

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR NOVEMBER 22, 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 19, 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

OATH OF OFFICE

1. Committeeman Elect Mark E. Pancoast – Administered by Municipal Clerk
Barbara L. Young.

ROLL CALL

Edward Barr	Present
John Coggins	Present
Curtis Corson	Present
Mark Pancoast	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 – November 8, 2021 Regular and Closed Session Minutes

Motion by Edward Barr, second by Curtis Corson, to approve the November 8, 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, welcomed Committeeman Pancoast. He next praised the Department of Public Works for setting up the Christmas decorations at Town Hall for the tree lighting ceremony. He next wished everyone a happy and healthy holiday season and stated that if anyone is in need or knows of anyone in need for the holidays, the Knights of Columbus in conjunction with St. Maximilian Kolbe parish are organizing a program to provide for the needy. Applications are available at the St. Maximilian Kolbe food pantry.

Mark Pancoast, Committeeman, thanked his wife and family for supporting him throughout the election process. He also thanked his friends and the voters for their support. He next wished everyone a

happy holiday season. He next requested the Municipal Engineer to investigate if there are any available speed study reports for Route 610 south of Wyncroft Drive.

Edward Barr, Committeeman, congratulated Committeeman Pancoast and wished everyone a happy and safe Thanksgiving.

Curtis Corson, Committeeman, congratulated Committeeman Pancoast and wished everyone a happy Thanksgiving. He next cautioned residents to not rake their leaves too far into the road.

Richard Palombo, Mayor, reported that the BL England plant site has been sold to Beesley's Point Development, LLC. The existing facilities at the site will be demolished, remediated, and will be rebuilt in accordance with the Township's Master Plan and Zoning Ordinances. He stated that he and his fellow Committee members have been dealing with this site for many years and thanked Committeeman Coggins, Paul Dietrich, and Daniel Young for their hard work and expertise with guiding the future use and development of the site towards the best interests of the Township. He next thanked the Department of Public Works for preparing Town Hall for the tree lighting ceremony and congratulated all for a great event. He also congratulated and welcomed Committeeman Pancoast. Last, he reported that the Cape May County Board of Commissioners, in partnership with the Atlantic County Improvement Authority, have announced a Covid-19 housing and small business assistance programs, to include rental/mortgage assistance and small business grant/loans. Information on the programs, eligibility requirements, and application materials can be found on the ACIA website at: <https://acianj.org/applications3/>, or contact the ACIA at 609-343-2390 for paper copies of program materials.

OTHER REPORTS

Scott Morgan, Township Administrator, congratulated Committeeman Pancoast. He next gave a brief update on the latest information from the CMC Health Department regarding Covid-19. He next reported that loose leaf collection has begun and will continue through mid-December.

Barbara Young, Municipal Clerk, congratulated and welcomed Committeeman Pancoast. She next reported that Township offices will be closed on Thursday November 25th and Friday November 26th for the Thanksgiving Holiday.

Daniel Young, Municipal Attorney, also congratulated Committeeman Pancoast. He next reported that the Township has received correspondence from the Bureau of Ocean Energy Management inviting the Township to become a consulting party for a proposed Atlantic Shores Offshore Wind project. He stated that it is his recommendation that the Township accept the invitation to be a consulting party. Motion by Richard Palombo, second by Curtis Corson, to direct the Municipal Clerk to respond in kind. During roll call vote all five Committeemen voted in the affirmative.

Paul Dietrich, Municipal Engineer, congratulated Committeeman Pancoast and stated that he is looking forward to working with him.

Barbara Ludy, Chief Financial Officer, also welcomed Committeeman Pancoast.

RESOLUTIONS

2. **Authorizing a refund of land sale costs to Stephen G. Schaffer.** Due to a request by Stephen Schaffer received earlier in the day, there was a motion by Edward Barr, second by Curtis Corson, to table this resolution. During roll call vote all five Committee members voted in the affirmative.
3. **Authorize payments from the Affordable Housing Trust Fund of Upper Township.**

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

RESOLUTION NO. 318-2021

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

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

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

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

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

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

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

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

Triad Associates
(Wait List Maintenance)

\$ 150.00

Resolution No. 318-2021
Offered By: Coggins
Adopted: November 22, 2021
Roll Call Vote:

Seconded By: Barr

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

4. **Approving the application of the Upper Township Rescue Squad for highway coin drops.**

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

RESOLUTION NO. 319-2021

**RE: APPROVING THE APPLICATION OF THE UPPER TOWNSHIP RESCUE SQUAD
FOR HIGHWAY COIN DROPS**

WHEREAS, the Upper Township Rescue Squad, a non-profit corporation providing emergency medical and rescue services, has made application to the Township Committee to hold coin drop solicitations in Upper Township; and

WHEREAS, the Township Committee has approved the requests; and

WHEREAS, the requests require approval from the County of Cape May; 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 application of the Upper Township Rescue Squad to hold a coin drop within Upper Township on County Route 623 (Roosevelt Boulevard) between Route 9 and Vernon Avenue is hereby approved for the following dates:

Saturday, June 18, 2022 from 9:00 am to 3:00 pm

Saturday, July 2, 2022 from 9:00 am to 3:00 pm

Saturday, September 3, 2022 from 9:00 am to 3:00 pm

3. Attached to this Resolution is a certified copy of Ordinance No. 7-2001, authorizing coin drops within Upper Township enacted pursuant to N.J.S.A. 39:4-60.

4. A certified copy of this Resolution shall be provided to the Board of Commissioners of the County of Cape May.

Resolution No. 319-2021

Offered by: Corson

Seconded by: Barr

Adopted: November 22, 2021

Roll Call Vote:

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

5. Approving the compensation amount fixed by the Board of Fire Commissioners for Fire Districts No. 2 and No. 3.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 320-2021

RE: APPROVING THE COMPENSATION AMOUNT FIXED BY THE BOARD OF FIRE COMMISSIONERS FOR FIRE DISTRICTS NO. 2 AND NO. 3

WHEREAS, N.J.S.A. 40A:14-88 requires the municipal governing body to review and approve any annual compensation a Board of Fire Commissioners establishes for its fire district commissioners before the fire district can submit its annual budget to the voters; and

WHEREAS, Fire District No. 2 has established by resolution that each of the members of their Board of Fire Commissioners shall receive \$2,000.00 annually for the calendar year 2022 except for the treasurer and secretary who shall receive \$2,500 annually; and

WHEREAS, Fire District No. 3 has established by resolution that each of the members of their Board of Fire Commissioners shall receive \$1,000.00 annually for the calendar year 2022 except for the chairman who shall receive \$1,250 annually; and

WHEREAS, the Board of Fire Commissioners for Fire Districts No. 2 and 3 have forwarded copies of their resolutions establishing the compensation for their members to the Township Committee of the Township of Upper for approval.

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 approve the annual compensation for Fire District No. 2 in the total amount of \$11,000.00.
3. The Township of Upper does hereby approve the annual compensation for Fire District No. 3 in the total amount of \$5,250.00.
4. A copy of this resolution shall be forwarded to the Board of Fire Commissioners for Fire District No. 2 and No. 3.

Resolution No. 320-2021

Offered By: Corson

Seconded By: Coggins

Adopted: November 22, 2021

Roll Call Vote:

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

6. **Canceling and refunding tax on exempt property Block 453, Lot 245.01.**

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

RESOLUTION NO. 321-2021

**CANCELING AND REFUNDING TAX ON EXEMPT PROPERTY
BLOCK 453, LOT 245.01**

WHEREAS, certain corrections have been recommended by the Upper Township Tax Collector in order to correct tax records; and

WHEREAS, certain properties became tax exempt for the year 2021; and

WHEREAS, Edward Liebrand is a 100% disabled American veteran residing at 16 Luke Court, Block 453, Lot 245.01 on the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Department of Veterans Affairs has determined that Mr. Liebrand's 100%

permanent wartime service connected disability was effective July 2, 2021; and

WHEREAS, Edward Liebrand made application on November 16, 2021; and

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

Resolution No. 321-2021

Offered by: Coggins

Seconded by: Barr

Adopted: November 22, 2021

Roll Call Vote:

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

CANCEL TAX 2021

BLOCK/LOT

453/245.01

AMOUNT

\$ 3,064.12

NAME

Edward & Patricia Liebrand
16 Luke Court
Seaville, NJ 08230

REFUND TAX 2021

BLOCK/LOT

453/245.01

AMOUNT

\$3,064.12

NAME

Edward & Patricia Liebrand
16 Luke Court
Seaville, NJ 08230

7. Canceling and refunding tax on exempt property Block 453, Lot 7.09.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 322-2021

**CANCELING AND REFUNDING TAX ON EXEMPT PROPERTY
BLOCK 453, LOT 7.09**

WHEREAS, certain corrections have been recommended by the Upper Township Tax Collector in order to correct tax records; and

WHEREAS, certain properties became tax exempt for the year 2021; and

WHEREAS, Michael J. Burton is a 100% disabled American veteran residing at 1023

Dennisville/Petersburg Rd., Block 453, Lot 7.09 on the municipal tax map of Upper Township, New Jersey;
and

WHEREAS, the Department of Veterans Affairs has determined that Mr. Burton's 100% permanent wartime service-connected disability was effective November 17, 2008; and

WHEREAS, Michael J. Burton took ownership of said property on October 13, 2021; and

WHEREAS, Michael J. Burton made application on November 2, 2021; and

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

Resolution No. 322-2021

Offered by: Coggins

Seconded by: Barr

Adopted: November 22, 2021

Roll Call Vote:

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

CANCEL TAX 2021

BLOCK/LOT

453/7.09

AMOUNT

\$ 2,018.08

NAME

Michael J. Burton
1023 Denms/Ptsbg Rd.
Petersburg, NJ 08270

REFUND TAX 2021

BLOCK/LOT

453/7.09

AMOUNT

\$2,018.08

NAME

Michael J. Burton
1023 Denms/Ptsbg Rd.
Petersburg, NJ 08270

8. Canceling and refunding tax on exempt property Block 309, Lot 1.

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

RESOLUTION NO. 323-2021

**CANCELING AND REFUNDING TAX ON EXEMPT PROPERTY
BLOCK 309, LOT 1**

WHEREAS, certain corrections have been recommended by the Upper Township Tax Collector in order to correct tax records; and

WHEREAS, certain properties became tax exempt for the year 2021; and

WHEREAS, Logan Miller is a 100% disabled American veteran residing at 196 Marshallville Road, Block 309, Lot 1 on the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Department of Veterans Affairs has determined that Mr. Miller's 100% permanent wartime service-connected disability was effective July 5, 2021; and

WHEREAS, Mr. Miller purchased said property on July 8, 2021; and

WHEREAS, Logan Miller made application August 31, 2021; and

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

Resolution No. 323-2021

Offered by: Coggins

Seconded by: Barr

Adopted: November 22, 2021

Roll Call Vote:

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

CANCEL TAX 2021

BLOCK/LOT

309/1

AMOUNT

\$ 2,023.24

NAME

Logan Miller
196 Marshallville Road
Tuckahoe, NJ 08270

REFUND TAX 2021

BLOCK/LOT

309/1

AMOUNT

\$965.64

NAME

Shore Title
2699 Dune Drive
Avalon, NJ 08202

Prior owner paid 3rd quarter taxes at settlement. Prorated refund of \$965.64 to Shore Title.

9. Certification of costs for abatement of nuisance on Block 643, Lot 27 and Block 715, Lot 8.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 324-2021

**CERTIFICATION OF COSTS FOR ABATEMENT OF NUISANCE
ON BLOCK 643, LOT 27 AND BLOCK 715, LOT 8**

WHEREAS, pursuant to Township Code Section 11-1, the Code Enforcement Officer is empowered to enforce the Township's Property Maintenance Code; and

WHEREAS, in accordance with Township Code, the Code Enforcement Officer served a notice of violation of Section 11-1.9 (Grass, Weeds and Debris), to the property owner/agent of Block 643, Lot 27 and Block 715, Lot 8; and

WHEREAS, 10 days passed from the date of such notice of violation with no response from the property owner/agent and the Township thereafter remedied the violation; and

WHEREAS, pursuant to Township Code Section 11-1.19(a) and N.J.S.A. 40:48-2.14, the Code Enforcement Officer has certified the costs of remedying the said violations as set forth on the attached list; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee hereby declares that the costs as set forth on the attached list shall be certified to the Township Tax Collector as a lien against the properties in question which lien shall become and form a part of the taxes assessed and levied upon the properties pursuant to Township Code Section 11-1.19(b) and N.J.S.A. 40:48-2.14.
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. 324-2021

Offered by: Corson

Seconded by: Pancoast

Adopted: November 22, 2021

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Barr	X			

Coggins	X			
Corson	X			
Pancoast	X			
Palombo	X			

ABATEMENT OF GRASS, WEEDS, AND DEBRIS

<u>BLOCK/LOT</u>	<u>LOCATION</u>	<u>COST</u>	<u>ADMIN FEE</u>	<u>TOTAL</u>
643/27	600 Stagecoach Rd.	\$175.00	\$35.00	\$210.00
715/8	37 Seaview Avenue	\$175.00	\$35.00	\$210.00

10. **Appointing Surenian, Edwards & Nolan, LLC to act as Special Legal Counsel in matters involving affordable housing obligations.**

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

RESOLUTION NO. 325-2021

**RE: APPOINTING SURENIAN, EDWARDS & NOLAN, LLC
TO ACT AS SPECIAL LEGAL COUNSEL IN MATTERS INVOLVING
AFFORDABLE HOUSING OBLIGATIONS**

WHEREAS, the Township of Upper requires legal counsel to provide legal assistance with respect to the Township's affordable housing obligations; and

WHEREAS, the Township has decided to acquire the services of Surenian, Edwards & Nolan, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Surenian, Edwards & Nolan, LLC, has completed and submitted a Business Entity Disclosure Certification which certifies that Surenian, Edwards & Nolan, 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 Surenian, Edwards & Nolan, 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. Surenian, Edwards & Nolan, LLC with offices at 707 Union Avenue, Suite 301, Brielle, New Jersey is hereby appointed Special Legal Counsel to handle legal matters with respect to the Township's affordable housing obligations as directed by the Township Committee.

3. This contract shall have a term of one (1) year, commencing January 1, 2022 and expiring December 31, 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 Surenian, Edwards & Nolan, LLC has professional knowledge as to legal matters which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

NOTICE OF CONTRACT AWARD

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 Surenian, Edwards & Nolan, LLC for legal 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.

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 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.

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

7. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Surenian, Edwards & Nolan, LLC 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.

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. 325-2021

Offered by: Pancoast

Seconded by: Coggins

Adopted: November 22, 2021

Roll Call Vote:

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

11. Budget transfers.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 326-2021

RE: BUDGET TRANSFERS

WHEREAS, budgetary transfers between line items can be made after November 1st; and

WHEREAS, it is necessary to make transfers between certain line items of the municipal budget of the Township of Upper.

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 following transfers between line items in the municipal budget of the Township of Upper shall be made immediately:

<u>TO</u>	<u>FROM</u>
SPEICAL LITIGATION \$170,000.00	FINANCE ADMIN S/W \$5,000.00
PLANNING BOARD O/E \$10,000.00	PURCHASE TTL \$1,000.00
ZONING/CODE S/W \$2,100.00	CONSTRUCTION CODE S/W \$4,000.00
CONSTRUCTION CODE O/E \$4,000.00	INS PREMIUMS EMPLOYEES \$118,000.00
GENERAL LIABILITY INS. \$10,600.00	MAINT. OF ROADS O/E 25,000.00

DIVISION OF EMS S/W
\$50,000.00
DOG REGULATION
\$10,000.00
BEACH PATROL O/E
\$7,000.00
STREET LIGHTING
\$20,000.00

BOARD OF HEALTH MISC.
\$5,400.00
SPORTS & RECREATION S/W
\$18,000.00
BEACH PATROL S/W
\$39,300.00
PARKING ENFORCEMENT
\$38,000.00
MUNICIPAL COURT S/W
\$30,000.00

Resolution No. 326-2021

Offered by: Coggins

Seconded by: Corson

Adopted: November 22, 2021

Roll Call Vote:

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

ORDINANCES

12. **Public hearing and final adoption of Ordinance No. 015-2021 RE: AN ORDINANCE REVISING JOB CLASSIFICATIONS AND TITLES AND AMENDING CHAPTER V, ENTITLED “PERSONNEL”, OF THE CODE OF UPPER TOWNSHIP.** During the public hearing portion there were no speakers. Motion by Curtis Corson, second by John Coggins, to adopt Ordinance 015-2021. 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. 015-2021

RE: AN ORDINANCE REVISING JOB CLASSIFICATIONS AND TITLES AND AMENDING CHAPTER V, ENTITLED “PERSONNEL” OF THE CODE OF UPPER TOWNSHIP

WHEREAS, the Township Committee of the Township of Upper, finds it necessary to amend Chapter V, entitled “Personnel” of the Code of Upper Township, Sections 5-6.2 and 5-6.3 to modify certain job classifications or job titles to support the continuity of Township business.

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

SECTION 1: Chapter V, entitled “Personnel” of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, Section 5-6.2 shall be amended and supplemented as follows:

Add the Following Positions:

**Assistant Zoning Officer
Code Enforcement Officer
Zoning Officer**

SECTION 2: Chapter V, entitled “Personnel” of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, Section 5-6.3 shall be amended and supplemented as follows:

Delete the Following Positions:

**Code Enforcement Officer
Deputy Zoning Officer
Zoning Officer**

SECTION 3: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 4: SEVERABILITY: This Ordinance shall be subject to the severability provisions set forth in Section 5-15 of Chapter V of the Code of Upper Township.

SECTION 5: EFFECTIVE DATE: This Ordinance shall take effect immediately upon final adoption and publication as required by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 25TH DAY OF OCTOBER, 2021 AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 22ND DAY OF NOVEMBER, 2021 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

13. **Public hearing and final adoption of Ordinance No. 016-2021 RE: AN ORDINANCE AMENDING ORDINANCE NO. 012-2020 KNOWN AS THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2021.** During the public hearing portion there were no speakers. Motion by John Coggins, second by Mark Pancoast, to adopt Ordinance 016-2021. 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. 016-2021

**RE: AN ORDINANCE AMENDING ORDINANCE NO. 012-2020 KNOWN AS THE SALARY
ORDINANCE FOR THE CALENDAR YEAR 2021**

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

SECTION 1: Ordinance No. 12-2020, known as the Salary Ordinance of 2021 at Section 2, is hereby amended as hereinafter provided to amend existing line items or to add new line items as indicated below:

SECTION 2: SALARIES:

C. CODE ENFORCEMENT / ZONING ENFORCEMENT:

<u>POSITION</u>	<u>MINIMUM</u>	<u>MAX-2021</u>
Zoning Officer	No Min.	<u>\$70,000.00</u>
Temp. Elect. Subcode Official/Inspector	No Min.	<u>\$43.00/hour</u>
Code Enforcement Officer	No Min.	<u>\$35.00/hour</u>
Assistant Zoning Officer	No Min.	<u>\$3,000.00</u>

SECTION 3: SEVERABILITY: If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION 4: REPEALER: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 5: EFFECTIVE DATE: This Ordinance shall take effect immediately upon final adoption and publication as required by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 25TH DAY OF OCTOBER, 2021 AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 22ND DAY OF NOVEMBER, 2021 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

14. **Introduction and first reading of Ordinance No. 018-2021 RE: AN ORDINANCE ESTABLISHING SALARIES FOR THE TOWNSHIP OF UPPER FOR THE CALENDAR YEAR 2022.** Motion by Curtis Corson, second by Edward Barr, to introduce Ordinance 018-2021 with a public hearing and final adoption scheduled for December 13, 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. 018-2021

**AN ORDINANCE ESTABLISHING SALARIES FOR THE TOWNSHIP
OF UPPER FOR THE CALENDAR YEAR 2022**

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

SECTION 1: TITLE: This Ordinance shall be known as the Salary Ordinance of 2022.

SECTION 2: SALARIES: Salaries for the various officials and employees of the Township of Upper for the calendar year 2022 shall be as follows:

<u>POSITION</u> (P/T denotes "Part-Time Position")	<u>MINIMUM</u>	<u>MAXIMUM- 2022</u>
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A. ADMINISTRATIVE / REVENUE AND FINANCE:

Mayor	\$3,750.00	\$6,000.00
Township Committeeman	7,000.00	13,500.00
Township Tax Assessor	7,500.00	100,000.00
Deputy Tax Assessor	No Min.	3,000.00
Township Tax Collector	15,000.00	100,000.00
Deputy Tax Collector	No Min.	3,000.00
Township Clerk	15,000.00	100,000.00
Deputy Township Clerk (P/T)	No Min.	3,000.00
Township Administrator	12,500.00	100,000.00
Keyboarding Clerk 2	15,000.00	75,000.00
Keyboarding Clerk 1	15,000.00	70,000.00
Keyboarding Clerk 1 (P/T)	10.00 Hr.	30.00 Hr.
Keyboarding Clerk 1 (MAC)	No Min	4,950.00
Township Engineer	50,000.00	130,000.00
Chief Financial Officer	42,000.00	100,000.00
Purchasing Agent	35.00 Hr.	45.00 Hr.
Purchasing Agent/QPA	No Min.	5,000.00
Assistant Finance Officer	No Min.	3,000.00
Registrar of Vital Statistics/CMR(P/T)	No Min.	5,000.00
Deputy Reg. Vital Statistics (P/T)	No Min.	3,000.00
Alt. Deputy Reg. Vital Statistics (P/T)	No Min.	3,000.00
Public Information Officer	No Min.	10,000.00

Data Information Coordinator/COOP	No Min.	3,500.00
Fund Commissioner	No Min.	2,000.00
Claims Coordinator	No Min.	2,000.00
Mun. Improvement Official (P/T)	No Min.	1,850.00
Tax Search Officer (P/T)	No Min.	1,850.00
Director of Public Asst. (P/T)	No Min.	1,000.00
Personnel Officer	5,000.00	100,000.00
Asst. Personnel Officer (P/T)	No Min.	7,000.00
Benefits Coordinator(P/T)	No Min.	10,000.00
Computer Director	No Min.	1,500.00
Safety Coordinator	No Min.	3,500.00
Ass't Safety Coordinator	No Min.	1,500.00
Municipal Housing Liaison	No Min.	2,500.00
Floodplain Manager	No Min.	1,000.00
Passport Acceptance Agent	No Min.	1,000.00
Wellness Coordinator	No Min.	2,000.00

B. MUNICIPAL COURT:

Municipal Judge (P/T)	15,000.00	60,000.00
Municipal Court Administrator	15,000.00	100,000.00
Deputy Mun. Court Administrator	15,000.00	78,000.00
Municipal Prosecutor (P/T)	No Min.	50,000.00
Court Attendant (P/T)	No Min.	250.00/session
Municipal Public Defender (P/T)	No Min.	30,000.00

C. CODE ENFORCEMENT / ZONING ENFORCEMENT:

Construction Official	15,000.00	108,000.00
Building Subcode Official (P/T)	No Min.	7,000.00
Electrical Subcode Official (P/T)	No Min.	38,000.00
Electrical Inspector (P/T)	No Min.	30,000.00
Fire Sub-Code Off. (P/T)	No Min.	4,900.00
Zoning Officer	No Min.	70,000.00
Assistant Zoning Officer (P/T)	No Min.	3,000.00
Code Enforcement Officer (P/T)	No Min.	35.00/hour
Housing Officer/Code Enforce. (P/T)	No Min.	35.00/hour
Fire Prevention Official (P/T)	No Min.	3,000.00
Plumbing Sub-Code Official (P/T)	No Min.	38,000.00
Plumbing Inspector (P/T)	No Min.	6,600.00
Fire Protection Subcode Official (P/T)	No Min.	25,000.00
Fire Protection Inspector (P/T)	No Min.	5,000.00
Temp. Const. Code/Building Subcode Official	No Min.	35.00/hour
Temp. Construction Official	No Min.	35.00/hour
Temp. Elect. Subcode Official/Inspector	No Min.	43.00/hour
Temp. Plumbing Subcode Official	No Min.	35.00/hour
Temp. Fire Protection Subcode Official	No Min.	35.00/hour

Technical Assistant to the Construction Official	No Min.	70,000.00
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D. PUBLIC SAFETY / EMERGENCY MANAGEMENT:

Mun. Emerg. Management Coor. (P/T)	No Min.	35,000.00
Coord. 911 Emerg. Response, RTK	No Min.	2,000.00
Deputy Right to Know	No Min.	1,000.00
Deputy Dir. Emerg. Mgt. (P/T)	No Min.	3,100.00
Asst. Emerg. Mgt. (P/T)	No Min.	1,200.00
Lifeguard, 1st yr. to 2 nd yr. (Seasonal)		16.00 Hr.
Lifeguard, 3rd yr. to 4th yr. (Seasonal)		16.70 Hr.
Lifeguard, 5th yr. and higher (Seasonal)		17.00 Hr.
Hr. Lifeguard E.M.T.(Seasonal)		\$4.00 Per Day
Chief Lifeguard (Seasonal)		30.50 Hr.
Captain Lifeguard (Seasonal)		29.50 Hr.
Senior Lieutenant (Seasonal)		25.50 Hr.
Lieutenant Lifeguard (Seasonal)		23.50 Hr.
Senior Lifeguard (Seasonal)		20.25 Hr.
Emergency Medical Tech. –3 or more years	12,500.00	72,000.00
Emergency Medical Technician-2nd year	12,500.00	60,000.00
Emergency Medical Technician-1st year	12,500.00	55,000.00
Emergency Medical Technician (P/T)	No Min.	25.00 Hr. 1 st Yr
Emergency Medical Technician (P/T)	No Min.	25.50 Hr. 2 nd Yr
School Traffic Guard (P/T)		17.00 Hr.
Chief Emergency Medical Technician	12,500.00	95,000.00
Deputy Chief Emergency Medical Technician	12,500.00	85,000.00
Sr. Emergency Medical Technician	12,500.00	80,000.00
Supervising Emergency Medical Technician	12,500.00	82,000.00
Supervising Emergency Medical Technician (P/T)		Add'l \$1.00/Hr.

E. PUBLIC WORKS / SPORTS AND RECREATIONAL PROGRAMS:

Superintendent of Public Works	12,500.00	100,000.00
Public Works Superintendent	12,500.00	100,000.00
General Supervisor Public Works	12,500.00	100,000.00
Assistant Public Works Superintendent	12,500.00	95,000.00
Road Repairer Supervisor	12,500.00	95,000.00
Supervisor Sanitation	12,500.00	95,000.00
Supervising Mechanic	12,500.00	83,640.00
Supervising Carpenter	12,500.00	76,500.00
Road Repairer 3	12,500.00	85,000.00
Supervisor Equipment Operator	12,500.00	86,500.00
Supervisor Maintenance Repairer	12,500.00	86,500.00
Maintenance Supervisor, Grounds	12,500.00	86,500.00
Maintenance Worker 3, Grounds	12,500.00	76,500.00
Sr. Carpenter (0-9 yrs.)	12,500.00	59,930.00
Sr. Carpenter (10 or more yrs.)	12,500.00	61,520.00

Carpenter (0-9 yrs.)	12,500.00	56,186.00
Carpenter (10 or more yrs.)	12,500.00	57,776.00
Carpenter's Helper	12,500.00	56,186.00
Senior Mechanic (0-9 yrs.)	12,500.00	59,930.00
Senior Mechanic (10 or more yrs.)	12,500.00	61,520.00
Mechanic (0-9 yrs.)	12,500.00	57,242.00
Mechanic (10 or more yrs.)	12,500.00	58,832.00
Mechanics Helper (0-9 yrs.)	12,500.00	54,941.00
Mechanics Helper (10 or more yrs.)	12,500.00	56,530.00
Equipment Operator (0-9yrs.)	12,500.00	56,442.00
Equipment Operator (10 or more yrs.)	12,500.00	57,776.00
Truck Driver, Heavy (0-9 yrs.)	12,500.00	56,442.00
Truck Driver, Heavy (10 or more yrs.)	12,500.00	57,776.00
Truck Driver (0-9 yrs.)	12,500.00	54,851.00
Truck Driver (10 or more yrs.)	12,500.00	56,442.00
Laborer 1, 1st year	12,500.00	42,815.00
Laborer 1, 2nd year	12,500.00	45,066.00
Laborer 1, 3rd year	12,500.00	47,319.00
Laborer 1, 4th year	12,500.00	49,572.00
Laborer 1, 5th year	12,500.00	51,826.00
Laborer 1 (6-9 yrs.)	12,500.00	53,546.00
Laborer 1 (10 or more yrs.)	12,500.00	55,135.00
Laborer 1 (P/T)	5.00 Hr.	14.50 Hr.
Sr. Sanitation Inspector	12,500.00	57,776.00
Sanitation Inspector (0-9 yrs.)	12,500.00	56,186.00
Sanitation Inspector (10 or more yrs.)	12,500.00	57,776.00
Recycling Laborer	10,400.00	48,560.00
Recycling Coordinator (P/T)	No Min.	5,698.00
Recycling Program Aide	No Min.	2,500.00
Assistant Recycling Coordinator (P/T)	No Min.	2,849.00
Building Maintenance Worker (0-9 yrs.)	22,000.00	39,522.00
Building Maint. Worker (10 or more yrs.)	22,000.00	40,562.00
Recreational Program Coordinator	No Min.	71,400.00
Maint. Worker 2, Grounds (0-9 yrs.)	11,500.00	58,482.00
Maint. Worker 2, Grds (10 or more yrs.)	11,500.00	59,930.00
Maintenance Repairer (0-9 yrs.)	10,500.00	56,186.00
Maintenance Repairer (10 or more yrs.)	10,500.00	57,776.00
Senior Maintenance Repairer	12,500.00	59,930.00
Maint. Worker 1, Grounds (0-9 yrs.)	10,500.00	54,851.00
Maint. Worker 1, Grds (10 or more yrs.)	10,500.00	56,442.00
Recreation Leader	15,000.00	70,000.00
Recreation Aide	No Min.	48,499.00
Recreation Aide (P/T)	No Min.	15.00/Hour
Beach Sweeper (Seasonal)	No Min.	17.00/Hour
Beach Inspector	No Min.	2,000.00
Playground Safety Inspector	No Min.	1,000.00

Boat Ramp Attendant	No Min.	16.00 Hr.
Skate Park Attendant	No Min.	15.00 Hr.

F. BOARD OF HEALTH / ZONING BOARD / PLANNING BOARD:

Secretary Planning Board	No Min.	55,000.00
Per Meeting		200.00
Secretary Zoning Board of Adjustment	No Min.	55,000.00
Per Meeting		200.00
Secretary Board of Health (P/T)	No Min.	550.00

G. TOWNSHIP COMMITTEE MEETING ATTENDANCE: The Township Clerk and the Chief Financial Officer, in lieu of receiving compensatory time for attendance at meetings during non-business hours will receive \$200.00 per meeting.

H. MILEAGE: The standard rate per mile in accordance with I.R.S. regulations.

I. GIFT CARD AWARD OR BONUS: In addition to the salary set forth in this Ordinance, the Township Committee may award any employee as a bonus a gift card or gift cards not to exceed a total amount of \$200.00 for the year. Said award shall be by approval of the Township Committee setting forth the amount and type of the gift card bonus. In addition to a gift card bonus, the Township Committee may award certain employees a bonus for additional work not to exceed a total amount of \$5,000.00 for the year. Said bonus shall be by resolution of the Township Committee setting forth the amount of the bonus.

J. EDUCATIONAL CERTIFICATION PAY RAISE: In addition to the salary set forth in this Ordinance upon resolution of the Township Committee, the Township Committee may give an increase in salary of \$1,000.00 to any employee that has satisfied educational certification requirements for his or her position in accordance with current Township policy. The Township Committee shall by resolution fix the pay increase in this regard and certify that the employee has satisfied the educational certification requirement.

K. ADDITIONAL PAY TO CREW OF SANITATION VEHICLES: Laborers employed in the collection of trash and assigned to the rear of a trash truck shall, in addition to any other compensation payable pursuant to this Ordinance, receive an additional sum to be known as "Hazardous Duty Pay", which shall be payable at the rate of \$.25 per hour.

L. ADDITIONAL PAY TO EMERGENCY MEDICAL TECHNICIANS (EMTs): The most senior Emergency Medical Technician assigned to a shift where a supervisory employee is not also assigned to that shift, in addition to any other compensation payable pursuant to this Ordinance, shall receive an additional sum to be known as "Officer in Charge Pay", which shall be payable at the rate of \$.50 per hour.

M. OVERTIME PAY AND COMPENSATORY TIME:

Supervisors and Department Heads as designated by the Township will not receive payment for required overtime work except supervisors in the Public Works Department will receive payment or compensatory time for overtime worked. Compensatory time will be earned for time exceeding the normal work week. No more than forty(40) hours of compensatory overtime may be carried from one calendar year to the next. Exceptions to this provision may be made on a case-by-case basis, by the Township Committee. Overtime for supervisors must be approved by the Township Committee person in charge of the Department or the Township Committee person in charge of Personnel.

SECTION 3: LONGEVITY: In addition to the compensation and benefits otherwise payable, certain employees shall be paid an additional sum based on longevity. Any payment based on longevity shall be in accordance with the following schedule:

YEARS OF SERVICE

**AMOUNT OF INCREASE
BASED ON LONGEVITY**

After 5 years	2%
After 10 years	4%
After 15 years	6%
After 20 years	8%
After 25 years	10%

SECTION 3A: RESTRICTIONS ON LONGEVITY PAYMENTS: Notwithstanding the provisions of Section 3 hereof, a longevity payment or longevity bonus to any single official, officer or employee of the Township of Upper shall not exceed the sum of Three Thousand (\$3,000.00) Dollars. If, as of January 1, 1997, any such official, officer or employee of the Township of Upper was entitled to a longevity payment in excess of Three Thousand (\$3,000.00) Dollars, then such individual shall be entitled to receive the amount to which he or she would have been entitled as of January 1, 1997 and each such official, officer or employee shall thereafter, in all subsequent years, receive a longevity payment or bonus in the amount paid as of January 1, 1997. In no event shall the amount of longevity payments exceed the sum of Three Thousand (\$3,000.00) Dollars, except for those individuals who are entitled to receive in excess of Three Thousand (\$3,000.00) Dollars as of January 1, 1997 and all such individuals shall in 1997 and all succeeding years be restricted to a payment which does not exceed that which was payable on January 1, 1997.

SECTION 3B: LONGEVITY PAY ABOLISHED FOR CERTAIN EMPLOYEES: Any official, officer or employee who was employed by the Township of Upper on or after January 1, 1996 shall not be entitled to any longevity payment. Longevity pay is abolished for any and all officials, officers and employees hired on or subsequent to that date.

SECTION 4: RESOLUTION AS TO SALARIES: The salaries set forth in this Ordinance are the maximum salaries to be paid for the various positions during 2022 and for such period or periods as this Ordinance shall remain in effect. Such maximum salaries shall be paid for each of the positions indicated unless the Township Committee, by Resolution shall fix a lesser salary, in which event such lesser amount shall be paid.

SECTION 5: EFFECTIVE DATE OF PAYMENT: All salaries authorized by this Ordinance shall be paid commencing as follows:

- (A) As of January 1, 2022 for all officials, officers and employees of the Township who were employed or appointed as of December 31, 2021. For those officials, officers and employees appointed at the Reorganization Meeting of the Township Committee, such persons shall be deemed appointed and employed by the Township as of January 1, 2022. This provision shall not apply to members of a Collective Bargaining Unit.
- (B) The payment of any salary increment and longevity payment for members of a Collective Bargaining Unit shall be made in accordance with the provisions of the Collective Bargaining Agreement currently in effect, any other provisions herein to the contrary notwithstanding.
- (C) Upon the effective date of appointment for all officers and employees appointed subsequent to January 1, 2022.
- (D) Any salary increases provided for in this Ordinance shall not apply to any official, officer or employee of the Township who has resigned or otherwise terminated his or her employment with the Township of Upper prior to the effective date of this Ordinance.

SECTION 6: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 7: SEVERABILITY: If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION 8: EFFECTIVE DATE: This Ordinance shall take effect immediately upon passage and publication as required by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 22nd DAY OF 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 13th 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

15. **RFP results for Banking Services.** CFO Barbara Ludy gave a brief report on the RFP results for Banking Services and recommended remaining with OceanFirst Bank. After a brief discussion there was a motion by Curtis Corson, second by Edward Barr, to remain with OceanFirst Bank. During roll call vote all five Committee members voted in the affirmative.
16. **Bid results for Dredging at Beesley's Point Park.** Engineer Paul Dietrich gave a brief report on the bid results for Dredging at Beesley's Point Park and recommended awarding the bid to the lowest bidder Scarborough Marine Group, LLC. Motion by Curtis Corson, second by Edward Barr, to award the bid to Scarborough Marine Group, LLC. During roll call vote all five Committee members voted in the affirmative. A resolution for formal action will be placed on the next agenda.
17. **JIF 2021 Dividend Announcement.** Motion by John Coggins, second by Edward Barr, to deposit the total dividend into the Aggregate Excess Loss Contingency Fund (A.E.L.C.F.) for future use. 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

18. **Draft Plan Endorsement Planning & Implementation Agenda.** The Municipal Engineer gave a brief report on the draft PIA and recommended forwarding to the Planning Board. Motion by Richard Palombo, second by Curtis Corson, to forward the draft Plan Endorsement Planning and

Implementation Agenda to the Planning Board for their review. During roll call vote all five Committee members voted in the affirmative.

PAYMENT OF BILLS

19. **“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: \$231,758.50
Payroll: \$171,975.38

REPORT OF MUNICIPAL DEPARTMENTS

20. **Animal Control**
21. **Municipal Court**

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

Kim Hayes, Sunset Drive, congratulated Committeeman Pancoast. She next stated that the Recreation Department in conjunction with Cape Assist and the Municipal Alliance Committee will be hosting a drive-in movie night at Amanda’s Field on December 18th from 7:00 pm to 9:00 pm. The movie shown will be Elf.

Edward Price, Gardners Lane, spoke in opposition to the proposed winery on Bayaire Road.

Victor Nappen, Breckley Avenue, spoke in opposition to the proposed winery on Bayaire Road.

Rae Jaffe Mullineaux, Gardners Lane, spoke in opposition to the proposed winery on Bayaire Road.

Douglas Frohock, Hollyberry Lane, spoke in opposition to the proposed winery on Bayaire Road.

Andrew Shawl, Lake Corson Lane, stated that he attended the County Agricultural Board meeting for the proposed winery on Bayaire Road, and he is concerned that there are no minutes posted for that meeting. He also spoke regarding his concerns with the proposed winery and the Agricultural Board processes.

Brian Edwards, Bayaire Road, also questioned the Agricultural Board process, and requested that the Township be involved in the process.

Heidi Edwards, Bayaire Road, also requested the Township to be involved in the process with the Agricultural Board.

Jessica Gurdgiel, Bayaire Road, spoke in opposition to the proposed winery on Bayaire Road.

Veronica Price, Gardners Lane, spoke in opposition to the proposed winery on Bayaire Road.

Diane De Michele, Redwish Avenue, spoke in opposition to the proposed winery on Bayaire Road.

Joe Falls, Bayaire Road, spoke in opposition to the proposed winery on Bayaire Road.

Karolann Kemenosh, Bayaire Road, spoke in opposition to the proposed winery on Bayaire Road.

Michelle Swartz, Bayaire Road, spoke in opposition to the proposed winery on Bayaire Road.

Charles Griffin, Lake Corson Lane, spoke in opposition to the proposed winery on Bayaire Road.

Fran Davish, Route 9, inquired if the proposed winery property ever received County Farmland Preservation funds. It was stated that the property was purchased in the early stages of the county farmland preservation program.

CLOSED SESSION

22. 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. 327-2021
MOTION GOING INTO CLOSED SESSION
NOVEMBER 22, 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
- Personnel - Annual Appointments
- Contract Negotiation - Annual Appointments
- Contract negotiation - NJ Transit Corp. Lease Agreement for Tuckahoe Rail Station
- Contract negotiation - Project Development Agreement/Redevelopment
- Contract negotiation - Collective Bargaining Agreement
- Litigation - Opioid Class Action
- Litigation - Sampson v. Upper Township
- Potential litigation - Block 348, Lot 12.01 and 12.02
- Safety and Security

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 Mark Pancoast, to reconvene the public portion of the meeting. During roll call vote the three Committee members present voted in the affirmative. Richard Palombo and Edward Barr were no longer present.

Motion by Curtis Corson, second by John Coggins, to appoint Mark Pancoast as Temporary Chair for Sports and Recreational Programs, Public Buildings and Grounds, and Department of Public Works. During roll call vote the three Committee members present voted in the affirmative.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 11:21 P.M., with a motion by Curtis Corson, second by John Coggins, and the three Committee members present 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

78548 11/22/21 A0081 ARMSTRONG, RALON I. 327.28 3214
78549 11/22/21 A0091 ATLANTIC CITY ELECTRIC 22,709.56 3214
78550 11/22/21 A0191 ACTION UNIFORM CO. LLC 3,250.00 3214
78551 11/22/21 A0225 AUTOZONE NORTHEAST LLC 564.89 3214
78552 11/22/21 A0233 ACME LINGO FLAGPOLES, LLC 3,042.00 3214
78553 11/22/21 A0235 AMAZON CAPITAL SERVICES, INC. 2,691.74 3214
78554 11/22/21 A0240 Adamczyk, Tracy 44.50 3214
78555 11/22/21 B0035 BELMONT & CRYSTAL SPRINGS 23.98 3214
78556 11/22/21 B0093 BARRY, CORRADO & GRASSI, PC 1,872.50 3214
78557 11/22/21 B0220 BERGEY'S TRUCK CENTERS 1,012.59 3214
78558 11/22/21 B0232 BLUE FLAME GAS 637.20 3214
78559 11/22/21 B0248 BARNES LAW GROUP LLC 3,742.50 3214
78560 11/22/21 C0019 CITY OF OCEAN CITY 62,724.00 3214
78561 11/22/21 C0048 CAPE MAY COUNTY MUA 43,066.83 3214
78562 11/22/21 C0068 COMCAST 446.59 3214
78563 11/22/21 C0143 CODY'S POWER EQUIPMENT 78.97 3214
78564 11/22/21 C0223 CASA PAYROLL SERVICE 219.15 3214
78565 11/22/21 C0230 CATAMARAN MEDIA COMPANY 517.62 3214
78566 11/22/21 C0279 CASA REPORTING SERVICES LLC 324.80 3214
78567 11/22/21 C0296 COMCAST BUSINESS COMMUNICATION 1,386.86 3214
78568 11/22/21 C0307 CNS ACQUISITION CORPORATION 835.00 3214
78569 11/22/21 C0331 Corcoran, Matthew 24.05 3214
78570 11/22/21 D0040 DELTA DENTAL OF N.J. INC. 5,820.50 3214
78571 11/22/21 E0012 EHRlich PEST CONTROL INC 108.00 3214
78572 11/22/21 F0080 FAMILIES UNITED NETWORK 150.00 3214
78573 11/22/21 F0222 FENTON, SEAN R 600.00 3214
78574 11/22/21 F0232 FAMILY AUTO GLASS 900.00 3214
78575 11/22/21 G0028 GENTILINI FORD 153.19 3214
78576 11/22/21 G0086 W.W. GRAINGER, INC. 451.07 3214
78577 11/22/21 G0092 GRUND, BARBARA J. 57.80 3214
78578 11/22/21 G0147 GREATAMERICA FINANCIAL SVCS. 170.00 3214
78579 11/22/21 G0182 GOLDENBERG, MACKLER & SAYEGH 333.00 3214
78580 11/22/21 H0062 HOPE, JOHN J. 300.00 3214
78581 11/22/21 J0028 JESCO, INC. 680.27 3214
78582 11/22/21 J0036 JOHNSON, MICHELLE 300.00 3214
78583 11/22/21 K0019 KEL TEX IMPRINTS 1,934.00 3214
78584 11/22/21 M0247 MORGAN, SCOTT 75.66 3214
78585 11/22/21 N0043 NAPA AUTO PARTS 515.59 3214
78586 11/22/21 N0107 N.J. DIV ALCOHOLIC BEV CONTROL 24.00 3214
78587 11/22/21 N0143 NATIONAL TIME SYSTEMS 377.35 3214
78588 11/22/21 N0154 NEW HORIZON COMMUNICATIONS 750.19 3214

78589 11/22/21 N0167 Nelson, Michael 24.50 3214
 78590 11/22/21 O0052 OFFSHORE TRAILER COMPANY LLC 270.00 3214
 78591 11/22/21 P0032 PEDRONI FUEL CO. 4,314.97 3214
 78592 11/22/21 P0152 READY, LOREN 195.00 3214
 78593 11/22/21 P0175 PRIEST JR., ANTHONY 125.00 3214
 78594 11/22/21 Q0014 QBE SPECIALTY INSURANCE CO. 40,669.42 3214
 78595 11/22/21 R0030 RIGGINS, INC. 5,559.36 3214
 78596 11/22/21 R0142 Romanik, Brian 20.00 3214
 78597 11/22/21 S0018 SUBURBAN PROPANE, LP 64.99 3214
 78598 11/22/21 S0035 SCHOPPY WILLIAM TROPHY CO. 34.95 3214
 78599 11/22/21 S0057 SERVICE TIRE TRUCK CENTERS 1,406.45 3214
 78600 11/22/21 S0075 SHARP, RHONDA L. 44.08 3214
 78601 11/22/21 S0113 SMITH, THOMAS G. 927.50 3214
 78602 11/22/21 S0126 LUDY, BARBARA 135.00 3214
 78603 11/22/21 S0134 SO. JERSEY GAS COMPANY 936.28 3214
 78604 11/22/21 S0139 SOUTH JERSEY WATER COND SERV 165.00 3214
 78605 11/22/21 S0209 STAPLES ADVANTAGE 167.39 3214
 78606 11/22/21 S0239 SHORE VET. ANIMAL CONTROL LLC 2,350.00 3214
 78607 11/22/21 S0241 SAFEGUARD BUSINESS SYSTEMS 116.11 3214
 78608 11/22/21 S0250 SOUTH JERSEY GLASS & DOOR - 150.00 3214
 78609 11/22/21 S0254 SHOPRITE 27.67 3214
 78610 11/22/21 S0284 SOUTH JERSEY INTERPRETERS 225.00 3214
 78611 11/22/21 S0303 SITEONE LANDSCAPE SUPPLY, LLC 2,199.49 3214
 78612 11/22/21 S0363 STARR GENERAL CONTRACTING CORP 924.00 3214
 78613 11/22/21 T0032 THE PRESS OF ATLANTIC CITY 725.20 3214
 78614 11/22/21 T0047 W.E. TIMMERMAN CO., INC. 1,197.81 3214
 78615 11/22/21 T0129 TRUGREEN CHEMLAWN 3,202.01 3214
 78616 11/22/21 U0013 U.T. WRESTLING ASSOC. 150.00 3214
 78617 11/22/21 V0013 VERIZON WIRELESS 748.10 3214
 78618 11/22/21 V0022 VERIZON 403.04 3214
 78619 11/22/21 V0027 VANORDER, ROGER 55.98 3214
 78620 11/22/21 W0030 WEST PUBLISHING CO. 746.97 3214
 78621 11/22/21 W0126 Wood, Andrew 20.00 3214
 78622 11/22/21 Y0003 Y-PERS INC 214.00 3214
 Total: 231,758.50