TOWNSHIP OF UPPER 2100 TUCKAHOE ROAD PETERSBURG, NJ 08270 CAPE MAY COUNTY MINUTES FOR SEPTEMBER 9, 2019

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Edward Barr	Absent
John Coggins	Present
Curtis Corson	Present
Hobart Young	Present
Richard Palombo	Present

Also present were Municipal Clerk Barbara Young, Municipal Attorney Daniel Young, Township Administrator Scott Morgan, Township Engineer Paul Dietrich, and Chief Financial Officer Barbara Ludy.

APPROVAL OF MINUTES – August 26, 2019 Regular and Closed Session Minutes

Motion by Curtis Corson, second by John Coggins, to approve the August 26, 2019 Regular Meeting and Closed Session Minutes as submitted. During roll call vote all four Committeemen present voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Hobie Young, Committeeman, requested that mums be planted at Town Hall and the Memorials throughout the Township soon so that they have a chance to grow. He also requested that Town Hall be power washed. Next he reported that the Fall Fest and Car Show will be held on September 28th. Volunteers are still needed. Lastly, he reported on several properties throughout the township that need better maintenance.

Richard Palombo, Mayor, reported that a special meeting was held in Strathmere to address proposed zoning changes in Strathmere. He stated that the meeting was a success, and requested that a copy of the draft Ordinance be posted on the website when available. He next reported that on Wednesday September 11, 2019 at 10:00 am a Patriots Day ceremony will be held in Osprey Point at the Godfrey Memorial Park. The County will also be holding a ceremony at the County Administration Building at 5:00 pm.

OTHER REPORTS

Scott Morgan, Township Administrator, reported that the conversion to LED lighting at the Community Center has been completed, and he anticipates a significant reduction in the electric bill for the Center. Quotes have been requested for the lighting issue at Caldwell Park. Next, he reported that the Township will soon receive 2018 EMAA grant funding in the amount of \$10,000. The 2019 EMAA grant application has also been submitted.

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

Paul Dietrich, Township Engineer, reported that the contractor has started the NJDOT grant project for the reconstruction of Bayview Drive. The project was awarded last spring but the work was on hold during the summer months. Next, he reported that he inspected the beaches on Saturday after Hurricane Dorian blew through and there was more significant losses on the north end. He stated that he spoke with the DEP Bureau of Coastal Engineering and the Army Corps of Engineers and they are aware of the additional losses and are confident that the current Army Corps project will be sufficient to address the need. It was stated that the Army Corps' beach replenishment project is currently out to bid and is anticipated to commence in mid-October or early November. Last, he reported that the Township has received a \$25,000 FEMA Hazard Mitigation grant to perform a Stormwater Management Flood Mitigation Study. The study will allow the Township to potentially raise its CRS rating.

Barbara Ludy, Chief Financial Officer, requested approval for the Construction Official to attend a Certified Floodplain Manager course. It is a free course and upon successful completion he will be a certified floodplain manger. It was stated that the Township will receive additional credit from CRS to have an additional certified floodplain manager. Motion by Curtis Corson, second by John Coggins, to approve the request. During roll call vote all four Committeemen present voted in the affirmative. She next requested approval for a Senior EMT to attend a Civil Services class for Supervisors at a cost of \$459.00 for the three day course. Motion by Curtis Corson, second by John Coggins, to approve the request. During roll call vote all four Committeemen present voted in the affirmative. Lastly, she requested approval for an EMT to attend a two-week course for Management of Emergency Medical Services. There is no cost for the course. Motion by Curtis Corson, second by Hobie Young, to approve the request. During roll call vote all four Committeemen present voted in the affirmative.

RESOLUTIONS

1. Commemorating the 18th Anniversary of September 11, 2001.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 268-2019

RE: COMMEMORATING THE 18TH ANNIVERSARY OF SEPTEMBER 11, 2001

WHEREAS, 18 years ago, on September 11, 2001, terrorists hijacked four civilian aircraft, crashing two into the World Trade Center in New York City, a third into the Pentagon outside of Washington, D.C., and a fourth into the countryside of Pennsylvania; and

WHEREAS, thousands of innocent people were killed and injured as a result of these reprehensible attacks; and

WHEREAS, countless fire departments, police departments, first responders, emergency medical personnel, and volunteers responded heroically to those horrific events: and

WHEREAS, 18 years later, the men and women in the United States Armed Forces continue to defend and protect the United States of America against those who seek to threaten her people; and

WHEREAS, on the 18th anniversary of this tragic day, the thoughts of the citizens of Upper Township are with all of the victims of the events of September 11, 2001 and their families.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, that we do hereby observe the 18th anniversary of September 11 as "Always Remember Day", to honor the innocent victims of September 11, 2001, the heroic actions of those who rushed to help their fellow citizens, and those who continue to fight for the freedom of this great Nation; and

BE IT FURTHER RESOLVED, that all persons within this municipality are urged to commemorate the 18th anniversary of September 11, 2001.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 9th day of September 2019.

Resolution No. 268-2019

Offered by: Coggins Seconded by: Corson

Adopted: September 9, 2019

Roll Call Vote:

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

2. Authorizing the purchase of certain items and for the Chief Financial Officer to withdraw funds in the amount of \$2,786.62 for such purposes from the account entitled Recycling Trust Fund Account.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 269-2019

RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS AND FOR THE CHIEF FINANCIAL OFFICER TO WITHDRAW FUNDS IN THE AMOUNT OF \$2,786.62 FROM THE ACCOUNT ENTITLED RECYCLING TRUST ACCOUNT FOR SUCH PURPOSES

WHEREAS, it is necessary for the Township of Upper to purchase recycling decals for

recycling receptacles; and

WHEREAS, the Township has available \$2,786.62 in the Recycling Trust account to

make such purchases; and

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

Marketing, LLC of Marmora, New Jersey.

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

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

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

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

New Jersey hereby authorizes the purchase of recycling decals for recycling receptacles in the amount of

\$2,786.62 from the Recycling Trust Account.

3. The Chief Financial Officer of the Township of Upper is hereby authorized,

directed and empowered to withdraw funds in the amount of \$2,786.62, from the account entitled

Recycling Trust Account to pay for the recycling decals for recycling receptacles and is empowered to

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

Resolution No. 269-2019

Offered by: Coggins

Seconded by: Young

Adopted: September 9, 2019

Roll Call Vote:

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

3. Rejecting the bid received for Landscape Services.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 270-2019

RE: REJECTING THE BID RECEIVED FOR LANDSCAPE SERVICES

WHEREAS, the Township of Upper solicited bids for Landscape Services; and

WHEREAS, a bid was submitted by one company; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2, the Township Committee has determined to reject the bid heretofore received due to the fact the Township desires to abandon the project for provision or performance of the goods or services; 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 bid for Landscape Services, received on August 6, 2019, is hereby rejected.
- 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. 270-2019

Offered by: Corson Seconded by: Coggins

Adopted: September 9, 2019

Roll Call Vote:

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

4. Accepting the bid and authorizing the execution of a contract for Demolition of Unsafe Structures.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 271-2019

RE: ACCEPTING THE BID AND AUTHORIZING THE EXECUTION OF A CONTRACT FOR DEMOLITION OF UNSAFE STRUCTURES

WHEREAS, the Township of Upper solicited bids for Demolition of Unsafe Structures, which bids were received on August 20, 2019; and

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

WHEREAS, the Township Engineer has submitted a recommendation to the Township

Committee with respect to the award of said bids; and

WHEREAS, the Chief Financial Officer of the Township of Upper has certified the availability of funds attached hereto as "Exhibit A" in a sufficient amount to award a contract in the amount of \$33,173.60; and

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

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

- 1. The allegations of the preamble are incorporated herein by this reference.
- 2. The Township hereby accepts the bid submitted by Garden State General Construction, Inc. of Clermont, NJ for the project known as Demolition of Unsafe Structures in the Township of Upper, Cape May County, in the amount of \$33,173.60, subject to the following:
 - (A) The Bidder shall comply with all Bid Documents, including the Notice to Bidders, all of which are hereby incorporated herein by this reference. Specifically, the Bidder shall only proceed with demolition of each structure after receiving separate written notice to do so by the Township of Upper.
 - (B) The Contract to be entered into must comply in all respects with applicable federal, state and local laws and regulations.
 - (C) The Bidder 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.
- 3. The Mayor and Township Clerk are further authorized to execute a Contract with the successful bidder and/or the Chief Financial Officer is hereby authorized, directed and empowered to issue a Purchase Order to the successful bidder in the amount authorized in this Resolution.

Resolution No. 271-2019

Offered by: Young Seconded by: Coggins

Adopted: September 9, 2019

Roll Call Vote:

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

5. Appointing Luke Eisele as a full-time employee to the Upper Township Department of Public Works.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 272-2019

RE: APPOINTING LUKE EISELE 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

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.
- Luke Eisele is hereby appointed as a full-time Laborer to the Department of Public Works, effective September 10, 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. 272-2019

Offered by: Corson Seconded by: Coggins

Adopted: September 9, 2019

Roll Call Vote:

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

6. Appointing Donald Polo as School Crossing Guard.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 273-2019

RE: APPOINTING DONALD POLO AS SCHOOL CROSSING GUARD

WHEREAS, a need exists to appoint qualified part-time personnel as School Crossing

Guard, also known as School Traffic Guard per civil service; and

WHEREAS, this resolution is intended to ratify the action heretofore taken; 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. Donald Polo is hereby appointed to the position of School Crossing Guard (School Traffic Guard) effective September 10, 2019 at an hourly rate of \$14.00 per hour 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. 273-2019

Offered by: Young Seconded by: Corson

Adopted: September 9, 2019

Roll Call Vote:

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

7. Resolution and Certification with respect to the 2018 Annual Audit and in compliance with the Local Finance Board of the State of New Jersey.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 274-2019

RESOLUTION AND CERTIFICATION WITH RESPECT TO THE 2018 ANNUAL AUDIT AND IN COMPLIANCE WITH THE LOCAL FINANCE BOARD OF THE STATE OF NEW JERSEY

WHEREAS, N.J.S.A. 40A:5-4 required the governing body of every local unit to have made an annual audit of its books, accounts and financial transaction; and

WHEREAS, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy

has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

GENERAL COMMENTS

AND

RECOMMENDATIONS

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

GENERAL COMMENTS

AND

RECOMMENDATIONS

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S.52:27BB-52 -"A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall

forfeit his office."

NOW, THEREFORE BE IT RESOLVED, that the governing body of the Township of Upper, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Resolution No. 274-2019

Offered by: Coggins Seconded by: Palombo

Adopted: September 9, 2019

Roll Call Vote:

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

8. Approving the Corrective Action Plan for 2018 Audit.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 275-2019

RE: APPROVING THE CORRECTIVE ACTION PLAN FOR 2018 AUDIT

WHEREAS, the Township of Upper has received a report of audit for the year ending December 31, 2018; and

WHEREAS, the New Jersey Division of Local Government Services requires that the Chief Financial Officer submit a Corrective Action Plan for all findings in the audit within 60 days of receipt of the Report of Audit; and

WHEREAS, the Chief Financial Officer has completed a Corrective Action Plan relating to the findings of the 2018 Audit.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, State of New Jersey that is does hereby approve the Corrective Action Plan for the 2018 Report of Audit.

BE IT FURTHER RESOLVED, that the Municipal Clerk be directed to forward a copy of the Corrective Action Plan to the New Jersey Division of Local Government Services.

Resolution No. 275-2019

Offered by: Coggins Seconded by: Palombo

Adopted: September 9, 2019

Roll Call Vote:

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

CORRECTIVE ACTION PLAN

Township of Upper County of Cape May Audit Report Year: 2018

Upper Township Construction Office

Finding 2018-1:

During our testing of construction permits, it was noted that the Township's fee ordinance should be updated. We also noted three construction permits in which fees were not properly charged.

Condition:

Fees for certain construction code permits were not calculated correctly.

Recommendation:

That the internal controls over the Construction Office be reviewed and controls implemented for charging permits. We also recommend that the client review the Administrative Code each year for any changes to ensure their rates are in line with the State of New Jersey.

Explanation and Corrective Action:

The Township has updated their fee ordinance in 2019. The CFO has reviewed all fees from the ordinance and agreed to the Township's construction permit software.

Implementation Date: Immediate

9. Appointing an official to bid at the Tax Sale scheduled for October 8, 2019.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 276-2019

RE: APPOINTING AN OFFICIAL TO BID AT THE TAX SALE SCHEDULED FOR OCTOBER 8, 2019

WHEREAS, a Tax Sale is scheduled to be conducted by the Tax Collector of the Township of Upper on October 8, 2019 at 10:00 A.M.; and

WHEREAS, the Township Committee has duly considered the matter and has determined to take the action hereinafter designated.

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 Municipal Finance Officer, Barbara Ludy and or the Municipal Clerk, Barbara Young are hereby designated and appointed as the officials who may bid at said Tax Sale on behalf of the Township of Upper on the scheduled date, as well as on any other date to which the Tax Sale may be adjourned.
- 3. The Municipal Finance Officer, Barbara Ludy and or the Municipal Clerk, Barbara Young are hereby authorized to expend on behalf of the Township, up to \$1,000.00 in order to purchase Tax Liens.

Resolution No. 276-2019

Offered by: Young Seconded by: Coggins

Adopted: September 9, 2019

Roll Call Vote:

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

10. Appointing Louis M. Belasco, CTA to act as Tax Assessor for matters in which the regular Township Tax Assessor may have a conflict of interest.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 277-2019

RE: APPOINTING LOUIS M. BELASCO, CTA TO ACT AS TAX ASSESSOR FOR MATTERS IN WHICH THE REGULAR TOWNSHIP TAX ASSESSOR MAY HAVE A CONFLICT OF INTEREST

WHEREAS, Louis M. Belasco, CTA has submitted a proposal to perform the duties of Tax Assessor for the Township of Upper for matters in which the regular Township Tax Assessor has a conflict of interest; and

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

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

WHEREAS, Louis M. Belasco, CTA has completed and submitted a Business Entity Disclosure Certification which certifies that Louis M. Belasco, CTA 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 Louis M. Belasco, CTA 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. Louis M. Belasco, CTA is hereby appointed to perform the duties of Tax Assessor for matters in which the regular Township Tax Assessor has a conflict of interest.
 - 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 Louis M. Belasco, CTA has professional knowledge as to tax assessment matters which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.NOTICE OF CONTRACT AWARD

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

- 5. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the official budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.
- 6. The contractor has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.
- 7. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Louis M. Belasco, CTA 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. 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. 277-2019

Offered by: Coggins Seconded by: Young

Adopted: September 9, 2019

Roll Call Vote:

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

11. Certification of costs for abatement of nuisance on Block 549, Lot 85 and Block 653.01, Lot 4.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 278-2019

CERTIFICATION OF COSTS FOR ABATEMENT OF NUISANCE

ON BLOCK 549, LOT 85 AND BLOCK 653.01, LOT 4

WHEREAS, pursuant to Township Code Section 11-1, the Code Enforcement Officer is empowered to enforce the Township's Property Maintenance Code; and

WHEREAS, in accordance with Township Code, the Code Enforcement Officer served a notice of violation of Section 11-1.9 (Grass, Weeds and Debris), to the property owner/agent of Block 549, Lot 85 and Block 653.01, Lot 4; and

WHEREAS, 10 days passed from the date of such notice of violation with no response from the property owner/agent and the Township thereafter remedied the violation; and

WHERAS, pursuant to Township Code Section 11-1.19(a) and N.J.S.A. 40:48-2.14, the Code Enforcement Officer has certified the costs of remedying the said violations as set forth on the attached list; and

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

- 1. The allegations of the preamble are incorporated herein by this reference.
- 2. The Township Committee hereby declares that the costs as set forth on the attached list shall be certified to the Township Tax Collector as a lien against the properties in question which lien shall become and form a part of the taxes assessed and levied upon the properties pursuant to Township Code Section 11-1.19(b) and N.J.S.A. 40:48-2.14.
- 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. 278-2019

Offered by: Corson Seconded by: Coggins

Adopted: September 9, 2019

Roll Call Vote:

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

ABATEMENT OF GRASS, WEEDS, AND DEBRIS

BLOCK/LOT LOCATION COST ADMIN FEE TOTAL

549/85	40 LINDA LANE	\$100.00	\$20.00	\$120.00
653.01/4	10 RT US 9 SO	\$150.00	\$30.00	\$180.00

12. Amending Resolution No. 012-2019 appointing various officers and employees to annual and specified terms.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 279-2019

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

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

WHEREAS, the Township Committee has determined it is necessary to amend said Resolution No. 012-2019 to amend the salaries and certain appointments as contained in said Resolution: 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. Resolution No. 012-2019 is amended to reflect an annual salary and position titles for the following persons effective August 30, 2019:

SALARY

	<u> </u>	2111111	
Anthony Lea	Truck Driver, Heavy	\$55,335.00	Provisional
William McDaniels	Senior Sanitation Inspector	\$56,643.00	Provisional
Nicholas Mason	Supervising Equipment Operator	\$65,000.00	Provisional
John Hope	Senior Mechanic	\$58,755.00	Provisional
John Adams	Maintenance Supervisor, Grounds	\$70,523.00	Provisional
Richard McCauley	Equipment Operator	\$55,335.00	Provisional

Resolution No. 279-2019

NAME

Offered by: Coggins Seconded by: Palombo

Adopted: September 9, 2019

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Barr				X
Coggins	X			

POSITION

Corson	X		
Young		X	
Palombo	X		

13. Amending Resolution No. 206-2019 appointing James M. Jones as Assistant Public Works Superintendent.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 280-2019

RE: AMENDING RESOLUTION NO. 206-2019 APPOINTING JAMES M. JONES AS ASSISTANT PUBLIC WORKS SUPERINTENDENT

WHEREAS, Resolution No. 206-2019 appointed James M. Jones as Assistant Public Works Superintendent effective July 5, 2019 at a salary of \$74,000.00; and

WHEREAS, in accordance with Section J of the Salary Ordinance, the Township may give an increase in salary of \$1,000.00 to any employee that has satisfied educational certification requirements for his or her position; and

WHEREAS, James M. Jones holds a Certified Public Works Manager certification; and WHEREAS, the Township Committee has determined that it is appropriate to amend Resolution No. 206-2019 in order to increase the salary of James M. Jones in the amount of \$1,000.00 effective July 5, 2019; and

WHEREAS, the Township Committee has also determined that it is appropriate for James M. Jones to continuously receive the increase in salary in the amount of \$1,000.00 to reflect his Certified Public Works Manager certification.

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.
- Resolution No. 206-2019 appointing James M. Jones as Assistant Public Works
 Superintendent is hereby amended to reflect a salary of \$75,000.00, effective July 5, 2019 in accordance with the Salary Ordinance.
 - 3. James M. Jones shall continuously receive the increase in salary in the amount of

\$1,000.00 to reflect his Certified Public Works Manager certification.

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. 280-2019

Offered by: Young Seconded by: Coggins

Adopted: September 9, 2019

Roll Call Vote:

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

14. Tax Refund Block 862, Lot 9.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 281-2019

TAX REFUND BLOCK 862, LOT 9

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

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

Resolution No. 281-2019

Offered by: Coggins Seconded by: Palombo

Adopted: September 9, 2019

Roll Call Vote:

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

REFUND

BLOCK/LOT AMOUNT NAME

\$13,819.78 Michael & Kathleen Azeez

5 E Seaview Ave Strathmere, NJ 08248

State Tax Court Appeal for the years; 2016, 2017 & 2018

The check is to be made out to: Mr. & Mrs. Azeez and

Arthur T. Ford III, Esquire

And mailed to: Arthur T. Ford III, Esquire

C/O Ford, Flower, Hasbrouck & Loefflad

Center Court – Suite N-101

728 West Avenue Ocean City, NJ 08226

15. Refund EMS ambulance billing overpayment to Keith Roller, Esquire, P.C.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 282-2019

RE: REFUND EMS AMBULANCE BILLING OVERPAYMENT TO KEITH ROLLER, ESQUIRE, P.C.

WHEREAS an overpayment has occurred in the account of an EMS ambulance

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

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

<u>AMOUNT</u> <u>NAME</u>

\$172.53 Keith Roller, Esquire, P.C.

9 East Black Horse Pike

P.O. Box 856

Pleasantville, NJ 08232

Resolution No. 282-2019

Offered by: Corson Seconded by: Coggins

Adopted: September 9, 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 015-2019 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER VII OF THE CODE OF UPPER TOWNSHIP TO PROVIDE FOR MANDATORY PENALTIES FOR TRAFFIC

VIOLATIONS. Motion by John Coggins, second by Richard Palombo, to introduce Ordinance 015-2019 with a public hearing and final adoption scheduled for October 15, 2019. During roll call vote all four Committeemen present voted in the affirmative.

TOWNSHIP OF UPPER CAPE MAY COUNTY ORDINANCE

ORDINANCE NO. 015-2019

RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER VII OF THE CODE OF UPPER TOWNSHIP TO PROVIDE FOR MANDATORY PENALTIES FOR TRAFFIC VIOLATIONS

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

SECTION 1. Chapter 7, Section 7-4, of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and replaced in its entirety with the following:

7-4 TRUCKS OVER FIVE (5) TONS EXCLUDED FROM CERTAIN STREETS

Trucks over five (5) tons gross weight are hereby excluded from the streets or parts of streets described in Schedule V except for the pick up and delivery of materials on such streets, Schedule V being attached to and made a part of this Chapter.

SECTION 2. Chapter 7, Section 7-20, of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and replaced in its entirety with the following:

7-20 PENALTY

7-20.1 Mandatory penalties for traffic violations

The following mandatory fines or penalties are hereby established for the offenses hereinafter set forth:

MANDATORY PENALTIES FOR TRAFFIC VIOLATIONS

Code Section	Description	Penalty
7-3.2	Parking Prohibited During State of Emergency	\$50.00
7-3.3	Parking Prohibited at All Times on Certain Streets	\$50.00
7-3.4	Parking Prohibited During Certain Hours on Certain Streets	\$50.00
7-3.5	Stopping or Standing Prohibited During Certain Hours on Certain Street	s \$50.00
7-3.6	Parking Time Limited on Certain Streets	\$50.00
7-3.8	Parking by Permit Only in Designated Residential Areas	\$50.00
7-5	One-Way Streets	\$50.00
7-6.1	Through Streets	\$50.00
7.6.2	Stop Intersections	\$50.00
7.6.3	Yield Intersections	\$50.00
7-7	Loading Zones	\$50.00
7-8	Taxi Stands	\$50.00
7-9	Bus Stops	\$50.00
7-10.1	Left Turn Prohibition	\$50.00
7-10.2	U-Turn Prohibition	\$50.00
7-10.3	No Turns	\$50.00
7-10.4	Right Turn on Red Traffic Signal Prohibited	\$50.00
7-10.5	Right Turn Prohibition	\$50.00
7-11	Speed Limits	\$100.00
7-13	Parking at Public Recreational Areas or on Township	
	Recreational Facilities	\$50.00
7-15.3	Effects of Declaration; Snowfall; Parking Prohibited	\$50.00
7-15.4	Effects of Declaration; Snowfall; Parking Restricted	\$50.00
7-16	Observance of Lawful Orders and Posted Traffic Regulations	\$50.00

7-20.2 Ordinance violations where court appearance is required

Mandatory court appearances shall be required for those offenses noted below and the penalties for violation of any such ordinance provision shall be a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for a term not to exceed fifteen (15) days or both. Any term of imprisonment may be served in community service in the discretion of the Court.

MANDATORY PENALTIES FOR TRAFFIC VIOLATIONS

7-3.7 Licensed Vehicles Only 7-4 Court Appearance Required Court Appearance Required Court Appearance Required Court Appearance Required	
7-12 Handicapped Parking Court Appearance Required 7-15.5 Removal of Vehicles Court Appearance Required	quired quired

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

SECTION 4. SEVERABILITY: If any section, paragraph, subdivision, subsection,

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

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

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

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 9^{TH} **DAY OF SEPTEMBER, 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 15^{TH} **DAY OF OCTOBER, 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

- 17. Upper Township Rescue Squad request to hold a Trunk or Treat on Tuesday, October 22, 2019 (rain date October 23rd) at Amanda's Field. Motion by Curtis Corson, second by Hobie Young, to approve the request. During roll call vote all four Committeemen present voted in the affirmative.
- 18. Upper Township Rescue Squad request to hold a Raffle RA-521 on Tuesday, November 26, 2019 at 2028 Tuckahoe Road, Petersburg. Motion by Curtis Corson, second by John Coggins, to approve the request. During roll call vote all four Committeemen present voted in the affirmative.
- 19. **Morgan Delaney request to vacate a portion of Filmore Avenue.** The Municipal Attorney reported that the request, if approved, will restrict the access of several properties on Filmore to only an alleyway that is approximately 10 feet wide. He stated that routinely the affected property owners are notified of the proposed street vacation and are invited to submit their objections if any. He recommended that if the Committee decides to move forward, the consent of all affected property owners be obtained. Motion by John Coggins, second by Richard Palombo, to table the request in order to speak with the requestor regarding the access issues. During roll call vote all four Committeemen present voted in the affirmative.

UNFINISHED BUSINESS

DISCUSSION

20. **NJDOT Roadway Improvement Projects Re: Route 9, Tuckahoe Road to Roosevelt**Boulevard. The Township Engineer gave a report on the proposed improvements. After a lengthy discussion it was recommended to refer the plans to the Planning Board for their review.

Motion by Richard Palombo, second by John Coggins, to refer the proposals to the Planning Board. During roll call vote all four Committeemen present voted in the affirmative.

PAYMENT OF BILLS

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

Bills approved for payment: \$2,400,456.01

Payroll: \$479,187.24

REPORT OF MUNICIPAL DEPARTMENTS

- 22. Clerk's Office
- 23. Construction
- 24. Division of EMS
- 25. Finance
- 26. MUA
- 27. Tax Collector
- 28. Green Team Minutes
- 29. Public Works

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

PUBLIC COMMENT

Jack Griffin, President of UTBA, thanked Committeeman Young for looking out for the beautification of the Township. He next stated that the Upper Township Business Association's Community Night will be held on November 13th from 6:00 to 8:00 pm. They will be emphasizing their Shop Local campaign for the upcoming holiday season. He next inquired if the Economic Development Advisory Commission can be revived. It was stated that the group was dissolved because several members had resigned and there were no volunteers to replace them. It was further stated that the Township is open to working with the Business Association. Lastly, he stated that the UTBA is pleased to be a part of the Pumpkin Classic Car Show and Fall Fest this year.

Janice Connell, Strathmere, thanked Mayor Palombo for holding the special meeting in Strathmere. She stated it was very helpful and inquired if a town meeting can be held in Strathmere during the summer months in order to reach the seasonal residents. She stated that there is some concern that coupling the proposed zoning ordinance with a Master Plan Re-examination will cause a significant delay in adopting the new regulations. It was stated that the prior Strathmere zoning changes were never just a stand-alone Ordinance, but were pursuant to a prior Master Plan Re-examination, except for the commercial zone which was added. It was stated that there are other issues throughout the Township that require a Master Plan review, and this is the appropriate way to address all issues.

CLOSED SESSION

30. 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. 283-2019 MOTION GOING INTO CLOSED SESSION SEPTEMBER 9, 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 EMS Collection Services
- 3. Contract negotiation Shared Services Dennis Township

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

- A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.
- B. With respect to employment and personnel matters such discussions will be made public if and when formal action is taken or when the individuals involved consent that it can be made public.
- C. With respect to contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.

Moved by: John Coggins

Motion seconded by: Richard Palombo

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

RECONVENE PUBLIC PORTION OF MEETING

Motion by Curtis Corson, second by John Coggins, to reconvene the public portion of the meeting. During roll call vote all four Committeemen present voted in the affirmative.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:17 P.M., with a motion by Curtis Corson, second by Richard Palombo, and all four Committeemen present voting in the affirmative. The next regular meeting is scheduled for September 23, 2019 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC Municipal Clerk

Bill List 74191 09/09/19 N0015 N.J. STATE DEPT. OF HEALTH 24.00 3091 74192 09/09/19 T0071 TOWNSHIP OF UPPER DOG ACCOUNT 39.00 3091 74193 09/09/19 U0028 UPPER TOWNSHIP BD.OF EDUCATION 2,077,214.00 3091 74194 09/09/19 Alignment Check VOID 74195 09/09/19 Alignment Check VOID 74196 09/09/19 A0025 ADVANTAGE RENTAL & SALES 2,671.62 3092 74197 09/09/19 A0091 ATLANTIC CITY ELECTRIC 6.230.74 3092 74198 09/09/19 A0193 ATLANTIC INVESTIGATIONS, LLC 279.00 3092 74199 09/09/19 A0212 ANCERO, LLC 7,558.66 3092 74200 09/09/19 A0219 ALTERNATIVE MICROGRAPHICS, INC 2,017.97 3092 74201 09/09/19 B0035 BELMONT & CRYSTAL SPRINGS 53.73 3092 74202 09/09/19 B0220 BERGEY'S TRUCK CENTERS 1,641.01 3092 74203 09/09/19 B0268 Brennan, Christina 44.05 3092 74204 09/09/19 C0048 CAPE MAY COUNTY MUA 41,969.62 3092 74205 09/09/19 C0060 CAPRIONI'S PORTABLE TOILETS 320.00 3092 74206 09/09/19 C0068 COMCAST 436.72 3092 74207 09/09/19 C0072 CATERINA SUPPLY INC. 81.50 3092 74208 09/09/19 C0116 CINTAS CORPORATION 8.55 3092 74209 09/09/19 C0143 CODY'S POWER EQUIPMENT 83.55 3092 74210 09/09/19 C0182 CDW GOVERNMENT. INC 1.558.26 3092 74211 09/09/19 C0201 CRUZAN'S TRUCK SERVICE INC. 63.92 3092 74212 09/09/19 C0223 CASA PAYROLL SERVICE 285.25 3092 74213 09/09/19 G0157 GRANTURK EQUIPMENT CO., INC. 1,289.30 3092 74214 09/09/19 H0073 HOME DEPOT CRC/GECF 420.39 3092 74215 09/09/19 H0095 HORIZON BCBSNJ 193,369.34 3092 74216 09/09/19 H0098 HERITAGE TOWERS, INC. 45.00 3092 74217 09/09/19 K0086 K D NATIONAL FORCE SECURITY 1,739.50 3092 74218 09/09/19 K0103 KYOCERA DOCUMENT SOLUTIONS 244.15 3092 74219 09/09/19 KOO91 KRISTEES DESIGNS 119.51 3092 74220 09/09/19 M0016 McAFEE, MEGAN 50.00 3092 74221 09/09/19 M0122 MOTOROLA SOLUTIONS, INC. 3,005.60 3092 74222 09/09/19 M0188 MCCARTHY TIRE SERVICE OF PHILA 603.08 3092 74223 09/09/19 M0263 MANGAM SR., ANDREW C 158.04 3092 74224 09/09/19 N0004 NJ-AMERICAN WATER CO. 121.75 3092 74225 09/09/19 P0032 PEDRONI FUEL CO. 1,217.38 3092 74226 09/09/19 P0036 PENNELLO, DAVID 42.00 3092 74227 09/09/19 P0160 PANCOAST, MARK 44.05 3092 74228 09/09/19 P0170 PEACH COUNTRY MULCH 1,800.00 3092 74229 09/09/19 P0175 PRIEST JR., ANTHONY 125.00 3092 74230 09/09/19 Q0003 EUROFINS,QC INC. 135.00 3092 74231 09/09/19 R0030 RIGGINS, INC. 5,028.39 3092 74232 09/09/19 R0099 HUNTER TRUCK SALES & SERVICE 1,304.84 3092 74233 09/09/19 S0020 THE HOME DEPOT PRO 223.44 3092 74234 09/09/19 S0031 SCHULER SECURITY, INC. 145.00 3092 74235 09/09/19 S0057 SERVICE TIRE TRUCK CENTERS 454.28 3092 74236 09/09/19 S0134 SO. JERSEY GAS COMPANY 31.96 3092 74237 09/09/19 S0185 STOCKTON STATE COLLEGE 8.662.34 3092 74238 09/09/19 S0327 SUASION COMMUNICATIONS GROUP 1,909.02 3092 74239 09/09/19 S0329 SERIOUSLY TOTAL VIDEO 250.00 3092 74240 09/09/19 T0080 TREASURER STATE OF N.J. 1,990.75 3092 74241 09/09/19 T0081 TREAS. STATE OF N.J. D.C.A. 50.00 3092 74242 09/09/19 T0085 TREASURER, STATE OF NEW JERSEY 11.00 3092 74243 09/09/19 T0168 TOWNSHIP OF UPPER 441.99 3092 74244 09/09/19 T0179 TUCKAHOE TURF FARMS, INC. 10,800.00 3092 74245 09/09/19 T0192 MARSH & McLENNAN AGENCY/TRION 275.50 3092 74246 09/09/19 U0043 ULINE, INC. 133.82 3092 74247 09/09/19 U0067 UT HEALTH REIMB. ACCOUNT 2.387.64 3092 74248 09/09/19 V0013 VERIZON WIRELESS 1,054.92 3092 74249 09/09/19 V0024 VAL-U AUTO PARTS L.L.C. 1,117.57 3092 74250 09/09/19 V0025 V.E. RALPH & SON.INC. 237.00 3092 74251 09/09/19 W0030 WEST PUBLISHING CO. 497.81 3092 74252 09/09/19 W0050 WIRELESS ELECTRONICS, INC. 326.00 3092 74253 09/09/19 Y0008 YOUNG, DANIEL J. ESQUIRE PC 16,012.50 3092

Total: \$2,400,456.01