

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR MARCH 28, 2022**

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

**CALL TO ORDER**

**SUNSHINE ANNOUNCEMENT**

Mayor Corson read the following Open Public meeting notice into the record:

“In compliance with the Open Public Meetings Law, I wish to state that on March 25, 2022, the notice of this meeting of the Upper Township Committee was posted on the official Township Bulletin Board, the Upper Township Website, and mailed to the Cape May County Gazette, the Atlantic City Press, the Ocean City Sentinel-Ledger, the Herald Times and filed with the Township Clerk. Tonight’s meeting is being audio recorded up until the closed session portion of this meeting and will be available on the Upper Township website. I hereby direct that this announcement be made a part of the minutes of this meeting.”

**SALUTE TO THE FLAG**

**ROLL CALL**

John Coggins	Present
Kimberly Hayes	Present
Jay Newman	Present
Mark Pancoast	Present
Curtis Corson	Present

Also present were Municipal Clerk Barbara L. Young, Township Administrator Scott Morgan, Municipal Engineer Paul Dietrich, Chief Financial Officer Barbara Ludy, and Municipal Attorney Daniel Young. Registered Municipal Accountant Leon Costello was also in attendance for the budget introduction.

**APPROVAL OF MINUTES** - March 14, 2022 Regular and Closed Session Minutes

Motion by Jay Newman, second by Mark Pancoast, to approve the March 14, 2022, Regular and Closed Session Minutes as submitted. During roll call vote four Committee members voted in the affirmative. Mayor Corson abstained.

**REPORT OF GOVERNING BODY MEMBERS**

**John Coggins, Committeeman**, spoke about the requirement for members of the public to state their name and address during the public comment portions of the meeting, and asked if there was a provision to allow someone to speak without giving their home address. It was stated that a request to not give an address for safety reasons would be honored.

**Kimberly Hayes, Committeewoman**, reported that the skate park is closed for repairs. It is anticipated that the park should be reopen in a couple of weeks weather permitting. She next reported that the Easter Egg Hunt will be held on April 9<sup>th</sup>, rain date April 10<sup>th</sup>, at Amanda’s field from 10:00 am to 1:00 pm. She next reported that a local resident working with Sister Jean’s Pantry in Atlantic City put out a call for help on Facebook asking for donations. She stated that they had to close their doors because they ran out of items. She stated that she has arranged to have a drop box at Town Hall for those that wish to donate items such as laundry soap pods, toothpaste, deodorant, dish soap, toilet paper, and shampoo.

**Curtis Corson, Mayor**, reported that on April 9<sup>th</sup> the Strathmere Fishing and Environmental Club will be partnering with Clean Ocean Action to hold a beach clean-up from 9:00 am to 12:30 pm.

**OTHER REPORTS**

**Scott Morgan, Township Administrator**, thanked the departments that contributed to the Upper Township Business Association’s Community Guide. He stated that the guide should be published in mid to late April.

**Paul Dietrich, Municipal Engineer**, reported that dredging will commence soon at the Whittier Avenue street end pursuant to a license agreement that was previously authorized. He stated that he will be monitoring the project. He next reported that he received a request for a meeting with the Committee to review a proposal for a senior affordable housing project across the street from the Upper Township Senior Center. After a brief discussion it was decided to have Mayor Corson and Committeewoman Hayes meet with the developer. Last, Mr. Dietrich reported that he has received the final FEMA reimbursement payment for storm Isaias.

**2022 BUDGET - CAP Ordinance and Budget Introduction**

1. **Introduction and first reading of Ordinance No. 008-2022 RE: CALENDAR YEAR 2022 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14).** Motion by Curtis Corson, second by Jay Newman, to introduce Ordinance No. 008-2022 with the public hearing and final adoption scheduled for May 9, 2022 at 4:30 PM. During roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER  
CALENDAR YEAR 2022  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**ORDINANCE NO. 008-2022**

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to **2.5%** unless authorized by ordinance to increase it to **3.5%** over the previous year’s final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the **3.5%** percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Township Committee of the Township of Upper in the County of Cape May finds it advisable and necessary to increase its CY 2022 budget by up to **3.5%** over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Township Committee of the Township of Upper hereby determines that a **1.0 %** increase in the budget for said year, amounting to **\$125,033.41** in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Township Committee of the Township of Upper hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Upper, in the County of Cape May a majority of the full authorized membership of this governing body

affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Township of Upper shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by **3.5 %**, amounting to **\$437,616.94** and that the CY 2022 municipal budget for the Township of Upper be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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 **28<sup>th</sup> DAY OF MARCH, 2022** AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE **9<sup>TH</sup> DAY OF MAY, 2022 AT 4:30 P.M.** AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.  
BARBARA L. YOUNG, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

**2. Introduction of 2022 Budget.**

Registered Municipal Accountant Leon Costello stated that the 2022 Budget is within the spending and levy caps. The budget can be modified up until the budget adoption scheduled for May 9<sup>th</sup>.

Municipal Clerk Barbara Young read the following Municipal Budget Resolution into the record: Municipal Budget of the Township of Upper, County of Cape May for the Fiscal Year 2022. Be it Resolved that the following statements of revenues and appropriations shall constitute the Municipal Budget for the Year 2022. Be it further Resolved that said Budget be published in the Press of Atlantic City in the issue of the 11<sup>th</sup> day of April 2022.

Motion by Curtis Corson, second by Jay Newman, to introduce the 2022 Budget with the public hearing and final adoption scheduled for May 9, 2022, at 4:30 PM. During roll call vote all five Committee members voted in the affirmative. The introduced budget is available for public inspection on the Upper Township website, a copy is available at the Upper Township Branch of the Cape May County Public Library, and copies are available at the Township Clerk's Office.

3. Authorizing the execution of a Group Affidavit Re: Governing Body Certification of Compliance with United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions under Title VIII of the Civil Rights Act 1964".

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 90-2022**

**AUTHORIZING THE EXECUTION OF A GROUP AFFIDAVIT  
RE: GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE  
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S**

**“ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VIII OF THE CIVIL RIGHTS ACT 1964”**

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**WHEREAS**, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

**WHEREAS**, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto as exhibit “A”; and

**NOW, THEREFORE BE IT RESOLVED**, that the Township Committee of the Township of Upper, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect pursuant to law.

Resolution No. 90-2022  
 Offered By: Corson  
 Adopted: March 28, 2022

Seconded by: Newman

ROLL CALL:

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

**Exhibit “A”**

**TOWNSHIP OF UPPER  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

**GROUP AFFIDAVIT**

**GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183  
OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION’S “ENFORCEMENT GUIDANCE ON  
THE CONSIDERATION OF ARREST AND CONVICTION RECORDS  
IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE  
CIVIL RIGHTS ACT OF 1964”**

We, members of the Township Committee of the Township of Upper, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Township Committee of the Township of Upper, in the county of Cape May;
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012);
3. We are familiar with the local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history;
4. We certify that the local unit’s hiring practices comply with the above-referenced enforcement guidance.

**CONSENT AGENDA:**

**ALL RESOLUTIONS LISTED BELOW ARE CONSIDERED TO BE ROUTINE IN NATURE AND WILL BE ENACTED BY ONE MOTION. IF THE MAYOR OR ANY COMMITTEE MEMBER WISHES A PARTICULAR RESOLUTION TO BE CONSIDERED SEPARATELY, IT WILL BE REMOVED FROM THE CONSENT AGENDA AND ACTED ON SEPARATELY.**

**RESOLUTIONS**

4. Tax Refund Block 459, Lot 2.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 91-2022**

**TAX REFUND  
BLOCK 459, LOT 2**

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**WHEREAS**, certain corrections have been recommended by the Upper Township Tax Collector in order to refund monies; and

**WHEREAS**, the previous owner (Verizon) and the current owner (Subcarrier Communications, Inc.) both paid 2021 3<sup>rd</sup>, 4<sup>th</sup>, and 2022 1<sup>st</sup> quarters on above property. It is therefore necessary to refund previous owner in the amount of \$6030.63;

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Upper, Cape May County, that corrections to the Tax records are hereby authorized and the Tax Collector is hereby directed to correct said records or take such action as indicated on the attached sheet.

Resolution No. 91-2022

Offered by: Newman                      Seconded by: Pancoast

Adopted: March 28, 2022

Roll Call Vote:

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

<u>REFUND BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
459/2	\$ 6030.63	Verizon Communications c/o Duff & Phelps, LLC P.O. Box 2629 Addison TX 75001

5. Tax Refund Block 453, Lot 160.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION  
RESOLUTION NO. 92-2022  
TAX REFUND  
BLOCK 453, LOT 160**

**WHEREAS**, certain corrections have been recommended by the Upper Township Tax Collector in order to refund monies; and

**WHEREAS**, the Title Company of Jersey and the Mortgage Company both paid 2022 1<sup>st</sup> quarter taxes on the above property. It is therefore necessary to refund Title Company of Jersey for previous owner in the amount of \$ 1,116.20; and

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Upper, Cape May County, that corrections to the Tax records are hereby authorized and the Tax Collector is hereby directed to correct said records or take such action as indicated on the attached sheet.

Resolution No. 92-2022

Offered by: Newman                      Seconded by: Pancoast

Adopted: March 14, 2022

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Coggins	X			

Hayes	X			
Newman	X			
Pancoast	X			
Corson	X			

<u>REFUND BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
453/160	\$ 1,116.20	Title Company of Jersey 701 West Ave., Suite 101 Ocean City NJ 08226

6. Appointing Brian P. Trelease, Esquire as Hearing Officer for the Township of Upper.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 93-2022**

**RE: APPOINTING BRIAN P. TRELEASE, ESQUIRE  
AS HEARING OFFICER FOR THE TOWNSHIP OF UPPER**

**WHEREAS**, the Township requires legal counsel to serve as a hearing officer in connection with employment and personnel related matters; and

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

**WHEREAS**, Brian P. Trelease, Esquire of the law offices of Rainone Coughlin Minchello, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that said individual and said firm have 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 said individual and said firm from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Township has decided to acquire the services of Brian P. Trelease, Esquire as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; 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. Brian P. Trelease, Esquire of the law offices of Rainone Coughlin Minchello, LLC, 555 US Highway 1 South, Iselin, New Jersey is hereby appointed as Hearing Officer with regard to employment and personnel matters as directed by the Township Committee.
3. This contract shall have a term of one (1) year from date of full execution.

4. This Contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Brian P. Trelease, Esquire has professional knowledge as to legal matters which knowledge is particularly valuable to the Township Committee.

**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 Brian P. Trelease, Esquire for hearing officer 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 Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Brian P. Trelease, Esquire in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

8. A 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. 93-2022

Offered by: Newman

Seconded by: Pancoast

Adopted: March 28, 2022

Roll Call Vote:

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



7. Appointing Joseph Shone as a Full Time Laborer 1 to the Upper Township Department of Public Works.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 94-2022**

**RE: APPOINTING JOSEPH SHONE AS A FULL-TIME LABORER 1 TO THE  
UPPER TOWNSHIP DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, a need exists to appoint qualified personnel as a full-time employee to the Upper Township Department of Public Works to ensure optimal operation; and

**WHEREAS**, Joseph Shone 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. Joseph Shone is hereby appointed to the Upper Township Department of Public Works effective 3/29/22 as a full-time Laborer 1 at an annual salary of \$42,815.00 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. 94-2022

Offered by: Newman

Seconded by: Pancoast

Adopted: March 28, 2022

Roll Call Vote:

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

8. Appointing the 2022 Season Beach Patrol Personnel.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 95-2022**

**RE: APPOINTING THE 2022 SEASON BEACH PATROL PERSONNEL**

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

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

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

**CHIEF**

William Handley                      \$30.50 per hour

**CAPTAIN**

Joseph O’Neil                      \$29.50 per hour  
Andrew Tobiasen                      \$29.50 per hour

Resolution No. 95-2022  
Offered by: Newman                      Seconded by: Pancoast  
Adopted: March 28, 2022  
Roll Call Vote:

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

9. Authorizing a professional services contract with JASM Consulting LLC for the maintenance of the Upper Township Internet Web Site.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 96-2022**

**RE: AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH  
JASM CONSULTING LLC FOR THE MAINTENANCE OF  
THE UPPER TOWNSHIP INTERNET WEB SITE**

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**WHEREAS**, the Township of Upper maintains an internet web site which requires routine maintenance; and

**WHEREAS**, the Township has decided to acquire the services of JASM Consulting LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, JASM Consulting LLC has completed and submitted a Business Entity Disclosure Certification which certifies that JASM Consulting 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 JASM Consulting 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. JASM Consulting LLC with offices at 10 E. 9<sup>th</sup> Street, Ocean City, New Jersey 08226, is hereby appointed by the Township of Upper for the purposes as specified in this Resolution and the attached professional services agreement.
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 JASM Consulting LLC has professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

#### NOTICE OF CONTRACT AWARD

5. The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to JASM Consulting LLC for the maintenance of the Upper Township internet web site. This contract and resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

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

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

9. This Resolution shall be effective as of adoption.

Resolution No. 96-2022

Offered by: Newman

Seconded by: Pancoast

Adopted: March 28, 2022

Roll Call Vote:

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

10. Authorizing a one-year extension of the contract with Blakeslee Towing & Recovery, Inc., dba Courthouse Towing, of Rio Grande, New Jersey for towing, storage and lockout services for Upper Township.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 97-2022**

**RE: AUTHORIZING A ONE YEAR EXTENSION OF THE CONTRACT WITH BLAKESLEE TOWING & RECOVERY, INC., DBA COURTHOUSE TOWING, OF RIO GRANDE, NEW JERSEY FOR TOWING, STORAGE AND LOCKOUT SERVICES FOR UPPER TOWNSHIP**

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**WHEREAS**, the Township of Upper and Blakeslee Towing & Recovery, Inc., dba Courthouse Towing, 2403 Route 9 South, Rio Grande, New Jersey 08242 entered into a contract for towing, storage and lockout services for Upper Township pursuant to Resolution No. 240-2021; and

**WHEREAS**, the Township of Upper desires to extend the terms of the agreement, as stipulated within, for an additional one year; and

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

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

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

2. The Township Committee hereby directs that written notification be provided to Blakeslee Towing & Recovery, Inc., dba Courthouse Towing, confirming that the contract is renewed for an additional one-year term for the period commencing May 1, 2022 through April 30, 2023.

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

Resolution No. 97-2021

Offered by: Newman

Seconded by: Pancoast

Adopted: March 28, 2022

Roll Call Vote:

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

11. Authorizing the execution of a NJDEP TWA-1 Application Statements of Consent form regarding 84 Tyler Road, Upper Township, Block 548, Lot 20.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 98-2022**

**RE: AUTHORIZING THE EXECUTION OF A NJDEP TWA-1 APPLICATION  
STATEMENTS OF CONSENT FORM REGARDING 84 TYLER ROAD,  
UPPER TOWNSHIP, BLOCK 548, LOT 20**

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**WHEREAS**, Jersey Shore Campground, LLC c/o Gary Ott has or is about to make application to the New Jersey Department of Environmental Protection (hereinafter “DEP”) for Treatment Works Approval for the replacement of the existing disposal field and septic tank to service the office building and pool area, and has requested that the Township complete a portion of DEP Form No. WQM-003, which merely consents to the submission of the application to the DEP and certifies that the project, as proposed, conforms with the requirements of all municipal Ordinances and does not otherwise impose any obligation or liability on the Township; and

**WHEREAS**, Jersey Shore Campground must apply to the New Jersey Department of Environmental Protection for Treatment Works Approval in order to replace the existing disposal field and septic tank to service the renovated office building and pool area, 84 Tyler Road, Block 548 Lot 20 of the municipal tax map of Upper Township, New Jersey; and

**WHEREAS**, the Township Engineer has informed the Township Committee as to the general nature of the project and has indicated that the Township has no ordinance prohibiting the proposed project; and

**WHEREAS**, the matter has been considered by the Township Committee and it has been determined that the consent by the Governing Body should be granted to this application to permit the application process to go forward; and

**WHEREAS**, the Township Committee wishes to authorize the Township officials to execute said documentation;

**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 is hereby authorized to execute on behalf of the Township of Upper a Statements of Consent, Section A-1, in the form attached hereto as Exhibit “A” and said consent shall be completed by inserting therein this Resolution number and the date of its adoption.
3. This Statements of Consent is submitted in conjunction with the application of Jersey Shore Campground, LLC c/o Gary Ott for treatment works approval for the property at Block 548, Lot 20 on the municipal tax map.
4. A certified copy of this Resolution shall be provided to the applicant.

Resolution No. 98-2022

Offered by: Newman

Seconded by: Pancoast

Adopted: March 28, 2022

Roll Call Vote:

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

12. Authorizing the annual Fourth of July fireworks display.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 99-2022**

**RE: AUTHORIZING THE ANNUAL FOURTH OF JULY FIREWORKS DISPLAY**

**WHEREAS**, for many years, the Township of Upper has provided a fireworks display for the residents of Upper Township and others; and

**WHEREAS**, the Township wishes to continue to provide a display of fireworks in celebration of the 4<sup>th</sup> of July; and

**WHEREAS**, the Township has solicited proposals from several Firework Companies and has selected Pyrotechnics by Althouse/DBA Schaefer Fireworks of 370 Hartman Bridge Road, Ronks, PA 17572; and

**WHEREAS**, the State of New Jersey, Department of Community Affairs, requires that the Township provide a Resolution approving same; and

**WHEREAS**, the site for the fireworks display will be determined in conjunction with a State of New Jersey Fire Inspector; and

**WHEREAS**, FAA Clearance will be applied for; and

**WHEREAS**, a plot/site plan for site display, showing the distances from the public and structures to the fireworks discharge area, has been provided by the Township Engineer; and

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

**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 in full herein by this reference.
2. Upon meeting all requirements of the State of New Jersey, Department of Community Affairs as well as any and all recommendations or requirements of the Township's Risk Management Consultant and the Joint Insurance Fund, the Township Clerk is hereby directed and authorized to provide a certified copy of this Resolution, with all attachments, to the Department of Community Affairs for their review and issuance of a Fireworks Permit.
3. The contractor shall comply with all terms and provisions of the Municipal Excess Liability Joint Insurance Fund Bulletin MEL 22-05, dated February 15, 2022.
4. 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.

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, including but not limited to the entering into and execution of an Agreement to Furnish Fireworks Exhibition with Pyrotechnics by Althouse/DBA Schaefer Fireworks for the sum of \$9,240.00.

Resolution No. 99-2022

Offered by: Newman

Seconded by: Pancoast

Adopted: March 28, 2022

Roll Call Vote:

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

13. Urging the County of Cape May to conduct a traffic study of the intersections at Roosevelt Boulevard (CR 623) and Interchange 25 of the Garden State Parkway.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 100-2022**

**RE: URGING THE COUNTY OF CAPE MAY TO CONDUCT A TRAFFIC STUDY OF THE  
INTERSECTIONS AT ROOSEVELT BOULEVARD (CR 623) AND  
INTERCHANGE 25 OF THE GARDEN STATE PARKWAY**

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**WHEREAS**, the Township Committee of the Township of Upper is concerned about the safety of the intersections at Roosevelt Boulevard (CR 623) and Interchange 25 of the Garden State Parkway; and

**WHEREAS**, Roosevelt Boulevard is a four lane highway connecting the Marmora section of Upper Township to the City of Ocean City, and consists of full Northbound and Southbound interchanges for the Garden State Parkway; and

**WHEREAS**, due to limited access at GSP Interchange 20, GSP Interchange 25 is the only full interchange in Upper Township, and as such, is subject to frequent congestion, especially during the summer months; and

**WHEREAS**, there have been a numerous traffic accidents at the intersections of Roosevelt Boulevard (CR 623) and GSP Interchange 25, where vehicles have left the roadway, damaged private property, and placed a strain on the already overburdened congestion of the roadway; and



**WHEREAS**, the County and the New Jersey Turnpike Authority have made interim improvements to the intersection in 2021; and

**WHEREAS**, in order to insure the safety of its residents and the general public, the Township of Upper strongly urges the County to determine the impact of removing the outside Westbound lane of Roosevelt Blvd at the GSP Interchange 25 Northbound entrance ramp.

**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 strongly urges the County of Cape May to conduct a traffic study at Roosevelt Boulevard (CR 623) and Interchange 25 of the Garden State Parkway.
3. A certified copy of this Resolution shall be provided to the appropriate Cape May County and New Jersey State Officials.

Resolution No. 100-2022

Offered by: Newman

Seconded by: Pancoast

Adopted: March 28, 2022

Roll Call Vote:

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

14. Authorizing the Mayor and Township Engineer to sign and submit a historical preservation grant application for the Tuckahoe Train Station to the Cape May County Open Space Program.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 101-2022**

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP ENGINEER TO SIGN AND SUBMIT A  
HISTORICAL PRESERVATION GRANT APPLICATION FOR THE TUCKAHOE TRAIN  
STATION TO THE CAPE MAY COUNTY OPEN SPACE PROGRAM**

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**WHEREAS**, the County of Cape May Open Space Program is soliciting requests for funding for recreation and historic preservation to be funded from the Open Space Trust Fund; and

**WHEREAS**, the goal of the program is to enhance and protect the community assets, provide quality of life and economic stabilization benefits to the Municipalities in the County; and

**WHEREAS**, the Township Committee wants to preserve the Tuckahoe Train Station as a historic structure and continue to make the facility open to the public to learn about the history of our community; and

**WHEREAS**, the Township Committee partners with the Historical Preservation Society of Upper Township operate the facility; 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 Municipal Engineer and Mayor of the Township of Upper are hereby authorized, directed, and empowered to sign and submit a Historical Preservation Grant Application for the Tuckahoe Train Station.
3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable to carry out the intent and purpose of this Resolution.

Resolution No. 101-2022  
Offered by: Newman  
Adopted: March 28, 2022  
Roll Call Vote:

Seconded by: Pancoast

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

15. Authorizing the Mayor and Township Engineer to sign and submit a historical preservation grant application for the Gandy House to the Cape May County Open Space Program.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 102-2022**

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP ENGINEER TO SIGN AND SUBMIT A HISTORICAL PRESERVATION GRANT APPLICATION FOR THE GANDY HOUSE TO THE CAPE MAY COUNTY OPEN SPACE PROGRAM**

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**WHEREAS**, the County of Cape May Open Space Program is soliciting requests for funding for recreation and historic preservation to be funded from the Open Space Trust Fund; and

**WHEREAS**, the goal of the program is to enhance and protect the community assets, provide quality of life and economic stabilization benefits to the Municipalities in the County; and

**WHEREAS**, the Township Committee wants to preserve the Gandy House as a historic structure and continue to make the facility open to the public to learn about the history of our community; and

**WHEREAS**, the Township Committee partners with the Historical Preservation Society of Upper Township operate the facility; 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 Municipal Engineer and Mayor of the Township of Upper are hereby authorized, directed, and empowered to sign and submit a Historical Preservation Grant Application for the Gandy House.
3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable to carry out the intent and purpose of this Resolution.

Resolution No. 102-2022

Offered by: Newman

Seconded by: Pancoast

Adopted: March 28, 2022

Roll Call Vote:

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

16. Authorizing a payment from the Affordable Housing Trust Fund of Upper Township pursuant to the Affordability Assistance Program.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 103-2022**

**RE: AUTHORIZING A PAYMENT FROM THE AFFORDABLE HOUSING TRUST FUND OF  
UPPER TOWNSHIP PURSUANT TO THE AFFORDABILITY ASSISTANCE PROGRAM**

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**WHEREAS**, the Township of Upper adopted an Affordability Assistance Policies and

Procedures Manual on May 26, 2020 pursuant to Resolution No. 164-2020 to include, among other assistance, rental move - in assistance; and

**WHEREAS**, the Township has appointed Triad Associates an Administrative Agent for this program, to administer and enforce said plan in coordination with the Township’s Municipal Housing Liaison; and

**WHEREAS**, pursuant to the terms of the Affordability Assistance Policies and Procedures Manual, Rental Move-in Assistance requires the adoption of a resolution by the Township Committee; and

**WHEREAS**, the Township Committee has reviewed the executed Affordability Assistance Program Request for Rental Assistance Grant form and has determined it is in the best interest of the Township to authorize the affordability assistance from the Affordable Housing Trust 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 Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the down payment assistance payment pursuant to the terms of the Affordability Assistance Policies and Procedures Manual.
3. The Chief Financial Officer is authorized to pay the sum of \$971.00 to Jason Grecco, landlord of Antonio Mosso Vasquez from the Affordable Housing Trust Fund pursuant to the Township’s Affordability Assistance Program.

Resolution No. 103-2022

Offered By: Newman

Seconded By: Pancoast

Adopted: March 28, 2022

Roll Call Vote:

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

17. Urging the New Jersey Turnpike Authority to move forward with a full interchange at Exit 20 of the Garden State Parkway, Upper Township, Cape May County, New Jersey.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 104-2022**

**RE: URGING THE NEW JERSEY TURNPIKE AUTHORITY TO MOVE FORWARD WITH A FULL INTERCHANGE AT EXIT 20 OF THE GARDEN STATE PARKWAY, UPPER TOWNSHIP, CAPE MAY COUNTY, NEW JERSEY**

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**WHEREAS**, Exit 20 of the Garden State Parkway, located near the very busy intersection of NJSH Route 9 and NJSH Route 50 in the Seaville section of Upper Township, Cape May County, is severely limited in that it provides only an exit for Northbound traffic and an entrance for Southbound traffic; and

**WHEREAS**, the Garden State Parkway is a coastal evacuation route for Upper Township and currently there is only one access point in Upper Township to this route; and

**WHEREAS**, with the significant increase in population in Cape May County during the summer months, and with tourism being the economic lifeblood of this region, an efficient and sensible traffic management system is essential for the safety, convenience, and enjoyment of our residents and visitors; and

**WHEREAS**, in a 2018 survey conducted by the Upper Township Economic Development Advisory Commission, Ninety percent of participants responded in favor of Exit 20 being developed into a full interchange with access from Garden State Parkway South and access to Garden State Parkway North; and

**WHEREAS**, in the South Jersey Transportation Planning Organization's 2016 Regional Transportation Plan, a full interchange at Exit 20 was identified as a critical need for the safety of the region in the event of an evacuation; and

**WHEREAS**, as far back as 2004, the South Jersey Transportation Planning Organization's U.S. 9/Garden State Parkway Corridor Study estimated that a full interchange would divert approximately 128 Northbound and 122 Southbound vehicles from NJSH Route 9 to the Garden State Parkway during the summer Saturday peak hour in 2025, and concluded that the benefits of upgrading this interchange to accommodate all directions of access would improve regional access and mobility, reduce regional vehicle miles traveled (VMT), reduce vehicle hours traveled (VHT), reduce emergency vehicle response time, improve level of service and reduce congestion on the Roosevelt Boulevard mainline and intersections between NJSH Route 9 and the Garden State Parkway, and improve

level of service and reduce congestion on the NJSH Route 9 mainline and intersections between NJSH Route 50 and Roosevelt Boulevard; and

**WHEREAS**, in study after study, the data has clearly established that a full interchange at Exit 20 is vital to the safety and economic well-being of Upper Township and Cape May County; and

**WHEREAS**, the Township of Upper has for the past thirty six (36) years, through formal action of the Township Committee, repeatedly requested that the New Jersey Highway Authority construct a full interchange at this location (Exit 20) which would provide an entrance and exit for both northbound and southbound traffic; and

**WHEREAS**, the Township of Upper has previously adopted resolutions in support of a full interchange at Exit 20 as follows: Resolution No. 23-1986, adopted January 20, 1986, Resolution No. 72-1987, adopted September 8, 1987, Resolution No. 115-12-1990, adopted December 12, 2021, Resolution No. 31-3-1990, adopted March 12, 1990, Resolution No. 20-2-1990, adopted February 13, 1990, Resolution No. 80-7-1996, adopted July 8, 1996, Resolution No. 81-7-1996, adopted July 8, 1996, Resolution No. 115-9-1997, adopted September 22, 1997, Resolution No. 106-7-2000, adopted July 24, 2000, Resolution No. 088-2004, adopted April 5, 2004, Resolution No. 83-2009, adopted March 24, 2009, Resolution No. 151-2009, adopted June 22, 2009, Resolution No. 210-2012, adopted October 25, 2012, Resolution No. 40-2018, adopted January 22, 2018, Resolution No. 253-2019, adopted August 26, 2019, and lastly Resolution No. 080-2021, adopted March 8, 2021 copies of which are annexed to this Resolution as **Exhibits “A” through “P”**, respectively; 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 does hereby formally endorse and urge the New Jersey Turnpike Authority to move forward with construction of a full interchange at Exit 20 of the Garden State Parkway in Upper Township, Cape May County, New Jersey without further delay and without further public inconvenience.
3. Certified copies of this resolution shall be forwarded to the New Jersey Turnpike Authority, the New Jersey Department of Transportation, Congressman Jeff Van Drew, Governor Philip D. Murphy, Lieutenant Governor Sheila Oliver, Senator Michael L. Testa, Jr., Assemblyman Antwan

McClellan, Assemblyman Erik Simonsen, the Cape May County Board of Commissioners, the Township of Dennis, the City of Sea Isle City, and the City of Ocean City.

Resolution No. 104-202

Offered by: Newman

Seconded by: Pancoast

Adopted: March 28, 2022

Roll Call Vote:

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

18. Approving the application of the Tuckahoe Volunteer Fire Company for highway coin drops.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 105-2022**

**RE: APPROVING THE APPLICATION OF THE TUCKAHOE VOLUNTEER  
FIRE COMPANY FOR HIGHWAY COIN DROPS**

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**WHEREAS**, the Tuckahoe Volunteer Fire Co., a non-profit corporation providing firefighting services, has made application to the Township Committee to hold coin drop solicitations in Upper Township; and

**WHEREAS**, the Township Committee has approved the requests; and

**WHEREAS**, the requests require approval from the County of Cape May and the State of New Jersey;

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The application of the Tuckahoe Volunteer Fire Co. to hold a coin drop within Upper

Township is hereby approved for the following dates and locations:

**Intersection of State Highway 49 & State Highway 50:**

**Friday, July 22, 2022 from 5:00 p.m. to 9:00 p.m.**

**AND**

**Intersection of State Highway 49 & State Highway 50:**

**Saturday, July 23, 2022 from 9:00 a.m. to 3:00 p.m.**

**AND**

**Intersection of County Route 617 & State Highway 49:**

**Sunday, July 24, 2022 from 3:00 p.m. to 8:00 p.m.**

3. Attached to this Resolution is a certified copy of Ordinance No. 7-2001, authorizing coin drops within Upper Township enacted pursuant to N.J.S.A. 39:4-60.

4. A certified copy of this Resolution shall be provided to the State of New Jersey, Department of Transportation, and the Cape May County Board of Commissioners.

Resolution No. 105-2022

Offered by: Newman

Seconded by: Pancoast

Adopted: March 28, 2022

Roll Call Vote:

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

**ORDINANCES**

**19. Public hearing and final adoption of Ordinance No. 006-2022 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XXV (EMERGENCY MEDICAL SERVICES) OF THE CODE OF UPPER TOWNSHIP.** During the public hearing section there were no speakers. Motion by Jay Newman, second by Kimberly Hayes, to adopt Ordinance 006-2022. During roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
ORDINANCE**

**ORDINANCE NO. 006-2022**

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XXV  
(EMERGENCY MEDICAL SERVICES) OF THE CODE OF UPPER TOWNSHIP**

---

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

**SECTION 1.** Chapter XXV of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented replacing Section 25-1.6 in its entirety with the following:

**25-1.6 Billings for services:**



a. The Township Committee shall, by resolution, set forth the amount to be charged for EMS services or nonemergency transport.

b. The Township of Upper shall contract with a third-party billing agent who shall issue a bill in each instance where EMS services or non-emergency transport are provided. Said bill shall be issued to the insurance company providing coverage for the person served, if any, or directly to the person served if insurance coverage is not available.

**SECTION 2. REPEALER:** All Ordinances or parts of Ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

**SECTION 3. SEVERABILITY:** If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

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

**SECTION 5. CODIFICATION:** This Ordinance shall be codified in the Upper Township Code at the sections referred to above.

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 28<sup>TH</sup> DAY OF FEBRUARY, 2022 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 28<sup>TH</sup> DAY OF MARCH, 2022 AT 6:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

**20. Introduction and first reading of Ordinance No. 009-2022 BOND ORDINANCE OF THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY, NEW JERSEY, CANCELLING CERTAIN FUNDED APPROPRIATION BALANCES HERETOFORE PROVIDED FOR VARIOUS CAPITAL PROJECTS AND REAPPROPRIATING SUCH FUNDED APPROPRIATION BALANCES FOR OTHER CAPITAL PROJECTS.** Motion by Curtis Corson, second by Jay Newman, to introduce Ordinance 009-2022 with a public hearing and final adoption scheduled for May 9, 2022, at 4:30 PM. During roll call vote all five Committee members voted in the affirmative.

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

**ORDINANCE NO. 009-2022**

**BOND ORDINANCE OF THE TOWNSHIP OF UPPER, COUNTY**

**OF CAPE MAY, NEW JERSEY, CANCELLING CERTAIN FUNDED APPROPRIATION BALANCES HERETOFORE PROVIDED FOR VARIOUS CAPITAL PROJECTS AND REAPPROPRIATING SUCH FUNDED APPROPRIATION BALANCES FOR OTHER CAPITAL PROJECTS**

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**BE IT ORDAINED** by the Township Committee of the Township of Upper, County of Cape May, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

**Section 1.** The following funded appropriations remaining as a balances in Bond Ordinances #012-2018, duly adopted on September 24, 2018, as amended by #006-2020, duly adopted on July 13, 2020; #020-2019, duly adopted on December 9, 2019; and #010-2020, duly adopted on November 9, 2020, as amended by #003-2021, duly adopted on March 8, 2021 (collectively, the "Ordinances") heretofore adopted by the Township Committee of the Township of Upper, County of Cape May, New Jersey ("Township"), together with the amount of \$19,500 from the Capital Improvement Fund made available for said Ordinances, are no longer necessary for the various purposes set forth below and are hereby cancelled:

<b>Ordinance Number</b>	<b>Improvement Description</b>	<b>Amount to be Cancelled</b>
Section 3(b)(i) of Ordinance #012-2018	Various improvements, including the acquisition and installation of a bandstand, sound system and a pole building for Amanda's Field.	\$60,000
Section 3(b)(i) of Ordinance #012-2018, as re-appropriated by Ordinance #006-2020	Security cameras at the recreation facilities.	\$3,000
Section 3(c)(ii) of Ordinance #012-2018	Acquisition of property at the Community Center, as more specifically described as Block 382, Lots 11.01 and 11.02 on the tax maps of the Township.	\$489,500 (includes \$14,500 from the Capital Improvement Fund)
Section 3(d)(i) of Ordinance #012-2018	The paving project for various roads, Sam's Gulf remediation and bulkhead replacement.	\$110,000
Section 3(a)(i) of Ordinance #020-2019	The acquisition of a side-arm packer.	\$8,700
Section 3(e)(i) of Ordinance #020-2019	The acquisition of portable radios.	\$12,500
Section 3(f) of Ordinance #020-2019	The acquisition of a utility vehicle.	\$21,300
Section 3(a)(i) of Ordinance #010-2020	Acquisition of a backhoe, a utility body pickup with extended cab, pickup trucks with extended cab with plow, a bat-wing mower, an automated trash truck and a leaf truck.	\$33,000
Section 3(a)(ii) of Ordinance #010-2020	The acquisition of a vehicle lift and an air compressor (tow behind).	\$4,000
Section 3(b)(i) of Ordinance #010-2020	Acquisition of digital display signs and the construction of a Caldwell Park press box and grandstand.	\$35,000
Section 3(c)(i) of Ordinance #010-02020	Acquisition of a Kubota for the beach.	\$1,500

Section 3(c)(ii) of Ordinance #010-2020, as amended by Ordinance #003-2021	Acquisition of portable light towers with generator.	\$21,500
Section 3(c)(iii) of Ordinance #010-2020, as amended by Ordinance #003-2021	Acquisition of portable radios.	\$70,000 (includes \$3,500 from the capital improvement fund)
Section 3(e)(ii) of Ordinance #010-2020	Acquisition of a power load stretcher.	\$30,000 (includes \$1,500 from the capital improvement fund)
<b>Total:</b>		<b><u>\$900,000</u></b>

**Section 2.** The amount of \$900,000, which represents the funded appropriations cancelled from the Ordinances described in Section 1 hereof in the amount of \$880,500, together with the amount of \$19,500 from the Capital Improvement Fund originally made available from the Ordinances, is hereby re-appropriated from said Ordinances for the following:

<b><u>Purpose</u></b>	<b><u>Amount</u></b>
The acquisition of a drain truck, including all related costs and expenditures incidental thereto.	\$530,000
The acquisition and installation of football lighting, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$200,000
Repairs/construction of Gandy and Train Station roofs, including all work and materials necessary therefor and incidental thereto.	\$80,000
The acquisition of a beach truck, including all related costs and expenditures incidental thereto.	\$40,000
The acquisition of an EMS truck, including all related costs and expenditures incidental thereto.	<u>\$50,000</u>
<b>Total:</b>	<b><u>\$900,000</u></b>

**Section 3.** The remaining funded and unfunded appropriation balances as authorized by the Ordinances shall be unaffected by this ordinance and shall remain available for the uses set forth therein.

**Section 4.** The period of usefulness of the purposes referred to in Section 2, within the limitations of the Local Bond Law and according to the reasonable lives thereof, is not less than 11.05 years.

**Section 5.** If required, the Capital Budget shall be amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Township Clerk and available for inspection.

**Section 6.** The improvements authorized hereby are not current expenses and are general improvements that the Township may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

**Section 7.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 8.** This ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

**Date of Introduction:** March 28, 2022

**Date of Final Adoption: May 9, 2022**

**21. Introduction and first reading of Ordinance No. 010-2022 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XII (CAMPGROUNDS AND TRAILERS), CHAPTER XIX (LAND SUBDIVISION, SITE PLAN AND LAND USE ADMINISTRATION) AND CHAPTER XX (ZONING) OF THE CODE OF UPPER TOWNSHIP.** Mayor Corson stated that he and Deputy Mayor Newman have a conflict with this item and will abstain from participating. He stated that a chair will need to be appointed for this item. Motion by Mark Pancoast, second by Kimberly Hayes, to appoint Committeewoman Hayes as chair for this matter. During roll call vote three Committee members voted in the affirmative. Committeemen Corson and Newman abstained. Motion by John Coggins, second by Kimberly Hayes, to introduce Ordinance No. 010-2022 with the public hearing and final adoption scheduled for May 9, 2022, at 4:30 PM. During roll call vote three Committee members voted in the affirmative. Committeemen Corson and Newman abstained.

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

**ORDINANCE NO. 010-2022**

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XII (CAMPGROUNDS AND TRAILERS), CHAPTER XIX (LAND SUBDIVISION, SITE PLAN AND LAND USE ADMINISTRATION) AND CHAPTER XX (ZONING) OF THE CODE OF UPPER TOWNSHIP**

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**WHEREAS**, the Township Committee of the Township of Upper desires to adopt an ordinance amending Chapters 12, 19 and 20 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, with respect to the requirements and regulations regarding campgrounds; and

**WHEREAS**, the Upper Township Planning Board, prior to the adoption of this ordinance, has reviewed and considered these proposed amendments to the Township ordinance and found that they are substantially consistent with the current Upper Township Master Plan.

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

**SECTION 1.** Chapter 12 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

Replace Section 12-1 PRIVATE CAMPGROUNDS CODE in its entirety as follows:

**12-1.1 Adoption of Code.**

Pursuant to the provisions of N.J.S.A. 40:49-5.1 et seq., the provisions of N.J.S.A. 26:1A-7, et. seq., and the provisions of N.J.A.C. 5:10A, et seq., with the exceptions hereinafter set forth, filed in the Secretary of

State's office is hereby accepted, and established as a standard to be used in determining whether campground dwellings, as well as their facilities, located in the Township are safe, sanitary and fit for human habitation and rental.

#### 12-1.2 **Public Record.**

Three copies of the code have been placed on file in the offices of the Township and are available to all persons desiring to use and examine the same.

#### 12-1.3 **Amendments and Supplements to Code.**

a. Camping Cabins are not permitted. Camping Cabin shall be considered any permanent structure or modification of a recreational vehicle that has been done by permit from the construction office (ie replacement of roof and/or interior walls of the recreational vehicle).

b. **5:10A-2.2(b)** of the code shall be amended to include the following: Roads shall be not less than 70 feet from existing property lines or public highway right-of-ways.

c. **5:10A-2.2(d)** of the code shall be amended to read as follows: No campsite shall be less than 200 feet from any public highway right-of-way, nor less than 100 feet from any property line; provided, that where two campgrounds adjoin each other at a property line other than a public highway right-of-way, campsites shall be located no closer than 15 feet to the property line. Within these setbacks, a buffer of wooded or landscaped areas shall be maintained. No facility of any nature whatsoever shall be located within any such buffer zone, except; Administrative and recreational facilities may be located within that particular buffer zone through which the main entrance to the campground is made.

d. **5:10A-2.3(c)** of the code shall be amended to read as follows: Each campsite, including parking space shall provide a minimum of 1,500 square feet of space.

e. **5:10A-2.2(g)** of the code is hereby added as follows: Each campground shall contain a minimum of 20 acres of land.

#### 12-1.4 **Administration.**

The Township Committee is hereby designated as the administrative authority to issue all campground licenses and permits.

#### 12-1.5 **Conformity with Code Required.**

No person shall occupy as owner, occupant or rent to another for occupancy any camp dwelling, as well as its facilities, for the purpose of living therein which does not conform to the provisions

of the “Public Campgrounds” and "Proprietary Campground Facility “established hereby pursuant to § 12-1.1 above as the standard to be used in determining whether a camp dwelling is safe, sanitary and fit for human habitation.

**12-1.6 Duration of Permit.**

All permits or licenses issued for campgrounds shall expire annually on July 31, unless renewed by the Township Committee in accordance with this section. No permit or license shall be renewed until the Township Committee has received a statement from the Cape May County Board of Health that the campground complies with the requirements of this section and all of the applicable New Jersey statutes, together with rules and regulations promulgated pursuant thereto.

**12-1.7 Fees.**

There shall be an annual charge for a permit for a campground in accordance with the following:

Application Fee:           \$250 plus an additional fee for each campsite in accordance to the table below.

<b><u>Campsite Type</u></b>	<b><u>Additional Fee</u></b>
Primitive Campsite (no utilities)	no additional fee per campsite
Campsite (recreational vehicle with utilities)	\$1 per campsite
Campsite (with camping cabin & utilities)	\$100 per campsite

**12-1.8 Period of Operation.**

Campgrounds shall be permitted to operate during the period from April 1 to November 1, inclusive, of each year. Campground facilities shall not be operated during any period of time other than specified herein.

**12-1.9 Storage; Violation.**

During those periods of time when the campground is not in operation, campers may be stored on the campsite, provided the vehicles are disconnected from servicing utilities and further provided that all additions to the camper, by way of temporary facilities such as screened porches, patios, and similar structures, reference to which is deemed to be way of illustration and not by way of limitation, shall be disassembled and removed. Violation of this section may be cause for the Township to refuse to renew the permit application for subsequent years, which may be in addition to any other penalty provided herein.

**12-1.10 County Board of Health Approval.**

No license shall be issued to any campground until such time as a certificate is obtained by the campground owner and filed with the Township Clerk from the Cape May County Board of Health, attesting that the operation of the campground is in compliance with all applicable New Jersey Statutes and the rules and regulations promulgated pursuant thereto.

**12-1.11 Inspection.**

The Township Engineer, Zoning Officer, Code Enforcement Officer, Township Health Officer, the Township Board of Health and the Township Committee or any of their members or their agents are hereby authorized to make inspection to determine whether the code is being violated and may enter into any campground to make any inspection.

**12-1.12 Penalty.**

Any person or persons, firms, association, partnership or corporation, violating any of the provisions of this section, shall be subject to a fine of \$1,000 per occurrence. Each separate twenty-four-hour period during which a violation continues shall be deemed to be a separate and distinct violation of this section.

**SECTION 2.** Chapter 19 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

Revise 19-4.2a **Jurisdiction as follows:**

a. Site Plan Review Required. Site plan review is required for any proposed development which includes:

1. No Change.
2. No Change.
3. No Change.
4. No Change.
5. No Change.
6. No Change.
7. Any mining, excavation, dumping or deposit of fill or dredge spoils, or landfill activities.
8. Any development, which includes any of the above items, shall obtain a final site plan approval of the development plan before any construction permit will be issued or before any clearing of trees or underbrush shall be done on the property, or before any change of use is allowed.

9. Throughout the Township there are campgrounds which are existing permitted nonconforming uses. Routine and customary modifications of existing individual campsites are not an expansion of use or structure. Notwithstanding any other provision of this Section 19-4.2a, site plan review shall not be required for any change to a campsite within an existing previously approved campground provided that the following conditions are met:

- (a) Placement of a recreational vehicle with an R.V.I.A. certification not exceeding 400 s.f. in size
- (b) Additions to the recreational vehicle limited to the following:
  - i. the addition or deck shall be constructed on permanent foundations.
  - ii. the addition shall not exceed 400 s.f. in size and the addition may include plumbing, heating, air conditioning and interior partitions; provided however the maximum width of the opening of the addition into the recreational vehicle is six (6) feet.
  - iii. a deck shall not exceed 200 s.f. in size and shall not be counted as part of 400 s.f. addition set forth in section 9(b) (ii). Awnings and canopies are permitted.
  - iv. the addition or deck shall be minimum of 10 feet from any adjacent recreational vehicle, addition or deck.
  - v. the recreational vehicle and any enclosed addition shall comply with Chapter 18 Flood Damage Control.
  - vi. no addition, renovation or modification to the recreational vehicle is permitted which encapsulates the vehicle.
- (c) HUD units or mobile homes are not permitted.
- (d) The existing boundary of the campsite is not expanded and no new campsites are proposed.
- (e) Only one shed is permitted on each campsite and shall be less than 100 s.f. and 12 feet high.
- (f) Except for the foregoing, all new construction, expansion or change of the existing facility or use of a campground shall require site plan review (and variance relief, if applicable).
- (g) Campground owner shall submit zoning permit showing compliance with this Section for any new park models, additions, deck or placement of sheds.
- (h) The Township Engineer and Zoning Officer must certify the aforementioned items have been submitted and are in compliance with this Section.



10. Notwithstanding any other provision of this Section 19-4.2a, the foregoing, site plan review shall not be required for any construction project undertaken by the Township of Upper on property which is owned by the Township or on which the Township is the lessee, provided that the following conditions are met:

(a) The Township property is located in a zone district wherein such use is a permitted use; and

(b) The Township Engineer either prepares or approves any engineering plans, plot plans, or surveys which are involved in such proposed construction and provided further that the Township Engineer files a copy of any such engineering plans with the Secretary of the Planning Board and with the Township Clerk, together with the Engineer's Certification, under seal, that the proposed construction project complies, with the site plan requirements of the Township of Upper.

(c) A notice is given to all property owners within 200 feet of the project by certified mail, return receipt requested. Such notice shall be given at least 10 days prior to the application for a construction permit. Provided that the Township makes a bona fide good faith effort to comply with this section, the inadvertent failure to give such notice to one or more property owners shall not void the application for a construction permit.

**SECTION 3.** Chapter 20 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

**Revise Section 20-6.4f Conditional Uses. Special Requirements of Primitive Campgrounds as follows:**

1. Definition. A Primitive Campground is defined as a recreational facility designed, intended and used for transient overnight stays in tents, campers or recreational vehicles with no utility hookups on site and passive accessory uses only.

2. Applicability. Campgrounds are a prohibited use in all zoning districts except that primitive campgrounds are a permitted conditional use in the Conservation Zone subject to the regulations in this section.

3. Area and Dimensional Requirements.

Primitive Campgrounds Without Utility Connections.

Minimum tract size	40 acres
Minimum lot frontage and width	500 feet
Minimum campsite area	10,000 square feet
Minimum campsite dimensions	100 feet by 100 feet

Maximum gross density (campsites/total acreage) 2 campsites/acre

At least the first 100 feet adjoining any lot line shall not be used for campsites or recreation areas and this buffer area shall be maintained with existing dense vegetation or planted with native species to provide a dense evergreen buffer from adjoining lands.

No less than 40% of the total tract area shall be maintained as open space and recreation areas, which may include required buffer areas. In the case of phased development, this open space requirement shall be met with each phase of the development.

4. Campsite Maintenance. Each campsite occupant and/or owner shall be responsible for maintenance of the campsite in clean and orderly condition, and shall not permit trash and debris to accumulate on the campsite. No hazard to the health, safety and welfare of persons or property at or near the campsite shall be permitted by the owner and/or occupant.

5. Common Area Maintenance. The owner(s) and/or manager(s) of any common facilities within a campground shall maintain all such facilities in clean, safe and operable condition, and shall insure that no hazard to the health, safety or welfare of persons or property is allowed to develop on the premises.

6. Required Safety Facilities. In addition to standards specified in the Uniform Construction Code regarding plumbing and electrical work, each campground shall provide at least one fire hydrant for every 50 campsites. Such hydrants shall be capable of delivering an appropriate rate-of-flow and shall be so located as to provide optimal protection for all campsites and common facilities as determined by the local Fire Chief. Alternative fire protection measures may be employed at the suggestion of the local Fire Chief.

7. Required Bathhouse Facility. Each campground shall have at least one permanent structure housing restrooms and shower facilities, and such additional facilities as needed to service the campground.

8. Required Solid Waste Management Facilities. Each campground shall provide solid waste containers at permanent locations and in sufficient numbers to accommodate the solid waste generated by the campground. Such solid waste facilities shall be maintained in clean and workable condition, and shall not be allowed to regularly overflow or constitute a health or safety hazard. Trash removal and legal disposal shall be the responsibility of the campground owners.

9. Limits of Occupancy. Primitive campgrounds shall not be occupied during the period from November 1 through April 1, except by resident management residing in one permanent year-round housing

unit. Campers may be stored on site between November 1 and April 1 provided the vehicles are disconnected from servicing utilities and further provided that any temporary structures associated with seasonal occupancy are completely disassembled.

10. Site Plan Review Required. Every new or expanded primitive campground in the Township shall be subject to site plan review and approval by the Planning Board pursuant to the requirements of this chapter. Such site plan shall show the location of each campsite and all required facilities, improvements and open space to be constructed or already in existence. Site plan documentation shall include a vegetation and landscape plan which identifies wooded areas by vegetation type and areas of significant shrub growth or specimen trees. Supplemental landscaping, where required by the Planning Board shall also be shown on the vegetation and landscape plan.

No site plan approval for a campground shall be granted until all necessary and appropriate permits have been granted by any other agencies having jurisdiction including, but not limited to, the New Jersey Department of Health and the New Jersey Department of Environmental Protection.

11. Development Prohibited in Wetlands. No development shall be permitted on wetland soils as defined in § 20-2, and no development shall be permitted within 50 feet of any area defined as wetlands.

**SECTION 4: EFFECTIVE DATE:** This ordinance shall take effect immediately upon the following publication as required by law.

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

**SECTION 6: SEVERABILITY:** If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

**SECTION 7: CODIFICATION:** This Ordinance shall be codified in the Upper Township Code at the sections referred to above.

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 **28<sup>th</sup> DAY OF MARCH , 2022** AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE **9<sup>TH</sup> DAY OF MAY, 2022 AT 4:30 P.M.** AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

22. **Introduction and first reading of Ordinance No. 011-2022 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER 9, SECTION 4 (BOAT RAMP) OF THE CODE OF UPPER TOWNSHIP.** Motion by Kimberly Hayes, second by Mark Pancoast, to introduce Ordinance No. 011-2022 with the public hearing and final adoption scheduled for April 11, 2022 at 4:30 PM. During roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
ORDINANCE**

**ORDINANCE NO. 011-2022**

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE  
CHAPTER 9, SECTION 4 (BOAT RAMP) OF THE CODE OF UPPER TOWNSHIP**

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

**SECTION 1.** Chapter 9, Section 4 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereafter provided:

**Replace Section 9-4.1 in its entirety with the following:**

**9-4.1 Fees.**

a. The Township Committee shall, by resolution, set forth the amount to be charged for a daily, seasonal, and commercial boat ramp pass for the use of Township owned and operated boat ramp facilities.

b. No commercial vessel shall utilize a Township boat ramp without obtaining a commercial pass. Daily passes are not available for commercial vessels. A boat ramp pass is required for each vessel, boat, or personal watercraft (i.e., jet skis or wave runners). The same fee applies for all such vessels. Each permit sticker issued must be placed on the left hand side of the stern of the vessel for which it was purchased. Failure to so display a valid pass shall be considered a violation of this chapter.

**Replace Section 9-4.2 in its entirety with the following:**

**9-4.2 Collection.**

The fees established by Resolution of the Township Committee shall be collectable between the period of the Saturday before Memorial Day and Labor Day each year.

**Replace Section 9-4.7 in its entirety with the following:**

**9-4.7 No Loading or Unloading at Boat Ramp.**

The Township boat ramp facilities, including all docks, piers, and slips, shall be utilized only to launch and retrieve authorized vessels. There shall be no loading or unloading of vessels or equipment associated with vessels at the Township boat ramp facilities.

**Replace Section 9-4.8 in its entirety with the following:**

**9-4.8 Reserved**

**SECTION 2. REPEALER:** All Ordinances or parts of Ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

**SECTION 3. SEVERABILITY:** If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

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

**SECTION 5. CODIFICATION:** This Ordinance shall be codified in the Upper Township Code at the sections referred to above.

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 **28<sup>th</sup> DAY OF MARCH, 2022** AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE **11<sup>th</sup> DAY OF APRIL, 2022 AT 4:30 P.M.** AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.  
BARBARA L. YOUNG, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

**RESOLUTIONS TO BE ACTED ON SEPARATELY**

23. Authorizing fees for EMS transport.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 106-2022**

**RE: AUTHORIZING FEES FOR EMS TRANSPORT**

**WHEREAS**, in accordance with Chapter XXV of the Revised General Ordinances of the Township of Upper, entitled Emergency Medical Transport Services, the Township Committee shall, by resolution, set forth the amount to be charged for EMS services or nonemergency transport; and;

**WHEREAS**, in accordance with Chapter **25-1.6.**, of the Revised General Ordinances entitled Billings for Services the Township Committee has determined the amount to be charged for EMS services or nonemergency transport.

**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 set forth the following amounts to be charged for EMS services or nonemergency transport: \$1,000.00 plus \$25.00 per mile for loaded miles in each instance where EMS services or nonemergency transport are provided.
3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable to carry out the intent and purpose of this Resolution.

Resolution No. 106-2022

Offered by: Newman

Seconded by: Pancoast

Adopted: March 28, 2022

Roll Call Vote:

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

## **CORRESPONDENCE**

### **NEW BUSINESS**

24. **Stockton Coastal Research Center 1<sup>st</sup> Quarter Beach Survey for 2022.** The Township Engineer gave a summary of the report. Motion by John Coggins, second by Kimberly Hayes to accept the report. During roll call vote all five Committee members voted in the affirmative.

### **UNFINISHED BUSINESS**

25. **David Haig Land Donation Block 519, Lots 1-4, 10, 12, 13, 21-28, and 38-40 to the Township of Upper.** The Municipal Attorney reported that the Committee previously voted to move forward with this matter conditioned upon no environmental issues with the property and confirmation of clear title. The Municipal Engineer has confirmed that there are no environmental issues, and the Township received the title commitment showing clear title. He recommended that the Township purchase title insurance for a cost of \$200.00 and move forward with a resolution accepting the donation. Motion by Curtis Corson, second by John Coggins, to move forward with a resolution accepting the land donation and authorize the purchase of title insurance. During roll call vote all five Committee members voted in the affirmative. A resolution for formal action will be placed on the next agenda.

### **DISCUSSION**

26. **Boat Ramp Fees.** The Municipal Clerk requested guidance on the ramp fees for 2022 and recommended that the fees be the same for residents and nonresidents alike, as well as one daily rate for weekdays and weekends. After a brief discussion, there was a motion by Kimberly Hayes, second by John Coggins, to proceed with a resolution setting the rates as recommended by the Municipal Clerk. During roll call vote all five Committee members voted in the affirmative.

### **PAYMENT OF BILLS**

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

**Bills approved for payment: \$125,676.12**

**Payroll: \$175,847.78**

### **REPORT OF MUNICIPAL DEPARTMENTS**

#### **PUBLIC COMMENT**

**Barbara Leary Murphy, Seaville,** questioned the Ordinance introduction procedure. It was stated that once an Ordinance is introduced it is then published in full, placed on the website, posted on the bulletin board at Town Hall, and copies are available upon request to the Clerk. The public hearing is open to the public and comments can be made at that time.

**Janice Connell, Strathmere,** thanked the Department of Public Works for clearing out the beach access paths and getting the beaches in great shape. She next reported that the Strathmere Improvement Association will be planting beach plums on the Williams Avenue dunes next Saturday April 2<sup>nd</sup> from 10:00 am to 12:00 noon, and thanked Paul Dietrich for his assistance and support for the project.

#### **CLOSED SESSION**

28. 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. 107-2022  
MOTION GOING INTO CLOSED SESSION  
MARCH 28, 2022**

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

#### **MATTERS**

- Personnel
- Litigation – Hemby v. Upper Township
- Potential Litigation-Unsafe Structure
- Contract negotiation – License Agreement
- Contract negotiation – Municipal Solicitor
- Contract negotiation – Harriet Lane LLC
- Safety and Security

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

- A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

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

Moved by: John Coggins

Motion seconded by: Jay Newman

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

### **RECONVENE PUBLIC PORTION OF MEETING**

Motion by John Coggins, second by Kimberly Hayes, to reconvene the public portion of the meeting.

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

### **ADJOURNMENT**

There being no further business this evening the meeting was adjourned at 8:24 P.M., with a motion by Jay Newman, second by John Coggins and all five Committee members voting in the affirmative. The next regular meeting is scheduled for April 11, 2022, at 4:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC  
Municipal Clerk

#### Bill List

79252 03/28/22 A0091 ATLANTIC CITY ELECTRIC 8,308.03 3231  
 79253 03/28/22 A0193 ATLANTIC INVESTIGATIONS, LLC 202.00 3231  
 79254 03/28/22 A0212 ANCERO, LLC 1,370.30 3231  
 79255 03/28/22 A0235 AMAZON CAPITAL SERVICES, INC. 251.64 3231  
 79256 03/28/22 A0239 AT&T MOBILITY NAT'L ACCTS LLC 40.23 3231  
 79257 03/28/22 B0035 BELMONT & CRYSTAL SPRINGS 45.14 3231  
 79258 03/28/22 B0220 BERGEY'S TRUCK CENTERS 384.99 3231  
 79259 03/28/22 B0248 BARNES LAW GROUP LLC 961.85 3231  
 79260 03/28/22 B0285 Blizzard, James 44.50 3231  
 79261 03/28/22 C0048 CAPE MAY COUNTY MUA 31,887.59 3231  
 79262 03/28/22 C0068 COMCAST 739.79 3231  
 79263 03/28/22 C0077 CHERRY VALLEY TRACTOR SALES 1,287.63 3231  
 79264 03/28/22 C0091 CHISHOLM, JOHN R. 79.98 3231  
 79265 03/28/22 C0223 CASA PAYROLL SERVICE 231.25 3231  
 79266 03/28/22 C0279 CASA REPORTING SERVICES LLC 379.00 3231  
 79267 03/28/22 C0296 COMCAST BUSINESS COMMUNICATION 1,407.66 3231  
 79268 03/28/22 D0040 DELTA DENTAL OF N.J. INC. 5,770.35 3231  
 79269 03/28/22 D0186 DOCUTREND, INC. 39.05 3231  
 79270 03/28/22 E0012 EHRlich PEST CONTROL INC 108.00 3231  
 79271 03/28/22 E0079 EVANS III, WILLIAM 51.60 3231  
 79272 03/28/22 E0097 ENGRAVING & AWARDS & GIFTS 362.56 3231  
 79273 03/28/22 F0048 LESLIE G. FOGG INC 35.50 3231  
 79274 03/28/22 F0053 FORD, SCOTT & ASSOCIATES 4,500.00 3231  
 79275 03/28/22 F0232 FAMILY AUTO GLASS 225.00 3231  
 79276 03/28/22 G0012 GANN LAW BOOKS 102.00 3231  
 79277 03/28/22 G0028 GENTILINI FORD 56.46 3231  
 79278 03/28/22 G0194 E.M. GRANT 492.50 3231  
 79279 03/28/22 H0073 HOME DEPOT CRC/GEFCF 1,852.77 3231  
 79280 03/28/22 J0075 JPMONZO MUNICIPAL 50.00 3231  
 79281 03/28/22 K0007 KACZMARSKI, RICHARD 300.00 3231  
 79282 03/28/22 L0031 LORCO PETROLEUM SERVICES 276.50 3231  
 79283 03/28/22 L0080 LOWES, INC. 585.70 3231  
 79284 03/28/22 M0235 MODERN GROUP, LTD 1,800.00 3231



79285 03/28/22 M0290 MADDEN & MADDEN, PC 1,832.00 3231  
79286 03/28/22 M0303 MALEY GIVENS, A PROF CORP 258.00 3231  
79287 03/28/22 N0043 NAPA AUTO PARTS 109.17 3231  
79288 03/28/22 N0094 NEW JERSEY PLANNING OFFICIALS 1,090.00 3231  
79289 03/28/22 O0006 SJSHORE MARKETING,LLC 480.00 3231  
79290 03/28/22 O0052 OFFSHORE TRAILER COMPANY LLC 75.00 3231  
79291 03/28/22 O0071 OAKS, ELIZABETH 178.06 3231  
79292 03/28/22 P0032 PEDRONI FUEL CO. 2,376.03 3231  
79293 03/28/22 P0056 TURF EQUIPMENT AND SUPPLY CO 574.57 3231  
79294 03/28/22 P0140 PIONEER MANUFACTURING CO, INC 1,978.80 3231  
79295 03/28/22 P0175 PRIEST JR., ANTHONY 125.00 3231  
79296 03/28/22 R0030 RIGGINS, INC. 7,415.55 3231  
79297 03/28/22 R0119 RUDERMAN, ROTH LLC 3,553.00 3231  
79298 03/28/22 S0018 SUBURBAN PROPANE, LP 195.11 3231  
79299 03/28/22 S0020 THE HOME DEPOT PRO 180.45 3231  
79300 03/28/22 S0056 SEASHORE ASPHALT CORPORATION 622.05 3231  
79301 03/28/22 S0057 SERVICE TIRE TRUCK CENTERS 174.00 3231  
79302 03/28/22 S0112 SOUTH JERSEY COURT ADM. ASSOC. 30.00 3231  
79303 03/28/22 S0113 SMITH,THOMAS G. 1,088.19 3231  
79304 03/28/22 S0134 SO. JERSEY GAS COMPANY 10,451.12 3231  
79305 03/28/22 S0139 SOUTH JERSEY WATER COND SERV 285.00 3231  
79306 03/28/22 S0191 STRATHMERE FIRE CO.DISTRICT #1 24,924.00 3231  
79307 03/28/22 S0196 STEWART BUSINESS SYSTEMS LLC 274.40 3231  
79308 03/28/22 S0376 SHANE, ERIC 43.25 3231  
79309 03/28/22 T0080 TREASURER STATE OF N.J. 100.00 3231  
79310 03/28/22 T0192 MARSH & McLENNAN AGENCY/TRION 261.25 3231  
79311 03/28/22 T0211 TRELEASE, BRIAN P., ESQUIRE 272.00 3231  
79312 03/28/22 V0013 VERIZON WIRELESS 757.55 3231  
79313 03/28/22 V0024 VAL-U AUTO PARTS L.L.C. 264.48 3231  
79314 03/28/22 V0026 VITAL COMMUNICATIONS, INC. 1,245.06 3231  
79315 03/28/22 X0008 XEROX FINANCIAL SERVICES 233.46 3231  
Total: \$125,676.12