

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR JUNE 25, 2018**

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

Deputy Mayor Barr read the following announcement. “In compliance with the Open Public Meetings Law, I wish to state that on June 22, 2018 the notice of this meeting of the Upper Township Committee was posted on the official Township Bulletin Board, mailed to the Cape May County Gazette, the Atlantic City Press, the Ocean City Sentinel-Ledger, the Herald Times and filed with the Township Clerk. Tonight’s meeting is being video recorded up until the closed session portion of this meeting and will be available on UTTV Channel 97 and on the Upper Township website. I hereby direct that this announcement be made a part of the minutes of this meeting.”

SALUTE TO THE FLAG

ROLL CALL

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

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

APPROVAL OF MINUTES - June 11, 2018 Regular Meeting and
Closed Session “A” and “B” Minutes

Motion by John Coggins, second by Edward Barr, to approve the June 11, 2018 Regular Meeting and Closed Session “A” Minutes as submitted. During roll call vote all four Committeemen present voted in the affirmative.

Motion by John Coggins, second by Curtis Corson, to approve the June 11, 2018 Closed Session “B” Minutes as submitted. During roll call vote four Committeemen present voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

John Coggins, Committeeman, congratulated CFO Barbara Spiegel, on a very clean audit with zero audit findings. Ms. Spiegel thanked all the Township departments for a successful audit.

Hobart Young, Committeeman, invited everyone to attend the Townships 4th of July Celebration on July 4 (rain date July 5th) beginning at 4 p.m. at the Amanda’s Field Recreation complex in Petersburg. He stated if anyone is interested in volunteering for an hour or two, the Township is still looking for volunteers. Mr. Young next reported that the Fall car show is scheduled for November 3rd (rain date November 4th) at Amanda’s Field and that volunteers are needed. Lastly he thanked the Upper Township Baseball Association for all of their hard work with the improvements to the Amanda’s Field Baseball Complex.

Curtis Corson, Committeeman, spoke regarding an accident involving a dog that was struck by a car earlier in the day on Route 50 and reminded everyone to be mindful of their pets.

Ed Barr, Deputy Mayor, reminded everyone that there is a Special meeting scheduled for Saturday June 30th at 9:00 a.m. at the Strathmere Fire Hall for a discussion on bulkheads.

OTHER REPORTS

Barbara Young, Municipal Clerk, reported on a 2017 Shared Services agreement with Cape May County for Special Events. Ms. Young explained that the original agreement authorized by the Township was for use of County personnel. That agreement was sent to the County for signatures, when the agreement was returned to the Township by the County it included additional items; equipment and personnel. Motion by Hobie Young, second by John Coggins, to approve the Shared Services agreement with Cape May County for Special Events for use of equipment and personnel. During roll call vote all four Committeemen present voted in the affirmative.

Daniel Young, Municipal Attorney, reported that there are a number of items for closed session including personnel, potential litigation, litigation and contract negotiation matters.

RESOLUTIONS

1. Congratulating the Upper Township Girls Softball Minor Level Team DVO on becoming the 2018 Little League Girls Softball Minor Division New Jersey District 16 Champions.

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

RESOLUTION NO. 181-2018

RE: CONGRATULATING THE UPPER TOWNSHIP GIRLS SOFTBALL MINOR LEVEL TEAM DVO ON BECOMING THE 2018 LITTLE LEAGUE GIRLS SOFTBALL MINOR DIVISION NEW JERSEY DISTRICT 16 CHAMPIONS

WHEREAS, the Upper Township Girls Minor Level Softball Team DVO had an outstanding 2018 season, finishing as undefeated; and

WHEREAS, in June of 2018, the team participated in the 2018 Little League Girls Softball Minor Division New Jersey District 16 Championship games, where they defeated Middle Township with a score of 8 to 7 to clinch the Championship for their division; and

WHEREAS, it is appropriate that on behalf of the citizens of Upper Township we recognize and congratulate the players listed as follows:

Mila Adams
Sydney Catto
Lauren Cesari
Sarah Hoffman
Grace Leiser
Kiley McCorristin
Gianna Monzo
Jessica Mooney

Kayleigh Pennello
Sophia Pero
Aubrey Pinter
Annabelle Shumski
Savannah Thompson
Lea Walker
Ivi Young

WHEREAS, we also extend this recognition and thanks to head coach Kristi Hoffman, Sean Catto, Beth Shumski, Trisha Thompson and Jennifer Pero who have generously given their personal time and service to coach this team; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee on behalf of the citizens of the Township of Upper, to extend to the Upper Township Girls Softball Minor Level Team DVO, congratulations on becoming the 2018 Little League Girls Softball Minor Division New Jersey District 16 Champions, and to each coach heartfelt thanks and gratitude for the generous donation of their time and service to the young people of this community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 25th day of June, 2018.

Resolution No. 181-2018

Offered by: Young Seconded by: Corson

Adopted: June 25, 2018

Roll Call Vote:

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

2. Appointments to the Upper Township Green Team Advisory Committee.

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

RESOLUTION NO. 182-2018

**RE: APPOINTMENTS TO THE UPPER TOWNSHIP
GREEN TEAM ADVISORY COMMITTEE**

WHEREAS, the Upper Township Green Team Advisory Committee is an established committee consisting of volunteer members who shall meet throughout the year to develop plans, recommend programs, assist with educational opportunities that support the creation of a sustainable community, and advise the Township Committee on ways to improve municipal operations with “Green” initiatives which are economically and environmentally sound; and

WHEREAS, Township of Upper hereby acknowledges that the residents of the Township of Upper desire a stable, sustainable future for themselves and future generations; and

WHEREAS, by endorsing a sustainable path the Township of Upper is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

WHEREAS, as elected representatives of the Township of Upper, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community. The Attached exhibit shows the Green Team's activities for last 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 are hereby appointed to the Green Team Advisory

Committee of the Township of Upper:

**Wanda Adamson
Fred Beuttler
Ralph Cooper
Harry Young
Nancy Hannum
Jane Bebee
Katelynn Wintz
Paul Dietrich, Sr., Municipal Engineer
Hobart Young, Township Committeeperson**

3. The forgoing appointees shall constitute the sole members of the Green Team Advisory Committee, 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 or policies of the Green Team Advisory Committee.

Resolution No. 182-2018

Offered by: Corson

Seconded by: Coggins

Adopted: June 25, 2018

Roll Call Vote:

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

3. Appointing additional 2018 season Beach Patrol Personnel.

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

RESOLUTION NO. 183-2018

RE: APPOINTING ADDITIONAL 2018 SEASON BEACH PATROL PERSONNEL

WHEREAS, the individuals hereinafter named have been determined to possess the requisite skills, training and are otherwise eligible for appointment to the position of lifeguard; 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 individuals are appointed as lifeguards in the Township of Upper at a salary as stated below in accordance with the Salary Ordinance:

RETURNING GUARDS

Nicolette Brady \$14.20 per hour
Michael DeSalis \$14.50 per hour

ROOKIE GUARDS

Ian Byerly \$13.00 per hour
Blase Japzon \$13.00 per hour
Casey McLees \$13.00 per hour
Gianna Witasick \$13.00 per hour
Kevin Witasick \$13.00 per hour

Resolution No. 183-2018

Offered by: Coggins

Seconded by: Young

Adopted: June 25, 2018

Roll Call Vote:

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

4. Appointing the 2018 season Beach Patrol Personnel contingent upon background clearance.

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

RESOLUTION NO. 184-2018

RE: APPOINTING THE 2018 SEASON BEACH PATROL PERSONNEL
CONTINGENT UPON BACKGROUND CLEARANCE

WHEREAS, the individuals hereinafter named have been determined to possess the requisite skills, training and are otherwise eligible for appointment to the position of lifeguard, contingent upon background clearance; 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 individuals are appointed as lifeguards in the Township of Upper contingent upon background clearance at a salary as stated below in accordance with the Salary Ordinance:

ROOKIE GUARDS

EVE CHIARELLO	\$13.00 per hour
JOHN DATTALO	\$13.00 per hour
SAMUEL GILROY	\$13.00 per hour

Resolution No. 184-2018

Offered by: Young

Seconded by: Coggins

Adopted: June 25, 2018

Roll Call Vote:

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

5. Authorizing a Professional Services contract with Suasion Communications Group for the maintenance of the Upper Township internet web site.

TOWNSHIP OF UPPER

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

RESOLUTION NO. 185-2018

**RE: AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH
SUASION COMMUNICATIONS GROUP FOR THE MAINTENANCE OF
THE UPPER TOWNSHIP INTERNET WEB SITE**

WHEREAS, the Township of Upper maintains an internet web site which requires routine maintenance; and

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

WHEREAS, Suasion Communications Group has completed and submitted a Business Entity Disclosure Certification which certifies that Suasion Communications Group has not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Suasion Communications Group from making any reportable contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Suasion Communications Group with offices at 235 Shore Road, Suite B, Somers Point, New Jersey 08244, is hereby appointed by the Township of Upper for the purposes as specified in this Resolution and the attached professional services agreement.
3. This contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Suasion Communications Group has professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

NOTICE OF CONTRACT AWARD

5. The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Suasion Communications Group for the maintenance of the Upper Township internet web site. This contract and resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

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

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

9. This Resolution shall be effective as of adoption.

Resolution No. 185-2018

Offered by: Coggins

Seconded by: Corson

Adopted: June 25, 2018

Roll Call Vote:

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

6. Chapter 159 Resolution for the insertion of a special item of revenue into the 2018 Budget that was not determined at the time of the adoption of the Budget—State of New Jersey 2018 Clean Communities Grant in the amount of \$36,323.33.

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

RESOLUTION NO. 186-2018

**RE: CHAPTER 159 RESOLUTION FOR THE INSERTION OF A SPECIAL ITEM OF
REVENUE INTO THE 2018 BUDGET THAT WAS NOT DETERMINED AT THE TIME OF
THE ADOPTION OF THE BUDGET—STATE OF NEW JERSEY
2018 CLEAN COMMUNITIES GRANT IN THE AMOUNT OF \$36,323.33**

WHEREAS, N.J.S. 40A:4-87 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY WHEN SUCH ITEM

SHALL HAVE BEEN MADE AVAILABLE BY LAW AND THE AMOUNT THEREOF WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET; AND

WHEREAS, SAID DIRECTOR MAY ALSO APPROVE THE INSERTION OF AN ITEM OF APPROPRIATION FOR AN EQUAL AMOUNT; AND

WHEREAS, THE TOWNSHIP OF UPPER WILL RECEIVE AN AMOUNT OF \$36,323.33 FROM THE STATE OF NEW JERSEY 2018 CLEAN COMMUNITIES GRANT PROGRAM AND WISHES TO AMEND ITS 2018 BUDGET TO INCLUDE THIS AMOUNT AS A REVENUE.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HEREBY REQUESTS THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES APPROVE THE INSERTION OF AN ADDITIONAL ITEM OF REVENUE IN THE BUDGET OF THE YEAR 2018 IN THE SUM OF \$36,323.33, WHICH IS NOW AVAILABLE AS A REVENUE FROM:

REVENUE: STATE & FEDERAL REVENUE OFFSET WITH APPROPRIATIONS:
2018 CLEAN COMMUNITIES GRANT PROGRAM, AND

BE IT FURTHER RESOLVED THAT A LIKE SUM OF \$36,323.33 BE AND THE SAME IS HEREBY APPROPRIATED UNDER THE CAPTION OF:

APPROPRIATION: STATE AND FEDERAL PROGRAMS OFFSET BY REVENUE:
2018 CLEAN COMMUNITIES GRANT PROGRAM, AND

BE IT FURTHER RESOLVED, THAT THE TOWNSHIP CLERK FORWARD TWO COPIES OF THIS RESOLUTION TO THE DIRECTOR OF LOCAL GOVERNMENT SERVICES.

Resolution No. 186-2018

Offered by: Coggins

Seconded by: Young

Adopted: June 25, 2018

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

7. Authorizing the Mayor to sign an amended and restated license agreement with New Jersey American Water Company, Inc., Ruth Management, LLC, and HarJust Management, LLC for the installation of emergency communications equipment.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 187-2018

RE: AUTHORIZING THE MAYOR TO SIGN AN AMENDED AND RESTATED LICENSE AGREEMENT WITH NEW JERSEY AMERICAN WATER COMPANY, INC., RUTH MANAGEMENT, LLC, AND HARJUST MANAGEMENT, LLC FOR THE INSTALLATION OF EMERGENCY COMMUNICATIONS EQUIPMENT

WHEREAS, the Township of Upper and New Jersey American Water Company, Inc., (NJAWC), entered into a License Agreement on August 24, 2015 for the installation of emergency communications equipment on a water tower in the Seaville section of Upper Township, located on Block 560, Lot 1.01 of the official tax map; and

WHEREAS, Ruth Management, LLC and HarJust Management, LLC are the owners of record of Block 560, Lot 1.01; and

WHEREAS, NJAWC and the Township of Upper recognize that the owners of Block 560, Lot 1.01 are a necessary party to the 2015 License Agreement, and as such, wish to amend and restate said License Agreement; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor, on behalf of the Township of Upper, is hereby authorized to execute the agreement, attached hereto as Exhibit A, and entitled “Amended and Restated License Agreement for Emergency Communications Equipment”, with New Jersey American Water Company, Inc., Ruth Management , LLC, and HarJust Management, LLC.
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. 187-2018

Offered by: Corson

Seconded by: Coggins

Adopted: June 25, 2018

Roll Call Vote:

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

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

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

RESOLUTION NO. 188-2018

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

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

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

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

WHEREAS, the Township Committee has determined that said Notice of Violation shall be served upon each owner and/or foreclosing lien holder forthwith; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The zoning officer is hereby directed to serve a Notice of Violation pursuant to Township Code Section 11-1 describing the violation and nuisance upon each owner and/or foreclosing lien holder of the properties listed on Exhibit A, attached hereto.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 188-2018

Offered by: Young

Seconded by: Coggins

Adopted: June 25, 2018

Roll Call Vote:

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

9. Authorizing the award of a contract with CDW Government, LLC for information technology equipment.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 189-2018

**RE: AUTHORIZING THE AWARD OF A CONTRACT
WITH CDW GOVERNMENT, LLC FOR INFORMATION TECHNOLOGY EQUIPMENT**

WHEREAS, from time to time the Township of Upper has a need to purchase IT equipment from CDW Government, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with CDW Government, LLC for the year 2018 will exceed \$17,500; and

WHEREAS, CDW Government, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that CDW Government, LLC has not made any reportable contributions to a political or candidate committee in the Township in the previous one year, and that the contract will prohibit CDW Government, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer of the Township has certified the availability of funds to allow the award of contract for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose in the 2018 Municipal Budget.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with CDW Government, LLC as described herein.
3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
4. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 189-2018

Offered by: Coggins

Seconded by: Barr

Adopted: June 25, 2018

Roll Call Vote:

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

10. Resolution and Certification with respect to the 2017 annual Audit and in compliance with the Local Finance Board of the State of New Jersey.

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

RESOLUTION NO. 190-2018

**RESOLUTION AND CERTIFICATION WITH RESPECT TO THE 2017 ANNUAL AUDIT
AND IN COMPLIANCE WITH THE LOCAL FINANCE BOARD OF THE STATE OF NEW
JERSEY**

WHEREAS, N.J.S.A. 40A:5-4 required the governing body of every local unit to have made an annual audit of its books, accounts and financial transaction; and

WHEREAS, the Annual Report of Audit for the year 2017 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

GENERAL COMMENTS

AND

RECOMMENDATIONS

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

GENERAL COMMENTS

AND

RECOMMENDATIONS

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S.52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE BE IT RESOLVED, that the governing body of the Township of Upper, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Resolution No. 190-2018

Offered by: Coggins

Seconded by: Young

Adopted: June 25, 2018

Roll Call Vote:

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

WHEREAS, pursuant to N.J.A.C. 5:30-7 through 7.5 the Township of Upper has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Upper meets the necessary conditions to participate in the program for the 2018 budget year.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, County of Cape May, that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officers' certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amount required for school purposes

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with "CAP" law.)

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate, and correctly stated.
- b. Items of appropriation are properly set forth.
- c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provision of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

Resolution No. 191-2018

Offered By: Coggins

Seconded By: Young

Adopted: June 25, 2018

Roll Call Vote:

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

CERTIFICATION OF APPROVED BUDGET

It is hereby certified that the Approved Budget complies with the requirements of the law and approval is given pursuant to N.J.S.A. 40A: 4-78(b) and N.J.A.C. 5:30-7.

It is further certified that the municipality has met the eligibility requirements of N.J.A.C. 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with N.J.A.C. 5:30-7.6.

Dated: June 25, 2018

By: Barbara A. Spiegel, CFO

This certification form and resolution of the governing body executing such certification should be annexed to the adopted budget (N.J.A.C. 5:30-7.6(e)).

ORDINANCES

12. Public Hearing and Final Adoption of Ordinance No. 006-2018 RE: An Ordinance amending Revised General Ordinance Chapter X (Building and Housing) and Chapter XI (Property Maintenance) of the Code of Upper Township.

Prior to the Public Hearing the Municipal Attorney explained that the purpose of the Ordinance is to bring our current Ordinance further into compliance with State laws, incorporate regulations for pilings and clarify various sections of our current Ordinance.

The Municipal Attorney then recommended the following amendments to Ordinance No. 006-2018:

10-4 Removal of Dangerous Structures

section d. - The Municipal Attorney explained this section requires that removal or demolition of a structure must be authorized by resolution of the Township Committee and in the event the Construction Code Official deems a property unsafe and violations are not corrected by the homeowner and the Township deems it necessary to take action to correct the violation, this Ordinance will allow the tax collector to attach a lien on the property to recover the costs.

10-6 Pile Installation Operations and Demolition of Structures – this section is added.

11-1.16 Occupancy Limits – Attorney Young recommended that this section be deleted. He explained that a recommendation regarding occupancy limits came to his attention after the Ordinance was introduced. He advised that after careful review it is recommended that this section be deleted as it doesn't fit our town. He explained that we have a lot of older smaller homes throughout the Township that would be in violation of the Ordinance and in talking with Code enforcement and Zoning there haven't been any complaints or problems with overcrowding or occupancy limits.

11-1.9 Grass and Weeds – Attorney Young recommended that debris be added to this section, that it be revised to include the premises and exterior be maintained free of brush, dying trees, filth, garbage, trash and debris and that the site reference 11-1.7 be corrected, from 11-1.7 to 11-1.6.

11-1.14- Motor Vehicles, Trailers, Boats, RV's and ATV's. The changes recommended to this section will delete the section on vehicle painting and clarify language pertaining to unregistered or inoperable motor vehicles to allow up to three (3) unregistered vehicles if those vehicles are part of an ongoing restoration process, provided the activity is in compliance with Chapter 20. In addition section e. of the Ordinance shall be revised to clarify language pertaining to storage of recreational vehicles.

Lastly Attorney Young advised that if the Township Committee decides to make the changes he has recommended that this will be a substantial change. He explained that when you have significant changes such as this, procedurally the Ordinance has to be republished. You have two choices table the Ordinance and go through the whole process again, re-introduce it in its amended form with a first reading, introduction, final adoption and public hearing or amend the Ordinance and publish the amendments at least two days prior to holding a second hearing on the Ordinance.

The following speakers spoke during the public portion of the Ordinance:

Mark Schuler – Palermo – requested an amendment to section 11-1.14- regarding Motor Vehicles, to allow certain uses. He requested residents be permitted to store more than one unregistered vehicle on their property. He stated that if a person has a hobby restoring old cars they may be using the unregistered cars for parts.

John Castaldi – Tuckahoe – requested clarification in reference to painting of motor vehicles in section 11-1.14- Motor Vehicles, Trailers, Boats, RV's and ATV's. He also spoke in opposition to the language in paragraph e., regarding the storage of recreational vehicles.

Bob Rush – Steelmantown – spoke in opposition to the regulations contained in the Ordinance regarding grass cutting.

Peter Schuler – Petersburg – requested clarification to the language contained in various sections of the Ordinance.

Jon Kevin Grubb – Greenfield – questioned regulations regarding the removal of structures on nonconforming property.

Howard Corneal – Petersburg – questioned regulations pertaining to commercial property.

Luke Eisele – Petersburg – questioned the regulations contained in section 11-1.14 - Motor Vehicles, Trailers, Boats, RV's and ATV's.

Nathalie Neiss – Petersburg – requested the adoption of the Ordinance be tabled to a future meeting for further review.

Christina Schuler - Petersburg – requested clarification to the language in the Ordinance.

Motion by Edward Barr, second by Curtis Corson, to table Ordinance No. 006-2018 and re-introduce it in its amended form at a later date. During roll call vote all four Committeemen present voted in the affirmative.

CORRESPONDENCE

13. **Ocean City High School Students win Bike Safety Contest.** – the Clerk was directed to place a resolution honoring the contest winners on the next agenda.

NEW BUSINESS

14. **The Greater Tuckahoe Area Merchants Association request the use of Tuckahoe Beach to hold the annual Canoe and Kayak Race on August 5, 2018.** Motion by Hobie Young, second by John Coggins, to approve the request. During roll call vote all four Committeemen present voted in the affirmative.
15. **The Greater Tuckahoe Area Merchants Association request to hold a Raffle RA 499 at the Tuckahoe Beach on August 5, 2018 at 12:30 pm.** Motion by Hobie Young, second by John Coggins, to approve the request. During roll call vote all four Committeemen present voted in the affirmative.

UNFINISHED BUSINESS

DISCUSSION

PAYMENT OF BILLS

16. "I hereby move that all claims submitted for payment at this meeting be approved and then incorporated in full in the minutes of this meeting." **Motion by John Coggins, second by Curtis Corson. During roll call vote all four Committeemen present voted in the affirmative.**

Bills approved for payment: \$159,126.18

Payroll: \$201,861.09

REPORT OF MUNICIPAL DEPARTMENTS

17. **Green Team -** Motion by Edward Barr, second by John Coggins, to accept the report as submitted. During roll call vote all four Committeemen present voted in the affirmative.

PUBLIC COMMENT

Donna Mason – Tuckahoe – requested more information on affordable housing be made available to the public. Mr. Dietrich stated that in 2012 the Township had a specific program that assisted 14 residents and the program was advertised and made available to the public. He explained that since then the Township has only had one resident make an emergency request, they were asked to submit additional paperwork in order to process their request but did not submit the additional paperwork for consideration by Township Committee. Mr. Dietrich stated that when emergency requests come in they are submitted to Committee for consideration.

William Whesper– Tuckahoe – requested that the Tuckahoe Beach be maintained and that additional trash cans be placed at the beach.

Nathalie Neiss – Petersburg – requested an update on the status of the Townships affordable housing plan. Mr. Dietrich explained that the Planning Board at its last meeting discussed the Master Plan re-examination and will be discussing at upcoming meetings to make recommendations to the Township Committee before the courts required deadline. Ms. Neiss also questioned the availability of the affordable housing units at Osprey Cove. Mr. Dietrich stated that they are in compliance with their affordable housing plan and with the Townships affordable Housing rules. He recommended that for more information Ms. Neiss Contact the Agent for Osprey Cove.

Scott Phelps – questioned the Townships policy on residency requirements for employees.

CLOSED SESSION

18. Resolution to conduct a closed meeting pursuant to N.J.S.A. 10:4-12, from which the public shall be excluded.

**TOWNSHIP OF UPPER
RESOLUTION NO. 192-2018
MOTION GOING INTO CLOSED SESSION
JUNE 25, 2018**

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

MATTERS:

1. Personnel
2. Contract negotiation – AT&T Cell Tower Lease
3. Contract negotiation – Block 451, Lot 19
4. Potential Litigation - Whippoorwill
5. Litigation – Block 291, Lots 1-14; Block 295, Lots 5, 8-14; and Block 296, Lots 1-2

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

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

Moved by: John Coggins

Motion seconded by: Curtis Corson

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

RECONVENE PUBLIC PORTION OF MEETING

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

Motion by John Coggins, second by Hobart Young to appoint Edward Barr as substitute to handle conflict personnel matters with which Committeeman Corson has a conflict. During roll call vote all three Committeemen present voting in the affirmative.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:32 P.M., with a motion by Edward Barr, second by John Coggins, and all three Committeemen present voting in the affirmative. The next regular meeting is scheduled for July 9, 2018 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

Bill List

71689 06/25/18 A0018 ACTION SUPPLY INC. 306.00 3031
71690 06/25/18 A0025 ADVANTAGE RENTAL ACE HARDWARE 61.57 3031
71691 06/25/18 A0091 ATLANTIC CITY ELECTRIC 2,851.28 3031
71692 06/25/18 A0178 ABC SUPPLY CO., INC 948.04 3031
71693 06/25/18 A0193 ATLANTIC INVESTIGATIONS, LLC 1,320.00 3031
71694 06/25/18 A0212 ANCERO, LLC 2,210.00 3031
71695 06/25/18 B0035 BELMONT & CRYSTAL SPRINGS 102.52 3031
71696 06/25/18 B0052 BENNETT BATTERIES,LLC. 78.00 3031
71697 06/25/18 B0078 BOUND TREE MEDICAL,LLC 83.58 3031
71698 06/25/18 B0093 BARRY,CORRADO,GRASSI & 822.50 3031
71699 06/25/18 B0142 BRINKERHOFF ENVIRONMENTAL 17,517.50 3031
71700 06/25/18 B0182 BRIGGS LAW OFFICE, P.C. 961.41 3031
71701 06/25/18 B0184 BUSHONG, BRIAN 34.98 3031
71702 06/25/18 B02054 BILLY PERRYMAN NEW & USED FARM 4,446.00 3031
71703 06/25/18 B0239 BAILEY, WILLIAM MICHAEL 791.66 3031
71704 06/25/18 C0042 CAMPBELL FREIGHTLINER, LLC 790.26 3031
71705 06/25/18 C0048 CAPE MAY COUNTY MUA 47,372.56 3031
71706 06/25/18 C0068 COMCAST 291.73 3031
71707 06/25/18 C0081 CAPE MAY COUNTY TECHNICAL HIGH 200.00 3031
71708 06/25/18 C0143 CODY'S POWER EQUIPMENT 109.96 3031
71709 06/25/18 C0182 CDW GOVERNMENT, INC 42.35 3031
71710 06/25/18 C0201 CRUZAN'S TRUCK SERVICE INC. 323.94 3031
71711 06/25/18 C0223 CASA PAYROLL SERVICE 301.75 3031
71712 06/25/18 C0247 CMRS-FP 4,000.00 3031
71713 06/25/18 C0278 TIFFANY A. CUVIELLO, PP, LLC 812.50 3031
71714 06/25/18 C0296 COMCAST BUSINESS COMMUNICATION 1,386.86 3031
71715 06/25/18 D0040 DELTA DENTAL OF N.J. INC. 5,876.62 3031
71716 06/25/18 D0077 DIETRICH,PAUL 400.00 3031
71717 06/25/18 E0012 EHRlich PEST CONTROL INC 182.00 3031
71718 06/25/18 E0075 EMERALD BUSINESS INC 421.98 3031
71719 06/25/18 F0181 FOR SHORE WEED CONTROL, INC 585.00 3031
71720 06/25/18 G0006 GARBUTT,PATRICIA A. 150.00 3031
71721 06/25/18 G0014 GARDEN STATE HWY PRODUCTS INC. 45.00 3031
71722 06/25/18 G0016 GARDNER HARDWARE INC. 35.93 3031
71723 06/25/18 G0028 GENTILINI FORD 80.60 3031
71724 06/25/18 G0086 W.W. GRAINGER, INC. 206.23 3031
71725 06/25/18 G0147 GREATAMERICA FINANCIAL SVCS. 170.00 3031
71726 06/25/18 G0157 GRANTURK EQUIPMENT CO., INC. 550.31 3031
71727 06/25/18 G0182 GOLDENBERG, MACKLER & SAYEGH 504.98 3031
71728 06/25/18 H0018 HAROLD RUBIN L & H SUPPLY 565.76 3031
71729 06/25/18 H0030 HILLEGASS, F. THOMAS 350.00 3031
71730 06/25/18 H0043 HERITAGE SURF & SPORT 1,026.00 3031
71731 06/25/18 H0073 HOME DEPOT CRC/GECF 535.15 3031
71732 06/25/18 I0019 INTERNATIONAL CODE COUNCIL,INC 65.95 3031
71733 06/25/18 I0030 IMPERATIVES,INC. 2,040.00 3031
71734 06/25/18 K0028 KIRK'S PIZZA, INC. 51.55 3031
71735 06/25/18 K0080 KOHLER'S AUTO GLASS 245.00 3031
71736 06/25/18 L0007 LC EQUIPMENT, INC. 496.00 3031
71737 06/25/18 L0027 LASHLEY HEATING & COOLING INC. 150.00 3031
71738 06/25/18 L0080 LOWES, INC. 1,242.42 3031
71739 06/25/18 M0012 McCAULEY, RICHARD 124.80 3031
71740 06/25/18 M0076 MGL PRINTING SOLUTIONS 1,322.00 3031
71741 06/25/18 M0121 McCROSSON, JANET 30.74 3031
71742 06/25/18 M0277 MONY LIFE INSURANCE COMPANY 15.15 3031
71743 06/25/18 N0046 NJ EMERGENCY PREPAREDNESS ASSO 180.00 3031
71744 06/25/18 N0107 N.J.DIV ALCHOLOIC BEV CONTROL 24.00 3031
71745 06/25/18 N0143 NATIONAL TIME SYSTEMS 577.10 3031

71746 06/25/18 P0032 PEDRONI FUEL CO. 2,957.34 3031
 71747 06/25/18 P0056 TURF EQUIPMENT AND SUPPLY CO 217.20 3031
 71748 06/25/18 P0136 POSTNET 49.75 3031
 71749 06/25/18 P0140 PIONEER MANUFACTURING CO, INC 5,670.00 3031
 71750 06/25/18 P0152 READY, LOREN 220.18 3031
 71751 06/25/18 P0175 PRIEST JR., ANTHONY 100.00 3031
 71752 06/25/18 R0030 RIGGINS, INC. 5,669.74 3031
 71753 06/25/18 R0046 ROGERS SPORTS GROUP 1,112.60 3031
 71754 06/25/18 S0031 SCHULER SECURITY, INC. 610.00 3031
 71755 06/25/18 S0056 SEASHORE ASPHALT CORPORATION 1,612.25 3031
 71756 06/25/18 S0073 SENIOR TRAVEL SERVICE, INC. 1,175.00 3031
 71757 06/25/18 S0112 SOUTH JERSEY COURT ADM. ASSOC. 45.00 3031
 71758 06/25/18 S0113 SMITH, THOMAS G. 1,704.17 3031
 71759 06/25/18 S0126 SPIEGEL, BARBARA 30.52 3031
 71760 06/25/18 S0134 SO. JERSEY GAS COMPANY 624.18 3031
 71761 06/25/18 S0139 SO. JERSEY WATER COND. INC. 159.50 3031
 71762 06/25/18 S0153 STERICYCLE, INC. 171.08 3031
 71763 06/25/18 S0185 STOCKTON STATE COLLEGE 12,686.65 3031
 71764 06/25/18 S0239 SHORE VET. ANIMAL CONTROL LLC 2,500.00 3031
 71765 06/25/18 S0284 SOUTH JERSEY INTERPRETERS 171.73 3031
 71766 06/25/18 S0292 JEFFREY SURENIAN & ASSOC. LLC 1,774.95 3031
 71767 06/25/18 S0304 Steelman, Frank 20.00 3031
 71768 06/25/18 T0032 THE PRESS OF ATLANTIC CITY 86.94 3031
 71769 06/25/18 T0067 TOWNSHIP OF UPPER PETTY CASH 2.83 3031
 71770 06/25/18 T0080 TREASURER STATE OF N.J. 3,000.00 3031
 71771 06/25/18 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3031
 71772 06/25/18 U0003 U.S. MUNICIPAL SUPPLY, INC. 1,118.04 3031
 71773 06/25/18 V0013 VERIZON WIRELESS 565.03 3031
 71774 06/25/18 V0022 VERIZON 482.50 3031
 71775 06/25/18 V0024 VAL-U AUTO PARTS L.L.C. 1,310.47 3031
 71776 06/25/18 W0050 WIRELESS ELECTRONICS, INC. 1,465.00 3031
 71777 06/25/18 W0092 WTH TECHNOLOGY, INC 4,687.50 3031
 71778 06/25/18 W0113 Williams Kurt 21.41 3031
 71779 06/25/18 X0008 XEROX FINANCIAL SERVICES 662.40 3031

Total: \$159,126.18