

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR NOVEMBER 25, 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 November 22, 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** – November 12, 2024 Regular and Closed Session Minutes

Motion by Kimberly Hayes, second by Mark Pancoast, to approve the November 12, 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**

**Mark Pancoast, Committeeman**, reported that the Department of Public Works has received the new dump truck which will help greatly with leaf collection which is currently going on until about mid-December. He reminded the public to make sure the leaves are clear of any sticks or debris.

**Victor Nappen, Committeeman**, wished everyone a Happy Thanksgiving. He next thanked Public Works for the festive Christmas decorations at Town Hall. Last, he gave a brief report on Municipal Court operations to date. Since January the court has resolved 2,436 tickets, 160 complaints, and 34 DWI related charges for Upper; and 2726 tickets, 150 complaints, and 47 DWI related charges for Dennis. The court recently had their annual court security meeting and was found in full compliance by the State. He thanked the Court Administrator Loren Ready for doing a great job.

**Kimberly Hayes, Committeewoman**, also wished all a Happy Thanksgiving. She next congratulated the Upper Township Varsity Cheerleaders and the Football teams for their very successful seasons. Last, she reminded everyone to stay for the Christmas tree lighting ceremony tonight after the meeting at 6:30.

**Curtis Corson, Committeeman**, wished everyone a Happy Thanksgiving. He next stated that budget season is underway. Last, he commended Public Works for decorating Town Hall and the phenomenal job they've been doing with leaf pickup.

**Jay Newman, Mayor**, reported that before the next Committee meeting on December 9<sup>th</sup> at 5:30 there will be an awards ceremony for public safety and emergency personnel. He encouraged and welcomed all to attend. He next wished everyone a Happy Thanksgiving and reported that although the State has lifted the fire ban he encouraged all to please use caution.

### **ADMINISTRATOR OVERVIEW**

**Gary DeMarzo, Township Administrator**, gave a brief report on a few agenda items including a new EMT Jeff Taccarino, and Chapter 159 Resolutions for two grants the Township has received. He next reported that the Township provided services for a private company, the Deauville Inn, pursuant to Township Code. After several discussions with the Deauville, there is a requested adjustment to the price of said services. He requested authority to accept the adjusted costs in the amount of \$4,000 from the Deauville Inn for Township services. Motion by Jay Newman, second by Kimberly Hayes, to approve the request. During roll call vote all five Committee members voted in the affirmative.

**Anthony Monzo, Municipal Attorney**, requested that the contract negotiation – Beesley's Point Development Group matter be removed from closed session.

**Barbara Ludy, Chief Financial Officer**, requested approval for employee Sarah Steiner to attend a QPA review class at a cost of \$350.00. Motion by Curtis Corson, second by Jay Newman, to approve the request. During roll call vote all five Committee members voted in the affirmative.

**Ryan MacNeill, Township Engineer**, reported that the Township has been awarded a FY2025 NJDOT Municipal Aid grant for the reconstruction of Klains Lane in the amount of \$142,000.00. Next he reported that the Township will be holding a virtual Flood Insurance meeting on December 18<sup>th</sup> at 5:30 pm. Notices have been sent to all residents in flood prone areas and the notice is on the website. Lastly, he reported that the DOT Rt 9 paving project is substantially complete. The DOT has requested assistance identifying a punch list of items that should be addressed.

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

There was no public comment.

### **CONSENT AGENDA**

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

Motion by Kimberly Hayes, second by Victor Nappen, 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**

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

1. Congratulating the Upper Township Baseball Association 8u All Stars Team on their impressive season.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY**

**RESOLUTION**

**RESOLUTION NO. 363-2024**

**RE: CONGRATULATING THE UPPER TOWNSHIP BASEBALL ASSOCIATION  
8U ALL STARS TEAM ON THEIR IMPRESSIVE SEASON**

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**WHEREAS**, the Upper Township Baseball Association 8u All Stars Team has had an outstanding 2024 season, finishing in first place at both the Linwood Machine Pitch Tournament and the Absecon Machine Pitch Tournament; and

**WHEREAS**, the 8u All Stars Team performed incredibly with a solid win at the 8u District 16 Minor League Championship, and culminated their impressive season as runner up at the 8u Little League Section 4 Championship; and

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

- |                 |                 |                 |
|-----------------|-----------------|-----------------|
| Braden Picketts | Kai Shetler     | Tripp Nappen    |
| Brayden Stewart | Camden Edwards  | Marc Drabkoski  |
| Cooper McClure  | Lincoln Edwards | Troy Underwood  |
| Max Yakopcic    | Andrew Menchaca | Mack Shaw       |
| Joey Mitchell   | Hunter Blizzard | Benson Lockwood |
| James Newman    | Jack Bruno      | Charlie Ziegler |
| Connor Stewart  |                 | Parker Schaffer |

**WHEREAS**, we also extend this recognition and thanks to Wesley Yakopcic, Sam Picketts, Mike Stewart, and Kyle McClure who have generously given their personal time and service to coach this team; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee on behalf of the citizens of the Township of Upper, to extend to the Upper Township Baseball 8u All Stars Team congratulations on their impressive season, and to each coach heartfelt thanks and gratitude for the generous donation of their time and service to the young people of this community.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 25<sup>th</sup> day of November, 2024.

Resolution No. 363-2024

Offered by: Hayes

Seconded by: Nappen

Adopted: November 25, 2024

Roll Call Vote:

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

2. Congratulating Brandon Walcott on being named the Ocean City-Upper Township Rotary Club's 2024 Upper Township Citizen of the Year.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 364-2024**

**CONGRATULATING BRANDON WALCOTT ON BEING NAMED  
THE OCEAN CITY-UPPER TOWNSHIP ROTARY CLUB'S  
2024 UPPER TOWNSHIP CITIZEN OF THE YEAR**

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**WHEREAS**, Brandon Walcott has been chosen by the Ocean City-Upper Township Rotary Club as the 2024 Upper Township Citizen of the Year; and

**WHEREAS**, Brandon, an Upper Township resident, was chosen as Citizen of the Year for his incredible act of heroism and selfless courage when he rescued a family that was caught in a rip tide; and

**WHEREAS**, in July of 2024 Brandon was enjoying a beautiful evening on the beach in Ocean City when he realized a woman and her three children were caught in a dangerous rip tide; and

**WHEREAS**, Brandon quickly sprang into action and swam out to the victims, directing them not to panic as he first reached the youngest victim approximately 20 yards offshore and brought him back to safety; and

**WHEREAS**, at that time the remaining three victims had been swept approximately 40 yards offshore, with one being completely submerged under water; and

**WHEREAS**, with great skill Brandon was able to dive under to pull her back up and bring her back to safety; and

**WHEREAS**, Brandon again and again swam out into the dangerous surf to rescue the remaining victims, saving all from certain death; and

**WHEREAS**, it is fitting and proper that we honor Brandon for selflessly and tirelessly saving the lives of this family; and

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Upper, on behalf of the citizens of Upper Township, that we extend to Brandon Walcott congratulations on being named the Ocean City-Upper Township Rotary Club’s 2024 Upper Township Citizen of the Year and express our heartfelt gratitude and appreciation for his courage, heroism, and genuine compassion for the welfare of others.

**GIVEN UNDER OUR HANDS** and the seal of the Township of Upper this 25<sup>th</sup> day of November, 2024.

Resolution No. 364-2024

Offered by: Hayes

Seconded by: Nappen

Adopted: November 25, 2024

Roll Call Vote:

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

3. Authorizing the Engineer to prepare specifications and solicit bids for the Athletic Court – Fencing Improvements Project.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 365-2024**

**RE: AUTHORIZING THE ENGINEER TO PREPARE  
SPECIFICATIONS AND SOLICIT BIDS FOR THE  
ATHLETIC COURT – FENCING IMPROVEMENTS PROJECT**

**WHEREAS**, the Township Committee of the Township of Upper has determined a need to solicit bids for athletic court fencing improvements; and

**WHEREAS**, pursuant to the provisions of the Local Public Contracts Law, the Township of Upper intends to solicit bids as herein indicated; 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 Engineer is hereby authorized and directed to prepare specifications,

bid documents and solicit bids for the following project:

**Athletic Court – Fencing Improvements**

3. Sealed bids shall be received by the Township of Upper in accordance with the directives contained in the Notice to Bidders.

Resolution No. 365-2024

Offered by: Hayes

Seconded by: Nappen

Adopted: November 25, 2024

Roll Call Vote:

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

4. Accepting the 2025 Solid Waste and Recycling Collection Rules and Regulations Resident Information packet pursuant to Chapter 24 of the Revised General Ordinances of Upper Township.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 366-2024**

**ACCEPTING THE 2025 SOLID WASTE AND RECYCLING COLLECTION  
RULES AND REGULATIONS RESIDENT INFORMATION PACKET  
PURSUANT TO CHAPTER 24 OF THE REVISED GENERAL  
ORDINANCES OF UPPER TOWNSHIP**

**WHEREAS**, the Township of Upper has adopted rules and regulations with regards to collection and disposal of solid waste and recyclables pursuant to Chapter 24 of the Revised General Ordinances; and

**WHEREAS**, the aforesaid rules and regulations are assembled into a summary entitled “Residents Information-2025” to be distributed to Township residents and attached hereto as Exhibit “A”;

**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 has determined that the summary attached as Exhibit “A” is

in accordance with Chapter 24 of the Revised General Ordinances of Upper Township and is hereby accepted.

Resolution No. 366-2024

Offered by: Hayes

Seconded by: Nappen

Adopted: November 25, 2024

Roll Call Vote:

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

5. Appointing Surenian, Edwards, Buzak & Nolan LLC to act as Special Legal Counsel in matters involving affordable housing obligations.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 367-2024**

**RE: APPOINTING SURENIAN, EDWARDS, BUZAK & NOLAN LLC  
TO ACT AS SPECIAL LEGAL COUNSEL IN MATTERS INVOLVING  
AFFORDABLE HOUSING OBLIGATIONS**

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**WHEREAS**, the Township of Upper requires legal counsel to provide legal assistance with respect to the Township’s affordable housing obligations; and

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

**WHEREAS**, Surenian, Edwards, Buzak & Nolan LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Surenian, Edwards, Buzak & Nolan 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 Surenian, Edwards, Buzak & Nolan 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. Surenian, Edwards, Buzak & Nolan LLC with offices at 311 Broadway, Suite A, Point Pleasant Beach, New Jersey is hereby appointed Special Legal Counsel to handle legal matters with respect to the Township's affordable housing obligations as directed by the Township Committee.

3. This contract shall have a term of one (1) year, commencing January 1, 2025 and expiring December 31, 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 Surenian, Edwards, Buzak & Nolan LLC has professional knowledge as to legal matters 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**

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 Surenian, Edwards, Buzak & Nolan LLC 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.

5. 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.

6. 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.

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 Surenian, Edwards, Buzak & Nolan LLC 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. 367-2024

Offered by: Hayes

Seconded by: Nappen

Adopted: November 25, 2024

Roll Call Vote:

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

6. Authorizing a professional services contract with the Cape May County Council on Alcoholism and Drug Abuse, Inc. for an employee assistance program for Township employees.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 368-2024**

**RE: AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH THE  
CAPE MAY COUNTY COUNCIL ON ALCOHOLISM AND DRUG ABUSE, INC.  
FOR AN EMPLOYEE ASSISTANCE PROGRAM FOR TOWNSHIP EMPLOYEES**

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**WHEREAS**, the Township of Upper wishes to continue its Employee Assistance Program to provide assessment, evaluation intervention, referral, and case management services for employees of the Township; and

**WHEREAS**, the Township of Upper has previously contracted with Cape May County Council on Alcoholism and Drug Abuse, Inc., a New Jersey non-profit corporation (hereinafter referred to as “Cape Assist”) for such services and wishes to continue such relationship by entering into a Professional Services Contract to cover the period from January 1, 2025 to December 31, 2025; and

**WHEREAS**, Cape Assist has the required expertise to provide and implement the Upper Township Employee Assistance Program; and

**WHEREAS**, the Township Committee intends to engage the services of Cape Assist under a Professional Services Contract attached hereto as Exhibit A; and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds to permit said Contract to be entered into; and

**WHEREAS**, Cape Assist has completed and submitted a Business Entity Disclosure Certification which certifies that Cape Assist 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 Assist 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. Cape Assist 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.
3. The proposed Professional Services Contract between the Township of Upper and Cape Assist, a copy of which is on file in the office of the Township Clerk, is hereby approved and the Mayor and the Township Clerk are hereby authorized, directed and empowered to execute said Contract on behalf of the Township of Upper and the Township Clerk is further authorized, directed, and empowered to seal said Contract with the seal of the Township of Upper.
4. The Township Clerk shall cause a Notice of Award of this Contract to be published in the official newspaper of the Township of Upper as required by N.J.S.A. 40A:11-5.
5. This Contract has been awarded without competitive bidding for the following reason or reasons:
  - (A) Professional services of the type herein sought are of such a nature as to require a high degree of trust or confidence in the individual providing the service and, in fact, may require the creation of a confidential or fiduciary relationship between that individual and the municipality;
  - (B) The services required are highly specialized or technical in nature;
  - (C) The services require peculiar ability or skill and demand a high degree of specialized knowledge or expertise;
  - (D) The services are such that their relative work must be judged by subjective considerations that are not susceptible of valuation by competitive bidding; and
  - (E) The individuals who will provide these services have demonstrated their competence and particular expertise in the services required.

Resolution No. 368-2024

Offered by: Hayes

Seconded by: Nappen

Adopted: November 25, 2024

Roll Call Vote:

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

7. Authorizing the execution of Shared Services Agreements with the Upper Township Fire Districts for website services.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 369-2024**

**RE: AUTHORIZING THE EXECUTION OF SHARED SERVICES AGREEMENTS WITH THE  
UPPER TOWNSHIP FIRE DISTRICTS FOR WEBSITE SERVICES**

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**WHEREAS**, each Fire District is required to maintain an internet presence to provide information relating to the Fire District’s business in order to comply with PL 2001, C. 167; and

**WHEREAS**, Upper Township Fire District No. 1, Upper Township Fire District No. 2, Upper Township Fire District No. 3, and Upper Township Fire District No. 4, have each indicated a desire to enter into a Shared Services Agreement with the Municipality for the routine maintenance of a website page for each Fire District, to be linked from the Township’s website, [www.uppertownship.com](http://www.uppertownship.com); and

**WHEREAS**, the Township of Upper has deemed it to be in the best interest of the residents of the Township of Upper to provide such services as a cost saving measure; and

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

1. SHARED SERVICES AGREEMENTS. Pursuant to the provisions of the Uniform Shared Services Act, N.J.S.A. 40A:65-1, et seq., the Township of Upper is hereby authorized and empowered to enter into a Shared Services Agreement with each Upper Township Fire District for the routine maintenance of a website page for each Fire District.

2. SERVICES TO BE PROVIDED; CONTRACT. The Shared Services Agreements authorized in paragraph 1 hereof shall cover those services, which are enumerated in said Agreements, copies of which are attached hereto and made part of this Resolution.

3. AUTHORIZATION TO MUNICIPAL OFFICIALS. The appropriate Township officers and officials are hereby authorized to take any action necessary or advisable to carry out the intent and purpose of this Resolution. Specifically, the Mayor and Township Clerk are hereby authorized and directed to execute such Shared Services Agreements on behalf of the Township of Upper pursuant to the authority conferred by this Resolution. The Township Clerk is further authorized and directed to seal said Agreements with the official seal of the Township of Upper.

4. COMPLIANCE WITH STATUTORY REQUIREMENTS. The Shared Services Agreements between each Upper Township Fire District and the Township of Upper shall meet and satisfy the requirements of N.J.S.A. 40A:65-1, et seq., as same may be amended and supplemented.

5. CONTRACT TERM. The term of the Agreements shall extend from January 1, 2025 to December 31, 2029. Either party may cancel the agreement upon 60 days written notice.

6. SEVERABILITY. If any section, subsection, paragraph, sentence or other part of this Resolution is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Resolution, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Resolution directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Resolution shall remain in full force and effect.

7. REPEALER. All Resolutions or parts of Resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency only.

8. EFFECTIVE DATE. This Resolution shall take effect immediately upon final adoption.

Resolution No. 369-2024

Offered by: Hayes

Seconded by: Nappen

Adopted: November 25, 2024

Roll Call Vote:

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

8. Authorizing an extension of a Shared Services Agreement with the Township of Dennis to provide Municipal Court Services.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 370-2024**

**RE: AUTHORIZING AN EXTENSION OF A SHARED SERVICES AGREEMENT WITH THE  
TOWNSHIP OF DENNIS TO PROVIDE MUNICIPAL COURT SERVICES**

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**WHEREAS**, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et. seq., (“Act”) provides that any local governmental unit may enter into a contract with any other local governmental unit to provide or receive any service that each local unit is empowered to provide or receive within its own jurisdiction; and

**WHEREAS**, in July of 2014, pursuant to Resolution 174-2024, The Township of Upper entered into an agreement with the Township of Dennis Township to provide all the usual and ordinary services of a Municipal Court for Dennis Township; and

**WHEREAS**, said agreement will terminate on November 30, 2024; and

**WHEREAS**, the Township of Dennis has decided to enter into a Shared Services Agreement with the City of Sea Isle City for Municipal Court services effective February 1, 2025; and

**WHEREAS**, until such time as the Township of Dennis is able to move their court to the City of Sea Isle City, the Township of Upper has agreed to continue to provide all of the usual and ordinance services of a Municipal Court for the Township of Dennis on a month to month basis for an additional term of up to six months; and

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

1. **SHARED SERVICES AGREEMENT.** Pursuant to the provisions of the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et. seq., the Township of Upper is hereby authorized and empowered to extend the Shared Services Agreement with Dennis Township pertaining to Upper Township providing Municipal Court Services to Dennis Township.

2. **SERVICES TO BE PROVIDED BY CONTRACT.** The extension of the Shared Services Agreement authorized in paragraph 1 shall cover those services which are enumerated in said Agreement, a copy of which is attached hereto as Exhibit A.

3. **ASSIGNMENT JUDGE APPROVAL.** The authority to extend this Shared Services Agreement is subject to the approval of the Assignment Judge.

4. **AUTHORIZATION OF MUNICIPAL OFFICIALS.** The appropriate Township officers and officials are hereby authorized to take any action necessary or advisable to carry out the intent and purpose of this Resolution. Specifically, the Mayor and Township Clerk are hereby authorized and directed to execute such Shared Services Agreement on behalf of the Township of Upper pursuant to the authority conferred by this Resolution. The Township Clerk is further authorized and directed to seal said Agreement with the seal of the Township of Upper. Additionally, the Mayor is authorized to negotiate modifications in the language of the Agreement prior to his final execution of same so long as said modifications are consistent with the intent and purpose of the authority granted by this Resolution.

5. **COMPLIANCE WITH STATUTORY REQUIREMENTS.** The Shared Services Agreement between the Township of Upper and the Township of Dennis shall meet and satisfy the requirements of N.J.S.A. 40A:65-7, as may be amended and supplemented.

6. **CONTRACT TERM.** This Resolution authorizes a Shared Services Agreement on a month to month basis for a duration of up to six months beginning on December 1, 2024.

7. **SEVERABILITY.** If any action, subsection, paragraph, sentence or other part of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Resolution, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Resolution directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Resolution shall remain in full force and effect.

8. **REPEALER.** All Resolutions or parts of Resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency only.

9. **EFFECTIVE DATE.** This Resolution shall take effect immediately upon final adoption and publication in the manner provided by law.

Resolution No. 370-2024

Offered by: Hayes                      Seconded by: Nappen

Adopted: November 25, 2024

Roll Call Vote:

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

9. Canceling and refunding tax on exempt property Block 647, Lot 25.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 371-2024**

**CANCELING AND REFUNDING TAX ON EXEMPT PROPERTY  
BLOCK 647, LOT 25**

**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**, Daniel Schallawitz is a 100% disabled American veteran residing at 316 N Quail Dr, Marmora, NJ 08223, Block 647, Lot 25 on the municipal tax map of Upper Township, New Jersey; and

**WHEREAS**, the Department of Veterans Affairs has determined that Mr. Shallawitz's 100% permanent military service-connected disability was effective June 24, 2023; and

**WHEREAS**, Daniel Schallawitz made application September 10, 2024 and requested a refund for the taxes paid in 2024; and

**WHEREAS**, Daniel Shallawitz retains 50% ownership of said property; 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. 371-2024

Offered by: Hayes

Adopted: November 25, 2024

Seconded by: Nappen

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>
647/25	\$ 5,225.72

**REFUND TAX 2024**

<b><u>BLOCK/LOT</u></b>	<b><u>AMOUNT</u></b>	<b><u>NAME</u></b>
647/25	\$ 5,225.72	Daniel Schallawitz 316 N Quail Dr. Marmora, NJ 08223

100% Totally Disabled Veteran

10. Canceling and refunding tax on exempt property Block 653.02, Lot 17.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 372-2024**

**CANCELING AND REFUNDING TAX ON EXEMPT PROPERTY  
BLOCK 653.02, LOT 17**

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**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**, Robin Caulk is a 100% disabled American veteran residing at 16 North Shore Rd, Marmora, NJ 08223, Block 653.02, Lot 17 on the municipal tax map of Upper Township, New Jersey; and

**WHEREAS**, the Department of Veterans Affairs has determined that Mr. Caulk's 100% permanent military service-connected disability was effective June 13, 2024; and

**WHEREAS**, Robin Caulk made application September 4, 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. 372-2024

Offered by: Hayes

Seconded by: Nappen

Adopted: November 25, 2024

Roll Call Vote:

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

**CANCEL TAX 2024**

<u>BLOCK/LOT</u>	<u>AMOUNT</u>
653.02/17	\$ 2,829.80

**REFUND TAX 2024**

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
653.02/17	\$ 2,829.80	Robin & Anna Caulk 16 North Shore Rd Marmora, NJ 08223

100% Totally Disabled Veteran

- 11. Authorizing a refund of Upper Township Fall Fest vendor fees in the amount of \$100.00 to Waffle Up LLC.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 373-2024**

**RE: AUTHORIZING A REFUND OF UPPER TOWNSHIP FALL FEST VENDOR FEES IN THE AMOUNT OF \$100.00 TO WAFFLE UP LLC**

**WHEREAS**, on August 15, 2024, Sonja T. Meacham submitted a vendor application along with the appropriate fee to participate in the Upper Township Fall Fest event on October 6, 2024; and

**WHEREAS**, due to health reasons, Waffle Up LLC has requested a refund of the vendor fee; and

**WHEREAS**, the Township Committee has determined that a refund of the vendor fee paid by Waffle Up LLC is warranted.

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

<b>AMOUNT</b>	<b>NAME</b>
<b>\$100.00</b>	<b>Waffle Up LLC</b>
	<b>272 E. Great Creek Road</b>
	<b>Galloway, NJ 08205</b>

Resolution No. 373-2024

Offered By: Hayes

Seconded By: Nappen

Adopted: November 25, 2024

Roll Call Vote:

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

12. Amending Resolution No. 012-2024 to correct the salary for Kristen Snyder.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 374-2024**

**RE: AMENDING RESOLUTION NO. 012-2024  
TO CORRECT THE SALARY FOR KRISTEN SNYDER**

---

**WHEREAS**, Resolution No. 012-2024 fixed the salaries for various administrative, clerical, and other personnel for the year 2024; and

**WHEREAS**, it is necessary to further amend said Resolution No. 012-2024 in order to correct the salary for Kristen Snyder as contained herein; and

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

1. The allegations of the preamble are incorporated herein by this reference.

2. Resolution No. 012-2024 is hereby amended to reflect the salary for Kristen Snyder effective January 1, 2024 in accordance with the Salary Ordinance as follows:

<b>NAME</b>	<b>POSITION</b>	<b>SALARY</b>
Kristen Snyder	Deputy Municipal Court Administrator	\$59,000.00

3. Resolution No. 012-2024 is hereby further amended to reflect the salary for Kristen Snyder effective October 1, 2024 in accordance with the Salary Ordinance as follows:

<b>NAME</b>	<b>POSITION</b>	<b>SALARY</b>
Kristen Snyder	Deputy Municipal Court Administrator	\$64,000.00

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

Resolution No. 374-2024

Offered by: Hayes                      Seconded by: Nappen

Adopted: November 25, 2024

Roll Call Vote:

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

13. Amending Resolution No. 233-2024 title change for April Johnston to Keyboarding Clerk 1 in the Upper Township Construction Code Office.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 375-2024**

**RE: AMENDING RESOLUTION NO. 233-2024  
TITLE CHANGE FOR APRIL JOHNSTON TO KEYBOARDING CLERK 1 IN THE  
UPPER TOWNSHIP CONSTRUCTION CODE OFFICE**

---

**WHEREAS**, Resolution No. 233-2024 changed the title of Upper Township Construction Code Office employee April Johnston to Keyboarding Clerk 1; and

**WHEREAS**, it is necessary to further amend said Resolution No. 233-2024 in order to correct the salary for April Johnston as contained herein; 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:

5. The allegations of the preamble are incorporated herein by this reference.

6. Resolution No. 233-2024 is hereby amended to reflect the salary for April Johnston effective June 28, 2024 in accordance with the Salary Ordinance as follows:

<b>NAME</b>	<b>POSITION</b>	<b>SALARY</b>
April Johnston	Keyboarding Clerk 1, Construction Office	\$60,000.00
	Technical Assistant to Construction Official	No Salary on
	Assistant Zoning Officer	these titles

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. 375-2024

Offered by: Hayes

Seconded by: Nappen

Adopted: November 25, 2024

Roll Call Vote:

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

14. Hiring Jeff Taccarino as a part-time employee to the Upper Township Division of Emergency Medical Services.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 376-2024**

**RE: HIRING JEFF TACCARINO AS A PART-TIME EMPLOYEE TO THE UPPER  
TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES**

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

**WHEREAS**, Jeff Taccarino possesses all the requisite qualifications for appointment to said position; and

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

1. The allegations of the preamble are incorporated herein by this reference.

2. Jeff Taccarino is hereby hired to the Division of Emergency Medical Services as a part-time Emergency Medical Technician pending pre-employment testing, effective November 25, 2024, at a rate of \$22.00 per hour in accordance with the Salary Ordinance.

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

Resolution No. 376-2024

Offered by: Hayes

Seconded by: Nappen

Adopted: November 25, 2024

Roll Call Vote:

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

15. Authorizing an employment agreement with Joshua Tozer.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 377-2024**

**RE: AUTHORIZING AN EMPLOYMENT AGREEMENT WITH JOSHUA TOZER**

**WHEREAS**, the Township Committee has expressed a desire to assist in the education of Township employees wishing to become Emergency Medical Technicians; and

**WHEREAS**, Township employee Joshua Tozer has expressed an interest in attending the training to become an Emergency Medical Technician; 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. Joshua Tozer is hereby authorized to attend an Emergency Medical Technician – Initial Certification course, which costs will be paid by the Township of Upper, contingent upon the terms of the employment agreement attached hereto as Exhibit A.

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. 377-2024

Offered by: Hayes

Seconded by: Nappen

Adopted: November 25, 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 \$52,538.26.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 378-2024**

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS  
WITH FUNDS FROM CAPITAL IMPROVEMENT BOND ORDINANCE NO. 012-2024  
IN THE AMOUNT OF \$52,538.26**

---

**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 fabrication and installation of a stair riser from Progressive Fence & Landscape Innovations LLC of Egg Harbor Township, New Jersey; the quote for repairs to the Department of Public Works steel building from Spica Steel, Inc. of Marmora, New Jersey; and the quote for concrete from Action Supply, Inc. of Seaville, New Jersey; and

**WHEREAS**, Progressive Fence & Landscape Innovations LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Progressive Fence & Landscape Innovations 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 Progressive Fence & Landscape

Innovations LLC from making any reportable contributions through the term of the contract; and

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

**WHEREAS**, Action Supply, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Action Supply, 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 Action Supply, 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 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 fabrication and installation of a stair riser from Progressive Fence & Landscape Innovations LLC of Egg Harbor Township, New Jersey; repairs to the Department of Public Works steel building from Spica Steel, Inc. of Marmora, New Jersey; and concrete from Action Supply, Inc. of Seaville, New Jersey in the amount of **\$52,538.26** 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. 378-2024

Offered By: Hayes                      Seconded By: Nappen

Adopted: November 25, 2024

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Corson	X			
Hayes	X			
Nappen	X			

Pancoast	X			
Newman	X			

17. Chapter 159 Resolution for the insertion of a special item of revenue into the 2024 budget that was not determined at the time of the adoption of the budget—NJDOT Transportation Trust Fund Local Aid Infrastructure Fund Program in the amount of \$1,000,000.00.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 379-2024**

**RE: CHAPTER 159 RESOLUTION FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE INTO THE 2024 BUDGET THAT WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET—NJDOT TRANSPORTATION TRUST FUND LOCAL AID INFRASTRUCTURE FUND PROGRAM IN THE AMOUNT OF \$1,000,000.00**

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

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

**WHEREAS**, the Township of Upper will receive an amount of \$1,000,000.00 from the State of New Jersey NJDOT Transportation Trust Fund Local Aid Infrastructure Fund Program and wishes to amend its 2024 budget to include this amount as a revenue.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Upper hereby requests the Director of the Division of Local Government Services approve the insertion of an additional item of revenue in the budget of the year 2024 in the sum of \$1,000,000.00, which is now available as a revenue from:

REVENUE: STATE & FEDERAL REVENUE OFFSET WITH APPROPRIATIONS:  
2024 NJDOT TRANSPORTATION TRUST FUND LOCAL AID INFRASTRUCTURE FUND  
PROGRAM, AND

**BE IT FURTHER RESOLVED** that a like sum of \$1,000,000.00 be and the same is hereby appropriated under the caption of:

APPROPRIATION: STATE AND FEDERAL PROGRAMS OFFSET BY REVENUE:  
2024 NJDOT TRANSPORTATION TRUST FUND LOCAL AID INFRASTRUCTURE FUND  
PROGRAM, AND

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

Resolution No. 379-2024

Offered By: Hayes

Seconded By: Nappen

Adopted: November 25, 2024

Roll Call Vote:

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

18. Chapter 159 Resolution for the insertion of a special item of revenue into the 2024 budget that was not determined at the time of the adoption of the budget—NJDOT Safe Routes to School Program in the amount of \$925,000.00.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 380-2024**

**RE: CHAPTER 159 RESOLUTION FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE INTO THE 2024 BUDGET THAT WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET—NJDOT SAFE ROUTES TO SCHOOL PROGRAM IN THE AMOUNT OF \$925,000.00**

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

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

**WHEREAS**, the Township of Upper will receive an amount of \$925,000.00 from the State of New Jersey NJDOT Safe Routes to School Program and wishes to amend its 2024 budget to include this amount as a revenue.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Upper hereby requests the Director of the Division of Local Government Services approve the insertion of an additional item of revenue in the budget of the year 2024 in the sum of \$925,000.00, which is now available as a revenue from:

REVENUE: STATE & FEDERAL REVENUE OFFSET WITH APPROPRIATIONS:  
2024 NJDOT SAFE ROUTES TO SCHOOL PROGRAM, AND

**BE IT FURTHER RESOLVED** that a like sum of \$925,000.00 be and the same is hereby appropriated under the caption of:

APPROPRIATION: STATE AND FEDERAL PROGRAMS OFFSET BY REVENUE:  
2024 NJDOT SAFE ROUTES TO SCHOOL PROGRAM, AND

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

Resolution No.380-2024

Offered By: Hayes

Seconded By: Nappen

Adopted: November 25, 2024

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Corson	X			

Hayes	X			
Nappen	X			
Pancoast	X			
Newman	X			

19. Approving the compensation amount fixed by the Board of Fire Commissioners for Fire Districts No. 2 and No. 3.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 381-2024**

**RE: APPROVING THE COMPENSATION AMOUNT FIXED BY THE BOARD OF FIRE  
COMMISSIONERS FOR FIRE DISTRICTS NO. 2 AND NO. 3**

**WHEREAS**, N.J.S.A. 40A:14-88 requires the municipal governing body to review and approve any annual compensation a Board of Fire Commissioners establishes for its fire district commissioners before the fire district can submit its annual budget to the voters; and

**WHEREAS**, Fire District No. 2 has established by resolution that each of the members of their Board of Fire Commissioners shall receive \$2,000.00 annually for the calendar year 2024 except for the secretary who shall receive \$2,500.00 annually and the treasurer will shall receive \$2,750.00; and

**WHEREAS**, Fire District No. 3 has established by resolution that each of the members of their Board of Fire Commissioners shall receive \$1,000.00 annually for the calendar year 2024 except for the chairman who shall receive \$1,250 annually; and

**WHEREAS**, the Board of Fire Commissioners for Fire Districts No. 2 and 3 have forwarded copies of their resolutions establishing the compensation for their members to the Township Committee of the Township of Upper for approval.

**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 does hereby approve the annual compensation for Fire District No. 2 in the total amount of \$11,250.00.

3. The Township of Upper does hereby approve the annual compensation for Fire District No. 3 in the total amount of \$5,250.00.

4. A copy of this resolution shall be forwarded to the Board of Fire Commissioners for Fire District No. 2 and No. 3.

Resolution No. 381-2024

Offered By: Hayes

Seconded By: Nappen

Adopted: November 25, 2024

Roll Call Vote:

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

20. Authorizing the Chief Financial Officer to sign a spending account client renewal confirmation form for an employee health reimbursement account.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 382-2024**

**RE: AUTHORIZING THE CHIEF FINANCIAL OFFICER TO SIGN A SPENDING ACCOUNT  
CLIENT RENEWAL CONFIRMATION FORM FOR AN EMPLOYEE HEALTH  
REIMBURSEMENT ACCOUNT**

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**WHEREAS**, the Township wishes to complete a Spending Account Client Renewal Confirmation form with Trion Group, Inc., attached hereto as Exhibit A, to renew the Health Reimbursement Account (HRA) for eligible employees effective January 1, 2025; and

**WHEREAS**, said HRA will be for a period from January 1, 2025 to December 31, 2025.

**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 Spending Account Client Renewal Confirmation form between the Township of Upper and Trion Group, Inc. is approved, and the Chief Financial Officer is hereby authorized, directed and empowered to execute said agreement on behalf of the Township of Upper.

3. All Township officials, officers and employees are empowered to take such action as

may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Resolution No.382-2024

Offered By: Hayes

Seconded By: Nappen

Adopted: November 25, 2024

Roll Call Vote:

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

**ORDINANCES**

21. Public hearing and final adoption of Ordinance No. 014-2024 RE: AN ORDINANCE ADOPTING AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR BEESLEY’S POINT REDEVELOPMENT AREA WITHIN THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY. **The Municipal Attorney reported that this Ordinance set the requirement that a redeveloper enter into a Redevelopment Agreement with the Township Committee prior to any Planning Board approval, and set a requirement that a hotel within the WTC district have a minimum height requirement of 60ft. He stated that the developer has requested an amendment to this Ordinance based on information provided by the NJDEP. He stated that Special Legal Counsel James Maley is here tonight to explain the requested amendment. He further recommended that after Mr. Maley’s explanation that the Committee consider amending the Ordinance and reschedule the public hearing for the amended Ordinance at the December 9<sup>th</sup> Committee meeting. Mr. Maley then reported that the developer has requested to amend the Ordinance as follows: “For lots within the WTC District portion of the Beesley’s Point Redevelopment Area, motels shall not be permitted. Hotel development shall have a minimum height of 60-feet and a maximum height of 100-feet. Such hotels must include ancillary uses such as conference halls, banquet rooms, and recreational facilities. In addition, after a hotel has been approved by the Planning Board, the following uses shall be permitted along the waterfront at a minimum height of 60-feet and a maximum height of 100-feet: resort commercial structures and/or resort residential structures.” Mr. Maley stated that the ordinance with the requested amendments has been reviewed and approved by the Planning Board. There was then a motion by Jay Newman, second by Curtis Corson, to amend Ordinance No. 014-2024 as stated with the public hearing and final adoption scheduled for December 9, 2024. During roll call vote all five Committee members voted in the affirmative.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
ORDINANCE**

**ORDINANCE NO. 014-2024**

**RE: AN ORDINANCE ADOPTING AN AMENDMENT TO THE  
REDEVELOPMENT PLAN FOR BEESLEY’S POINT REDEVELOPMENT AREA  
WITHIN THE TOWNSHIP OF UPPER,  
COUNTY OF CAPE MAY, STATE OF NEW JERSEY**

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**WHEREAS**, in order to facilitate the development, redevelopment, and rehabilitation of the Township of Upper, County of Cape May, State of New Jersey (the “Township”), by way of Resolution

No. 30-2021 adopted on January 11, 2021, the Mayor and Committee of the Township of Upper (the “Township Committee”) declared Block 479, Lots 76, 76.01, 94.01, 106.02, 107, 107.01, 108, and 108.01 within the Township as a Condemnation Area in Need of Redevelopment (the “Redevelopment Area”) pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-7, a Governing Body may adopt, revise or amend a redevelopment plan for an “area in need of redevelopment”; and

**WHEREAS**, in order to facilitate the redevelopment and rehabilitation of the Township, on January 25, 2021, the Township adopted by way of Ordinance No. 001-2021, a redevelopment plan entitled “Beesley’s Point Redevelopment Plan Block 479, Lot 76, 76.01, 94.01, 106.02, 107, 107.01, 108, and 108.01” (the “Redevelopment Plan”), dated January 2021, for the Redevelopment Area; and

**WHEREAS**, on February 27, 2023 the Township adopted, by way of Ordinance No. 001-2023, an amendment to the Redevelopment Plan entitled, “Redevelopment Plan Amendment Beesley’s Point Redevelopment Area,” dated January 2023; and

**WHEREAS**, the Redevelopment Plan provides a broad overview for the planning, development, redevelopment and rehabilitation of the Redevelopment Area for purposes of improving conditions within the Township; and

**WHEREAS**, the Township Committee has determined that it is in the best interest of the Township to amend the Redevelopment Plan; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-7, the Township Committee adopted a Resolution referring the plan amendment to the Township of Upper Planning Board (the “Planning Board”) for review, comment and a finding of consistency with the Township Master Plan following introduction and first reading; and

**WHEREAS**, the Planning Board held a public hearing and, finding the plan amendment to be consistent with and/or designed to effectuate the Township Master Plan, recommended that the plan amendment be adopted, via Resolution No. SP 12-2024, which shall be considered the report of the Planning Board to the Township Council as required by N.J.S.A. 40A:12A-7(e) (“Planning Board Report”); and

**WHEREAS**, the Township Committee has reviewed the recommendation of the Planning Board and the plan amendment and has determined that it is in the best interest of the Township to adopt the plan amendment in order to effectuate the redevelopment and rehabilitation of the Redevelopment Area.

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

**SECTION 1.** The above-mentioned recitals are incorporated herein as though fully set forth at length.

**SECTION 2.** The Redevelopment Plan is hereby amended to include the following under “Land Use and Building Requirements:”

Before any application is made to the Planning Board for development approvals for property in the Beesley’s Point Redevelopment Area, an Applicant must have entered into a Redevelopment Agreement with the Township. Execution of a Redevelopment Agreement shall be a mandatory checklist item for any application for development as the term is defined in N.J.S.A. 40:55D-3 for any Applicant seeking land use approvals in the Beesley’s Point Redevelopment Area and any such application shall not be deemed complete pursuant to N.J.S.A. 40:55D-10.3 until proof of an executed Redevelopment

Agreement has been submitted as part of the application. Only upon execution of a Redevelopment Agreement may an Applicant submit an application for land use approvals before the Planning Board.

For lots within the WTC District portion of the Beesley's Point Redevelopment Area, motels shall not be permitted. Hotel development shall have a minimum height of 60-feet and a maximum height of 100-feet. Such hotels must include ancillary uses such as conference halls, banquet rooms, and recreational facilities. In addition, after a hotel has been approved by the Planning Board, the following uses shall be permitted along the waterfront at a minimum height of 60-feet and a maximum height of 100-feet: resort commercial structures and/or resort residential structures.

**SECTION 3.** The Governing Body of the Township of Upper shall have, be entitled to, and is hereby vested all power and authority granted by the aforementioned statutory provisions to effectuate the Redevelopment Plan.

**SECTION 4.** All ordinances or parts of ordinances which are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 5.** In the event any clause section or paragraph of this Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Township Committee that the balance of this Ordinance remains in full force and effect to the extent it allows the Township to meet the goals of the Ordinance.

**SECTION 6.** This Ordinance shall take effect after final adoption and publication according to law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 15<sup>TH</sup> DAY OF OCTOBER, 2024, WAS AMENDED BY THE TOWNSHIP COMMITTEE AT A PUBLIC MEETING HELD ON THE 25<sup>TH</sup> DAY OF NOVEMBER, 2024, AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 9<sup>TH</sup> DAY OF DECEMBER, 2024 AT 6:30 P.M. AT TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

JOANNE R. HERRON, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

## **CORRESPONDENCE**

### **NEW BUSINESS**

22. 14-53 Pictures, LLC/Jim Wright Photography requests use of Strathmere beach between Williams Avenue and Seaview Avenue on December 10, 2024 for a horse photo shoot. **Motion by Jay Newman, second by Kimberly Hayes, to approve the request on the condition that the requestor use beach at 1400 Commonwealth Avenue. During roll call vote all five Committee members voted in the affirmative.**

## **UNFINISHED BUSINESS**

### **PAYMENT OF BILLS**

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

Bills approved for payment: **\$639,102.24**

Payroll: \$493,379.61

**CLOSED SESSION**

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

**RESOLUTION NO. 383-2024  
MOTION GOING INTO CLOSED  
SESSION NOVEMBER 25, 2024**

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

**MATTERS:**

1. Contract negotiation – Fixed Asset Maintenance
2. Contract negotiation – EMS Billing
3. Contract negotiation – Reconstruction of Klains Lane
4. Contract negotiation – Block 382, Lots 11.01 and 11.02
5. Contract negotiation – Bayview Drive
6. Potential litigation – Prescott Avenue
7. Potential litigation – Affordable Housing
8. Personnel

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

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

Moved by: Mark Pancoast

Motion seconded by: Kimberly Hayes

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

**RECONVENE PUBLIC PORTION OF MEETING**

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

The Township Administrator stated that employee Michelle Johnson received a RICE Notice for tonight's meeting, upon which Michelle Johnson requested that the discussion be conducted in open public session. It was noted that Michelle Johnson is not in attendance. Mr. DeMarzo then stated that he has provided Ms. Johnson with an employee complaint form and requested additional information relating to the

statements she made at the November 12<sup>th</sup> Committee meeting during the public comment portion. Ms. Johnson has not yet responded with the requested information so he requested that the matter be continued to the next meeting.

## **ADJOURNMENT**

There being no further business this evening the meeting was adjourned at 5:35 P.M., with a motion by Kimberly Hayes, second by Victor Nappen. During roll call vote all five Committee members voted in the affirmative. The next regular Committee meeting is scheduled for December 9, 2024 at 6:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC  
Township Clerk

### Bills

84550 11/25/24 A0018 ACTION SUPPLY INC. 537.75 3391  
84551 11/25/24 A0025 ADVANTAGE RENTAL & SALES 1,244.68 3391  
84552 11/25/24 A0091 ATLANTIC CITY ELECTRIC 2,399.56 3391  
84553 11/25/24 A0117 AT&T 265.90 3391  
84554 11/25/24 A0222 ANZELONE ELECTRIC COMPANY, LLC 6,385.00 3391  
84555 11/25/24 A0225 AUTOZONE NORTHEAST LLC 220.11 3391  
84556 11/25/24 A0235 AMAZON CAPITAL SERVICES, INC. 249.04 3391  
84557 11/25/24 A0251 ACT ENGINEERS, INC. 3,653.13 3391  
84558 11/25/24 B0035 BELMONT & CRYSTAL SPRINGS 53.89 3391  
84559 11/25/24 B0232 BLUE FLAME GAS 331.93 3391  
84560 11/25/24 B0288 KINGBARNES LLC 750.00 3391  
84561 11/25/24 C0042 CAMPBELL SUPPLY COMPANY 2,101.16 3391  
84562 11/25/24 C0048 CAPE MAY COUNTY MUA 45,814.23 3391  
84563 11/25/24 C0068 COMCAST 563.29 3391  
84564 11/25/24 C0247 CMRS-FP 4,000.00 3391  
84565 11/25/24 C0279 CASA REPORTING SERVICES LLC 163.20 3391  
84566 11/25/24 C0346 CME ASSOCIATES 5,968.00 3391  
84567 11/25/24 C0352 COLUMN SOFTWARE, PBC 608.12 3391  
84568 11/25/24 D0040 DELTA DENTAL OF N.J. INC. 5,558.30 3391  
84569 11/25/24 D0186 DOCUTREND IMAGING SOLUTIONS 157.50 3391  
84570 11/25/24 D0237 SCALFARO, KERRY 125.00 3391  
84571 11/25/24 D0240 DEVLIN, EDMUND F. 1,048.95 3391  
84572 11/25/24 E0012 EHRlich PEST CONTROL INC 138.58 3391  
84573 11/25/24 G0016 GARDNER HARDWARE INC. 31.97 3391  
84574 11/25/24 G0120 PATRICK F. MARTIN 2,291.67 3391  
84575 11/25/24 G0157 GRANTURK EQUIPMENT CO., INC. 320.43 3391  
84576 11/25/24 G0169 GROFF TRACTOR MID ATLANTIC LLC 566.67 3391  
84577 11/25/24 H0142 HUB, THE 984.92 3391  
84578 11/25/24 H0162 HARTFORD FIRE INSURANCE CO. 1,830.00 3391  
84579 11/25/24 H0180 HD SUPPLY FACILITIES MANT 342.18 3391  
84580 11/25/24 K0019 KELTEX APPAREL 2,001.00 3391  
84581 11/25/24 K0086 K D NATIONAL FORCE SECURITY 918.75 3391  
84582 11/25/24 L0016 LANDSMAN UNIFORMS, INC. 910.00 3391  
84583 11/25/24 L0146 LAWSON PRODUCTS, INC. 655.52 3391  
84584 11/25/24 M0263 MANGAM SR., ANDREW C 96.53 3391  
84585 11/25/24 M0277 EQUITABLE FINANCIAL LIFE INS. 195.20 3391  
84586 11/25/24 M0327 MONZO CATANESE DeLOLLIS, P.C. 8,795.15 3391  
84587 11/25/24 N0043 NAPA AUTO PARTS 1,512.33 3391  
84588 11/25/24 N0070 MARSH & MCLENNAN AGENCY, LLC 2,000.00 3391  
84589 11/25/24 N0107 N.J.DIV ALCHOLOIC BEV CONTROL 24.00 3391  
84590 11/25/24 N0144 NJ E-ZPASS SERVICE CENTER 350.00 3391  
84591 11/25/24 P0032 PEDRONI FUEL CO. 3,895.30 3391  
84592 11/25/24 R0030 RIGGINS, INC. 0.00 11/25/24 VOID 0  
84593 11/25/24 R0030 RIGGINS, INC. 8,877.00 3391  
84594 11/25/24 R0100 ROBERTS OXYGEN COMPANY, INC. 111.00 3391  
84595 11/25/24 R0126 REEVES, CRAIG 150.00 3391

84596 11/25/24 R120 RAFFAELE, ZACHARY 164.99 3391  
84597 11/25/24 S0001 SAM'S CLUB 35.66 3391  
84598 11/25/24 S0021 COKER, MELLISSA 88.00 3391  
84599 11/25/24 S0056 SEASHORE ASPHALT CORPORATION 693.12 3391  
84600 11/25/24 S0057 SERVICE TIRE TRUCK CENTERS 2,019.52 3391  
84601 11/25/24 S0113 SMITH, THOMAS G. 1,003.80 3391  
84602 11/25/24 S0134 SO. JERSEY GAS COMPANY 1,102.48 3391  
84603 11/25/24 S0193 STRYKER SALES, LLC 198,325.20 3391  
84604 11/25/24 S0196 STEWART BUSINESS SYSTEMS LLC 274.40 3391  
84605 11/25/24 S0253 SAMPLE MEDIA, INC. 172.40 3391  
84606 11/25/24 S0361 SOUTH JERSEY WATER TEST, LLC 418.00 3391  
84607 11/25/24 S0363 STARR SEPTIC, LLC. 960.00 3391  
84608 11/25/24 S309 Sharp, Joseph 94.86 3391  
84609 11/25/24 T0032 THE PRESS OF ATLANTIC CITY 122.49 3391  
84610 11/25/24 T0047 W.E. TIMMERMAN CO., INC. 309,504.78 3391  
84611 11/25/24 T0067 TOWNSHIP OF UPPER PETTY CASH 60.00 3391  
84612 11/25/24 T0078 TREAS ST OF NJ ENVIR SERV FUND 1,000.00 3391  
84613 11/25/24 T0086 TREASURER, STATE OF NEW JERSEY 232.00 3391  
84614 11/25/24 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3391  
84615 11/25/24 T0192 MARSH & McLENNAN AGENCY/TRION 228.00 3391  
84616 11/25/24 T0211 TRELEASE, BRIAN P., ESQUIRE 80.00 3391  
84617 11/25/24 V0001 VCI EMERGENCY VEHICLE 1,929.50 3391  
84618 11/25/24 V0013 VERIZON WIRELESS 723.37 3391  
84619 11/25/24 W0100 WALKER, ESQUIRE DOUGLAS 300.00 3391  
84620 11/25/24 W0123 WIRELESS ELECTRONICS, INC. 134.16 3391  
84621 11/25/24 X0008 XEROX FINANCIAL SERVICES 213.57 3391  
Total: \$639,102.24