

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR DECEMBER 16, 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 December 13, 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 – December 9, 2019 Regular and Closed Session Minutes - Motion by Edward Barr, second by Hobie Young, to approve the December 9, 2019 Regular Meeting and Closed Session Minutes as submitted. During roll call vote four Committeemen voted in the affirmative. Curtis Corson abstained.

REPORT OF GOVERNING BODY MEMBERS

John Coggins, Committeeman, wished everyone a Merry Christmas.

Hobie Young, Committeeman, reported that the township will begin organizing the Fall Fest and car show early next year. Lastly, he wished everyone a Merry Christmas and a Happy New Year.

Edward Barr, Committeeman, wished everyone a safe and happy holiday season.

Curtis Corson, Committeeman, wished everyone a safe and happy holiday.

Richard Palombo, Mayor, reported on a request from the Abundant Life Assembly of God for the waiver of fees in connection with a site plan application to construct an addition to the existing church building at 44 Route 50 in Upper Township. It was stated that the church will still be responsible for

the required escrow fees for township professionals. Motion by Curtis Corson second by Edward Barr to approve the request for waiver of application fees in connection with the Abundant Life Assembly of God site plan application to construct an addition to existing church building at 44 Route 50 in Upper Township. During roll call vote all five Committeeman voted in the affirmative.

OTHER REPORTS

Scott Morgan, Township Administrator, gave a brief report on leaf collection. He reported that DPW is ahead of schedule with their leaf collection and will make one more pass through the township before finishing up for the season.

Barbara Young, Municipal Clerk, announced that the 2020 Reorganization meeting will be held on January 6, 2020 at 6:00 p.m. at the Upper Township Municipal Building and wished everyone Happy Holidays.

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

PRESENTATIONS

Oath of Office – Chief EMT Michelle Sampson
Administered by Mayor Richard Palombo

Deputy Chief EMT Mellissa Coker
Administered by Mayor Richard Palombo

RESOLUTIONS

1. Honoring Evan Michael Holmes on attaining the designation of “Eagle Scout”.

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

RESOLUTION NO. 355-2019

RE: HONORING EVAN MICHAEL HOLMES ON ATTAINING THE DESIGNATION OF "EAGLE SCOUT"

WHEREAS, Evan Michael Holmes of Troop 79, Marmora, 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 Evan 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 creating an Outdoor Learning Space and enhancing the existing Garden Club for the Upper Township Elementary School; and

WHEREAS, Evan utilized a vacant courtyard space on the Elementary School playground/blacktop area and designed and supervised the building of a variety of raised and ground level flower beds, four picnic tables with umbrellas and handicapped accessible ramps. This outdoor learning space and garden has created opportunities for teachers, students and the community to connect more with the natural world and learn the importance of agriculture; and

NOW, THEREFORE, BE IT RESOLVED that the Township Committee extends its sincere congratulations and best wishes to Evan'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 9th day of December, 2019.

Resolution No. 355-2019

Offered by: Barr Seconded by: Young

Adopted: December 16, 2019

Roll Call Vote:

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

2. Accepting the 2020 Solid Waste and Recycling Collection Rules and Regulations Resident Information Packet pursuant to Chapter 24 of the Revised General Ordinances of Upper Township.

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

RESOLUTION NO. 356-2019

**ACCEPTING THE 2020 SOLID WASTE AND RECYCLING COLLECTION
RULES AND REGULATIONS RESIDENT INFORMATION PACKET
PURSUANT TO CHAPTER 24 OF THE REVISED GENERAL
ORDINANCES OF UPPER TOWNSHIP**

WHEREAS, the Township of Upper has adopted rules and regulations with regards to collection and disposal of solid waste and recyclables pursuant to Chapter 24 of the Revised General Ordinances; and

WHEREAS, the aforesaid rules and regulations are assembled into a summary entitled “*Residents Information-2020*” to be distributed to Township residents and attached hereto as Exhibit “A”;

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 has determined that the summary attached as Exhibit “A” is in accordance with Chapter 24 of the Revised General Ordinances of Upper Township and is hereby accepted.

Resolution No. 356-2019

Offered by: Barr Seconded by: Coggins

Adopted: December 16, 2019

Roll Call Vote:

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

3. Accepting the bid and authorizing the execution of a contract for the project known as Replacement of Putnam Avenue and Sumner Avenue Bulkheads.

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

RESOLUTION NO. 357-2019

**RE: ACCEPTING THE BID AND AUTHORIZING THE
EXECUTION OF A CONTRACT FOR THE PROJECT KNOWN AS
REPLACEMENT OF PUTNAM AVENUE AND SUMNER AVENUE BULKHEADS**

WHEREAS, the Township of Upper solicited bids for Replacement of Putnam Avenue and Sumner Avenue Bulkheads, which bids were received on December 3, 2019; and

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

WHEREAS, the Township Engineer has submitted a recommendation to the Township Committee with respect to the award of said bids; and

WHEREAS, the Chief Financial Officer of the Township of Upper has certified the availability of funds attached hereto as “Exhibit A” in a sufficient amount to award a contract in the amount of \$243,800.00; and

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township hereby accepts the bid submitted by Arthur R. Henry, Inc. of 3031 Ocean Heights Avenue, Egg Harbor Township, NJ for the project known as Replacement of Putnam Avenue and Sumner Avenue Bulkheads, in the amount of \$243,800.00, subject to the following:

- (A) The Bidder shall comply with all Bid Documents, including the Notice to Bidders, all of which are hereby incorporated herein by this reference.
- (B) The Contract to be entered into must comply in all respects with applicable federal, state and local laws and regulations.
- (C) The Bidder has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.

3. The Mayor and Township Clerk are further authorized to execute a Contract with the successful bidder and/or the Chief Financial Officer is hereby authorized, directed and empowered to issue a Purchase Order to the successful bidder in the amount authorized in this Resolution.

Resolution No. 357-2019

Offered by: Barr

Seconded by: Coggins

Adopted: December 16, 2019

Roll Call Vote:

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

4. Authorizing the purchase of certain items and for the Chief Financial Officer to withdraw funds in the amount of \$29,408.00 from the account entitled Recycling Trust Account for such purposes.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 358-2019

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS AND FOR THE CHIEF
FINANCIAL OFFICER TO WITHDRAW FUNDS IN THE AMOUNT OF \$29,408.00 FROM
THE ACCOUNT ENTITLED RECYCLING TRUST ACCOUNT FOR SUCH PURPOSES**

WHEREAS, it is necessary for the Township of Upper to purchase a new arm assembly for an automated trash truck; and

WHEREAS, the Township has available \$29,408.00 in the Recycling Trust account to make such purchases; and

WHEREAS, GranTurk Equipment Co., Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that GranTurk Equipment Co., 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 GranTurk Equipment Co., Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Township's QPA has reviewed and approved the quote from GranTurk Equipment Co., Inc. of Bridgeport, PA.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper, County of Cape May, New

Jersey hereby authorizes the purchase of a new arm assembly for an automated trash truck in the amount of \$29,408.00 from the Recycling Trust Account.

3. The Chief Financial Officer of the Township of Upper is hereby authorized, directed and empowered to withdraw funds in the amount of \$29,408.00, from the account entitled Recycling Trust Account to pay for a new arm assembly for an automated trash truck and is empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 358-2019

Offered by: Coggins

Seconded by: Barr

Adopted: December 16, 2019

Roll Call Vote:

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

5. Authorizing the purchase of certain items in the amount of \$102,695.20 from the Cape May County Open Space Program Park and Recreation Development Grant.

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

RESOLUTION NO. 359-2019

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS IN THE AMOUNT OF
\$102,695.20 FROM THE CAPE MAY COUNTY OPEN SPACE PROGRAM PARK AND
RECREATION DEVELOPMENT GRANT**

WHEREAS, the Township of Upper has been awarded an Open Space Program Park and Recreation Development grant from Cape May County for improvements to the Beesley's Point Park which will serve as the demonstration site for the County's Open Spaces Creative Placemaking Initiative; and

WHEREAS, the Township wishes to utilize this grant as approved; and

WHEREAS, the Township Committee has determined that a purchase from the national cooperative contract will result in cost savings after all factors have been considered; and

WHEREAS, N.J.S.A. 52:34-6.2 allows the Township of Upper to utilize national

cooperative contracts as a method of procurement; and

WHEREAS, the Township of Upper intends to purchase a restroom building for the Beesley's Point Park in the amount of \$51,869.00 from CXT, Inc. of Spokane, WA through the Sourcewell (formerly NJPA) Contract No. 030117-CXT; and

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

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

WHEREAS, pursuant to N.J.S.A 40A:11-12a, the Township also wishes to purchase of benches, picnic tables and litter receptacles for the Beesley's Point Park in the amount of \$50,826.20 from Keystone Ridge Designs through State Contract No. 16-FLEET-00118; 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 of the Township of Upper, County of Cape May, New Jersey hereby authorizes the purchase of a restroom building for the Beesley's Point Park in the amount of \$51,869.00 from CXT, Inc. of Spokane, WA through the Sourcewell (formerly NJPA) Contract No. 030117-CXT and also authorizes the purchase of benches, picnic tables and litter receptacles for the Beesley's Point Park in the amount of \$50,826.20 from Keystone Ridge Designs through State Contract No. 16-FLEET-0011.
3. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 359-2019

Offered by: Corson

Seconded by: Coggins

Adopted: December 16, 2019

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Barr	X			
Coggins	X			
Corson	X			

Young	X			
Palombo	X			

6. Chapter 159 Resolution for the insertion of a special item of revenue into the 2019 budget that was not determined at the time of the adoption of the budget - State of New Jersey in the amount of \$548,095.23.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 360-2019

**RE: CHAPTER 159 RESOLUTION FOR THE INSERTION OF A SPECIAL ITEM OF
REVENUE INTO THE 2019 BUDGET THAT WAS NOT DETERMINED AT THE TIME OF
THE ADOPTION OF THE BUDGET—STATE OF NEW JERSEY
IN THE AMOUNT OF \$548,095.23**

WHEREAS, N.J.S.A. 40A:4-87 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY WHEN SUCH ITEM SHALL HAVE BEEN MADE AVAILABLE BY LAW AND THE AMOUNT THEREOF WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET; AND

WHEREAS, SAID DIRECTOR MAY ALSO APPROVE THE INSERTION OF AN ITEM OF APPROPRIATION FOR AN EQUAL AMOUNT; AND

WHEREAS, THE TOWNSHIP OF UPPER WILL RECEIVE AN AMOUNT OF \$548,095.23 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY ASSISTANCE TO FIREFIGHTERS GRANT FOR BREATHING APPARATUS AND WISHES TO AMEND ITS 2019 BUDGET TO INCLUDE THIS AMOUNT AS A REVENUE.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HEREBY REQUESTS THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES APPROVE THE INSERTION OF AN ADDITIONAL ITEM OF REVENUE IN THE BUDGET OF THE YEAR 2019 IN THE SUM OF \$548,095.23, WHICH IS NOW AVAILABLE AS A REVENUE FROM:

REVENUE: STATE & FEDERAL REVENUE OFFSET WITH APPROPRIATIONS:
2019 FEDERAL EMERGENCY MANAGEMENT AGENCY ASSISTANCE TO FIREFIGHTERS
GRANT, AND

BE IT FURTHER RESOLVED THAT A LIKE SUM OF \$548,095.23 BE AND THE SAME IS HEREBY APPROPRIATED UNDER THE CAPTION OF:

APPROPRIATION: STATE AND FEDERAL PROGRAMS OFFSET BY REVENUE:
2019 FEDERAL EMERGENCY MANAGEMENT AGENCY ASSISTANCE TO FIREFIGHTERS
GRANT, AND

BE IT FURTHER RESOLVED, THAT THE TOWNSHIP CLERK FORWARD TWO COPIES OF THIS RESOLUTION TO THE DIRECTOR OF LOCAL GOVERNMENT SERVICES.

Resolution No. 360-2019

Offered by: Barr

Seconded by: Coggins

Adopted: December 16, 2019

Roll Call Vote:

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

7. Budget Transfers.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 361-2019

RE: BUDGET TRANSFERS

WHEREAS, budgetary transfers between line items can be made after November 1st; and

WHEREAS, it is necessary to make transfers between certain line items of the
Municipal Budget of the Township of Upper.

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

1. The following transfers between line items in the Municipal Budget of the
Township of Upper shall be made immediately:

TO

FROM

SOCIAL SECURITY
\$5,000.00

ROAD REPAIRS & MAINT. S/W
\$5,000.00

Resolution No. 361-2019

Offered By: Coggins

Seconded By: Barr

Adopted: December 16, 2019

Roll Call Vote:

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

8. Cancel Municipal Tax Lien Block 736, Lot 17.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 362-2019

**CANCEL MUNICIPAL TAX LIEN
BLOCK 736 LOT 17**

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

WHEREAS, the Township accepted conveyance of property by gift on Block 736 Lot 17 known as Meadowland on the Current Official Tax Map of the Township of Upper by way of resolution 042-2019 adopted January 28, 2019; and

WHEREAS, title was conveyed to the Township of Upper by Ralph and Dolores Clayton by way of deed dated July 22, 2019 and recorded December 5, 2019 at the Cape May County Clerk's Office in book D3889 at pages 476-482; and

WHEREAS, the Township of Upper holds Tax Sale Certificate #18-00019 issued October 17, 2018; and

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

Resolution No. 362-2019

Offered by: Coggins

Seconded by: Barr

Adopted: December 16, 2019

Roll Call Vote:

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

CANCEL TAX SALE CERTIFICATE

BLOCK/LOT

TAX SALE CERTIFICATE

AMOUNT

736/17

18-00019

\$ 262.78

9. Cancel Municipal Tax Lien Block 736, Lot 23.

TOWNSHIP OF UPPER

**CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 363-2019

**CANCEL MUNICIPAL TAX LIEN
BLOCK 736 LOT 23**

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

WHEREAS, the Township accepted conveyance of property by gift on Block 736 Lot 23 known as Meadowland on the Current Official Tax Map of the Township of Upper by way of resolution 041-2019 adopted January 28, 2019; and

WHEREAS, title was conveyed to the Township of Upper by Clayton Industries, Inc. by way of deed dated July 19, 2019 and recorded December 5, 2019 at the Cape May County Clerk's Office in book D3889 at pages 470-475; and

WHEREAS, the Township of Upper holds Tax Sale Certificate #17-00025 issued October 4, 2017 and recorded October 16, 2017 at the Cape May County Clerk's Office in book m5909 pages 44-46 ; and

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

Resolution No. 363-2019

Offered by: Coggins

Seconded by: Barr

Adopted: December 16, 2019

Roll Call Vote:

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

CANCEL TAX SALE CERTIFICATE

BLOCK/LOT

TAX SALE CERTIFICATE

AMOUNT

736/23

17-00025

\$ 1,216.25

10. Authorizing the imposition of a Municipal Lien upon 1786 Mt. Pleasant Road, Block 296, Lot 1 related to unsafe structure demolition.

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

RESOLUTION NO. 364-2019

**AUTHORIZING THE IMPOSITION OF A MUNICIPAL LIEN UPON
1786 MT. PLEASANT ROAD, BLOCK 296, LOT 1
RELATED TO UNSAFE STRUCTURE DEMOLITION**

WHEREAS, a dispute arose between the Township of Upper (“Township”) and Joseph and Elma Lou Paynter (the “Paynters”) regarding violations of various township zoning ordinances pertaining to the Paynters’ property, commonly known as 1786 Mt. Pleasant Road, Tuckahoe, New Jersey 08270, consisting of Block 296, Lot 1 (hereinafter, the “Property”), which was the subject of an action captioned Township of Upper vs Joseph W. Paynter, III and Elma Lou Paynter, CPM-C-46-18; and

WHEREAS, in the course of exercising its rights to enter upon the Property pursuant to the Order, dated August 24, 2018, of the Honorable Michael J. Blee of the Superior Court of New Jersey, the Township discovered additional violations, specifically, an unsafe structure; and

WHEREAS, MTAG Cust for Empire III NJ acquired Tax Sale Certificate number 16-00008, dated October 5, 2016 affecting the Property, which was subsequently assigned to Empire TF8 Jersey Holdings LLC (“Empire”); and

WHEREAS, on September 6, 2019, the Honorable Michael J. Blee of the Superior Court of New Jersey Ordered the foreclosure upon said Tax Sale Certificate, in an action captioned Empire TF8 Jersey Holdings LLC vs Joseph W. Paynter, III, et al., F-23486-18; and

WHEREAS, Empire, through its attorney Gary C. Zeitz, Esquire, was placed on notice of the unsafe structure and the Township’s intent to demolish the structure, but nevertheless failed to take corrective action; and

WHEREAS, after following the procedures set forth in N.J.S.A. 40:48-2.5 and the Township of Upper Ordinance No. 008-2018, the Township demolished the unsafe structure in the interest of health and safety of the municipality; and

WHEREAS, the cost of said demolition was \$11,730.22; and

WHEREAS, the Township seeks to recover the demolition cost by the imposition of a lien;
and

WHEREAS, N.J.S.A. 40:48-2.5 and the Township of Upper Ordinance No. 008-2018 authorize a municipality to impose a lien for the cost of demolishing a structure which is unfit for human habitation or occupancy or use; and

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

1. That the Township Committee does hereby authorize the imposition of a lien upon Block 296, Lot 1 in the amount of \$11,730.22 as hereinafter set forth.

2. That the Township Committee has examined the certification of the Code Enforcement Officer (Construction Official) and Township Engineer, attached hereto, and finds it to be correct such that said costs shall be certified to the Tax Collector and Tax Assessor as a lien against the subject Property.

3. That the Mayor and Township Clerk are hereby authorized to execute any and all documents necessary for the imposition of a lien which is the subject of this resolution.

4. This resolution will take effect immediately upon its passage.

Resolution No. 364-2019

Offered by: Young

Seconded by: Barr

Adopted: December 16, 2019

Roll Call Vote:

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

11. Authorizing the imposition of a Municipal Lien upon 1786 Mt. Pleasant Road, Block 296, Lot 1 related to junk removal.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 365-2019

AUTHORIZING THE IMPOSITION OF A MUNICIPAL LIEN UPON 1786 MT. PLEASANT ROAD, BLOCK 296, LOT 1 RELATED TO JUNK REMOVAL

WHEREAS, a dispute arose between the Township of Upper (“Township”) and Joseph and Elma Lou Paynter (the “Paynters”) regarding violations of various township zoning ordinances pertaining to the Paynters’ property, commonly known as 1786 Mt. Pleasant Road, Tuckahoe, New Jersey 08270, which included Block 296, Lot 1 (hereinafter, the “Property”), which was the subject of an action captioned Township of Upper vs Joseph W. Paynter, III and Elma Lou Paynter, CPM-C-46-18; and

WHEREAS, by Order, dated August 24, 2018, of the Honorable Michael J. Blee of the Superior Court of New Jersey (the “Order”), granted the Township certain rights pertaining to the Property, including, but not limited to, the right to remove automobiles, junk, etc. in excess of twenty (20) vehicles; and

WHEREAS, MTAG Cust for Empire III NJ acquired Tax Sale Certificate number 16-00008, dated October 5, 2016 affecting the Property, which was subsequently assigned to Empire TF8 Jersey Holdings LLC (“Empire”); and

WHEREAS, on September 6, 2019, the Honorable Michael J. Blee of the Superior Court of New Jersey Ordered the foreclosure upon said Tax Sale Certificate, in an action captioned Empire TF8 Jersey Holdings LLC vs Joseph W. Paynter, III, et al., F-23486-18; and

WHEREAS, thereafter the Township removed said vehicles and junk in the interest of health and safety of the municipality; and

WHEREAS, the cost of said removal was \$10,518.11; and

WHEREAS, the Order also authorized the Township to place a Municipal Lien upon the Property, including costs; and

WHEREAS, the Township seeks to recover the amount expended for said removal by the imposition of a lien, as authorized by the Order as well as Township of Upper Ordinance No. 008-2018 pertaining to the abatement of code violations; and

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

1. That the Township Committee does hereby authorize the imposition of a lien upon the Property in the amount of \$10,518.11 as hereinafter set forth.

2. That the Township Committee has examined the certification of the Code Enforcement Officer (Construction Official) and Township Engineer, attached hereto, and finds it to be correct such that said costs shall be certified to the Tax Collector and Tax Assessor as a lien against the subject Property.

3. That the Mayor and Township Clerk are hereby authorized to execute any and all documents necessary for the imposition of a lien which is the subject of this resolution.

4. This resolution will take effect immediately upon its passage.

Resolution No. 365-2019

Offered by: Corson Seconded by: Barr

Adopted: December 16, 2019

Roll Call Vote:

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

12. Authorizing the imposition of a Municipal Lien upon 1786 Mt. Pleasant Road, EXCEPT Block 296, Lot 1, related to junk removal.

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

RESOLUTION NO. 366-2019

**AUTHORIZING THE IMPOSITION OF A MUNICIPAL LIEN UPON
1786 AND 1790 MT. PLEASANT ROAD, EXCEPT BLOCK 296, LOT 1,
RELATED TO JUNK REMOVAL**

WHEREAS, a dispute arose between the Township of Upper (“Township”) and Joseph and Elma Lou Paynter (the “Paynters”) regarding violations of various township zoning ordinances pertaining to the Paynters’ property, commonly known as and 1786 and 1790 Mt. Pleasant Road, Tuckahoe, New Jersey 08270, consisting of various lots in multiple blocks, which was the subject of an action captioned Township of Upper vs Joseph W. Paynter, III and Elma Lou Paynter, CPM-C-46-18; and

WHEREAS, Block 296, Lot 1, was formerly a portion of the property commonly known as 1786 Mt. Pleasant Road, Tuckahoe, New Jersey 08270 owned by the Paynters, but title to Block 296, Lot 1 was acquired by Empire TF8 Jersey Holdings LLC on September 6, 2019, by virtue of a Tax Sale Certificate foreclosure, in an action captioned Empire TF8 Jersey Holdings LLC vs Joseph W. Paynter, III, et al., F-23486-18; and

WHEREAS, as a result of the aforementioned foreclosure upon Block 296, Lot 1, the instant Resolution applies to all blocks and lots comprising 1786 and 1790 Mt. Pleasant Road, Tuckahoe, New Jersey 08270, specifically Block 291, Lots 1-14; Block 292, Lots 1-19, Block 295, Lots 8-14; Block 296, Lot 2; and specifically excluding Block 296, Lot 1 (hereinafter, the “Property”); and

WHEREAS, by Order, dated August 24, 2018, of the Honorable Michael J. Blee of the Superior Court of New Jersey (the “Order”), granted the Township certain rights pertaining to the Property, including, but not limited to, the right to remove automobiles, junk, etc. in excess of twenty (20) vehicles; and

WHEREAS, thereafter the Township removed said vehicles and junk in the interest of health and safety of the municipality; and

WHEREAS, the cost of said removal was \$15,149.27; and

WHEREAS, the Order also awarded legal fees to the Township in the amount of \$3,150.74; and

WHEREAS, the Order also authorized the Township to place a Municipal Lien upon the Property, including for attorneys’ fees and costs; and

WHEREAS, the Township seeks to recover the removal and legal costs by the imposition of a lien, as authorized by the Order as well as Township of Upper Ordinance No. 008-2018 pertaining to the abatement of code violations; and

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

1. That the Township Committee does hereby authorize the imposition of a lien upon the Property in the amount of \$18,300.01 as hereinafter set forth.

2. That the Township Committee has examined the certification of the Code Enforcement Officer (Construction Official) and Township Engineer, attached hereto, and finds it to be correct such that said costs shall be certified to the Tax Collector and Tax Assessor as a lien against the subject Property.

3. That the Mayor and Township Clerk are hereby authorized to execute any and all documents necessary for the imposition of a lien which is the subject of this resolution.

4. This resolution will take effect immediately upon its passage.

Resolution No. 366-2019

Offered by: Young Seconded by: Barr

Adopted: December 16, 2019

Roll Call Vote:

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

13. Authorizing the imposition of a Municipal Lien upon 1790 Mt. Pleasant Road, related to unsafe structure demolition.

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

RESOLUTION NO. 367-2019

**AUTHORIZING THE IMPOSITION OF A MUNICIPAL LIEN UPON
1790 MT. PLEASANT ROAD, RELATED TO UNSAFE STRUCTURE DEMOLITION**

WHEREAS, a dispute arose between the Township of Upper (“Township”) and Joseph and Elma Lou Paynter (the “Paynters”) regarding violations of various township zoning ordinances pertaining to the Paynters’ property, which consisted of several contiguous blocks and lots along Mt. Pleasant Road, Tuckahoe, New Jersey 08270; and

WHEREAS, the aforementioned blocks and lots included, but was not limited to, the property commonly known as 1790 Mt. Pleasant Road, Tuckahoe, New Jersey 08270, Block 296, Lot 2 (hereinafter, the “Property”); and

WHEREAS, after following the procedures set forth in N.J.S.A. 40:48-2.5 and the Township of Upper Ordinance No. 008-2018, the Township demolished the unsafe structure upon the Property in the interest of health and safety of the municipality; and

WHEREAS, the cost of said demolition was \$7,237.86; and

WHEREAS, the Township seeks to recover the demolition cost by the imposition of a lien; and

WHEREAS, N.J.S.A. 40:48-2.5 and the Township of Upper Ordinance No. 008-2018 authorize a municipality to impose a lien for the cost of demolishing a structure which is unfit for human habitation or occupancy or use; and

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

1. That the Township Committee does hereby authorize the imposition of a lien upon the Property in the amount of \$7,237.86 as hereinafter set forth.

2. That the Township Committee has examined the certification of the Code Enforcement Officer (Construction Official) and Township Engineer, attached hereto, and finds it to be correct such that said costs shall be certified to the Tax Collector and Tax Assessor as a lien against the subject Property.

3. That the Mayor and Township Clerk are hereby authorized to execute any and all documents necessary for the imposition of a lien which is the subject of this resolution.

4. This resolution will take effect immediately upon its passage.

Resolution No. 367-2019

Offered by: Barr

Seconded by: Coggins

Adopted: December 16, 2019

Roll Call Vote:

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

14. Authorizing the imposition of a Municipal Lien upon 30 Rivendell Road, Block 642, Lot 26 related to unsafe structure demolition.

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

RESOLUTION NO. 368-2019

**AUTHORIZING THE IMPOSITION OF A MUNICIPAL LIEN UPON
30 RIVENDELL ROAD, BLOCK 642, LOT 26 RELATED TO
UNSAFE STRUCTURE DEMOLITION**

WHEREAS, a dispute arose between the Township of Upper (“Township”) and Denise Nelson (“Nelson”) regarding violations of various township zoning ordinances pertaining to the Nelson property, commonly known as 30 Rivendell Road, Marmora, New Jersey 08223, Block 642, Lot 26, (hereinafter, the “Property”); and **WHEREAS**, after following the procedures set forth in N.J.S.A. 40:48-2.5 and the Township of Upper Ordinance No. 008-2018, the Township demolished the unsafe structure upon the Property in the interest of health and safety of the municipality; and

WHEREAS, the cost of said demolition was \$11,349.07; and

WHEREAS, the Township seeks to recover the demolition cost by the imposition of a lien; and

WHEREAS, N.J.S.A. 40:48-2.5 and the Township of Upper Ordinance No. 008-2018 authorize a municipality to impose a lien for the cost of demolishing a structure which is unfit for human habitation or occupancy or use; and

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

1. That the Township Committee does hereby authorize the imposition of a lien upon the Property in the amount of \$11,349.07 as hereinafter set forth.
2. That the Township Committee has examined the certification of the Code Enforcement Officer (Construction Official) and Township Engineer, attached hereto, and finds it to be correct such that said costs shall be certified to the Tax Collector and Tax Assessor as a lien against the subject Property.
3. That the Mayor and Township Clerk are hereby authorized to execute any and all documents necessary for the imposition of a lien which is the subject of this resolution.
4. This resolution will take effect immediately upon its passage.

Resolution No. 368-2019

Offered by: Barr

Seconded by: Young

Adopted: December 16, 2019

Roll Call Vote:

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

ORDINANCES

15. **Public hearing and final adoption of Ordinance No. 021-2019 RE: AN ORDINANCE ESTABLISHING SALARIES FOR THE TOWNSHIP OF UPPER FOR THE CALENDAR YEAR 2020.** During the public hearing portion there were no speakers. Motion by John Coggins, second by Edward Barr to adopt Ordinance No. 021-2019. 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. 021-2019

AN ORDINANCE ESTABLISHING SALARIES FOR THE TOWNSHIP OF UPPER FOR THE CALENDAR YEAR 2020

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: TITLE: This Ordinance shall be known as the Salary Ordinance of 2020.

SECTION 2: SALARIES: Salaries for the various officials and employees of the Township of Upper for the calendar year 2020 shall be as follows:

POSITION

(P/T denotes "Part-Time Position")

MINIMUM MAXIMUM- 2020

A. ADMINISTRATIVE / REVENUE AND FINANCE:

Mayor	\$3,750.00	\$6,000.00
Township Committeeman	7,000.00	13,250.00
Township Tax Assessor	7,500.00	90,000.00
Deputy Tax Assessor	No Min.	3,000.00
Township Tax Collector	15,000.00	90,000.00
Deputy Tax Collector	No Min.	3,000.00
Township Clerk	15,000.00	90,000.00
Deputy Township Clerk (P/T)	525.00	3,000.00
Township Administrator	12,500.00	90,000.00
Keyboarding Clerk 2	15,000.00	65,000.00
Keyboarding Clerk 1	15,000.00	60,000.00

Keyboarding Clerk 1 (P/T)	10.00 Hr.	30.00 Hr.
Keyboarding Clerk 1 (MAC)	No Min.	4,950.00
Township Engineer	50,000.00	120,000.00
Chief Financial Officer	42,000.00	90,000.00
Purchasing Agent	35.00 Hr.	45.00 Hr.
Purchasing Agent/QPA	2,000.00	5,000.00
Assistant Finance Officer	No Min.	3,000.00
Registrar of Vital Statistics/CMR(P/T)	No Min.	5,000.00
Deputy Reg. Vital Statistics (P/T)	No Min.	3,000.00
Alt. Deputy Reg. Vital Statistics (P/T)	No Min.	3,000.00
Public Information Officer	No Min.	10,000.00
Data Information Coordinator/COOP	No Min.	3,500.00
Fund Commissioner	No Min.	2,000.00
Claims Coordinator	No Min.	2,000.00
Mun. Improvement Official (P/T)	No Min.	1,850.00
Tax Search Officer (P/T)	No Min.	1,850.00
Director of Public Asst. (P/T)	500.00	1,000.00
Personnel Officer	5,000.00	90,000.00
Asst. Personnel Officer (P/T)	No Min.	7,000.00
Computer Director	No Min.	1,500.00
Safety Coordinator	No Min.	3,500.00
Ass't Safety Coordinator	No Min.	1,500.00
Municipal Housing Liaison	No Min.	2,500.00
Floodplain Manager	No Min.	1,000.00
Passport Acceptance Agent	No Min.	1,000.00

B. MUNICIPAL COURT:

Municipal Judge (P/T)	15,000.00	60,000.00
Municipal Court Administrator	15,000.00	90,000.00
Deputy Mun. Court Administrator	15,000.00	68,000.00
Municipal Prosecutor (P/T)	No Min.	50,000.00
Court Attendant (P/T)	No Min.	250.00/session
Municipal Public Defender (P/T)	No Min.	30,000.00

C. CODE ENFORCEMENT / ZONING ENFORCEMENT:

Construction Official	15.00.00	98,000.00
Building Subcode Official (P/T)	2,500.00	6,769.00
Electrical Subcode Official (P/T)	9,500.00	38,000.00
Electrical Inspector (P/T)	9,500.00	30,000.00
Fire Sub-Code Off. (P/T)	2,500.00	4,900.00
Zoning Officer (P/T)	2,500.00	7,500.00
Deputy Zoning Officer	No Min.	550.00
Housing Officer/Code Enforce. (P/T)	2,500.00	7,500.00
Fire Prevention Official (P/T)	1,000.00	2,279.00
Plumbing Sub-Code Official (P/T)	No Min.	28,000.00

Plumbing Inspector (P/T)	No Min.	6,524.00
Fire Protection Subcode Official (P/T)	No Min.	15,000.00
Fire Protection Inspector (P/T)	No Min.	5,000.00
Temp. Const. Code/Building Subcode Official	No Min.	35.00/hour
Temp. Elect. Subcode Official/Inspector	No Min.	35.00/hour
Temp. Plumbing Subcode Official	No Min.	35.00/hour
Temp. Fire Protection Subcode Official	No Min.	35.00/hour
Keyboarding Clerk 1 (Construction)	12,000.00	60,000.00
Technical Assistant to Construction Official	12,000.00	60,000.00

D. PUBLIC SAFETY / EMERGENCY MANAGEMENT:

Mun. Emerg. Management Coord. (P/T)	No Min.	25,000.00
Coord. 911 Emerg. Response, RTK	No Min.	2,000.00
Deputy Right to Know	No Min.	1,000.00
Deputy Dir. Emerg. Mgt. (P/T)	No Min.	2,845.00
Asst. Emerg. Mgt. (P/T)	No Min.	900.00
Lifeguard, 1st yr. Seasonal		14.50 Hr.
Lifeguard, 2nd yr. Seasonal		14.50 Hr.
Lifeguard, 3rd yr. to 4th yr.		15.20 Hr.
Lifeguard, 5th yr. and higher		15.50 Hr.
Hr. Lifeguard E.M.T.		\$4.00 Per Day
Captain Lifeguard Seasonal		28.50 Hr.
Lieutenant Lifeguard Seasonal		21.50 Hr.
Senior Lifeguard		18.25 Hr.
Emergency Medical Tech. –3 or more years	12,500.00	62,000.00
Emergency Medical Technician-2nd year	12,500.00	50,000.00
Emergency Medical Technician-1st year	12,500.00	45,000.00
Emergency Medical Technician (P/T)	No Min.	16.00 Hr. 1 st Yr
Emergency Medical Technician (P/T)	No Min.	16.50 Hr. 2 nd Yr
School Crossing Guard (P/T)		15.00 Hr.
Chief Emergency Medical Technician	12,500.00	85,000.00
Deputy Chief Emergency Medical Technician	12,500.00	75,000.00
Sr. Emergency Medical Technician	12,500.00	70,000.00
Supervising Emergency Medical Technician	12,500.00	72,000.00
Supervising Emergency Medical Technician (P/T)		Add'l \$1.00/Hr.

E. PUBLIC WORKS / SPORTS AND RECREATIONAL PROGRAMS:

Superintendent of Public Works	12,500.00	90,000.00
Public Works Superintendent	12,500.00	90,000.00
General Supervisor Public Works	12,500.00	90,000.00
Assistant Public Works Superintendent	12,500.00	85,000.00
Road Repairer Supervisor	12,500.00	85,000.00
Supervisor Sanitation	12,500.00	85,000.00
Supervising Mechanic	12,500.00	83,640.00
Supervising Carpenter	12,500.00	76,500.00
Road Repairer 3	12,500.00	85,000.00

Supervisor Equipment Operator	12,500.00	76,500.00
Supervisor Maintenance Repairer	12,500.00	76,500.00
Maintenance Supervisor, Grounds	12,500.00	76,500.00
Maintenance Worker 3, Grounds	12,500.00	76,500.00
Sr. Carpenter (0-9 yrs.)	12,500.00	59,930.00
Sr. Carpenter (10 or more yrs.)	12,500.00	61,520.00
Carpenter (0-9 yrs.)	12,500.00	56,186.00
Carpenter (10 or more yrs.)	12,500.00	57,776.00
Carpenter's Helper	12,500.00	56,186.00
Senior Mechanic (0-9 yrs.)	12,500.00	59,930.00
Senior Mechanic (10 or more yrs.)	12,500.00	61,520.00
Mechanic (0-9 yrs.)	12,500.00	57,242.00
Mechanic (10 or more yrs.)	12,500.00	58,832.00
Mechanics Helper (0-9 yrs.)	12,500.00	54,941.00
Mechanics Helper (10 or more yrs.)	12,500.00	56,530.00
Equipment Operator (0-9yrs.)	12,500.00	56,442.00
Equipment Operator (10 or more yrs.)	12,500.00	57,776.00
Truck Driver, Heavy (0-9 yrs.)	12,500.00	56,442.00
Truck Driver, Heavy (10 or more yrs.)	12,500.00	57,776.00
Truck Driver (0-9 yrs.)	12,500.00	54,851.00
Truck Driver (10 or more yrs.)	12,500.00	56,442.00
Laborer 1, 1st year	12,500.00	42,815.00
Laborer 1, 2nd year	12,500.00	45,066.00
Laborer 1, 3rd year	12,500.00	47,319.00
Laborer 1, 4th year	12,500.00	49,572.00
Laborer 1, 5th year	12,500.00	51,826.00
Laborer 1 (6-9 yrs.)	12,500.00	53,546.00
Laborer 1 (10 or more yrs.)	12,500.00	55,135.00
Laborer 1 (P/T)	5.00 Hr.	14.50 Hr.
Sr. Sanitation Inspector	12,500.00	57,776.00
Sanitation Inspector (0-9 yrs.)	12,500.00	56,186.00
Sanitation Inspector (10 or more yrs.)	12,500.00	57,776.00
Recycling Laborer	10,400.00	48,560.00
Recycling Coordinator (P/T)	No Min.	5,698.00
Recycling Program Aide	No Min.	2,500.00
Assistant Recycling Coordinator (P/T)	No Min.	2,849.00
Building Maintenance Worker (0-9 yrs.)	22,000.00	39,522.00
Building Maint. Worker (10 or more yrs.)	22,000.00	40,562.00
Recreational Program Coordinator	15,500.00	71,400.00
Maint. Worker 2, Grounds (0-9 yrs.)	11,500.00	58,482.00
Maint. Worker 2, Grds (10 or more yrs.)	11,500.00	59,930.00
Maintenance Repairer (0-9 yrs.)	10,500.00	56,186.00
Maintenance Repairer (10 or more yrs.)	10,500.00	57,776.00
Senior Maintenance Repairer	12,500.00	59,930.00
Maint. Worker 1, Grounds (0-9 yrs.)	10,500.00	54,851.00
Maint. Worker 1, Grds (10 or more yrs.)	10,500.00	56,442.00
Recreation Leader	15,000.00	60,000.00

Recreation Aide	9,500.00	48,499.00
Recreation Aide (P/T)	5.00/Hour	15.00/Hour
Beach Sweeper (Seasonal)	5.00/Hour	15.00/Hour
Beach Inspector	No Min.	2,000.00
Playground Safety Inspector	500.00	1,000.00
Boat Ramp Attendant	No Min.	14.00 Hr.
Skate Park Attendant	No Min.	14.00 Hr.
Keyboarding Clerk 1 (Recreation)	12,500.00	55,000.00
Keyboarding Clerk 2 (Recreation)	12,500.00	65,000.00

F. BOARD OF HEALTH / ZONING BOARD / PLANNING BOARD:

Secretary Planning Board (P/T)	45,000.00
Per Meeting	100.00
Secretary Zoning Board of Adjustment (P/T)	45,000.00
Per Meeting	100.00
Secretary Board of Health (P/T)	550.00

G. TOWNSHIP COMMITTEE MEETING ATTENDANCE: The Township Clerk and the Chief Financial Officer, in lieu of receiving compensatory time for attendance at meetings during non-business hours will receive \$100.00 per meeting.

H. MILEAGE: The standard rate per mile in accordance with I.R.S. regulations.

I. GIFT CARD AWARD OR BONUS: In addition to the salary set forth in this Ordinance, the Township Committee may award any employee as a bonus a gift card or gift cards not to exceed a total amount of \$200.00 for the year. Said award shall be by approval of the Township Committee setting forth the amount and type of the gift card bonus. In addition to a gift card bonus, the Township Committee may award certain employees a bonus for additional work not to exceed a total amount of \$5,000.00 for the year. Said bonus shall be by resolution of the Township Committee setting forth the amount of the bonus.

J. EDUCATIONAL CERTIFICATION PAY RAISE: In addition to the salary set forth in this Ordinance upon resolution of the Township Committee, the Township Committee may give an increase in salary of \$1,000.00 to any employee that has satisfied educational certification requirements for his or her position in accordance with current Township policy. The Township Committee shall by resolution fix the pay increase in this regard and certify that the employee has satisfied the educational certification requirement.

K. ADDITIONAL PAY TO CREW OF SANITATION VEHICLES: Laborers employed in the collection of trash and assigned to the rear of a trash truck shall, in addition to any other compensation payable pursuant to this Ordinance, receive an additional sum to be known as "Hazardous Duty Pay", which shall be payable at the rate of \$.25 per hour.

L. ADDITIONAL PAY TO EMERGENCY MEDICAL TECHNICIANS (EMTs): The most senior Emergency Medical Technician assigned to a shift where a supervisory employee is not also assigned to that shift, in addition to any other compensation payable pursuant to this Ordinance, shall receive an additional sum to be known as "Officer in Charge Pay", which shall be payable at the rate of \$.50 per hour.

SECTION 3: LONGEVITY: In addition to the compensation and benefits otherwise payable, certain employees shall be paid an additional sum based on longevity. Any payment based on longevity shall be in accordance with the following schedule:

YEARS OF SERVICE

**AMOUNT OF INCREASE
BASED ON LONGEVITY**

After 5 years	2%
After 10 years	4%
After 15 years	6%
After 20 years	8%
After 25 years	10%

SECTION 3A: RESTRICTIONS ON LONGEVITY PAYMENTS: Notwithstanding the provisions of Section 3 hereof, a longevity payment or longevity bonus to any single official, officer or employee of the Township of Upper shall not exceed the sum of Three Thousand (\$3,000.00) Dollars. If, as of January 1, 1997, any such official, officer or employee of the Township of Upper was entitled to a longevity payment in excess of Three Thousand (\$3,000.00) Dollars, then such individual shall be entitled to receive the amount to which he or she would have been entitled as of January 1, 1997 and each such official, officer or employee shall thereafter, in all subsequent years, receive a longevity payment or bonus in the amount paid as of January 1, 1997. In no event shall the amount of longevity payments exceed the sum of Three Thousand (\$3,000.00) Dollars, except for those individuals who are entitled to receive in excess of Three Thousand (\$3,000.00) Dollars as of January 1, 1997 and all such individuals shall in 1997 and all succeeding years be restricted to a payment which does not exceed that which was payable on January 1, 1997.

SECTION 3B: LONGEVITY PAY ABOLISHED FOR CERTAIN EMPLOYEES: Any official, officer or employee who was employed by the Township of Upper on or after January 1, 1996 shall not be entitled to any longevity payment. Longevity pay is abolished for any and all officials, officers and employees hired on or subsequent to that date.

SECTION 4: RESOLUTION AS TO SALARIES: The salaries set forth in this Ordinance are the maximum salaries to be paid for the various positions during 2020 and for such period or periods as this Ordinance shall remain in effect. Such maximum salaries shall be paid for each of the positions indicated unless the Township Committee, by Resolution shall fix a lesser salary, in which event such lesser amount shall be paid.

SECTION 5: EFFECTIVE DATE OF PAYMENT: All salaries authorized by this Ordinance shall be paid commencing as follows:

- (A) As of January 1, 2020 for all officials, officers and employees of the Township who were employed or appointed as of December 31, 2019. For those officials, officers and employees appointed at the Reorganization Meeting of the Township Committee, such persons shall be deemed appointed and employed by the Township as of January 1, 2020. This provision shall not apply to members of a Collective Bargaining Unit.
- (B) The payment of any salary increment and longevity payment for members of a Collective Bargaining Unit shall be made in accordance with the provisions of the Collective Bargaining Agreement currently in effect, any other provisions herein to the contrary notwithstanding.
- (C) Upon the effective date of appointment for all officers and employees appointed subsequent to January 1, 2020.
- (D) Any salary increases provided for in this Ordinance shall not apply to any official, officer or employee of the Township who has resigned or otherwise terminated his or her employment with the Township of Upper prior to the effective date of this Ordinance.

SECTION 6: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 7: 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 8: EFFECTIVE DATE: This Ordinance shall take effect immediately upon passage 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 **25TH DAY OF NOVEMBER, 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 **16TH DAY OF DECEMBER, 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

UNFINISHED BUSINESS

DISCUSSION

PAYMENT OF BILLS

16. **“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: \$203,021.70

Payroll: \$254,485.95

REPORT OF MUNICIPAL DEPARTMENTS

17. Division of EMS

18. 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

Ralph Cooper, Green Team, spoke regarding the Upper Township Green Team’s efforts in obtaining a Sustainable New Jersey certification for the Township. He stated this is the fourth year in a row the Green Team has obtained this certification. He thanked Township Engineer

Paul Dietrich for his assistance, and stated that he looks forward to working with the Township and the Green Team with ongoing efforts for resiliency and sustainability.

CLOSED SESSION

19. 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. 369-2019
MOTION GOING INTO CLOSED SESSION
DECEMBER 16, 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 – Actuarial Services
3. Safety and Security

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 litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.
- C. With respect to contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.
- D. 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.

Moved by: John Coggins

Motion seconded by: Edward Barr

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

RECONVENE PUBLIC PORTION OF MEETING

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

Motion by Curtis Corson, second by John Coggins, to offer employment to Scott Fancher as a Part-time EMT pending successful background check. 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 8:16 P.M., with a motion by Curtis Corson, second by Edward Barr, and all five Committeemen voting in the affirmative. The

2020 Annual Reorganization Meeting is scheduled for January 6, 2020 at 6:00 p.m. The next regular meeting is scheduled for January 13, 2020 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

Bill List

74940 12/16/19 A0025 ADVANTAGE RENTAL & SALES 477.13 3107
74941 12/16/19 A0091 ATLANTIC CITY ELECTRIC 19,971.51 3107
74942 12/16/19 A0191 ACTION UNIFORM CO. LLC 38.00 3107
74943 12/16/19 A0212 ANCERO, LLC 1,295.00 3107
74944 12/16/19 B0035 BELMONT & CRYSTAL SPRINGS 30.07 3107
74945 12/16/19 B0093 BARRY,CORRADO,GRASSI & 1,697.50 3107
74946 12/16/19 B0220 BERGEY'S TRUCK CENTERS 3,371.64 3107
74947 12/16/19 B0248 BARNES LAW GROUP LLC 4,170.00 3107
74948 12/16/19 B0259 BENCHMARK INSURANCE COMPANY 26,940.00 3107
74949 12/16/19 B0260 BENCHMARK INSURANCE COMPANY 18,482.00 3107
74950 12/16/19 B0261 BENCHMARK INSURANCE COMPANY 18,024.00 3107
74951 12/16/19 B0262 BENCHMARK INSURANCE COMPANY 11,443.00 3107
74952 12/16/19 C0002 C.M.C. CHAMBER OF COMMERCE,INC 675.00 3107
74953 12/16/19 C0046 CAPE MAY COUNTY CLERK 39.00 3107
74954 12/16/19 C0060 CAPRIONI'S PORTABLE TOILETS 773.50 3107
74955 12/16/19 C0068 COMCAST 367.11 3107
74956 12/16/19 C0122 CMC LEAGUE OF MUNICIPALITIES 500.00 3107
74957 12/16/19 C0143 CODY'S POWER EQUIPMENT 1,009.94 3107
74958 12/16/19 C0230 CATAMARAN MEDIA COMPANY 94.85 3107
74959 12/16/19 C0246 CRAFT OIL CORPORATION 551.61 3107
74960 12/16/19 C0279 CASA REPORTING SERVICES LLC 153.90 3107
74961 12/16/19 C0296 COMCAST BUSINESS COMMUNICATION 1,386.86 3107
74962 12/16/19 D0040 DELTA DENTAL OF N.J. INC. 6,236.52 3107
74963 12/16/19 D0133 DOLLARD-BAKER SEW AND VAC 229.95 3107
74964 12/16/19 E0012 EHRLICH PEST CONTROL INC 300.00 3107
74965 12/16/19 F0053 FORD, SCOTT & ASSOCIATES 7,000.00 3107
74966 12/16/19 F0222 FENTON, SEAN R 388.76 3107
74967 12/16/19 G0035 GENRON FIRE PROTECTION 1,147.10 3107
74968 12/16/19 G0086 W.W. GRAINGER, INC. 257.19 3107
74969 12/16/19 G0147 GREATAMERICA FINANCIAL SVCS. 170.00 3107
74970 12/16/19 G0157 GRANTURK EQUIPMENT CO., INC. 674.42 3107
74971 12/16/19 G0192 GARDEN STATE GENERAL 1,224.00 3107
74972 12/16/19 G0193 GRANT STREET GROUP 3,000.00 3107
74973 12/16/19 H0148 THOMAS H. HEIST INS AGENCY INC 2,313.50 3107
74974 12/16/19 J0041 JONES, JAMES M. 50.00 3107
74975 12/16/19 K0014 KEENAN,BRIAN 287.71 3107
74976 12/16/19 K0047 KLINE, EDWARD T. 270.36 3107
74977 12/16/19 K0100 KEEN COMPRESSED GAS CO. 146.90 3107
74978 12/16/19 L0135 LOUGHLIN, LINDA 116.83 3107
74979 12/16/19 M0263 MANGAM SR., ANDREW C 197.78 3107
74980 12/16/19 M0305 McELWEE & QUINN 1,750.00 3107
74981 12/16/19 N0068 NJ MOTOR VEHICLE COMMISSION 150.00 3107
74982 12/16/19 N0094 NEW JERSEY PLANNING OFFICIALS 50.00 3107
74983 12/16/19 N0143 NATIONAL TIME SYSTEMS 389.00 3107
74984 12/16/19 N0154 NEW HORIZON COMMUNICATIONS 1,225.41 3107
74985 12/16/19 P0175 PRIEST JR., ANTHONY 125.00 3107
74986 12/16/19 Q0003 EUROFINS,QC INC. 155.33 3107
74987 12/16/19 R0115 RID PEST CONTROL INC. 55.00 3107
74988 12/16/19 S0001 SAM'S CLUB 170.49 3107
74989 12/16/19 S0015 SMYTH, PATRICIA 50.00 3107
74990 12/16/19 S0020 THE HOME DEPOT PRO 105.91 3107
74991 12/16/19 S0092 SHONE, LEROY 40.02 3107
74992 12/16/19 S0253 SAMPLE MEDIA, INC. 313.10 3107
74993 12/16/19 S0352 SOURCE MEDIA, LLC 670.00 3107
74994 12/16/19 T0066 TOWNSHIP OF UPPER 60,100.00 3107
74995 12/16/19 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3107
74996 12/16/19 T0192 MARSH & McLENNAN AGENCY/TRION 298.79 3107
74997 12/16/19 V0022 VERIZON 815.48 3107
74998 12/16/19 V0024 VAL-U AUTO PARTS L.L.C. 1,030.53 3107
Total: \$203,021.70