

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR JANUARY 11, 2021**

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 January 8, 2021, 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
Kimberly Hayes	Present
Richard Palombo	Present

Also present were Deputy Municipal Clerk Joanne R. Herron, Township Administrator Scott Morgan, Personnel Officer Sharon Taggart, Chief Financial Officer Barbara Ludy and Municipal Attorney Daniel Young.

APPROVAL OF MINUTES - December 14, 2020 Regular and Closed Session Minutes

by Edward Barr, second by John Coggins, to approve the December 14, 2020 Regular Session Motion Minutes as submitted. During roll call vote all five Committee members voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

John Coggins, Committeeman, requested that budget workshops be scheduled for January 25th at 6:30 pm, and on February 8th and February 22nd at 6:00 pm.

Edward Barr, Committeeman, inquired into the procedure for the collection of Christmas trees. The Superintendent of Public Works stated that several farms have requested permission to collect any trees placed out for collection, which he has allowed. He stated any trees not picked up by the end of January will be collected by the Township, chipped, and taken to the MUA.

Curtis Corson, Committeeman, reported that free rabies clinics will be held on January 16th and February 13th at Shore Veterinarians from 1:00 to 3:00 pm. He next reported that there was another accident at the intersection of Roosevelt Boulevard and the Garden State Parkway. He made a motion, seconded by John Coggins, to send correspondence to Cape May County and the NJDOT requesting a study of the intersection. During roll call vote all five Committee members voted in the affirmative. Committeeman Corson next reported on the ongoing problems at the Corson's Inlet State Park with

beach parties and trash being left at the entrance. Committeeman Corson made a motion, seconded by Edward Barr, to send correspondence to the New Jersey State Park Service requesting an increase of patrols, policing, and trash cleanup at the Corson's Inlet State Park. During roll call vote all five Committee members voted in the affirmative.

OTHER REPORTS

Scott Morgan, Township Administrator, gave an update on the total Covid-19 cases in Cape May County and Upper Township. He stated that numbers show that despite a post-holiday increase in cases, Cape May County has the lowest case rate per capita in New Jersey of any county. He encouraged everyone to continue following CDC and County Health Department protocols. He next reported that every four years, all Municipal Emergency Management Agencies within the county and throughout the state are required to update their Emergency Operations Plans. The Township OEM Office recently submitted 15 emergency support function annexes to the County Office of Emergency Management for their review and submission to the state, and it is anticipated that the plans will be approved and a letter of approval will be received on or before February 28, 2021. Mr. Morgan next reported that leaf collection was successfully completed at the end of December. Brush collection will begin in April, and compost will be collected beginning on the second Tuesday each month.

RESOLUTIONS

1. Honoring William J. Eisele on being named the 2020 Upper Township Citizen of the Year.

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

RESOLUTION NO. 024-2021

HONORING WILLIAM J. EISELE ON BEING NAMED THE 2020 UPPER TOWNSHIP CITIZEN OF THE YEAR

WHEREAS, William J. Eisele was recently chosen by the Ocean City-Upper Township Rotary Club as the 2020 Upper Township Citizen of the Year; and

WHEREAS, a lifelong Upper Township resident, Bill along with his wife Cheryle, established the Eisele Christmas Tree Farm in 1972, which quickly became an annual Christmas tradition for families throughout South Jersey; and

WHEREAS, in addition to his farm, Bill is an avid apiculturist and established the Bee-ginners Beekeeping class in cooperation with the Rutgers New Jersey Agricultural Experiment Station's (NJAES) Office of Continuing Professional Education (OCPE); served on the Cape May County Board of Agriculture, the New Jersey Department of Agriculture's Beekeeping Advisory Board, and is a life member of the Eastern Apiculture Society; and

WHEREAS, Bill has had a long and distinguished record of community volunteerism, beginning with his enlistment in the United States Army in 1966, serving as treasurer for the Greater Tuckahoe Area Merchants' Association, a member of the Aaron Wittkamp Colwell American Legion Post 239 of Tuckahoe, a member and trustee of the Petersburg Wesley United Methodist Church, and serving as chair, coordinator, and participant in numerous charitable activities in Upper Township and beyond, including the Rotary Club partnership projects, the American Legion Scholarship Program, the Blue Star Banner program, the Historical Preservation Society, the US Coast Guard, and the Veterans Administration; and

WHEREAS, it is fitting and proper that we honor Bill for his generous contribution of time, knowledge, and expertise to our community.

NOW THEREFORE BE IT RESOLVED that this Township Committee on behalf of all the citizens of the Township of Upper extend to our friend, William J. Eisele, congratulations on being named the 2020 Upper Township Citizen of the Year and express our heartfelt gratitude and appreciation for his dedicated service to Upper Township.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 11th day of January, 2021.

Resolution No. 024-2021

Offered by: Barr

Seconded by: Corson

Adopted: January 11, 2021

Roll Call Vote:

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

2. Affirming the Township of Upper's Civil Rights Policy with respect to all Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors, and Members of the Public that come into contact with Municipal Employees, Officials and Volunteers.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 025-2021

**RE: AFFIRMING THE TOWNSHIP OF UPPER'S
CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS,**

**APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS,
INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO
CONTACT WITH MUNICIPAL EMPLOYEES,
OFFICIALS AND VOLUNTEERS**

WHEREAS, it is the policy of the Township of Upper to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of the Township of Upper has determined that certain procedures need to be established to accomplish this policy; and

NOW, THEREFORE BE IT RESOLVED to affirm and adopt the Township of Upper's civil rights policy as follows:

Section 1: No official, employee, appointee or volunteer of the Township of Upper by whatever title known, or any entity that is in any way a part of the Township of Upper shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Township of Upper's business or using the facilities or property of the Township of Upper.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Township of Upper to provide services that otherwise could be performed by the Township of Upper.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Township Committee shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Personnel Officer shall establish written procedures that require all

officials, employees, appointees and volunteers of the Township of Upper as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Personnel Officer shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Municipal Clerk shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Township of Upper. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Township of Upper's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Township of Upper in order for the public to be made aware of this policy and the Township of Upper's commitment to the implementation and enforcement of this policy.

Resolution No. 025-2021

Offered by: Barr

Seconded by: Hayes

Adopted: January 11, 2021

Roll Call Vote:

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

3. Authorizing a professional services contract with Cape May County Council on Alcoholism and Drug Abuse, Inc. for an employee assistance program for Township employees.

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

RESOLUTION NO. 026-2021

**RE: AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH CAPE MAY
COUNTY COUNCIL ON ALCOHOLISM AND DRUG ABUSE, INC. FOR AN EMPLOYEE
ASSISTANCE PROGRAM FOR TOWNSHIP EMPLOYEES**

WHEREAS, the Township of Upper wishes to continue its Employee Assistance Program to provide assessment, evaluation intervention, referral and case management services for employees of the Township; and

WHEREAS, the Township of Upper has previously contracted with Cape May County Council on Alcoholism and Drug Abuse, Inc., a New Jersey non-profit corporation (hereinafter referred

to as “Cape Assist”) for such services and wishes to continue such relationship by entering into a Professional Services Contract to cover the period from January 1, 2021 to December 31, 2021; and

WHEREAS, Cape Assist has the required expertise to provide and implement the Upper Township Employee Assistance Program; and

WHEREAS, the Township Committee intends to engage the services of Cape Assist under a Professional Services Contract attached hereto as Exhibit A; and

WHEREAS, the Chief Financial Officer has certified the availability of funds to permit said Contract to be entered into;

WHEREAS, Cape Assist has completed and submitted a Business Entity Disclosure Certification which certifies that Cape Assist has not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Cape Assist 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. Cape Assist 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.
3. The proposed Professional Services Contract between the Township of Upper and Cape Assist, a copy of which is on file in the office of the Township Clerk, is hereby approved and the Mayor and the Township Clerk are hereby authorized, directed and empowered to execute said Contract on behalf of the Township of Upper and the Township Clerk is further authorized, directed and empowered to seal said Contract with the seal of the Township of Upper.
4. The Township Clerk shall cause a Notice of Award of this Contract to be published in the official newspaper of the Township of Upper as required by N.J.S.A. 40A:11-5.
5. This Contract has been awarded without competitive bidding for the following reason or reasons:
 - (A) Professional services of the type herein sought are of such a nature as to require a high degree of trust or confidence in the individual providing the service and, in fact, may

require the creation of a confidential or fiduciary relationship between that individual and the municipality;

(B) The services required are highly specialized or technical in nature;

(C) The services require peculiar ability or skill and demand a high degree of specialized knowledge or expertise;

(D) The services are such that their relative work must be judged by subjective considerations that are not susceptible of valuation by competitive bidding; and

(E) The individual who will provide these services has demonstrated his competence and particular expertise in the services required.

6. This Resolution shall take effect immediately and shall be deemed retroactive to January 1, 2021.

Resolution No. 026-2021

Offered by: Barr

Seconded by: Coggins

Adopted: January 11, 2021

Roll Call Vote:

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

4. Appointing Surenian, Edwards & Nolan, LLC to act as Special Legal Counsel in matters involving Affordable Housing Obligations.

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

RESOLUTION NO. 027-2021

**RE: APPOINTING SURENIAN, EDWARDS & NOLAN, LLC
TO ACT AS SPECIAL LEGAL COUNSEL IN MATTERS INVOLVING
AFFORDABLE HOUSING OBLIGATIONS**

WHEREAS, the Township of Upper requires legal counsel to provide legal assistance with respect to the Township's affordable housing obligations; and

WHEREAS, the Township has decided to acquire the services of Surenian, Edwards & Nolan, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Surenian, Edwards & Nolan, LLC, has completed and submitted a Business Entity Disclosure Certification which certifies that Surenian, Edwards & Nolan, 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 Surenian, Edwards & Nolan, 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. Surenian, Edwards & Nolan, LLC with offices at 707 Union Avenue, Suite 301, Brielle, New Jersey is hereby appointed Special Legal Counsel to handle legal matters with respect to the Township's affordable housing obligations as directed by the Township Committee.
3. This contract shall have a term of one (1) year, commencing January 1, 2021 and expiring December 31, 2021.
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 Surenian, Edwards & Nolan, LLC has professional knowledge as to legal matters which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

NOTICE OF CONTRACT AWARD

The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Surenian, Edwards & Nolan, LLC for legal services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

5. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the official budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.

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

7. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Surenian, Edwards & Nolan, 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. 027-2021

Offered by: Barr

Seconded by: Coggins

Adopted: January 11, 2021

Roll Call Vote:

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

5. Authorizing the Mayor to sign the recertification of the Emergency Operations Plan for the Township of Upper.

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

RESOLUTION NO. 028-2021

**RE: AUTHORIZING THE MAYOR TO SIGN THE RECERTIFICATION OF THE
EMERGENCY OPERATIONS PLAN FOR THE TOWNSHIP OF UPPER**

WHEREAS, in 2016 the Township of Upper Emergency Operations Plan was submitted to the Cape May County Office of Emergency Management and the State of New Jersey Office of Emergency Management; and

WHEREAS, the Emergency Operations Plan is about to expire and it is necessary to update and adopt a revised Emergency Operations Plan; 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, the Emergency Management Coordinator and other Township officers are authorized to execute the revised Emergency Operations Plan.
3. The Mayor's signature shall constitute acceptance and adoption of the revised Emergency Operations Plan on behalf of the Township of Upper
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.

Resolution No. 028-2021

Offered by: Barr

Seconded by: Corson

Adopted: January 11, 2021

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

6. Authorizing a payment from the Affordable Housing Trust Fund of Upper Township.

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

RESOLUTION NO. 029-2021

**RE: AUTHORIZING A PAYMENT FROM THE
AFFORDABLE HOUSING TRUST FUND OF UPPER TOWNSHIP**

WHEREAS, the Township of Upper adopted an Affordable Housing Trust Fund Spending Plan (hereinafter "Spending Plan") on April 30, 2012 pursuant to Resolution No. 105-2012; and

WHEREAS, the Township of Upper replaced this Spending Plan pursuant to Resolution No. 167-2020 adopted on May 26, 2020 and consistent with P.L. 2008, c.46 COAH regulations and the Fair Share Housing Center Settlement Agreement, which was subsequently approved by the Court on June 30, 2020 in connection with the Township's Declaratory Judgment Action; and

WHEREAS, the Township of Upper's Affordable Housing Trust Fund collects development fee revenues consistent with the Township of Upper's development fee ordinance for both residential and non-residential developments in accordance with FHAA's rules and P.L. 2008, c.46, sections

8 (C. 52:27D-329.2) and 32-28 (C. 40:55D-8.1 through 8.7).; and

WHEREAS, pursuant to the terms of the current Spending Plan, the release of funds requires the adoption by the Township Committee of a resolution; and

WHEREAS, the Township Committee has reviewed the requested release of funds from the Affordable Housing Trust Fund for the specific use set forth herein and has determined it is in the best interest of the Township to authorize the release of payment from said fund.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Chief Financial Officer is authorized to release the following funds pursuant to the Township's Market to Affordable Program:

Triad Associates	\$ 300.00
(Affordability Assistance Services)	

Resolution No. 029-2021

Offered By: Coggins

Seconded By: Barr

Adopted: January 11, 2021

Roll Call Vote:

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

Prior to the adoption of Agenda Items 7 and 8 under Resolutions and the introduction of Ordinance 001-2021, there was a motion by John Coggins, seconded by Edward Barr, to enter into closed session to discuss Potential Litigation/Contract negotiation-RC Cape May Holdings, LLC. Mr. Coggins included in his motion that with respect to the potential litigation matter, such discussion will be made public when litigation is complete and the applicable appeal period has expired; and with respect to the contract negotiation matter, said discussion will be made public when negotiations have ceased and there are no longer any reasons for confidentiality. During roll call vote all five Committee members voted in the affirmative.

Mayor Palombo stated that the Committee would be back to open session shortly.

Motion by John Coggins, second by Kimberly Hayes, to reconvene the public portion of the meeting. During roll call vote all five Committee members voted in the affirmative.

7. A Resolution designating a Condemnation Redevelopment Area within the Township of Upper, County of Cape May, State of New Jersey.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 030-2021

RE: A RESOLUTION DESIGNATING A CONDEMNATION REDEVELOPMENT AREA WITHIN THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

WHEREAS, N.J.S.A. 40A:12-6 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; and

WHEREAS, pursuant to Resolution No. 244-2020, adopted by the Mayor and Township Committee of the Township of Upper (“Township Committee”) on September 14, 2020, the Planning Board of the Township of Upper (“Planning Board”) conducted an investigation to determine whether Block 479, Lots 76, 76.01, 94.01, 106.02, 107, 107.01, 108, and 108.01 should be designated as an area in need of redevelopment (“Study Area”) and considered the redevelopment area study prepared by Tiffany A. Morrissey, AICP, PP, Township Planner, entitled “Determination of Need Report, Beesley’s Point Study Area, Township of Upper, Cape May County, New Jersey” dated September 2020 (“Study”); and

WHEREAS, the Planning Board conducted a public hearing on November 19, 2020, concerning the designation of the Study Area, as a condemnation redevelopment area, and the meeting was open to the public and all members of the public had an opportunity to address questions and comments to the Planning Board; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, due notice of the public hearing was given to the property owners as mandated by the aforesaid statute and also notice was posted and published in accordance with the law; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, the Planning Board prepared a map showing the boundaries of the Study Area being proposed as a non-condemnation redevelopment area and the location of the various parcels of property included therein. Appended to the map was a statement setting forth the basis for the investigation; and

WHEREAS, the Study prepared by Tiffany A. Morrissey, AICP, PP, is adopted herein by reference; and

WHEREAS, all members of the Planning Board reviewed the Study for the Study Area and subsequent testimony submitted by Ms. Morrissey; and

WHEREAS, the Planning Board made the following findings of fact and drew the following conclusions of law:

1. Tiffany A Morrissey, PP, AICP, the Board’s Planning Professional, presented substantial, credible evidence that the Study Area qualifies as a condemnation area in need of redevelopment.
2. The Study Area is a blighted area as defined by the Supreme Court of New Jersey due to the lack of investment plaguing the Study Area. This lack of investment has resulted in a reduction in property value and in a lack of development in an area designated for growth. These conditions have an overall detrimental effect on a community. As a result, development of this area will not occur without governmental assistance.
3. That the Study Area, as a whole, satisfies the criteria set forth pursuant to N.J.S.A. 40A:12A-5: N.J.S.A. 40A:12A-5(a). The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.

N.J.S.A. 40A:12A-5(b). The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.

N.J.S.A. 40A:12A-5(c). Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.

N.J.S.A. 40A:12A-5(d). Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

N.J.S.A. 40A:12A-3 permits a redevelopment area to include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.

4. That pursuant to Resolution No. 244-2020, adopted by the Mayor and Committee of the Township of Upper, the Planning Board of the Township of Upper ("Planning Board") conducted an investigation to determine whether Block 479, Lots 76, 76.01, 94.01, 106.02, 107, 107.01, 108, and 108.01, should be designated as an area in need of redevelopment ("Study Area") and considered the redevelopment area study submitted by Tiffany A. Morrissey, AICP, PP, Township Planner, Upper Township, New Jersey dated September 2020, be declared a condemnation area in need of redevelopment pursuant to N.J.S.A. 40A:12A-1, et seq., as amended; and

WHEREAS, the Planning Board adopted a resolution, adopted herein by reference, as its official report and recommendation to Mayor and Council that the above noted Study Area satisfies the statutory requirements set forth in N.J.S.A. 40A:12A-5 and should be declared a condemnation area in need of redevelopment; and

WHEREAS, the Governing Body has reviewed the proposed redevelopment area Study for the Study Area and subsequent testimony submitted by Ms. Morrissey and determines that it is in the best interest of the Township of Upper to declare Block 479, Lots 76, 76.01, 94.01, 106.02, 107, 107.01, 108, and 108.01, as a condemnation area in need of redevelopment pursuant to the Study and the report and recommendation of the Planning Board.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Upper, County of Cape May, State of New Jersey, that:

1. The Township Committee hereby accepts the report and recommendation of the Planning Board and hereby designates Block 479, Lots 76, 76.01, 94.01, 106.02, 107, 107.01, 108, and 108.01, as a condemnation area in need of redevelopment in accordance with N.J.S.A. 40A:12A-5.
2. The Township Clerk, or her designee, is hereby directed to serve within ten (10) days a copy of this Resolution upon each person, if any, who filed a written objection to the Planning Board's recommendation, with service to be in a manner provided by N.J.S.A. 40A:12A-1 et seq., as amended.

3. This resolution shall take effect immediately.

Resolution No. 030-2021

Offered by: Barr

Seconded by: Coggins

Adopted: January 11, 2021

Roll Call Vote:

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

8. A Resolution authorizing the Upper Township Planning Board to review a proposed Redevelopment Plan for Block 479, Lots 76, 76.01, 94.01, 106.02, 107, 107.01, 108, and 108.01 within the Township of Upper, County of Cape May, State of New Jersey.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 031-2021

**RE: A RESOLUTION AUTHORIZING THE UPPER TOWNSHIP PLANNING BOARD TO
REVIEW A PROPOSED REDEVELOPMENT PLAN FOR BLOCK 479, LOTS 76, 76.01, 94.01,
106.02, 107, 107.01, 108, AND 108.01 WITHIN THE TOWNSHIP OF UPPER, COUNTY OF
CAPE MAY, STATE OF NEW JERSEY**

WHEREAS, in order to facilitate the development, redevelopment, and rehabilitation of the Township of Upper, County of Cape May, State of New Jersey (the “Township”), by way of Resolution No. 30-2021 designated Block 479, Lots 76, 76.01, 94.01, 106.02, 107, 107.01, 108, and 108.01, as a Condemnation Area in Need of Redevelopment (the “Redevelopment Area”) pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, a governing body may adopt, revise or amend a redevelopment plan; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, a redevelopment plan entitled “Beesley’s Point Redevelopment Plan Block 479, Lot 76, 76.01, 94.01, 106.02, 107, 107.01, 108, and 108.01” (the “Redevelopment Plan”), dated January 2021, has been prepared for the Redevelopment Area; and

WHEREAS, the Redevelopment Plan provides a broad overview for the planning, development, and rehabilitation of the Property for purposes of improving conditions within the Township; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, the Township Committee hereby refers the Redevelopment Plan to the Township of Upper Planning Board for review and a determination of the Redevelopment Plan’s consistency with the Township of Upper’s Master Plan.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. That, pursuant to N.J.S.A. 40A:12A-7, the Township Committee does hereby authorize the Township of Upper Planning Board to review the Redevelopment Plan and to report its findings to the Township Committee within forty-five (45) days hereof.

3. This Resolution shall take effect immediately.

Resolution No. 031-2021

Offered by: Barr

Seconded by: Coggins

Adopted: January 11, 2021

Roll Call Vote:

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

ORDINANCES

9. **Introduction and first reading of Ordinance No. 001-2021 RE: AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR AN AREA IN NEED OF REDEVELOPMENT WITHIN THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY.** Motion by John Coggins, second by Edward Barr, to introduce Ordinance 001-2021 with a public hearing and final adoption scheduled for January 25, 2021. During roll call vote all five Committee members voted in the affirmative.

TOWNSHIP OF UPPER CAPE MAY COUNTY ORDINANCE

ORDINANCE NO. 001-2021

RE: AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR AN AREA IN NEED OF REDEVELOPMENT WITHIN THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

WHEREAS, in order to facilitate the development, redevelopment, and rehabilitation of the Township of Upper, County of Cape May, State of New Jersey (the “Township”), by way of Resolution No. 30-2021 adopted on January 11, 2021, the Mayor and Committee of the Township of Upper (the “Township Committee”) declared Block 479, Lots 76, 76.01, 94.01, 106.02, 107, 107.01, 108, and 108.01 within the Township as a Condemnation Area in Need of Redevelopment (the “Redevelopment Area”) pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, a Governing Body may adopt, revise or amend a redevelopment plan for an “area in need of redevelopment”; and

WHEREAS, in order to facilitate the redevelopment and rehabilitation of the Township, the Township has prepared the redevelopment plan entitled “Beesley’s Point Redevelopment Plan Block 479, Lot 76, 76.01, 94.01, 106.02, 107, 107.01, 108, and 108.01” (the “Redevelopment Plan”), dated January 2021, for the Redevelopment Area; and

WHEREAS, the Redevelopment Plan provides a broad overview for the planning, development, redevelopment and rehabilitation of the Redevelopment Area for purposes of improving conditions within the Township; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township to adopt the Redevelopment Plan to effectuate redevelopment and rehabilitation of the Redevelopment Area; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, the Township Committee adopted a Resolution referring the Redevelopment Plan to the Township of Upper Planning Board (the “Planning Board”) for review, comment and a finding of consistency with the Township Master Plan following introduction and first reading; and

WHEREAS, the Planning Board held a public hearing on January 21, 2021, and, finding the Redevelopment Plan to be consistent with the Township Master Plan, recommended that the Redevelopment Plan be adopted, via Resolution No. 01-2021, which shall be considered the report of the Planning Board to the Township Committee as required by N.J.S.A. 40A:12A-7(e); and

WHEREAS, the Redevelopment Plan for the Redevelopment Area meets the requirements of N.J.S.A. 40A:12A-1, et seq., and is consistent with the Township’s Master Plan.

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 hereby adopts the Redevelopment Plan for the Township of Upper.

SECTION 2. The Mayor and Township Committee declare and determine that said Redevelopment Plan meets the criteria, guidelines and conditions set forth in N.J.S.A. 40A:12A-7, provides realistic opportunities for the redevelopment and rehabilitation of the Township and is otherwise in conformance with N.J.S.A. 40A-12A-1, et seq.

SECTION 3. The Governing Body of the Township of Upper shall have, be entitled to, and is hereby vested all power and authority granted by the aforementioned statutory provisions to effectuate the Redevelopment Plan.

SECTION 4. The Redevelopment Plan shall supersede any other local development regulation to the extent set forth in the Redevelopment Plan and the Township of Upper Zoning Map is hereby amended to conform with the provisions of the Redevelopment Plan.

SECTION 5. All ordinances or parts of ordinances which are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. In the event any clause section or paragraph of this Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Township Committee that the balance of this Ordinance remains in full force and effect to the extent it allows the Township to meet the goals of the Ordinance.

SECTION 7. This Ordinance shall take effect after final adoption and publication according to 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 11TH DAY OF JANUARY, 2021 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD EXCLUSIVELY BY ELECTRONIC MEANS, AS SET FORTH BELOW, ON THE 25TH DAY OF JANUARY, 2021 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.
JOANNE R. HERRON, DEPUTY TOWNSHIP CLERK
TOWNSHIP OF UPPER

10. **Introduction and first reading of Ordinance No. 002-2021 RE: AN ORDINANCE AUTHORIZING SALE OF LANDS, TO WIT BLOCK 322, LOT 40.** Motion by John Coggins, second by Edward Barr, to introduce Ordinance 001-2021 with a public hearing and final adoption scheduled for February 8, 2021. During roll call vote all five Committee members voted in the affirmative.

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

ORDINANCE NO. 002-2021

**RE: AN ORDINANCE AUTHORIZING SALE OF LANDS,
TO WIT BLOCK 322, LOT 40**

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 322, Lot 40; and

WHEREAS, the Township has received an offer from Ronald Cassedy, 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 322, Lot 40

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 322, Lot 40

Minimum Bid: \$6,500.00

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: Ronald Cassedy 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 renote 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 11TH DAY OF JANUARY, 2021 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD EXCLUSIVELY BY ELECTRONIC

MEANS, AS SET FORTH BELOW, ON THE 8TH DAY OF FEBRUARY, 2021 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.
JOANNE R. HERRON, DEPUTY TOWNSHIP CLERK
TOWNSHIP OF UPPER

CORRESPONDENCE

NEW BUSINESS

11. Planning Board Resolution No. 05-2020 Determination of Need Report Beesley's Point Study Area. **This matter was discussed during the adoption of Resolution 30-2021.**
12. South Shore Stitchers request to hold a Raffle RA-535 at the Tuckahoe Methodist Church on November 8, 2021 at 7:30 pm. **Motion by Curtis Corson, second by Edward Barr, to approve the request. During roll call vote all five Committee members voted in the affirmative.**

UNFINISHED BUSINESS

DISCUSSION

PAYMENT OF BILLS

22. "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 Committee members voted in the affirmative.**

Bills approved for payment: \$1,104,503.58
Payroll: \$175,514.38

REPORT OF MUNICIPAL DEPARTMENTS

13. **Animal Control**
14. **Clerk's Office**
15. **Construction Code**
16. **Division of EMS**
17. **Finance Office**
18. **MUA Report**
19. **Public Works**
20. **Tax Collector**

Motion by Richard Palombo, second by Kimberly Hayes, to accept the reports as submitted. During roll call vote all five Committee members voted in the affirmative.

PUBLIC COMMENT

Janet Yunghans, Petersburg, requested each Committee member to give a statement regarding the events that took place at the US Capitol building on Wednesday January 6, 2021. In response to Ms. Yunghans request, each Committee member stated that they do not condone protests in which there is violence, property damage, looting, injury, or loss of life in any way.

Linda Bateman, Strathmere, requested the Committee to join her in calling for Representative Van Drew to resign for his vote to overturn the electoral college certification of the presidential election results. It was stated that there is a difference of opinion regarding the election, and Representative Van Drew is entitled to vote as he sees fit. Ms. Bateman next inquired about several items of interest to the

Strathmere Improvement Association including the consolidation of signs at the beach entrances, beach tags, and parking. She also questioned if the County will be coordinating with the State for the distribution of the COVID-19 vaccine.

CLOSED SESSION

21. 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. 032-2021
MOTION GOING INTO CLOSED SESSION
JANUARY 11, 2021**

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. Potential litigation/contract negotiation - RC Cape May Holdings, LLC
2. Litigation - Tort claims
3. Contract negotiation - Conflict Public Defender
4. Contract negotiation - Conflict Municipal Prosecutor
5. Contract negotiation - Phoenix Advisors
6. Contract negotiation - Shared Services Agreement with Cape May County for participation in an EMS Rescue Task Force Program
7. Contract negotiation - Shared Services Agreement with Corbin City for Conflict Zoning Officer
8. Contract negotiation - Special Legal Counsel for In-Rem Foreclosure matters
9. 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 this litigation matter such discussions will be made public when litigation is complete and the applicable appeal period has expired.
- 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 employment and personnel matters such discussions will be made public if and when formal action is taken or when the individuals involved consent that it can be made public.

Moved by: John Coggins

Motion seconded by: Richard Palombo

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

RECONVENE PUBLIC PORTION OF MEETING

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

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:15 P.M., with a motion by Richard Palombo, second by Kimberly Hayes, and all five Committee members voting in the affirmative. The next regular meeting is scheduled for January 25, 2021 at 7:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC
Deputy Municipal Clerk

Bills

76890 01/11/21 A0025 ADVANTAGE RENTAL & SALES 469.50 3171
76891 01/11/21 A0035 AIRLINE HYDRAULIC CORP. 87.98 3171
76892 01/11/21 A0091 ATLANTIC CITY ELECTRIC 7,803.58 3171
76893 01/11/21 A0113 ARAWAK PAVING CO. INC. 590,577.63 3171
76894 01/11/21 A0170 ASFPM 120.00 3171
76895 01/11/21 A0175 Adams Rehmann & Haggan Assoc 923.50 3171
76896 01/11/21 A0191 ACTION UNIFORM CO. LLC 1,188.00 3171
76897 01/11/21 A0195 ADVANTAGE BUSINESS EQUIPMENT 521.00 3171
76898 01/11/21 A0202 ACTIVE 911, INC 2,266.25 3171
76899 01/11/21 A0219 ALTERNATIVE MICROGRAPHICS, INC 5,287.02 3171
76900 01/11/21 A0231 ALL UNIQUE GIFTS, INC. 680.00 3171
76901 01/11/21 A0237 Aristizabal, Abbie 20.00 3171
76902 01/11/21 B0035 BELMONT & CRYSTAL SPRINGS 37.76 3171
76903 01/11/21 B0090 BROADLEY'S MDI 360.70 3171
76904 01/11/21 B0093 BARRY,CORRADO & GRASSI,PC 2,362.50 3171
76905 01/11/21 B0201 BUCK'S ELECTRICAL SERVICE, INC 2,746.00 3171
76906 01/11/21 B0220 BERGEY'S TRUCK CENTERS 284.69 3171
76907 01/11/21 B0239 BAILEY, WILLIAM MICHAEL 791.66 3171
76908 01/11/21 B0248 BARNES LAW GROUP LLC 2,295.15 3171
76909 01/11/21 C0002 C.M.C. CHAMBER OF COMMERCE,INC 675.00 3171
76910 01/11/21 C0019 CITY OF OCEAN CITY 12,556.02 3171
76911 01/11/21 C0046 CAPE MAY COUNTY CLERK 52.00 3171
76912 01/11/21 C0048 CAPE MAY COUNTY MUA 42,152.44 3171
76913 01/11/21 C0060 CAPRIONI PORTABLE TOILETS, INC 282.00 3171
76914 01/11/21 C0068 COMCAST 1,144.30 3171
76915 01/11/21 C0078 CARTER, EDWARD, SR. 237.17 3171
76916 01/11/21 C0143 CODY'S POWER EQUIPMENT 735.04 3171
76917 01/11/21 C0223 CASA PAYROLL SERVICE 463.00 3171
76918 01/11/21 C0278 TIFFANY A. CUVIELLO, PP, LLC 2,250.00 3171
76919 01/11/21 C0296 COMCAST BUSINESS COMMUNICATION 1,386.86 3171
76920 01/11/21 C0307 CNS ACQUISITION CORPORATION 835.00 3171
76921 01/11/21 D0016 DALEYS PIT 140.00 3171
76922 01/11/21 D0040 DELTA DENTAL OF N.J. INC. 6,115.39 3171
76923 01/11/21 E0079 EVANS III, WILLIAM 392.43 3171
76924 01/11/21 F0219 FORTUNE TITLE AGENCY, INC. 1,070.00 3171
76925 01/11/21 F0222 FENTON, SEAN R 600.00 3171
76926 01/11/21 F0224 FERRIER, SEAN 519.87 3171
76927 01/11/21 G0015 GALL'S, AN ARAMARK COMPANY 88.95 3171
76928 01/11/21 G0016 GARDNER HARDWARE INC. 19.98 3171
76929 01/11/21 G0028 GENTILINI FORD 3,890.59 3171
76930 01/11/21 G0037 GOVT FINANCE OFFICER ASN OF NJ 90.00 3171
76931 01/11/21 G0086 W.W. GRAINGER, INC. 941.07 3171
76932 01/11/21 G0092 GRUND, BARBARA J. 175.81 3171
76933 01/11/21 G0147 GREATAMERICA FINANCIAL SVCS. 196.00 3171
76934 01/11/21 G0157 GRANTURK EQUIPMENT CO., INC. 206.19 3171
76935 01/11/21 G0169 GROFF TRACTOR MID ATLANTIC LLC 1,004.58 3171
76936 01/11/21 H0073 HOME DEPOT CRC/GECF 1,749.63 3171
76937 01/11/21 H0095 HORIZON BCBSNJ 213,111.64 3171
76938 01/11/21 H0098 HERITAGE TOWERS, INC. 9,170.00 3171

76939 01/11/21 H0148 THOMAS H. HEIST INS AGENCY INC 884.00 3171
 76940 01/11/21 J0036 JOHNSON, MICHELLE 5.64 3171
 76941 01/11/21 J0041 JONES, JAMES M. 300.00 3171
 76942 01/11/21 J0074 J.A. MONTGOMERY RISK CONTROL 3,142.00 3171
 76943 01/11/21 K0007 KACZMARSKI, RICHARD 267.15 3171
 76944 01/11/21 K0014 KEENAN,BRIAN 600.00 3171
 76945 01/11/21 K0028 KIRK'S PIZZA, INC. 223.32 3171
 76946 01/11/21 K0106 KOHLER, MARSHALL J 300.00 3171
 76947 01/11/21 K0109 KEYSTONE RIDGE DESIGNS, INC. 51,133.10 3171
 76948 01/11/21 L0031 LORCO PETROLEUM SERVICES 165.00 3171
 76949 01/11/21 M0012 McCAULEY, RICHARD 161.96 3171
 76950 01/11/21 M0076 MGL PRINTING SOLUTIONS 379.00 3171
 76951 01/11/21 M0277 EQUITABLE FINANCIAL LIFE INS. 393.90 3171
 76952 01/11/21 M0308 McHENRY PRESSURE CLEAN SYSTEMS 73,715.00 3171
 76953 01/11/21 N0004 NJ-AMERICAN WATER CO. 77.38 3171
 76954 01/11/21 N0052 NATL YOUTH SPORTS COACHED ASSN 1,080.00 3171
 76955 01/11/21 N0068 NJ MOTOR VEHICLE COMMISSION 150.00 3171
 76956 01/11/21 N0143 NATIONAL TIME SYSTEMS 397.85 3171
 76957 01/11/21 O0012 OCEAN CITY BD. OF EDUCATION 990.00 3171
 76958 01/11/21 O0025 OLD DOMINION BRUSH 732.77 3171
 76959 01/11/21 P0032 PEDRONI FUEL CO. 2,169.07 3171
 76960 01/11/21 P0036 PENNELLO,DAVID 559.69 3171
 76961 01/11/21 P0136 POSTNET 617.87 3171
 76962 01/11/21 Q0003 EUROFIN, QC LLC 310.00 3171
 76963 01/11/21 R0030 RIGGINS, INC. 5,909.86 3171
 76964 01/11/21 R0115 RID PEST CONTROL INC. 55.00 3171
 76965 01/11/21 R0137 RAMMEL, TODD 81.95 3171
 76966 01/11/21 S0001 SAM'S CLUB 68.32 3171
 76967 01/11/21 S0018 SUBURBAN PROPANE, LP 311.36 3171
 76968 01/11/21 S0020 THE HOME DEPOT PRO 265.83 3171
 76969 01/11/21 S0031 SCHULER SECURITY, INC. 289.00 3171
 76970 01/11/21 S0113 SMITH,THOMAS G. 703.45 3171
 76971 01/11/21 S0134 SO. JERSEY GAS COMPANY 7,059.07 3171
 76972 01/11/21 S0196 STEWART BUSINESS SYSTEMS LLC 274.40 3171
 76973 01/11/21 S0209 STAPLES ADVANTAGE 256.97 3171
 76974 01/11/21 S0239 SHORE VET. ANIMAL CONTROL LLC 2,250.00 3171
 76975 01/11/21 S0253 SAMPLE MEDIA, INC. 372.00 3171
 76976 01/11/21 S0254 SHOPRITE 629.94 3171
 76977 01/11/21 T0032 THE PRESS OF ATLANTIC CITY 249.24 3171
 76978 01/11/21 T0080 TREASURER STATE OF N.J. 1,051.00 3171
 76979 01/11/21 T0166 TREASURER, STATE OF NEW JERSEY 323.00 3171
 76980 01/11/21 T0168 TOWNSHIP OF UPPER 229.80 3171
 76981 01/11/21 T0192 MARSH & McLENNAN AGENCY/TRION 275.50 3171
 76982 01/11/21 U0013 U.T. WRESTLING ASSOC. 600.00 3171
 76983 01/11/21 U0024 UNIVERSAL COMPUTING SERV. INC. 1,134.65 3171
 76984 01/11/21 U0043 ULINE, INC. 40.50 3171
 76985 01/11/21 U0067 UT HEALTH REIMB. ACCOUNT 3,023.50 3171
 76986 01/11/21 V0001 VCI EMERGENCY VEHICLE 115.82 3171
 76987 01/11/21 V0013 VERIZON WIRELESS 1,590.07 3171
 76988 01/11/21 V0024 VAL-U AUTO PARTS L.L.C. 235.73 3171
 76989 01/11/21 V0025 V.E. RALPH & SON,INC. 206.00 3171
 76990 01/11/21 V0026 VITAL COMMUNICATIONS, INC. 100.00 3171
 76991 01/11/21 V0027 VANORDER, ROGER 170.03 3171
 76992 01/11/21 W0030 WEST PUBLISHING CO. 711.40 3171
 76993 01/11/21 W0050 MOTOROLA SOLUTIONS INC. 312.00 3171
 76994 01/11/21 W0085 WOODY, LESTER 119.14 3171
 76995 01/11/21 W0087 W.B. MASON EGG HARBOR 362.97 3171
 76996 01/11/21 Y0008 YOUNG, DANIEL J. ESQUIRE PC 15,297.50 3171
 Total: \$1,104,503.58