

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR FEBRUARY 26, 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.

The following were present for the workshop meeting tonight:

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.

Committeeman Coggins began by stating that he spoke with the Township Auditor and Solicitor regarding the request at the last meeting to make the budget worksheets publicly available and to project the worksheets during the workshop meeting, both the Auditor and Solicitor have advised that as long as the documents are work product it is not advisable to make public. Once the proposed budget is available that will be made public. In the meantime, we will continue as we have been.

He then requested the Department heads from EMS, Beach Patrol, OEM, Public Works and Recreation come up during the discussion of their department in order to answer any questions Committee may have. He also asked that the last portion of the meeting be spent on final questions and recommendations by Committee.

Mr. Coggins stated that as the proposed budget stands now we are looking at an increase of \$322,000 which would require a tax increase of 1.75 cents, if we add an additional \$75,000 to our Capital Improvement Fund to enable us to have bonding capacity our tax increase will be 2.15 cents. In addition, if we add \$40,000 to our Beach Replenishment Fund we could see a tax increase of 2.35 cents. On the average home with a value of \$280,000 that could mean a \$66.00 per year increase.

There was then a lengthy in-depth discussion of the line items in the budget proposals from the respective departments. Committee then discussed and agreed to putting \$75,000 in the Capital Reserve and \$40, 000 in the Beach replenishment fund.

Lastly Mr. Coggins thanked the Departments for their efforts and stated that the Budget will be ready to introduce at the March 12, 2018, 7:30 PM meeting.

There being no further discussion, the budget workshop was adjourned with a motion by John Coggins and second by Ed Barr. During roll call vote all five Committeemen voted in the affirmative.

The Committee took a short recess prior to starting the regular meeting at 7:30 PM as follows.

**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 -** February 12, 2018 Regular Meeting and Closed Session “A” and “B” Minutes

Motion by Edward Barr, second by John Coggins, to approve the February 12, 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**

**Hobie Young, Committeeman**, reported that the Easter Egg Hunt will be held on Saturday March 24<sup>th</sup>, rain date March 25<sup>th</sup>, at Amanda’s Field at 1:00 pm. He next reported that a resident has stated that the light shining on the flag at Amanda’s Field is not sufficiently illuminating the flag at night. Committeeman Young requested Mr. Morgan to look into the matter.

**Edward Barr, Committeeman**, reported that the next round of leaf pickup will be begin in April.

**Curtis Corson, Committeeman**, reported that the recent rabies clinic at Shore Veterinarians was very well organized and successful with 88 dogs and 27 cats vaccinated. He stated that year to date 749 dog licenses have been sold.

**Richard Palombo, Mayor**, made a motion, seconded by Curtis Corson, to approve the Clerk and Deputy Clerk to attend the three day Municipal Clerks Association of New Jersey conference in order to obtain education credits at a cost of \$325.00 each. During roll call vote all five Committeemen voted in the affirmative. Mayor Palombo next reported that he recently attended a rally to oppose drilling off the coast of New Jersey. He made a motion, seconded by Edward Barr, to prepare a resolution opposing the proposed offshore drilling for the next Committee meeting. During roll call vote all five Committeemen voted in the affirmative.

**OTHER REPORTS**

**Scott Morgan, Township Administrator**, reported that the Upper Township Business Association and the Upper Township Sentinel will soon be publishing their annual Community Guide, and requested authority to place a two-page ad outlining Township information, services, and Township sponsored events. The cost for a two-page ad will be \$2,600.00. Motion by Richard Palombo, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative. Next, he gave a brief update on the repair of the crossovers in Strathmere, and the work on the heating system at the Senior Center.

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

**Paul Dietrich, Township Engineer**, gave a brief update on the progress of the Strathmere playground. He next reported that the permitting process for the asbestos removal at Old Town Hall has been finalized. They are expected to commence the project in March. Next, he reported that a Boy Scout has contacted him about a potential Eagle Scout project for a lending library at Amanda’s Field. Lastly, he reported that the Economic Development Advisory Committee is developing a possible corporate sponsorship to install a solar charging station at either Caldwell Park or Amanda’s Field.

**Barbara Spiegel, Chief Financial Officer**, reported that the Tax Assessor has organized a Blood Drive for Thursday March 29th from 1:00 pm to 6:00 pm at the Upper Township

Community Center, and is requesting permission to offer a contest for one day off with pay to employees that donate blood. Motion by John Coggins, second by Richard Palombo, to approve the request. During roll call vote all five Committeemen voted in the affirmative.

**PRESENTATIONS**

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

**RESOLUTIONS**

2. Appointing Thomas G. Smith, Esquire to act as Special Legal Counsel regarding tax court matters and matters in which the regular Township Solicitor may have a conflict of interest.

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

**RESOLUTION NO. 70-2018**

**RE: APPOINTING THOMAS G. SMITH, ESQUIRE TO ACT AS SPECIAL LEGAL  
COUNSEL REGARDING TAX COURT MATTERS AND MATTERS IN WHICH THE  
REGULAR TOWNSHIP SOLICITOR MAY HAVE A CONFLICT OF INTEREST**

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**WHEREAS**, the Township requires legal counsel to provide legal services for Tax Court matters and in the event a conflict of interest arises in regard to the services provided by the regular Township Solicitor; 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 Thomas G. Smith, Esquire as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Thomas G. Smith, Esquire has completed and submitted a Business Entity Disclosure Certification which certifies that Thomas G. Smith, Esquire 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 Thomas G. Smith, Esquire 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. Thomas G. Smith, Esquire with offices at 2312 New Road, Suite 201, Northfield, New Jersey is hereby appointed Special Legal Counsel to handle Tax Court matters and matters in which the regular Township Solicitor has a conflict of interest as well as other matters directed by the Township Committee.

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 Thomas G. Smith, Esquire has professional knowledge as to legal 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 Thomas G. Smith, Esquire 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 Thomas G. Smith, Esquire 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. 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. 70-2018  
Offered by: Barr                      Seconded by: Coggins  
Adopted: February 26, 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>	_____	_____	_____

3. Appointing Douglas K. Walker to serve as an additional Municipal Public Defender on an as needed basis.

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

**RESOLUTION NO. 71-2018**

**RE: APPOINTING DOUGLAS K. WALKER TO SERVE AS AN ADDITIONAL  
MUNICIPAL PUBLIC DEFENDER ON AN AS NEEDED BASIS**

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

**WHEREAS**, N.J.S.A. 2B:24-3 allows for the appointment of additional municipal public defenders as necessary to administer justice in a timely and effective manner; and

**WHEREAS**, the Township has decided to acquire the services of Douglas K. Walker 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**, Douglas K. Walker has completed and submitted a Business Entity Disclosure Certification which certifies that Douglas K. Walker 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 Douglas K. Walker 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. Douglas K. Walker with offices at 15 East 8<sup>th</sup> Street, Ocean City, New Jersey is hereby appointed as an additional municipal public defender 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 Douglas K. Walker has professional knowledge as to legal matters 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**

**RE: APPOINTING JERRY H. STEINER TO SERVE AS AN ADDITIONAL  
MUNICIPAL PUBLIC DEFENDER ON AN AS NEEDED BASIS**

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

**WHEREAS**, N.J.S.A. 2B:24-3 allows for the appointment of additional municipal public defenders as necessary to administer justice in a timely and effective manner; and

**WHEREAS**, the Township has decided to acquire the services of Jerry H. Steiner 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**, Jerry H. Steiner has completed and submitted a Business Entity Disclosure Certification which certifies that Jerry H. Steiner 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 Jerry H. Steiner 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. Jerry H. Steiner with offices at 1210 So. Main Street, PO Box 817, Pleasantville, New Jersey is hereby appointed as an additional municipal public defender 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 Jerry H. Steiner has professional knowledge as to legal matters 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 Jerry H. Steiner 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.





**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 to Sunrun Inc., 20 West Stow Road, Suite 2, Marlton, NJ 08053, as indicated below:

<u>VOIDED PERMIT #</u>	<u>BLOCK / LOT</u>	<u>REFUND</u>
2017-0597	306 / 30	\$ 199.00

<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. Tax Refund - Block 453 Lot 213.03, Block 453.10 Lot 334.42, Block 567 Lot 53.10, Block 577 Lot 20, Block 650 Lot 60.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 74-2018**

## TAX REFUND

**BLOCK 453 LOT 213.03, BLOCK 453.10 LOT 334.42,  
BLOCK 567 LOT 53.10, BLOCK 577 LOT 20, AND BLOCK 650 LOT 60**

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

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Upper, Cape May County, that corrections to the Tax records are hereby authorized and the Tax Collector is hereby directed to correct said records or take such action as indicated on the attached sheet.

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

**REFUND**

<b><u>BLOCK/LOT</u></b>	<b><u>AMOUNT</u></b>	<b><u>NAME</u></b>
453/213.03	\$900.38	Corelogic Centralized Refunds PO Box 9202 Coppell, TX 75019-9760
453.10/334.42	\$1,227.03	Corelogic Centralized Refunds PO Box 9202 Coppell, TX, 75019-9760
650/60	\$1,672.31	Corelogic Centralized Refunds PO Box 9202 Coppell, TX, 75019-9760

1st Quarter 2018 property taxes were paid by Title Company and Mortgage Co.

567/53.10	\$1,601.31	Lereta Tax Services 1123 Park View Dr. Covina CA 91724
577/20	\$1,009.56	Police & Fire Fed Cr Union PFFCU Loan Center 3325 Street Road Bensalem, PA 19020

Mortgage Company paid 1<sup>st</sup> Quarter 2018 taxes on 100% totally

7. 2018 Revised Temporary Budget.

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

**RESOLUTION NO. 75-2018**

**RE: 2018 REVISED TEMPORARY BUDGET**

WHEREAS, N.J.S.A. 40A:4-19 provides that the governing body shall by Resolution adopted prior to January 31 of the fiscal year make appropriations to provide for the .0period between the beginning of the fiscal year and the adoption of the budget; and

WHEREAS, the total of the appropriations so made shall not exceed 26.25% of the total of the appropriations made for all purposes in the Budget for the preceding year excluding public assistance, such amount being **\$3,059,536.22.**

NOW, THEREFORE BE IT RESOLVED, that the following appropriations shall constitute the Temporary Budget for the year 2018:

	<b>Original Approp.:</b>	<b>Increase To:</b>
<b>ADMINISTRATIVE &amp; EXECUTIVE</b>		
<b>Mayor and Committee</b>		
Salary and Wages	\$17,300.00	\$ 21,300.00
<b>Mayor and Committee O/E</b>	\$2,000.00	3,000.00
<b>DCRP-Township Committee</b>	\$3,000.00	4,000.00
<b>Municipal Clerk</b>		
Salary and Wages	\$56,300.00	73,100.00

**OTHER EXPENSES**

Legal Advertising	\$2,000.00	3,000.00
Miscellaneous O/E	\$6,000.00	8,000.00
Cape Mediation	\$2,300.00	
Cape Assist EAP	\$1,155.00	

**FINANCIAL ADMINISTRATION**

Salaries & Wages	\$53,200.00	71,500.00
Miscellaneous O/E	\$3,200.00	5,200.00
Computer Hardware/Software	\$40,000.00	60,000.00
Annual Audit	\$20,000.00	25,000.00

**ASSESSMENT OF TAXES**

Salaries & Wages	\$32,100.00	41,100.00
Miscellaneous O/E	\$2,000.00	4,000.00

**COLLECTION OF TAXES**

Salaries & Wages	\$27,800.00	
35,900.00		
Miscellaneous O/E	\$1,000.00	
3,000.00		
Purchase TTL	\$0	

**LEGAL SERVICES AND COSTS**

Other Expenses	\$40,000.00	
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**MUNICIPAL COURT**

Salaries & Wages	\$38,500.00	50,000.00
Miscellaneous O/E	\$10,000.00	

**PUBLIC DEFENDER**

Salaries & Wages	\$5,000.00	5,100.00
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**MUNICIPAL PROSECUTOR**

Salaries & Wages	\$11,400.00	14,700.00
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**ENGINEERING SERVICES & COSTS**

Salaries & Wages	\$28,800.00	37,000.00
Other Expenses	\$5,000.00	

**PUBLIC BUILDINGS & GROUNDS**

Salaries & Wages	\$187,500.00	
230,500.00		
Other Expenses	\$65,000.00	

**PLANNING BOARD**

Salaries & Wages	\$9,200.00	13,700.00
Other Expenses	\$2,000.00	6,000.00

**BOARD OF ADJUSTMENT**

Salaries & Wages	\$9,200.00	13,700.00
Other Expenses	\$2,000.00	6,000.00

**CONSTRUCTION OFFICE & BUILDING INSPECTOR**

Salaries & Wages	\$45,500.00
55,000.00	
Other Expenses	\$12,000.00
13,500.00	

**INSURANCE**

Group Insurance for Employees	\$530,000.00
680,000.00	
Other Insurance Premiums	\$68,000.00
85,000.00	
Workers Compensation	\$78,000.00
150,000.00	

**SCHOOL CROSSING GUARD**

Salaries & Wages	\$2,500.00
3,200.00	
Miscellaneous O/E	\$200.00

**BEACH PATROL**

Salaries & Wages	\$1,000.00
Other Expenses	\$2,000.00

**EMERGENCY MANAGEMENT/RTK**

Salaries & Wages	\$6,500.00	\$ 8,600.00
Miscellaneous O/E	\$5,000.00	20,000.00

**ROAD REPAIRS & MAINTENANCE**

Salaries & Wages	\$206,000.00	256,000.00
Miscellaneous O/E	\$40,000.00	55,000.00

**SURFACING OF ROADS CONTRACTUAL** \$0

**STREET LIGHTING** \$90,000.00

**GARBAGE & TRASH REMOVAL**

Salaries & Wages	\$117,800.00
147,500.00	
Miscellaneous O/E	\$20,000.00
25,000.00	
Tipping Fees	\$90,000.00
100,000.00	

**BOARD OF HEALTH**

Salaries & Wages	\$150.00
200.00	
Miscellaneous O/E	\$200.00

**DOG REGULATION**

Miscellaneous O/E	\$30,000.00
35,000.00	

**PUBLIC INFORMATION**

Miscellaneous O/E	\$500.00	
<b>ZONING/CODE OFFICIAL</b>		
Salaries & Wages	\$1,750.00	
5,250.00		
Miscellaneous O/E	\$200.00	
<b>SPORTS &amp; RECREATION</b>		
Salaries & Wages	\$600.00	800.00
Miscellaneous O/E	\$25,000.00	40,000.00
<b>FIRST AID ORGANIZATION</b>		
Salaries & Wages	\$162,000.00	
203,000.00		
Miscellaneous O/E	\$20,000.00	
22,000.00		
<b>RECYCLING</b>		
Salaries & Wages	\$117,000.00	
140,000.00		
Miscellaneous O/E	\$20,000.00	
25,000.00		
<b>AFFORDABLE HOUSING</b>		
Salaries & Wages	\$700.00	900.00
Miscellaneous O/E	\$300.00	
<b>COMMUNITY CENTER</b>		
Miscellaneous O/E	\$8,000.00	18,000.00
<b>CELEBRATION OF PUBLIC EVENTS</b>	\$2,000.00	9,000.00
<b>SOCIAL SECURITY SYSTEM</b>	\$90,000.00	
105,500.00		
<b>SPECIAL LITIGATION</b>	\$40,000.00	
<b>SUI CONTRIBUTION</b>	\$1,500.00	
2,000.00		
<b>CENTRAL DISPATCH</b>	\$60,000.00	
120,000.00		
<b>ALCOHOL &amp; DRUG TESTING</b>	\$2,000.00	
<b>COMP. ABSENCES RESERVES</b>	\$100.00	
<b>PERS</b>	\$448,655.00	
<b>Total</b>	<b>\$3,028,110.00</b>	

Resolution No. 75-2018  
Offered by: Coggins  
Adopted: February 26, 2018

Seconded by: Barr

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>
Pierson	<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>

- TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RE: AUTHORIZING THE PURCHASE OF ADDITIONAL RECYCLING COLLECTION  
EQUIPMENT AND FOR THE CHIEF FINANCIAL OFFICER TO WITHDRAW FUNDS  
IN THE AMOUNT OF \$15,420.00 FROM THE ACCOUNT ENTITLED  
RECYCLING TRUST ACCOUNT FOR SUCH PURPOSES**

3. The Chief Financial Officer of the Township of Upper is hereby authorized, directed and empowered to withdraw funds in the amount of \$15,420.00, from the account entitled Recycling Trust Account to pay for additional three-yard rear load containers and is empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

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

9. Approving the application of the Tuckahoe Volunteer Fire Company for Highway Coin Drops on Friday July 27, Saturday July 28 and Sunday July 29, 2018.

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

**RESOLUTION NO. 77-2018**

**RE: APPROVING THE APPLICATION OF THE TUCKAHOE VOLUNTEER FIRE  
COMPANY FOR HIGHWAY COIN DROPS ON FRIDAY JULY 27,  
SATURDAY JULY 28 AND SUNDAY JULY 29, 2018**

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**WHEREAS**, the Tuckahoe 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 Tuckahoe Volunteer Fire Co. to hold a coin drop within Upper Township is hereby approved for the following dates and locations:

**Intersection of State Highway 49 & State Highway 50:  
Friday, July 27, 2018 from 5:00 p.m. - 9:00 p.m.**

**AND**

**Intersection of State Highway 49 & State Highway 50:  
Saturday, July 28, 2018 from 9:00 a.m. to 3:00 p.m.**

**AND**

**Intersection of County Route 617 & State Highway 49:  
Sunday, July 29, 2018 from 3:00 p.m. to 8:00 p.m.**

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.

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>

**RE: AUTHORIZING THE TOWNSHIP OF UPPER TO ENTER INTO A COOPERATIVE PRICING AGREEMENT FOR PARTICIPATION IN THE COUNTY OF SOMERSET COOPERATIVE PRICING SYSTEM #2-SOCCP**

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Upper, Cape May County, that this resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Upper, pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor and Qualified Purchasing Agent are hereby authorized to execute the attached Cooperative Pricing Agreement #2-SOCCP with the Lead Agency for such membership; and



**BE IT FURTHER RESOLVED** that the Lead Agency shall be responsible for complying with the provisions of the Local Public Contract Law, N.J.S.A. 40A:11-1 et seq. and all other provisions of the revised statutes of the State of New Jersey.

Resolution No. 78-2018  
Offered by: Coggins                      Seconded by: Young  
Adopted: February 26, 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>

**ORDINANCES**

11. **Public hearing and final adoption 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.** During the public hearing portion there were no comments. Motion by John Coggins, second by Edward Barr, to adopt Ordinance No. 001-2018. 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 THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 22<sup>nd</sup> DAY OF JANUARY, 2018 AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 26<sup>th</sup> DAY OF FEBRUARY, 2018 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.  
BARBARA L. YOUNG, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

12. **Public hearing and final adoption of Ordinance No. 002-2018 RE: AN ORDINANCE AUTHORIZING SALE OF LANDS, TO WIT BLOCK 424, LOT 47.** During the public hearing portion there were no comments. Motion by John Coggins, second by Hobie Young, to adopt Ordinance No. 002-2018. 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. 002-2018**

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

---

**WHEREAS**, upon 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 renotice 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 THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 22<sup>nd</sup> DAY OF JANUARY, 2018 AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 26<sup>th</sup> DAY OF FEBRUARY, 2018 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.  
BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

BARBARA L. YOUNG, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

**CORRESPONDENCE**

13. **2017 JIF Safety Incentive Program Award.** Mayor Palombo reported that based on the Township's commitment to safety in 2017 the Township was awarded \$2,150.00 from the JIF Safety Incentive Program.

**NEW BUSINESS**

14. **Planning Board 01-2018 Recommendation of amendments to Township Ordinances 19 and 20.** The Township Engineer stated that the Planning Board has held six different public meetings with input from the public, and gave a brief review of the recommendations. The Municipal Attorney reported that there are several technical issues to be addressed prior to introduction of the Ordinance. After a brief discussion, there was a motion by John Coggins, second by Richard Palombo, to prepare an Ordinance for introduction based on the recommendations of the Planning Board and correction of the technical issues as recommended by the Municipal Attorney. During roll call vote all five Committeemen voted in the affirmative.

15. **Saint Maximilian Kolbe Parish request use of the Strathmere Beach at East Williams Road for an Easter Sunrise Mass on April 1, 2018.** Motion by Edward Barr, second by Richard Palombo, to approve the request. During roll call vote all five Committeemen voted in the affirmative.
16. **Saint Maximilian Kolbe Parish request use of the Strathmere Beach at East Williams Road for a Feast Day Mass and Raffle RA 495 on August 14, 2018.** Motion by Hobie Young, second by John Coggins, to approve the request. During roll call vote all five Committeemen voted in the affirmative.
17. **July 4<sup>th</sup> Parade in Strathmere along Commonwealth Avenue from Prescott Avenue to Williams Avenue from 10:00 a.m. to 11:30 a.m.** Motion by Hobie Young, second by Edward Barr, to approve request. Permission to send a letter to Cape May County. During roll call vote all five Committeemen voted in the affirmative.

**UNFINISHED BUSINESS**

18. **Ratoskey & Trainer, Inc. request to purchase Township owned property Block 735, Lot 21.02.** The Township Engineer reported that upon the Committee’s direction he spoke with the requestor to determine his intentions for the property. He stated that there is already a house on lot 22, and the requestor is not willing to consolidate all of the lots into Lot 22. For the immediate future the requestor plans to consolidate lots 21.01, 21.02 and 21.03 and will apply for zoning board approval in order to build a garage on the property as an ancillary use to his property located across the street. However, he is not willing to forgo any future possibility to use the property as a buildable lot. After a brief discussion, there was a motion by Curtis Corson to proceed with the request for the purpose of discussion, there was no second and the motion was withdrawn. Motion by Hobie Young, second by John Coggins, to approve the request contingent upon the requestor agreeing to consolidate the property with lots 21.01 and 21.03 and a deed restriction as an ancillary use to Block 735, Lot 5.01. During roll call vote four Committeeman voted in the affirmative. Committeeman Corson voted no.
19. **Hanson Aggregates request for extension of Mining License for Julies Pit Block 414, Lot 44.** Motion by Hobie Young, second by John Coggins, to approve a second thirty day extension of the Mining License for Julies Pit. During roll call vote all five Committeeman voted in the affirmative.

**DISCUSSION**

**PAYMENT OF BILLS**

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

**Bills approved for payment: \$128,593.34**  
**Payroll: \$159,391.70**

**REPORT OF MUNICIPAL DEPARTMENTS**

- 21. Animal Control**

## **22. 2017 Annual Tax Collectors 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**

**Rick Spackman 33 Seaview Avenue Beesley's Point**, questioned if upper Township adopted an Ordinance regarding abandoned or vacant property. He stated that he is having problems with a neighboring property which is abandoned. The Municipal Attorney advised that there is a State Statue that covers this and the Township is currently working on a Maintenance Code, we do however have Ordinances that address grass cutting and things of that nature. The Township Administrator was then directed to address the issue with the Zoning Officer.

**Karen Mitchell, 21 Williams Avenue, Strathmere**, inquired into requirements pertaining to enforcement of covering Construction Dumpsters when not in use. Lastly Ms. Mitchell requested that the proposed lighting at the Strathmere Boat Ramp be dark sky motion censored lighting.

**Linda Bateman, 14 East Tecumseh Avenue, Strathmere**, inquired into several matters including what was discussed during the budget workshop and asked when Committee expects to adopt the budget. It was stated that adoption of the budget is anticipated at the second meeting in April which is April 23, 2018.

**Robert De Sena, 2010 Tuckahoe Road Petersburg**, requested clarification of the Township Committee motion this evening on the Planning Board Recommendation of amendments to Township Ordinances 19 and 20. He stated that it will pose a hardship to him to comply with the requirements pertaining to trailers and requested the Committee consider a revision to grandfather those with existing trailers on their property or to give additional time to remove them.

**Charles Osborn, 560 Route 50, Petersburg**, spoke in opposition to the Planning Board Recommendation of amendments to Township Ordinances 19 and 20 regarding trailers.

**Nathalie Neiss, 759 Route 50, Petersburg**, spoke in opposition to the Planning Board Recommendation of amendments to Township Ordinances 19 and 20. And spoke regarding her neighbors Pole Barn placement. Due to a conflict Committeeman Corson did not participate in this discussion. The Township Attorney stated that this matter was previously addressed many times and the neighbor was found in compliance with both the Zoning and County requirements.

### **CLOSED SESSION**

23. 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. 079-2018 MOTION GOING INTO CLOSED SESSION FEBRUARY 26, 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. Litigation - Affordable Housing
3. Litigation - Tax Appeals
4. Contract negotiation - Fourth of July Fireworks Display
5. Contract negotiation - Cape May County Open Space and Farmland Preservation Block 383 Lot 1 and Block 247 lot 2
6. Contract negotiation - Cape May County 18 Sunset Road
7. Contract negotiation - Information Technology Services
8. Contract negotiation - Conflict Attorney
9. Contract negotiation - Grant Consultant
10. Contract negotiation - Municipal Engineer
11. 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: 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 Edward Barr, 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 10:21 P.M., with a motion by John Coggins, second by Curtis Corson, and all five Committeemen voting in the affirmative. The next regular meeting is scheduled for March 12, 2018 at 7:30 P.M.

Minutes prepared by,



Barbara L. Young, RMC  
Municipal Clerk

Bill List

70995 02/26/18 A0091 ATLANTIC CITY ELECTRIC 4,010.49 3012  
70996 02/26/18 A0109 ATLANTIC COUNTY MCAA 25.00 3012  
70997 02/26/18 A0212 ANCERO, LLC 6,754.00 3012  
70998 02/26/18 B0035 BELMONT & CRYSTAL SPRINGS 40.80 3012  
70999 02/26/18 B0201 BUCK'S ELECTRICAL SERVICE, INC 1,127.00 3012  
71000 02/26/18 B0220 BERGEY'S TRUCK CENTERS 1,599.36 3012  
71001 02/26/18 B0232 BLUE FLAME GAS 582.34 3012  
71002 02/26/18 B0239 BAILEY, WILLIAM MICHAEL 1,583.32 3012  
71003 02/26/18 B0248 BARNES LAW GROUP LLC 1,155.00 3012  
71004 02/26/18 B0251 Brown Harry C. 21.41 3012  
71005 02/26/18 C0060 CAPRIONI'S PORTABLE TOILETS 384.00 3012  
71006 02/26/18 C0068 COMCAST 145.89 3012  
71007 02/26/18 C0122 CMC LEAGUE OF MUNICIPALITIES 500.00 3012  
71008 02/26/18 C0182 CDW GOVERNMENT, INC 1,006.84 3012  
71009 02/26/18 C0201 CRUZAN'S TRUCK SERVICE INC. 1,456.38 3012  
71010 02/26/18 C0223 CASA PAYROLL SERVICE 246.25 3012  
71011 02/26/18 C0247 CMRS-FP 2,000.00 3012  
71012 02/26/18 D0040 DELTA DENTAL OF N.J. INC. 14,272.98 3012  
71013 02/26/18 E0075 EMERALD BUSINESS INC 11,750.11 3012  
71014 02/26/18 F0053 FORD, SCOTT & ASSOCIATES 6,500.00 3012  
71015 02/26/18 F0177 FITZGERALD & MCGROARTY, MT. 2,500.00 3012  
71016 02/26/18 F0181 FOR SHORE WEED CONTROL, INC 173.00 3012  
71017 02/26/18 G0006 GARBUTT,PATRICIA A. 1,308.00 3012  
71018 02/26/18 G0086 W.W. GRAINGER, INC. 133.08 3012  
71019 02/26/18 G0147 GREATAMERICA FINANCIAL SVCS. 170.00 3012  
71020 02/26/18 G0182 GOLDENBERG, MACKLER & SAYEGH 5,011.00 3012  
71021 02/26/18 J0077 Jackson Anthony 5.00 3012  
71022 02/26/18 L0027 LASHLEY HEATING & COOLING INC. 32,200.00 3012  
71023 02/26/18 L0113 LIBERTY MUTUAL INSURANCE 4,892.00 3012  
71024 02/26/18 L0127 LIBERTY KENWORTH OF SO. JERSEY 14.00 3012  
71025 02/26/18 M0188 MCCARTHY TIRE SERVICE OF PHILA 658.56 3012  
71026 02/26/18 M0277 MONY LIFE INSURANCE COMPANY 193.92 3012  
71027 02/26/18 M0285 Meister, Georgette G. 20.00 3012  
71028 02/26/18 M0288 McCrosson Andrea 21.41 3012  
71029 02/26/18 N0043 NAPA AUTO PARTS 1,375.21 3012  
71030 02/26/18 N0098 N.J.A.P.Z.A. 100.00 3012  
71031 02/26/18 N0143 NATIONAL TIME SYSTEMS 371.50 3012  
71032 02/26/18 N0147 NJ Shade Tree Federation 95.00 3012  
71033 02/26/18 O0006 SJSHORE MARKETING,LLC 105.62 3012  
71034 02/26/18 O0025 OLD DOMINION BRUSH 273.14 3012  
71035 02/26/18 P0032 PEDRONI FUEL CO. 1,971.18 3012  
71036 02/26/18 P0175 PRIEST JR., ANTHONY 100.00 3012  
71037 02/26/18 R0030 RIGGINS, INC. 3,391.10 3012  
71038 02/26/18 R0099 HUNTER TRUCK SALES & SERVICE 355.85 3012  
71039 02/26/18 R0100 ROBERTS OXYGEN COMPANY, INC. 48.86 3012  
71040 02/26/18 R0115 RID PEST CONTROL INC. 55.00 3012  
71041 02/26/18 S0001 SAM'S CLUB 30.98 3012  
71042 02/26/18 S0018 SUBURBAN PROPANE, LP 149.30 3012  
71043 02/26/18 S0020 SUPPLY WORKS 868.66 3012  
71044 02/26/18 S0031 SCHULER SECURITY, INC. 400.00 3012  
71045 02/26/18 S0056 SEASHORE ASPHALT CORPORATION 136.25 3012  
71046 02/26/18 S0113 SMITH,THOMAS G. 932.30 3012  
71047 02/26/18 S0134 SO. JERSEY GAS COMPANY 7,706.81 3012  
71048 02/26/18 S0165 S.E.T. COMMUNICATIONS INC 1,649.20 3012  
71049 02/26/18 S0196 STEWART BUSINESS SYSTEMS LLC 78.60 3012  
71050 02/26/18 S0239 SHORE VET. ANIMAL CONTROL LLC 2,350.00 3012  
71051 02/26/18 S0284 SOUTH JERSEY INTERPRETERS 513.39 3012

71052 02/26/18 S0327 SUASION COMMUNICATIONS GROUP 802.81 3012  
71053 02/26/18 T0067 TOWNSHIP OF UPPER PETTY CASH 13.66 3012  
71054 02/26/18 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3012  
71055 02/26/18 T0192 MARSH & McLENNAN AGENCY/TRION 525.50 3012  
71056 02/26/18 V0013 VERIZON WIRELESS 565.67 3012  
71057 02/26/18 V0022 VERIZON 482.50 3012  
71058 02/26/18 V0024 VAL-U AUTO PARTS L.L.C. 437.75 3012  
71059 02/26/18 W0100 WALKER, ESQUIRE DOUGLAS 200.00 3012  
71060 02/26/18 Y0020 YOUNG, BARBARA L. 21.36 3012

Total: \$128,593.34