

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR APRIL 25, 2022**

**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 April 22, 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 R. Hayes	Present – via telephone conference
Jay Newman	Present
Mark E. Pancoast	Present - via telephone conference
Curtis T. Corson, Jr.	Present

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

**APPROVAL OF MINUTES** - April 11, 2022 Regular and Closed Session Minutes

Motion by Jay Newman, second by John Coggins, to approve the April 11, 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**

**John Coggins, Committeeman**, thanked Dan Young and wished him well on his future endeavors. He next stated that with the resignation of the code enforcement officer, he requested that the position be advertised and opened up to the public. There was a general consensus to direct the personnel officer to advertise for the position of code enforcement officer.

**Kimberly Hayes, Committeewoman**, also thanked Dan Young for his years of service to the community.

**Mark Pancoast, Committeeman**, congratulated the new Township Administrator and thanked him for the work he has been doing. He also thanked Dan Young for his valuable guidance. Last, he thanked Paul Dietrich for setting up the teleconference for tonight’s meeting.

**Jay Newman, Committeeman**, thanked Dan Young for his service and guidance and stated that it has been a pleasure working with him over the years.

**Curtis Corson, Mayor**, on behalf of the Township stated that Dan Young has done a fabulous job for the Township. He thanked him for his guidance and service and stated that he will be missed, although he is thankful Dan has agreed to stay on as special legal counsel. He next reported that the National Day of Prayer ceremony will be held at Town Hall on Thursday May 5<sup>th</sup> at 10:00 am. Last, he reported that the Historical Preservation Society will be holding their 33<sup>rd</sup> annual Strawberry Festival at the Gandy Farmstead on May 28<sup>th</sup> from 10:00 am to 3:00 pm.

### **OTHER REPORTS**

**Gary DeMarzo, Township Administrator**, stated that he is humbled to serve as Administrator and thanked the Committee for giving him the opportunity. He next gave a brief overview of his duties as Administrator.

**Barbara Young, Municipal Clerk**, welcomed the new Township Administrator. She next stated how grateful she is to Dan Young for his many years of service to the Township. She thanked him for his expertise and knowledge and stated that he will be greatly missed.

**Daniel Young, Municipal Attorney**, stated that a couple months ago he decided to step down as Solicitor for the Township. He stated that this will give him the opportunity to spend more time with his family and focus on his private practice. He thanked the current and past Committee members for giving him the opportunity to serve. He stated it was a labor of love and he will miss working for the Township. He also thanked the past and present staff and stated that it was a pleasure working with them.

**Paul Dietrich, Municipal Engineer**, also thanked Dan Young and stated that the high standards he has instilled will last. He next reported that the federal government has not appropriated funds for a beach fill project this year. And next reported that Sustainable Jersey has created an EDF Climate Corps Program, which will provide resources to municipalities to make progress on sustainability issues. He requested approval to join the program. After a brief discussion there was a general consensus to approve the request. A resolution for formal action will be placed on the next agenda. Lastly, he reported that the Township will be holding a flood insurance promotion meeting on July 23 at 9:00 am. at the Strathmere Fire Hall.

**Barbara Ludy, Chief Financial Officer**, also thanked Dan Young for everything he has done. She stated that she has really enjoyed working with him and will miss him.

### **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. Approving updated Flood Insurance Promotion activity with the Atlantic-Cape Multi-Jurisdictional Program for Public Information.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 135-2022**

**RE: APPROVING UPDATED FLOOD INSURANCE PROMOTION ACTIVITY  
WITH THE ATLANTIC-CAPE MULTI-JURISDICTIONAL  
PROGRAM FOR PUBLIC INFORMATION**

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**WHEREAS**, as an active participant in FEMA’s Community Rating System (CRS) program, the Township of Upper has determined that it is necessary to participate in the New Jersey Coastal Coalition’s Atlantic-Cape Multi-Jurisdictional Public Information (MJPPPI), consisting of municipal officials and community stakeholders, to assist in evaluating existing public information disseminated by the Township, other Municipalities and regional stakeholders regarding floodplain management, and to develop new public information needs; and

**WHEREAS**, the MJPPPI will coordinate all of the flood-related public information in the community and the surrounding areas, both public and private; and

**WHEREAS**, the MJPPPI was being expanded to include the Flood Insurance Promotion CRS activity in 2020 and needs to be updated based on FEMA’s 2021 update; and

**WHEREAS**, the Township of Upper will distribute a letter from the governing body to the residents in the Special Flood Hazard Zone which will include an Insurance Brochure, participate in a community outreach meeting to help promote flood insurance, distribute Insurance Brochure with all construction permits in the Special Flood Hazard Zone and work with our Insurance Stakeholders to provide technical assistance to our residents; 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 formally supports participation in the updated Flood Insurance Promotion CRS activity as proposed by the updated MJPPPI.
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. 135-2022  
Offered by: Newman  
Adopted: April 25, 2022

Seconded by: Coggins

Roll Call Vote:

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

2. Authorizing the execution of a contract with Adams, Rehmann & Heggan Associates, Inc. for the maintenance of the official tax map.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 136-2022**

**RE: AUTHORIZING THE EXECUTION OF A CONTRACT WITH  
ADAMS, REHMANN & HEGGAN ASSOCIATES, INC. FOR THE  
MAINTENANCE OF THE OFFICIAL TAX MAP**

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**WHEREAS**, the Township requires a professional land surveyor for the maintenance of the official tax map; and

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

**WHEREAS**, the Township has decided to acquire the services of Adams, Rehmann & Heggan Associates, Inc. as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Adams, Rehmann & Heggan Associates, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Adams, Rehmann & Heggan Associates, Inc. has not made any reportable contributions to a political or candidate committee in the Township that would bar the award of the contract and that the contract will prohibit Adams, Rehmann & Heggan Associates, Inc. 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 Adams, Rehmann & Heggan Associates, Inc., of 215 Bellevue Avenue, Hammonton, New Jersey 08037, for professional land surveying services for the maintenance of the official tax map of Upper Township.

3. The Contract is awarded 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 Adams, Rehmann & Heggan Associates, Inc., has professional knowledge as to land surveying issues which knowledge is particularly valuable to the Township Committee.

4. The contract shall have a term of one (1) year from 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. Adams, Rehmann & Heggan Associates, Inc. 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 the contract award shall be published in the official newspaper of the Township of Upper.

8. This Resolution shall be effective as of adoption.

Resolution No. 136-2022

Offered by: Newman

Seconded by: Coggins

Adopted: April 25, 2022

Roll Call Vote:

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

3. Authorizing the Mayor and Township Clerk to sign a contract with Ancero, LLC for professional information technology services.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 137-2022**

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN  
A CONTRACT WITH ANCERO, LLC FOR PROFESSIONAL  
INFORMATION TECHNOLOGY SERVICES**

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**WHEREAS**, the Township of Upper has a need for professional Information Technology services; and

**WHEREAS**, Ancero, LLC has submitted a proposal to the Township to provide said services; and

**WHEREAS**, the Township wishes to accept said proposal and to authorize the execution of a contract with Ancero, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Ancero, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Ancero, LLC has not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Ancero, LLC from making any reportable contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with Ancero, LLC with offices at 1001 Briggs Road, Suite 220, Mt. Laurel, New Jersey, to provide professional Information Technology services.
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 Ancero, LLC has professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5

**NOTICE OF CONTRACT AWARD**

5. The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Ancero, LLC for professional Information Technology services. This contract and the resolution authorizing same shall be available for public inspection in the office of the Municipal Clerk of the Township of Upper, State of New Jersey.

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

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

8. A 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. 137-2022

Offered by: Newman

Seconded by: Coggins

Adopted: April 25, 2022

Roll Call Vote:

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

4. Authorizing a contract with CASA Payroll Services, LLC.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 138-2022**

**RE: AUTHORIZING A CONTRACT WITH CASA PAYROLL SERVICES, LLC**

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**WHEREAS**, CASA Payroll Services, LLC (“CASA”) has submitted a proposal to the Township for payroll services; and

**WHEREAS**, N.J.A.C. 5:30-17.3 et seq. provides for electronic disbursement controls for payroll purposes and applies to entities which execute disbursements from and/or take possession of municipal bank accounts or funds; and

**WHEREAS**, the proposal of CASA does not permit CASA to execute disbursements from the Township’s bank account or give CASA possession of Township funds and as such N.J.A.C. 5:30-17.3 et seq. does not apply; and

**WHEREAS**, the Township wishes to accept said proposal and to authorize a contract with CASA; and

**WHEREAS**, the proposal 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**, CASA has completed and submitted a Business Entity Disclosure Certification which certifies that CASA 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 CASA 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 CASA attached hereto as Exhibit “A”, to provide payroll service within the Township of Upper commencing immediately.
3. CASA 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. 138-2022

Offered by: Newman

Seconded by: Coggins

Adopted: April 25, 2022

Roll Call Vote:

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

5. Authorizing a contract with CASA Reporting Services, LLC for Affordable Care Act reporting services.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 139-2022**

**RE: AUTHORIZING A CONTRACT WITH CASA REPORTING SERVICES, LLC FOR  
AFFORDABLE CARE ACT REPORTING SERVICES**

**WHEREAS**, the Affordable Care Act requires employers with 50 or more full-time employees to file annual information returns with the IRS and furnish statements to employees on healthcare plan coverage information; and

**WHEREAS**, CASA Reporting Services, LLC (“CRS”) has submitted a proposal to the Township for Affordable Care Act reporting services; and

**WHEREAS**, the Township wishes to accept said proposal and to authorize a contract with CRS; and

**WHEREAS**, the proposal 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**, CRS has completed and submitted a Business Entity Disclosure Certification which certifies that CRS 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 CRS 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 CRS attached hereto as Exhibit “A”, to provide Affordable Care Act reporting services within the Township of Upper.

3. CRS 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. 139-2022

Offered by: Newman

Seconded by: Coggins

Adopted: April 25, 2022

Roll Call Vote:

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

6. Authorizing the Parish of Saint Maximillian Kolbe to hold their annual Saint Maximillian Feast Day of Celebration on the East Williams Road Beach in Strathmere on Sunday, August 14, 2022.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 140-2022**

**RE: AUTHORIZING THE PARISH OF SAINT MAXIMILLIAN KOLBE TO HOLD THEIR ANNUAL SAINT MAXIMILLIAN FEAST DAY OF CELEBRATION ON THE EAST WILLIAMS ROAD BEACH IN STRATHMERE ON SUNDAY, AUGUST 14, 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 their Annual Saint Maximillian Feast Day of Celebration on the East Williams Road beach in Strathmere on Sunday August 14, 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 their Annual Saint Maximillian Feast Day of Celebration on the East Williams Road beach in Strathmere on Sunday, August 14, 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 their Annual Saint Maximillian Feast Day of Celebration 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. 140-2022

Offered by: Newman

Seconded by: Coggins

Adopted: April 25, 2022

Roll Call Vote:

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

7. Appointing Daniel S. Reeves, Esquire as Municipal Attorney.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 141-2022**

**RE: APPOINTING DANIEL S. REEVES, ESQUIRE  
AS MUNICIPAL ATTORNEY**

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**WHEREAS**, N.J.S.A. 40A:9-139 requires every municipality to appoint a Municipal Attorney and provides for a term of office of one (1) year, unless otherwise provided by law; and

**WHEREAS**, Daniel J. Young was appointed Municipal Attorney for the Township of Upper at the reorganization meeting on January 7, 2022 for a term of one (1) year; and

**WHEREAS**, a vacancy exists in said office by reason of the resignation of the said Daniel J. Young, effective May 1, 2022; and

**WHEREAS**, the Township has decided to appoint Daniel S. Reeves, of the law firm of Monzo Catanese Hillegass, P.C., as Municipal Attorney as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Daniel S. Reeves has completed and submitted a Business Entity Disclosure Certification which certifies that Daniel S. Reeves has not made any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c.19 would bar the award of the contract, and that Daniel S. Reeves shall not make any such reportable contribution during 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. Daniel S. Reeves, Esquire of the law firm of Monzo Catanese Hillegass, P.C.,

with

offices at 211 Bayberry Drive, Suite 2A, shall be appointed as Municipal Attorney for the Township of Upper effective May 1, 2022.

3. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Daniel S. Reeves, Esquire in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein.

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 Daniel S. Reeves, 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 Daniel S. Reeves, 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. 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. 141-2022

Offered by: Newman

Seconded by: Coggins

Adopted: April 25, 2022

Roll Call Vote:

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

8. Appointing Daniel J. Young to act as Special Legal Counsel.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 142-2022**

**RE: APPOINTING DANIEL J. YOUNG  
TO ACT AS SPECIAL LEGAL COUNSEL**

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**WHEREAS**, the Township requires special legal counsel services as determined by the Township Committee; 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 Daniel J. Young as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Daniel J. Young has completed and submitted a Business Entity Disclosure Certification which certifies that Daniel J. Young 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 Daniel J. Young 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. Daniel J. Young with offices at 701 West Avenue, Suite 302, Ocean City, New Jersey is hereby appointed Special Legal Counsel to handle matters 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 Daniel J. Young 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 Daniel J. Young 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 Daniel J. Young in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

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

9. This Resolution shall be effective as of adoption.

Resolution No. 142-2022

Offered by: Newman

Seconded by: Coggins

Adopted: April 25, 2022

Roll Call Vote:

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

9. Urging the County of Cape May to conduct a traffic study of County Route 631, Tuckahoe Road between Church Road and Tyler Road.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 143-2022**

**RE: URGING THE COUNTY OF CAPE MAY TO CONDUCT A TRAFFIC STUDY OF  
COUNTY ROUTE 631, TUCKAHOE ROAD BETWEEN  
CHURCH ROAD AND TYLER ROAD**

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**WHEREAS**, the Township Committee of the Township of Upper is concerned about the safety of County Route 631, Tuckahoe Road between Church Road and Tyler Road; and

**WHEREAS**, continued and increased development along County Route 631, Tuckahoe Road, has increased traffic rendering the current speed limit excessive and endangering the uses along said route including numerous private driveways, a church, a preschool, and residential neighborhoods; and



**WHEREAS**, in order to ensure the safety of citizens, residents and the general public, the Township Committee of the Township of Upper supports a reduction of the maximum speed limit allowable on County Route 631, Tuckahoe 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 Township Committee strongly urges the County of Cape May to conduct a traffic study along County Route 631, Tuckahoe Road between Church Road and Tyler Road.
3. A certified copy of this Resolution shall be provided to the appropriate Cape May County Officials.

Resolution No. 143-2022  
 Offered by: Newman  
 Adopted: April 25, 2022  
 Roll Call Vote:

Seconded by: Coggins

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

10. Authorizing the Mayor to sign a temporary revocable license agreement with Thomas and Angela Bock.

**TOWNSHIP OF UPPER  
 CAPE MAY COUNTY  
 RESOLUTION**

**RESOLUTION NO. 144-2022**

**RE: AUTHORIZING THE MAYOR TO SIGN A TEMPORARY  
 REVOCABLE LICENSE AGREEMENT WITH THOMAS AND ANGELA BOCK**

**WHEREAS**, the Township wishes to enter into a temporary revocable license agreement with Thomas and Angela Bock of 1725 Wrightstown Road, Newtown, PA 18940, for the use of a portion of the Township owned right of way at Morris Avenue adjacent to Block 817, Lot 1.02; and

**WHEREAS**, the Township Committee has determined that it is in the best interest of the Township to enter into this agreement and does hereby authorize the Mayor to sign the agreement, a copy of which is attached hereto; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor on behalf of the Township of Upper, is hereby authorized to execute the attached document entitled “Temporary Revocable License Agreement”, for the use of a portion of the Township owned right of way at Morris Avenue adjacent to Block 817, Lot 1.02, with Thomas and Angela Bock.
3. The Mayor is authorized to sign the NJDEP Property Owner Certification with regard to the improvements authorized in the Temporary Revocable License Agreement.
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. 144-2022  
Offered by: Newman  
Adopted: April 25, 2022  
Roll Call Vote:

Seconded by: Coggins

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

11. Opposing the New Jersey Department of Environmental Protection's proposed coastal regulations.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 145-2022**

**OPPOSING THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION'S  
PROPOSED COASTAL REGULATIONS**

---

**WHEREAS**, the New Jersey Department of Environmental Protection (NJDEP) is planning to adopt new land use regulations that will significantly devalue land and stymie construction in Cape May County, known as the Protecting Against Climate Threats (PACT) Regulations; and

**WHEREAS**, the NJDEP is proposing to require five feet of freeboard above the base flood elevation for new construction in the flood zone. Elevating new and substantially improved homes an additional five feet is not only prohibitively expensive for our residents but may not be feasible on many sites; and

**WHEREAS**, historically when NJDEP issues new rules they have been in alignment with corresponding legislation. In this case there is no legislation that has authorized the NJDEP to require more stringent requirements than the federal regulations that are now in place; and

**WHEREAS**, the NJDEP freeboard requirement is based on sea level rise projections for the year 2100. Since Municipalities are required to prepare Master Plans with a 20- or 30-year planning horizon, the Cape May County Board of Commissioners would strongly suggest that the State use the same time horizon that they require municipalities to use; and

**WHEREAS**, the science behind these 80-year projections have been questioned as reported in a guest editorial in the Press of Atlantic City on Sunday, February 28, 2021; and

**WHEREAS**, there has been no major discussion concerning the magnitude of the economic impact of the proposed regulations or how to assist residents who will be negatively impacted. NJDEP's proposed regulatory re-alignment is expected to result in extensive and immediate economic impacts. NJDEP must engage in a meaningful, holistic economic impact analysis, and not simply rely on a one-sided analysis of potential economic impacts from future, projected climate change related threats; and

**WHEREAS**, in advance of the NJ PACT regulations being released the NJDEP is requiring municipalities to adopt a new Flood Damage Protection Ordinance that automatically imposes the NJ PACT regulations once they are adopted through the State rule making process; and

**WHEREAS**, the new Flood Damage Protection Ordinance also requires that road and parking areas proposed in the flood hazard are to be constructed at least one foot above the Flood Hazard Area Design elevation, that permits be issued for ordinary maintenance and minor work, and that seasonally occupied homes be built on a foundation, among other new regulations.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, opposes the Protecting Against Climate Threats (PACT} Regulations and the State's proposed Flood Damage Protection Ordinance as presented; and

**BE IT FURTHER RESOLVED**, that the sea level rise projections being used by NJDEP be subject to a scholarly peer review prior to commencing the rule making process; and

**BE IT FURTHER RESOLVED**, that the NJDEP regulations be based on a 20- or 30-year timeframe and adjusted over time to cater to the impacts of sea level rise and resiliency measures rather than based on an 80-year projection; and

**BE IT FURTHER RESOLVED**, that the NJDEP seek the counsel from an independent economist to consider the potential economic impacts prior to release of the NJ PACT proposals; and

**BE IT FURTHER RESOLVED**, that the NJDEP follow the same practice as FEMA and provide detailed maps so that communities and residents can clearly understand how these regulations affect specific properties; and

**BE IT FURTHER RESOLVED**, that the NJDEP abandoned changes in the local Flood Damage Protection Ordinance until the NJ PACT regulations are approved by the State Legislature; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to Governor Phil Murphy, Lt. Governor Sheila Oliver, New Jersey Department of Environmental Protection Commissioner Shawn LaTourette, Senate President Nicholas Scutari, Assembly Speaker Craig Coughlin, Senator Vince Polistina, Senator Michael Testa, Assemblyman Don Guardian, Assemblywoman Claire Swift, Assemblyman Eric Simonsen, and Assemblyman Antwan McClellan.

Resolution No. 145-2022

Offered by: Newman

Seconded by: Coggins

Adopted: April 25, 2022

Roll Call Vote:

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

12. Authorizing Neil Holloway and NJ Surf Soccer Club to host the Copa Surf NJ Soccer Tournament at Amanda’s Field, Tyler Davis Field, and Old Tuckahoe Road Field on Saturday June 18, 2022 and Sunday June 19, 2022.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 146-2022**

**RE: AUTHORIZING NEIL HOLLOWAY AND NJ SURF SOCCER CLUB TO HOST THE COPA SURF NJ SOCCER TOURNAMENT AT AMANDA’S FIELD, TYLER DAVIS FIELD, AND OLD TUCKAHOE ROAD FIELD ON SATURDAY JUNE 18, 2022 AND SUNDAY JUNE 19, 2022**

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**WHEREAS**, Neil Holloway and the NJ Surf Soccer Club, jointly, severally and in the alternative, (hereinafter collectively referred to as “Event Sponsor”), have submitted a proposal to the Upper Township Committee requesting authority to host the Copa Surf NJ Soccer Tournament at Amanda’s Field, Tyler Davis Field, and Old Tuckahoe Road Field on Saturday June 18, 2022 and Sunday June 19, 2022, as more particularly specified in their Application for Use of Facilities and event description attached hereto as Exhibit A; and

**WHEREAS**, Event Sponsor 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**, Event Sponsor has provided general comprehensive liability insurance coverage to the Township in form and substance which is 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**, Event Sponsor has certified that those having unsupervised direct contact with minor children have undergone a successful criminal history record background check pursuant to N.J.S.A. 15A:3a-1., and said certification is attached hereto as Exhibit “D”; 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

**WHEREAS**, a liability release and waiver will be received from every participant, prior to the event, on a form which has been approved by the Township Solicitor; 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 Event Sponsor for the Copa Surf NJ Soccer Tournament to be held on Saturday June 18, 2022 and Sunday June 19, 2022, as specified in this Resolution and in the accompanying Exhibits subject to and conditioned upon the following:

(A) The activities described in this Resolution will be carried out by Neil Holloway and NJ Surf Soccer Club, jointly, severally and in the alternative (Event Sponsor). Event Sponsor has no connection, direct or indirect, with the Township of Upper or any of its officials or employees. Event Sponsor shall not, in any way, directly or indirectly, represent that the Copa Surf NJ Soccer Tournament is, in any way, associated with or affiliated with the Township of Upper and shall make clear that the activities conducted by Event Sponsor are 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 Event Sponsor to host the

Copa Surf NJ Soccer Tournament, it must be made clear that the activities of Event Sponsor are not and shall not be considered a Township of Upper sponsored or sanctioned activity.

- (B) Event Sponsor 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 field for games held at Amanda's Field, Tyler Davis Field, and Old Tuckahoe Road Field, as well as the fee equal to the costs of Township personnel, services, and materials. Said costs have been determined by the Township and are outlined and attached hereto as Exhibit "E".
- (C) Event Sponsor will ensure that the fields and facilities are clean of debris, trash, markings, and other materials immediately following each use, and will immediately report any damage of the fields or facilities to Township personnel. Event Sponsor may be held liable for any costs associated with repair or cleanup.
- (D) The Township reserves the right to postpone and/or cancel the use of the fields by Event Sponsor, due to weather and/or damage to the fields or facilities.
- (E) 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 Event Sponsor 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. 146-2022  
Offered by: Newman

Seconded by: Coggins

Adopted: April 25, 2022

Roll Call Vote:

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

13. Accepting the annual stormwater report and certification and authorizing the Township Engineer to electronically sign and submit it to the NJDEP pursuant to stormwater rules.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 147-2022**

**ACCEPTING THE ANNUAL STORMWATER REPORT AND CERTIFICATION, AND  
AUTHORIZING THE TOWNSHIP ENGINEER TO ELECTRONICALLY SIGN AND  
SUBMIT IT TO THE NJDEP PURSUANT TO STORMWATER RULES**

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**WHEREAS**, the State of New Jersey on January 5, 2004 adopted stormwater rules which impact municipalities; and

**WHEREAS**, under the aforesaid stormwater rules, municipalities are required to apply for permits and provide reports and certifications to the NJDEP; and

**WHEREAS**, the Township Committee of the Township of Upper has determined that the Township should prepare appropriate reports pursuant to the stormwater rules; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee hereby accepts the Stormwater Annual Report.
3. The Township Engineer is hereby authorized to execute said Report and Certification electronically pursuant to the stormwater rules of the State of New Jersey, which Report and Certification are attached hereto as Exhibit A.
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. 147-2022

Offered by: Newman

Seconded by: Coggins

Adopted: April 25, 2022

Roll Call Vote:

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

14. Authorizing the award of a contract with CDW Government, LLC for information technology equipment.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 148-2022**

**RE: AUTHORIZING THE AWARD OF A CONTRACT  
WITH CDW GOVERNMENT, LLC FOR INFORMATION TECHNOLOGY EQUIPMENT**

**WHEREAS**, from time to time the Township of Upper has a need to purchase IT equipment from CDW Government, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with CDW Government, LLC for the year 2022 will exceed \$17,500; and

**WHEREAS**, CDW Government, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that CDW Government, LLC has not made any reportable contributions to a political or candidate committee in the Township in the previous one year, and that the contract will prohibit CDW Government, LLC from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Chief Financial Officer of the Township has certified the availability of funds to allow the award of contract for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose in the 2022 Municipal Budget.

**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 of the Township of Upper, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with CDW Government, LLC as described herein.
3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
4. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 148-2022

Offered by: Newman

Seconded by: Coggins

Adopted: April 25, 2022

Roll Call Vote:

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

15. Authorizing the Township of Upper to enter into a cooperative pricing agreement with the Township of Cranford.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 149-2022**

**RE: AUTHORIZING THE TOWNSHIP OF UPPER TO ENTER INTO A COOPERATIVE PRICING AGREEMENT WITH THE TOWNSHIP OF CRANFORD**

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**WHEREAS**, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

**WHEREAS**, the Cranford Police Cooperative Pricing System (ID# 47-CPCPS), hereinafter referred to as the “Lead Agency” has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

**WHEREAS**, on April 25, 2022, the governing body of the Township of Upper, County of Cape May, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services.

**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. This resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Upper.
3. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Municipal Clerk is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.
4. The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.
5. This resolution shall take effect immediately upon passage.

Resolution No. 149-2022

Offered By: Newman

Seconded By: Coggins

Adopted: April 25, 2022

Roll Call Vote:

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

16. Appointing the 2022 season Beach Patrol personnel.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 150-2022**

**RE: APPOINTING THE 2022 SEASON BEACH PATROL PERSONNEL**

---

**WHEREAS**, the individuals hereinafter named have been determined to possess the requisite skills, training and are otherwise eligible for appointment to the position of lifeguard; 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.

contingent upon successful pre-employment testing at a salary as stated below in accordance with the Salary Ordinance:

**LIEUTENANTS**

Aaron Holibaugh                      \$23.50 per hour  
Meredith Steele                      \$23.50 per hour

Resolution No. 150-2022

Offered by: Newman

Seconded by: Coggins

Adopted: April 25, 2022

Roll Call Vote:

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

17. Congratulating employee Rosemary Trout of the Upper Township Finance and Purchasing Office for her winning entry in the Upper Township Safety Award Program for the 1<sup>st</sup> Quarter of 2022.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 151-2022**

**RE: CONGRATULATING EMPLOYEE ROSEMARY TROUT OF THE UPPER  
TOWNSHIP FINANCE AND PURCHASING OFFICE FOR HER WINNING ENTRY IN  
THE UPPER TOWNSHIP SAFETY AWARD PROGRAM  
FOR THE 1<sup>ST</sup> QUARTER OF 2022**

---

**WHEREAS**, employee Rosemary Trout, is recognized for her efforts to promote safety for her fellow employees and residents of the Township through her participation in the Upper Township Safety Award Program with the submission of a safety suggestion; and

**WHEREAS**, Rosemary’s safety suggestion was chosen by the Upper Township Safety Committee from the entries submitted in the first quarter for the promotion of safety for employees and the community; and

**WHEREAS**, Rosemary should be publicly recognized for reporting a safety concern to remove a spring loaded mousetrap located in the public hallway of Township Hall 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. That the Committee extends its appreciation and publicly recognizes Rosemary on her commitment to safety by identifying a potential safety hazard and offering a suggestion through participation in the program.
2. That the Committee, on behalf of our employees and the citizens of the Township of Upper, extend to Rosemary our congratulations and present her with the “Safety Day Award” of one day off with pay.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper the 25<sup>th</sup> day of

April 2022.

Resolution No. 151-2022

Offered by: Newman

Seconded by: Coggins

Adopted: April 25, 2022

Roll Call Vote:

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

**ORDINANCES**

**CORRESPONDENCE**

**NEW BUSINESS**

18. **Historical Preservation Society of Upper Township requests the use of Gandy Farm for their annual Strawberry Festival on May 28, 2022, with a rain date of May 29, 2022.** Motion by John Coggins, second by Jay Newman, to approve the request. During roll call vote all five Committee members voted in the affirmative.
19. **Historical Preservation Society of Upper Township requests the use of the Tuckahoe Train Station for themed train rides on various dates beginning June 4, 2022 to July 28, 2022.** Motion by Jay Newman, second by John Coggins, to approve the request. During roll call vote all five Committee members voted in the affirmative.
20. **Marmora Volunteer Fire Company requests to hold Raffle RA 547 on various dates beginning June 7, 2022 to July 4, 2023 at 40 N. Old Tuckahoe Road, Marmora.** Motion by John Coggins, second by Curtis Corson, to approve the request. During roll call vote four Committee members voted in the affirmative. Jay Newman abstained.
21. **Marmora Volunteer Fire Company requests to hold Raffles RA 548 and RA 549 on June 11, 2022 at 40 N. Old Tuckahoe Road, Marmora.** Motion by John Coggins, second by Curtis Corson, to approve the request. During roll call vote four Committee members voted in the affirmative. Jay Newman abstained.

**UNFINISHED BUSINESS**

**DISCUSSION**

## **PAYMENT OF BILLS**

29. **“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 Jay Newman, second by John Coggins. During roll call vote all five Committee members voted in the affirmative.

**Bills approved for payment:** \$1,819,912.85

**Payroll:** \$207,471.36

## **REPORT OF MUNICIPAL DEPARTMENTS**

### **22. Animal Control**

### **23. Municipal Court**

Motion by Curtis Corson, second by John Coggins, to accept the reports as submitted. During roll call vote all five Committee members voted in the affirmative.

## **PUBLIC COMMENT**

**Blanche Adams, Upper Township Business Association**, thanked Attorney Young for his expertise and service to Upper Township. She stated that he has always been very generous in answering her questions, and in particular explaining the master plan process. She next questioned item 11 on the agenda, “Opposing the New Jersey Department of Environmental Protection's Proposed Coastal Regulations”. The Municipal Engineer gave a brief overview of the proposed regulations and explained the reasons behind the opposition.

## **CLOSED SESSION**

24. 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. 152-2022  
MOTION GOING INTO CLOSED SESSION  
APRIL 25, 2022**

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

### **MATTERS**

- Personnel
- Litigation - Sampson v. Upper Township
- Contract negotiation - Block 296 Lots 1, 2; Block 295 Lots 1, 2, 5-14
- Contract negotiation - Cape Professional Billing request to modify contract
- Contract negotiation - Delta Dental
- Contract negotiation - Public Safety Communications Services

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: Curtis Corson

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

### **RECONVENE PUBLIC PORTION OF MEETING**

Motion by John Coggins, second by Jay Newman, 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 8:15 P.M., with a motion by John Coggins, second by Jay Newman, and all five Committee members voting in the affirmative. The next regular meeting is scheduled for May 9, 2022, at 4:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC  
Municipal Clerk

#### Bills

79403 04/25/22 A0017 ATLANTIC CO. MUNICIPAL JIF 113,335.00 3238  
79404 04/25/22 A0018 ACTION SUPPLY INC. 170.67 3238  
79405 04/25/22 A0091 ATLANTIC CITY ELECTRIC 2,287.92 3238  
79406 04/25/22 A0193 ATLANTIC INVESTIGATIONS, LLC 202.00 3238  
79407 04/25/22 A0218 ATLANTIC CITY CYCLE CENTER LLC 704.94 3238  
79408 04/25/22 A0239 AT&T MOBILITY NAT'L ACCTS LLC 40.23 3238  
79409 04/25/22 B0035 BELMONT & CRYSTAL SPRINGS 66.22 3238  
79410 04/25/22 B0090 BROADLEY'S MDI 2,837.44 3238  
79411 04/25/22 B0093 BARRY, CORRADO & GRASSI, PC 8,102.50 3238  
79412 04/25/22 B0220 BERGEY'S TRUCK CENTERS 443.48 3238  
79413 04/25/22 B0232 BLUE FLAME GAS 428.95 3238  
79414 04/25/22 B0248 BARNES LAW GROUP LLC 1,012.50 3238  
79415 04/25/22 C0042 CAMPBELL SUPPLY COMPANY 130.56 3238  
79416 04/25/22 C0048 CAPE MAY COUNTY MUA 50,599.42 3238  
79417 04/25/22 C0052 CAPE MAY COUNTY TREASURER 1,425,205.75 3238  
79418 04/25/22 C0068 COMCAST 739.35 3238  
79419 04/25/22 C0223 CASA PAYROLL SERVICE 226.75 3238  
79420 04/25/22 C0246 CRAFT OIL CORPORATION 791.90 3238  
79421 04/25/22 C0279 CASA REPORTING SERVICES LLC 142.50 3238  
79422 04/25/22 C0296 COMCAST BUSINESS COMMUNICATION 1,407.97 3238  
79423 04/25/22 C0338 CAPE MAY COUNTY HERALD 484.00 3238  
79424 04/25/22 D0040 DELTA DENTAL OF N.J. INC. 5,770.35 3238  
79425 04/25/22 D0149 DANZIGER & MARKOFF, LLP 1,040.00 3238  
79426 04/25/22 F0053 FORD, SCOTT & ASSOCIATES 10,500.00 3238  
79427 04/25/22 G0009 GAPVAX, INC. 622.00 3238  
79428 04/25/22 G0028 GENTILINI FORD 181.09 3238  
79429 04/25/22 G0086 W.W. GRAINGER, INC. 199.24 3238  
79430 04/25/22 H0073 HOME DEPOT CRC/GEFC 245.49 3238  
79431 04/25/22 K0106 KOHLER, MARSHALL J 300.00 3238  
79432 04/25/22 L0027 LASHLEY HEATING & COOLING INC. 700.00 3238  
79433 04/25/22 L0080 LOWES, INC. 135.08 3238  
79434 04/25/22 M0035 MARMORA FIRE CO. DISTRICT #3 168,297.00 3238

79435 04/25/22 M0080 McMANIMON, SCOTLAND & BAUMANN 640.50 3238  
79436 04/25/22 M0277 EQUITABLE FINANCIAL LIFE INS. 184.35 3238  
79437 04/25/22 N0043 NAPA AUTO PARTS 160.26 3238  
79438 04/25/22 N0100 N.J. LEAGUE OF MUNICIPALITIES 130.00 3238  
79439 04/25/22 N0134 NJ Assoc for Floodplain Mangmt 40.00 3238  
79440 04/25/22 N0154 NEW HORIZON COMMUNICATIONS 810.91 3238  
79441 04/25/22 O0074 O'BRIEN, SEAN 43.25 3238  
79442 04/25/22 P0032 PEDRONI FUEL CO. 825.20 3238  
79443 04/25/22 P0175 PRIEST JR., ANTHONY 250.00 3238  
79444 04/25/22 R0030 RIGGINS, INC. 6,909.82 3238  
79445 04/25/22 R0100 ROBERTS OXYGEN COMPANY, INC. 115.35 3238  
79446 04/25/22 S0018 SUBURBAN PROPANE, LP 180.67 3238  
79447 04/25/22 S0031 SCHULER SECURITY, INC. 480.00 3238  
79448 04/25/22 S0134 SO. JERSEY GAS COMPANY 995.85 3238  
79449 04/25/22 S0254 SHOPRITE 173.66 3238  
79450 04/25/22 S0284 SOUTH JERSEY INTERPRETERS 400.00 3238  
79451 04/25/22 S0292 SURENIAN EDWARDS & NOLAN LLC 203.00 3238  
79452 04/25/22 S0358 SUPERHERO MEDIA LLC 250.00 3238  
79453 04/25/22 S0377 SHONE, JOSEPH 237.23 3238  
79454 04/25/22 T0032 THE PRESS OF ATLANTIC CITY 556.00 3238  
79455 04/25/22 T0047 W.E. TIMMERMAN CO., INC. 1,256.00 3238  
79456 04/25/22 T0129 TRUGREEN CHEMLAWN 3,837.85 3238  
79457 04/25/22 V0013 VERIZON WIRELESS 557.52 3238  
79458 04/25/22 V0024 VAL-U AUTO PARTS L.L.C. 909.02 3238  
79459 04/25/22 W0030 WEST PUBLISHING CO. 1,543.94 3238  
79460 04/25/22 W0085 WOODY, LESTER 299.03 3238  
79461 04/25/22 W0087 W.B. MASON EGG HARBOR 213.19 3238  
79462 04/25/22 W0100 WALKER, ESQUIRE DOUGLAS 200.00 3238  
79463 04/25/22 W0121 WINES, DAVIDA 159.95 3238  
Total: \$1,819,912.85