

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR SEPTEMBER 25, 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 September 22, 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 Anthony Monzo, Chief Financial Officer Barbara Ludy, Engineer Zachary Jordan, and Township Administrator Gary DeMarzo.

APPROVAL OF MINUTES – September 11, 2023 Regular and Closed Session Minutes

Motion by Kimberly Hayes, second by Mark Pancoast, to approve the September 11, 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 activities of the Public Works Department. He next gave a brief report on two code enforcement issues at ShopRite and Pine Hill. Lastly, he reported that the microphones have been replaced in the Committee room.

Kimberly Hayes, Committeewoman, reported that the AC unit at the Senior Center has been fixed and thanked the Department of Public Works for their hard work in resolving the issue. She next reported that the Community Center floors are finished. The floors will need to cure and then the bleachers will be installed. The target date for reopening the center will be mid-October. She next gave a brief update on the replacement of the lights at Caldwell Park. She next reported that the Fall Fest will be held on October 8th at Amanda’s Field and encouraged all to attend. Next, she reported that she recently attended the Upper Township Business Association mixer hosted by Rich Asset Management on Roosevelt Boulevard. She next reported that the Township is working with the school district on the Safe Routes for Schools grant program and requested the Engineer to give a brief overview of the grant. Lastly, she reported that the Township will be holding a Health and Wellness Fair on October 19th from 3:00 to 5:00 at the Community Center.

Victor Nappen, Committeeman, reported that the Township will be holding a free rabies clinic on October 21st from 1:00 to 3:00 at Shore Veterinarians. He stated that a rabid racoon was recently found in Estell Manor and reminded everyone to make sure their pets are up to date on their rabies vaccinations. He next honored the teachers in Upper Township for their hard work. Lastly, he reported on an email received from a resident regarding an additional public comment portion on the agenda before the Resolutions are adopted.

Curtis Corson, Committeeman, reported that the beach patrol is finished for the season, and stated that approximately 51,000 patrons visited the beaches this season.

Jay Newman, Mayor, gave a brief report on the storm response this past weekend. He cautioned people to stay off the beaches until after the beach fill project and the beaches have been stabilized. Lastly, he requested that the Public Works Department have a plan in place for storm damage brush cleanup.

ADMINISTRATOR OVERVIEW

Gary DeMarzo, Township Administrator, gave a brief report on several Township projects including the new audio system in the Committee room, Safe Routes to School grant, Senior Center HVAC issue, paving bid specifications, ShopRite and Pine Hill code enforcement issues, health benefits meeting with employees, and proposed Shared Services Agreements with Corbin City and Sea Isle City.

Anthony Monzo, Municipal Attorney, reported that he was previously directed to prepare an ordinance prohibiting the storage of unregistered and inoperable vehicles on private property. He stated that there is a provision already in the Township Code, so he will be working with the Municipal Prosecutor to work on the provisions and enforcement of the issue.

Zachary Jordan, Township Engineer, stated that he recently attended the preconstruction meeting with the County for Church Road project, which is slated to begin in October. The Mayor requested that the Committee and Public Safety Departments be notified of any detours and road closures. He next reported that the Township will be hosting a Resiliency Planning Meeting on October 2nd which will be an open house-style informational forum to discuss the challenges faced locally from flooding, storm surges, high tides, and other extreme weather events. More information is available on the Township's website.

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 Kimberly Hayes, second by Mark Pancoast, to approve the consent agenda items. During roll call vote all five Committee members voted in the affirmative.

FILING OF REPORTS BY CONSENT

RESOLUTIONS TO BE APPROVED BY CONSENT

1. Designating October 8th through October 14th 2023 as "Fire Prevention Week" in Upper Township.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 289-2023

**RE: DESIGNATING OCTOBER 8TH THROUGH OCTOBER 14TH 2023
AS "FIRE PREVENTION WEEK" IN UPPER TOWNSHIP**

WHEREAS, according to the National Fire Protection Association (NFPA), cooking is the leading cause of home fires, with nearly half (49 percent) of all home fires involving cooking equipment; and

WHEREAS, the 2023 Fire Prevention Week theme, “Cooking safety starts with YOU! Pay attention to fire prevention”, will work to promote tips, guidelines, and recommendations that can help significantly reduce the risk of having a cooking fire; and

WHEREAS, the following cooking safety tips can help reduce the risk of fire when cooking at home and keep everyone at home safe:

- Always keep a close eye on what you’re cooking. For foods with longer cook times, such as those that are simmering or baking, set a timer to help monitor them carefully.
- Clear the cooking area of combustible items and anything that can burn, such as dish towels, oven mitts, food packaging, and paper towels.
- Turn pot handles toward the back of the stove. Keep a lid nearby when cooking. If a small grease fire starts, slide the lid over the pan and turn off the burner.
- Create a “kid and pet free zone” of at least three feet (one meter) around the cooking area and anywhere else hot food or drink is prepared or carried.

WHEREAS the Township Committee of the Township of Upper is dedicated to the safety of life and property from the devastating effects of fire and are joined by our Volunteer Fire Departments and Emergency Services to remind and urge all citizens to practice these cooking safety tips, perform routine maintenance of all smoke and carbon monoxide alarms in their homes and businesses, and educate and prepare the members of their household in fire prevention and protection.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, that the week of October 8, 2023 through October 14, 2023 shall be designated as “Fire Prevention Week” in Upper Township and do hereby encourage the citizens of Upper Township to participate in the 2023 Fire Prevention Week theme, “Cooking safety starts with YOU! Pay attention to fire prevention”, to ensure the safety of your loved ones.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 25th day of September, 2023.

Resolution No. 289-2023

Offered by: Hayes

Seconded by: Pancoast

Adopted: September 25, 2023

Roll Call Vote:

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

Newman	X			
--------	---	--	--	--

2. Appointing Gary DeMarzo as Personnel Officer and authorizing the execution of an agreement.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 290-2023

**RE: HIRING GARY DEMARZO AS PERSONNEL OFFICER AND
AUTHORIZING THE EXECUTION OF AN AGREEMENT**

WHEREAS, a need exists to hire a Personnel Officer to ensure optimal operation; and

WHEREAS, the Township has duly considered the matter and has determined that Gary DeMarzo possesses all the requisite qualifications, and is a competent, fit suitable person to be hired as Personnel 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. Gary DeMarzo is hereby provisionally hired as Personnel Officer for the Township of Upper, pending Civil Service review, effective April 12, 2022.
3. Compensation shall be seventy (70%) percent of the salary DeMarzo is currently earning as Township Administrator, and such other terms and conditions of employment as set forth in an agreement between the Township of Upper and Gary DeMarzo. DeMarzo acknowledges that his compensation as Township Administrator shall be reduced by the same amount.
4. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.
5. Including, without limitation, executing the Agreement between the Township of Upper and Gary DeMarzo in the form attached hereto as Exhibit A, which is incorporated into this Resolution by reference.

Resolution No. 290-2023

Offered by: Hayes

Seconded by: Pancoast

Adopted: September 25, 2023

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Corson	X			
Hayes	X			

Nappen	X			
Pancoast	X			
Newman	X			

3. Appointing William Handley as a part-time employee to the Upper Township Division of Emergency Medical Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 291-2023

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

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

WHEREAS, William Handley 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. William Handley is hereby appointed to the Division of Emergency Medical Services as a part-time Emergency Medical Technician effective October 3, 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. 291-2023

Offered by: Hayes

Seconded by: Pancoast

Adopted: September 25, 2023

Roll Call Vote:

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

4. Appointing Linwood Chatten as School Traffic Guard.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 292-2023

RE: APPOINTING LINWOOD CHATTEN AS SCHOOL TRAFFIC GUARD

WHEREAS, a need exists to appoint qualified part-time personnel as a School Traffic Guard on an as needed basis; 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. Linwood Chatten is hereby appointed to the part-time position of School Traffic Guard, on an as needed basis, effective September 26, 2023, at a rate of \$17.00 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. 292-2023

Offered by: Hayes Seconded by: Pancoast

Adopted: September 25, 2023

Roll Call Vote:

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

5. Appointing Maley Givens, PC and M. James Maley, Jr. to act as Special Legal Counsel with regard to Redevelopment Law.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 293-2023

RE: APPOINTING MALEY GIVENS, PC AND M. JAMES MALEY, JR. TO ACT AS SPECIAL LEGAL COUNSEL WITH REGARD TO REDEVELOPMENT LAW

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

WHEREAS, the Township has decided to acquire the services of the firm of Maley Givens, PC and M. James Maley, Jr. 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, the firm of Maley Givens, PC and M. James Maley, Jr. have completed and submitted a Business Entity Disclosure Certification which certifies that said firm and said individual have 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 and said individual 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. Maley Givens, PC and M. James Maley, Jr. with offices at 1150 Haddon Avenue, Suite 210, Collingswood, New Jersey are hereby appointed as Special Legal Counsel with regard to redevelopment law matters in conjunction with and at the direction of the regular Township Solicitor and as 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 Maley Givens, PC and M. James Maley, Jr. have professional knowledge as to legal matters which knowledge is particularly valuable to the Township Committee.

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 Maley Givens, PC and M. James Maley, Jr. 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.

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 has provided proof of that registration to the Township of Upper.

8. The Mayor and Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Maley Givens, PC and M. James Maley, Jr. 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.

9. 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.

10. This Resolution shall be effective as of adoption.

Resolution No. 293-2023

Offered by: Hayes

Seconded by: Pancoast

Adopted: September 25, 2023

Roll Call Vote:

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

6. Authorizing the Mayor and Township Clerk to sign a contract with Marsh & McLennan Agency, LLC for Insurance and Broker Consultant Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 294-2023

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A CONTRACT WITH
MARSH & MCLENNAN AGENCY, LLC FOR INSURANCE AND BROKER CONSULTANT
SERVICES**

WHEREAS, the Township requires professional insurance and broker consultant services;
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 the firm of Marsh & McLennan Agency, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with Marsh & McLennan Agency, LLC to provide insurance and broker consultant services.
3. The term of this contract shall be for a period of one (1) year from October 1, 2023 through September 30, 2024.
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 Marsh & McLennan Agency, LLC 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 Marsh & McLennan Agency, LLC for insurance and broker 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. 294-2023

Offered by: Hayes

Seconded by: Pancoast

Adopted: September 25, 2023

Roll Call Vote:

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

7. Authorizing a Shared Services Agreement with the City of Corbin City for Emergency Medical Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 295-2023

**RE: AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE CITY OF CORBIN
CITY FOR EMERGENCY MEDICAL SERVICES**

WHEREAS, the Uniform Shared Services Act, N.J.S.A. 40A:65-1, et seq., provides that any local governmental unit may enter into a contract with any other local governmental unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement was empowered to render within its own jurisdiction; and

WHEREAS, the City of Corbin City has indicated a desire to enter into a Shared Services Agreement with the Township of Upper whereby the Township of Upper will provide EMS services to the City of Corbin City; and

WHEREAS, the Township Committee of the Township of Upper deems that a Shared Services Agreement with the City of Corbin City for the purposes expressed herein is in the mutual interest of all parties and also is in the public interest and will promote the public health, safety and welfare; and

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

1. **SHARED SERVICES AGREEMENT.** Pursuant to the provisions of the Uniform Shared Services Act, N.J.S.A. 40A:65-1, et seq., the Township of Upper is hereby authorized and empowered to enter into a Shared Services Agreement with the City of Corbin City to provide emergency medical services.

2. **SERVICES TO BE PROVIDED BY CONTRACT.** The Shared Services Agreement authorized in paragraph 1 hereof shall cover those services, which are enumerated in said Agreement, a copy of which is attached hereto as Exhibit A.

3. **AUTHORIZATION TO MUNICIPAL OFFICIALS.** The appropriate Township officers and officials are hereby authorized to take any action necessary or advisable to carry out the intent and purpose of this Resolution. Specifically, the Mayor and Township Clerk are hereby authorized and directed to execute such Shared Services Agreement on behalf of the Township of Upper pursuant to the authority conferred by this Resolution. The Township Clerk is further authorized and directed to seal said Agreement with the official seal of the Township of Upper.

4. **COMPLIANCE WITH STATUTORY REQUIREMENTS.** The Shared Services Agreement between the City of Corbin City and the Township of Upper shall meet and satisfy the requirements of N.J.S.A. 40A:65-1, et seq., as may be amended and supplemented.

5. **SEVERABILITY.** If any action, subsection, paragraph, sentence or other part of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Resolution, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Resolution directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Resolution shall remain in full force and effect.

6. **REPEALER.** All Resolutions or parts of Resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency only.

7. **EFFECTIVE DATE.** This Resolution shall take effect immediately upon final adoption and publication in the manner provided by law.

Resolution No. 295-2023

Offered by: Hayes Seconded by: Pancoast

Adopted: September 25, 2023

Roll Call Vote:

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

8. Authorizing institution of In Rem Foreclosure proceedings Group No. 157.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 296-2023

**RE: AUTHORIZING INSTITUTION OF IN REM FORECLOSURE PROCEEDINGS GROUP
NO. 157**

WHEREAS, the Township Committee has been advised by the Tax Collector that she is in possession of numerous Tax Sale Certificates which are now eligible for foreclosure, in rem, as more particularly described in the Tax Foreclosure List which is attached hereto as Exhibit A; and

WHEREAS, it is the desire of the Township Committee to authorize the institution of in rem foreclosure proceedings against the parcels that are covered by these Tax Sale Certificates; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee in 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. Keith A. Bonchi, Esquire, of the Law Offices of GMS Law, having been duly appointed as Special Counsel for the Township, is hereby authorized and directed to institute In Rem Foreclosure proceedings, pursuant to the provisions of NJSA 54: 5-104.29, et seq., as amended, against the Tax Sales Certificates held by it and described in Exhibit A affixed hereto and made a part hereof.
3. A copy of this Resolution and Exhibit shall be filed with the Tax Collector of the Township of Upper.
4. All appropriate Township officials are hereby directed to take all actions necessary or reasonably required to carry into effect the intent and purpose of this Resolution

Resolution No. 296-2023

Offered by: Hayes Seconded by: Pancoast

Adopted: September 25, 2023

Roll Call Vote:

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

Exhibit A

Block	Lot	Cert#	Owner Name	Property Location	Description	Land Value
24	13	16-00001	J & M LAND CO.	CEDAR AVE	.4304 Acres	4,300
24	22	20-00001	J & M LAND CO.	CEDAR AVE	.7163 Acres	6,900
29	84	16-00003	ROGERS, EMELINE	TUCKAHOE TER	.1722 Acres	3,400
30	32	08-00004	MILLER, LYNN L	OCEAN RD	.1722 Acres	3,400
30	98	10-00024	BERGEN SQUARE COMMUNITY DEV.CO.INC	ATLANTIC RD	.1722 Acres	3,400
331	28	10-00026	HAINES, LOUIS WM.SR.@ B HAINES JR	DELAWARE AVE	.1722 Acres	3,400
513	30	15-00008	BERGH, @ RIDGWAY, NANCY L.	MONMOUTH & OAKLAND	.2296 Acres	4,600
600	1	20-00012	JUSTICE, CHARLES	437 STAGECOACH RD	.5923 Acres	3,500
736	9	21-00023	CORSON, EDWARD MAHLON	MEADOWLAND	19.05 Acres	15,200
746	3	09-00036	MULLER, PHILIP @ MULLER KENNETH	MEADOWLAND	8.3 Acres	3,300

9. Authorizing the purchase of certain items with funds from the 2023 Capital Improvement Bond Ordinance in the amount of \$19,732.00.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 297-2023

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS WITH FUNDS FROM THE 2023
CAPITAL IMPROVEMENT BOND ORDINANCE IN THE AMOUNT OF \$19,732.00**

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 a 2023 Polaris Ranger Crew 1000 Premium from Cornick, Inc. t/a DHY Motorsports of Deptford, New Jersey; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with Cornick, Inc. t/a DHY Motorsports for the year 2023 will exceed \$17,500;
and

WHEREAS, Cornick, Inc. t/a DHY Motorsports has completed and submitted a Business Entity Disclosure Certification which certifies that Cornick, Inc. t/a DHY Motorsports 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 Cornick, Inc. t/a DHY Motorsports 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 Cornick, Inc. t/a DHY Motorsports of Deptford, New Jersey to purchase a 2023 Polaris Ranger Crew 1000 Premium in the amount of **\$19,732.00** 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. 297-2023

Offered By: Hayes

Seconded By: Pancoast

Adopted: September 25, 2023

Roll Call Vote:

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

10. Amending the Upper Township Personnel Policies and Procedures Manual.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 298-2023

**RE: AMENDING THE UPPER TOWNSHIP
PERSONNEL POLICIES AND PROCEDURES MANUAL**

WHEREAS, the Township Committee of the Township of Upper has determined there is a need to amend the Township’s Personnel Policies and Procedures Manual (the “Manual”) on order to add the section entitled “Working Out of Class Policy” (the “Policy”); and

WHEREAS, the Township Committee of the Township of Upper has reviewed and approved such amendment attached hereto as Exhibit A; and

WHEREAS, the Township Committee has determined that the Policy should be adopted to amend and supplement the existing Township Personnel Policies and Procedures Manual; 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 amendment to the Personnel Policies and Procedures Manual set forth in the attached Exhibit A is hereby adopted and approved, and modifies the existing personnel policies, procedures, manuals and handbooks of the Township.
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. 298-2023

Offered by: Hayes

Seconded by: Pancoast

Adopted: September 25, 2023

Roll Call Vote:

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

ORDINANCES

CORRESPONDENCE

NEW BUSINESS

11. Katie A. Sabatini request to donate Block 9, Lot 2 to the Township of Upper. **The Township Clerk reported that this property is an undersized 21 acre vacant lot in an F25 zone. The requestor had previously offered the land to Green Acres but had been denied. If the Township wishes to accept the donation, the property owner will have to provide evidence of clear title of the property and an environmental phase 1 assessment. After a brief discussion, there was a motion by Curtis Corson, second by Victor Nappen, to move forward with the matter pending clear title and environmental review. During roll call vote all five Committee members voted in the affirmative.**

12. Tuckahoe Volunteer Fire Company request to hold a Raffle RA-564 at 2170 Route 50, Tuckahoe on November 16, 2023. **Motion by Jay Newman, second by Kimberly Hayes, to approve the request. During roll call vote all five Committee members voted in the affirmative.**
13. Employee requests for conference/seminar attendance. The Township Administrator requested permission to register employees for the New Jersey League of Municipalities conference. **Motion by Kimberly Hayes, second by Mark Pancoast, to approve the employee requests to attend the NJLM conference. During roll call vote all five Committee members voted in the affirmative.**

UNFINISHED BUSINESS

14. Planning Board recommendation to amend Chapter 20 (Zoning) of the Code of Upper Township. **It was stated that the Planning Board is scheduled to review the matter for further review. The matter will be re-listed for a future agenda.**

PAYMENT OF BILLS

15. "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 voted in the affirmative.**

Bills approved for payment: **\$559,865.35**
Payroll: **\$224,246.59**

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

Elaine Holsomback, Palermo and Strathmere, spoke about the issue regarding cars parked along Commonwealth leading to and from the bridge and submitted photos for the Committee's review. She next stated that the native plants on the dunes should not be pulled. Ms. Holsomback was informed that the Township employees do not remove vegetation from the dunes. Only the paths are trimmed. It was suggested that educational signs could be placed to not disturb the vegetation on the dunes.

Jerry Seiber, Cape May Court House, stated that he is a volunteer for US Term Limits and inquired in any would like to sign a petition for term limits for Congress.

Mike Halpern, Bayaire Road, spoke about the ongoing issue with his neighbors over his winery, the Township being involved in the litigation with the neighbors, and the funds being spent on said litigation.

Janice Connell, Strathmere, stated that the Strathmere Improvement Association's pollinator garden committee has educational material regarding the dune vegetation. She next stated that the County will be issuing their traffic study results and recommendations early next year.

Nathalie Neiss, Block 476, Lot 29, also spoke about the Township's legal fees for the winery on Bayaire Road.

CLOSED SESSION

16. 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. 299-2023
MOTION GOING INTO CLOSED SESSION
SEPTEMBER 25, 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 - Substitute Public Defender
3. Contract negotiation - CMC MUA Solid Waste & Recycling Agreement
4. Contract negotiation - Shared Services Agreement with Corbin City for Public Works
5. Attorney Client Privilege - Cell Tower

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 Curtis Corson, second by Kimberly Hayes, 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

17. Appointing Joseph Berrodin as part-time Tax Assessor to the Upper Township Assessor’s Office.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N**

RESOLUTION NO. 300-2023

**RE: APPOINTING JOSEPH BERRODIN AS PART-TIME TAX ASSESSOR
TO THE UPPER TOWNSHIP ASSESSOR’S OFFICE**

WHEREAS, a need exists to appoint a part-time Tax Assessor to the Upper Township Assessor’s Office to ensure optimal operation; and

WHEREAS, the Township has duly considered the matter and has determined that Joseph Berrodin possesses all the requisite qualifications, and is a competent, fit suitable person for the appointment as part-time Tax Assessor; 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. Joseph Berrodin is hereby appointed to the Upper Township Assessor's Office as part-time Tax Assessor, pending pre-employment testing, effective September 28, 2023, at an hourly rate of \$65.00 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. 300-2023

Offered by: Corson

Seconded by: Nappen

Adopted: September 25, 2023

Roll Call Vote:

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

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 5:58 P.M., with a motion by Kimberly Hayes, second by Curtis Corson, and all five Committee members voting in the affirmative. The next regular Committee meeting is scheduled for Tuesday, October 10, 2023 at 6:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC
Township Clerk

Bills

82256 09/25/23 A0025 ADVANTAGE RENTAL & SALES 607.69 3325
 82257 09/25/23 A0091 ATLANTIC CITY ELECTRIC 7,976.18 3325
 82258 09/25/23 A0117 AT&T 281.61 3325
 82259 09/25/23 A0193 ATLANTIC INVESTIGATIONS, LLC 101.00 3325
 82260 09/25/23 A0212 ANCERO, LLC 9,195.50 3325
 82261 09/25/23 A0222 ANZELONE ELECTRIC COMPANY, LLC 722.00 3325
 82262 09/25/23 A0225 AUTOZONE NORTHEAST LLC 451.51 3325
 82263 09/25/23 A0251 ACT ENGINEERS, INC. 6,008.00 3325
 82264 09/25/23 B0035 BELMONT & CRYSTAL SPRINGS 173.08 3325
 82265 09/25/23 B0220 BERGEY'S TRUCK CENTERS 1,456.37 3325
 82266 09/25/23 B0288 KINGBARNES LLC 1,336.60 3325
 82267 09/25/23 C0042 CAMPBELL SUPPLY COMPANY 3,068.22 3325
 82268 09/25/23 C0048 CAPE MAY COUNTY MUA 47,768.53 3325
 82269 09/25/23 C0068 COMCAST 512.89 3325
 82270 09/25/23 C0091 CHISHOLM, JOHN R. 59.99 3325
 82271 09/25/23 C0182 CDW GOVERNMENT, INC 563.91 3325
 82272 09/25/23 C0223 CASA PAYROLL SERVICE 339.50 3325
 82273 09/25/23 C0279 CASA REPORTING SERVICES LLC 460.80 3325
 82274 09/25/23 C0296 COMCAST BUSINESS COMMUNICATION 10.49 3325
 82275 09/25/23 C0305 CM3 BUILDING SOLUTIONS, INC. 4,058.00 3325
 82276 09/25/23 C0340 COLLIERS ENGINEERING & DESIGN 112.50 3325
 82277 09/25/23 C0346 CME ASSOCIATES 4,270.00 3325
 82278 09/25/23 D0040 DELTA DENTAL OF N.J. INC. 5,935.05 3325
 82279 09/25/23 D0159 STATE OF NJ DEP 255.00 3325
 82280 09/25/23 D0186 DOCUTREND, INC. 60.73 3325
 82281 09/25/23 D0237 DIETZ, KERRY 125.00 3325
 82282 09/25/23 D0240 DEVLIN, EDMUND F. 1,048.45 3325
 82283 09/25/23 D0243 DiCicco, Joseph 46.00 3325
 82284 09/25/23 G0112 GEORGE ELY ASSOCIATES, INC. 4,097.50 3325

82285 09/25/23 G0120 PATRICK F. MARTIN 1,966.58 3325
82286 09/25/23 H0002 H.A. DEHART & SON CORP. 910.00 3325
82287 09/25/23 H0148 THOMAS H. HEIST INS AGENCY INC 32,011.13 3325
82288 09/25/23 H0207 Holloway, Neil & Joanne 51.00 3325
82289 09/25/23 J0079 JAMES WYERS LANDSCAPING, LLC 750.00 3325
82290 09/25/23 K0019 KEL TEX IMPRINTS 919.00 3325
82291 09/25/23 K0086 K D NATIONAL FORCE SECURITY 1,050.00 3325
82292 09/25/23 L0016 LANDSMAN UNIFORMS, INC. 774.85 3325
82293 09/25/23 M0012 McCAULEY, RICHARD 45.98 3325
82294 09/25/23 M0035 MARMORA FIRE CO. DISTRICT #3 371,666.38 3325
82295 09/25/23 M0076 MGL PRINTING SOLUTIONS 470.00 3325
82296 09/25/23 M0188 MCCARTHY TIRE SERVICE OF PHILA 1,983.18 3325
82297 09/25/23 M0277 EQUITABLE FINANCIAL LIFE INS. 193.92 3325
82298 09/25/23 M0303 MALEY GIVENS, A PROF CORP 878.50 3325
82299 09/25/23 M0308 McHENRY PRESSURE CLEAN SYSTEMS 1,529.06 3325
82300 09/25/23 M0327 MONZO CATANESE DeLOLLIS, P.C. 13,772.61 3325
82301 09/25/23 M0337 FMHUB LLC 500.00 3325
82302 09/25/23 N0043 NAPA AUTO PARTS 807.07 3325
82303 09/25/23 N0052 NATL YOUTH SPORTS COACHED ASSN 180.00 3325
82304 09/25/23 N0070 MARSH & McLENNAN AGENCY, LLC 2,000.00 3325
82305 09/25/23 N0144 NJ E-ZPASS SERVICE CENTER 200.00 3325
82306 09/25/23 P0032 PEDRONI FUEL CO. 3,345.10 3325
82307 09/25/23 P0136 POSTNET 78.55 3325
82308 09/25/23 P0140 PIONEER MANUFACTURING CO, INC 189.30 3325
82309 09/25/23 P0162 Phillips Richard & Deborah 107.00 3325
82310 09/25/23 P0166 PARKER MCCAY P.A. 4,538.45 3325
82311 09/25/23 R0030 RIGGINS, INC. 2,886.30 3325
82312 09/25/23 R0100 ROBERTS OXYGEN COMPANY, INC. 119.55 3325
82313 09/25/23 S0057 SERVICE TIRE TRUCK CENTERS 433.41 3325
82314 09/25/23 S0134 SO. JERSEY GAS COMPANY 447.92 3325
82315 09/25/23 S0196 STEWART BUSINESS SYSTEMS LLC 274.40 3325
82316 09/25/23 S0239 SHORE VET. ANIMAL CONTROL LLC 2,350.00 3325
82317 09/25/23 S0292 SURENIAN EDWARDS BUZAK & NOLAN 1,502.00 3325
82318 09/25/23 S0403 SOUTH JERSEY FASTENERS 4,397.00 3325
82319 09/25/23 T0032 THE PRESS OF ATLANTIC CITY 858.10 3325
82320 09/25/23 T0067 TOWNSHIP OF UPPER PETTY CASH 87.96 3325
82321 09/25/23 T0192 MARSH & McLENNAN AGENCY/TRION 257.20 3325
82322 09/25/23 U0075 Upper Township Democratic Club 300.00 3325
82323 09/25/23 V0013 VERIZON WIRELESS 596.31 3325
82324 09/25/23 V0022 VERIZON 702.86 3325
82325 09/25/23 V0025 V.E. RALPH & SON, INC. 1,733.35 3325
82326 09/25/23 V0053 VERIZON CONNECT FLEET USA LLC 545.60 3325
82327 09/25/23 W0038 WILLIAMS, JEREMIAH J. 112.45 3325
82328 09/25/23 X0008 XEROX FINANCIAL SERVICES 241.18 3325
Total: \$559,865.35