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

Also present were Deputy Municipal Clerk Joanne Herron, Municipal Attorney Daniel Young, Municipal Engineer Paul Dietrich, Chief Financial Officer Barbara Spiegel, and Township Administrator Scott Morgan.

<u>APPROVAL OF MINUTES</u> - March 27, 2017 Regular Meeting and Closed Session Minutes

Motion by Hobie Young, second by John Coggins, to approve the March 27, 2017 Regular Meeting and Closed Session Minutes as submitted. During roll call vote all four Committeemen present voted in the affirmative.

April 10, 2017 Regular Meeting and Closed Session Minutes

Motion by John Coggins, second by Curtis Corson, to approve the April 10, 2017 Regular Meeting and Closed Session Minutes as submitted. During roll call vote all four Committeemen present voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Edward Barr, Committeeman, requested to change the May 22, 2017 Committee Meeting to Tuesday, May 30, 2017. Motion by John Coggins, second by Hobie Young, to change the May 22nd meeting date to May 30th. During roll call vote all four Committeemen present voted in the affirmative. He next invited the public to attend the Township's National Day of Prayer ceremony which will be held on Thursday May 4, 2017 at 10:00 am at Town Hall.

OTHER REPORTS

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

Paul Dietrich, Municipal Engineer, reported that the paving project is progressing quickly and approximately a third of the streets have been paved. He next reported that the County has submitted a Shared Services Agreement for the Harbor Road Bike/Pedestrian Gateway project. The Township was awarded a \$500,000 Open Space grant for the project. Upon review of the agreement, a Resolution for formal action authorizing the Township to enter into the agreement will be listed on a future agenda. Next, he reported that the final paving was completed last week at the Bayview Drive Boat Ramp. The living shoreline will be planted soon pending the appropriate planting season. Last, he reported that the County paving project on Commonwealth Avenue is almost complete. Once complete, Public Works will finish painting the curb and no parking areas. Committeeman Young requested an update of the Webster Avenue Bulkhead project. Mr. Dietrich stated that the project is still under Administrative Completeness review.

RESOLUTIONS

1. Opposing the Cape May County Bridge Commission's proposed toll increase for bridges along Ocean Drive.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 128-2017

RE: OPPOSING THE CAPE MAY COUNTY BRIDGE COMMISSION'S PROPOSED TOLL INCREASE FOR BRIDGES ALONG OCEAN DRIVE

WHEREAS, recently the Cape May County Bridge Commission announced that the installation of the E-Z Pass toll collection system for the bridges along Ocean Drive will cause a toll increase; and

WHEREAS, the proposed toll increase along Ocean Drive will be \$1.00 in-season, and \$.50 off-season; and

WHEREAS, the toll increase will likely divert motorists from the Ocean Drive bridges and, thereby, add to traffic congestion along the Garden State Parkway; and

WHEREAS, the toll increase will have a negative impact on the economic health of the area and will cause an undue financial burden on residents and businesses in the Strathmere section of Upper Township; and

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

- 1. The allegations of the preamble are incorporated herein by this reference.
- 2. The Township Committee of the Township of Upper strongly opposes the toll increase proposed by the Cape May County Bridge Commission for the bridges along Ocean Drive.
 - 3. A copy of this Resolution shall be forwarded to all appropriate County Officials.

Resolution No. 128-2017

Offered by: Corson Seconded by: Young

Adopted: April 24, 2017

Roll.	Call	Vote:

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

2. Appointing the 2017 Season Boat Ramp Attendants.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION

RESOLUTION NO. 129-2017

RE: APPOINTING THE 2017 SEASON BOAT RAMP ATTENDANTS

WHEREAS, a need exists to appoint qualified personnel as part-time seasonal employees for the Upper Township Boat Ramp for the 2017 season; 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. Thomas Duffy, Kathryn L. Slaughter, Joseph M. Marrongelli, and Richard Hartman are hereby appointed as part-time seasonal Boat Ramp Attendants, pending pre-employment testing, at a salary of \$12.50 per hour in accordance with the Salary Ordinance.
- 3. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Resolution No. 129-2017

Offered by: Coggins Seconded by: Young

Adopted: April 24, 2017

Roll Call Vote:

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

3. Authorizing the award of a contract with CDW Government, LLC for Information Technology equipment.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 130-2017

RE: AUTHORIZING THE AWARD OF A CONTRACT WITH CDW GOVERNMENT, LLC FOR INFORMATION TECHNOLOGY EQUIPMENT

WHEREAS, from time to time the Township of Upper has a need to purchase IT equipment from CDW Government, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with CDW Government, LLC for the year 2017 will exceed \$17,500; and

WHEREAS, CDW Government, LLC has completed and submitted a Business

Entity Disclosure Certification which certifies that CDW Government, LLC has not made any reportable contributions to a political or candidate committee in the Township in the previous one year, and that the contract will prohibit CDW Government, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer of the Township has certified the availability of funds to allow the award of contract for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose in the 2017 Municipal Budget.

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.
- The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with CDW Government, LLC as described herein.
- 3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
- 4. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 130-2017 Offered by: Coggins Adopted: April 24, 2017

Seconded by: Barr

Roll Call Vote:

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

4. Authorizing the Township of Upper to enter into a contract with Cape Regional Health System to provide pre-employment physical examinations.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RE: AUTHORIZING THE TOWNSHIP OF UPPER TO ENTER INTO A CONTRACT WITH CAPE REGIONAL HEALTH SYSTEM TO PROVIDE PRE-EMPLOYMENT PHYSICAL EXAMINATIONS

WHEREAS, pursuant to Section 9 of the Supervisor's Personnel Policies and Procedures Manual, the Township of Upper provides for a pre-employment physical examination to a prospective employee in order to insure that they can perform the duties of their position without injury to themselves or others; and

WHEREAS, Cape Regional Health System 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 Cape Regional Health System 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 Township's Legal Counsel 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, Cape Regional Health System has completed and submitted a Business Entity Disclosure Certification which certifies that Cape Regional Health System 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 Cape Regional Health System 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 Cape Regional Health System to provide hearing examinations.
- 3. Cape Regional Health System 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 Cape Regional Health System 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 Cape Regional Health System. 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. 131-2017
Offered by: Corson Seconded by: Coggins
Adopted: April 24, 2017

Roll Call Vote:

NAME_	<u>YES</u>	<u>NO</u>	<u>ABSTAINE</u>	D ABSENT
Barr	X			
Coggins	<u>X</u>			
Corson	<u>X</u>			
Young	<u>X</u>			
Palombo				X

5. Authorizing the award of a professional services contract with Dr. Stewart C. Farrell of the Coastal Research Center at Stockton University for Shoreline Monitoring and Consulting Services for beach related issues.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 132-2017

RE: AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITH DR. STEWART C. FARRELL OT THE COASTAL RESEARCH CENTER AT STOCKTON UNIVERSITY FOR SHORELINE MONITORING AND CONSULTING SERVICES FOR BEACH RELATED ISSUES

WHEREAS, the Township of Upper has received a proposal from Dr. Stewart Farrell on behalf of the Coastal Research Center at Stockton University, which outlines shoreline monitoring services to be performed on behalf of the Township during the calendar year 2017 and provides a rate schedule for the services to be provided; and

WHEREAS, the Township Committee has considered this matter and has determined that it is in the best interest of the Township to authorize a Professional Services Contract as hereinafter provided; and

WHEREAS, the Township Solicitor has determined that the services to be provided are professional services and that a contract may be awarded without competitive bid; and

WHEREAS, the Chief Financial Officer has certified the availability of funds to permit the Township to enter into a Professional Services Contract; and

WHEREAS, a Business Entity Disclosure Certification is not required since this contract is with an agency of the state government; and

WHEREAS, the Township has decided to acquire the services of Dr. Stewart C. Farrell of the Coastal Research Center at Stockton University as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; 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 proposal of Dr. Stewart Farrell on behalf of the Coastal Research Center at Stockton University (hereinafter collectively referred to as "Contractor"), is hereby accepted, subject to the provisions of this Resolution.
- 3. The Mayor and Township Clerk are hereby authorized, directed and empowered to enter into a Professional Services Contract with the Contractor aforesaid for a one (1) year term commencing January 1, 2017. Said Agreement shall be prepared or approved by the Municipal Attorney for the Township of Upper. The Township Clerk is further authorized, directed and empowered to seal said Contract with the seal of the Township of Upper.
- 4. The Township Clerk shall cause a Notice of Award of this Contract to be published in the official newspaper of the Township as required by N.J.S.A. 40A:11-5.
- 5. This Contract is a Professional Services Contract and has been awarded without competitive bidding for the following reasons:
 - (A) The services required are highly specialized or technical in nature;
- (B) The services require peculiar ability or skill, and demand a high degree of specialized knowledge or expertise;
- (C) The services required are professional services and/or unspecified extraordinary services within the meaning of N.J.S.A. 40A:11-5(a);
- (D) The individual who will provide these services has demonstrated his competence and particular expertise in the services required; and
- (E) The services to be provided are such that their nature, scope and duration are not capable of precise measurement, but rather require a flexibility and discretion that render competitive bidding impractical and inefficient.

- 6. A certified copy of this Resolution shall be provided to the Contractor.
- 7. This Resolution shall take effect immediately provided, however, that the Contract awarded herein shall be effective as of January 1, 2017.

Resolution No. 132-2017

Offered by: Young Seconded by: Coggins

Adopted: April 24, 2017

Roll Call Vote:

Kon Can voice	•			
<u>NAME</u>	YES	<u>NO</u>	<u>ABSTAINED</u>	ABSENT
Barr	X			
Coggins	X			
Corson	X			
Young	X			
Palombo				_X

6. Appointing Norman W. Briggs to act as Special Legal Counsel.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 133-2017

RE: APPOINTING NORMAN W. BRIGGS TO ACT AS SPECIAL LEGAL COUNSEL

WHEREAS, the Township requires legal counsel to provide legal services in the

event such services are not provided by the regular Township Solicitor due to a conflict of interest or other reason as determined by the Township Committee; 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 Norman W. Briggs, Esquire as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Norman W. Briggs, Esquire has completed and submitted a Business Entity Disclosure Certification which certifies that Norman W. Briggs, Esquire 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 Norman W. Briggs, Esquire 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. Norman W. Briggs, Esquire with offices at 110 Roosevelt Boulevard, Suite 201, Marmora, New Jersey is hereby appointed Special Legal Counsel to handle matters in which the regular Township Solicitor has a conflict of interest as well as other matters directed by the Township Committee.
 - 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 Norman W. Briggs, Esquire has professional knowledge as to legal 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 Norman W. Briggs, Esquire 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 Norman W. Briggs, Esquire 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. 133-2017

Offered by: Coggins Seconded by: Barr

Adopted: April 24, 2017

Roll Call Vote:

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

7. Authorizing the execution of a contract with Adams, Rehmann & Heggan Associates, Inc. for the maintenance and conversion of the official tax map to a georeferenced digital format.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 134-2017

RE: AUTHORIZING THE EXECUTION OF A CONTRACT WITH ADAMS, REHMANN & HEGGAN ASSOCIATES, INC. FOR THE MAINTENANCE AND CONVERSION OF THE OFFICIAL TAX MAP TO A GEOREFERENCED DIGITAL FORMAT

WHEREAS, the Township requires a professional land surveyor for the maintenance and conversion of the official tax map to a georeferenced digital format; and

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

WHEREAS, the Township has decided to acquire the services of Adams, Rehmann & Heggan Associates, Inc. as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Adams, Rehmann & Heggan Associates, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Adams, Rehmann & Heggan Associates, Inc. has not made any contributions to a political or candidate committee in the Township that would bar the award of the contract and that the contract will prohibit Adams, Rehmann & Heggan Associates, 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 Adams, Rehmann & Heggan Associates, Inc., of 850 South White Horse Pike, Hammonton, New Jersey 08037, for professional land surveying services for the maintenance and conversion of the official tax map of Upper Township to a georeferenced digital format.
- 3. The Contract is awarded 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 Adams, Rehmann & Heggan Associates, Inc., has professional knowledge as to land surveying issues which knowledge is particularly valuable to the Township Committee.
 - 4. The contract shall have a term of one (1) year from full execution.
- 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 the 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. Adams, Rehmann & Heggan Associates, 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.
- 7. A notice of the contract award shall be published in the official newspaper of the Township of Upper.
 - 8. This Resolution shall be effective as of adoption.

Resolution No. 134-2017

Offered by: Coggins Seconded by: Barr

Adopted: April 24, 2017

Roll.	Call	Vote:
NUI	Can	voic.

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

8. Special Premium Account Refund.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 135-2017

SPECIAL PREMIUM ACCOUNT REFUND

WHEREAS, certain corrections have been recommended by the Upper Township Tax Collector in order to refund monies; and

WHEREAS, tax sale certificate #16-00025 was redeemed on April 6th 2017;

and

WHEREAS, the recording fee was inadvertently excluded from the redemption and deposited into the Current Fund Account; and

WHEREAS, the lienholder is entitled to the recording fee through disbursement from the Special Premium Account.

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 Offered by: Adopted: A	Coggins		Seconded by: You	ung
Roll Call V	ote:			
NAME	YES	NO	ABSTAINED	ABSENT
Barr	_X			
Coggins	_X			
Corson	_X		<u> </u>	
Young	_X		<u> </u>	
Palombo			<u> </u>	X
REFUND 2	<u> 2017</u>			
BLOCK/L	ОТ	AMOUNT	NAME	
		\$40.00	Upper Tov PO Box 21 Tuckahoe,	

9. Authorizing a contract with J.A. Montgomery Risk Control for Right to Know Inventory and Survey Preparation Services.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 136-2017

RE: AUTHORIZING A CONTRACT WITH J.A. MONTGOMERY RISK CONTROL FOR RIGHT TO KNOW INVENTORY AND SURVEY PREPARATION SERVICES

WHEREAS, J.A. Montgomery Risk Control, "J.A. Montgomery", has submitted a proposal to the Township for Onsite Inventory, preparation of Community Right to Know Survey Documents, and preparation of Right to Know Central File for 2017; and

WHEREAS, the Township wishes to accept said proposal and to authorize a contract

with J.A. Montgomery; and

WHEREAS, the 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, J.A. Montgomery has completed and submitted a Business Entity

Disclosure Certification which certifies that J.A. Montgomery 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 J.A. Montgomery 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

enter into a contract with J.A. Montgomery attached hereto as Exhibit "A", to provide Onsite

Inventory, preparation of Community Right to Know Survey Documents, and preparation of Right to

Know Central File for 2017.

3. J.A. Montgomery 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. 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.

Seconded by: Coggins

Resolution No. 136-2017

Offered by: Corson

Adopted: April 24, 2017

Roll Call Vote:

Palombo

16

10. Urging the Cape May County Open Space and Farmland Preservation Board to consider acquiring Block 451, Lot 19 and agreeing to enter into a maintenance agreement subject to certain conditions.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 137-2017

RE: URGING THE CAPE MAY COUNTY OPEN SPACE AND FARMLAND PRESERVATION BOARD TO CONSIDER ACQUIRING BLOCK 451, LOT 19 AND AGREEING TO ENTER INTO A MAINTENANCE AGREEMENT SUBJECT TO CERTAIN CONDITIONS

·_____

WHEREAS, the New Jersey Conference Association of Seventh-Day Adventists are the owners of certain real property, consisting of 1.7 acres of improved land, known as Block 451, Lot 19, 18 Sunset Drive, Upper Township, Cape May County, New Jersey; and

WHEREAS, these owners intend to make application to the Cape May County Office of Open space and Farmland Preservation ("County") to purchase the aforesaid property; and

WHEREAS, the Township has been informed that before proceeding with a possible acquisition, the County wishes assurances from the Township that if the County purchases the property, that the Township will enter into an agreement with the County for the maintenance of said property; and

WHEREAS, the Township is willing to enter into such an agreement with the County under certain conditions specified herein and wishes to do so based upon the following factors:

(A) Block 451, Lot 19 is contiguous to Amanda's Field (Block 451, Lots 6, 20, 22, 23, and 33);

(B) The property, if purchased by the County, would add to the available

land already leased at nominal consideration by the Township from the County and would

either increase open space or would be available for use by the public in connection with the

adjacent Township leased property; and

WHEREAS, the Township of Upper would be willing to enter into an

agreement with the County to manage and maintain the property for possible future public

use; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of

the Township of Upper, in the County of Cape May and State of New Jersey, as follows:

1. The allegations of the preamble are incorporated herein by this reference.

2. The Township Committee of the Township of Upper hereby urges the

County to consider the purchase of the parcel specified herein for the reasons set forth herein

and the Township is willing to enter into a maintenance agreement with the County regarding

the management of said parcel, with the understanding that the Township may wish to utilize

said parcel in conjunction with the adjacent Amanda's Field pursuant to a lease from the

County for nominal consideration. The Township believes that there is a public interest to be

served by acquiring the parcel and reserving the same for future public use in connection

with Amanda's Field.

3. Certified copies of this Resolution shall be sent to the Cape May County

Office of Open Space and Farmland Preservation and to the New Jersey Conference

Association of Seventh-Day Adventists.

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. 137-2017

Vouna

Offered by: Young

Adopted: April 24, 2017

Seconded by: Corson

18

Roll Call Vot	e:			
<u>NAME</u>	<u>YES</u>	<u>NO</u>	ABSTAINED	ABSENT
Barr	<u>X</u>			
Coggins	X			
Corson	X			
Young	X			
Palombo			_	_X_

11. Accepting the Annual Stormwater Report and Certification, and authorizing the Township Engineer to electronically sign and submit it to the NJDEP pursuant to Stormwater Rules. Municipal Engineer Paul Dietrich gave a brief report on the Township's efforts to ensure any stormwater runoff is as clean as possible. The Township currently has approximately 750 stormwater basins and collection systems throughout the Township that are maintained and inspected on a regular basis. After each rainfall of more than an inch, all of the basins are inspected to ensure optimal operation. During 2016 the Township performed regular street sweeping of over 1,000 miles of roads within the Township, collected approximately 151 cubic yards of material and approximately 2 tons of material out of the stormwater inlets. In addition, in 2016 the Township started inspecting private facilities to ensure that those areas are also being maintained.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO.138-2017

ACCEPTING THE ANNUAL STORMWATER REPORT AND CERTIFICATION, AND AUTHORIZING THE TOWNSHIP ENGINEER TO ELECTRONICALLY SIGN AND SUBMIT IT TO THE NJDEP PURSUANT TO STORMWATER RULES

WHEREAS, the State of New Jersey on January 5, 2004 adopted stormwater rules which impact municipalities; and

WHEREAS, under the aforesaid stormwater rules, municipalities are required to apply for permits and provide reports and certifications to the NJDEP; and

WHEREAS, the Township Committee of the Township of Upper has determined that the Township should make the appropriate applications for permits and prepare appropriate reports pursuant to the stormwater rules; and

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

- 1. The allegations of the preamble are incorporated herein by this reference.
- 2. The Township Committee hereby accepts the Stormwater Annual Report.

- 3. The Township Engineer is hereby authorized to execute said Report and Certification electronically pursuant to the stormwater rules of the State of New Jersey, which Report and Certification are attached hereto as Exhibit A.
- 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. 138-2017

Offered by: Corson Seconded by: Coggins

Adopted: April 24, 2017

Roll Call Vote:

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

12. Authorizing a contract with CASA Payroll Services of Pleasantville, New Jersey for payroll services.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 139-2017

RE: AUTHORIZING A CONTRACT WITH CASA PAYROLL SERVICES OF PLEASANTVILLE, NEW JERSEY FOR PAYROLL SERVICES

WHEREAS, CASA Payroll Services ("CASA") has submitted a proposal to the Township for payroll services; and

WHEREAS, N.J.A.C. 5:30-17.3 et seq. provides for electronic disbursement controls for payroll purposes and applies to entities which execute disbursements from and/or take possession of municipal bank accounts or funds; and

WHEREAS, the proposal of CASA does not permit CASA to execute disbursements from the Township's bank account or give CASA possession of Township funds and as such N.J.A.C. 5:30-17.3 et seq. does not apply; and

WHEREAS, the Township wishes to accept said proposal and to authorize a contract with CASA; and

WHEREAS, the proposal 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, CASA has completed and submitted a Business Entity

Disclosure Certification which certifies that CASA 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 CASA 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 enter into a contract with CASA attached hereto as Exhibit "A", to provide

payroll service within the Township of Upper commencing immediately.

3. CASA 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. 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. 139-2017

Offered by: Coggins Seconded by: Barr Adopted: April 24, 2017

Roll Call Vote:

21

Palombo	<u>X</u>				
13. Designating certain Strathmere beach areas in the Township of Upper as a surfing beach and a catamaran/sailboat beach for the 2017 summer season.					
TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION NO. 140-2017					
WHEREAS, in	n accordance with Chapter IX entitled Recreational Facilities, of the				
Revised General Ordinances it is	is necessary to designate certain beach areas along the Strathmere				
shore in the Township of Upper	strictly for the use of surfboards, sailboats, catamarans and other				
	mmer season. NOW, THEREFORE, BE IT RESOLVED by the				
	wnship of Upper, in the County of Cape May and State of New				
Jersey, as follows:					
•	ons of the preamble are incorporated herein by this reference.				
•	letermined by the Township Committee that for the 2016 summer				
season:	icternined by the Township Committee that for the 2010 summer				
 Surfin 	g Beach: Between Vincent Avenue and Sherman Avenue				
	aran/Sailboat Beach: Between Hawthorne Avenue and Hamilton				
Avenu					
	gnating these areas has been provided by the Township Engineer and				
shall be attached hereto as Exhi	bit A.				
4. During imm	inent storm all watercraft shall be removed from the designated beach				
areas.					
Resolution No. 140-2017 Offered by: Corson Adopted: April 24, 2017 Roll Call Vote:	Seconded by: Coggins				
NAME YES NO Barr X					
Palombo	X				

14. Authorizing the purchase of certain items from the 2016 Capital Improvement Bond Ordinance in the amount of \$25,367.00.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 141-2017

RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS FROM THE 2016 CAPITAL IMPROVEMENT BOND ORDINANCE IN THE AMOUNT OF \$25,367.00

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, pursuant to N.J.S.A 40A:11-12a, the Township wishes to purchase a vehicle from State Contract No. 88728; and

WHEREAS, the Township's QPA has reviewed and approved the quote for a 2017 Ford Police Interceptor Utility, All Wheel Drive Base Vehicle and options; and

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

- 1. The allegations of the preamble are incorporated herein by this reference.
- 2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the purchase of the 2017 Ford Police Interceptor Utility, All Wheel Drive Base Vehicle and options in the amount of \$25,367.00 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 No. 141-2017

Offered by: Coggins

Adopted: April 24, 2017

Seconded by: Barr

Roll Call Vote:

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

ORDINANCES

CORRESPONDENCE

NEW BUSINESS

UNFINISHED BUSINESS

DISCUSSION

15. **Jitney Routes, Rules and Regulations.** The Municipal Attorney reported that in order to address resident concerns regarding the Jitney routes, stops, and hours of operation a proposed Resolution was prepared and disseminated to those that had requested to be involved. Feedback was received regarding the proposed operating hours ending at 2:00 am. It was stated that the restaurants and bars are typically open later than that, and limiting the Jitney operating hours to no later than 2:00 am could lead to safety issues. The other concerns from residents regarding the Jitney route and stops has been addressed by establishing the route with stops along Commonwealth Avenue, including three stops in Whale Beach as requested, and on West Willard Avenue only. It was stated that signage could be installed in order to identify the designated stops to residents. There was also feedback regarding idling, and it was suggested that the State Statute regarding idling be posted at the stops. The Municipal Attorney stated that the Township's Ordinance requires that the Jitney vehicles be either compressed natural gas, or zero emission vehicles, and as such the State idling laws would not apply. However, the designated routes and stops should prevent any nuisance complaints of the Jitneys idling on the side streets. The discussion was then opened up to the public for comment, during which there were no speakers. Motion by Curtis Corson, second by John Coggins, to accept the proposed resolution, with the exception that the hours of operation be extended to 4:00 am. During roll call vote all four Committeeman voted in the affirmative. A resolution for formal action will be prepared and listed on the next agenda.

PAYMENT OF BILLS

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

Bills approved for payment: \$672,967.98

Payroll: \$159,972.03

REPORT OF MUNICIPAL DEPARTMENTS

PUBLIC COMMENT

Karen Mitchell, Strathmere – inquired as to what beaches have been designated as a Surfing Beach. It was stated that the Surfing Beach will be between Vincent Avenue and Sherman Avenue. The Catamaran/Sailboat Beach is between Hawthorne Avenue and Hamilton Avenue. It was further stated that these designations have been the same for several years.

Linda Bateman, President of the Strathmere Improvement Association - stated that the water tower in Strathmere is dirty and the ground area unkempt. She requested that the Township contact New Jersey American Water and direct that they properly maintain their property. The Municipal Engineer was directed to contact the officials at New Jersey American Water regarding this issue.

Kevin Greaves, Petersburg – spoke regarding an ongoing problem he is having with dirt bikes and ATVs riding illegally through the George Harms mining pit located behind his property. He stated that he has contacted the State Police, the Township Clerk, and officials from the Mining Company numerous times and, although they have been responsive to his calls, the problem is not getting better. Several options were discussed that may help the situation. Mr. Greaves was also advised that he will be receiving a notice of a Planning Board hearing for the George Harms Mining major review. He was encouraged to attend the hearing and inform the Planning Board as to what is happening.

CLOSED SESSION

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

TOWNSHIP OF UPPER RESOLUTION NO. 142-2017 MOTION GOING INTO CLOSED SESSION APRIL 24, 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 Animal Cruelty Investigator
- 2. 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: Curtis Corson

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

RECONVENE PUBLIC PORTION OF MEETING

Motion by John Coggins, second by Edward Barr, to reconvene the public portion of the meeting with all four Committeemen present voting in the affirmative.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 8:34 P.M., with a motion by John Coggins, second by Edward Barr, and all four Committeemen present voting in the affirmative. The next regular meeting is scheduled for May 8, 2017 at 7:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC Deputy Municipal Clerk

Bill List

69066 04/24/17 A0018 ACTION SUPPLY INC. 15.26 2967 69067 04/24/17 A0035 AIRLINE HYDRAULIC CORP. 108.79 2967 69068 04/24/17 A0091 ATLANTIC CITY ELECTRIC 2,649.27 2967 69069 04/24/17 A0100 ATLANTIC CITY ELECTRIC 2,558.01 2967 69070 04/24/17 A0113 ARAWAK PAVING CO. INC. 549,833.88 2967 69071 04/24/17 A0134 ANSELL GRIMM & AARON, PC 4,057.63 2967 69072 04/24/17 A0166 Association of NJ Recyclers 80.00 2967 69073 04/24/17 A0209 ATLANTIC MARINE CONSTRUCTION 24,390.19 2967 69074 04/24/17 A0214 ALLSEASON SOLAR 240.00 2967 69075 04/24/17 C0048 CAPE MAY COUNTY MUA 35,088.72 2967 69076 04/24/17 C0060 CAPRIONI'S PORTABLE TOILETS 1,327.00 2967 69077 04/24/17 C0061 CAPRIONI FAMILY SEPTIC 910.00 2967 69078 04/24/17 C0068 COMCAST 125.93 2967 69079 04/24/17 C0143 CODY'S POWER EQUIPMENT 146.45 2967 69080 04/24/17 C0182 CDW GOVERNMENT, INC 150.00 2967 69081 04/24/17 C0223 CASA PAYROLL SERVICE 248.85 2967 69082 04/24/17 C0246 CRAFT OIL CORPORATION 491.60 2967 69083 04/24/17 C0283 CUSTOM-BANDAG, INC 423.88 2967 69084 04/24/17 D0016 DALEYS PIT 405.00 2967 69085 04/24/17 D0040 DELTA DENTAL OF N.J. INC. 5,841.98 2967 69086 04/24/17 D0163 DIMARCO, NICOLAS 40.70 2967 69087 04/24/17 G0014 GARDEN STATE HWY PRODUCTS INC. 150.00 2967 69088 04/24/17 G0147 GREATAMERICA FINANCIAL SVCS. 196.00 2967 69089 04/24/17 H0018 HAROLD RUBIN L & H SUPPLY 372.50 2967 69090 04/24/17 H0073 HOME DEPOT CRC/GECF 674.80 2967 69091 04/24/17 H0135 HANSON AGGREGATES, INC. 7,312.62 2967

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69092 04/24/17 H0148 THOMAS H. HEIST INS AGENCY INC 1,589.75 2967
69093 04/24/17 J0072 JERSEY WEB DESIGNS 756.25 2967
69094 04/24/17 L0007 LC EQUIPMENT, INC. 32.00 2967
69095 04/24/17 L0031 LORCO PETROLEUM SERVICES 238.75 2967
69096 04/24/17 L0063 LIBERTY MUTUAL 2,014.00 2967
69097 04/24/17 L0113 LIBERTY MUTUAL INSURANCE 2.678.50 2967
69098 04/24/17 M0080 McMANIMON, SCOTLAND & BAUMANN 6,076.00 2967
69099 04/24/17 M0164 MURPHY FENCE COMPANY. INC. 91.42 2967
69100 04/24/17 M0188 MCCARTHY TIRE SERVICE OF PHILA 2,066.82 2967
69101 04/24/17 N0043 NAPA AUTO PARTS 146.27 2967
69102 04/24/17 N0141 NETCARRIER TELECOM, INC. 1,930.97 2967
69103 04/24/17 N0154 NEW HORIZON COMMUNICATIONS 1,110.53 2967
69104 04/24/17 P0008 PALMER, NANCY 150.00 2967
69105 04/24/17 P0032 PEDRONI FUEL CO. 2,482.79 2967
69106 04/24/17 R0030 RIGGINS, INC. 5,354.45 2967
69107 04/24/17 R0115 RID PEST CONTROL INC. 45.00 2967
69108 04/24/17 S0020 SUPPLY WORKS 115.77 2967
69109 04/24/17 S0031 SCHULER SECURITY, INC. 442.00 2967
69110 04/24/17 S0121 SMUZ, THERESE A 36.49 2967
69111 04/24/17 S0122 SOMERS POINT LUMBER INC. 453.00 2967
69112 04/24/17 S0134 SO. JERSEY GAS COMPANY 2,989.86 2967
69113 04/24/17 S0139 SO. JERSEY WATER COND. INC. 30.00 2967
69114 04/24/17 S0153 STERICYCLE, INC. 171.08 2967
69115 04/24/17 S0253 SAMPLE MEDIA, INC. 2,100.00 2967
69116 04/24/17 S304 SMITH, TOM 275.00 2967
69117 04/24/17 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 2967
69118 04/24/17 V0005 VAN EMBDEN, NATHAN, ATTORNEY 825.00 2967
69119 04/24/17 V0024 VAL-U AUTO PARTS L.L.C. 392.22 2967
69120 04/24/17 W0037 WALLACE REFRIGERATION 510.00 2967
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Total: \$672,967.98