

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR MARCH 24, 2014**

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Edward Barr	Present
John Coggins	Present
Antonio Inserra	Present
Hobart Young	Present
Richard Palombo	Present

Also present were Municipal Clerk Barbara Young, Municipal Attorney Daniel Young, Chief Financial Officer Barbara Spiegel, and Municipal Engineer Paul Dietrich.

**APPROVAL OF MINUTES - **March 10, 2014 Regular Meeting and
Closed Session Minutes****

Motion by John Coggins, second by Edward Barr, to adopt the March 10, 2014 Regular Meeting and Closed Session Minutes as submitted. During roll call vote all five Committee members voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

John Coggins, Committeeman, reported that the Township will be revising the temporary budget tonight, however the revisions do not affect the overall 2014 budget. He next reported that the repairs at Municipal Hall have been reported to the insurance company and the costs will most likely be reimbursed.

Hobie Young, Committeeman, reported that the well problem at Municipal Hall has been resolved. He next reported that the concession stand at Amanda's Field was broken into recently and sustained a minimal amount of damage. The crew is working on making the stand more secure. He next reported that he recently met with the head of the baseball association to go over the future plans for baseball at Amanda's Field and the necessity of installing lights at the fields. He thanked the Township's carpenters for the repairs they've been doing at and stated that once the weather cooperates, the fields will be cleaned up and ready for the opening day of baseball.

Anthony Inserra, Committeeman, reported that the Public Works Department has started the automated garbage collection program and he has received many compliments for the excellent job they are doing. Mayor Palombo, Committeeman Barr, and Committeeman Coggins also commended the job the Public Works Department has been doing.

Edward Barr, Committeeman, reported that he will have a report from the Safety Committee in closed session. He next reported that Mayor Palombo was just recently reappointed to the NJ Board of Pharmacy by Governor Christie. He stated that Mayor Palombo has served for the past sixteen years on the New Jersey Board, as well as the National Association of Board of Pharmacy from 2004 to 2010. Committeeman Barr thanked Mayor Palombo for his service.

Richard Palombo, Mayor, appointed Cynthia Harrison as a member of the Planning Board and stated that her resume is extensive and she will be a great addition to the Planning Board. He next reported that he recently met with the Township's new Emergency Management Coordinator to discuss the continuation and expansion of shared service opportunities with Ocean City such as the Volunteer Community Emergency Response Team (CERT) program. He next reported that the Township's OEM office has put together and will be distributing to residents a pamphlet outlining the new CodeRED system, which has replaced the reverse 9-1-1 system. He next reported that he recently attended a meeting with the Army Corps of Engineers regarding the beach fill project in Strathmere. The project is currently in the permitting stage and should commence in the fall. The project will take approximately a year and a half to complete. Lastly he reported on a Press Conference held last Friday by Assemblyman Fiocchi, who joins with Senator VanDrew, Assemblyman Andrzejczak, County Freeholders and members of this Committee in support of the natural gas pipeline project to BL England.

OTHER REPORTS

Daniel Young, Municipal Attorney, reported that the Township recently received an advisory from the New Jersey League of Municipalities regarding pending legislation with respect to the Energy Receipts Tax. The new legislation will reinstate the money that has been diverted to the State Budget from the Energy Receipts Tax over the past decade, and restore the funds back to the Municipalities. The League has asked Municipalities to pass a resolution urging their legislators to move forward with the legislation. Motion by Richard Palombo, second by Anthony Inserra, to draft a Resolution urging the State legislators to move forward with the pending legislation to reinstate the cuts to the Energy Receipts Tax. During roll call vote all five Committee members voted in the affirmative. A Resolution will be placed on a future agenda for formal action. Mr. Young next reported that there are a number of items for closed session; several contract negotiation items, potential litigation, safety and security, and personnel.

Paul Dietrich, Municipal Engineer, reported that the paving project began this past week in the Palermo section of the Township. The crews will continue working throughout the Township through the middle or end of May. The residents in the impacted neighborhoods have been informed and the paving schedule has been posted on UTTV Channel 97 and will be updated as necessary.

Barbara Spiegel, Chief Financial Officer, reminded everyone that the blood drive will be held on Wednesday March 26 from 2-7 pm at the Community Center. Anyone who is able to donate blood is encouraged to attend.

RESOLUTIONS

1. Pledge Supporting New Jersey Wildlife Action Plan.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 67-2014**

RE: PLEDGE SUPPORTING NEW JERSEY WILDLIFE ACTION PLAN

WHEREAS, New Jersey is home to a rich diversity of wildlife and ecologically significant natural communities; and

WHEREAS, New Jersey's wildlife and wild places are under threat from development, fragmentation, invasive species and the impacts of people; and

WHEREAS, the populations of mammals, birds, invertebrates, fish, reptiles and amphibians that live in and migrate through New Jersey find themselves clinging to smaller and smaller pieces of wild clean lands and aquatic habitats; and

WHEREAS, it is more cost-effective to prevent species from becoming imperiled than it is to recover them once their populations have declined; and

WHEREAS, a naturally functioning and healthy ecosystem represents a healthy environment for NJ wildlife and our citizens; and

WHEREAS, the NJ Division of Fish and Wildlife, other state and federal agencies, and many partners in conservation have worked together to develop a state Wildlife Action Plan for the benefit of biologists, wildlife experts, municipal leaders, land stewards, non-profit organizations, educators, planners, researchers, outdoor recreation enthusiasts, landowners and all the people who know the wild places of New Jersey State; and

WHEREAS, the New Jersey Wildlife Action plan is a comprehensive action agenda for the conservation of native wildlife, the restoration of important lands and water, and public education targeting the needs of rare wildlife in New Jersey; and

WHEREAS, the residents of, and visitors to, New Jersey also enjoy and benefit from New Jersey's wildlife and wild spaces.

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, we resolve to take the following steps

with regard to our municipal land-use decisions with the intent of making Upper Township an ecologically sustainable community.

1. It is our intent to include these principles in our public lands management, our environmental resources inventory and to inform the next master plan revision and update our zoning accordingly. Recognizing that animals are an integral and valuable part of all communities and believing concern for the wellbeing of wild animals and wild species is a hallmark of a sustainable natural community the Township Committee of Upper Township pledges its support for the New Jersey Wildlife Action Plan as outlined:

- We will identify imperiled species, critical habitat and unique ecosystems in our Natural Resource Inventory when next updated.
- Acknowledging that it is more cost-effective to protect species than recover species, we will protect populations of rare and imperiled species that live and breed in, and migrate through, the municipality and the habitats they depend upon.
- Because habitat integrity is critical to healthy biodiversity we will manage publicly owned lands in accordance with wildlife management actions laid out in the New Jersey Wildlife Action Plan and will promote the management of all protected lands to promote biodiversity.
- We will protect wildlife habitats and maintain connectivity of habitat when formulating an open space acquisition strategy, open space stewardship plans and through the municipal master plan including planning and zoning ordinances.
- We will seek to minimize disturbance of critical wildlife populations and their habitats from human activities, subsidized predators and invasive species.
- When possible and appropriate, we will work with neighboring municipalities to implement the aforementioned principles across municipal boundaries.
- When possible and appropriate, we will strive to monitor and implement appropriate management of municipal easements to ensure native vegetation and wildlife takes precedence over invasive.

2. This pledge shall be distributed to the Upper Township Green Team, Upper Township Planning Board, Upper Township Board of Adjustment, Municipal Engineer and Zoning Officer.

Resolution No. 67-2014
 Offered by: Palombo
 Adopted: March 24, 2014

Seconded by: Coggins

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>X</u>	_____	_____	_____
Coggins	<u>X</u>	_____	_____	_____
Inserra	<u>X</u>	_____	_____	_____
Young	<u>X</u>	_____	_____	_____
Palombo	<u>X</u>	_____	_____	_____

2. Authorizing the Mayor to sign and submit an application for Recreation Development to the Cape May County Open Space Program.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 68-2014**

**RE: AUTHORIZING THE MAYOR TO
SIGN AND SUBMIT AN APPLICATION FOR RECREATION DEVELOPMENT
TO THE CAPE MAY COUNTY OPEN SPACE PROGRAM**

WHEREAS, the County of Cape May Open Space Program is soliciting requests for funding for recreation and historic preservation to be funded from the Open Space Trust Fund; and

WHEREAS, the goal of the program is to enhance and protect the community assets, provide quality of life and economic stabilization benefits to the Municipalities in the County; and

WHEREAS, the Township of Upper wishes to take advantage of this Program and to authorize the execution and submittal of application for the following project:

Recreational Improvements at Caldwell Park

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor of the Township of Upper is hereby authorized, directed, and empowered to sign and submit the Recreation Development Application.
3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Resolution No. 68-2014
Offered by: Barr
Adopted: March 24, 2014

Seconded by: Palombo

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>X</u>	_____	_____	_____
Coggins	<u>X</u>	_____	_____	_____
Inserra	<u>X</u>	_____	_____	_____

Young	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

3. Appointing Scott Morgan as the Municipal Emergency Management Coordinator, 9-1-1 Coordinator, and Right to Know Director for the Township Of Upper.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 69-2014

RE: APPOINTING SCOTT MORGAN AS THE MUNICIPAL EMERGENCY
MANAGEMENT COORDINATOR, 9-1-1 COORDINATOR, AND RIGHT TO
KNOW DIRECTOR FOR THE TOWNSHIP OF UPPER

WHEREAS, pursuant to N.J.S.A. Appendix A:9-40.1, in every Municipality the Mayor shall appoint a Municipal Emergency Management Coordinator from among the residents of the municipality to serve for a term of three years; and

WHEREAS, the Municipal Emergency Management Coordinator shall be responsible for the planning, activating, coordinating, and the conduct of emergency management operations within the Township of Upper; and

WHEREAS, there is also a need to fill the positions of 9-1-1 Coordinator and Right to Know Director, which have historically been held by the Emergency Management Coordinator; and

WHEREAS, the Mayor has duly considered the matter and has determined that Scott Morgan possesses all of the requisite qualifications for the appointment to said positions as required by law; 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 statements of the preamble above are incorporated herein by this reference.

2. The Township Committee hereby recommends that Scott Morgan be appointed by the Mayor as Municipal Emergency Management Coordinator of the Township of Upper, to fill the current unexpired three year term, commencing January 1, 2013 and expiring December 31, 2015.

3. Scott Morgan is hereby appointed as 9-1-1 Coordinator and Right to Know Director, to fill the unexpired one year term, expiring December 31, 2014.

4. Compensation for the positions of Municipal Emergency Management Coordinator, 9-1-1 Coordinator, and Right to Know Director shall be as follows:

Municipal Emergency Management

Coordinator - \$11,000.00 annual salary

9-1-1 Coordinator and Right to Know

Director - \$1,000.00 annual salary

5. A certified copy of this Resolution shall be filed with the Office of the Governor of the State of New Jersey, the New Jersey Office of Emergency Management, and the Cape May County Office of Emergency Management.

Resolution No. 69-2014
Offered by: Barr
Adopted: March 24, 2014

Seconded by: Inserra

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	X			
Coggins	X			
Inserra	X			
Young	X			
Palombo	X			

4. Authorizing the Greater Tuckahoe Area Merchants Association 5th Annual Tour de Tuckahoe Bike Ride and 4th Annual Duathlon to be held at Amanda's Field in Petersburg, New Jersey on Sunday, May 4, 2014.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 70-2014**

**RE: AUTHORIZING THE GREATER TUCKAHOE AREA MERCHANTS
ASSOCIATION 5th ANNUAL TOUR DE TUCKAHOE BIKE RIDE AND 4th
ANNUAL DUATHLON TO BE HELD AT AMANDA'S FIELD
IN PETERSBURG, NEW JERSEY ON SUNDAY, MAY 4, 2014**

WHEREAS, the Greater Tuckahoe Area Merchants Association, Inc., of P.O. Box 656 Tuckahoe, NJ 08250, has submitted a proposal to the Upper Township Committee requesting authority to hold a Bike Ride in Petersburg, New Jersey on May 4, 2014 which will consist of four different courses to accommodate riders of all levels, which will include a family ride which will circle Amanda's Field and for the advanced riders a 16 mile, 40 mile or 62 mile ride, starting and ending at Amanda's Field, and a duathlon which will consist of a 2 mile run, 9 mile ride and end with a 2 mile run starting and ending at Amanda's Field, Registration beginning at 7:30 a.m., the duathlon beginning at 8:30 a.m., and the bike rides commencing at 9:00 a.m., as indicated in their Application for Use of Facilities and event description which is attached hereto as Exhibit A; and

WHEREAS, the bike tour and the duathlon will travel NJSH Route 50 and will utilize Township, County and State roads in Upper Township as described on maps attached hereto as Exhibit “B”; and

WHEREAS, the proposed event is sanctioned and insured by the Greater Tuckahoe Area Merchants Association, Inc. copy of insurance certificate attached as Exhibit “C”; and

WHEREAS, the parking area and registration site for the event is proposed on Amanda’s Field lots attached hereto as Exhibit “D”; and

WHEREAS, the event organizers have represented that approvals have been or will be obtained from the New Jersey State Police, and any all other governmental agencies or entities having any jurisdiction or interest in the race or race course; 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 does hereby grant approval, to the extent that it has jurisdiction to do so, to the Greater Tuckahoe Area Merchants Association, Inc. for the Bike Ride event to be held on May 4, 2014 as specified in this Resolution and in the accompanying Exhibits subject to and conditioned upon the following:

(A) The event described in this Resolution is carried out by the Greater Tuckahoe Area Merchants’ Association, Inc. These sponsors have no connection, direct or indirect, with the Township of Upper or any of its officials or

employees. These sponsors shall not, in any way, directly or indirectly, represent that the race is, in any way, associated with or affiliated with the Township of Upper and shall make clear that the event is carried out with all appropriate governmental and other approvals. Although the Township of Upper has given permission, subject to the terms of this Resolution, to these event sponsors to conduct the proposed race, it must be made clear that the event is not and shall not be considered a Township of Upper sponsored or sanctioned event.

- (B) Greater Tuckahoe Area Merchants' Association, Inc., has provided general comprehensive liability insurance in form and substance satisfactory to the Township of Upper's Risk Management Consultant. Said insurance includes a medical expense limit. A Certificate of Insurance has been provided to the Township Clerk, which the Risk Management Consultant of the Township of Upper has approved Certificate of Insurance. Said Certificate of Insurance names the Township of Upper, its officials, officers and employees, as an additional insured.
- (C) Greater Tuckahoe Area Merchants' Association, Inc., the event sponsor, has obtained or will obtain written approval from and comply with all conditions imposed by the following entities:
 - (i) the Risk Management Consultant of the Township of Upper.

- (ii) the New Jersey State Police.
- (iii) the Upper Township Rescue Squad.
- (iv) Cape May County Board of Chosen Freeholders.

The event sponsors must provide written authorization from the above entities, including any conditions required of said entities, to the Township Clerk at least seven days prior to the event.

(D) Greater Tuckahoe Area Merchants' Association, Inc., has provided a Use of Facilities Agreement and an Indemnification and Hold Harmless Agreement in favor of the Township of Upper, its officials, officers and employees in the form attached hereto as Exhibit "E".

(E) Setup for the event will take place at 7:00 a.m. the morning of the event.

(F) The approval granted herein is subject to all conditions and stipulations as may be recommended or imposed by the Township's Risk Management Consultant or Insurance Representatives. The Township may revoke this approval if the Event Sponsors fail to comply with any said condition or recommendation or any other condition of this Resolution.

3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 70-2014
Offered by: Inserra

Seconded by: Young

Adopted: March 24, 2014

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Barr	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Coggins	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Inserra	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Young	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

5. A Resolution congratulating the Upper Township Girls Varsity Travel Basketball Team on becoming the 2014 Optimist Basketball Tournament Champions.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 71-2014**

**RE: A RESOLUTION CONGRATULATING
THE UPPER TOWNSHIP GIRLS VARSITY TRAVEL BASKETBALL TEAM
ON BECOMING THE 2014 OPTIMIST BASKETBALL TOURNAMENT
CHAMPIONS**

WHEREAS, the Upper Township Girls Varsity Travel Basketball Team has had an outstanding basketball season; and

WHEREAS, they recently participated in the 2014 George A. D'Amico Memorial Basketball Tournament sponsored by the Greater Wildwoods Optimist Club and won the championship trophy; and

WHEREAS, it is appropriate that on behalf of the citizens of Upper Township we recognize and congratulate the players listed as follows:

Kyra French	Olivia Kirby	Tori Rolls
Ally Hanley	Brenna Laverty	Amanda Schmid
Savanna Holt	Alanna Palombo	Kilie Wyers

WHEREAS, we also extend this recognition and thanks to the people that have generously given their personal time and service to coach this team, they being Dan Palombo and Tom Barbieri;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee on behalf of the citizens of the Township of Upper, to extend to the Upper Township Girls Varsity Travel Basketball Team congratulations on becoming the 2014 Optimist Basketball Champions, and to each coach heartfelt thanks and gratitude for the generous donation of their time and service to the young people of this community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 24th day of March, 2014.

Resolution No. 71-2014

Offered by: Palombo

Seconded by: Barr

Adopted: March 24, 2014

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>X</u>	___	___	___
Coggins	<u>X</u>	___	___	___
Inserra	<u>X</u>	___	___	___
Young	<u>X</u>	___	___	___
Palombo	<u>X</u>	___	___	___

6. Adopting Revisions to the Township of Upper Purchasing Policy.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 72-2014**

**RE: ADOPTING REVISIONS TO THE TOWNSHIP OF UPPER
PURCHASING POLICY**

WHEREAS, on May 13, 2013 the Township of Upper adopted a Purchasing Policy to assist Township employees in the responsibilities of purchasing and as a guide to the Township's purchasing procedures; and

WHEREAS, on October 15, 2013 the Township of Upper revised the Purchasing Policy; and

WHEREAS, the Township Committee of the Township of Upper has determined there is a need to make further revisions to the Purchasing Policy; 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 revised Township of Upper Purchasing Policy attached hereto as Exhibit "A" is hereby approved and adopted.
3. The provisions of this policy may be amended and supplemented from time to time at the sole discretion of the Township Committee.
4. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 72-2014
Offered by: Palombo
Adopted: March 24, 2013

Seconded by: Inserra

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>X</u>	___	___	___
Coggins	<u>X</u>	___	___	___
Inserra	<u>X</u>	___	___	___
Young	<u>X</u>	___	___	___
Palombo	<u>X</u>	___	___	___

Exhibit A

DONATIONS FROM FEDERAL SURPLUS PROPERTY PROGRAM

From time to time federal surplus property may become available to the Township of Upper through the Federal Surplus Property Program. The Township has designated the Mayor, the Municipal Emergency Management Coordinator, the Supervisor of Public Works and the Purchasing Agent as authorized representatives to select, acquire and receive the federal surplus property, subject to prior authorization by the Township Committee by resolution. The Purchasing Agent will confirm that the desired items can be maintained, stored and insured. After the Purchasing Agent's review, a resolution of the Township Committee shall be required prior to acceptance of the donated items.

7. Authorizing the Mayor to sign and submit a Federal Surplus Property Program Application for eligibility by Public Agency.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N
RESOLUTION NO. 73-2014**

**RE: AUTHORIZING THE MAYOR TO SIGN AND SUBMIT A
FEDERAL SURPLUS PROPERTY PROGRAM APPLICATION FOR
ELIGIBILITY BY PUBLIC AGENCY**

WHEREAS, the Township of Upper wishes to take advantage of federal surplus property that may be available; and

WHEREAS, the Township Committee fully supports and endorses the Federal Surplus Property Program and Application for Eligibility by Public Agency attached hereto as Exhibit A that makes available federal surplus property to municipalities under certain conditions.

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

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

2. The Mayor, Municipal Emergency Management Coordinator, Public Works Supervisor, and Purchasing Agent are hereby authorized, directed and empowered to submit an Application for Eligibility by Public Agency on behalf of the Township of Upper.

3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

4. That the Mayor, Municipal Emergency Management Coordinator, Public Works Supervisor and Purchasing Agent are

hereby authorized to sign the application on behalf of the Township of Upper and that their signature constitutes acceptance of the terms and conditions of the application and approves the execution of the application.

5. A copy of this Resolution shall be provided to the Purchasing Agent for inclusion with the Application for Eligibility by Public Agency.

Resolution No. 73-2014
 Offered by: Inserra
 Adopted: March 24, 2014

Seconded by: Young

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Coggins	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Inserra	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Young	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

8. Authorizing the Mayor to execute Deeds of Dedication and Perpetual Storm Damage Reduction Easements on behalf of the Township of Upper for the following properties known as: Block 839, Lot 13.01; Block 845, Lot 15.03; Block 858, Lot 1.06 on the official tax map of the Township of Upper for the Great Egg Harbor Inlet to Townsends Inlet, New Jersey Beach Replenishment Project.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 RESOLUTION
 RESOLUTION NO. 74-2014**

RE: AUTHORIZING THE MAYOR TO EXECUTE DEEDS OF DEDICATION AND PERPETUAL STORM DAMAGE REDUCTION EASEMENTS ON BEHALF OF THE TOWNSHIP OF UPPER FOR THE FOLLOWING PROPERTIES KNOWN AS: BLOCK 839, LOT 13.01; BLOCK 845, LOT 15.03; BLOCK 858, LOT 1.06 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF UPPER FOR THE GREAT EGG HARBOR INLET TO TOWNSENDS INLET, NEW JERSEY BEACH REPLENISHMENT PROJECT

WHEREAS, the Township of Upper desires to participate in the United States Army Corps of Engineers Great Egg Harbor Inlet to Townsends Inlet, New Jersey project; and

WHEREAS, in order to participate in the project, Township officials must execute and submit to the NJDEP a “Deed of Dedication and Perpetual Storm Damage Reduction Easement” for each of the following tracts of land known as Block 839, Lot 13.01; Block 845, Lot 15.03; and Block 858, Lot 1.06, on the official tax map of the Township of Upper (attached hereto and hereafter referred to as “Deeds”); and

WHEREAS, the Township Committee does hereby authorize the Mayor to execute said Deeds on behalf of the Township of Upper as Grantee on behalf of the Township of Upper as Grantor with respect to Block 839, Lot 13.01; Block 845, Lot 15.03; and Block 858, Lot 1.06 and deliver same to the appropriate governmental authorities.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor is hereby authorized to execute on behalf of the Township any and all documents required in connection with the Deeds so as to permit the Great Egg Harbor Inlet to Townsends Inlet, New Jersey Beach Fill Project to proceed.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 74-2014
 Offered by: Inserra
 Adopted: March 24, 2014
 Roll Call Vote:

Seconded by: Coggins

NAME	YES	NO	ABSTAINED	ABSENT
Barr	<u> X </u>	_____	_____	_____
Coggins	<u> X </u>	_____	_____	_____
Inserra	<u> X </u>	_____	_____	_____
Young	<u> X </u>	_____	_____	_____
Palombo	<u> X </u>	_____	_____	_____

9. Revised Temporary Budget.

TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 RESOLUTION
 RESOLUTION NO. 75-2014

RE: 2014 REVISED TEMPORARY BUDGET

WHEREAS, N.J.S.A. 40A:4-19 provides that the governing body shall by Resolution adopted prior to January 31 of the fiscal year make appropriations to provide for the period between the beginning of the fiscal year and the adoption of the Budget; and

WHEREAS, there is a need to increase certain line items in the Temporary Budget until adoption of the Budget takes place.

NOW, THEREFORE BE IT RESOLVED, that the following appropriations shall constitute the Revised Temporary Budget for the year 2014:

	<u>INCREASE</u> <u>TO:</u>
ADMINISTRATIVE & EXECUTIVE	
Mayor and Committee	
Salary and Wages	\$ 19,500.00
Mayor and Committee O/E	\$ 1,500.00
DCRP-Township Committee	\$ 1,400.00
Municipal Clerk	
Salary and Wages	\$ 49,900.00
OTHER EXPENSES	
Legal Advertising	\$ 2,000.00
Miscellaneous O/E	\$ 3,000.00
Purchase of Office Equipment	\$ 1,000.00
Codification of Ordinances	\$ 1,000.00
MAC	\$ 3,192.00
Cape Mediation	\$ 2,300.00
Cape Assist EAP	\$ 1,155.00
FINANCIAL ADMINISTRATION	
Salaries & Wages	\$ 32,700.00
Miscellaneous O/E	\$ 3,500.00
Computer Hardware/Software	\$ 20,000.00
Annual Audit	\$ 20,000.00
ASSESSMENT OF TAXES	
Salaries & Wages	\$ 28,200.00
Miscellaneous O/E	\$ 4,000.00
COLLECTION OF TAXES	

Salaries & Wages	\$	24,800.00	
Miscellaneous O/E	\$	1,500.00	
Purchase TTL	\$	0	
LIQUIDATION OF TTL & FORECLOSED PROPERTY			
Other Expenses	\$	0	
LEGAL SERVICES AND COSTS			
Other Expenses	\$	30,000.00	
MUNICIPAL COURT			
Salaries & Wages	\$	62,000.00	
Miscellaneous O/E	\$	2,000.00	
PUBLIC DEFENDER			
Salaries & Wages	\$	6,400.00	
MUNICIPAL PROSECUTOR			
Salaries & Wages	\$	10,500.00	
ENGINEERING SERVICES & COSTS			
Salaries & Wages	\$	27,900.00	
Other Expenses	\$	5,000.00	
PUBLIC BUILDINGS & GROUNDS			
Salaries & Wages	\$	30,500.00	
Other Expenses	\$	70,000.00	\$ 75,000.00
PLANNING BOARD			
Salaries & Wages	\$	12,000.00	
Other Expenses	\$	1,500.00	\$ 5,000.00
BOARD OF ADJUSTMENT			
Salaries & Wages	\$	12,000.00	
Other Expenses	\$	1,500.00	\$ 5,000.00
CONSTRUCTION OFFICE & BUILDING INSPECTOR			

Salaries & Wages	\$	46,400.00	
Other Expenses	\$	2,000.00	

INSURANCE

Group Insurance for Employees	\$	556,000.00	
Other Insurance Premiums	\$	62,100.00	
Workers Compensation	\$	140,000.00	

SCHOOL CROSSING GUARD

Salaries & Wages	\$	2,400.00	
Miscellaneous O/E	\$	500.00	

BEACH PATROL

Other Expenses	\$	1,000.00	
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EMERGENCY MANAGEMENT/RTK/911 COORDINATOR

Salaries & Wages	\$	6,500.00	
Miscellaneous O/E	\$	3,800.00	

ROAD REPAIRS & MAINTENANCE

Salaries & Wages	\$	420,000.00	
Miscellaneous O/E	\$	50,000.00	\$ 60,000.00

SURFACING OF ROADS CONTRACTUAL	\$	3,000.00	
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STREET LIGHTING	\$	70,000.00	
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GARBAGE & TRASH REMOVAL

Salaries & Wages	\$	83,400.00	
Miscellaneous O/E	\$	20,000.00	\$ 25,000.00
Tipping Fees	\$	75,000.00	

BOARD OF HEALTH

Salaries & Wages	\$	150.00	
Miscellaneous O/E	\$	500.00	

DOG REGULATION

Miscellaneous O/E	\$	40,000.00	
PUBLIC RELATIONS			
Miscellaneous O/E	\$	1,000.00	
ZONING/CODE OFFICIAL			
Salaries & Wages	\$	4,100.00	
Miscellaneous O/E	\$	1,000.00	
SPORTS & RECREATION			
Salaries & Wages	\$	600.00	
Miscellaneous O/E	\$	25,000.00	\$ 30,000.00
FIRST AID ORGANIZATION			
Salaries & Wages	\$	144,000.00	
Miscellaneous O/E	\$	25,000.00	
RECYCLING			
Salaries & Wages	\$	159,200.00	
Miscellaneous O/E	\$	20,000.00	\$ 25,000.00
AFFORDABLE HOUSING			
Salaries & Wages	\$	700.00	
Miscellaneous O/E	\$	500.00	
COMMUNITY CENTER			
Miscellaneous O/E	\$	10,000.00	\$ 15,000.00
CELEBRATION OF PUBLIC EVENTS	\$	1,000.00	
SOCIAL SECURITY SYSTEM	\$	80,000.00	
SPECIAL LITIGATION	\$	20,000.00	
SUI CONTRIBUTION	\$	3,000.00	
CENTRAL DISPATCH	\$	114,000.00	
MAC GRANT	\$	12,766.00	

ALCOHOL & DRUG TESTING	\$ 8,500.00	
COMP. ABSENCES RESERVES	\$ 100.00	
PERS	\$ 432,261.00	
CAPE MAY CO. OPEN SPACE PROG. BAYVIEW AVE. BOAT RAMP	\$ 15,000.00	
REPAIRS TO MUNICIPAL BUILDINGS		\$ 40,000.00
	Total	\$ 2,843,324.00

Resolution No. 75-2014
Offered by: Coggins
Adopted: March 24, 2014

Seconded by: Young

Roll Call Vote:

NAME	YES	NO	ABSTAINED	ABSENT
Barr	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Coggins	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Inserra	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Young	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Palombo	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

ORDINANCES

10. Public Hearing and Final Adoption of Ordinance No.002-2014 RE: AN ORDINANCE VACATING ADAMS AVENUE ADJACENT TO BLOCK 417 THROUGH 424, WITHIN THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY. During the public hearing portion there were no speakers. Motion by John Coggins, second by Hobie Young, to adopt Ordinance No. 002-2014. During roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
O R D I N A N C E
ORDINANCE NO. 002 -2014**

AN ORDINANCE VACATING ADAMS AVENUE ADJACENT TO BLOCKS 417 THROUGH 424, WITHIN THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY

WHEREAS, N.J.S.A. 40:67-1 authorizes the Governing Body of a municipality to adopt an Ordinance, among other things, to vacate any street, highway, lane, alley, square, place or park, or any part thereof, dedicated to public use but not accepted by

the municipality, whether or not the same, or any portion, has been actually opened or improved; and

WHEREAS, Ralph Clayton, Delores Clayton and Clayton Equipment Corp are the owners of Block 417, Lots 1-3; Block 417, Lots 11-28, 30, 32, 34-60; and Block 417, Lots 29, 31 and 33 and have requested that the Township vacate Adams Avenue as described in this Ordinance and have agreed to pay the costs incurred by the Township to vacate said street including the costs of the revisions to the tax map; and

WHEREAS, the Township Committee has duly considered the matter and it appears reasonable to agree to the request since there is no present or foreseeable need or intention to utilize said roadway; and

WHEREAS, it is deemed to be in the public interest to vacate Adams Avenue within the Township of Upper, as hereinafter provided.

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

SECTION 1: The public right in, along, upon and over the following described land is hereby vacated, surrendered and extinguished:

Description

Vacation of Adams Avenue
Adjacent to Blocks 417 - 424
as shown on Tax Map Sheet No. 13.01
Petersburg Section of
Township of Upper

BEGINNING at the Southwesterly corner of Adams Ave. (30' wide) and Mill Rd. (40' wide) extending Southwestwardly along Block 417 a distance of 613.03'; and continuing across Second St. (30' wide); and continuing along Block 418 a distance of 600'; and continuing across Third St. (30' wide); and continuing along Block 419 a distance of 600'; and continuing across Fourth St. (30' wide); and

continuing along Block 420 a distance of 445'; and extending Southeasterly across Adams Ave. (30' wide) ; and extending Northeastwardly along Block 421 a distance of 447'; and continuing across Fourth St. (30' wide); and continuing along Block 422 a distance of 600' ; and continuing across Third St. (30' wide); and continuing along Block 423 a distance of 600'; and continuing across Second St. (30' wide); and continuing along Block 424 a distance of 611.69'; and extending Northwesterly along the Southerly line of Mill Rd. across Adams Ave. (30' wide) to the point of beginning; excepting out those portions of Right-of-Way for Second, Third and Fourth Streets.

SECTION 2: This Ordinance vacates no portion of the street except that portion set forth and described in **SECTION 1** above.

SECTION 3: EXCEPTION: This Ordinance expressly reserves and excepts from vacation all rights and privileges now possessed by public utilities, as defined in R.S. 48:2-13, and by any cable television company, as defined in the "Cable Television Act", P.L. 1972, c. 186, (C.48:5A-1, et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated, as hereinabove described.

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

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

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 24th DAY OF FEBRUARY, 2014 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL

ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 24th DAY OF MARCH, 2014 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

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

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

11. Public Hearing and Final Adoption of Ordinance No.005-2014, RE: AMENDING REVISED GENERAL ORDINANCE CHAPTER XXIV (SOLID WASTE AND RECYCLABLES) OF THE CODE OF UPPER TOWNSHIP. During the public hearing portion there were no speakers. Motion by Anthony Inserra, second by Edward Barr, to adopt Ordinance No. 005-2014. During roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
O R D I N A N C E
ORDINANCE NO. 005-2014**

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE
CHAPTER XXIV (SOLID WASTE AND RECYCLABLES) OF THE CODE OF
UPPER TOWNSHIP**

WHEREAS, the Township Committee desires to amend Chapter 24 – Solid Waste and Recyclables to reflect changes in the method of the collection of solid waste and recycling; and

WHEREAS, in April 2013 the Cape May County Municipal Utilities Authority began accepting single-stream recycling and expanded the types of both paper and plastics that could be recycled; and

WHEREAS, the Township of Upper has purchased automated collection vehicles and refuse and recycling containers for use by residents;

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

SECTION 1. Chapter XXIV, Sections 24-1 and 24-2, of the Revised General

Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as follows:

24-1 COLLECTION AND DISPOSAL OF SOLID WASTE.

24-1.1 Unchanged

24-1.2 Unchanged

24-1.3 Definitions.

Replace the following definition:

Container shall mean an automated collection cart provided by the Township of Upper unless the context indicates otherwise.

24-1.4 unchanged

24-1.5 Limitations on Quantity Collected.

The Township will provide the municipal collection of solid waste as follows:

- a. Residential properties shall:
 - 1. Have weekly pickup.
 - 2. One ninety-six-gallon container will be assigned by serial number recorded by the Department of Public Works to each residential property and will remain the property of the Township of Upper.
 - 3. If occupant moves, the container assigned to that property must be left behind for the new occupant.
 - 4. Residents may trade in the ninety-six-gallon container for a smaller sixty-four-gallon container or thirty-five gallon container upon review by the Department of Public Works based on the request by the resident stating that the ninety-six-gallon container is too large.
 - 5. Residents after following all recycling rules and regulations but still not having enough space in the ninety-six-gallon container may purchase a second container at a price set by the Township Committee by resolution as part of the solid waste collection rules and regulations.
 - 6. If a container is lost, the resident must purchase a replacement container from the Township.
- b. Commercial properties shall:
 - 1. Have weekly pick-up
 - 2. Be limited in quantity to One ninety-six-gallon container which will be assigned by serial number recorded by the Department of Public Works to each commercial property and will remain the property of the Township of Upper.
 - 3. If the business moves, the container assigned to the business must be left behind for the new business.
 - 4. If the commercial property requires more than one ninety-six-gallon container then the property shall comply with Section 24-1.11.

5. If a container provided by the Township is lost, the property owner must purchase a replacement container from the Township.
- c. Home occupations shall be deemed the same as residential property and shall comply with subsection a. above.
- d. The following shall apply to multi-family housing developments, notwithstanding any other provision of this Chapter:
 1. Multi-family housing developments shall have a weekly pick-up.
 2. Unless a different method of collection is approved by the Township, the facility shall provide a suitable central location on the premises for the storage of said materials.
 3. Containers shall be determined by the Township Department of Public Works based on the nature of the development and efficiency concerns.
 4. The storage area must be designed so as to allow Township collection crews easy access to said materials and to prevent said materials from being scattered by the elements.
 5. In lieu of a central location, the Township may require an alternative means of collection based on accessibility, maneuverability and efficiency.
 6. There shall be no limitation as to the amount or quantity collected; however, the Township, in lieu of Township collection, reserves the right to reimburse the facility for the reasonable cost of such collection by a private hauler as set forth in subsection 24-1.11e.

24-1.6 Time of Collection.

- a. Garbage, trash and solid waste will be collected once each week on such day and at such times as are specified by the Township Committee pursuant to resolution.
- b. Bulk trash will be collected monthly on such days and during such hours as are specified by the Township Committee by resolution.

24-1.7 unchanged.

24-1.8 Permitted Containers; Plastic Bags Prohibited.

- a. The occupant of each premises shall utilize the container provided by the Township, no other container will be used for collection.
- b. Plastic or vinyl trash bags may not be used unless inserted inside a container.

24-1.9 unchanged.

24-1.10 unchanged.

24-1.11 Obligation of Occupant: Commercial and Multi-family Housing Development.

- a. The owner, operator or manager of a commercial property must designate a central location within the complex to deposit solid waste collection. If the aggregate amount of such solid waste exceeds the limits in quantity imposed by this Chapter, such owner, operator or manager shall arrange for the collection of such solid waste as provided in this section. The quantity to be collected by the Township is one ninety-six-gallon container and must be placed curbside.

- b. The occupant of each commercial property which generates in excess of one ninety-six-gallon container of solid waste per week shall contract with a private hauler licensed by NJDEP to collect and dispose of such solid waste or shall otherwise personally deliver such excess solid waste to the secure sanitary landfill operated by the CCMUA. The cost of collection and disposal shall be the sole responsibility of such commercial occupant, owner or manager.
- c. The occupant of commercial property shall arrange for weekly collection or disposal of excess solid waste unless the nature of the commercial activity or enterprise or the volume of solid waste generated requires more frequent disposal in order to protect the public health and welfare and to prevent the creation of a health hazard and to prevent obnoxious odors or otherwise avoid the creation of a nuisance.
- d. The owner, operator or manager of any multi-family housing development must designate a central location within the complex to deposit solid waste pending collection.
- e. The Township of Upper shall have the option, in lieu of Township collection, to reimburse the owner of a multi-family housing development for the reasonable cost of collection by a private waste hauler licensed by NJDEP to collect and dispose of such solid waste. In the event the Township elects not to reimburse the owner of a multifamily housing development for such reasonable cost, the Township shall collect solid waste in accordance with this Chapter. In the event the Township elects to reimburse said reasonable cost of collection payment to the owner shall be made on a semi-annual basis.

24-1.12 unchanged.

24-1.13 unchanged.

24-1.14 unchanged.

24-1.15 unchanged.

24-2 COLLECTION AND DISPOSAL OF RECYCABLE MATERIALS.

24-2.1 unchanged.

24-2.2 unchanged.

24-2.3 Definitions.

Replace the following definitions:

Commingled recycling shall mean nonputrescible source-separated recyclable materials (mixed glass bottles and jars, metal cans and plastic containers with #1 through #7 recycling symbol) for the purpose of recycling.

Container shall mean an automated collection container provided by the Township of Upper unless the context indicates otherwise.

Mixed paper shall mean all uncontaminated paper material including used newspaper, magazines, advertising circulars, office paper, brown paper bags, chipboard boxes, clean pizza boxes, gift wrapping paper and corrugated cardboard.

24-2.4 unchanged.

24-2.5 Time of Collection.

- a. Recycling materials, including commingled material, mixed paper and compostable materials, will be collected once a week excluding holidays on such days and at such times as are specified by the Township Committee pursuant to resolution.
- b. White goods and junk metal will be collected at least once a month on such days and at such times as specified by the Township Committee by resolution.
- c. Other items shall be collected as described in subsection 24-2.7 below.

24-2.6 unchanged.

24-2.7 Obligations of Residential and Commercial Occupant.

- a. The occupant of each premises in the Township shall provide for the collection of recycling materials as follows:
 1. Commingled material and mixed paper shall have weekly pickup in the same container.
 - a) One ninety-six-gallon container will be assigned by serial number recorded by the Department of Public Works to each residential property and will remain the property of the Township of Upper.
 - b) If occupant moves, the container assigned to that property must be left behind for the new occupant.
 - c) Residents may trade in the ninety-six-gallon container for a smaller sixty-four-gallon container or thirty-five gallon container upon review by the Department of Public Works based on the request by the resident stating that the ninety-six-gallon container is too large.
 - d) Residents after following all recycling rules and regulations but still not having enough space in the ninety-six-gallon container may purchase a second container at a price set by the Township Committee.
 - e) Containers needing repair: resident shall notify the Department of Public Works.
 2. Motor Oil. Used motor oil shall be in a one (1) gallon plastic container with a screw top lid. No other type container shall be used. Method of collection shall be set by the Township Committee.
 3. Bagged Leaves, Grass Clippings. Bagged leaves, grass clippings, and small yard waste shall be placed in a paper compost bag, or in a metal or heavy duty plastic container. The container must have external handles, removable lid and shall be no smaller than twenty (20) gallons nor larger than forty (40) gallons and shall weigh fifty (50) pounds or less when loaded. Paper bags shall not be filled to a capacity so that it cannot be lifted and handled by a single member of the collection crew. Bags and/or containers shall be placed at the curb and collected at least once a month.
 4. Loose Leaves. Loose leaves shall be collected as follows:
From April 1st to April 30th and From November 15th to December 31st.
The leaves may be raked to the curb or roadside only during such period and must be free of trash, debris, sticks and dirt. No collection of loose leaves will occur at any other time of the year.
 5. Tree Trimming. Residential tree trimmings shall be placed at the curb with the large ends facing the street. The pile shall be neat and arranged in such a way as to facilitate handling. Tree trimmings shall not include stumps or the trunk of a tree. No tree trimmings from either lot clearing or tree removal will be collected and the occupant must arrange for the disposal of such either personally or by contracting with a private or commercial hauler. Such materials will be collected between January 1st to April 1st and May 1st to October 31st by set schedule, set forth by Township Committee. The

- Township may limit the amount of tree trimmings a resident may place at the curb by resolution of the Township Committee adopting such rule or regulation.
6. White Goods. White goods shall be placed at the curb or roadside on bulk trash collection day only. Doors must be removed from refrigerators and freezers prior to placing same at curbside for collection.
 7. Metal Scrap. Metal scrap shall include metals such as copper, iron, sheet metal, aluminum, radiators, structural steel and metal pipe. Items shall be placed at the curb or roadside on bulk trash collection day only.
 8. Auto Parts. All used and junk automobile, truck and boats and parts thereof shall not be collected. Disposal shall be the obligation of the owner and shall be delivered to a private sector market or junk yard.
 9. Tires. Used auto tires shall be placed at the curb or roadside on bulk trash collection day only. Such tires shall only be collected if the tires were removed from an automobile registered to the resident at that address. Commercial use disposal shall be the obligation of the owner and shall be delivered to the Landfill or other NJDEP approved recycling facility which accepts this material for recycling.
 10. Electronics. Shall include computer hardware, keyboards, modems, printers, scanners, fax machines, cathode ray tubes, flat panel displays, televisions, cell phones, VCR's, radios and telephones. Electronic items shall be placed to the curb or roadside on bulk trash collection day only.
 11. Tree Stumps. Tree stumps shall not be collected. Disposal shall be the obligation of the owner and shall be delivered to the Landfill or other NJDEP approved recycling facility which accepts this material for recycling.
 12. Christmas Trees. Christmas trees shall be collected curbside during the month of January. Trees shall be free of decorations, tree stands and plastic bags.
 13. Wood Pallets and Crates. Items shall not be collected. Disposal shall be the obligation of the owner and shall be delivered to the Landfill or other NJDEP approved recycling facility which accepts this material for recycling.
 14. Propane Tanks. Items shall not be collected. Disposal shall be the obligation of the owner and shall be delivered to the Landfill or other NJDEP approved recycling facility which accepts this material for recycling.
 15. Antifreeze. Containers shall not be collected. Disposal shall be the obligation of the owner and shall be delivered to the Landfill or other NJDEP approved recycling facility which accepts this material for recycling.
 16. Automobile Batteries. Shall include car and marine batteries and shall not be collected. Disposal shall be the obligation of the owner and shall be delivered to the Landfill or other NJDEP approved recycling facility which accepts this material for recycling.
 17. Kerosene and #2 Heating Oil. Containers shall not be collected. Disposal shall be the obligation of the owner and shall be delivered to the Landfill or other NJDEP approved recycling facility which accepts this material for recycling.
 18. Asphalt and Concrete. Material shall not be collected. Disposal shall be the obligation of the owner and shall be delivered to a NJDEP approved recycling facility which accepts this material for recycling.
 19. Contaminated Soil. Material shall not be collected. Disposal shall be the obligation of the owner and shall be delivered to the Landfill or a NJDEP approved recycling facility which accepts this material for recycling.
 20. Cooking Grease and Oil from Commercial Sources. Containers shall not be collected. Disposal shall be the obligation of the owner and shall be delivered to a NJDEP approved recycling facility which accepts this material for recycling.

21. Consumer Rechargeable NiCad and Small Sealed Lead Acid Batteries and Cell Phones. Items shall be collected at the following locations: Upper Township Municipal Building, Upper Township Community Center, Upper Township Public Works Yard, Upper Township Primary School, Upper Township Elementary School and the Upper Township Middle School.
 22. Food Products from Commercial Sources. Items shall not be collected. Disposal shall be the obligation of the owner and shall be delivered to the Landfill or other NJDEP approved recycling facility which accepts this material for recycling.
 23. Textiles. Clothes shall be collected at the following location: Upper Township Public Works Yard.
 24. Hard Rigid Plastics. Items shall include plastic resin deck furniture, clean five (5) gallon or larger buckets or barrels, children's play sets and toys and similar material. Items shall be placed to the curb or roadside on bulk trash collection day or taken to the Cape May County Municipal Utilities Transfer Station in Burleigh.
- b. No items shall be placed at curbside for collection prior to 6:00 p.m. on the day immediately preceding the scheduled collection day.
 - c. Whenever this Chapter requires recyclable items to be placed at the curb, no person shall place recyclable materials at any location other than curbside at the property owned or occupied by such person.

24-2.8 Special Obligations: Commercial and Multi-Family Units.

- a. The owner, operator, or manager of any commercial or multi-family premises which generates commingled recyclable and mixed paper materials shall comply with the following:
 1. Multi-family housing developments shall have a weekly pick-up.
 2. Facility shall provide a suitable central location on the premises for the storage of said materials.
 3. Containers shall be determined by the Township Department of Public Works depending upon the type of facility and efficiency concerns. The Township shall provide one ninety-six gallon container at Township cost for commercial properties. Additional or other containers for commercial properties are at the cost of the owner with such costs being set by resolution of the Township Committee if the additional containers are provided by the Township.
 4. The storage area must be designed so as to allow Township collection crews easy access to said materials and to prevent said materials from being scattered by the elements.
 5. There shall be no limitation as to the amount or quantity collected; however, the Township, in lieu of Township collection, reserves the right to reimburse the multi-family facilities for the reasonable cost of such collection by a private hauler as set forth in subsection 24-1.11e.
- b. Commercial properties or businesses that generate more than three (3 CY) cubic yards per week recycling shall contract with a private hauler to provide collection service. Said occupant shall provide the Township with a yearly statement of the amount of material recycled from said property in accordance with the rules, regulations and procedures established by the NJDEP Office of Recycling and the Township. Such report shall be submitted to the Township Recycling Coordinator by March 15th for the preceding calendar year. The occupant shall maintain records in said facility and shall produce same upon demand of the Recycling Coordinator of the Township of Upper or in the event of an audit by the NJDEP Office of Recycling.

- c. In compliance with P.L. 1993, c.81, there shall be included in any new multi-family housing development that requires subdivision or site plan approval or any nonresidential development greater than one thousand (1,000) square feet an indoor or outdoor recycling area for the collection and storage of recyclable materials. The dimensions of the recycling area shall be sufficient to accommodate recycling bins or containers which are of adequate size and number, and which are consistent with anticipated usage and with current methods of collection in the area in which the project is located. The dimensions of the recycling area and the bins or containers shall be determined in consultation with the Municipal Recycling Coordinator, and shall be consistent with the district recycling plan adopted pursuant to Section 3 of P.L. 1987, c.102 (N.J.S.A. 13:1E-99.13) and any applicable requirements of the Municipal Master Plan and Land Use Ordinances adopted by the Township.
- d. Automobile and truck service facilities and marine and equipment service facilities shall submit an annual report regarding the amounts of material recycled by said facility. Materials include, but are not limited to, used motor oil, scrap metal, automobile batteries, anti-freeze and used tires. All materials recycled shall be recycled in accordance with procedures established by the NJDEP and the Township of Upper. The annual report shall be submitted to the Township Recycling Coordinator by February 15th for the preceding calendar year. Such report shall include the NJDEP waste oil hauler identification number. The occupant shall maintain records in said facility and shall produce same upon demand of the Recycling Coordinator of the Township of Upper or in the event of an audit by the NJDEP Office of Recycling.
- e. All nonresidential facilities shall provide both litter and recycling receptacles at or near the entrance of the facility.

24-2.9 unchanged.

24-2.10 unchanged.

24-2.11 unchanged.

24-2.12 unchanged.

SECTION 2: EFFECTIVE DATE: This Ordinance shall take effect upon adoption and publication as required by law.

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

SECTION 4: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision

declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 5: CODIFICATION: This Ordinance shall be codified as indicated in Chapter 24 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 **10th DAY OF MARCH, 2014** AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE **24th DAY OF MARCH, 2014** AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

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

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

RESOLUTION

12. Amending the 2014 Solid Waste and Recyclables Collection Rules and Regulations and Resident Information Packet pursuant to Chapter 24 of the Revised General Ordinances of Upper Township.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION
RESOLUTION NO. 76-2014**

**AMENDING THE 2014 SOLID WASTE AND RECYCLABLES COLLECTION
RULES AND REGULATIONS AND 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 regard to collection and disposal of solid waste and recyclables pursuant to Chapter 24 of the Revised General Ordinances; and

WHEREAS, the Township Committee desires to amend the existing rules and regulations to reflect the automated trash collection program; and

WHEREAS, the amended rules and regulations are assembled into a summary entitled “*Residents Information-2014-Amended*” 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. 76-2014

Offered by: Inserra

Seconded by: Palombo

Adopted: March 24, 2014

Roll Call Vote:

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Barr	<u>X</u>	_____	_____	_____
Coggins	<u>X</u>	_____	_____	_____
Inserra	<u>X</u>	_____	_____	_____
Young	<u>X</u>	_____	_____	_____
Palombo	<u>X</u>	_____	_____	_____

CORRESPONDENCE

13. **Upper Township Construction Official-request to increase permit fees.** It was stated that the permit fees were raised last year by 15%. The Municipal Attorney stated that State statute allows a Municipality to raise fees so that the department is self-sustaining. The Construction Official has recommended a 36% fee increase this year. It was decided to compile the other options that are available, as well as survey the other Municipalities to see if the Township’s construction fees are comparable. It

was stated that the Township's entire fee schedule should be reviewed. The matter was tabled and will be listed on a future agenda as unfinished business.

NEW BUSINESS

14. **Upper Township Historical Society Facilities Report.** The Historical Society recently submitted a request for routine maintenance for the Gandy House, Friendship School, and Tuckahoe Train Station, which are properties the Township leases to the Society. Committeeman Young reported that the Tuckahoe Train Station currently has a security system which is run through the phone line which is funded by the Township. Mr. Young stated that the phone line is also used for internet access by the Historical Society, and suggested that the portion of the phone bill used for internet access should be paid by the Society. Ms. Spiegel stated that the Historical Society is working to determine the exact portion for each item of the bill. Mr. Dietrich then suggested that the Township could transfer the portion of the bill for the security line to the Township's billing. Motion by Hobie Young, second by Tony Inserra, to authorize payment of the portion of the bill for the security system at the Tuckahoe Train Station. During roll call vote all five Committee members voted in the affirmative.

15. **Report of RFP – Tax Map Maintenance.** The Township Attorney stated that contract negotiations for this matter will be discussed during the closed session portion of this meeting. The engineer reported that the initial review by the state has resulted in numerous changes that are required to be made to the maps. The Township Assessor along with the County Assessor has requested that the state grant conditional approval of the maps in order for the Township to move forward with the revaluation. Lastly it was stated that although it is anticipated that the state will grant the conditional approval, it is a concern that if approval is held up the tax revaluation will not begin until 2015.

UNFINISHED BUSINESS:

16. **Stacy Smith request for Street light on Killdeer Hill Road, Petersburg.** The Municipal Engineer stated that there are currently three street lights on the road, which satisfies the Township's requirements for street lighting. Motion by Edward Barr, second by John Coggins, to deny the request. During roll call vote all five Committee members voted in the affirmative.

DISCUSSION

PAYMENT OF BILLS:

17. **"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 Committee members voted in the affirmative.

Bills approved for payment: \$ 185,246.25
Payroll: \$ 159,644.58

REPORT OF MUNICIPAL DEPARTMENTS:

18. EMS
19. Finance Office
20. Green Team
21. MUA
22. Municipal Court

Motion by Richard Palombo, seconded by Anthony Inserra, to accept all the reports submitted. During roll call vote all five Committee members voted in the affirmative.

PUBLIC COMMENT

Ted Kingston, Strathmere, inquired into the possibility of asking the Army Corps of Engineers to consider utilizing the Back Bay as an additional borrow area for the Strathmere beach fill project. Mr. Kingston stated that this would alleviate the flooding on Bayview Drive, protect the infrastructure of the inlet, and open up the channel. Mr. Dietrich stated that he has spoken with the Army Corps regarding this issue, however the Army Corps will be dredging offshore utilizing massive ocean going dredges that would not be able to access the Back Bay area. In addition, the permitting required for the current project has been ongoing since 1996, and the additional permits required to dredge the inlet would set the project back years. Mr. Dietrich stated that it may be possible to partner with the Bureau of Coastal Engineering in a separate project to utilize the Back Bay dredge for the re-nourishment phase of the project.

Cynthia Harrison, thanked Mayor Palombo for the appointment to the Planning Board and gave a brief overview of her experience with Planning. She stated that she will do her best to serve the Township well.

John Halbruner, Coach, Upper Township Baseball Association, spoke at length on behalf of the Upper Township Baseball Association regarding the Baseball Association's programs, team schedules, and field requirements. Committeeman Coggins asked Mr. Halbrunner if he would be willing to participate in a subcommittee to review funding for the project. Mr. Halbrunner stated that he is willing to participate and is hopeful the subcommittee meetings will not delay the approval of the project.

Ed Terry, Beesley's Point, past board member, Upper Township Baseball Association, read a prepared statement in support of the completion of the baseball fields, lights and other projects at Amanda's Field.

Randy Leiser, Seaville, Coach, Upper Township Baseball Association, spoke briefly with respect to the benefits of completing the lighting project at Amanda's Field.

Marty Staszak, 1731 Route 9, Osprey Point, stated that he has followed the Upper Township Baseball Association for many years and is hopeful that the Committee will move forward with the completion of the field improvements at Amanda's Field.

Mike Jones, Supervisor, Upper Township DPW, spoke regarding the relocation of the baseball fields and the completion of the improvement projects at Amanda's Field.

Joe Furey, Strathmere, spoke in support of the lighting project at Amanda's Field.

Robert Brown, Dennis Township Resident, inquired into obtaining a vendors license to sell hot dogs on the beach in Strathmere. The Township Attorney state that under our current Ordinance hawking and peddling are prohibited, although there may be a provision under State Statute that would allow this for Veterans, although it is most likely that an amendment to the Township Ordinance will be required. The Attorney was directed to research the Township Ordinance and State Statute for clarification.

Melissa Blackledge, 551 Park Avenue Marmora, inquired into lighting of the flag pole at Amanda's Field.

Sergeant Douglas Pearson, New Jersey State Police, Station Commander, Woodbine, Sergeant Pearson stated that he met this past week with a Chestnut Avenue resident to address some concerns that were raised at the last Committee meeting regarding a security issue. Sergeant Pearson next gave a brief summary of various incidents that took place throughout the Township in February. Lastly he reported on data collected by a speed device that was placed on Corson Tavern Road this past week.

CLOSED SESSION

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

TOWNSHIP OF UPPER
RESOLUTION NO. 77-2014
MOTION GOING INTO CLOSED SESSION
MARCH 24, 2014

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. Contract negotiation – Tax Map Maintenance
2. Contract negotiation – Norman Briggs Special Legal Counsel
3. Contract negotiation – Shared Services with Dennis Township for Municipal Court Services
4. Contract negotiation – Proposed Firework contract
5. Potential Litigation – M. Gift
6. Safety and Security
7. Personnel

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

- A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

- B. With respect to employment and personnel matters such discussions will be made public if and when formal action is taken or when the individuals involved consent that it can be made public.
- C. With respect to contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.
- D. With respect to litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.

Moved by: John Coggins

Motion seconded by: Edward Barr

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

RECONVENE PUBLIC PORTION OF MEETING

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 10:23 P.M. The next regular meeting is scheduled for April 14, 2014 at 7:30 P.M.

Minutes prepared by

Barbara L. Young, RMC
Municipal Clerk

Bill List

62545 03/24/14 A0027 ACE PLUMBING SUPPLY, INC 254.32 2820
62546 03/24/14 A0091 ATLANTIC CITY ELECTRIC 4,517.29 2820
62547 03/24/14 A0134 ANSELL GRIMM & AARON, PC 402.50 2820
62548 03/24/14 A0167 HESS CORPORATION 4,161.39 2820
62549 03/24/14 B0035 BELMONT & CRYSTAL SPRINGS 396.15 2820
62550 03/24/14 B0106 BARLOW BUICK GMC 81.44 2820
62551 03/24/14 B0148 AMERIGAS GAS 1,587.04 2820
62552 03/24/14 B0184 BUSHONG, BRIAN 11.99 2820
62553 03/24/14 C0048 CAPE MAY COUNTY MUA 24,114.71 2820
62554 03/24/14 C0060 CAPRIONI'S PORTABLE TOILETS 2,029.00 2820
62555 03/24/14 C0068 COMCAST 511.93 2820
62556 03/24/14 C0171 COLONIAL ELECTRIC SUPPLY CO. 361.35 2820
62557 03/24/14 C0201 CRUZAN'S TRUCK SERVICE INC. 263.10 2820
62558 03/24/14 C0223 CASA PAYROLL SERVICE 252.55 2820
62559 03/24/14 C0230 CATAMARAN MEDIA COMPANY 54.00 2820
62560 03/24/14 C0262 Ken Chertow Wrestling 70.00 2820
62561 03/24/14 D0015 DAN'S WELDING 165.00 2820
62562 03/24/14 D0040 DELTA DENTAL OF N.J. INC. 6,473.66 2820
62563 03/24/14 E0064 ELWOOD MCGINNIS & SONS 18,000.00 2820

62564 03/24/14 G0028 GENTILINI FORD 76.86 2820
62565 03/24/14 G0044 GILES & RANSOME, INC. 20.35 2820
62566 03/24/14 H0018 HAROLD RUBIN L & H SUPPLY 857.40 2820
62567 03/24/14 I0021 INTERSTATE BATTERIES 267.80 2820
62568 03/24/14 J0028 JESCO, INC. 973.74 2820
62569 03/24/14 J0072 JERSEY WEB DESIGNS 1,100.00 2820
62570 03/24/14 L0034 LAYTON, BRENDA MRS. 1,258.80 2820
62571 03/24/14 L0087 LINE SYSTEMS INC 2,891.61 2820
62572 03/24/14 L0089 LILLA, JOHNNY 250.00 2820
62573 03/24/14 M0017 MOORE MEDICAL LLC 194.44 2820
62574 03/24/14 M0188 MCCARTHY TIRE SERVICE OF PHILA 524.61 2820

62575 03/24/14 M0217 MUNICIPAL EMERGENCY SERVICES 1,130.00 2820
62576 03/24/14 N0004 NJ-AMERICAN WATER CO. 113.17 2820
62577 03/24/14 N0131 DEFINED CONTRIB RETIRE PROGRAM 63.22 2820
62578 03/24/14 O0006 SJSHORE MARKETING,LLC 178.20 2820
62579 03/24/14 O0014 OCEANPORT LLC 6,757.44 2820
62580 03/24/14 P0032 PEDRONI FUEL CO. 2,467.65 2820
62581 03/24/14 P0050 PARSIO, ANTHONY 298.96 2820
62582 03/24/14 P0056 TURF EQUIPMENT AND SUPPLY CO 80,171.53 2820
62583 03/24/14 P0096 PREVITI,MICHELE M. 1,130.33 2820
62584 03/24/14 R0030 RIGGINS, INC. 7,309.57 2820
62585 03/24/14 R0100 ROBERTS OXYGEN COMPANY, INC. 314.15 2820
62586 03/24/14 R0105 Gregory J. Rodriquez 26.00 2820
62587 03/24/14 S0018 SUBURBAN PROPANE, LP 1,299.75 2820
62588 03/24/14 S0031 SCHULER SECURITY, INC. 200.00 2820
62589 03/24/14 S0121 SMUZ, THERESE A 14.52 2820
62590 03/24/14 S0122 SOMERS POINT LUMBER INC. 410.75 2820
62591 03/24/14 S0134 SO. JERSEY GAS COMPANY 4,140.47 2820
62592 03/24/14 S0196 STEWART BUSINESS SYSTEMS LLC 870.38 2820
62593 03/24/14 S0209 STAPLES ADVANTAGE 309.75 2820
62594 03/24/14 S0254 SHOPRITE 20.82 2820
62595 03/24/14 T0022 TERMINIX 112.00 2820
62596 03/24/14 T0032 THE PRESS & SUNDAY PRESS 29.06 2820
62597 03/24/14 T0067 TOWNSHIP OF UPPER PETTY CASH 19.00 2820
62598 03/24/14 U0003 U.S. MUNICIPAL SUPPLY, INC. 3,160.86 2820
62599 03/24/14 U0040 U.T. MUNICIPAL ALLIANCE COM. 825.00 2820
62600 03/24/14 V0001 VCI EMERGENCY VEHICLE 237.50 2820
62601 03/24/14 V0005 VAN EMBDEN, NATHAN, ATTORNEY 750.00 2820
62602 03/24/14 V0022 VERIZON 186.52 2820
62603 03/24/14 V0024 VAL-U AUTO PARTS L.L.C. 512.43 2820
62604 03/24/14 W0038 WILLIAMS, JEREMIAH J. 64.19 2820

Total: \$185,246.25