

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR APRIL 29, 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 26, 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 - April 8, 2019 Regular Meeting and
Closed Session Minutes

Motion by John Coggins, second by Richard Palombo, to approve the April 8, 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 was a success. He next reported that the car show will be held on September 28th, with a rain date of September 29th. Next, he reported that the flag pole at Amanda's Field is not properly illuminated at night and asked that the Township Administrator look into it. Lastly, he reported that the illegal use of dirt bikes and quads on Township property is ongoing. The Municipal Attorney stated that the best course of action is to notify the State Police when the incidents occur. Committeeman Young next suggested that the funds originally allocated for an amphitheater at Amanda's Field be reallocated for a small stage and digital sign for Amanda's Field. Lastly Committee discussed the benefits of video surveillance at township facilities.

Ed Barr, Committeeman, requested a status of leaf and brush collection throughout the township. DPW employee Mike Jones responded that brush collection is complete and loose-leaf collection is currently on Butter Road traveling South.

Curtis Corson, Committeeman, reported that a potbelly pig that got loose over the weekend was captured and returned to its rightful owners. He next reported that he received notice from the Court Assignment Judge that the Township's recommendation to hire Loren Ready as Court Administrator was approved. He stated that

the current Court Administrator will be retiring at the end of June. The Municipal Attorney stated he will review the correspondence from the Judge and a resolution or recommendation will be prepared for an upcoming meeting. Lastly, he discussed the need to hire additional personnel for the Division of EMS. Mr. Corson motioned, second by Edward Barr, that a resolution be prepared to hire to Michael Linz as EMT for the Upper Township Division of Emergency Services. During roll call vote all five Committeemen voted in the affirmative.

OTHER REPORTS

Barbara Young, Municipal Clerk, invited everyone to attend the Township’s National Day of Prayer Ceremony to be held at 10:00 am on May 2nd at Town Hall.

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

Paul Dietrich, Township Engineer, reported that the County has sent the restriping of Commonwealth Avenue and the Landis Avenue parking projects out to bid, with an anticipated completion date of June 21st. He further reported that the County will be sending the Hope Corson Road paving project out to bid soon.

Barbara Spiegel, Chief Financial Officer, requested approval for the Deputy Tax Assessor to attend a conference on June 26th and 27th in Galloway Township at a cost of \$325. Motion by John Coggins, second by Curtis Corson, to approve the request. During roll call vote all five Committeemen voted in the affirmative.

PRESENTATIONS

1. Honoring Nathaniel Young on attaining the designation of “Eagle Scout”.
2. Congratulating the Upper Township Riptide–Gray Hockey Team on becoming the 2018 Cape May County 5th to 8th Grade Roller Division Champions.
3. Congratulating the Upper Township Riptide–Black Hockey Team on becoming the 2018 Cape May County Hockey League, High School Division Champions.

ORDINANCES

4. **Public hearing and final adoption of Ordinance No. 005-2019 RE: AN ORDINANCE REVISING JOB CLASSIFICATIONS AND TITLES AND AMENDING CHAPTER V, ENTITLED “PERSONNEL”, OF THE CODE OF UPPER TOWNSHIP.** During the public hearing portion there were no speakers. Motion by Edward Barr, second by John Coggins to adopt Ordinance No. 005-2019. During roll call vote all five Committeemen voted in the affirmative.

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

ORDINANCE NO. 005-2019

**RE: AN ORDINANCE REVISING JOB CLASSIFICATIONS
AND TITLES AND AMENDING CHAPTER V, ENTITLED
“PERSONNEL”, OF THE CODE OF UPPER TOWNSHIP.**

WHEREAS, it is necessary to amend certain job classifications or job titles;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of

Upper, in the County of Cape May and State of New Jersey, as follows:

SECTION 1: Chapter V, entitled “Personnel”, of the Code of Upper Township, Section 5-6.2,

is hereby amended and supplemented as follows:

Add The Following Positions:

**Supervising Mechanic
Assistant Public Works Superintendent
Public Works Superintendent**

Delete The Following Position:

Superintendent of Public Works

SECTION 2: Chapter V, entitled “Personnel”, of the Code of Upper Township, Section 5-6.3, is hereby amended and supplemented as follows:

Add The Following Position:

Superintendent of Public Works

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

SECTION 4: SEVERABILITY: This Ordinance shall be subject to the severability provisions set forth in Section 5-15 of Chapter V of the Code of Upper Township.

SECTION 5: EFFECTIVE DATE: This Ordinance shall take effect immediately upon final adoption and publication as required by law.

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 25TH 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 29TH 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

- 5. Public hearing and final adoption of Ordinance No. 006-2019 RE: AN ORDINANCE AMENDING ORDINANCE NO. 021-2018 KNOWN AS THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2019.** The Municipal Attorney explained that when the Ordinance was introduced it had a typo in the heading and the body of the Ordinance referencing the wrong year, it referred to 021-2019, it should have been 021-2018. During the public hearing portion there were no speakers. Motion by John Coggins, second by Hobie Young to adopt Ordinance No. 006-2019. During roll call vote all five Committeemen voted in the affirmative.

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

ORDINANCE NO. 006-2019

**RE: AN ORDINANCE AMENDING ORDINANCE NO. 021-2018 KNOWN AS THE SALARY
ORDINANCE FOR THE CALENDAR YEAR 2019**

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

SECTION 1: Ordinance No. 021-2018, known as the Salary Ordinance of 2019 at Section 2, is hereby amended as hereinafter provided to add the line item as indicated below:

SECTION 2: SALARIES:

E. PUBLIC WORKS/SPORTS AND RECREATIONAL PROGRAMS:

<u>POSITION</u>	<u>MINIMUM</u>	<u>MAX-2019</u>
Supervising Mechanic	\$12,500.00	\$75,000.00
Assistant Public Works Superintendent	\$12,500.00	\$82,000.00
Public Works Superintendent	\$12,500.00	\$88,000.00
Superintendent of Public Works	\$12,500.00	\$88,000.00

SECTION 3: SEVERABILITY: If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION 4: REPEALER: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 5: EFFECTIVE DATE: This Ordinance shall take effect immediately upon final adoption and publication as required by law.

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 25TH 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 29TH 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

6. **Public hearing and final adoption of Ordinance No. 007-2019 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER X OF THE CODE OF UPPER TOWNSHIP.** The Municipal Attorney briefly explained that this Ordinance pertains to Construction Code Fees. During the public hearing portion there were no speakers. Motion by Edward Barr, second by Hobie Young to adopt Ordinance No. 007-2019. During roll call vote all five Committeemen voted in the affirmative.

TOWNSHIP OF UPPER

CAPE MAY COUNTY
ORDINANCE

ORDINANCE NO. 007-2019

RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE
CHAPTER X OF THE CODE OF UPPER TOWNSHIP

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

SECTION 1. Chapter 10, Section 10-1.3, of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

10-1.3 Fees.

Revise and replace the following in Section 10-1.3a.:

a. *Special Permit Fees.*

1. Demolition Fees. The fee for a demolition or removal permit shall be \$75.00 for a structure of less than 5,000 square feet in area and less than 30 feet in height, for one- or two-family residences (use group R-5 of the building subcode), and structures on farms including commercial farm buildings under N.J.A.C. 5:23-3.2(d), and \$120.00 for all other use groups.
2. Sign Permits. The fee for a permit to construct a sign shall be in the amount of \$1.80 per square foot of surface area of the sign, computed on one side only for a double faced sign. The minimum permit fee for a sign shall be \$62.00.
3. Swimming Pool Permits. The building subcode fee for a swimming pool shall be \$200.00 for an inground pool. The building subcode fee for an above ground pool shall be \$75.00.
4. Mechanical Fee. Fees charged for a mechanical permit for work covered under N.J.A.C. 5:23-3.4(c) shall be \$62.00. For Water Heaters and Condensate Piping, the fee shall be \$13.00. For Special Devices-i.e., Fuel Oil Piping Connections, Gas Piping Connections, Steam Boiler, Hot Water Boiler, Hot Air Furnace, Oil Tank, LPG Tank, Fireplace Generator, Air Condensing Unit, the fee shall be \$62.00 each. Note that mechanical permits are only allowed for work on R-3, R-4 and R-5 structures.
5. Periodic Inspections. For cross connection and backflow preventers that are subject to testing, requiring a reinspection every three months, the fee shall be \$90.00 for each device when they are tested (thrice annually) and \$220.00 for each device when they are broken down and tested (once annually).
6. Variation. The fee for an application for a variation in accordance with N.J.A.C. 5:23-2.10 shall be \$760.00 for Class I structures and \$75.00 for Class II and Class III structures. The fee for resubmission of an application for a variation shall be \$250.00 for Class I and \$40.00 for Class II and Class III structures.
7. New Jersey State Permit Surcharge Fee. The New Jersey State permit surcharge fee that is collected by this agency for the State is to be the current fee mandated by N.J.A.C. 5:23-4.19.

NOTE: Due to the limitations of the Department of Community Affairs' computer program, Upper Township is forced to round off all permit and surcharge fees to the nearest whole dollar.

Revise and replace the following in Section 10-1.3d.:

d. *Annual Permit Fees.*

1. Fees charged for annual permits are to be the same as required by N.J.A.C. 5:23-4.20.
2. Annual Pool Bond Inspection shall be \$90.00.

Revise and replace the following in Section 10-1.3f.:

f. *Basic Construction Fees.*

1. The basic construction fee shall be in the sum of the parts computed on the basis of the volume or cost of construction, the number of plumbing fixtures and pieces of equipment, the number of electrical fixtures, and devices and the number of sprinklers, standpipes, and detectors (smoke and heat) at the unit rates provided here plus any special fees. The minimum fee for a basic construction permit covering any or all building, plumbing or fire protection work shall be \$62.00 per subcode and for any and all electrical work it shall be \$90.00.

Revise and replace the following in Section 10-1.3g.:

g. *Building Subcode Fees.*

1. Fees for new construction shall be based upon the volume of the structure. The volume shall be computed in accordance with N.J.A.C. 5:23-2.28. The new construction fee for all use groups shall be \$0.037 per cubic feet in volume.

EXCEPTION: The following structures generally being of very large volume are to be charged the following fee when 10,001 or more cubic feet in volume:

Use Group A-1, A-2, A-3, A-4, A-5, F-1, F-2, S-1, S-2 the fee shall be \$.0250 and the fee shall be \$.0250 per cubic feet for structures on farms, including commercial farm buildings under N.J.A.C. 5:23-3.2(d), with a maximum fee for such structures on farms not to exceed \$1,100.00.

2. Fees for renovations, alterations and repairs are based on estimated cost of work:

\$1,000.00 up to \$50,000.00	\$20.00 per \$1,000.00
\$50,001.00 up to \$100,000.00	\$16.00 per \$1,000.00
\$100,001.00 and above	\$12.00 per \$1,000.00

For the purpose of determining estimated cost the applicant shall submit to the agency such cost data as may be available, produced by the architect or engineer of record, or by a recognized estimating firm or by the contractor. A bona fide contractor's bid, if available, shall be submitted. The agency shall make the final decision regarding the estimated cost.

3. Fees for additions shall be computed on the same basis as the new construction for the added portion.
4. Fees for combination renovations and additions shall be computed as the sum of the fees computed separately in accordance with the items above.

Revise and replace the following in Section 10-1.3h.:

h. *Plumbing Subcode Fees.* Plumbing fixtures and Equipment:

1. The fee shall be in the amount of \$13.00 per fixture for any fixtures connected to the plumbing system except for special devices listed below.
2. Plumbing Special Devices: Grease traps, oil separators, water cooled air conditioning units, refrigeration air conditioning units, utility service connections, backflow preventers, steam boilers, hot water boilers, gas piping, active solar systems, sewer pumps, interceptors and fuel piping. The fee for these and similar devices shall be \$62.00 each.

Revise and replace the following in Section 10-1.3i.:

- i. *Electric Subcode Fees.* Electrical Fixtures and Devices: The fee shall be as follows:
 1. For the first block consisting of one to 50 receptacles, fixtures or devices, the fee shall be \$90.00. For each additional block consisting of up to 25 receptacles, fixtures or devices, the fee shall be \$25.00. For the purpose of computing this fee, receptacles, fixtures or devices shall include lighting fixtures, wall switches, convenience receptacles, sensors, dimmers, alarm devices, smoke and heat detectors, communication outlets, light standards 8 feet or less in height including luminaries, emergency lights, electric signs, exit lights or similar electric fixtures and devices rated 20 amperes or less including motors or equipment rated less than one horsepower (hp) or one kilowatt(kW).
 2. For each motor or electrical device rated from 1 hp to 10 hp or 1 kW to 10 kW; for each transformer or generator from 1 kW to 10 kW or 1 kva to 10 kva; for each replacement of wiring involving one branch circuit or part thereof; for each storable pool or hydro massage bath tub; for each underwater lighting fixture; for household electric cooking equipment rated up to 60 kW; for each fire, security or burglar alarm control unit; for each receptacle rated from 30 amperes to 50 amperes; for each light standard greater than 8 feet in height including luminaries; and for each communications closet the fee shall be \$25.00.
 3. For motor or electrical devices rated from greater than 10 hp to 50 hp, or 10 kW to 50 kW; for each transformer or generator rated from greater than 10 kW to 45 kW or 10 kva to 45 kva; for each electric sign rated from greater than 20 amperes to 225 amperes including associated disconnecting means; for each receptacle rated greater than 50 amperes; and for each utility load management device, the fee shall be \$62.00.
 4. For each motor or electrical device rated from greater than 50 hp to 100 hp or 50 kW to 100 kW; and for each transformer or generator rated from greater than 45 kW to 112.5 kW or 45 kva to 112.5 kva, the fee shall be \$138.00.
 5. For each motor or electrical device rated greater than 100 hp or 100 kW; the fee shall be \$620.00.
 6. For each electrical service equipment, panel board, switch board, switch gear, motor control center, or disconnection means rated from 1 up to and including 200 amperes, the fee shall be \$90.00. For each electrical service equipment, panel board, switch board, switch gear, motor control center or disconnection means rated over 200 up to and including 400 amperes, the fee shall be \$125.00. For each electrical service equipment, panel board, switch board, switch gear, motor control center or disconnection means rated over 400 up to and including 1000 amperes, the fee shall be \$145.00.
 7. For motors or similar devices requiring concurrent installation of individual controls, relays and switches, the fee shall be based only upon the rating of the motor or device. There shall be no additional fee charged for the concurrent installation of individual circuit components, for example, controllers, starter, and disconnecting means.
 8. The fee charged for process equipment shall be based on the ampere rating of the over current device protecting the conductor feeding the process equipment or the cutoff device.
 9. For the purpose of computing these fees, all electrical and communications devices, utilization equipment and motors which are part of premises wiring, except those which are portable plug-in-type, shall be counted.
 10. For Pool Permits with UW Lights, the fee shall be \$90.00 plus equipment charge.
 11. For Solar Systems from 1 up to and including 100 kW, the fee shall be \$100.00 plus equipment charge. For Solar Systems over 100 kW up to and including 200 kW, the fee shall be \$200.00 plus equipment charge.

Revise and replace the following in Section 10-1.3j.:

- j. *Fire Protection Fees.* Sprinklers, standpipes, detectors (smoke or heat), pre-engineered suppression system, gas or oil fired appliances not connected to the plumbing systems, kitchen exhaust systems,

incinerators and crematoriums:

1. The fee for 20 or fewer heads or detectors shall be \$62.00; for 21 to and including 100 heads or detectors the fee shall be \$179.00; for 101 to and including 200 heads or detectors the fee shall be \$360.00; for 201 to and including 400 heads or detectors the fee shall be \$1,380.00; for 401 to and including 1,000 heads or detectors the fee shall be \$1,450.00.
2. In computing the fees for heads and detectors, the number of each shall be counted separately and two fees, one for the heads and one for the detectors shall be charged.
3. The fee for each standpipe shall be \$275.00.
4. The fee for each independent pre-engineered fire suppression system shall be \$220.00.
5. The fee for each gas or oil fired appliance which is not connected to the plumbing system shall be \$65.00.
6. The fee for each kitchen exhaust system shall be \$62.00.
7. The fee for each incinerator shall be \$700.00.
8. The fee for each crematorium shall be \$700.00.

SECTION 2: REPEALER: All Ordinances or parts of Ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

SECTION 3: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 4: EFFECTIVE DATE: This Ordinance shall take effect upon final adoption and publication as required by law.

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

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 25TH 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 29TH 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

7. **Introduction and first reading of Ordinance No. 008-2019 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XIX (LAND SUBDIVISION AND SITE PLAN) AND CHAPTER XX (ZONING) OF THE CODE OF UPPER TOWNSHIP.** Motion by Curtis Corson, second by Edward Barr, to introduce Ordinance 008-2019 with a public hearing and final adoption scheduled for May 28, 2019. During roll call vote all five Committeemen voted in the affirmative.

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

ORDINANCE NO. 008-2019

RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XIX (LAND SUBDIVISION AND SITE PLAN) AND CHAPTER XX (ZONING) OF THE CODE OF UPPER TOWNSHIP

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

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

WHEREAS, the municipal clerk has provided notice of the change in permitted conditional uses in the Resort Commercial (RC) zone pursuant to N.J.S.A. 40:55D-62.1;

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

SECTION 1. Chapter 19 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

Revise the following definition in **Section 19-3b. Definitions:**

Change of Use shall mean any change of a commercial property resulting in any enlargement of any building or structure; the addition of any other business entity onto a commercial property; any modification to a commercial property which will result in an increase in required off street parking or sanitary flow.

SECTION 2. Chapter 20 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

Add the following definitions to **Section 20-2.1 Definitions of Township Wide-Application:**

Coastal A Zone shall mean the portion of the Special Flood Hazard Area (SFHA) starting from a Velocity (V) Zone and extending up to the landward Limit of the Moderate Wave Action delineation. Where no V Zone is mapped the Coastal A Zone is the portion between the open coast and the landward Limit of the Moderate Wave Action delineation. Coastal A Zones may be subject to wave effects, velocity flows, erosion, scour, or a combination of these forces. Construction and development in Coastal A Zones is to be regulated the same as V Zones/Coastal High Hazard Areas.

Cupola shall mean a decorative roof structure that has a small roof and the shaft that supports it sitting on top of a building. A Cupola shall be decorative only, be no more than 4 feet above the maximum building height (not including spire or weather vane) and contain no more than twenty-five (25) Square Feet of space. If a cupola provides rooftop access in the RR and RC district it shall not exceed the maximum permitted building height.

Elevated building shall mean a non-basement building (a) built in the case of a building in an area of special flood hazard to have the top of the elevated floor, or in the case of a building in a coastal high hazard area or Coastal A Zone, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the base flood elevation plus freeboard by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water; and (b) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In an area of special flood hazard, "elevated building" shall also include a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In areas of coastal high hazard and Coastal A Zones, "elevated building" shall also include a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

Floor Area Ratio (FAR) shall mean all building area in a principal structure above Flood Protection Area divided by the lot area. In calculating FAR attics, elevators, and decks/ porches shall not be included. Additionally, when located below the Flood Protection Elevation, storage areas and garages shall not be included in the FAR. The value in the FAR numerator shall be the area (in square feet) established by measuring from the exterior faces of exterior walls and shall include all building area having a floor to ceiling joist height of seven feet (7') and greater (if attics have a floor to ceiling height of seven-feet or greater they shall be included in the total floor area).

Open Deck shall mean an exterior part of a building outside of and extending beyond the exterior walls of the building, the exterior boundaries of which are completely and permanently open to the outside air and shall not have any enclosed space below or roof above; provided that an open deck may have a solid wall in lieu of a railing, which wall extends not more than 36 inches above the floor of the deck. Attached frames for screens and/or awnings are not permitted whether permanent or temporary.

Storage Container shall mean any container, semi-trailer (with or without wheels), storage unit or portable structure designed to be used on a temporary basis and without a foundation for the purpose of storing tangible property and not for occupancy by persons.

Tractor Trailer shall mean any semi-trailer (with or without wheels) to be used for the purpose of storing tangible property.

Trailer shall mean any trailer, boat, boat trailer, camper, travel trailer, recreational vehicle, motor home, jet ski, jet ski trailer, utility trailer or equipment trailer.

Revise the following definitions in **Section 20-2.1 Definitions of Township Wide-Application:**

Area of special flood hazard shall mean the land in the floodplain within a community subject to a one (1%) percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

Base flood elevation shall mean the flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. For zones VE and V1-30 the elevation represents the stillwater elevation (SWEL) plus wave effect (BFE = SWEL + wave effect) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Building coverage shall mean the square footage or other area measurement by which all buildings occupy a lot as measured on a horizontal plane around the periphery of the foundations and including the area under the roof of any structure supported by columns, but not having walls, as measured around the outside of the outermost extremities of the roof above the columns. In the RR district open decks as defined herein are exempt from building coverage and shall be included in lot coverage.

Building height shall mean the vertical distance measured to the highest point from the mean elevation of the finished grade five (5') feet away from the foundation along the side(s) of building facing a street or a street line, whichever is closer to the foundation. On a corner lot, the height shall be measured on

the street having the greatest slope. In all cases where this Chapter provides for height limitations by reference to specified height the intent is to limit height to the specified maximum footage. Properties located in the special flood hazard area or the advisory flood hazard area shall have the height measured from the flood protection elevation, but properties in the RR and RC zoning districts shall be limited to two (2) stories above the flood protection elevation except as provided in Section 20-4.5b2(d)(iii).

Flood protection elevation shall mean the elevation that a structure must be elevated to in all special flood hazard areas and advisory flood hazard areas. Said elevation shall be two (2') foot higher than the best available flood hazard data elevation.

Story shall mean that portion of a building included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling next above it. For the purpose of this Chapter, the interior of the roof shall not be considered a ceiling. A half-story is the area under a pitched roof at the top of a building, the floor of which is at least four (4') feet, but no more than six (6') feet, below the plate.

Delete the following definition in **Section 20-2.1 Definitions of Township Wide-Application**:

Habitable space shall mean a space in a building for living, sleeping, eating or cooking. Garage, storage, stairs, halls or utility and other similar spaces are not considered habitable spaces.

Story, habitable shall mean a story that has more than ten (10%) percent of the gross building floor area is considered a habitable story.

Revise **Section 20-4.5 Resort Districts: "RR" Resort Residential and "RC" Resort Commercial** as follows:

20-4.5 Resort Districts: "RR" Resort Residential and "RC" Resort Commercial.

a. *Purpose.* The purpose of the "RR" and "RC" Resort Districts are to provide for development specifically related to the barrier beach community of Strathmere and Whale Beach. The purpose of the "RR" District is to provide for the continuance of single-family dwellings on Strathmere and Whale Beach. Building coverages, Floor Area Ratios and heights are utilized to ensure the scale of the residential structures maintain the charm of Strathmere & Whale Beach and not result in larger structures. The purpose of the "RC" District is to provide locations on Strathmere where relatively small retail and service establishments may be located. It is intended that any development will take place in accordance with the requirements specified under the FEMA Flood Hazard Regulations in recognition of the precarious environmental situation. Additionally, minimum ground floor elevations are established to ensure protection against flooding and allow for the continued improvement of street networks.

b. *"RR" Resort Residential District.*

1. *Permitted Uses.* The permitted uses pertaining to the "RR" Resort Residential District is provided on Schedule A Residential Districts—Permitted Principal, Conditional and Accessory Uses except as modified or supplemented by this section.
2. *Area and Yard Requirements.* The area and yard requirements pertaining to all permitted uses in the "RR" District are provided on Schedule C Area and Yard Requirements for Zone Districts* except as modified or supplemented by the specific standards of the RR district under 20-4.5(b) in its entirety:
 - (a) *Lot depth:* Any existing lot appearing on the Tax Map as of July 1, 1995 which has a depth of ninety-five (95') feet and a minimum frontage of forty (40') feet shall be deemed to meet the requirements of this section. (All lots located in Strathmere on the west side of Commonwealth Avenue generally have a depth of ninety-five (95') feet.
 - (b) *Open decks* may encroach into the required rear yard setback a distance of ten (10') feet. Roof top decks are permitted provided they do not exceed 25% of the total building footprint.

- (c) A maximum building coverage of 27% is permitted for lots 8,000 square feet and less. Lots over 8,000 square feet in area shall not exceed a maximum building coverage of 20%. Open decks are excluded from the building coverage in the RR district or in the RC district when developed as single-family detached residential.
- (d) A maximum Floor Area Ratio (FAR) of 0.54 is permitted on lots 8,000 square feet and less. Lots over 8,000 square feet in area shall not exceed a maximum Floor Area Ratio (FAR) of 0.40.
 - (i) In calculating the floor area ratio decks/porches are excluded from the total floor area.
 - (ii) If a property owner encloses a deck or porch that area shall become part of the calculated floor area and subject to the maximum FAR.
 - (iii) Foyers, habitable space and storage areas are permitted above the flood protection elevation on the ground floor with two (2) stories above provided such areas do not exceed more than 30% of the total floor area on the ground level. All area above the flood protection elevation shall be included in the FAR calculation as floor area.
- (e) Lots over 8,000 square feet in area shall require a twelve (12') foot side yard setback.

3. Building Height

- (a) Buildings shall not be more than thirty-five (35) feet above the Flood Protection Elevation.
 - (b) Roof structures or cupolas for stairway or elevator access are not permitted above the maximum permitted building height.
 - (c) No more than eighteen (18) inches of exposed rail is permitted on roof decks.
 - (d) Any building having a roof slope less than 4:1 for more than 25% of the building shall be considered a flat roof and the prescribed building height limit shall be reduced by four (4) feet
 - (e) Building height shall be measured from the Flood Protection Elevation.
4. Minimum Gross Floor Area. Minimum gross floor area for a single-family detached dwelling shall be one thousand (1,000) square feet.
5. Private residential swimming pools are prohibited in the "RR" District.
6. Garages shall not be converted to storage space.

c. *"RC" Resort Commercial District.*

- 1. Permitted Uses. The permitted uses pertaining to the "RC" Resort Commercial District are provided on Schedule B Commercial and Mixed Use Districts Permitted Principal Conditional and Accessory Uses except as modified or supplemented by this section.
- 2. Conditional Use. Single-Family Detached Residential uses in the RC district are a permitted conditional use except in Block 850, with the conditions being the standards under Section 20-4.5(b). Any variation from these standards require a variance under N.J.A.C. 40:55D-70d from the Board of Adjustment.
- 3. Area and Yard Requirements. The area and yard requirements pertaining to all permitted uses in the "RC" District are provided on Schedule C Area and Yard Requirements for Zone Districts except as modified or supplemented by this section.
- 4. Building Height
 - (a) Buildings shall not be more than thirty-five (35') feet above the Flood Protection Elevation.
 - (b) Roof structures or cupolas for stairway or elevator access are not permitted above the maximum permitted building height.
 - (c) No more than eighteen (18) inches of exposed rail is permitted on roof decks.
 - (d) Any building having a roof slope less than 4:1 for more than 25% of the building shall be considered a flat roof and the prescribed building height limit shall be reduced by four (4) feet.

(e). Building height shall be measured from the Flood Protection Elevation.

5. General Requirements.

- (a) One (1) building may contain more than one (1) use provided that the total building coverage of the combined uses does not exceed the maximum building coverage specified for the district and, further, that each use occupies a minimum gross floor area of five hundred (500) square feet.
- (b) No merchandise, products or similar material or objects shall be displayed or stored outside unless appropriately screened and maintained. Any use resulting in the storage of vehicles outside shall have such area entirely enclosed by a fence, wall, plant material or combination thereof in order to provide a visual barrier between the storage areas and any street, residential zoning district or existing residential use. Such outside storage area shall not exceed thirty (30%) percent of the lot area and shall be located in the rear yard only.
- (c) All buildings shall be compatibly designed whether constructed all at one time or in stages over a period of time. All building walls facing any street or residential district line shall be suitably finished for aesthetic purposes which shall not include unpainted or painted cinder block or concrete block walls.
- (d) All areas not utilized for buildings, parking, loading, access aisles and driveways or pedestrian walkways shall be suitably landscaped with shrubs, ground cover, seeding or similar plantings and maintained in good condition.
- (e) Each activity shall provide for off-street loading and unloading with adequate ingress and egress from streets and shall provide for such an area at the side or rear of the building.
- (f) There shall be at least one (1) trash or garbage pickup location provided by each building which shall be separated from the parking spaces by either a location within the building or in a pickup location outside the building. The trash and/or garbage shall be stored in a steel-like, totally enclosed container located in a manner to be obscured from view from parking areas, streets and adjacent residential uses or zoning districts by a fence, wall, planting or combination of three (3). If located within the building, the doorway may serve both the loading and trash/garbage functions. If a container is used for trash/garbage functions and is located outside the building, it may be located adjacent to or within the general loading area(s) provided the container in no way interferes with or restricts loading and unloading functions.

6. Private residential swimming pools are prohibited in the "RC" District.

d. Stormwater Control

- 1. Each property shall provide stormwater control to help alleviate the stormwater runoff in the RC and RR zones as set forth below.
- 2. Stormwater control shall meet Section 19-7.7 for all new development or shall provide the following minimum which the Municipal Engineer has calculated to meet the standards:
 - (a) Provide drywell constructed in accordance with NJAC 7:8-5.9(a)a.iii.
 - (b) Drywell shall be at least one hundred feet (100') of 24"x24" clean stone trench with 6" perforated pipe connected to downspouts that direct the runoff from at least 90% of the roof area.
 - (c) Prior to placement of stone in the drywell the excavation shall be inspected by the Municipal Engineer to verify that the soils meet the permeability standards of NJAC 7:8.

e. Ground Floor Elevation

- 1. All new construction and substantial improvement to any structure shall have the ground floor or lowest finished floor elevated to Elevation 7.0 N.A.V.D. or higher except if the following conditions are met:
 - (a) If the change in slope from the roadway to ground floor Elevation 7.0 N.A.V.D. shall be more than two (2') feet; and

- (b) If the ceiling height of the ground floor and all door jamb headers are constructed to allow for future construction of a ground floor at Elevation 7.0 N.A.V.D. without having to raise the entire structure.

Add the following subsections to **Section 20-5.1 Accessory Buildings**:

- e. Storage container. Shall be permitted on a lot by permit from the Zoning Official for a period up to forty-five (45) days during any 365 day period.
- f. Tractor trailers shall be prohibited. Existing tractor trailers must show conformance with Section 20-5.6.

Add the following subsection to **Section 20-5.5a Lighting**:

To control light spillage off-premises onto adjacent properties or streets, the maximum vertical illumination, when measured at a point five feet within the adjacent property line at a height of five feet and facing the light fixture(s), shall be no greater than 0.1 vertical footcandles.

Add the following subsection to **Section 20-5.10a Signs**:

- 15. Temporary signs for advertising contractor services shall be permitted in accordance with the following:
 - (i). Sign may be placed for a period of thirty (30) days after a Certificate of Occupancy or Approval has been issued (permanent or temporary) or thirty (30) days for work that does not require a construction permit at a residence where the work is being performed.
 - (ii). No more than five (5) signs may be placed throughout the Township at any given time for a single contractor.
 - (iii). The sign shall be non- illuminated, not larger than four (4) square feet in area.
 - (iv). Only one contractor sign may be placed at any given residence unless the work being performed is in conjunction with a construction permit and all signs must be placed on a common sign board no larger than thirty-two (32) square feet in size.
 - (v). The Zoning Officer shall be notified in writing before the sign is placed at the residence.
- 16. Flags. Decorative or informational flags such as "open" or "welcome," with a limit of one (1) flag per business. Flags and flagpoles shall not be in the right-of-way.

Revise the following in **Section 20-6.3 Height Limits**:

- a. No building shall exceed the height limits as prescribed in Section 20-4.
- b. Roof structures for the housing of stairways, tanks, ventilating fans, air conditioning equipment or similar equipment required to operate and maintain the building; skylights; spires; cupolas; flagpoles; chimneys; or similar structures may be erected above the height limits prescribed by this Chapter, but in no case more than twenty-five (25%) percent more than the maximum height prescribed for the use in the district. Farm silos shall have no height restrictions. Roof structures or cupolas for stairway or elevator access are not permitted above the required building height in the RR and RC Zones.
- c. Any building having a roof slope less than 4:1 for more than 25% of the building shall be considered a flat roof and the prescribed building height limit in Section 20-4 shall be reduced by four (4') feet.

Revise and add the following subsections to **Section 20-11.1b Zoning Permit Required**:

1. Creation, construction, excavation, erection, alteration, conversion or enlargement of any building, structure, land or part thereof.
2. Changing or allowing a change of use as defined by this ordinance.
3. Unchanged.
4. Unchanged.
5. Any change of occupancy from one permitted use to another.

Revise **Section Schedule A** as follows:

Remove Pole Barns and Note #8

Revise Note # 4 – Trailers to be parked or stored in the rear and side yards only. Their dimensions shall not be counted in determining the total building coverage and shall not be used for temporary or permanent living quarters while situate on a lot. Tractor Trailers are not permitted.

SECTION 3: EFFECTIVE DATE: This ordinance shall take effect immediately upon the following publication as required by law.

SECTION 4: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 5: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 6: CODIFICATION: This Ordinance shall be codified in the Upper Township Code at the sections referred to above.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE **29TH OF APRIL, 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 **28TH DAY OF MAY, 2019** AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

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

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

RESOLUTIONS

8. Congratulating the Upper Township Green Hornets Wrestling Team on becoming the 2018/2019 South Jersey Youth Wrestling League Champions.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 127-2019

RE: CONGRATULATING THE UPPER TOWNSHIP GREEN HORNETS WRESTLING TEAM ON BECOMING THE 2018/2019 SOUTH JERSEY YOUTH WRESTLING LEAGUE CHAMPIONS

WHEREAS, the Upper Township Green Hornets wrestling team, had an outstanding 2018/2019 wrestling season; and

WHEREAS, they recently achieved the South Jersey Youth Wrestling League Champions and finished with an 8 win and 1 loss record; and

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

Luke McHale	Jackson Smith
Aiden McHale	Logan Fearnhead
Jaxon Picinich	Dominic Schultz
Gavin Martin	Mason Afanador
Mason Sampson	Mike Young
Josh Roman	Logan Hayes
Bobby Drewnowski	Nick Layton
Pat Tull	Josh Degan
Andrew Siteman	James Picinich
Aiden Leypoldt	Clarence Smith
Talon Fischer	John Arsenault
Luca Tessitore	Dillon Singleton
	Jonah Nugent

WHEREAS, we also extend this recognition and thanks to the coaches listed below, who have generously given their personal time and service to coach these athletes:

Frank Sannino	Bill Lick
Jerry Stroh	Anthony Garreffo
Steve Leypoldt	Anthony Broker
John Temple	Mike Crement
Don Argoe	Mike Cunningham
Dave Schultz	Claudio Pawlus
Anthony Fearnhead	Joe Cunningham
Tyler Sampson	Cameron Andres
Jason Lera	

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 Green Hornets Wrestling Team, congratulations on becoming the 2018/2019 South Jersey Youth Wrestling League Champions, and to each coach a heartfelt thanks and gratitude for the generous donation of their time and service to the young peoples of this community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 29th day of April, 2019.

<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			

9. Congratulating the Upper Township Green Hornets Wrestlers on becoming USA Wrestling New Jersey State Championship Place Winners.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 128-2019

RE: CONGRATULATING THE UPPER TOWNSHIP GREEN HORNETS WRESTLERS ON BECOMING USA WRESTLING NEW JERSEY STATE CHAMPIONSHIP PLACE WINNERS

WHEREAS, the Upper Township Green Hornets wrestlers, had an outstanding 2018/2019 wrestling season; and

WHEREAS, they recently achieved USA Wrestling of New Jersey State Championship Place Winners in their respective weight class; and

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

- Keira Cunningham placed 5th in the Girls 9U 50lb weight class
- Kruize Pawlus placed 4th in the Tot 45 lb. weight class
- Luke McHale placed 5th in the Tot 49 lb. weight class
- Trent Lera placed 7th in the Tot 57 lb. weight class
- Bobby Drewnowski placed 2nd in the Bantam 70 lb. weight class
- Dominic Schultz placed 5th in the Mid 100 lb. weight class
- Logan Hayes placed 7th in the Mid 110 lb. weight class
- Hannah Lick placed 1st in the Girls 9U 100 lb. weight class
- Jonah Nugent placed 2nd in the Junior Hwt. weight class
- Aiden Leypoldt placed 8th in the Intermediate 80 lb. weight class

WHEREAS, we also extend this recognition and thanks to the coaches listed below, who have generously given their personal time and service to coach these athletes:

- | | |
|----------------|-------------------|
| Frank Sannino | Steve Leypoldt |
| John Temple | Dave Schultz |
| Jason Lera | Anthony Garrefffi |
| Claudio Pawlus | Joe Cunningham |

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 Green Hornets Wrestlers, congratulations on becoming USA Wrestling New Jersey State Championship Place Winners, and to the coaches a heartfelt thanks and gratitude for their 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 29th day of April, 2019.

Resolution No. 128-2019

Offered by: Young

Seconded by: Barr

Adopted: April 29, 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			

- Chapter 159 Resolution for the insertion of a special item of revenue into the 2019 Budget that was not determined at the time of the adoption of the Budget - State of New Jersey in the amount of \$150,000.00.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 129-2019

RE: CHAPTER 159 RESOLUTION FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE INTO THE 2019 BUDGET THAT WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET—STATE OF NEW JERSEY IN THE AMOUNT OF \$150,000.00

WHEREAS, N.J.S.A. 40a:4-87 provides that the Director of the Division of Local Government Services May approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township of Upper will receive an amount of \$150,000.00 from the State of New Jersey Department of Transportation’s Fiscal Year 2019 Municipal Aid program for the Reconstruction of Commonwealth Avenue Phase 2 project and wishes to amend its 2019 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Upper hereby requests the Director of the Division of Local Government Services approve the insertion of an additional item of revenue in the budget of the year 2019 in the sum of \$150,000.00, which is now available as a revenue from:

Revenue: State & Federal Revenue Offset with Appropriations:
2019 NJDOT Municipal Aid Program for the Reconstruction of Commonwealth Avenue
Phase 2 Project, and

BE IT FURTHER RESOLVED, that a like sum of \$150,000.00 be and the same is hereby appropriated under the caption of:

Appropriation: State And Federal Programs Offset by Revenue:
 2019 NJDOT Municipal Aid Program for the Reconstruction of Commonwealth Avenue
 Phase 2 Project, and

BE IT FURTHER RESOLVED, that the Township Clerk forward two copies of this Resolution to the Director of Local Government Services.

Resolution No. 129-2019

Offered by: Coggins

Seconded by: Barr

Adopted: April 29, 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	_____	_____	_____

11. Appointing Daniel Schuler as Supervising Mechanic to the Upper Township Department of Public Works.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 RESOLUTION**

RESOLUTION NO. 130-2019

**RE: APPOINTING DANIEL SCHULER AS SUPERVISING MECHANIC
 TO THE UPPER TOWNSHIP DEPARTMENT OF PUBLIC WORKS**

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

WHEREAS, the Township Committee has duly considered the matter and has determined that Daniel Schuler possesses all of the requisite qualifications for appointment to said position; and

WHEREAS, the individual's appointment is conditioned upon Civil Service review; 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. Daniel Schuler is hereby promoted to the position of Supervising Mechanic in the Department of Public Works effective March 29, 2019 at an annual salary of \$65,000.00 in accordance with the Salary Ordinance.
3. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Resolution No. 130-2019

Offered by: Barr

Seconded by: Young

Adopted: April 29, 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. Appointing Sharon Taggart as Personnel Officer to the Upper Township Department of Personnel.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 131-2019

**RE: APPOINTING SHARON TAGGART AS PERSONNEL OFFICER TO THE
UPPER TOWNSHIP DEPARTMENT OF PERSONNEL**

WHEREAS, there is a need by the Township of Upper to appoint a full time Personnel Officer;

and

WHEREAS, the Township Committee has duly considered the matter and has determined that

Sharon Taggart possesses all of the requisite qualifications for appointment to said position; and

WHEREAS, the Township Committee is of the further opinion that Sharon Taggart is a

competent, fit and suitable person for appointment to the hereinafter designated position.

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. Sharon Taggart is hereby appointed to the position of Personnel Officer for the Township of

Upper effective May 6, 2019 at an annual salary of \$65,000.00.

3. This Resolution shall be effective immediately and is further intended to ratify, confirm and

approve any formal action taken by the Township Committee.

Resolution No. 131-2019

Offered by: Coggins

Seconded by: Barr

Adopted: April 29, 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 X _____
 Palombo X _____

13. Appointing the 2019 Season Beach Patrol Personnel contingent upon background clearance.

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

RESOLUTION NO.132-2019

**RE: APPOINTING THE 2019 SEASON BEACH PATROL PERSONNEL
 CONTINGENT UPON BACKGROUND CLEARANCE**

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

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

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

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

RETURNING GUARDS

RYAN FISHER	\$15.00 per hour
JOHN O' HARA	\$15.00 per hour

Resolution No. 132-2019
 Offered by: Barr Seconded by: Coggins
 Adopted: April 29, 2019
 Roll Call Vote:

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

14. Appointing Norman W. Briggs to act as Special Legal Counsel.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 133-2019

RE: APPOINTING NORMAN W. BRIGGS TO ACT AS SPECIAL LEGAL COUNSEL

WHEREAS, the Township requires legal counsel to provide legal services in the event such services are not provided by the regular Township Solicitor due to a conflict of interest or other reason as determined by the Township Committee; 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 Norman W. Briggs, Esquire as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Norman W. Briggs, Esquire has completed and submitted a Business Entity Disclosure Certification which certifies that Norman W. Briggs, Esquire 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 Norman W. Briggs, Esquire 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. Norman W. Briggs, Esquire with offices at 110 Roosevelt Boulevard, Suite 201, Marmora, New Jersey is hereby appointed Special Legal Counsel to handle matters in which the regular Township Solicitor has a conflict of interest as well as other matters directed by the Township Committee.
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 Norman W. Briggs, Esquire 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 Norman W. Briggs, Esquire for legal services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

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

7. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Norman W. Briggs, Esquire 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. 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. 133-2019

Offered by: Coggin

Seconded by: Palombo

Adopted: April 29, 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>	___	___	___

15. Authorizing a contract with CASA Payroll Services of Egg Harbor Township, New Jersey for payroll services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 134-2019

RE: AUTHORIZING A CONTRACT WITH CASA PAYROLL SERVICES OF EGG HARBOR TOWNSHIP, NEW JERSEY FOR PAYROLL SERVICES

WHEREAS, CASA Payroll Services (“CASA”) has submitted a proposal to the Township for payroll services; and

WHEREAS, N.J.A.C. 5:30-17.3 et seq. provides for electronic disbursement controls for payroll purposes and applies to entities which execute disbursements from and/or take possession of municipal bank accounts or funds; and

WHEREAS, the proposal of CASA does not permit CASA to execute disbursements from the Township’s bank account or give CASA possession of Township funds and as such N.J.A.C. 5:30-17.3 et seq. does not apply; and

WHEREAS, the Township wishes to accept said proposal and to authorize a contract with CASA; and

WHEREAS, the proposal 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, CASA has completed and submitted a Business Entity Disclosure Certification which certifies that CASA 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 CASA 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 CASA attached hereto as Exhibit “A”, to provide payroll service within the Township of Upper commencing immediately.
3. CASA 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. 134-2019
Offered by: Coggins
Adopted: April 29, 2019

Seconded by: Young

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>	___	___	___

16. Authorizing the execution of a contract with Adams, Rehmann & Heggan Associates, Inc. for the maintenance of the official tax map.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 135-2019

**RE: AUTHORIZING THE EXECUTION OF A CONTRACT WITH
ADAMS, REHMANN & HEGGAN ASSOCIATES, INC. FOR THE
MAINTENANCE OF THE OFFICIAL TAX MAP**

WHEREAS, the Township requires a professional land surveyor for the maintenance of the official tax map; and

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

WHEREAS, the Township has decided to acquire the services of Adams, Rehmann & Heggan Associates, Inc. as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Adams, Rehmann & Heggan Associates, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Adams, Rehmann & Heggan Associates, Inc. has not made any reportable contributions to a political or candidate committee in the Township that would bar the award of the contract and that the contract will prohibit Adams, Rehmann & Heggan Associates, 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:

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 Adams, Rehmann & Heggan Associates, Inc., of 215 Bellevue Avenue, Hammonton, New Jersey 08037, for professional land surveying services for the maintenance of the official tax map of Upper Township.
3. The Contract is awarded 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 Adams, Rehmann & Heggan Associates, Inc., has professional knowledge as to land surveying issues which knowledge is particularly valuable to the Township Committee.

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

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 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. Adams, Rehmann & Heggan Associates, Inc. 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. A notice of the contract award shall be published in the official newspaper of the Township of Upper.

8. This Resolution shall be effective as of adoption.

Resolution No. 135-2019

Offered by: Barr

Seconded by: Coggins

Adopted: April 29, 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 execution of a NJDEP TWA-1 Application Statements of Consent form regarding 1823 Route 9 South, Upper Township, Block 567, Lot 24.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 136-2019

**RE: AUTHORIZING THE EXECUTION OF A NJDEP TWA-1 APPLICATION
STATEMENTS OF CONSENT FORM REGARDING 1823 ROUTE 9 SOUTH,
UPPER TOWNSHIP, BLOCK 567, LOT 24**

WHEREAS, Harriet Lane, LLC has or is about to make application to the New Jersey Department of Environmental Protection (hereinafter “DEP”) for Treatment Works Approval to connect eleven single family residential units to a proposed septic field, and has requested that the Township complete a portion

of DEP Form No. WQM-003, which merely consents to the submission of the application to the DEP and certifies that the project, as proposed, conforms with the requirements of all municipal Ordinances and does not otherwise impose any obligation or liability on the Township; and

WHEREAS, Harriet Lane, LLC must apply to the New Jersey Department of Environmental Protection for Treatment Works Approval in order to install septic improvements for eleven single family residential units at 1823 Route 9 South, Block 567, Lot 24 of the municipal tax map of Upper Township, New Jersey; and

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

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

WHEREAS, the Township Committee wishes to authorize the Township officials to execute said documentation; 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 is hereby authorized to execute on behalf of the Township of Upper a Statements of Consent, Section A-1, in the form attached hereto as Exhibit "A" and said consent shall be completed by inserting therein this Resolution number and the date of its adoption.
3. This Statements of Consent is submitted in conjunction with the application of Harriet Lane, LLC for treatment works approval for the property at Block 567, Lot 24 on the municipal tax map.
4. A certified copy of this Resolution shall be provided to the applicant.

Resolution No. 136-2019

Offered by: Young

Seconded by: Barr

Adopted: April 29, 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>	_____

18. Designating certain Strathmere beach areas in the Township of Upper as a surfing beach and a catamaran/sailboat beach for the 2019 summer season.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 137-2019

**RE: DESIGNATING CERTAIN STRATHMERE BEACH AREAS IN
THE TOWNSHIP OF UPPER AS A SURFING BEACH AND A CATAMARAN/SAILBOAT BEACH
FOR THE 2019 SUMMER SEASON**

WHEREAS, in accordance with Chapter IX entitled *Recreational Facilities*, of the Revised General Ordinances it is necessary to designate certain beach areas along the Strathmere shore in the Township of Upper strictly for the use of surfboards, sailboats, catamarans and other similar devices, for the 2019 summer season.

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. It has been determined by the Township Committee that for the 2018 summer season:
 - **Surfing Beach: Between Vincent Avenue and Sherman Avenue**
 - **Catamaran/Sailboat Beach: Between Hawthorne Avenue and Hamilton Avenue**
3. A map designating these areas has been provided by the Township Engineer and shall be attached hereto as Exhibit A.
4. During imminent storm all watercraft shall be removed from the designated beach areas.

Resolution No. 137-2019

Offered by: Barr

Seconded by: Coggins

Adopted: April 29, 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>

19. Authorize the filing of a 2019 NJDEP Municipal Recycling Tonnage Grant application.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 138-2019

**RE: AUTHORIZING THE FILING OF A 2019 NJDEP MUNICIPAL
RECYCLING TONNAGE GRANT APPLICATION**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102., has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate verifiable records of materials collected and claimed by the municipality; and

WHEREAS, the Township Committee fully supports and endorses the actions of William McDaniels, Certified Recycling Coordinator, to apply for such tonnage grants for calendar year 2019 (based on 2018 recycling figures) and will memorialize the commitment of this municipality to recycling and indicate the assent of the Township of Upper to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Upper, that the Township of Upper does hereby endorse the submission of an online municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and designates William McDaniels, Certified Recycling Coordinator, to ensure that said application is properly filed.

Resolution No. 138-2019

Offered by: Barr

Seconded by: Coggins

Adopted: April 29, 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>	_____	_____	_____

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

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 139-2019

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

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

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

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

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

Resolution No. 139-2019

Offered by: Coggins

Seconded by: Barr

Adopted: April 29, 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>

Exhibit "A"

Xerox 3550 Facsimile Machine Asset No. 00135
Serial No. VMA647805

Xerox WC4118X Printer All-in-One Asset No. 00137
Serial No. YHT639820

21. Accepting the annual Stormwater Report and Certification and authorizing the Township Engineer to electronically sign and submit it to the NJDEP pursuant to stormwater rules.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 140-2019

**ACCEPTING THE ANNUAL STORMWATER REPORT AND CERTIFICATION, AND
AUTHORIZING THE TOWNSHIP ENGINEER TO ELECTRONICALLY SIGN AND SUBMIT IT
TO THE NJDEP PURSUANT TO STORMWATER RULES**

WHEREAS, the State of New Jersey on January 5, 2004 adopted stormwater rules which impact municipalities; and

WHEREAS, under the aforesaid stormwater rules, municipalities are required to apply for permits and provide reports and certifications to the NJDEP; and

WHEREAS, the Township Committee of the Township of Upper has determined that the Township should make the appropriate applications for permits and prepare appropriate reports pursuant to the stormwater rules; 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 hereby accepts the Stormwater Annual Report.
3. The Township Engineer is hereby authorized to execute said Report and Certification electronically pursuant to the stormwater rules of the State of New Jersey, which Report and Certification are attached hereto as Exhibit A.
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. 140-2019

Offered by: Barr

Seconded by: Coggins

Adopted: April 29, 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>	_____	_____	_____

CORRESPONDENCE

NEW BUSINESS

22. **Greater Tuckahoe Merchants’ Association request use of the Upper Township Community Center for the 6th Annual Handmade in America Professional Craft Show on November 22, 2019 and November 23, 2019.** Motion by Hobie Young, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative.
23. **ALS Association - Greater Philadelphia Chapter request use of Township roads for the Annual Ride to Defeat ALS bike ride on June 15, 2019.** Motion by Hobie Young, second by John Coggins, to approve the request. During roll call vote all five Committeemen voted in the affirmative.
24. **UT Warriors Lacrosse request use of Amanda’s Field for a lacrosse tournament on May 18, 2019 (rain date May 19th).** Motion by Hobie Young, second by Richard Palombo, to approve the request. During roll call vote all five Committeemen voted in the affirmative.

UNFINISHED BUSINESS

DISCUSSION

25. **Beach Management Plan.** The Municipal Engineer reported that updates to the plan are required every three to five years. He explained that the plan is a requirement for Army Corps and NJDEP permits for beach fills and maintenance of our beaches. Mr. Dietrich reported on the major changes to the plan; there are now only two management zones, previously there were three management zones. The only dedicated protected zone is now from Webster Avenue North to Seaview Avenue. In the protected areas there are restrictions on activities from March 15 until the end of September. He next explained that the area from Hawthorn Avenue South to the Sea Isle City border will now be part of the recreational zone. One addition to the plan was a plant protection strip adjacent to the dune. Lastly, he explained that the plan will allow the township to do a once a year beach maintenance rake with the proper permitting. And stated that the township is permitted to do emergency cleanup of debris that may wash up that causes a health or safety concern, and we only have to notify and coordinate the clean-up activities with the USFWS and NJDEP. Motion by John Coggins, second by Edward Barr, to approve signing the Memorandum of Understanding. During roll call vote all five Committeemen voted in the affirmative.

PAYMENT OF BILLS

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

Bills approved for payment: \$2,008,430.31

Payroll: \$166,422.00

REPORT OF MUNICIPAL DEPARTMENTS

- 27. Animal Control
- 28. Division of EMS
- 29. Municipal Court

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

Linda Bateman, President Strathmere Improvement Association, questioned several items including the completion date for the Strathmere playground, the location and number of beach access mats being purchased for Strathmere, the opening date for the beaches in Strathmere and the notice requirements and hearing for Ordinance No. 008-2019.

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. 141-2019
MOTION GOING INTO CLOSED SESSION
APRIL 29, 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 – Alternative Micrographics
- 3. Contract negotiation – Employee Health Benefits
- 4. Contract negotiation – AtlantiCare BLS

5. Contract negotiation – Township Road Assessments
6. Contract negotiation – Media Advisor

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: Edward Barr

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

RECONVENE PUBLIC PORTION OF MEETING

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

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:54 P.M., with a motion by John Coggins, second by Edward Barr, and all five Committeemen voting in the affirmative. The next regular meeting is scheduled for May 13, 2019 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

Bill List

73354 04/29/19 A0017 ATLANTIC CO. MUNICIPAL JIF 101,034.00 3075
 73355 04/29/19 A0018 ACTION SUPPLY INC. 39.00 3075
 73356 04/29/19 A0025 ADVANTAGE RENTAL ACE HARDWARE 469.41 3075
 73357 04/29/19 A0081 ARMSTRONG, RALON I. 219.61 3075
 73358 04/29/19 A0091 ATLANTIC CITY ELECTRIC 6,505.42 3075
 73359 04/29/19 A0176 ACTION FLAG COMPANY 271.97 3075
 73360 04/29/19 A0177 ALADTEC, INC 1,870.00 3075
 73361 04/29/19 A0191 ACTION UNIFORM CO. LLC 113.00 3075
 73362 04/29/19 A0193 ATLANTIC INVESTIGATIONS, LLC 93.00 3075
 73363 04/29/19 A0212 ANCERO, LLC 4,839.94 3075
 73364 04/29/19 A0219 ALTERNATIVE MICROGRAPHICS, INC 2,985.79 3075
 73365 04/29/19 B0031 BAINBRIDGE, J.P. & ASSOCIATES 6,200.00 3075
 73366 04/29/19 B0035 BELMONT & CRYSTAL SPRINGS 84.82 3075
 73367 04/29/19 B0092 BROKER, EUGENE JR. 150.00 3075
 73368 04/29/19 B0093 BARRY, CORRADO, GRASSI & 482.85 3075
 73369 04/29/19 B0182 BRIGGS LAW OFFICE, P.C. 2,670.92 3075
 73370 04/29/19 B0201 BUCK'S ELECTRICAL SERVICE, INC 627.00 3075
 73371 04/29/19 B0220 BERGEY'S TRUCK CENTERS 61.68 3075
 73372 04/29/19 B0248 BARNES LAW GROUP LLC 2,525.00 3075
 73373 04/29/19 C0019 CITY OF OCEAN CITY 62,341.20 3075
 73374 04/29/19 C0048 CAPE MAY COUNTY MUA 36,448.25 3075
 73375 04/29/19 C0052 CAPE MAY COUNTY TREASURER 1,294,392.76 3075
 73376 04/29/19 C0060 CAPRIONI'S PORTABLE TOILETS 897.50 3075
 73377 04/29/19 C0068 COMCAST 893.44 3075
 73378 04/29/19 C0121 CMC CONFERENCE OF MAYORS 325.00 3075
 73379 04/29/19 C0126 CMC PUBLIC WORKS ASSOC. 100.00 3075
 73380 04/29/19 C0182 CDW GOVERNMENT, INC 6,862.40 3075
 73381 04/29/19 C0218 CITY OF CORBIN CITY 600.28 3075
 73382 04/29/19 C0223 CASA PAYROLL SERVICE 443.00 3075
 73383 04/29/19 C0245 CLEGG'S GARAGE, INC. 1,572.10 3075

73384 04/29/19 C0247 CMRS-FP 5,000.00 3075
73385 04/29/19 C0296 COMCAST BUSINESS COMMUNICATION 1,386.86 3075
73386 04/29/19 C0307 CNS CLEANING CO 835.00 3075
73387 04/29/19 D0015 DAN'S WELDING 270.00 3075
73388 04/29/19 D0040 DELTA DENTAL OF N.J. INC. 6,078.56 3075
73389 04/29/19 D0149 DANZIGER & MARKOFF, LLP 3,000.00 3075
73390 04/29/19 E0012 EHRLICH PEST CONTROL INC 94.00 3075
73391 04/29/19 E0069 EVERSAN,INC 42.00 3075
73392 04/29/19 F0053 FORD, SCOTT & ASSOCIATES 6,000.00 3075
73393 04/29/19 G0028 GENTILINI FORD 220.50 3075
73394 04/29/19 G0080 GOVDEALS 759.75 3075
73395 04/29/19 G0086 W.W. GRAINGER, INC. 137.21 3075
73396 04/29/19 G0147 GREATAMERICA FINANCIAL SVCS. 170.00 3075
73397 04/29/19 G0169 GROFF TRACTOR NEW JERSEY LLC 149,995.93 3075
73398 04/29/19 H0073 HOME DEPOT CRC/GEFC 1,142.38 3075
73399 04/29/19 H0095 HORIZON BCBSNJ 191,218.14 3075
73400 04/29/19 J0016 JERSEY SHORE PARTNERSHIP, INC 100.00 3075
73401 04/29/19 J0028 JESCO, INC. 671.94 3075
73402 04/29/19 J0036 JOHNSON, MICHELLE 15.76 3075
73403 04/29/19 K0086 K D NATIONAL FORCE SECURITY 2,021.25 3075
73404 04/29/19 K0103 KYOCERA DOCUMENT SOLUTIONS 1,699.00 3075
73405 04/29/19 L0027 LASHLEY HEATING & COOLING INC. 1,650.00 3075
73406 04/29/19 M0012 McCAULEY, RICHARD 129.33 3075
73407 04/29/19 M0180 MED-TECH RESOURCE,LLC 435.36 3075
73408 04/29/19 M0221 THE MARTINELLI GROUP, LLC 4,500.00 3075
73409 04/29/19 M0235 MODERN GROUP, LTD 6,675.49 3075
73410 04/29/19 M0277 MONY LIFE INSURANCE COMPANY 184.83 3075
73411 04/29/19 M0290 MADDEN & MADDEN, PC 1,226.70 3075
73412 04/29/19 N0043 NAPA AUTO PARTS 15.87 3075
73413 04/29/19 N0144 NJ E-ZPASS SERVICE CENTER 200.00 3075
73414 04/29/19 N0154 NEW HORIZON COMMUNICATIONS 1,142.03 3075
73415 04/29/19 O0012 OCEAN CITY BD. OF EDUCATION 695.00 3075
73416 04/29/19 O0025 OLD DOMINION BRUSH 2,612.50 3075
73417 04/29/19 P0032 PEDRONI FUEL CO. 3,813.32 3075
73418 04/29/19 P0165 PETROSH'S BIG TOP, LLC 1,170.00 3075
73419 04/29/19 P0175 PRIEST JR., ANTHONY 100.00 3075
73420 04/29/19 Q0003 EUROFIN, QC INC. 267.70 3075
73421 04/29/19 R0030 RIGGINS, INC. 10,057.17 3075
73422 04/29/19 R0100 ROBERTS OXYGEN COMPANY, INC. 192.70 3075
73423 04/29/19 R0115 RID PEST CONTROL INC. 55.00 3075
73424 04/29/19 R0122 RUMER, MICHAEL D. 1,850.00 3075
73425 04/29/19 R106 RUMER, LISA 245.73 3075
73426 04/29/19 S0018 SUBURBAN PROPANE, LP 46.14 3075
73427 04/29/19 S0020 THE HOME DEPOT PRO 1,001.79 3075
73428 04/29/19 S0031 SCHULER SECURITY, INC. 480.00 3075
73429 04/29/19 S0057 SERVICE TIRE TRUCK CENTERS 1,083.30 3075
73430 04/29/19 S0113 SMITH, THOMAS G. 5,011.30 3075
73431 04/29/19 S0134 SO. JERSEY GAS COMPANY 5,225.60 3075
73432 04/29/19 S0153 STERICYCLE, INC. 179.38 3075
73433 04/29/19 S0185 STOCKTON STATE COLLEGE 18,845.00 3075
73434 04/29/19 S0193 STRYKER CORPORATION 11,157.25 3075
73435 04/29/19 S0209 STAPLES ADVANTAGE 38.39 3075
73436 04/29/19 S0239 SHORE VET. ANIMAL CONTROL LLC 2,350.00 3075
73437 04/29/19 S0253 SAMPLE MEDIA, INC. 5,800.00 3075
73438 04/29/19 S0284 SOUTH JERSEY INTERPRETERS 242.83 3075
73439 04/29/19 S0292 JEFFREY SURENIAN & ASSOC. LLC 473.00 3075
73440 04/29/19 S0339 SANITATION EQUIPMENT CORP 1,628.04 3075
73441 04/29/19 T0032 THE PRESS OF ATLANTIC CITY 2,568.90 3075
73442 04/29/19 T0067 TOWNSHIP OF UPPER PETTY CASH 36.00 3075
73443 04/29/19 T0129 TRUGREEN CHEMLAWN 4,554.07 3075
73444 04/29/19 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3075
73445 04/29/19 T0203 TAGGART, SHARON 40.66 3075
73446 04/29/19 V0013 VERIZON WIRELESS 565.43 3075
73447 04/29/19 V0020 VINELAND AUTO ELECTRIC INC. 351.00 3075
73448 04/29/19 V0022 VERIZON 627.28 3075
73449 04/29/19 V0024 VAL-U AUTO PARTS L.L.C. 247.04 3075
73450 04/29/19 V0027 VANORDER, ROGER 114.99 3075
73451 04/29/19 V0039 VEACH, KAREN 20.00 3075
73452 04/29/19 W0087 W.B. MASON EGG HARBOR 0.00 04/29/19 VOID 0
73453 04/29/19 W0087 W.B. MASON EGG HARBOR 731.02 3075
73454 04/29/19 X0008 XEROX FINANCIAL SERVICES 662.40 3075
73455 04/29/19 Y0020 YOUNG, BARBARA L. 128.15 3075
Total: 2,008,430.31