

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
AGENDA FOR JUNE 27, 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 June 24, 2022, the notice of this meeting of the Upper Township Committee was posted on the official Township Bulletin Board, the Upper Township Website, and mailed to the Cape May County Gazette, the Atlantic City Press, the Ocean City Sentinel-Ledger, the Herald Times and filed with the Township Clerk.

Tonight’s meeting is being audio recorded up until the closed session portion of this meeting and will be available on the Upper Township website. I hereby direct that this announcement be made a part of the minutes of this meeting.”

**SALUTE TO THE FLAG**

**ROLL CALL**

John Coggins	Present
Kimberly R. Hayes	Present
Jay Newman	Present
Mark E. Pancoast	Present
Curtis T. Corson, Jr.	Present

Also present were Municipal Clerk Barbara L. Young, Municipal Engineer Paul Dietrich, Chief Financial Officer Barbara Ludy, Municipal Attorney Daniel Reeves, and Township Administrator Gary DeMarzo.

**APPROVAL OF MINUTES** - June 13, 2022 Regular Meeting and Closed Session Minutes

Motion by Jay Newman, second by Mark Pancoast, to approve the June 13, 2022 Regular and Closed Session Minutes as submitted. During roll call vote all five Committee members voted in the affirmative.

**REPORT OF GOVERNING BODY MEMBERS**

**Mark Pancoast, Committeeman**, thanked the Public Works Department for quickly resolving an issue with grass clippings. He next reminded Strathmere residents that trash will be collected on Monday July 4<sup>th</sup> despite the holiday and requested residents to have the trash to the curb by 6:00 am. He next reported that he was honored to attend two ribbon cutting ceremonies for Yesterdays Creekside Tavern and the Maple Tree Gift Shop.

**Kimberly Hayes, Committeewoman**, reported that she also attended the ribbon cuttings and stated they were excellent well attended events, and encouraged all to visit Yesterday’s Creekside Tavern and the Maple Tree Gift Shop. She next thanked Blanche Adams and Steve Zellers from the Upper Township Business Association. She next gave a brief update on the disc golf course at Amanda’s Field. She stated that the course has been determined and stated that the construction should be completed in the upcoming weeks. She next reported that during the 4<sup>th</sup> of July celebration no parking signs will be posted on Route 50 between Sunset Road and Perry Road, as well as Sunset Road,

California Road, South Sunset between California and Dawn Road, and Jonathan Landing. She next called Recreation leader Larry Cole up to give a brief overview of the planned events for the 4<sup>th</sup> of July celebration at Amanda's Field. Later in the meeting, Committeewoman Hayes reported that a number of residents have expressed concerns about Airbnb's in residential neighborhoods and requested that the matter be referred to the Planning Board for investigation into possible regulations. Mayor Corson also had a list of matters to refer to the Planning Board. The other Committee members were asked to review the list and add any matters as needed. The Engineer was then directed to refer the matters as requested by the Committee to the Planning Board for review.

**John Coggins, Committeeman**, encouraged everyone to attend the 4<sup>th</sup> of July events and wished all a happy and healthy Independence Day.

**Jay Newman, Committeeman**, reported on a recent tragic drowning incident at Corson's Inlet and again urged all to swim only at guarded locations. He next reported that he was informed of an issue with people digging very large holes on the beach and again cautioned everyone against doing this as it can create a hazardous condition. He then gave a brief report on the Beach Patrol's activity for 2022. Lastly, he reported that the First Responder Kids' Camp started today and stated that it was highly successful with a good turnout.

**Curtis Corson, Mayor**, reported that the Township Committee will be in the Strathmere parade on Monday July 4<sup>th</sup>. He also echoed his colleagues reports on the ribbon cutting ceremonies and stated that it was nice to see so many residents active in the community.

#### **ADMINISTRATOR OVERVIEW AND FILING OF REPORTS**

**Gary DeMarzo, Township Administrator**, also thanked the Department of Public works for quickly resolving the issue with grass clippings. He next reported that he spent the day on Sunday in Strathmere going through some parking issues. He stated that he will have a recommendation to address some of the issues. He also stated that he visited the Maple Tree Gift Shop and said it is an amazing store and encouraged all to visit. He next thanked Barbara Ludy for her hard work revising the salaries in accordance with the new salary ordinance. He also congratulated EMS personnel for the very successful opening day of the camp and called on the Chief EMT who gave a brief status report for the Department.

**Barbara Young, Municipal Clerk**, reminded everyone that Town Hall offices will be closed on Monday for the 4<sup>th</sup> of July holiday and wished everyone a safe and happy holiday.

**Paul Dietrich, Township Engineer**, reported that the DOT will be holding a virtual hearing for the Rt 50 bridge over Cedar Swamp Creek from July 12<sup>th</sup> to July 18<sup>th</sup>. Information on the hearing will be posted on the Township's website and Facebook page. He next reported that at the direction of Mayor Corson he has performed an evaluation of the Township's Street lighting to determine whether there may be some redundant lighting that can be removed as a cost saving measure.

#### **PRESENTATION**

**The Township Committee presented the following Resolutions to the members of the Green Hornet Wrestling team.**

1. Congratulating the Upper Township Green Hornets for their wrestling achievements in 2021.

#### **TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION**

#### **RESOLUTION NO. 313-2021**

**RE: CONGRATULATING THE UPPER TOWNSHIP GREEN HORNETS  
FOR THEIR WRESTLING ACHIEVEMENTS IN 2021**

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**WHEREAS**, the members of the Upper Township Green Hornets had an outstanding 2021 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:

Shane Wheeler	3 <sup>rd</sup> Place 2021 USAW NJ State Tournament 4 <sup>th</sup> Place 2021 War at the Shore Nationals
Finn Wheeler	4 <sup>th</sup> Place 2021 War at the Shore Nationals
Luke McHale	6 <sup>th</sup> Place 2021 USAW NJ State Tournament
Trent Lera	5 <sup>th</sup> Place 2021 USAW NJ State Tournament 2 <sup>nd</sup> Place 2021 War at the Shore Nationals
Brayden Hinrichsen	4 <sup>th</sup> Place 2021 USAW NJ State Tournament
Bella Cox	8 <sup>th</sup> Place 2021 USAW NJ State Tournament
Logan Hayes	6 <sup>th</sup> Place 2021 USAW NJ State Tournament
Brynn Cunningham	1 <sup>st</sup> Place 2021 USAW NJ State Tournament 1 <sup>st</sup> Place 2021 War at the Shore Nationals 1 <sup>st</sup> Place 2021 Northeast Girls Folkstyle Nationals 2 <sup>nd</sup> Place 2021 Atlantic City Summer Nationals
Keira Cunningham	1 <sup>st</sup> Place 2021 USAW NJ State Tournament 1 <sup>st</sup> Place Northeast Girls Folkstyle Nationals 1 <sup>st</sup> Place 2021 Atlantic City Summer Nationals 2 <sup>nd</sup> Place 2021 War at the Shore Nationals (boys) 2 <sup>nd</sup> Place 2021 War at the Shore Nationals (girls) 2 <sup>nd</sup> Place 2021 Tulsa Nationals Kickoff Classic 4 <sup>th</sup> Place 2021 Tulsa Nationals

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee, on behalf of the citizens of the Township of Upper, that we extend to the Upper Township Green Hornets congratulations on becoming USA Wrestling New Jersey State Championship place winners; and to the coaches, heartfelt appreciation 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 8<sup>h</sup> day of November, 2021.

2. Congratulating the Upper Township Green Hornets for their wrestling achievements in 2022.

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

**RESOLUTION NO. 190-2022**

**RE: CONGRATULATING THE UPPER TOWNSHIP GREEN HORNETS FOR THEIR  
WRESTLING ACHIEVEMENTS IN 2022**

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**WHEREAS**, the members of the Upper Township Green Hornets had an outstanding 2022 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:

Alivia Fowler	1 <sup>st</sup> Place 2022 War at the Shore Nationals 1 <sup>st</sup> Place 2022 USAW NJ State Tournament 2 <sup>nd</sup> Place 2022 Mid Atlantic Wrestling Association
Asher Comeforo	7 <sup>th</sup> Place 2022 USAW NJ State Tournament
Bella Cox	1 <sup>st</sup> Place 2022 USAW NJ State Tournament 3 <sup>rd</sup> Place 2022 Mid Atlantic Wrestling Association
Brayden Catlett	5 <sup>th</sup> Place 2022 USAW NJ State Tournament
Brayden Hinrichsen	8 <sup>th</sup> Place 2022 Mid Atlantic Wrestling Association
Brynn Cunningham	1 <sup>st</sup> Place 2022 USAW NJ State Tournament 2 <sup>nd</sup> Place 2022 War at the Shore Nationals
Cam King	3 <sup>rd</sup> Place 2022 USAW NJ State Tournament
Cameron Ganiel	7 <sup>th</sup> Place 2022 USAW NJ State Tournament
Carter McMahon	6 <sup>th</sup> Place 2022 Mid Atlantic Wrestling Association
Dani Schlacter	5 <sup>th</sup> Place 2022 USAW NJ State Tournament 6 <sup>th</sup> Place 2022 War at the Shore Nationals 8 <sup>th</sup> Place 2022 Mid Atlantic Wrestling Association
Jack Lauer	2 <sup>nd</sup> Place 2022 War at the Shore Nationals 3 <sup>rd</sup> Place 2022 USAW NJ State Tournament 7 <sup>th</sup> Place 2022 Mid Atlantic Wrestling Association
Jayda Heaton	2 <sup>nd</sup> Place 2022 War at the Shore Nationals 4 <sup>th</sup> Place 2022 Mid Atlantic Wrestling Association 5 <sup>th</sup> Place 2022 USAW NJ State Tournament
Jeff Heaton	7 <sup>th</sup> Place 2022 Mid Atlantic Wrestling Association

Jordan Lauer	4 <sup>th</sup> Place 2022 USAW NJ State Tournament
Josh Roman	8 <sup>th</sup> Place 2022 Mid Atlantic Wrestling Association
Keira Cunningham	1 <sup>st</sup> Place 2022 USAW NJ State Tournament 2 <sup>nd</sup> Place 2022 War at the Shore Nationals 3 <sup>rd</sup> Place 2022 War at the Shore Nationals 3 <sup>rd</sup> Place 2022 USAW NJ State Tournament
Luke McHale	8 <sup>th</sup> Place 2022 USAW NJ State Tournament
Raffi Neidig	3 <sup>rd</sup> Place 2022 War at the Shore Nationals
Xavier Berckman	6 <sup>th</sup> Place 2022 USAW NJ State Tournament
Zayden Flynn	6 <sup>th</sup> Place 2022 Mid Atlantic Wrestling Association

**NOW, THEREFORE, 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 13<sup>th</sup> day of June, 2022.

**CONSENT AGENDA:**

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

**RESOLUTIONS-CONSENT AGENDA**

3. **Authorizing the Mayor to sign Deed Restriction for Affordable Rental Property for Osprey Cove Project.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 215-2022**

**RE: AUTHORIZING THE MAYOR TO SIGN DEED RESTRICTION FOR AFFORDABLE RENTAL PROPERTY FOR OSPREY COVE PROJECT**

**WHEREAS**, in accordance with N.J.A.C. 5:80-26.11 and the Affordable Housing Plan for the Osprey Cove Project, the Township of Upper must approve the deed restriction for affordable rental property, attached hereto as Exhibit A; and

**WHEREAS**, the Osprey Cove Project located 2058 RT-US9 South is required to provide affordable housing as part of their site plan approval; and

**WHEREAS**, the Affordable Housing Plan for the Osprey Cove project required rental properties and Osprey Cove will be providing eleven rental properties located at 1823 Rt-US 9 South; 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 of the Township of Upper is hereby authorized, directed, and empowered to sign the deed restriction, attached hereto as Exhibit A.
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. 215-2022

Offered by: Newman

Seconded by: Hayes

Adopted: June 27, 2022

Roll Call Vote:

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

4. **Appointing Joseph Sharp as a Seasonal Laborer 1 to the Upper Township Department of Public Works.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 216-2022**

**RE: APPOINTING JOSEPH SHARP AS A SEASONAL LABORER 1 TO THE  
UPPER TOWNSHIP DEPARTMENT OF PUBLIC WORKS**

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

**WHEREAS**, a recommendation has been made to the Township Committee and duly considered at the meeting of June 13, 2022; and

**WHEREAS**, this resolution is intended to ratify the action heretofore taken.

**WHEREAS**, Joseph Sharp 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 Sharp is hereby appointed to the Upper Township Department of Public Works effective June 14, 2022 as a Seasonal Laborer 1 at an hourly rate of \$16.00 per hour in accordance with the Salary Ordinance.
3. This Resolution ratifies, confirms, and approves action taken by the Township Committee, by motion, at the meeting of June 13, 2022.

Resolution No. 216-2022

Offered by: Newman

Seconded by: Hayes

Adopted: June 27, 2022

Roll Call Vote:

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

5. **Amending Resolution No. 183-2022 and Resolution No. 184-2022 appointing Richard Kaczmariski to various positions in the Upper Township Department of Public Works.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 217-2022**

**RE: AMENDING RESOLUTION NO. 183-2022 AND RESOLUTION NO. 184-2022  
APPOINTING RICHARD KACZMARSKI TO VARIOUS POSITIONS IN THE UPPER  
TOWNSHIP DEPARTMENT OF PUBLIC WORKS**

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**WHEREAS**, Resolutions 183-2022 and 184-2022 appointed Richard Kaczmariski to various positions in the Department of Public Works; and

**WHEREAS**, the Township Committee has determined it necessary to amend said resolutions 183-2022 and 184-2022 to reflect specific titles and salaries; and

**WHEREAS**, the individual's appointment is conditioned upon Civil Service review; 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. Resolutions 183-2022 and 184-2022 are hereby amended to reflect the following appointments and annual salaries for Richard Kaczmarek effective May 20, 2022 in accordance with the Salary Ordinance.

Supervisor Sanitation	\$75,523.00
Recycling Coordinator	No Salary
Code Enforcement Officer	No Salary

3. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Resolution No. 217-2022

Offered by: Newman

Seconded by: Hayes

Adopted: June 27, 2022

Roll Call Vote:

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

6. **Amending Resolution No. 128-2022 appointing John Brittin as temporary Supervising Emergency Medical Technician to the Upper Township Division of Emergency Medical Services.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 218-2022**

**RE: AMENDING RESOLUTION NO. 128-2022 APPOINTING JOHN BRITTIN AS  
TEMPORARY SUPERVISING EMERGENCY MEDICAL TECHNICIAN TO THE UPPER  
TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES**



**WHEREAS**, Resolution No. 128-2022 appointed John Brittin as Temporary Supervising Emergency Medical Technician to the Upper Township Emergency Medical Services; and

**WHEREAS**, the Township Committee has determined it necessary to amend said resolution No. 128-2022 to reflect specific titles and salaries; 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. Resolution No. 128-2022 is hereby amended to reflect the following appointments and annual salaries for John Brittin effective July 1, 2022 in accordance with the Salary Ordinance.

Temporary Supervising Emergency Medical Technician	\$68,678.00
9-1-1 Coordinator/Right to know Director	No Salary

3. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Resolution No. 218-2022

Offered by: Newman

Seconded by: Hayes

Adopted: June 27, 2022

Roll Call Vote:

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

7. **Amending Resolution No. 12-2022 establishing salaries for various officers and employees.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 219-2022**

**RE: AMENDING RESOLUTION NO. 12-2022 ESTABLISHING SALARIES  
FOR VARIOUS OFFICERS ANFD EMPLOYEES**

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**WHEREAS**, Resolution No. 12-2022 fixes salaries for various administrative, clerical and other personnel for the year 2022; and

**WHEREAS**, the Township Committee has determined it necessary to amend said resolution No. 12-2022 ; 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. Resolution No. 12-2022 is hereby amended to reflect the following annual salaries

effective May 20, 2022 in accordance with the Salary Ordinance.

Nicholas Mason	Supervising Equipment Operator	\$76,523.00
John Hope	Supervising Mechanic	\$76,523.00

3. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Resolution No. 219-2022

Offered by: Newman                      Seconded by: Hayes

Adopted: June 27, 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 contingent upon background clearance.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 220-2022**

**RE: APPOINTING THE 2022 SEASON BEACH PATROL PERSONNEL  
CONTINGENT UPON BACKGROUND CLEARANCE**

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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 appointed as lifeguards in the Township of Upper contingent upon background clearance at a salary as stated below in accordance with the Salary Ordinance:

**RETURNING GUARDS**

Hadley, Anson	5+ years	\$17.00
Manning, Michael	5+ years	\$17.00
Stull, William	5+ years	\$17.00
Storz, Jon	5+ years	\$17.00
Neff, Abigail	5+ years	\$17.00
Hadley, Jane	5+ years	\$17.00
Montgomery, Robert	5+ years	\$17.00
McCann, Thomas	5+ years	\$17.00
DeSalis, Michael	5+ years	\$17.00

Resolution No. 220-2022

Offered by: Newman

Seconded by: Hayes

Adopted: June 27, 2022

Roll Call Vote:

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

9. **Authorizing the Mayor to sign a Hold Harmless Agreement with the Upper Township Board of Education for transportation for the EMS Kids’ Camp.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 221-2022**

**RE: AUTHORIZING THE MAYOR TO SIGN A HOLD HARMLESS AGREEMENT WITH  
THE UPPER TOWNSHIP BOARD OF EDUCATION FOR  
TRANSPORTATION FOR THE EMS KIDS’ CAMP**

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**WHEREAS**, the Township of Upper wishes to use Upper Township Board of Education (UTBOE) transportation for its EMS Kids’ Camp; and

**WHEREAS**, the UTBOE has requested the Township to execute a Hold Harmless Agreement; and

**WHEREAS**, the proposed Hold Harmless Agreement has been reviewed and approved by the Municipal Attorney and the Township’s Risk Management Consultant; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute the Hold Harmless Agreement in favor of the UTBOE for the use of UTBOE transportation for the EMS Kids' Camp.
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. 221-2022

Offered by: Newman

Seconded by: Hayes

Adopted: June 27, 2022

Roll Call Vote:

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

10. **Certification of costs for abatement of nuisance on Block 306, Lot 16; Block 563, Lot 37; and Block 653.01, Lot 4.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 222-2022**

**CERTIFICATION OF COSTS FOR ABATEMENT OF NUISANCE  
ON BLOCK 306, LOT 16; BLOCK 563, LOT 37; AND BLOCK 653.01, LOT 4**

**WHEREAS**, pursuant to Township Code Section 11-1, the Code Enforcement Officer is empowered to enforce the Township's Property Maintenance Code; and

**WHEREAS**, in accordance with Township Code, the Code Enforcement Officer served a notice of violation of Section 11-1.9 (Grass, Weeds and Debris), to the property owner/agent of Block 306, Lot 16; Block 563, Lot 37 and Block 653.01, Lot 4; and

**WHEREAS**, 10 days passed from the date of such notice of violation with no response from the property owner/agent and the Township thereafter remedied the violation; and

**WHEREAS**, pursuant to Township Code Section 11-1.19(a) and N.J.S.A. 40:48-2.14, the Code Enforcement Officer has certified the costs of remedying the said violations as set forth on the attached list; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee hereby declares that the costs as set forth on the attached list shall be certified to the Township Tax Collector as a lien against the properties in question which lien shall become and form a part of the taxes assessed and levied upon the properties pursuant to Township Code Section 11-1.19(b) and N.J.S.A. 40:48-2.14.
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. 222-2022

Offered by: Newman

Seconded by: Hayes

Adopted: June 27, 2022

Roll Call Vote:

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

**ABATEMENT OF GRASS, WEEDS, AND DEBRIS**

<b><u>BLOCK/LOT</u></b>	<b><u>LOCATION</u></b>	<b><u>COST</u></b>	<b><u>ADMIN FEE</u></b>	<b><u>TOTAL</u></b>
306/16	124 Rt. 49	175.00	\$35.00	\$210.00
563/37	29 Island View Dr.	\$150.00	\$30.00	\$180.00
653.01/4	10 Rt. 9 South	\$950.00	\$190.00	\$1,140.00

**11. Renewal of Alcoholic Beverage Licenses for the license year 2022.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 223-2022**

**RE: RENEWAL OF ALCOHOLIC BEVERAGE LICENSES  
FOR THE LICENSE YEAR 2022**

**WHEREAS**, holders of the alcoholic beverage licenses in the Township of Upper have applied for renewal of licenses in the prescribed manner; and

**WHEREAS**, said holders of alcoholic beverage licenses have complied with all requirements of law and regulations of the Division of Alcoholic Beverage Control (“Division”); and

**WHEREAS**, no timely written objection to the renewal of these licenses has been filed with the Township Committee as the issuing authority 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, that the following licenses be authorized for issue for the license year effective July 1, 2022:

316 Roosevelt Liquor, LLC  
Yesterday’s Creekside Tavern  
316 Roosevelt Blvd., Marmora, NJ 08223  
License # 0511-32-005-006  
Plenary Retail Consumption License with Broad C  
Municipal Fee Paid: \$700.00  
State Fee Paid: \$200.00

Levariland, Inc.  
T/A Levvari’s Seafood & American Grill  
1291 State Highway Route 50  
PO Box 17  
Tuckahoe, NJ 08250  
License # 0511-33-006-005  
Plenary Retail Consumption License  
Municipal Fee Paid: \$700.00  
State Fee Paid: \$200.00

**BE IT FURTHER RESOLVED**, that the aforesaid alcoholic beverage licenses which have been authorized to be issued pursuant to this Resolution shall be delivered to the licensee or his authorized agent at such time as the licensee or his authorized agent shall sign an actual receipt therefore in the stub of the license book and otherwise satisfy the requirements of N.J.A.C. 13:2-3.2.

Resolution No. 223-2022

Offered by: Newman                      Seconded by: Hayes

Adopted: June 27, 2022

Roll Call Vote:

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

**12. Accepting the donation of a television for the Upper Township Senior Center from the Historical Preservation Society of Upper Township.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 224-2022**

**RE: ACCEPTING THE DONATION OF A TELEVISION FOR THE  
UPPER TOWNSHIP SENIOR CENTER FROM THE  
HISTORICAL PRESERVATION SOCIETY OF UPPER TOWNSHIP**

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**WHEREAS**, the Historical Preservation Society of Upper Township (HPSUT) has offered the donation of a 50” flat screen television to the Upper Township Senior Center; and

**WHEREAS**, the Township Committee desires to accept such donation; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township of Upper hereby accepts the donation of a 50” flat screen television from the HPSUT to be placed in the Upper Township Senior Center.
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. 224-2022

Offered by: Newman

Seconded by: Hayes

Adopted: June 27, 2022

Roll Call Vote:

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

**13. Authorizing the purchase of certain items through the Sourcewell National Cooperative Contract with funds from a 2022 cancellation and reappropriation Capital Improvement Bond Ordinance in the amount of \$525,734.70.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 225-2022**

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS THROUGH THE  
SOURCEWELL NATIONAL COOPERATIVE CONTRACT  
WITH FUNDS FROM A 2022 CANCELLATION AND REAPPROPRIATION CAPITAL  
IMPROVEMENT BOND ORDINANCE IN THE AMOUNT OF \$525,734.70**

---

**WHEREAS**, it is necessary for the Township of Upper to make certain capital purchases; and

**WHEREAS**, the Township Committee has determined that a purchase from the national cooperative contract will result in cost savings after all factors have been considered; and

**WHEREAS**, N.J.S.A. 52:34-6.2 allows the Township of Upper to utilize national cooperative contracts as a method of procurement; and

**WHEREAS**, the Township Committee adopted 2022 Capital Improvement Bond Ordinance No. 009-2022 on May 9, 2022 that cancelled certain funded appropriation balances theretofore provided for various capital projects and reappropriated such funded appropriation balances for other capital projects; and

**WHEREAS**, the Township of Upper intends to purchase an AQUATECH Model B-10 1450 Combination Sewer Jet and Catch Basin Cleaner in the amount of \$525,734.70 from W.E. Timmerman Co., Inc. of Whitehouse, New Jersey through Sourcewell National Cooperative Contract No. 122017-HVC as herein indicated; and

**WHEREAS**, W.E. Timmerman Co., Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that W.E. Timmerman Co., 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 W.E. Timmerman Co., 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 from the 2022 Cancellation and Reappropriation Capital Improvement Bond Ordinance; and



**WHEREAS**, the Chief Financial Officer has confirmed that the Township has complied with N.J.S.A. 52:34-6.2 as well as all other legal requirements for this method of procurement.

**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 W.E. Timmerman Co., Inc. for the purchase of an AQUATECH Model B-10 1450 Combination Sewer Jet and Catch Basin Cleaner in the amount of \$525,734.70 from the 2022 Cancellation and Reappropriation Capital Improvement Bond Ordinance through Sourcewell National Cooperative Contract No. 122017-HVC.
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. 225-2022

Offered By: Newman

Seconded By: Hayes

Adopted: June 27, 2022

Roll Call Vote:

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

14. **Authorizing the purchase of certain items with funds from Capital Improvement Bond Ordinance No. 009-2022 in the amount of \$49,899.59.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 226-2022**

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS WITH FUNDS FROM  
CAPITAL IMPROVEMENT BOND ORDINANCE NO. 009-2022 IN THE AMOUNT OF  
\$49,899.59**

---

**WHEREAS**, it is necessary for the Township of Upper to make certain capital purchases; and

**WHEREAS**, the Township Committee adopted 2022 Capital Improvement Bond Ordinance No. 009-2022 on May 9, 2022 that cancelled certain funded appropriation balances theretofore provided for various capital projects and reappropriated such funded appropriation balances for other capital projects; and

**WHEREAS**, pursuant to Resolution No. 149-2022 the Township of Upper entered into a Cooperative Pricing Agreement with the Township of Cranford; and

**WHEREAS**, on April 27, 2022, the State of New Jersey approved the Township of Upper as a member of the Cranford Police Cooperative Pricing System No. 47CPCPS; and

**WHEREAS**, the Township's Qualified Purchasing Agent has reviewed and approved the quote for a 2022 Ford Utility Police Interceptor from Gentilini Ford Inc. of Woodbine, New Jersey; and

**WHEREAS**, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with Gentilini Ford, Inc. for the year 2022 will exceed \$17,500; and

**WHEREAS**, Gentilini Ford, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Gentilini Ford, 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 Gentilini Ford, 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 for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose in Capital Improvement Bond Ordinance No. 009-2022.

**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 Gentilini Ford, Inc. of Woodbine, New Jersey to purchase of a 2022 Ford Utility Police Interceptor in the amount of \$49,899.59 with funds from Capital Improvement Bond Ordinance No. 009-2022.

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. 226-2022

Offered By: Newman

Seconded By: Hayes

Adopted: June 27, 2022

Roll Call Vote:

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

**15. Authorizing the purchase of certain items with funds from the 2018 Capital Improvement Bond Ordinance in the amount of \$21,974.00.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 227-2022**

**RE: RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS WITH FUNDS FROM  
THE 2018 CAPITAL IMPROVEMENT BOND ORDINANCE IN THE AMOUNT OF  
\$21,974.00**

---

**WHEREAS**, it is necessary for the Township of Upper to make certain capital purchases; and

**WHEREAS**, the Township Committee adopted the 2018 Capital Improvement Bond Ordinance 012-2018 on September 24, 2018 and subsequently amended it on July 13, 2020 and May 9, 2022; and

**WHEREAS**, the Township's QPA has reviewed and approved the quote for the purchase of a Challenger play structure, single post swing and adventure crawl tube by George Ely Associates, Inc. of Carlisle, Pennsylvania; and

**WHEREAS**, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with George Ely Associates, Inc. for the year 2022 will exceed \$17,500; and

**WHEREAS**, George Ely Associates, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that George Ely Associates, 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 George Ely Associates, 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 for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose in the 2018 Capital Improvement Bond Ordinance.

**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 George Ely Associates, Inc. of Carlisle, Pennsylvania for the purchase of a Challenger play structure, single post swing and adventure crawl tube in the amount of \$21,974.00 from the 2018 Capital Improvement Bond.
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. 227-2022

Offered By: Newman

Seconded By: Hayes

Adopted: June 27, 2022

Roll Call Vote:

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

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

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 228-2022**

**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:

William Jenkins \$ 115.50  
 (COAH Refund on  
 Block 479, Lot 64.05)

Resolution No. 228-2022

Offered By: Newman Seconded By: Hayes

Adopted: June 27, 2022

Roll Call Vote:

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

**17. Authorizing a construction permit fee refund for 10 Marlas Hill Drive in Upper Township.**

**TOWNSHIP OF UPPER  
 CAPE MAY COUNTY**

**RESOLUTION**

**RESOLUTION NO. 229-2022**

**RE: AUTHORIZING A CONSTRUCTION PERMIT FEE  
REFUND FOR 10 MARLAS HILL DRIVE IN UPPER TOWNSHIP**

**WHEREAS**, Bill Jenkins applied for a permit to install an inground pool at 10 Marlas Hill Drive in Upper Township; and

**WHEREAS**, after the permit was issued, the inground pool installation was cancelled; and

**WHEREAS**, the Upper Township Construction Official has recommended granting Bill Jenkins request for a refund of the building, electrical, plumbing and fire permit fees for the property, minus a 20% plan review cost; and

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Upper, Cape May County, that a refund is hereby authorized and the Chief Financial Officer is hereby directed to refund monies to Bill Jenkins for 10 Marlas Hill Drive as indicated below.

<u>VOIDED PERMIT #</u>	<u>BLOCK / LOT</u>	<u>AMOUNT</u>
2022-0177	479/64.05	\$ 596.80

Resolution No. 229-2022

Offered by: Newman      Seconded by: Hayes

Adopted: June 27, 2022

Roll Call Vote:

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

**PUBLIC HEARING**

**18. Deauville Inn, Strathmere - 201 Willard Liquor, LLC – Renewal of Alcoholic Beverage License for the license year 2022.**

The Municipal Attorney stated that the licensee has submitted a timely and complete application for license renewal and has submitted all necessary fees to the Township and the State. The Township did receive a written objection to the renewal requesting a special condition to require a security guard at one of the entrances on the licensed premises which is adjacent to the State Park. The objection has referenced instances of the service of alcohol outside of the licensed area and outside of the permissible hours permitted by Township Ordinance. He stated that under state regulations a nonjudicial public hearing shall be held when an objection is received regarding an application for renewal of a liquor license. Any member of the public will have an opportunity to comment on the

liquor license renewal application and the licensee will have an opportunity to respond. Mayor Corson then opened the public hearing.

During the public hearing there were the following speakers:

**Dorothy McCrosson, Attorney for licensee**, questioned the timeliness of the objection. She stated that last year an objection was received on June 14, 2021, the same day of the Committee meeting for the renewal of the 2021 license. The Committee at that time determined that the objection was not timely, and the license was approved without special conditions. Ms. McCrosson stated that the objection filed on Friday was the same complaint received last year on June 14, 2021 and is dated June 14, 2021. Municipal Attorney Dan Reeves explained that the Township Clerk did receive objections to the current 2022 license renewal on June 7<sup>th</sup> and June 13<sup>th</sup>.

**Raymond Went, Attorney for Dr. Mark Berger and Victoria Green**, stated that Ms. McCrosson is correct, last year there was an objection filed the day of the meeting and at that time it was determined by your Solicitor that the objection was untimely. We disagreed with that decision. He then explained that in house counsel for ABC does not define timely so in his opinion any objection that comes in before the hearing would be timely. He then spoke in opposition to the renewal of the liquor license and stated that the Deauville Inn is not complying with the rules and regulation of the Alcoholic Beverage Control (ABC) and operates without regard to public safety. He then submitted copies of his client's objection to the license renewal and stated that the Township has been noticed of numerous safety violations.

**Dodie Reagan, Strathmere**, spoke in opposition to the license renewal and presented several documents and reasons for the objection including violations of several Executive Orders and local and State regulations including the violation of the "hours of operation" in violation of Township Ordinance; violations of non-compliance with ABC regulations including failure to display the required Fetal Alcohol Syndrome Poster and noncompliance with the required employee list; allowing customers to carry and consume open containers of alcohol outside of the licensed area; serving alcohol outside of the licensed area; selling packaged goods outside of the principal bar room; and non-compliance with Planning Board Resolution PB 06-2021. She requested that if the license is approved, that there be conditions that they comply with PB 06-2021, relating to music, valet parking, ADA parking requirements, installation of a sidewalk, limiting occupancy of the lawn area, installing a fence to separate their property from the public beach, and provide sufficient personnel to function as security guards to prevent the removal of open containers from the licensed area and prevent disturbances to the neighboring properties. She also requested that the display and sale of packaged goods be relocated to the licensed bar area.

**Frank Ortini, Strathmere**, stated that he agreed with the comments from Ms. Reagan.

**Dorothy McCrosson, Attorney for licensee**, stated that her client purchased the property in October of 2019 and has made extensive improvements to the business. She stated that Planning Board Resolution PB 06-2021 includes numerous conditions that her client voluntarily offered in order to alleviate the concerns of area residents. She further stated that her clients are already bound by the conditions of the Planning Board Resolution, so placing those same conditions on the license renewal are not necessary. She stated that the ABC has performed numerous inspections of the property and the few violations were technical in nature that were quickly remedied. Mayor Corson inquired about the installation of a sidewalk as required by the Planning Board. Ms. McCrosson stated that the sidewalk must be installed before May of 2023 and the site plan application to the County is in the process of being filed. Committeeman Coggins inquired about the photos showing Deauville personnel serving people outside of the licensed area and what actions have been taken to prevent this from happening. Ms. McCrosson stated that it's impossible to know when those pictures were taken, and the photos do not show that the servers are carrying alcohol to the customers. She further stated that her clients do not serve alcohol on the docks and that there is strict enforcement of no service of alcohol on the docks. Committeeman Coggins then asked what type of training is given to the

employees to make sure they comply with the ABC regulations. Ms. McCrosson stated that they have wait staff meetings in which they educate the staff as to what is permitted.

Committeeman Coggins inquired if the renewal can be conditional upon a periodic review by the Committee. Attorney Reeves explained that the licensee is subject to review 365 days a year. As the issuing authority the Township can review the actions of the Deauville at any time. Attorney Reeves then provided the options available to the Committee for renewal. He stated that the Committee can renew the license without conditions, renew the license with special conditions, or not renew the license. He further stated that there is no need to place a special condition for an item that is already a law, however they can place a condition that is stricter than what the law requires.

**Dodie Reagan, Strathmere**, addressed the Committee with additional concerns regarding the renewal of the license.

There were no further speakers, and the public hearing was then closed. After a brief discussion, there was a motion by Jay Newman, second by Mark Pancoast, to renew the license with the following conditions: compliance with all conditions of Planning Board Resolution PB 06-2021, and security guards at all entrances to the licensed premises, including the entrance adjacent to the Corsons Inlet Bridge property, during all hours when alcohol is available for purchase between Memorial Day and Labor Day. During roll call vote all five Committee members voted in the affirmative.

**RESOLUTIONS TO BE ACTED ON SEPARATELY**

**19. Renewal of Alcoholic Beverage License for the license year 2022 for 201 Willard Liquor, LLC.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 230-2022**

**RE: RENEWAL OF ALCOHOLIC BEVERAGE LICENSE  
FOR THE LICENSE YEAR 2022 FOR 201 WILLARD LIQUOR, LLC**

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**WHEREAS**, 201 Willard Liquor, LLC , the holder of the alcoholic beverage license in the Township of Upper, has applied for renewal of the license in the prescribed manner; and

**WHEREAS**, the Township Clerk received one or more written objections to the renewal of said license; and

**WHEREAS**, in accordance with law and regulations, a hearing on said objections was held by the Township Committee on June 27, 2022; and

**WHEREAS**, the Township Committee did, at the conclusion of the hearing, determine that said holder of alcoholic beverage license has complied with all requirements of law and regulations of the Division of Alcoholic Beverage Control (“Division”), and did vote to renew said license for the ensuing license year, subject to special conditions.



**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, that the following license be authorized for issue for the license year effective July 1, 2022:

201 Willard Liquor, LLC  
 Deauville Inn  
 201 Willard Road  
 Strathmere, NJ 08248  
 License # 0511-33-003-008  
 Plenary Retail Consumption License  
 Municipal Fee Paid: \$700.00  
 State Fee Paid: \$200.00

**BE IT FURTHER RESOLVED**, that the aforesaid alcoholic beverage license shall be subject to the following special conditions for the license year beginning July 1, 2022:

1. The licensee shall comply with all conditions stated in Upper Township Planning Board Resolution PB 06-2021.
2. The licensee shall maintain security guards at all entrances to the licensed premises, including the entrance adjacent to the Corsons Inlet Bridge property, during all hours when alcohol is available for purchase between Memorial Day and Labor Day, inclusive. Such guards shall be trained to prevent removal of open containers of alcohol from the licensed premises.

**BE IT FURTHER RESOLVED**, that the aforesaid alcoholic beverage license which has been authorized to be issued pursuant to this Resolution shall be delivered to the licensee or his authorized agent at such time as the licensee or his authorized agent shall sign an actual receipt therefor in the stub of the license book and otherwise satisfy the requirements of N.J.A.C. 13:2-3.2.

Resolution No. 230-2022

Offered by: Newman

Seconded by: Pancoast

Adopted: June 27, 2022

Roll Call Vote:

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

**ORDINANCES**

20. **Public hearing and final adoption 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 and Deputy Mayor Newman did not participate in this matter. The Municipal Attorney gave a brief overview of the Ordinance as amended at the June 13<sup>th</sup> meeting. Committeewoman Hayes then opened the public hearing. During the public hearing portion there were the following speakers:

**Raymond Went, Attorney for Bayberry Cove and Oakridge Condominium Associations,** spoke about the negotiation process and various concessions given by the Township and the Associations during this process. He also submitted two exhibits he labeled as Oakridge 1 and Bayberry 1 which confirms that the 15 ft setback requirement is for the perimeter of the entire campground property, not each individual structure which is now 10 ft. He also spoke in opposition to the 6 ft maximum opening restriction between an addition and the RV.

**Deborah Furlo, Bayberry Cove,** questioned why the Township is opposed to roof overs. The Township Engineer stated that the campgrounds are meant for seasonal recreational spaces and not for year-round occupation. The Municipal Attorney also explained that the courts have determined that even if it is illegal to live year-round in a restricted community, if children are present, they must be allowed to attend school. He stated that the more construction on and around a mobile trailer, the more possible and comfortable it becomes for year-round dwelling.

**David Popak, Bayberry Cove,** spoke in opposition to the prohibition of roof overs and stated that the roof overs make the structures much safer.

**Carol Dever, Oakridge,** also spoke in opposition to the 6 ft maximum opening restriction between an addition and the RV.

**George Dougherty, Bayberry Cove,** spoke in opposition to the Ordinance.

**Tom Sawyer, Bayberry Cove,** spoke in opposition to the Ordinance.

**Andy Bernarsak, Oakridge,** spoke in opposition to the Ordinance.

**Committeewoman Hayes then closed the public hearing. Motion by Mark Pancoast, second by John Coggins, to adopt Ordinance No. 010-2022. During roll call vote three Committee members voted in the affirmative. Mayor Corson and Deputy Mayor 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. The foregoing regulations, which shall be referred to herein as the code, shall apply to all campgrounds regardless of whether they are proprietary campgrounds as defined in the code.

**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 as set forth by Resolution of the Township Committee. In the absence of a Resolution of the Township Committee, the additional fee for each campsite shall be \$6.

**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, WAS AMENDED BY THE TOWNSHIP COMMITTEE AT A PUBLIC MEETING HELD ON THE 13<sup>th</sup> DAY OF JUNE, 2022, 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 27<sup>th</sup> DAY OF JUNE, 2022 AT 6:30 P.M. AT TOWNSHIP HALL, PETERSBURG, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

21. **Public hearing and final adoption of Ordinance No. 017-2022 RE: AUTHORIZING THE SALE OF LAND TO WIT, BLOCK 479, LOTS 70 AND 72 TO THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM.** During the public hearing portion there were no speakers. Motion by

Jay Newman, second by Kimberly Hayes, to adopt Ordinance 017-2022. 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. 017-2022**

**RE: AUTHORIZING THE SALE OF LAND TO WIT, BLOCK 479, LOTS 70 AND 72 TO  
THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
GREEN ACRES PROGRAM**

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**WHEREAS**, the Township of Upper is the owner, in fee, of certain parcels of vacant ground located within the Township of Upper, County of Cape May, and State of New Jersey, set forth on the municipal tax map as Block 479, Lots 70 and 72; and

**WHEREAS**, the Township has received an offer from the State of New Jersey Department of Environmental Protection Green Acres Program, hereinafter referred to as “NJDEP”, to purchase said parcels; and

**WHEREAS**, after discussion and deliberation the Township Committee is of the opinion that the sale of said parcels will be in the best interest of the Township; and

**WHEREAS**, the Township Committee has determined that the fair market value of such parcels is the sum of \$82,500.00, as evidenced by an independent appraisal obtained by the NJDEP and confirmed by the Tax Assessor of the Township of Upper; and

**NOW, THEREFORE, 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:** The Township of Upper is hereby authorized to sell to the NJDEP the real property commonly known as follows:

Block 479, Lots 70 and 72

in accordance with N.J.S.A. 40A:12-13(b)(1). Pursuant to said statute such sale shall not be for less than the fair market value of said real property and the fair market value of said parcels sold as well as the purchase price of same is hereby established as follows:

Block 479, Lots 70 and 72

Fair Market Value: \$82,500.00

**SECTION 2:** Prior to said sale, either the Township or the NJDEP will obtain a title report from a title company or abstract company licensed to do business in the State of New Jersey.

**SECTION 3:** The list of property authorized to be sold together with the sale price shall be posted at Township Hall and advertisement of the sale shall be made in a newspaper circulating in the Township within 5 days following enactment of this Ordinance. Offers for the property may thereafter be made to the Township Committee for 20 days following said advertisement. The Township Committee may reconsider this Ordinance not later than 30 days after enactment and thereafter advertise the property for public sale pursuant to N.J.S.A. 40A:12-13(a). The Township Clerk shall file with the Director of the Division of Local Government Services in the Department of Community Affairs sworn affidavits verifying the publication of the foregoing advertisements.

**SECTION 4:** In the event the Township Committee receives no offers for the property pursuant to the advertisement of same in accordance with N.J.S.A. 40A:12-13(b), the NJDEP shall purchase same in accordance with this Ordinance. The Township Committee expressly reserves the right to revoke its authorization to sell the subject real property any time prior to consummation said sale. The Township Committee is authorized to confirm the sale by resolution to complete the transaction pursuant to this Ordinance and N.J.S.A. 40A:12-13.

**SECTION 5:** At the time of closing, the NJDEP shall be required to pay the following sums in addition to the purchase price:

- (A) Any sums required for title insurance.
- (B) The cost of any survey ordered by the purchaser.
- (C) Title company settlement fees covering services to the purchaser.

**SECTION 6:** The Deed from the Township of Upper shall be what is commonly known as a Bargain and Sale Deed.

**SECTION 7:** The title to be delivered by the Township shall be free and clear of all taxes up to and including the date when the Deed is delivered and closing takes place. Purchaser shall

be responsible for all taxes thereafter. Unless otherwise specified herein, the purchaser shall be liable for payment of all assessments, of any nature, against said land.

**SECTION 8:** The title to be delivered by the Township shall be under and subject to all easements and rights of way, recorded and unrecorded, whether for utilities or for others, and shall also be subject to all conditions, reservations and restrictions of record, if any. If the title report discloses an unmarketable condition of title, except as specified herein, the sole remedy of the purchaser shall be limited to the return of payments made to the Township of Upper on account of the purchase price. This sale is under and subject to any riparian claim which may affect said property. Nothing herein shall be construed as obligating the Township of Upper to construct or maintain access roads to any portion of the property being sold. Such property may not qualify for a building permit due to lack of water supply, lack of sewer or septic facilities, lack of access, inadequate lot size, or other reasons, including those reasons set forth below. The purchaser is required to comply with all applicable zoning, building and health ordinances and codes and regulations. The property being sold may be situate in a Flood Hazard Zone. The Township of Upper makes no warranties or representations, expressed or implied, as to the property being offered for sale, the condition or marketability of the title or any other matter. The Township of Upper makes no warranties or representations, expressed or implied, as to whether or not the property being offered for sale contains any wetlands anywhere on the property. The Township makes no warranties or representations as to any matter of an environmental nature, or otherwise, which may prevent or limit building or construction.

**SECTION 9:** All references to Blocks and Lots described herein are to the Blocks and Lots as shown on the Current Official Tax Map of the Township of Upper.

**SECTION 10:** The provisions of this Ordinance pertaining to this sale shall survive the closing of title and shall not merge into the Deed.

**SECTION 11:** 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 23<sup>RD</sup> DAY OF MAY, 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

27<sup>TH</sup> DAY OF JUNE, 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

### CORRESPONDENCE

### NEW BUSINESS

22. **Knights of Columbus #9113 Monsignor James J. Zegers/Resurrection Council request to hold a Raffle RA-551 at Immaculata Hall on February 12, 2023.** Motion by Jay Newman, second by Kimberly Hayes, to approve the request. During roll call vote four Committee members voted in the affirmative. John Coggins abstained.
23. **Ocean City Campground request fee adjustment for Commercial Recycling Container.** The Township Administrator stated that Ocean City Campground had requested a commercial recycling container before the fee change and a container had been set aside for them. However, they had never submitted the application and fee before the fees were changed. They are requesting to receive the container at the previous cost of \$750.00. Motion by Kimberly Hayes, second by Mark Pancoast, to permit the requestor to purchase the containers at the previous cost of \$750.00. During roll call vote four Committee members voted in the affirmative. Mayor Corson abstained.
24. **Emergency and Health/Safety Repair Program Assistance.** The Township Engineer reported that a resident has applied for emergency repair affordability assistance for the installation of a well. Most of the application has been submitted and he is requesting approval to start the process pending completion of the required income certification requirement. Motion by Curtis Corson, second by Kimberly Hayes, to start the emergency repair affordability assistance process pending completion of the required certifications. During roll call vote all five Committee members voted in the affirmative. A resolution for formal action will be placed on the next agenda.

### UNFINISHED BUSINESS

25. **National Opioid Class Action Settlement.** The CFO reported that pursuant to the previous discussion by the Township Committee she has confirmed that utilizing the funds for Narcan kit reimbursement is a permitted use. The Division of EMS has requested \$745.00 of the \$1,747.00 settlement. Motion by Jay Newman, second by Kimberly Hayes, to allocate the funds for the purchase of Narcan kits. During roll call vote all five Committee members voted in the affirmative. The Committee further directed that the CFO determine if the remaining funds could be used to purchase Narcan kits in the future.

### PAYMENT OF BILLS

26. "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: \$323,680.57**

**Payroll: \$302,887.69**

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

**Elaine Holsomback, Strathmere,** requested that more mobi mats be installed at the Sumner Avenue beach entrance along the dune crossover. She next requested that the streetlights be kept at their current lighting levels and not be dimmed as some are requesting.

**David Kriseck, President of the Manufactured Homeowners Association speaking on behalf of Pine Hill Mobile Home Park**, stated that the rent prices for the Pine Hill Mobile Home Park increased 9.9% this year and requested the Committee to look into rent leveling regulations. The Township Administrator was directed to facilitate a meeting with the residents and owners of Pine Hill.

**Joe Falls, Bayaire Rd**, thanked the committee for addressing the Airbnb issue and moving forward with the issue.

**Barbara Hester, Pine Hill**, also spoke about the rent increase issue.

**CLOSED SESSION**

27. 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. 231-2022  
MOTION GOING INTO CLOSED SESSION  
JUNE 27, 2022**

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

MATTERS

1. Personnel
2. Contract negotiation - Appraisal Services
3. Contract negotiation - Cape Physicians Employee Physicals
4. Contract negotiation - Labor Counsel
5. Safety and Security
6. Potential Litigation - COAH Housing

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.

**28. Appointment of EMS Personnel.**

**Motion by Jay Newman, second by Mark Pancoast, to appoint Grant Nuss as a part-time EMT pending pre-employment testing. During roll call vote all five Committee members voted in the affirmative.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 233-2022**

**RE: APPOINTING GRANT NUSS AS A PART-TIME EMPLOYEE TO THE  
UPPER TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES**

**WHEREAS**, a need exists to appoint qualified personnel as part-time employee to the Upper Township Division of Emergency Medical Services to ensure optimal operation; and

**WHEREAS**, Grant Nuss 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. Grant Nuss is hereby appointed to the Division of Emergency Medical Services as a part-time Emergency Medical Technician contingent upon background clearance at a rate of \$20.00 per hour, 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. 233-2022

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Adopted: June 27, 2022

Roll Call Vote:

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

**Motion by Jay Newman, second by Mark Pancoast, to adopt the following resolution appointing Jennifer Teasenfitz as a full-time EMT. During roll call vote all five Committee members voted in the affirmative.**



**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 232-2022**

**RE: APPOINTING JENNIFER TEASENFITZ AS A FULL-TIME EMPLOYEE TO THE  
UPPER TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES**

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**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**, Jennifer Teasenfitz 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. Jennifer Teasenfitz is hereby appointed to the Division of Emergency Medical Services as a full-time Emergency Medical Technician effective July 15, 2022 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. 232-2022

Offered by: Newman                      Seconded by: Pancoast

Adopted: June 27, 2022

Roll Call Vote:

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

**ADJOURNMENT**

There being no further business this evening the meeting was adjourned at 10:05 P.M., with a motion by Jay Newman, second by Kimberly Hayes, and all five Committee members voting in the affirmative. The next regular meeting is scheduled for July 11, 2022, at 4:30 P.M.

Minutes prepared by,

Barbara L. Young, RMC  
Municipal Clerk

Bill List

79697 06/27/22 A0027 ACE PLUMBING SUPPLY,INC 337.48 3249  
79698 06/27/22 A0030 AFTER-PROM COMMITTEE OCHS 4,772.62 3249  
79699 06/27/22 A0075 ADAMS, JOSHUA 48.00 3249  
79700 06/27/22 A0081 ARMSTRONG, RALON I. 60.00 3249  
79701 06/27/22 A0091 ATLANTIC CITY ELECTRIC 6,796.34 3249  
79702 06/27/22 A0195 ADVANTAGE BUSINESS EQUIPMENT 909.00 3249  
79703 06/27/22 A0212 ANCERO, LLC 1,366.69 3249  
79704 06/27/22 A0235 AMAZON CAPITAL SERVICES, INC. 175.25 3249  
79705 06/27/22 A0239 AT&T MOBILITY NAT'L ACCTS LLC 40.23 3249  
79706 06/27/22 B0020 BLAKER,RAYMOND 24.00 3249  
79707 06/27/22 B0220 BERGEY'S TRUCK CENTERS 218.10 3249  
79708 06/27/22 C0042 CAMPBELL SUPPLY COMPANY 36.24 3249  
79709 06/27/22 C0048 CAPE MAY COUNTY MUA 222,775.78 3249  
79710 06/27/22 C0068 COMCAST 570.30 3249  
79711 06/27/22 C0078 CARTER, EDWARD, SR. 60.00 3249  
79712 06/27/22 C0143 CODY'S POWER EQUIPMENT 32.48 3249  
79713 06/27/22 C0223 CASA PAYROLL SERVICE 316.00 3249  
79714 06/27/22 C0246 CRAFT OIL CORPORATION 716.89 3249  
79715 06/27/22 C0247 CMRS-FP 4,000.00 3249  
79716 06/27/22 C0296 COMCAST BUSINESS COMMUNICATION 1,407.97 3249  
79717 06/27/22 C0330 CAPE MAY ENTERTAINMENT LLC 2,000.00 3249  
79718 06/27/22 D0040 DELTA DENTAL OF N.J. INC. 5,668.48 3249  
79719 06/27/22 D0045 DEPTCOR 549.00 3249  
79720 06/27/22 D0175 DICKINSON, CARRIE L. 490.00 3249  
79721 06/27/22 D0237 DIETZ, KERRY 125.00 3249  
79722 06/27/22 E0079 EVANS III, WILLIAM 60.00 3249  
79723 06/27/22 E0080 EISELE, LUKE 60.00 3249  
79724 06/27/22 F0222 FENTON, SEAN R 60.00 3249  
79725 06/27/22 F0224 FERRIER, SEAN 60.00 3249  
79726 06/27/22 G0092 GRUND, BARBARA J. 60.00 3249  
79727 06/27/22 H0022 HR DIRECT 350.46 3249  
79728 06/27/22 H0073 HOME DEPOT CRC/GEFCF 315.75 3249  
79729 06/27/22 H0098 HERITAGE TOWERS, INC. 350.00 3249  
79730 06/27/22 H0195 HOHMAN, CHRISTOPHER 60.00 3249  
79731 06/27/22 K0014 KEENAN,BRIAN 60.00 3249  
79732 06/27/22 K0037 KOHLER, JOHN F 60.00 3249  
79733 06/27/22 K0086 K D NATIONAL FORCE SECURITY 1,063.56 3249  
79734 06/27/22 L0080 LOWES, INC. 2,169.80 3249  
79735 06/27/22 L0146 LAWSON PRODUCTS, INC. 622.13 3249  
79736 06/27/22 L0148 LUMBERMEN ASSOCIATES, INC. 8,348.10 3249  
79737 06/27/22 M0076 MGL PRINTING SOLUTIONS 1,785.50 3249  
79738 06/27/22 M0263 MANGAM SR., ANDREW C 125.95 3249  
79739 06/27/22 M0277 EQUITABLE FINANCIAL LIFE INS. 190.65 3249  
79740 06/27/22 N0043 NAPA AUTO PARTS 1,117.75 3249  
79741 06/27/22 N0143 NATIONAL TIME SYSTEMS 360.25 3249  
79742 06/27/22 N0154 NEW HORIZON COMMUNICATIONS 815.91 3249  
79743 06/27/22 O0006 SJSHORE MARKETING,LLC 155.00 3249  
79744 06/27/22 P0032 PEDRONI FUEL CO. 5,175.30 3249  
79745 06/27/22 Q0014 QBE SPECIALTY INSURANCE CO. 6,545.17 3249  
79746 06/27/22 R0030 RIGGINS, INC. 13,247.39 3249  
79747 06/27/22 R0119 RUDERMAN ROTH LLC 6,764.00 3249  
79748 06/27/22 S0031 SCHULER SECURITY, INC. 360.00 3249  
79749 06/27/22 S0057 SERVICE TIRE TRUCK CENTERS 1,210.08 3249  
79750 06/27/22 S0134 SO. JERSEY GAS COMPANY 44.61 3249  
79751 06/27/22 S0209 STAPLES ADVANTAGE 2,331.48 3249  
79752 06/27/22 S0250 SOUTH JERSEY GLASS & DOOR - 625.00 3249  
79753 06/27/22 S0253 SAMPLE MEDIA, INC. 571.70 3249  
79754 06/27/22 S0254 SHOPRITE 92.08 3249  
79755 06/27/22 S0275 SCHAEFER FIREWORKS 4,745.00 3249  
79756 06/27/22 S0292 SURENIAN EDWARDS & NOLAN LLC 115.03 3249  
79757 06/27/22 S0338 SHI INTERNATIONAL CORP. 4,134.00 3249  
79758 06/27/22 S0363 STARR GENERAL CONTRACTING CORP 147.00 3249  
79759 06/27/22 S0367 Seidel, Cheryl 150.00 3249  
79760 06/27/22 S0377 SHONE, JOSEPH 60.00 3249  
79761 06/27/22 T0028 TRACTOR SUPPLY COMPANY CREDIT 433.94 3249  
79762 06/27/22 T0032 THE PRESS OF ATLANTIC CITY 1,073.47 3249  
79763 06/27/22 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3249  
79764 06/27/22 T0211 TRELEASE, BRIAN P., ESQUIRE 128.00 3249  
79765 06/27/22 T0214 TESLA ENERGY OPERATIONS, INC. 354.40 3249  
79766 06/27/22 V0013 VERIZON WIRELESS 649.99 3249

79767 06/27/22 V0024 VAL-U AUTO PARTS L.L.C. 414.95 3249  
79768 06/27/22 V0025 V.E. RALPH & SON,INC. 173.85 3249  
79769 06/27/22 V0027 VANORDER, ROGER 72.00 3249  
79770 06/27/22 V0052 VIKING TERMITE & PEST CONTROL 59.40 3249  
79771 06/27/22 W0030 WEST PUBLISHING CO. 746.97 3249  
79772 06/27/22 W0087 W.B. MASON EGG HARBOR 46.99 3249  
79773 06/27/22 W0100 WALKER, ESQUIRE DOUGLAS 200.00 3249  
79774 06/27/22 W0123 WIRELESS ELECTRONICS, INC. 700.00 3249  
79775 06/27/22 W0131 WEX BANK 325.13 3249  
79776 06/27/22 Z0016 ZERO WASTE USA 211.98 3249  
Total: 323,680.57