

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR MARCH 11, 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 March 8, 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 - February 25, 2019 Regular Meeting and Closed Session Minutes

Motion by Edward Barr, second by Hobie Young, to approve the February 25, 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

Hobie Young, Committeeman, reported that the Easter Egg Hunt is scheduled for April 13th from 12:00 to 3:00 at Amanda’s Field. Rain date is April 14th. He next stated that the car show has been scheduled for October 5, 2019. Next, he reported that Wrestling has won their league championship, and requested that Resolutions be prepared congratulating them for their successful season. Last, he reported that he received an email thanking the Township for employee John Adams and the good work he has been doing.

Edward Barr, Committeeman, inquired into the County’s plans for Corson Tavern Road and stated that he has received many questions from residents regarding the scope of the project. Mr. Dietrich stated that the County is planning a major reconstruction of the road which will include drainage improvements. He will ask the County if they will hold a public informational meeting.

Curtis Corson, Committeeman, reported that several business owners in Tuckahoe have spoken to him regarding the hazardous pedestrian crosswalk on Route 50 near the bank. It was stated that there are no lights controlling the crossing and it is dangerous. He asked that the Township request the DOT to install a blinking red traffic light to help alleviate the problem. Motion by Curtis Corson, second by Edward Barr, to prepare a resolution requesting the

DOT to install traffic control devices for the crosswalk on Route 50 in Tuckahoe. During roll call vote all five Committeemen voted in the affirmative. A resolution for formal action will be placed on the next agenda.

Richard Palombo, Mayor, reported that he has received a request to adopt a No Wake Ordinance to prohibit vehicles from racing along flooded streets and causing damage to homes along the road. He stated that Sea Isle has introduced a similar ordinance and requested the Municipal Attorney to look into the benefits of the Township doing the same.

OTHER REPORTS

Scott Morgan, Township Administrator, reported that the Township's Tax Assessor has organized a Blood Drive for Thursday March 14th from 2:00 pm to 7:00 pm at the Upper Township Community Center, and is requesting permission to offer a contest for one day off with pay to employees that donate blood. Motion by Curtis Corson, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative. Mr. Morgan next reported that he and the Township Engineer recently attended a meeting with Comcast regarding proposed upgrades to RTNA lines for the communications system. He hopes to have some proposals for the Committee's review soon.

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

Paul Dietrich, Township Engineer, reported that he, the Township Administrator, and Committeeman Coggins recently met with the NJDEP and the US Department of Fish and Wildlife to commence the process of updating the Township's Beach Management Plan. He stated it was a good meeting and he anticipates having the final updated plan for the Committee's approval next month. Next, Mr. Dietrich reported that he has received correspondence from the Jersey Shore Partnership requesting the township's support for legislation to increase the State's Shore Protection Fund, as well as a request to renew the Township's membership with Jersey Shore Partnership. Motion by Richard Palombo, second by John Coggins, to renew the membership. During roll call vote all five Committeemen voted in the affirmative. Next, he reported that the Army Corps of Engineers has released their NJ Back Bay Study which looked at back bay flooding from Sandy Hook to Cape May Point. There was then a lengthy discussion of the study. Lastly, he requested approval to register for the New Jersey Floodplain Conference. Motion by Curtis Corson, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative.

2019 BUDGET - CAP Ordinance and Budget Introduction

- 1. Introduction and first reading of Ordinance No. 004-2019, RE: CALENDAR YEAR 2019 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14).** Motion by John Coggins, second by Edward Barr, to introduce Ordinance 004-2019 with a public hearing and final adoption scheduled for April 8, 2019. During roll call vote all five Committeemen voted in the affirmative.

**TOWNSHIP OF UPPER
CALENDAR YEAR 2019
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

ORDINANCE NO. 004-2019

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to **2.5%** unless authorized by ordinance to increase it to **3.5%** over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the **3.5%** percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Upper in the County of Cape May finds it advisable and necessary to increase its CY 2019 budget by up to **3.5%** over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee of the Township of Upper hereby determines that a **1.0 %** increase in the budget for said year, amounting to **\$108,932.78** in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Committee of the Township of Upper hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Upper, in the County of Cape May a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Township of Upper shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by **3.5 %**, amounting to \$ **\$381,264.73** and that the CY 2019 municipal budget for the Township of Upper be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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 11TH DAY OF MARCH, 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 8TH DAY OF APRIL, 2019 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

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

2. Resolution No.76-2019 - Introduction of 2019 Budget.

Municipal Auditor Leon Costello stated that the 2019 Budget represents a 1.25 cent increase to the local purpose tax rate, and is well within the spending and levy caps. The budget can be modified up until the budget adoption scheduled for April 8th.

Municipal Clerk Barbara Young read the following Municipal Budget Resolution into the record: Municipal Budget of the Township of Upper, County of Cape May for the Fiscal Year 2019. Be it Resolved that the following statements of revenues and appropriations shall constitute the Municipal Budget for the Year 2019. Be it further Resolved that said Budget be published in the Press in the issue of the 15th day of March 2019.

Motion by John Coggins, second by Edward Barr, to introduce the 2019 Budget with a Public Hearing and Final Adoption of the Budget and Resolution for the year 2019 scheduled for April 8, 2019 at 7:30 P.M. During roll call vote all five Committee members voted in the affirmative. The introduced budget is available for public inspection on the Upper Township website, a copy is available at the Upper Township Branch of the Cape May County Public Library, and copies are available at the Clerk's Office.

3. Authorizing the execution of a Group Affidavit Re: Governing Body Certification of Compliance with United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions under Title VIII of the Civil Rights Act 1964”.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 77-2019

**AUTHORIZING THE EXECUTION OF A GROUP AFFIDAVIT
RE: GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION’S
“ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION
RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VIII OF THE CIVIL RIGHTS ACT 1964”**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto as exhibit “A”; and

NOW, THEREFORE BE IT RESOLVED, That the Township Committee of the Township of Upper, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

Resolution No. 77-2019
Offered By: Coggins
Adopted: March 11, 2019

Seconded by: Barr

ROLL CALL:

<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"

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

GROUP AFFIDAVIT

**GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183
OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION'S "ENFORCEMENT GUIDANCE ON
THE CONSIDERATION OF ARREST AND CONVICTION RECORDS
IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE
CIVIL RIGHTS ACT OF 1964"**

We, members of the Township Committee of the Township of Upper, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Township Committee of the Township of Upper, in the county of Cape May;
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012);
3. We are familiar with the local unit's hiring practices as they pertain to the consideration of an individual's criminal history;
4. We certify that the local unit's hiring practices comply with the above-referenced enforcement guidance.

RESOLUTIONS

4. Congratulating the Upper Township Riptide-Gray Hockey Team on becoming the 2018 Cape May County 5th to 8th Grade Roller Division Champions.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 78-2019

**RE: CONGRATULATING THE UPPER TOWNSHIP RIPTIDE-GRAY
HOCKEY TEAM ON BECOMING THE 2018 CAPE MAY COUNTY 5TH TO 8TH
GRADE ROLLER DIVISION CHAMPIONS**

WHEREAS, the Upper Township 5th to 8th Grade Roller Division Hockey Team, Upper Riptide–Gray, had an outstanding 2018 hockey season; and

WHEREAS, they recently participated in the Cape May County Championship Games in December 2018 and won the Cape May County Championship for their division, winning 2 of 3 game series, against the Upper Township Red team; and

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

Marlie Chiarello	Jezabel Colwell
JJ DeAugustine	Zach DeAugustine
Sean Flynn	Eddie Fuller
Joey Porrecca	Cole Roden
Michael Scanlan	Caitlyn Schaffer
Caleb Servis	Kaleb Williams

WHEREAS, we also extend this recognition and thanks to John DeAugustine who has generously given his personal time and service to coach this team; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee on behalf of the citizens of the Township of Upper, to extend to the Upper Township Riptide-Gray 5th to 8th Grade Roller Division Hockey Team, congratulations on becoming the 2018 Cape May County Hockey League 5th – 8th Grade Roller Division Champions, and to the coach a heartfelt thanks and gratitude for the generous donation of his time and service to the young people of this community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 11th day of March, 2019.

Resolution No. 78-2019

Offered By: Young

Seconded by: Barr

Adopted: March 11, 2019

ROLL CALL:

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

5. Congratulating the Upper Township Riptide–Black Hockey Team on becoming the 2018 Cape May County Hockey League, High School Division Champions.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 79-2019

RE: CONGRATULATING THE UPPER TOWNSHIP RIPTIDE-BLACK HOCKEY TEAM ON BECOMING THE 2018 CAPE MAY COUNTY HOCKEY LEAGUE, HIGH SCHOOL DIVISION CHAMPIONS

WHEREAS, the Upper Township Riptide-Black Hockey Team finished an impressive season in first place; and

WHEREAS, the Upper Township Riptide-Black Hockey Team participated in the Cape May County Hockey League Championships in December 2018 and won the 2018 Cape May County High School Division Championship by sweeping a best-of-three series; and

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

- Sam Gold
- Alex Loesch
- Nicholas Loesch
- Conner Meehan
- Colin Perro
- Dennis Shiffler
- Jake Stryker

WHEREAS, we also extend this recognition and thanks to Dennis Shiffler and Mark Gold, who have generously given their personal time and service to coach this team; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee on behalf of the citizens of the Township of Upper, to extend to the Upper Township Riptide-Black Hockey Team congratulations on becoming the 2018 Cape May County Hockey League High School Division Champions, and to each coach heartfelt thanks and gratitude for the generous donation of their time and service to the young people of this community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 11th day of March, 2019.

Resolution No. 79-2019

Offered By: Young

Seconded by: Barr

Adopted: March 11, 2019

ROLL CALL:

<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. Congratulating Robert J. Young, Sr. for fifty years of service to the Tuckahoe Volunteer Fire Company, Upper Township Fire District #2, and extending to him our thanks and appreciation.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 80-2019

**RE: CONGRATULATING ROBERT J. YOUNG, SR.
FOR FIFTY YEARS OF SERVICE TO THE TUCKAHOE VOLUNTEER
FIRE COMPANY, UPPER TOWNSHIP FIRE DISTRICT #2, AND EXTENDING
TO HIM OUR THANKS AND APPRECIATION**

WHEREAS, Robert J. Young, Sr. first joined the Tuckahoe Volunteer Fire Company in September of 1969 at the age of 18; and

WHEREAS, Robert has generously volunteered his personal time and service to the Tuckahoe Volunteer Fire Company, Upper Township Fire District#2, for fifty years; and

WHEREAS, during his years with the Fire Company he was first and foremost a fireman dedicated to the safety and wellbeing of the citizens of our community while earning the respect and high regard of his fellow firemen for his valor, strength and compassion whenever called to duty; and

WHEREAS, Robert has served the Tuckahoe Volunteer Fire Company in many capacities such as Firefighter, Captain, and Secretary; and

WHEREAS, in addition, Robert has served for more than thirty years as a Commissioner on the Upper Township Fire District #2 Board of Fire Commissioners, and is currently serving as Chairman; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee on behalf of the citizens of the Township of Upper, do hereby congratulate Robert J. Young, Sr. for fifty years of service to the Tuckahoe Volunteer Fire Company, Fire District #2, and extend to him our heartfelt thanks and gratitude for the generous donation of his time and service to this community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 11th day of March, 2019.

Resolution No. 80-2019

Offered By: Corson

Seconded by: Barr

Adopted: March 11, 2019

ROLL CALL:

<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 X _____ _____ _____
Palombo X _____ _____ _____

7. Congratulating Winfield Scott Mauger for fifty years of service to the Tuckahoe Volunteer Fire Company, Upper Township Fire District #2, and extending to him our thanks and appreciation.

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

RESOLUTION NO. 81-2019

**RE: CONGRATULATING WINFIELD SCOTT MAUGER
FOR FIFTY YEARS OF SERVICE TO THE TUCKAHOE VOLUNTEER
FIRE COMPANY, UPPER TOWNSHIP FIRE DISTRICT #2, AND EXTENDING
TO HIM OUR THANKS AND APPRECIATION**

WHEREAS, Winfield Scott Mauger first joined the Tuckahoe Volunteer Fire Company in November of 1969; and

WHEREAS, Scott has generously volunteered his personal time and service to the Tuckahoe Volunteer Fire Company, Upper Township Fire District#2, for fifty years; and

WHEREAS, during his years with the Fire Company he was first and foremost a fireman committed to the safety and wellbeing of the citizens of our community while earning the respect and high regard of his fellow firemen for his valor, strength and compassion whenever called to duty; and

WHEREAS, Scott has served the Tuckahoe Volunteer Fire Company volunteering numerous hours as a Firefighter; and

WHEREAS, in addition, Scott has served for more than forty years as a Commissioner on the Upper Township Fire District #2 Board of Fire Commissioners, and is currently serving as Treasurer; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee on behalf of the citizens of the Township of Upper, do hereby congratulate Winfield Scott Mauger for fifty years of service to the Tuckahoe Volunteer Fire Company, Fire District #2, and extend to him our heartfelt thanks and gratitude for the generous donation of his time and service to this community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 11th day of March, 2019.

Resolution No. 81-2019
Offered By: Corson

Seconded by: Barr

Adopted: March 11, 2019

ROLL CALL:

<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>	_____	_____	_____

- 8. Amending Resolution No. 012-2019 that appoints various officers and employees to annual and specified terms.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 82-2019

**RE: AMENDING RESOLUTION NO. 012-2019
THAT APPOINTS VARIOUS OFFICERS AND
EMPLOYEES TO ANNUAL AND SPECIFIED TERMS**

WHEREAS, Resolution No. 012-2019 appoints various officers and employees to annual and specified terms and includes the salary for each; and

WHEREAS, the Township Committee has determined it is necessary to amend said Resolution No. 012-2019 to amend the salary of the Acting Deputy Municipal Court Administrator, Loren Ready, to reflect an annual salary of \$51,000.00.

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. Resolution No. 012-2019 is amended to reflect an annual salary of \$51,000.00 for Loren Ready, Acting Deputy Municipal Court Administrator.
3. This Resolution shall be effective on March 1, 2019.

Resolution No. 82-2019

Offered by: Barr

Seconded by: Coggins

Adopted: March 11, 2019

Roll Call Vote:

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

9. Authorizing a contract with J.A. Montgomery Risk Control Services, LLC for Right to Know Inventory and Survey Preparation Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 83-2019

**RE: AUTHORIZING A CONTRACT WITH J.A. MONTGOMERY RISK
CONTROL SERVICES, LLC FOR RIGHT TO KNOW INVENTORY
AND SURVEY PREPARATION SERVICES**

WHEREAS, J.A. Montgomery Risk Control Services, LLC, “J.A. Montgomery”, has submitted a proposal to the Township for Onsite Inventory, preparation of Community Right to Know Survey Documents, and preparation of Right to Know Central File for 2019; and

WHEREAS, the Township wishes to accept said proposal and to authorize a contract with J.A. Montgomery; and

WHEREAS, the contract has been reviewed and approved by the Municipal Attorney and will be on record in the office of the Township Clerk and available for public inspection; and

WHEREAS, J.A. Montgomery has completed and submitted a Business Entity Disclosure Certification which certifies that J.A. Montgomery 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 J.A. Montgomery from making any reportable contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to enter into a contract with J.A. Montgomery attached hereto as Exhibit “A”, to provide Onsite Inventory, preparation of Community Right to Know Survey Documents, and preparation of Right to Know Central File for 2019.
3. J.A. Montgomery 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.
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. 83-2019
Offered by: Barr
Adopted: March 11, 2019
Roll Call Vote:

Seconded by: Coggins

<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>	---	---	---

10. Appointing McManimon, Scotland & Baumann, LLC to act as Special Legal Counsel.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 84-2019

**RE: APPOINTING MCMANIMON, SCOTLAND & BAUMANN, LLC TO
ACT AS SPECIAL LEGAL COUNSEL**

WHEREAS, the Township of Upper requires special legal counsel services with regard to bonding for capital improvement projects and other issues; and

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

WHEREAS, the Township has decided to acquire the services of McManimon, Scotland & Baumann, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. McManimon, Scotland & Baumann, LLC with offices at 75 Livingston Avenue, Roseland, New Jersey 07068 is hereby appointed Special Legal Counsel to handle matters regarding capital improvement projects and other issues as directed by the Township Committee.

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

4. The 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 McManimon, Scotland & Baumann, LLC has professional knowledge as to legal 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 McManimon, Scotland & Baumann, LLC for legal services. The 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 the contract and showing the line item appropriation of the official budget to which the 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 McManimon, Scotland & Baumann, LLC 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. This contract shall have a term of one (1) year from date of full execution.

9. 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.

10. This Resolution shall be effective as of adoption.

Resolution No. 84-2019

Offered by: Barr

Seconded by: Coggins

Adopted: March 11, 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 annual Fourth of July Fireworks Display.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 85-2019

RE: AUTHORIZING THE ANNUAL FOURTH OF JULY FIREWORKS DISPLAY

WHEREAS, for many years, the Township of Upper has provided a fireworks display for the residents of Upper Township and others; and

WHEREAS, the Township wishes to continue to provide a display of fireworks in celebration of the 4th of July; and

WHEREAS, the Township has solicited proposals from several Firework Companies and has selected Schaefer Fireworks, of 370 Hartman Bridge Road, Ronks, PA 17572; and

WHEREAS, the State of New Jersey, Department of Community Affairs, requires that the Township provide a Resolution approving same; and

WHEREAS, the site for the fireworks display will be determined in conjunction with a State of New Jersey Fire Inspector; and

WHEREAS, FAA Clearance will be applied for; and

WHEREAS, a plot/site plan for site display, showing the distances from the public and structures to the fireworks discharge area, has been provided by the Township Engineer; and

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

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 in full herein by this reference. 2. Upon meeting all requirements of the State of New Jersey, Department of Community Affairs as well as any and all recommendations or requirements of the Township’s Risk Management Consultant and the Joint Insurance Fund, the Township Clerk is hereby directed and authorized to provide a certified copy of this Resolution, with all

attachments, to the Department of Community Affairs for their review and issuance of a Fireworks Permit.

3. The contractor shall comply with all terms and provisions of the Municipal Excess Liability Joint Insurance Fund Bulletin MEL 19-08, dated January 1, 2019.

4. 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.

5. 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, including but not limited to the entering into and execution of an Agreement to Furnish Fireworks Exhibition with Schaefer Fireworks for the sum of \$8,907.00.

Resolution No. 85-2019

Offered by: Young Seconded by: Barr

Adopted: March 11, 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>	___	___	___

12. Authorizing the Mayor and Township Clerk to sign a contract with the Martinelli Group, LLC for land surveying services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 86-2019

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A
CONTRACT WITH THE MARTINELLI GROUP, LLC FOR LAND SURVEYING SERVICES**

WHEREAS, the Township of Upper has a need for land surveying services for the Putnam Avenue and Sumner Avenue Bulkhead project, and the Iroquois Trail Reconstruction project; and

WHEREAS, The Martinelli Group, LLC has submitted a proposal to the Township to provide said land surveying services; and

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

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with The Martinelli Group, LLC with offices at 1217 S. Shore Road, Suite 106, Ocean View, New Jersey, to provide professional land surveying services.
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 The Martinelli Group, LLC has professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5

NOTICE OF CONTRACT AWARD

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

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

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

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

9. This Resolution shall be effective as of adoption.

Resolution No. 86-2019

Offered by: Young Seconded by: Coggins

Adopted: March 11, 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>

13. Approving the application of the Upper Township Rescue Squad for Highway Coin Drops.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 87-2019

**RE: APPROVING THE APPLICATION OF THE UPPER TOWNSHIP RESCUE SQUAD
FOR HIGHWAY COIN DROPS**

WHEREAS, the Upper Township Rescue Squad, a non-profit corporation providing emergency medical and rescue services, has made application to the Township Committee to hold coin drop solicitations in Upper Township; and

WHEREAS, the Township Committee has approved the requests; and

WHEREAS, the requests require approval from the County of Cape May; 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 application of the Upper Township Rescue Squad to hold a coin drop within Upper Township on County Route 623 (Roosevelt Boulevard) between Route 9 and Vernon Avenue is hereby approved for the following dates:

Saturday, June 22, 2019 from 8:00 am to 2:00 pm;

Saturday, July 6, 2019 from 8:00 am to 2:00 pm;

Saturday, August 3, 2019 from 8:00 am to 2:00 pm

3. Attached to this Resolution is a certified copy of Ordinance No. 7-2001, authorizing coin drops within Upper Township enacted pursuant to N.J.S.A. 39:4-60.

4. A certified copy of this Resolution shall be provided to the Board of Chosen Freeholders of the County of Cape May.

Resolution No. 87-2019

Offered by: Corson Seconded by: Barr

Adopted: March 11, 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>

14. Appointing Judge F. Thomas Hillegass to serve as a temporary Municipal Judge on an as needed basis.

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

RESOLUTION NO. 88-2019

**RE: APPOINTING JUDGE F. THOMAS HILLEGASS TO SERVE AS A
TEMPORARY MUNICIPAL JUDGE ON AN AS NEEDED BASIS**

WHEREAS, N.J.S.A. 2B:12-5 allows for the appointment of one or more temporary municipal judges to meet a special need of limited duration; and

WHEREAS, the Township has decided to acquire the services of Judge F. Thomas Hillegass 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, Judge F. Thomas Hillegass has completed and submitted a Business Entity Disclosure Certification which certifies that Judge F. Thomas Hillegass 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 Judge F. Thomas Hillegass from making any reportable contributions through the term of the contract; and

WHEREAS, said appointment is conditioned upon compliance with all requirements established by N.J.S.A. 2B:12-1, et seq.; 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. Judge F. Thomas Hillegass is hereby appointed as a temporary municipal judge 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 Judge F. Thomas Hillegass has professional knowledge as to legal 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 a contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Judge F. Thomas Hillegass for temporary municipal judge services. The 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 Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Judge F. Thomas Hillegass 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.

7. A copy of this Resolution shall be published in the official newspaper of the Township of Upper within ten (10) days from the date of adoption.

8. This Resolution shall be effective as of adoption.

Resolution No. 88-2018
Offered by: Barr
Adopted: March 11, 2019
Roll Call Vote:

Seconded by: Corson

<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. Authorizing the award of a contract with Val-U Auto Parts, LLC for automotive parts and repairs.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 89-2019

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH VAL-U AUTO PARTS, LLC
FOR AUTOMOTIVE PARTS AND REPAIRS**

WHEREAS, from time to time the Township of Upper has a need to purchase automotive parts and repairs from Val-U Auto Parts, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with Val-U Auto Parts, LLC for the year 2019 will exceed \$17,500; and

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

WHEREAS, the Chief Financial Officer of the Township has certified the availability of funds to allow the award of contract for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose in the 2019 Municipal Budget.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with Val-U Auto Parts, LLC as described herein.
3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

4. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 89-2019

Offered by: Barr Seconded by: Young

Adopted: March 11, 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>

16. Authorizing Building and Electrical Permit Fee refunds to Momentum Solar for 41 E. Hollywood Lane in Upper Township.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 90-2019

**RE: AUTHORIZING BUILDING AND ELECTRICAL PERMIT FEE REFUNDS TO MOMENTUM
SOLAR FOR 41 E. HOLLYWOOD LANE IN UPPER TOWNSHIP**

WHEREAS, Momentum Solar applied for a permit to install a roof mounted solar system on 41 E. Hollywood Lane in Upper Township; and

WHEREAS, after the permit was issued, the roof mounted solar system installation was cancelled; and

WHEREAS, the Upper Township Construction Official has recommended granting Momentum Solar’s request for a refund of the original permit fees for the property as indicated below, minus a 20% plan review cost.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that a refund is hereby authorized and the Chief Financial Officer is hereby directed to refund monies to Momentum Solar, 325 High Street, Metuchen, NJ 08840, Attn: Permits Department, as indicated below:

VOIDED PERMIT #	BLOCK / LOT	AMOUNT
2018-0136	699 / 16.02	\$ 153.60

Resolution No. 90-2019

Offered by: Coggins Seconded by: Barr

Adopted: March 11, 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>

17. Approving the application of the Tuckahoe Volunteer Fire Company for Highway Coin Drops.

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

RESOLUTION NO. 91-2019

RE: APPROVING THE APPLICATION OF THE TUCKAHOE VOLUNTEER FIRE COMPANY FOR
HIGHWAY COIN DROPS

WHEREAS, the Tuckahoe Volunteer Fire Co., a non-profit corporation providing firefighting services, has made application to the Township Committee to hold coin drop solicitations in Upper Township; and

WHEREAS, the Township Committee has approved the requests; and

WHEREAS, the requests require approval from the County of Cape May and the State of New Jersey;

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

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

2. The application of the Tuckahoe Volunteer Fire Co. to hold a coin drop within Upper Township is hereby approved for the following dates and locations:

**Intersection of State Highway 49 & State Highway 50:
Friday, July 12, 2019 from 5:00 p.m. - 9:00 p.m.**

AND

**Intersection of State Highway 49 & State Highway 50:
Saturday, July 13, 2019 from 9:00 a.m. to 3:00 p.m.**

AND

**Intersection of County Route 617 & State Highway 49:
Sunday, July 14, 2019 from 3:00 p.m. to 8:00 p.m.**

3. Attached to this Resolution is a certified copy of Ordinance No. 7-2001, authorizing coin drops within Upper Township enacted pursuant to N.J.S.A. 39:4-60.

4. A certified copy of this Resolution shall be provided to the State of New Jersey, Department of Transportation and the Board of Chosen Freeholders of the County of Cape May.

Resolution No.91-2019

Offered by: Corson

Seconded by: Barr

Adopted: March 11, 2019

Roll Call Vote:

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

18. Authorizing the purchase of certain items through the Houston-Galveston Area Council (HGACBuy) National Cooperative Contract with funds from the 2018 Capital Improvement Bond Ordinance in the amount of \$610,684.00.

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

RESOLUTION NO. 92-2019

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS THROUGH THE HOUSTON-GALVESTON
AREA COUNCIL (HGACBuy) NATIONAL COOPERATIVE CONTRACT
WITH FUNDS FROM THE 2018 CAPITAL IMPROVEMENT BOND ORDINANCE
IN THE AMOUNT OF \$610,684.00**

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

WHEREAS, the Township Committee has determined that a purchase from the national cooperative contract will result in cost savings after all factors have been considered; and

WHEREAS, N.J.S.A. 52:34-6.2 allows the Township of Upper to utilize

national cooperative contracts as a method of procurement; and

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

WHEREAS, the Township of Upper intends to purchase a 2020 Freightliner 114SD SRA Galfab Roll Off Truck with Brush Hawg Grapple in the amount of \$266,688.00, a 2020 Freightliner 114SD SRA Galfab Roll Off Truck in the amount of \$193,553.00 and a 2020 Freightliner M2-106 SRA 10' Dump Body Truck in the amount of \$150,443.00 from Houston Freightliner, Inc. through the Houston-Galveston Area Council (HGACBuy) National Cooperative Contract No. HT06-18 as herein indicated; and

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

WHEREAS, the Chief Financial Officer of the Township has certified the availability of funds to allow the award of contract for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose from the 2018 Capital Improvement Bond; and

WHEREAS, the Chief Financial Officer has confirmed that the Township has complied with N.J.S.A. 52:34-6.2 as well as all other legal requirements for this method of procurement.

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

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

2. The Township Committee of the Township of Upper, County of Cape

May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with Houston Freightliner, Inc. for the purchase of a 2020 Freightliner 114SD SRA Galfab Roll Off Truck with Brush Hawg Grapple in the amount of \$266,688.00, a 2020 Freightliner 114SD SRA Galfab Roll Off Truck in the amount of \$193,553.00, and a 2020 Freightliner M2-106 SRA 10' Dump Body Truck in the amount of \$150,443.00 through the HGACBuy National Cooperative Contract No. HT06-18 in the total amount of \$610,684.00.

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.92-2019

Offered by: Barr Seconded by: Young

Adopted: March 11, 2019

Roll Call Vote:

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

19. Authorizing the use of Tyler Davis Field at the Amanda's Field Recreation Facility by Jersey Premier Soccer, LLC, dba Global Premier Soccer and Neil Holloway for soccer games and practices.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 93-2019

**RE: AUTHORIZING THE USE OF TYLER DAVIS FIELD AT THE AMANDA'S FIELD
RECREATION FACILITY BY JERSEY PREMIER SOCCER, LLC, DBA GLOBAL PREMIER
SOCCER AND NEIL HALLOWAY FOR SOCCER GAMES AND PRACTICES**

WHEREAS, Jersey Premier Soccer, LLC, dba Global Premier Soccer, and Neil Holloway, jointly, severally and in the alternative, (hereinafter collectively referred to as GPS) have requested the use of Tyler Davis Field at the Amanda's Field Recreation Facility for soccer practices and games, as indicated in their Application for Use of Facilities attached hereto as Exhibit "A"; and

WHEREAS, GPS has 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

WHEREAS, GPS has provided general comprehensive liability insurance coverage to the Township in form and substance which is satisfactory to the Township of Upper’s Risk Management Consultant, and which names the Township of Upper, its officials, officers, and employees as an additional insured, attached hereto as Exhibit “C”; and

WHEREAS, GPS has certified that those having unsupervised direct contact with minor children have undergone a successful criminal history record background check pursuant to N.J.S.A. 15A:3a-1., and said certification is attached hereto as Exhibit “D”; and

WHEREAS, appropriate advice and approvals from the Township’s Risk Management Consultant, the New Jersey State Police, and the Division of EMS have been obtained; and

WHEREAS, a liability release and waiver will be received from every participant, prior to the event, on a form which has been approved by the Township Solicitor; 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 GPS for the use of Amanda’s Field and/or Tyler Davis Field for soccer practice and games as specified in this Resolution and in the accompanying Exhibits subject to and conditioned upon the following:

(A) The activities described in this Resolution will be carried out by Global Premier Soccer, Jersey Premier Soccer, LLC, dba GPS NJ, and Neil Holloway, jointly, severally and in the alternative (GPS). GPS has no connection, direct or indirect, with the Township of Upper or any of its officials or employees. GPS shall not, in any way, directly or indirectly, represent that the use of Tyler Davis Field at the Amanda’s Field Recreation Facility by GPS is, in any way, associated with or affiliated with the Township of Upper and shall make clear that the activities conducted by GPS are 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 GPS to use Tyler Davis Field at the Amanda's Field Recreation Facility for soccer practice and games, it must be made clear that the activities of GPS are not and shall not be considered a Township of Upper sponsored or sanctioned activity.

- (B) Priority for the use of all Township fields and facilities is to Township residents and existing Township programs. The use of Tyler Davis Field at the Amanda's Field Recreation Facility by GPS will be subject to availability as determined by the Township of Upper and will be scheduled accordingly. The Township of Upper makes no guarantee that the fields requested by GPS will be available.
- (C) GPS shall remit to the Township the appropriate fee in accordance with Chapter XXVI of the Code of Upper Township. This fee shall include the daily fee per field for games held at Tyler Davis Field at the Amanda's Field Recreation Facility, as well as the fee equal to the costs of Township personnel, services, and materials. Said costs have been determined by the Township and are outlined and attached hereto as Exhibit "E".
- (D) GPS will ensure that the fields and facilities are clean of debris, trash, markings, and other materials immediately following each use, and will immediately report any damage of the fields or facilities to Township personnel. GPS may be held liable for any costs associated with repair or cleanup.
- (E) The Township reserves the right to postpone and/or cancel the use of the fields by GPS, due to weather and/or damage to the fields or facilities.
- (F) 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 GPS fails 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. 93-2019

Offered by: Young

Seconded by: Barr

Adopted: March 11, 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

CORRESPONDENCE

NEW BUSINESS

- 20. **Saint Maximilian Kolbe Parish request use of the Strathmere Beach at East Williams Road for an Easter Sunrise Mass on April 21, 2019 at 5:30 a.m., and a Feast Day Mass and Celebration on Wednesday August 14, 2019 from 12:00 p.m. to 8:00 p.m.** Motion by Edward Barr, second by John Coggins, to approve the request. During roll call vote all five Committeemen voted in the affirmative.
- 21. **Saint Maximilian Kolbe Parish request to hold Raffle RA 515 on Strathmere Beach at East Williams Road on August 14, 2019.** Motion by John Coggins, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative.
- 22. **Request for Hardship Waiver to Street Moratorium Block 496, Lot 18-22.** Motion by Curtis Corson, second by Edward Barr, to proceed with a resolution. During roll call vote all five Committeemen voted in the affirmative. A resolution for formal action will be placed on the next agenda.
- 23. **Center Designation Plan Endorsement.** Mr. Dietrich reported that the township center designation is set to expire in June of 2020. He explained that recertification is a lengthy process and in order to start the process we will need to begin now. Motion by John Coggins, second by Edward Barr, to proceed with the process. During roll call vote all five Committeemen voted in the affirmative.
- 24. **July 4th Parade in Strathmere along Commonwealth Avenue from Prescott Avenue to Williams Avenue from 10:00 a.m. to 11:30 a.m.** Motion by Hobie Young, second by Edward Barr, to send a letter to Cape May County acknowledging the parade. During roll call vote all five Committeemen voted in the affirmative.

UNFINISHED BUSINESS

DISCUSSION

PAYMENT OF BILLS

- 25. "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: \$294,854.81

Payroll: \$158,088.10

REPORT OF MUNICIPAL DEPARTMENTS

- 26. Animal Control
- 27. Clerk's Office
- 28. Construction Code
- 29. Division of EMS
- 30. Finance Office
- 31. Municipal Court
- 32. MUA Report
- 33. Public Works
- 34. Tax Collector

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

PUBLIC COMMENT

Chris Hemberger, Hope Corson Road, expressed concern with the recent announcement of the closure of BL England and inquired as to how long the Township expects to continue to receive the same amount of funding from the State. The Municipal Attorney stated that in the 1990's the state separated the Energy Receipts Tax funding from the actual operation of the plant. From that point the Township received the same amount of funding they always had, and the state kept any amount over that based on the amount of energy used. He stated that under current law the state would have to change the Statute to remove the funding that the Township receives. He stated that to his knowledge, the state has never changed the Energy Receipts Tax funding a Municipality received because a plant was closed.

CLOSED SESSION

- 35. 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. 99-2019
MOTION GOING INTO CLOSED SESSION
MARCH 11, 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 - Appraisal Services
- 2. Contract negotiation - Conflict Engineer
- 3. Contract negotiation - Upper Township Beach Patrol Building
- 4. Contract negotiation - Corbin City Municipal Court
- 5. Contract negotiation - Cape May County Shared Services Agreement – Harbor Road Bike/Pedestrian Gateway
- 6. Contract negotiation - IT Services
- 7. Litigation - Affordable Housing
- 8. Litigation - Tax Appeals
- 9. Safety and Security
- 10. 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 contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.
- D. With respect to litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.

Moved by: John Coggins

Motion seconded by: 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 Richard Palombo, 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 10:15 P.M., with a motion by Richard Palombo, second by John Coggins, and all five Committeemen voting in the affirmative. The next regular meeting is scheduled for March 25, 2019 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

Bill List

- 73126 03/11/19 A0025 ADVANTAGE RENTAL ACE HARDWARE 439.58 3069
- 73127 03/11/19 A0035 AIRLINE HYDRAULIC CORP. 118.18 3069
- 73128 03/11/19 A0091 ATLANTIC CITY ELECTRIC 17,880.26 3069
- 73129 03/11/19 A0175 Adams Rehmann & Haggan Assoc 792.00 3069
- 73130 03/11/19 A0193 ATLANTIC INVESTIGATIONS, LLC 508.00 3069
- 73131 03/11/19 A0202 ACTIVE 911, INC 2,254.00 3069
- 73132 03/11/19 A0212 ANCERO, LLC 7,150.00 3069
- 73133 03/11/19 A0219 ALTERNATIVE MICROGRAPHICS, INC 1,058.73 3069
- 73134 03/11/19 B0035 BELMONT & CRYSTAL SPRINGS 39.06 3069
- 73135 03/11/19 B0182 BRIGGS LAW OFFICE, P.C. 770.00 3069
- 73136 03/11/19 B0201 BUCK'S ELECTRICAL SERVICE, INC 1,137.00 3069
- 73137 03/11/19 B0248 BARNES LAW GROUP LLC 825.00 3069
- 73138 03/11/19 B0263 BNI PUBLICATIONS INC. 296.20 3069
- 73139 03/11/19 C0009 CAPE MAY COUNTY TCTA 100.00 3069
- 73140 03/11/19 C0068 COMCAST 578.57 3069
- 73141 03/11/19 C0116 CINTAS CORPORATION 150.55 3069
- 73142 03/11/19 C0143 CODY'S POWER EQUIPMENT 155.92 3069
- 73143 03/11/19 C0182 CDW GOVERNMENT, INC 55.31 3069
- 73144 03/11/19 C0223 CASA PAYROLL SERVICE 216.25 3069
- 73145 03/11/19 C0278 TIFFANY A. CUVIELLO, PP, LLC 1,500.00 3069
- 73146 03/11/19 C0307 CNS CLEANING CO 835.00 3069
- 73147 03/11/19 D0071 DLT SOLUTIONS LLC 1,022.35 3069
- 73148 03/11/19 D0174 DOCUMENT CENTER, INC. 90.61 3069
- 73149 03/11/19 E0012 EHRLICH PEST CONTROL INC 191.00 3069
- 73150 03/11/19 F0030 FASTENAL 86.92 3069
- 73151 03/11/19 F0053 FORD, SCOTT & ASSOCIATES 14,000.00 3069

73152 03/11/19 G0141 GENTILINI CHEVROLET 202.73 3069
 73153 03/11/19 H0002 H.A. DEHART & SON CORP. 230.28 3069
 73154 03/11/19 H0073 HOME DEPOT CRC/GECF 954.63 3069
 73155 03/11/19 H0095 HORIZON BCBSNJ 182,623.29 3069
 73156 03/11/19 H0190 Halbruner, John 21.41 3069
 73157 03/11/19 J0040 JOHNSON & TOWERS, INC. 85.44 3069
 73158 03/11/19 K0037 KOHLER, JOHN F 492.75 3069
 73159 03/11/19 K0080 KOHLER'S AUTO GLASS 255.00 3069
 73160 03/11/19 K0086 K D NATIONAL FORCE SECURITY 1,929.38 3069
 73161 03/11/19 K0100 KEEN COMPRESSED GAS CO. 639.91 3069
 73162 03/11/19 K0103 KYOCERA DOCUMENT SOLUTIONS 193.30 3069
 73163 03/11/19 L0027 LASHLEY HEATING & COOLING INC. 140.00 3069
 73164 03/11/19 L0080 LOWES, INC. 274.53 3069
 73165 03/11/19 L0113 LIBERTY MUTUAL INSURANCE 4,688.00 3069
 73166 03/11/19 M0012 McCAULEY, RICHARD 300.00 3069
 73167 03/11/19 M0121 McCROSSON, JANET 17.98 3069
 73168 03/11/19 M0128 MCANJ 350.00 3069
 73169 03/11/19 M0188 MCCARTHY TIRE SERVICE OF PHILA 147.34 3069
 73170 03/11/19 M0289 MUNCO OF NEW JERSEY 75.00 3069
 73171 03/11/19 N0004 NJ-AMERICAN WATER CO. 95.54 3069
 73172 03/11/19 N0094 NEW JERSEY PLANNING OFFICIALS 85.00 3069
 73173 03/11/19 N0100 N.J. LEAGUE OF MUNICIPALITIES 35.00 3069
 73174 03/11/19 N0125 N.J. REGISTRAR'S ASSOCIATION 75.00 3069
 73175 03/11/19 N0143 NATIONAL TIME SYSTEMS 344.60 3069
 73176 03/11/19 N0154 NEW HORIZON COMMUNICATIONS 1,162.16 3069
 73177 03/11/19 O0042 ORCHARD HYDRAULIC SERVICE INC 90.14 3069
 73178 03/11/19 P0032 PEDRONI FUEL CO. 2,428.32 3069
 73179 03/11/19 P0136 POSTNET 24.90 3069
 73180 03/11/19 P0175 PRIEST JR., ANTHONY 100.00 3069
 73181 03/11/19 Q0003 EUROFIN, QC INC. 155.00 3069
 73182 03/11/19 R0030 RIGGINS, INC. 8,118.68 3069
 73183 03/11/19 R106 RUMER, LISA 207.51 3069
 73184 03/11/19 S0001 SAM'S CLUB 28.46 3069
 73185 03/11/19 S0018 SUBURBAN PROPANE, LP 117.12 3069
 73186 03/11/19 S0057 SERVICE TIRE TRUCK CENTERS 272.49 3069
 73187 03/11/19 S0134 SO. JERSEY GAS COMPANY 2,069.75 3069
 73188 03/11/19 S0270 HOFFMAN SERVICES, INC 375.00 3069
 73189 03/11/19 S0292 JEFFREY SURENIAN & ASSOC. LLC 96.00 3069
 73190 03/11/19 S0299 SMITH, TOM 275.00 3069
 73191 03/11/19 S0329 SERIOUSLY TOTAL VIDEO 1,000.00 3069
 73192 03/11/19 S0339 SANITATION EQUIPMENT CORP 10,892.38 3069
 73193 03/11/19 T0168 TOWNSHIP OF UPPER 264.21 3069
 73194 03/11/19 U0067 UT HEALTH REIMB. ACCOUNT 2,748.31 3069
 73195 03/11/19 V0013 VERIZON WIRELESS 1,196.69 3069
 73196 03/11/19 V0024 VAL-U AUTO PARTS L.L.C. 68.14 3069
 73197 03/11/19 V0025 V.E. RALPH & SON, INC. 83.60 3069
 73198 03/11/19 V0027 VANORDER, ROGER 156.73 3069
 73199 03/11/19 W0030 WEST PUBLISHING CO. 497.81 3069
 73200 03/11/19 W0050 WIRELESS ELECTRONICS, INC. 850.00 3069
 73201 03/11/19 W0115 WSP USA, INC. 862.46 3069
 73202 03/11/19 W0116 WINZER CORPORATION 244.95 3069
 73203 03/11/19 X0008 XEROX FINANCIAL SERVICES 662.40 3069
 73204 03/11/19 Y0008 YOUNG, DANIEL J. ESQUIRE PC 13,300.00 3069

Total: \$ 294,854.81