

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR APRIL 09, 2018**

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

**CALL TO ORDER**

**SUNSHINE ANNOUNCEMENT**

**SALUTE TO THE FLAG**

Led by Eagle Scouts Seth Seitz and Sean Wilson.

**ROLL CALL**

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

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 Municipal Auditor Leon Costello was present for the Budget portion of the meeting.

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

Motion by John Coggins, second by Edward Barr, to approve the March 26, 2018 Regular Meeting and Closed Session B Minutes as submitted. During roll call vote three Committeemen present voted in the affirmative. Hobie Young abstained.

**REPORT OF GOVERNING BODY MEMBERS**

**John Coggins, Committeeman**, reported that the Upper Township Economic Development Advisory Commission will hold a meeting on May 1<sup>st</sup> at 7:00 p.m. at the Upper Township Municipal Building. He encouraged Upper Township residents and business owners to attend to provide feedback regarding the creation of an full interchange at Exit 20 on the Garden State Parkway.

**Hobie Young, Committeeman**, briefly reported on the Sports and Recreational Programs; Spring programs are up and running and both the Girls Softball Association and the Baseball Association will open their seasons this weekend.

**Richard Palombo, Mayor**, joined the conversation on the budget via telephone. Due to a medical emergency with his wife, Mayor Palombo could not be in attendance this evening.

After the adoption of the budget Mayor Palombo thanked the Committee for the opportunity to join the meeting by phone and then left the line.

## **OTHER REPORTS**

**Scott Morgan, Township Administrator**, reported that the Public Works Department has received an order of the 3 yard commercial dumpsters, and will be distributing them to the establishments that have ordered them. He next gave a brief update on loose leaf and brush collection. Next, he reported that in partnership with Cape May County the Public Works Department has posted a link on the Township's website to an app called Recycling Coach which details what items can be recycled. Lastly, he reported that Dennis Township will be hosting a symposium on ending opioid abuse in Cape May County at the Dennis Twp. Senior Center on April 19<sup>th</sup> from 9:00 am to 11:00 am.

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

**Paul Dietrich, Township Engineer**, reported that the Asbestos Abatement contractor for the Old town hall has received final clearance that the building is now clear of asbestos materials. He stated that he anticipates receipt of the final documentation and reports which he will report at the next meeting. He next reported that he prepared revisions to the Street Moratorium Ordinance in response to previous discussions regarding the moratorium restoration process. The Ordinance is being reviewed by the Township Attorney for possible introduction at the next meeting. Lastly, he reported that in an email received late this afternoon, Dale Foster County Engineer advised that alternatives plans for the roadway improvements planned for Commonwealth Avenue in Strathmere and Landis Avenue in Sea Isle City will be presented at a public information meeting on April 20<sup>th</sup> from 4 to 6 p.m. at the Welcome Center in Sea Isle City. Committeeman Corson questioned if Mr. Foster would be presenting the alternative plans this evening. The Municipal Attorney stated that since we did not receive confirmation that Mr. Foster would be attending in time to place the presentation on the agenda it would not be appropriate to discuss the plans since residents were not notified. The Deputy Mayor directed that the plans be placed on the Township website and encouraged everyone to attend the County presentation on April 20<sup>th</sup>

## **PRESENTATIONS**

1. Honoring Seth R. Seitz on attaining the designation of "Eagle Scout".
2. Honoring Sean S. Wilson on attaining the designation of "Eagle Scout".

## **2018 BUDGET**

3. **Public hearing and final adoption 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).** During the public hearing portion Leon Costello commented that the Ordinance title is misleading that it is not to exceed anything it is merely a formality to keep the bank in place. Motion by John Coggins, second by Curtis Corson, to adopt Ordinance No. 003-2018. During roll call vote all four Committeemen present voted in the affirmative.

4. Authorizing the reading of the 2018 Annual Municipal Budget by title only.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**R E S O L U T I O N   N O .   109-2018**

**RE: AUTHORIZING THE READING OF THE 2018  
ANNUAL MUNICIPAL BUDGET BY TITLE ONLY**

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**WHEREAS**, N.J.S.A. 40:A4-8 authorizes the reading of the budget by title only at the public hearing thereon, provided certain requirements are met; and

**WHEREAS**, the Township Committee of the Township of Upper is satisfied that such conditions have been satisfied.

**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 majority of the full membership concurring, as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper finds and determines that:

A. At least one (1) week prior to the date of this hearing, a complete copy of the approved budget, as advertised, was posted in the Township Hall, the principal municipal building of the municipality, and was made available to each person requesting the same during the week immediately preceding the public hearing and is available to each person requesting a copy during the public hearing, as required by N.J.S.A. 40A:4-8.

B. The Township Committee of the Township of Upper hereby determines and declares that the conditions set forth in subsection 1.a and 1.b of N.J.S.A. 40A:4-8 have been met.

C. The Township Committee of the Township of Upper hereby determines that the 2018 Municipal Budget of the Township of Upper shall be read by its title only at the public hearing to be conducted thereon.

Resolution No. 109-2018

Offered by: Coggins

Seconded by: Corson

Adopted: April 9, 2018

Roll Call Vote:

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

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

**2018 Budget - Public Hearing** - Deputy Mayor Ed Barr opened the Public Hearing on the 2018 Municipal Budget.

**Ted Kingston, Strathmere**, questioned what changed from the report at the budget workshop meetings on the tax increase to now. Township Auditor Leon Costello explained that the Township has almost \$800,000 in additional surplus and used about half of that along with changes made to revenue items which allowed us to go from a 2.2 cent increase to one a 1 cent increase in the municipal tax rate. He stated that this is the same budget that was introduced a few weeks ago and no changes have been made since then.

**Robert Young, Tuckahoe**, Vice President of the Upper Township's Public Works Union questioned the approval of the budget. He asked how the budget could be approved if we do not know exactly what the Public Works salaries are going to be since we're still in contract negotiations. The Township Auditor explained that the budget is an estimate, and an estimated amount has been allocated to salaries.

**Logan Bird, Marshallville**, questioned the average percent of increase over the last three years. The Municipal Auditor stated that the average has remained steady.

There was no further public comment and the public hearing was then closed.

Municipal Clerk, Barbara Young, read the following statement into the record: Be it Resolved by the Township Committee of the Township of Upper, County of Cape May, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of: 3,396,108.65.

Motion by John Coggins, second by Hobie Young to adopted the 2018 Municipal Budget. During roll call vote all four members present voted in the affirmative.

## **RESOLUTIONS**

- Designating the 1<sup>st</sup> Thursday in May "A Day of Prayer in Upper Township".

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

#### **RESOLUTION NO. 111-2018**

#### **RE: DESIGNATING THE 1<sup>ST</sup> THURSDAY IN MAY "A DAY OF PRAYER IN UPPER TOWNSHIP"**

**WHEREAS**, Civic Prayers and National Days of Prayer have a long and revered history in our constitutional democracy, dating back to the First Continental Congress in 1775; and

**WHEREAS**, the Declaration of Independence, our first statement as Americans of national purpose and identity, made “the Laws of Nature and Nature’s God” the foundation of our United States of America and asserted that people have inalienable rights that are God-given; and

**WHEREAS**, the Supreme Court has affirmed the right of state legislatures to open their sessions with prayer and the Supreme Court and the U.S. Congress themselves begin each day with prayer; and

**WHEREAS**, in 1988, legislation setting aside the first Thursday in May in each year as a National Day of Prayer was passed unanimously by both Houses of Congress and signed by President Ronald Reagan; and

**WHEREAS**, the National Day of Prayer is an opportunity for Americans of all faiths to join in united prayer to acknowledge our dependence on God, to give thanks for blessings received, to pray for peace, to request healing for wounds endured; and to ask God to guide our leaders and bring wholeness to the United States and her citizens; and

**WHEREAS**, it is fitting and proper to give thanks to God by observing a day of prayer in the Township of Upper when all may acknowledge our blessings and express gratitude for them, while recognizing the need for strengthening religious and moral values in our State and nation;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Upper, that the first Thursday in May, 2018 is hereby designated as “A DAY OF PRAYER IN UPPER TOWNSHIP”, and all citizens of Upper Township are encouraged to observe the day in ways appropriate to its importance and significance.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 9<sup>th</sup> day of April, 2018.

Resolution No. 111-2018

Offered by: Corson

Seconded by: Young

Adopted: April 9, 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>      </u>	<u>      </u>	<u>      </u>	<u>  X  </u>

6. Designating May 13, 2018 through May 19, 2018 as “Food Allergy Awareness Week” in Upper Township.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 112-2018**

**DESIGNATING MAY 13 THROUGH MAY 19, 2018 AS  
“FOOD ALLERGY AWARENESS WEEK” IN UPPER TOWNSHIP**

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**WHEREAS**, as many as 15 million Americans have food allergies and nearly 6 million are children under the age of 18; and

**WHEREAS**, research shows that the prevalence of food allergies is increasing among children; and

**WHEREAS**, eight foods cause the majority of all food allergy reactions in the U.S.: shellfish, fish, milk, eggs, tree nuts, peanuts, soy and wheat. Symptoms of a food allergic reaction can include hives, intestinal issues, respiratory distress and swelling of the throat; and

**WHEREAS**, food allergies result in more than 200,000 Emergency Department visits each year. Reactions typically occur when an individual unknowingly eats a food containing an ingredient to which they are allergic; and

**WHEREAS**, the number of food allergy reactions requiring emergency treatment is up sharply over the past decade, with a 377 percent rise in medical procedures associated with anaphylaxis caused by food; and

**WHEREAS**, there is no cure for food allergies, and scientists do not understand why. Strict avoidance of the offending food is the only way to prevent an allergic reaction; and

**WHEREAS**, anaphylaxis is a serious allergic reaction that is rapid in onset and may cause death; and

**WHEREAS**, Food Allergy Research & Education (FARE) is a national, non-profit

organization dedicated to improving the quality of life and health of individuals with food allergies and to provide them hope through the promise of new treatments.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, that the week of May 13 through May 19, 2018 be designated as **“FOOD ALLERGY AWARENESS WEEK”** in Upper Township and encourage the citizens of Upper Township to increase their understanding and awareness of food allergies and anaphylaxis.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 9<sup>th</sup> day of April, 2018.

Resolution No. 112-2018

Offered by: Corson

Seconded by: Coggins

Adopted: April 9, 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>

7. Requesting the installation of Traffic Control Devices (Four Way Stop Signs) at the intersection of County Route 667 (Stagecoach Road) and County Route 602 (Church Road).

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

**RESOLUTION NO. 113-2018**

**RE: REQUESTING THE INSTALLATION OF TRAFFIC CONTROL DEVICES  
(FOUR WAY STOP SIGNS) AT THE INTERSECTION OF COUNTY ROUTE 667  
(STAGECOACH ROAD) AND COUNTY ROUTE 602 (CHURCH ROAD)**

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**WHEREAS**, the Township Committee of the Township of Upper has recognized that traffic at the intersection of County Route 667 (Stagecoach Road) and County Route 602 (Church Road), has greatly increased causing dangerous conditions at this intersection; and

**WHEREAS**, in order to insure the safety of residents and the general public, the Township Committee of the Township of Upper strongly recommends and is requesting the installation

of traffic control devices (Four Way Stop Signs) at the intersection of County Route 667 (Stagecoach Road) and County Route 602 (Church Road), 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 strongly recommends and requests the installation of traffic control devices (Four Way Stop Signs) at the intersection of County Route 667 (Stagecoach Road) and County Route 602 (Church Road).
3. The Township Committee hereby requests all County and State officials to take the appropriate action forthwith in order to implement the installation of traffic control devices (Four Way Stop Signs) at the intersection named above.
4. 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.
5. A copy of this Resolution shall be forwarded to the appropriate Cape May County and New Jersey state officials.

Resolution No. 113-2018

Offered by: Young

Seconded by: Corson

Adopted: April 9, 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. Appointing J. P. Bainbridge & Associates, Inc. and J. Paul Bainbridge as an Appraiser for the Township of Upper.

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

**RESOLUTION NO. 114-2018**

**RE: APPOINTING J. P. BAINBRIDGE & ASSOCIATES, INC. AND  
J. PAUL BAINBRIDGE AS AN APPRAISER FOR THE TOWNSHIP OF UPPER**

**WHEREAS**, the Township requires an appraiser to provide services to obtain the retrospective market value of real property in the Township with respect to tax appeals and other matters; and

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

**WHEREAS**, J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge have completed and submitted a Business Entity Disclosure Certification which certifies that J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge have not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge 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. J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge with offices at 6 Woodland Road, Cape May Court House, New Jersey is hereby appointed appraiser for the Township of Upper to provide services relating to the appraisal of real property for tax appeals and other matters.
3. The contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge have professional knowledge as to appraisal issues which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

## NOTICE OF CONTRACT AWARD

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

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

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

8. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

9. A notice of the 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. 114-2018

Offered by: Coggins

Seconded by: Corson

Adopted: April 9, 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>      </u>	<u>      </u>	<u>      </u>	<u>  X  </u>

9. Authorizing a contract with Battistini Consulting Services for engineering consulting services.

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

**RESOLUTION NO. 115-2018**

**RE: AUTHORIZING A CONTRACT WITH BATTISTINI CONSULTING  
SERVICES FOR ENGINEERING CONSULTING SERVICES**

**WHEREAS**, the Township requires professional engineering consulting services for matters in which the regular Township Engineer has a conflict; and

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

**WHEREAS**, Battistini Consulting Services has completed and submitted a Business Entity Disclosure Certification which certifies that Battistini Consulting Services 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 Battistini Consulting Services 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. Battistini Consulting Services with offices at 212 Geissinger Avenue, Millville, New Jersey is hereby appointed to provide engineering consultant services for matters in which the Township Engineer has a conflict.
3. The contract shall have a term of one (1) year from date of full execution.

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

#### **NOTICE OF CONTRACT AWARD**

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

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

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

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

9. A notice of the 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. 115-2018

Offered by: Coggins

Seconded by: Corson

Adopted: April 9, 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>

10. Authorizing the award of a contract with GranTurk Equipment Co., Inc. for automotive parts and supplies.

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

**RESOLUTION NO. 116-2018**

**RE: AUTHORIZING THE AWARD OF A CONTRACT  
WITH GRANTURK EQUIPMENT CO., INC. FOR AUTOMOTIVE PARTS AND SUPPLIES**

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**WHEREAS**, from time to time the Township of Upper has a need to purchase automotive parts and supplies from GranTurk Equipment Co., Inc. as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with GranTurk Equipment Co., Inc. for the year 2018 will exceed \$17,500; and

**WHEREAS**, GranTurk Equipment Co., Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that GranTurk Equipment Co., Inc. has not made any reportable contributions to a political or candidate committee in the Township in the previous one year, and that the contract will prohibit GranTurk Equipment Co., Inc. from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Chief Financial Officer of the Township has certified the availability of funds to allow the award of contract for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose in the 2018 Municipal Budget.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with GranTurk Equipment Co., Inc. as described herein.
3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
4. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 116-2018

Offered by: Corson

Seconded by: Coggins

Adopted: April 9, 2018

Roll Call Vote:

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

11. Authorizing the award of a contract with Emerald Business Supply, Inc. for office supplies.

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

**RESOLUTION NO. 117-2018**

**RE: AUTHORIZING THE AWARD OF A CONTRACT  
WITH EMERALD BUSINESS SUPPLY, INC. FOR OFFICE SUPPLIES**

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**WHEREAS**, from time to time the Township of Upper has a need to purchase office supplies from Emerald Business Supply, Inc. as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with Emerald Business Supply, Inc. for the year 2018 will exceed \$17,500; and

**WHEREAS**, Emerald Business Supply, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Emerald Business Supply, Inc. has not made any reportable contributions to a political or candidate committee in the Township in the previous one year, and that the contract will prohibit Emerald Business Supply, Inc. from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Chief Financial Officer of the Township has certified the availability of funds to allow the award of contract for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose in the 2018 Municipal Budget.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with Emerald Business Supply, Inc. as described herein.
3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
4. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 117-2018

Offered by: Young

Seconded by: Coggins

Adopted: April 9, 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>      </u>	<u>      </u>	<u>      </u>	<u>  X  </u>

12. Authorizing the Mayor and Township Clerk to sign a contract with WSP USA Inc. for design and engineering consultant services.

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

**RESOLUTION NO. 118-2018**

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN  
A CONTRACT WITH WSP USA INC. FOR DESIGN AND  
ENGINEERING CONSULTANT SERVICES**

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**WHEREAS**, the Township of Upper has a need for professional design and engineering consultant services with regard to the improvements of the Beesley's Point Beach parking lot; and

**WHEREAS**, WSP USA Inc. has submitted a proposal to the Township to provide said professional services; and

**WHEREAS**, the Township wishes to accept said proposal and to authorize the execution of a contract with WSP USA Inc.; and

**WHEREAS**, WSP USA Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that WSP USA Inc. has not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit WSP USA Inc. from making any reportable contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with WSP USA Inc. with offices at 2000 Lenox Drive, 3<sup>rd</sup> Floor, Lawrenceville, New Jersey, 08648, to provide design and engineering consultant services with regard to the improvements at the Beesley's Point Beach parking lot.
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 WSP USA Inc. has professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

## NOTICE OF CONTRACT AWARD

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

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

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

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

9. This Resolution shall be effective as of adoption.

Resolution No. 118-2018

Offered by: Young

Seconded by: Coggins

Adopted: April 9, 2018

Roll Call Vote:

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

13. Appointments to the Upper Township-Ocean City Municipal Alliance Committee (MAC).

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

### **RESOLUTION NO. 119-2018**

### **RE: APPOINTMENTS TO THE UPPER TOWNSHIP-OCEAN CITY**

## MUNICIPAL ALLIANCE COMMITTEE (MAC)

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**WHEREAS**, a need exists to appoint suitable persons to the Upper Township-Ocean City Municipal Alliance Committee (also known as the MAC), a committee dedicated to the prevention of drug and alcohol abuse in our community; 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 following persons be and are hereby appointed to the Upper Township-Ocean City MAC Committee for a one (1) year term, commencing January 1, 2018 and expiring on December 31, 2018, provided, however, that such member shall continue to serve until his/her successor is duly appointed and qualified:

Township Committee Member in charge of the MAC

Richard Palombo, Mayor

Upper Township Regular Members

Michael Bolicki

Ralph Cooper

Kim Mounce

Michele Previti

Lisa Rumer

Sheila Stevens

3. The forgoing appointees shall constitute the sole members of the Upper Township—Ocean City Municipal Alliance Committee for 2018, subject to the provision of Paragraph 4 hereof.
4. The Township Committee expressly reserves the right to supplement this Resolution at any time it deems it appropriate to change the membership of the MAC Committee of the Township.

Resolution No. 119-2018

Offered by: Corson

Seconded by: Coggins

Adopted: April 9, 2018

Roll Call Vote:

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

14. Tax Refunds Homestead Benefits.

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

**RESOLUTION NO. 120-2018**

**TAX REFUNDS  
HOMESTEAD BENEFITS**

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

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

Resolution No. 120-2018

Offered by: Coggins

Seconded by: Young

Adopted: April 9, 2018

Roll Call Vote:

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

**REFUND 2018**

<b>BLOCK/LOT</b>	<b>AMOUNT</b>	<b>NAME</b>
567/53.10	\$282.42	Thomas & Joan Pendergast 5 Stephen Drive Palermo, NJ 08230
577/20	\$144.13	George & Florence Meyers 9 Seasounds Ave Palermo, NJ 08223

The above properties are tax exempt as a result of a 100% totally disabled veteran status. The above refunds are for the Homestead Benefit which is sent by the State of New Jersey to be applied to taxes.

15. Accepting the surety bond for Hanson Aggregates BMC, Inc. for the mining operation known as Upper Township Sand & Gravel, Block 453, Lot 4, and authorizing the release of the existing surety.

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

**RESOLUTION NO. 121-2018**

**RE: ACCEPTING THE SURETY BOND FOR HANSON AGGREGATES BMC, INC.  
FOR THE MINING OPERATION KNOWN AS UPPER TOWNSHIP SAND & GRAVEL,  
BLOCK 453, LOT 4, AND AUTHORIZING THE RELEASE OF THE EXISTING  
SURETY**

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**WHEREAS**, Chapter XV of the Code of Upper Township requires all mining operations to submit a performance surety in accordance with the requirements of Chapter XIX, Land Subdivision, prior to the issuance of a license; and

**WHEREAS**, said surety shall guarantee the performance of the requirements of N.J.A.C. 7:50-6.68 and 6.69, and shall be for an amount in accordance with the Municipal Engineer's certified estimate; and

**WHEREAS**, Hanson Aggregates BMC, Inc. has presented to the Township Surety Bond No. 106707341 for the mining operation known as Upper Township Sand & Gravel, Block 453, Lot 4, in the amount of \$80,410.50; and

**WHEREAS**, the Municipal Attorney has reviewed said Surety Bond and has determined that the same complies with the New Jersey Statutes and the Township Ordinances applicable thereto and has recommended the acceptance of same by the Township Committee; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Surety Bond No. 106707341 is hereby accepted and approved.
3. The existing Surety Bond No. 64S104118672BCM, now held by the Township, is hereby released.

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

Resolution No. 121-2018

Offered by: Corson

Seconded by: Coggins

Adopted: April 9, 2018

Roll Call Vote:

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

## **ORDINANCES**

## **CORRESPONDENCE**

## **NEW BUSINESS**

16. **Historical Preservation Society of Upper Township, in conjunction with the United Railroad Historical Society and Cape May Seashore Lines, request use of the Tuckahoe Train Station grounds for a Tuckahoe Transportation Heritage Festival on April 28, 2018.** Motion by Hobie Young, second by Curtis Corson, to approve the request. During roll call vote all four Committeemen present voted in the affirmative.
17. **Upper Township Rescue Squad request to hold a raffle RA 497 on June 3, 2018 at the Tuckahoe Inn.** Motion by Curtis Corson, second by John Coggins, to approve the request. During roll call vote all five Committeemen voted in the affirmative.

## **UNFINISHED BUSINESS**

## **DISCUSSION**

## **PAYMENT OF BILLS**

18. **“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 four Committeemen present voted in the affirmative.

**Bills approved for payment: \$230,348.75**

**Payroll: \$173,961.68**

## **REPORT OF MUNICIPAL DEPARTMENTS**

19. Construction Code
20. Division of EMS
21. Tax Collector
22. MUA Report

Motion by John Coggins, second by Edward Barr, to accept the report as submitted. During roll call vote all four Committeemen present voted in the affirmative.

### **PUBLIC COMMENT**

**Ted Kingston, Strathmere**, spoke in opposition to the lane shifts proposed in the initial plans for improvements on Commonwealth Avenue. He also expressed his opposition to the information meeting on the proposed alternatives to the plans being held in Sea Isle City. Dale Foster Cape May County engineer explained that there are several proposed alternatives to the plans some of which do include lane shifts. The options will be on display at the April 20<sup>th</sup> meeting in Sea Isle, and representatives of the consulting firm MV5, which were contracted to study the road and make recommendations, will be on hand to explain the various options to the public.

**Nathalie Neiss, Petersburg**, spoke regarding a “Fairness Hearing” schedule for April 10<sup>th</sup> to approve a proposed settlement agreement between Upper Township and the Fair Share Housing Center in the Mount Laurel Litigation. Ms. Neiss also commented that a certified list she received from the Clerks office was defective. The Township Clerk explained that the list contained a typographical error which was immediately corrected, unfortunately Ms. Neiss left the building before she could give her the corrected list so it was mailed to her. Lastly Ms. Neiss spoke regarding a letter she was copied on from James Arsenault Cape May County Counsel to the Township Attorney regarding a 2011 OPRA request for information on Block 456 Lot 13.

### **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. 122-2018 MOTION GOING INTO CLOSED SESSION APRIL 9, 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 –Adams, Rehmann & Heggan Tax Map Maintenance
3. Contract negotiation – Special Legal Counsel
4. Contract negotiation – CASA Payroll Services
5. Litigation – Whippoorwill Campground

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: Curtis Corson

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

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

Motion by John Coggins, second by Edward Barr, to reconvene the public portion of the meeting with three Committeeman present voting in the affirmative.

### **ADJOURNMENT**

There being no further business this evening the meeting was adjourned at 10:11 P.M., with a motion by John Coggins, second by Edward Barr, with the three Committeemen present voting in the affirmative. The next regular meeting is scheduled for April 23, 2018 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC  
Municipal Clerk

### **Bill List**

71238 04/09/18 Alignment Check VOID  
71239 04/09/18 A0018 ACTION SUPPLY INC. 768.99 3019  
71240 04/09/18 A0023 ADAMS, JOHN 10.00 3019  
71241 04/09/18 A0028 ADVANTAGE RENTAL CENTER INC. 38.84 3019  
71242 04/09/18 A0134 ANSELL GRIMM & AARON, PC 652.58 3019  
71243 04/09/18 A0166 Association of NJ Recyclers 75.00 3019  
71244 04/09/18 A0212 ANCERO, LLC 8,712.00 3019  
71245 04/09/18 B0020 BLAKER,RAYMOND 10.00 3019  
71246 04/09/18 B0078 BOUND TREE MEDICAL,LLC 74.48 3019  
71247 04/09/18 B0182 BRIGGS LAW OFFICE, P.C. 425.46 3019  
71248 04/09/18 B0220 BERGEY'S TRUCK CENTERS 2,667.64 3019  
71249 04/09/18 B0248 BARNES LAW GROUP LLC 1,590.00 3019  
71250 04/09/18 C0121 CMC CONFERENCE OF MAYORS 325.00 3019  
71251 04/09/18 C0223 CASA PAYROLL SERVICE 256.25 3019  
71252 04/09/18 C0246 CRAFT OIL CORPORATION 93.40 3019  
71253 04/09/18 C0279 CASA REPORTING SERVICES LLC 88.00 3019

71254 04/09/18 D0016 DALEYS PIT 125.00 3019  
71255 04/09/18 D0045 DEPTCOR 140.00 3019  
71256 04/09/18 D0133 DOLLARD-BAKER SEW AND VAC 249.95 3019  
71257 04/09/18 E0038 EMSAR NEW JERSEY 524.17 3019  
71258 04/09/18 F0006 1ST RESPONDER NEWSPAPER 130.00 3019  
71259 04/09/18 F0013 FARM RITE INC. 477.94 3019  
71260 04/09/18 G0028 GENTILINI FORD 56.06 3019  
71261 04/09/18 H0002 H.A. DEHART & SON CORP. 972.10 3019  
71262 04/09/18 H0018 HAROLD RUBIN L & H SUPPLY 331.67 3019  
71263 04/09/18 H0062 HOPE, JOHN J. 10.00 3019  
71264 04/09/18 H0073 HOME DEPOT CRC/GECF 27.17 3019  
71265 04/09/18 H0095 HORIZON BCBSNJ 164,949.12 3019  
71266 04/09/18 H0135 HANSON AGGREGATES, INC. 2,433.90 3019  
71267 04/09/18 H0185 Hogan Steve 20.00 3019  
71268 04/09/18 H0186 Hender Tracy 21.41 3019  
71269 04/09/18 J0041 JONES, JAMES M. 10.00 3019  
71270 04/09/18 K0014 KEENAN,BRIAN 10.00 3019  
71271 04/09/18 K0086 K D NATIONAL FORCE SECURITY 1,947.75 3019  
71272 04/09/18 L0007 LC EQUIPMENT, INC. 189.00 3019  
71273 04/09/18 L0031 LORCO PETROLEUM SERVICES 48.00 3019  
71274 04/09/18 L0080 LOWES, INC. 29.45 3019  
71275 04/09/18 L0116 LEA, ANTHONY 10.00 3019  
71276 04/09/18 M0012 McCAULEY, RICHARD 10.00 3019  
71277 04/09/18 M0059 MCDANIELS, WILLIAM J. III 10.00 3019  
71278 04/09/18 M0188 MCCARTHY TIRE SERVICE OF PHILA 829.51 3019  
71279 04/09/18 M0235 MODERN GROUP, LTD 4,676.00 3019  
71280 04/09/18 M0277 MONY LIFE INSURANCE COMPANY 193.92 3019  
71281 04/09/18 M0279 MID ATLANTIC PESTICIDE 480.00 3019  
71282 04/09/18 N0094 NEW JERSEY PLANNING OFFICIALS 370.00 3019  
71283 04/09/18 N0131 DEFINED CONTRIB RETIRE PROGRAM 197.05 3019  
71284 04/09/18 O0006 SJSHORE MARKETING,LLC 689.19 3019  
71285 04/09/18 P0032 PEDRONI FUEL CO. 810.83 3019  
71286 04/09/18 P0075 POSITIVE PROMOTIONS INC 180.95 3019  
71287 04/09/18 P0175 PRIEST JR., ANTHONY 100.00 3019  
71288 04/09/18 R0030 RIGGINS, INC. 3,834.93 3019  
71289 04/09/18 S0001 SAM'S CLUB 18.98 3019  
71290 04/09/18 S0092 SHONE, LEROY 10.00 3019  
71291 04/09/18 S0113 SMITH,THOMAS G. 2,588.01 3019  
71292 04/09/18 S0292 JEFFREY SURENIAN & ASSOC. LLC 2,990.97 3019  
71293 04/09/18 S0329 SERIOUSLY TOTAL VIDEO 250.00 3019  
71294 04/09/18 S0335 SOLAR MITE SOLUTIONS 185.00 3019  
71295 04/09/18 S304 SMITH, TOM 550.00 3019  
71296 04/09/18 T0020 TERWILLIGER, DUANE E. 10.00 3019  
71297 04/09/18 T0024 TAYLOR, MATTHEW 10.00 3019  
71298 04/09/18 T0038 THOMAS, CHRISTOPHER 10.00 3019  
71299 04/09/18 T0168 TOWNSHIP OF UPPER 272.94 3019  
71300 04/09/18 U0028 UPPER TOWNSHIP BD.OF EDUCATION 450.00 3019  
71301 04/09/18 U0067 UT HEALTH REIMB. ACCOUNT 4,810.13 3019  
71302 04/09/18 V0024 VAL-U AUTO PARTS L.L.C. 1,169.04 3019  
71303 04/09/18 V0025 V.E. RALPH & SON,INC. 96.34 3019  
71304 04/09/18 V0027 VANORDER, ROGER 10.00 3019  
71305 04/09/18 W0030 WEST PUBLISHING CO. 483.31 3019  
71306 04/09/18 W0038 WILLIAMS, JEREMIAH J. 533.96 3019  
71307 04/09/18 W0050 WIRELESS ELECTRONICS, INC. 552.00 3019  
71308 04/09/18 W0060 WOOLLEY, THOMAS 10.00 3019  
71309 04/09/18 W0087 W.B. MASON 186.09 3019  
71310 04/09/18 Y0008 YOUNG, DANIEL J. ESQUIRE PC 14,043.75 3019  
71311 04/09/18 Y0020 YOUNG, BARBARA L. 215.52 3019  
71312 04/09/18 Y0026 YOUNG, ROBERT 10.00 3019  
Total: 230,348.75