

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR JUNE 12, 2023**

REGULAR MEETING OF THE TOWNSHIP COMMITTEE – 6:30 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 June 9, 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, Municipal Attorney Lyndsy Newcomb, Chief Financial Officer Barbara Ludy, Municipal Engineer Paul Dietrich, and Township Administrator Gary DeMarzo.

APPROVAL OF MINUTES - May 22, 2023 Regular and Closed Session Minutes

Motion by Kimberly Hayes, second by Victor Nappen, to approve the May 22, 2023 Regular and Closed Session Minutes as submitted. During roll call vote five Committee members voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Mark Pancoast, Committeeman, gave a brief report on the increased summer operations of the Department of Public Works. He also reminded the public that if they have any Public Works related issues the first course of action should be to contact the Public Works Supervisor. He cautioned against using social media to air complaints as the sites are not monitored and the situation can get out of hand with false information.

Curtis Corson, Committeeman, reminded everyone to please use caution when visiting Township beaches and urged everyone to swim only on protected beaches. He next reported that there has been more erosion to the beaches due to the full moon. Later in the meeting, Committeeman Corson reported that if the beach erosion at Williams Avenue worsens, a shipping container may be placed at the south entrance to house beach patrol equipment.

Kimberly Hayes, Committeewoman, reported on numerous events she and other Committee members attended over the Memorial Day weekend. She thanked the Upper Township Business

Association for inviting her and Mayor Newman to attend a mixer at the Feathered Nest Gifts and Garden Accents in Seaville. Next, she congratulated the Historical Society for their successful Strawberry Festival. She next congratulated the Stratty Paddle Company located on Taylor Road in Strathmere for their grand opening. She next congratulated Boulevard Liquor for their grand reopening. Next, she thanked Osprey Point for hosting a Memorial Day Ceremony and thanked Boy Scout Troop 79 and the American Legion for their participation. Next, she reported that she attended the ribbon cutting ceremony for the opening of the Simon Davies Military Museum and stated that it is an amazing place and encouraged all to visit. She next thanked the Public Works Department for quickly addressing some vandalism that occurred at the East Golden Oak playground. She also thanked the parents of the individuals involved for working with the Township. Next, she gave a brief report on the Community Center renovations and reported that the Township is continuing to accept applications for vendors for the 4th of July event. She next reported that on Wednesday August 23, 2023 the Township will be partnering with Rothman Orthopedics for an event for parents and coaches regarding sports injuries and prevention. More details will be forthcoming. Lastly, she reported that she attended a roundtable event in Lower Township hosted by the South Jersey Perinatal Cooperative to address the lack of maternity care at Cape Regional Hospital and stated that it is encouraging to see so many community organizations come together to address healthcare disparities for women in Cape May County.

Victor Newman, Committeeman, reported that Shore Animal Control has prepared a coyote prevention guide with tips to deter coyotes from your property and encouraged all to view the guideline on the Township's Facebook page or website. He next reported on a recent walk-through inspection of Beacon Animal Rescue facility and congratulated Beacon for doing a wonderful job. He next reported that he attended his son's opening day baseball game and stated that it was a wonderful atmosphere. Next, he reported that the Municipal Courts also had a successful walk-through inspection and stated that the new sound system in the court room will be installed on Thursday. Lastly, he thanked his colleagues for attending all of the Memorial Day weekend events and stated that he was unable to attend as he and his wife were welcoming the birth of their baby girl.

Jay Newman, Mayor, reported that the Tuckahoe state boat ramp facility is now open. He next reported that the EMS Kids Camp program will be held from June 26th to June 30th for middle school age children. Lastly, he thanked Oakridge Campground for inviting him to speak at their Memorial Day event.

ADMINISTRATOR OVERVIEW

Gary DeMarzo, Township Administrator, gave a brief report on several projects including the light project at Caldwell Park, a grant for the replacement of the AC unit at Town Hall, and the electric charging station. He also reported that a public hearing for the liquor license renewal for the Deauville will be held at the June 26th meeting. Mr. DeMarzo then introduced Ralph Cooper for a presentation from the Green Team to Paul Dietrich.

Ralph Cooper, Upper Township Green Team, presented a certificate of appreciation and recognition to Paul Dietrich for his many years of work with the Green Team. Mr. Cooper stated that Paul has been instrumental with the Green Team and the Township obtaining the Sustainable Jersey Certification.

Paul Dietrich, Township Engineer, gave a brief report on the beach erosion, which occurred not from a storm but just a full moon. He stated that the Township will need to continue to monitor the beaches for public safety and cautioned residents to stay away from beach scarps as they are extremely unstable. He next gave a brief update on a couple of Strathmere projects. He stated that there will be another week delay for the grading and paving on Prescott Avenue. It is anticipated that the paving will be completed by the end of next week. He next stated that the controls for the pump station have been delayed so the pump station project will be postponed until after Labor Day.

PRESENTATION

1. Extending our congratulations and gratitude to Simon Davies for founding The Simon Davies Military Museum. **The Mayor and Township Committee presented the following Resolution to Simon Davies and commended him for his work.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 196-2023

**RE: EXTENDING OUR CONGRATULATIONS AND GRATITUDE
TO SIMON DAVIES FOR FOUNDING THE SIMON DAVIES MILITARY MUSEUM**

WHEREAS, Simon Davies, a Junior at Ocean City High School and resident of Upper Township, is the founder of The Simon Davies Military Museum, which celebrated its grand opening on May 28, 2023 with a Memorial Day Ceremony; and

WHEREAS, The Simon Davies Museum is the private project of Simon and is dedicated to military veterans and all who continue to serve in all branches of the United States Military, especially family members including Andrew Fletcher and Cairo McGrory, both of whom are currently serving; and

WHEREAS, the museum is housed at 67 Tyler Road, the property of Simon's parents, and displays impressive exhibits representing several United States conflicts including World War I, World War II, the Korean War, the Vietnam War and more; and

WHEREAS, at an early age Simon developed and cultivated a passion for military history, resulting in a decade of extensive collecting of military artifacts through donations, gifts, and purchases in order to create the full exhibit it is today; and

WHEREAS, the Township of Upper wishes to acknowledge the outstanding accomplishments of this remarkable young man and his dedication to honor the men and women of the United States Military; and

NOW, THEREFORE, BE IT RESOLVED that the Township Committee extends its sincere congratulations and gratitude to Simon Davies for founding The Simon Davies Military Museum to honor military veterans and those who continue to serve; and

BE IT FURTHER RESOLVED that the Township Committee commends Simon Davies on his interest in military history and his personal goal to serve our country in the United States Marine Corps.

of June, 2023.

Resolution No. 196-2023

Offered by: Hayes Seconded by: Newman

Adopted: June 12, 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.

Motion by Curtis Corson, second by Mark Pancoast, 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. Clerk’s Office
- 3. Construction Code
- 4. Division of EMS
- 5. Finance Office
- 6. MUA Report
- 7. Municipal Court
- 8. Public Works
- 9. Tax Collector

RESOLUTIONS TO BE APPROVED BY CONSENT

- 10. Tax Refund Block 30, Lot 1.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 197-2023

**TAX REFUND
BLOCK 30, LOT 1**

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

WHEREAS, Lereta paid the 2023 1st quarter delinquent taxes and both Lereta and the Homeowner paid 2023 2nd quarter taxes on the above property; and

WHEREAS, Lereta has requested a refund for the overpayment in the amount of \$999.78; 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. 197-2023

Offered by: Corson Seconded by: Pancoast

Adopted: June 12, 2023

Roll Call Vote:

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

<u>REFUND BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
30/1	\$ 999.78	Lereta Refund Department 901 Corporate Center Dr. Pomona, CA 91768

11. Tax Refund Block 10, Lot 206.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 198-2023

**TAX REFUND
BLOCK 10, LOT 206**

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

WHEREAS, Lereta paid for previous owner and the new homeowner paid the 2023 2nd quarter taxes for the above property; 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. 198-2023

Offered by: Corson

Seconded by: Pancoast

Adopted: June 12, 2023

Roll Call Vote:

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

REFUND BLOCK/LOT

10/206

AMOUNT

\$1,369.08

NAME

Lereta Centralized Refunds
PO Box 9202
Coppell, TX 75019

12. Tax Refund Block 567, Lot 53.07.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 199-2023

**TAX REFUND
BLOCK 567, LOT 53.07**

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

WHEREAS, Lereta paid for previous owner and the new homeowner paid the 2023 2nd quarter taxes on the above property; 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. 199-2023

Offered by: Corson

Seconded by: Pancoast

Adopted: June 12, 2023

Roll Call Vote:

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

<u>REFUND BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
567/53.07	\$1,592.54	Lereta Centralized Refunds PO Box 9202 Coppell, TX 75019

13. Refunding tax on exempt property Block 450, Lot 13.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 200-2023

**REFUNDING TAX ON EXEMPT PROPERTY
BLOCK 450, LOT 13**

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

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

WHEREAS, Robert W. Bond is a 100% disabled American veteran residing at 1001 Rt. 50, Block 450, Lot 13 on the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Department of Veterans Affairs has determined that Mr. Bond's 100% permanent military service-connected disability was effective December 16, 2022; and

WHEREAS, Robert W. Bond made application April 3, 2023 and requested a refund for taxes paid in 2023; and

WHEREAS, Township of Upper Ordinance No. 009-2012 allows for the refund of property taxes paid for the calendar year in which claim is made; 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. 200-2023

Offered by: Corson

Seconded by: Pancoast

Adopted: June 12, 2023

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Corson	X			
Hayes	X			

Nappen	X			
Pancoast	X			
Newman	X			

REFUND TAX 2023

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
450/13	\$1,213.64	Robert W. Bond 1001 Rt 50 Woodbine NJ 08270

100% Totally Disabled Veteran

14. Authorizing a construction permit fee refund for 430 Route 9, Unit 37.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 201-2023

**RE: AUTHORIZING A CONSTRUCTION PERMIT FEE
REFUND FOR 430 ROUTE 9, UNIT 37**

WHEREAS, McAllister, The Service Company applied for a permit on behalf of Patricia Layton to replace an air conditioner at 430 Route 9, Unit 37 in Upper Township; and

WHEREAS, after the permit was issued, it was discovered that the property is located at a Mobile Home Park in Middle Township; and

WHEREAS, the Upper Township Construction Official has recommended granting McAllister’s request for a refund of the electrical and mechanical fees for the property, minus a 20% plan review cost; and

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that a refund is hereby authorized, and the Chief Financial Officer is hereby directed to refund monies to McAllister, The Service Company for 430 Route South, Unit 37 as indicated below.

VOIDED PERMIT #	BLOCK / LOT	AMOUNT
2023-0168	600/43	\$ 121.60

Resolution No. 201-2023
Offered by: Corson Seconded by: Pancoast
Adopted: June 12, 2023
Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Corson	X			

Hayes	X			
Nappen	X			
Pancoast	X			
Newman	X			

15. Certification of costs for abatement of nuisance on Block 306, Lot 16; Block 597, Lot 40; Block 453.11, Lot 1.02; and Block 549, Lot 85.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 202-2023

**CERTIFICATION OF COSTS FOR ABATEMENT OF NUISANCE
ON BLOCK 306, LOT 16; BLOCK 597, LOT 40; BLOCK 453.11, LOT 1.02;
AND BLOCK 549, LOT 85**

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

WHEREAS, in accordance with Township Code, the Code Enforcement Officer served a notice of violation of Section 11-1.9 (Grass, Weeds and Debris), to the property owner/agent of Block 306, Lot 16; Block 597, Lot 40; Block 453.11, Lot 1.02; and Block 549, Lot 85; and

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

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee hereby declares that the costs as set forth on the attached list shall be certified to the Township Tax Collector as a lien against the properties in question which lien shall become and form a part of the taxes assessed and levied upon the properties pursuant to Township Code Section 11-1.19(b) and N.J.S.A. 40:48-2.14.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 202-2023

Offered by: Corson

Seconded by: Pancoast

Adopted: June 12, 2023

Roll Call Vote:

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

ABATEMENT OF GRASS, WEEDS, AND DEBRIS

<u>BLOCK/LOT</u>	<u>LOCATION</u>	<u>COST</u>	<u>ADMIN FEE</u>	<u>TOTAL</u>
306/16	124 RT 49	\$150.00	\$30.00	\$180.00
597/40	12 E Timber	\$150.00	\$30.00	\$180.00
453.11/1.02	12 Wyncroft	\$150.00	\$30.00	\$180.00
549/85	40 Linda Lane	\$150.00	\$30.00	\$180.00

16. Appointing the 2023 season Beach Patrol Personnel.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 203-2023

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 contingent upon pre-employment testing at a salary as stated below in accordance with the Salary Ordinance:

RETURNING & NEW GUARDS

Kohles, Taggart	1st yr	\$18.00
Malcarney, Grace	1st yr	\$18.00
Riess, Maxwell	1st yr	\$18.00
Aristizabel, Caleb	1st yr	\$18.00
Wilson, Ben	2nd yr	\$18.00
Miner, Owen	2nd yr	\$18.00
Montgomery, Lauren	2nd yr	\$18.00
Manning, Ryan	2nd yr	\$18.00

Garoh, James
Pierpont, Logan

3rd yr \$18.70
5th yr \$19.00

Resolution No. 203-2023

Offered by: Corson

Seconded by: Pancoast

Adopted: June 12, 2023

Roll Call Vote:

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

17. Confirming sale of certain land, to wit: Block 632, Lot 15 to Ian Cohen and Monica Pasquinelli.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 204-2023

**RE: CONFIRMING SALE OF CERTAIN LAND, TO WIT:
BLOCK 632, LOT 15 TO IAN COHEN AND MONICA PASQUINELLI**

WHEREAS, a public auction land sale was held on May 19, 2023 pursuant to Ordinance No. 001-2022; and

WHEREAS, Ian Cohen and Monica Pasquinelli submitted the highest bid for the purchase of Block 632, Lot 15; and

WHEREAS, the Township Committee is satisfied that all conditions precedent were complied with and that said sale was conducted in accordance with the requirements of the Ordinance aforesaid and that proper notice was given to all persons owning property contiguous of the subject property being offered for sale; and

WHEREAS, the Township Committee believes that it is in the public interest to confirm the sale of such parcel.

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 sale of Block 632, Lot 15 to Ian Cohen and Monica Pasquinelli, at a sale price of \$7,500.00, is hereby confirmed, under and subject to the terms, conditions, and provisions of

Ordinance No. 001-2022, and further subject to and conditioned upon the purchasers' compliance with said Ordinance.

3. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute and deliver, on behalf of the Township of Upper, to the aforesaid purchaser, a Quitclaim Deed conveying the Township's right, title and interest in the above-described property and the Township Clerk is further authorized, directed and empowered to seal said Deed with the official seal of the Township of Upper.

Resolution No. 204-2023

Offered by: Corson

Seconded by: Pancoast

Adopted: June 12, 2023

Roll Call Vote:

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

18. Authorizing the Purchasing Agent to solicit bids for antenna license agreements on the cellular tower site located at 2028 Tuckahoe Road, Petersburg, New Jersey.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 205-2023

**RE: AUTHORIZING THE PURCHASING AGENT TO SOLICIT BIDS FOR ANTENNA
LICENSE AGREEMENTS ON THE CELLULAR TOWER SITE LOCATED AT 2028
TUCKAHOE ROAD, PETERSBURG, NEW JERSEY**

WHEREAS, the Township Committee of the Township of Upper has determined a need to solicit bids for antenna license agreements on the cellular tower located at 2028 Tuckahoe Road in Petersburg; and

WHEREAS, pursuant to the provisions of the Local Public Contracts Law, the Township of Upper intends to solicit bids as herein indicated;

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 Purchasing Agent is hereby authorized and directed, in consultation with the Township’s legal counsel, to prepare specifications, bid documents and solicit bids for antenna license agreements on the cellular tower located at 2028 Tuckahoe Road in Petersburg.

3. Sealed bids shall be received by the Township of Upper in accordance with the directives contained in the Notice of Bidders.

Resolution No. 205-2023

Offered by: Corson

Seconded by: Pancoast

Adopted: June 12, 2023

Roll Call Vote:

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

19. Authorizing the Mayor to sign and submit an agreement for the New Jersey Lead Grant Assistance Program.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 206-2023

**RE: AUTHORIZING THE MAYOR TO SIGN AND SUBMIT AN AGREEMENT FOR THE
NEW JERSEY LEAD GRANT ASSISTANCE PROGRAM**

WHEREAS, effective July 22, 2022, the Legislature enacted P.L. 2021, c. 182, “An Act concerning certain lead-based paint hazard, and residential rental property, and establishing lead-based paint hazard programs, supplementing P.L. 2003, c. 311 (C. 52:27D-437.1 et al.) amending various parts of the statutory law, and making an appropriation”; and

WHEREAS, pursuant to N.J.S.A. 52:27D-437.16(b)(1), a municipality that maintains a permanent local agency for the purpose of conducting inspections and enforcing laws, ordinances, and regulations concerning buildings and structures, is required to inspect for lead-based paint hazards in certain specified single-family, two-family, and multiple rental dwellings, at the time periods set forth in the statute; and

WHEREAS, pursuant to N.J.S.A. 52:27D-437.16(b)(2) a municipality that does not maintain such a permanent local agency must hire a lead evaluation contractor, certified to provide lead paint inspection services by DCA, or enter a shared services agreement as permitted by law, for the purpose of conducting the inspections for lead-based paint hazards; and

WHEREAS, Pursuant to Section 9 of P.L. 2021, c. 182, the State of New Jersey has allocated the sum of \$3,900,000 to effectuate the purposes of P.L. 2021, c. 182 (C. 52:27D-437.16). Further, pursuant to the FY 2023 Appropriations Act (P.L. 2022, Chapter 49), DCA received a grant-in-aid amount of \$3,900,000 for P.L. 2021, c. 182, for a total of \$7,800,000 in appropriations to effectuate the purpose of the Act; and

WHEREAS, DCA has allocated \$7,000,000 of this appropriation to the development of the Lead Grant Assistance Program (“LGAP”) for the issuance of grant funds to municipalities for the purpose of assisting in municipal compliance with P.L. 2021, c. 182; and

WHEREAS, the Division of Local Government Services (DLGS), within DCA, administers the LGAP; and

WHEREAS, the LGAP exists to provide funding to help off-set the costs to municipalities to provide the required inspections at stipulated times of certain single-family, two-family, and multiple rental dwelling units for lead-based paint hazards, pursuant to P.L. 2021, c. 182; and

WHEREAS, an authorized municipal officer must execute the attached grant agreement in order to receive LGAP funding.

NOW, THEREFORE, BE IT RESOLVED, the Township Committee of the Township of Upper as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor of the Township of Upper is hereby authorized to sign the attached grant agreement, and thus bind the Township of Upper to the grant agreement’s terms in order to receive the \$7,200.00 grant from the DLGS.
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. 206-2023

Offered by: Corson

Seconded by: Pancoast

Adopted: June 12, 2023

Roll Call Vote:

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

20. Authorizing the execution of a NJDEP TWA-1 Application Statements of Consent form regarding 84 Tyler Road, Upper Township, Block 548, Lots 15 and 20.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 207-2023

**RE: AUTHORIZING THE EXECUTION OF A NJDEP TWA-1 APPLICATION
STATEMENTS OF CONSENT FORM REGARDING 84 TYLER ROAD,
UPPER TOWNSHIP, BLOCK 548, LOTS 15 AND 20**

WHEREAS, Jersey Shore Campground, LLC c/o Gary Ott has or is about to make application to the New Jersey Department of Environmental Protection (hereinafter “DEP”) for Treatment Works Approval for the construction of five (5) on-site sewage disposal systems, and has

requested that the Township complete a portion of DEP Form No. WQM-003, which merely consents to the submission of the application to the DEP and certifies that the project, as proposed, conforms with the requirements of all municipal Ordinances and does not otherwise impose any obligation or liability on the Township; and

WHEREAS, Jersey Shore Campground must apply to the New Jersey Department of Environmental Protection for Treatment Works Approval in order to construct five (5) on-site sewage disposal systems at 84 Tyler Road, Block 548, Lots 15 and 20 of the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Township Engineer has informed the Township Committee as to the general nature of the project and has indicated that the Township has no ordinance prohibiting the proposed project; and

WHEREAS, the matter has been considered by the Township Committee and it has been determined that the consent by the Governing Body should be granted to this application to permit the application process to go forward; and

WHEREAS, the Township Committee wishes to authorize the Township officials to execute said documentation;

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 is hereby authorized to execute on behalf of the Township of Upper a Statements of Consent, Section A-1, in the form attached hereto as Exhibit "A" and said consent shall be completed by inserting therein this Resolution number and the date of its adoption.
3. This Statements of Consent is submitted in conjunction with the application of Jersey Shore Campground, LLC c/o Gary Ott for treatment works approval for the property at Block 548, Lots 15 and 20 on the municipal tax map.
4. A certified copy of this Resolution shall be provided to the applicant.

Resolution No. 207-2023

Offered by: Corson

Seconded by: Pancoast

Adopted: June 12, 2023

Roll Call Vote:

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

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

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 208-2023

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

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

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

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute the Hold Harmless Agreement in favor of the UTBOE for the use of UTBOE transportation for the EMS Kids’ Camp.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 208-2023

Offered by: Corson

Seconded by: Pancoast

Adopted: June 12, 2023

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Corson	X			
Hayes	X			
Nappen	X			

Pancoast	X			
Newman	X			

22. Appointing Parker McCay, P.A. to act as Special Legal Counsel in employment and labor law matters.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 209-2023

**RE: APPOINTING PARKER MCCAY, P.A. TO ACT AS SPECIAL LEGAL
COUNSEL IN EMPLOYMENT AND LABOR LAW MATTERS**

WHEREAS, the Township requires legal counsel to provide legal services in connection with employment and labor law related matters; and

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

WHEREAS, the firm of Parker McCay, P.A. has completed and submitted a Business Entity Disclosure Certification which certifies that said firm 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 said firm from making any reportable contributions through the term of the contract; and

WHEREAS, the Township has decided to acquire the services of the firm of Parker McCay, P.A. 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. Parker McCay, P.A. with offices at 9000 Midlantic Drive, Suite 300, P.O. Box 5054, Mount Laurel, New Jersey 08054 are hereby appointed as Special Legal Counsel to handle employment law and labor law matters in conjunction with and at the direction of the regular Township Solicitor and as directed by the Township Committee and Township Administrator.

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 Parker McCay, P.A. has professional knowledge as to legal matters which knowledge is particularly valuable to the Township Committee.

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 Parker McCay, P.A. 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 Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Parker McCay, P.A. 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. 209-2023
Offered by: Corson
Adopted: June 12, 2023
Roll Call Vote:

Seconded by: Pancoast

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

23. Authorizing the Township of Upper to apply for the Fiscal Year 2023 Emergency Management Performance Grant through the State of New Jersey, Division of State Police, Office of Emergency Management Agency Assistance Program.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 210-2023

RE: AUTHORIZING THE TOWNSHIP OF UPPER TO APPLY FOR THE FISCAL YEAR 2023 EMERGENCY MANAGEMENT PERFORMANCE GRANT THROUGH THE STATE OF NEW JERSEY, DIVISION OF STATE POLICE, OFFICE OF EMERGENCY MANAGEMENT AGENCY ASSISTANCE PROGRAM

WHEREAS, the Township of Upper, Office of Emergency Management, wishes to file an application for an Emergency Management Performance Grant (EMPG) through the New Jersey State Police Office of Emergency Management Agency Assistance Program (EMAA); and

WHEREAS, the EMPG EMMA award is granted for the purpose of enhancing Upper Township’s ability to prevent, protect against, respond to, and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; 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, Chief Financial Officer, and Municipal Emergency Management Coordinator are hereby authorized, directed and empowered to sign and submit the FY 2023 Emergency Management Performance Grant application through the New Jersey State Police Office of Emergency Management Agency Assistance Program on behalf of the Township of Upper.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 210-2023

Offered by: Corson

Seconded by: Pancoast

Adopted: June 12, 2023

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Corson	X			
Hayes	X			

Nappen	X			
Pancoast	X			
Newman	X			

24. Chapter 159 Resolution for the insertion of a special item of revenue into the 2023 budget that was not determined at the time of the adoption of the budget—State of New Jersey 2023 Clean Communities Grant Program in the amount of \$41,464.49.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 211-2023

RE: CHAPTER 159 RESOLUTION FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE INTO THE 2023 BUDGET THAT WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET—STATE OF NEW JERSEY 2023 CLEAN COMMUNITIES GRANT PROGRAM IN THE AMOUNT OF \$41,464.49

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township of Upper will receive an amount of \$41,464.49 from the State of New Jersey 2023 Clean Communities Grant Program and wishes to amend its 2023 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Upper hereby requests the Director of the Division of Local Government Services approve the insertion of an additional item of revenue in the budget of the year 2023 in the sum of \$41,464.49, which is now available as a revenue from:

REVENUE: STATE & FEDERAL REVENUE OFFSET WITH APPROPRIATIONS:
2023 CLEAN COMMUNITIES GRANT PROGRAM, AND

BE IT FURTHER RESOLVED that a like sum of \$41,464.49 be and the same is hereby appropriated under the caption of:

APPROPRIATION: STATE AND FEDERAL PROGRAMS OFFSET BY REVENUE:
2023 CLEAN COMMUNITIES GRANT PROGRAM, AND

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of Local Government Services.

Resolution No. 211-2023

Offered By: Corson

Seconded By: Pancoast

Adopted: June 12, 2023

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Corson	X			
Hayes	X			

Nappen	X			
Pancoast	X			
Newman	X			

25. Authorizing the purchase of certain items with funds from the 2023 Capital Improvement Bond Ordinance in the amount of \$23,744.24.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 212-2023

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS WITH FUNDS FROM THE
2023 CAPITAL IMPROVEMENT BOND ORDINANCE IN THE AMOUNT OF \$23,744.24**

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 quotes for additional painting of the interior of the Community Center from Painting by Pearce, Inc., Inc. of Ocean View, New Jersey and a LUCAS chest compression system from Stryker Sales, LLC of Redmond, WA; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of services with Painting by Pearce, Inc., Inc. and Stryker Sales, LLC of Redmond, Washington for the year 2023 will exceed \$17,500; and

WHEREAS, Painting by Pearce, Inc. and Stryker Sales, LLC have completed and submitted Business Entity Disclosure Certifications which certify that Painting by Pearce, Inc. and Stryker Sales, LLC have not made any reportable contributions to a political or candidate committee in the Township in the previous one year, and that the contracts will prohibit Painting by Pearce, Inc. and Stryker Sales, LLC 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 purchases herein authorized and has certified that adequate funds have been appropriated for the purposes 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 **\$2,745.00** and a contract with Stryker Sales, LLC of Redmond, Washington for a LUCAS chest compression system in the amount of **\$20,999.24** 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. 212-2023

Offered By: Corson

Seconded By: Pancoast

Adopted: June 12, 2023

Roll Call Vote:

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

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

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 213-2023

**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
(AA/MTA Wait List Maint. Sales)	\$ 200.00
(AA Technical Assistance)	\$ 75.00
(Afford. Assist. Down Payment)	<u>\$ 550.00</u>
	<u>\$ 1,025.00</u>

Resolution No. 213-2023

Offered By: Corson

Seconded By: Pancoast

Adopted: June 12, 2023

Roll Call Vote:

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

27. Supporting Senate Bill S-3906 which appropriates funds from the New Jersey Debt Defeasance and Prevention Fund for Municipal and County debt relief and avoidance.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 214-2023

**RE: SUPPORTING SENATE BILL S-3906 WHICH APPROPRIATES
FUNDS FROM THE NEW JERSEY DEBT DEFEASANCE AND PREVENTION FUND
FOR MUNICIPAL AND COUNTY DEBT RELIEF AND AVOIDANCE**

WHEREAS, recently introduced Senate Bill S-3906 would provide 4.32 billion from the New Jersey Debt Defeasance and Prevention Fund to be disbursed to Municipalities and Counties on a per capita basis to be used to either retire debt or fund capital projects; and

WHEREAS, S-3906 also requires that all funds appropriated by the bill be distributed to each municipality and each county within 30 days of enactment; and

WHEREAS, as proposed, S-3906 would not impact the State Budget as the proposed funds have already been slated to be available in the State’s debt relief fund and have yet to be allocated for another purpose; and

WHEREAS, as Municipalities and Counties struggle with soaring health benefit premiums, rising pension costs, and inflationary pressures, this funding would be beneficial in reducing and stabilizing property taxes for years to come; and

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Upper does hereby urge the swift passage of Senate Bill S-3906 to quickly and efficiently direct remaining balances in the New Jersey Debt Defeasance and Prevention Fund towards debt reduction and avoidance that benefits property taxpayers and all residents of the State through a fair and reasonable allocation process; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to Governor Phil Murphy, Lt. Governor Sheila Oliver, Senate President Nicholas Scutari, Assembly Speaker Craig Coughlin, Senator Michael Testa, Assemblyman Eric Simonsen, Assemblyman Antwan McClellan, and the Cape May County Board of County Commissioners.

Resolution No. 214-2023

Offered by: Corson

Seconded by: Pancoast

Adopted: June 12, 2023

Roll Call Vote:

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

28. Appointing Bernard Walker and Russell Barham as part-time employees to the Upper Township Office of Emergency Management.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 215-2023

**RE: APPOINTING BERNARD WALKER AND RUSSELL BARHAM
AS PART-TIME EMPLOYEES TO THE
UPPER TOWNSHIP OFFICE OF EMERGENCY MANAGEMENT**

WHEREAS, a need exists to appoint qualified personnel as part-time employees to the Upper Township Office of Emergency Management to ensure optimal operation; and

WHEREAS, Bernard Walker and Russell Barham possess all the requisite qualifications for appointment to the position of Assistant Municipal Emergency Management Coordinator; 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. Bernard Walker and Russell Barham are hereby appointed to the Upper Township Office of Emergency Management as part-time Assistant Municipal Emergency Management Coordinators, pending pre-employment testing, effective July 1, 2023 at an annual salary of \$1,200.00, 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. 215-2023

Offered by: Corson

Seconded by: Pancoast

Adopted: June 12, 2023

Roll Call Vote:

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

29. Authorizing the Mayor to sign a Subordination Agreement.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 216-2023

RE: AUTHORIZING THE MAYOR TO SIGN A SUBORDINATION AGREEMENT

WHEREAS, Shelley Ackerman and Susan Campbell (“Borrowers”) received funds through the Upper Township Affordable Housing Rehab Program (“Upper Township Loan”) for her property located at 4 Dolores Avenue, Marmora, NJ 08223, which resulted in a mortgage against said property in favor of Upper Township; and

WHEREAS, Borrowers have additional financing at the Property which has placed the Upper Township Loan in third position; and

WHEREAS, Borrowers are refinancing her prior loans and desires to have the Upper Township Loan remain in third position and, as a result, a Subordination Agreement is required; and

WHEREAS, Upper Township has agreed to execute said Subordination Agreement pursuant to the terms and conditions contained herein

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that the Mayor is hereby permitted to execute the Subordination Agreement attached to this Resolution.

Resolution No. 216-2023

Offered by: Corson

Seconded by: Pancoast

Adopted: June 12, 2023

Roll Call Vote:

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

30. Renewal of Alcoholic Beverage Licenses for the 2023/2024 license year.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 217-2023

**RE: RENEWAL OF ALCOHOLIC BEVERAGE LICENSES
FOR THE 2023/2024 LICENSE YEAR**

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

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

WHEREAS, no objections have been filed with the Township Committee as the issuing authority of the Township of Upper.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Upper in the County of Cape May and State of New Jersey, that the following licenses be authorized for the license year effective July 1, 2023:

Twisties Inc.
DBA Twisties
236 Bayview Drive, Upper Township, NJ 08248
License # 0511-33-001-005
Plenary Retail Consumption License
Municipal Fee Paid: \$700.00
State Fee Paid: \$200.00

Tyans Inc.
DBA Tuckahoe Inn
1 Harbor Road and Route 9, Upper Township, NJ 08223
License # 0511-33-004-005
Plenary Retail Consumption License
Municipal Fee Paid: \$700.00
State Fee Paid: \$200.00

UMMAC Corp.
DBA Sketties
311-301 & 321 Roosevelt Boulevard, Marmora, NJ 08223
License # 0511-33-007-008
Plenary Retail Consumption License
Municipal Fee Paid: \$700.00
State Fee Paid: \$200.00

MAH, Inc. a NJ Corp.
DBA Seaville Tavern
South Side Route 50 & New Bridge Road, Ocean View, NJ 08230
License # 0511-33-008-005
Plenary Retail Consumption License
Municipal Fee Paid: \$700.00
State Fee Paid: \$200.00

Boulevard Liquor Store Inc.
501 & 503 Roosevelt Boulevard, Marmora, NJ 08223
License # 0511-44-002-004
Plenary Retail Distribution License
Municipal Fee Paid: \$400.00
State Fee Paid: \$200.00

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

BE IT FURTHER RESOLVED, that the Township Clerk is hereby authorized and directed to execute and deliver the licenses in accordance with the above.

Resolution No. 217-2023

Offered by: Corson

Seconded by: Pancoast

Adopted: June 12, 2023

Roll Call Vote:

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

ORDINANCES

CORRESPONDENCE

NEW BUSINESS

31. New Jersey Widows Sons request to hold Raffle RA 561 on November 12, 2023 at 10 New Bridge Road, Seaville, NJ. **Motion by Jay Newman, second by Kimberly Hayes, to approve the request. During roll call vote all five Committee members voted in the affirmative.**
32. Local Emergency Planning Committee review of Emergency Operating Plan. **Mayor Newman stated that a review of the EOP is required to be done annually and has been reviewed by the Fire Departments, the Division of EMS, and the Office of Emergency Management.**
33. New Jersey Department of Agriculture 2023 Spotted Lanternfly Control Treatment Reimbursement Program. **Motion by Kimberly Hayes, second by Victor Nappen, to approve participation in the program. During roll call vote all five Committee members voted in the affirmative.**
34. Energy Tax Receipts Property Tax Relief Fund. **Motion by Kimberly Hayes, second by Mark Pancoast, to authorize Mayor Jay Newman to sign the requested letter. During roll call vote all five Committee members voted in the affirmative. Committeewoman Hayes also requested that a resolution be prepared for the next meeting.**

UNFINISHED BUSINESS

PAYMENT OF BILLS

35. "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: **\$969,917.57**

Payroll: **\$204,527.07**

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

Elaine Holsomback, Strathmere and Palermo, commended the Committee for installing the new beach entrance signs in Strathmere. She then spoke about the need and importance to have Mobi Mats installed at all of the beach entrances in Strathmere.

Chelsea Headley, Upper Township, spoke about offshore wind development, in particular a May 24th letter which called for a moratorium on offshore wind activity due to recent marine wildlife deaths, and which was signed by 50 Mayors and submitted to Congress. She also spoke about the recently adopted Cape May County Resolution No. 314-23, opposing Orsted's wind projects.

Christine Lord, Upper Township, requested help to replace her hot water heater through the Township's Affordability Assistance Emergency Repair program. It was explained that unfortunately Triad, the administrators of the Affordability Assistance programs, have determined that Ms. Lord is not eligible for additional assistance through the program. It was suggested that she contact the County or State Social Services office for assistance.

Janine Polasovich, Palermo, requested that the Township pass a Resolution to oppose or at least take a stand on the wind farm project. She also encouraged members of the public to take a stand.

Rob Rush, Steelmantown, spoke about the negative effects the offshore wind project will have on the local fishing industry.

Barbara Leary, Seaville, thanked Paul Dietrich for his many years of service. She next spoke on several issues including the moratorium on offshore wind development and the posting of the Committee meeting minutes.

Janet McMahon, Upper Township, spoke about the offshore wind project and the negative effects it will have.

Sylvia Lockwood, Cape May Court House, encouraged the Committee to research the matter and learn about the negative impacts wind turbines will have on the environment. She next inquired if any of the closed session items relate to the offshore wind project and if the Committee will be taking any formal action on any closed session items. It was stated that the contract negotiation – Redevelopment Agreements matter is related to the development of the former BL England property, and no formal action will be taken.

Nathalie Neiss, Block 476, Lot 29, spoke about the wind project and the emotion surrounding the issue.

Janice Connell, Strathmere, thanked Paul Dietrich for all of his contributions to Strathmere and Upper Township. She stated that it has been an honor and pleasure working with him and wished him the best of luck. She also spoke about parking enforcement in Strathmere and the offshore wind project.

Blanch Adams, Steelmantown, Upper Township Business Association, thanked Paul Dietrich for all of his work over the years. She stated that he has been a friend to the business community and will be missed.

Denise Powers, Del Haven, spoke in opposition to the offshore wind project and requested that the Committee pass a Resolution to conduct a study on the revenue of Beesley's Point redevelopment versus offshore wind.

CLOSED SESSION

36. 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. 218-2023
MOTION GOING INTO CLOSED SESSION
JUNE 12, 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
1. Contract negotiation - Video Recording Services
2. Contract negotiation - Resiliency Planning
3. Contract negotiation - Subordination of Mortgage
4. Contract negotiation - GES Temporary Access Agreement
5. Contract negotiation - Right-of-Way Prescott Avenue

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.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 8:50 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 June 26, 2023 at 4:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC
Municipal Clerk

Bills

- 81609 06/12/23 A0018 ACTION SUPPLY INC. 71.51 3303
- 81610 06/12/23 A0025 ADVANTAGE RENTAL & SALES 834.78 3303
- 81611 06/12/23 A0091 ATLANTIC CITY ELECTRIC 6,148.00 3303
- 81612 06/12/23 A0177 ALADTEC, INC 2,688.00 3303
- 81613 06/12/23 A0193 ATLANTIC INVESTIGATIONS, LLC 748.00 3303
- 81614 06/12/23 A0212 ANCERO, LLC 9,627.18 3303
- 81615 06/12/23 A0235 AMAZON CAPITAL SERVICES, INC. 151.96 3303
- 81616 06/12/23 A0242 AMTRUST NORTH AMERICA, INC. 895.00 3303
- 81617 06/12/23 A0244 AMTRUST NORTH AMERICA, INC. 327.00 3303
- 81618 06/12/23 A0251 ACT ENGINEERS, INC. 772.00 3303
- 81619 06/12/23 B0035 BELMONT & CRYSTAL SPRINGS 32.96 3303
- 81620 06/12/23 B0076 BOND, LAURENCE E. 768.79 3303

81621 06/12/23 B0093 BARRY,CORRADO & GRASSI,PC 635.00 3303
81622 06/12/23 B0284 BUTTERWOOD TREE SERVICE LLC 800.00 3303
81623 06/12/23 B0287 BIGLEAF NETWORKS, INC. 697.00 3303
81624 06/12/23 B0288 KINGBARNES LLC 1,887.50 3303
81625 06/12/23 C0019 CITY OF OCEAN CITY 3,161.90 3303
81626 06/12/23 C0042 CAMPBELL SUPPLY COMPANY 942.54 3303
81627 06/12/23 C0048 CAPE MAY COUNTY MUA 41,979.85 3303
81628 06/12/23 C0056 CAPE MEDIATION SERVICE, INC. 2,637.60 3303
81629 06/12/23 C0068 COMCAST 1,909.41 3303
81630 06/12/23 C0077 CHERRY VALLEY TRACTOR SALES 801.69 3303
81631 06/12/23 C0143 CODY'S POWER EQUIPMENT 997.04 3303
81632 06/12/23 C0223 CASA PAYROLL SERVICE 311.50 3303
81633 06/12/23 C0247 CMRS-FP 4,000.00 3303
81634 06/12/23 C0279 CASA REPORTING SERVICES LLC 142.40 3303
81635 06/12/23 C0296 COMCAST BUSINESS COMMUNICATION 10.49 3303
81636 06/12/23 C0307 CNS ACQUISITION CORPORATION 875.00 3303
81637 06/12/23 D0082 DOWNSTOWN AIRPORT INC 42,278.85 3303
81638 06/12/23 D0237 DIETZ, KERRY 125.00 3303
81639 06/12/23 D0240 DEVLIN, EDMUND F. 1,048.45 3303
81640 06/12/23 E0012 EHRlich PEST CONTROL INC 465.42 3303
81641 06/12/23 F0048 LESLIE G. FOGG INC 178.94 3303
81642 06/12/23 F0233 FORERUNNER INDUSTRIES, INC. 7,250.00 3303
81643 06/12/23 G0014 GARDEN STATE HWY PRODUCTS INC. 495.00 3303
81644 06/12/23 G0016 GARDNER HARDWARE INC. 55.73 3303
81645 06/12/23 G0048 GIUSEPPE'S GOURMET 220.97 3303
81646 06/12/23 G0092 GRUND, BARBARA J. 45.98 3303
81647 06/12/23 G0096 GRUND, GEORGE 150.00 3303
81648 06/12/23 G0120 PATRICK F. MARTIN 1,966.58 3303
81649 06/12/23 G0147 GREATAMERICA FINANCIAL SVCS. 191.00 3303
81650 06/12/23 H0002 H.A. DEHART & SON CORP. 316,774.00 3303
81651 06/12/23 H0073 HOME DEPOT CRC/GEFCF 169.68 3303
81652 06/12/23 H0098 HERITAGE TOWERS, INC. 1,720.00 3303
81653 06/12/23 H0187 HILLYARD, INC. 448.41 3303
81654 06/12/23 J0023 JED'S SHEDS, INC. 475.00 3303
81655 06/12/23 K0086 K D NATIONAL FORCE SECURITY 1,162.50 3303
81656 06/12/23 K0103 KYOCERA DOCUMENT SOLUTIONS 144.67 3303
81657 06/12/23 L0007 LC EQUIPMENT, INC. 90.00 3303
81658 06/12/23 L0031 LORCO PETROLEUM SERVICES 70.00 3303
81659 06/12/23 L0146 LAWSON PRODUCTS, INC. 483.08 3303
81660 06/12/23 L0153 LIFEFORCE USA, INC. 429.34 3303
81661 06/12/23 L0157 LEXA CONCRETE, LLC 251,188.94 3303
81662 06/12/23 M0193 MAYNE, MICHAEL 48.91 3303
81663 06/12/23 M0235 MODERN GROUP, LTD 461.50 3303
81664 06/12/23 M0277 EQUITABLE FINANCIAL LIFE INS. 196.95 3303
81665 06/12/23 M0327 MONZO CATANESE DeLOLLIS, P.C. 9,902.50 3303
81666 06/12/23 N0004 NJ-AMERICAN WATER CO. 403.82 3303
81667 06/12/23 N0043 NAPA AUTO PARTS 1,969.99 3303
81668 06/12/23 N0143 NATIONAL TIME SYSTEMS 502.75 3303
81669 06/12/23 N0154 NEW HORIZON COMMUNICATIONS 809.27 3303
81670 06/12/23 O0006 SJSHORE MARKETING,LLC 465.00 3303
81671 06/12/23 P00300 Painting by Pearce, Inc. 27,355.00 3303
81672 06/12/23 P0032 PEDRONI FUEL CO. 5,763.24 3303
81673 06/12/23 P0076 POSTMASTER-TUCKAHOE 306.00 3303
81674 06/12/23 P0136 POSTNET 120.00 3303
81675 06/12/23 P0206 Palau, Bernd 31.75 3303
81676 06/12/23 R0030 RIGGINS, INC. 10,566.84 3303
81677 06/12/23 R0100 ROBERTS OXYGEN COMPANY, INC. 119.55 3303
81678 06/12/23 S0020 THE HOME DEPOT PRO 1,100.07 3303
81679 06/12/23 S0057 SERVICE TIRE TRUCK CENTERS 1,116.46 3303
81680 06/12/23 S0113 SMITH,THOMAS G. 228.25 3303
81681 06/12/23 S0130 SOUTH JERSEY CHIEFS ASSOC. 190.00 3303
81682 06/12/23 S0134 SO. JERSEY GAS COMPANY 1,811.24 3303
81683 06/12/23 S0139 SOUTH JERSEY WATER COND SERV 1,005.50 3303
81684 06/12/23 S0209 STAPLES ADVANTAGE 910.26 3303
81685 06/12/23 S0239 SHORE VET. ANIMAL CONTROL LLC 2,350.00 3303
81686 06/12/23 S0253 SAMPLE MEDIA, INC. 151.50 3303
81687 06/12/23 S0254 SHOPRITE 172.30 3303
81688 06/12/23 S0393 SEASHORE SIGNS, INC. 960.00 3303
81689 06/12/23 S0398 SNYDER, KRISTEN 25.00 3303
81690 06/12/23 S0402 SERPICO PYROTECHNICS LLC 11,500.00 3303
81691 06/12/23 T0089 TREASURER, STATE OF N.J. 3,460.00 3303
81692 06/12/23 T0159 TRIAD ADVISORY SERVICES, INC. 2,762.50 3303
81693 06/12/23 T0168 TOWNSHIP OF UPPER 142.14 3303
81694 06/12/23 T0180 TRI-COUNTY PEST CONTROL, INC 50.00 3303

81695 06/12/23 T0192 MARSH & McLENNAN AGENCY/TRION 247.00 3303
81696 06/12/23 T0213 TREASURER, STATE OF NEW JERSEY 160,779.69 3303
81697 06/12/23 U0067 UT HEALTH REIMB. ACCOUNT 4,689.40 3303
81698 06/12/23 V0013 VERIZON WIRELESS 988.31 3303
81699 06/12/23 V0018 VILLAGE PHARMACY, INC. 827.50 3303
81700 06/12/23 V0025 V.E. RALPH & SON, INC. 1,586.60 3303
81701 06/12/23 V0027 VANORDER, ROGER 95.91 3303
81702 06/12/23 V0052 VIKING TERMITE & PEST CONTROL 139.96 3303
81703 06/12/23 V0053 VERIZON CONNECT FLEET USA LLC 250.99 3303
81704 06/12/23 W0030 WEST PUBLISHING CO. 784.32 3303
81705 06/12/23 W0038 WILLIAMS, JEREMIAH J. 87.96 3303
Total: \$969,917.57