

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR OCTOBER 24, 2022**

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

Deputy Mayor Newman read the following Open Public meeting notice into the record:
“In compliance with the Open Public Meetings Law, I wish to state that on October 21, 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.	Absent

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 - October 11, 2022 Regular and Closed Session Minutes - Motion by John Coggin, second by Kimberly Hayes, to approve the October 11, 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

John Coggins, Committeeman, inquired about the recently installed rumble strips along Stagecoach Road. The Township Engineer stated that he has received numerous complaints. The strips were installed by the County and were installed as a safety measure to alert drivers of the impending stop. He further stated that there have been some serious accidents in the area. Committeeman Newman stated that the serious accidents happened before the four-way stops were installed. After a brief discussion, the Township Administrator was directed to send a letter to the County Commissioners to address the issue.

Kimberly Hayes, Committeewoman, stated that the drive-in movie event at Amanda’s Field this past Saturday night was a great success and thanked Cape Assist for partnering with the Township. A Christmas movie is tentatively planned for December 10th. She next reported that Trick or Treating in Upper Township will be held on October 31st from 5:00 to 8:00 pm. Lastly, she reported that the

Upper Township Health and Wellness Fair is scheduled for Thursday October 27th from 3:00 to 5:00 pm at the Upper Township Community Center.

Mark Pancoast, Committeeman, reported that the OEM operations room at Town Hall is now fully operational.

Jay Newman, Deputy Mayor, reported that the Upper Township Rescue Squad will be holding a Trunk or Treat event at Amanda's Field on Tuesday October 25th from 6:00 to 8:00. He next reported on a request for an EMT to attend a class. It was stated that the request will be moved to New Business for formal action.

ADMINISTRATOR OVERVIEW AND FILING OF REPORTS

Gary DeMarzo, Township Administrator, reported that he and the CFO have started the 2023 budget process. He next reported that he is working on a shared services agreement for emergency management services. Lastly, he thanked the Department of Public Works for the beautiful fall decorations at Town Hall.

Barbara Young, Municipal Clerk, reported that in person early voting will start on Saturday October 29th through Sunday November 6th. Hours will be Monday through Saturday from 10:00 am to 8:00 pm and on Sundays from 10:00 am to 6:00 pm. Early voting locations will be at the Upper Township Library, the Cape May Court House Library, and the Lower Township Library.

Paul Dietrich, Township Engineer, gave a brief update on the Atlantic City Electric Reliability project. He next reported that the State will be updating the stormwater management rules again due to new studies. Last, he reported that as part of the NJDEP Planning Grant a Climate Resiliency Report was recently presented to the Planning Board. The report along with a questionnaire will be placed on the website soon for the public's review and input.

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. Accepting the bid of and authorizing the execution of a contract with Lexa Concrete of Hammonton, New Jersey for the project known as the NJDOT Municipal Aid Project Reconstruction of Bayview Drive Ph4 and Prescott Ave at a cost of \$750,491.00.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 314-2022

**RE: ACCEPTING THE BID AND AUTHORIZING THE EXECUTION OF A CONTRACT
WITH LEXA CONCRETE OF HAMMONTON, NEW JERSEY
FOR THE PROJECT KNOWN AS THE NJDOT MUNICIPAL AID PROJECT
RECONSTRUCTION OF BAYVIEW DRIVE PH4 AND PRESCOTT AVE
AT A COST OF \$750,491.00**

WHEREAS, the Township of Upper solicited bids for the NJDOT Municipal Aid Project Reconstruction of Bayview Drive Phase 4 from Randolph Ave to South of Prescott Ave (2021-MA-00462), and Prescott Ave from Bayview Ave to Commonwealth Ave (2022-MA-00366), which bids were received on October 4, 2022; and

WHEREAS, the aforesaid bids were thereafter reviewed by the Township Engineer; and

WHEREAS, the Township Engineer has submitted a recommendation to the Township Committee with respect to the award of said bids; and

WHEREAS, the Chief Financial Officer of the Township of Upper has certified the availability of funds attached hereto as “Exhibit A” in a sufficient amount to award a contract in the amount of \$750,491.00; and

WHEREAS, the Township intends to take formal action awarding the bid to the lowest responsible bidder as hereinafter provided;

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 hereby accepts the bid submitted by Lexa Concrete LLC, 11 Commerce Way, Hammonton, New Jersey, for the project known as the NJDOT Municipal Aid Project Reconstruction of Bayview Drive Phase 4 from Randolph Ave to South of Prescott Ave (2021-MA-00462), and Prescott Ave from Bayview Ave to Commonwealth Ave (2022-MA-00366), in the Township of Upper, Cape May County, in the amount of \$750,491.00, subject to the following:
 - (A) The approval of the State of New Jersey Department of Transportation.
 - (B) The Bidder shall comply with all Bid Documents, including the Notice to Bidders, all of which are hereby incorporated herein by this reference.
 - (C) The Contract to be entered into must comply in all respects with applicable federal, state and local laws and regulations.

3. The Mayor and Township Clerk are further authorized to execute a Contract with the successful bidder and/or the Chief Financial Officer is hereby authorized, directed and empowered to issue a Purchase Order to the successful bidder in the amount authorized in this Resolution.

Resolution No. 314-2022

Offered By: Hayes Seconded By: Pancoast

Adopted: October 24, 2022

Roll Call Vote:

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

2. Appointing Triad Advisory Services, Inc. to provide Administrative Services with regard to the Upper Township Affordable Housing Programs.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 315-2022

**RE: APPOINTING TRIAD ADVISORY SERVICES, INC. TO PROVIDE
ADMINISTRATIVE SERVICES WITH REGARD TO THE UPPER TOWNSHIP
AFFORDABLE HOUSING PROGRAMS**

WHEREAS, Township of Upper has developed an Operating Manual for the Administration of providing Affordability Assistance to Homeowners (Affordability Assistance Manual) in accordance with the Uniform Housing Affordability Controls and the New Jersey Fair Housing Act; and

WHEREAS, the Township of Upper requires administrative services for the Township's Affordability Assistance and Market to Affordable programs; and

WHEREAS, the Township has decided to acquire the services of Triad Advisory Services, Inc. (trading as Triad Associates) as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Triad Advisory Services, Inc. has completed and submitted a Business Entity Disclosure Certification, which certifies that Triad Advisory Services, Inc. has not made any reportable contributions to a political or candidate committee in the Township that would bar the award

of this contract and that the contract will prohibit Triad Advisory Services, Inc. from making any reportable contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Triad Advisory Services, Inc. with offices at 1301 W. Forest Grove Road, Vineland, New Jersey 08360, is hereby appointed Administrative Agent for the Township of Upper for the purposes in as specified in this Resolution and the attached Professional Service Agreement.
3. The contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Triad Advisory Services, Inc. has professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

NOTICE OF CONTRACT AWARD

5. The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to. 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. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Service Agreement with Triad Advisory Services,

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

8. A 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.

9. This Resolution shall be effective as of adoption.

Resolution No. 315-2022

Offered by: Hayes

Seconded by: Pancoast

Adopted: October 24, 2022

Roll Call Vote:

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

3. Confirming sale of certain land, to wit: Block 10, Lots 124 and 125 to Steven and Maria Benvenuti.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 316-2022

**RE: CONFIRMING SALE OF CERTAIN LAND, TO WIT:
BLOCK 10, LOTS 124 AND 125 TO STEVEN AND MARIA BENVENUTI**

WHEREAS, a public auction land sale was held on October 18, 2022, pursuant to Ordinance No. 017-2021, and as amended by Ordinance No. 005-2022; and

WHEREAS, Steven and Maria Benvenuti submitted the highest bid for the purchase of Block 10, Lots 124 and 125; and

WHEREAS, the Township Committee is satisfied that all conditions precedent were complied with and that said sale was conducted in accordance with the requirements of the Ordinance aforesaid and that proper notice was given to all persons owning property contiguous of the subject property being offered for sale; and

WHEREAS, the Township Committee believes that it is in the public interest to confirm the sale of such parcel.

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 sale of Block 10, Lots 124 and 125 to Steven and Maria Benvenuti, at a sale price of \$40,000.00, is hereby confirmed, under and subject to the terms, conditions, and provisions of Ordinance No. 017-2021, and as amended by Ordinance No. 005-2022, and further subject to and conditioned upon the purchasers' compliance with said Ordinances.

3. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute and deliver, on behalf of the Township of Upper, to the aforesaid purchaser, a Quitclaim Deed conveying the Township's right, title and interest in the above described property and the Township Clerk is further authorized, directed and empowered to seal said Deed with the official seal of the Township of Upper.

Resolution No. 316-2022

Offered by: Hayes Seconded by: Pancoast

Adopted: October 24, 2022

Roll Call Vote:

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

4. Chapter 159 Resolution for the insertion of a special item of revenue into the 2022 budget that was not determined at the time of the adoption of the budget—US Department of Treasury Coronavirus State and Local Fiscal Recovery Fund in the amount of \$375,400.00.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 317-2022

RE: CHAPTER 159 RESOLUTION FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE INTO THE 2022 BUDGET THAT WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET—US DEPARTMENT OF TREASURY CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUND IN THE AMOUNT OF \$375,400.00

WHEREAS, N.J.S. 40A:4-87 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF

LOCAL GOVERNMENT SERVICES MAY APPROVE THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY WHEN SUCH ITEM SHALL HAVE BEEN MADE AVAILABLE BY LAW AND THE AMOUNT THEREOF WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET; AND

WHEREAS, SAID DIRECTOR MAY ALSO APPROVE THE INSERTION OF AN ITEM OF APPROPRIATION FOR AN EQUAL AMOUNT; AND

WHEREAS, THE TOWNSHIP OF UPPER HAS RECEIVED AN AMOUNT OF \$375,400.00 FROM THE US DEPARTMENT OF TREASURY CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUND PROGRAM AND WISHES TO AMEND ITS 2022 BUDGET TO INCLUDE THIS AMOUNT AS A REVENUE.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HEREBY REQUESTS THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES APPROVE THE INSERTION OF AN ADDITIONAL ITEM OF REVENUE IN THE BUDGET OF THE YEAR 2022 IN THE SUM OF \$375,400.00, WHICH IS NOW AVAILABLE AS A REVENUE FROM:

REVENUE: STATE & FEDERAL REVENUE OFFSET WITH APPROPRIATIONS:
US DEPARTMENT OF TREASURY CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUND PROGRAM, AND

BE IT FURTHER RESOLVED THAT A LIKE SUM OF \$375,400.00 BE AND THE SAME IS HEREBY APPROPRIATED UNDER THE CAPTION OF:

APPROPRIATION: STATE AND FEDERAL PROGRAMS OFFSET BY REVENUE:
US DEPARTMENT OF TREASURY CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUND PROGRAM, AND

BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER FOLLOW THE ELECTRONIC SUBMISSION PROCESS FOR THE INSERTION OF SPECIAL ITEMS OF REVENUE AND APPROPRIATION FOR APPROVAL WITH THE DIRECTOR OF LOCAL GOVERNMENT SERVICES.

Resolution No. 317-2022

Offered By: Hayes

Seconded By: Pancoast

Adopted: October 24, 2022

Roll Call Vote:

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

5. Appointing Michael A. Sorensen to serve as an additional Municipal Public Defender on an as needed basis.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 318-2022

RE: APPOINTING MICHAEL A. SORENSEN TO SERVE AS AN ADDITIONAL MUNICIPAL PUBLIC DEFENDER ON AN AS NEEDED BASIS

WHEREAS, a need exists to appoint an additional municipal public defender to serve on an as needed basis; and

WHEREAS, N.J.S.A. 2B:24-4 allows for the appointment of additional municipal public defenders as necessary to administer justice in a timely and effective manner; and

WHEREAS, the Township has decided to acquire the services of Michael A. Sorensen 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, Michael A. Sorensen has completed and submitted a Business Entity Disclosure Certification which certifies that Michael A. Sorensen 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 Michael A. Sorensen 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. Michael A. Sorensen with offices at 207 S. Main Street, Cape May Court House, New Jersey is hereby appointed as an additional municipal public defender 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 Michael A. Sorensen has professional knowledge as to legal matters and municipal court 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 Michael A. Sorensen for legal services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

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

7. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Michael A. Sorensen 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. 318-2022

Offered by: Hayes Seconded by: Pancoast

Adopted: October 24, 2022

Roll Call Vote:

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

6. Authorizing the submission of an eligibility determination under the U.S. Department of Agriculture's Water and Environmental Programs (WEP) to ascertain eligibility for funding.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

RESOLUTION

RESOLUTION NO. 319-2022

AUTHORIZING THE SUBMISSION OF AN ELIGIBILITY DETERMINATION UNDER THE U.S. DEPARTMENT OF AGRICULTURE’S WATER AND ENVIRONMENTAL PROGRAMS (WEP) TO ASCERTAIN ELIGIBILITY FOR FUNDING

WHEREAS, the Township of Upper carefully considers grant programs that assist the Township in achieving projects and programs that are priorities for the community; and

WHEREAS, the Township of Upper has entered into a contract with Triad Advisory Services, Inc. for professional grant consultant services; and

WHEREAS, the Township of Upper wishes to submit an Eligibility Determination under the U.S. Department of Agriculture’s Water and Environmental Programs (WEP) to ascertain if the Beesley’s Point/Marmora and Strathmere sections of the Township are eligible for grant funding under this program; and

WHEREAS, the Township Committee believes it is in the best interest of the Township to submit for this determination.

NOW, THEREFORE, BE IT RESOLVED that Township Committee of the Township of Upper, formally authorizes the submission of an Eligibility Determination for the above stated project.

BE IT FURTHER RESOLVED that Triad Advisory Services, Inc. is hereby authorized to submit the Eligibility Determination to the U.S. Department of Agriculture on behalf of the Township of Upper.

BE IT FURTHER RESOLVED that all Township officials and officers are hereby authorized, directed and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 319-2022

Offered by: Hayes

Seconded by: Pancoast

Adopted: October 24, 2022

Roll Call Vote:

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

7. Authorizing the Upper Township Division of Emergency Medical Services to submit a grant application for the South Jersey Gas First Responders Grant program.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 320-2022

**AUTHORIZING THE UPPER TOWNSHIP DIVISION OF
EMERGENCY MEDICAL SERVICES TO SUBMIT A GRANT APPLICATION
FOR THE SOUTH JERSEY GAS FIRST RESPONDERS GRANT PROGRAM**

WHEREAS, the South Jersey Gas First Responders Grant Program is intended to provide critical support for operations conducted by first responder departments; and

WHEREAS, the Township of Upper carefully considers grant programs that assist the Township in achieving projects and programs that are a benefit to the community; and

WHEREAS, the Township Committee believes it is in the best interest of the Township for the Division of Emergency Medical Services to apply for the grant; 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 Upper Township Division of Emergency Medical Services is hereby authorized to submit a grant application, attached hereto as Exhibit A, on behalf of the Township of Upper for the South Jersey Gas First Responders Grant Program.
3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Resolution No. 320-2022

Offered by: Hayes Seconded by: Pancoast

Adopted: October 24, 2022

Roll Call Vote:

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

Corson				X
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- Urging the County of Cape May to reduce the speed limit along Commonwealth Avenue in Strathmere to 25 mph.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 321-2022

**RE: URGING THE COUNTY OF CAPE MAY TO REDUCE THE SPEED LIMIT
ALONG COMMONWEALTH AVENUE IN STRATHMERE TO 25 MPH**

WHEREAS, for many years the Township has informed the County of Cape May of a growing problem with vehicles traveling at high speeds along Commonwealth Avenue in Strathmere; and

WHEREAS, given the substantial amount of foot traffic occurring along and across Commonwealth Avenue, especially during the summer months, the high vehicle speeds have created a dangerous condition for pedestrians; and

WHEREAS, in order to insure the safety of residents and the general public, the Township Committee of the Township of Upper supports the reduction of the maximum speed limit to 25 mph along the entire length of Commonwealth Avenue in the Strathmere section of Upper Township; 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:

- The allegations of the preamble are incorporated herein by this reference.
- The Township Committee hereby expresses its support for and urges the County of Cape May to reduce the maximum speed limit along Commonwealth Avenue in Strathmere to 25 mph.
- The Township Committee hereby requests all County and State officials to take the appropriate action forthwith in order to implement the reduction of the maximum speed limit along Commonwealth Avenue in Strathmere.
- 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.
- A copy of this Resolution shall be forwarded to the appropriate Cape May County and New Jersey state officials.

Resolution No. 321-2022

Offered by: Hayes

Seconded by: Pancoast

Adopted: October 24, 2022

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Coggins	X			
Hayes	X			

Newman	X			
Pancoast	X			
Corson				X

9. Authorizing the acceptance of a maintenance bond and the release of a performance bond to John James Germanio for the Improvement of Whitman Lane.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 322-2022

**RE: AUTHORIZING THE ACCEPTANCE OF A MAINTENANCE BOND
AND THE RELEASE OF A PERFORMANCE BOND TO JOHN JAMES GERMANIO
FOR THE IMPROVEMENT OF WHITMAN LANE**

WHEREAS, John James Germanio (Belleplaine Land Inc.), hereinafter “Developer”, has requested the release of a Performance Bond for the project known as Improvement to Whitman Lane; and

WHEREAS, Developer has completed all work in conformance with the plans and specifications for the project known as Improvement of Whitman Lane, as certified and inspected by the Township Engineer, and the Performance Bond now held by the Township should be released; and

WHEREAS, pursuant to N.J.S.A. 40:55D-53, Developer is required to furnish a Maintenance Bond for the aforesaid project; and

WHEREAS, said Maintenance Bond shall be for two (2) years in an amount equal to 15% of the original construction value of \$48,369.00, or \$7,255.35, in accordance with the Township of Upper Municipal Ordinance No. 19 of 1989; and

WHEREAS, the John James Germanio has presented to the Township a Maintenance Bond as follows:

Maintenance Surety Bond

Principal: John James Germanio (Belleplaine Land Inc.)
PO Box 545
Woodbine, NJ 08270

Surety: John James Germanio (Belleplaine Land Inc.)
PO Box 545
Woodbine, NJ 08270

Bond Amount Cash: \$7,255.35

Bond Date: October 24, 2022

WHEREAS, the Municipal Attorney has reviewed the Maintenance Bond and has determined that the same complies with the New Jersey Statutes and the Township Ordinances applicable thereto and has recommended the acceptance of same by the Township Committee; 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 Maintenance Surety Bond described in this Resolution is hereby accepted and approved.
3. The Performance Surety Bond now held by the Township is hereby released.
4. 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. 322-2022

Offered by: Hayes Seconded by: Pancoast

Adopted: October 24, 2022

Roll Call Vote:

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

10. Adopting revisions to the Upper Township Supervisor’s Personnel Policies and Procedures Manual and Employee Handbook.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 323-2022

**RE: ADOPTING REVISIONS TO THE UPPER TOWNSHIP
PERSONNEL POLICIES AND PROCEDURES MANUAL**

WHEREAS, the Township Committee of the Township of Upper has determined there is a need to adopt revisions to the Township’s Personnel Policies and Procedures Manual (the “Manual”) to revise the section entitled “Time Clock” (the “Policy”); and

WHEREAS, the Township Committee of the Township of Upper has reviewed and approved such revisions attached hereto as Exhibit A; and

WHEREAS, the Township Committee has determined that these revisions should be adopted to revise the existing Township Personnel Policies and Procedures Manual; 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 revisions to the Personnel Policies and Procedures Manual set forth in the attached Exhibit A are hereby adopted and approved and modify the existing personnel policies, procedures, manuals and handbooks of the Township. Said revisions shall replace in its entirety the Policy set forth in the Manual.
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. 323-2022

Offered by: Hayes

Seconded by: Pancoast

Adopted: October 24, 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

11. Release of reverter for Block 617, Lots 3 through 10 and Block 618, Lots 19 and 20 upon recording of deed of consolidation.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 324-2022

RE: RELEASE OF REVERTER FOR BLOCK 617, LOTS 3 THROUGH 10 AND BLOCK 618, LOTS 19 AND 20 UPON RECORDING OF DEED OF CONSOLIDATION

WHEREAS, by Deed dated October 28, 2002, the Township of Upper (“Township”) conveyed title to Thomas Swenk and Cynthia Swenk, husband and wife and owners of Whippoorwill Campground (“Swenks”) to premises designated as: (i) Block 617, Lots 3 to 10; and (ii) Block 618, Lots 19 and 20 (“Deed”); and

WHEREAS, the Deed contained a covenant that, within 90 days of foreclosing certain tax sale certificates referenced in the Deed and obtaining title thereto, the Swenks would consolidate the property as follows:

- Lots 3 to 10 inclusive on Block 617 to be consolidated with Lots 1, 2, 11 and 12, thereby forming a single parcel for all purposes; and
- Lots 19 and 20 on Block 618 to be consolidated with Lots 12 to 18, inclusive, thereby forming a single parcel for all purposes; and

WHEREAS, the Deed further provided that, in the event that the Swenks failed to consolidate the property as aforesaid, then the property designated as Block 617, Lots 3 to 10 and the property designated as Block 618, Lots 19 and 20 shall be subject to reversion and becoming revested in the Township, at the Township’s sole option and discretion; and

WHEREAS, the Swenks recorded a consolidation deed dated October 1, 2006 but as to Block 617, Lots 3 to 10 only; and

WHEREAS, the Swenks did not record the consolidation deeds in 2006 as to Block 617, Lots 1, 2, 11 and 12 (with Lots 3-10) and Block 618, Lots 12 to 18 (with Lots 19 and 20) because the Swenks did not obtain title to those properties until June 2016 to July 2017, and through ministerial inadvertence the consolidation deeds have not been recorded; and

WHEREAS, the Township has now been requested to waive, terminate and extinguish its reversionary rights under the Deed to be effective automatically, and without further notice or action, upon the recordation of consolidation deeds as to Block 617, Lots 1, 2, 11 and 12 (with Lots 3-10) and as to Block 618, Lots 12 to 18 (with Lots 19 and 20), provided that such consolidation deeds are recorded within 12 months of the date hereof by the Swenks or their successors in interest.

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. Provided that, within 12 months of the date hereof, consolidation deeds are recorded as to Block 617, Lots 1, 2, 11 and 12 (with Lots 3-10) and as to Block 618, Lots 12 to 18 (with Lots 19 and 20) and upon the recording of such consolidation deeds, the revisionary rights of the Township shall be deemed to be waived, terminated, and extinguished, without

further notice or action of the Township, effective upon the recordation of these consolidation deeds.

3. The aforesaid consolidation deeds shall be satisfactory to the Township Attorney as to form.
4. All officials of the Township are hereby authorized to take such action as necessary or required in order to carry out the intent and purpose of this Resolution.
5. This Resolution shall become effective immediately upon adoption.

Resolution No. 324-2022

Offered by: Newman Seconded by: Hayes

Adopted: October 24, 2022

Roll Call Vote:

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

12. Approving the compensation amount fixed by the Board of Fire Commissioners for Fire Districts No. 2 and No. 3.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 325-2022

**RE: APPROVING THE COMPENSATION AMOUNT FIXED BY THE BOARD OF FIRE
COMMISSIONERS FOR FIRE DISTRICTS NO. 2 AND NO. 3**

WHEREAS, N.J.S.A. 40A:14-88 requires the municipal governing body to review and approve any annual compensation a Board of Fire Commissioners establishes for its fire district commissioners before the fire district can submit its annual budget to the voters; and

WHEREAS, Fire District No. 2 has established by resolution that each of the members of their Board of Fire Commissioners shall receive \$2,000.00 annually for the calendar year 2022 except for the treasurer and secretary who shall receive \$2,500 annually; and

WHEREAS, Fire District No. 3 has established by resolution that each of the members of their Board of Fire Commissioners shall receive \$1,000.00 annually for the calendar year 2022 except for the chairman who shall receive \$1,250 annually; and

WHEREAS, the Board of Fire Commissioners for Fire Districts No. 2 and 3 have forwarded copies of their resolutions establishing the compensation for their members to the Township Committee of the Township of Upper for approval.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township of Upper does hereby approve the annual compensation for Fire District No. 2 in the total amount of \$11,000.00.
3. The Township of Upper does hereby approve the annual compensation for Fire District No. 3 in the total amount of \$5,250.00.
4. A copy of this resolution shall be forwarded to the Board of Fire Commissioners for Fire District No. 2 and No. 3.

Resolution No. 325-2022

Offered By: Hayes

Seconded By: Coggins

Adopted: October 24, 2022

Roll Call Vote:

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

ORDINANCES

CORRESPONDENCE

NEW BUSINESS

13. **New Jersey Best Practices Worksheet CY2022/SFY2023.** CFO Barbara Ludy reported that the Township has scored a 33.5 out of 43 scored questions on the Best Practices questionnaire, resulting in no impact to the Township's State aid. Motion by Kimberly Hayes, second by John Coggins, to accept the report. During roll call vote all four Committee members present voted in the affirmative.
14. **Cape May Seashore Lines request use of Township equipment at the Tuckahoe Train Station.** Township Administrator requested that a subcommittee be formed to meet with the requestor and address several issues. After a brief discussion Committee members Hayes and Pancoast were chosen as the subcommittee.

23. **Renewal of Commercial Bingo Hall License.** Motion by Kimberly Hayes, second by Mark Pancoast, to approve the renewal of the commercial bingo hall license. During roll call vote all four Committee members present voted in the affirmative.
24. **Division of EMS Report.** Motion by Mark Pancoast, second by Kimberly Hayes, to accept the report. During roll call vote all four Committee members present voted in the affirmative.
25. **Request for EMT Amanda Grau to attend an EMT certification class at a cost of \$402.00.** Motion by Kimberly Hayes, second by John Newman, to approve the request. During roll call vote all four Committee members present voted in the affirmative.

UNFINISHED BUSINESS

PAYMENT OF BILLS

15. **“I hereby move that all claims submitted for payment at this meeting be approved and then incorporated in full in the minutes of this meeting.”** Motion by John Coggins, second by Kimberly Hayes. During roll call vote all four Committee members present voted in the affirmative.

Bills approved for payment: \$1,891,853.06

Payroll: \$186,180.56

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

Juliette Schlucter, Strathmere, VP of Strathmere Improvement Association, thanked the Committee for adopting a resolution urging the County to reduce the speed limit to 25 mph on Commonwealth Avenue. She encouraged county officials to come out and investigate the issues with pedestrians, bikes, and cars along Commonwealth. She also thanked the planning committee and Paul Dietrich for drafting ordinances addressing the noise and lighting issues.

CLOSED SESSION

16. Resolution to conduct a closed meeting pursuant to N.J.S.A. 10:4-12, from which the public shall be excluded.

**TOWNSHIP OF UPPER
RESOLUTION NO. 326-2022
MOTION GOING INTO CLOSED SESSION
OCTOBER 24, 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 – Affordable Housing Plan
3. Contract negotiation - Redevelopment Agreement

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

- A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will

no longer be served by such confidentiality.

- B. With respect to contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.
- C. With respect to this litigation matter such discussions will be made public when litigation is complete and the applicable appeal period has expired.
- D. With respect to employment and personnel matters such discussions will be made public if and when formal action is taken or when the individuals involved consent that it can be made public.

Moved by: John Coggins

Motion seconded by: Kimberly Hayes

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

Motion by John Coggins, second by Kimberly Hayes, to accept the resignation of Tara Mathers and direct the Township Administrator to present to her a separation agreement. During roll call vote all four Committee members present voted in the affirmative.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 7:50 P.M., with a motion by John Coggins, second by Kimberly Hayes, and all four Committee members present voting in the affirmative. The next regular meeting is scheduled for November 14, 2022, at 4:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC
Municipal Clerk

Bills

80365 10/24/22 A0017 ATLANTIC CO. MUNICIPAL JIF 113,337.00 3264
80366 10/24/22 A0018 ACTION SUPPLY INC. 82.45 3264
80367 10/24/22 A0075 ADAMS, JOSHUA 216.95 3264
80368 10/24/22 A0091 ATLANTIC CITY ELECTRIC 2,200.21 3264
80369 10/24/22 A0170 ASFPM 175.00 3264
80370 10/24/22 A0176 ACTION FLAG COMPANY 579.17 3264
80371 10/24/22 A0191 ACTION UNIFORM CO. LLC 204.00 3264
80372 10/24/22 A0193 ATLANTIC INVESTIGATIONS, LLC 71.00 3264
80373 10/24/22 A0212 ANCERO, LLC 8,310.50 3264
80374 10/24/22 A0226 ACCESSREC, LLC 3,690.65 3264
80375 10/24/22 A0235 AMAZON CAPITAL SERVICES, INC. 905.53 3264
80376 10/24/22 A0239 AT&T MOBILITY NAT'L ACCTS LLC 40.23 3264
80377 10/24/22 B0035 BELMONT & CRYSTAL SPRINGS 76.74 3264
80378 10/24/22 B0039 BEESLEY'S PT. SEA DOO, INC. 553.95 3264
80379 10/24/22 B0287 BIGLEAF NETWORKS, INC. 400.00 3264
80380 10/24/22 B0288 KINGBARNES LLC 750.00 3264
80381 10/24/22 C0048 CAPE MAY COUNTY MUA 44,444.89 3264
80382 10/24/22 C0052 CAPE MAY COUNTY TREASURER 1,662,897.74 3264
80383 10/24/22 C0068 COMCAST 744.17 3264
80384 10/24/22 C0223 CASA PAYROLL SERVICE 223.50 3264
80385 10/24/22 C0247 CMRS-FP 2,000.00 3264

80386 10/24/22 C0279 CASA REPORTING SERVICES LLC 211.50 3264
80387 10/24/22 C0296 COMCAST BUSINESS COMMUNICATION 2,836.74 3264
80388 10/24/22 C0305 CM3 BUILDING SOLUTIONS, INC. 280.00 3264
80389 10/24/22 C0307 CNS ACQUISITION CORPORATION 835.00 3264
80390 10/24/22 C0340 COLLIERS ENGINEERING & DESIGN 3,845.32 3264
80391 10/24/22 D0016 DALEYS PIT 145.00 3264
80392 10/24/22 D0040 DELTA DENTAL OF N.J. INC. 5,816.47 3264
80393 10/24/22 D0237 DIETZ, KERRY 125.00 3264
80394 10/24/22 E0080 EISELE, LUKE 199.99 3264
80395 10/24/22 H0057 HISTORICAL PRESERVATION SOCIETY 300.00 3264
80396 10/24/22 H0073 HOME DEPOT CRC/GECF 59.92 3264
80397 10/24/22 L0007 LC EQUIPMENT, INC. 22.00 3264
80398 10/24/22 L0146 LAWSON PRODUCTS, INC. 362.32 3264
80399 10/24/22 M0019 MAXIMUM MARINE,LLC 29.00 3264
80400 10/24/22 M0076 MGL PRINTING SOLUTIONS 229.00 3264
80401 10/24/22 M0188 MCCARTHY TIRE SERVICE OF PHILA 2,171.15 3264
80402 10/24/22 M0290 MADDEN & MADDEN, PC 2,085.40 3264
80403 10/24/22 M0303 MALEY GIVENS, A PROF CORP 1,200.00 3264
80404 10/24/22 N0070 MARSH & MCLENNAN AGENCY, LLC 2,000.00 3264
80405 10/24/22 O0065 OCHS Band Boosters 300.00 3264
80406 10/24/22 O0076 OCHS Color Guard Boosters 300.00 3264
80407 10/24/22 P0032 PEDRONI FUEL CO. 2,833.29 3264
80408 10/24/22 P0124 UPPER TWP REG REPUBLICAN CLUB 300.00 3264
80409 10/24/22 P0166 PARKER MCCAY P.A. 3,955.43 3264
80410 10/24/22 Q0014 QBE SPECIALTY INSURANCE CO. 320.03 3264
80411 10/24/22 R0009 RALPH'S BAGELS & DELI 192.60 3264
80412 10/24/22 R0030 RIGGINS, INC. 3,797.44 3264
80413 10/24/22 R0100 ROBERTS OXYGEN COMPANY, INC. 119.55 3264
80414 10/24/22 R0137 RAMMEL, TODD 227.88 3264
80415 10/24/22 S0001 SAM'S CLUB 210.00 3264
80416 10/24/22 S0154 SOUTH JERSEY OVERHEAD DOOR 3,490.00 3264
80417 10/24/22 S0209 STAPLES ADVANTAGE 262.68 3264
80418 10/24/22 S0264 SOUTH SHORE STITCHERS 300.00 3264
80419 10/24/22 S0292 SURENIAN EDWARDS & NOLAN LLC 993.00 3264
80420 10/24/22 S0363 STARR GENERAL CONTRACTING CORP 334.00 3264
80421 10/24/22 S0395 SJ Blue Star Mothers 300.00 3264
80422 10/24/22 S0396 SDA Dance Boosters 300.00 3264
80423 10/24/22 T0080 TREASURER STATE OF N.J. 100.00 3264
80424 10/24/22 T0129 TRUGREEN CHEMLAWN 3,202.01 3264
80425 10/24/22 T0159 TRIAD ADVISORY SERVICES, INC. 425.00 3264
80426 10/24/22 T0211 TRELEASE, BRIAN P., ESQUIRE 920.00 3264
80427 10/24/22 U0063 UT Green Team 300.00 3264
80428 10/24/22 U0064 U. T. Business Association 300.00 3264
80429 10/24/22 V0013 VERIZON WIRELESS 649.77 3264
80430 10/24/22 V0018 VILLAGE PHARMACY, INC. 501.54 3264
80431 10/24/22 V0024 VAL-U AUTO PARTS L.L.C. 259.43 3264
80432 10/24/22 V0025 V.E. RALPH & SON,INC. 963.31 3264
80433 10/24/22 V0027 VANORDER, ROGER 105.00 3264
80434 10/24/22 W0087 W.B. MASON EGG HARBOR 675.03 3264
80435 10/24/22 W0126 Wood, Andrew 20.00 3264
80436 10/24/22 X0008 XEROX FINANCIAL SERVICES 238.58 3264
Total: \$1,891,853.06