

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR DECEMBER 3, 2018**

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

Mayor Palombo read the following announcement. “In compliance with the Open Public Meetings Law, I wish to state that on November 30, 2018 the notice of this meeting of the Upper Township Committee was posted on the official Township Bulletin Board, mailed to the Cape May County Gazette, the Atlantic City Press, the Ocean City Sentinel-Ledger, the Herald Times and filed with the Township Clerk. Tonight’s meeting is being video recorded up until the closed session portion of this meeting and will be available on UTTV Channel 97 and on the Upper Township website. I hereby direct that this announcement be made a part of the minutes of this meeting.”

SALUTE TO THE FLAG

ROLL CALL

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

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

APPROVAL OF MINUTES - November 19, 2018 Regular Meeting and Closed Session Minutes

Motion by Richard Palombo, second by John Coggins, to approve the November 19, 2018 Regular Meeting and Closed Session Minutes as submitted. During roll call vote three Committeemen voted in the affirmative. Committeemen Corson and Young abstained.

REPORT OF GOVERNING BODY MEMBERS

Hobie Young, Committeeman, requested a meeting with Scott Morgan to go over plans for the leased property at 18 Sunset Drive. He next reported that he has received several calls regarding the Governor’s plan to make New Jersey a sanctuary state. He stated that the Township should submit its position on the issue to the Governor.

Curtis Corson, Committeeman, reported that he recently became a Grandfather! The members of the Committee congratulated Committeeman Corson.

Richard Palombo, Mayor, reported that the Tree Lighting ceremony was a great success. He next wished everyone a happy holiday season and encouraged everyone to remember those that are less fortunate and to help in any way possible.

OTHER REPORTS

Scott Morgan, Township Administrator, reported that the Township's EMAA grant submission process has been completed and he anticipates receiving the grant money soon. He next acknowledged Committeeman Young for his direction on the beautification and holiday decoration of the Town Hall building and grounds. He thanked the Public Works Department and Municipal Clerk Barbara Young for their work executing the plans. He next gave an update on the leaf collection progress, and stated that the Township website will have regular updates on the progress. Lastly, he reported that the Computer Aided Dispatch system for Upper Township has been installed and training for employees will begin on Thursday.

Daniel Young, Municipal Attorney, reported that there will be a number of items for closed session.

Paul Dietrich, Township Engineer, reported that the contractor will be completing the dune fence in Strathmere this week. He next reported that the Army Corps of Engineers has appropriated 12 million dollars for a beach replenishment project which will include southern Ocean City, Strathmere, and Sea Isle. Over the coming months they will be determining the extent of fill each area of the project will require, and the Township will be responsible for 25% of the State's 50% match. Last, Mr. Dietrich requested authorization to have the Mayor sign and submit letters to the Army Corps of Engineers requesting planning assistance for the New Jersey Coastal Coalition's flood mitigation. Motion by Curtis Corson, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative.

PRESENTATION

1. **Cape May County Mosquito Control Commission.** Freeholder Jeffrey Pierson introduced Entomologist Kyle Rossner of the Cape May County Mosquito Control Commission. Mr. Rossner gave an informative presentation regarding the Mosquito Control Commission's proactive surveillance and control operations, and described ways that residents can assist in limiting and preventing the breeding grounds for mosquitos.

Freeholder Pierson also reported that he and Freeholder Hayes will be hosting a County Coffee Chat event on December 10th from 9 to 11 am at the Dunkin Donuts in Marmora. The event is open to all residents.

RESOLUTIONS

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

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

RESOLUTION NO. 313-2018

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

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

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The property and equipment aforementioned on Exhibit A hereto is hereby determined to be useless for any public purpose and is also determined to be of no market value such that the Township Committee directs its disposal.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 313-2018

Offered by: Coggins

Seconded by: Barr

Adopted: December 3, 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>	_____	_____	_____

Exhibit "A"

Lexmark x746de Printer

Fixed Asset ID#82

Lexmark x746de Printer

Fixed Asset ID#241

Dell Optiplex 760

Fixed Asset ID#234

3. Setting the date and time of the 2019 Reorganization Meeting of the Township of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 314-2018

**RE: SETTING THE DATE AND TIME OF THE
2019 REORGANIZATION MEETING OF THE TOWNSHIP OF UPPER**

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 annual Reorganization Meeting of the Township Committee shall be held on Friday, January 4, 2019, commencing at 6:00 P.M. at the Upper Township Municipal Building, 2100 Tuckahoe Road, Petersburg, New Jersey.
2. Notification of this meeting shall be given in accordance with the requirements of the Open Public Meetings Act of the State of New Jersey.

Resolution No. 314-2018

Offered by: Barr

Seconded by: Coggins

Adopted: December 3, 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>	_____	_____	_____

4. Accepting the 2019 Solid Waste Collection Rules and Regulations Resident Information Packet pursuant to Chapter 24 of the Revised General Ordinances of Upper Township.

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

RESOLUTION NO. 315-2018

**ACCEPTING THE 2019 SOLID WASTE COLLECTION
RULES AND REGULATIONS RESIDENT INFORMATION PACKET
PURSUANT TO CHAPTER 24 OF THE REVISED GENERAL
ORDINANCES OF UPPER TOWNSHIP**

WHEREAS, the Township of Upper has adopted rules and regulations with regards to collection and disposal of solid waste and recyclables pursuant to Chapter 24 of the Revised General Ordinances; and

WHEREAS, the aforesaid rules and regulations are assembled into a summary entitled “*Residents Information-2019*” to be distributed to Township residents and attached hereto as Exhibit “A”;

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee has determined that the summary attached as Exhibit “A”

is in accordance with Chapter 24 of the Revised General Ordinances of Upper Township and is hereby accepted.

Resolution No. 315-2018

Offered by: Barr

Seconded by: Coggins

Adopted: December 3, 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 X _____ _____ _____

5. Authorizing a refund of land sale costs to Ratoskey & Trainor, Inc.

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

RESOLUTION NO. 316-2018

**RE: AUTHORIZING A REFUND OF LAND SALE COSTS
TO RATOSKEY & TRAINOR, INC.**

WHEREAS, upon a request from Ratoskey and Trainor, Inc., the Township of Upper authorized the sale of Block 735, Lot 21.02 in accordance with the terms of Ordinance 013-2018, adopted on October 22, 2018; and

WHEREAS, it was subsequently determined that the Township of Upper is unable to provide clear title for the potential buyer; and

WHEREAS, the Township Committee has determined that it is just and fair to refund all costs paid by Ratoskey & Trainor to the Township of Upper for the proposed purchase of Block 735, Lot 21.02; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Chief Financial Officer is hereby directed to refund monies to Ratoskey & Trainor,

Inc., 3201 Potshop Rd, East Norriton, PA 19403 as indicated below:

Filing Fee -	\$	50.00
Appraisal -	\$	500.00
Pre-Sale Costs -	\$	500.00
Total Refund -	\$	1,050.00

Resolution No. 316-2018

Offered by: Corson

Seconded by: Coggins

Adopted: December 3, 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. Adopting revisions to the Upper Township Supervisor's Personnel Policies and Procedures Manual and Employee Handbook.

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

RESOLUTION NO. 317-2018

**RE: ADOPTING REVISIONS TO THE UPPER TOWNSHIP
SUPERVISOR'S PERSONNEL POLICIES AND PROCEDURES MANUAL
AND EMPLOYEE HANDBOOK**

WHEREAS, the Township Committee of the Township of Upper has determined there is a need to adopt revisions to the Township's Supervisor's Personnel Policies and Procedures Manual and Employee Handbook; and

WHEREAS, the Township Committee of the Township of Upper has reviewed and approved the revisions to the Supervisor's Personnel Policies and Procedures Manual and the Employee Handbook, copies of which are attached hereto; and

WHEREAS, the Township Committee has determined that the revisions should be adopted to amend the existing Supervisor's Personnel Policies and Procedures Manual and Employee Handbook; 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 revisions to the Supervisor's Personnel Policies and Procedures Manual and the Employee Handbook, attached hereto, are hereby adopted and approved and modify the existing personnel policies, procedures, manuals and handbooks of the Township.
3. The Supervisor's Personnel Policies and Procedures Manual shall apply to all Township officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personal services contract or federal or state law, the terms and conditions of that contract or law shall prevail. In all other cases these policies and procedures shall prevail.

4. The manual is intended to provide guidelines covering public service by Township employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Township Committee.

5. To the maximum extent permitted by law, employment practices for the Township shall operate under the legal doctrine known as “employment at will”.

6. 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. 317-2018

Offered by: Barr

Seconded by: Corson

Adopted: December 3, 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>	___	___	___

7. Authorizing the purchase of certain items from the 2018 Capital Improvement Bond Ordinance in the amount of \$141,854.00.

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

RESOLUTION NO. 318-2018

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS FROM THE 2018 CAPITAL
IMPROVEMENT BOND ORDINANCE IN THE AMOUNT OF \$141,854.00**

WHEREAS, it is necessary for the Township of Upper to make certain capital purchases; and

WHEREAS, the Township Committee adopted the 2018 Capital Improvement Bond Ordinance 012-2018 on September 24, 2018; and

WHEREAS, pursuant to N.J.S.A 40A:11-12a, the Township wishes to purchase a vehicle from State Contract No. 88215; and

WHEREAS, the Township’s QPA has reviewed and approved the quote for two 2019 Ford F450 Cab & Chassis Crew Cabs 4 x 4 and options; 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, County of Cape May, New Jersey hereby authorizes the purchase of two 2019 Ford F450 Cab & Chassis Crew Cabs 4 x 4 and options in the amount of **\$141,854.00** from the 2018 Capital Improvement Bond.
3. 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. 318-2018

Offered by: Coggins

Seconded by: Barr

Adopted: December 3, 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>	_____	_____	_____

8. Authorizing the release of \$3,398.17 in surplus from the Township of Upper's share of the Aggregate Excess Loss Contingency Fund.

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

RESOLUTION NO. 319-2018

**RE: AUTHORIZING THE RELEASE OF \$3,398.17 IN SURPLUS FROM THE TOWNSHIP OF
UPPER'S SHARE OF THE AGGREGATE EXCESS LOSS CONTINGENCY FUND**

WHEREAS, the Atlantic County Municipal Joint Insurance Fund, hereinafter referred to as FUND has been organized pursuant to N.J.S.A. 40a:10-36 et seq.; and

WHEREAS, the FUND is duly constituted and as a Municipal Self Insurance Fund to provide insurance coverage to its member municipalities; and

WHEREAS, the FUND has established an Aggregate Excess Loss Contingency Fund pursuant to N.J.A.C. 11:15-2.23; and

WHEREAS, in accordance with N.J.A.C.11:15-2.21, the FUND is authorized to release surplus from its Closed Years Fund upon approval from the Department of Banking & Insurance and Department of Community Affairs; and

WHEREAS, should the FUND authorize the Release of Surplus from it Closed Years Fund, each member receiving a share of the surplus has the option of using the surplus as an offset against their next assessment billing, receiving the surplus as a direct payment, or placing a portion of their surplus in the FUND's Aggregate Excess Loss Contingency Fund; and

WHEREAS, several members, including the Township of Upper, have placed a portion of their surplus from amounts released in prior years, into the Aggregate Excess Loss Contingency Fund; and

WHEREAS, based upon the un-audited balance as of the 2018 Financial Review, the Township of Upper had an accumulated balance of approximately \$60,917.68 in the Aggregate Excess Loss Contingency Fund; and

WHEREAS, the Fund Commissioner from the Township of Upper will forward a copy of this resolution as a written request to the Fund Administrator's office asking for \$3,398.17 of their available balance be released from the Aggregate Excess Loss Contingency Fund.

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 does hereby authorize the Fund Treasurer to release \$3,398.17 from the Township of Upper's balance in the Aggregate Excess Loss Contingency Fund in the form of a lump sum payment for the 2018 Fund year 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. 319-2018

Offered by: Coggins

Seconded by: Barr

Adopted: December 3, 2018

Roll Call Vote:

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

ORDINANCES

9. Public hearing and final adoption of Ordinance No. 018-2018 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XVII (CONSTRUCTION OF BULKHEADS) OF THE CODE OF UPPER TOWNSHIP. **During the public hearing portion, Ted Kingston of Strathmere spoke in favor of the Ordinance. Mayor Palombo then closed the public hearing portion. Motion by Curtis Corson, second by Edward Barr to adopt Ordinance 018-2018. During roll call vote all five Committeemen voted in the affirmative.**

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

ORDINANCE NO. 018-2018

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

WHEREAS, the Township Committee desires to amend the ordinance regulating the construction of bulkheads; and

WHEREAS, the Township Committee desires make the Strathmere bulkhead more resilient to flooding and protect property from storm surge; and

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

SECTION 1. Chapter 17 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended as hereinafter provided:

CHAPTER 17. CONSTRUCTION OF BULKHEADS

17-1 PURPOSE. No change.

17.2 BULKHEAD REQUIRED. No change.

17.3 PERMIT REQUIRED. No Change.

17-4 PERMIT APPROVALS. No Change.

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

17-6 FINAL INSPECTION. No Change.

17-7 STATE AND FEDERAL APPROVALS. No Change.

Revise Section 17-8 MINIMUM SPECIFICATIONS as follows:

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

- a. Bulkhead design shall provide for expected toe scour or proposed dredge depth and shall be shown on plans.
- b. Non-Oceanfront Bulkheads
 - 1. The minimum elevation of the top of the bulkhead shall be as follows:
 - (a) Along Strathmere Bay (Blocks 825, 826, 841, 842, 849 and 850): 8.0' NAVD, 1988 Datum.
 - (b) Along Strathmere Bay (Blocks 750, 756, 757 and 762): 8.0' NAVD, 1988 Datum.
 - (c) Along Great Egg Harbor (Block 479, 682 and 735): 10.0' NAVD, 1988 Datum.
 - (d) Along Tuckahoe River (Block 12, 15, 19 and 310): one (1') above the existing bank along the spring high tide line.
 - (e) Along Tuckahoe River (Block 348): 9.0' NAVD, 1988 Datum.
 - 2. Additional outfall piping requires written approval from the Municipal Engineer. If drainage conditions require piping, all new infrastructure must have an approved tide-control device.
 - 3. Existing privately owned outfall piping will be extended and fitted with an approved tide-control device.
 - 4. Existing Township owned storm drains that penetrate private bulkheads shall be extended and maintained by the private property owner.
 - 5. Bulkhead construction shall not adversely effect the depth of the adjacent water body.
- c. Oceanfront Bulkheads
 - 1. Oceanfront Bulkheads shall be required when adjacent to the Atlantic Ocean and extending along Corson's Inlet to the Corson's Inlet Bridge.
 - 2. The minimum elevation of the top of the bulkhead shall be 11.0' NAVD, 1988 datum. The existing timber bulkhead along the oceanfront shall be considered grandfathered as meeting these standards.
 - 3. If the proposed construction methods shall require access and/or disturbance of Township property, a detailed plan outlining the proposed limits of disturbance and proposed restoration shall be provided for approval by the Township Engineer. Township property shall be restored to a condition equal to preconstruction conditions.

17-9 PERFORMANCE STANDARDS. No Change.

17-10 UTILITIES. No Change.

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

17-11 MAINTENANCE, DUTY TO REPAIR AND REPLACE.

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

17-12 VIOLATION; PENALTIES. No Change.

SECTION 2: EFFECTIVE DATE: This ordinance shall take effect immediately upon adoption and publication as required by law.

SECTION 3: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 4: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 5: CODIFICATION: This Ordinance shall be codified as indicated in Chapters 17 of the Upper Township Code.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 5TH DAY OF NOVEMBER, 2018 AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 3RD DAY OF DECEMBER 2018 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

CORRESPONDENCE

NEW BUSINESS

UNFINISHED BUSINESS

DISCUSSION

PAYMENT OF BILLS

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

Bills approved for payment: \$372,168.11
Payroll: \$ 166,064.25

REPORT OF MUNICIPAL DEPARTMENTS

11. MUA Report

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

PUBLIC COMMENT

There was no public comment.

CLOSED SESSION

12. 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. 320-2018 MOTION GOING INTO CLOSED SESSION DECEMBER 3, 2018

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

MATTERS:

1. Personnel
2. Potential litigation - Whippoorwill Campground
3. Litigation - Holt v. Upper Township Zoning Board of Adjustment
4. Litigation - Rotimi Owoh on behalf of Aadari vs. Upper Township
5. Contract negotiation - Assignment of Tax Lien Block 642, Lot 14
6. Contract negotiation - Shared Services with Ocean City for 911 Dispatch
7. Contract negotiation - Shared Services Cape May County Fleet Maintenance.
8. Contract negotiation - Special Legal Counsel

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

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

Moved by: John Coggins

Motion seconded by: Richard Palombo

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

RECONVENE PUBLIC PORTION OF MEETING

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

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:13 P.M., with a motion by John Coggins, second by Edward Barr, and all four Committeemen present voting in the affirmative. The next regular meeting is scheduled for December 17, 2018 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

Bill List

72608 12/03/18 A0075 ADAMS, JOSHUA 259.86 3056
72609 12/03/18 A0081 ARMSTRONG, RALON I. 121.09 3056
72610 12/03/18 A0091 ATLANTIC CITY ELECTRIC 6,652.84 3056
72611 12/03/18 A0175 Adams Rehmann & Haggan Assoc 950.00 3056
72612 12/03/18 A0193 ATLANTIC INVESTIGATIONS, LLC 415.00 3056
72613 12/03/18 A0212 ANCERO, LLC 1,737.00 3056
72614 12/03/18 B0020 BLAKER, RAYMOND 600.00 3056
72615 12/03/18 B0035 BELMONT & CRYSTAL SPRINGS 18.66 3056
72616 12/03/18 B0052 BENNETT BATTERIES, LLC. 188.00 3056
72617 12/03/18 B0078 BOUND TREE MEDICAL, LLC 171.13 3056
72618 12/03/18 B0182 BRIGGS LAW OFFICE, P.C. 1,382.50 3056
72619 12/03/18 B0203 BOY SCOUT TROOP 95 300.00 3056
72620 12/03/18 B0207 BARLOW CHEVROLET, INC 3,482.95 3056
72621 12/03/18 B0248 BARNES LAW GROUP LLC 750.00 3056
72622 12/03/18 C0046 CAPE MAY COUNTY CLERK 11.00 3056
72623 12/03/18 C0068 COMCAST 596.48 3056
72624 12/03/18 C0091 CHISHOLM, JOHN R. 279.94 3056
72625 12/03/18 C0182 CDW GOVERNMENT, INC 116.08 3056
72626 12/03/18 C0201 CRUZAN'S TRUCK SERVICE INC. 38.33 3056
72627 12/03/18 C0204 CUMBERLAND INSURANCE GROUP 1,463.00 3056
72628 12/03/18 C0223 CASA PAYROLL SERVICE 215.25 3056
72629 12/03/18 C0230 CATAMARAN MEDIA COMPANY 316.30 3056
72630 12/03/18 C0245 CLEGG'S GARAGE, INC. 1,824.06 3056
72631 12/03/18 C0246 CRAFT OIL CORPORATION 4,177.75 3056
72632 12/03/18 C0268 Cub Scout Pack 95 300.00 3056
72633 12/03/18 C0279 CASA REPORTING SERVICES LLC 178.75 3056
72634 12/03/18 E0012 EHRLICH PEST CONTROL INC 285.00 3056
72635 12/03/18 E0038 EMSAR NEW JERSEY 679.54 3056
72636 12/03/18 G0086 W.W. GRAINGER, INC. 232.20 3056
72637 12/03/18 H0062 HOPE, JOHN J. 440.01 3056
72638 12/03/18 H0095 HORIZON BCBSNJ 183,307.45 3056
72639 12/03/18 H0131 HPI PROCESSES, INC 1,054.00 3056
72640 12/03/18 J0040 JOHNSON & TOWERS, INC. 535.94 3056
72641 12/03/18 K0028 KIRK'S PIZZA, INC. 1,425.00 3056
72642 12/03/18 K0047 KLINE, EDWARD T. 600.00 3056
72643 12/03/18 K0103 KYOCERA DOCUMENT SOLUTIONS 144.67 3056
72644 12/03/18 L0040 LEA, SHELLEY 254.60 3056
72645 12/03/18 L0043 LEE RAIN, INC. 16.31 3056
72646 12/03/18 L0080 LOWES, INC. 127.46 3056
72647 12/03/18 L0113 LIBERTY MUTUAL INSURANCE 122,597.00 3056
72648 12/03/18 M0180 MED-TECH RESOURCE, LLC 403.52 3056
72649 12/03/18 M0263 MANGAM SR., ANDREW C 85.97 3056
72650 12/03/18 M0277 MONY LIFE INSURANCE COMPANY 190.89 3056
72651 12/03/18 N0043 NAPA AUTO PARTS 77.97 3056
72652 12/03/18 N0134 NJ Assoc for Floodplain Mangmt 20.00 3056
72653 12/03/18 N0143 NATIONAL TIME SYSTEMS 507.50 3056
72654 12/03/18 O0006 SJSHORE MARKETING, LLC 108.21 3056
72655 12/03/18 P0032 PEDRONI FUEL CO. 825.58 3056
72656 12/03/18 P0082 POTTER, JAY 89.98 3056
72657 12/03/18 P0136 POSTNET 24.95 3056
72658 12/03/18 P0175 PRIEST JR., ANTHONY 100.00 3056
72659 12/03/18 P0185 PETERSBURG METHODIST YOUTH 300.00 3056
72660 12/03/18 Q0014 QBE SPECIALTY INSURANCE CO. 45.00 3056
72661 12/03/18 R0030 RIGGINS, INC. 4,196.87 3056
72662 12/03/18 R0114 RUDERMAN, HORN & ESMERADO, PC 4,032.00 3056
72663 12/03/18 S0056 SEASHORE ASPHALT CORPORATION 177.50 3056
72664 12/03/18 S0057 SERVICE TIRE TRUCK CENTERS 481.38 3056
72665 12/03/18 S0113 SMITH, THOMAS G. 2,360.45 3056
72666 12/03/18 S0134 SO. JERSEY GAS COMPANY 1,145.52 3056
72667 12/03/18 S0153 STERICYCLE, INC. 171.08 3056
72668 12/03/18 S0196 STEWART BUSINESS SYSTEMS LLC 75.22 3056
72669 12/03/18 S0239 SHORE VET. ANIMAL CONTROL LLC 2,400.00 3056
72670 12/03/18 S0241 SAFEGUARD BUSINESS SYSTEMS 104.29 3056
72671 12/03/18 S0254 SHOPRITE 63.93 3056

72672 12/03/18 S0292 JEFFREY SURENIAN & ASSOC. LLC 1,302.46 3056
72673 12/03/18 S0327 SUASION COMMUNICATIONS GROUP 75.00 3056
72674 12/03/18 S0328 SJEV 600.00 3056
72675 12/03/18 S0329 SERIOUSLY TOTAL VIDEO 250.00 3056
72676 12/03/18 T0032 THE PRESS OF ATLANTIC CITY 673.26 3056
72677 12/03/18 T0067 TOWNSHIP OF UPPER PETTY CASH 1.21 3056
72678 12/03/18 T0148 THE TITLE COMPANY OF JERSEY 70.00 3056
72679 12/03/18 T0166 TREASURER, STATE OF NEW JERSEY 323.00 3056
72680 12/03/18 V0013 VERIZON WIRELESS 565.75 3056
72681 12/03/18 V0024 VAL-U AUTO PARTS L.L.C. 695.25 3056
72682 12/03/18 W0087 W.B. MASON EGG HARBOR 192.97 3056
72683 12/03/18 Y0008 YOUNG, DANIEL J. ESQUIRE PC 10,981.25 3056
72684 12/03/18 Y0010 YOUNG, HOBIE 205.00 3056
Total: 372,168.11