

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR JULY 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 July 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	Absent
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 – June 24, 2024 Regular Meeting and Closed Session Minutes

Motion by Curtis Corson, second by Mark Pancoast, to approve the June 24, 2024 Regular and Closed Session Minutes as submitted. During roll call vote three Committee members present voted in the affirmative. Kimberly Hayes abstained.

REPORT OF GOVERNING BODY MEMBERS

Kimberly Hayes, Committeewoman, reported that the 4th of July event at Amanda’s Field was very successful. She thanked the Department of Public Works, Recreation Leader Larry Cole, the Buildings and Grounds crew, all of the employees that worked the event, the Division of EMS, Tuckahoe, Marmora, and Seaville Fire Companies, the New Jersey State Police, and the Cape May County Sheriff’s Office. She next reported that the AC system has been replaced as the Senior Center and the facility will be open tomorrow. The Township received a grant in the amount of \$61,000.00 towards the purchase. She thanked the Department of Public Works, especially Mike Jones, and the Township Administrator and CFO for their work on the emergency purchase.

Mark Pancoast, Committeeman, congratulated the Deputy Mayor, Department of Public Works, and Upper Township OEM for the successful 4th of July event.

Curtis Corson, Committeeman, reported that the 4th of July parade in Strathmere was a great success despite a fire alarm going off right before the event. Thankfully it was a false alarm and the fire trucks were able to participate. He next reported that traffic was horrible all weekend however there were a

minimal number of emergency calls. Last he reported that the lifeguard competition races start tonight in Wildwood Crest.

Jay Newman, Mayor, reported that the EMS Kids Camp was a highly successful operation and thanked all that participated. He next thanked all for the successful 4th of July events held in the Township.

ADMINISTRATOR OVERVIEW

Gary DeMarzo, Township Administrator, reminded all that the New Jersey State Police should be called in the case of a police emergency or incident. He next reported on several items including the Local Recreation Improvement grant for the Senior Center HVAC, a possible grant for the Town Hall HVAC, a possible delay to the tax bills due to the change in the school's tax levy, the stormwater pump project in Strathmere, and Living Shoreline subcommittee.

Anthony Monzo, Municipal Attorney, addressed a comment made at the last Committee meeting. Specifically, there was an accusation that the Township Committee acted in an illegal fashion in connection with a BL England site and its negotiations with Orsted. The process undertaken was not only fully transparent, but was in complete compliance with all applicable laws. The Township Committee, as permitted by State statutes and Township ordinances, created a subcommittee of two members of the governing body, along with other professionals to negotiate with Orsted as to the development of a substation at the former BL England site. These negotiations did not include any method by which the power would be generated, but only pertained to the site development and impact that it would have on Township residents as part of an overall redevelopment plan. These negotiations never materialized into a binding agreement, and ultimately Orsted decided to abandon the project. All the discussions throughout these negotiations were brought to the attention of the entire Committee in various close session meetings, with direction being provided by and with the full consent of the Committee throughout the process. These statements made at the last meeting were baseless, and without any fact to support the allegations.

Ryan MacNeill, Township Engineer, reported that the Strathmere stormwater pump project is 90% complete with only the Sumner pump station needing additional work. He next reported that the Township paving project started the milling and overlay today and should be completed in approximately 4 to 6 weeks. The Living Shoreline subcommittee's first meeting will be held on July 15. He next reported that revised plans for the skate park grant application will be submitted to Cape May County Open Space in the next few weeks. Lastly, he reported that the Municipal Aid grant applications have been submitted.

CONSENT AGENDA

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

Motion by Kimberly Hayes, second by Mark Pancoast, to approve consent agenda items. During roll call vote all four Committee members present voted in the affirmative.

FILING OF REPORTS BY CONSENT

1. Clerk's Office
2. Construction Code
3. Division of EMS
4. Finance Office
5. MUA Report
6. Public Works
7. Tax Collector

RESOLUTIONS TO BE APPROVED BY CONSENT

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

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 217-2024

**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 “Personal Leave Policy” of Township of Upper Personnel Policies and Procedures Manual” (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 “Personal Leave Policy” of Township of Upper Personnel Policies and Procedures Manual; 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 “Personal Leave Policy” of Township of Upper Personnel Policies and Procedures Manual 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. 217-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: July 8, 2024

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Corson	X			

Hayes	X			
Nappen				X
Pancoast	X			
Newman	X			

- Title change for David Pennello to Supervising Maintenance Repairer in the Upper Township Department of Public Works.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 218-2024

**RE: TITLE CHANGE FOR DAVID PENNELLO TO SUPERVISING MAINTENANCE
REPAIRER IN THE UPPER TOWNSHIP DEPARTMENT OF PUBLIC WORKS**

WHEREAS, a need exists for qualified personnel within the Upper Township Department of Public Works to ensure optimal operation; and

WHEREAS, David Pennello possesses all the requisite qualifications for the title of Supervising Maintenance Repairer; and

WHEREAS, the individual’s title change is conditioned upon Civil Service review; 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:

- The allegations of the preamble are incorporated herein by this reference.
- David Pennello’s title is hereby changed from Senior Carpenter to Supervising Maintenance Repairer to the Upper Township Department of Public Works pending Civil Service review effective June 28, 2024 at an annual salary of \$70,000.00 in accordance with the Salary Ordinance.
- 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. 218-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: July 8, 2024

Roll Call Vote:

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

- Title change for Elizabeth Oaks to Zoning Officer in the Upper Township Zoning Office.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 219-2024

**RE: TITLE CHANGE FOR ELIZABETH OAKS TO ZONING OFFICER IN THE
UPPER TOWNSHIP ZONING OFFICE**

WHEREAS, a need exists for qualified personnel within the Upper Township Zoning Office to ensure optimal operation; and

WHEREAS, the Township has duly considered the matter and has determined that Elizabeth Oaks possesses all the requisite qualifications, and is a competent, fit suitable person for the title change to Zoning Officer to the Upper Township Zoning Office; 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. Elizabeth Oak's title is hereby changed from Technical Assistant to the Construction

Official to Zoning Officer with duties to include:

- Assistant Technical Assistant to the Construction Official
- Secretary Planning Board
- Secretary Zoning Board of Adjustment

effective June 28, 2024 at an annual salary of \$74,000, in accordance with the Salary Ordinance.

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

Resolution No. 219-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: July 8, 2024

Roll Call Vote:

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

11. Amending Resolution No. 291-2023 appointing William Handley as a part-time employee to the Upper Township Division of Emergency Medical Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 220-2024

**RE: AMENDING RESOLUTION NO. 291-2023 APPOINTING WILLIAM HANDLEY
AS A PART-TIME EMPLOYEE TO THE UPPER TOWNSHIP DIVISION OF
EMERGENCY MEDICAL SERVICES**

WHEREAS, Resolution No. 291-2023, adopted on September 25, 2023, appointed William Handley as a part-time employee to the Upper Township Division of Emergency Medical Services; and

WHEREAS, the Township Committee has determined it necessary to amend Resolution No. 291-2023, in order to set the additional rate of pay for William Handley while performing the duties of Beach Medic; and

WHEREAS, it is also necessary to memorialize the authorization and payment of Emergency Medical Technician course work for William Handley; 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. Resolution No. 291-2023 is hereby amended to hire William Handley to the Division of Emergency Medical Services as a part-time Emergency Medical Technician at a rate of \$32.50 per hour, and an additional \$4.00 per hour while serving in the role of Beach Medic, in accordance with the Salary Ordinance.
3. In addition, Mr. Handley was supported by the Township with the payment of the Emergency Medical Technician course work in the amount of \$2,399.00, and it is hereby authorized that Mr. Handley is not required to repay those funds.
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. 220-2024
Offered by: Hayes
Adopted: July 8, 2024

Seconded by: Pancoast

Roll Call Vote:

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

12. Amending Resolution No. 115-2024 appointing Bruckner Chase as a part-time employee to the Upper Township Division of Emergency Medical Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 221-2024

**RE: AMENDING RESOLUTION NO. 115-2024 APPOINTING BRUCKNER CHASE
AS A PART-TIME EMPLOYEE TO THE UPPER TOWNSHIP DIVISION OF EMERGENCY
MEDICAL SERVICES**

WHEREAS, Resolution No. 115-2024, adopted on March 25, 2024, appointed Bruckner Chase as a part-time employee to the Upper Township Division of Emergency Medical Services; and

WHEREAS, the Township Committee has determined it necessary to amend Resolution No. 115-2024, in order to set the additional rate of pay for Bruckner Chase while performing the duties of Beach Medic; 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. Resolution No. 115-2024 is hereby amended to hire Bruckner Chase 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, and an additional \$4.00 per hour while serving in the role of Beach Medic, in accordance with the Salary Ordinance.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 221-2024

Offered by: Hayes Seconded by: Pancoast

Adopted: July 8, 2024

Roll Call Vote:

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

13. Amending Resolution No. 121-2024 appointing Gavin Liepe as a part-time employee to the Upper Township Division of Emergency Medical Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 222-2024

**RE: AMENDING RESOLUTION NO. 121-2024 APPOINTING GAVIN LIEPE
AS A PART-TIME EMPLOYEE TO THE UPPER TOWNSHIP DIVISION OF EMERGENCY
MEDICAL SERVICES**

WHEREAS, Resolution No. 121-2024, adopted on April 8, 2024, appointed Gavin Liepe as a part-time employee to the Upper Township Division of Emergency Medical Services; and

WHEREAS, the Township Committee has determined it necessary to amend Resolution No. 121-2024, in order to set the additional rate of pay for Gavin Liepe while performing the duties of Beach Medic; 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. Resolution No. 121-2024 is hereby amended to hire Gavin Liepe 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, and an additional \$4.00 per hour while serving in the role of Beach Medic, in accordance with the Salary Ordinance.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 222-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: July 8, 2024

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Corson	X			
Hayes	X			

Nappen				X
Pancoast	X			
Newman	X			

14. Amending Resolution No. 189-2024 appointing Michael Bruno as a full-time Laborer 1, Probational to the Upper Township Department of Public Works.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 223-2024

RE: AMENDING RESOLUTION NO. 189-2024 APPOINTING MICHAEL BRUNO AS A FULL-TIME LABORER 1, PROBATIONAL TO THE UPPER TOWNSHIP DEPARTMENT OF PUBLIC WORKS

WHEREAS, Resolution No. 189-2024, adopted on June 24, 2024, appointed Michael Bruno as full-time employee to the Upper Township Department of Public Works; and

WHEREAS, the Township Committee has determined it necessary to amend Resolution No. 189-2024 in order to reflect the correct effective date of hire; 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. Michael Bruno is hereby appointed pending pre-employment testing to the Upper Township Department of Public Works effective July 12, 2024 as a full-time Laborer 1 at a Probational salary of \$33,280.00 in accordance with the Salary Ordinance.

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

Resolution No. 223-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: July 8, 2024

Roll Call Vote:

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

15. Appointing Anthony Lamanna Jr. as a part-time employee to the Upper Township Division of Emergency Medical Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 224-2024

**RE: APPOINTING ANTHONY LAMANNA JR. AS A PART-TIME EMPLOYEE TO THE
UPPER TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES**

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

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

Resolution No. 224-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: July 8, 2024

Roll Call Vote:

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

16. Appointing the 2024 season beach patrol personnel.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 225-2024

RE: APPOINTING THE 2024 SEASON BEACH PATROL PERSONNEL

WHEREAS, Modern Group, Ltd. has completed and submitted a Business Entity Disclosure Certification which certifies that Modern Group, Ltd. 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 Modern Group, Ltd. 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 Modern Group, Ltd. 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. 226-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: July 8, 2024

Roll Call Vote:

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

18. Authorizing the award of a contract with Service Tire Truck Centers, Inc. for tires.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 227-2024

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH
SERVICE TIRE TRUCK CENTERS, INC. FOR TIRES**

WHEREAS, from time to time the Township of Upper has a need to purchase tires from Service Tire Truck Centers, Inc. as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with Service Tire Truck Centers, Inc. for the year 2024 will exceed \$17,500; and

WHEREAS, Service Tire Truck Centers, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Service Tire Truck Centers, Inc. 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 Service Tire Truck Centers, Inc. 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 Service Tire Truck Centers, Inc. 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.

Adopted: July 8, 2024

Roll Call Vote:

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

19. Authorizing the award of a contract with Amazon.com Services, LLC, dba Amazon Business, for equipment and supplies.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 228-2024

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH AMAZON.COM SERVICES,
LLC, DBA AMAZON BUSINESS, FOR EQUIPMENT AND SUPPLIES**

WHEREAS, from time to time the Township of Upper has a need to purchase equipment and supplies from Amazon.com Services, LLC, dba Amazon Business, (hereinafter “Amazon”), as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of acquisitions with Amazon for the year 2024 will exceed \$17,500; and

WHEREAS, Amazon has completed and submitted a Business Entity Disclosure Certification which certifies that Amazon 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 Amazon 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 Amazon 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. 228-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: July 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 Kerry Dietz for video recording services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 229-2024

**RE: AUTHORIZING A CONTRACT WITH KERRY DIETZ
FOR VIDEO RECORDING SERVICES**

WHEREAS, there is a need by the Township of Upper to appoint an independent contractor to perform video recording services during Township Committee meetings; and

WHEREAS, Kerry Dietz possesses the requisite skills to fill this position; and

WHEREAS, a Resolution is required authorizing the award of a contract for said services to Kerry Dietz; and

WHEREAS, the proposed contract, attached hereto as Exhibit A, has been reviewed and approved by the Municipal Attorney and will be on record in the office of the Township Clerk and available for public inspection; and

WHEREAS, Kerry Dietz, as an independent contractor, has completed and submitted a Form W-9 to the Township of Upper; and

WHEREAS, Kerry Dietz has completed and submitted a Business Entity Disclosure Certification which certifies that Kerry Dietz 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 Kerry Dietz 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 Kerry Dietz for video recording services during the regularly scheduled Township Committee meetings.
3. 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.
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. 229-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: July 8, 2024

Roll Call Vote:

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

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

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 230-2024

**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:

Triad Associates	
(AA Technical Assistance/	\$1,462.50
AA Wait List Rentals/	200.00
AA/MTA Wait List Maint.	<u>200.00</u>
	\$1,862.50
 Daniel J. Young	
(Affordable Housing Services)	\$ 810.00

Resolution No. 230-2024

Offered By: Hayes

Seconded By: Pancoast

Adopted: July 8, 2024

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Corson	X			
Hayes	X			

Nappen				X
Pancoast	X			
Newman	X			

ORDINANCES

Public hearing and final adoption of Ordinance No. 012-2024 RE: BOND ORDINANCE AUTHORIZING THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS PIECES OF CAPITAL EQUIPMENT IN AND FOR THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY, NEW JERSEY; APPROPRIATING THE SUM OF \$3,700,000, THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$3,515,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING. **The Township Administrator gave a brief review. During the public hearing portion there were the following speakers:**

Bob D’Iorio, Seaville, spoke in opposition to the bond ordinance.

Mayor Newman then closed the public hearing. Motion by Kimberly Hayes, second by Mark Pancoast, to adopt Ordinance No. 012-2024. During roll call vote all four Committee members present voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 012-2024

BOND ORDINANCE AUTHORIZING THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS PIECES OF CAPITAL EQUIPMENT IN AND FOR THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY, NEW JERSEY; APPROPRIATING THE SUM OF \$3,700,000, THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$3,515,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the Township Committee of the Township of Upper, County of Cape May, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the Township of Upper, County of Cape May, New Jersey ("Township").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the Township from all sources for the purposes stated in Section 7 hereof is \$3,700,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$3,515,000; and
- (c) a down payment in the amount of \$185,000 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, N.J.S.A. 40A:2-11.

Section 3. The sum of \$3,515,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$185,000, which amount represents the required down payment, are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the Township in an amount not to exceed \$3,515,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the Township in an amount not to exceed \$3,515,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance, which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$740,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the amount of available grants for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimate d Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligatio ns</u>	<u>Period of Usefulnes s</u>
A. Completion of Various Improvements and Upgrades to Recreation Facilities, Parks and Athletic Fields in the Township, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto.	\$675,000	\$33,750	\$641,250	15 years
B. Acquisition of Various Equipment for the Department of Public Works, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto.	1,350,000	67,500	1,282,500	15 years

<u>Purpose/Improvement</u>	<u>Estimate Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligatio ns</u>	<u>Period of Usefulnes s</u>
C. Completion of Various Improvements and Repairs to Various Municipal Buildings in the Township, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto.	475,000	23,750	451,250	15 years
D. Acquisition of Various Equipment for the Office of Emergency Management, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto.	100,000	5,000	95,000	5 years
E. Completion of Drainage Improvements and Roadway Reconstruction within the Township, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the plans on file with the Township Engineer.	380,000	19,000	361,000	20 years
F. Restructuring and Reinforcement of Cellular Tower in the Township, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto.	50,000	2,500	47,500	15 years
G. Acquisition of Various Equipment for the Department of Public Safety, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	20,000	1,000	19,000	5 years
H. Acquisition of an Ambulance and Ambulance related equipment for the EMS Division, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto.	650,000	32,500	617,500	5 years
Total	\$3,700,000	\$185,000	\$3,515,000	

Section 8. Grants or monies received from any governmental entity, if any, will be applied to the payment of, or repayment of, obligations issued to finance, the costs of improvements described in Section 7 above.

Section 9. The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration the respective amounts of bonds or bond anticipation notes authorized for said several purposes is not less than 13.43 years.

Section 10. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$3,515,000 and that the

obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the Township shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 12. The applicable Capital Budget of the Township is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 13. The Township hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Township prior to the issuance of such bonds or bond anticipation notes.

Section 14. The Township hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. The improvements authorized hereby are not current expenses and are improvements that the Township may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 16. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Date of Introduction: June 24, 2024

Date of Final Adoption: July 8, 2024

RESOLUTION TO BE ACTED ON SEPARATELY

22. Resolution of the Township Committee of the Township of Upper, County of Cape May, New Jersey, authorizing the issuance and sale of up to \$8,000,000 of general obligation bonds, series

2024, of the Township of Upper, County of Cape May, New Jersey; making certain covenants to maintain the exemption of the interest on said bonds from federal income taxation; and authorizing such further actions and making such determinations as may be necessary or appropriate to effectuate the issuance and sale of the bonds.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 231-2024

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY, NEW JERSEY, AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$8,000,000 OF GENERAL OBLIGATION BONDS, SERIES 2024, OF THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY, NEW JERSEY; MAKING CERTAIN COVENANTS TO MAINTAIN THE EXEMPTION OF THE INTEREST ON SAID BONDS FROM FEDERAL INCOME TAXATION; AND AUTHORIZING SUCH FURTHER ACTIONS AND MAKING SUCH DETERMINATIONS AS MAY BE NECESSARY OR APPROPRIATE TO EFFECTUATE THE ISSUANCE AND SALE OF THE BONDS

BACKGROUND

WHEREAS, pursuant to the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), the Township Committee of the Township of Upper, County of Cape May, New Jersey ("Township"), has, pursuant to bond ordinances 020-2019, 010-2020, 002-2023, and 012-2024 (collectively, the "Bond Ordinances"), each duly and finally adopted and published in accordance with the requirements of the Local Bond Law, authorized the issuance of general obligation bonds or bond anticipation notes of the Township to finance the costs of various capital improvements and the acquisition of various capital equipment, all as more particularly described in Exhibit "A", attached hereto and made a part hereof; and

WHEREAS, on August 15, 2023, the Township issued its Bond Anticipation Notes of 2023, Series A, in the principal amount of \$3,000,000 ("Notes"), to temporarily finance a portion of the costs of the improvements authorized by bond ordinances 020-2019 and 010-2020 (collectively, the "Prior Improvements"); and

WHEREAS, the Notes mature on August 14, 2024; and

WHEREAS, the Township has not yet issued any obligations to finance the costs of certain other improvements authorized by bond ordinances 002-2023 and 012-2024 (collectively, the "New Improvements"

and, together with Prior Improvements, the "Improvements"); and

WHEREAS, it is the desire of the Township to issue its general obligation bonds in the aggregate principal amount of up to \$8,000,000 the proceeds of which will be used to: (i) permanently finance the costs of the Prior Improvements by the repayment, at maturity, of the principal of the Notes; (ii) permanently finance the costs of the New Improvements; and (iii) pay certain costs and expenses incidental to the issuance and delivery of such bonds (collectively, the "Project"); and

WHEREAS, pursuant to the Local Bond Law and the Bond Ordinances, it is the intent of the Township Committee to hereby to authorize, approve and direct the issuance and sale of such Bonds, to ratify and confirm certain actions heretofore taken by or on behalf of the Township, and to make certain related determinations and authorizations in connection with such issuance and sale.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY, NEW JERSEY, PURSUANT TO THE LOCAL BOND LAW, AS FOLLOWS:

Section 1. Pursuant to the Local Bond Law and the Bond Ordinances, the issuance and sale of negotiable general obligation bonds of the Township, to be designated substantially, "Township of Upper, County of Cape May, New Jersey, General Obligation Bonds, Series 2024" ("Bonds"), in an aggregate principal amount of up to \$8,000,000 to finance the costs of the Project, is hereby authorized and approved.

Section 2. The Bonds shall be dated their date of issuance and shall mature on August 1, in the years and amounts set forth below:

<u>Year</u>	<u>Principal</u>	<u>Year</u>	<u>Principal</u>
2025	\$520,000	2030	\$840,000
2026	560,000	2031	920,000
2027	640,000	2032	960,000
2028	720,000	2033	1,000,000
2029	800,000	2034	1,040,000

The term of the Bonds is equal to or less than the average period of usefulness of the Project being financed through the issuance of the Bonds. Interest on the Bonds shall be payable semiannually on February 1 and August 1, commencing February 1, 2025, in each year until maturity or earlier redemption.

The Chief Financial Officer of the Township is hereby authorized to adjust the maturity schedule of

the Bonds set forth in the maturity schedule above in accordance with the Local Bond Law and, specifically, *N.J.S.A. 40A:2-26(g)*.

Section 3. The Bonds shall be general obligations of the Township. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the Bonds and, to the extent payment is not otherwise provided, the Township shall levy *ad valorem* taxes on all taxable property without limitation as to rate or amount for the payment thereof.

Section 4. The Bonds maturing on and after August 1, 2032, shall be subject to redemption prior to their stated maturity dates at the option of the Township, upon notice as set forth below, as a whole or in part (and, if in part, such maturities as the Township shall determine and within any such maturity by lot) on any date on or after August 1, 2031, at a redemption price equal to 100% of the principal amount of the Bonds to be redeemed, plus accrued interest to the redemption date. Notwithstanding the foregoing, the Chief Financial Officer of the Township is hereby authorized to revise the dates upon which the Bonds shall be subject to redemption, in accordance with the Local Bond Law.

Section 5. Notice of redemption with respect to the Bonds shall be given by mailing first class mail in a sealed envelope with postage pre-paid not less than thirty (30) days nor more than sixty (60) days prior to the redemption date to the owner of every Bond of which all or a portion is to be redeemed at his or her last address, if any, appearing on the registration books of the Township. So long as the Bonds are issued in book-entry-only form, all notices of redemption will be sent only to the Securities Depository (hereinafter defined) and not be sent to the beneficial owners of the Bonds. Failure of an owner of the Bonds to receive such notice or of the Securities Depository to advise any participant or any failure of a participant to notify any beneficial owner of the Bonds shall not affect the validity of any proceedings for the redemption of Bonds. Such notice shall specify: (i) the series and maturity of the Bonds to be redeemed; (ii) the redemption date and the place or places where amounts that are due and payable upon such redemption will be payable; (iii) if less than all of the Bonds are to be redeemed, the letters and numbers or other distinguishing marks of the Bonds to be redeemed; (iv) in the case of a Bond to be redeemed in part only, the portion of the principal amount thereof to be redeemed; (v) that on the redemption date there shall become due and payable with respect to each Bond or portion thereof to be redeemed, the redemption price; and (vi) that from and after the redemption date interest on such Bonds or portion thereof to be redeemed shall cease to accrue and be payable.

Section 6. The Bonds will be issued in fully registered book-entry-only form. One certificate shall be issued for each of the Bonds in the aggregate principal amount of the Bonds maturing in each year. Both the principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository ("Securities Depository"). The certificates will be on deposit with DTC. DTC will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records recording the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of \$5,000, integral multiples thereof, and in integral multiples of \$1,000 in excess thereof, or in such amount necessary to issue the principal amount of the Bonds, through book-entries made on the books and the records of DTC and its participants. The principal of and interest on the Bonds will be paid to DTC by the Township on the respective maturity dates and due dates and will be credited on the respective maturity dates and due dates to the participants of DTC as listed on the records of DTC as of the fifteenth (15th) day of the calendar month immediately preceding an interest payment date. The Bonds will be executed on behalf of the Township by the manual or facsimile signatures of the Mayor and Chief Financial Officer, attested by the Township Clerk or the Deputy Township Clerk, and shall bear the affixed, imprinted or reproduced seal of the Township thereon.

Section 7. The Township is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with DTC, as may be necessary in order to provide that the Bonds will be eligible for deposit with DTC and to satisfy any obligation undertaken in connection therewith.

Section 8. In the event that DTC may determine to discontinue providing its service with respect to the Bonds or is removed by the Township and if no successor Securities Depository is appointed, the Bonds which were previously issued in book-entry form shall be converted to Registered Bonds in denominations of \$5,000, integral multiples thereof, and in integral multiples of \$1,000 in excess thereof, or in such amount necessary to issue the principal amount of the Bonds ("Registered Bonds"). The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will

become the registered owner of the Registered Bonds. The Township shall be obligated to provide for the execution and delivery of the Registered Bonds in certified form.

Section 9. The Chief Financial Officer is hereby authorized to solicit proposals for and, if deemed necessary or beneficial, engage the services of a qualified financial institution to serve as paying agent for the Bonds ("Paying Agent"). The Chief Financial Officer hereby authorized to enter into an agreement with the Paying Agent for the services to be provided.

Section 10. The preparation of a preliminary official statement ("Preliminary Official Statement") relating to the Bonds, and the distribution of said Preliminary Official Statement to prospective purchasers of the Bonds and others having an interest therein, are hereby authorized and directed. The Mayor, Township Administrator, Chief Financial Officer, and Township Clerk are each hereby authorized to deem the Preliminary Official Statement "final", as contemplated by paragraph (b)(1) of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended ("Rule 15c2-12").

Section 11. The appointment of MuniHub ("Printer"), to provide electronic and/or physical dissemination of the Preliminary Official Statement and Official Statement (hereinafter defined) is hereby authorized, approved, ratified and confirmed. The Mayor, Township Administrator, Chief Financial Officer, and Township Clerk are each hereby authorized and directed to enter into an agreement with Printer for the services to be provided.

Section 12. The appointment of Phoenix Advisors, LLC to serve as municipal advisor and dissemination agent ("Municipal Advisor" and "Dissemination Agent") to the Township in connection with the authorization, issuance, sale and delivery of the Bonds is hereby authorized, approved, ratified and confirmed. The Chief Financial Officer is hereby authorized to enter into an agreement with the Municipal Advisor and Dissemination Agent for the services to be provided.

Section 13. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell and award the Bonds at a public sale. The sale of the Bonds shall be in accordance with the provisions of the Local Bond Law, and the advertised terms of such public sale. If necessary or desirable, the Chief Financial Officer is hereby authorized to postpone, from time to time, the date and time established for receipt of bids for the sale of the Bonds in accordance with the Local Bond Law. If any date fixed for receipt of bids and the sale

of the Bonds is postponed, the Chief Financial Officer is hereby authorized to announce an alternative sale date at least forty-eight (48) hours prior to such alternative sale date. The Chief Financial Officer is hereby authorized and directed to cause a summary notice of sale and a notice of sale of the Bonds to be prepared and disseminated in accordance with the Local Bond Law. At the next meeting of the Township Committee after the sale and award of the Bonds, the Chief Financial Officer shall report, in writing, to the Township Committee the principal amount, the rate or rates of interest, the maturity dates, the dates upon which interest on the Bonds shall be paid, the price and the purchaser or purchasers of the Bonds.

Section 14. The utilization of i-Deal LLC, New York, New York, to provide electronic bidding services to the Township in connection with the competitive sale of the Bonds ("Bidding Agent") through the use of the Bidding Agent's BiDCOMP/PARITY auction system, pursuant to the Local Bond Law and the regulations promulgated thereunder, is hereby authorized, approved, ratified and confirmed.

Section 15. The preparation of a final official statement ("Official Statement") with respect to the Bonds is hereby authorized and directed. Within seven (7) business days of the sale of the Bonds and in sufficient time to accompany any confirmation that requests payment from a customer, the Township will deliver sufficient copies of the Official Statement to the purchaser of the Bonds in order for the same to comply with Paragraph (b)(4) of Rule 15c2-12. The Mayor, Township Administrator, and Chief Financial Officer are each hereby authorized to execute the Official Statement, and the distribution thereof to purchasers and others is hereby authorized and directed. The execution of the final Official Statement by the Mayor, Township Administrator, and Chief Financial Officer shall constitute conclusive evidence of approval by the Township of the changes therein from the Preliminary Official Statement. The Mayor, Township Administrator, and Chief Financial Officer are each hereby authorized to approve any amendments of or supplements to the Official Statement.

Section 16. In order to assist the underwriters of the Bonds in complying with the secondary market disclosure requirements of Rule 15c2-12, the Mayor, Chief Financial Officer and Township Administrator are each hereby authorized to execute on behalf of the Township an agreement with Phoenix Advisors, LLC, as Dissemination Agent, providing for the preparation and filing of the necessary reports in accordance with Rule 15c2-12 in connection with the Bonds.

Section 17. The Township hereby covenants that it will not make any use of the proceeds of the Bonds or do or suffer any other action that would cause: (i) the Bonds to be "arbitrage bonds" as such term is defined in Section 148(a) of the Internal Revenue Code of 1986, as amended ("Code") and the Income Tax Regulations promulgated thereunder; (ii) the interest on the Bonds to be included in the gross income of the owners thereof for federal income taxation purposes; or (iii) the interest on the Bonds to be treated as an item of tax preference under Section 57(a)(5) of the Code.

Section 18. The Township hereby covenants as follows: (i) it shall timely file such information report or reports as may be required by Sections 148(f) and 149(e) of the Code with respect to the Bonds; and (ii) it shall take no action that would cause the Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 19. To the extent not otherwise exempt, the Township hereby covenants that, with respect to the Bonds, it shall make, or cause to be made, the rebate required by Section 148(f) of the Code in the manner described in Treasury Regulation Sections 1.148-1 through 1.148-11, 1.149(b)-1, 1.149(d)-1, 1.149(g)-1, 1.150-1 and 1.150-2, as such regulations and statutory provisions may be modified insofar as they apply to the Bonds.

Section 20. The Township hereby designates the Bonds as "qualified tax-exempt obligations" as defined in and for the purposes of Section 265(b)(3) of the Code. For purposes of this designation, the Township hereby represents that: (i) during the period from January 1, 2024 through and including the date hereof, the Township has not issued tax-exempt obligations in an amount which, when added to the aggregate principal amount of the Bonds, exceeds \$10,000,000; and (ii) it reasonably anticipates that the amount of tax-exempt obligations to be issued by the Township during the period from January 1, 2024 to December 31, 2024, and the amount of obligations designated as "qualified tax-exempt obligations" by it, will not exceed \$10,000,000 when added to the aggregate principal amount of the Bonds.

For purposes of this Section 20, the following obligations are not taken into account in determining the aggregate principal amount of tax-exempt obligations issued by the Township: (i) a private activity bond as defined in Section 141 of the Code (other than a qualified 501(c)(3) bond, as defined in Section 145 of the Code); and (ii) any obligation issued to refund any other tax-exempt obligation (other than to advance refund within the meaning of Section 149(d)(5) of the Code) as provided in Section 265(b)(3)(c)

of the Code.

Section 21. Application to Moody’s Investors Service and/or S&P Global Ratings, acting through Standard & Poor's Financial Services LLC, for a rating or ratings of the Bonds, and the furnishing of certain information concerning the Township and the Bonds, for the purpose of qualifying the Bonds for municipal bond insurance, are hereby authorized, ratified, confirmed and approved.

Section 22. All actions heretofore taken and documents prepared or executed by or on behalf of the Township by the Mayor, Township Administrator, Chief Financial Officer, Township Clerk, Deputy Township Clerk and other Township officials or by the Township's professional advisors, in connection with the issuance and sale of the Bonds are hereby ratified, confirmed, approved and adopted.

Section 23. The Mayor, Township Administrator, Chief Financial Officer, Township Clerk, and Deputy Township Clerk are each hereby authorized to determine all matters and execute all documents and instruments in connection with the Bonds not determined or otherwise directed to be executed by the Local Bond Law, the Bond Ordinances, or by this or any subsequent resolution, and the signatures of the Mayor, Township Administrator, Chief Financial Officer, Township Clerk, and Deputy Township Clerk on such documents or instruments shall be conclusive as to such determinations.

Section 24. All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 25. This resolution shall take effect immediately upon adoption this 8th day of July, 2024.

Resolution No. 231-2024

Offered by: Newman

Seconded by: Hayes

Adopted: July 8, 2024

Roll Call Vote:

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

Exhibit “A”

Bonds

Ordinance Number	Purpose	Amount Authorized	Notes Outstanding	Available Funds	Bonds to be Issued
020-2019	Various Capital Improvements	\$1,900,000	\$1,500,000	\$325,000	\$1,175,000
010-2020	Various Capital Improvements	1,900,000	1,500,000	325,000	1,175,000
002-2023	Completion of Various Capital Improvements and Acquisition of Various Capital Equipment	3,319,775	-0-	-0-	3,310,000
012-2024	Completion of Various Capital Improvements and Acquisition of Various Capital Equipment	3,515,000	-0-	-0-	2,340,000
	TOTAL	\$10,634,775	\$3,000,000	\$650,000	\$8,000,000

CORRESPONDENCE

NEW BUSINESS

23. Meeting procedures. **It was stated that at the last meeting there was a request to change the meeting procedures to allow public comment prior to the consent agenda. After a lengthy discussion there was a general consensus to move the public comment portion to the beginning of the meeting.**
24. South Shore Stitchers, Inc. request to hold a Raffle RA-578 at the Upper Township Community Center on November 23, 2024. **Motion by Kimberly Hayes, second by Mark Pancoast, to approve the request. During roll call vote all four Committee members present voted in the affirmative.**
25. Order of Eastern Star Shekinah Chapter #82 of New Jersey request to hold Raffles RA-579 and RA-580 at the Tuckahoe Inn, 1 Harbor Road, Marmora on October 16, 2024. **Motion by Curtis Corson, second by Mark Pancoast, to approve the request. During roll call vote all four Committee members present voted in the affirmative.**
26. SDL Computer Management program for the Construction Office. **The Township Administrator reported that there has been a recommendation by the auditors to update the construction office software system. After a brief discussion, the Administrator was directed to gather the required information and bring back to the Committee for further discussion.**

UNFINISHED BUSINESS

PAYMENT OF BILLS

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

Bills approved for payment: **\$253,094.43**
Payroll: **\$251,729.47**

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

Nathalie Neiss, Block 476, Lot 29 – congratulated Liz Oaks on the title change. She next spoke regarding her appreciation for Gary DeMarzo and the work he has done as Township Administrator. Last, she expressed her concern with the statement made by Mr. Monzo regarding Orsted. Later in the meeting she stated that the HVAC in the Senior Center has been an emergency since 2023.

Seth Pashley, Palermo, inquired as to who is responsible for setting the agenda and questioned item number 30 on the agenda.

Lou Barbuto, Petersburg, requested clarification as to what was being submitted to Open Space. It was stated that the Township is applying for an Open Space grant for improvements to the Skate Park. Mr. Barbuto next thanked Mr. DeMarzo for his work on the Senior Center HVAC.

Fran Newman, Beesley’s Point, spoke about the public comment section of the School Board meetings.

Kristina Wright, Petersburg, spoke about the Senior Center HVAC and the procedures for the emergency purchase of the system.

Barbara Leary, Seaville, stated that the School Board’s public comment procedures that Fran Newman described is exactly what she would like to see during the Committee meetings.

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.

**RESOLUTION NO. 232-2024
MOTION GOING INTO CLOSED SESSION
JULY 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. Potential Litigation - Prescott Avenue
3. Contract negotiation - Block 566, Lot 1

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 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.
- 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 contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.

Moved by: Mark Pancoast

Motion seconded by: Kimberly Hayes

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

RECONVENE PUBLIC PORTION OF MEETING

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

RESOLUTIONS TO BE ACTED ON AFTER CLOSED SESSION

- 30. Title change for Gary S. DeMarzo to Keyboarding Clerk 1 and authorizing the execution of an agreement. **No action was taken on this matter.**
- 31. Title change for April Johnston to Keyboarding Clerk 1 in the Upper Township Construction Code Office.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 233-2024

**RE: TITLE CHANGE FOR APRIL JOHNSTON TO KEYBOARDING CLERK 1 IN THE
UPPER TOWNSHIP CONSTRUCTION CODE OFFICE**

WHEREAS, a need exists for qualified personnel within the Upper Township Construction Code Office to ensure optimal operation; and

WHEREAS, the Township has duly considered the matter and has determined that April Johnston possesses all the requisite qualifications, and is a competent, fit suitable person for the title change to Keyboarding Clerk 1 to the Upper Township Construction Code Office; 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. April Johnston’s title is hereby changed from Technical Assistant to the Construction

Official to Keyboarding Clerk 1 with duties to include:

- Technical Assistant to the Construction Official
- Assistant Zoning Officer

effective June 28, 2024 at an annual salary of \$59,000, in accordance with the Salary Ordinance.

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

Resolution No. 233-2024
Offered by: Hayes

Seconded by: Pancoast

Adopted: July 8, 2024

Roll Call Vote:

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

32. Hiring Donna Heiler as a full-time employee to the Upper Township Tax Collection Department.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 234-2024

**RE: HIRING DONNA HEILER AS A FULL-TIME EMPLOYEE TO THE
UPPER TOWNSHIP TAX COLLECTION DEPARTMENT**

WHEREAS, a need exists to hire qualified personnel as full-time employee to the Upper Township Tax Collection Department to ensure optimal operation; and

WHEREAS, Donna Heiler 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. Donna Heiler is hereby hired, pending pre-employment testing, to the Upper

Township Tax Collection Department as Keyboarding Clerk 1 effective July 9, 2024 at an annual salary of \$54,500 to include the duties of Passport Agent in accordance with the Salary Ordinance.

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

Resolution No. 234-2024

Offered by: Hayes

Seconded by: Pancoast

Adopted: July 8, 2024

Roll Call Vote:

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

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 8:25 P.M., with a motion by Mark Pancoast, second by Kimberly Hayes, and all four Committee members present voting in the affirmative. The next regular Committee meeting is scheduled for July 22, 2024 at 4:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC
Township Clerk

Bills

83712 07/08/24 A0018 ACTION SUPPLY INC. 469.70 3366
83713 07/08/24 A0091 ATLANTIC CITY ELECTRIC 11,049.88 3366
83714 07/08/24 A0117 AT&T 170.49 3366
83715 07/08/24 A0193 ATLANTIC INVESTIGATIONS, LLC 325.50 3366
83716 07/08/24 A0212 ANCERO, LLC 5,953.59 3366
83717 07/08/24 A0225 AUTOZONE NORTHEAST LLC 160.37 3366
83718 07/08/24 A0235 AMAZON CAPITAL SERVICES, INC. 550.90 3366
83719 07/08/24 A0249 APPLIED INDUSTRIAL TECHNOLOGIE 6,000.00 3366
83720 07/08/24 B0035 BELMONT & CRYSTAL SPRINGS 51.94 3366
83721 07/08/24 B0076 BOND, LAURENCE E. 833.98 3366
83722 07/08/24 B0093 BARRY, CORRADO & GRASSI, PC 87.50 3366
83723 07/08/24 B0287 BIGLEAF NETWORKS, INC. 697.00 3366
83724 07/08/24 C0068 COMCAST 941.38 3366
83725 07/08/24 C0223 CASA PAYROLL SERVICE 297.50 3366
83726 07/08/24 C0247 CMRS-FP 2,000.00 3366
83727 07/08/24 C0259 CAPE PHYSICIANS ASSOCIATES, PA 230.00 3366
83728 07/08/24 C0267 COPIERS PLUS, INC. 538.00 3366
83729 07/08/24 C0279 CASA REPORTING SERVICES LLC 147.90 3366
83730 07/08/24 C0305 CM3 BUILDING SOLUTIONS, INC. 1,974.00 3366
83731 07/08/24 C0329 COASTAL EMERGENCY MEDICAL 2,500.00 3366
83732 07/08/24 C0330 CAPE MAY ENTERTAINMENT LLC 2,800.00 3366
83733 07/08/24 D0171 DEPARTMENT OF THE TREASURY 164.22 3366
83734 07/08/24 D0187 DATA SHEET SOLUTIONS 359.88 3366
83735 07/08/24 D0237 DIETZ, KERRY 125.00 3366
83736 07/08/24 D0240 DEVLIN, EDMUND F. 1,048.95 3366
83737 07/08/24 E0012 EHRlich PEST CONTROL INC 127.14 3366
83738 07/08/24 G0028 GENTILINI FORD, INC. 213.59 3366
83739 07/08/24 G0120 PATRICK F. MARTIN 2,291.67 3366
83740 07/08/24 G0147 GREATAMERICA FINANCIAL SVCS. 217.00 3366
83741 07/08/24 G0169 GROFF TRACTOR MID ATLANTIC LLC 2,932.70 3366
83742 07/08/24 G0199 GLOBAL INTERACTIVE SOLUTIONS 179.88 3366
83743 07/08/24 H0073 HOME DEPOT CRC/GECF 1,016.46 3366
83744 07/08/24 H0097 HERRON, JOANNE R. 29.98 3366
83745 07/08/24 J0036 JOHNSON, MICHELLE 7.24 3366
83746 07/08/24 J0079 JAMES WYERS LANDSCAPING, LLC 1,320.00 3366
83747 07/08/24 J0090 JPMORGAN CHASE BANK, N.A. 432.00 3366
83748 07/08/24 L0075 LEXISNEXIS 401.00 3366
83749 07/08/24 L0128 LONE WOLF GAMING, LLC 850.00 3366
83750 07/08/24 M0188 MCCARTHY TIRE SERVICE OF PHILA 3,226.74 3366
83751 07/08/24 M0193 MAYNE, MICHAEL 72.96 3366
83752 07/08/24 M0217 MUNICIPAL EMERGENCY SERVICES 985.00 3366
83753 07/08/24 M0235 MODERN GROUP, LTD 3,665.75 3366
83754 07/08/24 M0277 EQUITABLE FINANCIAL LIFE INS. 189.14 3366
83755 07/08/24 M0303 MALEY GIVENS, A PROF CORP 408.50 3366
83756 07/08/24 M0308 McHENRY PRESSURE CLEAN SYSTEMS 4,387.61 3366
83757 07/08/24 M0313 MAVIS TIRE SUPPLY, LLC 520.00 3366
83758 07/08/24 N0004 NJ-AMERICAN WATER CO. 204.97 3366
83759 07/08/24 N0154 NEW HORIZON COMMUNICATIONS 1,013.21 3366

83760 07/08/24 N0171 NATIONAL HIGHWAY PRODUCTS INC. 663.36 3366
83761 07/08/24 P0032 PEDRONI FUEL CO. 2,719.65 3366
83762 07/08/24 P0136 POSTNET 52.15 3366
83763 07/08/24 P0213 PROCLIP USA LLC 580.02 3366
83764 07/08/24 R0030 RIGGINS, INC. 7,929.42 3366
83765 07/08/24 S0057 SERVICE TIRE TRUCK CENTERS 3,066.72 3366
83766 07/08/24 S0072 SEGIN, STEWART S. 18.92 3366
83767 07/08/24 S0134 SO. JERSEY GAS COMPANY 637.00 3366
83768 07/08/24 S0284 SOUTH JERSEY INTERPRETERS 262.50 3366
83769 07/08/24 S0292 SURENIAN EDWARDS BUZAK & NOLAN 786.06 3366
83770 07/08/24 S0303 SITEONE LANDSCAPE SUPPLY, LLC 999.77 3366
83771 07/08/24 S0363 STARR SEPTIC, LLC. 6,762.00 3366
83772 07/08/24 S0367 Seidel, Cheryl 150.00 3366
83773 07/08/24 S0400 SOUTH JERSEY MOBILE REPAIR LLC 1,667.04 3366
83774 07/08/24 T0032 THE PRESS OF ATLANTIC CITY 98.12 3366
83775 07/08/24 T0168 TOWNSHIP OF UPPER 441.61 3366
83776 07/08/24 T0192 MARSH & McLENNAN AGENCY/TRION 213.75 3366
83777 07/08/24 T0213 TREASURER, STATE OF NEW JERSEY 150,645.97 3366
83778 07/08/24 U0067 UT HEALTH REIMB. ACCOUNT 5,210.13 3366
83779 07/08/24 V0013 VERIZON WIRELESS 1,001.97 3366
83780 07/08/24 V0025 V.E. RALPH & SON,INC. 100.00 3366
83781 07/08/24 V0053 VERIZON CONNECT FLEET USA LLC 545.60 3366
83782 07/08/24 W0087 W.B. MASON EGG HARBOR 1,011.44 3366
83783 07/08/24 W0131 WEX BANK 159.01 3366
83784 07/08/24 Y0008 YOUNG, DANIEL J. ESQUIRE PC 180.00 3366
83785 07/08/24 Z0014 MIKE ZYNDORF, LLC 3,022.00 3366
Total: \$253,094.43