

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR FEBRUARY 28, 2022**

*******BUDGET WORKSHOP MEETING - 5:00 P.M.**

In preparation of the 2022 Municipal Budget a budget workshop meeting was called to order this evening at 5:00 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 25, 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	Present
Curtis Corson	Present

Also present were Municipal Clerk Barbara Young, Township Administrator Scott Morgan, Township Engineer Paul Dietrich, and Chief Financial Officer Barbara Ludy.

The Township Committee reviewed line items and capital requests from various departments including the Board of Health, the Division of EMS, the Department of Public Works, Construction and Personnel. Also discussed was funding for an MUA sewer study. The Committee discussed whether soft costs for the study could be funded through the Cares Act Fund. After a discussion on the matter the CFO was directed to investigate funding for the study.

The budget workshop was adjourned at 5:50 PM, with a motion by Curtis Corson, second by John Coggins, and all five Committee members voting in the affirmative

REGULAR MEETING OF THE TOWNSHIP COMMITTEE - 6:30 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 25, 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	Present
Curtis Corson	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 - February 14, 2022 Regular and Closed Session Minutes

Motion by Jay Newman, second by John Coggins, to approve the February 14, 2022 Regular and Closed Session Minutes as submitted. During roll call vote all five Committee members voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Kimberly Hayes, Committeewoman, reported that the Township will hold an Easter Egg Hunt on April 9, 2022, rain date April 10, from 10:00 am to 1:00 pm. The Easter Bunny will be in attendance for pictures and face painting will also be available.

Jay Newman, Committeeman, reported that the Township held a free rabies clinic this past Saturday during which 149 vaccines were administered and 66 licenses were sold. He next reported that he and Committeewoman Hayes were tasked as the liaisons to work with Orsted and their plans at the former BL England site and will make sure a partnership with Orsted will bring the best possible outcome for the residents of Upper Township.

Curtis Corson, Mayor, reported that he and the Township Engineer recently met with members of the Strathmere Fishing and Environmental Club regarding the living shoreline and future grant funds. He requested that the other Committee members attend a meeting with SFEC to view the presentation. There was a motion by Kimberly Hayes, second by Jay Newman, to advertise for a special committee meeting to be held on March 26, 2022 at 10:00 am in Strathmere. During roll call vote all five Committee members voted in the affirmative.

OTHER REPORTS

Scott Morgan, Township Administrator, reported that since the numbers of positive Covid cases and hospitalizations are so low, the County will no longer be issuing a weekly Covid report. He next reported that the Upper Township Business Association in conjunction with the Ocean City Sentinel Ledger will soon be publishing the Upper Township Community Guide. He stated that the guide is an excellent resource for residents and requested approval to participate in the project. Motion by Jay Newman, second by Kimberly Hayes, to approve the request. During roll call vote all five Committee members voted in the affirmative.

Daniel Young, Municipal Attorney, reported that he was pleased to announce that the former BL England property has been sold and the new owners, Beesley's Point Development Group, will commence with the environmental remediation of the site.

Paul Dietrich, Township Engineer, reported that the Beesley's Point boat ramp dredging project has been completed. He stated that he will need to have a contract amendment for the project for the next meeting for additional quantity.

PRESENTATION

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

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. Honoring the Cub Scouts of Pack 79 on attaining the Arrow of Light Award.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 060-2022

RE: HONORING THE CUB SCOUTS OF PACK 79 ON ATTAINING THE ARROW OF LIGHT AWARD

WHEREAS, the Scouts of Cub Scout Pack 79, Albert Stiteler IV, Grady James Caywood, Henry Jude Costal, Jacob Johnson, James Anthony Koch, Mason Brock, Miles Cole Reischke, Ryan Robert Hiddemen, Ryan Richard Kaczmariski, Nicholas Brooks Snyder, Robert Elsey III, and Gabriel Michael Brooks, have recently achieved the Arrow of Light Award, which is the highest level of advancement for a Cub Scout; and

WHEREAS, the Township of Upper wishes to acknowledge this outstanding accomplishment; 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:

RESOLVED THAT, this Township Committee extends its sincere congratulations to these graduating Cub Scouts on the occasion of their receiving the Arrow of Light Award and commends them for this outstanding accomplishment; and it is

FURTHER RESOLVED, that the Township Committee extends its congratulations and best wishes to their parents, family and friends on this happy occasion; and it is

FURTHER RESOLVED, that the Township Committee also extends its congratulations and appreciation to the Den Leaders and others who give so freely and generously of their time for the benefit of our youth.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 28th day of February, 2022.

Resolution No. 060-2022

Offered By: Newman Seconded by: Hayes

Adopted: February 28, 2022

Roll Call Vote:

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

3. Appointing Keith A. Bonchi, attorney at law and the law offices of GMS Law as special legal counsel to complete certain in rem foreclosure matters.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 061-2022

**RE: APPOINTING KEITH A. BONCHI, ATTORNEY AT LAW AND THE
LAW OFFICES OF GMS LAW AS SPECIAL LEGAL COUNSEL TO COMPLETE CERTAIN IN REM
FORECLOSURE MATTERS**

WHEREAS, the Township of Upper requires legal counsel to complete certain in rem foreclosure matters; and

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

WHEREAS, the Township has decided to acquire the services of Keith A. Bonchi, Esquire and the Law Offices of GMS Law as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Keith A. Bonchi, Esquire and the Law Offices of GMS Law have completed and submitted a Business Entity Disclosure Certification which certifies that Keith A. Bonchi, Esquire and the Law Offices of GMS Law have 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 Keith A. Bonchi, Esquire and the Law Offices of GMS Law from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee in 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. Keith A. Bonchi, Esquire and the Law Offices of GMS Law with offices at 660 New Road, First Floor, Northfield, New Jersey 08225 are hereby appointed as Special Legal Counsel for the Township of Upper for the

completion of in rem foreclosure matters.

3. The 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 Keith A. Bonchi, Esquire and the Law Offices of GMS Law have professional knowledge as to in rem foreclosure 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

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 Keith A. Bonchi, Esquire and the Law Offices of GMS Law as Special Legal Counsel for in rem foreclosure matters. 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 has provided proof of that registration to the Township of Upper.

8. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Keith A. Bonchi, Esquire and the Law Offices of GMS Law 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.

9. 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.

Resolution No. 061-2022

Offered By: Newman

Seconded by: Hayes

Adopted: February 28, 2022

Roll Call Vote:

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

4. Authorizing a contract with J.A. Montgomery Risk Control Services, LLC for Right to Know inventory and survey preparation services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 062-2022

**RE: AUTHORIZING A CONTRACT WITH J.A. MONTGOMERY RISK
CONTROL SERVICES, LLC FOR RIGHT TO KNOW INVENTORY
AND SURVEY PREPARATION SERVICES**

WHEREAS, J.A. Montgomery Risk Control Services, LLC, “J.A. Montgomery”, has submitted a proposal to the Township for Onsite Inventory, preparation of Community Right to Know Survey Documents, and preparation of Right to Know Central File for 2022; and

WHEREAS, the Township wishes to accept said proposal and to authorize a contract with J.A. Montgomery; and

WHEREAS, the 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, J.A. Montgomery has completed and submitted a Business Entity Disclosure Certification which certifies that J.A. Montgomery 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 J.A. Montgomery 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 enter into a contract with J.A. Montgomery attached hereto as Exhibit “A”, to provide Onsite Inventory, preparation of Community Right to Know Survey Documents, and preparation of Right to Know Central File for 2022.
3. J.A. Montgomery has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.
4. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 062-2022

Offered by: Newman Seconded by: Hayes

Adopted: February 28, 2022

Roll Call Vote:

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

5. Appointing Frank L. Corrado, Esquire to act as special legal counsel.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 063-2022

**RE: APPOINTING FRANK L. CORRADO, ESQUIRE TO ACT
AS SPECIAL LEGAL COUNSEL**

WHEREAS, the Township Committee of Upper Township desires special legal counsel in matters in which the regular legal counsel has a conflict and such other matters as the Township Committee may direct; and

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

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

WHEREAS, Frank L. Corrado, Esquire has completed and submitted a Business Entity Disclosure Certification which certifies that Frank L. Corrado, Esquire 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 Frank L. Corrado 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. Frank L. Corrado, Esquire with offices at 2700 Pacific Avenue, Wildwood, New Jersey is hereby appointed Special Legal Counsel as directed by the Township Committee.
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 Frank L. Corrado, Esquire has professional knowledge as to legal matters which knowledge is particularly valuable to the Township Committee.

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 Frank L. Corrado, Esquire 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 Frank L. Corrado, Esquire 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 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. 063-2022

Offered by: Newman

Seconded by: Hayes

Adopted: February 28, 2022

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Coggins	X			
Hayes	X			
Newman	X			

Pancoast	X			
Corson	X			

- Appointing J. P. Bainbridge & Associates, Inc. and J. Paul Bainbridge as an Appraiser for the Township of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 064-2022

**RE: APPOINTING J. P. BAINBRIDGE & ASSOCIATES, INC. AND
J. PAUL BAINBRIDGE AS AN APPRAISER FOR THE TOWNSHIP OF UPPER**

WHEREAS, the Township requires an appraiser to provide services to obtain the market value of real property in the Township with respect to tax appeals and other matters; and

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

WHEREAS, J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge have completed and submitted a Business Entity Disclosure Certification which certifies that J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge have 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 J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge 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:

- The allegations of the preamble are incorporated herein by this reference.
- J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge with offices at 6 Woodland Road, Cape May Court House, New Jersey is hereby appointed appraiser for the Township of Upper to provide services relating to the appraisal of real property for tax appeals and other matters.
- The contract shall have a term of one (1) year from date of full execution.
- 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 J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge have professional knowledge as to appraisal issues 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

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 J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge for appraisal 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 has provided proof of that registration to the Township of Upper.

8. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge 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.

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

10. This Resolution shall be effective as of adoption.

Resolution No. 064-2022

Offered by: Newman Seconded by: Hayes

Adopted: February 28, 2022

Roll Call Vote:

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

7. Accepting the surety bond for Hanson Aggregates Pennsylvania, LLC for the mining operation known as Upper Township Sand & Gravel, Block 453, Lot 4, and authorizing the release of the existing surety.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 065-2022

RE: ACCEPTING THE SURETY BOND FOR HANSON AGGREGATES PENNSYLVANIA, LLC FOR THE MINING OPERATION KNOWN AS UPPER TOWNSHIP SAND & GRAVEL, BLOCK 453, LOT 4, AND AUTHORIZING THE RELEASE OF THE EXISTING SURETY

WHEREAS, Chapter XV of the Code of Upper Township requires all mining operations to submit a performance surety in accordance with the requirements of Chapter XIX, Land Subdivision, prior to the issuance of a license; and

WHEREAS, said surety shall guarantee the performance of the requirements of N.J.A.C. 7:50-6.68 and 6.69, and shall be for an amount in accordance with the Municipal Engineer's certified estimate; and

WHEREAS, Hanson Aggregates Pennsylvania, LLC has presented to the Township Surety Bond No. 107571714 for the mining operation known as Upper Township Sand & Gravel, Block 453, Lot 4, in the amount of \$80,410.50; and

WHEREAS, the Municipal Attorney has reviewed said Surety Bond and has determined that the same complies with the New Jersey Statutes and the Township Ordinances applicable thereto and has recommended the acceptance of same by the Township Committee; 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. Surety Bond No. 107571714 is hereby accepted and approved.
3. The existing Surety Bond No. 106707341 is hereby released.
4. All Township officials and officers are hereby authorized and empowered to take all

actions deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 065-2022

Offered by: Newman

Seconded by: Hayes

Adopted: February 28, 2022

Roll Call Vote:

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

8. Accepting the surety bond for Hanson Aggregates Pennsylvania, LLC for the mining operation known as Julies Pit, Block 414, Lot 44, and authorizing the release of the existing surety.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 066-2022

**RE: ACCEPTING THE SURETY BOND FOR HANSON AGGREGATES PENNSYLVANIA,
LLC FOR THE MINING OPERATION KNOWN AS JULIES PIT, BLOCK 414, LOT 44, AND
AUTHORIZING THE RELEASE OF THE EXISTING SURETY**

WHEREAS, Chapter XV of the Code of Upper Township requires all mining operations to submit a performance surety in accordance with the requirements of Chapter XIX, Land Subdivision, prior to the issuance of a license; and

WHEREAS, said surety shall guarantee the performance of the requirements of N.J.A.C. 7:50-6.68 and 6.69, and shall be for an amount in accordance with the Municipal Engineer's certified estimate; and

WHEREAS, Hanson Aggregates Pennsylvania, LLC has presented to the Township Surety Bond No. 107571715 for the mining operation known as Julies Pit, Block 414, Lot 44, in the amount of \$119,063.00; and

WHEREAS, the Municipal Attorney has reviewed said Surety Bond and has determined that the same complies with the New Jersey Statutes and the Township Ordinances applicable thereto and has recommended the acceptance of same by the Township Committee; 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. Surety Bond No. 107571715 is hereby accepted and approved.
3. The existing Surety Bond No. 106707342 is hereby released.
4. All Township officials and officers are hereby authorized and empowered to take all

actions deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 066-2022

Offered by: Newman

Seconded by: Hayes

Adopted: February 28, 2022

Roll Call Vote:

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

9. Adopting the Emergency Relocation Plan for the Primary and General Elections.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 067-2022

**RE: ADOPTING THE EMERGENCY RELOCATION PLAN FOR
THE PRIMARY AND GENERAL ELECTIONS**

WHEREAS, the Upper Township Office of Emergency Management has created an Emergency Relocation Plan in order to ensure that the Primary and General Elections are conducted

unimpeded throughout the course of the day and to safeguard the rights of all qualified voters in the Township; and

WHEREAS, the Township Committee has deemed in to be in the best interest of the Township to adopt the Emergency Relocation Plan; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township of Upper hereby adopts the Upper Township Relocation Plan for the Primary Election and General Elections.
3. The Township Committee expressly reserves the right to amend or revise said Emergency Relocation Plan at any time it deems it appropriate.

Resolution No. 067-2022

Offered by: Newman

Seconded by: Hayes

Adopted: February 28, 2022

Roll Call Vote:

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

10. Appointing Tracy Caine as a part-time employee to the Upper Township Division of Emergency Medical Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 068-2022

**RE: APPOINTING TRACY CAINE AS A PART-TIME EMPLOYEE TO THE
UPPER TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES**

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

WHEREAS, Tracy Caine possesses all the requisite qualifications for appointment to said position; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Tracy Caine is hereby appointed to the Division of Emergency Medical Services as a part-time Emergency Medical Technician at a rate of \$20.00 per hour, in accordance with the Salary Ordinance.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 068-2022

Offered by: Newman Seconded by: Hayes

Adopted: February 28, 2022

Roll Call Vote:

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

11. Recommendation of Plan Endorsement recertification and adopting the Planning and Implementation Agenda.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 069-2022

**RE: RECOMMENDATION OF PLAN ENDORSEMENT RECERTIFICATION AND
ADOPTING THE PLANNING AND IMPLEMENTATION AGENDA**

WHEREAS, pursuant to the New Jersey State Planning Act and N.J.A.C. 5:85-7.1-24 the Township of Upper has participated in the Plan Endorsement Process, and

WHEREAS, The Township of Upper received initial Plan Endorsement on February 21, 2007 and wishes to maintain the Town Centers and Planning Areas as established in 2007, and

WHEREAS, The Township of Upper held a pre-petition meeting with the State on June 26, 2019, and

WHEREAS, the Township Planning Board conducted a public hearing to consider the Plan Endorsement and the Municipal Self-assessment (MSA) at a meeting on September 17, 2020 after providing due notice of the date of the hearing in accordance with N.J.A.C. 5:85-1.7(d); and

WHEREAS, the Township Committee adopted Resolution 280-2020 which approved the MSA; and

WHEREAS, the Planning Board discussed the Planning and Implementation Agenda (PIA) at their December 16, 2021 regular meeting and recommended that they be forwarded to Township Committee for submittal to the New Jersey Office of Planning Advocacy.

WHEREAS, the New Jersey Office of Planning Advocacy adopted the Plan Endorsement Petition on February 2, 2022.

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. Township Committee adopts the attached PIA as part of the Plan Endorsement recertification process.
3. This resolution should be forwarded to the N.J. State Office of Planning Advocacy.
4. All Township officials and officers are hereby authorized and empowered to take all actions deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 069-2022

Offered by: Newman

Seconded by: Hayes

Adopted: February 28, 2022

Roll Call Vote:

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

12. Authorizing the Knights of Columbus to host their Annual Regional Free Throw Competition at the Upper Township Community Center on Saturday, March 12, 2022.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 070-2022

RE: AUTHORIZING THE KNIGHTS OF COLUMBUS TO HOST THEIR ANNUAL REGIONAL FREE THROW COMPEITION AT THE UPPER TOWNSHIP COMMUNITY CENTER ON SATURDAY, MARCH 12, 2022

WHEREAS, the Knights of Columbus, of 1400 Harding Road of Vineland, NJ 08361, has submitted a proposal to the Upper Township Committee requesting authority to hold a district free throw competition, in the Upper Township Community Center located at 1790 NJ Route 50 Tuckahoe on Saturday, March 12, 2022, as more between the hours of 4:00 pm 6:30 pm and particularly specified in their Application for Use of Facilities and event description attached hereto as Exhibit A; and

WHEREAS, the Knights of Columbus will utilize the Upper Township Community Center both gymnasium and front room area described on Use of Facilities Agreement hereto as Exhibit “B”; and

WHEREAS, the proposed event is sanctioned and insured by the New Jersey State Council Knights of Columbus copy of insurance certificate attached as Exhibit “C”; and

WHEREAS, the event organizers have represented those approvals have been or will be obtained from the New Jersey State Police, and any or all other governmental agencies or entities having any jurisdiction or interest in the Knights of Columbus Regional Free Throw competition; and

WHEREAS, Knights of Columbus shall remit to the Township the appropriate fee in accordance with Chapter XXVI of the Code of Upper Township. This fee shall include the daily fee per facility for district free throw competition held at the Upper Township Community Center, as well as the fee equal to the costs of Township personnel, services, and materials. Said fees have been determined by the Township and are outlined and attached hereto as Exhibit “E”.

WHEREAS, Knights of Columbus will ensure that the facilities are clean of debris, trash, markings, and other materials immediately following each use, and will immediately report any damage of the facilities to Township personnel.

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 does hereby grant approval, to the extent that it has jurisdiction to do so, to the Knights of Columbus, for the Regional Free Throw Competition on March 12,

2022, as specified in this Resolution and in the accompanying Exhibits subject to and conditioned upon the following:

- (A) The event described in this Resolution is carried out by the Knights of Columbus. These sponsors have no connection, direct or indirect, with the Township of Upper or any of its officials or employees. These sponsors shall not, in any way, directly or indirectly, represent that the Regional Free Throw competition is, in any way, associated with or affiliated with the Township of Upper and shall make clear that the event is carried out with all appropriate governmental and other approvals. Although the Township of Upper has given permission, subject to the terms of this Resolution, to these event sponsors to conduct the proposed event, it must be made clear that the event is not and shall not be considered a Township of Upper sponsored or sanctioned event.
- (B) Knights of Columbus, has provided general comprehensive liability insurance in form and substance satisfactory to the Township of Upper's Risk Management Consultant. Certificates of Insurance have been provided to the Township Sports and Recreation Office, which the Risk Management Consultant of the Township of Upper has approved. Said Certificates of Insurance name the Township of Upper, its officials, officers and employees, as an additional insured.
- (C) Knights of Columbus , the event sponsor, has obtained or will obtain written approval from and comply with all conditions imposed by the following entities:
 - (i) the Risk Management Consultant of the Township of Upper.
 - (ii) the New Jersey State Police.
 - (iii) the Upper Township Rescue Squad.

The event sponsors must provide written authorization from the above entities, including any conditions required of said entities, to the Sports and Recreation Office at least seven days prior to the event.

- (E) Knights of Columbus, has provided a Use of Facilities Agreement and an
- (F) Indemnification and Hold Harmless Agreement in favor of the Township of Upper, its officials, officers and employees in the form attached hereto as Exhibit “D”.
- (G) Setup for the event will take place one hour prior to the event.
- (H) The approval granted herein is subject to all conditions and stipulations as may be recommended or imposed by the Township’s Risk Management Consultant or Insurance Representatives. The Township may revoke this approval if the Event Sponsors fail to comply with any said condition or recommendation or any other condition of this Resolution.

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. 070-2022

Offered by: Newman

Seconded by: Hayes

Adopted: February 28, 2022

Roll Call Vote:

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

13. Authorizing the Engineer to sign and submit an application for recreation development to the Cape May County Open Space Program.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 071-2022

**RE: AUTHORIZING THE ENGINEER TO SIGN AND SUBMIT
AN APPLICATION FOR RECREATION DEVELOPMENT TO THE
CAPE MAY COUNTY OPEN SPACE PROGRAM**

WHEREAS, the County of Cape May Open Space Program is soliciting requests for funding for recreation and historic preservation to be funded from the Open Space Trust Fund; and

WHEREAS, the goal of the program is to enhance and protect the community assets, provide quality of life and economic stabilization benefits to the Municipalities in the County; and

WHEREAS, the Township had previously developed the Beesley’s Pt Park (Harbor Road Gateway) through the Open Space Program; and

WHEREAS, the Township of Upper has been working with the County to further enhance the project as part of the County’s Creative Placemaking initiative and extend the project along North Shore Road; 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 Municipal Engineer and Mayor of the Township of Upper is hereby authorized, directed, and empowered to sign and submit a Recreation Development Application for the Beesley’s Point Park Phase 2 project.
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. 071-2022

Offered by: Newman

Seconded by: Hayes

Adopted: February 28, 2022

Roll Call Vote:

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

14. Refund EMS ambulance billing overpayment to Horizon Blue Cross Blue Shield.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 072-2022

**RE: REFUND EMS AMBULANCE BILLING OVERPAYMENT
TO HORIZON BLUE CROSS BLUE SHIELD**

WHEREAS, an overpayment has occurred in the account of an EMS ambulance billing patient, where the monies sent to the Township of Upper by Horizon Blue Cross Blue Shield were in excess as evidenced by the attached copy of a letter attached hereto as Exhibit A.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that the refund is hereby authorized and the Chief Financial Officer is hereby directed to refund monies as indicated below:

<u>AMOUNT</u>	<u>NAME</u>
\$501.52	Horizon Blue Cross Blue Shield P.O. Box 1301 Neptune, NJ 07754-1301

Resolution No. 072-2022

Offered by: Newman

Seconded by: Hayes

Adopted: February 28, 2022

Roll Call Vote:

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

15. Revised Temporary Budget.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 073-2022

RE: REVISED 2022 TEMPORARY BUDGET

WHEREAS, N.J.S.A. 40A:4-19 provides that the governing body shall by Resolution adopted prior to January 31 of the fiscal year make appropriations to provide for the period between the beginning of the fiscal year and the adoption of the budget; and

WHEREAS, the total of the appropriations so made shall not exceed 26.25% of the total of the appropriations made for all purposes in the Budget for the preceding year excluding public assistance, such amount being **\$3,842,197.65**

NOW, THEREFORE BE IT RESOLVED, that the following appropriations shall constitute the Temporary Budget for the year 2022:

ADMINISTRATIVE & EXECUTIVE MAYOR AND COMMITTEE			Increase To:
	Salary and Wages	\$ 21,250.00	\$23,250.00
	Mayor and Committee O/E	\$ 3,000.00	5,000.00
	DCRP-Twp Committee	\$ 2,500.00	
	Cape Mediation	\$ 2,650.00	
	Cape Assist EAP	\$ 1,155.00	
MUNICIPAL CLERK	Salary and Wages	\$ 70,000.00	
OTHER EXPENSES	Miscellaneous O/E	\$ 10,000.00	
FINANCIAL ADMINISTRATION	Salaries & Wages	\$ 62,000.00	
	Miscellaneous O/E	\$ 3,000.00	
	Computer	\$ 40,000.00	
	Hardware/Software		
	Annual Audit	\$ 20,000.00	
ASSESSMENT OF TAXES	Salaries & Wages	\$ 38,500.00	
	Miscellaneous O/E	\$ 4,000.00	
COLLECTION OF TAXES	Salaries & Wages	\$ 42,000.00	
	Miscellaneous O/E	\$ 1,500.00	
	Purchase TTL	\$ 0	
LEGAL SERVICES AND COSTS	Other Expenses	\$ 40,000.00	
MUNICIPAL COURT	Salaries & Wages	\$ 50,000.00	60,000.00
	Miscellaneous O/E	\$ 8,000.00	
PUBLIC DEFENDER	Salaries & Wages	\$ 8,400.00	
MUNICIPAL PROSECUTOR	Salaries & Wages	\$ 12,800.00	
ENGINEERING SERVICES & COSTS	Salaries & Wages	\$ 32,000.00	
	Other Expenses	\$ 5,000.00	15,000.00
PUBLIC BUILDINGS & GROUNDS	Salaries & Wages	\$ 196,000.00	200,000.00
	Other Expenses	\$ 80,000.00	
PLANNING BOARD	Salaries & Wages	\$ 10,000.00	13,300.00
	Other Expenses	\$ 2,000.00	4,000.00
BOARD OF ADJUSTMENT	Salaries & Wages	\$ 10,000.00	13,300.00
	Other Expenses	\$ 4,000.00	4,000.00
CONSTRUCTION CODE	Salaries & Wages	\$ 44,300.00	

	Other Expenses	\$ 1,500.00	3,500.00
INSURANCE			
	Group Insurance for Employees	\$ 495,000.00	
	Other Insurance Premiums	\$ 70,000.00	85,000.00
	Workers Compensation	\$ 175,300.00	
SCHOOL TRAFFIC GUARD			
	Salaries & Wages	\$ 3,500.00	
	Miscellaneous O/E	\$ 500.00	
BEACH PATROL			
	Salaries & Wages	\$ 1,000.00	
	Other Expenses	\$ 1,000.00	
EMERGENCY MANAGEMENT/RTK			
	Salaries & Wages	\$ 7,200.00	
	Miscellaneous O/E	\$ 18,000.00	
ROAD REPAIRS & MAINTENANCE			
	Salaries & Wages	\$ 225,000.00	
	Miscellaneous O/E	\$ 50,000.00	75,000.00
SURFACING OF ROADS CONTRACTUAL			
		\$ 0.00	
STREET LIGHTING			
		\$ 100,000.00	
GARBAGE & TRASH REMOVAL			
	Salaries & Wages	\$ 121,000.00	
	Miscellaneous O/E	\$ 20,000.00	
	Tipping Fees	\$ 120,000.00	
BOARD OF HEALTH			
	Salaries & Wages	\$ 0.00	
	Miscellaneous O/E	\$ 100.00	
DOG REGULATION			
	Miscellaneous O/E	\$ 30,200.00	40,200.00
PUBLIC INFORMATION			
	Miscellaneous O/E	\$ 0.00	
ZONING/CODE OFFICIAL			
	Salaries & Wages	\$ 11,000.00	
	Miscellaneous O/E	\$ 1,000.00	
SPORTS & RECREATION			
	Salaries & Wages	\$ 15,000.00	
	Miscellaneous O/E	\$ 10,000.00	
FIRST AID ORGANIZATION			
	Salaries & Wages	\$ 223,500.00	228,500.00
	Miscellaneous O/E	\$ 18,000.00	20,000.00
RECYCLING			
	Salaries & Wages	\$ 61,200.00	
	Miscellaneous O/E	\$ 20,000.00	22,000.00
AFFORDABLE HOUSING			
	Salaries & Wages	\$ 0.00	
	Miscellaneous O/E	\$ 100.00	
COMMUNITY CENTER			
	Miscellaneous O/E	\$ 8,000.00	

CELEBRATION OF PUBLIC EVENTS	\$ 3,000.00	
SOCIAL SECURITY SYSTEM	\$ 120,000.00	
SPECIAL LITIGATION	\$ 40,000.00	
SUI CONTRIBUTION	\$ 2,000.00	
CENTRAL DISPATCH	\$ 64,000.00	128,000.00
ALCOHOL & DRUG TESTING	\$ 1,000.00	
COMP. ABSENCES RESERVES	\$ 100.00	
PERS	\$ 582,883.00	
GYPSY MOTHS	\$ 31,000.00	
Total	\$3,420,289.00	

Resolution No. 073-2022

Offered by: Newman

Seconded by: Hayes

Adopted: February 28, 2022

Roll Call Vote:

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

ORDINANCES

16. **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 section there were no speakers. Motion by Jay Newman, second by John Coggins, to adopt Ordinance 001-2022. During roll call vote all five Committee members voted in the affirmative.

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

ORDINANCE NO. 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 HELD ON THE 28TH DAY OF FEBRUARY, 2022 AT 6:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

17. **Introduction and first reading of Ordinance No. 005-2022 RE: AN ORDINANCE AMENDING ORDINANCE NO. 017-2021 AUTHORIZING SALE OF LANDS, TO WIT BLOCK 10, LOTS 124 AND 125.** Motion by John Coggins, second by Kimberly Hayes, to introduce Ordinance No. 005-2022 with the public hearing and final adoption scheduled for March 14, 2022. During roll call vote all five Committee members voted in the affirmative.

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

ORDINANCE NO. 005-2022

RE: AN ORDINANCE AMENDING ORDINANCE NO. 017-2021 AUTHORIZING SALE OF LANDS, TO WIT BLOCK 10, LOTS 124 AND 125

WHEREAS, the Township of Upper is the owner, in fee, of a certain parcel of vacant ground located within the Township of Upper, County of Cape May, and State of New Jersey, set forth on the municipal tax map as Block 10, Lots 124 and 125; and

WHEREAS, upon receipt of an offer from Steven and Maria Benvenuti, (hereinafter jointly “Benvenuti”), to purchase said parcel, the Township adopted Ordinance No. 017-2021 wherein the Township agreed to the sale of Block 10, Lots 124 and 125; and

WHEREAS, due to an increase in title search costs, an amendment is needed to the provisions contained in sections 4 and 9 of Ordinance 017-2021 which set forth the deposit required to cover administrative costs for the sale; 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: Sections 4 and 9 of Ordinance No. 017-2021 are hereby amended and replaced in their entirety with the following:

SECTION 4: Benvenuti shall pay \$1,500.00 to the Township Clerk prior to the sale of Block 10, Lots 124 and 125. \$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 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 2: 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 **28th 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

18. Introduction and first reading of Ordinance No. 006-2022 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XXV (EMERGENCY MEDICAL SERVICES) OF THE CODE OF UPPER TOWNSHIP. Motion by Kimberly Hayes, second by Jay Newman, to introduce Ordinance No. 006-2022 with the public hearing

and final adoption scheduled for March 28, 2022. During roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 006-2022

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XXV
(EMERGENCY MEDICAL SERVICES) OF THE CODE OF UPPER TOWNSHIP**

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 XXV of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented replacing Section 25-1.6 in its entirety with the following:

25-1.6 Billings for services:

a. The Township Committee shall, by resolution, set forth the amount to be charged for EMS services or nonemergency transport.

b. The Township of Upper shall contract with a third-party billing agent who shall issue a bill in each instance where EMS services or non-emergency transport are provided. Said bill shall be issued to the insurance company providing coverage for the person served, if any, or directly to the person served if insurance coverage is not available.

SECTION 2. REPEALER: All Ordinances or parts of Ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

SECTION 3. 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 4. EFFECTIVE DATE: This Ordinance shall take effect upon final adoption and publication as required by law.

SECTION 5. CODIFICATION: This Ordinance shall be codified in the Upper Township Code at the sections referred to above.

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 28th 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 28th DAY OF MARCH, 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

CORRESPONDENCE

NEW BUSINESS

19. **St. Maximilian Kolbe Parish request use of Strathmere Beach on April 17, 2022, for an Easter Sunrise Mass.** Motion by Curtis Corson, second by Jay Newman, to accept the request. During roll call vote all five Committee members voted in the affirmative.
20. **Ocean City Crew Boosters request to hold a Raffle RA 543 at the Seaville Tavern on various dates beginning April 1, 2022 through May 19, 2022.** Motion by Mark Pancoast, second by Kimberly Hayes to approve the request. During roll call vote all five Committee members voted in the affirmative.
21. **Ocean City Crew Boosters request to hold a Raffle RA 544 at the Deauville Inn on June 3, 2022.** Motion by Kimberly Hayes, second by Jay Newman, to approve the request. During roll call vote all five Committee members voted in the affirmative.
22. **Ocean City Crew Boosters request use of the Upper Township Community Center for a Bingo Fundraiser on March 26, 2022.** Motion by Kimberly Hayes, second by Jay Newman, to approve the request. During roll call vote all five Committee members voted in the affirmative.
23. **Ocean City Crew Boosters request to hold a Bingo BA 545 at the Upper Township Community Center on March 26, 2022.** Motion by Kimberly Hayes, second by John Coggins to approve the request. During roll call vote all five Committee members voted in the affirmative.
24. **Review of improvements on Morris Ave.** The Township Engineer reported that the property owners have applied to the NJDEP to legalize some existing improvements that had been done on their property. After reviewing the plans, it was determined that one of the improvements, a stone path, were located in the Township right of way. As such the NJDEP is requesting that the Township co-sign the application. The Municipal Attorney recommended that the Township request that the property owners draw up a license agreement for the use of the right of way. After a brief discussion there was a motion by Curtis Corson, second by Jay Newman to approve the request contingent upon the agreement as recommended by the Municipal Attorney.
25. **John Mayberry request to purchase Township owned land Block 306, Lot 5.** The Township Engineer reported that Mr. Mayberry recently completed the purchase of the adjacent lot and is now requesting to purchase lot 5. The Municipal Attorney recommended that, if the Township

Committee wishes to approve the request, the authorizing Ordinance not be introduced until the deeds for the adjacent property have been recorded. Motion by Kimberly Hayes, second by Jay Newman, to move forward with the sale once the adjacent property deeds have been recorded.

UNFINISHED BUSINESS

DISCUSSION

26. **Parking by permit.** The Municipal Attorney reviewed the current Township Code relating to Parking by Permit Only in Residential Areas and requested clarification regarding the proposed reserved parking on Neptune Avenue for Township Lifeguards.

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 five Committee members voted in the affirmative.

Bills approved for payment: \$120,483.16

Payroll: \$175,252.91

REPORT OF MUNICIPAL DEPARTMENTS

PUBLIC COMMENT

Barbara Leary, Indian Walk Road, inquired about the budget process and questioned why the Committee would not consider cutting the Township Business Administrator position. It was stated that the position was created but has not been filled.

Jack Griffin, North Shore Road, spoke about several issue including the former BL England property, the budget process, the Township’s website, and the old Town Hall building.

CLOSED SESSION

27. 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. 074-2022
MOTION GOING INTO CLOSED SESSION
FEBRUARY 28, 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

1. Personnel
2. Litigation - Hemby v. Upper Township
3. Potential litigation - Zoning Permit Denials
4. Contract negotiation - Bond Counsel
5. Contract negotiation - Special Legal Counsel Tax Court matters
6. Contract negotiation - Actuarial Services

7. Contract negotiation - Green Acres Land Sale
8. Contract negotiation - MUA Study

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 five Committee members voted in the affirmative.

RECONVENE PUBLIC PORTION OF MEETING

Motion by Jay Newman, second by John Coggins, to reconvene the public portion of the meeting.

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

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 8:34 P.M., with a motion by Kimberly Hayes, second by John Coggins and all five Committee members voting in the affirmative.

The next regular meeting is scheduled for March 14, 2022, at 4:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

Bill List

GENERAL

79109 02/28/22 A0078 ANCHOR RUBBER STAMP & PRINTING 91.55 3227
79110 02/28/22 A0091 ATLANTIC CITY ELECTRIC 7,369.69 3227
79111 02/28/22 A0193 ATLANTIC INVESTIGATIONS, LLC 101.00 3227
79112 02/28/22 A0212 ANCERO, LLC 1,371.53 3227
79113 02/28/22 A0225 AUTOZONE NORTHEAST LLC 185.18 3227
79114 02/28/22 A0235 AMAZON CAPITAL SERVICES, INC. 146.74 3227
79115 02/28/22 A0239 AT&T MOBILITY NAT'L ACCTS LLC 40.23 3227
79116 02/28/22 B0035 BELMONT & CRYSTAL SPRINGS 40.00 3227
79117 02/28/22 B0090 BROADLEY'S MDI 1,668.61 3227
79118 02/28/22 B0139 BATTELINI TRANSPORTATION 465.00 3227
79119 02/28/22 B0248 BARNES LAW GROUP LLC 2,381.51 3227
79120 02/28/22 B0284 BUTTERWOOD TREE SERVICE LLC 3,500.00 3227

79121 02/28/22 C0042 CAMPBELL SUPPLY COMPANY 95.14 3227
79122 02/28/22 C0048 CAPE MAY COUNTY MUA 40,319.27 3227
79123 02/28/22 C0068 COMCAST 819.04 3227
79124 02/28/22 C0143 CODY'S POWER EQUIPMENT 308.68 3227
79125 02/28/22 C0223 CASA PAYROLL SERVICE 224.75 3227
79126 02/28/22 C0296 COMCAST BUSINESS COMMUNICATION 1,386.86 3227
79127 02/28/22 C0305 CM3 BUILDING SOLUTIONS, INC. 1,735.00 3227
79128 02/28/22 C0335 CANON USA, INC. 2,931.00 3227
79129 02/28/22 D0071 DLT SOLUTIONS LLC 1,210.30 3227
79130 02/28/22 D0175 DICKINSON, CARRIE L. 980.00 3227
79131 02/28/22 F0053 FORD, SCOTT & ASSOCIATES 7,000.00 3227
79132 02/28/22 F0069 FRED'S AUTO 2,317.40 3227
79133 02/28/22 F0219 FORTUNE TITLE AGENCY, INC. 350.00 3227
79134 02/28/22 G0006 GARBUTT,PATRICIA A. 1,782.00 3227
79135 02/28/22 G0028 GENTILINI FORD 1,299.30 3227
79136 02/28/22 G0112 GEORGE ELY ASSOCIATES,INC. 413.32 3227
79137 02/28/22 G0124 GRIFFIN AUTOMOTIVE INFO SVC 2,995.00 3227
79138 02/28/22 G0169 GROFF TRACTOR MID ATLANTIC LLC 204.00 3227
79139 02/28/22 K0030 KNIGHTS OF COLUMBUS 300.00 3227
79140 02/28/22 K0100 KEEN COMPRESSED GAS CO. 130.00 3227
79141 02/28/22 L0038 LAYTON, WILLIAM 1,782.00 3227
79142 02/28/22 L0146 LAWSON PRODUCTS, INC. 735.20 3227
79143 02/28/22 L0154 Lyons, Mary 44.05 3227
79144 02/28/22 M0016 McAFEE, MEGAN 595.00 3227
79145 02/28/22 M0277 EQUITABLE FINANCIAL LIFE INS. 375.71 3227
79146 02/28/22 N0043 NAPA AUTO PARTS 1,245.51 3227
79147 02/28/22 N0168 NORTH AMERICAN RESCUE HOLDINGS 1,176.53 3227
79148 02/28/22 O0014 ATLANTIC SALT, INC. 5,783.31 3227
79149 02/28/22 O0025 OLD DOMINION BRUSH 231.79 3227
79150 02/28/22 P0032 PEDRONI FUEL CO. 2,220.65 3227
79151 02/28/22 P0102 PUBLIC WORKS ASSOC OF N.J. 75.00 3227
79152 02/28/22 P0175 PRIEST JR., ANTHONY 125.00 3227
79153 02/28/22 R0030 RIGGINS, INC. 6,172.11 3227
79154 02/28/22 R0092 RUTGERS, THE STATE UNIVERSITY 200.00 3227
79155 02/28/22 S0001 SAM'S CLUB 78.97 3227
79156 02/28/22 S0018 SUBURBAN PROPANE, LP 703.25 3227
79157 02/28/22 S0031 SCHULER SECURITY, INC. 312.00 3227
79158 02/28/22 S0109 SNAP-ON-INDUSTRIAL 38.03 3227
79159 02/28/22 S0113 SMITH,THOMAS G. 437.50 3227
79160 02/28/22 S0134 SO. JERSEY GAS COMPANY 9,560.00 3227
79161 02/28/22 S0196 STEWART BUSINESS SYSTEMS LLC 274.40 3227
79162 02/28/22 S0209 STAPLES ADVANTAGE 1,174.56 3227
79163 02/28/22 S0270 HOFFMAN SERVICES, INC 375.00 3227
79164 02/28/22 T0005 TCTA OF NEW JERSEY 100.00 3227
79165 02/28/22 T0166 TREASURER, STATE OF NEW JERSEY 749.00 3227
79166 02/28/22 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3227
79167 02/28/22 V0013 VERIZON WIRELESS 757.55 3227
79168 02/28/22 W0100 WALKER, ESQUIRE DOUGLAS 200.00 3227
79169 02/28/22 W0115 WSP USA, INC. 551.94 3227
79170 02/28/22 Y0003 Y-PERS INC 222.00 3227
Total: 120,483.16