

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR FRIDAY JANUARY 6, 2023**

2023 ANNUAL REORGANIZATION MEETING

6:00 P.M. Call to Order

Sunshine Announcement

Municipal Clerk Joanne Herron read the following announcement. “In compliance with the Open Public Meetings Law, I wish to state that on January 3, 2023, the notice of this Reorganization meeting of the Upper Township Committee was posted on the official Township Bulletin Board and the Upper Township Website, and was mailed to the Cape May County Gazette, the Atlantic City Press, the Ocean City Sentinel-Ledger, the Herald Times and filed with the Township Clerk. Tonight's meeting is being video recorded and will be available on the Upper Township website. This announcement will be made a part of the minutes of this meeting.”

Presentation of Colors by Boy Scout Troop 79

Salute to the Flag

National Anthem performed by Mia Pancoast

Invocation by Pastor Randy Jenkins (Interim Pastor) Second Cape May Baptist Church

Statement of Determination of Election

Oaths of Office:

Committeeman Elect Victor W. Nappen, II - administered by Superior Court Judge Dean R. Marcolongo

Committeeman Mark E. Pancoast - administered by Jay Gillian, Mayor of Ocean City

Roll Call

Curtis Corson	Present
Kimberly Hayes	Present
Victor Nappen	Present
Jay Newman	Present
Mark Pancoast	Present

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

Nominations for Mayor – 2023 – The Municipal Clerk asked for nominations for Mayor. Motion by Mark Pancoast, second by Kimberly Hayes, to nominate Jay Newman as Mayor. During the roll call vote on the nomination of Jay Newman, three Committee members voted in the affirmative. Committeemen Corson and Nappen opposed. Jay Newman was chosen as the Mayor of Upper Township for 2023.

RESOLUTIONS

1. Appointment of Deputy Mayor.

**CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 001-2023

RE: APPOINTMENT OF DEPUTY MAYOR

WHEREAS, it is deemed advisable to appoint a member of the Township Committee to the position of Deputy Mayor of the Township of Upper in the County of Cape May and State of New Jersey.

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

1. Committee member Kimberly Hayes is hereby designated and appointed as Deputy Mayor of the Township of Upper, in the County of Cape May and State of New Jersey, effective immediately, to serve until the next annual reorganization meeting of the Township Committee and until her successor is duly appointed and qualified.

Resolution No. 001-2023

Offered by: Newman

Seconded by: Pancoast

Adopted: January 6, 2023

Roll Call Vote:

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

2. Assignment of Township Committee members to oversee departments.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 002-2023

**RE: ASSIGNMENT OF TOWNSHIP COMMITTEE MEMBERS
TO OVERSEE DEPARTMENTS**

WHEREAS, it is deemed necessary to assign Township Committee members to oversee departments within the Township government to provide for the orderly and efficient transaction of Township business and to promote public service.

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 members of the Township Committee are hereby assigned as directors and department

heads to oversee the operation of each department as follows:

Committee Member Curtis T. Corson, Jr.: Revenue and Finance, Housing, Engineering, Clerk’s Office, Construction Code, and Lifeguards.

Committee Member Kimberly R. Hayes: Sports and Recreational Programs and Public Buildings and Grounds.

Committee Member Victor W. Nappen II: Municipal Court and Animal Control.

Committee Member Mark E. Pancoast: Department of Public Works and Information Technology and Communications.

Committee Member Jay Newman: Public Safety, Emergency Management, Division of EMS, Personnel, and Zoning and Planning.

3. Notwithstanding the above department assignments, the Departments of Sports and Recreational Programs and Public Buildings and Grounds shall have a supervisor and six subordinate employees from the Department of Public Works dedicated to the day-to-day operations of the Departments of Sports and Recreational Programs and Public Buildings and Grounds. Said supervisor and employees shall be under the supervision of the Superintendent of Public Works and shall be subject to the oversight of the Committee member assigned to the Department of Sports and Recreational Programs and Public Buildings and Grounds with respect to day-to-day operations of these employees. In emergent or extraordinary circumstances these employees may be assigned to other Public Works duties.

Resolution No. 002-2023

Offered by: Hayes

Seconded by: Pancoast

Adopted: January 6, 2023

Roll Call Vote:

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

3. Appointment of Municipal Auditor, Solicitor, Prosecutor, and Public Defender.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 003-2023

**RE: APPOINTMENT OF MUNICIPAL AUDITOR, TOWNSHIP SOLICITOR, MUNICIPAL
PROSECUTOR, AND MUNICIPAL PUBLIC DEFENDER**

WHEREAS, the Township of Upper is required, in accordance with the provisions of N.J.S.A. 40A:5-4, to cause an annual audit of the books, accounts and financial transactions of the Township of Upper and in order to do so, it is necessary to retain a Registered Municipal Accountant; and

WHEREAS, N.J.S.A. 40A:9-139 requires the appointment of a Municipal Attorney and the Township Committee desires to make such appointment in accordance with the terms of the Professional Services Contract to be entered into and the Township of Upper recognizes the need for professional legal services and advice to ensure the orderly, efficient, and proper conduct of the affairs of the said Township; and

WHEREAS, there also exists a need for the appointment of an attorney at law of the State of New Jersey to act in the capacity of Municipal Prosecutor at a salary of \$47,198.00; and

WHEREAS, there also exists a need for the appointment of an attorney at law of the State of New Jersey to serve in the capacity of Municipal Public Defender at a salary of \$25,163.00; and

WHEREAS, the services to be performed by the Auditor, Township Solicitor, Municipal Prosecutor, and Municipal Public Defender are declared to be professional services performed by persons authorized by law to practice recognized professions, which professions are regulated by law within the meaning of the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) and, hence, are exempt from competitive bidding; and

WHEREAS, the Township has a need to acquire the services of the Municipal Auditor, Township Solicitor, Municipal Prosecutor, and Municipal Public Defender as non-fair and open contracts pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Township's Chief Financial Officer has determined and certified in writing that the value of each of the contracts for the Municipal Auditor, Township Solicitor, Municipal Prosecutor, and Municipal Public Defender will exceed \$17,500.00; and

WHEREAS, the proposed Municipal Auditor, Township Solicitor, Municipal Prosecutor, and Municipal Public Defender have completed and submitted Business Entity Disclosure Certifications which certify that the contractors have not made any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c.19 would bar the award of these contracts, and that the contractors shall not make any such reportable contributions during the term of these contracts; and

WHEREAS, funds are available for the purposes set forth above.

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. **Leon Costello, C.P.A., R.M.A., is hereby appointed as Registered Municipal Accountant**

for the Township of Upper for a term of one (1) year, commencing January 1, 2023, and until his successor is duly appointed and qualified.

3. **Daniel S. Reeves, Esquire is hereby appointed as Township Solicitor** for the Township of

Upper for a term of one (1) year commencing January 1, 2023, and until his successor is duly appointed and qualified.

4. **Patrick F. Martin, Esquire is hereby appointed as Municipal Prosecutor** for the Township

of Upper for a term of one (1) year, commencing January 1, 2023, and until his successor is duly appointed and qualified.

5. **Edmund F.X. Devlin, Esquire is hereby appointed as Municipal Public Defender** for the

Township of Upper for a term of one (1) year, commencing January 1, 2023, and until his successor is duly appointed and qualified.

6. Compensation for the Municipal Auditor, Township Solicitor, Municipal Prosecutor, and Municipal Public Defender shall be on the basis of Professional Contracts to be negotiated with such individuals and payment shall be made by the Township of Upper for such professional services based upon invoices to be submitted and approved by the Township Committee.

7. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, professional Contracts with the Municipal Auditor, Township Solicitor, Municipal Prosecutor, and Municipal Public Defender in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed in Paragraph 8 hereof.

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

9. The Business Disclosure Entity Certification and the Determination of Value for the Municipal Auditor, Township Solicitor, Municipal Prosecutor, and Municipal Public Defender contracts shall be placed on file with this Resolution.

Resolution No. 003-2023

Offered by: Corson

Seconded by: Hayes

Adopted: January 6, 2023

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Corson	X			
Hayes	X			

Nappen	X			
Pancoast	X			
Newman	x			

4. Appointment of official to certify municipal improvement searches.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 004-2023

**RE: APPOINTMENT OF OFFICIAL TO CERTIFY
MUNICIPAL IMPROVEMENT SEARCHES**

WHEREAS, it is necessary to have an authorized official of the Township of Upper, in the County of Cape May and State of New Jersey, to execute, on behalf of the Township of Upper, certificates for municipal improvements; and

WHEREAS, the Township Committee of the Township of Upper desires to make such an appointment.

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. Joanne R. Herron, the Township Clerk of the Township of Upper, is hereby designated as the official of the Township of Upper authorized to execute certificates as to liability for municipal improvements for the year 2023.
3. This Resolution shall become effective immediately upon its adoption.

Resolution No. 004-2023

Offered by: Hayes

Seconded by: Newman

Adopted: January 6, 2023

Roll Call Vote:

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

5. Designation of banking institutions as official depositories.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 005-2023

RE: DESIGNATION OF BANKING INSTITUTIONS

AS OFFICIAL DEPOSITORIES

WHEREAS, it is necessary that the Township Committee of the Township of Upper, in the County of Cape and State of New Jersey, designate certain banking institutions as official depositories for Township funds.

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. Ocean First Bank is hereby designated as the principal depository of the Township of Upper.
3. The following banking institutions are hereby designated as secondary depositories of the Township of Upper:

- A. PNC Bank, New Jersey
- B. First Bank of Sea Isle City
- C. Municipal Investors Corp
- D. N.J. Cash Management Plan
- E. Bank of America, N.A.
- F. Sturdy Savings Bank
- G. TD Bank
- H. Wells Fargo
- I. Republic Bank

4. The Mayor, the Township Clerk and the Township Chief Financial Officer, as well as such other officials as may be designated by law, are hereby authorized, directed and empowered to execute any Resolutions of any of the aforesaid banking institutions which may be reasonably required in order to carry out the intent and purpose of this Resolution.

5. This Resolution shall become effective immediately upon adoption.

Resolution No. 005-2023

Offered by: Pancoast

Seconded by: Hayes

Adopted: January 6, 2023

Roll Call Vote:

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

6. Designation of official newspapers.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 006-2023

RE: DESIGNATION OF OFFICIAL NEWSPAPERS

WHEREAS, it is necessary to designate one (1) or more newspapers as an official newspaper 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 allegations of the preamble are incorporated herein by this reference.
2. The following newspapers are hereby designated as the official newspapers of the Township of Upper:

The Press and Sunday Press

and

The Ocean City Sentinel

Resolution No. 006-2023

Offered by: Hayes

Seconded by: Newman

Adopted: January 6, 2023

Roll Call Vote:

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

7. Payment of real estate taxes and penalty for late payments.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 007-2023

RE: PAYMENT OF REAL ESTATE TAXES AND PENALTY FOR LATE PAYMENTS

WHEREAS, N.J.S.A. 54:4-66 mandates the date on which real estate taxes shall be paid to the municipality; and

WHEREAS, N.J.S.A. 54:4-67 mandates the rate of interest to be charged on the payment of all real estate taxes which are delinquent; 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. In accordance with N.J.S.A. 54:4-66, all real estate taxes shall be payable quarterly in accordance with the following schedule:

First Installment - February 1

Second Installment - May 1

Third Installment - August 1

Fourth Installment - November 1

3. In the event that the real estate taxes are not paid in accordance with the foregoing quarterly payment schedule, said taxes shall become delinquent and remain delinquent until such time as all unpaid taxes, including taxes and other liens subsequently due and unpaid, together with interest, have been fully paid and satisfied.
4. In accordance with N.J.S.A. 54:4-67, if taxes and municipal liens and charges are not paid when due, and are delinquent, then, in addition to the taxes, municipal liens and charges due and payable an additional sum shall be added equal to eight (8%) percent per annum on the first \$1,500.00 of delinquency and eighteen (18%) percent per annum on any amount in excess of \$1,500.00, to be calculated from the date same was payable until the date that actual payment to the Tax Collector is made.
5. No interest shall be charged pursuant to Paragraph 4 of this Resolution if payment of any installment is made within the tenth (10th) calendar day following the date upon which the same became payable.
6. In addition to the interest penalty imposed pursuant to Section 4 of this Resolution, a further penalty shall be charged to a taxpayer with a delinquency in excess of \$10,000.00 who fails to pay that delinquency prior to the end of the fiscal year. The fiscal year for the Township of Upper shall be the calendar year. The penalty so fixed shall equal six (6%) percent of the amount of the delinquency.
7. If delinquent taxes, municipal liens and charges in excess of \$10,000.00 are fully paid and satisfied by the holder of any outstanding Tax Sale Certificate, the holder shall be entitled to receive the amount of the penalty, that is, six (6%) percent of the amount of the delinquency, as part of the amount required to redeem such Certificate of Sale.
8. It is the policy of the Upper Township Tax Collector's Office to accept small coins as payment only when coins are wrapped or the balance is \$.50 cents or less.
9. A copy of this Resolution shall be prominently posted in the office of the Tax Collector of the Township of Upper and shall also be prominently posted upon the bulletin board in the Township Hall.
10. This Resolution shall take effect immediately.

Resolution No. 007-2023

Offered by: Corson

Seconded by: Hayes

Adopted: January 6, 2023

Roll Call Vote:

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

8. Schedule of Township Committee meetings for 2023.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 008-2023

**RE: SCHEDULE OF
TOWNSHIP COMMITTEE MEETINGS FOR 2023**

WHEREAS, N.J.S.A. 10:4-18 requires that every public body give notice concerning the schedule of regular meetings to be held during the succeeding year, which schedule shall contain the location of each meeting, to the extent that it is known, and the time and date of each meeting; and

WHEREAS, regular meetings of the Upper Township Committee may be held remotely by electronic means due to a declared emergency.

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 hereby by this reference.
2. Regular meetings of the Upper Township Committee shall be held at 2100 Tuckahoe Road, Petersburg, New Jersey, on the second (2nd) Monday of each month at 6:30 P.M. and the fourth (4th) Monday of each month at 4:30 P.M., unless otherwise indicated, in accordance with the following schedule:

2023 SCHEDULE - REGULAR MEETINGS

			<u>Work Session</u>	<u>Regular Meeting</u>
January	09	Regular Meeting	5:30 p.m.	6:30 p.m.
January	23	Regular Meeting	3:30 p.m.	4:30 p.m.
February	13	Regular Meeting	5:30 p.m.	6:30 p.m.
February	27	Regular Meeting	3:30 p.m.	4:30 p.m.
March	13	Regular Meeting	5:30 p.m.	6:30 p.m.
March	27	Regular Meeting	3:30 p.m.	4:30 p.m.
April	03	Regular Meeting	5:30 p.m.	6:30 p.m.
April	24	Regular Meeting	3:30 p.m.	4:30 p.m.
May	08	Regular Meeting	5:30 p.m.	6:30 p.m.
May	22	Regular Meeting	3:30 p.m.	4:30 p.m.
June	12	Regular Meeting	5:30 p.m.	6:30 p.m.
June	26	Regular Meeting	3:30 p.m.	4:30 p.m.
July	10	Regular Meeting	5:30 p.m.	6:30 p.m.
July	24	Regular Meeting	3:30 p.m.	4:30 p.m.
August	14	Regular Meeting	5:30 p.m.	6:30 p.m.
August	28	Regular Meeting	3:30 p.m.	4:30 p.m.
September	11	Regular Meeting	5:30 p.m.	6:30 p.m.

September	25	Regular Meeting	3:30 p.m.	4:30 p.m.
Oct. (Tues)	10	Regular Meeting	5:30 p.m.	6:30 p.m.
October	23	Regular Meeting	3:30 p.m.	4:30 p.m.
November	13	Regular Meeting	5:30 p.m.	6:30 p.m.
November	27	Regular Meeting	3:30 p.m.	4:30 p.m.
December	11	Regular Meeting	5:30 p.m.	6:30 p.m.
December	18	Regular Meeting	3:30 p.m.	4:30 p.m.

2. Unless otherwise indicated, all regular meetings of the Township Committee will be held on the dates indicated, at the Township Hall, Petersburg, New Jersey. A work session may precede a regular meeting of the Township Committee. The work session will be open to the public unless the matter under discussion involves one or more matters set forth in N.J.S.A. 10:4-12(b). In the event that any such matter is discussed, the public will be excluded from that portion of the meeting pursuant to Resolution which shall be adopted in accordance with N.J.S.A. 10:4-13. The meetings may recess and will then continue until 10:30 p.m., at which time the public portion of the meeting will be adjourned, and the Township Committee will further consider matters set forth in N.J.S.A. 10:4-12(b) and the public shall be excluded from that portion of the meeting. At the conclusion of such closed session, the meeting shall be reopened to the public. All meetings of the Township Committee, whether closed or open, will end at 11:00 p.m.

3. In the event of a necessity for holding a meeting of the Township Committee, in addition to the meeting schedule set forth in Paragraph 2 of this Resolution, the Township Clerk shall give written advance notice of at least forty-eight (48) hours giving the date, time, location and, to the extent known, the agenda, of any regular, special, or rescheduled meeting, which notice shall state whether formal action may or may not be taken. Such notice shall be:

- (A) Prominently posted on the bulletin board in the Township Hall; and
- (B) Mailed, telephoned, telegrammed or hand delivered to the newspapers hereinafter set forth in this Resolution; and
- (C) Filed in the Township Clerk's office.

4. The Township Clerk shall post either a copy of this Resolution or a copy of the scheduled meetings for the current year on the bulletin board in the Township Hall and, in addition, shall mail a copy of this Resolution to the following:

The Press and Sunday Press
1000 W. Washington Ave.
Pleasantville, NJ 08232-3806

The Ocean City Sentinel
801 Asbury Avenue
Ocean City, NJ 08226

County of Cape May
Office of the County Clerk
PO Box 5000

5. Any person requesting to be mailed copies of any regular meeting schedule or revision thereof and any advance written notice of such meetings as permitted by N.J.S.A. 10:4-19, shall pay a fee to the Township Clerk as follows:

Schedule of Fees

For copy of schedule of regular meetings and revisions thereto:	\$10.00
For advance written notice of a particular meeting designated in the request:	\$10.00
For advanced written notice of all regular, special or rescheduled meetings during the calendar year:	\$25.00

All notices sent to any person requesting same in accordance with N.J.S.A. 10:4-19 shall terminate December 31, 2023.

Resolution No. 008-2023

Offered by: Hayes

Seconded by: Pancoast

Adopted: January 6, 2023

Roll Call Vote:

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

9. Providing for a bi-weekly payroll.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 009-2023

RE: PROVIDING FOR A BI-WEEKLY PAYROLL

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. All of the employees of the Township of Upper covered by the Salary Ordinance shall be paid bi-weekly on alternate Fridays, commencing January 1, 2023, unless such employees elect to be paid monthly or quarterly and notify the Chief Financial Officer of such fact, in which case, such employees shall be paid in accordance with such election.

2. The Chief Financial Officer is directed to distribute all payroll checks to the principal officers of each

department of the Township of Upper at or before the close of business on those days designated as paydays and the Chief Financial Officer shall not be required to present such paychecks for approval at a meeting of the Township Committee when such payment is for salaries and wages which have been approved by the Salary Ordinance currently in effect in the Township of Upper.

3. This Resolution shall take effect immediately.

Resolution No. 009-2023

Offered by: Hayes Seconded by: Corson

Adopted: January 6, 2023

Roll Call Vote:

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

10. Appointments to the Upper Township Zoning Board of Adjustment.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 010-2023

**RE: APPOINTMENTS TO THE UPPER TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

WHEREAS, N.J.S.A. 40:55D-69 provides for the appointment of a Zoning Board of Adjustment, which shall consist of seven (7) regular members and may have not more than four (4) alternate members and prescribes the term of office for such regular and alternate members; and

WHEREAS, such Statute further provides that the members of the Zoning Board of Adjustment shall be appointed by the Governing Body of the municipality; and

WHEREAS, it is necessary to make certain appointments or re-appointments to the Zoning Board of Adjustment of the Township of Upper, as hereinafter provided.

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 appointments are hereby made to the Zoning Board of Adjustment:

James Burger – is hereby appointed to a two (2) year term as Alternate #1, commencing January 1, 2023 and expiring December 31, 2024.

Tom Jackson – is hereby appointed to the unexpired two (2) year term of James Burger as Alternate #2, commencing January 1, 2023 and expiring December 31, 2023.

Donald Rainear – is hereby appointed to the unexpired two (2) year term of Tom Jackson as Alternate #3, commencing January 1, 2023 and expiring December 31, 2023.

Hobart Young – is hereby appointed to the unexpired two (2) year term of Donald Rainear as Alternate #4, commencing January 1, 2023 and expiring December 31, 2023.

2. The following appointments are hereby recognized as continuing in their existing terms:

Paul Casaccio – appointed to a four (4) year term commencing January 1, 2020 and expiring on December 31, 2023.

Andrew L. Shawl – appointed to a four (4) year term commencing January 1, 2020 and expiring December 31, 2023.

Christopher Phifer – appointed to a four (4) year term commencing January 1, 2021 and expiring December 31, 2024.

Matthew Unsworth – appointed to a four (4) year term commencing January 1, 2021 and expiring December 31, 2024.

Lynn Petrozza – appointed to a four (4) year term commencing January 1, 2021 and expiring December 31, 2024.

Sherrie Lisa Galderisi – appointed to the unexpired four (4) year term of Karen Mitchell commencing January 1, 2021 and expiring December 31, 2024.

Richard Masura – appointed to a four (4) year term commencing January 1, 2022 and expiring December 31, 2025.

Resolution No. 010-2023

Offered by: Corson

Seconded by: Hayes

Adopted: January 6, 2023

Roll Call Vote:

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

11. Appointment of Class 3 member to the Upper Township Planning Board.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 011-2023

**RE: APPOINTMENT OF CLASS 3 MEMBER TO THE
UPPER TOWNSHIP PLANNING BOARD**

WHEREAS, it is necessary to appoint a member of the Governing Body to the Planning Board of the Township of Upper to serve as a Class 3 member of such Planning Board.

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 Committee person Kimberly R. Hayes is hereby appointed as a Class 3 member of the Upper Township Planning Board for a term of one (1) year, effective immediately.

Resolution No. 011-2023

Offered by: Newman

Seconded by: Hayes

Adopted: January 6, 2023

Roll Call Vote:

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

12. Establishing salaries for various officers and employees.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 012-2023

**RE: ESTABLISHING SALARIES FOR VARIOUS OFFICERS
AND EMPLOYEES**

WHEREAS, a need exists in the Township of Upper to fix salaries for various administrative, clerical and other personnel for the ensuing year.

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 persons shall be paid the annual salary or hourly rate opposite their name

commencing ***January 1, 2023***:

NAME	POSITION	SALARY
Jay Newman	Emergency Information Officer	No Salary
Gary DeMarzo	Township Administrator	\$75,000.00
	Fund Commissioner	No Salary
Joanne Herron	Township Clerk	\$74,500.00
	Registrar of Vital Statistics	No Salary on
	Official to Certify Municipal Improvement Searches	these titles
	General Licensing Official	
	Data Information Coordinator	
	Public Agency Compliance Officer	
Rhonda Sharp	Tax Collector	\$98,011.00
	Tax Search Officer	No Salary on
	Personnel Officer	these titles
	Claims Coordinator	
Megan A. McAfee	Township Tax Assessor	\$88,500.00
Michelle Johnson	Keyboarding Clerk 1	\$52,491.00
	Deputy Tax Assessor	No Salary
Barbara Ludy	Chief Financial Officer	\$97,474.00
	QPA/Purchasing Agent	No Salary on
	Benefits Coordinator	these titles
Paul Dietrich	Township Engineer	\$120,787.00
	Construction/Zoning Supervisor	

	Computer Director	No Salary on these titles
	Municipal Housing Liaison	
	Floodplain Manager	
	Stormwater Program Coordinator	
	Solid Waste Advisory Committee	
	Air Quality Control Officer	
	Substitute Zoning Officer	
James Birchmeier	Judge, Municipal Court	\$54,571.00
Loren Ready	Municipal Court Administrator	\$73,500.00
	Assistant Safety Coordinator	No Salary
Carol Marcolongo	Keyboarding Clerk 1	\$25.00/Hr
Therese Smuz	Keyboarding Clerk 2, Construction Office	\$53,000.00
Theodore Cooper	Construction Code Official	\$88,500.00
	Building Sub-Code Official	No Salary
James Cotton	Plumbing Sub-Code Official	\$23,000.00
	Temporary Construction Official	\$35.00/Hr.
Frank Primavera	Fire Protection Sub-Code Official	\$14,500.00
	Fire Protection Inspector	No Salary
	Temporary Electrical Sub-Code Official and Electrical Inspector	\$43.00/Hr.
William Marsden	Electrical Sub-Code Official	\$33,444.00
Rosemary Trout	Keyboarding Clerk 1, Finance Office	\$51,292.00
	Assistant Finance Officer	No Salary on these titles
	Passport Acceptance Agent	
Patricia Smyth	Keyboarding Clerk 1, Tax Office	\$57,959.00
	Deputy Tax Collector	No Salary on these titles
	Passport Acceptance Agent	
	Assistant Personnel Officer	
Janet McBride	Keyboarding Clerk 1, Clerk's Office	\$51,572.00
	Deputy Registrar	No Salary on these titles
	Wellness Coordinator	
Elizabeth Oaks	Technical Assistant to the Construction Official	\$70,000.00
	Zoning Officer	No salary on these titles
	Secretary Planning Board	
	Secretary Zoning Board of Adjustment	
Edward Carter	Deputy Municipal Emergency Management Coordinator	\$ 3,100.00
Bruce Riordan	2 nd Assistant Municipal Emergency Management Coordinator	\$ 1,200.00
Jeremiah Williams	Playground Inspector	\$ 1,000.00
Melissa Coker	Temporary Chief Emergency Medical Technician	\$82,000.00
	Safety Coordinator	No salary
Michael F. Linz	Temporary Supervising Emergency Medical Technician	\$69,678.00
John Brittin	Temporary Supervising Emergency Medical Technician	\$68,678.00
	9-1-1 Coordinator/Right to know Director	No Salary
Melissa Blackledge	Emergency Medical Technician (3 or more years)	\$59,372.00
Johnathan Carter	Emergency Medical Technician	\$47,000.00
Paula Brooks	Emergency Medical Technician	\$47,000.00
Kyle Lindholm	Emergency Medical Technician	\$47,000.00
Amanda Grau	Emergency Medical Technician	\$47,000.00

Jennifer Teasenfitz	Emergency Medical Technician	\$45,000.00
Daniel Dubbs	Emergency Medical Technician	\$20.50/Hr
Patricia Kravitz	Emergency Medical Technician	\$20.50/Hr
Valerie McKim	Emergency Medical Technician	\$20.50/Hr
Angel Anderson	Emergency Medical Technician	\$20.50/Hr
Deborah Dore	Emergency Medical Technician	\$20.50/Hr
Scott Fancher	Emergency Medical Technician	\$20.50/Hr
Lauren DiGiovanni	Emergency Medical Technician	\$20.50/Hr
Patrick Dugan	Emergency Medical Technician	\$20.50/Hr
Mark Newman	Emergency Medical Technician	\$20.50/Hr
Carolyn A. Raff	Emergency Medical Technician	\$20.50/Hr
Wally Welliver	Emergency Medical Technician	\$20.50/Hr
H. Lawrence Dubs, Jr.	Emergency Medical Technician	\$20.50/Hr
Timothy Leeds	Emergency Medical Technician	\$20.50/Hr
Melanie Garthwaite	Emergency Medical Technician	\$20.50/Hr
Joseph Maccarone	Emergency Medical Technician	\$20.50/Hr
Jessica Wriggins	Emergency Medical Technician	\$20.50/Hr
Tracy Caine	Emergency Medical Technician	\$20.00 Hr
Eric Shane	Emergency Medical Technician	\$20.00/Hr

3. The following persons serving in the Department of Public Works shall be paid the annual salary indicated as follows:

NAME	POSITION	SALARY
Craig Reeves	Superintendent of Public Works	\$90,000.00
James M. Jones	Assistant Public Works Superintendent Deputy Municipal Emergency Management Coordinator Deputy Right to Know Director	\$86,100.00 No Salary on these titles
John Adams	Maintenance Supervisor, Grounds	\$76,523.00
Nicholas Mason	Supervising Equipment Operator	\$76,523.00
John Hope	Supervising Mechanic	\$76,523.00
Marshall Kohler	Mechanics Helper (0-9)	\$62,305.00
Richard Kaczmariski	Supervisor Sanitation Recycling Coordinator Code Enforcement Officer	\$75,523.00 No Salary on these titles
Peter Buganski	Maintenance Repairer (0-9)	\$64,427.00
David Pennello	Senior Carpenter (0-9)	\$66,548.00
Raymond Blaker	Equipment Operator (10+)	\$65,487.00
Stewart Segin	Equipment Operator (0-9)	\$64,427.00

Richard McCauley	Equipment Operator (0-9)	\$64,427.00
Edward Kline	Truck Driver, Heavy (0-9)	\$62,305.00
Brian Keenan	Truck Driver, Heavy (0-9)	\$62,305.00
Ralon Armstrong	Truck Driver, Heavy (0-9)	\$62,305.00
John Chisholm	Truck Driver, Heavy (0-9)	\$62,305.00
Andrew Mangam	Truck Driver, Heavy (0-9)	\$62,305.00
Sean Fenton	Truck Driver, Heavy (0-9)	\$62,305.00
Christopher Hohman	Truck Driver, Heavy (0-9)	\$62,305.00
Jeremiah Williams	Maintenance Worker 2, Grounds (10+)	\$65,487.00
Edward Carter	Maintenance Worker 2, Grounds (0-9)	\$64,427.00
Roger Van Order	Maintenance Worker 2, Grounds (0-9)	\$64,427.00
John Kohler	Maintenance Worker 1, Grounds (10+)	\$63,366.00
Sean Ferrier	Maintenance Worker 1, Grounds (0-9)	\$62,305.00
Michael Mayne	Laborer 1 (6 th -9 th yr)	\$58,511.00
Josh Adams	Laborer 1 (10+)	\$60,248.00
Matthew Edwards	Laborer 1 (6 th - 9 th yr)	\$58,511.00
William Evans	Laborer 1 (5 th yr)	\$56,631.00
Luke Eisele	Laborer 1 (5 th yr)	\$56,631.00
Todd Rammel	Laborer 1 (4 th yr)	\$54,169.00
Joseph Shone	Laborer 1 (1 st yr)	\$46,785.00
Sean O'Brien	Laborer 1 (1 st yr)	\$46,785.00
Joseph Sharp	Laborer (Part-time)	\$16.00/Hr.
Lawrence Cole	Recreation Leader	\$53,000.00
	MAC Coordinator	\$ 4,450.00
Barbara Grund	Bldg. Maintenance Worker	\$46,785.00

Resolution No. 012–2023

Offered by: Hayes

Seconded by: Newman

Adopted: January 6, 2023

Roll Call Vote:

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

13. Meeting procedures.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 013-2023

RE: PROCEDURE TO BE FOLLOWED IN WORK SESSION MEETINGS AND REGULAR MEETINGS OF THE TOWNSHIP COMMITTEE; LIMITING THE TIME OF SUCH MEETINGS; AND PROVIDING A SCHEDULE FOR THE ORDERLY CONDUCT OF SUCH MEETINGS AND ESTABLISHING CERTAIN OTHER RULES AND REGULATIONS PERTAINING TO SAME

WHEREAS, the Open Public Meetings Law of the State of New Jersey requires that meetings of the Governing Body be open to the public, except in certain limited instances; and

WHEREAS, the Township Committee may hold a work session meeting prior to the regularly scheduled meeting of the Township Committee, which work session meeting shall be open to the public in accordance with the provisions of Resolution No. 008-2023, unless the subject matter under discussion involves one or more matters set forth in N.J.S.A. 10:4-12(b), in which event the public shall be excluded from that portion of the meeting; and

WHEREAS, regular meetings of the Township Committee may be held remotely by electronic means due to a declared emergency; and

WHEREAS, it is necessary to establish a procedure for the orderly transaction of such business.

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 regular meeting of the Township Committee will commence at 6:30 p.m. or 4:30 p.m., as designated by Resolution 008-2023. The Township Committee may convene publicly, however, at 5:30 p.m. or 3:30 p.m. for a work session meeting.
3. Any member of the Township Committee, is hereby authorized to attend and participate in a meeting of the Township Committee remotely/electronically for any reason.
4. At regular meetings of the Township Committee, the agenda may set forth a Consent Agenda wherein proposed resolutions are considered to be routine in nature and will be enacted by one motion for all such resolutions; provided however, the Mayor or any Committee Member may direct that a particular resolution be considered separately at which time said resolution shall be removed from the Consent Agenda and shall be acted on separately.
5. Promptly at 6:30 p.m. or 4:30 p.m., as designated by Resolution 008-2023, the work session of the Township Committee, whether opened or closed to the public, shall terminate and the regular meeting of the Township Committee shall commence. All meetings shall continue unless a recess occurs, until 10:30 p.m., at which time the public shall be excluded from the meeting in order to permit the Township Committee to take up one or more of the matters enumerated in Section 6 of this Resolution. Such closed session shall terminate so as to permit the meeting to be reopened to the public and to be adjourned not later than 11:00 p.m.
6. The public may be excluded from a meeting upon the adoption of an appropriate Resolution in order to discuss one or more of the following subject matters:
 - (A) Any matter which, by express provision of Federal Law or State Statute or Rule of Court shall be rendered confidential or excluded from the provisions of subsection a. of N.J.S.A. 10:4-12;
 - (B) Any matter in which the release of information would impair a right to receive funds from the Government of the United States;
 - (C) Any material, the disclosure of which constitutes an unwarranted invasion of individual privacy such

as any records, dates, reports, recommendations, or other personal material of any educational, training, social service, medical health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request, in writing, that the same be disclosed publicly;

(D) Any Collective Bargaining Agreement, or the terms and conditions which are proposed for inclusion in any Collective Bargaining Agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body;

(E) Any matter involving the purchase, lease, or acquisition of real property with public funds, the setting of bank rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed;

(F) Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law;

(G) Any pending or anticipated litigation or contract negotiations other than in subsection (D) herein in which the public body is, or may become, a party. Any matter falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer;

(H) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request, in writing, that such matter or matters be discussed at a public meeting;

(I) Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.

7. The Resolution which shall be adopted closing the meeting to the public shall be adopted in accordance with the provisions of N.J.S.A. 10:4-13, which shall state the general nature of the subject to be discussed and shall state, as precisely as possible, the time when and the circumstances under which the discussion conducted in closed session of the Governing Body can be disclosed to the public.

RULES PERTAINING TO PUBLIC COMMENT:

8. In the conduct of public meetings and the course of receiving public comments, the following procedures shall apply:

(A) Any member of the public wishing to address the Township Committee on any matter, including

public hearings on the adoption of Ordinances or the adoption of the Township Budget, shall be limited to a total of five (5) minutes, at which point such individual shall cease speaking and shall not thereafter be recognized, except in the exercise of the sound discretion of the Mayor or other presiding officer, which discretion should only be exercised after all other persons desiring to address the Township Committee on any issue have had an opportunity to do so.

(B) In receiving public comments on a particular issue or in conducting public hearings on the adoption of an Ordinance or the Annual Budget, or in conducting any other public hearing, the Mayor, or the presiding officer in the absence of the Mayor, shall determine, either in the exercise of his discretion or on a motion adopted by a majority of the members of the Township Committee, the amount of time that is to be devoted to the particular issue and discussion thereon shall be limited accordingly. Any such determination made by the Mayor or presiding officer may be the subject of an appeal to the Township Committee as a whole, which may overrule such determination by majority vote.

(C) In calling for public comment, the Mayor or presiding officer shall recognize a particular member of the public. Upon being recognized, such person shall state his or her full name, address, and general nature of the matter to be commented upon, unless such comments are in the course of a public hearing on a particular subject, in which event such comments must be limited to the matter under discussion and shall not relate to any other issue.

(D) The Mayor or other presiding officer shall give preference to residents of the Township of Upper who shall be afforded an opportunity to speak first before any non-resident is recognized. Such determination shall not apply to any public official seeking to address the Township Committee, nor shall it apply to any attorney or other representative appearing on behalf of any resident of the Township, provided that the identity and address of the Township Resident is first disclosed.

(E) All comments made by the public shall be addressed to the Township Committee and shall not be addressed to any other member of the public, nor shall such comments provide a forum for debate between or among members of the public. Any person violating this provision shall be declared "out of order" and shall thereupon forfeit his or her right to address the Governing Body.

9. The procedures outlined in this Resolution are intended to encourage and to foster the greatest possible participation in municipal government by members of the public and in order to achieve that purpose, these rules and regulations are intended to reduce multiplicitous comments by a single individual, as well as comments of long duration or which are or may be repetitive or argumentative in nature.

Resolution No. 013-2023

Offered by: Hayes

Seconded by: Newman

Adopted: January 6, 2023

Roll Call Vote:

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

14. Imposing a fee of thirty-five dollars on all checks given to the Township of Upper, which are dishonored for any reason.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 014-2023

**RE: IMPOSING A FEE OF THIRTY-FIVE (\$35.00) DOLLARS
ON ALL CHECKS GIVEN TO THE TOWNSHIP OF UPPER WHICH ARE
DISHONORED FOR ANY REASON**

WHEREAS, the Chief Financial Officer of the Township of Upper has reported to the Township Committee an increase in the number of checks which are returned by the maker's bank due to insufficient funds or for other reasons; and

WHEREAS, such circumstances have greatly increased the time involved in the processing of transactions and has otherwise increased the administrative costs to the Township; and

WHEREAS, a returned check item results in a charge to the Township of Upper by the depository bank; and

WHEREAS, the Chief Financial Officer has recommended to the Township Committee the imposition of a charge to cover all such checks which are returned or dishonored by the maker's bank for any reason.

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 is hereby authorized to impose a charge of thirty-five dollars (\$35.00) against any person who tenders a check to the Township, which check is dishonored by the bank upon which it is drawn for insufficient funds or for any other reason. The thirty-five dollar (\$35.00) fee shall be in addition to all other fees which are due and payable to the Township and shall be collected in the same manner as are taxes and penalties.
3. An appropriate notice shall be posted by the Municipal Clerk in a conspicuous location, advising all persons that such charge will be imposed effective immediately.
4. This Resolution shall take effect immediately.

Resolution No. 014-2023

Offered by: Corson

Seconded by: Pancoast

Adopted: January 6, 2023

Roll Call Vote:

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

15. Authorizing the Chief Financial Officer to maintain a petty cash fund.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 015-2023

**RE: AUTHORIZING THE CHIEF FINANCIAL OFFICER TO
MAINTAIN A PETTY CASH FUND IN THE AMOUNT OF \$100.00**

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund for the Chief Financial Officer; and

WHEREAS, said Petty Cash Fund was established by Resolution dated June 28, 1993 by the Township Committee of the Township of Upper; and

WHEREAS, said Petty Cash Fund received approval from the Director of Local Government Services on July 13, 1993; and

WHEREAS, it is the desire of the Township Committee that said fund be continued under the direction of the Chief Financial Officer;

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Upper that:

1. The allegations of the preamble are incorporated in full.
2. During the year 2023, Barbara Ludy, Chief Financial Officer, be and is hereby authorized and permitted to establish a Petty Cash Fund in the amount not to exceed \$100.00 pursuant to the provisions of N.J.S.A. 40A:5-21. Said Petty Cash Fund will be used by such office or department to pay claims for small miscellaneous expenses.
3. Barbara Ludy, Chief Financial Officer, having custody of the Fund be bonded in an amount not less than \$1,000.00 or the amount of the fund, whichever is greater and will maintain said Fund in accordance with the laws and regulations governing its operation.

Resolution No. 015-2023

Offered by: Hayes

Seconded by: Newman

Adopted: January 6, 2023

Roll Call Vote:

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

16. Authorizing the Tax Assessor to file a petition of appeal or appeals for the tax year 2023 with the Cape May County Board of Taxation and/or the Tax Court of New Jersey to seek corrections of errors and proper values.

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

RESOLUTION NO. 016-2023

**RE: AUTHORIZING THE TAX ASSESSOR TO FILE A
 PETITION OF APPEAL OR APPEALS FOR THE TAX YEAR 2023 WITH THE
 CAPE MAY COUNTY BOARD OF TAXATION AND OR THE TAX COURT OF NEW JERSEY TO
 SEEK CORRECTION OF ERRORS AND PROPER VALUES.**

WHEREAS, from time to time the Tax Assessor of the Township of Upper discovers an error in calculation, transposition, measurement or typographical error in the tax assessment on the tax list after the time within which the County Board of Taxation has certified the tax rates of the tax year; and

WHEREAS, the governing body of the taxing district of the Township of Upper is desirous that every taxpayer shall pay their fair share of taxes; and

WHEREAS, if said error is discovered by the Tax Assessor in the normal course of business and is not corrected, the affected taxpayers would be paying more or less than their fair share of taxes; and

WHEREAS, in each instance, the error discovered was not caused by any act or omission of the taxpayer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Township Committee of the taxing district of the Township of Upper that the Tax Assessor is hereby authorized and permitted to file a Petition of Appeal or Appeals for the tax year 2023 with the Cape May County Board of Taxation and or the Tax Court of New Jersey to seek correction of such errors, and in each instance, to either raise or lower the assessment to the correct and proper value; and

BE IT FURTHER RESOLVED that in each such instance, a copy of any Petition of Appeal filed with the Cape May County Board of Taxation and or the Tax Court of New Jersey pursuant to the authorization extended by this Resolution shall be filed with the Township Clerk of the Township of Upper; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded by the Clerk of the Township of Upper to the Cape May County Board of Taxation and or the Tax Court of New Jersey upon passage of this Resolution; and

BE IT FINALLY RESOLVED that a certified copy of this Resolution shall be forwarded to the Cape May County Board of Taxation and or the Tax Court of New Jersey accompanying any Petition of Appeal which may be filed by the Assessor under this authority extended herein.

Resolution No. 016-2023

Offered by: Corson Seconded by: Hayes

Adopted: January 6, 2023

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Corson	X			

Hayes	X			
Nappen	X			
Pancoast	X			
Newman	X			

17. Adopting the Cash Management Plan for the Township of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 017-2023

**RE: ADOPTING THE CASH MANAGEMENT PLAN OF
THE TOWNSHIP OF UPPER**

WHEREAS, N.J.S.A. 40A:5-14 requires each municipality adopt a Cash Management Plan and that all municipal funds shall be managed pursuant to that Plan; and

WHEREAS, the cash management plan shall include the designation of a depository or depositories as permitted in section 4 of P.L. 1970, c235(C:17:9-44); and

WHEREAS, the cash management plan shall be designed to assure to the extent practicable, the investment of local funds in interest bearing accounts and may be modified from time to time in order to reflect changes in federal or state law or regulations and other reasons; and

WHEREAS, the cash management plan shall be subject to the annual audit conducted pursuant to N.J.S.A. 40A:5-4.

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 to the preamble are incorporated herein by this reference.
2. The Cash Management Plan for the Township of Upper for the year January 1, 2023 through December 31, 2023, a copy of which is on record in the office of the Township Clerk and in the office of the Township Chief Financial Officer, is hereby adopted.
3. The Cash Management Plan shall remain in full force and effect for the term January 1, 2023 through December 31, 2023, unless sooner modified or amended, as permitted by law, and until such time as a replacement Cash Management Plan is approved by the Governing Body through the adoption of a formal Resolution.

BE IT FURTHER RESOLVED that the proper officials be and are hereby authorized to do all things necessary to carry out the intent of this Resolution.

Resolution No. 017-2023

Offered by: Corson

Seconded by: Hayes

Adopted: January 6, 2023

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Corson	X			
Hayes	X			

Nappen	X			
Pancoast	X			
Newman	X			

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

CASH MANAGEMENT PLAN

I. STATEMENT OF PURPOSE:

This Cash Management Plan (the “Plan”) is prepared pursuant to the provisions of N.J.S.A. 40A:5-14 in order to set forth the basis for the deposits (“Deposits”) and investment (“Permitted Investments”) of certain public funds of the Township, pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments hereinafter referred to. The intent of the Plan is to provide that the decisions made with regard to the Deposits and the Permitted Investments will be done to ensure the safety, the liquidity (regarding its availability for the intended purposes) and the maximum investment return within such limits. The Plan is intended to ensure that any Deposit or Permitted Investments matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

II. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY THE PLAN.

The Plan is intended to cover the deposit and/or investment of the following funds and accounts of the Township.

Current Fund
Trust Fund
General Capital Fund
Public Assistance Fund
Payroll Fund

III. DESIGNATION OF OFFICIALS OF THE TOWNSHIP AUTHORIZED TO MAKE DEPOSITS AND INVESTMENTS UNDER THE PLAN.

The Chief Financial Officer and the Treasurer of the Township (the “Designated Officials”) are hereby authorized and directed to deposit and/or invest the funds referred to in the Plan. Prior to making any such Deposits or any Permitted Investment, such officials of the Township are directed to supply all depositories or any other parties with whom the Deposits or Permitted Investments are made a written copy of this Plan which shall be acknowledged in writing by such parties and a copy of such acknowledgment kept on file with such officials.

IV. DESIGNATION OF DEPOSITORIES.

The following banks and financial institutions are hereby designated as official depositories for the Deposit of all public funds referred to in the Plan, including any certificates of Deposit which are not otherwise invested in Permitted Investments as provided for in this Plan.

Ocean First Bank
PNC Bank, New Jersey
First Bank of Sea Isle City
Municipal Investors Corp.
N.J. Cash Management Plan
Bank of America, N.A.
Sturdy Savings Bank

TD Bank
Wells Fargo
Republic Bank

All such depositories shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgment to the Designated Official(s) referred to in Section III.

V. **DESIGNATION OF OFFICIALS TO SIGN CHECK AND WITHDRAWALS OF THE TOWNSHIP OF UPPER.**

Pursuant to N.J.S.A. 40A:5-17B(2), that the following named officials shall sign checks and authorized withdrawals for the Township of Upper for the Current Fund, Public Assistance Fund, Operating Fund and Payroll Fund:

Jay Newman
Mayor

Joanne Herron, RMC
Township Clerk

Barbara Ludy
CFO

OR

Rosemary Trout
Assistant Finance Officer

All checks and withdrawals shall be signed with three (3) signatures, namely, the Mayor, Township Clerk and Township Chief Financial Officer or in the Township Chief Financial Officer's absence, the Assistant Finance Officer.

The following named officials shall sign checks and authorize withdrawals for the Township of Upper for the Trust Fund and the General Capital Fund:

Barbara Ludy
CFO

OR

Rosemary Trout
Assistant Finance Officer

All checks and withdrawals shall be signed with one (1) signature, namely, the Township Chief Financial Officer or in the Township Chief Financial Officer's absence, the Assistant Finance Officer.

VI. **DESIGNATION OF BROKERAGE FIRMS AND DEALERS WITH WHOM THE DESIGNATED OFFICIALS MAY DEAL**

The following brokerage firms and/or dealers and other institutions are hereby designated as firms with whom the Designated Official(s) of the Township referred to in this Plan may deal for purposes of buying and selling securities identified in this Plan as Permitted Investments or otherwise providing for Deposits. All such brokerage firms and/or dealers shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgment to the Designated Official(s) referred to in Section III above.

None Designated

VII **AUTHORIZED INVESTMENTS.**

A. Except as otherwise specifically provided for herein, the Designated Officials are hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:

- 1) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America;
- 2) Government money market mutual funds;

- 3) Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;
- 4) Bonds or other obligations of the Local unit or bonds or other obligations of school districts of which the Local Unit is a part or within which the school district is located;
- 5) Bonds or other obligations, which have a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of the Treasury for investment by Local Units;
- 6) Local government investment pools;
- 7) Deposits with the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L. 1977, c.281 (C.52:18A-90.4); or
- 8) Agreements for the repurchase of fully collateralized securities if:
 - (a) the underlying securities are permitted investments pursuant to Paragraphs (1) and (3) of this subsection;
 - (b) the custody of collateral is transferred to a third party;
 - (c) the maturity of the agreement is not more than 30 days;
 - (d) the underlying securities are purchased through a public depository as defined in section 1 of P.L. 1970, c.236 (C17:9-41); and
 - (e) a master repurchase agreement providing for the custody and security of collateral is executed.

B. For purposes of the above language, the terms “government money market mutual fund” and “local government investment pool” shall have the following definitions:

- 1) Government Money Market Mutual Fund. An investment company or investment trust:
 - (a) which is registered with the Securities and Exchange Commission Under the "investment Company Act of 1940", 15 U.S.C. sec. 80a-1 et seq. And operated in accordance with 17 C.F.R. sec 270.2a-7.
 - (b) the portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities; and
 - (c) which has:
 - (i) attained the highest ranking or the highest letter and Numerical rating of a nationally recognized statistical rating organization; or
 - (ii) retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission Pursuant to the “Investment Advisors Act of 1940,” 15 U.S.C. sec.80b-1 et seq., with experience investing in U.S. government securities for at least the most recent past 60 months and with assets under management in excess of \$500 million.
- 2) Local Government Investment Pool. An investment pool:
 - (a) which is managed in accordance with 17 C.F.R. sec. 270.2a-7;
 - (b) which is rated in the highest category by a nationally recognized statistical rating organization;
 - (c) which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. sec.270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities;
 - (d) which is in compliance with rules adopted pursuant to this “Administrative Procedure Act,” P.L. 1968, c.410 (c.52:14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of

Community Affairs, which rules shall provide for disclosure and reporting requirements, and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investment.

- (e) which does not permit investments in instruments that are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value; and
- (f) which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a national or State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967 c.9 (C.49:3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government securities.

C. Notwithstanding the above authorization, the monies on hand in the following funds and accounts shall be further limited as to maturities, specific investments or otherwise as follows:

- 1) Limited only to maturities, 1 year or less

VIII. **SAFEKEEPING CUSTODY PAYMENT AND ACKNOWLEDGMENT OF RECEIPT OF PLAN.**

To the extent that any Deposit or Permitted Investments involve a document or security which is not physically held by the Township, then such instrument or security shall be covered by a custodial agreement with an independent third party, which shall be a financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the Township to assure that there is no unauthorized use of the funds or the Permitted Investments or Deposits. Purchase of any Permitted Investments that involve securities shall be executed by a "delivery versus payment" method to insure that such Permitted Investments are either received by the Township or by a third party custodian prior to or upon the release of the Township's funds. To assure that all parties with whom the Township does business either by way of Deposits or Permitted Investments are aware of the authority and the limits set forth in this Plan, all such parties shall be supplied with a copy of this Plan in writing and all such parties shall acknowledge the receipt of that Plan in writing, a copy of which shall be on file with the Designated Official(s).

IX. **REPORTING REQUIREMENTS**

On the first day of each month during which this Plan is in effect, the Designated Official(s) referred to in Section III hereof shall supply to the governing body of this Township, a written report of any Deposits or Permitted Investments made pursuant to this Plan, which shall include, at a minimum, the following information:

- A. The name of any institution holding funds of the Township as a Deposit or Permitted Investment.
- B. The amount of securities or Deposits purchased or sold during the immediately preceding month.
- C. The class or type of securities purchased or Deposits made.
- D. The book value of such Deposits or Permitted investments.
- E. The earned income on such Deposits or Permitted Investments. To the extent that such amounts are actually earned at maturity, this report shall provide an accrual of such earnings during the immediately preceding month.
- F. The fees incurred to undertake such Deposits or Permitted Investments.
- G. The market value of all Deposits or Permitted Investments as of the end of the immediately preceding month.
- H. All other information which may be deemed reasonable from time to time by

the governing body of the Township.

X **TERM OF PLAN.**

This Plan shall be in effect **from January 1, 2023 to December 31, 2023.** The Plan may be amended from time to time. To the extent that any amendment is adopted by the Township Committee, the Designated Officials are directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved Plan, which amendment shall be acknowledged in writing in the same manner as the original Plan was so acknowledged.

18. 2023 Temporary Budget.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 018-2023

RE: 2023 TEMPORARY BUDGET

WHEREAS, N.J.S.A. 40A:4-19 provides that the governing body shall by Resolution adopted prior to January 31 of the fiscal year make appropriations to provide for the period between the beginning of the fiscal year and the adoption of the budget; and

WHEREAS, the total of the appropriations so made shall not exceed 26.25% of the total of the appropriations made for all purposes in the Budget for the preceding year excluding public assistance, such amount being **\$3,709,413.01.**

NOW, THEREFORE BE IT RESOLVED, that the following appropriations shall constitute the Temporary Budget for the year 2023:

ADMINISTRATIVE & EXECUTIVE

Salary and Wages \$ 21,600.00
Other Expenses \$ 2,000.00

MAYOR AND COMMITTEE

Salary and Wages \$ 21,250.00
Mayor and Committee O/E \$ 5,000.00
Cape Mediation \$ 2,556.00
Cape Assist EAP \$ 1,155.00

MUNICIPAL CLERK

Salary and Wages \$ 50,000.00
Miscellaneous O/E \$ 10,000.00

FINANCIAL ADMINISTRATION

Salaries & Wages \$ 43,000.00
Miscellaneous O/E \$ 4,000.00
Computer Hardware/Software \$ 45,000.00
Annual Audit \$ 20,000.00

ASSESSMENT OF TAXES

Salaries & Wages \$ 38,500.00
Miscellaneous O/E \$ 4,000.00

COLLECTION OF TAXES

Salaries & Wages \$ 42,000.00
Miscellaneous O/E \$ 1,500.00

LEGAL SERVICES AND COSTS

Other Expenses \$ 40,000.00

MUNICIPAL COURT

Salaries & Wages \$ 52,000.00
Miscellaneous O/E \$ 8,000.00

PUBLIC DEFENDER	Other Expenses	\$ 7,000.00
MUNICIPAL PROSECUTOR	Other Expenses	\$ 12,800.00
ENGINEERING SERVICES & COSTS	Salaries & Wages	\$ 32,600.00
	Other Expenses	\$ 5,000.00
PUBLIC BUILDINGS & GROUNDS	Salaries & Wages	\$ 215,000.00
	Other Expenses	\$ 80,000.00
PLANNING BOARD	Salaries & Wages	\$ 12,000.00
	Other Expenses	\$ 4,000.00
BOARD OF ADJUSTMENT	Salaries & Wages	\$ 12,000.00
	Other Expenses	\$ 4,000.00
CONSTRUCTION CODE	Salaries & Wages	\$ 59,500.00
	Other Expenses	\$ 1,500.00
INSURANCE	Group Insurance for Employees	\$ 570,000.00
	Other Insurance Premiums	\$ 75,000.00
	Workers Compensation	\$ 125,000.00
SCHOOL CROSSING GUARD	Salaries & Wages	\$ 3,600.00
	Miscellaneous O/E	\$ 200.00
BEACH PATROL	Salaries & Wages	\$ 1,000.00
	Other Expenses	\$ 1,000.00
EMERGENCY MANAGEMENT/RTK	Salaries & Wages	\$ 1,500.00
	Miscellaneous O/E	\$ 10,000.00
ROAD REPAIRS & MAINTENANCE	Salaries & Wages	\$ 235,000.00
	Miscellaneous O/E	\$ 50,000.00
SURFACING OF ROADS CONTRACTUAL		\$ 0.00
STREET LIGHTING		\$ 110,000.00
GARBAGE & TRASH REMOVAL	Salaries & Wages	\$ 118,000.00
	Miscellaneous O/E	\$ 20,000.00
	Tipping Fees	\$ 125,000.00
BOARD OF HEALTH	Miscellaneous O/E	\$ 100.00
DOG REGULATION	Miscellaneous O/E	\$ 37,500.00
PUBLIC INFORMATION	Miscellaneous O/E	\$ 0.00
ZONING/CODE OFFICIAL	Salaries & Wages	\$ 0.00
	Miscellaneous O/E	\$ 500.00
SPORTS & RECREATION	Salaries & Wages	\$ 15,000.00
	Miscellaneous O/E	\$ 8,000.00
DIVISION OF EMS	Salaries & Wages	\$ 250,000.00
	Miscellaneous O/E	\$ 18,000.00

RECYCLING

Salaries & Wages \$ 75,000.00
Miscellaneous O/E \$ 20,000.00

AFFORDABLE HOUSING

Salaries & Wages \$ 0.00
Miscellaneous O/E \$ 100.00

COMMUNITY CENTER

Miscellaneous O/E \$ 8,000.00

CELEBRATION OF PUBLIC EVENTS

\$ 3,000.00

SOCIAL SECURITY SYSTEM

\$ 132,000.00

SPECIAL LITIGATION

\$ 40,000.00

SUI CONTRIBUTION

\$ 2,500.00

CENTRAL DISPATCH

\$ 65,500.00

ALCOHOL & DRUG TESTING

\$ 1,000.00

COMP. ABSENCES RESERVES

\$ 100.00

PERS

\$ 615,626.00

DCRP

\$ 2,500.00

GYPSY MOTH MISC.

\$ 53,220.00

Total \$3,649,907.00

Resolution No. 018-2023

Offered by: Hayes

Seconded by: Pancoast

Adopted: January 6, 2023

Roll Call Vote:

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

19. Appointment of Thomas H. Heist IV as Risk Management Consultant.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 019-2023

**RE: AUTHORIZING THE APPOINTMENT OF THOMAS H. HEIST IV
AS RISK MANAGEMENT CONSULTANT TO PERFORM VARIOUS
PROFESSIONAL SERVICES ON BEHALF OF THE TOWNSHIP OF UPPER RELATIVE TO THE
ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND AND MUNICIPAL EXCESS
LIABILITY JOINT INSURANCE FUND**

WHEREAS, the Township Committee of the Township of Upper has resolved to join the Atlantic County Municipal Joint Insurance Fund, a self-insurance pooling fund, following a detailed analysis; and

WHEREAS, the by-laws of the Funds require that each municipality appoint a Risk Management Consultant to perform various professional services as detailed in the by-laws; and

WHEREAS, NJSA 40A:11-5 (1)(m), specifically exempts the hiring of insurance consultants from competitive bidding as an extraordinary unspecifiable service; and

WHEREAS, the experience, knowledge of public insurance and risk management issues and judgmental nature required of a Risk Management Consultant are clearly an extraordinary unspecifiable service which therefore render competitive bidding impractical:

WHEREAS, the Township purchasing agent has determined and certified in writing that the value of the contract for the Risk Management Consultant will not exceed \$17,500.00; and

WHEREAS, Thomas H. Heist IV has completed and submitted a Business Entity Disclosure Certification which certifies that Thomas H. Heist IV has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c.19 would bar the award of this contract and that Thomas H. Heist IV shall not make any such reportable contributions during the term of this contract; and

NOW THEREFORE BE IT RESOLVED that the governing body of the Township of Upper does hereby appoint Thomas H. Heist IV as its Risk Management Consultant in accordance with 40A:11-5 and;

BE IT FURTHER RESOLVED that the governing body is hereby authorized and directed to execute the Consultant’s Agreement annexed hereto as “Exhibit A”; and

1. The Township Clerk is hereby authorized and directed to cause a Notice of Award of this Contract to be published in the official newspaper of the Township of Upper, as required by N.J.S.A. 40A:11-5(1),(a),(i), within ten (10) days of its passage.
2. 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.
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. 019-2023

Offered by: Pancoast

Seconded by: Hayes

Adopted: January 6, 2023

Roll Call Vote:

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

20. Confirming appointments to various positions required by the Atlantic County Municipal Joint Insurance Fund.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 020-2023

RE: CONFIRMING APPOINTMENTS TO VARIOUS POSITIONS REQUIRED BY THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Township of Upper is a member of the Atlantic County Municipal Joint Insurance Fund (“JIF”); and

WHEREAS, the Township, as a participating member of JIF, is required to create certain positions and to fill those positions; and

WHEREAS, the Township Committee duly considered this matter and made certain appointments which are hereby ratified and confirmed through this Resolution; 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 makes the following appointments as Township representatives or Township committees with respect to Township participation in the Atlantic County JIF:

Fund Commissioner: Gary S. DeMarzo, Township Administrator

Alternate Fund Commissioner: Vacant

Risk Management Consultant: Thomas H. Heist, IV; Thomas Heist Insurance Agency

Alternate Risk Management Consultant: Mike Connolly

Claims Coordinator: Rhonda Sharp

Safety Coordinator: Mellissa Coker, Chief EMT

Asst. Safety Coordinator: Loren Ready

Wellness Coordinator: Janet McBride

Township Committee Member: Jay Newman

Safety and Wellness Committee:

Jay Newman
Gary DeMarzo
Mellissa Coker
Loren Ready
Craig Reeves
Paul Dietrich
Rhonda Sharp
Joanne Herron
Brian Keenan

Alt. Patricia Smyth

Alt. Roger VanOrder

Jeremy Williams
James M. Jones
Janet McBride

3. The Safety and Wellness Committee will meet not less than quarterly to discuss safety issues.

4. A certified copy of this Resolution shall be sent to the Atlantic County Joint Insurance Fund to the attention of Paul Miola, Executive Director and a copy of this Resolution shall be provided to each of the persons named herein.

Resolution No. 020-2023

Offered by: Hayes

Second by: Corson

Adopted: January 6, 2023

Roll Call Vote:

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

21. Appointments to the Upper Township Sports and Recreation Advisory Board.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 021-2023

**RE: APPOINTMENTS TO THE UPPER TOWNSHIP
SPORTS AND RECREATION ADVISORY BOARD**

WHEREAS, a need exists in the Township of Upper to appoint suitable persons to the Sports and Recreation Advisory Board of the Township of Upper; and

WHEREAS, the Township Committee deems it appropriate that the membership of the Sports and Recreation Advisory Board include both the Committeeperson in charge of the Public Works Department and the Committeeperson in charge of the Department of Sports and Recreational Programs; 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 persons be and are hereby appointed to the Sports and Recreation Advisory Board of the Township of Upper for a one (1) year term, commencing January 1, 2023 and expiring on December 31, 2023, provided, however, that such member shall continue to serve until his/her successor is duly appointed and

qualified:

**Member in charge of the
Department of Sports and Recreational Programs**

Kimberly R. Hayes

**Member in charge of the
Department of Public Works**

Mark E. Pancoast

Volunteer Resident Members

**Bruce DiNardo
Joseph Loteck
Richard Hoag**

Volunteer Alternate Resident Member

Christine Lentz

3. The forgoing appointees shall constitute the sole members of the Sports and Recreation Advisory Board for 2023, subject to the provision of Paragraph 4 hereof.

4. The Township Committee expressly reserves the right to supplement this Resolution at any time it deems it appropriate to change the membership of the Sports and Recreation Advisory Board or change the policies, programs and personnel with respect to any recreational activity of the Township.

Resolution No. 021-2023

Offered by: Hayes

Seconded by: Newman

Adopted: January 6, 2023

Roll Call Vote:

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

22. Adoption of the National Incident Management System.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 022-2023

RE: ADOPTION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM

WHEREAS, the United States Department of Homeland Security has developed a National Incident Management System (“NIMS”) to provide a consistent nationwide approach for Federal, State, local and

tribal governments to work effectively and efficiently together to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the NIMS incorporates the best-practices currently in use by incident managers at all levels; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township of Upper to adopt the NIMS and that by doing so the Township will satisfy a condition for Federal preparedness assistance; 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 of the Township of Upper hereby adopts the National Incident Management System as administered by the U.S. Department of Homeland Security.
3. A copy of this Resolution shall be forwarded to the Cape May County Board of Commissioners and the Cape May County Office of Emergency Management.
4. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 022-2023

Offered by: Newman

Seconded by: Hayes

Adopted: January 6, 2023

Roll Call Vote:

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

23. Appointing members to the Upper Township Municipal Court Security Committee.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 023-2023

**RE: APPOINTING MEMBERS TO THE UPPER TOWNSHIP
MUNICIPAL COURT SECURITY COMMITTEE**

WHEREAS, in compliance with Municipal Court Directive #15-06, the Township of Upper created a

RESOLUTION NO. 024-2023

**RE: APPOINTMENT OF VARIOUS PERSONS
TO TOWNSHIP POSITIONS**

WHEREAS, a need exists in the Township of Upper to appoint various administrative, clerical and other personnel in order to staff the various positions of the Township for the ensuing year.

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 persons shall be appointed to the Board of Health of the Township of Upper:

Township Committee
Tax Assessor, Megan McAfee
Joanne Herron, Clerk for the Board

3. The following persons shall be appointed to the Lighting Committee of the Township of Upper:

Township Committee

4. The following persons shall be appointed to the Finance Committee of the Township of Upper:

Mayor
Chief Financial Officer
Municipal Clerk
Township Committee Member in Charge of Finance

Resolution No. 024-2023

Offered by: Hayes

Seconded by: Newman

Adopted: January 6, 2023

Roll Call Vote:

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

25. Appointing the Upper Township Green Team Advisory Committee.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 025-2023

RE: APPOINTING THE UPPER TOWNSHIP GREEN TEAM ADVISORY COMMITTEE

WHEREAS, the Upper Township Green Team Advisory Committee is an established committee consisting of volunteer members who shall meet throughout the year to develop plans, recommend programs, assist with educational opportunities that support the creation of a sustainable community, and advise the Township

Committee on ways to improve municipal operations with “Green” initiatives which are economically and environmentally sound; and

WHEREAS, Township of Upper hereby acknowledges that the residents of the Township of Upper desire a stable, sustainable future for themselves and future generations; and

WHEREAS, as elected representatives of the Township of Upper, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community.

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 persons are hereby appointed to the Green Team Advisory Committee of the Township of Upper for a term of one year:

Jay Newman, Upper Township Mayor
 Paul Dietrich, Upper Township Engineer
 Gary DeMarzo, Upper Township Administrator
 Ralph Cooper, Chairperson
 Wanda Adamson

3. The forgoing appointees shall constitute the sole members of the Green Team Advisory Committee, subject to the provision of Paragraph 4 hereof.

4. The Township Committee expressly reserves the right to supplement this Resolution at any time it deems it appropriate to change the membership or policies of the Green Team Advisory Committee.

Resolution No. 025-2023

Offered by: Hayes Seconded by: Pancoast

Adopted: January 6, 2023

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Corson				
Hayes				
Nappen				
Pancoast				
Newman				

Executive Order of the Mayor - Planning Board Appointments

TOWNSHIP OF UPPER

EXECUTIVE ORDER OF THE MAYOR

Pursuant to the authority vested in me as Mayor of the Township of Upper, I hereby make the following appointments to the Upper Township Planning Board, pursuant to the provisions of the Municipal Land Use Act of the State of New Jersey:

CLASS II:

Gary DeMarzo, is hereby appointed to a one (1) year term commencing on January 1, 2023 and expiring on December 31, 2023.

CLASS IV:

Gary Riordan, is hereby appointed to a four (4) year term commencing on January 1, 2023 and expiring on December 31, 2026.

Christopher McGuire, II, is hereby appointed to a four (4) year term commencing on January 1, 2023 and expiring on December 31, 2026.

Matthew R. Davidson, is hereby appointed to the unexpired four (4) year term of Janet McCrosson commencing on January 1, 2022 and expiring on December 31, 2025.

ALTERNATE MEMBERS:

Colby Meloy, is hereby appointed to the unexpired two (2) year term of Robert J. Young, Sr., as Alternate #1 commencing on January 1, 2022 and expiring on December 31, 2023.

Brooke Handley, is hereby appointed to the unexpired two (2) year term of F. John Klebar as Alternate #2 commencing on January 1, 2022 and expiring on December 31, 2023.

The foregoing appointees shall serve with the other members of the Upper Township Planning Board, who are as follows:

CLASS I:

Mayor Jay Newman

CLASS III:

Kimberly R. Hayes, (Member of the Governing Body, appointed by the Governing Body)

The following appointees shall continue to serve in their existing terms, as follows:

CLASS IV:

Sean Whelan, appointed to a four (4) year term commencing on January 1, 2022 and expiring on December 31, 2025.

Theodore Kingston, appointed to a four (4) year term commencing on January 1, 2021 and expiring on December 31, 2024.

Joseph Harney, appointed to a four (4) year term commencing on January 1, 2021 and expiring on December 31, 2024.

Effective January 1, 2023

Comments by Members of the Governing Body

Curtis Corson, Committeeman, congratulated Mayor Newman and Committeemen Pancoast and Nappen. He stated that it was an honor to serve as Mayor for the past year and he will continue to serve all of Upper Township to the best of his ability. He next stated that he looks forward to the coming year as he will seek reelection, and wished all a safe and happy new year.

Kimberly Hayes, Deputy Mayor, wished all a happy new year and stated that she is looking forward to continuing the work with her fellow committee members in the coming year. She first thanked her family for their love and support. She next congratulated Committeeman Pancoast and welcomed and congratulated Committeeman Nappen. She next congratulated Mayor Newman on his new appointment as Mayor. Lastly, she thanked the Township employees for all their hard work and dedication.

Jay Newman, Mayor, thanked his colleagues for putting their trust in him as Mayor, and thanked former Mayor Corson for all of his hard work last year. He next thanked his family for their support. Next, he thanked all of the members of the public safety team in attendance tonight and thanked them for all of their hard work and

dedication over the years. Next, he congratulated Committeemen Pancoast and Nappen, and thanked the public for their support.

Victor Nappen, Committeeman, thanked all for attending tonight. He stated that he is honored for being on a great team and stated that his no vote for Mayor tonight in no way reflects on Jay Newman. He thanked his fellow committee members for their service and stated he is looking forward to working with them. He next thanked the residents for their support and stated that as elected officials we need to remember that we are here to serve the residents. Next, he thanked his wife Danielle and children Tripp and Kilian for their support and sacrifice during the election. He next thanked his Mom and Dad, his aunt Susan, brother Phil, and in-laws Kevin and Kathy. He next thanked the voters of Upper Township, Upper Township employees, and Superior Court Judge Dean Marcolongo and Ocean City Mayor Jay Gilian for administering the oath to he and Committeeman Pancoast tonight. Lastly, he thanked his friends Brandon and Bryan, Cape May County Commissioners Marie Hayes and Andrew Bulakowski, Upper Township Republican Leader Larry Trulli, Cape GOP Chairman Mike Donohue, General Pierson, Ron from Senator Van Drew's office, and the members of the Upper Township Republican Club.

Mark Pancoast, Committeeman, thanked his Mom and Dad for instilling in him wholesome Christian family values. He thanked his wife Abbey and his children Mia and Joseph for their love, support, and sacrifice. He next thanked his friends for making him a better person. He stated that the most important part of governing is the ability to listen, which is something he has learned to do throughout his twenty-year police career. He stated that as part of a close-knit community, listening is a part of life. He next sent out his heartfelt condolences to the family of a recent hit and run victim. He also thanked the New Jersey State Police for their diligence and continued commitment to the citizens of Upper Township. He next thanked and praised his campaign manager Peg Emberger for her support and guidance the past three years. Lastly, he thanked the Township employees and congratulated Jay Newman for his appointment as Mayor.

Mayor Newman then thanked Paster Randy Jenkins for offering the invocation and benediction, and recognized the following elected officials in attendance tonight: Superior Court Judge Dean Marcolongo, Cape May County Commissioner and Sea Isle City Mayor Leonard Desiderio, Cape May County Commissioner Marie Hayes, Cape May County Commissioner Will Morey, Brigadier General and Cape May County Commissioner Jeffrey Pierson, Ocean City Mayor Jay Gillian, Dennis Township Mayor Seth Mattalucci, Middle Township Mayor Tim Donohue, Ocean City Councilman Tom Rotondi, Ocean City Councilman Bobby Barr, and Ocean City Councilman Terry Crowley. Last, Mayor Jay Newman invited all to Levari's restaurant to continue the celebration.

Public Comment

There was no public comment.

Benediction by Pastor Randy Jenkins (Interim Pastor) Second Cape May Baptist Church

Adjournment – Motion to adjourn by Curtis Corson, seconded by Kimberly Hayes, with all five Committee members voting in the affirmative. Committeeman Nappen's children were invited to the dais to formally adjourn the meeting by banging the gavel.

There being no further business for this evening, the meeting was adjourned at 6:48 p.m.

The next regular meeting is scheduled for January 9, 2023, at 6:30 P.M.

Minutes prepared by:

Joanne R. Herron, RMC
Municipal Clerk