

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR SEPTEMBER 23, 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 September 20, 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. 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 Deputy Municipal Clerk Joanne Herron, Municipal Attorney Daniel Young, Township Administrator Scott Morgan, Township Engineer Paul Dietrich and Chief Financial Officer Barbara Ludy.

APPROVAL OF MINUTES – September 9, 2019 Regular and Closed Session Minutes

Motion by Curtis Corson, second by John Coggins, to approve the September 9, 2019 Regular Meeting and Closed Session Minutes as submitted. During roll call vote four Committeemen voted in the affirmative. Committeeman Barr abstained.

REPORT OF GOVERNING BODY MEMBERS

Hobie Young, Committeeman, reported that the Pumpkin Classic Fall Fest and Car Show will be held this Saturday September 28th from 10:00 to 4:00. Vendors are still being accepted. He next thanked Craig Reeves and the Department of Public Works for sprucing up the landscaping at Town Hall. Last, he thanked Brian Beauchamp and Roxanne Lloyd for cleaning up after a recent incident of vandalism at Amanda’s Field.

Edward Barr, Committeeman, on behalf of the Barr family, he thanked all for the kind words and condolences on the recent passing of his Mother.

Curtis Corson, Committeeman, reported that the Township will be holding a free rabies clinic on Saturday October 19th from 1:00 to 3:00 pm at Shore Veterinarians. Next he reported that the Upper

Township Rescue Squad will be holding their annual Trunk or Treat on October 22nd from 6:00 to 8:00 pm at Amanda's Field.

Richard Palombo, Mayor, reported that the Township will be holding a Health and Wellness Fair on October 10th from 3:00 to 5:00 pm at the Upper Township Community Center. The event is open to the public and everyone is invited and encourage to attend. He next reported that he received a letter from Senator Menendez' Office notifying the Township that the Seaville Fire Company has been awarded a Homeland Security Grant in the amount of \$548,000.00. Last, he reported that he recently sent a letter to the head of government affairs at Orsted and the Board of Public Utilities confirming the Township's support of the selection of BL England as the interconnection site for the proposed wind generation project.

OTHER REPORTS

Scott Morgan, Township Administrator, gave a brief report on the public safety preparedness efforts for the upcoming car show event. He thanked the NJSP Woodbine Barracks, the Cape May County Sheriff's Office, the Cape May County OEM, the Cape May County Prosecutor's Office, the Tuckahoe, Seaville, and Marmora Fire Departments, Upper Township OEM, CERT members, the Clerk's Office, Public Works Department, and Upper Township EMS for all their work and effort in preparing for the event. Next, he requested approval to register 27 employees for the NJ League of Municipalities Conference in Atlantic City, at a cost of \$55.00 per registration. Motion by Hobie Young, second by John Coggins, to approve the request. During roll call vote all five Committeemen voted in the affirmative.

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

Paul Dietrich, Township Engineer, gave a brief status report on the Bayview Drive reconstruction project. He next reported that the Army Corps of Engineers beach fill project bid opening was scheduled for last week. However, an addendum to the specifications was needed so the bid opening date has been rescheduled to September 25, 2019. The project is still anticipated to begin in mid to late October.

ORDINANCES

1. **Public hearing and final adoption of Ordinance No. 011-2019 RE: AUTHORIZING THE TRANSFER OF TOWNSHIP OWNED LAND TO THE TUCKAHOE VOLUNTEER FIRE COMPANY.** During the public hearing portion there were no speakers. Motion by Hobie Young, second by Curtis Corson to adopt Ordinance No. 011-2019. 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 THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE **26TH DAY OF AUGUST, 2019** AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE **23RD DAY OF SEPTEMBER, 2019** AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

2. Public hearing and final adoption of Ordinance No. 012-2019 RE: AUTHORIZING THE TRANSFER OF TOWNSHIP OWNED LAND TO HABITAT FOR HUMANITY.

The Township Engineer reported that in 2006, the Planning Board selected a housing subcommittee of residents and board members to choose appropriate locations to meet the Township's affordable housing obligations for the Township's Housing Plan. The subject properties were included in that Housing Plan. The proposed Ordinance will transfer these properties to Habitat for Humanity for the construction of a single family home on each. The subject lots are twice the size of the average lot size in the neighborhood, and the construction will have to comply with the Township's zoning requirements.

During the public hearing portion there were the following speakers:

Joe Fenton, 102 Pacific Avenue, stated that he lives directly across the street from one of the subject properties and spoke in opposition to the Ordinance. He inquired into numerous issues including the type of structure that will be built, enforcement of property maintenance, the access of emergency vehicles and trash trucks, the width of the street, the installation of sidewalk and curbing, the impact of affordable homes on area property values, the potential

stigma to the neighborhood, tax ramifications to the Township, what safeguards he will have as a homeowner, and who will be responsible for the relocation of his mailbox.

Shawn Piper, 106 Pacific Avenue, spoke in opposition to the Ordinance because of the narrowness of the street and the impact to wildlife in the area.

Mike Jones, DPW, stated that the width of Pacific Avenue is currently not wide enough for a trash truck to turn around.

Ben Werntz, 20 Seaside Avenue, inquired if there were plans for other lots on Pacific Avenue to be transferred to Habitat for Humanity or sold to developers. It was stated that there are no plans for the transfer or sale of other lots on Pacific Avenue.

Donald Pileggi, 114 Pacific Avenue, asked if the Township has a tree ordinance to restrict clear cutting. It was stated that the Township does have restrictions to clear only what is necessary, however those restrictions would not apply to this size lot. It was further stated however, that the lot would most likely not be clear cut due to the expense of doing so.

The Township Committee directed the Engineer to confirm the width of the street complies with State regulations. Mayor Palombo also requested that the emergency services organizations be consulted regarding the access to the street. There was then a motion by Curtis Corson, second by Hobie Young, to continue the public hearing of Ordinance No. 012-2019 to the October 15, 2019 meeting. 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 THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE **26TH DAY OF AUGUST, 2019** AT THE TOWNSHIP HALL, WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE **23RD DAY OF SEPTEMBER, 2019**, DURING WHICH TIME THE PUBLIC HEARING AND CONSIDERATION AS TO FINAL ADOPTION WERE CONTINUED TO A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE **15TH 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.

3. **Public hearing and final adoption 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.** During the public hearing portion there were no speakers. Motion by John Coggins, second by Hobie Young to adopt Ordinance No. 013-2019. During roll call vote all five Committeemen voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

ORDINANCE

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 THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE **26TH DAY OF AUGUST, 2019** AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE **23RD DAY OF SEPTEMBER, 2019** AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

4. **Public hearing and final adoption of Ordinance No. 014-2019 RE: AN ORDINANCE AMENDING ORDINANCE NO. 021-2018 KNOWN AS THE SALARY ORDINANCE**

FOR THE CALENDAR YEAR 2019. During the public hearing portion there were no speakers. Motion by John Coggins, second by Curtis Corson to adopt Ordinance No. 014-2019. 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:

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

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

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

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

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE **26TH DAY OF AUGUST, 2019** AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE **23RD DAY OF SEPTEMBER, 2019** AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

- 5. Introduction and first reading of Ordinance No. 016-2019 AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XIX (LAND SUBDIVISION AND SITE PLAN) AND CHAPTER XX (ZONING) OF THE CODE OF UPPER TOWNSHIP.** Motion by Edward Barr, second by Hobie Young, to introduce Ordinance 016-2019 with a public hearing and final adoption scheduled for October 28, 2019. During roll call vote all five Committeemen voted in the affirmative.

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

ORDINANCE NO. 016-2019

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

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

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

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

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

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

Change of Use shall mean any change of a commercial property resulting in any enlargement of any building or structure; the addition of any other business entity onto a commercial

property; any modification to a commercial property which will result in an increase in required off street parking or sanitary flow.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Revise **Section Schedule A** as follows:

Remove Pole Barns and Note #8

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

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

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

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

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

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE **23rd 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 **28th 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.

RESOLUTIONS

6. Designating October 6th as “Knock Out Opioid Abuse Day” in Upper Township.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 284-2019

DESIGNATING OCTOBER 6TH AS “KNOCK OUT OPIOID ABUSE DAY” IN UPPER TOWNSHIP

WHEREAS, New Jersey is in the midst of a life-threatening opioid abuse epidemic; and

WHEREAS, “Knock Out Opioid Abuse Day” is a project of the Partnership for a Drug-Free New Jersey, in cooperation with the Governor’s Council on Alcoholism and Drug Abuse, to educate

residents and healthcare providers in preventing the tragedy of overdose deaths and addiction that has already affected many New Jersey families and communities; and

WHEREAS, the New Jersey State Senate and the General Assembly jointly resolved that October 6th be permanently designated as “Knock Out Opioid Abuse Day” in New Jersey in order to raise awareness of the dangers of opioid abuse and to educate health care providers, community leaders, state lawmakers and members of the public about the opioid abuse epidemic and its effects throughout New Jersey and across the country; and

WHEREAS, the Township of Upper supports initiatives designed to raise awareness of the potential for dependency on prescribed pain medicine and its link to heroin abuse in 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, that October 6th be designated as “Knock Out Opioid Abuse Day” in Upper Township and encourage the citizens of Upper Township to increase their understanding and awareness of the risks of prescription opioids and their link to addiction and overdose.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 23rd day of September, 2019.

Resolution No. 284-2019

Offered by: Young

Seconded by: Barr

Adopted: September 23, 2019

Roll Call Vote:

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

7. Designating the date and time for Trick or Treat in Upper Township.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 285-2019

**RE: DESIGNATING THE DATE AND TIME FOR
TRICK OR TREAT IN UPPER TOWNSHIP**

WHEREAS, for many years, the Township of Upper has selected October 31st from 5:00 PM to 8:00 PM as Trick or Treat for residents of Upper Township and others; and

WHEREAS, the Township wishes to continue this tradition of providing a designated time for Trick or Treat in celebration of Halloween; 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 that said Committee hereby pronounces October 31, 2019 from 5:00 PM until 8:00 PM as Trick or Treat Night, and does hereby urge all community members participating in this activity to incorporate the use of safety procedures for a safe and enjoyable event.

Resolution No. 285-2019

Offered by: Barr

Seconded by: Young

Adopted: September 23, 2019

Roll Call Vote:

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

8. Congratulating employee Stewart Segin of the Upper Township Department of Public Works for his winning entry in the Upper Township Safety Award Program for the 3rd quarter of 2019.

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

RESOLUTION NO. 286-2019

**RE: CONGRATULATING EMPLOYEE STEWART SEGIN OF THE UPPER TOWNSHIP
DEPARTMENT OF PUBLIC WORKS FOR HIS WINNING ENTRY IN
THE UPPER TOWNSHIP SAFETY AWARD PROGRAM
FOR THE 3RD QUARTER OF 2019**

WHEREAS, employee Stewart Segin, is recognized for his efforts to promote safety for his fellow employees and residents of the Township through his participation in the Upper Township Safety Award Program with the submission of a safety suggestion; and

WHEREAS, Stewart's safety suggestion was chosen by the Upper Township Safety Committee from the entries submitted in the third quarter for the promotion of safety for employees and the community; and

WHEREAS, Stewart should be publicly recognized for his recommendation of improvements to the procedure for the records management process; and

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

1. That the Committee extends its appreciation and publicly recognizes Stewart Segin on his commitment to safety by identifying a potential safety hazard and offering a suggestion through participation in the program.
2. That the Committee, on behalf of our employees and the citizens of the Township of Upper, extend to Stewart Segin our congratulations and present him with the "Safety Day Award" of one day off with pay.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper the 23rd day of September, 2019.

Resolution No. 286-2019

Offered by: Barr

Seconded by: Coggins

Adopted: September 23, 2019

Roll Call Vote:

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

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

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

RESOLUTION NO. 287-2019

**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 September 27, 2019:

<u>NAME</u>	<u>POSITION</u>	<u>SALARY</u>	
Edward Carter	Maintenance Worker 2, Grounds	\$55,335.00	Provisional
Harry Downam	Senior Maintenance Repairer	\$58,755.00	Provisional
David Pennello	Senior Carpenter	\$58,755.00	Provisional
Carol Marcolongo	Keyboarding Clerk 1	\$22.00/Hour	Part-time

Resolution No. 287-2019

Offered by: Barr

Seconded by: Young

Adopted: September 23, 2019

Roll Call Vote:

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

10. Appointing Christopher Homan as a full-time employee to the Upper Township Department of Public Works.

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

RESOLUTION NO. 288-2019

**RE: APPOINTING CHRISTOPHER HOHMAN 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.

2. Christopher Hohman is hereby appointed as a full-time Laborer to the Department of Public Works, effective September 24, 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. 288-2019

Offered by: Barr

Seconded by: Coggins

Adopted: September 23, 2019

Roll Call Vote:

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

11. Authorizing the Mayor and Township Clerk to sign a contract with Quality Asset Recovery, LLC for collection services for emergency medical service accounts.

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

RESOLUTION NO. 289-2019

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A CONTRACT
WITH QUALITY ASSET RECOVERY, LLC FOR COLLECTION SERVICES FOR
EMERGENCY MEDICAL SERVICE ACCOUNTS**

WHEREAS, the Township requires collection services for emergency medical service accounts; and

WHEREAS, Quality Asset Recovery, LLC possesses the requisite skill and knowledge to perform these services; and

WHEREAS, a Resolution is required authorizing the award of a contract for professional services to Quality Asset Recovery, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the proposed contract has been reviewed and approved by the Municipal Attorney and will be on record in the office of the Township Clerk and available for public inspection; and

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with Quality Asset Recovery, LLC to provide collection services for emergency medical service accounts.
3. Quality Asset Recovery, 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.
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 Quality Asset Recovery, 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 Quality Asset Recovery, LLC for emergency medical service accounts collection services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

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

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

Resolution No. 289-2019

Offered by: Corson

Seconded by: Coggins

Adopted: September 23, 2019

Roll Call Vote:

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

12. Certification of costs for abatement of nuisance on Block 348, Lot 94.15.

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

RESOLUTION NO. 290-2019

**CERTIFICATION OF COSTS FOR ABATEMENT OF NUISANCE
ON BLOCK 348, LOT 94.15**

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 348, Lot 94.15; 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

WHEREAS, 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 property in question which lien shall become and form a part of the taxes assessed and levied upon the property 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. 290-2019

Offered by: Barr

Seconded by: Coggins

Adopted: September 23, 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

<u>BLOCK/LOT</u>	<u>LOCATION</u>	<u>COST</u>	<u>ADMIN FEE</u>	<u>TOTAL</u>
348/94.15	1435 Route 50	\$350.00	\$70.00	\$420.00

13. Authorizing a contract with Carrie Dickinson for clerical services in the Upper Township Construction Code Office on an as needed basis.

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

RESOLUTION NO. 291-2019

RE: AUTHORIZING A CONTRACT WITH CARRIE DICKINSON FOR CLERICAL SERVICES IN THE UPPER TOWNSHIP CONSTRUCTION CODE OFFICE ON AN AS NEEDED BASIS

WHEREAS, there is a need by the Township of Upper to appoint an independent contractor to perform various clerical services in the Construction Code Office on an as needed basis; and

WHEREAS, Carrie Dickinson possesses the requisite skills to fill this position; and

WHEREAS, a Resolution is required authorizing the award of a contract for clerical services to Carrie Dickinson; and

WHEREAS, the proposed contract has been reviewed and approved by the Municipal Attorney and will be on record in the office of the Township Clerk and available for public inspection and is attached hereto as Exhibit “A”; and

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

WHEREAS, Carrie Dickinson has completed and submitted a Business Entity Disclosure Certification which certifies that Carrie Dickinson 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 Carrie Dickinson from making any reportable contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with Carrie Dickinson for clerical services in the Construction Code Office as needed.
3. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the official budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.
4. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 291-2019

Offered by: Young

Seconded by: Barr

Adopted: September 23, 2019

Roll Call Vote:

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

14. Appointing Methfessel & Werbel to act as Special Legal Counsel for ADA compliance matters.

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

RESOLUTION NO. 292-2019

**RE: APPOINTING METHFESSEL & WERBEL TO ACT AS SPECIAL LEGAL COUNSEL
FOR ADA COMPLIANCE MATTERS**

WHEREAS, the Township requires legal counsel to provide legal services in connection with the Township's compliance with the American with Disabilities Act of 1990 and Web Content Accessibility Guidelines; and

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

WHEREAS, the firm of Methfessel & Werbel has completed and submitted a Business Entity Disclosure Certification which certifies that said firm 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 said firm from making any contributions through the term of the contract; and

WHEREAS, the Township has decided to acquire the services of the firm of Methfessel & Werbel 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. Methfessel & Werbel with offices at 2025 Lincoln Highway, Suite 200, Edison, New Jersey are hereby appointed as Special Legal Counsel to handle the Township's compliance with the American with Disabilities Act of 1990 and Web Content Accessibility Guidelines 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

Methfessel & Werbel has 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 Methfessel & Werbel 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 Methfessel & Werbel 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. 292-2019

Offered by: Barr

Seconded by: Young

Adopted: September 23, 2019

Roll Call Vote:

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

15. Authorizing the Mayor to sign the National Flood Insurance Program Community Rating System recertification and annual progress report.

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

RESOLUTION NO. 293-2019

**RE: AUTHORIZING THE MAYOR TO SIGN THE NATIONAL FLOOD
INSURANCE PROGRAM COMMUNITY RATING SYSTEM RECERTIFICATION
AND ANNUAL PROGRESS REPORT**

WHEREAS, FEMA recertified Upper Township on November 2, 2016 as a Class 5 Community in the National Flood Insurance Program (NFIP) Community Rating System (CRS); and

WHEREAS, under the aforesaid program communities are required to provide an annual progress report and recertification that they are continuing to comply with the CRS program activities; and

WHEREAS, the Township Committee of the Township of Upper has determined that it is in the best interest of the Township's residents to continue participating in the CRS program, which saves residents over \$180,000 annually; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee hereby accepts the Annual Progress Report and Recertification, attached hereto as Exhibit A.
3. The Mayor is hereby authorized to sign the annual recertification report and submit said report to FEMA.
4. 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.
5. Copies of the Annual Report shall be posted on the Township website and distributed to the local press.

Resolution No. 293-2019

Offered by: Barr

Seconded by: Young

Adopted: September 23, 2019

Roll Call Vote:

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

CORRESPONDENCE

NEW BUSINESS

16. **The Historical Preservation Society of Upper Township request the use of Gandy Farm for their annual Apple Fest on Saturday, October 12, 2019 (rain date October 13th).**

Motion by Hobie Young, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative

17. **South Shore Stitches request the use of the Upper Township Community Center for a Quilt Show on October 16, 17, 18, 19, and 20, 2019.** Motion by Hobie Young, second by Richard Palombo, to approve the request. During roll call vote all five Committeemen voted in the affirmative.

18. **Hazard Mitigation Plan update.** Paul Dietrich reported that as part of the Community Rating System program through FEMA, the Township is required to perform an annual review of the plan to identify any changes, status updates, and additional projects.

19. **Request for Hardship Waiver to Street Moratorium for Elmwood Avenue.** Motion by Curtis Corson, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative. A resolution for formal action will be placed on the next agenda.

UNFINISHED BUSINESS

DISCUSSION

PAYMENT OF BILLS

20. "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: \$206,634.92

Payroll: \$183,682.88

REPORT OF MUNICIPAL DEPARTMENTS

21. **Animal Control**

22. **Municipal Court**

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

PUBLIC COMMENT

CLOSED SESSION

23. 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. 294-2019
MOTION GOING INTO CLOSED SESSION
SEPTEMBER 23, 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. Potential Litigation - ADA matters
3. Litigation - Upper Township v. Paynter
4. Contract negotiation - Appraisal Services
5. Contract negotiation - Cape May County Shared Services for Special Events

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 litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.
- D. 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 present voted in the affirmative.

RECONVENE PUBLIC PORTION OF MEETING

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

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:52 P.M., with a motion by John Coggins, second by Richard Palombo, and all five Committeemen present voting in the affirmative. The next regular meeting is scheduled for Tuesday October 15, 2019 at 7:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC
Deputy Municipal Clerk

Bill List

74255 09/23/19 A0018 ACTION SUPPLY INC. 395.68 3094
74256 09/23/19 A0072 AN ENCHANTING FLORIST 112.99 3094
74257 09/23/19 A0081 ARMSTRONG, RALON I. 213.45 3094
74258 09/23/19 A0091 ATLANTIC CITY ELECTRIC 23,060.65 3094
74259 09/23/19 A0193 ATLANTIC INVESTIGATIONS, LLC 80.00 3094
74260 09/23/19 B0035 BELMONT & CRYSTAL SPRINGS 114.85 3094
74261 09/23/19 B0093 BARRY,CORRADO,GRASSI & 1,929.92 3094
74262 09/23/19 B0182 BRIGGS LAW OFFICE, P.C. 770.00 3094
74263 09/23/19 B0201 BUCK'S ELECTRICAL SERVICE, INC 1,140.00 3094
74264 09/23/19 B0220 BERGEY'S TRUCK CENTERS 868.72 3094
74265 09/23/19 B0239 BAILEY, WILLIAM MICHAEL 791.66 3094
74266 09/23/19 B0248 BARNES LAW GROUP LLC 2,253.61 3094
74267 09/23/19 C0042 CAMPBELL SUPPLY COMPANY 756.84 3094
74268 09/23/19 C0046 CAPE MAY COUNTY CLERK 13.00 3094
74269 09/23/19 C0060 CAPRIONI'S PORTABLE TOILETS 658.00 3094
74270 09/23/19 C0068 COMCAST 462.33 3094
74271 09/23/19 C0143 CODY'S POWER EQUIPMENT 50.95 3094
74272 09/23/19 C0182 CDW GOVERNMENT, INC 1,116.90 3094
74273 09/23/19 C0223 CASA PAYROLL SERVICE 274.25 3094
74274 09/23/19 C0259 CAPE PHYSICIANS ASSOCIATES, PA 890.00 3094
74275 09/23/19 C0296 COMCAST BUSINESS COMMUNICATION 1,387.72 3094
74276 09/23/19 D0016 DALEYS PIT 50.00 3094
74277 09/23/19 D0040 DELTA DENTAL OF N.J. INC. 6,266.41 3094
74278 09/23/19 E0012 EHRLICH PEST CONTROL INC 99.00 3094
74279 09/23/19 E0068 EPIC ENVIRONMENTAL 1,140.00 3094
74280 09/23/19 F0030 FASTENAL 501.06 3094
74281 09/23/19 F0048 LESLIE G. FOGG INC 43.75 3094
74282 09/23/19 G0016 GARDNER HARDWARE INC. 631.74 3094
74283 09/23/19 G0028 GENTILINI FORD 75.96 3094
74284 09/23/19 G0086 W.W. GRAINGER, INC. 383.86 3094
74285 09/23/19 G0147 GREATAMERICA FINANCIAL SVCS. 196.00 3094
74286 09/23/19 G0169 GROFF TRACTOR NEW JERSEY LLC 1,343.26 3094
74287 09/23/19 H0073 HOME DEPOT CRC/GECF 44.00 3094
74288 09/23/19 H0148 THOMAS H. HEIST INS AGENCY INC 24,216.66 3094
74289 09/23/19 I0019 INTERNATIONAL CODE COUNCIL,INC 49.00 3094
74290 09/23/19 K0080 KOHLER'S AUTO GLASS 265.00 3094
74291 09/23/19 L0017 LACAL EQUIPMENT, INC. 2,852.94 3094
74292 09/23/19 L0027 LASHLEY HEATING & COOLING INC. 225.00 3094
74293 09/23/19 L0141 LANDBERG CONSTRUCTION LLC 78,779.89 3094
74294 09/23/19 M0080 McMANIMON, SCOTLAND & BAUMANN 118.50 3094
74295 09/23/19 M0263 MANGAM SR., ANDREW C 70.09 3094
74296 09/23/19 M0292 MC SIGNS 421.60 3094
74297 09/23/19 N0052 NATL YOUTH SPORTS COACHED ASSN 820.00 3094
74298 09/23/19 N0143 NATIONAL TIME SYSTEMS 509.34 3094
74299 09/23/19 N0147 NJ Shade Tree Federation 520.00 3094
74300 09/23/19 N0154 NEW HORIZON COMMUNICATIONS 1,170.82 3094
74301 09/23/19 O0006 SJSHORE MARKETING,LLC 101.85 3094
74302 09/23/19 P0032 PEDRONI FUEL CO. 2,003.60 3094
74303 09/23/19 P0140 PIONEER MANUFACTURING CO, INC 310.00 3094
74304 09/23/19 P0175 PRIEST JR., ANTHONY 125.00 3094
74305 09/23/19 Q0003 EUROFINs, QC INC. 371.35 3094
74306 09/23/19 R0030 RIGGINS, INC. 5,051.12 3094
74307 09/23/19 R0100 ROBERTS OXYGEN COMPANY, INC. 112.35 3094
74308 09/23/19 R0115 RID PEST CONTROL INC. 55.00 3094
74309 09/23/19 S0001 SAM'S CLUB 19.88 3094
74310 09/23/19 S0020 THE HOME DEPOT PRO 152.23 3094
74311 09/23/19 S0037 SCHNEIDER'S NURSERY LLC 210.00 3094
74312 09/23/19 S0056 SEASHORE ASPHALT CORPORATION 884.44 3094
74313 09/23/19 S0057 SERVICE TIRE TRUCK CENTERS 2,074.12 3094
74314 09/23/19 S0075 SHARP, RHONDA L. 300.00 3094
74315 09/23/19 S0109 SNAP-ON-INDUSTRIAL 936.75 3094
74316 09/23/19 S0112 SOUTH JERSEY COURT ADM. ASSOC. 30.00 3094
74317 09/23/19 S0113 SMITH,THOMAS G. 840.20 3094
74318 09/23/19 S0134 SO. JERSEY GAS COMPANY 96.20 3094
74319 09/23/19 S0239 SHORE VET. ANIMAL CONTROL LLC 2,450.00 3094
74320 09/23/19 S0254 SHOPRITE 46.92 3094
74321 09/23/19 S0284 SOUTH JERSEY INTERPRETERS 413.96 3094
74322 09/23/19 S0292 JEFFREY SURENIAN & ASSOC. LLC 790.00 3094
74323 09/23/19 T0028 TRACTOR SUPPLY COMPANY CREDIT 119.98 3094

74324 09/23/19 T0032 THE PRESS OF ATLANTIC CITY 448.73 3094
74325 09/23/19 T0131 TROUT, ROSEMARY 60.32 3094
74326 09/23/19 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3094
74327 09/23/19 T0192 MARSH & McLENNAN AGENCY/TRION 325.40 3094
74328 09/23/19 U0043 ULINE, INC. 184.51 3094
74329 09/23/19 V0001 VCI EMERGENCY VEHICLE 2,500.00 3094
74330 09/23/19 V0013 VERIZON WIRELESS 569.59 3094
74331 09/23/19 V0022 VERIZON 627.28 3094
74332 09/23/19 V0024 VAL-U AUTO PARTS L.L.C. 429.77 3094
74333 09/23/19 W0050 WIRELESS ELECTRONICS, INC. 310.00 3094
74334 09/23/19 W0115 WSP USA, INC. 1,909.53 3094
74335 09/23/19 X0008 XEROX FINANCIAL SERVICES 662.40 3094
Total: \$183,682.88