

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR APRIL 26, 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 April 23, 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, Municipal Attorney Daniel J. Young and Registered Municipal Accountant Leon Costello.

APPROVAL OF MINUTES - April 12, 2021 Regular and Closed Session Minutes

Motion by Edward Barr, second by Kimberly Hayes, to approve the April 12, 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, complimented the Department of Public Works regarding the appearance of Caldwell Park. He next reported a safety concern regarding the site triangle at the intersection of Church Road and Route 9 and requested that the concern be investigated, and the appropriate county and state officials be notified. Last, he reported on recent serious allegations that have come against Ocean City High School for the alleged failure of the school to protect students from bullying, harassment, and assault. He made a motion, second by Kimberly Hayes, to send a letter from the Township Committee to the Ocean City Board of Education requesting a full investigation of the allegations. During roll call vote all five Committee members voted in the affirmative.

Kimberly Hayes, Committeewoman, reported that there are a few ongoing issues with several tennis courts in the Township, and she is working with the Administrator and Public Works on addressing the

issues. She next reported that the Upper Township Business Association will be holding a free shredding event on Saturday May 1st at Foglios Flooring Center from 9:00 am to 12:00 pm.

Curtis Corson, Committeeman, commended Scott Fancher, Matt Steinthal, Melissa Blackledge, and John Carter of the Upper Township Division of EMS for going above and beyond during two recent calls.

OTHER REPORTS

Scott Morgan, Township Administrator, gave a brief update on the latest information from the CMC Health Department regarding Covid-19. He next gave a brief update on the Governor's new executive order regarding increased capacity limits for indoor and outdoor events beginning May 10, 2021.

Barbara Young, Township Clerk, reported that the Township will be holding a virtual National Day of Prayer ceremony on Thursday May 6th at 10:00 am. Information on how to attend is available on the Upper Township website.

Daniel Young, Township Attorney, reported that the Township has received an invitation from the federal Bureau of Ocean Energy Management to become a consulting party regarding the proposed Ocean Wind Offshore Wind Farm Construction. It is his recommendation that the Township become a consulting party and appoint a subcommittee to attend the meetings and protect and address the Township's interests in between Committee meetings. After a brief discussion, there was a motion by Richard Palombo, second by Kimberly Hayes, to become a consulting party to the Bureau of Ocean Energy Management's review of the proposed Ocean Wind Offshore Wind Farm, to appoint John Coggins and Kimberly Hayes as the members of the Bureau of Ocean Energy Management consulting party subcommittee, and confirm that the current members of the subcommittee regarding the redevelopment of the former BL England property remain as John Coggins and Richard Palombo. During roll call vote all five Committee members voted in the affirmative.

Paul Dietrich, Township Engineer, reported that the work at Beesley's Point Park is coming along, however there are a few issues regarding quantities in the original contract, and he will be working with the CFO to prepare a contract amendment for additional quantities for work and materials. He next reported that there will be a small area in Petersburg that will be sprayed for gypsy moths in the coming weeks.

2021 BUDGET

1. **Public hearing and final adoption of Ordinance No. 008-2021 RE: CALENDAR YEAR 2021 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14).** During the public hearing portion there were no speakers. Motion by John Coggins, second by Richard Palombo, to adopt Ordinance No. 008-2021. During roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER
CALENDAR YEAR 2021
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

ORDINANCE NO. 008-2021

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to **2.5%**

unless authorized by ordinance to increase it to **3.5%** over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the **3.5%** percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Upper in the County of Cape May finds it advisable and necessary to increase its CY 2021 budget by up to **3.5%** over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee of the Township of Upper hereby determines that a **1.0 %** increase in the budget for said year, amounting to **\$120,301.44** in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Committee of the Township of Upper hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Upper, in the County of Cape May a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Township of Upper shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by **3.5 %**, amounting to \$ **\$421,055.04** and that the CY 2021 municipal budget for the Township of Upper be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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 22ND DAY OF MARCH, 2021 AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD EXCLUSIVELY BY ELECTRONIC MEANS, ON THE 26TH DAY OF APRIL, 2021 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK

2. Authorizing the reading of the 2021 Annual Municipal Budget by title only.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 120-2021

**RE: AUTHORIZING THE READING OF THE 2021
ANNUAL MUNICIPAL BUDGET BY TITLE ONLY**

WHEREAS, N.J.S.A. 40:A4-8 authorizes the reading of the budget by title only at the public hearing thereon, provided certain requirements are met; and

WHEREAS, the Township Committee of the Township of Upper is satisfied that such conditions have been satisfied.

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 majority of the full membership concurring, as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper finds and determines that:

A. At least one (1) week prior to the date of this hearing, a complete copy of the approved budget, as advertised, was posted on the Upper Township Website and in the Township Hall, the principal municipal building of the municipality, and was made available to each person requesting the same during the week immediately preceding the public hearing and is available to each person requesting a copy during the public hearing, as required by N.J.S.A. 40A:4-8.

B. The Township Committee of the Township of Upper hereby determines and declares that the conditions set forth in subsection 1.a and 1.b of N.J.S.A. 40A:4-8 have been met.

C. The Township Committee of the Township of Upper hereby determines that the 2021 Municipal Budget of the Township of Upper shall be read by its title only at the public hearing to be conducted thereon.

Resolution No. 120-2021

Offered by: Coggins

Seconded by: Corson

Adopted: April 26, 2021

Roll Call Vote:

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

3. 2021 Budget - Public Hearing.

During the public hearing portion there were no speakers. Motion by John Coggins, second by Edward Barr, to close the public hearing portion of the Budget. During roll call vote all five Committee members voted in the affirmative.

4. 2021 Budget Adoption.

The Township's Registered Municipal Accountant Leon Costello reported that the State of New Jersey has not yet promulgated rules for the federal stimulus aid that counties and local governments will receive, nor have they given guidance on how to insert said federal stimulus funds into the budget. He stated that it is his recommendation that the adoption of the budget be tabled to the May 10, 2021 Committee meeting. There was then a motion by John Coggins, second by Edward Barr, to table adoption of the 2021 Budget to May 10, 2021. During roll call vote all five Committee members voted in the affirmative.

RESOLUTIONS

5. Appointing the 2021 Season Beach Patrol Personnel.

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

RESOLUTION NO. 121-2021

RE: APPOINTING THE 2021 SEASON BEACH PATROL PERSONNEL

WHEREAS, the individual hereinafter named have been determined to possess the requisite skills, training and is otherwise eligible for appointment to the position of lifeguard; 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 following individual is appointed as lifeguard in the Township of Upper contingent upon successful pre-employment testing at a salary as stated below in accordance with the Salary Ordinance:

CAPTAIN

William Handley

\$29.50 per hour

Resolution No. 121-2021

Offered by: Coggins

Seconded by: Barr

Adopted: April 26, 2021

Roll Call Vote:

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

6. Appointing Jessica Wriggins as a part-time employee to the Upper Township Division of Emergency Medical Services.

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

RESOLUTION NO. 122-2021

**RE: APPOINTING JESSICA WRIGGINS AS A PART-TIME EMPLOYEE TO THE
UPPER TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES**

WHEREAS, a need exists to appoint qualified personnel as part-time employee to the Upper Township Division of Emergency Medical Services to ensure optimal operation; and

WHEREAS, Jessica Wriggins possesses all the requisite qualifications for appointment to said position; and

WHEREAS, the individual's appointment is conditioned upon successful completion of pre-employment testing; 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. Jessica Wriggins is hereby conditionally appointed, pending successful completion of pre-employment testing to the Division of Emergency Medical Services as a part-time Emergency Medical Technician at a rate of \$17.00 per hour, in accordance with the Salary Ordinance.
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. 122-2021

Offered by: Corson

Seconded by: Coggins

Adopted: April 26, 2021

Roll Call Vote:

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

7. **Authorizing a contract with CASA Payroll Services of Egg Harbor Township, New Jersey for payroll services.**

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

RESOLUTION NO. 123-2021

**RE: AUTHORIZING A CONTRACT WITH CASA PAYROLL SERVICES OF EGG
HARBOR TOWNSHIP, NEW JERSEY FOR PAYROLL SERVICES**

WHEREAS, CASA Payroll Services (“CASA”) has submitted a proposal to the Township for payroll services; and

WHEREAS, N.J.A.C. 5:30-17.3 et seq. provides for electronic disbursement controls for payroll purposes and applies to entities which execute disbursements from and/or take possession of municipal bank accounts or funds; and

WHEREAS, the proposal of CASA does not permit CASA to execute disbursements from the Township’s bank account or give CASA possession of Township funds and as such N.J.A.C. 5:30-17.3 et seq. does not apply; and

WHEREAS, the Township wishes to accept said proposal and to authorize a contract with CASA; and

WHEREAS, the proposal 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, CASA has completed and submitted a Business Entity Disclosure Certification which certifies that CASA 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 CASA 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 CASA attached hereto as Exhibit “A”, to provide payroll service within the Township of Upper commencing immediately.
3. CASA has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.

4. 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. 123-2021

Offered by: Coggins

Seconded by: Hayes

Adopted: April 26, 2021

Roll Call Vote:

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

8. Authorizing a contract with CASA Reporting Services of Egg Harbor Township, New Jersey for Affordable Care Act reporting services.

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

RESOLUTION NO. 124-2021

**RE: AUTHORIZING A CONTRACT WITH CASA REPORTING SERVICES
OF EGG HARBOR TOWNSHIP, NEW JERSEY FOR AFFORDABLE CARE
ACT REPORTING SERVICES**

WHEREAS, the Affordable Care Act requires employers with 50 or more full-time employees to file annual information returns with the IRS and furnish statements to employees on healthcare plan coverage information; and

WHEREAS, CASA Reporting Services, LLC (“CRS”) has submitted a proposal to the Township for Affordable Care Act reporting services; and

WHEREAS, the Township wishes to accept said proposal and to authorize a contract with CRS; and

WHEREAS, the proposal 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, CRS has completed and submitted a Business Entity Disclosure Certification which certifies that CRS 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 CRS 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 CRS attached hereto as Exhibit “A”, to provide Affordable Care Act reporting services within the Township of Upper.
3. CRS has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.
4. 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. 124-2021

Offered by: Barr

Seconded by: Coggins

Adopted: April 26, 2021

Roll Call Vote:

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

9. **Authorizing the execution of a contract with Adams, Rehmann & Heggan Associates, Inc. for the maintenance of the official tax map.**

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

RESOLUTION NO. 125-2021

**RE: AUTHORIZING THE EXECUTION OF A CONTRACT WITH
ADAMS, REHMANN & HEGGAN ASSOCIATES, INC. FOR THE
MAINTENANCE OF THE OFFICIAL TAX MAP**

WHEREAS, the Township requires a professional land surveyor for the maintenance of the official tax map; and

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

WHEREAS, the Township has decided to acquire the services of Adams, Rehmann & Heggan Associates, Inc. as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Adams, Rehmann & Heggan Associates, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Adams, Rehmann & Heggan Associates, Inc. has not made any reportable contributions to a political or candidate committee in the Township that would bar the award of the contract and that the contract will prohibit Adams, Rehmann & Heggan Associates, Inc. from making any reportable contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized directed and empowered to execute a contract with Adams, Rehmann & Heggan Associates, Inc., of 215 Bellevue Avenue, Hammonton, New Jersey 08037, for professional land surveying services for the maintenance of the official tax map of Upper Township.
3. The Contract is awarded 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 Adams, Rehmann & Heggan Associates, Inc., has professional knowledge as to land surveying issues which knowledge is particularly valuable to the Township Committee.
4. The contract shall have a term of one (1) year from full execution.
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 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. Adams, Rehmann & Heggan Associates, Inc. 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. A notice of the contract award shall be published in the official newspaper of the Township of Upper.

8. This Resolution shall be effective as of adoption.

Resolution No. 125-2021

Offered by: Coggins

Seconded by: Corson

Adopted: April 26, 2021

Roll Call Vote:

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

10. Authorizing a contract with W. Michael Bailey for public safety communications services.

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

RESOLUTION NO. 126-2021

**RE: AUTHORIZING A CONTRACT WITH W. MICHAEL BAILEY
FOR PUBLIC SAFETY COMMUNICATIONS SERVICES**

WHEREAS, there is a need by the Township of Upper to appoint an independent contractor to perform Public Safety Communications Services on an as needed basis; and

WHEREAS, W. Michael Bailey possesses the requisite skills to fill this position; and

WHEREAS, a Resolution is required authorizing the award of a contract for Public Safety Communications Services to W. Michael Bailey; and

WHEREAS, the proposed contract has been reviewed and approved by the Municipal Attorney and will be on record in the office of the Township Clerk and available for public inspection and is attached hereto as Exhibit "A"; and

WHEREAS, W. Michael Bailey, as an independent contractor, has completed and submitted a Form W-9 to the Township of Upper; and

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with W. Michael Bailey for Public Safety Communications Services as needed.
3. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the official budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.
4. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 126-2021

Offered by: Corson

Seconded by: Barr

Adopted: April 26, 2021

Roll Call Vote:

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

11. Authorizing the Mayor and Township Clerk to sign a contract with Ancero, LLC for professional information technology services.

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

RESOLUTION NO. 127-2021

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN
A CONTRACT WITH ANCERO, LLC FOR PROFESSIONAL
INFORMATION TECHNOLOGY SERVICES**

WHEREAS, the Township of Upper has a need for professional Information Technology services; and

WHEREAS, Ancero, LLC has submitted a proposal to the Township to provide said services; and

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

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with Ancero, LLC with offices at 1001 Briggs Road, Suite 220, Mt. Laurel, New Jersey, to provide professional Information Technology services.
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 Ancero, LLC has professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5

NOTICE OF CONTRACT AWARD

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

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

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

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

9. This Resolution shall be effective as of adoption.

Resolution No. 127-2021

Offered by: Coggins

Seconded by: Barr

Adopted: April 26, 2021

Roll Call Vote:

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

12. Tax refunds - Homestead Benefits.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 128-2021

TAX REFUNDS HOMESTEAD BENEFITS

WHEREAS, certain corrections have been recommended by the
Upper Township Tax Collector in order to refund monies; and

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

Resolution No. 128-2021

Offered by: Coggins

Seconded by: Corson

Adopted: April 26, 2021

Roll Call Vote:

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

REFUND 2021

BLOCK/LOT	AMOUNT	NAME
414.01/36	\$ 390.18	Frank & Diane Bixler 19 S. Sunset Dr. Petersburg, NJ 08270
451/25	\$ 444.74	William & Lillian Royle 990 Rt. 50 Woodbine, NJ 08270
566/54	\$ 562.41	Richard & Cheryl Ann Jorgenson 1578 Rt US 9 So. Ocean View, NJ 08230
675/9	\$ 191.87	Thomas Capito 25 E. Maple Shade La. Beesleys Pt., NJ 08223
687/25.08	\$ 455.64	Leroy Zehner & Lindsey De Vido 1 Staples Ct. Beesleys Pt., NJ 08223

The above refunds are for the 2017 Homestead Benefit which is sent by the State of New Jersey to be applied to the 2021 May tax quarter. The above properties are tax exempt for the year 2021 as a result of a 100% totally disabled veteran status.

13. Revised 2021 Temporary Budget.

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

RESOLUTION NO. 129-2021

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	\$29,000.00
	Mayor and Committee O/E	\$ 2,000.00	4,000.00
	DCRP-Twp Committee	\$ 2,500.00	4,000.00
	Cape Mediation	\$ 2,800.00	
	Cape Assist EAP	\$ 1,155.00	
MUNICIPAL CLERK			
	Salary and Wages	\$ 65,200.00	93,000.00
OTHER EXPENSES			
	Miscellaneous O/E	\$ 7,500.00	15,000.00
FINANCIAL ADMINISTRATION			
	Salaries & Wages	\$ 80,700.00	95,600.00
	Miscellaneous O/E	\$ 2,500.00	6,000.00
	Computer	\$ 38,000.00	80,000.00
	Hardware/Software		
	Annual Audit	\$ 20,000.00	30,000.00
ASSESSMENT OF TAXES			
	Salaries & Wages	\$ 36,900.00	53,000.00
	Miscellaneous O/E	\$ 3,000.00	5,000.00
COLLECTION OF TAXES			
	Salaries & Wages	\$ 34,200.00	49,000.00
	Miscellaneous O/E	\$ 1,000.00	3,500.00
	Purchase TTL	\$ 0	
LEGAL SERVICES AND COSTS			
	Other Expenses	\$ 40,000.00	90,000.00
MUNICIPAL COURT			
	Salaries & Wages	\$ 40,000.00	80,000.00
	Miscellaneous O/E	\$ 8,000.00	10,000.00
PUBLIC DEFENDER			
	Salaries & Wages	\$ 8,060.00	12,200.00
MUNICIPAL PROSECUTOR			
	Salaries & Wages	\$ 12,500.00	18,100.00
ENGINEERING SERVICES & COSTS			
	Salaries & Wages	\$ 29,900.00	44,300.00
	Other Expenses	\$ 5,000.00	12,000.00
PUBLIC BUILDINGS & GROUNDS			
	Salaries & Wages	\$ 188,300.00	261,000.00
	Other Expenses	\$ 80,000.00	150,000.00
PLANNING BOARD			
	Salaries & Wages	\$ 11,800.00	16,800.00
	Other Expenses	\$ 2,000.00	10,000.00
BOARD OF ADJUSTMENT			
	Salaries & Wages	\$ 11,800.00	16,800.00
	Other Expenses	\$ 2,000.00	8,000.00
CONSTRUCTION CODE			
	Salaries & Wages	\$ 57,500.00	80,400.00
	Other Expenses	\$ 1,000.00	3,500.00

INSURANCE			
	Group Insurance for Employees	\$ 669,000.00	1,569,000.00
	Other Insurance Premiums	\$ 65,000.00	100,000.00
	Workers Compensation	\$ 163,000.00	170,000.00
SCHOOL TRAFFIC GUARD			
	Salaries & Wages	\$ 3,000.00	4,500.00
	Miscellaneous O/E	\$ 200.00	500.00
BEACH PATROL			
	Salaries & Wages	\$ 1,000.00	2,000.00
	Other Expenses	\$ 1,000.00	5,000.00
EMERGENCY MANAGEMENT/RTK			
	Salaries & Wages	\$ 6,500.00	10,000.00
	Miscellaneous O/E	\$ 10,000.00	40,000.00
ROAD REPAIRS & MAINTENANCE			
	Salaries & Wages	\$ 205,000.00	290,000.00
	Miscellaneous O/E	\$ 40,000.00	115,000.00
SURFACING OF ROADS CONTRACTUAL		\$ 0.00	
STREET LIGHTING		\$ 90,000.00	150,000.00
GARBAGE & TRASH REMOVAL			
	Salaries & Wages	\$ 114,200.00	156,000.00
	Miscellaneous O/E	\$ 18,000.00	50,000.00
	Tipping Fees	\$ 110,000.00	180,000.00
BOARD OF HEALTH			
	Salaries & Wages	\$ 150.00	300.00
	Miscellaneous O/E	\$ 100.00	
DOG REGULATION			
	Miscellaneous O/E	\$ 26,300.00	58,000.00
PUBLIC INFORMATION			
	Miscellaneous O/E	\$ 200.00	0.00
ZONING/CODE OFFICIAL			
	Salaries & Wages	\$ 4,100.00	5,900.00
	Miscellaneous O/E	\$ 100.00	
SPORTS & RECREATION			
	Salaries & Wages	\$ 13,800.00	19,800.00
	Miscellaneous O/E	\$ 10,000.00	30,000.00
FIRST AID ORGANIZATION			
	Salaries & Wages	\$ 191,000.00	285,000.00
	Miscellaneous O/E	\$ 18,000.00	45,000.00
RECYCLING			
	Salaries & Wages	\$ 90,000.00	143,000.00
	Miscellaneous O/E	\$ 18,000.00	60,000.00
AFFORDABLE HOUSING			
	Salaries & Wages	\$ 675.00	975.00
	Miscellaneous O/E	\$ 100.00	
COMMUNITY CENTER			
	Miscellaneous O/E	\$ 8,000.00	25,000.00
CELEBRATION OF PUBLIC EVENTS		\$ 2,000.00	10,000.00
SOCIAL SECURITY SYSTEM		\$ 100,000.00	134,000.00
SPECIAL LITIGATION		\$ 40,000.00	100,000.00

SUI CONTRIBUTION	\$ 1,800.00	2,500.00
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. 129-2021

Offered by: Coggins

Seconded by: Barr

Adopted: April 26, 2021

Roll Call Vote:

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

- 14. Authorizing the purchase of certain items through the Sourcewell National Cooperative contract with funds from the 2020 Capital Improvement Bond Ordinance in the amount of \$100,003.72.**

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

RESOLUTION NO. 130-2021

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS THROUGH THE
SOURCEWELL NATIONAL COOPERATIVE CONTRACT WITH FUNDS FROM THE 2020
CAPITAL IMPROVEMENT BOND ORDINANCE IN THE AMOUNT OF \$100,003.72**

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

WHEREAS, the Township Committee has determined that a purchase from the national cooperative contract will result in cost savings after all factors have been considered; and

WHEREAS, N.J.S.A. 52:34-6.2 allows the Township of Upper to utilize national cooperative contracts as a method of procurement; and

WHEREAS, the Township Committee adopted the 2020 Capital Improvement Bond Ordinance 010-2020 on November 9, 2020 and subsequently amended on March 8, 2021; and

WHEREAS, the Township of Upper intends to purchase a Toro Groundskeeper 5900 in the amount of \$100,003.72 from Turf Equipment and Supply Co., Inc. of Jessup, Maryland through

Sourcewell National Cooperative Contract No. 062117-TTC as herein indicated; and

WHEREAS, Turf Equipment and Supply Co., Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Turf Equipment and Supply Co., 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 Turf Equipment and Supply Co., 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 from the 2020 Capital Improvement Bond; and

WHEREAS, the Chief Financial Officer has confirmed that the Township has complied with N.J.S.A. 52:34-6.2 as well as all other legal requirements for this method of procurement.

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 Turf Equipment and Supply Co., Inc. for the purchase of a Toro Groundsmaster 5900 in the amount of \$100,003.72 from the 2020 Capital Improvement Bond through Sourcewell National Cooperative Contract No. 062117-TTC.
3. 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. 130-2021

Offered By: Coggins

Seconded By: Hayes

Adopted: April 26, 2021

Roll Call Vote:

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

15. Accepting the annual stormwater report and certification and authorizing the Township Engineer to electronically sign and submit it to the NJDEP pursuant to stormwater rules.

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

RESOLUTION NO. 131-2021

**ACCEPTING THE ANNUAL STORMWATER REPORT AND CERTIFICATION, AND
AUTHORIZING THE TOWNSHIP ENGINEER TO ELECTRONICALLY SIGN AND
SUBMIT IT TO THE NJDEP PURSUANT TO STORMWATER RULES**

WHEREAS, the State of New Jersey on January 5, 2004 adopted stormwater rules which impact municipalities; and

WHEREAS, under the aforesaid stormwater rules, municipalities are required to apply for permits and provide reports and certifications to the NJDEP; and

WHEREAS, the Township Committee of the Township of Upper has determined that the Township should prepare appropriate reports pursuant to the stormwater rules; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee hereby accepts the Stormwater Annual Report.
3. The Township Engineer is hereby authorized to execute said Report and Certification electronically pursuant to the stormwater rules of the State of New Jersey, which Report and Certification are attached hereto as Exhibit A.
4. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 131-2021

Offered by: Coggins

Seconded by: Corson

Adopted: April 26, 2021

Roll Call Vote:

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

ORDINANCES

16. **Public hearing and final adoption of Ordinance No. 009-2021 RE: AN ORDINANCE AUTHORIZING SALE OF LANDS, TO WIT BLOCK 414, LOT 39.12.** During the public hearing portion there were no speakers. Motion by John Coggins, second by Curtis Corso to adopt Ordinance No. 009-2021. 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. 009-2021

**RE: AN ORDINANCE AUTHORIZING SALE OF LANDS,
TO WIT BLOCK 414, LOT 39.12**

WHEREAS, the Township of Upper is the owner, in fee, of a certain parcel of vacant ground located within the Township of Upper, County of Cape May, and State of New Jersey, set forth on the municipal tax map as Block 414, Lot 39.12; and

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

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

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

SECTION 1: The Township of Upper is hereby authorized to sell the real property commonly known as follows:

Block 414, Lot 39.12

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

Block 414, Lot 39.12

Minimum Bid: \$3,000.00

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

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

SECTION 4: Stephen G. Schaffer shall pay the following sum to the Township Clerk prior to the adoption of this Ordinance: \$500.00. This payment will be used by the Township and defray Township expenses involved in Authorizing the Sale and terms thereof; Engineer's review; Attorney's review; legal advertising, certified mail notices, title review expenses, closing costs and other expenses. If the parcel is not sold, this amount will be retained by the Township as **LIQUIDATED DAMAGES** and will be used to pay for the review of the title report and other documents. If the highest bidder at the auction sale is not the original applicant, the highest bidder will be required to pay, in addition to the purchase price and other expenses, an additional sum of \$500.00, representing pre-sale amounts paid by the original applicant requesting the sale and the original applicant (who is not the highest bidder) will then be entitled to a refund of all sums paid (\$500.00) except for the non-refundable application fee (\$50.00).

SECTION 5: The aforesaid parcel of real property shall be offered for sale at an auction to be conducted by the Township Clerk at a date and time to be set by the Township Clerk after the appropriate notice of sale has been sent to contiguous owners of the subject real property. Said notice shall be sent certified and regular mail to the owners of contiguous property at the address set forth on the tax assessor's records. Said notice shall be sent no greater than 30 days prior to the date of sale and

no less than 14 days prior to the date of sale. At any time, the Township Clerk may adjourn said sale and renotice in accordance with the provisions of this Ordinance and N.J.S.A. 40A:12-13.

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

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

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

SECTION 9: A sum equal to ten percent (10%) of the highest bid for said parcel or parcels shall be paid to the Township of Upper by the highest bidder or bidders at the time of the sale. The remaining balance of ninety percent (90%) of the highest bid for the parcel or parcels shall be paid to the Township of Upper, and must be received by the Township Clerk, not later than thirty (30) days after the date of the sale. In addition to the deposit of ten percent (10%), the highest bidder or bidders shall also be required to pay or tender at the time of sale the following:

IF THE BIDDER IS THE ORIGINAL APPLICANT:

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

IF THE BIDDER IS NOT THE ORIGINAL APPLICANT:

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

- (ii) The sum of \$70.00 for recording the Deed.

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

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

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

- (A) Township Hall, Petersburg, New Jersey; or
- (B) Office of the Township Solicitor; or
- (C) At the office of a title insurance company or title abstract company located within Cape May County.

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

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

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

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

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

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

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

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

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

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 22ND DAY OF MARCH, 2021 AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD EXCLUSIVELY BY ELECTRONIC MEANS, ON THE 26TH DAY OF APRIL, 2021 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK

CORRESPONDENCE

NEW BUSINESS

UNFINISHED BUSINESS

17. **Anthony Jackson request for speed hump on Stagecoach Road in the vicinity of 1526 Stagecoach Road.** The Township engineer reported that data collected from a recent speed study of the area reported that the average speed was 34.69mph, and the high speed was 54mph. There were 118 vehicles that exceeded 45mph out of the 3,450 vehicles during this period or 3.4%. He stated that based on this study, speed humps are not warranted and recommend that the information be sent over to the NJ State Police so that they can utilize the data to help determine best times for enforcement in that area. After a lengthy discussion, the engineer was directed to send the study data to the State Police and request an increase in patrols and obtain price quotes and information regarding solar powered speed signs. The matter will be relisted under unfinished business on a future agenda.

DISCUSSION

PAYMENT OF BILLS

18. **"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: \$482,017.92

Payroll: \$171,943.40

REPORT OF MUNICIPAL DEPARTMENTS:

19. MUA Report

Motion by Richard Palombo, second by John Coggins, to accept the report as submitted. During roll call vote all five Committee members voted in the affirmative.

PUBLIC COMMENT

Suzanne Adams, St. Andrews Place, requested assistance with drivers speeding along St. Andrews Place and Route 9 in Beesley's Point. She also reported that there are shrubs hindering the sight triangle at the corner of Randolph and Route 9.

Kate Thompson, St. Andrews Place, also spoke about drivers speeding along Route 9 in Beesley's Point.

Jennifer Kilroy, St. Andrews Place, also spoke about drivers speeding along Route 9 in Beesley's Point. The Township Engineer was directed to perform a speed study of the area and bring the results back to the Committee for the first meeting in June.

David Cummings, Commonwealth Avenue, inquired into the status of the parking enforcement officer and the towing ordinance. It was stated that the Township has contracted with a KD National Force Security for parking enforcement. The Towing Ordinance was adopted and bid specifications are being prepared. It was stated that the Township is coordinating a non-emergency number with the Ocean City for residents to report parking issues and have held several operational meetings with KD National Force Security.

Linda Bateman, Tecumseh Avenue, thanked the Committee for their stance on anti-bullying and willingness to send a letter to the Ocean City Board of Education to call for an investigation of the allegations. She also spoke about the investigation of harassment allegations against the Ocean City Beach Patrol and inquired if there are measures in place to protect the members of the Upper Township Beach Patrol. It was stated that the Township has a very specific detailed personnel policy and procedures regarding any type of harassment, and any allegations of such can be reported to a Supervisor, the Personnel Office, or the Township Solicitor. Ms. Bateman next spoke about the overcrowding and plans for expansion at the Deauville.

Jeffrey King, Eatontown, NJ, spoke regarding cannabis access for medical reasons.

Hugh Giordano, Blackwood, NJ, on behalf of the United Food and Commercial Workers Union, spoke in favor of adult use of cannabis and cannabis businesses.

Marina Redmond, Parlin, NJ, spoke in favor of medical marijuana.

Edward Grimes, East Hanover, NJ, spoke in favor of medical marijuana.

CLOSED SESSION

20. 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. 132-2021
MOTION GOING INTO CLOSED SESSION
APRIL 26, 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 – Appraisal Services
2. Contract negotiation – Health Benefits
3. Litigation – Upper Township vs. Paynter
4. 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 10:24 P.M., with a motion by John Coggins, second by Kimberly Hayes, and all five Committee members voting in the affirmative. The next regular meeting is scheduled for May 10, 2021 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

Bill List

77476 04/26/21 A0091 ATLANTIC CITY ELECTRIC 5,500.35 3184
77477 04/26/21 A0177 ALADTEC, INC 2,286.00 3184
77478 04/26/21 A0191 ACTION UNIFORM CO. LLC 327.00 3184
77479 04/26/21 A0212 ANCERO, LLC 600.00 3184
77480 04/26/21 B0035 BELMONT & CRYSTAL SPRINGS 34.91 3184
77481 04/26/21 B0093 BARRY,CORRADO & GRASSI,PC 9,341.85 3184
77482 04/26/21 B0220 BERGEY'S TRUCK CENTERS 146.90 3184
77483 04/26/21 B0239 BAILEY, WILLIAM MICHAEL 791.66 3184
77484 04/26/21 B0248 BARNES LAW GROUP LLC 1,665.00 3184
77485 04/26/21 C0048 CAPE MAY COUNTY MUA 44,323.30 3184
77486 04/26/21 C0068 COMCAST 1,254.83 3184
77487 04/26/21 C0223 CASA PAYROLL SERVICE 222.25 3184

77488 04/26/21 C0247 CMRS-FP 2,000.00 3184
77489 04/26/21 C0279 CASA REPORTING SERVICES LLC 351.60 3184
77490 04/26/21 C0296 COMCAST BUSINESS COMMUNICATION 1,386.86 3184
77491 04/26/21 C0305 CM3 BUILDING SOLUTIONS, INC. 312.50 3184
77492 04/26/21 C0307 CNS ACQUISITION CORPORATION 835.00 3184
77493 04/26/21 C0325 CHURCH'S GARDEN CENTER & FARMS 2,340.00 3184
77494 04/26/21 D0016 DALEYS PIT 95.00 3184
77495 04/26/21 D0040 DELTA DENTAL OF N.J. INC. 6,210.66 3184
77496 04/26/21 D0183 DRAIN DOCTOR SEWER & DRAIN SVC 320.00 3184
77497 04/26/21 G0002 GAGLIONE, WANDA 150.00 3184
77498 04/26/21 G0009 GAPVAX, INC. 442.48 3184
77499 04/26/21 G0028 GENTILINI FORD 710.56 3184
77500 04/26/21 G0147 GREATAMERICA FINANCIAL SVCS. 170.00 3184
77501 04/26/21 G0169 GROFF TRACTOR MID ATLANTIC LLC 3,688.24 3184
77502 04/26/21 G0182 GOLDENBERG, MACKLER & SAYEGH 326.32 3184
77503 04/26/21 H0073 HOME DEPOT CRC/GECE 83.60 3184
77504 04/26/21 H0095 HORIZON BCBSNJ 225,973.17 3184
77505 04/26/21 H0189 HERITAGE BUSINESS SYSTEMS, INC 41.40 3184
77506 04/26/21 K0100 KEEN COMPRESSED GAS CO. 256.00 3184
77507 04/26/21 L0031 LORCO PETROLEUM SERVICES 46.00 3184
77508 04/26/21 L0116 LEA, ANTHONY 445.82 3184
77509 04/26/21 M0277 EQUITABLE FINANCIAL LIFE INS. 359.47 3184
77510 04/26/21 O0006 SJSHORE MARKETING, LLC 147.83 3184
77511 04/26/21 P0032 PEDRONI FUEL CO. 1,208.62 3184
77512 04/26/21 P0170 PEACH COUNTRY MULCH 1,850.00 3184
77513 04/26/21 P0184 PENDERGAST SAFETY EQUIPMENT CO 90.00 3184
77514 04/26/21 P0201 PUBLIC SAFETY TRAINING OF SJ 800.00 3184
77515 04/26/21 Q0008 QUILL CORPORATION 119.99 3184
77516 04/26/21 R0030 RIGGINS, INC. 1,014.55 3184
77517 04/26/21 R0092 RUTGERS, THE STATE UNIVERSITY 236.00 3184
77518 04/26/21 R0100 ROBERTS OXYGEN COMPANY, INC. 285.15 3184
77519 04/26/21 S0001 SAM'S CLUB 18.98 3184
77520 04/26/21 S0056 SEASHORE ASPHALT CORPORATION 53.75 3184
77521 04/26/21 S0072 SEGIN, STEWART S. 181.86 3184
77522 04/26/21 S0134 SO. JERSEY GAS COMPANY 3,018.51 3184
77523 04/26/21 S0161 SPICA STEEL, INC./J.D.L.GARAGE 634.63 3184
77524 04/26/21 S0249 BSN SPORTS 364.87 3184
77525 04/26/21 S0270 HOFFMAN SERVICES, INC 375.00 3184
77526 04/26/21 S0362 FRED M. SCHIAVONE CONSTRUCTION 157,085.11 3184
77527 04/26/21 U0043 ULINE, INC. 80.99 3184
77528 04/26/21 V0013 VERIZON WIRELESS 532.76 3184
77529 04/26/21 V0052 VIKING TERMITE & PEST CONTROL 175.00 3184
77530 04/26/21 W0087 W.B. MASON EGG HARBOR 484.64 3184
77531 04/26/21 X0008 XEROX FINANCIAL SERVICES 220.95 3184
Total: \$482,017.92