

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

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

Mayor Palombo read the following announcement. “In compliance with the Open Public Meetings Law, I wish to state that on July 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, Personnel Officer Sharon Taggart, Township Engineer Paul Dietrich, and Chief Financial Officer Barbara Ludy.

APPROVAL OF MINUTES - July 13, 2020 Regular and Closed Session Minutes

Motion by Edward Barr, second by John Coggins, to approve the July 13, 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 proposed fall fest in September and stated that the plans need to be finalized. It was stated that at this point, the Governor has not lessened the restrictions on events, and after a lengthy discussion, it was decided to make a decision at the next Committee meeting. There was also a lengthy discussion regarding the start of football and other recreation programs. Committeeman Young next brought up an issue of opposing teams signing waivers and the Municipal Attorney requested that any discussion regarding safety and security issues and exposure to liability be held in closed session.

Edward Barr, Committeeman, thanked the employees at Public Works for taking care of a matter on Hilltop Road so quickly.

Richard Palombo, Mayor, reported that he recently held a meeting with Township Supervisors and, while everything is going well, he did make a recommendation to the Supervisor's to talk with their employees regarding the use of their vacation time and to be careful regarding travel. Next, he reported

that he and Committeeman Corson recently met with the Strathmere Fire Company to witness firsthand some of the issues they are having with street access and parking issues.

OTHER REPORTS

Scott Morgan, Township Administrator, gave a brief status report on the total Covid-19 cases in Cape May County and Upper Township. He stressed the importance of everyone following CDC guidelines for frequent handwashing, sanitation, and social distancing. He next reported that the replacement of the Town Hall generator has been completed, and the upgrade to the Township's public safety communications system is almost complete. Next, he reported on a complaint he received regarding the deplorable condition of a building on Route 49 which is owned by the State. He requested permission to contact the State as to the status and plans for the property before having the construction official get involved. After a brief discussion there was a general consensus to have Scott send a letter to State officials, including our State legislators, regarding the issue. Last, he reported that there have been some drainage issues as a result of several recent heavy rainstorms. He stated that the Public Works Department will take the necessary action to correct the drainage issues.

Barbara Young, Municipal Clerk, encouraged everyone, if they have not already done so, to complete the 2020 Census form.

Paul Dietrich, Township Engineer, reported that he has sent notices to affected residents regarding the 2020 paving project. Next, he reported that he received a request from the County Engineer for permission to perform night milling and paving operations for the Corson Tavern Road project. After a brief discussion, the Committee approved the request with confirmation that proper safety protocols will be followed.

Barbara Ludy, Chief Financial Officer, reported that due to Covid-19, the Municipal Alliance Grant funding was placed on hold in March. She stated that due to budget issues the state has extended the FY 2020 grant from July 1st to September 30th and requested permission to have Mayor Palombo sign the grant amendment, which will provide funds exclusively for the MAC coordinator's salary. Motion by John Coggins, second by Edward Barr, to direct the Mayor to sign the Municipal Alliance Grant amendment for FY 2020. During roll call vote all five Committeemen voted in the affirmative. She next requested permission to remotely attend a three-day Government Finance Officers conference in September, at a cost of \$350.00. Motion by John Coggins, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative.

RESOLUTIONS

1. Authorizing the Township of Upper to enter into a Cooperative Pricing Agreement with the Camden County Educational Services Commission.

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

RESOLUTION NO. 203-2020

RE: AUTHORIZING THE TOWNSHIP OF UPPER TO ENTER INTO A COOPERATIVE PRICING AGREEMENT WITH THE CAMDEN COUNTY EDUCATIONAL SERVICES COMMISSION

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Camden County Educational Services Commission, hereinafter referred to as the “Lead Agency” has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, the Township of Upper wishes to participate with the Lead Agency in a Cooperative Pricing System for the provision and performance of goods and services; and

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Upper, Cape May County, that this resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Upper, pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor and Qualified Purchasing Agent are hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency; and

BE IT FURTHER RESOLVED that the Lead Agency shall be responsible for complying with the provisions of the Local Public Contract Law, N.J.S.A. 40A:11-1 et seq. and all other provisions of the revised statutes of the State of New Jersey.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage.

Resolution No. 203-2020

Offered by: Coggins

Seconded by: Barr

Adopted: July 27, 2020

Roll Call Vote:

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

2. Renewing Campground Licenses.

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

RESOLUTION NO. 204-2020

RE: RENEWING CAMPGROUND LICENSES

WHEREAS, Chapter XII of the Code of Upper Township provides for the renewal of licenses to operate a Campground annually after certification by the Cape May County Board of Health; and

WHEREAS, each of the Campgrounds hereinafter designated has had an

on-site inspection conducted by the Cape May County Board of Health and it has been attested that the operation of the campground is in compliance with all applicable New Jersey Statutes and the rules and regulations promulgated pursuant thereto.

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 campground licenses are hereby renewed for a term of (1) one year, commencing August 1, 2020.

**BAYBERRY COVE CONDO ASSOCIATION
435 ROUTE 9
MARMORA, NJ 08223
310 Sites**

**FRONTIER CAMPGROUND
84 TYLER ROAD
GREENFIELD, NJ 08230
196 Sites**

**OAK RIDGE RESORT CONDO ASSOCIATION, INC.
516 ROUTE US 9, SOUTH
MARMORA, NJ 08223
240 Sites**

**ROUTE 50 CAMPGROUND, LLC
T/A OCEAN ISLE CAMPING RESORT
64 ROUTE 50
SEAVILLE, NJ 08230
218 Sites**

**OCEAN SANDS RESORT ASSOCIATION, INC.
56 ROUTE 50
SEAVILLE, NJ 08230
217 Sites**

**PLANTATION ENTERPRISES, INC.
T/A PLANTATION CAMPGROUND
60 CORSON TAVERN ROAD
SEAVILLE, NJ 08230
223 Sites**

**SCENIC RIVERVIEW CAMPGROUND
465 ROUTE 49
TUCKAHOE, NJ 08250
125 Sites**

**SEAVILLE SHORES TRAILER RESORT
98 CORSON TAVERN ROAD
SEAVILLE, NJ 08230
275 Sites**

**SHOREBIRDS CAMPGROUND
1314 STAGECOACH ROAD**

PALERMO, NJ 08230
100 Sites

3. All officials of the Township are hereby authorized to take such action as necessary or required in order to carry out the intent and purpose of this Resolution.
4. This Resolution shall become effective immediately upon adoption.

Resolution No. 204-2020

Offered by: Barr

Seconded by: Palombo

Adopted: July 27, 2020

Roll Call Vote:

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

3. Renewing the Campground License for Whippoorwill Campground.

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

RESOLUTION NO. 205-2020

RE: RENEWING THE CAMPGROUND LICENSE
FOR WHIPPOORWILL CAMPGROUND

WHEREAS, Chapter XII of the Code of Upper Township provides for the annual renewal of licenses to operate a Campground after certification by the Cape May County Board of Health; and

WHEREAS, Whippoorwill Campground, located at 810 South Shore Road, Marmora, New Jersey, is one of the Campgrounds that operates in Upper Township, and that is subject to this annual renewal requirement; and

WHEREAS, there has arisen a dispute between Upper Township and Whippoorwill Campground as to whether the campground's operations comply with all applicable state and local laws and regulations; and

WHEREAS, pending the resolution of this dispute, the Township is willing to renew Whippoorwill Campground's license for 2020-2021, subject to the Township's reservation of all its rights, claims and defenses with respect to that dispute, and without thereby waiving any of those rights, claims or defenses,

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:

5. The allegations of the preamble are incorporated herein by this reference.
6. The following campground license is hereby renewed for a term of (1) one year, commencing August 1, 2020, subject to the provisions of Paragraph 3 below.

WHIPPOORWILL CAMPGROUND, INC.
810 ROUTE US 9 SO.
MARMORA, NJ 08223
288 Sites

7. In authorizing this renewal, Upper Township does not waive any of its rights, claims, positions, or defenses in connection with the current dispute between the Township and the campground concerning the campground's compliance with state and local campground and land use laws and regulations; nor does the township waive or release any rights, claims, defenses or positions it might have or be able to assert in connection with that dispute.
8. All officials of the Township are hereby authorized to take such action as necessary or required in order to carry out the intent and purpose of this Resolution.
9. This Resolution shall become effective immediately upon adoption.

Resolution No. 205-2020

Offered by: Barr

Seconded by: Palombo

Adopted: July 27, 2020

Roll Call Vote:

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

4. Renewing the Campground License for Echo Farms RV Campground.

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

RESOLUTION NO. 206-2020

RE: RENEWING THE CAMPGROUND LICENSE
FOR ECHO FARMS RV CAMPGROUND

WHEREAS, Chapter XII of the Code of Upper Township provides for the renewal of licenses to operate a Campground annually after certification by the Cape May County Board of Health; and

WHEREAS, Echo Farms RV Campground, located at 3066 Route US 9 South, Seaville, NJ 08230, operates a campground in Upper Township and such campground is subject to its annual license renewal requirement; and

WHEREAS, Echo Farms RV Campground had been in violation of its site plan and land use ordinances with respect to lot consolidation, additional campsites installed without approval and violations of the buffer requirements; and

WHEREAS, Echo Farms RV Campground received approval from the Upper Township Zoning Board of Adjustment by Resolution No. 22-2019 adopted July 9, 2020 which rectified the aforesaid site plan and land use ordinance violations; and

WHEREAS, the current application for annual license renewal for 239 sites is in compliance with all applicable New Jersey statutes and the rules and regulations promulgated pursuant thereto; and

WHEREAS, Echo Farms RV Campground shall comply with all terms and conditions of Upper Township Zoning Board of Adjustment Resolution No. 22-2019 and same are made a condition of this license renewal.

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:

10. The allegations of the preamble are incorporated herein by this reference.
11. The following campground license is hereby renewed for the 2020/2021 license year, commencing August 1, 2020 and expiring July 31, 2021.

**ECHO FARMS RV CAMPGROUND
3066 ROUTE US 9 SOUTH
SEAVILLE, NJ 08230
239 Sites**

12. All officials of the Township are hereby authorized to take such action as necessary or required in order to carry out the intent and purpose of this Resolution.
13. This Resolution shall become effective immediately upon adoption.

Resolution No. 206-2020

Offered by: Coggins

Seconded by: Young

Adopted: July 27, 2020

Roll Call Vote:

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

5. Renewing Mobile Home Park Licenses.

TOWNSHIP OF UPPER

**CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 207-2020

RE: RENEWING MOBILE HOME PARK LICENSES

WHEREAS, each of the Mobile Home Parks hereinafter designated has attested that the operation of the mobile home park is in compliance with all applicable New Jersey Statutes and the rules and regulations promulgated pursuant thereto.

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:

14. The allegations of the preamble are incorporated herein by this reference.
15. The following mobile home park licenses are hereby renewed for a term of (1) one year, commencing August 1, 2020.

**HIDDEN PINES MOBILE HOME PARK
1414 SOUTH SHORE ROAD
OCEAN VIEW, NJ 08230
10 Sites**

**OCEAN BEACH TRAILER RESORT
1100 SOUTH COMMONWEALTH AVENUE
PO BOX 90
STRATHMERE, NJ 08248
95 Sites**

**SHORE ACRES MOBILE HOME PARK
1621 SOUTH SHORE ROAD
OCEAN VIEW, NJ 08230
200 Sites**

**PINE HILL MOBILE HOME PARK
430 ROUTE 9 SOUTH
MARMORA, NJ 08223
132 Sites**

16. All officials of the Township are hereby authorized to take such action as necessary or required in order to carry out the intent and purpose of this Resolution.

17. This Resolution shall become effective immediately upon adoption.

Resolution No. 207-2020

Offered by: Barr

Seconded by: Coggins

Adopted: July 27, 2020

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Barr	X			
Coggins	X			

Corson			X	
Young	X			
Palombo	X			

6. Renewing the Mobile Home Park License for Osprey Cove.

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

RESOLUTION NO. 208-2020

**RE: RENEWING THE MOBILE HOME PARK LICENSE
FOR OSPREY COVE**

WHEREAS, the Mobile Home Park hereinafter designated has attested that the operation of the mobile home park is in compliance with all applicable New Jersey Statutes and the rules and regulations promulgated pursuant thereto.

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 mobile home park license is hereby renewed for a term of (1) one year, commencing August 1, 2020.

**OSREY COVE MOBILE HOME PARK
2058 SOUTH SHORE ROAD
SEAVILLE, NJ 08230
110 Sites**

3. All officials of the Township are hereby authorized to take such action as necessary or required in order to carry out the intent and purpose of this Resolution.
4. This Resolution shall become effective immediately upon adoption.

Resolution No. 208-2020

Offered by: Barr

Seconded by: Young

Adopted: July 27, 2020

Roll Call Vote:

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

7. Authorizing the Mayor and Township Clerk to sign a contract with K.D. National Force Security & Investigations, LLC for professional security services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

RESOLUTION

RESOLUTION NO. 209-2020

RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A CONTRACT WITH K.D. NATIONAL FORCE SECURITY & INVESTIGATIONS, LLC FOR PROFESSIONAL SECURITY SERVICES

WHEREAS, the Township of Upper has a need for security services during Municipal Court sessions and other occasions as may be required; and

WHEREAS, K.D. National Force Security & Investigations, LLC has submitted a proposal to the Township to provide said security services; and

WHEREAS, the Township wishes to accept said proposal and to authorize the execution of a contract with K.D. National Force Security & Investigations, LLC; and

WHEREAS, K.D. National Force Security & Investigations, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that K.D. National Force Security & Investigations, 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 K.D. National Force Security & Investigations, 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 K.D. National Force Security & Investigations, LLC with offices at Woodstown, New Jersey, 08098, to provide professional security 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 K.D. National Force Security & Investigations, 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 K.D. National Force Security & Investigations, LLC for professional security 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. 209-2020

Offered by: Barr

Seconded by: Coggins

Adopted: July 27, 2020

Roll Call Vote:

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

8. Authorizing a one-year extension of the contract with Cape Professional Billing, Inc., Dba Cape Medical Billing, for emergency medical billing services.

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

RESOLUTION NO. 210-2020

RE: AUTHORIZING A ONE YEAR EXTENSION OF THE CONTRACT WITH CAPE PROFESSIONAL BILLING, INC., DBA CAPE MEDICAL BILLING, FOR EMERGENCY MEDICAL BILLING SERVICES

WHEREAS, the Township of Upper and Cape Professional Billing, Inc., of 5 Locust Lane, P.O. Box 670, Cape May Court House, New Jersey 08210, entered into a Contract on July 30, 2018 for Emergency Medical Billing Services pursuant to Resolution No. 212-2018; and

WHEREAS, the Township of Upper desires to extend the terms of the Contract, as stipulated within, for an additional one year; and

WHEREAS, Cape Professional Billing, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Cape Professional Billing, 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 Cape Professional Billing, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for the renewed 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 Contract with Cape Professional Billing, Inc., for Emergency Medical Billing Services, is hereby renewed for an additional one year term for the period commencing August 1, 2020 through July 31, 2021.
3. Cape Professional Billing, 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.
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. 210-2020

Offered by: Young

Seconded by: Corson

Adopted: July 27, 2020

Roll Call Vote:

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

9. Accepting the bid and authorizing the execution of a contract with Arawak Paving Company, Inc. of Hammonton, New Jersey for the project known as the Reconstruction of Commonwealth Ave Ph2 and 2020 Township Paving Program at a cost of \$1,833,000.00.

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

RESOLUTION NO. 211-2020

**RE: ACCEPTING THE BID AND AUTHORIZING THE EXECUTION
OF A CONTRACT WITH ARAWAK PAVING COMPANY, INC. OF HAMMONTON,
NEW JERSEY FOR THE PROJECT KNOWN AS THE RECONSTRUCTION OF
COMMONWEALTH AVE PH2 AND 2020 TOWNSHIP PAVING PROGRAM AT A COST OF
\$1,833,000.00**

WHEREAS, the Township of Upper solicited bids for the Reconstruction of Commonwealth Ave Ph2 and 2020 Township Paving Program, which bids were received on July 8, 2020; and

WHEREAS, the aforesaid bids were thereafter reviewed by the Township Engineer; and

WHEREAS, the Township Engineer has submitted a recommendation to the Township Committee with respect to the award of said bids; and

WHEREAS, the Chief Financial Officer of the Township of Upper has certified the availability of funds attached hereto as "Exhibit A" in a sufficient amount to award a contract in the amount of \$1,833,000.00; and

WHEREAS, the Township intends to take formal action awarding the bid to the lowest responsible bidder as hereinafter provided;

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township hereby accepts the bid submitted by Arawak Paving Company, Inc., 7503 Weymouth Road, Hammonton, New Jersey for the project known as Reconstruction of Commonwealth Ave Ph2 and 2020 Township Paving Program, in the amount of \$1,833,000.00, subject to the following:

- (A) The approval of the State of New Jersey Department of Transportation.

- (B) The Bidder shall comply with all Bid Documents, including the Notice to Bidders, all of which are hereby incorporated herein by this reference.
- (C) The Contract to be entered into must comply in all respects with applicable federal, state and local laws and regulations.

3. The Mayor and Township Clerk are further authorized to execute a Contract with the successful bidder and/or the Chief Financial Officer is hereby authorized, directed and empowered to issue a Purchase Order to the successful bidder in the amount authorized in this Resolution.

Resolution No. 211-2020

Offered by: Barr

Seconded by: Coggins

Adopted: July 27, 2020

Roll Call Vote:

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

10. Authorizing the Engineer to prepare specifications and solicit bids for the Design and Build of two Post Frame Buildings (30'x60').

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

RESOLUTION NO. 212-2020

**RE: AUTHORIZING THE ENGINEER TO PREPARE SPECIFICATIONS
AND SOLICIT BIDS FOR THE DESIGN AND BUILD OF TWO POST FRAME BUILDINGS
(30'x60')**

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

WHEREAS, Resolution 125-2020, adopted April 6, 2020, previously authorized the Township of Upper to solicit bids for the design and build of two post frame (30' x60') buildings after the COVID-19 emergency ended. However, the township wishes to proceed with the project even though the COVID-19 emergency is still ongoing; and

WHEREAS, pursuant to the provisions of the Local Public Contracts Law, the Township of Upper intends to solicit bids as herein indicated; 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 Engineer is hereby authorized and directed to prepare specifications,

bid documents and solicit bids for the following project:

DESIGN/ BUILD POST FRAME BUILDINGS (30'x60')

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

Resolution No. 212-2020

Offered by: Barr

Seconded by: Coggins

Adopted: July 27, 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 a Vehicle Pressure Wash System Replacement.

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

RESOLUTION NO. 213-2020

**RE: AUTHORIZING THE ENGINEER TO PREPARE SPECIFICATIONS
AND SOLICIT BIDS FOR A VEHICLE PRESSURE WASH SYSTEM REPLACEMENT**

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 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:

VEHICLE PRESSURE WASH SYSTEM REPLACEMENT

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

Resolution No. 213-2020

Offered by: Young

Seconded by: Barr

Adopted: July 27, 2020

Roll Call Vote:

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

12. Authorizing the purchase of certain items and for the Chief Financial Officer to withdraw funds in the amount of \$10,892.00 from the account entitled Recycling Trust Account for such purposes.

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

RESOLUTION NO. 214-2020

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS AND FOR THE CHIEF
FINANCIAL OFFICER TO WITHDRAW FUNDS IN THE AMOUNT OF \$10,892.00 FROM
THE ACCOUNT ENTITLED RECYCLING TRUST ACCOUNT FOR SUCH PURPOSES**

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

WHEREAS, the Township of Upper has available \$10,892.00 in the Recycling Trust account to make such 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 of Upper intends to purchase 200 recycling containers in the amount of \$10,892.00 from Cascade Engineering through Sourcewell Contract No. 041217-CEI as herein indicated; and

WHEREAS, the Township's QPA has reviewed and approved the quote from Cascade Engineering of Grand Rapids, MI.

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 authorizes the purchase of 200 recycling containers in the amount of \$10,892.00 from Cascade Engineering through Sourcewell Contract No. 041217-CEI.
3. The Chief Financial Officer of the Township of Upper is hereby authorized, directed and empowered to withdraw funds in the amount of \$10,892.00 from the Recycling Trust Account to pay for the 200 recycling containers and is empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 214-2020

Offered by: Coggins

Seconded by: Barr

Adopted: July 27, 2020

ROLL CALL VOTE:

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

13. Adopting the COVID-19 Township Vacation and Travel Policy. *

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

RESOLUTION NO. 215-2020

RE: ADOPTING THE COVID-19 TOWNSHIP VACATION AND TRAVEL POLICY

WHEREAS, the Township Committee of the Township of Upper has determined there is a need to adopt a COVID-19 Township Vacation and Travel Policy; and

WHEREAS, the Township Committee of the Township of Upper has reviewed and approved such policy attached hereto as Exhibit A; and

WHEREAS, the Township Committee has determined that this policy should be adopted to revise the existing Township Supervisor's Personnel Policies and Procedures Manual and the Employee Handbook; 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 COVID-19 Township Vacation and Travel Policy set forth in the attached Exhibit A is hereby adopted and approved and modifies the existing personnel policies, procedures, manuals and handbooks of the Township.
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. 215-2020

Offered by: Barr

Seconded by: Corson

Adopted: July 27, 2020

Roll Call Vote:

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

ORDINANCES

CORRESPONDENCE

NEW BUSINESS

14. **The Greater Tuckahoe Area Merchants Association request to hold a Raffle RA 533 at Levari's, 1291 Route 50, on September 9, 2020 at 7:00 pm.** Motion by Hobie Young, second by Edward Barr, to approve the request. During roll call vote all five Committeemen voted in the affirmative.
15. **Harriet Lane Residential Dwellings Proposed Amendment to the Cape May County Water Quality Management Plan (WQMP) for Block 567, Lot 24, Upper Township.** The Township Engineer reported that an endorsement from the Township is required in order to obtain NJDEP permit approval. He stated that this project conforms with all applicable zoning, has received Zoning Board approval, and is also part of the Township's Affordable Housing obligations. Motion by Edward Barr, second by Curtis Corson, to move forward with amendment request. During roll call vote all five Committeemen voted in the affirmative. A resolution for formal action will be listed on the next agenda.
16. **Stockton University Coastal Research Center 2nd quarter survey.** The Township Engineer gave a brief summary of the report.

UNFINISHED BUSINESS

17. **Strathmere Parking.** Mayor Palombo stated that he and the other members of the Township Committee are doing a thorough review of the parking and emergency access issues in Strathmere, and consider it to be a priority that will be addressed. He further stated that there are some effective solutions to the issues, including enforcement, that the Municipal Attorney

is currently investigating. The Municipal Attorney also reported that with regard to proposed changes to handicapped parking, the Township Engineer has notified property owners within the affected areas in order to obtain their input before moving forward. The Township Administrator also stated that the NJSP have been very responsive and have committed to increased patrols in Strathmere.

DISCUSSION

18. **Multi-Jurisdictional Program for Public Information (MJPPi) 2020 Update.** Municipal Engineer Paul Dietrich gave a brief report on the public outreach efforts as part of the Township's National Flood Insurance Community Rating System program.

PAYMENT OF BILLS

19. "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 Committeemen voted in the affirmative.**

Bills approved for payment: \$349,327.09

Payroll: \$229,684.08

REPORT OF MUNICIPAL DEPARTMENTS

PUBLIC COMMENT

Blanche Adams, Upper Township Business Association, gave a brief update on the status of businesses in Upper Township.

Michael Kiefer, Lauradell Drive, spoke regarding a drainage and flooding issue he is having on his street. The Township Engineer was directed to inspect the issue. It was stated that Public Works will be out to inspect the drain as well.

Ted Kingston, Willard Avenue, inquired about the bid award for the Reconstruction of Commonwealth Avenue project, and further inquired as to when that portion of Commonwealth Avenue became a Township Road. It was stated that the project is the second phase of a reconstruction project and the Township has received a NJDOT Municipal Aid grant for a portion of the project. There is also a 2020 Township wide paving project included in the bid award. It was further stated that a section of Commonwealth was dedicated to the Township many years ago. A title search would show exactly when.

Lisa Carr, Webster Avenue, thanked the Committee for reviewing the parking situation in Strathmere, and asked if the Strathmere residents will be able to be involved in the process. Mayor Palombo stated that he has already committed to have a meeting with Strathmere residents, however, he wants to ensure the safety of all attendees given the ongoing pandemic.

Mark Berger, Winthrop Avenue, thanked the Committee for working on the parking situation in Strathmere. He then spoke about the sense of lawlessness happening in Strathmere and the public perception that anything goes because there is no law enforcement presence in Strathmere. Mayor Palombo acknowledged Mr. Bergers concerns and explained that the township continues to work to address the issues.

Janice Connell, Commonwealth Avenue, thanked the Committee for taking action to address the issues in Strathmere. She next spoke about her recent experience in dealing with the State Police.

CLOSED SESSION

20. 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. 216-2020
MOTION GOING INTO CLOSED SESSION
JULY 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:

1. Contract negotiation – 14 S Bayview License Agreement
2. Contract negotiation - 37 N Bayview License Agreement
3. Litigation - Holt v. Upper Township
4. Personnel
5. Safety, Security, and Insurance

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 contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.
- C. With respect to litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.
- D. 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.

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 Edward Barr, 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 10:14 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 August 10, 2020 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

Bill List

76057 07/27/20 A0060 ALL INDUSTRIAL-SAFETY PRODUCTS 431.19 3143
76058 07/27/20 A0091 ATLANTIC CITY ELECTRIC 3,121.60 3143
76059 07/27/20 A0191 ACTION UNIFORM CO. LLC 416.00 3143
76060 07/27/20 A0193 ATLANTIC INVESTIGATIONS, LLC 80.00 3143
76061 07/27/20 A0219 ALTERNATIVE MICROGRAPHICS, INC 1,924.51 3143
76062 07/27/20 A0222 ANZELONE ELECTRIC COMPANY, LLC 3,950.00 3143
76063 07/27/20 B0093 BARRY,CORRADO,GRASSI & 1,702.50 3143
76064 07/27/20 B0220 BERGEY'S TRUCK CENTERS 483.06 3143
76065 07/27/20 B0248 BARNES LAW GROUP LLC 750.00 3143
76066 07/27/20 B0276 BOOMHOWER RONALD 42.80 3143
76067 07/27/20 C0042 CAMPBELL SUPPLY COMPANY 384.40 3143
76068 07/27/20 C0048 CAPE MAY COUNTY MUA 48,609.56 3143
76069 07/27/20 C0060 CAPRIONI PORTABLE TOILETS, INC 1,772.00 3143
76070 07/27/20 C0068 COMCAST 851.79 3143
76071 07/27/20 C0116 CINTAS CORPORATION 57.50 3143
76072 07/27/20 C0143 CODY'S POWER EQUIPMENT 843.94 3143
76073 07/27/20 C0223 CASA PAYROLL SERVICE 293.25 3143
76074 07/27/20 C0259 CAPE PHYSICIANS ASSOCIATES, PA 220.00 3143
76075 07/27/20 C0279 CASA REPORTING SERVICES LLC 152.55 3143
76076 07/27/20 C0296 COMCAST BUSINESS COMMUNICATION 1,386.86 3143
76077 07/27/20 C0302 CONSTELLATION, NEW ENERGY, INC 4.10 3143
76078 07/27/20 C0305 CM3 BUILDING SOLUTIONS, INC. 5,710.00 3143
76079 07/27/20 C0307 CNS ACQUISITION CORPORATION 835.00 3143
76080 07/27/20 D0016 DALEYS PIT 70.00 3143
76081 07/27/20 E0003 EASTERN SIGN CO. 1,785.00 3143
76082 07/27/20 E0070 ELLER, AMANDA 42.80 3143
76083 07/27/20 E0079 EVANS III, WILLIAM 146.36 3143
76084 07/27/20 F0048 LESLIE G. FOGG INC 186.10 3143
76085 07/27/20 F0065 FRANK'S SCREENS LLC 174.60 3143
76086 07/27/20 F0181 FOR SHORE WEED CONTROL, INC 603.00 3143
76087 07/27/20 G0016 GARDNER HARDWARE INC. 22.97 3143
76088 07/27/20 G0028 GENTILINI FORD 335.67 3143
76089 07/27/20 G0086 W.W. GRAINGER, INC. 582.06 3143
76090 07/27/20 G0141 GENTILINI CHEVROLET 284.31 3143
76091 07/27/20 G0157 GRANTURK EQUIPMENT CO., INC. 1,595.41 3143
76092 07/27/20 G0169 GROFF TRACTOR NEW JERSEY LLC 21.47 3143
76093 07/27/20 G0198 Gaudet, Drew 44.05 3143
76094 07/27/20 H0022 HR DIRECT 239.97 3143
76095 07/27/20 H0073 HOME DEPOT CRC/GECF 671.82 3143
76096 07/27/20 H0095 HORIZON BCBSNJ 211,677.15 3143
76097 07/27/20 H0097 HERRON, JOANNE R. 240.50 3143
76098 07/27/20 H0176 HEILMAN, JAMES 302.62 3143
76099 07/27/20 H0187 HILLYARD, INC. 2,782.72 3143
76100 07/27/20 H0189 HERITAGE BUSINESS SYSTEMS, INC 41.40 3143
76101 07/27/20 L0031 LORCO PETROLEUM SERVICES 185.00 3143
76102 07/27/20 M0235 MODERN GROUP, LTD 2,067.50 3143
76103 07/27/20 M0277 EQUITABLE FINANCIAL LIFE INS. 199.98 3143
76104 07/27/20 N0163 NJ COASTAL COALITION, INC. 3,750.00 3143
76105 07/27/20 O0006 SJSHORE MARKETING,LLC 197.09 3143
76106 07/27/20 P0032 PEDRONI FUEL CO. 971.29 3143
76107 07/27/20 P0056 TURF EQUIPMENT AND SUPPLY CO 120.81 3143
76108 07/27/20 P0175 PRIEST JR., ANTHONY 125.00 3143
76109 07/27/20 R0030 RIGGINS, INC. 3,007.94 3143
76110 07/27/20 S0080 SHAW CRANE CO., INC. 750.00 3143
76111 07/27/20 S0113 SMITH,THOMAS G. 511.60 3143
76112 07/27/20 S0126 LUDY, BARBARA 50.00 3143
76113 07/27/20 S0134 SO. JERSEY GAS COMPANY 397.03 3143
76114 07/27/20 S0139 SOUTH JERSEY WATER COND SERV 183.70 3143
76115 07/27/20 S0196 STEWART BUSINESS SYSTEMS LLC 274.40 3143
76116 07/27/20 S0209 STAPLES ADVANTAGE 581.04 3143
76117 07/27/20 S0254 SHOPRITE 77.73 3143
76118 07/27/20 S0333 STEINER LAW OFFICE, P.C. 400.00 3143
76119 07/27/20 T0080 TREASURER STATE OF N.J. 1,239.00 3143
76120 07/27/20 U0003 U.S. MUNICIPAL SUPPLY, INC. 1,938.99 3143
76121 07/27/20 U0028 UPPER TOWNSHIP BD.OF EDUCATION 390.00 3143
76122 07/27/20 U0037 UPPER TOWNSHIP P.T.O. 1,700.00 3143
76123 07/27/20 V0001 VCI EMERGENCY VEHICLE 697.44 3143
76124 07/27/20 V0013 VERIZON WIRELESS 551.98 3143
76125 07/27/20 V0024 VAL-U AUTO PARTS L.L.C. 567.46 3143
76126 07/27/20 V0025 V.E. RALPH & SON,INC. 608.93 3143
76127 07/27/20 W0050 MOTOROLA SOLUTIONS INC. C/O 375.00 3143
76128 07/27/20 W0122 WW GRAINGER INC. 31,504.60 3143
76129 07/27/20 Y0020 YOUNG, BARBARA L. 30.99 3143
Total: \$349,327.09