TOWNSHIP OF UPPER 2100 TUCKAHOE ROAD PETERSBURG, NJ 08270 CAPE MAY COUNTY MINUTES FOR OCTOBER 23, 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	Absent
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 -

October 10, 2017 Regular Meeting and Closed Session Minutes

Motion by Hobie Young, second by Edward Barr, to approve the October 10, 2017 Regular Meeting and Closed Session Minutes as submitted. During roll call vote three Committeemen voted in the affirmative. Mayor Palombo abstained.

REPORT OF GOVERNING BODY MEMBERS

Hobie Young, Committeeman, thanked all employees for their help organizing the Fall Fest event, and gave a brief rundown of the plans and events for the day which will be held on Saturday November 4th from 8:00 am to 4:00 pm. He next thanked the Public Works Department, and in particular John Adams, for all of the hard work getting Amanda's Field ready. He also thanked GPS for offering their help and use of equipment. He next reported on the ongoing problem with people parking along the grass in the front of Amanda's Field. He requested that signs stating "no parking on grass" be installed. He also stated that there are plans to remove the shrubs to improve the site triangle, and will hopefully they will be able to plant memorial trees. It was stated that an Ordinance authorizing memorial trees and benches may be needed. The Municipal Attorney was directed to review the matter and prepare an Ordinance if necessary. Lastly, he requested the Township Engineer to investigate if Atlantic City Electric can convert the lights at Amanda's Field to LED.

Edward Barr, Committeeman, thanked the Public Works Department for completing the crack sealing on Township roads, and stated that the plans for leaf pick up are underway.

Curtis Corson, Committeeman, reported that the Township held a free rabies clinic on Saturday October 21st during which 52 dogs and 10 cats were vaccinated.

Richard Palombo, Mayor, reported that the Upper Township Rescue Squad will be holding a Trunk or Treat event on October 24, 2017 from 6:00 pm to 8:00 pm. He next stated that Trick or Treat will be held on October 31, 2017 from 5:00 pm to 8:00 pm.

OTHER REPORTS

Scott Morgan, Township Administrator, gave a brief update on the plans for the upcoming Fall Fest event and thanked all of those involved in the planning. He reported that he will hold two more meetings to go over the public safety aspects of the event, and will have the Emergency Action Plan ready tomorrow to submit to the County and State. After an inquiry from Committeeman Young, Mr. Morgan reported that Route 50 will not be closed during the event. There will be two variable message boards to help direct the flow of traffic during the event. He next reported that they have recently update the software and mapping system of the Communications Center. The next step will be to introduce the info share CAD system.

Joanne Herron, Deputy Municipal Clerk, requested all to keep Barbara Young in their prayers and wished her a speedy recovery.

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

Paul Dietrich, Township Engineer, reported that the NJDEP recently inspected the Township's stormwater management program and thanked Scott Morgan for his assistance. He reported that there were only a few minor items to address.

Barbara Spiegel, Chief Financial Officer, reported on a request from an EMT to attend a six day class at the National Fire Academy in Maryland. She reported there is no cost for the class. Motion by Curtis Corson, second by Edward Barr, to approve the request. During roll call vote all four Committeemen present voted in the affirmative.

RESOLUTIONS

1. Appointing Peter Buganski as Truck Driver to the Upper Township Department of Public Works.

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

RESOLUTION NO. 298-2017

RE: APPOINTING PETER BUGANSKI AS TRUCK DRIVER TO THE UPPER TOWNSHIP DEPARTMENT OF PUBLIC WORKS

WHEREAS, a need exists to promote qualified personnel within 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 October 10, 2017; and

WHEREAS, this Resolution is intended to ratify the action heretofore taken.

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. Peter Buganski is hereby promoted to the position of Truck Driver in the

Department of Public Works effective October 27, 2017 at an annual salary of \$51,687.00 in

accordance with the Salary Ordinance.

3. This Resolution ratifies, confirms and approves action taken by the Township

Committee, by motion, at the meeting of October 10, 2017.

Resolution No. 298-2017 Offered by: Corson Seconded by: Barr Adopted: October 23, 2017

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

2. Appointing Stewart Segin as Equipment Operator to the Upper Township Department of Public Works.

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

RESOLUTION NO. 299-2017

RE: APPOINTING STEWART SEGIN AS EQUIPMENT OPERATOR TO THE UPPER TOWNSHIP DEPARTMENT OF PUBLIC WORKS

WHEREAS, a need exists to promote qualified personnel within 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 October 10, 2017; and

WHEREAS, this Resolution is intended to ratify the action heretofore taken.

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. Stewart Segin is hereby promoted to the position of Equipment Operator in the

Department of Public Works effective October 27, 2017 at an annual salary of \$52,945.00 in

accordance with the Salary Ordinance.

3. This Resolution ratifies, confirms and approves action taken by the Township

Committee, by motion, at the meeting of October 10, 2017.

Resolution No. 299-2017 Offered by: Young Seconded by: Barr Adopted: October 23, 2017

Roll Call	Vote:			
NAME	YES	NO	ABSTAINED	ABSENT
Barr	_X _			
Coggins				X
Corson	_X _			
Young	_X _			
Palombo	_X _			

3. Appointing William Hoffmann as a part-time employee to the Upper Township Construction Code Office to serve as Fire Protection Inspector.

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

RESOLUTION NO. 300-2017

RE: APPOINTING WILLIAM HOFFMANN AS A PART-TIME EMPLOYEE TO THE UPPER TOWNSHIP CONSTRUCTION CODE OFFICE TO SERVE AS FIRE PROTECTION INSPECTOR

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

WHEREAS, William Hoffmann possesses the requisite licenses as required by the New Jersey Uniform Construction Code to serve as the part-time Fire Protection Inspector; and

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

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

2. William Hoffmann is hereby appointed as a part-time employee to the Upper Township Construction Code Office effective October 13, 2017 to serve as the Fire Protection Inspector at an annual salary of \$3,500.00.

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. 300-2017 Offered by: Barr Seconded by: Young Adopted: October 23, 2017

Roll Call V	vote:			
NAME	YES	NO	ABSTAINED	ABSENT
Barr	X			
Coggins				X
Corson	X			
Young	X			
Palombo	X		. <u> </u>	

4. Authorizing a contract amendment between the Township of Upper and KD National Force Security & Investigations, LLC for additional professional security services.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 301-2017

RE: AUTHORIZING A CONTRACT AMENDMENT BETWEEN THE TOWNSHIP

OF UPPER AND KD NATIONAL FORCE SECURITY & INVESTIGATIONS, LLC FOR ADDITIONAL PROFESSIONAL SECURITY SERVICES

WHEREAS, the Township of Upper and KD National Force Security & Investigations, LLC entered into a contract on August 16, 2017 for professional security services pursuant to Resolution No. 222-2017; and

WHEREAS, the Township of Upper and KD National Force Security & Investigations, LLC desire to modify said contract to provide additional professional security services during the Upper Township Fall Fest & Pumpkin Run Car Show Event to be held on November 4, 2017 (rain date November 5, 2017) ; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township to authorize said amendment to the professional services contract with KD National Force Security & Investigations, LLC as hereinafter provided; and

WHEREAS, the Municipal Attorney has determined that the services provided by the proposed amendment to the existing contract are professional services and that the award of the amended contract may be made without competitive bid and pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Chief Financial Officer has certified the availability of funds to permit the Township to enter into the proposed amendment to the professional services contract as aforesaid; 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.
- The professional services contract between the Township of Upper and KD National Force Security & Investigations, LLC is hereby amended to include the additional services as set forth in the attached Amendment to

Professional Services Contract between the Township of Upper and KD National Force Security & Investigations, LLC.

- 3. The Mayor and the Township Clerk are hereby authorized, directed and empowered to enter into said amendment to the professional services contract with KD National Force Security & Investigations, LLC aforesaid.
- 4. The Township Clerk shall cause a Notice of Award of this amendment to the professional services contract to be published in the official newspaper of the Township as required by N.J.S.A. 40A:11-5.
- 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.
- 6. This Resolution shall be effective as of adoption.

Resolution No. 301-2017 Offered by: Young Seconded by: Barr Adopted: October 23, 2017

Roll Call Vote:				
NAME	YES	NO	ABSTAINED	ABSENT
Barr	Χ			
Coggins				<u>X</u>
Corson	X			
Young	X			
Palombo	X			

5. Authorizing the Chief Financial Officer to sign a Spending Account Client Renewal Confirmation Form with Trion Group, Inc. for an employee health reimbursement account.

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

RESOLUTION NO. 302-2017

RE: AUTHORIZING THE CHIEF FINANCIAL OFFICER TO SIGN A SPENDING ACCOUNT CLIENT RENEWAL CONFIRMATION FORM WITH TRION GROUP, INC. FOR AN EMPLOYEE HEALTH REIMBURSEMENT ACCOUNT

WHEREAS, the Township wishes to complete a Spending Account Client Renewal

Confirmation form with Trion Group, Inc., attached hereto as Exhibit A, to renew the Health

Reimbursement Account (HRA) for eligible employees effective January 1, 2018; and

WHEREAS, said HRA will be for a period from January 1, 2018 to December 31,

2018.

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 Spending Account Client Renewal Confirmation form between the Township of Upper

and Trion Group, Inc. is approved and the Chief Financial Officer is hereby authorized, directed and empowered to execute said agreement on behalf of the Township of Upper. 3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to

carry out the intent and purpose of this Resolution.

Resolution No. 302-2017		
Offered by: Barr	Seconded by:	Palombo
Adopted: October 23, 2017		

Roll Call Vote:				
NAME	YES	<u>NO</u>	ABSTAINED	ABSENT
Barr	X			
Coggins				X
Corson	X			
Young	X			
Palombo	X			

6. Urging the New Jersey Department of Transportation to designate "No Turn on Red" in all directions at the intersection of New Jersey State Highway Route 50 and County Route 610.

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

RESOLUTION NO. 303-2017

RE: URGING THE NEW JERSEY DEPARTMENT OF TRANSPORTATION TO DESIGNATE "NO TURN ON RED" IN ALL DIRECTIONS AT THE INTERSECTION OF NEW JERSEY STATE HIGHWAY ROUTE 50 AND COUNTY ROUTE 610

WHEREAS, the Township Committee of the Township of Upper acknowledges the need to maintain safe highways for motorists; and

WHEREAS, in order to insure the safety of citizens, residents, and the general public, the Township Committee of the Township of Upper urges the New Jersey Department of Transportation to designate "No Turn on Red" in all directions at the intersection of NJSH Route 50 and County Route 610 (Dennisville-Petersburg 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 urges the NJDOT to designate "No Turn on Red" in all directions at the intersection of NJSH Route 50 and County Route 610.

3. The Township Committee hereby requests State officials to take all appropriate action forthwith in order to implement safety improvements at the location named above.

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.

5. A certified copy of this Resolution shall be forwarded to the appropriate New Jersey State Officials, NJDOT and the Cape May County Board of Chosen Freeholders.

Resolution No. 303-2017 Offered by: Young Seconded by: Barr Adopted: October 23, 2017

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

7. Opposing Legislative proposals regarding the Open Public Meetings Act and Open Public Records Act.

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

RESOLUTION NO. 304-2017

OPPOSING LEGISLATIVE PROPOSALS REGARDING THE OPEN PUBLIC MEETINGS ACT AND OPEN PUBLIC RECORDS ACT

WHEREAS, the New Jersey Senate Budget and Appropriations Committee took action on Senate Bill Nos. 1045 and 1046, which amend the Open Public Meetings Act and Open Public Records Act, respectively, on June 29, 2017; and

WHEREAS, the Committee released the bills to the full Senate without recommendation because the bills are unnecessary, unpopular with the public, and would result in significant financial and administrative burdens on municipalities; and

WHEREAS, the bills fail to adequately protect taxpayers, municipalities and, especially, municipal clerks from abusive, harassing, and purposefully confrontational individuals who submit voluminous requests for no legitimate reason; and

WHEREAS, the legislation would expand the Open Public Meeting Act to create impractical and burdensome requirements with respect to subcommittees and working groups established by the entire governing body, which would effectively limit the ability of small groups of local officials discussing issues of public concern for the purposes of informing the governing body; and

WHEREAS, under the bills, the responsibilities of municipal clerks, who the Legislature has already loaded with responsibilities beyond the scope of their office, would be stretched even further than current law requires without a single dollar of additional resources provided to, or authorized to be collected by, municipalities; and

WHEREAS, the bills would impose a financial burden on municipalities that would not be offset by a revenue source other than the property tax, making the bills unfunded mandates prohibited by the New Jersey Constitution; and

WHEREAS, some municipalities are more equipped than others to meet the burdens

that would be imposed by Senate Bill Nos. 1045 and 1046, however, without assistance of any kind from the States or the courts, every municipality would be on its own to meet the myriad new requirements of the law.

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: that the Legislature is strongly urged to reject Senate Bill Nos. 1045 and 1046 and draft new legislation to modernize OPRA and OPMA while providing municipalities and clerks with the resources to effectuate these changes for the benefit of the public.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed with the legislative sponsors of Senate Bill Nos. 1045 and 1046 and Assembly Bill Nos. 2697 and 2699, the Speaker of the General Assembly, the President of the Senate, and the Governor, and all parties are urged to listen to the concerns of local officials and prevent Senate Bill Nos. 1045 and 1046 from becoming law.

Resolution No. 304-2017 Offered by: Barr Seconded by: Palombo Adopted: October 23, 2017

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

8. Authorizing the Mayor to sign and submit an amendment to the Upper Township Recreation and Open Space Inventory.

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

RESOLUTION NO. 305-2017

RE: AUTHORIZING THE MAYOR TO SIGN AND SUBMIT AN AMENDMENT TO THE UPPER TOWNSHIP RECREATION AND OPEN SPACE INVENTORY

WHEREAS, in accordance with N.J.A.C. 7:36-25.3(k), the Township of

Upper wishes to amend its Recreation and Open Space Inventory (ROSI) to include a portion of Block 350, Lot 12 in the Township of Upper, County of Cape May as designated on the attached ROSI Map, dated October 13, 2017, attached hereto as Exhibit A; 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 of the Township of Upper is hereby authorized, directed, and

empowered to sign a Declaration, attached hereto as Exhibit B, amending the Township's ROSI.

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. 305-2017 Offered by: Barr Seconded by: Young Adopted: October 23, 2017

Roll Call Vote	2:			
NAME	YES	<u>NO</u>	ABSTAINED	ABSENT
Barr	X			
Coggins				X
Corson	X			
Young	X			
Palombo	_X			

9. Approving the Mission Statement of the Upper Township Economic Development Advisory Commission.

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

RESOLUTION NO. 306-2017

RE: APPROVING THE MISSION STATEMENT OF THE UPPER TOWNSHIP ECONOMIC DEVELOPMENT ADVISORY COMMISSION

WHEREAS, Ordinance 003-2017, adopted on February 27, 2017 provides for the appointment of an Economic Development Advisory Commission (Commission) in order to promote and encourage appropriate and sufficient economic development throughout the Township; and

WHEREAS, the Township Committee has also determined that the Commission shall adopt and submit not less than annually a mission statement to the Township Committee for review and approval by resolution and no such mission statement shall be amended except upon approval by the Township Committee through a resolution; 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 approves the following Upper Township Economic Development Advisory Commission Mission Statement which was adopted by the Commission on September 5, 2017:

The mission of the Upper Township Economic Development Commission is to work to enhance the many attributes that Upper Township has to offer. We are dedicated to helping create a more vibrant community by supporting opportunities for economic development through desirable sustainable business growth, expansion, retention and attraction, while working as partners to improve commerce and maintaining our great quality of life.

Resolution No.	306-20	17		
Offered by: Ba	arr			Seconded by: Young
Adopted: Octo	ber 23, 2	2017		
Roll Call Vote:				
NAME	YES	NO	ABSTAINED	ABSENT
Barr	Χ			
Coggins				X
Corson	Χ			
Young	Χ			

Palombo X _____

10. Tax Refund Block 600, Lot 62, Qualifier C0055.

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

RESOLUTION NO. 307-2017

TAX REFUND BLOCK 600 LOT 62 QUAL C0055

WHEREAS, certain corrections have been recommended by the

Upper Township Tax Collector in order to refund monies,

NOW, THEREFORE BE IT RESOLVED, by the Township

Committee of the Township of Upper, Cape May County, that corrections to the

Tax records are hereby authorized and the Tax Collector is hereby directed to

correct said records or take such action as indicated on the attached sheet.

Resolution No.	307-2017			
Offered by: Bar	r	Seconded by: Palombo		
Adopted: Octob	er 23, 2017			
Roll Call Vote:				
NAME	YES	NO	ABSTAINED	ABSENT
Barr	_X			
Coggins				X _
Corson	_X			
Young	_X			
Palombo	_X			

REFUND

BLOCK/LOT	<u>AMOUNT</u>	<u>NAME</u>
600/62/C0055	\$709.30	Domenic & Deborah Santulli PO Box 118 Marmora, NJ 08223

1st & 2nd quarter 2018 taxes paid in error.

11. Authorizing the Township of Upper to accept the transfer of a surplus vehicle from the County of Cape May.

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

RESOLUTION NO. 308-2017

RE: AUTHORIZING THE TOWNSHIP OF UPPER TO ACCEPT THE TRANSFER OF A SURPLUS VEHICLE FROM THE COUNTY OF CAPE MAY

WHEREAS, the Cape May County Board of Chosen Freeholders has authorized by Resolution No. 783-17, adopted on October 10, 2017, the transfer of ownership to the Township of Upper of a 2009 BMY/HARSCO, model M92 5-ton cargo truck; and

WHEREAS, the Purchasing Agent has determined that said vehicle can be maintained, stored and insured by the Township of Upper; and

WHEREAS, the Township Committee has determined that it is in the best interest of

the Township to accept said vehicle; 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 of Upper hereby accepts a 2009 BMY/HARSCO, Model M92 5-ton

Cargo Truck from the County of Cape May deemed as Surplus Property and authorized for conveyance by the Cape May County Board of Chosen Freeholders Resolution 783-17 adopted on October 10, 2017.

3. The Township Committee hereby authorizes the Mayor, the Township Administrator, and the Purchasing Agent to execute any required documents, and otherwise perform all acts necessary to accomplish the intent of this resolution.

Resolution No. 308-2017 Offered by: Barr Seconded by: Young Adopted: October 23, 2017

Roll Call Vote:				
NAME	YES	<u>NO</u>	ABSTAINED	ABSENT
Barr	_X _			
Coggins				_X
Corson	_X _			
Young	_X _			
Palombo	_X _			

12. Authorizing a Shared Services Agreement with the County of Cape May for the use of County resources during Special Township sponsored events.

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

RESOLUTION NO. 309-2017

RE: AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE COUNTY OF CAPE MAY FOR THE USE OF COUNTY RESOURCES DURING SPECIAL TOWNSHIP SPONSORED EVENTS

WHEREAS, from time to time the Township of Upper hosts special Township

sponsored events at various Township facilities; and

WHEREAS, the County of Cape May owns various items of equipment and employs various trained personnel, (hereinafter referred to as "County Resources"), which can be of assistance to the Township of Upper in the planning of special Township sponsored events and to assist the Township in its mission to provide a safe and controlled environment for participating members of the public; and

WHEREAS, the Township of Upper has deemed it to be in the Township's best interest to enter into a Shared Services Agreement with the County of Cape May for the use of County Resources during special Township sponsored events; 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 and Consolidation 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 County of Cape May for the use of County Resources during special Township sponsored events.

2. SERVICES TO BE PROVIDED; 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 County of Cape May and the Township of Upper shall meet and satisfy the requirements of N.J.S.A. 40A:65-1, et seq., as same may be amended and

5. SEVERABILITY. If any section, subsection, paragraph, sentence or other part of this Resolution is adjudged 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. 309-2017 Offered by: Young Adopted: October 23, 2017

Seconded by: Barr

Roll Call Vote: <u>NAME</u>	<u>YES</u>	<u>NO</u>	ABSTAINED	<u>ABSENT</u>
Barr Coggins	X			X
Corson	X			
Young	X			
Palombo	X			

13. Authorizing the award of a contract with Caprioni Portable Toilets, Inc. for Equipment Rental.

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

RESOLUTION NO. 310-2017

RE: AUTHORIZING THE AWARD OF A CONTRACT WITH CAPRIONI PORTABLE TOILETS, INC. FOR EQUIPMENT RENTAL

WHEREAS, the Township of Upper must rent portable toilets for various recreation facilities, 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, Caprioni Portable Toilets, Inc. has indicated they will provide the weekly equipment rental service; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with Caprioni Portable Toilets, Inc. 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, Caprioni Portable Toilets, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Caprioni Portable Toilets, Inc. 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 Caprioni Portable Toilets, Inc. 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 Caprioni Portable Toilets, Inc. 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. 310-2017 Offered by: Young Seconded by: Barr Adopted: October 23, 2017 Roll Call Vote: Roll Call Vote: NO NAME YES ABSTAINED ABSENT Barr Х _X ____ Coggins Corson _X_ _X_ Young Palombo _X_

ORDINANCES

14. Introduction and first reading of Ordinance No. 015-2017 RE: AN ORDINANCE REVISING JOB CLASSIFICATIONS AND TITLES AND AMENDING CHAPTER V, ENTITLED "PERSONNEL", OF THE CODE OF UPPER TOWNSHIP. Motion by Curtis Corson, second by Edward Barr, to introduce Ordinance No. 015-2017 with a public hearing and final adoption scheduled for November 20, 2017. During roll call vote all four Committeemen present voted in the affirmative.

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

ORDINANCE NO. 015-2017

RE: AN ORDINANCE REVISING JOB CLASSIFICATIONS AND TITLES AND AMENDING CHAPTER V, ENTITLED ''PERSONNEL'', OF THE CODE OF UPPER TOWNSHIP.

WHEREAS, it is necessary to amend certain job classifications or job titles;

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: Chapter V, entitled "Personnel", of the Code of Upper Township, Section 5-6.1(b), is hereby amended and supplemented as follows:

Delete The Following Positions:

Construction Official Plumbing Subcode Official Building Subcode Official Fire Protection Subcode Official Electrical Subcode Official Fire Prevention Official Plumbing Inspector Electrical Inspector

SECTION 2: Chapter V, entitled ``Personnel'', of the Code of Upper Township, Section 5-6.2, is hereby amended and supplemented as follows:

Add The Following Positions:

Construction Official Plumbing Subcode Official Building Subcode Official Fire Protection Subcode Official Electrical Subcode Official Fire Prevention Specialist Plumbing Inspector Electrical Inspector Fire Protection Inspector

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

SECTION 4: SEVERABILITY: This Ordinance shall be subject to the severability provisions set forth in Section 5-15 of Chapter V of the Code of Upper Township.

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 FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE <u>23rd DAY OF OCTOBER</u>, <u>2017</u> AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF

UPPER TO BE HELD ON THE 20th DAY OF NOVEMBER, 2017 AT 7:30 P.M. AT THE

TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF

UPPER.

BARBARA L. YOUNG, TOWNSHIP CLERK TOWNSHIP OF UPPER

15. Introduction and first reading of Ordinance No. 016-2017 RE: AN ORDINANCE AMENDING ORDINANCE NO. 017-2016 KNOWN AS THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2017. Motion by Curtis Corson, second by Hobie Young, to introduce Ordinance No. 016-2017 with a public hearing and final adoption scheduled for November 20, 2017. During roll call vote all four Committeemen present voted in the affirmative.

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

ORDINANCE NO. 016-2017

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

BE IT ORDAINED by the Township Committee of the Township of Upper, in the

County of Cape May and State of New Jersey, as follows:

SECTION 1: Ordinance No. 017-2016, known as the Salary Ordinance of 2017 at

Section 2, is hereby amended as hereinafter provided for the line item as indicated below:

SECTION 2: SALARIES:

C. CODE ENFORCEMENT/ZONING ENFORCEMENT:

POSITIONS	<u>MINIMUM</u>	<u>MAX-2017</u>
Fire Protection Inspector (P/T)	No Min.	5,000.00

SECTION 3: SEVERABILITY: If any section, subsection, paragraph, sentence or

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

<u>SECTION 4</u>: <u>REPEALER</u>: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

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

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE <u>23rd DAY OF</u> <u>OCTOBER, 2017</u> AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE <u>20th DAY OF NOVEMBER, 2017</u> AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

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

BARBARA L. YOUNG, TOWNSHIP CLERK TOWNSHIP OF UPPER

CORRESPONDENCE

16. New Jersey Department of Transportation correspondence regarding the installation of Flashing Road Safety Lights and Highway Safety Signs at Route 50 Mileposts 5.78 and 5.88. The Municipal Engineer reported than in response to the Township's request to install flashing road safety lights along Route 50 in front of the Community Center, the NJDOT has suggested installing No parking signs. It was stated that the issue was the high volume of vehicles to and from Route 50 at the Community Center. The installation of No Parking signs will not address the problem. It was stated that additional parking is needed at the Community Center. The Municipal Attorney was directed to draft a letter to the bank which owns the property next to the Community Center to express the Township's interest in purchasing the property. The Municipal Engineer was directed to reach out to the NJDOT.

NEW BUSINESS

- **17. Bid results for Webster Avenue Park Improvements.** The Municipal Engineer reported that all of the bids received were over the Engineer's cost estimate. He stated that certain aspects of the project can be completed by the Public Works Department, which will reduce the costs. Mayor Palombo requested a high priority of this project so that it will be completed by Spring. After a brief discussion, the Committee authorized to reject all bids. A resolution for formal action will be placed on the next meeting agenda.
- 18. **Annual update to All Hazards Mitigation Plan**. The Municipal Engineer reported that the Township has participated with the County in the preparation of the All Hazards Mitigation Plan. As part of the Community Rating System program through FEMA, the Township is required to perform an annual review of the plan to identify any changes, status updates, and additional projects.
- 19. Upper Township PTO requests to hold Bingo #BA 488 and Raffles #RA 489, 490, 491, and 492 at the Upper Township Middle School on December 2, 2017. Motion by Edward Barr, second by Richard Palombo, to approve the request. During roll call vote all four Committeemen present voted in the affirmative.
- C & C Bike Shop requests the use of the Amanda's Field Skate Park on October 29, 2017. Motion by Hobie Young, second by Edward Barr, to approve the request. During roll call vote all four Committeemen present voted in the affirmative.

UNFINISHED BUSINESS

DISCUSSION

PAYMENT OF BILLS

21. **"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 Richard Palombo, second by Edward Barr. During roll call vote all four Committeemen present voted in the affirmative.

Bills approved for payment: \$119,834.98 Payroll: \$164,517.90.

REPORT OF MUNICIPAL DEPARTMENTS

- 22. Animal Control
- 23. Division of EMS
- 24. Finance Office
- 25. Municipal Court
- 26. Tax Collector Certification of Mailing-Added Assessment and Omitted/Added Assessment Taxes for 2017 Final/2018 Preliminary tax bills.

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

PUBLIC COMMENT

Wanda Adamson, 15 S. Sunset Drive, spoke regarding the problem at Amanda's Field with people parking along the grass near the entrance. She next requested an update on the purchase of the 7th Day Adventist School property near Amanda's Field. It was stated that the County and the seller are negotiating the terms of the sale. The Township is waiting for the environmental report of the property before signing the Open Space Agreement. She next inquired into the status of the Route 50 Bridge project. It was stated that the project is essentially complete. The NJDOT and contractor are going through a punch list of remaining items. Lastly, she asked if any dog licenses had been sold during the recent Rabies Clinic. It was stated that no licenses had been sold during the clinic, but several people have come in to the Clerk's Office today to buy their license.

CLOSED SESSION

27. 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. 311-2017 MOTION GOING INTO CLOSED SESSION OCTOBER 23, 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. Litigation Affordable Housing
- 2. Personnel
- 3. Contract negotiation IT Technician video recordings

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 litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.
- C. With respect to employment and personnel matters such discussions will be made public if and when formal action is taken or when the individuals involved consent that it can be made public
- D. With respect to contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.

Moved by: Richard Palombo Motion seconded by: Edward Barr During roll call vote all four Committee members present voted in the affirmative.

RECONVENE PUBLIC PORTION OF MEETING

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

Motion by Curtis Corson, second by Edward Barr to authorize Roy Shone to donate time to Lester Woody. 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 9:29 P.M., with a motion by Richard Palombo, second by Curtis Corson and all four Committeemen present voting in the affirmative. The next regular meeting is scheduled for November 6, 2017 at 7:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC Deputy Municipal Clerk

Bill List

70180	10/23/17	A0043	ALERT-ALL CORPORATION 893.00 2993
70181	10/23/17	A0091	ATLANTIC CITY ELECTRIC 1,674.55 2993
70182	10/23/17	A0209	ATLANTIC MARINE CONSTRUCTION 8,900.00 2993
70183	10/23/17	A0212	ANCERO, LLC 7,877.00 2993
70184	10/23/17	A0216	ALL TRAFFIC SOLUTIONS INC. 2,820.00 2993
70185	10/23/17	B0220	BERGEY'S TRUCK CENTERS 46.59 2993
70186	10/23/17	B0240	BROOKS, PAULA 40.69 2993
70187	10/23/17	B0242	BELASCO, LOUIS M. 575.00 2993
70188	10/23/17	B0243	Bailey Gina 41.44 2993
70189	10/23/17	C0042	CAMPBELL FREIGHTLINER, LLC 783.12 2993
70190	10/23/17	C0046	CAPE MAY COUNTY CLERK 99.00 2993
70191	10/23/17	C0060	CAPRIONI'S PORTABLE TOILETS 164.00 2993
70192	10/23/17	C0061	CAPRIONI FAMILY SEPTIC 795.00 2993
70193	10/23/17	C0068	COMCAST 431.66 2993
70194	10/23/17	C0072	CATERINA SUPPLY INC. 1,935.00 2993
70195	10/23/17	C0143	CODY'S POWER EQUIPMENT 367.91 2993

70196 10/23/17 C0201 CRUZAN'S TRUCK SERVICE INC. 323.94 2993 70197 10/23/17 C0223 CASA PAYROLL SERVICE 239.25 2993 70198 10/23/17 C0297 Curran Jennifer A 41.44 2993 70199 10/23/17 D0016 DALEYS PIT 450.00 2993 70200 10/23/17 D0031 DEGLER-WHITING, INC. 450.00 2993 70201 10/23/17 D0040 DELTA DENTAL OF N.J. INC. 6,023.14 2993 70202 10/23/17 E0073 Elia Jason T 41.44 2993 70203 10/23/17 F0003 FRA TECHNOLOGIES, INC. 600.00 2993 70204 10/23/17 F0080 FAMILIES UNITED NETWORK 300.00 2993 70205 10/23/17 G0022 G.T.A.M. ASSOCIATION 300.00 2993 70206 10/23/17 G0028 GENTILINI FORD 925.13 2993 70207 10/23/17 G0147 GREATAMERICA FINANCIAL SVCS. 170.00 2993 70208 10/23/17 G0177 Grimley Kelly A. 41.44 2993 70209 10/23/17 G0178 Grimley Thomas 41.44 2993 70210 10/23/17 G0182 GOLDENBERG, MACKLER & SAYEGH 913.37 2993 70211 10/23/17 H0018 HAROLD RUBIN L & H SUPPLY 990.84 2993 70212 10/23/17 H0057 HISTORICAL PRESERVATION 300.00 2993 70213 10/23/17 H0073 HOME DEPOT CRC/GECF 737.17 2993 70214 10/23/17 H0135 HANSON AGGREGATES, INC. 1,137.50 2993 70215 10/23/17 H0148 THOMAS H. HEIST INS AGENCY INC 130.00 2993 70216 10/23/17 H0173 Hoffman, Kristi 20.00 2993 70217 10/23/17 J0040 JOHNSON & TOWERS, INC. 293.47 2993 70218 10/23/17 K0032 KINGSTON, TED, INC. 800.00 2993 70219 10/23/17 K0098 Kunze Katie 41.44 2993 70220 10/23/17 L0007 LC EQUIPMENT, INC. 390.00 2993 70221 10/23/17 L0085 LIBERTY KENWORTH 1,163.59 2993 70222 10/23/17 L0102 LEGALIZED GAMES OF CHANCE 1,000.00 2993 70223 10/23/17 M0180 MED-TECH RESOURCE,LLC 989.11 2993 70224 10/23/17 M0188 MCCARTHY TIRE SERVICE OF PHILA 546.00 2993 70225 10/23/17 M0247 MORGAN, SCOTT 51.27 2993 70226 10/23/17 M0279 MID ATLANTIC PESTICIDE 465.00 2993 70227 10/23/17 M0281 Martenz Christine 41.44 2993 70228 10/23/17 N0043 NAPA AUTO PARTS 1,344.83 2993 70229 10/23/17 N0134 NJ Assoc for Floodplain Mangmt 325.00 2993 70230 10/23/17 N0141 NETCARRIER TELECOM, INC. 1,946.56 2993 70231 10/23/17 N0143 NATIONAL TIME SYSTEMS 371.50 2993 70232 10/23/17 N0147 NJ Shade Tree Federation 305.00 2993 70233 10/23/17 N0154 NEW HORIZON COMMUNICATIONS 1,137.00 2993 70234 10/23/17 00006 SJSHORE MARKETING,LLC 312.87 2993 70235 10/23/17 P0024 PEER LEADERSHIP 300.00 2993 70236 10/23/17 P0032 PEDRONI FUEL CO. 819.19 2993 70237 10/23/17 P0056 TURF EQUIPMENT AND SUPPLY CO 132.33 2993 70238 10/23/17 P0075 POSITIVE PROMOTIONS INC 812.04 2993 70239 10/23/17 P0082 POTTER, JAY 85.00 2993 70240 10/23/17 P0124 PRO CLUB 300.00 2993 70241 10/23/17 P0170 PEACH COUNTRY MULCH 3,800.00 2993 70242 10/23/17 P0171 PROTECTION ONE 28,877.99 2993 70243 10/23/17 Q0003 EUROFINS,QC INC. 525.90 2993 70244 10/23/17 R0030 RIGGINS, INC. 5,315.74 2993 70245 10/23/17 R0058 RUTGERS COOP.RESEARCH & 135.00 2993 70246 10/23/17 R0115 RID PEST CONTROL INC. 55.00 2993 70247 10/23/17 R0118 Repetti Susanne 21.44 2993 70248 10/23/17 S0056 SEASHORE ASPHALT CORPORATION 779.94 2993 70249 10/23/17 S0113 SMITH, THOMAS G. 1,837.50 2993 70250 10/23/17 S0134 SO. JERSEY GAS COMPANY 180.29 2993 70251 10/23/17 S0153 STERICYCLE, INC. 171.08 2993 70252 10/23/17 S0160 STAR LODGE # 65 300.00 2993 70253 10/23/17 S0209 STAPLES ADVANTAGE 39.80 2993 70254 10/23/17 S0239 SHORE VET. ANIMAL CONTROL LLC 2,250.00 2993 70255 10/23/17 S0254 SHOPRITE 245.73 2993 70256 10/23/17 S0264 SOUTH SHORE STITCHERS 300.00 2993 70257 10/23/17 S0292 JEFFREY SURENIAN & ASSOC. LLC 446.00 2993 70258 10/23/17 S0298 St.Vincent DePaul 300.00 2993 70259 10/23/17 T0100 Boy Scout TROOP #55 516.00 2993 70260 10/23/17 T0113 TUCKAHOE UNITED METHODIST 300.00 2993 70261 10/23/17 T0166 TREASURER, STATE OF NEW JERSEY 191.00 2993 70262 10/23/17 T0179 TUCKAHOE TURF FARMS, INC. 9,800.00 2993 70263 10/23/17 T0195 Treen Carlton (Buddy) 21.44 2993 70264 10/23/17 U0010 UPPER TOWNSHIP CHEERLEADING 300.00 2993 70265 10/23/17 U0057 UPPER TWP SOCCER ASSN U15 GIRL 300.00 2993 70266 10/23/17 V0005 VAN EMBDEN, NATHAN, ATTORNEY 1,500.00 2993 70267 10/23/17 V0013 VERIZON WIRELESS 365.03 2993 70268 10/23/17 V0022 VERIZON 483.63 2993 70269 10/23/17 V0024 VAL-U AUTO PARTS L.L.C. 803.19 2993 70270 10/23/17 V0025 V.E. RALPH & SON, INC. 134.35 2993

70271 10/23/17 V0047 VARIDESK, LLC 470.00 2993 70272 10/23/17 W0030 WEST PUBLISHING CO. 469.23 2993 70273 10/23/17 W0031 WESLEY METHODIST CHURCH 300.00 2993 70274 10/23/17 W0037 WALLACE REFRIGERATION 956.00 2993 70275 10/23/17 X0009 XPRESS ELECTRONIC SERVICES INC 1,720.00 2993 70276 10/23/17 Y0003 Y-PERS INC 31.00 2993

Total: \$119,834.98