

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

**REGULAR MEETING OF THE TOWNSHIP COMMITTEE –7:30 P.M.**

**CALL TO ORDER**

**SUNSHINE ANNOUNCEMENT**

Mayor Palombo read the following Open Public meeting notice into the record:

“In compliance with the Open Public Meetings Law, I wish to state that on November 5, 2021 the notice of this meeting of the Upper Township Committee was posted on the official Township Bulletin Board, the Upper Township Website, and 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** - October 25, 2021 Regular and Closed Session Minutes

Motion by Edward Barr, second by Curtis Corson, to approve the October 25, 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**, congratulated Kim Hayes, Jay Newman, and Mark Pancoast for their election victory, and stated that he looks forward to moving forward and working together to improve the lives of the Township and its residents.

**Kimberly Hayes, Committeewoman**, reported that the annual tree lighting ceremony will be held on Monday November 22nd at 6:30 at Township Hall.

**Edward Barr, Committeeman**, extended congratulations to Kim Hayes, Mark Pancoast, and Jay Newman, and wished them luck.

**Curtis Corson, Committeeman**, congratulated Kim Hayes, Mark Pancoast, and Jay Newman and stated that he is looking forward to working together. He next reported on the successful rabies clinic held this past Saturday at Shore Veterinarians, during which 57 animals were vaccinated.

**Richard Palombo, Mayor**, also congratulated the newly elected committee members. He next thanked Paul Dietrich and stated that the American Flag at the new Beesley's Point Park looks great. He next stated that the Township has received an NJDOT grant award in the amount of \$160,000 for the reconstruction of Prescott Avenue and thanked Paul Dietrich for his work in securing that funding.

## **OTHER REPORTS**

**Scott Morgan, Township Administrator**, congratulated the newly elected committee members. Next, he reported on correspondence from Brook Handley of the Great Egg Harbor Watershed Association and River Council, thanking the Township and the Department of Public Works for their assistance collecting debris the Council members had cleared from the back waterways. Lastly, he gave a brief update on the latest information from the CMC Health Department regarding Covid-19.

**Barbara Young, Municipal Clerk**, congratulated Mrs. Hayes, Mr. Pancoast, and Mr. Newman on their recent election. She next reported that Township offices will be closed on November 11<sup>th</sup> for Veterans Day. She next reported that a Veteran's Day service will be held at Osprey Point at 10:00 am.

**Daniel Young, Municipal Attorney**, congratulated the newly elected committee members.

**Paul Dietrich, Municipal Engineer**, also congratulated the newly elected committee members. He next reported that the Bureau of Coastal Engineering has indicated that the Township will be included in the next beach fill funding cycle for either the Fall of 2022 or Spring of 2023, contingent on congressional funding. Next, he reported that he is continuing with the plan endorsement process. He received a draft of the planning and implementation agenda which sets forth items that will need to be accomplished in the next few years and items with which the Township will need the State's assistance. He stated that once he reviews the draft, he will bring it to the Township Committee for review and action.

**Barbara Ludy, Chief Financial Officer**, also congratulated the newly elected committee members.

## **RESOLUTIONS**

1. Congratulating the Upper Township Green Hornets for their wrestling achievements in 2021.

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

#### **RESOLUTION NO. 313-2021**

#### **RE: CONGRATULATING THE UPPER TOWNSHIP GREEN HORNETS FOR THEIR WRESTLING ACHIEVEMENTS IN 2021**

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**WHEREAS**, the members of the Upper Township Green Hornets had an outstanding 2021 wrestling season, attaining numerous achievements in their respective weight classes; and

**WHEREAS**, on behalf of the citizens of Upper Township, it is appropriate that we recognize and congratulate the following wrestlers for their accomplishments:

Shane Wheeler	3 <sup>rd</sup> Place 2021 USAW NJ State Tournament 4 <sup>th</sup> Place 2021 War at the Shore Nationals
Finn Wheeler	4 <sup>th</sup> Place 2021 War at the Shore Nationals
Luke McHale	6 <sup>th</sup> Place 2021 USAW NJ State Tournament
Trent Lera	5 <sup>th</sup> Place 2021 USAW NJ State Tournament 2 <sup>nd</sup> Place 2021 War at the Shore Nationals
Brayden Hinrichsen	4 <sup>th</sup> Place 2021 USAW NJ State Tournament
Bella Cox	8 <sup>th</sup> Place 2021 USAW NJ State Tournament
Logan Hayes	6 <sup>th</sup> Place 2021 USAW NJ State Tournament
Brynn Cunningham	1 <sup>st</sup> Place 2021 USAW NJ State Tournament 1 <sup>st</sup> Place 2021 War at the Shore Nationals 1 <sup>st</sup> Place 2021 Northeast Girls Folkstyle Nationals 2 <sup>nd</sup> Place 2021 Atlantic City Summer Nationals
Keira Cunningham	1 <sup>st</sup> Place 2021 USAW NJ State Tournament 1 <sup>st</sup> Place Northeast Girls Folkstyle Nationals 1 <sup>st</sup> Place 2021 Atlantic City Summer Nationals 2 <sup>nd</sup> Place 2021 War at the Shore Nationals (boys) 2 <sup>nd</sup> Place 2021 War at the Shore Nationals (girls) 2 <sup>nd</sup> Place 2021 Tulsa Nationals Kickoff Classic 4 <sup>th</sup> Place 2021 Tulsa Nationals

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee, on behalf of the citizens of the Township of Upper, that we extend to the Upper Township Green Hornets congratulations on becoming USA Wrestling New Jersey State Championship place winners; and to the coaches, heartfelt appreciation and gratitude for the generous donation of their time and service to the young people of this community.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 8<sup>h</sup> day of November, 2021.

Resolution No. 313-2021

Offered By: Hayes

Seconded By: Coggins

Adopted: November 8, 2021

Roll Call Vote:

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

2. Authorizing the release of \$40,669.42 in surplus from the Township of Upper's Share of the Aggregate Excess Loss Contingency Fund.

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

**RESOLUTION NO. 314-2021**

**RE: AUTHORIZING THE RELEASE OF \$40,669.42 IN SURPLUS FROM THE TOWNSHIP  
OF UPPER'S SHARE OF THE AGGREGATE EXCESS LOSS CONTINGENCY FUND**

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**WHEREAS**, the Atlantic County Municipal Joint Insurance Fund, hereinafter referred to as FUND has been organized pursuant to N.J.S.A. 40a:10-36 et seq.; and

**WHEREAS**, the FUND is duly constituted and as a Municipal Self Insurance Fund to provide insurance coverage to its member municipalities; and

**WHEREAS**, the FUND has established an Aggregate Excess Loss Contingency Fund pursuant to N.J.A.C. 11:15-2.23; and

**WHEREAS**, in accordance with N.J.A.C.11:15-2.21, the FUND is authorized to release surplus from its Closed Years Fund upon approval from the Department of Banking & Insurance and Department of Community Affairs; and

**WHEREAS**, should the FUND authorize the Release of Surplus from its Closed Years Fund, each member receiving a share of the surplus has the option of using the surplus as an offset against their next assessment billing, receiving the surplus as a direct payment, or placing a portion of their surplus in the FUND's Aggregate Excess Loss Contingency Fund; and

**WHEREAS**, several members, including the Township of Upper, have placed a portion of their surplus from amounts released in prior years, into the Aggregate Excess Loss Contingency Fund; and

**WHEREAS**, based upon the un-audited balance as of September 2021, the Township of Upper had an accumulated balance of approximately \$117,280.99 in the Aggregate Excess Loss Contingency Fund; and

**WHEREAS**, the Fund Commissioner from the Township of Upper will forward a copy of this resolution as a written request to the Fund Administrator's office asking for \$40,669.42 of their available balance be released from the Aggregate Excess Loss Contingency Fund.

**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 does hereby authorize the Fund Treasurer to release \$40,669.42 from the Township of Upper's balance in the Aggregate Excess Loss Contingency Fund in the form of a lump sum payment for the 2021 Fund Year to the Township of Upper.
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. 314-2021

Offered By: Coggins

Seconded By: Barr

Adopted: November 8, 2021

Roll Call Vote:

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

3. Authorizing a Shared Services Agreement with the Township of Maurice River for the use of equipment for the grading of Hunters Mill Road.

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

**RESOLUTION NO. 315-2021**

**RE: AUTHORIZING A SHARED SERVICES AGREEMENT WITH  
THE TOWNSHIP OF MAURICE RIVER FOR THE USE OF EQUIPMENT FOR THE  
GRADING OF HUNTERS MILL ROAD**

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**WHEREAS**, the Township of Maurice River has indicated a desire to enter into a Shared Services Agreement with the Township of Upper for use of equipment for the grading of Hunters Mill Road; and

**WHEREAS**, the Township of Upper has deemed it to be acceptable to provide the service to the Township of Maurice River for cost pursuant to the Shared Services Agreement; and

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

1. **SHARED SERVICES AGREEMENT.** Pursuant to the provisions of the Uniformed Shared Services Act, (N.J.S.A. 40A:65-1, et seq.,) the Township of Upper is hereby authorized and empowered to enter into a Shared Services Agreement with the Township of Maurice River for use of equipment for the grading of Hunters Mill Road.

2. **SERVICES TO BE PROVIDED; CONTRACT.** The Shared Services Agreement authorized in paragraph 1 hereof shall cover those services, which are enumerated in said Agreement, a copy of which is attached hereto as Exhibit "A".

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

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

5. CONTRACT TERM. The term of this Agreement is for the period of one year from date of full execution.

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

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

8. EFFECTIVE DATE: This Resolution shall take effect immediately upon final adoption and publication in the manner provided by law.

Resolution No. 315-2021

Offered by: Barr

Seconded by: Coggins

Defeated: November 8, 2021

Roll Call Vote:

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

4. Authorizing the Upper Township Division of Emergency Medical Services to submit a grant application for the South Jersey Gas First Responders Grant Program.

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

**RESOLUTION NO. 316-2021**

**AUTHORIZING THE UPPER TOWNSHIP DIVISION OF  
EMERGENCY MEDICAL SERVICES TO SUBMIT A GRANT APPLICATION  
FOR THE SOUTH JERSEY GAS FIRST RESPONDERS GRANT PROGRAM**

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**WHEREAS**, the South Jersey Gas First Responders Grant Program is intended to provide critical support for operations conducted by first responder departments; and

**WHEREAS**, the Township of Upper carefully considers grant programs that assist the Township in achieving projects and programs that are a benefit to the community; and

**WHEREAS**, the Township Committee believes it is in the best interest of the Township for the Division of Emergency Medical Services to apply for the grant; 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 Upper Township Division of Emergency Medical Services is hereby authorized to submit a grant application, attached hereto as Exhibit A, on behalf of the Township of Upper for the South Jersey Gas First Responders Grant Program.
3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Resolution No. 316-2021

Offered by: Corson

Seconded by: Barr

Adopted: November 8, 2021

Roll Call Vote:

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

## **ORDINANCES**

5. **Introduction and first reading of Ordinance No. 017-2021 RE: AN ORDINANCE AUTHORIZING SALE OF LANDS, TO WIT BLOCK 10, LOTS 124 AND 125.** Motion by John Coggins, second by Edward Barr, to introduce Ordinance 017-2021 with a public hearing and final adoption scheduled for December 6, 2021. During roll call vote all five Committee members voted in the affirmative.



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

**ORDINANCE NO. 017-2021**

**RE: AN ORDINANCE AUTHORIZING SALE OF LANDS,  
TO WIT BLOCK 10, LOTS 124 AND 125**

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**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 10, Lots 124 and 125; and

**WHEREAS**, the Township has received an offer from Steven and Maria Benvenuti, (hereinafter jointly “Benvenuti”), the owners 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 lots 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 10, Lots 124 and 125

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 10, Lots 124 and 125

Minimum Bid: \$12,500.00

**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:** Benvenuti 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 all of the bidder's existing adjacent property so as to constitute a single parcel of ground which shall not be further subdivided into more than one lot. This restriction shall be included in the deed of conveyance and shall run with the land. The successful bidder shall complete the consolidation as a condition of the sale. The provisions of this Section shall survive closing and shall not merge into the Deed.

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

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE **8<sup>th</sup> DAY OF NOVEMBER 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 **6<sup>th</sup> DAY OF DECEMBER 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**

6. **Watershed Management Plan for Upper Township.** Paul Dietrich reported that the Township received a planning grant from FEMA to assist with the Township's rating with the Community Rating System Program. This Watershed Management Plan is part of that process. Motion by John Coggins, second by Kimberly Hayes, to forward the plan to FEMA and the Planning Board for review and eventual incorporation into the Township's Master Plan. During roll call vote all five Committee members voted in the affirmative.
7. **New Jersey Department of Agriculture Gypsy Moth Survey.** The Township Engineer stated that the survey of the Township has indicated an increased infestation of gypsy moths. Motion by Richard Palombo, second by Curtis Corson, to participate in the Gypsy Moth Program. During roll call vote all five Committee members voted in the affirmative.
8. **Compensation of Fire District Commissioners.** The Municipal Attorney reported that an item on the Best Practices questionnaire was whether the Township has reviewed and approved the compensation of Fire District Commissioners. He stated that two fire districts do compensate their commissioners. Motion by Curtis Corson, second by Kimberly Hayes, to approve the compensation of the Fire District Commissioners for Tuckahoe and Marmora.

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**

9. **“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 Kimberly Hayes. During roll call vote all five Committee members voted in the affirmative.

**Bills approved for payment: \$416,611.94**

**Payroll: \$180,193.76**

### **REPORT OF MUNICIPAL DEPARTMENTS**

10. **Clerk’s Office**
11. **Construction Code**
12. **Division of EMS**
13. **Finance Office**
14. **MUA Report**
15. **Tax Collector**
16. **Tax Collector - Certification of Mailing-Added Assessment and Omitted/Added Assessment Taxes for 2021 Final/2022 Preliminary Tax Bills.**
17. **Public Works**

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

### **PUBLIC COMMENT**

**Blanche Adams, Steelmantown, Upper Township Business Association**, stated that unfortunately due to Covid, the Business Association will not be holding their annual Community Night. However, they will be setting up a table for Small Business Saturday, November 27, 2021 from 10:00 am to 2:00 pm at Wayside Village. They will also be running a weekly contest through the end of December to encourage people to shop local. The winners will receive a gift certificate to the local business of their choice.

### **CLOSED SESSION**

18. 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. 317-2021  
MOTION GOING INTO CLOSED SESSION  
NOVEMBER 8, 2021**

I hereby move that a resolution be incorporated into the minutes authorizing the Township Committee to enter into an executive session for the following matters pursuant to the Open Public Meetings Act:

**MATTERS**

- Personnel
- Contract negotiation - Sale of land; Block 414, Lot 39.12
- Contract negotiation - Special Legal Counsel
- Contract negotiation - Project Development Agreement/Redevelopment
- Litigation - Sampson v. Upper Township
- Potential Litigation - Campground Ordinance

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 8:51 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 December 6, 2021 at 7:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC  
Municipal Clerk

### **Bill List**

78472 11/08/21 A0017 ATLANTIC CO. MUNICIPAL JIF 107,981.00 3210  
78473 11/08/21 A0018 ACTION SUPPLY INC. 375.62 3210  
78474 11/08/21 A0025 ADVANTAGE RENTAL & SALES 700.18 3210  
78475 11/08/21 A0078 ANCHOR RUBBER STAMP & PRINTING 50.00 3210  
78476 11/08/21 A0091 ATLANTIC CITY ELECTRIC 7,325.46 3210  
78477 11/08/21 A0170 ASFPM 165.00 3210  
78478 11/08/21 A0191 ACTION UNIFORM CO. LLC 1,862.48 3210  
78479 11/08/21 A0193 ATLANTIC INVESTIGATIONS, LLC 186.00 3210  
78480 11/08/21 A0212 ANCERO, LLC 10,700.51 3210



78481 11/08/21 A0222 ANZELONE ELECTRIC COMPANY, LLC 332.00 3210  
78482 11/08/21 A0235 AMAZON CAPITAL SERVICES, INC. 179.94 3210  
78483 11/08/21 A0239 AT&T MOBILITY NAT'L ACCTS LLC 241.38 3210  
78484 11/08/21 B0035 BELMONT & CRYSTAL SPRINGS 55.90 3210  
78485 11/08/21 B0076 BOND, LAURENCE E. 724.26 3210  
78486 11/08/21 B0090 BROADLEY'S MDI 2,689.70 3210  
78487 11/08/21 B0093 BARRY, CORRADO & GRASSI, PC 332.50 3210  
78488 11/08/21 B0248 BARNES LAW GROUP LLC 1,347.78 3210  
78489 11/08/21 B0284 BUTTERWOOD TREE SERVICE LLC 3,000.00 3210  
78490 11/08/21 C0021 CIVIL SOLUTION A DIVISION 1,440.00 3210  
78491 11/08/21 C0042 CAMPBELL SUPPLY COMPANY 2,262.20 3210  
78492 11/08/21 C0048 CAPE MAY COUNTY MUA 45,576.52 3210  
78493 11/08/21 C0068 COMCAST 990.05 3210  
78494 11/08/21 C0143 CODY'S POWER EQUIPMENT 4,838.58 3210  
78495 11/08/21 C0182 CDW GOVERNMENT, INC 252.46 3210  
78496 11/08/21 C0223 CASA PAYROLL SERVICE 219.75 3210  
78497 11/08/21 D0077 DIETRICH, PAUL 679.88 3210  
78498 11/08/21 E0012 EHRlich PEST CONTROL INC 108.00 3210  
78499 11/08/21 G0016 GARDNER HARDWARE INC. 235.00 3210  
78500 11/08/21 G0028 GENTILINI FORD 520.35 3210  
78501 11/08/21 H0073 HOME DEPOT CRC/GECE 1,105.55 3210  
78502 11/08/21 I0002 IAAO 450.00 3210  
78503 11/08/21 J0079 JAMES WYERS LANDSCAPING, LLC 300.00 3210  
78504 11/08/21 K0030 KNIGHTS OF COLUMBUS 300.00 3210  
78505 11/08/21 K0086 K D NATIONAL FORCE SECURITY 393.30 3210  
78506 11/08/21 K0103 KYOCERA DOCUMENT SOLUTIONS 144.67 3210  
78507 11/08/21 L0007 LC EQUIPMENT, INC. 48.00 3210  
78508 11/08/21 L0080 LOWES, INC. 900.78 3210  
78509 11/08/21 L0146 LAWSON PRODUCTS, INC. 391.21 3210  
78510 11/08/21 M0076 MGL PRINTING SOLUTIONS 537.00 3210  
78511 11/08/21 M0217 MUNICIPAL EMERGENCY SERVICES 1,677.00 3210  
78512 11/08/21 M0235 MODERN GROUP, LTD 1,283.41 3210  
78513 11/08/21 M0299 MATHERS, TARA 9.80 3210  
78514 11/08/21 M0323 MARSDEN, WILLIAM 43.25 3210  
78515 11/08/21 N0004 NJ-AMERICAN WATER CO. 125.61 3210  
78516 11/08/21 O0014 ATLANTIC SALT, INC. 16,966.20 3210  
78517 11/08/21 O0066 OCHS Girls Soccer 150.00 3210  
78518 11/08/21 O0067 OCHS Boys Soccer 150.00 3210  
78519 11/08/21 P0032 PEDRONI FUEL CO. 696.94 3210  
78520 11/08/21 P0136 POSTNET 904.70 3210  
78521 11/08/21 P0175 PRIEST JR., ANTHONY 125.00 3210  
78522 11/08/21 R0030 RIGGINS, INC. 3,802.66 3210  
78523 11/08/21 R0119 RUDERMAN, ROTH LLC 11,305.00 3210  
78524 11/08/21 S0001 SAM'S CLUB 202.96 3210  
78525 11/08/21 S0015 SMYTH, PATRICIA 300.00 3210  
78526 11/08/21 S0034 SCHULER, DANIEL 150.00 3210  
78527 11/08/21 S0056 SEASHORE ASPHALT CORPORATION 231.67 3210  
78528 11/08/21 S0057 SERVICE TIRE TRUCK CENTERS 67.50 3210  
78529 11/08/21 S0109 SNAP-ON-INDUSTRIAL 91.96 3210  
78530 11/08/21 S0134 SO. JERSEY GAS COMPANY 220.78 3210  
78531 11/08/21 S0196 STEWART BUSINESS SYSTEMS LLC 2,012.92 3210  
78532 11/08/21 S0201 SURRAN'S NURSERY 1,323.00 3210  
78533 11/08/21 S0209 STAPLES ADVANTAGE 41.08 3210  
78534 11/08/21 S0254 SHOPRITE 43.14 3210  
78535 11/08/21 S0361 SOUTH JERSEY WATER TEST, LLC 398.00 3210  
78536 11/08/21 T0168 TOWNSHIP OF UPPER 289.31 3210  
78537 11/08/21 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3210  
78538 11/08/21 T0192 MARSH & McLENNAN AGENCY/TRION 270.75 3210  
78539 11/08/21 T0211 TRELEASE, BRIAN P., ESQUIRE 192.00 3210  
78540 11/08/21 T0213 TREASURER, STATE OF NEW JERSEY 152,771.79 3210  
78541 11/08/21 U0035 UPPER TOWNSHIP MIDDLE SCHOOL 150.00 3210  
78542 11/08/21 U0067 UT HEALTH REIMB. ACCOUNT 2,255.50 3210  
78543 11/08/21 V0013 VERIZON WIRELESS 928.72 3210  
78544 11/08/21 V0025 V.E. RALPH & SON, INC. 39.20 3210  
78545 11/08/21 W0087 W.B. MASON EGG HARBOR 329.80 3210  
78546 11/08/21 X0008 XEROX FINANCIAL SERVICES 224.28 3210  
78547 11/08/21 Y0008 YOUNG, DANIEL J. ESQUIRE PC 16,870.00 3210  
Total: 416,611.94