

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
AGENDA FOR APRIL 6, 2020**

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

The April 6, 2020 Upper Township Committee meeting was conducted exclusively by electronic means utilizing the GoToMeeting platform.

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 April 3, 2020, the notice of this meeting of the Upper Township Committee was posted on the official Township Bulletin Board, the Upper Township Website, and the Town Hall Foyer, 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 audio recorded up until the closed session portion of this meeting and will be available 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, Chief Financial Officer Barbara Ludy and Personnel Officer Sharon Taggart.

APPROVAL OF MINUTES - March 23, 2020 Regular Session Minutes

Motion by Edward Barr, second by John Coggins, to approve the March 23, 2020 Regular Session Minutes as submitted. During roll call vote all five Committeemen voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Hobie Young, Committeeman, spoke regarding the Coronavirus Pandemic and complimented the Township employees for doing an excellent job while working under difficult conditions. He next reported on a growing issue of people not heeding the closed signs posted at the parks and playgrounds. It was stated that in addition to the signs which have been posted at the parks and playgrounds, notices have been posted on the Township website and social media sites regarding the Coronavirus. Mayor Palombo urged all residents to visit the Township's website for information and resources which are updated daily regarding COVID-19.

Edward Barr, Committeeman, thanked the Township employees for their hard work during the pandemic, and especially thanked EMS Chief Michelle Sampson and the Division of EMS. He also thanked the members of the Upper Township Rescue Squad and the Township's Fire Departments for their efforts.

Curtis Corson, Committeeman, also thanked the Division of EMS and all first responders for their efforts during the pandemic.

Richard Palombo, Mayor, stated that although he knows there is deep concern regarding the COVID-19 virus and increased cases in the County, he stressed that the Township will not release the names or addresses of anyone that tests positive. He also again stressed the importance for all residents to visit the Township's website for up to date information and guidance on the COVID-19 virus. Last, he stated that although he has received multiple requests from area churches to hold outdoor services, he strongly recommends against any public gatherings, and suggests that churches utilize the online streaming services instead. It was suggested that links for the area churches be placed on the Township's websites.

OTHER REPORTS

Scott Morgan, Township Administrator, gave an update on the COVID-19 cases in New Jersey and Cape May County and stated that unfortunately one Upper Township resident has died from complications associated with the virus. He stated that our prayers go out to the family and friends of this resident. He reported that cases in Cape May County continue to increase and reminded everyone to follow the CDC guidelines to protect yourself, family members and co-workers from this very serious virus pandemic. He also reminded residents that the Township recreation areas, playgrounds, and beaches remain closed. He urged all residents to continue to stay home as mandated by Governor Murphy, and to please continue to follow all federal, state, county, and local guidelines and orders. Additional information on mitigation, preparedness and response can be found as usual on the Township's website with information updated on a daily basis. Lastly, he reported that Atlantic City Electric has completed the installation of the LED lights at Caldwell Park.

Barbara Young, Municipal Clerk, reported that the Cape May County election poll worker training classes previously scheduled to be held in Upper Township have been cancelled until further notice. She next reported that Municipal offices will be closed on Friday April 10th in observance of Good Friday.

Daniel Young, Municipal Attorney, reported that there are a number of contract negotiation items and a personnel item for closed session.

Paul Dietrich, Township Engineer, reported that work on the construction of the Sumner Avenue bulkhead has started and should be completed by the end of this week. The contractor will then begin the construction of the Putnam Avenue bulkhead. He next reported that the Township has received a request from a Strathmere resident for the Township to co-sign a DEP permit application and possible license to work in the Township's right-of-way for a dredging project. The Municipal Attorney stated that because the project is occurring on the Township's right-of-way, he recommends requesting an indemnification agreement and insurance from the property owner to make sure if there's any issues or accidents that, from a liability standpoint, the township is covered. He stated that normally if the township prepares an agreement for property access rights, we ask the other party to cover the costs and legal fees associated with the preparation of the agreement. In this case, if the dredge can be used towards beach fill, he would recommend waiving those costs in exchange for the dredge material. Motion by Curtis Corson, second by Edward Barr, to present the Municipal Attorney's recommendations of the request to the property owners and move forward with a resolution as

recommended. During roll call vote all five Committeemen voted in the affirmative. Mayor Palombo then inquired into the status of the pedestrian safety grant for Neptune Avenue. Mr. Dietrich stated that he has notified the NJDOT that the Township would like to cancel the local aid agreement and release the funds back to the NJDOT.

2020 BUDGET

1. **Public hearing and final adoption of Ordinance No. 003-2020, RE: CALENDAR YEAR 2020 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14).** The Municipal Attorney requested that this matter be tabled due to the need to re-advertise that the public hearing will be conducted exclusively by electronic means. Motion by John Coggins, second by Edward Barr, to table Ordinance 003-2020, with the public hearing and final adoption scheduled for the April 27, 2020 electronic meeting. During roll call vote all five Committeemen voted in the affirmative.
2. **2020 Budget - Public Hearing.** Motion by John Coggins, second by Edward Barr, to table the 2020 Budget Public Hearing, with the public hearing and final adoption of the 2020 Budget scheduled for the April 27, 2020 electronic meeting. During roll call vote all five Committeemen voted in the affirmative.

RESOLUTIONS

3. Designating the 1st Thursday in May “A Day of Prayer in Upper Township”.

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

RESOLUTION NO. 117-2020

RE: DESIGNATING THE 1ST THURSDAY IN MAY “A DAY OF PRAYER IN UPPER TOWNSHIP”

WHEREAS, Civic Prayers and National Days of Prayer have a long and revered history in our constitutional democracy, dating back to the First Continental Congress in 1775; and

WHEREAS, the Declaration of Independence, our first statement as Americans of national purpose and identity, made “the Laws of Nature and Nature’s God” the foundation of our United States of America and asserted that people have inalienable rights that are God-given; and

WHEREAS, the Supreme Court has affirmed the right of state legislatures to open their sessions with prayer and the Supreme Court and the U.S. Congress themselves begin each day with prayer; and

WHEREAS, in 1988, legislation setting aside the first Thursday in May in each year as a National Day of Prayer was passed unanimously by both Houses of Congress and signed by President Ronald Reagan; and

WHEREAS, the National Day of Prayer is an opportunity for Americans of all faiths to join in united prayer to acknowledge our dependence on God, to give thanks for blessings received, to pray for peace, to request healing for wounds endured; and to ask God to guide our leaders and bring wholeness to the United States and her citizens; and

WHEREAS, it is fitting and proper to give thanks to God by observing a day of prayer in the Township of Upper when all may acknowledge our blessings and express gratitude for them, while recognizing the need for strengthening religious and moral values in our State and nation;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, that the first Thursday in May, 2020 is hereby designated as “A DAY OF PRAYER IN UPPER TOWNSHIP”, and all citizens of Upper Township are encouraged to observe the day in ways appropriate to its importance and significance.

Resolution No. 117-2020

Offered by: Barr

Seconded by: Young

Adopted: April 6, 2020

Roll Call Vote:

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

4. Accepting the written Indoor Air Quality Program and confirming the appointment of Paul E. Dietrich as Air Quality Control Officer in charge of compliance of the program, pursuant to the “PEOSH”, Indoor Air Quality Compliance Program under N.J.A.C. 12:100-13.

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

RESOLUTION NO. 118-2020

**RE: ACCEPTING THE WRITTEN INDOOR AIR QUALITY PROGRAM AND
CONFIRMING THE APPOINTMENT OF PAUL E. DIETRICH AS AIR QUALITY
CONTROL OFFICER IN CHARGE OF COMPLIANCE OF THE PROGRAM, PURSUANT
TO THE “PEOSH”, INDOOR AIR QUALITY COMPLIANCE
PROGRAM UNDER N.J.A.C. 12:100-13**

WHEREAS, the Township of Upper in order to comply with the Public Employees Occupational Safety and Health (PEOSH), Indoor Air Quality Standard Program pursuant to N.J.A.C. 12:100-13 adopted on May 21, 2007, established a program in February 2008, to promote good indoor air quality for employees working in Township of Upper municipal buildings; and

WHEREAS, to further comply with the PEOSH Program for Indoor Air Quality Standards an appointment is necessary to designate a person responsible for the enforcement and compliance of the requirements of N.J.A.C. 12-100-13 and the established program policies of the Township of Upper; 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 Indoor Air Quality Program, updated March 26, 2020 and attached as Exhibit “A” is hereby accepted by the Township of Upper.
2. Paul E. Dietrich’s appointment as the Indoor Air Quality Control Officer in charge of compliance of the Public Employees Occupational Safety and Health (PEOSH) Indoor Air Quality Program for the Township of Upper is hereby confirmed.
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. 118-2020

Offered by: Barr

Seconded by: Corson

Adopted: April 6, 2020

Roll Call Vote:

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

5. Authorizing a building and electrical permit fee refund to Vivint Solar, Inc. for 27 Sea Sounds Avenue in Upper Township.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 119-2020

**RE: AUTHORIZING A BUILDING AND ELECTRICAL PERMIT FEE REFUND TO VIVINT
SOLAR, INC. FOR 27 SEA SOUNDS AVENUE IN UPPER TOWNSHIP**

WHEREAS, Vivint Solar, Inc., applied for a permit to install roof mounted solar systems at 27 Sea Sounds Avenue in Upper Township; and

WHEREAS, after the permit was issued, the roof mounted solar system installation was cancelled; and

WHEREAS, the Upper Township Construction Official has recommended granting Vivint Solar's request for a refund of the original permit fees for the property as indicated below, minus a 20% plan review cost.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that a refund is hereby authorized and the Chief Financial Officer is hereby directed to refund monies to Vivint Solar, Inc., Attn: AR Department, 1800 W Ashton Blvd., Lehi, UT 84043, as indicated below:

<u>VOIDED PERMIT #</u>	<u>BLOCK / LOT</u>	<u>AMOUNT</u>
2019-0505	578 / 14	\$ 273.60

Resolution No. 119-2020

Offered by: Barr

Seconded by: Coggins

Adopted: April 6, 2020

Roll Call Vote:

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

6. Authorizing the purchase of certain items through the Sourcewell National Cooperative contract with funds from the 2019 Capital Improvement Bond Ordinance in the amount of \$60,516.00.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 120-2020

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS THROUGH THE
SOURCEWELL NATIONAL COOPERATIVE CONTRACT
WITH FUNDS FROM THE 2019 CAPITAL IMPROVEMENT BOND ORDINANCE
IN THE AMOUNT OF \$60,516.00**

WHEREAS, it is necessary for the Township of Upper to make certain capital purchases; and

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

WHEREAS, N.J.S.A. 52:34-6.2 allows the Township of Upper to utilize national cooperative contracts as a method of procurement; and

WHEREAS, the Township Committee adopted the 2019 Capital Improvement Bond Ordinance 020-2019 on December 9, 2019; and

WHEREAS, the Township of Upper intends to purchase a 2020 BC100 15” Brush Chipper with Tier 4 Final Engine in the amount of \$60,516.00 from R.J. Sherman & Associates, Inc. dba Vermeer North Atlantic Sales & Service through Sourcewell National Cooperative Contract No. 062117-VRM as herein indicated; and

WHEREAS, R.J. Sherman & Associates, Inc. dba Vermeer North Atlantic Sales & Service has completed and submitted a Business Entity Disclosure Certification which certifies that R.J. Sherman & Associates, Inc. dba Vermeer North Atlantic Sales & Service 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 R.J. Sherman & Associates, Inc. dba Vermeer North Atlantic Sales & Service 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 from the 2019 Capital Improvement Bond; and

WHEREAS, the Chief Financial Officer has confirmed that the Township has complied with N.J.S.A. 52:34-6.2 as well as all other legal requirements for this method of procurement.

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 R.J. Sherman & Associates, Inc. dba Vermeer North Atlantic Sales & Service for the purchase of a 2020 BC100 15” Brush Chipper with Tier 4 Final Engine in the amount of \$60,516.00 from the 2019 Capital Improvement Bond through Sourcewell National Cooperative Contract No. 062117-VRM.
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. 120-2020

Offered By: Coggins

Seconded By: Barr

Adopted: April 6, 2020

Roll Call Vote:

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

7. Authorizing the purchase of a Tide Alert System in the amount of \$14,046.38 from the 2019 Capital Improvement Bond Ordinance and the 2020 Emergency Management Operating Expenses Budgetary Line.

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

RESOLUTION NO. 121-2020

**RE: AUTHORIZING THE PURCHASE OF A TIDE ALERT SYSTEM IN THE AMOUNT
OF \$14,046.38 FROM THE 2019 CAPITAL IMPROVEMENT BOND ORDINANCE AND
THE 2020 EMERGENCY MANAGEMENT OPERATING EXPENSES BUDGETARY LINE**

WHEREAS, it is necessary for the Township of Upper to make certain capital purchases; and

WHEREAS, the Township Committee adopted the 2019 Capital Improvement Bond Ordinance 020-2019 on December 9, 2019; and

WHEREAS, the Township's Qualified Purchasing Agent has reviewed and approved the quote for a tide alert system provided by Ott HydroMet Corp.

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 Ott HydroMet Corp to purchase a tide alert system in the amount of **\$10,452.96** from the 2019 Capital Improvement Bond and **\$3,593.42** from the 2020 Emergency Management Operating Expenses budgetary line.
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. 121-2020

Offered by: Corson

Seconded by: Coggins

Adopted: April 6, 2020

Roll Call Vote:

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

8. Appointing Triad Advisory Services, Inc. to provide administrative services with regard to the Upper Township Affordable Housing Program.

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

RESOLUTION NO. 122-2020

**RE: APPOINTING TRIAD ADVISORY SERVICES, INC. TO PROVIDE
ADMINISTRATIVE SERVICES WITH REGARD TO THE UPPER TOWNSHIP
AFFORDABLE HOUSING PROGRAM**

WHEREAS, Township of Upper has developed an Operating Manual for the Administration of providing Affordability Assistance to Homeowners (Affordability Assistance Manual) in accordance with the Uniform Housing Affordability Controls and the New Jersey Fair Housing Act; and

WHEREAS, the Township desires to amend said Operating Manual to provide for an Affordability Assistance Program for units rented through existing or proposed municipal affordable units; and

WHEREAS, the Township of Upper requires administrative services to update and administer the Affordability Assistance Program for Rental Assistance; and

WHEREAS, the Township of Upper requires administrative services for the Township's Market to Affordable program; and

WHEREAS, the Township has decided to acquire the services of Triad Advisory Services, Inc. (trading as Triad Associates) as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Triad Advisory Services, Inc. has completed and submitted a Business Entity Disclosure Certification, which certifies that Triad Advisory Services, Inc. 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 Triad Advisory Services, Inc. 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. Triad Advisory Services, Inc. with offices at 1301 W. Forest Grove Road, Vineland, New Jersey 08360, is hereby appointed Administrative Agent for the Township of Upper for the purposes in as specified in this Resolution and the attached Professional Service Agreement.
3. The term of this contract is for a period not to exceed the length of time necessary for completion of the aforesaid project, unless sooner terminated by the Township of Upper, at the option of the Township of Upper.
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 Triad Advisory Services, Inc. has professional knowledge which 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

5. 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. 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.
6. 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.
7. The contractor has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and will provide proof of that registration to the Township of Upper.

8. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Service Agreement with Triad Advisory Services, Inc. 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. 122-2020

Offered by: Barr

Seconded by: Young

Adopted: April 6, 2020

Roll Call Vote:

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

9. Opposing the South Jersey Transportation Authority's hearing to discuss proposed toll increase for South Jersey.

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

RESOLUTION NO. 123-2020

**RE: OPPOSING THE SOUTH JERSEY TRANSPORTATION AUTHORITY'S
HEARINGS TO DISCUSS PROPOSED TOLL INCREASE FOR SOUTH JERSEY**

WHEREAS, the South Jersey Transportation Authority (SJTA) announced that they plan to hold hearings in April 2020 to discuss the proposal to raise tolls in South Jersey; and

WHEREAS, the proposed toll increase of 36% is being discussed during a time when public gatherings in New Jersey are prohibited and the state is under a restrictive quarantine; and

WHEREAS, the toll increase will have a negative impact on the economic health of the area and will cause an undue financial burden on South Jersey residents and businesses when all resources in New Jersey should be focused on defeating COVID-19; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper strongly opposes any hearings by the SJTA to discuss proposals to raise tolls in South Jersey.
3. A copy of this Resolution shall be forwarded to all appropriate New Jersey Officials.

Resolution No. 123-2020

Offered by: Barr

Seconded by: Coggins

Adopted: April 6, 2020

Roll Call Vote:

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

10. Amending a prior authorization for the installation of a storm manhole and replacement of a storm line through the bulkhead on Sumner Avenue in the amount of \$16,875.00 with funds from the 2018 Capital Improvement Bond Ordinance and authorizing the installation of a storm manhole and replacement of a storm line through the bulkhead on Sumner Avenue in the amount of \$25,000.00 with funds from the 2018 Capital Improvement Bond Ordinance.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 124-2020

**RE: AMENDING A PRIOR AUTHORIZATION FOR THE INSTALLATION OF A STORM
MANHOLE AND REPLACEMENT OF A STORM LINE THROUGH THE BULKHEAD ON
SUMNER AVENUE IN THE AMOUNT OF \$16,875.00 WITH FUNDS FROM THE 2018
CAPITAL IMPROVEMENT BOND ORDINANCE AND AUTHORIZING THE
INSTALLATION OF A STORM MANHOLE AND REPLACEMENT OF A STORM LINE
THROUGH THE BULKHEAD ON SUMNER AVENUE IN THE AMOUNT OF \$25,000.00
WITH FUNDS FROM THE 2018 CAPITAL IMPROVEMENT BOND ORDINANCE**

WHEREAS, pursuant to Resolution No. 199-2019 adopted on June 24, 2019, the Township of Upper authorized the installation of a storm manhole and replacement of a storm **line** through the bulkhead on Sumner Avenue in the amount of \$16,875.00 from Perna Finnigan, Inc. of Vineland, NJ; and

WHEREAS, Perna Finnigan, Inc. recently informed the Township of Upper of their inability to complete this project; and

WHEREAS, the Township of Upper continues to find the installation of a storm manhole and replacement of a storm line through the bulkhead on Sumner Avenue necessary; and

WHEREAS, the Township's QPA has reviewed and approved a quote for the installation of a storm manhole and replacement of a storm line through the bulkhead on Sumner Avenue from Arthur R. Henry, Inc. of Egg Harbor Township, NJ in the amount of \$25,000.00; and

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

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of the services with Arthur R. Henry, Inc. for the year 2020 will exceed \$17,500.

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 cancel the contract with Perna Finnigan, Inc. of Vineland, NJ in the amount of \$16,875.00 from the 2018 Capital Improvement Bond.
3. The Township Committee hereby further authorizes the Qualified Purchasing Agent to enter into a contract with Arthur R. Henry, Inc. of Egg Harbor Township, NJ for the installation of a storm manhole and replacement of a storm line through the bulkhead on Sumner Avenue in the new amount of \$25,000.00 from the 2018 Capital Improvement Bond.
- 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. 124-2020

Offered By: Barr

Seconded By: Coggins

Adopted: April 6, 2020

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Barr	X			
Coggins	X			
Corson	X			

Young	X			
Palombo	X			

11. Authorizing the Engineer to prepare specifications and solicit bids for the purchase and installation of two Pole Barns.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 125-2020

**RE: AUTHORIZING THE ENGINEER TO PREPARE SPECIFICATIONS
AND SOLICIT BIDS FOR THE PURCHASE AND
INSTALLATION OF TWO POLE BARNs**

WHEREAS, it is necessary for the Township of Upper to make certain capital purchases; and

WHEREAS, pursuant to the provisions of the Local Public Contracts Law, the Township of Upper intends to solicit bids after the current COVID-19 situation has ended 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:

PURCHASE AND INSTALLATION OF TWO POLE BARNs

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

Resolution No.125-2020

Offered by: Barr

Seconded by: Palombo

Adopted: April 6, 2020

Roll Call Vote:

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

12. Prohibiting online marketplaces arranging or offering lodging in Upper Township, Cape May County, New Jersey.

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

RESOLUTION NO. 126-2020

**PROHIBITING TRANSIENT, SEASONAL AND SHORT-TERM RENTALS
AND ONLINE MARKETPLACES ARRANGING OR OFFERING
LODGING IN UPPER TOWNSHIP, CAPE MAY COUNTY, NEW JERSEY**

WHEREAS, on March 9, 2020, Governor Philip Murphy issued Executive Order 103 (2020) which declared a Public Health Emergency and State of Emergency in New Jersey; and

WHEREAS, since the issuance of Executive Order 103 (2020) Governor Murphy has issued a series of Executive Orders, the purpose of which is to protect the health, safety and welfare of New Jersey residents through efforts to reduce the rate of community spread of COVID-19; and

WHEREAS, on March 21, 2020 Governor Murphy issued Executive Order 108 (2020) which, inter alia, recognized that certain municipalities may have legitimate concerns about an influx of new visitors and the resulting public health concerns as the entire state endeavors to comply with social distancing and provided municipalities with the ability to impose restrictions in response to COVID-19 with respect to online marketplaces for arranging or offering lodging; and

WHEREAS, Administrative Order 2020-8, issued by the State Director of Emergency Management on April 4, 2020, permits municipalities to impose restrictions in response to COVID-19 on the ability of hotels, motels, guest houses or private residences or part thereof to accept new tenant guests or seasonal tenants; and

WHEREAS, a temporary prohibition against online marketplaces for arranging or offering lodging and a prohibition against transient, seasonal, and/or short term rentals will help to reduce the risk of spreading the COVID-19 among the residents of Upper Township; and

WHEREAS, The Upper Township Emergency Management Coordinator has proclaimed a local disaster emergency within Upper Township and, pursuant to Executive Order 108 (2020), and Administrative Order 2020-8, ordered that:

- 1) All transient seasonal, and/or short-term rentals are prohibited; and

- 2) That online marketplaces are prohibited from arranging, offering or providing lodging in Upper Township.

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. In accordance with the aforesaid Executive Order 108 (2020) and Administrative Order 2020-8 the Township Committee does hereby confirm and ratify the orders of the Upper Township Emergency Management Coordinator that effective immediately for the duration of the Governor's Orders:

- a) Online marketplaces are prohibited from arranging, offering, or providing lodging in Upper Township; and
 - b) All transient, seasonal and/or short-term rentals are prohibited subject only to the exemptions set forth in Administrative Order 2020-8.
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. 126-2020

Offered by: Barr

Seconded by: Corson

Adopted: April 6, 2020

Roll Call Vote:

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

13. Authorizing the purchase of certain items in the amount of \$100,728.60 from the 2019 Capital Improvement Bond Ordinance.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 127-2020

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS IN THE AMOUNT OF
\$100,728.60 FROM THE 2019 CAPITAL IMPROVEMENT BOND ORDINANCE**

WHEREAS, it is necessary for the Township of Upper to make certain capital purchases; and

WHEREAS, the Township Committee adopted the 2019 Capital Improvement Bond Ordinance 020-2019 on December 9, 2019; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12a, the Township wishes to make these some of these purchases from State Contract as indicated on Exhibit A; and

WHEREAS, the Township's Qualified Purchasing Agent has reviewed and approved the quotes from W. W. Grainger, Inc., Anzelone Electric Company, and Motorola Solutions, Inc. listed on 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 of the Township of Upper, County of Cape May, New Jersey hereby authorizes the purchase of the items listed on Exhibit A in the amount of **\$100,728.60** from the 2019 Capital Improvement Bond.
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. 127-2020

Offered by: Coggins

Seconded by: Barr

Adopted: April 6, 2020

Roll Call Vote:

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

EXHIBIT A

Auto Standby Generator and Automatic Transfer Switch

Vendor: W. W. Grainger, Inc.

State Contract No. 19-FLEET-00566 \$ 29,628.23

TruGard Pro ATT LTE Nexus Evalutron

Vendor: W. W. Grainger, Inc. \$ 1,876.37

Disconnection of old generator and

Installation of new generator Vendor: Anzelone Electric Company	\$ 2,990.00
12 7/800 VHF MHZ Portable Radios Vendor: Motorola Solutions, Inc. State Contract No. 83909	<u>\$ 66,234.00</u>
TOTAL	\$100,728.60

14. Tax refund Block 453.02, Lot 12.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 128-2020

**TAX REFUND
BLOCK 453.02, LOT 12**

WHEREAS, certain corrections have been recommended by the Upper Township Tax Collector in order to refund monies; and

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

Resolution No. 128-2020

Offered by: Coggins

Seconded by: Barr

Adopted: April 6, 2020

Roll Call Vote:

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

REFUND

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
453.02/12	\$ 1,424.27	Nelson & Deborah Leeds 19 Whippoorwill Dr. Petersburg, NJ 08270

1st Quarter 2020 taxes paid by homeowner and mortgage company.
Homeowner is requesting a refund.

15. Refund EMS ambulance billing overpayment to UnitedHealthCare Insurance Company.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 129-2020

**RE: REFUND EMS AMBULANCE BILLING OVERPAYMENT
TO UNITEDHEALTHCARE INSURANCE COMPANY**

WHEREAS, an overpayment has occurred in the account of an EMS ambulance billing patient, where the monies sent to Township of Upper by UnitedHealthcare Insurance Company 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>AMOUNT</u>	<u>NAME</u>
\$107.17	UnitedHealthCare Insurance Company Check Control P.O. Box 740819 Atlanta, GA 30374-0819

Resolution No. 129-2020

Offered by: Corson

Seconded by: Barr

Adopted: April 6, 2020

Roll Call Vote:

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

ORDINANCES

16. **Public hearing and final adoption of Ordinance No. 004-2020 RE: AN ORDINANCE AMENDING CHAPTER XXI (USE OF TOWNSHIP FACILITIES) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF UPPER.** Motion by Curtis Corson, second by Edward Barr, to table Ordinance 004-2020, with the public hearing and final adoption scheduled for the April 27, 2020 electronic meeting. During roll call vote all five Committeemen voted in the affirmative.

CORRESPONDENCE

NEW BUSINESS

17. **Karen Galle request for refund of Dog Park permit fee.** Motion by Curtis Corson, 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.

UNFINISHED BUSINESS

DISCUSSION

PAYMENT OF BILLS

18. **“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: \$285,573.85

Payroll: \$172,363.56

REPORT OF MUNICIPAL DEPARTMENTS

- 19. Construction Code**
- 20. Division of EMS**
- 21. MUA Report**
- 22. Tax Collector**

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

Tom Bader, Strathmere, inquired as to why the pedestrian safety improvements project on Neptune Avenue was still ongoing. It was stated that upon the continued objections of the residents the grant has been cancelled. Mr. Bader next thanked the Township and the first responders for their work during this pandemic.

Linda Bateman, Strathmere, thanked the Committee and Mayor Palombo for being so accessible to residents. She next expressed her concern for residents returning from Florida and whether they are aware of the guidelines here in NJ. It was stated that if they do not or cannot follow the shelter in place orders, they should follow State and CDC guidelines regarding quarantining after recent travel.

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. 130-2020 MOTION GOING INTO CLOSED SESSION APRIL 6, 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 - Ancero IT Services
- Contract negotiation - CASA Payroll Services
- Contract negotiation - Adams Rehmann & Heggan Tax Map Maintenance Services
- Contract negotiation - Norman Briggs Special Legal Counsel
- Contract negotiation - WSP USA, Inc. Engineering Services

- Contract negotiation - W. Michael Bailey Safety Communications

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: Curtis Corson

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

RECONVENE PUBLIC PORTION OF MEETING

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

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:42 P.M., with a motion by John Coggins, second by Edward Barr, and all five Committeemen voting in the affirmative. The next regular meeting is scheduled for April 27, 2020 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

Bill List

75555 04/06/20 A0025 ADVANTAGE RENTAL & SALES 326.29 3125
 75556 04/06/20 A0078 ANCHOR RUBBER STAMP & PRINTING 65.50 3125
 75557 04/06/20 A0091 ATLANTIC CITY ELECTRIC 4,906.31 3125
 75558 04/06/20 A0175 Adams Rehmann & Haggan Assoc 591.00 3125
 75559 04/06/20 A0193 ATLANTIC INVESTIGATIONS, LLC 93.00 3125
 75560 04/06/20 A0212 ANCERO, LLC 1,394.84 3125
 75561 04/06/20 A0219 ALTERNATIVE MICROGRAPHICS, INC 1,994.00 3125
 75562 04/06/20 B0035 BELMONT & CRYSTAL SPRINGS 36.00 3125
 75563 04/06/20 B0262 BENCHMARK INSURANCE COMPANY 628.00 3125
 75564 04/06/20 C0060 CAPRIONI PORTABLE TOILETS, INC 114.00 3125
 75565 04/06/20 C0068 COMCAST 750.43 3125
 75566 04/06/20 C0223 CASA PAYROLL SERVICE 237.25 3125
 75567 04/06/20 C0302 CONSTELLATION, NEW ENERGY, INC 4.34 3125
 75568 04/06/20 D0077 DIETRICH,PAUL 130.00 3125
 75569 04/06/20 E0012 EHRLICH PEST CONTROL INC 300.00 3125
 75570 04/06/20 F0016 FAZZIO, JOSEPH INC. 289.56 3125
 75571 04/06/20 G0086 W.W. GRAINGER, INC. 1,117.08 3125
 75572 04/06/20 H0095 HORIZON BCBSNJ 214,924.09 3125
 75573 04/06/20 I0041 POWERDMS, INC. 5,521.50 3125
 75574 04/06/20 J0077 Jackson Anthony 24.05 3125
 75575 04/06/20 K0086 K D NATIONAL FORCE SECURITY 1,216.00 3125

75576 04/06/20 K0103 KYOCERA DOCUMENT SOLUTIONS 144.67 3125
75577 04/06/20 L0007 LC EQUIPMENT, INC. 1,312.00 3125
75578 04/06/20 L0146 LAWSON PRODUCTS, INC. 159.25 3125
75579 04/06/20 M0080 McMANIMON, SCOTLAND & BAUMANN 64.50 3125
75580 04/06/20 M0235 MODERN GROUP, LTD 4,800.00 3125
75581 04/06/20 M0277 MONY LIFE INSURANCE COMPANY 193.92 3125
75582 04/06/20 N0004 NJ-AMERICAN WATER CO. 86.42 3125
75583 04/06/20 O0006 SJSHORE MARKETING,LLC 134.19 3125
75584 04/06/20 P0032 PEDRONI FUEL CO. 514.46 3125
75585 04/06/20 P0056 TURF EQUIPMENT AND SUPPLY CO 3,797.91 3125
75586 04/06/20 Q0008 QUILL CORPORATION 75.98 3125
75587 04/06/20 R0030 RIGGINS, INC. 1,576.55 3125
75588 04/06/20 R0065 ROBERT BROWN TREE SERVICE 250.00 3125
75589 04/06/20 R0135 Rearick, Jeffrey 44.05 3125
75590 04/06/20 R106 RUMER, LISA 843.80 3125
75591 04/06/20 S0020 THE HOME DEPOT PRO 202.66 3125
75592 04/06/20 S0056 SEASHORE ASPHALT CORPORATION 131.25 3125
75593 04/06/20 S0057 SERVICE TIRE TRUCK CENTERS 1,219.54 3125
75594 04/06/20 S0134 SO. JERSEY GAS COMPANY 1,146.86 3125
75595 04/06/20 S0209 STAPLES ADVANTAGE 135.38 3125
75596 04/06/20 S0249 BSN SPORTS 2,446.46 3125
75597 04/06/20 S0275 SCHAEFER FIREWORKS 4,667.00 3125
75598 04/06/20 S0292 SURENIAN EDWARDS & NOLAN LLC 335.50 3125
75599 04/06/20 T0005 TCTA OF NEW JERSEY 100.00 3125
75600 04/06/20 T0067 TOWNSHIP OF UPPER PETTY CASH 30.98 3125
75601 04/06/20 T0089 TREASURER, STATE OF N.J. 100.00 3125
75602 04/06/20 T0168 TOWNSHIP OF UPPER 320.22 3125
75603 04/06/20 T0192 MARSH & McLENNAN AGENCY/TRION 280.25 3125
75604 04/06/20 U0067 UT HEALTH REIMB. ACCOUNT 2,017.92 3125
75605 04/06/20 V0013 VERIZON WIRELESS 1,020.53 3125
75606 04/06/20 V0024 VAL-U AUTO PARTS L.L.C. 1,167.11 3125
75607 04/06/20 W0087 W.B. MASON EGG HARBOR 336.32 3125
75608 04/06/20 Y0008 YOUNG, DANIEL J. ESQUIRE PC 21,217.50 3125
75609 04/06/20 Y0010 YOUNG, HOBIE 37.43 3125
Total: \$285,573.85