

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR MAY 23, 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 May 20, 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
Jay Newman	Present
Mark E. Pancoast	Present
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 Reeves, and Township Administrator Gary DeMarzo.

APPROVAL OF MINUTES - May 9, 2022 Regular and Closed Session Minutes

Motion by Jay Newman, second by Kimberly Hayes, to approve the May 9, 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

Mark Pancoast, Committeeman, reported on a recent phone call from a resident regarding a clogged drainpipe at Marshall Pond and the successful mitigation of the potential hazard. He next reported that Gypsy moth spraying is underway. Lastly, he reported that he recently attended several sporting events at Amanda’s Field over the weekend and stated that he received numerous compliments on the immaculate grounds.

Kim Hayes, Committeewoman, thanked Blanche Adams and Steve Zellers from the Upper Township Business Association for meeting with her and the Township Administrator. She next gave a brief update on the plans to install a disc golf course at Amanda’s Field. She next reported that she recently attended a meeting last week with the NJDEP Commissioner. She stated that the meeting was very informative and was well received. Lastly, she acknowledged the passing of a prominent member of the community, Dr. Thomas Henry.

Jay Newman, Committeeman, reported on the efforts he and Committeeman Pancoast have been working on to alleviate some of the traffic issues on the Township streets in the vicinity of Roosevelt Blvd. and stated that traffic humps will soon be installed on Randolph Blvd. to hopefully alleviate the speeding issues. He next thanked the Upper Township Business Association for the wonderful Community Guide that was published in conjunction with the Ocean City Sentinel and thanked them for the nice article about the Marmora Fire Company’s 75th anniversary.

Curtis Corson, Mayor, reported that parking enforcement is scheduled to begin this weekend in Strathmere, and they will also be monitoring the fire lanes at the ShopRite and Acme shopping centers. He next reported that a Memorial Day ceremony will be held at Osprey Point on May 30th at 11:00 am. Lastly, he reported that the Historical Preservation Society will be holding their annual Strawberry Festival on Saturday May 28th at the Gandy Farmstead.

ADMINISTRATOR OVERVIEW AND FILING OF REPORTS

1. Municipal Court

Motion by Kimberly Hayes, second by Jay Newman, to accept the report as submitted. During roll call vote all five Committee members voted in the affirmative.

Gary DeMarzo, Township Administrator, gave a brief report on several projects including code enforcement, nuisance properties, parking enforcement, and Exit 20. Last, he requested a motion to appoint Barbara Ludy, Committeeman Newman, and himself to the EMS Hardship Committee. There was a motion by Curtis Corson, second by Mark Pancoast. During roll call vote all five Committee members voted in the affirmative.

Paul Dietrich, Municipal Engineer, reported that nesting piping plovers are back on the beach, and reminded everyone that fireworks and dogs are not allowed on the beach. He next reported that an EDF intern from Sustainable Jersey has been assigned to the Township to analyze building emissions, and the Township's vehicle and energy usage. Last, he requested approval to attend the New Jersey Floodplain Association conference at a cost of \$360.00. Motion by John Coggins, second by Kimberly Hayes, to approve the request. During roll call vote all five Committee members voted in the affirmative. Committeeman Coggins requested an update on the beach erosion from the recent storm. Mr. Dietrich stated that there was some scarping on the secondary dunes and estimated that about 50,000 cubic yards of sand was lost.

CONSENT AGENDA:

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

RESOLUTIONS-CONSENT AGENDA

- 2. Honoring the Marmora Volunteer Fire Company on the occasion of their 75th Anniversary.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 170-2022

**HONORING THE MARMORA VOLUNTEER FIRE COMPANY ON THE OCCASION OF
THEIR 75TH ANNIVERSARY**

WHEREAS, 2022 marks the 75th Anniversary of the Marmora Volunteer Fire Company in Upper Township; and

WHEREAS, the Marmora Volunteer Fire Company has been dedicated to the protection of the lives and property of their fellow citizens and neighbors for 75 years; and

WHEREAS, often under difficult circumstances and great personal risk, these volunteer first responders have provided protection to life and property from fire, flood and storm damage, aided in emergency medical treatment, and maintained cooperative relations for the exchange of service with fire companies in the neighboring districts and municipalities; and

WHEREAS, the 62 members of the Marmora Volunteer Fire Company respond to approximately 300 calls per year for fire and other emergencies; and

WHEREAS, a celebration recognizing their 75 years of service to the community is scheduled to be held on June 11, 2022 at 1:00 PM, hosted by the Marmora Volunteer Fire Company, 40 Old Tuckahoe Road, Marmora, and the public is invited to join together in expressing their appreciation of these fellow first responders for their dedication and diligence to the community.

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, this Township Committee is honored to commend the Marmora Volunteer Fire Company on the distinguished occasion of their 75th Anniversary and for its many years of devoted service to the community, keeping our Township and citizens safe.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 23rd day of May, 2022.

Resolution No. 170-2022

Offered by: Newman

Seconded by: Coggins

Adopted: May 23, 2022

Roll Call Vote:

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

3. Commemorating the 100th Anniversary of the Strathmere United Methodist Church.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 171-2022

**RE: COMMEMORATING THE 100TH ANNIVERSARY OF THE
STRATHMERE UNITED METHODIST CHURCH**

WHEREAS, on June 1, 1922 the First Methodist Episcopal Church of Strathmere was incorporated by a small group of dedicated church members looking to provide a place of worship for the seaside town; and

WHEREAS, after obtaining a generous offer of land, the cornerstone of the building was set in September 1922; and

WHEREAS, we give pause, honor, and praise this day for the deep and abiding Christian commitment of those who in faith began this work, and for all those who have given so unselfishly during these many years to help the church grow and thrive; and

WHEREAS, known for its welcoming manner to all denominations and faiths, the entire community has benefited from the fine Christian influences the Strathmere United Methodist Church has exerted through the years, and the many facets of its outreach and practical assistance to the residents of Strathmere; and

WHEREAS, it is a pleasure to extend this expression of our esteem and best wishes to the members of this congregation on the memorable occasion of this 100th Anniversary; 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, that the Township Committee does hereby commend the Strathmere United Methodist Church upon this important occasion for its many years of service to the community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 23rd day of May 2022.

Resolution No. 171-2022

Offered by: Newman

Seconded by: Coggins

Adopted: May 23, 2022

Roll Call Vote:

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

4. Authorizing the Historical Preservation Society of Upper Township and Cape May Seashore Lines to host various themed train rides to be held at the Tuckahoe Train Station on several dates between June 04, 2022 and July 28, 2022.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 172-2022

RE: AUTHORIZING THE HISTORICAL PRESERVATION SOCIETY OF UPPER TOWNSHIP AND CAPE MAY SEASHORE LINES TO HOST VARIOUS THEMED TRAIN RIDES TO BE HELD AT THE TUCKAHOE TRAIN STATION ON SEVERAL DATES BETWEEN JUNE 04, 2022 AND JULY 28, 2022

WHEREAS, the Historical Preservation Society of Upper Township and Cape May Seashore Lines, hereinafter “HPSUT & CMSL”, have submitted a proposal to the Upper Township Committee requesting authority to host various themed train rides at the Tuckahoe Train Station and surrounding grounds on several dates between Saturday, June 4, 2022 and Thursday, July 28, 2022, as more particularly specified in their Application for Use of Facilities and event description attached hereto as Exhibit “A”; and

WHEREAS, the HPSUT & CMSL have 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 HPSUT & CMSL have 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 extent that it has jurisdiction to do so, to the HPSUT & CMSL to host various themed train rides at the Tuckahoe Train Station and surrounding grounds 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 HPSUT & CMSL. The HPSUT & CMSL have no connection, direct or indirect, with the Township of Upper or any of its officials or employees. The HPSUT & CMSL shall not, in any way, directly or indirectly, represent that their Themed Train Rides are, 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 HPSUT & CMSL to conduct the proposed event, it must be made clear that the event is not and shall not be considered a Township of Upper sponsored or sanctioned event.

(B) 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 HPSUT & CMSL 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. 172-2022

Offered by: Newman

Seconded by: Coggins

Adopted: May 23, 2022

Roll Call Vote:

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

5. Authorizing the Mayor to sign a consent to transaction with regard to the contract for Emergency Medical Billing services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 173-2022

**RE: AUTHORIZING THE MAYOR TO SIGN A CONSENT TO TRANSACTION WITH REGARD
TO THE CONTRACT FOR EMERGENCY MEDICAL BILLING SERVICES**

WHEREAS, the Township of Upper and Cape Professional Billing, Inc. entered into a contract for emergency medical billing services on July 26, 2021 for a term of one year, with an option to extend the contract for two additional one-year terms, pursuant to Resolution No. 211-2021; and

WHEREAS, Cape Professional Billing, Inc. will soon merge with Administrative Advantage, a Georgia limited liability company; and

WHEREAS, in accordance with Exhibit A, Section 4.4 of the contract between the Township of Upper and Cape Professional Billing, the Township wishes to assign or transfer said contract to Administrative Advantage, LLC; and

WHEREAS, a Consent to Transaction has been prepared authorizing the same; 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 is hereby authorized, directed and empowered to execute the attached Consent to Transaction on behalf of the Township of Upper.
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. 173-2022

Offered by: Newman

Seconded by: Coggins

Adopted: May 23, 2022

Roll Call Vote:

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

6. Authorizing a Shared Services Agreement with the Township of Maurice River and the County of Cumberland for the transport of heavy equipment.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 174-2022

**RE: AUTHORIZING A SHARED SERVICES AGREEMENT WITH
THE TOWNSHIP OF MAURICE RIVER AND THE COUNTY OF CUMBERLAND FOR THE
TRANSPORT OF HEAVY EQUIPMENT**

WHEREAS, the Township of Maurice River and the Township of Upper entered into a Shared Services Agreement for the use of the Township of Upper's equipment for the grading of Hunters Mill Road, as authorized by Resolution No. 315-2021; and

WHEREAS, the County of Cumberland desires to enter into a Shared Services Agreement with the Township of Maurice River and the Township of Upper for the transport of said equipment; and

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

1. **SHARED SERVICES AGREEMENT.** Pursuant to the provisions of the Uniformed Shared Services Act, (N.J.S.A. 40A:65-1, et seq.,) the Township of Upper is hereby authorized and empowered to enter into a Shared Services Agreement with the Township of Maurice River and the County of Cumberland for the transport of heavy equipment.

2. **SERVICES TO BE PROVIDED; CONTRACT.** The Shared Services Agreement authorized in paragraph 1 hereof shall cover those services, which are enumerated in said Agreement, a copy of which is attached hereto as Exhibit "A".

3. **AUTHORIZATION TO MUNICIPAL OFFICIALS.** The appropriate Township officers and officials are hereby authorized to take any action necessary or advisable to carry out the intent and purpose of this Resolution. Specifically, the Mayor and Township Clerk are hereby authorized and directed to execute such Shared Services Agreement on behalf of the Township of Upper pursuant to the authority conferred by this Resolution. The Township Clerk is further authorized and directed to seal said Agreement with the official seal of the Township of Upper.

4. **COMPLIANCE WITH STATUTORY REQUIREMENTS.** The Shared Services Agreement between the Township of Upper, the Township of Maurice River, and the County of Cumberland shall meet and satisfy the requirements of N.J.S.A. 40A:65-1, et seq., as same may be amended and supplemented.

5. **CONTRACT TERM.** The term of this Agreement is for the period of one year from date of full execution.

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

7. REPEALER. All Resolutions or parts of Resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency only.

8. EFFECTIVE DATE: This Resolution shall take effect immediately upon final adoption and publication in the manner provided by law.

Resolution No. 174-2022

Offered by: Newman

Seconded by: Coggins

Defeated: May 23, 2022

Roll Call Vote:

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

7. Authorizing a contract with Coastal Emergency Medical Training & Consulting, LLC and Dr. Michael Westrol, M.D. for Medical Director Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 175-2022

RE: AUTHORIZING A CONTRACT WITH COASTAL EMERGENCY MEDICAL TRAINING & CONSULTING, LLC AND DR. MICHAEL WESTROL, M.D. FOR MEDICAL DIRECTOR SERVICES

WHEREAS, the Township of Upper has received a proposal from Coastal Emergency Medical Training & Consulting, LLC and Dr. Michael Westrol, M.D., (hereinafter collectively referred to as “Coastal”), for Medical Director Services for the Upper Township Division of Emergency Services; and

WHEREAS, the Township Committee has considered this matter and has determined that it is in the best interest of the Township to acquire the services of Coastal as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

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

WHEREAS, the Township Chief Financial Officer, to the extent required, has certified the availability of funds to permit the Township to enter into said professional services 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 for Medical Director Services with Coastal.
3. The Township Clerk shall cause a Notice of Award of this contract to be published in the official newspaper of the Township as required by N.J.S.A 40A:11-5.
4. This Contract is a Professional Services Contract and has been awarded without competitive bidding for the following reasons:
 - (A) The services required are highly specialized or technical in nature;
 - (B) The services require peculiar ability or skill, and demand a high degree of specialized knowledge or expertise;
 - (C) The services required are professional services and/or unspecified extraordinary services within the meaning of N.J.S.A. 40A:11-5(a);
 - (D) The individual who will provide these services has demonstrated his competence and particular expertise in the services required; and
 - (E) The services to be provided are such that their nature, scope and duration are not capable of precise measurement, but rather require a flexibility and discretion that render competitive bidding impractical and inefficient.
5. 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. 175-2022

Offered by: Newman

Seconded by: Coggins

Adopted: May 23, 2022

Roll Call Vote:

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

8. Authorizing a contract with Triad Advisory Services, Inc. for professional Grant Consultant Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 176-2022

**RE: AUTHORIZING A CONTRACT WITH TRIAD ADVISORY SERVICES, INC. FOR
PROFESSIONAL GRANT CONSULTANT SERVICES**

WHEREAS, the Township of Upper has a need for professional grant consultant services; and

WHEREAS, Triad Advisory Services, Inc. has submitted a proposal to the Township to provide said consultant services; and

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

WHEREAS, Triad Advisory Services, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Triad Advisory Services, Inc. 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 Triad Advisory Services, 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 Triad Advisory Services, Inc. with offices at 1301 W. Forest Grove Road, Vineland, New Jersey, to provide professional grant consultant 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 Triad Advisory Services, Inc. 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 Triad Advisory Services, Inc. for professional grant consultant 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. 176-2022

Offered by: Newman

Seconded by: Coggins

Adopted: May 23, 2022

Roll Call Vote:

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

9. Authorizing a contract with Elizabeth Oaks for clerical services in the Upper Township Planning and Zoning Office on an as needed basis.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 177-2022

**RE: AUTHORIZING A CONTRACT WITH ELIZABETH OAKS
FOR CLERICAL SERVICES IN THE UPPER TOWNSHIP
PLANNING AND ZONING OFFICE ON AN AS NEEDED BASIS**

WHEREAS, there is a need by the Township of Upper to appoint an independent contractor to perform various clerical services in the Planning and Zoning Office on an as needed basis; and

WHEREAS, Elizabeth Oaks possesses the requisite skills to fill this position; and

WHEREAS, a Resolution is required authorizing the award of a contract for clerical services to Elizabeth Oaks; and

WHEREAS, the proposed contract has been reviewed and approved by the Municipal Attorney and will be on record in the office of the Township Clerk and available for public inspection and is attached hereto as Exhibit “A”; and

WHEREAS, Elizabeth Oaks, as an independent contractor, has completed and submitted a Form W-9 to the Township of Upper; and

WHEREAS, Elizabeth Oaks has completed and submitted a Business Entity Disclosure Certification which certifies that Elizabeth Oaks 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 Elizabeth Oaks 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 Elizabeth Oaks for clerical services in the Planning and Zoning Office as needed.
3. 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.
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. 177-2022

Offered by: Newman

Seconded by: Coggins

Adopted: May 23, 2022

Roll Call Vote:

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

10. Appointing Norman W. Briggs to act as Special Legal Counsel.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 178-2022

**RE: APPOINTING NORMAN W. BRIGGS
TO ACT AS SPECIAL LEGAL COUNSEL**

WHEREAS, the Township requires legal counsel to provide legal services in the event such services are not provided by the regular Township Solicitor due to a conflict of interest or other reason 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 Norman W. Briggs, Esquire as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Norman W. Briggs, Esquire has completed and submitted a Business Entity Disclosure Certification which certifies that Norman W. Briggs, 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 Norman W. Briggs, 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. Norman W. Briggs, Esquire with offices at 110 Roosevelt Boulevard, Suite 201, Marmora, New Jersey is hereby appointed Special Legal Counsel to handle 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 Norman W. Briggs, 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 Norman W. Briggs, 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 Norman W. Briggs, Esquire in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

8. A 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. 178-2022

Offered by: Newman

Seconded by: Coggins

Adopted: May 23, 2022

Roll Call Vote:

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

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

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 179-2022

Corson	X			
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12. Appointing Ronald Reign as a part-time seasonal Beach Sweeper for the Upper Township Public Works Department.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 180-2022

**RE: APPOINTING RONALD REIGN AS A PART-TIME SEASONAL BEACH SWEEPER FOR
THE UPPER TOWNSHIP PUBLIC WORKS DEPARTMENT**

WHEREAS, a need exists to appoint qualified personnel as part-time employees to the Upper Township Public Works Department to insure optimal operation; 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. Ronald Reign is hereby appointed as a part-time seasonal beach sweeper for the 2022 season, contingent upon pre-employment testing, at a salary of \$17.00 per hour in accordance with the Salary Ordinance.
3. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Resolution No. 180-2022

Offered by: Newman Seconded by: Coggins

Adopted: May 23, 2022

Roll Call Vote:

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

13. Appointing the 2022 season Boat Ramp Attendants.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 181-2022

RE: APPOINTING THE 2022 SEASON BOAT RAMP ATTENDANTS

WHEREAS, a need exists to appoint qualified personnel as part-time seasonal employees for the Upper Township Boat Ramp for the 2022 season; 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. Ronald Boomhower, Joseph Marrongelli, and Donald Polo are hereby appointed as part-time seasonal Boat Ramp Attendants for the 2022 season, pending pre-employment testing, at a salary of \$16.00 per hour in accordance with the Salary Ordinance.
3. This Resolution shall be effective immediately and is further intended to ratify, confirm, and approve any formal action taken by the Township Committee.

Resolution No. 181-2022

Offered by: Newman

Seconded by: Coggins

Adopted: May 23, 2022

Roll Call Vote:

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

14. Appointing the 2022 season Beach Patrol personnel.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 181-2022

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.
2. The following individuals are appointed as lifeguards in the Township of Upper at a salary as stated below in accordance with the Salary Ordinance:

RETURNING GUARDS

Malcarney, Declan	2nd year	\$16.00 per hour
Schwarz, Emma	2nd year	\$16.00 per hour
Lopacinski, Alexander	3rd year	\$16.70 per hour
Grimley, Kailey	3rd year	\$16.70 per hour
Millar, Rebecca	4th year	\$16.70 per hour
Culmone, Emily	5th year	\$17.00 per hour
O’Connell, Gregory	5th year	\$17.00 per hour
O’Hara, John	5th year	\$17.00 per hour
Pierpoint, Logan	5th year	\$17.00 per hour
Young, Nathaniel	5th year	\$17.00 per hour
Dooner, William	5th year	\$17.00 per hour
Dugan, James	Lieutenant	\$23.50 per hour

Resolution No. 182-2022

Offered by: Newman

Seconded by: Coggins

Adopted: May 23, 2022

Roll Call Vote:

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

15. Appointing Richard Kaczmariski as Supervisor Sanitation to the Upper Township Department of Public Works.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 183-2022

**RE: APPOINTING RICHARD KACZMARISKI AS SUPERVISOR SANITATION
TO THE UPPER TOWNSHIP DEPARTMENT OF PUBLIC WORKS**

WHEREAS, a need exists to promote qualified personnel within the Upper Township Public Works Department to insure optimal operation; and

WHEREAS, the Township Committee has duly considered the matter and has determined that Richard Kaczmariski possesses all of the requisite qualifications for appointment to Supervisor Sanitation; and

WHEREAS, the individual’s appointment is conditioned upon Civil Service review; 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. Richard Kaczmariski is hereby provisionally promoted to the position of Supervisor Sanitation in the Department of Public Works, pending Civil Service Review, effective May 20, 2022 at an annual salary of \$66,640.00 in accordance with the Salary Ordinance.

3. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Resolution No. 183-2022

Offered by: Newman

Seconded by: Coggins

Adopted: May 23, 2022

Roll Call Vote:

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

16. Appointing Richard Kaczmariski as Recycling Coordinator to the Upper Township Department of Public Works.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 184-2022

**RE: APPOINTING RICHARD KACZMARSKI AS RECYCLING COORDINATOR
TO THE UPPER TOWNSHIP DEPARTMENT OF PUBLIC WORKS**

WHEREAS, a need exists to promote qualified personnel within the Upper Township Public Works Department to insure optimal operation; and

WHEREAS, the Township Committee has duly considered the matter and has determined that Richard Kaczmariski possesses all of the requisite qualifications for appointment to Recycling Coordinator; 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. Richard Kaczmariski is hereby appointed to the position of Recycling Coordinator to the Department of Public Works effective May 20, 2022 at an annual salary of \$4,700.00 in accordance with the Salary Ordinance.

3. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Resolution No. 184-2022

Offered by: Newman

Seconded by: Coggins

Adopted: May 23, 2022

Roll Call Vote:

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

17. Authorizing the Engineer to prepare specifications and solicit bids for the Reconstruction of Bayview Drive Phase 4 and Prescott Avenue.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 185-2022

**RE: AUTHORIZING THE ENGINEER TO PREPARE SPECIFICATIONS AND SOLICIT
BIDS FOR THE RECONSTRUCTION OF BAYVIEW DRIVE PHASE 4
AND PRESCOTT AVENUE**

WHEREAS, the Township Committee of the Township of Upper has determined a need to provide improvements to Bayview Drive and Prescott Avenue; and

WHEREAS, pursuant to the provisions of the Local Public Contracts Law, the Township of Upper intends to solicit bids as herein indicated;

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 Engineer is hereby authorized and directed to prepare specifications, bid documents and solicit bids for the following project:

**RECONSTRUCTION OF BAYVIEW DRIVE PHASE 4
AND PRESCOTT AVENUE**

3. Sealed bids shall be received by the Township of Upper in accordance with the directives contained in the Notice to Bidders.

Resolution No. 185-2022

Offered by: Newman

Seconded by: Coggins

Adopted: May 23, 2022

Roll Call Vote:

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

18. Authorizing the Engineer to prepare specifications and solicit bids for Stormwater Pumping.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 186-2022

**RE: AUTHORIZING THE ENGINEER TO PREPARE SPECIFICATIONS
AND SOLICIT BIDS FOR STORMWATER PUMPING**

WHEREAS, the Township Committee of the Township of Upper has determined a need to solicit bids for stormwater pumping; and

WHEREAS, pursuant to the provisions of the Local Public Contracts Law, the Township of Upper intends to solicit bids as herein indicated; 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 Engineer is hereby authorized and directed to prepare specifications, bid documents and solicit bids for the following:

STORMWATER PUMPING

3. Sealed bids shall be received by the Township of Upper in accordance with the directives contained in the Notice to Bidders.

Resolution No. 186-2022

Offered by: Newman

Seconded by: Coggins

Adopted: May 23, 2022

Roll Call Vote:

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

19. Tax refund Block 599, Lot 16, Qualification C200.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 187-2022

**TAX REFUND
BLOCK 599, LOT 16, QUALIFICATION C200**

WHEREAS, certain corrections have been recommended by the Upper Township Tax Collector in order to refund monies; and

WHEREAS, Title Partners , LLC and the Homeowner paid the 2022 2nd quarter taxes on the above property; and

WHEREAS, the Homeowner has requested a refund for the overpayment in the amount of \$414.17; and

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

Resolution No. 187-2022

Offered by: Newman

Seconded by: Coggins

Adopted: May 23, 2022

Roll Call Vote:

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

REFUND BLOCK/LOT
599/16/C200

AMOUNT
\$ 414.17

NAME
William & Elizabeth Blake
40 Carter Way
Glen Mills, PA 19342

20. Approving the Flood Warning and Response Plan for the Township of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 188-2022

**RE: APPROVING FLOOD WARNING AND RESPONSE PLAN
FOR THE TOWNSHIP OF UPPER**

WHEREAS, Upper Township is an active participant in FEMA’s Community Rating System (CRS) program and currently a Class 5 Community; and

WHEREAS, Upper Township has prepared a Watershed Management Plan that meets FEMA’s CRS requirements; and

WHEREAS, Upper Township has prepared a Flood Warning and Response Plan (610 Plan) that meets FEMA’s CRS requirements; and

WHEREAS, the 610 Plan outlines the procedures and systems the Township has in place to establish the flood threat, how emergency warnings are disseminated and the actions the Township takes in event of a flood emergency; 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 adopts the 610 Plan and authorizes the Engineer to submit it to FEMA for inclusion into our CRS program.
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. 188-2022

Offered by: Newman

Seconded by: Coggins

Adopted: May 23, 2022

Roll Call Vote:

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

ORDINANCES

21. Public hearing and final adoption of Ordinance No. 010-2022 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XII (CAMPGROUNDS AND TRAILERS), CHAPTER XIX (LAND SUBDIVISION, SITE PLAN AND LAND USE ADMINISTRATION) AND CHAPTER XX (ZONING) OF THE CODE OF UPPER TOWNSHIP. Committeemen Corson and Newman abstained from this matter. The Municipal Attorney recommended that the matter be further discussed in closed session prior to any action by the Committee. There was then a motion by John Coggins, second by Kimberly Hayes, to postpone the public hearing of Ordinance 010-2022 to the June 13, 2022, meeting. During roll call vote three Committee members voted in the affirmative. Committeemen Corson and Newman abstained.

22. **Public hearing and final adoption of Ordinance No. 013-2022 RE: AN ORDINANCE AMENDING ORDINANCE NO. 012-2020 KNOWN AS THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2021.** During the public hearing there were no speakers. Motion by Jay Newman, second by Kimberly Hayes to adopt Ordinance 013-2022. During roll call vote all five Committee members voted in the affirmative.

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

ORDINANCE NO. 013-2022

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

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

SECTION 1: Ordinance No. 012-2020, known as the Salary Ordinance of 2021 at Section 2, is hereby amended as hereinafter provided for the line items as indicated below:

SECTION 2: SALARIES: Salaries for the various officials and employees of the Township of Upper for the calendar year 2021 shall be as follows:

<u>POSITION</u> (P/T denotes "Part-Time Position")	<u>MINIMUM</u>	<u>MAXIMUM- 2021</u>
<u>E. PUBLIC WORKS / SPORTS AND RECREATIONAL PROGRAMS:</u>		
Sr. Carpenter (0-9 yrs.)	12,500.00	61,728.00
Sr. Carpenter (10 or more yrs.)	12,500.00	63,366.00
Carpenter (0-9 yrs.)	12,500.00	57,872.00
Carpenter (10 or more yrs.)	12,500.00	59,509.00
Carpenter's Helper	12,500.00	57,872.00
Senior Mechanic (0-9 yrs.)	12,500.00	61,728.00
Senior Mechanic (10 or more yrs.)	12,500.00	63,366.00
Mechanic (0-9 yrs.)	12,500.00	58,959.00
Mechanic (10 or more yrs.)	12,500.00	60,597.00
Mechanics Helper (0-9 yrs.)	12,500.00	56,589.00
Mechanics Helper (10 or more yrs.)	12,500.00	58,226.00
Equipment Operator (0-9yrs.)	12,500.00	58,135.00
Equipment Operator (10 or more yrs.)	12,500.00	59,509.00
Truck Driver, Heavy (0-9 yrs.)	12,500.00	58,135.00
Truck Driver, Heavy (10 or more yrs.)	12,500.00	59,509.00
Truck Driver (0-9 yrs.)	12,500.00	56,497.00
Truck Driver (10 or more yrs.)	12,500.00	58,135.00
Laborer 1, 1st year	12,500.00	44,099.00
Laborer 1, 2nd year	12,500.00	46,418.00
Laborer 1, 3rd year	12,500.00	48,739.00

Laborer 1, 4th year	12,500.00	51,059.00
Laborer 1, 5th year	12,500.00	53,381.00
Laborer 1 (6-9 yrs.)	12,500.00	55,152.00
Laborer 1 (10 or more yrs.)	12,500.00	56,789.00
Laborer 1 (P/T)	5.00 Hr.	16.00 Hr.
Sr. Sanitation Inspector	12,500.00	59,509.00
Sanitation Inspector (0-9 yrs.)	12,500.00	57,872.00
Sanitation Inspector (10 or more yrs.)	12,500.00	59,509.00
Recycling Laborer	10,400.00	44,099.00
Recycling Coordinator (P/T)	No Min.	5,700.00
Recycling Program Aide	No Min.	2,500.00
Assistant Recycling Coordinator (P/T)	No Min.	2,850.00
Building Maintenance Worker (0-9 yrs.)	22,000.00	40,708.00
Building Maint. Worker (10 or more yrs.)	22,000.00	41,779.00
Maint. Worker 2, Grounds (0-9 yrs.)	11,500.00	60,236.00
Maint. Worker 2, Grds (10 or more yrs.)	11,500.00	61,728.00
Maintenance Repairer (0-9 yrs.)	10,500.00	57,872.00
Maintenance Repairer (10 or more yrs.)	10,500.00	59,509.00
Senior Maintenance Repairer	12,500.00	61,728.00
Maint. Worker 1, Grounds (0-9 yrs.)	10,500.00	56,497.00
Maint. Worker 1, Grds (10 or more yrs.)	10,500.00	58,135.00

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 **11th DAY OF APRIL, 2022** AND A NOTICE WAS PUBLISHED FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE **9th DAY OF MAY, 2022**, DURING WHICH TIME THE PUBLIC HEARING WAS POSTPONED TO A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE **23rd DAY OF MAY, 2022 AT 6:30 P.M.** AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED

BARBARA L. YOUNG, TOWNSHIP CLERK

TOWNSHIP OF UPPER

23. **Public hearing and final adoption of Ordinance No. 014-2022 RE: AN ORDINANCE REVISING JOB CLASSIFICATIONS AND TITLES AND AMENDING CHAPTER V, ENTITLED “PERSONNEL”, OF THE CODE OF UPPER TOWNSHIP.** Motion by Jay Newman, second by Kimberly Hayes, to amend Ordinance 014-2022 to remove the title of Director of Public Safety, and set the public hearing of Ordinance 014-2022, as amended, to the June 13, 2022, meeting. During roll call vote five Committee members voted in the affirmative.
24. **Public hearing and final adoption of Ordinance No. 015-2022 RE: AN ORDINANCE AMENDING ORDINANCE NO. 018-2021 KNOWN AS THE SALARY ORDINANCE FOR THE CALENDAR YEAR 2022.** Motion by Jay Newman, second by Kimberly Hayes, to amend Ordinance 015-2022 to remove the salary for Public Safety Director, add a salary for Code Enforcement Officer, add a salary for Zoning Officer P/T, and correct the salary for the title of Maintenance Worker 1 Grounds. The motion further set the public hearing of Ordinance 015-2022, as amended, to the June 13, 2022, meeting. During roll call vote five Committee members voted in the affirmative.
25. **Introduction and first reading of Ordinance No. 016-2022 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER II (ADMINISTRATION) OF THE CODE OF UPPER TOWNSHIP.** Motion by Jay Newman, second by Kimberly Hayes, to introduce Ordinance No. 016-2022 with the public hearing and final adoption scheduled for June 13, 2022 at 4:30 PM. During roll call vote all five Committee members voted in the affirmative.

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

ORDINANCE NO. 016-2022

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

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

Delete Section 2-2.10, entitled Assistant Township Administrator, in its entirety.

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 **23RD DAY OF MAY, 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 **13TH DAY OF JUNE, 2022 AT 4:30 P.M.** AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

26. **Introduction and first reading of Ordinance No. 017-2022 RE: AUTHORIZING THE SALE OF LAND TO WIT, BLOCK 479, LOTS 70 AND 72 TO THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM.** Motion by John Coggins, second by Mark Pancoast, to introduce Ordinance No. 017-2022 with the public hearing and final adoption scheduled for June 27, 2022 at 6:30 PM. During roll call vote all five Committee members voted in the affirmative.

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

ORDINANCE NO. 017-2022

RE: AUTHORIZING THE SALE OF LAND TO WIT, BLOCK 479, LOTS 70 AND 72 TO THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM

WHEREAS, the Township of Upper is the owner, in fee, of certain parcels 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 479, Lots 70 and 72; and

WHEREAS, the Township has received an offer from the State of New Jersey Department of Environmental Protection Green Acres Program, hereinafter referred to as “NJDEP”, to purchase said parcels; and

WHEREAS, after discussion and deliberation the Township Committee is of the opinion that the sale of said parcels will be in the best interest of the Township; and

WHEREAS, the Township Committee has determined that the fair market value of such parcels is the sum of \$82,500.00, as evidenced by an independent appraisal obtained by the NJDEP and confirmed by the Tax Assessor of the Township of Upper; and

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

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

Block 479, Lots 70 and 72

in accordance with N.J.S.A. 40A:12-13(b)(1). Pursuant to said statute such sale shall not be for less than the fair market value of said real property and the fair market value of said parcels sold as well as the purchase price of same is hereby established as follows:

Block 479, Lots 70 and 72

Fair Market Value: \$82,500.00

SECTION 2: Prior to said sale, either the Township or the NJDEP will obtain a title report from a title company or abstract company licensed to do business in the State of New Jersey.

SECTION 3: The list of property authorized to be sold together with the sale price shall be posted at Township Hall and advertisement of the sale shall be made in a newspaper circulating in the Township within 5 days following enactment of this Ordinance. Offers for the property may thereafter be made to the Township Committee for 20 days following said advertisement. The Township Committee may reconsider this Ordinance not later than 30 days after enactment and thereafter advertise the property for public sale pursuant to N.J.S.A. 40A:12-13(a). The Township Clerk shall file with the Director of the Division of Local Government Services in the Department of Community Affairs sworn affidavits verifying the publication of the foregoing advertisements.

SECTION 4: In the event the Township Committee receives no offers for the property pursuant to the advertisement of same in accordance with N.J.S.A. 40A:12-13(b), the NJDEP shall purchase same in accordance with this Ordinance. The Township Committee expressly reserves the right to revoke its authorization to sell the subject real property any time prior to consummation said sale. The Township Committee is authorized to confirm the sale by resolution to complete the transaction pursuant to this Ordinance and N.J.S.A. 40A:12-13.

SECTION 5: At the time of closing, the NJDEP shall be required to pay the following sums in addition to the purchase price:

- (A) Any sums required for title insurance.
- (B) The cost of any survey ordered by the purchaser.
- (C) Title company settlement fees covering services to the purchaser.

SECTION 6: The Deed from the Township of Upper shall be what is commonly known as a Bargain and Sale Deed.

SECTION 7: The title to be delivered by the Township shall be free and clear of all taxes up to and including the date when the Deed is delivered and closing takes place. Purchaser shall be responsible for all taxes thereafter. Unless otherwise specified herein, the purchaser shall be liable for payment of all assessments, of any nature, against said land.

SECTION 8: The title to be delivered by the Township shall be under and subject to all easements and rights of way, recorded and unrecorded, whether for utilities or for others, and shall also be subject to all conditions, reservations and restrictions of record, if any. If the title report discloses an unmarketable condition of title, except as specified herein, the sole remedy of the purchaser shall be limited to the return of payments made to the Township of Upper on account of the purchase price. This sale is under and subject to any riparian claim which may affect said property. Nothing herein shall be construed as obligating the Township of Upper to construct or maintain access roads to any portion of the property being sold. Such property may not qualify for a building permit due to lack of water supply, lack of sewer or septic facilities, lack of access, inadequate lot size, or other reasons, including those reasons set forth below. The purchaser is required to comply with all applicable zoning, building and health ordinances and codes and regulations. The property being sold may be situate in a Flood Hazard Zone. The Township of Upper makes no warranties or representations, expressed or implied, as to the property being offered for sale, the condition or marketability of the title or any other matter. The Township of Upper makes no warranties or representations, expressed or implied, as to whether or not the property being offered for sale contains any wetlands anywhere on the property. The Township makes no warranties or representations as to any matter of an environmental nature, or otherwise, which may prevent or limit building or construction.

SECTION 9: All references to Blocks and Lots described herein are to the Blocks and Lots as shown on the Current Official Tax Map of the Township of Upper.

SECTION 10: The provisions of this Ordinance pertaining to this sale shall survive the closing of title and shall not merge into the Deed.

SECTION 11: 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 **23rd DAY OF MAY, 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 **27th DAY OF JUNE, 2022** AT 6:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

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

CORRESPONDENCE

27. **Regulation of seasonal units.** The Township Administrator reported that in response to recent complaints regarding nuisance behavior at an Air B&B rental property, the current code was researched, and it has been determined that the current code will be able to handle the resident complaints with increased enforcement of the laws already on the books.

NEW BUSINESS

28. **Bruckner Chase Ocean Positive Inc. proposed grant for improvements to Beesley's Point Park.** Committeewoman Hayes reported that Ocean Positive has received a grant from the Christopher and Dana Reeve foundation and would like to donate a changing station for the para-athletes. The design satisfies all ADA requirements and is acceptable to County Open Space. She stated that with using the grant funds and DPW labor, an additional \$3,000.00 is still needed. After a brief discussion, it was decided that Committeewoman Hayes would work with the CFO to find the funding for the project.

29. **Amendment to Facility Use Ordinance.** Committeewoman Hayes stated that two businesses have approached the Township to utilize the Strathmere beach and Beesley's Point Park for yoga, however the fees are prohibitive. She proposed changing the fee ordinance to offer a onetime seasonal fee for community health initiative type programs. After a lengthy discussion, the Township Administrator was directed to work with Committeewoman Hayes to put together a proposed change to the facility use fee structure and bring it back to the Committee for further review.

30. **UT/OC Municipal Alliance - DMHAS Grant.** Motion by Jay Newman, second by Kimberly Hayes, to move forward with the Grant application. During roll call vote all five Committee members voted in the affirmative. A resolution for formal action will be placed on the next agenda.

UNFINISHED BUSINESS

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

Bills approved for payment: \$573,035.55

Payroll: \$175,940.05

PUBLIC COMMENT – LIMITED TO FIVE (5) MINUTES PER PERSON

Joe Falls, Bayaire Road, spoke about his concerns with the Airbnb on Bayaire Road and submitted Ordinances from other municipalities regarding the issue.

Blanche Adams, Upper Township Business Association, thanked Committeewoman Hayes and Administrator DeMarzo for recently meeting with her and Steve Zellers and stated that she appreciates the open communication and continued support of Upper Township businesses.

Kaitlynn Quirk, Marmora, inquired into the plans, if any, for the corner lot of Roosevelt Blvd and Route 9, and stated she and her fiancée would strongly support the Township purchasing the lot and turning the lot into a park. It was stated that at one time the lot was offered to the Township however because of remediation issues and costs, the Township did not accept the property. The property owners have now put the lot on the market for sale.

Barbara Leary, Seaville, read a statement into the record regarding the Township Administrator position and the Township’s appointment of Mr. DeMarzo. She stated that she has filed a complaint with the Cape May County prosecutor’s office regarding the Township’s hiring practices and urged all residents to do the same.

James Burger, Petersburg, stated that the events held on Saturday at Amanda’s Field were a huge success and thanked the Public Works Department for the beautiful facility.

Janice Connell, President Strathmere Improvement Association, reported that last Tuesday the SIA unveiled two interpretive signs at the entrance to the Corson’s Inlet State Park describing Strathmere’s role in the Atlantic flyway for migratory birds and the twelve endangered species found in Strathmere’s natural area. She also spoke about nuisance complaints regarding excessive noise, underage drinking, and dogs on the beach.

Nathalie Neiss, Petersburg, spoke about numerous items including the public safety director, the five-minute limitation on public comment, and Airbnb. Ms. Neiss then submitted a letter regarding these items to the Committee.

CLOSED SESSION

31. 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. 189-2022
MOTION GOING INTO CLOSED SESSION
May 23, 2022**

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

MATTERS

1. Personnel
2. Contract negotiation - Resiliency Planning
3. Contract negotiation - Video Recording Services
4. Contract negotiation - Shared Service Agreements with Corbin City for EMS Services and EMS Billing
5. Contract negotiation - Shared Services with Corbin City for Municipal Court Services
6. Contract negotiation - Recycling Dumpster
7. Contract negotiation - Wastewater Treatment
8. Contract negotiation - Redevelopment Agreement
9. 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: Jay Newman

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

RECONVENE PUBLIC PORTION OF MEETING

Motion by John Coggins, second by Mark Pancoast, to reconvene the public portion of the meeting. During roll call vote all five Committee members voted in the affirmative.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:49 P.M., with a motion by John Coggins, second by Kimberly Hayes, and all five Committee members voting in the affirmative. The next regular meeting is scheduled for June 13, 2022, at 4:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

Bills

79528 05/23/22 A0035 AIRLINE HYDRAULIC CORP. 267.97 3243
79529 05/23/22 A0091 ATLANTIC CITY ELECTRIC 24,705.21 3243
79530 05/23/22 A0193 ATLANTIC INVESTIGATIONS, LLC 819.00 3243
79531 05/23/22 A0212 ANCERO, LLC 12,396.00 3243
79532 05/23/22 A0218 ATLANTIC CITY CYCLE CENTER LLC 181.97 3243
79533 05/23/22 A0235 AMAZON CAPITAL SERVICES, INC. 2,019.05 3243
79534 05/23/22 A0239 AT&T MOBILITY NAT'L ACCTS LLC 160.92 3243
79535 05/23/22 B0035 BELMONT & CRYSTAL SPRINGS 55.52 3243
79536 05/23/22 B0182 BRIGGS LAW OFFICE, P.C. 87.50 3243
79537 05/23/22 B0248 BARNES LAW GROUP LLC 750.00 3243
79538 05/23/22 C0042 CAMPBELL SUPPLY COMPANY 2,481.54 3243
79539 05/23/22 C0068 COMCAST 739.37 3243
79540 05/23/22 C0182 CDW GOVERNMENT, INC 66.14 3243
79541 05/23/22 C0204 CUMBERLAND INSURANCE GROUP 6.00 3243
79542 05/23/22 C0223 CASA PAYROLL SERVICE 234.25 3243
79543 05/23/22 C0247 CMRS-FP 2,000.00 3243
79544 05/23/22 C0259 CAPE PHYSICIANS ASSOCIATES, PA 690.00 3243
79545 05/23/22 C0279 CASA REPORTING SERVICES LLC 154.50 3243
79546 05/23/22 C0296 COMCAST BUSINESS COMMUNICATION 1,407.97 3243
79547 05/23/22 C0307 CNS ACQUISITION CORPORATION 835.00 3243

79548 05/23/22 D0016 DALEYS PIT 1,570.00 3243
79549 05/23/22 D0040 DELTA DENTAL OF N.J. INC. 5,770.35 3243
79550 05/23/22 D0133 DOLLARD-BAKER SEW AND VAC 20.00 3243
79551 05/23/22 D0175 DICKINSON, CARRIE L. 490.00 3243
79552 05/23/22 G0006 GARBUTT,PATRICIA A. 150.00 3243
79553 05/23/22 G0016 GARDNER HARDWARE INC. 21.27 3243
79554 05/23/22 G0086 W.W. GRAINGER, INC. 187.32 3243
79555 05/23/22 J0079 JAMES WYERS LANDSCAPING, LLC 500.00 3243
79556 05/23/22 K0028 KIRK'S PIZZA, INC. 390.00 3243
79557 05/23/22 K0037 KOHLER, JOHN F 386.41 3243
79558 05/23/22 K0100 KEEN COMPRESSED GAS CO. 260.00 3243
79559 05/23/22 L0007 LC EQUIPMENT, INC. 500.00 3243
79560 05/23/22 M0032 MARINE RESCUE PRODUCTS,INC. 1,185.00 3243
79561 05/23/22 M0035 MARMORA FIRE CO. DISTRICT #3 168,297.00 3243
79562 05/23/22 M0235 MODERN GROUP, LTD 705.45 3243
79563 05/23/22 M0303 MALEY GIVENS, A PROF CORP 2,275.50 3243
79564 05/23/22 M0328 McCauley, Richard 64.50 3243
79565 05/23/22 N0043 NAPA AUTO PARTS 62.14 3243
79566 05/23/22 N0052 NATL YOUTH SPORTS COACHED ASSN 380.00 3243
79567 05/23/22 N0154 NEW HORIZON COMMUNICATIONS 814.16 3243
79568 05/23/22 P0032 PEDRONI FUEL CO. 4,534.45 3243
79569 05/23/22 P0056 TURF EQUIPMENT AND SUPPLY CO 271.05 3243
79570 05/23/22 R0030 RIGGINS, INC. 16,618.14 3243
79571 05/23/22 S0031 SCHULER SECURITY, INC. 587.00 3243
79572 05/23/22 S0035 SCHOPPY WILLIAM TROPHY CO. 84.95 3243
79573 05/23/22 S0056 SEASHORE ASPHALT CORPORATION 456.80 3243
79574 05/23/22 S0057 SERVICE TIRE TRUCK CENTERS 386.59 3243
79575 05/23/22 S0065 SEAVILLE FIRE CO. DISTRICT #4 149,835.75 3243
79576 05/23/22 S0134 SO. JERSEY GAS COMPANY 775.53 3243
79577 05/23/22 S0154 SOUTH JERSEY OVERHEAD DOOR 262.50 3243
79578 05/23/22 S0191 STRATHMERE FIRE CO.DISTRICT #1 24,924.00 3243
79579 05/23/22 S0254 SHOPRITE 81.92 3243
79580 05/23/22 T0032 THE PRESS OF ATLANTIC CITY 1,127.33 3243
79581 05/23/22 T0117 TUCKAHOE FIRE DISTRICT #2 134,825.00 3243
79582 05/23/22 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3243
79583 05/23/22 T0211 TRELEASE, BRIAN P., ESQUIRE 192.00 3243
79584 05/23/22 U0003 U.S. MUNICIPAL SUPPLY, INC. 340.67 3243
79585 05/23/22 U0038 UPPER TOWNSHIP RESCUE SQUAD 289.37 3243
79586 05/23/22 V0013 VERIZON WIRELESS 649.99 3243
79587 05/23/22 V0026 VITAL COMMUNICATIONS, INC. 80.50 3243
79588 05/23/22 W0119 Wyers, James 2,600.00 3243
Total: \$573,035.55