

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
AGENDA FOR DECEMBER 9, 2024**

REGULAR MEETING OF THE TOWNSHIP COMMITTEE – 6:30 P.M.

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

Mayor Newman read the following Open Public meeting notice into the record:
“In compliance with the Open Public Meetings Law, I wish to state that on December 6, 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 25, 2024 Regular and Closed Session Minutes

Motion by Kimberly Hayes, second by Mark Pancoast, to approve the November 25, 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

Victor Nappen, Committeeman, reported that the Township will be holding free rabies clinics on January 25, 2025 and February 22, 2025 from 1:00 to 3:00 pm at Shore Veterinarians. He next stated that tonight’s public safety awards ceremony was a wonderful event honoring our heroes. Last, he thanked Shore Animal Control for a recent incident in which they found a lost dog and quickly reunited him with his owner.

Kimberly Hayes, Committeewoman, thanked all of the first responders in our community and stated that the Township is very fortunate to have them. She next thanked all for participating in the Christmas Tree Lighting ceremony, especially the Upper Township Middle School band and choir, and Cape Shore Chorus.

Jay Newman, Mayor, stated that tonight was a proud moment in his career as a firefighter and thanked all for attending the public safety awards ceremony. He also thanked the Committee and the Community’s support of our first responders. He stated tonight was just a small portion of what these first responders do and requested that future Committees’ keep up the tradition of holding this event.

Curtis Corson, Committeeman, thanked Mayor Newman and the Chiefs for organizing the event, and said the Community is grateful for the job those men and women do every day. He next reported that the Township is preparing for next year’s budget and stated that it will be a difficult budget due to the reduction in State Aid.

Mark Pancoast, Committeeman, echoed the sentiments of his colleagues regarding the wonderful presentation recognizing and honoring our first responders. He next thanked the Committee for all of the work done this past year and for always having an open line of communication. He stated that over the past year though he has found that his personal schedule and responsibilities have conflicted with his ability to devote the necessary time to the Township. He stated that tonight will be his last meeting and effective December 10th he will be stepping down as Committeeman.

ADMINISTRATOR OVERVIEW

Gary DeMarzo, Township Administrator, praised Committeeman Pancoast for all of his work, thanked him for the opportunity to work with him, and wished him the best of luck. He next reported that the Township will be applying for a Local Recreation Improvement Grant for security cameras at Township facilities.

Joanne Herron, Township Clerk, also thanked Committeeman Pancoast for his service and stated that she is sorry to see him go.

Anthony Monzo, Municipal Attorney, expressed his gratitude and honor working with Committeeman Pancoast and wished him the best.

Barbara Ludy, Chief Financial Officer, wished Committeeman Pancoast luck in his future endeavors and stated that it was an honor working with him. She next requested approval for Sarah Steiner to continue with Finance courses at a cost of \$760.00. 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 MacNeil, Township Engineer, thanked Committeeman Pancoast and wished him good luck. He next reported that an initial kickoff meeting with the DOT for the Safe Routes to School grant project will be held on December 16th. He next reported that the bid specs for the athletic court resurfacing have been prepared and submitted to the Township for review. He anticipates going out to bid in mid-January with the project to be completed by April. Next, he reported that the survey work for the reconstruction of Putnam Avenue project has been completed. The design phase should be completed by January for an anticipated project in either the spring or fall.

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

Nathalie Neiss, Petersburg, stated that she was concerned and surprised to hear that Committeeman Pancoast is resigning and wished him good luck. She next submitted papers to the Committee regarding a minor subdivision from 1995 and began to read a statement into the record. After a few minutes, Mayor Newman cautioned Ms. Neiss that the public comment time limit is five minutes and stated that there is nothing that the Committee can do about this subdivision issue. The Municipal Attorney stated that more facts are needed but it shouldn't be a discussion at a Committee meeting. Mayor Newman requested that Ms. Neiss submit the information to the Township Administrator for review by the Municipal Attorney, and if any action is needed, the Committee will do so.

Craig Reeves, Superintendent of Public Works, stated that Committeeman Pancoast has been an asset to the Township and the Department of Public Works, and thanked Committeeman Pancoast for all he has done.

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

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

RESOLUTIONS TO BE APPROVED BY CONSENT

- 9. Authorizing a contract with Acclaim Inventory, LLC for the preparation and maintenance of the Township's fixed assets accounting and reporting system.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 384-2024

**RE: AUTHORIZING A CONTRACT WITH ACCLAIM INVENTORY, LLC
FOR THE PREPARATION AND MAINTENANCE OF THE TOWNSHIP'S
FIXED ASSETS ACCOUNTING AND REPORTING SYSTEM**

WHEREAS, Acclaim Inventory, LLC has submitted a proposal to the Township for the preparation and maintenance of the Township's fixed assets accounting and reporting system; and

WHEREAS, the Township wishes to accept said proposal and to authorize a contract with Acclaim Inventory, LLC; 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, Acclaim Inventory, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Acclaim Inventory, 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 Acclaim Inventory, 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 enter into a contract, attached hereto, with Acclaim Inventory, LLC for the preparation and maintenance of the Township's fixed assets accounting and reporting system.
3. Acclaim Inventory, LLC has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.
4. 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. 384-2024

Offered by: Corson

Seconded by: Hayes

Adopted: December 9, 2024

Roll Call Vote:

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

10. Authorizing an extension of the Host Community Benefit Agreement between the Township of Upper and the Cape May County Municipal Utilities Authority.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 385-2024

**RE: AUTHORIZING AN EXTENSION OF THE HOST COMMUNITY BENEFIT
AGREEMENT BETWEEN THE TOWNSHIP OF UPPER AND THE
CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY**

WHEREAS, the Cape May County Municipal Utilities Authority (“CMCMUA”) operates a solid waste complex located on the border of the Borough of Woodbine and the Township of Upper, in Cape May County, New Jersey; and

WHEREAS, said solid waste complex has been sited at said location pursuant to the Solid Waste Management Plan of Cape May County adopted by the Board of County Commissioners and approved by the New Jersey Department of Environmental Protection; and

WHEREAS, the Township of Upper is a host community for CMCMUA’s solid waste complex; and

WHEREAS, New Jersey Statutes (N.J.S.A. 13:1E-28) provide that a municipality within which an approved solid waste facility is located shall be entitled to an annual economic benefit in consideration of the amount of solid waste accepted for transfer or disposal at said facility; and

WHEREAS, the Township of Upper and CMCMUA have periodically entered into agreements since 1993 regarding an annual host community benefit to be paid by the CMCMUA to Upper Township for serving as a host community for CMCMUA’s solid waste complex; and

WHEREAS, Upper Township and CMCMUA are currently in active negotiations regarding the terms of the host community benefit; and

WHEREAS, the current agreement expires on December 31, 2024 with an option to extend the agreement for up to five (5) additional years (single or multiple year extensions) upon mutual consent of the parties; and

WHEREAS, in the best interests of its residents, the Township of Upper has agreed to extend the host community benefit agreement for an additional one year term; 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 of Upper hereby agrees to extend the existing Host Community Benefit Agreement with the CMCMUA for another one year term.
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. 385-2024

Offered by: Corson

Seconded by: Hayes

Adopted: December 9, 2024

Roll Call Vote:

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

11. Authorizing New Cingular Wireless PCS, LLC (AT&T) to install a generator on the licensed space of the cell tower and ground located at 1721 Mt. Pleasant Road.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 386-2024

**RE: AUTHORIZING NEW CINGULAR WIRELESS PCS, LLC (AT&T) TO
INSTALL A GENERATOR ON THE LICENSED SPACE OF THE CELL
TOWER AND GROUND LOCATED AT 1721 MT. PLEASANT ROAD**

WHEREAS, the Township of Upper and New Cingular Wireless PCS, LLC, (hereinafter AT&T), entered into a License Agreement on May 12, 2016 for the license of space on the cell tower and ground located at 1721 Mt. Pleasant Road, Township of Upper; and

WHEREAS, AT&T has requested consent for the installation of a generator on the licensed space; and

WHEREAS, in accordance with Section 2(D) of the license agreement, AT&T has submitted plans and specifications for the work associated with the installation of a generator; and

WHEREAS, the Township Engineer has reviewed the aforesaid plans and specifications and has issued a report, attached hereto as Exhibit A, stating they meet the requirements of the License Agreement; and

WHEREAS, the Township Committee has determined that it is appropriate to consent to the proposed project; 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. AT&T is hereby authorized to install a generator on the licensed space of the cell tower and ground located at 1721 Mt. Pleasant Road, Township of Upper, in accordance with the plans and specifications attached hereto as Exhibit B.
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. 386-2024

Offered by: Corson Seconded by: Hayes

Adopted: December 9, 2024

Roll Call Vote:

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

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

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 387-2024

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

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

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

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

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

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

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

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

Monzo Catanese DeLollis, P.C. (Affordable Housing Services)	\$ 500.00
Maley Givens, P.C. (Affordable Housing Services)	\$ 322.50
Daniel J. Young, Esquire (Affordable Housing Services)	\$ 990.00

Resolution No. 387-2024

Offered By: Corson

Seconded By: Hayes

Adopted: December 9, 2024

Roll Call Vote:

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

13. Budget transfers.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 388-2024

RE: BUDGET TRANSFERS

WHEREAS, budgetary transfers between line items can be made after November 1st; and

WHEREAS, it is necessary to make transfers between certain line items of the Municipal Budget of the Township of Upper.

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 following transfers between line items in the Municipal Budget of the Township of Upper shall be made immediately:

<u>TO</u>	<u>FROM</u>
ENGINEERING O/E \$5,000.00	COMPUTER SERVICES \$5,000.00
PLANNING BOARD S/W \$1,500.00	ASSESSMENT OF TAXES S/W \$10,000.00
PLANNING BOARD O/E \$500.00	ASSESSMENT OF TAXES O/E \$10,000.00
CONSTRUCTION S/W \$2,000.00	LEGAL SERVICES & COSTS O/E \$3,000.00
WORKERS COMP INSURANCE \$20,000.00	ZONING BOARD O/E \$10,000.00
DIVISION OF EMS S/W \$3,000.00	EMERGENCY MGT O/E \$10,000.00
SPORTS & RECREATION S/W \$1,000.00	DEMO OF UNSAFE STRUCTURES \$10,000.00
COMP ABSENSE RESERVE \$40,000.00	RECYCLING O/E \$15,000.00
STREET LIGHTING \$20,000.00	GARBARGE & TRASH O/E \$15,000.00
SOCIAL SECURITY \$5,000.00	MUNICIPAL COURT O/E \$10,000.00

Resolution No. 388-2024

Offered By: Corson

Seconded By: Hayes

Adopted: December 9, 2024

Roll Call Vote:

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

14. Authorizing the purchase of certain items with funds from Capital Improvement Bond Ordinance No. 012-2024 in the amount of \$9,312.00.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 389-2024

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS
WITH FUNDS FROM CAPITAL IMPROVEMENT BOND ORDINANCE NO. 012-2024
IN THE AMOUNT OF \$9,312.00**

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 equipment to repair the clock at Municipal Hall from Rodgers Clock Service of Harrisburg, Pennsylvania; 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 equipment to repair the clock at Municipal Hall from Rodgers Clock Service of Harrisburg, Pennsylvania in the amount of **\$9,312.00** 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. 389-2024

Offered By: Corson

Seconded By: Hayes

Adopted: December 9, 2024

Roll Call Vote:

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

15. Hiring Jessica Wriggins as a part-time employee to the Upper Township Division of Emergency Medical Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 390-2024

**RE: HIRING JESSICA WRIGGINS 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, Jessica Wriggins 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. Jessica Wriggins is hereby hired to the Division of Emergency Medical Services as a part-time Emergency Medical Technician effective December 10, 2024 at a rate of \$23.00 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. 390-2024

Offered by: Corson

Seconded by: Hayes

Adopted: December 9, 2024

Roll Call Vote:

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

16. Hiring Anthony Lamanna as a full-time employee to the Upper Township Division of Emergency Medical Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 391-2024

RE: HIRING ANTHONY LAMANNA AS A FULL-TIME EMPLOYEE TO THE

UPPER TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES

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

WHEREAS, Anthony Lamanna possesses all the requisite qualifications for appointment to said position; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Anthony Lamanna is hereby hired to the Division of Emergency Medical Services as a full-time Emergency Medical Technician effective December 10, 2024 at an annual salary of \$55,000.00, in accordance with the Salary Ordinance and subject to all policies of the Township of Upper.
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. 391-2024

Offered by: Corson

Seconded by: Hayes

Adopted: December 9, 2024

Roll Call Vote:

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

ORDINANCES

17. 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. **Special Legal Counsel James Maley was in attendance and gave a brief overview of the Ordinance. During the public hearing portion there were the following speakers:**

Nathalie Neiss, Petersburg, asked if all buildings will be 60ft. Mr. Maley stated that it will not be the entirety of the buildings, they will be tiered. The 60ft minimum language was requested due to CAFRA regulations. He stated that in the end the Township will have control of the project as a redevelopment agreement is required before an application for land use can be submitted to the Planning Board. She then inquired if wind turbines will come here. It was stated that there are no plans for wind turbines.

Mayor Newman then closed the public hearing. Motion by Kimberly Hayes, second by Curtis Corson to adopt Ordinance No. 014-2024. 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**

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 15TH DAY OF OCTOBER, 2024, WAS AMENDED BY THE TOWNSHIP COMMITTEE AT A PUBLIC MEETING HELD ON THE 25TH DAY OF NOVEMBER, 2024, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 9TH DAY OF DECEMBER, 2024 AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

JOANNE R. HERRON, TOWNSHIP CLERK
TOWNSHIP OF UPPER

18. Public hearing and final adoption of Ordinance No. 015-2024 RE: AN ORDINANCE ESTABLISHING SALARY RANGES FOR THE TOWNSHIP OF UPPER FOR THE CALENDAR YEAR 2024. During the public hearing portion there were the following speakers:

Barbara Leary, Seaville, asked how the minimum and maximum amounts in the Ordinance are determined. The Township Administrator reported that he uses other ordinances and other municipalities to determine the range. The amounts are a range which allows flexibility for retention, recruitment, and compensation of employees depending on education, experience, and additional duties. The actual salary of each employee is designated by Resolution. She then asked when the Resolution designating salaries is done. It was stated that the Resolution establishing salaries is adopted at the reorganization meeting.

Nathalie Neiss, Petersburg, stated that she had read in the paper that there was a request for a desk audit and inquired about the process. The Township Administrator stated that an employee can request a desk audit through civil service if they feel their duties or pay scale does not accurately reflect their title. She then inquired if all salaries increased. It was stated that all full time employees received a raise. She then inquired if the Committee members received a raise. It was stated that they did not.

Mayor Newman then closed the public hearing. Motion by Kimberly Hayes, second by Victor Nappen to adopt Ordinance No. 015-2024. During roll call vote all five Committee members voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
O R D I N A N C E**

ORDINANCE NO. 015-2024

**AN ORDINANCE ESTABLISHING SALARY RANGES FOR THE
TOWNSHIP OF UPPER FOR THE CALENDAR YEAR 2024**

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

SECTION 1: TITLE: This Ordinance shall be known as the Salary Ordinance of 2024.

SECTION 2: SALARIES: Salary ranges for the various officials and employees of the Township of Upper for the calendar year 2024 shall be as follows:

<u>POSITION</u> (P/T denotes "Part-Time Position")	<u>MINIMUM</u>	<u>MAXIMUM- 2024</u>
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A. ADMINISTRATIVE / REVENUE AND FINANCE:

Mayor	3,750.00	6,000.00
Township Committee Member	7,000.00	13,500.00
Township Administrator	15,000.00	125,000.00
Personnel Officer	15,000.00	125,000.00
Township Clerk	15,000.00	125,000.00

Deputy Township Clerk	15,000.00	80,000.00
Chief Financial Officer	15,000.00	125,000.00
Assistant Municipal Treasurer	15,000.00	80,000.00
Township Tax Assessor	15,000.00	100,000.00
Tax Assessor P/T	No Min.	65.00/Hr.
Deputy Tax Assessor	15,000.00	80,000.00
Township Tax Collector	15,000.00	120,000.00
Assistant Municipal Tax Collector	15,000.00	80,000.00
Senior Account Clerk	15,000.00	80,000.00
Keyboarding Clerk 2	15,000.00	75,000.00
Keyboarding Clerk 1	15,000.00	70,000.00
Keyboarding Clerk 1 (P/T)	10.00/Hr.	30.00/Hr.
Purchasing Agent/QPA	No Min.	5,000.00
Registrar of Vital Statistics/CMR(P/T)	No Min.	5,000.00
Deputy Reg. Vital Statistics (P/T)	No Min.	3,000.00
Alt. Deputy Reg. Vital Statistics (P/T)	No Min.	3,000.00
Public Information Officer	No Min.	10,000.00
Data Information Coordinator/COOP	No Min.	3,500.00
Fund Commissioner	No Min.	3,500.00
Alt. Fund Commissioner	No Min.	1,000.00
Claims Coordinator	No Min.	2,000.00
Mun. Improvement Official (P/T)	No Min.	1,850.00
Tax Search Officer (P/T)	No Min.	1,850.00
Director of Public Asst. (P/T)	No Min.	1,000.00
Assistant Personnel Officer (P/T)	No Min.	7,000.00
Benefits Coordinator(P/T)	No Min.	10,000.00
Safety Coordinator	No Min.	3,500.00
Asst. Safety Coordinator	No Min.	1,500.00
Municipal Housing Liaison	No Min.	3,000.00
Passport Acceptance Agent	No Min.	1,000.00
ADA Coordinator	No Min.	3,000.00
Wellness Coordinator	No Min.	2,000.00
IT Specialist	No Min.	45.00/Hr.
Recreation Finance Coordinator	No Min.	5,000.00

B. MUNICIPAL COURT:

Municipal Judge (P/T)	15,000.00	60,000.00
Municipal Court Administrator	15,000.00	100,000.00
Deputy Mun. Court Administrator	15,000.00	80,000.00

C. CODE ENFORCEMENT / ZONING ENFORCEMENT:

Construction Official	15,000.00	100,000.00
Building Subcode Official (P/T)	No Min.	7,000.00
Electrical Subcode Official (P/T)	No Min.	38,000.00
Electrical Inspector (P/T)	No Min.	30,000.00
Fire Sub-Code Off. (P/T)	No Min.	4,900.00

Zoning Officer	15,000.00	100,000.00
Assistant Zoning Officer (P/T)	No Min.	3,000.00
Supervisor Code Enforcement/Parking (Seasonal)	1,000.00	3,000.00
Code Enforcement Officer	No Min.	10,000.00
Code Enforcement Officer (P/T)	18.00/Hr.	35.00/Hr.
Housing Officer/Code Enforce. (P/T)	No Min.	35.00/Hr.
Fire Prevention Official (P/T)	No Min.	3,000.00
Plumbing Sub-Code Official (P/T)	No Min.	38,000.00
Plumbing Inspector (P/T)	No Min.	6,600.00
Fire Protection Subcode Official (P/T)	No Min.	25,000.00
Fire Protection Inspector (P/T)	No Min.	5,000.00
Temp. Building Subcode Official	No Min.	200.00/day
Temp. Construction Official	No Min.	200.00/day
Temp. Elect. Subcode Official/Inspector	No Min.	43.00/Hr.
Temp. Plumbing Subcode Official	No Min.	35.00/Hr.
Temp. Fire Protection Subcode Official	No Min.	35.00/Hr.
Technical Assistant to the Construction Official	No Min.	80,000.00
Technical Assistant to the Construction Official (P/T)	No Min.	35.00/Hr.
Lead Inspector	No Min.	50.00/Hr.

D. PUBLIC SAFETY / EMERGENCY MANAGEMENT:

Mun. Emergency Management Coordinator (P/T)	No Min.	35,000.00
Coord. 911 Emergency Response, RTK	No Min.	2,000.00
Deputy Right to Know	No Min.	1,000.00
Deputy Director Emergency Management (P/T)	No Min.	4,100.00
Assistant Emergency Management (P/T)	No Min.	1,200.00
Parking Enforcement Officer (P/T)	18.00/Hr.	35.00/Hr.
Parking/Code Enforcement Officer (Seasonal)	18.00/Hr.	45.00/Hr.
Lifeguard, 1st yr. to 2 nd yr. (Seasonal)		18.00/Hr.
Lifeguard, 3rd yr. to 4th yr. (Seasonal)		18.70/Hr.
Lifeguard, 5th yr. and higher (Seasonal)		19.00/Hr.
EMT/Lifeguard (Seasonal)		22.00/Hr.
Chief Lifeguard (Seasonal)		32.50/Hr.
Captain Lifeguard (Seasonal)		31.50/Hr.
Senior Lieutenant (Seasonal)		27.50/Hr.
Lieutenant Lifeguard (Seasonal)		25.50/Hr.
Senior Lifeguard (Seasonal)		22.50/Hr.
Emergency Medical Technician 10+ year	15,000.00	63,000.00
Emergency Medical Technician 6-9 year	15,000.00	61,000.00
Emergency Medical Technician-4-5 year	15,000.00	59,000.00
Emergency Medical Technician-2-3 year	15,000.00	57,000.00
Emergency Medical Technician- 1 st year	15,000.00	55,000.00
Emergency Medical Technician-(P/T)-10+ year		28.00/Hr.
Emergency Medical Technician-(P/T)-6-9 year		26.00/Hr.
Emergency Medical Technician-(P/T)-4-5 year		24.00 Hr.
Emergency Medical Technician-(P/T)-2-3 year		23.00/Hr.
Emergency Medical Technician (P/T)-1 st year	No Min.	22.00/Hr.

EMT/Parking Enforcement Officer (Seasonal)		Add'l 2.00/Hr.
School Traffic Guard (P/T)	No Min.	20.00/Hr.
Chief Emergency Medical Technician	15,000.00	125,000.00
Deputy Chief Emergency Medical Technician	15,000.00	125,000.00
Sr. Emergency Medical Technician	15,000.00	80,000.00
Supervising Emergency Medical Technician	15,000.00	82,000.00

E. PUBLIC WORKS / SPORTS AND RECREATIONAL PROGRAMS:

Superintendent of Public Works	12,500.00	125,000.00
Assistant Public Works Superintendent	12,500.00	125,000.00
General Supervisor Public Works	12,500.00	100,000.00
Supervisor Sanitation	12,500.00	100,000.00
Supervising Mechanic	12,500.00	100,000.00
Supervising Carpenter	12,500.00	100,000.00
Supervisor Equipment Operator	12,500.00	100,000.00
Supervisor Maintenance Repairer	12,500.00	100,000.00
Maintenance Supervisor, Grounds	12,500.00	100,000.00
Maintenance Worker 3, Grounds	12,500.00	100,000.00
Sr. Carpenter (0-9 yrs.)	No Min.	70,548.00
Sr. Carpenter (10 or more yrs.)	No Min.	71,608.00
Carpenter (0-9 yrs.)	No Min.	68,427.00
Carpenter (10 or more yrs.)	No Min.	69,487.00
Carpenter's Helper	No Min.	66,305.00
Senior Mechanic (0-9 yrs.)	No Min.	70,548.00
Senior Mechanic (10 or more yrs.)	No Min.	71,608.00
Mechanic (0-9 yrs.)	No Min.	68,427.00
Mechanic (10 or more yrs.)	No Min.	69,487.00
Mechanics Helper (0-9 yrs.)	No Min.	66,305.00
Mechanics Helper (10 or more yrs.)	No Min.	67,366.00
Equipment Operator (0-9yrs.)	No Min.	68,427.00
Equipment Operator (10 or more yrs.)	No Min.	69,487.00
Truck Driver, Heavy (0-9 yrs.)	No Min.	66,305.00
Truck Driver, Heavy (10 or more yrs.)	No Min.	67,366.00
Truck Driver (0-9 yrs.)	No Min.	64,182.00
Truck Driver (10 or more yrs.)	No Min.	65,244.00
Laborer 1, Probational	No Min.	37,280.00
Laborer 1, 1st year	No Min.	50,785.00
Laborer 1, 2nd year	No Min.	53,245.00
Laborer 1, 3rd year	No Min.	55,707.00
Laborer 1, 4th year	No Min.	58,169.00
Laborer 1, 5th year	No Min.	60,631.00
Laborer 1 (6-9 yrs.)	No Min.	62,511.00
Laborer 1 (10 or more yrs.)	No Min.	64,248.00
Laborer (P/T)	No Min.	17.92/Hr.
Laborer (Seasonal)	No Min.	17.92/Hr.
Sr. Sanitation Inspector	No Min.	71,608.00
Sanitation Inspector (0-9 yrs.)	No Min.	69,487.00

Sanitation Inspector (10 or more yrs.)	No Min.	70,548.00
Recycling Coordinator (P/T)	No Min.	5,700.00
Assistant Recycling Coordinator (P/T)	No Min.	2,850.00
Building Maintenance Worker (0-9 yrs.)	No Min.	49,725.00
Building Maint. Worker (10 or more yrs.)	No Min.	50,785.00
Maint. Worker 2, Grounds (0-9 yrs)	No Min.	68,427.00
Maint. Worker 2, Grds (10 or more yrs.)	No Min.	69,487.00
Maintenance Repairer (0-9 yrs.)	No Min.	68,427.00
Maintenance Repairer (10 or more yrs.)	No Min.	69,487.00
Senior Maintenance Repairer	No Min.	70,548.00
Maint. Worker 1, Grounds (0-9 yrs.)	No Min.	66,305.00
Maint. Worker 1, Grds (10 or more yrs.)	No Min.	67,366.00
Beach Sweeper (Seasonal)	No Min.	18.00/Hr.
Playground Safety Inspector	No Min.	1,000.00
Boat Ramp Attendant	No Min.	17.00/Hr.
Backflow Prevention Technician	No Min.	1,000.00
CDL Training Coordinator	No Min.	2,000.00
Air Brake Specialist	No Min.	1,000.00
Automotive Refrigerant Specialist	No Min.	1,000.00
Assistant CDL Training Coordinator	No. Min	1,000.00

F. BOARD OF HEALTH / ZONING BOARD / PLANNING BOARD:

Secretary Planning Board		
Per Meeting		200.00
Secretary Zoning Board of Adjustment		
Per Meeting		200.00
Secretary Board of Health (P/T)	No Min.	550.00

G. TOWNSHIP COMMITTEE MEETING ATTENDANCE: The Township Administrator, Township Clerk, Chief Financial Officer and Personnel Officer, in lieu of receiving compensatory time for attendance at meetings during non-business hours will receive \$200.00 per meeting.

H. MILEAGE: The standard rate per mile in accordance with I.R.S. regulations.

I. ADDITIONAL COMPENSATION-REWARD-HOLIDAY GIFT CARD:

Additional Compensation: In addition to the salary set forth in this Ordinance, the Township Committee may compensate any employee or Department for additional work not to exceed a total amount of \$5,000.00 for the year. Said additional compensation shall be by resolution of the Township Committee setting forth the amount of the additional compensation. Said additional compensation shall be based on the following: Employees or Departments that meet one or all of the following criteria, may receive additional compensation in accordance with this salary ordinance.

- a. A departmental staffing shortage which lasted 6 months or more.
- b. A savings to the Township of \$20,000 or more through the execution of official duties.
- c. A catastrophic life event which would result in a hardship for the employee.

Reward: In addition to the salary set forth in this Ordinance, the Township Committee may award any employee a Reward for Conduct Above and Beyond the Call of Duty.

Holiday Food Gift Card or Article of Clothing: In addition to the salary set forth in this Ordinance, the Township Committee may provide each employee in the Township with a Holiday Food Gift Card or

certificate in the amount of \$50 in advance of the Thanksgiving Holiday. Part-time employees may only receive up to half of the consideration. In lieu of a Holiday Gift Card, the Township may provide an Article of Clothing to the employee of equal value.

J. EDUCATIONAL CERTIFICATION PAY RAISE: In addition to the salary ranges set forth in this Ordinance upon resolution of the Township Committee, the Township Committee may give an increase in salary of \$1,000.00 to any employee that has satisfied educational certification requirements for his or her position in accordance with current Township policy. The Township Committee shall by resolution fix the pay increase in this regard and certify that the employee has satisfied the educational certification requirement.

K. ADDITIONAL PAY TO CREW OF SANITATION VEHICLES: Laborers employed in the collection of trash and assigned to the rear of a trash truck shall, in addition to any other compensation payable pursuant to this Ordinance, receive an additional sum to be known as “Hazardous Duty Pay”, which shall be payable at the rate of \$.25 per hour.

L. ADDITIONAL PAY TO SEASONAL LIFEGUARDS: Lifeguards will receive an additional sum which shall be payable in accordance with the following schedule:

- Lifeguards who work a total of 300 hours in the same summer season as of August 20th will receive an additional \$1.00 per hour bonus for each hour worked during the current season.
- Lifeguards who work the Saturday proceeding Labor Day until the second weekend after Labor Day will receive a \$25.00 bonus for each full day worked during the current season.
- The above additional compensation only applies to those employees guarding the beaches in the course of their daily duties.
- EMT/Lifeguards assigned by the Division of EMS as the Beach Medic will receive an additional \$4.00 per hour.

M. DEFINING AND COMPENSATION FOR STATUTORY AND EXEMPT CLASSES OF EMPLOYEES:

Statutory Employees:

- The Municipality recognizes the requirement, by appropriate Statute, that every Municipality shall have: a Chief Financial Officer (40A:9-140.10), a Municipal Clerk (40A:9-133), A Tax Collector (40A:9-141) and a Tax Assessor (40A:9-146).
- This above class of employee shall have exempt status under the Fair Labor Standards Act (FLSA) (Section 13(a)(1)) and as defined in section 3 of the “New Jersey Employer-Employee Relations Act” P.L.1941, c.100(C.34:13A-3).
- This class of employees are required to work outside of “Fixed Hours”. This class of employees will be compensated accordingly.
- Compensatory time accumulated as of December 31, 2024 will be paid out at the 2024 rate in the 2025 budget year.
- The Salaries, wages and/or compensation shall be set according to (40A:9-165).

Managerial, Executive, Confidential Employees, including members of the Governing Body and the Mayor :

- This above class of employee shall have exempt status under the Fair Labor Standards Act (FLSA) (Section 13(a)(1))
- These employees are defined in section 3 of the “New Jersey Employer-Employee Relations Act” P.L.1941,c.100 (C.34:13A-3), and The Office of Emergency Medical Services (OEMS).
- This specifically includes Public Works Superintendent, Assistant Public Works Superintendent, Municipal Administrator, Personnel Officer, Chief EMT and Deputy Chief EMT, Committee Members including the Mayor.
- This class of employee is not eligible for Compensatory Time or Overtime. This class of

employee is required to work outside of: “Fixed Hours”. This class of employee will be compensated accordingly.

- Compensatory time accumulated as of December 31, 2024 will be paid out at the 2024 rate in the 2025 budget year.
- Salaries, wages and/or compensation shall be set according to (40A:9-165).

SECTION 3: LONGEVITY: In addition to the compensation and benefits otherwise payable, certain employees shall be paid an additional sum based on longevity. Any payment based on longevity shall be in accordance with the following schedule:

<u>YEARS OF SERVICE</u>	<u>AMOUNT OF INCREASE BASED ON LONGEVITY</u>
After 5 years	2%
After 10 years	4%
After 15 years	6%
After 20 years	8%
After 25 years	10%

SECTION 3A: RESTRICTIONS ON LONGEVITY PAYMENTS: Notwithstanding the provisions of Section 3 hereof, a longevity payment or longevity bonus to any single official, officer or employee of the Township of Upper shall not exceed the sum of Three Thousand (\$3,000.00) Dollars. If, as of January 1, 1997, any such official, officer or employee of the Township of Upper was entitled to a longevity payment in excess of Three Thousand (\$3,000.00) Dollars, then such individual shall be entitled to receive the amount to which he or she would have been entitled as of January 1, 1997 and each such official, officer or employee shall thereafter, in all subsequent years, receive a longevity payment or bonus in the amount paid as of January 1, 1997. In no event shall the amount of longevity payments exceed the sum of Three Thousand (\$3,000.00) Dollars, except for those individuals who are entitled to receive in excess of Three Thousand (\$3,000.00) Dollars as of January 1, 1997 and all such individuals shall in 1997 and all succeeding years be restricted to a payment which does not exceed that which was payable on January 1, 1997.

SECTION 3B: LONGEVITY PAY ABOLISHED FOR CERTAIN EMPLOYEES: Any official, officer or employee who was employed by the Township of Upper on or after January 1, 1996 shall not be entitled to any longevity payment. Longevity pay is abolished for any and all officials, officers and employees hired on or subsequent to that date.

SECTION 4: RESOLUTION AS TO SALARIES: The salary ranges set forth in this Ordinance are the maximum salaries to be paid for the various positions during 2024 and for such period or periods as this Ordinance shall remain in effect. Such maximum salaries shall be paid for each of the positions indicated unless the Township Committee, by Resolution shall fix a lesser salary, in which event such lesser amount shall be paid.

SECTION 5: EFFECTIVE DATE OF PAYMENT: All salaries authorized by this Ordinance shall be paid commencing as follows:

- (A) As of January 1, 2024 for all officials, officers and employees of the Township who were employed or appointed as of December 31, 2023. For those officials, officers and employees appointed at the Reorganization Meeting of the Township Committee, such persons shall be deemed appointed and employed by the Township as of January 1, 2024. This provision shall not apply to members of a Collective Bargaining Unit.
- (B) The payment of any salary increment and longevity payment for members of a Collective Bargaining Unit shall be made in accordance with the provisions of the Collective

Bargaining Agreement currently in effect, any other provisions herein to the contrary notwithstanding.

- (C) Upon the effective date of appointment for all officers and employees appointed subsequent to January 1, 2024.
- (D) Any salary increases provided for in this Ordinance shall not apply to any official, officer or employee of the Township who has resigned or otherwise terminated his or her employment with the Township of Upper prior to the effective date of this Ordinance.

SECTION 6: ANNUAL SALARY INCREASES: Annual salary increases to Statutory Employees, Managerial, Executive or Confidential Employees and non-union employees will be fixed and provided as to the same salary increases given to the members of AFSCME Local 63 employees.

SECTION 7: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 8: SEVERABILITY: If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION 9: EFFECTIVE DATE: This Ordinance shall take effect immediately upon passage and publication as required by 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 **12TH DAY OF NOVEMBER, 2024** AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 9TH DAY OF DECEMBER, 2024 AT 6:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

JOANNE R. HERRON, TOWNSHIP CLERK
TOWNSHIP OF UPPER

CORRESPONDENCE

NEW BUSINESS

- 19. Stockton Coastal Research Center 3rd quarter beach survey. **The Township Engineer gave a brief review of the survey.**

UNFINISHED BUSINESS

PAYMENT OF BILLS

- 20. "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: **\$549,550.16**
Payroll: **\$495,379.61**

CLOSED SESSION

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

**RESOLUTION NO. 392-2024
MOTION GOING INTO CLOSED SESSION
DECEMBER 9, 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. Litigation – MUA Host Community Benefit Agreement
3. Potential litigation – Sampson v. Upper Township Football Association

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 litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.
- C. With respect to employment and personnel matters such discussions will be made public if and when formal action is taken or when the individuals involved consent that it can be made public.

Moved by: Mark Pancoast

Motion seconded by: Kimberly Hayes

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

RECONVENE PUBLIC PORTION OF MEETING

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

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 7:32 P.M., with a motion by Curtis Corson, second by Victor Nappen, and all five Committee members voting in the affirmative. The next regular Committee meeting is scheduled for December 16, 2024 at 4:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC
Township Clerk