### TOWNSHIP OF UPPER 2100 TUCKAHOE ROAD PETERSBURG, NJ 08270 CAPE MAY COUNTY MINUTES FOR DECEMBER 11, 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 December 8, 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	Absent
Mark Pancoast	Present
Jay Newman	Present

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

APPROVAL OF MINUTES - November 27, 2023 Regular and Closed Session Minutes

Motion by Kimberly Hayes, second by Mark Pancoast, to approve the November 27, 2023 Regular and Closed Session Minutes as submitted. During roll call vote three Committee members present voted in the affirmative. Curtis Corson abstained.

# **REPORT OF GOVERNING BODY MEMBERS**

**Mark Pancoast, Committeewoman,** reported that the Department of Public Works has completed the first round of leaf collection and will be starting on the second round tomorrow. Employees have been busy winterizing Township vehicles and property, and for the month of November 813 tons of leaves, compost, brush, bulk and trash have been collected.

**Kimberly Hayes, Committeewoman,** reported that the lighting project at Caldwell Park is underway and progressing well. She next congratulated the Upper Township Wrestling program for their extremely successful tournament over the past weekend.

**Jay Newman, Mayor,** reported that the Township will be holding free rabies clinics on January 20<sup>th</sup> and February 24<sup>th</sup> from 1:00 to 3:00 at Shore Veterinarians. He next requested that number 18 on the consent agenda, authorizing a Shared Services Agreement with the Cape May County Municipal Utilities Authority for solid waste and recycling services, be moved to closed session, with the Resolution to possibly be adopted after closed session.

## ADMINISTRATOR OVERVIEW

**Gary DeMarzo, Township Administrator,** gave a brief overview of several items on the agenda including additional grant applications, new employee appointments and coop purchasing. He commended the CFO Barbara Ludy for her work finding coop purchasing options to save the Township money.

**Zachary Jordan, Township Engineer**, gave a brief update on the County project on Church Road, which had been delayed due to supply issues, but has started up again. The Township Administrator then inquired about progress details for Caldwell Park lighting projects, which the Superintendent of Public Works provided.

## **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 Curtis Corson, second by Kimberly Hayes, to approve consent agenda items #10 through #17 and #19 through #25. During roll call vote all four Committee members present voted in the affirmative.

# FILING OF REPORTS BY CONSENT

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

## **RESOLUTIONS TO BE APPROVED BY CONSENT**

10. Congratulating the Upper Township Green Hornets for their wrestling achievements in 2023.

## TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

## **RESOLUTION NO. 351-2023**

# RE: CONGRATULATING THE UPPER TOWNSHIP GREEN HORNETS FOR THEIR WRESTLING ACHIEVEMENTS IN 2023

WHEREAS, the members of the Upper Township Green Hornets had an outstanding 2023

wrestling season, attaining numerous achievements in their respective weight classes; and

WHEREAS, on behalf of the citizens of Upper Township, it is appropriate that we recognize

and congratulate the following wrestlers for their accomplishments:

Max Jaros	3 <sup>RD</sup> Place	USAW NJ State Tournament
Jayda Heaton	$8^{\text{TH}}$ Place $4^{\text{TH}}$ Place $3^{\text{RD}}$ Place $5/6^{\text{TH}}$ Place	MAWA Eastern Nationals War At The Shore Nationals USAW NJ State Tournament War At The Shore Nationals
Wyatt Gant	1 <sup>ST</sup> Place	USAW NJ State Tournament
Shyla Fleetwood	2 <sup>ND</sup> Place	USAW NJ State Tournament
Zayden Berckman	$4^{\text{TH}}$ Place $4^{\text{TH}}$ Place $2^{\text{ND}}$ Place	USAW NJ State Tournament War At The Shore Nationals War At The Shore Nationals
Brayden Hinrichsen	4 <sup>TH</sup> Place	USAW NJ State Tournament
Keira Cunningham	6 <sup>TH</sup> Place 1 <sup>ST</sup> Place 1 <sup>ST</sup> Place	2023 Trinity Award Winner War At The Shore Nationals Tulsa Kickoff Classic Tulsa Nationals
Jayden Cruz	$7^{TH}$ Place $1^{ST}$ Place $4^{TH}$ Place $1^{ST}$ Place	USAW NJ State Tournament Reno Worlds War At The Shore Nationals USAW NJ State Tournament
	1 <sup>ST</sup> Place	War At The Shore Nationals
Jaxson Cruz	6 <sup>TH</sup> Place 1 <sup>ST</sup> Place	War At The Shore Nationals MAWA Eastern Nationals
Alivia Fowler	1 <sup>ST</sup> Place	USAW NJ State Tournament
Brynn Cunningham	5 <sup>TH</sup> Place 3 <sup>RD</sup> Place 6 <sup>TH</sup> Place 3 <sup>RD</sup> Place	Tulsa Kickoff Classic War At The Shore Nationals Tulsa Nationals MAWA Eastern Nationals
Bella Cox	1 <sup>ST</sup> Place 1 <sup>ST</sup> Place	USAW NJ State Tournament USAW NJ State Tournament
	1 <sup>ST</sup> Place	War At The Shore Nationals
Eric Bostard	3 <sup>RD</sup> Place 3 <sup>RD</sup> Place 3 <sup>RD</sup> Place	USAW NJ State Tournament War At The Shore Nationals War At The Shore Nationals
Jack Lauer	3 <sup>RD</sup> Place	MAWA Eastern Nationals
Ethan Bostard	$1^{\text{ST}}$ Place $8^{\text{TH}}$ Place $5^{\text{TH}}$ Place	War At The Shore Nationals USAW NJ State Tournament USAW NJ State Tournament

Riley Jones	4 <sup>TH</sup> Place	MAWA Eastern Nationals
Adley Callahan	5 <sup>TH</sup> Place 4 <sup>TH</sup> Place	USAW NJ State Tournament USAW NJ State Tournament
	4 <sup>TH</sup> Place	War At The Shore Nationals
Sofi Neidig	7 <sup>TH</sup> Place	USAW NJ State Tournament
Dani Schlachter	4 <sup>TH</sup> Place	MAWA Eastern Nationals
Jeff Heaton	$7^{\text{TH}}$ Place $4^{\text{TH}}$ Place	USAW NJ State Tournament USAW NJ State Tournament
	4 <sup>TH</sup> Place	War At The Shore Nationals
Logan Pelechaty	5 <sup>TH</sup> Place	USAW NJ State Tournament
Josh Roman	5 <sup>TH</sup> Place	USAW NJ State Tournament
Colin Prokson	2 <sup>ND</sup> Place	USAW NJ State Tournament

**NOW, THERFORE, BE IT RESOLVED** by the Township Committee on behalf of the citizens of the Township of Upper, to extend to the Upper Township Green Hornets Wrestlers, congratulations on becoming USA Wrestling New Jersey State Championship Place Winners, and to the coaches a heartfelt thanks and gratitude for their generous donation of their time and service to the young people of this community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 11th day of

December, 2023.

Resolution No. 351-2	023			
Offered by: Corson		Secon	ded by: Hayes	
Adopted: December 1	1, 2023			
Roll Call Vote:				
NAME	YES	NO	ABSTAIN	ABSENT
Corson	Х			
Hayes	Х			
Nappen				Х
Pancoast	Х			
Newman	Х			

11. Congratulating the Upper Township Indians varsity football team on becoming the 2023 Cape Atlantic Junior Football League Champions.

# TOWNSHIP OF UPPER CAPE MAY COUNTY

### RESOLUTION

#### **RESOLUTION NO. 352-2023**

## RE: CONGRATULATING THE UPPER TOWNSHIP INDIANS VARSITY FOOTBALL TEAM ON BECOMING THE 2023 CAPE ATLANTIC JUNIOR FOOTBALL LEAGUE CHAMPIONS

WHEREAS, the Upper Township Indians Varsity Football Team has had an outstanding 2023

football season becoming the 2023 Cape Atlantic Junior Football League Champions; and

WHERAS, the Upper Township Indians Varsity Football Team has successfully completed their

2023 Cape Atlantic Junior Football League Season with a record of 10 wins and 0 losses.

WHEREAS, on November 25, 2023, the Upper Township Indians participated in the Cape Atlantic Junior Football League Championship Game held in Northfield winning the final Championship game against the Brigantine Rams with a score of 24-0; and

WHEREAS, it is appropriate that on behalf of the citizens of Upper Township we recognize and congratulate the players listed as follows:

Johnny Klebaur	Bobby Drewnowski	Crist Robine
Andrew Zintner	Tommy Christopher	Isacc Ray
William Bernhardt	Jackson Becker	Cooper Reich
Cole Garreffi	Adonis Bullock	Sebastian Barnhart
Ryleigh Xu	Dominic Borcky	Sean Palmer
Xavier Moeller	John Endicott	Trent Ocello
Jaxon Picinich	Cesar Rodriguez	Alex Christensen
Anthony Libro	Mason Vaughan	<b>Columb Higgins</b>
Tate Snyder	Jake Candeloro	Jeremy Kopiyo
Ryan Hiddeman		Shane Spiegel

WHEREAS, we also extend this recognition and thanks to those that have generously given their personal time and service to coach this team, they being Head Coach Tony Garreffi, Assistant Coaches; JJ Klebaur, Crist Robine, Mike Endicott, John Vaughan, Art Moeller, and Greg Borcky; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee on behalf of the citizens of the Township of Upper, to extend to the 2023 Varsity Team congratulations on becoming the 2023 Cape Atlantic Junior Football League Champions, and to each coach our heartfelt thanks and gratitude for the generous donation of their time and service to the young people of this community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 11<sup>th</sup> day of December 2023.

Resolution No. 352-2 Offered by: Corson Adopted: December 1 Roll Call Vote:		Secon	ded by: Hayes	
NAME	YES	NO	ABSTAIN	ABSENT
Corson	Х			
Hayes	Х			
Nappen				Х
Pancoast	Х			
Newman	Х			

12. Authorizing the Township of Upper to accept a Federal Fiscal Year 2023 Emergency Management Performance Grant Emergency Management Agency Assistance Subaward.

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

### **RESOLUTION NO. 353-2023**

## RE: AUTHORIZING THE TOWNSHIP OF UPPER TO ACCEPT A FEDERAL FISCAL YEAR 2023 EMERGENCY MANAGEMENT PERFORMANCE GRANT EMERGENCY MANAGEMENT AGENCY ASSISTANCE SUBAWARD

WHEREAS, the Upper Township Office of Emergency Management has been awarded a State Homeland Security Grant Program Subgrant AFN #97.042, Subgrant Award #FY23-EMPG-EMAA-0511, from the New Jersey Department of Law and Public Safety, Office of the Attorney General; and

WHEREAS, the Subaward, consisting of a \$10,000.00 Federal Award, is for the purpose of enhancing Upper Township Office of Emergency Management's ability to prevent, protect against, respond to, and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the award period is from July 1, 2023 through June 30, 2024; and

WHEREAS, the EMPG EMAA subgrant award incorporates all conditions and representations contained or made in the application; and

**WHEREAS**, the Upper Township Office of Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for the Subgrant Award as required by the New Jersey State Office of Emergency Management; and

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Upper is hereby authorized to accept the FFY23 Emergency Management Performance Grant Program (EMPG), Emergency Management Agency Assistance Subgrant (EMAA) in the amount of up to \$10,000 Federal Funds from the New Jersey State Police, Office of Emergency Management; and

**BE IT FURTHER RESOLVED** that the Mayor, Chief Financial Officer, and the Township Emergency Management Coordinator are authorized to sign the appropriate Subgrant award documents; and

**BE IT FURTHER RESOLVED** that the Director of the Division of Local Government Services is requested to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$10,000.00, once approved, from the State of New Jersey Department of Law and Public Safety; and

**BE IT FURTHER RESOLVED** that the like sum of \$10,000.00 is hereby appropriated under the caption FFY 2023 Emergency Management Agency Assistance; and

**BE IT FURTHER RESOLVED** that copies of this Resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; Cape May County Office of Emergency Management; and the New Jersey Director of the Division of Local Government Services.

Resolution No. 353-2023 Offered by: Corson Seconded by: Hayes Adopted: December 11, 2023				
Roll Call Vote: NAME	YES	NO	ABSTAIN	ABSENT
Corson	X	NO	ADSTAIN	ADSENT
Hayes	X			
Nappen				Х
Pancoast	Х			
Newman	Х			

13. Authorizing the submittal of a grant application to the New Jersey Department of Environmental Protection for a Municipal Stormwater Assistance Grant.

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

### **RESOLUTION NO. 354-2023**

## AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR A MUNICIPAL STORMWATER ASSISTANCE GRANT

WHEREAS, Grant Funding is available through the New Jersey Department of Environmental Protection for Tier A Municipalities to assist with upgrading their Municipal Stormwater Programs to comply with the requirements of the 2023 Tier A MS4 Permit renewal; and

**WHEREAS**, the Township Engineer has identified this grant opportunity to be beneficial for assisting the Township in maintaining compliance with the Tier A MS4 Permit requirements.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, formally approves the submission of a grant application for the above stated New Jersey Department of Environmental Protection Grant opportunity.

**BE IT FURTHER RESOLVED** that the Township Administrator is hereby authorized to sign and submit a grant application to the New Jersey Department of Environmental Protection for the Stormwater Assistance Grant Fund.

**BE IT FURTHER RESOLVED** that the Mayor and Township Administrator are hereby authorized to sign the grant agreement on behalf of the Township of Upper and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution No. 354-2	023			
Offered by:	S	Seconded b	y:	
Adopted: December 1	1, 2023			
Roll Call Vote:				
NAME	YES	NO	ABSTAIN	ABSENT
Corson	Х			
Hayes	Х			
Nappen				X
Pancoast	Х			
Newman	Х			

14. Authorizing a professional services contract with the Cape May County Council on Alcoholism and Drug Abuse, Inc. for an employee assistance program for Township employees.

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

### **RESOLUTION NO. 355-2023**

## RE: AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH THE CAPE MAY COUNTY COUNCIL ON ALCOHOLISM AND DRUG ABUSE, INC. FOR AN EMPLOYEE ASSISTANCE PROGRAM FOR TOWNSHIP EMPLOYEES

WHEREAS, the Township of Upper wishes to continue its Employee Assistance

Program to provide assessment, evaluation intervention, referral, and case management services for

employees of the Township; and

WHEREAS, the Township of Upper has previously contracted with Cape May County

Council on Alcoholism and Drug Abuse, Inc., a New Jersey non-profit corporation (hereinafter referred

to as "Cape Assist") for such services and wishes to continue such relationship by entering into a

Professional Services Contract to cover the period from January 1, 2024 to December 31, 2024; and

WHEREAS, Cape Assist has the required expertise to provide and implement the

Upper Township Employee Assistance Program; and

WHEREAS, the Township Committee intends to engage the services of Cape Assist under a Professional Services Contract attached hereto as Exhibit A; and

WHEREAS, the Chief Financial Officer has certified the availability of funds to permit said Contract to be entered into; and

WHEREAS, Cape Assist has completed and submitted a Business Entity Disclosure Certification which certifies that Cape Assist 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 Assist 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. Cape Assist 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.

3. The proposed Professional Services Contract between the Township of Upper and Cape Assist, a copy of which is on file in the office of the Township Clerk, is hereby approved and the Mayor and the Township Clerk are hereby authorized, directed and empowered to execute said Contract on behalf of the Township of Upper and the Township Clerk is further authorized, directed, and empowered to seal said Contract with the seal of the Township of Upper.

4. The Township Clerk shall cause a Notice of Award of this Contract to be published in the official newspaper of the Township of Upper as required by <u>N.J.S.A.</u> 40A:11-5.

5. This Contract has been awarded without competitive bidding for the following reason or reasons:

(A) Professional services of the type herein sought are of such a nature as to require a high degree of trust or confidence in the individual providing the service and, in fact, may require the creation of a confidential or fiduciary relationship between that individual and the municipality;

(B) The services required are highly specialized or technical in nature;

(C) The services require peculiar ability or skill and demand a high degree

of specialized knowledge or expertise;

(D) The services are such that their relative work must be judged by

subjective considerations that are not susceptible of valuation by competitive bidding; and

(E) The individuals who will provide these services have demonstrated

their competence and particular expertise in the services required.

Resolution No. 355-2	023			
Offered by: Corson		Secon	ded by: Hayes	
Adopted: December 1	1, 2023			
Roll Call Vote:				
NAME	YES	NO	ABSTAIN	ABSENT
Corson	Х			
Hayes	Х			
Nappen				Х
Pancoast	Х			
Newman	Х			

# 15. Authorizing the award of a contract with CM3 Building Solutions, Inc. for the installation and maintenance of Township security systems.

# TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

## **RESOLUTION NO. 356-2023**

## RE: AUTHORIZING THE AWARD OF A CONTRACT WITH CM3 BUILDING SOLUTIONS, INC. FOR THE INSTALLATION AND MAINTENANCE OF TOWNSHIP SECURITY SYSTEMS

WHEREAS, from time to time the Township of Upper has a need to maintain and

install upgrades to the Township's Security Systems 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 CM3 Building Solutions, Inc.;

and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing

that the value of acquisitions with CM3 Building Solutions, Inc. for the year 2023 will exceed \$17,500;

and

WHEREAS, CM3 Building Solutions, Inc. has completed and submitted a Business

Entity Disclosure Certification which certifies that CM3 Building Solutions, 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 CM3 Building Solutions, Inc. from making any reportable contributions through the term of the contract; and

**WHEREAS,** the Chief Financial Officer of the Township has certified the availability of funds to allow the award of contract for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose 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 CM3 Building Solutions, Inc. as described herein.

3. The Business Disclosure Entity Certification and the Determination of Value be

placed on file with this resolution.

4. The Chief Financial Officer is hereby authorized, directed and empowered to

execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 356-2	2023			
Offered by: Corson		Second	ded by: Hayes	
Adopted: December 1	11, 2023			
Roll Call Vote:				
NAME	YES	NO	ABSTAIN	ABSENT
Corson	Х			
Hayes	Х			
Nappen				X
Pancoast	Х			
Newman	Х			

16. Authorizing the Mayor and Township Clerk to sign a contract with Ancero, LLC for VoIP Telecommunication Services.

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

# **RESOLUTION NO. 357-2023**

## RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A CONTRACT WITH ANCERO, LLC FOR VOIP TELECOMMUNICATION SERVICES

WHEREAS, Ancero, LLC, with offices at 1001 Briggs Rd., Suite 220, Mount

Laurel, NJ 08054, has submitted a proposal to provide VoIP telecommunication services; and

WHEREAS, the proposed contract has been reviewed and approved by the Municipal Attorney and will be on record in the office of the Township Clerk and available for public inspection and is attached hereto as Exhibit "A"; and

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

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

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

2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with Ancero, LLC to provide VoIP telecommunication services for the Township of Upper.

3. This contract shall have a term of three (3) years commencing upon full execution of the contract and services have been activated and are available for use by the Township of Upper.

Ancero, LLC has registered with the State of New Jersey pursuant to c.57, Laws of
2004 and have provided proof of that registration to the Township of Upper.

5. 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. 357-2 Offered by Corson Adopted: December 1 Roll Call Vote:		Seconde	d by: Hayes	
NAME	YES	NO	ABSTAIN	ABSENT
Corson	Х			
Hayes	Х			
Nappen				X
Pancoast	Х			
Newman	Х			

17. Authorizing the assignment of the contract for emergency medical billing services from Administrative Advantage, LLC to Revascent, LLC.

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

### **RESOLUTION NO. 358-2023**

## RE: AUTHORIZING THE ASSIGNMENT OF THE CONTRACT FOR EMERGENCY MEDICAL BILLING SERVICES FROM ADMINISTRATIVE ADVANTAGE, LLC TO REVASCENT, LLC

WHEREAS, the Township of Upper and Cape Professional Billing, Inc. entered into a contract for emergency medical billing services on July 26, 2021 for a term of one year, with an option to extend the contract for two additional one-year terms, pursuant to Resolution No. 211-2021; and

WHEREAS, on May 23, 2022 the Township approved the assignment of the

contract from Cape Professional Billing, Inc. to Administrative Advantage, LLC pursuant to

Resolution No. 173-2022; and

WHEREAS, Administrative Advantage, LLC has now merged with Revascent,

LLC; and

WHEREAS, in accordance with Exhibit A, Section 4.4 of the contract between the

Township of Upper and Administrative Advantage, LLC, the Township wishes to approve the assignment of said contract to Revascent, LLC; 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 assignment of the contract for Emergency Medical Billing Services from

Administrative Advantage to Revascent, LLC is hereby approved.

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. 358-2023 Offered by: Corson Seconded by: Hayes Adopted: December 11, 2023 Roll Call Vote:

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

18. Authorizing additional compensation to certain employees.

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

### **RESOLUTION NO. 359-2023**

## RE: AUTHORIZING ADDITIONAL COMPENSATION TO CERTAIN EMPLOYEES

WHEREAS, in accordance with Ordinance No. 28-2022, known as the salary ordinance for the calendar year 2023, Section 2-I, the Township Committee may award certain employees a one-time bonus for additional work not to exceed a total amount of \$5,000.00 for the year; and

WHEREAS, a resolution authorizing and setting forth the amount of the bonus is required; and

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

- 1. The allegations of the preamble are incorporated herein by this reference.
- 2. A one-time bonus is hereby awarded to the following employees in the amount so stated for the year 2023:

Joanne Herron -	\$5,000.00
Janet McBride - \$5,000	0.00
Larry Cole -	\$5,000.00
Michelle Johnson -	\$5,000.00

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. 359-2	023			
Offered by: Corson		Seconde	ed by: Hayes	
Adopted: December 1	1, 2023			
Roll Call Vote:				
NAME	YES	NO	ABSTAIN	ABSENT
Corson	Х			
Hayes	Х			
Nappen				X
Pancoast	Х			
Newman	Х			

19. Appointing Jacob Spiegel as a part-time employee to the Upper Township Construction Code Office to serve as Fire Protection Sub-Code Official.

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

### **RESOLUTION NO. 360-2023**

## RE: APPOINTING JACOB SPIEGEL AS A PART-TIME EMPLOYEE TO THE UPPER TOWNSHIP CONSTRUCTION CODE OFFICE TO SERVE AS FIRE PROTECTION SUB-CODE OFFICIAL

WHEREAS, a need exists to appoint a part-time employee to the Upper Township

Construction Code Office to ensure optimal operation; and

WHEREAS, Jacob Spiegel possesses the requisite license as required by the New

Jersey Uniform Construction Code to serve as the part-time Fire Protection Sub-Code Official; 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. Jacob Spiegel is hereby provisionally appointed to the Upper Township

Construction Code Office pending successful pre-employment testing effective December 12, 2023 to

serve as Fire Protection Sub-Code Official at an annual salary of \$15,000.00

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. 360-2	023			
Offered by: Corson		Seconded by: Hayes		
Adopted: December 11, 2023				
Roll Call Vote:				
NAME	YES	NO	ABSTAIN	ABSENT
Corson	Х			
Hayes	Х			
Nappen				X
Pancoast	Х			
Newman	Х			

20. Appointing Ryan Schaefer as a full-time employee to the Upper Township Division of Emergency Medical Services.

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

### **RESOLUTION NO. 361-2023**

# **RE:** APPOINTING RYAN SCHAEFER AS A FULL-TIME EMPLOYEE TO THE UPPER TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES

WHEREAS, a need exists to appoint qualified personnel as full-time employees to the

Upper Township Division of Emergency Medical Services to ensure optimal operation; and

WHEREAS, Ryan Schaefer possesses all the requisite qualifications for appointment

to said position; 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. Ryan Schaefer is hereby appointed to the Division of Emergency Medical

Services as a full-time Emergency Medical Technician effective December 12, 2023 at an annual

salary of \$45,000, 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. 361-2	023			
Offered by: Corson		Seconde	ed by: Hayes	
Adopted: December 1	1, 2023			
Roll Call Vote:				
NAME	YES	NO	ABSTAIN	ABSENT
Corson	Х			
Hayes	Х			
Nappen				X
Pancoast	Х			
Newman	Х			

21. Budget transfers.

### TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

### **RESOLUTION NO. 362-2023**

### **RE: BUDGET TRANSFERS**

WHEREAS, budgetary transfers between line items can be made after November 1st; and

WHEREAS, it is necessary to make transfers between certain line items of the

Municipal Budget of the Township of Upper.

## 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 following transfers between line items in the Municipal Budget of the

Township of Upper shall be made immediately:

ТО

FROM

CLERK S/W	GENERAL ADMIN. O/E
\$3,000.00	\$10,000.00
CLERK O/E	DIVISION OF EMS S/W
\$4,000.00	\$10,000.00
COMPUTER SERVICES	ROAD REPAIRS & MAINT. S/W
\$10,000.00	\$25,000.00
ENGINEERING O/E	MAINTENANCE OF ROADS O/E
\$40,000.00	\$26,000.00
SPORTS & RECREATION O/E	GARBAGE & TRASH S/W
\$8,000.00	\$14,100.00
BEACH PATROL S/W	SPORTS & RECREATION S/W
\$100.00	\$10,000.00
STREET LIGHTING	MUNICIPAL COURT S/W
\$40,000.00	\$10,000.00

Resolution No. 362-2	023			
Offered By: Corson		Seconded By: Hayes		
Adopted: December 1	11, 2023			
Roll Call Vote:				
NAME	YES	NO	ABSTAIN	ABSENT
Corson	X			
Hayes	Х			
Nappen				Х
Pancoast	Х			
Newman	Х			

22. Authorize contracts with CM3 Building Solutions, Inc. through the Camden County Educational Services Commission Cooperative Pricing System #66CCEPS contract #FY 21-01, Integrated Building Automation Solutions.

## TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

# **RESOLUTION NO. 363-2023**

## RE: AUTHORIZE CONTRACTS WITH CM3 BUILDING SOLUTIONS, INC. THROUGH THE CAMDEN COUNTY EDUCATIONAL SERVICES COMMISSION COOPERATIVE PRICING SYSTEM #66CCEPS CONTRACT #FY 21-01, INTEGRATED BUILDING AUTOMATION SOLUTIONS

WHEREAS, the Township of Upper is a member of the Camden County Educational

Services Commission Cooperative Pricing System #66CCEPS pursuant to N.J.S.A. 40A:10, 11 and N.J.A.C. 5:34-7.3, 7.4, 7.12 and Upper Township Resolution No. 203-2020 adopted on July 27, 2020; and

WHEREAS, the Township of Upper may enter into contractual agreements with the Camden County Educational Services Commission Cooperative Pricing System #66CCEPS contract vendors through this resolution and properly executed contracts/purchase orders, which shall be subject to all the conditions applicable to the current New Jersey Local Public Contracts Law; and

WHEREAS, the Township of Upper has the immediate need for the replacement of four (4) AC HVAC units and desires to enter into a contract with CM3 Building Solutions, Inc. as a listed contractor under the Camden County Educational Services Commission Cooperative Pricing System #66CCEPS Contract #FY21-01, Integrated Building Automation Solutions; and

WHEREAS, this cooperative contract has been awarded to CM3 Building Solutions, Inc. through a "fair and open process" pursuant to N.J.S.A. 19:44a-20.4 et seq.; and

WHEREAS, the Township's Qualified Purchasing Agent has reviewed the terms and conditions of the contract and recommends the award of the contract be made to CM3 Building Solutions, Inc.; and

WHEREAS, the Township of Upper in conjunction with this contract wishes to enter into agreements with Atlantic City Electric (ACE) through their Small Business Direct Install (SBDI) Program from which 80% of the contract costs will be paid for from funds that have been collected by ACE from the Social Benefits Surcharge Program that is part of each monthly area residential and commercial billing; and

WHEREAS, the total cost of the specified improvements total \$251,320.24 of which the Township's contributory portion shall be \$50,264.04.

**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 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 CM3 Building Solutions, Inc. of Fort Washington, Pennsylvania to supply and install (4) replacement electric AC package units under the terms and conditions of the Camden County Educational Services Commission Cooperative Pricing System #66CCEPS Contract #FY21-01, Integrated Building Automation Solutions and Atlantic City Electric (ACE) Small Business Direct Install (SBDI) Program in the total amount of \$50,264.04.

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

Resolution No. 363-2	023			
Offered By: Corson		Seconded By: Hayes		
Adopted: December 11, 2023				
Roll Call Vote:				
NAME	YES	NO	ABSTAIN	ABSENT
Corson	Х			
Hayes	Х			
Nappen				Х
Pancoast	Х			
Newman	Х			

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

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

## **RESOLUTION NO. 364-2023**

# **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:

Daniel J. Young, Esquire (Mt. Laurel Subcommittee) \$270.00

Resolution No. 364-2 Offered By: Corson Adopted: December 1 Roll Call Vote:		Seconded By: Hayes		
NAME	YES	NO	ABSTAIN	ABSENT
Corson	Х			
Hayes	Х			
Nappen				Х
Pancoast	Х			
Newman	Х			

24. Authorizing a progress payment for engineering services for the 2023 paving project with funds from the 2023 Capital Improvement Bond Ordinance in the amount of \$13,065.25.

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

## **RESOLUTION NO. 365-2023**

## RE: AUTHORIZING A PROGRESS PAYMENT FOR ENGINEERING SERVICES FOR THE 2023 PAVING PROJECT WITH FUNDS FROM THE 2023 CAPITAL IMPROVEMENT BOND ORDINANCE IN THE AMOUNT OF \$13,065.25

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

purchases; and

WHEREAS, the Township Committee adopted the 2023 Capital Improvement Bond

Ordinance 002-2023 on March 13, 2023; and

WHEREAS, the Township's Engineer, CME Associates of Howell, New Jersey, submitted a fee estimate for professional engineering services for the 2023 Paving Project dated August 18, 2023; and

WHEREAS, the Chief Financial Officer of the Township has certified that adequate

funds have been appropriated for this purpose in the 2023 Capital Improvement Bond Ordinance; and

**WHEREAS,** CME Associates recently submitted an invoice for progress work done to date for design phase services for the 2023 Paving Project in the amount of \$13,065.25; and

WHEREAS, pursuant to the Township of Upper's Purchasing Policy, the full Township Committee shall authorize the expenditure of projects, goods or services that are part of a capital bond ordinance; and

WHEREAS, the Township Committee has reviewed the requested progress payment

by CME Associates and has determined it is in the best interest of the Township to authorize same.

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 Chief Financial Officer is hereby authorized to make a payment to CME

Associates of Howell, New Jersey in the amount of \$13,065.25 with funds from Capital Improvement

Bond Ordinance No. 002-2023.

Resolution No. 365-2023

Offered By: Corson Adopted: December Roll Call Vote:	11, 2023	Seconded By: Hayes		
NAME	YES	NO	ABSTAIN	ABSENT
Corson	Х			
Hayes	Х			
Nappen				Х
Pancoast	Х			
Newman	Х			

### **ORDINANCES**

25. Public hearing and final adoption of Ordinance No. 018-2023 RE: AN ORDINANCE AMENDING ORDINANCE NO. 028-2022 KNOWN AS THE SALARY RANGE ORDINANCE FOR THE CALENDAR YEAR 2023. During the public hearing portion there were no speakers. Motion by Kimberly Hayes, second by Mark Pancoast, to adopt Ordinance No. 018-2023. During roll call vote all four Committee members present voted in the affirmative

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

## ORDINANCE NO. 018-2023

## RE: AN ORDINANCE AMENDING ORDINANCE NO. 028-2022 KNOWN AS THE SALARY RANGE ORDINANCE FOR THE CALENDAR YEAR 2023

**BE IT ORDAINED** by the Township Committee of the Township of Upper, in the County of

Cape May and State of New Jersey, as follows:

SECTION 1: Ordinance No. 028-2022, known as the Salary Range Ordinance of 2023 at

Section 2, is hereby amended and supplemented as hereinafter provided for the line items as indicated

below:

SECTION 2: SALARIES: Salary ranges for the various officials and employees of

the Township of Upper for the calendar year 2023 shall be as follows:

## <u>POSITION</u> (P/T denotes "Part-Time Position")

MINIMUM MAXIMUM- 2023

## A. ADMINISTRATIVE/REVENUE AND FINANCE:

Assistant Municipal Tax Collector	15,000.00	70,000.00
Senior Account Clerk	15,000.00	70,000.00
Alt. Fund Commissioner	No Min.	1,000.00
Tax Assessor P/T	No Min	65.00 Hr.

### C. CODE ENFORCEMENT/ZONING ENFORCEMENT:

Technical Assistant to the Construction Official (P/T)	No Min.	35.00 Hr.
Temp. Technical Assistant to the Construction Official	No Min.	35.00 Hr.

### **D. PUBLIC SAFETY/EMERGENCY MANAGEMENT:**

Parking/Code Enforcement/ Officer/ (Seasonal)	18.00 Hr.	35.00 Hr.
Supervisor Code Enforcement/Parking Enforcement(Seasonal)	1,000.00	3,000.00
Lifeguard, 1 <sup>st</sup> yr. to 2 <sup>nd</sup> yr. (Seasonal)		18.00 Hr.
Lifeguard, 3 <sup>rd</sup> yr. to 4 <sup>th</sup> yr. (Seasonal)		18.70 Hr.
Lifeguard, 5 <sup>th</sup> yr. and higher (Seasonal)		19.00 Hr.
Chief Lifeguard (Seasonal)		32.50 Hr.
Captain Lifeguard (Seasonal)		31.50 Hr.
Senior Lieutenant Lifeguard (Seasonal)		27.50 Hr.
Lieutenant Lifeguard (Seasonal)		25.50 Hr.
Senior Lifeguard (Seasonal)		22.25 Hr.
EMT/Parking Enforcement Officer (Seasonal)		addt'l 2.00 Hr.

## E. PUBLIC WORKS / SPORTS AND RECREATIONAL PROGRAMS:

Boat Ramp Attendant (Seasonal)	No Min.	17.00 Hr.
Beach Sweeper (Seasonal)	No Min.	18.00 Hr

SECTION 2: SEVERABILITY: If any section, subsection, paragraph, sentence or other part

of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or

invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection,

paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said

judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force

and effect.

SECTION 3: REPEALER: All ordinances or parts of ordinances inconsistent herewith are

hereby repealed to the extent of such inconsistency only.

**SECTION 4: EFFECTIVE DATE:** This Ordinance shall take effect immediately upon final

adoption and publication as required by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 13<sup>TH</sup> DAY OF NOVEMBER, 2023 AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 11<sup>TH</sup> DAY OF DECEMBER, 2023 AT 6:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED. JOANNE R. HERRON, TOWNSHIP CLERK TOWNSHIP OF UPPER

# **CORRESPONDENCE**

# NEW BUSINESS

- 26. John Mayberry request to vacate Valley Avenue in Tuckahoe. **The Municipal Attorney** recommended that all street vacation requests be referred to the Planning Board to ensure there are no planning issues. Motion by Kimberly Hayes, second by Jay Newman, to refer the street vacation request to the Planning Board. During roll call vote all four Committee members present voted in the affirmative.
- Employee request for conference/seminar attendance. The Township Administrator requested approval for Sarah Steiner to attend four QPA courses for a total cost of \$3,223.00. Motion by Curtis Corson, second by Kimberly Hayes, to approve the request. During roll call vote all four Committee members present voted in the affirmative.
- 28. Mayors Wellness Campaign. Deputy Mayor Hayes gave a brief overview of the project and requested approval for the Township to participate by authorizing the Mayor to sign a participation pledge. She stated that a preliminary wellness committee formed

consisting of herself, Ralph Cooper, Gary DeMarzo, Larry Cole, Janet McBride, and Rosemary Trout. She also invited members of the public to volunteer to serve on the committee and directed that they can email the Administrator or complete the citizen volunteer application. She then made a motion, seconded by Mark Pancoast, to authorize the Mayor to sign the participation pledge. During roll call vote all four Committee members present voted in the affirmative.

- 29. Payment Card Interchange Fee Settlement. Motion by Curtis Corson, second by Kimberly Hayes, to approve the CFO to file the claim for the fee settlement. During roll call vote all four Committee members present voted in the affirmative.
- 30. JIF 2023 Dividend Announcement. Motion by Curtis Corson, second by Jay Newman, to deposit the total dividend in the amount of \$32,420.00 to the Aggregate Excess Loss Contingency Fund (A.E.L.C.F.) for future use. During roll call vote all four Committee members present voted in the affirmative. A resolution for formal action will be placed on the next agenda.

### **UNFINISHED BUSINESS**

### **PAYMENT OF BILLS**

31. "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 four Committee members present voted in the affirmative.

Bills approved for payment: **\$369,065.68** Payroll: **\$174,647.85** 

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

**Nathalie Neiss, Block 476, Lot 29,** inquired if Mr. Corrado is still actively representing the Township in the Ocean City Winery matter. It was stated that he is the Township's legal representative for this matter.

**Mark Kelley, Tuckahoe,** stated that he recently submitted a land acquisition application for 304 Marshallville Road to Cape May County Open Space and requested the Township's support of his application.

### **CLOSED SESSION**

32. 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. 366-2023 MOTION GOING INTO CLOSED SESSION DECEMBER 11, 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. Contract negotiation Annual Appointments

- 3. Contract negotiation Fixed Asset Maintenance
- 4. Contract negotiation MUA Host Community Benefit Agreement
- 5. Contract negotiation Communications Tower
- 6. Contract negotiation Timber Groins
- 7. Contract negotiation Prescott Avenue
- 8. Contract negotiation CMC MUA Shared Services 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 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.

Moved by: Mark Pancoast 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 Curtis Corson, 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.

33. Authorizing a Shared Services Agreement with the Cape May County Municipal Utilities Authority for solid waste disposal and recycling services.

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

## **RESOLUTION NO. 367-2023**

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

WHEREAS, the Cape May County Municipal Utilities Authority ("CMCMUA"/"Authority")

has designed, financed, acquired, constructed, expanded, and currently operates a solid waste

management system ("System") which presently serves the entire County of Cape May in the State of

New Jersey, for the disposal, transfer, and recycling of solid waste; and

WHEREAS, the Township of Upper has utilized and desires to continue to utilize the services

of the CMCMUA's System; and

WHEREAS, there presently exists an agreement between the Township of Upper and the Authority for the use of the CMCMUA's System for the disposal, transfer, and recycling of solid waste entitled "Shared Services Agreement for Solid Waste Disposal and Recycling Services" ("Agreement") which will expire on December 31, 2023; and

**WHEREAS**, the Township of Upper and the Authority desire to enter into a new Agreement and to fix the expiration date of said Agreement to occur on December 31, 2024; and

WHEREAS, the Authority has offered the "Shared Services Agreement for Solid Waste Disposal and Recycling Services" to the Township of Upper in order to more efficiently provide and continue to offer municipalities within Cape May County the use of the CMCMUA's Solid Waste System from January 1, 2024 through December 31, 2024; and

WHEREAS, the Authority has submitted the same proposed form of Agreement to all Cape May County Municipalities which will provide for both solid waste disposal and certain recycling services through December 31, 2024; and

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

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

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

2. The Mayor and Municipal Clerk are hereby authorized and directed to execute an agreement with the CMCMUA entitled "Shared Services Agreement for Solid Waste Disposal and Recycling Services", effective January 1, 2024.

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. 367-2023						
Offered by: Corson	Seconded by: Hayes					
Adopted: December 11, 2023						
Roll Call Vote:						
NAME	YES	NO	ABSTAIN	ABSENT		
Corson	Х					

Hayes	Х		
Nappen			Х
Pancoast	Х		
Newman	Х		

### **ADJOURNMENT**

There being no further business this evening the meeting was adjourned at 8:27 P.M., with a motion by Kimberly Hayes, second by Jay Newman, and all four Committee members present voting in the affirmative. The next regular Committee meeting is scheduled for December 18, 2023 at 4:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC Township Clerk

Bills 82636 12/11/23 A0018 ACTION SUPPLY INC. 145.31 3336 82637 12/11/23 A0075 ADAMS, JOSHUA 136.00 3336 82638 12/11/23 A0081 ARMSTRONG, RALON I. 107.90 3336 82639 12/11/23 A0091 ATLANTIC CITY ELECTRIC 31,609.91 3336 82640 12/11/23 A0193 ATLANTIC INVESTIGATIONS, LLC 108.50 3336 82641 12/11/23 A0212 ANCERO, LLC 12,464.51 3336 82642 12/11/23 A0222 ANZELONE ELECTRIC COMPANY, LLC 456.00 3336 82643 12/11/23 A0235 AMAZON CAPITAL SERVICES, INC. 1,467.79 3336 82644 12/11/23 A0241 AMTRUST NORTH AMERICA, INC. 2,212.00 3336 82645 12/11/23 A0243 AMTRUST NORTH AMERICA, INC. 19,362.00 3336 82646 12/11/23 A0244 AMTRUST NORTH AMERICA. INC. 12.524.00 3336 82647 12/11/23 A0248 AIRESPRING, INC. 1,231.98 3336 82648 12/11/23 B0035 BELMONT & CRYSTAL SPRINGS 10.13 3336 82649 12/11/23 B0076 BOND, LAURENCE E. 768.79 3336 82650 12/11/23 B0232 BLUE FLAME GAS 359.12 3336 82651 12/11/23 B0278 BUSINESS INFORMATION SYSTEMS 1,423.00 3336 82652 12/11/23 B0287 BIGLEAF NETWORKS, INC. 697.00 3336 82653 12/11/23 C0002 C.M.C. CHAMBER OF COMMERCE, INC 735.00 3336 82654 12/11/23 C0068 COMCAST 797.77 3336 82655 12/11/23 C0143 CODY'S POWER EQUIPMENT 599.99 3336 82656 12/11/23 C0223 CASA PAYROLL SERVICE 238.00 3336 82657 12/11/23 C0246 CRAFT OIL CORPORATION 1,872.30 3336 82658 12/11/23 C0296 COMCAST BUSINESS COMMUNICATION 10.49 3336 82659 12/11/23 C0305 CM3 BUILDING SOLUTIONS, INC. 6,926.00 3336 82660 12/11/23 C0312 CARTER, JONATHAN 225.00 3336 82661 12/11/23 C0346 CME ASSOCIATES 13,065.25 3336 82662 12/11/23 C0352 COLUMN SOFTWARE, PBC 571.54 3336 82663 12/11/23 D0237 DIETZ, KERRY 125.00 3336 82664 12/11/23 D0240 DEVLIN, EDMUND F. 1,048.45 3336 82665 12/11/23 D0244 DHY MOTORSPORTS 16,000.00 3336 82666 12/11/23 E0002 EPIC SPORTS, INC 1,036.74 3336 82667 12/11/23 E0038 EMSAR 742.64 3336 82668 12/11/23 E0079 EVANS III, WILLIAM 143.24 3336 82669 12/11/23 F0225 FIRE DEFENSE SYSTEMS LLC 4,787.00 3336 82670 12/11/23 F0238 Fehrle, Erin 35.00 3336 82671 12/11/23 F0240 Foley, Patrick 46.00 3336 82672 12/11/23 G0028 GENTILINI FORD, INC. 349.70 3336 82673 12/11/23 G0037 GOVT FINANCE OFFICER ASN OF NJ 100.00 3336 82674 12/11/23 G0120 PATRICK F. MARTIN 1,966.58 3336 82675 12/11/23 G0147 GREATAMERICA FINANCIAL SVCS. 165.00 3336 82676 12/11/23 H0073 HOME DEPOT CRC/GECF 1,081.16 3336 82677 12/11/23 H0089 HERC RENTALS, INC 1,723.00 3336 82678 12/11/23 H0096 HARBOR OUTFITTERS 260.00 3336 82679 12/11/23 H0162 HARTFORD FIRE INSURANCE CO. 1,752.00 3336 82680 12/11/23 K0047 KLINE, EDWARD T. 538.92 3336 82681 12/11/23 K0103 KYOCERA DOCUMENT SOLUTIONS 144.67 3336 82682 12/11/23 L0007 LC EQUIPMENT, INC. 360.00 3336 82683 12/11/23 L0075 LEXISNEXIS 401.00 3336 82684 12/11/23 L0080 LOWES, INC. 220.75 3336 82685 12/11/23 M0012 McCAULEY, RICHARD 222.82 3336 82686 12/11/23 M0277 EQUITABLE FINANCIAL LIFE INS. 193.92 3336

82687 12/11/23 M0313 MAVIS TIRE SUPPLY, LLC 632.00 3336 82688 12/11/23 M0327 MONZO CATANESE DeLOLLIS, P.C. 25,759.05 3336 82689 12/11/23 N0004 NJ-AMERICAN WATER CO. 205.30 3336 82690 12/11/23 N0068 NJ MOTOR VEHICLE COMMISSION 150.00 3336 82691 12/11/23 N0100 N.J. LEAGUE OF MUNICIPALITIES 1,027.00 3336 82692 12/11/23 N0143 NATIONAL TIME SYSTEMS 420.40 3336 82693 12/11/23 N0154 NEW HORIZON COMMUNICATIONS 1.040.17 3336 82694 12/11/23 N0171 NATIONAL HIGHWAY PRODUCTS INC. 1,778.75 3336 82695 12/11/23 O0006 SJSHORE MARKETING,LLC 540.00 3336 82696 12/11/23 P0032 PEDRONI FUEL CO. 2,929.96 3336 82697 12/11/23 P0036 PENNELLO, DAVID 175.85 3336 82698 12/11/23 P0056 TURF EQUIPMENT AND SUPPLY CO 4,250.27 3336 82699 12/11/23 R0030 RIGGINS, INC. 10,762.75 3336 82700 12/11/23 R0100 ROBERTS OXYGEN COMPANY, INC. 299.35 3336 82701 12/11/23 S0056 SEASHORE ASPHALT CORPORATION 1,685.78 3336 82702 12/11/23 S0075 SHARP, RHONDA L. 50.00 3336 82703 12/11/23 S0113 SMITH, THOMAS G. 1, 211.90 3336 82704 12/11/23 S0122 SOMERS POINT LUMBER INC. 33.96 3336 82705 12/11/23 S0134 SO. JERSEY GAS COMPANY 611.68 3336 82706 12/11/23 S0139 SOUTH JERSEY WATER COND SERV 165.00 3336 82707 12/11/23 S0196 STEWART BUSINESS SYSTEMS LLC 737.12 3336 82708 12/11/23 S0209 STAPLES ADVANTAGE 458.76 3336 82709 12/11/23 S0239 SHORE VET. ANIMAL CONTROL LLC 2,300.00 3336 82710 12/11/23 S0241 SAFEGUARD BUSINESS SYSTEMS INC 242.75 3336 82711 12/11/23 S0254 SHOPRITE 128.89 3336 82712 12/11/23 T0166 TREASURER, STATE OF NEW JERSEY 323.00 3336 82713 12/11/23 T0168 TOWNSHIP OF UPPER 212.90 3336 82714 12/11/23 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3336 82715 12/11/23 T0192 MARSH & MCLENNAN AGENCY/TRION 237.50 3336 82716 12/11/23 T0213 TREASURER, STATE OF NEW JERSEY 158,258.46 3336 82717 12/11/23 T0216 THE PRESS OF ATLANTIC CITY 1,200.00 3336 82718 12/11/23 U0024 UNIVERSAL COMPUTING SERV. INC. 1,332.43 3336 82719 12/11/23 V0001 VCI EMERGENCY VEHICLE 401.10 3336 82720 12/11/23 V0013 VERIZON WIRELESS 390.45 3336 82721 12/11/23 V0025 V.E. RALPH & SON, INC. 600.00 3336 82722 12/11/23 V0053 VERIZON CONNECT FLEET USA LLC 545.60 3336 82723 12/11/23 W0087 W.B. MASON EGG HARBOR 404.86 3336 82724 12/11/23 W0124 WICKED PIZZA 1,245.00 3336 82725 12/11/23 W0133 Walsh, Patrick 44.50 3336 82726 12/11/23 X0008 XEROX FINANCIAL SERVICES 249.32 3336 82727 12/11/23 Y0008 YOUNG, DANIEL J. ESQUIRE PC 2,430.00 3336 Total: \$369,065.68