

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR JANUARY 4, 2019**

2019 ANNUAL REORGANIZATION MEETING

6:00 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 December 31, 2018 the notice of this Reorganization 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 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."

Presentation of the Colors – led by Girl Scout Troops 44480, 42422 and 44475 of Upper Township

Roll Call

Edward Barr	Present
John Coggins	Present
Curtis Corson	Present
Hobart Young	Present
Richard Palombo	Present

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

A patriotic song presented by Mia Pancoast

Invocation - Monsignor Peter Joyce, Parish of Saint Maximilian Kolbe

Statement of Determination of Election – read by Municipal Clerk Barbara Young.

Oath of Office - Committeeman Richard Palombo
Administered by Municipal Clerk Barbara L. Young

Committeeman Edward Barr
Administered by Municipal Clerk Barbara L. Young

Nominations for Mayor – 2019 - The Clerk asked for nominations for Mayor. Motion was made by Curtis Corson, second by Edward Barr, to nominate Richard Palombo as Mayor. During the roll call vote on the nomination of Richard Palombo, all five Committee members voted in the affirmative. Richard Palombo was chosen as the Mayor of Upper Township for 2019.

RESOLUTIONS

1. Appointment of Deputy Mayor.

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

RESOLUTION NO. 001-2019

RE: APPOINTMENT OF DEPUTY MAYOR

WHEREAS, it is deemed advisable to appoint a member of the Township Committee to the position of Deputy Mayor of the Township of Upper in the County of Cape May and State of New Jersey.

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

1. Committeeman **Edward Barr** is hereby designated and appointed as Deputy Mayor of the Township of Upper, in the County of Cape May and State of New Jersey, effective immediately, to serve until the next annual meeting of the Township Committee and until his successor is duly appointed and qualified.

Resolution No.001-2019

Offered by: Young

Seconded by: Coggins

Adopted: January 4, 2019

Roll Call Vote:

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

2. Assignment of Township Committee Members to oversee Departments.

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

RESOLUTION NO. 002-2019

**RE: ASSIGNMENT OF TOWNSHIP COMMITTEE MEMBERS
TO OVERSEE DEPARTMENTS**

WHEREAS, it is deemed necessary to assign Township Committee Members to oversee Departments within the Township government to provide for the orderly and efficient transaction of Township business and to promote public service.

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:

Township of Upper and in order to do so, it is necessary to retain a Registered Municipal Accountant;
and

WHEREAS, N.J.S. 40A:9-139 requires the appointment of a Municipal Attorney and the Township Committee desires to make such appointment in accordance with the terms of the Professional Services Contract to be entered into and the Township of Upper recognizes the need for professional legal services and advice to ensure the orderly, efficient and proper conduct of the affairs of the said Township; and

WHEREAS, there also exists a need for the appointment of an Attorney At Law of the State of New Jersey to act in the capacity of Municipal Prosecutor at a salary of \$44,198.00; and

WHEREAS, there also exists a need for the appointment of an Attorney At Law of the State of New Jersey to serve in the capacity of Municipal Public Defender at a salary of \$22,163.00; and

WHEREAS, the services to be performed by the Auditor, Township Solicitor, Municipal Prosecutor and Municipal Public Defender are declared to be professional services performed by persons authorized by law to practice recognized professions, which professions are regulated by law within the meaning of the Local Public Contracts Law (N.J.S. 40A:11-1, et seq.) and, hence, are exempt from competitive bidding; and

WHEREAS, the Township has a need to acquire the services of the Municipal Auditor, Township Solicitor, Municipal Prosecutor and Municipal Public Defender as non-fair and open contracts pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Township financial officer has determined and certified in writing that the value of each of the contracts for the Municipal Auditor, Township Solicitor, Municipal Prosecutor and Municipal Public Defender will exceed \$17,500.00; and

WHEREAS, the proposed Municipal Auditor, Township Solicitor, Municipal Prosecutor, and Municipal Public Defender have completed and submitted Business Entity Disclosure Certifications which certify that the contractors have not made any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c.19 would bar the

award of these contracts, and that the contractors shall not make any such reportable contributions during the term of this contract; and

WHEREAS, funds are available for the purposes set forth above.

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. **Leon Costello, C.P.A., R.M.A., is hereby appointed as Registered Municipal Accountant** for the Township of Upper for a term of one (1) year, commencing January 1, 2019, and until his successor is duly appointed and qualified.

3. **Daniel J. Young, Esquire is hereby appointed as Township Solicitor** for the Township of Upper for a term of one (1) year commencing January 1, 2019, and until his successor is duly appointed and qualified.

4. **Patrick F. Martin, Esquire is hereby appointed as Municipal Prosecutor** for the Township of Upper for a term of one (1) year, commencing January 1, 2019, and until his successor is duly appointed and qualified.

5. **William E. Brewer, Esquire is hereby appointed as Municipal Public Defender** for the Township of Upper for a term of one (1) year, commencing January 1, 2019, and until his successor is duly appointed and qualified.

6. Compensation for the Auditor and Solicitor shall be on the basis of Professional Contracts to be negotiated with such individuals and payment shall be made by the Township of Upper for such professional services based upon vouchers to be submitted and approved by the Township Committee. The Annual Salary Ordinance and the applicable resolutions of the Township Committee shall make provision for the payment of the compensation for the Prosecutor, and Public Defender.

7. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, professional Contracts with the Auditor, Solicitor, Prosecutor,

and Public Defender in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed in Paragraph 7 hereof.

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

9. The Business Disclosure Entity Certification and the Determination of Value for the Municipal Auditor, Township Solicitor and Municipal Prosecutor and Municipal Public Defender contracts shall be placed on file with this Resolution.

Resolution No. 003-2019

Offered by: Corson

Seconded by: Barr

Adopted: January 4, 2019

Roll Call Vote:

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

4. Appointment of Official to Certify Municipal Improvement Searches.

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

RESOLUTION NO. 004-2019

**RE: APPOINTMENT OF OFFICIAL TO CERTIFY
MUNICIPAL IMPROVEMENT SEARCHES**

WHEREAS, it is necessary to have an authorized official of the Township of Upper, in the County of Cape May and State of New Jersey, to execute, on behalf of the Township of Upper, certificates for municipal improvements; and

WHEREAS, the Township Committee of the Township of Upper desires to make such an appointment.

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. BARBARA L. YOUNG, the Township Clerk of the Township of Upper, is hereby designated as the official of the Township of Upper authorized to

execute certificates as to liability for municipal improvements for the year 2019.

3. This Resolution shall become effective immediately upon its adoption.

Resolution No.004-2019

Offered by: Coggins Seconded by: Barr

Adopted: January 4, 2019

Roll Call Vote:

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

5. Designation of Banking Institutions as Official Depositories.

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

RESOLUTION NO. 005-2019

**RE: DESIGNATION OF BANKING INSTITUTIONS
AS OFFICIAL DEPOSITORIES**

WHEREAS, it is necessary that the Township Committee of the Township of Upper, in the County of Cape and State of New Jersey, designate certain banking institutions as official depositories for Township funds.

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. Ocean First Bank is hereby designated as the principal depository of the Township of Upper.
3. The following banking institutions are hereby designated as secondary depositories of the Township

of Upper:

- (A) PNC Bank, New Jersey
- (B) First Bank of Sea Isle City
- (C) Municipal Investors Corp.
- (D) N.J. Cash Management Plan
- (E) Bank of America, N.A.
- (F) Sturdy Savings Bank
- (G) TD Bank
- (H) Wells Fargo

4. The Mayor, the Township Clerk and the Township Chief Financial Officer, as well as such other officials as may be designated by law, are hereby authorized, directed and empowered to execute any

Resolutions of any of the aforesaid banking institutions which may be reasonably required in order to carry out the intent and purpose of this Resolution.

5. This Resolution shall become effective immediately upon adoption.

Resolution No. 005-2019

Offered by: Coggins Seconded by: Young

Adopted: January 4, 2019

Roll Call Vote:

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

6. Designation of Official Newspapers.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 006-2019

RE: DESIGNATION OF OFFICIAL NEWSPAPERS

WHEREAS, it is necessary to designate one (1) or more newspapers as an official newspaper 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 allegations of the preamble are incorporated herein by this reference.
2. The following newspapers are hereby designated as the official newspapers of the Township of

Upper:

The Press and Sunday Press
and
Ocean City Sentinel

Resolution No.006-2019

Offered by: Corson Seconded by: Barr

Adopted: January 4, 2019

Roll Call Vote:

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

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

7. Payment of Real Estate Taxes and Penalty for Late Payments.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 007-2019

**RE: PAYMENT OF REAL ESTATE TAXES
AND PENALTY FOR LATE PAYMENTS**

WHEREAS, N.J.S.A. 54:4-66, which mandates the date on which real estate taxes shall be paid to the municipality, has been amended by P.L. 1991, c.410, s.4; and

WHEREAS, N.J.S.A. 54:4-67, which mandates the rate of interest to be charged on the payment of all real estate taxes which are delinquent, has also been amended by P.L. 1991, c. 75, s.39; and

WHEREAS, said amendments were amended by P.L. 1994, c.32, which was approved May 12, 1994; 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. In accordance with N.J.S.A. 54:4-66, all real estate taxes shall be payable quarterly in accordance with the following schedule:

First Installment - February 1

Second Installment - May 1

Third Installment - August 1

Fourth Installment - November 1

3. In the event that the real estate taxes are not paid in accordance with the foregoing quarterly payment schedule, said taxes shall become delinquent and remain delinquent until such time as all unpaid taxes, including taxes and other liens subsequently due and unpaid, together with interest, have been fully paid and satisfied.
4. In accordance with N.J.S.A. 54:4-67, if taxes and municipal liens and charges are not paid when due, and are delinquent, then, in addition to the taxes, municipal liens and charges due and payable an additional sum equal to eight (8%) percent per annum on the first \$1,500.00 of delinquency and eighteen (18%) percent per annum on any amount in excess of \$1,500.00,

to be calculated from the date same was payable until the date that actual payment to the Tax Collector is made.

5. No interest shall be charged pursuant to Paragraph 4 of this Resolution if payment of any installment is made within the tenth (10th) calendar day following the date upon which the same became payable.
6. In addition to the interest penalty imposed pursuant to Section 4 of this Resolution, a further penalty shall be charged to a taxpayer with a delinquency in excess of \$10,000.00 who fails to pay that delinquency prior to the end of the fiscal year. The fiscal year for the Township of Upper shall be the calendar year. The penalty so fixed shall equal six (6%) percent of the amount of the delinquency.
7. If delinquent taxes, municipal liens and charges in excess of \$10,000.00 are fully paid and satisfied by the holder of any outstanding Tax Sale Certificate, the holder shall be entitled to receive the amount of the penalty, that is, six (6%) percent of the amount of the delinquency, as part of the amount required to redeem such Certificate of Sale.
8. It is the policy of the Upper Township Tax Collector's Office to accept small coins as payment only when coins are wrapped or the balance is \$.50 cents or less.
9. Tax payments are accepted at Ocean First Bank, Marmora.
10. A copy of this Resolution shall be prominently posted in the office of the Tax Collector of the Township of Upper and shall also be prominently posted upon the bulletin board in the Township Hall.
11. This Resolution shall take effect immediately.

Resolution No. 007-2019

Offered by: Coggins

Seconded by: Barr

Adopted: January 4, 2019

Roll Call Vote:

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

8. Schedule of Township Committee meetings for 2019.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 008-2019

**RE: SCHEDULE OF
TOWNSHIP COMMITTEE MEETINGS FOR 2019**

WHEREAS, N.J.S.A. 10:4-18 requires that every public body give notice concerning the schedule of regular meetings to be held during the succeeding year, which schedule shall contain the location of each meeting, to the extent that it is known, and the time and date of each meeting.

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 hereby by this reference.

2. Regular meetings of the Upper Township Committee shall be held at 2100 Tuckahoe Road, Petersburg, New Jersey, on the second (2nd) and fourth (4th) Mondays of each month, at 7:30 P.M. unless otherwise indicated, in accordance with the following schedule:

2019 SCHEDULE - REGULAR MEETINGS

			<u>Work Session</u>	<u>Regular Meeting</u>
January	14	Regular Meeting	6:30 p.m.	7:30 p.m.
January	28	Regular Meeting	6:30 p.m.	7:30 p.m.
February	11	Regular Meeting	6:30 p.m.	7:30 p.m.
February	25	Regular Meeting	6:30 p.m.	7:30 p.m.
March	11	Regular Meeting	6:30 p.m.	7:30 p.m.
March	25	Regular Meeting	6:30 p.m.	7:30 p.m.
April	08	Regular Meeting	6:30 p.m.	7:30 p.m.
April	29	Regular Meeting	6:30 p.m.	7:30 p.m.
May	13	Regular Meeting	6:30 p.m.	7:30 p.m.
May (Tues)	28	Regular Meeting	6:30 p.m.	7:30 p.m.
June	10	Regular Meeting	6:30 p.m.	7:30 p.m.
June	24	Regular Meeting	6:30 p.m.	7:30 p.m.
July	08	Regular Meeting	6:30 p.m.	7:30 p.m.
July	22	Regular Meeting	6:30 p.m.	7:30 p.m.
August	12	Regular Meeting	6:30 p.m.	7:30 p.m.
August	26	Regular Meeting	6:30 p.m.	7:30 p.m.
September	09	Regular Meeting	6:30 p.m.	7:30 p.m.
September	23	Regular Meeting	6:30 p.m.	7:30 p.m.
Oct. (Tues)	15	Regular Meeting	6:30 p.m.	7:30 p.m.
October	28	Regular Meeting	6:30 p.m.	7:30 p.m.

Nov. (Tues)	12	Regular Meeting	6:30 p.m.	7:30 p.m.
November	25	Regular Meeting	6:30 p.m.	7:30 p.m.
December	09	Regular Meeting	6:30 p.m.	7:30 p.m.
December	16	Regular Meeting	6:30 p.m.	7:30 p.m.

2. Unless otherwise indicated, all regular meetings of the Township Committee will be held on the dates indicated, at the Township Hall, Tuckahoe, New Jersey. A work session may precede a regular meeting of the Township Committee. The work session will be open to the public unless the matter under discussion involves one or more matters set forth in N.J.S.A. 10:4-12(b). In the event that any such matter is discussed, the public will be excluded from that portion of the meeting pursuant to Resolution which shall be adopted in accordance with N.J.S.A. 10:4-13. The meetings may recess and will then continue until 10:30 p.m., at which time the public portion of the meeting will be adjourned and the Township Committee will further consider matters set forth in N.J.S.A. 10:4-12(b) and the public shall be excluded from that portion of the meeting. At the conclusion of such closed session, the meeting shall be reopened to the public. All meetings of the Township Committee, whether closed or open, will end at 11:00 p.m.

3. In the event of a necessity for holding a meeting of the Township Committee, in addition to the meeting schedule set forth in Paragraph 2 of this Resolution, the Township Clerk shall give written advance notice of at least forty-eight (48) hours giving the date, time, location and, to the extent known, the agenda, of any regular, special or rescheduled meeting, which notice shall state whether formal action may or may not be taken. Such notice shall be:

- (A) Prominently posted on the bulletin board in the Township Hall; and
- (B) Mailed, telephoned, telegraphed or hand delivered to the newspapers hereinafter set forth in this Resolution; and
- (C) Filed in the Township Clerk's office.

4. The Township Clerk shall post either a copy of this Resolution or a copy of the scheduled meetings for the current year on the bulletin board in the Township Hall and, in addition, shall mail a copy of this Resolution to the following newspapers:

The Press and Sunday Press
1 Enterprise Drive, Suite C
Cape May Court House, N.J. 08210

The Ocean City Sentinel Ledger
112 East 8th Avenue
Ocean City, N.J. 08226

County of Cape May
Office of the County Clerk
PO Box 5000

5. Any person requesting to be mailed copies of any regular meeting schedule or revision thereof and any advance written notice of such meetings as permitted by N.J.S.A. 10:4-19, shall pay a fee to the Township Clerk as follows:

Schedule of Fees

For copy of schedule of regular meetings and revisions thereto:	\$10.00
For advance written notice of a particular meeting designated in the request:	\$10.00
For advanced written notice of all regular, special or rescheduled meetings during the calendar year:	\$25.00

All notices sent to any person requesting same in accordance with N.J.S.A. 10:4-19 shall terminate December 31, 2019.

Resolution No. 008-2019

Offered by: Barr

Seconded by: Coggins

Adopted: January 4, 2019

Roll Call Vote:

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

9. Providing for a Bi-Weekly Payroll.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 009-2019

RE: PROVIDING FOR A BI-WEEKLY PAYROLL

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. All of the employees of the Township of Upper covered by the Salary Ordinance shall be paid bi-weekly on alternate Fridays, commencing January 1, 2019, unless such employees elect to be paid monthly or quarterly and notify the Chief Financial Officer of such fact, in which case, such employees shall be paid in accordance with such election.

2. The Chief Financial Officer is directed to distribute all payroll checks to the Department Heads of the employees of the Township of Upper at or before the close of business on those days designated as paydays and the Chief Financial Officer shall not be required to present such paychecks for approval at a meeting of the Township Committee when such payment is for salaries and wages which have been approved by the Salary Ordinance currently in effect in the Township of Upper.

3. This Resolution shall take effect immediately.

Resolution No.009-2019

Offered by: Coggins

Seconded by: Barr

Adopted: January 4, 2019

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>	_____	_____	

10. Appointments to the Upper Township Zoning Board of Adjustment.

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

RESOLUTION NO. 010-2019

**RE: APPOINTMENTS TO THE UPPER TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

WHEREAS, N.J.S.A. 40:55D-69 provides for the appointment of a Zoning Board of Adjustment, which shall consist of seven (7) regular members and may have not more than four (4) alternate members and prescribes the term of office for such regular and alternate members; and

WHEREAS, such Statute further provides that the members of the Zoning Board of Adjustment shall be appointed by the Governing Body of the municipality; and

WHEREAS, it is necessary to make certain appointments or re-appointments to the Zoning Board of Adjustment of the Township of Upper, as hereinafter provided.

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 appointments are hereby recognized as continuing in their existing terms:

Paul Casaccio - appointed to a four (4) year term commencing January 1, 2016 and expiring on December 31, 2019.

Andrew L. Shawl - appointed to a four (4) year term commencing January 1, 2016 and expiring December 31, 2019.

Christopher Phifer - appointed to a four (4) year term commencing January 1, 2017 and expiring December 31, 2020.

Matthew Unsworth - appointed to a four (4) year term commencing January 1, 2017 and expiring December 31, 2020.

Lynn Petrozza - appointed to a four (4) year term commencing January 1, 2017 and expiring December 31, 2020.

Joseph Healy - appointed to a four (4) year term commencing January 1, 2017 and expiring December 31, 2020.

Richard Masura - appointed to the unexpired four (4) year term of Susan Adelizzi-Schmidt, commencing January 1, 2018 and expiring December 31, 2021.

Sherrie Lisa Galderisi - appointed to a two (2) year term as Alternate #2, commencing January 1, 2018 and expiring December 31, 2019.

Larry J. Trulli - appointed to a two (2) year term as Alternate #3, commencing January 1, 2018 and expiring December 31, 2019.

Karen Mitchell - appointed to a two (2) year term as Alternate #4, commencing January 1, 2018 and expiring December 31, 2019.

2. The following appointments are hereby made to the Zoning Board of Adjustment:

Thaddeus Klepac - appointed to a two (2) year term as Alternate #1, commencing January 1, 2019 and expiring December 31, 2020.

Resolution No. 010-2019

Offered by: Barr

Seconded by: Corson

Adopted: January 4, 2019

Roll Call Vote:

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

11. Appointment of Class 3 member to the Upper Township Planning Board.

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

RESOLUTION NO. 011-2019

**RE: APPOINTMENT OF CLASS 3 MEMBER TO THE
UPPER TOWNSHIP PLANNING BOARD**

WHEREAS, it is necessary to appoint a member of the Governing Body to the Planning Board of the Township of Upper to serve as a Class 3 member of such Planning Board.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, that Committee person Hobart Young is hereby appointed as a Class 3 member of the Upper Township Planning Board for a term of one (1) year, effective immediately.

Resolution No. 011-2019

Offered by: Young Seconded by: Barr

Adopted: January 4, 2019

Roll Call Vote:

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

12. Appointment of various Officers and Employees to annual and specified terms.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 012 -2019

**RE: APPOINTMENT OF VARIOUS OFFICERS AND
EMPLOYEES TO ANNUAL AND SPECIFIED TERMS**

WHEREAS, a need exists in the Township of Upper to appoint various administrative, clerical and other personnel in order to staff the various positions of the Township for the ensuing year.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The following persons shall be appointed to the position opposite his or her name for a one (1)

year term commencing **January 1, 2019**:

ANNUAL APPOINTMENTS - ONE (1) YEAR TERM

NAME	POSITION	SALARY
Barbara Young	Official to Certify Municipal Improvement Searches; General Licensing Official	\$1,850.00
Joanne Herron	Public Agency Compliance Officer Deputy Township Clerk Secretary Board of Health	\$3,000.00 \$ 550.00

Janet McBride	Alternate Deputy Registrar	\$3,000.00
Barbara Spiegel	QPA/Purchasing Agent	\$3,000.00
Rhonda Sharp	Tax Search Officer	\$1,850.00
	Personnel Officer	\$7,000.00
Rosemary Trout	Assistant Finance Officer	\$3,000.00
	Passport Acceptance Agent	\$1,000.00
Patricia Smyth	Deputy Tax Collector	\$3,000.00
	Passport Acceptance Agent	\$1,000.00
Rhonda Sharp	Fund Commissioner/Claims Coordinator	\$3,500.00
Jay Potter	Safety Coordinator	\$3,500.00
Theodore Kingston	Asst. Safety Coordinator	\$1,500.00
Paul Dietrich	Computer Director	\$1,500.00
	Municipal Housing Liaison	\$2,500.00
	Floodplain Manager	\$1,000.00
	Stormwater Program Coordinator	
	Solid Waste Advisory Committee	
	Air Quality Control Officer	
Richard Palombo	Emergency Information Officer	No salary on this title.
Lawrence Cole	Secretary Sports & Recreation Advisory Board	\$2,200.00
	MAC Coordinator	\$4,450.00
Scott Morgan	9-1-1 Coordinator/Right to Know Director	\$1,000.00
J. Michael Jones	Deputy Municipal Emergency Management Coordinator	\$2,845.00
	Deputy Right to Know Director	\$1,000.00
Edward Carter	Deputy Municipal Emergency Management Coordinator	\$2,845.00
Bruce Riordan	2 nd Assistant Municipal Emergency Management	\$900.00
Karen Veach	School Crossing Guard	\$14.00/Hr.
LeRoy Shone	Assistant Recycling Coordinator	\$2,849.00
	Alternate Solid Waste Advisory Committee	
William McDaniels	Recycling Program Aide	\$2,500.00
	Recycling Certification	\$1,000.00
Jeremiah Williams	Playground Inspector	\$1,000.00
Shelley Lea	Zoning Official	\$7,500.00
	Housing Officer/Code Enforcement	\$7,500.00

3. The following persons are being appointed or are presently serving in the position indicated, either in a permanent or provisional capacity or for a fixed term.

NAME	POSITION	SALARY	TERM
Barbara Young	Township Clerk	\$68,137.00	Tenured
	Data Information Coordinator	\$ 3,500.00	
	Registrar of Vital Statistics	\$ 5,000.00	
	Keyboarding Clerk 2		
Rhonda Sharp	Tax Collector	\$69,411.00	Tenured
Megan A. McAfee	Township Tax Assessor	\$78,500.00	Tenured
Michelle Johnson	Keyboarding Clerk 1	\$43,491.00	Permanent
	Deputy Tax Assessor	\$ 3,000.00	
Barbara Spiegel	Chief Financial Officer	\$71,974.00	Tenured

	Keyboarding Clerk 2		
Paul Dietrich	Township Engineer	\$107,787.00	3-year term commencing 4/1/2018 and expiring 3/31/2021
James Birchmeier	Judge, Municipal Court	\$46,571.00	3-year term commencing 8/1/2017 and expiring 7/31/2020
Janet McCrosson	Municipal Court Administrator	\$66,303.00	1-year term commencing 12/1/2018 and expiring 11/30/2019
Loren Ready	Keyboarding Clerk 1 Acting Deputy Municipal Court Administrator	\$43,000.00	Permanent Provisional
Carol Marcolongo	Keyboarding Clerk 1	\$15.00/hour	Part-time
Therese Smuz	Keyboarding Clerk 1, Dept. of PW	\$42,000.00	Permanent
Shelley Lea	Keyboarding Clerk 1	\$59,936.00	Permanent
Joanne Herron	Keyboarding Clerk 1, Clerk's Office Deputy Registrar of Vital Statistics	\$47,158.00 \$ 3,000.00	Permanent 3-year term commencing 10/01/2016 and expiring 9/30/2019
Theodore Cooper	Construction Code Official Building Sub-Code Official	\$71,731.00 \$ 6,769.00	Permanent Permanent
Linda Loughlin	Keyboarding Clerk 1	\$49,500.00	Permanent
James Cotton	Plumbing Sub-Code Official (P/T)	\$20,000.00	Permanent
Dennis Sharpe	Fire Protection Sub-Code Official (P/T)	\$ 7,000.00	Provisional
Rosemary Trout	Keyboarding Clerk 1, Finance Office	\$41,292.00	Permanent
Patricia Smyth	Keyboarding Clerk 1, Tax Office	\$40,959.00	Permanent
Janet McBride	Keyboarding Clerk 1, Clerk's Office	\$40,822.00	Permanent
William Hoffmann	Electric Sub-Code Official Electrical Inspector	\$30,944.00	Permanent Permanent
	Fire Protection Inspector	\$ 3,500.00	Permanent
Lawrence Cole	Keyboarding Clerk 1	\$38,000.00	Permanent
Scott Morgan	Township Administrator Municipal Emergency Management Coordinator	\$65,000.00 \$14,606.00	Permanent 3-year appt. commencing 1/1/2019 and expiring 12/31/2021

Jay Potter	Chief E.M.T.	\$73,614.00	Permanent
Linwood Chatten	Sr. Emergency Medical Technician	\$60,678.00	Permanent
Mellissa Gannon	Sr. Emergency Medical Technician	\$60,678.00	Permanent
Michelle Sampson	Sr. Emergency Medical Technician	\$60,678.00	Permanent
Melissa Blackledge	Emergency Medical Technician (3 or more years)	\$55,372.00	Permanent
Daniel Dubbs	Emergency Medical Technician	\$16.00/Hr	Part-Time
Patricia Kravitz	Emergency Medical Technician	\$16.00/Hr	Part-Time
Roy Blackledge	Emergency Medical Technician	\$16.00/Hr	Part-Time
James Sampson	Emergency Medical Technician	\$16.00/Hr	Part-Time
Valerie McKim	Emergency Medical Technician	\$16.00/Hr	Part-Time
Francis Corcoran	Emergency Medical Technician	\$16.00/Hr	Part-Time
Angel Anderson	Emergency Medical Technician	\$16.00/Hr	Part-Time
Deborah Dore	Emergency Medical Technician	\$16.00/Hr	Part-Time
Matthew Steinthal	Emergency Medical Technician	\$16.00/Hr	Part-Time
John Hemby	Emergency Medical Technician	\$16.00/Hr	Part-Time
Anthony Caine	Emergency Medical Technician	\$16.00/Hr	Part-Time
Mikhaila Hemby	Emergency Medical Technician	\$16.00/Hr	Part-Time
Bobbi Potter	Emergency Medical Technician	\$16.00/Hr	Part-Time
Lauren DiGiovanni	Emergency Medical Technician	\$16.00/Hr	Part-Time
Eileen Gannon	Emergency Medical Technician	\$16.00/Hr	Part-Time
Amanda Grau	Emergency Medical Technician	\$16.00/Hr	Part-Time
Patrick Dugan	Emergency Medical Technician	\$16.00/Hr	Part-Time
Mark Newman	Emergency Medical Technician	\$16.00/Hr	Part-Time
Perry Coker	Emergency Medical Technician	\$16.00/Hr	Part-Time
Matthew Capone	Emergency Medical Technician	\$16.00/Hr	Part-Time
Christopher Gay	Emergency Medical Technician	\$16.00/Hr	Part-Time
Donald Fancher	Emergency Medical Technician	\$16.00/Hr	Part-Time
Charles Kaczmarski, Jr.	Emergency Medical Technician	\$16.00/Hr	Part-Time
Brandon L. Smith	Emergency Medical Technician	\$16.00/Hr	Part-Time
Scott T. Mensinger	Emergency Medical Technician	\$16.00/Hr	Part-Time
Danyl D. Loyle	Emergency Medical Technician	\$16.00/Hr	Part-Time
Carolyn A. Raff	Emergency Medical Technician	\$16.00/Hr	Part-Time
Michael F. Linz	Emergency Medical Technician	\$16.00/Hr	Part-Time

John Brittin	Emergency Medical Technician	\$16.00/Hr	Part-Time
Paula Brooks	Emergency Medical Technician	\$16.00/Hr	Part-Time
Wally Welliver	Emergency Medical Technician	\$16.00/Hr	Part-Time

4. The following persons are presently serving and shall continue serving in the Department of Public Works in the position and at the salary indicated as follows:

NAME	POSITION	SALARY	TERM
LeRoy Shone	Road Repairer Supervisor Principal Public Works Manager	\$82,527.00	Permanent
Christopher Thomas	Road Repairer 3	\$74,511.00	Permanent
Thomas Woolley	Supervising Equipment Operator	\$70,523.00	Permanent
James M. Jones	Supervising Carpenter	\$70,523.00	Permanent
Duane Terwilliger	Maintenance Supervisor, Grounds	\$70,589.00	Permanent
John Adams	Maintenance Worker 3, Grounds	\$70,523.00	Permanent
Daniel Schuler	Senior Mechanic	\$58,755.00	Permanent
John Hope	Mechanic	\$56,120.00	Permanent
Harry Downam	Maintenance Repairer	\$56,643.00	Permanent
Richard Kaczmariski	Maintenance Repairer	\$56,643.00	Permanent
William McDaniels	Carpenter	\$55,084.00	Permanent
David Pennello	Carpenter	\$56,643.00	Permanent
Nicholas Mason	Equipment Operator	\$56,643.00	Permanent
Raymond Blaker	Equipment Operator	\$56,643.00	Permanent
Edward Kline	Truck Driver Heavy	\$55,084.00	Permanent
Stewart Segin	Equipment Operator	\$55,084.00	Permanent
Brian Keenan	Truck Driver	\$55,335.00	Permanent
Richard McCauley	Truck Driver	\$55,335.00	Permanent
Ralon Armstrong	Truck Driver Heavy	\$55,084.00	Permanent
John Chisholm	Truck Driver	\$53,775.00	Permanent
Brian Bushong	Truck Driver	\$53,775.00	Permanent
Peter Buganski	Maintenance Worker 1, Grounds	\$53,775.00	Permanent
Josh Adams	Laborer 1	\$54,054.00	Permanent
Lester F. Woody, III	Laborer 1	\$54,054.00	Permanent
Anthony V. Parsio	Truck Driver	\$53,775.00	Permanent
Jeremiah Williams	Maintenance Worker 2, Grounds	\$56,643.00	Permanent
Edward Carter	Maintenance Worker 1, Grounds	\$55,335.00	Permanent

John Kohler	Maintenance Worker 1, Grounds	\$55,335.00	Permanent
Roger Van Order	Maintenance Worker 1, Grounds	\$53,775.00	Permanent
Michael Mayne	Laborer 1	\$54,054.00	Permanent
Matthew Edwards	Laborer 1	\$48,600.00	Permanent
Anthony Lea	Laborer 1	\$48,600.00	Permanent
Andrew Mangam	Laborer 1	\$48,600.00	Permanent
James Heilman	Laborer 1	\$44,182.00	Permanent
Barbara Grund	Bldg. Maintenance Worker	\$39,767.00	Permanent

5. The following persons shall be appointed to the Board of Health of the Township of Upper:

Township Committee
Tax Assessor, Megan McAfee
Joanne Herron, Clerk for the Board

6. The following persons shall be appointed to the Lighting Committee of the Township of Upper:

Township Committee

7. The following persons shall be appointed to the Finance Committee of the Township of Upper:

Mayor
Chief Financial Officer
Municipal Clerk
Township Committee Member in Charge of Finance

Resolution No. 012 –2019

Offered by: Corson

Seconded by: Barr

Adopted: January 4, 2019

Roll Call Vote:

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

13. Meeting Procedures.

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

RESOLUTION NO. 013-2019

RE: PROCEDURE TO BE FOLLOWED IN WORK SESSION MEETINGS AND REGULAR MEETINGS OF THE TOWNSHIP COMMITTEE; LIMITING THE TIME OF SUCH MEETINGS; AND PROVIDING A SCHEDULE FOR THE ORDERLY CONDUCT OF SUCH MEETINGS AND ESTABLISHING CERTAIN OTHER RULES AND REGULATIONS PERTAINING TO SAME

WHEREAS, the Open Public Meetings Law of the State of New Jersey requires that meetings of the Governing Body be open to the public, except in certain limited instances; and

WHEREAS, the Township Committee may hold a work session meeting prior to the regularly scheduled meeting of the Township Committee, which work session meeting shall be open to the public in accordance with the provisions of Resolution No. 008-2019, unless the subject matter under discussion involves one or more matters set forth in N.J.S.A. 10:4-12(b), in which event the public shall be excluded from that portion of the meeting; and

WHEREAS, it is necessary to establish a procedure for the orderly transaction of such business.

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 regular meeting of the Township Committee will commence at 7:30 p.m. on those dates which have been designated as meeting dates. The Township Committee may convene publicly, however, at 6:30 p.m. for a work session meeting. The public may be excluded from a meeting upon the adoption of an appropriate Resolution in order to discuss one or more of the following subject matters:

(A) Any matter which, by express provision of Federal Law or State Statute or Rule of Court shall be rendered confidential or excluded from the provisions of subsection A. of this section (N.J.S.A. 10:4-12);

(B) Any matter in which the release of information would impair a right to receive funds from the Government of the United States;

(C) Any material, the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, dates, reports, recommendations, or other personal material of any educational, training, social service, medical health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request, in writing, that the same be disclosed publicly;

(D) Any Collective Bargaining Agreement, or the terms and conditions which are proposed for inclusion in any Collective Bargaining Agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body;

(E) Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed;

(F) Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law;

(G) Any pending or anticipated litigation or contract negotiations other than in subsection (4) herein in which the public body is, or may become, a party. Any matter falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer;

(H) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request, in writing, that such matter or matters be discussed at a public meeting;

(I) Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.

3. The Resolution which shall be adopted closing the meeting to the public shall be adopted in accordance with the provisions of N.J.S.A. 10:4-13, which shall state the general nature of the subject to be discussed and shall state, as precisely as possible, the time when and the circumstances under which the discussion conducted in closed session of the Governing Body can be disclosed to the public.

4. Promptly at 7:30 p.m. the work session of the Township Committee, whether opened or closed to the public, shall terminate and the regular meeting of the Township Committee shall commence. All meetings shall continue unless a recess occurs, until 10:30 p.m., at which time the public shall be excluded from the meeting in order to permit the Township Committee to take up one or more of the matters enumerated in Section 2 of this Resolution. Such closed session shall terminate so as to permit the meeting to be reopened to the public and to be adjourned not later than 11:00 p.m.

RULES PERTAINING TO PUBLIC COMMENT:

5. In the conduct of public meetings and the course of receiving public comments, the following procedures shall apply:

(A) Any member of the public wishing to address the Township Committee on any matter, including public hearings on the adoption of Ordinances or the adoption of the Township Budget, shall be limited to a total of five (5) minutes, at which point such individual shall cease speaking and shall not thereafter be recognized, except in the exercise of the sound discretion of the Mayor or other presiding officer, which discretion should only be exercised after all other persons desiring to address the Township Committee on any issue have had an opportunity to do so.

(B) In receiving public comments on a particular issue or in conducting public hearings on the adoption of an Ordinance or the Annual Budget, or in conducting any other public hearing, the Mayor, or the presiding officer in the absence of the Mayor, shall determine, either in the exercise of his discretion or on a motion

adopted by a majority of the members of the Township Committee, the amount of time that is to be devoted to the particular issue and discussion thereon shall be limited accordingly. Any such determination made by the Mayor or presiding officer may be the subject of an appeal to the Township Committee as a whole, which may overrule such determination by majority vote.

(C) In calling for public comment, the Mayor or presiding officer shall recognize a particular member of the public. Upon being recognized, such person shall state his or her full name, address and general nature of the matter to be commented upon, unless such comments are in the course of a public hearing on a particular subject, in which event such comments must be limited to the matter under discussion and shall not relate to any other issue.

(D) The Mayor or other presiding officer shall give preference to residents of the Township of Upper who shall be afforded an opportunity to speak first before any non-resident is recognized. Such determination shall not apply to any public official seeking to address the Township Committee, nor shall it apply to any attorney or other representative appearing on behalf of any resident of the Township, provided that the identity and address of the Township Resident is first disclosed.

(E) All comments made by the public shall be addressed to the Township Committee and shall not be addressed to any other member of the public, nor shall such comments provide a forum for debate between or among members of the public. Any person violating this provision shall be declared "out of order" and shall thereupon forfeit his or her right to address the Governing Body.

(F) The procedures outlined in this Resolution are intended to encourage and to foster the greatest possible participation in municipal government by members of the public and in order to achieve that purpose, these rules and regulations are intended to reduce multiplicitous comments by a single individual, as well as comments of long duration or which are or may be repetitive or argumentative in nature.

Resolution No. 013-2019

Offered by: Barr Seconded by: Corson

Adopted: January 4, 2019

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>	_____	_____	

14. Imposing a fee of twenty-five dollars on all checks given to the Township of Upper, which are dishonored for any reason.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 014-2019

**RE: IMPOSING A FEE OF TWENTY-FIVE (\$25.00) DOLLARS
ON ALL CHECKS GIVEN TO THE TOWNSHIP OF UPPER WHICH ARE
DISHONORED FOR ANY REASON**

WHEREAS, the Chief Financial Officer of the Township of Upper has reported to the Township Committee an increase in the number of checks which are returned by the maker's bank due to insufficient funds or for other reasons; and

WHEREAS, such circumstances have greatly increased the time involved in the processing of transactions and has otherwise increased the administrative costs to the Township; and

WHEREAS, a returned check item results in a charge to the Township of Upper by the depository bank; and

WHEREAS, the Chief Financial Officer has recommended to the Township Committee the imposition of a charge to cover all such checks which are returned or dishonored by the maker's bank for any reason.

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 is hereby authorized to impose a charge of twenty-five (\$25.00) Dollars against any person who tenders a check to the Township, which check is dishonored by the bank upon which it is drawn for insufficient funds or for any other reason. The Twenty-five (\$25.00) Dollar fee shall be in addition to all other fees which are due and payable to the Township and shall be collected in the same manner as are taxes and penalties.

3. An appropriate notice shall be posted by the Municipal Clerk in a conspicuous location, advising all persons that such charge will be imposed effective immediately.

4. This Resolution shall take effect immediately.

Resolution No. 014-2019
Offered by: Coggins
Adopted: January 4, 2019

Seconded by: Young

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Barr	_X_	_____	_____	_____
Coggins	_X_	_____	_____	_____
Corson	_X_	_____	_____	_____
Young	_X_	_____	_____	_____
Palombo	_X_	_____	_____	_____

15. Authorizing the Chief Financial Officer to maintain a Petty Cash Fund.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 015-2019

**RE: AUTHORIZING THE CHIEF FINANCIAL OFFICER TO
MAINTAIN A PETTY CASH FUND IN THE AMOUNT OF \$100.00**

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund for the Chief Financial Officer; and

WHEREAS, said Petty Cash Fund was established by Resolution dated June 28, 1993 by the Township Committee of the Township of Upper; and

WHEREAS, said Petty Cash Fund received approval from the Director of Local Government Services on July 13, 1993; and

WHEREAS, it is the desire of the Township Committee that said fund be continued under the direction of the Chief Financial Officer;

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Upper that:

1. The allegations of the preamble are incorporated in full.
2. During the year 2019, Barbara Spiegel, Chief Financial Officer, be and is hereby authorized and permitted to establish a Petty Cash Fund in the amount not to exceed \$100.00 pursuant to the provisions of N.J.S.A. 40A:5-21. Said Petty Cash Fund will be used by such office or department to pay claims for small miscellaneous expenses.
3. Barbara Spiegel, Chief Financial Officer, having custody of the Fund be bonded in an amount not less than \$1,000.00 or the amount of the fund, which ever is greater and will maintain said Fund in accordance with the laws and regulations governing its operation.

Resolution No. 015-2019

Offered by: Coggins Seconded by: Barr

Adopted: January 4, 2019

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>	_____	_____	_____

16. Authorizing the Tax Assessor to file a petition of Appeal or Appeals for the Tax Year 2019 with the Cape May County Board of Taxation and/or the Tax Court of New Jersey to seek corrections of errors and proper values.

**TOWNSHIP OF UPPER
COUNTY OF CAPE MAY
RESOLUTION**

RESOLUTION NO. 016-2019

**RE: AUTHORIZING THE TAX ASSESSOR TO FILE A
PETITION OF APPEAL OR APPEALS FOR THE TAX YEAR 2019 WITH THE
CAPE MAY COUNTY BOARD OF TAXATION AND OR THE TAX COURT OF NEW JERSEY TO
SEEK CORRECTION OF ERRORS AND PROPER VALUES.**

WHEREAS, from time to time the Tax Assessor of the Township of Upper discovers an error in calculation, transposition, measurement or typographical error in the tax assessment on the tax list after the time within which the County Board of Taxation has certified the tax rates of the tax year; and

WHEREAS, the governing body of the taxing district of the Township of Upper is desirous that every taxpayer shall pay their fair share of taxes; and

WHEREAS, if said error is discovered by the Tax Assessor in the normal course of his business and is not corrected, the affected taxpayers would be paying more or less than their fair share of taxes; and

WHEREAS, in each instance, the error discovered was not caused by any act or omission of the taxpayer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Township Committee of the taxing district of the Township of Upper that the Tax Assessor is hereby authorized and permitted to file a Petition of Appeal or Appeals for the tax year 2019 with the Cape May County Board of Taxation and or the Tax Court of New Jersey to seek correction of such errors, and in each instance, to either raise or lower the assessment to the correct and proper value; and

BE IT FURTHER RESOLVED that in each such instance, a copy of any Petition of Appeal filed with the Cape May County Board of Taxation and or the Tax Court of New Jersey pursuant to the authorization extended by this Resolution shall be filed with the Township Clerk of the Township of Upper; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded by the Clerk of the Township of Upper to the Cape May County Board of Taxation and or the Tax Court of New Jersey upon passage of this Resolution; and

BE IT FINALLY RESOLVED that a certified copy of this Resolution shall be forwarded to the Cape May County Board of Taxation and or the Tax Court of New Jersey accompanying any Petition of Appeal which may be filed by the Assessor under this authority extended herein.

Resolution No. 016-2019

Offered by: Coggins
Adopted: January 4, 2019
Roll Call Vote:

Seconded by: Barr

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

17. Adopting the Cash Management Plan for the Township of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 017-2019

**RE: ADOPTING THE CASH MANAGEMENT PLAN OF
THE TOWNSHIP OF UPPER**

WHEREAS, N.J.S.A. 40A:5-14 requires each municipality adopt a Cash Management Plan and that all municipal funds shall be managed pursuant to that Plan; and

WHEREAS, the cash management plan shall include the designation of a depository or depositories as permitted in section 4 of P.L. 1970, c235(C:17:9-44); and

WHEREAS, the cash management plan shall be designed to assure to the extent practicable, the investment of local funds in interest bearing accounts and may be modified from time to time in order to reflect changes in federal or state law or regulations and other reasons; and

WHEREAS, the cash management plan shall be subject to the annual audit conducted pursuant to N.J.S.A. 40A:5-4.

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 to the preamble are incorporated herein by this reference.
2. The Cash Management Plan for the Township of Upper for the year January 1, 2019 through December 31, 2019, a copy of which is on record in the office of the Township Clerk and in the office of the Township Chief Financial Officer, is hereby adopted.
3. The Cash Management Plan shall remain in full force and effect for the term January 1, 2019 through December 31, 2019, unless sooner modified or amended, as permitted by law, and until such time as a replacement Cash Management Plan is approved by the Governing Body through the adoption of a formal Resolution.

BE IT FURTHER RESOLVED that the proper officials be and are hereby authorized to do all things necessary to carry out the intent of this Resolution.

Resolution No. 017-2019
 Offered by: Coggins
 Adopted: January 4, 2019
 Roll Call Vote:

Seconded by: Barr

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

**TOWNSHIP OF UPPER
 COUNTY OF CAPE MAY
 STATE OF NEW JERSEY**

CASH MANAGEMENT PLAN

I. STATEMENT OF PURPOSE:

This Cash Management Plan (the “Plan”) is prepared pursuant to the provisions of N.J.S.A. 40A:5-14 in order to set forth the basis for the deposits (“Deposits”) and investment (“Permitted Investments”) of certain public funds of the Township, pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments hereinafter referred to. The intent of the Plan is to provide that the decisions made with regard to the Deposits and the Permitted Investments will be done to insure the safety, the liquidity (regarding its availability for the intended purposes) and the maximum investment return within such limits. The Plan is intended to insure that any Deposit or Permitted Investments matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

II. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY THE PLAN.

A. The Plan is intended to cover the deposit and/or investment of the following funds and accounts of the Township.

- Current Fund
- Trust Fund
- General Capital Fund
- Public Assistance Fund
- Payroll Fund

III. DESIGNATION OF OFFICIALS OF THE TOWNSHIP AUTHORIZED TO MAKE DEPOSITS AND INVESTMENTS UNDER THE PLAN.

The Chief Financial Officer and the Treasurer of the Township (the “Designated Officials”) are hereby authorized and directed to deposit and/or invest the funds referred to in the Plan. Prior to making any such Deposits or any Permitted Investment, such officials of the Township are directed to supply all depositories or any other parties with whom the Deposits or Permitted Investments are made a written copy of this Plan which shall be acknowledged in writing by such parties and a copy of such acknowledgment kept on file with such officials.

IV. **DESIGNATION OF DEPOSITORIES.**

The following banks and financial institutions are hereby designated as official depositories for the Deposit of all public funds referred to in the Plan, including any certificates of Deposit which are not otherwise invested in Permitted Investments as provided for in this Plan.

Ocean First Bank
PNC Bank, New Jersey
First Bank of Sea Isle City
Municipal Investors Corp.
N.J. Cash Management Plan
Bank of America, N.A.
Sturdy Savings Bank
TD Bank
Wells Fargo

All such depositories shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgment to the Designated Official(s) referred to in Section III.

V. **DESIGNATION OF OFFICIALS TO SIGN CHECK AND WITHDRAWALS OF THE TOWNSHIP OF UPPER.**

Pursuant to N.J.S.A. 40A:5-17B(2), that the following named officials shall sign checks and authorized withdrawals for the Township of Upper for the Current Fund, Public Assistance Fund, Operating Fund and Payroll Fund:

Richard Palombo
Mayor

Barbara L. Young, RMC
Township Clerk

Barbara Spiegel
CFO

OR

Rosemary Trout
Assistant Finance Officer

All checks and withdrawals shall be signed with three (3) signatures, namely, the Mayor, Township Clerk and Township Chief Financial Officer or in the Township Chief Financial Officer's absence, the Assistant Finance Officer.

The following named officials shall sign checks and authorize withdrawals for the Township of Upper for the Trust Fund and the General Capital Fund:

Barbara Spiegel
CFO

OR

Rosemary Trout
Assistant Finance Officer

All checks and withdrawals shall be signed with one (1) signature, namely, the Township Chief Financial Officer or in the Township Chief Financial Officer's absence, the Assistant Finance Officer.

VI. **DESIGNATION OF BROKERAGE FIRMS AND DEALERS WITH WHOM THE DESIGNATED OFFICIALS MAY DEAL**

The following brokerage firms and/or dealers and other institutions are hereby designated as firms with whom the Designated Official(s) of the Township referred to in this Plan may deal for purposes of buying and selling securities identified in this Plan as Permitted Investments or otherwise providing for Deposits. All such brokerage firms and/or dealers shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgment to the Designated Official(s) referred to in Section III above.

None Designated

VII AUTHORIZED INVESTMENTS.

A. Except as otherwise specifically provided for herein, the Designated Officials are hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:

- (1) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America;
- (2) Government money market mutual funds;
- (3) Any obligation that a federal agency or a federal instrumentally has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;
- (4) Bonds or other obligations of the Local unit or bonds or other obligations of school districts of which the Local Unit is a part or within which the school district is located;
- (5) Bonds or other obligations, have a maturity date not more than 397 days From the date of purchase, approved by the Division of Investment of the Department of the Treasury for investment by Local Units;
- (6) Local government investment pools;
- (7) Deposits with the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L. 1977, c.281 (C.52:18A-90.4); or
- (8) Agreements for the repurchase of fully collateralized securities if:
 - (a) the underlying securities are permitted investments pursuant to Paragraphs (1) and (3) of this subsection;
 - (b) the custody of collateral is transferred to a third party;
 - (c) the maturity of the agreement is not more than 30 days;
 - (d) the underlying securities are purchased through a public depository as defined in section 1 of P.L. 1970, c.236 (C17:9-41); and
 - (e) a master repurchase agreement providing for the custody and security of collateral is executed.

For purposes of the above language, the terms "government money market mutual fund" and "local government investment pool" shall have the following definitions:

Government Money Market Mutual Fund. An investment company or investment trust:

- (a) which is registered with the Securities and Exchange Commission Under the "Investment Company Act of 1940", 15 U.S.C. sec. 80a-1 et seq. And operated in accordance with 17 C.F.R. sec 270.2a-7.
- (b) the portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities; and

- (c) which has:
 - (i) attained the highest ranking or the highest letter and Numerical rating of a nationally recognized statistical rating organization; or
 - (ii) retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission Pursuant to the “Investment Advisors Act of 1940,” 15 U.S.C. sec.80b-1 et seq., with experience investing in U.S. government securities for at least the most recent past 60 months and with assets under management in excess of \$500 million.

Local Government Investment Pool, An investment pool:

- (a) which is managed in accordance with 17 C.F.R. sec. 270.2a-7;
- (b) which is rated in the highest category by a nationally recognized statistical rating organization;
- (c) which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. sec.270.2a-7 and repurchase agreements that are collateralized by such □J.S. Government securities;
- (d) which is in compliance with rules adopted pursuant to this “Administrative Procedure Act,” P.L. 1968, c.410 (c.52:14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirement, and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investment.
- (e) which does not permit investments in instruments that are subject to high price volatility which changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value; and
- (f) which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a national or State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967 c.9 (C.49:3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government securities.

B. Notwithstanding the above authorization, the monies on hand in the following funds and accounts shall be further limited as to maturities, specific investments or otherwise as follows:

Limited only to maturities, 1 year or less

VIII. SAFEKEEPING CUSTODY PAYMENT AND ACKNOWLEDGMENT OF RECEIPT OF PLAN.

To the extent that any Deposit or Permitted Investments involve a document or security which is not physically held by the Township, then such instrument or security shall be covered by a custodial agreement with an independent third party, which shall be a financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the Township to assure that there is no unauthorized use of the funds or the Permitted Investments or Deposits. Purchase of

any Permitted Investments that involve securities shall be executed by a "delivery versus payment" method to insure that such Permitted Investments are either received by the Township or by a third party custodian prior to or upon the release of the Township's funds. To assure that all parties with whom the Township either by way of Deposits or Permitted Investments are aware of the authority and the limits set forth in this Plan, all such parties shall be supplied with a copy of this Plan in writing and all such parties shall acknowledge the receipt of that Plan in writing, a copy of which shall be on file with the Designated Official(s).

IX REPORTING REQUIREMENTS

On the first day of each month during which this Plan is in effect, the Designated Official(s) referred to in Section III hereof shall supply to the governing body of this Township, a written report of any Deposits or Permitted Investments made pursuant to this Plan, which shall include, at a minimum, the following information:

- A. The name of any institution holding funds of the Township as a Deposit or a permitted investment.
- B. The amount of securities or deposits purchased or sold during the Immediately preceding month.
- C. The class or type of securities purchased or deposits made.
- D. The book value of such deposits or permitted investments.
- E. The earned income on such deposits or permitted investments. To the extent that such amounts are actually earned at maturity, this report shall provide an accrual of such earnings during the immediately preceding month.
- F. The fees incurred to undertake such deposits or permitted investments.
- G. The market value of all deposits or permitted investments as of the end of the immediately preceding month.
- H. All other information which may be deemed reasonable from time to time by the governing body of the Township.

X TERM OF PLAN.

This Plan shall be in effect **from January 1, 2019 to December 31, 2019**. The Plan may be amended from time to time. To the extent that any amendment is adopted by the Township Committee, the Designated Officials are directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved Plan, which amendment shall be acknowledged in writing in the same manner as the original Plan was so acknowledge.

18. Temporary Budget for year 2019.

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

RESOLUTION NO. 018-2019

RE: 2019 TEMPORARY BUDGET

WHEREAS, N.J.S.A. 40A:4-19 provides that the governing body shall by Resolution adopted prior to January 31 of the fiscal year make appropriations to provide for the period between the beginning of the fiscal year and the adoption of the budget; and

WHEREAS, the total of the appropriations so made shall not exceed 26.25% of the total of the appropriations made for all purposes in the Budget for the preceding year excluding public assistance, such amount being **\$3,140,693.36.**

NOW, THEREFORE BE IT RESOLVED, that the following appropriations shall constitute the Temporary Budget for the year 2019:

ADMINISTRATIVE & EXECUTIVE

Mayor and Committee	
Salary and Wages	\$17,900.00
Mayor and Committee O/E	\$2,000.00
DCRP-Township Committee	\$3,000.00
Municipal Clerk	
Salary and Wages	\$59,000.00

OTHER EXPENSES

Miscellaneous O/E	\$8,000.00
Cape Mediation	\$2,300.00
Cape Assist EAP	\$1,155.00

FINANCIAL ADMINISTRATION

Salaries & Wages	\$54,000.00
Miscellaneous O/E	\$3,000.00
Computer Hardware/Software	\$40,000.00
Annual Audit	\$20,000.00

ASSESSMENT OF TAXES

Salaries & Wages	\$34,000.00
Miscellaneous O/E	\$2,000.00

COLLECTION OF TAXES

Salaries & Wages	\$31,100.00
Miscellaneous O/E	\$1,000.00
Purchase TTL	\$0

LEGAL SERVICES AND COSTS

Other Expenses	\$35,000.00
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MUNICIPAL COURT

Salaries & Wages	\$42,000.00
Miscellaneous O/E	\$10,000.00

PUBLIC DEFENDER

Salaries & Wages	\$5,550.00
MUNICIPAL PROSECUTOR	
Salaries & Wages	\$12,000.00
ENGINEERING SERVICES & COSTS	
Salaries & Wages	\$29,300.00
Other Expenses	\$5,000.00
PUBLIC BUILDINGS & GROUNDS	
Salaries & Wages	\$183,500.00
Other Expenses	\$65,000.00
PLANNING BOARD	
Salaries & Wages	\$10,700.00
Other Expenses	\$2,000.00
BOARD OF ADJUSTMENT	
Salaries & Wages	\$10,700.00
Other Expenses	\$2,000.00
CONSTRUCTION OFFICE & BUILDING INSPECTOR	
Salaries & Wages	\$51,200.00
Other Expenses	\$2,000.00
INSURANCE	
Group Insurance for Employees	\$555,000.00
Other Insurance Premiums	\$65,000.00
Workers Compensation	\$92,500.00
SCHOOL CROSSING GUARD	
Salaries & Wages	\$2,900.00
Miscellaneous O/E	\$200.00
BEACH PATROL	
Salaries & Wages	\$1,000.00
Other Expenses	\$2,000.00
EMERGENCY MANAGEMENT/RTK	
Salaries & Wages	\$6,500.00
Miscellaneous O/E	\$4,000.00

ROAD REPAIRS & MAINTENANCE

Salaries & Wages	\$243,800.00
Miscellaneous O/E	\$40,000.00

SURFACING OF ROADS CONTRACTUAL

\$0

STREET LIGHTING

\$90,000.00

GARBAGE & TRASH REMOVAL

Salaries & Wages	\$109,500.00
Miscellaneous O/E	\$20,000.00
Tipping Fees	\$105,000.00

BOARD OF HEALTH

Salaries & Wages	\$150.00
Miscellaneous O/E	\$200.00

DOG REGULATION

Miscellaneous O/E	\$28,000.00
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PUBLIC INFORMATION

Miscellaneous O/E	\$500.00
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ZONING/CODE OFFICIAL

Salaries & Wages	\$4,100.00
Miscellaneous O/E	\$200.00

SPORTS & RECREATION

Salaries & Wages	\$600.00
Miscellaneous O/E	\$30,000.00

FIRST AID ORGANIZATION

Salaries & Wages	\$171,000.00
Miscellaneous O/E	\$20,000.00

RECYCLING

Salaries & Wages	\$103,000.00
Miscellaneous O/E	\$20,000.00

AFFORDABLE HOUSING

Salaries & Wages	\$700.00
Miscellaneous O/E	\$300.00

COMMUNITY CENTER

Miscellaneous O/E	\$8,000.00
CELEBRATION OF PUBLIC EVENTS	\$2,000.00
SOCIAL SECURITY SYSTEM	\$95,000.00
SPECIAL LITIGATION	\$35,000.00
SUI CONTRIBUTION	\$1,500.00
CENTRAL DISPATCH	\$61,000.00
ALCOHOL & DRUG TESTING	\$1,500.00
COMP. ABSENCES RESERVES	\$100.00
PERS	\$475,669.00

Total **\$3,140,324.00**

Resolution No. 018-2019

Offered by: Coggins Seconded by: Young

Adopted: January 4, 2019

Roll Call Vote:

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

19. Appointment of the Risk Management Consultant.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 019-2019

**RE: AUTHORIZING THE APPOINTMENT OF THOMAS H. HEIST IV
AS RISK MANAGEMENT CONSULTANT TO PERFORM VARIOUS
PROFESSIONAL SERVICES ON BEHALF OF THE TOWNSHIP OF UPPER RELATIVE TO THE
ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND AND MUNICIPAL EXCESS
LIABILITY JOINT INSURANCE FUND**

WHEREAS, the Township Committee of the Township of Upper has resolved to join the Atlantic County Municipal Joint Insurance Fund, a self-insurance pooling fund, following a detailed analysis; and

WHEREAS, the by-laws of the Funds require that each municipality appoint a Risk Management Consultant to perform various professional services as detailed in the by-laws; and

WHEREAS, NJSA 40A:11-5 (1)(m), specifically exempts the hiring of insurance consultants from competitive bidding as an extraordinary unspecifiable service; and

WHEREAS, the experience, knowledge of public insurance and risk management issues and judgmental nature required of a Risk Management Consultant are clearly an extraordinary unspecifiable service which therefore render competitive bidding impractical:

WHEREAS, the Township purchasing agent has determined and certified in writing that the value of the contract for the Risk Management Consultant will not exceed \$17,500.00; and

WHEREAS, Thomas H. Heist IV has completed and submitted a Business Entity Disclosure Certification which certifies that Thomas H. Heist IV has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c.19 would bar the award of this contract and that Thomas H. Heist IV shall not make any such reportable contributions during the term of this contract; and

NOW THEREFORE BE IT RESOLVED that the governing body of the Township of Upper does hereby appoint Thomas H. Heist IV as its Risk Management Consultant in accordance with 40A:11-5 and;

BE IT FURTHER RESOLVED that the governing body is hereby authorized and directed to execute the Consultant's Agreement annexed hereto as "Exhibit A"; and

1. The Township Clerk is hereby authorized and directed to cause a Notice of Award of this Contract to be published in the official newspaper of the Township of Upper, as required by N.J.S.A. 40A:11-5(1),(a),(i), within ten (10) days of its passage.

2. The contractor has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.
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. 019-2019
 Offered by: Barr
 Adopted: January 4, 2019
 Roll Call Vote:

Seconded by: Coggins

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>	_____	_____	

20. Confirming Appointments to various positions required by the Atlantic County Municipal Joint Insurance Fund.

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

RESOLUTION NO. 020-2019

**RE: CONFIRMING APPOINTMENTS TO VARIOUS POSITIONS REQUIRED BY THE
 ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the Township of Upper is a member of the Atlantic County Municipal Joint Insurance Fund (“JIF”); and

WHEREAS, the Township, as a participating member of JIF, is required to create certain positions and to fill those positions; and

WHEREAS, the Township Committee duly considered this matter and made certain appointments which are hereby ratified and confirmed through this Resolution;

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 makes the following appointments as Township representatives or Township committees with respect to Township participation in the Atlantic County JIF:

Fund Commissioner: Rhonda Sharp

Alternate Fund Commissioner: Barbara L. Young, Township Clerk

Risk Management Consultant: Thomas H. Heist, IV; Thomas Heist Insurance Agency

Alternate Risk Management Consultant: Mike Connolly

Claims Coordinator: Rhonda Sharp

Safety Coordinator: Jay Potter, Chief, Upper Township Rescue Squad

Asst. Safety Coordinator: Theodore Kingston

Wellness Coordinator: Janet McBride

Township Committee Member: Curtis T. Corson, Jr.

Safety and Wellness Committee:

- Curtis T. Corson, Jr.
- Scott Morgan; Alt. James M. Jones
- Jay Potter; Alt. Michelle Sampson
- Therese Smuz; Alt. Leroy Shone
- Theodore Kingston
- Paul Dietrich
- Rhonda Sharp; Alt. Patricia Smyth
- Barbara Young; Alt. Joanne Herron
- Brian Keenan; Alt. Roger VanOrder
- Jeremy Williams

3. The Safety and Wellness Committee will meet not less than quarterly to discuss safety issues.

4. A certified copy of this Resolution shall be sent to the Atlantic County Joint Insurance Fund to the attention of Paul Miola, Executive Director and a copy of this Resolution shall be provided to each of the persons named herein.

Resolution No. 020-2019

Offered by: Corson

Second by: Barr

Adopted: January 4, 2019

Roll Call Vote:

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

Palombo X _____

21. Appointments to the Upper Township Sports and Recreation Advisory Board.

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

RESOLUTION NO. 021-2019

**RE: APPOINTMENTS TO THE UPPER TOWNSHIP
SPORTS AND RECREATION ADVISORY BOARD**

WHEREAS, a need exists in the Township of Upper to appoint suitable persons to the Sports and Recreation Advisory Board of the Township of Upper; and

WHEREAS, the Township Committee deems it appropriate that the membership of the Sports and Recreation Advisory Board include both the Committeeperson in charge of the Public Works Department and the Committeeperson in charge of the Department of Sports and Recreation Programs; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The following persons be and are hereby appointed to the Sports and Recreation Advisory Board of the Township of Upper for a one (1) year term, commencing January 1, 2019 and expiring on December 31, 2019, provided, however, that such member shall continue to serve until his/her successor is duly appointed and qualified:

**Member in charge of the
Department of Sports and Recreation Programs**

Hobart Young

**Member in charge of the
Department of Public Works**

Edward Barr

Volunteer Resident Members

Ronald Di Giovanni

**Bruce DiNardo
Robert Kimball**

Volunteer Alternate Resident Member

Joseph Loteck

3. The forgoing appointees shall constitute the sole members of the Sports and Recreation Advisory Board for 2019, subject to the provision of Paragraph 4 hereof.

4. The Township Committee expressly reserves the right to supplement this Resolution at any time it deems it appropriate to change the membership of the Sports and Recreation Advisory Board or change the policies, programs and personnel with respect to any recreational activity of the Township.

Resolution No. 021-2019

Offered by: Young Seconded by: Coggins

Adopted: January 4, 2019

Roll Call Vote:

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

22. Adoption of the National Incident Management System.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 022 -2019

RE: ADOPTION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM

WHEREAS, the United States Department of Homeland Security has developed a National Incident Management System (“NIMS”) to provide a consistent nationwide approach for Federal, State, local and tribal governments to work effectively and efficiently together to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the NIMS incorporates the best-practices currently in use by incident managers at all levels; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township of Upper to adopt the NIMS and that by doing so the Township will satisfy a condition for Federal preparedness assistance; 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 of the Township of Upper hereby adopts the National Incident Management System as administered by the U.S. Department of Homeland Security.
3. A copy of this Resolution shall be forwarded to the Cape May County Board of Chosen Freeholders and the Cape May County Office of Emergency Management.
4. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 022-2019

Offered by: Corson

Seconded by: Barr

Adopted: January 4, 2019

Roll Call Vote:

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

23. Appointing members to the Upper Township Municipal Court Security Committee.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 023-2019

**RE: APPOINTING MEMBERS TO THE UPPER TOWNSHIP
MUNICIPAL COURT SECURITY COMMITTEE**

WHEREAS, in compliance with Municipal Court Directive #15-06, the Township of Upper created a Municipal Court Security Committee to address security issues within the Upper Township Municipal Court; and

WHEREAS, a need exists to appoint suitable persons to this committee.

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 creates a Municipal Court Security Committee, tasked with surveying the security of the Upper Township Municipal Court and reporting their findings to the Township Committee.
3. The following persons be and are hereby appointed to the Municipal Court Security Committee of the Township of Upper.

Mun. Court Administrator: Janet McCrosson	Alternate: Loren Ready
Upper Twp. OEM Coordinator: Scott Morgan	Alternate: James M. Jones
Chief, Upper Twp. EMS: Jay Potter	Alternate: Michelle Sampson
Upper Twp. Committee Member: Curtis Corson	
Upper Twp. Engineer: Paul Dietrich	
Risk Management Consultant: Thomas H. Heist IV, Thomas Heist Insurance Agency	

4. The forgoing appointees shall constitute the sole members of the Municipal Court Security Committee, subject to the provision of Paragraph 5 hereof.

5. The Township Committee expressly reserves the right to supplement this Resolution at any time it deems it appropriate to change the membership of the Municipal Court Security Committee or change the policies, programs and personnel with respect to any security activity of the Township.

6. A certified copy of this Resolution shall be sent to the Division Manager, Superior Court of New Jersey Municipal Division and a copy of this Resolution shall be provided to each of the persons named herein.

Resolution No. 023-2019

Offered by: Corson Seconded by: Barr

Adopted: January 4, 2019

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>	_____	_____	_____

24. Naming the overall winner of the 2018 Safety Program.

TOWNSHIP OF UPPER

**CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 024-2019

**RE: CONGRATULATING EMPLOYEE LINDA LOUGHLIN
OF THE UPPER TOWNSHIP CONSTRUCTION DEPARTMENT
AS THE UPPER TOWNSHIP 2018 SAFETY EMPLOYEE OF THE YEAR**

WHEREAS, in an effort to promote safety for the Upper Township workforce as well as the residents of this community, employees are encouraged to participate in the Upper Township Safety Program and are recognized quarterly for their safety suggestions, from which one is chosen for the overall yearly winner; and

WHEREAS, of the 2018 quarterly winners, the safety suggestion submitted by Linda Loughlin in the 4th quarter was also selected as the best overall safety suggestion for 2018 and Ms. Loughlin was chosen as the “2018 Safety Employee of the Year” by the Upper Township Safety Committee; and

WHEREAS, Linda Loughlin is publicly recognized for identifying and reporting the safety hazard of the cleaning cart left unattended in the Municipal Building hallway which allows the employee and public access to chemicals and cleaning supplies; and

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

1. That this Committee extends its appreciation and publicly recognizes Linda Loughlin for her participation in this program and her commitment to safety by identifying a potential hazard and presenting a solution.
2. That this Committee, on behalf of Linda’s fellow employees and the citizens of this community extends to her our congratulations and presents her with the “2018 Safety Employee of the Year” award.

BE IT FURTHER RESOLVED, that this Committee also extends appreciation to all of the employees who submitted safety suggestions this year and encourages further participation, and congratulates the 2018 quarterly winners as follows:

1 st Quarter	submitted by Karen Buchanan
2 nd Quarter	submitted by Patricia Smyth
3 rd Quarter	submitted by Lawrence Cole

4th Quarter submitted by Linda Loughlin

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 4th day of January,

2019.

Resolution No. 024-2019

Offered by: Barr

Seconded by: Coggins

Adopted: January 4, 2019

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>	_____	_____	_____

Executive Order of the Mayor - Planning Board Appointments.

TOWNSHIP OF UPPER
EXECUTIVE ORDER OF THE MAYOR

Pursuant to the authority vested in me as Mayor of the Township of Upper, I hereby make the following appointments to the Upper Township Planning Board, pursuant to the provisions of the Municipal Land Use Act of the State of New Jersey:

CLASS II:

Scott Morgan is hereby appointed to a one (1) year term, which term shall expire on December 31, 2019.

CLASS IV:

Michael Endicott is hereby appointed to a (4) year term commencing January 1, 2019 and expiring on December 31, 2022.

Gary Riordan is hereby appointed to a four (4) year term commencing January 1, 2019 and expiring on December 31, 2022.

The foregoing appointees shall serve with the other members of the Upper Township Planning Board, who are as follows:

CLASS I:

Mayor Richard Palombo

CLASS III:

Hobart Young, (Member of the Governing Body, appointed by the Governing Body)

The following appointees shall continue to serve in their existing terms, as follows:

CLASS IV:

James Kelly, appointed to a four (4) year term commencing January 1, 2018 and expiring on December 31, 2021.

Georgette Costello, appointed to a four (4) year term commencing January 1, 2018 and expiring on December 31, 2021.

Theodore Kingston, appointed to a four (4) year term commencing January 1, 2017 and expiring on December 31, 2020.

Joseph Harney, appointed to a four (4) year term commencing January 1, 2017 and expiring on December 31, 2020.

ALTERNATE MEMBERS:

Robert J. Young, Sr., appointed to a two (2) year term as Alternate #1 commencing on January 1, 2018 and expiring on December 31, 2019.

John J. Griffin, Jr., appointed to a two (2) year term as Alternate #2 commencing on January 1, 2018 and expiring on December 31, 2019.

COMMENTS BY MEMBERS OF THE GOVERNING BODY

John Coggins, Committeeman, thanked the Community for attending the meeting and Congratulated Mayor Palombo and Deputy Mayor Barr on their re-elections.

Hobie Young, Committeeman, began by wishing everyone a Happy New Year and congratulated Mayor Palombo and Deputy Mayor Barr on their recent elections and appointments as Mayor and Deputy Mayor.

Curtis Corson, Committeeman, Congratulated Mayor Palombo and Deputy Mayor Barr on their recent elections and wished everyone a safe and Happy New Year.

Edward Barr, Committeeman, thanked his wife and family for their love and support and stated that he is happy to be a part of a great team and is looking forward to serving the public and working with everyone this year. Lastly, he congratulated Mayor Palombo and wished everyone a safe and Happy New Year.

Richard Palombo, Mayor, began by thanking the Township employees for their hard work and tireless efforts in keeping the Township running smoothly throughout the year. He next thanked the Township Committee and stated that he is honored to once again serve on Committee. He stated that this is his 20th year serving as Mayor and his 22nd year serving on Township Committee. Mayor Palombo next gave a summary of the past years accomplishments which included the following:
the replacement of the roof on the Municipal Building which he stated is now over 20 years old, asbestos removal at the old town hall in Tuckahoe, partnering with the Historical Society to allow for a Historical Museum in the old town hall building, the Pumpkin Classic Car Show and Special Events, creation of the Township's COAH Plan and various projects in Strathmere. He next stated that a few of the projects anticipated for 2019 include several major road paving projects, working with the Army Corps of Engineers to do a Beach replenishment in Strathmere, applying for grants to build a Natural Barrier Bulkhead and improvements at the Beesley's Point Boat Ramp area and the Beesley's Point Bike Path project.

Mayor Palombo next acknowledged several of the special guests in the audience.

OTHER REPORTS

Scott Morgan, Township Administrator, Municipal Clerk Barbara Young, Municipal Attorney Daniel Young, Township Engineer Paul Dietrich, and Chief Financial Officer Barbara Spiegel offered their congratulations to Mayor Palombo and Deputy Mayor Barr and wished everyone a Happy New Year.

Benediction - Reverend Diane Pacione, Seaville United Methodist Church

Public Comment - Larry Trulli, Upper Township Republican Leader made the following announcement: On behalf of Committeeman Hobie Young and John Coggins both will be seeking reelection at the next election.

Adjournment - Motion to adjourn by Mayor Palombo, seconded by Ed Barr with all members present voting in the affirmative.

Mayor Palombo's and Committeeman Barr's grandchildren were then invited to the dais to formally adjourn the meeting by banging the gavel.

There being no further business for this evening, the meeting was adjourned at 6:40 p.m. and Mayor Palombo announced that everyone was invited to Yesterday's Restaurant for refreshments.

The next regular meeting is scheduled for January 14, 2019 at 7:30 P.M.

Minutes prepared by:

Barbara L. Young, RMC
Municipal Clerk