

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR SEPTEMBER 26, 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 September 23, 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	Absent
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 - September 12, 2022 Regular and Closed Session Minutes

Motion by Jay Newman, second by Kimberly Hayes, to approve the September 12, 2022, Regular and Closed Session Minutes as submitted. During roll call vote all four Committee members present voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Kimberly Hayes, Committeewoman, reported on the Upper Township Historical Society events including themed train rides at the Tuckahoe Train Station, the Applefest at the Gandy Farm and a drive-in movie night on October 22nd at Amanda’s Field. She next reported on the upcoming Fall Fest to be held at Amanda’s Field on Sunday October 9th and explained that considering the recent tragedy in Wildwood that the Township will be making a few changes to their safety plan for the event.

Mark Pancoast, Committeeman, offered his condolences to the family of those involved in the tragedy that took place during an unsanctioned car show this past weekend in Wildwood and thanked all the law enforcement and emergency workers that responded to the incident.

Jay Newman, Committeeman, announced that the township will hold a Free Rabies Clinic at Shore Veterinarians Animal Hospital on Saturday October 22 from 1:00 to 3:00 p.m. and last reported that on Thursday September 29th, 2022, at approximately 9:30 a.m. the Cooling Tower at the former BL England

Power Plant will be imploded. He explained that all permits have been obtained and necessary safety precautions will be taken.

Curtis Corson, Mayor, reported that there will news crews and be a YouTube video available for anyone that would like to view the implosion of the BL England cooling tower. In addition, the Beesley's Point Development Group has requested permission to use the Township's reverse 911 system to notify residents of the event. Motion by Curtis Corson, second by Jay Newman, to permit the Beesley's Point Development Group the use the Township's reverse 911 system to notify Township residents of the cooling tower implosion. During roll call vote all four Committee members present voted in the affirmative.

ADMINISTRATOR OVERVIEW AND FILING OF REPORTS

Gary DeMarzo, Township Administrator, reported that he recently had the opportunity to attend the Train Festival event at the Tuckahoe Train Station along with Boy Scout Troop 73 from West Cape May. He stated that the event was very nice and thanked the Historical Society for inviting him and the troop. He next gave a brief update on the Atlantic City Electric Reliability project and recent meetings that he attended including a JIF meeting, a meeting regarding the safety plan for the upcoming Fall Festival and an employee meeting regarding the health benefits. **Last he reported that he received a phone call from a Township resident who called to thank Court Administrator Loren Ready for her help and professionalism helping her through a court matter.**

Barbara Young, Municipal Clerk, requested approval to register employees for the New Jersey League of Municipalities Conference scheduled for November 15 thru 17, 2022 in Atlantic City. Motion by Jay Newman, second by Mark Pancoast, to approve the request. During roll call vote all four Committee members present voted in the affirmative. She next reminded everyone that because of the holiday on Monday October 10, 2022, the next Township Committee meeting will be held on Tuesday October 11th, 2022.

Daniel Reeves, Municipal Attorney, reported that there is one additional resolution to approve a Capital Budget Amendment for this evening's agenda that will be acted on after Closed Session. He also recommended that when there is a spontaneous motion for an item not listed on the agenda that the mayor should call for any discussion on the item to be taken before the roll call vote is called.

Paul Dietrich, Municipal Engineer, reported on the Township's CRS recertification listed on tonight's agenda and requested that a Resolution be placed on a future agenda urging the NJDOT to prioritize the elevation of evacuation routes that are below the base flood elevation. Last, Mr. Dietrich briefly reported on recent updates to the Township's website.

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. Recognizing October 6th as "Knock Out Opioid Abuse Day" in Upper Township.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 290-2022

RECOGNIZING OCTOBER 6TH AS

“KNOCK OUT OPIOID ABUSE DAY” IN UPPER TOWNSHIP

WHEREAS, New Jersey is in the midst of a life-threatening opioid abuse epidemic; and

WHEREAS, “Knock Out Opioid Abuse Day” is a project of the Partnership for a Drug-Free New Jersey, in cooperation with the Governor’s Council on Alcoholism and Drug Abuse, to educate residents and healthcare providers in preventing the tragedy of overdose deaths and addiction that has already affected many New Jersey families and communities; and

WHEREAS, the New Jersey State Senate and the General Assembly jointly resolved that October 6th be permanently recognized as “Knock Out Opioid Abuse Day” in New Jersey in order to raise awareness of the dangers of opioid abuse and to educate health care providers, community leaders, state lawmakers and members of the public about the opioid abuse epidemic and its effects throughout New Jersey and across the country; and

WHEREAS, there has been so far 28 suspected overdose deaths in Cape May County in this current year 2022 according to the NJ Office of the Attorney General and the majority of the County’s treatment admissions were for heroin/other opiates in 2021 according to the NJ Department of Human Services Division of Mental Health and Addiction Services; and

WHEREAS, the Township of Upper supports initiatives designed to raise awareness of the potential for dependency on prescribed pain medicine and its link to heroin abuse in New Jersey.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, that October 6th be recognized as “Knock Out Opioid Abuse Day” in Upper Township and encourage the citizens of Upper Township to increase their understanding and awareness of the risks of prescription opioids and their link to addiction and overdose.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 26th day of September, 2022.

Resolution No. 290-2022

Offered by: Newman

Seconded by: Hayes

Adopted: September 26, 2022

Roll Call Vote:

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

2. Certification of costs for abatement of nuisance on Block 306, Lot 16; Block 496, Lot 39; Block 549, Lot 119; and Block 558, Lot 21.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 291-2022

CERTIFICATION OF COSTS FOR ABATEMENT OF NUISANCE ON BLOCK 306, LOT 16; BLOCK 496, LOT 39; 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 306, Lot 16; Block 496, Lot 39; 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. 291-2022

Offered by: Newman

Seconded by: Hayes

Adopted: September 26, 2022

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Coggins				X

Hayes	X			
Newman	X			
Pancoast	X			
Corson	X			

ABATEMENT OF GRASS, WEEDS, AND DEBRIS

<u>BLOCK/LOT</u>	<u>LOCATION</u>	<u>COST ADMIN FEE</u>		<u>TOTAL</u>
306/16	124 Rt. 49	\$150.00	\$30.00	\$180.00
496/39	320 Ocean Woods	\$150.00	\$30.00	\$180.00
549/119	54 Evergreen	\$150.00	\$30.00	\$180.00
558/21	3048 Rt. 9	\$150.00	\$30.00	\$180.00

3. Authorizing the payment of certain items and for the Chief Financial Officer to withdraw funds in the amount of \$889.00 from the account entitled Recycling Trust Account for such purposes.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 292-2022

RE: AUTHORIZING THE PAYMENT OF CERTAIN ITEMS AND FOR THE CHIEF FINANCIAL OFFICER TO WITHDRAW FUNDS IN THE AMOUNT OF \$889.00 FROM THE ACCOUNT ENTITLED RECYCLING TRUST ACCOUNT FOR SUCH PURPOSES

WHEREAS, it was necessary for the Township of Upper to recently purchase certain recycling containers; and

WHEREAS, the Township of Upper adopted Resolution No. 166-2022 on May 9, 2022 to authorize the purchase of recycling containers in the amount of \$20,256.00 from Rudco Products, Inc. of Vineland, New Jersey, but omitted authorization for the cost of freight in the amount of \$889.00; and

WHEREAS, the Township of Upper has available \$889.00 in the Recycling Trust account to make such payment.

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, Cape May County, New Jersey hereby authorizes the payment of \$889.00 to pay for freight on recycling containers recently received from Rudco Products, Inc. of Vineland, New Jersey.

3. The Chief Financial Officer of the Township of Upper is hereby authorized, directed and empowered to withdraw funds in the amount of \$889.00 from the Recycling Trust account to pay for freight on recycling containers recently received and is empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 292-2022

Offered by: Newman

Seconded by: Hayes

Adopted: September 26, 2022

ROLL CALL VOTE:

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

4. Authorizing the Mayor and Township Clerk to sign a contract with K.D. National Force Security & Investigations, LLC for professional security services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 293-2022

RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A CONTRACT WITH K.D. NATIONAL FORCE SECURITY & INVESTIGATIONS, LLC FOR PROFESSIONAL SECURITY SERVICES

WHEREAS, the Township of Upper has a need for security services during Municipal Court sessions and other occasions as may be required; and

WHEREAS, K.D. National Force Security & Investigations, LLC has submitted a proposal to the Township to provide said security services; and

WHEREAS, the Township wishes to accept said proposal and to authorize the execution of a contract with K.D. National Force Security & Investigations, LLC; and

WHEREAS, K.D. National Force Security & Investigations, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that K.D. National Force Security & Investigations, 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 K.D. National Force Security & Investigations, 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 K.D. National Force Security & Investigations, LLC with offices at 3122 Fire Road, Suite B210, Egg Harbor Township, New Jersey, 08234, to provide professional security services.
3. This contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because K.D. National Force Security & Investigations, 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 K.D. National Force Security & Investigations, LLC for professional security services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.
6. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the official budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.
7. The contractor has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and will provide proof of that registration to the Township of Upper.
8. A notice of this contract award shall be published in the official newspaper of the Township of Upper within ten (10) days from the date of adoption.
9. This Resolution shall be effective as of adoption.

Resolution No. 293-2022

Offered by: Newman

Seconded by: Hayes

Adopted: September 26, 2022

Roll Call Vote:

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

5. Authorizing the award of a contract with Bergey’s Trucks Inc., dba Bergey’s Truck Centers, for automotive parts and repairs.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 294-2022

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH BERGEY’S TRUCKS INC.,
DBA BERGEY’S TRUCK CENTERS, FOR AUTOMOTIVE PARTS AND REPAIRS**

WHEREAS, from time to time the Township of Upper has a need to purchase automotive parts and repairs from Bergey’s Trucks Inc. as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with Bergey’s Trucks Inc. 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, Bergey’s Trucks Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Bergey’s Trucks Inc. 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 Bergey’s Trucks Inc. 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 Bergey’s Trucks Inc. 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. 294-2022

Offered by: Newman

Seconded by: Hayes

Adopted: September 26, 2022

Roll Call Vote:

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

6. Authorizing the Mayor to sign the National Flood Insurance Program Community Rating System Recertification and Annual Progress Report.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 295-2022

**RE: AUTHORIZING THE MAYOR TO SIGN THE NATIONAL FLOOD
INSURANCE PROGRAM COMMUNITY RATING SYSTEM RECERTIFICATION
AND ANNUAL PROGRESS REPORT**

WHEREAS, FEMA recertified Upper Township on July 30, 2021 as a Class 5 Community in the National Flood Insurance Program (NFIP) Community Rating System (CRS); and

WHEREAS, under the aforesaid program communities are required to provide an annual progress report and recertification that they are continuing to comply with the CRS program activities; and

WHEREAS, the Township Committee of the Township of Upper has determined that it is in the best interest of the Township’s residents to continue participating in the CRS program, which saves residents over \$120,000 annually; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee hereby accepts the Annual Progress Report and Recertification, attached hereto as Exhibit A.
3. The Mayor is hereby authorized to sign the annual recertification report and submit said report to FEMA.
4. 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.
5. Copies of the Annual Report shall be posted on the Township website and distributed to the local press.

Resolution No. 295-2022

Offered by: Newman

Seconded by: Hayes

Adopted: September 26, 2022

Roll Call Vote:

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

7. Authorizing the purchase of certain items through the OMNIA Partners National Cooperative Contract with funds from the 2022 State & Local Fiscal Recovery Funds budgetary grant line in the amount of \$320,043.00.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 296-2022

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS THROUGH THE OMNIA PARTNERS
NATIONAL COOPERATIVE CONTRACT
WITH FUNDS FROM THE 2022 STATE & LOCAL FISCAL RECOVERY FUNDS BUDGETARY
GRANT LINE IN THE AMOUNT OF \$320,043.00**

WHEREAS, it is necessary for the Township of Upper to make certain 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 of Upper intends to purchase three stormwater pumps in the amount of \$320,043.00 from Applied Industrial Technologies, Inc. of Cleveland, Ohio through Omnia Partners National Cooperative Contract No. 16154 as herein indicated; and

WHEREAS, Applied Industrial Technologies, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Applied Industrial Technologies, Inc. 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 Applied Industrial Technologies, Inc. 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 2022 State & Local Fiscal Recovery Funds budgetary grant line; 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 Applied Industrial Technologies, Inc. for the purchase of three stormwater pumps in the amount of \$320,043.00 from the 2022 State & Local Fiscal Recovery Funds budgetary grant line through Omnia Partners National Cooperative Contract No. 16154.
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. 296-2022

Offered By: Newman

Seconded By: Hayes

Adopted: September 26, 2022

Roll Call Vote:

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

8. Authorizing the Mayor and Chief Financial Officer to sign a subcontract with the County of Cape May for the New Jersey Department of Human Services/Division on Mental Health and Addiction Services (DMHAS) Youth Leadership Grant.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 297-2022

RE: AUTHORIZING THE MAYOR AND CHIEF FINANCIAL OFFICER TO SIGN A SUBCONTRACT WITH THE COUNTY OF CAPE MAY FOR THE NEW JERSEY DEPARTMENT OF HUMAN SERVICES/DIVISION ON MENTAL HEALTH AND ADDICTION SERVICES (DMHAS) YOUTH LEADERSHIP GRANT

WHEREAS, Resolution 191-2022, adopted on June 13, 2022, authorized the Township of Upper to submit an application for the New Jersey Department of Human Services/Division on Mental Health and Addiction Services (DMHAS) Youth Leadership Grant through the Governor’s Council on Alcoholism and Drug Abuse Municipal Alliance Program and the County of Cape May; and

WHEREAS, DMHAS Grant funding in the amount of \$3,634.26 has been awarded to the Township of Upper/City of Ocean City Municipal Alliance Consortium for the grant term July 1, 2022 to March 14, 2023; and

WHEREAS, a subcontract between the County of Cape May and the Township of Upper/City of Ocean City Municipal Alliance Consortium setting forth the terms of the grant is required; 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 Chief Financial Officer are hereby authorized, directed and empowered to execute said subcontract on behalf of the Township of Upper.
3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Resolution No. 297-2022

Offered by: Newman

Seconded by: Hayes

Adopted: September 26, 2022

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Coggins				X
Hayes	X			

Newman	X			
Pancoast	X			
Corson	X			

9. Authorizing a Shared Services Agreement with the Cape May County Municipal Utilities Authority for Solid Waste Disposal and Recycling Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 298-2022

**RE: AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE
CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY FOR
SOLID WASTE DISPOSAL AND RECYCLING SERVICES**

WHEREAS, the Cape May County Municipal Utilities Authority ("CMCMUA"/"Authority") has designed, financed, acquired, constructed, expanded, and currently operates a solid waste system ("System") which presently serves the entire County of Cape May in the State of New Jersey, for the disposal, transfer, and recycling of solid waste; and

WHEREAS, the Township of Upper has utilized and desires to continue to utilize the services of the CMCMUA's System; and

WHEREAS, there presently exists a contract between the Township of Upper and the Authority for the use of the CMCMUA's System for the disposal, transfer, and recycling of solid waste entitled "Shared Services Agreement for Solid Waste Disposal and Recycling Services" ("Agreement") which will expire on December 31, 2022; and

WHEREAS, the Township of Upper and the Authority desire to enter into a new Agreement and to fix the expiration date of said Agreement to occur on December 31, 2023; and

WHEREAS, the Authority has offered the "Shared Services Agreement for Solid Waste Disposal and Recycling Services" to the Township of Upper in order to more efficiently provide and continue to offer municipalities within Cape May County the use of the CMCMUA's Solid Waste System from January 1, 2023 through December 31, 2023; and

WHEREAS, the Authority has submitted the same proposed form of Agreement to all Cape May County Municipalities which will provide for both solid waste disposal and certain recycling services through December 31, 2023; and

WHEREAS, N.J.S.A. 40A:65-1 et seq., the Uniform Shared Services and Consolidation Act, authorizes a municipality to enter into a contract with any other local unit for the sharing of governmental services.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Upper, 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 Municipal Clerk are hereby authorized and directed to execute an agreement with the CMCMUA entitled "Shared Services Agreement for Solid Waste Disposal and Recycling Services", effective January 1, 2023.
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. 298-2022

Offered by: Newman Seconded by: Hayes

Adopted: September 26, 2022

Roll Call Vote:

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

10. Appointing Maley Givens, PC and M. James Maley, Jr. to act as special legal counsel with regard to redevelopment law.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 299-2022

RE: APPOINTING MALEY GIVENS, PC AND M. JAMES MALEY, JR. TO ACT AS SPECIAL LEGAL COUNSEL WITH REGARD TO REDEVELOPMENT LAW

WHEREAS, the Township requires legal counsel to provide legal services in connection with redevelopment law related matters; and

WHEREAS, the Township has decided to acquire the services of the firm of Maley Givens, PC and M. James Maley, Jr. 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, the firm of Maley Givens, PC and M. James Maley, Jr. have completed and submitted a Business Entity Disclosure Certification which certifies that said firm and said individual have 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 said firm and said individual from making any 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. Maley Givens, PC and M. James Maley, Jr. with offices at 1150 Haddon Avenue, Suite 210, Collingswood, New Jersey are hereby appointed as Special Legal Counsel with regard to redevelopment law matters in conjunction with and at the direction of the regular Township Solicitor and as directed by the Township Committee.
3. This contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Maley Givens, PC and M. James Maley, Jr. have professional knowledge as to legal matters which knowledge is particularly valuable to the Township Committee.

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 Maley Givens, PC and M. James Maley, Jr. for legal services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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 Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Maley Givens, PC and M. James Maley, Jr. in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

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

10. This Resolution shall be effective as of adoption.

Resolution No. 299-2022

Offered by: Newman

Seconded by: Hayes

Adopted: September 26, 2022

Roll Call Vote:

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

RESOLUTION TO BE ACTED ON SEPARATELY

11. Congratulating employee Andrew Mangam of the Upper Township Department of Public Works for his winning entry in the Upper Township Safety Award Program for the 3rd quarter of 2022.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 300-2022

**RE: CONGRATULATING EMPLOYEE ANDREW MANGAM OF THE UPPER TOWNSHIP
DEPARTMENT OF PUBLIC WORKS FOR HIS WINNING ENTRY IN
THE UPPER TOWNSHIP SAFETY AWARD PROGRAM
FOR THE 3RD QUARTER OF 2022**

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

WHEREAS, Andrew’s safety action was chosen by the Upper Township Safety Committee from the entries submitted in the third quarter for the promotion of safety for employees and the community; and

WHEREAS, Andrew should be publicly recognized for his proactivity to avoid a potentially hazardous situation when several Public Works employees were fixing a drainage issue in the Upper Township Elementary School field; and

WHEREAS, solar panels are located on private property next to the field but Public Works was informed no wires were in the vicinity of the digging area; and

WHEREAS, Andrew Mangam took it upon himself to walk over to the solar field, locate the wires going into the ground, then lined up to the electrical box mounted on the wall of the school building and walked a straight line determining that the underground wires were about 10 feet from where the equipment operator was digging; and

WHEREAS, the equipment operator carefully dug in the area Andrew pointed out, discovering caution tape indicating several inches below were the solar panel wires; and

WHEREAS, due to Andrew’s actions a potentially life-threatening situation was averted, and no employees were hurt, and no equipment was destroyed.

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

1. That the Committee extends its appreciation and publicly recognizes Andrew Mangam on his commitment to safety by identifying a potential safety hazard and providing a solution through his proactivity.
2. That the Committee, on behalf of our employees and the citizens of the Township of Upper, extend to Andrew Mangam our congratulations and present him with the “Safety Day Award” of one day off with pay.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper the 26th day of September, 2022.

12. Supporting the adoption of a Parents’ Bill of Rights concerning the protection and education of our children.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 301-2022

**SUPPORTING THE ADOPTION OF A PARENTS’ BILL OF RIGHTS CONCERNING THE
PROTECTION AND EDUCATION OF OUR CHILDREN**

WHEREAS, the Township of Upper seeks to support the highest level of academic education possible in accordance with the State of New Jersey Constitution’s guarantee of a “Thorough and Efficient” education for all children; and

WHEREAS, the Township of Upper appreciates our resident parents' desire to ensure the safety and protect the innocence of their children in the classroom; and

WHEREAS, the Township of Upper believes that parents and not the State Government should make all decisions regarding the social and personal education of their children without government interference; and

WHEREAS, the Township of Upper believes that Upper Township families are best suited to decide moral and religious instruction for their children; and

WHEREAS, it has become clear that the establishment of a Parent's Bill of Rights is now necessary; and

WHEREAS, the members of the Upper Township Committee find that the new statewide curriculum regarding sex education is not in line with the constitutional guarantee of a "Thorough and Efficient" education for the children of the State of New Jersey.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper requests the Governor of New Jersey, the New Jersey State Legislature and the New Jersey Commissioner of Education (collectively, the "State Government") to remove the extreme curriculum they have mandated be taught to our children and paid for by our taxpayers.
3. The Township Committee further requests that the State Government restore the rights of the local School Boards to maintain community standards and remove the threat of state takeover of local schools and punitive funding cuts to same.
4. The Township Committee fully supports the establishment of a Parent's Bill of Rights that will assure the children are protected and provided with the Thorough and Efficient education they are promised in the Constitution of the State of New Jersey.
5. The Municipal Clerk is hereby authorized and directed to forward this resolution to Governor Murphy; Lt. Governor Sheila Oliver; Senator Michael Testa; Assemblyman Eric Simonsen; Assemblyman Antwan McClellan; the New Jersey Department of Education; the Upper Township Superintendent of Schools; the Upper Township School Board; and the Cape May County Board of Commissioners.

Offered by: Hayes

Seconded by: Pancoast

Adopted: September 26, 2022

Roll Call Vote:

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

13. Authorizing the Mayor and Township Clerk to sign a contract with Marsh & McLennan Agency, LLC for insurance and broker consultant services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 302-2022

RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A CONTRACT WITH MARSH & MCLENNAN AGENCY, LLC FOR INSURANCE AND BROKER CONSULTANT SERVICES

WHEREAS, the Township requires professional insurance and broker consultant services; and

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

and

WHEREAS, the Township has decided to acquire the services of the firm of Marsh & McLennan Agency, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Marsh & McLennan Agency, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Marsh & McLennan Agency, 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 Marsh & McLennan Agency, 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 Marsh & McLennan Agency, LLC to provide insurance and broker consultant services.
3. The term of this contract shall be for a period of one (1) year from October 1, 2022 through

September 30, 2023.

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 Marsh & McLennan Agency, 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 Marsh & McLennan Agency, LLC for insurance and broker consultant services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

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

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

9. This Resolution shall be effective as of adoption.

Resolution No. 302-2022

Offered by: Hayes

Seconded by: Newman

Adopted: September 26, 2022

Roll Call Vote:

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

ORDINANCES

CORRESPONDENCE

NEW BUSINESS

15. **Stockton University Coastal Research Center 3rd Quarter Beach Survey for 2022.** The Township Engineer gave a summary of the report.
14. **Planning Board recommendations for revisions to Chapters 3, 7, 19, and 20 of the Code of Upper Township.** Township Engineer Paul Dietrich reviewed the proposed revisions to the Code with Township Committee.
15. **2 North Bayview Drive request for use of the Township right-of-way.** The Township Engineer reported that the homeowners at 2 North Bayview are requesting to temporarily place their home in the right-of-way while a new foundation is installed. He explained that in the past Township Committee approved a temporary license and indemnification for the placement of the house in the right-of way. Motion by Mark Pancoast, second by Jay Newman, to approve the request. During roll call vote all four Committee members present voted in the affirmative.
16. **Historical Preservation Society of Upper Township request for use of the Gandy Farm for their annual Apple Fest on Saturday, October 22, 2022.** Motion by Kimberly Hayes, second by Mark Pancoast, to approve the request. During roll call vote all four Committee members present voted in the affirmative.
17. **Historical Preservation Society of Upper Township request for use of the Tuckahoe Train Station for themed train rides on various dates beginning October 1, 2022, to May 7, 2023.** Motion by Kimberly Hayes, second by Jay Newman, to approve the request. During roll call vote all four Committee members present voted in the affirmative.

UNFINISHED BUSINESS

PAYMENT OF BILLS

18. **“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 four Committee members present voted in the affirmative.

Bills approved for payment: \$202,065.12

Payroll: \$240,715.64

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

Christine and Ronald Solano, Tuckahoe, expressed their concerns with the safety of pedestrians in the area of Route 50 in downtown Tuckahoe. After a discussion on the matter the Township Committee directed the Township Administrator Gary DeMarzo and Engineer Paul Dietrich to address the matter.

Dodie Reagan, Strathmere, spoke regarding safety concerns regarding County Route 619 and the Deauville Inn in Strathmere.

Blanche Adams, Upper Township Business Association, also expressed concerns with traffic safety and the safety of pedestrians on Route 50 in Tuckahoe.

Raymond Went, Esq. of Nehmad Davis and Goldstein, representing Dr. Mark Berger and Dr. Victoria Green of Strathmere questioned how the complaints filed regarding the Deauville Inn were going to be addressed. Mr. Went advised that unless the Township enforces the conditions of The Deauville’s 2021 site plan approval that he has been instructed to file suit in the Superior Court. Municipal Attorney Dan Reeves

explained that any issues with respect to the site plan will be addressed through the administrative processes of the Township. Mr. Went also questioned the matter listed on tonight's closed session regarding Deauville Inn alleged allegations. The Municipal Attorney explained that the matter listed for tonight's closed session will be discussed in confidence with the Township Committee and that no action will be taken on this matter after the closed session.

CLOSED SESSION

19. 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. 303-2022
MOTION GOING INTO CLOSED SESSION
SEPTEMBER 26, 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. Potential Litigation - Deauville Inn alleged violations
3. Contract negotiation - Purchase of Block 477, Lot 7

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: Jay Newman

Motion seconded by: Kimberly Hayes

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

RECONVENE PUBLIC PORTION OF MEETING

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

MATTERS TO BE ACTED ON AFTER CLOSED SESSION

20. Capital Budget Amendment.
21. **Introduction and first reading of Ordinance No. 023-2022 RE: AUTHORIZING THE RELEASE OF FUNDS FROM THE ACCOUNT ENTITLED RESERVE FOR CAPITAL PROJECTS FOR THE PURCHASE OF REAL ESTATE.** Motion by Jay Newman, second by Mark Pancoast, to introduce Ordinance No. 023-2022 with a public hearing and final adoption scheduled for October 11, 2022. During roll call vote all four Committee members present voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 023-2022

**AN ORDINANCE AUTHORIZING THE RELEASE OF FUNDS FROM THE
ACCOUNT ENTITLED RESERVE FOR CAPITAL PROJECTS
FOR THE PURCHASE OF REAL ESTATE**

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: The improvement described in Section 2 of this Ordinance is hereby authorized as a capital project to be purchased and acquired by the Township of Upper to be funded by the account entitled Reserve for Capital Projects.

SECTION 2:

- A. The capital project hereby authorized is for the purchase and acquisition of the property known as Block 477, Lot 7 on the official tax map of the Township of Upper.
- B. The funds for said purchase and acquisition are hereby appropriated from the account entitled Reserve for Capital Projects in the amount not to exceed Two Hundred and Twenty Thousand Dollars (\$220,000.00).

SECTION 3:

- A. The said purpose described in Section 2 of this Ordinance is not a current expense and is a capital purchase which the Township of Upper may lawfully acquire.
- B. The period of usefulness of said purpose, within the limitations of the local bond law and according to the reasonable life thereof, is at least five years.
- C. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of an inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services as on file with the Municipal Clerk and is available for public inspection.

SECTION 4: 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.

SECTION 5: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 6: 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 26TH DAY OF SEPTEMBER, 2022 AT THE TOWNSHIP HALL, 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 11TH DAY OF OCTOBER, 2022 AT 4:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

- 22. **Introduction and first reading of Ordinance No. 024-2022 RE: AN ORDINANCE AUTHORIZING THE TOWNSHIP OF UPPER TO PURCHASE THE PROPERTY KNOWN AS BLOCK 477, LOT 7 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF UPPER.** Motion by Mark Pancoast, second by Jay Newman, to introduce Ordinance No. 024-2022 with a public hearing and final adoption scheduled for October 11, 2022. During roll call vote all four Committee members present voted in the affirmative.

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

ORDINANCE NO. 024-2022

**AN ORDINANCE AUTHORIZING THE TOWNSHIP OF UPPER TO
PURCHASE THE PROPERTY KNOWN AS BLOCK 477, LOT 7
ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF UPPER**

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 Estate of Robert W. DeSena owns certain real property at Block 477, Lot 7 on the official Tax Map of the Township of Upper, County of Cape May, State of New Jersey, comprised of approximately 1.5 acres of land and commonly referred to as 2010 Tuckahoe Road, Petersburg, New Jersey 08270 (“Property”); and

WHEREAS, the Township of Upper desires to purchase the Property from the Estate of Robert W. DeSena and use same for public purposes; and

WHEREAS, the Chief Financial Officer of the Township has certified the availability of funds to allow the purchase herein authorized and has certified that adequate funds are available for this purpose from the account entitled Reserve for Capital Projects; and

WHEREAS, the sale of the Property is contingent upon and subject to the Township and the Estate of Robert W. DeSena executing a Contract for Sale of Real Estate; 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 477, LOT 7: The Township of Upper is hereby authorized to purchase from the Estate of Robert W. DeSena the property known as Block 477, Lot 7 on the official tax map of the Township of Upper for the sum of One Hundred Seventy Thousand Dollars (\$170,000.00) and is further authorized to sign the Contract for Sale of Real Estate which shall set forth the terms of the sale.

SECTION 2: 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 Estate of Robert W. DeSena with respect to the purchase and acquisition of Block 477, Lot 7. 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.

SECTION 3: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 4: EFFECTIVE DATE: This Ordinance shall take effect immediately upon final adoption and publication as required by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 26TH DAY OF SEPTEMBER, 2022 AT THE TOWNSHIP HALL, 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 11TH DAY OF OCTOBER, 2022 AT 4:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 8:30 P.M., with a motion by Jay Newman, second by Kimberly Hayes, and all four Committee members present voting in the affirmative. The next regular meeting is scheduled for Tuesday October 11, 2022, at 4:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

Bill List

80214 09/26/22 A0018 ACTION SUPPLY INC. 46.50 3260
80215 09/26/22 A0091 ATLANTIC CITY ELECTRIC 3,422.10 3260
80216 09/26/22 A0117 AT&T 40.23 3260
80217 09/26/22 A0175 Adams Rehmann & Haggan Assoc 904.00 3260
80218 09/26/22 A0212 ANCERO, LLC 1,415.90 3260
80219 09/26/22 A0235 AMAZON CAPITAL SERVICES, INC. 1,306.66 3260
80220 09/26/22 B0035 BELMONT & CRYSTAL SPRINGS 130.92 3260
80221 09/26/22 B0093 BARRY,CORRADO & GRASSI,PC 1,470.00 3260
80222 09/26/22 B0288 KINGBARNES LLC 1,600.94 3260
80223 09/26/22 C0042 CAMPBELL SUPPLY COMPANY 312.31 3260
80224 09/26/22 C0048 CAPE MAY COUNTY MUA 44,938.15 3260
80225 09/26/22 C0067 CONNOR, RICK 3,419.00 3260
80226 09/26/22 C0068 COMCAST 1,039.12 3260
80227 09/26/22 C0143 CODY'S POWER EQUIPMENT 12.88 3260
80228 09/26/22 C0223 CASA PAYROLL SERVICE 280.50 3260
80229 09/26/22 C0246 CRAFT OIL CORPORATION 1,573.50 3260
80230 09/26/22 C0259 CAPE PHYSICIANS ASSOCIATES, PA 230.00 3260
80231 09/26/22 C0305 CM3 BUILDING SOLUTIONS, INC. 210.00 3260
80232 09/26/22 C0307 CNS ACQUISITION CORPORATION 835.00 3260
80233 09/26/22 C0315 CULMONE, EMILY 31.75 3260
80234 09/26/22 D0040 DELTA DENTAL OF N.J. INC. 5,816.47 3260
80235 09/26/22 D0186 DOCUTREND, INC. 58.72 3260
80236 09/26/22 D0237 DIETZ, KERRY 125.00 3260
80237 09/26/22 E0069 EVERSAN,INC 1,780.00 3260
80238 09/26/22 G0028 GENTILINI FORD, INC. 467.11 3260
80239 09/26/22 G0035 GENRON FIRE PROTECTION 123.25 3260
80240 09/26/22 G0086 W.W. GRAINGER, INC. 11.74 3260
80241 09/26/22 G0204 GENERAL CODE 1,195.00 3260
80242 09/26/22 H0073 HOME DEPOT CRC/GECF 1,124.40 3260
80243 09/26/22 H0148 THOMAS H. HEIST INS AGENCY INC 27,250.36 3260
80244 09/26/22 H0208 Hopwood, Casey 44.50 3260
80245 09/26/22 J0074 J.A. MONTGOMERY RISK CONTROL 4,101.00 3260
80246 09/26/22 J0087 JASM CONSULTING LLC 950.00 3260
80247 09/26/22 M0016 McAFEE, MEGAN 19.63 3260
80248 09/26/22 M0019 MAXIMUM MARINE,LLC 15.30 3260
80249 09/26/22 M0277 EQUITABLE FINANCIAL LIFE INS. 193.92 3260
80250 09/26/22 M0303 MALEY GIVENS, A PROF CORP 500.00 3260
80251 09/26/22 M0327 MONZO CATANESE HELLEGASS, P.C. 45,480.00 3260
80252 09/26/22 M0332 Mitchell, Kevin 20.00 3260
80253 09/26/22 M0333 MCCANN SR.,THOMAS 31.75 3260
80254 09/26/22 N0125 N.J. REGISTRAR'S ASSOCIATION 90.00 3260
80255 09/26/22 N0143 NATIONAL TIME SYSTEMS 55.00 3260
80256 09/26/22 P0032 PEDRONI FUEL CO. 4,202.91 3260
80257 09/26/22 P0136 POSTNET 17.85 3260
80258 09/26/22 P0166 PARKER MCCAY P.A. 9,496.26 3260
80259 09/26/22 R0030 RIGGINS, INC. 11,417.99 3260
80260 09/26/22 R0059 RUTGERS, THE STATE UNIVERSITY 135.00 3260
80261 09/26/22 S0001 SAM'S CLUB 93.78 3260
80262 09/26/22 S0020 THE HOME DEPOT PRO 1,265.08 3260
80263 09/26/22 S0031 SCHULER SECURITY, INC. 129.00 3260

80264 09/26/22 S0056 SEASHORE ASPHALT CORPORATION 710.61 3260
80265 09/26/22 S0113 SMITH,THOMAS G. 1,948.00 3260
80266 09/26/22 S0126 LUDY, BARBARA 30.00 3260
80267 09/26/22 S0185 STOCKTON STATE COLLEGE 6,138.66 3260
80268 09/26/22 S0196 STEWART BUSINESS SYSTEMS LLC 1,336.92 3260
80269 09/26/22 S0284 SOUTH JERSEY INTERPRETERS 675.00 3260
80270 09/26/22 S0292 SURENIAN EDWARDS & NOLAN LLC 208.00 3260
80271 09/26/22 S0393 SEASHORE SIGNS, INC. 300.00 3260
80272 09/26/22 T0032 THE PRESS OF ATLANTIC CITY 447.32 3260
80273 09/26/22 T0047 W.E. TIMMERMAN CO., INC. 6,541.59 3260
80274 09/26/22 T0080 TREASURER STATE OF N.J. 144.00 3260
80275 09/26/22 T0159 TRIAD ADVISORY SERVICES, INC. 381.25 3260
80276 09/26/22 T0211 TRELEASE, BRIAN P., ESQUIRE 288.00 3260
80277 09/26/22 V0013 VERIZON WIRELESS 650.21 3260
80278 09/26/22 V0022 VERIZON 604.56 3260
80279 09/26/22 V0026 VITAL COMMUNICATIONS, INC. 100.00 3260
80280 09/26/22 W0038 WILLIAMS, JEREMIAH J. 160.07 3260
80281 09/26/22 W0087 W.B. MASON EGG HARBOR 985.87 3260
80282 09/26/22 X0008 XEROX FINANCIAL SERVICES 255.44 3260
80283 09/26/22 Y0003 Y-PERS INC 729.14 3260
Total: 202,065.12