

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR NOVEMBER 6, 2017**

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Edward Barr	Absent
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 - October 23, 2017 Regular Meeting and
Closed Session Minutes

Motion by Curtis Corson, second by Hobie Young, to approve the October 23, 2017 Regular Meeting and Closed Session Minutes as submitted. During roll call vote three Committeemen present voted in the affirmative. Committeeman Coggins abstained.

REPORT OF GOVERNING BODY MEMBERS

John Coggins, Committeeman, congratulated Committeeman Young, the Public Works Department, Emergency Management providers, and Administrative workers at Town Hall for their work in helping to make the Fall Fest and Pumpkin Run Car Show a huge success. He stated that Amanda's Field was beautiful and the whole event put a positive light on the Township.

Curtis Corson, Committeeman, also praised Committeeman Young for the beautiful event. He next reported that he recently had two interactions with sick raccoons during the day. He cautioned area residents to be aware and to contact animal control if they see anything out of the ordinary.

Hobie Young, Committeeman, thanked the Clerk's office for their help with the Fall Fest and Pumpkin Run Car Show. He next thanked Roy Shone and the Public Works staff for all of their hard work before, during, and after the event, and stated that the grounds were immaculate and everyone went above and beyond preparing Amanda's Field for the event. He next thanked the residents of Sunset Acres for their patience with the large volume of

traffic during the event. He next reported that upon inspection of the fields after the car show, there was no damage to the fields, and no trash was left behind by the almost 800 hot rod cars in the show. Lastly, he reported that the GTAMA will be holding a Hand Made in America Craft Show on November 18, 2017 from 9:00 am to 3:30 pm at the Community Center.

Richard Palombo, Mayor, offered his congratulations and kudos to everyone for the Fall Fest event. He next reported that the Tree Lighting ceremony will be held on December 4, 2017 at 6:30 pm before the Committee meeting.

OTHER REPORTS

Scott Morgan, Township Administrator, reported that he and Committeeman Corson recently met with the Ocean City Police Department for a quarterly communications committee meeting, during which several recent dispatch issues were discussed. Following that, he and Committeeman Corson then met with the New Jersey State Police to discuss several issues in Strathmere. He stated that the NJSP will be working with the Township to increase patrols in the area. Lastly, he acknowledged Roy Shone and the Public Works staff for the outstanding job they did for the Fall Fest and Pumpkin Run.

Joanne Herron, Deputy Clerk, reported that the General Election will be held on Tuesday November 7, 2017. The polls and the Clerk's Office will be open from 6:00 am to 8:00 pm.

Daniel Young, Municipal Attorney, reported that there is a contract negotiation item for closed session.

Paul Dietrich, Township Engineer, reported that work has commenced on the Webster Avenue Bulkhead project, and he will be going over the plans with Public Works for the Webster Avenue Park Improvements project. He next reported that the NJDOT has received the Township's resolution requesting a study for a possible no turn on red designation at the intersection of Route 50 and Route 610. It was stated that there has been correspondence from area residents expressing their concern with the length of the signal at that intersection and the negative impact a no turn on red designation may cause. The Engineer stated that he had expressed those concerns to the NJDOT. Lastly, Mr. Dietrich reported that the new phone system is scheduled for installation on November 21, 2017.

RESOLUTIONS

1. Appointing Dennis C. Sharpe as a part-time 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. 312-2017

**RE: APPOINTING DENNIS C. SHARPE AS A PART-TIME 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 part-time 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 the part-time 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 part-time employee to the Upper Township Construction Code Office effective November 10, 2017 to serve as the Fire Protection Subcode Official at an annual salary of \$5,000.00.
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. 312-2017

Offered by: Young

Seconded by: Coggins

Adopted: November 6, 2017

Roll Call Vote:

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

2. Rescinding a prior authorization to dispose of Township property by sale on an online auction website.

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

RESOLUTION NO. 313-2017

**RE: RESCINDING A PRIOR AUTHORIZATION TO DISPOSE OF TOWNSHIP
PROPERTY BY SALE ON AN ONLINE AUCTION WEBSITE**

WHEREAS, pursuant to Resolution No. 254-2015 adopted on November 23, 2015, the Township of Upper declared certain Township property and equipment as surplus and authorized its disposal by sale on an online auction website; and

WHEREAS, one of the items listed in said resolution was a 1998 Ford Expedition; and

WHEREAS, the Township of Upper sold the 1998 Ford Expedition through the online auction website known as GovDeals on June 12, 2017 at 10:45 p.m.; and

WHEREAS, after the online auction sale, the title was found to be held in the name of the Upper Township Rescue Squad; and

WHEREAS, the Upper Township Rescue Squad donated the 1998 Ford Expedition to the Township of Upper in June 2012 though, following the donation, the title was not formally changed to the Township of Upper as intended;

WHEREAS, due to the delay in correcting the title transfer to the Township of Upper, the buyer has indicated to the Township that he no longer wishes to complete the sale.

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 rescinds the prior authorization given pursuant to Resolution No. 254-2015 adopted on November 23, 2015 and directs that the 1998 Ford Expedition listed for sale on an online auction website at a future date.

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. 313-2017

Offered by: Corson

Seconded by: Coggins

Adopted: November 6, 2017

Roll Call Vote:

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

3. Certification of costs for abatement of nuisance on Block 573, Lot 16.

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

RESOLUTION NO. 314-2017

**CERTIFICATION OF COSTS FOR ABATEMENT OF NUISANCE ON
BLOCK 573, LOT 16**

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 #287-2017 adopted September 25, 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. 314-2017

Offered by: Young

Seconded by: Coggins

Adopted: November 6, 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

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>LOCATION</u>
573/16	\$260.00	1044 RT US 9 SO

4. Authorizing the purchase of a 2018 Ford F150 Crew Cab 4 X 2 and options and for the Chief Financial Officer to withdraw funds in the amount of \$33,613.00 from the account entitled Recycling Trust Account for such purposes.

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

RESOLUTION NO. 315-2017

RE: AUTHORIZING THE PURCHASE OF A 2018 FORD F150 CREW CAB 4 x 2 AND OPTIONS AND FOR THE CHIEF FINANCIAL OFFICER TO WITHDRAW FUNDS IN THE AMOUNT OF \$33,613.00 FROM THE ACCOUNT ENTITLED RECYCLING TRUST ACCOUNT FOR SUCH PURPOSES

WHEREAS, it is necessary for the Township of Upper to make certain purchases;
and

WHEREAS, the Township has available \$33,613.00 in the Recycling Trust account

to purchase a 2018 Ford F150 Crew Cab 4 x 2 and options; and

WHEREAS, pursuant to N.J.S.A 40A:11-12a, the Township wishes to purchase a vehicle from State Contract No. 17-Fleet-00212; and

WHEREAS, the Township's QPA has reviewed and approved the quote for a 2018 Ford F150 Crew Cab 4 x 2 and options; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the purchase of a 2018 Ford F150 Crew Cab 4 x 2 and options in the amount of \$33,613.00 from the Recycling Trust Account.
3. The Chief Financial Officer of the Township of Upper is hereby authorized, directed and empowered to withdraw funds in the amount of \$33,613.00, from the account entitled Recycling Trust Account to pay for a 2018 Ford F150 Crew Cab 4 x 2 and options and is empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 315-2017

Offered by: Coggins

Seconded by: Young

Adopted: November 6, 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 14 Randolph Avenue, Strathmere, Block 829, Lot 4.02.

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

RESOLUTION NO. 316-2017

**RE: AUTHORIZING THE EXECUTION OF AN NJDEP TWA-1 APPLICATION
STATEMENTS OF CONSENT FORM REGARDING 14 RANDOLPH AVENUE,
STRATHMERE, BLOCK 829, LOT 4.02**

WHEREAS, Matthew Philbrook has or is about to make application to the New Jersey Department of Environmental Protection (hereinafter “DEP”) for Treatment Works Approval for a proposed two 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, Matthew Philbrook must apply to the New Jersey Department of Environmental Protection for Treatment Works Approval for the construction of a two bedroom single family dwelling with pretreatment unit and disposal bed on an existing vacant lot located at 14 Randolph Avenue, Block 829, Lot 4.02 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 Matthew Philbrook for treatment works approval for the property at Block 829, Lot 4.02 on the municipal tax map.

4. A certified copy of this Resolution shall be provided to the applicant.

Resolution No. 316-2017

Offered by: Corson Seconded by: Coggins

Adopted: November 6, 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. Authorizing the execution of a Subcontract with the County of Cape May for the State Fiscal Year 2019 Municipal Alliance Program.

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

RESOLUTION NO. 317-2017

**AUTHORIZING THE EXECUTION OF A SUBCONTRACT
WITH THE COUNTY OF CAPE MAY FOR THE
STATE FISCAL YEAR 2019 MUNICIPAL ALLIANCE PROGRAM**

WHEREAS, pursuant to P. L. 1989, Ch. 51, the Municipal Alliance Program has been made available to each county in order to increase drug and alcohol prevention services; and

WHEREAS, the City of Ocean City and the Township of Upper have agreed to participate together in this effort and have designated Upper Township as the lead municipality; and

WHEREAS, the Township of Upper has agreed to organize and coordinate efforts involving schools, law enforcement, businesses, local organizations and the community to work toward the development and implementation of community based alcoholism and drug

abuse education, awareness, and alternative and prevention programs for our school aged children; and

WHEREAS, the Cape May County Department of Human Services has informed the Township of Upper/City of Ocean City Municipal Alliance Committee of its eligibility to apply for Municipal Alliance funds in the amount of:

DEDR Funds.....	\$24,393.00
Amount of Local Cash Match.....	\$ 6,098.00
Amount of Local In-Kind Match.....	\$18,295.00
TOTAL AMOUNT OF SUBCONTRACT.....	\$48,786.00

WHEREAS, the Township of Upper Cash Match portion will be \$2,439.20; and

WHEREAS, the Township of Upper wishes to apply for said funding; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township as lead agency is hereby authorized to submit an application and strategic plan for Municipal Alliance funding for the Fiscal Grant Cycle July 1, 2018 to June 30, 2019 grant funds in the amount specified in this Resolution or for such other amounts as may become available, and the Mayor and Township Clerk are further authorized and directed to execute a Sub-Contract on behalf of the Township with the County of Cape May for the period of July 1, 2018 to June 30, 2019. Such actions of the Township are contingent upon the proper authorization of the participation of the City of Ocean City.
3. Upon confirmation of such authorization from the City of Ocean City, the Chief Financial Officer, Mayor, or Municipal Clerk of the Township of Upper, as appropriate, is hereby authorized and directed to execute the section of the subcontract entitled “Statement of Assurances”.
4. A certified copy of this Resolution shall be submitted to the County of

Cape May in the Department of Human Services, together with the completed application.

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

Resolution No. 317-2017

Offered by: Coggins

Seconded by: Palombo

Adopted: November 6, 2017

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Barr	_____	_____	_____	__X__
Coggins	__X__	_____	_____	_____
Corson	__X__	_____	_____	_____
Young	__X__	_____	_____	_____
Palombo	__X__	_____	_____	_____

7. Authorizing the reduction of the Performance Bond for the Major Subdivision known as Extension of Sea Sounds Avenue, Block 597, Lot 5.

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

RESOLUTION NO. 318-2017

**RE: AUTHORIZING THE REDUCTION OF THE PERFORMANCE BOND
FOR THE MAJOR SUBDIVISION KNOWN AS EXTENSION OF
SEA SOUNDS AVENUE BLOCK 597, LOT 5**

WHEREAS, Evio Panichi is the Owner and/or Developer of a major subdivision within the Township of Upper, described as follows: Extension of Sea Sounds Avenue, Block 597, Lot 5; and

WHEREAS, pursuant to N.J.S.A. 40:55D-53, the Developer furnished a Performance Guarantee in favor of the Township for improvements which the Upper Township Planning Board deemed necessary or appropriate; and

WHEREAS, as further required by N.J.S.A. 40:55D-53, the Municipal Engineer has prepared a revised itemized cost estimate of the improvements covered by the Performance Guarantee posted by the Developer, and has recommended reduction of same based upon work completed to-date; and

WHEREAS, the Performance Guarantee shall be reduced to reflect the amount of \$18,513.60 as recommended in the revised itemized cost estimate attached hereto as Exhibit A; and

WHEREAS, the Developer has presented to the Township a revised Performance Guarantee, attached hereto as Exhibit B, in the amount of \$18,513.60, cash; and

WHEREAS, the Municipal Attorney has reviewed the Performance Guarantee and has determined that the same complies with the New Jersey Statutes and Township Ordinances applicable thereto and has recommended acceptance of the reduction of the Performance Guarantee by the Township Committee;

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 revised cost estimate of the Municipal Engineer, attached hereto as Exhibit A, is hereby accepted and approved.
3. The revised Performance Guarantee, attached hereto as Exhibit B, is hereby accepted and approved.
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. 318-2017

Offered by: Young

Seconded by: Coggins

Adopted: November 6, 2017

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Barr	_____	_____	_____	__X__
Coggins	__X__	_____	_____	_____
Corson	__X__	_____	_____	_____
Young	__X__	_____	_____	_____
Palombo	__X__	_____	_____	_____

8. Rejecting the Bids received for Webster Avenue Park Improvements.

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

RESOLUTION NO. 319-2017

**RE: REJECTING THE BIDS RECEIVED FOR
WEBSTER AVENUE PARK IMPROVEMENTS**

WHEREAS, the Township of Upper solicited bids for Webster Avenue Park Improvements; and

WHEREAS, a bid was submitted by six companies; and

WHEREAS, the Township Committee has determined to reject the bids for Webster Avenue Park Improvements heretofore received, due to the fact the lowest bid substantially exceeds the Engineer's cost estimate for the project; 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. All bids for Webster Avenue Park Improvements, received on October 17, 2017, are hereby rejected.
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. 319-2017

Offered by: Young

Seconded by: Coggins

Adopted: November 6, 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>	_____	_____	_____

9. Tax refund, Block 652.01, Lot 2.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 320-2017

TAX REFUND

BLOCK 652.01 LOT 2

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

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. 320-2017

Offered by: Coggins Seconded by: Corson

Adopted: November 6, 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> _____	_____	_____	_____

REFUND

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
652.01/2	\$709.30	Jay & Deborah Phillips 31 S Old Tuckahoe Rd Marmora, NJ 08223

4th quarter 2017 taxes paid by homeowner and Mortgage Company.

10. Authorizing a refund in the amount of \$45.00 to Lawrence Moore.

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

RESOLUTION NO. 321-2017

**RE: AUTHORIZING A REFUND IN THE AMOUNT OF \$45.00
TO LAWRENCE MOORE**

WHEREAS, on October 18, 2017, Lawrence Moore submitted a Vendor Registration Form along with the appropriate fee to participate in the Upper Township Fall Fest & Pumpkin Run Car Show; and

WHEREAS, due to unforeseen circumstances, Mr. Moore is now unable to participate in the event and has request a refund of his Vendor fee; and

WHEREAS, due to the nature of Mr. Moore's circumstances, the Township Committee has determined that a refund of the Vendor fee paid by Mr. Moore is warranted.

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:

AMOUNT	NAME
\$45.00	Lawrence Moore 10 Middle Street, Box 51 Heislerville, NJ 08324

Resolution No. 321-2017

Offered by: Coggins

Seconded by: Palombo

Adopted: November 6, 2017

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Barr	_____	_____	_____	__X__
Coggins	__X__	_____	_____	_____
Corson	__X__	_____	_____	_____
Young	__X__	_____	_____	_____
Palombo	__X__	_____	_____	_____

ORDINANCES

11. **Public hearing and final adoption 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.** During the public hearing portion there were no speakers. Motion by John Coggins,

second by Hobie Young, to adopt Ordinance No. 014-2017. 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. 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

12. **Cape May Seashore Lines request to use the Tuckahoe Train Station on various dates beginning November 26, 2017 through December 23, 2017.** Motion by Curtis Corson, second by John Coggins, to approve the request. During roll call vote all four Committeemen present voted in the affirmative.

UNFINISHED BUSINESS

DISCUSSION

PAYMENT OF BILLS

13. **“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 Richard Palombo. During roll call vote all four Committeemen present voted in the affirmative.

Bills approved for payment: \$1,787,048.74

Payroll: \$159,695.88

REPORT OF MUNICIPAL DEPARTMENTS

14. Division of EMS

Motion by Richard Palombo, second by John Coggins, to accept the report as submitted. During roll call vote all four Committeemen present voted in the affirmative.

PUBLIC COMMENT

Donald Rinear, 9 Putnam Ave, spoke regarding his concerns with the resolution adopted tonight for the Treatment Works Application for 14 Randolph Avenue. He stated that the Township has certified that the application conforms with all Township ordinances and he does not believe that it does. The Township Engineer stated the Township is certifying that the project meets all Zoning requirements in the Township. The applicant is applying to the DEP to deviate from the State Code standards and the statements of consent is part of that process. The Township is not approving of the project. It is just a statement that the project meets all Township Zoning requirements.

Bob Young, Marshallville, thanked the Committee for the opportunity to work during the Fall Fest and Pumpkin Run. He also thanked all of the volunteers that came out to help with the event, especially the young group of Cape May County Sheriff Explorers, and stated that they did a great job. Committeeman Young agreed and thanked all of the volunteers that came to help that day. He also thanked KD National Force Security for their help and support keeping everyone safe.

Robert Young, Marshallville, stated that he attended the Fall Fest and Pumpkin Run, and offered his compliments for the great event and to everyone that helped.

CLOSED SESSION

15. 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. 322-2017
MOTION GOING INTO CLOSED SESSION
NOVEMBER 6, 2017**

I hereby move that a resolution be incorporated into the minutes authorizing the Township Committee to enter into an executive session for the following matters pursuant to the Open Public Meetings Act:

MATTERS:

1. Contract negotiation – New Jersey Turnpike Authority

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

- A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.
- B. With respect to contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.

Moved by: John Coggins

Motion seconded by: Richard Palombo

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.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 8:24 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 November 20, 2017 at 7:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC
Deputy Municipal Clerk

Bill List

70278 11/06/17 A0017 ATLANTIC CO. MUNICIPAL JIF 104,801.00 2995
70298 11/06/17 A0075 ADAMS, JOSHUA 125.45 2996
70299 11/06/17 A0081 ARMSTRONG, RALON I. 28.56 2996
70300 11/06/17 A0091 ATLANTIC CITY ELECTRIC 6,342.92 2996
70301 11/06/17 A0114 A.E. STONE INC. 133.60 2996
70302 11/06/17 A0165 ALBERTSONS ACME 1,125.75 2996
70303 11/06/17 A0176 ACTION FLAG COMPANY 302.94 2996
70304 11/06/17 B0035 BELMONT & CRYSTAL SPRINGS 19.19 2996
70305 11/06/17 B0039 BEESLEY'S PT. SEA DOO, INC. 310.21 2996
70306 11/06/17 B0065 BIXBY, STODDARD. C. 150.00 2996
70307 11/06/17 B0142 BRINKERHOFF ENVIRONMENTAL 7,932.50 2996
70308 11/06/17 B0182 BRIGGS LAW OFFICE, P.C. 1,972.50 2996
70309 11/06/17 B0184 BUSHONG, BRIAN 59.06 2996
70310 11/06/17 B0239 BAILEY, WILLIAM MICHAEL 791.66 2996
70311 11/06/17 B0245 BLUEHOST INC. 574.20 2996
70312 11/06/17 B0246 BUTT, NASIR 350.00 2996
70313 11/06/17 C0019 CITY OF OCEAN CITY 57,947.50 2996
70314 11/06/17 C0042 CAMPBELL FREIGHTLINER, LLC 1,566.24 2996
70315 11/06/17 C0048 CAPE MAY COUNTY MUA 36,561.75 2996
70316 11/06/17 C0051 COUNTRY SHORE WOMEN'S CLUB 300.00 2996
70317 11/06/17 C0052 CAPE MAY COUNTY TREASURER 1,344,483.01 2996
70318 11/06/17 C0060 CAPRIONI'S PORTABLE TOILETS 55.00 2996
70319 11/06/17 C0068 COMCAST 430.63 2996
70320 11/06/17 C0091 CHISHOLM, JOHN R. 33.74 2996
70321 11/06/17 C0131 CINTAS FIRST AID & SAFETY 154.23 2996
70322 11/06/17 C0143 CODY'S POWER EQUIPMENT 170.89 2996
70323 11/06/17 C0223 CASA PAYROLL SERVICE 245.65 2996
70324 11/06/17 C0246 CRAFT OIL CORPORATION 472.00 2996
70325 11/06/17 C0247 CMRS-FP 2,000.00 2996
70326 11/06/17 D0077 DIETRICH,PAUL 52.00 2996
70327 11/06/17 E0074 EMERGENCY ACCESSORIES & 270.00 2996
70328 11/06/17 F0173 Fellowship Christian Athletes 300.00 2996
70329 11/06/17 G0016 GARDNER HARDWARE INC. 30.35 2996
70330 11/06/17 G0032 GENERAL RECREATION, INC. 848.00 2996
70331 11/06/17 G0086 W.W. GRAINGER, INC. 1,481.74 2996
70332 11/06/17 G0142 GIRL SCOUT TROOP 41548 300.00 2996
70333 11/06/17 G0157 GRANTURK EQUIPMENT CO., INC. 293.99 2996
70334 11/06/17 G0169 GROFF TRACTOR NEW JERSEY LLC 165.70 2996
70335 11/06/17 G0175 Girl Scout Troop 41361 300.00 2996
70336 11/06/17 H0018 HAROLD RUBIN L & H SUPPLY 219.49 2996
70337 11/06/17 H0073 HOME DEPOT CRC/GECE 1,117.13 2996
70338 11/06/17 H0095 HORIZON BCBSNJ 167,131.93 2996
70339 11/06/17 H0170 Hurricanes U.T. Travel Team 300.00 2996
70340 11/06/17 J0079 JAMES WYERS LANDSCAPING, LLC 100.00 2996
70341 11/06/17 L0007 LC EQUIPMENT, INC. 148.00 2996
70342 11/06/17 L0031 LORCO PETROLEUM SERVICES 120.00 2996
70343 11/06/17 L0080 LOWES, INC. 280.40 2996
70344 11/06/17 M0164 MURPHY FENCE COMPANY. INC. 881.76 2996
70345 11/06/17 M0180 MED-TECH RESOURCE,LLC 403.00 2996
70346 11/06/17 M0247 MORGAN, SCOTT 77.71 2996
70347 11/06/17 M0277 MONY LIFE INSURANCE COMPANY 190.89 2996
70348 11/06/17 N0004 NJ-AMERICAN WATER CO. 200.86 2996
70349 11/06/17 N0072 NFPA INTERNATIONAL 184.95 2996
70350 11/06/17 N0125 N.J. REGISTRAR'S ASSOCIATION 150.00 2996
70351 11/06/17 N0127 NIMCO INC 310.95 2996
70352 11/06/17 N0131 DEFINED CONTRIB RETIRE PROGRAM 135.50 2996
70353 11/06/17 N0148 NJAFP/NJ EMS CONFERENCE 75.00 2996
70354 11/06/17 N0157 Neiman Patrick 21.44 2996
70355 11/06/17 O0006 SJSHORE MARKETING,LLC 179.00 2996
70356 11/06/17 P0032 PEDRONI FUEL CO. 1,988.57 2996
70357 11/06/17 P0136 POSTNET 27.99 2996

70358 11/06/17 P0140 PIONEER MANUFACTURING CO, INC 1,974.00 2996
 70359 11/06/17 P0171 PROTECTION ONE 626.26 2996
 70360 11/06/17 P0174 PENMAN, JR. WILLIAM 350.00 2996
 70361 11/06/17 Q0003 EUROFINS, QC INC. 770.00 2996
 70362 11/06/17 R0030 RIGGINS, INC. 4,833.48 2996
 70363 11/06/17 R0100 ROBERTS OXYGEN COMPANY, INC. 131.20 2996
 70364 11/06/17 R106 RUMER, LISA 227.90 2996
 70365 11/06/17 S0031 SCHULER SECURITY, INC. 150.00 2996
 70366 11/06/17 S0072 SEGIN, STEWART S. 138.47 2996
 70367 11/06/17 S0121 SMUZ, THERESE A 25.89 2996
 70368 11/06/17 S0134 SO. JERSEY GAS COMPANY 150.05 2996
 70369 11/06/17 S0139 SO. JERSEY WATER COND. INC. 165.00 2996
 70370 11/06/17 S0196 STEWART BUSINESS SYSTEMS LLC 165.12 2996
 70371 11/06/17 S0253 SAMPLE MEDIA, INC. 100.00 2996
 70372 11/06/17 S0254 SHOPRITE 325.06 2996
 70373 11/06/17 S0269 SCHELLINGERS 5,500.00 2996
 70374 11/06/17 S0284 SOUTH JERSEY INTERPRETERS 150.00 2996
 70375 11/06/17 S0327 SUASION COMMUNICATIONS GROUP 1,950.00 2996
 70376 11/06/17 S0329 SERIOUSLY TOTAL VIDEO 250.00 2996
 70377 11/06/17 T0168 TOWNSHIP OF UPPER 254.93 2996
 70378 11/06/17 T0172 Trinity United Methodist Churc 300.00 2996
 70379 11/06/17 U0056 UPPER TWP SOCCER ASSN U15 BOYS 300.00 2996
 70380 11/06/17 U0067 UT HEALTH REIMB. ACCOUNT 1,650.42 2996
 70381 11/06/17 V0001 VCI EMERGENCY VEHICLE 765.67 2996
 70382 11/06/17 V0024 VAL-U AUTO PARTS L.L.C. 294.16 2996
 70383 11/06/17 V0026 VITAL COMMUNICATIONS, INC. 100.00 2996
 70384 11/06/17 W0030 WEST PUBLISHING CO. 469.23 2996
 70385 11/06/17 W0038 WILLIAMS, JEREMIAH J. 286.62 2996
 70386 11/06/17 W0050 WIRELESS ELECTRONICS, INC. 600.00 2996
 70387 11/06/17 Y0008 YOUNG, DANIEL J. ESQUIRE PC 16,318.75 2996

Total: \$1,787,048.74