

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR OCTOBER 13, 2009 – TUESDAY**

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Barbara Camp	Present
Frank E. Conrad	Present
Curtis Corson	Present
John “Jay” Newman	Present
Richard Palombo	Absent

Also present were Municipal Clerk Wanda Gaglione, Municipal Attorney Daniel Young, Municipal Engineer Paul Dietrich. Finance Officer Barbara Spiegel did not attend the meeting.

APPROVAL OF MINUTES - September 28, 2009 Regular Meeting and Closed Session Minutes

The Minutes were approved as written with motion by Jay Newman and second by Barbara Camp. During roll call vote all four Committee members present voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Frank Conrad, Committeeman; reported that the grand opening of the Upper Township Dog Park is scheduled for Saturday October 17, 2009 at 10:00 AM. He commented that the park was ready and looked great.

Barbara Camp, Committeewoman; reported on the DPW schedule in that the week of October 19th is the last week that tree trimmings and brush would be collected. The DPW would then be preparing to begin leaf collection throughout the Township in November.

Jay Newman, Committeeman; reported that the Annual Fire Prevention Day that was held last week was very successful. An Open House was held at Marmora Fire House was well attended. Mr. Newman inquired about progress made on safety improvements to intersection of Stage Coach Road and Hope Corson Road. Mr. Dietrich reported that Mayor Palombo sent a letter to the County but the County has not responded with a definitive answer as yet and that he would look into the matter again.

Curtis Corson, Deputy Mayor; asked the engineer if any progress has been made regarding the intersection of State Highway Route 50 and Hope Corson Road? He mentioned a letter received from Dale Foster outlining drainage easement issues in that location. Mr. Dietrich reported that the County is interested in the Advantage Drive impoundment as the most logical solution, however the property owner is reluctant to participate. He reported that the Clean Ocean Action Fall Beach Sweep would be held on October 24, 2009 from 9:00 AM to 12:30 PM beginning at Webster Avenue in Strathmere.

OTHER REPORTS

Wanda Gaglione, Municipal Clerk; reported that the General Election is November 3, 2009, from 6:00 AM to 8:00 PM. The last day to register to vote is today, October 13th; last minute registrations are being taken at the WaWa in Marmora up to 8:00 PM this evening. She requested that an addition be made to tonight's agenda, that being a resolution extending best wishes to Petersburg United Methodist Church on their occasion of their groundbreaking. Mayor Palombo will attend the ceremony.

Paul Dietrich, Township Engineer; reported that he would be on vacation next week. He requested that the Township contract with an outside inspector to oversee the Peach Orchard Road paving project while he is away. Mr. Dietrich will inform the contractor of the arrangement and have them notify the inspector. Motion was made by Jay Newman to authorize Mr. Dietrich to arrange for an outside inspector for the Peach Orchard Road project while he is away. Barbara Camp seconded the motion. During roll call vote Frank Conrad abstained from voting; the remaining three Committee members voted in the affirmative.

RESOLUTIONS

- 1. Accepting the bid of and authorizing the execution of a contract with Arawak Paving Company, Inc. of Hammonton, New Jersey for the 2009 Paving Program, at a cost of \$200,035.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION NO. 205-2009
RE: ACCEPTING THE BID OF AND AUTHORIZING THE
EXECUTION OF A CONTRACT WITH ARAWAK PAVING COMPANY, INC.
OF HAMMONTON, NEW JERSEY
FOR THE 2009 PAVING PROGRAM, AT A COST OF \$200,035.00**

WHEREAS, the Township of Upper has solicited bids for the 2009 Paving Program, which bids were received on September 9, 2009; 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 bid, written recommendation is attached hereto as “Exhibit A”; and

WHEREAS, the Chief Financial Officer of the Township of Upper has certified the availability of funds attached hereto as “Exhibit B” in a sufficient amount to award a contract for \$200,035.00, the line item appropriations to which the contract will be charged are Account Numbers 9-01-44-900-646-611 and 9-01-44-900-621-611; 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 Committee hereby accepts the Engineer’s recommendations and the bid submitted by Arawak Paving Company, Inc. of 7503 Weymouth Road, Hammonton, New Jersey 08037, for the 2009 paving program, in the amount of \$200,035.00, 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. 205-2009
 Offered by: Camp Seconded by: Newman
 Adopted: October 13, 2009

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Camp	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Conrad	<u> </u>	<u> </u>	<u> x </u>	<u> </u>
Corson	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Newman	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u> </u>	<u> </u>	<u> </u>	<u> x </u>

2. In support of a countywide Central Dispatch System for Fire and EMS Services in the County of Cape May.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 RESOLUTION NO. 214-2009**

**RE: IN SUPPORT OF A COUNTYWIDE CENTRAL DISPATCH SYSTEM
 FOR FIRE AND EMS SERVICES IN THE COUNTY OF CAPE MAY**

WHEREAS, in 2008 the Cape May County Fire Chiefs Association proposed a County Wide Central Dispatch System for fire and EMS services throughout the County of Cape May; and

WHEREAS, a study was then ordered and prepared by V-Comm, LLC and Salmon Ventures LTD in May of 2008 called the *Cape May County 9-1-1 Consolidation*

Study that concluded that a centralized dispatch system was a viable concept for Cape May County, that it would improve efficiency, and that it would be more cost effective by reducing redundancy of Public Safety Answering Points (PSAP's) and duplications of equipment; and

WHEREAS, over 80% of the Fire Chiefs in Cape May County support the concept of a county wide central dispatch system for the following reasons:

- a) A centralized system would reduce the damage and losses from fires resulting in a reduction of deaths, disabilities, pain, and suffering experienced by emergency patients and fire victims.
- b) Proven concepts and technologies would be implemented that advance management of fire resources resulting in improved public access to lifesaving services uniformly throughout the county.
- c) A new county wide center would serve as the central point, or communications hub, for the entire county during disasters; and
- d) New state and federal regulations will soon require major revisions of PSAP's for most municipalities resulting in exorbitant costs that could be reduced with one countywide center; and

WHEREAS, a countywide center would create opportunities for future public safety grants which are determined by population figures; presently public safety programs serving populations under 60,000 people in most cases would not be eligible for grant monies.

THEREFORE BE IT RESOLVED, that after careful review of the proposal and for the reasons previously stated in this resolution, the Township Committee of the Township of Upper fully supports the concept of a county wide fire/EMS central dispatch system and urges the support of the Cape May County Freeholders and all Cape May County Municipalities.

Resolution No. 214-2009
 Offered by: Newman Seconded by: Conrad
 Adopted: October 13, 2009

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Camp	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Conrad	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Corson	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Newman	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u> </u>	<u> </u>	<u> </u>	<u> x </u>

3. Authorizing reimbursement of \$500 to Kenneth and Doris Clifford for damage to personal property.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION NO. 215-2009
RE: AUTHORIZING REIMBURSEMENT OF \$500
TO KENNETH AND DORIS CLIFFORD
FOR DAMAGE TO PERSONAL PROPERTY**

WHEREAS, Mr. and Mrs. Kenneth Clifford are the owners of property at 343 Essex Avenue, Marmora which is also located adjacent to Township owned property; and

WHEREAS, a large pine tree situated on the adjacent Township property fell into the Clifford's yard causing damage to their personal property; and

WHEREAS, the Clifford's have requested that the Township of Upper reimburse them \$500.00 for the damages to their personal property caused by the falling tree; and

WHEREAS, the Upper Township Engineer inspected said property and has verified the damage caused by the falling tree;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper in the County of Cape May, that the Municipal Clerk is hereby directed to take necessary corrective action in order for the Township of Upper to reimburse Mr. and Mrs. Clifford for personal property damages in the amount of \$500.

Resolution No. 215-2009

Offered by: Newman Seconded by: Camp

Adopted: October 13, 2009

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Camp	<u> x </u>	_____	_____	_____
Conrad	<u> x </u>	_____	_____	_____
Corson	<u> x </u>	_____	_____	_____
Newman	<u> x </u>	_____	_____	_____

3-A. Extending good wishes to the Wesley United Methodist Church of Petersburg on the occasion of their new Church Building Groundbreaking Ceremony on October 18, 2009.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION NO. 216-2009**

**RE: EXTENDING GOOD WISHES TO THE WESLEY UNITED METHODIST CHURCH OF
PETERSBURG ON THE OCCASION OF THEIR NEW CHURCH BUILDING
GROUNDBREAKING CEREMONY ON OCTOBER 18, 2009**

WHEREAS, the Wesley United Methodist Church has been in existence since 1831 serving for generations the spiritual needs of the citizens of Upper Township as well as all of Cape May County; and

WHEREAS, the current chapel located on County Route 610 and dating back to 1853 is still in use today although through the years the congregation has outgrown it many times over; and

WHEREAS, through much determined work and effort Pastor Fisher and the congregation are now ready to build a larger worship center to accommodate and attend to the needs of the ever-growing number of members; and

NOW, THEREFORE, BE IT RESOLVED, that it is appropriate that the Mayor and Township Committee join in with all Upper Township citizens to publicly recognize this notable event of the groundbreaking ceremony of the new Wesley United Methodist Church in Upper Township on October 18, 2009;

BE IT FURTHER RESOLVED, that the Township Committee on behalf of the citizens of the Township of Upper, in the County of Cape May and State of New Jersey, extends congratulations to Wesley United Methodist Church of Petersburg and recognize that their new place of

worship will create a significant and positive impact upon the spiritual development of the entire community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 13th day of October, 2009.

Resolution No. 216-2009

Offered by: Camp

Seconded by: Conrad

Adopted: October 13, 2009

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Camp	<u>x</u>	_____	_____	_____
Conrad	<u>x</u>	_____	_____	_____
Corson	<u>x</u>	_____	_____	_____
Newman	<u>x</u>	_____	_____	_____
Palombo	_____	_____	_____	<u>x</u>

ORDINANCES

4. Public Hearing and Final Adoption of Ordinance No. 023-2009 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XI AND CHAPTER XXIV OF THE CODE OF UPPER TOWNSHIP TO ESTABLISH STANDARDS TO PREVENT POLLUTION OF THE MUNICIPAL STORM SEWER SYSTEMS.

There were no speakers during the public comment section of the hearing. Motion was made by Jay Newman, second by Frank Conrad to adopt Ordinance No. 023-2009. During roll call vote all four Committee members voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
O R D I N A N C E
ORDINANCE NO. 023 -2009
RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XI AND
CHAPTER XXIV OF THE CODE OF UPPER TOWNSHIP TO ESTABLISH STANDARDS TO
PREVENT POLLUTION OF THE MUNICIPAL STORM SEWER SYSTEMS**

WHEREAS, the State of New Jersey adopted amendments to N.J.A.C. 7:14A and modified the requirements under the Township’s Tier A New Jersey Pollutant Discharge Elimination System (NJPDES) permit; and

WHEREAS, the new requirements require Tier A Municipalities to adopt ordinances that will prevent pollution of the municipal storm sewer systems to protect public health, safety and welfare; and

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Township Committee of the Township of Upper as follows:

SECTION 1. Chapter 11 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:

Section 11-2 entitled “Private Storm Drain Inlet Retrofitting” is hereby added as follows:

11-2 Private Storm Drain Inlet Retrofitting

11-2.1 Purpose.

The purpose of this Ordinance is to provide that properties be required retrofit existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Township of Upper so as to protect public health, safety and welfare.

11-2.2 Definitions.

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the

singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4)- a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by Township of Upper or other public body, and is designed and used for collecting and conveying stormwater.
- b. Person - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Storm drain inlet- an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.
- d. Waters of the State - means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

11-2.3 Prohibited Conduct.

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either: (1) Already meets the design standard below to

control passage of solid and floatable materials; or (2) Is retrofitted or replaced to meet the standard in Section 2.4 below prior to the completion of the project.

11-2.4 Design Standard.

Storm drain inlets identified in Section 11-2.3 above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 2.5 below.

- a. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - (1) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
 - (2) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways,

parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

- b. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

11-2.5 Exemptions.

This standard does not apply:

- a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
- b. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - (1) A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
 - (2) A bar screen having a bar spacing of 0.5 inches.
- c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or

- d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

11-2.6 Penalty.

Any person(s) who is found to be in violation of the provisions of this Ordinance shall be subject to a fine in the minimum amount of Five Hundred Dollars (\$500.00) and not to exceed One Thousand Dollars (\$1,000.00) for each storm drain inlet that is not retrofitted to meet the design standard.

11-2.7 Enforcement.

This section shall be enforceable by any one (1) or more of the following:

- a. Superintendent of Public Works;
- b. Supervisor of Roads;
- c. Recycling Coordinator of the Township of Upper;
- d. Code Enforcement Official(s) of the Township of Upper;
- e. Any inspector or other designated agent of the Cape May County Department of Health;
- f. Any law enforcement officer of the State of New Jersey;
- g. Sanitation Inspector.

SECTION 2. Chapter 24 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:

Section 24-4.1 entitled “Definitions” is amended to add the following and insert in alphabetical order:

Refuse container shall mean any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

Waters of the State shall mean the ocean and the estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial within the boundaries of the State of New Jersey or subject to its jurisdiction.

Section 24-4.2 entitled “Prohibitions” is amended to add the following subsection

f. Improper Spilling or Leaking from Dumpsters. The purpose of this provision is to prevent the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from refuse containers to the municipal separate storm sewer system(s) operated by the Township of Upper and/or the waters of the State so as to protect public health, safety and welfare.

1. Prohibited Conduct.

(a) Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

(b) Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that

such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Township of Upper.

2. Exceptions to Prohibition.
 - (a) Permitted temporary demolition containers.
 - (b) Litter receptacles (other than dumpsters or other bulk containers)
 - (c) Individual homeowner trash and recycling containers
 - (d) Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
 - (e) Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

SECTION 3. REPEAL OF CONFLICTING ORDINANCES: Any ordinances of the Township of Upper that are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4. SEVERABILITY: If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

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

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

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE

TOWNSHIP OF UPPER HELD ON THE 14TH OF SEPTEMBER 2009 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP ON THE 13TH OF OCTOBER 2009 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

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

WANDA GAGLIONE, TOWNSHIP CLERK
TOWNSHIP OF UPPER

5. **Public Hearing and Final Adoption of Ordinance No. 024-2009, RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XX OF THE CODE OF UPPER TOWNSHIP TO AMEND SECTION 15 -DEVELOPMENT FEES TO FACILITATE AFFORDABLE HOUSING. (Please note: Ordinance No. 024-2009 was incorrectly listed as Ordinance No. 013-2009 on the 9/14/09 Agenda)**

There were no speakers during the public comment section of the hearing. Motion was made by Jay Newman, second by Barbara Camp to adopt Ordinance No. 024-2009. During roll call vote all four Committee members voted in the affirmative.

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

ORDINANCE NO. 024 -2009

RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XX OF THE CODE OF UPPER TOWNSHIP TO AMEND SECTION 15 -DEVELOPMENT FEES TO FACILITATE AFFORDABLE HOUSING

WHEREAS, the New Jersey Supreme Court and New Jersey Legislature have recognized and mandated in So. Burl. Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) (“Mount Laurel II”) and the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (“FHA”) that every municipality in New Jersey has an affirmative obligation to facilitate the provision of affordable housing; and

WHEREAS, the New Jersey Council on Affordable Housing (“COAH”) is the State administrative agency created pursuant to the FHA vested with primary jurisdiction for the administration of affordable housing obligations in accordance with sound regional planning considerations in New Jersey; and

WHEREAS, Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development; and;

WHEREAS, the Township of Upper intends to establish standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8; and

WHEREAS, COAH approved the Township's model development fee ordinance on March 17, 2009.

WHEREAS, the Tax Assessor and Construction Official presented information to Township Committee whereby projects that increased the footprint of the building were being assessed the Development Fee and similar projects that were adding new livable space or volume were not being assessed the Development Fee. Township Committee considered the situation and agreed that both types of development should be treated equally.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Township Committee of the Township of Upper that Chapter XX of the Revised General Ordinance of the

Township of Upper, also known as the Code of Upper Township be and is hereby amended as follows:

The following Section 20 -15 entitled “ Development Fees “ is hereby revised as follows:

§20- 15 Development Fees

- d. Residential Development fees
 - 1. Imposed fees
 - i. Unchanged.
 - ii. Residential developers, except for the developers of the types of development specifically exempted below, shall also pay a fee equal to one and a half (1.5%) percent of the equalized value resulting from any new accessory structure or alteration, reconstruction, renovation, repair, and/or addition to an existing structure used for residential purposes that increases the building footprint or volume.
 - iii. Unchanged.
 - iv. Unchanged.
 - 2. Eligible exactions, ineligible exactions and exemptions for residential development
 - i. Unchanged.
 - ii. Unchanged.
 - iii. The fee shall not apply to an increase in equalized assessed value resulting from alterations, reconstruction, renovations or repairs that do not result in an increase in building footprint or volume.
 - iv. Any entity or organization specified in N.J.S.A. 40A:12-21 or structure that is exempt from the payment of ad valorem real estate taxes.

REPEAL OF CONFLICTING ORDINANCES

Any ordinances of the Township of Upper that are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication as required by law.

CODIFICATION

This Ordinance shall be codified in Chapter 20 of the Upper Township Code.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 14TH OF SEPTEMBER 2009 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP ON THE 13TH OF OCTOBER 2009 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

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

WANDA GAGLIONE, TOWNSHIP CLERK
TOWNSHIP OF UPPER

CORRESPONDENCE

NEW BUSINESS

UNFINISHED BUSINESS:

DISCUSSION

PAYMENT OF BILLS:

“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 Jay Newman, second by Barbara Camp with all four Committee members present voting in the affirmative.

Bills submitted for payment: \$219,001.84

Payroll: \$163,071.04

REPORT OF MUNICIPAL DEPARTMENTS:

6. **Construction Code**
7. **Clerk’s Office**
8. **Tax Assessor**
9. **Tax Office-Certification of Mailing of the Added Assessment and Omitted/Added Assessment taxes from 2009 Omitted, and 2009 Final/2010 Preliminary tax bills.**
Motion by Jay Newman, second by Barbara Camp to accept certification. During roll call vote all four Committee members present voted in the affirmative.
10. **Municipal Court-Upper Township and Corbin City**
11. **Finance Office**
12. **MUA Report**

Reports are available from the Clerk’s Office.

PUBLIC COMMENT

There were no speakers during the public comment section of the meeting.

CLOSED SESSION

13. Resolution to conduct a closed meeting pursuant to N.J.S.A. 10:4-12, from which the public shall be excluded.

There was no business for discussion in executive session.

RECONVENE PUBLIC PORTION OF MEETING

ADJOURNMENT

There was no further business for this evening and the meeting was adjourned at 7:55 P.M, motion by Jay Newman, second by Barbara Camp, with the four Committee members present voting in the affirmative. Next meeting is scheduled for October 26, 2009 at 7:30 P.M.

Minutes prepared by

Wanda Gaglione, RMC
Municipal Clerk

Bill List-

49921	10/13/09	A0004	A+ COMMERCIAL OFFICE CLEANERS	250.00	2552
49922	10/13/09	A0023	ADAMS, JOHN	143.79	2552
49923	10/13/09	A0025	ADVANTAGE RENTAL ACE HARDWARE	343.90	2552
49924	10/13/09	A0028	ADVANTAGE RENTAL CENTER INC.	329.24	2552
49925	10/13/09	A0041	ALL ACTION WATER SPORTS, INC.	185.00	2552
49926	10/13/09	A0043	ALERT-ALL CORPORATION	610.53	2552
49927	10/13/09	A0050	ALL STAR SPORT CENTER	8,163.50	2552
49928	10/13/09	A0070	ALBERTSONS/ACME	94.99	2552
49929	10/13/09	A0082	ARMSTRONG, JOSHUA	146.77	2552
49930	10/13/09	A0086	AT&T MOBILITY	274.59	2552
49931	10/13/09	A0091	ATLANTIC CITY ELECTRIC	13,840.62	2552
49932	10/13/09	A0099	ATLANTIC TIME SYSTEMS, INC.	264.90	2552
49933	10/13/09	A0122	ANSELL, ZARO, GRIMM & AARON	542.50	2552
49934	10/13/09	A0123	AIRPOWER INTERNATIONAL INC	20,750.00	2552
49935	10/13/09	A0137	ADVANTAGE EQUIPMENT SERVICE	291.00	2552
49936	10/13/09	B0029	BRADCO SUPPLY CORP.	385.70	2552
49937	10/13/09	B0031	BAINBRIDGE, J.P. & ASSOCIATES	362.50	2552
49938	10/13/09	C0042	CAMPBELL FREIGHTLINER, LLC	260.14	2552
49939	10/13/09	C0060	CAPRIONI'S PORTABLE TOILETS	1,016.00	2552
49940	10/13/09	C0068	COMCAST	169.32	2552
49941	10/13/09	C0124	CMC MUNICIPAL CLERK'S ASSOC.	25.00	2552
49942	10/13/09	C0143	CODY'S POWER EQUIPMENT	22.90	2552
49943	10/13/09	C0171	COLONIAL ELECTRIC SUPPLY CO.	887.61	2552
49944	10/13/09	C0201	CRUZAN'S TRUCK SERVICE INC.	142.96	2552
49945	10/13/09	C0223	CASA PAYROLL SERVICE	210.65	2552
49946	10/13/09	D0003	DATA RESOURCE SOLUTIONS	500.00	2552
49947	10/13/09	D0045	DEPTCOR	225.30	2552
49948	10/13/09	E0012	EHRlich PEST CONTROL INC	71.00	2552
49949	10/13/09	E0049	ENERGY STORE BATTERIES GALORE	147.90	2552
49950	10/13/09	F0054	FORT DEARBORN LIFE INSURANCE	544.98	2552
49951	10/13/09	G0028	GENTILINI FORD	107.22	2552
49952	10/13/09	H0012	HALL, ARTHUR	36.00	2552
49953	10/13/09	H0018	HAROLD RUBIN/L & H SUPPLY	119.90	2552

49954 10/13/09 H0073 HOME DEPOT CRC/GECF 106.80 2552
 49955 10/13/09 I0021 INTERSTATE BATTERIES 9.99 2552
 49956 10/13/09 J0063 JOHNSON WILSHIRE, INC 265.22 2552
 49957 10/13/09 K0014 KEENAN,BRIAN 518.44 2552
 49958 10/13/09 K0037 KOHLER, JOHN F 128.96 2552
 49959 10/13/09 L0033 LTL prints.com 192.70 2552
 49960 10/13/09 L0040 LEA, SHELLEY 31.35 2552
 49961 10/13/09 L0080 LOWES, INC. 1,452.17 2552
 49962 10/13/09 M0012 McCAULEY, RICHARD 79.99 2552
 49963 10/13/09 M0021 MASER CONSULTING, P.A. 8,182.50 2552
 49964 10/13/09 M0180 MED-TECH RESOURCE,INC. 122.33 2552
 49965 10/13/09 M0188 MCCARTHY TIRE SERVICE OF PHILA 5,251.02 2552
 49966 10/13/09 M0189 MAPLOGIC CORPORATION 500.00 2552
 49967 10/13/09 M0213 MATSMATSMATS.COM 69.85 2552
 49968 10/13/09 N0004 NJ-AMERICAN WATER CO. 147.32 2552
 49969 10/13/09 N0043 NAPA AUTO PARTS OF S.JERSEY 97.09 2552
 49970 10/13/09 N0052 NATL YOUTH SPORTS COACHED ASSN 180.00 2552
 49971 10/13/09 N0098 N.J.A.P.Z.A. 50.00 2552
 49972 10/13/09 N0128 NEW JERSEY PLANNING OFFICIALS 50.00 2552
 49973 10/13/09 O0006 OCS PRINTING 103.00 2552
 49974 10/13/09 P0032 PEDRONI FUEL CO. 1,336.38 2552
 49975 10/13/09 P0050 PARSIO, ANTHONY 147.10 2552
 49976 10/13/09 P0061 PINELANDS MUNICIPAL COUNCIL 100.00 2552
 49977 10/13/09 P0075 POSITIVE PROMOTIONS INC 731.07 2552
 49978 10/13/09 Q0008 QUILL CORPORATION 402.89 2552
 49979 10/13/09 R0030 RIGGINS, INC. 6,270.76 2552
 49980 10/13/09 S0001 SAM'S CLUB 872.27 2552
 49981 10/13/09 S0051 SEAL MASTER PRODUCTS & SERVICE 398.80 2552
 49982 10/13/09 S0097 SMH CPR TRAINING CENTER 154.00 2552
 49983 10/13/09 S0112 SOUTH JERSEY COURT ADM. ASSOC. 60.00 2552
 49984 10/13/09 S0122 SOMERS POINT LUMBER INC. 433.74 2552
 49985 10/13/09 S0126 SPIEGEL, BARBARA 8.00 2552
 49986 10/13/09 S0216 DEPT.31 OOOO261489 157.99 2552
 49987 10/13/09 S0232 SOUTH STATE, INC. 109,729.42 2552
 49988 10/13/09 S0241 SAFEGUARD BUSINESS SYSTEMS 82.44 2552
 49989 10/13/09 T0018 TEKK COMM COMMUNICATIONS 18.00 2552
 49990 10/13/09 T0032 THE PRESS & SUNDAY PRESS 592.23 2552
 49991 10/13/09 T0097 TRICO EQUIPMENT INC. 44.00 2552
 49992 10/13/09 T0098 TULL,LYNN 275.00 2552
 49993 10/13/09 T0115 TURF & FARM SUPPLIES, INC. 4,136.80 2552
 49994 10/13/09 U0010 UPPER TOWNSHIP CHEERLEADING 26.25 2552
 49995 10/13/09 U0012 U.T. SOCCER ASSOCIATION 131.25 2552
 49996 10/13/09 U0030 UPPER TOWNSHIP LACROSSE 606.56 2552
 49997 10/13/09 U0038 UPPER TOWNSHIP RESCUE SQUAD 55.00 2552
 49998 10/13/09 U0051 U. S. LUBES LLC 502.40 2552
 49999 10/13/09 V0001 VCI EMERGENCY VEHICLE 64.69 2552
 50000 10/13/09 V0005 VAN EMBDEN, NATHAN, ATTORNEY 825.00 2552
 50001 10/13/09 V0013 VERIZON WIRELESS 391.06 2552
 50002 10/13/09 V0022 VERIZON 262.82 2552
 50003 10/13/09 V0025 V.E. RALPH & SON,INC. 55.04 2552
 50004 10/13/09 W0027 WELSHIE'S 665.00 2552
 50005 10/13/09 W0030 WEST PUBLISHING CO. 323.75 2552
 50006 10/13/09 W0038 WILLIAMS, JEREMIAH J. 105.22 2552
 50007 10/13/09 X0002 XEROX CAPITAL SERVICES,LLC 72.00 2552
 50008 10/13/09 Y0008 YOUNG, DANIEL J. ESQUIRE PC 19,482.60 2552
 50009 10/13/09 Z0001 ZOLL MEDICAL CORPORATION 477.17 2552

 Total Paid: \$219,001.84