

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR MARCH 27, 2023**

**REGULAR MEETING OF THE TOWNSHIP COMMITTEE – 4:30 P.M.**

**CALL TO ORDER**

**SUNSHINE ANNOUNCEMENT**

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

“In compliance with the Open Public Meetings Law, I wish to state that on March 24, 2023, the notice of this meeting of the Upper Township Committee was posted on the official Township Bulletin Board, the Upper Township Website, and mailed to the Cape May County Gazette, the Atlantic City Press, the Ocean City Sentinel-Ledger, the Herald Times and filed with the Township Clerk. Tonight’s meeting is being video recorded up until the closed session portion of this meeting and will be available on the Upper Township website. I hereby direct that this announcement be made a part of the minutes of this meeting.”

**SALUTE TO THE FLAG**

**ROLL CALL**

Curtis Corson	Absent - Mr. Corson arrived for the closed session portion of the meeting.
Kimberly Hayes	Present
Victor Nappen	Present
Mark Pancoast	Present
Jay Newman	Present

Also present were Municipal Clerk Joanne Herron, Chief Financial Officer Barbara Ludy, Municipal Engineer Paul Dietrich, Municipal Attorney Anthony Monzo, and Township Administrator Gary DeMarzo. Registered Municipal Accountant Leon Costello was present for the Budget portion of the meeting.

**APPROVAL OF MINUTES** - March 13, 2023 Regular and Closed Session Minutes

Motion by Kimberly Hayes, second by Mark Pancoast, to approve the March 13, 2023 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**

**Kimberly Hayes, Committeewoman**, reported that she attended the first annual Spirit of the Stillwell Sisters Awards this past Sunday and congratulated the Stillwell Sisters Organization for a wonderful event. She next reported that the Township’s Easter Egg Hunt will be held on April 1<sup>st</sup>, rain date April 2<sup>nd</sup>, at Amanda’s field from 10:00 am to 1:00 pm.

**Mark Pancoast, Committeeman**, reported that on March 23<sup>rd</sup>, Department of Public Works employee Andrew Mangam was awarded the JIF Safety Director Award for 2022. He requested that a Resolution recognizing Andrew for this accomplishment be prepared for the next meeting. Next, he reported that the Township has received notice from the Cape May County MUA that the Township's proportional share of revenues from the 2021 sale of Cape May County generated single stream recyclable materials is \$114,738.13. He stated that in 2021 Public Works collected 2,157.00 tons of single stream recyclables. Lastly, he reported that the Strathmere Fishing and Environmental Club will be holding a beach cleanup on Saturday April 1<sup>st</sup> from 10:00 am to 12:00 pm and are looking for volunteers to help.

**Victor Nappen, Committeeman**, reported that the Upper Township School District will be holding their 13<sup>th</sup> annual Blow Bubbles for Autism event on Monday April 3<sup>rd</sup> at 2:15 on the Elementary and Primary school playgrounds. He next stated that the school budget has had some positive changes and it appears as though the Pre-K program will continue. Next, he reported that he was recently asked to be a judge at the Miss Cape May County competition in Ocean City and it was a very positive experience. Lastly, he reported that he attended Congressman Van Drew's congressional hearing on wind turbines last week.

**Jay Newman, Mayor**, reported that the Township has been working with the DEP and Army Corps of Engineers on possibly moving the beach replenishment project up. He next inquired about underground solar wires and whether there is a number to call before a dig. The Township Engineer stated that most solar panels in the Township are roof mounted, however those that do have ground mounts are not the responsibility of the utility companies. Mayor Newman requested that the matter be looked into. Lastly, he stated that he has requested that proposals be obtained to upgrade the sound system for the meeting room

### **ADMINISTRATOR OVERVIEW**

**Gary DeMarzo, Township Administrator**, reported on several items including beach conditions and new and proposed IT programs. He also requested permission to register 4 people for a free SLEO training opportunity in May. The request was approved.

**Paul Dietrich, Township Engineer**, requested authorization to prepare the bid specifications for the 2023 paving project. Motion by Kimberly Hayes, second by Mark Pancoast, to approve the request. During roll call vote all four committee members voted in the affirmative. A resolution for formal action will be placed on the next agenda. Next, he requested permission to schedule the conflict engineer to cover inspection work during his upcoming scheduled absence. Motion by Kimberly Hayes, second by Victor Nappen, to approve the request. During roll call vote all four Committee members present voted in the affirmative.

**Barbara Ludy, Chief Financial Officer**, requested permission for Sarah Steiner to enroll in the first of four QPA classes at a cost of \$930.00. Motion by Mark Pancoast, second by Kimberly Hayes to approve the request. During roll call vote all four Committee members present voted in the affirmative.

### **2023 BUDGET**

1. Public hearing and final adoption of Ordinance No. 004-2023 RE: CALENDAR YEAR 2023 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14). **Mr. Costello stated that this is a standard Ordinance that is adopted every year. The Township is not exceeding the budget limits but are establishing a CAP Bank. During the public hearing portion there were no speakers. Motion by Kimberly Hayes, second by Mark Pancoast to adopt Ordinance No. 004-2023. During roll call vote all four Committee members present voted in the affirmative.**

**TOWNSHIP OF UPPER  
CALENDAR YEAR 2023  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**ORDINANCE NO. 004-2023**

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

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

**WHEREAS**, the Township Committee of the Township of Upper in the County of Cape May finds it advisable and necessary to increase its CY 2023 budget by up to **3.5%** over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Township Committee of the Township of Upper hereby determines that a **1.0 %** increase in the budget for said year, amounting to **\$124,025.93** in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

**NOW THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Upper, in the County of Cape May a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Township of Upper shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by **3.5 %**, amounting to **\$434,090.76** and that the CY 2023 municipal budget for the Township of Upper be approved and adopted in accordance with this ordinance; and,

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

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

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

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 27<sup>TH</sup> DAY OF FEBRUARY, 2023 AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 27<sup>TH</sup> DAY OF MARCH, 2023 AT 4:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

JOANNE R. HERRON, TOWNSHIP CLERK

2. Authorizing the reading of the 2023 Annual Municipal Budget by title only.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 106-2023**

**RE: AUTHORIZING THE READING OF THE 2023  
ANNUAL MUNICIPAL BUDGET BY TITLE ONLY**

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**WHEREAS**, N.J.S.A. 40:A4-8 authorizes the reading of the budget by title only at the public hearing thereon, provided certain requirements are met; and

**WHEREAS**, the Township Committee of the Township of Upper is satisfied that such conditions have been satisfied.

**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 majority of the full membership concurring, as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper finds and determines that:

A. At least one (1) week prior to the date of this hearing, a complete copy of the approved budget, as advertised, was posted on the Upper Township Website and in the Township Hall, the principal municipal building of the municipality, and was made available to each person requesting the same during the week immediately preceding the public hearing and is available to each person requesting a copy during the public hearing, as required by N.J.S.A. 40A:4-8.

B. The Township Committee of the Township of Upper hereby determines and declares that the conditions set forth in subsection 1.a and 1.b of N.J.S.A. 40A:4-8 have been met.

C. The Township Committee of the Township of Upper hereby determines that the 2023 Municipal Budget of the Township of Upper shall be read by its title only at the public hearing to be conducted thereon.

Resolution No. 106-2023

Offered by: Newman

Seconded by: Hayes

Adopted: March 27, 2023

Roll Call Vote:

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

3. 2023 Budget - Public Hearing.

Mr. Costello stated that there have been no changes to the budget since it was introduced. The State has approved the budget for adoption. The tax rate increase is 2.8 cents. Mayor Newman then opened the public hearing. During the public hearing there were the following speakers:

**Bob Di'Iorio, Seaville**, spoke about taxes and ways to save tax dollars.

Mayor Newman then closed the public hearing.

The Clerk read the following resolution into the record:

**Resolution No. 107-2023**

Be it Resolved by the Township Committee of the Township of Upper, County of Cape May, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$5,316,177.86 for municipal purposes.

Motion by Kimberly Hayes, second by Mark Pancoast, to adopt the 2023 Budget. During roll call vote all four Committee members present voted in the affirmative.

**PRESENTATIONS**

**Mayor Newman and the Committee presented the following Resolutions to the first responders involved.**

4. Honoring the lifesaving efforts of Emergency First Responders.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 103-2023**

**HONORING THE LIFESAVING EFFORTS OF EMERGENCY FIRST RESPONDERS**

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**WHEREAS**, at 10:55 am on January 6, 2023, Public Safety Telecommunicators Jim Lowe and James Hagger received a 9-1-1 call for a medical emergency at a residence in Seaville; and

**WHEREAS**, the Upper Township Division of EMS and the Seaville Volunteer Fire and Rescue Company were dispatched and responded to the scene, where upon arrival, Supervising EMT John Brittin and Captain Brian Allegretto observed the family performing chest compressions under the instructions of 9-1-1 dispatchers Jim Lowe and James Hagger; and

**WHEREAS**, while Captain Allegretto assumed chest compressions, Supervising EMT Brittin applied the automated external defibrillator (AED), began to ventilate via a bag valve mask, and delivered the first and only shock with the AED; and

**WHEREAS**, during this time, Chief Coker began setting up airways and supplemental oxygen, and prepared the reeves stretcher; and DC Rob Hiddemen, DC Roy Blackledge, and Fire Fighter Robbie Lane maintained a support role for additional equipment and readied themselves for patient movement; and

**WHEREAS**, Chief Coker and DC Hiddemen then carried the patient to the ambulance while Supervising EMT Brittin and Captain Allegretto maintained compressions and airway; and

**WHEREAS**, once in the ambulance, AtlantiCare Paramedics Val Jerue and Craig Henderson began their treatment with the assistance of DC Hiddemen, Captain Allegretto, Chief Coker, and Supervising EMT Brittin, and moments later EMS noted the return of spontaneous circulation in the patient; and

**WHEREAS**, due to the expert response coordination and lifesaving skills of these first responders the patient is well on their way to a full recovery; and

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

that we honor and commend the entire response team of the Upper Township Division of EMS, Seaville Volunteer Fire and Rescue Company, Ocean City Police Department Public Safety Telecommunicators, and AtlantiCare paramedics for their unrelenting commitment to the health and safety of our citizens; and who, in the course of discharging their vital public duties, provide the expert care that dramatically improves the outcome for their critically ill patients.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 27<sup>th</sup> day of March, 2023.

Resolution No. 103-2023

Offered by: Hayes

Seconded by: Pancoast

Adopted: March 27, 2023

Roll Call Vote:

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

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 104-2023**

**HONORING THE LIFESAVING EFFORTS OF EMERGENCY FIRST RESPONDERS**

**WHEREAS**, at 1:13 pm on January 20, 2023, Public Safety Telecommunicators Trish Callahan and Chris Belles received a 9-1-1 call for a medical emergency in Marmora; and

**WHEREAS**, the Upper Township Division of EMS was dispatched and responded to the scene in two minutes, where upon arrival, Supervising EMT John Brittin and EMT Jenn Teasenfitz found the patient laying on the floor with no intervention attempted by bystanders; and

**WHEREAS**, Supervising EMT Brittin and EMT Teasenfitz immediately began CPR, applied the automated external defibrillator (AED), and delivered the first of three shocks; and

**WHEREAS**, responding a minute later the second crew, consisting of Chief Mellissa Coker and EMT Larry Dubs, began setting up airways, supplemental oxygen, and developed a plan to move the patient to the ambulance; and

**WHEREAS**, after delivering the third shock with the AED, a return of spontaneous circulation was noted, and all crew assisted in lifting the patient to the stretcher and out to the ambulance while ventilations were continued; and

**WHEREAS**, once in the ambulance, AtlantiCare Paramedics Trish Carey and Joe Lerner assumed patient care with the assistance of the EMS crew; and

**WHEREAS**, due to the expert response coordination and lifesaving skills of these first responders the patient is well on their way to a full recovery; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Upper, that we honor and commend the entire response team of the Upper Township Division of EMS, Ocean City Police Department Public Safety Telecommunicators, and AtlantiCare paramedics for their unrelenting commitment to the health and safety of our citizens; and who, in the course of discharging their vital public duties, provide the expert care that dramatically improves the outcome for their critically ill patients.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 27<sup>th</sup> day of March, 2023.

Resolution No. 104-2023

Offered by: Hayes

Seconded by: Pancoast

Adopted: March 27, 2023

Roll Call Vote:

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

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 105-2023**

**HONORING THE LIFESAVING EFFORTS OF EMERGENCY FIRST RESPONDERS**

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**WHEREAS**, at 7:49 pm on February 3, 2023, Public Safety Telecommunicators Trish Callahan, Chris Belles, and Rachel Anderson received a 9-1-1 call for a medical emergency in Corbin City; and

**WHEREAS**, the Upper Township Division of EMS and the Tuckahoe Volunteer Fire Company were dispatched and responded to the scene in two minutes, where upon arrival, EMT John Carter and EMT Mark Newman found the patient unconscious in a vehicle; and

**WHEREAS**, EMT Carter and EMT Newman removed the patient from the vehicle and immediately

began CPR, applied the automated external defibrillator (AED), and delivered the first shock; and

**WHEREAS**, responding two minutes later, the second EMS crew consisting of Supervising EMT John Brittin and EMT Angel Anderson, assisted with ventilations and loaded the patient into the ambulance; and

**WHEREAS**, Tuckahoe Volunteer Fire Company members Chief Ed Carter, Andy Ferrier, Sean Ferrier, Chris Geib, Nick Mason, DJ Young, Kevin Loveless, Mark Gardella, Chris Hohman, Kevin Kuperstein, and Justin Hope; and Upper Township Volunteer Rescue Squad members Josh Tozer and Timothy Brittin also responded and maintained a support role for additional equipment and traffic control; and

**WHEREAS**, while in transport to AtlantiCare Paramedics Brian Cavanaugh and Butch Schwenger, with supervising EMT Brittin providing airway management and ventilations and EMT Carter and EMT Anderson alternating compressions, a return of spontaneous circulation in the patient was achieved; and

**WHEREAS**, due to the expert response coordination and lifesaving skills of these first responders the patient is well on their way to a full recovery; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Upper, that we honor and commend the entire response team of the Upper Township Division of EMS, Upper Township Rescue Squad, Tuckahoe Volunteer Fire Company, Ocean City Police Department Public Safety Telecommunicators, and AtlantiCare paramedics for their unrelenting commitment to the health and safety of our citizens; and who, in the course of discharging their vital public duties, provide the expert care that dramatically improves the outcome for their critically ill patients.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 27<sup>th</sup> day of March, 2023.

Resolution No. 105-2023

Offered by: Hayes

Seconded by: Pancoast

Adopted: March 27, 2023

Roll Call Vote:

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

**CONSENT AGENDA**

All Consent Agenda items listed below are routine in nature and will be enacted by one motion. If the Mayor or any Committee member wishes a particular agenda item to be considered separately, it will be removed from the consent agenda and acted on separately.

**RESOLUTIONS TO BE APPROVED BY CONSENT**



5. Authorizing the award of a professional services contract with the Coastal Research Center at Stockton University for shoreline monitoring and consulting services for beach related issues.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 108-2023**

**RE: AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT  
WITH THE COASTAL RESEARCH CENTER AT STOCKTON UNIVERSITY  
FOR SHORELINE MONITORING AND CONSULTING SERVICES  
FOR BEACH RELATED ISSUES**

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**WHEREAS**, the Township of Upper has received a proposal from Dr. Stewart Farrell on behalf of the Coastal Research Center at Stockton University, which outlines shoreline monitoring services to be performed on behalf of the Township during the calendar year 2023 and provides a rate schedule for the services to be provided; and

**WHEREAS**, the Township Committee has considered this matter and has determined that it is in the best interest of the Township to authorize a Professional Services Contract as hereinafter provided; and

**WHEREAS**, the Township Solicitor has determined that the services to be provided are professional services and that a contract may be awarded without competitive bid; and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds to permit the Township to enter into a Professional Services Contract; and

**WHEREAS**, a Business Entity Disclosure Certification is not required since this contract is with an agency of the state government; and

**WHEREAS**, the Township has decided to acquire the services of the Coastal Research Center at Stockton University as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The proposal of the Coastal Research Center at Stockton University (hereinafter referred to as “Contractor”), is hereby accepted, subject to the provisions of this Resolution.
3. The Mayor and Township Clerk are hereby authorized, directed and empowered to enter into a Professional Services Contract with the Contractor

aforesaid for a one (1) year term commencing January 1, 2023. The Township Clerk is further authorized, directed and empowered to seal said Contract with the seal of the Township of Upper.

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

5. This Contract is a Professional Services Contract and has been awarded without competitive bidding for the following reasons:

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

(B) The services require peculiar ability or skill, and demand a high degree of specialized knowledge or expertise;

(C) The services required are professional services and/or unspecified extraordinary services within the meaning of N.J.S.A. 40A:11-5(a);

(D) The individual who will provide these services has demonstrated his competence and particular expertise in the services required; and

(E) The services to be provided are such that their nature, scope and duration are not capable of precise measurement, but rather require a flexibility and discretion that render competitive bidding impractical and inefficient.

6. A certified copy of this Resolution shall be provided to the Contractor.

7. This Resolution shall take effect immediately provided, however, that the Contract awarded herein shall be effective as of January 1, 2023.

Resolution No. 108-2023

Offered by: Hayes

Seconded by: Nappen

Adopted: March 27, 2023

Roll Call Vote:

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

6. Authorizing the award of a contract with Starr General Contracting Corporation for equipment rental.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 109-2023**

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH STARR GENERAL CONTRACTING CORPORATION FOR EQUIPMENT RENTAL**

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**WHEREAS**, the Township of Upper must rent portable toilets for various recreation facilities, 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; and

**WHEREAS**, Starr General Contracting Corporation has indicated they will provide the weekly equipment rental service; and

**WHEREAS**, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with Starr General Contracting Corporation for the year 2023 will exceed \$17,500 and a contract pursuant to N.J.S.A. 19:44A-20.5 is required; and

**WHEREAS**, Starr General Contracting Corporation has completed and submitted a Business Entity Disclosure Certification which certifies that Starr General Contracting Corporation 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 Starr General Contracting Corporation 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 2023 Municipal Budget.

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

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

Resolution No. 109-2023

Offered by: Hayes

Seconded by: Nappen

Adopted: March 27, 2023

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Corson				X
Hayes	X			
Nappen	X			

Pancoast	X			
Newman	X			

7. Amending the Cash Management Plan of the Township of Upper.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 110-2023**

**RE: AMENDING 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**, on January 6, 2023, pursuant to Resolution 017-2023, the Township Committee adopted the Cash Management Plan for the year January 1, 2023 through December 31, 2023; and

**WHEREAS**, the Township wishes to amend Section V of the Cash Management Plan entitled “Designation of Officials to sign checks and withdrawals of the Township of Upper”; 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 to the preamble are incorporated herein by this reference.
2. The amended Cash Management Plan for the Township of Upper for the year January 1, 2023 through December 31, 2023, a copy of which is attached to this Resolution, and 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 amended 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. 110-2023

Offered by: Hayes

Seconded by: Nappen

Adopted: March 27, 2023

Roll Call Vote:

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

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 CHECKS 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

Sarah Steiner  
Senior Account Clerk

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 Senior Account Clerk.

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

Sarah Steiner  
Senior Account Clerk

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 Senior Account Clerk.

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 ensure 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.

8. Canceling tax on exempt property Block 453, Lot 245.09.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 111-2023**

**CANCELING TAX ON EXEMPT PROPERTY  
BLOCK 453, LOT 245.09**

**WHEREAS,** certain corrections have been recommended by the Upper Township Tax Collector in order to correct tax records; and

**WHEREAS,** certain properties became tax exempt for the year 2023; and

**WHEREAS,** Robert Schulte is a 100% disabled American veteran residing at 23 Luke Court, Block 453, Lot 245.09 on the municipal tax map of Upper Township, New Jersey; and

**WHEREAS,** the Department of Veterans Affairs has determined that Mr. Schulte’s 100% permanent military service-connected disability was effective January 11, 2023; and

**WHEREAS,** Robert Schulte made application March 3, 2023; and

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

Resolution No. 111-2023

Offered by: Hayes

Seconded by: Nappen

Adopted: March 27, 2023

Roll Call Vote:

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

**CANCEL TAX 2023 2<sup>nd</sup> Quarter**

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
453/245.09	\$ 1385.86	Robert Schulte 23 Luke Court Seaville NJ 08230

100% Totally Disabled Veteran for 2023.

9. A Resolution authorizing execution of a second amended Memorandum of Understanding for Block 479, Lots 76, 76.01, and 94.01.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 112-2023**

**RE: A RESOLUTION AUTHORIZING EXECUTION OF A SECOND  
AMENDED MEMORANDUM OF UNDERSTANDING FOR  
BLOCK 479, LOTS 76, 76.01 AND 94.01**

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**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the “Redevelopment Law”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

**WHEREAS**, pursuant to Resolution #30-2021 adopted January 11, 2021, the Township Committee of the Township of Upper (the “Township Committee”), designated Block 479, Lots 76, 76.01, 94.01, 106.02, 107, 107.01, 108, and 108.01 within the Township of Upper, Cape May County, State of New Jersey (the “Township”) as an “Area in Need of Redevelopment” in accordance with the Redevelopment Law (the “Redevelopment Area”); and

**WHEREAS**, pursuant to Ordinance #001-2021 on January 25, 2021, the Township Committee adopted a redevelopment plan for the Redevelopment Area (the “Redevelopment Plan”), which sets forth, inter alia, the plans for the rehabilitation and redevelopment of the Township; and

**WHEREAS**, Beesley's Point Development Group, LLC (the “Conditional Redeveloper”) is the owner of property within the Redevelopment Area, known as Block 479, Lots 76.01, and 94.01, and a portion of Block 479, Lot 76 (the “Property”); and

**WHEREAS**, the Redevelopment Law, specifically N.J.S.A. 40A:12A-8(f), authorizes the Township to arrange or contract with a redeveloper for the planning, construction or undertaking of any project or redevelopment work in an area designated as an area in need of redevelopment; and

**WHEREAS**, pursuant to Resolution #083-2022, the Township and the Conditional Redeveloper entered into a Memorandum of Understanding dated Mach 28, 2022, in order to exclusively negotiate with Conditional Redeveloper for a period of one hundred and eighty (180) days in an effort to agree upon a Redevelopment Agreement for the rehabilitation and redevelopment of the Property (the “MOU”); and

**WHEREAS**, pursuant to Resolution #269-2022, the Township and the Conditional Redeveloper entered into an Amended Memorandum of Understanding dated September 6, 2022, in order to extend the time for the Township to negotiate solely with Conditional Redeveloper in good faith for the redevelopment of the Property for an additional period of one hundred and eighty (180) days from the expiration of the Original MOU (the “Amended MOU”); and

**WHEREAS**, the Township continues to have discussions with the Conditional Redeveloper regarding the rehabilitation and redevelopment of the Property and the Township and Conditional Redeveloper have determined that additional time is necessary for negotiation of a Redevelopment Agreement; and

**WHEREAS**, the MOU provides that the period of time to negotiate can be extended by the Parties' mutual written agreement; and

**WHEREAS**, the Township Committee has determined that it is in the best interest of the Township to enter into a Second Amended Memorandum of Understanding extending the time for exclusive negotiations under the MOU for an additional one hundred and eighty (180) days from the expiration of the Amended MOU.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The time for exclusive negotiation between the Township of Upper and Beesley's Point Development Group, LLC for the redevelopment of the Property is hereby extended for an additional one hundred and eighty (180) days from the expiration of the Amended MOU.
3. The Township Committee does hereby authorize the Mayor and the Township Clerk to execute the Second Amended Memorandum of Understanding between the Township and Conditional Redeveloper evidencing the Parties' agreement to conduct exclusive negotiations toward the formulation of a Redevelopment Agreement for the rehabilitation and redevelopment of the Property.
4. This Resolution shall take effect immediately.

Resolution No. 112-2023

Offered by: Hayes

Seconded by: Nappen

Adopted: March 27, 2023

Roll Call Vote:

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

10. Approving a request from Cellco Partnership, dba Verizon Wireless, for a deviation from Chapter 13-3.4 of the Code of Upper Township.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 113-2023**

**RE: APPROVING A REQUEST FROM CELLCO PARTNERSHIP  
D/B/A VERIZON WIRELESS FOR A DEVIATION FROM CHAPTER  
13-3.4 OF THE CODE OF UPPER TOWNSHIP**

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**WHEREAS**, in accordance with Chapter 13, Section 3, of the Revised General Ordinances of the Township of Upper, the Township of Upper and Cellco Partnership, d/b/a Verizon Wireless, entered into a Master

License Agreement, pursuant to Resolution 325-2020, adopted on December 7, 2020, for the use of the Township's public rights-of-way for the installation of small wireless facilities on existing poles; and

**WHEREAS**, Cellco Partnership has requested a deviation from Chapter 13, Section 3.4c & e to accommodate the change in equipment that has been installed over the last five years; and

**WHEREAS**, the Township Committee finds the deviation for the upgrade necessary to provide adequate cell coverage in Upper Township; 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 Engineer on behalf of the Township of Upper, is hereby authorized to execute Zoning Permit for Cellco Partnership d/b/a Verizon Wireless to accommodate a deviation to allow a third set of antennas and raise the equipment 12.5'.

3. The Engineer on behalf of the Township of Upper, is hereby authorized to execute future Zoning Permits for any wireless communication facility already located in Upper Township if they require a similar deviation.

Resolution No. 113-2023

Offered by: Hayes

Seconded by: Nappen

Adopted: March 27, 2023

Roll Call Vote:

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

11. Refund EMS ambulance billing overpayment to the Department of Veterans Affairs.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 114-2023**

**RE: REFUND EMS AMBULANCE BILLING OVERPAYMENT TO THE DEPARTMENT OF VETERANS AFFAIRS**

**WHEREAS**, an overpayment has occurred in the account of an EMS ambulance billing patient, where the monies sent to the Township of Upper from the Department of Veterans Affairs were in excess as

evidenced by copy of a letter attached hereto as Exhibit A.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Upper, Cape May County, that the refund is hereby authorized and the Chief Financial Officer is hereby directed to refund monies as indicated below:

<u><b>AMOUNT</b></u>	<u><b>NAME</b></u>
\$1,410.00	Department of Veterans Affairs Financial Services Center (460) Attn: Agent Cashier (0474B) P.O. Box 149975 Austin, TX 78714

Resolution No. 114-2023  
Offered by: Hayes                      Seconded by: Nappen  
Adopted: March 27, 2023  
Roll Call Vote:

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

12. Refund EMS ambulance billing overpayment to Accendo Insurance Company.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 115-2023**

**RE: REFUND EMS AMBULANCE BILLING OVERPAYMENT TO ACCENDO INSURANCE COMPANY**

**WHEREAS**, an overpayment has occurred in the account of an EMS ambulance billing patient, where the monies sent to the Township of Upper from Accendo Insurance Company were in excess as evidenced by copy of a letter attached hereto as Exhibit A.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Upper, Cape May County, that the refund is hereby authorized and the Chief Financial Officer is hereby directed to refund monies as indicated below:

<u><b>AMOUNT</b></u>	<u><b>NAME</b></u>
\$97.39	Accendo Insurance Company c/o Asset Protection Unit, Inc. P.O. Box 30969 Amarillo, TX 79120

Resolution No. 115-2023

Offered by: Hayes                      Seconded by: Nappen

Adopted: March 27, 2023

Roll Call Vote:

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

**ORDINANCES**

13. Introduction and first reading of Ordinance No. 009-2023 RE: AN ORDINANCE DELETING REVISED GENERAL ORDINANCE CHAPTER III, SECTION 1 (HAWKING OR PEDDLING MERCHANDISE) AND ADDING CHAPTER IV, SECTION 5 (HAWKING OR PEDDLING MERCHANDISE OR SERVICES) OF THE CODE OF UPPER TOWNSHIP. **Motion by Kimberly Hayes, second by Mark Pancoast, to introduce Ordinance No. 009-2023 with the public hearing and final adoption scheduled for April 24, 2023 at 4:30 PM. 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. 009-2023**

**RE: AN ORDINANCE DELETING REVISED GENERAL ORDINANCE CHAPTER III, SECTION 1 (HAWKING OR PEDDLING MERCHANDISE) AND ADDING CHAPTER IV, SECTION 5 (HAWKING OR PEDDLING MERCHANDISE OR SERVICES) OF THE CODE OF UPPER TOWNSHIP**

**WHEREAS**, the Township Committee of the Township of Upper desires to adopt an ordinance amending Chapters 3, Section 1 and Chapter 4, Section 5 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, with respect to the requirements and regulations regarding hawking or peddling merchandise.

**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 3 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:

Delete Section 3-1 HAWKING OR PEDDLING MERCHANDISE in its entirety.

**SECTION 2.** Chapter 4 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

Add Section 4-5 HAWKING AND PEDDLING MERCHANDISE OR SERVICES as follows:

## CHAPTER 4-5 HAWKING OR PEDDLING MERCHANDISE

### § 4-5.1. Definitions.

#### **Background Review Officer**

Shall mean the New Jersey State Police Woodbine Station Commander or his or her designee or such other individual as the Township may designate by resolution of the Township Committee.

#### **Licensee**

Shall mean any person licensed to vend merchandise pursuant to this section.

#### **Merchandise**

Shall mean any goods, wares, products, items, articles, or services of any kind, nature, or description offered for sale.

#### **Person**

Shall mean and include any individual, association, corporation, limited liability company, and any other entity.

#### **Registry**

Shall mean the Do Not Knock Registry, if one is established pursuant to this section.

#### **Vend**

Shall mean to hawk, peddle, sell, or offer for sale any merchandise on any property owned by another without first obtaining such property owner's express consent to enter onto such property for such purpose.

#### **Vendor**

Shall mean any person who vends including but not limited to all hawkers, peddlers, transient merchants, and itinerant vendors of any kind.

### § 4-5.2. Purpose.

The purpose of this section is to prohibit unfair competition and dishonest business practices and to promote the health and safety of Township residents by the regulation of the conduct of, and by the imposition of registration, license and background check requirements upon, all vendors of merchandise.

### § 4-5.3. Registration and License required.

No person shall vend in the Township any merchandise on foot or from any automobile, vehicle, wagon, cart, other conveyance, or stand, whether door-to-door or otherwise, without first registering and obtaining a license therefor, as hereinafter provided, with a certificate of good standing, if a domestic entity, and a certificate of authority to do business in New Jersey, if a foreign entity.

### § 4-5.4. Application for registration and license.

- a. Every employer of any person who proposes to vend merchandise in the Township, whether self-employed or employing others, shall register with the Township Clerk. Registration forms as required by the Township Clerk shall be submitted in person by the employer or the employer's authorized representative. Registration forms made on behalf of a corporation or other business entity shall be signed by a duly authorized officer and the seal of the corporation shall be attested by its secretary with a Certificate of Good Standing and, if a Foreign Entity, Certificate of Authority to conduct business in

New Jersey. In connection with the registration, the employer must also submit the following documents:

1. If the employer is a corporation or other business entity, the full names, residence addresses, and dates and places of birth of each major officer and each person owning or having any interest, either legal or equitable, aggregating in value 10% or more of the total capital of said entity together with the name and address of the registered agent, if any, and the address of the principal office.
  2. Proof of insurance coverage acceptable to the Township and its insurance carrier protecting the employer/licensee and the Township from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the employer's/licensee's vending of merchandise, with limits of not less than \$2,000,000 combined single limit. Such insurance shall name as an additional insured the Township of Upper, including all elected and appointed officials, all employees and volunteers, all boards and commissions and/or authorities, and their board members, and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days' advance written notice to the Township.
- b. In addition to the registration of employers pursuant to paragraph a of this subsection, each person who proposes to vend merchandise on behalf of an employer who has registered pursuant to paragraph a of this subsection shall also make an application for a license to the Township Clerk in person. Any person desiring a license under this section shall file with the Township Clerk an original and one copy of an application, under oath, in writing, on a form furnished by the Township Clerk. The applicant shall set forth all information required by the application form. Incomplete applications will be rejected. In connection with the license, the applicant must also submit the following documents:
1. Each applicant who shall personally engage in vending merchandise shall provide a criminal history background check from the New Jersey State Police together with two personal photographs meeting the requirements for a U.S. passport photograph. In lieu of the background check required by this subsection, an applicant who proposes to vend merchandise on behalf of an employer licensed pursuant to this subsection may instead provide a certification from the applicant's employer that the employer has reviewed the applicant's criminal history background check conducted by a reputable and recognized background check provider within the last 12 months and that the background check has indicated that the applicant has a clear criminal record and that a copy of the background check is included with the certification.
  2. If the applicant proposes to vend any food and/or beverages, such shall submit a written approval from the Cape May County Health Department as part of such applicant's license application.
- c. Fees.
1. The Township Committee shall, by resolution, set forth the amount to be charged for each registration and license granted pursuant to sections a and b of this subsection.

#### § 4-5.5. Investigation of applicant.

Upon receipt of an applicant's criminal history background check results that indicates any prior criminal history, the Township Clerk shall transmit the background check results to the Background Review Officer, who shall review the criminal history background check results and notify the Township Clerk of his or her approval or disapproval. In the event of a disapproval, such applicant may receive a license only with the approval of the Township Committee after a public hearing. If a background check or employer certification indicates that an applicant has a clear criminal record, no review or approval by the Background Review Officer shall be required.

#### § 4-5.6. Issuance of license; expiration; list of licenses to be kept; license nontransferable.

Upon complying with the provisions of this section and upon approval by the Background Review Officer, the Township Clerk shall issue a license to the applicant. A license issued pursuant to this section shall be valid for one full year following the date such license is issued and shall then expire. Upon expiration of a license, the vendor



must apply for a new license before vending merchandise in the Township. The Township Clerk shall keep an accurate list of all such licenses. Any license issued pursuant to this section shall be nontransferable.

§ 4-5.7. Exemptions.

- a. Any person holding a license issued pursuant to N.J.S.A. 45:24-9 shall be exempt from applying for a license and registering, or paying a fee as required by this section; provided, however, that such person shall be required to file a copy of his or her license issued pursuant to N.J.S.A. 45:24-9 with the Township Clerk; and provided, however, that such license holder shall be required to comply with all other provisions of this section. Such person shall re-file a copy of such license annually.
- b. This section shall not apply to any person engaged in the delivery of merchandise in the regular course of business to or upon the premises of persons who had previously ordered the same or were entitled to receive the same by reason of a prior agreement.
- c. This section shall not apply to any person engaged in the vending of merchandise in connection with special events sponsored by the Township or hosted on property held by the Township with permission of the Township Committee; provided, however, that such persons shall comply with any other requirements and regulations applicable to such activities.

§ 4-5.8. Form of license; badge to be displayed.

- a. The license issued pursuant to this section shall be carried at all times by any person vending merchandise in the Township. In addition, the licensee shall wear a clearly visible identification badge containing the licensee's name, recent photograph, employer, and the following words: "Licensed Vendor, Upper Township, New Jersey" together with the license year.
- b. Such license shall be exhibited by the licensee to any law enforcement officer or other person upon request.
- c. Each automobile, vehicle, wagon, cart, or other conveyance used in connection with vending merchandise shall clearly display the name of the company vending such merchandise and shall clearly display in a conspicuous place and manner the following words printed thereon: "Licensed Vendor, Upper Township, New Jersey."

§ 4-5.9. Restrictions.

- a. No vendor licensed pursuant to this section or N.J.S.A. 45:24-9 shall be allowed to stand or remain in any one place for the purpose of vending merchandise for a period longer than 15 minutes except where such licensed person does so upon the property of another with the express consent of any owner, representative or agent of an owner, or occupant of such property.
- b. No person licensed pursuant to this section or N.J.S.A. 45:24-9 shall vend any merchandise on Sundays or federal or New Jersey state holidays.
- c. Vending of merchandise on any public beach, public park, public way, public parking lot, or any public place shall be prohibited unless it has been specifically authorized by the Township Committee or its designee. Vending on public streets shall only be permitted on such streets and at such times as designated by resolution of the Township Committee.
- d. No person shall enter upon the property of another to vend merchandise if the property displays a sign stating "No Soliciting", "No Solicitors", "No Trespassing", "No Knock", or any other prohibition of similar intent.
- e. Any vendor shall immediately vacate any property of another upon receiving a request by any owner, representative or agent of an owner, or occupant of such property to vacate the premises, and shall not enter upon such property again for a period of at least 30 days for the purpose of vending merchandise.

- f. No person may enter onto the property of another to vend merchandise before 9:00 a.m. or after 5:00 p.m.
- g. No person shall use a license issued to another person pursuant to this section and no licensee shall permit such license to be used by another person.
- h. Vendors shall not drink alcoholic beverages, use drugs, or be under the influence of drugs or alcohol when vending merchandise.
- i. Vendors shall not harass the public.

§ 4-5.10. Suspension or revocation of license.

Any person who, while vending merchandise, violates any of the provisions of this section, any criminal or quasi-criminal statute, regulation, or rule of the State of New Jersey, any regulation approved by the Township Committee, or any direction or order of any law enforcement officer or state, county, or Township official shall, in addition to being subject to the penalties provided for in subsection 4-5.11, be liable, after a hearing, to have his license suspended or revoked by the Township Committee. Any person whose license is revoked pursuant to this subsection shall be ineligible to receive a new license for a period of one year.

§ 4-5.11. Violations and penalties.

Any person who violates any provision of this section shall, upon conviction thereof, be punished by a fine not exceeding \$1,000 or by imprisonment for a term not exceeding 90 days, or both. Each and every separate violation of this section shall constitute a separate offense for purposes of this subsection.

§ 4-5.12. Special events waiver.

The Township Committee, by resolution, may waive any of the regulations contained in this section.

§ 4-5.13. Do Not Knock Registry.

- a. The Township may by resolution of the Township Committee create a "Do Not Knock Registry" to permit residents to register to be excluded from any vending of merchandise upon such resident's property. The Registry, if created, shall identify registered properties by street address and shall exclude the name(s) of the owner(s) or occupant(s).
- b. No person may vend merchandise on any property that is listed on the Do Not Knock Registry.
- c. The property of a resident that is placed on the Do Not Knock Registry at the resident's request shall remain on the Do Not Knock Registry until such time as the resident advises the Township Clerk, in writing, that the resident wishes to have the property removed from the list or until such time as the property is sold. Upon the sale of a property, the Township Tax Collector shall advise the Township Clerk to remove such property from the Do Not Knock Registry if listed and shall advise the purchaser of the right to have the property listed on the Do Not Knock Registry.
- d. The Township Clerk shall distribute a copy of the Registry to every licensee at the time of issuance of a license pursuant to this section or, in the case of an individual licensed pursuant to N.J.S.A. 45:24-9, at the time such individual files with the Township Clerk a copy of such individual's license. The licensee shall not vend merchandise at any premises identified on the current Registry. All licensees are required to obtain updates to the Registry at the beginning of each week, which will be available in the Clerk's office.

§ 4-5.14. No Solicitation Signs.

The Township may, by resolution of the Township Committee, make available to residents of the Township signs, stickers, or other form of notice stating "No Soliciting" or otherwise indicating that solicitation is prohibited upon

a property where such notice is displayed. The cost to a resident to obtain such sign, if any, shall be established by resolution of the Township Committee.

**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 FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE **27<sup>th</sup> DAY OF MARCH, 2023**, 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 **24<sup>th</sup> DAY OF APRIL, 2023 AT 4:30 P.M.** AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.  
JOANNE R. HERRON, TOWNSHIP CLERK

### **CORRESPONDENCE**

14. Zoning Board 2022 Annual Report. **The Municipal Engineer reported that the Zoning Board has compiled a report of all their applications. The Planning Board has reviewed the list and will be recommending changes to the Committee.**

### **NEW BUSINESS**

15. Stephen Jankowski request to purchase Township owned land Block 595, Lot 13. **The Municipal Engineer reported that the requested property is undersized and is not needed for any public purpose. After a brief discussion there was a general consensus to move forward with the matter.**
16. Bid results for Install Stormwater Pump in Strathmere. **The Municipal Engineer stated that bids were received from 5 companies, and recommended awarding the bid to the lowest bidder J.F. Kiely Construction. Motion by Kimberly Hayes, second by Mark Pancoast, to award the bid to the lowest bidder J.F. Kiely Construction. During roll call vote all four Committee members present voted in the affirmative. A resolution for formal action will be placed on the next agenda.**
17. EMS Junior Program. **Motion by Kimberly Hayes, second by Victor Nappen, to approve the program. During roll call vote all four Committee members present voted in the affirmative. A resolution for formal action will be placed on the next agenda.**

18. Coast Guard Community Support. **Motion by Jay Newman, second by Victor Nappen, to approve a donation to support the Coast Guard in the amount of \$350.00. During roll call vote all four Committee members present voted in the affirmative.**

### **UNFINISHED BUSINESS**

19. Heidelberg Materials Northeast, LLC requests forbearance of enforcement of mining license requirements for the mining operations known as Julies Pit, Block 414, Lot 44 and Upper Township Sand & Gravel, Block 453, Lot 4. **Motion by Kimberly Hayes, second by Victor Nappen, to forbear enforcement of mining license requirements for 60 days commencing April 1, 2023. During roll call vote all four Committee members present voted in the affirmative.**
20. Tuckahoe Sand & Gravel Co., Inc. requests forbearance of enforcement of mining license requirements for the mining operation known as Tuckahoe Sand & Gravel, Block 247, Lots 4, 9 and 10; Block 248, Lots 1 to 8; Block 249, Lot 1; and Block 453, Lot 2. **Motion by Kimberly Hayes, second by Victor Nappen, to forbear enforcement of mining license requirements for 60 days commencing April 1, 2023. During roll call vote all four Committee members present voted in the affirmative.**
21. Draft agreement with the Historical Preservation Society of Upper Township for an archeological scan at the site of the former Tuckahoe Academy. **The Municipal Attorney reviewed the draft agreement to allow the Historical Preservation Society to scan township property for possible archeological artifacts. After a brief discussion, there was a general consensus to approve the draft agreement. A resolution for formal action will be placed on the next agenda.**

### **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 Kimberly Hayes, second by Mark Pancoast. During roll call vote all four Committee members present voted in the affirmative.**

**Bills approved for payment: \$70,520.22  
Payroll: \$177,917.06**

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

**Andrea Freda, Pine Hill**, requested clarity as to what the Township Committee are able and willing to do to help the Pine Hill residents' issues with the mobile home park owner, and submitted several documents regarding rent leveling.

**Linda Bateman, Strathmere**, spoke about the recently replaced streetlight on Tecumseh Avenue and stated that the light is too bright and is intrusively shining into surrounding homes. She also spoke about the Strathmere Piping Plover project and the vital services they perform to protect endangered birds.

**Bob Di'Iorio, Seaville**, spoke about the recent deaths of 8 dolphins and requested the Township join with the rest of the County to stop Orsted.

### **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. 116-2023  
MOTION GOING INTO CLOSED SESSION  
MARCH 27, 2023**

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

**MATTERS**

1. Personnel
2. Contract negotiation - Redevelopment Agreements
3. Contract negotiation - Thomas G. Smith, Special Legal Counsel
4. Contract negotiation - Ancero IT Services
5. Contract negotiation - Court House Towing
6. Contract negotiation - JA Montgomery Right to Know Inventory Services

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

- A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.
- B. With respect to employment and personnel matters such discussions will be made public if and when formal action is taken or when the individuals involved consent that it can be made public.
- C. With respect to contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.

Moved by: Mark Pancoast

Motion seconded by: Kimberly Hayes

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

**RECONVENE PUBLIC PORTION OF MEETING**

Motion by Jay Newman, second by Mark Pancoast, to reconvene the public portion of the meeting. During roll call vote all five Committee members voted in the affirmative.

**RESOLUTIONS TO BE ACTED ON AFTER CLOSED SESSION**

24. Appointing Thomas G. Smith, Esquire to act as Special Legal Counsel regarding Tax Court matters and matters in which the regular Township Solicitor may have a conflict of interest.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 117-2023**

**RE: APPOINTING THOMAS G. SMITH, ESQUIRE TO ACT AS SPECIAL LEGAL COUNSEL  
REGARDING TAX COURT MATTERS AND MATTERS IN WHICH THE REGULAR TOWNSHIP  
SOLICITOR MAY HAVE A CONFLICT OF INTEREST**

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**WHEREAS**, the Township requires legal counsel to provide legal services for Tax Court matters and in the event a conflict of interest arises in regard to the services provided by the regular Township Solicitor;  
and

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

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

**WHEREAS**, Thomas G. Smith, Esquire has completed and submitted a Business Entity Disclosure Certification which certifies that Thomas G. Smith, Esquire 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 Thomas G. Smith, Esquire 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. Thomas G. Smith, Esquire with offices at 2312 New Road, Suite 201, Northfield, New Jersey is hereby appointed Special Legal Counsel to handle Tax Court matters and matters in which the regular Township Solicitor has a conflict of interest as well as other matters directed by the Township Committee.
3. This contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Thomas G. Smith, Esquire 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 Thomas G. Smith, Esquire 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 Thomas G. Smith, Esquire in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

8. 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. 117-2023

Offered by: Corson

Seconded by: Hayes

Adopted: March 27, 2023

Roll Call Vote:

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

25. Authorizing a contract with J.A. Montgomery Risk Control Services, LLC for Right to Know inventory and survey preparation services.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 118-2023**

**RE: AUTHORIZING A CONTRACT WITH J.A. MONTGOMERY RISK  
CONTROL SERVICES, LLC FOR RIGHT TO KNOW INVENTORY  
AND SURVEY PREPARATION SERVICES**

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**WHEREAS**, J.A. Montgomery Risk Control Services, LLC, “J.A. Montgomery”, has submitted a proposal to the Township for Onsite Inventory, preparation of Community Right to Know Survey Documents, and preparation of Right to Know Central File for 2023; and

**WHEREAS**, the Township wishes to accept said proposal and to authorize a contract with J.A. Montgomery; 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**, J.A. Montgomery has completed and submitted a Business Entity Disclosure Certification which certifies that J.A. Montgomery 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 J.A. Montgomery from making any reportable contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to enter into a contract with J.A. Montgomery attached hereto as Exhibit “A”, to provide Onsite Inventory, preparation of Community Right to Know Survey Documents, and preparation of Right to Know Central File for 2023.
3. J.A. Montgomery 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.
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. 118-2023

Offered by: Corson

Seconded by: Hayes

Adopted: March 27, 2023

Roll Call Vote:

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

**ADJOURNMENT**

There being no further business this evening the meeting was adjourned at 7:22 P.M., with a motion by Kimberly Hayes, second by Mark Pancoast, and all five Committee members voting in the affirmative. The next regular Committee meeting is scheduled for April 3, 2023 at 6:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC  
Municipal Clerk



## Bill List

81217 03/27/23 Alignment Check VOID  
81218 03/27/23 A0091 ATLANTIC CITY ELECTRIC 0.00 03/27/23 VOID 0  
81219 03/27/23 A0091 ATLANTIC CITY ELECTRIC 8,285.80 3289  
81220 03/27/23 A0193 ATLANTIC INVESTIGATIONS, LLC 576.00 3289  
81221 03/27/23 A0235 AMAZON CAPITAL SERVICES, INC. 333.58 3289  
81222 03/27/23 A0252 AVASEK LLC 2,332.50 3289  
81223 03/27/23 B0288 KINGBARNES LLC 2,567.50 3289  
81224 03/27/23 B0289 BEFORE & AFT MARINE UPHOLSTERY 800.00 3289  
81225 03/27/23 C0171 COLONIAL ELECTRIC SUPPLY CO. 308.80 3289  
81226 03/27/23 C0223 CASA PAYROLL SERVICE 241. 50 3289  
81227 03/27/23 C0247 CMRS-FP 2,000.00 3289  
81228 03/27/23 C0296 COMCAST BUSINESS COMMUNICATION 1,713.75 3289  
81229 03/27/23 00016 DALEYS PIT 140.00 3289  
81230 03/27/23 D0186 DOCUTREND I INC. 40.52 3289  
81231 03/27/23 00237 DIETZ, KERRY 125.00 3289  
81232 03/27/23 D0240 DEVLIN, EDMUND F. 1,048.45 3289  
81233 03/27/23 E0012 EHRLICH PEST CONTROL INC 116.64 3289  
81234 03/27/23 E0079 EVANS III, WILLIAM 209.99 3289  
81235 03/27/23 F0053 FORD, SCOTT & ASSOCIATES 1,000.00 3289  
81236 03/27/23 G0028 GENTILINI FORD, INC. 75.97 3289  
81237 03/27/23 G0120 PATRICK F. MARTIN 1,966.58 3289  
81238 03/27/23 H0002 H.A. DEHART & SON CORP. 2,806.72 3289  
81239 03/27/23 H0073 HOME DEPOT CRC/GECF 817.68 3289  
81240 03/27/23 J0077 Jackson Anthony 24.50 3289  
81241 03/27 /23 L0027 LASHLEY HEATING & COOLING INC. 825.00 3289  
81242 03/27/23 M0188 MCCARTHY TIRE SERVICE OF PHILA 791.88 3289  
81243 03/27/23 M0235 MODERN GROUP, LTD 1,751.00 3289  
81244 03/27/23 M0277 EQUITABLE FINANCIAL LIFE INS. 193.92 3289  
81245 03/27/23 M0303 MALEY GIVENS, A PROF CORP 3,232.00 3289  
81246 03/27/23 M0327 MONZO CATANESE DeLOLLIS, P.C. 10,350.00 3289  
81247 03/27/23 N0070 MARSH & MCLENNAN AGENCY, LLC 2,000.00 3289  
81248 03/27/23 00006 SJSHORE MARKETING,LLC 295.00 3289  
81249 03/27/23 00052 OFFSHORE TRAILER COMPANY LLC 232.50 3289  
81250 03/27/23 P0032 PEDRONI FUEL CO. 1,295.18 3289  
81251 03/27/23 P0136 POSTNET 255.00 3289  
81252 03/27/23 P0140 PIONEER MANUFACTURING CO, INC 795 .00 3289  
81253 03/27/23 P0166 PARKER MCCAY P.A. 5,574.02 3289  
81254 03/27/23 P0205 Pedano, Amanda 44.50 3289  
81255 03/27/23 Q0014 QBE SPECIALTY INSURANCE CO. 337.21 3289  
81256 03/27 /23 R0030 RIGGINS, INC. 4,042.46 3289  
81257 03/27/23 S0018 SUBURBAN PROPANE, LP 278.94 3289  
81258 03/27 /23 S0057 SERVICE TIRE TRUCK CENTERS 2,640.86 3289  
81259 03/27/23 S0072 SEGIN, STEWART S. 89.94 3289  
81260 03/27 /23 S0113 SMITH, THOMAS G. 860.65 3289  
81261 03/27/23 S0134 SO. JERSEY GAS COMPANY 2,675.06 3289  
81262 03/27 /23 S0139 SOUTH JERSEY WATER COND SERV 76.00 3289  
81263 03/27/23 S0196 STEWART BUSINESS SYSTEMS LLC 274.40 3289  
81264 03/27 /23 S0209 STAPLES ADVANTAGE 376. 31 3289  
81265 03/27/23 S0303 SITEONE LANDSCAPE SUPPLY, LLC 1,103.11 3289  
81266 03/27/23 T0005 TCTA OF NEW JERSEY 100.00 3289  
81267 03/27/23 T0032 THE PRESS OF ATLANTIC CITY 664.00 3289  
81268 03/27/23 T0080 TREASURER STATE OF N.J. 200.00 3289  
81269 03/27/23 T0159 TRIAD ADVISORY SERVICES, INC. 87.50 3289  
81270 03/27/23 V0013 VERIZON WIRELESS 649.62 3289  
81271 03/27/23 V0022 VERIZON604. 604.56 3289  
81272 03/27/23 V0052 VIKING TERMITE & PEST CONTROL 64.15 3289  
81273 03/27/23 X0008 XEROX FINANCIAL SERVICES 228.97 3289

Total :70,520.22