TOWNSHIP OF UPPER 2100 TUCKAHOE ROAD PETERSBURG, NJ 08270 CAPE MAY COUNTY MINUTES FOR NOVEMBER 5, 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 November 2, 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	Absent
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 -

October 22, 2018 Regular Meeting and Closed Session "A" and "B" Minutes

Motion by Edward Barr, second by Hobie Young, to approve the October 22, 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, congratulated Committeeman Young for the successful fall festival car show, and thanked the staff for their hard work.

Hobie Young, Committeeman, thanked all of the employees and volunteers for their hard work during the Pumpkin Classic Car Show and Fall Fest. He also thanked Committeeman Coggins for his help during the event. He stated that it was a great success, and he is hoping to continue to make it better and better each year.

Edward Barr, Committeeman, wished Mayor Palombo good luck in the upcoming election. He next congratulated Committeeman Young on the great event. He also thanked the employees and volunteers. He next reported that leaf collection is starting and cautioned residents to be careful of the men working.

Richard Palombo, Mayor, reported that the annual tree lighting ceremony will be held on Monday December 3rd before the Committee meeting.

OTHER REPORTS

Scott Morgan, Township Administrator, reported that the Public Works brush crew are heading towards the Petersburg and Tuckahoe area, and should be completed collecting brush by the end of the week. He stated that they will then commence leaf collection, and will post an approximate schedule weekly. He reported that Public Works have also completed the crack sealing throughout the Township. Lastly, he stated that the recent Fall Festival event was a success and was well attended.

Barbara Young, Municipal Clerk, reminded everyone that the polls and the Clerk's office will be open from 6:00 am to 8:00 pm tomorrow for the General Election. She next reported that Township Offices will be closed on Monday November 12th for Veterans Day, and thanked all Veterans for their service.

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

Paul Dietrich, Township Engineer, reported that he is preparing to submit the FEMA grant to update the stormwater management plan. He requested authority to move forward with the application and prepare a resolution for the next meeting for the grant submittal. Motion by John Coggins, second by Edward Barr to authorize the request. During roll call vote all four Committeemen present voted in the affirmative. Next, he reported that the erosion on the Strathmere beach has continued. He stated that he inspected the beach after the most recent storm and at this point he would not recommend doing the sand back passing at this point. Mayor Palombo stated that he would like to secure the areas that have the most scarping to prevent injury for those unaware of the drop off. He further stated that he was willing to follow the Engineer's recommendation to wait for the back passing, but he would like to have a plan in place and be ready to mobilize if needed. Lastly, Mr. Dietrich reported that he recently attended a monthly update meeting with the Historical Society and the architect for the museum at the old Town Hall building. He stated that the project is moving along well.

RESOLUTIONS

1. Accepting the transfer of surplus property from the County of Cape May.

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

RESOLUTION NO. 294-2018

RE: ACCEPTING THE TRANSFER OF SURPLUS PROPERTY FROM THE COUNTY OF CAPE MAY

WHEREAS, the Cape May County Board of Chosen Freeholders has authorized the

transfer of ownership of a 1980 John Deere Grader, Model 3D770A, Serial #7700A008794T to the

Township of Upper pursuant to Resolution No. 753-18, adopted on October 20, 2018; and

WHEREAS, the Purchasing Agent has determined that said property can be

maintained, stored, and insured by the Township of Upper; and

WHEREAS, the Township Committee has determined that it is in the best interest of

the Township to accept said property; 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 of Upper hereby accepts a 1980 John Deere Grader, Model 3D770A,

Serial #7700A008794T from the County of Cape May deemed as Surplus Property and authorized for

conveyance by the Cape May County Board of Chosen Freeholders.

3. The Township Committee hereby authorizes the Mayor, the Township Administrator, and the Purchasing Agent to execute any required documents, and otherwise perform all acts necessary to accomplish the intent of this resolution.

Resolution No.	294-2018			
Offered by: Bar	r	Seconded	by: Coggins	
Adopted: Nover	mber 5, 201	18		
Roll Call Vote:				
NAME	YES	<u>NO</u>	ABSTAINED	ABSENT
Barr	X			
Coggins	X			
Corson				_X
Young	X			
Palombo	X			

2. Authorizing an extension of the Agreements with OceanFirst Bank with regard to banking services.

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

RESOLUTION NO. 295-2018

RE: AUTHORIZING AN EXTENSION OF THE AGREEMENTS WITH OCEANFIRST BANK WITH REGARD TO BANKING SERVICES

WHEREAS, OceanFirst Bank has indicated a desire to continue to provide banking

services to the Township of Upper for an additional one year term; and

WHEREAS, the Township wishes to extend the agreements with OceanFirst Bank for

an additional one year term; and

WHEREAS, said agreements will continue under the same terms and under a new rate

of interest effective December 1, 2018, as indicated on the attached correspondence from OceanFirst

Bank, dated October 21, 2018, and attached hereto as Exhibit A; 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 agreements and forms between the Township and OceanFirst Bank, copies of

which are on file in the office of the Township Clerk, are hereby extended for an additional one year

term.

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. 295-20	18		
Offered by	: Coggins		Seconded by: Barr	
Adopted: N	November 5,	2018		
Roll Call V	/ote:			
NAME	YES	NO	ABSTAINED	ABSENT
Barr	X			
Coggins	X			
Corson				X
Young	X			
Palombo	X			

3. Authorizing participation in the Cape May County Cooperative Pricing program for County Contracts C8-172 (Primary) and C8-173 (Secondary) to furnish and deliver rock salt.

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

RESOLUTION NO. 296-2018

RE: AUTHORIZING PARTICIPATION IN THE CAPE MAY COUNTY COOPERATIVE PRICING PROGRAM FOR COUNTY CONTRACTS C8-172 (PRIMARY) AND C8-173 (SECONDARY) TO FURNISH AND DELIVER ROCK SALT

WHEREAS, the Township of Upper is a participating agency under the Cape May

County Cooperative Pricing Program; and

WHEREAS, the County of Cape May County has acted on behalf of the Township of

Upper as lead agency for Cape May County Cooperative Contracts C8-172 (Primary) and C8-173

(Secondary) to Furnish and Deliver Rock Salt; and

WHEREAS, bids to "Furnish and Deliver Rock Salt to the County of Cape May and Participating Cooperative Agencies" were received by the County on October 10, 2018 and contracts were awarded to Mid-Atlantic Salt, LLC, 1305 Hollow Cove, Narberth, PA 19072 (Primary) and Chemical Equipment Labs of DE, Inc., 3920 A Providence Road, Newtown Square, PA 19073 (Secondary) for a term of 12 months effective October 24, 2018, with an option for a one (1) year extension: and

WHEREAS, the Purchasing Agent has reviewed the above described bid and the

contracts awarded by Cape May County and has recommend participation by the Township; 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.
- The Township of Upper hereby authorizes participation in the Cape May County Cooperative Pricing Program for award of Contracts C8-172 (Primary) and C8-173 (Secondary); Furnish and Deliver Rock Salt for Township snow removal operations as follows:

County Contract C8-172 Mid-Atlantic Salt, LLC 1305 Hollow Cove Narberth, PA 19072 Price per delivered ton - \$61.00

County Contract C8-173 Chemical Equipment Labs of DE, Inc. 3920 A Providence Road Newtown Square, PA 19073 Price per delivered ton - \$61.19

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. 296-2018			
Offered by	: Barr	Seconded by	y: Coggins	
Adopted: N	November 5, 20	018		
Roll Call V	ote:			
NAME	YES	NO	ABSTAINED	ABSENT
Barr	X			
Coggins	X			
Corson			<u> </u>	_X
Young	X		<u> </u>	
Palombo	X			

4. Authorizing participation in the South Jersey Power Cooperative for Electric Service.

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

RESOLUTION NO. 297-2018

RE: AUTHORIZING PARTICIPATION IN THE SOUTH JERSEY POWER COOPERATIVE FOR ELECTRIC SUPPLY SERVICE

WHEREAS, the County of Camden on behalf of the South Jersey Power Cooperative

("SJPC") publicly advertised bids for the purpose of procuring electric supply services; and

WHEREAS, Cape May County is currently a member of the SJPC with Camden

County as Lead Agency for the purchase of electric supply services for Cape May County and its

Cooperative members; and

WHEREAS, the Township of Upper has been a member and wishes to continue its

participation with the Cape May County Cooperative; and

WHEREAS, Camden County has awarded a 24-month contract to South Jersey Energy Company to provide facility electric supply services for Rate Class MGS-S at the rate of \$0.08132 per kilowatt-hour; to Constellation NewEnergy Inc. to provide facility electric supply services for Rate Class MGS-P at the rate of \$0.07774 per kilowatt-hour; and to Constellation NewEnergy Inc. to provide street lighting electric supply services at the rate of \$0.04569 per kilowatt-hour; and

WHEREAS, the Township of Upper, as a participant of the SJPC, wishes to obtain

electric services from South Jersey Energy Company and Constellation NewEnergy, Inc.; and

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that the Township hereby authorizes participation in the Cape May County Cooperative and the SJPC with Camden County as the Lead Agency; and

BE IT FURTHER RESOLVED that the Township of Upper hereby acknowledges the following:

 The Lead Agency of the SJPC will enter into a contract with the winning suppliers on behalf of the entire SJPC including Cape May County and its Cooperative members.

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- 2. The Township of Upper will not sign a contract directly with the winning bidders, but will adhere to the terms and conditions of the master contract.
- 3. The contract for electric generation supply services under the SJPC will begin with the first meter reading after September 1, 2018 and continue to August 31, 2020; and

BE IT FURTHER RESOLVED that the Township of Upper shall ensure that sufficient funds shall be appropriated for the balance of 2018 and, contingent upon the availability, shall appropriate sufficient funds for the remainder of the contract upon the adoption of the 2019 and 2020 budgets; and

BE IT FURTHER RESOLVED that no participating contracting unit in the Energy Cooperative shall be responsible for any items ordered or for performance by any other participating contracting unit. Each participating contracting unit shall be liable only for its own performance and for items ordered and received by it and none assumes any additional responsibility of liability.

Resolution No. 2	297-2018			
Offered by: Cog	gins		Seconded by: Young	
Adopted: Noven	nber 5, 201	8		
Roll Call Vote:				
NAME	YES	<u>NO</u>	ABSTAINED	ABSENT
Barr	X			
CogginsX_			X_	
Corson				
Young	X			
Palombo	X			

5. Canceling and refunding taxes on exempt property Block 453.09, Lot 298.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 298-2018

CANCELING AND REFUNDING TAXES ON EXEMPT PROPERTY BLOCK 453.09 LOT 298

WHEREAS, certain corrections have been recommended by the Upper Township

Tax Collector in order to correct tax records; and

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

WHEREAS, Edward VanHee is a 100% disabled American veteran residing at 1

Ashcroft Avenue, Block 453.09, Lot 298 on the municipal tax map of Upper Township,

New Jersey; and

WHEREAS, the Department of Veterans Affairs has determined that Mr. Van

Hee's 100% permanent wartime service connected disability was effective May 21, 2018;

and

WHEREAS, Edward Van Hee made application on September 24, 2018; and

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. 298	8-2018			
Offered by: Coggir	ıs	Secon	ded by: Barr	
Adopted: Novembe	er 5, 2018			
Roll Call Vote:				
NAME	YES	NO	ABSTAINED	ABSENT
Barr	X			
Coggins	X			
Corson				X
Young	X			
Palombo	X			

CANCEL TAX 2018

BLOCK/LOT	<u>AMOUNT</u>	<u>NAME</u>
453.09/298	\$2,764.96	Edward & Maryann VanHee 1 Ashcroft Avenue Seaville, NJ 08230
REFUND TAX 2018		
BLOCK/LOT	AMOUNT	<u>NAME</u>
453.09/298	\$1,702.26	Edward & Maryann VanHee 1 Ashcroft Avenue Seaville, NJ 08230
1000/ 5 11 5 11 117		

100% Totally Disabled Veteran

ORDINANCES

6. Public hearing and final adoption 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. During the public hearing portion there were no speakers. Motion by Edward Barr, second by Hobie Young, to adopt Ordinance 014-2018. 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. 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 **<u>SECTION 1</u>** 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 THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 9^{TH} DAY OF OCTOBER, 2018 AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 5^{TH} DAY OF NOVEMBER 2018 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK TOWNSHIP OF UPPER

7. Public hearing and final adoption 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. During the public hearing portion there were no speakers. Motion by Edward Barr, second by Richard Palombo, to adopt Ordinance 015-2018. 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. 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 Northwesterly along the Southerly line of Mill Rd. across Jefferson Ave. (30' wide) to the point of beginning;

<u>SECTION 2</u>: This Ordinance vacates no portion of the street except the portion set

forth and described in **<u>SECTION 1</u>** 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.

<u>SECTION 5:</u> <u>EFFECTIVE DATE:</u> This Ordinance shall take effect immediately

upon final adoption and publication as required by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 9^{TH} DAY OF OCTOBER, 2018 AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 5^{TH} DAY OF NOVEMBER 2018 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK TOWNSHIP OF UPPER

8. Introduction and first reading of Ordinance No. 018-2018 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XVII (CONSTRUCTION OF BULKHEADS) OF THE CODE OF UPPER TOWNSHIP. Motion by John Coggins, second by Edward Barr, to introduce Ordinance No. 018-2018 with a public hearing and final adoption scheduled for December 3, 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. 018-2018

RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XVII (CONSTRUCTION OF BULKHEADS) OF THE CODE OF UPPER TOWNSHIP

WHEREAS, the Township Committee desires to amend the ordinance regulating the

construction of bulkheads; and

WHEREAS, the Township Committee desires make the Strathmere bulkhead more

resilient to flooding and protect property from storm surge; and

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. Chapter 17 of the Revised General Ordinances of the Township of

Upper, also known as the Code of Upper Township, shall be amended as hereinafter provided:

CHAPTER 17. CONSTRUCTION OF BULKHEADS

17-1 PURPOSE. No change.

- 17.2 BULKHEAD REQUIRED. No change.
- **17.3 PERMIT REQUIRED.** No Change.
- **17-4 PERMIT APPROVALS.** No Change.

17-5 NOTIFICATION OF COMMENCEMENT OF CONSTRUCTION. No Change.

17-6 FINAL INSPECTION. No Change.

17-7 STATE AND FEDERAL APPROVALS. No Change.

Revise Section 17-8 MINIMUM SPECIFICATIONS as follows:

The minimum specifications for construction, reconstruction, repair or renovation of bulkheads are as follows:

- a. Bulkhead design shall provide for expected toe scour or proposed dredge depth and shall be shown on plans.
- b. Non-Oceanfront Bulkheads
 - 1. The minimum elevation of the top of the bulkhead shall be as follows:
 - (a) Along Strathmere Bay (Blocks 825, 826, 841, 842, 849 and 850): 8.0' NAVD, 1988 Datum.
 - (b) Along Strathmere Bay (Blocks 750, 756, 757 and 762): 8.0' NAVD, 1988 Datum.
 - (c) Along Great Egg Harbor (Block 479, 682 and 735): 10.0' NAVD, 1988 Datum.
 - (d) Along Tuckahoe River (Block 12, 15, 19 and 310): one (1') above the existing bank along the spring high tide line.
 - (e) Along Tuckahoe River (Block 348): 9.0' NAVD, 1988 Datum.
 - 2. Additional outfall piping requires written approval from the Municipal Engineer. If drainage conditions require piping, all new infrastructure must have an approved tide-control device.
 - 3. Existing privately owned outfall piping will be extended and fitted with an approved tide-control device.
 - 4. Existing Township owned storm drains that penetrate private bulkheads shall be extended and maintained by the private property owner.

5. Bulkhead construction shall not adversely effect the depth of the adjacent water body.

- c. Oceanfront Bulkheads
 - 1. Oceanfront Bulkheads shall be required when adjacent to the Atlantic Ocean and extending along Corson's Inlet to the Corson's Inlet Bridge.

- 2. The minimum elevation of the top of the bulkhead shall be 11.0' NAVD, 1988 datum. The existing timber bulkhead along the oceanfront shall be considered grandfathered as meeting these standards.
- 3. If the proposed construction methods shall require access and/or disturbance of Township property, a detailed plan outlining the proposed limits of disturbance and proposed restoration shall be provided for approval by the Township Engineer. Township property shall be restored to a condition equal to preconstruction conditions.

17-9 PERFORMANCE STANDARDS. No Change.

17-10 UTILITIES. No Change.

Replace Section 17-11 MAINTENANCE, DUTY TO REPAIR with the following:

17-11 MAINTENANCE, DUTY TO REPAIR AND REPLACE.

- a. All private bulkheads within the Township of Upper shall be maintained so they shall not pose a danger to the health, safety or welfare of the citizens of the Township of Upper or to property within the Township of Upper. The bulkheads shall be kept in a state of repair to prevent erosion or damage to abutting, adjacent or adjoining properties. Whenever a bulkhead has deteriorated to such a degree that it poses a danger to the property, or adjoining properties, or a bulkhead has not been constructed in conformance with this ordinance by January 1, 2029 as required by 17-11b. below, the Municipal Engineer shall notify the property owner, in writing, of the nature of the deterioration or violation and require the owner to make the necessary repairs or construction. Said repairs or construction shall be made in conformance with this Chapter. The property owner shall submit a plan of corrective action to the Municipal Engineer no later than thirty (30) days from receipt of the notice. Upon approval of the corrective action by the Municipal Engineer, the property owner shall complete all necessary repairs or construction forthwith. If permits are required from the State of New Jersey or the Federal government, such permits shall be immediately applied for. In the event the property owner fails to submit a corrective action plan or fails to implement that plan, he shall be liable for the penalties and violations contained herein.
- b. Any property listed in 17-8b1(a) above must have a bulkhead constructed in conformance with this Chapter 17 by January 1, 2029.

17-12 VIOLATION; PENALTIES. No Change.

SECTION 2: EFFECTIVE DATE: This ordinance shall take effect immediately

upon adoption and publication as required by law.

SECTION 3: REPEALER: All Ordinances or parts of Ordinances inconsistent

herewith are hereby repealed to the extent of such inconsistency only.

SECTION 4: SEVERABILITY: If any section, paragraph, subdivision, subsection,

clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to

the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder

of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 5: CODIFICATION: This Ordinance shall be codified as indicated in

Chapters 17 of the Upper Township Code.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 5th DAY OF NOVEMBER, 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 3rd DAY OF DECEMBER, 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

9. Assessment Report of Fire Districts. The CFO stated that all Fire Districts are in compliance with State requirements and submitted the following report for the Committee's review:

2018 Assessment Report of Fire Districts

Strathmere Fire Company

The Fire Commissioners follow the State requirements for adopting their annual budget. They retain the services of Cheryl Ward, CPA for the Board. Ms. Ward attends meetings and provides several reports for the Commissioner's review, including an actual budget vs. cash on hand report. She has recently taken over the meeting minute preparation. The Fire District checks are signed by two Commissioners after approval. They have good attendance at their public meetings. The Commissioners continues to be conscientious of the taxpayers when it comes to purchases.

Capital Purchases for 2018 include the purchase of radios which used up the majority of their annual equipment budget. This coming year they must purchase air packs to meet State mandates. The Commissioners do everything they can to stay within budget but still providing quality care and safety to the citizens and visitors of Strathmere. The Commissioners carry zero debt as each year the budget includes a line item of \$10,000 toward a new apparatus. Kenneth E. Yeutter, CPA, performed the annual audit; with no audit findings for 2017.

The Fire Company in 2018 appropriated over \$5,000 towards the purchase of a new generator and construction of a pad to house the generator. This purchase was made possible by a grant obtained through Upper Township. The Fire Company purchased a new computer and software for reporting of incidents for approximately \$2,000. The Fire Company has savings in three CDs.

The Fire Company is currently reviewing their ten-year plan and revising as needed. In addition, two new members have joined the Strathmere Volunteer Fire Company this year.

Tuckahoe Fire Company

Ford Scott Associates performs their annual audit. They follow the State requirements for adopting their annual budget that is prepared by Ford Scott. The Board of Fire Commissioners does not have plans for any capital purchases in the upcoming year, but they do help the fire company with purchases. If they have surplus funds, it is applied to the next budget year to help offset taxes.

The Fire Company offers LOSAP, a pension program for volunteers to help encourage volunteerism. They currently have six active junior firefighters. For capital purchases, they have ordered a rescue pumper and expect delivery by the end of 2018. They will also be looking into renovating their hall in the upcoming year. The fire company lost their ladder truck because of increasing maintenance costs. They will put the replacement of the ladder truck into their long-range plan. Any surplus funds carry over to lower a truck payment or pay down outstanding debt.

Marmora Fire Company

The Fire Commissioners follow the State requirements for adopting their annual budget. They retain the services of Cheryl Ward, who pays all their bills and serves as their Treasurer. The Fire Commissioners contract with the fire company for the building and fire services. At each of their meetings, a finance package is provided to the members. They report that all checks are signed by two Commissioners and each year they meet with an insurance agent for possible savings. They report they have good claims experience. The Commissioners hired a new auditor, Kenneth Yeutter for a savings of approximately \$3,000. There were no audit findings for 2017. The Board of Fire Commissioners uses surplus for capital and emergency purchases. They recently replaced a hydraulic engine at a cost of \$55,000. They are currently working on specifications for a new truck and are looking into the use of a national cooperative to save money.

The Fire Company reports they try to recruit new members through the schools, looking for non-legacy members. They have offered a LOSAP program to reward long-term members for their volunteerism since mid-1990s. They offer a Junior Firefighter Program with three new members. Capital purchases they are currently working on are replacing a 20-year old piece of truck, gear lockers and a back apron repair. The company is still paying on their building addition loan. Their long-range plan includes replacing their ladder truck. They reported on their cash management policy that requires two person control. It also requires that cash collected from the fund drives is counted and taken to the bank by two people. Social events are paid for through the fire companies fundraising efforts. The Chief's house is listed as a delivery point for security measures. They explained that no one is at the fire house during the day to take deliveries, so the Chief's house is a more secure place to leave packages. The fire company reports back to the Fire Commissioners annually on all major projects.

Seaville Fire Company

They follow the State requirements for adopting their annual budget. They have no capital purchases planned for the upcoming year. The Fire Commissioners carry \$6,000 to pay bills at the beginning of the following year.

In January of this year, the company instituted an aggressive recruitment campaign utilizing social media, community events, career day at Ocean City High School, Upper Township Fire Camp and Fire Prevention Open House, as well as various pre-school programs throughout the Township, which has yielded 10 new members.

The company encourages volunteerism by participating in a LOSAP program for active volunteers who qualify. The company currently has two active junior firefighters and one cadet. They have maintained approximately 40 plus active members.

The company has formed a new truck committee to replace their 1990 tanker. The committee is vigorously working on specifications for the new apparatus and anticipates delivery in the fall of 2019. Funding for the new tanker will be approximately one third fire company savings and two thirds financed.

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

10. New Jersey Best Practices Worksheet CY2018/SFY2019. Motion by John Coggins, second by Edward Barr, to authorize the CFO and Municipal Clerk to sign the worksheet certification and submit to the State. During roll call vote all four Committeemen present voted in the affirmative.

0	Select	
40	Yes	
3	No	
12	N/A	
6	Prospective	
61	Total Answered:	
58	Score (Yes + N/A + Prospective)	
95%	Score %	
0%	Percent Withheld	
	Chief Administrative Officer's Certification	
	I hereby certify that the information provided in this Best Practices Inventory is accurate	Certification #(s) C-1481
	to the best of my knowledge.	
	Barbara L. Young, Municipal Clerk	11/5/2018
	Chief Financial Officer's Certification	
		Certification #(s) N-0816, Q-1401 & C-
	I hereby certify that the information provided in this Best Practices Inventory is accurate	1316
	to the best of my knowledge.	1510
	Barbara A. Spiegel	11/5/2018
	Darbara A. Spieger	11/3/2010
	Municipal Clerk's Certification	
	•	
	I hereby certify that the Governing Body of the Township of Upper in the County of	
	Cape May discussed the CY 2018/SFY 2019 Best Practice Inventory as	
	completed herein at a public meeting on11/5/2018, with the Inventory results, and the	a 18 1 100 a 100
	certification thereof by the Chief Administrative and Chief Financial Officers, respectively, to	Certification #(s) C-1481
	be stated in the minutes of said public meeting.	
	Barbara L. Young	11/5/2018
	Red = Repeat Question; Prospective answers not permitted	
	Blue = Questions where neither "not applicable" nor "N/A" answers are permitted	
	Green = Questions where neither "Prospective" nor "Not Applicable" are permitted	
	No Color = "Yes"; "No"; "Prospective" and "Not Applicable" are all permissible answers	
Score	Aid Withheld	
 46-61	No aid withholding	
36-45	25% of final aid payment withheld	
26-35	50% of final aid payment withheld	
0-25	100% of final aid payment withheld	

- 11. Authorizing the Mayor to sign an NJDEP Permit application replacing the existing South Jersey Gas distribution main on Stagecoach Road and Katherine Avenue. Motion by Edward Barr, second by Hobie Young, to authorize the Mayor to sign the application. During roll call vote all four Committeemen present voted in the affirmative.
- 12. Upper Township Historical Society request to hold Santa Express Train event on various dates beginning Sunday November 25, 2018 thru December 23, 2018. Motion by Edward Barr, second by Hobie Young, to approve the request. During roll call vote all four Committeemen present voted in the affirmative.

UNFINISHED BUSINESS

 John and Sarah Lee request to vacate a portion of Bergen Avenue adjacent to Block 507, Lots 1-10. Motion by John Coggins, second by Edward Barr, to move forward with the request. During roll call vote all four Committeemen present voted in the affirmative.

DISCUSSION

PAYMENT OF BILLS

14. **"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: \$1,731,146.92 Payroll: \$167,209.99

REPORT OF MUNICIPAL DEPARTMENTS

- 15. Construction
- 16. EMS
- 17. MUA

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

Blanche Adams, on behalf of the Upper Township Business Association, thanked Committeeman Young and the employees for the very wonderful car show event. She stated that she was happy to see the local businesses involved with the event. She next invited everyone to the Business Association's upcoming 7th Annual Community Night which will be held on Wednesday November 14th from 6:00 pm to 8:00 pm at the Upper Township Elementary School.

CLOSED SESSION

18. 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. 299-2018 MOTION GOING INTO CLOSED SESSION NOVEMBER 5, 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 Fixed Asset Inventory
- 3. Litigation Holt v. Upper Township Zoning Board of Adjustment
- 4. Litigation Affordable Housing
- 5. Litigation Upper Township v. Paynter

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

- A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.
- B. With respect to employment and personnel matters such discussions will be made public if and when formal action is taken or when the individuals involved consent that it can be made public.

- C. With respect to contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.
- D. With respect to litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.

Moved by: John Coggins Motion seconded by: Richard Palombo During roll call vote all four Committee members present voted in the affirmative.

RECONVENE PUBLIC PORTION OF MEETING

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

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 8:34 P.M., with a motion by John Coggins, second by Edward Barr, and all four Committeemen present voting in the affirmative. The next regular meeting is scheduled for November 19, 2018 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC Municipal Clerk

Bill List

72441 11/05/18 A0017 ATLANTIC CO. MUNICIPAL JIF 99,635.00 3051 72442 11/05/18 A0023 ADAMS, JOHN 300.00 3051 72443 11/05/18 A0035 AIRLINE HYDRAULIC CORP. 168.44 3051 72444 11/05/18 A0091 ATLANTIC CITY ELECTRIC 5,830.33 3051 72445 11/05/18 A0165 ALBERTSONS ACME 1,368.00 3051 72446 11/05/18 A0170 ASFPM 160.00 3051 72447 11/05/18 A0175 Adams Rehmann & Haggan Assoc 1,725.00 3051 72448 11/05/18 A0219 ALTERNATIVE MICROGRAPHICS, INC 2,579.59 3051 72449 11/05/18 B0035 BELMONT & CRYSTAL SPRINGS 21.13 3051 72450 11/05/18 B0052 BENNETT BATTERIES,LLC. 220.00 3051 72451 11/05/18 B0093 BARRY.CORRADO.GRASSI & 227.50 3051 72452 11/05/18 B0184 BUSHONG, BRIAN 44.99 3051 72453 11/05/18 C0019 CITY OF OCEAN CITY 59,106.25 3051 72454 11/05/18 C0052 CAPE MAY COUNTY TREASURER 1,288,129.72 3051 72455 11/05/18 C0067 CONNOR, RICK 8,844.20 3051 72456 11/05/18 C0068 COMCAST 570.44 3051 72457 11/05/18 C0078 CARTER, EDWARD, SR. 306.81 3051 72458 11/05/18 C0143 CODY'S POWER EQUIPMENT 37.25 3051 72459 11/05/18 C0182 CDW GOVERNMENT, INC 10,037.94 3051 72460 11/05/18 C0223 CASA PAYROLL SERVICE 213.25 3051 72461 11/05/18 C0245 CLEGGS GARAGE, INC. 3,197.23 3051 72462 11/05/18 C0247 CMRS-FP 2,000.00 3051 72463 11/05/18 C0279 CASA REPORTING SERVICES LLC 197.50 3051 72464 11/05/18 C0295 CRAFCO, INC. 4,186.18 3051 72465 11/05/18 C0305 CM3 BUILDING SOLUTIONS, INC. 9,930.00 3051 72466 11/05/18 D0077 DIETRICH, PAUL 23.00 3051 72467 11/05/18 E0034 ESRI, INC, 400.00 3051 72468 11/05/18 G0014 GARDEN STATE HWY PRODUCTS INC. 696.00 3051 72469 11/05/18 G0028 GENTILINI FORD 30.55 3051 72470 11/05/18 G0086 W.W. GRAINGER, INC. 141.03 3051 72471 11/05/18 H0057 HISTORICAL PRESERVATION 300.00 3051 72472 11/05/18 H0073 HOME DEPOT CRC/GECF 695.17 3051 72473 11/05/18 H0095 HORIZON BCBSNJ 187,026.95 3051 72474 11/05/18 I0002 IAAO 380.00 3051 72475 11/05/18 J0073 JW SCOTT SERV STA EQUIP CO INC 1,960.86 3051 72476 11/05/18 K0037 KOHLER, JOHN F 169.99 3051 72477 11/05/18 M0080 McMANIMON, SCOTLAND & BAUMANN 600.00 3051 72478 11/05/18 M0188 MCCARTHY TIRE SERVICE OF PHILA 361.90 3051 72479 11/05/18 M0277 MONY LIFE INSURANCE COMPANY 190.89 3051

72480 11/05/18 M0292 MC SIGNS 800.00 3051 72481 11/05/18 N0004 NJ-AMERICAN WATER CO. 112.84 3051 72482 11/05/18 N0072 NFPA INTERNATIONAL 117.95 3051 72483 11/05/18 N0088 N.J. CONFERENCE OF MAYORS 475.00 3051 72484 11/05/18 N0094 NEW JERSEY PLANNING OFFICIALS 420.00 3051 72485 11/05/18 O0006 SJSHORE MARKETING.LLC 102.86 3051 72486 11/05/18 P0024 PEER LEADERSHIP 300.00 3051 72487 11/05/18 P0032 PEDRONI FUEL CO. 684.15 3051 72488 11/05/18 P0056 TURF EQUIPMENT AND SUPPLY CO 1,482.40 3051 72489 11/05/18 P0136 POSTNET 499.45 3051 72490 11/05/18 P0175 PRIEST JR., ANTHONY 100.00 3051 72491 11/05/18 P0186 PICKNEY, GARY 500.00 3051 72492 11/05/18 R0030 RIGGINS, INC. 3,391.22 3051 72493 11/05/18 R0099 HUNTER TRUCK SALES & SERVICE 114.66 3051 72494 11/05/18 R0100 ROBERTS OXYGEN COMPANY, INC. 244.75 3051 72495 11/05/18 R106 RUMER, LISA 220.67 3051 72496 11/05/18 S0001 SAM'S CLUB 50.00 3051 72497 11/05/18 S0020 SUPPLY WORKS 130.24 3051 72498 11/05/18 S0031 SCHULER SECURITY, INC. 495.00 3051 72499 11/05/18 S0057 SERVICE TIRE TRUCK CENTERS 306.64 3051 72500 11/05/18 S0075 SHARP, RHONDA L. 50.00 3051 72501 11/05/18 S0201 SURRAN'S NURSERY 1,847.00 3051 72502 11/05/18 S0209 STAPLES ADVANTAGE 201.81 3051 72503 11/05/18 S0254 SHOPRITE 459.30 3051 72504 11/05/18 S0284 SOUTH JERSEY INTERPRETERS 343.46 3051 72505 11/05/18 S0292 JEFFREY SURENIAN & ASSOC, LLC 3.102.49 3051 72506 11/05/18 S0327 SUASION COMMUNICATIONS GROUP 187.50 3051 72507 11/05/18 S0329 SERIOUSLY TOTAL VIDEO 375.00 3051 72508 11/05/18 S0339 SANITATION EQUIPMENT CORP 968.82 3051 72509 11/05/18 S0342 SANFOSSO, SHARON 215.56 3051 72510 11/05/18 T0080 TREASURER STATE OF N.J. 100.00 3051 72511 11/05/18 T0166 TREASURER, STATE OF NEW JERSEY 43.00 3051 72512 11/05/18 T0194 TAG CONSULTING GROUP CORP. 2,475.00 3051 72513 11/05/18 T0200 TRICARE MEDICAL TRANSPORTATION 375.00 3051 72514 11/05/18 U0063 UT Green Team 300.00 3051 72515 11/05/18 U0064 U. T. Business Association 300.00 3051 72516 11/05/18 U0068 UPPER TOWNSHIP HOME SCHOOLERS 300.00 3051 72517 11/05/18 V0013 VERIZON WIRELESS 1,159.69 3051 72518 11/05/18 V0024 VAL-U AUTO PARTS L.L.C. 779.16 3051 72519 11/05/18 W0030 WEST PUBLISHING CO. 483.31 3051 72520 11/05/18 W0087 W.B. MASON EGG HARBOR 144.90 3051 72521 11/05/18 W0100 WALKER, ESOUIRE DOUGLAS 200.00 3051 72522 11/05/18 Y0008 YOUNG, DANIEL J. ESQUIRE PC 14,175.00 3051 Total: 1,731,146.92