

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR MAY 22, 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 May 19, 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	Present
Kimberly Hayes	Present
Victor Nappen	Present
Mark Pancoast	Present
Jay Newman	Present

Also present were Municipal Clerk Joanne Herron, Tax Collector Rhonda Sharp, Municipal Attorney Anthony Monzo, and Township Administrator Gary DeMarzo.

APPROVAL OF MINUTES – May 8, 2023 Regular and Closed Session Minutes

Motion by Kimberly Hayes, second by Mark Pancoast, to approve the May 8, 2023 Regular and Closed Session Minutes as submitted. During roll call vote all five Committee members voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Kimberly Hayes, Committeewoman, reported that Community Center renovations are underway. She next reported that the Historical Preservation Society will be holding their annual Strawberry Festival on Saturday May 27th from 10:00 to 3:00 at the Gandy Farmhouse.

Mark Pancoast, Committeeman, gave a brief report on the current operations of the Public Works Department including beach and facility maintenance. He next reported that he is looking forward to working with Deputy Mayor Hayes to provide technology upgrades at Amanda’s Field.

Curtis Corson, Committeeman, reported that the beaches will be guarded starting this weekend.

Jay Newman, Mayor, reported that the Township’s audit report had zero findings and stated that the Township has had a clean audit since 2014. He next gave a brief report of the upcoming activities for Memorial Day Weekend.

ADMINISTRATOR OVERVIEW

Gary DeMarzo, Township Administrator, reported on a request received for assistance through the Township’s Affordable Housing Emergency Repair program in order to replace a hot water heater for approximately \$1,500.00. Motion by Kimberly Hayes, second by Curtis Corson, to approve the request. During roll call vote all five Committee members voted in the affirmative. He next gave a brief report on the ongoing ATV trespassing issue. Lastly, he stated that parking enforcement will begin in Strathmere during Memorial Day weekend.

PRESENTATION

1. Announcement of the Cape May County American Rescue Plan Act Infrastructure Grant award by Cape May County Commissioner Director Leonard C. Desiderio.

Commissioner Director Leonard Desiderio presented a grant award in the amount of \$400,000.00 to the Township as part of the County’s American Rescue Plan Act Infrastructure Grant program.

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.

Motion by Curtis Corson, second by Kimberly Hayes, to accept and adopt the following reports and Resolutions. During roll call vote all five Committee members voted in the affirmative.

FILING OF REPORTS BY CONSENT

2. Animal Control
3. Municipal Court

RESOLUTIONS TO BE APPROVED BY CONSENT

4. Designating June 4, 2023 as “Tourette Syndrome Awareness Day” in Upper Township.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 170-2023

**RE: DESIGNATING JUNE 4, 2023 AS
“TOURETTE SYNDROME AWARENESS DAY” IN UPPER TOWNSHIP**

WHEREAS, Tourette Syndrome is an often misunderstood, inherited, neurological disorder that is characterized by involuntary physical and vocal tics and, nearly 90% of the time, is

accompanied by other mental health disorders such as ADHD, obsessive compulsive disorder, and anxiety; and

WHEREAS, Tourette Syndrome and tic disorders affect 1 in 100 children throughout every ethnic and racial group, with onset typically occurring at 6 or 7 years of age, though about half of these children go undiagnosed; and

WHEREAS, though some of these cases are aided by medication, there is no standard treatment or known cure for the disorder, and while tics may fade in adulthood, that is not always the case; and

WHEREAS, 83% of children with Tourette Syndrome felt that it negatively impacts their school experience and education and 63% have felt discriminated against; and

WHEREAS, there is an urgent need for professional education in both the medical and education fields to assist children, adults and families living with Tourette Syndrome, and general awareness to broaden the public’s knowledge of Tourette Syndrome and decrease stigma; and

WHEREAS, the NJ Center for Tourette Syndrome & Associated Disorders (NJCTS), the nation’s first Center of Excellence for Tourette Syndrome, are actively providing services to families, educating medical professionals and teachers, and supporting research to better understand the signs and treatments of Tourette Syndrome; and

WHEREAS, NJCTS is celebrating 15 years of excellence in education, advocacy and research; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, that June 4, 2023 will be recognized as “Tourette Syndrome Awareness Day” in Upper Township, as a special day to promote understanding, compassion, and acceptance for all of our fellow citizens who deserve and need our support to break the stigma that surrounds Tourette Syndrome.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 22nd day of May, 2023.

Resolution No. 170-2023

Offered by: Corson

Seconded by: Hayes

Adopted: May 22, 2023

Roll Call Vote:

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

Newman	X			
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5. Authorizing the Mayor to sign an American Rescue Plan Act Infrastructure Grant Agreement with the County of Cape May.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 171-2023

**RE: AUTHORIZING THE MAYOR TO SIGN AN AMERICAN RESCUE PLAN ACT
INFRASTRUCTURE GRANT AGREEMENT WITH THE COUNTY OF CAPE MAY**

WHEREAS, the County of Cape May has offered the Cape May County American Rescue Plan Act (ARPA) Infrastructure Grant opportunity to Municipalities to support a broad range of drinking water, sanitary sewer, and stormwater infrastructure investments; and

WHEREAS, the Township of Upper applied for the grant to design and permit a sewer collection system for the Marmora and Beesley’s Point sections of the Township; and

WHEREAS, the County of Cape May has awarded to the Township of Upper an ARPA Infrastructure Grant in an amount not to exceed \$400,000.00; and

WHEREAS, the Township Committee gratefully accepts this grant award on behalf 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 of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed, and empowered to execute the attached Cape May County American Rescue Plan Act Infrastructure Grant Agreement with the County of Cape May.
3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Resolution No. 171-2023

Offered by: Corson

Seconded by: Hayes

Adopted: May 22, 2023

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Corson	X			
Hayes	X			

Nappen	X			
Pancoast	X			
Newman	X			

6. In support of the County of Cape May’s Marshallville Road (CR 632) over Mill Creek Bridge Replacement project.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 172-2023

RE: IN SUPPORT OF THE COUNTY OF CAPE MAY’S MARSHALLVILLE ROAD (CR 632) OVER MILL CREEK BRIDGE REPLACEMENT PROJECT

WHEREAS, the County Engineer has submitted an application to the New Jersey Department of Environmental Protection for the Marshallville Road (CR632) over Mill Creek Bridge Replacement project; and

WHEREAS, the Upper Township Committee has reviewed the application as submitted by the County and fully supports the proposed plans to replace the deteriorated Marshallville Road Bridge with a new Truss Bridge with Adaptive Pedestrian Use; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township of Upper hereby supports the County of Cape May’s proposed Marshallville Road (CR632) over Mill Creek Bridge Replacement project.
3. A copy of this Resolution shall be forwarded to the appropriate New Jersey State and Cape May County officials.

Resolution No. 172-2023

Offered by: Corson

Seconded by: Hayes

Adopted: May 22, 2023

Roll Call Vote:

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

7. Resolution and Certification with respect to the 2022 annual audit and in compliance with the Local Finance Board of the State of New Jersey.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 173-2023

**RESOLUTION AND CERTIFICATION WITH RESPECT TO THE 2022 ANNUAL AUDIT
AND IN COMPLIANCE WITH THE LOCAL FINANCE BOARD OF THE STATE OF NEW
JERSEY**

WHEREAS, N.J.S.A. 40A:5-4 required the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

GENERAL COMMENTS

AND

RECOMMENDATIONS

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

GENERAL COMMENTS

AND

RECOMMENDATIONS

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later

than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and **WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S.52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE BE IT RESOLVED, that the governing body of the Township of Upper, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Resolution No. 173-2023

Offered by: Corson

Seconded by: Hayes

Adopted: May 22, 2023

Roll Call Vote:

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

8. Appointing April Johnston as Technical Assistant to the Construction Official to the Upper Township Construction Code Office.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 174-2023

**RE: APPOINTING APRIL JOHNSTON AS TECHNICAL ASSISTANT TO THE
CONSTRUCTION OFFICIAL TO THE
UPPER TOWNSHIP CONSTRUCTION CODE OFFICE**

WHEREAS, a need exists to appoint a Technical Assistant to the Construction Official to the Upper Township Construction Code Office to ensure optimal operation; and

WHEREAS, the Township has duly considered the matter and has determined that April Johnston possesses all the requisite qualifications, and is a competent, fit suitable person for the appointment of Technical Assistant to the Construction Official; 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. April Johnston is hereby provisionally appointed to the Upper Township Construction Code Office as Technical Assistant to the Construction Official pending Civil Service review effective June 5, 2023 at an annual salary of \$44,000, in accordance with the Salary Ordinance.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 174-2023

Offered by: Corson Seconded by: Hayes

Adopted: May 22, 2023

Roll Call Vote:

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

9. Appointing Zachary Burns as a full-time Laborer 1, Probational to the Upper Township Department of Public Works.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 175-2023

**RE: APPOINTING ZACHARY BURNS AS A FULL-TIME LABORER 1, PROBATIONAL
TO THE UPPER TOWNSHIP DEPARTMENT OF PUBLIC WORKS**

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

WHEREAS, Zachary Burns possesses all the requisite qualifications for appointment to said position; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Zachary Burns is hereby appointed to the Upper Township Department of Public Works effective May 23, 2023 as a full-time Laborer 1, Probational at a salary of \$33,280.00 in accordance with the Salary Ordinance;
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 175-2023

Offered by: Corson

Seconded by: Hayes

Adopted: May 22, 2023

Roll Call Vote:

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

10. Appointing Marshall Kohler as Mechanic to the Upper Township Department of Public Works.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 176-2023

**RE: APPOINTING MARSHALL KOHLER AS A MECHANIC TO THE
UPPER TOWNSHIP DEPARTMENT OF PUBLIC WORKS**

WHEREAS, a need exists to promote qualified personnel within the Upper Township Department of Public Works to ensure optimal operation; and

WHEREAS, Marshall Kohler possesses all the requisite qualifications for appointment to said position; and

WHEREAS, the individual's appointment is conditioned upon Civil Service review; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Marshall Kohler is hereby provisionally promoted to the position of Mechanic in the Upper Township Department of Public Works pending Civil Service review effective May 19, 2023 at an annual salary of \$64,427.00 in accordance with the Salary Ordinance.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 176-2023

Offered by: Corson

Seconded by: Hayes

Adopted: May 22, 2023

Roll Call Vote:

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

11. Appointing Todd Rammel as Truck Driver Heavy to the Upper Township Department of Public Works.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 177-2023

**RE: APPOINTING TODD RAMMEL AS TRUCK DRIVER HEAVY TO THE
UPPER TOWNSHIP DEPARTMENT OF PUBLIC WORKS**

WHEREAS, a need exists to promote qualified personnel within the Upper Township Department of Public Works to ensure optimal operation; and

WHEREAS, Todd Rammel possesses all the requisite qualifications for appointment to said position; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Todd Rammel is hereby promoted to the position of Truck Driver Heavy in the Upper Township Department of Public Works effective May 19, 2023 at an annual salary of \$62,305.00 in accordance with the Salary Ordinance.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 177-2023

Offered by: Corson

Seconded by: Hayes

Adopted: May 22, 2023

Roll Call Vote:

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

12. Appointing Ryan Couse as a full-time employee to the Upper Township Division of Emergency Medical Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 178-2023

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

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

WHEREAS, Ryan Couse possesses all the requisite qualifications for appointment as an Emergency Medical Technician; 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. Ryan Couse is hereby appointed to the Division of Emergency Medical Services as a full-time Emergency Medical Technician effective May 23, 2023 at an annual salary of \$45,000, in accordance with the Salary Ordinance.

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

Resolution No. 178-2023

Offered by: Corson

Seconded by: Hayes

Adopted: May 22, 2023

Roll Call Vote:

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

13. Appointing Markie Alexander as a part-time employee to the Upper Township Division of Emergency Medical Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 179-2023

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

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

WHEREAS, Markie Alexander possesses all the requisite qualifications for appointment to said position; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Markie Alexander is hereby appointed to the Division of Emergency Medical Services as a part-time Emergency Medical Technician pending pre-employment testing effective May 23, 2023 at a rate of \$20.00 per hour, in accordance with the Salary Ordinance.

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

Resolution No. 179-2023

Offered by: Corson

Seconded by: Hayes

Adopted: May 22, 2023

Roll Call Vote:

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

14. Appointing Matthew Blaker as a part-time employee to the Upper Township Division of Emergency Medical Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 180-2023

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

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

WHEREAS, Matthew Blaker possesses all the requisite qualifications for appointment to said position; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Matthew Blaker is hereby appointed to the Division of Emergency Medical Services as a part-time Emergency Medical Technician pending pre-employment testing effective May 23, 2023 at a rate of \$20.00 per hour, in accordance with the Salary Ordinance.

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

Resolution No. 180-2023

Offered by: Corson

Seconded by: Hayes

Adopted: May 22, 2023

Roll Call Vote:

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

15. Appointing Timothy Brittin as a part-time employee to the Upper Township Division of Emergency Medical Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 181-2023

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

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

WHEREAS, Timothy Brittin possesses all the requisite qualifications for appointment to said position; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Timothy Brittin is hereby appointed to the Division of Emergency Medical Services as a part-time Emergency Medical Technician pending pre-employment testing effective 5/23/2023 at a rate of \$20.00 per hour, in accordance with the Salary Ordinance.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 181-2023

Offered by: Corson

Seconded by: Hayes

Adopted: May 22, 2023

Roll Call Vote:

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

16. Appointing Eric Johnston as a part-time employee to the Upper Township Division of Emergency Medical Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 182-2023

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

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

WHEREAS, Eric Johnston possesses all the requisite qualifications for appointment to said position; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Eric Johnston is hereby appointed to the Division of Emergency Medical Services as a part-time Emergency Medical Technician pending pre-employment testing effective May 23, 2023 at a rate of \$20.00 per hour, in accordance with the Salary Ordinance.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 182-2023

Offered by: Corson

Seconded by: Hayes

Adopted: May 22, 2023

Roll Call Vote:

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

17. Appointing Ryan Schaefer as a part-time employee to the Upper Township Division of Emergency Medical Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 183-2023

RE: APPOINTING RYAN SCHAEFER AS A PART-TIME EMPLOYEE TO THE UPPER TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES

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

WHEREAS, Ryan Schaefer possesses all the requisite qualifications for appointment to said position; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Ryan Schaefer is hereby appointed to the Division of Emergency Medical Services as a part-time Emergency Medical Technician pending pre-employment testing effective May 23, 2023 at a rate of \$20.00 per hour, in accordance with the Salary Ordinance.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 183-2023

Offered by: Corson

Seconded by: Hayes

Adopted: May 22, 2023

Roll Call Vote:

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

18. Appointing Joshua Tozer as a seasonal Parking/Code Enforcement Officer to the Upper Township Division of Emergency Medical Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 184-2023

RE: APPOINTING JOSHUA TOZER AS A SEASONAL PARKING/CODE ENFORCEMENT OFFICER TO THE UPPER TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES

WHEREAS, a need exists to appoint qualified personnel as seasonal employees to the Upper Township Division of Emergency Medical Services to ensure optimal operation; and

WHEREAS, Joshua Tozer possesses all the requisite qualifications for appointment as a seasonal Parking/Code Enforcement Officer; 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. Joshua Tozer is hereby appointed to the Division of Emergency Medical Services as a seasonal Parking/Code Enforcement Officer pending pre-employment testing effective May 23, 2023 at a rate of \$20.00 per hour, in accordance with the Salary Ordinance.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 184-2023

Offered by: Corson

Seconded by: Hayes

Adopted: May 22, 2023

Roll Call Vote:

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

19. Appointing the 2023 season Beach Patrol personnel.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 185-2023

RE: APPOINTING THE 2023 SEASON BEACH PATROL PERSONNEL

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

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

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

2. The following individuals are appointed as lifeguards in the Township of Upper at a salary as stated below in accordance with the Salary Ordinance:

RETURNING GUARDS

Culmone, Gabriella	4th yr	\$18.70
Fisher, Aiden	4th yr	\$18.70
Schwarz, Emma	4th yr	\$18.70

Resolution No. 185-2023

Offered by: Corson

Seconded by: Hayes

Adopted: May 22, 2023

Roll Call Vote:

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

20. Appointing Norman W. Briggs to act as Special Legal Counsel.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 186-2023

**RE: APPOINTING NORMAN W. BRIGGS
TO ACT AS SPECIAL LEGAL COUNSEL**

WHEREAS, the Township requires legal counsel to provide legal services in the event such services are not provided by the regular Township Solicitor due to a conflict of interest or other reason as determined by the Township Committee; 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 Norman W. Briggs, Esquire as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Norman W. Briggs, Esquire has completed and submitted a Business Entity Disclosure Certification which certifies that Norman W. Briggs, 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 Norman W. Briggs, 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. Norman W. Briggs, Esquire with offices at 110 Roosevelt Boulevard, Suite 201, Marmora, New Jersey is hereby appointed Special Legal Counsel to handle 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 Norman W. Briggs, 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 Norman W. Briggs, 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 Norman W. Briggs, Esquire in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

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

9. This Resolution shall be effective as of adoption.

Resolution No. 186-2023

Offered by: Corson

Seconded by: Hayes

Adopted: May 22, 2023

Roll Call Vote:

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

21. Authorizing a contract with Triad Advisory Services, Inc. for professional grant consultant services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 187-2023

**RE: AUTHORIZING A CONTRACT WITH TRIAD ADVISORY SERVICES, INC. FOR
PROFESSIONAL GRANT CONSULTANT SERVICES**

WHEREAS, the Township of Upper has a need for professional grant consultant services; and

WHEREAS, Triad Advisory Services, Inc. has submitted a proposal to the Township to provide said consultant services; and

WHEREAS, the Township wishes to accept said proposal and to authorize the execution of a contract with Triad Advisory Services, Inc. as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Triad Advisory Services, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Triad Advisory Services, Inc. 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 Triad Advisory Services, Inc. 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 execute a contract with Triad Advisory Services, Inc. with offices at 1301 W. Forest Grove Road, Vineland, New Jersey, to provide professional grant consultant services.
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 Triad Advisory Services, Inc. has professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5

NOTICE OF CONTRACT AWARD

5. The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Triad Advisory Services, Inc. for professional grant consultant 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.

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

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

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

9. This Resolution shall be effective as of adoption.

Resolution No. 187-2023

Offered by: Corson

Seconded by: Hayes

Adopted: May 22, 2023

Roll Call Vote:

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

22. Authorizing a contract with Coastal Emergency Medical Training & Consulting, LLC and Dr. Michael Westrol, M.D. for Medical Director Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 188-2023

**RE: AUTHORIZING A CONTRACT WITH COASTAL EMERGENCY MEDICAL
TRAINING & CONSULTING, LLC AND DR. MICHAEL WESTROL, M.D. FOR
MEDICAL DIRECTOR SERVICES**

WHEREAS, the Township of Upper has received a proposal from Coastal Emergency Medical Training & Consulting, LLC and Dr. Michael Westrol, M.D., (hereinafter collectively referred to as “Coastal”), for Medical Director Services for the Upper Township Division of Emergency Services; and

WHEREAS, the Township Committee has considered this matter and has determined that it is in the best interest of the Township to acquire the services of Coastal as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

WHEREAS, Coastal has completed and submitted a Business Entity Disclosure Certification which certifies that Coastal 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 Coastal from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Chief Financial Officer, to the extent required, has certified the availability of funds to permit the Township to enter into said professional services 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 for Medical Director Services with Coastal.
3. 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.
4. 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.
5. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 188-2023

Offered by: Corson

Seconded by: Hayes

Adopted: May 22, 2023

Roll Call Vote:

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

23. Authorizing a five (5) year extension to the Lease Agreement between the Township of Upper and the Historical Preservation Society of Upper Township, Inc. for the premises located at the Tuckahoe Railroad Station, 34 Mill Road, Tuckahoe, New Jersey.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 189-2023

**RE: AUTHORIZING A FIVE (5) YEAR EXTENSION TO THE LEASE
AGREEMENT BETWEEN THE TOWNSHIP OF UPPER AND THE
HISTORICAL PRESERVATION SOCIETY OF UPPER TOWNSHIP, INC. FOR
THE PREMISES LOCATED AT THE TUCKAHOE RAILROAD STATION,
34 MILL ROAD, TUCKAHOE, NEW JERSEY**

WHEREAS, the Township of Upper entered into a Lease Agreement with the Historical Preservation Society of Upper Township, Inc., a New Jersey nonprofit corporation, on May 12, 2003 for the premises commonly known as the second-floor office at the Tuckahoe Railroad Station, located at 34 Mill Road, Tuckahoe, New Jersey; and

WHEREAS, both parties desire to extend the term of said lease for an additional five years as provided in the original Lease Agreement; 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 authorizes the Mayor and Township Clerk to sign an Amendment to the Lease Agreement with the Historical Preservation Society of Upper Township, Inc. which extends the term of said lease for an additional five years, expiring on May 31, 2028.
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. 189-2023

Offered by: Corson

Seconded by: Hayes

Adopted: May 22, 2023

Roll Call Vote:

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

24. Authorizing a five (5) year extension to the Lease Agreement between the Township of Upper and the Historical Preservation Society of Upper Township, Inc. for the land and premises known as the “Friendship School”, Block 587, Lot 1.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 190-2023

**RE: AUTHORIZING A FIVE (5) YEAR EXTENSION TO THE LEASE
AGREEMENT BETWEEN THE TOWNSHIP OF UPPER AND THE
HISTORICAL PRESERVATION SOCIETY OF UPPER TOWNSHIP, INC.
FOR THE LAND AND PREMISES KNOWN AS THE
“FRIENDSHIP SCHOOL”, BLOCK 587, LOT 1**

WHEREAS, the Township of Upper entered into a Lease Agreement with the Historical Preservation Society of Upper Township, Inc., a New Jersey nonprofit corporation, on June 1, 2013 for the land and premises known as the “Friendship School” which property is known and designated as Block 587, Lot 1 on the official tax map of the Township of Upper; and

WHEREAS, both parties desire to extend the term of said lease for an additional five years as provided in the original Lease Agreement; 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 authorizes the Mayor and Township Clerk to sign an Amendment to the Lease Agreement with the Historical Preservation Society of Upper Township, Inc. which extends the term of said lease for an additional five years, expiring on May 31, 2028.
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. 190-2023

Offered by: Corson

Seconded by: Hayes

Adopted: May 22, 2023

Roll Call Vote:

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

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

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 191-2023

**RE: AUTHORIZE PAYMENTS FROM THE
AFFORDABLE HOUSING TRUST FUND OF UPPER TOWNSHIP**

WHEREAS, the Township of Upper adopted an Affordable Housing Trust Fund Spending Plan (hereinafter “Spending Plan”) on April 30, 2012 pursuant to Resolution No. 105-2012; and

WHEREAS, the Township of Upper replaced this Spending Plan pursuant to Resolution No. 167-2020 adopted on May 26, 2020 and consistent with P.L. 2008, c.46 COAH regulations and the Fair Share Housing Center Settlement Agreement, which was subsequently approved by the Court on June 30, 2020 in connection with the Township’s Declaratory Judgment Action; and

WHEREAS, the Township of Upper’s Affordable Housing Trust Fund collects development fee revenues consistent with the Township of Upper’s development fee ordinance for both residential and non-residential developments in accordance with FHAA’s rules and P.L. 2008, c.46, sections 8 (C. 52:27D-329.2) and 32-28 (C. 40:55D-8.1 through 8.7).; and

WHEREAS, pursuant to the terms of the current Spending Plan, the release of funds requires the adoption by the Township Committee of a resolution; and

WHEREAS, the Township Committee has reviewed the requested release of funds from the Affordable Housing Trust Fund for the specific use set forth herein and has determined it is in the best interest of the Township to authorize the release of payment from said fund.

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

Township of Upper, Cape May County, and State of New Jersey, as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. The Chief Financial Officer is authorized to release the following funds pursuant to

the Township’s Market to Affordable Program:

Triad Associates	
(Admin Agent Rentals Wait List)	\$ 200.00
(Wait List Maint. Sales)	\$ 200.00
(AA Technical Assistance)	<u>\$ 225.00</u>
	\$ 625.00

Resolution No. 191-2023

Offered By: Corson

Seconded By: Hayes

Adopted: April 24, 2023

Roll Call Vote:

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

26. Authorizing the purchase of certain items with funds from the 2023 Capital Improvement Bond Ordinance in the amount of \$27,355.00.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 192-2023

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS WITH FUNDS FROM THE
2023 CAPITAL IMPROVEMENT BOND ORDINANCE IN THE AMOUNT OF \$27,355.00**

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

WHEREAS, the Township Committee adopted the 2023 Capital Improvement Bond Ordinance 002-2023 on March 13, 2023; and

WHEREAS, the Township’s Qualified Purchasing Agent has reviewed and approved the quote for painting the interior of the Community Center from Painting by Pearce, Inc., Inc. of Ocean View, New Jersey; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing

that the value of services with Painting by Pearce, Inc., Inc. for the year 2023 will exceed \$17,500; and

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

WHEREAS, the Chief Financial Officer of the Township has certified the availability of funds for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose in the 2023 Capital Improvement Bond Ordinance.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with Painting by Pearce, Inc. of Ocean View, New Jersey for painting the interior of the Community Center in the amount of **\$27,355.00** with funds from the 2023 Capital Improvement Bond Ordinance.
3. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 192-2023

Offered By: Corson

Seconded By: Hayes

Adopted: May 22, 2023

Roll Call Vote:

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

27. Renewing the 2023 Mining Licenses for Heidelberg Materials Northeast, LLC - Julie's Pit, Block 414, Lot 44 and Upper Township Sand & Gravel, Block 453, Lot 4.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 193-2023

**RE: RENEWING THE 2023 MINING LICENSES FOR
HEIDELBERG MATERIALS NORTHEAST, LLC - JULIE'S PIT, BLOCK 414,
LOT 44 AND UPPER TOWNSHIP SAND & GRAVEL, BLOCK 453, LOT 4**

WHEREAS, Chapter XV of the Code of Upper Township requires a license for the excavation or mining of sand, gravel, earth, soil or mineral products which license shall be issued on an annual basis; and

WHEREAS, Heidelberg Materials Northeast, LLC with corporate offices at 7660 Imperial Way, Allentown, PA 18195, (hereinafter referred to as "applicant"), is the owner of the mining operations known as Julie's Pit, Block 414, Lot 44 and Upper Township Sand & Gravel, Block 453, Lot 4 in the Township of Upper; and

WHEREAS, applicant has requested and has been granted two (2) forbearance of enforcement of the license expiration for the 2023 license year; and

WHEREAS, applicant has now completed the application process in accordance with the Code of Upper Township; and

WHEREAS, the Township Committee has reviewed the recommendation of the Township Engineer after his inspection of said mining facility and review of the application for license renewal and has determined to renew said license in accordance with the terms hereinafter specified; 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 mining licenses for Heidelberg Materials Northeast, LLC. - Julie's Pit, Block 414, Lot 44 and Upper Township Sand & Gravel, Block 453, Lot 4, are hereby renewed for one year commencing February 1, 2023 in accordance with and subject to compliance with all terms, conditions and other approvals as specified in Upper Township Planning Board Resolutions PB 02-2023, and PB 03-2023 attached hereto as Exhibit "A".

3. All officials of the Township are hereby authorized to take such action as may be necessary or required to carry out the intent and purpose of this Resolution.

4. This Resolution shall become effective immediately upon adoption and retroactive to February 1, 2023.

Resolution No. 193-2023

Offered by: Corson

Seconded by: Hayes

Adopted: May 22, 2023

Roll Call Vote:

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

28. Renewing the 2023 Mining License for Tuckahoe Sand & Gravel, Block 247, Lots 4, 9, and 10; Block 248, Lots 1 through 8; and Block 453, Lot 2.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 194-2023

**RE: RENEWING THE 2023 MINING LICENSE FOR
TUCKAHOE SAND & GRAVEL, BLOCK 247, LOTS 4, 9, AND 10;
BLOCK 248, LOTS 1 THROUGH 8; AND BLOCK 453, LOT 2**

WHEREAS, Chapter XV of the Code of Upper Township requires a license for the excavation or mining of sand, gravel, earth, soil or mineral products which license shall be issued on an annual basis; and

WHEREAS, Tuckahoe Sand & Gravel with corporate offices at 2819 Fire Road, Egg Harbor Township, NJ 08234, (hereinafter referred to as “applicant”), is the owner of the mining operation known as Tuckahoe Sand & Gravel, Block 247, Lots 4, 9, and 10; Block 248, Lots 1 through 8; and Block 453, Lot 2 in the Township of Upper; and

WHEREAS, applicant has requested and has been granted two (2) forbearance of enforcement of the license expiration for the 2023 license year; and

WHEREAS, applicant has now completed the application process in accordance with the Code of Upper Township; and

WHEREAS, the Township Committee has reviewed the recommendation of the Township Engineer after his inspection of said mining facility and review of the application for license renewal and has determined to renew said license in accordance with the terms hereinafter specified; 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 mining license for Tuckahoe Sand & Gravel, Block 247, Lots 4, 9, and 10; Block 248, Lots 1 through 8; and Block 453, Lot 2, is hereby renewed for one year commencing February 1, 2023 in accordance with and subject to compliance with all terms, conditions and other approvals of the Upper Township Planning Board.
3. All officials of the Township are hereby authorized to take such action as may be necessary or required to carry out the intent and purpose of this Resolution.
4. This Resolution shall become effective immediately upon adoption and retroactive to February 1, 2023.

Resolution No. 194-2023
 Offered by: Corson
 Adopted: May 22, 2023
 Roll Call Vote:

Seconded by: Hayes

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

ORDINANCES

29. Public hearing and final adoption of Ordinance No. 010-2023 RE: AN ORDINANCE ESTABLISHING MANDATORY DIRECT DEPOSIT OF NET PAY FOR EMPLOYEES OF THE TOWNSHIP OF UPPER. **During the public hearing portion there were no speakers. Motion by Kimberly Hayes, second by Mark Pancoast to adopt Ordinance No. 10-2023. During roll call vote all five Committee members voted in the affirmative.**

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

ORDINANCE NO. 010-2023

**RE: AN ORDINANCE ESTABLISHING MANDATORY DIRECT DEPOSIT OF NET PAY
FOR EMPLOYEES OF THE TOWNSHIP OF UPPER**

WHEREAS, Section 3 of P.L. 2013, c.28, authorized municipalities and counties to adopt an ordinance to provide for the mandatory direct deposit of net pay for all employees; and

WHEREAS, P.L. 2013, c.28, further permits that municipalities may grant exemptions as deemed necessary, such as for seasonal and temporary employees; and

WHEREAS, the Township Committee of the Township of Upper desires to adopt an ordinance adopting such mandatory direct deposit for employees as authorized by P.L. 2013, c.28.

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 5 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 5-14 - DIRECT DEPOSIT

1. All permanent employees and elected public officials who receive compensation from the Township of Upper are mandated to have direct deposit of their net pay effective June 1st 2023, in accordance with Chapter 28, P.L. 2013.
2. “Net Pay” shall include weekly pay and other forms of payment, including but not limited to, retroactivity of wages, clothing and uniform allowances, health benefit buyouts, compensatory time buyouts and final payments to employees separating employment, etc.
3. Seasonal and temporary employees who are employed by the Township of Upper may be exempt from the direct deposit mandate set forth herein, upon their request for said exemption to the Township of Upper, Administrator. Such requests shall be made in writing and will be presented to the Township Committee within thirty (30) days of said request. The Township Committee may grant such an exemption by resolution and only for good cause.

SECTION 2: EFFECTIVE DATE: This ordinance shall take effect immediately upon the following publication as required by law.

SECTION 3: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 4: 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 5: CODIFICATION: This Ordinance shall be codified in the Upper Township

Code at the sections referred to above.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 24th DAY OF APRIL, 2023 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 22nd DAY OF MAY, 2023 AT 4:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

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

CORRESPONDENCE

NEW BUSINESS

30. State Aid Agreement for Beach Fill. **The Township Administrator reported that the State has indicated that the costs for cutting timber groins will be the Township's obligation. There was a brief discussion regarding the Township's liability and need for the cutting. The matter will be listed on a future agenda for further discussion.**
31. Lead Grant Assistance Program. **The Township Administrator reported that the State is offering a grant in the amount of \$7,200.00 to assist with the required lead inspection process. After a brief discussion there was a general consensus to apply for the grant. A resolution for formal action will be placed on the next agenda.**

UNFINISHED BUSINESS

PAYMENT OF BILLS

32. "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 five Committee members present voted in the affirmative.**

Bills approved for payment: **\$720,959.92**
Payroll: **\$181,274.33**

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

Barbara Leary, Seaville, inquired into the necessity to appoint Gary DeMarzo as Personnel Officer if personnel is part of his responsibilities already.

Ronald Williams, Ocean View, inquired into the status of a rent control ordinance. It was stated that the Township's current position is to not adopt a rent control ordinance at this time. The Municipal Attorney stated that rent increases for residential housing has to be reasonable and they're subject to review by the court. Tenants have the ability to file a complaint in court to seek redress if they feel a rent hike is unreasonable.

Nathalie Neiss, Block 456, Lot 13, stated that at a recent Zoning Board meeting the board changed the Master Plan by changing the use of a parcel around Route 9 and Stagecoach Road. The Municipal Attorney stated that, without knowing the specifics, the Zoning Board most likely granted a use

variance. The Zoning Board has nothing to do with the Master Plan or the adoption of zoning ordinances.

Joe Cotton, Marmora, spoke about the issue with trespassing ATVs and requested assistance with the ATV noise near his property.

Terry Cotton, Marmora, also spoke about the ATV issue.

Mike Scanlon, Meghan Lane, spoke in opposition to the proposed County bike path route.

Seth Pashley, Stagecoach Road, also spoke in opposition to the proposed County bike path route.

Bob Di Iorio, Seaville, apologized to the public for his outburst at the last meeting.

CLOSED SESSION

33. 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. 195-2023
MOTION GOING INTO CLOSED SESSION
MAY 22, 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 - Subordination of Mortgage
4. Contract negotiation - Parker McCay Labor Counsel

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 five Committee members voting in the affirmative.

RECONVENE PUBLIC PORTION OF MEETING

Motion by Kimberly Hayes, second by Victor Nappen, to reconvene the public portion of the meeting. During roll call vote all five Committee members voted in the affirmative.

RESOLUTION TO BE ACTED ON AFTER CLOSED SESSION

35. Appointing Gary DeMarzo as Personnel Officer and authorizing the execution of an agreement. **No action was taken on this matter.**

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 6:45 P.M., with a motion by Kimberly Hayes, second by Victor Nappen, and all five Committee members voting in the affirmative. The next regular Committee meeting is scheduled for June 12, 2023 at 6:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC
Municipal Clerk

Bills

81546 05/22/23 A0018 ACTION SUPPLY INC. 388.94 3300
81547 05/22/23 A0025 ADVANTAGE RENTAL & SALES 789.82 3300
81548 05/22/23 A0027 ACE PLUMBING SUPPLY,INC 172.01 3300
81549 05/22/23 A0091 ATLANTIC CITY ELECTRIC 2,786.54 3300
81550 05/22/23 A0117 AT&T 160.92 3300
81551 05/22/23 A0191 ACTION UNIFORM CO. LLC 4,320.50 3300
81552 05/22/23 A0193 ATLANTIC INVESTIGATIONS, LLC 202.00 3300
81553 05/22/23 A0212 ANCERO, LLC 12,750.50 3300
81554 05/22/23 A0219 ALTERNATIVE MICROGRAPHICS, INC 2,872.49 3300
81555 05/22/23 A0235 AMAZON CAPITAL SERVICES, INC. 362.64 3300
81556 05/22/23 B0035 BELMONT & CRYSTAL SPRINGS 74.21 3300
81557 05/22/23 B0232 BLUE FLAME GAS 1,217.58 3300
81558 05/22/23 B0242 BELASCO, LOUIS M. 450.00 3300
81559 05/22/23 B0288 KINGBARNES LLC 842.56 3300
81560 05/22/23 B0300 ALDEN BAILEY RESTORATION CORP. 54,052.00 3300
81561 05/22/23 C0042 CAMPBELL SUPPLY COMPANY 357.08 3300
81562 05/22/23 C0068 COMCAST 985.66 3300
81563 05/22/23 C0223 CASA PAYROLL SERVICE 273.50 3300
81564 05/22/23 C0307 CNS ACQUISITION CORPORATION 875.00 3300
81565 05/22/23 D0040 DELTA DENTAL OF N.J. INC. 5,909.19 3300
81566 05/22/23 D0149 DANZIGER & MARKOFF, LLP 2,250.00 3300
81567 05/22/23 D0186 DOCUTREND, INC. 45.44 3300
81568 05/22/23 D0237 DIETZ, KERRY 125.00 3300
81569 05/22/23 D0240 DEVLIN, EDMUND F. 1,048.45 3300
81570 05/22/23 G0120 PATRICK F. MARTIN 1,966.58 3300
81571 05/22/23 G0124 GRIFFIN AUTOMOTIVE INFO SVC 2,399.00 3300
81572 05/22/23 H0073 HOME DEPOT CRC/GECF 603.80 3300
81573 05/22/23 I0019 INTERNATIONAL CODE COUNCIL,INC 253.00 3300
81574 05/22/23 I0045 ICC GENERAL CODE, INC. 358.23 3300
81575 05/22/23 K0103 KYOCERA DOCUMENT SOLUTIONS 289.34 3300
81576 05/22/23 L0157 LEXA CONCRETE, LLC 71,616.78 3300
81577 05/22/23 M0035 MARMORA FIRE CO. DISTRICT #3 185,833.19 3300
81578 05/22/23 N0004 NJ-AMERICAN WATER CO. 232.15 3300
81579 05/22/23 N0043 NAPA AUTO PARTS 4,948.78 3300
81580 05/22/23 N0070 MARSH & MCLENNAN AGENCY, LLC 2,000.00 3300
81581 05/22/23 P0032 PEDRONI FUEL CO. 958.06 3300
81582 05/22/23 P0140 PIONEER MANUFACTURING CO, INC 524.28 3300
81583 05/22/23 P0166 PARKER MCCAY P.A. 7,583.76 3300
81584 05/22/23 Q0014 QBE SPECIALTY INSURANCE CO. 2,691.88 3300
81585 05/22/23 R0030 RIGGINS, INC. 4,184.31 3300
81586 05/22/23 R0100 ROBERTS OXYGEN COMPANY, INC. 119.55 3300
81587 05/22/23 S0018 SUBURBAN PROPANE, LP 243.79 3300

81588 05/22/23 S0057 SERVICE TIRE TRUCK CENTERS 2,670.40 3300
81589 05/22/23 S0065 SEAVILLE FIRE CO. DISTRICT #4 153,020.00 3300
81590 05/22/23 S0185 STOCKTON STATE COLLEGE 6,980.41 3300
81591 05/22/23 S0191 STRATHMERE FIRE CO.DISTRICT #1 26,081.62 3300
81592 05/22/23 S0196 STEWART BUSINESS SYSTEMS LLC 274.40 3300
81593 05/22/23 S0239 SHORE VET. ANIMAL CONTROL LLC 2,200.00 3300
81594 05/22/23 S0303 SITEONE LANDSCAPE SUPPLY, LLC 1,951.74 3300
81595 05/22/23 S0402 SERPICO PYROTECHNICS LLC 4,000.00 3300
81596 05/22/23 T0028 TRACTOR SUPPLY COMPANY CREDIT 269.99 3300
81597 05/22/23 T0117 TUCKAHOE FIRE DISTRICT #2 135,700.00 3300
81598 05/22/23 T0129 TRUGREEN CHEMLAWN 4,180.85 3300
81599 05/22/23 V0022 VERIZON 468.30 3300
81600 05/22/23 V0024 VAL-U AUTO PARTS L.L.C. 1,317.26 3300
81601 05/22/23 V0025 V.E. RALPH & SON,INC. 1,201.50 3300
81602 05/22/23 X0008 XEROX FINANCIAL SERVICES 235.25 3300
81603 05/22/23 Z0017 ZOLL DATA SYSTEMS, INC. 289.69 3300
Total: \$720,959.92