

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR JANUARY 22, 2018**

*******BUDGET WORKSHOP MEETING - 6:30 P.M.**

In preparation of the 2018 Municipal Budget a budget workshop meeting was called to order this evening at 6:30 PM.

Mayor Palombo read the Open Public meeting notice into the record.

ROLL CALL

Edward Barr	Present
John Coggins	Present
Curtis Corson	Present
Hobart Young	Committeeman Young arrived late
Richard Palombo	Present

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

Committeeman Coggins began by stating that he would like to use tonight's budget meeting to review a variance report comparing variances between the 2017 expenditures and the 2018 proposed appropriations. He stated that he would like to utilize a second budget workshop for the Committee to have a more in-depth review into each line item and to review the capital requests, and a third budget workshop to discuss increases and decreases in the budget lines and approval of capital requests. There was then a general discussion of the line items in each department's proposed budget.

Motion by Hobie Young, second by Edward Barr to close the Budget Workshop Meeting. During roll call vote all five Committeemen voted in the affirmative. There was then a five-minute break before the regular meeting began.

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

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

Also present were 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 - January 5, 2018 Reorganization Minutes and
January 8, 2018 Regular Meeting and Closed
Session Minutes

Motion by Edward Barr, second by John Coggins, to approve the January 5, 2018 Reorganization Minutes as submitted. During roll call vote all five Committeemen voted in the affirmative.

Motion by Edward Barr, second by John Coggins to approve the January 8, 2018 Regular Meeting and Closed Session Minutes as submitted. During roll call vote three Committeemen voted in the affirmative. Committeeman Corson and Committeeman Young abstained.

REPORT OF GOVERNING BODY MEMBERS

Hobie Young, Committeeman, reported that the Farmer's Market will be held at Amanda's Field this year. Preliminary plans have the market being held on Sundays from 10:00 am to 3:00 pm. He stated that these plans reinforce the need for a digital sign out in front of Amanda's Field to advertise these events. He next reported that there are still several paving areas in Amanda's Field that need to be fixed. Mr. Dietrich stated that he would reach out to the contractor. Next, he reported that the Historical Society has requested a status report on the proposed museum project at the old town hall. It was stated that the building is currently under asbestos abatement. From there, a discussion on plans for the building can move forward. Lastly, he inquired into the status of the corrective work on the speed bumps on Old Tuckahoe Road. He stated that the speed bumps were built narrow and high and the cars are bottoming out. There was a brief discussion regarding the rate of speed cars should be going over the bumps. It was then stated that the matter will be looked into.

Curtis Corson, Committeeman, reported that a free rabies clinic was held on January 20 at Shore Vets. 142 dogs, and 37 cats were vaccinated. A second free rabies clinic will be held on February 17, 2018 from 1:00 pm to 3:00 pm.

Edward Barr, Committeeman, requested a public service announcement be created to educate the public regarding snow plowing procedures during a storm.

OTHER REPORTS

Scott Morgan, Township Administrator, reported that the Ocean City High School After Prom Committee will be partnering with the Ocean City/Upper Township Municipal Alliance, the Cape May County Prosecutors Office, the Upper Township Education Association, and Cape Assist to host a "Hidden in Plain Site" interactive workshop at the Upper Township Primary School on February 1, 2018 at 6:00 pm. The workshop will provide useful information for parents by presenting a look at the latest substance abuse trends and hiding spots. He next reported that the DEP has recently approved of the Township's temporary debris management areas program.

Daniel Young, Municipal Attorney, reported that there are a number of items for closed session.

Paul Dietrich, Township Engineer, reported that the County has started work on the Ocean Drive revetment project in Strathmere. Construction will continue through March, will then pause for the spring and summer months, and then begin again next winter. He next requested authorization to bid for the re-roofing of the Municipal Building project. Motion by John Coggins, second by Edward Barr, to authorize the Engineer to prepare and advertise bid specifications for the re-roofing of the Municipal Building project. During roll call vote all five Committeemen voted in the affirmative. A resolution for formal action will be placed on the next agenda. Committeeman Coggins inquired into a potential public safety issue in which several streetlights in the Tuckahoe area have poles, but the lights have not been installed yet. Mr. Dietrich stated that Atlantic City Electric subcontracted with the NJDOT during the Route 50 bridge replacement project to install street lights in that area. He stated that some of the fixtures were on backorder at the time of installation and now, at the present time, AC Electric itself is backlogged on their projects. Mr. Dietrich stated that he would reach out to the project manager to find out a timeline for completion. Mr. Coggins next reported on a safety concern at the crosswalk on Route 50 near the bank with regard to the rate of speed of vehicles in that area. He stated that the residents have requested signage to warn motorists of the upcoming crosswalk and to install flashing speed sign to help curb the rate of speed in that area. Mr. Dietrich stated that he would reach out to the DOT with the request.

Barbara Spiegel, Chief Financial Officer, reported on a request from the Tax Assessor to attend a week-long course on Assessment Administration in February at a cost of \$540.00. Motion by John Coggins, second by Curtis Corson to approve the request. During roll call vote all five Committeemen voted in the affirmative.

RESOLUTIONS

1. Congratulating the Upper Township Challenger Chargers Floor Hockey Team on becoming the 2018 New Jersey Special Olympics Division 5 Gold Medalists.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 39-2018

RE: CONGRATULATING THE UPPER TOWNSHIP CHALLENGER CHARGERS FLOOR HOCKEY TEAM ON BECOMING THE 2018 NEW JERSEY SPECIAL OLYMPICS DIVISION 5 GOLD MEDALISTS

WHEREAS, the Upper Township Challenger Chargers Hockey Team consists of Special Olympics Athletes ages 8-21 from Area 8 in Upper Township; and

WHEREAS, the Challenger Chargers traveled to Burlington City to participate in the regular season and ended their season 2-2; and

WHEREAS, they recently participated in the 2018 New Jersey Special Olympics Winter Games and took first place in Division 5 Floor Hockey with an all-around great team effort by winning

against the undefeated Bergen Wildcats 8-4 in the first game of the tournament, coming back in their second game from a 4-goal deficit defeating the Monmouth All Stars 10-7, and defeating the Yale Bulldogs 10-1 in their final game; and

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

Cameron DiTroia	Tim Palermo	Ashton Frohner
Alyssa Playford	Charlie Johnson	Chloe Byrne
Seth Flitcroft	Jacob Balnis	Ryan Feliciano
Megan McLaughlin	Zach Ginot	Sean Carmichael
Ryan Hale	Kaitlin Manson	Langston Carmichael

WHEREAS, we also extend this recognition and thanks to Kathy Turcotte, Daryl DiTroia, Jackie Adams and Fred Feliciano 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 Challenger Chargers Floor Hockey Team, congratulations on becoming the 2018 New Jersey Special Olympics Winter Games Division 5 Gold Medalists, 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 22nd day of January, 2018.

Resolution No. 039-2018

Offered by: Young

Seconded by: Coggins

Adopted: January 22, 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>X</u>	<u> </u>	<u> </u>	<u> </u>
Young	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

2. In support of a full interchange at Exit 20 on the Garden State Parkway, Upper Township, Cape May County, New Jersey.

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

RESOLUTION NO. 040-2018

RE: IN SUPPORT OF A FULL INTERCHANGE AT EXIT 20 ON THE GARDEN STATE PARKWAY, UPPER TOWNSHIP, CAPE MAY COUNTY, NEW JERSEY

WHEREAS, Exit 20 of the Garden State Parkway, located near the very busy intersection of US Route 9 and US Route 50 in the Seaville section of Upper Township, Cape May County, is severely limited in that it provides only an exit for Northbound traffic and an entrance for Southbound traffic only; and

WHEREAS, for over thirty years, the Township Committee of the Township of Upper has repeatedly requested a full interchange at Exit 20 in order to provide an entrance and exit for both Northbound and Southbound traffic; and

WHEREAS, in a recent survey conducted by the Upper Township Economic Development Advisory Commission, Ninety percent of participants responded in favor of Exit 20 being developed into a full interchange with access from Garden State Parkway South and access to Garden State Parkway North; and

WHEREAS, in the South Jersey Transportation Planning Organization's 2016 Regional Transportation Plan, a full interchange at Exit 20 was identified as a critical need for the safety of the region in the event of an evacuation; and

WHEREAS, with an increase in population of over 591% in Cape May County during the summer months, and with tourism being the economic lifeblood of this region, an efficient and sensible traffic management system is essential for the safety, convenience, and enjoyment of our residents and visitors; and

WHEREAS, the continual delay and avoidance by State Officials to addressing and correcting this issue, which is vital to the safety and economic well-being of Upper Township and Cape May County, is unacceptable; 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 once again formally endorse and urge the construction of a full interchange at Exit 20 on the Garden State Parkway in Upper Township, Cape May County, New Jersey without further delay and without further public inconvenience.

3. Certified copies of this Resolution shall be forwarded to the New Jersey Turnpike Authority, the New Jersey Department of Transportation, Governor Philip D. Murphy, Lieutenant Governor Sheila Oliver, Senator Jeff Van Drew, Assemblyman Bob Andrzejczak, Assemblyman R. Bruce Land, the Cape May County Board of Chosen Freeholders, the Township of Dennis, the City of Sea Isle City, and the City of Ocean City.

Resolution No. 040-2018

Offered by: Corson

Seconded by: Barr

Adopted: January 22, 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>X</u>	<u> </u>	<u> </u>	<u> </u>
Young	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

3. Opposing regulations proposed by the New Jersey Department of Agriculture to regulate beekeeping.

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

RESOLUTION NO. 041-2018

**RE: OPPOSING REGULATIONS PROPOSED BY THE NEW JERSEY
DEPARTMENT OF AGRICULTURE TO REGULATE BEEKEEPING**

WHEREAS, the New Jersey Department of Agriculture has published new beekeeping regulations in the New Jersey Register which are now open to public comment; and

WHEREAS, these new regulations include a section on Apiary Standards which states that bee colony density will be regulated as follows: on a residential lot of less than one-quarter acre where agriculture has not otherwise been determined as permitted new (not already in existence) hives are not permitted; on a residential lot of less than one-quarter acre where hives are in existence as of July 31, 2015, the hobbyist beekeeper may seek a waiver; on a residential lot of one-quarter acre to less than five acres, a person wishing to keep bees and a hobbyist may seek a waiver to keep two hives per lot; and

WHEREAS, these regulations also include a section of Location of Hives, which requires that all hives must be located at least ten (10) feet from any property line and at least twenty-five (25) feet from any roadside, sidewalk, or path and eighty-five (85) feet from any public place including playgrounds, sports fields, schools or churches, unless permission is granted for educational or research purposes, as well as establishing a Flyway Barrier at least six (6) feet in height consisting of a solid wall, fence, or dense vegetation parallel to the property line and extending ten (10) feet beyond the colony in each direction; and

WHEREAS, these new regulations ignore key best management practices for beekeeping and would be difficult for the vast majority of New Jersey municipalities to enforce; 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 the Township Committee wishes to go on record with the New Jersey Department of Agriculture that the Township is opposed to the new beekeeping regulations which would have a detrimental effect on beekeeping in the Township as well as throughout New Jersey, and urges the New Jersey State League of Municipalities to work towards creating legislation with straightforward regulations based on fact, science, and best management practices which will protect both beekeepers and non-beekeepers within the State of New Jersey; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Senator Jeff Van Drew, Assemblyman Bob Andrzejczak, Assemblyman R. Bruce Land, the New Jersey State League of Municipalities, the New Jersey Beekeepers Association, and all Cape May County municipalities urging them to oppose the adoption of the new beekeeping regulations as proposed by the New Jersey Department of Agriculture.

Resolution No. 041-2018

Offered by: Young

Seconded by: Corson

Adopted: January 22, 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>X</u>	<u> </u>	<u> </u>	<u> </u>
Young	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

4. Canceling and refunding taxes on exempt property Block 567, Lot 53.10.

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

RESOLUTION NO. 042-2018

**RE: CANCELING AND REFUNDING TAXES ON EXEMPT PROPERTY
BLOCK 567 LOT 53.10**

WHEREAS, certain corrections have been recommended by the Upper Township Tax Collector in order to correct tax records; and

WHEREAS, certain properties became tax exempt for the year 2017; and

WHEREAS, Thomas Pendergast is a 100% disabled American veteran residing at 5 Stephen Drive, Block 567, Lot 53.10 on the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Department of Veterans Affairs has determined that Mr. Pendergast's 100% permanent wartime service connected disability was effective September 7, 2016; and

WHEREAS, Thomas Pendergast made application on December 13, 2017; 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. 042-2018

Offered by: Coggins

Seconded by: Corson

Adopted: January 22, 2018

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>	_____	_____	_____

CANCEL TAX 2017

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
567/53.10	\$5,890.38	Thomas Pendergast 5 Stephen Drive Palermo, NJ 08230

REFUND TAX 2017

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
567/53.10	\$5,890.38	Thomas Pendergast 5 Stephen Drive Palermo, NJ 08230

100% Totally Disabled Veteran

5. Cancel Tax Sale Certificate on Block 10, Lot 15.

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

RESOLUTION NO. 043-2018

**RE: CANCEL TAX SALE CERTIFICATE
ON BLOCK 10, LOT 15**

WHEREAS, certain corrections have been recommended by the Upper
Township Tax Collector in order to correct the tax records; and

WHEREAS, Tax Sale Certificate #85089 was sold on January 3, 1986 on
Block 10 Lot 15 in the amount of \$49.72; and

WHEREAS, Block 10, Lot 15 was sold to the lienholder on October 27, 2008;
and

WHEREAS, the lienholder sold Block 10 Lot 15 on November 20, 2017; and

WHEREAS, the lienholder surrendered said tax sale certificate properly endorsed for cancellation and recorded at the Cape May County Clerk's Office.

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 CANCEL said Tax Sale Certificate #85089.

Resolution No. 043-2018

Offered by: Coggins

Seconded by: Barr

Adopted: January 22, 2018

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>	_____	_____	_____

6. Authorizing Township Officials to undertake certain actions with respect to an In Rem Foreclosure Action, Group 153 Superior Court of New Jersey, Docket No. F-013651-17.

**RESOLUTION
TOWNSHIP OF UPPER
CAPE MAY COUNTY, NEW JERSEY**

RESOLUTION NO. 044-2018

**AUTHORIZING TOWNSHIP OFFICIALS TO UNDERTAKE CERTAIN
ACTIONS WITH RESPECT TO AN IN REM FORECLOSURE ACTION,
GROUP 153 SUPERIOR COURT OF NEW JERSEY, DOCKET NO. F-013651-17**

WHEREAS, the Township of Upper, pursuant to Resolution No. 95-2017 adopted March 13, 2017, authorized the filing of an In Rem Foreclosure Action in the Superior Court of New Jersey for the purpose of foreclosing certain Tax Sale Certificates held by the Township of Upper; and

WHEREAS, said action was filed and completed under Docket No. F-013651-17 resulting in a Final Judgment entered by the Court in favor of the Township of Upper as a

result of which the Township of Upper became the owner of and vested with an absolute and indefeasible estate of inheritance in fee simple, in the following described lands:

Schedule No.	Tax Sale Certificate No.	Recorded in Cape May County Clerk's Office Date	Mortgage Bk / page	Description on Tax Duplicate and Certificate of Sale Block / Lot (s)	Name of owner on Tax Duplicate
1	08-00001	12/11/2008	4814/882	1/2	James Daniel Zackrone Gladys Kathleen Doremus
2	07-00008	12/18/2007	4682/694	363/27,28	Kathleen M. Capone aka Kathleen M. Sbaraglia
3	07-00015	12/18/2007	4682/686	453/102	Unknown Owner
4	13-00009	10/16/2013	5505/107	455/29	Edward C. Young & Gail Young h&w
5	13-00013	10/16/2013	5505/109	479/70	Upper Creek, Inc.
6	12-00010	11/01/2012	5357/932	479/72	Harry S. Webb Jr. & Mary h/w; Bertha Aspenberg & Knut h/h; Adelaide R. Fadden; Sally Thornton & Gordon h/h
7	07-00020	12/18/2007	4682/688	559/3	Virginia Mesa Ruiz Virginia Mesa Ruiz]* Victoria Pizziketti]* Amelia Meissner]* *Intestate heirs of Frank Mesa Ruiz
8	94183	6/21/1994	2289/23	639/6	Ray E. Bland & Hildegard M. h/w
9	12-00017	11/01/2012	5357/940	659/1.01	Thomas McInerney III
10	11-00027	10/21/2011	5199/586	737/23	Catherine Calderaro

WHEREAS, a certified copy of said Final Judgment is on file in the Office of the Township Clerk and is a matter of public record; and

WHEREAS, the Township Committee authorizes certain action to be taken pursuant to said final judgment as hereinafter indicated;

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 reference.
2. Any and all accrued real estate taxes, including any interest or penalty thereon, on the foreclosed parcels shall be cancelled through and inclusive of the date of adoption of this Resolution.

3. All tax and assessment records of the Township of Upper shall be changed to reflect that the Township of Upper is the absolute and sole owner of each of the parcels of land described in this Resolution, in fee simple absolute, effective as of the date of the Final Judgment, pursuant to, and in accordance with said Final Judgment of the Superior Court of New Jersey.

4. A copy of this Resolution shall be provided to the Township Tax Collector and Township Tax Assessor and shall serve as authorization to undertake the actions specified herein or which may otherwise be necessary or required under the circumstances.

5. All Township Officials are hereby authorized and directed to take such action or actions as may be reasonably necessary or required in order to carry out the intent and purpose of this Resolution.

Resolution No. 044-2018

Offered By: Coggins

Seconded By: Barr

Adopted: January 22, 2018

<u>ROLL CALL:</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Coggins	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Corson	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Young	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

7. Approving the application of the Marmora Volunteer Fire Co. for Highway Coin Drops.

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

RESOLUTION NO. 045-2018

**RE: APPROVING THE APPLICATION OF THE MARMORA VOLUNTEER FIRE CO.
FOR HIGHWAY COIN DROPS**

WHEREAS, the Marmora Volunteer Fire Co., a non-profit corporation providing firefighting services, has made application to the Township Committee to hold coin drop solicitations in Upper Township; and

WHEREAS, the Township Committee has approved the requests; and

WHEREAS, the requests require approval from the County of Cape May and the State of New Jersey;

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 application of the Marmora Volunteer Fire Co. to hold a coin drop within Upper Township at the Intersection of Roosevelt Boulevard and the Garden State Parkway from the GSP South Exit and South Entrance to the end of the Plaza on the South Side of Roosevelt Boulevard is hereby approved for the following dates:

Friday, May 25, 2018 from 2:00 pm to 8:00 pm;
Saturday, May 26, 2018 from 9:00 am to 3:00 pm;
Friday, July 27, 2018 from 2:00 pm to 8:00 pm;
Saturday, July 28, 2018 from 9:00 am to 3:00 pm

3. Attached to this Resolution is a certified copy of Ordinance No. 7-2001, authorizing coin drops within Upper Township enacted pursuant to N.J.S.A. 39:4-60.
4. A certified copy of this Resolution shall be provided to the State of New Jersey, Department of Transportation and the Board of Chosen Freeholders of the County of Cape May.

Resolution No. 045-2018

Offered by: Corson

Seconded by: Barr

Adopted: January 22, 2018

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>	_____	_____	_____

8. Declaring certain Township property and equipment as surplus and authorizing its disposal 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. 046-2018

RE: DECLARING CERTAIN TOWNSHIP PROPERTY

**AND EQUIPMENT AS SURPLUS AND AUTHORIZING ITS DISPOSAL
BY SALE ON AN ONLINE AUCTION WEBSITE**

WHEREAS, N.J.S.A.40A:11-36 authorizes a municipality to sell or dispose of certain personal property or equipment which is not needed for public use; and

WHEREAS, the Township of Upper has determined that the items listed on the attached sheet as Exhibit “A” are not needed for any public purpose and intend to sell these items on an online auction site; and

WHEREAS, the Director of the Division of Local Government Services, a Division of the Department of Community Affairs of the State of New Jersey permits the sale of surplus property no longer needed for public use through the use of online auction services, pursuant to the Local Unit Electronic Technology Pilot Program and Study Act, P.L. 2001, c.30, and has granted approval to Upper Township, copy of approval is attached as Exhibit “B”; 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 property and equipment aforementioned on Exhibit “A” is hereby determined to be useless for any public purpose and is determined to be surplus property and will forthwith be advertised for public sale pursuant to the provision of N.J.S.A. 40A:11-36; and
3. The said material will be sold at a public sale to the highest bidder through a contracted government on-line auction service, that being GovDeals, Inc., Internet web address at www.govdeals.com.
4. The required notice publication will include the following information:
 - a. The dates and times that the auction will take place.
 - b. No minimum bid requirement for an item unless otherwise stated.
 - c. The Township of Upper reserves the right to reject any and all bids.

Resolution No. 046-2018

Offered by: Barr Seconded by: Coggins

Adopted: January 22, 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>	_____	_____	_____

Exhibit "A"

		Min. Bid
1.	Samsung OfficeServ 7200 PBX Business Grade Phone System	\$150.00
2.	31 Samsung OfficeServe DS-5021D phone	\$ 20.00 each
3.	12 Samsung OfficeServe ITP-5121D phones (IP based)	\$ 45.00 each
4.	1 Polycom Sound Station 2 analog conference phone	\$ 75.00
5.	2000 GMC Mini Dump – 1GDJC34R3YF453068	\$500.00
6.	1996 Ford Ranger – 1FTCR10A7TUC36899	\$500.00
7.	1998 Ford Expedition – 1FMPU18LOWLA98604	\$500.00
8.	1996 Chevy Suburban Wagon – 3GNGK26R3TG110543	\$500.00
9.	2001 GMC 1500 Truck - 1GTEC14W71Z306174	\$500.00

Exhibit "B"



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS

September 7, 2007

JOHN S. CORZINE
GOVERNOR

CHARLES A. RICHMAN
ACTING COMMISSIONER

Barbara Spiegel, Deputy Municipal Clerk
Township of Upper
P.O. Box 205
Tuckahoe, New Jersey 08250

Dear Ms. Spiegel:

Thank you for your interest in participating in the E-Procurement Pilot Program. The Division has reviewed your application dated August 10, 2007, which sets forth the preliminary plan for the online sale by the Township of Upper of municipal surplus property no longer needed for public use.

It is the Division's understanding that the Township intends to utilize the services of GovDeals, Inc. to conduct the auction. Further, it is our understanding that GovDeals will be paid by the Township a percentage of the sales of the auction for the use of its services.

The application has been approved. Enclosed is a copy of the Township's resolution approving the online sale of the surplus property. As with a traditional auction, the Township must do a newspaper advertisement for the online sale. Please provide the Division with a copy of the newspaper advertisement.

Finally, please be advised that, if the total amount from the sale of surplus property for the year that is due to GovDeals will exceed 15% of the Township's bid threshold, the Township will be required to obtain a Business Registration Certificate (BRC) from GovDeals. It is our understanding that GovDeals has previously acquired a BRC certificate.

The Division appreciates your efforts and cooperation in this program and wishes you well in the endeavor. If you have any questions, please contact Daniel Kaminski at 609-292-9757 or by e-mail at dkaminski@dca.state.nj.us.

Sincerely,

Susan Jacobucci, Director
Division of Local Government Services

SJ:djk
enc.



9. Authorizing a professional services contract with Cape May County Council on Alcoholism and Drug Abuse, Inc. for an employee assistance program for Township employees.

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

RESOLUTION NO. 047-2018

**RE: AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH CAPE MAY
COUNTY COUNCIL ON ALCOHOLISM AND DRUG ABUSE, INC. FOR AN EMPLOYEE
ASSISTANCE PROGRAM FOR TOWNSHIP EMPLOYEES**

WHEREAS, the Township of Upper wishes to continue its Employee Assistance Program to provide assessment, evaluation intervention, referral and case management services for employees of the Township; and

WHEREAS, the Township of Upper has previously contracted with Cape May County Council on Alcoholism and Drug Abuse, Inc., a New Jersey non-profit corporation (hereinafter referred to as “Cape Assist”) for such services and wishes to continue such relationship by entering into a Professional Services Contract to cover the period from January 1, 2018 to December 31, 2018; and

WHEREAS, Cape Assist has the required expertise to provide and implement the Upper Township Employee Assistance Program; and

WHEREAS, the Township Committee intends to engage the services of Cape Assist under a Professional Services Contract attached hereto as Exhibit A; and

WHEREAS, the Chief Financial Officer has certified the availability of funds to permit said Contract to be entered into;

WHEREAS, Cape Assist has completed and submitted a Business Entity Disclosure Certification which certifies that Cape Assist 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 Cape Assist 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. Cape Assist 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 proposed Professional Services Contract between the Township of Upper and Cape Assist, a copy of which is on file in the office of the Township Clerk, is hereby approved and the Mayor and the Township Clerk are hereby authorized, directed and empowered to execute said Contract on behalf of the Township of Upper and the Township Clerk is further authorized, directed and empowered to seal said Contract with the seal of the Township of Upper.
4. The Township Clerk shall cause a Notice of Award of this Contract to be published in the official newspaper of the Township of Upper as required by N.J.S.A. 40A:11-5.
5. This Contract has been awarded without competitive bidding for the following reason or reasons:
 - (A) Professional services of the type herein sought are of such a nature as to require a high degree of trust or confidence in the individual providing the service and, in fact, may require the creation of a confidential or fiduciary relationship between that individual and the municipality;
 - (B) The services required are highly specialized or technical in nature;
 - (C) The services require peculiar ability or skill and demand a high degree of specialized knowledge or expertise;
 - (D) The services are such that their relative work must be judged by subjective considerations that are not susceptible of valuation by competitive bidding; and
 - (E) The individual who will provide these services has demonstrated his competence and particular expertise in the services required.
6. This Resolution shall take effect immediately and shall be deemed retroactive to January 1, 2018.

Resolution No. 047-2018
Offered by: Barr

Seconded by: Coggins

Adopted: January 22, 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>X</u>	<u> </u>	<u> </u>	<u> </u>
Young	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

10. Approving Atlantic-Cape Multi-Jurisdictional Program for public information.

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

RESOLUTION NO. 048-2018

**RE: APPROVING ATLANTIC-CAPE MULTI-JURISDICTIONAL
PROGRAM FOR PUBLIC INFORMATION**

WHEREAS, as an active participant in FEMA's Community Rating System (CRS) program, the Township of Upper has determined that it is necessary to participate in the Atlantic-Cape Coastal Coalition's Public Information Group, consisting of municipal officials and community stakeholders, to assist in evaluating existing public information disseminated by the Township, other Municipalities and regional stakeholders regarding floodplain management, and to develop new public information needs; and

WHEREAS, the Atlantic-Cape Multi-Jurisdictional Program for Public Information (PPI) will coordinate all of the flood-related public information in the community and the surrounding areas, both public and private; 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 appoints Paul Dietrich and alternates Scott Morgan, Shelley Lea as Public Members of the PPI and Ralph Cooper and alternate Matthew von der Hayden as Private Members of the PPI.
3. The Township of Upper hereby formally supports participation in the Atlantic-Cape Multi-Jurisdictional PPI to meet the goals of the National Flood Insurance Program's Community Rating System.

4. The Township of Upper hereby formally adopts the Atlantic-Cape Multi-Jurisdictional PPI, dated December 2017 prepared by the Atlantic-Cape Coastal Coalition.
5. 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. 048-2018

Offered by: Barr Seconded by: Coggins

Adopted: January 22, 2018

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>	_____	_____	_____

11. Authorizing the Mayor and Township Clerk to sign a professional services contract with Sabre Systems, Inc. for SharePoint Services.

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

RESOLUTION NO. 049-2018

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A
PROFESSIONAL SERVICES CONTRACT WITH SABRE SYSTEMS, INC.
FOR INFORMATION TECHNOLOGY SERVICES**

WHEREAS, the Township of Upper has a need for SharePoint site creation and support services; and

WHEREAS, Sabre Systems, Inc. has submitted a proposal to the Township to provide said services; and

WHEREAS, the Township wishes to accept said proposal and to authorize the execution of a contract with Sabre Systems, Inc. as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Sabre Systems, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Sabre Systems, Inc. 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 Sabre Systems, Inc. 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 Sabre Systems, Inc. with offices at 865 Easton Road, Suite 300, Warrington, PA, to provide SharePoint site creation and support services.

3. This contract shall have a term of one (1) year from date of full execution.

4. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Sabre Systems, Inc. has professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

NOTICE OF CONTRACT AWARD

5. The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Sabre Systems, Inc. for SharePoint site creation and support services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

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

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

9. This Resolution shall be effective as of adoption.

Resolution No. 049-2018
Offered by: Coggins
Adopted: January 22, 2018

Seconded by: Barr

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>	_____	_____	_____

12. Appointing Rhonda Sharp as the Fund Commissioner and Claims Coordinator for the Township of Upper.

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

RESOLUTION NO. 050-2018

**RE: APPOINTING RHONDA SHARP AS THE FUND COMMISSIONER AND CLAIMS
COORDINATOR FOR THE TOWNSHIP OF UPPER**

WHEREAS, the Township, as a participating member of the Atlantic County Municipal Joint Insurance Fund, has a need to fill the position of Fund Commissioner and Claims Coordinator for 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 of the preamble are incorporated herein by this reference.

2. Rhonda Sharp is hereby appointed as Fund Commissioner and Claims Coordinator for a one year term effective January 1, 2018 at an annual salary of \$3,500.00 in accordance with the Salary Ordinance.

3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or

advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 050-2018

Offered by: Barr

Seconded by: Coggins

Adopted: January 22, 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>x</u>	<u> </u>	<u> </u>	<u> </u>
Young	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u>x</u>	<u> </u>	<u> </u>	<u> </u>

13. Amending Resolution 20-2018 to confirm appointments to various positions required by the Atlantic County Municipal Joint Insurance Fund.

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

RESOLUTION NO. 51-2018

**RE: AMENDING RESOLUTION 20-2018 TO CONFIRM APPOINTMENTS TO
VARIOUS POSITIONS REQUIRED BY THE ATLANTIC COUNTY MUNICIPAL
JOINT INSURANCE FUND**

WHEREAS, Resolution 20-2018, appointing various positions required by the Atlantic County Municipal Joint Insurance Fund, was adopted on January 5, 2018; and

WHEREAS, it is necessary to amend Resolution No. 20-2018 in order to appoint the position of Fund Commissioner and Claims Coordinator, and to amend appointments to the Safety and Wellness Committee; 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 makes the following appointments as Township representatives or Township committees with respect to Township participation in the Atlantic County JIF:

Fund Commissioner: Rhonda Sharp

Alternate Fund Commissioner: Barbara L. Young, Township Clerk

Risk Management Consultant: Thomas H. Heist, IV; Thomas Heist Insurance Agency

Alternate Risk Management Consultant: Mike Connolly

Claims Coordinator: Rhonda Sharp

Safety Coordinator: Jay Potter, Chief, Upper Township Rescue Squad

Asst. Safety Coordinator: Theodore Kingston

Wellness Coordinator: Janet McBride

Township Committee Member: Curtis T. Corson, Jr.

Safety and Wellness Committee:

Curtis T. Corson, Jr.	
Scott Morgan;	Alt. James M. Jones
Jay Potter;	Alt. Michelle Sampson
Leroy Shone;	Alt. Therese Smuz
Theodore Kingston	
Paul Dietrich	
Rhonda Sharp	Alt. Patricia Smyth
Barbara Young;	Alt. Joanne Herron
Robert Young, Jr.	Alt. Brian Keenan
Jeremy Williams	

3. The Safety Committee will meet not less than quarterly to discuss safety issues.

4. A certified copy of this Resolution shall be sent to the Atlantic County Joint Insurance Fund to the attention of Paul Miola, Executive Director and a copy of this Resolution shall be provided to each of the persons named herein.

Resolution No. 51-2018

Offered by: Barr

Second by: Young

Adopted: January 22, 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>X</u>	<u> </u>	<u> </u>	<u> </u>
Young	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

14. Appointing Linda J. Loughlin as a full-time employee in the Upper Township Construction Code Office.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 052-2018

**RE: APPOINTING LINDA J. LOUGHLIN AS A FULL-TIME EMPLOYEE
TO THE UPPER TOWNSHIP CONSTRUCTION CODE OFFICE**

WHEREAS, a need exists to appoint qualified personnel to the Upper Township Construction Code Office to insure optimal operation; and

WHEREAS, Linda J. Loughlin possesses the necessary qualifications to be appointed as Keyboarding Clerk 1 in the Construction Code Office.

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. Linda J. Loughlin is hereby appointed as a full-time Keyboarding Clerk 1 in the Construction Code Office effective February 5, 2018 at an annual salary of \$47,500.00 in accordance with the Salary Ordinance.

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

Resolution No. 052-2018

Offered by: Young

Seconded by: Barr

Adopted: January 22, 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>X</u>	<u> </u>	<u> </u>	<u> </u>
Young	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

15. Rescinding Resolution No. 37-2018 - Declaring an emergency within the Township of Upper, County of Cape May, State of New Jersey during Winter Storm Grayson January 3rd, 4th, and 5th, 2018.

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

RESOLUTION NO. 053-2018

**RESCINDING RESOLUTION NO. 37-2018
DECLARING AN EMERGENCY WITHIN THE
TOWNSHIP OF UPPER, COUNTY OF CAPE MAY,
STATE OF NEW JERSEY DURING WINTER STORM GRAYSON
JANUARY 3RD, 4TH, AND 5TH, 2018**

WHEREAS, the local disaster emergency declared during Winter Storm Grayson January 3rd 4th and 5th, 2018 pursuant to the laws of the State of New Jersey is no longer necessary.

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. As of January 7, 2018, and in accordance with aforesaid laws, the local disaster emergency no longer exists and Resolution No. 37-2018 is hereby rescinded.

Resolution No. 053-2018

Offered by: Barr

Seconded by: Coggins

Adopted: January 22, 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>X</u>	<u> </u>	<u> </u>	<u> </u>
Young	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

Palombo X _____

16. Renewing Mining Licenses for the License Year 2018.

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

RESOLUTION NO. 054-2018

**RE: RENEWING MINING LICENSES FOR THE LICENSE YEAR 2018
AS FOLLOWS:**

**GEORGE HARMS CONSTRUCTION CO., INC.
CALDWELL PIT
BLOCK 414, LOT 45 AND BLOCK 451, LOT 4
DENNISVILLE/PETERSBURG ROAD
PETERSBURG, NEW JERSEY**

**THOMAS TOWER/ACTION SUPPLY, INC.
BLOCK 565.03, LOT 54
BLOCK 549, LOTS 110, 132, 133, 134, 135 & 136
1413 STAGECOACH ROAD
SEAVILLE, NEW JERSEY**

**THOMAS TOWER/ATLANTIC MASONRY SUPPLY, INC.
BLOCK 565.03, LOTS 55.02, 56 & 57;
BLOCK 549, LOTS 111, 127, 128 & 129
1413 STAGECOACH ROAD
SEAVILLE, NEW JERSEY**

**TUCKAHOE SAND AND GRAVEL
BLOCK 248, LOTS 1, 2, 3, 4, 5, 6, 7 & 8
BLOCK 247, LOTS 4, 9 & 10
BLOCK 453, LOT 2
ROUTE 610
PETERSBURG, NEW JERSEY**

**WINIFRED JOAN DALEY T/A DALEY'S PIT
BLOCK 453, LOT 3
ROUTE 610 DENNISVILLE/PETERSBURG ROAD
PETERSBURG, NEW JERSEY**

**HANSON AGGREGATES, BMC, INC.
UPPER TOWNSHIP SAND & GRAVEL
BLOCK 453, LOT 4
1401 ROUTE 610
WOODBINE, NJ 08270**

WHEREAS, Chapter XV of the Code of Upper Township requires a license for the excavation or mining of sand, gravel, earth, soil or mineral products which license shall be issued on an annual basis;

WHEREAS, each of the mining operations hereinafter designated has completed the application process in accordance with the Code of Upper Township; and

WHEREAS, the Township Committee has reviewed the recommendation of the Township Engineer after his inspection of said mining facilities and review of each application for license renewal and has determined to renew said licenses in accordance with the terms hereinafter specified;

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The following mining and soil excavation licenses are hereby renewed for a term of one (1) year commencing February 1, 2018:

- A. George Harms Construction Company, Inc., Block 414, Lot 45 and Block 451, Lot 4, Dennisville/Petersburg Road, Petersburg, New Jersey, in accordance with and subject to compliance with all terms, conditions and other approvals as specified in any resolution of the Upper Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.
- B. Thomas Tower/Action Supply, Inc., Block 565.03, Lot 54; Block 549, Lots 110, 132, 133, 134, 135 & 136, 1413 Stagecoach Road, Seaville, New Jersey, in accordance with and subject to compliance with all terms, conditions and other approvals as specified in any resolution of the Upper

Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.

- C. Thomas Tower/Atlantic Masonry Supply, Inc., Block 565.03, Lots 55.02, 56 & 57; Block 549, Lots 111, 127, 128 & 129, 1413 Stagecoach Road, Seaville, New Jersey, in accordance with and subject to compliance with all terms, conditions and other approvals as specified in any resolution of the Upper Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.
- D. Tuckahoe Sand and Gravel; Block 248, Lots 1, 2, 3, 4, 5, 6, 7 & 8; Block 247, Lots 4, 9 & 10; Block 453, Lot 2; Route 610, Petersburg, New Jersey, in accordance with and subject to compliance with all terms, conditions and other approvals as specified in any resolution of the Upper Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.
- E. Winifred Joan Daley, T/A Daley's Pit; Block 453, Lot 3; Route 610 Dennisville/Petersburg Road, Petersburg, New Jersey, in accordance with and subject to compliance with all terms, conditions and other approvals as specified in any resolution of the Upper Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.
- F. Hanson Aggregates, BMC, Inc./Upper Township Sand & Gravel; Block 453, Lot 4; Route 610 Dennisville/Petersburg Road, Petersburg, New Jersey, in accordance with and subject to compliance with all terms, conditions and other approvals as

specified in any resolution of the Upper Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.

3. All officials of the Township are hereby authorized to take such action as may be necessary or required to carry out the intent and purpose of this Resolution.

4. This Resolution shall become effective on February 1, 2018.

Resolution No. 054-2018

Offered by: Coggins

Seconded by: Barr

Adopted: January 22, 2018

Roll Call Vote:

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

17. 2018 Temporary Budget – Debt Service.

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

RESOLUTION NO. 055-2018

RE: 2018 TEMPORARY BUDGET – DEBT SERVICE

WHEREAS, N.J.S.A. 40A:4-19 provides authority for appropriating in a temporary resolution the permanent debt service requirements for the coming fiscal year providing that such resolution is not made earlier than the last ten days of the preceding fiscal year; and

WHEREAS, the date of this resolution is subsequent to that date; and

WHEREAS, principal and interest will be due on various dates from January 1, 2018 to December 31, 2018, inclusive, on sundry bonds issued and outstanding.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, in the County of Cape May, State of New Jersey, that the following appropriations be made to cover the period from January 1, 2018 to December 31, 2018, inclusive:

DEBT SERVICE – TOWNSHIP OF UPPER

Interest on Bond Anticipation Note

and Special Emergency Note	\$ 54,289.20
Payment on Bond Anticipation Note	
and Special Emergency Note	<u>4,215,000.00</u>
	\$4,269,289.20

Resolution No. 055-2018

Offered by: Coggins

Seconded by: Barr

Adopted: January 22, 2018

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>	_____	_____	_____

18. Authorizing the purchase of certain items from the 2016 Capital Improvement Bond Ordinance in an amount not to exceed \$27,787.00.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 056-2018

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS FROM THE
2016 CAPITAL IMPROVEMENT BOND ORDINANCE
IN AN AMOUNT NOT TO EXCEED \$27,787.00**

WHEREAS, it is necessary for the Township of Upper to make certain capital purchases for Webster Avenue park improvements; and

WHEREAS, the Township Committee adopted the 2016 Capital Improvement Bond Ordinance 08-2016 on April 25, 2016 and subsequently amended on November 6, 2017; and

WHEREAS, the Township's QPA has reviewed and approved the quotes for sand fill, stone surface and inlet block from Action Supply; the quote for safety fencing from Dennisville Fence; the quote for inlet grates from Bridgestate Foundry Corp.; the quotes for concrete curb and sidewalk from K Concrete, LLC; and the quote for safety surfacing from Peach Country Mulch listed on Exhibit A.

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 the items listed on Exhibit "A" in an amount not to exceed \$27,787.00 from the 2016 Capital Improvement Bond.

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

Resolution No. 056-2018

Offered by: Coggins

Seconded by: Barr

Adopted: January 22, 2018

Roll Call Vote:

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

Exhibit "A"

Sand Fill, Stone Surface and Inlet Block

Vendor: Action Supply

\$ 3,648.08*

Safety Fencing

Vendor: Dennisville Fence

\$ 7,674.00

Inlet Grate

Vendor: Bridgestate Foundry Corp.

\$ 715.04

Concrete Curb and Sidewalk

Vendor: K Concrete, LLC

\$12,155.00*

Safety Surfacing

Vendor: Peach Country Mulch

\$3,325.00

*Unit pricing which may cause cost to vary slightly.

NOT TO EXCEED TOTAL \$27,787.00

19. Amending Resolution No. 298-2017 appointing Peter Buganski to a certain position in the Upper Township Department of Public Works.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 057-2018

**RE: AMENDING RESOLUTION NO. 298-2017
APPOINTING PETER BUGANSKI TO A CERTAIN POSITION IN THE UPPER
TOWNSHIP DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 298-2017 appointed Peter Buganski 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; and

WHEREAS, the Township Committee has determined it is necessary to amend said Resolution No. 298-2017 to amend the position of Peter Buganski to reflect the title of Maintenance Worker 1, Grounds and an annual salary of \$51,687.00.

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. Resolution No. 298-2017 is amended to reflect the title of Maintenance

Worker 1, Grounds for Peter Buganski at an annual salary of \$51,687.00.

Resolution No. 057-2018

Offered by: Barr

Seconded by: Young

Adopted: January 22, 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> X </u>	<u> </u>	<u> </u>	<u> </u>
Young	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

20. Authorizing final payment and release of retainage to Arawak Paving Company for the 2016 Paving Project.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 058-2018

**RE: AUTHORIZING FINAL PAYMENT AND RELEASE OF RETAINAGE TO ARAWAK
PAVING COMPANY FOR THE 2016 PAVING PROJECT**

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

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

WHEREAS, the Township has previously authorized three Change Orders to the aforesaid contract, which included work at the Upper Township School District; and

WHEREAS, Arawak Paving Co., Inc. has submitted an Application and Certificate for Payment for the final payment and closeout of the contract with a final payment in the amount of \$37,432.78; and

WHEREAS, the Township Engineer has certified that all work has been completed and is of acceptable quality in accordance with the contract documents such that Arawak Paving Co., Inc. is entitled to final payment in the amount of \$37,432.78; and

WHEREAS, the Township Chief Financial Officer, along with the Upper Township School District Business Administrator have examined and approved Arawak's Application and Certificate for Payment; and

WHEREAS, the Township Chief Financial Officer has determined and approved that the sum of \$33,519.78 is the Township of Upper's portion of this final payment and the sum of \$3,913.00 is the Upper Township School District's portion of this final payment; and

WHEREAS, as a result of the final payment to Arawak Paving Company, the Township of Upper will return to the Upper Township School District the amount of \$34,685.34, which is the unused portion of funds held in escrow for the Upper Township School District's portion of the Contract.

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

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

2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the final payment to Arawak Paving Co., Inc. in the amount of \$37,432.78, representing the Township of Upper's portion of \$33,519.78 and the Upper Township School District portion of \$3,913.00.

3. The Township Committee of the Township of Upper, County of Cape May, New Jersey also hereby authorizes the return to the Upper Township School District the amount of \$34,685.34, representing the unused portion of funds held in escrow for the Upper Township School District's portion of the Contract.

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

Resolution No. 058-2018

Offered by: Corson

Seconded by: Barr

Adopted: January 22, 2018

Roll Call Vote:

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

ORDINANCES

21. **Introduction and first reading of Ordinance No. 001-2018 RE: AN ORDINANCE AUTHORIZING SALE OF LANDS, TO WIT BLOCK 494, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, AND 15.** Motion by John Coggins, second by Richard Palombo, to introduce Ordinance No. 001-2018 with a public hearing and final adoption scheduled for February 26, 2018. During roll call vote all five Committeemen voted in the affirmative.

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

ORDINANCE NO. 001-2018

RE: AN ORDINANCE AUTHORIZING SALE OF LANDS, TO WIT BLOCK 494, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, AND 15

WHEREAS, the Township of Upper is the owner, in fee, of certain parcels of vacant ground located within the Township of Upper, County of Cape May, and State of New Jersey, set forth on the municipal tax map as Block 494, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15; and

WHEREAS, the Township has received an offer from Steven and Margaret DeMarchi (hereinafter jointly "DeMarchi"), the owners of Block 494, Lot 16, real property contiguous with said parcels owned by the Township, to jointly purchase said parcels owned by the Township; and

WHEREAS, after discussion and deliberation, the Township Committee is of the opinion that the sale of said parcels will be in the best interest of the Township and will provide for the consolidation of existing nonconforming lots with a conforming lot; and

WHEREAS, the Township Committee has determined that the fair market value of such lots is the sum of \$20,000.00 pursuant to the appraisal prepared by Louis A. Bonato on November 4, 2017; and

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

SECTION 1: The Township of Upper is hereby authorized to sell to DeMarchi the real property commonly known as follows:

Block 494, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15
since said persons are the owners of the only real property contiguous thereto in accordance with N.J.S.A. 40A:12-13(b)(5). Pursuant to said statute such sale shall not be for less than the fair market value of said real property and the fair market value of said parcels sold as well as the purchase price of same is hereby established as follows:

Block 494, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15

Fair Market Value: \$20,000.00

SECTION 2: Prior to said sale, the Township will obtain a title report from a title company or abstract company licensed to do business in the State of New Jersey. Said report shall be available to the purchaser prior to final adoption of this Ordinance.

SECTION 3: The list of property authorized to be sold together with the minimum price thereof shall be posted at Township Hall and advertisement of the sale shall be made in a newspaper circulating in the Township within 5 days following enactment of this ordinance. Offers for the property may thereafter be made to the Township Committee for 20 days following said advertisement. The Township Committee may reconsider this ordinance not later than 30 days after enactment and thereafter advertise the property for public sale pursuant to N.J.S.A. 40A:12-13(a). The Township Clerk shall file with the Director of the Division of Local Government Services in the Department of Community Affairs sworn affidavits verifying the publication of the foregoing advertisements.

SECTION 4: DeMarchi shall pay the following sum to the Township Clerk prior to the adoption of this Ordinance: \$500.00. This amount shall be used by the Township to defray Township expenses involved in Authorizing the Sale and terms thereof; Engineer's review; Attorney's review; legal advertising; title review; closing costs and other expenses.

SECTION 5: In the event the Township Committee receives no offers for the property pursuant to the advertisement of same in accordance with N.J.S.A. 40A:12-13(b), the adjacent property owner requesting such sale, DeMarchi, shall purchase same in accordance with this Ordinance and shall appear before the Township Clerk and execute the agreement to purchase same pursuant to this Ordinance. The Township Committee expressly reserves the right to revoke its authorization to sell the subject real property at any time prior to said sale. The Township Committee is authorized to confirm the sale by resolution to complete the transaction pursuant to this Ordinance and N.J.S.A. 40A:12-13.

SECTION 6: In the event the Township Committee revokes its authorization for the sale of the subject property in its sole judgment and discretion, then, all deposit monies made by DeMarchi shall be refunded except for the \$50.00 application fee which shall be non-refundable.

SECTION 7: All payments required to be made pursuant to said sale to the Township Clerk must be made by personal check, cash or certified check, or any combination of the foregoing. All payments required to be made hereunder to a title company or abstract company conducting the closing shall be made in collected funds, that is, by cash, certified check, cashier's check or wire transfer.

SECTION 8: A sum equal to ten percent (10%) of the purchase price for said parcel or parcels shall be paid to the Township of Upper by DeMarchi within 14 days of written notice requiring same from the Township Clerk to DeMarchi. Said notice shall be sent by the Township Clerk after the posting and advertisement required by SECTION 3 above has not resulted in an offer and the Township Committee has not reconsidered this Ordinance

pursuant to N.J.S.A. 40A:12-13(b). The remaining balance of ninety percent (90%) of the highest bid for the parcel or parcels shall be paid to the Township of Upper, and must be received by the Township Clerk, not later than thirty (30) days after the date of said notice. In addition to the deposit of ten percent (10%), DeMarchi shall also be required to pay or tender within 14 days of said written notice from the Township Clerk the following:

- (A) (i) The sum of \$100.00 for the preparation of the Deed.
- (ii) The sum of \$70.00 for recording the Deed.

AT THE TIME OF CLOSING DeMarchi shall be required to pay the following sums:

- (B) Any additional sum required for title search or title insurance.
- (C) The cost of any survey ordered by the purchaser. The purchaser shall place such order directly with the surveyor or with the title company conducting closing, but the survey must be prepared in time to permit the closing to take place as scheduled.
- (D) Title company settlement fees covering services to both the Seller and the Buyer.
- (E) Any additional fees or costs chargeable by the title company.

SECTION 9: The closing of title shall take place as designated by the Township as follows:

- (A) Township Hall, Petersburg, New Jersey; or
- (B) Office of the Township Solicitor; or
- (C) At the office of a title insurance company or title abstract company located within Cape May County.

SECTION 10: If the purchaser fails to close or fails to comply with the provisions hereof, the purchaser shall be in default and all amounts paid to the Township by or

on behalf of the purchaser shall be retained by the Township as **LIQUIDATED DAMAGES AND NOT AS A PENALTY.**

SECTION 11: The Deed from the Township of Upper shall be what is commonly known as a Quitclaim Deed.

SECTION 12: The title to be delivered by the Township shall be free and clear of all taxes up to and including the date when the Deed is delivered and closing takes place. Purchaser shall be responsible for all taxes thereafter. Unless otherwise specified herein, the purchaser shall be liable for payment of all assessments, of any nature, against said land.

SECTION 13: The title to be delivered by the Township shall be under and subject to all easements and rights of way, recorded and unrecorded, whether for utilities or for others, and shall also be subject to all conditions, reservations and restrictions of record, if any. If the title report discloses an unmarketable condition of title, except as specified herein, the remedy of the purchaser shall be limited to the return of payments made to the Township of Upper on account of the purchase price and closing costs only. Any and all other amounts paid to the Township shall be non-refundable. This sale is under and subject to any riparian claim which may affect said property. If any such claim exists, it shall be the sole responsibility of the purchaser to meet and satisfy all requirements of the State of New Jersey with respect to said riparian claim and the payment of any compensation to the State of New Jersey on account thereof. Nothing herein shall be construed as obligating the Township of Upper to construct or maintain access roads to any portion of the property being sold. Such property may not qualify for a building permit due to lack of water supply, lack of sewer or septic facilities, lack of access, inadequate lot size, or other reasons, including those reasons set forth below. The purchaser is required to comply with all applicable zoning, building and health ordinances and codes and regulations. The property being sold may be situated in a Flood Hazard Zone. The Township of Upper makes no warranties or representations, expressed or implied, as to the property being offered for sale, the condition or marketability

of the title or any other matter. The Township of Upper makes no warranties or representations, expressed or implied, as to whether or not the property being offered for sale contains wetlands anywhere on the property. The Township makes no warranties or representations as to any matter of an environmental nature, or otherwise, which may prevent or limit building or construction.

SECTION 14: All references to Lots and Blocks described herein are to the Lots and Blocks as shown on the Current Official Tax Map of the Township of Upper.

SECTION 15: The purchaser shall be required to execute a document acknowledging that the sale is governed by the provisions of this Ordinance as well as N.J.S.A. 40A:12-13.

SECTION 16: The provisions of this Ordinance pertaining to this sale shall survive the closing of title and shall not merge into the Deed.

SECTION 17: It is a requirement of this sale that the purchasers of the subject property be the only contiguous property owner. Said purchasers shall be required to take immediate action to cause a consolidation of the property being purchased with all of the purchaser's existing adjacent lots so as to constitute all such lots in Block 494 as a single parcel of ground which shall not be further subdivided into more than one lot. This restriction shall be included in the deed of conveyance and shall run with the land. The purchasers shall complete the consolidation as a condition of the sale. The provisions of this Section shall survive closing and shall not merge into the Deed.

SECTION 18: 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 22nd DAY OF JANUARY, 2018 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 26th DAY OF FEBRUARY, 2018 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

22. **Introduction and first reading of Ordinance No. 002-2018 RE: AN ORDINANCE AUTHORIZING SALE OF LANDS, TO WIT BLOCK 424, LOT 47.** Motion by John Coggins, second by Edward Barr, to introduce Ordinance No. 002-2018 with a public hearing and final adoption scheduled for February 26, 2018. During roll call vote all five Committeeman voted in the affirmative.

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

ORDINANCE NO. 002-2018

**RE: AN ORDINANCE AUTHORIZING SALE OF LANDS,
TO WIT BLOCK 424, LOT 47**

WHEREAS, upon to a request from Clayton Industries, Inc. to purchase Township owned real property, the Township adopted Ordinance No. 002-2015 authorizing the sale of Block 424, Lots 51 through 60 to the highest bidder from among all owners of real property contiguous thereto; and

WHEREAS, due to circumstances beyond the Township's control, the sale of said real property was delayed, during which time Block 424, Lots 51-60 were merged into Block 424, Lot 47 by the Upper Township Tax Assessor in compliance with tax map revisions required by the NJ Division of Taxation; and

WHEREAS, Clayton Industries, Inc., (hereinafter "Clayton"), the owner of real property contiguous with Block 424, Lot 47 owned by the Township, have submitted a request to purchase Block 424, Lot 47; and

WHEREAS, after discussion and deliberation the Township Committee is of the opinion that the sale of Block 424, Lot 47 will be in the best interest of the Township and will provide for the consolidation of said lot with an existing lot; and

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

SECTION 1: The Township of Upper is hereby authorized to sell the real property commonly known as follows:

Block 424, Lot 47

to the highest bidder from among all owners of real property contiguous thereto in accordance with N.J.S.A. 40A:12-13(b)(5). Such sale shall not be for less than the fair market value of said real property and the minimum bid for such parcel is hereby established as follows:

Block 424, Lot 47

Minimum Bid: \$16,000.00

SECTION 2: Prior to said sale, the Township will obtain a title report from a title company or abstract company licensed to do business in the State of New Jersey. Said report shall be available to all prospective bidders.

SECTION 3: The list of property authorized to be sold together with the minimum price thereof shall be posted at Township Hall and advertisement of the sale shall be made in a newspaper circulating in the Township within 5 days following enactment of this ordinance. Offers for the property may thereafter be made to the Township Committee for 20 days following said advertisement. The Township Committee may reconsider this ordinance not later than 30 days after enactment and thereafter advertise the property for public sale pursuant to N.J.S.A. 40A:12-13(a). The Township Clerk shall file with the Director of the Division of Local Government Services in the Department of Community Affairs sworn affidavits verifying the publication of the foregoing advertisements.

SECTION 4: Clayton has paid the following sum to the Township Clerk prior to the adoption of this Ordinance: \$500.00 pursuant to Ordinance No. 002-2015. This payment will be used by the Township and defray Township expenses involved in Authorizing the Sale and terms thereof; Engineer's review; Attorney's review; legal advertising, certified mail notices, title review expenses, closing costs and other expenses. If the parcel is not sold, this amount will be retained by the Township as **LIQUIDATED DAMAGES** and will be used to pay for the review of the title report and other documents. If the highest bidder at the auction sale is not the original applicant, the highest bidder will be required to pay, in addition to the purchase price and other expenses, an additional sum of \$500.00, representing pre-sale amounts paid by the original applicant requesting the sale and the original applicant (who is not the highest bidder) will then be entitled to a refund of all sums paid (\$500.00) except for the non-refundable application fee (\$50.00).

SECTION 5: The aforesaid parcel of real property shall be offered for sale at an auction to be conducted by the Township Clerk at a date and time to be set by the Township Clerk after the appropriate notice of sale has been sent to contiguous owners of the subject real property. Said notice shall be sent certified and regular mail to the owners of contiguous property at the address set forth on the tax assessor's records. Said notice shall be sent no greater than 30 days prior to the date of sale and no less than 14 days prior to the date of sale. At any time, the Township Clerk may adjourn said sale and renote in accordance with the provisions of this Ordinance and N.J.S.A. 40A:12-13.

SECTION 6: The Township Committee expressly reserves the right to reject any and all bids in the exercise of its sole judgment and discretion. The Township Committee is authorized to confirm the sale by resolution and complete the transaction pursuant to this Ordinance and N.J.S.A. 40A:12-13.

SECTION 7: In the event the highest bid at such auction exceeds the minimum bid established herein and the Township Committee rejects same in the exercise of

its sole judgment and discretion, then, in such event, all deposits made by the original applicant or the highest bidder, as the case may be, shall be refunded except for the \$50.00 application fee which shall be non-refundable.

SECTION 8: All payments required to be made pursuant to said sale to the Township Clerk must be made by personal check, cash or certified check, or any combination of the foregoing. All payments required to be made hereunder to a title company or abstract company conducting the closing shall be made in collected funds, that is, by cash, certified check, cashier's check or wire transfer.

SECTION 9: A sum equal to ten percent (10%) of the highest bid for said parcel or parcels shall be paid to the Township of Upper by the highest bidder or bidders at the time of the sale. The remaining balance of ninety percent (90%) of the highest bid for the parcel or parcels shall be paid to the Township of Upper, and must be received by the Township Clerk, not later than thirty (30) days after the date of the sale. In addition to the deposit of ten percent (10%), the highest bidder or bidders shall also be required to pay or tender at the time of sale the following:

IF THE BIDDER IS THE ORIGINAL APPLICANT:

- (A) (i) The sum of \$100.00 for the preparation of the Deed; and
- (ii) the sum of \$70.00 for recording the Deed.

IF THE BIDDER IS NOT THE ORIGINAL APPLICANT:

- (B) The sum of 500.00, payable to the Township of Upper, representing payment to the Township for expenses of \$500.00 to defray Township expenses, which amounts were required of the original applicant.
- (C) (i) The sum of \$100.00 for the preparation of the Deed.
- (ii) The sum of \$70.00 for recording the Deed.

AT THE TIME OF CLOSING the successful bidder shall be required to pay the following sums:

- (D) Any additional sum required for title search or title insurance.
- (E) The cost of any survey ordered by the successful bidder. Successful bidder shall place such order directly with the surveyor or with the title company conducting closing, but the survey must be prepared in time to permit the closing to take place as scheduled.
- (F) Title company settlement fees covering services to both the Seller and the Buyer.
- (G) Any additional fees or costs chargeable by the title company or otherwise necessary to complete the transaction on behalf of the purchaser.

SECTION 10: The closing of title shall take place as designated by the Township as follows:

- (A) Township Hall, Petersburg, New Jersey; or
- (B) Office of the Township Solicitor; or
- (C) At the office of a title insurance company or title abstract company located within Cape May County.

SECTION 11: If the bidder fails to close or fails to comply with the provisions hereof, such bidder shall be in default and all amounts paid to the Township by or on behalf of the bidder shall be retained by the Township as **LIQUIDATED DAMAGES AND NOT AS A PENALTY.**

SECTION 12: The Deed from the Township of Upper shall be what is commonly known as a Quitclaim Deed.

SECTION 13: The title to be delivered by the Township shall be free and clear of all taxes up to and including the date when the Deed is delivered and closing takes place. Purchaser shall be responsible for all taxes thereafter. Unless otherwise specified herein, the purchaser shall be liable for payment of all assessments, of any nature, against said land.

SECTION 14: The title to be delivered by the Township shall be under and subject to all easements and rights of way, recorded and unrecorded, whether for utilities or for others, and shall also be subject to all conditions, reservations and restrictions of record, if any. If the title report discloses an unmarketable condition of title, except as specified herein, the remedy of the bidder shall be limited to the return of payments made to the Township of Upper on account of the purchase price and closing costs only. Any and all other amounts paid to the Township shall be non-refundable. This sale is under and subject to any riparian claim which may affect said property. If any such claim exists, it shall be the sole responsibility of the purchaser to meet and satisfy all requirements of the State of New Jersey with respect to said riparian claim and the payment of any compensation to the State of New Jersey on account thereof. Nothing herein shall be construed as obligating the Township of Upper to construct or maintain access roads to any portion of the property being sold. Such property may not qualify for a building permit due to lack of water supply, lack of sewer or septic facilities, lack of access, inadequate lot size, or other reasons, including those reasons set forth below. The purchaser is required to comply with all applicable zoning, building and health ordinances and codes and regulations. The property being sold may be situated in a Flood Hazard Zone. The Township of Upper makes no warranties or representations, expressed or implied, as to the property being offered for sale, the condition or marketability of the title or any other matter. The Township of Upper makes no warranties or representations, expressed or implied, as to whether or not the property being offered for sale contains wetlands anywhere on the property. The Township makes no warranties or representations as to any matter of an environmental nature, or otherwise, which may prevent or limit building or construction.

SECTION 15: All references to Lots and Blocks described herein are to the Lots and Blocks as shown on the Current Official Tax Map of the Township of Upper.

SECTION 16: The successful bidder shall be required, at the time of the sale, to execute a document acknowledging that the sale is governed by the provisions of this Ordinance as well as N.J.S.A. 40A:12-13.

SECTION 17: The provisions of this Ordinance pertaining to this sale shall survive the closing of title and shall not merge into the Deed.

SECTION 18: It is a requirement of this sale that the purchaser of the subject property be a contiguous property owner. Said purchaser shall be required to take immediate action to cause a consolidation of the property being purchased with all of the bidder's existing adjacent property so as to constitute a single parcel of ground which shall not be further subdivided into more than one lot. This restriction shall be included in the deed of conveyance and shall run with the land. The successful bidder shall complete the consolidation as a condition of the sale. The provisions of this Section shall survive closing and shall not merge into the Deed.

SECTION 19: Upper Township Ordinance No. 002-2015 is hereby repealed and replaced with this Ordinance No. 004-2018.

SECTION 20: 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 22nd DAY OF JANUARY, 2018 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 26th DAY OF FEBRUARY, 2018 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

NEW BUSINESS

23. **Hanson Aggregates request for extension of Mining License for Julies Pit Block 414 Lot 44.** Motion by Curtis Corson, Edward Barr, to approve the request and grant a 30-day extension of the mining license for Julies Pit. During roll call vote all five Committeemen voted in the affirmative.

UNFINISHED BUSINESS

DISCUSSION

PAYMENT OF BILLS

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

Bills approved for payment: \$1,778,663.96

Payroll: \$206,136.58

REPORT OF MUNICIPAL DEPARTMENTS

- 25. Animal Control**
- 26. Clerk’s Office**
- 27. Construction Code**
- 28. Finance Office**
- 29. Municipal Court**

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

PUBLIC COMMENT

There was no public comment.

CLOSED SESSION

30. Resolution to conduct a closed meeting pursuant to N.J.S.A. 10:4-12, from which the public shall be excluded.

**TOWNSHIP OF UPPER
RESOLUTION NO. 059-2018
MOTION GOING INTO CLOSED SESSION
JANUARY 22, 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 - Collective Bargaining Agreement
3. Contract negotiation - Special Legal Counsel for In-Rem Foreclosure matters
4. Contract negotiation - Assignment of Tax Sale Certificate Block 653.01 Lots 2, 3 & 4
5. Contract negotiation - 18 Sunset Place Upper Township
6. Contract negotiation - Shared Service with Upper Township Fire District No. 2
7. Litigation - Affordable Housing

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 five Committee members voted in the affirmative.

RECONVENE PUBLIC PORTION OF MEETING

Motion by John Coggins, second by Richard Palombo, to reconvene the public portion of the meeting with all five Committeeman voting in the affirmative.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:58 P.M., with a motion by John Coggins, second by Richard Palombo, and all five Committeemen voting in the affirmative. The next regular meeting is scheduled for February 12, 2018 with a Budget Workshop meeting at 6:00 P.M. and the regular meeting at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

Bill List

70772 01/22/18 A0015 ADVANCE LEARNING 198.00 3007
70773 01/22/18 A0017 ATLANTIC CO. MUNICIPAL JIF 99,634.00 3007
70774 01/22/18 A0018 ACTION SUPPLY INC. 14.52 3007

70775 01/22/18 A0019 AMERICAN II, INC. 140.00 3007
70776 01/22/18 A0023 ADAMS, JOHN 10.00 3007
70777 01/22/18 A0025 ADVANTAGE RENTAL ACE HARDWARE 902.45 3007
70778 01/22/18 A0061 ASSOC. CERT. TAX ASSESSORS CMC 660.00 3007
70779 01/22/18 A0072 AN ENCHANTING FLORIST 327.98 3007
70780 01/22/18 A0091 ATLANTIC CITY ELECTRIC 18,159.06 3007
70781 01/22/18 A0113 ARAWAK PAVING CO. INC. 33,519.78 3007
70782 01/22/18 A0212 ANCERO, LLC 11,390.76 3007
70783 01/22/18 B0020 BLAKER,RAYMOND 10.00 3007
70784 01/22/18 B0035 BELMONT & CRYSTAL SPRINGS 21.70 3007
70785 01/22/18 B0076 BOND,LAURENCE E. 2,604.00 3007
70786 01/22/18 B0184 BUSHONG, BRIAN 144.98 3007
70787 01/22/18 B0232 BLUE FLAME GAS 128.27 3007
70788 01/22/18 C0008 CMC COURT ADMINISTRATORS ASSOC 100.00 3007
70789 01/22/18 C0048 CAPE MAY COUNTY MUA 28,277.83 3007
70790 01/22/18 C0052 CAPE MAY COUNTY TREASURER 1,329,618.28 3007
70791 01/22/18 C0056 CAPE MEDIATION SERVICE, INC. 2,260.80 3007
70792 01/22/18 C0060 CAPRIONI'S PORTABLE TOILETS 2,031.00 3007
70793 01/22/18 C0068 COMCAST 870.67 3007
70794 01/22/18 C0078 CARTER, EDWARD, SR. 10.00 3007
70795 01/22/18 C0143 CODY'S POWER EQUIPMENT 1,027.00 3007
70796 01/22/18 C0182 CDW GOVERNMENT, INC 1,250.00 3007
70797 01/22/18 C0223 CASA PAYROLL SERVICE 549.50 3007
70798 01/22/18 C0230 CATAMARAN MEDIA COMPANY 76.25 3007
70799 01/22/18 C0246 CRAFT OIL CORPORATION 476.85 3007
70800 01/22/18 C0283 CUSTOM-BANDAG, INC 364.16 3007
70801 01/22/18 C0296 COMCAST BUSINESS COMMUNICATION 3,291.95 3007
70802 01/22/18 D0058 DIGIOVANNI, SHARON 57.56 3007
70803 01/22/18 D0168 Duggan MaryEllen 21.44 3007
70804 01/22/18 F0053 FORD, SCOTT & ASSOCIATES 4,600.00 3007
70805 01/22/18 G0002 GAGLIONE, WANDA 2,328.00 3007
70806 01/22/18 G0030 GENERAL SPRING SERVICE 1,785.38 3007
70807 01/22/18 G0086 W.W. GRAINGER, INC. 70.50 3007
70808 01/22/18 G0092 GRUND, BARBARA J. 100.00 3007
70809 01/22/18 G0141 GENTILINI CHEVROLET 180.13 3007
70810 01/22/18 G0147 GREATAMERICA FINANCIAL SVCS. 170.00 3007
70811 01/22/18 G0182 GOLDENBERG, MACKLER & SAYEGH 84.94 3007
70812 01/22/18 H0062 HOPE, JOHN J. 10.00 3007
70813 01/22/18 H0073 HOME DEPOT CRC/GECE 671.30 3007
70814 01/22/18 H0095 HORIZON BCBSNJ 165,423.39 3007
70815 01/22/18 H0174 HOFFMAN EQUIPMENT CO. 482.22 3007
70816 01/22/18 H0183 HAINESPORT ENTERPRISES INC 8,285.82 3007
70817 01/22/18 H0184 HABERMAN BENJAMIN 41.44 3007
70818 01/22/18 J0041 JONES, JAMES M. 10.00 3007
70819 01/22/18 K0007 KACZMARSKI, RICHARD 190.98 3007
70820 01/22/18 K0020 KENNEY,EDWARD 670.00 3007
70821 01/22/18 K0047 KLINE, EDWARD T. 438.08 3007
70822 01/22/18 L0116 LEA, ANTHONY 10.00 3007
70823 01/22/18 M0012 McCAULEY, RICHARD 10.00 3007
70824 01/22/18 M0016 MCAFEE, MEGAN 145.00 3007
70825 01/22/18 M0046 MASON, DAVID 1,856.00 3007
70826 01/22/18 M0055 MAY, JUDITH 2,232.40 3007
70827 01/22/18 M0059 MCDANIELS, WILLIAM J. III 10.00 3007
70828 01/22/18 M0142 MASON, NICHOLAS 10.00 3007
70829 01/22/18 M0164 MURPHY FENCE COMPANY. INC. 3,714.24 3007
70830 01/22/18 M0180 MED-TECH RESOURCE,LLC 119.52 3007
70831 01/22/18 M0188 MCCARTHY TIRE SERVICE OF PHILA 300.22 3007
70832 01/22/18 M0193 MAYNE, MICHAEL 10.00 3007
70833 01/22/18 N0004 NJ-AMERICAN WATER CO. 58.98 3007
70834 01/22/18 N0052 NATL YOUTH SPORTS COACHED ASSN 240.00 3007
70835 01/22/18 N0100 N.J. LEAGUE OF MUNICIPALITIES 923.00 3007
70836 01/22/18 N0143 NATIONAL TIME SYSTEMS 896.50 3007
70837 01/22/18 N0154 NEW HORIZON COMMUNICATIONS 1,114.36 3007
70838 01/22/18 O0006 SJSHORE MARKETING,LLC 700.09 3007
70839 01/22/18 O0012 OCEAN CITY BD. OF EDUCATION 1,422.83 3007
70840 01/22/18 O0025 OLD DOMINION BRUSH 797.35 3007
70841 01/22/18 P0032 PEDRONI FUEL CO. 2,483.77 3007
70842 01/22/18 P0034 PEIFER, SUSAN R. 1,320.00 3007
70843 01/22/18 P0050 PARSIO, ANTHONY 10.00 3007
70844 01/22/18 P0136 POSTNET 19.95 3007
70845 01/22/18 P0175 PRIEST JR., ANTHONY 200.00 3007
70846 01/22/18 R0030 RIGGINS, INC. 7,615.54 3007
70847 01/22/18 R0114 RUDERMAN,HORN & ESMERADO, PC 350.00 3007
70848 01/22/18 R0115 RID PEST CONTROL INC. 55.00 3007
70849 01/22/18 S0015 SMYTH, PATRICIA 30.00 3007
70850 01/22/18 S0018 SUBURBAN PROPANE, LP 144.72 3007
70851 01/22/18 S0031 SCHULER SECURITY, INC. 312.00 3007
70852 01/22/18 S0034 SCHULER, DANIEL 10.00 3007
70853 01/22/18 S0072 SEGIN, STEWART S. 10.00 3007

70854 01/22/18 S0113 SMITH,THOMAS G. 4,289.39 3007
 70855 01/22/18 S0134 SO. JERSEY GAS COMPANY 6,058.03 3007
 70856 01/22/18 S0153 STERICYCLE, INC. 171.08 3007
 70857 01/22/18 S0185 STOCKTON STATE COLLEGE 6,400.33 3007
 70858 01/22/18 S0239 SHORE VET. ANIMAL CONTROL LLC 2,300.00 3007
 70859 01/22/18 S0249 BSN SPORTS 1,311.94 3007
 70860 01/22/18 T0005 TCTA OF NEW JERSEY 100.00 3007
 70861 01/22/18 T0020 TERWILLIGER, DUANE E. 10.00 3007
 70862 01/22/18 T0024 TAYLOR, MATTHEW 10.00 3007
 70863 01/22/18 T0032 THE PRESS OF ATLANTIC CITY 521.18 3007
 70864 01/22/18 T0038 THOMAS, CHRISTOPHER 10.00 3007
 70865 01/22/18 T0067 TOWNSHIP OF UPPER PETTY CASH 100.00 3007
 70866 01/22/18 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3007
 70867 01/22/18 U0003 U.S. MUNICIPAL SUPPLY, INC. 3,204.42 3007
 70868 01/22/18 U0028 UPPER TOWNSHIP BD.OF EDUCATION 695.00 3007
 70869 01/22/18 V0013 VERIZON WIRELESS 565.67 3007
 70870 01/22/18 V0022 VERIZON 482.50 3007
 70871 01/22/18 V0024 VAL-U AUTO PARTS L.L.C. 719.98 3007
 70872 01/22/18 V0025 V.E. RALPH & SON,INC. 164.60 3007

Total: 1,778,663.96