

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR NOVEMBER 19, 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 16, 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	Absent
Richard Palombo	Present

Also present were Municipal Clerk Barbara Young, Municipal Attorney Daniel Young, Municipal Engineer Paul Dietrich, Chief Financial Officer Barbara Spiegel.

APPROVAL OF MINUTES - November 5, 2018 Regular Meeting and
Closed Session Minutes

Motion by Edward Barr, second by John Coggins, to approve the November 5, 2018 Regular Meeting and Closed Session Minutes as submitted. During roll call vote all three Committeemen present voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Edward Barr, Committeeman, reported that leaf pickup has begun, signs will be posted prior to collection to notifying residents when leaf pickup will begin in their neighborhood. Lastly, he wished everyone a Happy Thanksgiving.

Richard Palombo, Mayor, congratulated Committeeman Corson on becoming a grandfather for the first time. He next thanked the Upper Township Business Association for hosting Community Night. He also recognized the small businesses that serve Upper Township throughout the year and acknowledged the local service organizations and Churches that are collecting food to help those that are less fortunate.

OTHER REPORTS

Barbara Young, Municipal Clerk, announced that the Township Offices will be closed on Thursday, November 22nd and Friday, November 23rd in observance of the Thanksgiving holiday.

She further stated that if your trash collection day falls on Thursday, your trash and recycling will be collected on Friday, if your trash collection day falls on Friday, your trash and recycling will be collected on Monday. She then reminded everyone that the next Committee meeting will be held on December 3rd at 7:30 p.m. and invited everyone to attend the Townships annual tree lighting ceremony which will be held prior to the Committee meeting at 6:30 p.m.

Daniel Young, Municipal Attorney, reported that there are several items for closed session and wished everyone a Happy Thanksgiving.

Paul Dietrich, Township Engineer, reported that although Strathmere beaches are holding their own a contingency plan and funding are in place in the event we have an unexpected storm or emergency.

RESOLUTIONS

1. Authorizing the Mayor and Township Clerk to sign a contract with AtlantiCare Regional Medical Center for Advanced Life Support Services.

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

RESOLUTION NO. 300-2018

RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A CONTRACT WITH ATLANTICARE REGIONAL MEDICAL CENTER FOR ADVANCED LIFE SUPPORT SERVICES

WHEREAS, the Township has a need to provide Advanced Life Support Services to its residents and citizens in specific situations; and

WHEREAS, AtlantiCare Regional Medical Center, a New Jersey non-profit corporation of 65 West Jimmie Leeds Road, Pomona, New Jersey 08240, has submitted a proposal to provide Advanced Life Support Services; and

WHEREAS, AtlantiCare Regional Medical Center will compensate the Township for each patient who is covered by Medicare/Medicaid and requires Advanced Life Support Services; and

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

WHEREAS, a Business Entity Disclosure Certification is not required since this contract is with a non-profit entity; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to enter into a MICU Transport Billing Agreement, attached hereto as Exhibit A, for advanced life support services for a period of one year from date of full execution.
3. The Township Clerk shall cause a Notice of Award of this contract to be published in the official newspaper of the Township as required by N.J.S.A 40A:11-5.
4. This Contract is a Professional Services Contract and has been awarded without competitive bidding for the following reasons:
 - (A) The services required are highly specialized or technical in nature;
 - (B) The services require peculiar ability or skill, and demand a high degree of specialized knowledge or expertise;
 - (C) The services required are professional services and/or unspecified extraordinary services within the meaning of N.J.S.A. 40A:11-5(a);
 - (D) The individual who will provide these services has demonstrated his competence and particular expertise in the services required; and
 - (E) The services to be provided are such that their nature, scope and duration are not capable of precise measurement, but rather require a flexibility and discretion that render competitive bidding impractical and inefficient.
5. This Resolution shall be effective as of adoption.

Resolution No. 300-2018

Offered by: Barr

Seconded by: Coggins

Adopted: November 19, 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>			

2. Canceling and refunding taxes on exempt property Block 414, Lot 59.

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

RESOLUTION NO. 301-2018

CANCELING AND REFUNDING TAXES ON EXEMPT PROPERTYBLOCK 414, LOT 59

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, Jonathan Mackin is a 100% disabled American veteran residing at 12 South Sunset Drive, Block 414, Lot 59 on the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Department of Veterans Affairs has determined that Mr. Mackin's 100% permanent wartime service connected disability was effective December 1, 2017; and

WHEREAS, Jonathan Mackin made application on July 30, 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. 301-2018

Offered by: Coggins

Seconded by: Barr

Adopted: November 19, 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>	_____	_____	_____

CANCEL TAX 2018

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
414/59	\$4,218.72	Jonathan & Michelle Mackin 12 South Sunset Drive Petersburg, NJ 08270

REFUND TAX 2018

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
414/59	\$4,218.72	Jonathan & Michelle Mackin 12 South Sunset Drive

100% Totally Disabled Veteran

3. Re-appointing Janet McCrosson as Municipal Court Administrator, on an interim basis, for a term of one year effective December 1, 2018.

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

RESOLUTION NO. 302-2018

**RE: RE-APPOINTING JANET MCCROSSON AS MUNICIPAL COURT
ADMINISTRATOR, ON AN INTERIM BASIS, FOR A TERM OF ONE YEAR EFFECTIVE
DECEMBER 1, 2018**

WHEREAS, a need exists to fill a vacancy in the municipal court administrator position; and

WHEREAS, the Township Committee is of the opinion that Janet McCrosson is a competent, fit and suitable person for re-appointment as municipal court administrator.

WHEREAS, pursuant to N.J.S.A. 2B:12-11(e), the governing body may appoint a person who does not hold a municipal court administrator certificate to serve as a municipal court administrator, on an interim basis, for a period not to exceed one year commencing on the date of the appointment, and may be re-appointed for four additional one-year terms until said certificate is obtained; and

WHEREAS, pursuant to Court Rule 1:34-3, the Assignment Judge has approved Janet McCrosson for this appointment; and

WHEREAS, Janet McCrosson is enrolled in the municipal court administrator certification program and needs additional time to complete that program; 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. Janet McCrosson is hereby re-appointed as the Municipal Court Administrator of the Township of Upper, on an interim basis, for a fifth term of one (1) year effective December 1, 2018 and expiring November 30, 2019, at a salary of \$64,303.00.
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. 302-2018

Offered by: Barr

Seconded by: Coggins

Adopted: November 19, 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> </u>	<u> X </u>
Young	<u> </u>	<u> </u>	<u> </u>	<u> X </u>
Palombo	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

4. Authorizing the Chief Financial Officer to sign a Spending Account Client Renewal Confirmation Form with Trion Group, Inc. for an employee health reimbursement account.

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

RESOLUTION NO. 303-2018

**RE: AUTHORIZING THE CHIEF FINANCIAL OFFICER TO SIGN A SPENDING
ACCOUNT CLIENT RENEWAL CONFIRMATION FORM WITH TRION GROUP, INC.
FOR AN EMPLOYEE HEALTH REIMBURSEMENT ACCOUNT**

WHEREAS, the Township wishes to complete a Spending Account Client Renewal Confirmation form with Trion Group, Inc., attached hereto as Exhibit A, to renew the Health Reimbursement Account (HRA) for eligible employees effective January 1, 2019; and

WHEREAS, said HRA will be for a period from January 1, 2019 to December 31, 2019.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Spending Account Client Renewal Confirmation form between the Township of Upper and Trion Group, Inc. is approved and the Chief Financial Officer is hereby authorized, directed and empowered to execute said agreement on behalf of the Township of Upper.
3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Resolution No. 303-2018

Offered by: Coggins

Seconded by: Barr

Adopted: November 19, 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> </u>	<u>X</u>
Young	<u> </u>	<u> </u>	<u> </u>	<u>X</u>
Palombo	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

5. Directing the distribution of the Township of Upper's net returned surplus funds held in trust by the Atlantic County Municipal Joint Insurance Fund.

The Municipal Attorney explained that the total amount of the dividend is \$45, 886 and we have \$60, 917 in our Aggregate Excess Loss Contingency Fund which covers the Township's deductibles and copays. We have three choices, we can take the dividend as a credit against our 2019 JIF premium, receive the total dividend in the form of a check, apply the total dividend to the Aggregate Loss Contingency Fund or split the dividend between these options. The Municipal Attorney further explained that the Risk Management Consultant recommended that based on our existing data and existing claims that the Township apply the dividend as a credit against the 2019 JIF assessment. No resolution is needed for this option. Motion by John Coggins, second by Ed Barr, to apply the dividend as a credit against the 2019 JIF assessment. During roll call vote all three Committeemen present voted in the affirmative.

6. Authorizing the Township to participate in a regional submission for a FEMA Flood Mitigation Assistance Planning Grant application.

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

RESOLUTION NO. 304-2018

**RE: AUTHORIZING THE TOWNSHIP TO PARTICIPATE IN A
REGIONAL SUBMISSION FOR A FEMA FLOOD MITIGATION
ASSISTANCE PLANNING GRANT APPLICATION**

WHEREAS, the Township of Upper wishes to participate in the regional grant application for the Flood Mitigation Assistance (FMA) through the Federal Emergency Management Agency (FEMA); and

WHEREAS, the Township of Upper will work with the NJ Coastal Coalition and several other municipalities in Atlantic and Cape May Counties; and

WHEREAS, the grant will help the Township update the Flood Hazard section of the Township's appendix in the Cape May County All-Hazard Mitigation Plan; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor is hereby authorized, directed and empowered to submit and accept

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

Resolution No. 304-2018

Offered by: Barr

Seconded by: Coggins

Adopted: November 19, 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> </u>	<u>X</u>
Young	<u> </u>	<u> </u>	<u> </u>	<u>X</u>
Palombo	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

7. Authorizing a refund to J-Dogs Catering and Amusements for overpayment of vendor fees.

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

RESOLUTION NO. 305-2018

**RE: AUTHORIZING A REFUND TO J-DOGS CATERING AND AMUSEMENTS FOR
OVERPAYMENT OF VENDOR FEES**

WHEREAS, a refund has been requested by J-Dogs Catering and Amusements for vendor fee submitted to provide amusement services for Upper Township Pumpkin Classic Car Show & Fall Festival Event; and

WHEREAS, the Upper Township Events Committee invited J-Dogs Catering and Amusements to provide amusement services for the Kid Zone area of the event; and

WHEREAS, J-Dogs Catering and Amusements agreed to provide the amusements for the Kid Zone at no charge to Upper Township therefore, the Event Committee felt it was appropriate to provide the vendor space to J-Dogs at no charge. Therefore, it is appropriate to refund the vendor fee paid by J-Dogs Catering and Amusements; and

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
\$100.00

NAME
J-Dogs Catering & Amusements
413 Bloomfield Dr., Suite 5
West Berlin, NJ 08091

Resolution No. 305-2018

Offered by: Barr

Seconded by: Coggins

Adopted: November 19, 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> </u>	<u> </u>	<u> </u>	<u> X </u>
Young	<u> </u>	<u> </u>	<u> </u>	<u> X </u>
Palombo	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

8. Budget transfers.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION

RESOLUTION NO. 306-2018

RE: BUDGET TRANSFERS

WHEREAS, budgetary transfers between line items can be made after November 1st; and

WHEREAS, it is necessary to make transfers between certain line items of the
Municipal Budget of the Township of Upper.

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 following transfers between line items in the Municipal Budget of the
Township of Upper shall be made immediately:

<u>TO</u>	<u>FROM</u>
CLERK O/E	DRUG & ALCOHOL TESTING
\$8,000.00	\$3,000.00
FINANCE ADMIN. S/W	CLERK S/W
\$1,500.00	\$8,000.00
COLLECTION OF TAX O/E	CONSTRUCTION S/W
\$3,000.00	\$2,000.00
SPECIAL LITIGATION	ZONING/CODE O/E
\$15,000.00	\$1,000.00
PLANNING BOARD O/E	REGIONAL DISPATCH O/E
\$1,500.00	\$13,000.00
ZONING BOARD O/E	RECYCLING S/W
\$1,500.00	\$15,400.00
CONSTRUCTION O/E	GARBAGE & TRASH S/W
\$1,500.00	\$5,000.00

WORKERS COMP PREMIUM
\$2,000.00
GARBAGE & TRASH O/E
\$5,000.00
BUILDINGS & GROUNDS O/E
\$15,000.00
BEACH PROTECTION S/W
\$17,400.00

BOARD OF HEALTH O/E
\$10,000.00
SPORTS & RECREATION S/W
\$14,000.00

Resolution No. 306-2018

Offered By: Barr

Seconded By: Coggins

Adopted: November 19, 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> </u>	<u> X </u>
Young	<u> </u>	<u> </u>	<u> </u>	<u> X </u>
Palombo	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

9. Authorizing a contract with TAG Consulting Group for maintenance of the Township's Fixed Assets Accounting and Reporting System.

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

RESOLUTION NO. 307-2018

**RE: AUTHORIZING A CONTRACT WITH TAG CONSULTING GROUP
FOR MAINTENANCE OF THE TOWNSHIP'S
FIXED ASSETS ACCOUNTING AND REPORTING SYSTEM**

WHEREAS, TAG Consulting Group has submitted a proposal to the Township for maintenance of the Township's Fixed Assets Accounting and Reporting System; and

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

WHEREAS, TAG Consulting Group has completed and submitted a Business Entity Disclosure Certification which certifies that TAG Consulting Group 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 TAG Consulting Group 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 TAG Consulting Group with offices at 254 Springfield Avenue, Rutherford, New Jersey, for maintenance of the Township's Fixed Assets Accounting and Reporting System

3. This contract shall have a term of one (1) year from date of full execution

4. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because TAG Consulting Group 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 TAG Consulting Group for professional services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

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

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

9. This Resolution shall be effective as of adoption.

Resolution No. 307-2018

Offered by: Coggins

Seconded by: Barr

Adopted: November 19, 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> </u>	<u>X</u>
Young	<u> </u>	<u> </u>	<u> </u>	<u>X</u>
Palombo	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

10. Authorizing the Mayor and Township Clerk to sign a contract with Marsh & McLennan Agency, LLC for insurance and broker consultant services.

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

RESOLUTION NO. 308-2018

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A CONTRACT
WITH MARSH & MCLENNAN AGENCY, LLC FOR INSURANCE AND BROKER
CONSULTANT SERVICES**

WHEREAS, the Township has decided to continue the services of the firm of Marsh & McLennan Agency, LLC for insurance and broker consultant services; 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, Marsh & McLennan Agency, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Marsh & McLennan Agency, 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 Marsh & McLennan Agency, 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:

3. The allegations of the preamble are incorporated herein by this reference.
4. The Mayor and Township Clerk are hereby authorized, directed and empowered to

execute a contract with Marsh & McLennan Agency, LLC to provide insurance and broker consultant services.

3. The term of this contract shall be for a period of one (1) year from January 1, 2019 through December 31, 2019.

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 Marsh & McLennan Agency, 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 Marsh & McLennan Agency, LLC for insurance and broker consultant services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

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

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

9. This Resolution shall be effective as of adoption.

Resolution No. 308-2018

Offered by: Barr

Seconded by: Coggins

Adopted: November 19, 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> </u>	<u> </u>	<u> </u>	<u>X</u>

Young _____ _____ _____ X
 Palombo X _____ _____ _____

11. Tax refund Block 568, Lot 5.

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

RESOLUTION NO. 309-2018

TAX REFUND BLOCK 568, LOT 5

WHEREAS, certain corrections have been recommended by the Upper Township Tax Collector in order to refund monies; 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. 309-2018
 Offered by: Coggins
 Adopted: November 19, 2018
 Roll Call Vote:

Seconded by: Barr

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

REFUND

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
568/5	\$684.63	Kathleen & Gerald Fournier 1205 Stagecoach Rd Seaville, NJ 08230

Added Assessment paid by Homeowner and Mortgage Company. Homeowner requesting a refund.

12. Tax refund Block 565.05, Lot 25.

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

RESOLUTION NO. 310-2018

TAX REFUND

BLOCK 565.05, LOT 25

WHEREAS, certain corrections have been recommended by the Upper Township Tax Collector in order to refund monies; 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. 310-2018

Offered by: Barr

Seconded by: Coggins

Adopted: November 19, 2018

Roll Call Vote:

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

REFUND

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
565.05/25	\$1,016.35	Donald & Denise Domsic 27 Foxborough Rd Seaville, NJ 08230

4th Quarter Taxes paid by Homeowner and Mortgage Company. Homeowner requesting a refund.

13. Certification of costs for abatement of nuisance on Block 653.01, Lot 4.

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

RESOLUTION NO. 311-2018

**CERTIFICATION OF COSTS FOR ABATEMENT OF NUISANCE
ON BLOCK 653.01, LOT 4**

WHEREAS, pursuant to Township Code Section 11-1, the Township Committee is empowered to enforce the removal of fire hazards and nuisances, including the clearing of obnoxious growth; and

WHEREAS, Resolution No. 286-2018 adopted October 9, 2018 authorized the Zoning Officer to serve a notice of violation to certain property owners describing the violation and stating that unless the

violation is abated, removed or 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 such land; and

WHEREAS, 10 days passed from the date of such notice of violation with no response from the property owners and the Township thereafter remedied the violation; and

WHEREAS, pursuant to Township Code Section 11-1.19(a) and N.J.S.A. 40:48-2.14, the Code Enforcement Officer has certified the costs of remedying the said violations as set forth on the attached list; and

WHEREAS, the Township Committee now wishes that said certified costs become a lien upon such lands and be added to and become and form part of the taxes assessed and levied against such lands pursuant to Township Code Section 11-1.19(b) and N.J.S.A. 40:48-2.14; 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 that the costs as set forth on the attached list shall be certified to the Township Tax Collector as a lien against the land in question which lien shall become and form a part of the taxes assessed and levied upon such land pursuant to Township Code Section 11-1.19(b) and N.J.S.A. 40:48-2.14.
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. 311-2018

Offered by: Coggins

Seconded by: Barr

Adopted: November 19, 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>	_____	_____	_____

CLEARING OF OBNOXIOUS GROWTH

<u>BLOCK/LOT</u>	<u>LOCATION</u>	<u>COST</u>	<u>ADMIN FEE</u>	<u>TOTAL</u>
653.01/4	10 RT US 9 SO	\$120.00	\$24.00	\$144.00

ORDINANCES

14. **Public hearing and final adoption of Ordinance No. 016-2018 RE: AN ORDINANCE AUTHORIZING SALE OF LANDS, TO WIT BLOCK 453.10, LOT 378.** During the public hearing portion there were no speakers. Motion by John Coggins, second by Edward Barr, to adopt Ordinance 016-2018. During roll call vote all three Committeemen present voted in the affirmative.

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

ORDINANCE NO. 016-2018

**RE: AN ORDINANCE AUTHORIZING SALE OF LANDS,
TO WIT BLOCK 453.10, LOT 378**

WHEREAS, the Township of Upper is the owner, in fee, of a certain parcel of vacant ground located within the Township of Upper, County of Cape May, and State of New Jersey, set forth on the municipal tax map as Block 453.10, Lot 378; and

WHEREAS, the Township has received an offer from Route 50 Campground, LLC, the owner of real property contiguous with said parcel owned by the Township, to purchase said parcel; and

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

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

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

Block 453.10, Lot 378

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

Block 453.10, Lot 378

Minimum Bid: \$5,800.00

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

SECTION 3: The list of property authorized to be sold together with the minimum price thereof shall be posted at Township Hall and advertisement of the sale shall be made in a newspaper circulating in the Township within 5 days following enactment of this ordinance. Offers for the property may thereafter be made to the Township Committee for 20 days following said advertisement. The Township Committee may reconsider this ordinance not later than 30 days after enactment and thereafter advertise the property for public sale pursuant to N.J.S.A. 40A:12-13(a). The Township Clerk shall file with the Director of the Division of Local Government Services in the Department of Community Affairs sworn affidavits verifying the publication of the foregoing advertisements.

SECTION 4: Route 50 Campground, LLC shall pay the following sum to the Township Clerk prior to the adoption of this Ordinance: \$500.00. This payment will be used by the Township and defray Township expenses involved in Authorizing the Sale and terms thereof; Engineer's review; Attorney's review; legal advertising, certified mail notices, title review expenses, closing costs and other expenses. If the parcel is not sold, this amount will be retained by the Township as **LIQUIDATED DAMAGES** and will be used to pay for the review of the title report and other documents. If the highest bidder at the auction sale is not the original applicant, the highest bidder will be required to pay, in addition to the purchase price and other expenses, an additional sum of \$500.00, representing pre-sale amounts paid by the original applicant requesting the sale and the original applicant (who is not the highest bidder) will then be entitled to a refund of all sums paid (\$500.00) except for the non-refundable application fee (\$50.00).

SECTION 5: The aforesaid parcel of real property shall be offered for sale at an auction to be conducted by the Township Clerk at a date and time to be set by the Township Clerk after the appropriate notice of sale has been sent to contiguous owners of the subject real property. Said notice shall be sent certified and regular mail to the owners of contiguous property at the address set forth on the tax assessor's records. Said notice shall be sent no greater than 30 days prior to the date of

sale and no less than 14 days prior to the date of sale. At any time, the Township Clerk may adjourn said sale and renotice in accordance with the provisions of this Ordinance and N.J.S.A. 40A:12-13.

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

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

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

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

IF THE BIDDER IS THE ORIGINAL APPLICANT:

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

IF THE BIDDER IS NOT THE ORIGINAL APPLICANT:

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

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

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

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

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

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

SECTION 11: If the bidder fails to close or fails to comply with the provisions hereof, such bidder shall be in default and all amounts paid to the Township by or on behalf of the bidder shall be retained by the Township as **LIQUIDATED DAMAGES AND NOT AS A PENALTY.**

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

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

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

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

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

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

SECTION 18: It is a requirement of this sale that the purchaser of the subject property be a contiguous property owner. Said purchaser shall be required to take immediate action to cause a consolidation of the property being purchased with all of the bidder's existing adjacent property so as to constitute a single parcel of ground which shall not be further subdivided into more than one lot. This restriction shall be included in the deed of conveyance and shall run with the land. The successful bidder shall complete the consolidation as a condition of the sale. The provisions of this Section shall survive closing and shall not merge into the Deed.

SECTION 19: This Ordinance shall take effect immediately upon final adoption and publication as required by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 22ND 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 19TH 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

15. **Public hearing and final adoption of Ordinance No. 017-2018 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER VII OF THE CODE OF UPPER TOWNSHIP.** During the public hearing portion there were no speakers. Motion by Edward Barr, second by John Coggins, to adopt Ordinance 017-2018. During roll call vote all three Committeemen present voted in the affirmative.

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

ORDINANCE NO. 017-2018

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE
CHAPTER VII OF THE CODE OF UPPER TOWNSHIP**

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 7, Schedule VI (entitled "One-Way Streets") of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be supplemented as hereinafter provided:

SCHEDULE VI – ONE-WAY STREETS

Add to include the following:

Name of Street	Direction
Kendall Lane	Eastbound between Tuckahoe-Mount Pleasant Road (CR 664) and Route NJ 50
Tuckahoe-Mount Pleasant Road (CR 664)*	Southbound between Route NJ 50 and Kendall Lane

* One Way Street designation was approved and authorized by the Cape May County Board of Chosen Freeholders pursuant to Resolution No.776-18 and may be enforced by this Township ordinance.

SECTION 2: REPEALER: All Ordinances or parts of Ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

SECTION 3: 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 4: EFFECTIVE DATE: This Ordinance shall take effect upon final adoption and publication as required by law.

SECTION 5: CODIFICATION: This Ordinance shall be codified in the Upper Township Code at the section referred to above.

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 22ND 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 19TH 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

- 16. Introduction and first reading of Ordinance No. 019-2018 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XX (ZONING) OF THE CODE OF UPPER TOWNSHIP.** Motion by John Coggins, second by Edward Barr, to introduce Ordinance 019-2018 with the public hearing and final adoption scheduled for December 17, 2018. During roll call vote all three Committeemen present voted in the affirmative.

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

ORDINANCE NO. 019-2018

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XX
(ZONING) OF THE CODE OF UPPER TOWNSHIP**

WHEREAS, the Township Planning Board recently undertook a Master Plan Reexamination and adopted the 2018 Master Plan Reexamination Report on August 8, 2018 and amended said report and examination on November 15, 2018 in accordance with N.J.S.A. 40:55D-89; and

WHEREAS, the Township Planning Board also adopted Master Plan revisions to the Township's Housing Element and Fair Share Plan and Spending Plan on August 8, 2018 and amended same on November 15, 2018; and

WHEREAS, the Township filed a Declaratory Judgment Action in Superior Court in July 2015 in accordance with the New Jersey Supreme Court's March 10, 2015 decision commonly referred to as "Mount Laurel IV" and sought court approval of its Housing Element and Fair Share Plan and obtained a Court Order approving a Settlement Agreement between the Township and the Fair Share Housing Center on April 23, 2018; and

WHEREAS, the Township's August 2018 and amended November 2018 Master Plan Reexamination Report and the Township's 2018 Housing Element and Fair Share Plan and Spending Plan incorporate the terms of the aforesaid Settlement Agreement as required pursuant to said Court Order; and

WHEREAS, the Township Committee desires to adopt local land use ordinance provisions incorporating the recommendations and provisions of the amended 2018 Master Plan Reexamination Report and the 2018 Housing Element and Fair Share Plan and Spending Plan as well as the terms of the court approved Settlement Agreement; and

WHEREAS, the Township Committee has referred this ordinance amendment to the Upper Township Planning Board pursuant to N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-26; and

WHEREAS, the Township Planning Board reviewed and discussed the proposed zoning ordinance amendment and adopted a resolution approving the proposed zoning ordinance amendment finding said amendment consistent with the amended 2018 Upper Township Master Plan Reexamination and Master Plan at their November 15, 2018 meeting; and

WHEREAS, this zoning ordinance revision and amendment is part of recommendations in connection with the periodic general reexamination of the Upper Township master plan as evidenced by the revised 2018 Master Plan Reexamination Report;

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 20 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

Revise Section 20-3.1 as follows:

20-3.1 Zoning Districts.

For the purpose of this Chapter the Township is hereby divided into various districts. Within the Pinelands Area, these districts are consistent with the Pinelands Management Areas set forth in N.J.A.C. 7:50, Subchapter 5.

SymbolZoning District

AR	Agriculture and Rural Density Residential
R	Center Residential
R2	Moderate Density Residential
RR	Resort Residential
RC	Resort Commercial
TCC	Town Center Core
TC	Town Center
CM2	Commercial District
CM4	Rural Density Commercial District
CMP	Commercial District Pinelands
C	Conservation
RD	Rural Development
PV	Pinelands Village
F3	Rural Density Forest
F10	Low Density Forest

F25	Forest Conservation
RP	Recreation and Park
RPPV	Recreation and Park Pinelands Village
M	Mining
U	Utility
TV	Tuckahoe Village
TR	Tuckahoe Riverfront
MH	Mobile Home
AHGR	Affordable Housing Group Home
ASH	Affordable Senior Housing
MTCD	Marmora Town Center District

Revise Section 20-3.2 as follows:

20-3.2 Zoning Map.

The map is amended to reflect the zoning boundary changes as set forth on the revised Zoning Map of the Township of Upper prepared by Paul E. Dietrich, Sr., Upper Township Engineer, dated January 12, 2004 and revised through November 15, 2018. The Zoning Map is located at the end of Chapter XX.

Add the following to **Section 20-4 DISTRICT REGULATIONS:**

20-4.20 Affordable Senior Housing (ASH)

- a. *Purpose.* This use has been established in recognition of the need to provide affordable housing to meet the unique requirements of senior citizens with respect to design and proximity to open space, recreation and shopping areas. It is intended that this zone provide for the development of affordable age-restricted apartments to address the Township's housing obligation as discussed in the 2018 Housing Element and Fair Share Plan.
- b. *Special Requirements for Affordable Senior Housing.* Affordable senior residential facilities shall be permitted on Block 549, Lots 70,87,102-104 which is property owned by the Township of Upper and which will be made available for affordable senior housing as described in the 2006 Upper Township Master Plan, Housing Element and Fair Share Plan as amended in the 2018 Housing Element and Fair Share Plan. The affordable senior residential facilities shall be in accordance with the following requirements.
- c. *Principal permitted uses*
 1. Multifamily dwellings as part of an affordable age restricted development
- d. *Permitted accessory uses.* The following accessory uses shall be permitted in conjunction with the affordable senior residence:
 1. Linen service facilities
 2. Housekeeping services
 3. Beautician services
 4. Meeting and social rooms
 5. Snack bars/ice cream parlors
 6. Medical offices for visiting doctors
 7. Indoor and outdoor recreation facilities
 8. Health care administrative and management facilities

9. Other uses as a customarily associated with and subordinate to the principal permitted use; however, all support facilities, functions and services shall be designed and available only for the use and benefit of resident users of the senior apartments and their guests.
10. Alternative wastewater treatment facilities.

e. *Yard and Bulk Requirements*

Minimum lot area	8 acres
Minimum lot width	250 feet
Minimum lot frontage	250 feet
Minimum lot depth	250 feet
Maximum impervious coverage	60%
Maximum building coverage	35%
Maximum building height	45 feet
Minimum building setbacks to tract boundary	50 feet
Maximum density	10 dwelling units per acre
Affordable housing units	100% of the housing units shall be affordable to low and moderate income households; a minimum of 50% shall be affordable to low income households including a minimum of 13% shall be affordable to very low income households.
Minimum open space:	25% percent.
Minimum parking setback from tract boundary	45 feet
Minimum landscape buffer	35 feet

- f. *Age Restrictions.* All dwelling units within the affordable senior residence shall be deed restricted for occupancy by households with at least one (1) person fifty-five (55) years of age or older and with no person less than nineteen (19) years of age, provided that visitors less than nineteen (19) years of age are permitted for no more than eight (8) weeks during any twelve (12) month time period. One (1) temporary resident who provides necessary health care to a permanent resident of the dwelling units may be twenty-one (21) years of age or older, provided that such an individual may not be accompanied by any person(s) intending to reside at the premises of the unit temporarily or otherwise. One manager unit shall be permitted and shall be excluded from these age restrictions.

g. *Other Requirements.*

1. The tract has access to either an arterial or collector road.
2. The tract must be located within either an existing sewer service area or area proposed for community wastewater treatment facility. The sewage and water capacity provided shall be sufficient to accommodate the uses as approved by the Planning Board.
3. *Parking Requirements.*
 - (a) A minimum of one (1) space per each apartment plus one (1) space per employee for each shift.
 - (b) No parking or standing shall be permitted in the required front yard except for emergency vehicles, drop-off/pick-up areas and visitor parking spaces.
 - (c) Required parking spaces may be provided by any combination of enclosed or open spaces but in no event shall the parking facilities be more than 150 feet from the building that they are intended to serve.
 - (d) The arrangement and location of internal roads, garages and parking areas shall be subject to the approval of the Planning Board and shall be designed to insure safe and adequate circulation for senior citizen residents and their guests.
4. *Design Standards.*
 - (a) An all-season evergreen buffer shall be provided around the perimeter of the site where the site abuts residential uses, designed in accordance with the standards set forth in §20-5.8a of this chapter. Existing vegetation shall be considered and can replace the evergreen buffer upon determination of the Township Engineer and approval of the governing board.

The required buffer and landscape planting may be located within the tract boundary setback.

(b) The development shall have an architectural theme designed to be attractive and compatible with surrounding land uses. All buildings shall not be designed with flat roofs. Architectural elevations and typical floor plans shall be submitted to the Planning Board for its review and approval as part of a submitted site plan application.

(c) Architectural standards for the affordable senior residence must be consistent with the ultimate purpose of achieving independent, self-reliant and pleasant living arrangements for senior citizens and should take into account the desires and needs of older persons for privacy and participation in social and community activities. Provisions should be made to accommodate the limitations that sometimes accompany advanced years and disabilities so the independent living can be sustained. Such provisions shall include but not be limited to the following:

- (1) Ramps shall be provided leading to all structures.
 - (2) Grab bars shall be provided besides toilets, and bathtubs or shower stalls.
 - (3) Dwelling units shall be designed and constructed so as to be free of architectural barriers, which should prohibit or limit access to or utilization of the dwelling units by physically handicapped or disabled individuals.
 - (4) The use of stairways shall be minimized.
5. Trash and recycling facilities shall be provided in accordance with Chapter 24 of the Township Revised General Ordinances.
 6. The Planning Board shall have the power to grant such exceptions from the above improvement requirements as may be reasonable if the literal enforcement of one (1) or more provisions is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.
 7. Affordable Housing Requirements. Each applicant for residential development shall provide one-hundred (100) percent of all residential units as affordable units as required by the Township's housing plan and as determined by the New Jersey Council on Affordable Housing ("COAH") regulations. To ensure that any units created by this ordinance generate affordable housing credits to be applied to the Township's affordable housing obligations, the affordable units within the Inclusionary Development shall comply with the Round 2 regulations of the New Jersey Council on Affordable Housing, N.J.A.C. 5:93, the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC") and/or any successor regulations, and all other applicable law, including a requirement that a minimum of 50% shall be affordable to low income households including a minimum of 13% of all affordable units are available to very low income households, and said Inclusionary Development shall be deed restricted for a period of at least 30 years consistent with UHAC.

Replace Subsection 20-6.4k8(p) Adult Retirement Community as follows:

- (p) Affordable Housing Requirements. Each applicant for residential development shall provide twenty (20) percent of all residential units as affordable units as required by the Township's housing plan and as determined by the New Jersey Committee on Affordable Housing ("COAH") regulations. To ensure that any units created by this ordinance generate affordable housing credits to be applied to the Township's affordable housing obligations, the affordable units within the Inclusionary Development shall comply with the Round 2 regulations of the New Jersey Council on Affordable Housing ("COAH"), the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC") and/or any successor regulations, and all other applicable law, including a requirement that a minimum of 50% shall be affordable to low income households including a minimum of 13% of all affordable units are available to very low income households, and said Inclusionary Development shall be deed restricted for a period of at least 30 years consistent with UHAC.

Revise Schedule B to Chapter XX in accordance with the revised Schedule B dated November 15, 2018 and located at the end of Chapter XX.

SECTION 2: EFFECTIVE DATE: This ordinance shall take effect immediately upon the following:

- (a) Certification by the Pinelands Commission in accordance with N.J.A.C. 7:50 Subchapter 3 for sections affecting the Pinelands Management Zone; and
- (b) 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 in the Upper Township Code at the sections referred to above.

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 19th 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 17th DAY OF DECEMBER, 2018 AT 7:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY. BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

- 17. Introduction and first reading of Ordinance No. 020-2018 RE: AN ORDINANCE AMENDING ORDINANCE NO. 017-2017 KNOWN AS THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2018.** Motion by Edward Barr, second by John Coggins, to introduce Ordinance 020-2018 with the public hearing and final adoption scheduled for December 17, 2018. During roll call vote all three Committeemen present voted in the affirmative.

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

ORDINANCE NO. 020-2018

RE: AN ORDINANCE AMENDING ORDINANCE NO. 017-2017 KNOWN AS THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2018

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: Ordinance No. 017-2017, known as the Salary Ordinance of 2018 at Section 2, is hereby amended as hereinafter provided to add the line item as indicated below:

SECTION 2: SALARIES:

E. PUBLIC WORKS/SPORTS AND RECREATIONAL PROGRAMS:

<u>POSITION</u>	<u>MINIMUM</u>	<u>MAX-2018</u>
Maintenance Worker 3, Grounds	12,500.00	<u>75,000.00</u>

SECTION 3: SEVERABILITY: If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION 4: REPEALER: All ordinances or parts of ordinances inconsistent herewith 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 19th 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 17th DAY OF DECEMBER, 2018 AT 7:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

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

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

18. **Introduction and first reading of Ordinance No. 021-2018 RE: AN ORDINANCE ESTABLISHING SALARIES FOR THE TOWNSHIP OF UPPER FOR THE CALENDAR YEAR 2019.** Motion by Edward Barr, second by John Coggins, to introduce Ordinance 021-2018 with the public hearing and final adoption scheduled for December 17, 2018. During roll call vote all three Committeemen present voted in the affirmative.

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

ORDINANCE NO. 021-2018

**AN ORDINANCE ESTABLISHING SALARIES FOR THE TOWNSHIP
OF UPPER FOR THE CALENDAR YEAR 2019**

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: TITLE: This Ordinance shall be known as the Salary Ordinance of 2019.

SECTION 2: SALARIES: Salaries for the various officials and employees of the Township of Upper for the calendar year 2019 shall be as follows:

<u>POSITION</u> (P/T denotes "Part-Time Position")	<u>MINIMUM</u>	<u>MAXIMUM - 2019</u>
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A. ADMINISTRATIVE/REVENUE AND FINANCE:

Mayor	\$3,750.00	\$5,000.00
Township Committeeman	7,000.00	12,250.00
Township Tax Assessor	7,500.00	80,000.00
Deputy Tax Assessor	No Min.	3,000.00
Township Tax Collector	15,000.00	80,000.00
Deputy Tax Collector	No Min.	3,000.00
Township Clerk	15,000.00	80,000.00
Deputy Township Clerk (P/T)	525.00	3,000.00
Township Administrator	12,500.00	80,000.00
Keyboarding Clerk 2	15,000.00	65,000.00
Keyboarding Clerk 1	15,000.00	60,000.00
Keyboarding Clerk 1 (P/T)	5.75 Hr.	20.00 Hr.
Keyboarding Clerk 1 (MAC)	No Min	4,950.00
Township Engineer	50,000.00	115,000.00
Chief Financial Officer	42,000.00	80,000.00
Purchasing Agent	35.00 Hr.	45.00 Hr.
Purchasing Agent/QPA	2,000.00	5,000.00
Assistant Finance Officer	No Min.	3,000.00
Registrar of Vital Statistics/CMR(P/T)	No Min.	5,000.00
Deputy Reg. Vital Statistics (P/T)	No Min.	3,000.00
Alt. Deputy Reg. Vital Statistics (P/T)	No Min.	3,000.00
Public Information Officer	No Min.	10,000.00
Data Information Coordinator/COOP	No Min.	3,500.00
Fund Commissioner	No Min.	2,000.00
Claims Coordinator	No Min.	2,000.00
Mun. Improvement Official (P/T)	No Min.	1,850.00
Tax Search Officer (P/T)	No Min.	1,850.00
Director of Public Asst. (P/T)	500.00	1,000.00
Personnel Officer	5,000.00	80,000.00
Asst. Personnel Officer (P/T)	No Min.	5,000.00
Computer Director	No Min.	1,500.00
Safety Coordinator	No Min.	3,500.00
Ass't Safety Coordinator	No Min.	1,500.00
Municipal Housing Liaison	No Min.	2,500.00
Floodplain Manager	No Min.	1,000.00
Passport Acceptance Agent	No Min.	1,000.00

B. MUNICIPAL COURT:

Municipal Judge (P/T)	15,000.00	50,000.00
Municipal Court Administrator	15,000.00	80,000.00
Deputy Mun. Court Administrator	15,000.00	68,000.00
Municipal Prosecutor (P/T)	No Min.	48,000.00
Court Attendant (P/T)	No Min.	\$250.00 per session
Municipal Public Defender (P/T)	No Min.	25,000.00

C. CODE ENFORCEMENT/ZONING ENFORCEMENT:

Construction Official	15,000.00	98,000.00
Building Subcode Official (P/T)	2,500.00	6,769.00
Electrical Subcode Official (P/T)	9,500.00	35,000.00
Electrical Inspector (P/T)	9,500.00	30,000.00
Fire Sub-Code Off. (P/T)	2,500.00	4,900.00
Zoning Officer (P/T)	2,500.00	7,500.00
Deputy Zoning Officer	No Min.	550.00
Housing Officer/Code Enforce. (P/T)	2,500.00	7,500.00
Fire Prevention Official (P/T)	1,000.00	2,279.00
Plumbing Sub-Code Official (P/T)	No Min.	25,000.00
Plumbing Inspector (P/T)	No Min.	6,524.00
Fire Protection Subcode Official (P/T)	No Min.	15,000.00
Fire Protection Inspector (P/T)	No Min.	5,000.00
Temp. Const. Code/Building Subcode Official	No Min.	35.00/Hr.
Temp. Elect. Subcode Official/Inspector	No Min.	35.00/Hr.
Temp. Plumbing Subcode Official	No Min.	35.00/Hr.
Temp. Fire Protection Subcode Official	No Min.	35.00/Hr.
Keyboarding Clerk 1 (Construction)	12,000.00	60,000.00
Technical Assistant to Const. Official	12,000.00	60,000.00

D. PUBLIC SAFETY/EMERGENCY MANAGEMENT:

Mun. Emerg. Management Coord. (P/T)	No Min.	25,000.00
Coord. 911 Emerg. Response, RTK	No Min.	2,000.00
Deputy Right to Know	No Min.	1,500.00
Deputy Dir. Emerg. Mgt. (P/T)	No Min.	2,845.00
Asst. Emerg. Mgt. (P/T)	No Min.	900.00
Lifeguard, 1st yr. Seasonal		14.00 Hr.
Lifeguard, 2nd yr. Seasonal		14.00 Hr.
Lifeguard, 3rd yr. to 4th yr.		14.70 Hr.
Lifeguard, 5th yr. and higher		15.00 Hr.
Hr. Lifeguard E.M.T.		\$4.00 Per Day
Captain Lifeguard Seasonal		27.00 Hr.
Lieutenant Lifeguard Seasonal		20.50 Hr.
Senior Lifeguard		17.25 Hr.
Emergency Medical Tech. -3 or more years	12,500.00	60,000.00
Emergency Medical Technician-2nd year	12,500.00	50,000.00
Emergency Medical Technician-1st year	12,500.00	45,000.00
Emergency Medical Technician (P/T)	No Min.	15.50 Hr. 1st Yr
Emergency Medical Technician (P/T)	No Min.	16.00 Hr. 2nd Yr
School Crossing Guard (P/T)		14.00 Hr.
Chief Emergency Medical Technician		80,000.00
Deputy Chief Emergency Medical Technician		75,000.00
Sr. Emergency Medical Technician		70,000.00

Supervising Emergency Medical Technician	72,000.00
Supervising Emergency Medical Technician (P/T)	Add'l \$1.00/Hr.

E. PUBLIC WORKS/SPORTS AND RECREATIONAL PROGRAMS:

Superintendent of Public Works	No Min.	10,000.00
General Supervisor Public Works	12,500.00	88,000.00
Road Repairer Supervisor	12,500.00	88,000.00
Supervisor Sanitation	12,500.00	82,000.00
Road Repairer 3	12,500.00	82,000.00
Supervisor Equipment Operator	12,500.00	75,000.00
Supervisor Maintenance Repairer	12,500.00	75,000.00
Maintenance Supervisor, Grounds	12,500.00	75,000.00
Maintenance Worker 3, Grounds	12,500.00	75,000.00
Sr. Carpenter (0-9 yrs.)	20,000.00	56,643.00
Sr. Carpenter (10 or more yrs.)	20,000.00	58,199.00
Carpenter (0-9 yrs.)	12,500.00	55,084.00
Carpenter (10 or more yrs.)	12,500.00	56,643.00
Carpenter's Helper	12,500.00	55,084.00
Senior Mechanic (0-9 yrs.)	12,500.00	58,755.00
Senior Mechanic (10 or more yrs.)	12,500.00	60,314.00
Mechanic (0-9 yrs.)	12,500.00	56,120.00
Mechanic (10 or more yrs.)	12,500.00	57,678.00
Mechanics Helper (0-9 yrs.)	12,500.00	53,864.00
Mechanics Helper (10 or more yrs.)	12,500.00	55,422.00
Equipment Operator (0-9yrs.)	12,500.00	55,084.00
Equipment Operator (10 or more yrs.)	12,500.00	56,643.00
Truck Driver, Heavy (0-9 yrs.)	12,500.00	55,084.00
Truck Driver, Heavy (10 or more yrs.)	12,500.00	56,643.00
Truck Driver (0-9 yrs.)	12,500.00	53,775.00
Truck Driver (10 or more yrs.)	12,500.00	55,335.00
Laborer 1, 1st year	12,500.00	41,975.00
Laborer 1, 2nd year	12,500.00	44,182.00
Laborer 1, 3rd year	12,500.00	46,391.00
Laborer 1, 4th year	12,500.00	48,600.00
Laborer 1, 5th year	12,500.00	50,810.00
Laborer 1 (6-9 yrs.)	12,500.00	52,496.00
Laborer 1 (10 or more yrs.)	12,500.00	54,054.00
Laborer 1 (P/T)	5.00 Hr.	12.50 Hr.
Sr. Sanitation Inspector	12,500.00	56,643.00
Sanitation Inspector (0-9 yrs.)	12,500.00	55,084.00
Sanitation Inspector (10 or more yrs.)	12,500.00	56,643.00
Recycling Laborer	10,400.00	48,560.00
Recycling Coordinator (P/T)	No Min.	5,698.00
Recycling Program Aide	No Min.	2,500.00
Assistant Recycling Coordinator (P/T)	No Min.	2,849.00
Building Maintenance Worker (0-9 yrs.)	22,000.00	38,747.00
Building Maint. Worker (10 or more yrs.)	22,000.00	39,767.00
Recreational Program Coordinator	15,500.00	70,000.00
Maint. Worker 2, Grounds (0-9 yrs.)	11,500.00	55,084.00
Maint. Worker 2, Grds (10 or more yrs.)	11,500.00	56,643.00
Maintenance Repairer (0-9 yrs.)	10,500.00	55,084.00
Maintenance Repairer (10 or more yrs.)	10,500.00	56,643.00
Maint. Worker 1, Grounds (0-9 yrs.)	10,500.00	53,775.00
Maint. Worker 1, Grds (10 or more yrs.)	10,500.00	55,335.00
Recreation Aide	9,500.00	48,499.00

Recreation Aide (P/T)	5.00/Hour	12.50/Hour
Beach Sweeper (Seasonal)	5.00/Hour	13.00/Hour
Playground Safety Inspector	500.00	1,000.00
Beach Inspector	No Min.	4,000.00
Boat Ramp Attendant	No Min.	13.00 Hr.
Skate Park Attendant	No Min.	12.50 Hr.
Keyboarding Clerk 1 (Recreation)	12,500.00	55,000.00
Keyboarding Clerk 2 (Recreation)	12,500.00	65,000.00

F. BOARD OF HEALTH/ZONING BOARD/PLANNING BOARD:

Secretary Planning Board (P/T)	42,000.00
Per Meeting	100.00
Secretary Zoning Board of Adjustment (P/T)	42,000.00
Per Meeting	100.00
Secretary Board of Health (P/T)	550.00

G. TOWNSHIP COMMITTEE MEETING ATTENDANCE:

The Township Clerk and the Chief Financial Officer, in lieu of receiving compensatory time for attendance at meetings during non-business hours will receive \$100.00 per meeting.

H. MILEAGE: The standard rate per mile in accordance with I.R.S. regulations.

I. GIFT CARD AWARD OR BONUS: In addition to the salary set forth in this Ordinance, the Township Committee may award any employee as a bonus a gift card or gift cards not to exceed a total amount of \$200.00 for the year. Said award shall be by approval of the Township Committee setting forth the amount and type of the gift card bonus. In addition to a gift card bonus, the Township Committee may award certain employees a bonus for additional work not to exceed a total amount of \$5,000.00 for the year. Said bonus shall be by resolution of the Township Committee setting forth the amount of the bonus.

J. EDUCATIONAL CERTIFICATION PAY RAISE: In addition to the salary set forth in this Ordinance upon resolution of the Township Committee, the Township Committee may give an increase in salary of \$1,000.00 to any employee that has satisfied educational certification requirements for his or her position in accordance with current Township policy. The Township Committee shall by resolution fix the pay increase in this regard and certify that the employee has satisfied the educational certification requirement.

K. ADDITIONAL PAY TO CREW OF SANITATION VEHICLES: Laborers employed in the collection of trash and assigned to the rear of a trash truck shall, in addition to any other compensation payable pursuant to this Ordinance, receive an additional sum to be known as "Hazardous Duty Pay", which shall be payable at the rate of \$.25 per hour.

L. ADDITIONAL PAY TO EMERGENCY MEDICAL TECHNICIANS (EMTs): The most senior Emergency Medical Technician assigned to a shift where a supervisory employee is not also assigned to that shift, in addition to any other compensation payable pursuant to this Ordinance, shall receive an additional sum to be known as "Officer in Charge Pay", which shall be payable at the rate of \$.50 per hour.

SECTION 3: LONGEVITY: In addition to the compensation and benefits otherwise payable, certain employees shall be paid an additional sum based on longevity. Any payment based on longevity shall be in accordance with the following schedule:

<u>YEARS OF SERVICE</u>	<u>AMOUNT OF INCREASE BASED ON LONGEVITY</u>
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After 5 years	2%
After 10 years	4%
After 15 years	6%
After 20 years	8%
After 25 years	10%

SECTION 3A: RESTRICTIONS ON LONGEVITY PAYMENTS: Notwithstanding the provisions of Section 3 hereof, a longevity payment or longevity bonus to any single official, officer or employee of the Township of Upper shall not exceed the sum of Three Thousand (\$3,000.00) Dollars. If, as of January 1, 1997, any such official, officer or employee of the Township of Upper was entitled to a longevity payment in excess of Three Thousand (\$3,000.00) Dollars, then such individual shall be entitled to receive the amount to which he or she would have been entitled as of January 1, 1997 and each such official, officer or employee shall thereafter, in all subsequent years, receive a longevity payment or bonus in the amount paid as of January 1, 1997. In no event shall the amount of longevity payments exceed the sum of Three Thousand (\$3,000.00) Dollars, except for those individuals who are entitled to receive in excess of Three Thousand (\$3,000.00) Dollars as of January 1, 1997 and all such individuals shall in 1997 and all succeeding years be restricted to a payment which does not exceed that which was payable on January 1, 1997.

SECTION 3B: LONGEVITY PAY ABOLISHED FOR CERTAIN EMPLOYEES: Any official, officer or employee who was employed by the Township of Upper on or after January 1, 1996 shall not be entitled to any longevity payment. Longevity pay is abolished for any and all officials, officers and employees hired on or subsequent to that date.

SECTION 4: RESOLUTION AS TO SALARIES: The salaries set forth in this Ordinance are the maximum salaries to be paid for the various positions during 2019 and for such period or periods as this Ordinance shall remain in effect. Such maximum salaries shall be paid for each of the positions indicated unless the Township Committee, by Resolution shall fix a lesser salary, in which event such lesser amount shall be paid.

SECTION 5: EFFECTIVE DATE OF PAYMENT: All salaries authorized by this Ordinance shall be paid commencing as follows:

- (A) As of January 1, 2019 for all officials, officers and employees of the Township who were employed or appointed as of December 31, 2018. For those officials, officers and employees appointed at the Reorganization Meeting of the Township Committee, such persons shall be deemed appointed and employed by the Township as of January 1, 2019. This provision shall not apply to members of a Collective Bargaining Unit.
- (B) The payment of any salary increment and longevity payment for members of a Collective Bargaining Unit shall be made in accordance with the provisions of the Collective Bargaining Agreement currently in effect, any other provisions herein to the contrary notwithstanding.
- (C) Upon the effective date of appointment for all officers and employees appointed subsequent to January 1, 2019.
- (D) Any salary increases provided for in this Ordinance shall not apply to any official, officer or employee of the Township who has resigned or otherwise terminated his or her employment with the Township of Upper prior to the effective date of this Ordinance.

SECTION 6: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 7: SEVERABILITY: If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION 8: EFFECTIVE DATE: This Ordinance shall take effect immediately upon passage 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 19th 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 17th DAY OF DECEMBER, 2018 AT 7:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

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

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

CORRESPONDENCE

NEW BUSINESS

19. **Saint Maximilian Kolbe Parish request waiver of Zoning Board application fee.** Motion by John Coggins, second by Edward Barr, to approve the request. During roll call vote all three Committeemen present voted in the affirmative.

UNFINISHED BUSINESS

DISCUSSION

20. **Request to vacate a portion of Bergen Avenue adjacent to Block 507, Lots 1-10.** The Municipal Attorney explained that this request was tentatively approved at the last meeting, a notice to the adjoining property owner was sent out. On November 15th an email from that owner objecting to the request was received. Typically, when an objection is received the Township doesn't move forward. Motion by Richard Palombo, second by Ed Barr that unless there is a change in circumstance, the request will not move forward. During roll call vote all three Committeeman voted in the affirmative.

PAYMENT OF BILLS

21. **"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 three Committeemen present voted in the affirmative.

Bills approved for payment: \$146,336.48

Payroll: \$152,784.55

REPORT OF MUNICIPAL DEPARTMENTS

22. Animal Control
23. Clerk's Office
24. Finance Office
25. Green Team

26. Municipal Court
27. Department of Public Works
28. Tax Collector

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

PUBLIC COMMENT

Blanche Adams, Upper Township Business Association – spoke regarding the Township’s previous attempts over the years for a full interchange at Exit 20 on the Garden State Parkway. She stated that she recently contacted Senator Van Drew’s office for an update, and per her conversation with his office the project is not dead. However, it’s not on the priority funding list. She then inquired as to what could be done to advance the discussions. Mayor Palombo responded that although the most recent feasibility studies have shown environmental challenges with the feasibility of a full interchange at Exit 20, the Township will continue to work with the legislators and continue the discussions in support of a full interchange.

CLOSED SESSION

29. 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. 312-2018 MOTION GOING INTO CLOSED SESSION NOVEMBER 19, 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 – Fire Districts Website Services
3. Contract negotiation - Annual Appointments
4. Contract negotiation - Sale of land; Block 735, Lot 21.02

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

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

Moved by: John Coggins

Motion seconded by: Edward Barr

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

RECONVENE PUBLIC PORTION OF MEETING

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

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 8:46 P.M., with a motion by John Coggins, second by Richard Palombo, and all three Committeemen present voting in the affirmative. The next regular meeting is scheduled for December 3, 2018 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

Bill List

72527 11/19/18 A0004 A COMMERCIAL OFFICE CLEANERS 200.00 3054
72528 11/19/18 A0025 ADVANTAGE RENTAL ACE HARDWARE 238.38 3054
72529 11/19/18 A0091 ATLANTIC CITY ELECTRIC 17,672.03 3054
72530 11/19/18 A0175 Adams Rehmann & Haggan Assoc 2,970.00 3054
72531 11/19/18 A0191 ACTION UNIFORM CO. LLC 129.99 3054
72532 11/19/18 A0212 ANCERO, LLC 7,150.00 3054
72533 11/19/18 A0219 ALTERNATIVE MICROGRAPHICS, INC 1,595.90 3054
72534 11/19/18 B0031 BAINBRIDGE, J.P. & ASSOCIATES 1,240.00 3054
72535 11/19/18 B0035 BELMONT & CRYSTAL SPRINGS 9.83 3054
72536 11/19/18 B0093 BARRY, CORRADO, GRASSI & 280.00 3054
72537 11/19/18 B0182 BRIGGS LAW OFFICE, P.C. 242.49 3054
72538 11/19/18 B0238 BUSTED KNUCKLE AUTO & TIRE LLC 655.00 3054
72539 11/19/18 B0248 BARNES LAW GROUP LLC 0.00 11/19/18 VOID 0
72540 11/19/18 B0248 BARNES LAW GROUP LLC 14,680.00 3054
72541 11/19/18 C0046 CAPE MAY COUNTY CLERK 121.00 3054
72542 11/19/18 C0048 CAPE MAY COUNTY MUA 36,821.71 3054
72543 11/19/18 C0060 CAPRIONI'S PORTABLE TOILETS 2,501.50 3054
72544 11/19/18 C0068 COMCAST 285.69 3054
72545 11/19/18 C0116 CINTAS CORPORATION 94.59 3054
72546 11/19/18 C0223 CASA PAYROLL SERVICE 210.25 3054
72547 11/19/18 C0283 CUSTOM-BANDAG, INC 3,105.42 3054
72548 11/19/18 C0295 CRAFTCO, INC. 10,791.92 3054
72549 11/19/18 C0296 COMCAST BUSINESS COMMUNICATION 1,386.86 3054
72550 11/19/18 D0040 DELTA DENTAL OF N.J. INC. 5,998.63 3054
72551 11/19/18 D0080 DOWNAM, HARRY J. JR. 254.94 3054
72552 11/19/18 E0038 EMSAR NEW JERSEY 131.50 3054
72553 11/19/18 F0048 LESLIE G. FOGG INC 862.60 3054
72554 11/19/18 F0220 FAIRHURST, JONATHAN 500.00 3054
72555 11/19/18 G0092 GRUND, BARBARA J. 53.36 3054
72556 11/19/18 G0141 GENTILINI CHEVROLET 372.20 3054
72557 11/19/18 G0147 GREATAMERICA FINANCIAL SVCS. 170.00 3054
72558 11/19/18 H0073 HOME DEPOT CRC/GEFCF 156.33 3054
72559 11/19/18 J0040 JOHNSON & TOWERS, INC. 541.95 3054
72560 11/19/18 J0041 JONES, JAMES M. 58.50 3054
72561 11/19/18 K0037 KOHLER, JOHN F 430.01 3054
72562 11/19/18 K0086 K D NATIONAL FORCE SECURITY 3,864.00 3054
72563 11/19/18 K0104 KRAYNOCK, ANDREW 100.00 3054
72564 11/19/18 L0043 LEE RAIN, INC. 572.22 3054
72565 11/19/18 M0016 McAFEE, MEGAN 21.47 3054
72566 11/19/18 M0059 MCDANIELS, WILLIAM J. III 561.78 3054
72567 11/19/18 M0180 MED-TECH RESOURCE, LLC 1,278.30 3054
72568 11/19/18 M0188 MCCARTHY TIRE SERVICE OF PHILA 894.34 3054
72569 11/19/18 M0247 MORGAN, SCOTT 15.17 3054
72570 11/19/18 M0292 MC SIGNS 55.00 3054
72571 11/19/18 N0094 NEW JERSEY PLANNING OFFICIALS 50.00 3054
72572 11/19/18 N0125 N.J. REGISTRAR'S ASSOCIATION 75.00 3054
72573 11/19/18 N0154 NEW HORIZON COMMUNICATIONS 1,155.68 3054
72574 11/19/18 P0032 PEDRONI FUEL CO. 2,437.00 3054
72575 11/19/18 P0036 PENNELLO, DAVID 900.00 3054
72576 11/19/18 P0075 POSITIVE PROMOTIONS INC 287.86 3054

72577 11/19/18 P0175 PRIEST JR., ANTHONY 100.00 3054
 72578 11/19/18 R0030 RIGGINS, INC. 5,928.42 3054
 72579 11/19/18 R0115 RID PEST CONTROL INC. 55.00 3054
 72580 11/19/18 S0001 SAM'S CLUB 23.64 3054
 72581 11/19/18 S0015 SMYTH, PATRICIA 39.03 3054
 72582 11/19/18 S0031 SCHULER SECURITY, INC. 540.00 3054
 72583 11/19/18 S0057 SERVICE TIRE TRUCK CENTERS 763.86 3054
 72584 11/19/18 S0092 SHONE, LEROY 62.98 3054
 72585 11/19/18 S0121 SMUZ, THERESE A 10.99 3054
 72586 11/19/18 S0139 SOUTH JERSEY WATER COND SERV 165.00 3054
 72587 11/19/18 S0196 STEWART BUSINESS SYSTEMS LLC 642.07 3054
 72588 11/19/18 S0254 SHOPRITE 226.29 3054
 72589 11/19/18 S0292 JEFFREY SURENIAN & ASSOC. LLC 89.00 3054
 72590 11/19/18 S0301 SPICA STEEL, INC. 2,973.69 3054
 72591 11/19/18 S0339 SANITATION EQUIPMENT CORP 1,209.07 3054
 72592 11/19/18 S0343 SWAMP QUEEN PRODUCTIONS, LLC 1,500.00 3054
 72593 11/19/18 T0168 TOWNSHIP OF UPPER 290.39 3054
 72594 11/19/18 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3054
 72595 11/19/18 T0201 TSOPLAKIS, SPIROS 300.00 3054
 72596 11/19/18 U0024 UNIVERSAL COMPUTING SERV. INC. 1,095.60 3054
 72597 11/19/18 U0067 UT HEALTH REIMB. ACCOUNT 1,722.42 3054
 72598 11/19/18 V0022 VERIZON 627.27 3054
 72599 11/19/18 V0024 VAL-U AUTO PARTS L.L.C. 1,676.36 3054
 72600 11/19/18 V0025 V.E. RALPH & SON, INC. 441.15 3054
 72601 11/19/18 W0050 WIRELESS ELECTRONICS, INC. 450.00 3054
 72602 11/19/18 W0087 W.B. MASON EGG HARBOR 308.44 3054
 72603 11/19/18 X0008 XEROX FINANCIAL SERVICES 662.40 3054
 72604 11/19/18 Y0020 YOUNG, BARBARA L. 228.01 3054

Total: \$146,336.48