

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR MAY 10, 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 May 7, 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	Absent
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 J. Young.

APPROVAL OF MINUTES – April 26, 2021 Regular and Closed Session Minutes

Motion by John Coggins, second by Curtis Corson, to approve the April 26, 2021 Regular Meeting and Closed Session Minutes as submitted. During roll call vote all four Committee members present voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Kimberly Hayes, Committeewoman, gave a brief report regarding the playground in Strathmere. She stated that Public Works has fixed the broken pipe, and the mulch has been replaced. More improvements to the area will be coming.

Curtis Corson, Committeeman, reported that the Department of Public Works has begun to paint the curbs for the no parking areas in Strathmere pursuant to the recently adopted Ordinance.

Richard Palombo, Mayor, reported that a Memorial Day Service will be held on May 31st at 10:00 am at the William Godfrey Memorial Park in Osprey Point. He next reported that due to the positive progress with Covid-19 vaccinations and the reduced number of active cases, the Township

Committee meetings will resume normal live operations beginning at the May 24th meeting. Individuals will be able to attend the live meeting, with proper social distancing and adherence to all state regulations. As was done before the pandemic, the meetings will be videotaped and posted on the website afterwards for viewing.

OTHER REPORTS

Scott Morgan, Township Administrator, gave a brief update on the latest information from the CMC Health Department regarding Covid-19. He next reported that the Tax Assessor and Recreation Leader have organized a Blood Drive on June 9th from 10:00 am to 3:00 pm at the Upper Township Community Center, and are requesting permission to offer a contest for one day off with pay to employees that donate blood. Motion by Kimberly Hayes, second by Curtis Corson, to approve the request. During roll call vote all four Committee members present voted in the affirmative.

Paul Dietrich, Township Engineer, gave a follow up to a prior discussion regarding traffic control issues on Stagecoach Road. He stated that radar speed notification signs cost approximately \$6,000.00 not including installation, which Public Works can do. He next reported that the paving project has been completed, and he anticipates having a final change order for the project as well as a recommendation to release their retainage.

2021 BUDGET

Mayor Palombo stated that the State has not yet issued guidance on the federal stimulus aid that counties and local governments will receive and how to insert said federal stimulus funds into the budget. He stated that the Township's Registered Municipal Accountant has recommended that the adoption of the budget be tabled to the May 24, 2021 Township Committee meeting.

1. **2021 Budget Adoption.** Motion by John Coggins, second by Kimberly Hayes, to table adoption of the 2021 Budget to the regular Township Committee meeting to be held live at the Upper Township Municipal Building on May 24, 2021 at 7:30 pm, with no further notice given. During roll call vote all four Committee members present voted in the affirmative.
2. **Local Unit Budget Examination.** Motion by John Coggins, second by Kimberly Hayes, to table adoption of the Local Unit Budget Examination to the regular Township Committee meeting to be held live at the Upper Township Municipal Building on May 24, 2021 at 7:30 pm, with no further notice given. During roll call vote all four Committee members present voted in the affirmative

RESOLUTIONS

3. Appointing the contact person for the Employment Practices Liability Attorney Consultation Service of the Atlantic County Municipal Joint Insurance Fund.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 133-2021

RE: APPOINTING THE CONTACT PERSON FOR THE EMPLOYMENT PRACTICES LIABILITY ATTORNEY CONSULTATION SERVICE OF THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Governing Body of the Township of Upper hereinafter referred to as "MUNICIPALITY", is a member of the Atlantic County Municipal Joint Insurance Fund, hereinafter referred to as "FUND"; and

WHEREAS, the FUND has adopted a policy authorizing the Employment Practices Liability Attorney Consultation Service; and

WHEREAS, the Fund had budgeted an annual allowance per member for EPL consulting services; and

WHEREAS, the FUND requires the MUNICIPALITY to designate specific managerial or supervisory individuals who will have telephone access to the EPL Hotline; and

NOW THEREFORE, be it resolved that the governing body of the Township of Upper does hereby appoint Rhonda Sharp, Assistant Personnel Officer as its Contact Person.

BE IT FURTHER RESOLVED that the governing body does hereby appoint Scott Morgan, Township Administrator as its additional Contact Person.

Resolution No. 133-2021

Offered by: Coggins Seconded by: Corson

Adopted: May 10, 2021

Roll Call Vote:

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

4. Appointing Louis M. Belasco as an Appraiser for the Township of Upper.

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

RESOLUTION NO. 134-2021

**RE: APPOINTING LOUIS M. BELASCO AS AN APPRAISER
FOR THE TOWNSHIP OF UPPER**

WHEREAS, the Township periodically requires an appraiser to provide services to obtain the fair market value of lots owned by the Township with respect to the anticipated sale of said lots; and

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

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

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Louis M. Belasco with offices at PO Box 305, Wildwood, New Jersey is hereby appointed appraiser for the Township of Upper for the appraisal of lots in connection with the Township's anticipated sale to land owners.
3. This Contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Louis M. Belasco has 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 Louis M. Belasco 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 Louis M. Belasco 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 this contract award shall be published in the official newspaper of the Township of Upper within ten (10) days from the date of adoption.

10. This Resolution shall be effective as of adoption.

Resolution No. 134-2021

Offered by: Coggins Seconded by: Hayes

Adopted: May 10, 2021

Roll Call Vote:

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

5. Authorizing the award of a contract with Service Tire Truck Centers, Inc. for tires.

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

RESOLUTION NO. 135-2021

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH
SERVICE TIRE TRUCK CENTERS, INC. FOR TIRES**

WHEREAS, from time to time the Township of Upper has a need to purchase tires from Service Tire Truck Centers, 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 Service Tire Truck Centers, Inc. for the year 2021 will exceed \$17,500; and

WHEREAS, Service Tire Truck Centers, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Service Tire Truck Centers, 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 Service Tire Truck Centers, 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 Service Tire Truck Centers, 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. 135-2021

Offered by: Hayes

Seconded by: Coggins

Adopted: May 10, 2021

Roll Call Vote:

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

6. Authorize payments from the Affordable Housing Trust Fund of Upper Township.

TOWNSHIP OF UPPER

**CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 136-2021

**RE: AUTHORIZE PAYMENTS FROM THE
AFFORDABLE HOUSING TRUST FUND OF UPPER TOWNSHIP**

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

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

WHEREAS, the Township of Upper’s Affordable Housing Trust Fund collects development fee revenues consistent with the Township of Upper’s development fee ordinance for both residential and non-residential developments in accordance with FHAA’s rules and P.L. 2008, c.46, sections 8 (C. 52:27D-329.2) and 32-28 (C. 40:55D-8.1 through 8.7).; and

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

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

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

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

Triad Associates (MTA Technical Assistance)	\$ 75.00
Triad Associates	\$ 150.00

Resolution No. 136-2021

Offered By: Coggins

Seconded By: Hayes

Adopted: May 10, 2021

Roll Call Vote:

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

7. Authorizing a Contract Amendment for the Construction of Beesley's Point Park in the amount of \$66,568.00.

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

RESOLUTION NO. 137-2021

**RE: AUTHORIZING A CONTRACT AMENDMENT FOR THE CONSTRUCTION OF
BEESLEY'S POINT PARK IN THE AMOUNT OF \$66,568.00**

WHEREAS, the Township of Upper has awarded the Construction of Beesley's Point Park bid to Fred M. Schiavone Construction, Inc., P.O. Box 416, Malaga, New Jersey in the original Contract amount of \$1,909,201.31; and

WHEREAS, the Township wishes to approve an amendment to the aforesaid Contract pursuant to the bid specifications as hereinafter provided; and

WHEREAS, the Chief Financial Officer has issued a certification as to the availability of funds for this amendment; and

WHEREAS, the aggregate amount of this amendment, comprising of additional quantities above the contract estimate and at the unit prices set forth in the contract for the Construction of Beesley's Point Park, is the sum of \$66,568.00; and

WHEREAS, the Township Engineer has requested this amendment and indicated that it is permitted under the bid and contract specifications as well as the applicable regulations; and

WHEREAS, this amendment is in the best interests of the Township.

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. An amendment to the Construction of Beesley's Point Park contract with Fred M. Schiavone Construction, Inc., is hereby authorized in the amount of \$66,568.00.
3. The Mayor and Municipal Engineer are hereby authorized, directed and empowered to execute the amendment on behalf of the Township of Upper.
4. All Township officials and officers are hereby authorized and directed to take all action necessary to carry out the intent and purpose of this Resolution.

Resolution No. 137-2021

Offered by: Hayes

Seconded by: Corson

Adopted: May 10, 2021

Roll Call Vote:

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

8. Authorizing T-Mobile Northeast, LLC to install a generator on the licensed space of the cell tower and ground located at 1721 Mt. Pleasant Road.

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

RESOLUTION NO. 138-2021

**RE: AUTHORIZING T-MOBILE NORTHEAST, LLC TO INSTALL A GENERATOR
ON THE LICENSED SPACE OF THE CELL TOWER AND GROUND LOCATED
AT 1721 MT. PLEASANT ROAD**

WHEREAS, the Township of Upper and T-Mobile Northeast, LLC entered into a License Agreement on March 1, 2016 for the license of space on the cell tower and ground located at 1721 Mt. Pleasant Road, Township of Upper; and

WHEREAS, T-Mobile Northeast, LLC has requested consent for the installation of a generator on the licensed space; and

WHEREAS, in accordance with Section 2(D) of the license agreement, T-Mobile has submitted plans and specifications for the work associated with the installation of a generator; and

WHEREAS, the Township Engineer has reviewed the aforesaid plans and specifications and has issued a report stating they meet the requirements of the License Agreement; and

WHEREAS, the Township Committee has determined that it is appropriate to consent to the proposed project; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor, on behalf of the Township of Upper, is hereby authorized to execute a consent letter permitting T-Mobile Northeast, LLC to install a generator on the licensed space of the cell tower and ground located at 1721 Mt. Pleasant Road, Township of Upper, in accordance with the plans and specifications attached hereto as Exhibit A.
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. 138-2021

Offered by: Hayes

Seconded by: Corson

Adopted: May 10, 2021

Roll Call Vote:

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

9. Appointing Mark Smith 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. 139-2021

**RE: APPOINTING MARK SMITH 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, Mark Smith 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. Mark Smith 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. 139-2021

Offered by: Corson

Seconded by: Hayes

Adopted: May 10, 2021

Roll Call Vote:

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

10. Appointing John Hope as Supervising Mechanic to the Upper Township Department of Public Works.

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

RESOLUTION NO. 140-2021

**RE: APPOINTING JOHN HOPE AS SUPERVISING MECHANIC
TO THE UPPER TOWNSHIP DEPARTMENT OF PUBLIC WORKS**

WHEREAS, a need exists to promote qualified personnel within the Upper Township Public Works Department to insure optimal operation; and

WHEREAS, the Township Committee has duly considered the matter and has determined that John Hope possesses all of the requisite qualifications for provisional appointment to the position of Supervising Mechanic; and

WHEREAS, the individual's appointment is conditioned upon Civil Service review; 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. John Hope is hereby promoted to the position of Supervising Mechanic in the Department of Public Works effective May 7, 2021 at an annual salary of \$69,000.00 in accordance with the Salary Ordinance. This appointment is provisional pending compliance with Civil Service requirements.
3. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Resolution No. 140-2021

Offered by: Corson

Seconded by: Hayes

Adopted: May 10, 2021

Roll Call Vote:

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

11. Appointing Marshall Kohler as Mechanics Helper to the Upper Township Department of Public Works.

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

RESOLUTION NO. 141-2021

**RE: APPOINTING MARSHALL KOHLER AS MECHANICS HELPER
TO THE UPPER TOWNSHIP DEPARTMENT OF PUBLIC WORKS**

WHEREAS, a need exists to promote qualified personnel within the Upper Township Public Works Department to insure optimal operation; and

WHEREAS, the Township Committee has duly considered the matter and has determined that Marshall Kohler possesses all of the requisite qualifications for appointment to the position of Mechanics Helper; and

WHEREAS, the individual's appointment is conditioned upon Civil Service review; 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. Marshall Kohler is hereby promoted to the position of Mechanics Helper (0 – 9) in the Department of Public Works effective May 7, 2021 at an annual salary of \$54,941.00 in accordance with the Salary Ordinance.
3. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Resolution No. 141-2021

Offered by: Hayes

Seconded by: Corson

Adopted: May 10, 2021

Roll Call Vote:

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

12. Appointing Andrew Mangam as Truck Driver Heavy to the Upper Township Department of Public Works.

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

RESOLUTION NO. 142-2021

**RE: APPOINTING ANDREW MANGAM AS TRUCK DRIVER HEAVY
TO THE UPPER TOWNSHIP DEPARTMENT OF PUBLIC WORKS**

WHEREAS, a need exists to promote qualified personnel within the Upper Township Public Works Department to insure optimal operation; and

WHEREAS, the Township Committee has duly considered the matter and has determined that Andrew Mangam possesses all of the requisite qualifications for appointment to the position of Truck Driver Heavy; and

WHEREAS, the individual's appointment is conditioned upon Civil Service review; 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. Andrew Mangam is hereby promoted to the position of Truck Driver Heavy (0 – 9) in the Department of Public Works effective May 7, 2021 at an annual salary of \$56,442.00 in accordance with the Salary Ordinance.
3. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Resolution No. 142-2021

Offered by: Hayes

Seconded by: Corson

Adopted: May 10, 2021

Roll Call Vote:

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

13. Authorizing the purchase of certain items with funds from the 2020 Capital Improvement Bond Ordinance in the amount of \$1,752.79.

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

RESOLUTION NO. 143-2021

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS WITH FUNDS FROM THE
2020 CAPITAL IMPROVEMENT BOND ORDINANCE IN THE AMOUNT OF \$1,752.79**

WHEREAS, it is necessary for the Township of Upper to make certain capital purchases; 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's QPA has reviewed and approved the quote for the installation of an emergency package for the 2020 Polaris Ranger 570 Crew by Vineland Auto Electric of Vineland, New Jersey.

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 Vineland Auto Electric of Vineland, New Jersey for the installation of an emergency package for the 2020 Polaris Ranger 570 Crew in the amount of \$1752.79 from the 2020 Capital Improvement Bond.
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. 143-2021

Offered By: Coggins

Seconded By: Corson

Adopted: May 10, 2021

Roll Call Vote:

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

14. Authorizing the execution of a subcontract with the County of Cape May for the state fiscal year 2022 Municipal Alliance Program.

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

RESOLUTION NO. 144-2021

**AUTHORIZING THE EXECUTION OF A SUBCONTRACT
WITH THE COUNTY OF CAPE MAY FOR THE
STATE FISCAL YEAR 2022 MUNICIPAL ALLIANCE PROGRAM**

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

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

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

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

DEDR Funds.....	\$18,894.00
Amount of Local Cash Match.....	\$ 4,723.50
Amount of Local In-Kind Match.....	\$14,170.00
TOTAL AMOUNT OF SUBCONTRACT.....	\$37,788.00

WHEREAS, the Township of Upper Cash Match portion will be \$1,889.40; and

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township as lead agency is hereby authorized to submit an application and strategic plan for Municipal Alliance funding for the Fiscal Grant Cycle July 1, 2021 to June 30, 2022 grant funds in the amount specified in this Resolution or for such other amounts as may become available, and the Mayor and Township Clerk are further authorized and directed to execute a Sub-Contract on behalf of the Township with the County of Cape May for the period of July 1, 2021 to June 30, 2022. Such actions of the Township are contingent upon the proper authorization of the participation of the City of Ocean City.
3. Upon confirmation of such authorization from the City of Ocean City, the Chief Financial Officer, Mayor, or Municipal Clerk of the Township of Upper, as appropriate, is hereby authorized and directed to execute the section of the subcontract entitled “Statement of Assurances”.

4. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

5. A certified copy of this Resolution shall be submitted to the County of Cape May Division of Community and Behavioral Health Services, together with the completed application.

6. All Township officials and officers are hereby authorized and directed to take all action necessary in order to carry out the intent and purpose of this Resolution.

Resolution No. 144-2021

Offered by: Hayes

Seconded by: Coggins

Adopted: May 10, 2021

Roll Call Vote:

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

ORDINANCES

15. **Public hearing and final adoption of Ordinance No. 010-2021 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER X OF THE CODE OF UPPER TOWNSHIP.** During the public hearing portion there was the following speaker:

Blanche Adams, Steelmantown, on behalf of the Upper Township Business Association, spoke in opposition to an increase in fees for tents and temporary structures and stated that this will put a burden on businesses who are trying to comply with the State Covid-19 occupancy limits. The Municipal Attorney stated that the Township has already waived the fees for emergency provisions regarding temporary structures during the Covid-19 state of emergency. Mrs. Adams also opposed the increased fee for sign permits. It was stated that the fees are in line with or below area Municipalities.

Mayor Palombo then closed the public hearing. Motion by John Coggins, second by Curtis Corson to adopt Ordinance No. 010-2021. During roll call vote all four Committee members present voted in the affirmative.

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

ORDINANCE NO. 010-2021

RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER X 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 10, Section 10-1.3, of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

10-1.3 Fees.

Revise and replace the following in Section 10-1.3a.:

1. Demolition Fees. The fee for a demolition or removal permit shall be \$150.00 for a structure of less than 5,000 square feet in area and less than 30 feet in height, for one- or two-family residences (use group R-5 of the building subcode), and structures on farms including commercial farm buildings under N.J.A.C. 5:23-3.2(d), and \$200.00 for all other use groups.
2. Sign Permits. The fee for a permit to construct a sign shall be in the amount of \$2.50 per square foot of surface area of the sign, computed on one side only for a double faced sign. The minimum permit fee for a sign shall be \$62.00.

Revise and replace the following in Section 10-1.3g.:

2. Fees for renovations, alterations and repairs are based on estimated cost of work:

\$1,000.00 up to \$50,000.00	\$30.00 per \$1,000.00
\$50,001.00 up to \$100,000.00	\$23.00 per \$1,000.00
\$100,001.00 and above	\$19.00 per \$1,000.00

For the purpose of determining estimated cost the applicant shall submit to the agency such cost data as may be available, produced by the architect or engineer of record, or by a recognized estimating firm or by the contractor. A bona fide contractor's bid, if available, shall be submitted. The agency shall make the final decision regarding the estimated cost.

Add the following in Section 10-1.3g.:

5. Fees for tents and temporary structures shall be \$95.00.
6. Fees for trailers/park models shall be \$100.00.

Add the following in Section 10-1.3i.:

12. For each monitor device for solar systems the fee shall be \$62.00.

Revise and replace the following in Section 10-1.3j.:

6. The fee for each kitchen exhaust system shall be \$125.00.

Add the following in Section 10-1.3j.:

9. The fee for the installation or demolition of tanks shall be \$65.00.
10. The fee for each smoke control system shall be \$65.00.
11. The fee for each fire pump shall be \$65.00.
12. The fee for each pre-action/dry/alarm valve shall be \$30.00.

13. The fee for each fireplace vent or metal chimney shall be \$65.00.

SECTION 2: 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 3: 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 4: EFFECTIVE DATE: This Ordinance shall take effect upon final adoption and publication as required by law.

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 12TH DAY OF APRIL, 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 10TH DAY OF MAY, 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
TOWNSHIP OF UPPER

16. **Public hearing and final adoption of Ordinance No. 011-2021 RE: AN ORDINANCE PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN THE TOWNSHIP OF UPPER'S GEOGRAPHICAL BOUNDARIES AND AMENDING CHAPTER 20, SECTION 1.5 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF UPPER.** During the public hearing portion there were the following speakers:

Spencer Belz, Marmora, spoke in opposition to this Ordinance.

Blanche Adams, Steelmantown, on behalf of the Upper Township Business Association, stated that the UTBA recently conducted a survey of residents regarding this Ordinance and an overwhelming majority of the survey participants supported allowing cannabis businesses to operate in the Township.

Mayor Palombo then closed the public hearing.

Committeeman Corson stated that the proposed tax revenue of cannabis businesses would not offset the costs of police enforcement capabilities that would be needed.

The Municipal Attorney stated that this Ordinance allows the Township Committee the flexibility to tailor regulations of permitted cannabis uses in the Township. Due to the way

the statute was written, if the Township did not adopt this Ordinance now, there would be no recourse to regulate the use in the Township for five years.

**Motion by Kimberly Hayes, second by Curtis Corson to adopt Ordinance No. 011-2021.
During roll call vote all four Committee members present voted in the affirmative.**

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

ORDINANCE NO. 011-2021

**RE: AN ORDINANCE PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS
BUSINESSES WITHIN THE TOWNSHIP OF UPPER’S GEOGRAPHICAL BOUNDARIES
AND AMENDING CHAPTER 20, SECTION 1.5 OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF UPPER**

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license, for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer; and

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a

cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times of operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (i.e., by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling, and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Township Committee of the Township of Upper has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Township of Upper in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township of Upper’s residents and members of the public who visit, travel, or conduct business in the Township of Upper, to amend the Township of Upper’s zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the Township of Upper; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act’s 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts; and

WHEREAS, pursuant to N.J.S.A. 40:55D-89 the Upper Township Planning Board undertook reexamination of its Master Plan in August 2018, November 2018 and March 2020 to determine the major problems and objectives relating to land development within the Township; and

WHEREAS, the Planning Board’s Master Plan Reexamination identified the need to provide and create the appropriate land use controls if the sale and production of marijuana is legalized, including the prohibition of same in the Township; and

WHEREAS, this amendment to the Upper Township Zoning Ordinance prohibiting

marijuana – related land use and development was recommended in the periodic reexamination of the Master Plan by the Planning Board; and

WHEREAS, pursuant to N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-26, this ordinance was referred by the Township Committee to the Upper Township Planning Board to determine the consistency of this ordinance with the Master Plan; and

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

SECTION 1: Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Township of Upper, except for the delivery of cannabis items and related supplies by a delivery service.

SECTION 2: Chapter 20, Section 1.5, entitled “Prohibited Uses”, of the Revised General Ordinances of the Township of Upper, is hereby amended as follows:

Add the following in Section 20-1.5(b):

4. All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service.

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 immediately upon the final publication as required by law.

SECTION 6: CODIFICATION: This Ordinance shall be codified in the Upper Township Code at the section 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 12th DAY OF APRIL, 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 10th DAY OF MAY, 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. Public hearing and final adoption of Ordinance No. 012-2021 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER III (POLICE REGULATIONS) AND CHAPTER IV (GENERAL LICENSING) OF THE CODE OF UPPER TOWNSHIP. During the public hearing portion there were no speakers. Motion by

John Coggins, second by Kimberly Hayes to adopt Ordinance No. 012-2021. During roll call vote all four Committee members present voted in the affirmative.

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

ORDINANCE NO. 012-2021

**AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER III
(POLICE REGULATIONS) AND CHAPTER IV (GENERAL LICENSING) 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 III, Section 3-12, of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended as follows:

**3-12 PROHIBITING SMOKING AND THE CONSUMPTION OF CANNABIS IN
TOWNSHIP PUBLIC FACILITIES.**

Replace in its entirety Section 3-12.1:

3-12.1 Definitions.

As used in this section, the following terms shall have the meaning indicated:

Cannabis shall mean all parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds; but does not include medical cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical 27 Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.).

Cannabis products shall mean cannabis concentrate and products that are composed of cannabis and other ingredients and that are intended for use or consumption, including edible products, ointments, and tinctures.

Certified Coach shall mean a coach of an approved Upper Township Sports Program.

Consume, Consuming, and Consumption shall mean the act of ingesting, inhaling or otherwise introducing cannabis into the human body.

Department Head shall have the meaning of "Supervisor" as defined herein.

Indoor place shall mean a structurally enclosed area.

Public Facility shall mean any municipally owned or maintained park, beach, building or other property including, but not limited to, athletic fields and maintained paths.

Smoking shall mean the inhaling, exhaling, vaping, aerosolizing or burning of a lighted cigar, cigarette, pipe, electronic device, or any other matter or substance containing tobacco or cannabis, whether natural or synthetic.

Supervisor shall mean the person who ultimately controls, governs or directs the activities and conduct of employees within a certain department or division.

Replace in its entirety Section 3-12.2:

3-12.2 Smoking or the Consumption of Cannabis and Cannabis Products Prohibited.

Smoking or the consumption of cannabis and cannabis products shall be prohibited at all times at all Township Public Facilities.

Replace in its entirety Section 3-12.3:

3-12.3 Violation of Prohibition; Request to Comply; Denial of Services.

- a. Any Certified Coach, Department Head or Supervisor, or their designee, may order any person smoking or consuming cannabis or cannabis products in violation of this section to comply with the provisions hereof. Thereupon, any member of the public who smokes or consumes cannabis or cannabis products in Public Facilities is in violation of this section, shall be subject to a fine as hereinafter provided.
- b. The supervisor or department head shall have the right to withhold the services of the supervisor's department, division or agency to any member of the public who smokes or consumes cannabis or cannabis products in any public area in which such conduct is prohibited, provided that the supervisor or department head shall first inform that person of this right. Services shall not be denied if the member of the public complies with the rules governing smoking or consuming cannabis or cannabis products after receiving this notice, and the supervisor or department head shall so inform that person.
- c. Any person waiting for services in a municipal building who leaves the building to smoke or consume cannabis or cannabis products shall, upon re-entering the building, have the right to regain his or her position in the order of persons receiving those services.

Replace in its entirety Section 3-12.4:

3-12.4 Posting of Signs.

The Township shall install appropriate signs which shall be posted in conspicuous places throughout Public Facilities affected by this section advising the public and employees that smoking and consuming cannabis or cannabis products is prohibited.

SECTION 2: Chapter IV, Section 3.9, of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended as follows:

Replace the following in Section 4-3.9a:

4-3.9 General Rules.

- a. There shall be no smoking or consumption of cannabis or cannabis products on jitneys.

SECTIONS 3: REPEALER: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

SECTION 3: EFFECTIVE DATE: 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 12th DAY OF APRIL, 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 10th DAY OF MAY, 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. **Second Capital Running, LLC request to host a Quarter Marathon for 120 people at Amanda's Field on July 12, 2021.** After a brief discussion, there was a motion by Kimberly Hayes, second by Curtis Corson, to approve the request. During roll call vote all four Committee members present voted in the affirmative.

UNFINISHED BUSINESS

DISCUSSION

PAYMENT OF BILLS

17. **"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 Richard Palombo. During roll call vote all four Committee members present voted in the affirmative.

Bills approved for payment: \$2,011,510.43
Payroll: \$180,232.64

REPORT OF MUNICIPAL DEPARTMENTS

19. Animal Control
20. Clerk's Office
21. Construction Code
22. Division of EMS
23. Finance Office
24. MUA
25. Municipal Court
26. Public Works

27. Tax Collector

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

PUBLIC COMMENT

Blanch Adams, Steelmantown, on behalf of the Upper Township Business Association, spoke about a survey being conducted by the Upper Township Business Association regarding what businesses would be beneficial to Upper Township. She stated that once the results have been finalized she will bring the information back to the Committee.

CLOSED SESSION

28. 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. 145-2021 MOTION GOING INTO CLOSED SESSION MAY 10, 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

- Contract negotiation – Suasions Communications Group
- Contract negotiation - EMS Medical Direction
- Contract negotiation - Health Benefits and Dental Insurance
- Litigation - EEOC Complaint
- Litigation - Holt v. Upper Township Zoning Board of Adjustment
- Litigation - Animal Control
- Litigation - Property Maintenance Complaint
- 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: Curtis Corson

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

RECONVENE PUBLIC PORTION OF MEETING

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

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:50 P.M., with a motion by Richard Palombo, second by John Coggins, and all four Committee members present voting in the affirmative. The next regular meeting is scheduled for May 24, 2021 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

BILLS

77540 05/10/21 A0017 ATLANTIC CO. MUNICIPAL JIF 107,980.00 3187
77541 05/10/21 A0025 ADVANTAGE RENTAL & SALES 1,265.54 3187
77542 05/10/21 A0091 ATLANTIC CITY ELECTRIC 1,816.18 3187
77543 05/10/21 A0175 Adams Rehmann & Haggan Assoc 1,120.00 3187
77544 05/10/21 A0212 ANCERO, LLC 9,882.50 3187
77545 05/10/21 A0219 ALTERNATIVE MICROGRAPHICS, INC 1,398.08 3187
77546 05/10/21 B0035 BELMONT & CRYSTAL SPRINGS 82.93 3187
77547 05/10/21 B0182 BRIGGS LAW OFFICE, P.C. 2,450.00 3187
77548 05/10/21 B0220 BERGEY'S TRUCK CENTERS 932.28 3187
77549 05/10/21 B0232 BLUE FLAME GAS 512.47 3187
77550 05/10/21 B0248 BARNES LAW GROUP LLC 2,295.85 3187
77551 05/10/21 C0019 CITY OF OCEAN CITY 62,724.00 3187
77552 05/10/21 C0042 CAMPBELL SUPPLY COMPANY 1,237.33 3187
77553 05/10/21 C0052 CAPE MAY COUNTY TREASURER 1,357,207.36 3187
77554 05/10/21 C0068 COMCAST 293.40 3187
77555 05/10/21 C0223 CASA PAYROLL SERVICE 226.65 3187
77556 05/10/21 C0246 CRAFT OIL CORPORATION 3,497.47 3187
77557 05/10/21 C0279 CASA REPORTING SERVICES LLC 134.40 3187
77558 05/10/21 C0305 CM3 BUILDING SOLUTIONS, INC. 2,262.80 3187
77559 05/10/21 C0327 CHAMBERS AMERICAN PRODUCTS INC 116.40 3187
77560 05/10/21 D0182 DOC'S LUBRICATING/LIFT SERVICE 19,875.00 3187
77561 05/10/21 E0012 EHRLICH PEST CONTROL INC 208.00 3187
77562 05/10/21 E0069 EVERSAN, INC 508.00 3187
77563 05/10/21 F0053 FORD, SCOTT & ASSOCIATES 11,000.00 3187
77564 05/10/21 G0014 GARDEN STATE HWY PRODUCTS INC. 437.50 3187
77565 05/10/21 G0016 GARDNER HARDWARE INC. 20.27 3187
77566 05/10/21 G0028 GENTILINI FORD 1,692.37 3187
77567 05/10/21 G0086 W.W. GRAINGER, INC. 170.50 3187
77568 05/10/21 H0002 H.A. DEHART & SON CORP. 301,580.00 3187
77569 05/10/21 H0148 THOMAS H. HEIST INS AGENCY INC 1,744.30 3187
77570 05/10/21 K0103 KYOCERA DOCUMENT SOLUTIONS 144.67 3187
77571 05/10/21 M0012 McCauley, Richard 184.05 3187
77572 05/10/21 M0080 McManimon, Scotland & Baumann 150.50 3187
77573 05/10/21 M0303 Maley Givens, A Prof Corp 1,658.00 3187
77574 05/10/21 N0004 NJ-American Water Co. 123.64 3187
77575 05/10/21 N0043 NAPA AUTO PARTS 1,498.54 3187
77576 05/10/21 N0143 NATIONAL TIME SYSTEMS 376.10 3187
77577 05/10/21 P0032 Pedroni Fuel Co. 3,375.27 3187
77578 05/10/21 P0036 Pennello, David 20.00 3187
77579 05/10/21 P0136 Postnet 156.05 3187
77580 05/10/21 P0170 Peach Country Mulch 1,850.00 3187
77581 05/10/21 R0030 Riggins, Inc. 8,311.86 3187
77582 05/10/21 S0018 Suburban Propane, LP 99.34 3187
77583 05/10/21 S0057 Service Tire Truck Centers 7,561.25 3187
77584 05/10/21 S0097 SMH CPR Training Center 250.00 3187
77585 05/10/21 S0139 South Jersey Water Cond Serv 229.00 3187

77586 05/10/21 S0239 SHORE VET. ANIMAL CONTROL LLC 2,250.00 3187
77587 05/10/21 S0254 SHOPRITE 93.58 3187
77588 05/10/21 S0362 FRED M. SCHIAVONE CONSTRUCTION 57,847.96 3187
77589 05/10/21 T0080 TREASURER STATE OF N.J. 3,000.00 3187
77590 05/10/21 T0168 TOWNSHIP OF UPPER 261.61 3187
77591 05/10/21 T0192 MARSH & McLENNAN AGENCY/TRION 270.75 3187
77592 05/10/21 U0067 UT HEALTH REIMB. ACCOUNT 2,743.52 3187
77593 05/10/21 V0013 VERIZON WIRELESS 1,008.99 3187
77594 05/10/21 V0024 VAL-U AUTO PARTS L.L.C. 572.17 3187
77595 05/10/21 W0030 WEST PUBLISHING CO. 711.40 3187
77596 05/10/21 W0087 W.B. MASON EGG HARBOR 271.85 3187
77597 05/10/21 Y0008 YOUNG, DANIEL J. ESQUIRE PC 21,818.75 3187
Total: \$2,011,510.43