

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR JANUARY 28, 2019**

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

In compliance with the Open Public Meetings Law, I wish to state that on January 25, 2019 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, Township Engineer Paul Dietrich, Chief Financial Officer Barbara Spiegel, and Township Administrator Scott Morgan.

APPROVAL OF MINUTES - **January 14, 2019 Regular Meeting and Closed Session Minutes** - Motion by Edward Barr, second by John Coggins, to approve the January 14, 2019 Regular Meeting and Closed Session Minutes as submitted. During roll call vote all five Committeemen voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

John Coggins, Committeeman, announced that budget workshop meetings will be held prior to the next two regular meetings February 11, 2019 and February 25, 2019 at 6:00 p.m.

Hobie Young, Committeeman, reported that the Clerks office has prepared a per kid recreation program cost analysis which will be provided for the upcoming budget workshop meeting. He next reported on improvements that are being budgeted for in 2019 at Amanda's field and lastly, he announced that the Easter Egg Hunt has been scheduled for April 13, 2019 at Amanda's Field, with a rain date of April 14, 2019.

Curtis Corson, Committeeman, reported that there were 119 Dogs and 31 Cats vaccinated at the free rabies clinic held on January 19, 2019 and the Township will be holding a second free rabies clinic on February 16, 2019 at Shore Veterinarians from 1:00 pm to 3:00 pm. Dog licenses will be available for purchase during the clinics. Lastly, he asked everyone to be mindful of the risks posed to pets during cold weather.

OTHER REPORTS

Scott Morgan, Township Administrator, reported that the Upper Township Business Association is again requesting the Township's participation in the Upper Township Community Guide. Mr. Morgan requested authority to place a two-page ad in the guide outlining Township information, services, and Township sponsored events. The cost for a two-page ad will be \$2,600.00. There was a motion by Curtis Corson, second by John Coggins to approve the request. During roll call vote all five Committeemen voted in the affirmative. Committeeman Coggins requested that, if available, the Township obtain the guide in an electronic form so that it can be placed on the Township website. Mr. Morgan then gave a brief update on leaf collection in the Township, and the replacement of the Community Center light bulbs to LED. Lastly, he reported that Good Will Industries will no longer provide the containers at the Public Works yard for electronic waste recycling. Beginning in February, residents can place their electronic waste recycling to the curb on bulk pickup days.

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

Paul Dietrich, Township Engineer, reported that Atlantic City Electric will replace street lights that are out with LED lighting upon request by the Township. He next reported that FEMA has accepted the Township's Community Rating System annual certification, which will enable residents in flood prone areas to continue to receive a 25% discount on flood insurance premiums.

RESOLUTIONS

1. Honoring Nathaniel Young on attaining the designation of "Eagle Scout".

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

RESOLUTION NO. 35-2019

RE: HONORING NATHANIEL YOUNG ON ATTAINING THE DESIGNATION OF "EAGLE SCOUT"

WHEREAS, Nathaniel Young of Troop 95, Seaville, New Jersey has recently achieved the designation of Eagle Scout in the Boy Scouts of America; and

WHEREAS, the Township of Upper wishes to acknowledge the outstanding accomplishment of this remarkable young man; and

WHEREAS, the Township Committee extends its sincere congratulations to Nathaniel on the occasion of his receiving the designation of Eagle Scout and commends him for this outstanding accomplishment and the completion of his Eagle Scout project which consisted of landscaping the front area of the Upper Township Rescue Squad building in Petersburg for ease of maintenance and beautification; and

WHEREAS, Nathaniel cleared and leveled the area, built a raised stone wall garden around the digital sign and filled it with topsoil, stone and mums, landscaped the area around the flagpole with white stone, and created a paver walkway leading to the flagpole; and

NOW, THEREFORE, BE IT RESOLVED that the Township Committee extends its sincere congratulations and best wishes to Nathaniel's parents, family, and friends on this happy occasion; and it is

FURTHER RESOLVED that the Township Committee also extends its congratulations and appreciation to the Scout Masters and others who give so freely and generously of their time for the benefit of our youth.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 28th day of January, 2019.

Resolution No.35-2019

Offered by: Barr Seconded by: Corson

Adopted: January 28, 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>

2. In commemoration of the 50th Anniversary of the Country Shore Women's Club.

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

RESOLUTION NO. 36-2019

**RE: IN COMMEMORATION OF THE 50TH ANNIVERSARY OF
THE COUNTRY SHORE WOMEN'S CLUB**

WHEREAS, the Country Shore Women's Club is a chapter of the New Jersey State Federation of Women's Clubs and a proud member of the General Federation of Women's Clubs which is one of the world's largest and oldest women's volunteer community service organizations; and

WHEREAS, the Country Shore Women’s Club of Upper Township is celebrating their 50th Anniversary as a volunteer service organization dedicated to enhancing the lives of others through their volunteer activities; and

WHEREAS, all proceeds from the various fundraisers of the Country Shore Women’s Club is generously given back to the community in the form of scholarships and monetary awards to local organizations and groups; and

WHEREAS, our entire community has benefited from the significant contributions of the Country Shore Women’s Club through their service efforts which include donating warm outerwear to Woodbine Elementary School, Christmas cookies for Woodbine Developmental Center patients, giving tree gifts for those in need, and children’s blankets for CASA; and

WHEREAS, it is a pleasure to extend this expression of our esteem and best wishes to the Country Shore Women’s Club and the members of this organization on the memorable occasion of this 50th Anniversary; 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, that the Township Committee does hereby commend the Country Shore Women’s Club upon this important occasion for its many years of service to the community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 28th day of January 2019.

Resolution No.36-2019

Offered by: Barr Seconded by: Young

Adopted: January 28, 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>	_____	_____	_____

3. Honoring Christopher Thomas on his retirement from the Township of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

**RESOLUTION NO. 37-2019
HONORING CHRISTOPHER THOMAS
ON HIS RETIREMENT FROM THE TOWNSHIP OF UPPER**

WHEREAS, Christopher Thomas will soon be retiring after nearly 31 years of exemplary public service to this community, during which he has served in many capacities within the Department of Public Works; and

WHEREAS, Chris began his career with the Township in 1988 and has served as an Equipment Operator, Carpenter, and the Assistant Supervisor of Public Works; and

WHEREAS, throughout his tenure, Chris has always executed his duties with diligence and skill; and

WHEREAS, it is most appropriate that Chris' tenure of public employment and his years of hard work and dedicated service to this Township be publicly recognized.

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 Chris be publicly congratulated on the occasion of his retirement from the Township of Upper.
2. That he be publicly thanked for his many years of dedicated public service to our community.
3. That this Committee, on behalf of all the citizens of the Township of Upper extend to Chris Thomas, our fellow employee and friend, our very best of wishes on his retirement and his future.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 28th day of January, 2019.

Resolution No.37-2019

Offered by: Barr Seconded by: Palombo

Adopted: January 28, 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>

4. Honoring Duane Terwilliger on his retirement from the Township of Upper.

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

RESOLUTION NO. 38-2019

**HONORING DUANE TERWILLIGER
ON HIS RETIREMENT FROM THE TOWNSHIP OF UPPER**

WHEREAS, Duane Terwilliger will soon be retiring after more than 34 years of public service to this community within the Department of Public Works, where he has served as a Laborer, Recreation Maintenance Worker, Playground Inspector, Assistant Recreation Supervisor, and Supervisor of Recreation Maintenance; and

WHEREAS, Duane began his employment with the Township in 1984, and has served an integral role in the development and maintenance of the Township's beautiful recreation facilities; and

WHEREAS, it is most appropriate that Duane's tenure of public employment and his years of hard work and dedicated service to this Township be publicly recognized.

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 Duane be publicly congratulated on the occasion of his retirement from the Township of Upper.
2. That he be publicly thanked for his many years of dedicated public service to our community.
3. That this Committee, on behalf of all the citizens of the Township of Upper extend to Duane Terwilliger, our fellow employee and friend, our very best of wishes on his retirement and his future.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 28th day of January, 2019.

Resolution No.38-2019

Offered by: Young Seconded by: Barr

Adopted: January 28, 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>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

5. Appointing Sean Fenton and Marshall Kohler as full-time employees to the Upper Township Public Works Department.

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

RESOLUTION NO. 39-2019

**RE: APPOINTING SEAN FENTON AND MARSHALL KOHLER
AS FULL-TIME EMPLOYEES TO THE UPPER TOWNSHIP
PUBLIC WORKS DEPARTMENT**

WHEREAS, a need exists to appoint qualified personnel to the Upper Township Public Works Department to insure optimal operation; and

WHEREAS, these individuals' appointments are conditioned upon successful completion of pre-employment testing; 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. Sean Fenton and Marshall Kohler are hereby conditionally appointed, pending successful completion of pre-employment testing, as full-time Laborers to the Department of Public Works at an annual salary of \$41,975.00, in accordance with the Salary Ordinance.
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.39-2019

Offered by: Barr Seconded by: Young

Adopted: January 28, 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. Authorizing a professional services contract with Cape May County Council on Alcoholism and Drug Abuse, Inc. for an Employee Assistance Program for Township employees.

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

RESOLUTION NO. 40-2019

**RE: AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH CAPE MAY
COUNTY COUNCIL ON ALCOHOLISM AND DRUG ABUSE, INC. FOR AN EMPLOYEE
ASSISTANCE PROGRAM FOR TOWNSHIP EMPLOYEES**

WHEREAS, the Township of Upper wishes to continue its Employee Assistance Program to provide assessment, evaluation intervention, referral and case management services for employees of the Township; and

WHEREAS, the Township of Upper has previously contracted with Cape May County Council on Alcoholism and Drug Abuse, Inc., a New Jersey non-profit corporation (hereinafter referred to as “Cape Assist”) for such services and wishes to continue such relationship by entering into a Professional Services Contract to cover the period from January 1, 2019 to December 31, 2019; and

WHEREAS, Cape Assist has the required expertise to provide and implement the Upper Township Employee Assistance Program; and

WHEREAS, the Township Committee intends to engage the services of Cape Assist under a Professional Services Contract attached hereto as Exhibit A; and

WHEREAS, the Chief Financial Officer has certified the availability of funds to permit said Contract to be entered into;

WHEREAS, Cape Assist has completed and submitted a Business Entity Disclosure Certification which certifies that Cape Assist 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 Cape Assist 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. Cape Assist 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. The proposed Professional Services Contract between the Township of Upper and Cape Assist, a copy of which is on file in the office of the Township Clerk, is hereby approved and the Mayor and the Township Clerk are hereby authorized, directed and empowered to execute said Contract on behalf of the Township of Upper and the Township Clerk is further authorized, directed and empowered to seal said Contract with the seal of the Township of Upper.

4. The Township Clerk shall 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.

5. This Contract has been awarded without competitive bidding for the following reason or reasons:

(A) Professional services of the type herein sought are of such a nature as to require a high degree of trust or confidence in the individual providing the service and, in fact, may require the creation of a confidential or fiduciary relationship between that individual and the municipality;

(B) The services required are highly specialized or technical in nature;

(C) The services require peculiar ability or skill and demand a high degree of specialized knowledge or expertise;

(D) The services are such that their relative work must be judged by subjective considerations that are not susceptible of valuation by competitive bidding; and

(E) The individual who will provide these services has demonstrated his competence and particular expertise in the services required.

6. This Resolution shall take effect immediately and shall be deemed retroactive to January 1, 2019.

Resolution No. 40-2019

Offered by: Corson

Seconded by: Barr

Adopted: January 28, 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>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

7. Accepting the conveyance of real property known as Block 736, Lot 23 on the Municipal Tax Map of the Township of Upper, County of Cape May and State of New Jersey by gift.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 41-2019

**RE: ACCEPTING THE CONVEYANCE OF REAL PROPERTY KNOWN AS BLOCK 736,
LOT 23 ON THE MUNICIPAL TAX MAP OF THE TOWNSHIP OF UPPER, COUNTY OF
CAPE MAY AND STATE OF NEW JERSEY BY GIFT**

WHEREAS, the Township of Upper has received an offer to convey property to the Township by gift from Clayton Industries, Inc., (formerly Clayton Equipment Corp., formerly Clayton Ford Tractor Sales, Inc.), hereinafter referred to as “Clayton”; and

WHEREAS, said property is commonly known as Block 736, Lot 23 on the municipal tax map; and

WHEREAS, the Township has received evidence satisfactory to the Township that there are no liens or encumbrances affecting the property except for ad valorem real estate taxes; that the title is marketable; that there are no undisclosed ownership interests; that the property is not subject to any environmental hazards or conditions; and is not subject to any pending or threatened environmental enforcement action; and

WHEREAS, the Township Committee of the Township of Upper pursuant to Township Code Section 2-15 has determined to accept said real property by gift pursuant to its stated policy of acquiring certain properties.

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 accept the conveyance of the property, known as Block 736, Lot 23 on the municipal tax map of the Township of Upper, by gift from Clayton so long as the title at the time of the gift remains as indicated above. In accepting the gift, the Township shall not require the payment of real estate taxes that are unpaid at the time of the gift.

3. The Municipal Attorney is hereby authorized to prepare a Deed of conveyance, and to submit said Deed to the Office of the Clerk of Cape May County to be recorded.

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. 41-2019

Offered by: Coggins Seconded by: Barr

Adopted: January 28, 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. Accepting the conveyance of real property known as Block 736, Lot 17 on the Municipal Tax map of the Township of Upper, County of Cape May and State of New Jersey by gift.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 42-2019

**RE: ACCEPTING THE CONVEYANCE OF REAL PROPERTY KNOWN AS BLOCK 736,
LOT 17 ON THE MUNICIPAL TAX MAP OF THE TOWNSHIP OF UPPER, COUNTY OF
CAPE MAY AND STATE OF NEW JERSEY BY GIFT**

WHEREAS, the Township of Upper has received an offer to convey property to the Township by gift from Ralph and Dolores Clayton; and

WHEREAS, said property is commonly known as Block 736, Lot 17 on the municipal tax map; and

WHEREAS, the Township has received evidence satisfactory to the Township that there are no liens or encumbrances affecting the property except for ad valorem real estate taxes; that the title is marketable; that there are no undisclosed ownership interests; that the property is not subject to any environmental hazards or conditions; and is not subject to any pending or threatened environmental enforcement action; and

WHEREAS, the Township Committee of the Township of Upper pursuant to Township Code Section 2-15 has determined to accept said real property by gift pursuant to its stated policy of acquiring certain properties.

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 accept the conveyance of the property, known as Block 736, Lot 17 on the municipal tax map of the Township of Upper, by gift from Ralph and Dolores Clayton so long as the title at the time of the gift remains as indicated above. In accepting the gift, the Township shall not require the payment of real estate taxes that are unpaid at the time of the gift.
3. The Municipal Attorney is hereby authorized to prepare a Deed of conveyance, and to submit said Deed to the Office of the Clerk of Cape May County to be recorded.
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. 42-2019

Offered by: Coggins Seconded by: Barr

Adopted: January 28, 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>

9. Authorizing Kathryn M. Wright and B&K Enterprises to hold a ‘Spring in Tuckahoe Craftsmen and Home Event’ at the Upper Township Community Center on April 5th and 6th, 2019.

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

RESOLUTION NO. 43-2019

**RE: AUTHORIZING KATHRYN M. WRIGHT AND B&K ENTERPRISES TO HOLD A
‘SPRING IN TUCKAHOE CRAFTSMEN AND HOME EVENT’ AT THE
UPPER TOWNSHIP COMMUNITY CENTER ON APRIL 5th AND 6th, 2019**

WHEREAS, Kathryn M. Wright and B & K Enterprises, jointly, severally and in the alternative, have submitted a proposal to the Upper Township Committee requesting authority to hold a “Spring in Tuckahoe Craftsmen and Home Event” at the Upper Township Community Center on

April 5th and 6th, 2019, as indicated in their Application for Use of Facilities attached hereto as Exhibit “A”; and

WHEREAS, Kathryn M. Wright and B & K Enterprises, jointly, severally and in the alternative, have provided a Use of Facilities Agreement and an Indemnification and Hold Harmless Agreement in favor of the Township of Upper, its officials, officers and employees in the form attached hereto as Exhibit “B”; 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 does hereby grant approval to Kathryn M. Wright and B & K Enterprises, jointly, severally and in the alternative, to hold a “Spring in Tuckahoe Craftsmen and Home Event” on April 5th and 6th, 2019 as specified in this Resolution and in the accompanying Exhibits subject to and conditioned upon the following:

- (A) The event described in this Resolution is carried out by Kathryn M. Wright and B & K Enterprises, jointly, severally and in the alternative (Sponsors). These Sponsors have no connection, direct or indirect, with the Township of Upper or any of its officials or employees. These Sponsors shall not, in any way, directly or indirectly, represent that the event is, in any way, associated with or affiliated with the Township of Upper and shall make clear that the event is carried out with all appropriate governmental and other approvals. Although the Township of Upper has given permission, subject to the terms of this Resolution, to these event Sponsors to conduct the proposed event, it must be made clear that the event is not and shall not be considered a Township of Upper sponsored or sanctioned event.
- (B) The Sponsors will provide general comprehensive liability insurance coverage to the Township at least thirty (30) days prior to the event. Said insurance coverage will be in form and substance satisfactory to

the Township of Upper's Risk Management Consultant and will name the Township of Upper, its officials, officers, and employees as an additional insured.

- (C) The Sponsors have obtained or will obtain written approval from and comply with all conditions imposed by the following entities:
- (i) the Risk Management Consultant of the Township of Upper.
 - (ii) the New Jersey State Police.
 - (iii) the Upper Township Division of Emergency Management Services.

The Sponsors have provided written authorization from the above entities, including any conditions required of said entities.

- (D) The Sponsors shall remit to the Township the appropriate fee in accordance with Chapter XXVI of the Code of Upper Township at least thirty (30) days prior to the event. This fee shall include the hourly fee for use of the Upper Township Community Center.
- (E) The approval granted herein is subject to all conditions and stipulations as may be recommended or imposed by the Township's Risk Management Consultant or Insurance Representatives. The Township may revoke this approval if the Event Sponsors fail to comply with any said condition or recommendation or any other condition of this Resolution.

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. 43-2019

Offered by: Young Seconded by: Barr

Adopted: January 28, 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>

10. Authorizing the Engineer to prepare specifications and solicit bids for the Reconstruction of Commonwealth Avenue Phase 1 and Bayview Drive Phase 3.

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

RESOLUTION NO. 44-2019

**RE: AUTHORIZING THE ENGINEER TO PREPARE SPECIFICATIONS AND SOLICIT
BIDS FOR THE RECONSTRUCTION OF COMMONWEALTH AVENUE PHASE 1 AND
BAYVIEW DRIVE PHASE 3**

WHEREAS, the Township Committee of the Township of Upper has determined a need to provide improvements to Commonwealth Avenue and Bayview Drive; and

WHEREAS, pursuant to the provisions of the Local Public Contracts Law, the Township of Upper intends to solicit bids as herein indicated;

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 Engineer is hereby authorized and directed to prepare specifications,

bid documents and solicit bids for the following project:

**RECONSTRUCTION OF COMMONWEALTH AVENUE PHASE 1
AND BAYVIEW DRIVE PHASE 3**

3. Sealed bids shall be received by the Township of Upper in accordance with the directives contained in the Notice to Bidders.

Resolution No. 44-2019

Offered by: Coggins

Seconded by: Corson

Adopted: January 28, 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. Authorizing the execution of a NJDEP TWA-1 Application Statements of Consent Form regarding 60 Corson Tavern Road, Seaville, Block 453, Lots 260, 261, and 262.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

RESOLUTION

RESOLUTION NO. 45-2019

RE: AUTHORIZING THE EXECUTION OF A NJDEP TWA-1 APPLICATION STATEMENTS OF CONSENT FORM REGARDING 60 CORSON TAVERN ROAD, SEAVILLE, BLOCK 453, LOTS 260, 261, AND 262

WHEREAS, Plantation Enterprises, Inc. c/o Curtis Corson, (hereinafter referred to as “Plantation Campground”), has or is about to make application to the New Jersey Department of Environmental Protection (hereinafter “DEP”) for Treatment Works Approval for the installation of a new disposal field, and has requested that the Township complete a portion of DEP Form No. WQM-003, which merely consents to the submission of the application to the DEP and certifies that the project, as proposed, conforms with the requirements of all municipal Ordinances and does not otherwise impose any obligation or liability on the Township; and

WHEREAS, Plantation Campground must apply to the New Jersey Department of Environmental Protection for Treatment Works Approval in order to install a new disposal field to service new pool and office facilities located at 60 Corson Tavern Road, Block 453, Lots 260, 261, and 262 of the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Township Engineer has informed the Township Committee as to the general nature of the project and has indicated that the Township has no ordinance prohibiting the proposed project; and

WHEREAS, the matter has been considered by the Township Committee and it has been determined that the consent by the Governing Body should be granted to this application to permit the application process to go forward; and

WHEREAS, the Township Committee wishes to authorize the Township officials to execute said documentation;

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

1. The allegations of the preamble are incorporated herein by this reference.

2. The Mayor is hereby authorized to execute on behalf of the Township of Upper a Statements of Consent, Section A-1, in the form attached hereto as Exhibit "A" and said consent shall be completed by inserting therein this Resolution number and the date of its adoption.

3. This Statements of Consent is submitted in conjunction with the application of Plantation Campground for treatment works approval for the property at Block 453, Lots 260, 261, and 262 on the municipal tax map.

4. A certified copy of this Resolution shall be provided to the applicant.

Resolution No. 45-2019

Offered by: Young

Seconded by: Coggins

Adopted: January 28, 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> </u>	<u> </u>	<u>X</u>	<u> </u>
Young	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

12. Authorizing the execution of a NJDEP TWA-1 Application Statements of Consent Form regarding 1 Harbor Road, Beesley's Point, Block 682, Lots 1 and 2.

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

RESOLUTION NO. 46-2019

**RE: AUTHORIZING THE EXECUTION OF A NJDEP TWA-1 APPLICATION
STATEMENTS OF CONSENT FORM REGARDING 1 HARBOR ROAD,
BEESLEY'S POINT, BLOCK 682, LOTS 1 AND 2**

WHEREAS, Kobe Corp. c/o Tyson Merryman, (hereinafter referred to as "Tuckahoe Inn"), has or is about to make application to the New Jersey Department of Environmental Protection (hereinafter "DEP") for Treatment Works Approval for a proposed replacement of an existing septic field, and has requested that the Township complete a portion of DEP Form No. WQM-003, which merely consents to the submission of the application to the DEP and certifies that the project, as proposed, conforms with the requirements of all municipal Ordinances and does not otherwise impose any obligation or liability on the Township; and

WHEREAS, Tuckahoe Inn must apply to the New Jersey Department of Environmental Protection for Treatment Works Approval in order to replace the existing septic field

located at 1 Harbor Road, Block 682, Lots 1 and 2 of the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Township Engineer has informed the Township Committee as to the general nature of the project and has indicated that the Township has no ordinance prohibiting the proposed project; and

WHEREAS, the matter has been considered by the Township Committee and it has been determined that the consent by the Governing Body should be granted to this application to permit the application process to go forward; and

WHEREAS, the Township Committee wishes to authorize the Township officials to execute said documentation;

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor is hereby authorized to execute on behalf of the Township of Upper a Statements of Consent, Section A-1, in the form attached hereto as Exhibit "A" and said consent shall be completed by inserting therein this Resolution number and the date of its adoption.
3. This Statements of Consent is submitted in conjunction with the application of Tuckahoe Inn for treatment works approval for the property at Block 682, Lots 1 and 2 on the municipal tax map.
4. A certified copy of this Resolution shall be provided to the applicant.

Resolution No. 46-2019

Offered by: Corson

Seconded by: Barr

Adopted: January 28, 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>	_____	_____	_____

13. Authorizing the execution of a NJDEP TWA-1 Application Statements of Consent Form regarding 5 East Winthrop Avenue, Strathmere, Block 857, Lot 16.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

RESOLUTION

RESOLUTION NO. 47-2019

RE: AUTHORIZING THE EXECUTION OF AN NJDEP TWA-1 APPLICATION STATEMENTS OF CONSENT FORM REGARDING 5 EAST WINTHROP AVENUE, STRATHMERE, BLOCK 857, LOT 16

WHEREAS, Barbara McOscar has or is about to make application to the New Jersey Department of Environmental Protection (hereinafter “DEP”) for Treatment Works Approval for a proposed two bedroom single family residential dwelling, and has requested that the Township complete a portion of DEP Form No. WQM-003, which merely consents to the submission of the application to the DEP and certifies that the project, as proposed, conforms with the requirements of all municipal Ordinances and does not otherwise impose any obligation or liability on the Township; and

WHEREAS, Barbara McOscar must apply to the New Jersey Department of Environmental Protection for Treatment Works Approval in order to install an individual subsurface sewerage disposal system for a two bedroom single family residential dwelling to be constructed on 5 East Winthrop Avenue, Block 857, Lot 16 of the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Township Engineer has informed the Township Committee as to the general nature of the project and has indicated that the Township has no ordinance prohibiting the proposed project; and

WHEREAS, the matter has been considered by the Township Committee and it has been determined that the consent by the Governing Body should be granted to this application to permit the application process to go forward; and

WHEREAS, the Township Committee wishes to authorize the Township officials to execute said documentation;

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

1. The allegations of the preamble are incorporated herein by this reference.

2. The Mayor is hereby authorized to execute on behalf of the Township of Upper a Statements of Consent, Section A-1, in the form attached hereto as Exhibit "A" and said consent shall be completed by inserting therein this Resolution number and the date of its adoption.

3. This Statements of Consent is submitted in conjunction with the application of Barbara McOscar for treatment works approval for the property at Block 857, Lot 16 on the municipal tax map.

4. A certified copy of this Resolution shall be provided to the applicant.

Resolution No. 47-2019

Offered by: Corson Seconded by: Barr

Adopted: January 28, 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>	_____	_____	_____

14. Appointing Douglas K. Walker to serve as an additional Municipal Prosecutor on an as needed basis.

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

RESOLUTION NO. 48-2019

**RE: APPOINTING DOUGLAS K. WALKER TO SERVE AS AN ADDITIONAL
MUNICIPAL PROSECUTOR ON AN AS NEEDED BASIS**

WHEREAS, a need exists to appoint an additional municipal prosecutor to serve on an as needed basis; and

WHEREAS, N.J.S.A. 2B:25-4 allows for the appointment of additional municipal prosecutors as necessary to administer justice in a timely and effective manner; and

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

WHEREAS, a resolution is required authorizing the award of such contract for professional services; and

WHEREAS, Douglas K. Walker has completed and submitted a Business Entity Disclosure Certification which certifies that Douglas K. Walker 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 Douglas K. Walker 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. Douglas K. Walker with offices at 15 East 8th Street, Ocean City, New Jersey is hereby appointed as an additional municipal prosecutor to serve on an as needed basis.
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 Douglas K. Walker has professional knowledge as to legal matters and municipal court matters, which knowledge 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

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 Douglas K. Walker for legal services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

5. 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.

6. 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.

7. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Douglas K. Walker in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

8. 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. 48-2019

Offered by: Corson

Seconded by: Barr

Adopted: January 28, 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>

15. Renewing Mining licenses for the license year 2019.

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

RESOLUTION NO. 49-2019

**RE: RENEWING MINING LICENSES FOR THE LICENSE YEAR 2019
AS FOLLOWS:**

**GEORGE HARMS CONSTRUCTION CO., INC.
CALDWELL PIT
BLOCK 414, LOT 45 AND BLOCK 451, LOT 4
850 ROUTE 610
PETERSBURG, NEW JERSEY**

**THOMAS TOWER/ACTION SUPPLY, INC.
BLOCK 565.03, LOT 54
BLOCK 549, LOTS 110, 132, 133, 134, 135 & 136
1413 STAGECOACH ROAD
SEAVILLE, NEW JERSEY**

**THOMAS TOWER/ATLANTIC MASONRY SUPPLY, INC.
BLOCK 565.03, LOTS 55.02, 56 & 57;
BLOCK 549, LOTS 111, 127, 128 & 129
1413 STAGECOACH ROAD
SEAVILLE, NEW JERSEY**

TUCKAHOE SAND AND GRAVEL

**BLOCK 248, LOTS 1, 2, 3, 4, 5, 6, 7 & 8
BLOCK 247, LOTS 4, 9 & 10
BLOCK 453, LOT 2
ROUTE 610 & SHARP ROAD
TUCKAHOE, NEW JERSEY**

**WINIFRED JOAN DALEY T/A DALEY'S PIT
BLOCK 453, LOT 3
1701 ROUTE 610
PETERSBURG, NEW JERSEY**

**HANSON AGGREGATES, BMC, INC.
UPPER TOWNSHIP SAND & GRAVEL
BLOCK 453, LOT 4
1401 ROUTE 610
PETERSBURG, NEW JERSEY**

**HANSON AGGREGATES, BMC, INC.
JULIES PIT
BLOCK 414, LOT 44
1100 ROUTE 610
PETERSBURG, NEW JERSEY**

WHEREAS, Chapter XV of the Code of Upper Township requires a license for the excavation or mining of sand, gravel, earth, soil or mineral products which license shall be issued on an annual basis;

WHEREAS, each of the mining operations hereinafter designated has completed the application process in accordance with the Code of Upper Township; and **WHEREAS**, the Township Committee has reviewed the recommendation of the Township Engineer after his inspection of said mining facilities and review of each application for license renewal and has determined to renew said licenses in accordance with the terms hereinafter specified;

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 mining and soil excavation licenses are hereby renewed for a term of one (1) year commencing February 1, 2019:

- A. George Harms Construction Company, Inc., Block 414, Lot 45 and Block 451, Lot 4; 850 Route 610, Petersburg, New Jersey, in accordance with and subject to compliance with all terms, conditions and other approvals as specified in any resolution of the Upper

Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.

- B. Thomas Tower/Action Supply, Inc., Block 565.03, Lot 54; Block 549, Lots 110, 132, 133, 134, 135 & 136; 1413 Stagecoach Road, Seaville, New Jersey, in accordance with and subject to compliance with all terms, conditions and other approvals as specified in any resolution of the Upper Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.
- C. Thomas Tower/Atlantic Masonry Supply, Inc., Block 565.03, Lots 55.02, 56 & 57; Block 549, Lots 111, 127, 128 & 129; 1413 Stagecoach Road, Seaville, New Jersey, in accordance with and subject to compliance with all terms, conditions and other approvals as specified in any resolution of the Upper Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.
- D. Tuckahoe Sand and Gravel; Block 248, Lots 1, 2, 3, 4, 5, 6, 7 & 8; Block 247, Lots 4, 9 & 10; Block 453, Lot 2; Route 610 & Sharp Road, Tuckahoe, New Jersey, in accordance with and subject to compliance with all terms, conditions and other approvals as specified in any resolution of the Upper Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.
- E. Winifred Joan Daley, T/A Daley's Pit; Block 453, Lot 3; 1701 Route 610, Petersburg, New Jersey, in accordance with and subject to compliance with all terms, conditions and other approvals as specified in any resolution of the Upper Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.
- F. Hanson Aggregates, BMC, Inc./Upper Township Sand & Gravel; Block 453, Lot 4; 1401 Route 610, Petersburg, New Jersey, in accordance with and subject to compliance with all terms, conditions and other approvals as specified in any resolution of the Upper Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.
- G. Hanson Aggregates, BMC, Inc./Julies Pit; Block 414, Lot 44; 100 Route 610, Petersburg, New Jersey, in accordance with and subject to compliance with all terms, conditions and other approvals as specified in any resolution of the Upper Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.

3. All officials of the Township are hereby authorized to take such action as may be necessary or required to carry out the intent and purpose of this Resolution.

4. This Resolution shall become effective on February 1, 2019.

Resolution No. 49-2019

Offered by: Barr

Seconded by: Coggins

Adopted: January 28, 2019

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
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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>

16. Reserve Budget Transfers.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 50-2019

RE: RESERVE BUDGET TRANSFERS

WHEREAS, various 2018 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2018 budget appropriation reserve in the last two months of 2018; and

WHEREAS, N.J.S.A. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available until lapsed at the close of the succeeding year to meet specific claims, commitments or contracts incurred during the preceding fiscal year and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding 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, that the transfers in the amount of \$1,500.00 be made between the 2018 budget appropriation reserves as follows:

<u>TO</u>	<u>FROM</u>
DOG REGULATION O/E	ROAD REPAIRS & MAINT. S/W
\$1,500.00	\$1,500.00

Resolution No. 50-2019

Offered By: Coggins

Seconded By: Barr

Adopted: January 28, 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>

ORDINANCES

17. **Introduction and first reading of Ordinance 001-2019 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XX (ZONING) OF THE CODE OF UPPER TOWNSHIP** - Motion by Curtis Corson, second by Edward Barr, to introduce Ordinance No. 001-2019 with a public hearing and final adoption scheduled for February 25, 2019. 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. 001-2019

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

WHEREAS, the Pinelands Commission has requested Upper Township to amend Chapter XX (Zoning) in response to amendments to the Pinelands Comprehensive Management Plan effective January 3, 2012, September 2, 2014, and March 5, 2018; and

WHEREAS, the Township Planning Board reviewed and discussed the proposed zoning ordinance amendment and made a recommendation in the Upper Township Master Plan Reexamination, August 2018 that Township Committee adopt the model ordinance; and

WHEREAS, the Township Planning Board reviewed and discussed the proposed zoning ordinance amendment and adopted a resolution approving this proposed zoning ordinance amendment finding said amendment is consistent with the Upper Township Master Plan Reexamination on February 21, 2019; and

WHEREAS, the Township Committee finds that the zoning ordinance revisions herein are substantially consistent with the Land Use Plan Element and Master Plan Reexamination;

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

SECTION 1. Chapter 20 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

Add the following to **Section 20-2.2 Pinelands Area Definitions** as follows:

Solar energy facility shall mean a solar energy system and all associated components, including, but not limited to, panels, arrays, footings, supports, mounting and stabilization devices, inverters, electrical distribution wires and other on-site or off-site infrastructure necessary for the facility, which converts solar energy into usable electrical energy, heats water or produces hot air or other similar function.

Revise the following to **Section 20-2.2 Pinelands Area Definitions** as follows:

Alternate design pilot program treatment system shall mean an individual or community on site waste water treatment system that has the capability of providing a high level of treatment including a significant reduction in the level of total nitrogen in the wastewater and that has been approved by the Pinelands Commission for participation in the alternate design wastewater treatment systems pilot program pursuant to N.J.A.C. 7:50-10.23(b). Detailed plans and specifications for each authorized technology are available at the principal office of the Pinelands Commission.

Immediate family shall mean those persons related by blood or legal relationship in the following manner: spouses, domestic partners, great-grandparents, grandparents, great-grandchildren, grandchildren, parents, sons, daughters, brothers and sisters, aunts and uncles, nephews, nieces and first cousins.

Revise the following subsection **Section 20-5.14.h.2(e) Water Quality**:

- (e) Individual on-site septic waste water treatment systems which are intended to reduce the level of nitrate/nitrogen in the wastewater, provided that:
 - (1) (No change.)
 - (2) If the proposed development is non-residential and located outside of a Pinelands Town or Pinelands Village management area, the standards of N.J.A.C. 7:50-6.84(a)5iii(2) are met.
 - (3) (No change.)

Revise the following subsection **Section 20-5.14.h.2(g) Water Quality**:

- (g) Alternate design pilot program treatment systems, provided that:
 - (1)-(9) (No change.)
 - (10) Each system shall be covered by a five-year warranty and a minimum five-year maintenance contract consistent with those approved pursuant to N.J.A.C. 7:50-10.22(a)2v that cannot be cancelled and is renewable and which includes provisions requiring that the manufacturer or its agent inspect the system at least once a year and undertake any maintenance or repairs determined to be necessary during any such inspection or as a result of observation made at any other time; and
 - (11) The property owner shall record with the deed to the property a notice consistent with that approved pursuant to N.J.A.C. 7:50-10.22(a)2vi that identifies the technology, acknowledges the owner's responsibility to operate and maintain it in accordance with the manual required in paragraph h,2(g)(9) above, and grants access, with reasonable notice, to the local Board of Health, the Commission and its agents for inspection and monitoring purposes. The recorded deed shall run with the property and shall ensure that

the maintenance requirements are binding on any owner of the property during the life of the system and that the monitoring requirements are binding on any owner of the property during the time period the monitoring requirements apply pursuant to the pilot program or any subsequent regulations adopted by the Commission that apply to said system.

~~(12) No alternate design pilot program treatment system shall be installed after August 5, 2007.~~

Revise the following subsection **Section 20-11.5a.2 Special Procedures Regarding Development in the Pinelands Area:**

2. Except as provided in paragraph a.3. below, the following shall not be subject to the procedures set forth in this Chapter:
 - (a)-(f) (No change.)
 - (g) The construction of any addition or accessory structure for any non-residential use or any multi-family residential structure provided that:
 - (1) If the addition or structure will be located on or below an existing impervious surface, either the existing use is served by public sewers or the addition or structure will generate no wastewater flows, and said addition or structure will cover an area of no more than 4,999 square feet; and
 - (2) If the addition or structure will not be located on or below an impervious surface, said addition or structure will generate no wastewater flows and will cover an area of no more than 1,000 square feet.
 - (h)-(j) (No change.)
 - (k) The repaving of existing paved roads and other paved surfaces, provided no increase in the paved width or area of said roads and surfaces will occur.
 - (l) The clearing of land solely for agricultural or horticultural purposes.
 - (m)-(r) (No change.)
 - (s) The installation of an accessory solar energy facility on any existing structure or impervious surface.
 - (t) The installation of a local communications facilities antenna on an existing communications or other suitable structure, provided such antenna is not inconsistent with any comprehensive plan for local communications facilities approved by the Pinelands Commission pursuant to N.J.A.C. 7:50-5.4(c)6.
 - (u) The establishment of a home occupation within an existing dwelling unit or structure accessory thereto, provided that no additional development is proposed.
 - (v) The change of one nonresidential use to another nonresidential use, provided that the existing and proposed uses are or will be served by public sewers and no additional development is proposed.

Revise the following subsection **Section 20-11.5d Special Procedures Regarding Development in the Pinelands Area:**

d. Notices to the Pinelands Commission.

1. Application Submission and Modifications. Written notification shall be given by the Township, by email or regular mail, to the Pinelands Commission within seven (7) days after a determination is made by the Township that an application for development in the Pinelands Area is complete or if a determination is made by the Township approval agency that the application has been modified. Said notice shall contain:
 - (a) The name and address of the applicant;
 - (b) The legal description and street address, if any, of the parcel that the applicant proposes to develop;
 - (c) A brief description of the proposed development, including uses and intensity of uses proposed;
 - (d) The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued;
 - (e) The date on which the application, or any change thereto, was filed and any application number or other identifying number assigned to the application by the approval agency;
 - (f) The approval agency with which the application or change thereto was filed;
 - (g) The content of any change made to the application since it was filed with the Commission, including a copy of any revised plans or reports; and
 - (h) The nature of the municipal approval or approvals being sought.
2. Meetings and Hearings. Where a meeting, hearing or other formal proceeding on an application for development approval in the Pinelands Area is required, the applicant shall provide notice to the Pinelands Commission by email, regular mail or delivery of the same to the principal office of the Commission at least five (5) days prior to such meeting, hearing or other formal proceeding. Such notice shall contain at least the following information:
 - (a) The name and address of the applicant;
 - (b) The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued;
 - (c) The date, time and location of the meeting, hearing or other formal proceeding;
 - (d) The name of the approval agency or representative thereof that will be conducting the meeting, hearing or other formal proceeding;

- (e) Any written reports or comments received by the approval agency on the application for development that have not been previously submitted to the Commission; and
 - (f) The purpose for which the meeting, hearing or other formal proceeding is to be held.
3. Notice of Approvals and Denials. The Pinelands Commission shall be notified of all approvals and denials of development in the Pinelands Area, whether the approval occurs by action or inaction of any approval agency or an appeal of any agency's decision. The applicant shall, within five (5) days of the approval or denial, give notice by email or regular mail to the Pinelands Commission. Such notice shall contain the following information:
- (a) The name and address of the applicant;
 - (b) The legal description and street address, if any, of the parcel that the applicant proposes to develop;
 - (c) The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued;
 - (d) The date on which the approval or denial was issued by the approval agency;
 - (e) Any written reports or comments received by the approval agency on the application for development that have not been previously submitted to the Commission;
 - (f) Any revisions to the application not previously submitted to the Commission;
 - (g) A copy of the resolution, permit or other documentation of the approval or denial. If the application was approved, a copy of any preliminary or final plan, plot or similar document that was approved shall also be submitted.

SECTION 2: EFFECTIVE DATE: This ordinance shall take effect immediately upon certification by the Pinelands Commission and following publication as required by law.

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

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

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

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 28TH DAY OF JANUARY, 2019 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 25TH DAY OF FEBRUARY, 2019 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

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

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

CORRESPONDENCE

NEW BUSINESS

18. **Upper Township Soccer Association request to hold Raffles RA-511 and RA-512 at Yesterday's Restaurant Tavern on March 29, 2019 and April 5, 2019** - Motion by Hobie Young, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative.

UNFINISHED BUSINESS

DISCUSSION

PAYMENT OF BILLS

19. **"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: \$1,796,108.46
Payroll: \$167,106.47

REPORT OF MUNICIPAL DEPARTMENTS

PUBLIC COMMENT

Wanda Adamson, Sunset Acres, requested that a contact person or contact information for the various sports organizations be placed on the website.

Blanche Adams, Upper Township Business Association, thanked the Committee for their participation in the Community Guide, and stated that they will provide an electronic link to the guide for the Township's website.

Ted Kingston, Strathmere, requested assistance in the repair of a snapped telephone pole on Commonwealth Avenue. The Township Engineer stated that he would obtain the pole number and report the problem.

CLOSED SESSION

20. 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. 51-2019
MOTION GOING INTO CLOSED SESSION
JANUARY 28, 2019

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. Contract negotiation - Special Legal Counsel for In-Rem Foreclosure matters
2. Contract negotiation - Shared Services with Corbin City for Conflict Zoning Officer
3. Contract negotiation - Shared Services with Cape May County for Upper Township Senior Center
4. Contract negotiation - Conflict Municipal Prosecutor
5. Personnel

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: Edward Barr

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 five Committeemen voting in the affirmative.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 8:53 P.M., with a motion by John Coggins, second by Edward Barr, and all five Committeemen voting in the affirmative. The next Committee meeting is scheduled for February 11, 2019 with a Budget Workshop meeting at 6:00 P.M. and the regular meeting at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

Bill List

72885 01/28/19 A0015 ADVANCE LEARNING 250.00 3062

72886 01/28/19 A0017 ATLANTIC CO. MUNICIPAL JIF 55,148.00 3062
72887 01/28/19 A0023 ADAMS, JOHN 6.00 3062
72888 01/28/19 A0061 ASSOC. CERT. TAX ASSESSORS CMC 660.00 3062
72889 01/28/19 A0091 ATLANTIC CITY ELECTRIC 6,418.69 3062
72890 01/28/19 A0191 ACTION UNIFORM CO. LLC 250.00 3062
72891 01/28/19 A0193 ATLANTIC INVESTIGATIONS, LLC 533.00 3062
72892 01/28/19 A0212 ANCERO, LLC 2,652.47 3062
72893 01/28/19 A0219 ALTERNATIVE MICROGRAPHICS, INC 2,807.83 3062
72894 01/28/19 B0020 BLAKER, RAYMOND 18.00 3062
72895 01/28/19 B0076 BOND, LAURENCE E. 3,084.00 3062
72896 01/28/19 B0093 BARRY, CORRADO, GRASSI & 507.50 3062
72897 01/28/19 B0178 BUGANSKI, PETER R. 119.96 3062
72898 01/28/19 B0184 BUSHONG, BRIAN 183.95 3062
72899 01/28/19 B0220 BERGEY'S TRUCK CENTERS 889.08 3062
72900 01/28/19 B0239 BAILEY, WILLIAM MICHAEL 791.66 3062
72901 01/28/19 B0248 BARNES LAW GROUP LLC 750.00 3062
72902 01/28/19 B0259 BENCHMARK INSURANCE COMPANY 33,048.00 3062
72903 01/28/19 B0260 BENCHMARK INSURANCE COMPANY 20,637.00 3062
72904 01/28/19 B0261 BENCHMARK INSURANCE COMPANY 20,097.00 3062
72905 01/28/19 B0262 BENCHMARK INSURANCE COMPANY 13,167.00 3062
72906 01/28/19 C0002 C.M.C. CHAMBER OF COMMERCE, INC 675.00 3062
72907 01/28/19 C0048 CAPE MAY COUNTY MUA 31,430.27 3062
72908 01/28/19 C0052 CAPE MAY COUNTY TREASURER 1,324,950.59 3062
72909 01/28/19 C0056 CAPE MEDIATION SERVICE, INC. 2,260.80 3062
72910 01/28/19 C0068 COMCAST 888.32 3062
72911 01/28/19 C0101 CHATTEN, LINWOOD R. 179.95 3062
72912 01/28/19 C0143 CODY'S POWER EQUIPMENT 28.49 3062
72913 01/28/19 C0223 CASA PAYROLL SERVICE 1,267.75 3062
72914 01/28/19 C0279 CASA REPORTING SERVICES LLC 130.00 3062
72915 01/28/19 C0296 COMCAST BUSINESS COMMUNICATION 1,386.86 3062
72916 01/28/19 C0305 CM3 BUILDING SOLUTIONS, INC. 345.00 3062
72917 01/28/19 D0040 DELTA DENTAL OF N.J. INC. 6,078.56 3062
72918 01/28/19 D0164 DUDE SOLUTIONS, INC. 6,074.25 3062
72919 01/28/19 E0012 EHRlich PEST CONTROL INC 94.00 3062
72920 01/28/19 E0017 EDMUNDS & ASSOCIATES, INC. 9,974.00 3062
72921 01/28/19 F0053 FORD, SCOTT & ASSOCIATES 5,000.00 3062
72922 01/28/19 F0221 FLANAGAN, KEVIN M. 575.00 3062
72923 01/28/19 F0222 FENTON, SEAN R 40.66 3062
72924 01/28/19 G0028 GENTILINI FORD 2,051.46 3062
72925 01/28/19 G0086 W.W. GRAINGER, INC. 156.73 3062
72926 01/28/19 G0169 GROFF TRACTOR NEW JERSEY LLC 7,755.34 3062
72927 01/28/19 H0073 HOME DEPOT CRC/GEFCF 139.38 3062
72928 01/28/19 H0095 HORIZON BCBSNJ 185,167.20 3062
72929 01/28/19 H0188 HAM RADIO OUTLET, INC 1,998.85 3062
72930 01/28/19 I0001 NJ-IAAO 170.00 3062
72931 01/28/19 J0028 JESCO, INC. 202.09 3062
72932 01/28/19 J0041 JONES, JAMES M. 6.00 3062
72933 01/28/19 J0079 JAMES WYERS LANDSCAPING, LLC 120.00 3062
72934 01/28/19 K0037 KOHLER, JOHN F 6.00 3062
72935 01/28/19 L0034 LAYTON, BRENDA 3,120.00 3062
72936 01/28/19 L0116 LEA, ANTHONY 6.00 3062
72937 01/28/19 M0012 McCAULEY, RICHARD 18.00 3062
72938 01/28/19 M0016 McAFEE, MEGAN 18.68 3062
72939 01/28/19 M0046 MASON, DAVID 3,216.00 3062
72940 01/28/19 M0080 McMANIMON, SCOTLAND & BAUMANN 56.50 3062
72941 01/28/19 M0088 MC SYSTEMS SOFTWARE LLC 600.00 3062
72942 01/28/19 M0142 MASON, NICHOLAS 18.00 3062
72943 01/28/19 M0188 MCCARTHY TIRE SERVICE OF PHILA 163.12 3062
72944 01/28/19 M0263 MANGAM SR., ANDREW C 286.75 3062
72945 01/28/19 M0277 MONY LIFE INSURANCE COMPANY 190.89 3062
72946 01/28/19 N0143 NATIONAL TIME SYSTEMS 1,024.85 3062
72947 01/28/19 O0055 OCEAN COUNTY UTILITIES AUTHORI 2,741.20 3062
72948 01/28/19 P0032 PEDRONI FUEL CO. 1,513.03 3062
72949 01/28/19 P0050 PARSIO, ANTHONY 367.56 3062
72950 01/28/19 P0121 PENGUIN MANAGEMENT, INC 9,300.00 3062
72951 01/28/19 P0152 READY, LOREN 26.68 3062
72952 01/28/19 P0175 PRIEST JR., ANTHONY 100.00 3062
72953 01/28/19 R0030 RIGGINS, INC. 5,310.38 3062
72954 01/28/19 R106 RUMER, LISA 381.80 3062
72955 01/28/19 S0001 SAM'S CLUB 96.18 3062
72956 01/28/19 S0018 SUBURBAN PROPANE, LP 120.86 3062
72957 01/28/19 S0020 SUPPLY WORKS 27.50 3062
72958 01/28/19 S0034 SCHULER, DANIEL 18.00 3062
72959 01/28/19 S0057 SERVICE TIRE TRUCK CENTERS 3,456.22 3062
72960 01/28/19 S0092 SHONE, LEROY 6.00 3062
72961 01/28/19 S0113 SMITH, THOMAS G. 3,373.90 3062
72962 01/28/19 S0134 SO. JERSEY GAS COMPANY 6,120.17 3062

72963 01/28/19 S0253 SAMPLE MEDIA, INC. 186.00 3062
72964 01/28/19 S0327 SUASION COMMUNICATIONS GROUP 525.00 3062
72965 01/28/19 T0038 THOMAS, CHRISTOPHER 18.00 3062
72966 01/28/19 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3062
72967 01/28/19 T0202 Teeney, Margaret 41.41 3062
72968 01/28/19 V0013 VERIZON WIRELESS 566.23 3062
72969 01/28/19 V0024 VAL-U AUTO PARTS L.L.C. 1,154.46 3062
72970 01/28/19 V0025 V.E. RALPH & SON,INC. 218.40 3062
72971 01/28/19 V0027 VANORDER, ROGER 12.00 3062
72972 01/28/19 W0038 WILLIAMS, JEREMIAH J. 500.00 3062
72973 01/28/19 W0060 WOOLLEY, THOMAS 12.00 3062
Total: \$1,796,108.46