

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR SEPTEMBER 23, 2024**

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

**CALL TO ORDER**

**SUNSHINE ANNOUNCEMENT**

Mayor Newman read the following Open Public meeting notice into the record:  
“In compliance with the Open Public Meetings Law, I wish to state that on September 20, 2024, the notice of this meeting of the Upper Township Committee was posted on the official Township Bulletin Board, the Upper Township Website, and emailed to the Atlantic City Press, the Ocean City Sentinel-Ledger, the Herald Times and filed with the Township Clerk. Tonight’s meeting is being video recorded up until the closed session portion of this meeting and will be available on the Upper Township website. I hereby direct that this announcement be made a part of the minutes of this meeting.”

**SALUTE TO THE FLAG**

**ROLL CALL**

Curtis Corson	Present
Kimberly Hayes	Present
Victor Nappen	Present
Mark Pancoast	Present
Jay Newman	Present

Also present were Municipal Clerk Joanne Herron, Municipal Attorney Anthony Monzo, Chief Financial Officer Barbara Ludy, Township Engineer Ryan MacNeill, and Township Administrator Gary DeMarzo.

**APPROVAL OF MINUTES** – September 9, 2024 Regular Meeting and Closed Session Minutes

Motion by Kimberly Hayes, second by Mark Pancoast, to approve the September 9, 2024 Regular and Closed Session Minutes as submitted. During roll call vote all five Committee members voted in the affirmative.

**REPORT OF GOVERNING BODY MEMBERS**

**Jay Newman, Mayor**, spoke about the recent tragedy in which a young Upper Township Indians football player, Easton Beisler, was killed in a car accident while on the way to a football game in Vineland. He stated that he has been amazed to hear the stories about Easton and his great character, and his memory will live on through the stories and tributes to his young life. He stated that he has also been amazed by the way in which the residents of this Township came together quickly and appropriately to honor Easton and support the family. Committeewoman Hayes stated that there is no possible way to thank everyone that came out to support this family and the community as a whole, but she thanked the Football Association Board and the coaches, Cape Assist, the Upper Township School Board and Superintendent, and members of the Department of Public Works that gave their own time to help with traffic control during a recent vigil. She also stated that the other fatality in the accident was a coach for the Vineland football team. He left behind four small children, so there are fundraisers accepting donations for his family. Committeeman Nappen gave his heartfelt condolences to the Beisler family and thanked all that helped, donated, and offered support to the family. Committeeman Pancoast stated that the response to

this tragedy is a testament to the citizens of Upper Township. Committeeman Corson agreed with Committeeman Pancoast and expressed his condolences to the family.

Mayor Newman then reported on a recent incident of a threat to the school and stated that within seconds the schools went into lockdown, and once the threat was cleared by the State Police, they lowered the threat level to shelter in place out of an abundance of caution. Mayor Newman stated that the procedures that were implemented that day are in place for the safety of the children and staff of the school. He stated that the Township was kept informed and updated throughout the day and fortunately an arrest was made within 5 hours. Station Commander MacNeill was in attendance and thanked all for their patience with the rate in which information was given out. Mayor Newman then reported that the Cape May County Health Department has notified the Township regarding several wells in the Township that have mercury contamination. He stated that the County has notified all of the residents with contaminated wells and will continue with testing the surrounding areas. He next requested to add a Resolution to the consent agenda entitled "Resolution designating Block 566, Lot 1 in the Township of Upper as an area in need of rehabilitation." Lastly, he reported that the BPU has responded to the Township's Resolution calling for a public hearing on the recent AC Electric rates. Not much information was given in the response.

**Kimberly Hayes, Committeewoman**, reported that the Historical Preservation Society will be holding their annual Apple Fest on Saturday October 5<sup>th</sup>. The next day, October 6<sup>th</sup>, the Township will be holding the annual Fall Fest at Amanda's Field from 11:00 am to 5:00 pm. Last, she reported that the Township will be holding a Health and Wellness Fair on October 34<sup>th</sup> from 3:00 pm to 5:00 pm at the Community Center.

**Victor Nappen, Committeeman**, reported that the Township will be holding a free rabies clinic on October 26<sup>th</sup> from 1:00 to 3:00 at Shore Veterinarians.

**Mark Pancoast, Committeeman**, reported that #17 on the agenda is for the purchase of some needed equipment upgrades for the Department of Public Works, and #19 on the agenda is a new employee for the Department of Public Works. Lastly, he reported that there will be a free paper shredding event on November 2<sup>nd</sup> from 9:00 am to noon at Reich Asset Management on Roosevelt Boulevard.

**Curtis Corson, Committeeman**, reported that September 15<sup>th</sup> was the last day of guarded beaches and stated that it was a relatively quiet and uneventful summer. He then thanked the Department of Public Works for their help with the clean-up and storage of the beach patrol equipment.

## **ADMINISTRATOR OVERVIEW**

**Gary DeMarzo, Township Administrator**, reported that the Township is continuing to work with the employee base regarding the increased costs for employee health benefits. He stated that the employees have been very cooperative as we head toward the open enrollment period on October 1<sup>st</sup>. He next stated that the incident command and chain of command in the Township is amazing as shown during recent events and thanked the NJSP for facilitating that. He next spoke about the mercury contamination in some of the wells in the Township. He stated that there is a spill fund in the state and POET water filtration systems have been given out to the affected residents as an initial first step.

**Joanne Herron, Township Clerk**, reported that October 15<sup>th</sup> is the last day to register to vote in the General Election. Registration forms can be found on the Township's website, the Clerk's office, or at [www.capemaycountyvotes.com](http://www.capemaycountyvotes.com).

**Anthony Monzo, Municipal Attorney**, reported that he and the Township Administrator recently met with Colliers Engineering regarding the structural analysis of the cell tower on 2028 Tuckahoe Road. He stated that the configuration of the three carriers will be changed on the tower based upon the bidding which could cause some structural stress on the tower. He stated that Colliers has come up with a solution to relieve the stress by having all of the cable wire run internally. Verizon has already agreed to do so and

as long as the other carriers agree, the matter can be accomplished without any structural modifications to the tower.

**Ryan MacNeill, Township Engineer**, reported that the Township will be able to use a co-op contract for the Athletic Court Resurfacing project. He next reported that the Reconstruction of Putnam Ave project should be ready to go out to bid by December. He next reported that he is working on the National Flood Insurance Program Community Rating System recertification which will be submitted in the next couple of weeks. Next, he gave a brief update on the Route 9 paving project. Lastly, Committeeman Pancoast asked the Engineer to obtain an update from the County on New Bridge Road.

## **PRESENTATION**

1. Honoring the Veterans of Foreign Wars of the United States on their 125<sup>th</sup> anniversary and designating September 29<sup>th</sup> as VFW Day in Upper Township.

### **TOWNSHIP OF UPPER CAPE MAY COUNTY RESOLUTION**

#### **RESOLUTION NO. 290-2024**

#### **HONORING THE VETERANS OF FOREIGN WARS OF THE UNITED STATES ON THEIR 125<sup>TH</sup> ANNIVERSARY AND DESIGNATING SEPTEMBER 29<sup>TH</sup> AS VFW DAY IN UPPER TOWNSHIP**

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**WHEREAS**, the Veterans of Foreign Wars of the United States (VFW) was founded in 1899 by a small group of veterans who returned from campaigns in Cuba and in the Philippines, and banded together to create a veterans organization that would advocate on behalf of all veterans; and

**WHEREAS**, the VFW is a nonprofit veterans service organization comprised of eligible veterans and military service members from the active, Guard and Reserve forces; and

**WHEREAS**, the VFW's mission is to foster camaraderie among United States veterans of overseas conflicts, to serve our veterans, the military and our communities, and to advocate on behalf of all veterans; and

**WHEREAS**, since its inception the VFW has been instrumental in the establishment of the Veterans Administration, the national cemetery system, and the creation of every national veterans' memorial; and

**WHEREAS**, the VFW has played a vital role in virtually every significant piece of veterans legislation passed in the 20th and 21st centuries to include the Honoring Our PACT Act, the most significant expansions of veterans benefits in history; and

**WHEREAS**, the VFW's 125th anniversary is being observed on September 29, 2024, this date shall officially be known as VFW Day; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee, on behalf of all the citizens of the Township of Upper, that we do hereby proclaim September 29<sup>th</sup> as VFW Day in honor of the VFW's invaluable contributions to the veteran community in the Township of Upper and around the world; and

**BE IT FURTHER RESOLVED** that we hereby stand with the VFW to ensure veterans are respected for their service, always receive their earned entitlements, and are recognized for the sacrifices they and their loved ones have made on behalf of this great country.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 9<sup>th</sup> day of September, 2024.

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

**CONSENT AGENDA**

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

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

**FILING OF REPORTS BY CONSENT**

2. Finance Office
3. Municipal Court
4. Tax Collector

**RESOLUTIONS TO BE APPROVED BY CONSENT**

5. Designating October 6<sup>th</sup> as “Knock Out Opioid Abuse Day” in Upper Township.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 311-2024**

**DESIGNATING OCTOBER 6<sup>TH</sup> AS  
“KNOCK OUT OPIOID ABUSE DAY” IN UPPER TOWNSHIP**

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**WHEREAS**, New Jersey is in the midst of a life-threatening opioid abuse epidemic; and

**WHEREAS**, “Knock Out Opioid Abuse Day” is a project of the Partnership for a Drug-Free New Jersey, in cooperation with the Governor’s Council on Alcoholism and Drug Abuse, to educate residents and healthcare providers in preventing the tragedy of overdose deaths and addiction that has already affected many New Jersey families and communities; and

**WHEREAS**, the New Jersey State Senate and the General Assembly jointly resolved that October 6<sup>th</sup> be permanently recognized as “Knock Out Opioid Abuse Day” in New Jersey in order to raise awareness of the dangers of opioid abuse and to educate health care providers, community leaders, state

lawmakers and members of the public about the opioid abuse epidemic and its effects throughout New Jersey and across the country; and

**WHEREAS**, there has been so far 25 suspected overdose deaths in Cape May County in this current year 2024 according to the NJ Office of the Attorney General and the majority of the County’s treatment admissions were for heroin/other opiates in 2024 according to the NJ Department of Human Services Division of Mental Health and Addiction Services; and

**WHEREAS**, the Township of Upper supports initiatives designed to raise awareness of the potential for dependency on prescribed pain medicine and its link to heroin abuse in New Jersey.

**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, that October 6<sup>th</sup> be designated as “Knock Out Opioid Abuse Day” in Upper Township and encourage the citizens of Upper Township to increase their understanding and awareness of the risks of prescription opioids and their link to addiction and overdose.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 23<sup>rd</sup> day of September, 2024.

Resolution No. 311-2024

Offered by: Corson

Seconded by: Hayes

Adopted: September 23, 2024

Roll Call Vote:

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

6. Designating October 6<sup>th</sup> through October 12<sup>th</sup>, 2024 as “Fire Prevention Week” in Upper Township.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 312-2024**

**RE: DESIGNATING OCTOBER 6<sup>TH</sup> THROUGH OCTOBER 12<sup>TH</sup> 2024  
AS “FIRE PREVENTION WEEK” IN UPPER TOWNSHIP**

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**WHEREAS**, according to the National Fire Protection Association (NFPA), a working smoke alarms can reduce the risk of dying in a home fire by more than half; and

**WHEREAS**, the 2024 Fire Prevention Week theme, “Smoke Alarms: Make them work for you!”, will work to educate everyone about the importance of having working smoke alarms in the home using the following key smoke alarm safety tips and guidelines; and

- Install smoke alarms in every bedroom, outside each separate sleeping area (like a hallway), and on each level (including the basement) of the home.
- Test smoke alarms at least once a month by pushing the test button.
- Replace all smoke alarms when they are 10 years old or stop responding when tested.

**WHEREAS** the Township Committee of the Township of Upper is dedicated to the safety of life and property from the devastating effects of fire and are joined by our Volunteer Fire Departments and Emergency Services to remind and urge all citizens to perform routine maintenance of all smoke and carbon monoxide alarms in their homes and businesses, and educate and prepare the members of their household in fire prevention and protection.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Upper, that the week of October 6, 2024 through October 12, 2024 shall be designated as “Fire Prevention Week” in Upper Township and do hereby encourage the citizens of Upper Township to participate in the 2024 Fire Prevention Week theme, “Smoke Alarms: Make them work for you!”, to ensure the safety of your loved ones.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 23<sup>rd</sup> day of September, 2024.

Resolution No. 312-2024

Offered by: Corson

Seconded by: Hayes

Adopted: September 23, 2024

Roll Call Vote:

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

7. Congratulating employee Kristen Snyder of the Upper Township Municipal Court for her winning entry in the Upper Township Safety Award Program for the 3<sup>rd</sup> quarter of 2024.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 313-2024**

**RE: CONGRATULATING EMPLOYEE KRISTEN SNYDER OF THE  
UPPER TOWNSHIP MUNICIPAL COURT FOR HER WINNING ENTRY IN THE UPPER  
TOWNSHIP SAFETY AWARD PROGRAM  
FOR THE 3<sup>RD</sup> QUARTER OF 2024**

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**WHEREAS**, employee Kristen Snyder, is recognized for her efforts to promote safety for her fellow employees and residents of the Township through her participation in the Upper Township Safety Award Program with the submission of a safety suggestion; and

**WHEREAS**, Kristen’s safety suggestion was chosen by the Upper Township Safety Committee from the entries submitted in the third quarter for the promotion of safety for employees and the community; and

**WHEREAS**, Kristen should be publicly recognized for reporting a safety concern of the court office security camera’s limited surveillance views and suggested replacement of the monitor with a larger screen and adding camera views to include the inside of the courtroom and other locations within Township Hall as well as adjusting the court window camera for a more inclusive view of the court lobby.

**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. That the Committee extends its appreciation and publicly recognizes Kristen Snyder on her commitment to safety by identifying a potential safety hazard and offering a suggestion through participation in the program.
2. That the Committee, on behalf of our employees and the citizens of the Township of Upper, extend to Kristen our congratulations and present her with the “Safety Day Award” of one day off with pay.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper the 23<sup>rd</sup> day of September 2024.

Resolution No. 313-2024

Offered by: Corson                      Seconded by: Hayes

Adopted: September 23, 2024

Roll Call Vote:

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

8. Appointing Maley Givens, PC and M. James Maley, Jr. to act as Special Legal Counsel with regard to redevelopment law.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 314-2024**

**RE: APPOINTING MALEY GIVENS, PC AND M. JAMES MALEY, JR. TO ACT AS SPECIAL  
LEGAL COUNSEL WITH REGARD TO REDEVELOPMENT LAW**

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**WHEREAS**, the Township requires legal counsel to provide legal services in connection with redevelopment law related matters; and

**WHEREAS**, the Township has decided to acquire the services of the firm of Maley Givens, PC and M. James Maley, Jr. as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

**WHEREAS**, the firm of Maley Givens, PC and M. James Maley, Jr. have completed and submitted a Business Entity Disclosure Certification which certifies that said firm and said individual have not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit said firm and said individual 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. Maley Givens, PC and M. James Maley, Jr. with offices at 1150 Haddon Avenue, Suite 210, Collingswood, New Jersey are hereby appointed as Special Legal Counsel with regard to redevelopment law matters in conjunction with and at the direction of the regular Township Solicitor and as directed by the Township Committee.
3. This contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Maley



Gives, PC and M. James Maley, Jr. have professional knowledge as to legal matters 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 Maley Givens, PC and M. James Maley, Jr. for legal services. This contract and the resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Township of Upper, State of New Jersey.

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

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

8. The Mayor and Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Maley Givens, PC and M. James Maley, Jr. 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.

9. 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.

10. This Resolution shall be effective as of adoption.

Resolution No. 314-2024

Offered by: Corson

Seconded by: Hayes

Adopted: September 23, 2024

Roll Call Vote:

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

9. Authorizing the Mayor and Township Clerk to sign a contract with Marsh & McLennan Agency, LLC for insurance and broker consultant services.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 315-2024**

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A CONTRACT WITH  
MARSH & MCLENNAN AGENCY, LLC FOR INSURANCE AND BROKER CONSULTANT  
SERVICES**

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**WHEREAS**, the Township requires professional insurance and broker consultant services; and

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

**WHEREAS**, the Township has decided to acquire the services of the firm of Marsh & McLennan Agency, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with Marsh & McLennan Agency, LLC to provide insurance and broker consultant services.
3. The term of this contract shall be for a period of one (1) year from October 1, 2024 through September 30, 2025.

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 Marsh & McLennan Agency, LLC has professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

**NOTICE OF CONTRACT AWARD**

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

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

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

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

9. This Resolution shall be effective as of adoption.

Resolution No. 315-2024

Offered by: Corson

Seconded by: Hayes

Adopted: September 23, 2024

Roll Call Vote:

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

10. Appointing Louis A. Bonato as an appraiser for the Township of Upper.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 316-2024**

**RE: APPOINTING LOUIS A. BONATO AS AN APPRAISER  
FOR THE TOWNSHIP OF UPPER**

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**WHEREAS**, the Township periodically requires an appraiser to provide services to obtain the fair market value of lots owned by the Township with respect to the anticipated sale of said lots; and

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

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

**WHEREAS**, Louis A. Bonato has completed and submitted a Business Entity Disclosure Certification which certifies that Louis A. Bonato 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 Louis A. Bonato 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. Louis A. Bonato with offices at 22 Mockingbird Lane, Petersburg, New Jersey is hereby appointed appraiser for the Township of Upper for the appraisal of lots in connection with the Township's anticipated sale of said lots.
3. This Contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Louis A. Bonato has professional knowledge as to appraisal issues which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

**NOTICE OF CONTRACT AWARD**

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

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

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

8. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a Professional Contract with Louis A. Bonato 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.

9. 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.

10. This Resolution shall be effective as of adoption.

Resolution No. 316-2024

Offered by: Corson

Seconded by: Hayes

Adopted: September 23, 2024

Roll Call Vote:

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

11. Authorizing the Mayor and Township Clerk to sign a contract with K.D. National Force Security & Investigations, LLC for professional security services.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY**

**RESOLUTION**

**RESOLUTION NO. 317-2024**

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A CONTRACT WITH  
K.D. NATIONAL FORCE SECURITY & INVESTIGATIONS, LLC FOR PROFESSIONAL  
SECURITY SERVICES**

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**WHEREAS**, the Township of Upper has a need for security services during Municipal Court sessions and other occasions as may be required; and

**WHEREAS**, K.D. National Force Security & Investigations, LLC has submitted a proposal to the Township to provide said security services; and

**WHEREAS**, the Township wishes to accept said proposal and to authorize the execution of a contract with K.D. National Force Security & Investigations, LLC; and

**WHEREAS**, K.D. National Force Security & Investigations, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that K.D. National Force Security & Investigations, LLC has not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit K.D. National Force Security & Investigations, LLC from making any reportable contributions through the term of the contract; and

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

3. The allegations of the preamble are incorporated herein by this reference.
4. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with K.D. National Force Security & Investigations, LLC with offices at 3122 Fire Road, Suite B210, Egg Harbor Township, New Jersey, 08234, to provide professional security services.
  3. This contract shall have a term of one (1) year from date of full execution.
  4. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because K.D. National Force Security & Investigations, LLC has professional knowledge which is particularly valuable

to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

**NOTICE OF CONTRACT AWARD**

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

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

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

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

9. This Resolution shall be effective as of adoption.

Resolution No. 317-2024

Offered by: Corson

Seconded by: Hayes

Adopted: September 23, 2024

Roll Call Vote:

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

12. Authorizing the award of a contract with McCarthy Tire Service Company of Philadelphia, Inc. for automotive parts and supplies.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 318-2024**

**RE: AUTHORIZING THE AWARD OF A CONTRACT WITH MCCARTHY TIRE SERVICE COMPANY OF PHILADELPHIA, INC. FOR AUTOMOTIVE PARTS AND SUPPLIES**

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**WHEREAS**, from time to time the Township of Upper has a need to purchase automotive parts and supplies from McCarthy Tire Service Company of Philadelphia, Inc., herein after McCarthy Tire, 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 McCarthy Tire for the year 2024 will exceed \$17,500; and

**WHEREAS**, McCarthy Tire has completed and submitted a Business Entity Disclosure Certification which certifies that McCarthy Tire 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 McCarthy Tire 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 McCarthy Tire 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. 318-2024

Offered by: Corson

Seconded by: Hayes

Adopted: September, 2024

Roll Call Vote:

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

13. Authorizing Consulting and Municipal Engineers, LLC to perform additional professional engineering services for the Strathmere Area Sanitary Sewerage Collection project.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 319-2024**

**RE: AUTHORIZING CONSULTING AND MUNICIPAL ENGINEERS, LLC TO PERFORM  
ADDITIONAL PROFESSIONAL ENGINEERING SERVICES FOR THE  
STRATHMERE AREA SANITARY SEWERAGE COLLECTION 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 services for the Strathmere Area Sanitary Sewerage Collection project, as outlined in the proposal dated August 22, 2024 and attached hereto as Exhibit A, and will utilize funds from the Cape May County American Rescue Plan Act Infrastructure 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 Strathmere Area Sanitary Sewerage Collection 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. 319-2024

Offered by: Corson

Seconded by: Hayes

Adopted: September 23, 2024

Roll Call Vote:

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

14. Authorizing Consulting and Municipal Engineers, LLC to perform additional professional engineering services for the Athletic Court Resurfacing project.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 320-2024**

**RE: AUTHORIZING CONSULTING AND MUNICIPAL ENGINEERS, LLC TO  
PERFORM ADDITIONAL PROFESSIONAL ENGINEERING SERVICES FOR THE  
ATHLETIC COURT RESURFACING PROJECT**

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**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 services for the Athletic Court Resurfacing project, as outlined in the proposal dated September 4, 2024, and 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 Athletic Court Resurfacing 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. 320-2024

Offered by: Corson

Seconded by: Hayes

Adopted: September 23, 2024

Roll Call Vote:

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

15. Requesting a six-month extension from the New Jersey Department of Transportation for the FY2023 Municipal Aid Program grant for the Reconstruction of Putnam Avenue project.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 321-2024**

**REQUESTING A SIX-MONTH EXTENSION FROM THE NEW JERSEY DEPARTMENT  
OF TRANSPORTATION FOR THE FY2023 MUNICIPAL AID PROGRAM GRANT FOR  
THE RECONSTRUCTION OF PUTNAM AVENUE PROJECT**

**WHEREAS**, the Township of Upper is the recipient of a New Jersey Department of Transportation (NJDOT) FY2023 Municipal Aid Program grant in the amount of \$153,085.00 for the

Reconstruction of Putnam Avenue project pursuant to a letter dated November 23, 2022; and

**WHEREAS**, due to rising material and construction costs experienced across the state and country, it was necessary for the Township to borrow additional funds beyond the grant award referenced above; and

**WHEREAS**, the Township has recently secured the required additional funding to complete the full scope of the project and is in the process of completing the necessary design work and proceeding with awarding the contract.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township of Upper hereby formally requests from the NJDOT a six-month extension to the FY2023 Municipal Aid Program grant award for the Reconstruction of Putnam Avenue project.

Resolution No. 321-2024

Offered by: Corson

Seconded by: Hayes

Adopted: September 23, 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 \$19,328.55.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 322-2024**

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS  
WITH FUNDS FROM CAPITAL IMPROVEMENT BOND ORDINANCE NO. 012-2024  
IN THE AMOUNT OF \$19,328.55**

**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 quote for a Liberty DCR recorder and mixer from BIS Digital of Fort Lauderdale, Florida; and

**WHEREAS** BIS Digital has completed and submitted a Business Entity Disclosure Certification which certifies that BIS Digital 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 BIS Digital 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 to allow the award of contract for the purchase herein authorized and has certified that adequate funds have been appropriated for this purpose from 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 a Liberty DCR recorder and mixer from BIS Digital of Fort Lauderdale, Florida in the amount of **\$19,328.55** 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. 322-2024

Offered By: Corson

Seconded By: Hayes

Adopted: September 23, 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 through the Sourcewell National Cooperative contract with funds from Capital Improvement Bond Ordinance No. 012-2024 in the amount of \$449,354.78.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 323-2024**

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS THROUGH THE  
SOURCEWELL NATIONAL COOPERATIVE CONTRACT WITH FUNDS FROM CAPITAL  
IMPROVEMENT BOND ORDINANCE NO. 012-2024 IN THE AMOUNT OF \$449,354.78**

---

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

**WHEREAS**, the Township Committee has determined that a purchase from a national cooperative contract will result in cost savings after all factors have been considered; and

**WHEREAS**, N.J.S.A. 52:34-6.2 allows the Township of Upper to utilize national cooperative contracts as a method of procurement; and

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

**WHEREAS**, the Township of Upper intends to purchase a Freightliner M2-106 chassis with a 25-yard hopper in the amount of \$309,504.78 from W.E. Timmerman Co., Inc. of Whitehouse, New Jersey through Sourcewell National Cooperative Contract No. 031121-ODB as herein indicated; and

**WHEREAS**, the Township of Upper also intends to purchase a Case 580SV Tractor Loader Backhoe in the amount of \$139,850.00 from Groff Tractor Mid Atlantic, LLC of Vineland, New Jersey through Sourcewell National Cooperative Contract No. 011723-CNH as herein indicated; and

**WHEREAS**, W.E. Timmerman Co., Inc. and Groff Tractor Mid Atlantic, LLC have completed and submitted Business Entity Disclosure Certifications which certify that W.E. Timmerman Co., Inc. and Groff Tractor Mid Atlantic, LLC have not made any reportable contributions to a political or candidate committee in the Township in the previous one year, and that their contracts will prohibit W.E. Timmerman Co., Inc. and Groff Tractor Mid Atlantic, LLC from making any reportable contributions through the term of their contracts; and

**WHEREAS**, the Chief Financial Officer of the Township has certified the availability of funds to allow the award of contract for the purchases herein authorized and has certified that adequate funds have been appropriated for this purpose from Capital Improvement Bond Ordinance No. 012-2024; and

**WHEREAS**, the Chief Financial Officer has confirmed that the Township has complied with N.J.S.A. 52:34-6.2 as well as all other legal requirements for this method of procurement.

**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 W.E. Timmerman Co., Inc. for the purchase of a Freightliner M2-106 chassis with a 25-yard hopper in the amount of \$309,504.78 from Capital Improvement Bond Ordinance No. 012-2024 through Sourcewell National Cooperative Contract No. 031121-ODB.

3. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby also authorizes the Qualified Purchasing Agent to enter into a contract Groff Tractor Mid Atlantic, LLC for the purchase of a Case 580SV Tractor Loader Backhoe in the amount of \$139,850.00 from Capital Improvement Bond Ordinance No. 012-2024 through Sourcewell National Cooperative Contract No. 011723-CNH.

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. 323-2024

Offered By: Corson

Seconded By: Hayes

Adopted: September 23, 2024

Roll Call Vote:

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

18. Refund EMS ambulance billing overpayment to United Healthcare Insurance.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 324-2024**

**RE: REFUND EMS AMBULANCE BILLING OVERPAYMENT TO UNITED HEALTHCARE  
INSURANCE**

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**WHEREAS**, an overpayment has occurred in the account of an EMS ambulance billing patient, where the monies sent to the Township of Upper from United Healthcare Insurance were in excess as evidenced by a copy of a letter attached hereto as Exhibit A.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Upper, Cape May County, that the refund is hereby authorized and the Chief Financial Officer is hereby directed to refund monies as indicated below:

<u>AMOUNT</u>	<u>NAME</u>
\$113.01	United Healthcare Insurance c/o Asset Protection Unit, Inc. P.O. Box 32521 Amarillo, TX 79120

Resolution No. 324-2024

Offered by: Corson                      Seconded by: Hayes

Adopted: September 23, 2024

Roll Call Vote:

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

19. Hiring Rocco Camano as a full-time Laborer 1, Probational to the Upper Township Department of Public Works.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 325-2024**

**RE: HIRING ROCCO CAMANO AS A FULL-TIME LABORER 1, PROBATIONAL TO THE  
UPPER TOWNSHIP DEPARTMENT OF PUBLIC WORKS**

---



**WHEREAS**, a need exists to hire qualified personnel as full-time employee to the Upper Township Department of Public Works to ensure optimal operation; and

**WHEREAS**, Rocco Camano possesses all the requisite qualifications for 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. Rocco Camano is hereby hired to the Upper Township Department of Public Works effective September 24, 2024 as a full-time Laborer 1, Probational at a 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. 325-2024

Offered by: Corson

Seconded by: Hayes

Adopted: September 23, 2024

Roll Call Vote:

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

20. Resolution designating Block 566, Lot 1 in the Township of Upper as an area in need of rehabilitation.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 326-2024**

**RESOLUTION DESIGNATING BLOCK 566, LOT 1 IN THE  
TOWNSHIP OF UPPER AS AN AREA IN NEED OF REHABILITATION**

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**WHEREAS**, N.J.S.A. 40A:12A-14, authorizes the governing body of any municipality, by Resolution, to determine whether, pursuant to the criteria set forth therein, an area within the municipality is in need of rehabilitation, and that a program of rehabilitation, as defined in N.J.S.A. 40A:12A-3, may be expected to prevent further deterioration and promote overall development of the community; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-14(a), the Mayor and Committee have referred this Resolution to the Planning Board and have received the Board's favorable recommendation to declare Block 566, Lot 1 in the Township of Upper as an area in need of rehabilitation.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Committee of the Township of Upper, County of Cape May that:

1. Block 566, Lot 1 in the Township of Upper meets one or more of the requirements of N.J.S.A. 40A:12A-14(a) to be deemed an Area in Need of Rehabilitation as set forth a report prepared by the Township Planner, Tiffany Morrissey; and

2. A program of rehabilitation, as defined in N.J.S.A. 40A:12A-3, may be expected to prevent further deterioration and promote overall development of the community; and

3. The Township Planning Board has provided a favorable recommendation to the Mayor and Committee of the Township of Upper for designation of Block 566, Lot 1 in the Township of Upper as an area in need of rehabilitation; and

4. Block 566, Lot 1 in the Township of Upper is hereby designated as an area in need of rehabilitation per the criteria of N.J.S.A. 40A:12A-14(a), specifically criterion (3).

Resolution No. 326-2024

Offered by: Corson

Seconded by: Hayes

Adopted: September 23, 2024

Roll Call Vote:

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

**ORDINANCES**

**CORRESPONDENCE**

**NEW BUSINESS**

21. Historical Preservation Society of Upper Township request the use of the Gandy Farm on Saturday October 5<sup>th</sup> for their annual Apple Fest. **Motion by Kimberly Hayes, second by Mark Pancoast, to approve the request. During roll call vote all five Committee members voted in the affirmative.**

22. South Shore Stitchers request the use of the Upper Township Community Center from Wednesday October 16<sup>th</sup> to Sunday October 20<sup>th</sup> for their bi-annual quilt show. **Motion by Kimberly Hayes, second by Mark Pancoast, to approve the request. During roll call vote all five Committee members voted in the affirmative.**

23. Shore Memorial Hospital Auxiliary request to hold Raffle RA-581 and Raffle RA-582 at the Seaville Fire House on November 2, 2024. **Motion by Curtis Corson, second by Kimberly Hayes, to approve the request. During roll call vote all five Committee members voted in the affirmative.**

24. Under the Bridge Rowing Club request to hold Raffle RA-583 at 371 Dennisville-Petersburg Road, Petersburg on November 9, 2024. **Motion by Kimberly Hayes, second by Victor Nappen, to approve the request. During roll call vote all five Committee members voted in the affirmative.**

### **UNFINISHED BUSINESS**

### **PAYMENT OF BILLS**

25. "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 Victor Nappen. During roll call vote all five Committee members voted in the affirmative.**

Bills approved for payment: **\$360,589.89**

Payroll: **\$207,791.29**

### **CLOSED SESSION**

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

**RESOLUTION NO. 327-2024  
MOTION GOING INTO CLOSED SESSION  
SEPTEMBER 23, 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 Public Defender
3. Contract negotiation – Affordable Housing Administrative Services
4. Contract negotiation – Remington & Vernick Engineers
5. Contract negotiation – Shared Services Agreement for Municipal Court Services
6. 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: Mark Pancoast  
Motion seconded by: Kimberly Hayes  
Roll Call Vote with all five Committee members voting in the affirmative.

**RECONVENE PUBLIC PORTION OF MEETING**

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

**ADJOURNMENT**

There being no further business this evening the meeting was adjourned at 5:55 P.M., with a motion by Kimberly Hayes, second by Jay Newman, and all five Committee members voting in the affirmative. The next regular Committee meeting is scheduled for Tuesday, October 15, 2024 at 6:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC  
Township Clerk

Bills

- 84117 09/23/24 A0018 ACTION SUPPLY INC. 68.74 3380
- 84118 09/23/24 A0081 ARMSTRONG, RALON I. 166.91 3380
- 84119 09/23/24 A0091 ATLANTIC CITY ELECTRIC 26,448.03 3380
- 84120 09/23/24 A0117 AT&T 94.65 3380
- 84121 09/23/24 A0193 ATLANTIC INVESTIGATIONS, LLC 1,101.00 3380
- 84122 09/23/24 A0222 ANZELONE ELECTRIC COMPANY, LLC 365.00 3380
- 84123 09/23/24 A0235 AMAZON CAPITAL SERVICES, INC. 724.98 3380
- 84124 09/23/24 A0256 ATLANTIC DIVING SUPPLY, INC. 1,814.48 3380
- 84125 09/23/24 B0035 BELMONT & CRYSTAL SPRINGS 333.06 3380
- 84126 09/23/24 B0220 BERGEY'S TRUCK CENTERS 540.62 3380
- 84127 09/23/24 B0288 KINGBARNES LLC 1,815.00 3380
- 84128 09/23/24 C0048 CAPE MAY COUNTY MUA 48,419.86 3380
- 84129 09/23/24 C0068 COMCAST 563.19 3380
- 84130 09/23/24 C0143 CODY'S POWER EQUIPMENT 392.53 3380
- 84131 09/23/24 C0259 CAPE PHYSICIANS ASSOCIATES, PA 680.00 3380
- 84132 09/23/24 C0307 CNS ACQUISITION CORPORATION 875.00 3380
- 84133 09/23/24 C0330 CAPE MAY ENTERTAINMENT LLC 2,800.00 3380
- 84134 09/23/24 C0358 CASTAGNA, CHRISTOPHER 169.96 3380
- 84135 09/23/24 D0040 DELTA DENTAL OF N.J. INC. 5,622.70 3380
- 84136 09/23/24 D0186 DOCUTREND IMAGING SOLUTIONS 878.99 3380
- 84137 09/23/24 D0237 SCALFARO, KERRY 125.00 3380
- 84138 09/23/24 D0240 DEVLIN, EDMUND F. 1,048.95 3380
- 84139 09/23/24 F0237 FRED HARZ AND SON INC. 44.99 3380
- 84140 09/23/24 G0092 GRUND, BARBARA J. 48.64 3380
- 84141 09/23/24 G0120 PATRICK F. MARTIN 2,291.67 3380
- 84142 09/23/24 G0157 GRANTURK EQUIPMENT CO., INC. 263.11 3380
- 84143 09/23/24 G0182 GOLDENBERG, MACKLER & SAYEGH 223.99 3380
- 84144 09/23/24 H0073 HOME DEPOT CRC/GECF 497.70 3380
- 84145 09/23/24 H0148 THOMAS H. HEIST INS AGENCY INC 34,941.72 3380
- 84146 09/23/24 H0180 HD SUPPLY FACILITIES MANT 281.35 3380
- 84147 09/23/24 J0028 JESCO, INC. 111,370.00 3380
- 84148 09/23/24 J0036 JOHNSON, MICHELLE 7.98 3380
- 84149 09/23/24 J0079 JAMES WYERS LANDSCAPING, LLC 400.00 3380
- 84150 09/23/24 K0037 KOHLER, JOHN F 25.00 3380
- 84151 09/23/24 K0086 K D NATIONAL FORCE SECURITY 900.00 3380
- 84152 09/23/24 L0031 LORCO PETROLEUM SERVICES 125.00 3380
- 84153 09/23/24 L0075 LEXISNEXIS 422.00 3380
- 84154 09/23/24 L0128 LONE WOLF GAMING, LLC 1,200.00 3380

84155 09/23/24 M0142 MASON, NICHOLAS 25.00 3380  
84156 09/23/24 M0277 EQUITABLE FINANCIAL LIFE INS. 192.17 3380  
84157 09/23/24 M0288 McCrosson Andrea 46.00 3380  
84158 09/23/24 M0327 MONZO CATANESE DeLOLLIS, P.C. 8,140.00 3380  
84159 09/23/24 O0006 SJSHORE MARKETING,LLC 900.00 3380  
84160 09/23/24 P0032 PEDRONI FUEL CO. 2,075.69 3380  
84161 09/23/24 P0056 TURF EQUIPMENT AND SUPPLY CO 209.78 3380  
84162 09/23/24 P0165 PETROSH'S BIG TOP, LLC 1,210.00 3380  
84163 09/23/24 P0166 PARKER MCCAY P.A. 17,964.70 3380  
84164 09/23/24 R0030 RIGGINS, INC. 0.00 09/23/24 VOID 0  
84165 09/23/24 R0030 RIGGINS, INC. 3,305.30 3380  
84166 09/23/24 R0100 ROBERTS OXYGEN COMPANY, INC. 111.00 3380  
84167 09/23/24 S0051 SEAL MASTER PRODUCTS & SERVICE 913.70 3380  
84168 09/23/24 S0056 SEASHORE ASPHALT CORPORATION 427.46 3380  
84169 09/23/24 S0057 SERVICE TIRE TRUCK CENTERS 3,380.66 3380  
84170 09/23/24 S0113 SMITH, THOMAS G. 2,257.50 3380  
84171 09/23/24 S0134 SO. JERSEY GAS COMPANY 282.53 3380  
84172 09/23/24 S0191 STRATHMERE FIRE CO.DISTRICT #1 53,900.04 3380  
84173 09/23/24 S0196 STEWART BUSINESS SYSTEMS LLC 274.40 3380  
84174 09/23/24 S0239 SHORE VET. ANIMAL CONTROL LLC 2,300.00 3380  
84175 09/23/24 S0253 SAMPLE MEDIA, INC. 28.00 3380  
84176 09/23/24 S0292 SURENIAN EDWARDS BUZAK & NOLAN 1,726.00 3380  
84177 09/23/24 S0361 SOUTH JERSEY WATER TEST, LLC 104.50 3380  
84178 09/23/24 S0363 STARR SEPTIC, LLC. 5,318.00 3380  
84179 09/23/24 T0129 TRUGREEN CHEMLAWN 5,316.15 3380  
84180 09/23/24 T0159 TRIAD ADVISORY SERVICES, INC. 218.75 3380  
84181 09/23/24 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3380  
84182 09/23/24 T0221 TEAM LIFE, INC. 396.00 3380  
84183 09/23/24 V0022 VERIZON 604.56 3380  
84184 09/23/24 W0123 WIRELESS ELECTRONICS, INC. 450.00 3380  
84185 09/23/24 X0008 XEROX FINANCIAL SERVICES 210.20 3380  
84186 09/23/24 Y0003 Y-PERS INC 185.00 3380  
Total: \$360,589.89