

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR MARCH 11, 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 March 8, 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	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, Township Engineer Ryan MacNeill, and Township Administrator Gary DeMarzo.

APPROVAL OF MINUTES – February 26, 2024 Regular and Closed Session Minutes

Motion by Kimberly Hayes, second by Mark Pancoast, to approve the February 26, 2024 Regular and Closed Session Minutes as submitted. During roll call vote all five Committee members voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Kimberly Hayes, Committeewoman, reported that the Township’s Easter Egg Hunt will be held on March 23rd, rain date March 24th, at Amanda’s field from 10:00 am to 1:00 pm. She next congratulated the members of the Upper Township Wrestling team for their performance in the recent state tournament.

Victor Nappen, Committeeman, reported that the Municipal Court has held 9 court sessions to date, during which they have disposed 337 cases, including 5 DUIs and 8 local ordinance violations for Upper Township, and 444 cases, including 9 DUIs and 44 criminal complaints for Dennis Township. He stated that these numbers are a testament to the employees and the great job they do. He next reported that the Deputy Court Administrator has had her project approved by the certification board and is in the final step of obtaining her certification.

Mark Pancoast, Committeeman, reminded everyone to please place their trash and recycling cans as close to the curb as possible for pick up. He next requested an item be added to the agenda under New Business for an employee to attend an educational course.

Curtis Corson, Committeeman, thanked Public Works for completing the beach crossovers.

Jay Newman, Mayor, reported that the EMS Department has been very active the past few months and thanked them for all they do.

ADMINISTRATOR OVERVIEW

Gary DeMarzo, Township Administrator, requested that the Resolution entitled “Authorizing a contract with Paving Plus, LLC through the Camden County Educational Services Commission Cooperative Pricing System #66CCEPS contract #FY 24-01, Paving and Related Services”, be removed from the consent agenda for further discussion before action.

Anthony Monzo, Municipal Attorney, requested that Contract negotiation – Grace Oil/Roosevelt Boulevard be added to the closed session agenda.

Ryan MacNeill, Township Engineer, gave a brief report on several projects including the Township paving project, the Strathmere Stormwater Pump project, the State’s Route 50 over Cedar Swamp Creek Bridge project, the beach replenishment project, and the Cape May County Open Space applications for the Skate Park and Beesley’s Point Park Phase 2.

PRESENTATIONS

Mayor Newman and the Committee presented the following Resolutions to the athletes and coaches of the Challenger Chargers and Challenger Knights hockey teams.

1. Congratulating the Upper Township Challenger Chargers Special Olympics Floor Hockey team on becoming the New Jersey 2024 Special Olympics Winter Games Division 3 Floor Hockey Gold Medalists.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 48-2024

**RE: CONGRATULATING THE UPPER TOWNSHIP CHALLENGER
CHARGERS SPECIAL OLYMPICS FLOOR HOCKEY TEAM ON BECOMING
THE NEW JERSEY 2024 SPECIAL OLYMPICS WINTER GAMES
DIVISION 3 FLOOR HOCKEY GOLD MEDALISTS**

WHEREAS, the Upper Township Challenger Chargers Special Olympics Floor Hockey team had an outstanding season; and

WHEREAS, the Upper Township Challenger Chargers Special Olympics Floor Hockey team was invited to compete in the New Jersey 2024 Special Olympics Winter Games held on January 6th and 7th, 2024 at Stockton University; and

WHEREAS, the Upper Township Challenger Chargers Special Olympics Floor Hockey team won the gold medal in the Division 3 Winter Games Floor Hockey Tournament with an impressive record of 3 wins and 0 losses; and

WHEREAS, it is appropriate that on behalf of the citizens of the Township of Upper that we recognize and congratulate these amazing young athletes listed as follows:

Hunter Murray
Kalin Raynis
Cooper Sokolov
George Rose

Brett Patro
Rylee Howerton
Elijah Mason
Ryan Feliciano

Jacob Balnis
Charles Johnson
Chloe Byrne
Alyssa Playford

Seth Flitcroft
Jonah Harris
Anthony Conner
Hunter Bailey

WHEREAS, we also extend this recognition and appreciation to coaches Daryl DiTroia, Jackie Adams, Fred Feliciano, and Helena Mason who have generously given their personal time and service to coach these young athletes; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee on behalf of the citizens of the Township of Upper, to extend to the Upper Township Challenger Chargers Special Olympics Floor Hockey team congratulations on becoming the New Jersey 2024 Special Olympics Winter Games Division 3 Floor Hockey Gold Medalists, and to the coaches our heartfelt gratitude for the generous donation of their time and service to the young people of this community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 12th day of February, 2024.

2. Congratulating the Upper Township Challenger Knights Special Olympics Floor Hockey team on becoming the New Jersey 2024 Special Olympics Winter Games Division 2 Floor Hockey Bronze Medalists.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 49-2024

**RE: CONGRATULATING THE UPPER TOWNSHIP CHALLENGER
KNIGHTS SPECIAL OLYMPICS FLOOR HOCKEY TEAM ON BECOMING
THE NEW JERSEY 2024 SPECIAL OLYMPICS WINTER GAMES
DIVISION 2 FLOOR HOCKEY BRONZE MEDALISTS**

WHEREAS, the Upper Township Challenger Knights Special Olympics Floor Hockey team had an outstanding season; and

WHEREAS, the Upper Township Challenger Knights Special Olympics Floor Hockey team was invited to compete in the New Jersey 2024 Special Olympics Winter Games held on January 6th and 7th, 2024 at Stockton University; and

WHEREAS, the Upper Township Challenger Knights Special Olympics Floor Hockey team won the bronze medal in the Division 2 Winter Games Floor Hockey Tournament with an awesome record of 1 win and 2 losses; and

WHEREAS, it is appropriate that on behalf of the citizens of the Township of Upper that we recognize and congratulate these amazing young athletes listed as follows:

Jessica Carmen
Kayla Carmen
Darren Daisey

Joseph Rose
Justin Gan
Alex Lin
Ronald Rose II

Zachary Augsberger
Dylan Eisele
Zyler Shultz
Lydia Leidy

Ava Cerrone
Rebecca Lopez-Deren
Louie Matto

WHEREAS, we also extend this recognition and appreciation to coaches Joseph Eisele, Rebecca Eisele, Terri Gladden, and Maria Rose who have generously given their personal time and service to coach these young athletes; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee, on behalf of the citizens of the Township of Upper, to extend to the Upper Township Challenger Knights Special Olympics Floor Hockey team congratulations on becoming the New Jersey 2024 Special Olympics Winter Games Division 2 Floor Hockey Bronze Medalists, and to the coaches our heartfelt gratitude for the generous donation of their time and service to the young people of this community.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 12th day of February, 2024.

3. Oaths of Office - administered by Mayor Jay Newman.

Chief EMT Mellissa Coker
Deputy Chief EMT John Brittin
Supervising EMT Jennifer Teasenfitz
Supervising EMT Johnathan Carter

CONSENT AGENDA

All Consent Agenda items listed below are routine in nature and will be enacted by one motion. If the Mayor or any Committee member wishes a particular agenda item to be considered separately, it will be removed from the consent agenda and acted on separately.

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

FILING OF REPORTS BY CONSENT

4. Clerk's Office
5. Construction Code
6. Division of EMS
7. Finance Office
8. MUA Report
9. Municipal Court
10. Public Works
11. Tax Collector

RESOLUTIONS TO BE APPROVED BY CONSENT

12. Authorizing a contract with J.A. Montgomery Risk Control Services, LLC for right to know inventory and survey preparation services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 89-2024

**RE: AUTHORIZING A CONTRACT WITH J.A. MONTGOMERY RISK
CONTROL SERVICES, LLC FOR RIGHT TO KNOW INVENTORY**

AND SURVEY PREPARATION SERVICES

WHEREAS, J.A. Montgomery Risk Control Services, LLC, “J.A. Montgomery”, has submitted a proposal to the Township for Onsite Inventory, preparation of Community Right to Know Survey Documents, and preparation of Right to Know Central File for 2024; and

WHEREAS, the Township wishes to accept said proposal and to authorize a contract with J.A. Montgomery; 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, J.A. Montgomery has completed and submitted a Business Entity Disclosure Certification which certifies that J.A. Montgomery 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 J.A. Montgomery 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 enter into a contract with J.A. Montgomery attached hereto as Exhibit “A”, to provide Onsite Inventory, preparation of Community Right to Know Survey Documents, and preparation of Right to Know Central File for 2024.
3. J.A. Montgomery 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.
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.

Resolution No. 89-2024
Offered by: Corson Seconded by: Hayes
Adopted: March 11, 2024
Roll Call Vote:

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

13. Authorizing a contract with Danziger & Markhoff, LLP for actuarial services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 90-2024

**RE: AUTHORIZING THE TOWNSHIP OF UPPER TO ENTER INTO A CONTRACT WITH
DANZIGER & MARKHOFF, LLP FOR ACTUARIAL SERVICES**

WHEREAS, the Township of Upper has a need for an actuarial analysis of the Township’s financial liability in compliance with GASB Statement No. 75 – Accounting and Financial Reporting by Employers for Post-employment Benefits Other than Pensions; 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 Danziger & Markhoff, LLP as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Danziger & Markhoff, LLP has completed and submitted a Business Entity Disclosure Certification which certifies that Danziger & Markhoff, LLP 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 Danziger & Markhoff, LLP 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 Danziger & Markhoff, LLP, of 123 Main Street 9th Floor, White Plains, New York 10601, for GASB Statement No. 75 related Actuarial Services.

3. The contract is awarded without competitive bidding in accordance with N.J.S.A. 40A:11-3 of the New Jersey Local Public Contract Law because the aggregate cost of the contract awarded to Danziger & Markhoff, LLP will not exceed the bid threshold during the term of said contract.

4. The contract shall have a term of one (1) year commencing upon full execution.

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 the 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. Danziger & Markhoff, LLP 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. 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.

8. This Resolution shall be effective as of adoption.

Resolution No. 90-2024

Offered by: Corson

Seconded by: Hayes

Adopted: March 11, 2024

Roll Call Vote:

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

14. Authorizing a contract with Colliers Engineering & Design, Inc. for professional engineering services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 91-2024

**RE: AUTHORIZING A CONTRACT WITH COLLIERS ENGINEERING & DESIGN, INC.
FOR PROFESSIONAL ENGINEERING SERVICES**

WHEREAS, the Township of Upper has a need for professional engineering services with regard to the existing telecommunications facility at 2028 Tuckahoe Road; and

WHEREAS, the Township wishes to authorize the execution of a contract with Colliers Engineering & Design, Inc. as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with Colliers Engineering & Design, Inc. with offices at 2000 Midlantic Drive, Suite 100, Mount Laurel, New Jersey, to provide professional engineering services.
3. This contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Colliers Engineering & Design, Inc. has professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5

NOTICE OF CONTRACT AWARD

5. The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Colliers Engineering & Design, Inc. for professional engineering 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. Resolution 40-2024, adopted on January 22, 2024, authorizing a contract with Colliers Engineering & Design, Inc. is hereby rescinded.

10. This Resolution shall be effective as of adoption.

Resolution No. 91-2024

Offered by: Corson

Seconded by: Hayes

Adopted: March 11, 2024

Roll Call Vote:

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

15. Appointing Brian P. Trelease, Esquire as Hearing Officer for the Township of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 92-2024

**RE: APPOINTING BRIAN P. TRELEASE, ESQUIRE
AS HEARING OFFICER FOR THE TOWNSHIP OF UPPER**

WHEREAS, the Township requires legal counsel to serve as a hearing officer in connection with employment and personnel related matters; and

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

WHEREAS, Brian P. Trelease, Esquire of the law offices of Rainone Coughlin Minchello, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that said individual and said firm 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 individual and said firm from making any reportable contributions through the term of the contract; and

WHEREAS, the Township has decided to acquire the services of Brian P. Trelease, Esquire as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Brian P. Trelease, Esquire of the law offices of Rainone Coughlin Minchello, LLC, 555 US Highway 1 South, Iselin, New Jersey is hereby appointed as Hearing Officer with regard to employment and personnel matters 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 Brian P. Trelease, Esquire has professional knowledge as to legal matters which knowledge is particularly valuable to the Township Committee.

NOTICE OF CONTRACT AWARD

The Township Committee of the Township of Upper, State of New Jersey has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to Brian P. Trelease, Esquire for hearing officer services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

5. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the official

budget to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.

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

7. The Mayor and Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Brian P. Trelease, Esquire in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

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

9. This Resolution shall be effective as of adoption.

Resolution No. 92-2024

Offered by: Corson

Seconded by: Hayes

Adopted: March 11, 2024

Roll Call Vote:

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

16. Appointing Consulting and Municipal Engineers, LLC as the Township Engineer for the Township of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 93-2024

**RE: APPOINTING CONSULTING AND MUNICIPAL ENGINEERS, LLC AS THE
TOWNSHIP ENGINEER FOR THE TOWNSHIP OF UPPER**

WHEREAS, the Township requires a Township Engineer; and

WHEREAS, the Township has decided to acquire the services of Consulting and Municipal Engineers, LLC, hereinafter referred to as “CME”, as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, CME has completed and submitted a Business Entity Disclosure Certification which certifies that CME 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 CME 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. CME with offices at 1460 Route 9 South, Howell, NJ 07731 is hereby appointed as Township Engineer for the Township of Upper.

3. The Mayor and Township Clerk are hereby authorized, directed, and empowered to execute a contract with CME for professional engineering services.

3. The 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 CME has professional knowledge as to engineering issues 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

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 CME for engineering 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. A notice of the 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. 93-2024

Offered by: Corson

Seconded by: Hayes

Adopted: March 11, 2024

Roll Call Vote:

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

17. Revised 2024 Temporary Budget.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 94-2024

RE: REVISED 2024 TEMPORARY BUDGET

WHEREAS, N.J.S.A. 40A:4-19 provides that the governing body shall by Resolution adopted prior to January 31 of the fiscal year make appropriations to provide for the period between the beginning of the fiscal year and the adoption of the budget; and

WHEREAS, the total of the appropriations so made shall not exceed 26.25% of the total of the appropriations made for all purposes in the Budget for the preceding year excluding public assistance, such amount being **\$3,733,796.88**.

NOW, THEREFORE BE IT RESOLVED, that the following appropriations shall constitute the Temporary Budget for the year 2024:

ADMINISTRATIVE & EXECUTIVE		Revise To:
	Salary and Wages	\$ 22,000.00 26,000.00
	Other Expenses	\$ 2,000.00 4,000.00
MAYOR AND COMMITTEE		
	Salary and Wages	\$ 21,250.00
	Other Expenses	\$ 5,000.00 8,000.00
	Cape Mediation	\$ 3,100.00 150.00
	Cape Assist EAP	\$ 2,751.00
MUNICIPAL CLERK		
	Salary and Wages	\$ 50,000.00
	Miscellaneous O/E	\$ 10,000.00 12,000.00
FINANCIAL ADMINISTRATION		
	Salaries & Wages	\$ 40,000.00
	Miscellaneous O/E	\$ 5,000.00 6,000.00
	Computer Hardware/Software	\$ 40,000.00 50,000.00
	Annual Audit	\$ 20,000.00
ASSESSMENT OF TAXES		
	Salaries & Wages	\$ 26,000.00
	Miscellaneous O/E	\$ 4,000.00 5,000.00
COLLECTION OF TAXES		
	Salaries & Wages	\$ 42,000.00

	Miscellaneous O/E	\$ 1,500.00	
LEGAL SERVICES AND COSTS			
	Other Expenses	\$ 40,000.00	50,000.00
MUNICIPAL COURT			
	Salaries & Wages	\$ 45,000.00	50,000.00
	Miscellaneous O/E	\$ 8,000.00	
PUBLIC DEFENDER			
	Other Expenses	\$ 8,000.00	8,500.00
MUNICIPAL PROSECUTOR			
	Other Expenses	\$ 17,500.00	21,500.00
ENGINEERING SERVICES & COSTS			
	Salaries & Wages	\$ 0.00	
	Other Expenses	\$ 90,000.00	100,000.00
PUBLIC BUILDINGS & GROUNDS			
	Salaries & Wages	\$ 210,000.00	
	Other Expenses	\$ 90,000.00	100,000.00
PLANNING BOARD			
	Salaries & Wages	\$ 6,000.00	7,000.00
	Other Expenses	\$ 4,000.00	7,000.00
BOARD OF ADJUSTMENT			
	Salaries & Wages	\$ 6,000.00	7,000.00
	Other Expenses	\$ 4,000.00	7,000.00
CONSTRUCTION CODE			
	Salaries & Wages	\$ 52,000.00	56,000.00
	Other Expenses	\$ 1,500.00	3,500.00
INSURANCE			
	Group Insurance for Employees	\$ 640,000.00	
	Other Insurance Premiums	\$ 75,000.00	90,000.00
	Workers Compensation	\$ 125,000.00	180,000.00
SCHOOL TRAFFIC GUARD			
	Salaries & Wages	\$ 3,800.00	4,200.00
	Miscellaneous O/E	\$ 200.00	
BEACH PATROL			
	Salaries & Wages	\$ 1,000.00	
	Other Expenses	\$ 1,000.00	20,000.00
EMERGENCY MANAGEMENT/RTK			
	Salaries & Wages	\$ 1,500.00	2,000.00
	Other Expenses	\$ 8,000.00	15,000.00
ROAD REPAIRS & MAINTENANCE			
	Salaries & Wages	\$ 210,000.00	
	Miscellaneous O/E	\$ 50,000.00	100,000.00
SURFACING OF ROADS CONTRACTUAL STREET LIGHTING GARBAGE & TRASH REMOVAL		\$ 0.00	
		\$ 130,000.00	150,000.00
BOARD OF HEALTH			
	Salaries & Wages	\$ 133,000.00	
	Miscellaneous O/E	\$ 20,000.00	30,000.00
	Tipping Fees	\$ 130,000.00	

	Miscellaneous O/E	\$ 100.00	0.00
DOG REGULATION			
	Miscellaneous O/E	\$ 37,500.00	52,500.00
PUBLIC INFORMATION			
	Miscellaneous O/E	\$ 0.00	
ZONING/CODE OFFICIAL			
	Salaries & Wages	\$ 7,000.00	
	Miscellaneous O/E	\$ 500.00	
SPORTS & RECREATION			
	Salaries & Wages	\$ 18,000.00	
	Miscellaneous O/E	\$ 8,000.00	12,000.00
DIVISION OF EMS			
	Salaries & Wages	\$ 200,000.00	240,000.00
	Miscellaneous O/E	\$ 15,000.00	40,000.00
RECYCLING			
	Salaries & Wages	\$ 75,000.00	
	Miscellaneous O/E	\$ 20,000.00	30,000.00
AFFORDABLE HOUSING			
	Salaries & Wages	\$ 0.00	
	Miscellaneous O/E	\$ 500.00	
COMMUNITY CENTER			
	Miscellaneous O/E	\$ 10,000.00	20,000.00
CELEBRATION OF PUBLIC EVENTS		\$ 5,000.00	15,000.00
SOCIAL SECURITY SYSTEM		\$ 145,000.00	
SPECIAL LITIGATION		\$ 35,000.00	40,000.00
SUI CONTRIBUTION		\$ 2,800.00	
CENTRAL DISPATCH		\$ 70,000.00	140,000.00
ALCOHOL & DRUG TESTING		\$ 1,000.00	2,000.00
COMP. ABSENCES RESERVES		\$ 100.00	
PERS		\$ 656,995.00	
DCRP		\$ 3,800.00	5,000.00
GYPSY MOTH MISC.		\$ 4,500.00	
	Total	\$3,720,696.00	

Resolution No. 94-2024

Offered by: Corson

Seconded by: Hayes

Adopted: March 11, 2024

Roll Call Vote:

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

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

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 95-2024

RE: AUTHORIZE PAYMENTS FROM THE

AFFORDABLE HOUSING TRUST FUND OF UPPER TOWNSHIP

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

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

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

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

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

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

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

Township’s Spending Plan:

Daniel J. Young, Esquire \$540.00

Resolution No. 95-2024
Offered By: Corson Seconded By: Hayes
Adopted: March 11, 2024

Roll Call Vote:

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

19. A Resolution authorizing execution of a Fourth Amended Memorandum of Understanding for Block 479, Lots 76, 76.01 and 94.01.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 96-2024

**RE: A RESOLUTION AUTHORIZING EXECUTION OF A FOURTH AMENDED
MEMORANDUM OF UNDERSTANDING FOR BLOCK 479, LOTS 76, 76.01 AND 94.01**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the “Redevelopment Law”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, pursuant to Resolution #30-2021 adopted January 11, 2021, the Township Committee of the Township of Upper (the “Township Committee”), designated Block 479, Lots 76, 76.01, 94.01, 106.02, 107, 107.01, 108, and 108.01 within the Township of Upper, Cape May County, State of New Jersey (the “Township”) as an “Area in Need of Redevelopment” in accordance with the Redevelopment Law (the “Redevelopment Area”); and

WHEREAS, pursuant to Ordinance #001-2021 on January 25, 2021, the Township Committee adopted a redevelopment plan for the Redevelopment Area (the “Redevelopment Plan”), which sets forth, inter alia, the plans for the rehabilitation and redevelopment of the Township; and

WHEREAS, Beesley's Point Development Group, LLC (the “Conditional Redeveloper”) is the owner of property within the Redevelopment Area, known as Block 479, Lots 76.01, and 94.01, and a portion of Block 479, Lot 76 (the “Property”); and

WHEREAS, the Redevelopment Law, specifically N.J.S.A. 40A:12A-8(f), authorizes the Township to arrange or contract with a redeveloper for the planning, construction or undertaking of any project or redevelopment work in an area designated as an area in need of redevelopment; and

WHEREAS, pursuant to Resolution #083-2022, the Township and the Conditional Redeveloper entered into a Memorandum of Understanding dated March 28, 2022, in order to exclusively negotiate with Conditional Redeveloper for a period of one hundred and eighty (180) days in an effort to agree upon a Redevelopment Agreement for the rehabilitation and redevelopment of the Property (the “Original MOU”); and

WHEREAS, pursuant to Resolution #269-2022, the Township and the Conditional Redeveloper entered into an amended Memorandum of Understanding dated September 6, 2022, in order to extend the time for the Township to negotiate solely with Conditional Redeveloper in good faith for the redevelopment of the Property for an additional period of one hundred and eighty (180) days from the expiration of the Original MOU (the “Amended MOU”); and

WHEREAS, pursuant to Resolution #112-2023, the Township and the Conditional Redeveloper entered into an additional amended Memorandum of Understanding dated March 29, 2023, in order to extend the time for the Township to negotiate solely with Conditional Redeveloper in good faith for the redevelopment of the Property for an additional period of one hundred and eighty (180) days from the expiration of the Amended MOU (the “Second Amended MOU”); and

WHEREAS, pursuant to Resolution #281-2023, the Township and the Conditional Redeveloper entered into an additional amended Memorandum of Understanding dated September 11, 2023, in order to extend the time for the Township to negotiate solely with Conditional Redeveloper in good faith for the redevelopment of the Property for an additional period of one hundred and eighty (180) days from the expiration of the Second Amended MOU (the “Third Amended MOU”); and

WHEREAS, the Township continues to have discussions with the Conditional Redeveloper regarding the rehabilitation and redevelopment of the Property and the Township and Conditional Redeveloper have determined that additional time is necessary for negotiation of a Redevelopment Agreement; and

WHEREAS, the MOU provides that the period of time to negotiate can be extended by the Parties’ mutual written agreement; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township to enter into a Fourth Amended Memorandum of Understanding extending the time for exclusive negotiations under the MOU for an additional one hundred and eighty (180) days from the expiration of the Third Amended MOU to September 13, 2024.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The time for exclusive negotiation between the Township of Upper and Beesley's Point Development Group, LLC for the redevelopment of the Property is hereby extended for an additional one hundred and eighty (180) days from the expiration of the Third Amended MOU.
3. The Township Committee does hereby authorize the Mayor and the Township Clerk to execute the Fourth Amended Memorandum of Understanding between the Township and Conditional Redeveloper evidencing the Parties’ agreement to conduct exclusive negotiations toward the formulation of a Redevelopment Agreement for the rehabilitation and redevelopment of the Property.
4. This Resolution shall take effect immediately.

Resolution No. 96-2024

Offered by: Corson Seconded by: Hayes

Adopted: March 11, 2024

Roll Call Vote:

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

20. Releasing the Performance Surety Bond for the enhanced street restoration at Block 845, Lot 8.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 97-2024

RE: RELEASING THE PERFORMANCE SURETY BOND FOR THE

ENHANCED STREET RESTORATION AT BLOCK 845, LOT 8

WHEREAS, Resolution 79-2020, adopted on February 24, 2024, granted the appeal of a street opening moratorium for newly paved streets for the installation of gas service at Block 845, Lot 8; and

WHEREAS, as a condition of the approval, enhanced street restoration was required along with the posting of an additional performance bond in the amount of \$3,000.00; and

WHEREAS, South Jersey Gas, as Principal, and Argonaut Insurance Company, as Surety, submitted Performance Surety Bond No. SUR0057077, attached hereto as Exhibit A; and

WHEREAS, the Township Engineer and Municipal Attorney have reviewed this matter and have determined that all of the obligations of the enhanced road restoration have been met and have recommended that the Township Committee authorize the release of the cash bond.

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. Surety Bond No. SUR0057077 in the amount of \$3,000.00 plus interest is hereby released.
3. All Township officials and officers are hereby authorized and empowered to take all actions deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 97-2024

Offered by: Corson

Seconded by: Hayes

Adopted: March 11, 2024

Roll Call Vote:

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

RESOLUTIONS TO BE ACTED ON SEPARATELY

21. Authorizing a contract with Paving Plus, LLC through the Camden County Educational Services Commission Cooperative Pricing System #66CCEPS contract #FY 24-01, Paving and Related Services. **The Township Administrator reported that a performance bond is not required for each individual contract of the cooperative agreement, but it is at the discretion of the Municipality to get one. He stated that the Township will be requesting that the Contractor**

provide a performance bond, and asked that the Committee approve the contract conditioned upon the submittal of a performance bond and the required insurance.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 98-2024

**RE: AUTHORIZING A CONTRACT WITH PAVING PLUS, LLC
THROUGH THE CAMDEN COUNTY EDUCATIONAL SERVICES COMMISSION
COOPERATIVE PRICING SYSTEM #66CCEPS CONTRACT #FY 24-01,
PAVING AND RELATED SERVICES**

WHEREAS, the Township of Upper is a member of the Camden County Educational Services Commission Cooperative Pricing System #66CCEPS pursuant to N.J.S.A. 40A:10, 11 and N.J.A.C. 5:34-7.3, 7.4, 7.12 and Upper Township Resolution No. 203-2020 adopted on July 27, 2020; and

WHEREAS, the Township of Upper may enter into contractual agreements with the Camden County Educational Services Commission Cooperative Pricing System #66CCEPS contract vendors through this resolution and properly executed contracts/purchase orders, which shall be subject to all the conditions applicable to the current New Jersey Local Public Contracts Law; and

WHEREAS, the Township of Upper has the need for the reconstruction and resurfacing of various roadways in the Township and desires to enter into a contract with Paving Plus, LLC as a listed contractor under the Camden County Educational Services Commission Cooperative Pricing System #66CCEPS Contract #FY24-01, Paving and Related Services; and

WHEREAS, this cooperative contract has been awarded to Paving Plus, LLC through a “fair and open process” pursuant to N.J.S.A. 19:44a-20.4 et seq.; and

WHEREAS, the Township’s Qualified Purchasing Agent has reviewed the terms and conditions of the contract and recommends the award of the contract be made to Paving Plus, LLC; and

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 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 Paving Plus, LLC of Glassboro, New Jersey for units under the terms and conditions of the Camden County Educational Services

Commission Cooperative Pricing System #66CCEPS Contract #FY24-01, Paving and Related Services, in the total amount of \$1,394,009.50.

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. 98-2024

Offered By: Hayes

Seconded By: Pancoast

Adopted: March 11, 2024

Roll Call Vote:

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

ORDINANCES

22. Introduction and first reading of Ordinance No. 004-2024 RE: AN ORDINANCE ADDING CHAPTER 10, SECTION 2 (LEAD-BASED PAINT INSPECTION IN RESIDENTIAL DWELLINGS) TO THE CODE OF UPPER TOWNSHIP. **Motion by Curtis Corson, second by Mark Pancoast, to introduce Ordinance 004-2024 with a public hearing and final adoption scheduled for March 25, 2024. During roll call vote all five Committee Members voted in the affirmative.**

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

ORDINANCE NO. 004-2024

**AN ORDINANCE ADDING CHAPTER 10, SECTION 2
(LEAD-BASED PAINT INSPECTION IN RESIDENTIAL DWELLINGS)
TO THE CODE OF UPPER TOWNSHIP**

WHEREAS, pursuant to P.L. 2021, c. 182, the Township Committee of the Township of Upper desires to adopt an ordinance adding Chapter 10, Section 2, to the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, with respect to the requirements and regulations for inspections of lead-based paint in rented residential dwellings.

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

SECTION 1. Chapter 10 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

Add Section 2: LEAD-BASED PAINT INSPECTION IN RESIDENTIAL DWELLINGS as

follows:

§10-2.1 Definitions.

Rental Dwelling Units

Shall mean any residential property, regardless of the number of Units, which is not occupied by the owner.

§10-2.2 Lead-Based Paint Inspection. The owner, landlord and/or agent of every Rental Dwelling Unit shall be required to obtain an inspection of the Rental Dwelling Unit for lead-based paint hazards every three years, or at tenant turnover, whichever is earlier.

§10-2.3 Rental Dwelling Units Required to be Inspected. Inspections for lead-based paint in Rental Dwelling Units shall be governed by the standards set forth in N.J.S.A. 52:27D-437.1 et seq. Any Rental Dwelling Unit in the Township of Upper shall be subject to a Lead-Based Paint Inspection as set forth in this Section, unless said Rental Dwelling Unit meets one of the following conditions:

- (i) has been certified to be free of lead-based paint;
- (ii) was constructed during or after 1978;
- (iii) is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least 10 years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling building under the “Hotel and Multiple Dwelling Law,” P.L. 1967, c.76 (C.55:13A-1 et seq.);
- (iv) is a single-family or two-family seasonal rental dwelling which is rented for less than six months duration each year by tenants that do not have consecutive lease renewals; or
- (v) has a valid lead-safe certification.

§10-2.4 Fee for Inspection. A fee in the amount of \$320.00 shall be paid for each lead-based paint inspection. Said fee shall be dedicated to meeting the costs of implementing and enforcing this subsection and shall not be used any other purpose. Alternatively, a dwelling owner or landlord may directly hire a private lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs to satisfy the requirements of this Section, in which case the fee for the processing of each lead-based paint inspection shall be \$20.00.

SECTION 2: REPEALER: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

SECTION 3: EFFECTIVE DATE: This Ordinance shall take effect immediately upon final adoption and publication as required by law.

SECTION 4: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause, or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

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

at the sections referred to above.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 11TH DAY OF MARCH, 2024 AT THE TOWNSHIP HALL, AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 25TH DAY OF MARCH, 2024 AT 4:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

JOANNE R. HERRON, TOWNSHIP CLERK
TOWNSHIP OF UPPER

23. Introduction and first reading of Ordinance No. 005-2024 RE: AN ORDINANCE AUTHORIZING THE TOWNSHIP OF UPPER TO ACQUIRE THE TOWER ON PROPERTY KNOWN AS BLOCK 477, LOT 6 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF UPPER. **Motion by Kimberly Hayes, second by Mark Pancoast, to introduce Ordinance 005-2024 with a public hearing and final adoption scheduled for March 25, 2024. During roll call vote all five Committee Members voted in the affirmative.**

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

ORDINANCE NO. 005-2024

**AN ORDINANCE AUTHORIZING THE TOWNSHIP OF UPPER TO
ACQUIRE THE TOWER ON PROPERTY KNOWN AS BLOCK 477, LOT 6
ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF UPPER**

WHEREAS, pursuant to N.J.S.A. 40A:12-1 et. seq., a municipality may acquire any capital improvements for public use; and

WHEREAS, the Township of Upper is the owner, in fee, of certain real property located at Block 477, Lot 6 on the official Tax Map of the Township of Upper, County of Cape May, State of New Jersey, commonly referred to as 2028 Tuckahoe Road, Tuckahoe, New Jersey 08250 (“Property”); and

WHEREAS, T-Mobile Northeast, LLC, (“T-Mobile”) owns a 149-foot monopole (“Tower”) which is located on the Property; and

WHEREAS, T-Mobile is the holder of a license from the Federal Communications Commission (“FCC”) permitting it to operate a wireless communications facility in the State of New Jersey; and

WHEREAS, the Township of Upper desires to acquire the Tower from T-Mobile and use same for public purposes in lieu of construction of a new monopole on the Property in consideration of a

rent credit of \$1,000.00 per month for 60 months which the Township has determined is less than the value of the Tower; and

WHEREAS, the Township of Upper's acquisition of the Tower is contingent upon a satisfactory structural inspection of the Tower performed by a licensed engineer; and

NOW THEREFORE BE IT ORDAINED 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:

SECTION 1: ACQUISITION OF THE TOWER ON BLOCK 477, LOT 6: The Township of Upper is hereby authorized to acquire from T-Mobile the Tower located on the Property known as Block 477, Lot 6 on the official tax map of the Township of Upper.

SECTION 2: AUTHORITY OF TOWNSHIP OFFICIALS: All Township officers, officials, and employees are hereby authorized, empowered, and directed to take any and all action necessary or required in order to carry out the intent and purpose of this Ordinance with respect to the Township of Upper's acquisition of the Tower located on Block 477, Lot 6. Without in any way intending to limit the generality of the foregoing, the Mayor and the Township Clerk are expressly authorized, empowered, and directed to sign any and all documents required to be executed in connection with the acquisition.

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

SECTION 4: EFFECTIVE DATE: This Ordinance shall take effect immediately upon final adoption and publication as required by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 11TH DAY OF MARCH, 2024 AT THE TOWNSHIP HALL, AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 25TH DAY OF MARCH, 2024 AT 4:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

JOANNE R. HERRON, TOWNSHIP CLERK
TOWNSHIP OF UPPER

CORRESPONDENCE

NEW BUSINESS

24. Employee request to attend educational course. **Committeeman Pancoast made a motion to approve Public Works employee Sean Ferrier to attend a pesticide certification class at a**

cost of \$300.00. The motion was seconded by Committeeman Corson. During roll call vote all five Committee members voted in the affirmative.

UNFINISHED BUSINESS

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 Kimberly Hayes, second by Jay Newman. During roll call vote all five Committee members voted in the affirmative.**

Bills approved for payment: **\$339,193.65**

Payroll: **\$180,800.30**

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

James Milroy, Petersburg, inquired if the Township has budgeted funds to upgrade the audio and video system for the meetings. It was stated that funds have been budgeted for IT upgrades, but not necessarily earmarked for the meeting audio and video systems.

CLOSED SESSION

25. 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. 99-2024
MOTION GOING INTO CLOSED SESSION
MARCH 11, 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 - Thomas G. Smith, Special Legal Counsel
3. Contract negotiation - Fireworks
4. Contract negotiation - Block 451, Lot 19
5. Litigation - Hemby v. Township of Upper
6. Contract negotiation - Grace Oil, Roosevelt Blvd.

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.

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 five Committee members voting in the affirmative.

RECONVENE PUBLIC PORTION OF MEETING

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

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 8:04 P.M., with a motion by Kimberly Hayes, second by Victor Nappen, and all five Committee members voting in the affirmative. The next regular Committee meeting is scheduled for March 25, 2024 at 4:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC
Township Clerk

Bills

83099 03/11/24 A0025 ADVANTAGE RENTAL & SALES 292.30 3347
83100 03/11/24 A0075 ADAMS, JOSHUA 75.00 3347
83101 03/11/24 A0091 ATLANTIC CITY ELECTRIC 25,734.69 3347
83102 03/11/24 A0191 ACTION UNIFORM CO. LLC 25.00 3347
83103 03/11/24 A0193 ATLANTIC INVESTIGATIONS, LLC 733.50 3347
83104 03/11/24 A0202 ACTIVE 911, INC 2,432.75 3347
83105 03/11/24 A0212 ANCERO, LLC 9,451.89 3347
83106 03/11/24 A0235 AMAZON CAPITAL SERVICES, INC. 645.52 3347
83107 03/11/24 A0248 AIRESRING, INC. 1,250.46 3347
83108 03/11/24 A0251 ACT ENGINEERS, INC. 4,408.13 3347
83109 03/11/24 B0035 BELMONT & CRYSTAL SPRINGS 62.50 3347
83110 03/11/24 B0076 BOND, LAURENCE E. 833.98 3347
83111 03/11/24 B0093 BARRY, CORRADO & GRASSI, PC 2,260.00 3347
83112 03/11/24 B0284 BUTTERWOOD TREE SERVICE LLC 1,000.00 3347
83113 03/11/24 B0287 BIGLEAF NETWORKS, INC. 697.00 3347
83114 03/11/24 C0046 CAPE MAY COUNTY CLERK 13.00 3347
83115 03/11/24 C0048 CAPE MAY COUNTY MUA 42,801.26 3347
83116 03/11/24 C0077 CHERRY VALLEY TRACTOR SALES 275.47 3347
83117 03/11/24 C0078 CARTER, EDWARD, SR. 50.00 3347
83118 03/11/24 C0124 CMC MUNICIPAL CLERK'S ASSOC. 225.00 3347
83119 03/11/24 C0307 CNS ACQUISITION CORPORATION 1,648.96 3347
83120 03/11/24 C0352 COLUMN SOFTWARE, PBC 793.12 3347
83121 03/11/24 D0015 DAN'S WELDING 6,000.00 3347
83122 03/11/24 D0237 DIETZ, KERRY 250.00 3347
83123 03/11/24 D0240 DEVLIN, EDMUND F. 1,048.95 3347
83124 03/11/24 E0012 EHRLICH PEST CONTROL INC 127.14 3347
83125 03/11/24 E0021 ENCHANTING FLORIST 72.99 3347
83126 03/11/24 E0038 EMSAR 290.40 3347
83127 03/11/24 E0079 EVANS III, WILLIAM 122.37 3347
83128 03/11/24 F0219 FORTUNE TITLE AGENCY, INC. 2,540.00 3347
83129 03/11/24 F0224 FERRIER, SEAN 138.80 3347
83130 03/11/24 G0035 GENRON FIRE PROTECTION 198.00 3347
83131 03/11/24 G0120 PATRICK F. MARTIN 2,291.67 3347
83132 03/11/24 G0147 GREATAMERICA FINANCIAL SVCS. 191.00 3347
83133 03/11/24 G0204 GENERAL CODE 3,058.00 3347
83134 03/11/24 G0207 GORMAN D'ANELLA & MORLOCK LLC 189.00 3347

83135 03/11/24 H0002 H.A. DEHART & SON CORP. 247.14 3347
83136 03/11/24 H0142 HUB, THE 909.98 3347
83137 03/11/24 H0185 Hogan Steve 20.00 3347
83138 03/11/24 J0075 JPMONZO MUNICIPAL 50.00 3347
83139 03/11/24 K0086 K D NATIONAL FORCE SECURITY 1,350.00 3347
83140 03/11/24 K0103 KYOCERA DOCUMENT SOLUTIONS 289.34 3347
83141 03/11/24 L0016 LANDSMAN UNIFORMS, INC. 2,358.00 3347
83142 03/11/24 L0075 LEXISNEXIS 401.00 3347
83143 03/11/24 M0012 McCAULEY, RICHARD 143.89 3347
83144 03/11/24 M0188 MCCARTHY TIRE SERVICE OF PHILA 2,498.80 3347
83145 03/11/24 M0303 MALEY GIVENS, A PROF CORP 2,520.50 3347
83146 03/11/24 N0004 NJ-AMERICAN WATER CO. 164.95 3347
83147 03/11/24 N0043 NAPA AUTO PARTS 0.00 03/11/24 VOID 0
83148 03/11/24 N0043 NAPA AUTO PARTS 2,760.22 3347
83149 03/11/24 N0143 NATIONAL TIME SYSTEMS 419.80 3347
83150 03/11/24 N0144 NJ E-ZPASS SERVICE CENTER 110.00 3347
83151 03/11/24 N0154 NEW HORIZON COMMUNICATIONS 1,013.72 3347
83152 03/11/24 O0006 SJSHORE MARKETING,LLC 500.00 3347
83153 03/11/24 P0032 PEDRONI FUEL CO. 2,731.46 3347
83154 03/11/24 P0201 PUBLIC SAFETY TRAINING OF SJ 350.00 3347
83155 03/11/24 R0030 RIGGINS, INC. 6,668.66 3347
83156 03/11/24 S0018 SUBURBAN PROPANE, LP 769.88 3347
83157 03/11/24 S0035 SCHOPPY WILLIAM TROPHY CO. 24.95 3347
83158 03/11/24 S0057 SERVICE TIRE TRUCK CENTERS 943.58 3347
83159 03/11/24 S0139 SOUTH JERSEY WATER COND SERV 76.00 3347
83160 03/11/24 S0185 STOCKTON STATE COLLEGE 23,936.76 3347
83161 03/11/24 S0253 SAMPLE MEDIA, INC. 78.40 3347
83162 03/11/24 S0270 HOFFMAN SERVICES, INC 600.00 3347
83163 03/11/24 S0292 SURENIAN EDWARDS BUZAK & NOLAN 1,073.86 3347
83164 03/11/24 S0363 STARR SEPTIC, LLC. 1,060.00 3347
83165 03/11/24 S0397 SORENSEN, MICHAEL A. 500.00 3347
83166 03/11/24 T0047 W.E. TIMMERMAN CO., INC. 468.00 3347
83167 03/11/24 T0166 TREASURER, STATE OF NEW JERSEY 749.00 3347
83168 03/11/24 T0168 TOWNSHIP OF UPPER 216.40 3347
83169 03/11/24 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3347
83170 03/11/24 T0192 MARSH & McLENNAN AGENCY/TRION 271.71 3347
83171 03/11/24 T0213 TREASURER, STATE OF NEW JERSEY 156,004.27 3347
83172 03/11/24 U0067 UT HEALTH REIMB. ACCOUNT 7,015.09 3347
83173 03/11/24 V0001 VCI EMERGENCY VEHICLE 190.80 3347
83174 03/11/24 V0013 VERIZON WIRELESS 360.77 3347
83175 03/11/24 V0024 VAL-U AUTO PARTS L.L.C. 2,089.94 3347
83176 03/11/24 V0025 V.E. RALPH & SON,INC. 1,757.18 3347
83177 03/11/24 V0052 VIKING TERMITE & PEST CONTROL 69.28 3347
83178 03/11/24 V0053 VERIZON CONNECT FLEET USA LLC 545.60 3347
83179 03/11/24 W0063 WRESTLER'S WORLD 981.33 3347
83180 03/11/24 W0123 WIRELESS ELECTRONICS, INC. 350.00 3347
83181 03/11/24 W0131 WEX BANK 40.54 3347
83182 03/11/24 Y0008 YOUNG, DANIEL J. ESQUIRE PC 1,260.00 3347
Total: \$339,193.65