

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR FEBRUARY 22, 2021**

*******BUDGET WORKSHOP MEETING - 6:00 P.M.**

In preparation of the 2021 Municipal Budget a budget workshop meeting was called to order this evening at 6:00 PM.

Mayor Palombo read the following Open Public meeting notice into the record.

“In compliance with the Open Public Meetings Law, I wish to state that on February 19, 2021 the notice of this Budget Workshop 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 Budget Workshop meeting is being audio recorded 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.”

The following were present for the workshop meeting tonight:

Edward Barr	Present
John Coggins	Present
Curtis Corson	Present
Kimberly Hayes	Present
Richard Palombo	Present

Also present were Municipal Clerk Barbara Young, Township Administrator Scott Morgan, Township Engineer Paul Dietrich, and Chief Financial Officer Barbara Ludy.

Mayor Palombo opened the meeting and referred to Committeeman John Coggins for discussion on the Budget.

Committeeman Coggins gave an in depth review of a financial model he and Committeeman Corson prepared regarding the proposed beach tag program. Following that there was a brief review of the reductions to the overall budget made to date, and then a review of the Clerks, Engineering, Legal, IT, Construction, Zoning/Planning, Special Events and Insurance budgets.

At the conclusion of the workshop, Committeeman Coggins stated that there are a few more minor cuts to make and then the budget should be ready for introduction in March.

Motion by Curtis Corson, second by John Coggins, to adjourn the budget workshop meeting. During roll call vote all five Committee members voted in the affirmative.

There was a brief recess and then the regular meeting convened.

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

Mayor Palombo read the following Open Public meeting notice into the record.

“In compliance with the Open Public Meetings Law, I wish to state that on February 19, 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 Municipal Clerk Barbara L. Young, Township Administrator Scott Morgan, Township Engineer Paul Dietrich, Chief Financial Officer Barbara Ludy and Municipal Attorney Daniel Young.

APPROVAL OF MINUTES - February 8, 2021 Regular and Closed Session Minutes

Motion by Edward Barr, second by Kimberly Hayes, to approve the February, 2021 Regular Meeting and Closed Session Minutes as submitted. During roll call vote five Committee members voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Edward Barr, Committeeman, congratulated the employees in the Department of Public Works for their response to the recent snowstorms and inquired into the Township’s salt supplies. The Township Administrator stated that salt supply is well stocked and they are prepared for the next several storms should they arise.

Curtis Corson, Committeeman, thanked all for coming out and supporting the Rescue Squad at their recent flower sale fundraiser.

Richard Palombo, Mayor, thanked everyone for the kind words and well wishes he has received after his recent announcement that he will not be running for reelection.

OTHER REPORTS

Scott Morgan, Township Administrator, gave a brief update on the latest information from the CMC Health Department regarding Covid-19.

Barbara Young, Township Clerk, requested permission to attend the NJ Municipal Clerks virtual conference on March 16 through the 18th at a cost of \$125.00. Motion by John Coggins, second by Kimberly Hayes, to approve the request. During roll call vote all five Committee members voted in the affirmative.

Paul Dietrich, Township Engineer, reported that he recently met with officials from the NJDOT, Conrail, and the County Engineer’s Office regarding improvements at the railroad crossing on Church Road. It is anticipated that the improvements to the crossing will take place this summer, with the reconstruction of Church Road to commence in the spring of 2022. He also advised that there is a procedure in place to convert active rail crossings to exempt crossings, so that certain vehicles currently required to stop at

crossings would no longer have to. He next reported that the Township has received the NJDEP permit for the reconstruction of the Beesley's Point boat ramp, and requested permission to move forward and prepare bid specifications. Motion by Richard Palombo, second by Edward Barr, to approve the request for the Engineer to prepare bid specifications for the Beesley's Point Boat Ramp project. During roll call vote all five Committee members voted in the affirmative. A resolution for formal action will be placed on the next agenda. Mayor Palombo then requested an update on the dredge project in Strathmere, and asked to receive regular updates as the project progresses.

RESOLUTIONS

1. Appointing Frank L. Corrado, Esquire to act as Special Legal Counsel.

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

RESOLUTION NO. 62-2021

RE: APPOINTING FRANK L. CORRADO, ESQUIRE TO ACT AS SPECIAL LEGAL COUNSEL

WHEREAS, the Township Committee of Upper Township desires special legal counsel in matters in which the regular legal counsel has a conflict and such other matters as the Township Committee may direct; 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 Frank L. Corrado, Esquire as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Frank L. Corrado, Esquire has completed and submitted a Business Entity Disclosure Certification which certifies that Frank L. Corrado, Esquire has not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Frank L. Corrado 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. Frank L. Corrado, Esquire with offices at 2700 Pacific Avenue, Wildwood, New Jersey is hereby appointed Special Legal Counsel 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 Frank L. Corrado, Esquire has professional knowledge as to legal matters 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 Frank L. Corrado, Esquire for legal services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

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

7. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Frank L. Corrado, Esquire in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

8. A copy of this Resolution 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. 62-2021

Offered by: Barr

Seconded by: Coggins

Adopted: February 22, 2021

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Barr	X			
Coggins	X			

Corson	X			
Hayes	X			
Palombo	X			

2. Approving the application of the Upper Township Rescue Squad for Highway Coin Drops.

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

RESOLUTION NO. 63-2021

**RE: APPROVING THE APPLICATION OF THE UPPER TOWNSHIP RESCUE SQUAD
FOR HIGHWAY COIN DROPS**

WHEREAS, the Upper Township Rescue Squad, a non-profit corporation providing emergency medical and rescue services, has made application to the Township Committee to hold coin drop solicitations in Upper Township; and

WHEREAS, the Township Committee has approved the requests; and

WHEREAS, the requests require approval from the County of Cape May; 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 application of the Upper Township Rescue Squad to hold a coin drop within Upper Township on County Route 623 (Roosevelt Boulevard) between Route 9 and Vernon Avenue is hereby approved for the following dates:

Saturday, June 26, 2021 from 9:00 am to 3:00 pm

Saturday, July 10, 2021 from 9:00 am to 3:00 pm

Saturday, August 21, 2021 from 9:00 am to 3:00 pm

3. Attached to this Resolution is a certified copy of Ordinance No. 7-2001, authorizing coin drops within Upper Township enacted pursuant to N.J.S.A. 39:4-60.
4. A certified copy of this Resolution shall be provided to the Board of Commissioners of the County of Cape May.

Resolution No. 63-2021

Offered by: Barr

Adopted: February 22, 2021

Seconded by: Hayes

Roll Call Vote:

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

3. Appointing McManimon, Scotland & Baumann, LLC to act as Special Legal Counsel.

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

RESOLUTION NO. 64-2021

**RE: APPOINTING MCMANIMON, SCOTLAND & BAUMANN, LLC TO
ACT AS SPECIAL LEGAL COUNSEL**

WHEREAS, the Township of Upper requires special legal counsel services with regard to bonding for capital improvement projects and other issues; 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 McManimon, Scotland & Baumann, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, McManimon, Scotland & Baumann, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that McManimon, Scotland & Baumann, 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 McManimon, Scotland & Baumann, 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. McManimon, Scotland & Baumann, LLC with offices at 75 Livingston Avenue, Roseland, New Jersey 07068 is hereby appointed Special Legal Counsel to handle matters regarding capital improvement projects and other issues as directed by the Township Committee.
3. The contract shall have a term of one (1) year from date of full execution.

4. The 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 McManimon, Scotland & Baumann, 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 McManimon, Scotland & Baumann, LLC for legal services. The 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 the contract and showing the line item appropriation of the official budget to which the contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.

6. 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 McManimon, Scotland & Baumann, 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. This contract shall have a term of one (1) year from date of full execution.

9. 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.

10. This Resolution shall be effective as of adoption.

Resolution No. 64-2021

Offered by: Coggins

Adopted: February 22, 2021

Seconded by: Barr

Roll Call Vote:

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

4. Authorizing a Shared Services Agreement with the Cape May County Municipal Utilities Authority for the review and submission of the Township of Upper's 2020 Annual Recycling Tonnage Reports.

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

RESOLUTION NO. 65-2021

**RE: AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE
CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY FOR THE
REVIEW AND SUBMISSION OF THE TOWNSHIP OF UPPER'S
2020 ANNUAL RECYCLING TONNAGE REPORTS**

WHEREAS , in accordance with N.J.S.A. 13:1E-96 5.b(1) , commencing in 2012, each New Jersey municipality is required by the Recycling Enhancement Act ("REA") to have mandatory Annual Recycling Tonnage Reports approved and signed by a Certified Recycling Professional ("CRP"); and

WHEREAS, the State of New Jersey (State) requires that municipalities submit their Annual Recycling Tonnage Reports by April 30 of each year; and

WHEREAS, the Cape May County Municipal Utilities Authority (Authority) has one or more employees that have obtained designation as a CRP; and

WHEREAS, the Authority has indicated a willingness to assist the Township of Upper in securing their rightful recycling fund allotment from the State for its 2020 recycling activities; and

WHEREAS, N.J.S.A. 40A:65-1 et seq. authorizes a municipality to enter into a contract with any other local unit for the sharing of governmental services.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Upper, 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 Municipal Clerk are hereby authorized and directed to execute a Shared Services Agreement with the CMCMUA for a Certified Recycling Professional services with regard to the submission of the Township of Upper's 2020 Annual Recycling Reports.

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. 65-2021

Offered by: Barr

Seconded by: Hayes

Adopted: February 22, 2021

Roll Call Vote:

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

5. Revised 2021 Temporary Budget.

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

RESOLUTION NO. 66-2021

RE: REVISED 2021 TEMPORARY BUDGET

WHEREAS, N.J.S.A. 40A:4-19 provides that the governing body shall by Resolution adopted prior to January 31 of the fiscal year make appropriations to provide for the period between the beginning of the fiscal year and the adoption of the budget; and

WHEREAS, the total of the appropriations so made shall not exceed 26.25% of the total of the appropriations made for all purposes in the Budget for the preceding year excluding public assistance, such amount being \$3,667,261.96.

NOW, THEREFORE BE IT RESOLVED, that the following appropriations shall constitute the Temporary Budget for the year 2021:

ADMINISTRATIVE & EXECUTIVE MAYOR AND COMMITTEE			Increase To:
	Salary and Wages	\$ 19,800.00	\$20,800.00
	Mayor and Committee O/E	\$ 2,000.00	
	DCRP-Twp Committee	\$ 2,500.00	
	Cape Mediation	\$ 2,800.00	
	Cape Assist EAP	\$ 1,155.00	
MUNICIPAL CLERK	Salary and Wages	\$ 65,200.00	65,500.00
OTHER EXPENSES	Miscellaneous O/E	\$ 7,500.00	10,000.00
FINANCIAL ADMINISTRATION	Salaries & Wages	\$ 80,700.00	
	Miscellaneous O/E	\$ 2,500.00	
	Computer	\$ 38,000.00	48,000.00
	Hardware/Software		
	Annual Audit	\$ 20,000.00	
ASSESSMENT OF TAXES	Salaries & Wages	\$ 36,900.00	
	Miscellaneous O/E	\$ 3,000.00	
COLLECTION OF TAXES	Salaries & Wages	\$ 34,200.00	
	Miscellaneous O/E	\$ 1,000.00	
	Purchase TTL	\$ 0	
LEGAL SERVICES AND COSTS	Other Expenses	\$ 40,000.00	50,000.00
MUNICIPAL COURT	Salaries & Wages	\$ 40,000.00	65,000.00
	Miscellaneous O/E	\$ 8,000.00	
PUBLIC DEFENDER	Salaries & Wages	\$ 8,060.00	
MUNICIPAL PROSECUTOR	Salaries & Wages	\$ 12,500.00	
ENGINEERING SERVICES & COSTS	Salaries & Wages	\$ 29,900.00	
	Other Expenses	\$ 5,000.00	
PUBLIC BUILDINGS & GROUNDS	Salaries & Wages	\$ 188,300.00	
	Other Expenses	\$ 80,000.00	100,000.00
PLANNING BOARD	Salaries & Wages	\$ 11,800.00	
	Other Expenses	\$ 2,000.00	4,000.00
BOARD OF ADJUSTMENT	Salaries & Wages	\$ 11,800.00	
	Other Expenses	\$ 2,000.00	4,000.00
CONSTRUCTION CODE	Salaries & Wages	\$ 57,500.00	
	Other Expenses	\$ 1,000.00	1,500.00

INSURANCE			
	Group Insurance for Employees	\$ 669,000.00	889,000.00
	Other Insurance Premiums	\$ 65,000.00	
	Workers Compensation	\$ 163,000.00	
SCHOOL TRAFFIC GUARD			
	Salaries & Wages	\$ 3,000.00	
	Miscellaneous O/E	\$ 200.00	
BEACH PATROL			
	Salaries & Wages	\$ 1,000.00	
	Other Expenses	\$ 1,000.00	
EMERGENCY MANAGEMENT/RTK			
	Salaries & Wages	\$ 6,500.00	
	Miscellaneous O/E	\$ 10,000.00	25,000.00
ROAD REPAIRS & MAINTENANCE			
	Salaries & Wages	\$ 205,000.00	215,000.00
	Miscellaneous O/E	\$ 40,000.00	55,000.00
SURFACING OF ROADS CONTRACTUAL		\$ 0.00	
STREET LIGHTING		\$ 90,000.00	105,000.00
GARBAGE & TRASH REMOVAL			
	Salaries & Wages	\$ 114,200.00	
	Miscellaneous O/E	\$ 18,000.00	30,000.00
	Tipping Fees	\$ 110,000.00	140,000.00
BOARD OF HEALTH			
	Salaries & Wages	\$ 150.00	
	Miscellaneous O/E	\$ 100.00	
DOG REGULATION			
	Miscellaneous O/E	\$ 26,300.00	54,500.00
PUBLIC INFORMATION			
	Miscellaneous O/E	\$ 200.00	0.00
ZONING/CODE OFFICIAL			
	Salaries & Wages	\$ 4,100.00	
	Miscellaneous O/E	\$ 100.00	
SPORTS & RECREATION			
	Salaries & Wages	\$ 13,800.00	
	Miscellaneous O/E	\$ 10,000.00	15,000.00
FIRST AID ORGANIZATION			
	Salaries & Wages	\$ 191,000.00	208,000.00
	Miscellaneous O/E	\$ 18,000.00	25,000.00
RECYCLING			
	Salaries & Wages	\$ 90,000.00	105,000.00
	Miscellaneous O/E	\$ 18,000.00	30,000.00
AFFORDABLE HOUSING			
	Salaries & Wages	\$ 675.00	
	Miscellaneous O/E	\$ 100.00	
COMMUNITY CENTER			
	Miscellaneous O/E	\$ 8,000.00	15,000.00
CELEBRATION OF PUBLIC EVENTS		\$ 2,000.00	4,000.00
SOCIAL SECURITY SYSTEM		\$ 100,000.00	
SPECIAL LITIGATION		\$ 40,000.00	50,000.00
SUI CONTRIBUTION		\$ 1,800.00	
CENTRAL DISPATCH		\$ 62,725.00	125,450.00
ALCOHOL & DRUG TESTING		\$ 1,000.00	2,000.00
COMP. ABSENCES RESERVES		\$ 100.00	
PERS		\$ 521,124.00	

GYPSY MOTHS

\$ 0.00 7,450.00
Total \$3,420,289.00

Resolution No. 66-2021

Offered by: Coggins

Seconded by: Barr

Adopted: February 22, 2021

Roll Call Vote:

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

6. Urging the Cape May County Board of Commissioners to fill the vacancy and continue funding for an Agriculture and Natural Resources Agent.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 67-2021

**RE: URGING THE CAPE MAY COUNTY BOARD OF COMMISSIONERS TO
FILL THE VACANCY AND CONTINUE FUNDING
FOR AN AGRICULTURE AND NATURAL RESOURCES AGENT**

WHEREAS, the position of Agriculture and Natural Resource Agent (ANRA) for the Cape May County Board of Agriculture, Rutgers Cooperative Extension of Cape May County was vacated in April of 2019 and shortly thereafter Rutgers Cooperative Extension placed all in person interviews and hiring on hold because of the Covid-19 Pandemic; and

WHEREAS, in the past few months Rutgers has made exceptions to the hiring freeze when urgent needs are revealed; and

WHEREAS, the Cape May County Board of Agriculture feels there is a crucial need to fill the position of ANRA; and

WHEREAS, when the ANRA was originally hired, Cape May County funded 25% of the salary. When the position was vacated the percentage funded by Cape May County had decreased to less than 21% of the salary; and

WHEREAS, the Township Committee agrees that as tourism embraces agricultural, there is a need for primary leadership to guide farmers in the development and implementation of this market providing a benefit to everyone within Cape May County; and

WHEREAS, the Township Committee also acknowledges the need for economic development within agriculture and natural resource sectors of Cape May County; and

WHEREAS, the Township Committee hereby urges the Cape May County Board of Commissioners to discuss possible solutions with Rutgers Cooperative Extension to fill the needed position of Agriculture and Natural Resources Agent and continue funding as a solution to fill the position; 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 strongly urges the Cape May County Board of Commissioners to fill the position of Agriculture and Natural Resources Agent for Cape May County.
3. The Township Committee also urges the Cape May County Board of Commissioners to discuss possible solutions with Rutgers Cooperative Extension and continue funding for the position of Agriculture and Natural Resources Agent for Cape May County.
4. The Municipal Clerk shall forward certified copies of this Resolution to the Cape May County Board of Agriculture, Rutgers Cooperative Extension of Cape May County, Cape May County Administrator, and the Board of Managers New Jersey Agriculture Experiment Station Rutgers.

Resolution No. 67-2020

Offered by: Corson

Seconded by: Barr

Adopted: February 22, 2021

Roll Call Vote:

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

7. Accepting the bid and authorizing the execution of a contract with Fred M. Schiavone Construction, Inc. of Malaga, New Jersey for the project known as the Construction of Beesley's Point Park at a cost of \$1,909,201.31.

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

RESOLUTION NO. 68-2021

**RE: ACCEPTING THE BID AND AUTHORIZING THE EXECUTION
OF A CONTRACT WITH FRED M. SCHIAVONE CONSTRUCTION, INC. OF MALAGA, NEW
JERSEY FOR THE PROJECT KNOWN AS THE CONSTRUCTION OF BEESLEY'S POINT
PARK AT A COST OF \$1,909,201.31**

WHEREAS, the Township of Upper solicited bids for the Construction of Beesley's Point Park, which bids were received on February 5, 2021 and included alternative items; and

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

WHEREAS, with respect to the alternative items in the bid, they shall be awarded subject to approval of funding from the Cape May County Board of Commissioners, based on a recommendation of the Open Space Review Board; and

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

WHEREAS, the Chief Financial Officer of the Township of Upper has certified the availability of funds attached hereto as "Exhibit A" in a sufficient amount to award a contract in the amount of \$1,909,201.31 (alternative items subject to approval of funding from the Cape May County Board of Commissioners, based on a recommendation of the Open Space Review Board); and

WHEREAS, the Township intends to take formal action awarding the bid to the lowest responsible bidder as hereinafter provided; 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 hereby accepts the bid submitted by Fred M. Schiavone Construction, Inc., P.O. Box 416, Malaga, New Jersey for the project known as Construction of Beesley's Point Park, in the amount of \$1,909,201.31, subject to the following:

- (A) The Bidder shall comply with all Bid Documents, including the Notice to Bidders, all of which are hereby incorporated herein by this reference.

- (B) The award of alternative items in the bid, shall be subject to approval of funding from the Cape May County Board of Commissioners, based on a recommendation of the Open Space Review Board.
- (C) The Contract to be entered into must comply in all respects with applicable federal, state and local laws and regulations.

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

Resolution No. 68-2021

Offered by: Barr

Seconded by: Hayes

Adopted: February 22, 2021

Roll Call Vote:

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

8. **Separation from Service of Michelle Sampson as Provisional Employee.** At the advice of the Municipal Attorney a motion was made by Edward Barr, second by John Coggins, to table the resolution until after the closed session. During roll call vote five Committee members voted in the affirmative.

ORDINANCES

CORRESPONDENCE

9. **Strathmere Fishing and Environmental Club correspondence regarding Green Infrastructure and Coastal Resilience.** The Township Engineer gave a brief report on the matter. After a lengthy discussion the Committee directed that the matter be listed on a future agenda under Unfinished Business for further discussion on potential funding.

NEW BUSINESS

10. **Saint Maximilian Kolbe Parish requests use of Strathmere beach at East Williams Road for Easter Sunrise Mass on April 4, 2021.** Motion by Edward Barr, second by Kimberly Hayes to approve the request. During roll call vote all five Committee members voted in the affirmative.
11. **Ocean City Crew Boosters, Inc. request to hold Raffle RA 537 at the Seaville Tavern on Thursdays, beginning March 18, 2021 through May 6, 2021.** Motion by Edward Barr, second by John Coggins to approve the request. During roll call vote all five Committee members voted in the affirmative.
12. **Review of Construction Code fees.** The CFO reported that an annual review of the costs to run the Construction Office has been performed and the Construction Official has recommended several changes to the fee schedule. She then gave an overview of the recommended changes. After a brief

discussion, there was a motion by John Coggins, second by Edward Barr, that a comparison of the fees from neighboring towns be performed and the matter be brought back to the Committee for further review. During roll call vote all five Committee members voted in the affirmative. This matter will be listed on a future agenda under Unfinished Business.

UNFINISHED BUSINESS

13. **Review of draft No-Parking Ordinance.** The Municipal Engineer gave a brief report on the proposed changes to parking as recommended by the Strathmere Fire Company. Motion by Curtis Corson, second by John Coggins, to place an Ordinance with these proposed changes for introduction on the next agenda. During roll call vote all five Committee members voted in the affirmative. It was requested that a map of the proposed changes be placed on the Township website.
14. **Discussion on Beach Tags.** A lengthy discussion was held regarding the time frame of starting the program in time for Memorial Day as well as the costs associated with development, start-up, and enforcement. There was then a motion by John Coggins, second by Curtis Corson, to direct an Ordinance be drafted establishing a beach tag program for introduction at the next meeting. During roll call vote all five Committee members voted in the affirmative.
15. **Proposed improvements to Stagecoach Road.** The Township Engineer gave a description of the proposed project. After a discussion, there was a motion by Edward Barr, second by Curtis Corson, to place a Resolution of support for the project on the next agenda. During roll call vote all five Committee members voted in the affirmative. A Resolution for formal action will be placed on the next agenda.

DISCUSSION

PAYMENT OF BILLS

16. **"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: \$188,277.46

Payroll: \$191,235.52

REPORT OF MUNICIPAL DEPARTMENTS

17. **Municipal Court**
18. **Tax Collector 2020 Annual Report**

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

PUBLIC COMMENT

Dennis Fisher, Petersburg, spoke regarding the proposed beach tag program.

Wayne Thomas, Strathmere Fishing & Environmental Club, spoke regarding the correspondence the Township received from the SFEC about green infrastructure and coastal resilience.

Robert Rush, Steelmantown, inquired into the Township Committee's stance on wind energy.

David Cummings, Strathmere, spoke in support of the proposed parking enforcement and beach tag program.

Jennifer Porter, on behalf of RC Cape May Holdings LLC, stated that her client is hoping to finalize the redevelopment agreement with the Township soon.

CLOSED SESSION

19. 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. 070-2021
MOTION GOING INTO CLOSED SESSION
FEBRUARY 22, 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. Contract negotiation - JA Montgomery
2. Contract negotiation - Conflict Municipal Prosecutor
3. Contract negotiation - Special Legal Counsel
4. Contract negotiation - Bainbridge & Associates
5. Contract negotiation - Municipal Engineer
6. Contract negotiation - Collective Bargaining
7. Potential litigation/contract negotiation - RC Cape May Holdings, LLC
8. Litigation - Tort claims
9. Litigation - Township of Upper v. Whippoorwill Campground, LLC
10. 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 contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.
- C. With respect to this litigation matter such discussions will be made public when litigation is complete and the applicable appeal period has expired.
- D. With respect to employment and personnel matters such discussions will be made public if and when formal action is taken or when the individuals involved consent that it can be made public.

Moved by: John Coggins

Motion seconded by: Richard Palombo

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

RECONVENE PUBLIC PORTION OF MEETING

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

8. Separation from Service of Michelle Sampson as Provisional Employee.

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

RESOLUTION NO. 69-2021

**RE: SEPARATION FROM SERVICE OF MICHELLE SAMPSON
AS PROVISIONAL EMPLOYEE**

WHEREAS, Pursuant to N.J.A.C.4A:4-1.5, Michelle Sampson was provisionally appointed as Chief Emergency Medical Technician to the Upper Township Department of Emergency Medical Services on December 1, 2019; and

WHEREAS, Pursuant to N.J.A.C. 4A:4-1 the Township Committee has the authority to remove provisional appointees in the absence of a complete list of eligibles; 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. Michelle Sampson is hereby separated from the position of Chief Emergency Medical Technician for the Township of Upper effective February 22, 2021.
3. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Resolution No. 69-2021

Offered by: Palombo

Seconded by: Barr

Adopted: February 22, 2021

Roll Call Vote:

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

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 10:39 P.M., with a motion by Richard Palombo, second by Edward Barr, and all five Committee members voting in the affirmative. The next regular meeting is scheduled for March 8, 2021 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

Bill List

77157 02/22/21 A0023 ADAMS, JOHN 10.00 3176
77158 02/22/21 A0091 ATLANTIC CITY ELECTRIC 23,535.30 3176
77159 02/22/21 A0193 ATLANTIC INVESTIGATIONS, LLC 93.00 3176
77160 02/22/21 A0219 ALTERNATIVE MICROGRAPHICS, INC 1,277.98 3176
77161 02/22/21 B0020 BLAKER,RAYMOND 10.00 3176
77162 02/22/21 B0031 BAINBRIDGE, J.P. & ASSOCIATES 2,557.50 3176
77163 02/22/21 B0035 BELMONT & CRYSTAL SPRINGS 24.71 3176
77164 02/22/21 B0090 BROADLEY'S MDI 324.00 3176
77165 02/22/21 B0139 BATTELINI TRANSPORTATION 495.00 3176
77166 02/22/21 B0178 BUGANSKI,PETER R. 10.00 3176
77167 02/22/21 B0184 BUSHONG, BRIAN 10.00 3176
77168 02/22/21 B0220 BERGEY'S TRUCK CENTERS 3,792.65 3176
77169 02/22/21 B0248 BARNES LAW GROUP LLC 750.00 3176
77170 02/22/21 C0048 CAPE MAY COUNTY MUA 40,209.57 3176
77171 02/22/21 C0068 COMCAST 556.86 3176
77172 02/22/21 C0078 CARTER, EDWARD, SR. 10.00 3176
77173 02/22/21 C0223 CASA PAYROLL SERVICE 222.75 3176
77174 02/22/21 C0230 CATAMARAN MEDIA COMPANY 132.05 3176
77175 02/22/21 C0246 CRAFT OIL CORPORATION 527.31 3176
77176 02/22/21 C0278 TIFFANY A. CUVIELLO, PP, LLC 937.50 3176
77177 02/22/21 C0279 CASA REPORTING SERVICES LLC 364.95 3176
77178 02/22/21 C0296 COMCAST BUSINESS COMMUNICATION 1,386.86 3176
77179 02/22/21 C0305 CM3 BUILDING SOLUTIONS, INC. 799.00 3176
77180 02/22/21 C0307 CNS ACQUISITION CORPORATION 2,505.00 3176
77181 02/22/21 D0016 DALEYS PIT 860.00 3176
77182 02/22/21 D0040 DELTA DENTAL OF N.J. INC. 6,349.50 3176
77183 02/22/21 E0012 EHRLICH PEST CONTROL INC 104.00 3176
77184 02/22/21 E0074 EMERGENCY ACCESSORIES & 6,002.38 3176
77185 02/22/21 E0080 EISELE, LUKE 209.97 3176
77186 02/22/21 F0016 FAZZIO, JOSEPH INC. 261.90 3176
77187 02/22/21 F0227 HERMAN FEHRLE & SONS 2,500.00 3176
77188 02/22/21 G0086 W.W. GRAINGER, INC. 296.30 3176
77189 02/22/21 G0092 GRUND, BARBARA J. 39.98 3176
77190 02/22/21 G0124 GRIFFIN AUTOMOTIVE INFO SVC 4,599.00 3176
77191 02/22/21 G0147 GREATAMERICA FINANCIAL SVCS. 170.00 3176
77192 02/22/21 G0182 GOLDENBERG, MACKLER & SAYEGH 210.57 3176
77193 02/22/21 H0002 H.A. DEHART & SON CORP. 1,315.14 3176
77194 02/22/21 H0073 HOME DEPOT CRC/GECF 426.92 3176
77195 02/22/21 H0172 HYLAND DESIGN GROUP, INC. 268.00 3176
77196 02/22/21 H0195 HOHMAN, CHRISTOPHER 10.00 3176
77197 02/22/21 H0199 HORNER & CANTER ASSOCIATES 1,400.00 3176
77198 02/22/21 K0020 KENNEY,EDWARD 3,644.40 3176
77199 02/22/21 K0080 KOHLER'S AUTO GLASS 465.00 3176
77200 02/22/21 K0098 Kunze Katie 24.05 3176
77201 02/22/21 K0106 KOHLER, MARSHALL J 610.00 3176
77202 02/22/21 L0027 LASHLEY HEATING & COOLING INC. 2,800.00 3176
77203 02/22/21 L0150 Lauer, Michael 44.05 3176
77204 02/22/21 L0151 LOVELESS, MARGIE 42.80 3176
77205 02/22/21 M0142 MASON, NICHOLAS 10.00 3176
77206 02/22/21 M0299 MATHERS, TARA 293.98 3176
77207 02/22/21 M0303 MALEY GIVENS, A PROF CORP 10,783.22 3176
77208 02/22/21 N0094 NEW JERSEY PLANNING OFFICIALS 625.00 3176
77209 02/22/21 N0143 NATIONAL TIME SYSTEMS 397.85 3176
77210 02/22/21 N0154 NEW HORIZON COMMUNICATIONS 841.48 3176
77211 02/22/21 N021 NJ RECREATION AND PARK ASSOC. 625.00 3176
77212 02/22/21 P0032 PEDRONI FUEL CO. 2,947.36 3176
77213 02/22/21 R0030 RIGGINS, INC. 2,193.31 3176
77214 02/22/21 R0100 ROBERTS OXYGEN COMPANY, INC. 112.35 3176

77215 02/22/21 R0115 RID PEST CONTROL INC. 55.00 3176
77216 02/22/21 R0119 RUDERMAN, ROTH LLC 10,127.00 3176
77217 02/22/21 R0137 RAMMEL, TODD 462.82 3176
77218 02/22/21 S0018 SUBURBAN PROPANE, LP 412.59 3176
77219 02/22/21 S0020 THE HOME DEPOT PRO 193.00 3176
77220 02/22/21 S0072 SEGIN, STEWART S. 10.00 3176
77221 02/22/21 S0134 SO. JERSEY GAS COMPANY 3,959.17 3176
77222 02/22/21 S0139 SOUTH JERSEY WATER COND SERV 763.75 3176
77223 02/22/21 S0196 STEWART BUSINESS SYSTEMS LLC 274.40 3176
77224 02/22/21 S0327 SUASION COMMUNICATIONS GROUP 487.50 3176
77225 02/22/21 T0032 THE PRESS OF ATLANTIC CITY 1,126.44 3176
77226 02/22/21 T0085 TREASURER, STATE OF NEW JERSEY 1,523.50 3176
77227 02/22/21 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3176
77228 02/22/21 T0192 MARSH & McLENNAN AGENCY/TRION 520.75 3176
77229 02/22/21 U0043 ULINE, INC. 22.50 3176
77230 02/22/21 V00051 Vaughan, John 20.00 3176
77231 02/22/21 V0018 VILLAGE PHARMACY, INC. 26.00 3176
77232 02/22/21 V0025 V.E. RALPH & SON, INC. 4,055.17 3176
77233 02/22/21 V0027 VANORDER, ROGER 10.00 3176
77234 02/22/21 W0038 WILLIAMS, JEREMIAH J. 316.17 3176
77235 02/22/21 W0048 WINNER FORD OF CHERRY HILL 31,624.00 3176
77236 02/22/21 X0008 XEROX FINANCIAL SERVICES 237.20 3176
Total: 188,277.46