

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR APRIL 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 April 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	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, and Township Engineer Ryan MacNeill

APPROVAL OF MINUTES – March 25, 2024 Regular and Closed Session Minutes

Motion by Kimberly Hayes, second by Mark Pancoast, to approve the March 25, 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 has received the designation of “Healthy Town Up-and-Coming” from the Mayors Wellness Campaign and thanked the members of the Mayors Wellness Committee for all their hard work, especially Ralph Cooper. She next reported that the Upper Township Green Team will be holding their annual shredding day event at Foglio’s Flooring on Saturday April 14th. Last, she extended her condolences to Commissioner Desiderio and his family for the recent loss of his mother.

Victor Nappen, Committeeman, also expressed his condolences to the Desiderio family. Next, he commended the Upper Township PTO for providing eclipse glasses so that the students could experience the recent eclipse. He next reported that April is Distracted Driver Awareness Month.

Mark Pancoast, Committeeman, reported that brush collection will begin tomorrow, and loose leaf collection will begin on April 16th. He next requested that a contract negotiation matter for Ancero IT Services be added to the closed session agenda.

Curtis Corson, Committeeman, reported that he has received several complaints regarding a drone in the Palermo area. He has requested the Township Administrator to look into the matter.

Jay Newman, Mayor, congratulated Committeewoman Hayes for all of her work with the Mayors Wellness Committee and receiving the Healthy Town designation, and also thanked Ralph Cooper and Janet McBride for their work. Last, he reported that the Day of Prayer will be held on May 2nd at 10:00 am at Town Hall and encouraged all to attend.

ADMINISTRATOR OVERVIEW

Anthony Monzo, Municipal Attorney, reported that he has sent correspondence to the Cape May County Planning Office informing them that the Township would like to participate in the negotiation of the State Master Plan.

Ryan MacNeill, Township Engineer, gave a brief update on several projects including the paving program, Strathmere stormwater pump project, and the Strathmere living shoreline project.

PRESENTATIONS

1. Congratulating the Upper Township Green Hornets for their wrestling achievements in 2023. **Unfortunately the Green Hornets were not able to attend this meeting. Their Resolution will be presented at a future meeting.**
2. Congratulating the Upper Township Basketball Association's 8th Grade Boys Team on winning the South Shore Basketball League Championship. **Mayor Newman and the Committee presented the following Resolution to the Upper Township Basketball Association's 8th Grade Boys Team.**

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

RESOLUTION NO. 103-2024

RE: CONGRATULATING THE UPPER TOWNSHIP BASKETBALL ASSOCIATION'S 8TH GRADE BOYS TEAM ON WINNING THE SOUTH SHORE BASKETBALL LEAGUE CHAMPIONSHIP

WHEREAS, the Upper Township Basketball Association's 8th Grade Boys Team had an outstanding 2024 season becoming the 8th Grade Boys 2024 South Shore Basketball League Champions; and

WHEREAS, the team averaged over 40 points per game, finishing the regular season with a league leading scoring total of 491 points, and had a strong defense all season with the least amount of points scored against them; and

WHEREAS, on March 9, 2024, the Upper Township Basketball Association participated in the 2024 South Shore Basketball League Championship games held at the Wildwood Crest Pier Recreation Center; and

WHEREAS, in the final championship game against Dennis Township the Upper Township 8th Grade Boys Team dominated for the win with a score of 44 to 35; and

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

#1 Andrew Zintner	#13 Trent Ocello
#3 Bobby Drewnowski	#15 Liam Weber
#8 Jake Candeloro	#23 Anthony Libro
#9 Jeremy Kopiyo	#28 Columb Higgins
#10 Tommy Christopher	#30 Johnny Klebaur
#12 Christopher Wieand	#34 Alexander Christensen

WHEREAS, we also extend our recognition and appreciation to those that have generously given their personal time and service to coach this team, being Head Coach Bob Drewnowski, and Assistant Coaches Steve Alford and Joel Zintner.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee on behalf of the citizens of the Township of Upper, that we extend to the Upper Township Basketball Association's 8th Grade Boys Team congratulations on winning the South Shore Basketball League Championship, 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 25th day of March 2024.

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 five Committee members voted in the affirmative.

FILING OF REPORTS BY CONSENT

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

RESOLUTIONS TO BE APPROVED BY CONSENT

11. Accepting the donation of a beach wheelchair from the DeSatnick Foundation.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 117-2024

**RE: ACCEPTING THE DONATION OF A BEACH WHEELCHAIR
FROM THE DESATNICK FOUNDATION**

WHEREAS, the DeSatnick Foundation has generously offered to donate a beach wheelchair to the Township of Upper for use by the Upper Township Beach Patrol, residents, and visitors; and

WHEREAS, the Township of Upper deems it in the best interest of the Township and the Township will best be served by the acceptance of the beach wheelchair donation; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township of Upper hereby accepts the donation of a beach wheelchair from the DeSatnick Foundation, subject to any and all recommendations of the Solicitor and Risk Management Consultant of the Township.
3. The Township shall not be responsible for damage to, destruction of, or loss of the beach wheelchair. The Township is not responsible for replacement of the beach wheelchair for any reason.
4. The Township Committee hereby authorizes the Mayor, CFO, and Township Administrator to execute any documents necessary, and otherwise perform all acts necessary to accomplish the intent of this resolution.

Resolution No. 117-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: April 8, 2024

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

12. Appointing the Designated Employer Representatives for the Township of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 118-2024

**RE: APPOINTING THE DESIGNATED EMPLOYER REPRESENTATIVES
FOR THE TOWNSHIP OF UPPER**

WHEREAS, the US Department of Transportation Commercial Driver’s License (DCDL) regulations require organizations with one or more CDL drivers to designate at least one individual with the responsibility to make formal decisions regarding the drug and alcohol testing program, and this person shall be called the Designated Employer Representative (DER); and

WHEREAS, the DER must be an employee of the municipality, must have a complete understanding of the CDL drug and alcohol testing procedures and the employer’s policies, and must be available to receive confidential test results and other communications concerning testing of employees; and

WHEREAS, the DER must be authorized to take immediate action to remove employees from safety-sensitive duties if test results warrant that action in compliance with federal laws; and

WHEREAS, Rhonda Sharp and James M. Jones possess all of the requisite qualifications to be designated as DER and Alternate DER for the Township of Upper; 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. Rhonda Sharp is hereby designated as the DER, and James M. Jones is hereby designated as the Alternate DER, for the Township of Upper.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 118-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: April 8, 2024

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

13. Adopting revisions to the Upper Township Personnel Policies and Procedures Manual.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 119-2024

**RE: ADOPTING REVISIONS TO THE UPPER TOWNSHIP
PERSONNEL POLICIES AND PROCEDURES MANUAL**

WHEREAS, the Township Committee of the Township of Upper has determined there is a need to adopt revisions to the Township’s Personnel Policies and Procedures Manual (the “Manual”) to revise the section entitled “Military Leave Policy” (the “Policy”); and

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

WHEREAS, the Township Committee has determined that these revisions should be adopted to revise the existing Military Leave Policy ; 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 revisions to the Military Leave Policy set forth in the attached Exhibit A are hereby adopted and approved and modify the existing personnel policies, procedures, manuals and handbooks of the Township. Said revisions shall replace in its entirety the Policy set forth in the Manual.
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. 119-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: April 8, 2024

Roll Call Vote:

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

14. Appointing Kyle Lindholm as a part-time employee to the Upper Township Division of Emergency Medical Services.

R E S O L U T I O N

RESOLUTION NO. 120-2024

RE: APPOINTING KYLE LINDHOLM AS A PART-TIME EMPLOYEE TO THE UPPER TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES

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

WHEREAS, Kyle Lindholm 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. Kyle Lindholm is hereby appointed to the Division of Emergency Medical Services as a part-time Emergency Medical Technician effective April 1, 2024 at a rate of \$24.00 per hour, in accordance with the Salary Ordinance and subject to all policies of the Township of Upper.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 120-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: April 8, 2024

Roll Call Vote:

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

15. Appointing Gavin Liepe as a part-time employee to the Upper Township Division of Emergency Medical Services.

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

RESOLUTION NO. 121-2024

RE: APPOINTING GAVIN LIEPE AS A PART-TIME EMPLOYEE TO THE UPPER TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES

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

WHEREAS, Gavin Liepe 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. Gavin Liepe is hereby appointed to the Division of Emergency Medical Services as a part-time Emergency Medical Technician, pending pre-employment testing, effective April 9, 2024 at a rate of \$22.00 per hour, in accordance with the Salary Ordinance. and subject to all policies of the Township of Upper.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 121-2024

Offered by: Hayes Seconded by: Pancoast

Adopted: April 8, 2024

Roll Call Vote:

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

16. Appointing Matthew Blaker as a full-time employee to the Upper Township Division of Emergency Medical Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 122-2024

**RE: APPOINTING MATTHEW BLAKER AS A FULL-TIME EMPLOYEE TO THE
UPPER TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES**

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

WHEREAS, Matthew Blaker 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. Matthew Blaker is hereby appointed to the Division of Emergency Medical Services as a full-time Emergency Medical Technician effective April 9, 2024 at an annual salary of \$51,000, in accordance with the Salary Ordinance and subject to all policies of the Township of Upper.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 122-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: April 8, 2024

Roll Call Vote:

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

17. Releasing the Performance Surety Bond for enhanced street restoration at Block 561, Lot 32.04.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 123-2024

**RE: RELEASING THE PERFORMANCE SURETY BOND FOR THE
ENHANCED STREET RESTORATION AT BLOCK 561, LOT 32.04**

WHEREAS, Resolution 149-2018, adopted on May 14, 2018, granted the appeal of a street opening moratorium for newly paved streets for the installation of new water service at Block 561, Lot 32.04; and

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

WHEREAS, New Jersey American Water Company, Inc., as Principal, and Travelers Casualty and Surety Company of America, as Surety, submitted Performance Surety Bond No. 106928711, 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 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. 106928711 in the amount of \$3,000.00 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. 123-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: April 8, 2024

Roll Call Vote:

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

18. Releasing the Performance Surety Bond for enhanced street restoration at Block 561, Lot 32.07.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 124-2024

**RE: RELEASING THE PERFORMANCE SURETY BOND FOR THE
ENHANCED STREET RESTORATION AT BLOCK 561, LOT 32.07**

WHEREAS, Resolution 149-2018, adopted on May 14, 2018, granted the appeal of a street opening moratorium for newly paved streets for the installation of new water service at Block 561, Lot 32.07; and

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

WHEREAS, New Jersey American Water Company, Inc., as Principal, and Travelers Casualty and Surety Company of America, as Surety, submitted Performance Surety Bond No. 106928710, 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 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. 106928710 in the amount of \$3,000.00 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. 124-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: April 8, 2024

Roll Call Vote:

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

19. Confirming participation in the Cape May County Cooperative Pricing Program for County contract C2-204 to furnish and deliver rock salt.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 125-2024

**RE: CONFIRMING PARTICIPATION IN THE CAPE MAY COUNTY
COOPERATIVE PRICING PROGRAM FOR COUNTY CONTRACT C2-204
TO FURNISH AND DELIVER ROCK SALT**

WHEREAS, the Township of Upper is a participating agency under the Cape May County Cooperative Pricing Program; and

WHEREAS, bids to “Furnish and Deliver Rock Salt to the County of Cape May and Participating Cooperative Agencies”, were received by the County of Cape May on September 28, 2022, and a contract was awarded for a term of 12 months effective November 11, 2022, with an option for a one (1) year extension; and

WHEREAS, the Purchasing Agent has reviewed the above described bids and the contract awarded by Cape May County; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township of Upper hereby confirms participation in the Cape May County Cooperative Pricing Program for award of Contract C2-204: Furnish and Deliver Rock Salt to County of Cape May and Participating Cooperative Agencies as follows:

County Contract C2-204
Atlantic Salt, Inc.
134 Middle St., Suite 210
Lowell, MA 01852
Rock Salt price per delivered ton - \$84.50
Treated Rock Sal price per delivered ton - \$104.50

3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Resolution No. 125-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: April 8, 2024

Roll Call Vote:

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

20. Authorizing a contract with Robbie Conley Architect, LLC for professional architectural services.

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

RESOLUTION NO. 126-2024

RE: AUTHORIZING A CONTRACT WITH ROBBIE CONLEY ARCHITECT, LLC
FOR PROFESSIONAL ARCHITECTURAL SERVICES

WHEREAS, the Township of Upper has a need for professional architectural services to provide a needs assessment and feasibility study of a new EMS building; and

WHEREAS, the Township wishes to authorize the execution of a contract with Robbie Conley Architect, LLC to provide these services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with Robbie Conley Architect, LLC with offices at 596 Glassboro Road, Woodbury Heights, New Jersey, to provide professional architectural 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 Robbie Conley Architect, LLC has professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

NOTICE OF CONTRACT AWARD

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

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

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

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

9. This Resolution shall be effective as of adoption.

Resolution No. 126-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: April 8, 2024

Roll Call Vote:

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

21. Authorizing Change Order No. 2 to Install Stormwater Pump in Strathmere contract resulting in an increase in the amount of \$9,724.00.

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

RESOLUTION NO. 127-2024

**RE: AUTHORIZING CHANGE ORDER NO. 2 TO INSTALL STORMWATER PUMP IN
STRATHMERE CONTRACT RESULTING IN AN INCREASE
IN THE AMOUNT OF \$9,724.00**

WHEREAS, the Township of Upper awarded the Install Stormwater Pump in Strathmere contract to J.F. Kiely Construction Co. of Tinton Falls, New Jersey, in the original Contract amount of \$379,067.00; and

WHEREAS, a change order to the contract is needed to re-cut the Sumner Avenue pre-cast pump station structure inlet opening at a higher elevation due to lowering the structure to be flush

with grade in order to allow traffic circulation and will also include the installation of electrical openings on each pre-cast pump station structure in order to connect electrical service; and

WHEREAS, the Chief Financial Officer has issued a certification as to the availability of funds for this Change Order No. 2; and

WHEREAS, the aggregate amount of Change Order No. 2, comprising of extra work in the amount of \$9,724.00, does not exceed twenty percent (20%) of the original Contract award; and

WHEREAS, the Township Engineer has requested this Change Order and has indicated that it is permitted under the applicable regulations and that, pursuant to N.J.A.C. 5:30-11.8, it is an unforeseeable problem, which is defined as conditions or circumstances that could not be foreseen at the time the specifications were written and the contract awarded; and that a substantial amount of the construction would be delayed, which would result in substantial increases in costs above the original contract amount or substantial inconvenience to the public if bidding were to be required; and

WHEREAS, this Change Order is in the best interests of the Township.

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. Change Order No. 2 to the Install Stormwater Pump in Strathmere contract with J.F. Kiely Construction Co. for extra work in the amount of \$9,724.00 is hereby authorized.
3. A copy of this Change Order detailing the nature and the extent of the work to be done, together with all other prior Change Orders, if any, are attached to this Resolution as Exhibit "A".
4. The Mayor and Chief Financial Officer are hereby authorized, directed and empowered to execute the Change Order on behalf of the Township of Upper.
5. All Township officials and officers are hereby authorized and directed to take all action necessary to carry out the intent and purpose of this Resolution.

Resolution No. 127-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: April 8, 2024

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Corson	X			
Hayes	X			

Nappen	X			
Pancoast	X			
Newman	X			

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

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 128-2024

**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:

Tiffany A. CuvIELlo (Affordable Hsing Services)	\$ 750.00
Triad Associates (AA Wait List Rentals)	\$ 400.00
(AA/MTA Wait List Maint)	\$ 400.00
(AA Tech Assistance)	<u>\$1,200.00</u>
	\$2,000.00
Daniel J. Young, Esquire (Affordable Hsing Services)	\$ 1,350.00

Resolution No. 128-2024

Offered By: Hayes

Seconded By: Pancoast

Adopted: April 8, 2024

Roll Call Vote:

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

23. Chapter 159 Resolution for the insertion of a special item of revenue into the 2024 budget that was not determined at the time of the adoption of the budget—Other-Public and Private Contributions-Lifeguard Boat Donation in the amount of \$15,850.00.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 129-2024

RE: CHAPTER 159 RESOLUTION FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE INTO THE 2024 BUDGET THAT WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET—OTHER-PUBLIC AND PRIVATE CONTRIBUTIONS-LIFEGUARD BOAT DONATION IN THE AMOUNT OF \$15,850.00

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

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

WHEREAS, the Township of Upper will receive an amount of \$15,850.00 from a private contribution and wishes to amend its 2024 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Upper hereby requests the Director of the Division of Local Government Services approve the insertion of an additional item of revenue in the budget of the year 2024 in the sum of \$15,850.00, which is now available as a revenue from:

REVENUE: STATE & FEDERAL REVENUE OFFSET WITH APPROPRIATIONS:
OTHER-PUBLIC AND PRIVATE CONTRIBUTIONS-
LIFEGUARD BOAT DONATION, AND

BE IT FURTHER RESOLVED that a like sum of \$15,850.00 be and the same is hereby appropriated under the caption of:

APPROPRIATION: STATE AND FEDERAL PROGRAMS OFFSET BY REVENUE:
OTHER-PUBLIC AND PRIVATE CONTRIBUTIONS-
LIFEGUARD BOAT DONATION, AND

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

Resolution No. 129-2024

Offered By: Hayes

Seconded By: Pancoast

Adopted: April 8, 2024

Roll Call Vote:

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

24. Canceling and refunding tax on exempt property Block 453.10, Lot 15.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 130-2024

**CANCELING AND REFUNDING TAX ON EXEMPT PROPERTY
BLOCK 453.10, LOT 15**

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

WHEREAS, certain properties became tax exempt in the year 2024; and

WHEREAS, Jeffrey Scott Setser is a 100% disabled American veteran residing at 18 Laurel Ridge Rd., Seaville, Block 453.10, Lot 15 on the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Department of Veterans Affairs has determined that Mr. Setser's 100% permanent military service-connected disability was effective August 11, 2022; and

WHEREAS, Jeffrey Scott Setser made application March 18, 2024 and requested a refund of the 2024 first quarter taxes paid; and

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

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Upper, Cape May County, that corrections to the Tax records are hereby authorized and the Tax Collector is hereby directed to correct said records or take such action as indicated on the attached sheet.

Resolution No. 130-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: April 8, 2024

Roll Call Vote:

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

CANCEL TAX 2024

BLOCK/LOT

453.10/15

AMOUNT

\$ 4,312.73

NAME

Jeffrey Scott Setser
18 Laurel Ridge Rd.
Seaville, NJ 08230

REFUND TAX 2024

BLOCK/LOT

453.10/15

AMOUNT

\$ 2,156.37

NAME

Jeffrey Scott Setser
18 Laurel Ridge Rd.
Seaville, NJ 08230

100% Totally Disabled Veteran

25. Approving the settlement agreement between the Ocean City Winery and the Objectors of the site-specific agricultural management practice for the Ocean City Winery.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 131-2024

**RE: APPROVING THE SETTLEMENT AGREEMENT BETWEEN THE OCEAN CITY
WINERY AND THE OBJECTORS OF THE SITE-SPECIFIC AGRICULTURAL
MANAGEMENT PRACTICE FOR THE OCEAN CITY WINERY**

WHEREAS, on July 31, 2023, the Cape May County Agricultural Development Board (CADB) granted a site-specific agricultural management practice (SSAMP) for Ocean City Winery located at 8 Bayaire Road, Upper Township, Block 723, Lot 37 on the official tax map of the Township of Upper; and

WHEREAS, a group of neighbors of the Ocean City Winery (Objectors) filed an appeal of the CADB’s decision with the New Jersey State Agricultural Development Committee; and

WHEREAS, the Township of Upper, as an interested party, joined said appeal; and

WHEREAS, a settlement of the matter has been reached between the neighborhood Objectors and the Ocean City Winery; and

WHEREAS, the Township of Upper is satisfied with the terms of the settlement and is confident that the best interests of the Township and it’s residents have been served; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, Cape May County, New Jersey, that the settlement agreement resolving the appeal between the Ocean City Winery and the Objectors of the site-specific agricultural management practice for the Ocean City Winery be and hereby is APPROVED by the Township of Upper.

Resolution No. 131-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: April 8, 2024

Roll Call Vote:

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

ORDINANCES

- 26. Introduction and first reading of Ordinance No. 007-2024 RE: AN ORDINANCE AUTHORIZING SALE OF LANDS, TO WIT BLOCK 329, LOTS 1, 2, 3, 4 AND 8 AND BLOCK 332, LOTS 26 AND 30. **Motion by Kimberly Hayes, second by Jay Newman, to introduce Ordinance 007-2024 with a public hearing and final adoption scheduled for May 13, 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. 007-2024

**RE: AN ORDINANCE AUTHORIZING SALE OF LANDS,
TO WIT BLOCK 329, LOTS 1, 2, 3, 4 AND 8 AND BLOCK 332, LOTS 26 AND 30**

WHEREAS, the Township of Upper is the owner, in fee, of certain parcels of vacant ground located within the Township of Upper, County of Cape May, and State of New Jersey, set forth on the municipal tax map as Block 329, Lots 1, 2, 3, 4 and 8 and Block 332, Lots 26 and 30; and

WHEREAS, the Township has received an offer from Aaron Segin and Olivia Greene, the owners of real property contiguous with said parcels owned by the Township, to purchase said parcels; and; and

WHEREAS, after discussion and deliberation the Township Committee is of the opinion that the sale of said parcels will be in the best interest of the Township and will provide for the consolidation of said lots with an existing lot; and

WHEREAS, the Township Committee has determined that the fair market value of such lots is the sum of \$9,800.00 pursuant to the appraisal prepared by Louis A. Bonato on February 20, 2024; and

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

SECTION 1: The Township of Upper is hereby authorized to sell to Aaron Segin and Olivia Greene, (hereinafter referred to as “Purchaser”), the real property commonly known as follows:

Block 329, Lots 1, 2, 3, 4 and 8 and Block 332, Lots 26 and 30

since said persons are the owners of the only real property contiguous thereto in accordance with N.J.S.A. 40A:12-13(b)(5). Pursuant to said statute such sale shall not be for less than the fair market value of said real property and the fair market value of said parcels sold as well as the purchase price of same is hereby established as follows:

Block 329, Lots 1, 2, 3, 4 and 8 and Block 332, Lots 26 and 30

Fair Market Value: \$9,800.00

SECTION 2: Prior to said sale, the Township will obtain a title report from a title company or abstract company licensed to do business in the State of New Jersey. Said report shall be available to the purchaser prior to final adoption of this Ordinance.

SECTION 3: The list of property authorized to be sold together with the minimum price thereof shall be posted at Township Hall and advertisement of the sale shall be made in a newspaper

circulating in the Township within 5 days following enactment of this ordinance. Offers for the property may thereafter be made to the Township Committee for 20 days following said advertisement. The Township Committee may reconsider this ordinance not later than 30 days after enactment and thereafter advertise the property for public sale pursuant to N.J.S.A. 40A:12-13(a). The Township Clerk shall file with the Director of the Division of Local Government Services in the Department of Community Affairs sworn affidavits verifying the publication of the foregoing advertisements.

SECTION 4: Purchaser shall pay the following sum to the Township Clerk prior to the adoption of this Ordinance: \$1,500.00. \$500.00 of this payment will be used by the Township to defray Township expenses involved in Authorizing the Sale and terms thereof; Engineer's review; Attorney's review; legal advertising, certified mail notices, closing costs and other expenses. \$1,000.00 of this payment will be used to cover title search costs, which if same are less than this sum the difference will be credited back to Purchaser.

SECTION 5: In the event the Township Committee receives no offers for the property pursuant to the advertisement of same in accordance with N.J.S.A. 40A:12-13(b), the adjacent property owner requesting such sale, Purchaser, shall purchase same in accordance with this Ordinance and shall appear before the Township Clerk and execute the agreement to purchase same pursuant to this Ordinance. The Township Committee expressly reserves the right to revoke its authorization to sell the subject real property at any time prior to said sale. The Township Committee is authorized to confirm the sale by resolution to complete the transaction pursuant to this Ordinance and N.J.S.A. 40A:12-13.

SECTION 6: In the event the Township Committee revokes its authorization for the sale of the subject property in its sole judgment and discretion, then, all deposit monies made by Purchaser shall be refunded except for the \$50.00 application fee which shall be non-refundable.

SECTION 7: All payments required to be made pursuant to said sale to the Township Clerk must be made by personal check, cash or certified check, or any combination of the foregoing. All payments required to be made hereunder to a title company or abstract company conducting the closing shall be made in collected funds, that is, by cash, certified check, cashier's check or wire transfer.

SECTION 8: A sum equal to ten percent (10%) of the purchase price for said parcel or parcels shall be paid to the Township of Upper by Purchaser within 14 days of written notice requiring

same from the Township Clerk to Purchaser. Said notice shall be sent by the Township Clerk after the posting and advertisement required by SECTION 3 above has not resulted in an offer and the Township Committee has not reconsidered this Ordinance pursuant to N.J.S.A. 40A:12-13(b). The remaining balance of ninety percent (90%) of the highest bid for the parcel or parcels shall be paid to the Township of Upper, and must be received by the Township Clerk, not later than thirty (30) days after the date of said notice. In addition to the deposit of ten percent (10%), Purchaser shall also be required to pay or tender within 14 days of said written notice from the Township Clerk the following:

- (A) (i) The sum of \$100.00 for the preparation of the Deed.
- (ii) The sum of \$70.00 for recording the Deed.

AT THE TIME OF CLOSING Purchaser shall be required to pay the following sums:

- (B) Any additional sum required for title search or title insurance.
- (C) The cost of any survey ordered by the purchaser. The purchaser shall place such order directly with the surveyor or with the title company conducting closing, but the survey must be prepared in time to permit the closing to take place as scheduled.
- (D) Title company settlement fees covering services to both the Seller and the Purchaser.
- (E) Any additional fees or costs chargeable by the title company.

SECTION 9: The closing of title shall take place as designated by the Township as follows:

- (A) Township Hall, Petersburg, New Jersey; or
- (B) Office of the Township Solicitor; or
- (C) At the office of a title insurance company or title abstract company located within Cape May County.

SECTION 10: If the Purchaser fails to close or fails to comply with the provisions hereof, the purchaser shall be in default and all amounts paid to the Township by or on behalf of the Purchaser shall be retained by the Township as **LIQUIDATED DAMAGES AND NOT AS A PENALTY.**

SECTION 11: The Deed from the Township of Upper shall be what is commonly known as a Quitclaim Deed.

SECTION 12: The title to be delivered by the Township shall be free and clear of all taxes up to and including the date when the Deed is delivered and closing takes place. Purchaser shall be responsible for all taxes thereafter. Unless otherwise specified herein, the purchaser shall be liable for payment of all assessments, of any nature, against said land.

SECTION 13: The title to be delivered by the Township shall be under and subject to all easements and rights of way, recorded and unrecorded, whether for utilities or for others, and shall also be subject to all conditions, reservations and restrictions of record, if any. If the title report discloses an unmarketable condition of title, except as specified herein, the remedy of the purchaser shall be limited to the return of payments made to the Township of Upper on account of the purchase price and closing costs only. Any and all other amounts paid to the Township shall be non-refundable. This sale is under and subject to any riparian claim which may affect said property. If any such claim exists, it shall be the sole responsibility of the purchaser to meet and satisfy all requirements of the State of New Jersey with respect to said riparian claim and the payment of any compensation to the State of New Jersey on account thereof. Nothing herein shall be construed as obligating the Township of Upper to construct or maintain access roads to any portion of the property being sold. Such property may not qualify for a building permit due to lack of water supply, lack of sewer or septic facilities, lack of access, inadequate lot size, or other reasons, including those reasons set forth below. The purchaser is required to comply with all applicable zoning, building and health ordinances and codes and regulations. The property being sold may be situated in a Flood Hazard Zone. The Township of Upper makes no warranties or representations, expressed or implied, as to the property being offered for sale, the condition or marketability of the title or any other matter. The Township of Upper makes no warranties or representations, expressed or implied, as to whether or not the property being offered for sale contains wetlands anywhere on the property. The Township makes no warranties or representations as to any matter of an environmental nature, or otherwise, which may prevent or limit building or construction.

SECTION 14: All references to Lots and Blocks described herein are to the Lots and Blocks as shown on the Current Official Tax Map of the Township of Upper.

SECTION 15: The purchaser shall be required to execute a document acknowledging that the sale is governed by the provisions of this Ordinance as well as N.J.S.A. 40A:12-13.

SECTION 16: The provisions of this Ordinance pertaining to this sale shall survive the closing of title and shall not merge into the Deed.

SECTION 17: It is a requirement of this sale that the purchasers of the subject property be the only contiguous property owner. Said purchasers shall be required to take immediate action to cause a consolidation of the property being purchased with all of the purchaser's existing adjacent lots so as to constitute all such lots in Block 329 as a single parcel of ground, and all such lots in Block 332 as a single parcel of ground, which shall not be further subdivided into more than one lot. This restriction shall be included in the deed of conveyance and shall run with the land. The purchasers shall complete the consolidation as a condition of the sale. The provisions of this Section shall survive closing and shall not merge into the Deed.

SECTION 18: 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 THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 8TH DAY OF APRIL, 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 13TH DAY OF MAY, 2024 AT 6:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

27. Introduction and first reading of Ordinance No. 008-2024 RE: AN ORDINANCE ADDING CHAPTER 13, SECTION 5 (VACATION OF PUBLIC STREET, HIGHWAY, RIGHT-OF-WAY, OR OTHER PUBLIC PLACE) TO THE CODE OF UPPER TOWNSHIP. **Motion by Curtis Corson, second by Mark Pancoast, to introduce Ordinance 008-2024 with a public hearing and final adoption scheduled for May 13, 2024. During roll call vote all five Committee Members voted in the affirmative.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 008-2024

**AN ORDINANCE ADDING CHAPTER 13, SECTION 5 (VACATION OF PUBLIC STREET,
HIGHWAY, RIGHT-OF-WAY, OR OTHER PUBLIC PLACE)
TO THE CODE OF UPPER TOWNSHIP**

WHEREAS, the Township Committee of the Township of Upper has determined that there is a need to establish procedures to be followed for requests to vacate a public street, highway, right-of-way, or other public place within the Township; and

WHEREAS, the requirements of N.J.S.A. 40:67-19 set forth general rules governing the vacating of public streets, highways, rights-of-way, or other public places by municipalities within the State, but the Township Committee of the Township of Upper wishes to set forth more detailed requirements in accordance with N.J.S.A. 40:67-19 so as to insure that the process of vacating a public street, highway, right-of-way, or other public place is accomplished in an orderly manner and with appropriate public notice and participation in the process by all persons who are potentially affected by the vacation; 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. Chapter 13 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 13.5: VACATION OF PUBLIC STREET, HIGHWAY, RIGHT-OF-WAY, OR OTHER PUBLIC PLACE as follows:

13.5 VACATION OF PUBLIC STREET, HIGHWAY, RIGHT-OF-WAY, OR OTHER PUBLIC PLACE.

13.5.1 Application information and fee.

A. Any person who is desirous of applying to the Township of Upper for the vacation of any street, highway, right-of-way or other public place heretofore dedicated to the Township shall be required to complete a vacation application, on a form to be promulgated by the Township Clerk, and shall file the same with the Township Clerk, together with a fee in the amount of \$100, which shall be payable to the Township of Upper. The vacation application shall call for the following information:

- (1) The name, address, telephone number, and email address of the person applying for such vacation.
- (2) If such person is represented by an attorney, the name, address, telephone number, and email address of such attorney and/or the name, address and telephone number of any other person to be contacted on behalf of the applicant.
- (3) The name and a general description of the street, highway, right-of-way or other public place to be vacated.
- (4) If the applicant is a corporation, partnership or other entity, the name and address of each person holding an interest of 10% or more on the ownership of such corporation, partnership or other entity.

(5) A list of the Block and Lot numbers of all property adjoining the area to be vacated, together with a list of the names and addresses of the assessed owners of such adjoining properties.

(6) A narrative description of the current use of the area to be vacated.

(7) A narrative description of the applicant's intended use of the area to be vacated.

(8) A description of any improvement on the area to be vacated, including but not limited to paving, gravel, utilities or structures.

B. The applicant shall furnish with the application a reproduction of the Tax Map, showing the area surrounding the area to be vacated, as well as all intersecting roads, adjoining parcels, the current zoning of all properties adjoining the area to be vacated, and, where application has been made for the vacation of any street, highway or other right-of-way, the reproduction shall show the entire length of such street, highway or right-of-way.

C. The applicant shall furnish with the application executed forms to be furnished by the Township, which shall indicate the consent of the owners of each property adjoining the area to be vacated. In the event consent cannot be obtained from any property owners, the applicant shall file a written statement indicating what efforts the applicant has undertaken to obtain consent. The applicant shall furthermore provide written proof of certified mailing of the application to all owners of property adjoining the area to be vacated who have not completed a consent form.

D. The application shall be executed by the applicant or the applicant's representative, indicating that the information set forth or attached to the application is true and accurate.

13.5.2 - Review of application.

Upon receipt of a completed application, the Township Clerk shall forward a copy of the same to the Planning Board. The Planning Board shall thereafter review such application and forward its written recommendation to the Township Committee.

13.5.3 - Committee determination; notification.

Upon receipt of the Planning Board's recommendation, the matter shall be submitted to the Township Committee for final approval. The Township Clerk shall notify the applicant, in writing, of the Township Committee's determination as to action on the application.

13.5.4 - Favorable determination; additional fees.

A. Where the applicant has been notified that the Township Committee has determined to act favorably on the application, the applicant shall forthwith provide the Township Clerk with a metes and bounds description of the area to be vacated, prepared and sealed by a surveyor, to be used for the preparation of the vacation Ordinance, together with such other information as may be requested by the Township Committee in its notification to the applicant.

B. Upon introduction of the vacation Ordinance, the Township clerk shall send by certified mail, return receipt requested, notice of the introduction and date and time of the public hearing of said Ordinance to all property owners within 200 feet of the proposed vacated area.

C. After passage of the Ordinance, a statement of the following costs shall be prepared by the Township Clerk and mailed certified to the applicant. The costs shall be due within 30 days after said mailing and shall be payable to the Township of Upper.

- (1) A sum equal to the legal and engineering costs associated with the application review by the Planning Board and the preparation of the Ordinance enacted by the Township Committee in connection with the proposed vacation; and

- and (2) A sum equal to the costs of the certified mailing of the notice of the introduced Ordinance date and time of public hearing to all property owners within 200 feet of the proposed vacation; and
- (3) A sum equal to the costs of advertising the introduction and notice of final adoption of such Ordinance; and
- and (4) A sum equal to the recording costs of the ordinance enacted by the Township Committee;
- (5) A sum in the amount of \$100.00 for the revision to the official tax map of the Township of Upper.

13.5.5 - Waiver of Requirements.

The Township Committee may, in its sole discretion, waive any requirement contained herein.

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 **8TH DAY OF APRIL, 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 **13TH DAY OF MAY, 2024 AT 6:30 P.M.** AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

CORRESPONDENCE

NEW BUSINESS

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 Mark Pancoast. During roll call vote all five Committee members voted in the affirmative.**

Bills approved for payment: **\$240,958.30**

Payroll: **\$184,291.41**

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

Blanch Adams, Steelmantown, thanked the Committee for supporting Upper Township teams, businesses, and the community. She next spoke about the Tuckahoe Food Pantry which just received a grant to purchase a freezer, refrigerator and storage, which will allow it to expand its services to the surrounding communities. Last, she thanked the Department of Public Works for always providing help and assistance.

Barbara Leary, Seaville, inquired into the status of the full interchange at Exit 20. It was stated that the state has acknowledged that it is a necessary project and the next step is funding. The Township has requested that the matter be funded separately from Exit 17, as Exit 17 has many more environmental issues. Ms. Leary inquired if there is anything the public can do, and it was stated that writing to the legislators and keeping the subject active is key.

Mike Jones, DPW, thanked Blanch Adams for all of her work throughout the Township.

CLOSED SESSION

28. 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. 132-2024
MOTION GOING INTO CLOSED SESSION
APRIL 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 - CASA Payroll Services
3. Contract negotiation - CASA Reporting Services
4. Contract negotiation - Adams Rehmann & Heggan Tax Map Maintenance
5. Contract negotiation - Daniel Young, Special Legal Counsel
6. Contract negotiation - Ancero IT Services
7. Potential litigation - Unsafe Structure
8. Litigation - Block 647, Lot 7

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 7:32 P.M., with a motion by Kimberly Hayes, second by Jay Newman, and all five Committee members voting in the affirmative. The next regular Committee meeting is scheduled for April 22, 2024 at 4:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC
Township Clerk

Bills

83253 04/08/24 A0091 ATLANTIC CITY ELECTRIC 797.62 3350
83254 04/08/24 A0117 AT&T 40.23 3350
83255 04/08/24 A0191 ACTION UNIFORM CO. LLC 234.00 3350
83256 04/08/24 A0212 ANCERO, LLC 1,019.95 3350
83257 04/08/24 A0235 AMAZON CAPITAL SERVICES, INC. 537.94 3350
83258 04/08/24 A0248 AIRESRING, INC. 1,231.98 3350
83259 04/08/24 B0076 BOND, LAURENCE E. 833.98 3350
83260 04/08/24 B0093 BARRY, CORRADO & GRASSI, PC 1,460.00 3350
83261 04/08/24 B0220 BERGEY'S TRUCK CENTERS 187.42 3350
83262 04/08/24 B0301 BOGUSH INC 244.61 3350
83263 04/08/24 C0068 COMCAST 1,801.18 3350
83264 04/08/24 C0077 CHERRY VALLEY TRACTOR SALES 136.74 3350
83265 04/08/24 C0223 CASA PAYROLL SERVICE 249.25 3350
83266 04/08/24 C0278 TIFFANY A. CUVIELLO, PP, LLC 687.50 3350
83267 04/08/24 C0307 CNS ACQUISITION CORPORATION 875.00 3350
83268 04/08/24 C0352 COLUMN SOFTWARE, PBC 566.80 3350
83269 04/08/24 D0185 DIAMOND TOOL & FASTENERS, INC. 618.00 3350
83270 04/08/24 D0237 DIETZ, KERRY 125.00 3350
83271 04/08/24 D0240 DEVLIN, EDMUND F. 1,048.95 3350
83272 04/08/24 E0012 EHRLICH PEST CONTROL INC 380.17 3350
83273 04/08/24 E0021 ENCHANTING FLORIST 267.94 3350
83274 04/08/24 F0053 FORD, SCOTT & ASSOCIATES 12,000.00 3350
83275 04/08/24 G0086 W.W. GRAINGER, INC. 666.66 3350
83276 04/08/24 G0092 GRUND, BARBARA J. 67.96 3350
83277 04/08/24 G0120 PATRICK F. MARTIN 2,291.67 3350
83278 04/08/24 G0147 GREATAMERICA FINANCIAL SVCS. 113.00 3350
83279 04/08/24 G0182 GOLDENBERG, MACKLER & SAYEGH 1,709.40 3350
83280 04/08/24 G0207 GORMAN D'ANELLA & MORLOCK LLC 3,150.00 3350
83281 04/08/24 H0180 HD SUPPLY FACILITIES MANT 702.72 3350
83282 04/08/24 L0075 LEXISNEXIS 401.00 3350
83283 04/08/24 L0080 LOWES, INC. 262.96 3350
83284 04/08/24 M0193 MAYNE, MICHAEL 93.99 3350
83285 04/08/24 M0217 MUNICIPAL EMERGENCY SERVICES 915.00 3350
83286 04/08/24 M0235 MODERN GROUP, LTD 6,870.00 3350
83287 04/08/24 N0004 NJ-AMERICAN WATER CO. 138.00 3350
83288 04/08/24 N0143 NATIONAL TIME SYSTEMS 417.05 3350
83289 04/08/24 N0154 NEW HORIZON COMMUNICATIONS 1,008.75 3350
83290 04/08/24 N0171 NATIONAL HIGHWAY PRODUCTS INC. 330.98 3350

83291 04/08/24 O0006 SJSHORE MARKETING,LLC 195.00 3350
83292 04/08/24 P0032 PEDRONI FUEL CO. 1,418.79 3350
83293 04/08/24 P0212 PAVING PLUS LLC 9,506.00 3350
83294 04/08/24 R0030 RIGGINS, INC. 2,445.72 3350
83295 04/08/24 R0092 RUTGERS, THE STATE UNIVERSITY 50.00 3350
83296 04/08/24 R0099 HUNTER TRUCK SALES & SERVICE 167.35 3350
83297 04/08/24 R0100 ROBERTS OXYGEN COMPANY, INC. 372.83 3350
83298 04/08/24 S0018 SUBURBAN PROPANE, LP 590.66 3350
83299 04/08/24 S0126 LUDY, BARBARA 30.00 3350
83300 04/08/24 S0134 SO. JERSEY GAS COMPANY 3,735.99 3350
83301 04/08/24 S0196 STEWART BUSINESS SYSTEMS LLC 274.40 3350
83302 04/08/24 S0239 SHORE VET. ANIMAL CONTROL LLC 2,200.00 3350
83303 04/08/24 S0253 SAMPLE MEDIA, INC. 5,878.40 3350
83304 04/08/24 S0254 SHOPRITE 280.69 3350
83305 04/08/24 T0089 TREASURER, STATE OF N.J. 935.00 3350
83306 04/08/24 T0168 TOWNSHIP OF UPPER 273.13 3350
83307 04/08/24 T0213 TREASURER, STATE OF NEW JERSEY 156,004.27 3350
83308 04/08/24 U0003 U.S. MUNICIPAL SUPPLY, INC. 2,378.17 3350
83309 04/08/24 U0028 UPPER TOWNSHIP BD.OF EDUCATION 1,817.00 3350
83310 04/08/24 U0067 UT HEALTH REIMB. ACCOUNT 5,708.27 3350
83311 04/08/24 V0013 VERIZON WIRELESS 365.99 3350
83312 04/08/24 V0025 V.E. RALPH & SON,INC. 471.65 3350
83313 04/08/24 V0027 VANORDER, ROGER 69.99 3350
83314 04/08/24 V0053 VERIZON CONNECT FLEET USA LLC 545.60 3350
83315 04/08/24 W0100 WALKER, ESQUIRE DOUGLAS 200.00 3350
83316 04/08/24 Y0008 YOUNG, DANIEL J. ESQUIRE PC 540.00 3350
83317 04/08/24 Z0018 Zappasodi, Arnold 20.00 3350
Total: \$240,958.30