

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR JULY 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 July 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, and Municipal Attorney Daniel J. Young.

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

Motion by Edward Barr, second by John Coggins, to approve the July 12, 2021 Regular Meeting and Closed Session Minutes as submitted. During roll call vote all five Committee members voted in the affirmative.

**REPORT OF GOVERNING BODY MEMBERS**

**Kimberly Hayes, Committeewoman**, thanked the buildings and grounds crew for their work with the Crestview playground. She next stated that the Upper Township Senior Center is now open and thanked the County staff for serving the Seniors throughout the pandemic. Last, she reported that fall sports are beginning.

**Curtis Corson, Committeeman**, reported that the Upper Township MS Bay Race was held last weekend with approximately \$3,800.00 raised for multiple sclerosis. He reported that Brooke Handley and Eve Chiarello won first place in the female division, and Wayne McMurry and Jim Gibbons won first place in the 100 combined age division. He next reported on the results from the recent AC Invitational race and thanked all for representing the Township well.

**Richard Palombo, Mayor**, reported that he recently met with several Marshallville Road residents and County and State representatives regarding the Marshallville Road Bridge. He stated that the county will be moving forward with a feasibility study to convert the bridge to a pedestrian only bridge. Last, he reported that August 18<sup>th</sup> is National Volunteer Firefighters Recognition day. He made a motion, second by Edward Barr, to have a resolution prepared to recognize the day and honor the Township’s volunteer firefighters. During roll call vote all five Committee members voted in the affirmative.

## **OTHER REPORTS**

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

**Paul Dietrich, Township Engineer**, reported that he recently held the second annual Flood Information meeting for interested residents, and stated that there was a good turnout. He next stated that he and the Township Administrator recently met with officials from the Garden State Parkway to go over some of the traffic safety concerns at the intersection of Roosevelt Boulevard and the Parkway exchanges. He stated that the Turnpike Authority will be performing some interim improvements to the area within the next few weeks, and the County will be making some adjustments to the traffic signal to increase the safety of the area. There was a brief discussion regarding the problems at the intersections during which time Jay Newman, Chief of the Marmora Fire Co., spoke of his observations regarding the frequency and causes of the accidents in the area.

## **RESOLUTIONS**

1. Honoring Bruce Riordan for forty-five years of service to the Strathmere Volunteer Fire Company.

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

#### **RESOLUTION NO. 205-2021**

#### **RE: HONORING BRUCE RIORDAN FOR FORTY-FIVE YEARS OF SERVICE TO THE STRATHMERE VOLUNTEER FIRE COMPANY**

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**WHEREAS**, Bruce Riordan first joined the Strathmere Volunteer Fire Company in 1976 at the age of 18; and

**WHEREAS**, for forty-five years Bruce has generously volunteered his personal time and service to the Strathmere Fire Company, serving first as a Lieutenant and then as Fire Chief from 1981 to the present; and

**WHEREAS**, as the longest serving active Fire Chief in the history of Upper Township, Bruce's accomplishments are as diverse as they are extensive, including serving an integral role in the negotiation of an EMS and Fire mutual aid agreement with Ocean City, organizing a water shuttle from Sea Isle to Strathmere during a water tower pump failure, coordinating the Strathmere 4<sup>th</sup> of July Parade, and running a fire company that is completely debt free and was recently placed in the nation's top ten of all fire companies for their timely response to every emergency; and

**WHEREAS**, throughout his tenure as Chief of the Strathmere Fire Company, Bruce has first and foremost been a fireman dedicated to the safety and well-being of the citizens of our community while earning the respect and high regard of his fellow firemen for his valor, strength, and compassion; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee on behalf of the

citizens of the Township of Upper, that we hereby honor Bruce Riordan for forty-five years of service to the Strathmere Volunteer Fire Company and extend to him our heartfelt gratitude and appreciation for his time and service to this community.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 26<sup>th</sup> day of July, 2021.

Resolution No. 205-2021

Offered by: Corson

Seconded by: Barr

Adopted: July 26, 2021

Roll Call Vote:

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

2. Honoring therapy dog Ezekiel and owner Mary Lyons for their volunteer service and support to the Upper Township community.

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

**RESOLUTION NO. 206-2021**

**RE: HONORING THERAPY DOG EZEKIEL AND OWNER MARY LYONS  
FOR THEIR VOLUNTEER SERVICE AND SUPPORT  
TO THE UPPER TOWNSHIP COMMUNITY**

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**WHEREAS**, Ezekiel, a white 93 pound, 7 ½ year old deaf boxer, became a therapy dog in 2016 and an associate member of the Upper Township Rescue Squad in 2018; and

**WHEREAS**, Upper Township Rescue Squad member Mary Lyons is a retired educator and is the proud owner and trainer of Ezekiel; and

**WHEREAS**, Ezekiel is certified with the Alliance Therapy Dogs, Canines for Christ and National Crisis Response Team, has earned the AKC Therapy Dog certifications of Advanced, Excellent, Distinguished and Good Citizen and understands communication given through American Sign Language; and

**WHEREAS**, Ezekiel has over 500 visitations, with 275 just with the Rescue Squad, to a variety of facilities including residential centers, children's hospitals, drug rehabilitation programs, churches, schools, youth conferences and sporting events; and

**WHEREAS**, with the main title of Crisis Response Therapy Dog, Ezekiel aids the Rescue Squad by responding to calls involving trauma, serves as emotional support to the emergency management team and attends meeting and drills; and

**WHEREAS**, Ezekiel's services are also available to young athletes participating in the various Upper Township Recreation Leagues to help players deal with emotional impacts and present a cheerful presence; and

**WHEREAS**, Ezekiel provides a welcoming and reassuring presence at many community events and will begin weekly visits to the Upper Township Senior Center when they resume their daily operations.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee on behalf of the citizens of the Township of Upper, that we express heartfelt gratitude to Mary Lyons and her exceptional therapy dog Ezekiel for volunteering their services and sharing his amazing talent in providing trauma relief and emotional comfort to the Upper Township Rescue Squad and the entire Upper Township community.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 26<sup>th</sup> day of July, 2021.

Resolution No. 206-2021

Offered by: Hayes

Seconded by: Barr

Adopted: July 26, 2021

Roll Call Vote:

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

3. Renewing Mobile Home Park Licenses.

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

**RESOLUTION NO. 207-2021**

**RE: RENEWING MOBILE HOME PARK LICENSES**

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**WHEREAS**, each of the Mobile Home Parks hereinafter designated has attested that the operation of the mobile home park is in compliance with all applicable New Jersey Statutes and the rules and regulations promulgated pursuant thereto.

**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 mobile home park licenses are hereby renewed for a term of (1) one year, commencing August 1, 2021.

**HIDDEN PINES MOBILE HOME PARK  
1414 SOUTH SHORE ROAD  
OCEAN VIEW, NJ 08230  
10 Sites**

**OCEAN BEACH TRAILER RESORT  
1100 SOUTH COMMONWEALTH AVENUE  
PO BOX 90  
STRATHMERE, NJ 08248  
95 Sites**

**PINE HILL MOBILE HOME PARK  
430 ROUTE 9 SOUTH  
MARMORA, NJ 08223  
132 Sites**

**SHORE ACRES MOBILE HOME PARK  
1621 SOUTH SHORE ROAD  
OCEAN VIEW, NJ 08230  
200 Sites**

3. All officials of the Township are hereby authorized to take such action as necessary or required in order to carry out the intent and purpose of this Resolution.
4. This Resolution shall become effective immediately upon adoption.

Resolution No. 207-2021

Offered by: Barr

Seconded by: Coggins

Adopted: July 26, 2021

Roll Call Vote:

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

4. Renewing the Mobile Home Park License for Osprey Cove.

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

**RESOLUTION NO. 208-2021**

**RE: RENEWING THE MOBILE HOME PARK LICENSE  
FOR OSPREY COVE**

**WHEREAS**, the Mobile Home Park hereinafter designated has attested that the operation of the mobile home park is in compliance with all applicable New Jersey Statutes and the rules and regulations promulgated pursuant thereto.

**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 mobile home park license is hereby renewed for a term of (1) one year, commencing August 1, 2021.

**OSREY COVE MOBILE HOME PARK  
2058 SOUTH SHORE ROAD  
SEAVILLE, NJ 08230  
110 Sites**

3. All officials of the Township are hereby authorized to take such action as necessary or required in order to carry out the intent and purpose of this Resolution.
4. This Resolution shall become effective immediately upon adoption.

Resolution No. 208-2021

Offered by: Barr

Seconded by: Coggins

Adopted: July 26, 2021

Roll Call Vote:

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

5. Renewing Campground Licenses.

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

**RESOLUTION NO. 209-2021**

**RE: RENEWING CAMPGROUND LICENSES**

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**WHEREAS**, Chapter XII of the Code of Upper Township provides for the renewal of licenses to operate a Campground annually after certification by the Cape May County Board of Health; and

**WHEREAS**, each of the Campgrounds hereinafter designated has had an on-site inspection conducted by the Cape May County Board of Health and it has been attested that the operation of the campground is in compliance with all applicable New Jersey Statutes and the rules and regulations promulgated pursuant thereto.

**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 campground licenses are hereby renewed for a term of (1) one year, commencing August 1, 2021.

**BAYBERRY COVE CONDO ASSOCIATION  
435 ROUTE 9  
MARMORA, NJ 08223  
307 Sites**

**ECHO FARMS RV CAMPGROUND  
3066 ROUTE US 9 SOUTH  
SEAVILLE, NJ 08230  
239 Sites**

**FRONTIER CAMPGROUND  
84 TYLER ROAD  
GREENFIELD, NJ 08230  
196 Sites**

**OAK RIDGE RESORT CONDO ASSOCIATION, INC.  
516 ROUTE US 9, SOUTH  
MARMORA, NJ 08223  
240 Sites**

**ROUTE 50 CAMPGROUND, LLC  
T/A OCEAN ISLE CAMPING RESORT  
64 ROUTE 50  
SEAVILLE, NJ 08230  
218 Sites**

**OCEAN SANDS RESORT ASSOCIATION, INC.  
56 ROUTE 50  
SEAVILLE, NJ 08230  
217 Sites**

**PLANTATION ENTERPRISES, INC.  
T/A PLANTATION CAMPGROUND  
60 CORSON TAVERN ROAD  
SEAVILLE, NJ 08230  
223 Sites**

**SCENIC RIVERVIEW CAMPGROUND  
465 ROUTE 49  
TUCKAHOE, NJ 08250  
125 Sites**

**SEAVILLE SHORES TRAILER RESORT  
98 CORSON TAVERN ROAD  
SEAVILLE, NJ 08230  
275 Sites**

**SHOREBIRDS CAMPGROUND  
1314 STAGECOACH ROAD  
PALERMO, NJ 08230  
100 Sites**

3. All officials of the Township are hereby authorized to take such action as necessary or required in order to carry out the intent and purpose of this Resolution.
4. This Resolution shall become effective immediately upon adoption.

Resolution No. 209-2021

Offered by: Barr

Seconded by: Palombo

Adopted: July 26, 2021

Roll Call Vote:

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

6. Renewing the Campground License for Whippoorwill Campground.

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

**RESOLUTION NO. 210-2021**

**RE: RENEWING THE CAMPGROUND LICENSE  
FOR WHIPPOORWILL CAMPGROUND**

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**WHEREAS**, Chapter XII of the Code of Upper Township provides for the annual renewal of licenses to operate a Campground after certification by the Cape May County Board of Health; and

**WHEREAS**, Whippoorwill Campground, located at 810 South Shore Road, Marmora, New Jersey, is one of the Campgrounds that operates in Upper Township, and that is subject to this annual renewal requirement; and

**WHEREAS**, there has arisen a dispute between Upper Township and Whippoorwill Campground as to whether the campground's operations comply with all applicable state and local laws and regulations; and

**WHEREAS**, pending the resolution of this dispute, the Township is willing to renew Whippoorwill Campground's license for 2021-2022, subject to the Township's reservation of all its rights, claims and defenses with respect to that dispute, and without thereby waiving any of those rights, claims or defenses,

**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 campground license is hereby renewed for a term of (1) one year, commencing August 1, 2021, subject to the provisions of Paragraph 3 below.

**WHIPPOORWILL CAMPGROUND, INC.  
810 ROUTE US 9 SO.  
MARMORA, NJ 08223  
288 Sites**



3. In authorizing this renewal, Upper Township does not waive any of its rights, claims, positions, or defenses in connection with the current dispute between the Township and the campground concerning the campground's compliance with state and local campground and land use laws and regulations; nor does the township waive or release any rights, claims, defenses or positions it might have or be able to assert in connection with that dispute.
4. All officials of the Township are hereby authorized to take such action as necessary or required in order to carry out the intent and purpose of this Resolution.
5. This Resolution shall become effective immediately upon adoption.

Resolution No. 210-2021

Offered by: Hayes

Seconded by: Barr

Adopted: July 26, 2021

Roll Call Vote:

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

7. Authorizing the Mayor and Township Clerk to sign a contract with Cape Professional Billing, Inc., dba Cape Medical Billing for emergency medical billing services.

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

**RESOLUTION NO. 211-2021**

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A CONTRACT  
WITH CAPE PROFESSIONAL BILLING, INC., DBA CAPE MEDICAL BILLING FOR  
EMERGENCY MEDICAL BILLING SERVICES**

**WHEREAS**, Cape Professional Billing, Inc. of 5 Locust Lane, P.O. Box 670, Cape May Court House, New Jersey 08210 has submitted a proposal for emergency medical billing services; and

**WHEREAS**, the Township of Upper has previously contracted with Cape Professional Billing, Inc. for emergency medical billing services and wishes to continue such relationship by accepting the proposal and entering into another contract to cover the period of August 1, 2021 to July 31, 2022 with the right to extend the contract for two additional one year terms; 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; and

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

**WHEREAS**, the Township's purchasing agent has determined that this contract is less than the bid threshold and may be awarded to Cape Professional Billing, Inc. since their response to requests for quotes was deemed by the Township Committee as most advantageous, price and other factors considered; 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 Cape Professional Billing to provide billing services for emergency medical services.
3. Cape Professional Billing 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. 211-2021

Offered by: Coggins

Seconded by: Corson

Adopted: July 26, 2021

Roll Call Vote:

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

8. Appointing Aaron Holibaugh as Senior Guard to the Upper Township 2021 season Beach Patrol.

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

**RESOLUTION NO. 212-2021**

**RE: APPOINTING AARON HOLIBAUGH AS SENIOR GUARD  
TO THE UPPER TOWNSHIP 2021 SEASON BEACH PATROL**

**WHEREAS**, a need exists to promote qualified personnel within the Upper Township Beach Patrol to insure optimal operation; and

**WHEREAS**, Aaron Holibaugh possesses all of the requisite qualifications for an appointment to Senior Guard for the 2021 season; 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. Aaron Holibaugh is hereby promoted to the position of Senior Guard for the 2021 Season Beach Patrol, effective July 27, 2021, at an hourly rate of \$19.25 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. 212-2021

Offered by: Corson  
Adopted: July 26, 2021  
Roll Call Vote:

Seconded by: Barr

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

9. Appointing the 2021 season Beach Patrol personnel contingent upon background clearance.

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

**RESOLUTION NO. 213-2021**

**RE: APPOINTING THE 2021 SEASON BEACH PATROL PERSONNEL  
CONTINGENT UPON BACKGROUND CLEARANCE**

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**WHEREAS**, the individuals hereinafter named have been determined to possess the requisite skills, training and are otherwise eligible for appointment to the position of lifeguard, contingent upon background clearance; 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 individuals are appointed as lifeguards in the Township of Upper contingent upon background clearance at a salary as stated below in accordance with the Salary Ordinance:

**ROOKIE GUARDS**

<b>William Schlucter</b>	<b>\$15.00 per hour</b>
<b>Emma Schwarz</b>	<b>\$15.00 per hour</b>
<b>Declan Malcarney</b>	<b>\$15.00 per hour</b>
<b>Corson Durst</b>	<b>\$15.00 per hour</b>
<b>James Garoh</b>	<b>\$15.00 per hour</b>

**RETURNING GUARDS**

<b>James Gibbons</b>	<b>5+</b>	<b>\$16.00 per hour</b>
<b>Michael DeSalis</b>	<b>5+</b>	<b>\$16.00 per hour</b>

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. 213-2021

Offered by: Corson

Seconded by: Barr

Adopted: July 26, 2021

Roll Call Vote:

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

10. Authorizing the purchase of certain items and for the Chief Financial Officer to withdraw funds in the amount of \$6,822.52 from the account entitled Recycling Trust Account for such purposes.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 214-2021**

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS AND FOR THE CHIEF FINANCIAL OFFICER TO WITHDRAW FUNDS IN THE AMOUNT OF \$6,822.52 FROM THE ACCOUNT ENTITLED RECYCLING TRUST ACCOUNT FOR SUCH PURPOSES**

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**WHEREAS**, it is necessary for the Township of Upper to purchase certain recycling containers;

and

**WHEREAS**, the Township of Upper has available \$6,822.52 in the Recycling Trust account to make such purchases; and

**WHEREAS**, the Township's QPA has reviewed and approved the quote from Cascade Engineering of Grand Rapids, Michigan.

**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, Cape May County, New Jersey hereby authorizes the purchase of recycling containers in the amount of \$6,822.52 from Cascade Engineering of Grand Rapids, Michigan.
3. The Chief Financial Officer of the Township of Upper is hereby authorized, directed and empowered to withdraw funds in the amount of \$6,822.52 from the Recycling Trust Account to pay for the recycling containers and is empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 214-2021

Offered by: Coggins

Seconded by: Barr

Adopted: July 26, 2021

Roll Call Vote:

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

11. Authorizing the disposal of personal property with no market value.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 215-2021**

**RE: AUTHORIZING THE DISPOSAL OF PERSONAL PROPERTY  
WITH NO MARKET VALUE**

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**WHEREAS**, N.J.S.A. 40A:11-36 authorizes a municipality to sell or dispose of certain personal property or equipment which is not needed for public use; and

**WHEREAS**, the Township of Upper determines that the property and equipment set forth on Exhibit A attached hereto is not needed for public use and has no market value, and should be disposed of.

**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 property and equipment aforementioned on Exhibit A hereto is hereby determined to be useless for any public purpose and is also determined to be of no market value such that the Township Committee directs its disposal.
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. 215-2021

Offered by: Coggins

Seconded by: Barr

Adopted: July 26, 2021

Roll Call Vote:

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

**EXHIBIT "A"**

Asset No.	Division No.	Identifying Information
66	20-120	HQ Compac dc5850 MXL8510H4R
84	26-290	HQ Compac dc5850 MXL9031CR8
85	20-130	Microsoft Surface Pro 022779133653
117	20-165	Hewlett Packard 630 Laptop 5CB1367S39
100	20-165	Dell Optiplex 990
120	20-110	Microsoft Surface Pro 024427260953
121	20-110	Microsoft Surface Pro 014927533653
123	20-110	Microsoft Surface Pro 008822133653
124	20-110	Microsoft Surface Pro 001689452452
127	20-135	Dell Optiplex 760 441R4K1
130	25-252	Hewlett Packard 630 Laptop 5CB1367S23
133	25-252	Datacard Duplex ID Card Printer B25283
134	43-490	HP Compaq dc5850 MXL90212D2
136	43-490	Hewlett Packard 630 Laptop 5CB1967S4M
145	20-120	Hewlett Packard Printer USQA028888
210	26-290	Dell PE T710 Server 8VS9VR1
215	26-290	HP Compaq dc5850 MXL8510H80
218	26-290	Dell Optiplex 320 G2575C1
233	25-260	Dell Optiplex 760 5NT65L1
234	25-260	Dell Optiplex 760 GPHHZK1
246	25-260	Dell Optiplex 580 9R2M0R1

247	25-260	Dell Latitude D510 7FFVZ91
248	25-260	Dell Optiplex 760 5GRHZK1
249	25-260	Dell Optiplex 760 7FNPNK1
251	25-260	Xerox Workcentre 4250 MAC584342
300	25-252	Hewlett Packard 630 5CB1367S47
301	20-120	Hewlett Packard 630 5SB13573B
304	25-252	Spartra-Tax 911 Comparitor 273CCT0033

## **ORDINANCES**

## **CORRESPONDENCE**

## **NEW BUSINESS**

12. **Request to purchase Township owned property Block 632, Lot 15.** The Township Engineer reported that the requestors recently purchased a house that is encroaching on Township property. They are requesting to purchase the Township property to fix the nonconformity. He stated that the Township's lot is undersized and is not needed for any public purpose. Motion by Edward Barr, second by Kimberly Hayes, to move forward with the request to obtain an appraisal and bring an Ordinance back for introduction at a future meeting. During roll call vote all five Committee members voted in the affirmative.
13. **Request to purchase Township owned property Block 10, Lot 125.** The Engineer reported that the Township's lot is undersized and is not needed for any public purpose. Motion by John Coggins, second by Kimberly Hayes, to move forward with the request to obtain an appraisal and bring an Ordinance back for introduction at a future meeting. During roll call vote all five Committee members voted in the affirmative.

## **UNFINISHED BUSINESS**

14. **Engineer's Traffic Study for St. Andrews.** The Township Engineer reported on the additional speed studies of St. Andrews during weeks in June and July. He stated that based on the results, speed humps are not warranted. It was questioned whether data regarding the number of accidents was reviewed. It was also stated that the volume of traffic has increased to avoid the congestion at the Route 9 and Roosevelt Boulevard intersection by utilizing the side streets to get to the GSP exit ramp. After further discussion, the Engineer was directed to study the accident data for the East side of Shore Road at Randolph Blvd.

## **DISCUSSION**

## **PAYMENT OF BILLS**

15. **"I hereby move that all claims submitted for payment at this meeting be approved and then incorporated in full in the minutes of this meeting."** Motion by John Coggins, second by Edward Barr. During roll call vote all five Committee members voted in the affirmative.

**Bills approved for payment:** \$1,585,466.13

**Payroll:** \$238,702.92

## **REPORT OF MUNICIPAL DEPARTMENTS**

### **16. Division of EMS**

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**, spoke about traffic concerns at the corner of Route 9 and along St. Andrews Place.

**Jennifer Kilroy, St. Andrews Place**, spoke about traffic concerns on St. Andrews Place.

**Jay Newman, Chief Marmora Fire Co.**, spoke about the traffic concerns on Roosevelt Boulevard and the surrounding streets.

**Nelson Clark Alexander, Ocean City**, spoke about traffic concerns on Roosevelt Boulevard and the Parkway.

**Jack Griffin, North Shore Road**, also spoke about traffic concerns on Roosevelt Boulevard and Route 9. He also inquired into how the members of the Upper Township Arts Culture and Theatre group were chosen. Committeewoman Hayes stated that this group was not appointed by the Township. They are a nonprofit group that have formed on their own and hope to operate in a similar way as the sports and recreation programs. The group is still in the process of obtaining their 501c3 status and have not been recognized as a Township approved program.

### **CLOSED SESSION**

17. 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. 216-2021  
MOTION GOING INTO CLOSED SESSION  
JULY 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**

- Contract negotiation - Marsh McLennan
- Contract negotiation - Special Counsel for Labor Law matters
- Contract negotiation - Stockton Coastal Research - Watershed Management Plan
- Litigation - Hemby v. Upper Township
- Litigation - Chatten v. Upper Township
- Contract negotiation - Project Development Agreement/Redevelopment
- 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 9:59 P.M., with a motion by John Coggins, second by Edward Barr, and all five Committee members voting in the affirmative. The next regular meeting is scheduled for August 9, 2021 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC  
Municipal Clerk

### **Bills**

77928 07/26/21 A0018 ACTION SUPPLY INC. 326.50 3197  
77929 07/26/21 A0091 ATLANTIC CITY ELECTRIC 3,084.72 3197  
77930 07/26/21 A0193 ATLANTIC INVESTIGATIONS, LLC 211.00 3197  
77931 07/26/21 A0212 ANCERO, LLC 4,247.30 3197  
77932 07/26/21 A0219 ALTERNATIVE MICROGRAPHICS, INC 1,359.08 3197  
77933 07/26/21 A0235 AMAZON CAPITAL SERVICES, INC. 435.44 3197  
77934 07/26/21 B0035 BELMONT & CRYSTAL SPRINGS 364.31 3197  
77935 07/26/21 B0182 BRIGGS LAW OFFICE, P.C. 1,982.79 3197  
77936 07/26/21 B0248 BARNES LAW GROUP LLC 1,537.50 3197  
77937 07/26/21 C0042 CAMPBELL SUPPLY COMPANY 641.41 3197  
77938 07/26/21 C0048 CAPE MAY COUNTY MUA 47,299.82 3197  
77939 07/26/21 C0052 CAPE MAY COUNTY TREASURER 1,424,372.07 3197  
77940 07/26/21 C0061 CAPRIONI FAMILY SEPTIC 355.00 3197  
77941 07/26/21 C0068 COMCAST 871.12 3197  
77942 07/26/21 C0143 CODY'S POWER EQUIPMENT 353.89 3197  
77943 07/26/21 C0218 CITY OF CORBIN CITY 167.42 3197  
77944 07/26/21 C0223 CASA PAYROLL SERVICE 280.81 3197  
77945 07/26/21 C0246 CRAFT OIL CORPORATION 585.90 3197  
77946 07/26/21 C0296 COMCAST BUSINESS COMMUNICATION 1,386.86 3197  
77947 07/26/21 D0015 DAN'S WELDING 1,550.00 3197  
77948 07/26/21 D0040 DELTA DENTAL OF N.J. INC. 6,332.79 3197  
77949 07/26/21 D0077 DIETRICH, PAUL 548.10 3197  
77950 07/26/21 D2002 DUFFY, THOMAS 43.25 3197  
77951 07/26/21 G0014 GARDEN STATE HWY PRODUCTS INC. 2,535.00 3197  
77952 07/26/21 G0016 GARDNER HARDWARE INC. 134.85 3197  
77953 07/26/21 G0028 GENTILINI FORD 109.81 3197  
77954 07/26/21 G0086 W.W. GRAINGER, INC. 679.80 3197  
77955 07/26/21 G0124 GRIFFIN AUTOMOTIVE INFO SVC 6,500.00 3197  
77956 07/26/21 G0147 GREATAMERICA FINANCIAL SVCS. 170.00 3197  
77957 07/26/21 G0182 GOLDENBERG, MACKLER & SAYEGH 40.50 3197  
77958 07/26/21 H0073 HOME DEPOT CRC/GECF 121.15 3197  
77959 07/26/21 K0019 KEL TEX IMPRINTS 1,435.00 3197  
77960 07/26/21 K0086 K D NATIONAL FORCE SECURITY 2,117.50 3197  
77961 07/26/21 K0091 KRISTEN MORGAN 8,384.38 3197  
77962 07/26/21 M0081 MID-ATLANTIC WASTE SYSTEMS 334.67 3197  
77963 07/26/21 M0320 Mental Health Assoc in New Jer 1,431.10 3197  
77964 07/26/21 N0043 NAPA AUTO PARTS 48.03 3197  
77965 07/26/21 O0006 SJSHORE MARKETING, LLC 732.50 3197  
77966 07/26/21 P0032 PEDRONI FUEL CO. 6,747.02 3197  
77967 07/26/21 P0056 TURF EQUIPMENT AND SUPPLY CO 121.65 3197  
77968 07/26/21 P0175 PRIEST JR., ANTHONY 250.00 3197  
77969 07/26/21 R0030 RIGGINS, INC. 8,520.28 3197  
77970 07/26/21 R0100 ROBERTS OXYGEN COMPANY, INC. 113.35 3197  
77971 07/26/21 R0114 RUDERMAN HORN ESMERADO 9,349.00 3197  
77972 07/26/21 S0020 THE HOME DEPOT PRO 439.17 3197  
77973 07/26/21 S0057 SERVICE TIRE TRUCK CENTERS 1,765.25 3197  
77974 07/26/21 S0113 SMITH, THOMAS G. 1,003.50 3197  
77975 07/26/21 S0134 SO. JERSEY GAS COMPANY 229.26 3197  
77976 07/26/21 S0161 SPICA STEEL, INC./J.D.L.GARAGE 1,200.00 3197  
77977 07/26/21 S0201 SURRAN'S NURSERY 270.00 3197  
77978 07/26/21 S0254 SHOPRITE 98.66 3197  
77979 07/26/21 S0328 SJEV 800.00 3197  
77980 07/26/21 S0360 Severs, Chad 20.00 3197

77981 07/26/21 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3197  
77982 07/26/21 T0207 TETRA TECH, INC. 25,290.00 3197  
77983 07/26/21 U0037 UPPER TOWNSHIP P.T.O. 1,670.00 3197  
77984 07/26/21 V0001 VCI EMERGENCY VEHICLE 351.90 3197  
77985 07/26/21 V0013 VERIZON WIRELESS 2,042.22 3197  
77986 07/26/21 V0022 VERIZON 403.04 3197  
77987 07/26/21 W0045 WILDWOOD CATHOLIC HIGH SCHOOL 150.00 3197  
77988 07/26/21 W0085 WOODY, LESTER 299.03 3197  
77989 07/26/21 W0087 W.B. MASON EGG HARBOR 100.43 3197  
77990 07/26/21 W0123 WIRELESS ELECTRONICS, INC. 1,096.00 3197  
Total: \$1,585,466.13