

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR APRIL 27, 2020**

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

The April 27, 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 24, 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. Registered Municipal Accountant Leon Costello was present for the Budget section of the meeting.

APPROVAL OF MINUTES - April 6, 2020 Regular and Closed 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, reported that plans are underway for the 4th of July, and explained that although it is unclear if things will open up, plans should be in place. He next thanked the Department of Public Works for their hard work and said that the fields are looking great. He next reported that one of the dugouts at Amanda's Field was damaged in the recent storm. He explained that plans are underway to repair the damages.

Edward Barr, Committeeman, inquired into the plans for the reconstruction of Corson Tavern Road. Mr. Dietrich stated that the County project is scheduled to start within the next few weeks. It was suggested that a schedule of proposed detours be placed on the Township's website.

Curtis Corson, Committeeman, thanked the Division of EMS for the stellar job they are doing through the Covid-19 pandemic. He also thanked Scott Morgan for keeping everyone up to date with the latest information.

Richard Palombo, Mayor, reported that all three Cape Regional Urgent Care centers will be performing Covid-19 antibody testing by appointment. Results should be available by the next day. He next stated that the Governor has extended the stay at home order for two more weeks and will be reviewing the situation in mid-May. He next reported that he and the other mayors in Cape May County have been working closely with the County's business recovery task force to draft plans to reopen beaches, boardwalks and retail establishments in the County. He stated that a common theme in all plans is the safety of our residents as well as the potential visitors in the future. He stated that he anticipates a press release to be forthcoming in the next several days with more information. He next thanked the Township Supervisors for their excellent leadership in adapting to this situation.

OTHER REPORTS

Scott Morgan, Township Administrator, gave a brief update on the total Covid-19 cases in New Jersey, Cape May County, and Upper Township. He next reported that the Department of Public Works, while following the social distancing guidelines, has continued with normal daily operations, as well as brush and bulk trash pickup. He stated that the recent storms knocked down a lot of trees, which has added additional tonnage to the brush collection, and scale problems at the MUA has also added to the difficulty. To avoid the delays at the MUA, DPW temporarily dumped brush at the Caldwell Park parking lot. He next thanked the Division of EMS for their hard work and thanked the Fire Companies for their response and assistance during the recent storms.

Barbara Young, Municipal Clerk, reported that the National Day of Prayer ceremony will be held this year electronically on Thursday May 7, 2020 at 10:00 am. Directions to join the electronic meeting will be placed on the Township's website.

Paul Dietrich, Township Engineer, reported that both the Putnam Avenue and Sumner Avenue bulkheads have been installed. There is some cleanup work to be completed and they will start work on the final reconnection of the stormwater pipe, which runs through the bulkhead, next week. He next reported that as part of their request for a toll increase, the New Jersey Turnpike Authority published their proposed capital project requests which included plans for full interchanges at Exit 20, 17, and 13. He stated that it is good news that if the toll increase is approved those projects will be included in their capital projects. Later in the meeting Mr. Dietrich reported that the Strathmere beaches sustained a small amount of erosion during the recent storms.

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).** During the public hearing portion there were no speakers. Motion by John Coggins, second by Edward Barr, to adopt Ordinance No. 003-2020. During roll call vote all five Committeemen voted in the affirmative.

**TOWNSHIP OF UPPER
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)**

ORDINANCE NO. 003-2020

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to **2.5%** unless authorized by ordinance to increase it to **3.5%** over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15 provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the **3.5%** percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Upper in the County of Cape May finds it advisable and necessary to increase its CY 2020 budget by up to **3.5%** over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee of the Township of Upper hereby determines that a **1.0%** increase in the budget for said year, amounting to **\$115,017.80** in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Committee of the Township of Upper hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Upper, in the County of Cape May a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Township of Upper shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by **3.5 %**, amounting to **\$402,562.31** and that the CY 2020 municipal budget for the Township of Upper be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 9TH DAY OF MARCH, 2020 AT THE TOWNSHIP HALL, WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 6TH DAY OF APRIL, 2020, DURING WHICH TIME THE PUBLIC HEARING AND CONSIDERATION AS TO FINAL ADOPTION WERE TABLED TO A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD EXCLUSIVELY BY ELECTRONIC MEANS ON THE 27TH DAY OF APRIL, 2020 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

2. Authorizing the reading of the 2020 Annual Municipal Budget by title only.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 131 -2020

**RE: AUTHORIZING THE READING OF THE 2020
ANNUAL MUNICIPAL BUDGET BY TITLE ONLY**

WHEREAS, N.J.S.A. 40:A4-8 authorizes the reading of the budget by title only at the public hearing thereon, provided certain requirements are met; and

WHEREAS, the Township Committee of the Township of Upper is satisfied that such conditions have been satisfied.

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 majority of the full membership concurring, as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper finds and determines that:

A. At least one (1) week prior to the date of this hearing, a complete copy of the approved budget, as advertised, was posted on the Upper Township Website and in the Township Hall, the principal municipal building of the municipality, and was made available to each person requesting the same during the week immediately preceding the public hearing and is available to each person requesting a copy during the public hearing, as required by N.J.S.A. 40A:4-8.

B. The Township Committee of the Township of Upper hereby determines and declares that the conditions set forth in subsection 1.a and 1.b of N.J.S.A. 40A:4-8 have been met.

C. The Township Committee of the Township of Upper hereby determines that the 2020 Municipal Budget of the Township of Upper shall be read by its title only at the public hearing to be conducted thereon.

Resolution No. 131 -2020

Offered by: Corson Seconded by: Coggins

Adopted: April 27, 2020

Roll Call Vote:

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

3. 2020 Budget - Public Hearing.

Municipal Auditor Leon Costello stated that this is the same budget that was introduced with one exception. There is a small amendment because there was an additional piece of state aid for the garden state trust fund in the amount of \$11,000, resulting in an increase to that revenue line item and a decrease to the delinquent tax anticipation by the same amount. The budget in total remains exactly

the same as introduced, which is a four tenths of a cent increase. Mayor Palombo then opened the budget hearing to the public.

Janice Connell, Strathmere, inquired into the budget for the Beach Patrol and questioned if the lifeguards will be paid if the beaches do not open. It was stated that it is anticipated that the beaches will be open for the summer, however it is recognized that the situation is unpredictable. If the beaches will not be open, then lifeguards will not be hired. If lifeguards are hired and it is subsequently determined that the beaches will have to close, then any employment issues would be dealt with pursuant to Civil Service regulations. Ms. Connell then asked if the beaches are not open, what would happen to the money budgeted for the beach patrol. It was stated that unused budgeted funds go back into the general fund for the next year.

Linda Bateman, Strathmere, inquired into what the budget increase percentage is. It was stated that the tax increase is a .4 cent increase.

There were no more speakers and Mayor Palombo closed the budget hearing.

4. Amending Resolution – 2020 Budget. Motion by John Coggins, second by Edward Barr to adopt a Resolution amending the 2020 budget.

132 - 2020 RESOLUTION TO AMEND BUDGET				
<p>WHEREAS, the local municipal budget for the year 2020 was approved on the 9th day of March, 2020 and</p> <p>WHEREAS, the public hearing on said budget has been held as advertised, and</p> <p>WHEREAS, it is desired to amend said approved budget, now</p> <p>THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, County of Cape May that the following amendments to the approved budget of 2020 be made:</p>				
Recorded Vote	((((
	((Abstained	(
Ayes	(Nays	((
	((((
	((((
	((Absent	(
	((((
CURRENT FUND:				
		From	To	
ANTICIPATED REVENUES:				
1. Surplus Anticipated				
Total Surplus Anticipated				
3. Miscellaneous Revenues - State Aid Without Offsetting Appropriations				
Section B: State Aid Without Offsetting Appropriations				
Garden State Trust		192,171.00	203,884.00	11,713.00
Total Section B: State Aid Without Offsetting Appropriations		6,383,653.00	6,395,366.00	11,713.00
3. Total Miscellaneous Revenues		9,148,791.69	9,160,504.69	11,713.00
4. Receipts from Delinquent Taxes		405,362.00	393,649.00	(11,713.00)
5. Subtotal General Revenues (Items 1, 2, 3 and 4)		11,229,153.69	11,229,153.69	0.00
7. Total General Revenues		<u>14,916,566.75</u>	<u>14,916,566.75</u>	0.00
ANTICIPATED APPROPRIATIONS:				
8. General Appropriations:				
9. Total General Appropriations		<u>14,916,566.75</u>	<u>14,916,566.75</u>	0.00
<p>BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services for his certification of the local municipal budget so amended.</p> <p>It is hereby certified that all additions and math in this amendment are correct.</p> <p>lcostello@ford-scott.com</p> <p>Leon P. Costello, CPA, RMA</p> <p>It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the governing body on the 27th day of April, 2020.</p>				

5. 2020 Budget Adoption.

RESOLUTION NO. 133-2020 – Second Reading and Public Hearing of the 2020 Municipal Budget.

Be it Resolved by the Township Committee of the Township of Upper, County of Cape May, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$3,747,413.06 for municipal purposes.

Motion by John Coggins, second by Hobart Young, to adopt the 2020 Municipal Budget. During roll call vote all five Committeemen voted in the affirmative.

RESOLUTIONS

6. Appointing the 2020 Season Beach Patrol Personnel.

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

RESOLUTION NO. 134-2020

RE: APPOINTING THE 2020 SEASON BEACH PATROL PERSONNEL

WHEREAS, the individual hereinafter named have been determined to possess the requisite skills, training and is otherwise eligible for appointment to the position of lifeguard; 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 following individual is appointed as lifeguard in the Township of Upper contingent upon successful pre-employment testing at a salary as stated below in accordance with the Salary Ordinance:

CAPTAIN

William Handley \$28.50 per hour

Resolution No. 134-2020

Offered by: Barr Seconded by: Young

Adopted: April 27, 2020

Roll Call Vote:

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

7. **Authorizing a contract with CASA Payroll Services of Egg Harbor Township, New Jersey for payroll services.**

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

RESOLUTION NO. 135-2020

**RE: AUTHORIZING A CONTRACT WITH CASA PAYROLL SERVICES OF EGG
HARBOR TOWNSHIP, NEW JERSEY FOR PAYROLL SERVICES**

WHEREAS, CASA Payroll Services (“CASA”) has submitted a proposal to the Township for payroll services; and

WHEREAS, N.J.A.C. 5:30-17.3 et seq. provides for electronic disbursement controls for payroll purposes and applies to entities which execute disbursements from and/or take possession of municipal bank accounts or funds; and

WHEREAS, the proposal of CASA does not permit CASA to execute disbursements from the Township’s bank account or give CASA possession of Township funds and as such N.J.A.C. 5:30-17.3 et seq. does not apply; and

WHEREAS, the Township wishes to accept said proposal and to authorize a contract with CASA; and

WHEREAS, the proposal 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, CASA has completed and submitted a Business Entity Disclosure Certification which certifies that CASA 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 CASA 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 CASA attached hereto as Exhibit “A”, to provide payroll service within the Township of Upper commencing immediately.

3. CASA 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.

Resolution No. 135-2020

Offered by: Coggins

Seconded by: Barr

Adopted: April 27, 2020

Roll Call Vote:

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

8. **Authorizing the award of a professional services contract with Dr. Stewart C. Farrell of the Coastal Research Center at Stockton University for shoreline monitoring and consulting services for beach related issues.**

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

RESOLUTION NO. 136-2020

**RE: AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT
WITH DR. STEWART C. FARRELL OF THE COASTAL RESEARCH CENTER
AT STOCKTON UNIVERSITY FOR SHORELINE MONITORING AND
CONSULTING SERVICES FOR BEACH RELATED ISSUES**

WHEREAS, the Township of Upper has received a proposal from Dr. Stewart Farrell on behalf of the Coastal Research Center at Stockton University, which outlines shoreline monitoring services to be performed on behalf of the Township during the calendar year 2020 and provides a rate schedule for the services to be provided; and

WHEREAS, the Township Committee has considered this matter and has determined that it is in the best interest of the Township to authorize a Professional Services Contract as hereinafter provided; and

WHEREAS, the Township Solicitor has determined that the services to be provided are professional services and that a contract may be awarded without competitive bid; and

WHEREAS, the Chief Financial Officer has certified the availability of funds to permit the Township to enter into a Professional Services Contract; and

WHEREAS, a Business Entity Disclosure Certification is not required since this contract is with an agency of the state government; and

WHEREAS, the Township has decided to acquire the services of Dr. Stewart C. Farrell of the Coastal Research Center at Stockton University as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; 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 proposal of Dr. Stewart Farrell on behalf of the Coastal Research Center at Stockton University (hereinafter collectively referred to as “Contractor”), is hereby accepted, subject to the provisions of this Resolution.
3. The Mayor and Township Clerk are hereby authorized, directed and empowered to enter into a Professional Services Contract with the Contractor aforesaid for a one (1) year term commencing January 1, 2020. Said Agreement shall be prepared or approved by the Municipal Attorney for the Township of Upper. The Township Clerk is further authorized, directed and empowered to seal said Contract with the seal of the Township of Upper.
4. The Township Clerk shall cause a Notice of Award of this Contract to be published in the official newspaper of the Township as required by N.J.S.A. 40A:11-5.
5. This Contract is a Professional Services Contract and has been awarded without competitive bidding for the following reasons:
 - (A) The services required are highly specialized or technical in nature;
 - (B) The services require peculiar ability or skill, and demand a high degree of specialized knowledge or expertise;
 - (C) The services required are professional services and/or unspecified extraordinary services within the meaning of N.J.S.A. 40A:11-5(a);
 - (D) The individual who will provide these services has demonstrated his competence and particular expertise in the services required; and

(E) The services to be provided are such that their nature, scope and duration are not capable of precise measurement, but rather require a flexibility and discretion that render competitive bidding impractical and inefficient.

6. A certified copy of this Resolution shall be provided to the Contractor.

7. This Resolution shall take effect immediately provided, however, that the Contract awarded herein shall be effective as of January 1, 2020.

Resolution No. 136-2020

Offered by: Barr

Seconded by: Coggins

Adopted: April 27, 2020

Roll Call Vote:

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

9. **Authorizing the Mayor and Township Clerk to sign a contract with WSP USA Inc. for design and engineering consultant services.**

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

RESOLUTION NO. 137-2020

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN
A CONTRACT WITH WSP USA INC. FOR DESIGN AND
ENGINEERING CONSULTANT SERVICES**

WHEREAS, the Township of Upper has a need for professional design and engineering consultant services with regard to the improvements for the Beesley's Point Park Pedestrian/Bicycle Gateway project; and

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

WHEREAS, WSP USA Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that WSP USA 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 WSP USA 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. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with WSP USA Inc. with offices at 2000 Lenox Drive, 3rd Floor, Lawrenceville, New Jersey, 08648 to provide design and engineering consultant services with regard to the improvements for the Beesley's Point Park Pedestrian/Bicycle Gateway project.
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 WSP USA 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 WSP USA Inc. for professional consultant 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.

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. 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.

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

10. Appointing Norman W. Briggs to act as Special Legal Counsel.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 138-2020

**RE: APPOINTING NORMAN W. BRIGGS
TO ACT AS SPECIAL LEGAL COUNSEL**

WHEREAS, the Township requires legal counsel to provide legal services in the event such services are not provided by the regular Township Solicitor due to a conflict of interest or other reason as determined by the Township Committee; 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 Norman W. Briggs, Esquire as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Norman W. Briggs, Esquire has completed and submitted a Business Entity Disclosure Certification which certifies that Norman W. Briggs, 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 Norman W. Briggs, 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. Norman W. Briggs, Esquire with offices at 110 Roosevelt Boulevard, Suite 201, Marmora, New Jersey is hereby appointed Special Legal Counsel to handle 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 Norman W. Briggs, 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 Norman W. Briggs, 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 Norman W. Briggs, 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 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.

Offered by: Barr
Adopted: April 27, 2020
Roll Call Vote:

Seconded by: Coggins

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

11. Authorizing the execution of a contract with Adams, Rehmann & Heggan Associates, Inc. for the maintenance of the official tax map.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 139-2020

**RE: AUTHORIZING THE EXECUTION OF A CONTRACT WITH
ADAMS, REHMANN & HEGGAN ASSOCIATES, INC. FOR THE
MAINTENANCE OF THE OFFICIAL TAX MAP**

WHEREAS, the Township requires a professional land surveyor for the maintenance of the official tax map; and

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

WHEREAS, the Township has decided to acquire the services of Adams, Rehmann & Heggan Associates, Inc. as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Adams, Rehmann & Heggan Associates, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Adams, Rehmann & Heggan Associates, Inc. has not made any reportable contributions to a political or candidate committee in the Township that would bar the award of the contract and that the contract will prohibit Adams, Rehmann & Heggan Associates, 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. The Mayor and Township Clerk are hereby authorized directed and empowered to execute a contract with Adams, Rehmann & Heggan Associates, Inc., of 215 Bellevue Avenue, Hammonton, New Jersey 08037, for professional land surveying services for the maintenance of the official tax map of Upper Township.

3. The Contract is awarded 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 Adams, Rehmann & Heggan Associates, Inc., has professional knowledge as to land surveying issues which knowledge is particularly valuable to the Township Committee.

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

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 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. Adams, Rehmann & Heggan Associates, Inc. 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. A notice of the contract award shall be published in the official newspaper of the Township of Upper.

8. This Resolution shall be effective as of adoption.

Resolution No. 139-2020

Offered by: Coggins

Seconded by: Barr

Adopted: April 27, 2020

Roll Call Vote:

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

12. Authorizing a contract with W. Michael Bailey for public safety communications services.

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

RESOLUTION NO. 140-2020

**RE: AUTHORIZING A CONTRACT WITH W. MICHAEL BAILEY
FOR PUBLIC SAFETY COMMUNICATIONS SERVICES**

WHEREAS, there is a need by the Township of Upper to appoint an independent contractor to perform Public Safety Communications Services on an as needed basis; and

WHEREAS, W. Michael Bailey possesses the requisite skills to fill this position; and

WHEREAS, a Resolution is required authorizing the award of a contract for Public Safety Communications Services to W. Michael Bailey; and

WHEREAS, the proposed 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 is attached hereto as Exhibit “A”; and

WHEREAS, W. Michael Bailey, as an independent contractor, has completed and submitted a Form W-9 to the Township of Upper; and

WHEREAS, W. Michael Bailey has completed and submitted a Business Entity Disclosure Certification which certifies that W. Michael Bailey 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 W. Michael Bailey 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 execute a contract with W. Michael Bailey for Public Safety Communications Services as needed.
3. 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.
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.

Offered by: Young Seconded by: Corson

Adopted: April 27, 2020

Roll Call Vote:

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

13. Authorizing a Dog Park fee refund in the amount of \$25.00 to Karen Galle.

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

RESOLUTION NO. 141-2020

**RE: AUTHORIZING A DOG PARK FEE REFUND IN THE
AMOUNT OF \$25.00 TO KAREN GALLE**

WHEREAS, on March 16, 2020, Karen Galle submitted a Dog Park Application along with the appropriate prorated fee to obtain access to the Upper Township Dog Park; and

WHEREAS, due to unforeseen circumstances, Ms. Galle has requested a refund of her Dog Park fee; and

WHEREAS, the Township Committee has determined that a refund of the Dog Park fee is warranted; and

WHEREAS, said refund shall be contingent upon Ms. Galle's return of the Dog Park Access Card; and

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that a refund is hereby Authorized, pending receipt of the Dog Park Access Card, and the Chief Financial Officer is hereby directed to refund monies as indicated below:

**AMOUNT
\$25.00**

**NAME
Karen Galle
24 Belcroft Avenue
Seaville, NJ 08230**

Resolution No. 141-2020

Offered by: Coggins

Seconded by: Barr

Adopted: April 27, 2020

Roll Call Vote:

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

14. Accepting the transfer of surplus property from the Borough of Avalon.

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

RESOLUTION NO. 142-2020

**RE: ACCEPTING THE TRANSFER OF SURPLUS PROPERTY
FROM THE BOROUGH OF AVALON**

WHEREAS, the Borough of Avalon has authorized the transfer of ownership of a 2001 Freightliner Truck, Model M91, VIN #1FVXAU00X1PJ98067 to the Township of Upper pursuant to Resolution No. 104-2020, adopted on April 22, 2020; and

WHEREAS, the Purchasing Agent has determined that said property can be maintained, stored, and insured by the Township of Upper; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township to accept said property; 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 a 2001 Freightliner Truck, Model M91, VIN #1FVXAU00X1PJ98067 from the Borough of Avalon deemed as Surplus Property and authorized for conveyance by the Borough of Avalon Council.
3. The Township Committee hereby authorizes the Mayor, the Township Administrator, and the Purchasing Agent to execute any required documents, and otherwise perform all acts necessary to accomplish the intent of this resolution.

Resolution No. 142-2020

Offered by: Barr

Seconded by: Corson

Adopted: April 27, 2020

Roll Call Vote:

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

15. Authorizing the execution of a NJDEP TWA-1 Application Statements of Consent form regarding 901 S. Commonwealth Avenue, Strathmere, Block 822, Lot 1.

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

RESOLUTION NO. 143-2020

**RE: AUTHORIZING THE EXECUTION OF A NJDEP TWA-1 APPLICATION
STATEMENTS OF CONSENT FORM REGARDING 901 S. COMMONWEALTH AVENUE,
STRATHMERE, BLOCK 822, LOT 1**

WHEREAS, Sallee Raffa has or is about to make application to the New Jersey Department of Environmental Protection (hereinafter “DEP”) for Treatment Works Approval for a proposed three-bedroom duplex family dwelling, and has requested that the Township complete a portion of DEP Form No. WQM-003, which merely consents to the submission of the application to the DEP and certifies that the project, as proposed, with the variance relief granted by the Upper Township Zoning Board, conforms with the requirements of all municipal Ordinances and does not otherwise impose any obligation or liability on the Township; and

WHEREAS, Sallee Raffa must apply to the New Jersey Department of Environmental Protection for Treatment Works Approval in order to install a pressure dosing septic system for a three-bedroom duplex family dwelling to be constructed on 901 S. Commonwealth Avenue, Block 822 Lot 1 of the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Township Engineer has informed the Township Committee as to the general nature of the project and has indicated that the Township has no ordinance prohibiting the proposed project; and

WHEREAS, the matter has been considered by the Township Committee and it has been determined that the consent by the Governing Body should be granted to this application to permit the application process to go forward; and

WHEREAS, the Township Committee wishes to authorize the Township officials to execute said documentation;

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor is hereby authorized to execute on behalf of the Township of Upper a Statements of Consent, Section A-1, in the form attached hereto as Exhibit “A” and said consent shall be completed by inserting therein this Resolution number and the date of its adoption.
3. This Statements of Consent is submitted in conjunction with the application of Sallee Raffa for treatment works approval for the property at Block 822, Lot 1 on the municipal tax map.
4. A certified copy of this Resolution shall be provided to the applicant.

Resolution No. 143-2020

Offered by: Coggins

Seconded by: Barr

Adopted: April 27, 2020

Roll Call Vote:

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

16. Authorizing the Mayor and Township Clerk to sign a contract with Ancero, LLC for professional information technology services.

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

RESOLUTION NO. 144-2020

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN
A CONTRACT WITH ANCERO, LLC FOR PROFESSIONAL
INFORMATION TECHNOLOGY SERVICES**

WHEREAS, the Township of Upper has a need for professional Information Technology services; and

WHEREAS, Ancero, LLC has submitted a proposal to the Township to provide said services; and

WHEREAS, the Township wishes to accept said proposal and to authorize the execution of a contract with Ancero, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Ancero, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Ancero, 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 Ancero, 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. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with Ancero, LLC with offices at 1001 Briggs Road, Suite 220, Mt. Laurel, New Jersey, to provide professional Information Technology services.
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 Ancero, LLC 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 Ancero, LLC for professional Information Technology 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.

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. 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. 144 - 2020

Offered by: Corson

Seconded by: Barr

Adopted: April 27, 2020

Roll Call Vote:

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

17. Authorizing the Upper Township Tax Collector to prepare estimated tax bills.

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

RESOLUTION NO. 145-2020

**AUTHORIZING THE UPPER TOWNSHIP TAX COLLECTOR
TO PREPARE ESTIMATED TAX BILLS**

WHEREAS, there has been a delay in receipt of a tax rate needed to prepare 2020 Final/2021 Preliminary property tax bills in time to meet the statutory mailing and due dates, delaying the Townships ability to meet its financial obligations; and

WHEREAS, The Tax Collector and Chief Financial Officer have determined it will be necessary to prepare Estimated Tax Bills for the third quarter of 2020; and

WHEREAS, the Township Committee of the Township of Upper, Cape May County, has determined that there will be insufficient cash flow to support operations in August unless third quarter revenue is received; and

WHEREAS, the Tax Collector and Chief Financial Officer have reviewed and computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee

of the Township of Upper, Cape May County, hereby authorizes that:

- 1) The Tax Collector is directed to prepare and issue estimated tax bills for the Municipality of the Township of Upper for the third quarter of 2020, in accordance with the provisions of N.J.S.A. 54:4-66.2 et seq.
- 2) The entire estimate tax levy for 2020 is hereby set at \$36,289,303.17.
- 3) The estimated tax rate for 2020 is hereby set at \$1.941.
- 4) The Tax Collector takes any additional steps necessary to immediately implement this resolution.

Resolution No. 145-2020

Offered by: Coggins

Seconded by: Barr

Adopted: April 27, 2020

Roll Call Vote:

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

18. 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 \$301,580.00.

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

RESOLUTION NO. 146-2020

**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 \$301,580.00**

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 Freightliner 114SD Chassis and a New Way Side Winder Refuse Body in the amount of \$301,580.00 from H. A. DeHart & Son of Thorofare, New Jersey through Sourcewell National Cooperative Contract No. 112014-NWY as herein indicated; and

WHEREAS, H. A. DeHart & Son has completed and submitted a Business Entity Disclosure Certification which certifies that H. A. DeHart & Son 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 H. A. DeHart & Son 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 H. A. DeHart & Son for the purchase of a Freightliner 114SD Chassis and a New Way Side Winder Refuse Body in the amount of \$301,580.00 from the 2019 Capital Improvement Bond through Sourcewell National Cooperative Contract No. 112014-NWY.
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. 146-2020

Offered By: Barr Seconded By: Corson

Adopted: April 27, 2020

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Barr	X			
Coggins	X			

Corson	X			
Young	X			
Palombo	X			

19. Supporting a reduction of the speed limit along New Jersey State Highway Route 9 (North Shore Road) between mile post 28.42 and mile post 30.72.

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

RESOLUTION NO. 147-2020

**RE: SUPPORTING A REDUCTION OF THE SPEED LIMIT ALONG
NEW JERSEY STATE HIGHWAY ROUTE 9 (NORTH SHORE ROAD)
BETWEEN MILE POST 28.42 AND MILE POST 30.72**

WHEREAS, the New Jersey Department of Transportation (NJDOT) is conducting a full scope development study for NJSH Route 9 (MP 28.46 to MP 28.84 and MP 30.62 to MP 30.70) in Upper Township; and

WHEREAS, based on discussions during the two Local Officials Briefings it was discussed that the Township of Upper would request that the NJDOT reduce the speed limit along NJSH Route 9 to 30 MPH between MP 28.42 and 30.72; and

WHEREAS, Upper Township has worked with the NJDOT Local Bicycle/Pedestrian Planning Assistance Program in preparing a 2019 Bicycle Plan for Upper Township; and

WHEREAS, the 2019 Bicycle Plan called for 5' wide bike lane in the shoulder and reduction of the speed limit to 30 mph; and

WHEREAS, the Upper Township encourages the Marmora section of NJSH Route 9 from MP 28.42 to MP 30.72 to be more pedestrian friendly which can only occur with a lower speed limit; 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 hereby requests all State officials to take action forthwith to implement the reduction of the maximum speed limit to 30 MPH between MP 28.42 and 30.72 along NJSH Route 9 (North Shore Road).
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.

4. A copy of this Resolution shall be forwarded to the appropriate New Jersey Officials.

Resolution No. 147-2020

Offered by: Barr

Seconded by: Young

Adopted: April 27, 2020

Roll Call Vote:

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

20. Requesting the cancellation of the NJDOT Fiscal Year 2020 Municipal Aid Grant Award for Pedestrian Safety Improvements for Neptune Avenue.

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

RESOLUTION NO. 148-2020

**RE: REQUESTING THE CANCELLATION OF THE NJDOT
FISCAL YEAR 2020 MUNICIPAL AID GRANT AWARD FOR
PEDESTRIAN SAFETY IMPROVEMENTS FOR NEPTUNE AVENUE**

WHEREAS, on November 21, 2019 the Township of Upper was awarded a New Jersey Department of Transportation FY 2020 Municipal Aid Grant in the amount of \$162,900.00 for pedestrian safety improvements for Neptune Avenue in the Strathmere Section of the Township of Upper, which included the designation of Neptune Avenue as a one-way road to allow for on-street parking and the construction of new sidewalks; and

WHEREAS, the residents of Neptune Avenue have strongly expressed to the Township Committee that they no longer support the project and have requested that the Township terminate the project; and

WHEREAS, in consideration of those requests by the residents of Neptune Avenue, the Township Committee has agreed to cancel the above referenced Municipal Aid Grant and have the grant released back to the Department.

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 hereby requests that the NJDOT FY2020 Municipal Aid Grant Award for Pedestrian Safety Improvements for Neptune Avenue be cancelled and that the grant be released back to the New Jersey Department of Transportation.

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

Resolution No. 148-2020

Offered by: Barr

Seconded by: Coggins

Adopted: April 27, 2020

Roll Call Vote:

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

ORDINANCES

21. **Public hearing and final adoption of Ordinance No. 004-2020 RE: AN ORDINANCE AMENDING CHAPTER XXVI (USE OF TOWNSHIP FACILITIES) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF UPPER.** During the public hearing portion there were no speakers. Motion by Hobie Young, second by Edward Barr, to adopt Ordinance No. 004-2020. During roll call vote all five Committeemen voted in the affirmative.

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

ORDINANCE NO. 004-2020

AN ORDINANCE AMENDING CHAPTER XXVI (USE OF TOWNSHIP FACILITIES) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF UPPER

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

SECTION 1: Chapter XXVI of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

26-3 Requirements for Use of Facilities

Revise and replace the following in Section 26-3.1

26-3.1 Application Required.

Any individual or organization requesting the use of a Township facility for an organized or scheduled event must submit an application and required documentation to the Department of Public Works Recreation Leader at least thirty (30) days prior to the proposed event. The applicant must provide a full detailed explanation of the proposed event, including but not limited to, the number of participants and spectators, the amount of any fee charged to a participant or spectator, the activities anticipated, whether or not food or beverages will be consumed at the site, the time and duration of the event and any other information requested by the Township in order to ascertain the nature and scope of the proposed event. Ongoing approved Upper Township sports or recreation programs shall not be required to submit an application for such ongoing activities. The Township Committee or the Department of Sports and Recreation Programs shall from time to time adopt rules and regulations governing such ongoing activities and approving the use of facilities for these programs. Unless otherwise exempted in this Chapter, an application for use of Township facilities is required for any organized or scheduled event which is not part of the approved ongoing activities of the sports or recreation programs.

Revise and replace the following in Section 26-3.3

26-3.3 State Police.

The Township must receive written confirmation from the State Police as to any requirements, suggestions or concerns the State Police may have with respect to the proposed event prior to Township approval.

Revise and replace the following in Section 26-3.4

26-3.4 Emergency Management Services.

The Township must receive written confirmation from the Upper Township Division of Emergency Management Services as to any requirements, suggestions or concerns the Division may have with respect to the proposed event prior to Township approval.

Revise and replace the following in Section 26-3.8

26-3.8 Township Administrator and Township Committee Approval.

The Superintendent of Public Works is authorized to issue the approval upon confirmation of compliance with the requirements of this Chapter; provided, however, for an event where more than one hundred (100) participants and spectators are expected, final approval of the Township Committee is required. If an application for use of facilities is denied by the Superintendent of Public Works the applicant may request a review of the decision by the Township Committee.

Revise and replace the following in Section 26-3.11

26-3.11 Park Pavilions.

Park pavilions may be utilized by groups of seventy-five (75) persons or less without prior approval on a first come first served basis. Township residents may reserve the use of a pavilion in advance by scheduling same with the Department of Public Works Recreation Leader. For use of the pavilion by groups of more than seventy-five (75) persons, an application for use of facilities must be submitted and the applicant must comply with the other provisions of this Chapter with respect to use of facility requirements and fees.

SECTION 2: REPEALER: All Ordinances or parts of Ordinances inconsistent

herewith are hereby repealed to the extent of such inconsistency only.

SECTION 3: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause or provision of the Ordinance shall be adjudged invalid, such adjudication shall only apply to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of the Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 4: EFFECTIVE DATE: This Ordinance shall take effect immediately upon final adoption and publication as required by law.

SECTION 5: CODIFICATION: This Ordinance shall be codified in Chapter XXVI of the Upper Township Code commencing at Section 26-3.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 9TH DAY OF MARCH, 2020 AT THE TOWNSHIP HALL, WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 6TH DAY OF APRIL, 2020, DURING WHICH TIME THE PUBLIC HEARING AND CONSIDERATION AS TO FINAL ADOPTION WERE TABLED TO A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD EXCLUSIVELY BY ELECTRONIC MEANS ON THE 27TH DAY OF APRIL, 2020 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

22. **Introduction and first reading of Ordinance No. 005-2020 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XX (ZONING) OF THE CODE OF UPPER TOWNSHIP.** Motion by Curtis Corson, second by Edward Barr to introduce Ordinance No. 005-2020 with a public hearing and final adoption scheduled for May 26, 2020. During roll call vote all five Committeemen voted in the affirmative.

CORRESPONDENCE

NEW BUSINESS

UNFINISHED BUSINESS

DISCUSSION

23. **Upper Township Planning Board Special Resolution 03-2020 - Adoption of 2020 Master Plan Reexamination Report.** Planner Tiffany CuvIELLO gave the following report on the Planning Board Resolution prior to the introduction of Ordinance No. 005-2020 (item 22 above):

On April 17th, the Planning Board adopted a masterplan re-examination report which included various recommendations to amend the Land Development Code. The recommended changes deal with three main components. 1) Changes to the Strathmere zoning for Residential and Resort Commercial zoning requirements relative to floor area ratios, addressing building coverage and building height, addressing design elements and encouraging open porches. 2) Amend the Marmora Town Center to address our affordable housing obligation through a settlement agreement with the Fair Share Housing Center. 3) Create a new zoning district called the Waterfront Town Center, which includes a zoning map

amendment. This is intended to promote the redevelopment of the BL England property and the surrounding area.

PAYMENT OF BILLS

24. **“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 Richard Palombo. During roll call vote all five Committeemen voted in the affirmative.

Bills approved for payment: \$2,042,790.24

Payroll: \$176,140.46

REPORT OF MUNICIPAL DEPARTMENTS

- 25. Animal Control**
- 26. Clerk’s Office**
- 27. Construction Code**
- 28. Finance Office**
- 29. Municipal Court**

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

PUBLIC COMMENT

Blanche Adams, Upper Township Business Administration, gave a brief update on what is happening in the business community in light of the pandemic. Some businesses with essential services are open or working remotely, some businesses are really struggling, and some have unfortunately closed. She stated that some have been very innovative by offering services online or video conferencing. She stated that one way the UTBA is trying to help is by getting the word out as to which businesses are open. She encouraged all businesses to post on the UTBA’s Facebook page if they are open. It was stated that link to the UTBA is also available on the Township’s website.

Janice Connell, Strathmere, inquired if Ordinance 005-2020 introduced tonight was part of the master plan. It was stated that the Township Committee does not adopt a master plan report. The planning board adopted a master plan re-examination report and it was listed on tonight’s agenda for discussion to update the Committee. The Ordinance introduced tonight is in answer to the recommendations as set forth by the Planning Board in the master plan re-examination report. Ms. Connell then thanked the Committee for making the difficult decision to close the beaches during the pandemic.

Lisa Carr, Strathmere, thanked the Committee for working with and reaching a reasonable compromise with all the stakeholders in Strathmere with regard to the introduced zoning changes in Strathmere, and for moving expeditiously with the introduction of the Ordinance. She then inquired if the Ordinance will be adopted at the May 26th meeting. It was stated that a public hearing has been scheduled for May 26th, which will in all likelihood be an electronic meeting. Barring any public comment in opposition, the ordinance will most likely be adopted. However, it was further stated that if things change with the Governor’s state of emergency declaration, and the public hearing has to be re-noticed, it may delay the public hearing to the next meeting in June.

Linda Bateman, Strathmere, inquired with the UTBA if there were ways to support the local food banks. She next inquired into what impact with the State’s loss of revenue will have on the Township’s State aid. CFO Barbara Ludy stated although our aid allocation from the State is going to come at a later date than it normally does, she doesn't anticipate any shortfall from it. Ms. Bateman then inquired as to why the Township approved estimated tax bills for the 3rd quarter. It was stated that the estimated tax bills are because of the delay in the state budget.

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. 149-2020 MOTION GOING INTO CLOSED SESSION APRIL 27, 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 – Appraisal 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: Richard Palombo

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 9:10 P.M., with a motion by Richard Palombo, second by Edward Barr, and all five Committeemen voting in the affirmative. The next regular meeting is scheduled for May 11, 2020 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

Bill List

75617 04/27/20 A0017 ATLANTIC CO. MUNICIPAL JIF 104,322.00 3130
75618 04/27/20 A0091 ATLANTIC CITY ELECTRIC 22,255.54 3130
75619 04/27/20 A0177 ALADTEC, INC 1,970.00 3130
75620 04/27/20 A0193 ATLANTIC INVESTIGATIONS, LLC 186.00 3130
75621 04/27/20 A0212 ANCERO, LLC 6,164.00 3130

75622 04/27/20 B0035 BELMONT & CRYSTAL SPRINGS 58.61 3130
75623 04/27/20 B0093 BARRY,CORRADO,GRASSI & 307.50 3130
75624 04/27/20 B0182 BRIGGS LAW OFFICE, P.C. 1,112.50 3130
75625 04/27/20 B0201 BUCK'S ELECTRICAL SERVICE, INC 1,059.00 3130
75626 04/27/20 B0220 BERGEY'S TRUCK CENTERS 6,928.77 3130
75627 04/27/20 B0239 BAILEY, WILLIAM MICHAEL 791.66 3130
75628 04/27/20 B0248 BARNES LAW GROUP LLC 1,500.00 3130
75629 04/27/20 B0274 BIO BLASTING, LLC 3,096.25 3130
75630 04/27/20 C0019 CITY OF OCEAN CITY 61,494.00 3130
75631 04/27/20 C0048 CAPE MAY COUNTY MUA 37,577.80 3130
75632 04/27/20 C0052 CAPE MAY COUNTY TREASURER 1,329,172.14 3130
75633 04/27/20 C0060 CAPRIONI PORTABLE TOILETS, INC 678.00 3130
75634 04/27/20 C0068 COMCAST 1,024.02 3130
75635 04/27/20 C0201 CRUZAN'S TRUCK SERVICE INC. 1,257.51 3130
75636 04/27/20 C0223 CASA PAYROLL SERVICE 438.00 3130
75637 04/27/20 C0279 CASA REPORTING SERVICES LLC 227.55 3130
75638 04/27/20 C0296 COMCAST BUSINESS COMMUNICATION 1,386.86 3130
75639 04/27/20 C0302 CONSTELLATION, NEW ENERGY, INC 4.81 3130
75640 04/27/20 C0307 CNS ACQUISITION CORPORATION 835.00 3130
75641 04/27/20 D0016 DALEYS PIT 210.00 3130
75642 04/27/20 D0040 DELTA DENTAL OF N.J. INC. 6,385.49 3130
75643 04/27/20 D0149 DANZIGER & MARKOFF, LLP 1,000.00 3130
75644 04/27/20 D0157 DELL MARKETING LP 2,616.66 3130
75645 04/27/20 D0180 D.C.T. II LLC 1,890.00 3130
75646 04/27/20 E0018 ONSOLVE INTERMEDIATE HOLDING 7,500.00 3130
75647 04/27/20 F0048 LESLIE G. FOGG INC 725.80 3130
75648 04/27/20 F0053 FORD, SCOTT & ASSOCIATES 8,000.00 3130
75649 04/27/20 G0086 W.W. GRAINGER, INC. 368.48 3130
75650 04/27/20 G0147 GREATAMERICA FINANCIAL SVCS. 196.00 3130
75651 04/27/20 G0169 GROFF TRACTOR NEW JERSEY LLC 224.00 3130
75652 04/27/20 G0190 Grisinger, Stephanie 35.00 3130
75653 04/27/20 G0196 G & G TECHNOLOGIES, INC. 495.00 3130
75654 04/27/20 H0148 THOMAS H. HEIST INS AGENCY INC 3,467.30 3130
75655 04/27/20 H0181 HOUSTON FREIGHTLINER INC 150,443.00 3130
75656 04/27/20 H0193 ARTHUR R. HENRY, INC. 161,543.20 3130
75657 04/27/20 I0030 IMPERATIVES,INC. 2,040.00 3130
75658 04/27/20 J0040 JOHNSON & TOWERS, INC. 2,771.52 3130
75659 04/27/20 J0314 JAKE STORAGE CONTAINERS LLC 2,100.00 3130
75660 04/27/20 K0100 KEEN COMPRESSED GAS CO. 628.58 3130
75661 04/27/20 L0007 LC EQUIPMENT, INC. 1,800.00 3130
75662 04/27/20 L0038 LAYTON, WILLIAM 1,626.00 3130
75663 04/27/20 L0127 LIBERTY KENWORTH OF SO. JERSEY 759.43 3130
75664 04/27/20 M0081 MID-ATLANTIC WASTE SYSTEMS 336.27 3130
75665 04/27/20 M0235 MODERN GROUP, LTD 1,212.00 3130
75666 04/27/20 M0277 MONY LIFE INSURANCE COMPANY 203.01 3130
75667 04/27/20 N0143 NATIONAL TIME SYSTEMS 391.75 3130
75668 04/27/20 N0154 NEW HORIZON COMMUNICATIONS 578.60 3130
75669 04/27/20 P0032 PEDRONI FUEL CO. 736.92 3130
75670 04/27/20 P0056 TURF EQUIPMENT AND SUPPLY CO 1,117.86 3130
75671 04/27/20 P0136 POSTNET 300.30 3130
75672 04/27/20 P0152 READY, LOREN 130.00 3130
75673 04/27/20 P0181 PADULA MASONRY, INC 7,250.00 3130
75674 04/27/20 R0030 RIGGINS, INC. 4,211.74 3130
75675 04/27/20 R0100 ROBERTS OXYGEN COMPANY, INC. 481.60 3130
75676 04/27/20 R0115 RID PEST CONTROL INC. 55.00 3130
75677 04/27/20 R0119 RUDERMAN, ROTH LLC 1,463.00 3130
75678 04/27/20 S0018 SUBURBAN PROPANE, LP 53.86 3130
75679 04/27/20 S0020 THE HOME DEPOT PRO 105.57 3130
75680 04/27/20 S0031 SCHULER SECURITY, INC. 480.00 3130
75681 04/27/20 S0057 SERVICE TIRE TRUCK CENTERS 2,316.81 3130
75682 04/27/20 S0072 SEGIN, STEWART S. 144.90 3130
75683 04/27/20 S0121 SMUZ, THERESE A 53.83 3130
75684 04/27/20 S0134 SO. JERSEY GAS COMPANY 1,523.91 3130
75685 04/27/20 S0209 STAPLES ADVANTAGE 27.09 3130
75686 04/27/20 S0239 SHORE VET. ANIMAL CONTROL LLC 2,250.00 3130
75687 04/27/20 S0264 SOUTH SHORE STITCHERS 300.00 3130
75688 04/27/20 S0327 SUASION COMMUNICATIONS GROUP 937.50 3130
75689 04/27/20 S0329 SERIOUSLY TOTAL VIDEO 250.00 3130
75690 04/27/20 S0333 STEINER LAW OFFICE, P.C. 300.00 3130
75691 04/27/20 S0356 R.J. SHERMAN & ASSOCIATES, INC 60,516.00 3130

75692 04/27/20 T0032 THE PRESS OF ATLANTIC CITY 466.80 3130
75693 04/27/20 T0080 TREASURER STATE OF N.J. 162.00 3130
75694 04/27/20 T0129 TRUGREEN CHEMLAWN 4,554.07 3130
75695 04/27/20 T0179 TUCKAHOE TURF FARMS, INC. 4,400.00 3130
75696 04/27/20 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3130
75697 04/27/20 U0028 UPPER TOWNSHIP BD.OF EDUCATION 1,045.00 3130
75698 04/27/20 V0013 VERIZON WIRELESS 540.34 3130
75699 04/27/20 V0018 VILLAGE PHARMACY, INC. 122.29 3130
75700 04/27/20 V0022 VERIZON 815.48 3130
75701 04/27/20 V0024 VAL-U AUTO PARTS L.L.C. 469.02 3130
75702 04/27/20 W0050 MOTOROLA SOLUTIONS INC. C/O 978.00 3130
75703 04/27/20 W0087 W.B. MASON EGG HARBOR 591.94 3130
75704 04/27/20 X0008 XEROX FINANCIAL SERVICES 219.80 3130
Total: 2,042,790.24