

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

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Edward Barr	Present
John Coggins	Present
Curtis Corson	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, Township Administrator Scott Morgan and Leon Costello, Municipal Accountant.

APPROVAL OF MINUTES - February 26, 2018 Regular Meeting and
Closed Session “A” and “B” Minutes

Motion by Richard Palombo, second by John Coggins, to approve the February 12, 2018 Regular Meeting and Closed Session “B” Minutes as submitted. During roll call vote all five Committeemen voted in the affirmative. Motion by Richard Palombo, second by Edward Barr to approve the Closed Session “A” Minutes as submitted. During roll call vote four Committeemen voted in the affirmative. Curtis Corson abstained.

REPORT OF GOVERNING BODY MEMBERS

Hobie Young, Committeeman, reported that the Easter Egg Hunt will be held on March 24th from 1:00 to 4:00 at Amanda’s Field. Volunteers are needed. He next reported that the walls for the press box at Amanda’s Field have been set. He thanked the Baseball Association for going above and beyond on this project. He next made a motion to accept the donation of a pole barn to be used as outdoor batting cages, subject to inspection and approval by the Construction Official, and approval by the Purchasing Agent. After a brief discussion, the motion was seconded by Richard Palombo. During roll call vote all five Committeemen voted in the affirmative. He then requested use of the mobile message sign to advertise the upcoming Easter Egg Hunt. It was stated that JIF regulations prohibits the use of mobile messaging signs placed on the road to advertise events. It was stated that the sign can be placed on Township property, and the event information can be put out on the Code Red system. Lastly, Committeeman Young reported that the State is reviewing the intersection of Route 610 and Route 50 in response to the Township’s request to designate the intersection as a no turn on red.

Edward Barr, Committeeman, reported that he recently attended a meeting with County Officials to review traffic, parking, and pedestrian issues along Commonwealth Avenue in Strathmere. The County has proposed a restriping plan for that section of the road, and the plan is listed on tonight's agenda for discussion. He stated that the County Engineer Dale Foster has requested to attend a Committee meeting in order to present the plan to the Committee. The Clerk was directed to coordinate with the County Engineer to schedule the presentation for the next meeting, and item 25 on the agenda will be tabled.

Curtis Corson, Committeeman, reported that the Upper Township Rescue Squad will be holding a benefit at the Texas Roadhouse in Millville on Tuesday May 29, 2018. Ten percent of all proceeds will be donated to the Rescue Squad upon the presentation of a coupon.

OTHER REPORTS

Scott Morgan, Township Administrator, thanked the Upper Township Rescue Squad and the Department of Public Works for the great job during the recent coastal storms. He reported that the storm forecasted for this evening should not be as severe, but cautioned everyone to be careful while driving. Lastly, he reported that the light on the flag pole at Amanda's Field has been adjusted to adequately light the flag.

Barbara Young, Municipal Clerk, reported on the results from the recent GovDeals auction during which four vehicles were sold for a total of \$6,395.00.

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 on a recent Eagle Scout project in which the grape arbor was replaced at the Gandy House.

Barbara Spiegel, Chief Financial Officer, reported on a request for three OEM personnel to attend a 5 day Emergency Preparedness conference in Atlantic City at a cost \$135.00 per person. Motion by Richard Palombo, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative.

2018 BUDGET - CAP Ordinance and Budget Introduction

1. **Introduction and first reading of Ordinance No. 003-2018, RE: CALENDAR YEAR 2018 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14).** Motion by John Coggins, second by Edward Barr, to introduce Ordinance 003-2018 with a public hearing and final adoption scheduled for April 9, 2018. During roll call vote all five Committeemen voted in the affirmative.

**TOWNSHIP OF UPPER
CALENDAR YEAR 2018
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

ORDINANCE NO. 003-2018

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to **.5%** unless authorized by ordinance to increase it to **3.5%** over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the **3.5%** percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Upper in the County of Cape May finds it advisable and necessary to increase its CY 2018 budget by up to **3.5%** over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee of the Township of Upper hereby determines that a **.5 %** increase in the budget for said year, amounting to **\$358,515.82** in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Committee of the Township of Upper hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Upper, in the County of Cape May a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Township of Upper shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by **.5 %**, amounting to \$ **\$358,515.82** and that the CY 2018 municipal budget for the Township of Upper be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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 12TH DAY OF MARCH, 2018 AT THE TOWNSHIP HALL, AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 9TH DAY OF APRIL, 2018 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BARBARA L. YOUNG, TOWNSHIP CLERK

TOWNSHIP OF UPPER

2. Introduction of 2018 Budget.

Municipal Auditor Leon Costello stated that the 2018 Budget represents a 1 cent increase to the local purpose tax rate, is well within the spending and levy caps. The budget can be modified up until the budget adoption scheduled for April 9th.

Municipal Clerk Barbara Young read the following Municipal Budget Notice into the record: Municipal Budget of the Township of Upper, County of Cape May for the Fiscal Year 2018. Be it Resolved that the following statements of revenues and appropriations shall constitute the Municipal Budget for the Year 2018. Be it further Resolved that said Budget be published in the Press in the issue of the 27th day of March 2018.

Motion by John Coggins, second by Curtis Corson, to introduce the 2018 Budget with a Public Hearing and Final Adoption of the Budget and Resolution for the year 2018 scheduled for April 9, 2018 at 7:30 P.M. During roll call vote all five Committee members voted in the affirmative. The introduced budget is available for public inspection on the Upper Township website, a copy is available at the Upper Township Branch of the Cape May County Public Library, and copies are available at the Clerk's Office.

3. Authorizing the execution of a Group Affidavit Re: Governing Body Certification of Compliance with United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions under Title VIII of the Civil Rights Act 1964".

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 081-2018

AUTHORIZING THE EXECUTION OF A GROUP AFFIDAVIT RE: GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VIII OF THE CIVIL RIGHTS ACT 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in

Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto as exhibit “A”; and

NOW, THEREFORE BE IT RESOLVED, That the Township Committee of the Township of Upper, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

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

Resolution No. 081-2018

Offered By: Coggins

Seconded by: Young

Adopted: March 12, 2018

ROLL CALL:

<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>

Exhibit “A”

**TOWNSHIP OF UPPER
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

GROUP AFFIDAVIT

GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964"

We, members of the Township Committee of the Township of Upper, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Township Committee of the Township of Upper, in the county of Cape May;
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012);
3. We are familiar with the local unit's hiring practices as they pertain to the consideration of an individual's criminal history;
4. We certify that the local unit's hiring practices comply with the above-referenced enforcement guidance.

RESOLUTIONS

4. Honoring the Cub Scouts of Pack 79, Teagan Birmingham, Logan Blackledge, Jack Brogan, Alex Hansen, Luke Holmes, Cameron Mattern, and Nolan O'Kane on attaining the Arrow of Light Award.

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

RESOLUTION NO. 82-2018

RE: HONORING THE CUB SCOUTS OF PACK 79, TEAGAN BIRMINGHAM, LOGAN BLACKLEDGE, JACK BROGAN, ALEX HANSEN, LUKE HOLMES, CAMERON MATTERN, AND NOLAN O'KANE ON ATTAINING THE ARROW OF LIGHT AWARD

WHEREAS, the Webelos II Scouts of Cub Scout Pack 79, Teagan Birmingham, Logan Blackledge, Jack Brogan, Alex Hansen, Luke Holmes, Cameron Mattern, and Nolan O'Kane, have recently achieved the Arrow of Light Award, which is the highest level of advancement for a Cub Scout; and

WHEREAS, the Scouts of Cub Pack 79 have completed numerous tasks involving citizenship, outdoorsmanship, engineering skills, communication skills and fitness as well as participated in the annual food drive and community clean up to satisfy the requirements of the Arrow of Light Award; and

WHEREAS, the Township of Upper wishes to acknowledge this outstanding accomplishment; 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:

RESOLVED THAT, this Township Committee extends its sincere congratulations to these graduating Cub Scouts on the occasion of their receiving the Arrow of Light Award and commends them for this outstanding accomplishment; and it is

FURTHER RESOLVED, that the Township Committee extends its congratulations and best wishes to their parents, family and friends on this happy occasion; and it is

FURTHER RESOLVED, that the Township Committee also extends its congratulations and appreciation to Den Leaders Colin Hansen, Bill Holmes and Matt Brogan and others who give so freely and generously of their time for the benefit of our youth.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 12th day of March, 2018.

Resolution No. 082-2018

Offered by: Young

Seconded by: Barr

Adopted: March 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>

5. Honoring Sean S. Wilson on attaining the designation of "Eagle Scout".

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 083-2018

**RE: HONORING SEAN S. WILSON ON ATTAINING THE
DESIGNATION OF "EAGLE SCOUT"**

WHEREAS, Sean S. Wilson of Troop 55, Tuckahoe, New Jersey has recently achieved the designation of Eagle Scout in the Boy Scouts of America; and

WHEREAS, the Township of Upper wishes to acknowledge the outstanding accomplishment of this remarkable young man; 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:

RESOLVED THAT the Township Committee extends its sincere congratulations to Sean on the occasion of his receiving the designation of Eagle Scout and commends him for this outstanding accomplishment and the completion of his Eagle Scout project which consisted of building and installing six different obstacles to create a fitness course at the Cape May County Zoo; and

BE IT FURTHER RESOLVED that the Township Committee extends its sincere congratulations and best wishes to Sean's parents, family, and friends on this happy occasion; and it is

FURTHER RESOLVED that the Township Committee also extends its congratulations and appreciation to the Scout Masters and others who give so freely and generously of their time for the benefit of our youth.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 12th day of March 2018.

Resolution No. 083-2018

Offered by: Barr

Seconded by: Coggins

Adopted: March 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. Honoring Seth R. Seitz on attaining the designation of “Eagle Scout”.

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

RESOLUTION NO. 084-2018

**RE: HONORING SETH R. SEITZ ON ATTAINING THE
DESIGNATION OF "EAGLE SCOUT"**

WHEREAS, Seth R. Seitz of Troop 55, Tuckahoe, New Jersey has recently achieved the designation of Eagle Scout in the Boy Scouts of America; and

WHEREAS, the Township of Upper wishes to acknowledge the outstanding accomplishment of this remarkable young man; 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:

RESOLVED THAT the Township Committee extends its sincere congratulations to Seth on the occasion of his receiving the designation of Eagle Scout and commends him for this outstanding accomplishment and the completion of his Eagle Scout project which consisted of constructing a paved walkway and seating area and installing three large raised plant boxes and a bench for seating at Amanda’s Field. He dedicated the project in honor of Dan Leanord, a fellow Eagle Scout and Upper Township Teacher and baseball coach; and

BE IT FURTHER RESOLVED that the Township Committee extends its sincere congratulations and best wishes to Seth’s parents, family, and friends on this happy occasion; and it is

FURTHER RESOLVED that the Township Committee also extends its congratulations and appreciation to the Scout Masters and others who give so freely and generously of their time for the benefit of our youth.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 12th day of March 2018.

Resolution No. 084-2018

Offered by: Young

Seconded by: Barr

Adopted: March 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>

7. Opposing offshore oil and gas activities.

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

RESOLUTION NO. 085-2018

RE: RESOLUTION OPPOSING OFFSHORE OIL AND GAS ACTIVITIES

WHEREAS, on January 8, 2018, the federal Bureau of Ocean Energy Management (BOEM) announced in the Federal Register notice the release of their Draft Proposed Program (DPP) for the 2019-2024 Outer Continental Shelf Oil and Gas Leasing Program. BOEM is requesting public comment on the DPP as well as formal scoping for a Programmatic Environmental Impact Statement for the 2019-2024 Program; and

WHEREAS, this new plan includes the entire Atlantic Ocean from Maine to Florida, including the waters off New Jersey within 3 miles of beaches, as well as including other ocean areas totaling some 90% of US ocean waters; and

WHEREAS, New Jersey boasts over 127 miles of beautiful ocean coastline and hundreds of miles of back-bays, estuaries, and other waterways connected to the Atlantic Ocean; and

WHEREAS, the Jersey Shore is essential to the health of the our communities, environment and the thriving economy of New Jersey; and

WHEREAS, the physical, hydrodynamic, and biological characteristics of the ocean off the Jersey Shore are unique in the world, as more than 300 species of fish, nearly 350 species of birds, 5 species of sea turtles, and many marine mammals such as 20 species of whales and dolphins, 1 species of porpoise, and 4 species of seals, frequent this region. Nine endangered species, four of which are whales, can be found in these ocean waters, including the Atlantic Right Whale, one of the world's most endangered marine mammals. The region also serves as an essential migratory pathway for many of these species; and

WHEREAS, the Jersey Shore sustains the economy of the region with its bounty of natural resources and intrinsic values for millions of people through tourism. Tourism brings more than \$44 billion to NJ's economy each year and provides jobs to more than 500,000 people; and

WHEREAS, recreational and commercial fisheries in NJ provide enormous economic benefits, including revenue, food production, and recreational activities. In 2014, recreational fishing supported nearly 20,000 jobs and resulted in \$2 billion of retail sales. Commercial fishing supports nearly 7,300 jobs and provides \$152 million in landings, not including restaurant and retail sales; and

WHEREAS, current estimates of the amount of technically recoverable oil off the entire Atlantic coast from Maine to Florida would only last the nation approximately 229 days, and the amount of technically recoverable gas would only last approximately 562 days; and

WHEREAS, offshore oil and gas development, causes substantial environmental impacts, including: (a) onshore damage due to infrastructure, (b) water pollution from drilling muds and the water brought-up from a well with oil and gas (called "produced waters"), (c) noise from seismic surveys, (d) air pollution, and (e) oil spills; and

WHEREAS, the harmful environmental consequences of offshore oil and gas exploration and development are serious and threatens the environmental and economic assets of New Jersey; and

WHEREAS, The BP Horizon disaster in the Gulf of Mexico (2010) is clear evidence of the dangers associated with offshore drilling, including costing the lives of 11 people, devastating coastal economies and countless livelihoods, and killing countless marine animals, as well as continuing to cause harm to marine life as documented by a steady flow of studies; and

WHEREAS, Federal Administration officials are also weakening protections of ocean resources by undermining rules and regulations, cutting funding sources for spill response; and

WHEREAS, oil spills travel vast distances, and the Gulf Stream and Labrador Ocean Current all flow toward New Jersey making the region vulnerable to impacts from spills anywhere in the Atlantic Ocean; and

WHEREAS, within 5 days of the release of the DPP Governor Scott from Florida was able to convince Department of Interior Secretary Zinke to remove Florida from further consideration for drilling due to the importance of coastal tourism to that state and NJ shares this same economic dependence on tourism and clean ocean economies; and

WHEREAS, bi-partisan opposition against drilling off the New Jersey coast has included every Governor since 1985, and a majority of the congressional delegation and most coastal towns; and

WHEREAS, coastal municipalities have a profound interest in maintaining strong federal protections for our nation's coastal environment, as well as the economic and social benefits it supports; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper hereby opposes offshore oil and gas exploration and drilling activities that would affect the coast of New Jersey, and calls upon Secretary of the Interior Ryan K. Zinke who oversees the Bureau of Ocean Energy Management to withdraw New Jersey and the entire Atlantic Ocean from consideration for the offshore oil and gas exploration, development, or drilling.

3. A copy of this resolution shall be provided to President Donald J. Trump, Governor Philip D. Murphy, Lieutenant Governor Sheila Oliver, Senator Cory Booker, Senator Robert Menendez, Congressman Frank LoBiondo, Senator Jeff Van Drew, Assemblyman Bob Andrzejczak, and Assemblyman R. Bruce Land.

Resolution No. 085-2018

Offered by: Coggins

Seconded by: Barr

Adopted: March 12, 2018

Roll Call Vote:

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

8. Authorizing a five (5) year extension to the Lease Agreement between the Township of Upper and the Historical Preservation Society of Upper Township, Inc. for the premises commonly known as the “Gandy Property”.

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

RESOLUTION NO. 086-2018

**RE: AUTHORIZING A FIVE (5) YEAR EXTENSION TO THE LEASE
AGREEMENT BETWEEN THE TOWNSHIP OF UPPER AND THE
HISTORICAL PRESERVATION SOCIETY OF UPPER TOWNSHIP, INC.
FOR THE PREMISES COMMONLY KNOWN AS THE “GANDY PROPERTY”**

WHEREAS, the Township of Upper entered into a Lease Agreement with the Historical Preservation Society of Upper Township, Inc., a New Jersey nonprofit corporation, on March 24, 1998 for the premises commonly known as the “Gandy Property” and designated as Block 548, Lot 8 on the Official Tax Map of the Township of Upper; and

WHEREAS, both parties desire to extend the term of said lease for an additional term as provided in the original Lease Agreement; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee hereby authorizes the Mayor and Township Clerk to sign an Amendment to the Lease Agreement with the Historical Preservation Society of Upper Township, Inc. which extends the term of said lease for an additional five years, expiring on March 31, 2023.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 086-2018

Offered by: Young

Seconded by: Barr

Adopted: March 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>

9. Authorizing the Mayor and Township Clerk to sign and submit a safety contract for participation in the Atlantic County Municipal Joint Insurance Fund 2018 Safety Incentive Program.

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

RESOLUTION NO. 087-2018

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO
SIGN AND SUBMIT A SAFETY CONTRACT FOR PARTICIPATION IN THE
ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND
2018 SAFETY INCENTIVE PROGRAM**

WHEREAS, the Atlantic County Municipal Joint Insurance Fund (ACMJIF) has offered a Safety Incentive Program to participating members in order to promote workplace safety and wellness in our community; and

WHEREAS, the goal of the Safety Incentive program is to build a program that will be effective in promoting safe work practices, employee morale and claims management; and

WHEREAS, the Township of Upper wishes to take advantage of the Safety Incentive Program and to authorize the execution and submittal of the 2018 Safety Contract to the ACMJIF; and

WHEREAS, the Safety Contract has been reviewed and approved by the Municipal Attorney and is attached hereto;

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk of the Township of Upper are hereby authorized, directed, and empowered to sign and submit the Atlantic County Municipal Joint Insurance Fund 2018 Safety Contract.
3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Resolution No. 087-2018

Offered by: Barr

Seconded by: Coggins

Adopted: March 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>

10. Authorizing a building and electrical permit fee refund to Solar Mite Solutions for 361 Steelmantown Road in Upper Township.

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

RESOLUTION NO. 088-2018

**RE: AUTHORIZING A BUILDING AND ELECTRICAL PERMIT FEE REFUND TO
SOLAR MITE SOLUTIONS FOR 361 STEELMANTOWN ROAD
IN UPPER TOWNSHIP**

WHEREAS, Solar Mite Solutions applied for a permit to install a roof mounted solar system at 361 Steelmantown Road in Upper Township; and

WHEREAS, after the permit was issued, the roof mounted solar system installation was cancelled; and

WHEREAS, the Upper Township Construction Official has recommended granting Solar Mite Solutions' request for a refund of the original permit fees for the property as indicated below, minus a 20% plan review cost.

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 Solar Mite Solutions, 1525 Corlies Avenue, Neptune, NJ 07753, as indicated below:

<u>VOIDED PERMIT #</u>	<u>BLOCK / LOT</u>	<u>REFUND</u>
2017-0600	11 / 6	\$ 185.00

Resolution No. 088-2018

Offered by: Palombo

Seconded by: Barr

Adopted: March 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>

11. Authorizing the annual Fourth of July Fireworks Display.

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

RESOLUTION NO. 089-2018

RE: AUTHORIZING THE ANNUAL FOURTH OF JULY FIREWORKS DISPLAY

WHEREAS, for many years, the Township of Upper has provided a fireworks display for the residents of Upper Township and others; and

WHEREAS, the Township wishes to continue to provide a display of fireworks in celebration of the 4th of July; and

WHEREAS, the Township has solicited proposals from several Firework Companies and has selected Schaefer Fireworks, of 370 Hartman Bridge Road, Ronks, PA 17572; and

WHEREAS, the State of New Jersey, Department of Community Affairs, requires that the Township provide a Resolution approving same; and

WHEREAS, the site for the fireworks display will be determined in conjunction with a State of New Jersey Fire Inspector; and

WHEREAS, FAA Clearance will be applied for; and

WHEREAS, a plot/site plan for site display, showing the distances from the public and structures to the fireworks discharge area, has been provided by the Township Engineer; and

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

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 in full herein by this reference.
2. Upon meeting all requirements of the State of New Jersey, Department of Community Affairs as well as any and all recommendations or requirements of the Township's Risk Management Consultant and the Joint Insurance Fund, the Township Clerk is hereby directed and authorized to provide a certified copy of this Resolution, with all attachments, to the Department of Community Affairs for their review and issuance of a Fireworks Permit.
3. The contractor shall comply with all terms and provisions of the Municipal Excess Liability Joint Insurance Fund Bulletin MEL 18-08, dated January 1, 2018.
4. 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.
5. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose

of this Resolution, including but not limited to the entering into and execution of an Agreement to Furnish Fireworks Exhibition with Schaefer Fireworks for the sum of \$8,427.00.

Resolution No. 089-2018

Offered by: Young

Seconded by: Barr

Adopted: March 12, 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>	___	___	___

12. Reappointing Paul Dietrich, Sr. as Municipal Engineer effective April 1, 2018.

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

RESOLUTION NO. 090-2018

**RE: REAPPOINTING PAUL DIETRICH, SR. AS MUNICIPAL ENGINEER
EFFECTIVE APRIL 1, 2018**

WHEREAS, N.J.S.A. 40A:9-140 requires every municipality to appoint a Municipal Engineer and provides for a term of office of three (3) years, unless otherwise provided by law; and

WHEREAS, this municipality operates under the Township form of government and the term of office of the Municipal Engineer is three (3) years; 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. Paul Dietrich, Sr. of 416 Asbury Avenue, Ocean City, New Jersey 08226 is hereby reappointed as Municipal Engineer for the Township of Upper effective April 1, 2018.
3. Compensation shall be in accordance with the 2018 Salary Ordinance and such

other terms and conditions of employment as shall be as set forth in an employment agreement to be negotiated and approved by the Township Committee.

4. A copy of this Resolution shall be published in the official newspaper of the Township of Upper within ten (10) days from the date of adoption.

Resolution No. 090-2018

Offered by: Coggins

Seconded by: Palombo

Adopted: March 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>

13. Appointing McManimon, Scotland & Baumann, LLC to act as Special Legal Counsel.

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

RESOLUTION NO. 091-2018

**RE: APPOINTING MCMANIMON, SCOTLAND & BAUMANN, LLC TO
ACT AS SPECIAL LEGAL COUNSEL**

WHEREAS, the Township of Upper requires special legal counsel services with regard to bonding for capital improvement projects and other issues; 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 McManimon, Scotland & Baumann, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, McManimon, Scotland & Baumann, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that McManimon, Scotland & Baumann, LLC 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 McManimon, Scotland & Baumann, LLC 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. McManimon, Scotland & Baumann, LLC with offices at 75 Livingston Avenue, Roseland, New Jersey 07068 is hereby appointed Special Legal Counsel to handle matters regarding capital improvement projects and other issues as directed by the Township Committee.
3. The contract shall have a term of one (1) year from date of full execution.
4. The 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 McManimon, Scotland & Baumann, LLC 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 McManimon, Scotland & Baumann, LLC for legal services. The 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 the contract and showing the line item appropriation of the official budget to which the contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.
6. 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 McManimon, Scotland & Baumann, LLC 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. This contract shall have a term of one (1) year from date of full execution.

9. 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.

10. This Resolution shall be effective as of adoption.

Resolution No. 091-2018

Offered by: Coggins

Seconded by: Barr

Adopted: March, 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>	___	___	___

14. Appointing Frank L. Corrado, Esquire to act as Special Legal Counsel.

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

RESOLUTION NO. 092-2018

**RE: APPOINTING FRANK L. CORRADO, ESQUIRE TO ACT
AS SPECIAL LEGAL COUNSEL**

WHEREAS, the Township Committee of Upper Township desires special legal counsel in matters in which the regular legal counsel has a conflict and such other matters as the Township Committee may direct; 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 Frank L. Corrado, Esquire as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Frank L. Corrado, Esquire has completed and submitted a Business Entity Disclosure Certification which certifies that Frank L. Corrado, 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 Frank L. Corrado 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 L. Corrado, Esquire with offices at 2700 Pacific Avenue, Wildwood, New Jersey is hereby appointed Special Legal Counsel as 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 Frank L. Corrado, Esquire has professional knowledge as to legal matters which knowledge is particularly valuable to the Township Committee.

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 L. Corrado, 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 Frank L. Corrado, 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. A copy of this Resolution 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. 092-2018

Offered by: Coggins

Seconded by: Barr

Adopted: March 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>

15. Authorizing the Greater Tuckahoe Area Merchants Association 7th Annual Tour de Tuckahoe Bike Ride to be held at Amanda's Field in Petersburg, New Jersey on Saturday, May 5, 2018.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 093-2018

**RE: AUTHORIZING THE GREATER TUCKAHOE AREA MERCHANTS
ASSOCIATION 7th ANNUAL TOUR DE TUCKAHOE BIKE RIDE
TO BE HELD AT AMANDA'S FIELD IN PETERSBURG, NEW JERSEY
ON SATURDAY, MAY 5, 2018**

WHEREAS, the Greater Tuckahoe Area Merchants Association, Inc., of P.O. Box 656 Tuckahoe, NJ 08250, has submitted a proposal to the Upper Township

Committee requesting authority to hold a Bike Ride in Petersburg, New Jersey on May 5, 2018, with Registration beginning at 7:30 a.m., and the bike rides commencing at 9:00 a.m., as more particularly specified in their Application for Use of Facilities and event description attached hereto as Exhibit A; and

WHEREAS, the bike tour will travel NJSH Route 50 and will utilize Township, County and State roads in Upper Township as described on maps attached hereto as Exhibit “B”; and

WHEREAS, the proposed event is sanctioned and insured by the Greater Tuckahoe Area Merchants Association, Inc. copy of insurance certificate attached as Exhibit “C”; and

WHEREAS, the parking area and registration site for the event is proposed on Amanda’s Field lots attached hereto as Exhibit “D”; and

WHEREAS, the event organizers have represented that approvals have been or will be obtained from the New Jersey State Police, and any or all other governmental agencies or entities having any jurisdiction or interest in the race or race course; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee does hereby grant approval, to the extent that it has jurisdiction to do so, to the Greater Tuckahoe Area Merchants Association, Inc. for the Bike Ride event to be held on May 5, 2018, as specified in this Resolution and in the accompanying Exhibits subject to and conditioned upon the following:

- (A) The event described in this Resolution is carried out by the Greater Tuckahoe Area Merchants’ Association, Inc. These

sponsors have no connection, direct or indirect, with the Township of Upper or any of its officials or employees. These sponsors shall not, in any way, directly or indirectly, represent that the race is, in any way, associated with or affiliated with the Township of Upper and shall make clear that the event is carried out with all appropriate governmental and other approvals. Although the Township of Upper has given permission, subject to the terms of this Resolution, to these event sponsors to conduct the proposed race, it must be made clear that the event is not and shall not be considered a Township of Upper sponsored or sanctioned event.

- (B) Greater Tuckahoe Area Merchants' Association, Inc., has provided general comprehensive liability insurance in form and substance satisfactory to the Township of Upper's Risk Management Consultant. Said insurance includes a medical expense limit. A Certificate of Insurance has been provided to the Township Clerk, which the Risk Management Consultant of the Township of Upper has approved Certificate of Insurance. Said Certificate of Insurance names the Township of Upper, its officials, officers and employees, as an additional insured.
- (C) Greater Tuckahoe Area Merchants' Association, Inc., the event sponsor, has obtained or will obtain written approval from and comply with all conditions imposed by the following entities:

- (i) the Risk Management Consultant of the Township of Upper.
- (ii) the New Jersey State Police.
- (iii) the Upper Township Rescue Squad.
- (iv) Cape May County Board of Chosen Freeholders.

The event sponsors must provide written authorization from the above entities, including any conditions required of said entities, to the Township Clerk at least seven days prior to the event.

(D) Greater Tuckahoe Area Merchants' Association, Inc., has provided a Use of Facilities Agreement and an Indemnification and Hold Harmless Agreement in favor of the Township of Upper, its officials, officers and employees in the form attached hereto as Exhibit "E".

(E) Setup for the event will take place at 6:30 a.m. the morning of the event.

(F) The approval granted herein is subject to all conditions and stipulations as may be recommended or imposed by the Township's Risk Management Consultant or Insurance Representatives. The Township may revoke this approval if the Event Sponsors fail to comply with any said condition or recommendation or any other condition of this Resolution.

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

Resolution No. 093-2018

Offered by: Barr

Seconded by: Young

Adopted: March 12, 2018

Roll Call Vote:

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

16. Resolution authorizing the subordination of an existing mortgage held by Upper Township pursuant to the Housing Rehabilitation Program. **This matter was tabled until the end of meeting to allow for a closed session discussion.**

ORDINANCES

17. **Introduction and first reading of Ordinance No. 004-2018 RE: AN ORDINANCE AMENDING SECTION 4-3.2 OF CHAPTER IV OF THE REVISED GENERAL ORDINANCE OF THE CODE OF UPPER TOWNSHIP WITH RESPECT TO JITNEY LICENSING REQUIREMENTS.** Motion by John Coggins, second by Edward Barr, to introduce Ordinance No. 004-2018 with a public hearing and final adoption scheduled for March 26, 2018. During roll call vote all five Committeemen voted in the affirmative.

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

ORDINANCE NO. 004-2018

RE: AN ORDINANCE AMENDING SECTION 4-3.2 OF CHAPTER IV OF THE REVISED GENERAL ORDINANCE OF THE CODE OF UPPER TOWNSHIP WITH RESPECT TO JITNEY LICENSING REQUIREMENTS

BE IT ORDAINED by the Township Committee of the Township, in the County of Cape May, New Jersey as follows:

SECTION 1. Chapter 4 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, is hereby amended to replace the following Section 4-3.2.e as follows:

- e. It shall be unlawful for any person to drive a jitney within the Township of Upper without first having obtained a jitney license and an

identification card, the latter to contain the photograph and signature of the licensee. This identification card shall be produced by the Township Clerk. This identification card shall be carried at all times and prominently displayed while driving or operating a jitney. It shall be unlawful for any jitney operator or licensee to permit anyone else to wear his or her identification card or to refuse to show the same to lawful authorities upon request. A fee of Fifteen Dollars (\$15.00) shall be charged for a replacement identification card. All applicants shall provide such information as the Township Clerk requires, including but not limited to fingerprinting and a Criminal History Record Background Check pursuant to the provisions and requirements of N.J.S.A 40:48-1.4 and N.J.A.C. 13:59-1.1 et seq. Fees and costs in any manner associated with the Criminal History Record Background Check shall be charged to the applicant and collected by the Township Clerk. Written confirmation to the Township Clerk that the applicant successfully completed a Criminal History Record Background Check within the last nine (9) months from another New Jersey municipality will be acceptable if the other municipality conducts the check pursuant to N.J.S.A.

40:48-1.4 and N.J.A.C. 13:59-1.1 et seq. The Review Committee shall determine whether or not the applicant is disqualified based upon the results of the Criminal History Record Background Check.

If the applicant is a corporation, limited liability company or partnership, then the following individuals shall be subject to a Criminal History Record Background Check:

1. In the event that the applicant is a corporation, the background investigation shall include all officers of the corporation and, if practical, the shareholders.
2. In the event that the applicant is a limited liability company, such investigation shall include all officers of the limited liability company and, if practical, the members.
3. In the event that the applicant is a partnership, such investigation shall be required of each partner, whether full or limited partners.

SECTION 2: EFFECTIVE DATE: This ordinance shall take effect immediately upon adoption and publication as required by law.

SECTION 3: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 4: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 5: CODIFICATION: This Ordinance shall be codified as indicated in Chapter 4 of the Upper Township Code.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE **12TH DAY OF MARCH, 2018** AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE **26TH DAY OF MARCH, 2018** AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

CORRESPONDENCE

NEW BUSINESS

18. **Request to perform work in Township drainage easement on Caledonia Drive.** The Municipal Engineer reported that the requestor is building a new home which is adjacent to the Township drainage easement. The owner has had to fill in the lot in order to set the home at street level which has created a 2 to 3 foot swale between his property and the adjacent property. He is requesting to extend the pipe that runs from the street to the drainage easement to the back of his property so that he can then fill and level the area. The Municipal Attorney stated that if approved this request will require an agreement and plans will be required before the Township can formally move forward with the request. The matter will be relisted once the plans for the project are available.
19. **New Jersey DOT request for property access to Block 477, Lot 20.** The Municipal Engineer reported that this is a standard request that the Township has granted before in order to allow the state to perform groundwater testing. Motion by John Coggins, second by Hobie Young, to approve the request. During roll call vote all five Committeemen voted in the affirmative. A resolution for formal action will be placed on the next agenda.
20. **Greater Tuckahoe Area Merchants Association request to hold a raffle RA 496 on May 5, 2018 at Amanda's Field.** Motion by Edward Barr, second by Hobie Young, to approve the request. During roll call vote all five Committeemen voted in the affirmative.
21. **Harbor Road Gateway Project.** The Municipal Engineer reported that the Township has received a County grant for the project which included an allocation for engineering services. He stated that he has obtained three proposals for design and engineering services for the Committee's review and recommended WSP who submitted the lowest quote. The Municipal Engineer stated that WSP is also working with the DOT on the bike study project, and will be organizing public outreach meetings in order to get input from residents. Edward Barr was appointed as the Committee liaison for the project. There was then a motion by John Coggins, second by Edward Barr, to award a contract to WSP for professional engineering services. During roll call vote all five Committeemen voted in the affirmative. A resolution for formal action will be placed on the next agenda.

UNFINISHED BUSINESS

DISCUSSION

22. **Bayview Bulkhead project.** The Municipal Engineer reported that he has received several proposals from several surveyors and Hyland Design was the most responsive. They will perform an analysis of the bulkheads to come up with a budgetary cost of the overall project. It was then stated that a resident has complained regarding a property without a bulkhead and which it is believed that flooding routinely breaches the property's septic system. The Committee directed that the issue be reported to the County Department of Health.
23. **Status of National Flood Insurance Program; Increased cost of compliance coverage.** The Municipal Engineer reported that the NFIP ICC coverage benefit, which

provides policyholders up to \$30,000 for costs related to elevation, relocation, or demolition of structures affected by Superstorm Sandy, will expire in October. Some residents have not been able to complete the work eligible under this benefit and risk losing out on the funds if the benefit deadline is not extended. There was a motion by Richard Palombo, second by Edward Barr, to draft a resolution urging FEMA to extend the ICC deadline. During roll call vote all five Committeemen voted in the affirmative. A resolution for formal action will be placed on the next agenda.

24. **Upper Township Historical Society request for resolution of support for Historical Museum.** After a brief discussion there was a motion by Edward Barr, second by Hobie Young, to adopt a resolution supporting a Historical Museum in Upper Township. During roll call vote all five Committeemen voted in the affirmative. A resolution for formal action will be placed on the next agenda.

25. **Cape May County proposed restriping of Commonwealth Avenue.** This item was tabled in order to allow for a presentation of the plans by the County Engineer.

26. **Request for Hardship Waiver to Street Moratorium Block 561 Lot 32.07.** The Municipal Engineer reported that the requestor is asking to open a newly paved street which is currently under a three year moratorium. The Municipal Attorney reported that the Township's Code does not allow for such a waiver. After a brief discussion, there was a motion by Curtis Corson, second by John Coggins, to deny the request. During roll call vote all five Committeemen voted in the affirmative.

PAYMENT OF BILLS

27. **"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: \$487,800.80

Payroll: \$167,687.70

REPORT OF MUNICIPAL DEPARTMENTS

- 28. Clerk's Office
- 29. Construction Code
- 30. Division of EMS
- 31. Finance Office
- 32. Municipal Court
- 33. MUA Report
- 34. Tax Collector
- 35. Department of Public Works

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

Robert Holden, Steelmantown, as Chairman of the Museum Committee and on behalf of the Historical Preservation Society he thanked the Committee for their support of the museum.

Tyler Card, Perry Road, stated his objection to the increased police presence at the George Harms mining pit, and stated that the pit and surrounding trails have been used by residents for many years. It was stated that the pit is private property and the Township does not have authority over the owner's decision to keep trespassers from his property.

William Whesper, Schoolhouse Lane, stated that riding four wheelers and ATVs have now been taken from the community. He requested that the beach in Tuckahoe be maintained and open to residents for their enjoyment. It was stated that dogs are not allowed on any Township beaches, and swimming is prohibited because of the water quality.

Ted Kingston, Strathmere, stated that there has been concern for many years with the congestion on Commonwealth in Whale Beach, however in his opinion the restriping plan the County has prepared will be a disaster.

Linda Bateman, East Tecumseh, inquired into the plans for the restriping of Commonwealth Avenue, and stated that there has been a lot of pushback of the plan as it now stands. She next inquired if the resolution opposing offshore drilling will be available to the public. It was stated that the resolution will be available to the public tonight. Next, she made several inquiries regarding the Easter Egg Hunt. Lastly, she inquired into the 1 cent tax increase.

Heather Williams, Hope Corson Road, gave a brief outline of their request for a subordination of mortgage.

Kurt Williams, Hope Corson Road, also spoke regarding their request for a subordination of mortgage.

CLOSED SESSION

36. 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. 094-2018 MOTION GOING INTO CLOSED SESSION MARCH 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. Contract negotiation - Subordination of Mortgage

3. Contract negotiation - Health Reimbursement Accounts Marsh McLennan/Trion
4. Contract negotiation - Medical Direction Agreement
5. Contract negotiation - 2018 Right-to-Know Service Agreement
6. Contract negotiation - Communications Consultant
7. Contract negotiation - Habitat for Humanity
8. Contract negotiation - Information Technology Services
9. Litigation - Upper Township v. Yank and Sansone

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: Richard Palombo

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.

With respect to item 16 on the agenda, a request for the subordination of an existing mortgage pursuant to the Housing Rehabilitation Program, there was a motion by John Coggins, second by Edward Barr, to deny the request to authorize a subordination of mortgage due to the fact that the settlement sheet indicated that \$15,201.00 will be returned to the homeowner, and there is no guarantee to the Township that the borrower will commit said funds to the mitigation of code violations on the property. During roll call vote all five Committeemen voted in the affirmative.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 10:40 P.M., with a motion by Richard Palombo, second by John Coggins, and all five Committeemen voting in the affirmative. The next regular meeting is scheduled for March 26, 2018 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

Bill List

71070 03/12/18 Alignment Check VOID
71071 03/12/18 A0018 ACTION SUPPLY INC. 3,643.82 3017
71072 03/12/18 A0025 ADVANTAGE RENTAL ACE HARDWARE 98.58 3017
71073 03/12/18 A0028 ADVANTAGE RENTAL CENTER INC. 186.12 3017
71074 03/12/18 A0075 ADAMS, JOSHUA 56.69 3017
71075 03/12/18 A0091 ATLANTIC CITY ELECTRIC 22,359.06 3017
71076 03/12/18 A0212 ANCERO, LLC 1,200.00 3017
71077 03/12/18 B0035 BELMONT & CRYSTAL SPRINGS 27.43 3017
71078 03/12/18 B0052 BENNETT BATTERIES,LLC. 872.00 3017
71079 03/12/18 B0248 BARNES LAW GROUP LLC 945.00 3017
71080 03/12/18 C0042 CAMPBELL FREIGHTLINER, LLC 1,066.76 3017
71081 03/12/18 C0048 CAPE MAY COUNTY MUA 32,231.73 3017
71082 03/12/18 C0060 CAPRIONI'S PORTABLE TOILETS 384.00 3017
71083 03/12/18 C0067 CONNOR, RICK 3,660.00 3017
71084 03/12/18 C0068 COMCAST 716.28 3017
71085 03/12/18 C0124 CMC MUNICIPAL CLERK'S ASSOC. 50.00 3017
71086 03/12/18 C0143 CODY'S POWER EQUIPMENT 186.13 3017
71087 03/12/18 C0182 CDW GOVERNMENT, INC 439.87 3017
71088 03/12/18 C0201 CRUZAN'S TRUCK SERVICE INC. 1,168.90 3017
71089 03/12/18 C0223 CASA PAYROLL SERVICE 240.25 3017
71090 03/12/18 C0246 CRAFT OIL CORPORATION 3,064.00 3017
71091 03/12/18 C0279 CASA REPORTING SERVICES LLC 110.00 3017
71092 03/12/18 C0282 CAPE MAY COUNTY COAST GUARD 350.00 3017
71093 03/12/18 C0290 CUMBERLAND COUNTY DEPARTMENT 500.00 3017
71094 03/12/18 C0296 COMCAST BUSINESS COMMUNICATION 1,386.86 3017
71095 03/12/18 CO292 SHANNON COSTAL 148.13 3017
71096 03/12/18 D0040 DELTA DENTAL OF N.J. INC. 9,776.98 3017
71097 03/12/18 D0071 DLT SOLUTIONS LLC 1,013.08 3017
71098 03/12/18 D0170 Dahms, Daniel M. 41.41 3017
71099 03/12/18 E0069 EVERSAN,INC 281.25 3017
71100 03/12/18 F0048 LESLIE G. FOGG INC 65.17 3017
71101 03/12/18 F0053 FORD, SCOTT & ASSOCIATES 13,900.00 3017
71102 03/12/18 G0037 GOVT FINANCE OFFICER ASN OF NJ 90.00 3017
71103 03/12/18 G0086 W.W. GRAINGER, INC. 190.80 3017
71104 03/12/18 G0124 GRIFFIN AUTOMOTIVE INFO SVC 4,400.00 3017
71105 03/12/18 G0157 GRANTURK EQUIPMENT CO., INC. 441.59 3017
71106 03/12/18 G0169 GROFF TRACTOR NEW JERSEY LLC 244.00 3017
71107 03/12/18 H0002 H.A. DEHART & SON CORP. 842.32 3017
71108 03/12/18 H0073 HOME DEPOT CRC/GECE 960.56 3017
71109 03/12/18 H0095 HORIZON BCBSNJ 168,270.10 3017
71110 03/12/18 H0131 HPI PROCESSES, INC 558.00 3017
71111 03/12/18 H0148 THOMAS H. HEIST INS AGENCY INC 1,404.10 3017
71112 03/12/18 H0181 HOUSTON FREIGHTLINER INC 142,044.00 3017
71113 03/12/18 I0013 IMPACT TECHNOLOGY SOLUTION LLC 1,140.00 3017
71114 03/12/18 I0044 Inserra Michelle T. 21.41 3017
71115 03/12/18 J0313 JERSEY ARCHITECTURAL DOOR & SP 865.00 3017
71116 03/12/18 K0086 K D NATIONAL FORCE SECURITY 4,336.50 3017
71117 03/12/18 L0007 LC EQUIPMENT, INC. 38.00 3017
71118 03/12/18 L0027 LASHLEY HEATING & COOLING INC. 4,200.00 3017
71119 03/12/18 L0113 LIBERTY MUTUAL INSURANCE 1,534.00 3017
71120 03/12/18 L0116 LEA, ANTHONY 169.99 3017
71121 03/12/18 M0016 McAFEE, MEGAN 181.82 3017
71122 03/12/18 M0080 McMANIMON, SCOTLAND & BAUMANN 2,323.39 3017
71123 03/12/18 M0088 MC SYSTEMS SOFTWARE LLC 600.00 3017
71124 03/12/18 M0128 MCANJ 650.00 3017
71125 03/12/18 M0188 MCCARTHY TIRE SERVICE OF PHILA 2,992.79 3017
71126 03/12/18 M0269 MULTI-TEMP MECHANICAL, INC. 759.91 3017
71127 03/12/18 N0004 NJ-AMERICAN WATER CO. 89.14 3017
71128 03/12/18 N0070 MARSH & MCLENNAN AGENCY, LLC 275.50 3017
71129 03/12/18 N0094 NEW JERSEY PLANNING OFFICIALS 139.00 3017
71130 03/12/18 N0131 DEFINED CONTRIB RETIRE PROGRAM 137.58 3017

71131 03/12/18 P0008 PALMER, NANCY 1,340.00 3017
 71132 03/12/18 P0032 PEDRONI FUEL CO. 903.98 3017
 71133 03/12/18 P0098 PUBLIC EMPL RETIREMENT SYSTEM 37.06 3017
 71134 03/12/18 P0175 PRIEST JR., ANTHONY 100.00 3017
 71135 03/12/18 Q0014 QBE SPECIALTY INSURANCE CO. 2,963.17 3017
 71136 03/12/18 R0030 RIGGINS, INC. 4,122.34 3017
 71137 03/12/18 R0100 ROBERTS OXYGEN COMPANY, INC. 80.25 3017
 71138 03/12/18 R106 RUMER, LISA 402.01 3017
 71139 03/12/18 R110 Risley, Krista 41.44 3017
 71140 03/12/18 S0015 SMYTH, PATRICIA 30.42 3017
 71141 03/12/18 S0035 SCHOPPY WILLIAM TROPHY CO. 21.95 3017
 71142 03/12/18 S0056 SEASHORE ASPHALT CORPORATION 148.75 3017
 71143 03/12/18 S0072 SEGIN, STEWART S. 129.99 3017
 71144 03/12/18 S0075 SHARP, RHONDA L. 46.87 3017
 71145 03/12/18 S0092 SHONE, LEROY 145.00 3017
 71146 03/12/18 S0134 SO. JERSEY GAS COMPANY 1,936.80 3017
 71147 03/12/18 S0153 STERICYCLE, INC. 171.08 3017
 71148 03/12/18 S0270 HOFFMAN SERVICES, INC 375.00 3017
 71149 03/12/18 S0284 SOUTH JERSEY INTERPRETERS 171.13 3017
 71150 03/12/18 S0292 JEFFREY SURENIAN & ASSOC. LLC 414.25 3017
 71151 03/12/18 S0329 SERIOUSLY TOTAL VIDEO 625.00 3017
 71152 03/12/18 S0332 SABRE SYSTEMS, INC. 5,000.00 3017
 71153 03/12/18 S0334 SUNRUN INC. 199.00 3017
 71154 03/12/18 T0052 TOWNSHIP OF DENNIS 6,057.66 3017
 71155 03/12/18 T0067 TOWNSHIP OF UPPER PETTY CASH 9.00 3017
 71156 03/12/18 T0131 TROUT, ROSEMARY 28.34 3017
 71157 03/12/18 T0148 THE TITLE COMPANY OF JERSEY 446.00 3017
 71158 03/12/18 T0166 TREASURER, STATE OF NEW JERSEY 323.00 3017
 71159 03/12/18 T0168 TOWNSHIP OF UPPER 280.94 3017
 71160 03/12/18 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3017
 71161 03/12/18 U0028 UPPER TOWNSHIP BD.OF EDUCATION 330.00 3017
 71162 03/12/18 U0043 ULINE, INC. 82.15 3017
 71163 03/12/18 V0013 VERIZON WIRELESS 1,158.14 3017
 71164 03/12/18 V0020 VINELAND AUTO ELECTRIC INC. 29.70 3017
 71165 03/12/18 V0024 VAL-U AUTO PARTS L.L.C. 0.00 03/12/18 VOID 0
 71166 03/12/18 V0024 VAL-U AUTO PARTS L.L.C. 850.54 3017
 71167 03/12/18 V0025 V.E. RALPH & SON,INC. 148.71 3017
 71168 03/12/18 V0026 VITAL COMMUNICATIONS, INC. 1,399.82 3017
 71169 03/12/18 V0027 VANORDER, ROGER 105.60 3017
 71170 03/12/18 W0030 WEST PUBLISHING CO. 483.31 3017
 71171 03/12/18 W0092 WTH TECHNOLOGY, INC 1,206.00 3017
 71172 03/12/18 X0008 XEROX FINANCIAL SERVICES 662.40 3017
 71173 03/12/18 Y0008 YOUNG, DANIEL J. ESQUIRE PC 14,700.00 3017
 Total: 487,800.80