

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

REGULAR MEETING OF THE TOWNSHIP COMMITTEE – 7:00 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 November 23, 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	Absent
Jay Newman	Present
Mark E. Pancoast	Present
Curtis T. Corson, Jr.	Present

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

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

Motion by Jay Newman, second by John Coggins, to approve the November 14, 2022, Regular and Closed Session Minutes as submitted. During roll call vote all four Committee members present voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

John Coggins, Committeeman, stated that during the Christmas season if anyone is in need or knows of anyone in need for the holidays the Knights of Columbus, in conjunction with St. Maximilian Kolbe parish and the Marine Corps Toys for Tots program, are providing food packages and toys for children. Applications are available at St. Maximilian Kolbe. He next encouraged those with plenty to donate to a local organization to help others.

Mark Pancoast, Committeeman, offered his condolences to the Cossaboone family for the recent loss of Chick Cossaboone, Sr. He next reported that the Public Works department has collected 550 tons of leaves during the first round collection. The second round will commence next week. He next reported that he and Committeewoman Hayes recently attended a meeting with the Cape May County League of Municipalities during which two worthy organizations were highlighted, and requested to

add Coast Guard community sponsorship and the New Jersey Governor's "We Value Our Veterans" Award to New Business for further discussion. Lastly, he reported that the No Limits Boxing Academy in Rio Grande is holding a live pro wrestling program on December 10th at 6:00 pm, and will be free for children ages 4 to 12. He stated that the No Limits Boxing Academy is an amazing program and encouraged all to visit.

Jay Newman, Committeeman, reported that the Township's free rabies clinics have been scheduled for January 21, 2023 and February 25, 2023 at Shore Veterinarians from 1:00 to 3:00 pm.

Curtis Corson, Mayor, reported on the recent passing of Bill Brown. He stated that Mr. Brown had a long and distinguished record of public service in the Township and will be greatly missed.

ADMINISTRATOR OVERVIEW AND FILING OF REPORTS

Gary DeMarzo, Township Administrator, also spoke about the wonderful Coast Guard community and the No Limits Boxing Academy. He next gave brief updates on the progress for the small cities grant, JIF mandatory classes, and personnel needs for the court.

Daniel Reeves, Municipal Attorney, reported that there are numerous personnel items for closed session and based on those discussions there may be up to two items to be acted on following the closed session.

Paul Dietrich, Township Engineer, reported that he has received complaints regarding the demolition activity of BL England on Saturdays. He stated that the current ordinance is geared towards residential properties and didn't foresee the need of a large scale demolition project. He stated that in speaking with the project operator, they have increased activity because of time critical work that needs to be completed before spring. He requested a resolution allowing the demolition to continue on Saturdays subject to certain conditions. A resolution for formal action will be listed on the next agenda. Lastly, Mr. Dietrich gave an update on the Small Cities grant to develop ADA compliant playground facilities at Amanda's Field.

Motion by Curtis Corson, second by John Coggins, to accept the following report as submitted. During roll call vote all four Committee members present voted in the affirmative.

1. Public Works

PRESENTATION

2. Climate Change – Related Hazard Vulnerability Assessment Report. **Nick Dickerson of Colliers Engineering & Design gave a brief presentation on the Climate Change-Related Hazard Vulnerability Assessment report for the Township.**

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. Honoring Kyle Lindholm on being named the 2022 Cape May County Volunteer of the Year and the 2022 Upper Township Citizen of the Year.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 343-2022

**HONORING KYLE LINDHOLM ON BEING NAMED
THE 2022 CAPE MAY COUNTY VOLUNTEER OF THE YEAR
AND THE 2022 UPPER TOWNSHIP CITIZEN OF THE YEAR**

WHEREAS, Kyle Lindholm was chosen as the “2022 Cape May County Volunteer of the Year” by the Governor’s Council on Alcoholism and Drug Abuse, and as the “2022 Upper Township Citizen of the Year” by the Ocean City-Upper Township Rotary Club; and

WHEREAS, Kyle, along with members of the Upper Township Rescue Squad, created the first annual Upper Township First Responders Youth Camp; and

WHEREAS, through Kyle’s vision and tireless dedication the free camp was started for local at-risk youths and provided a week full of fun activities and trips to learn about the day-to-day operations of the Rescue Squad and important life skills; and

WHEREAS, Kyle has been a volunteer for more than half his life, starting at the age of 14 as a cadet member of his local volunteer rescue squad; at age 16 he completed EMT school and became a volunteer EMT and also joined his local fire company as a volunteer junior firefighter; and at age 18 he successfully graduated from fire school and became a volunteer firefighter/EMT; and

WHEREAS, through dedication and skill Kyle quickly rose through the ranks and currently serves as Chief of the Rio Grande Rescue Squad, Lieutenant in the Cape May Court House Volunteer Fire Company, and an EMT with the Township of Upper; and

WHEREAS, it is fitting and proper that we honor Kyle for his generous contribution of time, knowledge, and expertise to our community.

NOW THEREFORE BE IT RESOLVED that this Township Committee on behalf of all citizens of the Township of Upper extend to our friend, Kyle Lindholm, congratulations on being named the “2022 Cape May County Volunteer of the Year” and the “2022 Upper Township Citizen of the Year” and express our heartfelt gratitude and appreciation for his dedicated service to Upper Township.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 28th day

of November, 2022.

Resolution No. 343-2022

Offered by: Newman

Seconded by: Pancoast

Adopted: November 28, 2022

Roll Call Vote:

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

4. Approval to submit a grant application and execute a grant contract with the New Jersey Department of Community Affairs for the Development of Americans with Disabilities Act (ADA)-compliant playground facilities at the Amanda’s Field Park.

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

RESOLUTION NO. 344-2022

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT
CONTRACT WITH THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR
THE DEVELOPMENT OF AMERICANS WITH DISABILITIES ACT (ADA)-COMPLIANT
PLAYGROUND FACILITIES AT THE AMANDA’S FIELD PARK**

WHEREAS, the Township of Upper desires to apply for and obtain a grant from the New Jersey Department of Community Affairs, Small Cities Public Facilities Fund for an amount not to exceed \$400,000, for the development of ADA-complaint playground facilities at the Amanda’s Field Park; and

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

1) The Township of Upper does hereby authorize the application for such a grant; and,

2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Upper and the New Jersey Department of Community Affairs; and

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

Resolution No. 344-2022

Offered by: Newman

Seconded by: Pancoast

Adopted: November 28, 2022

Roll Call Vote:

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

- Adopting the Grant Management Plan - FY 2023 Small Cities Programs Public Facilities Fund: for the development of an Americans with Disabilities Act (ADA)-compliant playground facilities at the Amanda’s Field Park.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 345-2022

**ADOPTING THE GRANT MANAGEMENT PLAN - FY 2023 SMALL CITIES PROGRAMS
PUBLIC FACILITIES FUND: FOR THE DEVELOPMENT OF AN AMERICANS WITH
DISABILITIES ACT (ADA)-COMPLIANT PLAYGROUND FACILITIES AT THE
AMANDA’S FIELD PARK**

WHEREAS, the Township of Upper is applying for a Small Cities grant from the Public Facilities Fund and, if awarded funding, will entered into a Grant Agreement with the New Jersey Department of Community Affairs; and

WHEREAS, the Township is required to submit a Grant Management Plan as part of each Small Cities application; and

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

- The Grant Management Plan prepared by the Township and submitted to DCA Small Cities with the application for the development of an Americans with Disabilities Act (ADA) compliant playground facilities at the Amanda’s Field Park is hereby adopted to identify Todd Noon of Triad Associates as the Project Coordinator and Mayor Curtis T. Corson as the Program Director and Official Contact Person.

Resolution No. 345-2022

Offered by: Newman

Seconded by: Pancoast

Adopted: November 28, 2022

Roll Call Vote:

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

6. Adopting the Citizen Participation Plan - FY 2023 Small Cities Programs Public Facilities Fund: for the development of an Americans with Disabilities Act (ADA)-compliant playground facilities at the Amanda’s Field Park.

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

RESOLUTION NO. 346–2022

**ADOPTING THE CITIZEN PARTICIPATION PLAN
FY 2023 SMALL CITIES PROGRAMS PUBLIC FACILITIES FUND: FOR THE
DEVELOPMENT OF AN AMERICANS WITH DISABILITIES ACT (ADA)-COMPLIANT
PLAYGROUND FACILITIES AT THE AMANDA’S FIELD PARK**

WHEREAS, the Township of Upper is applying for a Small Cities grant under the Public Facilities Fund and if awarded intends to enter into Grant Agreements with the New Jersey Department of Community Affairs; and

WHEREAS, these Grant Agreements will require the Township of Upper to comply with all federal regulations with respect to citizen participation; and

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

1. The Citizen Participation Plan developed by the New Jersey Department of Community Affairs, Small Cities CDBG Program, is adopted by the Township of Upper; and
2. The Township of Upper will follow all regulations set forth in that document throughout the term of the Grant Agreement cited above, if awarded.

Resolution No. 346-2022

Offered by: Newman

Seconded by: Pancoast

Adopted: November 28, 2022

Roll Call Vote:

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

7. Identifying CDBG Fair Housing Officer Public Facilities Fund: for the development of an Americans with Disabilities Act (ADA)-compliant playground facilities at the Amanda’s Field Park.

TOWNSHIP OF UPPER

**COUNTY OF CAPE MAY
RESOLUTION**

RESOLUTION NO. 347-2022

**IDENTIFYING CDBG FAIR HOUSING OFFICER
PUBLIC FACILITIES FUND: FOR THE DEVELOPMENT OF AN AMERICANS
WITH DISABILITIES ACT (ADA)-COMPLIANT PLAYGROUND FACILITIES
AT THE AMANDA'S FIELD PARK**

WHEREAS, the Township of Upper is applying for a Small Cities Community Development Block Grant from the New Jersey Department of Community Affairs (hereafter NJDCA) for funds to develop ADA compliant playground facilities at Amanda's Field Park; and

WHEREAS, the Township of Upper must make efforts to affirmatively further fair housing; and

WHEREAS, the Township of Upper has reviewed various actions that would be acceptable to the New Jersey State Department of Community Affairs and the U.S. Department of Housing and Urban Development; and

WHEREAS, the Township of Upper has made assurances in the grant agreement that:

- (1) It will comply with the Housing and Community Development Act of 1974, as amended, and regulations issued thereto; and
- (2) It will comply with the Civil Rights Act of 1964, and the regulations issued thereto; and
- (3) It will comply with the Fair Housing Act of 1968 and will affirmatively further fair housing; and
- (4) It will comply with the Age Discrimination Act of 1975 and with the Rehabilitation Act of 1973.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, County of Cape May and State of New Jersey, that Paul Dieterich, PE, shall be designated as the Fair Housing Officer for the Township of Upper; and

BE IT FURTHER RESOLVED that the Fair Housing Officer shall contact USHUD Regional Office of Housing and Equal Opportunity and the NJ Division on Civil Rights, inform those agencies of his appointment as Fair Housing Officer and request Fair Housing Information; and

BE IT FURTHER RESOLVED that the Fair Housing Officer shall provide fair housing advisory services and assistance and referral advice to persons requesting such assistance from the Township of Upper; and

BE IT FURTHER RESOLVED that the Township of Upper will publish in the local newspaper of record and post at the municipal building a public notice announcing the appointment of the Fair Housing Officer and the availability of local fair housing services.

Resolution No. 347-2022

Offered by: Newman

Seconded by: Pancoast

Adopted: November 28, 2022

Roll Call Vote:

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

8. Committing to the competitive contracting procurement process pursuant to NJSA 40a:11-4.1 through 40a:11-4.5 for certain professional services, contingent upon a FY2023 Small Cities Grant award from the New Jersey Department of Community Affairs to develop an Americans with Disabilities Act (ADA)-compliant playground facilities at the Amanda’s Field Park.

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

RESOLUTION NO. 348-2022

**COMMITTING TO THE COMPETITIVE CONTRACTING PROCUREMENT PROCESS
PURSUANT TO NJSA 40A:11-4.1 THROUGH 40A:11-4.5 FOR CERTAIN PROFESSIONAL
SERVICES, CONTINGENT UPON A FY2023 SMALL CITIES GRANT AWARD FROM
THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS TO DEVELOP AN
AMERICANS WITH DISABILITIES ACT (ADA)-COMPLIANT PLAYGROUND
FACILITIES AT THE AMANDA’S FIELD PARK**

WHEREAS, the Township of Upper intends to submit in December 2022 an application to the New Jersey Department of Community Affairs, Small Cities Public Facilities Fund to develop ADA-compliant playground facilities at the Amanda’s Field Park; and

WHEREAS, the Small Cities Program requires, in certain instances, that professional services associated with the implementation of a Small Cities award be procured through a Competitive Contracting process; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, County of Cape May and State of New Jersey, that the Township of Upper does hereby commit to authorize the issuance of Requests for Proposals (RFP), under the aforementioned State Competitive Contracting guidelines, for Professional Engineering Services and Grant Administration Services, contingent upon award of said Small Cities grant; and

BE IT FURTHER RESOLVED, that the Township Clerk will be directed to advertise these RFPs for a period of not less than 20 days in the Township’s official newspaper of record; that the Township will strive to obtain three or more proposals; and the Township will proceed with the RFP evaluation process if at least two proposals are received.

Resolution No. 348-2022

Offered by: Newman

Seconded by: Pancoast

Adopted: November 28, 2022

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Coggins	X			
Hayes				X
Newman	X			

Pancoast	X			
Corson	X			

9. Accepting the 2023 Solid Waste and Recycling Collection Rules and Regulations Resident Information Packet pursuant to Chapter 24 of the Revised General Ordinances of Upper Township.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 349-2022

**ACCEPTING THE 2023 SOLID WASTE AND RECYCLING COLLECTION
RULES AND REGULATIONS RESIDENT INFORMATION PACKET
PURSUANT TO CHAPTER 24 OF THE REVISED GENERAL
ORDINANCES OF UPPER TOWNSHIP**

WHEREAS, the Township of Upper has adopted rules and regulations with regards to collection and disposal of solid waste and recyclables pursuant to Chapter 24 of the Revised General Ordinances; and

WHEREAS, the aforesaid rules and regulations are assembled into a summary entitled “*Residents Information-2023*” to be distributed to Township residents and attached hereto as Exhibit “A”;

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 has determined that the summary attached as Exhibit “A” is in accordance with Chapter 24 of the Revised General Ordinances of Upper Township and is hereby accepted.

Resolution No. 349-2022

Offered by: Newman

Seconded by: Pancoast

Adopted: November 28, 2022

Roll Call Vote:

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

10. Refunding tax on exempt property Block 544.02, Lot 3.16.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 350-2022

**REFUNDING TAX ON EXEMPT PROPERTY
BLOCK 544.02, LOT 3.16**

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

WHEREAS, certain properties became tax exempt in the year 2022; and

WHEREAS, Harry G. Doughtie is a 100% disabled American veteran residing at 3 Berwyn Drive, Palermo, Block 544.02, Lot 3.16 on the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Department of Veterans Affairs has determined that Mr. Doughtie’s 100% permanent military service-connected disability was effective January 18, 2022; and

WHEREAS, Harry G. Doughtie made application and requested a refund September 27, 2022; and

WHEREAS, Township of Upper Ordinance No. 009-2012 allows for the refund of property taxes paid for the calendar year in which claim is made.

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

Resolution No. 350-2022

Offered by: Newman Seconded by: Pancoast

Adopted: November 28, 2022

Roll Call Vote:

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

Corson	X			
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REFUND TAX 2022

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
544.02/3.16	\$ 2572.49	Harry G. Doughtie 3 Berwyn Dr. Palermo NJ 08230

100% Totally Disabled Veteran paid 4th Quarter and received homestead benefit.

- 11. Appointing Surenian, Edwards & Nolan, LLC to act as Special Legal Counsel in matters involving affordable housing obligations.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 351-2022

**RE: APPOINTING SURENIAN, EDWARDS & NOLAN, LLC
TO ACT AS SPECIAL LEGAL COUNSEL IN MATTERS INVOLVING
AFFORDABLE HOUSING OBLIGATIONS**

WHEREAS, the Township of Upper requires legal counsel to provide legal assistance with respect to the Township’s affordable housing obligations; and

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

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Surenian, Edwards & Nolan, LLC with offices at 311 Broadway, Suite A, Point Pleasant Beach, New Jersey is hereby appointed Special Legal Counsel to handle legal matters with respect to the Township’s affordable housing obligations as directed by the Township Committee.

3. This contract shall have a term of one (1) year, commencing January 1, 2023 and expiring December 31, 2023.

4. This Contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Surenian, Edwards & Nolan, LLC has professional knowledge as to legal matters which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

NOTICE OF CONTRACT AWARD

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

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

6. The contractor has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.

7. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Surenian, Edwards & Nolan, LLC in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

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

9. This Resolution shall be effective as of adoption.

Resolution No. 351-2022

Offered by: Newman

Seconded by: Pancoast

Adopted: November 28, 2022

Roll Call Vote:

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

12. Authorizing the Chief Financial Officer to sign a Spending Account Client Renewal Confirmation form with Trion Group, Inc. for an employee health reimbursement account.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 352-2022

**RE: AUTHORIZING THE CHIEF FINANCIAL OFFICER TO SIGN A SPENDING
ACCOUNT CLIENT RENEWAL CONFIRMATION FORM WITH TRION GROUP, INC.
FOR AN EMPLOYEE HEALTH REIMBURSEMENT ACCOUNT**

WHEREAS, the Township wishes to complete a Spending Account Client Renewal Confirmation form with Trion Group, Inc., attached hereto as Exhibit A, to renew the Health Reimbursement Account (HRA) for eligible employees effective January 1, 2023; and

WHEREAS, said HRA will be for a period from January 1, 2023 to December 31, 2023.

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

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

2. The Spending Account Client Renewal Confirmation form between the Township of Upper and Trion Group, Inc. is approved and the Chief Financial Officer is hereby authorized, directed and empowered to execute said agreement on behalf of the Township of Upper.

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. 352-2022

Offered by: Newman

Seconded by: Pancoast

Adopted: November 28, 2022

Roll Call Vote:

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

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

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 353-2022

**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:

Triad Associates	
(Admin Agent Rentals Wait List)	\$ 150.00
(Wait List Maint. Sales)	<u>\$ 150.00</u>
	\$ 300.00

Resolution No. 353-2022

Offered By: Newman Seconded By: Pancoast

Adopted: November 28, 2022

Roll Call Vote:

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

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

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 354-2022

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

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

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with Seashore Signs, Inc. for the year 2022 will exceed \$17,500 and a contract pursuant to N.J.S.A. 19:44A-20.5 is required; and

WHEREAS, Seashore Signs, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Seashore Signs, Inc. has not made any reportable contributions to a political or candidate committee in the Township in the previous one year, and that the contract will prohibit Seashore Signs, Inc. from making any reportable contributions through the

term of the contract; and

WHEREAS, the total amount to be paid for the goods and/or services will not exceed the bid threshold of the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-3) and the contract has been approved by the Township’s Qualified Purchasing Agent; and

WHEREAS, the Chief Financial Officer of the Township has certified the availability of funds to allow the award of contract for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose in the 2022 Municipal Budget.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with Seashore Signs, Inc. as described herein.
3. The Business Entity Disclosure Certification and the Determination of Value be placed on file with this resolution.
4. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 354-2022

Offered by: Newman

Seconded by: Pancoast

Adopted: November 28, 2022

Roll Call Vote:

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

15. Budget Transfers.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 355-2022

RE: BUDGET TRANSFERS

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

WHEREAS, it is necessary to make transfers between certain line items of the Municipal Budget of the Township of Upper.

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

1. The following transfers between line items in the Municipal Budget of the Township of Upper shall be made immediately:

<u>TO</u>	<u>FROM</u>
ENGINEER-CONSULTANT \$42,000.00	FINANCE ADMIN. S/W \$20,000.00
	EMERGENCY MGT. S/W \$2,000.00
	GARBAGE & TRASH S/W \$10,000.00
	MUNICIPAL COURT O/E \$10,000.00

Resolution No. 355-2022

Offered by: Newman

Seconded by: Pancoast

Adopted: November 28, 2022

Roll Call Vote:

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

ORDINANCES

16. Public hearing and final adoption of Ordinance No. 026-2022 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER IXX (LAND SUBDIVISION, SITE PLAN AND LAND USE ADMINISTRATION) AND CHAPTER XX (ZONING) OF THE CODE OF UPPER TOWNSHIP. **The Township Engineer stated that as approved at the November 14th meeting this Ordinance has been amended to remove the lighting standard revisions and includes the additional statutory language for electric vehicle charging stations as required by the Pinelands Commission. During the public hearing portion there were no speakers. Motion by Jay Newman, second by John Coggins, to adopt Ordinance No. 026-2022. During roll call vote all four Committee members present voted in the affirmative.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

ORDINANCE

ORDINANCE NO. 026-2022

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

WHEREAS, Township Committee requested the Upper Township Planning Board to make recommendations for revised ordinances for several quality of life issues and elements to comply with the Plan Endorsement’s Planning and Implementation Agenda; and

WHEREAS, on July 21, 2022, the Upper Township Planning Board had a general discussion about the request from Township Committee and appointed a subcommittee to develop revisions to the Township ordinance; and

WHEREAS, after several subcommittee meetings the proposed revisions were presented at the September 15, 2022 Planning Board meeting and the Planning Board made a recommendation to forward the proposed revisions to Township Committee for consideration; and

WHEREAS, the Township Committee, after review of Planning Board Special Resolution 04-2022, agrees that Chapter IXX and XX of the Code of Upper Township should be amended as recommended by the Upper Township Planning Board.

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 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:

Add the following to **Section 19-4.2a Site Plan Review Required**

10. Notwithstanding the foregoing, site plan review shall not be required for any project undertaken for the installation of Electric Vehicle Supply/Service Equipment (EVSE) or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building. Such EVSE installation shall not be subject to other land use board review, shall not require variance relief pursuant to C.40:55D-1 et seq. or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the following requirements:

- (a) the proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;
- (b) all other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
- (c) the proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.
- (d) within the Pinelands Area, the proposed installation complies with the minimum environmental standards of the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-6.1 et seq.).
- (e) in the Pinelands Area, an application pursuant to this sub-sections (a) through (d) above shall also require the submission of a Certificate of Filing issued by the New Jersey Pinelands Commission, unless the proposed development meets the criteria of Section 20-11.5a2(g) of the Code of Upper Township.

SECTION 2. 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:

Add the following to **Section 20-2.1 Definitions of Township Wide Application:**

Charging Level - The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:

- 1) Level 1 operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.
- 2) Level 2 operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.
- 3) Direct-current fast charger (DCFC) operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

Electric vehicle - Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

Electric Vehicle Supply/Service Equipment or (EVSE) - The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station."

Glare - The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort or loss in visual

performance and visibility.

IESNA - Illuminating Engineering Society of North America. An organization that recommends standards for the lighting industry.

Light Trespass - Any form of artificial illuminance emanating from a light fixture or illuminated sign that penetrates other property and creates a nuisance, as specified in Section 3.

Make-Ready Parking Space - means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduits, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a “plug and play” basis. “Make-Ready” is synonymous with the term “charger ready,” as used in P.L.2019, c.362 (C.48:25-1 et al.).

Objectionable Direct Glare Source - Glare resulting from excessive levels of illumination or insufficiently shielded light sources emanating from light fixtures in the field of view where the lens, lamp or reflector is offensively visible at the location described in the ordinance.

Outdoor Light Fixture - An electrically powered illuminating device containing a total light source of more than 1800 initial lumens per fixture or any spot or flood luminaire with a reflector contained in the lamp component such as a parabolic aluminized reflector (PAR) lamp, of more than 900 initial lumens, which is permanently installed outdoors, including but not limited to, devices used to illuminate any site, architectural structure, or sign.

Private EVSE - EVSE that has restricted access to specific users (e.g., single and two-family homes, executive parking, and fleet parking with no access to the general public).

Publicly-accessible EVSE - EVSE that is publicly available (e.g., park & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved parking in multi-family parking lots, etc.).

Shielded Light Fixture - A light fixture with cutoff optics that allows no direct light emissions above a vertical cutoff angle of 90 degrees above nadir (straight down at perfect vertical), through the light fixture's lowest light emitting part. Any structural part of the light fixture providing this cutoff angle must be permanently affixed.

Replace Section 20-4.5d3 Stormwater Control as follows:

3. Pervious paving system shall be required for all driveway and sidewalk area and shall be constructed in accordance with Section 20-5.17.

Add the following to Section 20-4.5 Resort Districts: “RR” Resort Residential and “RC” Resort Commercial.

- e. Subsequent to the effective date of this Ordinance landscaping stones on all development, as defined herein, shall be regulated as follows:
 1. Landscaping stone is not permitted in the area between the sidewalk and curb.
 2. Landscaping stones are not permitted in the front yard or side yard.
 3. Landscaping stones located in the rear yard shall be contained by permanent edging and placed over filter fabric. Plastic or other impermeable material is prohibited as a weed barrier.
 4. Landscaping stone size shall be between one and one-half inch and three inches in diameter.

Add the following to **Section 20-5.1 Accessory Structures**:

- g. Size of Accessory Structure. No accessory structure on a residentially used lot shall be larger in area or volume than the principal structure.

Add the following to **Section 20-5.7 Parking**

- d. Requirements for New Installation of Electric Vehicle Supply/ Service Equipment (EVSE) and Make-Ready Parking Spaces. EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to C.40:55D-70.
 - 1. As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:
 - i. prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces;
 - ii. within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces; and
 - iii. within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.
 - iv. Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
 - v. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
 - 2. As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in 1. above shall:
 - i. Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.
 - ii. Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.
 - iii. Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities if there will be 101 to 150 off-street parking spaces.
 - iv. Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
 - v. In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.
 - vi. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
 - vii. Notwithstanding the provisions of this Section, a retailer that provides 50 or fewer off-street parking spaces or the developer or owner of a single-family home or multi-unit

facility with 5 or less units shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

3. Minimum Parking Requirements

- i. All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces, pursuant to this section.
- ii. A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.
- iii. All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.
- iv. Additional installation of EVSE and Make-Ready parking spaces above what is required in this Section d. may be encouraged but shall not be required in development projects.
- v. Location and layout of EVSE and Make-Ready parking spaces is expected to vary based on the design and use of the primary parking area. It is expected flexibility will be required to provide the most convenient and functional service to users. Standards and criteria should be considered guidelines and flexibility should be allowed when alternatives can better achieve objectives for provision of this service.
- vi. Installation:
 - 1) Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.
 - 2) Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 9 feet wide and 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
 - 3) To the extent practicable, the location of accessible parking spaces for people with disabilities with EVSE and Make-Ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
 - 4) Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- vii. EVSE Parking:
 - 1) Publicly-accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE. Property owner shall determine time limits and any such limits shall be posted.
 - 2) Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
- viii. Safety
 - 1) Each publicly-accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage pursuant to Section 5. below.
 - 2) Where EVSE is installed, adequate site lighting and landscaping shall be provided.
 - 3) Adequate EVSE protection such as concrete-filled steel bollards shall be used for publicly-accessible EVSE. Non-mountable curbing may be used in lieu of bollards if the EVSE is set back a minimum of 24 inches from the face of the curb. Any stand-

alone EVSE bollards should be 3 to 4 feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.

- 4) EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted and shall contain a cord management system as described in e. below. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.
- 5) Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
- 6) Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- 7) Publicly-accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for maintenance and notification, Township of Upper shall require the owners/designee of publicly-accessible EVSE to provide information on the EVSE's geographic location, date of installation, equipment type and model, and owner contact information.

ix. Signs

- 1) Publicly-accessible EVSE shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to and visible from the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner.
- 2) All regulatory signs shall comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.
- 3) Wayfinding or directional signs, if necessary, shall be permitted at appropriate decision points to effectively guide motorists to the EVSE parking space(s). Wayfinding or directional signage shall be placed in a manner that shall not interfere with any parking space, drive lane, or exit and shall comply with b. above.
- 4) In addition to the signage described above, the following information shall be available on the EVSE or posted at or adjacent to all publicly-accessible EVSE parking spaces:
- 5) Hour of operations and/or time limits if time limits or tow-away provisions are to be enforced by the municipality or owner/designee;
- 6) Usage fees and parking fees, if applicable; and
- 7) Contact information (telephone number) for reporting when the equipment is not operating or other problems.

- x. Usage Fees
 - 1) Private EVSE: Nothing in this ordinance shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVSE, in accordance with applicable State and Federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.

Add the following to **Section 20-5.17 Pervious Paving Systems**

Pervious paving systems are encouraged and are recommended to help reduce stormwater runoff. If a pervious paving system is designed in accordance with the following standards, only twenty-five percent (25%) of the area of said pervious paving system shall count towards the impervious coverage limit of the zone that the property is located in. The following requirements shall apply to a pervious paving system:

- a. The pervious paving system shall be designed and certified by a registered engineer or landscape architect.
- b. The pervious paving system shall be designed in accordance with N.J.A.C. 7:8 Stormwater Management Rules and NJ Stormwater Best Management Practices Manual Chapter 9.6 Pervious Paving System, except that residential developments only have to design the storage volume for the water quality storm.
- c. In nonresidential and mixed-use developments, pervious pavement or pervious pavement systems, except pervious asphalt or pervious concrete, shall not be used for access and circulation drives, driveways, parking aisles, accessible parking spaces, or loading spaces.
- d. The use of pervious pavement or pervious pavement systems shall be prohibited in areas on a lot used for the dispensing of gasoline or other engine fuels or where hazardous liquids may be absorbed into the soil.
- e. The use of pervious pavement or pervious pavement systems shall be adequately maintained so that the specified level of perviousness continues over time.
- f. No barrier to natural percolation of water shall be installed beneath such material.
- g. Open grid pavers must be installed on a sand base, without liner, in order to be considered pervious. Solid surface pavers. (e.g., Brick or brick appearing pavers as opposed to open grid pavers) do not qualify for any reduction in impervious area, regardless of type of base material used.
- h. During construction the system shall be inspected by the municipal engineer.

Replace **Section 20-6.3a Height Limits as follows:**

- a. No principal or accessory building or structure shall exceed the height limits as prescribed in § 20-4.

Replace **Schedule 3 - Note 1** as follows:

No principal or accessory building or structure shall exceed maximum specified height, except that churches shall not exceed 55 feet in height and except further as allowed in Subsection 20-6.3.

SECTION 3: EFFECTIVE DATE: This ordinance shall take effect immediately upon the following publication as required by law.

SECTION 4: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 5: 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 6: 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 A FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE **11th DAY OF OCTOBER, 2022**, AND A NOTICE WAS PUBLISHED FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING HELD ON THE **14th DAY OF NOVEMBER, 2022**, DURING WHICH TIME AN AMENDMENT TO THE ORDINANCE WAS APPROVED AND THE ORDINANCE, AS AMENDED, 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 **28th DAY OF NOVEMBER, 2022 AT 7:00 P.M.** AT THE TOWNSHIP HALL PETERSBURG, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

JOANNE R. HERRON, DEPUTY CLERK
TOWNSHIP OF UPPER

17. Introduction and first reading of Ordinance No. 028-2022 RE: AN ORDINANCE ESTABLISHING SALARIES FOR THE TOWNSHIP OF UPPER FOR THE CALENDAR YEAR 2023. **Motion by Jay Newman, second by Mark Pancoast, to introduce Ordinance No. 028-2022 with a public hearing and final adoption scheduled for December 19, 2022. During roll call vote all four Committee members present voted in the affirmative.**

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

ORDINANCE NO. 028-2022

**AN ORDINANCE ESTABLISHING SALARIES FOR THE TOWNSHIP
OF UPPER FOR THE CALENDAR YEAR 2023**

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

SECTION 1: TITLE: This Ordinance shall be known as the Salary Ordinance of 2023.

SECTION 2: SALARIES: Salaries for the various officials and employees of the Township of Upper for the calendar year 2023 shall be as follows:

POSITION

MINIMUM

MAXIMUM- 2023

(P/T denotes "Part-Time Position")

A. ADMINISTRATIVE / REVENUE AND FINANCE:

Mayor	\$3,750.00	\$6,000.00
Township Committee Member	7,000.00	13,500.00
Township Tax Assessor	7,500.00	100,000.00
Deputy Tax Assessor	No Min.	3,000.00
Township Tax Collector	15,000.00	100,000.00
Deputy Tax Collector	No Min.	3,000.00
Township Clerk	15,000.00	100,000.00
Deputy Township Clerk (P/T)	No Min.	3,000.00
Township Administrator	12,500.00	100,000.00
Keyboarding Clerk 2	15,000.00	75,000.00
Keyboarding Clerk 1	15,000.00	70,000.00
Keyboarding Clerk 1 (P/T)	10.00 Hr.	30.00 Hr.
Keyboarding Clerk 1 (MAC)	No Min	4,950.00
Township Engineer	50,000.00	130,000.00
Chief Financial Officer	42,000.00	100,000.00
Purchasing Agent	35.00 Hr.	45.00 Hr.
Purchasing Agent/QPA	No Min.	5,000.00
Assistant Finance Officer	No Min.	3,000.00
Registrar of Vital Statistics/CMR(P/T)	No Min.	5,000.00
Deputy Reg. Vital Statistics (P/T)	No Min.	3,000.00
Alt. Deputy Reg. Vital Statistics (P/T)	No Min.	3,000.00
Public Information Officer	No Min.	10,000.00
Data Information Coordinator/COOP	No Min.	3,500.00
Fund Commissioner	No Min.	2,000.00
Claims Coordinator	No Min.	2,000.00
Mun. Improvement Official (P/T)	No Min.	1,850.00
Tax Search Officer (P/T)	No Min.	1,850.00
Director of Public Asst. (P/T)	No Min.	1,000.00
Personnel Officer	5,000.00	100,000.00
Asst. Personnel Officer (P/T)	No Min.	7,000.00
Benefits Coordinator(P/T)	No Min.	10,000.00
Computer Director	No Min.	1,500.00
Safety Coordinator	No Min.	3,500.00
Ass't Safety Coordinator	No Min.	1,500.00
Municipal Housing Liaison	No Min.	2,500.00
Floodplain Manager	No Min.	1,000.00
Passport Acceptance Agent	No Min.	1,000.00
Wellness Coordinator	No Min.	2,000.00

B. MUNICIPAL COURT:

Municipal Judge (P/T)	15,000.00	60,000.00
Municipal Court Administrator	15,000.00	100,000.00

Deputy Mun. Court Administrator	15,000.00	78,000.00
Municipal Prosecutor (P/T)	No Min.	50,000.00
Court Attendant (P/T)	No Min.	250.00/session
Municipal Public Defender (P/T)	No Min.	30,000.00

C. CODE ENFORCEMENT / ZONING ENFORCEMENT:

Construction Official	15,000.00	108,000.00
Building Subcode Official (P/T)	No Min.	7,000.00
Electrical Subcode Official (P/T)	No Min.	38,000.00
Electrical Inspector (P/T)	No Min.	30,000.00
Fire Sub-Code Off. (P/T)	No Min.	4,900.00
Zoning Officer	No Min.	70,000.00
Zoning Officer (P/T)	No Min.	5,000.00
Assistant Zoning Officer (P/T)	No Min.	3,000.00
Code Enforcement Officer	No Min.	5,000.00
Code Enforcement Officer (P/T)	No Min.	35.00/hour
Housing Officer/Code Enforce. (P/T)	No Min.	35.00/hour
Fire Prevention Official (P/T)	No Min.	3,000.00
Plumbing Sub-Code Official (P/T)	No Min.	38,000.00
Plumbing Inspector (P/T)	No Min.	6,600.00
Fire Protection Subcode Official (P/T)	No Min.	25,000.00
Fire Protection Inspector (P/T)	No Min.	5,000.00
Temp. Const. Code/Building Subcode Official	No Min.	35.00/hour
Temp. Construction Official	No Min.	35.00/hour
Temp. Elect. Subcode Official/Inspector	No Min.	43.00/hour
Temp. Plumbing Subcode Official	No Min.	35.00/hour
Temp. Fire Protection Subcode Official	No Min.	35.00/hour
Technical Assistant to the Construction Official	No Min.	70,000.00

D. PUBLIC SAFETY / EMERGENCY MANAGEMENT:

Mun. Emerg. Management Coord. (P/T)	No Min.	35,000.00
Coord. 911 Emerg. Response, RTK	No Min.	2,000.00
Deputy Right to Know	No Min.	1,000.00
Deputy Dir. Emerg. Mgt. (P/T)	No Min.	4,100.00
Asst. Emerg. Mgt. (P/T)	No Min.	1,200.00
Parking Enforcement Officer		17.00 Hr.
Lifeguard, 1st yr. to 2 nd yr. (Seasonal)		17.00 Hr.
Lifeguard, 3rd yr. to 4th yr. (Seasonal)		17.70 Hr.
Lifeguard, 5th yr. and higher (Seasonal)		18.00 Hr.
Hr. Lifeguard E.M.T.(Seasonal)		\$4.00 Per Day
Chief Lifeguard (Seasonal)		31.50 Hr.
Captain Lifeguard (Seasonal)		30.50 Hr.
Senior Lieutenant (Seasonal)		26.50 Hr.
Lieutenant Lifeguard (Seasonal)		24.50 Hr.
Senior Lifeguard (Seasonal)		21.25 Hr.

Emergency Medical Tech. –3 or more years	12,500.00	72,000.00
Emergency Medical Technician-2nd year	12,500.00	60,000.00
Emergency Medical Technician-1st year	12,500.00	55,000.00
Emergency Medical Technician (P/T)	No Min.	25.00 Hr. 1 st Yr
Emergency Medical Technician (P/T)	No Min.	25.50 Hr. 2 nd Yr
School Traffic Guard (P/T)		17.00 Hr.
Chief Emergency Medical Technician	12,500.00	95,000.00
Deputy Chief Emergency Medical Technician	12,500.00	85,000.00
Sr. Emergency Medical Technician	12,500.00	80,000.00
Supervising Emergency Medical Technician	12,500.00	82,000.00
Supervising Emergency Medical Technician (P/T)		Add'l \$1.00/Hr.

E. PUBLIC WORKS / SPORTS AND RECREATIONAL PROGRAMS:

Superintendent of Public Works	12,500.00	100,000.00
Public Works Superintendent	12,500.00	100,000.00
General Supervisor Public Works	12,500.00	100,000.00
Assistant Public Works Superintendent	12,500.00	95,000.00
Road Repairer Supervisor	12,500.00	95,000.00
Supervisor Sanitation	12,500.00	95,000.00
Supervising Mechanic	12,500.00	83,640.00
Supervising Carpenter	12,500.00	76,500.00
Road Repairer 3	12,500.00	85,000.00
Supervisor Equipment Operator	12,500.00	86,500.00
Supervisor Maintenance Repairer	12,500.00	86,500.00
Maintenance Supervisor, Grounds	12,500.00	86,500.00
Maintenance Worker 3, Grounds	12,500.00	76,500.00
Sr. Carpenter (0-9 yrs.)	No Min.	66,548.00
Sr. Carpenter (10 or more yrs.)	No Min.	67,608.00
Carpenter (0-9 yrs.)	No Min.	64,427.00
Carpenter (10 or more yrs.)	No Min.	65,487.00
Carpenter's Helper	No Min.	62,305.00
Senior Mechanic (0-9 yrs.)	No Min.	66,548.00
Senior Mechanic (10 or more yrs.)	No Min.	67,608.00
Mechanic (0-9 yrs.)	No Min.	64,427.00
Mechanic (10 or more yrs.)	No Min.	65,487.00
Mechanics Helper (0-9 yrs.)	No Min.	62,305.00
Mechanics Helper (10 or more yrs.)	No Min.	63,366.00
Equipment Operator (0-9yrs.)	No Min.	64,427.00
Equipment Operator (10 or more yrs.)	No Min.	65,487.00
Truck Driver, Heavy (0-9 yrs.)	No Min.	62,305.00
Truck Driver, Heavy (10 or more yrs.)	No Min.	63,366.00
Truck Driver (0-9 yrs.)	No Min.	60,182.00
Truck Driver (10 or more yrs.)	No Min.	61,244.00
Laborer 1, Probational	No Min.	33,280.00
Laborer 1, 1st year	No Min.	46,785.00

Laborer 1, 2nd year	No Min.	49,245.00
Laborer 1, 3rd year	No Min.	51,707.00
Laborer 1, 4th year	No Min.	54,169.00
Laborer 1, 5th year	No Min.	56,631.00
Laborer 1 (6-9 yrs.)	No Min.	58,511.00
Laborer 1 (10 or more yrs.)	No Min.	60,248.00
Laborer (P/T)	No Min.	16.00 Hr.
Laborer (Seasonal)	No Min.	16.00 Hr.
Sr. Sanitation Inspector	No Min.	67,608.00
Sanitation Inspector (0-9 yrs.)	No Min.	65,487.00
Sanitation Inspector (10 or more yrs.)	No Min.	66,548.00
Recycling Laborer	No Min.	46,785.00
Recycling Coordinator (P/T)	No Min.	5,700.00
Recycling Program Aide	No Min.	2,500.00
Assistant Recycling Coordinator (P/T)	No Min.	2,850.00
Building Maintenance Worker (0-9 yrs.)	No Min.	45,725.00
Building Maint. Worker (10 or more yrs.)	No Min.	46,785.00
Recreational Program Coordinator	No Min.	71,400.00
Maint. Worker 2, Grounds (0-9 yrs.)	No Min.	64,427.00
Maint. Worker 2, Grds (10 or more yrs.)	No Min.	65,487.00
Maintenance Repairer (0-9 yrs.)	No Min.	64,427.00
Maintenance Repairer (10 or more yrs.)	No Min.	65,487.00
Senior Maintenance Repairer	No Min.	66,548.00
Maint. Worker 1, Grounds (0-9 yrs.)	No Min.	62,305.00
Maint. Worker 1, Grds (10 or more yrs.)	No Min.	63,366.00
Recreation Leader	15,000.00	70,000.00
Recreation Aide	No Min.	48,499.00
Recreation Aide (P/T)	No Min.	15.00/Hour
Beach Sweeper (Seasonal)	No Min.	17.00/Hour
Beach Inspector	No Min.	2,000.00
Playground Safety Inspector	No Min.	1,000.00
Boat Ramp Attendant	No Min.	16.00 Hr.
Skate Park Attendant	No Min.	15.00 Hr.

F. BOARD OF HEALTH / ZONING BOARD / PLANNING BOARD:

Secretary Planning Board	No Min.	55,000.00
Per Meeting		200.00
Secretary Zoning Board of Adjustment	No Min.	55,000.00
Per Meeting		200.00
Secretary Board of Health (P/T)	No Min.	550.00

G. TOWNSHIP COMMITTEE MEETING ATTENDANCE: The Township Administrator, Township Clerk, and the Chief Financial Officer, in lieu of receiving compensatory time for attendance at meetings during non-business hours, will receive \$200.00 per meeting.

H. MILEAGE: The standard rate per mile in accordance with I.R.S. regulations.

I. GIFT CARD AWARD OR BONUS: In addition to the salary set forth in this Ordinance, the Township Committee may award any employee as a bonus a gift card or gift cards not to exceed a total amount of \$200.00 for the year. Said award shall be by approval of the Township Committee setting forth the amount and type of the gift card bonus. In addition to a gift card bonus, the Township Committee may award certain employees a bonus for additional work not to exceed a total amount of \$5,000.00 for the year. Said bonus shall be by resolution of the Township Committee setting forth the amount of the bonus.

J. EDUCATIONAL CERTIFICATION PAY RAISE: In addition to the salary set forth in this Ordinance upon resolution of the Township Committee, the Township Committee may give an increase in salary of \$1,000.00 to any employee that has satisfied educational certification requirements for his or her position in accordance with current Township policy. The Township Committee shall by resolution fix the pay increase in this regard and certify that the employee has satisfied the educational certification requirement.

K. ADDITIONAL PAY TO CREW OF SANITATION VEHICLES: Laborers employed in the collection of trash and assigned to the rear of a trash truck shall, in addition to any other compensation payable pursuant to this Ordinance, receive an additional sum to be known as “Hazardous Duty Pay”, which shall be payable at the rate of \$.25 per hour.

L. ADDITIONAL PAY TO EMERGENCY MEDICAL TECHNICIANS (EMTs): The most senior Emergency Medical Technician assigned to a shift where a supervisory employee is not also assigned to that shift, in addition to any other compensation payable pursuant to this Ordinance, shall receive an additional sum to be known as “Officer in Charge Pay”, which shall be payable at the rate of \$.50 per hour.

M. OVERTIME PAY AND COMPENSATORY TIME:

Supervisors and Department Heads as designated by the Township will not receive payment for required overtime work except supervisors in the Public Works Department will receive payment or compensatory time for overtime worked. Compensatory time will be earned for time exceeding the normal work week. No more than forty(40) hours of compensatory overtime may be carried from one calendar year to the next. Exceptions to this provision may be made on a case-by-case basis, by the Township Committee. Overtime for supervisors must be approved by the Township Committee person in charge of the Department or the Township Committee person in charge of Personnel.

SECTION 3: LONGEVITY: In addition to the compensation and benefits otherwise payable, certain employees shall be paid an additional sum based on longevity. Any payment based on longevity shall be in accordance with the following schedule:

<u>YEARS OF SERVICE</u>	<u>AMOUNT OF INCREASE BASED ON LONGEVITY</u>
After 5 years	2%
After 10 years	4%
After 15 years	6%
After 20 years	8%
After 25 years	10%

SECTION 3A: RESTRICTIONS ON LONGEVITY PAYMENTS: Notwithstanding the provisions of Section 3 hereof, a longevity payment or longevity bonus to any single official, officer, or employee of the Township of Upper shall not exceed the sum of Three Thousand (\$3,000.00) Dollars. If, as of January 1, 1997, any such official, officer or employee of the Township of Upper was entitled to a longevity payment in excess of Three Thousand (\$3,000.00) Dollars, then such

individual shall be entitled to receive the amount to which he or she would have been entitled as of January 1, 1997 and each such official, officer or employee shall thereafter, in all subsequent years, receive a longevity payment or bonus in the amount paid as of January 1, 1997. In no event shall the amount of longevity payments exceed the sum of Three Thousand (\$3,000.00) Dollars, except for those individuals who are entitled to receive in excess of Three Thousand (\$3,000.00) Dollars as of January 1, 1997 and all such individuals shall in 1997 and all succeeding years be restricted to a payment which does not exceed that which was payable on January 1, 1997.

SECTION 3B: LONGEVITY PAY ABOLISHED FOR CERTAIN EMPLOYEES: Any official, officer or employee who was employed by the Township of Upper on or after January 1, 1996 shall not be entitled to any longevity payment. Longevity pay is abolished for any and all officials, officers and employees hired on or subsequent to that date.

SECTION 4: RESOLUTION AS TO SALARIES: The salaries set forth in this Ordinance are the maximum salaries to be paid for the various positions during 2023 and for such period or periods as this Ordinance shall remain in effect. Such maximum salaries shall be paid for each of the positions indicated unless the Township Committee, by Resolution shall fix a lesser salary, in which event such lesser amount shall be paid.

SECTION 5: EFFECTIVE DATE OF PAYMENT: All salaries authorized by this Ordinance shall be paid commencing as follows:

- (A) As of January 1, 2023 for all officials, officers and employees of the Township who were employed or appointed as of January 1, 2023. For those officials, officers and employees appointed at the Reorganization Meeting of the Township Committee, such persons shall be deemed appointed and employed by the Township as of January 1, 2023. This provision shall not apply to members of a Collective Bargaining Unit.
- (B) Upon the effective date of appointment for all officers and employees appointed subsequent to January 1, 2023.
- (C) The payment of any salary increments and longevity payment for members of a Collective Bargaining Unit shall be made in accordance with the provisions of the Collective Bargaining Agreement currently in effect, any other provisions herein to the contrary notwithstanding.
- (D) For all employees whose pay is based on years of service, step advancement and contractual increases for employees hired on or after January 1, 2022 will be calculated and will be paid based upon the anniversary date from last hire, where a year of service shall be defined as 12 months of service. This policy shall not apply to employees who were hired before January 1, 2022 or to seasonal employees.
- (E) Any salary increases provided for in this Ordinance shall not apply to any official, officer or employee of the Township who has resigned or otherwise terminated his or her employment with the Township of Upper prior to the effective date of this Ordinance.

SECTION 6: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 7: SEVERABILITY: If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said

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

SECTION 8: EFFECTIVE DATE: This Ordinance shall take effect immediately upon passage 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 **28TH DAY OF NOVEMBER, 2022** AT THE TOWNSHIP HALL AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE **19TH DAY OF DECEMBER, 2022** AT 6:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

JOANNE R. HERRON, DEPUTY CLERK
TOWNSHIP OF UPPER

CORRESPONDENCE

NEW BUSINESS

18. Marmora Volunteer Fire Company request to hold Raffle RA 552 on December 11, 2022 at 36 Route 50, Seaville. **Motion by John Coggins, second by Mark Pancoast, to approve the request. During roll call vote three of the Committee members present voted in the affirmative. Jay Newman abstained.**
19. JIF 2022 Dividend Announcement. **The CFO reported that the Township's dividend for 2022 is \$47,298.00, and stated there are three choices for the funds: a credit towards the 2023 JIF assessment, receive the total dividend in the form of a check, or apply the total dividend to the Aggregate Excess Loss Contingency Fund(AELCF). She further stated that the Township's AELCF currently has \$134,606.98. After a brief discussion, the CFO was directed to inquire if the funds placed in the AELCF can later be withdrawn for other uses. The matter will be relisted on the next agenda for further discussion and formal action.**
20. Coast Guard Community Sponsorship. **Committeeman Pancoast requested in the form of a motion to become a sponsor of the Cape May County Community Coast Guard foundation in the amount of \$1,063.00. The CFO stated that funds would need to be transferred. The motion was seconded by Jay Newman. During roll call vote all four Committee members present voted in the affirmative. The CFO was directed to prepare a budget transfer resolution for the next meeting.**
21. New Jersey Governor's "We Value Our Veterans" Award. **Committeeman Pancoast made a motion to form a subcommittee with Committeewoman Hayes to research ways to participate in the program. The Motion was seconded by Jay Newman. During roll call vote all four Committee members present voted in the affirmative.**

UNFINISHED BUSINESS

PAYMENT OF BILLS

22. "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 John Coggins. During roll call vote all four Committee members present voted in the affirmative.**

Bills approved for payment: **\$129,857.67**
Payroll: **\$185,236.74**

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

Blanche Adams, Steelmantown, Upper Township Business Association, thanked the Township for their partnership in the UTBA’s recent community night. She further thanked Mr. DeMarzo and the Department of Public Works for providing tables and outdoor lighting for the event.

Janice Connell, President of Strathmere Improvement Association, thanked the Committee for their support of the SIA beach plum planting, which was a huge success with a great turnout of volunteers. She also thanked Paul Dietrich and the Department of Public Works for their help, and Jalma Farms for donating the beach plums. She next spoke about the proposed resolution to exempt the demolition of BL England from the current code requirements regarding hours of operation and stated that it is important that an applicant for such an exemption be required to prove a critical business need.

Chelsea Headley, Steelmantown, spoke about the proposed Ocean Wind 1 project and read numerous questions she had submitted to the Township and Orsted. Mayor Corson requested that Ms. Headley send the questions specific to the Township to the Township Administrator so that they can be answered.

Barbara Murphy Leary, Seaville, inquired if the answers to Ms. Headly’s questions will be made public. It was stated that the answers will be directed to Ms. Handley, but she can forward them as she wishes.

CLOSED SESSION

23. 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. 356-2022
MOTION GOING INTO CLOSED SESSION
NOVEMBER 28, 2022**

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

MATTERS

1. Personnel
2. Contract negotiation – Annual Appointments
3. Contract negotiation – Cape Assist
4. Contract negotiation – Living Shoreline

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 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

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

RECONVENE PUBLIC PORTION OF MEETING

Motion by Curtis Corson, second by Jay Newman, to reconvene the public portion of the meeting. During roll call vote all four Committee members present voted in the affirmative.

Motion by Jay Newman, second by Mark Pancoast, to authorize Daniel Reeves and Gary DeMarzo to negotiate a waiver and acknowledgement with regards to Barbara Young’s retirement as outlined by the Committee. During roll call vote all four Committee members present voted in the affirmative.

RESOLUTION TO BE ACTED ON AFTER CLOSED SESSION

24. Resolution to authorize an employee bonus. **No action was taken on this item.**

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 9:00 P.M., with a motion by Jay Newman, second by Curtis Corson, and all four Committee members present voting in the affirmative. The next regular meeting is scheduled for December 12, 2022, at 4:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC
Deputy Municipal Clerk

Bill List

- 80539 11/28/22 A0081 ARMSTRONG, RALON I. 151.29 3269
- 80540 11/28/22 A0091 ATLANTIC CITY ELECTRIC 9,311.86 3269
- 80541 11/28/22 A0170 ASFPM 80.00 3269
- 80542 11/28/22 A0193 ATLANTIC INVESTIGATIONS, LLC 606.00 3269
- 80543 11/28/22 A0212 ANCERO, LLC 1,946.94 3269
- 80544 11/28/22 A0235 AMAZON CAPITAL SERVICES, INC. 507.37 3269
- 80545 11/28/22 A0239 AT&T MOBILITY NAT'L ACCTS LLC 40.23 3269
- 80546 11/28/22 B0248 BARNES LAW GROUP LLC 1,570.00 3269
- 80547 11/28/22 B0284 BUTTERWOOD TREE SERVICE LLC 3,000.00 3269
- 80548 11/28/22 C0019 CITY OF OCEAN CITY 16,747.23 3269
- 80549 11/28/22 C0042 CAMPBELL SUPPLY COMPANY 537.25 3269
- 80550 11/28/22 C0048 CAPE MAY COUNTY MUA 41,183.80 3269
- 80551 11/28/22 C0171 COLONIAL ELECTRIC SUPPLY CO. 330.00 3269
- 80552 11/28/22 C0182 CDW GOVERNMENT, INC 2,446.90 3269
- 80553 11/28/22 C0223 CASA PAYROLL SERVICE 218.50 3269
- 80554 11/28/22 C0259 CAPE PHYSICIANS ASSOCIATES, PA 455.00 3269
- 80555 11/28/22 C0296 COMCAST BUSINESS COMMUNICATION 1,386.86 3269
- 80556 11/28/22 D0015 DAN'S WELDING 9,450.00 3269
- 80557 11/28/22 D0040 DELTA DENTAL OF N.J. INC. 6,190.40 3269
- 80558 11/28/22 D0186 DOCUTREND, INC. 51.69 3269
- 80559 11/28/22 D0237 DIETZ, KERRY 125.00 3269
- 80560 11/28/22 F0048 LESLIE G. FOGG INC 5,336.27 3269
- 80561 11/28/22 F0069 FRED'S AUTO 1,586.00 3269
- 80562 11/28/22 G0169 GROFF TRACTOR MID ATLANTIC LLC 2,258.02 3269

80563 11/28/22 H0002 H.A. DEHART & SON CORP. 2,618.58 3269
80564 11/28/22 H0162 HARTFORD FIREINSURANCE CO. 1,004.00 3269
80565 11/28/22 M0277 EQUITABLE FINANCIAL LIFE INS. 190.89 3269
80566 11/28/22 M0327 MONZO CATANESE HELLEGASS, P.C. 7,515.00 3269
80567 11/28/22 N0043 NAPA AUTO PARTS 192.73 3269
80568 11/28/22 N0070 MARSH & MCLENNAN AGENCY, LLC 2,000.00 3269
80569 11/28/22 N0100 N.J. LEAGUE OF MUNICIPALITIES 1,001.00 3269
80570 11/28/22 O0006 SJSHORE MARKETING,LLC 93.50 3269
80571 11/28/22 O0025 OLD DOMINION BRUSH 1,832.49 3269
80572 11/28/22 R0030 RIGGINS, INC. 2,340.81 3269
80573 11/28/22 R0101 R.R. DONNELLEY 85.90 3269
80574 11/28/22 S0056 SEASHORE ASPHALT CORPORATION 418.91 3269
80575 11/28/22 S0057 SERVICE TIRE TRUCK CENTERS 56.00 3269
80576 11/28/22 S0072 SEGIN, STEWART S. 304.23 3269
80577 11/28/22 S0108 SJNIGP 100.00 3269
80578 11/28/22 S0126 LUDY, BARBARA 40.00 3269
80579 11/28/22 S0196 STEWART BUSINESS SYSTEMS LLC 274.40 3269
80580 11/28/22 S0253 SAMPLE MEDIA, INC. 303.00 3269
80581 11/28/22 S0254 SHOPRITE 110.60 3269
80582 11/28/22 S0361 SOUTH JERSEY WATER TEST, LLC 199.00 3269
80583 11/28/22 T0166 TREASURER, STATE OF NEW JERSEY 323.00 3269
80584 11/28/22 V0013 VERIZON WIRELESS 999.76 3269
80585 11/28/22 V0052 VIKING TERMITE & PEST CONTROL 59.40 3269
80586 11/28/22 W0030 WEST PUBLISHING CO. 784.32 3269
80587 11/28/22 X0008 XEROX FINANCIAL SERVICES 233.54 3269
80588 11/28/22 Y0003 Y-PERS INC 1,260.00 3269
Total: 129,857.67