

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
AGENDA FOR FEBRUARY 24, 2020**

**\*\*\*\*\*BUDGET WORKSHOP MEETING - 6:30 P.M.**

In preparation of the 2020 Municipal Budget a budget workshop meeting was called to order this evening at 6:30 PM.

Mayor Palombo read the following Open Public meeting notice into the record. "In compliance with the Open Public Meetings Law, I wish to state that on February 21, 2020 the notice of this Budget workshop meeting of the Upper Township Committee was posted on the official Township Bulletin Board, mailed to the Cape May County Gazette, the Atlantic City Press, the Ocean City Sentinel-Ledger, the Herald Times and filed with the Township Clerk. Tonight's meeting is being video recorded and will be available on UTTV Channel 97 and on the Upper Township website. I hereby direct that this announcement be made a part of the minutes of this meeting."

The following were present for the workshop meeting tonight:

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

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

Committeeman Coggins began the meeting by giving a brief summary of the previous budget workshops. He stated that approximately \$220,000.00 has been removed from the proposed budget with a target of an additional \$130,000 in cuts to allow for an approximate .01 percent increase in the local purpose tax. Committee then continued discussing the proposed IT budget, cutting approximately \$47,000 from the budget in salaries for proposed promotions, replacing a recently retired position in the Department of Public Works with a part-time position for a savings of \$33,000.00, removing \$25,000.00 from the recycling, \$25,000.00 from the insurance line to reflect a rebate from JIF, and an approximate savings in electric based on the switch to LED lighting.

It was stated that based on today's discussion the introduction of the budget will be scheduled for the March 9, 2020 meeting, with the public hearing scheduled for April 6, 2020.

There was then a motion by Richard Palombo, second by John Coggins, to adjourn the budget workshop. During roll call vote all five Committeemen voted in the affirmative.

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

**CALL TO ORDER**

**SUNSHINE ANNOUNCEMENT**

Mayor Palombo read the following announcement. "In compliance with the Open Public Meetings Law, I wish to state that on February 21, 2020 the notice of this meeting of the Upper Township Committee was posted on the official Township Bulletin Board, mailed to the Cape May County Gazette, the Atlantic City Press, the Ocean City Sentinel-Ledger, the Herald Times and filed with the Township Clerk. Tonight's meeting is being video recorded up until the closed session portion of this meeting and will be available on

UTTV Channel 97 and on the Upper Township website. I hereby direct that this announcement be made a part of the minutes of this meeting.”

## **SALUTE TO THE FLAG**

## **ROLL CALL**

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

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

## **APPROVAL OF MINUTES** - February 10, 2020 Regular and Closed Session Minutes

Motion by Edward Barr, second by John Coggins, to approve the February 10, 2020 Regular and Closed Session Minutes as submitted. During roll call vote five Committeemen voted in the affirmative.

## **REPORT OF GOVERNING BODY MEMBERS**

**John Coggins, Committeeman**, reported that a resident has requested that the benches be returned to the playground area at Caldwell Park, and stated that Committeeman Young has indicated that they will be returned soon. Next, he reported that a resident has expressed concern regarding turtles crossing Tuckahoe Road near the Tyler Road bridge. He stated that it may be a good Eagle Scout or Green Team project to work with the State or County in obtaining turtle fencing for the area.

**Hobie Young, Committeeman**, reported that he will be starting a support group of volunteers to assist with special events.

**Edward Barr, Committeeman**, made a motion to install a streetlight along Mariners Cove. The motion was seconded by Richard Palombo. During roll call vote all five Committeemen voted in the affirmative.

**Curtis Corson, Committeeman**, reported that 124 dogs and 23 cats were vaccinated at the free rabies clinic held on January 22<sup>nd</sup>. The next clinic will be held in the fall.

**Richard Palombo, Mayor**, reported that he has received a request from the Cape May County Herald to participate in a special edition coming out in March. He next reported that the Upper Township Football Association is attempting to refurbish their helmets with newer technology. They will be holding a fundraiser for this purpose and Mayor Palombo requested that the flyer for the fundraiser be placed on the Township’s website and UTTV.

## **OTHER REPORTS**

**Scott Morgan, Township Administrator**, requested approval for Michelle Sampson, Mellissa Coker, Michael Linz to attend the New Jersey Emergency Preparedness Association conference at a cost of \$125.00 per person. Motion by Curtis Corson, second by Hobie Young, to approve the request. During roll call vote all five Committeemen voted in the affirmative.

## **RESOLUTIONS**

1. Honoring Harry (Sonny) Downam on his retirement from the Township of Upper.

## **TOWNSHIP OF UPPER**

**CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 77-2020**

**HONORING HARRY (SONNY) DOWNAM  
ON HIS RETIREMENT FROM THE TOWNSHIP OF UPPER**

---

**WHEREAS**, Harry (Sonny) Downam has retired after thirty-three years of exemplary public service to this community within the Department of Public Works; and

**WHEREAS**, Sonny began his career with the Township in 1986 and has served as a Laborer, Maintenance Repairer, and Senior Maintenance Repairer; and

**WHEREAS**, throughout his tenure, Sonny always executed his duties with diligence and skill; and

**WHEREAS**, it is most appropriate that Sonny's tenure of public employment and his years of hard work and dedicated service to this Township be publicly recognized.

**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. That Sonny be publicly congratulated on the occasion of his retirement from the Township of Upper.
2. That he be publicly thanked for his many years of dedicated public service to our community.
3. That this Committee, on behalf of all the citizens of the Township of Upper extend to Sonny Downam, our fellow employee and friend, our very best of wishes on his retirement and his future.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 24<sup>th</sup> day of February, 2020.

Resolution No. 077-2020

Offered by: Corson                      Seconded by: Coggins

Adopted: February 24, 2020

Roll Call Vote:

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

2. Approving the application of the Tuckahoe Volunteer Fire Company for highway coin drops.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY**

# RESOLUTION

## RESOLUTION NO. 078-2020

### RE: APPROVING THE APPLICATION OF THE TUCKAHOE VOLUNTEER FIRE COMPANY FOR HIGHWAY COIN DROPS

---

**WHEREAS**, the Tuckahoe Volunteer Fire Co., a non-profit corporation providing firefighting services, has made application to the Township Committee to hold coin drop solicitations in Upper Township; and

**WHEREAS**, the Township Committee has approved the requests; and

**WHEREAS**, the requests require approval from the County of Cape May and the State of New Jersey;

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

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

2. The application of the Tuckahoe Volunteer Fire Co. to hold a coin drop within Upper

Township is hereby approved for the following dates and locations:

**Intersection of State Highway 49 & State Highway 50:**

**Friday, July 17, 2020 from 5:00 p.m. to 9:00 p.m.**

**AND**

**Intersection of State Highway 49 & State Highway 50:**

**Saturday, July 18, 2020 from 9:00 a.m. to 3:00 p.m.**

**AND**

**Intersection of County Route 617 & State Highway 49:**

**Sunday, July 19, 2020 from 3:00 p.m. to 8:00 p.m.**

3. Attached to this Resolution is a certified copy of Ordinance No. 7-2001, authorizing coin drops within Upper Township enacted pursuant to N.J.S.A. 39:4-60.

4. A certified copy of this Resolution shall be provided to the State of New Jersey, Department of Transportation and the Board of Chosen Freeholders of the County of Cape May.

Resolution No. 078-2020

Offered by: Young                      Seconded by: Barr

Adopted: February 24, 2020

Roll Call Vote:

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

Barr	X			
Coggins	X			
Corson	X			
Young	X			
Palombo	X			

3. Granting the appeal of the street opening moratorium for Block 845 Lot 8.

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

**RESOLUTION NO. 079–2020**

**RE: GRANTING THE APPEAL OF THE STREET OPENING MORATORIUM FOR  
BLOCK 845, LOT 8**

---

**WHEREAS**, the property owner of Block 845, Lot 8 has appealed the street opening moratorium for newly paved streets contained in Revised General Ordinance 13-1.2c (Street Excavations – Permits); and

**WHEREAS**, the street abutting the subject property has been resurfaced less than three years; and

**WHEREAS**, the subject property is in need of public water and/or gas and the need for those utility services was not known before the road was resurfaced; and

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

1. The appeal of the three year street opening moratorium shall be approved for the following property: Block 845, Lot 8.
2. Enhanced road restoration shall be completed in accordance with attached Exhibit “A”.
3. An additional Performance and Maintenance Bond for the property in the amount of \$3,000 shall be submitted at time of permit for the required work beyond the Ordinance requirements of Section 13-1.7.
4. The Township Engineer or the Public Works Road Supervisor shall be present during all work operations and shall be notified 48 hours in advance of any work.
5. 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.

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

## EXHIBIT A

Infrared restoration for repair of asphalt that have been opened for utility work shall be utilized after a minimum four (4) month settlement period has elapsed following initial backfill.

- (1) After completion of permanent restoration as required by the Ordinance, the permittee shall provide infrared restoration.
- (2) The area shall be swept clean of dirt, loose aggregate, or standing water.
- (3) A chalk line shall be drawn six to twelve (6"–12") inches back from the seam of the original opening to use as a guide raking.
- (4) The infrared chamber shall be lowered over the repair being sure to allow at least twelve to eighteen (12"–18") inches of heated area beyond the perimeter of the original opening.
- (5) To insure the proper heating time, the contractor shall check the surface temperature of the asphalt at seven (7) minutes and every minute thereafter using an infrared thermometer so as not to allow the surface temperature to exceed three hundred fifty (350°) degrees Fahrenheit. This is required since the ambient temperature, the color of the pavement, the size of the aggregate, and the moisture content influence the heating time.
- (6) After the appropriate heating time (typically eight to ten (8–10) minutes), the asphalt surface will be softened to a depth of two to two and one-half (2"– 2 1/2") inches.
- (7) The infrared chamber shall be then removed from the heated area.
- (8) The backside of a steel rake shall be used to neatly square off the repair, cutting six to twelve (6"–12") inches back from the original excavation along the chalk line.
- (9) The area inside the repair shall be deeply scarified, taking special care to eliminate the original seam between the repair and the road.
- (10) Approximately one-half to one (1/2"–1") inch of existing three-fourths (3/4") inch stones shall be raked out and removed from the patch.
- (11) Maltenes rejuvenator shall be applied to the repair and surrounding heated asphalt surface. Emulsified maltenes recycling agent (rejuvenator) shall be applied in a ratio of 1:1 with water. This solution shall be well dispersed with a commercial grade sprayer at a rate of eight (8) ounces per square yard of heated area. This application area shall include both the area under repair as well as the area heated by left undisturbed around the perimeter of the repair. The application shall take place after the area has been scarified and just prior to the addition of new asphalt. The rejuvenator replaces the light oil component of asphalt, which has oxidized out over time.

- (12) HMA 4.5M64 Surface Course shall be added to the area to bring it up to proper grade and luted smooth.
  - (13) The area shall be compacted. The edges shall be rolled first to fuse the hot repair to the heated but untouched surrounding pavement.
  - (14) Light coating of stone dust can then be spread over the repair to remove the tackiness. The road can then be opened to traffic.
4. Amending Resolution No. 012-2020 appointing various officers and employees to annual and specified terms.

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

**RESOLUTION NO. 080-2020**

**RE: AMENDING RESOLUTION NO. 012-2020 APPOINTING VARIOUS OFFICERS AND  
EMPLOYEES TO ANNUAL AND SPECIFIED TERMS**

**WHEREAS**, Resolution No. 012-2020 appointed various officers and employees to annual and specified terms and included the salary for each; and

**WHEREAS**, the Township Committee has determined it is necessary to amend said Resolution No. 012-2020 to amend the salary and certain appointments as contained in said Resolution: and;

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

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

2. Resolution No. 012-2020 is hereby amended to reflect the annual position titles and salary for Janet McBride effective January 1, 2020 as follows:

<b>NAME</b>	<b>POSITION</b>	<b>SALARY</b>
Janet McBride	Keyboarding Clerk 1, Clerk's Office	\$42,822.00
	Alternate Deputy Registrar	\$ 3,000.00
	Wellness Coordinator	\$ 1,750.00

Resolution No. 080-2020

Offered by: Coggins

Seconded by: Barr

Adopted: February 24, 2020

Roll Call Vote:

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

5. Authorizing the award of a contract with TruGreen, LP for recreation field maintenance.

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

**RESOLUTION NO. 81-2020**

**RE: AUTHORIZING THE AWARD OF A CONTRACT  
WITH TRUGREEN, LP FOR RECREATION FIELD MAINTENANCE**

---

**WHEREAS**, the Township of Upper maintains our recreation fields and to do so desires to enter into a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with TruGreen, LP for the year 2020 will exceed \$17,500 and a contract pursuant to N.J.S.A. 19:44A-20.5 is required; and

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

**WHEREAS**, the Chief Financial Officer of the Township has certified the availability of funds to allow the award of contract for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose in the 2020 Municipal Budget.

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

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

Resolution No. 081-2020



Offered by: Young                      Seconded by: Barr

Adopted: February 24, 2020

Roll Call Vote:

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

6. Appointing Davida Wines as a full-time employee to the Office of the Municipal Clerk.

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

**RESOLUTION NO. 082-2020**

**RE: APPOINTING DAVIDA WINES AS A FULL-TIME EMPLOYEE  
TO THE OFFICE OF THE MUNICIPAL CLERK**

---

**WHEREAS**, a need exists to appoint qualified personnel to the Office of the Municipal Clerk to insure optimal operation; and

**WHEREAS**, Davida Wines possesses the necessary qualifications to be appointed as Keyboarding Clerk 1 in the Office of the Municipal Clerk.

**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. Davida Wines is hereby appointed as a full-time Keyboarding Clerk 1 in the Office of the Municipal Clerk, effective February 28, 2020, at an annual salary of \$38,000.00 in accordance with the Salary Ordinance.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 082-2020

Offered by: Barr                      Seconded by: Young

Adopted: February 24, 2020

Roll Call Vote:

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

7. Authorizing a contract with J.A. Montgomery Risk Control Services, LLC for Right to Know Inventory and Survey Preparation Services.

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

**RESOLUTION NO. 083-2020**

**RE: AUTHORIZING A CONTRACT WITH J.A. MONTGOMERY RISK  
CONTROL SERVICES, LLC FOR RIGHT TO KNOW INVENTORY  
AND SURVEY PREPARATION SERVICES**

---

**WHEREAS**, J.A. Montgomery Risk Control Services, LLC, “J.A. Montgomery”, has submitted a proposal to the Township for Onsite Inventory, preparation of Community Right to Know Survey Documents, and preparation of Right to Know Central File for 2020; and

**WHEREAS**, the Township wishes to accept said proposal and to authorize a contract with J.A. Montgomery; and

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

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to enter into a contract with J.A. Montgomery attached hereto as Exhibit “A”, to provide Onsite Inventory, preparation of Community Right to Know Survey Documents, and preparation of Right to Know Central File for 2020.
3. J.A. Montgomery has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.
4. 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.

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

8. Appointing McManimon, Scotland & Baumann, LLC to act as Special Legal Counsel.

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

**RESOLUTION NO. 084-2020**

**RE: APPOINTING MCMANIMON, SCOTLAND & BAUMANN, LLC TO  
ACT AS SPECIAL LEGAL COUNSEL**

---

**WHEREAS**, the Township of Upper requires special legal counsel services with regard to bonding for capital improvement projects and other issues; and

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

**WHEREAS**, the Township has decided to acquire the services of McManimon, Scotland & Baumann, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. McManimon, Scotland & Baumann, LLC with offices at 75 Livingston Avenue, Roseland, New Jersey 07068 is hereby appointed Special Legal Counsel to handle matters regarding capital improvement projects and other issues as directed by the Township Committee.

3. The contract shall have a term of one (1) year from date of full execution.

4. The Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because McManimon, Scotland & Baumann, LLC has professional knowledge as to legal matters which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

### **NOTICE OF CONTRACT AWARD**

The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to McManimon, Scotland & Baumann, LLC for legal services. The contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

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

7. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with McManimon, Scotland & Baumann, LLC in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

8. This contract shall have a term of one (1) year from date of full execution.

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

10. This Resolution shall be effective as of adoption.

Resolution No. 084-2020

Offered by: Coggins

Seconded by: Barr

Adopted: February 24, 2020

Roll Call Vote:

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

9. Appointing Frank L. Corrado, Esquire to act as Special Legal Counsel.

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

**RESOLUTION NO. 085-2020**

**RE: APPOINTING FRANK L. CORRADO, ESQUIRE TO ACT  
AS SPECIAL LEGAL COUNSEL**

---

**WHEREAS**, the Township Committee of Upper Township desires special legal counsel in matters in which the regular legal counsel has a conflict and such other matters as the Township Committee may direct; and

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

**WHEREAS**, the Township has decided to acquire the services of Frank L. Corrado, Esquire as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Frank L. Corrado, Esquire with offices at 2700 Pacific Avenue, Wildwood, New Jersey is hereby appointed Special Legal Counsel as directed by the Township Committee.
3. This contract shall have a term of one (1) year from date of full execution.

4. This Contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Frank L. Corrado, Esquire has professional knowledge as to legal matters which knowledge is particularly valuable to the Township Committee.

### **NOTICE OF CONTRACT AWARD**

The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Frank L. Corrado, Esquire for legal services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

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

7. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Frank L. Corrado, Esquire in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

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

9. This Resolution shall be effective as of adoption.

Resolution No. 085-2020

Offered by: Young

Seconded by: Barr

Adopted: February 24, 2020

Roll Call Vote:

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

10. Appointing Thomas G. Smith, Esquire to act as Special Legal Counsel regarding Tax Court matters and matters in which the Regular Township Solicitor may have a conflict of interest.

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

**RESOLUTION NO. 086-2020**

**RE: APPOINTING THOMAS G. SMITH, ESQUIRE TO ACT AS SPECIAL LEGAL COUNSEL  
REGARDING TAX COURT MATTERS AND MATTERS IN WHICH THE REGULAR  
TOWNSHIP SOLICITOR MAY HAVE A CONFLICT OF INTEREST**

---

**WHEREAS**, the Township requires legal counsel to provide legal services for Tax Court matters and in the event a conflict of interest arises in regard to the services provided by the regular Township Solicitor; and

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

**WHEREAS**, the Township has decided to acquire the services of Thomas G. Smith, Esquire as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Thomas G. Smith, Esquire with offices at 2312 New Road, Suite 201, Northfield, New Jersey is hereby appointed Special Legal Counsel to handle Tax Court matters and matters in which the regular Township Solicitor has a conflict of interest as well as other matters directed by the Township Committee.
3. This contract shall have a term of one (1) year from date of full execution.

4. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Thomas G. Smith, Esquire has professional knowledge as to legal matters which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

### **NOTICE OF CONTRACT AWARD**

The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Thomas G. Smith, Esquire for legal services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

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

7. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Thomas G. Smith, Esquire in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

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

9. This Resolution shall be effective as of adoption.

Resolution No. 086-2020

Offered by: Coggins

Seconded by: Barr

Adopted: February 24, 2020

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Barr	X			
Coggins	X			
Corson	X			



Young	X			
Palombo	X			

11. Appointing Frank Guaracini, III to serve as an additional Municipal Prosecutor on an as needed basis.

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

**RESOLUTION NO. 087-2020**

**RE: APPOINTING FRANK GUARACINI, III TO SERVE AS AN ADDITIONAL MUNICIPAL  
PROSECUTOR ON AN AS NEEDED BASIS**

**WHEREAS**, a need exists to appoint an additional municipal prosecutor to serve on an as needed basis; and

**WHEREAS**, N.J.S.A. 2B:25-4 allows for the appointment of additional municipal prosecutors as necessary to administer justice in a timely and effective manner; and

**WHEREAS**, the Township has decided to acquire the services of Frank Guaracini, III as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Frank Guaracini, III with offices at 2123 Dune Drive, Suite 11, Avalon, New Jersey is hereby appointed as an additional municipal prosecutor to serve on an as needed basis.
3. This contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Frank Guaracini, III has professional knowledge as to legal and municipal court matters, which knowledge is

particularly valuable to the Township Committee, and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

### **NOTICE OF CONTRACT AWARD**

The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Frank Guaracini, III for legal services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

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

7. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Frank Guaracini, III in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

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

9. This Resolution shall be effective as of adoption.

Resolution No. 087-2020

Offered by: Barr

Seconded by: Young

Adopted: February 24, 2020

Roll Call Vote:

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

12. Appointing Judge F. Thomas Hillegass to serve as a Temporary Municipal Judge on an as needed basis.

**TOWNSHIP OF UPPER**

**CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 88-2020**

**RE: APPOINTING JUDGE F. THOMAS HILLEGASS TO SERVE AS A  
TEMPORARY MUNICIPAL JUDGE ON AN AS NEEDED BASIS**

---

**WHEREAS**, N.J.S.A. 2B:12-5 allows for the appointment of one or more temporary municipal judges to meet a special need of limited duration; and

**WHEREAS**, the Township has decided to acquire the services of Judge F. Thomas Hillegass as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

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

**WHEREAS**, said appointment is conditioned upon compliance with all requirements established by N.J.S.A. 2B:12-1, et seq.; 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. Judge F. Thomas Hillegass is hereby appointed as a temporary municipal judge to serve on an as needed basis.
3. This contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Judge F. Thomas Hillegass has professional knowledge as to legal and municipal court matters, which knowledge is particularly valuable to the Township Committee, and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

## NOTICE OF CONTRACT AWARD

The Township Committee of the Township of Upper, State of New Jersey has awarded a contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Judge F. Thomas Hillegass for temporary municipal judge services. The contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

6. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Judge F. Thomas Hillegass in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

7. A copy of this Resolution shall be published in the official newspaper of the Township of Upper within ten (10) days from the date of adoption.

8. This Resolution shall be effective as of adoption.

Resolution No. 88-2020

Offered by: Corson                      Seconded by: Barr

Adopted: February 24, 2020

Roll Call Vote:

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

13. Withdrawing a prior authorization to purchase certain items in the amount of \$50,826.20 from the Cape May County Open Space Program Park and Recreation Development Grant and authorizing the purchase of certain items in the amount of \$51,133.10 from the Cape May County Open Space Program Park and Recreation Development Grant.

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

**RESOLUTION NO. 089-2020**

**RE: WITHDRAWING A PRIOR AUTHORIZATION TO PURCHASE CERTAIN ITEMS IN THE AMOUNT OF \$50,826.20 FROM THE CAPE MAY COUNTY OPEN SPACE PROGRAM PARK AND RECREATION DEVELOPMENT GRANT AND AUTHORIZING THE PURCHASE OF CERTAIN ITEMS IN THE AMOUNT OF \$51,133.10 FROM THE CAPE MAY COUNTY OPEN SPACE PROGRAM PARK AND RECREATION DEVELOPMENT GRANT**

---

**WHEREAS**, pursuant to Resolution No. 359-2019 adopted on December 16, 2019, the Township of Upper authorized the purchase of benches, picnic tables and litter receptacles for the Beesley's Point Park in the amount of \$50,826.50 from Keystone Ridge Designs through State Contract No. 16-FLEET-00118; and

**WHEREAS**, the Township of Upper wishes to modify this purchase to reflect new pricing; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-12a, the Township wishes to purchase the benches, picnic tables and litter receptacles for the Beesley's Point Park in the new amount of \$51,133.10 from Keystone Ridge Designs through State Contract No. 16-FLEET-00118; and

**WHEREAS**, the Township's Qualified Purchasing Agent has reviewed and approved the quote for benches, picnic tables and litter receptacles provided by Keystone Ridge Designs.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township of Upper hereby authorizes the purchase of benches, picnic tables and litter receptacles for the Beesley's Point Park in the new amount of \$51,133.10 from Keystone Ridge Designs through State Contract No. 16-FLEET-00118.
3. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 089-2020

Offered by: Coggins

Seconded by: Barr

Adopted: February 24, 2020

Roll Call Vote:

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

14. Authorizing the Engineer to prepare specifications and solicit bids for a road paving project.

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

**RESOLUTION NO. 090-2020**

**RE: AUTHORIZING THE ENGINEER TO PREPARE SPECIFICATIONS  
AND SOLICIT BIDS FOR A ROAD PAVING PROJECT**

---

**WHEREAS**, the Township of Upper participates in a yearly maintenance program to pave various streets throughout the municipality; and

**WHEREAS**, pursuant to the provisions of the Local Public Contracts Law, the Township of Upper intends to solicit bids as herein indicated;

**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 Engineer is hereby authorized and directed to prepare specifications, bid documents and solicit bids for the following project:

**2020 ROAD PAVING PROJECT**

3. An itemized listing of the Roads authorized to be included in the project shall be made part of this Resolution and are attached hereto as Exhibit "A".

4. Sealed bids shall be received by the Township of Upper in accordance with the directives contained in the Notice to Bidders.

Resolution No. 090-2020

Offered by: Barr

Seconded by: Young

Adopted: February 24, 2020

Roll Call Vote:

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

15. Refund EMS ambulance billing overpayment to IUOE Welfare Fund.

**TOWNSHIP OF UPPER**

**CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 091-2020**

**RE: REFUND EMS AMBULANCE BILLING OVERPAYMENT  
TO IUOE WELFARE FUND**

---

**WHEREAS**, an overpayment has occurred in the account of an EMS ambulance billing patient, where the monies sent to the Township of Upper by IUOE Welfare Fund were in excess as evidenced by the attached copy of correspondence attached hereto as Exhibit A.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Upper, Cape May County, that the refund is hereby authorized and the Chief Financial Officer is hereby directed to refund monies as indicated below:

<u><b>AMOUNT</b></u>	<u><b>NAME</b></u>
\$81.50	IUOE Welfare Fund Local 542 Operating Engineers P.O. Box 1627 Fort Washington, PA 19034

Resolution No. 091-2020

Offered by: Coggins

Seconded by: Barr

Adopted: February 24, 2020

ROLL CALL VOTE:

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

16. Revised 2020 Temporary Budget.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 092-2020**

**RE: REVISED 2020 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**, the total of the appropriations so made shall not exceed 26.25% of the total of the appropriations made for all purposes in the Budget for the preceding year excluding public assistance, such amount being **\$3,186,717.56.**

**NOW, THEREFORE BE IT RESOLVED**, that the following appropriations shall constitute the Temporary Budget for the year 2020:

<b>ADMINISTRATIVE &amp; EXECUTIVE MAYOR AND COMMITTEE</b>			<b>Increase To:</b>
	Salary and Wages	\$ 18,700.00	\$24,100.00
	Mayor and Committee O/E	\$ 2,000.00	4,000.00
	DCRP-Twp Committee	\$ 2,500.00	3,000.00
	Cape Mediation	\$ 2,700.00	
	Cape Assist EAP	\$ 1,155.00	
<b>MUNICIPAL CLERK</b>			
	Salary and Wages	\$ 60,000.00	66,000.00
<b>OTHER EXPENSES</b>			
	Miscellaneous O/E	\$ 7,500.00	10,000.00
<b>FINANCIAL ADMINISTRATION</b>			
	Salaries & Wages	\$ 75,000.00	87,400.00
	Miscellaneous O/E	\$ 2,500.00	4,000.00
	Computer	\$ 38,000.00	52,000.00
	Hardware/Software		
	Annual Audit	\$ 20,000.00	
<b>ASSESSMENT OF TAXES</b>			
	Salaries & Wages	\$ 34,300.00	39,200.00
	Miscellaneous O/E	\$ 2,000.00	3,000.00
<b>COLLECTION OF TAXES</b>			
	Salaries & Wages	\$ 31,800.00	36,300.00
	Miscellaneous O/E	\$ 1,000.00	1,500.00
	Purchase TTL	\$ 0	
<b>LEGAL SERVICES AND COSTS</b>			
	Other Expenses	\$ 30,000.00	50,000.00
<b>MUNICIPAL COURT</b>			
	Salaries & Wages	\$ 30,100.00	45,000.00
	Miscellaneous O/E	\$ 8,000.00	12,000.00
<b>PUBLIC DEFENDER</b>			
	Salaries & Wages	\$ 5,800.00	7,000.00
<b>MUNICIPAL PROSECUTOR</b>			
	Salaries & Wages	\$ 11,800.00	13,900.00
<b>ENGINEERING SERVICES &amp; COSTS</b>			
	Salaries & Wages	\$ 29,000.00	32,900.00
	Other Expenses	\$ 5,000.00	
<b>PUBLIC BUILDINGS &amp; GROUNDS</b>			
	Salaries & Wages	\$ 180,000.00	221,500.00
	Other Expenses	\$ 80,000.00	100,000.00
<b>PLANNING BOARD</b>			
	Salaries & Wages	\$ 10,200.00	12,000.00
	Other Expenses	\$ 2,000.00	3,000.00
<b>BOARD OF ADJUSTMENT</b>			
	Salaries & Wages	\$ 10,200.00	12,000.00
	Other Expenses	\$ 2,000.00	4,000.00
<b>CONSTRUCTION CODE</b>			
	Salaries & Wages	\$ 52,500.00	60,000.00
	Other Expenses	\$ 1,000.00	2,000.00
<b>INSURANCE</b>			



	Group Insurance for Employees	\$ 625,000.00	1,050,000.00
	Other Insurance Premiums	\$ 65,000.00	
	Workers Compensation	\$ 100,000.00	125,000.00
<b>SCHOOL TRAFFIC GUARD</b>			
	Salaries & Wages	\$ 3,000.00	
	Miscellaneous O/E	\$ 200.00	
<b>BEACH PATROL</b>			
	Salaries & Wages	\$ 1,000.00	
	Other Expenses	\$ 1,000.00	
<b>EMERGENCY MANAGEMENT/RTK</b>			
	Salaries & Wages	\$ 6,100.00	7,000.00
	Miscellaneous O/E	\$ 4,000.00	10,000.00
<b>ROAD REPAIRS &amp; MAINTENANCE</b>			
	Salaries & Wages	\$ 200,000.00	290,000.00
	Miscellaneous O/E	\$ 40,000.00	70,000.00
<b>SURFACING OF ROADS CONTRACTUAL</b>		\$ 0.00	
<b>STREET LIGHTING</b>		\$ 90,000.00	
<b>GARBAGE &amp; TRASH REMOVAL</b>			
	Salaries & Wages	\$ 102,500.00	122,500.00
	Miscellaneous O/E	\$ 18,000.00	28,000.00
	Tipping Fees	\$ 110,000.00	
<b>BOARD OF HEALTH</b>			
	Salaries & Wages	\$ 150.00	200.00
	Miscellaneous O/E	\$ 100.00	
<b>DOG REGULATION</b>			
	Miscellaneous O/E	\$ 18,700.00	41,500.00
<b>PUBLIC INFORMATION</b>			
	Miscellaneous O/E	\$ 200.00	
<b>ZONING/CODE OFFICIAL</b>			
	Salaries & Wages	\$ 3,900.00	4,500.00
	Miscellaneous O/E	\$ 100.00	
<b>SPORTS &amp; RECREATION</b>			
	Salaries & Wages	\$ 13,300.00	15,300.00
	Miscellaneous O/E	\$ 10,000.00	15,000.00
<b>FIRST AID ORGANIZATION</b>			
	Salaries & Wages	\$ 178,000.00	210,000.00
	Miscellaneous O/E	\$ 18,000.00	25,000.00
<b>RECYCLING</b>			
	Salaries & Wages	\$ 102,000.00	118,000.00
	Miscellaneous O/E	\$ 18,000.00	28,000.00
<b>AFFORDABLE HOUSING</b>			
	Salaries & Wages	\$ 700.00	800.00
	Miscellaneous O/E	\$ 100.00	
<b>COMMUNITY CENTER</b>			
	Miscellaneous O/E	\$ 8,000.00	15,000.00
<b>CELEBRATION OF PUBLIC EVENTS</b>		\$ 2,000.00	4,000.00
<b>SOCIAL SECURITY SYSTEM</b>		\$ 97,000.00	103,800.00
<b>SPECIAL LITIGATION</b>		\$ 20,000.00	30,000.00
<b>SUI CONTRIBUTION</b>		\$ 1,500.00	1,600.00
<b>CENTRAL DISPATCH</b>		\$ 61,500.00	123,000.00
<b>ALCOHOL &amp; DRUG TESTING</b>		\$ 1,000.00	2,000.00
<b>COMP. ABSENCES RESERVES</b>		\$ 100.00	
<b>PERS</b>		\$ 482,290.00	

**ASSISTANCE TO  
FIREFIGHTERS GRANT-LOCAL  
MATCH**

**\$ 27,404.77**

**Total \$3,186,599.77**

Resolution No. 092-2020

Offered by: Coggins

Seconded by: Barr

Adopted: February 24, 2020

Roll Call Vote:

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

17. Supporting a “No Passing Zone” along New Jersey State Highway Route 49 between mile post 50.51 and mile post 52.95.

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

**RESOLUTION NO. 093–2020**

**RE: SUPPORTING A “NO PASSING ZONE” ALONG NEW JERSEY STATE HIGHWAY  
ROUTE 49 BETWEEN MILE POST 50.51 AND MILE POST 52.95**

---

**WHEREAS**, the New Jersey Department of Transportation has conducted an investigation to inventory the existing center line markings along NJ Route 49 in Upper Township; and

**WHEREAS**, based on this investigation it was recommended and approved by Traffic Regulation Order NPZ 2015-48 on September 9, 2015, to revise the center pavement markings to a No Passing Zone in the vicinity of Woodbine Road (Mile post 52.3) and NJ Route 50 (Mile Post 53.8); and

**WHEREAS**, Traffic Regulation Order NPZ 2015-48 excluded areas that were requested by the Township; and

**WHEREAS**, in order to insure the safety of citizens, residents and the general public, the Township Committee of the Township of Upper is requesting that the NJDOT reexamine this area for the creation of a “No Passing Zone” along NJSH Route 49 in the vicinity of Clover Ave (Mile post 52.95 to 52.48) and Plummers Creek (Mile Post 51.51 to 50.51) as marked on Exhibit 1 (NJDOT Drawing HNPZ-027B, No Passing Zones along NJ49 last revised April 13, 2015); 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 supports creating a “No Passing Zone” along NJSH Route 49 in the vicinity Clover Ave (Mile post 52.95 to 52.48) and Plummers Creek (Mile Post 51.51 to 50.51) as marked on Exhibit 1 (NJDOT Drawing HNPZ-027B, No Passing Zones along NJ49 last revised April 13, 2015);
3. The Township Committee hereby requests all State officials to take action forthwith to implement the creation of a “No Passing Zone” along NJSH Route 49.
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.
5. A copy of this Resolution shall be forwarded to the appropriate New Jersey Officials.

Resolution No. 093-2020

Offered by: Young

Seconded by: Barr

Adopted: February 24, 2020

Roll Call Vote:

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

18. Amending a prior authorization to purchase certain items in the amount of \$29,408.00 from the account entitled Recycling Trust Account and authorizing the purchase of certain items and for the Chief Financial Officer to withdraw funds in the amount of \$31,045.84 from the account entitled Recycling Trust Account.

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

**RESOLUTION NO. 094-2020**

**RE: AMENDING A PRIOR AUTHORIZATION TO PURCHASE CERTAIN ITEMS IN THE  
AMOUNT OF \$29,408.00 FROM THE ACCOUNT ENTITLED RECYCLING TRUST ACCOUNT  
AND AUTHORIZING THE PURCHASE OF CERTAIN ITEMS AND FOR THE CHIEF  
FINANCIAL OFFICER TO WITHDRAW FUNDS IN THE AMOUNT OF \$31,045.84 FROM THE  
ACCOUNT ENTITLED RECYCLING TRUST ACCOUNT**

---

**WHEREAS**, pursuant to Resolution No. 358-2019 adopted on December 16, 2019, the Township of Upper authorized the purchase of a new right arm assembly for an automated trash truck in the amount of \$29,408.00 from GranTurk Equipment Co., Inc.; and

**WHEREAS**, the Township of Upper wishes to modify this purchase to reflect freight, additional parts and shop supply charges unforeseen at the time the quote was obtained; and

**WHEREAS**, the Township has available \$31,045.84 in the Recycling Trust account to make such purchase.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township of Upper hereby authorizes the purchase of a new right arm assembly for an automated trash truck in the new amount of \$31,045.84 from GranTurk Equipment, Co., Inc.
3. The Chief Financial Officer is hereby authorized, directed and empowered to withdraw funds in the amount of \$31,045.84 from the account entitled Recycling Trust Account to pay for a new right arm assembly for an automated trash truck and is empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 094-2020

Offered by: Coggins

Seconded by: Barr

Adopted: February 24, 2020

Roll Call Vote:

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

19. Accepting the donation of a Van Duyne Surfboat from the Buckland Family in honor of the Keller, Rexford, and Buckland Families.

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

**RESOLUTION NO. 095-2020**

**RE: ACCEPTING THE DONATION OF A VAN DUYNE SURFBOAT  
FROM THE BUCKLAND FAMILY IN HONOR OF THE  
KELLER, REXFORD, AND BUCKLAND FAMILIES**

---

**WHEREAS**, the Buckland Family wishes to donate a Van Duyne Surfboat to the Township of Upper for use by the Upper Township Beach Patrol in honor of the Keller, Rexford, and Buckland Families; and

**WHEREAS**, the Township of Upper deems it in the best interest of the Township and the Township will best be served by the acceptance of the donation; 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 of Upper hereby accepts the donation of a Van Duyne Surfboat from the Buckland Family and shall be named in honor of the Keller, Rexford, and Buckland Families, subject to any and all recommendations of the Solicitor and Risk Management Consultant of the Township.
3. The Township Committee hereby authorizes the Mayor, CFO, and Township Clerk to execute any documents necessary, and otherwise perform all acts necessary to accomplish the intent of this resolution.

Resolution No. 095-2020

Offered by: Palombo

Seconded by: Corson

Adopted: February 24, 2020

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Barr				
Coggins				
Corson				
Young				
Palombo				

## **ORDINANCES**

## **CORRESPONDENCE**

## **NEW BUSINESS**

20. **Request for Hardship Waiver to Street Moratorium for 291 Mercer Road, Block 485, Lot 1.** Motion by Edward Barr, second by Hobie Young, to approve the request. During roll call vote all five Committeemen voted in the affirmative. A Resolution for formal action will be placed on the next agenda.
21. **Knights of Columbus #9113 Monsignor James Zegers/Resurrection Council request to hold a Raffle #RA-530 at St. Maximilian Kolbe Parish Hall on February 7, 2021.** Motion by Curtis Corson, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative.
22. **Zoning Board 2019 year-end review.** Motion by Hobie Young, second by Edward Barr, to accept the report. During roll call vote all five Committeemen voted in the affirmative.
23. **Stockton University Coastal Research Center Final Report for 2019.** The Township Engineer gave a brief summary of the report.

## **UNFINISHED BUSINESS**

24. **Upper Township Farmer's Market.** Committeemen Barr and Corson abstained from this discussion. The Municipal Engineer reported that Mr. Zimmerman has requested support from the Township to hold a Farmer's Market at Misty Meadows Sheep Farm. He recently was approved for a site plan waiver from the Planning Board, who will adopt a resolution granting site plan approval next month. The project has the support of the Green Team. Mr. Zimmerman stated that he is requesting the Township assist with the promotion of the event as well as have Public Works collect the trash after the event. After a brief discussion, it was stated that the Township has no objections to the proposed Farmer's Market and would be willing to advertise the event on the Township's website. The Municipal Attorney requested Mr. Zimmerman to submit in writing a detailed outline of what he is asking the Township to do and recommended that a resolution be drafted outlining the role of the township. He further recommended that the Township consult the Risk Management Consultant.

## **DISCUSSION**

25. **Deed of Dedication and Perpetual Access Easement.** The Municipal Engineer reported that a Municipal Public Access Plan (MPAP) is required as part of the Township's Beach and Dune Maintenance Permit. As part of the MPAP, the Township is required to preserve the existing public access points by recording a Deed of Dedication and Perpetual Public Access Easement for the Township owned public access points. Motion by Curtis Corson, second by Edward Barr to move forward. A Resolution for formal action will be placed on the next agenda.
26. **Public Outreach regarding Coastal Coalition's Multi-Jurisdictional Program for Public Information.** The Township Engineer requested approval for the Township to participate in a public outreach program to disseminate flooding and flood plain information, which will give additional points in the Community Rating System Program. As part of the program a letter will be sent out by the Mayor and Township Committee to residents talking about flood insurance promotion, as well as hosting a meeting during which residents can bring their flood insurance information and ensure that their properties are being rated properly. Mayor Palombo requested that Upper's public outreach meeting be held during July so that residents in Strathmere will be able to participate. Motion by Richard Palombo, second by Edward Barr, to participate in the program and hold a public outreach meeting in July. During roll call vote all five Committeemen voted in the affirmative.

## **PAYMENT OF BILLS**

27. **"I hereby move that all claims submitted for payment at this meeting be approved and then incorporated in full in the minutes of this meeting."** Motion by John Coggins, second by Edward Barr. During roll call vote all five Committeemen voted in the affirmative.

**Bills approved for payment:** \$744,484.20

**Payroll:** \$168,035.46

## **REPORT OF MUNICIPAL DEPARTMENTS**

**28. Clerk's Office**

**29. Finance Office**

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

## **PUBLIC COMMENT**

**Nathalie Neiss, Petersburg,** made several inquiries into the Unfinished Business item regarding the proposed Farmer's Market.

## **CLOSED SESSION**

30. 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. 096-2020 MOTION GOING INTO CLOSED SESSION FEBRUARY 24, 2020**

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:**

- Personnel
- Contract negotiation - NJ Transit Corp. Lease Agreement for Tuckahoe Rail Station
- Contract negotiation - Upper Township Rescue Squad
- Contract negotiation - Basic Life Support and Ambulance Services

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.

Moved by: John Coggins

Motion seconded by: Edward Barr

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

## **RECONVENE PUBLIC PORTION OF MEETING**

## **ADJOURNMENT**

There being no further business this evening the meeting was adjourned at 8:55 P.M., with a motion by Richard Palombo, second by John Coggins, and all five Committeemen voting in the affirmative. The next regular meeting is scheduled for March 9, 2020 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC  
Municipal Clerk

#### **Bill List**

75318 02/24/20 A0091 ATLANTIC CITY ELECTRIC 23,584.96 3120  
75319 02/24/20 A0191 ACTION UNIFORM CO. LLC 118.00 3120  
75320 02/24/20 A0193 ATLANTIC INVESTIGATIONS, LLC 93.00 3120  
75321 02/24/20 B0035 BELMONT & CRYSTAL SPRINGS 50.96 3120  
75322 02/24/20 B0090 BROADLEY'S MDI 2,268.00 3120  
75323 02/24/20 B0093 BARRY, CORRADO, GRASSI & 3,010.00 3120  
75324 02/24/20 B0220 BERGEY'S TRUCK CENTERS 208.10 3120  
75325 02/24/20 B0239 BAILEY, WILLIAM MICHAEL 791.66 3120

75326 02/24/20 B0248 BARNES LAW GROUP LLC 802.50 3120  
75327 02/24/20 C0048 CAPE MAY COUNTY MUA 40,066.02 3120  
75328 02/24/20 C0068 COMCAST 863.58 3120  
75329 02/24/20 C0143 CODY'S POWER EQUIPMENT 94.82 3120  
75330 02/24/20 C0182 CDW GOVERNMENT, INC 908.33 3120  
75331 02/24/20 C0223 CASA PAYROLL SERVICE 227.25 3120  
75332 02/24/20 C0230 CATAMARAN MEDIA COMPANY 284.55 3120  
75333 02/24/20 C0259 CAPE PHYSICIANS ASSOCIATES, PA 705.00 3120  
75334 02/24/20 C0282 CAPE MAY COUNTY COAST GUARD 350.00 3120  
75335 02/24/20 C0295 CRAFTCO, INC. 1,500.00 3120  
75336 02/24/20 C0296 COMCAST BUSINESS COMMUNICATION 1,386.86 3120  
75337 02/24/20 C0302 CONSTELLATION, NEW ENERGY, INC 4.34 3120  
75338 02/24/20 C0307 CNS ACQUISITION CORPORATION 835.00 3120  
75339 02/24/20 D0016 DALEYS PIT 680.00 3120  
75340 02/24/20 D0040 DELTA DENTAL OF N.J. INC. 6,345.47 3120  
75341 02/24/20 D0071 DLT SOLUTIONS LLC 1,022.35 3120  
75342 02/24/20 F0013 FARM RITE INC. 1,021.10 3120  
75343 02/24/20 F0016 FAZZIO, JOSEPH INC. 1,754.45 3120  
75344 02/24/20 F0048 LESLIE G. FOGG INC 145.00 3120  
75345 02/24/20 G0006 GARbutt,PATRICIA A. 1,626.00 3120  
75346 02/24/20 G0016 GARDNER HARDWARE INC. 7.99 3120  
75347 02/24/20 G0086 W.W. GRAINGER, INC. 773.25 3120  
75348 02/24/20 G0147 GREATAMERICA FINANCIAL SVCS. 170.00 3120  
75349 02/24/20 G0157 GRANTURK EQUIPMENT CO., INC. 709.17 3120  
75350 02/24/20 H0073 HOME DEPOT CRC/GEFC 201.32 3120  
75351 02/24/20 H0192 HOPE'S PLUMBING, LLC 575.00 3120  
75352 02/24/20 L0027 LASHLEY HEATING & COOLING INC. 1,075.00 3120  
75353 02/24/20 L0031 LORCO PETROLEUM SERVICES 71.50 3120  
75354 02/24/20 L0080 LOWES, INC. 71.24 3120  
75355 02/24/20 M0080 McMANIMON, SCOTLAND & BAUMANN 12,651.30 3120  
75356 02/24/20 M0164 MURPHY FENCE COMPANY. INC. 25,288.33 3120  
75357 02/24/20 M0173 MONROE SYSTEMS FOR BUSINESS 50.31 3120  
75358 02/24/20 M0277 MONY LIFE INSURANCE COMPANY 203.01 3120  
75359 02/24/20 M0296 CHRISTOPHER MENCHIN, ARCHITECT 5,107.39 3120  
75360 02/24/20 M0304 MID ATLANTIC FIRE & AIR CORP 586,505.00 3120  
75361 02/24/20 N0046 NJ EMERGENCY PREPAREDNESS ASSO 260.00 3120  
75362 02/24/20 N0144 NJ E-ZPASS SERVICE CENTER 150.00 3120  
75363 02/24/20 N0154 NEW HORIZON COMMUNICATIONS 1,028.95 3120  
75364 02/24/20 O0006 SJSHORE MARKETING,LLC 279.87 3120  
75365 02/24/20 P0175 PRIEST JR., ANTHONY 125.00 3120  
75366 02/24/20 R0030 RIGGINS, INC. 551.07 3120  
75367 02/24/20 R0100 ROBERTS OXYGEN COMPANY, INC. 125.90 3120  
75368 02/24/20 R0101 R.R. DONNELLEY & SONS 220.50 3120  
75369 02/24/20 S0001 SAM'S CLUB 49.03 3120  
75370 02/24/20 S0018 SUBURBAN PROPANE, LP 323.57 3120  
75371 02/24/20 S0072 SEGIN, STEWART S. 93.21 3120  
75372 02/24/20 S0113 SMITH,THOMAS G. 2,600.25 3120  
75373 02/24/20 S0124 SORENSON, LESLIE R. 1,626.00 3120  
75374 02/24/20 S0134 SO. JERSEY GAS COMPANY 3,006.08 3120  
75375 02/24/20 S0196 STEWART BUSINESS SYSTEMS LLC 274.40 3120  
75376 02/24/20 S0209 STAPLES ADVANTAGE 35.01 3120  
75377 02/24/20 S0270 HOFFMAN SERVICES, INC 375.00 3120  
75378 02/24/20 S0292 SURENIAN EDWARDS & NOLAN LLC 126.00 3120  
75379 02/24/20 T0032 THE PRESS OF ATLANTIC CITY 768.43 3120  
75380 02/24/20 T0166 TREASURER, STATE OF NEW JERSEY 749.00 3120  
75381 02/24/20 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3120  
75382 02/24/20 U0037 UPPER TOWNSHIP P.T.O. 275.00 3120  
75383 02/24/20 V0013 VERIZON WIRELESS 567.83 3120  
75384 02/24/20 V0022 VERIZON 815.48 3120  
75385 02/24/20 V0024 VAL-U AUTO PARTS L.L.C. 1,389.30 3120  
75386 02/24/20 V0026 VITAL COMMUNICATIONS, INC. 1,491.50 3120  
75387 02/24/20 W0030 WEST PUBLISHING CO. 536.00 3120  
75388 02/24/20 W0087 W.B. MASON EGG HARBOR 0.00 02/24/20 VOID 0  
75389 02/24/20 W0087 W.B. MASON EGG HARBOR 961.46 3120  
75390 02/24/20 W0092 WTH TECHNOLOGY, INC 1,206.00 3120  
75391 02/24/20 X0008 XEROX FINANCIAL SERVICES 242.25 3120  
Total: \$744,484.20