

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR TUESDAY OCTOBER 9, 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 October 5, 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	Present
Richard Palombo	Present

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

APPROVAL OF MINUTES - September 24, 2018 Regular Meeting and Closed Session Minutes

Motion by Edward Barr, second by John Coggins, to approve the September 24, 2018 Regular Meeting and Closed Session Minutes as submitted. During roll call vote four Committeemen voted in the affirmative. Committeeman Young abstained.

REPORT OF GOVERNING BODY MEMBERS

John Coggins, Committeeman, inquired if the schedule for brush collection is available to the public. He stated that he has received numerous inquiries as to when and where the collection will be. Mr. Morgan stated that the brush collection schedule is on the Township’s website, although it does not specify exact days the pickup will be in each area. Mr. Morgan stated that he will try to update the schedule periodically with an approximate timeline the collection will be in each area.

Hobie Young, Committeeman, reported that the Historical Society's Apple Fest will be held on Saturday October 20th from 10:00 am to 3:00 pm at the Gandy Farmhouse. He next reported that the Pumpkin Classic Car Show and Fall Fest will be held on November 3rd beginning at 10:00 am at Amanda's Field. Volunteers are needed. He next reported that two local builders generously donated their time, crew, and money to refurbish the press box at Caldwell Park. They installed new siding, a new roof, new windows and new doors. Unfortunately the next weekend, the press box was vandalized. He requested that if anyone has information on the vandalism, to please call and report it to the police. Lastly, he reported that he has received numerous complaints regarding the state of the boat ramp. He requested that the Township consider plans to repair the ramp.

Edward Barr, Committeeman, reported that the Public Works Department is in the process of patching and repairing various roads in the Township and cautioned residents to please drive carefully and be mindful of the crews.

Curtis Corson, Committeeman, reported that the Marmora Fire Company will be hosting a Fire Prevention Week open house on Wednesday October 10th at 7:00 pm. He next reported that the Upper Township Rescue Squad will be holding their annual Trunk or Treat event on October 23rd from 6:00 pm to 8:00 pm at Amanda's Field.

OTHER REPORTS

Scott Morgan, Township Administrator, gave a brief update on the emergency communications system upgrades at the Seaville water tower. He next reported that the new key card system at the EMS building is in the process of being installed.

Barbara Young, Municipal Clerk, reported that the Upper Township Health and Wellness fair will be held on Thursday October 18th from 4:00 pm to 6:00 pm at the Upper Township Community Center. The public is welcome and encouraged to attend.

Daniel Young, Municipal Attorney, reported that there a few items for closed session.

Paul Dietrich, Township Engineer, reported that he has received several requests for bulkhead permits, and all are heeding the Township's recommendations and are raising the elevation to 8. Mayor Palombo inquired into the plans to shore up the north end beach in Strathmere. Mr. Dietrich stated that he has received the necessary approvals, and he is working with Mr. Morgan and the Public Works Department to schedule the work.

RESOLUTIONS

1. Congratulating employee Lawrence Cole of the Upper Township Clerk's Office for his winning entry in the Upper Township Safety Award Program for the 3rd Quarter of 2018.

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

RESOLUTION NO.269-2018

**RE: CONGRATULATING EMPLOYEE LAWRENCE COLE OF THE UPPER TOWNSHIP
CLERK'S OFFICE FOR HIS WINNING ENTRY IN
THE UPPER TOWNSHIP SAFETY AWARD PROGRAM**

FOR THE 3RD QUARTER OF 2018

WHEREAS, employee Lawrence Cole, is recognized for his efforts to promote safety for his fellow employees and residents of the Township through his participation in the Upper Township Safety Award Program with the submission of a safety suggestion; and

WHEREAS, Larry's safety suggestion was chosen by the Upper Township Safety Committee from the entries submitted in the third quarter for the promotion of safety for employees and the community; and

WHEREAS, Larry should be publicly recognized for reporting the safety hazard of the lack of time and ability to barricade doors during an active shooter situation, and suggested the installation of a lockdown system for doors which will increase protection for employees during certain emergency situations; 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. That the Committee extends its appreciation and publicly recognizes Larry Cole on his commitment to safety by identifying a potential safety hazard and offering a suggestion through participation in the program.
2. That the Committee, on behalf of our employees and the citizens of the Township of Upper, extend to Larry Cole our congratulations and present him with the "Safety Day Award" of one day off with pay.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper
the 9th day of October, 2018.

Resolution No. 269-2018

Offered by: Young Seconded by: Barr

Adopted: October 9, 2018

Roll Call Vote:

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

Palombo X _____ _____ _____

2. Designating October 6th as “Knock Out Opioid Abuse Day” in Upper Township.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 270-2018

**DESIGNATING OCTOBER 6TH AS
“KNOCK OUT OPIOID ABUSE DAY” IN UPPER TOWNSHIP**

WHEREAS, New Jersey is in the midst of a life-threatening opioid abuse epidemic;
and

WHEREAS, “Knock Out Opioid Abuse Day” is a project of the Partnership for a Drug-Free New Jersey, in cooperation with the Governor’s Council on Alcoholism and Drug Abuse, to educate residents and healthcare providers in preventing the tragedy of overdose deaths and addiction that has already affected many New Jersey families and communities; and

WHEREAS, the New Jersey State Senate and the General Assembly jointly resolved that October 6th be permanently designated as “Knock Out Opioid Abuse Day” in New Jersey in order to raise awareness of the dangers of opioid abuse and to educate health care providers, community leaders, state lawmakers and members of the public about the opioid abuse epidemic and its effects throughout New Jersey and across the country; and

WHEREAS, the Township of Upper supports initiatives designed to raise awareness of the potential for dependency on prescribed pain medicine and its link to heroin abuse in New Jersey.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, that October 6th be designated as “Knock Out Opioid Abuse Day” in Upper Township and encourage the citizens of Upper Township to increase their understanding and awareness of the risks of prescription opioids and their link to addiction and overdose.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 9th day of October, 2018.

Resolution No. 270-2018

Offered by: Barr

Seconded by: Coggins

Adopted: October 9, 2018

Roll Call Vote:

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

3. Designating the date and time for Trick or Treat in Upper Township.

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

RESOLUTION NO. 271-2018

**RE: DESIGNATING THE DATE AND TIME FOR
TRICK OR TREAT IN UPPER TOWNSHIP**

WHEREAS, for many years, the Township of Upper has selected October 31st from 5:00 PM to 8:00 PM as Trick or Treat for residents of Upper Township and others; and

WHEREAS, the Township wishes to continue this tradition of providing a designated time for Trick or Treat in celebration of Halloween; 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 that said Committee hereby pronounces October 31, 2018 from 5:00 PM until 8:00 PM as Trick or Treat Night, and does hereby urge all community members participating in this activity to incorporate the use of safety procedures for a safe and enjoyable event.

Resolution No. 271-2018

Offered by: Barr

Seconded by: Young

Adopted: October 9, 2018

Roll Call Vote:

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

4. Authorizing a Shared Services Agreement with the Cape May County Municipal Utilities Authority for Solid Waste Disposal and Recycling Services.

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

RESOLUTION NO. 272-2018

**RE: AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE
CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY FOR
SOLID WASTE DISPOSAL AND RECYCLING SERVICES**

WHEREAS, the Cape May County Municipal Utilities Authority ("CMCMUA"/"Authority") owns and operates a solid waste system ("System") which presently serves the entire County of Cape May in the State of New Jersey, for the disposal, transfer, and recycling of solid waste; and

WHEREAS, the System is comprised of the CMCMUA's Secure Sanitary Landfill, Solid Waste Transfer Station, Intermediate Processing Facility, as well as several recycling operations and programs; and

WHEREAS, there presently exists a contract between the Township of Upper and the CMCMUA for the use of the System for the disposal, transfer, and recycling of solid waste for a seven (7) year period ending on December 31, 2018 entitled "Shared Services Agreement for Solid Waste Disposal" (hereinafter the "Existing Agreement"); and

WHEREAS, there also presently exists, as an integral component of the Existing Agreement, a supplemental contract between the Township of Upper and the CMCMUA entitled "Shared Services Agreement for Source Separation and Recycling" which will also expire on December 31, 2018; and

WHEREAS, the Township of Upper and the CMCMUA desire to enter into a new agreement entitled “Shared Services Agreement for Solid Waste Disposal and Recycling Services” and to fix the expiration date of said Agreement to occur on December 31, 2019; and

WHEREAS, N.J.S.A. 40A:65-1 et seq. authorizes a municipality to enter into a contract with any other local unit for the sharing of governmental services.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Upper, 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 Municipal Clerk are hereby authorized and directed to execute an agreement with the CMCMUA entitled "Shared Services Agreement for Solid Waste Disposal and Recycling Services", effective January 1, 2019.
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. 272-2018

Offered by: Coggins

Seconded by: Barr

Adopted: October 9, 2018

Roll Call Vote:

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

5. Declaration of Emergency pursuant to Township Ordinance Section 7-3.2 in order to provide temporary no parking restrictions on Route 50 during the Upper Township Pumpkin Classic Car Show and Fall Fest on Saturday November 3, 2018 (Rain Date November 4, 2018).

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

RESOLUTION NO. 273-2018

RE: DECLARATION OF EMERGENCY PURSUANT TO TOWNSHIP ORDINANCE SECTION 7-3.2 IN ORDER TO PROVIDE TEMPORARY NO PARKING RESTRICTIONS ON ROUTE 50 DURING THE UPPER TOWNSHIP PUMPKIN CLASSIC CAR SHOW AND FALL FEST ON SATURDAY NOVEMBER 3, 2018 (RAIN DATE NOVEMBER 4, 2018)

WHEREAS, Upper Township Ordinance Section 7-3.2 provides that upon the declaration of an emergency temporary no parking restrictions may be instituted; and

WHEREAS, the Upper Township Pumpkin Classic Car Show and Fall Fest event scheduled for Saturday, November 3, 2018 (rain date November 4, 2018) requires temporary parking restrictions on Route 50 near the area of Amanda's Field for this public event consistent with the provisions of said Ordinance Section 7-3.2; and

WHEREAS, the Township Committee deems it appropriate to declare an emergency so as to institute temporary no parking restrictions along Route 50 between Sunset Road and Perry Road; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee hereby declares an emergency pursuant to Township Ordinance Section 7-3.2 and directs the posting of "EMERGENCY-NO PARKING" signs on Route 50 between Sunset Road and Perry Road.
3. Said no parking restrictions shall be effective on Saturday November 3, 2018, or in the event of inclement weather, November 4, 2018.
4. A copy of this resolution shall be provided to the New Jersey State Police and the Cape May County Sheriff's Office.
5. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 273-2018

Offered by: Young

Seconded by: Barr

Adopted: October 9, 2018

Roll Call Vote:

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

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

6. Authorizing Building and Electrical Permit Fee refunds to Vivint Solar for various properties in Upper Township.

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

RESOLUTION NO. 274-2018

**RE: AUTHORIZING BUILDING AND ELECTRICAL PERMIT FEE REFUNDS TO
VIVINT SOLAR FOR VARIOUS PROPERTIES IN UPPER TOWNSHIP**

WHEREAS, Vivint Solar applied for permits to install roof mounted solar systems on various properties in Upper Township; and

WHEREAS, after the permits were issued, the roof mounted solar system installations were cancelled; and

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

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that refunds are hereby authorized and the Chief Financial Officer is hereby directed to refund monies to Vivint Solar, 1800 W Ashton Blvd., Lehi, UT 84043, Attn: AR Department, as indicated below:

<u>VOIDED PERMIT #</u>	<u>BLOCK / LOT</u>	<u>AMOUNT</u>
2017-0562	649 / 7	\$ 166.40
2018-0041	564 / 5	\$ 253.60
	<u>TOTAL REFUND</u>	\$ 420.00

Resolution No. 274-2018
Offered by: Coggins
Adopted: October 9, 2018

Seconded by: Barr

ROLL CALL VOTE:

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

7. Authorizing the purchase of certain recreation items and for the Chief Financial Officer to withdraw funds in the amount of \$9,537.68 from the account entitled Recreation Fund Developers Trust Account for such purposes.

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

RESOLUTION NO. 275-2018

**RE: AUTHORIZING THE PURCHASE OF CERTAIN RECREATION ITEMS AND
FOR THE CHIEF FINANCIAL OFFICER TO WITHDRAW FUNDS
IN THE AMOUNT OF \$9,537.68 FROM THE ACCOUNT ENTITLED
RECREATION FUND DEVELOPERS TRUST ACCOUNT FOR SUCH PURPOSES**

WHEREAS, it is necessary for the Township of Upper to purchase certain recreation items for Caldwell Park; and

WHEREAS, the Township has available \$9,537.68 in the Recreation Fund Developers Trust account to purchase playground equipment and mulch; and

WHEREAS, the Township's QPA has reviewed and approved the quote for playground equipment from BCI Burke of Fond du Lac, Wisconsin and the quote for mulch from Peach Country Mulch of Mullica Hill, New Jersey listed on Exhibit A.

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 purchase of the items listed on Exhibit A in the amount of \$9,537.68 from the Recreation Fund Developers Trust account.
3. The Chief Financial Officer of the Township of Upper is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 275-2018
Offered by: Coggins Seconded by: Young
Adopted: October 9, 2018

Roll Call Vote:

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

Exhibit "A"

Playground Equipment
Vendor: BCI Burke Co. \$ 7,737.68

Playground Mulch
Vendor: Peach Country Mulch \$ 1,800.00

TOTAL \$9,537.68

8. Authorizing the award of a contract with Bergey's Trucks Inc. for automotive parts and repairs.

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

RESOLUTION NO. 276-2018

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH BERGEY'S TRUCKS INC.
FOR AUTOMOTIVE PARTS AND REPAIRS**

WHEREAS, from time to time the Township of Upper has a need to purchase automotive parts and repairs from Bergey's Trucks 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 Bergey's Trucks Inc. for the year 2018 will exceed \$17,500; and

WHEREAS, Bergey's Trucks Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Bergey's Trucks 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 Bergey's Trucks 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 Bergey's Trucks 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. 276-2018

Offered by: Barr

Seconded by: Coggins

Adopted: October 9, 2018

Roll Call Vote:

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

9. Authorizing the award of a contract with Caprioni Portable Toilets, Inc. for equipment rental.

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

RESOLUTION NO. 277-2018

**RE: AUTHORIZING THE AWARD OF A CONTRACT
WITH CAPRIONI PORTABLE TOILETS, INC. FOR EQUIPMENT RENTAL**

WHEREAS, the Township of Upper must rent portable toilets for various recreation facilities, and to do so desires to enter into a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Caprioni Portable Toilets, Inc. has indicated they will provide the weekly equipment rental service; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with Caprioni Portable Toilets, Inc. for the year 2018 will exceed \$17,500 and a contract pursuant to N.J.S.A. 19:44A-20.5 is required; and

WHEREAS, Caprioni Portable Toilets, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Caprioni Portable Toilets, 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 Caprioni Portable Toilets, 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 Caprioni Portable Toilets, 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.277-2018

Offered by: Young Seconded by: Corson

Adopted: October 9, 2018

Roll Call Vote:

Roll Call Vote:

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

10. Authorizing the award of a contract with McCarthy Tire & Automotive Centers for automotive parts and supplies.

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

RESOLUTION NO.278-2018

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH MCCARTHY TIRE &
AUTOMOTIVE CENTERS FOR AUTOMOTIVE PARTS AND SUPPLIES**

WHEREAS, the Township of Upper must acquire various automotive parts and supplies and to do so desires to enter into a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, McCarthy Tire & Automotive Centers has indicated they will provide automotive parts and supplies, which when aggregated with other purchases from said vendor will exceed the Pay to Play threshold of \$17,500.00; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with McCarthy Tire & Automotive Centers for the year 2018 will exceed \$17,500 and a contract pursuant to N.J.S.A. 19:44A-20.5 is required; and

WHEREAS, McCarthy Tire & Automotive Centers has completed and submitted a Business Entity Disclosure Certification which certifies that McCarthy Tire & Automotive Centers 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 McCarthy Tire & Automotive Centers 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 McCarthy Tire & Automotive Centers 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. 278-2018

Offered by: Barr Seconded by: Coggins

Adopted: October 9, 2018

Roll Call Vote:

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

11. Authorizing the Mayor and Township Clerk to sign a contract with Quality Asset Recovery, LLC for collection services for emergency medical service accounts.

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

RESOLUTION NO. 279-2018

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A
CONTRACT WITH QUALITY ASSET RECOVERY, LLC FOR COLLECTION
SERVICES FOR EMERGENCY MEDICAL SERVICE ACCOUNTS**

WHEREAS, the Township requires collection services for emergency medical service accounts; and

WHEREAS, Quality Asset Recovery, LLC possesses the requisite skill and knowledge to perform these services; and

WHEREAS, a Resolution is required authorizing the award of a contract for professional services to Quality Asset Recovery, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the proposed contract 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, Quality Asset Recovery, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Quality Asset Recovery, 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 Quality Asset Recovery, 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 Quality Asset Recovery, LLC to provide collection services for emergency medical service accounts.
3. Quality Asset Recovery, LLC 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. 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 Quality Asset Recovery, 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 Quality Asset Recovery, LLC for emergency medical service accounts collection 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.

Resolution No. 279-2018

Offered by: Barr

Seconded by: Coggins

Adopted: October 9, 2018

Roll Call Vote:

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

12. Authorizing a refund in the amount of \$100.00 to Joseph Jacobs.

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

RESOLUTION NO. 280-2018

**RE: AUTHORIZING A REFUND IN THE AMOUNT OF \$100.00
TO JOSEPH JACOBS**

WHEREAS, on September 4, 2018, Joseph Jacobs submitted a Vendor Registration Form along with the appropriate fee to participate in the Upper Township Pumpkin Classic Car Show & Fall Festival; and

WHEREAS, due to unforeseen circumstances, Mr. Jacobs is now unable to participate in the event and has request a refund of his Vendor fee; and

WHEREAS, due to the nature of Mr. Jacobs' circumstances, the Township Committee has determined that a refund of the Vendor fee paid by Mr. Jacobs is warranted.

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

AMOUNT	NAME
\$100.00	Joseph Jacobs
	JR. Hot Dogs
	260 West 15th Street
	Hammonton, NJ 08037

Resolution No. 280-2018

Offered by: Coggins Seconded by: Barr

Adopted: October 9, 2018

Roll Call Vote:

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

13. Authorizing an extension of the Shared Services Agreement with the County of Cape May for the use of County resources during special Township sponsored events.

TOWNSHIP OF UPPER

**CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 281-2018

**RE: AUTHORIZING AN EXTENSION OF THE SHARED SERVICES
AGREEMENT WITH THE COUNTY OF CAPE MAY FOR THE USE OF COUNTY
RESOURCES DURING SPECIAL TOWNSHIP SPONSORED EVENTS**

WHEREAS, on October 24, 2017 the Township of Upper and the County of Cape May entered into a Shared Services Agreement for special event services; and

WHEREAS, the Township of Upper and the County of Cape May desire to extend the terms of the Agreement for an additional one year; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee hereby authorizes the extension of the term of the Shared Services Agreement with the County of Cape May for special event services for an additional one (1) year, commencing October 24, 2018 and expiring on October 23, 2019.
3. This Resolution extending the terms of the aforesaid Shared Services Agreement is conditioned upon similar action being taken by the County of Cape May.
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. 281-2018

Offered by: Young Seconded by: Barr

Adopted: October 9, 2018

Roll Call Vote:

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

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

14. Authorizing the disposal of personal property with no market value.

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

RESOLUTION NO. 282-2018

**RE: AUTHORIZING THE DISPOSAL OF PERSONAL PROPERTY
WITH NO MARKET VALUE**

WHEREAS, N.J.S.A. 40A:11-36 authorizes a municipality to sell or dispose of certain personal property or equipment which is not needed for public use; and

WHEREAS, the Township of Upper determines that the property and equipment set forth on the attached Exhibit A hereto is not needed for public use and has no market value, and should be disposed of.

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 property and equipment aforementioned on Exhibit A hereto is hereby determined to be useless for any public purpose and is also determined to be of no market value such that the Township Committee directs its disposal.
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. 282-2018
Offered by: Coggins
Adopted: October 9, 2018

Seconded by: Barr

Roll Call Vote:

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

Exhibit “A”

Dell Optiplex 3010	Fixed Asset ID#211
Dell Optiplex 3010	Fixed Asset ID#212
Dell Optiplex 760	Fixed Asset ID#109
Dell Poweredge 840	Fixed Asset ID#110
Dell Optiplex 380	Fixed Asset ID#94
Dell Optiplex 580	Fixed Asset ID#70

15. Authorizing the execution of a NJDEP TWA-1 Application Statements of Consent form regarding 5 W. Seacliff Avenue, Strathmere, Block 861, Lot 3.

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

RESOLUTION NO. 283-2018

**RE: AUTHORIZING THE EXECUTION OF A NJDEP TWA-1 APPLICATION
STATEMENTS OF CONSENT FORM REGARDING 5 W. SEACLIFF AVENUE,
STRATHMERE, BLOCK 861, LOT 3**

WHEREAS, Dennis Sigovich 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, Dennis Sigovich 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 5 W. Seacliff Avenue, Block 861 Lot 3 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 Dennis Sigovich for treatment works approval for the property at Block 861, Lot 3 on the municipal tax map.
4. A certified copy of this Resolution shall be provided to the applicant.

Resolution No.283-2018
Offered by: Barr Seconded by: Coggins
Adopted: October 9, 2018

Roll Call Vote:

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

16. Authorizing the use of Amanda’s Field and Tyler Davis Field Complex by Jersey Premier Soccer L.L.C., dba Global Premier Soccer, and Neil Holloway for a Thanksgiving Soccer Tournament.

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

RESOLUTION NO. 284-2018

**RE: AUTHORIZING THE USE OF AMANDA’S FIELD AND TYLER DAVIS
FIELD COMPLEX BY JERSEY PREMIER SOCCER L.L.C.
DBA GLOBAL PREMIER SOCCER AND NEIL HOLLOWAY FOR**

A THANKSGIVING SOCCER TOURNAMENT

WHEREAS, Jersey Premier Soccer, LLC, dba Global Premier Soccer, and Neil Holloway, jointly, severally and in the alternative, (hereinafter collectively referred to as GPS) have requested the use of Amanda's Field and Tyler Davis Field Complex for a Thanksgiving Soccer Tournament, as indicated in their Application for Use of Facilities attached hereto as Exhibit "A"; and

WHEREAS, GPS has provided a Use of Facilities Agreement and an Indemnification and Hold Harmless Agreement in favor of the Township of Upper, its officials, officers and employees in the form attached hereto as Exhibit "B"; and

WHEREAS, GPS has provided general comprehensive liability insurance coverage to the Township in form and substance which is satisfactory to the Township of Upper's Risk Management Consultant, and which names the Township of Upper, its officials, officers, and employees as an additional insured, attached hereto as Exhibit "C"; and

WHEREAS, GPS has certified that those having unsupervised direct contact with minor children have undergone a successful criminal history record background check pursuant to N.J.S.A. 15A:3a-1., and said certification is attached hereto as Exhibit "D"; and

WHEREAS, appropriate advice and approvals from the Township's Risk Management Consultant, the New Jersey State Police, and the Division of EMS have been obtained; and

WHEREAS, a liability release and waiver will be received from every participant, prior to the event, on a form which has been approved by the Township Solicitor; and

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

1. The allegations of the preamble are incorporated herein by this reference.

2. The Township Committee does hereby grant approval to GPS for the use of Amanda's Field and Tyler Davis Field Complex for a Thanksgiving Soccer Tournament as specified in this Resolution and in the accompanying Exhibits subject to and conditioned upon the following:

- (A) The activities described in this Resolution will be carried out by Global Premier Soccer, Jersey Premier Soccer, LLC, dba GPS NJ, and Neil Holloway, jointly, severally and in the alternative (GPS). GPS has no connection, direct or indirect, with the Township of Upper or any of its officials or employees. GPS shall not, in any way, directly or indirectly, represent that the use of Amanda's Field and Tyler Davis Field Complex by GPS is, in any way, associated with or affiliated with the Township of Upper and shall make clear that the activities conducted by GPS are carried out with all appropriate governmental and other approvals. Although the Township of Upper has given permission, subject to the terms of this Resolution, to GPS to use Amanda's Field and Tyler Davis Field Complex for a Thanksgiving Soccer Tournament, it must be made clear that the activities of GPS are not and shall not be considered a Township of Upper sponsored or sanctioned activity.
- (B) Priority for the use of all Township fields and facilities is to Township residents and existing Township programs. The use of Amanda's Field and Tyler Davis Field Complex by GPS will be subject to availability as determined by the Township of Upper and will be scheduled accordingly. The Township of

Upper makes no guarantee that the fields requested by GPS will be available.

- (C) GPS shall remit to the Township the appropriate fee in accordance with Chapter XXVI of the Code of Upper Township. This fee shall include the daily fee per field for games held at Amanda's Field and Tyler Davis Field Complex, as well as the fee equal to the costs of Township personnel, services, and materials. Said costs have been determined by the Township and are outlined and attached hereto as Exhibit "E".
- (D) GPS will ensure that the fields and facilities are clean of debris, trash, markings, and other materials immediately following each use, and will immediately report any damage of the fields or facilities to Township personnel. GPS may be held liable for any costs associated with repair or cleanup.
- (E) The Township reserves the right to postpone and/or cancel the use of the fields by GPS, due to weather and/or damage to the fields or facilities.
- (F) The approval granted herein is subject to all conditions and stipulations as may be recommended or imposed by the Township's Risk Management Consultant or Insurance Representatives. The Township may revoke this approval if GPS fails to comply with any said condition or recommendation or any other condition of this Resolution.

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

Resolution No. 284-2018
Offered by: Young
Adopted: October 9, 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>
Young	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

17. Cancel Tax Sale Certificate on Block 527, Lot 6.

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

RESOLUTION NO. 285-2018

**RE: CANCEL TAX SALE CERTIFICATE
ON BLOCK 527 LOT 6**

WHEREAS, certain corrections have been recommended by the Upper Township Tax Collector in order to correct the tax records; and

WHEREAS, Tax Sale Certificate #543-1945 was foreclosed by the Township of Upper by way of a Final Judgement recorded July 12, 1968 in Book 1193 at Page 85 of the Cape May County Clerk; and

WHEREAS, Tax Sale Certificate #85321 was sold to Robert Gunter and recorded January 21, 1986 in Book 1153 at Page 577 of the Cape May County Clerk; and

WHEREAS, the Tax Collector determined that Tax Sale Certificate #85321 was erroneously sold Mr. Guntner.

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 CANCEL said Tax Sale Certificate #85321 in the amount of \$36.79.

Resolution No. 285 -2018

Offered by: Coggins

Seconded by: Barr

Adopted: October 9, 2018

Roll call vote:

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

18. Authorizing a Notice of Violation and Abatement of Nuisance pursuant to Township Code Section 11-1.

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

RESOLUTION NO. 286-2018

**RE: AUTHORIZING A NOTICE OF VIOLATION AND ABATEMENT OF NUISANCE
PURSUANT TO TOWNSHIP CODE SECTION 11-1**

WHEREAS, pursuant to Township Code Section 11-1, the Township Committee is empowered to enforce the removal of public health hazards, safety hazards, fire hazards and nuisances, including the clearing of obnoxious growths, filth, garbage, trash and debris; and

WHEREAS, the Upper Township zoning officer has determined that the properties listed and attached hereto as Exhibit A each contain a public nuisance, obnoxious growths, filth, garbage, trash or debris as indicated which must be removed; and

WHEREAS, pursuant to Upper Township Code Section 11-1 and N.J.S.A. 40:48-2.13, the Township Committee is authorized to cause a Notice of Violation to be sent to each owner and/or foreclosing lien holder describing the violation and stating that unless the violation is abated, removed and remedied within 10 days from the date of such notice the violation shall be abated, removed and remedied by the Township and the cost thereof shall be assessed as a lien against said land; and

WHEREAS, the Township Committee has determined that said Notice of Violation shall be served upon each owner and/or foreclosing lien holder forthwith; 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 zoning officer is hereby directed to serve a Notice of Violation pursuant to Township Code Section 11-1 describing the violation and nuisance upon each owner and/or foreclosing lien holder of the properties listed on Exhibit A, attached hereto.

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. 286-2018

Offered by: Corson

Seconded by: Barr

Adopted: October 9, 2018

Roll Call Vote:

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

ORDINANCES

19. **Introduction and first reading of Ordinance No. 014-2018 RE: AN ORDINANCE VACATING A PORTION OF SECOND STREET, WITHIN THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY, AND STATE OF NEW JERSEY.** Motion by Curtis Corson, second by Edward Barr, to introduce Ordinance 014-2018 with a public hearing and final adoption scheduled for November 5, 2018. During roll call vote all five Committeemen voted in the affirmative.

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

ORDINANCE NO. 014-2018

AN ORDINANCE VACATING A PORTION OF SECOND STREET, WITHIN THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY

WHEREAS, N.J.S.A. 40:67-1 authorizes the Governing Body of a municipality to adopt an Ordinance, among other things, to vacate any street, highway, lane, alley, square, place or park, or any part thereof, dedicated to public use but not accepted by the municipality, whether or not the same, or any portion, has been actually opened or improved; and

WHEREAS, Clayton Industries, Inc. are the owners of Block 417, Lot 1, and have requested that the Township vacate a portion of Second Street as described in this Ordinance and have agreed to pay the costs incurred by the Township to vacate said street including the costs of the revision to the tax map; and

WHEREAS, the Township Committee has duly considered the matter and it appears reasonable to agree to the request since there is no present or foreseeable need or intention to utilize said roadway; and

WHEREAS, it is deemed to be in the public interest to vacate a portion of Second Street within the Township of Upper, as hereinafter provided.

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: The public right in, along, upon and over the following described land is hereby vacated, surrendered and extinguished:

Description

Vacation of a portion of Second Street,
as shown on Tax Map Sheet No. 13.01
Petersburg Section of
Township of Upper

BEGINNING at the Northeasterly corner of Washington Ave. (30' wide) and Second Street (30' wide) and extending Southeastwardly along Northeastwardly line of Second St. a distance of 200'; and continuing across vacated portion of Adams Ave. (30 wide); and continuing Southeastwardly along Northeastwardly line of Second St. a distance of 200' to a point; and extending Southwestwardly across Second Street (30' wide) to a point in the Southwestwardly line of Second St.; and extending Northwestwardly along the Southwestwardly line of Second St. a distance of 200'; and continuing across the vacated portion of Adams Ave. (30' wide); and continuing Northwestwardly along the Southwestwardly line of Second St. a distance of 200' to a point; and extending Northeastwardly along the Southerly line of Washington Ave.

across Second St. (30' wide) to the point of beginning;

SECTION 2: This Ordinance vacates no portion of the street except the portion set forth and described in **SECTION 1** above.

SECTION 3: EXCEPTION: This Ordinance expressly reserves and excepts from vacation all rights and privileges now possessed by public utilities, as defined in R.S. 48:2-13, and by any cable television company, as defined in the "Cable Television Act", P.L. 1972, c. 186, (C.48:5A-1, et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated, as hereinabove described.

SECTION 4: REPEALER: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

SECTION 5: 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 FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 9th DAY OF OCTOBER, 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 5th DAY OF NOVEMBER, 2018 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

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

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

20. **Introduction and first reading of Ordinance No. 015-2018 RE: AN ORDINANCE VACATING A PORTION OF JEFFERSON AVENUE, WITHIN THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY, AND STATE OF NEW JERSEY.** Motion by John Coggins, second by Edward Barr, to introduce Ordinance 015-2018 with a public hearing and final adoption scheduled for November 5, 2018. During roll call vote all five Committeemen voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

ORDINANCE

ORDINANCE NO. 015-2018

AN ORDINANCE VACATING A PORTION OF JEFFERSON AVENUE, WITHIN THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY

WHEREAS, N.J.S.A. 40:67-1 authorizes the Governing Body of a municipality to adopt an Ordinance, among other things, to vacate any street, highway, lane, alley, square, place or park, or any part thereof, dedicated to public use but not accepted by the municipality, whether or not the same, or any portion, has been actually opened or improved; and

WHEREAS, Clayton Industries, Inc. are the owners of Block 417, Lot 1, and have requested that the Township vacate a portion of Jefferson Avenue as described in this Ordinance and have agreed to pay the costs incurred by the Township to vacate said street including the costs of the revision to the tax map; and

WHEREAS, the Township Committee has duly considered the matter and it appears reasonable to agree to the request since there is no present or foreseeable need or intention to utilize said roadway; and

WHEREAS, it is deemed to be in the public interest to vacate a portion of Jefferson Avenue within the Township of Upper, as hereinafter provided.

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: The public right in, along, upon and over the following described land is hereby vacated, surrendered and extinguished:

Description

Vacation of a portion of Jefferson Avenue,
as shown on Tax Map Sheet No. 13.01
Petersburg Section of
Township of Upper

BEGINNING at the Southwesterly corner of Jefferson Ave. (30' wide) and Mill Rd. (40' wide) extending Southwestwardly along Northwestwardly line of Jefferson Ave. 602.72' to a point and extending Southeasterly across Jefferson Ave. (30 wide) to a point in the line of the Southeastwardly line of Jefferson Ave.; and extending Northeastwardly along the Southeastwardly line of Jefferson Ave. a distance of 601.23' to a point; and extending Northwestwardly along the Southerly line of Mill Rd. across Jefferson Ave. (30' wide) to the point of beginning;

SECTION 2: This Ordinance vacates no portion of the street except the portion set forth and described in **SECTION 1** above.

SECTION 3: EXCEPTION: This Ordinance expressly reserves and excepts from vacation all rights and privileges now possessed by public utilities, as defined in R.S. 48:2-13, and by any cable television company, as defined in the "Cable Television Act", P.L. 1972, c. 186, (C.48:5A-1, et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated, as hereinabove described.

SECTION 4: REPEALER: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

SECTION 5: 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 FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 9th DAY OF OCTOBER, 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 5th DAY OF NOVEMBER, 2018 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

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

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

CORRESPONDENCE

NEW BUSINESS

21. **Economic Development Advisory Commission proposed Shop Local Campaign.** Motion by John Coggins, second by Edward Barr, to approve and authorize the expenditure of \$4,500.00 for the EDAC's proposed Shop Local campaign.
22. **Upper Township Soccer Association request to hold a Dodgeball Tournament fundraiser event at the Upper Township Community Center on Saturday December 8, 2018.** Motion by Hobie Young, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative.
23. **Upper Township Soccer Association request to hold a Halloween 3v3 Tournament at Amanda's Field on October 27, 2018.** Motion by Hobie Young, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative.
24. **Joseph Dickinson and Abigail Jamison request to vacate a portion of Mistletoe Avenue adjacent to Block 499, Lots 1-10.** The Municipal Attorney reported that the Clerk's Office has received a letter of objection from the adjoining affected property owner. He recommended that the property owners be given an opportunity to work out an agreement. Motion by Richard Palombo, second by Edward Barr, to table this matter and relist as unfinished business on the next agenda. During roll call vote all five Committeemen voted in the affirmative.
25. **Renewal of the Commercial Bingo Hall License for 2019.** Motion by John Coggins, second by Hobie Young, to approve the renewal of the Commercial Bingo Hall License. During roll call vote all five Committeemen voted in the affirmative.
26. **Ducks Unlimited NJ State Committee request to hold Raffle #RA 503 at the Seaville Fire Hall on November 3, 2018.** Motion by Hobie Young, Second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative.
27. **Habitat for Humanity Cape May County request waiver of Construction and Zoning Permit fees for COAH compliant homes in Upper Township.** Motion by John Coggins, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative.

UNFINISHED BUSINESS

DISCUSSION

PAYMENT OF BILLS

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

Bills approved for payment: \$276,833.57

Payroll: \$193,746.33

REPORT OF MUNICIPAL DEPARTMENTS

- 29. Clerk’s Office**
- 30. Construction Code**
- 31. Finance Office**
- 32. Tax Assessor**
- 33. Tax Collector**

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

PUBLIC COMMENT

Bill Malar, Beesley’s Point, inquired into the plans for the Beesley’s Point boat ramp parking lot. The Township Engineer stated that the Township has contracted with a consultant to work on the engineering design plan for the area. The consultant has submitted a couple of concept plans which he and Committeeman Barr have looked over. One of the more favored plans will utilize the existing footprint to create a formalized paved parking area with a total of 61 spaces including 14 dedicated boat spaces. There is also an area for a pavilion, a bike fixit station, and potential restrooms. Mr. Dietrich stated that once a concept plan has been finalized, a meeting will held to allow for public input. Mr. Malar next inquired into the plans for the BL England generating station. Mayor Palombo stated that the state has mandated that some of the generators be decommissioned by May of 2019. He stated that there are other alternatives being looked at, but there is no information or plans open to the public at this point.

Jack Griffin, Marmora, thanked the Township Committee for their approval and support of the EDAC’s proposed Shop Local campaign.

Wanda Adamson, Sunset Acres, reported on several issues, including the parking situation at Amanda’s Field on the weekends and the donated fence pickets that were removed from the playground at Caldwell Park. She also inquired into the next steps for the bicycle plan. Mr. Dietrich stated that a draft of the plan has been posted on the Township’s website. The consultant is in the process of incorporating some of the public input from the meeting into the plan, which will then need to go to the Planning Board for their review.

CLOSED SESSION

34. 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. 287-2018
MOTION GOING INTO CLOSED SESSION
OCTOBER 9, 2018**

I hereby move that a resolution be incorporated into the minutes authorizing the Township Committee to enter into an executive session for the following matters pursuant to the Open Public Meetings Act:

MATTERS:

1. Personnel
2. Potential Litigation – Tax Appeal
3. Litigation – Rotimi Owoh on behalf of Adari vs. Upper Township

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 litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.

Moved by: John Coggins

Motion seconded by: Edward Barr

During roll call vote all five Committee member voted in the affirmative.

RECONVENE PUBLIC PORTION OF MEETING

Motion by John Coggins, second by Richard Palombo, to reconvene the public portion of the meeting with all five Committeemen voting in the affirmative.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:39 P.M., with a motion by John Coggins, second by Richard Palombo, and all five Committeemen voting in the affirmative. The next regular meeting is scheduled for October 22, 2018 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

Bill List

72264 10/09/18 A0012 ACME MARKETS INC. 100.00 3048
72265 10/09/18 A0018 ACTION SUPPLY INC. 67.14 3048
72266 10/09/18 A0025 ADVANTAGE RENTAL ACE HARDWARE 381.68 3048
72267 10/09/18 A0027 ACE PLUMBING SUPPLY,INC 32.50 3048

72268 10/09/18 A0043 ALERT-ALL CORPORATION 714.00 3048
72269 10/09/18 A0060 ALL INDUSTRIAL-SAFETY PRODUCTS 752.91 3048
72270 10/09/18 A0071 ANCHOR FIRE PROTECTION CO. 950.00 3048
72271 10/09/18 A0091 ATLANTIC CITY ELECTRIC 7,182.91 3048
72272 10/09/18 A0175 Adams Rehmann & Haggan Assoc 3,366.00 3048
72273 10/09/18 A0212 ANCERO, LLC 5,573.00 3048
72274 10/09/18 A0219 ALTERNATIVE MICROGRAPHICS, INC 2,393.26 3048
72275 10/09/18 A0222 ANZELONE ELECTRIC COMPANY, LLC 1,118.00 3048
72276 10/09/18 B0035 BELMONT & CRYSTAL SPRINGS 23.63 3048
72277 10/09/18 B0052 BENNETT BATTERIES,LLC. 485.00 3048
72278 10/09/18 B0184 BUSHONG, BRIAN 99.00 3048
72279 10/09/18 B0207 BARLOW CHEVROLET, INC 1,997.75 3048
72280 10/09/18 B0220 BERGEY'S TRUCK CENTERS 1,560.54 3048
72281 10/09/18 B0238 BUSTED KNUCKLE AUTO & TIRE LLC 675.00 3048
72282 10/09/18 B0242 BELASCO, LOUIS M. 500.00 3048
72283 10/09/18 B0248 BARNES LAW GROUP LLC 5,865.00 3048
72284 10/09/18 B0254 BRADY, NICOLETTE 40.66 3048
72285 10/09/18 C0046 CAPE MAY COUNTY CLERK 11.00 3048
72286 10/09/18 C0068 COMCAST 430.59 3048
72287 10/09/18 C0116 CINTAS CORPORATION 756.00 3048
72288 10/09/18 C0143 CODY'S POWER EQUIPMENT 83.10 3048
72289 10/09/18 C0223 CASA PAYROLL SERVICE 305.75 3048
72290 10/09/18 C0230 CATAMARAN MEDIA COMPANY 94.85 3048
72291 10/09/18 C0245 CLEGG'S GARAGE, INC. 475.52 3048
72292 10/09/18 D0077 DIETRICH,PAUL 96.28 3048
72293 10/09/18 F0003 FRA TECHNOLOGIES,INC. 650.00 3048
72294 10/09/18 G0028 GENTILINI FORD 150.76 3048
72295 10/09/18 G0086 W.W. GRAINGER, INC. 68.28 3048
72296 10/09/18 G0157 GRANTURK EQUIPMENT CO., INC. 3,418.08 3048
72297 10/09/18 G0169 GROFF TRACTOR NEW JERSEY LLC 141.08 3048
72298 10/09/18 H0073 HOME DEPOT CRC/GECF 110.19 3048
72299 10/09/18 H0095 HORIZON BCBSNJ 186,994.18 3048
72300 10/09/18 H0172 HYLAND DESIGN GROUP 400.00 3048
72301 10/09/18 J0063 JOHNSON WILSHIRE, INC 407.85 3048
72302 10/09/18 K0086 K D NATIONAL FORCE SECURITY 1,984.50 3048
72303 10/09/18 L0027 LASHLEY HEATING & COOLING INC. 325.00 3048
72304 10/09/18 L0135 LOUGHLIN, LINDA 47.52 3048
72305 10/09/18 M0012 McCauley, RICHARD 235.22 3048
72306 10/09/18 M0076 MGL PRINTING SOLUTIONS 537.00 3048
72307 10/09/18 M0121 McCROSSON, JANET 60.60 3048
72308 10/09/18 M0235 MODERN GROUP, LTD 1,753.75 3048
72309 10/09/18 M0247 MORGAN, SCOTT 30.00 3048
72310 10/09/18 N0004 NJ-AMERICAN WATER CO. 158.23 3048
72311 10/09/18 N0100 N.J. LEAGUE OF MUNICIPALITIES 1,210.00 3048
72312 10/09/18 N0134 NJ Assoc for Floodplain Mangmt 325.00 3048
72313 10/09/18 N0148 NJAFP/NJ EMS CONFERENCE 255.00 3048
72314 10/09/18 P0032 PEDRONI FUEL CO. 2,589.68 3048
72315 10/09/18 P0089 PREMIER SCHOOL AGENDAS,INC. 2,152.60 3048
72316 10/09/18 P0175 PRIEST JR., ANTHONY 100.00 3048
72317 10/09/18 R0030 RIGGINS, INC. 6,003.99 3048
72318 10/09/18 S0056 SEASHORE ASPHALT CORPORATION 806.93 3048
72319 10/09/18 S0057 SERVICE TIRE TRUCK CENTERS 296.09 3048
72320 10/09/18 S0126 SPIEGEL, BARBARA 86.66 3048
72321 10/09/18 S0134 SO. JERSEY GAS COMPANY 262.32 3048
72322 10/09/18 S0139 SOUTH JERSEY WATER COND SERV 227.00 3048
72323 10/09/18 S0153 STERICYCLE, INC. 171.08 3048
72324 10/09/18 S0161 SPICA STEEL, INC./J.D.L.GARAGE 150.00 3048
72325 10/09/18 S0209 STAPLES ADVANTAGE 144.90 3048
72326 10/09/18 S0292 JEFFREY SURENIAN & ASSOC. LLC 2,146.92 3048
72327 10/09/18 T0081 TREAS. STATE OF N.J. D.C.A. 50.00 3048
72328 10/09/18 T0085 TREASURER, STATE OF NEW JERSEY 54.00 3048
72329 10/09/18 T0131 TROUT, ROSEMARY 123.69 3048
72330 10/09/18 T0168 TOWNSHIP OF UPPER 449.16 3048
72331 10/09/18 T0192 MARSH & McLENNAN AGENCY/TRION 280.25 3048
72332 10/09/18 U0067 UT HEALTH REIMB. ACCOUNT 1,633.15 3048
72333 10/09/18 V0013 VERIZON WIRELESS 1,159.20 3048
72334 10/09/18 V0024 VAL-U AUTO PARTS L.L.C. 326.19 3048
72335 10/09/18 V0025 V.E. RALPH & SON,INC. 391.08 3048
72336 10/09/18 W0030 WEST PUBLISHING CO. 483.31 3048

72337 10/09/18 W0087 W.B. MASON EGG HARBOR 7,066.31 3048
72338 10/09/18 W0116 WINZER CORPORATION 68.00 3048
72339 10/09/18 Y0008 YOUNG, DANIEL J. ESQUIRE PC 14,043.75 3048
72340 10/09/18 Y0012 YOUNG,ROBERT 174.00 3048
Total: 276,833.57