

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

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

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

“In compliance with the Open Public Meetings Law, I wish to state that on November 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	Absent
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 – November 13, 2023 Regular and Closed Session Minutes

Motion by Kimberly Hayes, second by Mark Pancoast, to approve the November 13, 2023 Regular and Closed Session Minutes as submitted. During roll call vote all four Committee members present voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Mark Pancoast, Committeeman, congratulated the Upper Township varsity football team and coaches for their victory in the Cape Atlantic Junior Football League championship game.

Kimberly Hayes, Committeewoman, also congratulated the football team. She next reported that the lighting project at Caldwell Park will begin soon. She next reminded everyone that the Tree Lighting ceremony will be held tonight after the meeting at 6:30 pm. Last, she reported that Cape Assist and Reels on Wheels will be hosting a drive-in movie night featuring The Muppets Christmas Carol at Amanda’s Field on December 2nd at 6:00 pm. Registration can be found at www.capeassist.org/events.

Victor Nappen, Committeeman, offered a belated Happy Thanksgiving to everyone. He next reported that the Township will be holding free rabies clinics on January 20, 2024 and February 24, 2024 from 1:00 to 3:00 at Shore Veterinarians. Last, he also congratulated the football team and thanked the Township’s emergency services organizations for welcoming the team home with the lights and sirens.

Jay Newman, Mayor, also congratulated the football team and thanked the public safety agencies for welcoming the team home. He also reminded everyone that the Toys for Tots box is available in Township Hall for donations of new unwrapped toys. Last, he requested that a potential litigation matter be added to the closed session agenda.

ADMINISTRATOR OVERVIEW

Gary DeMarzo, Township Administrator, gave a brief overview of ongoing public works and engineering projects, along with a summary of grants the Township has applied for in the past year. Later in the meeting he thanked Ralph Cooper for bringing the Mayors Wellness Campaign program to the Township. More information on the program will be forthcoming.

Zachary Jordan, Township Engineer, reported that the Township has been awarded a DOT Municipal Aid grant in the amount of \$111,279 for the reconstruction of Putnam Ave, Phase 2. He next gave a brief update on the beach replenishment project and the Prescott Ave project.

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 consent agenda items. During roll call vote all four Committee members present voted in the affirmative.

FILING OF REPORTS BY CONSENT

1. Division of EMS
2. Public Works

RESOLUTIONS TO BE APPROVED BY CONSENT

3. Honoring Blanche Adams on being named the 2023 Upper Township Citizen of the Year.

TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION

RESOLUTION NO. 340-2023

HONORING BLANCHE ADAMS ON BEING NAMED THE 2023 UPPER TOWNSHIP CITIZEN OF THE YEAR

WHEREAS, Blanche Adams has been chosen by the Ocean City-Upper Township Rotary Club as the 2023 Upper Township Citizen of the Year; and

WHEREAS, Blanche, an Upper Township resident for over 50 years, received a BA in Business Management from Stockton University, was employed for over 40 years at the Heist Insurance Agency as a Senior VP of Marketing and Communication, and is presently a substitute teacher in the Estell Manor and Dennisville school districts; and

WHEREAS, led by a desire to support small businesses, in 2012 Blanche joined the Upper Township Business Association where she has served as a volunteer, president, and currently as a member of the Board; and

WHEREAS, Blanche also serves as the Administrative Board President and Director of Food Pantry Operations for the Tuckahoe United Methodist Church (UMC), where she was instrumental in bringing to Tuckahoe UMC the “Little Free Pantry” concept of neighbors helping neighbors and visitors taking what they need and leaving what they can; and

WHEREAS, the “Little Free Pantry” prompted the building of a white box by church members which is located outside of the church building on Route 49 and provides 24-hour anonymous access to nonperishable food and toiletries to anyone in need, and is restocked daily by church and community volunteers; and

WHEREAS, in 2022 Blanche connected with the Community Food Bank of South Jersey and together with Tuckahoe UMC and community volunteers launched the first Mobile Food Pantry, which served 54 families during the most recent month’s distribution, and continues to grow; and

WHEREAS, it is fitting and proper that we honor Blanche for her generous contribution of time, knowledge, leadership and public service to our community; and

NOW THEREFORE BE IT RESOLVED that this Township Committee on behalf of all the citizens of the Township of Upper extend to our friend, Blanche Adams, congratulations on being named the 2023 Upper Township Citizen of the Year and express our heartfelt gratitude and appreciation for her dedicated service to Upper Township.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 27th day of November, 2023.

Resolution No. 340-2023

Offered by: Hayes

Seconded by: Pancoast

Adopted: November 27, 2023

Roll Call Vote:

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

4. A Resolution of the Township of Upper supporting RevolutionNJ.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 341-2023

**A RESOLUTION OF THE TOWNSHIP OF UPPER
SUPPORTING REVOLUTIONNJ**

WHEREAS, Governor Philip Murphy and the New Jersey State Legislature created RevolutionNJ in 2018 to plan, encourage, develop, and coordinate the commemoration of the 250th anniversary of the founding of the United States, New Jersey’s pivotal role in the American Revolution, and the contributions of its diverse peoples to the nation’s past, present, and future; and

WHEREAS, the New Jersey Historical Commission, under the leadership of Secretary of State Tahesha Way, with its non-profit partner Crossroads of the American Revolution established RevolutionNJ to advance the role that history plays in public discourse, community engagement, education, tourism, and scholarship in New Jersey; and

WHEREAS, RevolutionNJ will engage New Jerseyans in all 21 counties and 564 municipalities through its officially recognized programs, initiatives, and events over the next ten years; and

WHEREAS, it is fitting and desirable that we commemorate the beginning of the Nation and the role New Jersey played over the past 250 years as well as its present and future role as part of the United States, with particular focus on the individuals, ideas, and events that shaped our Country, State, and Township; and

WHEREAS, RevolutionNJ will consider the role New Jersey played during the American Revolution when it saw more battles and skirmishes than any other state and was truly the Crossroads of the American Revolution; and

WHEREAS, RevolutionNJ will highlight the role New Jerseyans played beyond the battlefield during the American Revolution when people of diverse backgrounds contributed to the development of the State and the Nation in various ways and fought for the right to life, liberty, and the pursuit of happiness; and

WHEREAS, preserving, studying, and enjoying state history strengthens communities and builds bonds between New Jersey residents as we work together toward the goals of justice and equality embedded in the United States Constitution; and

NOW, THEREFORE, BE IT RESOLVED, that the Township of Upper, in the County of Cape May, State of New Jersey, hereby endorses RevolutionNJ and its mission to advance the role that history plays in public discourse, community engagement, education, tourism and scholarship in New Jersey; and

IT IS FURTHER RESOLVED that:

1. The Township Committee will commemorate the 250th anniversary of the establishment of the United States as an independent Nation.
2. The Township Committee authorizes the appointment of a committee to develop a plan

for this commemoration that will promote the maximum involvement of our residents, neighborhoods, businesses, schools, civic organizations, and institutions in the commemorations.

3. The Township Committee further urges all its residents to reflect upon the significance of this event and the role that our State and its diverse people have played in the history and development of our Nation and to participate in this important commemoration, endeavoring to include the stories of all those whose lives are part of the history of what we now know as New Jersey, and understanding that the revolution continues today as we uphold the revolutionary ideals articulated in our founding documents.

Resolution No. 341-2023

Offered by: Hayes

Seconded by: Pancoast

Adopted: November 27, 2023

Roll Call Vote:

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

5. Accepting the 2024 Solid Waste and Recycling Collection Rules and Regulations Resident Information Packet pursuant to Chapter 24 of the Revised General Ordinances of Upper Township.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 342-2023

**ACCEPTING THE 2024 SOLID WASTE AND RECYCLING COLLECTION
RULES AND REGULATIONS RESIDENT INFORMATION PACKET
PURSUANT TO CHAPTER 24 OF THE REVISED GENERAL
ORDINANCES OF UPPER TOWNSHIP**

WHEREAS, the Township of Upper has adopted rules and regulations with regards to collection and disposal of solid waste and recyclables pursuant to Chapter 24 of the Revised General Ordinances; and

WHEREAS, the aforesaid rules and regulations are assembled into a summary entitled “Residents Information-2024” to be distributed to Township residents and attached hereto as Exhibit “A”;

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 has determined that the summary attached as Exhibit “A” is in accordance with Chapter 24 of the Revised General Ordinances of Upper Township and is hereby accepted.

Resolution No. 342-2023

Offered by: Hayes

Seconded by: Pancoast

Adopted: November 27, 2023

Roll Call Vote:

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

6. Appointing Christopher Castagna as a full-time Laborer 1, Probational to the Upper Township Department of Public Works.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 343-2023

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

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

WHEREAS, Christopher Castagna 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. Christopher Castagna is hereby appointed to the Upper Township Department of Public Works effective December 1, 2023, pending pre-employment testing, as a full-time Laborer 1, Probational at a salary of \$33,280.00 in accordance with the Salary Ordinance;
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 343-2023

Offered by: Hayes

Seconded by: Pancoast

Adopted: November 27, 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 Public Works services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 344-2023

**RE: AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE CITY OF CORBIN
CITY FOR PUBLIC WORKS 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 certain Public Works 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 Public Works 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. 344-2023

Offered by: Hayes

Seconded by: Pancoast

Adopted: November 27, 2023

Roll Call Vote:

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

8. Appointing Surenian, Edwards, Buzak & Nolan LLC to act as Special Legal Counsel in matters involving affordable housing obligations.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 345-2023

**RE: APPOINTING SURENIAN, EDWARDS, BUZAK & NOLAN LLC
TO ACT AS SPECIAL LEGAL COUNSEL IN MATTERS INVOLVING
AFFORDABLE HOUSING OBLIGATIONS**

WHEREAS, the Township of Upper requires legal counsel to provide legal assistance with respect to the Township’s affordable housing obligations; and

WHEREAS, the Township has decided to acquire the services of Surenian, Edwards, Buzak & Nolan LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Surenian, Edwards, Buzak & Nolan LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Surenian, Edwards, Buzak & Nolan 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 Surenian, Edwards, Buzak & Nolan 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. Surenian, Edwards, Buzak & Nolan LLC with offices at 311 Broadway, Suite A, Point Pleasant Beach, New Jersey is hereby appointed Special Legal Counsel to handle legal matters with respect to the Township’s affordable housing obligations as directed by the Township Committee.
3. This contract shall have a term of one (1) year, commencing January 1, 2024 and expiring December 31, 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 Surenian, Edwards, Buzak & Nolan LLC has professional knowledge as to legal matters which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

NOTICE OF CONTRACT AWARD

The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Surenian, Edwards, Buzak & Nolan LLC for legal services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

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

7. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Surenian, Edwards, Buzak & Nolan LLC 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. 345-2023

Offered by: Hayes

Seconded by: Pancoast

Adopted: November 27, 2023

Roll Call Vote:

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

9. Authorizing the award of a contract with Campbell Supply Company for parts and equipment.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 346-2023

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH
CAMPBELL SUPPLY COMPANY FOR PARTS AND EQUIPMENT**

WHEREAS, from time to time the Township of Upper has a need to purchase construction parts and equipment from Campbell Supply Company as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

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

WHEREAS, the total amount to be paid for the goods and/or services will not exceed the bid threshold of the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-3) and the contract has been approved by the Township's Qualified Purchasing Agent; and

WHEREAS, the Chief Financial Officer of the Township has certified the availability of funds to allow the award of contract for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose in the 2023 Municipal Budget.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with Campbell Supply Company as described herein.
3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

4. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 346-2023

Offered by: Hayes

Seconded by: Pancoast

Adopted: November 27, 2023

Roll Call Vote:

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

10. Authorizing payments from the Affordable Housing Trust Fund of Upper Township.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 347-2023

**RE: AUTHORIZING 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	\$ 200.00
(AA Wait List Rentals/	<u>\$ 200.00</u>
AA/MTA Wait List Maint.)	\$ 400.00

Resolution No. 347-2023
 Offered By: Hayes Seconded By: Pancoast
 Adopted: November 27, 2023
 Roll Call Vote:

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

11. Tax Refund Block 549, Lot 94.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 RESOLUTION**

RESOLUTION NO. 348-2023

TAX REFUND BLOCK 549, LOT 94

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

WHEREAS, the homeowner and the Mortgage Company both paid 2023 4th quarter Added/Omitted taxes on the above property. The homeowner has requested a refund in the amount of \$ 272.76; 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. 348-2023

Offered by: Hayes Seconded by: Pancoast

Adopted: November 27, 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>
549/94	\$ 272.76	Kim & Richard Kaczmarek 49 Evergreen Dr. Seaville NJ 08230

RESOLUTIONS TO BE ACTED ON SEPARATELY

12. Authorizing the submission of a grant application to the New Jersey Department of Community Affairs on behalf of the Marmora Volunteer Fire Company.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 349-2023

**AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE
NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS ON BEHALF OF
THE MARMORA VOLUNTEER FIRE COMPANY**

WHEREAS, on behalf of the Marmora Volunteer Fire Company, the Township of Upper desires to apply for a grant from the New Jersey Department of Community Affairs for approximately \$75,000; and

WHEREAS, the Marmora Fire Volunteer Company has indicated that it will use the grant funds to purchase an SCBA compressor for the Marmora Volunteer Fire Company; and

WHEREAS, all costs associated with this grant application and award will be the responsibility of the Marmora Volunteer Fire Company.

NOW, THEREFORE, BE IT RESOLVED that Township Committee of the Township of Upper, on behalf of the Marmora Volunteer Fire Company, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Deputy Mayor and Clerk are hereby authorized to submit a grant application to the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the Deputy Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Upper and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement and any other documents necessary in connection therewith.

Resolution No. 349-2023

Offered by: Nappen

Seconded by: Pancoast

Adopted: November 27, 2023

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

ORDINANCES

CORRESPONDENCE

NEW BUSINESS

- 13. J.F. Kiely Construction Co. request an extension for the Install Stormwater Pump in Strathmere project. **The Township Engineer reported that due to the moratorium on the project during the summer months and recent changes to the design plans, the contractor has requested an extension of the project deadline with no additional costs and an anticipated completion date in March 2024. Motion by Jay Newman, second by Kimberly Hayes, to approve the request. During roll call vote all four Committee members present voted in the affirmative.**

UNFINISHED BUSINESS

PAYMENT OF BILLS

- 14. "I hereby move that all claims submitted for payment at this meeting be approved and then incorporated in full in the minutes of this meeting." **Motion by Kimberly Hayes, second by Mark Pancoast. During roll call vote all four Committee members present voted in the affirmative.**

Bills approved for payment: **\$135,913.31**
 Payroll: **\$167,210.62**

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

Barbara Murphy, Seaville, inquired if all wind projects in the Township have stopped.

Nelson Dice, Ocean City, spoke about an incident he had with the Ocean City Police and Superior Court.

Gary Lechner, Tuckahoe, spoke about a recent matter with the Township regarding a code violation.

CLOSED SESSION

- 15. 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. 350-2023
 MOTION GOING INTO CLOSED SESSION
 NOVEMBER 27, 2023**

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

MATTERS

1. Contract negotiation - Municipal Prosecutor
2. Contract negotiation - Cape Assist
3. Contract negotiation - MUA Host Community Benefit Agreement
4. Attorney/Client Privilege - Dredge Material
5. Personnel
6. Potential litigation - Butter Road

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 contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.
- C. 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.
- D. With respect to litigation matters such discussions will be made public when litigation is complete, and the applicable appeal period has expired.

Moved by: Mark Pancoast

Motion seconded by: Kimberly Hayes

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

RECONVENE PUBLIC PORTION OF MEETING

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

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 5:52 P.M., with a motion by Kimberly Hayes, second by Victor Nappen, and all four Committee members present voting in the affirmative. The next regular Committee meeting is scheduled for December 11, 2023 at 6:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC
Township Clerk

Bills

82585 11/27/23 A0091 ATLANTIC CITY ELECTRIC 9,980.49 3332
82586 11/27/23 A0193 ATLANTIC INVESTIGATIONS, LLC 777.00 3332
82587 11/27/23 B0288 KINGBARNES LLC 2,313.62 3332
82588 11/27/23 C0046 CAPE MAY COUNTY CLERK 13.00 3332
82589 11/27/23 C0048 CAPE MAY COUNTY MUA 46,044.75 3332
82590 11/27/23 C0061 CAPRIONI FAMILY SEPTIC 400.00 3332
82591 11/27/23 C0068 COMCAST 1,296.20 3332
82592 11/27/23 C0103 St. Maximilian Kolbe 300.00 3332
82593 11/27/23 C0143 CODY'S POWER EQUIPMENT 293.51 3332

82594 11/27/23 C0223 CASA PAYROLL SERVICE 229.50 3332
82595 11/27/23 C0340 COLLIERS ENGINEERING & DESIGN 218.75 3332
82596 11/27/23 D0040 DELTA DENTAL OF N.J. INC. 5,710.41 3332
82597 11/27/23 D0165 Davis Lisa 20.00 3332
82598 11/27/23 D0237 DIETZ, KERRY 125.00 3332
82599 11/27/23 D0240 DEVLIN, EDMUND F. 1,048.45 3332
82600 11/27/23 F0238 Fehrle, Erin 26.00 3332
82601 11/27/23 G0086 W.W. GRAINGER, INC. 1,195.49 3332
82602 11/27/23 G0120 PATRICK F. MARTIN 1,966.58 3332
82603 11/27/23 I0002 IAAO 240.00 3332
82604 11/27/23 L0007 LC EQUIPMENT, INC. 720.00 3332
82605 11/27/23 M0193 MAYNE, MICHAEL 19.99 3332
82606 11/27/23 M0290 MADDEN & MADDEN, PC 3,965.80 3332
82607 11/27/23 N0070 MARSH & MCLENNAN AGENCY, LLC 2,000.00 3332
82608 11/27/23 O0065 OCHS Band Boosters 300.00 3332
82609 11/27/23 O0076 OCHS Color Guard Boosters 300.00 3332
82610 11/27/23 P0032 PEDRONI FUEL CO. 1,954.53 3332
82611 11/27/23 R0030 RIGGINS, INC. 882.07 3332
82612 11/27/23 R0103 REUTER CONSTRUCTION, INC 5,000.00 3332
82613 11/27/23 R0137 RAMMEL, TODD 46.97 3332
82614 11/27/23 S0126 LUDY, BARBARA 403.88 3332
82615 11/27/23 S0134 SO. JERSEY GAS COMPANY 1,297.41 3332
82616 11/27/23 S0196 STEWART BUSINESS SYSTEMS LLC 274.40 3332
82617 11/27/23 S0284 SOUTH JERSEY INTERPRETERS 600.00 3332
82618 11/27/23 S0292 SURENIAN EDWARDS BUZAK & NOLAN 662.98 3332
82619 11/27/23 T0085 TREASURER, STATE OF NEW JERSEY 323.00 3332
82620 11/27/23 T0159 TRIAD ADVISORY SERVICES, INC. 1,618.75 3332
82621 11/27/23 T0220 TRINITY CODE INSPECTIONS, LLC 2,000.00 3332
82622 11/27/23 T0221 TEAM LIFE, INC. 8,158.00 3332
82623 11/27/23 V0013 VERIZON WIRELESS 1,193.36 3332
82624 11/27/23 V0025 V.E. RALPH & SON, INC. 683.66 3332
82625 11/27/23 V0027 VANORDER, ROGER 137.23 3332
82626 11/27/23 V0052 VIKING TERMITE & PEST CONTROL 64.15 3332
82627 11/27/23 Z0014 MIKE ZYNDORF, LLC 30,810.00 3332
82628 11/27/23 Z0017 ZOLL DATA SYSTEMS, INC. 298.38 3332
Total: \$135,913.31