

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR OCTOBER 28, 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 October 25, 2019 the notice of this meeting of the Upper Township Committee was posted on the official Township Bulletin Board, mailed to the Cape May County Gazette, the Atlantic City Press, the Ocean City Sentinel-Ledger, the Herald Times and filed with the Township Clerk. Tonight’s meeting is being video recorded up until the closed session portion of this meeting and will be available on UTTV Channel 97 and on the Upper Township website. I hereby direct that this announcement be made a part of the minutes of this meeting.”

SALUTE TO THE FLAG

ROLL CALL

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

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

APPROVAL OF MINUTES – October 15, 2019 Regular and Closed Session Minutes

Motion by Edward Barr, second by John Coggins, to approve the October 15, 2019 Regular Meeting and Closed Session Minutes as submitted. During roll call vote all five Committeemen voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

John Coggins, Committeeman, reported that he and the CFO recently met with the Municipal Accountant to discuss long term financing and the conversion of bond anticipation notes to permanent financing. He stated that the permanent financing will enable a more structured capital budget. A resolution for formal action will be listed on the next agenda.

Hobie Young, Committeeman, thanked Jay Potter and the Rescue Squad for the excellent Trunk or Treat event. Next, he reported on the recent vandalism at Caldwell Park. The Township Administrator stated that security cameras are scheduled to be installed soon. He stated that he has requested proposals for additional lighting around the playground area, and has requested additional patrols from the State Police. Next, he recommended employees attend turf management courses during the winter. It was stated that the course is an extensive 12 week program and is held in New Brunswick. Next, Committeeman Young requested the status on a PA system. The Township Administrator stated that

they are in the process of obtaining quotes. He next congratulated the football program for their excellent homecoming program.

OTHER REPORTS

Scott Morgan, Township Administrator, reported that Public Works has completed a first pass throughout the Township for brush pickup. The crews will be going through one more time to collect brush. Loose leaf collection will start in November. He recommended residents visit the website to view the updated collection calendar. He next reported that the Upper Township OEM, in conjunction with the Cape May County OEM, will be hosting an Emergency Operations Planning Workshop training session for houses of worship tomorrow evening at the Avalon Community Center. Next, he requested approval for EMT Mike Linz to attend a free three day training class. Motion by Curtis Corson, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative. Last, he reported that the Township received a letter of commendation from the Passport Training Center for the Township's Passport Acceptance Agents, Patty Smyth and Rosemary Trout. He requested approval to nominate Patty and Rosemary for the 2019 National Awards Program for Passport Acceptance Facilities and Agents in recognition of their hard work and excellent service they provide. Motion by Richard Palombo, second by Curtis Corson, to approve the request. During roll call vote all five Committeemen voted in the affirmative.

Barbara Young, Municipal Clerk, reported that she recently attended a County 2020 Census meeting and also met with the Census Partnership Specialist for the area. The Township has been asked to form a committee to assist with the Census operations in the Township. She requested approval to form a Census Complete Count Committee for Upper Township, consisting of herself, the Township Administrator, the Township Engineer, and the Deputy Clerk. Motion by Richard Palombo, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative. She next reported that the employees in the Clerk's Office have completed training in the State's new fish and wildlife licensing program. Hunting and fishing licenses are now available for purchase in the Clerk's Office. Next, she reported that the General Election is Tuesday November 5, 2019. The polls and the Clerk's Office will be open from 6:00 am to 8:00 pm. Next, she reported that the Township's Tree Lighting Ceremony will be held on Monday November 25th at 6:30 pm. Last, she stated that Trick or Treat in Upper Township is scheduled for Thursday October 31st from 5:00 pm to 8:00 pm. It was stated that the date will not be changed despite the possibility of rain in the forecast.

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

Paul Dietrich, Township Engineer, reported that based on public comment at the last meeting regarding the clearing of lots on Tuckahoe Road, he went out and inspected the site. He stated the buffer is in compliance with the Ordinance and their approved site plan requirement to maintain a 50 foot landscape buffer. Next, he reported that the house on 30 Rivendell has been demolished. Last, he reported that the County's reconstruction of Hope Corson Road will commence soon.

RESOLUTIONS

1. Honoring William McLees on attaining the designation of "Eagle Scout".

RESOLUTION

RESOLUTION NO. 306-2019

RE: HONORING WILLIAM MCLEES ON ATTAINING THE DESIGNATION OF "EAGLE SCOUT"

WHEREAS, William McLees of Troop 79, Seaville, New Jersey has recently achieved the designation of Eagle Scout in the Boy Scouts of America; and

WHEREAS, the Township of Upper wishes to acknowledge the outstanding accomplishment of this remarkable young man; and

WHEREAS, the Township Committee extends its sincere congratulations to William on the occasion of his receiving the designation of Eagle Scout and commends him for this outstanding accomplishment and the completion of his Eagle Scout project which consisted of building an information kiosk to support Somers Mansion, the oldest building in Atlantic County located in Somers Point, built in 1725 and on the list of the National Register of Historic Places; and

WHEREAS, William, with a team of scouts, constructed the information kiosk complete with weather proof cabinets, shingled roof and solar panels to provide lights at night. The kiosk will share information about the historic significance of the site with visitors and tourists; and

NOW, THEREFORE, BE IT RESOLVED that the Township Committee extends its sincere congratulations and best wishes to William’s parents, family, and friends on this happy occasion; and it is

FURTHER RESOLVED that the Township Committee also extends its congratulations and appreciation to the Scout Masters and others who give so freely and generously of their time for the benefit of our youth.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 28th day of October, 2019.

Resolution No. 306 - 2019

Offered by: Barr

Seconded by: Young

Adopted: October 28, 2019

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Barr	X			
Coggins	X			

Corson	X			
Young	X			
Palombo	X			

2. Appointing William Hoffmann as a temporary employee to the Upper Township Construction Code Office to serve as Construction Official and Building Subcode Official on an as needed basis.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 307-2019

**RE: APPOINTING WILLIAM HOFFMANN AS A TEMPORARY EMPLOYEE
TO THE UPPER TOWNSHIP CONSTRUCTION CODE OFFICE TO SERVE
AS CONSTRUCTION OFFICIAL AND BUILDING SUBCODE OFFICIAL
ON AN AS NEEDED BASIS**

WHEREAS, there is a need by the Township of Upper to appoint a temporary employee to the Upper Township Construction Code Office to insure optimal operation; and

WHEREAS, William Hoffmann possesses the requisite licenses as required by the New Jersey Uniform Construction Code to serve as a temporary Construction Official and Building Subcode Official on an as needed basis; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. William Hoffmann is hereby appointed to the Upper Township Construction Code Office in a temporary position as the Construction Official and Building Subcode Official on an as needed basis.
3. Compensation shall be at a rate of \$35.00 per hour, in accordance with the Salary Ordinance.

Resolution No. 307 - 2019

Offered by: Barr

Seconded by: Young

Adopted: October 28, 2019

Roll Call Vote:

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

3. Authorizing a Shared Services Agreement with the Cape May County Municipal Utilities Authority for solid waste disposal and recycling services. **The Township Administrator requested that this matter be tabled to allow further review. Motion by Edward Barr,**

second by Curtis Corson, to table this Resolution to a future meeting. During roll call vote all five Committeemen voted in the affirmative.

4. Accepting the conveyance of real property known as Block 16, Lots 20 and 23 on the municipal tax map of the Township of Upper, County of Cape May and State of New Jersey by gift.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 308-2019

**RE: ACCEPTING THE CONVEYANCE OF REAL PROPERTY KNOWN AS BLOCK 16,
LOTS 20 AND 23 ON THE MUNICIPAL TAX MAP OF THE TOWNSHIP OF UPPER,
COUNTY OF CAPE MAY AND STATE OF NEW JERSEY BY GIFT**

WHEREAS, the Township of Upper has received an offer to convey property to the Township by gift from Robert Braverman, Susan McAfee and Jan Braverman; and

WHEREAS, said property is commonly known as Block 16, Lots 20 and 23 on the municipal tax map; and

WHEREAS, the Township has received evidence satisfactory to the Township that there are no liens or encumbrances affecting the property except for ad valorem real estate taxes; that the title is acceptable; that the property is not subject to any environmental hazards or conditions; and is not subject to any pending or threatened environmental enforcement action; and

WHEREAS, the Township Committee of the Township of Upper pursuant to Township Code Section 2-15 has determined to accept said real property by gift pursuant to its stated policy of acquiring certain properties.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township of Upper is hereby authorized to accept the conveyance of the property, known as Block 16, Lots 20 and 23 on the municipal tax map of the Township of Upper, by gift from Robert Braverman, Susan McAfee and Jan Braverman so long as the title at the time of the gift remains as indicated above. In accepting the gift, the Township shall not require the payment of real estate taxes that are unpaid at the time of the gift.

3. The Municipal Attorney is hereby authorized to prepare a Deed of conveyance, or to approve a Deed prepared by the current owners, and to submit said Deed to the Office of the Clerk of Cape May County to be recorded.

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. 308-2019

Offered by: Coggins

Seconded by: Young

Adopted: October 28, 2019

Roll Call Vote:

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

5. Accepting the conveyance of real property known as Block 26, Lot 50 on the municipal tax map of the Township of Upper, County of Cape May and State of New Jersey by gift.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 309-2019

**RE: ACCEPTING THE CONVEYANCE OF REAL PROPERTY KNOWN AS BLOCK 26,
LOT 50 ON THE MUNICIPAL TAX MAP OF THE TOWNSHIP OF UPPER, COUNTY OF
CAPE MAY AND STATE OF NEW JERSEY BY GIFT**

WHEREAS, the Township of Upper has received an offer to convey property to the Township by gift from Robert Braverman, Susan McAfee and Jan Braverman; and

WHEREAS, said property is commonly known as Block 26, Lot 50 on the municipal tax map; and

WHEREAS, the Township has received evidence satisfactory to the Township that there are no liens or encumbrances affecting the property except for ad valorem real estate taxes; that the title is acceptable; that the property is not subject to any environmental hazards or conditions; and is not subject to any pending or threatened environmental enforcement action; and

WHEREAS, the Township Committee of the Township of Upper pursuant to Township Code Section 2-15 has determined to accept said real property by gift pursuant to its stated policy of

acquiring certain properties.

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

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

2. The Township of Upper is hereby authorized to accept the conveyance of the property, known as Block 26, Lot 50 on the municipal tax map of the Township of Upper, by gift from Robert Braverman, Susan McAfee and Jan Braverman so long as the title at the time of the gift remains as indicated above. In accepting the gift, the Township shall not require the payment of real estate taxes that are unpaid at the time of the gift.

3. The Municipal Attorney is hereby authorized to prepare a Deed of conveyance, or to approve a Deed prepared by the current owners, and to submit said Deed to the Office of the Clerk of Cape May County to be recorded.

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. 309-2019

Offered by: Coggins

Seconded by: Barr

Adopted: October 28, 2019

Roll Call Vote:

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

6. Accepting the conveyance of real property known as Block 638, Lot 14 on the municipal tax map of the Township of Upper, County of Cape May and State of New Jersey by gift.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 310-2019

**RE: ACCEPTING THE CONVEYANCE OF REAL PROPERTY KNOWN AS BLOCK 638,
LOT 14 ON THE MUNICIPAL TAX MAP OF THE TOWNSHIP OF UPPER, COUNTY OF
CAPE MAY AND STATE OF NEW JERSEY BY GIFT**

WHEREAS, the Township of Upper has received an offer to convey property to the

Township by gift from Robert Braverman, Susan McAfee and Jan Braverman; and

WHEREAS, said property is commonly known as Block 638, Lot 14 on the municipal tax map; and

WHEREAS, the Township has received evidence satisfactory to the Township that there are no liens or encumbrances affecting the property except for ad valorem real estate taxes; that the title is acceptable; that the property is not subject to any environmental hazards or conditions; and is not subject to any pending or threatened environmental enforcement action; and

WHEREAS, the Township Committee of the Township of Upper pursuant to Township Code Section 2-15 has determined to accept said real property by gift pursuant to its stated policy of acquiring certain properties.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township of Upper is hereby authorized to accept the conveyance of the property, known as Block 638, Lot 14 on the municipal tax map of the Township of Upper, by gift from Robert Braverman, Susan McAfee and Jan Braverman so long as the title at the time of the gift remains as indicated above. In accepting the gift, the Township shall not require the payment of real estate taxes that are unpaid at the time of the gift.
3. The Municipal Attorney is hereby authorized to prepare a Deed of conveyance, or to approve a Deed prepared by the current owners, and to submit said Deed to the Office of the Clerk of Cape May County to be recorded.
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. 310-2019

Offered by: Coggins

Seconded by: Young

Adopted: October 28, 2019

Roll Call Vote:

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

Palombo	X			
---------	---	--	--	--

7. Approving the person-to-person transfer of Plenary Retail Consumption License No. 0511-33-003-007 from Deauville Inn, Inc. to 201 Willard Liquor, LLC.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 311-2019

**RE: APPROVING THE PERSON-TO-PERSON TRANSFER OF
PLENARY RETAIL CONSUMPTION LICENSE NO. 0511-33-003-007
FROM DEAUVILLE INN, INC. TO 201 WILLARD LIQUOR, LLC**

WHEREAS, 201 Willard Liquor, LLC has made application to the Township Committee, the issuing authority of the Township of Upper, for the person-to-person transfer of Plenary Retail Consumption License No. 0511-33-003-007 heretofore issued to Deauville Inn, Inc. for premises located at 201 Willard Road, Strathmere, Upper Township, Cape May County, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local Ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed, and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW THEREFORE BE IT RESOLVED by the Township Committee, the governing body of the Township of Upper does hereby approve, effective October 29, 2019 the person-to-person transfer of Plenary Retail Consumption License No. 0511-33-003-007 to 201 Willard Liquor, LLC and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: This license, subject to all terms its terms and conditions, is hereby transferred to 201 Willard Liquor, LLC effective October 29, 2019.

Resolution No. 311-2019

Offered by: Barr

Seconded by: Coggins

Adopted: October 28, 2019

Roll Call Vote:

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

8. Authorizing the Mayor to sign a NJDEP Green Acres Application for Sale of Real Estate.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 312-2019

**RE: AUTHORIZING THE MAYOR TO SIGN A NJDEP GREEN ACRES APPLICATION FOR
SALE OF REAL ESTATE**

WHEREAS, the NJDEP Green Acres Program has inquired into the purchase of Township owned land Block 479, Lots 70 and 72; and

WHEREAS, Block 479, Lots 70 and 72 consist of prime waterfowl habitat and are contiguous to the NJDEP's Tuckahoe Wildlife Management Area; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township to move forward with request; 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 of the Township of Upper is hereby authorized, directed, and empowered to sign the NJDEP Green Acres Application for Sale of Real Estate with regard to Township owned property Block 479, Lots 70 and 72.
3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Resolution No. 312-2019

Offered by: Coggins

Seconded by: Corson

Adopted: October 28, 2019

Roll Call Vote:

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

9. Authorizing the award of a contract with Crafc0, Inc. for road maintenance and repair supplies.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 313-2019

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH
CRAFCO, INC. FOR ROAD MAINTENANCE AND REPAIR SUPPLIES**

WHEREAS, from time to time the Township of Upper has a need to purchase road maintenance and repair supplies from CrafcO, Inc. as a non-fair and open contract, pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with CrafcO, Inc. for the year 2019 will exceed \$17,500; and

WHEREAS, CrafcO, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that CrafcO, Inc. has not made any reportable contributions to a political or candidate committee in the Township in the previous one year, and that the contract will prohibit CrafcO, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer of the Township has certified the availability of funds to allow the award of contract for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose in the 2019 Municipal Budget.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with CrafcO, Inc. as described herein.
3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
4. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 313-2019
Offered by: Barr
Adopted: October 28, 2019
Roll Call Vote:

Seconded by: Coggins

NAME	YES	NO	ABSTAIN	ABSENT
------	-----	----	---------	--------

Barr	X			
Coggins	X			
Corson	X			
Young	X			
Palombo	X			

10. Rejecting the bids received for Replacement of Putnam Ave & Sumner Ave Bulkheads.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 314-2019

**RE: REJECTING THE BIDS RECEIVED FOR
REPLACEMENT OF PUTNAM AVE & SUMNER AVE BULKHEADS**

WHEREAS, the Township of Upper solicited bids for Replacement of Putnam Ave & Sumner Ave Bulkheads; and

WHEREAS, bids were submitted by four companies; and

WHEREAS, pursuant to N.J.S.A. 40A:11-23.2, the Township Committee has determined to reject the lowest bid from Walters Marine Construction, Inc. for Replacement of Putnam Ave & Sumner Ave Bulkheads heretofore received, due to the fact said bid has a fatal defect; and

WHEREAS, furthermore pursuant to N.J.S.A. 40A:11-13.2, the Township Committee has determined to reject the remaining bids for Replacement of Putnam Ave & Sumner Ave Bulkheads heretofore received, due to the fact the next lowest bid substantially exceeds the Engineer's cost estimate and the appropriation for the project; 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. All bids for Replacement of Putnam Ave & Sumner Ave Bulkheads, received on October 22, 2019, are hereby rejected.
3. The Township Engineer and other duly authorized Township officers are hereby authorized to revise the bid specifications and thereafter re-advertise for bids.

Resolution No. 314-2019
Offered by: Coggins
Adopted: October 28, 2019

Seconded by: Barr

Roll Call Vote:

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

11. Adopting a Hazard Communication Plan for the Township of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 315-2019

**RE: ADOPTING A HAZARD COMMUNICATION PLAN
FOR THE TOWNSHIP OF UPPER**

WHEREAS, the Upper Township Office of Emergency Management has created a Hazard Communication Plan to establish procedures for the safe use of hazardous chemical substances in the Township of Upper; and

WHEREAS, the Township Committee has deemed it to be in the best interest of the Township to adopt said plan; 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 Hazard Communication Plan, dated September 10, 2019 and attached hereto, is hereby accepted by the Township of Upper.
3. The Township Committee expressly reserves the right to amend or revise the Hazard Communication Plan at any time it deems it appropriate.

Resolution No. 315-2019

Offered by: Corson

Seconded by: Barr

Adopted: October 28, 2019

Roll Call Vote:

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

ORDINANCES

12. **Public hearing and final adoption of 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.** The Municipal Attorney reported that this Ordinance is not connected with the Master Plan review. It revises and clarifies several definitions, and revises sections on accessory building, lighting, signs, and zoning permit requirements.

During the public hearing portion there were the following speakers:

Blanche Adams, on behalf of the Upper Township Business Association, inquired if this Ordinance will impose more restrictions on businesses in the Township. The Township Engineer stated that an item in this Ordinance is a result of a meeting with the Business Association several years ago, in which it allows temporary signs to be placed by contractors, landscapers, etc., on properties where they have performed work.

Mayor Palombo then closed the public hearing. Motion by Edward Barr, second by Hobie Young to adopt Ordinance No. 016-2019. 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 THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE **23RD DAY OF SEPTEMBER, 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 **28TH DAY OF OCTOBER, 2019** AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, CLERK
TOWNSHIP OF UPPER

CORRESPONDENCE

NEW BUSINESS

13. **Greater Tuckahoe Area Merchants' Association request to hold a Raffle RA 523 at the Upper Township Community Center on November 23, 2019.** Motion by Hobie Young, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative.
14. **Ocean City Crew Boosters, Inc. request to hold a Raffle RA 524 at the Seaville Tavern on Thursdays, beginning March 19, 2020 through May 7, 2020.** Motion by Edward Barr, second by Curtis Corson, to approve the request. During roll call vote all five Committeemen voted in the affirmative
15. **New Jersey Best Practices Worksheet CY2019/SFY2020.** Motion by John Coggins, second by Edward Barr, to accept the report. During roll call vote all five Committeemen voted in the affirmative
16. **Renewal of Commercial Bingo Hall License for 2020.** Motion by Hobie Young, second by John Coggins, to approve the renewal of the Commercial Bingo Hall license for 2020. During roll call vote all five Committeemen voted in the affirmative.
17. **JIF 2019 Dividend Announcement.** Motion by Richard Palombo, second by John Coggins, to direct that the total dividend of \$50,070 be used as a credit against the 2020 JIF assessment. During roll call vote all five Committeemen voted in the affirmative.
18. **Roy Brennan of Reno NV request the assignment of Tax Sale Certificate Block 629, Lot 9.** The Municipal Attorney reported that this tax sale certificate is for a property in a residential area. He stated that historically the Township has had an unwritten policy of not allowing Township land to be developed into a buildable residential property. He recommended that the request be denied. Motion by John Coggins, second by Richard Palombo, to deny the request. During roll call vote all five Committeemen voted in the affirmative.
19. **Upper Township Historical Society request to hold Santa Express Train event on various dates beginning Sunday December 1, 2019 thru December 23, 2019.** Motion by Hobie Young, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative.

20. Upper Township Soccer Association request to hold a Dodgeball Tournament fundraiser event at the Upper Township Community Center on Saturday November 16, 2019.

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

UNFINISHED BUSINESS

21. NJDOT Roadway Improvement Projects Re: Route 9, Tuckahoe Road to Roosevelt Boulevard. The Township Engineer reported that at the Township Committee's request the DOT consultant has provided an additional plan which shows 14 additional parking spaces south of Harbor Road on the east side of Route 9. After a brief discussion, there was a motion by Curtis Corson, second by Hobie Young, to accept plan option #5 with the reconstruction of the parking area south of Harbor Road. During roll call vote four Committeemen voted in the affirmative. Committeeman Coggins abstained.

DISCUSSION

PAYMENT OF BILLS

22. "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: \$1,547,366.73

Payroll: \$180,090.11

REPORT OF MUNICIPAL DEPARTMENTS

PUBLIC COMMENT

Linda Bateman, Strathmere, inquired into the location and types of properties referenced in Resolution Items #4, #5, and #6. It was stated that the properties on Blocks 16 and 26 are located on Route 49 in Marshallville. The property on Block 638 is a small strip of land in front of Caldwell Park which the Township already maintains. All of the properties are vacant wooded land.

Blanche Adams, Upper Township Business Association, reported that the Business Association's Community Night will be held on November 13, 2019 from 6-8 PM at the Upper Township Elementary School.

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. 316-2019
MOTION GOING INTO CLOSED SESSION
OCTOBER 28, 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 - Municipal Advisory Services
3. Contract Negotiation - Environmental Specialist

4. Contract Negotiation - Special Legal Counsel
5. Potential Litigation - Land Use Approvals

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: Richard Palombo

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

RECONVENE PUBLIC PORTION OF MEETING

Motion by John Coggins, second by Edward Barr, to reconvene the public portion of the meeting.

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

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:32 P.M., with a motion by John Coggins, second by Edward Barr, and all five Committeemen present voting in the affirmative.

The next regular meeting is scheduled for Tuesday, November 12, 2019 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

BILL LIST

74585 10/28/19 A0017 ATLANTIC CO. MUNICIPAL JIF 101,033.00 3099
74586 10/28/19 A0035 AIRLINE HYDRAULIC CORP. 240.63 3099
74587 10/28/19 A0091 ATLANTIC CITY ELECTRIC 23,632.75 3099
74588 10/28/19 A0191 ACTION UNIFORM CO. LLC 168.00 3099
74589 10/28/19 B0201 BUCK'S ELECTRICAL SERVICE, INC 1,500.00 3099
74590 10/28/19 B0238 BUSTED KNUCKLE AUTO & TIRE LLC 175.00 3099
74591 10/28/19 B0239 BAILEY, WILLIAM MICHAEL 791.66 3099
74592 10/28/19 B0248 BARNES LAW GROUP LLC 1,162.39 3099
74593 10/28/19 C0052 CAPE MAY COUNTY TREASURER 1,363,500.01 3099
74594 10/28/19 C0068 COMCAST 604.69 3099
74595 10/28/19 C0223 CASA PAYROLL SERVICE 216.25 3099
74596 10/28/19 C0302 CONSTELLATION, NEW ENERGY, INC 1.48 3099
74597 10/28/19 C0305 CM3 BUILDING SOLUTIONS, INC. 10,285.66 3099
74598 10/28/19 C0307 CNS ACQUISITION CORPORATION 835.00 3099
74599 10/28/19 D0077 DIETRICH, PAUL 20.00 3099
74600 10/28/19 D0175 DICKINSON, CARRIE L. 2,170.00 3099
74601 10/28/19 F0013 FARM RITE INC. 1,477.30 3099
74602 10/28/19 F0016 FAZZIO, JOSEPH INC. 194.53 3099

74603 10/28/19 G0086 W.W. GRAINGER, INC. 1,259.55 3099
74604 10/28/19 G0141 GENTILINI CHEVROLET 1,988.02 3099
74605 10/28/19 G0147 GREATAMERICA FINANCIAL SVCS. 170.00 3099
74606 10/28/19 H0073 HOME DEPOT CRC/GEFCF 289.81 3099
74607 10/28/19 H0189 HERITAGE BUSINESS SYSTEMS, INC 41.40 3099
74608 10/28/19 I0002 IAAO 400.00 3099
74609 10/28/19 I0013 IMPACT TECHNOLOGY SOLUTION LLC 1,140.00 3099
74610 10/28/19 J0074 J.A. MONTGOMERY RISK CONTROL 2,674.00 3099
74611 10/28/19 K0037 KOHLER, JOHN F 265.44 3099
74612 10/28/19 M0174 MCAFEE MEGAN 210.66 3099
74613 10/28/19 M0247 MORGAN, SCOTT 22.39 3099
74614 10/28/19 M0277 MONY LIFE INSURANCE COMPANY 190.41 3099
74615 10/28/19 M0302 Marr, Kevin 24.05 3099
74616 10/28/19 N0094 NEW JERSEY PLANNING OFFICIALS 370.00 3099
74617 10/28/19 O0006 SJSHORE MARKETING,LLC 695.23 3099
74618 10/28/19 P0032 PEDRONI FUEL CO. 1,388.14 3099
74619 10/28/19 P0056 TURF EQUIPMENT AND SUPPLY CO 588.50 3099
74620 10/28/19 P0140 PIONEER MANUFACTURING CO, INC 505.00 3099
74621 10/28/19 P0175 PRIEST JR., ANTHONY 125.00 3099
74622 10/28/19 R0030 RIGGINS, INC. 2,992.20 3099
74623 10/28/19 R0065 ROBERT BROWN TREE SERVICE 1,600.00 3099
74624 10/28/19 R0100 ROBERTS OXYGEN COMPANY, INC. 125.90 3099
74625 10/28/19 S0001 SAM'S CLUB 43.13 3099
74626 10/28/19 S0113 SMITH,THOMAS G. 751.40 3099
74627 10/28/19 S0134 SO. JERSEY GAS COMPANY 335.88 3099
74628 10/28/19 S0153 STERICYCLE, INC. 179.38 3099
74629 10/28/19 S0292 JEFFREY SURENIAN & ASSOC. LLC 726.75 3099
74630 10/28/19 S0327 SUASION COMMUNICATIONS GROUP 1,540.98 3099
74631 10/28/19 S0350 Smith, Clay 21.41 3099
74632 10/28/19 T0067 TOWNSHIP OF UPPER PETTY CASH 6.00 3099
74633 10/28/19 T0080 TREASURER STATE OF N.J. 100.00 3099
74634 10/28/19 V0013 VERIZON WIRELESS 570.15 3099
74635 10/28/19 V0024 VAL-U AUTO PARTS L.L.C. 0.00 10/28/19 VOID 0
74636 10/28/19 V0024 VAL-U AUTO PARTS L.L.C. 1,676.67 3099
74637 10/28/19 V0026 VITAL COMMUNICATIONS, INC. 100.00 3099
74638 10/28/19 V0027 VANORDER, ROGER 161.50 3099
74639 10/28/19 W0050 WIRELESS ELECTRONICS, INC. 1,000.00 3099
74640 10/28/19 W0085 WOODY, LESTER 105.57 3099
74641 10/28/19 W0087 W.B. MASON EGG HARBOR 636.52 3099
74642 10/28/19 W0088 WAWA INC 2,142.99 3099
74643 10/28/19 W0115 WSP USA, INC. 12,194.35 3099
TOTAL: \$1,547,366.73