

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR JUNE 26, 2017**

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

**CALL TO ORDER**

**SUNSHINE ANNOUNCEMENT**

**SALUTE TO THE FLAG**

**ROLL CALL**

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

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

**APPROVAL OF MINUTES** - June 12, 2017 Regular Meeting and  
Closed Session Minutes

Motion by Edward Barr, second by John Coggins, to approve the June 12, 2017 Regular Meeting and Closed Session Minutes as submitted. During roll call vote all five Committeemen voted in the affirmative.

**REPORT OF GOVERNING BODY MEMBERS**

**John Coggins, Committeeman**, wished everyone a happy Independence Day and encouraged all to attend the Township events planned for the day.

**Hobie Young, Committeeman**, gave a brief update on the plans for the 4<sup>th</sup> of July event at Amanda's Field. He next reported that he has received a few complaints from the residents regarding the site triangle at the intersection of Route 50 and Marshall Road in Tuckahoe. Since the State changed the traffic pattern of the intersection of Route 50 and Mt. Pleasant Road vehicles are now using Marshall Road to access Route 50 and residents are reporting a lot of near accidents. There was a motion by Hobie Young, second by Edward Barr, to direct the Engineer to request the State and County inspect the site triangle at the intersection. During roll call vote all five Committeemen voted in the affirmative. He next reported on a potentially dangerous situation of vehicles turning left onto Route 50 from the Oasis Market parking lot, and requested that a sign be placed prohibiting left turns from the parking lot. It was stated that any signs would need to be voluntarily placed by the owners of the property. The Engineer was directed to talk with the property owners about the issue.

**Edward Barr, Committeeman**, made a motion, seconded by John Coggins, to promote Daniel Schuler to Senior Mechanic. During roll call vote all five Committeemen voted in the affirmative. He next made a motion, seconded by John Coggins, to transfer Matthew Taylor from the position of Laborer to Mechanic's Helper. During roll call vote all five Committeemen voted in the affirmative. Resolutions for formal action will be placed on the next agenda.

**Curtis Corson, Committeemen**, inquired into the plans for the Strathmere Parade and offered to provide the transportation. Mayor Palombo thanked Committeeman Corson for his generous offer, but stated that plans have already been made to use the OEM vehicle.

**Richard Palombo, Mayor**, reported that he recently met with the NJDOT and the legislative representative to discuss several matters related to traffic issues along Route 9, Route 50, and access to the Garden State Parkway. He stated that he was able to obtain a commitment that funds will be budgeted to perform traffic surveys of the area.

### **OTHER REPORTS**

**Scott Morgan, Township Administrator**, gave a brief report on several Public Works projects that have been completed, including the installation of the overhead doors at the Public Works building and repair to a hole at the Taylor Avenue Boat Ramp.

**Daniel Young, Municipal Attorney**, reported that there are personnel, litigation, and contract negotiation items for closed session, however, the contract negotiation item for Shared Services with Dennis Township has been tabled for more information.

**Paul Dietrich, Municipal Engineer**, gave a brief update on the Atlantic-Cape Coastal Coalition Multi-Jurisdictional program for Public Information. The program will work with community stakeholders to disseminate outreach materials for increased flood risk awareness. Participation in this program will give the Township increased CRS credits. Final copies of the program will be distributed to the Committee. He next reported that there are still funds remaining from the Sandy Hazard Mitigation Grant. The Strathmere Fire Company has requested assistance to purchase an emergency generator, and he and Scott Morgan have been able to amend the application to use the excess Sandy grant funds for that purpose. He next reported on the cost analysis of materials and labor for the installation of speed humps. The labor costs are the same regardless of the materials used. Using asphalt as material would cost \$1,000. The rubberized material would cost \$4,000. Motion by John Coggins, second by Hobie Young, to proceed with the installation of an asphalt speed hump on Sunset Drive between California Road and the Amanda's Field entrance. During roll call vote all five Committeemen voted in the affirmative. Lastly, he reported that the NJDOT representative is working with the Township on the bikeway planning grant, and submitted a proposed Harbor Road/Route 9 Bikeway Steering Committee for the project. There was a motion by Edward Barr, second by Curtis Corson, to appoint Committeeman Coggins as the Township Committee Representative to the Bikeway Steering Committee. During roll call vote all five Committeemen voted in the affirmative. Committeeman Corson requested that a representative from Emergency Services be included on the committee as well.

**Barbara Spiegel, Chief Financial Officer**, requested approval to attend a three day Finance Conference in Atlantic City in order to obtain required education credits. Motion by John Coggins, second by Hobie Young, to approve the request. During roll call vote all five

Committeemen voted in the affirmative. She next requested approval for the Deputy Tax Assessor to attend a two day conference in Cape May. Motion by John Coggins, second by Hobie Young, to approve the request. During roll call vote all five Committeemen voted in the affirmative.

## **PRESENTATION**

1. Honoring Ryan Hogan on attaining the designation of "Eagle Scout".

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

#### **RESOLUTION NO. 161-2017**

#### **RE: HONORING RYAN HOGAN ON ATTAINING THE DESIGNATION OF "EAGLE SCOUT"**

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**WHEREAS**, Ryan Hogan of Troop 79, Upper Township, New Jersey has recently achieved the designation of Eagle Scout in the Boy Scouts of America; and

**WHEREAS**, the Township of Upper wishes to acknowledge the outstanding accomplishment of this remarkable young man; and

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

**RESOLVED THAT** the Township Committee extends its sincere congratulations to Ryan on the occasion of his receiving the designation of Eagle Scout and commends him for this outstanding accomplishment and the completion of his Eagle Scout project improving the grounds of the Seaville United Methodist Church. Ryan cleared and created a 400 foot path through the woods to an existing fire pit and provided a seating area around the fire pit by building four heavy duty benches; and

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

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

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 12<sup>th</sup> day of June, 2017.

## **RESOLUTIONS**

2. Honoring Dorothy Morris on the occasion of her 100<sup>th</sup> Birthday on June 30, 2017.

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

#### **RESOLUTION NO. 172-2017**

#### **RE: HONORING DOROTHY MORRIS ON THE OCCASION OF HER 100<sup>th</sup> BIRTHDAY ON JUNE 30, 2017**

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**WHEREAS**, it is a great pleasure and privilege for the Township Committee of the Township of Upper to honor and congratulate Upper Township Resident Dorothy Morris on the occasion of her 100<sup>th</sup> birthday; and

**WHEREAS**, Dorothy was born on June 30, 1917 in England where she spent her early childhood, immigrating to America with her parents at the age of 12; and

**WHEREAS**, Dorothy and her husband enjoyed living in Sea Isle City for many years, but after his passing she moved to her ranch home on Linda Lane in Upper Township where she has lived for several years; and

**WHEREAS**, as an avid and talented artist, Dorothy has many of her paintings hanging on the walls throughout her house and has had the distinction of having some of her paintings displayed at a local gallery; and

**WHEREAS**, Dorothy enjoys the companionship of her endearing cats and is known for her kind and generous nature. She often stops for quick chats with her neighbors, and thoughtfully remembers the neighbor children during the holidays with gift bags of candy. She is

also known for her quick wit and sense of style, and jokes about how good she looks in her blue mustang while driving; and

**WHEREAS**, it is most appropriate that Dorothy be publicly honored and recognized for her lifelong achievements on the occasion of her 100<sup>th</sup> birthday.

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

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 26<sup>th</sup> day of June, 2017.

Resolution No. 172-2017

Offered by: Corson

Seconded by: Barr

Adopted: June 26, 2017

Roll Call Vote:

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

3. Honoring the memory of our friend Charles Anthony Adelizzi.

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

**RESOLUTION NO. 173-2017**

**HONORING THE MEMORY OF OUR FRIEND CHARLES ANTHONY ADELIZZI**

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

**WHEREAS**, born in Somers Point on September 29, 1938, Charles graduated from Ocean City High School in 1956, and after earning his BA in German Literature from Rutgers University in 1962, joined the United States Army and served with the Army Security Agency in Vietnam; and

**WHEREAS**, following his Army service, Charles worked for the Cape May County Department of Health as a health inspector for 33 years, and for the Cape May County Veterans' Bureau as Director and Interment Officer for 12 years; and

**WHEREAS**, as a Vietnam veteran Charles was a member of the Veterans of Foreign Wars (VFW), serving as Commander of the Fraser-Ross-Sack-Watchko Post 8695 in Marmora for three decades. He was recognized as an All-State Commander on several occasions with 2017 being the most recent, and as an All-American Commander in 2003; and

**WHEREAS**, as a proud member of the American Legion Post 239 in Tuckahoe and the Vietnam Veterans of America, Commander Charles led the veterans and boy scouts each Memorial Day and Veterans Day in services at many local cemeteries and memorials, and was involved in raising funds every year for disabled and ailing veterans; and

**WHEREAS**, in addition, Charles was an active and faithful member of Trinity United Methodist Church in Marmora, where he served as a Sunday School teacher and Sunday School Superintendent, and diligently assisted with the Upper Township Food Pantry; and

**WHEREAS**, Charles will always be remembered for being a devoted husband and father, a kind and gentle man of character and dedication, and faithful and conscientious in his service to others; and

**WHEREAS**, it is just and deserving that on behalf of the residents of Upper Township, we honor and celebrate the inspiring life of our fellow citizen and friend Charles; and

**NOW THEREFORE BE IT RESOLVED** that this Township Committee join with all citizens of our community to pay tribute to the exemplary life and tireless service of Charles Anthony Adelizzi, and do hereby extend to Charles'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 26<sup>th</sup> day of June, 2017.

Resolution No. 173-2017

Offered by: Young

Seconded by: Barr

Adopted: June 26, 2017

Roll Call Vote:

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

4. Honoring Columb Higgins for his service.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 174-2017**

**RE: HONORING COLUMB HIGGINS FOR HIS SERVICE**

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**WHEREAS**, Marmora resident Columb Higgins recently resigned from the Gazette Newspapers where he served as an associate editor for fourteen years; and

**WHEREAS**, during those fourteen years, Columb faithfully attended every Township Committee meeting, diligently and fairly reporting the Township's news and happenings to the residents of Upper Township; and

**WHEREAS**, since much of the community's knowledge and opinions about the current events rely on responsible reporting by local media representatives, Columb's dedication and journalistic integrity has been an invaluable resource to this community; and

**WHEREAS**, the Township Committee wishes to thank Columb for his balanced and accurate approach to sharing the challenges and successes in the Township throughout his tenure at the Gazette.

**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 on behalf of the residents of the Township we extend to Columb Higgins our heartfelt thanks and gratitude for his commitment and service to this Township and we wish him well in his future endeavors.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 26<sup>th</sup> day of June, 2017.

Resolution No. 174-2017

Offered by: Barr

Seconded by: Coggins

Adopted: June 26, 2017

Roll Call Vote:

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

5. Honoring Garrett Vliet on attaining the designation of "Eagle Scout".

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

**RESOLUTION NO. 175-2017**

**RE: HONORING GARRETT VLIET ON ATTAINING THE  
DESIGNATION OF "EAGLE SCOUT"**

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**WHEREAS**, Garrett Vliet of Troop 79, Upper Township, New Jersey has recently achieved the designation of Eagle Scout in the Boy Scouts of America; and



**WHEREAS**, the Township of Upper wishes to acknowledge the outstanding accomplishment of this remarkable young man; and

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

**RESOLVED THAT** the Township Committee extends its sincere congratulations to Garrett on the occasion of his receiving the designation of Eagle Scout and commends him for this outstanding accomplishment and the completion of his Eagle Scout project which consisted of renovating and expanding the memorial at Amanda's Field in Petersburg dedicated to the memory of the Ocean City High School student Amanda Field who was killed in an automobile accident at the corner of the complex. Garrett landscaped the area around the memorial stone and added a 24' x 24' paver patio and two benches to recognize and honor Upper Township First Responders Mort Schmerling, an Upper Township EMT, and Curtis Corson, Sr., a Seaville firefighter; and

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

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

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 26<sup>th</sup> day of June, 2017.

Resolution No. 175-2017

Offered by: Barr

Seconded by: Young

Adopted: June 26, 2017

Roll Call Vote:

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

6. Appointing Matthew K. Kelly as a seasonal employee to the Upper Township Public Works Department.

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

RESOLUTION NO. 176-2017

RE: APPOINTING MATTHEW K. KELLY AS A SEASONAL  
EMPLOYEE TO THE UPPER TOWNSHIP PUBLIC WORKS DEPARTMENT

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WHEREAS, a need exists to appoint qualified personnel as a seasonal employee to the Upper Township Public Works Department to insure optimal operation; and

WHEREAS, a recommendation has been made to the Township Committee and duly considered at the meeting of June 12, 2017; and

WHEREAS, this Resolution is intended to ratify the action heretofore taken; 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. Matthew K. Kelly is hereby appointed to a seasonal position pending successful pre-employment testing at an hourly rate of \$12.50 in accordance with the Salary Ordinance.

3. This Resolution ratifies, confirms and approves action taken by the Township Committee at the meeting of June 12, 2017.

Resolution No. 176-2017

Offered by: Young

Seconded by: Barr

Adopted: June 26, 2017

Roll Call Vote:

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

7. Appointing the 2017 season Beach Patrol personnel.

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

**RESOLUTION NO. 177-2017**

**RE: APPOINTING THE 2017 SEASON BEACH PATROL PERSONNEL**

**WHEREAS**, the individuals hereinafter named have been determined to possess the requisite skills, training and are otherwise eligible for appointment to the position of lifeguard; 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 following individuals are appointed as lifeguards in the Township of Upper at a salary as stated below in accordance with the Salary Ordinance:

**ROOKIE GUARDS**

|                               |                |
|-------------------------------|----------------|
| <b>Gregory O'Connell</b>      | <b>\$12.50</b> |
| <b>Sean Buckland</b>          | <b>\$12.50</b> |
| <b>Spencer Hill</b>           | <b>\$12.50</b> |
| <b>Samuel Lagana</b>          | <b>\$12.50</b> |
| <b>Kelly McCulloch-Beatty</b> | <b>\$12.50</b> |
| <b>Jane Hadley</b>            | <b>\$12.50</b> |
| <b>Nathaniel Young</b>        | <b>\$12.50</b> |

Resolution No. 177-2017

Offered by: Coggins

Seconded by: Barr

Adopted: June 26, 2017

Roll Call Vote:

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

Young  
Palombo

  X   \_\_\_\_\_  
  X   \_\_\_\_\_

8. Authorizing the execution of a contract renewing membership in the Atlantic County Municipal Joint Insurance Fund.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 178-2017**

**RE: AUTHORIZING THE EXECUTION OF A CONTRACT RENEWING MEMBERSHIP IN  
THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND**

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**WHEREAS**, the Township of Upper (hereinafter the "MUNICIPALITY") is a member of the Atlantic County Municipal Joint Insurance Fund (hereinafter the "FUND"); and

**WHEREAS**, the MUNICIPALITY'S membership terminates as of January 1, 2018 unless earlier renewed by a Contract between the MUNICIPALITY and the FUND; and

**WHEREAS**, N.J.S.A. 40A:11-5 (1) (m) provides that a Contract which exceeds the bid threshold may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor, if the subject matter is for the purchase of insurance coverage and consultant services, provided that the award is in accordance with the requirements for extraordinary unspecifiable services; and

**WHEREAS**, N.J.S.A. 40A:11-6.1(b) provides that the MUNICIPALITY shall make a documented effort to secure competitive quotations; however, a Contract may be awarded upon a determination, in writing, that the solicitation of competitive quotations is impracticable; and

**WHEREAS**, in accordance with N.J.A.C. 5:34-2.3, a designated official of the MUNICIPALITY, has filed a certificate with the governing body describing in detail, as set forth below in this Resolution, why this Contract meets the provisions of the statutes and the regulations and why the solicitation of competitive quotations is impracticable; and

**WHEREAS**, it has been determined that the purchase of insurance coverage and insurance consultant services by the MUNICIPALITY requires a unique knowledge and understanding of the municipal exposures and risks associated with the operation of a municipal entity, and many insurance professionals are not qualified to assess these risks and exposures based upon their inherent complexity; and

**WHEREAS**, insurance coverage for municipal entities can vary greatly in the type, limits, and exceptions to coverage, and therefore particularized expertise in determining and obtaining the appropriate coverage is required to protect the MUNICIPALITY; and

**WHEREAS**, it is the goal of the MUNICIPALITY to obtain a single integrated program to provide all types of insurance coverage with a plan to limit the MUNICIPALITIES exposure; and

**WHEREAS**, the FUND has provided comprehensive insurance coverage to member municipalities since 1987; and

**WHEREAS**, since 1987, the Fund has continually refined all of the types of coverage that it provides to its members so that it offers comprehensive insurance coverage and limits to all members that is unique and cannot be purchased from a single entity in the commercial insurance market; and

**WHEREAS**, the FUND has also developed and made available to its members Safety, Risk Management and Litigation Management programs that address the specific exposures and risks associated with municipal entities; and

**WHEREAS**, the FUND provides the MUNICIPALITY with Fund Administration, Claims Review, Claims Processing, Claims Administration, Actuarial and Legal services; and

**WHEREAS**, the FUND is one of the most financially sound Municipal Joint Insurance Funds in New Jersey, and the FUND operates with strong fiscal controls, member oversight, and meets all of the requirements promulgated by the New Jersey Department of Community Affairs and the Department of Banking and Insurance; and

**WHEREAS**, as an existing member of the FUND, the MUNICIPALITY would be renewing its membership in an organization with experienced and dedicated FUND Professionals who provide specialized services to the members; and

**WHEREAS**, the membership of the FUND includes many neighboring municipalities that uniquely have similar exposures to the MUNICIPALITY, and with whom the MUNICIPALITY has existing inter-local arrangements; and

**WHEREAS**, all of the aforementioned factors categorize the award of this Contract as an “extraordinary, unspecifiable service” that cannot be duplicated, accounted for, accurately detailed, or described in a manner that truly depicts the value of the MUNICIPALITY’S membership in the FUND; and

**WHEREAS**, for all of the aforementioned reasons, it is impracticable for the MUNICIPALITY to seek competitive quotations for a Contract to provide the procurement of insurance coverage and consultant services; and

**WHEREAS**, the FUND has been organized pursuant to N.J.S.A. 40A:10-36 et seq., and as such is an agency of the municipalities that created it; and

**WHEREAS**, N.J.S.A. 40A:11-5(2) also provides that a Contract which exceeds the bid threshold may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor, if the Contract is entered into with a municipality or any board, body, officer, agency or authority thereof; and

**WHEREAS**, the FUND meets the definition of an agency as set forth in N.J.S.A. 40A:11-5(2); and

**WHEREAS**, for all of the aforementioned reasons, the MUNICIPALITY desires to enter into a Contract to renew its membership with the FUND for a period of three (3) years, for insurance coverage and consultant services, as an exception to the public bidding requirements of the Local Public Contracts Law.

**NOW THEREFORE**, be it resolved by the governing body of the MUNICIPALITY as follows:

1. The MUNICIPALITY agrees to renew its membership in the FUND and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the FUND.
2. The Mayor and Clerk of the MUNICIPALITY shall be and hereby are authorized to execute the "Contract to Renew Membership" annexed hereto and made a part hereof and to deliver same to the FUND evidencing the MUNICIPALITY’S renewal of its membership.
3. In accordance with N.J.A.C. 5:34-2.3, the certificate of a designated official of the MUNICIPALITY, which details why the solicitation of competitive quotations is impracticable, is attached hereto and made a part of this Resolution.
4. The Clerk of the MUNICIPALITY is authorized and directed to place a notice of the adoption of this Resolution and the award of this Contract in the official newspaper of the MUNICIPALITY.

Resolution No. 178-2017

Offered by: Coggins

Seconded by: Barr

Adopted: June 26, 2017

Roll Call Vote:

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

9. Authorizing the award of a contract with TruGreen, LP for recreation field maintenance.

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

**RESOLUTION NO. 179-2017**

**RE: AUTHORIZING THE AWARD OF A CONTRACT  
WITH TRUGREEN, LP FOR RECREATION FIELD MAINTENANCE**

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**WHEREAS,** the Township of Upper maintains our recreation fields and to do so desires to enter into 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 TruGreen, LP for the year 2017 will exceed \$17,500 and a contract pursuant to N.J.S.A. 19:44A-20.5 is required; and

**WHEREAS,** TruGreen, LP has completed and submitted a Business Entity Disclosure Certification which certifies that TruGreen, LP 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 TruGreen, LP 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.

2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with TruGreen, LP 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. 179-2017

Offered by: Young

Seconded by: Barr

Adopted: June 26, 2017

Roll Call Vote:

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

10. Authorizing the award of a contract with McCarthy Tire & Automotive Centers for automotive parts and supplies.

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

**RESOLUTION NO. 180-2017**

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH MCCARTHY TIRE &  
AUTOMOTIVE CENTERS FOR AUTOMOTIVE PARTS AND SUPPLIES**

**WHEREAS**, the Township of Upper must acquire various automotive parts and supplies and to do so desires to enter into a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, McCarthy Tire & Automotive Centers has indicated they will provide automotive parts and supplies, which when aggregated with other purchases from said vendor will exceed the Pay to Play threshold of \$17,500.00; and

**WHEREAS**, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with McCarthy Tire & Automotive Centers for the year 2017 will exceed \$17,500 and a contract pursuant to N.J.S.A. 19:44A-20.5 is required; and

**WHEREAS**, McCarthy Tire & Automotive Centers has completed and submitted a Business Entity Disclosure Certification which certifies that McCarthy Tire & Automotive Centers 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 McCarthy Tire & Automotive Centers 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.

2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with McCarthy Tire & Automotive Centers 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. 180-2017

Offered by: Barr                      Seconded by: Coggins

Adopted: June 26, 2017

Roll Call Vote:

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

11. Authorizing the Upper Township Tax Collector to extend the 3<sup>rd</sup> quarter grace period.

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

**RESOLUTION NO. 181-2017**

**AUTHORIZING THE UPPER TOWNSHIP TAX COLLECTOR  
TO EXTEND THE 3<sup>RD</sup> QUARTER GRACE PERIOD**

---

**WHEREAS**, the tax rate or bills were not received in time to meet the statutory mailing and due dates, the grace period for the 3<sup>rd</sup> quarter of 2017 which is 10 days, will be extended to meet the statutory requirements as per N.J.S.A. 54:4-66.3d . (N.J.S.A.54:4-67) By law, the bills must be mailed 25 days prior to due date.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Upper, Cape May County, that in accordance with the law the third quarter of 2017 shall not be subject to interest until 25 days after mailing. Anyone paying after the extended grace period shall pay interest from the due date of August 1<sup>st</sup>.

Resolution No. 181-2017

Offered by: Coggins

Seconded by: Young

Adopted: June 26, 2017

Roll Call Vote:

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

12. Authorizing a Shared Services Agreement with the City of Corbin City for Emergency Medical Services.

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

**RESOLUTION NO. 182-2017**

**RE: AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE CITY  
OF CORBIN CITY FOR EMERGENCY MEDICAL SERVICES**

---

**WHEREAS**, the Uniform Shared Services Act, N.J.S.A. 40A:65-1, et seq., provides that any local governmental unit may enter into a contract with any other local governmental unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement was empowered to render within its own jurisdiction; and

**WHEREAS**, the City of Corbin City has indicated a desire to enter into a Shared Services Agreement with the Township of Upper whereby the Township of Upper will provide EMS services to the City of Corbin City; and

**WHEREAS**, the Township Committee of the Township of Upper deems that a Shared Services Agreement with the City of Corbin City for the purposes expressed herein is in the mutual interest of all parties and also is in the public interest and will promote the public health, safety and welfare; and

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

1. **SHARED SERVICES AGREEMENT.** Pursuant to the provisions of the Uniform Shared Services Act, N.J.S.A. 40A:65-1, et seq., the Township of Upper is hereby authorized and empowered to enter into a Shared Services Agreement with the City of Corbin City to provide emergency medical services.

2. **SERVICES TO BE PROVIDED BY CONTRACT.** The Shared Services Agreement authorized in paragraph 1 hereof shall cover those services, which are enumerated in said Agreement, a copy of which is attached hereto as Exhibit A.

3. **AUTHORIZATION TO MUNICIPAL OFFICIALS.** The appropriate Township officers and officials are hereby authorized to take any action necessary or advisable to carry out the intent and purpose of this Resolution. Specifically, the Mayor and Township Clerk are hereby authorized and directed to execute such Shared Services Agreement on behalf of the Township of Upper pursuant to the authority conferred by this Resolution. The Township Clerk is further authorized and directed to seal said Agreement with the official seal of the Township of Upper.

4. **COMPLIANCE WITH STATUTORY REQUIREMENTS.** The Shared Services Agreement between the City of Corbin City and the Township of Upper shall meet and satisfy the requirements of N.J.S.A. 40A:65-1, et seq., as may be amended and supplemented.

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

6. REPEALER. All Resolutions or parts of Resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency only.

7. EFFECTIVE DATE. This Resolution shall take effect immediately upon final adoption and publication in the manner provided by law.

Resolution No. 182-2017

Offered by: Barr

Seconded by: Young

Adopted: June 26, 2017

Roll Call Vote:

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

13. Authorizing a Shared Services Agreement with the City of Corbin City for shared billing and collection services for Emergency Medical Services.

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

**RESOLUTION NO. 183-2017**

**RE: AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE  
CITY OF CORBIN CITY FOR SHARED BILLING AND COLLECTION SERVICES  
FOR EMERGENCY MEDICAL SERVICES**

---

**WHEREAS**, the Uniform Shared Services Act (N.J.S.A. 40A:65-1, et seq.) provides that any local governmental unit may enter into a contract with any other local

governmental unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement was empowered to render within its own jurisdiction; and

**WHEREAS**, the City of Corbin City has indicated a desire to enter into a Shared Services Agreement with the Township of Upper for shared billing and collection services for Emergency Medical Services; and

**WHEREAS**, the Township Committee of the Township of Upper has deemed it would be in the best interest of the residents of the Township to enter into a Shared Services Agreement with the City of Corbin City for shared billing and collection services for Emergency Medical Services; and

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

1. **SHARED SERVICES AGREEMENT.** Pursuant to the provisions of the Uniform Shared Services Act (N.J.S.A. 40A:65-1, et seq.), the Township of Upper is hereby authorized and empowered to enter into a Shared Services Agreement with the City of Corbin City to provide shared billing and collection services for Emergency Medical Services.

2. **SERVICES TO BE PROVIDED BY CONTRACT.** The Shared Services Agreement authorized in paragraph 1 hereof shall cover those services which are enumerated in said Agreement, a copy of which is attached hereto as Exhibit A.

3. **MEDICAL SERVICES BILLING AND COLLECTION CONTRACT.** This Shared Services Agreement is contingent upon and subject to the terms of the current professional services contract in effect between the Township of Upper and its EMS billing vendor.

4. **AUTHORIZATION TO MUNICIPAL OFFICIALS.** The appropriate Township officers and officials are hereby authorized to take any action necessary or advisable to carry out the intent and purpose of this Resolution. Specifically, the Mayor and Township Clerk are hereby authorized and directed to execute such Shared Services Agreement on behalf of the

Township of Upper pursuant to the authority conferred by this Resolution. The Township Clerk is further authorized and directed to seal said Agreement with the official seal of the Township of Upper.

5. COMPLIANCE WITH STATUTORY REQUIREMENTS. The Shared Services Agreement between the Township of Upper and the City of Corbin City shall meet and satisfy the requirements of N.J.S.A. 40A:65-1, et seq., as may be amended and supplemented.

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

7. REPEALER. All Resolutions or parts of Resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency only.

8. EFFECTIVE DATE. This Resolution shall take effect immediately upon final adoption and publication in the manner provided by law.

Resolution No. 183-2017

Offered by: Barr

Seconded by: Corson

Adopted: June 26, 2017

Roll Call Vote:

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

14. Refund EMS Ambulance Billing overpayment to UnitedHealthcare Insurance Company.

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

**RESOLUTION NO. 184-2017**

**RE: REFUND EMS AMBULANCE BILLING OVERPAYMENT**

**TO UNITEDHEALTHCARE INSURANCE COMPANY**

---

**WHEREAS**, an overpayment has occurred in the account of an EMS ambulance billing patient, where the monies sent to the Township of Upper by UnitedHealthCare Insurance Company were in excess as evidenced by the attached copy of a letter attached hereto as Exhibit A.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Upper, Cape May County, that a refund is hereby authorized and the Chief Financial Officer is hereby directed to refund monies as indicated below:

| <u>AMOUNT</u> | <u>NAME</u>   |
|---------------|---|
| \$96.35       | Attn: MSC 410836<br>P.O. Box 415000<br>Nashville, TN 37241-0836 |

Resolution No. 184-2017

Offered by: Coggins

Seconded by: Barr

Adopted: June 26, 2017

**ROLL CALL VOTE:**

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

15. Authorizing the Township of Upper to enter into a renewal of a Cooperative Pricing System Agreement with the County of Cape May for a five year term commencing August 1, 2017 through July 31, 2022.

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

**RESOLUTION NO. 185-2017**

**RE: AUTHORIZING THE TOWNSHIP OF UPPER TO ENTER INTO A RENEWAL OF A COOPERATIVE PRICING SYSTEM AGREEMENT WITH THE COUNTY OF CAPE MAY FOR A FIVE YEAR TERM COMMENCING AUGUST 1, 2017 THROUGH JULY 31, 2022**

---

**WHEREAS**, Ordinance No. 20-1987, enacted pursuant to the provisions of N.J.S.A. 40A:11-11 (5), has heretofore been adopted by the Township of Upper and remains in full force and effect; and

**WHEREAS**, the aforesaid Ordinance authorized the Township of Upper to enter into a Cooperative Pricing Agreement with the County of Cape May wherein the County of Cape May was to be the lead agency for the conduct of certain functions relating to the purchase of work, materials and supplies; and

**WHEREAS**, the Township of Upper has participated in this program since 1987 and it is in the public interest to authorize a renewal of such Agreement with the County of Cape May for an additional term of five (5) years commencing August 1, 2017 through July 31, 2022.

**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. Pursuant to the authority conferred by Ordinance No. 20-1987, the Township of Upper is hereby authorized to renew its Cooperative Pricing Agreement with the County of Cape May for an additional five (5) year term commencing August 1, 2017 through July 31, 2022.
3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Resolution No. 185-2017

Offered by: Coggins

Seconded by: Young

Adopted: June 26, 2017

Roll Call Vote:

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

16. Releasing the Maintenance Guaranty of Cedar Lane Development, LLC for the Major Subdivision known as Cedar Avenue.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**



**RESOLUTION NO. 186-2017**

**RE: RELEASING THE MAINTENANCE GUARANTY OF CEDAR LANE DEVELOPMENT,  
LLC FOR THE MAJOR SUBDIVISION KNOWN AS CEDAR AVENUE**

---

**WHEREAS**, Cedar Lane Development, LLC (hereinafter “Developer”), has completed the work on the project known as “Cedar Avenue Major Subdivision” in Block 560, Lot 9.03 and has requested final inspection of same by the Municipal Engineer for the Township of Upper; and

**WHEREAS**, the Municipal Engineer has determined that all improvements have been installed and have been in service in excess of two years and are in satisfactory working condition; and

**WHEREAS**, the Municipal Engineer, based on the field inspection of the work completed as indicated on Exhibit “A” attached hereto, has recommended a release of the Maintenance Guaranty (Irrevocable Standby Letter of Credit), attached hereto as Exhibit “B”, in the amount of \$20,483.28, cash in the amount of \$2,044.14 plus interest, and any unused inspection escrow in accordance with the municipal ordinances of the Township of Upper;

**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 above are incorporated herein by this reference.
2. The original Maintenance Guaranty posted by the Developer and any unused inspection escrow shall be released.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 186-2017

Offered by: Young

Seconded by: Coggins

Adopted: June 26, 2017

Roll Call Vote:

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

17. Authorizing the award of a contract with FDR Hitches, LLC for equipment and supplies.

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

**RESOLUTION NO. 187-2017**

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH FDR HITCHES, LLC  
FOR EQUIPMENT AND SUPPLIES**

---

**WHEREAS**, the Township of Upper Department of Public Works must acquire various equipment and supplies and to do so desires to enter into a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, FDR Hitches, LLC has indicated they will provide equipment and supplies, which when aggregated with other purchases from said vendor will exceed the Pay to Play threshold of \$17,500.00; and

**WHEREAS**, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with FDR Hitches, LLC for the year 2017 will exceed \$17,500 and a contract pursuant to N.J.S.A. 19:44A-20.5 is required; and

**WHEREAS**, FDR Hitches, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that FDR Hitches, 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 FDR Hitches, 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.

2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with FDR Hitches, 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. 187-2017

Offered by: Barr                      Seconded by: Corson

Adopted: June 26, 2017

Roll Call Vote:

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

18. Authorizing the use of facsimile signatures.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 188-2017**

**RE: AUTHORIZING THE USE OF FACSIMILE SIGNATURES**

**WHEREAS**, from time to time, the Township of Upper desires to have its checks, drafts or other orders for the payment or withdrawal of money, up to a maximum amount of \$2,500,000.00 signed with facsimile signatures; and

**WHEREAS**, the Township of Upper realizes that it is impossible for OceanFirst Bank (hereinafter referred to as the “Bank”) to determine whether or not a genuine facsimile signature has been affixed by an authorized person or means; 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 Bank, as a designated depository of the Township of Upper, is hereby requested, authorized and directed to honor any and all checks, drafts, or other orders for the payment or withdrawal of money up to a maximum amount of \$2,500,000.00, drawn in the Township of Upper’s name, including those drawn to the individual order of the authorized person or persons whose name or names appear thereon as a signer or signers thereof, when bearing the facsimile signature(s), attached hereto as Exhibit A, whether made by machine or other mechanical device.
3. The Bank shall be entitled to pay and charge to the account of the Township of Upper any and all such checks, drafts, wire transfers or other orders, up to a maximum amount of \$2,500,000.00, regardless of by whom or by what means the attached facsimile signature(s) thereon may have been affixed thereto.
4. The Township of Upper assumes full responsibility for all payments made by the Bank in good faith in reliance upon the attached facsimile signature(s) of such person or person(s) and agrees to indemnify and hold harmless the Bank, its successors, agents and employees for any loss which may result in connection with transactions made by use of facsimile signatures, due to unauthorized use of the facsimile signature or otherwise, where such transactions were handled by the Bank without negligence.
5. The Chief Financial Officer of the Township of Upper is hereby authorized and directed to furnish to the Bank the attached specimen(s) of the facsimile signature(s).
6. This Resolution shall continue and remain in full force and effect until notice of its revocation by further Resolution of the Township Committee of the Township of Upper has been received in writing by the Bank.

Resolution No. 188-2017

Offered by: Coggins

Seconded by: Barr

Adopted: June 26, 2017

Roll Call Vote:

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

19. Authorizing a professional services contract with Suasion Communications Group for the design and maintenance of the Upper Township Internet Web Site.

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

**RESOLUTION NO. 189-2017**

**RE: AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH  
SUASION COMMUNICATIONS GROUP FOR THE DESIGN AND  
MAINTENANCE OF THE UPPER TOWNSHIP INTERNET WEB SITE**

---

**WHEREAS**, the Township of Upper maintains an internet web site which requires routine maintenance and web site enhancement, including but not limited to the development of new pages, information, and data for the web site; and

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

**WHEREAS**, Suasion Communications Group has completed and submitted a Business Entity Disclosure Certification which certifies that Suasion Communications Group 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 Suasion Communications Group 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. Suasion Communications Group with offices at 235 Shore Road, Suite B, Somers Point, New Jersey 08244, is hereby appointed by the Township of Upper for the purposes as specified in this Resolution and the attached professional services agreement.

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 Suasion Communications Group 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 Suasion Communications Group for the design and maintenance of the Upper Township internet web site. This contract and 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. Suasion Communications Group has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and will provide proof of that registration to the Township of Upper.

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

9. This Resolution shall be effective as of adoption.

Resolution No. 189-2017

Offered by: Barr

Seconded by: Coggins

Adopted: June 26, 2017

Roll Call Vote:

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

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

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 190-2017**

**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 822, Lot 3.01 on the current municipal tax map:

|   |          |
|---|----------|
| Andrew and Sallee Raffa                   | \$400.00 |
| (refund COAH development fee overpayment) |          |

Resolution No. 190-2017

Offered by: Coggins

Seconded by: Barr

Adopted: June 26, 2017

ROLL CALL VOTE:

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

21. Authorizing the Township of Upper to apply for the Fiscal Year 2017 Emergency Management Performance Grant through the State of New Jersey, Division of State Police, Office of Emergency Management Agency Assistance Program.

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

**RESOLUTION NO. 191-2017**

**RE: AUTHORIZING THE TOWNSHIP OF UPPER TO APPLY FOR THE FISCAL YEAR  
2017 EMERGENCY MANAGEMENT PERFORMANCE GRANT THROUGH THE  
STATE OF NEW JERSEY, DIVISION OF STATE POLICE, OFFICE OF  
EMERGENCY MANAGEMENT AGENCY ASSISTANCE PROGRAM**

---

**WHEREAS**, the Township of Upper, Office of Emergency Management, wishes to file an application for an Emergency Management Performance Grant (EMPG) through the New Jersey State Police Office of Emergency Management Agency Assistance Program (EMAA); and

**WHEREAS**, the EMPG EMMA award is granted for the purpose of enhancing Upper Township's ability to prevent, protect against, respond to, and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; 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 Municipal Emergency Management Coordinator are hereby authorized, directed and empowered to sign and submit the FY 2017 Emergency Management Performance Grant application through the New Jersey State Police Office of Emergency Management Agency Assistance Program on behalf of the Township of Upper.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 191-2017

Offered by: Corson

Seconded by: Barr

Adopted: June 26, 2017

Roll Call Vote:

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

22. Authorizing the purchase of an upgrade to the building access control system at Township Hall and the Community Center in the amount of \$27,394.99 from the 2016 Capital Improvement Bond Ordinance.

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

**RESOLUTION NO. 192-2017**

**RE: AUTHORIZING THE PURCHASE OF AN UPGRADE TO THE BUILDING ACCESS CONTROL SYSTEM AT TOWNSHIP HALL AND THE COMMUNITY CENTER IN THE AMOUNT OF \$27,394.99 FROM THE 2016 CAPITAL IMPROVEMENT BOND ORDINANCE**

---

**WHEREAS**, it is necessary for the Township of Upper to make certain upgrades to the building access control system at Township Hall and the Community Center; and

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

**WHEREAS**, the Township's QPA has reviewed and approved the quote to upgrade the building access control system at Township Hall and the Community Center provided by Protection

One; and

**WHEREAS**, the Qualified Purchasing Agent has determined and certified in writing that the value of the services with Protection One for the year 2017 will exceed \$17,500; and

**WHEREAS**, Protection One has completed and submitted a Business Entity Disclosure Certification which certifies that Protection One 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 Protection One from making any reportable contributions through the term of the contract.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with Protection One to upgrade to the building access control system at Township Hall and the Community Center in the amount of \$27,394.99 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. 192-2017

Offered by: Barr

Seconded by: Coggins

Adopted: June 26, 2017

Roll Call Vote:

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

23. Certification of costs for abatement of nuisance on Block 653.01 Lot 4, Block 348 Lot 18, and Block 26 Lot 70.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 193-2017**

**CERTIFICATION OF COSTS FOR ABATEMENT OF NUISANCE ON**

**BLOCK 653.01 LOT 4, BLOCK 348 LOT 18, AND BLOCK 26 LOT 70**

---

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

**WHEREAS**, resolution #159-2017 adopted May 30, 2017 authorized the Zoning Officer to serve a notice of violation to certain property owners describing the violation and stating that unless the violation is abated, removed or remedied within 10 days from the date of such notice the violation shall be abated, removed and remedied by the Township and the cost thereof shall be assessed as a lien against such land; and

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

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

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee hereby declares that the costs, as set forth on the attached Exhibit A, shall be certified to the Township Tax Collector as a lien against the land in question which lien shall become and form a part of the taxes assessed and levied upon such land pursuant to Township Code Section 11-1.8 and N.J.S.A. 40:48-2.14.
3. All Township officials and officers are hereby authorized and empowered to take

all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 193-2017

Offered by: Young

Seconded by: Barr

Adopted: June 26, 2017

Roll Call Vote:

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

**CLEARING OF OBNOXIOUS GROWTH**

| <b><u>BLOCK/LOT</u></b> | <b><u>AMOUNT</u></b> | <b><u>LOCATION</u></b> |
|-------------------------|----------------------|------------------------|
| 653.01/4                | \$275.14             | 10 RT US 9 SO          |
| 348/18                  | \$351.90             | 2351 RT 50             |
| 26/70                   | \$351.90             | 321 MILL RD            |

24. Withdrawing prior authorization for the Engineer to prepare specifications and solicit bids for the Furnishing and Delivery of a 2017 or newer rescue squad vehicle and authorizing the purchase of a 2017 Type 1, Ford F550, Model 623 Ambulance in the amount of \$239,457.00 through the Houston-Galveston Area Council (H-GAC) National Cooperative Contract with funds from the 2016 Capital Improvement Bond Ordinance.

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

**RESOLUTION NO. 194-2017**

**RE: WITHDRAWING PRIOR AUTHORIZATION FOR THE ENGINEER TO PREPARE SPECIFICATIONS AND SOLICIT BIDS FOR THE FURNISHING AND DELIVERY OF A 2017 OR NEWER RESCUE SQUAD VEHICLE AND AUTHORIZING THE PURCHASE OF A 2017 TYPE 1, FORD F550, MODEL 623 AMBULANCE IN THE AMOUNT OF \$239,457.00 THROUGH THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC) NATIONAL COOPERATIVE CONTRACT WITH FUNDS FROM THE 2016 CAPITAL IMPROVEMENT BOND ORDINANCE**

---

**WHEREAS**, it is necessary for the Township of Upper to purchase a new rescue squad vehicle; and

**WHEREAS**, the Township previously authorized the Engineer to prepare specifications and solicit bids for the furnishing and

delivery of a 2017 or newer rescue squad vehicle pursuant to Resolution No. 50-2017; and

**WHEREAS**, the Township Committee has determined that a purchase from the national cooperative contract will result in cost savings after all factors have been considered; and

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

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

**WHEREAS**, the Township of Upper intends to purchase a 2017 Type 1, Ford F550, Model 623 Ambulance from VCI Emergency Vehicle Specialists through the Houston Galveston Area Council (H-GAC) National Cooperative Contract No. #AM10-16 as herein indicated; and

**WHEREAS**, VCI Emergency Vehicle Specialists has completed and submitted a Business Entity Disclosure Certification which certifies that VCI Emergency Vehicle Specialists 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 VCI Emergency Vehicle Specialists from making any reportable contributions through the term of the contract; and

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

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

1. The allegations of the preamble are incorporated

herein by this reference.

2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with VCI Emergency Vehicle Specialists for the purchase of a 2017 Type 1, Ford F550, Model 623 Ambulance through the Houston Galveston Area Council (H-GAC) National Cooperative Contract No. #AM10-16 in the amount of \$239,457.00.

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

Resolution No. 194-2017

Offered by: Young

Seconded by: Coggins

Adopted: June 26, 2017

Roll Call Vote:

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

## **ORDINANCES**

25. **Public hearing and final adoption of Ordinance No. 008-2017 RE: AN ORDINANCE VACATING A PORTION OF WALTON AVENUE, WITHIN THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY.** During the public hearing portion there were no comments. Motion by John Coggins, second by Edward Barr, to adopt Ordinance No. 008-2017. During roll call vote all five Committeemen present voted in the affirmative.

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

#### **ORDINANCE NO. 008-2017**

#### **AN ORDINANCE VACATING A PORTION OF WALTON AVENUE, WITHIN THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY**

---

**WHEREAS**, N.J.S.A. 40:67-1 authorizes the Governing Body of a municipality to adopt an Ordinance, among other things, to vacate any street, highway, lane, alley, square,

place or park, or any part thereof, dedicated to public use but not accepted by the municipality, whether or not the same, or any portion, has been actually opened or improved; and

**WHEREAS**, Patrick T. Mullen is the owner of Block 680, Lot 8, and has requested that the Township vacate a portion of Walton Avenue as described in this Ordinance and has agreed to pay the costs incurred by the Township to vacate said street including the costs of the revisions to the tax map; and

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

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

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

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

Description

Vacation of a portion of Walton Avenue,  
as shown on Current Municipal Tax Map Sheet No. 27.03  
Beesley's Point Section of Township of Upper

BEGINNING at the intersection of the  
Northeasterly line of Walton Ave. (50' wide) and  
Northwesterly Line of Lincoln Ave.; and

Extending along the Northwesterly Line of  
Lincoln Ave. across Walton Ave. a distance of  
50' to Block 679 Lot 1.; and

Extending Westwardly along Block 679  
Lot 1 to the Easterly line of Spencer Ave; and

Extending Northerly along the Easterly  
Line of Spencer Ave to Block 680 Lot 9; and

Extending southeasterly along Block 680  
Lot 9 to Lincoln Ave. to the point of beginning.

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

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

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

**SECTION 5: EFFECTIVE DATE:** This Ordinance shall take effect immediately upon final adoption and publication as required by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 30TH DAY OF MAY, 2017 AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 26TH DAY OF JUNE, 2017 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

JOANNE R. HERRON, DEPUTY TOWNSHIP CLERK  
TOWNSHIP OF UPPER

## **CORRESPONDENCE**

## **NEW BUSINESS**

26. **Cape May County proposal to install center line rumble strips on several County and Municipal Roads.** There was a lengthy discussion during which the benefits of the rumble strips were compared to the noise nuisance they cause to area residents. The speed limit and ability to pass on Stagecoach Road and Commonwealth Avenue were also discussed. The Committee directed the Engineer to get more information from the County on the proposed rumble strips. There was next a motion by Curtis Corson, second by Richard Palombo, to prepare a Resolution requesting the reduction of the speed limit and the designation of a No Passing Zone on Stagecoach Road and on Commonwealth Avenue between the bridge and Prescott Avenue. 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**

27. **“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: \$356,447.03**

**Payroll: \$184,823.88**

## **REPORT OF MUNICIPAL DEPARTMENTS**

28. Animal Control  
29. Division of EMS

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**

**Nathalie Neiss, Route 50**, spoke about the ongoing complaint she has with her neighbor at 100 Dennisville-Petersburg Road, and her complaint regarding the way the Zoning Officer is handling the matter. Committeeman Corson stated that he has a conflict in this matter and recused himself from the discussion. The Municipal Attorney stated that, as Ms. Neiss has been advised many times before, the Township Committee cannot and will not get involved in these matters. The Zoning Officer is investigating the matter and has not yet made her determination. Once she does, Ms. Neiss can appeal the Zoning Officer’s decision with the Zoning Board of Adjustment. Ms. Neiss next stated that at a previous meeting she had inquired as to the name of the invasive species that was cut down at 100 Dennisville-Petersburg Road, and Mr. Dietrich had stated that it was Red Knot. Mr. Dietrich stated that he had misspoke, the actual species was Japanese Knot Weed.

**Wanda Adamson, Sunset Drive**, stated that the audio of the Committee meeting recordings is horrible. She next recommended the installation of a flashing speed limit sign along Route 50 in the Tuckahoe.

## **CLOSED SESSION**

30. 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. 195-2017**

**MOTION GOING INTO CLOSED SESSION**  
**JUNE 26, 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. Personnel
2. Contract negotiation - Bayview Boat Ramp
3. Potential litigation - 1300 Stagecoach Road
4. Litigation - Holt v. Upper Township Zoning Board of Adjustment

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

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

Moved by: John Coggins

Motion seconded by: Richard Palombo

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

**RECONVENE PUBLIC PORTION OF MEETING**

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

Motion by John Coggins, second by Richard Palombo, to extend the leave of absence for Donna Haugen to August 15, 2017. During roll call vote all five Committeemen voted in the affirmative.

**ADJOURNMENT**

There being no further business this evening the meeting was adjourned at 9:40 P.M., with a motion by John Coggins, second by Richard Palombo, and all five Committeemen voting in the affirmative. The next regular meeting is scheduled for Monday July 12, 2017 at 7:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC  
Deputy Municipal Clerk

Bill List

69463 06/26/17 A0027 ACE PLUMBING SUPPLY,INC 245.65 2976  
69464 06/26/17 A0030 AFTER-PROM COMMITTEE OCHS 3,775.00 2976  
69465 06/26/17 A0071 ANCHOR FIRE PROTECTION CO. 1,588.00 2976  
69466 06/26/17 A0081 ARMSTRONG, RALON I. 175.04 2976  
69467 06/26/17 A0091 ATLANTIC CITY ELECTRIC 3,933.26 2976  
69468 06/26/17 A0113 ARAWAK PAVING CO. INC. 188,547.89 2976  
69469 06/26/17 A0134 ANSELL GRIMM & AARON, PC 437.50 2976  
69470 06/26/17 A0191 ACTION UNIFORM CO. LLC 167.00 2976  
69471 06/26/17 A0193 ATLANTIC INVESTIGATIONS, LLC 93.00 2976  
69472 06/26/17 A0209 ATLANTIC MARINE CONSTRUCTION 29,690.79 2976  
69473 06/26/17 A0212 ANCERO, LLC 4,140.00 2976  
69474 06/26/17 B0035 BELMONT & CRYSTAL SPRINGS 153.40 2976  
69475 06/26/17 B0039 BEESLEY'S PT. SEA DOO, INC. 31.99 2976  
69476 06/26/17 B0184 BUSHONG, BRIAN 136.78 2976  
69477 06/26/17 B0220 BERGEY'S TRUCK CENTERS 37.70 2976  
69478 06/26/17 B0239 BAILEY, WILLIAM MICHAEL 791.66 2976  
69479 06/26/17 C0031 CAPE ASSIST 1,800.00 2976  
69480 06/26/17 C0048 CAPE MAY COUNTY MUA 38,930.47 2976  
69481 06/26/17 C0068 COMCAST 560.03 2976  
69482 06/26/17 C0171 COLONIAL ELECTRIC SUPPLY CO. 540.41 2976  
69483 06/26/17 C0182 CDW GOVERNMENT, INC 360.00 2976  
69484 06/26/17 C0223 CASA PAYROLL SERVICE 311.75 2976  
69485 06/26/17 C0247 CMRS-FP 4,000.00 2976  
69486 06/26/17 C0264 CHERRY HILL FIRE DISTRICT 280.00 2976  
69487 06/26/17 C0283 CUSTOM-BANDAG, INC 164.52 2976  
69488 06/26/17 D0014 DAN'S AUTO BODY 1,800.00 2976  
69489 06/26/17 E0025 ELECTRO-MECH CORPORATION 96.00 2976  
69490 06/26/17 E0038 EMSAR NEW JERSEY 308.55 2976  
69491 06/26/17 E0069 EVERSAN,INC 13,999.80 2976  
69492 06/26/17 G0028 GENTILINI FORD 38.31 2976  
69493 06/26/17 G0086 W.W. GRAINGER, INC. 455.08 2976  
69494 06/26/17 G0147 GREATAMERICA FINANCIAL SVCS. 196.00 2976  
69495 06/26/17 G0157 GRANTURK EQUIPMENT CO., INC. 351.40 2976  
69496 06/26/17 H0073 HOME DEPOT CRC/GECF 375.39 2976  
69497 06/26/17 H0083 HUBER LOCKSMITHS, INC. 175.95 2976  
69498 06/26/17 H0135 HANSON AGGREGATES, INC. 664.09 2976  
69499 06/26/17 I0021 INTERSTATE BATTERIES 411.80 2976  
69500 06/26/17 K0095 KELLY, MATTHEW 40.69 2976  
69501 06/26/17 K0091 KRISTEES DESIGNS 504.00 2976  
69502 06/26/17 L0007 LC EQUIPMENT, INC. 512.00 2976  
69503 06/26/17 L0080 LOWES, INC. 341.43 2976  
69504 06/26/17 L0116 LEA, ANTHONY 383.92 2976  
69505 06/26/17 M0012 McCAULEY, RICHARD 504.98 2976  
69506 06/26/17 M0016 McAFEE, MEGAN 32.31 2976  
69507 06/26/17 M0055 MAY, JUDITH 150.00 2976  
69508 06/26/17 M0076 MGL PRINTING SOLUTIONS 126.00 2976  
69509 06/26/17 M0121 McCROSSON, JANET 19.05 2976  
69510 06/26/17 M0122 MOTOROLA SOLUTIONS, INC. 1,101.60 2976  
69511 06/26/17 M0180 MED-TECH RESOURCE,LLC 672.52 2976  
69512 06/26/17 M0188 MCCARTHY TIRE SERVICE OF PHILA 2,366.23 2976  
69513 06/26/17 M0235 MODERN GROUP, LTD 607.65 2976  
69514 06/26/17 M0277 MONY LIFE INSURANCE COMPANY 180.26 2976  
69515 06/26/17 N0052 NATL YOUTH SPORTS COACHED ASSN 80.00 2976  
69516 06/26/17 N0143 NATIONAL TIME SYSTEMS 1,445.00 2976  
69517 06/26/17 N0144 NJ E-ZPASS SERVICE CENTER 75.00 2976  
69518 06/26/17 N0154 NEW HORIZON COMMUNICATIONS 1,133.24 2976  
69519 06/26/17 O0012 OCEAN CITY BD. OF EDUCATION 73.00 2976

69520 06/26/17 P0007 PALOMBO,RICHARD A. 724.24 2976  
 69521 06/26/17 P0032 PEDRONI FUEL CO. 2,680.75 2976  
 69522 06/26/17 P0056 TURF EQUIPMENT AND SUPPLY CO 150.57 2976  
 69523 06/26/17 P0075 POSITIVE PROMOTIONS INC 521.73 2976  
 69524 06/26/17 P0089 PREMIER SCHOOL AGENDAS,INC. 2,522.50 2976  
 69525 06/26/17 P0098 PUBLIC EMPL RETIREMENT SYSTEM 2,788.58 2976  
 69526 06/26/17 P0136 POSTNET 178.80 2976  
 69527 06/26/17 P0166 PARKER MCCAY P.A. 2,451.00 2976  
 69528 06/26/17 Q0003 EUROFINs,QC INC. 2,300.60 2976  
 69529 06/26/17 R0030 RIGGINS, INC. 4,018.35 2976  
 69530 06/26/17 S0001 SAM'S CLUB 147.92 2976  
 69531 06/26/17 S0031 SCHULER SECURITY, INC. 190.00 2976  
 69532 06/26/17 S0075 SHARP, RHONDA L. 198.71 2976  
 69533 06/26/17 S0112 SOUTH JERSEY COURT ADM. ASSOC. 45.00 2976  
 69534 06/26/17 S0113 SMITH,THOMAS G. 1,605.19 2976  
 69535 06/26/17 S0121 SMUZ, THERESE A 33.28 2976  
 69536 06/26/17 S0122 SOMERS POINT LUMBER INC. 30.10 2976  
 69537 06/26/17 S0134 SO. JERSEY GAS COMPANY 406.81 2976  
 69538 06/26/17 S0161 SPICA STEEL, INC./J.D.L.GARAGE 11,020.00 2976  
 69539 06/26/17 S0209 STAPLES ADVANTAGE 76.31 2976  
 69540 06/26/17 S0239 SHORE VET. ANIMAL CONTROL LLC 2,300.00 2976  
 69541 06/26/17 S0292 JEFFREY SURENIAN & ASSOC. LLC 1,533.00 2976  
 69542 06/26/17 T0020 TERWILLIGER, DUANE E. 512.17 2976  
 69543 06/26/17 T0029 THOMAS BARRY MARINE,INC. 200.00 2976  
 69544 06/26/17 U0024 UNIVERSAL COMPUTING SERV. INC. 812.10 2976  
 69545 06/26/17 U0037 UPPER TOWNSHIP P.T.O. 925.00 2976  
 69546 06/26/17 U0060 UNSWORTH, NATHAN P 750.00 2976  
 69547 06/26/17 V0005 VAN EMBDEN, NATHAN, ATTORNEY 855.00 2976  
 69548 06/26/17 V0022 VERIZON 483.63 2976  
 69549 06/26/17 V0024 VAL-U AUTO PARTS L.L.C. 0.00 06/26/17 VOID 0  
 69550 06/26/17 V0024 VAL-U AUTO PARTS L.L.C. 631.10 2976  
 69551 06/26/17 V0025 V.E. RALPH & SON,INC. 49.94 2976  
 69552 06/26/17 W0030 WEST PUBLISHING CO. 252.00 2976  
 69553 06/26/17 W0087 W.B. MASON 252.06 2976  
 69554 06/26/17 W0092 WTH TECHNOLOGY, INC 4,687.50 2976

Total: \$ 356,447.03