

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR JANUARY 8, 2018**

**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	Absent
Hobart Young	Absent
Richard Palombo	Present

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

**APPROVAL OF MINUTES** - December 18, 2017 Regular Meeting and  
Closed Session “A”, “B” and “C” Minutes

Motion by John Coggins, second by Edward Barr, to approve the December 18, 2017 Regular Meeting and Closed Session “A”, “B”, and “C” Minutes as submitted. During roll call vote all three Committeemen present voted in the affirmative.

**REPORT OF GOVERNING BODY MEMBERS**

**John Coggins, Committeeman**, requested a budget workshop meeting be scheduled before the next Committee meeting on January 22<sup>nd</sup> at 6:30 pm.

**Richard Palombo, Mayor**, reported that a strong flu season is upon us and urged everyone to get a flu shot, especially those over the age of 65.

**OTHER REPORTS**

**Scott Morgan, Township Administrator**, reported that the Public Works Department has made significant headway in the backlog of trash and recycling collection due to the recent winter storm. All missed areas are expected to be caught up by tomorrow morning. He next reported that during last week’s storm volunteers from the EMS department answered a call for assistance during a fire in a senior and disabled housing center in Atlantic City. He stated that their service exemplifies prior comments regarding how important and vital volunteers are to our community. He next reported on a concern reported by the Marmora Fire Chief Jay

Newman regarding the Parkway Bridge project. He stated that the span of bridge that crosses over Harbor Road has been removed as part of the ongoing project, and Chief Newman has recommended that the replacement should be elevated in order to allow Emergency vehicles to travel underneath. The Township Engineer stated that he spoke with Engineer of the project, and he stated that the spans are being replaced in kind. It is not possible to elevate the span with the existing substructure that is in place. Mayor Palombo made a motion, second by Edward Barr, to adopt and send a resolution to State legislators and the NJDOT requesting they investigate solutions to this public safety matter. During roll call vote all Committeemen present voted in the affirmative. A resolution for formal action will be place on the next agenda. Lastly, Mr. Morgan reported that the NJSP has recently issued summons to several trespassers on the Township's pit off Route 610. He reminded residents that the Township's pit as well as Caldwell pit is closed to the public and is not safe for recreation activities.

**Barbara Young, Municipal Clerk**, reported that Township Offices will be closed on Monday January 15<sup>th</sup> for Martin Luther King Day. She next reported that a free rabies clinic will be held on Saturday January 20<sup>th</sup> from 1:00 pm to 3:00 pm at Shore Veterinarians. Lastly, she commended the Tuckahoe Fire Company and EMS for their quick and expert response to a small fire at her home earlier in the day. She stated that the Township's emergency personnel are second to none.

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

## **PRESENTATION**

1. Economic Development Advisory Commission. Susan Adelizzi-Schmidt gave a brief presentation on a recent survey of Township residents regarding the economic development of the Township, along with the EDAC's recommendations for the Township going forward on the following four key projects: Marmora Town Center, bike/pedestrian paths, full interchange at Exit 20 on the Garden State Parkway, and the marketing of Upper Township.

## **RESOLUTIONS**

2. Appointing members to the Community Emergency Response Team (CERT) of Upper Township.

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

#### **RESOLUTION NO. 026-2018**

#### **APPOINTING MEMBERS TO THE COMMUNITY EMERGENCY RESPONSE TEAM (CERT) OF UPPER TOWNSHIP**

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**WHEREAS**, former President George W. Bush established a program for volunteerism after the events of September 11, 2001 called the Citizen Corps program; and

**WHEREAS**, the Office of Emergency Management has established a Community Emergency

Response Team (CERT) which is part of the Citizen Corps program consisting of various officials and citizens who have completed the required training; and

**WHEREAS**, the Community Emergency Response Team (CERT) Program educates people about disaster preparedness for hazards that may impact their area and trains them in basic disaster response skills, such as fire safety, light search and rescue, team organization, and disaster medical operations. Using the training learned in the classroom and during exercises, CERT members can assist others in their neighborhood or workplace following an event when professional responders are not immediately available to help. CERT members also are encouraged to support emergency response agencies by taking a more active role in emergency preparedness projects in their community; and

**WHEREAS**, Scott G. Morgan, Upper Township Emergency Management Coordinator, has provided a list of trained volunteers to be appointed to the Upper Township Community Emergency Response Team for 2018; 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 does hereby officially recognize the Community Emergency Response Team (CERT) of the Citizen Corps as an affiliate group under the direction of the Upper Township Office of Emergency Management; and
3. The following persons are hereby appointed to the Community Emergency Response Team (CERT) of Upper Township for 2018:

Wanda Adamson	Joel Dougan	Allison Hartman
Dave Hartman	Alene Hartman	Cathy Lord
Thomas Peck	Susan Phillips	Mike Scanlan
Richard Stahl	Tricia Stover	George Westerman

4. The Upper Township Office of Emergency Management will report any changes to the membership of CERT of Upper Township annually to the appropriate federal, state and county agencies and file the active membership list with the Township of Upper's Joint Insurance Fund representative.

Resolution No. 026-2018  
Offered by: Coggins

Seconded by: Barr

Adopted: January 8, 2018

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>          </u>	<u>          </u>	<u>          </u>	<u>X</u>
Young	<u>          </u>	<u>          </u>	<u>          </u>	<u>X</u>
Palombo	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>

3. Congratulating the Upper Township Hockey Team, Upper Riptide –White, on becoming the 2017 Cape May County 2<sup>nd</sup> to 4<sup>th</sup> Grade Foot Division Hockey Champions.

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

**RESOLUTION NO. 027-2018**

**RE: CONGRATULATING THE UPPER TOWNSHIP HOCKEY TEAM, UPPER RIPTIDE –  
WHITE, ON BECOMING THE 2017 CAPE MAY COUNTY  
2<sup>ND</sup> TO 4<sup>TH</sup> GRADE FOOT DIVISION HOCKEY CHAMPIONS**

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**WHEREAS**, the Upper Township 2<sup>nd</sup> to 4<sup>th</sup> Grade Foot Division Hockey Team, Upper Riptide – White, had an undefeated 2017 hockey season; and

**WHEREAS**, they recently participated in the Cape May County Championship Games in December 2017 and won the Cape May County Championship for their division, winning 2 of 3 playoff games; and

**WHEREAS**, it is appropriate that on behalf of the citizens of Upper Township we recognize and congratulate the players listed as follows:

Jeffrey Taccarino	Jack Lee
Jacob Bond	Jessica Colwell
Caitlyn Schaeffer	Eddie Fuller
Josh Pashley	Ryan Bacon
Morgan Williams	Luke Passarella
Jude McAfee	Gavin Oliver
Mason Raucci	Finn Godfrey

**WHEREAS**, we also extend this recognition and thanks to Bill Godfrey, James Passarella and Jeff Battersby who have generously given their personal time and service to coach this team; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee on behalf of the citizens of the Township of Upper, to extend to the Upper Township 2<sup>nd</sup> to 4<sup>th</sup> Grade Foot Division

Hockey Team, Upper Riptide - White, congratulations on becoming the 2017 Cape May County Hockey League 2<sup>nd</sup> – 4<sup>th</sup> Grade Foot Division Champions, and to each coach heartfelt thanks and gratitude for the generous donation of their time and service to the young people of this community.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 8<sup>th</sup> day of January, 2018.

Resolution No. 027-2018

Offered by: Barr

Seconded by: Coggins

Adopted: January 8, 2018

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>          </u>	<u>          </u>	<u>          </u>	<u>X</u>
Young	<u>          </u>	<u>          </u>	<u>          </u>	<u>X</u>
Palombo	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>

4. Congratulating the Upper Township I High School Hockey Team on becoming the 2017 Cape May County Hockey League High School Division Champions.

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

**RESOLUTION NO. 028-2018**

**RE: CONGRATULATING THE UPPER TOWNSHIP I HIGH SCHOOL HOCKEY TEAM ON  
BECOMING THE 2017 CAPE MAY COUNTY HOCKEY LEAGUE,  
HIGH SCHOOL DIVISION CHAMPIONS**

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**WHEREAS**, the Upper Township I High School Hockey Team finished an impressive season in second place; and

**WHEREAS**, the Upper Township I Team participated in the Cape May County Hockey League Championships in December 2017 and won the 2017 Cape May County High School Division Championship by sweeping a best-of-three series with game scores of 6-5 and 3-0; and

**WHEREAS**, it is appropriate that on behalf of the citizens of Upper Township we recognize and congratulate the players listed as follows:

Gabe Donovan  
Brian Foulke  
Anthony Franulovic  
Ancrew Herchenrider  
Joseph Lloyd

Sammy Truli  
Tristan Metz

**WHEREAS**, we also extend this recognition and thanks to Ed Franulovic, Jon Mahoney and Ryan Shiffler, who have generously given their personal time and service to coach this team; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee on behalf of the citizens of the Township of Upper, to extend to the Upper Township I Team congratulations on becoming the 2017 Cape May County Hockey League High School Division Champions, and to each coach heartfelt thanks and gratitude for the generous donation of their time and service to the young people of this community.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 8<sup>th</sup> day of January, 2018.

Resolution No. 028-2018

Offered by: Barr

Seconded by: Coggins

Adopted: January 8, 2018

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>          </u>	<u>          </u>	<u>          </u>	<u>X</u>
Young	<u>          </u>	<u>          </u>	<u>          </u>	<u>X</u>
Palombo	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>

5. Congratulating employee Rosemary Trout of the Upper Township Finance Department for her winning entry in the Upper Township Safety Award Program for the 4<sup>th</sup> quarter of 2017.

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

**RESOLUTION NO. 029-2018**

**RE: CONGRATULATING EMPLOYEE ROSEMARY TROUT OF THE UPPER TOWNSHIP  
FINANCE DEPARTMENT FOR HER WINNING ENTRY IN  
THE UPPER TOWNSHIP SAFETY AWARD PROGRAM  
FOR THE 4<sup>th</sup> QUARTER OF 2017**

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**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 fourth quarter for the promotion of safety for employees and the community; and

**WHEREAS,** Rosemary should be publicly recognized for reporting the safety hazard of the remnant rugs near the entrance to the court room curling up and causing a tripping hazard; 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 8<sup>th</sup> day of January, 2018.

Resolution No. 029-2018

Offered by: Barr

Seconded by: Coggins

Adopted: January 8, 2018

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. Accepting the bid and authorizing the execution of a contract for the project known as Asbestos Abatement Old Township Hall.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 030-2018**

**RE: ACCEPTING THE BID AND AUTHORIZING THE  
EXECUTION OF A CONTRACT FOR THE PROJECT KNOWN AS  
ASBESTOS ABATEMENT OLD TOWNSHIP HALL**

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**WHEREAS**, the Township of Upper solicited bids for Asbestos Abatement of Old Township Hall, which bids were received on December 5, 2017; and

**WHEREAS**, the aforesaid bids were thereafter reviewed by the Township Engineer; and

**WHEREAS**, the Township Engineer has submitted a recommendation to the Township Committee with respect to the award of said bids; and

**WHEREAS**, the Chief Financial Officer of the Township of Upper has certified the availability of funds attached hereto as “Exhibit A” in a sufficient amount to award a contract in the amount of \$38,300.00; and

**WHEREAS**, the Township intends to take formal action awarding the bid to the lowest responsible bidder as hereinafter provided;

**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 hereby accepts the bid submitted by Penns Contracting, Inc. of 270 Sparta Avenue, Suite 104, Sparta, NJ 07871 for the project known as Asbestos Abatement Old Township Hall, in the amount of \$38,300.00, subject to the following:

- (A) The Bidder shall comply with all Bid Documents, including the Notice to Bidders, all of which are hereby incorporated herein by this reference.
- (B) The Contract to be entered into must comply in all respects with applicable federal, state and local laws and regulations.



(C) The Bidder 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.

3. The Mayor and Township Clerk are further authorized to execute a Contract with the successful bidder and/or the Chief Financial Officer is hereby authorized, directed and empowered to issue a Purchase Order to the successful bidder in the amount authorized in this Resolution.

Resolution No. 030-2018

Offered by: Barr

Seconded by: Coggins

Adopted: January 8, 2018

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>      </u>	<u>      </u>	<u>      </u>	<u>X</u>
Young	<u>      </u>	<u>      </u>	<u>      </u>	<u>X</u>
Palombo	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>

7. Authorizing the Township of Upper to enter into a contract with Danziger & Markhoff, LLP for Actuarial Services.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 031-2018**

**RE: AUTHORIZING THE TOWNSHIP OF UPPER TO ENTER  
INTO A CONTRACT WITH DANZIGER & MARKHOFF, LLP  
FOR ACTUARIAL SERVICES**

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**WHEREAS**, the Township of Upper has a need for an actuarial analysis of the Township's financial liability in compliance with GASB Statement Nos. 45 and 75 – Accounting and Financial Reporting by Employers for Post-employment Benefits Other than Pensions; and

**WHEREAS**, the Township of Upper solicited quotes for GASB Statement Nos. 45 and 75 related Actuarial Services, which quotes were received on December 8, 2017; and

**WHEREAS**, the aforesaid quotes were thereafter reviewed by the Upper Township Chief Financial Officer and a recommendation was submitted to the Township Committee; and

**WHEREAS**, the Township intends to take formal action awarding the contract to Danziger & Markhoff, LLP for Actuarial Services as hereinafter provided; and

**WHEREAS**, Danziger & Markhoff, LLP has completed and submitted a Business Entity Disclosure Certification which certifies that Danziger & Markhoff, LLP has not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Danziger & Markhoff, LLP from making any reportable 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 Danziger & Markhoff, LLP, of 123 Main Street 9<sup>th</sup> Floor, White Plains, New York 10601, for GASB Statement Nos. 45 and 75 related Actuarial Services.
3. The contract is awarded without competitive bidding in accordance with N.J.S.A. 40A:11-3 of the New Jersey Local Public Contract Law because the aggregate cost of the contract awarded to Danziger & Markhoff, LLP will not exceed the bid threshold during the term of said contract.
4. The contract shall have a term of one (1) year commencing upon full execution.

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

6. Danziger & Markhoff, LLP has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.

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

8. This Resolution shall be effective as of adoption.

Resolution No. 031-2018

Offered by: Coggins

Seconded by: Barr

Adopted: January 8, 2018

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>	___	___	___

8. Affirming the Township of Upper's Civil Rights Policy with respect to all Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors, and members of the public that come into contact with Municipal Employees, Officials and Volunteers.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 032-2018**

**RE: AFFIRMING THE TOWNSHIP OF UPPER'S  
CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS,**

**APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS,  
INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME  
INTO CONTACT WITH MUNICIPAL EMPLOYEES,  
OFFICIALS AND VOLUNTEERS**

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**WHEREAS**, it is the policy of the Township of Upper to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

**WHEREAS**, the governing body of the of the Township of Upper has determined that certain procedures need to be established to accomplish this policy; and

**NOW, THEREFORE BE IT RESOLVED** to affirm and adopt the Township of Upper's civil rights policy as follows:

**Section 1:** No official, employee, appointee or volunteer of the Township of Upper by whatever title known, or any entity that is in any way a part of the Township of Upper shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Township of Upper's business or using the facilities or property of the Township of Upper.

**Section 2:** The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Township of Upper to provide services that otherwise could be performed by the Township of Upper.

**Section 3:** Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

**Section 4:** The Township Committee shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

**Section 5:** No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

**Section 6:** The Personnel Officer shall establish written procedures that require all officials, employees, appointees and volunteers of the Township of Upper as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

**Section 7:** The Personnel Officer shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

**Section 8:** At least annually, the Municipal Clerk shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Township of Upper. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Township of Upper's web site.

**Section 9:** This resolution shall take effect immediately.

**Section 10:** A copy of this resolution shall be published in the official newspaper of the Township of Upper in order for the public to be made aware of this policy and the Township of Upper's commitment to the implementation and enforcement of this policy.

Resolution No. 032-2018

Offered by: Coggins

Seconded by: Barr

Adopted: January 8, 2018

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. Authorizing the release of the street light escrow and remaining inspection fee for the subdivision known as Pastime Place, Block 560, Lots 6 and 7.

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

**RESOLUTION NO. 033-2018**

**RE: AUTHORIZING THE RELEASE OF THE STREET LIGHT ESCROW AND  
REMAINING INSPECTION FEES FOR THE SUBDIVISION KNOWN AS**

**PASTIME PLACE, BLOCK 560, LOTS 6 AND 7**

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**WHEREAS**, Thomas Ulmer (hereinafter “Developer”) completed work on the subdivision known as Pastime Place, Block 560, Lots 6 and 7, and a final inspection of same was performed by the Upper Township Municipal Engineer; and

**WHEREAS**, at the May 10, 1999 Upper Township Committee Meeting, the Township Committee via motion authorized the release of the Maintenance Bond for Block 560, Lots 6 and 7 in the amount of \$16,950.17 and the Inspection fee in the amount of \$565.93, pursuant to the recommendation of the Municipal Engineer; and

**WHEREAS**, it has recently been determined that the street light escrow and partial inspection fees for the above listed subdivision were never released; and

**WHEREAS**, the Municipal Engineer has recommended that the street light escrow in the amount of \$1,000.00, and remaining inspection fee in the amount of \$12.00 be released in accordance with the Municipal Ordinances of the Township of Upper; 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 above are incorporated herein by this reference.
2. The street light escrow and remaining inspection fee posted by the Developer for the subdivision known as Pastime Place, Block 560, Lots 6 and 7 are hereby released.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 033-2018

Offered by: Coggins

Seconded by: Barr

Adopted: January 8, 2018

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>      </u>	<u>      </u>	<u>      </u>	<u>  X  </u>
Young	<u>      </u>	<u>      </u>	<u>      </u>	<u>  X  </u>
Palombo	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

10. Authorizing the Mayor to sign a Hazard Mitigation grant application with the New Jersey Office of Emergency Management for FEMA funding.

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

**RESOLUTION NO. 034-2018**

**RE: AUTHORIZING THE MAYOR TO SIGN A HAZARD MITIGATION GRANT  
APPLICATION WITH THE NEW JERSEY OFFICE OF EMERGENCY  
MANAGEMENT FOR FEMA FUNDING**

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**WHEREAS**, the Township of Upper wishes to file an application for an Hazard Mitigation Grant for the project known as the Strathmere Fire Company Generator Project from the New Jersey Office of Emergency Management; and

**WHEREAS**, the application is proposed for funding as part of the Hazard Mitigation Grant program under FEMA-4086-DR-NJ as authorized by the Stafford Act.; and

**WHEREAS**, the total project cost of \$19,800.00 is comprised of an \$11,570.00 Federal share and a non-federal match of \$8,230.00 to be paid by the Strathmere Fire Company; and

**WHEREAS**, the project consists of installing a 25kw natural gas generator at the Strathmere Fire Station located at 5 S. Commonwealth Avenue in Upper 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. The Mayor is hereby authorized, directed and empowered to sign and submit the application 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. 034-2018  
Offered by: Barr  
Adopted: January 8, 2018

Seconded by: Coggins

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>          </u>	<u>          </u>	<u>          </u>	<u>  X  </u>
Young	<u>          </u>	<u>          </u>	<u>          </u>	<u>  X  </u>
Palombo	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>

11. Authorizing a grant application and agreement with the Federal Emergency Management Agency for an Assistance to Firefighters Grant.

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

**RESOLUTION NO. 035-2018**

**AUTHORIZING A GRANT APPLICATION AND AGREEMENT WITH  
THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR  
AN ASSISTANCE TO FIREFIGHTERS GRANT**

---

**WHEREAS**, the Federal Emergency Management Agency is accepting applications for the Assistance to Firefighters Grant (AFG) Program; and

**WHEREAS**, this program is available to municipalities in the State of New Jersey; and

**WHEREAS**, the Township of Upper carefully considers grant programs that assist the Township in achieving projects and programs that are priorities for the community; and

**WHEREAS**, the primary goal of the AFG Program is to meet the firefighting and emergency response needs of fire departments and nonaffiliated emergency medical service organizations; and

**WHEREAS**, all costs associated with this grant application and award will be the responsibility of the Upper Township Chiefs Association, the Marmora Volunteer Fire Company, the Seaville Volunteer Fire and Rescue Company, the Strathmere Volunteer Fire Company, and the Tuckahoe Volunteer Fire Company.

**NOW, THEREFORE, BE IT RESOLVED** that Township Committee of the Township of Upper on behalf of the Upper Township Chiefs Association in support of the Marmora Volunteer Fire Company, Seaville Volunteer Fire and Rescue Company, Strathmere Volunteer Fire Company and Tuckahoe Volunteer Fire Company, formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit a grant application to the Federal Emergency Management Agency.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Upper and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.



Resolution No. 035-2018  
Offered by: Barr  
Adopted: January 8, 2018

Seconded by: Coggins

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>          </u>	<u>          </u>	<u>          </u>	<u>X</u>
Young	<u>          </u>	<u>          </u>	<u>          </u>	<u>X</u>
Palombo	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>

12. Authorizing the purchase of additional recycling collection equipment and for the Chief Financial Officer to withdraw funds in the amount of \$16,370.00 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. 036-2018**

**RE: AUTHORIZING THE PURCHASE OF ADDITIONAL RECYCLING COLLECTION  
EQUIPMENT AND FOR THE CHIEF FINANCIAL OFFICER TO WITHDRAW FUNDS  
IN THE AMOUNT OF \$16,370.00 FROM THE ACCOUNT ENTITLED  
RECYCLING TRUST ACCOUNT FOR SUCH PURPOSES**

---

**WHEREAS**, it is necessary for the Township of Upper to purchase certain recycling collection equipment; and

**WHEREAS**, the Township has available \$16,370.00 in the Recycling Trust account to purchase additional three-yard rear load containers; and

**WHEREAS**, the Township's QPA has reviewed and approved the quote for the three-yard rear load containers from Mid-Atlantic Waste Systems of Easton, Maryland.

**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 additional three-yard rear load containers in the amount of \$16,370.00 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 \$16,370.00, from the account entitled Recycling Trust Account to pay for additional three-yard rear load containers and is empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 036-2018

Offered by: Coggins

Seconded by: Barr

Adopted: January 8, 2018

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>          </u>	<u>          </u>	<u>          </u>	<u>X</u>
Young	<u>          </u>	<u>          </u>	<u>          </u>	<u>X</u>
Palombo	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>

13. Declaring an emergency within the Township of Upper County of Cape May State of New Jersey during winter storm Grayson January 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup>, 2018.

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

**RESOLUTION NO. 037-2018**

**DECLARING AN EMERGENCY WITHIN THE  
TOWNSHIP OF UPPER COUNTY OF CAPE MAY  
STATE OF NEW JERSEY DURING WINTER STORM GRAYSON  
JANUARY 3<sup>RD</sup>, 4<sup>TH</sup>, AND 5<sup>TH</sup>, 2018**

---

**WHEREAS**, the State of New Jersey is experiencing a major winter storm causing severe weather conditions in a substantial portion of the State, including blizzard conditions in Upper Township; and

**WHEREAS**, the National Weather Service has issued storm warnings for a substantial portion of the State, including Blizzard Warnings in Upper Township, Cape May County, and a Coastal Flood Advisory for the coastal areas in southern New Jersey; and

**WHEREAS**, this major winter storm is expected to produce heavy snow accumulations, strong winds with gusts as high as 45 to 55 miles per hour, and coastal flooding; and

**WHEREAS**, this major winter storm is expected to produce hazardous travel conditions due to significant amounts of blowing and drifting snow, low-visibility, and whiteout conditions; and

**WHEREAS**, this major winter storm may cause downed power lines and trees, resulting in power outages, and is expected to impede the normal operation of public and private entities; and

**WHEREAS**, these severe weather conditions may make it difficult or impossible for citizens to obtain the necessities of life, as well as essential services such as police, fire, and first aid; and

**WHEREAS**, these severe weather conditions constitute an imminent hazard that threatens and presently endangers the health, safety, and resources of the residents of Upper Township; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. In Order to protect the health, safety, and welfare of the people of Upper Township, it is hereby Declared that a State of Emergency exists in Upper Township and hereby directs that the following:

3. The Upper Township Director of Emergency Management is hereby authorized and empowered to implement the Upper Township Emergency Operations Plan and to coordinate the preparation, response, and recovery efforts for this emergency with all governmental agencies, volunteer organizations, and the private sector.
4. This authorization shall take effect immediately and shall remain in full force until it is determined that an emergency no longer exists.

Resolution No. 037-2018

Offered by: Barr

Seconded by: Coggins

Adopted: January 8, 2018

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>          </u>	<u>          </u>	<u>          </u>	<u>X</u>
Young	<u>          </u>	<u>          </u>	<u>          </u>	<u>X</u>
Palombo	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>

## **ORDINANCES**

## **CORRESPONDENCE**

## **NEW BUSINESS**

## **UNFINISHED BUSINESS**

## **DISCUSSION**

## **PAYMENT OF BILLS**

14. **“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 three Committeemen present voted in the affirmative.

**Bills approved for payment: \$119,498.67**

**Payroll: \$157,234.09**

## **REPORT OF MUNICIPAL DEPARTMENTS**

**15. Division of EMS**

**16. MUA Report**

**17. Tax Office**

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

## **PUBLIC COMMENT**

**Blanche Adams, Upper Township Business Association**, thanked Susan Adelizzi-Schmidt and the EDAC for their presentation. She next thanked the Public Works Department for their excellent work plowing and making sure the roads and walkways were safe.

## **CLOSED SESSION**

18. 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. 038-2018 MOTION GOING INTO CLOSED SESSION JANUARY 8, 2018**

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

#### **MATTERS:**

1. Personnel
2. Contract negotiation - Shared Service with Dennis Township
3. Contract negotiation - Sabre Systems, Inc.
4. Contract negotiation - CMC Fleet Maintenance
5. Litigation - Kounnas v. Upper Township

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: Edward Barr

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

### **RECONVENE PUBLIC PORTION OF MEETING**

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

### **ADJOURNMENT**

There being no further business this evening the meeting was adjourned at 8:45 P.M., with a motion by John Coggins, second by Edward Barr, and all three Committeemen present voting in the affirmative. The next regular meeting is scheduled for January 22, 2018 with a Budget Workshop meeting at 6:30 P.M. and the regular meeting at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC  
Municipal Clerk

### **Bill List**

70674 01/08/18 A0018 ACTION SUPPLY INC. 24.42 3005  
70675 01/08/18 A0021 ADAMS, GEORGE E. JR. 229.95 3005  
70676 01/08/18 A0025 ADVANTAGE RENTAL ACE HARDWARE 198.97 3005  
70677 01/08/18 A0035 AIRLINE HYDRAULIC CORP. 26.97 3005  
70678 01/08/18 A0091 ATLANTIC CITY ELECTRIC 7,242.29 3005  
70679 01/08/18 A0134 ANSELL GRIMM & AARON, PC 175.00 3005  
70680 01/08/18 A0212 ANCERO, LLC 32.50 3005  
70681 01/08/18 B0035 BELMONT & CRYSTAL SPRINGS 3.00 3005  
70682 01/08/18 B0152 BUCHANAN, KAREN 870.87 3005  
70683 01/08/18 B0182 BRIGGS LAW OFFICE, P.C. 822.50 3005  
70684 01/08/18 B0220 BERGEY'S TRUCK CENTERS 1,504.69 3005  
70685 01/08/18 B0239 BAILEY, WILLIAM MICHAEL 791.66 3005  
70686 01/08/18 B0248 BARNES LAW GROUP LLC 855.00 3005  
70687 01/08/18 B0250 Barbieri, Thomas 41.44 3005  
70688 01/08/18 C0002 C.M.C. CHAMBER OF COMMERCE, INC 655.00 3005  
70689 01/08/18 C0042 CAMPBELL FREIGHTLINER, LLC 94.48 3005  
70690 01/08/18 C0068 COMCAST 856.26 3005  
70691 01/08/18 C0078 CARTER, EDWARD, SR. 234.63 3005  
70692 01/08/18 C0124 CMC MUNICIPAL CLERK'S ASSOC. 375.00 3005  
70693 01/08/18 C0131 CINTAS FIRST AID & SAFETY 72.92 3005  
70694 01/08/18 C0144 COGGINS, JOHN 712.00 3005  
70695 01/08/18 C0182 CDW GOVERNMENT, INC 351.00 3005  
70696 01/08/18 C0201 CRUZAN'S TRUCK SERVICE INC. 566.29 3005  
70697 01/08/18 C0202 CRAIG TESTING LABS, INC. 6,330.00 3005  
70698 01/08/18 C0223 CASA PAYROLL SERVICE 259.25 3005  
70699 01/08/18 C0247 CMRS-FP 2,000.00 3005  
70700 01/08/18 C0279 CASA REPORTING SERVICES LLC 109.00 3005  
70701 01/08/18 C0283 CUSTOM-BANDAG, INC 231.99 3005

70702 01/08/18 D0080 DOWNAM, HARRY J. JR. 300.08 3005  
70703 01/08/18 D0164 DUDE SOLUTIONS, INC. 5,785.00 3005  
70704 01/08/18 E0012 EHRLICH PEST CONTROL INC 178.00 3005  
70705 01/08/18 E0038 EMSAR NEW JERSEY 901.94 3005  
70706 01/08/18 E0052 EDWARDS, MATTHEW 326.25 3005  
70707 01/08/18 F0030 FASTENAL 29.04 3005  
70708 01/08/18 G0028 GENTILINI FORD 237.92 3005  
70709 01/08/18 G0035 GENRON FIRE PROTECTION 1,736.80 3005  
70710 01/08/18 G0086 W.W. GRAINGER, INC. 52.96 3005  
70711 01/08/18 G0141 GENTILINI CHEVROLET 392.69 3005  
70712 01/08/18 G0157 GRANTURK EQUIPMENT CO., INC. 14,378.94 3005  
70713 01/08/18 G0182 GOLDENBERG, MACKLER & SAYEGH 185.00 3005  
70714 01/08/18 H0002 H.A. DEHART & SON CORP. 366.84 3005  
70715 01/08/18 H0018 HAROLD RUBIN L & H SUPPLY 1,134.11 3005  
70716 01/08/18 H0073 HOME DEPOT CRC/GECF 1,150.40 3005  
70717 01/08/18 H0135 HANSON AGGREGATES, INC. 545.32 3005  
70718 01/08/18 I0019 INTERNATIONAL CODE COUNCIL, INC 222.00 3005  
70719 01/08/18 K0086 K D NATIONAL FORCE SECURITY 1,470.00 3005  
70720 01/08/18 K0091 KEEN COOMPRESSED GAS CO 738.00 3005  
70721 01/08/18 M0180 MED-TECH RESOURCE, LLC 53.46 3005  
70722 01/08/18 M0238 MOTORS & DRIVES, INC 348.00 3005  
70723 01/08/18 M0277 MONY LIFE INSURANCE COMPANY 193.92 3005  
70724 01/08/18 M0285 Meister, Gerogette G. 21.44 3005  
70725 01/08/18 N0004 NJ-AMERICAN WATER CO. 384.43 3005  
70726 01/08/18 N0043 NAPA AUTO PARTS 202.12 3005  
70727 01/08/18 N0125 N.J. REGISTRAR'S ASSOCIATION 75.00 3005  
70728 01/08/18 N0131 DEFINED CONTRIB RETIRE PROGRAM 137.00 3005  
70729 01/08/18 N0134 NJ Assoc for Floodplain Mangmt 20.00 3005  
70730 01/08/18 O0006 SJSHORE MARKETING, LLC 187.19 3005  
70731 01/08/18 O0055 OCEAN COUNTY UTILITIES AUTHORI 4,065.00 3005  
70732 01/08/18 P0032 PEDRONI FUEL CO. 2,820.35 3005  
70733 01/08/18 P0036 PENNELLO, DAVID 600.00 3005  
70734 01/08/18 P0056 TURF EQUIPMENT AND SUPPLY CO 90.33 3005  
70735 01/08/18 P0175 PRIEST JR., ANTHONY 100.00 3005  
70736 01/08/18 P0176 PLUM LABORATORIES, LLC 6,383.00 3005  
70737 01/08/18 R0030 RIGGINS, INC. 8,013.38 3005  
70738 01/08/18 R0101 R.R. DONNELLEY & SONS 147.00 3005  
70739 01/08/18 R106 RUMER, LISA 388.52 3005  
70740 01/08/18 S0001 SAM'S CLUB 96.18 3005  
70741 01/08/18 S0020 SUPPLY WORKS 203.79 3005  
70742 01/08/18 S0034 SCHULER, DANIEL 181.88 3005  
70743 01/08/18 S0072 SEGIN, STEWART S. 230.00 3005  
70744 01/08/18 S0121 SMUZ, THERESE A 13.70 3005  
70745 01/08/18 S0134 SO. JERSEY GAS COMPANY 4,753.33 3005  
70746 01/08/18 S0209 STAPLES ADVANTAGE 156.39 3005  
70747 01/08/18 S0241 SAFEGUARD BUSINESS SYSTEMS 98.61 3005  
70748 01/08/18 S0254 SHOPRITE 187.94 3005  
70749 01/08/18 S0284 SOUTH JERSEY INTERPRETERS 242.83 3005  
70750 01/08/18 S0292 JEFFREY SURENIAN & ASSOC. LLC 2,195.97 3005  
70751 01/08/18 S0327 SUASION COMMUNICATIONS GROUP 862.50 3005  
70752 01/08/18 S0329 SERIOUSLY TOTAL VIDEO 250.00 3005  
70753 01/08/18 T0066 TOWNSHIP OF UPPER 10,100.00 3005  
70754 01/08/18 T0080 TREASURER STATE OF N.J. 976.00 3005  
70755 01/08/18 T0168 TOWNSHIP OF UPPER 227.55 3005  
70756 01/08/18 U0043 ULINE, INC. 47.20 3005  
70757 01/08/18 V0013 VERIZON WIRELESS 1,189.60 3005  
70758 01/08/18 V0022 VERIZON 565.03 3005  
70759 01/08/18 V0024 VAL-U AUTO PARTS L.L.C. 1,671.06 3005  
70760 01/08/18 V0039 VEACH, KAREN 469.52 3005  
70761 01/08/18 W0030 WEST PUBLISHING CO. 469.23 3005  
70762 01/08/18 W0050 WIRELESS ELECTRONICS, INC. 2,120.47 3005  
70763 01/08/18 W0087 W.B. MASON 0.00 01/08/18 VOID 0  
70764 01/08/18 W0087 W.B. MASON 933.88 3005  
70765 01/08/18 W0111 Williams Kenneth 20.00 3005  
70766 01/08/18 Y0008 YOUNG, DANIEL J. ESQUIRE PC 11,207.50 3005

Total: \$119,498.67