

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

REGULAR MEETING OF THE TOWNSHIP COMMITTEE –6:30 P.M.

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

Mayor Corson read the following Open Public meeting notice into the record:

“In compliance with the Open Public Meetings Law, I wish to state that on July 22, 2022, the notice of this meeting of the Upper Township Committee was posted on the official Township Bulletin Board, the Upper Township Website, and mailed to the Cape May County Gazette, the Atlantic City Press, the Ocean City Sentinel-Ledger, the Herald Times and filed with the Township Clerk. Tonight’s meeting is being audio recorded up until the closed session portion of this meeting and will be available on the Upper Township website. I hereby direct that this announcement be made a part of the minutes of this meeting.”

SALUTE TO THE FLAG

ROLL CALL

John Coggins	Present
Kimberly R. Hayes	Present
Jay Newman	Present
Mark E. Pancoast	Present
Curtis T. Corson, Jr.	Present

Also present were Deputy Municipal Clerk Joanne Herron, Municipal Engineer Paul Dietrich, Municipal Attorney Daniel Reeves, and Township Administrator Gary DeMarzo.

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

Motion by Jay Newman, second by Kimberly Hayes, to approve the July 11, 2022, Regular and Closed Session Minutes as submitted. During roll call vote all five Committee members voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Kimberly Hayes, Committeewoman, reported on recent complaints regarding the porta-pots in Strathmere. She stated that the facilities will continue to be cleaned on Friday, Saturday, Sunday, Monday, and Wednesday, and will be closely monitored. She next reported on a meeting she and Deputy Mayor Newman had with Triad, the grant writing consultant, and stated that it was an excellent discussion regarding a number of projects. She next reported that the Fall Fest will be held on Sunday October 9th from 10:00 am to 5:00 pm. Details will be forthcoming. She next reported that the disc golf course at Amanda’s Field is officially open and is a great success. She thanked Craig Reeves, John Adams and the building and grounds crew for their hard work. She also thanked Chris Scott, Jonathan Houdart, and Stefanie Marx for their participation and assistance with the project. She also reminded and encourage residents to clean up after their dogs at Amanda’s Field and stated that pet waste stations with bags are available throughout the facility.

Mark Pancoast, Committeeman, reported that Code Enforcement remains busy with calls. He next reported that the beach erosion in Strathmere has not worsened. The beach crossovers at Seacliff and Winthrop will remain closed but Williams Avenue is open. Lastly, he reported that the Township has received a new drain truck for use by the Department of Public Works.

Jay Newman, Committeeman, reported that the beaches have been very active with approximately 25,000 visitors from Memorial Day to date. He again reminded everyone to refrain from digging holes on the beach.

Curtis Corson, Mayor, reported on a complaint he received regarding the truck traffic on Route 9 in Beesley's Point resulting from the demolition of the BL England Plant. He stated that the Township will be discussing the issues with the owners of the property to come up with a plan. He next reported that he also spoke with the grant writing consultants with regard to grants for infrastructure and is hopeful for future opportunities. He next reported that power was out today in Strathmere for approximately two hours due to a pole fire in Sea Isle City. Lastly, he reported that a Planning Board subcommittee has been formed to review matters referred to them by the Township Committee.

ADMINISTRATOR OVERVIEW AND FILING OF REPORTS

Gary DeMarzo, Township Administrator, briefly reported on the activities and progress of various projects in the Township including the new drain truck, piping pavers and clean-up of the north end beaches, grant opportunities, and State Police services in the Township.

Daniel Reeves, Municipal Attorney, recommended that item 11 on the agenda, introduction of Ordinance 020-2022, be moved to New Business for discussion.

Paul Dietrich, Township Engineer, reported that the two historic grant applications have received positive feedback from the County. He has resubmitted some information they had requested and should hear back on the status soon.

CONSENT AGENDA:

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

RESOLUTIONS-CONSENT AGENDA

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

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 249-2022

**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:

Durst, Hayden	1st yr	\$16.00 per hour
Dickinson, Mike	4th yr	\$16.70 per hour
Steele, Ian	5+ yrs	\$17.00 per hour

Resolution No. 249-2022

Offered by: Newman Seconded by: Pancoast

Adopted: July 25, 2022

Roll Call Vote:

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

2. Amending Resolution No. 12-2022 establishing salaries for various officers and employees.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 250-2022

RE: AMENDING RESOLUTION NO. 12-2022 ESTABLISHING SALARIES FOR VARIOUS OFFICERS AND EMPLOYEES

WHEREAS, Resolution No. 12-2022 fixes salaries for various administrative, clerical, and other personnel for the year 2022; and

WHEREAS, the Township Committee has determined it necessary to amend said Resolution No. 12-2022; 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. Resolution No. 12-2022 is hereby amended to reflect the following annual salary effective May 9, 2022 in accordance with the Salary Ordinance.

Loren Ready	Municipal Court Administrator	\$73,500.00
	Assistant Safety Coordinator	No Salary

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

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

3. Certification of costs for abatement of nuisance on Block 549, Lot 119 and Block 558, Lot 21.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 251-2022

**CERTIFICATION OF COSTS FOR ABATEMENT OF NUISANCE
ON BLOCK 549, LOT 119 AND BLOCK 558, LOT 21**

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 119 and Block 558, Lot 21; 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. 251-2022

Offered by: Newman Seconded by: Pancoast

Adopted: July 25, 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</u>	<u>ADMIN FEE</u>	<u>TOTAL</u>
549/119	54 Evergreen Dr.	\$150.00	\$30.00	\$180.00
558/21	3048 Rt. 9 So.	\$200.00	\$40.00	\$240.00

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

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 252-2022

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

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

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

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

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

WHEREAS, the Township Committee has reviewed the requested release of funds from the

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Chief Financial Officer is authorized to release the following funds pursuant to the

Township’s Market to Affordable Program:

Triad Associates (Waitlist Maintenance)	\$ 150.00
Kobe Corp (Refund COAH Overpayment Block 682, Lot 1)	\$ 35.00

Resolution No. 252-2022

Offered By: Newman Seconded By: Pancoast

Adopted: July 25, 2022

Roll Call Vote:

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

5. Chapter 159 Resolution for the insertion of a special item of revenue into the 2022 budget that was not determined at the time of the adoption of the budget - New Jersey Department of Human Services/Division on Mental Health and Addiction Services (DMHAS) Youth Leadership Grant in the amount of \$3,634.26.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 253-2022

RE: CHAPTER 159 RESOLUTION FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE INTO THE 2022 BUDGET THAT WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET—NEW JERSEY DEPARTMENT OF HUMAN SERVICES/DIVISION ON MENTAL HEALTH AND ADDICTION SERVICES (DMHAS) YOUTH LEADERSHIP GRANT IN THE AMOUNT OF \$3,634.26

WHEREAS, N.J.S. 40A:4-87 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY WHEN SUCH ITEM SHALL HAVE BEEN MADE AVAILABLE BY LAW AND THE AMOUNT THEREOF WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET; AND

WHEREAS, SAID DIRECTOR MAY ALSO APPROVE THE INSERTION OF AN

ITEM OF APPROPRIATION FOR AN EQUAL AMOUNT; AND

WHEREAS, THE TOWNSHIP OF UPPER WILL RECEIVE AN AMOUNT OF \$3,634.26 FROM THE NEW JERSEY DEPARTMENT OF HUMAN SERVICES/DIVISION ON MENTAL HEALTH AND ADDICTION SERVICES (DMHAS) YOUTH LEADERSHIP GRANT PROGRAM AND WISHES TO AMEND ITS 2022 BUDGET TO INCLUDE THIS AMOUNT AS A REVENUE.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HEREBY REQUESTS THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES APPROVE THE INSERTION OF AN ADDITIONAL ITEM OF REVENUE IN THE BUDGET OF THE YEAR 2022 IN THE SUM OF \$3,634.26, WHICH IS NOW AVAILABLE AS A REVENUE FROM:

REVENUE: STATE & FEDERAL REVENUE OFFSET WITH APPROPRIATIONS:
NEW JERSEY DEPARTMENT OF HUMAN SERVICES/DIVISION ON MENTAL HEALTH AND ADDICTION SERVICES (DMHAS) YOUTH LEADERSHIP GRANT PROGRAM, AND

BE IT FURTHER RESOLVED THAT A LIKE SUM OF \$3,634.26 BE AND THE SAME IS HEREBY APPROPRIATED UNDER THE CAPTION OF:

APPROPRIATION: STATE AND FEDERAL PROGRAMS OFFSET BY REVENUE:
NEW JERSEY DEPARTMENT OF HUMAN SERVICES/DIVISION ON MENTAL HEALTH AND ADDICTION SERVICES (DMHAS) YOUTH LEADERSHIP GRANT PROGRAM.

Resolution No. 253-2022

Offered By: Newman

Seconded By: Pancoast

Adopted: July 25, 2022

Roll Call Vote:

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

6. Authorizing the renewal of a cooperative pricing agreement with the County of Cape May.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 254-2022

RE: AUTHORIZING THE RENEWAL OF A COOPERATIVE PRICING AGREEMENT WITH THE COUNTY OF CAPE MAY

WHEREAS, Ordinance No. 20-1987, enacted pursuant to the provisions of N.J.S.A. 40A:11-11 (5), has heretofore been adopted by the Township of Upper and remains in full force and effect; and

WHEREAS, the aforesaid Ordinance authorized the Township of Upper to enter into a Cooperative Pricing Agreement with the County of Cape May wherein the County of Cape May was to be the lead agency for the conduct of certain functions relating to the purchase of work, materials, and supplies; and

WHEREAS, the Township of Upper has participated in this program since 1987 and it is in the public interest to authorize a renewal of such Agreement with the County of Cape May for an additional term of five (5) years commencing August 1, 2022 through July 31, 2027.

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. Pursuant to the authority conferred by Ordinance No. 20-1987, the Township of Upper is hereby authorized to renew its Cooperative Pricing Agreement with the County of Cape May for an additional five (5) year term commencing August 1, 2022 through July 31, 2027.

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. 254-2022

Offered by: Newman

Seconded by: Pancoast

Adopted: July 25, 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

7. Renewing Campground Licenses.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 255-2022

RE: RENEWING CAMPGROUND LICENSES

WHEREAS, Chapter XII of the Code of Upper Township provides for the renewal of licenses to operate a Campground annually after certification by the Cape May County Board of Health; and

WHEREAS, each of the Campgrounds hereinafter designated has had an on-site inspection conducted by the Cape May County Board of Health, and it has been attested that the operation of the campground is in compliance with all applicable New Jersey Statutes and the rules and regulations promulgated pursuant thereto.

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 campground licenses are hereby renewed for a term of (1) one year, commencing August 1, 2022.

BAYBERRY COVE CONDO ASSOCIATION

**435 ROUTE 9
MARMORA, NJ 08223
310 Sites**

ECHO FARMS CAMPGROUND

**3066 NORTH ROUTE 9
SEAVILLE, NJ 08230
239 Sites**

**JJERSEY SHORE CAMPGROUND, LLC
DBA OCEAN CITY CAMPGROUND & BEACH CABINS**

**245 ROUTE 50
PETERSBURG, NJ 08270
196 Sites**

OAK RIDGE RESORT CONDO ASSOCIATION, INC.

**516 SOUTH ROUTE 9
MARMORA, NJ 08223
240 Sites**

**ROUTE 50 CAMPGROUND, LLC
T/A OCEAN ISLE CAMPING RESORT**

**64 ROUTE 50
SEAVILLE, NJ 08230
218 Sites**

OCEAN SANDS RESORT ASSOCIATION, INC.

**56 ROUTE 50
SEAVILLE, NJ 08230
217 Sites**

**PLANTATION ENTERPRISES, INC.
T/A PLANTATION CAMPGROUND**

**60 CORSON TAVERN ROAD
SEAVILLE, NJ 08230
223 Sites**

SCENIC RIVERVIEW CAMPGROUND

**465 ROUTE 49
TUCKAHOE, NJ 08250
125 Sites**

SEAVILLE SHORES TRAILER RESORT

**98 CORSON TAVERN ROAD
SEAVILLE, NJ 08230
275 Sites**

SHOREBIRDS CAMPGROUND

1314 STAGECOACH ROAD

**PALERMO, NJ 08230
100 Sites**

**WHIPPOORWILL CAMPGROUND, INC.
810 SOUTH ROUTE 9
MARMORA, NJ 08223
288 Sites**

3. All officials of the Township are hereby authorized to take such action as necessary or required in order to carry out the intent and purpose of this Resolution.
4. This Resolution shall become effective immediately upon adoption.

Resolution No. 255-2022

Offered by: Hayes

Seconded by: Newman

Adopted: July 25, 2022

Roll Call Vote:

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

8. Renewing Mobile Home Park Licenses.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 256-2022

RE: RENEWING MOBILE HOME PARK LICENSES

WHEREAS, each of the Mobile Home Parks hereinafter designated has attested that the operation of the mobile home park is in compliance with all applicable New Jersey Statutes and the rules and regulations promulgated pursuant thereto.

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 mobile home park licenses are hereby renewed for a term of (1) one year, commencing August 1, 2022.

**HIDDEN PINES MOBILE HOME PARK
1414 SOUTH SHORE ROAD
SEAVILLE, NJ 08230
10 Sites**

**OCEAN BEACH TRAILER RESORT
1100 SOUTH COMMONWEALTH AVENUE
PO BOX 90**

**STRATHMERE, NJ 08248
95 Sites**

**PINE HILL MOBILE HOME PARK
430 ROUTE 9 SOUTH
MARMORA, NJ 08223
132 Sites**

**SHORE ACRES MOBILE HOME PARK
1621 SOUTH SHORE ROAD
SEAVILLE, NJ 08230
200 Sites**

**OSREY COVE MOBILE HOME PARK
2058 ROUTE 9 SOUTH
SEAVILLE, NJ 08230
110 Sites**

3. All officials of the Township are hereby authorized to take such action as necessary or required in order to carry out the intent and purpose of this Resolution.
4. This Resolution shall become effective immediately upon adoption.

Resolution No. 256-2022

Offered by: Hayes

Seconded by: Pancoast

Adopted: July 25, 2022

Roll Call Vote:

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

9. Accepting a donation in the amount of \$3,535.68 for the purchase of ADA beach access mats for Strathmere.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 257-2022

**RE: ACCEPTING A DONATION IN THE AMOUNT OF \$3,535.68 FOR THE
PURCHASE OF ADA BEACH ACCESS MATS FOR STRATHMERE**

WHEREAS, N.J.S.A. 40A:5-29 authorizes a municipality to accept bequests, legacies and gifts made to a local municipal unit; and

WHEREAS, the Township of Upper has received an anonymous donation in the amount of \$3,535.68 for the specified purpose of purchasing ADA beach access mats for Strathmere; and

WHEREAS, the Township Committee has determined that the Township will best be served by the acceptance and use of the donation for its intended purpose; 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 gratefully accepts a donation in the amount of \$3,535.68 for the purchase of ADA beach access mats in Strathmere.
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. 257-2022

Offered by: Newman

Seconded by: Hayes

Adopted: July 25, 2022

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

ORDINANCES

10. Introduction and first reading of Ordinance No. 019-2022 RE: ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER III (POLICE REGULATIONS), CHAPTER VI (ALCOHOLIC BEVERAGE CONTROL), AND CHAPTER XXVI (USE OF TOWNSHIP FACILITIES) OF THE CODE OF UPPER TOWNSHIP. **Motion by Jay Newman, second by Kimberly Hayes, to introduce Ordinance 019-2022, with the public hearing and final adoption scheduled for August 22, 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. 019-2022

AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER III (POLICE REGULATIONS), CHAPTER VI (ALCOHOLIC BEVERAGE CONTROL), AND CHAPTER XXVI (USE OF TOWNSHIP FACILITIES) OF THE CODE OF UPPER TOWNSHIP

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

SECTION 1: Chapter 3, Section 13.2, of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended as follows:

3-13 **PUBLIC DISPLAY AND CONSUMPTION OF ALCOHOLIC BEVERAGES**

PROHIBITED.

Add the following to Section 3-13.2:

3-13.2 Exceptions.

In addition, nothing contained in this section shall apply to any person or persons attending an event in which the sale and consumption of alcoholic beverages is authorized by resolution of the Township Committee pursuant to Chapter 6, Section 6-7 of this Code.

SECTION 2: Chapter 6, Section 6-7 is hereby added to the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township:

6 ALCOHOLIC BEVERAGE CONTROL.

Add the following to Chapter 6:

6-7 Temporary Permits.

The Township Committee, by resolution, may permit the sale and consumption of alcoholic beverages on Township lands, including public parks, on a one-day permit basis as provided in N.J.S.A. 33:1-74 or on a catering permit basis as provided by regulation or rule of the New Jersey Division of Alcoholic Beverage Control.

SECTION 3: Chapter 26, Section 3.7, of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended as follows:

26-3 REQUIREMENT FOR USE OF FACILITIES.

Add the following to Section 26-3.7:

26-3.7 Use Restrictions.

The prohibition on the use of alcohol shall not apply to any person or persons attending a special event in which the sale and consumption of alcoholic beverages is authorized by resolution of the Township Committee pursuant to Chapter 6, Section 6-7 of this Code.

SECTION 4. REPEALER: All Ordinances or parts of Ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

SECTION 5. 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 6. EFFECTIVE DATE: This Ordinance shall take effect upon final adoption and publication as required by law.

SECTION 7. CODIFICATION: This Ordinance shall be codified in the Upper Township Code

at the sections referred to above.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE **25TH DAY OF JULY, 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 **22ND DAY OF AUGUST, 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

11. Introduction and first reading of Ordinance No. 020-2022 RE: ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER 3, SECTION 1 (HAWKING OR PEDDLING MERCHANDISE) OF THE CODE OF UPPER TOWNSHIP. **Upon the recommendation of the Municipal Attorney, this item was moved to New Business for discussion.**

CORRESPONDENCE

NEW BUSINESS

12. Draft Ordinance amending Chapter 3, Section 1 (Hawking or Peddling Merchandise) of the code of Upper Township. **The Municipal Attorney gave a brief review of the matter in which a vendor has challenged the validity of the Township's Ordinance banning door to door solicitation in the Township. He stated that the ban does go against the first amendment rights of the solicitor and if challenged in court the Township would lose. He reviewed some of the terms of the draft Ordinance which will allow door to door solicitation but will require that a license is first obtained from the Township. There followed a lengthy discussion regarding fees and requirements for the license, the implementation of a "Do Not Knock" registry, and whether Homeowners Associations are allowed to ban door to door solicitation. An Ordinance will be relisted for introduction at a future meeting.**
13. Dennis Township request to purchase Township owned 2005 Sterling vacuum truck. **The Township Administrator reported that discussion with Dennis Township on the terms are still ongoing and requested that the matter be listed as unfinished business on the next meeting.**

UNFINISHED BUSINESS

14. Remote public meeting access. **The Municipal Attorney reported on guidance received from the Division of Local Government Services. He stated that per the DLGS, meetings that are open and available for the public to physically attend does not preclude an individual Committee member from attending virtually as long as there is a quorum of the governing body physically in attendance. If the meeting is not open to the public to physically attend, then the public must be provided with a way to attend virtually. He cautioned that any violation or appearance of a violation of the Open Public Meetings Act runs the risk of litigation and any action that was taken could be invalidated. It was stated that the Township does have the ability to allow members of the public to attend the open public meetings virtually however it would need an additional staff member to facilitate the process. After a lengthy discussion there was a consensus to continue with the current status quo and revisit the matter if needed.**

PAYMENT OF BILLS

15. **“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: \$699,939.36

Payroll: \$262,833.41

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

Don Oral, Palermo, spoke about the lack of maintenance on the right-of-way of the railroad tracks on Butter Road and requested that the Township reach out to Conrail to maintain the area.

Janet McMahan, Marmora, spoke about her concern with the tax increase, the salaries of County employees, and also questioned the closed session item regarding the purchase of County property.

Nathalie Neiss, Petersburg, also spoke about the tax increase and the amount of funds spent on legal counsel.

CLOSED SESSION

16. 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. 258-2022
MOTION GOING INTO CLOSED SESSION
JULY 25, 2022**

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

MATTERS

1. Personnel
2. Contract negotiation - Purchase of County Property - UT Senior Center

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

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

Moved by: John Coggins

Motion seconded by: Kimberly Hayes

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

RECONVENE PUBLIC PORTION OF MEETING

Motion by 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 8:03 P.M., with a motion by John Coggins, second by Jay Newman, and all five Committee members voting in the affirmative. The next regular meeting is scheduled for August 8, 2022, at 4:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC
Deputy Municipal Clerk

Bills

79847 07/25/22 A0018 ACTION SUPPLY INC. 30.21 3252
79848 07/25/22 A0025 ADVANTAGE RENTAL & SALES 634.73 3252
79849 07/25/22 A0027 ACE PLUMBING SUPPLY,INC 347.61 3252
79850 07/25/22 A0091 ATLANTIC CITY ELECTRIC 2,567.93 3252
79851 07/25/22 A0193 ATLANTIC INVESTIGATIONS, LLC 939.00 3252
79852 07/25/22 A0212 ANCERO, LLC 8,235.50 3252
79853 07/25/22 A0225 AUTOZONE NORTHEAST LLC 122.16 3252
79854 07/25/22 A0235 AMAZON CAPITAL SERVICES, INC. 1,395.40 3252
79855 07/25/22 A0239 AT&T MOBILITY NAT'L ACCTS LLC 281.61 3252
79856 07/25/22 B0035 BELMONT & CRYSTAL SPRINGS 153.19 3252
79857 07/25/22 B0093 BARRY,CORRADO & GRASSI,PC 577.50 3252
79858 07/25/22 B0220 BERGEY'S TRUCK CENTERS 1,706.21 3252
79859 07/25/22 B0259 BENCHMARK INSURANCE COMPANY 4,736.00 3252
79860 07/25/22 C0042 CAMPBELL SUPPLY COMPANY 213.10 3252
79861 07/25/22 C0046 CAPE MAY COUNTY CLERK 4,206.44 3252
79862 07/25/22 C0048 CAPE MAY COUNTY MUA 55,464.29 3252
79863 07/25/22 C0061 CAPRIONI FAMILY SEPTIC 375.00 3252
79864 07/25/22 C0068 COMCAST 739.65 3252
79865 07/25/22 C0072 CATERINA SUPPLY INC. 2,710.65 3252
79866 07/25/22 C0143 CODY'S POWER EQUIPMENT 324.08 3252
79867 07/25/22 C0182 CDW GOVERNMENT, INC 349.64 3252
79868 07/25/22 C0223 CASA PAYROLL SERVICE 311.00 3252
79869 07/25/22 C0279 CASA REPORTING SERVICES LLC 199.50 3252
79870 07/25/22 C0296 COMCAST BUSINESS COMMUNICATION 1,407.97 3252
79871 07/25/22 C0307 CNS ACQUISITION CORPORATION 835.00 3252
79872 07/25/22 D0040 DELTA DENTAL OF N.J. INC. 5,932.50 3252
79873 07/25/22 D0171 DEPARTMENT OF THE TREASURY 156.24 3252
79874 07/25/22 D0186 DOCUTREND, INC. 62.20 3252
79875 07/25/22 D0237 DIETZ, KERRY 125.00 3252
79876 07/25/22 F0163 NEFF, ABIGAIL 31.75 3252
79877 07/25/22 F0181 FOR SHORE WEED CONTROL, INC 433.00 3252
79878 07/25/22 F0232 FAMILY AUTO GLASS 350.00 3252
79879 07/25/22 G0014 GARDEN STATE HWY PRODUCTS INC. 225.00 3252
79880 07/25/22 G0016 GARDNER HARDWARE INC. 290.12 3252
79881 07/25/22 H0073 HOME DEPOT CRC/GECF 192.76 3252
79882 07/25/22 H0195 HOHMAN, CHRISTOPHER 150.00 3252
79883 07/25/22 J0028 JESCO, INC. 996.52 3252
79884 07/25/22 J0079 JAMES WYERS LANDSCAPING, LLC 450.00 3252
79885 07/25/22 J0087 JASM CONSULTING LLC 950.00 3252
79886 07/25/22 K0037 KOHLER, JOHN F 153.59 3252
79887 07/25/22 K0086 K D NATIONAL FORCE SECURITY 312.72 3252
79888 07/25/22 K0103 KYOCERA DOCUMENT SOLUTIONS 144.67 3252
79889 07/25/22 L0153 LIFEFORCE USA, INC. 724.88 3252
79890 07/25/22 M0019 MAXIMUM MARINE,LLC 248.10 3252
79891 07/25/22 M0230 MCANJ/NANCY BRETZGER 175.00 3252
79892 07/25/22 M0235 MODERN GROUP, LTD 5,450.00 3252
79893 07/25/22 M0277 EQUITABLE FINANCIAL LIFE INS. 184.59 3252
79894 07/25/22 N0043 NAPA AUTO PARTS 354.30 3252
79895 07/25/22 N0046 NJ EMERGENCY PREPAREDNESS ASSO 225.00 3252

79896 07/25/22 N0154 NEW HORIZON COMMUNICATIONS 856.18 3252
79897 07/25/22 O0063 OTT HYDROMET CORP 8,427.13 3252
79898 07/25/22 P0032 PEDRONI FUEL CO. 4,105.87 3252
79899 07/25/22 P0166 PARKER MCCAY P.A. 4,104.96 3252
79900 07/25/22 R0030 RIGGINS, INC. 5,815.99 3252
79901 07/25/22 R0100 ROBERTS OXYGEN COMPANY, INC. 119.55 3252
79902 07/25/22 R0119 RUDERMAN ROTH LLC 17,271.00 3252
79903 07/25/22 S0020 THE HOME DEPOT PRO 245.26 3252
79904 07/25/22 S0031 SCHULER SECURITY, INC. 175.00 3252
79905 07/25/22 S0057 SERVICE TIRE TRUCK CENTERS 4,012.55 3252
79906 07/25/22 S0113 SMITH, THOMAS G. 2,224.75 3252
79907 07/25/22 S0209 STAPLES ADVANTAGE 99.44 3252
79908 07/25/22 S0250 SOUTH JERSEY GLASS & DOOR - 560.00 3252
79909 07/25/22 S0254 SHOPRITE 160.26 3252
79910 07/25/22 S0292 SURENIAN EDWARDS & NOLAN LLC 40.00 3252
79911 07/25/22 S0327 SUASION COMMUNICATIONS GROUP 37.50 3252
79912 07/25/22 S0328 SJEV 750.00 3252
79913 07/25/22 S0363 STARR GENERAL CONTRACTING CORP 2,992.00 3252
79914 07/25/22 T0032 THE PRESS OF ATLANTIC CITY 854.82 3252
79915 07/25/22 T0047 W.E. TIMMERMAN CO., INC. 525,734.70 3252
79916 07/25/22 T0067 TOWNSHIP OF UPPER PETTY CASH 60.00 3252
79917 07/25/22 T0129 TRUGREEN CHEMLAWN 7,267.25 3252
79918 07/25/22 T0179 TUCKAHOE TURF FARMS, INC. 1,560.00 3252
79919 07/25/22 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3252
79920 07/25/22 T0192 MARSH & McLENNAN AGENCY/TRION 261.25 3252
79921 07/25/22 T0211 TRELEASE, BRIAN P., ESQUIRE 1,800.00 3252
79922 07/25/22 V0013 VERIZON WIRELESS 650.97 3252
79923 07/25/22 V0022 VERIZON 604.56 3252
79924 07/25/22 V0052 VIKING TERMITE & PEST CONTROL 108.00 3252
79925 07/25/22 V0053 VERIZON CONNECT FLEET USA LLC 469.18 3252
79926 07/25/22 W0030 WEST PUBLISHING CO. 746.97 3252
79927 07/25/22 W0045 WILDWOOD CATHOLIC HIGH SCHOOL 250.00 3252
79928 07/25/22 W0087 W.B. MASON EGG HARBOR 126.98 3252
79929 07/25/22 W0126 Wood, Andrew 24.50 3252
79930 07/25/22 X0008 XEROX FINANCIAL SERVICES 216.43 3252
Total: \$699,939.36