

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR SEPTEMBER 27, 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 September 24, 2021 the notice of this meeting of the Upper Township Committee was posted on the official Township Bulletin Board, the Upper Township Website, and 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, Municipal Engineer Paul Dietrich, Chief Financial Officer Barbara Ludy, and Municipal Attorney Daniel J. Young.

**APPROVAL OF MINUTES** - September 13, 2021 Regular and Closed Session Minutes

Motion by Edward Barr, second by Kimberly Hayes, to approve the September 13, 2021 Regular and Closed Session Minutes as submitted. During roll call vote all five Committee members voted in the affirmative.

**REPORT OF GOVERNING BODY MEMBERS**

**John Coggins, Committeeman**, reported that in light of Ocean First bank closing the Upper Township branch, he recommends that the Committee authorize the CFO to prepare and solicit requests for proposals for banking services. Motion by Richard Palombo, second by John Coggins, to authorize the CFO to solicit proposals for banking services. During roll call vote all five Committee members voted in the affirmative.

**Kimberly Hayes, Committeewoman**, thanked the Historical Preservation Society for the wonderful Transportation Festival this past weekend. She was able to present the Resolution honoring Douglass Longenecker during the event, and the family of Mr. Longenecker extended their gratitude to the Committee. She next reported that the Upper Township Fall Festival will be held this Sunday October 3<sup>rd</sup>. The gates will open at 10:00 am with the event beginning at 12:00 to 5:00. She requested that the \$5.00 parking fee be waived to reduce the number of employees needed to work the event. After a lengthy discussion, there was a motion by Kimberly Hayes, second by Curtis Corson, to waive the

\$5.00 parking fee for the Fall Festival. During roll call vote four Committee members voted in the affirmative. Committeeman Coggins abstained.

**Curtis Corson, Committeeman**, reported that the Marmora Fire Company will be hosting a Fire Prevention Night and Open House on October 6<sup>th</sup> from 5:30 to 7:00 pm. He next reported that the Upper Township free rabies clinic will be held on October 16<sup>th</sup> from 1:00 to 3:00 pm at Shore Veterinarians. He next requested that an Ordinance be prepared to designate parking spots in Strathmere for lifeguards on duty only. After a lengthy discussion, it was decided to submit the lifeguard only parking proposal to the Parking Committee for further discussion.

## **OTHER REPORTS**

**Scott Morgan, Township Administrator**, gave a brief update on the latest information from the CMC Health Department regarding Covid-19. He next requested approval to register employees for the New Jersey League of Municipalities conference in November at the early discounted rate of \$60.00 per person. Motion by Richard Palombo, second by Edward Barr, to approve the request. During roll call vote all five Committee members voted in the affirmative.

**Barbara Young, Municipal Clerk**, reported that the Township will be holding a Health Fair on Thursday October 21<sup>st</sup> from 3:00 to 5:00 pm at the Community Center. There will be free flu shots, health screenings and more. Masks will be required. She next reported that this year Cape May County will have early voting beginning October 23<sup>rd</sup> through October 31<sup>st</sup> in three locations: Cape May Court House Library, Lower Township Library, and the Upper Township Library. For more information visit [www.capemaycountyvotes.com](http://www.capemaycountyvotes.com). Last, she reported that the Township will be hosting two poll worker training classes at Town Hall on October 7<sup>th</sup> at 6:00 pm and October 23<sup>rd</sup> at 3:00 pm.

**Paul Dietrich, Municipal Engineer**, reported that he anticipates receiving the NJDEP permit for dredging at Beesley's Point Park and requested approval to prepare bid specifications for the project. Motion by Edward Barr, second by Kimberly Hayes, to approve the request. During roll call vote all five Committee members voted in the affirmative. A resolution for formal action will be placed on the next agenda. He next reported that he recently met with County officials regarding phase 2 of the Beesley's Point Park project and requested authorization to prepare a grant application to the Open Space Board for the next stage of the project. During the discussion it was recommended to appoint a subcommittee to work on the grant application with the Township Engineer. Motion by Curtis Corson, second by Edward Barr, to appoint Committeewoman Hayes, Committeeman Coggins, and the Municipal Engineer to the subcommittee to prepare the grant application for phase 2 of the Beesley's Point Park project. During roll call vote all five Committee members voted in the affirmative. Lastly, Mr. Dietrich reported that the NJ Turnpike Authority anticipates finalizing the jurisdictional agreement with the Township for maintenance requirements along Harbor Road and the park area in October.

**Barbara Ludy, Chief Financial Officer**, requested authority to join the TIPS USA national cooperative program for upcoming projects including the Public Works Administrative Building and the Community Center floor. Motion by John Coggins, second by Edward Barr, to approve the request. During roll call vote all five Committee members voted in the affirmative.

## **RESOLUTIONS**

1. Honoring William Hoffman on his retirement from the Township of Upper.

### **TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION**

**RESOLUTION NO. 264-2021**

**HONORING WILLIAM HOFFMAN**

## ON HIS RETIREMENT FROM THE TOWNSHIP OF UPPER

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**WHEREAS**, William Hoffman will soon be retiring after thirty years of exemplary public service to this community within the Upper Township Construction Code Office; and

**WHEREAS**, Bill has been a valued employee since 1991, serving in numerous positions including Electrical Sub-Code Official, Electrical Inspector, Acting Building Sub-Code Official, Fire Protection Sub-Code Official, Fire Protection Inspector, and Acting Construction Official; and

**WHEREAS**, throughout his tenure with the Township of Upper, Bill has always executed his duties with dignity, diligence, and great skill; and

**WHEREAS**, it is most appropriate that Bill be publicly recognized and commended for his tenure of public employment and years of faithful and dedicated service to this Township; 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. That Bill be publicly congratulated on the occasion of his retirement from the Township of Upper.
2. That he be publicly thanked for his many years of dedicated public service to our community.
3. That this Committee, on behalf of all the citizens of the Township of Upper, extend to Bill Hoffman, our fellow employee and friend, our very best of wishes on his retirement and his future.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 27<sup>th</sup> day of September, 2021.

Resolution No. 264-2021

Offered by: Corson

Seconded by: Barr

Adopted: September 27, 2021

Roll Call Vote:

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

2. Designating October 3<sup>rd</sup> through October 9<sup>th</sup> 2021 as "Fire Prevention Week" in Upper Township.

**TOWNSHIP OF UPPER**

**CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 265-2021**

**RE: DESIGNATING OCTOBER 3<sup>RD</sup> THROUGH OCTOBER 9<sup>TH</sup> 2021  
AS “FIRE PREVENTION WEEK” IN UPPER TOWNSHIP**

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**WHEREAS**, fire and carbon monoxide poisoning are a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk; and

**WHEREAS**, National Fire Safety Standards recommend a minimum of one smoke alarm and carbon monoxide detector on each level of a home, one inside each bedroom, and one outside each sleeping area; and

**WHEREAS**, working smoke alarms cut the risk of dying in home fires in half; and

**WHEREAS**, carbon monoxide, often called “the invisible killer”, is a gas you cannot see, taste, or smell and a carbon monoxide detector can alert you to a potentially deadly carbon monoxide leak; and

**WHEREAS**, residents should ensure that everyone in the home understands the sounds of the different alarms and knows how to respond; and

**WHEREAS**, the 2021 Fire Prevention Week theme, “Learn the Sounds of Fire Safety”, effectively serves to remind us it is important to learn the different sounds of smoke and carbon monoxide alarms; and

**WHEREAS** the Township Committee of the Township of Upper is dedicated to the safety of life and property from the devastating effects of fire and are joined by our Volunteer Fire Departments and Emergency Services to remind and urge all citizens to practice routine maintenance of all smoke and carbon monoxide alarms in their homes and businesses, and to educate and prepare the members of their household in fire prevention and protection.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Upper, that the week of October 3, 2021 through October 9, 2021 shall be designated as “Fire Prevention Week” in Upper Township and do hereby encourage the citizens of Upper Township to participate in the 2021 Fire Prevention Week theme, “Learn the Sounds of Fire Safety”, to ensure the safety of your loved ones.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 27<sup>th</sup> day of

September, 2021.

Resolution No. 265-2021

Offered by: Corson

Seconded by: Coggins

Adopted: September 27, 2021

Roll Call Vote:

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

3. Recognizing October 6<sup>th</sup> as “Knock Out Opioid Abuse Day” in Upper Township.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 266-2021**

**RECOGNIZING OCTOBER 6<sup>TH</sup> AS  
“KNOCK OUT OPIOID ABUSE DAY” IN UPPER TOWNSHIP**

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**WHEREAS,** New Jersey is in the midst of a life-threatening opioid abuse epidemic; and

**WHEREAS,** “Knock Out Opioid Abuse Day” is a project of the Partnership for a Drug-Free New Jersey, in cooperation with the Governor’s Council on Alcoholism and Drug Abuse, to educate residents and healthcare providers in preventing the tragedy of overdose deaths and addiction that has already affected many New Jersey families and communities; and

**WHEREAS,** the New Jersey State Senate and the General Assembly jointly resolved that October 6<sup>th</sup> be permanently recognized as “Knock Out Opioid Abuse Day” in New Jersey in order to raise awareness of the dangers of opioid abuse and to educate health care providers, community leaders, state lawmakers and members of the public about the opioid abuse epidemic and its effects throughout New Jersey and across the country; and

**WHEREAS,** there were 63 suspected overdose deaths in Cape May County in 2020 according to the NJ Office of the Attorney General, and the majority of the County’s treatment admissions were for heroin/other opiates in 2019 according to the NJ Department of Human Services Division of Mental Health and Addiction Services; and

**WHEREAS,** the Township of Upper supports initiatives designed to raise awareness of the

potential for dependency on prescribed pain medicine and its link to heroin abuse in 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, that October 6<sup>th</sup> be recognized as “Knock Out Opioid Abuse Day” in Upper Township and encourage the citizens of Upper Township to increase their understanding and awareness of the risks of prescription opioids and their link to addiction and overdose.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 27<sup>th</sup> day of September, 2021.

Resolution No. 266-2021

Offered by: Barr

Seconded by: Palombo

Adopted: September 27, 2021

Roll Call Vote:

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

4. Authorizing the Mayor and Township Clerk to sign a contract with K.D. National Force Security & Investigations, LLC for professional security services.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 267-2021**

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A CONTRACT  
WITH K.D. NATIONAL FORCE SECURITY & INVESTIGATIONS, LLC FOR  
PROFESSIONAL SECURITY SERVICES**

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**WHEREAS**, the Township of Upper has a need for security services during Municipal Court sessions and other occasions as may be required, and parking enforcement officers with regard to the Township’s parking enforcement; and

**WHEREAS**, K.D. National Force Security & Investigations, LLC has submitted a proposal to the Township to provide said security and parking enforcement services; and

**WHEREAS**, the Township wishes to accept said proposal and to authorize the execution of a contract with K.D. National Force Security & Investigations, LLC; and

**WHEREAS**, K.D. National Force Security & Investigations, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that K.D. National Force Security & Investigations, LLC has not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit K.D. National Force Security & Investigations, LLC from making any reportable contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with K.D. National Force Security & Investigations, LLC with offices at 3122 Fire Road, Suite B210, Egg Harbor Township, New Jersey, 08234, to provide professional security and parking enforcement services.
3. This contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because K.D. National Force Security & Investigations, LLC has professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

#### **NOTICE OF CONTRACT AWARD**

5. The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to K.D. National Force Security & Investigations, LLC for professional security and parking enforcement services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

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

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

9. This Resolution shall be effective as of adoption.

Resolution No. 267-2021

Offered by: Barr

Seconded by: Coggins

Adopted: September 27, 2021

Roll Call Vote:

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

5. Confirming sale of certain land, to wit: Block 322, Lot 40 to Ronald Cassedy, Jr.

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

**RESOLUTION NO. 268-2021**

**RE: CONFIRMING SALE OF CERTAIN LAND, TO WIT: BLOCK 322, LOT 40  
TO RONALD CASSEDY, JR.**

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**WHEREAS**, a public auction land sale was held on September 14, 2021, pursuant to Ordinance No. 002-2021; and

**WHEREAS**, Ronald Cassedy, Jr. submitted the highest bid for the purchase of Block 322, Lot 40; and

**WHEREAS**, the Township Committee is satisfied that all conditions precedent were complied with and that said sale was conducted in accordance with the requirements of the Ordinance aforesaid and that proper notice was given to all persons owning property contiguous of the subject property being offered for sale; and



**WHEREAS**, the Township Committee believes that it is in the public interest to confirm the sale of such parcel.

**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 sale of Block 322, Lot 40 to Ronald Cassedy, Jr., at a sale price of \$6,500.00, is hereby confirmed, under and subject to the terms, conditions, and provisions of Ordinance No. 002-2021 and further subject to and conditioned upon the purchasers' compliance with said Ordinance.
3. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute and deliver, on behalf of the Township of Upper, to the aforesaid purchaser, a Quitclaim Deed conveying the Township's right, title and interest in the above described property and the Township Clerk is further authorized, directed and empowered to seal said Deed with the official seal of the Township of Upper.

Resolution No. 268-2021

Offered by: Coggins

Seconded by: Barr

Adopted: September 27, 2021

Roll Call Vote:

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

6. Authorizing the award of a contract with W.W. Grainger, Inc. for equipment and supplies.

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

**RESOLUTION NO. 269 -2021**

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH W.W. GRAINGER, INC.  
FOR EQUIPMENT AND SUPPLIES**

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**WHEREAS**, from time to time the Township of Upper has a need to purchase equipment and supplies from W.W. Grainger, 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 W.W. Grainger, Inc. for the year 2021 will exceed \$17,500; and

**WHEREAS**, W.W. Grainger, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that W.W. Grainger, 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 W.W. Grainger, 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 W.W. Grainger, 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. 269-2021

Offered by: Barr

Seconded by: Coggins

Adopted: September 27, 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 Marsh & McLennan Agency, LLC for insurance and broker consultant services.

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

**RESOLUTION NO. 270-2021**

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A CONTRACT  
WITH MARSH & MCLENNAN AGENCY, LLC FOR INSURANCE AND BROKER  
CONSULTANT SERVICES**

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**WHEREAS**, the Township has decided to continue the services of the firm of Marsh & McLennan Agency, LLC for insurance and broker consultant services; 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

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

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

3. The allegations of the preamble are incorporated herein by this reference.
4. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with Marsh & McLennan Agency, LLC to provide insurance and broker consultant services.
3. The term of this contract shall be for a period of one (1) year from October 1, 2021 through September 30, 2022.
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 Marsh & McLennan Agency, LLC has professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

## NOTICE OF CONTRACT AWARD

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

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

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

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

9. This Resolution shall be effective as of adoption.

Resolution No. 270-2021

Offered by: Coggins

Seconded by: Barr

Adopted: September 27, 2021

Roll Call Vote:

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

8. Appointing Judge Vincent J. Morrison to serve as temporary Municipal Judge on an as needed basis.

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

#### **RESOLUTION NO. 271-2021**

#### **RE: APPOINTING JUDGE VINCENT J. MORRISON TO SERVE AS TEMPORARY MUNICIPAL JUDGE ON AN AS NEEDED BASIS**

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**WHEREAS**, N.J.S.A. 2B:12-5 allows for the appointment of one or more temporary municipal judges to meet a special need of limited duration; and

**WHEREAS**, the Township has decided to acquire the services of Judge Vincent J. Morrison 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 a contract for professional services; and

**WHEREAS**, Judge Vincent J. Morrison has completed and submitted a Business Entity Disclosure Certification which certifies that he has not made any contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit him from making any contributions through the term of his contract; and

**WHEREAS**, said appointment is conditioned upon compliance with all requirements established by N.J.S.A. 2B:12-1, et seq.; 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. Judge Vincent J. Morrison is hereby appointed as a temporary municipal judge to serve on an as needed basis.
3. This contract shall have a term of one (1) year from date of full execution.
4. This contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Judge Vincent J. Morrison has professional knowledge as to legal and municipal court matters, which knowledge is particularly valuable to the Township Committee, and this service is acquired as non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

#### **NOTICE OF CONTRACT AWARD**

The Township Committee of the Township of Upper, State of New Jersey have awarded a contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Judge Vincent J. Morrison for municipal judge services. The contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

6. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Judge Vincent J. Morrison 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.

7. A copy of this Resolution shall be published in the official newspaper of the Township of Upper within ten (10) days from the date of adoption.

8. This Resolution shall be effective as of adoption.

Resolution No. 271-2021

Offered by: Corson

Seconded by: Barr

Adopted: September 27, 2021

Roll Call Vote:

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

9. Adopting the Township of Upper Master Technology Policy.

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

**RESOLUTION NO. 272-2021**

**RE: ADOPTING THE TOWNSHIP OF UPPER  
MASTER TECHNOLOGY POLICY**

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**WHEREAS**, the Township Committee of the Township of Upper has determined there is a need to adopt a Master Technology Policy in order to define the technology security practices necessary to ensure the security of the Township of Upper's technology systems and the information it stores, processes, and/or transmits; and

**WHEREAS**, the policy shall affirm the Township of Upper's commitment to technology security by specifying the policies and standards necessary to achieve security objectives, including

compliance with all Federal and State requirements, as well as the Municipal Excess Liability Joint Insurance Fund's (MEL) Minimum Technology Proficiency Standards; and

**WHEREAS**, the Township Committee of the Township of Upper has reviewed and approved the Master Technology Policy attached hereto and has determined that same should be adopted and certified to the Municipal Excess Liability Joint Insurance Fund; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township of Upper Master Technology Policy attached hereto as Exhibit "A" is hereby approved and adopted, and the Mayor is hereby authorized to sign the MEL Cyber Risk Management Certification.
3. The provisions of this policy may be amended and supplemented from time to time at the sole discretion of the Township Committee.
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. 272-2021

Offered by: Barr

Seconded by: Hayes

Adopted: September 27, 2021

Roll Call Vote:

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

10. Authorizing a Shared Services Agreement with the Cape May County Municipal Utilities Authority for solid waste disposal and recycling services.

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

**RESOLUTION NO. 273-2021**

**RE: AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE  
CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY FOR  
SOLID WASTE DISPOSAL AND RECYCLING SERVICES**

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**WHEREAS**, the Cape May County Municipal Utilities Authority ("CMCMUA"/"Authority") has designed, financed, acquired, constructed, expanded, and currently operates a solid waste system ("System") which presently serves the entire County of Cape May in the State of New Jersey, for the disposal, transfer, and recycling of solid waste; and

**WHEREAS**, the Township of Upper has utilized and desires to continue to utilize the services of the CMCMUA's System; and

**WHEREAS**, there presently exists a contract between the Township of Upper and the Authority for the use of the CMCMUA's System for the disposal, transfer, and recycling of solid waste entitled "Shared Services Agreement for Solid Waste Disposal and Recycling Services" ("Agreement") which will expire on December 31, 2021; and

**WHEREAS**, the Township of Upper and the Authority desire to enter into a new Agreement and to fix the expiration date of said Agreement to occur on December 31, 2022; and

**WHEREAS**, the Authority has offered the "Shared Services Agreement for Solid Waste Disposal and Recycling Services" to the Township of Upper in order to more efficiently provide and continue to offer municipalities within Cape May County the use of the CMCMUA's Solid Waste System from January 1, 2021 through December 31, 2022; and

**WHEREAS**, the Authority has submitted the same proposed form of Agreement to all Cape May County Municipalities which will provide for both solid waste disposal and certain recycling services through December 31, 2022; and

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute an agreement with the CMCMUA entitled "Shared Services Agreement for Solid Waste Disposal and Recycling Services", effective January 1, 2022.



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. 273-2021

Offered by: Barr Seconded by: Coggins

Adopted: September 27, 2021

Roll Call Vote:

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

11. Authorizing the award of a contract with Modern Group, Ltd. for equipment and services.

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

**RESOLUTION NO. 274 -2021**

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH MODERN GROUP, LTD.  
FOR EQUIPMENT AND SERVICES**

---

**WHEREAS**, from time to time the Township of Upper has a need to purchase equipment and services from Modern Group, Ltd. 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 Modern Group, Ltd. for the year 2021 will exceed \$17,500; and

**WHEREAS**, Modern Group, Ltd. has completed and submitted a Business Entity Disclosure Certification which certifies that Modern Group, Ltd. 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 Modern Group, Ltd. 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 Modern Group, Ltd. 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. 274-2021

Offered by: Barr

Seconded by: Coggins

Adopted: September 27, 2021

Roll Call Vote:

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

12. Authorizing the award of a contract with Campbell Freightliner, LLC for parts and equipment.

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

**RESOLUTION NO. 275-2021**

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH  
CAMPBELL FREIGHTLINER, LLC FOR PARTS AND EQUIPMENT**

---

**WHEREAS**, from time to time the Township of Upper has a need to purchase parts and equipment from Campbell Freightliner, LLC 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 Campbell Freightliner, LLC for the year 2021 will exceed \$17,500; and

**WHEREAS**, Campbell Freightliner, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Campbell Freightliner, LLC 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 Campbell Freightliner, LLC 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 Campbell Freightliner, LLC 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. 275-2021

Offered by: Barr

Seconded by: Coggins

Adopted: September 27, 2021

Roll Call Vote:

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

13. Authorizing reimbursement of costs for medical and prescription benefits to Laurence Bond.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 276-2021**

**RE: AUTHORIZING REIMBURSEMENT OF COSTS FOR MEDICAL AND PRESCRIPTION  
BENEFITS TO LAURENCE BOND**

---

**WHEREAS**, Laurence Bond began employment with the Township of Upper on May 8, 1984 and retired on June 1, 2009 with 25 continuous years of service to Upper Township;

**WHEREAS**, the Township provides medical and prescription coverage, including coverage for dependents, to employees with 25 continuous years of service; and

**WHEREAS**, the Township will begin participation in the New Jersey State Health Benefits Program (SHBP) on October 1, 2021 for all retirees and active employees and therefore must abide by the SHBP regulations; and

**WHEREAS**, one of the requirements of the SHBP is that retirees have 25 continuous years of service to the local government unit and also have 25 years of service in the New Jersey Public Retirement System or the Police and Fire Fighters Retirement System, as applicable; and

**WHEREAS**, Laurence Bond has 24 years and four (4) months in the New Jersey Public Retirement System, and as such, the cost of his health benefits will be deducted from his pension check; and

**WHEREAS**, the Township Committee has decided that it is just and fitting to reimburse Laurence Bond for said health benefits costs.

**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 Chief Financial Officer of the Township of Upper is hereby authorize to reimburse Laurence Bond for the cost of his medical and prescription coverage.
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. 276-2021

Offered by: Coggins

Seconded by: Barr

Adopted: September 27, 2021

Roll Call Vote:

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

14. Authorizing Change Order No. 3 for the Reconstruction of Beesley's Point Park contract resulting in an increase in the amount of \$42,983.23.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY**

# RESOLUTION

## RESOLUTION NO. 277-2021

### RE: AUTHORIZING CHANGE ORDER NO. 3 FOR THE RECONSTRUCTION OF BEESLEY'S POINT PARK CONTRACT RESULTING IN AN INCREASE IN THE AMOUNT OF \$42,983.23

---

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

**WHEREAS**, the Chief Financial Officer has issued a certification as to the availability of funds for this Change Order No. 3; and

**WHEREAS**, the aggregate amount of Change Order No. 1 & 3, comprising of extra work in the amount of \$316,250.00 and \$42,983.23, respectively. This work (\$359,233.23) does not exceed twenty percent (20%) of the original Contract award; and

**WHEREAS**, the Township Engineer has requested this Change Order and has indicated that it is permitted under the applicable regulations and that, pursuant to N.J.A.C. 5:30-11.8, it is a minor modification due to unforeseen circumstances not foreseen at the time the specifications were written and the contract awarded and to effect economies and improve service; and

**WHEREAS**, this Change Order 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. Change Order No. 3 to the Reconstruction of Beesley's Point Park contract with Fred

M. Schiavone Construction, Inc is hereby authorized as follows:

Increases	\$39,533.38
Decreases	\$-57,790.15
Extra Work	\$61,240.00
TOTAL	\$42,983.23

3. A copy of the Change Order detailing the nature and the extent of the work to be done, together with all other prior Change Orders, if any, are attached to this Resolution as Exhibit "A".

4. The Mayor and Chief Financial Officer are hereby authorized, directed and empowered to execute the Change Order on behalf of the Township of Upper.

5. 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. 277-2021

Offered by: Coggins

Seconded by: Barr

Adopted: September 27, 2021

Roll Call Vote:

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

15. Appointing Amanda Grau as a full-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. 278-2021**

**RE: APPOINTING AMANDA GRAU AS A FULL-TIME EMPLOYEE TO THE  
UPPER TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES**

---

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

**WHEREAS**, Amanda Grau possesses all the requisite qualifications for appointment to said position; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Amanda Grau is hereby appointed to the Division of Emergency Medical Services as a full-time Emergency Medical Technician effective September 28, 2021 at an annual salary of \$45,000, 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. 278-2021

Offered by: Barr

Seconded by: Corson

Adopted: September 27, 2021

Roll Call Vote:

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

16. Appointing Frank Primavera as a part-time employee to the Upper Township Construction Code Office to serve as Fire Protection Inspector.

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

**RESOLUTION NO. 279-2021**

**RE: APPOINTING FRANK PRIMAVERA AS A PART-TIME EMPLOYEE TO THE  
UPPER TOWNSHIP CONSTRUCTION CODE OFFICE TO SERVE AS FIRE PROTECTION  
INSPECTOR**

---

**WHEREAS**, a need exists to appoint a part-time employee to the Upper Township Construction Code Office to ensure optimal operation; and

**WHEREAS**, Frank Primavera possesses the requisite licenses as required by the New Jersey Uniform Construction Code to serve as the part-time Fire Protection Inspector; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Frank Primavera is hereby appointed to the Upper Township Construction Code Office effective October 1, 2021 to serve as Fire Protection Inspector at an annual salary of \$5,000.00
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. 279-2021

Offered by: Barr

Seconded by: Corson

Adopted: September 27, 2021,

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Barr	X			
Coggins	X			
Corson	X			

Hayes	X			
Palombo	X			

17. Authorizing the purchase of sand fencing and cedar posts with funds from the 2008 Capital Improvement Bond Ordinance in the amount of \$8,348.10.

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

**RESOLUTION NO. 280-2021**

**RE: AUTHORIZING THE PURCHASE OF SAND FENCING AND CEDAR POSTS WITH  
FUNDS FROM THE 2008 CAPITAL IMPROVEMENT BOND ORDINANCE  
IN THE AMOUNT OF \$8,348.10**

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

**WHEREAS**, the Township Committee adopted the 2008 Capital Improvement Bond Ordinance 013-2008 on August 11, 2008; and

**WHEREAS**, the Township's QPA has reviewed and approved the quote for the purchase of sand fencing and 7' white cedar posts by Lumberman Associates of Bristol, Pennsylvania.

**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 Lumberman Associates for the purchase of sand fencing and 7' white cedar posts in the amount of \$8,348.10 from the 2008 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. 280-2021

Offered By: Coggins

Seconded By: Barr

Adopted: September 27, 2021

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Barr	X			
Coggins	X			



Corson	X			
Hayes	X			
Palombo	X			

## **ORDINANCES**

18. Introduction and first reading of Ordinance No. 014-2021 RE: AN ORDINANCE AUTHORIZING SALE OF LANDS, TO WIT BLOCK 848, LOT 3. **Motion by Richard Palombo, second by John Coggins, to introduce Ordinance 014-2021 with a public hearing and final adoption scheduled for October 25, 2021. During roll call vote all five Committeemen voted in the affirmative.**

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

#### **ORDINANCE NO. 014-2021**

#### **RE: AN ORDINANCE AUTHORIZING SALE OF LANDS, TO WIT BLOCK 848, LOT 3**

**WHEREAS**, the Township of Upper is the owner, in fee, of a certain parcel of vacant ground located within the Township of Upper, County of Cape May, and State of New Jersey, set forth on the municipal tax map as Block 848, Lot 3; and

**WHEREAS**, the Township has received an offer from Scott Buehler, the owner of real property contiguous with said parcel owned by the Township, to purchase said parcel; and

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

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

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

Block 848, Lot 3

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

Block 848, Lot 3

Minimum Bid: \$44,000.00

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

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

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

**SECTION 5:** The aforesaid parcel of real property shall be offered for sale at an auction to be conducted by the Township Clerk at a date and time to be set by the Township Clerk after the appropriate notice of sale has been sent to contiguous owners of the subject real property. Said notice shall be sent certified and regular mail to the owners of contiguous property at the address set forth on the tax assessor's records. Said notice shall be sent no greater than 30 days prior to the date of sale and no less than 14 days prior to the date of sale. At any time, the Township Clerk may adjourn said sale and renote in accordance with the provisions of this Ordinance and N.J.S.A. 40A:12-13.

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

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

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

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

**IF THE BIDDER IS THE ORIGINAL APPLICANT:**

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

**IF THE BIDDER IS NOT THE ORIGINAL APPLICANT:**

- (B) The sum of 500.00, payable to the Township of Upper, representing payment to the Township for expenses of \$500.00 to defray Township expenses, which amounts were required of the original applicant.
- (C) (i) The sum of \$100.00 for the preparation of the Deed.
- (ii) The sum of \$70.00 for recording the Deed.

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

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

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

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

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

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

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

**SECTION 14:** The title to be delivered by the Township shall be under and subject to all easements and rights of way, recorded and unrecorded, whether for utilities or for others, and shall also be subject to all conditions, reservations and restrictions of record, if any. If the title report discloses

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

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

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

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

**SECTION 18:** It is a requirement of this sale that the purchaser of the subject property be a contiguous property owner. Said purchaser shall be required to take immediate action to cause a consolidation of the property being purchased with existing adjacent property which shall not be used to create another building lot such that the subject property's use is restricted to additional land incorporated

into an existing developed lot. This restriction shall be included in the deed of conveyance and shall run with the land. The successful bidder shall complete the consolidation as a condition of the sale. The provisions of this Section shall survive closing and shall not merge into the Deed.

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

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 27<sup>th</sup> DAY OF SEPTEMBER, 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 ON THE 25<sup>th</sup> DAY OF OCTOBER, 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**

19. The Historical Preservation Society of Upper Township request the use of Gandy Farm for their annual Apple Fest on Saturday, October 16, 2021 (rain date October 17<sup>th</sup>). **Motion by Edward Barr, second by Kimberly Hayes, to approve the request. During roll call vote all five Committee members voted in the affirmative.**
20. The Historical Preservation Society of Upper Township request the use of the Tuckahoe Train Station during the Santa Express Train event on various dates beginning October 16, 2021 thru December 22, 2021. **Motion by Kimberly Hayes, second by John Coggins, to approve the request. During roll call vote all five Committee members voted in the affirmative.**
21. Knights of Columbus #9113 Monsignor James Zegers/Resurrection Council request to hold a Raffle #RA-540 at Immaculata Hall on February 13, 2022. **Motion by Edward Barr, second by Kimberly Hayes, to approve the request. During roll call vote all five Committee members voted in the affirmative.**
22. Request to pave unimproved street Whitman Lane. **The Municipal Engineer reported the property owner, James Germanio, has requested to improve Whitman Lane in Tuckahoe so that he may construct three homes along Whitman Lane, which is currently unimproved. Mr. Germanio has submitted plans to the Cape May County Health Department and has approvals for the septic systems on the three lots. He has also submitted road construction plans for Whitman Lane from Gibson Associates which meets the Township's standards in compliance with Revised General Ordinance Chapter 19. After a brief discussion there was a motion by John Coggins, second by Curtis Corson, to move forward with the request. During roll call vote all five Committee members voted in the affirmative. A resolution for formal action will be placed on the next agenda.**

### **UNFINISHED BUSINESS**

#### **DISCUSSION**

#### **PAYMENT OF BILLS**

23. "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: \$281,095.99**  
**Payroll: \$189,521.10**

## **REPORT OF MUNICIPAL DEPARTMENTS**

### 24. Municipal Court

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

## **PUBLIC COMMENT**

**Larry Trulli, Route 9**, thanked the members of the Committee for their stewardship of taxpayer money and their commitment to the community. He also offered to volunteer to fundraise for future events if needed.

**Shawna Mulford, Dawn Road**, requested that the community be included in the planning of future events.

## **CLOSED SESSION**

25. 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. 281-2021 MOTION GOING INTO CLOSED SESSION SEPTEMBER 27, 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

- Personnel
- Litigation - Hight v. Upper Township
- Litigation - Chatten v. Upper Township
- Potential litigation - Pending County Agriculture Board Application
- Contract negotiation - Shared Services with Maurice River Township
- Contract negotiation - Project Development Agreement/Redevelopment
- Contract negotiation - Affordable Housing Affirmative Marketing
- Contract negotiation - Health Reimbursement Account Services

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 9:33 P.M., with a motion by John Coggins, second by Kimberly Hayes, and all five Committee members voting in the affirmative.

The next regular meeting is scheduled for Tuesday, October 12, 2021 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC  
Municipal Clerk

#### **Bills**

78228 09/27/21 A0018 ACTION SUPPLY INC. 22.05 3204  
78229 09/27/21 A0091 ATLANTIC CITY ELECTRIC 3,357.03 3204  
78230 09/27/21 A0191 ACTION UNIFORM CO. LLC 1,294.72 3204  
78231 09/27/21 A0193 ATLANTIC INVESTIGATIONS, LLC 619.00 3204  
78232 09/27/21 A0212 ANCERO, LLC 3,080.19 3204  
78233 09/27/21 A0222 ANZELONE ELECTRIC COMPANY, LLC 4,745.00 3204  
78234 09/27/21 A0225 AUTOZONE NORTHEAST LLC 59.30 3204  
78235 09/27/21 A0235 AMAZON CAPITAL SERVICES, INC. 99.95 3204  
78236 09/27/21 B0093 BARRY,CORRADO & GRASSI,PC 4,988.61 3204  
78237 09/27/21 B0220 BERGEY'S TRUCK CENTERS 381.18 3204  
78238 09/27/21 B0248 BARNES LAW GROUP LLC 1,867.55 3204  
78239 09/27/21 C0042 CAMPBELL SUPPLY COMPANY 252.39 3204  
78240 09/27/21 C0048 CAPE MAY COUNTY MUA 42,897.69 3204  
78241 09/27/21 C0068 COMCAST 875.91 3204  
78242 09/27/21 C0182 CDW GOVERNMENT, INC 484.03 3204  
78243 09/27/21 C0223 CASA PAYROLL SERVICE 272.75 3204  
78244 09/27/21 C0279 CASA REPORTING SERVICES LLC 198.80 3204  
78245 09/27/21 C0307 CNS ACQUISITION CORPORATION 1,670.00 3204  
78246 09/27/21 D0016 DALEYS PIT 150.00 3204  
78247 09/27/21 D0040 DELTA DENTAL OF N.J. INC. 6,008.99 3204  
78248 09/27/21 F0048 LESLIE G. FOGG INC 1,600.00 3204  
78249 09/27/21 G0016 GARDNER HARDWARE INC. 259.30 3204  
78250 09/27/21 G0028 GENTILINI FORD 39.92 3204  
78251 09/27/21 G0086 W.W. GRAINGER, INC. 613.12 3204  
78252 09/27/21 G0147 GREATAMERICA FINANCIAL SVCS. 196.00 3204  
78253 09/27/21 G0182 GOLDENBERG, MACKLER & SAYEGH 331.07 3204  
78254 09/27/21 G0203 GIBBONS, JAMES 43.25 3204  
78255 09/27/21 H0022 HR DIRECT 239.97 3204  
78256 09/27/21 H0148 THOMAS H. HEIST INS AGENCY INC 26,978.00 3204  
78257 09/27/21 J0075 JPMONZO MUNICIPAL 50.00 3204  
78258 09/27/21 J0079 JAMES WYERS LANDSCAPING, LLC 1,300.00 3204  
78259 09/27/21 K0086 K D NATIONAL FORCE SECURITY 462.00 3204  
78260 09/27/21 M0016 McAFEE, MEGAN 17.64 3204  
78261 09/27/21 M0313 MAVIS TIRE SUPPLY, LLC 650.00 3204  
78262 09/27/21 N0068 NJ MOTOR VEHICLE COMMISSION 60.00 3204  
78263 09/27/21 N0154 NEW HORIZON COMMUNICATIONS 835.22 3204



78264 09/27/21 O0006 SJSHORE MARKETING,LLC 917.00 3204  
 78265 09/27/21 O0063 OTT HYDROMET CORP 614.71 3204  
 78266 09/27/21 O0071 OAKS, ELIZABETH 43.25 3204  
 78267 09/27/21 P0032 PEDRONI FUEL CO. 3,498.90 3204  
 78268 09/27/21 P0175 PRIEST JR., ANTHONY 125.00 3204  
 78269 09/27/21 P0202 PINELANDS NURSERY, INC. 443.30 3204  
 78270 09/27/21 Q0008 QUILL CORPORATION 47.99 3204  
 78271 09/27/21 R0030 RIGGINS, INC. 5,900.72 3204  
 78272 09/27/21 R0075 RENTAL COUNTRY, INC. 1,743.50 3204  
 78273 09/27/21 S0031 SCHULER SECURITY, INC. 155.00 3204  
 78274 09/27/21 S0057 SERVICE TIRE TRUCK CENTERS 3,018.72 3204  
 78275 09/27/21 S0113 SMITH, THOMAS G. 951.85 3204  
 78276 09/27/21 S0134 SO. JERSEY GAS COMPANY 99.95 3204  
 78277 09/27/21 S0361 SOUTH JERSEY WATER TEST, LLC 571.00 3204  
 78278 09/27/21 S0362 FRED M. SCHIAVONE CONSTRUCTION 143,604.35 3204  
 78279 09/27/21 S0363 STARR GENERAL CONTRACTION CORP 1,650.49 3204  
 78280 09/27/21 T0032 THE PRESS OF ATLANTIC CITY 325.60 3204  
 78281 09/27/21 T0109 TUCKAHOE NURSERIES, INC. 445.00 3204  
 78282 09/27/21 T0129 TRUGREEN CHEMLAWN 4,065.24 3204  
 78283 09/27/21 T0148 THE TITLE COMPANY OF JERSEY 510.00 3204  
 78284 09/27/21 T0179 TUCKAHOE TURF FARMS, INC. 392.00 3204  
 78285 09/27/21 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3204  
 78286 09/27/21 V0013 VERIZON WIRELESS 657.35 3204  
 78287 09/27/21 V0022 VERIZON 409.08 3204  
 78288 09/27/21 V0025 V.E. RALPH & SON, INC. 343.30 3204  
 78289 09/27/21 V0027 VANORDER, ROGER 297.97 3204  
 78290 09/27/21 W0050 MOTOROLA SOLUTIONS INC. 2,012.00 3204  
 78291 09/27/21 W0087 W.B. MASON EGG HARBOR 969.22 3204  
 78292 09/27/21 X0008 XEROX FINANCIAL SERVICES 257.87 3204  
 Total: \$281,095.99