

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR MARCH 8, 2021**

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 March 5, 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 22, 2021 Regular and Closed Session Minutes

Motion by Edward Barr, second by John Coggins, to approve the February 22, 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

John Coggins, Committeeman, reminded everyone that the budget will be introduced at the next meeting on March 22nd. He further advised that the Township will not need to institute beach fees this year to balance the budget, however, due to the loss in ratables from the decommissioning of the BL England property, he urged the Committee to adopt the fees for 2022. He next spoke about the pending marijuana regulations and stated that the Township should adopt an Ordinance prohibiting marijuana dispensaries to operate in the Township. After a lengthy discussion, Committeewoman Hayes requested the matter be listed on the next agenda under Unfinished Business for further discussion.

Kimberly Hayes, Committeewoman, stated that she was recently invited to meet with the Upper Township Rescue Squad, and was privileged to swear in the new officers. She congratulated President John Britton, Treasurer Mary Lyons, and Secretary Linwood Chatten.

Edward Barr, Committeeman, inquired into the status of the County’s plans to reconstruct New Bridge Road. The Township Engineer stated that the project was initially delayed due to the need to obtain construction easements from property owners and is now delayed until at least next year due to the lack of funding. He stated that the County Engineer is hoping to address the project in 2022. After a brief discussion there was a motion by Curtis Corson, second by Edward Barr, to prepare a resolution urging the County to fund the reconstruction of New Bridge Road. During roll call vote all five Committee members voted in the affirmative. A resolution for formal action will be placed on the next agenda.

Curtis Corson, Committeeman, stated that Daylight Savings time is next Sunday March 14th and reminded everyone to change their smoke detector batteries when changing the clocks. He next reported that he, the Township Administrator, the Township Engineer, and others recently met with representative from the DEP regarding the issues at Corson’s Inlet State Park, during which several items were addressed.

Richard Palombo, Mayor, inquired into the status of the Township’s paving project. The Township Engineer stated that Iroquois Trail is the last street to be paved, and work will commence in the next

week. There are a few other punch list items for the contractor to complete and the project will be finished.

OTHER REPORTS

Scott Morgan, Township Administrator, gave a brief update on the latest information from the CMC Health Department regarding Covid-19. He next requested permission for Division of EMS employee Johnathan Carter to attend a basic life support instructor course on April 17th at a cost of \$420.00. Motion by Curtis Corson, 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 several towns have been adopting Resolutions asking the legislature to pass a law to increase shore protection funds, and requested that the Township do the same. After a brief discussion, the Committee approved the request. A Resolution for formal action will be placed on the next agenda.

RESOLUTIONS

1. **Authorizing a contract with J.A. Montgomery Risk Control Services, LLC for Right to Know Inventory and Survey Preparation Services.**

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

RESOLUTION NO. 71-2021

**RE: AUTHORIZING A CONTRACT WITH J.A. MONTGOMERY RISK
CONTROL SERVICES, LLC FOR RIGHT TO KNOW INVENTORY
AND SURVEY PREPARATION SERVICES**

WHEREAS, J.A. Montgomery Risk Control Services, LLC, “J.A. Montgomery”, has submitted a proposal to the Township for Onsite Inventory, preparation of Community Right to Know Survey Documents, and preparation of Right to Know Central File for 2021; and

WHEREAS, the Township wishes to accept said proposal and to authorize a contract with J.A. Montgomery; and

WHEREAS, the contract has been reviewed and approved by the Municipal Attorney and will be on record in the office of the Township Clerk and available for public inspection; and

WHEREAS, J.A. Montgomery has completed and submitted a Business Entity Disclosure Certification which certifies that J.A. Montgomery 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 J.A. Montgomery from making any reportable contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to enter into a contract with J.A. Montgomery attached hereto as Exhibit “A”, to provide Onsite Inventory, preparation of Community Right to Know Survey Documents, and preparation of Right to Know Central File for 2021.
3. J.A. Montgomery 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.

1. The allegations of the preamble are incorporated herein by this reference.
2. J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge with offices at 6 Woodland Road, Cape May Court House, New Jersey is hereby appointed appraiser for the Township of Upper to provide services relating to the appraisal of real property for tax appeals and other matters.
3. The 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 J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge have professional knowledge as to appraisal issues 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

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

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

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

8. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge 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.

9. A notice of the 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. 72-2021

Offered by: Barr

Seconded by: Coggins

Adopted: March 8, 2021

Roll Call Vote:

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

3. **Appointing Thomas G. Smith, Esquire to act as Special Legal Counsel regarding Tax Court matters and matters in which the regular Township Solicitor may have a conflict of interest.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 073-2021

RE: APPOINTING THOMAS G. SMITH, ESQUIRE TO ACT AS SPECIAL LEGAL COUNSEL REGARDING TAX COURT MATTERS AND MATTERS IN WHICH THE REGULAR TOWNSHIP SOLICITOR MAY HAVE A CONFLICT OF INTEREST

WHEREAS, the Township requires legal counsel to provide legal services for Tax Court matters and in the event a conflict of interest arises in regard to the services provided by the regular Township Solicitor; 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 Thomas G. Smith, Esquire as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Thomas G. Smith, Esquire has completed and submitted a Business Entity Disclosure Certification which certifies that Thomas G. Smith, 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 Thomas G. Smith, Esquire 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. Thomas G. Smith, Esquire with offices at 2312 New Road, Suite 201, Northfield, New Jersey is hereby appointed Special Legal Counsel to handle Tax Court matters and matters in which the regular Township Solicitor has a conflict of interest as well as other matters 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 Thomas G. Smith, Esquire 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 Thomas G. Smith, 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 Thomas G. Smith, 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. 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. 73-2021

Offered by: Coggins

Seconded by: Barr

Adopted: March 8, 2021

Roll Call Vote:

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

4. **Appointing Frank Guaracini, III to serve as an additional Municipal Prosecutor on an as needed basis.**

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

RESOLUTION NO. 74-2021

RE: APPOINTING FRANK GUARACINI, III TO SERVE AS AN ADDITIONAL MUNICIPAL PROSECUTOR ON AN AS NEEDED BASIS

WHEREAS, a need exists to appoint an additional municipal prosecutor to serve on an as needed basis; and

WHEREAS, N.J.S.A. 2B:25-4 allows for the appointment of additional municipal prosecutors as necessary to administer justice in a timely and effective manner; and

WHEREAS, the Township has decided to acquire the services of Frank Guaracini, III as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

WHEREAS, Frank Guaracini, III has completed and submitted a Business Entity Disclosure Certification which certifies that Frank Guaracini, III 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 Guaracini, III 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 Guaracini, III with offices at 2123 Dune Drive, Suite 11, Avalon, New Jersey is hereby appointed as an additional municipal prosecutor to serve on an as needed basis.
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 Guaracini, III has professional knowledge as to legal and municipal court 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 Frank Guaracini, III 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 Guaracini, III 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. 74-2021

Offered by: Corson

Seconded by: Barr

Adopted: March 8, 2021

Roll Call Vote:

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

5. **Authorizing a Shared Services Agreement with the County of Cape May for additional funding for the project known as “Beesley’s Point Gateway”.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 75-2021

**RE: AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE
COUNTY OF CAPE MAY FOR ADDITIONAL FUNDING FOR THE PROJECT KNOWN AS
“BEESLEY’S POINT GATEWAY”**

WHEREAS, on February 25, 2020 the Township of Upper entered into a Shared Services Agreement with the County of Cape May for the Open Space project known as “Beesley’s Point Park/Pedestrian Bicycle Gateway”, as authorized by Resolution 68-2020; and

WHEREAS, the Township of Upper’s request for additional funds in the amount of \$896,000.00 for said project was approved by the Open Space Review Board on January 26, 2021; and

WHEREAS, the Board of County Commissioners, based on the recommendation of the Open Space Review Board, desires to provide additional funding in an amount not to exceed \$896,000.00 to support the implementation of the aforementioned project; and

WHEREAS, the Township of Upper has determined that it is in the best interest of the Township to enter into a Shared Services Agreement with the County of Cape May; and

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

1. **SHARED SERVICES AGREEMENT.** Pursuant to the provisions of the Uniform Shared Services Act, (N.J.S.A. 40A:65-1, et seq., the Township of Upper is hereby authorized and empowered to enter into a Shared Services Agreement with the County of Cape May for the funding of the project known as “Beesley’s Point Gateway”.

2. **SERVICES TO BE PROVIDED; CONTRACT.** The Shared Services Agreement authorized in paragraph 1 hereof shall cover those services, which shall be enumerated in said Agreement.

3. **AUTHORIZATION TO MUNICIPAL OFFICIALS.** The appropriate Township officers and officials are hereby authorized to take any action necessary or advisable to carry out the intent and purpose of this Resolution. Specifically, the Mayor and Township Clerk are hereby authorized and directed to execute such Shared Services Agreement on behalf of the Township of Upper pursuant to the authority conferred by this Resolution. The Township Clerk is further authorized and directed to seal said Agreement with the official seal of the Township of Upper.

4. COMPLIANCE WITH STATUTORY REQUIREMENTS. The Shared Services Agreement between the County of Cape May and the Township of Upper shall meet and satisfy the requirements of N.J.S.A. 40A:65-1, et seq., as same may be amended and supplemented.

5. CONTRACT TERM. The term of this Agreement is for the period as stipulated in the Shared Service Agreement from the date of full execution of the Shared Services Agreement. 6.

SEVERABILITY. If any section, subsection, paragraph, sentence or other part of this Resolution is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Resolution, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Resolution directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Resolution shall remain in full force and effect.

7. REPEALER. All Resolutions or parts of Resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency only.

Resolution No. 75-2021

Offered by: Barr

Seconded by: Coggins

Adopted: March 8, 2021

Roll Call Vote:

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

6. **Authorizing the award of a contract with Bergey's Trucks Inc., dba Bergey's Truck Centers, for automotive parts and repairs.**

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

RESOLUTION NO. 76-2021

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH BERGEY'S TRUCKS INC.,
DBA BERGEY'S TRUCK CENTERS, FOR AUTOMOTIVE PARTS AND REPAIRS**

WHEREAS, from time to time the Township of Upper has a need to purchase automotive parts and repairs from Bergey's Trucks Inc. as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with Bergey's Trucks Inc. for the year 2021 will exceed \$17,500; and

WHEREAS, Bergey's Trucks Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Bergey's Trucks Inc. has not made any reportable contributions to a political or candidate committee in the Township in the previous one year, and that the contract will prohibit Bergey's Trucks Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer of the Township has certified the availability of funds to allow the award of contract for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose in the 2021 Municipal Budget.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with Bergey's Trucks Inc. as described herein.
3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
4. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 76-2021

Offered by: Barr

Seconded by: Coggins

Adopted: March 8, 2021

Roll Call Vote:

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

7. **In support of the final plans for the Cape May County Stagecoach Road (CR 667) Resurfacing from Tuckahoe Road (CR 631) to Old Tuckahoe Road Extension (CR 662) project.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 77-2021

**RE: IN SUPPORT OF THE FINAL PLANS FOR THE CAPE MAY COUNTY STAGECOACH
ROAD (CR 667) RESURFACING FROM TUCKAHOE ROAD (CR 631) TO
OLD TUCKAHOE ROAD EXTENSION (CR 662) PROJECT**

WHEREAS, the County Engineer has submitted final plans for the resurfacing and correction of Stagecoach Road from Tuckahoe Road to Old Tuckahoe Road Extension; and

WHEREAS, the Upper Township Committee has reviewed the final design plans as submitted by the County; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township of Upper hereby supports the final plans for the Cape May County Stagecoach Road (CR 667) Resurfacing from Tuckahoe Road (CR 631) to Old Tuckahoe Road Extension (CR 662) Project.
3. A copy of this Resolution shall be forwarded to the appropriate New Jersey state and Cape May County officials.

Resolution No. 77-2021

Offered by: Barr

Seconded by: Coggins

Adopted: March 8, 2021

Roll Call Vote:

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

8. **Authorizing an addendum to the contract with Pyrotechnics by Althouse/DbA Schaefer Fireworks, Inc. for the annual Fourth of July fireworks display.**

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

RESOLUTION NO. 78-2021

**RE: AUTHORIZING AN ADDENDUM TO THE CONTRACT WITH PYROTECHNICS BY
ALTHOUSE/DBA SCHAEFER FIREWORKS, INC. FOR THE ANNUAL FOURTH OF JULY
FIREWORKS DISPLAY**

WHEREAS, on March 23, 2020 the Township entered into a contract with Pyrotechnics by Althouse/DBA Schaefer Fireworks, Inc., of 370 Hartman Bridge Road, Ronks, PA 17572 for the July 4, 2020 fireworks display; and

WHEREAS, due to the Covid-19 pandemic and Governor's executive orders restricting public gatherings, the planned fireworks display for July 4, 2020 was cancelled; and

WHEREAS, the Township wishes to sign an addendum to the March 23, 2020 contract with Pyrotechnics by Althouse/DBA Schaefer Fireworks, Inc., for the July 4, 2021 fireworks display; and

WHEREAS, the State of New Jersey, Department of Community Affairs, requires that the Township provide a Resolution approving same; and

WHEREAS, the site for the fireworks display will be determined in conjunction with a State of New Jersey Fire Inspector; and

WHEREAS, FAA Clearance will be applied for; and

WHEREAS, a plot/site plan for site display, showing the distances from the public and structures to the fireworks discharge area, has been provided by the Township Engineer; and

WHEREAS, the Chief Financial Officer has certified the availability of funds to permit said contract addendum.

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 in full herein by this reference. 2. Upon meeting all requirements of the State of New Jersey, Department of Community Affairs as well as any and all recommendations or requirements of the Township's Risk Management Consultant and the Joint Insurance Fund, the Township Clerk is hereby directed and authorized to provide a certified copy of this Resolution, with all attachments, to the Department of Community Affairs for their review and issuance of a Fireworks Permit.

3. The contractor shall comply with all terms and provisions of the Municipal Excess Liability Joint Insurance Fund Bulletin MEL 21-05, dated January 1, 2021.

4. 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.

5. 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, including but not limited to the entering into and execution of an Addendum to Contract with Pyrotechnics by Althouse/DBA Schaefer Fireworks, Inc. for the sum of \$6,360.00.

Resolution No. 78-2021

Offered by: Hayes

Seconded by: Barr

Adopted: March 8, 2021

Roll Call Vote:

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

9. Adopting the Upper Township Relocation Plan for the Primary and General Elections.

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

RESOLUTION NO. 79-2021

**RE: ADOPTING THE EMERGENCY RELOCATION PLAN FOR
THE PRIMARY AND GENERAL ELECTIONS**

WHEREAS, the Upper Township Office of Emergency Management has created an Emergency Relocation Plan in order to ensure that the Primary and General Elections are conducted unimpeded throughout the course of the day and to safeguard the rights of all qualified voters in the Township; and

WHEREAS, the Township Committee has deemed in to be in the best interest of the Township to adopt the Emergency Relocation 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 Township of Upper hereby adopts the Upper Township Relocation Plan for the Primary Election and General Elections.
3. The Township Committee expressly reserves the right to amend or revise said Emergency Relocation Plan at any time it deems it appropriate.

Resolution No. 79-2021

Offered by: Coggins

Seconded by: Hayes

Adopted: March 8, 2021

Roll Call Vote:

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

10. In support of a full interchange at Exit 20 of the Garden State Parkway, Upper Township, Cape May County, New Jersey.

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

RESOLUTION NO. 80-2021

**RE: IN SUPPORT OF A FULL INTERCHANGE AT EXIT 20 OF THE GARDEN STATE
PARKWAY, UPPER TOWNSHIP, CAPE MAY COUNTY, NEW JERSEY**

WHEREAS, Exit 20 of the Garden State Parkway, located near the very busy intersection of NJSH Route 9 and NJSH Route 50 in the Seaville section of Upper Township, Cape May County, is severely limited in that it provides only an exit for Northbound traffic and an entrance for Southbound traffic; and

WHEREAS, with the significant increase in population in Cape May County during the summer months, and with tourism being the economic lifeblood of this region, an efficient and sensible traffic management system is essential for the safety, convenience, and enjoyment of our residents and visitors; and

WHEREAS, in a 2018 survey conducted by the Upper Township Economic Development Advisory Commission, Ninety percent of participants responded in favor of Exit 20 being developed into a full interchange with access from Garden State Parkway South and access to Garden State Parkway North; and

WHEREAS, in the South Jersey Transportation Planning Organization's 2016 Regional Transportation Plan, a full interchange at Exit 20 was identified as a critical need for the safety of the region in the event of an evacuation; and

WHEREAS, as far back as 2004, the South Jersey Transportation Planning Organization's U.S. 9/Garden State Parkway Corridor Study estimated that a full interchange would divert approximately 128 Northbound and 122 Southbound vehicles from NJSH Route 9 to the Garden State Parkway during the summer Saturday peak hour in 2025, and concluded that the benefits of upgrading this interchange to accommodate all directions of access would improve regional access and mobility, reduce regional vehicle miles traveled (VMT), reduce vehicle hours traveled (VHT), reduce emergency vehicle response time, improve level of service and reduce congestion on the Roosevelt Boulevard mainline and intersections between NJSH Route 9 and the Garden State Parkway, and improve level of service and reduce congestion on the NJSH Route 9 mainline and intersections between NJSH Route 50 and Roosevelt Boulevard; and

WHEREAS, in study after study, the data has clearly established that a full interchange at Exit 20 is vital to the safety and economic well-being of Upper Township and Cape May County; 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 does hereby formally endorse and urge the New Jersey Turnpike Authority to move forward into the concept development for construction of a full interchange at Exit 20 of the Garden State Parkway in Upper Township, Cape May County, New Jersey without further delay and without further public inconvenience.
3. Certified copies of this resolution shall be forwarded to the New Jersey Turnpike Authority, the New Jersey Department of Transportation, Congressman Jeff Van Drew, Governor Philip D. Murphy, Lieutenant Governor Sheila Oliver, Senator Michael L. Testa, Jr., Assemblyman Antwan McClellan, Assemblyman Erik Simonsen, the Cape May County Board of Commissioners, the Township of Dennis, the City of Sea Isle City, and the City of Ocean City.

Resolution No. 80-2021

Offered by: Corson

Seconded by: Coggins

Adopted: March 8, 2021

Roll Call Vote:

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

Palombo	X			
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11. Authorizing the Engineer to prepare specifications and solicit bids for the Reconstruction of Beesley's Point Boat Ramp.

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

RESOLUTION NO. 81-2021

**RE: AUTHORIZING THE ENGINEER TO PREPARE SPECIFICATIONS
AND SOLICIT BIDS FOR THE RECONSTRUCTION OF
BEESLEY'S POINT BOAT RAMP**

WHEREAS, the Township Committee of the Township of Upper has determined a need to reconstruct the Beesley's Point boat ramp; and

WHEREAS, pursuant to the provisions of the Local Public Contracts Law, the Township of Upper intends to solicit bids as herein indicated;

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Engineer is hereby authorized and directed to prepare specifications, bid documents and solicit bids for the following project:

RECONSTRUCTION OF BEESLEY'S POINT BOAT RAMP

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

Resolution No. 81-2021

Offered by: Barr

Seconded by: Coggins

Adopted: March 8, 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 Item 12 under Resolutions, there was a motion by John Coggins, seconded by Edward Barr, to enter into closed session to discuss Contract negotiation-RC Cape May Holdings, LLC. Mr. Coggins included in his motion that 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 Edward Barr, to reconvene the public portion of the meeting. During roll call vote all five Committee members voted in the affirmative.

12. **A Resolution authorizing execution of a Project Development Agreement with supporting redeveloper for Block 479, Lots 76, 76.01 and 94.01.** A motion was made by John Coggins, second by Edward Barr, to table the resolution until after the closed session. During roll call vote five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 82-2021

**RE: A RESOLUTION AUTHORIZING EXECUTION OF A PROJECT DEVELOPMENT
AGREEMENT WITH SUPPORTING REDEVELOPER FOR
BLOCK 479, LOTS 76, 76.01 AND 94.01**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the “Redevelopment Law”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, in order to stimulate redevelopment, the Mayor and Township of Committee of the Township of Upper (the “Township Committee”), by Resolution 30-2021 adopted January 11, 2021, designated Block 479, Lots 76, 76.01, 94.01, 106.02, 107, 107.01, 108, and 108.01 within the Township as an “Area in Need of Redevelopment” in accordance with the Redevelopment Law (the “Redevelopment Area”); and

WHEREAS the “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”), which sets forth, inter alia, the plans for the redevelopment of the Redevelopment Area, was adopted by Ordinance #001-2021 on January 25, 2021; and

WHEREAS N.J.S.A. 40A:12A-8(f) of the Redevelopment Law authorizes the Township of Upper (the “Township”) to arrange or contract with a redeveloper for the planning, construction, and/or undertaking of any project or redevelopment work in an area designated as an “Area in Need of Redevelopment;” and

WHEREAS, RC Cape May Holdings, LLC (the “Supporting Redeveloper”) is the owner of property within the Redevelopment Area, located at Block 479, Lots 76, 76.01, and 94.01 (the “Property”); and

WHEREAS, the Supporting Redeveloper has proposed to work with the Township to locate a prospective purchaser of the Property that is mutually beneficial to both Supporting Redeveloper and the Township in exchange for the Township forgoing the use of its eminent domain power for the Property for a period of three (3) years; and

WHEREAS, the Township and Supporting Redeveloper have engaged in such negotiations and the Township Council has determined that it is in the best interests of the Township to enter into a Project Development Agreement with Supporting Redeveloper for the mutually beneficial sale of the Property to a

prospective purchaser willing to redevelop the Property in accordance with the Township's Redevelopment Plan.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Township Council of the Township of Upper, as follows:

1. The Township of Upper is hereby authorized to enter and execute a Project Development Agreement (the "Project Development Agreement") with the Supporting Redeveloper in the form attached hereto.
2. The Mayor and Township Clerk are hereby authorized to execute the attached Project Development Agreement and any other documents necessary in connection therewith, subject to the approval of the Township Administrator, Township Auditor, Township Solicitor, and Township Redevelopment Counsel.
3. This resolution shall take effect immediately.

Resolution No. 82-2021

Offered by: Coggins

Seconded by: Corson

Adopted: March 8, 2020

Roll Call Vote:

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

ORDINANCES

13. **Public hearing and final adoption of Ordinance No. 003-2021 RE: ORDINANCE AMENDING THE SECOND AND THIRD SUBSECTIONS OF SECTION 3(c) OF BOND ORDINANCE NUMBERED 010-2020 OF THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, NEW JERSEY, FINALLY ADOPTED NOVEMBER 9, 2020 IN ORDER TO AMEND THE APPROPRIATIONS AND AUTHORIZATIONS OF THE PROJECTS AND THE AVERAGE USEFUL LIFE.** During the public hearing portion there were no speakers. Motion by John Coggins, second by Edward Barr to adopt Ordinance No. 003-2021. 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. 003-2021

ORDINANCE AMENDING THE SECOND AND THIRD SUBSECTIONS OF SECTION 3(c) OF BOND ORDINANCE NUMBERED 010-2020 OF THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, NEW JERSEY, FINALLY ADOPTED NOVEMBER 9, 2020 IN ORDER TO AMEND THE APPROPRIATIONS AND AUTHORIZATIONS OF THE PROJECTS AND THE AVERAGE USEFUL LIFE

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section One. The second and third subsections of Section 3(c) of Bond Ordinance numbered 010-2020 ("Bond Ordinance #010-2020") of the Township of Upper, in the County of Cape May, New Jersey (the "Township"), finally adopted November 9, 2020 is hereby amended to amend the appropriations and authorizations of the projects to read as follows:

"(ii) Acquisition of a portable light tower with generator, including all related costs and expenses incidental thereto.	\$25,000	\$23,750	15 years
(iii) Acquisition of portable radios, including all related costs and expenses incidental thereto.	<u>\$70,000</u>	<u>\$66,500</u>	10 years"

Section Two. Section 6(b) of Bond Ordinance #010-2020 of the Township is hereby amended to amend the average useful life to read as follows:

"The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 6.905 years."

Section Three. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section Four. All other details of Bond Ordinance #010-2020 shall remain the same.

Section Five. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

14. Introduction and first reading of Ordinance No. 004-2021 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER IX OF THE CODE OF UPPER TOWNSHIP TO ESTABLISH BEACH FEES. Motion by Curtis Corson, second by Kimberly Hayes, to table Ordinance 004-2021. During roll call vote all five Committee members voted in the affirmative.

15. **Introduction and first reading of Ordinance No. 005-2021 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER IV OF THE CODE OF UPPER TOWNSHIP TO REGULATE THE TOWING AND STORAGE OF MOTOR VEHICLES BY THE TOWNSHIP.** Motion by Curtis Corson, second by John Coggins, to introduce Ordinance 005-2021 with a public hearing and final adoption scheduled for March 22, 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. 005-2021

**AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER IV OF THE
CODE OF UPPER TOWNSHIP TO REGULATE THE TOWING AND STORAGE OF MOTOR
VEHICLES BY THE TOWNSHIP**

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: Chapter IV of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, is hereby amended and supplemented to add the following Section 4-4:

4-4 TOWING AND STORAGE

4-4.1 Purpose

The purpose of this ordinance is to establish procedures and standards for the award of a contract for the towing and storage of motor vehicles by the Township.

4-4.2 Award of Contract to Towing Contractor.

The contract to provide towing, lockout and storage services to the Township of Upper must be submitted in accordance with the terms of the Towing, Storage and Lockout Services Bid Specifications and Proposal Form. The terms and quotes provided by the prospective contractor in the Bid Specifications and Proposal Form are binding, and contracts will be based upon these terms.

From all submissions that are provided to the Township in accordance with the bid specifications and proposal form, the Township of Upper will award the contract to the lowest responsible bidder who is determined to be a qualified and reputable towing, storage and lockout contractor. Lowest responsible bidder does not indicate that the Township will merely choose the bidder with the lowest price quote, but instead the bidder determined to be qualified and reputable with the lowest price quote.

4-4.3 Term of Towing Contract.

- a. Initial Contract. The initial contract between the Township and the successful bidder will be for 12 months.
- b. Renewal of Initial Contract. The Township may, at their option, renew the contract for a twenty-four-month extension, to continue at identical terms to the initial contract.

- c. Maximum Duration of Contract. The total term of the contract cannot exceed 36 months, in accordance with N.J.S.A. 40A:11-15(22). After the 36 months, the contract is ended, and a new bidding process and acceptance must occur.

4-4.4 Services Provided by the Towing Contractor.

- a. Towing. The towing contractor will be responsible, at the discretion and request of the State Police, Township Administrator or the Township Parking Enforcement Officer, for the towing of:
 - 1. Abandoned vehicles;
 - 2. Disabled vehicles;
 - 3. Illegally parked vehicles;
 - 4. Stolen vehicles;
 - 5. Vehicles involved in accidents within the Township of Upper;
 - 6. Those vehicles whose owners are suspected of being involved in criminal activity within the Township of Upper;
 - 7. Any other vehicle identified and requested by the State Police, Township Administrator or Township Parking Enforcement Officer.
- b. Storage. The towing contractor will be responsible for the storage of any vehicles towed from the Township of Upper.
- c. Lockout Services. The towing contractor will be responsible, at the discretion and request of the State Police, the Township Administrator or Township Parking Enforcement Officer, for providing a lockout service for motorist's whose vehicles are located within the Township of Upper.

4-4.5 Qualifications of the Towing Contractor.

- a. The towing contractor must be able to demonstrate, to the satisfaction of the Township:
 - 1. That they are qualified and experienced in the business of towing, storage, and lockout services;
 - 2. That they are qualified and experienced in the removal of vehicles of all types;
 - 3. That they have the required and specified facilities and storage areas;
 - 4. That they have the required and specified equipment, expertise, and licensing; and
 - 5. That they have the required and specified personnel.
- b. Each bidder must submit, with their bid, a criminal background check for each employee, either from the New Jersey State Police or another reputable provider. This criminal background check must have been conducted within one calendar year of the submission of the bid to be deemed valid for bidding purposes. Any conviction for a felony shall be a sufficient reason to disqualify any bidder, at the discretion of the Township.

Each bidder must also submit, with their bid, a copy of all current and valid driver's licenses for the operators of service equipment who are employed by the contractor and who will be directly involved in the fulfillment of the contract.

- c. The towing contractor shall submit, with their bid, a copy of their written Drug-Free Workplace Policy. This policy shall include, but is not limited to: pre-employment testing, on-going testing, employee assistance, and consequences of policy violation.
- d. The towing contractor shall submit, with their bid, the name of other municipalities and/or businesses to which they have previously and/or are currently providing contract towing, storage and lockout services.

Additionally, the towing contractor shall submit, with their bid, a list of towing, storage and lockout service contracts that they have held within the past three years that are similar in scope and nature to that offered by the Township of Upper. The Township reserves the right to use these references and/or their performance on any municipal/business towing, storage, and lockout service contracts in making its award determination.

4-4.6 Standby and Emergency Services.

- a. Equipment Necessary. The towing contractor will be required to furnish extra towing equipment and service during storms, snow emergencies, traffic emergencies, special events, disasters, any acts of God, or for any other reason so designated by the Township. During such periods, hereinafter "standby periods," the towing contractor will be required to provide adequate equipment and service, held ready to remove passenger vehicles and light trucks under 1 1/2 tons.
- b. Duration of Standby Services. Standby service will begin when Upper Township contacts the towing contractor. Standby service will end when Upper Township contacts the towing contractor to inform him of the termination.
- c. Additional Storage Locations. The Township reserves the right to, during any emergency, designate a temporary storage location on a property owned or leased by the Township. These temporary storage locations would be used to house vehicles at the direction of the Emergency Management Coordinator or his designee from the Township. Any transportation of vehicle to or from these temporary storage locations will carry with them the same charges as would transportation to the official storage facility.

4-4.7 Insurance Requirements.

- a. The contractor providing towing services must be insured by an insurance company authorized to do business in the State of New Jersey. In addition to providing the minimum insurance coverage required by N.J.A.C. 13:45A-31.3, the contractor shall provide such additional insurance as recommended by the Township Risk Management Consultant as set forth in the bid request.
- b. Insurance coverage must indemnify the Township of Upper, the general public including all elected and appointed officials, all employees and volunteers, or boards, commissions and or authorities and their board members, employees and volunteers against any loss due to injuries, accidents or damages of any kind where this damage is the result of an act or omission by the towing contractor or his agents, in or due to the fulfillment of the Towing Contract.

4-4.8 Rights of Vehicle Owners.

- a. The owner of any vehicle that is towed has the right to remove property belonging to them from the stored vehicle, unless the vehicle is marked "Police Hold" on the towing form. Any items must be removed during the scheduled release hours, or as otherwise determined by the State Police.
- b. The vehicle owner or his representative retains the right to take photographs of their stored vehicle for insurance claim purposes.
- c. All complaints arising from the towing and storage of motor vehicles shall be submitted to the Township Administrator. The Township Administrator shall review and investigate any such complaint and make a determination as to the appropriate action, if any, or otherwise resolve the complaint.

4-4.9 Compliance with Other Laws and Regulations.

The contractor shall comply with all other laws and regulations, including but not limited to N.J.S.A. 56:13-7 et seq. and N.J.A.C. 13:45A-31.1 et seq.

SECTION 2: EFFECTIVE DATE: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

SECTION 3: REPEALER: This Ordinance shall take effect immediately upon final adoption and publication as required by law.

SECTION 4: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 5: CODIFICATION: This Ordinance shall be codified in the Upper Township Code at the sections referred to above.

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 8TH DAY OF MARCH, 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 TO BE HELD EXCLUSIVELY BY ELECTRONIC MEANS, AS SET FORTH BELOW, ON THE 22ND DAY OF MARCH, 2021 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.
BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

16. **Introduction and first reading of Ordinance No. 006-2021 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER VII (TRAFFIC) OF THE CODE OF UPPER TOWNSHIP.** Motion by Curtis Corson, second by Kimberly Hayes, to introduce Ordinance 006-2021 with a public hearing and final adoption scheduled for March 22, 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. 006-2021

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER VII
(TRAFFIC) OF THE CODE OF UPPER TOWNSHIP**

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. Chapter 7A, Schedule I (entitled “No Parking”) of the Revised General

Ordinance of the Township of Upper, also known as the Code of Upper Township, shall be amended as hereinafter provided:

SCHEDULE I – NO PARKING

Add the following:

Street	Location
East Randolph Avenue	North side of East Randolph Avenue from easterly side of Commonwealth Avenue to the easterly Terminus
North Bayview Drive	North side of North Bayview Drive from westerly intersection of North Commonwealth and North Bayview Drive extending 360 feet
West Putnam Avenue	North side of West Putnam Avenue from westerly side of Commonwealth Avenue to the easterly side of Bayview Drive
West Prescott Avenue	South side of West Prescott Avenue from westerly side of Commonwealth Avenue to the easterly side of Bayview Drive
Approved Public or Private Driveway	No Parking in front of an approved public or private driveway which is defined as the linear footage of width of the approved driveway opening, plus (2') feet beyond in each direction along the sideline of the street.

SECTION 2. Chapter 7A, Schedule XVIII (entitled “Parking Area for Handicapped Persons”) of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended as hereinafter provided:

SCHEDULE XVIII – PARKING AREA FOR HANDICAPPED PERSONS

Add to include the following:

Street	Location
Commonwealth Avenue (CR-619) Approved and authorized by The Cape May County Board of Chosen Freeholders	Westerly side; beginning at a point 69 feet southwesterly of the marked crosswalk at the southerly side of Vincent Avenue across Commonwealth Avenue extending 25 feet southwesterly thereof
Putnam Avenue	Southerly side; beginning at a

point 155 feet from the
northeasterly curbline of
Commonwealth Avenue and
extending to a point 25 feet
southeasterly thereof

Commonwealth Avenue

Two perpendicular spaces at the
northern terminus of Commonwealth
Avenue at a point 18 feet from the
northeasterly terminus of Seaview
Avenue at Commonwealth Avenue and
extending 22 feet northwesterly
thereof

Remove the following:

Street	Location
Seacliff Avenue	Southerly side; beginning at a point 66 feet from the westerly curbline of Commonwealth Avenue and extending to a point 25 feet northwesterly thereof
South Bayview Drive	Westerly side; beginning at a point 52 feet southwest of the southwesterly property line of Webster Avenue and extending to a point 25 feet thereof
Prescott Drive	Southerly side of Prescott Drive a distance 44 feet from the easterly curbline of Commonwealth Avenue

SECTION 3: REPEALER: All Ordinances or parts of Ordinances which are in conflict
or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

SECTION 4: SEVERABILITY: If any section, paragraph, subdivision, subsection,
clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the
section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this
Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 5: EFFECTIVE DATE: This Ordinance shall take effect upon final adoption
and publication as required by law.

SECTION 6: CODIFICATION: This Ordinance shall be codified in the Upper

Township Code at the sections referred to above.

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 8TH DAY OF MARCH, 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 22ND DAY OF MARCH, 2021 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.
BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

17. **Introduction and first reading of Ordinance No. 007-2021 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XXIV (SOLID WASTE AND RECYCLABLES) OF THE CODE OF UPPER TOWNSHIP.** Motion by John Coggins, second by Edward Barr, to introduce Ordinance 007-2021 with a public hearing and final adoption scheduled for April 12, 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. 007-2021

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE
CHAPTER XXIV (SOLID WASTE AND RECYCLABLES) OF THE
CODE OF UPPER TOWNSHIP**

WHEREAS, the Township Committee desires to amend Chapter 24 – Solid Waste and Recyclables to reflect changes in the schedule for the collection of Tree Trimmings; and

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. Chapter 24, Section 2 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended as hereinafter provided:

Section 24-2.7 Obligations of Residential and Commercial Occupant.

Revise and replace the following in Section 24-2.7(5):

5. Tree Trimming. Residential tree trimmings shall be placed at the curb with the large ends facing the street. The pile shall be neat and arranged in such a way as to facilitate handling. Tree trimmings shall not include stumps or the trunk of a tree. No tree trimmings from either lot clearing or tree removal will be collected and the occupant must arrange for the disposal of such either personally or by contracting with a private or commercial hauler. Such materials will be collected by set schedule set forth by Township Committee. The Township may limit the amount of tree trimmings a resident may place at the curb by resolution of the Township Committee adopting such rule or regulation.

SECTION 2: EFFECTIVE DATE: This ordinance shall take effect immediately upon adoption and publication as required by law.

SECTION 3: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 4: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 5: CODIFICATION: This Ordinance shall be codified as indicated in Chapter 24 of the Upper Township Code.

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 8TH DAY OF MARCH, 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 12TH DAY OF APRIL, 2021 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.
BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

CORRESPONDENCE

NEW BUSINESS

18. **Township of Upper Repetitive Loss Area Analysis.** The Township Engineer stated that this report is part of the Community Rating System Program requirements. CRS will reward an in depth analysis and plan for mitigation with additional credits to lower the Municipality's classification rating. After a brief discussion, there was a motion by John Coggins, second by Edward Barr, to move forward with a resolution adopting the plan as recommended. During roll call vote all five Committee members voted in the affirmative. A resolution for formal action will be placed on the next agenda.

UNFINISHED BUSINESS

19. **Review of Construction Code Fees.** The CFO gave a presentation of the proposed fee changes and a survey of the fees of neighboring municipalities. After a brief discussion, there was a motion by John Coggins, second by Kimberly Hayes, to move forward with an ordinance adopting the recommended fee changes. During roll call vote all five Committee members voted in the affirmative. An Ordinance will be prepared for formal action.

DISCUSSION

PAYMENT OF BILLS

20. **“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 Curtis Corson. During roll call vote all five Committee members voted in the affirmative.

Bills approved for payment: \$581,386.89

Payroll: \$175,641.58

REPORT OF MUNICIPAL DEPARTMENTS:

- 21. **Animal Control**
- 22. **Clerk’s Office**
- 23. **Construction Code**
- 24. **Division of EMS**
- 25. **Finance Office**
- 26. **MUA Report**
- 27. **Tax Collector**
- 28. **Public Works**

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

Lisa Carr, East Webster Ave, inquired into the Ordinance introduction, public hearing, and adoption procedures.

Steve Martinelli, Tuckahoe Road, thanked the Committee for tabling the beach fee ordinance to allow for further review, and volunteered his services to serve on a committee if needed.

Cindy Petrella, New Bridge Road, expressed her disappointment that the County is not moving forward with the reconstruction of New Bridge Road this year. She stated that she has been corresponding with the County regarding this issue since 2013.

Megan Faisy, Route 9 Beesley’s Point, spoke about the proposed wind farm project and her concerns and objections to the planned project.

George Walters, Route 9 Beesley’s Point, spoke about the proposed wind farm project and his concerns and objections to the planned project.

CLOSED SESSION

29. 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. 083-2021
MOTION GOING INTO CLOSED SESSION
MARCH 8, 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 - Special Legal Counsel
- 2. Contract negotiation - KD National Force Security & Investigations, LLC
- 3. Contract negotiation - Collective Bargaining Agreement
- 4. Contract negotiation - NJDEP Block 479, Lots 70 and 72

5. Litigation – Upper Township v. Paynter
6. 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: Edward Barr

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.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 10:03 P.M., with a motion by Richard Palombo, second by John Coggins, and all five Committee members voting in the affirmative. The next regular meeting is scheduled for March 22, 2021 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

Bills

77240 03/08/21 A0025 ADVANTAGE RENTAL & SALES 335.63 3178
77241 03/08/21 A0061 ASSOC. CERT. TAX ASSESSORS CMC 660.00 3178
77242 03/08/21 A0091 ATLANTIC CITY ELECTRIC 4,946.01 3178
77243 03/08/21 A0148 ALL HOME RESORT, INC 811.20 3178
77244 03/08/21 A0175 Adams Rehmann & Haggan Assoc 240.00 3178
77245 03/08/21 A0191 ACTION UNIFORM CO. LLC 112.00 3178
77246 03/08/21 A0212 ANCERO, LLC 9,931.71 3178
77247 03/08/21 A0218 ATLANTIC CITY CYCLE CENTER LLC 459.70 3178
77248 03/08/21 B0035 BELMONT & CRYSTAL SPRINGS 33.86 3178
77249 03/08/21 B0093 BARRY, CORRADO & GRASSI, PC 1,837.50 3178
77250 03/08/21 B0201 BUCK'S ELECTRICAL SERVICE, INC 379.00 3178
77251 03/08/21 B0220 BERGEY'S TRUCK CENTERS 7,962.94 3178
77252 03/08/21 B0239 BAILEY, WILLIAM MICHAEL 791.66 3178
77253 03/08/21 B0248 BARNES LAW GROUP LLC 1,518.78 3178
77254 03/08/21 B0278 BUSINESS INFORMATION SYSTEMS 14,937.24 3178
77255 03/08/21 C0010 CMC MUNICIPAL JUDGES ASSOC 75.00 3178
77256 03/08/21 C0042 CAMPBELL SUPPLY COMPANY 1,291.63 3178
77257 03/08/21 C0046 CAPE MAY COUNTY CLERK 13.00 3178
77258 03/08/21 C0060 CAPRIONI PORTABLE TOILETS, INC 1,774.50 3178

77259 03/08/21 C0068 COMCAST 971.37 3178
77260 03/08/21 C0143 CODY'S POWER EQUIPMENT 184.21 3178
77261 03/08/21 C0223 CASA PAYROLL SERVICE 223.75 3178
77262 03/08/21 C0305 CM3 BUILDING SOLUTIONS, INC. 950.00 3178
77263 03/08/21 D0071 DLT SOLUTIONS LLC 1,139.75 3178
77264 03/08/21 D0086 DRAWING BOARD PRINTING 138.91 3178
77265 03/08/21 E0012 EHRLICH PEST CONTROL INC 104.00 3178
77266 03/08/21 E0079 EVANS III, WILLIAM 311.93 3178
77267 03/08/21 F0048 LESLIE G. FOGG INC 783.34 3178
77268 03/08/21 F0053 FORD, SCOTT & ASSOCIATES 10,000.00 3178
77269 03/08/21 G0028 GENTILINI FORD 802.42 3178
77270 03/08/21 G0086 W.W. GRAINGER, INC. 277.85 3178
77271 03/08/21 G0169 GROFF TRACTOR MID ATLANTIC LLC 2,483.16 3178
77272 03/08/21 H0062 HOPE, JOHN J. 620.00 3178
77273 03/08/21 H0073 HOME DEPOT CRC/GEFC 1,295.43 3178
77274 03/08/21 H0095 HORIZON BCBSNJ 227,783.72 3178
77275 03/08/21 K0103 KYOCERA DOCUMENT SOLUTIONS 202.26 3178
77276 03/08/21 L0016 LANDSMAN UNIFORMS, INC. 480.00 3178
77277 03/08/21 L0031 LORCO PETROLEUM SERVICES 98.75 3178
77278 03/08/21 M0081 MID-ATLANTIC WASTE SYSTEMS 62.21 3178
77279 03/08/21 M0128 MCANJ 125.00 3178
77280 03/08/21 M0235 MODERN GROUP, LTD 4,725.00 3178
77281 03/08/21 M0277 EQUITABLE FINANCIAL LIFE INS. 43.53 3178
77282 03/08/21 M0288 McCrosson Andrea 24.05 3178
77283 03/08/21 N0004 NJ-AMERICAN WATER CO. 38.52 3178
77284 03/08/21 N0043 NAPA AUTO PARTS 668.18 3178
77285 03/08/21 N0143 NATIONAL TIME SYSTEMS 397.25 3178
77286 03/08/21 O0014 ATLANTIC SALT, INC. 5,813.16 3178
77287 03/08/21 P0032 PEDRONI FUEL CO. 1,591.71 3178
77288 03/08/21 P0136 POSTNET 143.20 3178
77289 03/08/21 R0030 RIGGINS, INC. 4,808.13 3178
77290 03/08/21 R0100 ROBERTS OXYGEN COMPANY, INC. 112.35 3178
77291 03/08/21 S0018 SUBURBAN PROPANE, LP 250.32 3178
77292 03/08/21 S0020 THE HOME DEPOT PRO 467.02 3178
77293 03/08/21 S0034 SCHULER, DANIEL 150.00 3178
77294 03/08/21 S0057 SERVICE TIRE TRUCK CENTERS 750.58 3178
77295 03/08/21 S0113 SMITH, THOMAS G. 743.75 3178
77296 03/08/21 S0134 SO. JERSEY GAS COMPANY 2,393.35 3178
77297 03/08/21 S0185 STOCKTON STATE COLLEGE 5,271.39 3178
77298 03/08/21 S0196 STEWART BUSINESS SYSTEMS LLC 274.40 3178
77299 03/08/21 S0209 STAPLES ADVANTAGE 1,610.52 3178
77300 03/08/21 S0239 SHORE VET. ANIMAL CONTROL LLC 2,200.00 3178
77301 03/08/21 T0168 TOWNSHIP OF UPPER 246.70 3178
77302 03/08/21 U0067 UT HEALTH REIMB. ACCOUNT 2,149.46 3178
77303 03/08/21 V0001 VCI EMERGENCY VEHICLE 222,280.00 3178
77304 03/08/21 V0013 VERIZON WIRELESS 1,722.15 3178
77305 03/08/21 V0025 V.E. RALPH & SON, INC. 622.85 3178
77306 03/08/21 V0026 VITAL COMMUNICATIONS, INC. 100.00 3178
77307 03/08/21 W0030 WEST PUBLISHING CO. 736.40 3178
77308 03/08/21 W0092 WTH TECHNOLOGY, INC 1,206.00 3178
77309 03/08/21 Y0008 YOUNG, DANIEL J. ESQUIRE PC 22,697.50 3178
Total: \$581,386.89