

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR APRIL 8, 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 April 5, 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	Absent
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 - March 25, 2019 Regular Meeting and
Closed Session Minutes

Motion by John Coggins, second by Richard Palombo, to approve the March 25, 2019 Regular Meeting and Closed Session Minutes as submitted. During roll call vote all four Committeemen present voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

John Coggins, Committeeman, reported that the clock tower at Township Hall is an hour fast.

Hobie Young, Committeeman, reported that the Easter Egg Hunt will be held on Saturday April 13th with a rain date on the 14th. The event will start at 12:00 with a petting zoo, face painting, and a visit with the Easter Bunny. He stated that volunteers are needed to help with the event. He next gave several updates on plans for Caldwell Park, and an ongoing issue with parking at the Lacrosse fields. He next reported that the car show has been scheduled for September 28th.

Curtis Corson, Committeeman, reported that the Upper Township/Ocean City Municipal Alliance Committee is partnering with the Ocean City After Prom Committee to host two community presentations to discuss underage drinking and its hazards. The presentations will be held on April 8th from 6:30 to 8:00 pm at the Upper Township Middle School Cafeteria, and on April 9th from 6:30 to 8:00 pm at the

Ocean City High School Library. He next reported that Upper Township does not have a fire inspector. Right now the Township relies on the State to inspect commercial properties. He stated that if the Township has their own fire inspector, rental properties can also be inspected. After a brief discussion, it was decided to direct the Administrator to look into the issue.

Richard Palombo, Mayor, reported that the Shops at Tuckahoe Village will be holding their Second Saturday Marketplace event on Saturday April 13th from 10:00 am to 4:00 pm.

OTHER REPORTS

Scott Morgan, Township Administrator, thanked the Upper Township Business Association, various Upper Township Clubs and Organizations, and the Township Departments for their help with the Upper Township Community Guide recently published by the Sentinel Ledger. Mr. Morgan also reported that DPW expects to be done with brush and leaf collection tomorrow.

Barbara Young, Municipal Clerk, reported that the township will observe the National Day of Prayer on Thursday May 2, 2019 at 10:00 a.m. at the Upper Township Municipal Building. Next, she reported that that Township Offices will be closed on Friday April 19, 2019 in observance of Good Friday. If your trash and recycling collection day falls on Friday April 19th, your household trash and recycling will be collected on Monday, April 22nd. Last, she reported that the next Township meeting will be on April 29th.

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

Paul Dietrich, Township Engineer, reported that approximately 200 seedlings were given away at the Township's annual seedling giveaway on Saturday April 6, 2019. Next, he reported that the DOT has awarded the Township a grant in the amount of \$150,000.00 for phase 2 of the roadway improvements on Commonwealth Avenue. He stated that the Township will be awarding a contract for phase one of that project tonight, and once he receives the documentation from the DOT he will be able to consolidate those two projects for funding purposes. Next, he reported that he recently met with the NJ Turnpike Authority on Friday to discuss the repair work to the parkway access road and surrounding areas in Beesley's Point.

2019 BUDGET

- 1. Public hearing and final adoption 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).** During the public hearing portion there were no speakers. Motion by John Coggins, second by Hobie Young, to adopt Ordinance No. 004-2019. During roll call vote all four Committeemen present 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 THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 11th DAY OF MARCH, 2019 AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 8th DAY OF APRIL, 2019 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

2. Authorizing the reading of the 2019 Annual Municipal Budget by title only.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 107-2019

**RE: AUTHORIZING THE READING OF THE 2019
ANNUAL MUNICIPAL BUDGET BY TITLE ONLY**

WHEREAS, N.J.S.A. 40:A4-8 authorizes the reading of the budget by title only at the public hearing thereon, provided certain requirements are met; and

WHEREAS, the Township Committee of the Township of Upper is satisfied that such conditions

have been satisfied.

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 majority of the full membership concurring, as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper finds and determines that:

A. At least one (1) week prior to the date of this hearing, a complete copy of the approved budget, as advertised, was posted in the Township Hall, the principal municipal building of the municipality, and was made available to each person requesting the same during the week immediately preceding the public hearing and is available to each person requesting a copy during the public hearing, as required by N.J.S.A. 40A:4-8.

B. The Township Committee of the Township of Upper hereby determines and declares that the conditions set forth in subsection 1.a and 1.b of N.J.S.A. 40A:4-8 have been met.

C. The Township Committee of the Township of Upper hereby determines that the 2019 Municipal Budget of the Township of Upper shall be read by its title only at the public hearing to be conducted thereon.

Resolution No. 107-2019

Offered by: Coggins

Seconded by: Corson

Adopted: April 8, 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>	_____	_____	_____

3. 2019 Budget - Public Hearing

During the public hearing portion there were no speakers.

RESOLUTION NO. 108-2019 – Second Reading and Public Hearing of the 2019 Municipal Budget. The Clerk read the following resolution into the record:

Be it Resolved by the Township Committee of the Township of Upper, County of Cape May, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of: 3,660,393.41 for municipal purposes.

Motion by John Coggins and seconded by Hobart Young to adopt the 2019 Municipal Budget. During roll call vote all four Committeemen present voted in the affirmative.

4. Local Unit Budget Exam.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 109-2019

LOCAL UNIT BUDGET EXAMINATION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7 through 7.5 the Township of Upper has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Upper meets the necessary conditions to participate in the program for the 2019 budget year.

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

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

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

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

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

4. That pursuant to the Local Budget Law:

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

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

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

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

Resolution No. 109-2019

Offered By:

Seconded By:

Adopted: April 8, 2019

Roll Call Vote:

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

CERTIFICATION OF APPROVED BUDGET

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

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

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

RESOLUTIONS

- 5. Designating May 12 through May 18, 2019 as “Food Allergy Awareness Week” in Upper Township.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 110-2019

**DESIGNATING MAY 12 THROUGH MAY 18, 2019 AS
“FOOD ALLERGY AWARENESS WEEK” IN UPPER TOWNSHIP**

WHEREAS, as many as 32 million Americans have food allergies and nearly 6 million are children under the age of 18; and

WHEREAS, research shows that the prevalence of food allergies is increasing among children and adults; and

WHEREAS, eight foods cause the majority of all food allergy reactions in the U.S.: shellfish, fish, milk, eggs, tree nuts, peanuts, soy and wheat; and

WHEREAS, there is no cure for food allergies, and symptoms of a food allergic reaction can range from mild to severe, such as anaphylaxis; and

WHEREAS, anaphylaxis is a serious allergic reaction that is rapid in onset and may cause death; and

WHEREAS, food allergies result in more than 200,000 Emergency Department visits each year. Reactions typically occur when an individual unknowingly eats a food containing an ingredient to which they are allergic; and

WHEREAS, the number of food allergy reactions requiring emergency treatment is up sharply over the past decade, with a 377 percent rise in medical procedures associated with diagnoses of anaphylactic food reactions between 2007 and 2016; and

WHEREAS, Food Allergy Research & Education (FARE) is a national, non-profit organization dedicated to improving the quality of life and health of individuals with food allergies and to provide them hope through the promise of new treatments.

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 week of May 12 through May 18, 2019 be designated as “**FOOD ALLERGY AWARENESS WEEK**” in Upper Township and encourage the citizens of Upper Township to increase their understanding and awareness of food allergies and

anaphylaxis.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 8th day of April, 2019.

Resolution No. 110-2019

Offered by: Palombo

Seconded by: Coggins

Adopted: April 8, 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>	_____	_____	_____

6. Authorizing the Mayor and Township Clerk to sign a contract with Ancero, LLC for professional Information Technology Services.

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

RESOLUTION NO. 111-2019

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN
A CONTRACT WITH ANCERO, LLC FOR PROFESSIONAL
INFORMATION TECHNOLOGY SERVICES**

WHEREAS, the Township of Upper has a need for professional Information Technology services; and

WHEREAS, Ancero, LLC has submitted a proposal to the Township to provide said services; and

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

WHEREAS, Ancero, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Ancero, 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 Ancero, 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 Ancero, LLC with offices at 1001 Briggs Road, Suite 220, Mt. Laurel, New Jersey, to provide professional Information Technology 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 Ancero, 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 Ancero, LLC for professional Information Technology 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. 111-2019

Offered by: Coggins

Seconded by: Young

Adopted: April 8, 2019

Roll Call Vote:

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

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

7. Accepting the bid and authorizing the execution of a contract with Landberg Construction, LLC of Dorothy, New Jersey for the project known as the NJDOT Municipal Aid Project Reconstruction of Commonwealth Ave PH1 and Bayview Drive PH3 at a cost of \$597,440.70.

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

RESOLUTION NO. 112-2019

**RE: ACCEPTING THE BID OF AND AUTHORIZING THE EXECUTION
OF A CONTRACT WITH LANDBERG CONSTRUCTION, LLC OF DOROTHY,
NEW JERSEY FOR THE PROJECT KNOWN AS THE NJDOT MUNICIPAL AID PROJECT
RECONSTRUCTION OF COMMONWEALTH AVE PH1 AND BAYVIEW DRIVE PH3 AT A
COST OF \$597,440.70**

WHEREAS, the Township of Upper solicited bids for the NJDOT Municipal Aid Project Reconstruction of Commonwealth Ave Phase 1 from Willard Ave to Seaview Ave (PRO-2017-UpperTownship-04226), and Bayview Drive Phase 3 from Sumner Ave. to Putnam Ave. (PRO-2018-UpperTownship-04614), which bids were received on March 19, 2019; and

WHEREAS, the aforesaid bids were thereafter reviewed by the Township Engineer; and

WHEREAS, the Township Engineer has submitted a recommendation to the Township Committee with respect to the award of said bids; and

WHEREAS, the Chief Financial Officer of the Township of Upper has certified the availability of funds attached hereto as “Exhibit A” in a sufficient amount to award a contract in the amount of \$597,440.70; and

WHEREAS, the Township intends to take formal action awarding the bid to the lowest responsible bidder as hereinafter provided;

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township hereby accepts the bid submitted by Landberg Construction LLC, 82 Tuckahoe Rd, Dorothy, New Jersey, for the project known as the NJDOT Municipal Aid Project

Reconstruction of Commonwealth Ave Phase 1 from Willard Ave to Seaview Ave (PRO-2017-UpperTownship-04226, and Bayview Drive Phase 3 from Sumner Ave. to Putnam Ave. (PRO-2018-UpperTownship-04614), in the Township of Upper, Cape May County, in the amount of \$597,440.70, subject to the following:

- (A) The approval of the State of New Jersey Department of Transportation.
- (B) The Bidder shall comply with all Bid Documents, including the Notice to Bidders, all of which are hereby incorporated herein by this reference.
- (C) The Contract to be entered into must comply in all respects with applicable federal, state and local laws and regulations.

3. The Mayor and Township Clerk are further authorized to execute a Contract with the successful bidder and/or the Chief Financial Officer is hereby authorized, directed and empowered to issue a Purchase Order to the successful bidder in the amount authorized in this Resolution.

Resolution No. 112-2019

Offered by: Young

Seconded by: Coggins

Adopted: April 8, 2019

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u> </u>	<u> </u>	<u> </u>	<u> X </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. Authorizing the Mayor and Township Clerk to sign a contract with WSP USA Inc. for Design and Engineering Consultant Services.

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

RESOLUTION NO. 113-2019

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN
A CONTRACT WITH WSP USA INC. FOR DESIGN AND
ENGINEERING CONSULTANT SERVICES**

WHEREAS, the Township of Upper has a need for professional design and engineering consultant services with regard to the improvements of the Beesley's Point Beach parking lot; and

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

WHEREAS, WSP USA Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that WSP USA Inc. 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 WSP USA Inc. 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:

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

4. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with WSP USA Inc. with offices at 2000 Lenox Drive, 3rd Floor, Lawrenceville, New Jersey, 08648, to provide design and engineering consultant services with regard to the improvements at the Beesley's Point Beach parking lot.

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 WSP USA Inc. 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 WSP USA Inc. for professional consultant 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. 113-2019

Offered by: Coggins

Seconded by: Palombo

Adopted: April 8, 2019

Roll Call Vote:

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

9. Authorizing the award of a professional services contract with Dr. Stewart C. Farrell of the Coastal Research Center at Stockton University for Shoreline Monitoring and Consulting Services for beach related issues.

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

RESOLUTION NO. 114-2019

**RE: AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT
WITH DR. STEWART C. FARRELL OF THE COASTAL RESEARCH CENTER
AT STOCKTON UNIVERSITY FOR SHORELINE MONITORING AND
CONSULTING SERVICES FOR BEACH RELATED ISSUES**

WHEREAS, the Township of Upper has received a proposal from Dr. Stewart Farrell on behalf of the Coastal Research Center at Stockton University, which outlines shoreline monitoring services to be performed on behalf of the Township during the calendar year 2019 and provides a rate schedule for the services to be provided; and

WHEREAS, the Township Committee has considered this matter and has determined that it is in the best interest of the Township to authorize a Professional Services Contract as hereinafter provided; and

WHEREAS, the Township Solicitor has determined that the services to be provided are professional services and that a contract may be awarded without competitive bid; and

WHEREAS, the Chief Financial Officer has certified the availability of funds to permit the Township to enter into a Professional Services Contract; and

WHEREAS, a Business Entity Disclosure Certification is not required since this contract is with an agency of the state government; and

WHEREAS, the Township has decided to acquire the services of Dr. Stewart C. Farrell of the Coastal Research Center at Stockton University as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; 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 proposal of Dr. Stewart Farrell on behalf of the Coastal Research Center at Stockton University (hereinafter collectively referred to as "Contractor"), is hereby accepted, subject to the provisions of this Resolution.
3. The Mayor and Township Clerk are hereby authorized, directed and empowered to enter into a Professional Services Contract with the Contractor aforesaid for a one (1) year term commencing January 1, 2019. Said Agreement shall be prepared or approved by the Municipal Attorney for the Township of Upper. 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 as required by N.J.S.A. 40A:11-5.
5. This Contract is a Professional Services Contract and has been awarded without competitive bidding for the following reasons:
 - (A) The services required are highly specialized or technical in nature;
 - (B) The services require peculiar ability or skill, and demand a high degree of specialized knowledge or expertise;
 - (C) The services required are professional services and/or unspecified extraordinary services within the meaning of N.J.S.A. 40A:11-5(a);
 - (D) The individual who will provide these services has demonstrated his competence and particular expertise in the services required; and

(E) The services to be provided are such that their nature, scope and duration are not capable of precise measurement, but rather require a flexibility and discretion that render competitive bidding impractical and inefficient.

6. A certified copy of this Resolution shall be provided to the Contractor.

7. This Resolution shall take effect immediately provided, however, that the Contract awarded herein shall be effective as of January 1, 2019.

Resolution No. 114-2019

Offered by: Coggins

Seconded by: Young

Adopted: April 8, 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>			

10. Authorizing a contract with W. Michael Bailey for Public Safety Communications Services.

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

RESOLUTION NO. 115-2019

**RE: AUTHORIZING A CONTRACT WITH W. MICHAEL BAILEY
FOR PUBLIC SAFETY COMMUNICATIONS SERVICES**

WHEREAS, there is a need by the Township of Upper to appoint an independent contractor to perform Public Safety Communications Services on an as needed basis; and

WHEREAS, W. Michael Bailey possesses the requisite skills to fill this position; and

WHEREAS, a Resolution is required authorizing the award of a contract for Public Safety Communications Services to W. Michael Bailey; and

WHEREAS, the proposed 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 is attached hereto as Exhibit "A"; and

WHEREAS, W. Michael Bailey, as an independent contractor, has completed and submitted a Form W-9 to the Township of Upper; and

WHEREAS, W. Michael Bailey has completed and submitted a Business Entity Disclosure Certification which certifies that W. Michael Bailey 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 W. Michael Bailey 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 W. Michael Bailey for Public Safety Communications Services as needed.
3. 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.
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. 115-2019

Offered by: Coggins

Seconded by: Palombo

Adopted: April 8, 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. Accepting the written Indoor Air Quality Program and confirming the appointment of Paul E. Dietrich as Air Quality Control Officer in charge of compliance of the program, pursuant to the "PEOSH", Indoor Air Quality Compliance Program under N.J.A.C. 12:100-13.

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

RESOLUTION NO. 116-2019

**RE: ACCEPTING THE WRITTEN INDOOR AIR QUALITY PROGRAM AND
CONFIRMING THE APPOINTMENT OF PAUL E. DIETRICH AS AIR QUALITY CONTROL
OFFICER IN CHARGE OF COMPLIANCE OF THE PROGRAM, PURSUANT TO THE
"PEOSH", INDOOR AIR QUALITY COMPLIANCE**

PROGRAM UNDER N.J.A.C. 12:100-13

WHEREAS, the Township of Upper in order to comply with the Public Employees Occupational Safety and Health (PEOSH), Indoor Air Quality Standard Program pursuant to N.J.A.C. 12:100-13 adopted on May 21, 2007, established a program in February 2008, to promote good indoor air quality for employees working in Township of Upper municipal buildings; and

WHEREAS, to further comply with the PEOSH Program for Indoor Air Quality Standards an appointment is necessary to designate a person responsible for the enforcement and compliance of the requirements of N.J.A.C. 12-100-13 and the established program policies of the Township of Upper; and

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

1. The Indoor Air Quality Program, updated March 26, 2019 and attached as Exhibit "A" is hereby accepted by the Township of Upper.
2. Paul E. Dietrich's appointment as the Indoor Air Quality Control Officer in charge of compliance of the Public Employees Occupational Safety and Health (PEOSH) Indoor Air Quality Program for the Township of Upper is hereby confirmed.
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. 116-2019

Offered by: Coggins

Seconded by: Palombo

Adopted: April 8, 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. Confirming sale of certain land, to wit: Block 453.10, Lot 378, to Route 50 Campground, LLC.

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

RESOLUTION NO. 117-2019

**RE: CONFIRMING SALE OF CERTAIN LAND, TO WIT: BLOCK 453.10, LOT 378,
TO ROUTE 50 CAMPGROUND, LLC**

WHEREAS, a public auction land sale was held on March 28, 2019, pursuant to Ordinance No. 016-2018; and

WHEREAS, Route 50 Campground, LLC submitted the highest bid for the purchase of Block 453.10, Lot 378; and

WHEREAS, the Township Committee is satisfied that all conditions precedent were complied with and that said sale was conducted in accordance with the requirements of the Ordinance aforesaid and that proper notice was given to all persons owning property contiguous of the subject property being offered for sale; and

WHEREAS, the Township Committee believes that it is in the public interest to confirm the sale of such parcel.

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 sale of Block 453.10, Lot 378 to Route 50 Campground, LLC, at a sale price of \$5,800.00, is hereby confirmed, under and subject to the terms, conditions and provisions of Ordinance No. 016-2018 and further subject to and conditioned upon the purchasers' compliance with said Ordinance.
3. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute and deliver, on behalf of the Township of Upper, to the aforesaid purchaser, a Quitclaim Deed conveying the Township's right, title and interest in the above described property and the Township Clerk is further authorized, directed and empowered to seal said Deed with the official seal of the Township of Upper.

Resolution No. 117-2019

Offered by: Coggins

Seconded by: Palombo

Adopted: April 8, 2019

Roll Call Vote:

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

13. Refund EMS ambulance billing overpayment to Liberty Mutual Insurance.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 118-2019

**RE: REFUND EMS AMBULANCE BILLING OVERPAYMENT
TO LIBERTY MUTUAL INSURANCE**

WHEREAS, an overpayment has occurred in the account of an EMS ambulance billing patient, where the monies sent to the Township of Upper by Liberty Mutual Insurance were in excess as evidenced by the attached copy of a letter attached hereto as Exhibit A.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that the refund is hereby authorized and the Chief Financial Officer is hereby directed to refund monies as indicated below:

<u>AMOUNT</u>	<u>NAME</u>
\$552.00	Liberty Mutual Insurance Attn: Claims Financial Operations P.O. Box 2825 New York, NY 10116-2825

Resolution No. 118-2019

Offered by: Corson Seconded by: Coggins

Adopted: April 8, 2019

ROLL CALL VOTE:

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

14. Tax Refunds Homestead Benefits.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 119-2019

**TAX REFUNDS
HOMESTEAD BENEFITS**

WHEREAS, certain corrections have been recommended by the
Upper Township Tax Collector in order to refund monies; and

NOW, THEREFORE BE IT RESOLVED, by the Township

Committee of the Township of Upper, Cape May County, that corrections to the Tax records are hereby authorized and the Tax Collector is hereby directed to correct said records or take such action as indicated on the attached sheet.

Resolution No. 119-2019

Offered by: Coggins

Seconded by: Young

Adopted: April 8, 2019

Roll Call Vote:

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

REFUND 2019

BLOCK/LOT	AMOUNT	NAME
451/58	\$130.62	William & Linda Layton 700 Dennisville/Petersburg Rd. Petersburg NJ 08270
453.09/298	\$ 70.50	Edward & Maryann Vanhee PO Box 941 Marmora NJ 08223

The above refunds are for the 2016 Homestead Benefit which is sent by the State of New Jersey to be applied to the 2019 May tax quarter. The above properties are tax exempt for the year 2019 as a result of a 100% totally disabled veteran status.

15. Tax Refund Block 549, Lot 120.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 120-2019

**TAX REFUND
BLOCK 549, LOT 120**

WHEREAS, certain corrections have been recommended by the Upper Township Tax Collector in order to refund monies; and

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that corrections to the Tax records are hereby authorized and the Tax Collector is hereby directed to correct said records or take such action as indicated on the attached sheet.

Resolution No. 120-2019

Offered by: Coggins

Seconded by: Palombo

Adopted: April 8, 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> _____	_____	_____	_____

REFUND

BLOCK/LOT

AMOUNT

NAME

549/120

\$ 1486.81

Zachary & Brittany Eberson
303 N. Quail Dr.
Marmora, NJ 08223

1st Quarter Taxes paid by Title Company and Mortgage Company for previous home owner of 52 Evergreen Dr., Seaville NJ.

16. Authorizing the Mayor and Township Clerk to sign and submit a safety contract for participation in the Atlantic County Municipal Joint Insurance Fund 2019 Safety Incentive Program.

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

RESOLUTION NO. 121-2019

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO
SIGN AND SUBMIT A SAFETY CONTRACT FOR PARTICIPATION IN THE
ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND
2019 SAFETY INCENTIVE PROGRAM**

WHEREAS, the Atlantic County Municipal Joint Insurance Fund (ACMJIF) has offered a Safety Incentive Program to participating members in order to promote workplace safety and wellness in our community; and

WHEREAS, the goal of the Safety Incentive program is to build a program that will be effective in promoting safe work practices, employee morale and claims management; and

WHEREAS, the Township of Upper wishes to take advantage of the Safety Incentive Program and to authorize the execution and submittal of the 2019 Safety Contract to the ACMJIF; and

WHEREAS, the Safety Contract has been reviewed and approved by the Municipal Attorney and is attached hereto;

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 of the Township of Upper are hereby authorized, directed, and empowered to sign and submit the Atlantic County Municipal Joint Insurance Fund 2019 Safety Contract.
3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Resolution No. 121-2019

Offered by: Young

Seconded by: Coggins

Adopted: April 8, 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>			

17. Authorizing the purchase of a New Holland Workmaster 60 Utility Tractor and accessories in the amount of \$23,404.00 through Sourcewell (Formerly NJPA) National Cooperative Contract with funds from the 2018 Capital Improvement Bond Ordinance.

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

RESOLUTION NO. 122-2019

RE: AUTHORIZING THE PURCHASE OF A NEW HOLLAND WORKMASTER 60 UTILITY TRACTOR AND ACCESSORIES IN THE AMOUNT OF \$23,404.00 THROUGH SOURCEWELL (FORMERLY NJPA) NATIONAL COOPERATIVE CONTRACT WITH FUNDS FROM THE 2018 CAPITAL IMPROVEMENT BOND ORDINANCE

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 New Holland Workmaster 60 Utility Tractor with accessories from Leslie G. Fogg, Inc. through Sourcewell (formerly NJPA) National Cooperative Contract No. #021815-CNH as herein indicated; and

WHEREAS, Leslie G. Fogg, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Leslie G. Fogg, Inc. has not made any reportable contributions to a political or candidate committee in the Township in the previous one year, and Leslie G. Fogg, 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 Leslie G. Fogg, Inc. for the purchase of a New Holland Workmaster 60 Utility Tractor with accessories through Sourcewell (formerly NJPA) National Cooperative Contract No. #021815-CNH in the amount of \$23,404.00.

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. 122-2019

Offered by: Young

Seconded by: Corson

Adopted: April 8, 2019

Roll Call Vote:

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

18. Appointing the 2019 Season Beach Patrol Personnel.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 123-2019

RE: APPOINTING THE 2019 SEASON BEACH PATROL PERSONNEL

WHEREAS, the individuals hereinafter named have been determined to possess the requisite skills, training and are otherwise eligible for appointment to the position of lifeguard; and

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

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

2. The following individuals are appointed as lifeguards in the Township of Upper at a salary as stated below in accordance with the Salary Ordinance:

CAPTAIN

William Handley

\$27.00 per hour

LIEUTENANTS

Joseph LaRosa	\$20.50 per hour
William Stull	\$20.50 per hour
Andrew Tobiasen	\$20.50 per hour

Resolution No. 123-2019

Offered by: Palombo

Seconded by: Coggins

Adopted: April 8, 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>	_____	_____	_____

19. Appointing members to the Community Emergency Response Team (CERT) of Upper Township.

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

RESOLUTION NO. 124-2019

**APPOINTING MEMBERS TO THE COMMUNITY EMERGENCY
RESPONSE TEAM (CERT) OF UPPER TOWNSHIP**

WHEREAS, former President George W. Bush established a program for volunteerism after the events of September 11, 2001 called the Citizen Corps program; and

WHEREAS, the Office of Emergency Management has established a Community Emergency Response Team (CERT) which is part of the Citizen Corps program consisting of various officials and citizens who have completed the required training; and

WHEREAS, the Community Emergency Response Team (CERT) Program educates people about disaster preparedness for hazards that may impact their area and trains them in basic disaster response skills, such as fire safety, light search and rescue, team organization, and disaster medical operations. Using the training learned in the classroom and during exercises, CERT members can assist others in their neighborhood or workplace following an event when professional responders are not immediately available to help. CERT members also are encouraged to support emergency response agencies by taking a more active role in emergency preparedness projects in their community; and

WHEREAS, Scott G. Morgan, Upper Township Emergency Management Coordinator,

has provided a list of trained volunteers to be appointed to the Upper Township Community

Emergency Response Team: 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 officially recognize the Community Emergency Response Team (CERT) of the Citizen Corps as an affiliate group under the direction of the Upper Township Office of Emergency Management; and
3. The following persons are hereby appointed to the Community Emergency Response Team (CERT) of Upper Township:

Wanda Adamson	Joel Dougan	Allison Hartman
Dave Hartman	Alene Hartman	Cathy Lord
Thomas Peck	Susan Phillips	Mike Scanlan
Richard Stahl	Tricia Stover	George Westerman
Mike Capito	Ralph Cooper	Elisabeth Corona
Ray Klotz	Frank Roach	Lee Rominieck

4. The Upper Township Office of Emergency Management will report any changes to the membership of CERT of Upper Township annually to the appropriate federal, state and county agencies and file the active membership list with the Township of Upper's Joint Insurance Fund representative.

Resolution No. 124-2019

Offered by: Young

Seconded by: Coggins

Adopted: April 8, 2019

Roll Call Vote:

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

20. Amending Upper Township policies and the job description for the Township Administrator.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 125-2019

**RE: AMENDING UPPER TOWNSHIP POLICIES AND THE JOB DESCRIPTION FOR THE
TOWNSHIP ADMINISTRATOR**

WHEREAS, the current Township Administrator is a retired law enforcement officer and possesses a State of New Jersey permit to carry a handgun; and

WHEREAS, the Township Committee of the Township of Upper deems it appropriate to authorize the current Township Administrator to carry a handgun while performing his duties on behalf of the Township in order to ensure the safety of Township employees and residents; and

WHEREAS, the Township Committee deems it appropriate to amend Township policies to permit the Township Administrator as part of his job description to carry a handgun in accordance with all required laws and regulations of the State of New Jersey while on official Township business; 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. Scott Morgan, Township Administrator, is hereby authorized to carry a handgun while acting on behalf of the Township on Township business. This authorization is subject to Mr. Morgan complying with any and all required state and federal laws and regulations with respect to carrying firearms.
3. The job description of the township administrator is amended to authorize the current Township Administrator, as part of his job duties, to carry a firearm pursuant to and subject to state, federal and other governmental laws and regulations.
4. To the extent the authorizations contained in this resolution conflict with existing Township policies, those policies are hereby amended in accordance with this resolution.
5. This Resolution shall be effective as of adoption.

Resolution No. 125-2019

Offered by: Coggins

Seconded by: Corson

Adopted: April 8, 2019

Roll Call Vote:

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

21. **Greater Tuckahoe Merchants' Association, Inc. request to hold the 38th Annual Tuckahoe River Canoe, Kayak & Paddle Board Race and Poker Run on August 4, 2019.** Motion by Hobie Young, second by John Coggins, to approve the request. During roll call vote all four Committeemen present voted in the affirmative.
22. **Upper Township Rescue Squad request to hold a Raffle RA 517 on June 2, 2019 at the Tuckahoe Inn.** Motion by Curtis Corson, second by John Coggins, to approve the request. During roll call vote all four Committeemen present voted in the affirmative.
23. **Planning Board recommendations for Land Use Ordinance revisions.** The Engineer gave a lengthy report on the recommended changes. It was stated that the zoning changes in Strathmere will require notices be sent out to affected properties as well as those within 200 feet of the changes. Motion by Richard Palombo, second by Hobie Young, to authorize the preparation of an Ordinance with the recommended changes as discussed. During roll call vote all four Committeemen present voted in the affirmative.
24. **Stockton University Coastal Research Center Final Report for 2018.** The Township Engineer gave a brief summary of the report, and stated that an Army Corps of Engineers beach fill project is projected for the fall and winter of 2020. It will be a cost share project, with the anticipated costs to be determined.

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 Richard Palombo. During roll call vote all four Committeemen present voted in the affirmative.

Bills approved for payment: \$262,047.01

Payroll: \$162,343.86

REPORT OF MUNICIPAL DEPARTMENTS

26. Clerk's Office
27. Construction Code
28. Finance Office
29. MUA
30. Tax Collector

Motion by Richard Palombo, second by John Coggins, to accept the report as submitted. During roll call vote all four Committeemen present voted in the affirmative.

PUBLIC COMMENT

Tom Rossi, Strathmere, stated that he was a member of the Planning Board subcommittee for the recommended changes to the zoning in Strathmere. He stated that the residents have taken steps to hire

their own planner with the hopes that this will be an ongoing project to make recommended changes to the zoning ordinance in order to maintain the character of Strathmere.

Eileen Barrett, Strathmere, stated that she opposes the proposed changes to the zoning in Strathmere, and stated that the restriction on property owners with larger lots is arbitrary and will negatively impact the value of their property.

Blanche Adams, Upper Township Business Association President, inquired into the status of the additional parking needed for the Community Center. Mayor Palombo stated that the Township has stated their interest in obtaining the property next to the Community Center for additional parking, however at this time the asking price for the property is too high. Mrs. Adams next inquired about the Harbor Road Bike Path project and requested a joint meeting with the County to coordinate the improvements at Harbor Road with the Business Association's beautification project at Roosevelt Boulevard. Lastly, Mrs. Adams stated that the Business Association recently held a restaurant week which was a great success. She also thanked the Administrator for recognizing and supporting the Upper Township Community Guide and introduced Steve Zellers, who has coordinated the project for the last three years.

Steve Zellers, Upper Township Business Association Vice President, thanked the Committee for their input and support for the Upper Township Community Guide, and stated that it is a great reference for residents, businesses, and visitors.

Linda Bateman, Strathmere, thanked Paul Dietrich for including Strathmere residents on the Planning Board subcommittee for the proposed changes to the zoning in Strathmere. She stated that the residents in Strathmere have knowledge and great interest in being involved with planning for the betterment of maintenance of the unique qualities of Strathmere.

CLOSED SESSION

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. 126-2019 MOTION GOING INTO CLOSED SESSION APRIL 8, 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. Personnel
2. Contract negotiation – Tax Map Maintenance
3. Contract negotiation – Grant Consultant
4. Contract negotiation – Payroll Services
5. Contract negotiation – Special Legal Counsel

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

- A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

- B. With respect to employment and personnel matters such discussions will be made public if and when formal action is taken or when the individuals involved consent that it can be made public.
- C. With respect to contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.

Moved by: John Coggins

Motion seconded by: Richard Palombo

During roll call vote all four Committee members present 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.

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

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:36 P.M., with a motion by John Coggins, second by Richard Palombo, and all four Committeemen present voting in the affirmative. The next regular meeting is scheduled for April 29, 2019 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

BILL LIST

73291 04/08/19 A0028 ADVANTAGE RENTAL CENTER INC. 415.90 3072
73292 04/08/19 A0091 ATLANTIC CITY ELECTRIC 20,620.96 3072
73293 04/08/19 A0175 Adams Rehmann & Haggan Assoc 594.00 3072
73294 04/08/19 A0193 ATLANTIC INVESTIGATIONS, LLC 186.00 3072
73295 04/08/19 B0035 BELMONT & CRYSTAL SPRINGS 18.96 3072
73296 04/08/19 B0093 BARRY,CORRADO,GRASSI & 542.50 3072
73297 04/08/19 B0201 BUCK'S ELECTRICAL SERVICE, INC 497.00 3072
73298 04/08/19 B0232 BLUE FLAME GAS 439.81 3072
73299 04/08/19 B0248 BARNES LAW GROUP LLC 1,995.00 3072
73300 04/08/19 C0042 CAMPBELL FREIGHTLINER, LLC 1,908.86 3072
73301 04/08/19 C0068 COMCAST 436.72 3072
73302 04/08/19 C0223 CASA PAYROLL SERVICE 235.75 3072
73303 04/08/19 C0246 CRAFT OIL CORPORATION 606.10 3072
73304 04/08/19 C0279 CASA REPORTING SERVICES LLC 363.90 3072
73305 04/08/19 C0283 CUSTOM-BANDAG, INC 473.87 3072
73306 04/08/19 C0313 Clay Soper Memorial Fund 500.00 3072
73307 04/08/19 E0012 EHRlich PEST CONTROL INC 94.00 3072
73308 04/08/19 G0014 GARDEN STATE HWY PRODUCTS INC. 12.00 3072
73309 04/08/19 G0028 GENTILINI FORD 41.34 3072
73310 04/08/19 G0086 W.W. GRAINGER, INC. 493.02 3072
73311 04/08/19 H0073 HOME DEPOT CRC/GECF 82.39 3072
73312 04/08/19 H0083 HUBER LOCKSMITHS, INC. 90.00 3072
73313 04/08/19 H0095 HORIZON BCBSNJ 181,939.99 3072
73314 04/08/19 L0007 LC EQUIPMENT, INC. 100.00 3072
73315 04/08/19 L0135 LOUGHLIN, LINDA 342.58 3072
73316 04/08/19 M0174 MCAFEE MEGAN 64.96 3072
73317 04/08/19 M0180 MED-TECH RESOURCE,LLC 1,074.68 3072
73318 04/08/19 M0188 MCCARTHY TIRE SERVICE OF PHILA 1,136.95 3072
73319 04/08/19 M0277 MONY LIFE INSURANCE COMPANY 190.89 3072

73320 04/08/19 N0004 NJ-AMERICAN WATER CO. 72.11 3072
 73321 04/08/19 N0143 NATIONAL TIME SYSTEMS 347.35 3072
 73322 04/08/19 N0158 NATIONAL ENTERTAINMENT 2,750.00 3072
 73323 04/08/19 O0006 SJSHORE MARKETING,LLC 419.41 3072
 73324 04/08/19 O0012 OCEAN CITY BD. OF EDUCATION 868.95 3072
 73325 04/08/19 P0032 PEDRONI FUEL CO. 779.08 3072
 73326 04/08/19 P0050 PARSIO, ANTHONY 512.90 3072
 73327 04/08/19 P0136 POSTNET 92.00 3072
 73328 04/08/19 P0152 READY, LOREN 120.00 3072
 73329 04/08/19 P0175 PRIEST JR., ANTHONY 100.00 3072
 73330 04/08/19 P0176 PLUM LABORATORIES, LLC 988.06 3072
 73331 04/08/19 P0188 PORTER, DEREK 460.00 3072
 73332 04/08/19 R0030 RIGGINS, INC. 1,210.97 3072
 73333 04/08/19 R0065 ROBERT BROWN TREE SERVICE 1,600.00 3072
 73334 04/08/19 R0100 ROBERTS OXYGEN COMPANY, INC. 151.40 3072
 73335 04/08/19 R0119 RUDERMAN, ROTH LLC 2,065.00 3072
 73336 04/08/19 S0018 SUBURBAN PROPANE, LP 131.19 3072
 73337 04/08/19 S0031 SCHULER SECURITY, INC. 312.00 3072
 73338 04/08/19 S0134 SO. JERSEY GAS COMPANY 205.59 3072
 73339 04/08/19 S0249 BSN SPORTS 3,999.98 3072
 73340 04/08/19 S0275 SCHAEFER FIREWORKS 4,667.00 3072
 73341 04/08/19 T0080 TREASURER STATE OF N.J. 258.00 3072
 73342 04/08/19 T0094 TREASURER STATE OF NEW JERSEY 50.00 3072
 73343 04/08/19 T0168 TOWNSHIP OF UPPER 312.18 3072
 73344 04/08/19 U0067 UT HEALTH REIMB. ACCOUNT 2,686.32 3072
 73345 04/08/19 V0001 VCI EMERGENCY VEHICLE 389.52 3072
 73346 04/08/19 V0013 VERIZON WIRELESS 1,256.46 3072
 73347 04/08/19 V0024 VAL-U AUTO PARTS L.L.C. 2,252.19 3072
 73348 04/08/19 W0030 WEST PUBLISHING CO. 497.81 3072
 73349 04/08/19 Y0008 YOUNG, DANIEL J. ESQUIRE PC 16,887.50 3072
 73350 04/08/19 Y0020 YOUNG, BARBARA L. 105.91 3072

Total: \$262,047.01