

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR AUGUST 10, 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 August 7, 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 27, 2020 Regular and Closed Session Minutes

Motion by Edward Barr, second by Curtis Corson, to approve the July 27, 2020 Regular Session Minutes as submitted. During roll call vote all five Committeemen voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

John Coggins, Committeeman, thanked and recognized the Upper Township Office of Emergency Management, EMS and Rescue Squad, Public Works Department, Township employees and the Township Fire Companies for their response to Tropical Storm Isaias and the aftermath.

Hobie Young, Committeeman, also thanked the Township’s first responders for their fantastic job in response to the storm. He next stated that the Township’s planned September Fall Fest will be postponed due to Covid-19 restrictions. It has been tentatively scheduled for October 24th, which is the same day for the proposed car show. He next gave a brief report on the preparations for the upcoming fall sports season.

Edward Barr, Committeeman, recognized and praised the coordination and response between the Township’s first responders, the County, and the NJ State Police in response to the storm. He gave special recognition to Seaville Fire Chief Stephen Schaffer as incident commander.

Curtis Corson, Committeeman, thanked the first responders, employees and utility workers. And made special mention of Scott Morgan, Township Administrator and Emergency Management Coordinator, for his hard work and efforts. He also expressed his thankfulness that there were no injuries from the storm.

Richard Palombo, Mayor, gave special recognition to Emergency Management Director Scott Morgan for his coordination and preparations for this type of disaster.

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 next reported on the recent Tropical Storm Isaias which unfortunately spawned a tornado that touched down in Marmora. He thanked the Upper Township Fire Companies, Upper Township EMS, Department of Public Works, the Upper Township Building Code Official, the Township Engineer, Township Clerk's Office, the NJ State Police, Ocean City Fire Department, the Cape May County Office of Emergency Management, the Cape May County RUSK team, and the American Red Cross for their response, assistance, and work during and after the storm. He also thanked and acknowledged Atlantic City Electric for the enormous task of restoring power throughout the Township, and thanked Verizon for quickly restoring phone and cable services. He stated that cleanup of the storm damage is and has been underway. Public Works will be giving residents a chance to put any downed tree limbs and debris out to the curb for pickup to begin on August 17th.

Daniel Young, Municipal Attorney, reported that there are a number of items for closed session.

Paul Dietrich, Township Engineer, reported that notices are being sent to property owners within the special flood hazard area regarding a virtual Flood Insurance Promotion meeting to be held on August 17th at 9:00 am.

RESOLUTIONS

1. Appointing Peter Buganski as a Maintenance Repairer (0-9) to the Upper Township Department of Public Works.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 217-2020

RE: APPOINTING PETER BUGANSKI AS MAINTENANCE REPAIRER (0-9) TO THE UPPER TOWNSHIP PUBLIC WORKS DEPARTMENT

WHEREAS, a need exists to promote qualified personnel within the Upper Township Public Works Department to insure optimal operation; and

WHEREAS, the Township Committee has duly considered the matter and has determined that Peter Buganski possesses all of the requisite qualifications for appointment to Maintenance Repairer to the Upper Township Public Works Department; 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. Peter Buganski is hereby promoted to the position of Maintenance Repairer (0-9) to the Upper Township Public Works Department, effective July 31, 2020, at an annual salary of \$56,186.00.
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. 217-2020

Offered by: Young

Seconded by: Coggins

Adopted: August 10, 2020

Roll Call Vote:

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

2. Resolution and Certification with respect to the 2019 Annual Audit and in compliance with the Local Finance Board of the State of New Jersey.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 218-2020

**RESOLUTION AND CERTIFICATION WITH RESPECT TO THE 2019 ANNUAL AUDIT
AND IN COMPLIANCE WITH THE LOCAL FINANCE BOARD OF THE STATE OF NEW
JERSEY**

WHEREAS, N.J.S.A. 40A:5-4 required the governing body of every local unit to have made an annual audit of its books, accounts and financial transaction; and

WHEREAS, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

GENERAL COMMENTS

AND

RECOMMENDATIONS

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

GENERAL COMMENTS

AND

RECOMMENDATIONS

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S.52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE BE IT RESOLVED, that the governing body of the Township of Upper, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Resolution No. 218-2020

Offered by: Coggins

Seconded by: Barr

Adopted: August 10, 2020

Roll Call Vote:

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

3. Consenting to the proposed amendment to the Cape May County Water Quality Management (WQM) Plan for the Harriet Lane Residential Dwellings.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 219-2020

**RE: CONSENTING TO THE PROPOSED AMENDMENT TO THE CAPE MAY
COUNTY WATER QUALITY MANAGEMENT (WQM) PLAN FOR THE HARRIET
LANE RESIDENTIAL DWELLINGS**

WHEREAS, the Township of Upper desires to provide for the orderly development of wastewater facilities within the Township of Upper for the Harriet Lane Residential Dwellings project, for affordable housing on Block 567, Lot 24; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, conform with an approved Waste Quality Management plan (WQM); and

WHEREAS, the NJDEP has established the WQM plan amendment procedure through the WQMP rules at N.J.A.C. 7:15-3.5 as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment publicly noticed in the New Jersey Register on July 20, 2020 for the Harriet Lane Residential Dwellings (Program Interest No. 435464, Activity No. AMD19003) has been prepared by Engineering Design Associates PA; 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 consents to the Harriet Lane Residential Dwellings amendment for Block 567, Lot 24, to the Cape May County Water Quality Management (WQM) Plan, and publicly noticed on July 20, 2020, prepared by Engineering Design Associates PA, for the purpose of its incorporation into the applicable WQM plan(s).
3. This consent shall be submitted to the NJDEP pursuant to N.J.A.C. 7:15-3.5(g)6.

Resolution No. 219–2020

Offered by: Corson

Second by: Barr

Adopted: August 10, 2020

Roll Call Vote:

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

4. Authorizing the Mayor to sign a Temporary Revocable License Agreement with Blueyes, LP and David C. Townsend and Karen Briton Townsend.

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

RESOLUTION NO. 220-2020

**RE: AUTHORIZING THE MAYOR TO SIGN A TEMPORARY
REVOCABLE LICENSE AGREEMENT WITH
BLUEYES, LP AND DAVID C. TOWNSEND AND KAREN BRITON TOWNSEND**

WHEREAS, the Township wishes to enter into a temporary revocable license agreement with Blueyes, LP of 8597 Southeast Coconut Street, Hobe Sound, FL 33455 and David C. Townsend and Karen Briton Townsend, jointly, severally and in the alternative, for the use of a portion of the Township owned right of way at Whittier Avenue for a mechanical dredging project at Block 849, Lot 1; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township to enter into this agreement and does hereby authorize the Mayor to sign the agreement, a copy of which is attached hereto; 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 on behalf of the Township of Upper, is hereby authorized to execute the attached document entitled “Temporary Revocable License Agreement”, for the use of a portion of the Township owned right of way at Whittier Avenue, with Blueyes, LP and David C. Townsend and Karen Brinton Townsend, jointly, severally and in the alternative.
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. 220-2020

Offered by: Barr

Seconded by: Coggins

Adopted: August 10, 2020

Roll Call Vote:

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

5. Authorizing the Mayor to sign a Temporary Revocable License Agreement and Agreement to Accept Dredging Sand with Bruce Riordan and Gwendoline Riordan.

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

RESOLUTION NO. 221-2020

**RE: AUTHORIZING THE MAYOR TO SIGN A TEMPORARY REVOCABLE LICENSE
AGREEMENT AND AGREEMENT TO ACCEPT DREDGING SAND WITH
BRUCE RIORDAN AND GWENDOLINE RIORDAN**

WHEREAS, the Township wishes to enter into a temporary revocable license agreement and an agreement to accept dredging sand with Bruce Riordan and Gwendoline Riordan, of 37 North Bayview Drive, Strathmere NJ 08248, for the use of a portion of the Township owned right of way at Willard Avenue for a dredging project at Block 866, Lot 1; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township to enter into this agreement and does hereby authorize the Mayor to sign the agreement, a copy of which is attached hereto;

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 on behalf of the Township of Upper, is hereby authorized to execute the attached document entitled “Temporary Revocable License Agreement And Agreement To Accept Dredging Sand”, for the use of a portion of the Township owned right of way at Willard Avenue, with Bruce Riordan and Gwendoline Riordan.
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. 221-2020

Offered by: Barr

Seconded by: Young

Adopted: August 10, 2020

Roll Call Vote:

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

ORDINANCES

6. **Public hearing and final adoption of Ordinance No. 007-2020 RE: AN ORDINANCE AUTHORIZING SALE OF LANDS, TO WIT BLOCK 306, LOT 6.** During the public hearing portion there were no speakers. Motion by John Coggins, second by Edward Barr, to adopt Ordinance No. 007-2020. 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. 007-2020

RE: AN ORDINANCE AUTHORIZING SALE OF LANDS, TO WIT BLOCK 306, LOT 6

WHEREAS, the Township of Upper is the owner, in fee, of a certain parcel of vacant ground located within the Township of Upper, County of Cape May, and State of New Jersey, set forth on the municipal tax map as Block 306, Lot 6; and

WHEREAS, the Township has received an offer from John D. Mayberry, the owner of real property contiguous with said parcel owned by the Township, to purchase said parcel; and

WHEREAS, after discussion and deliberation the Township Committee is of the opinion that the sale of said parcel will be in the best interest of the Township and will provide for the consolidation of said lot with an existing lot; and

NOW, THEREFORE, 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: The Township of Upper is hereby authorized to sell the real property commonly known as follows:

Block 306, Lot 6

to the highest bidder from among all owners of real property contiguous thereto in accordance with N.J.S.A. 40A:12-13(b)(5). Such sale shall not be for less than the fair market value of said real property and the minimum bid for such parcel sold is hereby established as follows:

Block 306, Lot 6

Minimum Bid: \$5,500.00

SECTION 2: Prior to said sale, the Township will obtain a title report from a title company or abstract company licensed to do business in the State of New Jersey. Said report shall be available to all prospective bidders.

SECTION 3: The list of property authorized to be sold together with the minimum price thereof shall be posted at Township Hall and advertisement of the sale shall be made in a newspaper circulating in the Township within 5 days following enactment of this ordinance. Offers for the property may thereafter be made to the Township Committee for 20 days following said advertisement. The Township Committee may reconsider this ordinance not later than 30 days after enactment and thereafter advertise the property for public sale pursuant to N.J.S.A. 40A:12-13(a). The Township Clerk shall file with the Director of the Division of Local Government Services in the Department of Community Affairs sworn affidavits verifying the publication of the foregoing advertisements.

SECTION 4: John D. Mayberry shall pay the following sum to the Township Clerk prior to the adoption of this Ordinance: \$500.00. This payment will be used by the Township and defray Township expenses involved in Authorizing the Sale and terms thereof; Engineer's review; Attorney's review; legal advertising, certified mail notices, title review expenses, closing costs and other expenses.

If the parcel is not sold, this amount will be retained by the Township as **LIQUIDATED DAMAGES** and will be used to pay for the review of the title report and other documents. If the highest bidder at the auction sale is not the original applicant, the highest bidder will be required to pay, in addition to the purchase price and other expenses, an additional sum of \$500.00, representing pre-sale amounts paid by the original applicant requesting the sale and the original applicant (who is not the highest bidder) will then be entitled to a refund of all sums paid (\$500.00) except for the non-refundable application fee (\$50.00).

SECTION 5: The aforesaid parcel of real property shall be offered for sale at an auction to be conducted by the Township Clerk at a date and time to be set by the Township Clerk after the appropriate notice of sale has been sent to contiguous owners of the subject real property. Said notice shall be sent certified and regular mail to the owners of contiguous property at the address set forth on the tax assessor's records. Said notice shall be sent no greater than 30 days prior to the date of sale and no less than 14 days prior to the date of sale. At any time, the Township Clerk may adjourn said sale and renotice in accordance with the provisions of this Ordinance and N.J.S.A. 40A:12-13.

SECTION 6: The Township Committee expressly reserves the right to reject any and all bids in the exercise of its sole judgment and discretion. The Township Committee is authorized to confirm the sale by resolution and complete the transaction pursuant to this Ordinance and N.J.S.A. 40A:12-13.

SECTION 7: In the event the highest bid at such auction exceeds the minimum bid established herein and the Township Committee rejects same in the exercise of its sole judgment and discretion, then, in such event, all deposits made by the original applicant or the highest bidder, as the case may be, shall be refunded except for the \$50.00 application fee which shall be non-refundable.

SECTION 8: All payments required to be made pursuant to said sale to the Township Clerk must be made by personal check, cash or certified check, or any combination of the foregoing. All payments required to be made hereunder to a title company or abstract company conducting the closing shall be made in collected funds, that is, by cash, certified check, cashier's check or wire transfer.

SECTION 9: A sum equal to ten percent (10%) of the highest bid for said parcel or parcels shall be paid to the Township of Upper by the highest bidder or bidders at the time of the sale.

The remaining balance of ninety percent (90%) of the highest bid for the parcel or parcels shall be paid to the Township of Upper, and must be received by the Township Clerk, not later than thirty (30) days after the date of the sale. In addition to the deposit of ten percent (10%), the highest bidder or bidders shall also be required to pay or tender at the time of sale the following:

IF THE BIDDER IS THE ORIGINAL APPLICANT:

- (A) (i) The sum of \$100.00 for the preparation of the Deed; and
- (ii) the sum of \$70.00 for recording the Deed.

IF THE BIDDER IS NOT THE ORIGINAL APPLICANT:

- (B) The sum of 500.00, payable to the Township of Upper, representing payment to the Township for expenses of \$500.00 to defray Township expenses, which amounts were required of the original applicant.
- (C) (i) The sum of \$100.00 for the preparation of the Deed.
- (ii) The sum of \$70.00 for recording the Deed.

AT THE TIME OF CLOSING the successful bidder shall be required to pay the following sums:

- (D) Any additional sum required for title search or title insurance.
- (E) The cost of any survey ordered by the successful bidder. Successful bidder shall place such order directly with the surveyor or with the title company conducting closing, but the survey must be prepared in time to permit the closing to take place as scheduled.
- (F) Title company settlement fees covering services to both the Seller and the Buyer.
- (G) Any additional fees or costs chargeable by the title company or otherwise necessary to complete the transaction on behalf of the purchaser.

SECTION 10: The closing of title shall take place as designated by the Township as follows:

- (A) Township Hall, Petersburg, New Jersey; or
- (B) Office of the Township Solicitor; or

(C) At the office of a title insurance company or title abstract company located within Cape May County.

SECTION 11: If the bidder fails to close or fails to comply with the provisions hereof, such bidder shall be in default and all amounts paid to the Township by or on behalf of the bidder shall be retained by the Township as **LIQUIDATED DAMAGES AND NOT AS A PENALTY.**

SECTION 12: The Deed from the Township of Upper shall be what is commonly known as a Quitclaim Deed.

SECTION 13: The title to be delivered by the Township shall be free and clear of all taxes up to and including the date when the Deed is delivered and closing takes place. Purchaser shall be responsible for all taxes thereafter. Unless otherwise specified herein, the purchaser shall be liable for payment of all assessments, of any nature, against said land.

SECTION 14: The title to be delivered by the Township shall be under and subject to all easements and rights of way, recorded and unrecorded, whether for utilities or for others, and shall also be subject to all conditions, reservations and restrictions of record, if any. If the title report discloses an unmarketable condition of title, except as specified herein, the remedy of the bidder shall be limited to the return of payments made to the Township of Upper on account of the purchase price and closing costs only. Any and all other amounts paid to the Township shall be non-refundable. This sale is under and subject to any riparian claim which may affect said property. If any such claim exists, it shall be the sole responsibility of the purchaser to meet and satisfy all requirements of the State of New Jersey with respect to said riparian claim and the payment of any compensation to the State of New Jersey on account thereof. Nothing herein shall be construed as obligating the Township of Upper to construct or maintain access roads to any portion of the property being sold. Such property may not qualify for a building permit due to lack of water supply, lack of sewer or septic facilities, lack of access, inadequate lot size, or other reasons, including those reasons set forth below. The purchaser is required to comply with all applicable zoning, building and health ordinances and codes and regulations. The property being sold may be situated in a Flood Hazard Zone. The Township of Upper makes no warranties or representations, expressed or implied, as to the property being offered for sale, the condition or marketability of the title or any other matter. The Township of Upper makes no warranties or

representations, expressed or implied, as to whether or not the property being offered for sale contains wetlands anywhere on the property. The Township makes no warranties or representations as to any matter of an environmental nature, or otherwise, which may prevent or limit building or construction.

SECTION 15: All references to Lots and Blocks described herein are to the Lots and Blocks as shown on the Current Official Tax Map of the Township of Upper.

SECTION 16: The successful bidder shall be required, at the time of the sale, to execute a document acknowledging that the sale is governed by the provisions of this Ordinance as well as N.J.S.A. 40A:12-13.

SECTION 17: The provisions of this Ordinance pertaining to this sale shall survive the closing of title and shall not merge into the Deed.

SECTION 18: It is a requirement of this sale that the purchaser of the subject property be a contiguous property owner. Said purchaser shall be required to take immediate action to cause a consolidation of the property being purchased with all of the bidder's existing adjacent property so as to constitute a single parcel of ground which shall not be further subdivided into more than one lot. This restriction shall be included in the deed of conveyance and shall run with the land. The successful bidder shall complete the consolidation as a condition of the sale. The provisions of this Section shall survive closing and shall not merge into the Deed.

SECTION 19: This Ordinance shall take effect immediately upon final adoption and publication as required by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 13TH OF JULY, 2020 AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD EXCLUSIVELY BY ELECTRONIC MEANS, ON THE 10TH DAY OF AUGUST, 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

CORRESPONDENCE

NEW BUSINESS

7. **NJ Department of Agriculture gypsy moth egg mass survey request.** Motion by John Coggins, second by Edward Barr, to authorize the Township Clerk to submit the request for the survey. During roll call vote all five Committeemen voted in the affirmative.

UNFINISHED BUSINESS

8. **2020 Fall Fest and Fireworks Event.** It was stated that the Fall Fest has been postponed to a tentative date in October. The matter will be revisited at a later meeting.

DISCUSSION

PAYMENT OF BILLS

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

Bills approved for payment: \$1,480,009.07

Payroll: \$228,763.56

REPORT OF MUNICIPAL DEPARTMENTS

10. **Animal Control**
11. **Clerk's Office**
12. **Construction Code**
13. **Division of EMS**
14. **Finance Office**
15. **MUA Report**
16. **Tax Collector**

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

PUBLIC COMMENT

David Cummings, Commonwealth Avenue, spoke on the ongoing issue with illegal parking along the bike path on Commonwealth Avenue. It was stated that the NJSP have committed to having a designated officer to patrol Strathmere on Fridays, Saturdays, and Sundays. It was further stated that the NJSP has been very cooperative and responsive to the Township's concerns. Committeeman Corson stated that in response to a similar problem in Ocean City, the County designated Longport Boulevard as a tow-away zone. He then made a motion, seconded by John Coggins, to request the County to designate Commonwealth Avenue as a tow-away zone. During roll call vote all five Committeemen voted in the affirmative. A resolution for formal action will be place on the next agenda. The Township Engineer was requested to reach out to the NJDEP regarding the illegal parking on the DEP owned lots.

Linda Bateman, Tecumseh Avenue, spoke regarding the need for additional County signage for the Commonwealth Avenue bike path.

Tom Remaley, Dennisville/Petersburg Road, inquired into the plans for the fall sports programs, and questioned if the residents will be able to provide input for the decision. It was stated that the Township needs to follow the Governor's executive orders and NJSIAA guidelines, and at this point no decision has been made.

Randy Roash, Prescott Street, inquired if the Township Committee received the neighborhood petition for Prescott and Putnam Avenues regarding the request for parking on one side of the street. Mayor Palombo acknowledged receipt of the petition.

John Vaughn, Margate Avenue, spoke regarding the plans for football in the fall.

CLOSED SESSION

17. 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. 222-2020 MOTION GOING INTO CLOSED SESSION AUGUST 10, 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 - CCG Premium Recovery Group, LLC
2. Contract negotiation - Shore Animal Control Services
3. Contract negotiation - Atlantic Investigations, LLC
4. Contract negotiation - Special Counsel for Labor Law matters
5. Contract negotiation - Environmental Consultant Services
6. Contract negotiation - Azure Cloud Computing Services
7. Contract negotiation - 201 W. Willard Avenue Dredging Project
8. Litigation - Adelsberger v. Township of Upper
9. Litigation - Tax Lien Foreclosure
10. Potential Litigation/Unsafe Structures
11. Safety, Security and Insurance
12. Personnel

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

- A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.
- B. With respect to employment and personnel matters such discussions will be made public if and when formal action is taken or when the individuals involved consent that it can be made public.
- C. With respect to contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.
- D. With respect to litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.

Moved by: John Coggins

Motion seconded by: Richard Palombo

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

RECONVENE PUBLIC PORTION OF MEETING

Motion by John Coggins, 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 10:09 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 24, 2020 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

Bill List

76133 08/10/20 A0018 ACTION SUPPLY INC. 142.89 3145
76134 08/10/20 A0025 ADVANTAGE RENTAL & SALES 845.50 3145
76135 08/10/20 A0078 ANCHOR RUBBER STAMP & PRINTING 32.45 3145
76136 08/10/20 A0091 ATLANTIC CITY ELECTRIC 6,121.39 3145
76137 08/10/20 A0175 Adams Rehmann & Haggan Assoc 576.00 3145
76138 08/10/20 A0191 ACTION UNIFORM CO. LLC 60.00 3145
76139 08/10/20 A0193 ATLANTIC INVESTIGATIONS, LLC 93.00 3145
76140 08/10/20 A0212 ANCERO, LLC 7,646.86 3145
76141 08/10/20 B0035 BELMONT & CRYSTAL SPRINGS 331.59 3145
76142 08/10/20 B0201 BUCK'S ELECTRICAL SERVICE, INC 409.00 3145
76143 08/10/20 C0052 CAPE MAY COUNTY TREASURER 1,395,073.40 3145
76144 08/10/20 C0068 COMCAST 655.81 3145
76145 08/10/20 C0072 CATERINA SUPPLY INC. 868.00 3145
76146 08/10/20 C0182 CDW GOVERNMENT, INC 4,771.16 3145
76147 08/10/20 C0223 CASA PAYROLL SERVICE 294.25 3145
76148 08/10/20 C0246 CRAFT OIL CORPORATION 542.93 3145
76149 08/10/20 C0279 CASA REPORTING SERVICES LLC 210.60 3145
76150 08/10/20 G0016 GARDNER HARDWARE INC. 51.04 3145
76151 08/10/20 G0028 GENTILINI FORD 200.07 3145
76152 08/10/20 G0086 W.W. GRAINGER, INC. 254.28 3145
76153 08/10/20 G0124 GRIFFIN AUTOMOTIVE INFO SVC 3,399.00 3145
76154 08/10/20 G0157 GRANTURK EQUIPMENT CO., INC. 709.06 3145
76155 08/10/20 H0073 HOME DEPOT CRC/GECF 258.00 3145
76156 08/10/20 H0083 HUBER LOCKSMITHS, INC. 250.00 3145
76157 08/10/20 H0148 THOMAS H. HEIST INS AGENCY INC 1,550.75 3145
76158 08/10/20 H0187 HILLYARD, INC. 168.90 3145
76159 08/10/20 K0080 KOHLER'S AUTO GLASS 255.00 3145
76160 08/10/20 K0086 K D NATIONAL FORCE SECURITY 1,944.25 3145
76161 08/10/20 K0103 KYOCERA DOCUMENT SOLUTIONS 144.67 3145
76162 08/10/20 L0007 LC EQUIPMENT, INC. 30.00 3145
76163 08/10/20 L0043 LEE RAIN, INC. 1,172.45 3145
76164 08/10/20 L0080 LOWES, INC. 649.23 3145
76165 08/10/20 M0019 MAXIMUM MARINE, LLC 143.45 3145
76166 08/10/20 M0136 MUNICIPAL RECORD SERVICE 414.00 3145
76167 08/10/20 M0230 MCANJ 175.00 3145
76168 08/10/20 N0004 NJ-AMERICAN WATER CO. 137.51 3145
76169 08/10/20 N0143 NATIONAL TIME SYSTEMS 516.10 3145
76170 08/10/20 O0005 OFFICE BUSINESS SYSTEMS INC 1,423.00 3145
76171 08/10/20 O0006 SJSHORE MARKETING, LLC 226.94 3145
76172 08/10/20 P0032 PEDRONI FUEL CO. 1,387.75 3145
76173 08/10/20 P0136 POSTNET 105.95 3145
76174 08/10/20 P0175 PRIEST JR., ANTHONY 125.00 3145
76175 08/10/20 P0198 PORT O CALL HOTEL 741.00 3145
76176 08/10/20 Q0014 QBE SPECIALTY INSURANCE CO. 1,878.08 3145
76177 08/10/20 R0030 RIGGINS, INC. 1,809.96 3145
76178 08/10/20 R0115 RID PEST CONTROL INC. 55.00 3145
76179 08/10/20 R0119 RUDERMAN, ROTH LLC 5,130.00 3145
76180 08/10/20 S0020 THE HOME DEPOT PRO 39.79 3145
76181 08/10/20 S0031 SCHULER SECURITY, INC. 336.00 3145
76182 08/10/20 S0057 SERVICE TIRE TRUCK CENTERS 558.52 3145
76183 08/10/20 S0196 STEWART BUSINESS SYSTEMS LLC 339.68 3145
76184 08/10/20 S0239 SHORE VET. ANIMAL CONTROL LLC 2,350.00 3145
76185 08/10/20 S0249 BSN SPORTS 75.40 3145
76186 08/10/20 S0254 SHOPRITE 581.46 3145
76187 08/10/20 S0292 SURENIAN EDWARDS & NOLAN LLC 1,002.50 3145
76188 08/10/20 T0168 TOWNSHIP OF UPPER 266.89 3145
76189 08/10/20 T0192 MARSH & McLENNAN AGENCY/TRION 560.50 3145
76190 08/10/20 U0043 ULINE, INC. 449.30 3145

76191 08/10/20 U0067 UT HEALTH REIMB. ACCOUNT 2,411.53 3145
76192 08/10/20 V0001 VCI EMERGENCY VEHICLE 1,085.96 3145
76193 08/10/20 V0013 VERIZON WIRELESS 1,073.15 3145
76194 08/10/20 V0024 VAL-U AUTO PARTS L.L.C. 90.56 3145
76195 08/10/20 W0030 WEST PUBLISHING CO. 1,198.48 3145
76196 08/10/20 W0050 MOTOROLA SOLUTIONS INC. C/O 1,178.80 3145
76197 08/10/20 W0122 WW GRAINGER INC. 80.28 3145
76198 08/10/20 Y0008 YOUNG, DANIEL J. ESQUIRE PC 22,050.00 3145
76199 08/10/20 Y0020 YOUNG, BARBARA L. 300.00 3145
Total: \$1,480,009.07