

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR JANUARY 8, 2024**

**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 January 5, 2024, the notice of this meeting of the Upper Township Committee was posted on the official Township Bulletin Board, the Upper Township Website, and emailed to 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, Township Engineer Zachary Jordan, and Township Administrator Gary DeMarzo.

**APPROVAL OF MINUTES** – December 18, 2023 Regular and Closed Session Minutes

Motion by Kimberly Hayes, second by Mark Pancoast, to approve the December 18, 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**, reported that the Township road project will start soon and requested that the Township stay on top of the ongoing County projects.

**Kimberly Hayes, Committeewoman**, reported that winter sports are underway and stated that registration for the second season of flag football is currently available online.

**Victor Nappen, Committeeman**, thanked everyone that attended the reorganization meeting. He next reported that the Township will be holding free rabies clinics on January 20th and February 24th from 1:00 to 3:00 at Shore Veterinarians.

**Jay Newman, Mayor**, reported that the beach fill is done. The contractor is working on cleaning up and finishing the crossovers. He next reported that there are four promotions for the Division of EMS

on the consent agenda tonight. He next read a brief biography of each of the EMT's being promoted, Jennifer Teasenfitz, Johnathan Carter, John Brittin, and Mellissa Coker.

### **ADMINISTRATOR OVERVIEW**

**Gary DeMarzo, Township Administrator**, stated that he was honored to sit in on the interviews with the EMT's being promoted tonight and it was humbling to hear their how much time they have invested in their profession and involvement with the community.

**Anthony Monzo, Municipal Attorney**, thanked the Committee for reappointing him as Solicitor and stated that he enjoys working with everyone.

**Zachary Jordan, Township Engineer**, gave a brief update on the Strathmere beach fill project, the County's drainage improvements to Church Road, and the Strathmere stormwater pump 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. Clerk's Office
2. Construction Code
3. Division of EMS
4. Finance Office
5. MUA Report
6. Public Works
7. Tax Collector

### **RESOLUTIONS TO BE APPROVED BY CONSENT**

8. Congratulating employees Kyle Lindholm and Johnathan Carter of the Upper Township Division of Emergency Medical Services for being chosen as Upper Township 2023 Safety Employees of the Year.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 026-2024**

**RE: CONGRATULATING EMPLOYEES KYLE LINDHOLM AND JOHNATHAN CARTER  
OF THE UPPER TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES  
FOR BEING CHOSEN AS UPPER TOWNSHIP 2023 SAFETY EMPLOYEES OF THE YEAR**

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**WHEREAS**, in an effort to promote safety for the Upper Township workforce as well as the residents of this community, employees are encouraged to participate in the Upper Township Safety

Program and are recognized quarterly for their safety suggestions, from which one is chosen for the overall yearly winner; and

**WHEREAS**, the safety suggestion submitted by Kyle Lindholm and Johnathan Carter in the 4<sup>th</sup> quarter was selected as the best overall safety suggestion for 2023 and Mr. Lindholm and Mr. Carter were chosen as “2023 Safety Employees of the Year” by the Upper Township Safety Committee; and

**WHEREAS**, Kyle and Johnathan are publicly recognized for identifying and reporting the safety hazard of potholes at the entrance and in the parking lot of the Upper Township Rescue Squad at 2028 Tuckahoe Road: 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. That this Committee extends its appreciation and publicly recognizes Kyle Lindholm and Johnathan Carter for their participation in this program and their commitment to safety by identifying a potential hazard and presenting a solution.

2. That this Committee, on behalf of Kyle’s and Johnathan’s fellow employees and the citizens of this community, extends to them our congratulations and presents them with the “2023 Safety Employees of the Year” award, each receiving one-half day off with pay, at the discretion of the Chief of Emergency Medical Services.

**BE IT FURTHER RESOLVED**, that this Committee also extends appreciation to all of the employees who submitted safety suggestions this year and encourages continued participation in this program.

Resolution No. 026-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: January 8, 2024

Roll Call Vote:

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

9. Affirming the Township of Upper’s civil rights policy with respect to all officials, appointees, employees, prospective employees, volunteers, independent contractors, and members of the public that come into contact with Municipal employees, officials, and volunteers.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 027-2024**

**RE: AFFIRMING THE TOWNSHIP OF UPPER'S  
CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS,  
APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS,  
INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO  
CONTACT WITH MUNICIPAL EMPLOYEES,  
OFFICIALS AND VOLUNTEERS**

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**WHEREAS**, it is the policy of the Township of Upper to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

**WHEREAS**, the governing body of the of the Township of Upper has determined that certain procedures need to be established to accomplish this policy; and

**NOW, THEREFORE BE IT RESOLVED** to affirm and adopt the Township of Upper's civil rights policy as follows:

**Section 1:** No official, employee, appointee or volunteer of the Township of Upper by whatever title known, or any entity that is in any way a part of the Township of Upper shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Township of Upper's business or using the facilities or property of the Township of Upper.

**Section 2:** The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Township of Upper to provide services that otherwise could be performed by the Township of Upper.

**Section 3:** Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

**Section 4:** The Township Committee shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

**Section 5:** No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

**Section 6:** The Personnel Officer shall establish written procedures that require all officials, employees, appointees and volunteers of the Township of Upper as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

**Section 7:** The Personnel Officer shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

**Section 8:** At least annually, the Personnel Officer shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Township of Upper. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Township of Upper’s web site.

**Section 9:** This resolution shall take effect immediately.

**Section 10:** A copy of this resolution shall be published in the official newspaper of the Township of Upper in order for the public to be made aware of this policy and the Township of Upper’s commitment to the implementation and enforcement of this policy.

Resolution No. 027-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: January 8, 2024

Roll Call Vote:

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

10. Amending Resolution 367-2023 authorizing a Shared Services Agreement with the Cape May County Municipal Utilities Authority for solid waste disposal and recycling services.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 028-2024**

**RE: AMENDING RESOLUTION 367-2023 AUTHORIZING A SHARED SERVICES  
AGREEMENT WITH THE CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY  
FOR SOLID WASTE DISPOSAL AND RECYCLING SERVICES**

**WHEREAS**, the Cape May County Municipal Utilities Authority ("CMCMUA"/"Authority") has designed, financed, acquired, constructed, expanded, and currently operates a solid waste management system ("System") which presently serves the entire County of Cape May in the State of New Jersey, for the disposal, transfer, and recycling of solid waste; and

**WHEREAS**, the Township of Upper has utilized and desires to continue to utilize the services of the CMCMUA's System; and

**WHEREAS**, on December 11, 2023, the Township of Upper adopted Resolution 367-2023 authorizing a new agreement with the Authority for the use of the CMCMUA's System for the disposal, transfer, and recycling of solid waste entitled "Shared Services Agreement for Solid Waste Disposal and Recycling Services" ("Agreement") and setting the expiration date of said Agreement to occur on December 31, 2024; and

**WHEREAS**, the Authority has offered the "Shared Services Agreement for Solid Waste Disposal and Recycling Services" in order to more efficiently provide and continue to offer municipalities within Cape May County the use of the CMCMUA's Solid Waste System from January 1, 2024 through December 31, 2025; and

**WHEREAS**, the Township wishes to amend Resolution 367-2023 to fix the expiration date of the Agreement for Solid Waste Disposal and Recycling Services to occur on December 31, 2025; and

**WHEREAS**, N.J.S.A. 40A:65-1 et seq., the Uniform Shared Services and Consolidation Act, authorizes a municipality to enter into a contract with any other local unit for the sharing of governmental services.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Township of Upper, 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 Municipal Clerk are hereby authorized and directed to execute an agreement with the CMCMUA entitled "Shared Services Agreement for Solid Waste Disposal and Recycling Services", effective January 1, 2024 through December 31, 2025.

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. 028-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: January 8, 2024

Roll Call Vote:

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

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

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 029-2024**

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

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**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	
(AA Technical Assistance)	\$ 225.00
(AA/MTA Wait List Maint. Sales)	\$ 200.00
(Admin. Agent Rentals Wait List )	\$ 200.00
(AA Wait List Rentals 2022-2023)	<u>\$ 200.00</u>
	\$ 825.00
 Daniel J. Young, Esquire	 \$1,260.00

Resolution No. 029-2024

Offered By: Hayes

Seconded By: Pancoast

Adopted: January 8, 2024

Roll Call Vote:

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

12. Authorizing an Intra-County Mutual Aid and Assistance Agreement with the County of Cape May and all participating entities.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 030-2024**

**RE: AUTHORIZING AN INTRA-COUNTY MUTUAL AID AND ASSISTANCE  
AGREEMENT  
WITH THE COUNTY OF CAPE MAY AND ALL PARTICIPATING ENTITIES**

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**WHEREAS**, mutual aid and assistance agreements between municipalities, counties, law enforcement, Public Works, Community Emergency Response Teams (CERT), Medical Reserve Corps (MRC), Construction Officials, Emergency Medical Services (“EMS”), fire departments, volunteer fire companies and/or EMS organizations or Fire Districts, are permitted pursuant to N.J.S.A. 40A: 14-26



and 40A: 14-156.1; and

**WHEREAS**, the President of the United States, in Homeland Security Presidential Directive 5 (“HSPD-5” or the “Presidential Directive”), directed the Secretary of the Department of Homeland Security (“DHS”) to develop and administer a National Incident Management System (“NIMS”), which would provide a consistent nationwide approach to Federal, State, local<sup>1</sup> and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

**WHEREAS**, then-Acting Governor Richard J. Codey, in his Executive Order No. 50, dated August 5, 2005 (the “Executive Order”), implemented NIMS as the state standard for incident management and directed its use for all emergency incidents in the State of New Jersey; and

**WHEREAS**, “The New Jersey Civilian Defense and Disaster Control Act”, N.J.S.A. App. A:9-30 et seq. (the “Disaster Control Act”), provides for the health, safety and welfare of the people of the State of New Jersey during any emergency by centralizing control of all civilian activities having to do with such emergency in the Governor, who shall have authority over the resources of each and every political subdivision of the State to cope with any condition that shall arise out of such emergency; and

**WHEREAS**, in addition to the Disaster Control Act, the “Fire Service Resource Emergency Deployment Act,” N.J.S.A. 52:14E-11 et seq. (the “Fire Service Act”) establishing a mechanism for the coordination of fire service resources throughout the State to facilitate a quick and efficient response to any emergency incident or situation that requires the immediate deployment of those resources in order to protect life and property from the danger or destruction of fire, explosion or other disaster; and

**WHEREAS**, the Director of the Division of Fire Safety in the Department of Community Affairs promulgated rules commonly referred to as the “Fire Service Resource Emergency Deployment Regulations” N.J.A.C. 5:75A-1.1 et seq. (the “Fire Service Regulations”), and N.J.A.C. 5:75A-2.2 specifically requires each municipality or fire district to adopt a local fire mutual aid plan; and

**WHEREAS**, it is deemed to be in the best interests of the residents of the Township of Upper to enter into a mutual aid and assistance agreement with the County of Cape May and other municipalities including (but not limited to) municipal Office of Emergency Management, police, Emergency Medical Service or fire departments, volunteer fire companies or EMS organizations and/or fire districts to provide additional protection against loss, damage or destruction by fire, catastrophe, civil unrest, major emergency or other extraordinary devastation damage or destruction to person and property, in those situations when outside aid and assistance is needed.

**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, on behalf of the Township of Upper, are hereby authorized and directed to execute the attached Intra-County Mutual Aid and Assistance Agreement between the County of Cape May and all Participating Entities.
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. 030-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: January 8, 2024

Roll Call Vote:

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

13. Reserve Budget Transfer.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 031-2024**

**RE: RESERVE BUDGET TRANSFERS**

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**WHEREAS**, various 2023 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2023 budget appropriation reserve in the last two months of 2023; and

**WHEREAS**, N.J.S.A. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available until lapsed at the close of the succeeding year to meet specific claims, commitments or contracts incurred during the preceding fiscal year and allow

transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year.

**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 transfers in the amount of \$22,000.00 be made between the 2023 budget appropriation reserves as follows:

<u>TO</u>	<u>FROM</u>
PUBLIC BLDGS & GRDS O/E \$20,000.00	DIVISION OF EMS S/W \$11,000.00
SPORTS & REC O/E \$2,000.00	ROAD REPAIRS & MAINT S/W \$11,000.00

Resolution No. 031-2024

Offered By: Hayes

Seconded By: Pancoast

Adopted: January 8, 2024

Roll Call Vote:

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

14. Appointing Mellissa Coker as Chief EMT to the Upper Township Division of Emergency Medical Services.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 032-2024**

**RE: APPOINTING MELLISSA COKER AS CHIEF EMT TO THE  
UPPER TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES**

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

**WHEREAS**, Mellissa Coker 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. Mellissa Coker is hereby appointed to the Division of Emergency Medical Services as Chief Emergency Medical Technician effective January 1, 2024 at an annual salary of \$82,000 in accordance with the Salary Ordinance.

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

Resolution No. 032-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: January 8, 2024

Roll Call Vote:

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

15. Appointing John Brittin as Deputy Chief EMT to the Upper Township Division of Emergency Medical Services.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 033-2024**

**RE: APPOINTING JOHN BRITTIN AS DEPUTY CHIEF EMT TO THE  
UPPER TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES**

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

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. John Brittin is hereby appointed to the Division of Emergency Medical Services as Deputy Chief Emergency Medical Technician effective January 1, 2024 at an annual salary of \$68,678.00 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. 033-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: January 8, 2024

Roll Call Vote:

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

16. Appointing Johnathan Carter as Supervising EMT to the Upper Township Division of Emergency Medical Services.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 034-2024**

**RE: APPOINTING JOHNATHAN CARTER AS SUPERVISING EMT TO THE  
UPPER TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES**

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

**WHEREAS**, Johnathan Carter 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. Johnathan Carter is hereby appointed to the Division of Emergency Medical Services as Supervising Emergency Medical Technician effective January 1, 2024 at an annual salary of \$47,000.00 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. 034-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: January 8, 2024

Roll Call Vote:

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

17. Appointing Jennifer Teasenfitz as Supervising EMT to the Upper Township Division of Emergency Medical Services.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 035-2024**

**RE: APPOINTING JENNIFER TEASENFITZ AS SUPERVISING EMT TO THE  
UPPER TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES**

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

**WHEREAS**, Jennifer Teasenfitz 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. Jennifer Teasenfitz is hereby appointed to the Division of Emergency Medical Services as Supervising Emergency Medical Technician effective January 1, 2024 at an annual salary of \$45,000.00 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. 035-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: January 8, 2024

Roll Call Vote:

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

**ORDINANCES**

**CORRESPONDENCE**

**NEW BUSINESS**

18. Ocean City Crew Boosters request to hold Raffle RA #565 at E. Marie Hayes Boathouse, 34<sup>th</sup> Street Bridge, Marmora on various dates beginning April 1, 2024 through April 30, 2024. **Motion by Kimberly Hayes, second by Mark Pancoast, to approve the request. During roll call vote all four Committee members present voted in the affirmative.**
19. South Shore Stitchers request to hold Raffle RA #566 at Tuckahoe United Methodist Church, 112 Route 49, Tuckahoe on November 11, 2024. **Motion by Mark Pancoast, second by Kimberly Hayes, to approve the request. During roll call vote all four Committee members present voted in the affirmative.**
20. Strathmere 4<sup>th</sup> of July Parade along Commonwealth Avenue and Bayview Drive from Prescott Avenue to Williams Avenue. **Motion by Kimberly Hayes, second by Victor Nappen, to approve the request. During roll call vote all four Committee members present voted in the affirmative.**

**UNFINISHED BUSINESS**

21. Draft Ordinance adding Chapter 4 (Short Term Rentals) of the Code of Upper Township. **The Municipal Attorney gave a brief review of the Ordinance as proposed. After a brief discussion there was a general consensus to list the Ordinance as drafted for introduction at the January 22, 2024 meeting. Committeewoman Hayes thanked the members of the subcommittee and Bruce Riordan for their help drafting the Ordinance.**

**PAYMENT OF BILLS**

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

Bills approved for payment: **\$288,105.99**  
Payroll: **\$170,160.83**

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

There was no public comment.

**CLOSED SESSION**

22. 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. 036-2024  
MOTION GOING INTO CLOSED SESSION  
JANUARY 8, 2024**

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 - Colliers Engineering
3. Contract negotiation - MUA Host Community Benefit Agreement
4. Contract negotiation - Planning Consultant
5. Attorney/Client Privilege - Dredge Material

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

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

Moved by: Mark Pancoast

Motion seconded by: Kimberly Hayes

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

**RECONVENE PUBLIC PORTION OF MEETING**

Motion by 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.

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

23. Authorizing a Host Community Benefit Agreement between the Township of Upper and the Cape May County Municipal Utilities Authority.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 037-2024**

**RE: AUTHORIZING A HOST COMMUNITY BENEFIT AGREEMENT  
BETWEEN THE TOWNSHIP OF UPPER AND THE CAPE MAY COUNTY  
MUNICIPAL UTILITIES AUTHORITY**

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**WHEREAS**, the Cape May County Municipal Utilities Authority (“CMCMUA”) operates a solid waste complex located on the border of the Borough of Woodbine and the Township of Upper, in Cape May County, New Jersey; and



**WHEREAS**, said solid waste complex has been sited as said location pursuant to the Solid Waste Management Plan of Cape May County adopted by the Board of County Commissioners and approved by the New Jersey Department of Environmental Protection; and

**WHEREAS**, the Township of Upper is a host community for CMCMUA’s solid waste complex; and

**WHEREAS**, New Jersey Statutes (N.J.S.A. 13:1E-28) provide that a municipality within which an approved solid waste facility is located shall be entitled to an annual economic benefit in consideration of the amount of solid waste accepted for transfer or disposal at said facility; and

**WHEREAS**, the Township of Upper and CMCMUA have periodically entered into agreements since 1993 regarding an annual host community benefit to be paid by the CMCMUA to Upper Township for serving as a host community for CMCMUA’s solid waste complex; and

**WHEREAS**, Upper Township and CMCMUA are currently in active negotiations regarding the terms of the host community benefit; and

**WHEREAS**, in the best interests its residents, the Township of Upper has agreed to enter into a host community benefit agreement for a one year term to allow negotiations to continue; and

**WHEREAS**, the term of said agreement shall be effective on January 1, 2024 and shall terminate on December 31, 2024; 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 to sign the attached Host Community Benefit Agreement.
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. 037-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: January 8, 2024

Roll Call Vote:

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

**ADJOURNMENT**

There being no further business this evening the meeting was adjourned at 7:19 P.M., with a motion by Kimberly Hayes, second by Mark Pancoast, and all four Committee members present voting in the affirmative. The next regular Committee meeting is scheduled for January 22, 2024 at 4:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC  
Township Clerk

Bills

- 82779 01/08/24 A0025 ADVANTAGE RENTAL & SALES 1,086.55 3339
- 82780 01/08/24 A0091 ATLANTIC CITY ELECTRIC 6,740.09 3339
- 82781 01/08/24 A0193 ATLANTIC INVESTIGATIONS, LLC 108.50 3339
- 82782 01/08/24 A0212 ANCERO, LLC 15,810.19 3339
- 82783 01/08/24 A0235 AMAZON CAPITAL SERVICES, INC. 1,191.80 3339
- 82784 01/08/24 A0236 ALENCO FENCE & LUMBER CORP. 1,175.00 3339
- 82785 01/08/24 A0248 AIRESRING, INC. 1,231.98 3339
- 82786 01/08/24 B0035 BELMONT & CRYSTAL SPRINGS 103.36 3339
- 82787 01/08/24 B0076 BOND,LAURENCE E. 150.00 3339
- 82788 01/08/24 B0093 BARRY,CORRADO & GRASSI,PC 460.00 3339
- 82789 01/08/24 B0197 BONATO, LOUIS A 3,250.00 3339
- 82790 01/08/24 B0220 BERGEY'S TRUCK CENTERS 10,348.54 3339
- 82791 01/08/24 B0288 KINGBARNES LLC 1,998.21 3339
- 82792 01/08/24 C0042 CAMPBELL SUPPLY COMPANY 1,258.83 3339
- 82793 01/08/24 C0223 CASA PAYROLL SERVICE 263.00 3339
- 82794 01/08/24 C0346 CME ASSOCIATES 7,087.75 3339
- 82795 01/08/24 D0016 DALEYS PIT 75.00 3339
- 82796 01/08/24 D0040 DELTA DENTAL OF N.J. INC. 9,272.36 3339
- 82797 01/08/24 D0186 DOCUTREND, INC. 37.10 3339
- 82798 01/08/24 D0237 DIETZ, KERRY 125.00 3339
- 82799 01/08/24 D0240 DEVLIN, EDMUND F. 1,048.95 3339
- 82800 01/08/24 D0246 DiCicco, Cassie 46.00 3339
- 82801 01/08/24 E0012 EHRlich PEST CONTROL INC 634.45 3339
- 82802 01/08/24 E0021 ENCHANTING FLORIST 437.00 3339
- 82803 01/08/24 F0219 FORTUNE TITLE AGENCY, INC. 2,240.00 3339
- 82804 01/08/24 F0222 FENTON, SEAN R 582.00 3339
- 82805 01/08/24 G0048 GIUSEPPE'S GOURMET 700.00 3339
- 82806 01/08/24 G0120 PATRICK F. MARTIN 2,291.67 3339
- 82807 01/08/24 G0169 GROFF TRACTOR MID ATLANTIC LLC 870.25 3339
- 82808 01/08/24 H0073 HOME DEPOT CRC/GECF 509.67 3339
- 82809 01/08/24 H0191 HOUPERT FLEET SERVICES, LLC 0.00 01/08/24 VOID 0
- 82810 01/08/24 H0191 HOUPERT FLEET SERVICES, LLC 2,065.50 3339
- 82811 01/08/24 H0195 HOHMAN, CHRISTOPHER 48.62 3339
- 82812 01/08/24 J0079 JAMES WYERS LANDSCAPING, LLC 400.00 3339
- 82813 01/08/24 K0014 KEENAN,BRIAN 521.44 3339
- 82814 01/08/24 K0100 KEEN COMPRESSED GAS CO. 66.00 3339
- 82815 01/08/24 L0027 LASHLEY HEATING & COOLING INC. 150.00 3339
- 82816 01/08/24 L0075 LEXISNEXIS 401.00 3339
- 82817 01/08/24 L0080 LOWES, INC. 25.30 3339
- 82818 01/08/24 L0160 LAIRD, JAMES 31.75 3339
- 82819 01/08/24 M0235 MODERN GROUP, LTD 2,100.25 3339
- 82820 01/08/24 M0277 EQUITABLE FINANCIAL LIFE INS. 187.86 3339
- 82821 01/08/24 M0303 MALEY GIVENS, A PROF CORP 456.30 3339
- 82822 01/08/24 N0143 NATIONAL TIME SYSTEMS 813.00 3339
- 82823 01/08/24 O0006 SJSHORE MARKETING,LLC 220.00 3339
- 82824 01/08/24 P0032 PEDRONI FUEL CO. 2,262.18 3339
- 82825 01/08/24 P0036 PENNELLO,DAVID 346.15 3339
- 82826 01/08/24 P0121 PENGUIN MANAGEMENT, INC 9,420.00 3339

82827 01/08/24 P0185 PETERSBURG METHODIST YOUTH 300.00 3339  
82828 01/08/24 R0030 RIGGINS, INC. 9,780.63 3339  
82829 01/08/24 R0092 RUTGERS, THE STATE UNIVERSITY 1,268.00 3339  
82830 01/08/24 R0100 ROBERTS OXYGEN COMPANY, INC. 125.75 3339  
82831 01/08/24 S0072 SEGIN, STEWART S. 320.20 3339  
82832 01/08/24 S0108 SJNIGP 100.00 3339  
82833 01/08/24 S0134 SO. JERSEY GAS COMPANY 4,912.14 3339  
82834 01/08/24 S0160 STAR LODGE # 65 300.00 3339  
82835 01/08/24 S0196 STEWART BUSINESS SYSTEMS LLC 274.40 3339  
82836 01/08/24 S0292 SURENIAN EDWARDS BUZAK & NOLAN 1,129.11 3339  
82837 01/08/24 S0303 SITEONE LANDSCAPE SUPPLY, LLC 219.06 3339  
82838 01/08/24 S0397 SORENSEN, MICHAEL A. 500.00 3339  
82839 01/08/24 T0080 TREASURER STATE OF N.J. 1,131.00 3339  
82840 01/08/24 T0159 TRIAD ADVISORY SERVICES, INC. 37.50 3339  
82841 01/08/24 T0168 TOWNSHIP OF UPPER 211.54 3339  
82842 01/08/24 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3339  
82843 01/08/24 T0192 MARSH & McLENNAN AGENCY/TRION 232.75 3339  
82844 01/08/24 T0213 TREASURER, STATE OF NEW JERSEY 157,139.89 3339  
82845 01/08/24 T0220 TRINITY CODE INSPECTIONS, LLC 4,250.00 3339  
82846 01/08/24 U0013 U.T. WRESTLING ASSOC. 300.00 3339  
82847 01/08/24 U0067 UT HEALTH REIMB. ACCOUNT 12,836.75 3339  
82848 01/08/24 V0025 V.E. RALPH & SON, INC. 1,211.90 3339  
82849 01/08/24 W0038 WILLIAMS, JEREMIAH J. 376.04 3339  
82850 01/08/24 W0087 W.B. MASON EGG HARBOR 310.60 3339  
82851 01/08/24 W0131 WEX BANK 165.13 3339  
Total: \$288,105.99