

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR AUGUST 26, 2019**

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

**CALL TO ORDER**

**SUNSHINE ANNOUNCEMENT**

Mayor Palombo read the following announcement. “In compliance with the Open Public Meetings Law, I wish to state that on August 23, 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 Administrator Scott Morgan, and Township Engineer Paul Dietrich.

**APPROVAL OF MINUTES** – August 12, 2019 Regular and Closed Session Minutes

Motion by Hobie Young, second by Edward Barr, to approve the August 12, 2019 Regular Meeting and Closed Session Minutes as submitted. During roll call vote four Committeemen voted in the affirmative. Mayor Palombo abstained.

**REPORT OF GOVERNING BODY MEMBERS**

**Hobie Young, Committeeman**, inquired into the status of repairing the Beesley’s Point boat ramp. Mr. Dietrich stated that he is working on a preparing a proposal for quotes for surveyors. Committeeman Young stated that repair of the ramp should be completed simultaneously with the proposed bike path project. He next reported that there are certain businesses in the Township that are not maintaining their properties and are in violation of their site plan approvals. It was stated that the zoning officer is empowered to enforce property maintenance and there are steps to enforce compliance pursuant to the Township Ordinance. Next, he reported that plans are underway for the Pumpkin Classic Car Show and Fall Fest. Volunteers, vendors, and participants are still needed. Lastly, he reported that there was another incident of vandalism at Caldwell Park.

**Edward Barr, Committeeman**, wished everyone an enjoyable and safe Labor Day weekend.

**Richard Palombo, Mayor**, reported that the Planning Board has been discussing proposed zoning changes for Strathmere and he would like to hold a public information meeting on Saturday September 7<sup>th</sup> at 9:00 a.m. at the Strathmere Fire Hall to go over the proposed revisions with Strathmere residents. He requested that the appropriate notices be sent out.

### **OTHER REPORTS**

**Scott Morgan, Township Administrator**, reported that the Township website has a new page called Senior Living. The informational page has links and resources for seniors including educational and recreational activities available in the Township and County. He next reported that the National Weather Service has approved the Township's application for designation as a StormReady Community. StormReady helps communities develop plans to handle all types of extreme weather, and encourages communities to take a new, proactive approach to improving local hazardous weather operations by providing emergency managers with clear-cut guidelines on how to improve their hazardous weather operations. Lastly, Mr. Morgan recognized Lt. Henry, Commander of the NJSP Woodbine Barracks. Mayor Palombo and the Committee thanked Lt. Henry for the excellent work the State Police are doing in the Township.

**Daniel Young, Municipal Attorney**, reported that there are a few items for closed session.

**Paul Dietrich, Township Engineer**, reported that he has received the DEP permit for the reconstruction of the Putnam Avenue Bulkhead. He will finalize the construction plans and prepare the bid specifications to go out to bid soon. He next reported that Orstead will be giving a public information presentation regarding offshore wind energy on Tuesday August 27<sup>th</sup> from 6:00 to 8:00 pm at the Senior Center Library in Ocean City.

### **RESOLUTIONS**

1. Honoring Shoprite Partners In Caring and the Marmora Shoprite associates for their fight against hunger.

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

#### **RESOLUTION NO. 252-2019 HONORING SHOPRITE PARTNERS IN CARING AND THE MARMORA SHOPRITE ASSOCIATES FOR THEIR FIGHT AGAINST HUNGER**

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**WHEREAS**, ShopRite Partners In Caring is a year-round community based, hunger fighting initiative that works with food industry manufacturers providing much needed funds to qualified charitable agencies throughout New York, Connecticut, Delaware, Pennsylvania, Maryland and New Jersey; and

**WHEREAS**, since its inception in 1999, ShopRite Partners In Caring has supported more than 2,200 charities; and

**WHEREAS**, ShopRite Partners In Caring supports emergency food pantries, homeless shelters, child care centers, battered women's shelters, soup kitchens, senior citizen programs, drug rehab

centers, programs for the mentally and physically disabled, after-school programs and other organizations that aid those in need; and

**WHEREAS**, ShopRite associates have collected donations and held various events, raising funds to support regional food banks in communities served by ShopRite stores; and

**WHEREAS**, the Upper Township Committee wishes to acknowledge and thank the Marmora ShopRite for their generous support of our local Community food bank with donations from events such as the “Help Bag Hunger Day” held every September; 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, this Township Committee expresses its sincere appreciation to ShopRite Partners In Caring and the associates of the Marmora ShopRite store for their efforts in fighting hunger and raising awareness of this significant problem.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 26<sup>th</sup> day of August, 2019.

Resolution No. 252-2019

Offered by: Barr

Seconded by: Young

Adopted: August 26, 2019

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Barr	X			
Coggins	X			
Corson	X			
Young	X			
Palombo	X			

2. In support of a full interchange at Exit 20 of the Garden State Parkway, Upper Township, Cape May County, New Jersey.

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

**RESOLUTION NO. 253-2019**

**RE: IN SUPPORT OF A FULL INTERCHANGE AT EXIT 20 OF THE GARDEN STATE  
PARKWAY, UPPER TOWNSHIP, CAPE MAY COUNTY, NEW JERSEY**

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**WHEREAS**, Exit 20 of the Garden State Parkway, located near the very busy intersection of Route 9 and Route 50 in the Seaville section of Upper Township, Cape May County, is severely limited in that it provides only an exit for Northbound traffic and an entrance for Southbound traffic; and

**WHEREAS**, with an increase in population of over 591% in Cape May County during the summer months, and with tourism being the economic lifeblood of this region, an efficient and sensible traffic management system is essential for the safety, convenience, and enjoyment of our residents and visitors; and

**WHEREAS**, in a 2018 survey conducted by the Upper Township Economic Development Advisory Commission, Ninety percent of participants responded in favor of Exit 20 being developed into a full interchange with access from Garden State Parkway South and access to Garden State Parkway North; and

**WHEREAS**, in the South Jersey Transportation Planning Organization's 2016 Regional Transportation Plan, a full interchange at Exit 20 was identified as a critical need for the safety of the region in the event of an evacuation; and

**WHEREAS**, as far back as 2004, the South Jersey Transportation Planning Organization's U.S. 9/Garden State Parkway Corridor Study estimated that a full interchange would divert approximately 128 Northbound and 122 Southbound vehicles from Route 9 to the Garden State Parkway during the summer Saturday peak hour in 2025, and concluded that the benefits of upgrading this interchange to accommodate all directions of access would improve regional access and mobility, reduce regional vehicle miles traveled (VMT), reduce vehicle hours traveled (VHT), reduce emergency vehicle response time, improve level of service and reduce congestion on the Roosevelt Boulevard mainline and intersections between Route 9 and the Garden State Parkway, and improve level of service and reduce congestion on the Route 9 mainline and intersections between Route 50 and Roosevelt Boulevard; and

**WHEREAS**, in study after study, the data has clearly established that a full interchange at Exit 20 is vital to the safety and economic well-being of Upper Township and Cape May County; 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 once again formally endorse and urge the construction of a full interchange at Exit 20 of the Garden State Parkway in Upper Township, Cape May County, New Jersey without further delay and without further public inconvenience.

3. Certified copies of this Resolution shall be forwarded to the New Jersey Turnpike Authority, the New Jersey Department of Transportation, Congressman Jeff Van Drew, Governor Philip D. Murphy, Lieutenant Governor Sheila Oliver, Senator Bob Andrzejczak, Assemblyman R. Bruce Land, Assemblyman Matthew W. Milam, the Cape May County Board of Chosen Freeholders, the Township of Dennis, the City of Sea Isle City, and the City of Ocean City.

Resolution No. 253-2019

Offered by: Young

Seconded by: Coggins

Adopted: August 26, 2019

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Barr	X			
Coggins	X			
Corson	X			
Young	X			
Palombo	X			

3. Authorizing a Shared Services Agreement with the Upper Township Board of Education.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 254-2019**

**RE: AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE  
UPPER TOWNSHIP BOARD OF EDUCATION**

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**WHEREAS**, the Upper Township Board of Education and the Township of Upper have indicated a desire to enter into a Shared Services Agreement for maintenance, repairs and use of facilities; and

**WHEREAS**, this Shared Services Agreement will significantly reduce the costs of these services; and

**WHEREAS**, the Township of Upper and the Upper Township Board of Education have deemed it to be in the Township's interest to provide such services as a cost saving measure for Township residents; and

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

1. **SHARED SERVICES AGREEMENT.** Pursuant to the provisions of the Uniformed Shared Services Act, N.J.S.A. 40A:65-1, et seq., the Township of Upper is hereby authorized and empowered to enter into a Shared Services Agreement with the Upper Township Board of Education for maintenance, repairs and use of facilities.

2. **SERVICES TO BE PROVIDED; CONTRACT.** The Shared Services Agreement authorized in paragraph 1 hereof shall cover those services, which are enumerated in said Agreement, a copy of which is attached hereto as Exhibit "A".

3. **AUTHORIZATION TO MUNICIPAL OFFICIALS.** The appropriate Township officers and officials are hereby authorized to take any action necessary or advisable to carry out the intent and purpose of this Resolution. Specifically, the Mayor and Township Clerk are hereby authorized and directed to execute such Shared Services Agreement on behalf of the Township of Upper pursuant to the authority conferred by this Resolution. The Township Clerk is further authorized and directed to seal said Agreement with the official seal of the Township of Upper.

4. **COMPLIANCE WITH STATUTORY REQUIREMENTS.** The Shared Services Agreement between the Upper Township Board of Education and the Township of Upper shall meet and satisfy the requirements of N.J.S.A. 40A:65-1, et seq., as same may be amended and supplemented.

5. **CONTRACT TERM.** The term of this Agreement shall be for a period of six (6) years, commencing September 1, 2019 and expiring on August 31, 2025.

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

7. **REPEALER.** All Resolutions or parts of Resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency only.

8. EFFECTIVE DATE. This Resolution shall take effect immediately upon final adoption and publication in the manner provided by law.

Resolution No. 254-2019

Offered by: Barr

Seconded by: Coggins

Adopted: August 26, 2019

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Barr	X			
Coggins	X			
Corson	X			
Young	X			
Palombo	X			

4. Authorizing a contract with Atlantic Investigations, LLC for an alcohol and controlled substances training and testing program.

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

**RESOLUTION NO. 255-2019**

**RE: AUTHORIZING A CONTRACT WITH ATLANTIC INVESTIGATIONS, LLC FOR AN  
ALCOHOL AND CONTROLLED SUBSTANCES TRAINING AND TESTING PROGRAM**

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WHEREAS, the Omnibus Transportation Employee Testing Act of 1991 became applicable to the Township of Upper in 1996 in accordance with 49 C.F.R. §382.115(B) and mandates drug and alcohol testing for employees holding commercial driver's licenses engaged in safety sensitive duties, and further requires each employer to maintain a testing policy as required by 49 C.F.R. §382.401(C)(6)(ib); and

WHEREAS, the Township has previously determined to extend that policy to all employees working in hazardous or safety sensitive areas and also to public safety employees including the Division of EMS and Township lifeguards; and

WHEREAS, to administer such a program in accordance with the Federal rules, regulations and guidelines, it is necessary to employ the services of a firm possessing such specialized skill and training; and

WHEREAS, Atlantic Investigations, LLC has the required expertise to provide such services; and

WHEREAS, the Township Committee intends to engage the services of Atlantic Investigations, LLC as a Professional Services Contract; and

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

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Atlantic Investigations, LLC, with offices at 583 13th Street, Suite 101 Hammonton, NJ 08037, is hereby appointed to administer an alcohol and controlled substances training and testing program in compliance with Federal rules, regulations and guidelines and Township policy and to provide other training and testing services as the Township may request.
3. This Contract has been awarded without competitive bidding for the following reason or reasons:
  - (A) Professional services of the type herein sought are of such a nature as to require a high degree of trust or confidence in the individual providing the service and, in fact, may require the creation of a confidential or fiduciary relationship between that individual and the municipality;
  - (B) The services required are highly specialized or technical in nature;
  - (C) The services require peculiar ability or skill and demand a high degree of specialized knowledge or expertise;
  - (D) The services are such that their relative work must be judged by subjective considerations that are not susceptible of valuation by competitive bidding; and



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

4. This contract shall have a term of one (1) year commencing upon full execution.

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

7. Atlantic Investigations, LLC 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.

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. 255-2019

Offered by: Barr

Seconded by: Corson

Adopted: August 26, 2019

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Barr	X			
Coggins	X			
Corson	X			
Young	X			
Palombo	X			

5. Appointing Ruderman & Roth, LLC and Mark S. Ruderman, Esquire to act as Special Legal Counsel in employment and labor law matters.

#### **TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION**

**RESOLUTION NO. 256-2019**

**RE: APPOINTING RUDERMAN & ROTH, LLC AND MARK S. RUDERMAN, ESQUIRE TO  
ACT AS SPECIAL LEGAL COUNSEL IN EMPLOYMENT AND LABOR LAW MATTERS**

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**WHEREAS**, the Township requires legal counsel to provide legal services in connection with employment and labor law related matters; and

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

**WHEREAS**, the firm of Ruderman & Roth, LLC, and Mark S. Ruderman, Esquire have completed and submitted a Business Entity Disclosure Certification which certifies that said firm and said individual have not made any contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit said firm and said individual from making any contributions through the term of the contract; and

**WHEREAS**, the Township has decided to acquire the services of the firm of Ruderman & Roth, LLC and Mark S. Ruderman, Esquire as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Ruderman & Roth, LLC and Mark S. Ruderman, Esquire with offices at 150 Morris Avenue, Suite 303, Springfield, New Jersey are hereby appointed as Special Legal Counsel to handle employment law and labor law matters in conjunction with and at the direction of the regular Township Solicitor and as 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 Ruderman & Roth, LLC and Mark S. Ruderman, Esquire have professional knowledge as to legal matters which knowledge is particularly valuable to the Township Committee.

## 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 Ruderman & Roth, LLC and Mark S. Ruderman, 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 Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Ruderman & Roth, LLC and Mark S. Ruderman, 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. 256-2019

Offered by: Corson

Seconded by: Barr

Adopted: August 26, 2019

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Barr	X			
Coggins	X			
Corson	X			
Young	X			
Palombo	X			

6. Authorizing the Chief Financial Officer to sign renewal agreements with Horizon Blue Cross Blue Shield of New Jersey for medical and prescription insurance.

**TOWNSHIP OF UPPER**

**CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 257-2019**

**RE: AUTHORIZING THE CHIEF FINANCIAL OFFICER TO  
SIGN RENEWAL AGREEMENTS WITH HORIZON BLUE CROSS BLUE SHIELD  
OF NEW JERSEY FOR MEDICAL AND PRESCRIPTION INSURANCE**

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**WHEREAS**, the Township wishes to accept renewal agreements with Horizon Blue Cross Blue Shield of New Jersey, attached hereto as Exhibit A, to provide medical and prescription drug coverage for eligible employees effective October 1, 2019; and

**WHEREAS**, the renewal of said agreements will be for a period of October 1, 2019 to September 30, 2020.

**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 renewal agreements between the Township of Upper and Horizon Blue Cross Blue Shield of New Jersey are approved and the Chief Financial Officer is hereby authorized, directed and empowered to execute said renewal agreements on behalf of the Township of Upper.

3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Resolution No. 257-2019

Offered by: Coggins

Seconded by: Barr

Adopted: August 26, 2019

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Barr	X			
Coggins	X			
Corson	X			
Young	X			
Palombo	X			

7. Declaration of emergency pursuant to Township Ordinance Section 7-3.2 in order to provide temporary No Parking restrictions during the Upper Township Pumpkin Classic Car Show and Fall Festival Event on Saturday September 28, 2019 (Rain Date Sunday September 29, 2019).

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 258-2019**

**RE: DECLARATION OF EMERGENCY PURSUANT TO TOWNSHIP ORDINANCE  
SECTION 7-3.2 IN ORDER TO PROVIDE TEMPORARY NO PARKING RESTRICTIONS  
DURING THE UPPER TOWNSHIP PUMPKIN CLASSIC CAR SHOW  
AND FALL FESTIVAL EVENT ON SATURDAY SEPTEMBER 28, 2019  
(RAIN DATE SUNDAY SEPTEMBER 29, 2019)**

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**WHEREAS**, Upper Township Ordinance Section 7-3.2 provides that upon the declaration of an emergency temporary no parking restrictions may be instituted; and

**WHEREAS**, the Township of Upper Pumpkin Classic Car Show and Fall Festival event scheduled for Saturday September 28, 2019 (rain date Sunday September 29, 2019) requires temporary parking restrictions for this public event consistent with the provisions of said Ordinance Section 7-3.2; and

**WHEREAS**, the Township Committee deems it appropriate to declare an emergency so as to institute temporary no parking restrictions along the following roads in Upper Township:

Route 50 between Sunset Drive and Perry Road  
Sunset Drive  
North Sunset Drive  
South Sunset Drive  
California Road

**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 declares an emergency pursuant to Township Ordinance Section 7-3.2 and directs the posting of “EMERGENCY-NO PARKING” signs on Route 50 between Sunset Drive and Perry Road, and on Sunset Drive, North Sunset Drive, South Sunset Drive and California Road.
3. Said no parking restrictions shall be effective on Saturday September 28, 2019, or in the event of inclement weather, Sunday September 29, 2019.
4. A copy of this resolution shall be provided to the New Jersey State Police and the Cape May County Sheriff’s Office.

5. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 258-2019

Offered by: Young

Seconded by: Barr

Adopted: August 26, 2019

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Barr	X			
Coggins	X			
Corson	X			
Young	X			
Palombo	X			

8. Authorize payment from the Affordable Housing Trust Fund of Upper Township.

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

**RESOLUTION NO. 259-2019**

**RE: AUTHORIZE PAYMENT FROM THE  
AFFORDABLE HOUSING TRUST FUND OF UPPER TOWNSHIP**

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**WHEREAS**, the Township of Upper adopted an Affordable Housing Trust Fund Spending Plan (hereinafter “Spending Plan”) on April 30, 2012 pursuant to Resolution No. 105-2012; and

**WHEREAS**, the Upper’s Affordable Housing Trust Fund consists of development fee revenues paid by developers of new construction within the Township; and

**WHEREAS**, said Spending Plan was approved by the New Jersey Council on Affordable Housing on or about May 22, 2012; and

**WHEREAS**, pursuant to the terms of the Spending Plan the release of funds requires the adoption by the Township Committee of a resolution in accordance with the Spending Plan; and

**WHEREAS**, the Township Committee has reviewed the requested release of funds from the Affordable Housing Trust Fund for the specific uses set forth herein and has determined it is in the best interest of the Township to authorize the release of payments from said fund.

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

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

Jamie Meyer (refund COAH development fee overpayment)	\$68.25
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NAME	YES	NO	ABSTAIN	ABSENT
Barr	X			
Coggins	X			
Corson	X			
Young	X			
Palombo	X			

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

Resolution No. 260-2019

Offered by: Coggins

Seconded by: Bar

Adopted: August 26, 2019

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Barr	X			
Coggins	X			
Corson	X			
Young	X			
Palombo	X			

### **CANCEL TAX 2019**

**BLOCK/LOT**

687/25.08

**AMOUNT**

\$ 8,703.84

**NAME**

Roy H. Zehner  
1 Staples Court  
Beesleys Point, NJ 08223

### **REFUND TAX 2019**

**BLOCK/LOT**

687/25.08

**AMOUNT**

\$ 4,233.92

**NAME**

Roy H. Zehner  
1 Staples Court  
Beesleys Point, NJ 08223

100% Totally Disabled Veteran as of 12/20/18

10. Canceling tax on exempt property Block 476, Lot 7.02.

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

**RESOLUTION NO. 261-2019**

**CANCELING TAX ON EXEMPT PROPERTY  
BLOCK 476 LOT 7.02**

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**WHEREAS**, certain corrections have been recommended by the Upper Township Tax Collector in order to correct tax records; and

**WHEREAS**, certain properties became tax exempt for the year 2018; and

**WHEREAS**, William J. Eisele III is a 100% disabled American veteran residing at 310 South Old Tuckahoe Road, Block 476, Lot 7.02 on the municipal tax map of Upper Township, New Jersey; and



**WHEREAS**, the Department of Veterans Affairs has determined that Mr. Eisele's 100% permanent wartime service connected disability was effective December 2, 2016; and

**WHEREAS**, William J. Eisele III took one third ownership of said property on June 4, 2018 and subsequently took one hundred percent ownership on March 18, 2019; and

**WHEREAS**, William J. Eisele III made application on July 18, 2018 and has received the totally disabled deduction for one-third of the taxes due on his one-third interest in the property; and

**WHEREAS**, William J. Eisele III is now entitled to the entire deduction as sole owner of the property; and

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

Resolution No. 261-2019

Offered by: Coggins

Seconded by: Barr

Adopted: August 26, 2019

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Barr	X			
Coggins	X			
Corson	X			
Young	X			
Palombo	X			

**CANCEL TAX 2019**

**BLOCK/LOT**

**AMOUNT**

**NAME**

476/7.02

\$1,082.64

William J Eisele III  
310 South Old Tuckahoe Rd  
Petersburg, NJ 08270

3<sup>rd</sup> & 4<sup>th</sup> Quarters 2019- 100% Totally Disabled Veteran with 100% ownership as of 3/18/19

11. Canceling tax on exempt property Block 561.01, Lot 35.14.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 262-2019**

**CANCELING TAX ON EXEMPT PROPERTY  
BLOCK 561.01 LOT 35.14**

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**WHEREAS**, certain corrections have been recommended by the Upper Township Tax Collector in order to correct tax records; and

**WHEREAS**, certain properties became tax exempt for the year 2019; and

**WHEREAS**, Eric Gaynor is a 100% disabled American veteran residing at 2032 Route US 9 South, Block 561.01, Lot 35.14 on the municipal tax map of Upper Township, New Jersey; and

**WHEREAS**, the Department of Veterans Affairs has determined that Mr. Gaynor's 100% permanent wartime service connected disability was effective April 12, 2019; and

**WHEREAS**, Eric Gaynor made application June 10, 2019; and

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

Resolution No. 262-2019

Offered by: Coggins

Seconded by: Barr

Adopted: August 26, 2019

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Barr	X			
Coggins	X			
Corson	X			
Young	X			
Palombo	X			

**CANCEL TAX 2019**

**BLOCK/LOT**

561.01/35.14

**AMOUNT**

\$ 4,344.34

**NAME**

Eric Gaynor  
2032 RT US 9 SO  
Seaville, NJ, 08230

3<sup>rd</sup> & 4<sup>th</sup> Quarters-100% Totally Disabled Veteran as of 4/12/19

12. Canceling tax on exempt property Block 453.08, Lot 288.

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

**RESOLUTION NO. 263-2019**

**CANCELING TAX ON EXEMPT PROPERTY  
BLOCK 453.08 LOT 288**

**WHEREAS**, certain corrections have been recommended by the Upper Township Tax Collector in order to correct tax records; and

**WHEREAS**, certain properties became tax exempt for the year 2019; and

**WHEREAS**, Derek Southard is a 100% disabled American veteran residing at 8 Caledonia, Block 453.08, Lot 288 on the municipal tax map of Upper Township, New Jersey; and

**WHEREAS**, the Department of Veterans Affairs has determined that Mr. Southard's 100% permanent wartime service connected disability was effective October 12, 2017; and

**WHEREAS**, Derek Southard took one half ownership of said property on August 29, 2018 and subsequently took one hundred percent ownership on May 29, 2019; and

**WHEREAS**, Derek Southard made application January 8, 2019 and received a one-half deduction on taxes previously; and

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

Resolution No. 263-2019

Offered by: Coggins

Seconded by: Barr

Adopted: August 26, 2019

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Barr	X			
Coggins	X			
Corson	X			
Young	X			
Palombo	X			

**CANCEL TAX 2019**

**BLOCK/LOT**

453.08/288

**AMOUNT**

\$ 2,365.74

**NAME**

Derek Southard  
8 Caledonia Drive  
Seaville, NJ, 08230

3<sup>rd</sup> & 4<sup>th</sup> Quarters-100% Totally Disabled Veteran with 100% ownership as of 5/29/19

13. Canceling tax on exempt property Block 472, Lot 2.

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

**RESOLUTION NO. 264-2019**

**CANCELING TAX ON EXEMPT PROPERTY  
BLOCK 472 LOT 2**

---

**WHEREAS**, certain corrections have been recommended by the Upper Township Tax Collector in order to correct tax records; and

**WHEREAS**, certain properties became tax exempt for the year 2019; and

**WHEREAS**, Jaime Lee Rudy is a 100% disabled American veteran residing at 4 Frances Drive, Block 472, Lot 2 on the municipal tax map of Upper Township, New Jersey; and

**WHEREAS**, the Department of Veterans Affairs has determined that Ms. Rudy's 100% permanent wartime service connected disability was effective December 6, 2018; and

**WHEREAS**, Jaime Rudy made application May 28, 2019; and

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

Resolution No. 264-2019

Offered by: Coggins

Seconded by: Barr

Adopted: August 26, 2019

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Barr	X			
Coggins	X			
Corson	X			
Young	X			
Palombo	X			

**CANCEL TAX 2019**

**BLOCK/LOT**

472/2

**AMOUNT**

\$ 1,372.95

**NAME**

Jaime Lee Rudy  
4 Frances Drive  
Petersburg, NJ, 08270

3<sup>rd</sup> & 4<sup>th</sup> Quarters-100% Totally Disabled Veteran as of 12/6/18. Resolution #230-2019 cancelled and refunded 1<sup>st</sup> & 2<sup>nd</sup> Quarters of 2019

14. Refunding tax on exempt property Block 564, Lot 19.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 265-2019**

**REFUNDING TAX ON EXEMPT PROPERTY  
BLOCK 564 LOT 19**

---

**WHEREAS**, certain corrections have been recommended by the Upper Township Tax Collector in order to correct tax records; and

**WHEREAS**, certain properties became tax exempt for the year 2019; and

**WHEREAS**, ResCare NJ, Employability Unlimited is a facility that provides housing for persons with disabilities located at 8 Foxborough Road, Block 564, Lot 19 on the municipal tax map of Upper Township, New Jersey; and

**WHEREAS**, N.J.S.A. 54:4-3.6 allows the Municipal Tax Assessor to grant exemption of certain property for charitable or educational purposes; and

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

Resolution No. 265-2019

Offered by: Coggins

Seconded by: Barr

Adopted: August 26, 2019

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Barr	X			
Coggins	X			
Corson	X			
Young	X			
Palombo	X			

**REFUND TAX 2019**

**BLOCK/LOT**

564/19

**AMOUNT**

\$ 2,680.75

**NAME**

ResCare NJ, Employability Unlimited  
PO Box 55248  
Lexington, KY, 40555

3<sup>RD</sup> & 4<sup>TH</sup> Quarters-Exempt Organization as of 1/1/19

15. Authorizing a contract with CCG Premium Recovery Group, LLC to perform a review of the Upper Township Fire Districts Workers' Compensation Accounts.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 266-2019**

**RE: AUTHORIZING A CONTRACT WITH CCG PREMIUM RECOVERY GROUP, LLC TO PERFORM A REVIEW OF THE UPPER TOWNSHIP FIRE DISTRICTS WORKERS' COMPENSATION ACCOUNTS**

---

**WHEREAS**, the Township of Upper has decided to perform a review of the Workers' Compensation accounts for the Upper Township Fire Districts to see if cost savings are available; and

**WHEREAS**, CCG Premium Recovery Group, LLC has submitted a proposal to review claims activity, loss information, experience modifications, retrospective rating adjustments, premium audits, payroll allocation, and class code rates of the Upper Township Fire Districts Workers' Compensation accounts; 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 CCG Premium Recovery Group, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, CCG Premium Recovery Group, LLC has completed and submitted a Business Entity Disclosure Certification, which certifies that CCG Premium Recovery Group, LLC has not made any contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit CCG Premium Recovery Group, LLC from making any 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 CCG Premium Recovery Group, LLC with offices at 39 Hudson Street #304, Hackensack, New Jersey, for a review of the claims activity, loss information, experience modifications, retrospective rating adjustments, premium audits, payroll allocation, and class code rates of the Upper Township Fire Districts Workers' Compensation accounts.

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 CCG Premium Recovery Group, LLC has professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

#### **NOTICE OF CONTRACT AWARD**

5. The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to CCG Premium Recovery Group, LLC for professional 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. CCG Premium Recovery Group, LLC 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. 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. 266-2019

Offered by: Corson

Seconded by: Barr

Adopted: August 26, 2019

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Barr	X			
Coggins	X			
Corson	X			
Young	X			
Palombo	X			

#### **ORDINANCES**

16. **Introduction and first reading of Ordinance No. 011-2019 RE: AUTHORIZING THE TRANSFER OF TOWNSHIP OWNED LAND TO THE TUCKAHOE VOLUNTEER FIRE COMPANY.** Motion by Hobie Young, second by John Coggins, to introduce Ordinance 011-2019 with a public hearing and final adoption scheduled for September 23, 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. 011-2019**

**AUTHORIZING THE TRANSFER OF TOWNSHIP OWNED LAND TO THE  
TUCKAHOE VOLUNTEER FIRE COMPANY**

---

**WHEREAS**, Township Committee of the Township of Upper, County of Cape May of the State of New Jersey desires to sell land to the Tuckahoe Volunteer Fire Company, a duly incorporated volunteer fire company in the Township of Upper; and

**WHEREAS**, New Jersey Statute 40A:12-21 allows a municipality to sell land to certain organizations for a nominal fee, such as to (a) A duly incorporated volunteer fire company or board of fire commissioners or first aid and emergency or volunteer ambulance or rescue squad association of a municipality within the county, in the case of a county, or of the municipality, in the case of a municipality, for the construction thereon of a firehouse or fire school or a first aid and emergency or volunteer ambulance or rescue squad building or for the use of any existing building for any or all of said purposes and any such land or building sold to any duly incorporated volunteer fire company may be leased by such fire company to any volunteer firemen's association for the use thereof for fire school purposes for the benefit of the members of such association; and

**WHEREAS**, the Township of Upper owns a parcel of land, known as Block 348, Lot 55 on the official tax map of the Township of Upper, which can be of use to the Tuckahoe Volunteer Fire Company; and

**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:**



1. The Township of Upper shall sell to the Tuckahoe Volunteer Fire Company a parcel of land identified on the official tax map of the Township of Upper as 2161 Route 50, Block 348, Lot 55.
2. The sale price shall be for \$1.00.
3. The parcel shall be deed restricted so as to provide that the property shall be used only for the purposes of the Tuckahoe Volunteer Fire Company, and to render those services or to provide those facilities, and not any other purpose, including but not limited to a residential use or building, a commercial business, a trade or manufacturing business, and that if the property is not used in accordance with that limitation, the property shall revert to the Township of Upper.
4. The Tuckahoe Volunteer Fire Company shall maintain the property in compliance with Revised General Ordinance Chapter 11 of the Code of Upper Township.
5. The Township makes no promise or warranty as to the physical condition or status of the title to this property as it is transferred completely AS IS. If there is a defect in the title or condition of the parcel, the sole right of the Tuckahoe Volunteer Fire Company is to cancel the transaction before transfer of the deed with no further liability between the parties.
6. The Mayor, Clerk, and any and all other Township Officials, are hereby authorized to sign any documents necessary to effectuate this transaction, including any contract, deed, deed restriction or easement.

**SECTION 2:** All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

**SECTION 3:** Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

**SECTION 4: 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 FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 26<sup>th</sup> DAY OF AUGUST, 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 23<sup>rd</sup> DAY OF SEPTEMBER, 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

17. **Introduction and first reading of Ordinance No. 012-2019 RE: AUTHORIZING THE TRANSFER OF TOWNSHIP OWNED LAND TO HABITAT FOR HUMANITY.** Motion by Hobie Young, second by John Coggins, to introduce Ordinance 012-2019 with a public hearing and final adoption scheduled for September 23, 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. 012-2019**

**AUTHORIZING THE TRANSFER OF TOWNSHIP OWNED LAND TO  
HABITAT FOR HUMANITY**

---

**WHEREAS**, Township Committee of the Township of Upper, County of Cape May of the State of New Jersey desires to sell land to the Habitat for Humanity, Cape May County, Inc., a Non-Profit Corporation of the State of New Jersey 08210 (“Habitat for Humanity”); and

**WHEREAS**, New Jersey Statute 40A:12-21 allows a municipality to sell land to certain organizations for a nominal fee, such as to (j) Any duly incorporated nonprofit organization for the purpose of building or rehabilitating residential property for resale; and (1) Any duly incorporated nonprofit housing corporation for the purpose of constructing housing for low or moderate income persons or family or handicapped persons; and

**WHEREAS**, the Township of Upper owns a parcel of land which can be developed as a single family residential home; and

**WHEREAS**, the Township of Upper has an obligation to provide low and moderate affordable housing; and

**WHEREAS**, the Habitat for Humanity is a non-profit entity which has a purpose of constructing housing for low and moderate income persons; and

**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:**

7. The Township Committee of the Township of Upper, shall sell to Habitat for Humanity two parcels of land identified on the Official Tax map of the Township of Upper as: 103 Pacific Avenue, Block 585, Lots 1-4 and 37-40 and 105 Pacific Avenue, Block 585 Lots 5-8 and 33-36.
8. The sale price shall be for \$1.00.
9. Each parcel shall be deed restricted so as to provide that a single family residential dwelling shall be built upon it within 24 months or the land shall revert to the Township of Upper.
10. Each property shall be deed restricted so that the single family residential dwelling shall be COAH compliant and so that the Township of Upper will be credited for having COAH compliant units in the Township of Upper. The Township understands that the efforts to make this COAH compliant may fail due to the State's affirmative marketing requirements.
11. The Township shall review and approve the exterior design of each house to ensure that each house shall not be substantially alike in exterior design and appearance.
12. The Township makes no promise or warranty as to the physical condition or status of the title to these properties as they are transferred completely AS IS. If there is a defect in the title or condition of either parcel, the sole right of Habitat for Humanity is to cancel the transaction before transfer of the deed with no further liability between the parties.
13. The Mayor, Clerk, and any and all other Township Officials, are hereby authorized to sign any documents necessary to effectuate this transaction, including any contract, deed, deed restriction or easement.

**SECTION 2:** All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

**SECTION 3:** Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

**SECTION 4: 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 FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 26<sup>th</sup> DAY OF AUGUST, 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 23<sup>rd</sup> DAY OF SEPTEMBER, 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

18. **Introduction and first reading of Ordinance No. 013-2019 RE: AN ORDINANCE REVISING JOB CLASSIFICATIONS AND TITLES AND AMENDING CHAPTER V, ENTITLED “PERSONNEL”, OF THE CODE OF UPPER TOWNSHIP.** Motion by Curtis Corson, second by John Coggins, to introduce Ordinance 013-2019 with a public hearing and final adoption scheduled for September 23, 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. 013-2019**

**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:**

**Senior Maintenance Repairer  
Personnel Officer**

**SECTION 2:** Chapter V, entitled “Personnel”, of the Code of Upper Township, Section 5-6.5, is hereby amended and supplemented as follows:

**Delete The Following Position:**

**Personnel Officer**

**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 FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 26<sup>th</sup> DAY OF AUGUST, 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 23<sup>rd</sup> DAY OF SEPTEMBER, 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

19. **Introduction and first reading of Ordinance No. 014-2019 RE: AN ORDINANCE AMENDING ORDINANCE NO. 021-2018 KNOWN AS THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2019.** Motion by John Coggins, second by Curtis Corson, to introduce Ordinance 014-2019 with a public hearing and final adoption scheduled for September 23, 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. 014-2019**

**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:**

<b><u>POSITION</u></b>	<b><u>MINIMUM</u></b>	<b><u>MAX-2019</u></b>
<b>Senior Maintenance Repairer</b>	<b>\$12,500.00</b>	<b><u>\$58,755.00</u></b>
<b>Senior Carpenter (0-9)</b>	<b>\$12,500.00</b>	<b><u>\$58,755.00</u></b>
<b>Senior Carpenter (10+)</b>	<b>\$12,500.00</b>	<b><u>\$60,314.00</u></b>
<b>Maintenance Worker 2 Grounds (0-9)</b>	<b>\$12,500.00</b>	<b><u>\$55,335.00</u></b>

**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 26<sup>TH</sup> DAY OF AUGUST, 2019 AT THE TOWNSHIP HALL, 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 23<sup>RD</sup> DAY OF SEPTEMBER, 2019 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

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

BARBARA L. YOUNG, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

**CORRESPONDENCE**

**NEW BUSINESS**

20. **Bid results for Landscape Services.** The Township Administrator reported that the Township received one bid for Landscape Services in the amount \$114,580.00. He stated that the Public Works Administration feel that they can perform the job tasks in house. The Municipal Attorney stated that the bid was in the aggregate, and unit prices were given for each task. After a lengthy discussion, it was decided to abandon the project and reject the bid received. Motion by Richard Palombo, second by John Coggins, to reject the bid received for Landscape Services. During roll call vote all five Committeemen voted in the affirmative. A resolution for formal action will be placed on the next agenda.
21. **Bid results for Demolition of Unsafe Structures.** Committeeman Corson abstained from this discussion. The Township Engineer reported that the Township received eight bids with the lowest from Garden State General Construction. He stated that one of the properties scheduled

for demolition will be removed from the project. He recommended that the bid be awarded to the lowest bidder, in the amount of \$33,173.60, for the demolition of 30 Rivendell Ave and 1790 Mt. Pleasant Ave, the supply of sand fill, and the removal of vehicles and debris. Motion by Richard Palombo, second by John Coggins, to award the bid to Garden State General Construction in the estimated amount of \$33,173.60. During roll call vote, four Committeemen voted in the affirmative. Committeeman Corson abstained. A resolution for formal action will be placed on the next agenda.

22. **Planning Board Special Resolution Adoption of Bicycle Plan 05-2019.** The Township Engineer reported the special resolution has been submitted to the Committee for their information and no action is needed.
23. **Stockton University Coastal Research Center 2<sup>nd</sup> Quarter Survey.** The Township Engineer gave a brief summary of the report and stated that an Army Corps of Engineers beach fill project is out to bid with the project scheduled to begin in the fall of 2019 with completion at the end of 2020.
24. **Proposed amendments to Chapter VII Traffic.** The Municipal Attorney gave a brief report on the proposed changes to the fines for traffic offenses. Motion by Curtis Corson, second by Edward Barr, to proceed with an Ordinance to adopt the proposed changes. During roll call vote, all five Committeemen voted in the affirmative. An Ordinance for formal action will be prepared and listed on the next agenda for introduction.

## **UNFINISHED BUSINESS**

## **DISCUSSION**

## **PAYMENT OF BILLS**

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

**Bills approved for payment: \$964,983.23**

**Payroll: \$233,600.24**

## **REPORT OF MUNICIPAL DEPARTMENTS**

### **26. Animal Control**

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

## **PUBLIC COMMENT**

There was no public comment.

## **CLOSED SESSION**

27. 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. 267-2019  
MOTION GOING INTO CLOSED SESSION**

**AUGUST 26, 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 – Conflict Tax Assessor
3. Contract negotiation – Special Counsel ADA Matters

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. During roll call vote all five Committeemen voted in the affirmative.

**ADJOURNMENT**

There being no further business this evening the meeting was adjourned at 9:35 P.M., with a motion by John Coggins, second by Edward Barr, and all Committeemen voting in the affirmative. The next regular meeting is scheduled for September 9, 2019 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC  
Municipal Clerk

**Bill List**

74117 08/26/19 A0018 ACTION SUPPLY INC. 23.40 3089  
74118 08/26/19 A0025 ADVANTAGE RENTAL & SALES 226.43 3089  
74119 08/26/19 A0035 AIRLINE HYDRAULIC CORP. 306.58 3089  
74120 08/26/19 A0078 ANCHOR RUBBER STAMP & PRINTING 45.95 3089  
74121 08/26/19 A0091 ATLANTIC CITY ELECTRIC 5,137.35 3089  
74122 08/26/19 A0191 ACTION UNIFORM CO. LLC 118.00 3089  
74123 08/26/19 A0193 ATLANTIC INVESTIGATIONS, LLC 712.00 3089  
74124 08/26/19 B0035 BELMONT & CRYSTAL SPRINGS 307.76 3089  
74125 08/26/19 B0093 BARRY, CORRADO, GRASSI & 3,947.75 3089  
74126 08/26/19 B0239 BAILEY, WILLIAM MICHAEL 791.66 3089  
74127 08/26/19 B0248 BARNES LAW GROUP LLC 1,830.00 3089  
74128 08/26/19 C0042 CAMPBELL SUPPLY COMPANY 271.47 3089  
74129 08/26/19 C0060 CAPRIONI'S PORTABLE TOILETS 2,368.00 3089



74130 08/26/19 C0067 CONNOR, RICK 5,426.38 3089  
74131 08/26/19 C0068 COMCAST 462.84 3089  
74132 08/26/19 C0182 CDW GOVERNMENT, INC 219.18 3089  
74133 08/26/19 C0223 CASA PAYROLL SERVICE 285.65 3089  
74134 08/26/19 C0247 CMRS-FP 2,000.00 3089  
74135 08/26/19 C0253 CASCADE ENGINEERING INC. 205.00 3089  
74136 08/26/19 C0261 CEUNION 95.00 3089  
74137 08/26/19 C0296 COMCAST BUSINESS COMMUNICATION 1,386.00 3089  
74138 08/26/19 C0302 CONSTELLATION, NEW ENERGY, INC 3.19 3089  
74139 08/26/19 E0062 EASTERN SURPLUS & EQUIPMENT CO 2,735.56 3089  
74140 08/26/19 F0030 FASTENAL 1,097.31 3089  
74141 08/26/19 G0014 GARDEN STATE HWY PRODUCTS INC. 385.00 3089  
74142 08/26/19 G0028 GENTILINI FORD 194.18 3089  
74143 08/26/19 G0147 GREATAMERICA FINANCIAL SVCS. 170.00 3089  
74144 08/26/19 G0157 GRANTURK EQUIPMENT CO., INC. 933.00 3089  
74145 08/26/19 H0022 HR DIRECT 266.44 3089  
74146 08/26/19 H0073 HOME DEPOT CRC/GECE 140.25 3089  
74147 08/26/19 J0079 JAMES WYERS LANDSCAPING, LLC 350.00 3089  
74148 08/26/19 K0020 KENNEY, EDWARD 150.00 3089  
74149 08/26/19 K0102 KRANOS CORPORATION 4,329.45 3089  
74150 08/26/19 L0007 LC EQUIPMENT, INC. 42.00 3089  
74151 08/26/19 M0035 MARMORA FIRE CO. DISTRICT #3 301,677.50 3089  
74152 08/26/19 M0247 MORGAN, SCOTT 43.00 3089  
74153 08/26/19 M0277 MONY LIFE INSURANCE COMPANY 172.71 3089  
74154 08/26/19 N0143 NATIONAL TIME SYSTEMS 27.50 3089  
74155 08/26/19 N0144 NJ E-ZPASS SERVICE CENTER 200.00 3089  
74156 08/26/19 O0005 OFFICE BUSINESS SYSTEMS INC 1,423.00 3089  
74157 08/26/19 O0006 SJSHORE MARKETING, LLC 115.07 3089  
74158 08/26/19 P0032 PEDRONI FUEL CO. 2,489.45 3089  
74159 08/26/19 P0075 POSITIVE PROMOTIONS INC 820.76 3089  
74160 08/26/19 P0175 PRIEST JR., ANTHONY 125.00 3089  
74161 08/26/19 R0030 RIGGINS, INC. 3,165.34 3089  
74162 08/26/19 R0119 RUDERMAN, ROTH LLC 6,125.00 3089  
74163 08/26/19 S0051 SEAL MASTER PRODUCTS & SERVICE 279.40 3089  
74164 08/26/19 S0056 SEASHORE ASPHALT CORPORATION 282.68 3089  
74165 08/26/19 S0057 SERVICE TIRE TRUCK CENTERS 2,854.11 3089  
74166 08/26/19 S0065 SEAVILLE FIRE CO. DISTRICT #4 282,401.00 3089  
74167 08/26/19 S0113 SMITH, THOMAS G. 2,920.50 3089  
74168 08/26/19 S0126 LUDY, BARBARA 15.00 3089  
74169 08/26/19 S0134 SO. JERSEY GAS COMPANY 431.55 3089  
74170 08/26/19 S0185 STOCKTON STATE COLLEGE 4,531.51 3089  
74171 08/26/19 S0191 STRATHMERE FIRE CO. DISTRICT #1 45,493.50 3089  
74172 08/26/19 S0201 SURRAN'S NURSERY 288.00 3089  
74173 08/26/19 S0209 STAPLES ADVANTAGE 42.78 3089  
74174 08/26/19 S0239 SHORE VET. ANIMAL CONTROL LLC 2,350.00 3089  
74175 08/26/19 S0333 STEINER LAW OFFICE, P.C. 300.00 3089  
74176 08/26/19 T0032 THE PRESS OF ATLANTIC CITY 276.36 3089  
74177 08/26/19 T0117 TUCKAHOE FIRE DISTRICT #2 261,650.00 3089  
74178 08/26/19 T0194 TAG CONSULTING GROUP CORP. 1,950.00 3089  
74179 08/26/19 U0043 ULINE, INC. 737.66 3089  
74180 08/26/19 V0001 VCI EMERGENCY VEHICLE 621.07 3089  
74181 08/26/19 V0013 VERIZON WIRELESS 569.59 3089  
74182 08/26/19 V0022 VERIZON 627.28 3089  
74183 08/26/19 V0024 VAL-U AUTO PARTS L.L.C. 688.48 3089  
74184 08/26/19 W0087 W.B. MASON EGG HARBOR 0.00 08/26/19 VOID 0  
74185 08/26/19 W0087 W.B. MASON EGG HARBOR 1,170.46 3089  
74186 08/26/19 X0008 XEROX FINANCIAL SERVICES 662.40 3089  
74187 08/26/19 Y0003 Y-PERS INC 47.71 3089  
74188 08/26/19 Y0007 YEP COMPANY 445.08 3089  
Total: 964,983.23