

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR JULY 11, 2022**

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

Mayor Corson read the following Open Public meeting notice into the record:
“In compliance with the Open Public Meetings Law, I wish to state that on July 8, 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. Due to technical difficulties tonight’s meeting will not be video recorded. Tonight’s meeting is being audio recorded only 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 - June 27, 2022 Regular Meeting and Closed Session Minutes

Motion by Jay Newman, second by Kimberly Hayes, to approve the June 27, 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 that our new Code Enforcement Officer Richard Kaczmariski has been very busy sending out code violations and completing the code enforcement training. He next reported that he had a very productive meeting with JASM Consulting regarding upgrades to the Township’s website. He next thanked the Department of Public Works for their help during the 4th of July event. Lastly, he reported that the 911 Core System that is shared with Ocean City is almost complete.

Kimberly Hayes, Committeewoman, reported that the Township’s July 4th event was very successful. She thanked those involved with the event and especially thanked the Fire Companies, EMS, DPW, OEM, Mike Jones for his efforts in heading up the OEM, and the Vendors that participated. She also personally thanked Misty Meadows Sheep Farm for allowing her to drive their

tractor. She next thanked EMS and Cape Assist for partnering with the Township to make the First Responders Kids Camp successful. Lastly, she reported that discussions are moving forward with Exit 20 and stated that she would defer to the Township Administrator for an update.

Jay Newman, Committeeman, echoed the sentiments of Committeewoman Hayes stating that the July 4th event and the First Responders Kids Camp were very successful. He next reported on a safety concern with large holes being dug on the beach. He stated that not only could pedestrians and beach goers' trip and fall in the holes, but the guards could as well. He reminded everyone to follow the directions of the Lifeguards and if they see something to say something so the holes can be filled in. He also reminded everyone to be aware of the restricted areas on the beach where there are endangered piping plovers and other species. He next reported on an incident yesterday involving a head on collision on Route 49 where four patients had to be medevacked. He thanked the public safety professionals involved for doing a phenomenal job. He explained that the Chiefs meet on a regular basis to review and update training for events such as this. Lastly, he gave a brief report on beach counts.

Curtis Corson, Mayor, echoed his colleagues' sentiments regarding the 4th of July. He stated that the fireworks went off without a hitch. He next reported on the State Comptrollers report in that of the sixty municipalities surveyed, Upper Township was one of only three towns out of 60 that were found to have no violations to the laws regarding sick and vacation leave policies. He thanked the Township's professionals past and present for getting the Township into compliance. He next reported that there was an article in the paper regarding an Ordinance recently adopted by Middle Township on Airbnb's. He requested that the Township Administrator obtain a copy of the Middle Township Ordinance to pass along to the Planning Board for review. Lastly, he discussed the need for funding for Shore Protection and requested a letter of support to be drafted in support of Senate Bill 2449 and Assembly Bill 3535. Motion by Kimberly Hayes, second by Jay Newman, to authorize the mayor to sign a letter of support for Senate Bill 2449 and Assembly Bill 3535. During roll call vote all five Committee members voted in the affirmative.

ADMINISTRATOR OVERVIEW AND FILING OF REPORTS

Gary DeMarzo, Township Administrator, thanked the engineer for his efforts regarding the beach fill. He next spoke regarding the July 4th events and an explosion in a neighboring town that occurred while fireworks were being shot off from a barge. He explained that there were shells that landed on the Upper Township beach. However, the Upper Township Department of Public Works secured the site while the State Police and Marine Police dismantled the explosives. He asked if anyone comes across any shells or debris that looks like an explosive to report it. He then gave a brief update on the Exit 20 discussions with the New Jersey Turnpike Authority and the agencies involved. He also gave brief report on the meeting with the web designer. He then thanked the Department Heads and the Municipal Attorney for the work they've been doing. Lastly, he thanked the Cape May County Sheriffs Department and the Upper Township Business Association for their help with the July 4th events.

1. Animal Control
2. Clerk's Office
3. Construction Code
4. Division of EMS
5. Finance
6. Municipal Court
7. MUA Report
8. Public Works
9. Tax Collector

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

OTHER REPORTS

Paul Dietrich, Municipal Engineer, reported that the beach entrances at Seacliff and Winthrop will be closed for the remainder of the summer due to dangerous erosion. He stated that a federal beach fill project is scheduled for 2023. He next stated that the protection of the endangered species on the beach is very important and reminded everyone that dogs are not allowed on the beach during the summer season.

PRESENTATION

10. Honoring John Dollard and Dollard-Baker Sew and Vac for 100 years of service to the community. Mayor Corson and the Committee presented the following proclamation to Mr. Dollard.

TOWNSHIP OF UPPER COUNTY OF CAPE MAY

PROCLAMATION

HONORING JOHN DOLLARD AND DOLLARD-BAKER SEW AND VAC FOR 100 YEARS OF SERVICE TO THE COMMUNITY

WHEREAS, the citizens of the Township of Upper are pleased to honor and salute, John Dollard, owner of Dollard-Baker Sew & Vac, in recognition of 100 years of business and service to the community; and

WHEREAS, the Dollard family legacy began with John Dollard 's grandfather, Thomas Dollard, who along with his son and nephew opened his sewing machine and vacuum cleaner shop in Atlantic City in 1921; and

WHEREAS, John Dollard, who continues the family legacy today with his family and a few loyal employees entered the family business in 1970 right out of the military. After the passing of his father in 1975, John kept the business going, running the shop during his off hours while working as an Atlantic City Police Officer; and

WHEREAS, in 2002 John Dollard moved his store to the South Shore Plaza in Marmora and opened the doors of what is now known as Dollard-Baker Sew & Vac; and

WHEREAS, for more than 100 years, the Dollard family has owned and operated their business and John Dollard, his family, and staff continue to work diligently and with tireless devotion to the benefit of their patrons and are recognized and commended for their exemplary dedication and motivation that have contributed to the reputation of the Dollard-Baker Sew & Vac; and

WHEREAS, for more than ten decades Dollard’s Sew & Vac is still going strong through economic crises, technological advances, the COVID-19 pandemic, and world events; and

WHEREAS, Dollard-Baker Sew & Vac has continued, throughout its remarkable history, to draw strength and inspiration from a tradition of honesty, hard work and family values instilled by John Dollard and shared with distinction by his family; and

NOW, THEREFORE BE IT RESOLVED by the citizens of the Township of Upper to proclaim sincere best wishes for continued success and prosperity to the Dollard Family and staff of Dollard-Baker Sew & Vac.

**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

11. Appointing Louis M. Belasco as an appraiser for the Township of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 234-2022

**RE: APPOINTING LOUIS M. BELASCO AS AN APPRAISER
FOR THE TOWNSHIP OF UPPER**

WHEREAS, the Township periodically requires an appraiser to provide services to obtain the fair market value of lots owned by the Township with respect to the anticipated sale of said lots; and

WHEREAS, the Township has decided to acquire the services of Louis M. Belasco 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, Louis M. Belasco has completed and submitted a Business Entity Disclosure Certification which certifies that Louis M. Belasco 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 Louis M. Belasco 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. Louis M. Belasco with offices at PO Box 305, Wildwood, New Jersey is hereby appointed appraiser for the Township of Upper for the appraisal of lots in connection with the Township's anticipated sale of said lots.

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 Louis M. Belasco has professional knowledge as to appraisal issues which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

NOTICE OF CONTRACT AWARD

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

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

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

8. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Louis M. Belasco in accordance with

the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

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

10. This Resolution shall be effective as of adoption.

Resolution No. 234-2022

Offered by: Newman

Seconded by: Hayes

Adopted: July 11, 2022

Roll Call Vote:

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

12. Authorizing the Township of Upper to enter into a contract with Cape Physicians Associates to provide pre-employment physical examinations.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 235-2022

**RE: AUTHORIZING THE TOWNSHIP OF UPPER TO ENTER INTO A
CONTRACT WITH CAPE PHYSICIANS ASSOCIATES TO PROVIDE
PRE-EMPLOYMENT PHYSICAL EXAMINATIONS**

WHEREAS, pursuant to Section 9 of the Supervisor’s Personnel Policies and Procedures Manual, the Township of Upper provides for a pre-employment physical examination to a prospective employee in order to ensure that they can perform the duties of their position without injury to themselves or others; and

WHEREAS, Cape Physicians Associates possesses the requisite skill and knowledge to perform these services; and

WHEREAS, a Resolution is required authorizing the award of a contract for professional services to Cape Physicians Associates as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the proposed contract has been reviewed and approved by the Township's Legal Counsel 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, Cape Physicians Associates has completed and submitted a Business Entity Disclosure Certification which certifies that Cape Physicians Associates 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 Cape Physicians Associates 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 Cape Physicians Associates to provide hearing examinations.
3. Cape Physicians Associates 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. 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 Cape Physicians Associates 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 Cape Physicians Associates. 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. 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. 235-2022

Offered by: Newman Seconded by: Hayes

Adopted: July 11, 2022

Roll Call Vote:

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

13. Authorizing a five-year extension to the Lease and Services Agreement between the Township of Upper and the Upper Township Rescue Squad for the premises located at 2028 Tuckahoe Road, Petersburg, New Jersey.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N**

RESOLUTION NO. 236-2022

RE: AUTHORIZING A FIVE (5) YEAR EXTENSION TO THE LEASE AND SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF UPPER AND THE UPPER TOWNSHIP RESCUE SQUAD FOR THE PREMISES LOCATED AT 2028 TUCKAHOE ROAD, PETERSBURG, NEW JERSEY

WHEREAS, the Township of Upper entered into a Lease and Services Agreement with the Upper Township Rescue Squad, a nonprofit corporation, on July 23, 2007 for the premises located on 2028 Tuckahoe Road, Petersburg, New Jersey pursuant to Ordinance No. 14-2007,

WHEREAS, said Agreement has been renewed for additional 5-year terms on July 9, 2012 and July 10, 2017, and was amended to authorize the Township of Upper to enter into a Memorandum of Understanding regarding the utilization of an ambulance belonging to the Upper Township Rescue Squad and licensed to the Township of Upper, Division of EMS pursuant to Resolution 300-2022 adopted on November 9, 2020; and

WHEREAS, both parties desire to extend the term of said Agreement, as amended, for an additional five year as term as provided in the original Lease Agreement; 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 authorizes the Mayor and Township Clerk to sign an Amendment to the Lease and Services Agreement with the Upper Township Rescue Squad which extends the term of said lease for an additional five years, expiring on July 23, 2027.
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. 236-2022

Offered by: Newman Seconded by: Hayes

Adopted: July 11, 2022

Roll Call Vote:

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

14. Authorizing a one-year extension of the contract with Administrative Advantage, LLC for Emergency Medical Billing Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 237-2022

**RE: AUTHORIZING A ONE YEAR EXTENSION OF THE CONTRACT
WITH ADMINISTRATIVE ADVANTAGE, LLC FOR
EMERGENCY MEDICAL BILLING SERVICES**

WHEREAS, the Township of Upper and Cape Professional Billing, Inc., of 5 Locust Lane, P.O. Box 670, Cape May Court House, New Jersey 08210, entered into a contract on July 26, 2021 for Emergency Medical Billing Services pursuant to Resolution No. 211-2021; and

WHEREAS, on February 5, 2022, Cape Professional Billing merged with Administrative Advantage, LLC; and

WHEREAS, in accordance with Section 4.4 of the contract with Cape Professional Billing, the Township transferred said contract to Administrative Advantage, LLC pursuant to Resolution No. 173-2022; and

WHEREAS, the Township of Upper desires to extend the terms of the contract for Emergency Billing Services, as stipulated within, for an additional one year; and

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

WHEREAS, the Chief Financial Officer has certified the availability of funds for the renewed 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 contract with Administrative Advantage, LLC for Emergency Medical Billing Services, is hereby renewed for an additional one year term for the period commencing August 1, 2022 through July 31, 2023.
3. Administrative Advantage, LLC 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. 237-2022

Offered by: Newman Seconded by: Hayes

Adopted: July 11, 2022

Roll Call Vote:

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

15. Authorizing a refund of facility use fees to Neil Holloway of the NJ Surf Soccer Club.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 238-2022

RE: AUTHORIZING A REFUND OF FACILITY USE FEES TO NEIL HOLLOWAY OF THE NJ SURF SOCCER CLUB

WHEREAS, Resolution 146-2022, adopted on April 25, 2022, authorized Neil Holloway of the 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; and

WHEREAS, due to extenuating circumstances, the COPA Surf NJ Soccer Tournament has been cancelled and a refund of the facility use fees has been requested; and

WHEREAS, the Township Committee has determined that it is appropriate to refund the facility use fees submitted by Neil Holloway; and

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

AMOUNT	NAME
\$11,218.20	Neil Holloway
	58 Linda Lane
	Ocean View, NJ 08230

Resolution No. 238-2022

Offered by: Newman

Seconded by: Hayes

Adopted: July 11, 20212

Roll Call Vote:

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

16. Authorizing a refund of 4th of July vendor fees in the amount of \$100.00 to Upper Sandwiches, LLC.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 239-2022

RE: AUTHORIZING A REFUND OF 4TH OF JULY VENDOR FEES IN THE AMOUNT OF \$100.00 TO UPPER SANDWICHES, LLC

WHEREAS, on June 6, 2022 Upper Sandwiches, LLC submitted a Vendor Application along with the appropriate fee to participate in the Upper

Township 4th of July Celebration event; and

WHEREAS, due to unforeseen circumstances, Upper Sandwiches, LLC is now unable to participate in the event and has request a refund of the vendor fee; and

WHEREAS, the Township Committee has determined that a refund of the vendor fee paid by Upper Sandwiches, LLC is warranted.

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

AMOUNT	NAME
\$100.00	David R. Rahn
	Upper Sandwiches, LLC
	10 Canterbury Lane
	Ocean View, NJ 08230

Resolution No. 239-2022

Offered by: Newman

Seconded by: Hayes

Adopted: July 11, 2022

Roll Call Vote:

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

- 17. Accepting the donation of a beach wheelchair and paddleboard rack system from Bruckner Chase to the Township of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 240-2022

RE: ACCEPTING THE DONATION OF A BEACH WHEELCHAIR AND PADDLEBOARD RACK SYSTEM FROM BRUCKNER CHASE TO THE TOWNSHIP OF UPPER

WHEREAS, Bruckner Chase wishes to donate a beach wheelchair and a paddleboard rack system for storage of paddleboards to the Township of Upper for use by the Upper Township Beach Patrol, residents, and visitors; and

WHEREAS, the Township of Upper deems it in the best interest of the Township and the Township will best be served by the acceptance of the beach wheelchair and paddleboard rack

donations; 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 accepts the donation of a beach wheelchair and a paddleboard rack system from Bruckner Chase, subject to any and all recommendations of the Solicitor and Risk Management Consultant of the Township.
3. The Township shall not be responsible for damage to, destruction of, or loss of the beach wheelchair and or the paddleboard rack system. The Township is not responsible for replacement of the beach wheelchair and the paddleboard rack system for any reason.
4. The Township Committee hereby authorizes the Mayor, CFO, and Township Clerk to execute any documents necessary, and otherwise perform all acts necessary to accomplish the intent of this resolution.

Resolution No. 240-2022

Offered by: Newman

Seconded by: Hayes

Adopted: July 11, 2022

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

18. Authorizing Emergency and Health/Safety Repair Program assistance from the Affordable Housing Trust Fund pursuant to the Affordability Assistance Program.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 241-2022

**RE: AUTHORIZING EMERGENCY AND HEALTH/SAFETY REPAIR PROGRAM
ASSISTANCE FROM THE AFFORDABLE HOUSING TRUST FUND PURSUANT TO THE
AFFORDABILITY ASSISTANCE PROGRAM**

WHEREAS, the Township of Upper adopted an Affordability Assistance Policies and

Procedures Manual on May 26, 2020 pursuant to Resolution No. 164-2020 to include, among other assistance, emergency repair assistance; and

WHEREAS, the Township has appointed Triad Associates an Administrative Agent for this program, to administer and enforce said plan in coordination with the Township’s Municipal Housing Liaison; and

WHEREAS, pursuant to the terms of the Affordability Assistance Policies and Procedures Manual, emergency repair assistance funding requires the adoption of a resolution by the Township Committee; and

WHEREAS, the Township Committee has reviewed the attached Affordability Assistance Emergency and Health/Safety Repairs Program Repayment Agreement for the installation of a new well at 5 Tyler Road Greenfield, Block 594, Lot 5, and has determined it is in the best interest of the Township to authorize the emergency repair assistance from the Affordable Housing Trust Fund.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the installation of a new well at 5 Tyler Road, Greenfield, Block 594, Lot 5, under the Emergency and Health/Safety Repair Program pursuant to the terms of the Affordability Assistance Policies and Procedures Manual.
3. Upon completion of the well installation and confirmation of completeness from Triad Associates, the Chief Financial Officer is authorized to release \$6,000.00, plus any additional amounts as authorized in the repayment agreement, to Quinlan Well Drilling, 5146 Landis Ave, Vineland, NJ 08360 pursuant to the Township’s Affordability Assistance Program.

Resolution No. 241-2022

Offered By: Newman Seconded By: Hayes

Adopted: July 11, 2022

Roll Call Vote:

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

19. Authorizing the Upper Township Tax Collector to extend the 3rd quarter grace period.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 242-2022

**AUTHORIZING THE UPPER TOWNSHIP TAX COLLECTOR
TO EXTEND THE 3RD QUARTER GRACE PERIOD**

WHEREAS, the tax rate or bills were not received in time to meet the statutory mailing and due dates; and

WHEREAS, N.J.S.A. 54:4-66.3(d) prohibits the accrual of interest until the later of the 10-day grace period authorized by N.J.S.A.54:4-67 or 25 days after the bills are mailed.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that in accordance with the law the third quarter taxes of 2022 shall not be subject to interest until 25 days after mailing. Anyone paying after the extended grace period shall pay interest from the due date of August 1st.

Resolution No. 242-2022

Offered by: Newman

Seconded by: Hayes

Adopted: July 11, 2022

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

20. Appointing the 2022 season Beach Patrol personnel contingent upon background clearance.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 243-2022

**RE: APPOINTING THE 2022 SEASON BEACH PATROL PERSONNEL
CONTINGENT UPON BACKGROUND CLEARANCE**

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, contingent upon background clearance; 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 contingent upon background clearance at a salary as stated below in accordance with the Salary Ordinance:

Matthews, Ellie	Rookie	\$16.00 per hour
Nichols, Trevi	Rookie	\$16.00 per hour
Parsons, Michael	Rookie	\$16.00 per hour
Blake, McKenzie	2nd yr	\$16.00 per hour
Tice, Rodney	5+ yrs	\$17.00 per hour
Baniewicz, Steve	5+ yrs	\$17.00 per hour

Resolution No. 243-2022

Offered by: Newman

Seconded by: Hayes

Adopted: July 11, 2022

Roll Call Vote:

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

21. Appointing the Upper Township Green Team Advisory Committee.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 244-2022

RE: APPOINTING THE UPPER TOWNSHIP GREEN TEAM ADVISORY COMMITTEE

WHEREAS, the Upper Township Green Team Advisory Committee is an established committee consisting of volunteer members who shall meet throughout the year to develop plans, recommend programs, assist with educational opportunities that support the creation of a sustainable community, and advise the Township Committee on ways to improve municipal operations with “Green” initiatives which are economically and environmentally sound; and

WHEREAS, Township of Upper hereby acknowledges that the residents of the Township of Upper desire a stable, sustainable future for themselves and future generations; and

WHEREAS, as elected representatives of the Township of Upper, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our 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, as follows:

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

2. The following persons are hereby appointed to the Green Team Advisory Committee of the Township of Upper for a term of one year:

Curtis Corson, Upper Township Mayor
Paul Dietrich, Upper Township Engineer
Gary DeMarzo, Upper Township Administrator
Ralph Cooper, Chairperson
Wanda Adamson

3. The forgoing appointees shall constitute the sole members of the Green Team Advisory Committee, subject to the provision of Paragraph 4 hereof.

4. The Township Committee expressly reserves the right to supplement this Resolution at any time it deems it appropriate to change the membership or policies of the Green Team Advisory Committee.

Resolution No. 244-2022

Offered by: Newman Seconded by: Hayes

Adopted: July 11, 2022

Roll Call Vote:

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

22. Certification of costs for abatement of nuisance on Block 549, Lot 85; Block 699, Lot 11; and Block 714, Lot 1.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 245-2022

**CERTIFICATION OF COSTS FOR ABATEMENT OF NUISANCE
ON BLOCK 549, LOT 85; BLOCK 699, LOT 11; AND BLOCK 714, LOT 1**

WHEREAS, pursuant to Township Code Section 11-1, the Code Enforcement Officer is empowered to enforce the Township’s Property Maintenance Code; and

WHEREAS, in accordance with Township Code, the Code Enforcement Officer served a notice of violation of Section 11-1.9 (Grass, Weeds and Debris), to the property owner/agent of Block 549, Lot 85; Block 699, Lot 11; and Block 714, Lot 1; and

WHEREAS, 10 days passed from the date of such notice of violation with no response from the property owner/agent and the Township thereafter remedied the violation; and

WHEREAS, pursuant to Township Code Section 11-1.19(a) and N.J.S.A. 40:48-2.14, the Code Enforcement Officer has certified the costs of remedying the said violations as set forth on the attached

list; 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 declares that the costs as set forth on the attached list shall be certified to the Township Tax Collector as a lien against the properties in question which lien shall become and form a part of the taxes assessed and levied upon the properties pursuant to Township Code Section 11-1.19(b) and N.J.S.A. 40:48-2.14.
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. 245-2022

Offered by: Newman Seconded by: Hayes

Adopted: July 11, 2022

Roll Call Vote:

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

ABATEMENT OF GRASS, WEEDS, AND DEBRIS

<u>BLOCK/LOT</u>	<u>LOCATION</u>	<u>COST ADMIN FEE</u>		<u>TOTAL</u>
549/85	40 Linda Lane	\$150.00	\$30.00	\$180.00
699/11	29 E Hollywood.	\$150.00	\$30.00	\$180.00
714/1	333 First Ave	\$150.00	\$30.00	\$180.00

23. Authorizing the Mayor to sign and submit a fiscal year 2023 Municipal Aid Grant Application for Roadway Preservation.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 246-2022

**RE: AUTHORIZING THE MAYOR TO SIGN AND SUBMIT A FISCAL YEAR 2023
MUNICIPAL AID GRANT APPLICATION FOR ROADWAY PRESERVATION**

WHEREAS, the Township of Upper wishes to take advantage of Municipal Aid Grants that will be available for Fiscal Year 2023; and

WHEREAS, the Township Committee fully supports and endorses the actions of the Township Engineer in his filing of the grant application for the following grant program:

FY 2023 Municipal Aid for Roadway Preservation

This program provides grants to municipalities for roadway improvements. The project will involve the reconstruction of Putnam Avenue in the Strathmere section of the Township of Upper; 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, Engineer, and Clerk of the Township of Upper are hereby authorized, directed and empowered to submit an electronic grant application to the New Jersey Department of Transportation 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.
4. The Mayor and clerk are hereby authorized to sign the grant agreement on behalf of the Township of Upper and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.
5. A certified copy of this Resolution shall be provided to the Township Engineer for insertion into each Municipal Aid Grant Application for Fiscal year 2023.

Resolution No. 246-2022

Offered by: Newman

Seconded by: Hayes

Adopted: July 11, 2022

Roll Call Vote:

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

RESOLUTIONS TO BE ACTED ON SEPARATELY

24. Authorizing an extension of the Shared Services Agreement with the City of Corbin City for Municipal Court Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 247-2022

RE: AUTHORIZING AN EXTENSION OF THE SHARED SERVICES AGREEMENT WITH THE CITY OF CORBIN CITY FOR MUNICIPAL COURT SERVICES

WHEREAS, on April 12, 2010 the Township of Upper entered into a Shared Services Agreement with the City of Corbin City to provide municipal court services, and

WHEREAS, every three years the agreement has been amended to allow for an additional three-year term, with the last ending on May 5, 2022; and

WHEREAS, due to increased costs the City of Corbin City has indicated that they will be joining the Central Municipal Court of Atlantic County effective August 1, 2022; and

WHEREAS, the Township has determined that it is in the best interest of all parties to continue to provide Municipal Court Services to the City of Corbin City until July 31, 2022; 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 authorizes an extension of the term of the Shared Services Agreement with the City of Corbin City for Municipal Court Services to July 31, 2022.
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. 247-2022

Offered by: Coggins

Seconded by: Newman

Adopted: July 11, 2022

Roll Call Vote:

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

ORDINANCES

25. **Public hearing and final adoption of Ordinance No. 018-2022 RE: AN ORDINANCE AUTHORIZING SALE OF LANDS, TO WIT BLOCK 306, LOT 5.** During the public hearing portion there were no speakers. Motion by Jay Newman, second by Kimberly Hayes, to adopt Ordinance 018-2022. 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. 018-2022

**RE: AN ORDINANCE AUTHORIZING SALE OF LANDS,
TO WIT BLOCK 306, LOT 5**

WHEREAS, the Township of Upper is the owner, in fee, of a certain parcel of vacant ground located within the Township of Upper, County of Cape May, and State of New Jersey, set forth on the municipal tax map as Block 306, Lot 5; and

WHEREAS, the Township has received an offer from John D. Mayberry, the owner of real property contiguous with said parcel owned by the Township, to purchase said parcel; and

WHEREAS, after discussion and deliberation the Township Committee is of the opinion that the sale of said parcel will be in the best interest of the Township and will provide for the consolidation of said lot with an existing lot; and

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

SECTION 1: The Township of Upper is hereby authorized to sell the real property commonly known as Block 306, Lot 5 to the highest bidder from among all owners of real property contiguous thereto in accordance with N.J.S.A. 40A:12-13(b)(5). Such sale shall not be for less than the fair market value of said real property and the minimum bid for such parcel sold is hereby established as follows:

Block 306, Lot 5

Minimum Bid: \$5,500.00

SECTION 2: Prior to said sale, the Township will obtain a title report from a title company or abstract company licensed to do business in the State of New Jersey. Said report shall be available to all prospective bidders.

SECTION 3: The list of property authorized to be sold together with the minimum price thereof shall be posted at Township Hall and advertisement of the sale shall be made in a newspaper circulating in the Township within 5 days following enactment of this ordinance. Offers for the property may thereafter be made to the Township Committee for 20 days following said

advertisement. The Township Committee may reconsider this ordinance not later than 30 days after enactment and thereafter advertise the property for public sale pursuant to N.J.S.A. 40A:12-13(a). The Township Clerk shall file with the Director of the Division of Local Government Services in the Department of Community Affairs sworn affidavits verifying the publication of the foregoing advertisements.

SECTION 4: John D. Mayberry shall pay \$1,500.00 to the Township Clerk prior to the adoption of this Ordinance. \$500.00 of this payment will be used by the Township to defray Township expenses involved in Authorizing the Sale and terms thereof; Engineer's review; Attorney's review; legal advertising, certified mail notices, closing costs and other expenses. \$1,000.00 of this payment will be used to cover title search costs, which if same are less than this sum the difference will be credited back to the ultimate payor. If the parcel is not sold, \$500.00 of this amount will be retained by the Township as **LIQUIDATED DAMAGES** and will be used to pay for the review of the title report and other documents. If the highest bidder at the auction sale is not the original applicant, the highest bidder will be required to pay, in addition to the purchase price and other expenses, an additional sum of \$1,500.00, representing pre-sale amounts paid by the original applicant requesting the sale and the original applicant (who is not the highest bidder) will then be entitled to a refund of all sums paid (\$1,500.00) except for the non-refundable application fee (\$50.00).

SECTION 5: The aforesaid parcel of real property shall be offered for sale at an auction to be conducted by the Township Clerk at a date and time to be set by the Township Clerk after the appropriate notice of sale has been sent to contiguous owners of the subject real property. Said notice shall be sent certified and regular mail to the owners of contiguous property at the address set forth on the tax assessor's records. Said notice shall be sent no greater than 30 days prior to the date of sale and no less than 14 days prior to the date of sale. At any time, the Township Clerk may adjourn said sale and renote in accordance with the provisions of this Ordinance and N.J.S.A. 40A:12-13.

SECTION 6: The Township Committee expressly reserves the right to reject any and all bids in the exercise of its sole judgment and discretion. The Township Committee is authorized to confirm the sale by resolution and complete the transaction pursuant to this Ordinance and N.J.S.A. 40A:12-13.

SECTION 7: In the event the highest bid at such auction exceeds the minimum bid established herein and the Township Committee rejects same in the exercise of its sole judgment and discretion, then, in such event, all deposits made by the original applicant or the highest bidder, as the case may be, shall be refunded except for the \$50.00 application fee which shall be non-refundable.

SECTION 8: All payments required to be made pursuant to said sale to the Township Clerk must be made by personal check, cash or certified check, or any combination of the foregoing. All payments required to be made hereunder to a title company or abstract company conducting the closing shall be made in collected funds, that is, by cash, certified check, cashier's check or wire transfer.

SECTION 9: A sum equal to ten percent (10%) of the highest bid for said parcel or parcels shall be paid to the Township of Upper by the highest bidder or bidders at the time of the sale. The remaining balance of ninety percent (90%) of the highest bid for the parcel or parcels shall be paid to the Township of Upper, and must be received by the Township Clerk, not later than thirty (30) days after the date of the sale. In addition to the deposit of ten percent (10%), the highest bidder or bidders shall also be required to pay or tender at the time of sale the following:

IF THE BIDDER IS THE ORIGINAL APPLICANT:

- (A) (i) The sum of \$100.00 for the preparation of the Deed; and
- (ii) the sum of \$70.00 for recording the Deed.

IF THE BIDDER IS NOT THE ORIGINAL APPLICANT:

- (B) The sum of \$1,500.00, payable to the Township of Upper, representing payment to the Township for expenses of \$1,500.00 to defray Township expenses, which amounts were required of the original applicant.
- (C) (i) The sum of \$100.00 for the preparation of the Deed.
- (ii) The sum of \$70.00 for recording the Deed.

AT THE TIME OF CLOSING the successful bidder shall be required to pay the following sums:

- (D) Any additional sum required for title search or title insurance.

- (E) The cost of any survey ordered by the successful bidder. Successful bidder shall place such order directly with the surveyor or with the title company conducting closing, but the survey must be prepared in time to permit the closing to take place as scheduled.
- (F) Title company settlement fees covering services to both the Seller and the Buyer.
- (G) Any additional fees or costs chargeable by the title company or otherwise necessary to complete the transaction on behalf of the purchaser.

SECTION 10: The closing of title shall take place as designated by the Township as follows:

- (A) Township Hall, Petersburg, New Jersey; or
- (B) Office of the Township Solicitor; or
- (C) At the office of a title insurance company or title abstract company located within Cape May County.

SECTION 11: If the bidder fails to close or fails to comply with the provisions hereof, such bidder shall be in default and all amounts paid to the Township by or on behalf of the bidder shall be retained by the Township as **LIQUIDATED DAMAGES AND NOT AS A PENALTY.**

SECTION 12: The Deed from the Township of Upper shall be what is commonly known as a Quitclaim Deed.

SECTION 13: The title to be delivered by the Township shall be free and clear of all taxes up to and including the date when the Deed is delivered and closing takes place. Purchaser shall be responsible for all taxes thereafter. Unless otherwise specified herein, the purchaser shall be liable for payment of all assessments, of any nature, against said land.

SECTION 14: The title to be delivered by the Township shall be under and subject to all easements and rights of way, recorded and unrecorded, whether for utilities or for others, and shall also be subject to all conditions, reservations and restrictions of record, if any. If the title report discloses an unmarketable condition of title, except as specified herein, the remedy of the bidder shall be limited to the return of payments made to the Township of Upper on account of the purchase price

and closing costs only. Any and all other amounts paid to the Township shall be non-refundable. This sale is under and subject to any riparian claim which may affect said property. If any such claim exists, it shall be the sole responsibility of the purchaser to meet and satisfy all requirements of the State of New Jersey with respect to said riparian claim and the payment of any compensation to the State of New Jersey on account thereof. Nothing herein shall be construed as obligating the Township of Upper to construct or maintain access roads to any portion of the property being sold. Such property may not qualify for a building permit due to lack of water supply, lack of sewer or septic facilities, lack of access, inadequate lot size, or other reasons, including those reasons set forth below. The purchaser is required to comply with all applicable zoning, building and health ordinances and codes and regulations. The property being sold may be situated in a Flood Hazard Zone. The Township of Upper makes no warranties or representations, expressed or implied, as to the property being offered for sale, the condition or marketability of the title or any other matter. The Township of Upper makes no warranties or representations, expressed or implied, as to whether or not the property being offered for sale contains wetlands anywhere on the property. The Township makes no warranties or representations as to any matter of an environmental nature, or otherwise, which may prevent or limit building or construction.

SECTION 15: All references to Lots and Blocks described herein are to the Lots and Blocks as shown on the Current Official Tax Map of the Township of Upper.

SECTION 16: The successful bidder shall be required, at the time of the sale, to execute a document acknowledging that the sale is governed by the provisions of this Ordinance as well as N.J.S.A. 40A:12-13.

SECTION 17: The provisions of this Ordinance pertaining to this sale shall survive the closing of title and shall not merge into the Deed.

SECTION 18: It is a requirement of this sale that the purchaser of the subject property be a contiguous property owner. Said purchaser shall be required to take immediate action to cause a consolidation of the property being purchased with all of the bidder's existing adjacent property so as to constitute a single parcel of ground which shall not be further subdivided into more than one lot. This restriction shall be included in the deed of conveyance and shall run with the land. The successful

bidder shall complete the consolidation as a condition of the sale. The provisions of this Section shall survive closing and shall not merge into the Deed.

SECTION 19: This Ordinance shall take effect immediately upon final adoption and publication as required by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 13TH DAY OF JUNE, 2022 AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 11TH DAY OF JULY, 2022 AT 4:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

CORRESPONDENCE

NEW BUSINESS

26. **Rich Barlow request to donate Block 845, Lot 15.02 to the Township of Upper.** The Municipal Engineer stated that this property is located on the Strathmere beach. The Township has a perpetual beach easement on the property. The owners have requested to donate the property to the Township. Motion by Jay Newman, second by Kimberly Hayes, to move forward with this matter conditioned upon no environmental issues with the property and confirmation of clear title. During roll call vote all five Committee members voted in the affirmative.

UNFINISHED BUSINESS

27. **Remote public meeting access.** Committeeman Coggins reported that he is of the understanding that there are new rules regarding remote access during public meetings and requested that the Township Resolution allowing Committee members to attend meetings remotely be repealed. Attorney Reeves explained that guidance from the former Municipal Attorney was that regulations suggest that if Committee members are permitted to attend remotely then members of the public should be permitted to attend remotely. Municipal Attorney Reeves explained that during his review, he did not find a definitive requirement for remote meeting access. However, it is implied to be a good practice to allow the public to attend remotely if members of the Committee are allowed to attend remotely. He also explained that there was similar guidance issued from the JIF on the subject and typically it is recommended that the Township follow the advice of the JIF. The consensus was to have Township Administrator review the JIF guidance and report back to Committee at a future meeting.
28. **Tuckahoe Volunteer Fire Company Emergency Vehicle Hybrid Beacon.** The Township Administrator explained that he is waiting for the State to get back to him with an explanation on why the cost went from \$44,000 to \$100,000 for the beacon. Committeeman Newman explained that he recently had a conversation with the Tuckahoe Fire Chief and the fire company is aware of the matter and that the Township is working through the issues.

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: \$238,970.40

Payroll: \$232,621.61

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

Elaine Holsomback, Strathmere, spoke regarding the Dark Skies philosophy and the proposed elimination of streetlights. Mayor Corson explained that the proposal to eliminate streetlights has been referred to the Planning Board for review.

Nathalie Neiss, Petersburg, spoke regarding various items including a matter concerning 8 Bayaire Rd, Marmora.

CLOSED SESSION

30. 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. 248-2022
MOTION GOING INTO CLOSED SESSION
JULY 11, 2022**

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

MATTERS

1. Personnel
2. Litigation - Hemby v. Upper Township
3. Potential Litigation - Cape May County Agriculture Development Board
4. Contract Negotiation - Redevelopment Agreement

I also include in my motion the estimated time and the circumstances under which the discussion conducted in closed session can be disclosed to the public as follows:

- A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.
- B. With respect to contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.
- C. With respect to this litigation matter such discussions will be made public when litigation is complete, and the applicable appeal period has expired
- D. With respect to employment and personnel matters such discussions will be made public if and when formal action is taken or when the individuals involved consent that it can be made public.

Moved by: John Coggins

Motion seconded by: 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 Kimberly Hayes, 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 6:15 P.M., with a motion by Curtis Corson, second by John Coggins, and all five Committee members voting in the affirmative. The next regular meeting is scheduled for July 25, 2022, at 6:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

Bill List

79777 07/11/22 A0018 ACTION SUPPLY INC. 8.51 3250
79778 07/11/22 A0075 ADAMS, JOSHUA 634.50 3250
79779 07/11/22 A0091 ATLANTIC CITY ELECTRIC 24,465.11 3250
79780 07/11/22 A0175 Adams Rehmann & Haggan Assoc 1,336.00 3250
79781 07/11/22 A0212 ANCERO, LLC 1,120.00 3250
79782 07/11/22 A0218 ATLANTIC CITY CYCLE CENTER LLC 65.95 3250
79783 07/11/22 A0235 AMAZON CAPITAL SERVICES, INC. 437.75 3250
79784 07/11/22 B0035 BELMONT & CRYSTAL SPRINGS 59.88 3250
79785 07/11/22 B0076 BOND, LAURENCE E. 767.38 3250
79786 07/11/22 B0139 BATTELINE TRANSPORTATION 547.50 3250
79787 07/11/22 B0248 BARNES LAW GROUP LLC 750.00 3250
79788 07/11/22 B0287 BIGLEAF NETWORKS, INC. 299.00 3250
79789 07/11/22 C0031 CAPE ASSIST 450.00 3250
79790 07/11/22 C0042 CAMPBELL SUPPLY COMPANY 119.18 3250
79791 07/11/22 C0068 COMCAST 813.90 3250
79792 07/11/22 C0223 CASA PAYROLL SERVICE 337.00 3250
79793 07/11/22 C0279 CASA REPORTING SERVICES LLC 154.50 3250
79794 07/11/22 C0305 CM3 BUILDING SOLUTIONS, INC. 280.00 3250
79795 07/11/22 D0045 DEPTCOR 240.00 3250
79796 07/11/22 D0187 DATA SHEET SOLUTIONS 599.88 3250
79797 07/11/22 D0237 DIETZ, KERRY 125.00 3250
79798 07/11/22 F0053 FORD, SCOTT & ASSOCIATES 4,000.00 3250
79799 07/11/22 F0181 FOR SHORE WEED CONTROL, INC 1,132.00 3250
79800 07/11/22 G0086 W.W. GRAINGER, INC. 240.79 3250
79801 07/11/22 G0124 GRIFFIN AUTOMOTIVE INFO SVC 1,999.00 3250
79802 07/11/22 G0147 GREATAMERICA FINANCIAL SVCS. 191.00 3250
79803 07/11/22 H0098 HERITAGE TOWERS, INC. 550.00 3250
79804 07/11/22 H0206 HADLEY, JANE 31.75 3250
79805 07/11/22 J0079 JAMES WYERS LANDSCAPING, LLC 1,275.00 3250
79806 07/11/22 K0086 K D NATIONAL FORCE SECURITY 3,003.00 3250
79807 07/11/22 K0091 KRISTEN MORGAN 8,008.22 3250
79808 07/11/22 L0007 LC EQUIPMENT, INC. 45.00 3250
79809 07/11/22 L0027 LASHLEY HEATING & COOLING INC. 1,040.00 3250
79810 07/11/22 M0032 MARINE RESCUE PRODUCTS, INC. 1,685.00 3250
79811 07/11/22 M0290 MADDEN & MADDEN, PC 867.20 3250
79812 07/11/22 N0004 NJ-AMERICAN WATER CO. 172.69 3250
79813 07/11/22 N0043 NAPA AUTO PARTS 92.23 3250
79814 07/11/22 N0143 NATIONAL TIME SYSTEMS 591.25 3250
79815 07/11/22 O0012 OCEAN CITY BD. OF EDUCATION 350.00 3250
79816 07/11/22 P0032 PEDRONI FUEL CO. 3,741.69 3250
79817 07/11/22 P0098 PUBLIC EMPL RETIREMENT SYSTEM 85.55 3250
79818 07/11/22 P0136 POSTNET 99.00 3250
79819 07/11/22 P0140 PIONEER MANUFACTURING CO, INC 2,760.00 3250
79820 07/11/22 R0030 RIGGINS, INC. 11,431.41 3250
79821 07/11/22 R0101 R.R. DONNELLEY 85.90 3250
79822 07/11/22 S0057 SERVICE TIRE TRUCK CENTERS 683.70 3250

79823 07/11/22 S0113 SMITH,THOMAS G. 1,861.32 3250
79824 07/11/22 S0130 SOUTH JERSEY CHIEFS ASSOC. 192.00 3250
79825 07/11/22 S0134 SO. JERSEY GAS COMPANY 540.22 3250
79826 07/11/22 S0239 SHORE VET. ANIMAL CONTROL LLC 2,250.00 3250
79827 07/11/22 S0253 SAMPLE MEDIA, INC. 288.00 3250
79828 07/11/22 S0254 SHOPRITE 85.01 3250
79829 07/11/22 S0363 STARR GENERAL CONTRACTING CORP 1,070.00 3250
79830 07/11/22 T0080 TREASURER STATE OF N.J. 277.00 3250
79831 07/11/22 T0168 TOWNSHIP OF UPPER 227.78 3250
79832 07/11/22 T0213 TREASURER, STATE OF NEW JERSEY 146,858.80 3250
79833 07/11/22 U0067 UT HEALTH REIMB. ACCOUNT 4,357.22 3250
79834 07/11/22 V0013 VERIZON WIRELESS 505.37 3250
79835 07/11/22 V0025 V.E. RALPH & SON,INC. 640.15 3250
79836 07/11/22 V0027 VANORDER, ROGER 187.79 3250
79837 07/11/22 W0087 W.B. MASON EGG HARBOR 83.65 3250
79838 07/11/22 W0123 WIRELESS ELECTRONICS, INC. 1,137.50 3250
79839 07/11/22 W0131 WEX BANK 366.17 3250
79840 07/11/22 Y0008 YOUNG, DANIEL J. ESQUIRE PC 270.00 3250
Total: 238,970.40