

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR SEPTEMBER 14, 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 September 11, 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, Chief Financial Officer Barbara Ludy, Superintendent of Public Works Craig Reeves and Special Counsel M. James Maley, Jr..

**APPROVAL OF MINUTES** - August 24, 2020 Regular and Closed Session Minutes

Motion by Edward Barr, second by John Coggins, to approve the August 24, 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**, inquired if we have received any updates from the NJDOT regarding the Township’s request for a No Passing Zone on Route 49. The Township Engineer stated he would reach out to the NJDOT and report back. Committeeman Young next reported that Football, Baseball, and Soccer have successfully started their seasons without incident.

**Edward Barr, Committeeman**, inquired into the status of the reconstruction of New Bridge Road. The Township Engineer stated that he believes the County is waiting to obtain two more easements before the project can commence. Committeeman Barr then requested an update of the Beesley’s Point Park project. The Township Engineer stated that the Township was required to perform an archeological study, and the results of the study have been sent to the NJDEP for their review.

**Curtis Corson, Committeeman**, echoed the praise of the Department of Public Works for their storm clean up.

**Richard Palombo, Mayor**, reported that the Committee has placed a banner outside of Town Hall thanking essential workers and first responders for their ongoing work during the Covid-19 pandemic. He next gave a brief report on a possible vaccination for Covid-19. Last, he reported that lifeguards are no longer patrolling the beaches and requested all beach goers to be cognizant of all risks.

## **OTHER REPORTS**

**Scott Morgan, Township Administrator**, gave a brief update on the total Covid-19 cases in Cape May County and Upper Township. He next reported on guidance put out by the County Health Department regarding how parents and school officials can prepare and help children navigate the Covid-19 pandemic. He next reported that an extremely active hurricane season is underway and encouraged all residents to have preparations in place, taking in to account the Covid-19 pandemic requirements. Guidance is available on the Township's website under the Emergency Management tab and FEMA.gov. Lastly, he praised the Department of Public Works for their outstanding work with the storm clean up.

**Barbara Young, Municipal Clerk**, reported that the deadline to complete the 2020 Census is September 30<sup>th</sup> and encouraged all residents that have not already done so to complete the Census questionnaire. She next reported that pursuant to the Governor's executive order, the November 3, 2020 General Election will be conducted mostly by Vote-by-Mail Ballot. All active registered voters will be mailed a Vote-by Mail Ballot by October 10<sup>th</sup>. They may complete the official ballot and return by either mail, to one of the secure drop box locations placed throughout the County, in person to the Cape May County Board of Elections, or at their designated polling location on election day. Any voter that has not received or has not completed their Vote-by-Mail Ballot will be able to vote provisionally on a paper ballot at their polling location on election day. More information is available on the Township's website.

**Paul Dietrich, Township Engineer**, reported that letters have been mailed to all affected property owners regarding the upcoming paving project and a 48-hour notice will be sent again to all affected residents before their street is paved.

## **PRESENTATION**

## **RESOLUTIONS**

1. Commemorating the 100<sup>th</sup> Anniversary of the Aaron Wittkamp Colwell Post 239 of the American Legion of Tuckahoe, New Jersey.

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

#### **RESOLUTION NO. 240-2020**

#### **RE: COMMEMORATING THE 100<sup>TH</sup> ANNIVERSARY OF THE AARON WITTKAMP COLWELL POST 239 OF THE AMERICAN LEGION OF TUCKAHOE, NEW JERSEY**

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**WHEREAS**, the Aaron Wittkamp Colwell Post 239 of the American Legion of Tuckahoe, NJ was chartered on October 29, 1920 and has rendered unceasing service to the veterans and their families of Cape May, Atlantic and Cumberland Counties for 100 years; and

**WHEREAS**, the Aaron Wittkamp Colwell Post 239 of the American Legion is named in honor and in the memory of an Army Chaplain, Frank T. Wittkamp, and two Army infantrymen, John D. Aaron and Theodore R. Colwell, who died in service to their nation during “the Great War”, now known as the First World War, in France in 1918; and

**WHEREAS**, the Aaron Wittkamp Colwell Post 239 of the American Legion worked unceasingly to “man the home front” during World War II, the Korean War, the Vietnam War, Operation Desert Storm and all of the battles taking place in Southwest Asia during the past twenty years; and

**WHEREAS**, the Aaron Wittkamp Colwell Post 239 of the American Legion has provided unwavering support in all forms over its 100-year history to the Upper Township community, the County of Cape May, the State of New Jersey and the United States of America; and

**WHEREAS**, the Aaron Wittkamp Colwell Post 239 of the American Legion is committed to mentoring youth, advocating patriotism and continued devotion to our fellow armed forces veterans and is a mainstay organization and lifeline to our deserving friends and neighbors.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Upper, in the County of Cape May and the State of New Jersey, that the Township Committee on behalf of the people of the Township of Upper does hereby recognize, commend and applaud the Aaron Wittkamp Colwell Poste 239 of the American Legion of Tuckahoe, NJ on their 100<sup>th</sup> anniversary.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 14<sup>th</sup> day of September, 2020.

Resolution No. 240-2020

Offered by: Young                      Seconded by: Corson

Adopted: September 14, 2020

Roll Call Vote:

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

2. Honoring the memory of our colleague and friend Thaddeus (Ted) Klepac.

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

**RESOLUTION NO. 241-2020**

**HONORING THE MEMORY OF OUR COLLEAGUE AND FRIEND  
THADDEUS (TED) KLEPAC**

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**WHEREAS**, the Upper Township Committee was deeply saddened to learn of the passing of Ted Klepac, an inspiring individual who tirelessly served our community for many years by generously donating his time to numerous civic and charitable organizations; and

**WHEREAS**, Ted received a B.A. and Associate Masters in Public Relations from Glassboro State College and a Master's of Science in Education Administration from Monmouth University; and

**WHEREAS**, Ted will be remembered for his career in teaching at Ocean City High School where he taught for 39 years, during which time he served as Head Coach for Track and Field, Assistant Coach for Football and Founder of the First Key Club; and

**WHEREAS**, Ted was also a Tennis Teaching Professional, certified Track and Field Professional and Certified Fire Fighter; and

**WHEREAS**, in addition Ted also served this community in many other capacities such as volunteering his time with the Kiwanis Club of Upper Township, as President and Vice President of the Seaville Volunteer Fire Company, Public Information Officer for Upper Township and as a member of the Upper Township Zoning Board serving from 1999 to present.

**WHEREAS**, during his tenure as a member of the Zoning Board, Ted volunteered countless hours serving the board with tireless dedication; and

**WHEREAS**, Ted will always be remembered for his service to others which he undertook with the utmost integrity, fairness and professionalism; and

**WHEREAS**, it is just and deserving that on behalf of the residents of Upper Township, we honor and celebrate the life of our colleague and friend Thaddeus (Ted) Klepac; and

**NOW THEREFORE BE IT RESOLVED** that this Township Committee join with all citizens of our community to pay tribute to the life and service of Ted Klepac, and do hereby extend to Ted's family our most heartfelt sympathy for their loss and the hope that they will be consoled by the memories of his fine life and achievements.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 14th day of

September, 2020.

Resolution No. 241-2020

Offered by: Corson                      Seconded by: Young

Adopted: September 14, 2020

Roll Call Vote:

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

3. Honoring Shoprite Partners In Caring and the Marmora Shoprite associates for their fight against hunger.

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

**RESOLUTION NO. 242-2020**

**HONORING SHOPRITE PARTNERS IN CARING AND THE MARMORA  
SHOPRITE ASSOCIATES FOR THEIR FIGHT AGAINST HUNGER**

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**WHEREAS**, ShopRite Partners In Caring is a year-round community based, hunger fighting initiative that works with food industry manufacturers providing much needed funds to qualified charitable agencies throughout New York, Connecticut, Delaware, Pennsylvania, Maryland and New Jersey; and

**WHEREAS**, since its inception in 1999, ShopRite Partners In Caring has supported more than 2,200 charities; and

**WHEREAS**, ShopRite Partners In Caring supports emergency food pantries, homeless shelters, child care centers, battered women's shelters, soup kitchens, senior citizen programs, drug rehab centers, programs for the mentally and physically disabled, after-school programs and other organizations that aid those in need; and

**WHEREAS**, ShopRite associates have collected donations and held various events, raising funds to support regional food banks in communities served by ShopRite stores; and

**WHEREAS**, the Upper Township Committee wishes to acknowledge and thank the Marmora ShopRite for their generous support of our local Community food bank with donations from events such as the "Help Bag Hunger Day" held every September; 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, this Township Committee expresses its sincere appreciation to ShopRite Partners In Caring and the associates of the Marmora ShopRite store for their efforts in fighting hunger and raising awareness of this significant problem.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 14<sup>th</sup> day of September, 2020.

Resolution No. 242-2020

Offered by: Barr

Seconded by: Corson

Adopted: September 14, 2020

Roll Call Vote:

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

4. In recognition and appreciation of William (Bill) Stull on the occasion of his retirement from the Township of Upper.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 243-2020**

**RE: IN RECOGNITION AND APPRECIATION OF WILLIAM (BILL) STULL  
ON THE OCCASION OF HIS RETIREMENT  
FROM THE TOWNSHIP OF UPPER**

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**WHEREAS**, William (Bill) Stull will soon retire after more than twenty-one years guarding beaches in Upper Township during which time he served for fourteen years as a Lieutenant with the Upper Township Beach Patrol and served a total of fifty-one consecutive years guarding beaches in Upper Township and Ocean City; and

**WHEREAS**, we acknowledge Bill for his leadership and dedication managing the Upper Township Beach Patrol Rookie School for over a decade training and promoting physical fitness in guards of all ages and for educating and inspiring many mascots with his environmental beach walks; and

**WHEREAS**, additionally he also served his community with great honor and distinction creating and officiating the Upper Township Beach Patrol Strathmere Ocean Kayak Festival; and

**WHEREAS**, it is most appropriate that Bill's tenure of public employment and his years of faithful service, countless hours of hard work and dedication to this community be publicly recognized.

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

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

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 14<sup>th</sup> day of September, 2020.

Resolution No. 243-2020

Offered by: Corson                      Seconded by: Palombo

Adopted: September 14, 2020

Roll Call Vote:

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

The Municipal Attorney requested that before acting on item 5 the Committee go into closed session to discuss authorizing the Planning Board to conduct a preliminary investigation to establish a condemnation redevelopment area. He stated that the reason for the closed discussion will be for potential litigation, which discussion will be made public after a potential litigation is resolved and any applicable appeal period is expired. Motion by John Coggins, seconded by Edward Barr, authorizing the Township Committee to enter into closed session. During roll call vote all five Committeemen voted in the affirmative. It was stated that the regular meeting will remain open and the Committee will return shortly.

Upon the return of the Committee to the open session meeting, there was a 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.

5. Authorizing the Planning Board of the Township of Upper to conduct a preliminary investigation to establish a condemnation redevelopment area within the Township of Upper, Cape May County.

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

**RESOLUTION NO. 244-2020**

**RE: AUTHORIZING THE PLANNING BOARD OF THE TOWNSHIP OF UPPER TO  
CONDUCT A PRELIMINARY INVESTIGATION TO ESTABLISH A CONDEMNATION  
REDEVELOPMENT AREA WITHIN THE TOWNSHIP OF UPPER, CAPE MAY COUNTY**

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**WHEREAS**, N.J.S.A. 40A:12A-6, authorizes the governing body of any municipality, by Resolution, to have its Planning Board conduct a preliminary investigation to determine whether any area of the municipality is a redevelopment area pursuant to the criteria set forth in N.J.S.A. 40A:12A-5; and

**WHEREAS**, the Mayor and Township Committee of the Township of Upper (“Township”) consider it to be in the best interest of the Township to have the Township’s Planning Board (“Planning Board”) conduct such an investigation regarding the parcels identified within **Exhibit A** (the “Study Area”); and

**WHEREAS**, a redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area including the use of eminent domain (hereinafter referred to as a “Condemnation Redevelopment Area”); and

**WHEREAS**, the land located within the Study Area appears to be in a state of dilapidation, appears to be vacant, obsolete and/or underutilized and/or otherwise appears to be in need of redevelopment; and

**WHEREAS**, the present conditions at the Study Area may be detrimental to the safety and welfare of the community thereby requiring redevelopment to better serve the Township.

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

1. The Planning Board is hereby directed to conduct a preliminary investigation to determine whether the Study Area, or any part thereof, if applicable, is a Condemnation Redevelopment Area according to the criteria set forth in N.J.S.A. 40A:12A-5.
2. The Planning Board is hereby directed to prepare a report of its findings and once completed, the Planning Board is directed to transmit the report to the Township Committee of
3. the Township of Upper for their review and approval in accordance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.
4. This Resolution shall take effect immediately.

Resolution No. 244-2020

Offered by: Coggins                      Seconded by: Barr

Adopted: September 14, 2020

Roll Call Vote:

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

**Exhibit A**

Block	Lot
479	76
479	76.01
479	94.01
479	106.02
479	107
479	107.01
479	108
479	108.01

6. Authorizing a contract with Tiffany A. Cuiello, PP, LLC for professional planning services.

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

**RESOLUTION NO. 245-2020**

**RE: AUTHORIZING A CONTRACT WITH TIFFANY A. CUIELLO, PP, LLC  
FOR PROFESSIONAL PLANNING SERVICES**

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**WHEREAS**, the Township requires professional planning services in connection with redevelopment matters; 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 the firm of Tiffany A. Cuiello, PP, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Tiffany A. Cuiello, PP, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Tiffany A. Cuiello, PP, 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 Tiffany A. Cuiello, PP, 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. Tiffany A. Cuiello, PP, LLC with offices at 7 Equestrian Drive, Galloway, New Jersey is hereby appointed as a professional planner for redevelopment matters as directed by the Township Committee.
3. This contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Tiffany A. Cuiello, PP, LLC has professional knowledge which knowledge is particularly valuable to the Township Committee.

### **NOTICE OF CONTRACT AWARD**

The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Tiffany A. Cuiello, PP, LLC for professional planning 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 Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Tiffany A. Cuiello, PP, LLC in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

8. 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. 245-2020

Offered by: Young                      Seconded by: Barr

Adopted: September 14, 2020

Roll Call Vote:

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

7. Authorizing the Mayor to sign the National Flood Insurance Program Community Rating System Recertification and Annual Progress Report.

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

**RESOLUTION NO. 246-2020**

**RE: AUTHORIZING THE MAYOR TO SIGN THE NATIONAL FLOOD  
INSURANCE PROGRAM COMMUNITY RATING SYSTEM RECERTIFICATION  
AND ANNUAL PROGRESS REPORT**

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**WHEREAS**, FEMA recertified Upper Township on November 2, 2016 as a Class 5 Community in the National Flood Insurance Program (NFIP) Community Rating System (CRS); and

**WHEREAS**, under the aforesaid program communities are required to provide an annual progress report and recertification that they are continuing to comply with the CRS program activities; and

**WHEREAS**, the Township Committee of the Township of Upper has determined that it is in the best interest of the Township's residents to continue participating in the CRS program, which saves residents over \$120,000 annually; 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 accepts the Annual Progress Report and Recertification, attached hereto as Exhibit A.
3. The Mayor is hereby authorized to sign the annual recertification report and submit said report to FEMA.
4. 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.
5. Copies of the Annual Report shall be posted on the Township website and distributed to the local press.

Resolution No. 246-2020

Offered by: Barr

Seconded by: Young

Adopted: September 14, 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 contract with Modern Group, Ltd. for wireless monitoring services for on-site powered generators.

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

**RESOLUTION NO. 247-2020**

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH MODERN GROUP, LTD.  
FOR WIRELESS MONITORING SERVICES FOR ON-SITE POWERED GENERATORS**

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**WHEREAS**, the Township of Upper wishes to purchase wireless monitoring services for the Township's on-site powered generators from Modern Group, Ltd. as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with Modern Group, Ltd. for the year 2020 will exceed \$17,500; and

**WHEREAS**, Modern Group, Ltd. has completed and submitted a Business Entity Disclosure Certification which certifies that Modern Group, Ltd. 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 Modern Group, Ltd. from making any reportable contributions through the term of the contract; and

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

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

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

2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with Modern Group, Ltd. as described herein.

3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

4. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 247-2020

Offered by: Barr

Seconded by: Young

Adopted: September 14, 2020

Roll Call Vote:

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

9. Authorizing the Mayor to sign a Temporary Revocable License Agreement and Agreement to Accept Dredging Sand with 201 Willard Real Estate, LLC and Timothy A. Fox.

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

**RESOLUTION NO. 248-2020**

**RE: AUTHORIZING THE MAYOR TO SIGN A TEMPORARY REVOCABLE LICENSE  
AGREEMENT AND AGREEMENT TO ACCEPT DREDGING SAND WITH  
201 WILLARD REAL ESTATE, LLC AND TIMOTHY A. FOX**

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**WHEREAS**, the Township wishes to enter into a temporary revocable license agreement and an agreement to accept dredging sand with 201 Willard Real Estate, LLC, of 1354 Hainsport Road, Mt. Laurel, NJ 08054 and Timothy A. Fox, jointly, severally and in the alternative, for the use of a portion of the Township owned right of way at Willard Avenue for a dredging project at Block 850, Lots 1, 1.01, 3, 3.01, 4 & 5; 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 and Agreement To Accept Dredging Sand”, for the use of a portion of the Township owned right of way at Willard Avenue, with 201 Willard Real Estate, LLC and Timothy A. Fox, 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. 248-2020

Offered by: Barr

Seconded by: Coggins

Adopted: September 14, 2020

Roll Call Vote:

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

10. Authorizing assignment of Tax Sale Certificate #13-00025.

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

**RESOLUTION NO. 249-2020**

**AUTHORIZING ASSIGNMENT OF  
TAX SALE CERTIFICATE #13-00025**

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**WHEREAS**, N.J.S.A. 54:5-113 authorizes assignment by a municipality of tax sale certificates for the full amount of the certificate, including all subsequent municipal taxes and other municipal charges; and

**WHEREAS**, Queen Equities, LLC has presented an offer to purchase, by assignment, Certificate of Sale #13-00025 which was issued to the Township of Upper at a tax sale held October 1, 2013, on Block 653.01 Lot 2, known as Pine Rd, Marmora, NJ and assessed to David C. Levari, in the amount \$16,307.24, being the full amount of the certificate, including all subsequent municipal taxes and other municipal charges.

**NOW, THEREFORE BE IT RESOLVED**, that the Township of Upper hereby authorizes the Mayor and Municipal Tax Collector to execute the necessary assignment document to effect assignment of the above referenced Certificate of Sale.

Resolution No. 249-2020

Offered By: Coggins

Seconded By: Barr

Adopted: September 14, 2020

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

11. Authorizing assignment of Tax Sale Certificate #13-00026.

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

**RESOLUTION NO. 250-2020**

**AUTHORIZING ASSIGNMENT OF  
TAX SALE CERTIFICATE #13-00026**

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**WHEREAS**, N.J.S.A. 54:5-113 authorizes assignment by a municipality of tax sale certificates for the full amount of the certificate, including all subsequent municipal taxes and other municipal charges; and

**WHEREAS**, Queen Equities, LLC has presented an offer to purchase, by assignment, Certificate of Sale #13-00026 which was issued to the Township of Upper at a tax sale held October 1, 2013, on Block 653.01 Lot 3, known as Pine Rd, Marmora, NJ and assessed to David C. Levari, in the amount \$31,215.04, being the full amount of the certificate, including all subsequent municipal taxes and other municipal charges.

**NOW, THEREFORE BE IT RESOLVED**, that the Township of Upper hereby authorizes the Mayor and Municipal Tax Collector to execute the necessary assignment document to effect assignment of the above referenced Certificate of Sale.

Resolution No. 250-2020

Offered By: Coggins

Seconded By: Barr

Adopted: September 14, 2020

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

12. Authorizing the execution of a subcontract with the County of Cape May for the revised State Fiscal Year 2021 Municipal Alliance Program.

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

**RESOLUTION NO. 251-2020**

**AUTHORIZING THE EXECUTION OF A SUBCONTRACT  
WITH THE COUNTY OF CAPE MAY FOR THE  
REVISED STATE FISCAL YEAR 2021 MUNICIPAL ALLIANCE PROGRAM**

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**WHEREAS**, pursuant to P. L. 1989, Ch. 51, the Municipal Alliance Program has been made available to each county in order to increase drug and alcohol prevention services; and

**WHEREAS**, the City of Ocean City and the Township of Upper have agreed to participate together in this effort and have designated Upper Township as the lead municipality; and

**WHEREAS**, the Township of Upper has agreed to organize and coordinate efforts involving schools, law enforcement, businesses, local organizations and the community to work toward the development and implementation of community based alcoholism and drug abuse education, awareness, and alternative and prevention programs for our school aged children; and

**WHEREAS**, Resolution 320-2019, adopted November 12, 2019, amended by Resolution 351-2019, and further amended by Resolution 101-2020, authorized the execution of a subcontract with the county of Cape May for the State Fiscal Year 2021 Municipal Alliance Program; and

**WHEREAS**, due to the COVID-19 pandemic, a shortened grant year, and a decline in collections from the Drug Enforcement Demand Reduction (DEDR), it is necessary to apply for the revised Fiscal Year 2021 grant; and

**WHEREAS**, the Cape May County Division of Community and Behavioral Health Services has informed the Township of Upper/City of Ocean City Municipal Alliance Committee of its eligibility to apply for Municipal Alliance funds for the revised Fiscal Year 2021 grant in the amount of:

DEDR Funds.....\$9,570.00

Amount of Municipal Cash Match.....\$2,392.50

Amount of Municipal In-Kind Match.....\$7,177.50

TOTAL AMOUNT OF SUBCONTRACT.....\$19,140.00

**WHEREAS**, the Township of Upper Cash Match portion will be \$957.00; and

**WHEREAS**, the Township of Upper wishes to apply for said funding; and

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of

Upper, County of Cape May, State of New Jersey, as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township as lead agency is hereby authorized to submit an application and strategic plan for Municipal Alliance funding for the revised Fiscal Grant Cycle October 1, 2020 to June 30, 2021 grant funds in the amount specified in this Resolution or for such other amounts as may become available, and the Mayor and Township Clerk are further authorized and directed to execute a Sub-Contract on behalf of the Township with the County of Cape May for the period of October 1, 2020 to June 30, 2021. Such actions of the Township are contingent upon the proper authorization of the participation of the City of Ocean City.
3. Upon confirmation of such authorization from the City of Ocean City, the Chief Financial Officer, Mayor, or Municipal Clerk of the Township of Upper, as appropriate, is hereby authorized and directed to execute the section of the subcontract entitled "Statement of Assurances".
4. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.
5. A certified copy of this Resolution shall be submitted to the County of Cape May Division of Community and Behavioral Health Services, together with the completed application.
6. All Township officials and officers are hereby authorized and directed to take all action necessary in order to carry out the intent and purpose of this Resolution.

Resolution No. 251-2020

Offered by: Barr

Seconded by: Coggins

Adopted: September 14, 2020

Roll Call Vote:

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

13. Appointing Louis M. Belasco, CTA to act as Tax Assessor for matters in which the regular Township Tax Assessor may have a conflict of interest.

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

**RESOLUTION NO. 252-2020**

**RE: APPOINTING LOUIS M. BELASCO, CTA TO ACT AS TAX  
ASSESSOR FOR MATTERS IN WHICH THE REGULAR TOWNSHIP  
TAX ASSESSOR MAY HAVE A CONFLICT OF INTEREST**

---

**WHEREAS**, Louis M. Belasco, CTA has submitted a proposal to perform the duties of Tax Assessor for the Township of Upper for matters in which the regular Township Tax Assessor has a conflict of interest; and

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

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

**WHEREAS**, Louis M. Belasco, CTA has completed and submitted a Business Entity Disclosure Certification which certifies that Louis M. Belasco, CTA 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 Louis M. Belasco, CTA 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. Louis M. Belasco, CTA is hereby appointed to perform the duties of Tax Assessor for matters in which the regular Township Tax Assessor has a conflict of interest.
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 Louis M. Belasco, CTA has professional knowledge as to tax assessment 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 Louis M. Belasco, CTA for Tax Assessor 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 Louis M. Belasco, CTA in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

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

9. This Resolution shall be effective as of adoption.

Resolution No. 252-2020

Offered by: Coggins                      Seconded by: Barr

Adopted: September 14, 2020

Roll Call Vote:

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

14. Authorizing the Mayor and Township Clerk to sign a contract with Quality Asset Recovery, LLC for collection services for emergency medical service accounts.

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

**RESOLUTION NO. 253-2020**

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A CONTRACT WITH  
QUALITY ASSET RECOVERY, LLC FOR COLLECTION SERVICES FOR EMERGENCY  
MEDICAL SERVICE ACCOUNTS**

---

**WHEREAS**, the Township requires collection services for emergency medical service accounts; and

**WHEREAS**, Quality Asset Recovery, LLC possesses the requisite skill and knowledge to perform these services; and

**WHEREAS**, a Resolution is required authorizing the award of a contract for professional services to Quality Asset Recovery, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; 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

**WHEREAS**, Quality Asset Recovery, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Quality Asset Recovery, 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 Quality Asset Recovery, 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 Quality Asset Recovery, LLC to provide collection services for emergency medical service accounts.
3. Quality Asset Recovery, LLC 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. 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 Quality Asset Recovery, 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 Quality Asset Recovery, LLC for emergency medical service accounts collection 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.

Resolution No. 253-2020

Offered by: Corson

Seconded by: Barr

Adopted: September 14, 2020

Roll Call Vote:

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

15. Authorizing a contract with Carrie Dickinson for clerical services in the Upper Township Construction Code Office on an as needed basis.

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

#### **RESOLUTION NO. 254-2020**

#### **RE: AUTHORIZING A CONTRACT WITH CARRIE DICKINSON FOR CLERICAL SERVICES IN THE UPPER TOWNSHIP CONSTRUCTION CODE OFFICE ON AN AS NEEDED BASIS**

---

**WHEREAS**, there is a need by the Township of Upper to appoint an independent contractor to perform various clerical services in the Construction Code Office on an as needed basis; and

**WHEREAS**, Carrie Dickinson possesses the requisite skills to fill this position; and

**WHEREAS**, a Resolution is required authorizing the award of a contract for clerical services to Carrie Dickinson; 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**, Carrie Dickinson, as an independent contractor, has completed and submitted a Form W-9 to the Township of Upper; and

**WHEREAS**, Carrie Dickinson has completed and submitted a Business Entity Disclosure Certification which certifies that Carrie Dickinson 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 Carrie Dickinson 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 Carrie Dickinson for clerical services in the Construction Code Office 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.

Resolution No. 254-2020

Offered by: Barr

Seconded by: Young

Adopted: September 14, 2020

Roll Call Vote:

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

16. Authorizing the Chief Financial Officer to sign renewal agreements with Horizon Blue Cross Blue Shield of New Jersey for medical and prescription insurance.

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

**RESOLUTION NO. 255-2020**

**RE: AUTHORIZING THE CHIEF FINANCIAL OFFICER TO  
SIGN RENEWAL AGREEMENTS WITH HORIZON BLUE CROSS BLUE SHIELD  
OF NEW JERSEY FOR MEDICAL AND PRESCRIPTION INSURANCE**

---

**WHEREAS**, the Township wishes to accept renewal agreements with Horizon Blue Cross Blue Shield of New Jersey, attached hereto as Exhibit A, to provide medical and prescription drug coverage for eligible employees effective October 1, 2020; and

**WHEREAS**, the renewal of said agreements will be for a period of October 1, 2020 to September 30, 2021.

**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 renewal agreements between the Township of Upper and Horizon Blue Cross Blue Shield of New Jersey are approved and the Chief Financial Officer is hereby authorized, directed and empowered to execute said renewal agreements on behalf of the Township of Upper.

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. 255-2020

Offered by: Coggins                      Seconded by: Barr

Adopted: September 14, 2020

Roll Call Vote:

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

17. Authorizing the purchase of certain items in the amount of \$40,345.98 from the 2013, 2016 and 2018 Capital Improvement Bond Ordinances.

**TOWNSHIP OF UPPER**

**CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 256-2020**

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS IN THE AMOUNT OF \$40,345.98  
FROM THE 2013, 2016 AND 2018 CAPITAL IMPROVEMENT BOND ORDINANCES**

---

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

**WHEREAS**, the Township Committee adopted the 2013 Capital Improvement Bond Ordinance 005-2013 on April 8, 2013 and subsequently amended on December 16, 2013, April 14, 2014 and again on October 13, 2015; and

**WHEREAS**, the Township Committee further adopted the 2016 Capital Improvement Bond Ordinance 008-2016 on April 25, 2016 and subsequently amended on November 6, 2017; and

**WHEREAS**, the Township Committee further adopted the 2018 Capital Improvement Bond Ordinance 012-2018 on September 24, 2018 and subsequently amended on July 13, 2020; and

**WHEREAS**, pursuant to Resolution No. 203-2020 the Township of Upper entered into a Cooperative Pricing Agreement with Camden County Educational Services Commission; and

**WHEREAS**, on August 4, 2020, the State of New Jersey approved the Township of Upper as a member of Camden County Educational Services Commission Cooperative Pricing Agreement; and

**WHEREAS**, the Qualified Purchasing Agent has reviewed and approved the quotes for installation of a video system and door release buttons at the Division of EMS and installation of a video system at Amanda's Field in Petersburg provided by CM3 Building Solutions, Inc. under the Camden County Educational Services Commission Cooperative Pricing Agreement; and

**WHEREAS**, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with CM3 Building Solutions, Inc. for the year 2020 will exceed \$17,500; and

**WHEREAS**, CM3 Building Solutions, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that CM3 Building Solutions, Inc. has not made any reportable contributions to a political or candidate committee in the Township in the previous one year, and that the contract will prohibit CM3 Building Solutions, Inc. 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 for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose in the 2013, 2016 and 2018 Capital Improvement Bond Ordinances.

**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 CM3 Building Solutions, Inc. for the installation of a video system and door release buttons at the Division of EMS and installation of a video system at Amanda's Field in Petersburg.
3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
4. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 256-2020

Offered by: Barr

Seconded by: Coggins

Adopted: September 14, 2020

Roll Call Vote:

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

18. Renewal of Alcoholic Beverage Licenses for the license year 2020.

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

**RESOLUTION NO. 257-2020**

**RE: RENEWAL OF ALCOHOLIC BEVERAGE LICENSES  
FOR THE LICENSE YEAR 2020**

---

**WHEREAS**, holders of the alcoholic beverage licenses in the Township of Upper have applied for renewal of licenses in the prescribed manner; and

**WHEREAS**, said holders of alcoholic beverage licenses have complied with all requirements of law and regulations of the Division of Alcoholic Beverage Control (“Division”); and

**WHEREAS**, no objections have been filed with the Township Committee as the issuing authority of the Township of Upper.

**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, that the following licenses be authorized for issue for the license year effective October 1, 2020:

Twisties, Inc.  
T/A Twisties  
236 Bayview Drive  
Strathmere, NJ 08248  
PO Box 88, Marmora, NJ 08223  
License # 0511-33-001-005  
Plenary Retail Consumption License  
Municipal Fee Paid: \$700.00  
State Fee Paid: \$200.00

Tyan's Inc.  
T/A Tuckahoe Inn  
1 Harbor Rd. and Route 9, Beesleys Point  
Marmora, NJ 08223  
License # 0511-33-004-005  
Plenary Retail Consumption License  
Municipal Fee Paid: \$700.00  
State Fee Paid: \$200.00

SJL Group, LLC  
T/A Yesterdays  
316 Roosevelt Blvd. (Southwest Side)  
Marmora, NJ 08223  
License # 0511-32-005-005  
Plenary Retail Consumption License with  
Broad Package Privilege  
Municipal Fee Paid: \$700.00  
State Fee Paid: \$200.00

UMMAC Corp.  
T/A Sketties  
311-301 & 321 Roosevelt Blvd,  
Marmora, NJ 08223  
License # 0511-33-007-008  
Plenary Retail Consumption License  
Municipal Fee Paid: \$700.00  
State Fee Paid: \$200.00

MAH, Inc. a NJ Corp.  
T/A Seaville Tavern  
South Side Route 50 and New Bridge Road  
Ocean View, NJ 08230

Three Crescent Dr. Philadelphia, PA 19112  
License # 0511-33-008-004  
Plenary Retail Consumption License  
Municipal Fee Paid: \$700.00  
State Fee Paid: \$200.00

Willard Liquor, LLC  
Deauville Inn  
201 Willard Road  
Strathmere, NJ 08248  
License # 0511-33-003-008  
Plenary Retail Consumption License  
Municipal Fee Paid: \$700.00  
State Fee Paid: \$200.00

Levariland, Inc.  
T/A Levari's Seafood & American Grill  
1291 State Highway Route 50  
PO Box 17  
Tuckahoe, NJ 08250  
License # 0511-33-006-005  
Plenary Retail Consumption License  
Municipal Fee Paid: \$700.00  
State Fee Paid: \$200.00

Boulevard Liquor Store, Inc.  
T/A Boulevard Liquor Store  
501 & 503 Roosevelt Boulevard  
Marmora, NJ 08223  
License # 0511-44-002-003  
Plenary Retail Distribution License  
Municipal Fee Paid: \$400.00  
State Fee Paid: \$200.00

**BE IT FURTHER RESOLVED**, that the aforesaid alcoholic beverage licenses which have been authorized to be issued pursuant to this Resolution shall be delivered to the licensee or his authorized agent at such time as the licensee or his authorized agent shall sign an actual receipt therefore in the stub of the license book and otherwise satisfy the requirements of N.J.A.C. 13:2-3.2.

Resolution No. 257-2020

Offered by: Barr                      Seconded by: Young

Adopted: September 14, 2020

Roll Call Vote:

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

19. Authorizing member participation in a cooperative pricing system for rock salt with the County of Cape May.

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

**RESOLUTION NO. 258-2020**

**RE: AUTHORIZING MEMBER PARTICIPATION IN A COOPERATIVE PRICING SYSTEM  
FOR ROCK SALT WITH THE COUNTY OF CAPE MAY**

---

**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 County of Cape May, hereinafter referred to as the “Lead Agency” has offered voluntary participation in Cooperative Pricing System 25CMACP for the purchase of goods and services; and

**WHEREAS**, the Township of Upper has duly considered participation in Cooperative Pricing System 25CMACP for the provision of Rock Salt.

**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 participation in Cooperative Pricing System 25CMACP for the provision of Rock Salt.
3. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to enter into Cooperative Pricing System 25CMACP for the provision of Rock Salt with the Lead Agency.
4. The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.
5. This resolution shall take effect immediately upon passage.

Resolution No. 258-2020

Offered by: Barr

Seconded by: Coggins

Adopted: September 14, 2020

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Barr	X			

Coggins	X			
Corson	X			
Young	X			
Palombo	X			

20. Canceling tax on exempt property Block 566, Lot 54.

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

**RESOLUTION NO. 259-2020**

**CANCELING TAX ON EXEMPT PROPERTY  
BLOCK 566, LOT 54**

**WHEREAS**, certain corrections have been recommended by the Upper Township Tax Collector in order to correct tax records; and

**WHEREAS**, certain properties became tax exempt for the year 2020; and

**WHEREAS**, Richard Jorgenson is a 100% disabled American veteran residing at 1578 Route US 9 South, Block 566, Lot 54 on the municipal tax map of Upper Township, New Jersey; and

**WHEREAS**, the Department of Veterans Affairs has determined that Mr. Jorgenson's 100% permanent wartime service connected disability was effective May 22, 2019; and

**WHEREAS**, Richard Jorgenson's application was approved January 27, 2020; and

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

Resolution No. 259-2020

Offered by: Coggins                      Seconded by: Barr

Adopted: September 14, 2020

Roll Call Vote:

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

**CANCEL TAX 2020**

**BLOCK/LOT**

566/54

**AMOUNT**

\$ 1,836.31

**NAME**

Richard & Cheryl Jorgenson  
1578 Route US 9 South

100% Totally Disabled Veteran for 2020. Cancel 4<sup>TH</sup> quarter tax installment.

21. Canceling tax on exempt property Block 451, Lot 25.

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

**RESOLUTION NO. 260-2020**

**CANCELING TAX ON EXEMPT PROPERTY  
BLOCK 451, LOT 25**

---

**WHEREAS**, certain corrections have been recommended by the Upper Township Tax Collector in order to correct tax records; and

**WHEREAS**, certain properties became tax exempt for the year 2020; and

**WHEREAS**, William J. Royle is a 100% disabled American veteran residing at 990 Route 50, Block 451, Lot 25 on the municipal tax map of Upper Township, New Jersey; and

**WHEREAS**, the Department of Veterans Affairs has determined that Mr. Royle's 100% permanent wartime service connected disability was effective June 16, 2019; and

**WHEREAS**, William J. Royle made application March 9, 2020; and

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

Resolution No. 260-2020

Offered by: Coggins                      Seconded by: Barr

Adopted: September 14, 2020

Roll Call Vote:

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

**CANCEL 2020**

**BLOCK/LOT**  
451/25

**AMOUNT**  
\$ 1,650.21

**NAME**  
William J. & Lillian M. Royle  
990 Route 50  
Petersburg, NJ, 08270

100% Totally Disabled Veteran for 2020. Cancel 4<sup>th</sup> quarter property taxes.

22. Canceling & refunding tax on exempt property Block 675, Lot 9.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 261-2020**

**CANCELING & REFUNDING TAX ON EXEMPT PROPERTY  
BLOCK 675, LOT 9**

---

**WHEREAS**, certain corrections have been recommended by the Upper Township Tax Collector in order to correct tax records; and

**WHEREAS**, certain properties became tax exempt for the year 2020; and

**WHEREAS**, Thomas R. Capito is a 100% disabled American veteran residing at 25 E Maple Shade Lane, Block 675, Lot 9 on the municipal tax map of Upper Township, New Jersey; and

**WHEREAS**, the Department of Veterans Affairs has determined that Mr. Capito's 100% permanent wartime service connected disability was effective March 30, 2020; and

**WHEREAS**, Thomas R. Capito made application August 20, 2020; and

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

Resolution No. 261-2020

Offered by: Coggins                      Seconded by: Young

Adopted: September 14, 2020

Roll Call Vote:

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

**CANCEL TAX 2020**

**BLOCK/LOT**  
675/9

**AMOUNT**  
\$ 4,057.29

**NAME**

**REFUND TAX 2020**

\$ 3,005.40

Thomas R. Capito  
25 E Maple Shade Lane  
Beesley's Point, NJ, 08223

100% Totally Disabled Veteran for 2020. Owner paid 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> quarter property taxes.

23. Appointing members to the Upper Township Zoning Board of Adjustment.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 262-2020**

**RE: APPOINTING MEMBERS TO THE UPPER TOWNSHIP  
ZONING BOARD OF ADJUSTMENT**

---

**WHEREAS**, N.J.S.A. 40:55D-69 provides that members of the Zoning Board of Adjustment shall be appointed by the Governing Body of the municipality; and

**WHEREAS**, due to a recent vacancy on the Zoning Board of Adjustment of the Township of Upper it is necessary to make the appointment of a new member to the Board; and

**WHEREAS**, the Township Committee deems it appropriate to advance the remaining members, as hereinafter provided, such that the new member appointed shall be appointed to the position of Alternate #4.

**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. Sherrie Lisa Galderisi is hereby appointed to the unexpired two (2) year term of Thaddeus Klepac as Alternate #1, commencing September 14, 2020 and expiring December 31, 2020.

2. Larry J. Trulli is hereby appointed to the unexpired two (2) year term of Sherrie Lisa Galderisi as Alternate #2, commencing September 14, 2020 and expiring December 31, 2021.

3. Karen Mitchell is hereby appointed to the unexpired two (2) year term of Larry J. Trulli as Alternate #3, commencing September 14, 2020 and expiring December 31, 2021.

4. Mark Pancoast is hereby appointed to the unexpired two (2) year term of Karen Mitchell as Alternate #4, commencing September 14, 2020 and expiring December 31, 2021.

Resolution No. 262-2020

Offered by: Barr

Seconded by: Young

Adopted: September 14, 2020

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Barr	X			
Coggins	X			

Corson	X			
Young	X			
Palombo	X			

## **ORDINANCES**

## **CORRESPONDENCE**

## **NEW BUSINESS**

24. **Bid results for the Design/Build Post Frame Buildings (30'x60') project.** The Chief Financial Officer reported that four bids were received, with the lowest bid being substantially higher than the budget estimate. She recommended that the bids be rejected. Motion by John Coggins, second by Edward Barr to reject all bids. During roll call vote all five Committeemen voted in the affirmative. A resolution for formal action will be prepared for the next meeting.

## **UNFINISHED BUSINESS**

25. **Cape May County request for a resolution supporting the realignment of the intersection of CR 631 (Tuckahoe Road) and CR 662 (Old Tuckahoe Road).** After a brief discussion, there was a motion by Curtis Corson, second by Hobie Young, to send a letter to the County stating the Township will support the realignment of the intersection conditional upon the installation of a High-Intensity Activated Crosswalk (Hawk) traffic light. During roll call vote all five Committeemen voted in the affirmative.

## **DISCUSSION**

## **PAYMENT OF BILLS**

26. **"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: \$413,830.64**

**Payroll: \$218,284.06**

## **REPORT OF MUNICIPAL DEPARTMENTS**

- 27. **Animal Control**
- 28. **Clerk's Office**
- 29. **Construction Code**
- 30. **Division of EMS**
- 31. **Finance Office**
- 32. **MUA**
- 33. **Tax Collector**

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

## **PUBLIC COMMENT**

**Lisa Carr, Webster Avenue**, inquired as to what a condemnation redevelopment area means. Special Legal Counsel Jim Maley stated that the Resolution adopted tonight only deals with the site of the former BL England plant area, and it requests the Planning Board to perform an investigation and hold a public hearing on whether or not that site meets the statutory criteria to be designated as an area in need of redevelopment. If it is determined that the area satisfies the requirements for that designation, it gives the

governing body additional powers to assist in the development of the area. She next inquired if there are any plans to hold a town meeting with the residents of Strathmere to discuss parking issues. Mayor Palombo stated that because of Covid-19 restrictions it has been difficult to find a suitable location for all to attend, however, the Township Committee continues to work on the issue.

**Mark Berger, Commonwealth Avenue**, inquired about the Deauville Inn Marina project and what authority the Township has regarding the proposed project. The Municipal Attorney stated that generally speaking anything to do with waterfront development or bulkhead permitting is under the authority of the NJDEP. All public comments or objections should be referred to the NJDEP.

**David Cummings, Commonwealth Avenue**, inquired about the tow away zone on Commonwealth Avenue and what arrangements have been made to actually tow away violators. It was stated that the County has indicated that they will not be involved in enforcing the tow away zone, and the State Police will not enforce unless it involves an accident. It was further stated that this enforcement issue will be addressed with the parking study that will be performed this fall. Mr. Cummings next inquired into how one is chosen to serve on the Zoning and Planning Boards. Mayor Palombo explained the process. Lastly, he inquired into the process and plans to institute beach tags. Mayor Palombo stated that the matter is still in the research stage.

**Deborah Rivel, Seacliff Avenue**, spoke about the proposed Deauville Inn Marina project and its potential impact on wildlife and the quality of life in Strathmere.

**Janice Connell, Commonwealth Avenue**, inquired into the contract that was adopted tonight for Tiffany Cuvillo. It was stated that she will be assisting the Planning Board with the investigation to establish a condemnation redevelopment area.

#### **CLOSED SESSION**

34. 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. 263-2020 MOTION GOING INTO CLOSED SESSION SEPTEMBER 14, 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. Personnel
2. Contract negotiation – Parking Consultant

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 present 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 11:27 P.M., with a motion by Richard Palombo, second by John Coggins, and all five Committeemen voting in the affirmative. The next regular meeting is scheduled for September 28, 2020 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC  
Municipal Clerk

#### **Bill List**

76285 09/14/20 A0025 ADVANTAGE RENTAL & SALES 1,352.13 3151  
76286 09/14/20 A0035 AIRLINE HYDRAULIC CORP. 463.43 3151  
76287 09/14/20 A0091 ATLANTIC CITY ELECTRIC 26,390.80 3151  
76288 09/14/20 A0175 Adams Rehmann & Haggan Assoc 680.00 3151  
76289 09/14/20 A0212 ANCERO, LLC 7,646.86 3151  
76290 09/14/20 A0233 ACME/LINGO FLAGPOLES, LLC 777.00 3151  
76291 09/14/20 B0035 BELMONT & CRYSTAL SPRINGS 49.76 3151  
76292 09/14/20 B0039 BEESLEY'S PT. SEA DOO, INC. 305.74 3151  
76293 09/14/20 B0248 BARNES LAW GROUP LLC 750.00 3151  
76294 09/14/20 B0277 Borcky, Greg 44.05 3151  
76295 09/14/20 C0042 CAMPBELL SUPPLY COMPANY 607.06 3151  
76296 09/14/20 C0060 CAPRIONI PORTABLE TOILETS, INC 1,772.00 3151  
76297 09/14/20 C0067 CONNOR, RICK 2,315.00 3151  
76298 09/14/20 C0068 COMCAST 1,308.01 3151  
76299 09/14/20 C0124 CMC MUNICIPAL CLERK'S ASSOC. 45.00 3151  
76300 09/14/20 C0201 CRUZAN'S TRUCK SERVICE INC. 74.98 3151  
76301 09/14/20 C0223 CASA PAYROLL SERVICE 569.00 3151  
76302 09/14/20 C0245 CLEGGS GARAGE, INC. 313.00 3151  
76303 09/14/20 C0247 CMRS-FP 6,000.00 3151  
76304 09/14/20 C0296 COMCAST BUSINESS COMMUNICATION 2,773.72 3151  
76305 09/14/20 D0040 DELTA DENTAL OF N.J. INC. 6,332.79 3151  
76306 09/14/20 E0003 EASTERN SIGN CO. 320.00 3151  
76307 09/14/20 E0012 EHRLICH PEST CONTROL INC 503.00 3151  
76308 09/14/20 G0014 GARDEN STATE HWY PRODUCTS INC. 430.00 3151  
76309 09/14/20 G0037 GOVT FINANCE OFFICER ASN OF NJ 350.00 3151  
76310 09/14/20 G0086 W.W. GRAINGER, INC. 1,435.85 3151  
76311 09/14/20 G0141 GENTILINI CHEVROLET 54.99 3151  
76312 09/14/20 G0147 GREATAMERICA FINANCIAL SVCS. 170.00 3151  
76313 09/14/20 G0182 GOLDENBERG, MACKLER & SAYEGH 34.90 3151  
76314 09/14/20 H0073 HOME DEPOT CRC/GECF 64.89 3151  
76315 09/14/20 H0095 HORIZON BCBSNJ 206,273.63 3151  
76316 09/14/20 H0098 HERITAGE TOWERS, INC. 1,740.00 3151  
76317 09/14/20 H0148 THOMAS H. HEIST INS AGENCY INC 23,950.00 3151  
76318 09/14/20 H0187 HILLYARD, INC. 1,500.00 3151  
76319 09/14/20 I0045 ICC GENERAL CODE, INC. 1,195.00 3151  
76320 09/14/20 K0103 KYOCERA DOCUMENT SOLUTIONS 204.61 3151  
76321 09/14/20 L0007 LC EQUIPMENT, INC. 68.00 3151  
76322 09/14/20 L0027 LASHLEY HEATING & COOLING INC. 8,600.00 3151  
76323 09/14/20 L0031 LORCO PETROLEUM SERVICES 186.00 3151  
76324 09/14/20 L0080 LOWES, INC. 72.49 3151  
76325 09/14/20 M0235 MODERN GROUP, LTD 472.25 3151  
76326 09/14/20 M0277 EQUITABLE FINANCIAL LIFE INS. 199.98 3151  
76327 09/14/20 N0004 NJ-AMERICAN WATER CO. 137.51 3151

76328 09/14/20 N0143 NATIONAL TIME SYSTEMS 626.10 3151  
 76329 09/14/20 N0154 NEW HORIZON COMMUNICATIONS 813.36 3151  
 76330 09/14/20 O0025 OLD DOMINION BRUSH 2,018.65 3151  
 76331 09/14/20 P0032 PEDRONI FUEL CO. 737.80 3151  
 76332 09/14/20 Q0003 EUROFIN, QC INC. 310.00 3151  
 76333 09/14/20 R0030 RIGGINS, INC. 5,339.15 3151  
 76334 09/14/20 R0115 RID PEST CONTROL INC. 55.00 3151  
 76335 09/14/20 S0020 THE HOME DEPOT PRO 154.88 3151  
 76336 09/14/20 S0056 SEASHORE ASPHALT CORPORATION 243.58 3151  
 76337 09/14/20 S0057 SERVICE TIRE TRUCK CENTERS 39.00 3151  
 76338 09/14/20 S0134 SO. JERSEY GAS COMPANY 1,490.35 3151  
 76339 09/14/20 S0201 SURRAN'S NURSERY 270.00 3151  
 76340 09/14/20 S0239 SHORE VET. ANIMAL CONTROL LLC 2,350.00 3151  
 76341 09/14/20 S0254 SHOPRITE 49.14 3151  
 76342 09/14/20 S0292 SURENIAN EDWARDS & NOLAN LLC 2,032.50 3151  
 76343 09/14/20 S0347 SUN BUM LLC 172.69 3151  
 76344 09/14/20 T0032 THE PRESS OF ATLANTIC CITY 1,271.72 3151  
 76345 09/14/20 T0168 TOWNSHIP OF UPPER 253.69 3151  
 76346 09/14/20 U0067 UT HEALTH REIMB. ACCOUNT 1,558.18 3151  
 76347 09/14/20 V0013 VERIZON WIRELESS 990.54 3151  
 76348 09/14/20 V0024 VAL-U AUTO PARTS L.L.C. 539.45 3151  
 76349 09/14/20 V0025 V.E. RALPH & SON, INC. 63.70 3151  
 76350 09/14/20 V0026 VITAL COMMUNICATIONS, INC. 100.00 3151  
 76351 09/14/20 W0030 WEST PUBLISHING CO. 547.32 3151  
 76352 09/14/20 W0048 WINNER FORD OF CHERRY HILL 31,679.00 3151  
 76353 09/14/20 W0050 MOTOROLA SOLUTIONS INC. 30,689.00 3151  
 76354 09/14/20 W0087 W.B. MASON EGG HARBOR 65.05 3151  
 76355 09/14/20 X0008 XEROX FINANCIAL SERVICES 267.36 3151  
 76356 09/14/20 Y0008 YOUNG, DANIEL J. ESQUIRE PC 20,570.00 3151  
 Total: 413,830.64