

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR SEPTEMBER 12, 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 September 9, 2022, the notice of this meeting of the Upper Township Committee was posted on the official Township Bulletin Board, the Upper Township Website, and mailed to the Cape May County Gazette, the Atlantic City Press, the Ocean City Sentinel-Ledger, the Herald Times and filed with the Township Clerk. Tonight’s meeting is being audio recorded up until the closed session portion of this meeting and will be available on the Upper Township website. I hereby direct that this announcement be made a part of the minutes of this meeting.”

SALUTE TO THE FLAG

ROLL CALL

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

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

APPROVAL OF MINUTES - August 22, 2022 Regular and Closed Session Minutes

Motion by Jay Newman, second by Kimberly Hayes, to approve the August 22, 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 the Employee Spotlight program has chosen its first employee of the month for August. He stated that DPW employee Marshall Kohler was nominated for using his exceptional skills to fabricate a part needed in the Mechanic’s shop resulting in a significant savings to the Township. He next reported that DPW Supervisor Reeves has requested approval to attend a class for continuing education credits at Stockton University at a cost of \$135.00 and made a motion to approve the request. The motion was seconded by Jay Newman. During roll call vote all five Committee members voted in the affirmative.

Kimberly Hayes, Committeewoman, reported that the Township will be partnering with Cape Assist to host a drive-in movie night on October 22nd at Amanda’s Field. Cape Assist is doing a social media campaign for public involvement, and she encouraged all to visit the Cape Assist Facebook page to vote on which movie should be shown. She next reported on the details of the upcoming Fall

Fest to be held at Amanda's Field on Sunday October 9th. The gates will open at 10:00 am, with performances opening the day from the Upper Township Taxi Cheerleading Squad and the Country Shore Women's Group. The American Legion will also be hosting a flag retirement ceremony. At 11:30 the Fire Companies will be doing a presentation, and there will be live music, axe throwing, corn hole, laser tag, vendors, food trucks and more throughout the day. Mrs. Hayes then extended her condolences to the Fulmer family on the tragic passing of Zachary Fulmer. She asked that the family and friends of Zach be kept in our prayers.

John Coggins, Committeeman, requested the Municipal Engineer to contact the County regarding the site line at the intersection of Butter Road and Tuckahoe Road looking north. He explained that it is overgrown and could be a hazard.

Jay Newman, Committeeman, reported that the weekend of September 16th will be the last weekend for guarded beaches, and gave a brief report on beach counts for the summer. He next gave a brief report on the EMS Department's activity for the month of August. He next reported on a request from an EMT to attend a National Fire Academy Course in Maryland and made a motion to approve the request and pay the employee his hourly salary rate while attending the course. The motion was seconded by Curtis Corson. During roll call vote all five Committee members voted in the affirmative. Lastly, he gave a brief update on the Atlantic City Electric's reliability project.

Curtis Corson, Mayor, reminded everybody that with the beaches closing down to be responsible while swimming.

ADMINISTRATOR OVERVIEW AND FILING OF REPORTS

Gary DeMarzo, Township Administrator, thanked the Department of Public Works and the NJSP for their response to a recent accident involving deer. He next stated that he recently had the opportunity to tour the township's DPW facility with Committeeman Pancoast and that he was very impressed with the facility, especially with the washbay truck washing equipment and how it recycles water. He next thanked the Division of EMS for their expert response to a recent sea doo incident. He also praised the work of Committeewoman Hayes and the Recreation Leader for their work on upcoming events.

Paul Dietrich, Municipal Engineer, reported on some additional beach erosion at the north end of Strathmere. He stated that he anticipates continued erosion throughout the fall and winter. He further stated that the bulkhead will provide adequate protection for the infrastructure and homes behind it, but the Township will continue to work with the Army Corps of Engineers to monitor the area. A beach fill is scheduled to take place next year, however the exact timing is not known at this time. Residents were cautioned to not trespass the fencing installed to block access to the dangerous areas.

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

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

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

10. Honoring Shoprite Partners In Caring and the Marmora Shoprite associates for their fight against hunger.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 277-2022

**HONORING SHOPRITE PARTNERS IN CARING AND THE MARMORA
SHOPRITE ASSOCIATES FOR THEIR FIGHT AGAINST HUNGER**

WHEREAS, ShopRite Partners In Caring is a year-round community based, hunger fighting initiative that works with food industry manufacturers providing much needed funds to qualified charitable agencies throughout New York, Connecticut, Delaware, Pennsylvania, Maryland and New Jersey; and

WHEREAS, since its inception in 1999, ShopRite Partners In Caring has supported more than 2,200 charities; and

WHEREAS, ShopRite Partners In Caring supports emergency food pantries, homeless shelters, child care centers, battered women's shelters, soup kitchens, senior citizen programs, drug rehab centers, programs for the mentally and physically disabled, after-school programs and other organizations that aid those in need; and

WHEREAS, ShopRite associates have collected donations and held various events, raising funds to support regional food banks in communities served by ShopRite stores; and

WHEREAS, the Upper Township Committee wishes to acknowledge and thank the Marmora ShopRite for their generous support of our local Community food bank with donations from events such as the "Help Bag Hunger Day" held every September; 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, this Township Committee

expresses its sincere appreciation to ShopRite Partners In Caring and the associates of the Marmora ShopRite store for their efforts in fighting hunger and raising awareness of this significant problem.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 12th day of September, 2022.

11. Authorizing the Mayor and Township Clerk to sign a contract with Quality Asset Recovery, LLC for collection services for Emergency Medical Service accounts.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 278-2022

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A CONTRACT
WITH QUALITY ASSET RECOVERY, LLC FOR COLLECTION SERVICES FOR
EMERGENCY MEDICAL SERVICE ACCOUNTS**

WHEREAS, the Township requires collection services for emergency medical service accounts; and

WHEREAS, Quality Asset Recovery, LLC 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 Quality Asset Recovery, LLC 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 Municipal Attorney and will be on record in the office of the Township Clerk and available for public inspection; and

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with Quality Asset Recovery, LLC to provide collection services for emergency medical service accounts.
3. Quality Asset Recovery, 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. 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 Quality Asset Recovery, LLC has professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

NOTICE OF CONTRACT AWARD

5. The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Quality Asset Recovery, LLC for emergency medical service accounts collection services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.
6. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the official budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.
7. The contractor has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and will provide proof of that registration to the Township of Upper.
8. A notice of this contract award shall be published in the official newspaper of the Township of Upper within ten (10) days from the date of adoption.

Resolution No. 278-2022

Offered by: Newman Seconded by: Hayes

Adopted: September 12, 2022

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT

Coggins	X			
Hayes	X			
Newman	X			
Pancoast	X			
Corson	X			

12. Authorizing the Mayor and Township Clerk to sign a contract with Shore Animal Control Services, LLC for animal control services in Upper Township.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 279-2022

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A
CONTRACT WITH SHORE ANIMAL CONTROL SERVICES, LLC FOR
ANIMAL CONTROL SERVICES IN UPPER TOWNSHIP**

WHEREAS, Shore Animal Control Services, LLC has submitted a proposal to the Township for animal control services; and

WHEREAS, the Township wishes to accept said proposal and to authorize the execution of a contract with Shore Animal Control Services, LLC; and

WHEREAS, the proposed contract has been reviewed and approved by the Municipal Attorney and will be on record in the office of the Township Clerk and available for public inspection; and

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with Shore Animal Control Services, LLC to provide animal control services within the Township of Upper commencing September 15, 2022.

3. Shore Animal Control Services, 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. 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 Shore Animal Control Services, LLC has professional knowledge as to animal control services 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 Shore Animal Control Services, LLC for animal control 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 Shore Animal Control Services, LLC 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.

Offered by: Newman Seconded by: Hayes

Adopted: September 12, 2022

Roll Call Vote:

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

13. Authorizing the award of a contract with Starr General Contracting Corporation for equipment rental.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 280-2022

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH
STARR GENERAL CONTRACTING CORPORATION FOR EQUIPMENT RENTAL**

WHEREAS, the Township of Upper must rent portable toilets for various recreation facilities, and to do so desires to enter into a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Starr General Contracting Corporation has indicated they will provide the weekly equipment rental service; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with Starr General Contracting Corporation for the year 2022 will exceed \$17,500 and a contract pursuant to N.J.S.A. 19:44A-20.5 is required; and

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

WHEREAS, the total amount to be paid for the goods and/or services will not exceed the bid threshold of the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-3) and the contract has been approved by the Township's Qualified Purchasing Agent; and

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

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

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

2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with Starr General Contracting Corporation as described herein.

3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

4. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No.280-2022

Offered by: Newman Seconded by: Hayes

Adopted: September 12, 2022

Roll Call Vote:

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

14. Refund EMS ambulance billing overpayment to Aetna Senior Supplemental Insurance.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 281-2022

**RE: REFUND EMS AMBULANCE BILLING OVERPAYMENT
TO AETNA SENIOR SUPPLEMENTAL INSURANCE**

WHEREAS, an overpayment has occurred in the account of an EMS ambulance billing patient, where the monies sent to the Township of Upper Aetna Senior Supplemental Insurance were in excess as evidenced by the attached copy of a letter attached hereto as Exhibit A.

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

<u>AMOUNT</u>	<u>NAME</u>
\$105.57	Asset Protection Unit, Inc. P.O. Box 30969 Amarillo, TX 79120

Resolution No. 281-2022

Offered by: Newman Seconded by: Hayes

Adopted: September 12, 2022

Roll Call Vote:

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

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

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 282-2022

**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:

Evelyn Connors (Block 600, Lot 62, C0136)	\$ 12.00
Triad Associates (Admin.Agent Rentals Wait List; Wait List Maint. Sales)	\$ 300.00

Resolution No. 282-2022
 Offered By: Newman Seconded By: Hayes
 Adopted: September 12, 2022
 Roll Call Vote:

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

16. Authorizing a first amendment to the Leasing and Management Agreement between the Township of Upper and the County of Cape May for Amanda’s Field.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 RESOLUTION**

RESOLUTION NO. 283-2022

**RE: AUTHORIZING A FIRST AMENDMENT TO THE LEASING AND MANAGEMENT
 AGREEMENT BETWEEN THE TOWNSHIP OF UPPER AND THE COUNTY OF CAPE
 MAY FOR AMANDA’S FIELD**

WHEREAS, the Township of Upper entered into a Lease and Management Agreement with the County of Cape May on December 27, 1999 for the property located at Block 451, Lots 6, 20, 22, 23, and 33 on the Official Tax Map of Upper Township, also known as Amanda’s Field; and

WHEREAS, both parties desire to amend the terms of said 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 a First Amendment to Leasing and Management Agreement, attached hereto as Exhibit A, with the County of Cape May for the property known as Amanda’s Field.

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. 283-2022

Offered by: Newman Seconded by: Hayes

Adopted: September 12, 2022

Roll Call Vote:

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

17. Appointing Judge Vincent J. Morrison to serve as substitute Municipal Judge on an as needed basis.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 284-2022

**RE: APPOINTING JUDGE VINCENT J. MORRISON TO SERVE AS SUBSTITUTE
MUNICIPAL JUDGE ON AN AS NEEDED BASIS**

WHEREAS, the Township has decided to acquire the services of Judge Vincent J. Morrison, to serve as a substitute municipal judge, 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 a contract for professional services; and

WHEREAS, Judge Vincent J. Morrison has completed and submitted a Business Entity Disclosure Certification which certifies that he has not made any contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit him from making any contributions through the term of his 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. Judge Vincent J. Morrison is hereby appointed as a substitute municipal judge to serve on an as needed basis.
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 Judge Vincent J. Morrison has professional knowledge as to legal and municipal court matters, which knowledge is particularly valuable to the Township Committee, and this service is acquired as non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

NOTICE OF CONTRACT AWARD

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

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

6. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Judge Vincent J. Morrison 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.

7. A copy of this Resolution shall be published in the official newspaper of the Township of Upper within ten (10) days from the date of adoption.

8. This Resolution shall be effective as of adoption.

Offered by: Newman Seconded by: Hayes

Adopted: September 12, 2022

Roll Call Vote:

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

18. Appointing Louis M. Belasco, CTA to act as Tax Assessor for matters in which the regular Township Tax Assessor may have a conflict of interest.

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

RESOLUTION NO. 285-2022

**RE: APPOINTING LOUIS M. BELASCO, CTA TO ACT AS TAX
ASSESSOR FOR MATTERS IN WHICH THE REGULAR TOWNSHIP
TAX ASSESSOR MAY HAVE A CONFLICT OF INTEREST**

WHEREAS, Louis M. Belasco, CTA has submitted a proposal to perform the duties of Tax Assessor for the Township of Upper for matters in which the regular Township Tax Assessor has a conflict of interest; and

WHEREAS, the Township wishes to accept said proposal and to authorize the execution of a contract with Louis M. Belasco, CTA 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, CTA has completed and submitted a Business Entity Disclosure Certification which certifies that Louis M. Belasco, CTA 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, CTA 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, CTA is hereby appointed to perform the duties of Tax Assessor for matters in which the regular Township Tax Assessor has a conflict of interest.

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, CTA has professional knowledge as to tax assessment matters which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

NOTICE OF CONTRACT AWARD

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

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

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

7. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Louis M. Belasco, CTA in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

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

9. This Resolution shall be effective as of adoption.

Resolution No. 285-2022

Offered by: Newman Seconded by: Hayes

Adopted: September 12, 2022

Roll Call Vote:

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

19. Releasing the surety bond of the George Harms Construction Company, Inc. for the mining operation located on Block 414, Lot 45 and Block 451, Lot 4.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 286-2022

**RE: RELEASING THE SURETY BOND OF THE
GEORGE HARMS CONSTRUCTION COMPANY, INC. FOR THE
MINING OPERATION LOCATED ON BLOCK 414, LOT 45 AND BLOCK 451, LOT 4**

WHEREAS, on June 14, 2022, the George Harms Construction Company, Inc. sold the property known as Block 414, Lot 45 and Block 451, Lot 41 on the official tax map of the Township of Upper, also known as Caldwell Pit, to Mojave Materials, LLC; and

WHEREAS, on August 22, 2022, the Township accepted Surety Bond No. 30157330 in the amount of \$25,304.95 from Mojave Materials, LLC for the mining operation located on Block 414, Lot 45, and Block 451, Lot 4; and

WHEREAS, in accordance with Chapter 19, Section 8.5 of the code of Upper Township, the Surety Bond from George Harms Construction Co., Inc. shall be released; 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. Surety Bond No. 58726969 in the amount of \$25,304.95 is hereby released.
3. All Township officials and officers are hereby authorized and empowered to take all actions deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 286-2022

Offered by: Newman Seconded by: Hayes

Adopted: September 12, 2022

Roll Call Vote:

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

20. Appointing Donald Rainear to the Upper Township Zoning Board of Adjustment.
Committeewoman Hayes requested that this Resolution be separated from the consent agenda for further discussion.
21. Authorizing the purchase of certain items through the Houston-Galveston Area Council (H-GAC) National Cooperative Contract with funds from the 2020 Capital Improvement Bond Ordinance in the amount of \$156,419.76.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 287-2022

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS THROUGH THE HOUSTON-
GALVESTON AREA COUNCIL (H-GAC) NATIONAL COOPERATIVE CONTRACT
WITH FUNDS FROM THE 2020 CAPITAL IMPROVEMENT BOND ORDINANCE
IN THE AMOUNT OF \$156,419.76**

WHEREAS, it is necessary for the Township of Upper to make certain capital purchases; and

WHEREAS, the Township Committee has determined that a purchase from the national cooperative contract will result in cost savings after all factors have been considered; and

WHEREAS, N.J.S.A. 52:34-6.2 allows the Township of Upper to utilize national cooperative contracts as a method of procurement; and

WHEREAS, the Township Committee adopted 2020 Capital Improvement Bond Ordinance No. 010-2020 on November 9, 2020 and subsequently amended on March 8, 2021 and May 9, 2022; and

WHEREAS, the Township of Upper intends to purchase a Ford F550 4x2 Diesel Type I Base Ambulance Remount in the amount of \$156,419.76 from VCI Emergency Vehicle

Specialists, LLC of Berlin, New Jersey through Houston-Galveston Area Council (H-GAC) National Cooperative Contract No. AM-10-20 as herein indicated; and

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

WHEREAS, the Chief Financial Officer of the Township has certified the availability of funds to allow the award of contract for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose from the 2020 Capital Improvement Bond Ordinance; and

WHEREAS, the Chief Financial Officer has confirmed that the Township has complied with N.J.S.A. 52:34-6.2 as well as all other legal requirements for this method of procurement.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with VCI Emergency Vehicle Specialists, LLC for the purchase of a Ford F550 4x2 Diesel Type I Base Ambulance Remount in the amount of \$156,419.76 from the 2020 Capital Improvement Bond Ordinance through Houston-Galveston Area Council (H-GAC) National Cooperative Contract No. AM-10-20.
3. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 287-2022

Offered By: Newman Seconded By: Hayes

Adopted: September 12, 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 –

22. **Appointing Donald Rainear to the Upper Township Zoning Board of Adjustment.**
 Committeewoman Hayes stated that upon the resignation of a seat on the Zoning Board held by a resident of Strathmere, the Committee determined that a Strathmere resident be appointed to the open seat to continue Strathmere’s representation on the Board. She further stated that upon looking at the applications she believes that the appointment should also continue to be filled by a woman. She made a motion, seconded by Mark Pancoast, to appoint Janice Connell to the open position on the Zoning Board as Alternate #4. Mayor Corson then stated that Ms. Connell is not a full-time resident of Upper Township. Ms. Connell, who was in attendance, confirmed that fact. Committeewoman Hayes then requested that this matter be tabled in order to solicit additional applications from Strathmere residents. Mayor Corson stated that the Zoning Board is now backlogged, and he is ready to move forward with an appointment tonight. Mayor Corson then made a motion to appoint Donald Rainear as Alternate #4 to the Zoning Board. The motion was seconded by John Coggins. During roll call vote three Committee members voted in the affirmative. Committee members Hayes and Pancoast voted no.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 RESOLUTION**

RESOLUTION NO. 288-2022

**RE: APPOINTING DONALD RAINEAR TO THE UPPER TOWNSHIP
 ZONING BOARD OF ADJUSTMENT**

WHEREAS, N.J.S.A. 40:55D-69 provides that members of the Zoning Board of Adjustment shall be appointed by the Governing Body of the municipality; and

WHEREAS, due to a recent vacancy on the Zoning Board of Adjustment of the Township of Upper the Township Committee deems it appropriate to advance the Alternate members, as hereinafter provided, and appoint a new member to the position of Alternate #4; 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 appointments are hereby made to the Zoning Board of Adjustment:

Sherrie Lisa Galderisi – is hereby appointed to the unexpired four (4) year term of Karen Mitchell, commencing January 1, 2021 and expiring December 31, 2024.

Larry J. Trulli – is hereby appointed to the unexpired two (2) year term of Sherrie Lisa Galderisi as Alternate #1, commencing January 1, 2021 and expiring December 31, 2022.

James Burger – is hereby appointed to the unexpired two (2) year term of Larry J. Trulli as Alternate #2, commencing January 1, 2022 and expiring December 31, 2023.

Tom Jackson – is hereby appointed to the unexpired two (2) year term of James Burger as Alternate #3, commencing January 1, 2022 and expiring December 31, 2023.

Donald Rainear – is hereby appointed to the unexpired two (2) year term of Tom Jackson as Alternate #4, commencing January 1, 2022 and expiring December 31, 2023.

Resolution No. 288-2022

Offered by: Corson Seconded by: Coggins

Adopted: September 12, 2022

Roll Call Vote:

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

ORDINANCES

23. **Public hearing and final adoption of Ordinance No. 020-2022 RE: AN ORDINANCE AUTHORIZING THE SALE OF A 2005 STERLING 750 VACUUM/JETTER TRUCK.** During the public hearing portion there were no speakers. Motion by Jay Newman, second by Mark Pancoast, to adopt Ordinance No. 020-2022. 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. 020-2022

**RE: AN ORDINANCE AUTHORIZING THE SALE OF A
2005 STERLING 750 VACUUM/JETTER TRUCK**

WHEREAS, the Township of Upper is the owner, in fee, of a 2005 Sterling 750 Vacuum/Jetter Truck; and

WHEREAS, the Township has received an offer from the Township of Dennis to purchase said property; and

WHEREAS, after discussion and deliberation the Township Committee is of the opinion that the sale of said property will be in the best interest of both Townships; 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 property commonly known as a 2005 Sterling 750 Vacuum/Jetter Truck - VIN # 2FZAATDC45AN60982 (hereinafter referred to as "Vehicle"), to the Township of Dennis for the price of Ten Thousand Dollars (\$10,000.00) in accordance with N.J.S.A. 40A:12-13(b)(1).

SECTION 2: The Vehicle authorized to be sold together with the 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 Vehicle 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 Vehicle 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 3: The Vehicle shall be sold "AS IS" and "WHERE IS." The Vehicle is sold without warranty of any kind, including, but not limited to, any warranty of merchantability and/or fitness for a particular purpose. The Township of Upper promises that no one else has any legal rights in the Vehicle, and further warrants that there are no liens or encumbrances on the Vehicle, and the Township's title to the Vehicle is clear and merchantable.

SECTION 4: Upon receipt of payment, the Township of Upper shall provide a Bill of Sale and transfer the Vehicle title to the Township of Dennis. The Township of Dennis will be the owner thereof with complete responsibility to insure, register, and maintain the Vehicle.

SECTION 5: 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 8TH DAY OF AUGUST, 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 12TH DAY OF SEPTEMBER, 2022 AT 4:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

24. Public hearing and final adoption of Ordinance No. 021-2022 RE: AN ORDINANCE AUTHORIZING THE EXCHANGE AND SALE OF CERTAIN PARCELS OF VACANT GROUND WITHIN THE TOWNSHIP OF UPPER TO THE TUCKAHOE VOLUNTEER FIRE COMPANY SUBJECT TO CERTAIN TERMS AND CONDITIONS. During the public hearing portion there was the following speaker:

Bonnie Collins – questioned which parcels are being exchanged and under which terms. Mayor Corson stated that a piece of land behind the Tuckahoe Fire House that the Township owns will be exchanged for a piece of land across the street from the Tuckahoe Fire House that the Tuckahoe Fire Company owns. There will be no effect on the tax ratables and no exchange of funds. It was also stated that once an Ordinance is introduced, it is then published, copies are available in the Clerk’s Office, and is posted on the Township’s website for review by the public.

The Public hearing was then closed. Motion by Jay Newman, second by Kimberly Hayes, to adopt Ordinance No. 021-2022. 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. 021-2022

AUTHORIZING THE EXCHANGE AND SALE OF CERTAIN PARCELS OF VACANT GROUND WITHIN THE TOWNSHIP OF UPPER TO THE TUCKAHOE VOLUNTEER FIRE COMPANY SUBJECT TO CERTAIN TERMS AND CONDITIONS

WHEREAS, the Township of Upper, (hereinafter “Township”), is the owner, in fee, of certain parcels of vacant ground (the “Township Land”) located within the Township of Upper, County of Cape May, and State of New Jersey; and

WHEREAS, the Township has received an offer from the Tuckahoe Volunteer Fire Company, (hereinafter “TVFC”), a duly incorporated volunteer fire company in the Township of Upper, to purchase the Township Land in exchange for a certain parcel of vacant ground owned by TVFC (the “TVFC Land”) within the Township of Upper, County of Cape May, and State of New Jersey; and

WHEREAS, after discussion and deliberation, the Township Committee has concluded that Township Land is not needed for Township purposes and the exchange and sale will be in the best interest of the Township; and

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

SECTION 1: Subject to the provisions hereafter set forth, the Township is authorized to sell to the TVFC the Township Land in exchange for the TVFC Land, more particularly described as follows:

(A) The Township shall convey to the TVFC Block 296, Lots 1 & 2; Block 291, Lots 1 – 14; Block 292, Lots 1 – 20; and Block 295, Lots 1, 2, 5 – 14.

1) The parcels shall be deed restricted so as to provide that the property shall be used only for the purposes of the TVFC, and to render those services or to provide those facilities consistent with such purposes, and not any other purpose, including but not limited to a residential use or building, a commercial business, or a trade or manufacturing business, and that if the property is not used in accordance with that limitation, the property shall revert to the Township of Upper.

2) The TVFC shall maintain the property in compliance with Revised General Ordinance Chapter 11 of the Code of Upper Township.

(B) TVFC shall convey to the Township Block 348, Lot 55.

1) The deed restriction placed on Block 348, Lot 55 in accordance with Ordinance 11-2019, as recorded with the County of Cape May on October 23, 2019, Book D3882, Pages 273-277 shall be terminated upon transfer of the property to the Township.

(C) This transaction shall constitute a sale of the Township Land to the TVFC in accordance with the terms of N.J.S.A. 40A:12-21, where the consideration to be paid to the township shall consist of the TVFC Land.

SECTION 2: The exchange and sale of lands authorized in Section 1 hereof is expressly conditioned and contingent upon the following:

(A) The Township makes no promise or warranty as to the physical condition or status of the title to the Township Land as it is transferred completely AS IS. In

the event a defect in the title or physical condition of the land to be received by the TVFC is discovered prior to closing, the TVFC may cancel this exchange and sale whereupon there shall be no further obligations between the parties.

- (B) In the event a defect in the title or physical condition of the land to be received by the Township is discovered prior to closing, the Township may cancel this exchange whereupon there shall be no further obligations between the parties.
- (C) Title reports shall be prepared by a title abstracting company and title underwriter acceptable to the Township and the TVFC. The title reports must, at a minimum, provide evidence that the property to be exchanged is owned, in fee simple, by the parties who shall be conveying same, that title is marketable and insurable at regular rates, and that there are no liens, encumbrances or conditions, reservations or restrictions of record which would interfere with the intended use of the property by the Grantees.
- (D) Any property to be conveyed herein shall be conveyed by Bargain and Sale Deed. The Township shall pay for the cost of the title report and all title company settlement charges for the land to be received by the Township and the TVFC shall pay the cost of the title report and all title company settlement charges for the land to be received by the TVFC. Each party shall bear the cost of preparation of the deed conveying the property to the other. Each party shall be solely responsible for the cost of title insurance covering the parcels received by such party as a result of the exchange of lands.
- (E) With respect to the property being conveyed by the Township, conveyance is under and subject to any riparian claim which may affect said property. In addition, the Township makes no representation as to the ability of the property to obtain a building permit or any other governmental approval. The property to be transferred by the Township may be situated in a flood hazard zone. The Township makes no warranties or representations, expressed or implied, as to the property being transferred, the condition or marketability of title or any

other matter. The Township makes no warranties or representations, expressed or implied, as to whether or not the property being transferred contains wetlands anywhere on the property. The Township makes no warranties or representations, expressed or implied, as to any matter of an environmental nature, or otherwise, which may prevent or limit building or construction or use of the property.

SECTION 3: All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 4: Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

SECTION 5: 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 8TH DAY OF AUGUST, 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 12TH DAY OF SEPTEMBER, 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

25. **Public hearing and final adoption of Ordinance No. 022-2022 RE: AN ORDINANCE AUTHORIZING THE TOWNSHIP OF UPPER TO PURCHASE THE PROPERTY KNOWN AS BLOCK 566, LOT 1 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF UPPER FOR A NOMINAL CONSIDERATION AND TO ENTER INTO A LEASE AGREEMENT WITH THE COUNTY OF CAPE MAY FOR THE PREMISES KNOWN AS THE “UPPER TOWNSHIP SENIOR CENTER”.** During the public hearing portion there were no speakers. Motion by Jay Newman, second Kimberly Hayes, to adopt Ordinance No. 022-2022. 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. 022-2022

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF UPPER TO

PURCHASE THE PROPERTY KNOWN AS BLOCK 566, LOT 1 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF UPPER FOR A NOMINAL CONSIDERATION AND TO ENTER INTO A LEASE AGREEMENT WITH THE COUNTY OF CAPE MAY FOR THE PREMISES KNOWN AS THE “UPPER TOWNSHIP SENIOR CENTER”

WHEREAS, pursuant to N.J.S.A. 40A:12-1 et. seq., a municipality may acquire any real property for public use; and

WHEREAS, the County of Cape May owns certain real property at Block 566, Lot 1 on the official Tax Map of the Township of Upper, County of Cape May, State of New Jersey, comprised of approximately 10.14 acres, and commonly referred to as 1369 Old Stagecoach Road, Palermo, New Jersey 08230 (“Property”); and

WHEREAS, the Township of Upper, desires to purchase the Property from the County of Cape May and continue to use same for public purposes; specifically, the Township of Upper shall subdivide the Property into two properties of approximately 2 and 8.14 acres, with said parcel of 2 acres being leased to the County of Cape May for a nominal amount for the continued operation of a senior center, and the parcel of 8.14 acres being developed into affordable housing for senior citizens; and

WHEREAS, the sale of the Property is contingent upon and subject to the Township and County executing a Lease Agreement for the County to continue operating a senior center on the Property; and

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

SECTION 1: PURCHASE OF BLOCK 566, LOT 1: The Township of Upper is hereby authorized to purchase from the County of Cape May the property known as Block 566, Lot 1 on the official tax map of the Township of Upper for the nominal consideration of One Dollar (\$1.00) and is further authorized to sign the Contract for Sale of Real Estate which sets forth the terms of the sale and the intended uses of the property.

SECTION 2: LEASE AGREEMENT FOR SENIOR CENTER: The Township of Upper is hereby authorized to enter into a Lease Agreement with the County of Cape May for lease

of the subdivided parcel of 2 acres, including the building known as the “Upper Township Senior Center” for the annual rent of One Dollar (\$1.00). Said Lease shall be for a term of fifty (50) years, commencing on the date of closing of the sale of Block 566, Lot 1, _____ 2022.

SECTION 3: AUTHORITY OF TOWNSHIP OFFICIALS: All Township officers, officials, and employees are hereby authorized, empowered, and directed to take any and all action necessary or required in order to carry out the intent and purpose of this Ordinance and for the purpose of carrying out the requirements of the contract between the Township of Upper and the County of Cape May with respect to the purchase and acquisition of Block 566, Lot 1. Without in any way intending to limit the generality of the foregoing, the Mayor and the Township Clerk are expressly authorized, empowered, and directed to sign any and all documents required to be executed in connection with the purchase and acquisition, including, but not limited to the Contract for Sale of Real Estate and the Lease Agreement.

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

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

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 8TH DAY OF AUGUST, 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 12TH DAY OF SEPTEMBER, 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. **Upper Township Rescue Squad request to hold a Trunk or Treat on Tuesday, October 25, 2022 (rain date October 26, 2022) at Amanda’s Field.** Motion by Kimberly Hayes, second by Jay Newman, to approve the request. During roll call vote all five Committee members voted in the affirmative.
27. **South Shore Stitchers request the use of the Upper Township Community Center for a Quilt Show on October 13, 14, 15, and 16, 2022.** Motion by Kimberly Hayes, second by Mark Pancoast, to approve the request. During roll call vote all five Committee members voted in the affirmative.

28. **Floodplain Management Planning annual progress report.** The Municipal Engineer reported that this report is part of the Community Rating System certification. The report details the items and gives a status update of the activities within the Township's All Hazards Mitigation plan, as well as an update to the Repetitive Loss Area Analysis. He requested a motion to move forward with a Resolution to adopt the annual progress report. Motion by Jay Newman, second by John Coggins, to move forward with a Resolution to adopt the Floodplain Management Planning Annual Progress Report. During roll call vote all five Committee members voted in the affirmative. A Resolution for formal action will be placed on the next agenda.

UNFINISHED BUSINESS

PAYMENT OF BILLS

29. **"I hereby move that all claims submitted for payment at this meeting be approved and then incorporated in full in the minutes of this meeting."** Motion by Jay Newman, second by Kimberly Hayes. During roll call vote all five Committee members voted in the affirmative.

Bills approved for payment: \$380,212.81

Payroll: \$240,342.82

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

Janice Connell, Strathmere, stated that the Lifeguards did a phenomenal job this season and thanked them for their coverage of the beaches. She next spoke about the erosion of the dunes on the north end and appreciated the efforts to advance the beach fill project. Lastly, she thanked Committeewoman Hayes for the nomination to the Zoning Board.

Bonnie Collins, Seaville, stated that there is an abandoned property across from the Godfrey Memorial Park and requested that the Township consider purchasing the property in order to extend the park for use by residents.

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. 289-2022
MOTION GOING INTO CLOSED SESSION
SEPTEMBER 12, 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 Real Estate
3. Contract negotiation – KD National
4. Contract negotiation – Marsh & McLennan

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 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 5:50 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 September 26, 2022, at 6:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

Bill List

80122 09/12/22 A0018 ACTION SUPPLY INC. 1,314.01 3259
 80123 09/12/22 A0025 ADVANTAGE RENTAL & SALES 728.39 3259
 80124 09/12/22 A0043 ALERT-ALL CORPORATION 999.99 3259
 80125 09/12/22 A0091 ATLANTIC CITY ELECTRIC 34,633.25 3259
 80126 09/12/22 A0191 ACTION UNIFORM CO. LLC 140.00 3259
 80127 09/12/22 A0212 ANCERO, LLC 9,720.97 3259
 80128 09/12/22 A0225 AUTOZONE NORTHEAST LLC 421.78 3259
 80129 09/12/22 A0235 AMAZON CAPITAL SERVICES, INC. 789.75 3259
 80130 09/12/22 B0076 BOND, LAURENCE E. 767.38 3259
 80131 09/12/22 B0093 BARRY, CORRADO & GRASSI, PC 1,382.50 3259
 80132 09/12/22 B0220 BERGEY'S TRUCK CENTERS 2,186.48 3259
 80133 09/12/22 B0242 BELASCO, LOUIS M. 425.00 3259
 80134 09/12/22 B0287 BIGLEAF NETWORKS, INC. 299.00 3259
 80135 09/12/22 B0288 KINGBARNES LLC 5,780.00 3259
 80136 09/12/22 C0021 CIVIL SOLUTION A DIVISION 4,000.00 3259
 80137 09/12/22 C0042 CAMPBELL SUPPLY COMPANY 1,113.48 3259
 80138 09/12/22 C0048 CAPE MAY COUNTY MUA 43,349.81 3259
 80139 09/12/22 C0068 COMCAST 1,384.81 3259
 80140 09/12/22 C0081 CAPE MAY COUNTY TECHNICAL HIGH 250.00 3259
 80141 09/12/22 C0143 CODY'S POWER EQUIPMENT 249.85 3259
 80142 09/12/22 C0182 CDW GOVERNMENT, INC 56.25 3259
 80143 09/12/22 C0223 CASA PAYROLL SERVICE 600.00 3259
 80144 09/12/22 C0246 CRAFT OIL CORPORATION 724.23 3259
 80145 09/12/22 C0305 CM3 BUILDING SOLUTIONS, INC. 6,225.00 3259
 80146 09/12/22 D0086 DRAWING BOARD PRINTING 147.85 3259
 80147 09/12/22 D0236 DEMARZO, GARY 181.16 3259

80148 09/12/22 D0237 DIETZ, KERRY 125.00 3259
80149 09/12/22 F0016 FAZZIO, JOSEPH INC. 313.00 3259
80150 09/12/22 G0016 GARDNER HARDWARE INC. 251.21 3259
80151 09/12/22 G0028 GENTILINI FORD, INC. 1,422.58 3259
80152 09/12/22 G0086 W.W. GRAINGER, INC. 302.04 3259
80153 09/12/22 G0147 GREATAMERICA FINANCIAL SVCS. 165.00 3259
80154 09/12/22 H0002 H.A. DEHART & SON CORP. 183.05 3259
80155 09/12/22 H0073 HOME DEPOT CRC/GECF 75.35 3259
80156 09/12/22 H0148 THOMAS H. HEIST INS AGENCY INC 1,751.46 3259
80157 09/12/22 J0036 JOHNSON, MICHELLE 50.00 3259
80158 09/12/22 K0014 KEENAN,BRIAN 170.87 3259
80159 09/12/22 K0086 K D NATIONAL FORCE SECURITY 3,115.52 3259
80160 09/12/22 K0100 KEEN COMPRESSED GAS CO. 293.64 3259
80161 09/12/22 K0103 KYOCERA DOCUMENT SOLUTIONS 144.67 3259
80162 09/12/22 K0106 KOHLER, MARSHALL J 600.00 3259
80163 09/12/22 L0027 LASHLEY HEATING & COOLING INC. 250.00 3259
80164 09/12/22 L0043 LEE RAIN,INC. 407.00 3259
80165 09/12/22 L0080 LOWES, INC. 826.63 3259
80166 09/12/22 M0235 MODERN GROUP, LTD 883.61 3259
80167 09/12/22 M0277 EQUITABLE FINANCIAL LIFE INS. 193.68 3259
80168 09/12/22 M0290 MADDEN & MADDEN, PC 3,627.40 3259
80169 09/12/22 M0308 McHENRY PRESSURE CLEAN SYSTEMS 1,734.12 3259
80170 09/12/22 N0004 NJ-AMERICAN WATER CO. 134.95 3259
80171 09/12/22 N0043 NAPA AUTO PARTS 1,633.68 3259
80172 09/12/22 N0052 NATL YOUTH SPORTS COACHED ASSN 300.00 3259
80173 09/12/22 N0134 NJ Assoc for Floodplain Mangmt 385.00 3259
80174 09/12/22 N0143 NATIONAL TIME SYSTEMS 566.50 3259
80175 09/12/22 N0144 NJ E-ZPASS SERVICE CENTER 200.00 3259
80176 09/12/22 N0154 NEW HORIZON COMMUNICATIONS 837.50 3259
80177 09/12/22 O0014 ATLANTIC SALT, INC. 7,091.39 3259
80178 09/12/22 P0008 PALMER, NANCY 128.94 3259
80179 09/12/22 P0032 PEDRONI FUEL CO. 3,878.63 3259
80180 09/12/22 P0056 TURF EQUIPMENT AND SUPPLY CO 4,834.32 3259
80181 09/12/22 P0087 PROFESSIONAL GOVT. EDUCATORS 360.00 3259
80182 09/12/22 P0140 PIONEER MANUFACTURING CO, INC 290.00 3259
80183 09/12/22 R0030 RIGGINS, INC. 4,594.37 3259
80184 09/12/22 R0119 RUDERMAN ROTH LLC 760.00 3259
80185 09/12/22 S0056 SEASHORE ASPHALT CORPORATION 246.07 3259
80186 09/12/22 S0057 SERVICE TIRE TRUCK CENTERS 880.28 3259
80187 09/12/22 S0134 SO. JERSEY GAS COMPANY 279.59 3259
80188 09/12/22 S0191 STRATHMERE FIRE CO.DISTRICT #1 50,723.11 3259
80189 09/12/22 S0209 STAPLES ADVANTAGE 405.37 3259
80190 09/12/22 S0239 SHORE VET. ANIMAL CONTROL LLC 2,450.00 3259
80191 09/12/22 S0254 SHOPRITE 110.86 3259
80192 09/12/22 S0281 STATE OF NJ DIV OF WORKFORCE & 380.00 3259
80193 09/12/22 S0303 SITEONE LANDSCAPE SUPPLY, LLC 2,221.62 3259
80194 09/12/22 S0363 STARR GENERAL CONTRACTING CORP 3,592.00 3259
80195 09/12/22 T0085 TREASURER, STATE OF NEW JERSEY 54.00 3259
80196 09/12/22 T0129 TRUGREEN CHEMLAWN 286.00 3259
80197 09/12/22 T0168 TOWNSHIP OF UPPER 254.30 3259
80198 09/12/22 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3259
80199 09/12/22 T0192 MARSH & McLENNAN AGENCY/TRION 706.50 3259
80200 09/12/22 T0213 TREASURER, STATE OF NEW JERSEY 146,555.48 3259
80201 09/12/22 U0037 UPPER TOWNSHIP P.T.O. 1,000.00 3259
80202 09/12/22 U0062 UNITED RENTALS N. AMERICA INC. 244.06 3259
80203 09/12/22 U0067 UT HEALTH REIMB. ACCOUNT 3,134.23 3259
80204 09/12/22 V0001 VCI EMERGENCY VEHICLE 22.94 3259
80205 09/12/22 V0013 VERIZON WIRELESS 466.14 3259
80206 09/12/22 V0018 VILLAGE PHARMACY, INC. 440.00 3259
80207 09/12/22 V0024 VAL-U AUTO PARTS L.L.C. 1,075.97 3259
80208 09/12/22 V0025 V.E. RALPH & SON,INC. 488.10 3259
80209 09/12/22 V0053 VERIZON CONNECT FLEET USA LLC 550.66 3259
80210 09/12/22 W0030 WEST PUBLISHING CO. 1,493.94 3259
80211 09/12/22 W0123 WIRELESS ELECTRONICS, INC. 700.00 3259
80212 09/12/22 W0131 WEX BANK 134.54 3259
80213 09/12/22 Y0008 YOUNG, DANIEL J. ESQUIRE PC 540.00 3259
Total: 380,212.81