

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR SEPTEMBER 24, 2018**

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

Mayor Palombo read the following announcement. “In compliance with the Open Public Meetings Law, I wish to state that on September 21, 2018 the notice of this meeting of the Upper Township Committee was posted on the official Township Bulletin Board, mailed to the Cape May County Gazette, the Atlantic City Press, the Ocean City Sentinel-Ledger, the Herald Times and filed with the Township Clerk. Tonight’s meeting is being video recorded up until the closed session portion of this meeting and will be available on UTTV Channel 97 and on the Upper Township website. I hereby direct that this announcement be made a part of the minutes of this meeting.”

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, Special Legal Counsel Norman Briggs, Municipal Engineer Paul Dietrich, Chief Financial Officer Barbara Spiegel and Township Administrator Scott Morgan.

APPROVAL OF MINUTES - September 10, 2018 Regular Meeting and
Closed Session “A” and “B” Minutes

Motion by Curtis Corson, second by Edward Barr, to approve the September 10, 2018 Regular Meeting and Closed Session “A” and “B” Minutes as submitted. During roll call vote all four Committeemen present voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

John Coggins, Committeeman, reported on a request from the Economic Development Advisory Commission regarding their proposed Shop Local Campaign. Committeeman Coggins stated that he would send the information to the Township Clerk for dissemination to the Township Committee for review. The Clerk was then directed to place the matter on the next available agenda as new business.

Ed Barr, Committeeman, requested that the storm drain at the base of the Ocean Drive Bridge in Strathmere be inspected for deterioration, and questioned how many baffles would be needed for the storm drains in Strathmere. The Township Engineer stated that DPW is in the process of conducting their inspections of the drains.

Curtis Corson, Committeeman, reported the Township held another successful Rabies Clinic at Shore Veterinarians Animal Hospital on September 22, 2018.

Richard Palombo, Mayor, reported on meeting held recently in Strathmere to discuss bulkheads. He explained that the current bulkhead height requirement for Upper Township is 7.0., and part of the discussions and the consensus of those at the Strathmere meeting was to amend the Ordinance requirement for bulkheads to bring the height elevation up to 8.0.. Mr. Dietrich explained that they also discussed grants that the Township recently applied for, one being for a back bay embankment through the NFWF and the other as a partnership with the NJ Coastal Coalition for a Stormwater Management Grant through FEMA. A motion was then made by Richard Palombo, second by Edward Barr, to direct the Municipal Attorney to draft an amendment to our current Township Ordinance to bring the requirement for bulkhead height elevation from 7.0 to 8.0 (NAVD 88) with a timeline to bring bulkheads into compliance with the amended Ordinance of no later than ten years. During roll call vote all four Committeemen present voted in the affirmative.

OTHER REPORTS

Scott Morgan, Township Administrator, reported on a Security Seminar he attended along with Chief Jay Potter on September 18th at the Cape Convention Center. The seminar was hosted by the New Jersey Office of Homeland Security and Preparedness, in collaboration with the Cape May County Prosecutor's Office, Cape May County Chamber of Commerce, Cape May County Office of Emergency Management and the Cape May Police Department. He also reported on recent upgrades to the key card system at the Upper Township Rescue Squad Building. Mr. Morgan also reported that during a recent inventory of equipment by Cape May County it was discovered that a Road Grader that was originally brought to Upper Township for extensive repairs as part of our Shared Services Fleet Maintenance Agreement was never picked up by the County and has been in the possession of the Township and utilized by the Township DPW since 2012. In an email to Mr. Morgan the Director of Cape May County Public Works recommended that the Township draft a letter to the County requesting the Road Grader be officially turned over to the Township. Motion by Edward Barr, second by Curtis Corson, to accept the equipment. During roll call vote all four Committeemen present voted in the affirmative.

Barbara Young, Municipal Clerk, requested approval to register 22 employees for the New Jersey League of Municipalities Conference scheduled for November 13-15, 2018 in Atlantic City. Motion by Curtis Corson, second by Edward Barr, to approve the request. During roll call vote all four Committeemen present voted in the affirmative. She next reminded everyone that the Upper Township Health and Wellness Fair will be held on October 18th from 4:00 – 6:00 p.m. at the Upper Township Community Center.

Norman Briggs, Special Legal Counsel, reported that there are a number of items for closed session.

Paul Dietrich, Township Engineer, reminded everyone that Upper Township will be hosting a public information meeting to discuss the draft Bike Plan for Upper Township on

Monday October 1st from 6-8 p.m. at the Upper Township Municipal Building. He explained that the study is funded by a grant from New Jersey Department of Transportation and they will be in attendance to answer questions during the meeting. Mr. Dietrich next reported on a request from Bridget and Bill Bailey of Tuckahoe-Mt. Pleasant Road for a temporary use permit to place a Mobile Home type trailer on their property due to a recent house fire that left their home uninhabitable. Mr. Dietrich explained that typically approval by Township Committee is based on approval from the Zoning Board and since the Zoning Board doesn't meet until the second week in October the Baileys are concerned about securing their property and leaving their pets and animals on the property. Mr. Dietrich requested a temporary permit in the interim for the Baileys to place a trailer while they are waiting for the recommendation from the Zoning Board. He explained that they have submitted their application to Zoning Office, and approval of a temporary permit would allow them time to be heard by the Zoning Board. Motion by Curtis Corson, second by Richard Palombo, to approve the request for a temporary sixty-day use permit to place a trailer at 1221 Mt. Pleasant-Tuckahoe Road, in Upper Township. During roll call vote all four Committeemen present voted in the affirmative.

Barbara Spiegel, Chief Financial Officer, requested approval to register Senior EMT Michelle Sampson for the National Conference on EMS scheduled for October 3-6, 2018 in Atlantic City at a cost is \$255. Motion by John Coggins, second by Curtis Corson, to approve the request. During roll call vote all four Committeemen present voted in the affirmative.

PRESENTATION

1. Honoring Shane David Wigglesworth on attaining the designation of "Eagle Scout".

RESOLUTIONS

2. Appointing Louis A. Bonato 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. 257-2018

RE: APPOINTING LOUIS A. BONATO AS AN APPRAISER FOR THE TOWNSHIP OF UPPER

WHEREAS, the Township periodically requires an appraiser to provide services to obtain the fair market value of lots owned by the Township with respect to the anticipated sale of said lots; and

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

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

WHEREAS, Louis A. Bonato has completed and submitted a Business Entity Disclosure Certification which certifies that Louis A. Bonato 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 Louis A. Bonato 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. Louis A. Bonato with offices at 22 Mockingbird Lane, Petersburg, New Jersey is hereby appointed appraiser for the Township of Upper for the appraisal of lots in connection with the Township's anticipated sale to land owners.
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 Louis A. Bonato has 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 Louis A. Bonato 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 Louis A. Bonato in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

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

10. This Resolution shall be effective as of adoption.

Resolution No. 257-2018

Offered by: Barr

Seconded by: Coggins

Adopted: September 24, 2018

Roll Call Vote:

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

3. Authorizing the Chief Financial Officer to sign renewal agreements with Horizon Blue Cross Blue Shield of New Jersey for medical and prescription insurance.

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

RESOLUTION NO. 258-2018

**RE: AUTHORIZING THE CHIEF FINANCIAL OFFICER TO
SIGN RENEWAL AGREEMENTS WITH HORIZON BLUE CROSS BLUE SHIELD
OF NEW JERSEY FOR MEDICAL AND PRESCRIPTION INSURANCE**

WHEREAS, the Township wishes to accept renewal agreements with Horizon Blue Cross Blue Shield of New Jersey, attached hereto as Exhibit A, to provide medical and prescription drug coverage for eligible employees effective October 1, 2018; and

WHEREAS, the renewal of said agreements will be for a period of October 1, 2018 to September 30, 2019.

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 renewal agreements between the Township of Upper and Horizon Blue Cross Blue Shield of New Jersey are approved and the Chief Financial Officer is hereby authorized, directed and empowered to execute said renewal agreements on behalf of the Township of Upper.

3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Resolution No. 258-2018

Offered by: Coggins

Seconded by: Barr

Adopted: September 24, 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. Authorizing Township Officials to undertake certain actions with respect to an In Rem Foreclosure Action, Group 154 Superior Court of New Jersey, Docket No. F-008634-18.

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

RESOLUTION NO. 259-2018

**AUTHORIZING TOWNSHIP OFFICIALS TO UNDERTAKE CERTAIN
ACTIONS WITH RESPECT TO AN IN REM FORECLOSURE ACTION,
GROUP 154 SUPERIOR COURT OF NEW JERSEY, DOCKET NO. F-008634-18**

WHEREAS, the Township of Upper, pursuant to Resolution No. 99-2018 adopted March 26, 2018, authorized the filing of an In Rem Foreclosure Action in the Superior Court of New Jersey for the purpose of foreclosing certain Tax Sale Certificates held by the Township of Upper; and

WHEREAS, said action was filed and completed under Docket No. F-008634-18 resulting in a Final Judgment entered by the Court in favor of the Township of Upper as a result of which the Township of Upper became the owner of and vested with an absolute and indefeasible estate of inheritance in fee simple, in the following described lands:

Schedule No.	Tax Sale Certificate No.	Recorded in Cape May County Clerk's Office Date	Mortgage Bk / page	Description on Tax Duplicate and Certificate of Sale Block / Lot (s)	Name of owner on Tax Duplicate
1	REMOVED				
2	REMOVED				
3	REMOVED				
4	REMOVED				
5	REMOVED				
6	REMOVED				
7	07-00006	12/18/2007	4682/690	348/114	Unknown
8	07-00012	12/18/2007	4682/702	371/29, 30	Hardisty, John
9	16-00012	10/27/2016	5803/896	382/2	Kietpongler, Sakchai & Susan E
10	07-00014	12/18/2007	4682/684	453/101	Unknown
11	16-00020	10/27/2016	5803/900	549/27	Simon, Richard, Trustee

WHEREAS, a certified copy of said Final Judgment is on file in the Office of the Township Clerk and is a matter of public record; and

WHEREAS, the Township Committee authorizes certain action to be taken pursuant to said final judgment as hereinafter indicated;

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 reference.
2. Any and all accrued real estate taxes, including any interest or penalty thereon, on the foreclosed parcels shall be cancelled through and inclusive of the date of adoption of this Resolution.
3. All tax and assessment records of the Township of Upper shall be changed to reflect that the Township of Upper is the absolute and sole owner of each of the parcels of land described in this Resolution, in fee simple absolute, effective as of the date of the Final

Judgment, pursuant to, and in accordance with said Final Judgment of the Superior Court of New Jersey.

4. A copy of this Resolution shall be provided to the Township Tax Collector and Township Tax Assessor and shall serve as authorization to undertake the actions specified herein or which may otherwise be necessary or required under the circumstances.

5. All Township Officials are hereby authorized and directed to take such action or actions as may be reasonably necessary or required in order to carry out the intent and purpose of this Resolution.

Resolution No. 259-2018

Offered By: Barr

Seconded By: Coggins

Adopted: September 24, 2018

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

5. Tax Refunds Homestead Benefits.

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

RESOLUTION NO. 260-2018

**TAX REFUNDS
HOMESTEAD BENEFITS**

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. 260-2018

Offered by: Coggins

Seconded by: Barr

Adopted: September 24, 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

BLOCK/LOT	AMOUNT	NAME
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.

6. Appointing an official to bid at the Tax Sale scheduled for October 16, 2018.

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

RESOLUTION NO. 261-2018

**RE: APPOINTING AN OFFICIAL TO BID AT THE
TAX SALE SCHEDULED FOR OCTOBER 16, 2018**

WHEREAS, a Tax Sale is scheduled to be conducted by the Tax Collector of the Township of Upper on October 16, 2018 at 10:00 A.M.; and

WHEREAS, the Township Committee has duly considered the matter and has determined to take the action hereinafter designated.

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 Municipal Finance Officer, Barbara Spiegel and or the Municipal Clerk, Barbara Young are hereby designated and appointed as the officials who may bid at said Tax Sale on behalf of the Township of Upper on the scheduled date, as well as on any other date to which the Tax Sale may be adjourned.

3. The Municipal Finance Officer, Barbara Spiegel and or the Municipal Clerk, Barbara Young are hereby authorized to expend on behalf of the Township, up to \$1,000.00 in order to purchase Tax Liens.

Resolution No. 261-2018

Offered by: Barr

Seconded by: Corson

Adopted: September 24, 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>

7. Authorizing the execution of a NJDEP TWA-1 Application Statements of Consent form regarding 130 Old Tuckahoe Road, Petersburg, Block 661, Lot 39.

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

RESOLUTION NO. 262-2018

**RE: AUTHORIZING THE EXECUTION OF A NJDEP TWA-1 APPLICATION
STATEMENTS OF CONSENT FORM REGARDING 130 OLD TUCKAHOE ROAD,
PETERSBURG, BLOCK 661, LOT 39**

WHEREAS, the Upper Township Board of Education c/o Laurie A. Ryan, Adm., (hereinafter referred to as “UTBOE”), has or is about to make application to the New Jersey Department of Environmental Protection (hereinafter “DEP”) for Treatment Works Approval for the Upper Township Elementary and Primary Schools, 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, UTBOE must apply to the New Jersey Department of Environmental Protection for Treatment Works Approval in order to replace in kind the existing 90' x 100' septic field at 130 Old Tuckahoe Road, Block 661 Lot 39 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 at a meeting held on September 10, 2018 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

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 UTBOE for treatment works approval for the property at Block 661, Lot 39 on the municipal tax map.
4. This Resolution ratifies, confirms and approves action taken by the Township Committee, by motion, at the meeting of September 10, 2018.
5. A certified copy of this Resolution shall be provided to the applicant.

Resolution No. 262-2018

Offered by: Barr Seconded by: Coggins

Adopted: September 24, 2018

Roll Call Vote:

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

8. Authorizing the execution of a NJDEP TWA-1 Application Statements of Consent form regarding 64 Route 50, Seaville, Block 453.10, Lots 360, 361, 362, 363.03 and 378.

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

RESOLUTION NO. 263-2018

**RE: AUTHORIZING THE EXECUTION OF A NJDEP TWA-1 APPLICATION
STATEMENTS OF CONSENT FORM REGARDING 64 ROUTE 50, SEAVILLE,
BLOCK 453.10, LOTS 360, 361, 362, 363.03 & 378**

WHEREAS, Ocean Isle Campground c/o Clayton Development, LLC – Paul Casaccio, (hereinafter referred to as “Ocean Isle”), has or is about to make application to the New Jersey Department of Environmental Protection (hereinafter “DEP”) for Treatment Works Approval for a proposed mobile trailer site, 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, Ocean Isle must apply to the New Jersey Department of Environmental Protection for Treatment Works Approval in order to connect twenty-five proposed parked mobile trailer sites to three proposed septic fields by way of a 6” diameter gravity main at the Ocean Isle Campground located at 64 Route 50, Block 453.10, Lots 360, 361, 362, 363.03, and 378 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 Ocean Isle for treatment works approval for the property at Block 453.10, Lots 360, 361, 362, 363.03, and 378 on the municipal tax map.
4. A certified copy of this Resolution shall be provided to the applicant.

Resolution No. 263-2018

Offered by: Barr Seconded by: Coggins

Adopted: September 24, 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>	_____	_____	_____

9. Authorizing the Mayor to sign National Flood Insurance Program Community Rating System Recertification and Annual Progress Report.

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

RESOLUTION NO. 264-2018

**RE: AUTHORIZING MAYOR TO SIGN NATIONAL FLOOD INSURANCE
PROGRAM COMMUNITY RATING SYSTEM RECERTIFICATION AND
ANNUAL PROGRESS REPORT**

WHEREAS, FEMA recertified Upper Township on November 2, 2016 as a Class 5 Community in the National Flood Insurance Program (NFIP) Community Rating System (CRS); and

WHEREAS, under the aforesaid program communities are required to provide an annual progress report and recertification that they are continuing to comply with the CRS program activities; and

WHEREAS, the Township Committee of the Township of Upper has determined that it is in the best interest of the Township's residents to continue participating in the CRS program, which saves residents over \$120,000 annually; 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 accepts the Annual Progress Report and Recertification, attached hereto as Exhibit A.
3. The Mayor is hereby authorized to sign the annual recertification report and submit said report to FEMA.
4. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.
5. Copies of the Annual Report shall be posted on the Township website and distributed to the local press.

Resolution No. 264-2018

Offered by: Coggins

Seconded by: Barr

Adopted: September 24, 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. Adopting revisions to the Upper Township Supervisor's Personnel Policies and Procedures Manual and Employee Handbook.

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

RESOLUTION NO. 265-2018

**RE: ADOPTING REVISIONS TO THE UPPER TOWNSHIP
SUPERVISOR'S PERSONNEL POLICIES AND PROCEDURES MANUAL
AND EMPLOYEE HANDBOOK**

WHEREAS, the Township Committee of the Township of Upper has determined there is a need to adopt revisions to the Township's Supervisor's Personnel Policies and Procedures Manual and Employee Handbook; and

WHEREAS, the Township Committee of the Township of Upper has reviewed and approved the revisions to the Supervisor's Personnel Policies and Procedures Manual and the Employee Handbook, copies of which are attached hereto; and

WHEREAS, the Township Committee has determined that the revisions should be adopted to amend the existing Supervisor's Personnel Policies and Procedures Manual and Employee Handbook; 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 revisions to the Supervisor's Personnel Policies and Procedures Manual and the Employee Handbook, attached hereto, are hereby adopted and approved and modify the existing personnel policies, procedures, manuals and handbooks of the Township.
3. The Supervisor's Personnel Policies and Procedures Manual shall apply to all Township officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personal services contract or federal or state law, the terms and conditions of that contract or law shall prevail. In all other cases these policies and procedures shall prevail.
4. The manual is intended to provide guidelines covering public service by Township employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Township Committee.

5. To the maximum extent permitted by law, employment practices for the Township shall operate under the legal doctrine known as “employment at will”.

6. 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. 265-2018

Offered by: Barr

Seconded by: Coggins

Adopted: September 24, 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>	___	___	___

11. Authorizing the Mayor to sign and submit a Municipal Aid Grant Application for Fiscal Year 2019.

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

RESOLUTION NO. 266-2018

**RE: AUTHORIZING THE MAYOR TO SIGN AND SUBMIT A
MUNICIPAL AID GRANT APPLICATION FOR FISCAL YEAR 2019**

WHEREAS, the Township of Upper wishes to take advantage of Municipal Aid Grants that will be available for Fiscal Year 2019; and

WHEREAS, the Township Committee fully supports and endorses the actions of the Township Engineer in his filing of the grant application for the following grant program:

FY 2019 Municipal Aid for Roadway Preservation

This program provides grants to municipalities for roadway improvements. The project will involve the reconstruction of Commonwealth Avenue – Phase 2 from Williams Ave to Seaview Ave in the Strathmere Section of the Township of Upper, which will include roadway reconstruction, curb & sidewalk improvements and drainage improvements.

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, Engineer and Clerk of the Township of Upper are hereby authorized, directed and empowered to submit an electronic grant application identified as **MA-2019 - Reconstruction of Commonwealth Avenue – Phase 2– 00342** to the New Jersey Department of Transportation on behalf of the Township of Upper.
3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.
4. The Mayor and clerk are hereby authorized to sign the grant agreement on behalf of the Township of Upper and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.
5. A certified copy of this Resolution shall be provided to the Township Engineer for insertion into each Municipal Aid Grant Application for Fiscal year 2019.

Resolution No. 266-2018

Offered by: Corson

Seconded by: Barr

Adopted: September 24, 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>

12. Authorizing the Mayor to sign and submit a Bikeways Grant Application for Fiscal Year 2019.

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

RESOLUTION NO. 267-2018

**RE: AUTHORIZING THE MAYOR TO SIGN AND SUBMIT A
BIKEWAYS GRANT APPLICATION FOR FISCAL YEAR 2019**

WHEREAS, the Township of Upper wishes to take advantage of Municipal Aid Grants that will be available for Fiscal Year 2019; and

WHEREAS, the Township Committee fully supports and endorses the actions of the Township Engineer in his filing of the grant application for the following grant program:

FY 2019 NJDOT Municipal Bikeways

This program provides grants to municipalities for bikeway improvements. The project will involve the reconstruction of parking area, pavilion and bike lane markings along State Highway Rt-US9 from Harbor Rd to Roosevelt Blvd.

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, Engineer and Clerk of the Township of Upper are hereby authorized, directed and empowered to submit an electronic grant application identified as **BIKE-2019 – Harbor Road Gateway – 00045** to the New Jersey Department of Transportation on behalf of the Township of Upper.
3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.
4. The Mayor and clerk are hereby authorized to sign the grant agreement on behalf of the Township of Upper and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.
5. A certified copy of this Resolution shall be provided to the Township Engineer for insertion into the Bikeways Grant Application for Fiscal year 2019.

Resolution No. 267-2018

Offered by: Coggins

Seconded by: Barr

Adopted: September 24, 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

- 13. Public hearing and final adoption of ORDINANCE NO. 012-2018 RE: BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$3,238,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,076,575 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST**

THEREOF. During the public hearing portion there were no speakers. Motion by Curtis Corson, second by John Coggins, to adopt Ordinance 012-2018. 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. 012-2018
BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL
IMPROVEMENTS IN AND BY THE TOWNSHIP OF UPPER, IN THE
COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING
\$3,238,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF
\$3,076,575 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE
PART OF THE COST THEREOF**

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Upper, in the County of Cape May, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$3,238,500, and further including the aggregate sum of \$161,925 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$3,076,575 pursuant to the Local Bond Law. In

anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) <u>Department of Public Works:</u>			
i) Acquisition of various vehicles, including dump trucks, dump trucks with a plow and spinner, plow trucks, a truck with a roll off hoist and grapple, a roll off truck and a truck with a utility body, including all related costs and expenses incidental thereto.	\$755,000	\$717,250	5 years
ii) Acquisition of equipment, including a roadside mowing tractor, a wheel loader and an air compressor, including all related costs and expenses incidental thereto.	\$177,000	\$168,150	15 years
TOTAL:	<u>\$932,000</u>	<u>\$885,400</u>	

b) Recreation Facilities:

i) Various improvements, including the acquisition and installation of a bandstand, a sound system and a pole building for Amanda's Field

and a press box and a grandstand for Caldwell Park, including all related costs and expenses incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$109,000	\$103,550	10 years
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ii) Replacement of the playground structure at Somers Avenue and fencing at the Caldwell Park tennis courts and upgrades to the tot lots, including all work and materials necessary therefor and incidental thereto.	<u>\$80,000</u>	<u>\$76,000</u>	15 years
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TOTAL:	<u>\$189,000</u>	<u>\$179,550</u>	
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c) Repair/Construction of Municipal Buildings:

i) Replacement of siding at the Public Works garage and the construction of a pole building for the Office of Emergency Management, including all work and materials necessary therefor and incidental thereto.	\$50,000	\$47,500	10 years
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ii) Acquisition of property at the Community Center, as more specifically described as Block 382, Lots 11.01 and 11.02 on the tax maps of the Township, including all related costs and expenditures incidental thereto.	<u>\$500,000</u>	<u>\$475,000</u>	40 years
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TOTAL:	<u>\$550,000</u>	<u>\$522,500</u>	
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d) Engineering:

i) The Paving Project for various roads, Sam's Gulf remediation and bulkhead replacement, all as more specifically described on lists on file in the Office of the Clerk which are hereby incorporated by reference as if set forth at length, the acquisition and

installation of beach crossovers at Strathmere Beach and improvements to Harbor Road bike/pedestrian gateway, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$1,381,000	\$1,311,950	10 years
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ii) The sewer feasibility study, including all related costs and expenditures incidental thereto.	\$ <u>100,000</u>	\$ <u>95,000</u>	15 years
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TOTAL:	\$ <u>1,481,000</u>	\$ <u>1,406,950</u>	
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e) Public Safety Equipment:

Acquisition of a radar message sign and communication upgrades, to the antennas and systems, including all related costs and expenditures incidental thereto.	\$ <u>46,000</u>	\$ <u>43,700</u>	10 years
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f) Emergency Management Services:

Acquisition of a crew cab utility vehicle and a stretcher mount system, including all related costs and expenditures incidental thereto.	\$ <u>40,500</u>	\$ <u>38,475</u>	5 years
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GRAND TOTAL:	\$ <u>3,238,500</u>	\$ <u>3,076,575</u>	
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The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer.

The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 13.95 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$3,076,575, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$325,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such

disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

14. **Introduction and first reading of Ordinance No. 013-2018 RE: AN ORDINANCE AUTHORIZING SALE OF LANDS, TO WIT BLOCK 735, LOT 21.02.** Motion by Edward Barr, second by John Coggins, to introduce Ordinance No. 013-2018 with a public hearing and final adoption scheduled for October 22, 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. 013-2018

**RE: AN ORDINANCE AUTHORIZING SALE OF LANDS,
TO WIT BLOCK 735, LOT 21.02**

WHEREAS, the Township of Upper is the owner, in fee, of a certain parcel of vacant ground located within the Township of Upper, County of Cape May, and State of New Jersey, set forth on the municipal tax map as Block 735, Lot 21.02; and

WHEREAS, the Township has received an offer from Ratoskey & Trainor, Inc., the owner of real property contiguous with said parcel owned by the Township, to purchase said parcel; and

WHEREAS, after discussion and deliberation the Township Committee is of the opinion that the sale of said parcel will be in the best interest of the Township and will provide for the consolidation of said lot with an existing lot; and

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

SECTION 1: The Township of Upper is hereby authorized to sell the real property commonly known as follows:

Block 735, Lot 21.02

to the highest bidder from among all owners of real property contiguous thereto in accordance with N.J.S.A. 40A:12-13(b)(5). Such sale shall not be for less than the fair market value of said real property and the minimum bid for such parcels sold is hereby established as follows:

Block 735, Lot 21.02

Minimum Bid: \$3,500.00

SECTION 2: Prior to said sale, the Township will obtain a title report from a title company or abstract company licensed to do business in the State of New Jersey. Said report shall be available to all prospective bidders.

SECTION 3: The list of property authorized to be sold together with the minimum price thereof shall be posted at Township Hall and advertisement of the sale shall be made in a newspaper circulating in the Township within 5 days following enactment of this

ordinance. Offers for the property may thereafter be made to the Township Committee for 20 days following said advertisement. The Township Committee may reconsider this ordinance not later than 30 days after enactment and thereafter advertise the property for public sale pursuant to N.J.S.A. 40A:12-13(a). The Township Clerk shall file with the Director of the Division of Local Government Services in the Department of Community Affairs sworn affidavits verifying the publication of the foregoing advertisements.

SECTION 4: Ratiskey & Trainor, Inc. shall pay the following sum to the Township Clerk prior to the adoption of this Ordinance: \$500.00. This payment will be used by the Township and defray Township expenses involved in Authorizing the Sale and terms thereof; Engineer's review; Attorney's review; legal advertising, certified mail notices, title review expenses, closing costs and other expenses. If the parcel is not sold, this amount will be retained by the Township as **LIQUIDATED DAMAGES** and will be used to pay for the review of the title report and other documents. If the highest bidder at the auction sale is not the original applicant, the highest bidder will be required to pay, in addition to the purchase price and other expenses, an additional sum of \$500.00, representing pre-sale amounts paid by the original applicant requesting the sale and the original applicant (who is not the highest bidder) will then be entitled to a refund of all sums paid (\$500.00) except for the non-refundable application fee (\$50.00).

SECTION 5: The aforesaid parcel of real property shall be offered for sale at an auction to be conducted by the Township Clerk at a date and time to be set by the Township Clerk after the appropriate notice of sale has been sent to contiguous owners of the subject real property. Said notice shall be sent certified and regular mail to the owners of contiguous property at the address set forth on the tax assessor's records. Said notice shall be sent no greater than 30 days prior to the date of sale and no less than 14 days prior to the date of sale. At any time, the Township Clerk may adjourn said sale and renote in accordance with the provisions of this Ordinance and N.J.S.A. 40A:12-13.

SECTION 6: The Township Committee expressly reserves the right to reject any and all bids in the exercise of its sole judgment and discretion. The Township Committee is authorized to confirm the sale by resolution and complete the transaction pursuant to this Ordinance and N.J.S.A. 40A:12-13.

SECTION 7: In the event the highest bid at such auction exceeds the minimum bid established herein and the Township Committee rejects same in the exercise of its sole judgment and discretion, then, in such event, all deposits made by the original applicant or the highest bidder, as the case may be, shall be refunded except for the \$50.00 application fee which shall be non-refundable.

SECTION 8: All payments required to be made pursuant to said sale to the Township Clerk must be made by personal check, cash or certified check, or any combination of the foregoing. All payments required to be made hereunder to a title company or abstract company conducting the closing shall be made in collected funds, that is, by cash, certified check, cashier's check or wire transfer.

SECTION 9: A sum equal to ten percent (10%) of the highest bid for said parcel or parcels shall be paid to the Township of Upper by the highest bidder or bidders at the time of the sale. The remaining balance of ninety percent (90%) of the highest bid for the parcel or parcels shall be paid to the Township of Upper, and must be received by the Township Clerk, not later than thirty (30) days after the date of the sale. In addition to the deposit of ten percent (10%), the highest bidder or bidders shall also be required to pay or tender at the time of sale the following:

IF THE BIDDER IS THE ORIGINAL APPLICANT:

- (A) (i) The sum of \$100.00 for the preparation of the Deed; and
- (ii) the sum of \$70.00 for recording the Deed.

IF THE BIDDER IS NOT THE ORIGINAL APPLICANT:

- (B) The sum of 500.00, payable to the Township of Upper, representing payment to the Township for expenses of \$500.00 to defray Township expenses, which amounts were required of the original applicant.
- (B) (i) The sum of \$100.00 for the preparation of the Deed.
- (ii) The sum of \$70.00 for recording the Deed.

AT THE TIME OF CLOSING the successful bidder shall be required to pay the following sums:

- (D) Any additional sum required for title search or title insurance.
- (E) The cost of any survey ordered by the successful bidder. Successful bidder shall place such order directly with the surveyor or with the title company conducting closing, but the survey must be prepared in time to permit the closing to take place as scheduled.
- (F) Title company settlement fees covering services to both the Seller and the Buyer.
- (G) Any additional fees or costs chargeable by the title company or otherwise necessary to complete the transaction on behalf of the purchaser.

SECTION 10: The closing of title shall take place as designated by the Township as follows:

- (A) Township Hall, Petersburg, New Jersey; or
- (B) Office of the Township Solicitor; or
- (C) At the office of a title insurance company or title abstract company located within Cape May County.

SECTION 11: If the bidder fails to close or fails to comply with the provisions hereof, such bidder shall be in default and all amounts paid to the Township by or on behalf of

the bidder shall be retained by the Township as **LIQUIDATED DAMAGES AND NOT AS A PENALTY.**

SECTION 12: The Deed from the Township of Upper shall be what is commonly known as a Quitclaim Deed.

SECTION 13: The title to be delivered by the Township shall be free and clear of all taxes up to and including the date when the Deed is delivered and closing takes place. Purchaser shall be responsible for all taxes thereafter. Unless otherwise specified herein, the purchaser shall be liable for payment of all assessments, of any nature, against said land.

SECTION 14: The title to be delivered by the Township shall be under and subject to all easements and rights of way, recorded and unrecorded, whether for utilities or for others, and shall also be subject to all conditions, reservations and restrictions of record, if any. If the title report discloses an unmarketable condition of title, except as specified herein, the remedy of the bidder shall be limited to the return of payments made to the Township of Upper on account of the purchase price and closing costs only. Any and all other amounts paid to the Township shall be non-refundable. This sale is under and subject to any riparian claim which may affect said property. If any such claim exists, it shall be the sole responsibility of the purchaser to meet and satisfy all requirements of the State of New Jersey with respect to said riparian claim and the payment of any compensation to the State of New Jersey on account thereof. Nothing herein shall be construed as obligating the Township of Upper to construct or maintain access roads to any portion of the property being sold. Such property may not qualify for a building permit due to lack of water supply, lack of sewer or septic facilities, lack of access, inadequate lot size, or other reasons, including those reasons set forth below. The purchaser is required to comply with all applicable zoning, building and health ordinances and codes and regulations. The property being sold may be situated in a Flood Hazard Zone. The Township of Upper makes no warranties or representations, expressed or implied, as to the property being offered for sale, the condition or marketability of the title or any other matter.

The Township of Upper makes no warranties or representations, expressed or implied, as to whether or not the property being offered for sale contains wetlands anywhere on the property. The Township makes no warranties or representations as to any matter of an environmental nature, or otherwise, which may prevent or limit building or construction.

SECTION 15: All references to Lots and Blocks described herein are to the Lots and Blocks as shown on the Current Official Tax Map of the Township of Upper.

SECTION 16: The successful bidder shall be required, at the time of the sale, to execute a document acknowledging that the sale is governed by the provisions of this Ordinance as well as N.J.S.A. 40A:12-13.

SECTION 17: The provisions of this Ordinance pertaining to this sale shall survive the closing of title and shall not merge into the Deed.

SECTION 18: It is a requirement of this sale that the purchaser of the subject property be a contiguous property owner. Said purchaser shall be required to take immediate action to cause a consolidation of the property being purchased with the bidder's existing adjacent property so as to constitute a single parcel of ground which shall not be further subdivided into more than one lot. If the successful bidder is the original applicant, the property sold must be consolidated with Lots 21.01 and 21.03. If the successful bidder is the other adjacent owner, the property sold must be consolidated with Lot 20. In addition, a deed restriction must be placed on the consolidated lot restricting the use of the consolidated lot to a permitted accessory use under the municipal zoning ordinance associated with the single family home of the purchaser on the north side of Harbor Road. These restrictions shall be included in the deed of conveyance and shall run with the land. The successful bidder shall complete the consolidation and accept the restrictions as conditions of the sale. The provisions of this Section shall survive closing and shall not merge into the Deed.

SECTION 19: 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 FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 24th DAY OF SEPTEMBER, 2018 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 22nd DAY OF OCTOBER, 2018 AT 7:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

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

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

CORRESPONDENCE

NEW BUSINESS

15. **Jersey Premier, LLC dba Global Premier Soccer request to hold a Thanksgiving Soccer Tournament at Amanda's Field on Friday November 23 and Saturday November 24, 2018.** Motion by Curtis Corson, second by Ed Barr, to approve the request. During roll call vote all four Committeemen present voted in the affirmative.

UNFINISHED BUSINESS

DISCUSSION

16. **Cape May County request for a letter of support from Upper Township for the re-striping of Commonwealth Avenue.** Mr. Dietrich explained that the proposal from the County includes a walking lane and removal of parking on one side of Commonwealth Avenue from the Sea Isle City border down to Prescott Avenue, with a 7.5 wide parking lane on the beach side. Mayor Palombo voiced concerns with the parking that will be lost and the fact the County's proposal does not include an alternative parking area. Committeeman Corson questioned whether or not the project would jeopardize the Township's beach replenishment funding. Mr. Dietrich stated that he has had conversations with the New Jersey Dept. of Environmental Protection Bureau of Coastal Engineering and the Army Corps of Engineers and they have all assured him that the Township's funding for beach replenishment would not be in jeopardy. Mr. Coggins also voiced concerns with the proposed parking area which is only 7.5 feet. He stated that most cars are at least 7 feet wide so this doesn't leave much room for getting in and out of your car. Motion by Richard Palombo, second by Ed Barr, with all in favor to table the request to allow time for dissemination of the proposed plan to the residents of Strathmere, the Strathmere Fishing and Environmental Club, Citizens for Whale Beach and the Strathmere Improvement Association.
17. **Stockton University Coastal Research Center 3rd Quarter Survey (Summer) 2018.** The Township Engineer gave a synopsis of the survey and discussed the condition of the beach.

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: \$158,290.93

Payroll: \$206,014.31

REPORT OF MUNICIPAL DEPARTMENTS

19. **Animal Control**

20. **MUA Report**

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

Ted Kingston, Strathmere, spoke regarding bulkhead requirements and thanked the Township Committee for moving forward with amendments to the Ordinance on Bulkheads.

Darin Young, Marmora, spoke regarding a neighborhood dispute pertaining to his brother's property.

CLOSED SESSION

21. **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. 268-2018 MOTION GOING INTO CLOSED SESSION SEPTEMBER 24, 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 – Cape May County Shared Services for Special Events
3. Contract negotiation – EMS Collections

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.

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 three Committeemen present voting in the affirmative.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 8:50 P.M., with a motion by John Coggins, second by Edward Barr, and all three Committeemen present voting in the affirmative. The next regular meeting is scheduled for Tuesday, October 9, 2018 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

BILL LIST

72189 09/24/18 A0018 ACTION SUPPLY INC. 264.18 3045
72190 09/24/18 A0091 ATLANTIC CITY ELECTRIC 21,631.01 3045
72191 09/24/18 A0100 ATLANTIC CITY ELECTRIC 2,917.78 3045
72192 09/24/18 A0193 ATLANTIC INVESTIGATIONS, LLC 508.00 3045
72193 09/24/18 A0219 ALTERNATIVE MICROGRAPHICS, INC 1,035.16 3045
72194 09/24/18 B0035 BELMONT & CRYSTAL SPRINGS 129.35 3045
72195 09/24/18 B0093 BARRY,CORRADO,GRASSI & 402.50 3045
72196 09/24/18 B0182 BRIGGS LAW OFFICE, P.C. 2,852.34 3045
72197 09/24/18 B0220 BERGEY'S TRUCK CENTERS 2,620.83 3045
72198 09/24/18 B0239 BAILEY, WILLIAM MICHAEL 791.66 3045
72199 09/24/18 B0248 BARNES LAW GROUP LLC 750.00 3045
72200 09/24/18 C0048 CAPE MAY COUNTY MUA 41,697.70 3045
72201 09/24/18 C0068 COMCAST 591.43 3045
72202 09/24/18 C0078 CARTER, EDWARD, SR. 150.00 3045
72203 09/24/18 C0116 CINTAS CORPORATION 41.20 3045
72204 09/24/18 C0131 CINTAS FIRST AID & SAFETY 109.88 3045
72205 09/24/18 C0143 CODY'S POWER EQUIPMENT 112.34 3045
72206 09/24/18 C0223 CASA PAYROLL SERVICE 264.25 3045
72207 09/24/18 C0246 CRAFT OIL CORPORATION 1,295.26 3045
72208 09/24/18 C0247 CMRS-FP 2,000.00 3045
72209 09/24/18 C0279 CASA REPORTING SERVICES LLC 188.75 3045
72210 09/24/18 C0283 CUSTOM-BANDAG, INC 2,170.25 3045
72211 09/24/18 C0296 COMCAST BUSINESS COMMUNICATION 1,386.86 3045
72212 09/24/18 D0016 DALEYS PIT 25.00 3045
72213 09/24/18 D0040 DELTA DENTAL OF N.J. INC. 6,221.35 3045
72214 09/24/18 E0012 EHRlich PEST CONTROL INC 94.00 3045
72215 09/24/18 G0028 GENTILINI FORD 710.71 3045
72216 09/24/18 G0147 GREATAMERICA FINANCIAL SVCS. 170.00 3045

72217 09/24/18 G0157 GRANTURK EQUIPMENT CO., INC. 2,218.36 3045
 72218 09/24/18 G0169 GROFF TRACTOR NEW JERSEY LLC 339.00 3045
 72219 09/24/18 G0182 GOLDENBERG, MACKLER & SAYEGH 5,661.23 3045
 72220 09/24/18 H0073 HOME DEPOT CRC/GECF 375.28 3045
 72221 09/24/18 H0148 THOMAS H. HEIST INS AGENCY INC 25,796.81 3045
 72222 09/24/18 J0041 JONES, JAMES M. 300.00 3045
 72223 09/24/18 M0121 McCROSSON, JANET 27.58 3045
 72224 09/24/18 M0277 MONY LIFE INSURANCE COMPANY 196.95 3045
 72225 09/24/18 N0125 N.J. REGISTRAR'S ASSOCIATION 75.00 3045
 72226 09/24/18 N0143 NATIONAL TIME SYSTEMS 508.10 3045
 72227 09/24/18 N0154 NEW HORIZON COMMUNICATIONS 1,166.16 3045
 72228 09/24/18 O0006 SJSHORE MARKETING,LLC 108.21 3045
 72229 09/24/18 P0007 PALOMBO,RICHARD A. 300.00 3045
 72230 09/24/18 P0032 PEDRONI FUEL CO. 2,141.48 3045
 72231 09/24/18 P0050 PARSIO, ANTHONY 42.00 3045
 72232 09/24/18 P0134 PHIL DESIERE ELEC MOTOR SERV 95.00 3045
 72233 09/24/18 P0175 PRIEST JR., ANTHONY 100.00 3045
 72234 09/24/18 R0030 RIGGINS, INC. 6,471.04 3045
 72235 09/24/18 R0115 RID PEST CONTROL INC. 55.00 3045
 72236 09/24/18 S0020 SUPPLY WORKS 120.68 3045
 72237 09/24/18 S0056 SEASHORE ASPHALT CORPORATION 362.87 3045
 72238 09/24/18 S0057 SERVICE TIRE TRUCK CENTERS 576.42 3045
 72239 09/24/18 S0075 SHARP, RHONDA L. 45.34 3045
 72240 09/24/18 S0113 SMITH,THOMAS G. 643.55 3045
 72241 09/24/18 S0134 SO. JERSEY GAS COMPANY 221.00 3045
 72242 09/24/18 S0209 STAPLES ADVANTAGE 164.70 3045
 72243 09/24/18 S0284 SOUTH JERSEY INTERPRETERS 300.00 3045
 72244 09/24/18 T0032 THE PRESS OF ATLANTIC CITY 2,325.63 3045
 72245 09/24/18 T0067 TOWNSHIP OF UPPER PETTY CASH 1.50 3045
 72246 09/24/18 T0080 TREASURER STATE OF N.J. 500.00 3045
 72247 09/24/18 T0085 TREASURER, STATE OF NEW JERSEY 54.00 3045
 72248 09/24/18 T0179 TUCKAHOE TURF FARMS, INC. 10,800.00 3045
 72249 09/24/18 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3045
 72250 09/24/18 T0192 MARSH & McLENNAN AGENCY/TRION 290.25 3045
 72251 09/24/18 V0013 VERIZON WIRELESS 564.31 3045
 72252 09/24/18 V0022 VERIZON 627.27 3045
 72253 09/24/18 V0024 VAL-U AUTO PARTS L.L.C. 2,096.54 3045
 72254 09/24/18 V0025 V.E. RALPH & SON,INC. 122.18 3045
 72255 09/24/18 V0027 VANORDER, ROGER 118.88 3045
 72256 09/24/18 W0087 W.B. MASON EGG HARBOR 559.42 3045
 72257 09/24/18 X0008 XEROX FINANCIAL SERVICES 662.40 3045

Total \$158,290.93