

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR TUESDAY OCTOBER 10, 2017**

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

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

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

APPROVAL OF MINUTES - September 25, 2017 Regular Meeting and Closed Session Minutes - Motion by Hobie Young, second by John Coggins, to approve the September 25, 2017 Regular Meeting and Closed Session Minutes as submitted. During roll call vote all four Committeemen present voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Curtis Corson, Committeemen, reported that the Upper Township Fire Prevention Night will be held tomorrow evening October 11, 2017 from 5:30 p.m. to 7:30 p.m. at the Marmora Fire House. He next reported that the Township will hold a free rabies clinic on Saturday October 21, 2017 from 1:00 pm to 3:00 p.m. at the Shore Veterinarians Animal Clinic, dog licenses will also be available for purchase at the clinic. He next reported that the Upper Township Historical Society will be holding their Apple Festival on Saturday October 14, 2017, rain date on Sunday October 15, 2017 from 10:00 a.m. to 3:00 p.m. at the Gandy Farm in Seaville. Lastly Mr. Corson questioned the engineer as to why the old street lights throughout the downtown Tuckahoe area have not been removed since the new street lights are now operational. Motion by Curtis Corson, second by Ed Barr to authorize the engineer to have the old street lights in the downtown Tuckahoe area removed.

Hobie Young, Committeeman, questioned if the DPW crack sealing project included the Tennis Courts at Caldwell Park. Mr. Morgan explained that the materials needed for the Tennis Courts is a different substance and will be included in the next round of crack sealing.

Mr. Young next reported on the Baseball Field improvements at Amanda's Field and the Fall Fest and Pumpkin Run event scheduled for November 4, 2017 at Amanda's Field. Lastly Mr. Young discussed safety concerns with the site triangle at the intersection of Dennisville-Petersburg Road and State Highway Route 50 and requested that a resolution requesting the designation of "No Turn on Red" in all directions at that intersection be placed on the next agenda. Motion by Hobie Young second by John Coggins to place a resolution on the next agenda requesting the NJDOT to designate "No Turn on Red" in all directions at the intersection of County Route 610 (Dennisville Petersburg Road) and NJ State Highway Route 50 in Petersburg. During roll call vote all four Committeemen present voted in the affirmative.

Edward Barr, Committeeman, reported that he was informed by Cape May County Freeholders Pierson and Morey that in light of the Strathmere residents' concerns with the proposed installation of rumble strips on Commonwealth Avenue the County will not be taking action on the installation of the rumble strips on Commonwealth Avenue in Strathmere.

OTHER REPORTS

Scott Morgan, Municipal Administrator, reported that the department of public works is currently working on a crack sealing project, and are finishing up on Heritage Drive, Chadwynn, Berwynn, Gladwynn Drive and Luke Court and will continue as the weather allows. He also reported that the department of public works have delivered thirty six of the forty commercial trash dumpster that were purchased. Lastly, he requested promotions for Stewart Segin to Equipment Operator and Pete Buganski to Truck Driver. The CFO explained that the title adjustments will not impact the budget because the employees are at the high end of the salary scale this adjustment will bring them down to approximately \$200 below their annual salary. Motion by Curtis Corson, second by John Coggins to appoint Stewart Segin as Equipment Operator and Pete Buganski as Truck Driver in the Department of Public Works effective October 27, 2017.

Barbara Young, Municipal Clerk, requested permission to renew the Townships Commercial Bingo Hall Rentor's License for the Upper Township Community Center which will expire at the end of the year. Motion by Hobie Young, second by John Coggins to renew the Commercial Bingo Hall Rentor's License for the Upper Township Community Center. During roll call vote all four Committeemen present voted in the affirmative. She next invited everyone to attend the Upper Township Health Fair scheduled for this Thursday October 12, 2017 from 4:00 p.m. to 6:00 p.m. at the Upper Township Community Center.

Daniel Young, Municipal Attorney, reported that there are, personnel, potential litigation, safety and security and contract negotiation items for closed session.

Paul Dietrich, Municipal Engineer, reported that the Upper Township Green Team has attained their Bronze re-certification for Sustainable Jersey and will be recognized next month at the New Jersey League of Municipalities Conference in Atlantic City. He next reported that the Strathmere Boat Ramp repairs are complete and the ramp is ready for the next season. Lastly, he reported materials have been ordered for the Webster Avenue Bulkhead repairs and the bid opening for the Webster Avenue Park Improvements is scheduled for October 17, 2017 at 2:00 p.m.

Barbara Spiegel, Chief Financial Officer, reported that as part of the boat ramp project the Township applied for a NJDEP Coastal Resiliency Grant to help construct a living shore line. One of the grant requirements was a \$15,000 matching grant with the Township, when the Township initially applied for the grant we had to designate where the funds would be used, at that time we determined that the grant funds would be used for construction. Since that time some of the funds were needed for consulting services, which now requires a line adjustment for bookkeeping purposes. The CFO explained that there is no change in dollar amounts, it is merely a booking matter which requires authorization from the Mayor and CFO in order to make adjustment. **Motion by John Coggins, second by Curtis Corson to Authorize the Mayor and CFO to sign and submit the paperwork for the adjustment to the line items under the NJDEP Coastal Resiliency Grant. During roll call vote all four Committeemen voted in the affirmative.**

PRESENTATION

RESOLUTIONS

1. Congratulating employee Rosemary Trout of the Upper Township Finance Department for her winning entry in the Upper Township Safety Award Program for the 3rd quarter of 2017.

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

RESOLUTION NO.289-2017

**RE: CONGRATULATING EMPLOYEE ROSEMARY TROUT OF THE UPPER TOWNSHIP
FINANCE DEPARTMENT FOR HER WINNING ENTRY IN
THE UPPER TOWNSHIP SAFETY AWARD PROGRAM
FOR THE 3RD QUARTER OF 2017**

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

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

WHEREAS, Rosemary should be publicly recognized for reporting the safety hazard of employees sitting all day could eventually be a health issue causing blood clots and the use of a varidesk would help eliminate that concern; and

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

1. That the Committee extends its appreciation and publicly recognizes Rosemary Trout on her commitment to safety by identifying a potential safety hazard and offering a suggestion through participation in the program.
2. That the Committee, on behalf of our employees and the citizens of the Township of Upper, extend to Rosemary Trout our congratulations and present her with the "Safety Day Award" of one day off with pay.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper the 10th day of October, 2017.

Resolution No. 289-2017

Offered by: Corson

Seconded by: Coggins

Adopted: October 10, 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> </u>	<u> </u>	<u> </u>	<u> X </u>

2. Urging the County of Cape May to exclude the installation of rumble strips along roads in Upper Township with a speed limit below 50 MPH.

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

RESOLUTION NO. 290-2017

**RE: URGING THE COUNTY OF CAPE MAY TO EXCLUDE THE
INSTALLATION OF RUMBLE STRIPS ALONG ROADS IN UPPER TOWNSHIP
WITH A SPEED LIMIT BELOW 50 MPH**

WHEREAS, Cape May County has requested feedback on the installation of rumble strips on several County Roads in Upper Township as part of the Cape May County's Highway Safety Program; and

WHEREAS, information from the US Department of Transportation, Federal Highway Administration (FHA) indicates highway professionals should consider the needs and safe accommodation of all road users, existing roadway conditions, the scope of the project, and the surrounding environment when applying information and guidance on rumble strips; and

WHEREAS, the FHA directs that the use of rumbles should be determined based on the merit of the cross-section and appropriate to the setting such that characteristics and concerns that often limit the usefulness or application include low speeds, noise for adjacent residences, pavement width, presence of curb and gutter, and significant turning movements or other conflicts of both motorists and other road users; and

WHEREAS, operational and safety performance can be impacted by vehicles attempting to shift away from rumble strips when lane widths are too narrow, potentially into adjacent lanes or the shoulder affecting the safety of other drivers, as well as non-motorized users such as bicyclists and pedestrians who may be using the adjacent lane or shoulder; and

WHEREAS, rumble strip installations may also produce noise complaints when there are nearby residences, particularly when issues such as numbers of large vehicles, narrow lane widths, cars parked along road, bicyclists, curves, or significant passing or turning maneuvers combine; and

WHEREAS, in order to insure the safety of residents and the general public, and to keep noise pollution from adversely affecting the quality of life for the residents, the Township Committee of the Township of Upper does not support the installation of rumble strips along roads in the Township of Upper with a speed limit below 50 mph; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee hereby urges the County of Cape May to exclude the installation of rumble strips along roads in Upper Township with a speed limit below 50 mph.
3. A copy of this Resolution shall be forwarded to the Cape May County Board of Chosen Freeholders.

Resolution No. 290-2017

Offered by: Coggins Seconded by: Corson

Adopted: October 10, 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>

3. Appointing Dennis C. Sharpe as a temporary employee to the Upper Township Construction Code Office to serve as Fire Protection Subcode Official.

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

RESOLUTION NO. 291-2017

**RE: APPOINTING DENNIS C. SHARPE AS A TEMPORARY EMPLOYEE TO
THE UPPER TOWNSHIP CONSTRUCTION CODE OFFICE TO SERVE AS
FIRE PROTECTION SUBCODE OFFICIAL**

WHEREAS, there is a need by the Township of Upper to appoint a temporary employee to the Upper Township Construction Code Office to insure optimal operation; and

WHEREAS, Dennis C. Sharpe possesses the requisite licenses as required by the New Jersey Uniform Construction Code to serve as a temporary Fire Protection Subcode Official; 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. Dennis C. Sharpe is hereby appointed as a temporary Fire Protection Subcode Official in the Upper Township Construction Code Office, on a 30 day basis effective October 10, 2017, at a rate of \$35.00 per hour in accordance with the Salary Ordinance.

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

Resolution No. 291-2017

Offered by: Young Seconded by: Coggins

Adopted: October 10, 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> </u>	<u> </u>	<u> </u>	<u> X </u>

4. Authorizing the Mayor and Township Clerk to sign a contract with Quality Asset Recovery, LLC for Collection Services for emergency medical service accounts.

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

RESOLUTION NO. 292-2017

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

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

WHEREAS, Quality Asset Recovery, LLC possesses the requisite skill and knowledge to perform these services; and

WHEREAS, a Resolution is required authorizing the award of a contract for professional services to Quality Asset Recovery, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the proposed contract has been reviewed and approved by the Municipal Attorney and will be on record in the office of the Township Clerk and available for public inspection; and

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with Quality Asset Recovery, LLC to provide collection services for emergency medical service accounts.
3. Quality Asset Recovery, LLC has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.
4. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Quality Asset Recovery, LLC has professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

NOTICE OF CONTRACT AWARD

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

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

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

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

Resolution No. 292-2017

Offered by: Coggins Seconded by: Young

Adopted: October 10, 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>

5. Authorizing the execution of an NJDEP TWA-1 Application Statements of Consent form regarding 5 East Winthrop Avenue, Strathmere, Block 857, Lot 16.

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

RESOLUTION NO. 293-2017

**RE: AUTHORIZING THE EXECUTION OF AN NJDEP TWA-1 APPLICATION
STATEMENTS OF CONSENT FORM REGARDING 5 EAST WINTHROP AVENUE,
STRATHMERE, BLOCK 857, LOT 16**

WHEREAS, Joseph J. McOscar has or is about to make application to the New Jersey Department of Environmental Protection (hereinafter “DEP”) for Treatment Works Approval for a proposed three bedroom single family residential dwelling, and has requested that the Township complete a portion of DEP Form No. WQM-003, which merely consents to the submission of the application to the DEP and certifies that the project, as proposed, conforms with the requirements of all municipal Ordinances and does not otherwise impose any obligation or liability on the Township; and

WHEREAS, Joseph J. McOscar must apply to the New Jersey Department of Environmental Protection for Treatment Works Approval in order to install an individual subsurface sewerage disposal system for a three bedroom single family residential dwelling to be constructed on 5 East Winthrop Avenue, Block 857, Lot 16 of the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Township Engineer has informed the Township Committee as to the general nature of the project and has indicated that the Township has no ordinance prohibiting the proposed project; and

WHEREAS, the matter has been considered by the Township Committee and it has been determined that the consent by the Governing Body should be granted to this application to permit the application process to go forward; and

WHEREAS, the Township Committee wishes to authorize the Township officials to execute said documentation;

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor is hereby authorized to execute on behalf of the Township of Upper a Statements of Consent, Section A-1, in the form attached hereto as Exhibit "A" and said consent shall be completed by inserting therein this Resolution number and the date of its adoption.
3. This Statements of Consent is submitted in conjunction with the application of Joseph J. McOscar for treatment works approval for the property at Block 857, Lot 16 on the municipal tax map.
4. A certified copy of this Resolution shall be provided to the applicant.

Resolution No. 293-2017

Offered by: Corson Seconded by: Coggins

Adopted: October 10, 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>

6. Declaration of Emergency pursuant to Township Ordinance Section 7-3.2 in order to provide temporary no parking restrictions on Route 50 during the Upper Township Fall Fest and Pumpkin Run Car Show on Saturday November 4, 2017 (Rain Date November 5, 2017).

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

RESOLUTION NO. 294-2017

**RE: DECLARATION OF EMERGENCY PURSUANT TO TOWNSHIP ORDINANCE
SECTION 7-3.2 IN ORDER TO PROVIDE TEMPORARY NO PARKING RESTRICTIONS
ON ROUTE 50 DURING THE UPPER TOWNSHIP FALL FEST AND PUMPKIN RUN CAR
SHOW ON SATURDAY NOVEMBER 4, 2017 (RAIN DATE NOVEMBER 5, 2017)**

WHEREAS, Upper Township Ordinance Section 7-3.2 provides that upon the declaration of an emergency temporary no parking restrictions may be instituted; and

WHEREAS, the Township of Upper Fall Fest and Pumpkin Run Car Show event scheduled for Saturday, November 4, 2017 (rain date November 5, 2017) requires temporary parking restrictions on Route 50 near the area of Amanda’s Field for this public event consistent with the provisions of said Ordinance Section 7-3.2; and

WHEREAS, the Township Committee deems it appropriate to declare an emergency so as to institute temporary no parking restrictions along Route 50 between Sunset Road and Perry Road; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee hereby declares an emergency pursuant to Township Ordinance Section 7-3.2 and directs the posting of “EMERGENCY-NO PARKING” signs on Route 50 between Sunset Road and Perry Road.
3. Said no parking restrictions shall be effective on Saturday November 4, 2017, or in the event of inclement weather, November 5, 2017.
4. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 294-2017

Offered by: Young Seconded by: Coggins

Adopted: October 10, 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> </u>	<u> </u>	<u> </u>	<u>X</u>

7. Authorizing Change Order No. 3 for the 2016 paving contract resulting in a decrease in the amount of \$30,651.80.

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

RESOLUTION NO. 295-2017

**RE: AUTHORIZING CHANGE ORDER NO. 3 FOR THE 2016 PAVING
CONTRACT RESULTING IN A DECREASE IN THE AMOUNT OF \$30,651.80**

WHEREAS, the Township of Upper has awarded the 2016 Paving Project bid to Arawak Paving Co., Inc. of 7503 Weymouth Road, Hammonton, NJ 08037, in the original Contract amount of \$1,557,600.00; and

WHEREAS, the Contract included work at the Upper Township School District upon the condition that the Township receive payment for such work from the Upper Township School District; and

WHEREAS, the Township wishes to approve a third Change Order to the aforesaid Contract, which will include work at the Upper Township School District, as hereinafter provided; and

WHEREAS, the Chief Financial Officer has issued certifications as to the availability of funds from both the Township of Upper's portion and the Upper Township School District's portion of this Change Order No. 3; and

WHEREAS, the aggregate amount of Change Order No. 3, comprising of a decrease of \$30,651.80, together with Change Order No. 1 and Change Order No. 2 does not exceed twenty percent (20%) of the original Contract award; and

WHEREAS, the Township Engineer has requested this Change Order and has indicated that it is permitted under the applicable regulations and that, pursuant to N.J.A.C. 5:30-11.8, it is a minor modification to effect economies and improve service; and

WHEREAS, this Change Order is in the best interests of the Township.

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. Change Order No. 3 to the 2016 Paving Project contract with Arawak Paving Co., Inc. is hereby authorized as follows:

Increases.....	\$ 69,734.17
Decreases.....	\$ 167,175.97
Extra Work	\$ 66,790.00
TOTAL.....	\$ 30,651.80

3. A copy of this Change Order detailing the nature and the extent of the work to be done, together with all other prior Change Orders, if any, are attached to this Resolution as Exhibit "A".

4. The Mayor and Municipal Engineer are hereby authorized, directed and empowered to execute the Change Order on behalf of the Township of Upper.

5. All Township officials and officers are hereby authorized and directed to take all action necessary to carry out the intent and purpose of this Resolution.

Resolution No. 295-2017

Offered by: Corson

Seconded by: Coggins

Adopted: October 10, 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> </u>	<u> </u>	<u> </u>	<u> X </u>

8. Refund EMS ambulance billing overpayments to TriCare.

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

RESOLUTION NO. 296-2017

RE: REFUND EMS AMBULANCE BILLING OVERPAYMENTS

TO TRICARE

WHEREAS, an overpayment has occurred in the account of an EMS ambulance billing patient, where the monies sent to the Township of Upper by TriCare 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 the refund is hereby authorized and the Chief Financial Officer is hereby directed to refund monies as indicated below:

<u>AMOUNT</u>	<u>NAME</u>
\$95.73	WPS/TriCare Attn: Refunds P.O. Box 7928 Madison, WI 53707-7928

Resolution No. 296-2017

Offered by: Coggins Seconded by: Corson

Adopted: October 10, 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> </u>	<u> </u>	<u> </u>	<u>X</u>

ORDINANCES

9. **Introduction and First Reading of Ordinance No. 014-2017 – Re: ORDINANCE AMENDING THE FIRST SUBSECTION OF SECTION 3(a) AND THE SECOND SUBSECTION OF SECTION 3(e) OF BOND ORDINANCE NUMBERED 008-2016 OF THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, NEW JERSEY, FINALLY ADOPTED APRIL 25, 2016, IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECTS.** Motion by John Coggins, second by Hobie Young, to introduce Ordinance No. 014-2017 with a public hearing and final adoption scheduled for November 6, 2017. During roll call vote all four Committeemen present voted in the affirmative.

TOWNSHIP OF UPPER
CAPE MAY COUNTY

ORDINANCE

ORDINANCE NO. 014-2017

ORDINANCE AMENDING THE FIRST SUBSECTION OF SECTION 3(a) AND THE SECOND SUBSECTION OF SECTION 3(e) OF BOND ORDINANCE NUMBERED 008-2016 OF THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, NEW JERSEY, FINALLY ADOPTED APRIL 25, 2016, IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECTS.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section One. The first subsection of Section 3(a) of bond ordinance numbered 008-2016 of the Township of Upper, in the County of Cape May, New Jersey (the "Township"), finally adopted April 25, 2016 ("Bond Ordinance #008-2016), is hereby amended in its entirety to read as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) <u>Department of Public Works:</u>			
i) Acquisition of various vehicles, including rear load trash trucks, a service truck, field maintenance equipment, pickup trucks, sports utility			

vehicles and a dump truck with plow, including all related costs and expenses incidental thereto.

\$614,000 \$583,300 5 years

Section Two. The second subsection of Section 3(e) of Bond Ordinance numbered 008-2016, is hereby amended in its entirety to read as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
ii) Acquisition of various equipment, including a trailer for the Community Emergency Response Team and an Office of Emergency Management communications system, including all related costs and expenditures incidental thereto.	\$16,000	\$15,200	15 years

Section Three. This ordinance does not increase the appropriation amount or the debt authorized. It only amends the descriptions. As a result, no supplemental debt statement needs to be filed.

Section Four. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section Five. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

CORRESPONDENCE

NEW BUSINESS

10. **Ocean City Crew Boosters, Inc. request to hold Raffle #RA 484 at Seaville Tavern, Upper Township on Thursdays, beginning March 22, 2018 through May 10, 2018.** Motion by Hobie Young, second by John Coggins, to approve the request. During roll call vote all four Committeemen present voted in the affirmative.
11. **Knights of Columbus #9113 Monsignor James Zegers Resurrection Council request to hold Raffle #RA 485 at Tuckahoe Inn, Upper Township on December 15, 2017.** Motion by Curtis Corson, second by Hobie Young, to approve the request. During roll call vote all four Committeemen present voted in the affirmative.
12. **Ducks Unlimited NJ State Committee request to hold Raffle #RA 486 at the Seaville Fire Hall on November 4, 2017.** Motion by John Coggins, second by Hobie Young, to approve the request. During roll call vote all four Committeemen present voted in the affirmative.
13. **Marmora Volunteer Fire Company request to hold Raffle #RA 487 at Levari's Restaurant, Upper Township on November 4, 2017.** Motion by John Coggins, second by Curtis Corson, to approve the request. During roll call vote all four Committeemen present voted in the affirmative.
14. **Upper Township Soccer Association request to hold a Dodge Ball Fundraiser event at the Upper Township Community Center on December 9, 2017.** Motion by Hobie Young, second by John Coggins, to approve the request. During roll call vote all four Committeemen present voted in the affirmative.
15. **Gaetana Inserra-Rowan request for Street Light between Route 50 and 300 Route 610.** The Township engineer explained that the request does not meet the required criteria contained in our Ordinance. Motion by Hobie Young, second by Edward Barr, to deny the request. During roll call vote all four Committeemen present voted in the negative.
16. **Request for letter of support designating a No Passing Zone on Route 49 from Woodbine Road to Route 50.** Motion by Hobie Young, second by Curtis Corson, to approve the request. During roll call vote all four Committeemen present voted in the affirmative.

UNFINISHED BUSINESS

DISCUSSION

PAYMENT OF BILLS

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

Bills approved for payment: \$367,664.42

Payroll: \$164,209.21.

REPORT OF MUNICIPAL DEPARTMENTS:

18. Clerk’s Office

19. Construction

20. MUA Report

21. Tax Collector

22. Tax Collector - Affidavit of Tax Sale

Motion by John Coggins, second by Edward Barr, to accept the reports as submitted. During roll call vote all four Committeemen present voted in the affirmative.

PUBLIC COMMENT

Larry Trulli, speaking on behalf of WIBG Radio, stated that he is pleased to run the Public Service Announcement for the Upper Township Fall Fest and Pumpkin Run car show. Mr. Trulli, next speaking on behalf of the Seniors at the Upper Township Senior Center thanked the Upper Township Committee, Barbara Spiegel, Barbara Young and Scott Morgan for their help with various items at the Center whenever there is a need.

Tom Henry, 2058 Route 9, spoke on a matter he previously brought to the attention of the Township Committee in May of this year. Mr. Henry explained at that time how there was a delay in emergency personnel getting to him because a cell phone was used to call in the 911 request which created confusion on the exact location of the emergency. Mr. Henry stated that at that time the Countywide Dispatch System was not fully operational. He explained that the Countywide system is now up and running and requested that the Township join the new Countywide 911 Dispatch System in order to elevate any confusion with calls that are dispatched to Upper Township.

Linda Bateman, President Strathmere improvement Association, thanked the Committee for their support with the County and Strathmere residents opposition to the proposed rumble strips on Commonwealth Avenue. She requested that the Township also request that the County conduct a traffic study regarding the speed limit on Commonwealth Avenue.

CLOSED SESSION

23. 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. 297-2017
MOTION GOING INTO CLOSED SESSION**

OCTOBER 10, 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. Safety and Security - Fall Fest Event
2. Contract negotiation - KD Security
3. Contract negotiation - Collective Bargaining Agreement
4. Personnel
5. Potential litigation - Walton Avenue Street Vacation

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: Curtis Corson

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

RECONVENE PUBLIC PORTION OF MEETING

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

Motion by John Coggins, second by Curtis Corson to appoint William Hoffmann as a part-time employee to the Upper Township Construction Code Office effective October 13, 2017 to serve as the Fire Protection Subcode Official at an annual salary of \$3,500.00. During roll call vote the four Committeeman present voted in the affirmative.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 8:41 P.M., with a motion by John Coggins, second by Curtis Corson and all four Committeemen present voting

in the affirmative. The next regular meeting is scheduled for Tuesday October 23, 2017 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

Bill List

70082 10/10/17 A0004 A COMMERCIAL OFFICE CLEANERS 950.00 2991
70083 10/10/17 A0018 ACTION SUPPLY INC. 45.52 2991
70084 10/10/17 A0025 ADVANTAGE RENTAL ACE HARDWARE 871.01 2991
70085 10/10/17 A0070 ALBERTSONS/ACME 100.00 2991
70086 10/10/17 A0071 ANCHOR FIRE PROTECTION CO. 2,345.00 2991
70091 10/10/17 A0081 ARMSTRONG, RALON I. 391.54 2992
70092 10/10/17 A0091 ATLANTIC CITY ELECTRIC 22,835.47 2992
70093 10/10/17 A0113 ARAWAK PAVING CO. INC. 61,204.18 2992
70094 10/10/17 A0134 ANSELL GRIMM & AARON, PC 2,032.50 2992
70095 10/10/17 A0175 Adams Rehmann & Haggan Assoc 4,000.00 2992
70096 10/10/17 A0193 ATLANTIC INVESTIGATIONS, LLC 669.00 2992
70097 10/10/17 B0035 BELMONT & CRYSTAL SPRINGS 50.79 2992
70098 10/10/17 B0239 BAILEY, WILLIAM MICHAEL 791.66 2992
70099 10/10/17 B0241 MCCULLOCH-BEATY, KELLY 40.69 2992
70100 10/10/17 C0048 CAPE MAY COUNTY MUA 40,556.95 2992
70101 10/10/17 C0068 COMCAST 537.45 2992
70102 10/10/17 C0101 CHATTEN, LINWOOD R. 136.45 2992
70103 10/10/17 C0143 CODY'S POWER EQUIPMENT 11.97 2992
70104 10/10/17 C0171 COLONIAL ELECTRIC SUPPLY CO. 369.62 2992
70105 10/10/17 C0182 CDW GOVERNMENT, INC 530.00 2992
70106 10/10/17 C0201 CRUZAN'S TRUCK SERVICE INC. 1,680.49 2992
70107 10/10/17 C0223 CASA PAYROLL SERVICE 282.15 2992
70108 10/10/17 C0230 CATAMARAN MEDIA COMPANY 87.50 2992
70109 10/10/17 C0247 CMRS-FP 2,000.00 2992
70110 10/10/17 C0279 CASA REPORTING SERVICES LLC 157.00 2992
70111 10/10/17 C0283 CUSTOM-BANDAG, INC 979.46 2992
70112 10/10/17 D0014 DAN'S AUTO BODY 3,500.00 2992
70113 10/10/17 E0012 EHRlich PEST CONTROL INC 178.00 2992
70114 10/10/17 F0048 LESLIE G. FOGG INC 46.70 2992
70115 10/10/17 F0177 FITZGERALD & MCGROARTY, MT. 1,000.00 2992
70116 10/10/17 G0009 GAPVAX, INC. 95.56 2992
70117 10/10/17 G0028 GENTILINI FORD 331.19 2992
70118 10/10/17 G0035 GENRON FIRE PROTECTION 51.30 2992
70119 10/10/17 G0141 GENTILINI CHEVROLET 400.25 2992
70120 10/10/17 G0157 GRANTURK EQUIPMENT CO., INC. 1,624.00 2992
70121 10/10/17 H0018 HAROLD RUBIN L & H SUPPLY 205.34 2992
70122 10/10/17 H0095 HORIZON BCBSNJ 163,608.63 2992
70123 10/10/17 H0098 HERITAGE TOWERS, INC. 1,290.00 2992
70124 10/10/17 J0063 JOHNSON WILSHIRE, INC 499.02 2992
70125 10/10/17 K0047 KLINE, EDWARD T. 39.96 2992
70126 10/10/17 K0086 K D NATIONAL FORCE SECURITY 2,205.00 2992
70127 10/10/17 L0031 LORCO PETROLEUM SERVICES 207.50 2992
70128 10/10/17 L0040 LEA, SHELLEY 14.98 2992
70129 10/10/17 M0148 MYRON CORP. 400.82 2992
70130 10/10/17 M0180 MED-TECH RESOURCE, LLC 389.57 2992
70131 10/10/17 M0188 MCCARTHY TIRE SERVICE OF PHILA 1,792.84 2992
70132 10/10/17 M0235 MODERN GROUP, LTD 532.72 2992
70133 10/10/17 M0276 Murray Heather 20.00 2992
70134 10/10/17 M0280 MARCOLONGO, CAROL 40.69 2992
70135 10/10/17 N0004 NJ-AMERICAN WATER CO. 222.25 2992
70136 10/10/17 N0043 NAPA AUTO PARTS 200.35 2992
70137 10/10/17 N0052 NATL YOUTH SPORTS COACHED ASSN 240.00 2992

70138 10/10/17 N0100 N.J. LEAGUE OF MUNICIPALITIES 1,375.00 2992
 70139 10/10/17 N0131 DEFINED CONTRIB RETIRE PROGRAM 161.52 2992
 70140 10/10/17 P0032 PEDRONI FUEL CO. 2,010.22 2992
 70141 10/10/17 P0056 TURF EQUIPMENT AND SUPPLY CO 378.24 2992
 70142 10/10/17 P0075 POSITIVE PROMOTIONS INC 344.87 2992
 70143 10/10/17 P0102 PUBLIC WORKS ASSOC OF N.J. 120.00 2992
 70144 10/10/17 P0136 POSTNET 195.10 2992
 70145 10/10/17 P0171 PROTECTION ONE 1,638.00 2992
 70146 10/10/17 Q0003 EUROFIN, QC INC. 770.00 2992
 70147 10/10/17 R0030 RIGGINS, INC. 4,164.14 2992
 70148 10/10/17 R0065 ROBERT BROWN TREE SERVICE 1,200.00 2992
 70149 10/10/17 R0116 JAMES M. RUTALA ASSOCIATES LLC 2,293.00 2992
 70150 10/10/17 S0020 SUPPLY WORKS 456.06 2992
 70151 10/10/17 S0031 SCHULER SECURITY, INC. 360.00 2992
 70152 10/10/17 S0056 SEASHORE ASPHALT CORPORATION 267.50 2992
 70153 10/10/17 S0121 SMUZ, THERESE A 170.48 2992
 70154 10/10/17 S0126 SPIEGEL, BARBARA 67.26 2992
 70155 10/10/17 S0134 SO. JERSEY GAS COMPANY 96.62 2992
 70156 10/10/17 S0165 S.E.T. COMMUNICATIONS INC 129.90 2992
 70157 10/10/17 S0191 STRATHMERE FIRE CO.DISTRICT #1 889.60 2992
 70158 10/10/17 S0201 SURRAN'S NURSERY 175.00 2992
 70159 10/10/17 S0209 STAPLES ADVANTAGE 444.87 2992
 70160 10/10/17 S0292 JEFFREY SURENIAN & ASSOC. LLC 262.21 2992
 70161 10/10/17 S0327 SUASION COMMUNICATIONS GROUP 1,087.50 2992
 70162 10/10/17 S0329 SERIOUSLY TOTAL VIDEO 250.00 2992
 70163 10/10/17 S308 Smith, William 41.44 2992
 70164 10/10/17 T0032 THE PRESS OF ATLANTIC CITY 609.78 2992
 70165 10/10/17 T0085 TREASURER, STATE OF NEW JERSEY 54.00 2992
 70166 10/10/17 T0168 TOWNSHIP OF UPPER 464.97 2992
 70167 10/10/17 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 2992
 70168 10/10/17 T0192 MARSH & McLENNAN AGENCY/TRION 70.00 2992
 70169 10/10/17 U0003 U.S. MUNICIPAL SUPPLY, INC. 1,237.03 2992
 70170 10/10/17 U0061 UPPER TOWNSHIP FINANCE 100.00 2992
 70171 10/10/17 U0067 UT HEALTH REIMB. ACCOUNT 1,482.59 2992
 70172 10/10/17 V0005 VAN EMBDEN, NATHAN, ATTORNEY 1,897.50 2992
 70173 10/10/17 V0013 VERIZON WIRELESS 1,168.78 2992
 70174 10/10/17 V0024 VAL-U AUTO PARTS L.L.C. 928.10 2992
 70175 10/10/17 W0087 W.B. MASON 1,038.17 2992
 70176 10/10/17 X0008 XEROX FINANCIAL SERVICES 662.40 2992
 70177 10/10/17 X0009 XPRESS ELECTRONIC SERVICES INC 1,997.00 2992
 70178 10/10/17 Y0008 YOUNG, DANIEL J. ESQUIRE PC 13,737.50 2992
 70179 10/10/17 Y0020 YOUNG, BARBARA L. 50.00 2992
Total: \$367,664.42