

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR FEBRUARY 12, 2018**

**\*\*\*\*\*BUDGET WORKSHOP MEETING - 6:00 P.M.**

In preparation of the 2018 Municipal Budget a budget workshop meeting was called to order this evening at 6:00 PM.

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

Committeeman Coggins began the meeting by stating that the plan for tonight is to go through each Department's budget narrative along with any capital requests. He also requested that the Department Heads come up during the discussion of their department in order to answer any questions the Committee may have. There was then an in-depth discussion of the line items in the budget proposals contained in the Clerk's Office, IT, Engineer, Green Team, and the Municipal Court.

Motion by Edward Barr, second by Hobie Young, to close the Budget Workshop Meeting. During roll call vote all five Committeemen voted in the affirmative. There was then a brief 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 22, 2018 Regular Meeting and  
Closed Session "A" and "B" Minutes

Motion by Edward Barr, second by John Coggins, to approve the January 22, 2018 Regular Meeting and Closed Session “A” and “B” Minutes as submitted. During roll call vote all five Committeemen voted in the affirmative.

### **REPORT OF GOVERNING BODY MEMBERS**

**John Coggins, Committeeman**, reported that at the next Budget Workshop meeting he would like to finish the discussion regarding Public Works, EMS, OEM, and Beach Patrol budgets.

**Hobie Young, Committeeman**, reported that the Easter Egg Hunt will be held on March 24<sup>th</sup>, rain date March 25<sup>th</sup>, at Amanda’s Field. He stated that we are looking for volunteers to fill eggs. He next inquired into the status of the asbestos remediation at the Old Township Hall. The Township Engineer stated that the contract has been executed, and the contractor and consultant are coordinating a pre-construction meeting to go over permitting requirements. Committeeman Young next gave a brief update on the progress at the Amanda’s Field baseball field. He thanked the Baseball Association for their help with the funding and construction of the press box.

**Edward Barr, Committeeman**, reported that Senator Van Drew has introduced Senate Bill S246 which directs the NJ Turnpike Authority to hold at least two of their regular meetings during the year in Ocean, Atlantic, and Cape May Counties; and at least one meeting a year in Salem, Gloucester, and Camden Counties. Committeeman Barr made a motion to draft a letter in support of this bill and to make a recommendation to fill the vacancy on the NJ Turnpike Authority with a resident of Cape May County. The motion was seconded by Curtis Corson. During roll call vote all five Committeeman voted in the affirmative.

**Curtis Corson, Committeeman**, reported that a free rabies clinic will be held on Saturday February 17, 2018 from 1:00 to 3:00 pm at Shore Veterinarians. He next reported that the Rescue Squad is selling roses for Valentine’s Day. Lastly, he inquired into requesting the legislature to eliminate requirements for Municipalities to advertise public and legal notices in newspapers, and allow for electronic posting of such notices in order to save money. The Municipal Attorney stated that there have been several legislative attempts to do this, however, there is significant push back from the newspapers.

**Richard Palombo, Mayor**, reported that the Coast Guard has requested a donation of \$350 in order to provide lunches for active duty military during the Cape May County Coast Guard Community Festival. Mayor Palombo made a motion, seconded by John Coggins, to provide the donation as requested. During roll call vote all five Committee members voted in the affirmative. He next requested that preliminary plans and discussions be started for the bulkhead project on Bayview Drive in Strathmere. The Township Engineer stated that he will have information available for discussion at the first meeting in March.

### **OTHER REPORTS**

**Scott Morgan, Township Administrator**, reported that a recent inspection of the communication towers at Town Hall and Estell Manor revealed that the tower in Estell Manor had been struck by lightning. The repairs have been made, and both towers are in

proper working order. Lastly, he reported that the Township's new website, [www.uppertownship.com](http://www.uppertownship.com), is up and running.

**Barbara Young, Municipal Clerk**, reported that Township Offices will be closed on Monday February 19<sup>th</sup> for President's Day and trash and recycling collection scheduled for collection on Monday will be collected on Tuesday February 20<sup>th</sup>.

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

**Paul Dietrich, Township Engineer**, reported that he has spoken with AC Electric regarding the street lights on Route 50. They anticipate delivery and installation of the lights by the end of the month. Once the lights in Tuckahoe have been installed, they will remove the secondary lights. He next reported that the paving contractor has corrected and repaired the patch in the paving at Amanda's Field. Next, he reported that the suspects charged with trespassing on the Township's pit have been prosecuted and fined. He stated that hopefully word will get out that trespassing on the pits is unsafe and violators will be prosecuted. He next reported that the School Board has requested his engineering services to prepare a site plan for a storage building at the Elementary School. Motion by Hobie Yong, second by Edward Barr to approve the request. During roll call vote all five Committee members voted in the affirmative. Lastly, he gave an update on the plans to replace and repair the beach crossovers in Strathmere. Mr. Morgan stated that upon Committeeman Young's request, they checked with the DEP and were informed that some of the areas will need permits before work is commenced. Mayor Palombo requested that the plans be developed to provide more handicapped access. Committeeman Barr requested that signs designating the handicapped access be placed on Commonwealth Ave.

**Barbara Spiegel, Chief Financial Officer**, reported that the next Budget Workshop meeting will be held on February 26<sup>th</sup> at 6:00 pm.

### **PRESENTATIONS**

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

### **RESOLUTIONS**

3. Honoring Citizen Emergency Response Team Member Gayle Davidson.

### **TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION**

**RESOLUTION NO. 60-2018**

**HONORING CITIZEN EMERGENCY RESPONSE TEAM MEMBER  
GAYLE DAVIDSON**

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**WHEREAS**, the members of the Upper Township Committee are honored to recognize the heroic acts of Ocean City/ Upper Township CERT member, Gayle Davidson for her quick and professional assistance during a recent motor vehicle accident; and

**WHEREAS**, on January 25<sup>th</sup> a serious motor vehicle accident occurred on Route 9 in the Seaville section of Upper Township; and

**WHEREAS**, upon witnessing the accident, Gayle quickly called 9-1-1 and reported that there was fire, wires were down, and that the jaws of life would be needed; and

**WHEREAS**, upon the arrival of fire and rescue personnel, Gayle then remained on location and directed traffic away from the accident scene while emergency crews extricated the patient from the vehicle, ensuring that emergency workers were able to focus all of their resources to the accident victim; and

**WHEREAS**, with her quick thinking and expertise, Gayle provided precious life-saving minutes for the victim by relaying pertinent information to the responding emergency personnel; and

**WHEREAS**, it is fitting and proper for the Township of Upper to honor Gayle, who through her knowledgeable and selfless actions during this incident, perfectly represented the principles of the Community Emergency Response Team; 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, this Township Committee expresses its sincere gratitude to Gayle Davidson for her commitment to helping others.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this

12<sup>th</sup> day of February, 2018.

Resolution No. 60-2018

Offered By: Palombo

Seconded by: Corson

Adopted: February 12, 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>

4. Appointing Keith A. Bonchi, Attorney at Law and the Law Offices of GMS Law as Special Legal Counsel to complete certain in rem foreclosure matters.

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

**RESOLUTION NO. 61-2018**

**RE: APPOINTING KEITH A. BONCHI, ATTORNEY AT LAW AND THE  
LAW OFFICES OF GMS LAW AS SPECIAL LEGAL COUNSEL TO COMPLETE  
CERTAIN IN REM FORECLOSURE MATTERS**

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**WHEREAS**, the Township of Upper requires legal counsel to complete certain in rem foreclosure matters; and

**WHEREAS**, a resolution is required authorizing the award of such contract for professional services; and

**WHEREAS**, the Township has decided to acquire the services of Keith A. Bonchi, Esquire and the Law Offices of GMS Law as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Keith A. Bonchi, Esquire and the Law Offices of GMS Law have completed and submitted a Business Entity Disclosure Certification which certifies that Keith A. Bonchi, Esquire and the Law Offices of GMS Law have 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 Keith A. Bonchi, Esquire and the Law Offices of GMS Law from making any reportable contributions through the term of the contract.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee in 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. Keith A. Bonchi, Esquire and the Law Offices of GMS Law with offices at 660 New Road, First Floor, Northfield, New Jersey 08225 are hereby appointed as Special Legal Counsel for the Township of Upper for the completion of in rem foreclosure matters.
3. The 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 Keith A. Bonchi, Esquire and the Law Offices of GMS Law have professional knowledge as to in rem foreclosure matters which knowledge 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 Keith A. Bonchi, Esquire and the Law Offices of GMS Law as Special Legal Counsel for in rem foreclosure matters. 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 has provided proof of that registration to the Township of Upper.

8. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Keith A. Bonchi, Esquire and the Law Offices of GMS Law in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

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

Resolution No. 61-2018

Offered By: Coggins

Seconded by: Barr

Adopted: February 12, 2018

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

5. Appointing Frank Guaracini, III to serve as an additional Municipal Prosecutor on an as needed basis.

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

**RESOLUTION NO. 62-2018**

**RE: APPOINTING FRANK GUARACINI, III TO SERVE AS AN  
ADDITIONAL MUNICIPAL PROSECUTOR ON AN AS NEEDED BASIS**

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**WHEREAS**, a need exists to appoint an additional municipal prosecutor to serve on an as needed basis; and

**WHEREAS**, N.J.S.A. 2B:25-4 allows for the appointment of additional municipal prosecutors as necessary to administer justice in a timely and effective manner; and

**WHEREAS**, the Township has decided to acquire the services of Frank Guaracini, III as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, a resolution is required authorizing the award of such contract for professional services; and

**WHEREAS**, Frank Guaracini, III has completed and submitted a Business Entity Disclosure Certification which certifies that Frank Guaracini, III 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 Frank Guaracini, III 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. Frank Guaracini, III with offices at 2123 Dune Drive, Suite 11, Avalon, New Jersey is hereby appointed as an additional municipal prosecutor to serve on an as needed basis.
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 Frank Guaracini, III has professional knowledge as to legal and municipal court matters, which knowledge 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

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 Frank Guaracini, III for legal 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.

5. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the official budget to which 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.

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

7. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Frank Guaracini, III in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

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. 62-2018

Offered by: Corson

Seconded by: Barr

Adopted: February 12, 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>

6. Authorizing a Shared Services Agreement with the Board of Fire Commissioners, Upper Township Fire District No. 2 for the purchase of gasoline/diesel fuel.

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

**RESOLUTION NO. 63-2018**

**RE: AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE BOARD  
OF FIRE COMMISSIONERS, UPPER TOWNSHIP FIRE DISTRICT NO. 2  
FOR THE PURCHASE OF GASOLINE/DIESEL FUEL**

**WHEREAS**, the Board of Commissioners, Upper Township Fire District No. 2, (hereinafter referred to as FD#2), desires to enter into a Shared Services Agreement with the Township of Upper, (hereinafter referred to as Township), for the purchase of gasoline/diesel fuel from the Township; and

**WHEREAS**, the Township Committee has determined that it is in the best interest of the Township to authorize said Agreement with FD#2 as hereinafter provided; and

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

1. SHARED SERVICES AGREEMENT. Pursuant to the provisions of the Uniformed Shared Services Act, (N.J.S.A. 40A:65-1, et seq.), the Township is hereby authorized and empowered to enter into a Shared Services Agreement with FD#2 for the purchase of gasoline/diesel fuel from the Township.

2. SERVICES TO BE PROVIDED; CONTRACT. The Shared Services Agreement authorized in paragraph 1 hereof shall cover those services, which are enumerated in said Agreement, a copy of which is attached hereto as Exhibit "A".

3. AUTHORIZATION TO MUNICIPAL OFFICIALS. The appropriate Township officers and officials are hereby authorized to take any action necessary or advisable to carry out the intent and purpose of this Resolution. Specifically, the Mayor and Township Clerk are hereby authorized and directed to execute such Shared Services Agreement on behalf of the Township of Upper pursuant to the authority conferred by this Resolution. The Township Clerk is further authorized and directed to seal said Agreement with the official seal of the Township of Upper.

4. COMPLIANCE WITH STATUTORY REQUIREMENTS. The Shared Services Agreement between FD#2 and the Township shall meet and satisfy the requirements of N.J.S.A. 40A:65-1, et seq., as same may be amended and supplemented.

5. CONTRACT TERM. The term of this Agreement shall be for a period of five years from the date of execution. Either party may cancel the agreement upon thirty (30) days written notice.

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

7. REPEALER. All Resolutions or parts of Resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency only.

8. EFFECTIVE DATE: This Resolution shall take effect immediately upon final adoption and publication in the manner provided by law.

Resolution No. 63-2018  
Offered by: Corson  
Adopted: February 12, 2018

Seconded by: Barr

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>

7. Authorizing the Engineer to solicit bids for the reroofing of the Municipal Building.

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

**RESOLUTION NO. 64-2018**

**RE: AUTHORIZING THE ENGINEER TO SOLICIT BIDS FOR THE  
REROOFING OF THE MUNICIPAL BUILDING**

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**WHEREAS**, the Township Committee of the Township of Upper has determined a need to replace the roof of the Municipal Building; and

**WHEREAS**, pursuant to the provisions of the Local Public Contracts Law, the Township of Upper intends to solicit bids as herein indicated; 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 Engineer is hereby authorized and directed to solicit bids for the Reroofing of the Municipal Building.
3. Sealed bids shall be received by the Township of Upper in accordance with the directives contained in the Notice to Bidders.

Resolution No. 64-2018  
Offered by: Young  
Adopted: February 12, 2018

Seconded by: Coggins

Roll Call Vote:

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

8. Authorizing Assignment of Tax Sale Certificate #13-00025.

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

**RESOLUTION NO. 65-2018**

**AUTHORIZING ASSIGNMENT OF  
TAX SALE CERTIFICATE #13-00025**

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**WHEREAS,** N.J.S.A. 54:5-113 authorizes assignment by a municipality of tax sale certificates for the full amount of the certificate, including all subsequent municipal taxes and other municipal charges; and

**WHEREAS,** Scarborough Properties has presented an offer to purchase, by assignment, Certificate of Sale #13-00025 which was issued to the Township of Upper at a tax sale held October 1, 2013, on Block 653.01 Lot 2, known as Pine Rd, Marmora, NJ and assessed to David C. Levari, in the amount \$10,187.12, being the full amount of the certificate, including all subsequent municipal taxes and other municipal charges.

**NOW, THEREFORE BE IT RESOLVED,** that the Township of Upper hereby authorizes the Mayor and Municipal Tax Collector to execute the necessary assignment document to effect assignment of the above referenced Certificate of Sale.

Resolution No. 65-2018

Offered By: Coggins

Seconded by: Barr

Adopted: February 12, 2018

<u>ROLL CALL:</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>X</u>	_____	_____	_____

Coggins	<u>X</u>	_____	_____	_____
Corson	<u>X</u>	_____	_____	_____
Young	<u>X</u>	_____	_____	_____
Palombo	<u>X</u>	_____	_____	_____

9. Authorizing Assignment of Tax Sale Certificate #13-00026.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 66-2018**

**AUTHORIZING ASSIGNMENT OF  
TAX SALE CERTIFICATE #13-00026**

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**WHEREAS, N.J.S.A. 54:5-113** authorizes assignment by a municipality of tax sale certificates for the full amount of the certificate, including all subsequent municipal taxes and other municipal charges; and

**WHEREAS,** Scarborough Properties has presented an offer to purchase, by assignment, Certificate of Sale #13-00026 which was issued to the Township of Upper at a tax sale held October 1, 2013, on Block 653.01 Lot 3, known as Pine Rd, Marmora, NJ and assessed to David C. Levari, in the amount \$19,409.87, being the full amount of the certificate, including all subsequent municipal taxes and other municipal charges.

**NOW, THEREFORE BE IT RESOLVED,** that the Township of Upper hereby authorizes the Mayor and Municipal Tax Collector to execute the necessary assignment document to effect assignment of the above referenced Certificate of Sale.

Resolution No. 66-2018

Offered By: Coggins

Seconded by: Barr

Adopted: February 12, 2018

<b>ROLL CALL:</b>	<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        X        \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

10. Refund EMS Ambulance billing overpayments to United of Omaha Life Insurance Company.

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

**RESOLUTION NO. 67-2018**

**RE: REFUND EMS AMBULANCE BILLING OVERPAYMENTS  
TO UNITED OF OMAHA LIFE INSURANCE COMPANY**

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**WHEREAS**, an overpayment has occurred in the account of an EMS ambulance billing patient, where the monies sent to the Township of Upper by United of Omaha Life Insurance Company were in excess as evidenced by the attached copy of a letter attached hereto as Exhibit A.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Upper, Cape May County, that the refund is hereby authorized and the Chief Financial Officer is hereby directed to refund monies as indicated below:

**AMOUNT**  
\$95.58

**NAME**  
United of Omaha Life Insurance Company  
8 Medicare Supplement Claims Department  
Mutual of Omaha Plaza  
Omaha, NE 68175

Resolution No. 67-2018  
Offered by: Coggins  
Adopted: February 12, 2018

Seconded by: Young

**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>	_____	_____	_____

11. **Authorizing the execution of a Settlement Agreement with Fair Share Housing Center.** – Tabled until end of the agenda. Please see below.

## **ORDINANCES**

## **CORRESPONDENCE**

## **NEW BUSINESS**

12. **Upper Township Baseball request use of fields for Baseball Tournament April 27, 28 and 29<sup>th</sup>, 2018.** Motion by Hobie Young, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative.
13. **Carl Bincarousky request to purchase Township owned property Block 306, Lot 5.** The Municipal Attorney reported that a request to purchase the adjacent parcel, Block 306, Lot 6 has also been submitted. That request is on hold until a deed granting ownership adjacent to Lot 6 has been recorded. He recommended that in order to avoid creating a landlocked parcel of Lot 6, the request to purchase Block 306, Lot 5 be tabled until the proposed purchase of Block 306, Lot 6 has been completed. Motion by Richard Palombo, second by John Coggins, to table this matter per the Municipal Attorney's recommendation. During roll call vote all five Committee members voted in the affirmative.
14. **Ratoskey & Trainer, Inc. request to purchase Township owned property Block 735, Lot 21.02.** During the discussion of this matter it was stated that the purchase of this parcel may create a buildable lot. Motion by Hobie Young, second by Richard Palombo, to table this matter so that the Township Engineer can discuss with the requestor their intentions for the parcel. During roll call vote all five Committee members voted in the affirmative.

## **UNFINISHED BUSINESS**

## **DISCUSSION**

## **PAYMENT OF BILLS**

15. "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: \$410,053.57**

**Payroll: \$166,113.58**

## **REPORT OF MUNICIPAL DEPARTMENTS**

16. Clerk's Office



17. Construction Code
18. Division of EMS
19. Finance Office
20. Municipal Court
21. MUA Report
22. Tax Collector
23. Zoning Board of Adjustment 2017 Annual Report
24. Certificate of Determination and Award-Bond Anticipation Note
25. Upper Township Green Team Vision Statement
26. Upper Township Green Team January 9, 2018 Minutes
27. New Jersey Shade Tree & Community Forestry Assistance Act Annual Accomplishment Report

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**

**Linda Bateman, Strathmere**, inquired into several budget items and requested that the proposed budget be projected so that those in the audience can follow along. She next reported that the Welcome to Strathmere sign was removed during the County's road project. Committeeman Barr stated that Township Public Works is storing the sign during the project and will re-install the sign when the work is complete.

### **CLOSED SESSION**

28. 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. 069-2018 MOTION GOING INTO CLOSED SESSION FEBRUARY 12, 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. Safety and Security - outside work on Township property
3. Litigation - Affordable Housing
4. Litigation - Estate of Kounnas v. Township of Upper
5. Contract negotiation - Atlanticare
6. Contract negotiation - Special Legal Counsel Tax Court matters
7. Contract negotiation - Collective Bargaining Agreement

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: Richard Palombo

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

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

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

It was stated for the record that the public was invited back into the meeting room for the next matter, however no members of the public were in attendance. Item 11 on the agenda, a Resolution authorizing the execution of a Settlement Agreement with Fair Share Housing Center, was adopted with a motion by Richard Palombo, second by Edward Barr. During roll call vote all five Committeemen voted in the affirmative.

### **TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION**

#### **RESOLUTION NO. 68-2018**

#### **AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT WITH FAIR SHARE HOUSING CENTER**

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**WHEREAS**, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015)(Mount Laurel IV), on July 2, 2015, the Township of Upper (hereinafter “Upper” or the “Township”) filed an action with the Superior Court of New Jersey, entitled In the Matter of the Application of the Township of Upper, County of Cape May, Docket No. CPM-L-303-15

(the “Compliance Action”) seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”), to be amended as necessary, satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine;” and

**WHEREAS**, the Township simultaneously sought, and ultimately secured, a protective order providing Upper Township immunity from all exclusionary zoning lawsuits while it pursues approval of its Fair Share Plan; and

**WHEREAS**, Fair Share Housing Center (“FSHC”) is an interested party in the Township’s litigation; and

**WHEREAS**, the trial judge appointed Steven Perskie, Esq. as the Special Court Master (hereinafter the “Court Master”), as is customary in Mount Laurel matters adjudicated in the courts; and

**WHEREAS**, with assistance from the Court Master, the Township and Fair Share Housing Center (hereinafter “FSHC”) engaged in good faith negotiations which resulted in an amicable accord on the various substantive terms and conditions as set forth in the Settlement Agreement attached hereto as Exhibit A; and

**WHEREAS**, through this process, the Township and FSHC agreed upon the Township’s affordable housing obligations and the compliance techniques necessary for Upper Township to satisfy its “fair share” of the regional need for low- and moderate-income housing; and

**WHEREAS**, the Township and FSHC also agreed to present the Settlement Agreement to the Trial Judge for approval at a duly-noticed Mount Laurel Fairness Hearing; and

**WHEREAS**, although there is a well-established policy favoring the settlement of all forms of litigation, the settlement of Mount Laurel litigation is particularly favored because (1) it avoids the expenditure of finite public resources; and (2) expedites the construction of safe, decent housing for the region’s low- and moderate-income households; and

**WHEREAS**, in light of the above, the Township Council finds that it is in the best interest of Upper Township to execute the attached Settlement Agreement with FSHC and to take various other actions delineated below, which will ultimately result in approval of the Township's Fair Share Plan which, in turn, will maintain the Township's immunity from all Mount Laurel lawsuits for the ten-year period set forth in the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to 329.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Township Council of the Township of Upper, County of Union, State of New Jersey, as follows:

1. The Mayor and Township Clerk are hereby authorized and directed to execute the Settlement Agreement with FSHC in substantially the form attached hereto as Exhibit A.
2. The appropriate Township officials are hereby authorized to take all actions necessary to carry out and complete the terms of the Settlement Agreement.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect pursuant to law.

Resolution No. 68-2018

Offered By: Palombo

Seconded by: Barr

Adopted: February 12, 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>

Motion by Richard Palombo, second by John Coggins, to go back in to executive session to address the remaining closed session agenda items. During roll call vote all five Committee members voted in the affirmative.

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 9:50 P.M., with a motion by Richard Palombo, second by John Coggins, and all five Committeemen voting in the affirmative. The next meeting is scheduled for February 26, 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

70882 02/12/18 A0004 A COMMERCIAL OFFICE CLEANERS 950.00 3011  
70883 02/12/18 A0015 ADVANCE LEARNING 198.00 3011  
70884 02/12/18 A0018 ACTION SUPPLY INC. 12,263.12 3011  
70885 02/12/18 A0025 ADVANTAGE RENTAL ACE HARDWARE 513.82 3011  
70886 02/12/18 A0091 ATLANTIC CITY ELECTRIC 29,346.27 3011  
70887 02/12/18 A0134 ANSELL GRIMM & AARON, PC 1,349.65 3011  
70888 02/12/18 A0166 Association of NJ Recyclers 180.00 3011  
70889 02/12/18 A0191 ACTION UNIFORM CO. LLC 62.00 3011  
70890 02/12/18 A0193 ATLANTIC INVESTIGATIONS, LLC 68.00 3011  
70891 02/12/18 A0202 ACTIVE 911, INC 2,068.00 3011  
70892 02/12/18 A0206 ADVANCE LEARNING 198.00 3011  
70893 02/12/18 A0212 ANCERO, LLC 3,543.98 3011  
70894 02/12/18 B0035 BELMONT & CRYSTAL SPRINGS 17.83 3011  
70895 02/12/18 B0092 BROKER, EUGENE JR. 150.00 3011  
70896 02/12/18 B0117 BRIDGESTATE FOUNDRY CORP 715.04 3011  
70897 02/12/18 B0160 BONNER, ROSEMARY 1,320.00 3011  
70898 02/12/18 B0182 BRIGGS LAW OFFICE, P.C. 262.50 3011  
70899 02/12/18 B0220 BERGEY'S TRUCK CENTERS 5,075.99 3011  
70900 02/12/18 B0242 BELASCO, LOUIS M. 550.00 3011  
70901 02/12/18 C0009 CAPE MAY COUNTY TCTA 100.00 3011  
70902 02/12/18 C0010 CMC MUNICIPAL JUDGES ASSOC 75.00 3011  
70903 02/12/18 C0019 CITY OF OCEAN CITY 59,106.25 3011  
70904 02/12/18 C0031 CAPE ASSIST 1,155.00 3011  
70905 02/12/18 C0042 CAMPBELL FREIGHTLINER, LLC 272.16 3011  
70906 02/12/18 C0046 CAPE MAY COUNTY CLERK 11.00 3011  
70907 02/12/18 C0068 COMCAST 866.14 3011  
70908 02/12/18 C0116 CINTAS CORPORATION 39.02 3011  
70909 02/12/18 C0131 CINTAS FIRST AID & SAFETY 69.91 3011  
70910 02/12/18 C0182 CDW GOVERNMENT, INC 4,551.03 3011  
70911 02/12/18 C0201 CRUZAN'S TRUCK SERVICE INC. 330.92 3011  
70912 02/12/18 C0223 CASA PAYROLL SERVICE 1,859.75 3011  
70913 02/12/18 C0230 CATAMARAN MEDIA COMPANY 466.25 3011  
70914 02/12/18 C0279 CASA REPORTING SERVICES LLC 111.00 3011  
70915 02/12/18 C0296 COMCAST BUSINESS COMMUNICATION 1,386.86 3011  
70916 02/12/18 D0077 DIETRICH,PAUL 39.99 3011  
70917 02/12/18 D0130 DuBELL LUMBER CO. 9,900.12 3011  
70918 02/12/18 E0012 EHRlich PEST CONTROL INC 89.00 3011  
70919 02/12/18 E0017 EDMUNDS & ASSOCIATES, INC. 9,974.00 3011  
70920 02/12/18 F0218 FED EX FREIGHT 167.82 3011  
70921 02/12/18 G0028 GENTILINI FORD 397.31 3011  
70922 02/12/18 G0157 GRANTURK EQUIPMENT CO., INC. 5,493.59 3011  
70923 02/12/18 G0169 GROFF TRACTOR NEW JERSEY LLC 295.72 3011  
70924 02/12/18 H0002 H.A. DEHART & SON CORP. 2,067.26 3011  
70925 02/12/18 H0018 HAROLD RUBIN L & H SUPPLY 702.21 3011  
70926 02/12/18 H0073 HOME DEPOT CRC/GECF 157.08 3011  
70927 02/12/18 H0095 HORIZON BCBSNJ 160,522.93 3011  
70928 02/12/18 H0174 HOFFMAN EQUIPMENT CO. 142.88 3011  
70929 02/12/18 I0001 NJ-IAAO 590.00 3011  
70930 02/12/18 L0028 L.F.FENIMORE PLUMBING & HEATNG 6,395.00 3011  
70931 02/12/18 L0031 LORCO PETROLEUM SERVICES 78.00 3011  
70932 02/12/18 L0034 LAYTON, BRENDA 2,808.00 3011  
70933 02/12/18 L0038 LAYTON, WILLIAM 1,320.00 3011  
70934 02/12/18 L0113 LIBERTY MUTUAL INSURANCE 3,543.00 3011

70935 02/12/18 L0135 LOUGHLIN, LINDA 40.66 3011  
70936 02/12/18 M0080 McMANIMON, SCOTLAND & BAUMANN 600.00 3011  
70937 02/12/18 M0180 MED-TECH RESOURCE,LLC 166.44 3011  
70938 02/12/18 M0188 MCCARTHY TIRE SERVICE OF PHILA 1,782.80 3011  
70939 02/12/18 M0216 MID ATLANTIC SALT 6,509.97 3011  
70940 02/12/18 M0217 MUNICIPAL EMERGENCY SERVICES 792.00 3011  
70941 02/12/18 M0224 McBRIDE, JANET E 25.07 3011  
70942 02/12/18 M0235 MODERN GROUP, LTD 575.63 3011  
70943 02/12/18 M0238 MOTORS & DRIVES, INC 851.25 3011  
70944 02/12/18 M0277 MONY LIFE INSURANCE COMPANY 193.92 3011  
70945 02/12/18 M0289 MUNCO OF NEW JERSEY 75.00 3011  
70946 02/12/18 N0004 NJ-AMERICAN WATER CO. 95.79 3011  
70947 02/12/18 N0131 DEFINED CONTRIB RETIRE PROGRAM 137.58 3011  
70948 02/12/18 N0154 NEW HORIZON COMMUNICATIONS 1,143.43 3011  
70949 02/12/18 O0002 O.C. FIRST NIGHT COMMITTEE 3,934.05 3011  
70950 02/12/18 O0025 OLD DOMINION BRUSH 4,212.00 3011  
70951 02/12/18 P0032 PEDRONI FUEL CO. 2,673.68 3011  
70952 02/12/18 P0050 PARSIO, ANTHONY 394.78 3011  
70953 02/12/18 P0102 PUBLIC WORKS ASSOC OF N.J. 120.00 3011  
70954 02/12/18 P0125 PACER SERVICE CENTER 29.00 3011  
70955 02/12/18 P0175 PRIEST JR., ANTHONY 100.00 3011  
70956 02/12/18 Q0003 EUROFINS,QC INC. 525.90 3011  
70957 02/12/18 R0030 RIGGINS, INC. 9,146.39 3011  
70958 02/12/18 R0100 ROBERTS OXYGEN COMPANY, INC. 227.80 3011  
70959 02/12/18 R106 RUMER, LISA 408.31 3011  
70960 02/12/18 S0018 SUBURBAN PROPANE, LP 195.35 3011  
70961 02/12/18 S0020 SUPPLY WORKS 147.44 3011  
70962 02/12/18 S0031 SCHULER SECURITY, INC. 175.00 3011  
70963 02/12/18 S0034 SCHULER, DANIEL 227.45 3011  
70964 02/12/18 S0035 SCHOPPY WILLIAM TROPHY CO. 22.45 3011  
70965 02/12/18 S0075 SHARP, RHONDA L. 47.97 3011  
70966 02/12/18 S0108 SJNIGP 90.00 3011  
70967 02/12/18 S0134 SO. JERSEY GAS COMPANY 2,390.97 3011  
70968 02/12/18 S0139 SO. JERSEY WATER COND. INC. 653.50 3011  
70969 02/12/18 S0153 STERICYCLE, INC. 171.08 3011  
70970 02/12/18 S0193 STRYKER CORPORATION 385.00 3011  
70971 02/12/18 S0196 STEWART BUSINESS SYSTEMS LLC 121.17 3011  
70972 02/12/18 S0253 SAMPLE MEDIA, INC. 212.00 3011  
70973 02/12/18 S0292 JEFFREY SURENAN & ASSOC. LLC 766.75 3011  
70974 02/12/18 S0327 SUASION COMMUNICATIONS GROUP 6,812.50 3011  
70975 02/12/18 S0329 SERIOUSLY TOTAL VIDEO 250.00 3011  
70976 02/12/18 T0032 THE PRESS OF ATLANTIC CITY 805.56 3011  
70977 02/12/18 T0067 TOWNSHIP OF UPPER PETTY CASH 23.97 3011  
70978 02/12/18 T0148 THE TITLE COMPANY OF JERSEY 510.00 3011  
70979 02/12/18 T0166 TREASURER, STATE OF NEW JERSEY 1,200.50 3011  
70980 02/12/18 T0168 TOWNSHIP OF UPPER 247.19 3011  
70981 02/12/18 U0024 UNIVERSAL COMPUTING SERV. INC. 1,082.70 3011  
70982 02/12/18 U0067 UT HEALTH REIMB. ACCOUNT 4,194.23 3011  
70983 02/12/18 V0013 VERIZON WIRELESS 1,157.83 3011  
70984 02/12/18 V0018 VILLAGE PHARMACY, INC. 118.00 3011  
70985 02/12/18 V0024 VAL-U AUTO PARTS L.L.C. 249.10 3011  
70986 02/12/18 V0025 V.E. RALPH & SON,INC. 486.29 3011  
70987 02/12/18 V0026 VITAL COMMUNICATIONS, INC. 100.00 3011  
70988 02/12/18 W0030 WEST PUBLISHING CO. 483.31 3011  
70989 02/12/18 W0050 WIRELESS ELECTRONICS, INC. 1,810.00 3011  
70990 02/12/18 W0087 W.B. MASON 0.00 02/12/18 VOID 0  
70991 02/12/18 W0087 W.B. MASON 1,764.35 3011  
70992 02/12/18 X0008 XEROX FINANCIAL SERVICES 662.40 3011  
70993 02/12/18 X0009 XPRESS ELECTRONIC SERVICES INC 336.66 3011  
70994 02/12/18 Y0008 YOUNG, DANIEL J. ESQUIRE PC 13,475.00 3011

Total: \$410,053.57