

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
AGENDA FOR TUESDAY OCTOBER 10, 2023**

REGULAR MEETING OF THE TOWNSHIP COMMITTEE – 6:30 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 October 6, 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	Absent
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 - September 25, 2023 Regular and Closed Session Minutes

Motion by Kimberly Hayes, second by Curtis Corson, to approve the September 25, 2023 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 that the Fall Fest was very successful and thanked the Department of Public Works, Recreation Leader Larry Cole, Upper Township OEM, Division of EMS, New Jersey State Police, Cape May County Sheriff’s Office and Boy Scout Troop 79. She next reported that the Historical Preservation Society will be holding the annual Applefest at the Gandy farmstead on October 14th from 10:00 to 3:00, the South Shore Stitchers will be holding a craft show at the Community Center on October 14th from 10:00 to 3:00, and the Ancient Order of Hibernians, a local nonprofit organization that raises money for Upper Township families in need, will be holding their annual Irish Festival on October 14th and 15th in Smithville. Next, she reported that the Township is partnering with Cape Assist to host a free drive-in movie night at Amanda’s Field on October 21st. Gates will open at 6:00 pm and the movie, Adams Family, will start at 7:00 pm. Next, she reported that the Upper Township Business Association will be hosting their Community Night on November 16th. Vendor applications are available at www.upperbiz.com. Lastly, she reported that

the Upper Township Health and Wellness Fair will be held on October 19th from 3:00 to 5:00 at the Community Center.

Victor Nappen, Committeeman, reported that the Township will be holding a free rabies clinic on October 21st from 1:00 to 3:00 at Shore Veterinarians. He next reported that the Upper Township Rescue Squad still has mums for sale.

Curtis Corson, Committeeman, reported on the continuing issue with illegal dumping in the Township and requested an update to the Ordinance to increase the fines for illegal dumping. The Municipal Attorney was directed to prepare an Ordinance for introduction at the next meeting.

Jay Newman, Mayor, reported that the annual Fire Prevention Open House will be held at Amanda's Field on October 11th. He next reported that on October 26th the smokestack at the former BL England power station will be imploded. The Beesley's Point Development Group will be holding a "Say Goodbye to the Stack" event on Saturday October 21st at 10:00 am.

ADMINISTRATOR OVERVIEW

Gary DeMarzo, Township Administrator, reported that the Township is working closely with the New Jersey State Police to investigate the illegal dumping on Bailey Road. He next gave a brief update on the progress of the short term rental subcommittee. Next, he requested permission to offer the use of the EMS building to the Civil Air Patrol to hold their meetings. Next, he requested the addition of a Resolution to the consent agenda to authorize the mayor to sign the National Flood Insurance Program Community Rating System recertification and annual progress report. Lastly, he reported on the continuing issues with the meeting room audio system.

Joanne Herron, Township Clerk, reported that the last day to register to vote in the General Election is October 17th. Voter Registration forms are available in the Clerk's Office or at www.capemaycountyvotes.com.

Anthony Monzo, Municipal Attorney, reported that there is a state statute for illegal dumping, which would be in addition to whatever fines the Township imposes. He stated that he will speak with the Township Prosecutor and draft an Ordinance for the next meeting. He next reported that he has also been working with the Prosecutor to amend the Property Maintenance Code with regard to inoperable vehicles. An Ordinance amending that section of the code will also be prepared for the next meeting.

Zachary Jordan, Township Engineer, reported that a Flood Insurance Promotion Meeting will be held on October 28th at 9:00 am at the Strathmere Fire House. The meeting is sponsored by the Heist Insurance Agency and will have insurance agents, engineers, and the Township's floodplain manager in attendance to review residents' flood insurance policies to ensure that their home is rated accurately. He next reported that the beach replenishment project should begin in mid-December. He next reported that work on the Safe Routes to School grant is ongoing. The Resolution of support on tonight's agenda is part of the application requirements. Next, he reported that the Township's stormwater pump project should begin in the next few weeks. He stated that there have been complaints regarding flooding on Putnam Avenue. A change order to the stormwater pump contract may be needed to address those issues.

PRESENTATION

1. **Presentation of a Blue Star Banner to Kimberly and Shaun Hayes for their son USCG Fireman Aidan Thomas Emberger-Stiglitz.** Tuckahoe American Legion Post 239 Commander William Archer and 1st Vice Commander William Eisele gave a history of the Blue Star Banner program and Mayor Newman read Aidan's biography. Mayor Newman and

Commander Archer then presented the Blue Star Service Banner and pins to Mr. and Mrs. Hayes.

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.

Motion by Kimberly Hayes, second by Curtis Corson, to approve the consent agenda items. During roll call vote all four Committee members present voted in the affirmative.

FILING OF REPORTS BY CONSENT

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

RESOLUTIONS TO BE APPROVED BY CONSENT

9. A Resolution urging the United States Postal Service to realign the Postal ZIP Code boundaries in Upper Township.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 301-2023

**RE: A RESOLUTION URGING THE UNITED STATES POSTAL SERVICE TO REALIGN
THE POSTAL ZIP CODE BOUNDARIES IN UPPER TOWNSHIP**

WHEREAS, the Township of Upper's incorporated township limits are included in five different postal ZIP Code boundaries - 08223 Marmora; 08230 Ocean View; 08248 Strathmere; 08250 Tuckahoe; and 08270 Woodbine; and

WHEREAS, two of the Township of Upper's postal ZIP Code boundaries - 08230 Ocean View and 08270 Woodbine - are shared with neighboring municipalities, namely the Township of Dennis and the Borough of Woodbine; and

WHEREAS, while the problems that have resulted from these shared ZIP Code boundaries are numerous, the most grave is the misdirection of emergency services due to the confusion of visitors and residents in Upper Township believing they are in Ocean View or

Woodbine, and further exacerbated by the fact that there are many identical street names in Upper, Dennis, and Woodbine; and

WHEREAS, there have been many documented cases where this confusion has led to a delay in emergency services; and

WHEREAS, the Township of Upper has diligently tried to provide public education and awareness of this issue, however, increased transient and non-resident population in the summer months have made those efforts difficult; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township of Upper hereby requests and urges the United States Postal Service to realign the boundaries of postal ZIP Code 08223 to include all of Upper Township, thereby eliminating the use of the 08230 and 08270 ZIP Codes in Upper Township.
3. The Township of Upper hereby requests and encourages our New Jersey Legislators, the Cape May County Board of Commissioners, the Township of Dennis, and the Borough of Woodbine to support our efforts in this endeavor.
4. A copy of this Resolution shall be sent to Congressman Jeff Van Drew, Senator Corey Booker, Senator Bob Menendez, Senator Michael L. Testa Jr., Assemblyman Antwan McClellan, Assemblyman Erik Simonsen, the Cape May County Board of County Commissioners, the Township of Dennis, and the Borough of Woodbine.

Resolution No. 301-2023

Offered by: Hayes

Seconded by: Corson

Adopted: October 10, 2023

Roll Call Vote:

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

10. Certification of costs for abatement of nuisance on Block 565.03, Lot 66 and Block 653.01, Lot 4.

TOWNSHIP OF UPPER

**CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 302-2023

**CERTIFICATION OF COSTS FOR ABATEMENT OF NUISANCE
ON BLOCK 565.03, LOT 66 AND BLOCK 653.01, LOT 4**

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 owners/agents of Block 565.03, Lot 66 and Block 653.01, Lot 4; and

WHEREAS, 10 days passed from the date of such notice of violation with no response from the property owners/agents 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. 302-2023

Offered by: Hayes Seconded by: Corson

Adopted: October 10, 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>
565.03/66	22 Evergreen Dr.	\$150.00	\$30.00	\$180.00
653.01/4	10 Rt. US 9 So.	\$250.00	\$50.00	\$300.00

11. 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. 303-2023

**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 29 Orbit Drive, 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. 303-2023
Offered by: Hayes
Adopted: October 10, 2023
Roll Call Vote:

Seconded by: Corson

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

12. Amending Resolution No. 300-2023 appointing Joseph Berrodin as part-time Tax Assessor.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 304-2023

**RE: AMENDING RESOLUTION NO. 300-2023 APPOINTING JOSEPH BERRODIN
AS PART-TIME TAX ASSESSOR**

WHEREAS, Resolution No. 300-2023 appointed Joseph Berrodin as part-time Tax Assessor effective September 28, 2023; and

WHEREAS, the statutory term of a municipal Tax Assessor, pursuant to N.J.S.A. 40A:9-148, is for a term of 4 years from the first day of July, next, following their selection; and

WHEREAS, it is necessary to amend Resolution No. 300-2023 in order to correct the term of appointment; 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. Joseph Berrodin is hereby appointed as part-time Tax Assessor, pending pre-employment testing, effective September 28, 2023 to June 30, 2024 and July 1, 2024 through June 30, 2028, at an hourly rate of \$65.00 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. 304-2023
Offered by: Hayes
Adopted: October 10, 2023

Seconded by: Corson

Roll Call Vote:

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

13. Authorizing payments from the Affordable Housing Trust Fund of Upper Township.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 305-2023

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the

Township of Upper, Cape May County, and State of New Jersey, as follows:

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

to the Township’s Market to Affordable Program:

Triad Associates	
(AA Rentals Wait List)	\$ 200.00
(AA/MTA Wait List Maint. Sales)	<u>\$ 200.00</u>
	\$ 400.00
Daniel J. Young, Esquire	
(Mt. Laurel Subcommittee)	\$ 3,150.00

Resolution No. 305-2023
 Offered By: Hayes Seconded By: Corson
 Adopted: October 10, 2023
 Roll Call Vote:

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

14. Authorizing a refund of Upper Township Fall Fest vendor fees in the amount of \$30.00 to Sonja T. Meacham.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 RESOLUTION**

RESOLUTION NO. 306-2023

**RE: AUTHORIZING A REFUND OF UPPER TOWNSHIP FALL FEST VENDOR FEES IN
 THE AMOUNT OF \$30.00 TO SONJA T. MEACHAM**

WHEREAS, on August 28, 2023 Sonja T. Meacham submitted a vendor application along with the appropriate fee to participate in the Upper Township Fall Fest event on October 8, 2023; and

WHEREAS, due to a duplication of vendors, Sonja T. Meacham has requested a refund of the vendor fee; and

WHEREAS, the Township Committee has determined that a refund of the vendor fee paid by Sonja T. Meacham is warranted.

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

AMOUNT	NAME
\$30.00	Sonja T. Meacham
	300 Booker Avenue
	Egg Harbor Twp., NJ 08234

Resolution No. 306-2023
 Offered By: Hayes Seconded By: Corson
 Adopted: October 10, 2023
 Roll Call Vote:

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

- 15. Supporting the submission of an application for the New Jersey Department of Transportation Safe Routes to School program.

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

RESOLUTION NO. 307-2023

**SUPPORTING THE SUBMISSION OF AN APPLICATION FOR THE NEW JERSEY
 DEPARTMENT OF TRANSPORTATION SAFE ROUTES TO SCHOOL PROGRAM**

WHEREAS, the Township of Upper is applying for funding to conduct pedestrian and bike safety improvements along the school routes for Upper Township Primary School, Upper Township Elementary School and Upper Township Middle School within Upper Township; and

WHEREAS, the project will help to continue and improve the promotion and encouragement of pedestrian and bicycle access and safety for school children and residents, and Township visitors; and

WHEREAS, maintenance of the facility, once constructed, will be assumed by the Township of Upper with the exception of (1) local ordinances that places maintenance responsibility with each

individual property owner, and (2) those crosswalks on State or County Highways; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township of Upper hereby supports the submission of a grant application for the Safe Routes to School Program within the State of New Jersey Department of Transportation and authorizes the Mayor, Township Administrator, and the Municipal Clerk to execute any and all documents necessary and related to the submission of said grant application or grant agreement.
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. 307-2023

Offered by: Hayes

Seconded by: Corson

Adopted: October 10, 2023

Roll Call Vote:

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

16. Accepting the Performance Bond from Cedar Lane Development, LLC for Church Road Estates Subdivision - Henry Disston Court, Block 647, Lot 8.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 308-2023

**RE: ACCEPTING THE PERFORMANCE BOND FROM CEDAR LANE
DEVELOPMENT, LLC CHURCH ROAD ESTATES SUBDIVISION –
HENRY DISSTON COURT, BLOCK 647, LOT 8**

WHEREAS, Cedar Lane Development, LLC, (hereinafter “Developer”), is the owner and/or developer of a major subdivision within the Township of Upper, described as follows: Church Road Estates Subdivision – Henry Disston Court, Block 647, Lot 8; and

WHEREAS, pursuant to N.J.S.A. 40:55D-53, the Developer is required to furnish a Performance Guarantee in favor of the Township for improvements which the Upper Township Planning Board may deem necessary or appropriate; and

WHEREAS, as further required by N.J.S.A. 40:55D-53, the Municipal Engineer has prepared an Engineer's Estimate of an itemized cost estimate of the improvements covered by the Performance Guarantee, which itemized cost estimate shall be appended to each Performance Guarantee posted by the Developer and a copy of which is annexed to this Resolution as Exhibit "A"; and

WHEREAS, the Developer has presented to the Township a Performance Guarantee as follows:

**Church Road Estates Subdivision
Henry Disston Ct, Block 647, Lot 8
Performance Surety Bond**

Principal: Cedar Lane Development, LLC
PO Box 508
Ocean City, NJ 08226

Bond Amount, Cash: \$ 225,231.60

WHEREAS, the Municipal Attorney has reviewed the Performance Guarantee and has determined that the same complies with the New Jersey Statutes and Township Ordinances applicable thereto and has recommended acceptance of same by the Township Committee;

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 cost estimate of the Municipal Engineer, which is attached hereto as Exhibit "A", is hereby accepted and approved.
3. The Performance Guarantee described in this Resolution is hereby accepted and approved.
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. 308-2023
Offered by: Hayes
Adopted: October 10, 2023
Roll Call Vote:

Seconded by: Corson

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

17. 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. 309-2023

**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. 309-2023

Offered by: Hayes

Seconded by: Corson

Adopted: October 10, 2023

Roll Call Vote:

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

ORDINANCES

CORRESPONDENCE

NEW BUSINESS

- 18. New Jersey Department of Agriculture Gypsy Moth Survey. **Motion by Jay Newman, second by Kimberly Hayes, to participate in the Gypsy Moth Program and designate Gary DeMarzo as the Township’s representative. During roll call vote all four Committee members present voted in the affirmative.**
- 19. Employee request for conference/seminar attendance. **Motion by Curtis Corson, second by Kimberly Hayes, to approve the request of Sarah Steiner to attend a fourth and final purchasing class. During roll call vote all four Committee members present voted in the affirmative.**

UNFINISHED BUSINESS

PAYMENT OF BILLS

- 20. “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 Curtis Corson, second by Kimberly Hayes. During roll call vote all four Committee members present voted in the affirmative.**

Bills approved for payment: **\$811,174.00**

Payroll: **\$175,797.37**

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

There was no public comment.

CLOSED SESSION

21. 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. 310-2023
MOTION GOING INTO CLOSED SESSION
OCTOBER 10, 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. Contract negotiation - Redevelopment Agreements
2. Contract negotiation - Camden Diocese
3. Contract negotiation - Prescott Avenue
4. Contract negotiation - GMS Law, In Rem Foreclosure Matters
5. Contract negotiation - Affordable Housing Administrative Services
6. Contract negotiation - Grant Consultant Services
7. Litigation - Bushong v. Township of Upper
8. Attorney Client Privilege - Cell Tower
9. Personnel

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 litigation matters 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: Victor Nappen

Motion seconded by: Kimberly Hayes

Roll Call Vote with all four Committee members present 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.

RESOLUTION TO BE ACTED ON AFTER CLOSED SESSION

22. Authorizing the Mayor to sign an authorization to proceed from Triad Associates for additional grant consultant services.

TOWNSHIP OF UPPER

**CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 311-2023

**RE: AUTHORIZING THE MAYOR TO SIGN AN AUTHORIZATION TO PROCEED
FROM TRIAD ASSOCIATES FOR ADDITIONAL GRANT CONSULTANT SERVICES**

WHEREAS, the Township acquired the services of Triad Advisory Services, Inc. (trading as Triad Associates) for grant consultant services as a non-fair and open contract pursuant to Resolution No. 187-2023 adopted on May 22, 2023; and

WHEREAS, pursuant to said contract, Triad Associates has proposed additional services and has submitted a letter of authorization to proceed; and

WHEREAS, the additional services consist of the preparation and submittal of a FY2024 NJDOT Safe Routes to School Grant Application for Pedestrian/Bicycle Safety for the Upper Township Primary, Elementary and Middle Schools; and

WHEREAS, Township Committee has determined that it is beneficial to apply for said grant and wishes to authorize Triad to perform the additional services; 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 the Authorization to Proceed, attached hereto as Schedule A, from Triad Associates for the additional services related to the preparation and submittal of a FY2024 NJDOT Safe Routes to School Grant Application.
3. 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.
4. This Resolution shall be effective as of adoption.

Adopted: October 10, 2023

Roll Call Vote:

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

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 8:07 P.M., with a motion by Kimberly Hayes, second by Victor Nappen, and all four Committee members present voting in the affirmative. The next regular Committee meeting is scheduled for October 23, 2023 at 4:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC
Township Clerk

Bills

82337 10/10/23 Alignment Check VOID
82338 10/10/23 Alignment Check VOID
82339 10/10/23 A0018 ACTION SUPPLY INC. 102.72 3327
82340 10/10/23 A0043 ALERT-ALL CORPORATION 1,256.00 3327
82341 10/10/23 A0091 ATLANTIC CITY ELECTRIC 31,520.00 3327
82342 10/10/23 A0117 AT&T 321.84 3327
82343 10/10/23 A0248 AIRESRING, INC. 2,463.96 3327
82344 10/10/23 B0035 BELMONT & CRYSTAL SPRINGS 21.61 3327
82345 10/10/23 B0076 BOND, LAURENCE E. 768.79 3327
82346 10/10/23 B0093 BARRY, CORRADO & GRASSI, PC 300.00 3327
82347 10/10/23 B0287 BIGLEAF NETWORKS, INC. 697.00 3327
82348 10/10/23 B0288 KINGBARNES LLC 750.00 3327
82349 10/10/23 B0291 Barth, Victoria Marcus 46.00 3327
82350 10/10/23 C0021 CIVIL SOLUTION A DIVISION 272.00 3327
82351 10/10/23 C0101 CHATTEN, LINWOOD R. 31.75 3327
82352 10/10/23 C0223 CASA PAYROLL SERVICE 256.00 3327
82353 10/10/23 C0259 CAPE PHYSICIANS ASSOCIATES, PA 460.00 3327
82354 10/10/23 D0237 DIETZ, KERRY 125.00 3327
82355 10/10/23 D0240 DEVLIN, EDMUND F. 1,048.45 3327
82356 10/10/23 D0241 DYNAMIC SPORT CONSTRUCTION INC 506,100.00 3327
82357 10/10/23 E0018 ONSOLVE INTERMEDIATE HOLDING 162.45 3327
82358 10/10/23 F0003 FRA TECHNOLOGIES, INC. 675.00 3327
82359 10/10/23 F0232 FAMILY AUTO GLASS 1,025.00 3327
82360 10/10/23 G0016 GARDNER HARDWARE INC. 62.54 3327
82361 10/10/23 G0120 PATRICK F. MARTIN 1,966.58 3327
82362 10/10/23 G0147 GREATAMERICA FINANCIAL SVCS. 139.00 3327
82363 10/10/23 G0169 GROFF TRACTOR MID ATLANTIC LLC 320.27 3327
82364 10/10/23 G0204 GENERAL CODE 2,614.01 3327
82365 10/10/23 H0073 HOME DEPOT CRC/GECF 259.00 3327
82366 10/10/23 J0023 JED'S SHEDS, INC. 500.00 3327
82367 10/10/23 K0114 KIMBALL MIDWEST 283.40 3327
82368 10/10/23 K0118 J.F. KIELY CONSTRUCTION CO. 30,404.83 3327
82369 10/10/23 L0007 LC EQUIPMENT, INC. 80.00 3327
82370 10/10/23 L0016 LANDSMAN UNIFORMS, INC. 1,043.65 3327
82371 10/10/23 L0075 LEXISNEXIS 802.00 3327
82372 10/10/23 M0193 MAYNE, MICHAEL 56.96 3327
82373 10/10/23 N0004 NJ-AMERICAN WATER CO. 385.84 3327
82374 10/10/23 N0070 MARSH & MCLENNAN AGENCY, LLC 4,000.00 3327
82375 10/10/23 N0100 N.J. LEAGUE OF MUNICIPALITIES 1,080.00 3327
82376 10/10/23 N0143 NATIONAL TIME SYSTEMS 555.15 3327
82377 10/10/23 N0154 NEW HORIZON COMMUNICATIONS 852.33 3327
82378 10/10/23 P0032 PEDRONI FUEL CO. 1,251.68 3327
82379 10/10/23 P0056 TURF EQUIPMENT AND SUPPLY CO 171.28 3327
82380 10/10/23 P0078 PRO VIDEO ENGINEERING 825.00 3327

82381 10/10/23 Q0014 QBE SPECIALTY INSURANCE CO. 800.00 3327
82382 10/10/23 R0030 RIGGINS, INC. 13,407.08 3327
82383 10/10/23 R0100 ROBERTS OXYGEN COMPANY, INC. 119.55 3327
82384 10/10/23 R0137 RAMMEL, TODD 534.11 3327
82385 10/10/23 S0020 THE HOME DEPOT PRO 931.08 3327
82386 10/10/23 S0031 SCHULER SECURITY, INC. 570.00 3327
82387 10/10/23 S0057 SERVICE TIRE TRUCK CENTERS 7,482.56 3327
82388 10/10/23 S0113 SMITH, THOMAS G. 2,139.05 3327
82389 10/10/23 S0126 LUDY, BARBARA 30.00 3327
82390 10/10/23 S0134 SO. JERSEY GAS COMPANY 43.19 3327
82391 10/10/23 S0196 STEWART BUSINESS SYSTEMS LLC 134.99 3327
82392 10/10/23 S0209 STAPLES ADVANTAGE 316.75 3327
82393 10/10/23 S0338 SHI INTERNATIONAL CORP. 4,502.88 3327
82394 10/10/23 S0363 STARR GENERAL CONTRACTING CORP 3,039.25 3327
82395 10/10/23 S0404 STRATHMERE VOL FIRE COMPANY 1,263.85 3327
82396 10/10/23 T0032 THE PRESS OF ATLANTIC CITY 534.40 3327
82397 10/10/23 T0102 BOY SCOUT TROOP #79 300.00 3327
82398 10/10/23 T0129 TRUGREEN CHEMLAWN 3,488.01 3327
82399 10/10/23 T0168 TOWNSHIP OF UPPER 462.19 3327
82400 10/10/23 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3327
82401 10/10/23 T0211 TRELEASE, BRIAN P., ESQUIRE 80.00 3327
82402 10/10/23 T0213 TREASURER, STATE OF NEW JERSEY 160,366.27 3327
82403 10/10/23 T0220 TRINITY CODE INSPECTIONS, LLC 2,000.00 3327
82404 10/10/23 U0067 UT HEALTH REIMB. ACCOUNT 3,121.28 3327
82405 10/10/23 U0073 Upper Township Football Assn. 4,500.00 3327
82406 10/10/23 V0013 VERIZON WIRELESS 388.48 3327
82407 10/10/23 V0025 V.E. RALPH & SON, INC. 823.40 3327
82408 10/10/23 V0052 VIKING TERMITE & PEST CONTROL 64.15 3327
82409 10/10/23 W0075 WITMER PUBLIC SAFETY GROUP INC 2,705.00 3327
82410 10/10/23 W0131 WEX BANK 187.51 3327
82411 10/10/23 Y0007 YEP COMPANY 458.50 3327
82412 10/10/23 Z0017 ZOLL DATA SYSTEMS, INC. 298.38 3327
Total: \$811,174.00