

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

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

**CALL TO ORDER**

**SUNSHINE ANNOUNCEMENT**

Deputy Mayor Newman read the following Open Public meeting notice into the record:

“In compliance with the Open Public Meetings Law, I wish to state that on March 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	Present
Curtis Corson	Absent

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 28, 2022 Regular and Closed Session Minutes

Motion by Kimberly Hayes, second by John Coggins, to approve the February 28, 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**

**John Coggins, Committeeman**, reported on continued vandalism at Caldwell Park. The Township Administrator reported that the State Police have been notified of the issue.

**Kimberly Hayes, Committeewoman**, reminded everyone that March is Women’s History Month and thanked all the women that work for the Township.

**Mark Pancoast, Committeeman**, reported on several projects that he is working on including updates to the website and comcast.

**OTHER REPORTS**

**Scott Morgan, Township Administrator**, reported that the Township has received a \$10,000 Emergency Management Agency Assistance grant from the New Jersey Department of Law and Public Safety for 2021. Applications for the 2022 grant will be prepared soon.

**Daniel Young, Municipal Attorney**, reported that at the last meeting Mayor Corson requested the Committee members attend a meeting with the Strathmere Fishing and Environmental Club for a living shoreline presentation. There was also discussion that this would constitute a special meeting of the Township Committee and the meeting should be advertised as such. However, after further review, it was determined that since this will be a presentation conducted by the SFEC, and no official Township business will be discussed or acted upon, it will not need to be advertised as a special Township Committee meeting.

**Paul Dietrich, Municipal Engineer**, reported on the availability of grant funds for electric vehicle charging stations. After a lengthy discussion there was a motion by Kimberly Hayes, second by Mark Pancoast, to authorize the Engineer to apply for the grant funds. During roll call vote all four Committee members present voted in the affirmative.

**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**

1. Appointing Thomas G. Smith, Esquire to act as Special Legal Counsel regarding tax court matters and matters in which the regular Township Solicitor may have a conflict of interest.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 075-2022**

**RE: APPOINTING THOMAS G. SMITH, ESQUIRE TO ACT AS SPECIAL LEGAL COUNSEL REGARDING TAX COURT MATTERS AND MATTERS IN WHICH THE REGULAR TOWNSHIP SOLICITOR MAY HAVE A CONFLICT OF INTEREST**

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**WHEREAS**, the Township requires legal counsel to provide legal services for Tax Court matters and in the event a conflict of interest arises in regard to the services provided by the regular Township Solicitor; 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 Thomas G. Smith, Esquire as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Thomas G. Smith, Esquire has completed and submitted a Business Entity Disclosure Certification which certifies that Thomas G. Smith, 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 Thomas G. Smith, Esquire 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. Thomas G. Smith, Esquire with offices at 2312 New Road, Suite 201, Northfield, New Jersey is hereby appointed Special Legal Counsel to handle Tax Court matters and matters in which the regular Township Solicitor has a conflict of interest as well as other matters 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 Thomas G. Smith, Esquire has professional knowledge as to legal matters which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

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

The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Thomas G. Smith, 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 Thomas G. Smith, 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. 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. 075-2022

Offered by: Hayes

Seconded by: Coggins

Adopted: March 14, 2022

Roll Call Vote:

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

2. 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. 076-2022**

**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 Amanda’s Field through the Open Space Recreation Program; 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 Amanda’s Field Skate Park.

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.

Offered by: Hayes  
Adopted: March 14, 2022  
Roll Call Vote:

Seconded by: Coggins

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

3. Authorizing the Township of Upper to enter into a contract with Danziger & Markhoff, LLP for actuarial services.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 077-2022**

**RE: AUTHORIZING THE TOWNSHIP OF UPPER TO ENTER  
INTO A CONTRACT WITH DANZIGER & MARKHOFF, LLP  
FOR ACTUARIAL SERVICES**

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**WHEREAS**, the Township of Upper has a need for an actuarial analysis of the Township’s financial liability in compliance with GASB Statement No. 75 – Accounting and Financial Reporting by Employers for Post-employment Benefits Other than Pensions; 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 Danziger & Markhoff, LLP as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Danziger & Markhoff, LLP has completed and submitted a Business Entity Disclosure Certification which certifies that Danziger & Markhoff, LLP 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 Danziger & Markhoff, LLP 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 Danziger & Markhoff, LLP, of 123 Main Street 9th Floor, White Plains, New York 10601, for GASB Statement No. 75 related Actuarial Services.

3. The contract is awarded without competitive bidding in accordance with N.J.S.A. 40A:11-3 of the New Jersey Local Public Contract Law because the aggregate cost of the contract awarded to Danziger & Markhoff, LLP will not exceed the bid threshold during the term of said contract.

4. The contract shall have a term of one (1) year commencing upon full execution.

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

6. Danziger & Markhoff, LLP 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. 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.

8. This Resolution shall be effective as of adoption.

Resolution No. 077-2022

Offered by: Hayes

Seconded by: Coggins

Adopted: March 14, 2022

Roll Call Vote:

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

4. Authorizing the execution of a NJDEP TWA-1 Application Statements of Consent form regarding 5 W. Seacliff Avenue, Strathmere, Block 861, Lot 3.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 078-2022**

**RE: AUTHORIZING THE EXECUTION OF A NJDEP TWA-1 APPLICATION**

**STATEMENTS OF CONSENT FORM REGARDING 5 W. SEACLIFF AVENUE, STRATHMERE,  
BLOCK 861, LOT 3**

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**WHEREAS**, Dennis Sigovich has or is about to make application to the New Jersey Department of Environmental Protection (hereinafter “DEP”) for Treatment Works Approval for a proposed three-bedroom single family dwelling, and has requested that the Township complete a portion of DEP Form No. WQM-003, which merely consents to the submission of the application to the DEP and certifies that the project, as proposed, conforms with the requirements of all municipal Ordinances and does not otherwise impose any obligation or liability on the Township; and

**WHEREAS**, Dennis Sigovich must apply to the New Jersey Department of Environmental Protection for Treatment Works Approval in order to install a pressure dosing septic system for a three-bedroom single family dwelling to be constructed on 5 W. Seacliff Avenue, Block 861 Lot 3 of the municipal tax map of Upper Township, New Jersey; and

**WHEREAS**, the Township Engineer has informed the Township Committee as to the general nature of the project and has indicated that the Township has no ordinance prohibiting the proposed project; and

**WHEREAS**, the matter has been considered by the Township Committee and it has been determined that the consent by the Governing Body should be granted to this application to permit the application process to go forward; and

**WHEREAS**, the Township Committee wishes to authorize the Township officials to execute said documentation;

**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 is hereby authorized to execute on behalf of the Township of Upper a Statements of Consent, Section A-1, in the form attached hereto as Exhibit “A” and said consent shall be completed by inserting therein this Resolution number and the date of its adoption.
3. This Statements of Consent is submitted in conjunction with the application of Dennis Sigovich for treatment works approval for the property at Block 861, Lot 3 on the municipal tax map.
4. A certified copy of this Resolution shall be provided to the applicant.

Resolution No. 078-2022

Offered by: Hayes

Seconded by: Coggins

Adopted: March 14, 2022

Roll Call Vote:

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

5. Authorizing the execution of a NJDEP TWA-1 Application Statements of Consent form regarding 117 Taylor Avenue, Strathmere, Block 758, Lot 13.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 079-2022**

**RE: AUTHORIZING THE EXECUTION OF NJDEP TWA-1 APPLICATION  
STATEMENTS OF CONSENT FORM REGARDING 117 TAYLOR AVENUE, STRATHMERE,  
BLOCK 758, LOT 13**

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**WHEREAS**, Tamara M.K. Woitas has or is about to make application to the New Jersey Department of Environmental Protection (hereinafter “DEP”) for Treatment Works Approval for a proposed three bedroom single family dwelling, and has requested that the Township complete a portion of DEP Form No. WQM-003, which merely consents to the submission of the application to the DEP and certifies that the project, as proposed, conforms with the requirements of all municipal Ordinances and does not otherwise impose any obligation or liability on the Township; and

**WHEREAS**, Tamara M.K. Woitas must apply to the New Jersey Department of Environmental Protection for Treatment Works Approval in order to install a pressure dosing septic system for a three bedroom single family dwelling to be constructed on 117 Taylor Avenue, Block 758, Lot 13 of the municipal tax map of Upper Township, New Jersey; and

**WHEREAS**, the Township Engineer has informed the Township Committee as to the general nature of the project and has indicated that the Township has no ordinance prohibiting the proposed project; and

**WHEREAS**, the matter has been considered by the Township Committee and it has been determined that the consent by the Governing Body should be granted to this application to permit the application process to go forward; and



**WHEREAS**, the Township Committee wishes to authorize the Township officials to execute said documentation;

**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 is hereby authorized to execute on behalf of the Township of Upper a Statements of Consent, Section A-1, in the form attached hereto as Exhibit “A” and said consent shall be completed by inserting therein this Resolution number and the date of its adoption.

3. This Statements of Consent is submitted in conjunction with the application of Tamara M.K. Woitas for treatment works approval for the property at Block 758, Lot 13 on the municipal tax map.

4. A certified copy of this Resolution shall be provided to the applicant.

Resolution No. 079-2022

Offered by: Hayes

Seconded by: Coggins

Adopted: March 14, 2022

Roll Call Vote:

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

6. Appointing Eric Shane as a part-time employee to the Upper Township Division of Emergency Medical Services.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 080-2022**

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

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

**WHEREAS**, Eric Shane 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. Eric Shane 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. 080-2022

Offered by: Hayes                      Seconded by: Coggins

Adopted: March 14, 2022

Roll Call Vote:

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

7. Appointing Parker McCay P.A. to act as Special Legal Counsel.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 081-2022**

**RE: APPOINTING PARKER MCCAY P.A. TO  
ACT AS SPECIAL LEGAL COUNSEL**

**WHEREAS**, the Township of Upper requires special legal counsel services with regard to bonding for capital improvement projects and other issues; 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 Parker McCay P.A. as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Parker McCay P.A. has completed and submitted a Business Entity Disclosure Certification which certifies that Parker McCay P.A. 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 Parker McCay P.A. 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. Parker McCay P.A. with offices at 9000 Midlantic Drive, Suite 300, Mount Laurel, New Jersey 08054 is hereby appointed Special Legal Counsel to handle matters regarding capital improvement projects and other issues as directed by the Township Committee.
3. The contract shall have a term of one (1) year from date of full execution.
4. The 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 Parker McCay P.A. has professional knowledge as to legal matters which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

### **NOTICE OF CONTRACT AWARD**

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

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

6. The 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 Parker McCay P.A. 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. This contract shall have a term of one (1) year from date of full execution.

9. 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.

10. This Resolution shall be effective as of adoption.

Resolution No. 081-2022

Offered by: Hayes

Seconded by: Coggins

Adopted: March 14, 2022

Roll Call Vote:

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

- 8. Authorizing the Township of Upper to accept a Federal Fiscal Year 2021 Emergency Management Performance Grant Emergency Management Agency Assistance Subaward.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 082-2022**

**RE: AUTHORIZING THE TOWNSHIP OF UPPER TO ACCEPT A FEDERAL FISCAL YEAR  
2021 EMERGENCY MANAGEMENT PERFORMANCE GRANT EMERGENCY  
MANAGEMENT AGENCY ASSISTANCE SUBAWARD**

**WHEREAS**, the Upper Township Office of Emergency Management has been awarded a State Homeland Security Grant Program Subgrant AFN #97.402, Subgrant Award #FY21-EMPG-EMAA-0511, from the New Jersey Department of Law and Public Safety, Office of the Attorney General for the performance period of July 1, 2021 through June 30, 2022; and

**WHEREAS**, the Subaward, consisting of a \$10,000.00 Federal Award, is for the purpose of enhancing Upper Township Office of Emergency Management’s ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

**WHEREAS**, the EMPG EMAA subgrant award incorporates all conditions and representations contained or made in the application; and

**WHEREAS**, the Upper Township Office of Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for the Subgrant Award as required by the New Jersey State Office of Emergency Management; and

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Upper hereby authorized to accept the FFY21 Emergency Management Performance Grant Program, Emergency Management Agency Assistance Subgrant (EMAA) in the amount of up to \$10,000 Federal Funds from the New Jersey State Police, Office of Emergency Management; and

**BE IT FURTHER RESOLVED** that the Mayor, Chief Financial Officer and the Township Emergency Management Coordinator are authorized to sign the appropriate Subgrant award documents; and

**BE IT FURTHER RESOLVED** that the Director of the Division of Local Government Services is requested to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$10,000.00, once approved, from the State of New Jersey Department of Law and Public Safety; and

**BE IT FURTHER RESOLVED** that the like sum of \$10,000.00 is hereby appropriated under the caption FY 2021 Emergency Management Agency Assistance; and

**BE IT FURTHER RESOLVED** that copies of this Resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; Cape May County Office of Emergency Management; the New Jersey Director of the Division of Local Government Services.

Resolution No. 082-2022

Offered by: Hayes

Seconded by: Coggins

Adopted: March 14, 2022

Roll Call Vote:

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

9. A Resolution appointing Conditional Redeveloper and authorizing execution of a Memorandum of Understanding for Block 479, Lots 76, 76.01 and 94.01.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 083-2022**

**A RESOLUTION APPOINTING CONDITIONAL REDEVELOPER AND AUTHORIZING  
EXECUTION OF A MEMORANDUM OF UNDERSTANDING FOR  
BLOCK 479, LOTS 76, 76.01 AND 94.01**

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**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the “Redevelopment Law”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

**WHEREAS**, pursuant to Resolution #30-2021 adopted January 11, 2021, the Township Committee of the Township of Upper (the “Township Committee”), designated Block 479, Lots 76, 76.01, 94.01, 106.02, 107, 107.01, 108, and 108.01 within the Township of Upper, Cape May County, State of New Jersey (the “Township”) as an “Area in Need of Redevelopment” in accordance with the Redevelopment Law (the “Redevelopment Area”); and

**WHEREAS**, pursuant to Ordinance #001-2021 on January 25, 2021, the Township Committee adopted a redevelopment plan for the Redevelopment Area (the “Redevelopment Plan”), which sets forth, inter alia, the plans for the rehabilitation and redevelopment of the Township; and

**WHEREAS**, Beesley's Point Development Group LLC (the “Conditional Redeveloper”) is the owner of property within the Redevelopment Area, located at Block 479, Lots 76, 76.01, and 94.01 (the “Property”); and

**WHEREAS**, the Township has been in discussions with the Conditional Redeveloper regarding the rehabilitation and redevelopment of the Property; and

**WHEREAS**, the Redevelopment Law, as amended and supplemented, provides for a process for redevelopment entities to enter agreements with redevelopers to carry out and effectuate the terms of a redevelopment plan; and

**WHEREAS**, in order to stimulate and encourage the economic development of the Township, the Township and Conditional Redeveloper intend to enter into a Redevelopment Agreement for the Property; and

**WHEREAS**, in such event, the Township desires to designate Beesley's Point Development Group LLC, as Conditional Redeveloper in order to negotiate with Conditional Redeveloper for a period of one

hundred and eighty (180) days in an effort to agree upon a Redevelopment Agreement for the rehabilitation and redevelopment of the Property; and

**WHEREAS**, the Township and Conditional Redeveloper desire to memorialize, in writing, their agreement under a non-binding Memorandum of Understanding that evidences the Parties’ statement of intent.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. That Beesley's Point Development Group LLC is hereby designated as “Conditional Redeveloper” for the Property and the Mayor and Township Clerk are hereby authorized to execute a Memorandum of Understanding between the Township and Conditional Redeveloper evidencing the Parties’ agreement to conduct exclusive negotiations toward the formulation of a Redevelopment Agreement for the rehabilitation and redevelopment of the Property.
3. This Resolution shall take effect immediately.

Resolution No. 083-2022

Offered by: Hayes

Seconded by: Coggins

Adopted: March 14, 2022

Roll Call Vote:

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

10. Authorizing the Parish of Saint Maximillian Kolbe to hold an Easter Sunrise Mass on the East Williams Road Beach in Strathmere on Sunday, April 17, 2022.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 084-2022**

**RE: AUTHORIZING THE PARISH OF SAINT MAXIMILLIAN KOLBE TO HOLD AN EASTER  
SUNRISE MASS ON THE EAST WILLIAMS ROAD BEACH IN STRATHMERE ON SUNDAY, APRIL  
17, 2022**

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**WHEREAS**, the Parish of Saint Maximillian Kolbe, hereinafter “Parish”, of 200 Tuckahoe Road Marmora, NJ 08223, has submitted a proposal to the Upper Township Committee requesting authority to hold an Easter Sunrise Mass on the East Williams Road beach in Strathmere on Sunday April 17, 2022, as more particularly specified in their Application for Use of Facilities and event description attached hereto as Exhibit “A”; and

**WHEREAS**, the Parish has provided a Use of Facilities Agreement and an Indemnification and Hold Harmless Agreement in favor of the Township of Upper, its officials, officers and employees in the form attached hereto as Exhibit “B”; and

**WHEREAS**, the Parish has provided general comprehensive liability insurance coverage to the Township in form and substance satisfactory to the Township of Upper’s Risk Management Consultant and which names the Township of Upper, its officials, officers, and employees as an additional insured, attached hereto as Exhibit “C”; and

**WHEREAS**, appropriate advice and approvals from the Township’s Risk Management Consultant, the New Jersey State Police, and the Division of EMS have been obtained; and

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

1. The allegations of the preamble are incorporated herein by this reference.

2. The Township Committee does hereby grant approval to the Parish of Saint Maximillian Kolbe to hold an Easter Sunrise Mass on the East Williams Road beach in Strathmere on Sunday, April 17, 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 Parish. The Parish has no connection, direct or indirect, with the Township of Upper or any of its officials or employees. The Parish shall not, in any way, directly or indirectly, represent that the Easter Sunrise Mass 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 the Parish 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.

(E) Setup for the event will take place one hour prior to the event.

(F) The approval granted herein is subject to all conditions and stipulations as may be recommended or imposed by the Township’s Risk Management Consultant.

The Township may revoke this approval if the Parish fails 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. 084-2022

Offered by: Hayes

Seconded by: Coggins

Adopted: March 14, 2022

Roll Call Vote:

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

11. Authorizing the Ocean City High School Crew Boosters Inc. to hold a Coach Bag Bingo Fundraiser event at the Upper Township Community Center on Saturday March 26, 2022.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 085-2022**

**RE: AUTHORIZING THE OCEAN CITY HIGH SCHOOL CREW BOOSTERS INC., TO HOLD A COACH BAG BINGO FUNDRAISER EVENT AT THE UPPER TOWNSHIP COMMUNITY CENTER ON SATURDAY MARCH 26, 2022**

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**WHEREAS**, the Ocean City High School Crew Boosters Inc., hereinafter “OCHS Crew”, of P.O. Box 205 Ocean City, NJ 08226, has submitted a proposal to the Upper Township Committee requesting authority to hold a Coach Bag Bingo Fundraiser event at the Upper Township Community Center on Saturday, March 26, 2022, as more particularly specified in their Application for Use of Facilities and event description attached hereto as Exhibit A; and

**WHEREAS**, OCHS Crew has provided a Use of Facilities Agreement and an Indemnification and Hold Harmless Agreement in favor of the Township of Upper, its officials, officers and employees in the form attached hereto as Exhibit “B”.; and

**WHEREAS**, OCHS Crew has provided general comprehensive liability insurance coverage, which includes a medical expense limit, to the Township in form and substance satisfactory to the Township of Upper’s Risk Management Consultant and which names the Township of Upper, its officials, officers, and employees as an additional insured, attached hereto as Exhibit “C”; and



**WHEREAS**, appropriate advice and approvals from the Township’s Risk Management Consultant, the New Jersey State Police, and the Division of EMS have been obtained; and

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

1. The allegations of the preamble are incorporated herein by this reference.

2. The Township Committee does hereby grant approval to OCHS Crew to hold a Coach Bag Bingo Fundraiser event at the Upper Township Community Center on Saturday, March 26, 2022, as specified in this Resolution and in the accompanying Exhibits subject to and conditioned upon the following:

(G) The event described in this Resolution shall be carried out by OCHS Crew. OCHS Crew has no connection, direct or indirect, with the Township of Upper or any of its officials or employees. OCHS Crew shall not, in any way, directly or indirectly, represent that the Coach Bag Bingo Fundraiser event 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 OCHS Crew 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.

(H) Setup for the event will take place one hour prior to the event.

(I) The approval granted herein is subject to all conditions and stipulations as may be recommended or imposed by the Township’s Risk Management Consultant. The Township may revoke this approval if OCHS Crew 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. 085-2022

Offered by: Hayes

Seconded by: Coggins

Adopted: March 14, 2022

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Coggins	X			

Hayes	X			
Newman	X			
Pancoast	X			
Corson				X

12. Authorize payments from the Affordable Housing Trust Fund of Upper Township.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 086-2022**

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

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

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

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

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

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

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

1. The allegations of the preamble are incorporated herein by this reference.

2. The Chief Financial Officer is authorized to release the following funds pursuant to the Township’s Market to Affordable Program:

Triad Associates  
(Wait List Maint. Sales)

\$ 150.00

Resolution No. 086-2022

Offered By: Hayes                      Seconded By: Coggins

Adopted: March 14, 2022

Roll Call Vote:

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

13. Authorizing a contract amendment for the Dredging at Beesley’s Point Park in the amount of \$53,196.00.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 087-2022**

**RE: AUTHORIZING A CONTRACT AMENDMENT FOR THE DREDGING AT BEESLEY’S POINT  
PARK IN THE AMOUNT OF \$53,196.00**

**WHEREAS**, the Township of Upper has awarded the Construction of Beesley’s Point Park bid to Scarborough Marine Group, LLC, 6 W. Roosevelt Blvd, Marmora, NJ 08223 in the original Contract amount of \$94,900.00; and

**WHEREAS**, the Township wishes to approve an amendment to the aforesaid Contract pursuant to the bid specifications as hereinafter provided; and

**WHEREAS**, the Chief Financial Officer has issued a certification as to the availability of funds for this amendment; and

**WHEREAS**, the aggregate amount of this amendment, comprising of additional quantities above the contract estimate and at the unit prices set forth in the contract for the Dredging at Beesley’s Point Park, is the sum of \$53,196.00; and

**WHEREAS**, the Township Engineer has requested this amendment and indicated that it is permitted under the bid and contract specifications as well as the applicable regulations; and

**WHEREAS**, this amendment is in the best interests of the Township.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of

Upper, in the County of Cape May and State of New Jersey, as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. An amendment to the Dredging at Beesley’s Point Park contract with Scarborough Marine Group, LLC is hereby authorized in the amount of \$53,196.00.
3. The Mayor and Municipal Engineer are hereby authorized, directed and empowered to execute the amendment on behalf of the Township of Upper.
4. All Township officials and officers are hereby authorized and directed to take all action necessary to carry out the intent and purpose of this Resolution.

Resolution No. 087-2022

Offered by: Hayes

Second by: Coggins

Adopted: March 14, 2022

Roll Call Vote:

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

**ORDINANCES**

**14. Public hearing and final adoption of Ordinance No. 002-2022 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER II (ADMINISTRATION) OF THE CODE OF UPPER TOWNSHIP.** During the public hearing portion there were the following speakers:

**Barbara Murphy Leary, Indian Walk Road,** questioned why there are only two small job descriptions for the Assistant Administrator. It was stated that the Ordinance follows state statute and that normally job descriptions are not included in an Ordinance creating a position. The Assistant Administrator will take direction from the Administrator on day to day duties as well as fulfill the duties of the Administrator in the event of his or her absence. She later inquired if all open positions with the Township are required to be posted to the public. It was stated that it is a Township policy that open positions are posted, but it is not required statutorily.

**Blanch Adams, Woodbine Road,** stated that the Upper Township Business Association will be happy to assist with gathering qualified candidates for an Assistant Administrator position.

**Bonnie Collins, Upper Township,** stated that the Ordinance is vague and questioned the need for an additional administrative position.

**Don Oral, Palermo,** stated that he has always been impressed with how the Township was managed, and questioned why an additional administrator is needed. He proposed that if an Administrator and Assistant Administrator are hired, then the Township Committee should become a voluntary body.

**There being no further speakers Deputy Mayor Newman closed the public hearing. Motion by John Coggins to table Ordinance 002-2022 until the Mayor is present for the vote. The motion was not**

seconded. Motion by Kimberly Hayes, second by Mark Pancoast, to adopt Ordinance 002-2022. During roll call vote three Committee members voted in the affirmative. Committeeman Coggins voted no.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
ORDINANCE**

**ORDINANCE NO. 002-2022**

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

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**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 **14<sup>TH</sup> DAY OF FEBRUARY, 2022** AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE **14<sup>TH</sup> DAY OF MARCH, 2022** AT 4:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

15. **Public hearing and final adoption of Ordinance No. 003-2022 RE: AN ORDINANCE AMENDING ORDINANCE NO. 018-2021 KNOWN AS THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2022.** During the public hearing portion there were the following speakers:

**Blanche Adams, Woodbine Road,** spoke about the impact to the budget for a potential position and stated that the money could be spent in better ways.

**There being no further speakers Deputy Mayor Newman closed the public hearing. Motion by Kimberly Hayes, second by Mark Pancoast, to adopt Ordinance No. 003-2022. During roll call vote three Committee members present voted in the affirmative. Committee 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**

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**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 **14<sup>TH</sup> DAY OF FEBRUARY, 2022** AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE **14<sup>TH</sup> DAY OF MARCH, 2022** AT 4:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

16. **Public hearing and final adoption 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.** During the public hearing portion there were the following speakers:

**Barbara Murphy Leary, Indian Walk Road,** inquired if any of the funds have been designated for the Roosevelt Boulevard intersection or Exit 20. It was stated that Roosevelt Boulevard is a County road intersecting with a State road and not under the Township's jurisdiction.

**There being no further speakers Deputy Mayor Newman closed the public hearing. Motion by Kimberly Hayes, second by Mark Pancoast, to adopt Ordinance No. 004-2022. During roll call vote three**



Committee members present voted in the affirmative. Committeeman Coggins abstained. Ordinance 004-2022 failed to be adopted due to a less than 2/3 majority vote in the affirmative.

17. **Public hearing and final adoption 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.** During the public hearing portion there were no speakers. Motion by John Coggins, second by Kimberly Hayes, to adopt Ordinance No. 005-2022. 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. 005-2022**

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

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

**WHEREAS**, 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 **28<sup>TH</sup> DAY OF FEBRUARY, 2022** AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE **14<sup>TH</sup> DAY OF MARCH, 2022** AT 4:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

18. **Introduction and first reading of Ordinance No. 007-2022 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTERS 7 AND 7A OF THE CODE OF UPPER TOWNSHIP.** Motion by Kimberly Hayes, second by Mark Pancoast, to introduce Ordinance 007-2022 with a public hearing and final adoption scheduled for April 11, 2022, at 4:30 PM. During roll call vote all four Committee members present voted in the affirmative.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
ORDINANCE**

**ORDINANCE NO. 007-2022**

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTERS 7 AND 7A OF THE CODE OF UPPER TOWNSHIP**

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**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 7 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereafter provided:

Replace **Section 7-3.4** in its entirety with the following:

**7-3.4 Parking Prohibited During Certain Hours on Certain Streets.**

No person shall park a vehicle between the hours specified in SCHEDULE II on any day upon any of the streets or parts of streets described in SCHEDULE II included in Chapter 7A.

**SECTION 2.** Chapter 7A 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:

Add or amend the following to **Chapter 7A Traffic Schedules**.

**SCHEDULE I – NO PARKING**

<b>Street</b>	<b>Location</b>
Cove Rd	Both Sides for its entire length

**SCHEDULE I(a) – PARKING BY PERMIT ONLY IN DESIGNATED RESIDENTIAL AREAS**

<b>Street</b>	<b>Location</b>
DELTE ALL STREETS LISTED.	

**SCHEDULE II – PARKING PROHIBITED CERTAIN HOURS**

<b>Street</b>	<b>Side</b>	<b>Time limit; Days</b>	<b>Location</b>
Neptune Ave	Easterly Side	9AM – 12PM May 1 to September 30	beginning at a point 25 feet from the northeasterly corner of Williams Ave and Neptune Drive and extending to a point 50 feet south of the intersection with Winthrop Avenue.

\*Parking prohibition does not apply to Township vehicles or to Township on duty employee vehicles with a Township permit.

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

**SECTION 6: 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 **14<sup>th</sup> DAY OF MARCH, 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 **11<sup>th</sup> DAY OF APRIL, 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

**CORRESPONDENCE**

**NEW BUSINESS**

19. **Beesley's Point Boat Ramp – 2022 Fees.** After a brief discussion, the Municipal Attorney was directed to prepare an Ordinance to allow for a change in the fees to be accomplished by Resolution.

**UNFINISHED BUSINESS**

**DISCUSSION**

**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: \$415,826.28**

**Payroll: \$185,774.76**

**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**
29. **Tax Collector's 2021 Annual Report**

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

**PUBLIC COMMENT**

**Barbara Murphy Leary, Indian Walk Road,** inquired into the plans to address the intersection at Roosevelt Boulevard and the GSP Exit 20 exchange. It was stated that the Township has and will continue to work with County and State officials for these issues.

**CLOSED SESSION**

21. 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. 088-2022  
MOTION GOING INTO CLOSED SESSION  
MARCH 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
- Contract negotiation - RFP Fireworks
- Contract negotiation - Hearing Officer
- Contract negotiation - JASM Consulting
- Potential litigation - Zoning Permit Denials

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 March 28, 2022, at 6:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC  
Municipal Clerk

Bill List

79173 03/14/22 A0025 ADVANTAGE RENTAL & SALES 312.29 3230  
79174 03/14/22 A0075 ADAMS, JOSHUA 109.99 3230  
79175 03/14/22 A0078 ANCHOR RUBBER STAMP & PRINTING 45.45 3230  
79176 03/14/22 A0091 ATLANTIC CITY ELECTRIC 20,674.32 3230  
79177 03/14/22 A0193 ATLANTIC INVESTIGATIONS, LLC 546.00 3230  
79178 03/14/22 A0212 ANCERO, LLC 8,235.50 3230  
79179 03/14/22 A0235 AMAZON CAPITAL SERVICES, INC. 129.73 3230  
79180 03/14/22 A0239 AT&T MOBILITY NAT'L ACCTS LLC 120.69 3230  
79181 03/14/22 B0035 BELMONT & CRYSTAL SPRINGS 111.25 3230  
79182 03/14/22 B0076 BOND, LAURENCE E. 767.38 3230  
79183 03/14/22 B0093 BARRY, CORRADO & GRASSI, PC 779.90 3230  
79184 03/14/22 B0248 BARNES LAW GROUP LLC 1,135.00 3230  
79185 03/14/22 C0009 CAPE MAY COUNTY TCTA 100.00 3230  
79186 03/14/22 C0021 CIVIL SOLUTION A DIVISION 120.00 3230  
79187 03/14/22 C0042 CAMPBELL SUPPLY COMPANY 2,216.88 3230  
79188 03/14/22 C0068 COMCAST 1,058.90 3230  
79189 03/14/22 C0223 CASA PAYROLL SERVICE 218.65 3230  
79190 03/14/22 C0230 CATAMARAN MEDIA COMPANY 260.29 3230  
79191 03/14/22 C0246 CRAFT OIL CORPORATION 468.00 3230  
79192 03/14/22 C0279 CASA REPORTING SERVICES LLC 392.00 3230  
79193 03/14/22 C0307 CNS ACQUISITION CORPORATION 835.00 3230  
79194 03/14/22 D0016 DALEYS PIT 100.00 3230  
79195 03/14/22 D0186 DOCUTREND, INC. 8.00 3230  
79196 03/14/22 E0012 EHRlich PEST CONTROL INC 108.00 3230  
79197 03/14/22 E0079 EVANS III, WILLIAM 69.98 3230  
79198 03/14/22 F0048 LESLIE G. FOGG INC 350.60 3230  
79199 03/14/22 G0016 GARDNER HARDWARE INC. 17.45 3230  
79200 03/14/22 G0035 GENRON FIRE PROTECTION 204.00 3230  
79201 03/14/22 G0086 W.W. GRAINGER, INC. 1,812.16 3230  
79202 03/14/22 G0147 GREATAMERICA FINANCIAL SVCS. 254.50 3230  
79203 03/14/22 G0182 GOLDENBERG, MACKLER & SAYEGH 108.00 3230  
79204 03/14/22 H0002 H.A. DEHART & SON CORP. 1,452.74 3230  
79205 03/14/22 H0073 HOME DEPOT CRC/GECF 1,222.57 3230  
79206 03/14/22 H0135 HANSON AGGREGATES BMC, INC. 5,335.37 3230  
79207 03/14/22 H0172 HYLAND DESIGN GROUP, INC. 469.00 3230  
79208 03/14/22 K0103 KYOCERA DOCUMENT SOLUTIONS 144.67 3230  
79209 03/14/22 L0007 LC EQUIPMENT, INC. 39.00 3230  
79210 03/14/22 L0080 LOWES, INC. 37.04 3230  
79211 03/14/22 L0145 LINDHOLM, KYLE 80.00 3230  
79212 03/14/22 M0235 MODERN GROUP, LTD 1,942.75 3230  
79213 03/14/22 M0246 MORRISON, VINCENT 350.00 3230  
79214 03/14/22 N0004 NJ-AMERICAN WATER CO. 101.56 3230  
79215 03/14/22 N0043 NAPA AUTO PARTS 423.85 3230  
79216 03/14/22 N0046 NJ EMERGENCY PREPAREDNESS ASSO 700.00 3230  
79217 03/14/22 N0143 NATIONAL TIME SYSTEMS 349.25 3230  
79218 03/14/22 N0154 NEW HORIZON COMMUNICATIONS 776.11 3230  
79219 03/14/22 O0014 ATLANTIC SALT, INC. 5,996.84 3230  
79220 03/14/22 P0032 PEDRONI FUEL CO. 2,475.90 3230  
79221 03/14/22 P0175 PRIEST JR., ANTHONY 125.00 3230  
79222 03/14/22 P0188 PORTER, DEREK 500.00 3230  
79223 03/14/22 P0199 PRETTYMAN, ROBERT C., JR. 3,000.00 3230  
79224 03/14/22 R0100 ROBERTS OXYGEN COMPANY, INC. 115.35 3230  
79225 03/14/22 S0001 SAM'S CLUB 45.00 3230  
79226 03/14/22 S0018 SUBURBAN PROPANE, LP 334.05 3230  
79227 03/14/22 S0031 SCHULER SECURITY, INC. 595.00 3230  
79228 03/14/22 S0056 SEASHORE ASPHALT CORPORATION 419.10 3230  
79229 03/14/22 S0057 SERVICE TIRE TRUCK CENTERS 7,579.85 3230  
79230 03/14/22 S0139 SOUTH JERSEY WATER COND SERV 170.00 3230  
79231 03/14/22 S0185 STOCKTON STATE COLLEGE 17,222.26 3230  
79232 03/14/22 S0209 STAPLES ADVANTAGE 110.40 3230  
79233 03/14/22 S0239 SHORE VET. ANIMAL CONTROL LLC 2,350.00 3230  
79234 03/14/22 S0363 STARR GENERAL CONTRACTING CORP 236.00 3230  
79235 03/14/22 S0375 SCARBOROUGH MARINE GROUP LLC 148,096.00 3230  
79236 03/14/22 T0005 TCTA OF NEW JERSEY 100.00 3230  
79237 03/14/22 T0032 THE PRESS OF ATLANTIC CITY 571.68 3230  
79238 03/14/22 T0166 TREASURER, STATE OF NEW JERSEY 323.00 3230  
79239 03/14/22 T0168 TOWNSHIP OF UPPER 243.88 3230  
79240 03/14/22 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3230  
79241 03/14/22 T0192 MARSH & McLENNAN AGENCY/TRION 382.94 3230  
79242 03/14/22 T0213 TREASURER, STATE OF NEW JERSEY 143,989.63 3230  
79243 03/14/22 U0067 UT HEALTH REIMB. ACCOUNT 2,064.58 3230  
79244 03/14/22 V0013 VERIZON WIRELESS 927.93 3230

79245 03/14/22 V0018 VILLAGE PHARMACY, INC. 240.00 3230  
79246 03/14/22 V0025 V.E. RALPH & SON,INC. 1,299.30 3230  
79247 03/14/22 V0026 VITAL COMMUNICATIONS, INC. 100.00 3230  
79248 03/14/22 V0046 VARGO ASSOCIATES 2,400.00 3230  
79249 03/14/22 W0030 WEST PUBLISHING CO. 746.97 3230  
79250 03/14/22 W0087 W.B. MASON EGG HARBOR 336.80 3230  
79251 03/14/22 Y0008 YOUNG, DANIEL J. ESQUIRE PC 17,610.00 3230  
Total: \$415,826.28