

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR JULY 24, 2023**

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

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 July 21, 2023, 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 video 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

Curtis Corson	Present
Kimberly Hayes	Present
Victor Nappen	Present
Mark Pancoast	Present
Jay Newman	Present

Also present were Municipal Clerk Joanne Herron, Municipal Attorney Anthony Monzo, Chief Financial Officer Barbara Ludy, Engineer Zachary Jordan, and Township Administrator Gary DeMarzo.

APPROVAL OF MINUTES - July 10, 2023 Regular and Closed Session Minutes

Motion by Kimberly Hayes, second by Mark Pancoast, to approve the July 10, 2023 Regular and Closed Session Minutes as submitted. During roll call vote five Committee members voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Mark Pancoast, Committeeman, gave a brief report on the operations of the Department of Public Works. He next reported on a request to clean up the intersection of Route 50 and Tuckahoe Road and asked DPW to help the state and county with the area. The Township Administrator stated that he will notify the state and county of the project.

Victor Nappen, Committeeman, reported that the Committee will be reappointing Judge Birchmeier as Municipal Court Judge tonight, and stated that all parties are happy to have him continue.

Kimberly Hayes, Committeewoman, gave a brief update on the Township’s sports organizations, signups for the upcoming fall season, and the disc golf league. She next reported that the Township will be partnering with Cape Assist to offer the Strengthening Families Program at the Upper Township Senior Center on Wednesdays in August and September. More information can be found on the Township’s website and Facebook page.

Curtis Corson, Committeeman, gave a brief report on the Beach Patrol operations.

Jay Newman, Mayor, reported on a recent training session with the Upper Township Beach Patrol, the Ocean City Beach Patrol, the Strathmere Fire Company, and the Ocean City Fire Company to practice water rescue operations, and stated that the training went very well. He next reported that he recently met with Senator Testa and the NJDOT Commissioner. During the meeting he was informed that Route 9 from Seaville to Harbor Road will be paved soon. There was also a discussion regarding Exit 20 and he was pleased to hear that the project is in the pipeline. Lastly, he stated that they discussed the Township's request for an emergency light for the Tuckahoe Fire company on Route 50. He stated that previously the NJDOT had approved the project with a 75/25 cost split. However, midway through the process, the price for the project was increased by 120%. He stated that the matter has been resolved and the Township will be responsible for 25% of the original cost of the project.

ADMINISTRATOR OVERVIEW

Gary DeMarzo, Township Administrator, recognized Boy Scout Troop 79. He next gave a brief update on several projects including code enforcement's nuisance abatement procedures, resident feedback on the proposed bike path, lights at Caldwell Park, Community Center floors, and the update to the Committee meeting audio equipment.

Anthony Monzo, Municipal Attorney, reported that pursuant to his discussion with the Mayor the Ordinance listed for introduction on tonight's agenda will be removed to allow time for further review.

Zachary Jordan, Engineer, gave a brief update on the upcoming beach fill project which is anticipated to begin in the fall.

Barbara Ludy, Chief Financial Officer, requested to add a contract negotiation matter with Phoenix Advisors to closed session. She next requested approval for Sarah Steiner to attend a third purchasing class in September. Motion by Curtis Corson, second by Kimberly Hayes, to approve the request. During roll call vote all five Committee members voted in the affirmative.

CONSENT AGENDA

All Consent Agenda items listed below are routine in nature and will be enacted by one motion. If the Mayor or any Committee member wishes a particular agenda item to be considered separately, it will be removed from the consent agenda and acted on separately. **Committeeman Corson requested that the Resolution renewing the campground licenses be removed from the consent agenda due to a conflict. Motion by Kimberly Hayes, second by Victor Nappen, to approve the consent agenda items with the exception of the Resolution to renew the campground licenses. During roll call vote all five Committee members voted in the affirmative.**

FILING OF REPORTS BY CONSENT

RESOLUTIONS TO BE APPROVED BY CONSENT

1. Authorizing a one-year extension of the contract with Administrative Advantage, LLC for emergency medical billing services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 239-2023

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

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

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

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

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

WHEREAS, Administrative Advantage, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Administrative Advantage, LLC has not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Administrative Advantage, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for the renewed term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The contract with Administrative Advantage, LLC for Emergency Medical Billing Services, is hereby renewed for an additional one year term for the period commencing August 1, 2023 through July 31, 2024.
3. Administrative Advantage, LLC has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.
4. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 239-2023

Offered by: Hayes

Seconded by: Corson

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

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

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 240-2023

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

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

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

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

WHEREAS, the proposed contract has been reviewed and approved by the Township’s Legal Counsel and will be on record in the office of the Township Clerk and available for public inspection and is attached hereto as Exhibit “A”; and

WHEREAS, Cape Physicians Associates has completed and submitted a Business Entity Disclosure Certification which certifies that Cape Physicians Associates has not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Cape Physicians Associates from making any reportable contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with Cape Physicians Associates to provide hearing examinations.
3. Cape Physicians Associates has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.
4. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Cape Physicians Associates has professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

NOTICE OF CONTRACT AWARD

5. The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Cape Physicians Associates. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.
6. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line-item appropriation of the official budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.
7. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 240-2023

Offered by: Hayes Seconded by: Corson

Adopted: July 24, 2023

Roll Call Vote:

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

3. Authorizing the award of a contract with Seashore Signs, Inc.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 241-2023

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH
SEASHORE SIGNS, INC.**

WHEREAS, from time to time the Township of Upper has a need to purchase various signs and to do so desires to enter into a non-fair and open contract, pursuant to the provisions of N.J.S.A. 19:44A-20.5, with Seashore Signs, Inc.; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with Seashore Signs, Inc. for the year 2023 will exceed \$17,500 and a contract pursuant to N.J.S.A. 19:44A-20.5 is required; and

WHEREAS, Seashore Signs, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Seashore Signs, 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 Seashore Signs, 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 2023 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 Seashore Signs, Inc. as described herein.

3. The Business Entity Disclosure 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. 241-2023

Offered by: Hayes

Seconded by: Corson

Adopted: July 24, 2023

Roll Call Vote:

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

4. Reappointing James R. Birchmeier as Municipal Court Judge for the Township of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 242-2023

**RE: REAPPOINTING JAMES R. BIRCHMEIER
AS MUNICIPAL COURT JUDGE FOR THE TOWNSHIP OF UPPER**

WHEREAS, N.J.S.A. 2B:12-1 requires every municipality to establish a Municipal Court and N.J.S.A. 2B:12-4 provides that each Judge of a Municipal Court shall serve for a term of three (3) years from the date of appointment and until a successor is appointed and qualified, provided that any appointment to fill a vacancy not caused by the expiration of term shall be made for the unexpired term only; and

WHEREAS, the Township Committee has determined to make the appointment hereinafter designated; and

WHEREAS, the Honorable James J. Birchmeier, J.M.C., who presently serves as Municipal Judge of the Township of Upper, shall be reappointed to a three year term effective August 1, 2023.

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. James R. Birchmeier, an attorney at law of the State of New Jersey, is hereby reappointed as Municipal Court Judge for the Township of Upper for a three year appointment. Said appointment to be effective August 1, 2023 and expires on July 31, 2026.

3. Said appointment is effective upon his taking and subscribing the required oath of office to be administered by a Judge of the Superior Court and the filing of said oath with the Municipal Clerk of the Township of Upper and upon further compliance with all requirements established by N.J.S.A. 2B:12-1, et seq.

4. A certified copy of this Resolution, attested to by the Municipal Clerk and sealed with the seal of the Township of Upper, shall be conclusive evidence of the appointment as Municipal Court Judge for the term prescribed by law.

5. This Resolution ratifies, confirms and approves the aforesaid actions heretofore taken by the Township Committee of the Township of Upper.

Resolution No. 242-2023

Offered by: Hayes Seconded by: Corson

Adopted: July 24, 2023

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

5. Appointing Patricia Smyth as Assistant Municipal Tax Collector.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 243-2023

**RE: APPOINTING PATRICIA SMYTH
AS ASSISTANT MUNICIPAL TAX COLLECTOR**

WHEREAS, Patricia Smyth possesses all the requisite qualifications for appointment to said position; and

WHEREAS, Patricia was appointed to the position of Deputy Tax Collector March 9, 2012 pursuant to Resolution No. 58-2012 adopted on March 12, 2012; and

WHEREAS, the correct Civil Service title is Assistant Municipal Tax Collector.

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. Patricia Smyth is hereby provisionally appointed, pending Civil Service review, as Assistant Municipal Tax Collector to the Township of Upper at an annual salary of \$ 57,959.00 in accordance with the Salary Ordinance;
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. 243-2023

Offered by: Hayes

Seconded by: Corson

Adopted: July 24, 2023

Roll Call Vote:

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

6. Appointing the 2023 season Beach Patrol personnel.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 244-2023

RE: APPOINTING THE 2023 SEASON BEACH PATROL PERSONNEL

WHEREAS, the individuals hereinafter named have been determined to possess the requisite skills, training and are otherwise eligible for appointment to the position of lifeguard; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The following individuals are appointed as lifeguards in the Township of Upper contingent upon pre-employment testing at a salary as stated below in accordance with the Salary Ordinance:

NEW GUARDS

Chase M. Brown

1st yr

\$18.00

Resolution No. 244-2023

Offered by: Hayes

Seconded by: Corson

Adopted: July 24, 2023

Roll Call Vote:

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

7. Certification of costs for abatement of nuisance on Block 453.11, Lot 1.02.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 245-2023

**CERTIFICATION OF COSTS FOR ABATEMENT OF NUISANCE
ON BLOCK 453.11, LOT 1.02**

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 453.11, Lot 1.02;

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.

- All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 245-2023

Offered by: Hayes

Seconded by: Corson

Adopted: July 24, 2023

Roll Call Vote:

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

ABATEMENT OF GRASS, WEEDS, AND DEBRIS

<u>BLOCK/LOT</u>	<u>LOCATION</u>	<u>COST</u>	<u>ADMIN FEE</u>	<u>TOTAL</u>
453.11/1.02	12 Wyncroft Dr.	\$150.00	\$30.00	\$180.00

- Renewing Mobile Home Park Licenses.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 246-2023

RE: RENEWING MOBILE HOME PARK LICENSES

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

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

- The allegations of the preamble are incorporated herein by this reference.
- The following mobile home park licenses are hereby renewed for a term of (1) one year, commencing August 1, 2023.

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

**OCEAN BEACH TRAILER RESORT
1100 SOUTH COMMONWEALTH AVENUE
PO BOX 90
STRATHMERE, NJ 08248**

95 Sites

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

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

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

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

Resolution No. 246-2023

Offered by: Hayes

Seconded by: Corson

Adopted: July 24, 2023

Roll Call Vote:

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

RESOLUTIONS TO BE ACTED ON SEPARATELY

- 9. Renewing Campground Licenses.

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

RESOLUTION NO. 247-2023

RE: RENEWING CAMPGROUND LICENSES

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

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

WHEREAS, notwithstanding the requirements of Chapter XII of the Code of Upper Township, an on-site inspection conducted by the Cape May County Health Department shall not be required for all non-proprietary Campgrounds due to the expiration of the regulations contained in N.J.A.C. 8:22 and, as a result thereof, the Cape May County Health Department is longer conducting any such inspections; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The following campground licenses are hereby renewed for a term of (1) one year, commencing August 1, 2023.

**BAYBERRY COVE CONDO ASSOCIATION
435 ROUTE 9
MARMORA, NJ 08223
310 Sites**

**ECHO FARMS CAMPGROUND
3066 NORTH ROUTE 9
SEAVILLE, NJ 08230
239 Sites**

**JERSEY SHORE CAMPGROUND, LLC
DBA OCEAN CITY CAMPGROUND & BEACH CABINS
245 ROUTE 50
PETERSBURG, NJ 08270
196 Sites**

**OAK RIDGE RESORT CONDO ASSOCIATION, INC.
516 SOUTH ROUTE 9
MARMORA, NJ 08223
240 Sites**

**ROUTE 50 CAMPGROUND, LLC
T/A OCEAN ISLE CAMPING RESORT
64 ROUTE 50
SEAVILLE, NJ 08230
218 Sites**

**OCEAN SANDS RESORT ASSOCIATION, INC.
56 ROUTE 50
SEAVILLE, NJ 08230
217 Sites**

**RED OAK SHORES CAMPGROUND
60 CORSON TAVERN ROAD
SEAVILLE, NJ 08230
223 Sites**

**SCENIC RIVERVIEW CAMPGROUND
465 ROUTE 49
TUCKAHOE, NJ 08250
125 Sites**

SEAVILLE SHORES TRAILER RESORT

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

**SHOREBIRDS CAMPGROUND
1314 STAGECOACH ROAD
PALERMO, NJ 08230
100 Sites**

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

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

Resolution No. 247-2023

Offered by: Newman

Seconded by: Pancoast

Adopted: July 24, 2023

Roll Call Vote:

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

ORDINANCES

CORRESPONDENCE

NEW BUSINESS

UNFINISHED BUSINESS

10. Postal ZIP Code Boundary. **Mayor Newman reported on the ongoing issues for residents that have to utilize the Woodbine and Ocean View ZIP Codes, with the most serious being misdirected emergency responders. He stated that he recently received a complaint from a resident and would like to renew the efforts to correct the problem with the USPS. After a brief discussion the Clerk was directed to request a meeting with Congressman Van Drew to discuss the issue.**

PAYMENT OF BILLS

11. "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 Kimberly Hayes, second by Mark Pancoast. During roll call vote all five Committee members present voted in the affirmative.**

Bills approved for payment: \$562,145.65

Payroll: \$276,850.36

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

Gary Lechner, Tuckahoe, spoke about the issues with having packages delivered through the woodbine ZIP Code, and thanked Mayor Newman for working on the issue.

Veronica Price, Gardners Lane, spoke about issues with the mail, ZIP Codes, and short term rentals.

Edward Price, Gardners Lane, inquired about the status of a short term rental ordinance. Mayor Newman stated that a subcommittee will be created to look at the issue.

Elaine Holsomback, Palermo & Strathmere, spoke about ZIP Codes, grants that are available to purchase mobi mats, wind turbines, and global warming.

Nathalie Neiss, Block 476, Lot 29, spoke about ZIP Codes and the spotted lantern fly.

CLOSED SESSION

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

**TOWNSHIP OF UPPER
RESOLUTION NO. 248-2023
MOTION GOING INTO CLOSED SESSION
JULY 24, 2023**

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

MATTERS

1. Personnel
2. Litigation - Bushong v. Upper Township
3. Potential litigation - DCA complaint
4. Contract negotiation - Block 730, Lots 23-26
5. Contract negotiation - Cape May County MUA Host Community Benefit Agreement
6. Contract negotiation - New Jersey Turnpike Authority
7. Contract negotiation - Phoenix Advisors

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 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.
- C. With respect to contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.
- D. With respect to litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.

Moved by: Mark Pancoast

Motion seconded by: Kimberly Hayes

Roll Call Vote with all five Committee members voting in the affirmative.

RECONVENE PUBLIC PORTION OF MEETING

Motion by Kimberly Hayes, second by Victor Nappen, to reconvene the public portion of the meeting. During roll call vote all four Committee members present voted in the affirmative. Committeeman Pancoast was absent for remainder of meeting.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 5:59 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 Committee meeting is scheduled for August 14, 2023 at 6:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC
Township Clerk

Bill List

81858 07/24/23 A0017 ATLANTIC CO. MUNICIPAL JIF 130,312.00 3312
81859 07/24/23 A0025 ADVANTAGE RENTAL & SALES 707.81 3312
81860 07/24/23 A0091 ATLANTIC CITY ELECTRIC 23,122.40 3312
81861 07/24/23 A0117 AT&T 248.02 3312
81862 07/24/23 A0193 ATLANTIC INVESTIGATIONS, LLC 505.00 3312
81863 07/24/23 A0212 ANCERO, LLC 12,645.50 3312
81864 07/24/23 A0248 AIRESRING, INC. 1,269.50 3312
81865 07/24/23 B0035 BELMONT & CRYSTAL SPRINGS 186.15 3312
81866 07/24/23 B0284 BUTTERWOOD TREE SERVICE LLC 2,500.00 3312
81867 07/24/23 B0288 KINGBARNES LLC 925.00 3312
81868 07/24/23 C0019 CITY OF OCEAN CITY 65,258.00 3312
81869 07/24/23 C0021 CIVIL SOLUTION A DIVISION 1,200.00 3312
81870 07/24/23 C0042 CAMPBELL SUPPLY COMPANY 1,946.21 3312
81871 07/24/23 C0046 CAPE MAY COUNTY CLERK 13.00 3312
81872 07/24/23 C0048 CAPE MAY COUNTY MUA 49,646.55 3312
81873 07/24/23 C0068 COMCAST 1,529.58 3312
81874 07/24/23 C0223 CASA PAYROLL SERVICE 331.50 3312
81875 07/24/23 C0247 CMRS-FP 4,000.00 3312
81876 07/24/23 C0307 CNS ACQUISITION CORPORATION 875.00 3312
81877 07/24/23 C0312 CARTER, JONATHAN 98.94 3312
81878 07/24/23 D0040 DELTA DENTAL OF N.J. INC. 5,485.59 3312
81879 07/24/23 D0186 DOCUTREND, INC. 41.66 3312
81880 07/24/23 D0237 DIETZ, KERRY 125.00 3312
81881 07/24/23 D0240 DEVLIN, EDMUND F. 1,048.45 3312
81882 07/24/23 E0012 EHRLICH PEST CONTROL INC 116.64 3312
81883 07/24/23 F0053 FORD, SCOTT & ASSOCIATES 6,000.00 3312
81884 07/24/23 G0120 PATRICK F. MARTIN 1,966.58 3312
81885 07/24/23 G0141 GENTILINI CHEVROLET 346.56 3312
81886 07/24/23 G0157 GRANTURK EQUIPMENT CO., INC. 1,365.68 3312
81887 07/24/23 H0002 H.A. DEHART & SON CORP. 800.00 3312
81888 07/24/23 H0022 HR DIRECT 99.99 3312
81889 07/24/23 H0098 HERITAGE TOWERS, INC. 232.00 3312
81890 07/24/23 J0036 JOHNSON, MICHELLE 3.41 3312
81891 07/24/23 K0086 K D NATIONAL FORCE SECURITY 1,050.00 3312
81892 07/24/23 K0114 KIMBALL MIDWEST 307.71 3312
81893 07/24/23 L0007 LC EQUIPMENT, INC. 80.00 3312
81894 07/24/23 L0027 LASHLEY HEATING & COOLING INC. 4,800.00 3312
81895 07/24/23 L0031 LORCO PETROLEUM SERVICES 37.32 3312
81896 07/24/23 L0157 LEXA CONCRETE, LLC 177,216.16 3312
81897 07/24/23 M0193 MAYNE, MICHAEL 52.95 3312
81898 07/24/23 M0235 MODERN GROUP, LTD 600.00 3312
81899 07/24/23 M0303 MALEY GIVENS, A PROF CORP 344.00 3312
81900 07/24/23 M0313 MAVIS TIRE SUPPLY, LLC 291.16 3312
81901 07/24/23 M0327 MONZO CATANESE DeLOLLIS, P.C. 12,849.64 3312
81902 07/24/23 N0070 MARSH & MCLENNAN AGENCY, LLC 2,000.00 3312
81903 07/24/23 N0154 NEW HORIZON COMMUNICATIONS 820.38 3312
81904 07/24/23 O0006 SJSHORE MARKETING,LLC 410.00 3312
81905 07/24/23 P0032 PEDRONI FUEL CO. 2,183.92 3312
81906 07/24/23 P0036 PENNELLO,DAVID 60.00 3312
81907 07/24/23 P0098 PUBLIC EMPLOYEE RETIRMENT FUND 12,407.76 3312
81908 07/24/23 P0166 PARKER MCCAY P.A. 1,135.50 3312
81909 07/24/23 Q0014 QBE SPECIALTY INSURANCE CO. 3,151.00 3312

81910 07/24/23 R0030 RIGGINS, INC. 5,152.85 3312
81911 07/24/23 R0100 ROBERTS OXYGEN COMPANY, INC. 239.10 3312
81912 07/24/23 S0020 THE HOME DEPOT PRO 617.92 3312
81913 07/24/23 S0057 SERVICE TIRE TRUCK CENTERS 3,646.74 3312
81914 07/24/23 S0196 STEWART BUSINESS SYSTEMS LLC 82.80 3312
81915 07/24/23 S0209 STAPLES ADVANTAGE 400.68 3312
81916 07/24/23 S0254 SHOPRITE 72.94 3312
81917 07/24/23 S0303 SITEONE LANDSCAPE SUPPLY, LLC 764.77 3312
81918 07/24/23 S0363 STARR GENERAL CONTRACTING CORP 1,768.00 3312
81919 07/24/23 S0393 SEASHORE SIGNS, INC. 150.00 3312
81920 07/24/23 S309 Sharp, Joseph 207.93 3312
81921 07/24/23 T0032 THE PRESS OF ATLANTIC CITY 394.40 3312
81922 07/24/23 T0067 TOWNSHIP OF UPPER PETTY CASH 64.20 3312
81923 07/24/23 T0080 TREASURER STATE OF N.J. 796.00 3312
81924 07/24/23 T0129 TRUGREEN CHEMLAWN 8,004.25 3312
81925 07/24/23 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3312
81926 07/24/23 T0220 TRINITY CODE INSPECTIONS, LLC 1,750.00 3312
81927 07/24/23 V0013 VERIZON WIRELESS 655.60 3312
81928 07/24/23 V0022 VERIZON 516.96 3312
81929 07/24/23 V0025 V.E. RALPH & SON,INC. 424.59 3312
81930 07/24/23 V0026 VITAL COMMUNICATIONS, INC. 96.35 3312
81931 07/24/23 V0052 VIKING TERMITE & PEST CONTROL 116.64 3312
81932 07/24/23 W0087 W.B. MASON EGG HARBOR 134.99 3312
81933 07/24/23 W0123 WIRELESS ELECTRONICS, INC. 974.54 3312
81934 07/24/23 X0008 XEROX FINANCIAL SERVICES 103.20 3312
81935 07/24/23 Z0016 ZERO WASTE USA 235.98 3312
Total: \$562,145.65