project and permit fees and wishes to submit it to the NJDEP; and

WHEREAS, the Township Committee fully supports and endorses the actions of the Township Engineer in his filing of the NJDEP application for the following project:

### **Webster Avenue Bulkhead Replacement**

Replace the existing timber bulkhead with a new steel bulkhead

**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/or the Municipal Engineer of the Township of Upper are hereby authorized, directed and empowered to sign and submit the permit and necessary fees

for the NJDEP application for Webster Avenue Bulkhead Replacement, which is attached hereto as Exhibit A.

- 3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.
- 4. A certified copy of this Resolution shall be provided to the Township Engineer for insertion into the Webster Avenue NJDEP CZM General Permit 10 application.

Resolution No. 65-2017

Offered by: Barr Seconded by: Young

Adopted: February 13, 2017

Roll Call Vote:

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

17. Authorizing the payment of a New Jersey Department of Environmental Protection permit fee for the Reconstruction of Webster Avenue Bulkhead from the 2016 Capital Improvement Bond Ordinance.

### TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

### **RESOLUTION NO. 66-2017**

RE: AUTHORIZING THE PAYMENT OF A NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION PERMIT FEE FOR THE RECONSTRUCTION OF WEBSTER AVENUE BULKHEAD 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, the Township's Engineer has prepared a New Jersey Department of Environmental Protection (NJDEP) application for Reconstruction of Webster Avenue Bulkhead; and

WHEREAS, pursuant to Resolution No. <u>65-2017</u> adopted February 13, 2017, the Township Committee authorized the Mayor and/or Engineer to sign and submit said application pursuant to NJDEP rules.

**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 payment of a NJDEP application for Reconstruction of Webster Avenue Bulkhead in the amount of \$1,000.00 from the 2016 Capital Improvement Bond.
- 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 N	No. 66-2017	1			
Offered by: Young			Seconded by: Barr		
Adopted: Fe	ebruary 13,	2017			
Roll Call Vo	te:				
NAME	YES	NO	ABSTAINED	ABSENT	
Barr	X				
Coggins	X				
Corson	X				
Young	X				
Palombo	X				

### **ORDINANCES**

18. Public hearing and final adoption of Ordinance No. 001-2017 RE: AN ORDINANCE AMENDING ORDINANCE NO. 015-2015 KNOWN AS THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2016. During the public hearing portion there were no speakers. Motion by John Coggins, second by Edward Barr, to adopt Ordinance No. 001-2017. During roll call vote all five Committeemen voted in the affirmative.

TOWNSHIP OF UPPER CAPE MAY COUNTY ORDINANCE

**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:

**POSITION** 

MINIMUM MAX-2016

### E. PUBLIC WORKS/SPORTS AND RECREATIONAL PROGRAMS:

**Building Maintenance Worker** 

22,000.00

37,474.00

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 9<sup>th</sup> DAY OF JANUARY, 2017 AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A

PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER ON THE 13th DAY OF FEBRUARY, 2017 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

19. Public hearing and final adoption of Ordinance No. 002-2017 RE: AN ORDINANCE AMENDING ORDINANCE NO. 017-2016 KNOWN AS THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2017. During the public hearing portion there were no speakers. Motion by John Coggins, second by Edward Barr to adopt Ordinance No. 002-2017. During roll call vote all five Committeemen voted in the affirmative.

### TOWNSHIP OF UPPER CAPE MAY COUNTY ORDINANCE

#### **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:**

POSITION MINIMUM MAX-2017
Township Administrator 12,500.00 75,000.00

### E. PUBLIC WORKS/SPORTS AND RECREATIONAL PROGRAMS:

POSITION MINIMUM MAX-2017

Building Maintenance Worker 22,000.00 38,223.00

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 WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER ON THE 13th DAY OF FEBRUARY, 2017 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**

20. Request for the installation of a street light on Klains Lane between Willetts Road and NJSH Route 9 South in Upper Township. The Township Engineer stated that this request by a resident is for the very narrow section of Klains Lane where there are a set of S-turns. There is an existing pole at one end of the curve which would cost approximately \$860.00 to install a street light. To install a pole in the center of the curve would cost approximately \$2,500.00. Mr. Dietrich stated that the installation of the street light on the existing pole would be sufficient. Motion by Edward Barr, second by Hobie Young, to approve the installation of a street light on the existing

pole. During roll call vote all five Committeemen voted in the affirmative. Committeeman Corson also directed Public Works to install reflective signage indicating a sharp curve ahead. There was then a motion by Curtis Corson, second by Hobie Young, to upgrade the street lights at the Community Center to 100 watt LED bulbs, as discussed during the Budget Workshop Meeting. During roll call vote all five Committeemen voted in the affirmative.

- 21. Ocean City Crew Boosters request to hold a Raffle RA 471 at Tuckahoe Inn on Fridays beginning March 24, 2017 through May 12, 2017. Motion by Hobie Young, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative.
- 22. Country Shore Women's Club request to hold a Bingo BA 472 and a Raffle RA 473 on April 28, 2017 at the Seaville Volunteer Fire Company Hall. Motion by John Coggins, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative.
- 23. Steve and Ruth Nickelsburg request the dedication of a bench in memory of Ian Nickelsburg at the Bayview Boat Ramp in Strathmere. Motion by Richard Palombo, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative. A resolution for formal action will be placed on the next agenda.

### **UNFINISHED BUSINESS**

### **DISCUSSION**

### PAYMENT OF BILLS

24. "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: \$1,671,029.36

**Payroll:** \$162,667.97

### **REPORT OF MUNICIPAL DEPARTMENTS:**

- 25. Animal Control
- 26. Clerk's Office
- 27. Construction Code
- 28. Division of EMS
- 29. Finance Office
- 30. MUA Report
- 31. Municipal Court
- 32. Tax Collector
- 33. Certificate of Determination and Award-Bond Anticipation Note
- 34. Tax Collector 2016 Annual year-end report

35. New Jersey Shade Tree & Community Forestry Assistance Act Annual Accomplishment Report

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**

**Thomas Heist, Ocean City**, stated that he came tonight to support Terri Smuz for serving as the 2016 Fund Commission Chairperson for the Atlantic County Joint Insurance Fund. He stated that she did a wonderful job and the Township should be proud of her service.

**Mike Jones, Marshallville**, stated that the parking at the Community Center is inadequate. He stated that when there are large events being held, the parking situation is extremely dangerous. It was directed that the Safety Committee research possible solutions to this issue and report back to the Township Committee.

**Ted Kingston, Strathmere,** commended employee Terri Smuz and the work she has done with the JIF. He next spoke briefly regarding the budget process and urged the Committee to work towards a budget with no tax increase.

**Ralph Cooper, 6 Gladwyn Drive,** spoke with regards to the Green Team's effort for recertify for the Sustainable Jersey Certification and discussed how the Township could attain a higher designation.

### **CLOSED SESSION**

There was no closed session discussion.

### **ADJOURNMENT**

There being no further business this evening the meeting was adjourned at 9:06 P.M., with a motion by John Coggins, second by Edward Barr, and all five Committeemen voting in the affirmative. The next meeting is scheduled for February 27, 2017 with a Budget Workshop meeting at 6:00 P.M. and the regular meeting at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC

### Bill List

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68656 02/13/17 A0018 ACTION SUPPLY INC. 114.91 2957
68657 02/13/17 A0025 ADVANTAGE RENTAL ACE HARDWARE 1,010.34 2957
68658 02/13/17 A0027 ACE PLUMBING SUPPLY,INC 375.94 2957
68659 02/13/17 A0035 AIRLINE HYDRAULIC CORP. 113.92 2957
68660 02/13/17 A0060 ALL INDUSTRIAL-SAFETY PRODUCTS 1,858.00 2957
68661 02/13/17 A0071 ANCHOR FIRE PROTECTION CO. 950.00 2957
68662 02/13/17 A0072 AN ENCHANTING FLORIST 386.90 2957
68663 02/13/17 A0091 ATLANTIC CITY ELECTRIC 26,295.83 2957
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68664 02/13/17 A0100 ATLANTIC CITY ELECTRIC 5,105.01 2957
68665 02/13/17 A0143 BARLOW BUICK GMC 379.02 2957
68666 02/13/17 A0175 Adams Rehmann & Haggan Assoc 1,965.00 2957
68667 02/13/17 A0193 ATLANTIC INVESTIGATIONS, LLC 1,400.00 2957
68668 02/13/17 A0200 AIG LIFE INSURANCE COMPANY 192.41 2957
68669 02/13/17 A0202 ACTIVE 911, INC 2,145.00 2957
68670 02/13/17 A0208 ATLANTIC IRRIGATION SPEC INC 173.82 2957
68671\ 02/13/17\ B0035\ BELMONT & CRYSTAL SPRINGS 70.08 2957
68672 02/13/17 B0043 BELLMAWR TRUCK REPAIR CO. INC. 1,000.00 2957
68673 02/13/17 B0092 BROKER, EUGENE JR. 150.00 2957
68674 02/13/17 C0019 CITY OF OCEAN CITY 57,947.50 2957
68675 02/13/17 C0052 CAPE MAY COUNTY TREASURER 1,262,355.91 2957
68676 02/13/17 C0056 CAPE MEDIATION SERVICE, INC. 1,484.76 2957
68677 02/13/17 C0060 CAPRIONI'S PORTABLE TOILETS 659.00 2957
68678 02/13/17 C0061 CAPRIONI FAMILY SEPTIC 465.00 2957
68679 02/13/17 C0068 COMCAST 696.36 2957
68680 02/13/17 C0078 CARTER, EDWARD, SR. 150.00 2957
68681 02/13/17 C0116 CINTAS CORPORATION 99.25 2957
68682 02/13/17 C0122 CMC LEAGUE OF MUNICIPALITIES 500.00 2957
68683 02/13/17 C0171 COLONIAL ELECTRIC SUPPLY CO. 181.68 2957
68684 02/13/17 C0182 CDW GOVERNMENT, INC 999.59 2957
68685 02/13/17 C0201 CRUZAN'S TRUCK SERVICE INC. 3,322.74 2957
68686 02/13/17 C0223 CASA PAYROLL SERVICE 247.95 2957
68687 02/13/17 C0230 CATAMARAN MEDIA COMPANY 76.25 2957
68688 02/13/17 C0247 CMRS-FP 2,000.00 2957
68689 02/13/17 C0283 CUSTOM-BANDAG, INC 908.59 2957
68690 02/13/17 C0284 CHEMAC, INC 5,870.61 2957
68691 02/13/17 D0040 DELTA DENTAL OF N.J. INC. 11,374.39 2957
68692 02/13/17 D0080 DOWNAM, HARRY J. JR. 79.96 2957
68693 02/13/17 D0133 DOLLARD-BAKER SEW AND VAC 49.00 2957
68694 02/13/17 D0164 DUDE SOLUTIONS, INC. 2,044.50 2957
68695 02/13/17 E0012 EHRLICH PEST CONTROL INC 86.00 2957
68696 02/13/17 E0020 ELMER DOOR CO. 3,437.50 2957
68697 02/13/17 E0038 EMSAR NEW JERSEY 758.75 2957
68698 02/13/17 F0006 1ST RESPONDER NEWSPAPER 30.00 2957
68699 02/13/17 F0053 FORD, SCOTT & ASSOCIATES 9,000.00 2957
68700 02/13/17 F0182 FDR HITCHES 7,150.00 2957
68701 02/13/17 G0002 GAGLIONE, WANDA 637.20 2957
68702 02/13/17 G0006 GARBUTT, PATRICIA A. 1,258.80 2957
68703 02/13/17 G0009 GAPVAX, INC. 208.02 2957
68704 02/13/17 G0014 GARDEN STATE HWY PRODUCTS INC. 1,209.20 2957
68705 02/13/17 G0028 GENTILINI FORD 1,872.19 2957
68706 02/13/17 G0086 W.W. GRAINGER, INC. 272.93 2957
68707 02/13/17 G0124 GRIFFIN AUTOMOTIVE INFO SVC 4,000.00 2957
68708 02/13/17 G0141 GENTILINI CHEVROLET 106.41 2957
68709 02/13/17 G0147 GREATAMERICA FINANCIAL SVCS. 170.00 2957
68710 02/13/17 G0157 GRANTURK EQUIPMENT CO., INC. 785.32 2957
68711 02/13/17 H0018 HAROLD RUBIN L & H SUPPLY 410.94 2957
68712 02/13/17 H0062 HOPE, JOHN J. 136.00 2957
68713 02/13/17 H0073 HOME DEPOT CRC/GECF 413.84 2957
68714 02/13/17 H0083 HUBER LOCKSMITHS, INC. 235.00 2957
68715 02/13/17 H0095 HORIZON BCBSNJ 160,979.01 2957
68716 02/13/17 I0001 NJ-IAAO 50.00 2957
68717 02/13/17 J0040 JOHNSON & TOWERS, INC. 1,920.00 2957
68718 02/13/17 J0063 JOHNSON WILSHIRE, INC 621.23 2957
68719 02/13/17 J0072 JERSEY WEB DESIGNS 3,437.49 2957
68720 02/13/17 K0086 K D NATIONAL FORCE SECURITY 1,837.50 2957
68721 02/13/17 L0031 LORCO PETROLEUM SERVICES 213.50 2957
68722 02/13/17 L0034 LAYTON, BRENDA 1,989.60 2957
68723 02/13/17 L0102 LEGALIZED GAMES OF CHANCE 20.00 2957
68724 02/13/17 L0127 LIBERTY KENWORTH OF SO. JERSEY 33.72 2957
68725 02/13/17 M0012 McCAULEY, RICHARD 199.99 2957
68726 02/13/17 M0088 MC SYSTEMS SOFTWARE LLC 600.00 2957
68727 02/13/17 M0121 McCROSSON, JANET 104.69 2957
68728 02/13/17 M0180 MED-TECH RESOURCE, LLC 541.39 2957
68729 02/13/17 M0188 MCCARTHY TIRE SERVICE OF PHILA 3,018.59 2957
68730 02/13/17 M0269 MULTI-TEMP MECHANICAL, INC. 1,059.88 2957
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68731 02/13/17 N0004 NJ-AMERICAN WATER CO. 115.42 2957
68732 02/13/17 N0094 NEW JERSEY PLANNING OFFICIALS 80.00 2957
68733 02/13/17 N0131 DEFINED CONTRIB RETIRE PROGRAM 140.58 2957
68734 02/13/17 N0141 NETCARRIER TELECOM, INC. 969.56 2957
68735 02/13/17 N0147 NJ Shade Tree Federation 95.00 2957
68736 02/13/17 00006 SJSHORE MARKETING, LLC 567.21 2957
68737 02/13/17 P0032 PEDRONI FUEL CO. 2,583.03 2957
68738 02/13/17 P0134 PHIL DESIERE ELEC MOTOR SERV 201.40 2957
68739 02/13/17 Q0003 EUROFINS, QC INC. 696.20 2957
68740 02/13/17 00008 OUILL CORPORATION 58.49 2957
68741 02/13/17 R0030 RIGGINS, INC. 5,776.57 2957
68742 02/13/17 R0099 HUNTER TRUCK SALES & SERVICE 68.76 2957
68743 02/13/17 R0100 ROBERTS OXYGEN COMPANY, INC. 38.60 2957
68744 02/13/17 R0115 RID PEST CONTROL INC. 45.00 2957
68745 02/13/17 R106 RUMER, LISA 555.45 2957
68746 02/13/17 S0018 SUBURBAN PROPANE, LP 496.16 2957
68747 02/13/17 S0031 SCHULER SECURITY, INC. 397.85 2957
68748 02/13/17 S0056 SEASHORE ASPHALT CORPORATION 227.50 2957
68749 02/13/17 S0113 SMITH, THOMAS G. 2,552.12 2957
68750 02/13/17 S0134 SO. JERSEY GAS COMPANY 1,442.21 2957
68751 02/13/17 S0153 STERICYCLE, INC. 171.08 2957
68752 02/13/17 S0239 SHORE VET. ANIMAL CONTROL LLC 2,300.00 2957
68753 02/13/17 S0254 SHOPRITE 145.83 2957
68754 02/13/17 S0270 HOFFMAN SERVICES, INC 375.00 2957
68755 02/13/17 S0279 SPECTROTEL, INC 1,108.50 2957
68756 02/13/17 S0301 SPICA STEEL, INC. 125.00 2957
68757 02/13/17 S304 SMITH, TOM 550.00 2957
68758 02/13/17 T0032 THE PRESS OF ATLANTIC CITY 608.25 2957
68759 02/13/17 T0052 TOWNSHIP OF DENNIS 11,250.00 2957
68760 02/13/17 T0067 TOWNSHIP OF UPPER PETTY CASH 1.50 2957
68761 02/13/17 T0074 TRANSAXLE LLC 2,609.15 2957
68762 02/13/17 T0080 TREASURER STATE OF N.J. 200.00 2957
68763 02/13/17 T0166 TREASURER, STATE OF NEW JERSEY 250.00 2957
68764 02/13/17 T0168 TOWNSHIP OF UPPER 258.59 2957
68765 02/13/17 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 2957
68766 02/13/17 U0003 U.S. MUNICIPAL SUPPLY, INC. 2,072.66 2957
68767 02/13/17 U0029 UPPER TOWNSHIP BD.OF EDUCATION 312.50 2957
68768 02/13/17 V0001 VCI EMERGENCY VEHICLE 262.50 2957
68769 02/13/17 V0005 VAN EMBDEN, NATHAN, ATTORNEY 1,500.00 2957
68770 02/13/17 V0013 VERIZON WIRELESS 1,074.90 2957
68771 02/13/17 V0024 VAL-U AUTO PARTS L.L.C. 0.00 02/13/17 VOID 0
68772 02/13/17 V0024 VAL-U AUTO PARTS L.L.C. 193.05 2957
68773 02/13/17 W0030 WEST PUBLISHING CO. 469.23 2957
68774 02/13/17 W0087 W.B. MASON 1,046.11 2957
68775 02/13/17 W0100 WALKER, ESQUIRE DOUGLAS 500.00 2957
68776 02/13/17 W0101 WORLDWIDE SPORT SUPPLY 598.34 2957
68777 02/13/17 X0008 XEROX FINANCIAL SERVICES 662.40 2957
68778 02/13/17 Y0008 YOUNG, DANIEL J. ESQUIRE PC 21,218.75 2957
68779 02/13/17 Y0020 YOUNG, BARBARA L. 30.00 2957
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Total: 1,671,029.36