

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR AUGUST 26, 2024**

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

**CALL TO ORDER**

**SUNSHINE ANNOUNCEMENT**

Deputy Mayor Hayes read the following Open Public meeting notice into the record:

“In compliance with the Open Public Meetings Law, I wish to state that on August 23, 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	Absent
Jay Newman	Absent

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** – August 12, 2024 Regular Meeting and Closed Session Minutes

Motion by Curtis Corson, second by Victor Nappen, to approve the August 12, 2024 Regular and Closed Session Minutes as submitted. During roll call vote all three Committee members present voted in the affirmative.

**REPORT OF GOVERNING BODY MEMBERS**

**Curtis Corson, Committeeman**, recommended that Lifeguard Will Shute be promoted to Senior Lifeguard and requested that a Resolution be prepared for the next meeting. He next wished everyone a safe and happy Labor Day.

**Victor Nappen, Committeeman**, reported that he recently attended the Upper Township Football Association’s Red and White event and thanked all that were involved. Next, he reported that there have been a lot of posts on social media regarding utility bills. He stated that Congressman Van Drew and Senator Testa have both called for a review of the issue. The Township Administrator was directed to reach out to their offices for a Resolution or statement the Township Committee can join.

**Kimberly Hayes, Deputy Mayor**, reported that the Township’s Fall Fest will be held on Sunday October 6<sup>th</sup> and vendor applications are still available. She next reported that the Township will be holding a Health Fair on October 24<sup>th</sup> from 3:00 pm to 5:00 pm at the Community Center. There will be numerous vendors and health screenings available including free flu shots from the Cape May County Health Department. Next, she reported that last Wednesday a sports injury prevention seminar was held at the

Community Center and thanked Larry Cole, and Dr. Tjoumakaris, Dr. Channick , and Melanie Iannace of Rothman Orthopedics. Lastly, she thanked the Ocean City Football Association for hosting the Red & White event.

### **ADMINISTRATOR OVERVIEW**

**Gary DeMarzo, Township Administrator**, reported that the Township’s shredder has been broken for almost a year and the Township has been unable to offer shredding services to the residents. He stated that the Green Team has generously offered to host a shredding event and thanked Ralph Cooper and the Green Team. More information on the shredding day will be available soon. He then requested that number 9 on the agenda entitled, Hiring Ryan MacNair as a full-time Laborer 1, Probational to the Upper Township Department of Public Works, and number 12 on the agenda entitled, Authorizing the purchase of municipal management software in the amount of \$23,100.00, be removed from the agenda.

**Anthony Monzo, Municipal Attorney**, reported that he is reviewing the agreement for the purchase of the municipal management software and will be working with the vendor for a final version.

**Ryan MacNeill, Township Engineer**, reported that the Township’s paving project is complete. He stated that the remaining budget will be used for upgrades to recreational facilities. He next reported that the Township has received a USDA PPG grant award in the amount of \$60,000, with a \$20,000 Township match, for the preparation of a sewer feasibility study for Marmora and Beesley’s Point.

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

**Nathalie Neiss, Petersburg**, requested to submit a letter to the Committee and Administration. The Clerk accepted the letter. Ms. Neiss then spoke about the Township procedures for the Master Plan review and the study analysis and flood hazard area maps of the proposed NJPACT/REAL rules that the Lomax Consulting Group prepared for the County.

### **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 Victor Nappen, to approve the following consent agenda items with the exception of numbers 9 and 12. During roll call vote all three Committee members present voted in the affirmative.

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

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

1. Certification of costs for abatement of nuisance on Block 653.01, Lot 4; Block 549, Lot 85; and Block 599, Lot 51.

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

**RESOLUTION NO. 265-2024**

**CERTIFICATION OF COSTS FOR ABATEMENT OF NUISANCE  
ON BLOCK 653.01, LOT 4; BLOCK 549, LOT 85; AND BLOCK 599, LOT 51**

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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 653.01, Lot 4; Block 549, Lot 85; and Block 599, Lot 51; 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. 265-2024

Offered by: Corson

Seconded by: Nappen

Adopted: August 26, 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**

<b><u>BLOCK/LOT</u></b>	<b><u>LOCATION</u></b>	<b><u>COST</u></b>	<b><u>ADMIN FEE</u></b>	<b><u>TOTAL</u></b>
653.01/4	10 Rt 9 S	\$225.00	\$45.00	\$265.00
549/85	40 Linda Lane	\$150.00	\$30.00	\$180.00
599/51	11 Rt 9 S	\$720.00	\$144.00	\$864.00

2. Amending Resolution No. 254-2024 to certify costs for abatement of nuisance on Block 303, Lot 7.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 266-2024**

**AMENDING RESOLUTION NO. 254-2024 TO CERTIFY COSTS FOR  
ABATEMENT OF NUISANCE ON BLOCK 303, LOT 7**

**WHEREAS**, Resolution No. 254-2024 authorized the Tax Collector to add costs for the removal and abatement of nuisance pursuant to Township Code Section 11-1 on Block 303 Lot 8; Block 653.01 Lot 4; Block 453.11, Lot 1.02; and

**WHEREAS**, the purpose of this resolution is to amend and correct the certification of costs from Block 303, Lot 8 to Block 303, Lot 7; 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 Block 303, Lot 7 which lien shall become and form a part of the taxes assessed and levied upon the property 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. 266-2024

Offered by: Corson

Seconded by: Nappen

Adopted: August 26, 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**

<b><u>BLOCK/LOT</u></b>	<b><u>LOCATION</u></b>	<b><u>COSTADMIN FEE</u></b>	<b><u>TOTAL</u></b>
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- 3. Canceling tax on exempt property Block 8, Lot 1.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 267-2024**

**CANCELING TAX ON EXEMPT PROPERTY  
BLOCK 8, LOT 1**

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

**WHEREAS**, certain properties became tax exempt in the year 2016; and

**WHEREAS**, George Strunk is a 100% disabled American veteran residing at 1590 Weatherby Rd. Belleplain NJ, 08270 on the municipal tax map of Upper Township, New Jersey; and

**WHEREAS**, Mr. Strunk failed to return documentation required by the Tax Assessor in order to maintain said exemption resulting in the denial of said exemption; and

**WHEREAS**, it was determined by the Tax Assessor that Mr. Strunk did not receive the documentation in the mail; and

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

Resolution No. 267-2024

Offered by: Corson

Seconded by: Nappen

Adopted: August 26, 2024

Roll Call Vote:

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

**CANCEL TAX 2024**

**BLOCK/LOT**

8/1

**AMOUNT**

\$ 4,227.23

**NAME**

George Strunk  
1590 Weatherby Rd.  
Belleplain, NJ 08270

4. Canceling tax on exempt property Block 453.10, Lot 15.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 268-2024**

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

**WHEREAS**, certain corrections have been recommended by the Upper Township Tax Collector in order to cancel taxes; and

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

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

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

**WHEREAS**, it is necessary to cancel taxes on the 3<sup>rd</sup> and 4<sup>th</sup> quarters of 2024; and

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

Resolution No. 268-2024

Offered by: Corson

Seconded by: Nappen

Adopted: August 26, 2024

Roll Call Vote:

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

**CANCEL TAX 2024**

**BLOCK/LOT**

453.10/15

**AMOUNT**

\$ 4,759.41

**NAME**

Jeffrey Setser  
18 Laurel Ridge Rd.  
Seaville, NJ 08230

100% Totally Disabled Veteran

5. Canceling and refunding tax on exempt property Block 449, Lot 4.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 269-2024**

**CANCELING AND REFUNDING TAX ON EXEMPT PROPERTY  
BLOCK 449, LOT 4**

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

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

**WHEREAS**, Corin Arsenault is a 100% disabled American veteran residing at 530 Perry Rd. Petersburg, Block 449, Lot 4 on the municipal tax map of Upper Township, New Jersey; and

**WHEREAS**, the Department of Veterans Affairs has determined that Mr. Arsenault’s 100% permanent military service-connected disability was effective February 21, 2024; and

**WHEREAS**, Corin Arsenault made application on April 16, 2024 and requested a refund for the taxes paid in 2024; and

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

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

Resolution No. 269-2024  
Offered by: Corson  
Adopted: August 26 2024  
Roll Call Vote:

Seconded by: Nappen

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

**CANCEL TAX 2024**

**BLOCK/LOT**  
449/4

**AMOUNT**  
\$ 4,956.94

**NAME**  
Corin & Nancy Arsenault  
530 Perry Rd.  
Petersburg, NJ 08270

**REFUND TAX 2024**

**BLOCK/LOT**

449/4

**AMOUNT**

\$ 3,458.86

**NAME**

Corin & Nancy Arsenault  
530 Perry Rd  
Petersburg, NJ 08270

100% Totally Disabled Veteran

- 6. Canceling and refunding tax on exempt property Block 471, Lot 11.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 270-2024**

**CANCELING AND REFUNDING TAX ON EXEMPT PROPERTY  
BLOCK 471, LOT 11**

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

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

**WHEREAS**, Kelly Roy is a 100% disabled American veteran residing at 30 Frances Drive South, Petersburg, Block 471, Lot 11 on the municipal tax map of Upper Township, New Jersey; and

**WHEREAS**, the Department of Veterans Affairs has determined that Ms. Roy's 100% permanent military service-connected disability was effective October 26, 2023; and

**WHEREAS**, Kelly Roy made application July 10, 2024 and requested a refund for taxes paid in 2024; and

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

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

Resolution No. 270-2024

Offered by: Corson

Seconded by: Nappen

Adopted: August 26, 2024

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Corson	X			
Hayes	X			



Nappen	X			
Pancoast				X
Newman				X

**CANCEL TAX 2024**

<b><u>BLOCK/LOT</u></b>	<b><u>AMOUNT</u></b>	<b><u>NAME</u></b>
471/11	\$ 3,821.79	Kelly Roy 30 Frances Drive So. Petersburg, NJ 08270

**REFUND TAX 2024**

<b><u>BLOCK/LOT</u></b>	<b><u>AMOUNT</u></b>	<b><u>NAME</u></b>
471/11	\$ 2,817.94	Kelly Roy 30 Frances Drive So. Petersburg, NJ 08270

100% Totally Disabled Veteran

- 7. Tax refund Block 453.09, Lot 291.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 271-2024**

**TAX REFUND  
BLOCK 453.09, LOT 291**

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

**WHEREAS**, the Homeowners and the Mortgage Company both paid the 2024 3<sup>rd</sup> quarter taxes on the above property; and

**WHEREAS**, the Homeowners have requested a refund for the overpayment in the amount of \$1,274.43.

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

Resolution No. 271-2024

Offered by: Corson

Seconded by: Nappen

Adopted: August 26, 2024

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Corson	X			
Hayes	X			

Nappen	X			
Pancoast				X
Newman				X

<b><u>REFUND BLOCK/LOT</u></b>	<b><u>AMOUNT</u></b>	<b><u>NAME</u></b>
453.09/291	\$ 1,274.43	James and Nancy Swank 16 Corson Tavern Rd Seaville, NJ 08230

8. Tax refund Block 674, Lot 16.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 272-2024**

**TAX REFUND  
BLOCK 674, LOT 16**

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

**WHEREAS**, the Homeowners and the Mortgage Company both paid the 2024 3<sup>rd</sup> quarter taxes on the above property; and

**WHEREAS**, the Homeowners have requested a refund for the overpayment in the amount of \$2,044.99.

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

Resolution No. 272-2024

Offered by: Corson                      Seconded by: Nappen

Adopted: August 26, 2024

Roll Call Vote:

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

<b><u>REFUND BLOCK/LOT</u></b>	<b><u>AMOUNT</u></b>	<b><u>NAME</u></b>
674/16	\$ 2,044.99	Samuel Palombo and Carly Beson 19 E Hollywood Lane Marmora, NJ 08223

9. Hiring Ryan McNair as a full-time Laborer 1, Probational to the Upper Township Department of Public Works. **No Action taken on this resolution.**

10. Hiring Donald Polo as School Traffic Guard.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 273-2024**

**RE: HIRING DONALD POLO AS SCHOOL TRAFFIC GUARD**

**WHEREAS**, a need exists to hire qualified part-time personnel as School Traffic Guard;

and

**WHEREAS**, this resolution is intended to ratify the action heretofore taken; 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. Donald Polo is hereby hired to the part-time position of School Traffic Guard effective September 5, 2024, on an as needed basis, at an hourly rate of \$17.00 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. 273-2024

Offered by: Corson

Seconded by: Nappen

Adopted: August 26, 2024

Roll Call Vote:

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

11. Authorizing a contract with ACT Engineers, Inc. for engineering consulting services for the Strathmere Living Shoreline project.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 274-2024**

**RE: AUTHORIZING A CONTRACT WITH ACT ENGINEERS, INC. FOR ENGINEERING  
CONSULTING SERVICES FOR THE STRATHMERE  
LIVING SHORELINE PROJECT**

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**WHEREAS**, the Township requires engineering consulting services for the living shoreline project in the Strathmere section of Upper Township; and

**WHEREAS**, ACT Engineers, Inc. possesses the requisite skill and knowledge to perform these services; and

**WHEREAS**, a Resolution is required authorizing the award of a contract for professional services to ACT Engineers, Inc. as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, ACT Engineers, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that ACT Engineers, 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 ACT Engineers, 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. ACT Engineers, Inc. with offices at 320 S. Shore Road, Unit D, Marmora, New Jersey, is hereby appointed as an environmental and engineering consultant for construction of a rock sill living shoreline in the Strathmere section of Upper Township.
3. This contract shall have a term of one (1) year commencing upon 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 ACT Engineers, Inc. has professional knowledge as to environmental and engineering issues which knowledge is particularly valuable to the Township Committee.

**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 ACT Engineers, Inc. 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 the contract and showing the line-item appropriation of the official budget to which the contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the Municipal Clerk.

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

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

9. This Resolution shall be effective as of adoption.

Resolution No. 274-2024

Offered by: Corson

Seconded by: Nappen

Adopted: August 26, 2024

Roll Call Vote:

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

12. Authorizing the purchase of municipal management software in the amount of \$23,100.00. No action on this resolution. **No Action on this resolution.**

13. Authorizing the Township of Upper to enter into a contract with Cape Physicians Associates to provide pre-employment physical examinations.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 275-2024**

**RE: AUTHORIZING THE TOWNSHIP OF UPPER TO ENTER INTO A  
CONTRACT WITH CAPE PHYSICIANS ASSOCIATES TO PROVIDE**

## PRE-EMPLOYMENT PHYSICAL EXAMINATIONS

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**WHEREAS**, pursuant to Section 9 of the Supervisor’s Personnel Policies and Procedures Manual, the Township of Upper provides for a pre-employment physical examination to a prospective employee in order to insure that they can perform the duties of their position without injury to themselves or others; and

**WHEREAS**, Cape Physicians Associates possesses the requisite skill and knowledge to perform these services; and

**WHEREAS**, a Resolution is required authorizing the award of a contract for professional services to Cape Physicians Associates as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the proposed contract has been reviewed and approved by the Township’s Legal Counsel and will be on record in the office of the Township Clerk and available for public inspection and is attached hereto as Exhibit “A”; and

**WHEREAS**, Cape Physicians Associates has completed and submitted a Business Entity Disclosure Certification which certifies that Cape Physicians Associates 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 Cape Physicians Associates 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 Cape Physicians Associates to provide hearing examinations.
3. Cape Physicians Associates has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.
4. 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 Cape

Physicians Associates 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 Cape Physicians Associates. 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. 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. 275-2024

Offered by: Corson

Seconded by: Nappen

Adopted: August 26, 2024

Roll Call Vote:

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

14. Authorizing a progress payment for engineering services for the 2023 paving project with funds from the 2023 Capital Improvement Bond Ordinance in the amount of \$7,629.50.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 276-2024**

**RE: AUTHORIZING A PROGRESS PAYMENT FOR ENGINEERING SERVICES FOR THE  
2023 PAVING PROJECT WITH FUNDS FROM THE 2023 CAPITAL IMPROVEMENT BOND  
ORDINANCE IN THE AMOUNT OF \$7,629.50**

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**WHEREAS**, it is necessary for the Township of Upper to make certain capital purchases;  
and

**WHEREAS**, the Township Committee adopted the 2023 Capital Improvement Bond Ordinance 002-2023 on March 13, 2023; and

**WHEREAS**, the Township’s Engineer, CME Associates of Howell, New Jersey, submitted a fee estimate for professional engineering services for the 2023 Paving Project dated August 18, 2023; and

**WHEREAS**, the Chief Financial Officer of the Township has certified that adequate funds have been appropriated for this purpose in the 2023 Capital Improvement Bond Ordinance; and

**WHEREAS**, CME Associates recently submitted invoices for progress work done to date for construction phase services for the 2023 Paving Project in the amount of \$7,629.50; and

**WHEREAS**, pursuant to the Township of Upper’s Purchasing Policy, the full Township Committee shall authorize the expenditure of projects, goods or services that are part of a capital bond ordinance; and

**WHEREAS**, the Township Committee has reviewed the requested progress payment by CME Associates and has determined it is in the best interest of the Township to authorize same.

**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 Chief Financial Officer is hereby authorized to make a payment to CME Associates of Howell, New Jersey in the amount of **\$7,629.50** with funds from Capital Improvement Bond Ordinance No. 002-2023.

Resolution No. 276-2024

Offered By: Corson

Seconded By: Nappen

Adopted: August 26, 2024

Roll Call Vote:

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

15. Authorizing final payment for the 2023 paving project with funds from the 2023 Capital Improvement Bond Ordinance in the amount of \$269,403.24.



**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 277-2024**

**RE: AUTHORIZING FINAL PAYMENT FOR THE 2023 PAVING PROJECT WITH FUNDS  
FROM THE 2023 CAPITAL IMPROVEMENT BOND ORDINANCE IN THE AMOUNT OF  
\$269,403.24**

---

**WHEREAS**, it is necessary for the Township of Upper to make certain capital purchases;  
and

**WHEREAS**, the Township Committee adopted the 2013 Capital Improvement Bond Ordinance 005-2013 on April 8, 2013, and the 2023 Capital Improvement Bond Ordinance 002-2023 on March 13, 2023; and

**WHEREAS**, the Township of Upper authorized a contract with Paving Plus, LLC of Glassboro, New Jersey pursuant to Resolution 98-2024 on March 11, 2024, in the original Contract amount of \$1,237,944.22; and

**WHEREAS**, Paving Plus, LLC has submitted an Application and Certificate for Payment for the final payment and closeout of the contract with a final payment in the amount of \$269,403.24; and

**WHEREAS**, the Township Engineer has certified that all work has been completed and is of acceptable quality in accordance with the contract documents such that Paving Plus, LLC is entitled to final payment in the amount of \$269,403.24; and

**WHEREAS**, the Township Chief Financial Officer has examined and approved Paving Plus, LLC's Application and Certificate for Payment and has certified that adequate funds have been appropriated for this purpose in the 2023 Capital Improvement Bond Ordinance.

**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 Chief Financial Officer is hereby authorized to make the final payment to Paving Plus, LLC of Glassboro, New Jersey in the amount of \$269,403.24 with funds from Capital Improvement Bond Ordinance Nos. 005-2013 and 002-2023.

Resolution No. 277-2024

Offered By: Corson                      Seconded By: Nappen

Adopted: August 26, 2024

Roll Call Vote:

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

16. Authorizing the purchase of certain items with funds from Capital Improvement Bond Ordinance No. 012-2024 in the amount of \$198,325.20.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 278-2024**

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS WITH FUNDS FROM CAPITAL  
IMPROVEMENT BOND ORDINANCE NO. 012-2024 IN THE AMOUNT OF \$198,325.20**

---

**WHEREAS**, it is necessary for the Township of Upper to make certain capital purchases;  
and

**WHEREAS**, the Township Committee adopted the 2024 Capital Improvement Bond Ordinance No. 012-2024 on July 8, 2024; and

**WHEREAS**, pursuant to Resolution No. 255-2024 the Township of Upper entered into a Cooperative Pricing System Agreement with the County of Bergen; and

**WHEREAS**, on August 14, 2024, the State of New Jersey approved the Township of Upper as a member of the New Jersey Cooperative Purchasing Alliance – CK04-Bergen; and

**WHEREAS**, the Township’s Qualified Purchasing Agent has reviewed and approved the quote for three MTS power load stretchers from Stryker Sales, LLC of Redmond, Washington; and

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

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

**WHEREAS**, the Chief Financial Officer of the Township has certified the availability of funds for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose in 2024 Capital Improvement Bond Ordinance No. 012-2024.

**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 Stryker Sales, LLC of Redmond, Washington to purchase three MTS power load stretchers in the amount of **\$198,325.20** with funds from 2024 Capital Improvement Bond Ordinance No. 012-2024.
3. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 278-2024

Offered By: Corson                      Seconded By: Nappen

Adopted: August 26, 2024

Roll Call Vote:

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

17. Authorizing the purchase of certain items with funds from Capital Improvement Bond Ordinance No. 012-2024 in the amount of \$97,863.10.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 279-2024**

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS WITH FUNDS FROM CAPITAL IMPROVEMENT BOND ORDINANCE NO. 012-2024 IN THE AMOUNT OF \$97,863.10**

---

**WHEREAS**, it is necessary for the Township of Upper to make certain capital purchases;  
and

**WHEREAS**, the Township Committee adopted the 2024 Capital Improvement Bond

Ordinance No. 012-2024 on July 8, 2024; and

**WHEREAS**, the Township’s Qualified Purchasing Agent has reviewed and approved the quotes for six portable radios and three replacement repeaters from Motorola Solutions, Inc. of Woodcliff Lake, New Jersey; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-12a, the Township wishes to make some of these purchases from State Contract as indicated on Exhibit A; and

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

**WHEREAS**, the Chief Financial Officer of the Township has certified the availability of funds for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose in 2024 Capital Improvement Bond Ordinance No. 012-2024.

**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 purchase of the items listed on Exhibit A in the amount of **\$97,863.10** with funds from 2024 Capital Improvement Bond Ordinance No. 012-2024.
3. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 279-2024

Offered By: Corson

Seconded By: Nappen

Adopted: August 26, 2024

Roll Call Vote:

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

18. Authorizing the Mayor and Township Administrator to execute documents on behalf of the Township of Upper for the USDA Rural Development Sanitary Sewer Predevelopment Planning Grant.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 280-2024**

**AUTHORIZING THE MAYOR AND TOWNSHIP ADMINISTRATOR TO EXECUTE DOCUMENTS ON BEHALF OF THE TOWNSHIP OF UPPER FOR THE USDA RURAL DEVELOPMENT SANITARY SEWER PREDEVELOPMENT PLANNING GRANT**

---

**WHEREAS**, the Township of Upper successfully applied for a USDA Rural Development Predevelopment Planning Grant for the Marmora and Beesley’s Point Sewer Feasibility Study; and

**WHEREAS**, the proceeds from this grant will cover \$60,000 of the \$80,000 total cost of the engineering services to perform the feasibility study related to this project; and

**WHEREAS**, in order to proceed with this program, the Township Committee will need to authorize the Mayor and Township Administrator to sign all forms in conjunction with the acceptance of the grant; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Administrator of the Township of Upper are hereby authorized to execute any and all documents pertaining to the USDA Rural Development Sanitary Sewer Predevelopment Planning Grant, and the Township Clerk is hereby authorized to affix the official seal to all documents and attest the same.

Resolution No. 280-2024

Offered by: Corson

Seconded by: Nappen

Adopted: August 26, 2024

Roll Call Vote:

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

19. Chapter 159 Resolution requesting approval of items of revenue and appropriation into the 2024 budget—United States Department of Agriculture Predevelopment Planning Grant in the total amount of \$80,000.00.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 281-2024**

**RE: CHAPTER 159 RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND  
APPROPRIATION INTO THE 2024 BUDGET—UNITED STATES DEPARTMENT OF  
AGRICULTURE PREDEVELOPMENT PLANNING GRANT IN THE TOTAL AMOUNT OF  
\$80,000.00**

---

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Upper, County of Cape May, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2024 in the sum of \$60,000.00, which is now available as a revenue from:

REVENUE: STATE & FEDERAL REVENUE OFFSET WITH APPROPRIATIONS:  
2024 USDA PREDEVELOPMENT PLANNING GRANT, AND

**BE IT FURTHER RESOLVED** that a like sum of \$60,000.00 is hereby appropriated under the caption of:

APPROPRIATION: STATE AND FEDERAL PROGRAMS OFFSET BY REVENUE:  
2024 USDA PREDEVELOPMENT PLANNING GRANT, AND

**BE IT FURTHER RESOLVED**, that the sum of \$20,000.00 representing the amount required for the municipality’s share of the aforementioned grant appears and is hereby appropriated in the 2024 municipal budget under the caption of Engineer Cost O/E-Consultant Services.

Resolution No. 281-2024

Offered By: Corson

Seconded By: Nappen

Adopted: August 26, 2024

Roll Call Vote:

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

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

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 282-2024**

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

---

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

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

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

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

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

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

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

Township’s Spending Plan:

Tiffany A. CuvIELLO (Affordable Housing Services)	\$ 187.50
Monzo Catanese DeLollis, P.C. (Affordable Housing Services)	\$ 425.00

Offered By: Corson  
Adopted: August 26, 2024  
Roll Call Vote:

Seconded By: Nappen

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

21. Authorizing the award of a contract with Campbell Supply Company for parts and equipment.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 283-2024**

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH  
CAMPBELL SUPPLY COMPANY FOR PARTS AND EQUIPMENT**

---

**WHEREAS**, from time to time the Township of Upper has a need to purchase construction parts and equipment from Campbell Supply Company 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 Campbell Supply Company 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**, Campbell Supply Company has completed and submitted a Business Entity Disclosure Certification which certifies that Campbell Supply Company 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 Campbell Supply Company 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 Campbell Supply Company 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. 283-2024

Offered by: Corson

Seconded by: Nappen

Adopted: August 26, 2024

Roll Call Vote:

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

22. Authorizing the award of a contract with Bergey's Trucks Inc., Dba Bergey's Truck Centers, for automotive parts and repairs.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 284-2024**

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH BERGEY'S TRUCKS INC.,  
DBA BERGEY'S TRUCK CENTERS, FOR AUTOMOTIVE PARTS AND REPAIRS**

---

**WHEREAS**, from time to time the Township of Upper has a need to purchase automotive parts and repairs from Bergey's Trucks 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 Bergey's Trucks Inc. 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**, Bergey’s Trucks Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Bergey’s Trucks 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 Bergey’s Trucks 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 Bergey’s Trucks 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.

Resolution No. 284-2024

Offered by: Corson

Seconded by: Nappen

Adopted: August 26, 2024

Roll Call Vote:

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

**RESOLUTIONS TO BE ACTED ON SEPARATELY**

23. Approving the application for a Catering permit from Jersey Coastal Breweries, LLC for the Upper Township Fall Fest event on October 6, 2024.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 285-2024**

**RE: APPROVING THE APPLICATION FOR A CATERING PERMIT FROM JERSEY  
COASTAL BREWERIES, LLC FOR THE UPPER TOWNSHIP  
FALL FEST EVENT ON OCTOBER 6, 2024**

**WHEREAS**, in accordance with Chapter 6-7 of the Code of Upper Township, the Township Committee, by resolution, may permit the sale and consumption of alcoholic beverages on Township lands, including public parks, on a one-day permit basis as provided in N.J.S.A. 33:1-74 or on a catering permit basis as provided by regulation or rule of the New Jersey Division of Alcoholic Beverage Control; and

**WHEREAS**, the Township of Upper will be holding a Fall Fest event on October 6, 2024 at Amanda’s Field; and

**WHEREAS**, the Township Committee deems it appropriate to approve the application of a one-day Catering permit from Jersey Coastal Breweries LLC for the sale of 5 oz. wine and 12 oz. distilled spirits during said Fall Fest event; 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 approves the application for a one-day Catering permit from Jersey Coastal Breweries LLC for the Upper Township Fall Fest event to be held on October 6, 2024 at Amanda’s Field.
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. 285-2024

Offered by: Nappen

Seconded by: Corson

Adopted: August 26, 2024

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Corson	X			
Hayes	X			

Nappen	X			
Pancoast				X
Newman				X

**ORDINANCES**

**CORRESPONDENCE**

**NEW BUSINESS**

**UNFINISHED BUSINESS**

**PAYMENT OF BILLS**

24. "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 Curtis Corson, second by Victor Nappen. During roll call vote all three Committee members present voted in the affirmative.**

Bills approved for payment: **\$1,035,371.55**  
 Payroll: **\$262,670.33**

**CLOSED SESSION**

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

**RESOLUTION NO. 286-2024  
 MOTION GOING INTO CLOSED SESSION  
 AUGUST 26, 2024**

I hereby move that a resolution be incorporated into the minutes authorizing the Township Committee to enter into an executive session for the following matters pursuant to the Open Public Meetings Act:

MATTERS:

1. Personnel
2. Contract negotiation – Substitute Municipal Court Judge
3. Contract negotiation – Shore Animal Control
4. Contract negotiation – Atlantic Investigations
5. Contract negotiation – QAR EMS Collections
6. Contract negotiation – CME Associates Reconstruction of Putnam Avenue & Strathmere Drainage Improvements
7. Contract negotiation – CME Associates USDA PPG Marmora and Beesley’s Point Sewer Investigation
8. Contract negotiation – CME Associates CMC ARPA Strathmere Sewer Investigation, Design, and Permitting
9. Potential Litigation – Prescott Avenue

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

- A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

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

Moved by: Victor Nappen

Motion seconded by: Curtis Corson

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

**RECONVENE PUBLIC PORTION OF MEETING**

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

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

- 26. Authorizing Consulting and Municipal Engineers, LLC to perform additional professional engineering services for the Reconstruction of Putnam Avenue & Strathmere Drainage Improvements project.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 287-2024**

**RE: AUTHORIZING CONSULTING AND MUNICIPAL ENGINEERS, LLC TO PERFORM  
ADDITIONAL PROFESSIONAL ENGINEERING SERVICES FOR THE RECONSTRUCTION  
OF PUTNAM AVENUE & STRATHMERE DRAINAGE IMPROVEMENTS PROJECT**

**WHEREAS**, the Township acquired the services of Consulting and Municipal Engineers, LLC, hereinafter “CME”, for engineering services as a non-fair and open contract pursuant to Resolution No. 93-2024 adopted on March 11, 2024; and

**WHEREAS**, pursuant to said contract, CME has proposed additional services which requires the Township’s authorization; and

**WHEREAS**, the additional services consist of engineering consultant services for the Reconstruction of Putnam Avenue & Strathmere Drainage Improvements project, as outlined in the proposal dated March 18, 2024 and revised April 9, 2024 is attached hereto as Exhibit A; and

**WHEREAS**, pursuant to the Township of Upper’s Purchasing Policy, the full Township Committee shall authorize the expenditure of projects, goods or services that are part of a capital bond ordinance; and

**WHEREAS**, the Chief Financial Officer of the Township has certified the availability of funds for the services herein authorized and has certified that adequate funds have been appropriated for this purpose in 2024 Capital Improvement Bond Ordinance No. 012-2024.

**WHEREAS**, Township Committee wishes to authorize CME to perform these additional services; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. CME is hereby authorized to perform the additional services, as outlined on Exhibit A, for the Reconstruction of Putnam Avenue & Strathmere Drainage Improvements project.
3. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.
4. This Resolution shall be effective as of adoption.

Resolution No. 287-2024

Offered by: Corson

Seconded by: Nappen

Adopted: August 26, 2024

Roll Call Vote:

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

27. Authorizing Consulting and Municipal Engineers, LLC to perform additional professional engineering services for the Marmora and Beesley's Point Sewer project.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 288-2024**

**RE: AUTHORIZING CONSULTING AND MUNICIPAL ENGINEERS, LLC TO PERFORM  
ADDITIONAL PROFESSIONAL ENGINEERING SERVICES FOR THE MARMORA AND  
BEESLEY'S POINT SEWER PROJECT**

---

**WHEREAS**, the Township acquired the services of Consulting and Municipal Engineers, LLC, hereinafter “CME”, for engineering services as a non-fair and open contract pursuant to Resolution No. 93-2024 adopted on March 11, 2024; and

**WHEREAS**, pursuant to said contract, CME has proposed additional services which requires the Township’s authorization; and

**WHEREAS**, the additional services consist of engineering consultant services for the Marmora and Beesley’s Point Sewer project, as outlined in the proposal dated August 22, 2024 and attached hereto as Exhibit A, and will utilize funds from the 2024 USDA Rural Development – Pre-Development Planning Grant; and

**WHEREAS**, Township Committee wishes to authorize CME to perform these additional services; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. CME is hereby authorized to perform the additional services, as outlined on Exhibit A, for the Marmora and Beesley’s Point Sewer project.
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. This Resolution shall be effective as of adoption.

Resolution No. 288-2024

Offered by: Corson

Seconded by: Nappen

Adopted: August 26, 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 5:25 P.M., with a motion by Curtis Corson, second by Victor Nappen, and all three Committee members present voting in the affirmative. The next regular Committee meeting is scheduled for September 9, 2024 at 6:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC  
Township Clerk

#### Bills

83963 08/26/24 A0018 ACTION SUPPLY INC. 447.42 3372  
83964 08/26/24 A0075 ADAMS, JOSHUA 500.00 3372  
83965 08/26/24 A0091 ATLANTIC CITY ELECTRIC 2,489.23 3372  
83966 08/26/24 A0117 AT&T 260.29 3372  
83967 08/26/24 A0193 ATLANTIC INVESTIGATIONS, LLC 108.50 3372  
83968 08/26/24 A0235 AMAZON CAPITAL SERVICES, INC. 207.25 3372  
83969 08/26/24 A0251 ACT ENGINEERS, INC. 2,264.75 3372  
83970 08/26/24 B0035 BELMONT & CRYSTAL SPRINGS 308.82 3372  
83971 08/26/24 B0093 BARRY,CORRADO & GRASSI,PC 455.00 3372  
83972 08/26/24 B0220 BERGEY'S TRUCK CENTERS 3,463.80 3372  
83973 08/26/24 B0288 KINGBARNES LLC 1,500.00 3372  
83974 08/26/24 C0042 CAMPBELL SUPPLY COMPANY 2,343.04 3372  
83975 08/26/24 C0048 CAPE MAY COUNTY MUA 51,941.06 3372  
83976 08/26/24 C0061 CAPRIONI FAMILY SEPTIC 400.00 3372  
83977 08/26/24 C0068 COMCAST 388.08 3372  
83978 08/26/24 C0143 CODY'S POWER EQUIPMENT 270.63 3372  
83979 08/26/24 C0171 COLONIAL ELECTRIC SUPPLY CO. 76.50 3372  
83980 08/26/24 C0223 CASA PAYROLL SERVICE 340.50 3372  
83981 08/26/24 C0279 CASA REPORTING SERVICES LLC 232.90 3372  
83982 08/26/24 C0305 CM3 BUILDING SOLUTIONS, INC. 2,100.00 3372  
83983 08/26/24 C0307 CNS ACQUISITION CORPORATION 875.00 3372  
83984 08/26/24 C0319 CXT INCORPORATED 1,971.71 3372  
83985 08/26/24 C0346 CME ASSOCIATES 7,629.50 3372  
83986 08/26/24 D0040 DELTA DENTAL OF N.J. INC. 5,232.65 3372  
83987 08/26/24 D0237 SCALFARO, KERRY 125.00 3372  
83988 08/26/24 D0240 DEVLIN, EDMUND F. 1,048.95 3372  
83989 08/26/24 E0069 EVERSAN,INC 745.25 3372  
83990 08/26/24 F0053 FORD, SCOTT & ASSOCIATES 11,800.00 3372  
83991 08/26/24 G0016 GARDNER HARDWARE INC. 562.96 3372  
83992 08/26/24 G0028 GENTILINI FORD, INC. 6,572.80 3372  
83993 08/26/24 G0035 GENRON FIRE PROTECTION 101.60 3372  
83994 08/26/24 G0120 PATRICK F. MARTIN 2,291.67 3372  
83995 08/26/24 H0073 HOME DEPOT CRC/GECF 1,689.70 3372  
83996 08/26/24 H0148 THOMAS H. HEIST INS AGENCY INC 500.00 3372  
83997 08/26/24 H0180 HD SUPPLY FACILITIES MANT 259.69 3372  
83998 08/26/24 J0079 JAMES WYERS LANDSCAPING, LLC 500.00 3372  
83999 08/26/24 K0086 K D NATIONAL FORCE SECURITY 750.00 3372  
84000 08/26/24 L0038 LAYTON, WILLIAM 150.00 3372  
84001 08/26/24 M0076 MGL PRINTING SOLUTIONS 667.00 3372  
84002 08/26/24 M0277 EQUITABLE FINANCIAL LIFE INS. 186.11 3372  
84003 08/26/24 M0327 MONZO CATANESE DeLOLLIS, P.C. 6,080.00 3372  
84004 08/26/24 N0070 MARSH & MCLENNAN AGENCY, LLC 2,000.00 3372  
84005 08/26/24 N0171 NATIONAL HIGHWAY PRODUCTS INC. 3,852.10 3372  
84006 08/26/24 O0006 SJSHORE MARKETING,LLC 155.00 3372  
84007 08/26/24 P0032 PEDRONI FUEL CO. 1,306.58 3372  
84008 08/26/24 P0170 PEACH COUNTRY MULCH 5,526.75 3372  
84009 08/26/24 P0184 PENDERGAST SAFETY EQUIPMENT CO 468.00 3372  
84010 08/26/24 P0195 PHOENIX ADVISORS, LLC 13,500.00 3372  
84011 08/26/24 P0212 PAVING PLUS LLC 269,403.24 3372  
84012 08/26/24 R0030 RIGGINS, INC. 4,512.21 3372  
84013 08/26/24 R0100 ROBERTS OXYGEN COMPANY, INC. 111.00 3372  
84014 08/26/24 S0056 SEASHORE ASPHALT CORPORATION 433.47 3372  
84015 08/26/24 S0057 SERVICE TIRE TRUCK CENTERS 1,112.92 3372



84016 08/26/24 S0065 SEAVILLE FIRE CO. DISTRICT #4 312,228.00 3372  
84017 08/26/24 S0134 SO. JERSEY GAS COMPANY 419.15 3372  
84018 08/26/24 S0196 STEWART BUSINESS SYSTEMS LLC 274.40 3372  
84019 08/26/24 S0201 SURRAN'S NURSERY 252.00 3372  
84020 08/26/24 S0209 STAPLES ADVANTAGE 214.32 3372  
84021 08/26/24 S0253 SAMPLE MEDIA, INC. 31.50 3372  
84022 08/26/24 S0254 SHOPRITE 72.54 3372  
84023 08/26/24 S0352 ARIZENT 2,520.00 3372  
84024 08/26/24 S0353 S&P GLOBAL RATINGS 20,500.00 3372  
84025 08/26/24 S0363 STARR SEPTIC, LLC. 2,125.00 3372  
84026 08/26/24 S0377 SHONE, JOSEPH 129.99 3372  
84027 08/26/24 T0117 TUCKAHOE FIRE DISTRICT #2 272,150.00 3372  
84028 08/26/24 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3372  
84029 08/26/24 V0013 VERIZON WIRELESS 636.75 3372  
84030 08/26/24 V0025 V.E. RALPH & SON, INC. 530.00 3372  
84031 08/26/24 V0052 VIKING TERMITE & PEST CONTROL 69.28 3372  
84032 08/26/24 W0123 WIRELESS ELECTRONICS, INC. 437.50 3372  
84033 08/26/24 X0008 XEROX FINANCIAL SERVICES 243.75 3372  
84034 08/26/24 Y0003 Y-PERS INC 97.00 3372  
84035 08/26/24 Y0016 YAKOPCIC, WESLEY 196.74 3372  
Total: \$1,035,371.55