

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR TUESDAY MAY 28, 2024**

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

**CALL TO ORDER**

**SUNSHINE ANNOUNCEMENT**

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

“In compliance with the Open Public Meetings Law, I wish to state that on May 24, 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** – May 13, 2024 Regular and Closed Session Minutes

Motion by Kimberly Hayes, second by Mark Pancoast, to approve the May 13, 2024 Regular and Closed Session Minutes as submitted. During roll call vote four Committee members voted in the affirmative. Curtis Corson abstained.

**REPORT OF GOVERNING BODY MEMBERS**

**Kimberly Hayes, Committeewoman**, thanked the residents of Osprey Point for hosting the Memorial Day Ceremony. She stated that it was a wonderful event and gave recognition to vocalist Jim Hofner’s presentation of a song called “The Folded Flag”. She encouraged any that have not heard the song to listen to it. She next recognized Upper Township Flag Football and Matt Lowry for the successful season.

**Victor Nappen, Committeeman**, also thanked Osprey Point for the wonderful Memorial Day ceremony and reported that during the event, a bench was dedicated to former resident Aldo Palombo who recently passed. He next gave a brief summary of the monthly Animal Control report. Lastly, he thanked members of the New Jersey State Police for their assistance with the Flag Football program.

**Mark Pancoast, Committeeman**, gave a brief update on the Department of Public Works operations. He next thanked Tony Monzo for his work on the cell tower project and highlighted the additional funding the Township will be receiving through the proposed agreements.

**Curtis Corson, Committeeman**, reported that there was a great turnout for the Osprey Point Memorial Day Service. He next reported that the beaches successfully opened this past weekend with no issues to

report. Beach patrol coverage will continue on the weekends until later in the season. Lastly, he reported that he did receive a couple of reports regarding the conditions of the Beesley's Point beach and boat ramp and requested Public Works to clean up the area.

**Jay Newman, Mayor**, reported that items 11, 12, and 13 will be moved off the consent agenda for further discussion during closed session. He next also reported on the wonderful Memorial Day service and thanked the residents of Osprey Point. Lastly, he reported that there were no major safety issues over the holiday weekend.

### **ADMINISTRATOR OVERVIEW**

**Gary DeMarzo, Township Administrator**, reported that the Township Engineer and the Planning Board Engineer are working together on preparing several grants and will allow them to report on the details. He next spoke about the process of the cell tower project. Lastly, he requested approval for an employee to attend a 3 day seminar. Motion by Jay Newman, second by Curtis Corson, to approve the request. During roll call vote all five Committee members voted in the affirmative.

**Anthony Monzo, Municipal Attorney**, thanked the Committee for working together to sort through all of the issues with the cell tower.

**Ryan MacNeil, Township Engineer**, gave a brief status report on the Strathmere stormwater pump project, the living shoreline project, and the County's Church Road and Marshallville Road projects. Mayor Newman stated that he would like to form a subcommittee to work on the living shoreline project. The Township Engineer then spoke about the DOT Municipal Aid grant applications for potential bikeways, sidewalks for the schools, and a roadway reconstruction project. He stated that they will need input from the Committee for the locations of the projects. The deadline to apply for the DOT grants is July 1st. The Township Administrator stated that as an enhancement to the grant applications they will be asking the school to prepare a school traffic plan. Mayor Newman then requested the Engineer to prepare a summary of the state's Route 9 project and requested that it be placed on the Township's website.

### **CONSENT AGENDA**

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

Motion by Curtis Corson, second by Kimberly Hayes, to approve the consent agenda items 1-10, with items 11, 12, and 13 being tabled for further discussion. During roll call vote all five Committee members voted in the affirmative.

### **FILING OF REPORTS BY CONSENT**

1. Animal Control

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

2. Confirming sale of certain land, to wit: Block 595, Lot 13 to Stephen and Aubrey Jankowski.

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

**RESOLUTION NO. 165-2024**

**RE: CONFIRMING SALE OF CERTAIN LAND, TO WIT:  
BLOCK 595, LOT 13 TO STEPHEN AND AUBREY JANKOWSKI**

**WHEREAS**, a public auction land sale was held on April 26, 2024 pursuant to Ordinance No. 014-2023; and

**WHEREAS**, Stephen and Aubrey Jankowski submitted the highest bid for the purchase of Block 595, Lot 13; and

**WHEREAS**, the Township Committee is satisfied that all conditions precedent were complied with and that said sale was conducted in accordance with the requirements of the Ordinance aforesaid and that proper notice was given to all persons owning property contiguous of the subject property being offered for sale; and

**WHEREAS**, the Township Committee believes that it is in the public interest to confirm the sale of such parcel.

**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 sale of Block 595, Lot 13 to Stephen and Aubrey Jankowski, at a sale price of \$7,900.00, is hereby confirmed, under and subject to the terms, conditions, and provisions of Ordinance No. 014-2023, and further subject to and conditioned upon the purchasers' compliance with said Ordinance.
3. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute and deliver, on behalf of the Township of Upper, to the aforesaid purchaser, a Quitclaim Deed conveying the Township's right, title and interest in the above described property and the Township Clerk is further authorized, directed and empowered to seal said Deed with the official seal of the Township of Upper.

Resolution No. 165-2024

Offered by: Corson

Seconded by: Hayes

Adopted: May 28, 2024

Roll Call Vote:

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

3. Authorizing the award of a contract with Starr General Contracting Corporation for equipment rental.

**TOWNSHIP OF UPPER**

**CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 166-2024**

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH  
STARR GENERAL CONTRACTING CORPORATION FOR EQUIPMENT RENTAL**

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**WHEREAS**, the Township of Upper must rent portable toilets for various recreation facilities, and to do so desires to enter into a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Starr General Contracting Corporation has indicated they will provide the weekly equipment rental service; and

**WHEREAS**, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with Starr General Contracting Corporation for the year 2024 will exceed \$17,500 and a contract pursuant to N.J.S.A. 19:44A-20.5 is required; and

**WHEREAS**, Starr General Contracting Corporation has completed and submitted a Business Entity Disclosure Certification which certifies that Starr General Contracting Corporation has not made any reportable contributions to a political or candidate committee in the Township in the previous one year, and that the contract will prohibit Starr General Contracting Corporation from making any reportable contributions through the term of the contract; and

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

**WHEREAS**, the Chief Financial Officer of the Township has certified the availability of funds to allow the award of contract for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose in the 2024 Municipal Budget.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the Qualified Purchasing Agent to enter into a contract with Starr General Contracting Corporation as described herein.
3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
4. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 166-2024

Offered by: Corson

Seconded by: Hayes

Adopted: May 28, 2024

Roll Call Vote:

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

4. Authorizing a contract with Coastal Emergency Medical Training & Consulting, LLC and Dr. Michael Westrol, M.D. for Medical Director Services.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 167-2024**

**RE: AUTHORIZING A CONTRACT WITH COASTAL EMERGENCY MEDICAL TRAINING  
& CONSULTING, LLC AND DR. MICHAEL WESTROL, M.D. FOR  
MEDICAL DIRECTOR SERVICES**

**WHEREAS**, the Township of Upper has received a proposal from Coastal Emergency Medical Training & Consulting, LLC and Dr. Michael Westrol, M.D., (hereinafter collectively referred to as “Coastal”), for Medical Director Services for the Upper Township Division of Emergency Services; and

**WHEREAS**, the Township Committee has considered this matter and has determined that it is in the best interest of the Township to acquire the services of Coastal as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

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

**WHEREAS**, the Township Chief Financial Officer, to the extent required, has certified the availability of funds to permit the Township to enter into said professional services 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 for Medical Director Services with Coastal.

3. The Township Clerk shall cause a Notice of Award of this contract to be published in the official newspaper of the Township as required by N.J.S.A 40A:11-5.

4. This Contract is a Professional Services Contract and has been awarded without competitive bidding for the following reasons:

(A) The services required are highly specialized or technical in nature;

(B) The services require peculiar ability or skill, and demand a high degree of specialized knowledge or expertise;

(C) The services required are professional services and/or unspecified extraordinary services within the meaning of N.J.S.A. 40A:11-5(a);

(D) The individual who will provide these services has demonstrated his competence and particular expertise in the services required; and

(E) The services to be provided are such that their nature, scope and duration are not capable of precise measurement, but rather require a flexibility and discretion that render competitive bidding impractical and inefficient.

5. 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. 167-2024

Offered by: Corson

Seconded by: Hayes

Adopted: May 28, 2024

Roll Call Vote:

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

5. Authorizing a contract with Triad Advisory Services, Inc. for professional grant consultant services.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 168-2024**

**RE: AUTHORIZING A CONTRACT WITH TRIAD ADVISORY SERVICES, INC. FOR  
PROFESSIONAL GRANT CONSULTANT SERVICES**

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**WHEREAS**, the Township of Upper has a need for professional grant consultant services;  
and

**WHEREAS**, Triad Advisory Services, Inc. has submitted a proposal to the Township to provide said consultant services; and

**WHEREAS**, the Township wishes to accept said proposal and to authorize the execution of a contract with Triad Advisory Services, Inc. as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Triad Advisory Services, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Triad Advisory Services, 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 Triad Advisory Services, 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 Triad Advisory Services, Inc. with offices at 1301 W. Forest Grove Road, Vineland, New Jersey, to provide professional grant consultant 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 Triad Advisory Services, 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 Triad Advisory Services, Inc. for professional grant consultant services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

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

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

9. This Resolution shall be effective as of adoption.

Resolution No. 168-2024

Offered by: Corson

Seconded by: Hayes

Adopted: May 28, 2024

Roll Call Vote:

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

6. Certification of costs for abatement of nuisance on Block 453.11, Lot 1.02 and Block 653.01, Lot 4.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 169-2024**

**RE: CERTIFICATION OF COSTS FOR ABATEMENT OF NUISANCE  
ON BLOCK 453.11, LOT 1.02 AND BLOCK 653.01, LOT 4**

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**WHEREAS**, pursuant to Township Code Section 11-1, the Code Enforcement Officer is empowered to enforce the Township's Property Maintenance Code; and

**WHEREAS**, in accordance with Township Code, the Code Enforcement Officer served a notice of violation of Section 11-1.9 (Grass, Weeds and Debris), to the property owners/agents of Block 453.11, Lot 1.02 and Block 653.01, Lot 4; and

**WHEREAS**, 10 days passed from the date of such notice of violation with no response from the property owners/agents and the Township thereafter remedied the violation; and

**WHEREAS**, pursuant to Township Code Section 11-1.19(a) and N.J.S.A. 40:48-2.14, the Code



Enforcement Officer has certified the costs of remedying the said violations as set forth on the attached list; 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 Committee hereby declares that the costs as set forth on the attached list shall be certified to the Township Tax Collector as a lien against the properties in question which lien shall become and form a part of the taxes assessed and levied upon the properties pursuant to Township Code Section 11-1.19(b) and N.J.S.A. 40:48-2.14.
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. 169-2024

Offered by: Corson

Seconded by: Hayes

Adopted: May 28, 2024

Roll Call Vote:

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

**ABATEMENT OF GRASS, WEEDS, AND DEBRIS**

<u>BLOCK/LOT</u>	<u>LOCATION</u>	<u>COST</u>	<u>ADMIN FEE</u>	<u>TOTAL</u>
453.11/1.02	12 Wyncroft Dr.	\$175.00	\$35.00	\$210.00
653.01/4	10 Rt. US 9 So.			

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

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 170-2024**

**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:

Monzo Catanese DeLollis, P.C.  
(Affordable Hsing Services)      \$ 230.44

Maley Givens, P.C.  
(Affordable Hsing Services)      \$ 150.50

Resolution No. 170-2024  
Offered By: Corson  
Adopted: May 28, 2024  
Roll Call Vote:

Seconded By: Hayes

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

8. Approval of settlement of litigation Docket No. CPM-L-8-22.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 171-2024**

**RE: APPROVAL OF SETTLEMENT OF LITIGATION  
DOCKET NO. CPM-L-8-22**

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**WHEREAS**, John Marc Hemby (“Hemby”) brought litigation against the Township of Upper, et al. (“Upper Township”) in the Superior Court of New Jersey, Cape May County under Docket Number: CPM-L-8-22 related to a dispute pertaining to his employment with the Township of Upper (the “Litigation”); and

**WHEREAS**, Upper Township has denied the claims of Hemby and has otherwise indicated an intention to assert various affirmative defenses to Hemby’s allegations; and

**WHEREAS**, Upper Township and Hemby (collectively, the “Parties”) have participated in settlement discussions related to the resolution of the Litigation, which discussions have led to a proposed settlement which is being recommended by the insurer of Upper Township; and

**WHEREAS**, that resolution will include the dismissal of all claims asserted against the parties to the Litigation as well as a full releases from Hemby; and

**WHEREAS**, Upper Township’s insurance carrier has agreed to fully fund the proposed settlement of the Litigation, subject solely to Upper Township’s deductible and coinsurance obligation; and

**WHEREAS**, Upper Township, without admission of liability or wrongdoing, and to avoid the uncertainties, expense, and delay inherent in litigation, has determined it to be advantageous to conclusively resolve those claims as set forth in the Litigation.

**NOW, THEREFORE, BE IT RESOLVED** by the Committee of the Township of Upper, New Jersey, that the agreement resolving the Litigation be and hereby is APPROVED and that the same may and shall be signed by or on behalf of the Township of Upper by Mayor Jay Newman.

Resolution No. 171-2024

Offered by: Corson

Seconded by: Hayes

Adopted: May 28, 2024

Roll Call Vote:

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

9. Appointing the 2024 season Beach Patrol personnel.



**WHEREAS**, the individuals below possess 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. Linwood Chatten is hereby appointed as a seasonal Parking/Code Enforcement Officer pending completion of the SLEO Policy Update course and pre-employment testing, effective May 29, 2024, at a rate of \$20.00 per hour in accordance with the Salary Ordinance.

3. The following individuals are hereby appointed as seasonal Parking/Code Enforcement Officers, effective May 29, 2024, at the following rates in accordance with the Salary Ordinance.

Michael Jones	\$30.00 Per Hour Stipend
Gary S. DeMarzo	\$30.00 Per Hour Stipend
Richard Kazmarski	\$30.00 Per Hour Stipend
Joshua Tozer	\$20.00 Per Hour
Brian Keenan	As Per Collective Bargaining Agreement

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. 173-2024

Offered by: Corson

Seconded by: Hayes

Adopted: May 28, 2024

Roll Call Vote:

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

11. Accepting the bid and authorizing the execution of a license agreement with New Cingular Wireless PCS, LLC (AT&T) for the license of space on ground and tower located at 2028 Tuckahoe Road, Township of Upper, Cape May County, New Jersey for the initial annual rent of \$45,000.00. **This matter was tabled for further discussion.**

12. Accepting the bid and authorizing the execution of a license agreement with Cellco Partnership, Dba Verizon Wireless, for the license of space on ground and tower located at 2028 Tuckahoe Road, Township of Upper, Cape May County, New Jersey for the initial annual rent of \$36,120.00. **This matter was tabled for further discussion.**

13. Accepting the bid and authorizing the execution of a license agreement with T-Mobile Northeast LLC for the license of space on ground and tower located at 2028 Tuckahoe Road, Township of Upper, Cape May County, New Jersey for the initial annual rent of \$30,000.00. **This matter was tabled for further discussion.**

**ORDINANCES**

**CORRESPONDENCE**

**NEW BUSINESS**

**UNFINISHED BUSINESS**

**PAYMENT OF BILLS**

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

Bills approved for payment: **\$134,376.97**

Payroll: **\$194,645.39**

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

**Nathalie Neiss, Petersburg**, thanked Gary DeMarzo for visiting the Upper Township Senior Center and speaking with the residents.

**Anna Best, Egg Harbor Township**, spoke about her concerns with the Beacon Animal Rescue where she volunteers.

**CLOSED SESSION**

15. Resolution to conduct a closed meeting pursuant to N.J.S.A. 10:4-12, from which the public shall be excluded.

**RESOLUTION NO. 174-2024  
MOTION GOING INTO CLOSED SESSION  
MAY 28, 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. Contract negotiation - ACT Engineers
2. Contract negotiation - CME Associates
3. Contract negotiation - Cell Tower
4. Litigation - Nugent Enterprises v. Upper Township
5. Personnel

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. With respect to contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.
- B. With respect to litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.
- C. With respect to employment and personnel matters such discussions will be made public if and when formal action is taken or when the individuals involved consent that it can be made public.

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 Jay Newman, second by Kimberly Hayes, 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 5:44 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 June 10, 2024 at 6:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC  
Township Clerk

#### Bills

83506 05/28/24 A0018 ACTION SUPPLY INC. 1,714.24 3360  
83507 05/28/24 A0091 ATLANTIC CITY ELECTRIC 7,138.92 3360  
83508 05/28/24 A0193 ATLANTIC INVESTIGATIONS, LLC 108.50 3360  
83509 05/28/24 A0212 ANCERO, LLC 7,822.50 3360  
83510 05/28/24 A0235 AMAZON CAPITAL SERVICES, INC. 47.98 3360  
83511 05/28/24 B0035 BELMONT & CRYSTAL SPRINGS 101.61 3360  
83512 05/28/24 B0288 KINGBARNES LLC 1,222.50 3360  
83513 05/28/24 C0042 CAMPBELL SUPPLY COMPANY 340.79 3360  
83514 05/28/24 C0048 CAPE MAY COUNTY MUA 49,199.27 3360  
83515 05/28/24 C0068 COMCAST 775.51 3360  
83516 05/28/24 C0091 CHISHOLM, JOHN R. 102.90 3360  
83517 05/28/24 C0143 CODY'S POWER EQUIPMENT 182.97 3360  
83518 05/28/24 C0223 CASA PAYROLL SERVICE 243.50 3360  
83519 05/28/24 C0247 CMRS-FP 2,000.00 3360  
83520 05/28/24 C0279 CASA REPORTING SERVICES LLC 147.90 3360  
83521 05/28/24 C0346 CME ASSOCIATES 669.25 3360  
83522 05/28/24 C0352 COLUMN SOFTWARE, PBC 767.06 3360  
83523 05/28/24 D0082 DOWNTOWN AIRPORT INC 4,316.40 3360  
83524 05/28/24 D0186 DOCUTREND, INC. 32.35 3360  
83525 05/28/24 D0240 DEVLIN, EDMUND F. 1,048.95 3360  
83526 05/28/24 D0245 DUNE ABSTRACT COMPANY INC. 475.00 3360  
83527 05/28/24 D0248 DEL VEL CHEMICAL COMPANY 962.64 3360  
83528 05/28/24 G0016 GARDNER HARDWARE INC. 18.08 3360  
83529 05/28/24 G0048 GIUSEPPE'S GOURMET 160.00 3360  
83530 05/28/24 G0120 PATRICK F. MARTIN 2,291.67 3360  
83531 05/28/24 H0073 HOME DEPOT CRC/GECF 976.03 3360  
83532 05/28/24 H0180 HD SUPPLY FACILITIES MANT 276.94 3360  
83533 05/28/24 J0088 JOHNSTON, APRIL 163.09 3360  
83534 05/28/24 K0120 KRUGER'S TRAINING ACADEMY 700.00 3360  
83535 05/28/24 L0016 LANDSMAN UNIFORMS, INC. 872.00 3360  
83536 05/28/24 M0081 MID-ATLANTIC WASTE SYSTEMS 1,338.29 3360  
83537 05/28/24 M0224 McBRIDE, JANET E 25.00 3360  
83538 05/28/24 M0303 MALEY GIVENS, A PROF CORP 762.00 3360  
83539 05/28/24 M0327 MONZO CATANESE DeLOLLIS, P.C. 9,892.50 3360  
83540 05/28/24 M0328 McCauley, Richard 404.80 3360  
83541 05/28/24 N0043 NAPA AUTO PARTS 1,354.58 3360  
83542 05/28/24 O0006 SJSHORE MARKETING,LLC 225.00 3360  
83543 05/28/24 O0028 OAR HOUSE LLC 4,710.00 3360  
83544 05/28/24 P0032 PEDRONI FUEL CO. 4,772.38 3360  
83545 05/28/24 P0136 POSTNET 13.96 3360

83546 05/28/24 R0030 RIGGINS, INC. 7,379.57 3360  
83547 05/28/24 S0056 SEASHORE ASPHALT CORPORATION 2,300.20 3360  
83548 05/28/24 S0057 SERVICE TIRE TRUCK CENTERS 3,371.53 3360  
83549 05/28/24 S0113 SMITH, THOMAS G. 858.64 3360  
83550 05/28/24 S0126 LUDY, BARBARA 100.00 3360  
83551 05/28/24 S0134 SO. JERSEY GAS COMPANY 1,311.06 3360  
83552 05/28/24 S0139 SOUTH JERSEY WATER COND SERV 340.50 3360  
83553 05/28/24 S0193 STRYKER SALES, LLC 71.40 3360  
83554 05/28/24 S0196 STEWART BUSINESS SYSTEMS LLC 1,436.04 3360  
83555 05/28/24 S0209 STAPLES ADVANTAGE 287.27 3360  
83556 05/28/24 S0253 SAMPLE MEDIA, INC. 169.00 3360  
83557 05/28/24 S0292 SURENIAN EDWARDS BUZAK & NOLAN 1,282.12 3360  
83558 05/28/24 S0367 Seidel, Cheryl 300.00 3360  
83559 05/28/24 S0409 Shoop, Brad 26.00 3360  
83560 05/28/24 T0080 TREASURER STATE OF N.J. 3,000.00 3360  
83561 05/28/24 T0131 TROUT, ROSEMARY 25.00 3360  
83562 05/28/24 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3360  
83563 05/28/24 U0062 UNITED RENTALS N. AMERICA INC. 1,906.92 3360  
83564 05/28/24 V0013 VERIZON WIRELESS 636.60 3360  
83565 05/28/24 V0022 VERIZON 604.56 3360  
83566 05/28/24 Y0007 YEP COMPANY 568.50 3360  
Total: \$134,376.97