

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR FEBRUARY 14, 2022**

REGULAR MEETING OF THE TOWNSHIP COMMITTEE –4:30 P.M.

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

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

“In compliance with the Open Public Meetings Law, I wish to state that on February 11, 2022, 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

John Coggins	Present
Kimberly Hayes	Present
Jay Newman	Present
Mark Pancoast	Absent
Curtis Corson	Present

Also present were Municipal Clerk Barbara L. Young, Municipal Engineer Paul Dietrich, Chief Financial Officer Barbara Ludy, and Municipal Attorney Daniel J. Young.

APPROVAL OF MINUTES - January 24, 2022 Regular and Closed Session Minutes

Motion by Jay Newman, second by Kimberly Hayes, to approve the January 24, 2022 Regular and Closed Session Minutes as submitted. During roll call vote all four Committee members present voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Jay Newman, Committeeman, spoke about the recent snowstorms and the County’s snow plowing performance. He made a motion, second by Curtis Corson, to send a letter to the County requesting increased plowing of County roads in the Township. During roll call vote all four Committee members present voted in the affirmative.

Curtis Corson, Mayor, reported that the Parking Committee recently met and proposed designating several spaces near the lifeguard shack as parking by permit only for Upper Township Beach Patrol. Motion by Curtis Corson, second by John Coggins, to draft an Ordinance designating parking by permit only as designated by the Township Committee for the Upper Township Beach Patrol from Memorial Day to Labor Day. During roll call vote all four Committee members present voted in the affirmative

OTHER REPORTS

Barbara Young, Municipal Clerk, reported that Town Hall offices will be closed on Monday February 21st in observance of Presidents Day.

Paul Dietrich, Township Engineer, gave a brief update on the dredging project at the Beesley's Point Boat Ramp.

RESOLUTION

1. Amending Resolution No. 013-2022 with respect to the procedure to be followed in regular meetings.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 049-2022

**RE: AMENDING RESOLUTION NO. 013-2022
WITH RESPECT TO THE PROCEDURE TO BE
FOLLOWED IN REGULAR MEETINGS**

WHEREAS, The Township Committee adopted Resolution No. 13-2022 setting forth the procedure to be followed at Regular Meetings of the Township Committee and now wishes to amend that procedure and resolution.

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. At regular meetings of the Township Committee, the agenda may set forth a Consent Agenda wherein proposed resolutions are considered to be routine in nature and will be enacted by one motion for all such resolutions; provided however, the Mayor or any Committee Member may direct that a particular resolution be considered separately at which time said resolution shall be removed from the Consent Agenda and shall be acted on separately.

Resolution No. 049-2022

Offered by: Hayes

Seconded by: Coggins

Adopted: February 14, 2022

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Coggins	X			
Hayes	X			
Newman	X			
Pancoast				X
Corson	X			

CONSENT AGENDA:

ALL RESOLUTIONS LISTED BELOW ARE CONSIDERED TO BE ROUTINE IN NATURE AND WILL BE ENACTED BY ONE MOTION. IF THE MAYOR OR ANY COMMITTEE MEMBER WISHES A PARTICULAR RESOLUTION TO BE CONSIDERED SEPARATELY, IT WILL BE REMOVED FROM THE CONSENT AGENDA AND ACTED ON SEPARATELY.

RESOLUTIONS-CONSENT AGENDA

2. Congratulating the Upper Township Riptide-Grey Hockey Team on becoming the 2021 Cape May County Hockey League 5th through 8th grade Division Champions.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 50-2022

**RE: CONGRATULATING THE UPPER TOWNSHIP RIPTIDE-GREY HOCKEY TEAM ON
BECOMING THE 2021 CAPE MAY COUNTY HOCKEY LEAGUE
5TH THROUGH 8TH GRADE CHAMPIONS**

WHEREAS, the Upper Township Riptide-Grey Hockey Team finished an impressive season in first place; and

WHEREAS, the Upper Township Riptide-Grey Hockey Team participated in the Cape May County Hockey League Championships in December 2021 and won the 2021 Cape May County 5th through 8th grade Division Championship by winning a best-of-three series versus Middle Township two games to one; and

WHEREAS, it is appropriate that on behalf of the citizens of Upper Township we recognize and congratulate the players listed as follows:

**Zach DeAugustine
Daniel Comby
Caitlyn Schaffer
Edward Fuller IV
Michael Scanlan
Jack Scanlan**

**Joey Porreca
Nathan Bellwoar
Caleb Servis
Nolan Servis
Jessica Calwell
Talon Ray**

WHEREAS, we also extend this recognition and thanks to John DeAugustine and Ed Comby, who have generously given their personal time and service to coach this team; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee on behalf of the citizens of the Township of Upper, to extend to the Upper Township Riptide-Grey Hockey Team congratulations on becoming the 2021 Cape May County Hockey League 5th through 8th grade Division Champions, and to each coach heartfelt thanks 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 14th day of February,

2022.

Resolution No. 050-2022

Offered by: Hayes

Seconded by: Coggins

Adopted: February 14, 2022

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Coggins	X			
Hayes	X			
Newman	X			
Pancoast				X
Corson	X			

3. Authorizing the Mayor and Township Clerk to sign and submit a safety contract for participation in the Atlantic County Municipal Joint Insurance Fund 2022 Safety Incentive Program.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 051-2022

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO
SIGN AND SUBMIT A SAFETY CONTRACT FOR PARTICIPATION IN THE
ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND
2022 SAFETY INCENTIVE PROGRAM**

WHEREAS, the Atlantic County Municipal Joint Insurance Fund (ACMJIF) has offered a Safety Incentive Program to participating members in order to promote workplace safety and wellness in our community; and

WHEREAS, the goal of the Safety Incentive program is to build a program that will be effective in promoting safe work practices, employee morale and claims management; and

WHEREAS, the Township of Upper wishes to take advantage of the Safety Incentive Program and to authorize the execution and submittal of the 2022 Safety Contract to the ACMJIF; and

WHEREAS, the Safety Contract has been reviewed and approved by the Municipal Attorney and is attached hereto; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk of the Township of Upper are hereby

authorized, directed, and empowered to sign and submit the Atlantic County Municipal Joint Insurance Fund 2022 Safety Contract.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. 051-2022

Offered by: Hayes

Seconded by: Coggins

Adopted: February 14, 2022

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Coggins	X			
Hayes	X			
Newman	X			
Pancoast				X
Corson	X			

- Appointing Jerry H. Steiner to serve as an additional Municipal Public Defender on an as needed basis.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 052-2022

**RE: APPOINTING JERRY H. STEINER TO SERVE AS AN ADDITIONAL MUNICIPAL
PUBLIC DEFENDER ON AN AS NEEDED BASIS**

WHEREAS, a need exists to appoint an additional municipal public defender to serve on an as needed basis; and

WHEREAS, N.J.S.A. 2B:24-3 allows for the appointment of additional municipal public defenders as necessary to administer justice in a timely and effective manner; and

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

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

WHEREAS, Jerry H. Steiner has completed and submitted a Business Entity Disclosure Certification which certifies that Jerry H. Steiner 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 Jerry H. Steiner 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. Jerry H. Steiner with offices at 1210 So. Main Street, PO Box 817, Pleasantville, New Jersey is hereby appointed as an additional municipal public defender to serve on an as needed basis.
3. This contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Jerry H. Steiner has professional knowledge as to legal matters and municipal court 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 Jerry H. Steiner 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 Jerry H. Steiner 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. 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. 052-2022

Offered by: Hayes

Seconded by: Coggins

Adopted: February 14, 2022

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Coggins	X			
Hayes	X			
Newman	X			
Pancoast				X
Corson	X			

5. Appointing Douglas K. Walker to serve as an additional Municipal Prosecutor on an as needed basis.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 053-2022

**RE: APPOINTING DOUGLAS K. WALKER TO SERVE AS AN ADDITIONAL MUNICIPAL
PROSECUTOR ON AN AS NEEDED BASIS**

WHEREAS, a need exists to appoint an additional municipal prosecutor to serve on an as needed basis; and

WHEREAS, N.J.S.A. 2B:25-4 allows for the appointment of additional municipal prosecutors as necessary to administer justice in a timely and effective manner; and

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

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

WHEREAS, Douglas K. Walker has completed and submitted a Business Entity Disclosure Certification which certifies that Douglas K. Walker 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 Douglas K. Walker 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. Douglas K. Walker with offices at 15 East 8th Street, Ocean City, New Jersey is hereby appointed as an additional municipal prosecutor to serve on an as needed basis.
3. This contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Douglas K. Walker has professional knowledge as to legal matters and municipal court 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 Douglas K. Walker 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 Douglas K. Walker 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. 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. 053-2022

Offered by: Hayes

Seconded by: Coggins

Adopted: February 14, 2022

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Coggins	X			
Hayes	X			
Newman	X			
Pancoast				X
Corson	X			

6. Authorizing the Mayor and Township Clerk to sign a contract with Phoenix Advisors, LLC for municipal advisory services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 054-2022

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A CONTRACT WITH
PHOENIX ADVISORS, LLC FOR MUNICIPAL ADVISORY SERVICES**

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

WHEREAS, Phoenix Advisors, LLC has submitted a proposal to the Township to provide municipal advisory services; and

WHEREAS, the Township wishes to accept said proposal and to authorize the execution of a contract with Phoenix Advisors, LLC; and

WHEREAS, the proposed contract has been reviewed and approved by the Municipal Attorney and will be on record in the office of the Township Clerk and available for public inspection; and

WHEREAS, Phoenix Advisors, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Phoenix Advisors, 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 Phoenix Advisors, LLC from making any reportable contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with Phoenix Advisors, LLC in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein.
3. This contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Phoenix Advisors, LLC has professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

NOTICE OF CONTRACT AWARD

5. The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Phoenix Advisors, LLC for municipal advisory services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.
6. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the official budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.
7. The contractor has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and will provide proof of that registration to the Township of Upper.
8. A copy of this Resolution shall be published in the official newspaper of the Township of Upper within ten (10) days from the date of adoption.
9. This Resolution shall be effective as of adoption.

Resolution No. 054-2022

Offered by: Hayes

Seconded by: Coggins

Adopted: February 14, 2022

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Coggins	X			
Hayes	X			
Newman	X			
Pancoast				X
Corson	X			

7. Appointing Scott Morgan as the Municipal Emergency Management Coordinator, 9-1-1 Coordinator, and Right to Know Director for the Township of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 055-2022

**RE: APPOINTING SCOTT MORGAN AS THE MUNICIPAL EMERGENCY
MANAGEMENT COORDINATOR, 9-1-1 COORDINATOR, AND RIGHT TO KNOW
DIRECTOR FOR THE TOWNSHIP OF UPPER**

WHEREAS, pursuant to N.J.S.A. Appendix A:9-40.1, in every Municipality the Mayor shall appoint a Municipal Emergency Management Coordinator from among the residents of the municipality to serve for a term of three years; and

WHEREAS, the Municipal Emergency Management Coordinator shall be responsible for the planning, activating, coordinating, and the conduct of emergency management operations within the Township of Upper; and

WHEREAS, there is also a need to fill the positions of 9-1-1 Coordinator and Right to Know Director, which have historically been held by the Emergency Management Coordinator; and

WHEREAS, the Mayor has duly considered the matter and has determined that Scott Morgan possesses all of the requisite qualifications for the appointment to said positions as required by law; 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 statements of the preamble above are incorporated herein by this reference.

WHEREAS, the gypsy moth *Lymantria dispar*, has been found heavily defoliating tree and plant growth in the Township of Upper; and

WHEREAS, continued destruction of foliage may result in loss of valuable forest lands and trees; and

WHEREAS, the Township Committee of the Township of Upper has determined that a gypsy moth control program should be instituted with the State of New Jersey Department of Agriculture and that application for any Federal or State funds available be authorized; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Township Committee of the Township of Upper that the gypsy moth is declared to be a public nuisance and the protection of vegetation or plant life therefrom is deemed to be a subject matter of public welfare, and that all measures deemed necessary, in compliance with the State of New Jersey Department of Agriculture recommendations, is hereby authorized to suppress this forest and shade tree pest.

Resolution No. 057-2022

Offered by: Coggins

Seconded by: Hayes

Adopted: February 14, 2022

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Coggins	X			
Hayes	X			
Newman	X			
Pancoast				X
Corson	X			

I, Barbara L. Young, Clerk of the Township of Upper, County of Cape May, State of New Jersey, do hereby certify that this Resolution was adopted by the municipal governmental body at an open public meeting which was duly advertised to the citizens of the municipality in accordance with the law, pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-9.

I also certify that this municipality has, or will, comply with the notice provisions required by N.J.S.A. 4:7-39.

I further certify the above to be a true and correct copy of a resolution adopted by the Upper Township Committee at a regular meeting of that body held February 14, 2022.

Barbara L. Young, RMC

MUNICIPAL CLERK

- 10. Approving the person-to-person transfer of Plenary Retail Consumption License with Broad Package Privilege No. 0511-32-005-005 from SJL Group LLC, T/A Yesterdays to 316 Roosevelt Liquor, LLC, T/A Inky’s Cantina & Taqueria and as Inky’s Right Turn Liquors.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION

RESOLUTION NO. 058-2022

RE: APPROVING THE PERSON-TO-PERSON TRANSFER OF
PLENARY RETAIL CONSUMPTION LICENSE WITH BROAD PACKAGE
PRIVILEGE NO. 0511-32-005-005 FROM SJL GROUP LLC, T/A YESTERDAYS
TO 316 ROOSEVELT LIQUOR, LLC, T/A INKY’S CANTINA & TAQUERIA
AND AS INKY’S RIGHT TURN LIQUORS

WHEREAS, 316 Roosevelt Liquor, LLC has made application to the Township Committee, the issuing authority of the Township of Upper, for the person-to-person transfer of Plenary Retail Consumption License with Broad Package Privilege No. 0511-32-005-005 heretofore issued to SJL Group, LLC T/A Yesterday’s. for premises located at 316 Roosevelt Boulevard, Marmora, Upper Township, Cape May County, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local Ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed, and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business; and

NOW THEREFORE BE IT RESOLVED by the Township Committee, the governing body of the Township of Upper does hereby approve, effective January 15, 2022 the person-to-person transfer of Plenary Retail Consumption License No. 0511-32-005-005 to 316 Roosevelt Liquor, LLC and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: This license, subject to all terms its terms and conditions, is hereby transferred to 316 Roosevelt Liquor, LLC effective February 15, 2022.

Resolution No. 058-2022

Offered by: Coggins

Seconded by: Hayes

Adopted: February 14, 2022

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Coggins	X			
Hayes	X			
Newman			X	
Pancoast				X
Corson	X			

ORDINANCES

11. **Public hearing and final adoption of Ordinance No. 001-2022 RE: AN ORDINANCE AUTHORIZING SALE OF LANDS, TO WIT BLOCK 632, LOT 15.** During the public hearing portion there were no speakers. Due to an error in the published notice of the public hearing the Ordinance will need to be re-noticed to continue the public hearing at the February 28, 2022 Committee Meeting. Motion by John Coggins, second by Kimberly Hayes to continue the public hearing of Ordinance No. 001-2022 to February 28, 2022 meeting at 6:30 PM. During roll call vote all four Committee members present voted in the affirmative.

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

ORDINANCE NO. 001-2022

**RE: AN ORDINANCE AUTHORIZING SALE OF LANDS,
TO WIT BLOCK 632, LOT 15**

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 632, Lot 15; and

WHEREAS, the Township has received an offer from Ian Cohen and Monica Pasquinelli, 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 lot with an existing lot; and

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

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

Block 632, Lot 15

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 632, Lot 15

Minimum Bid: \$7,500.00

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: Ian Cohen and Monica Pasquinelli shall pay \$1,500.00 to the Township Clerk prior to the adoption of this Ordinance. \$500.00 of this payment will be used by the Township to defray Township expenses involved in Authorizing the Sale and terms thereof; Engineer's review; Attorney's review; legal advertising, certified mail notices, closing costs and other expenses. \$1,000.00 of this payment will be used to cover title search costs, which if same are less than this sum the difference will be credited back to the ultimate payor. If the parcel is not sold, \$500.00 of 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 \$1,500.00, 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 (\$1,500.00) 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 \$1,500.00, payable to the Township of Upper, representing payment to the Township for expenses of \$1,500.00 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 **10TH DAY OF JANUARY, 2022** AND A NOTICE WAS PUBLISHED FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE **14TH DAY OF FEBRUARY, 2022**, DURING WHICH TIME THE PUBLIC HEARING AND CONSIDERATION AS TO FINAL ADOPTION WERE CONTINUED TO A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE **28TH DAY OF FEBRUARY, 2022** AT 6:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.
BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

12. **Introduction and first reading of Ordinance No. 002-2022 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER II (ADMINISTRATION) OF THE CODE OF UPPER TOWNSHIP.** Motion by Jay Newman, second by Kimberly Hayes, to introduce Ordinance 002-2022 with a public hearing and final adoption scheduled for March 14, 2022 at 4:30 PM. During roll call vote three Committee members present voted in the affirmative. John Coggins voted no.

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

ORDINANCE NO. 002-2022

RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER II (ADMINISTRATION) OF THE CODE OF UPPER TOWNSHIP

WHEREAS, the Township Committee of the Township of Upper, in order to provide for the orderly and efficient administration of Township business, has determined that it is appropriate to amend Chapter II (Administration) of the Code of Upper Township to revise the duties of the Township Administrator and create the position of Assistance Township Administrator; and

WHEREAS, pursuant to N.J.S.A. 40A:63–7.1 the governing body of any municipality, by ordinance, may create the office of Assistant Township Administrator to assist in the administration of the township under the direction of the Township Administrator; and

WHEREAS, the Township Committee of the Township of Upper has determined to create the position of Assistant Township Administrator pursuant to the provisions of N.J.S.A. 40A:63–7.1.

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. Chapter II of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

Revise and replace the following in Section 2-2.4:

2-2.4 Township Administrator.

- a. Unchanged
- b. Unchanged
- c. Unchanged
- d. Unchanged
- e. Powers and duties. The Township Administrator, under the supervision and control of the Township Committee, and to the extent not prohibited by law, shall:
 1. Be the chief executive and administrative official of the Township of Upper with respect to all of the executive responsibilities of the Township. The Township Administrator shall perform such duties in each department of the Township under the general supervision of the member of the Township Committee appointed by the Township Committee as the head of such department.
 2. Act as liaison between the Township Committee, the Township Committee department heads, all committees, officers and employees.
 3. Be responsible for the maintenance of sound personnel policies and administrative practice and to study and make recommendations in respect to personnel, hiring, organization and policies of the Township after consultation with the Township Committee and the department head of each department.
 4. Assist in the preparation of the budget and assist the Township Committee in obtaining the necessary data for the preparation of the municipal budget.
 5. Investigate all complaints regarding Township services and, after consultation with the department head of the services involved, to answer same and report the disposition thereof to the Township Committee.

6. Coordinate for the Township Committee the general affairs of the Township, including recommendations with respect to purchasing, administration and enforcement of contracts, leases and franchises.
7. Attend all meetings as directed and authorized by the Township Committee.
8. Perform such other duties as may from time to time be specifically assigned to the Township Administrator by the Township Committee.

f. Unchanged

Add Section 2-2.10 Assistant Township Administrator

2-2.10 Assistant Township Administrator.

- a. Creation of Position. The office of Assistant Township Administrator is hereby created in and for the Township of Upper pursuant to the provisions of N.J.S.A. 40A:63-7.1.
- b. Appointment and Term. The Assistant Township Administrator shall be appointed by the majority vote of the Township Committee and the term of office of the Assistant Township Administrator shall be at the pleasure of the Township Committee.
- c. Compensation. Compensation to perform the duties and responsibilities of Assistant Township Administrator shall be determined and established by the Township Committee in accordance with law.
- d. Qualifications. The Assistant Township Administrator shall possess knowledge and experience in local government.
- e. Powers and Duties. The Assistant Township Administrator, under the supervision and direction of the Township Administrator, shall assist the Township Administrator in the administration of the Township. During the absence or disability of the Township Administrator, the Assistant Administrator shall have all the powers and duties of the Township Administrator and shall perform all of the functions of the Township Administrator.

SECTION 2: EFFECTIVE DATE: This ordinance shall take effect immediately upon adoption and publication as required by law.

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

SECTION 4: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 5: CODIFICATION: This Ordinance shall be codified as indicated in Chapter

2 of the Upper Township Code.

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 **14th DAY OF FEBRUARY, 2022** 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 **14th DAY OF MARCH, 2022** AT 4:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.
BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

13. Introduction and first reading of Ordinance No. 003-2022 RE: AN ORDINANCE AMENDING ORDINANCE NO. 018-2021 KNOWN AS THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2022. Motion by Jay Newman, second by Kimberly Hayes, to introduce Ordinance 003-2022 with a public hearing and final adoption scheduled for March 14, 2022 at 4:30 PM. During roll call vote three Committee members present voted in the affirmative. John Coggins voted no.

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

ORDINANCE NO. 003-2022

RE: AN ORDINANCE AMENDING ORDINANCE NO. 018-2021 KNOWN AS THE SALARY ORDINANCE 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: Ordinance No. 018-2021, known as the Salary Ordinance of 2022 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:

A. ADMINISTRATIVE / REVENUE AND FINANCE :

<u>POSITION</u>	<u>MINIMUM</u>	<u>MAX-2022</u>
Township Administrator	No Min.	\$100,000.00
Assistant Township Administrator	No Min.	\$100,000.00

SECTION 2: 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 3: REPEALER: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 4: 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 **14th DAY OF FEBRUARY, 2022** 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 **14th DAY OF MARCH, 2022** AT 4:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.
BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

14. **Introduction and first reading of Ordinance No. 004-2022 RE: BOND ORDINANCE REAPPROPRIATING \$900,000, INCLUDING \$880,500 OF BOND AND NOTE PROCEEDS NOT NEEDED FOR THEIR ORIGINAL PURPOSES AND \$19,500 FROM THE CAPITAL IMPROVEMENT FUND, IN ORDER TO PROVIDE FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, NEW JERSEY.** Motion by Jay Newman, second by Kimberly Hayes, to introduce Ordinance 004-2022 with a public hearing and final adoption scheduled for March 14, 2022 at 4:30 PM. During roll call vote all four Committee members present voted in the affirmative.

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

ORDINANCE NO. 004-2022

BOND ORDINANCE REAPPROPRIATING \$900,000, INCLUDING \$880,500 OF BOND AND NOTE PROCEEDS NOT NEEDED FOR THEIR ORIGINAL PURPOSES AND \$19,500 FROM THE CAPITAL IMPROVEMENT FUND, IN ORDER TO PROVIDE FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, NEW JERSEY.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER, IN THE COUNTY OF CAPE MAY, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$880,500 of bond and note proceeds and \$19,500 from the Capital Improvement Fund originally made available pursuant to the following bond ordinances of the Township of Upper, in the County of Cape May, New Jersey (the “Township”) are no longer necessary for the various purposes for which the obligations previously were authorized as described below. No money has been spent under Section 3(c)(iii) of Bond Ordinance #010-2020, as amended by Bond Ordinance #003-2021, and Section 3(e)(ii) of Bond Ordinance #010-2020.

Ordinance Number	Improvement Description and Date of Adoption	Amount to be <u>Reappropriated</u>
Section 3(b)(i) of Bond Ordinance #012-2018	Various improvements, including the acquisition and installation of a bandstand, sound system and a pole building for Amanda’s Field, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto, finally adopted September 24, 2018.	\$60,000
Section 3(b)(i) of Bond Ordinance #012-2018, as reappropriated by Bond Ordinance #006-2020	Security cameras at the recreation facilities, finally adopted September 24, 2018, as reappropriated July 13, 2020.	\$3,000
Section 3(c)(ii) of Bond Ordinance #012-2018	Acquisition of property at the Community Center, as more specifically described as Block 382, Lots 11.01 and 11.02 on the tax maps of the Township, including all related costs and expenditures incidental thereto, finally adopted September 24, 2018.	\$489,500 (includes \$14,500 from the Capital Improvement Fund)
Section 3(d)(i) of Bond Ordinance #012-2018	The paving project for various roads, Sam’s Gulf remediation and bulkhead replacement, all as set forth on lists on file in the Office of the Clerk, which are hereby incorporated by reference as if set forth at length, including all work and materials necessary therefor and incidental thereto, finally adopted September 24, 2018.	\$110,000
Section 3(a)(i) of Bond Ordinance #020-2019	The acquisition of a side-arm packer, including all related costs and expenditures incidental thereto, finally adopted December 9, 2019.	\$8,700
Section 3(e)(i) of Bond Ordinance #020-2019	The acquisition of portable radios, including all related costs and expenditures incidental thereto, finally adopted December 9, 2019.	\$12,500
Section 3(f) of Bond Ordinance #020-2019	The acquisition of a utility vehicle, including all related costs and expenditures incidental thereto, finally adopted December 9, 2019.	\$21,300

Section 3(a)(i) of Bond Ordinance #010-2020	Acquisition of a backhoe, a utility body pickup with extended cab, pickup trucks with extended cab with plow, a bat-wing mower, an automated trash truck and a leaf truck, including all related costs and expenditures incidental thereto, finally adopted November 9, 2020.	\$33,000
Section 3(a)(ii) of Bond Ordinance #010-2020	The acquisition of a vehicle lift and an air compressor (tow behind), including all related costs and expenditures incidental thereto, finally adopted November 9, 2020.	\$4,000
Section 3(b)(i) of Bond Ordinance #010-2020	Acquisition of digital display signs and the construction of a Caldwell Park press box and grandstand, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto, finally adopted November 9, 2020.	\$35,000
Section 3(c)(i) of Bond Ordinance #010-02020	Acquisition of a Kubota for the beach, including all related costs and expenditures incidental thereto, finally adopted November 9, 2020.	\$1,500
Section 3(c)(ii) of Bond Ordinance #010-2020, as amended by Bond Ordinance #003-2021	Acquisition of portable light towers with generator, including all related costs and expenditures incidental thereto, finally adopted November 9, 2020, as amended March 8, 2021.	\$21,500
Section 3(c)(iii) of Bond Ordinance #010-2020, as amended by Bond Ordinance #003-2021	Acquisition of portable radios, including all related costs and expenditures incidental thereto, finally adopted November 9, 2020, as amended March 8, 2021.	\$70,000 (includes \$3,500 from the capital improvement fund)
Section 3(e)(ii) of Bond Ordinance #010-2020	Acquisition of a power load stretcher, including all related costs and expenditures incidental thereto, finally adopted November 9, 2020.	\$30,000 (includes \$1,500 from the capital improvement fund)
Total:		<u>\$900,000</u>

Section 2. The \$880,500 of bond and note proceeds described in Section 1 from made available pursuant to N.J.S.A. 40A:2-39 and the \$19,500 from the Capital Improvement Fund from Section 3(c)(ii) of Bond Ordinance #012-2018, Section 3(c)(iii) of Bond Ordinance #010-2020, as amended by Bond Ordinance #003-2021 and Section 3(e)(ii) of Bond Ordinance #010-2020 are hereby reappropriated to provide for the following various capital improvements:

<u>Purpose</u>	<u>Amount</u>
The acquisition of a drain truck, including all related costs and expenditures incidental thereto.	\$530,000
The acquisition and installation of football lighting, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$200,000
Repairs/construction of Gandy House and Train Station roofs, including all work and materials necessary therefor and incidental thereto.	\$80,000
The acquisition of a beach truck, including all related costs and expenditures incidental thereto.	\$40,000
The acquisition of an EMS truck, including all related costs and expenditures incidental thereto.	<u>\$50,000</u>
Total:	<u>\$900,000</u>

Section 3. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 4. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

CORRESPONDENCE

NEW BUSINESS

- 15. **MSGBM, LLC request to vacate a portion of Ocean Crest Avenue in Palermo.** The Municipal Attorney explained that it has been policy of the Township to not create additional building lots and recommended that the property be deed restricted against further subdivision. Motion by Kimberly Hayes, second by Jay Newman, to move forward with the request with the condition that the adjacent property be deed restricted. During roll call vote all four Committee members present voted in the affirmative.
- 16. **Knights of Columbus request to hold a Free-throw Competition at the Upper Township Community Center on March 12, 2022.** Motion by Kimberly Hayes, second by John Coggins, to approve the request with the required facility use fees being paid. During roll call vote all four Committee members present voted in the affirmative.
- 17. **Strathmere Improvement Association Inc. request to hold a Raffle RA-542 at the Strathmere Volunteer Fire Department on August 13, 2022 at 10:45 am.** Motion by Jay Newman, second

by Kimberly Hayes, to approve the request. During roll call vote all four Committee members present voted in the affirmative.

UNFINISHED BUSINESS

18. **Plan Endorsement resolution.** Municipal Engineer Paul Dietrich recommended to move forward with a resolution once all paperwork completed.

DISCUSSION

18. **EMS Billing.** Jay Newman recommended transport fees change to \$1,000.00 and bill \$25.00 per loaded mile to the insurance company. Motion by Jay Newman, second by Kimberly Hayes, to move forward with an Ordinance to allow setting fees for EMS Billing by Resolution. During roll call vote all four Committee members present 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 Kimberly Hayes. During roll call vote all four Committee members present voted in the affirmative.**

Bills approved for payment: \$432,785.46

Payroll: \$195,264.67

REPORT OF MUNICIPAL DEPARTMENTS

- 20. **Animal Control**
- 21. **Clerk's Office**
- 22. **Construction Code**
- 23. **Division of EMS**
- 24. **Finance Office**
- 25. **Municipal Court**
- 26. **MUA Report**
- 27. **Public Works**
- 28. **Tax Collector**

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

PUBLIC COMMENT

Larry Trulli, requested that the Committee continue on the path of directing the planning board to perform a study of a rent control ordinance.

Jack Griffin, spoke about some technical issues with the microphones. He also spoke about the 2022 budget and limiting the addition of Township personnel.

Don Oral, thanked the Department of Public Works for their response to the recent snowstorm, and asked if the Township could plow County owned Butter Road. It was stated that the Township has in the past and will continue to supplement the county's efforts in snow plowing.

CLOSED SESSION

29. 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. 059-2022
MOTION GOING INTO CLOSED SESSION
FEBRUARY 14, 2022**

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

MATTERS

- Personnel
- Litigation – Bushong v. Upper Township
- Contract negotiation - Bond Counsel
- Contract negotiation - Special Legal Counsel in rem foreclosure matters
- Contract negotiation - Alternate Legal Counsel
- Contract negotiation - Appraisal Services
- Contract negotiation - Right to Know Inventory
- Contract negotiation - License for use of right of way
- Contract negotiation - Collective Bargaining Agreement

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: Kimberly Hayes

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

RECONVENE PUBLIC PORTION OF MEETING

Motion by John Coggins, second by Kimberly Hayes, to reconvene the public portion of the meeting.

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

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 6:25 P.M., with a motion by John Coggins, second by Kimberly Hayes and all four Committee members present voting in the affirmative. The next regular meeting is scheduled for February 28, 2022, at 6:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

BUDGET WORKSHOP MEETING

In preparation of the 2022 Municipal Budget a budget workshop meeting was called to order this evening at 6:33 PM.

Mayor Corson read the following Open Public meeting notice into the record.

“In compliance with the Open Public Meetings Law, I wish to state that on February 11, 2022 the notice of this Budget Workshop meeting of the Upper Township Committee was posted on the official Township Bulletin Board, the Upper Township Website, and the Town Hall Foyer, mailed to the Cape May County Gazette, the Atlantic City Press, the Ocean City Sentinel-Ledger, the Herald Times and filed with the Township Clerk. Tonight’s Budget Workshop meeting is being audio recorded 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.”

The following were present for the workshop meeting tonight:

John Coggins	Present
Kimberly Hayes	Present
Jay Newman	Present
Mark Pancoast	Absent
Curtis Corson	Present

Also present were Municipal Clerk Barbara Young, township Engineer Paul Dietrich, and Chief Financial Officer Barbara Ludy.

The Township Committee reviewed and discussed at length the line items and capital requests from various departments including Beach Patrol, Public Works and the Division of EMS. The Municipal Clerks Office budget was also discussed. Mayor Corson then recommended that Committee members continue the discussion at the next budget workshop after they have had a chance to discuss proposed cuts with their respective departments.

The budget workshop was adjourned at 7:18 PM, with a motion by Curtis Corson, second by John Coggins and all four Committee members present voting in the affirmative. The next budget workshop will be held on February 28, 2022, at 5:00 P.M.

Bill List

78972 02/14/22 A0023 ADAMS, JOHN 36.00 3226
78973 02/14/22 A0025 ADVANTAGE RENTAL & SALES 406.31 3226
78974 02/14/22 A0072 AN ENCHANTING FLORIST 170.00 3226
78975 02/14/22 A0078 ANCHOR RUBBER STAMP & PRINTING 45.45 3226
78976 02/14/22 A0091 ATLANTIC CITY ELECTRIC 32,044.82 3226
78977 02/14/22 A0176 ACTION FLAG COMPANY 105.56 3226
78978 02/14/22 A0191 ACTION UNIFORM CO. LLC 61.00 3226
78979 02/14/22 A0212 ANCERO, LLC 10,664.78 3226
78980 02/14/22 A0225 AUTOZONE NORTHEAST LLC 105.10 3226
78981 02/14/22 B0018 BARR, EDWARD 1,666.70 3226
78982 02/14/22 B0020 BLAKER,RAYMOND 36.00 3226
78983 02/14/22 B0035 BELMONT & CRYSTAL SPRINGS 36.14 3226
78984 02/14/22 B0076 BOND,LAURENCE E. 4,331.38 3226
78985 02/14/22 B0090 BROADLEY'S MDI 125.00 3226
78986 02/14/22 B0092 BROKER, EUGENE JR. 2,673.00 3226

78987 02/14/22 B0093 BARRY,CORRADO & GRASSI,PC 3,745.00 3226
78988 02/14/22 B0160 BONNER, ROSEMARY 1,782.00 3226
78989 02/14/22 B0220 BERGEY'S TRUCK CENTERS 550.72 3226
78990 02/14/22 B0232 BLUE FLAME GAS 1,317.59 3226
78991 02/14/22 B0278 BUSINESS INFORMATION SYSTEMS 1,080.81 3226
78992 02/14/22 B0286 BELLES, CHRISTOPHER 43.25 3226
78993 02/14/22 C0008 CMC COURT ADMINISTRATORS ASSOC 50.00 3226
78994 02/14/22 C0010 CMC MUNICIPAL JUDGES ASSOC 75.00 3226
78995 02/14/22 C0019 CITY OF OCEAN CITY 63,978.50 3226
78996 02/14/22 C0021 CIVIL SOLUTION A DIVISION 96.00 3226
78997 02/14/22 C0031 CAPE ASSIST 1,155.00 3226
78998 02/14/22 C0042 CAMPBELL SUPPLY COMPANY 591.88 3226
78999 02/14/22 C0056 CAPE MEDIATION SERVICE, INC. 2,637.60 3226
79000 02/14/22 C0061 CAPRIONI FAMILY SEPTIC 290.00 3226
79001 02/14/22 C0068 COMCAST 2,025.72 3226
79002 02/14/22 C0078 CARTER, EDWARD, SR. 36.00 3226
79003 02/14/22 C0116 CINTAS CORPORATION 44.10 3226
79004 02/14/22 C0124 CMC MUNICIPAL CLERK'S ASSOC. 375.00 3226
79005 02/14/22 C0182 CDW GOVERNMENT, INC 65.11 3226
79006 02/14/22 C0223 CASA PAYROLL SERVICE 438.50 3226
79007 02/14/22 C0246 CRAFT OIL CORPORATION 3,747.88 3226
79008 02/14/22 C0282 CAPE MAY COUNTY COAST GUARD 350.00 3226
79009 02/14/22 C0307 CNS ACQUISITION CORPORATION 835.00 3226
79010 02/14/22 C0336 CROSSROADS EDUCATION, LLC 600.00 3226
79011 02/14/22 D0040 DELTA DENTAL OF N.J. INC. 5,743.51 3226
79012 02/14/22 D0175 DICKINSON, CARRIE L. 735.00 3226
79013 02/14/22 E0012 EHRlich PEST CONTROL INC 216.00 3226
79014 02/14/22 E0034 ESRI, INC. 400.00 3226
79015 02/14/22 E0079 EVANS III, WILLIAM 149.95 3226
79016 02/14/22 E0080 EISELE, LUKE 36.00 3226
79017 02/14/22 F0016 FAZZIO, JOSEPH INC. 121.98 3226
79018 02/14/22 F0030 FASTENAL 692.34 3226
79019 02/14/22 F0053 FORD, SCOTT & ASSOCIATES 9,000.00 3226
79020 02/14/22 F0080 FAMILIES UNITED NETWORK 300.00 3226
79021 02/14/22 F0222 FENTON, SEAN R 36.00 3226
79022 02/14/22 G0002 GAGLIONE, WANDA 3,564.00 3226
79023 02/14/22 G0028 GENTILINI FORD 379.25 3226
79024 02/14/22 G0169 GROFF TRACTOR MID ATLANTIC LLC 1,927.73 3226
79025 02/14/22 H0073 HOME DEPOT CRC/GECF 171.00 3226
79026 02/14/22 H0195 HOHMAN, CHRISTOPHER 36.00 3226
79027 02/14/22 J0041 JONES, JAMES M. 36.00 3226
79028 02/14/22 K0007 KACZMARSKI, RICHARD 36.00 3226
79029 02/14/22 K0014 KEENAN,BRIAN 36.00 3226
79030 02/14/22 K0020 KENNEY,EDWARD 150.00 3226
79031 02/14/22 K0037 KOHLER, JOHN F 36.00 3226
79032 02/14/22 K0103 KYOCERA DOCUMENT SOLUTIONS 144.67 3226
79033 02/14/22 K0106 KOHLER, MARSHALL J 36.00 3226
79034 02/14/22 L0007 LC EQUIPMENT, INC. 68.00 3226
79035 02/14/22 L0027 LASHLEY HEATING & COOLING INC. 200.00 3226
79036 02/14/22 L0031 LORCO PETROLEUM SERVICES 30.00 3226
79037 02/14/22 L0080 LOWES, INC. 125.19 3226
79038 02/14/22 L0098 LINZ, MICHAEL 275.00 3226
79039 02/14/22 M0012 McCAULEY, RICHARD 87.68 3226
79040 02/14/22 M0046 MASON, DAVID 3,564.00 3226
79041 02/14/22 M0076 MGL PRINTING SOLUTIONS 715.00 3226
79042 02/14/22 M0088 MC SYSTEMS SOFTWARE LLC 1,500.00 3226
79043 02/14/22 M0142 MASON, NICHOLAS 36.00 3226
79044 02/14/22 M0230 MCANJ 175.00 3226
79045 02/14/22 M0263 MANGAM SR., ANDREW C 36.00 3226
79046 02/14/22 M0277 EQUITABLE FINANCIAL LIFE INS. 196.95 3226
79047 02/14/22 M0290 MADDEN & MADDEN, PC 931.20 3226
79048 02/14/22 M0303 MALEY GIVENS, A PROF CORP 3,556.00 3226
79049 02/14/22 M0308 McHENRY PRESSURE CLEAN SYSTEMS 1,286.78 3226

79050 02/14/22 M0313 MAVIS TIRE SUPPLY, LLC 632.98 3226
79051 02/14/22 N0004 NJ-AMERICAN WATER CO. 108.96 3226
79052 02/14/22 N0043 NAPA AUTO PARTS 0.00 02/14/22 VOID 0
79053 02/14/22 N0043 NAPA AUTO PARTS 2,968.38 3226
79054 02/14/22 N0125 N.J. REGISTRAR'S ASSOCIATION 75.00 3226
79055 02/14/22 N0143 NATIONAL TIME SYSTEMS 368.50 3226
79056 02/14/22 N0144 NJ E-ZPASS SERVICE CENTER 100.00 3226
79057 02/14/22 N0154 NEW HORIZON COMMUNICATIONS 777.05 3226
79058 02/14/22 O0006 SJSHORE MARKETING,LLC 385.00 3226
79059 02/14/22 O0064 OC & UT Rotary 150.00 3226
79060 02/14/22 P0032 PEDRONI FUEL CO. 8,236.71 3226
79061 02/14/22 P0034 PEIFER, SUSAN R. 1,782.00 3226
79062 02/14/22 P0136 POSTNET 176.00 3226
79063 02/14/22 P0152 READY, LOREN 19.98 3226
79064 02/14/22 P0175 PRIEST JR., ANTHONY 125.00 3226
79065 02/14/22 P0199 PRETTYMAN, ROBERT C., JR. 3,000.00 3226
79066 02/14/22 R0030 RIGGINS, INC. 14,977.52 3226
79067 02/14/22 R0100 ROBERTS OXYGEN COMPANY, INC. 515.98 3226
79068 02/14/22 R0119 RUDERMAN, ROTH LLC 6,688.00 3226
79069 02/14/22 R0126 REEVES, CRAIG 36.00 3226
79070 02/14/22 R0137 RAMMEL, TODD 36.00 3226
79071 02/14/22 S0018 SUBURBAN PROPANE, LP 652.15 3226
79072 02/14/22 S0020 THE HOME DEPOT PRO 1,009.12 3226
79073 02/14/22 S0031 SCHULER SECURITY, INC. 127.00 3226
79074 02/14/22 S0035 SCHOPPY WILLIAM TROPHY CO. 157.40 3226
79075 02/14/22 S0056 SEASHORE ASPHALT CORPORATION 766.96 3226
79076 02/14/22 S0057 SERVICE TIRE TRUCK CENTERS 5,993.86 3226
79077 02/14/22 S0124 SORENSON, LESLIE R. 1,782.00 3226
79078 02/14/22 S0134 SO. JERSEY GAS COMPANY 9,300.90 3226
79079 02/14/22 S0154 SOUTH JERSEY OVERHEAD DOOR 695.00 3226
79080 02/14/22 S0160 STAR LODGE # 65 150.00 3226
79081 02/14/22 S0196 STEWART BUSINESS SYSTEMS LLC 1,053.88 3226
79082 02/14/22 S0239 SHORE VET. ANIMAL CONTROL LLC 2,350.00 3226
79083 02/14/22 S0249 BSN SPORTS 2,602.72 3226
79084 02/14/22 S0292 SURENIAN EDWARDS & NOLAN LLC 958.00 3226
79085 02/14/22 S0340 SEAVILLE UMC 150.00 3226
79086 02/14/22 S0363 STARR GENERAL CONTRACTING CORP 3,427.00 3226
79087 02/14/22 T0032 THE PRESS OF ATLANTIC CITY 1,394.90 3226
79088 02/14/22 T0080 TREASURER STATE OF N.J. 255.00 3226
79089 02/14/22 T0166 TREASURER, STATE OF NEW JERSEY 451.50 3226
79090 02/14/22 T0168 TOWNSHIP OF UPPER 255.09 3226
79091 02/14/22 T0172 Trinity United Methodist Churc 150.00 3226
79092 02/14/22 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3226
79093 02/14/22 T0192 MARSH & McLENNAN AGENCY/TRION 506.50 3226
79094 02/14/22 T0211 TRELEASE, BRIAN P., ESQUIRE 1,642.00 3226
79095 02/14/22 T0213 TREASURER, STATE OF NEW JERSEY 149,688.77 3226
79096 02/14/22 U0067 UT HEALTH REIMB. ACCOUNT 1,672.25 3226
79097 02/14/22 U0073 Upper Township Football Assn. 150.00 3226
79098 02/14/22 V0013 VERIZON WIRELESS 2,070.81 3226
79099 02/14/22 V0025 V.E. RALPH & SON,INC. 114.00 3226
79100 02/14/22 V0026 VITAL COMMUNICATIONS, INC. 2,540.88 3226
79101 02/14/22 V0027 VANORDER, ROGER 36.00 3226
79102 02/14/22 V0052 VIKING TERMITE & PEST CONTROL 110.80 3226
79103 02/14/22 W0063 WRESTLER'S WORLD 904.64 3226
79104 02/14/22 W0085 WOODY, LESTER 300.97 3226
79105 02/14/22 W0087 W.B. MASON EGG HARBOR 1,818.96 3226
79106 02/14/22 W0123 WIRELESS ELECTRONICS, INC. 777.00 3226
79107 02/14/22 X0008 XEROX FINANCIAL SERVICES 247.46 3226
79108 02/14/22 Y0008 YOUNG, DANIEL J. ESQUIRE PC 20,153.75 3226
Total: \$432,785.46