TOWNSHIP OF UPPER 2100 TUCKAHOE ROAD PETERSBURG, NJ 08270 CAPE MAY COUNTY MINUTES FOR JUNE 24, 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 June 21, 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 Ludy, and Township Administrator Scott Morgan.

APPROVAL OF MINUTES - June 10, 2019 Regular and Closed Session Minutes

Motion by Edward Barr, second by John Coggins, to approve the June 10, 2019 Regular Meeting and Closed Session Minutes as submitted. During roll call vote all five Committeemen voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

John Coggins, Committeeman, reported on a complaint from a resident regarding an unsatisfactory response from Animal Control. The Clerk was directed to obtain more information regarding the matter.

Hobie Young, Committeeman, reported on the upcoming 4th of July event at Amanda's Field. He stated that volunteers are still needed. He next congratulated Upper Township resident Brandon Lashley for being named The Press Baseball Player of the Year. He stated that Brandon will be attending college in the fall with a full scholarship for baseball. Lastly, he reported on the ongoing issue with ATVs at Amanda's Field. The Township Administrator stated that the New Jersey State Police is aware of the ATV problem and they are actively pursuing the issue.

OTHER REPORTS

Scott Morgan, Township Administrator, requested approval to allow the Township's Clean Communities Coordinator to attend a three day certification class at a cost of \$300.00. Motion by Curtis Corson, second by Edward Barr to approve the request. During roll call vote four Committeemen voted in the affirmative. Committeeman Young abstained.

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

Paul Dietrich, Township Engineer, gave a brief update on the paving of Harbor Road, the restriping of Commonwealth Avenue, and the paving of Hope Corson Road.

RESOLUTIONS

1. Honoring Janet McCrosson on the occasion of her retirement from the Township of Upper.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 185-2019

HONORING JANET MCCROSSON ON THE OCCASION OF HER RETIREMENT FROM THE TOWNSHIP OF UPPER

WHEREAS, Janet McCrosson will soon be retiring after more than thirteen years of exemplary public service to this community, during which she has served as the Secretary to the Construction Official, a member of the Upper Township Planning Board, and most recently as the Municipal Court Administrator for the Township of Upper from 2014 to the present; and

WHEREAS, throughout her tenure with the Township of Upper, Janet has always executed her duties with dignity, diligence, and great skill; and

WHEREAS, it is most appropriate that Janet be publicly recognized and commended for her tenure of public employment, and years of faithful and dedicated service to this Township; 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. That Janet McCrosson be publicly congratulated on the occasion of her retirement as Municipal Court Administrator of the Township of Upper.
- 2. That she be publicly thanked for her many years of dedicated public service to our community.
- 3. That this Committee, on behalf of all the citizens of the Township of Upper extend to our fellow employee and friend, Janet McCrosson, our very best of wishes on her retirement and future endeavors.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 24th day of June,

2019.

Resolution No. 185-2019 Offered by: Corson Seconded by: Barr Adopted: June 24, 2019

Roll Call Vote:				
NAME	<u>YES</u>	<u>NO</u>	<u>ABSTAINED AB</u>	SENT
Barr	Х			
Coggins	X			
Corson	X			
Young	X			
Palombo	X			

2. Authorizing a contract with John E. Halbruner and Hyland Design Group for engineering consulting services.

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

RESOLUTION NO. 186-2019

RE: AUTHORIZING A CONTRACT WITH JOHN E. HALBRUNER AND HYLAND DESIGN GROUP, INC. FOR ENGINEERING CONSULTING SERVICES

WHEREAS, the Township requires professional engineering consulting services for matters in which the regular Township Engineer has a conflict; and

WHEREAS, a resolution is required authorizing the award of such contract for

professional services; and

WHEREAS, John E. Halbruner and Hyland Design Group, Inc. have completed and submitted a Business Entity Disclosure Certification which certifies that John E. Halbruner and Hyland Design Group, Inc. have 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 John E. Halbruner and Hyland Design Group, 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. John E. Halbruner and Hyland Design Group, Inc. with offices at 701 West Avenue,

Suite 301, Ocean City, New Jersey are hereby appointed to provide engineering consultant services for matters in which the Township Engineer has a conflict.

3. The 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 John E. Halbruner and Hyland Design Group, Inc. have professional knowledge as to engineering issues 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

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 John E. Halbruner and Hyland Design Group, Inc. for engineering 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 has provided proof of that registration to the Township of Upper.

8. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with John E. Halbruner and Hyland Design Group, Inc. 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.

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

10. This Resolution shall be effective as of adoption.

 Resolution No. 186-2019

 Offered by: Young
 Seconded by: Coggins

 Adopted: June 24, 2019

 Roll Call Vote:

 <u>NAME</u>
 <u>YES</u>

 Barr
 <u>X</u>

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

3. Authorizing a contract with Anthony Priest for video recording services.

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

RESOLUTION NO. 187-2019

RE: AUTHORIZING A CONTRACT WITH ANTHONY PRIEST FOR VIDEO RECORDING SERVICES

WHEREAS, there is a need by the Township of Upper to appoint an independent contractor to perform video recording services during Township Committee meetings; and

WHEREAS, Anthony Priest possesses the requisite skills to fill this position; and

WHEREAS, a Resolution is required authorizing the award of a contract for said services to

Anthony Priest; and

WHEREAS, the proposed contract, attached hereto as Exhibit A, 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, Anthony Priest, as an independent contractor, has completed and submitted a Form W-9 to the Township of Upper; and

WHEREAS, Anthony Priest has completed and submitted a Business Entity Disclosure Certification which certifies that Anthony Priest 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 Anthony Priest 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 Anthony Priest for video recording services during the regularly scheduled Township Committee meetings.

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. 187-2019	
Offered by: Young Seconded by: Barr	
Adopted: June 24, 2019	
Roll Call Vote:	
NAME YES <u>NO</u> <u>ABSTAINED</u> <u>A</u>	ABSENT
BarrX	
Coggins	
CorsonX	
YoungX	
PalomboX	

4. Authorizing a Building Permit fee refund to Crist Robine for 37 Killdeer Hill Road in Upper Township.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 188-2019

RE: AUTHORIZING A BUILDING PERMIT FEE REFUND TO CRIST ROBINE FOR 37 KILLDEER HILL ROAD IN UPPER TOWNSHIP

WHEREAS, Crist Robine applied for a permit to install a deck and aboveground pool

at 37 Killdeer Hill Road in Upper Township; and

WHEREAS, after the permit was issued, the installation of the deck was cancelled; and

WHEREAS, the Upper Township Construction Official has recommended granting

Crist Robine's request for a refund of the permit fees for the deck as indicated below

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

Township of Upper, Cape May County, that a refund is hereby authorized and the Chief Financial

Officer is hereby directed to refund monies to Crist Robine, 37 Killdeer Hill Road, Petersburg, NJ

08270, as indicated below:

Building Fee	\$ 92.00
COAH Fee	<u>\$ 21.75</u>
Total Refund	\$113.75
	COAH Fee

Resolution No.	188-2019			
Offered by: Ba	rr Sec	onded by: C	oggins	
Adopted: June	24, 2019			
Roll Call Vote:				
NAME	YES	<u>NO</u>	ABSTAINED	ABSENT
Barr _	X			
Coggins	X			
Corson	X			
Young _	X			
Palombo	Х			

5. Authorizing Building and Electrical Permit fees refund to Vivint Solar for 8 St. Martins Place in Upper Township.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 189-2019

RE: AUTHORIZING BUILDING AND ELECTRICAL PERMIT FEES REFUND TO VIVINT SOLAR FOR 8 ST. MARTINS PLACE IN UPPER TOWNSHIP

WHEREAS, Vivint Solar applied for a permit to install a roof mounted solar system on

8 St. Martin Place in Upper Township; and

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

cancelled; and

WHEREAS, the Upper Township Construction Official has recommended granting

Vivint Solar's request for refund of the original permit fee for the property as indicated below, minus a

20% plan review cost.

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

Township of Upper, Cape May County, that a refund is hereby authorized and the Chief Financial

Officer is hereby directed to refund monies to Vivint Solar, 1800 W Ashton Blvd., Lehi, UT 84043,

Attn: AR Department, as indicated below:

VOIDED PERMIT #	BLOCK / LOT	AMOUNT
2018-0525	654/8	\$ 213.60

Resolution No	. 189-2019			
Offered by: H	Barr	Seco	nded by: Coggins	
Adopted: June	e 24, 2019			
ROLL CALL	VOTE:			
NAME	YES	<u>NO</u>	ABSTAINED	<u>ABSENT</u>
Barr	X			
Coggins	X			
Corson	X			
Young	X			
Palombo	X			

6. Appointing Tara Mathers as a full-time employee in the Office of the Municipal Court.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 190-2019

RE: APPOINTING TARA MATHERS AS A FULL-TIME EMPLOYEE IN THE OFFICE OF THE MUNICIPAL COURT

WHEREAS, a need exists to appoint qualified personnel to the Office of the Municipal

Court to insure optimal operation; and

WHEREAS, Tara Mathers possesses the necessary qualifications to be appointed as

Keyboarding Clerk 1 to the Office of the Municipal Court.

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. Tara Mathers is hereby appointed as a full-time Keyboarding Clerk 1 in the Office

of the Municipal Court, effective June 25, 2019, at an annual salary of \$38,000.00 in accordance with

the Salary Ordinance.

3. All Township officials and officers are hereby authorized and empowered to take

all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No.	190-2019			
Offered by: Corson		Seco	onded by: Barr	
Adopted: June 2	24, 2019			
Roll Call Vote:				
NAME	<u>YES</u>	<u>NO</u>	ABSTAINED	<u>ABSENT</u>
Barr	_X			
Coggins	X			
Corson	X			
Young	X			

Palombo

7. Appointing additional 2019 Season Beach Patrol Personnel.

_ ____

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 191-2019

RE: APPOINTING ADDITIONAL 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

contingent upon successful pre-employment testing at a salary as stated below in accordance with the Salary Ordinance:

ROOKIE GUARDS

Lorna Connell	\$14.00 per hour
Mike Dickinson	\$14.00 per hour
Rebecca Millar	\$14.00 per hour
Lindsay Robbins	\$14.00 per hour

Resolution No.	191-2019		
Offered by: Palombo		Seco	onded by: Barr
Adopted: June 24, 2019			
Roll Call Vote:			
NAME	YES	NO	ABSTAINED ABSENT
Barr	X		
Coggins	X		
Corson	X		
Young	X		
Palombo	X		

8. Appointing Sean Ferrier as a full-time employee to the Upper Township Department of Public Works.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 192-2019

RE: APPOINTING SEAN FERRIER AS A FULL-TIME EMPLOYEE TO

WHEREAS, a need exists to appoint qualified personnel to the Upper Township

Department of Public Works to insure optimal operation; and

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

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

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

2. Sean Ferrier is hereby appointed as a full-time Laborer to the Department of Public

Works, effective June 25, 2019, at an annual salary of \$41,975.00 in accordance with the Salary

Ordinance.

3. All Township officials and officers are hereby authorized and empowered to take all

action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No.	192-2019			
Offered by: Barr		Se	econded by: Co	oggins
Adopted: June 2	24, 2019			
Roll Call Vote:				
NAME	YES	<u>NO</u>	ABSTAINED	ABSENT
Barr	X			
Coggins	_X			
Corson	_X			
Young			X	
Palombo	_X			
Coggins Corson Young			X	

9. Appointing William Evans, III as a full-time employee to the Upper Township Department of Public Works.

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

RESOLUTION NO. 193-2019

RE: APPOINTING WILLIAM EVANS, III AS A FULL-TIME EMPLOYEE TO THE UPPER TOWNSHIP DEPARTMENT OF PUBLIC WORKS

WHEREAS, a need exists to appoint qualified personnel to the Upper Township

Department of Public Works to insure optimal operation; and

WHEREAS, this individual's appointment is conditioned upon successful completion

of pre-employment testing; and

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

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

- 1. The allegations of the preamble are incorporated herein by this reference.
- 2. William Evans, III is hereby conditionally appointed, pending successful

completion of pre-employment testing, as a full-time Laborer to the Department of Public Works at

an annual salary of \$41,975.00 in accordance with the Salary Ordinance.

3. All Township officials and officers are hereby authorized and empowered to take

all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No.	193-20	019		
Offered by: Young			Seconded by: Barr	
Adopted: June	24, 201	9		
Roll Call Vote:				
NAME	<u>YES</u>	<u>NO</u>	ABSTAINED ABSENT	
Barr	X_	_		
Coggins	X_			
Corson	X_	_		
Young	X_	_		
Palombo	X			

10. Appointing William McDaniels as Clean Communities Coordinator for the Township of Upper.

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

RESOLUTION NO. 194-2019

RE: APPOINTING WILLIAM MCDANIELS AS CLEAN COMMUNITIES COORDINATOR FOR THE TOWNSHIP OF UPPER

WHEREAS, the Township of Upper supports the reauthorization of the Clean

Communities Act; and

WHEREAS, the Clean Communities Office has been set up to serve as a clearinghouse

for information related to litter and solid waste; and

WHEREAS, the Clean Communities Office is working to set up a database for all

Clean Communities coordinators in the state; and

WHEREAS, the Township Committee of the Township of Upper wishes to appoint

William McDaniels as Clean Communities Coordinator for the Township of Upper;

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

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

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

2. The Township of Upper hereby appoints William McDaniels as the Clean

Communities Coordinator for the Township of Upper.

3. All Township officials and officers are hereby authorized and empowered to take

all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No.	194-20	19		
Offered by: Bar	r		Seconded by: Co	ggins
Adopted: June 2	24, 201	9		
Roll Call Vote:				
NAME	YES	NO	ABSTAINED	ABSENT
Barr	X			
Coggins	X			
Corson	X			
Young			X	
Palombo	Х			

11. Appointing Craig Reeves as Superintendent of Public Works.

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

RESOLUTION NO. 195-2019

RE: APPOINTING CRAIG REEVES AS SUPERINTENDENT OF PUBLIC WORKS

WHEREAS, a need exists to fill a pending vacancy in the Department of Public

Works; and

WHEREAS, the Township Committee has duly considered the matter and has determined that Craig Reeves possesses all of the requisite qualifications, and is a competent, fit and suitable person for appointment as Superintendent of Public Works pursuant to N.J.S.A. 40A:9-154.5 and in accordance with the New Jersey Civil Service unclassified position; 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. Craig Reeves is hereby conditionally appointed as Superintendent of Public Works,

as aforesaid, pending successful completion of pre-employment testing, at a salary of \$76,000.00 in accordance with the Salary Ordinance.

3. All Township officials and officers are hereby authorized and empowered to take

all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No.	195-2019			
Offered by: Barr	ſ	Seconded by	: Young	
Adopted: June 2	4, 2019		-	
Roll Call Vote:				
NAME	<u>YES</u>	<u>NO</u>	ABSTAINED	ABSENT
Barr	X			
Coggins	X			
Corson	X			
Young	X			
Palombo	X			

12. Authorizing the Mayor and/or Municipal Engineer to sign and submit an application to the NJDEP for the Replacement of Putnam Avenue Bulkhead pursuant to NJDEP rules.

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

RESOLUTION NO. 196-2019

RE: AUTHORIZING THE MAYOR AND/OR MUNICIPAL ENGINEER TO SIGN AND SUBMIT AN APPLICATION TO THE NJDEP FOR THE REPLACEMENT OF PUTNAM AVENUE BULKHEAD PURSUANT TO NJDEP RULES

WHEREAS, the Township of Upper wishes to make application to the New Jersey

Department of Environmental Protection (NJDEP) for replacement of the bulkhead located at Putnam

Avenue, Strathmere, in the Township of Upper; and

WHEREAS, the Municipal Engineer has prepared the NJDEP application describing

the project and permit fees and wishes to submit it to the NJDEP; and

WHEREAS, the Township Committee fully supports and endorses the actions of the

Township Engineer in his filing of the NJDEP application for the following project:

Putnam Avenue Bulkhead Replacement Replace the existing timber bulkhead with a new steel bulkhead

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/or the Municipal Engineer of the Township of Upper are hereby

authorized, directed and empowered to sign and submit the permit and necessary fees for the NJDEP application for Putnam Avenue Bulkhead Replacement, which is attached hereto as Exhibit A.

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.

4. A certified copy of this Resolution shall be provided to the Township Engineer for insertion into the Putnam Avenue NJDEP CZM General Permit 10 application.

Resolution No. 1 Offered by: Cogg Adopted: June 24	gins	Seconded b	oy: Barr	
Roll Call Vote:				
NAME	YES	<u>NO</u>	ABSTAINED ABS	ENT
Barr	Х			
Coggins	X			
Corson	X			
Young	X			
Palombo	X			

13. Authorizing the payment of a New Jersey Department of Environmental Protection permit fee for the Reconstruction of Putnam Avenue Bulkhead 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. 197-2019

RE: AUTHORIZING THE PAYMENT OF A NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION PERMIT FEE FOR THE RECONSTRUCTION OF PUTNAM AVENUE BULKHEAD 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 adopted the 2018 Capital Improvement Bond

Ordinance No. 012-2018 on September 24, 2018; and

WHEREAS, the Township's Engineer has prepared a New Jersey Department of

Environmental Protection (NJDEP) application for Reconstruction of Putnam Avenue Bulkhead; and

WHEREAS, pursuant to Resolution No. 196-2019, adopted June 24, 2019, the

Township Committee authorized the Mayor and/or Engineer to sign and submit said application

pursuant to NJDEP rules.

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 payment of a NJDEP application for Reconstruction of Putnam Avenue

Bulkhead in the amount of \$1,000.00 from the 2018 Capital Improvement Bond.

3. The Chief Financial Officer is hereby authorized, directed and empowered to

execute any and all necessary documents in order to implement the intent of this Resolution.

197-201	19				
Offered by: Coggins			Seconded by: Barr		
24, 2019)				
YES	NO	ABSTAINED	ABSENT		
X					
X					
X					
X					
X					
	ggins 24, 2019 YES X X X X	24, 2019 YES NO X X X X X X X X X X X X X	ggins Seconded by: E 24, 2019 YES NO ABSTAINED _X		

14. Appointing the contact person for the Employment Practices Liability Attorney Consultation Service of the Atlantic County Municipal Joint Insurance Fund.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 198-2019

RE: APPOINTING THE CONTACT PERSON FOR THE EMPLOYMENT PRACTICES LIABILITY ATTORNEY CONSULTATION SERVICE OF THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Governing Body of the Township of Upper hereinafter referred to as

"MUNICIPALITY", is a member of the Atlantic County Municipal Joint Insurance Fund, hereinafter referred to as "FUND"; and

WHEREAS, the FUND has adopted a policy authorizing the Employment Practices Liability Attorney Consultation Service; and

WHEREAS, the Fund had budgeted an annual allowance per member for EPL consulting

services; and

WHEREAS, the FUND requires the MUNICIPALITY to designate specific managerial or supervisory individuals who will have telephone access to the EPL Hotline; and

NOW THEREFORE, be it resolved that the governing body of the Township of Upper

does hereby appoint Sharon Taggart, Personnel Officer as its Contact Person.

BE IT FURTHER RESOLVED that the governing body does hereby appoint Rhonda

Sharp, Deputy Personnel Officer as its additional Contact Person.

98-2019			
gins	Seconded by: Youn	g	
4, 2019			
<u>YES</u>	<u>NO</u>	ABSTAINED	<u>ABSENT</u>
X			
X			
X			
X			
X			
	gins 4, 2019 <u>YES</u> X X X X	gins Seconded by: Youn 4, 2019 NO X	gins Seconded by: Young 4, 2019

15. Authorizing the installation of a storm manhole and replacement of a storm line through the Bulkhead on Sumner Avenue in the amount of \$16,875.00 with funds from the 2018 Capital Improvement Bond Ordinance.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 199-2019

RE: AUTHORIZING THE INSTALLATION OF A STORM MANHOLE AND REPLACEMENT OF A STORM LINE THROUGH THE BULKHEAD ON SUMNER AVENUE IN THE AMOUNT OF \$16,875.00 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 adopted the 2018 Capital Improvement Bond

Ordinance 012-2018 on September 24, 2018; and

WHEREAS, the Township's QPA has reviewed and approved the quote for the

installation of a storm manhole and replacement of a storm line through the bulkhead on Sumner

Avenue from Perna Finnigan, Inc.

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 Perna Finnigan,

Inc. for the installation of a storm manhole and replacement of a storm line through the bulkhead on

Sumner Avenue in the amount of \$16,875.00.

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.	199-20	19			
Offered by: Coggins			Seconded by: Barr		
Adopted: June 2	24, 2019)			
Roll Call Vote:					
NAME	YES	NO	ABSTAINED	ABSENT	
Barr	Х				
Coggins	X				
Corson	X				
Young	X				
Palombo	X				

16. Adopting revisions to the Upper Township Supervisor's Personnel Policies and Procedures Manual and Employee Handbook.

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

RESOLUTION NO. 200-2019

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

WHEREAS, the Township Committee of the Township of Upper has determined there

is a need to adopt revisions to the Township's Personnel Policies, Supervisor's Personnel Policies and

Procedures Manual and Employee Handbook to amend the Use of Vehicles Policy to include a Utility

Cart Safety Policy; and

WHEREAS, the Township Committee of the Township of Upper has reviewed and

approved such revisions attached hereto as Exhibit A; and

WHEREAS, the Township Committee has determined that these revisions should be

adopted to amend the existing Township Supervisor's Personnel Policies and Procedures Manual and

the Employee Handbook; and

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

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

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

2. The revisions to the Supervisor's Personnel Policies and Procedures Manual and Employee Handbook set forth in the attached Exhibit A are hereby adopted and approved and modify the existing personnel policies, procedures, manuals and handbooks of the Township. Said revisions shall be incorporated as an addition to the existing Use of Vehicles Policy set forth in Section Two of the Manual and Handbook.

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 N	No. 200-20	19		
Offered by: Corson			Seconded by: Barr	
Adopted: Ju	ne 24, 201	9	-	
Roll Call Vo	ote:			
NAME	YES	NO	ABSTAINED	ABSENT
Barr	X			
Coggins	Χ			
Corson	X			
Young	X			
Palombo	X			

17. Authorizing the use of Amanda's Field and Tyler Davis Field Complex by Jersey Premier Soccer, LLC Dba Global Premier Soccer and Neil Holloway for a Soccer Tournament on Saturday June 29, 2019 and Sunday June 30, 2019.

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

RESOLUTION NO. 201-2019

RE: AUTHORIZING THE USE OF AMANDA'S FIELD AND TYLER DAVIS FIELD COMPLEX BY JERSEY PREMIER SOCCER, LLC DBA GLOBAL PREMIER SOCCER AND NEIL HOLLOWAY FOR A SOCCER TOURNAMENT ON SATURDAY JUNE 29, 2019 AND SUNDAY JUNE 30, 2019

WHEREAS, Jersey Premier Soccer, LLC, dba Global Premier Soccer, and Neil

Holloway, jointly, severally and in the alternative, (hereinafter collectively referred to as GPS) have requested the use of Amanda's Field and Tyler Davis Field Complex for a Soccer Tournament on Saturday June 29, 2019 and Sunday June 30, 2019, as indicated in their Application for Use of Facilities attached hereto as Exhibit "A"; and

WHEREAS, GPS has provided a Use of Facilities Agreement and an Indemnification

and Hold Harmless Agreement in favor of the Township of Upper, its officials, officers and employees

in the form attached hereto as Exhibit "B"; and

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

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

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

WHEREAS, a liability release and waiver will be received from every participant,

prior to the event, on a form which has been approved by the Township Solicitor; and

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

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

2. The Township Committee does hereby grant approval to GPS for the use of Amanda's Field and Tyler Davis Field Complex for a Soccer Tournament as specified in this Resolution and in the accompanying Exhibits subject to and conditioned upon the following:

> (A) The activities described in this Resolution will be carried out by Global Premier Soccer, Jersey Premier Soccer, LLC, dba GPS NJ, and Neil Holloway, jointly, severally and in the alternative (GPS). GPS has no connection, direct or indirect, with the Township of Upper or any of its officials or employees. GPS shall not, in any way, directly or indirectly, represent that the use of Amanda's Field and Tyler Davis Field Complex by GPS is, in any way, associated with or affiliated with the Township of Upper and shall make clear that the activities conducted by GPS are carried out with all appropriate governmental and other approvals. Although the Township of Upper has given

permission, subject to the terms of this Resolution, to GPS to use Amanda's Field and Tyler Davis Field Complex for a Soccer Tournament, it must be made clear that the activities of GPS are not and shall not be considered a Township of Upper sponsored or sanctioned activity.

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

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- (F) The approval granted herein is subject to all conditions and stipulations as may be recommended or imposed by the Township's Risk Management Consultant or Insurance Representatives. The Township may revoke this approval if GPS fails to comply with any said condition or recommendation or any other condition of this Resolution.
- 3. All Township officials and officers are hereby authorized and empowered to take all

action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No.	201-2019					
Offered by: Young		Seconded by: Barr				
Adopted: June 2	24, 2019					
Roll Call Vote:						
NAME	YES	NO	ABSTAINED	ABSENT		
Barr	X					
Coggins	X					
Corson	X					
Young	X					
Palombo	X					

ORDINANCES

CORRESPONDENCE

NEW BUSINESS

18. Susan McAfee request for the Township of Upper to accept privately owned property: Block 16, Lots 20 and 23; Block 26, Lot 50; and Block 638, Lot 14. The Township Engineer reported that all of the properties are vacant and two are unable to be developed due to wetlands on the property. One of the properties is adjacent to Caldwell Park which the Township has already been maintaining. Motion by Hobie Young, second by John Coggins, to move forward with the request contingent upon certification of clear title and acceptable physical condition of the property. During roll call vote all five Committeemen voted in the affirmative.

UNFINISHED BUSINESS

DISCUSSION

PAYMENT OF BILLS

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

Bills approved for payment: \$167,729.25 **Payroll:** \$195,170.80

REPORT OF MUNICIPAL DEPARTMENTS

20. Animal Control

- 21. Clerk's Office
- 22. Finance Office

23. Engineer's report for the FEMA Community Rating System – MJPPI update

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

Cindy Kimmerly, Marmora, spoke regarding the Township's brush and compost pickup and requested that brush be picked up in either May or June as some seasonal residents are not in the area during the spring pickup scheduled in April. She also reported that there is a large pothole at the intersection of Laurel and Park Avenue. Committeeman Corson suggested that the township look into a separate green can for brush collection.

Eileen Barrett, Strathmere, requested that the Committee hold a meeting in Strathmere regarding the proposed changes to the Land Use Ordinance. It was stated that the Planning Board first needs to go through the process to draft any recommended changes to the Ordinance. It was stated that all residents are welcome to attend the Planning Board meetings to be involved in the process.

CLOSED SESSION

24. 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. 202-2019 MOTION GOING INTO CLOSED SESSION JUNE 24, 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 Shared Services with Ocean City
- 3. Contract negotiation Beesley's Point Boat Ramp Access
- 4. Contract negotiation Beesley's Point Park Improvements

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

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 five Committeeman voted in the affirmative.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:00 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 July 8, 2019 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC Municipal Clerk

Bill List

73713 06/24/19 A0018 ACTION SUPPLY INC. 31.20 3082 73714 06/24/19 A0025 ADVANTAGE RENTAL ACE HARDWARE 120.94 3082 73715 06/24/19 A0030 AFTER-PROM COMMITTEE OCHS 3,775.00 3082 73716 06/24/19 A0091 ATLANTIC CITY ELECTRIC 21,600.21 3082 73717 06/24/19 A0191 ACTION UNIFORM CO. LLC 357.00 3082 73718 06/24/19 A0193 ATLANTIC INVESTIGATIONS, LLC 452.00 3082 73719 06/24/19 A0212 ANCERO, LLC 7,070.00 3082 73720 06/24/19 A0219 ALTERNATIVE MICROGRAPHICS, INC 1,252.63 3082 73721 06/24/19 B0091 BIRCHMEIER, JAMES 207.00 3082 73722 06/24/19 B0093 BARRY, CORRADO, GRASSI & 35.00 3082 73723 06/24/19 B0239 BAILEY, WILLIAM MICHAEL 791.66 3082 73724 06/24/19 B0248 BARNES LAW GROUP LLC 3,705.00 3082 73725 06/24/19 C0048 CAPE MAY COUNTY MUA 44,325.99 3082 73726 06/24/19 C0060 CAPRIONI'S PORTABLE TOILETS 2,292.00 3082 73727 06/24/19 C0061 CAPRIONI FAMILY SEPTIC 225.00 3082 73728 06/24/19 C0068 COMCAST 320.99 3082 73729 06/24/19 C0091 CHISHOLM, JOHN R. 265.19 3082 73730 06/24/19 C0143 CODY'S POWER EQUIPMENT 48.61 3082 73731 06/24/19 C0182 CDW GOVERNMENT, INC 3,607.68 3082 73732 06/24/19 C0201 CRUZAN'S TRUCK SERVICE INC. 5.94 3082 73733 06/24/19 C0223 CASA PAYROLL SERVICE 294.25 3082 73734 06/24/19 C0246 CRAFT OIL CORPORATION 2,494.39 3082 73735 06/24/19 C0247 CMRS-FP 4,000.00 3082 73736 06/24/19 C0279 CASA REPORTING SERVICES LLC 168.75 3082 73737 06/24/19 C0296 COMCAST BUSINESS COMMUNICATION 1,386.86 3082 73738 06/24/19 C0302 CONSTELLATION, NEW ENERGY, INC 14.00 3082 73739 06/24/19 C0307 CNS CLEANING CO 835.00 3082 73740 06/24/19 D0016 DALEYS PIT 50.00 3082 73741 06/24/19 D0040 DELTA DENTAL OF N.J. INC. 5,949.21 3082 73742 06/24/19 E0012 EHRLICH PEST CONTROL INC 191.00 3082 73743 06/24/19 E0076 EMERGENCY TRAINING & 240.00 3082 73744 06/24/19 F0048 LESLIE G. FOGG INC 219.33 3082 73745 06/24/19 F0224 FERRIER, SEAN 40.66 3082 73746 06/24/19 G0092 GRUND, BARBARA J. 62.00 3082 73747 06/24/19 G0141 GENTILINI CHEVROLET 563.92 3082 73748 06/24/19 G0147 GREATAMERICA FINANCIAL SVCS. 196.00 3082 73749 06/24/19 G0187 GSF, LLC 304.00 3082 73750 06/24/19 H0002 H.A. DEHART & SON CORP. 387.29 3082 73751 06/24/19 H0073 HOME DEPOT CRC/GECF 115.25 3082 73752 06/24/19 H0098 HERITAGE TOWERS, INC. 1,950.00 3082 73753 06/24/19 H0189 HERITAGE BUSINESS SYSTEMS, INC 41.40 3082

73754 06/24/19 J0079 JAMES WYERS LANDSCAPING, LLC 100.00 3082 73755 06/24/19 M0121 McCROSSON, JANET 62.76 3082 73756 06/24/19 M0180 MED-TECH RESOURCE,LLC 687.59 3082 73757 06/24/19 M0188 MCCARTHY TIRE SERVICE OF PHILA 445.08 3082 73758 06/24/19 M0235 MODERN GROUP, LTD 884.28 3082 73759 06/24/19 M0294 MOBILE DREDGING & VIDEO PIPE 990.00 3082 73760 06/24/19 M0296 CHRISTOPHER MENCHIN, ARCHITECT 12,941.90 3082 73761 06/24/19 M0299 MATHERS, TARA 40.66 3082 73762 06/24/19 N0143 NATIONAL TIME SYSTEMS 55.00 3082 73763 06/24/19 N0154 NEW HORIZON COMMUNICATIONS 1,143.20 3082 73764 06/24/19 O0006 SJSHORE MARKETING, LLC 134.73 3082 73765 06/24/19 00055 OCEAN COUNTY UTILITIES AUTHORI 1,312.85 3082 73766 06/24/19 00059 O'Kane, Jim 21.91 3082 73767 06/24/19 P0032 PEDRONI FUEL CO. 1,017.63 3082 73768 06/24/19 P0056 TURF EQUIPMENT AND SUPPLY CO 975.78 3082 73769 06/24/19 P0115 PINELANDS COMMISSION 250.00 3082 73770 06/24/19 P0175 PRIEST JR., ANTHONY 100.00 3082 73771 06/24/19 R0030 RIGGINS, INC. 2,095.84 3082 73772 06/24/19 R0065 ROBERT BROWN TREE SERVICE 800.00 3082 73773 06/24/19 R0101 R.R. DONNELLEY & SONS 73.50 3082 73774 06/24/19 S0001 SAM'S CLUB 242.47 3082 73775 06/24/19 S0020 THE HOME DEPOT PRO 531.30 3082 73776 06/24/19 S0031 SCHULER SECURITY, INC. 150.00 3082 73777 06/24/19 S0034 SCHULER, DANIEL 500.00 3082 73778 06/24/19 S0035 SCHOPPY WILLIAM TROPHY CO. 34.95 3082 73779 06/24/19 S0056 SEASHORE ASPHALT CORPORATION 1,001.90 3082 73780 06/24/19 S0057 SERVICE TIRE TRUCK CENTERS 3,747.67 3082 73781 06/24/19 S0113 SMITH, THOMAS G. 2, 198.45 3082 73782 06/24/19 S0134 SO. JERSEY GAS COMPANY 287.46 3082 73783 06/24/19 S0165 S.E.T. COMMUNICATIONS INC 656.85 3082 73784 06/24/19 S0239 SHORE VET. ANIMAL CONTROL LLC 2,350.00 3082 73785 06/24/19 S0249 BSN SPORTS 397.32 3082 73786 06/24/19 S0345 SPARK ELECTRIC SERVICE INC 803.80 3082 73787 06/24/19 S0347 SUN BUM LLC 515.85 3082 73788 06/24/19 T0028 TRACTOR SUPPLY COMPANY CREDIT 226.97 3082 73789 06/24/19 T0032 THE PRESS OF ATLANTIC CITY 733.84 3082 73790 06/24/19 T0067 TOWNSHIP OF UPPER PETTY CASH 36.82 3082 73791 06/24/19 T0093 TREASURER, STATE OF N.J. 1,000.00 3082 73792 06/24/19 T0129 TRUGREEN CHEMLAWN 7,900.27 3082 73793 06/24/19 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3082 73794 06/24/19 T0192 MARSH & MCLENNAN AGENCY/TRION 281.00 3082 73795 06/24/19 U0028 UPPER TOWNSHIP BD.OF EDUCATION 1,100.00 3082 73796 06/24/19 U0037 UPPER TOWNSHIP P.T.O. 1,214.95 3082 73797 06/24/19 V0013 VERIZON WIRELESS 565.43 3082 73798 06/24/19 V0018 VILLAGE PHARMACY, INC. 800.00 3082 73799 06/24/19 V0022 VERIZON 627.28 3082 73800 06/24/19 V0025 V.E. RALPH & SON, INC. 202.70 3082 73801 06/24/19 V0026 VITAL COMMUNICATIONS, INC. 86.60 3082 73802 06/24/19 W0030 WEST PUBLISHING CO. 497.81 3082 73803 06/24/19 W0045 WILDWOOD CATHOLIC HIGH SCHOOL 200.00 3082 73804 06/24/19 W0092 WTH TECHNOLOGY, INC 4,687.50 3082

Total: \$167,729.25