

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR APRIL 23, 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	Absent
Richard Palombo	Present

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

APPROVAL OF MINUTES - March 26, 2018 Closed Session “A” Minutes
and April 9, 2018 Regular Meeting and
Closed Session “A” and “B” Minutes

Motion by Edward Barr, second by John Coggins, to approve the March 26, 2018 Closed Session “A” Minutes as submitted. During roll call vote three Committeemen present voted in the affirmative. Curtis Corson abstained.

Motion by Edward Barr, second by John Coggins, to approve the April 9, 2018 Regular Meeting and Closed Session “A” and “B” Minutes as submitted. During roll call vote three Committeemen present voted in the affirmative. Richard Palombo abstained.

REPORT OF GOVERNING BODY MEMBERS

Edward Barr, Committeeman, reported that he and Committeeman Coggins recently attended a County presentation on the proposed restriping project for Commonwealth Avenue. The presentation was well attended and the participants were able to vote on the different proposals. The results of the public opinion vote will be published soon. He next stated that the Township is diligently working on brush pickup and requested patience during the process.

Richard Palombo, Mayor, thanked the Committee for their consideration during his recent absence. He next reported that the Township will be holding a Day of Prayer ceremony on Thursday May 3rd at 9:30 am at the Municipal Building and all are welcome and encouraged to attend. He next reported that the Zoning Officer has been asked to participate in the New Jersey Association of Planning and Zoning Administrators mentorship program. He stated

that it will be a good opportunity for her to serve as a mentor and made a motion to allow her to participate in the program. The motion was seconded by John Coggins. During roll call vote all four Committeemen present voted in the affirmative.

OTHER REPORTS

Scott Morgan, Township Administrator, reported that the NJDEP Clean Shores initiative, in conjunction with the NJ Department of Corrections and supported by the Upper Township Department of Public Works, recently completed a roadside clean-up project along Roosevelt Boulevard, Tuckahoe Road, Commonwealth Avenue, and the two boat ramps. He next gave a brief update on the brush pickup. In March the Township has collected 124.1 tons of brush and 26.82 tons of compost. So far in April, 105.82 tons of brush and 85.56 tons of compost have been collected. Lastly, he recommended and requested the promotion of Anthony Parsio from Laborer to Truck Driver. There was a motion by Edward Barr, seconded by Curtis Corson, to promote Anthony Parsio to the position of Truck Driver. During roll call vote all Committee members present voted in the affirmative. A resolution for formal action will be placed on the next agenda.

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

Paul Dietrich, Township Engineer, reported that on Friday April 27th he will be giving an Arbor Day presentation at the Upper Township School, and requested anyone available to come help give out tree seedlings to the students.

Barbara Spiegel, Chief Financial Officer, requested approval for herself and the Municipal Clerk to sign and notarize the Township's registration for participation in the federal grant management system. There was a motion by John Coggins, seconded by Edward Barr, to approve the request. During roll call vote all four Committeemen present voted in the affirmative.

RESOLUTIONS

1. Honoring Aldo Palombo for his work and dedication to honoring our Veterans and First Responders.

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

RESOLUTION NO. 123-2018

HONORING ALDO PALOMBO FOR HIS WORK AND DEDICATION TO HONORING OUR VETERANS AND FIRST RESPONDERS

WHEREAS, after faithfully serving as Mayor of North Wildwood for many years, Aldo Palombo, along with his lovely wife Sylvia, moved to Osprey Point in 2006; and

WHEREAS, Aldo quickly became active in numerous Upper Township

religious, political, and service organizations; serving as the Social Committee Chairman of Osprey Point, a member of the bocce ball team, bingo chairman, poker club, and the Al Angelo's Men's Breakfast Club; and

WHEREAS, shortly after moving to Upper Township, Aldo recognized that the beautiful William R. Godfrey Memorial Park, located at the entrance to Osprey Point, was the perfect venue to hold a Memorial Day service; and

WHEREAS, Aldo then proceeded to organize the first service by compiling a list of Osprey Point veterans to recognize, contacting local military service organizations, local dignitaries, clergy, and first responders; and

WHEREAS, Aldo engaged a prominent speaker and sent press releases to the media bringing about a huge gathering to the William R. Godfrey Memorial Park on Memorial Day, May 31, 2006, to honor and remember our fallen heroes; and

WHEREAS, Aldo continues to this day to recognize and honor our military and first responders with Memorial Day, Patriots Day, and Veterans Day services at the William R. Godfrey Memorial Park; and

NOW THEREFORE BE IT RESOLVED that this Township Committee join with all citizens of our community to honor Aldo Palombo for his hard work and dedication to honoring the memory and service of our veterans and first responders.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 23rd day of April, 2018.

Resolution No. 123-2018

Offered by: Barr

Seconded by: Coggins

Adopted: April 23, 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> </u>	<u> </u>	<u> </u>	<u>X</u>
Palombo	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

2. Authorizing the award of a professional services contract with Dr. Stewart C. Farrell of the Coastal Research Center at Stockton University for Shoreline Monitoring and Consulting Services for beach related issues.

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

RESOLUTION NO. 124-2018

**RE: AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT
WITH DR. STEWART C. FARRELL OT THE COASTAL RESEARCH CENTER
AT STOCKTON UNIVERSITY FOR SHORELINE MONITORING AND
CONSULTING SERVICES FOR BEACH RELATED ISSUES**

WHEREAS, the Township of Upper has received a proposal from Dr. Stewart Farrell on behalf of the Coastal Research Center at Stockton University, which outlines shoreline monitoring services to be performed on behalf of the Township during the calendar year 2018 and provides a rate schedule for the services to be provided; and

WHEREAS, the Township Committee has considered this matter and has determined that it is in the best interest of the Township to authorize a Professional Services Contract as hereinafter provided; and

WHEREAS, the Township Solicitor has determined that the services to be provided are professional services and that a contract may be awarded without competitive bid; and

WHEREAS, the Chief Financial Officer has certified the availability of funds to permit the Township to enter into a Professional Services Contract; and

WHEREAS, a Business Entity Disclosure Certification is not required since this contract is with an agency of the state government; and

WHEREAS, the Township has decided to acquire the services of Dr. Stewart C. Farrell of the Coastal Research Center at Stockton University as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; 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 proposal of Dr. Stewart Farrell on behalf of the Coastal Research Center at Stockton University (hereinafter collectively referred to as "Contractor"), is hereby accepted, subject to the provisions of this Resolution. 3. The Mayor and Township Clerk are hereby authorized, directed and empowered to enter into a Professional Services Contract with the Contractor aforesaid for a one (1) year term commencing January 1, 2018. Said Agreement shall be prepared or approved by the Municipal Attorney for the Township of Upper. The Township Clerk is further authorized, directed and empowered to seal said Contract with the seal of the Township of Upper.

3. The Township Clerk shall cause a Notice of Award of this Contract to be published in the official newspaper of the Township as required by N.J.S.A. 40A:11-5.

4. This Contract is a Professional Services Contract and has been awarded without competitive bidding for the following reasons:

(A) The services required are highly specialized or technical in nature;

(B) The services require peculiar ability or skill, and demand a high degree of specialized knowledge or expertise;

(C) The services required are professional services and/or unspecified extraordinary services within the meaning of N.J.S.A. 40A:11-5(a);

(D) The individual who will provide these services has demonstrated his competence and particular expertise in the services required; and

(E) The services to be provided are such that their nature, scope and duration are not capable of precise measurement, but rather require a flexibility and discretion that render competitive bidding impractical and inefficient.

5. A certified copy of this Resolution shall be provided to the Contractor.

6. This Resolution shall take effect immediately provided, however, that the Contract awarded herein shall be effective as of January 1, 2018.

Resolution No. 124-2018

Offered by: Corson

Seconded by: Barr

Adopted: April 23, 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 X

3. Appointing additional 2018 Season Beach Patrol Personnel.

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

RESOLUTION NO. 125-2018

RE: APPOINTING ADDITIONAL 2018 SEASON BEACH PATROL PERSONNEL

WHEREAS, the individual hereinafter named have been determined to possess the requisite skills, training and are otherwise eligible for appointment to the position of lifeguard; 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 individual is appointed as lifeguard contingent upon pre-employment testing, in the Township of Upper at a salary as stated below in accordance with the Salary Ordinance:

RETURNING GUARD

Gaige Bobbitt \$14.50 per hour

Resolution No. 125-2018

Offered by: Corson

Seconded by: Palombo

Adopted: April 23, 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> </u>	<u> </u>	<u> </u>	<u> X </u>
Palombo	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

4. Appointing Norman W. Briggs to act as Special Legal Counsel.

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

RESOLUTION NO. 126-2018

RE: APPOINTING NORMAN W. BRIGGS

TO ACT AS SPECIAL LEGAL COUNSEL

WHEREAS, the Township requires legal counsel to provide legal services in the event such services are not provided by the regular Township Solicitor due to a conflict of interest or other reason as determined by the Township Committee; 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 Norman W. Briggs, Esquire as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Norman W. Briggs, Esquire has completed and submitted a Business Entity Disclosure Certification which certifies that Norman W. Briggs, 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 Norman W. Briggs, Esquire from making any reportable contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Norman W. Briggs, Esquire with offices at 110 Roosevelt Boulevard, Suite 201, Marmora, New Jersey is hereby appointed Special Legal Counsel to handle matters in which the regular Township Solicitor has a conflict of interest as well as other matters directed by the Township Committee.
3. This contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Norman W. Briggs, Esquire has professional knowledge as to legal matters which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

NOTICE OF CONTRACT AWARD

The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Norman W. Briggs, 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 Norman W. Briggs, 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 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. 126-2018

Offered by: Barr

Seconded by: Coggins

Adopted: April 23, 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>	___	___	___

5. Authorizing a contract with CASA Payroll Services of Egg Harbor Township, New Jersey for payroll services.

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

RESOLUTION NO. 127-2018

**RE: AUTHORIZING A CONTRACT WITH CASA PAYROLL SERVICES OF EGG
HARBOR TOWNSHIP, NEW JERSEY FOR PAYROLL SERVICES**

WHEREAS, CASA Payroll Services (“CASA”) has submitted a proposal to the Township for payroll services; and

WHEREAS, N.J.A.C. 5:30-17.3 et seq. provides for electronic disbursement controls for payroll purposes and applies to entities which execute disbursements from and/or take possession of municipal bank accounts or funds; and

WHEREAS, the proposal of CASA does not permit CASA to execute disbursements from the Township’s bank account or give CASA possession of Township funds and as such N.J.A.C. 5:30-17.3 et seq. does not apply; and

WHEREAS, the Township wishes to accept said proposal and to authorize a contract with CASA; and

WHEREAS, the proposal has been reviewed and approved by the Municipal Attorney and will be on record in the office of the Township Clerk and available for public inspection; and

WHEREAS, CASA has completed and submitted a Business Entity Disclosure Certification which certifies that CASA 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 CASA 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 enter into a contract with CASA attached hereto as Exhibit "A", to provide payroll service within the Township of Upper commencing immediately.

3. CASA 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.

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.

Resolution No. 127-2018

Offered by: Coggins Seconded by: Barr

Adopted: April 23, 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>	___	___	___

6. Authorizing the execution of a contract with Adams, Rehmann & Heggan Associates, Inc. for the maintenance and conversion of the official tax map to a georeferenced digital format.

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

RESOLUTION NO. 128-2018

**RE: AUTHORIZING THE EXECUTION OF A CONTRACT WITH
ADAMS, REHMANN & HEGGAN ASSOCIATES, INC. FOR THE
MAINTENANCE AND CONVERSION OF THE OFFICIAL TAX MAP
TO A GEOREFERENCED DIGITAL FORMAT**

WHEREAS, the Township requires a professional land surveyor for the maintenance and conversion of the official tax map to a georeferenced digital format; and

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

WHEREAS, the Township has decided to acquire the services of Adams, Rehmann & Heggan Associates, Inc. as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Adams, Rehmann & Heggan Associates, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Adams, Rehmann & Heggan Associates, Inc. has not made any reportable contributions to a political or candidate committee in the Township that would bar the award of the contract and that the contract will prohibit Adams, Rehmann & Heggan Associates, 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 Adams, Rehmann & Heggan Associates, Inc., of 850 South White Horse Pike, Hammonton, New Jersey 08037, for professional land surveying services for the maintenance and conversion of the official tax map of Upper Township to a georeferenced digital format.
3. The Contract is awarded 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 Adams, Rehmann & Heggan Associates, Inc., has professional knowledge as to land surveying issues which knowledge is particularly valuable to the Township Committee.
4. The contract shall have a term of one (1) year from full execution.
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 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. Adams, Rehmann & Heggan Associates, Inc. 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. A notice of the contract award shall be published in the official newspaper of the Township of Upper.

8. This Resolution shall be effective as of adoption.

Resolution No. 128 -2018

Offered by: Corson

Seconded by: Coggins

Adopted: April 23, 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> </u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

7. Authorizing the Mayor and Township Clerk to sign a contract with James M. Rutala Associates, LLC for professional grant writing consultant services.

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

RESOLUTION NO. 129-2018

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A
CONTRACT WITH JAMES M. RUTALA ASSOCIATES, LLC FOR PROFESSIONAL
GRANT WRITING CONSULTANT SERVICES**

WHEREAS, the Township of Upper has a need for professional grant writing consultant services; and

WHEREAS, James M. Rutala Associates, LLC has submitted a proposal to the Township to provide said consultant services; and

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

WHEREAS, James M. Rutala Associates, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that James M. Rutala Associates, 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 James M. Rutala Associates, 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. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with James M. Rutala Associates, LLC with offices at 717 River Drive, Linwood, New Jersey, to provide professional grant writing consultant services.
3. This contract shall have a term of one (1) year from date of full execution
4. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because James M. Rutala Associates, LLC 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 James M. Rutala Associates, LLC for professional grant writing 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. 129-2018

Offered by: Coggins

Seconded by: Barr

Adopted: April 23, 2018

Roll Call Vote:

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

8. Refund EMS Ambulance Billing overpayments to Accent.

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

RESOLUTION NO. 130-2018

**RE: REFUND EMS AMBULANCE BILLING OVERPAYMENTS
TO ACCENT**

WHEREAS, an overpayment has occurred in the account of an EMS ambulance billing patient, where the monies sent to the Township of Upper by Cigna Healthcare Proclaim were in excess as evidenced by the attached copy of a letter attached hereto as Exhibit A.

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

AMOUNT
\$380.85

NAME
ACCENT
P.O. Box 952366
St. Louis, MO 63195-2366

Resolution No. 130-2018

Offered by: Coggins

Seconded by: Corson

Adopted: April 23, 2018

ROLL CALL VOTE:

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

9. Refund EMS Ambulance Billing overpayments to United American Insurance Company.

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

RESOLUTION NO. 131-2018

**RE: REFUND EMS AMBULANCE BILLING OVERPAYMENTS
TO UNITED AMERICAN INSURANCE COMPANY**

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

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

<u>AMOUNT</u>	<u>NAME</u>
\$105.10	United American Insurance Company Attn: Medicare Benefits P.O. Box 8080 McKinney, TX 75070-8080

Resolution No. 131-2018

Offered by: Coggins

Seconded by: Barr

Adopted: April 23, 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> </u>	<u> </u>	<u> </u>	<u> X </u>
Palombo	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

10. Designating certain Strathmere beach areas in the Township of Upper as a surfing beach and a catamaran/sailboat beach for the 2018 summer season.

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

RESOLUTION NO. 132-2018

**RE: DESIGNATING CERTAIN STRATHMERE BEACH AREAS IN
THE TOWNSHIP OF UPPER AS A SURFING BEACH AND A CATAMARAN/SAILBOAT
BEACH FOR THE 2018 SUMMER SEASON**

WHEREAS, in accordance with Chapter IX entitled *Recreational Facilities*, of the Revised General Ordinances it is necessary to designate certain beach areas along the Strathmere shore in the Township of Upper strictly for the use of surfboards, sailboats, catamarans and other similar devices, for the 2018 summer season. **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. It has been determined by the Township Committee that for the 2018 summer

season:

- **Surfing Beach: Between Vincent Avenue and Sherman Avenue**
- **Catamaran/Sailboat Beach: Between Hawthorne Avenue and Hamilton Avenue**

3. A map designating these areas has been provided by the Township Engineer and shall be attached hereto as Exhibit A.

4. During imminent storm all watercraft shall be removed from the designated beach areas.

Resolution No. 132-2018

Offered by: Barr

Seconded by: Coggins

Adopted: April 23, 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> </u>	<u> </u>	<u> </u>	<u>X</u>
Palombo	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

11. Tax refund on exempt property Block 723, Lot 38.

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

RESOLUTION NO. 133-2018

**TAX REFUND ON EXEMPT PROPERTY
BLOCK 723, LOT 38**

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

WHEREAS, certain properties became tax exempt for the year 2018; and

WHEREAS, Frank Mayer is a 100% disabled American veteran residing at 215 Route US 9 North Block 723, Lot 38 on the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Department of Veterans Affairs has determined that Mr. Mayer's 100% permanent wartime service connected disability was effective May 15, 2017; and

WHEREAS, Frank Mayer made application on March 19, 2018; and

WHEREAS, Township of Upper Ordinance No. 009-2012 allows for the refund of property taxes paid for the calendar year in which claim is made.

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. 133-2018
Offered by: Coggins
Adopted: April 23, 2018

Seconded by: Barr

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>
Palombo	<u> </u>	<u> </u>	<u> </u>	<u> X </u>
Young	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

REFUND TAX 2018

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
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2018 1st Quarter Taxes - 100% Totally Disabled Veteran

12. Accepting the written Indoor Air Quality Program and confirming the appointment of Paul E. Dietrich as Air Quality Control Officer in charge of compliance of the program, pursuant to the "PEOSH", Indoor Air Quality Compliance Program under N.J.A.C. 12:100-13.

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

RESOLUTION NO. 134-2018

**RE: ACCEPTING THE WRITTEN INDOOR AIR QUALITY PROGRAM AND
CONFIRMING THE APPOINTMENT OF PAUL E. DIETRICH
AS AIR QUALITY CONTROL OFFICER IN CHARGE OF COMPLIANCE OF THE
PROGRAM, PURSUANT TO THE "PEOSH", INDOOR AIR QUALITY COMPLIANCE
PROGRAM UNDER N.J.A.C. 12:100-13**

WHEREAS, the Township of Upper in order to comply with the Public Employees Occupational Safety and Health (PEOSH), Indoor Air Quality Standard Program pursuant to N.J.A.C. 12:100-13 adopted on May 21, 2007, established a program in February 2008, to promote good indoor air quality for employees working in Township of Upper municipal buildings; and

WHEREAS, to further comply with the PEOSH Program for Indoor Air Quality Standards an appointment is necessary to designate a person responsible for the enforcement and compliance of the requirements of N.J.A.C. 12-100-13 and the established program policies of the Township of Upper; and

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

1. The Indoor Air Quality Program, updated April 11, 2018 and attached as Exhibit "A" is hereby accepted by the Township of Upper.
2. Paul E. Dietrich appointment as the Indoor Air Quality Control Officer in charge of compliance of the Public Employees Occupational Safety and Health (PEOSH) Indoor Air Quality Program for the Township of Upper is hereby confirmed.
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. 134 -2018

Offered by: Barr

Seconded by: Corson

Adopted: April 23, 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> </u>	<u> </u>	<u> </u>	<u>X</u>
Palombo	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

13. Authorizing the execution of an NJDEP TWA-1 Application Statements of Consent form regarding 15 East Seaview Avenue, Strathmere, Block 862, Lot 5.

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

RESOLUTION NO. 135-2018

**RE: AUTHORIZING THE EXECUTION OF AN NJDEP TWA-1 APPLICATION
STATEMENTS OF CONSENT FORM REGARDING 15 EAST SEAVIEW AVENUE,
STRATHMERE, BLOCK 862, LOT 5**

WHEREAS, Alfred Lord has or is about to make application to the New Jersey Department of Environmental Protection (hereinafter “DEP”) for Treatment Works Approval for a proposed three bedroom single family dwelling, and has requested that the Township complete a portion of DEP Form No. WQM-003, which merely consents to the submission of the application to the DEP and certifies that the project, as proposed, conforms with the requirements of all municipal Ordinances and does not otherwise impose any obligation or liability on the Township; and

WHEREAS, Alfred Lord must apply to the New Jersey Department of Environmental Protection for Treatment Works Approval in order to install a pressure dosing septic system for a three bedroom single family dwelling to be constructed on 15 East Seaview Avenue, Block 862, Lot 5 of the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Township Engineer has informed the Township Committee as to the general nature of the project and has indicated that the Township has no ordinance prohibiting the proposed project; and

WHEREAS, the matter has been considered by the Township Committee and it has been determined that the consent by the Governing Body should be granted to this application to permit the application process to go forward; and

WHEREAS, the Township Committee wishes to authorize the Township officials to execute said documentation;

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 is hereby authorized to execute on behalf of the Township of Upper a Statements of Consent, Section A-1, in the form attached hereto as Exhibit “A” and said consent shall be completed by inserting therein this Resolution number and the date of its adoption.
3. This Statements of Consent is submitted in conjunction with the application of Alfred Lord for treatment works approval for the property at Block 862, Lot 5 on the municipal tax map.
4. A certified copy of this Resolution shall be provided to the applicant.

Resolution No.135-2018

Offered by: Barr Seconded by: Coggins

Adopted: April 23, 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> </u>	<u> </u>	<u> </u>	<u> X </u>
Palombo	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

14. Appointing Lawrence C. Cole as a full-time employee to the office of the Municipal Clerk.

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

RESOLUTION NO. 136-2018

**RE: APPOINTING LAWRENCE C. COLE AS A FULL-TIME EMPLOYEE
TO THE OFFICE OF THE MUNICIPAL CLERK**

WHEREAS, a need exists to appoint qualified personnel to the Office of the Municipal Clerk to insure optimal operation; and

WHEREAS, Lawrence C. Cole possesses the necessary qualifications to be appointed as Keyboarding Clerk 1 in the Office of the Municipal Clerk and as the Sports and Recreation Advisory Board Secretary.

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. Lawrence C. Cole is hereby appointed as a full-time Keyboarding Clerk 1 in the Office of the Municipal Clerk, pending successful completion of pre-employment testing, at an annual salary of \$36,000.00 in accordance with the Salary Ordinance.
3. Lawrence C. Cole is hereby appointed as the Sports and Recreation Advisory Board Secretary, pending successful completion of pre-employment testing, at an annual salary of \$2,200.00 in accordance with the Salary Ordinance.
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.

Resolution No. 136 -2018

Offered by: Corson

Seconded by: Palombo

Adopted: April 23, 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> </u>	<u> </u>	<u> </u>	<u>X</u>
Palombo	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

15. Authorizing the award of a contract with Action Supply, Inc. for materials and supplies.

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

RESOLUTION NO. 137-2018

**RE: AUTHORIZING THE AWARD OF A CONTRACT
WITH ACTION SUPPLY, INC. FOR MATERIALS AND SUPPLIES**

WHEREAS, from time to time the Township of Upper has a need to purchase materials and supplies from Action 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 Action Supply, Inc. for the year 2018 will exceed \$17,500; and

WHEREAS, Action Supply, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Action 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 Action 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 Action 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. 137-2018

Offered by: Barr

Seconded by: Coggins

Adopted: April 23, 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> </u>	<u> </u>	<u> </u>	<u> X </u>
Palombo	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

16. Authorize the filing on a 2018 NJDEP Municipal Recycling Tonnage Grant application.

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

RESOLUTION NO. 138-2018

**RE: AUTHORIZING THE FILING OF A 2018 NJDEP MUNICIPAL
RECYCLING TONNAGE GRANT APPLICATION**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102., has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate verifiable records of materials collected and claimed by the municipality; and

WHEREAS, the Township Committee fully supports and endorses the actions of William McDaniels, Certified Recycling Coordinator, to apply for such tonnage grants for calendar year 2018 (based on 2017 recycling figures) and will memorialize the commitment of this municipality to recycling and indicate the assent of the Township of Upper to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Upper, that the Township of Upper does hereby endorse the submission of an online municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and designates William McDaniels, Certified Recycling Coordinator, to ensure that said application is properly filed.

Resolution No. 138-2018

Offered by: Barr Seconded by: Coggins

Adopted: April 23, 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>	_____	_____	_____

17. Renewing the 2018 Mining License for Hanson Aggregates BMC, Inc. - Julie's Pit, Block 414, Lot 44.

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

RESOLUTION NO. 139-2018

**RE: RENEWING THE 2018 MINING LICENSE FOR
HANSON AGGREGATES BMC, INC. - JULIE'S PIT, BLOCK 414, LOT 44**

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

WHEREAS, Hanson Aggregates, BMC, Inc. with corporate offices at 7660 Imperial Way, Allentown, PA 18195, (hereinafter referred to as "applicant"), is the owner of the mining operation known as Julie's Pit in Block 414, Lot 44 of the Township of Upper; and

WHEREAS, applicant has requested and has been granted two (2) extensions of time for license renewal for the 2018 license year; and

WHEREAS, applicant has now completed the application process in accordance with the Code of Upper Township; and

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The mining license for Hanson Aggregates BMC, Inc. - Julie's Pit, Block 414, Lot 44, 1100 Dennisville/Petersburg Road, Petersburg, New Jersey, is hereby renewed

for one year commencing February 1, 2018 in accordance with and subject to compliance with all terms, conditions and other approvals as specified in Upper Township Planning Board Resolution PB 14-17, attached hereto as Exhibit “A”.

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

4. This Resolution shall become effective immediately upon adoption and retroactive to February 1, 2018.

Resolution No. 139-2018

Offered by: Barr

Seconded by: Coggins

Adopted: August 23, 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> </u>	<u> </u>	<u> </u>	<u>X</u>
Palombo	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

ORDINANCES

18. **Public hearing and final adoption of Ordinance No. 005-2018 RE: TRANSFER TOWNSHIP OWNED LAND TO HABITAT FOR HUMANITY.** During the public hearing portion there were the following speakers:

Russell Graves, South Seaville, stated that he is the volunteer president of Habitat for Humanity, Cape May County. He thanked the Committee for providing for low income housing in Upper Township through Habitat for Humanity.

Blanche Adams, on behalf of the Upper Township Business Association, stated the UTBA Board’s support of the Ordinance.

Mayor Palombo then closed the public hearing portion. Motion by Curtis Corson, second by Edward Barr, to adopt Ordinance No. 005-2018. During roll call vote all four Committeemen present voted in the affirmative.

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

ORDINANCE NO. 005-2018

TRANSFER TOWNSHIP OWNED LAND TO HABITAT FOR HUMANITY

WHEREAS, Township Committee of the Township of Upper, County of Cape May of the State of New Jersey desires to sell land to the Habitat for Humanity, Cape May County, Inc., a Non-Profit Corporation of the State of New Jersey 08210 (“Habitat for Humanity”); and

WHEREAS, New Jersey Statute 40A:12-21 allows a municipality to sell land to certain organizations for a nominal fee, such as to (j) Any duly incorporated nonprofit organization for the purpose of building or rehabilitating residential property for resale; and (1) Any duly incorporated nonprofit housing corporation for the purpose of constructing housing for low or moderate income persons or family or handicapped persons; and

WHEREAS, the Township of Upper owns a parcel of land which can be developed as a single family residential home; and

WHEREAS, the Township of Upper has an obligation to provide low and moderate affordable housing; and

WHEREAS, the Habitat for Humanity is a non-profit entity which has a purpose of constructing housing for low and moderate income persons; and

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

SECTION 1:

1. The Township Committee of the Township of Upper, shall sell to Habitat for Humanity two parcels of land identified on the Official Tax map of the Township of Upper as: 43 Redwood Avenue, Block 527, Lots 12-21 and 41 Redwood Avenue, Block 527 Lots 22-31.
2. The sale price shall be for \$1.00.
3. Each parcel shall be deed restricted so as to provide that a single family residential dwelling shall be built upon it within 24 months or the land shall revert to the Township of Upper.

4. Each property shall be deed restricted so that the single family residential dwelling shall be COAH compliant and so that the Township of Upper will be credited for having COAH compliant units in the Township of Upper. The Township understands that the efforts to make this COAH compliant may fail due to the State's affirmative marketing requirements.
5. The Township shall review and approve the exterior design of each house to ensure that each house shall not be substantially alike in exterior design and appearance.
6. The Township makes no promise or warranty as to the physical condition or status of the title to these properties as they are transferred completely AS IS. If there is a defect in the title or condition of either parcel, the sole right of Habitat for Humanity is to cancel the transaction before transfer of the deed with no further liability between the parties.
7. The Mayor, Clerk, and any and all other Township Officials, are hereby authorized to sign any documents necessary to effectuate this transaction, including any contract, deed, deed restriction or easement.

SECTION 2: All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 3: Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

SECTION 4: EFFECTIVE DATE: This Ordinance shall take effect immediately upon final adoption and publication as required by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 26th DAY OF MARCH, 2018 AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS

TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 23rd DAY OF APRIL, 2018 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

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

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

CORRESPONDENCE

NEW BUSINESS

19. **Knights of Columbus Monsignor James Zegers Resurrection Council 9113 request to hold a 50/50 Raffle RA 498 at the Tuckahoe Inn on December 15, 2018.** Motion by Edward Barr, second by John Coggins, to approve the request. During roll call vote all four Committeemen present voted in the affirmative.
20. **Stockton University Coastal Research Center Final Report for 2017.** The Township Engineer gave a brief overview of the report, and stated as a whole the beaches fared well in 2017. The north point will still need monitoring, and the State will continue to monitor Corsons Inlet.

UNFINISHED BUSINESS

21. **Request for Hardship Waiver to Street Moratorium for Block 561, Lot 32.04; Block 561, Lot 32.07; and Block 838, Lot 2.** The Municipal Attorney reported that after a review of the Township Code there is a general provision contained in the Ordinance to allow a resident to appeal a decision, made pursuant to the requirements of the Ordinance, to the Township Committee. He stated that the denial of a street opening permit because of a street moratorium falls under that provision. The homeowners of the properties listed have each submitted a letter requesting such an appeal. He recommended that if the appeals are granted, the costs for the street restoration should be bonded and there should be specific requirements for the street repair and restoration. He also indicated the Committee's decision and conditions of approval should be contained in a resolution. The Township Engineer then gave a brief review of each request. After a thorough discussion, there was a motion by Curtis Corson, second by Edward Barr, to authorize a Resolution be prepared pursuant to tonight's discussion for formal action at the next meeting. During roll call vote all four Committeemen present voted in the affirmative.

DISCUSSION

PAYMENT OF BILLS

22. **"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: \$2,098,239.59

Payroll: \$171,324.40.

REPORT OF MUNICIPAL DEPARTMENTS

- 23. Clerk's Office
- 24. Finance Office
- 25. Municipal Court

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

PUBLIC COMMENT

Nathalie Neiss, Route 50, Petersburg - spoke on several matters and concerns she has relating to her neighboring properties.

Karen Mitchell, Williams Ave, Strathmere - inquired into which streets have been designated as the surf and catamaran beaches. It was stated that the designations are the same as they have been for many years. The Surfing beach is between Vincent Avenue and Sherman Avenue, and the Catamaran/Sailboat beach is between Hawthorne Avenue and Hamilton Avenue. She next inquired if the Stockton Coastal Research report is available to the public. The Municipal Clerk stated that she has copies available to any that request it. Ms. Mitchell then inquired into the TWA-1 Statements of Consent. It was stated that the form certifies that the proposed project complies with Township Code.

Tim Rosetta, Mill Road, Tuckahoe - inquired into the status of the County's proposed Restriping of Commonwealth Avenue project. Committeeman Barr stated that there has been no determination as to which plan they will choose. The County will be releasing the findings from the recent public meeting soon. Mr. Rosetta then stated his objection to the elimination of parking in the area, which he feels will restrict access to the beach for Upper Township residents that do not live in Strathmere. It was stated that there are alternative locations for parking that are under consideration. Lastly, Mr. Rosetta commended the public works employees for the services they provide.

Linda Bateman, Tecumseh, Strathmere - stated that the County's proposed restriping project will not affect Strathmere north of Putnam. The proposed project will only affect the area around Whale Beach.

CLOSED SESSION

- 26. 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. 140-2018 MOTION GOING INTO CLOSED SESSION APRIL 23, 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 - Lawrence Shapiro, Ansell Grimm & Aaron
3. Contract negotiation - CMC Fleet Maintenance
4. Contract negotiation - Cape Regional
5. Contract negotiation - Historical Preservation Society Lease Agreements for Tuckahoe Train Station and Friendship School
6. Contract negotiation - Beacon Animal Rescue
7. Contract negotiation - Collective Bargaining Agreement
8. Safety and Security - JIF Cyber Security
9. Potential Litigation - Encroachment Block 841, Lot 15, C-002.

I also include in my motion the estimated time and the circumstances under which the discussion conducted in closed session can be disclosed to the public as follows:

- A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.
- B. With respect to employment and personnel matters such discussions will be made public if and when formal action is taken or when the individuals involved consent that it can be made public.
- C. With respect to contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.
- D. With respect to litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.

Moved by: John Coggins

Motion seconded by: Edward Barr

During roll call vote all 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 all four Committeeman present voting in the affirmative.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:45 P.M., with a motion by John Coggins, second by Edward Barr, with the four Committeemen present voting in the affirmative. The next regular meeting is scheduled for May 14, 2018 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

BILL LIST

71321 04/23/18 A0017 ATLANTIC CO. MUNICIPAL JIF 99,634.00 3023
71322 04/23/18 A0025 ADVANTAGE RENTAL ACE HARDWARE 2,021.01 3023
71323 04/23/18 A0028 ADVANTAGE RENTAL CENTER INC. 115.68 3023
71324 04/23/18 A0091 ATLANTIC CITY ELECTRIC 23,765.90 3023
71325 04/23/18 A0134 ANSELL GRIMM & AARON, PC 385.00 3023
71326 04/23/18 A0193 ATLANTIC INVESTIGATIONS, LLC 93.00 3023
71327 04/23/18 A0212 ANCERO, LLC 2,025.00 3023
71328 04/23/18 A0220 ANY EXCUSE FOR A PARTY, INC. 1,400.00 3023
71329 04/23/18 B0035 BELMONT & CRYSTAL SPRINGS 49.95 3023
71330 04/23/18 B0052 BENNETT BATTERIES,LLC. 459.60 3023
71331 04/23/18 B0220 BERGEY'S TRUCK CENTERS 255.28 3023
71332 04/23/18 B0232 BLUE FLAME GAS 946.03 3023
71333 04/23/18 B0239 BAILEY, WILLIAM MICHAEL 791.66 3023
71334 04/23/18 B0248 BARNES LAW GROUP LLC 2,730.00 3023
71335 04/23/18 C0042 CAMPBELL FREIGHTLINER, LLC 915.92 3023
71336 04/23/18 C0048 CAPE MAY COUNTY MUA 36,551.51 3023
71337 04/23/18 C0052 CAPE MAY COUNTY TREASURER 1,300,213.27 3023
71338 04/23/18 C0060 CAPRIONI'S PORTABLE TOILETS 768.00 3023
71339 04/23/18 C0067 CONNOR, RICK 804.00 3023
71340 04/23/18 C0068 COMCAST 577.42 3023
71341 04/23/18 C0116 CINTAS CORPORATION 136.65 3023
71342 04/23/18 C0143 CODY'S POWER EQUIPMENT 1,549.00 3023
71343 04/23/18 C0182 CDW GOVERNMENT, INC 689.17 3023
71344 04/23/18 C0201 CRUZAN'S TRUCK SERVICE INC. 40.88 3023
71345 04/23/18 C0223 CASA PAYROLL SERVICE 259.25 3023
71346 04/23/18 C0230 CATAMARAN MEDIA COMPANY 107.38 3023
71347 04/23/18 C0246 CRAFT OIL CORPORATION 549.12 3023
71348 04/23/18 C0247 CMRS-FP 2,000.00 3023
71349 04/23/18 C0278 TIFFANY A. MORRISSEY, PP, LLC 1,500.00 3023
71350 04/23/18 C0279 CASA REPORTING SERVICES LLC 139.00 3023
71351 04/23/18 C0301 Connell Sean 21.41 3023
71352 04/23/18 D0040 DELTA DENTAL OF N.J. INC. 6,301.28 3023
71353 04/23/18 D0077 DIETRICH,PAUL 226.00 3023
71354 04/23/18 E0012 EHRlich PEST CONTROL INC 89.00 3023
71355 04/23/18 E0077 ELIAS, JEN 74.77 3023
71356 04/23/18 F0053 FORD, SCOTT & ASSOCIATES 8,100.00 3023
71357 04/23/18 G0086 W.W. GRAINGER, INC. 133.70 3023
71358 04/23/18 G0141 GENTILINI CHEVROLET 350.30 3023
71359 04/23/18 G0147 GREATAMERICA FINANCIAL SVCS. 222.00 3023
71360 04/23/18 G0157 GRANTURK EQUIPMENT CO., INC. 216.40 3023
71361 04/23/18 G0186 Gajdalo, Michelle 21.41 3023
71362 04/23/18 H0018 HAROLD RUBIN L & H SUPPLY 93.95 3023
71363 04/23/18 H0089 HERC RENTALS, INC 3,515.00 3023
71364 04/23/18 H0179 HADDON, BRENDAN 210.00 3023
71365 04/23/18 K0099 K CONCRETE, LLC 12,155.00 3023
71366 04/23/18 M0012 McCAULEY, RICHARD 23.00 3023
71367 04/23/18 M0080 McMANIMON, SCOTLAND & BAUMANN 54.00 3023
71368 04/23/18 M0164 MURPHY FENCE COMPANY. INC. 758.56 3023
71369 04/23/18 M0180 MED-TECH RESOURCE,LLC 124.57 3023
71370 04/23/18 M0261 MONKEY SPORTS NJ INC 199.96 3023
71371 04/23/18 M0263 MANGAM SR., ANDREW C 134.19 3023
71372 04/23/18 M0269 MULTI-TEMP MECHANICAL, INC. 79.99 3023
71373 04/23/18 M0290 MADDEN & MADDEN, PC 3,203.17 3023
71374 04/23/18 N0004 NJ-AMERICAN WATER CO. 95.79 3023
71375 04/23/18 N0046 NJ EMERGENCY PREPAREDNESS ASSO 90.00 3023
71376 04/23/18 N0143 NATIONAL TIME SYSTEMS 369.35 3023
71377 04/23/18 N0154 NEW HORIZON COMMUNICATIONS 1,134.34 3023
71378 04/23/18 O0006 SJSHORE MARKETING,LLC 367.40 3023
71379 04/23/18 O0034 OSPREY POINT CONDO ASSOC. 1,855.68 3023
71380 04/23/18 P0032 PEDRONI FUEL CO. 2,935.69 3023
71381 04/23/18 P0175 PRIEST JR., ANTHONY 100.00 3023
71382 04/23/18 Q0003 EUROFINS,QC INC. 3,362.50 3023
71383 04/23/18 R0030 RIGGINS, INC. 9,499.08 3023
71384 04/23/18 R106 RUMER, LISA 521.01 3023
71385 04/23/18 S0018 SUBURBAN PROPANE, LP 137.66 3023
71386 04/23/18 S0031 SCHULER SECURITY, INC. 480.00 3023
71387 04/23/18 S0065 SEAVILLE FIRE CO. DISTRICT #4 276,876.00 3023

71388 04/23/18 S0075 SHARP, RHONDA L. 16.35 3023
 71389 04/23/18 S0113 SMITH,THOMAS G. 4,117.56 3023
 71390 04/23/18 S0122 SOMERS POINT LUMBER INC. 4,431.50 3023
 71391 04/23/18 S0126 SPIEGEL, BARBARA 50.00 3023
 71392 04/23/18 S0134 SO. JERSEY GAS COMPANY 4,342.39 3023
 71393 04/23/18 S0239 SHORE VET. ANIMAL CONTROL LLC 2,350.00 3023
 71394 04/23/18 S0249 BSN SPORTS 1,409.95 3023
 71395 04/23/18 S0253 SAMPLE MEDIA, INC. 4,638.10 3023
 71396 04/23/18 S0254 SHOPRITE 408.00 3023
 71397 04/23/18 S0330 Schiemer, Crystal A. 20.00 3023
 71398 04/23/18 S0336 SPRIGG, ASHLEY 250.00 3023
 71399 04/23/18 T0005 TCTA OF NEW JERSEY 310.00 3023
 71400 04/23/18 T0032 THE PRESS OF ATLANTIC CITY 1,134.91 3023
 71401 04/23/18 T0067 TOWNSHIP OF UPPER PETTY CASH 13.22 3023
 71402 04/23/18 T0080 TREASURER STATE OF N.J. 184.00 3023
 71403 04/23/18 T0117 TUCKAHOE FIRE DISTRICT #2 254,650.00 3023
 71404 04/23/18 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3023
 71405 04/23/18 U0037 UPPER TOWNSHIP P.T.O. 275.00 3023
 71406 04/23/18 V0013 VERIZON WIRELESS 1,725.42 3023
 71407 04/23/18 V0022 VERIZON 482.50 3023
 71408 04/23/18 V0024 VAL-U AUTO PARTS L.L.C. 332.04 3023
 71409 04/23/18 V0047 VARIDESK, LLC 470.00 3023
 71410 04/23/18 W0092 WTH TECHNOLOGY, INC 95.00 3023
 71411 04/23/18 X0008 XEROX FINANCIAL SERVICES 662.40 3023
 71412 04/23/18 Y0012 YOUNG,ROBERT 241.41 3023
 TOTAL: \$2,098,239.59