

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR JANUARY 27, 2025**

REGULAR MEETING OF THE TOWNSHIP COMMITTEE – 5:30 P.M.

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

Mayor Corson read the following Open Public meeting notice into the record:

“In compliance with the Open Public Meetings Law, I wish to state that on January 24, 2025, 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

Tyler Casaccio	Present
Victor Nappen	Present
Samuel Palombo	Present
Zachary Palombo	Present
Curtis Corson	Present

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

APPROVAL OF MINUTES – January 13, 2025 Regular and Closed Session Minutes

Motion by Zachary Palombo, second by Tyler Casaccio, to approve the January 13, 2025 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, wished all Eagles fans a happy victory Monday. He next reported that he and Mayor Corson recently attended the Tuckahoe Fire installation dinner, and it was a fun event. He next stated that he and Mayor Corson also attended the EMT dinner this past weekend and learned an interesting statistic that the Township’s EMTs responded to over 800 calls last year. He said that statistic is astounding and a testament to all of their hard work. He next reported that the EMS Chief, Mellissa Coker, has submitted her letter of retirement. He requested that the Township present a Resolution to her at the next meeting to honor her for her service.

Samuel Palombo, Committeeman, reported that he has been working with both the Engineer and the Recreation Leader on upcoming projects and events.

Zachary Palombo, Committeeman, thanked the Department of Public Works for all of their hard work. He stated that he recently met with the employees in the department to go over all of their upcoming projects which are many. Last, he reported that he requested that green lights be put up to celebrate the Eagles.

Tyler Casaccio, Committeeman, reported that the Township held a free rabies clinic on January 25th during which 83 dogs and 11 cats were vaccinated, and 30 dog licenses were sold. A second free rabies clinic will be held on Saturday February 22nd from 1:00 to 3:00 at Shore Veterinarians.

Curtis Corson, Mayor, reported that at the recent planning board meeting a resident inquired about the bike path project. He requested that the Township Engineer coordinate with the County Planning Department to attend a Township meeting and give an informational presentation of the proposed plan.

ADMINISTRATOR OVERVIEW

Gary DeMarzo, Township Administrator, made a lengthy statement regarding his employment with the Township and various complaints with the Committee members and a resident of the Township.

Ryan MacNeill, Township Engineer, reported that final plan revisions to the Athletic Court Resurfacing project have been completed and sent to the Committee for review and approval. Once approved, he will obtain updated quotes from the contractors. He next reported that plans for the Reconstruction of Putnam Avenue have also been submitted to the Committee for review. As long as there are no changes, the plans will be submitted to the NJDOT for review.

PUBLIC COMMENT ON AGENDA ITEMS ONLY – LIMITED TO FIVE (5) MINUTES PER PERSON

Rena Gaskill, Petersburg, thanked the Mayor for his swift action on the bike path project.

Nathalie Neiss, spoke about items 18 and 19 on the agenda, and spoke in favor Gary DeMarzo. She also spoke in opposition to item 7 on the agenda, and spoke about the Upper Township master plan. She next submitted a packet of documents to the Clerk.

Kevin Grubb, Tuckahoe, spoke in favor of Gary DeMarzo. He next spoke about his concerns with the municipal vacancy procedure that took place after Mark Pancoast vacated his committee seat last year.

Nathalie Neiss, seconded what the previous speaker said regarding the municipal vacancy process.

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 Victor Nappen, second by Zachary Palombo, 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 employees Edward Carter of the Upper Township Public Works Department and Kristen Snyder of the Upper Township Municipal Court for being chosen as Upper Township 2024 Safety Employees of the Year.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 036-2025

**RE: CONGRATULATING EMPLOYEES EDWARD CARTER OF THE UPPER TOWNSHIP
PUBLIC WORKS DEPARTMENT AND KRISTEN SNYDER OF THE UPPER TOWNSHIP
MUNICIPAL COURT FOR BEING CHOSEN AS
UPPER TOWNSHIP 2024 SAFETY EMPLOYEES OF THE YEAR**

WHEREAS, in an effort to promote safety for the Upper Township workforce as well as the residents of this community, employees are encouraged to participate in the Upper Township Safety Program and are recognized quarterly for their safety suggestions, from which an overall yearly winner is chosen; and

WHEREAS, the safety suggestions submitted by Edward Carter in the 1st quarter and Kristen Snyder in the 3rd quarter were considered for best overall safety suggestions for 2024 and Mr. Carter and Ms. Snyder were both chosen to receive “2024 Safety Employee of the Year” by the Upper Township Safety Committee; and

WHEREAS, Ed is publicly recognized for identifying and reporting the safety hazard of locked doors between the Community Center gymnasium and front room preventing emergency evacuation through a marked exit door; and

WHEREAS, Kristen is publicly recognized for identifying and reporting the safety hazard of the court office security camera’s limited surveillance views, suggesting replacement of the monitor with a larger screen to be able to add views of the courtroom and other locations within Township Hall as well as adjusting the court window camera for a more inclusive view of the court lobby.

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

1. That this Committee extends its appreciation and publicly recognizes Edward Carter and Kristen Snyder for their participation in this program and their commitment to safety by identifying potential hazards and presenting solutions.

2. That this Committee, on behalf of Ed’s and Kristen’s fellow employees and the citizens of this community, extends to them our congratulations and presents them with the “2024 Safety Employee of the Year” award.

BE IT FURTHER RESOLVED, that this Committee also extends its appreciation to all of the employees who submitted safety suggestions this year and encourages continued participation in this program.

Resolution No. 036-2025

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: January 27, 2025

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Casaccio	X			
Nappen	X			
S. Palombo	X			
Z. Palombo	X			
Corson	X			

2. Appointing the Upper Township representatives to the Great Egg Harbor National Scenic and Recreational River Council.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 037-2025

**RE: APPOINTING THE UPPER TOWNSHIP REPRESENTATIVES TO THE GREAT EGG
HARBOR NATIONAL SCENIC AND RECREATIONAL RIVER COUNCIL**

WHEREAS, the Great Egg Harbor National Scenic and Recreational River Council (“River Council”) is comprised of one member from the Great Egg Harbor Watershed Association and one member from each of the 12 municipalities involved; and

WHEREAS, the “River Council” provides input on a wide variety of issues, from federal and state permits for construction projects in the river corridor, to the expenditure of funds made available through the National Park Service; and

WHEREAS, the Township of Upper has determined that William C. Handley possesses all the necessary qualifications to be appointed as the Township of Upper Municipal Member to the “River Council”; and

WHEREAS, from time to time the need for an Alternate Member to the “River Council” has arisen; and

WHEREAS, the Township of Upper has determined that Steve Eisenhauer possesses all the necessary qualifications to be appointed as the Township of Upper 1st Alternate Member to the “River Council”; and

WHEREAS, from time to time the need for an additional Alternate Member to the “River Council” has arisen; and

WHEREAS, the Township of Upper has determined that William Stuempfig, Jr. possesses all the necessary qualifications to be appointed as the Township of Upper 2nd Alternate Member to the “River Council”; 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. William C. Handley is hereby appointed for a two-year term commencing on February 1, 2025 and ending on January 31, 2027 as the Township of Upper Municipal Member to the “River Council”.
3. Steve Eisenhauer is hereby appointed for a two-year term commencing on February 1, 2025 and ending on January 31, 2027 as the Township of Upper 1st Alternate Member to the “River Council”.
4. William Stuempfig, Jr. is hereby appointed for a two-year term commencing on February 1, 2025 and ending on January 31, 2027 as the Township of Upper 2nd Alternate Member to the “River Council”.
5. A copy of this Resolution shall be forwarded to the Great Egg Harbor Watershed Association, c/o Brooke Handley, Administrator, PO Box 109, Newtonville, NJ 08346. Resolution No. 037-2025

Resolution No. 037-2025
Offered by: Nappen
Adopted: January 27, 2025
Roll Call Vote:

Seconded by: Z. Palombo

NAME	YES	NO	ABSTAIN	ABSENT
Casaccio	X			
Nappen	X			
S. Palombo	X			
Z. Palombo	X			
Corson	X			

3. Appointing members to the Upper Township Mount Laurel Subcommittee.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 038-2025

**RE: APPOINTING MEMBERS TO THE UPPER TOWNSHIP
MOUNT LAUREL SUBCOMMITTEE**

WHEREAS, the Township Committee of the Township of Upper created a Mount Laurel Subcommittee, tasked with the coordination of all activities surrounding the Township's compliance with the Mount Laurel doctrine as defined by the State Legislature and endorsed by the State Supreme Court.; and

WHEREAS, a need exists to appoint suitable persons to this subcommittee; 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 following persons are hereby appointed to the Upper Township Mount Laurel Subcommittee:

Curtis T. Corson, Jr., Mayor
Tyler C. Casaccio, Committeeman
Township Administrator
Township Engineer
John P. Amenhauser, Esquire
Daniel J. Young, Esquire
Michael J. Edwards, Esquire
Tiffany Morrisey, PP

3. The forgoing appointees shall constitute the sole members of the Mount Laurel Subcommittee, subject to the provision of Paragraph 4 hereof.
4. The Township Committee expressly reserves the right to supplement this Resolution at any

time it deems it appropriate to change the membership or mission of the Upper Township Mount Laurel Subcommittee.

Resolution No. 038-2025

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: January 27, 2025

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Casaccio	X			
Nappen	X			
S. Palombo	X			
Z. Palombo	X			
Corson	X			

4. Appointing members to the Upper Township Redevelopment Subcommittee.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 039-2025

**RE: APPOINTING MEMBERS TO THE UPPER TOWNSHIP
REDEVELOPMENT SUBCOMMITTEE**

WHEREAS, the Township Committee of the Township of Upper created a Redevelopment Subcommittee, tasked with the coordination of all activities surrounding redevelopment in the Township of Upper; and

WHEREAS, a need exists to appoint suitable persons to this subcommittee; 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. The following persons are hereby appointed to the Upper Township Redevelopment Subcommittee:

Curtis T. Corson, Jr., Mayor
Tyler C. Casaccio, Committeeman
Township Administrator
Township Engineer
John P. Amenhauser, Esquire
M. James Maley, Esquire
Daniel J. Young, Esquire
Tiffany Morrisey, PP

7. The forgoing appointees shall constitute the sole members of the Redevelopment Subcommittee, subject to the provision of Paragraph 4 hereof.
8. The Township Committee expressly reserves the right to supplement this Resolution at any time it deems it appropriate to change the membership or mission of the Upper Township Redevelopment Subcommittee.

Resolution No. 039-2025

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: January 27, 2025

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Casaccio	X			
Nappen	X			
S. Palombo	X			
Z. Palombo	X			
Corson	X			

5. Renewing Mining Licenses for the license year 2025.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 040-2025

**RE: RENEWING MINING LICENSES FOR THE LICENSE YEAR 2025
AS FOLLOWS:**

**MOJAVE MATERIALS, LLC
BLOCK 414, LOT 45 AND BLOCK 451, LOT 4
850 ROUTE 610
PETERSBURG, NEW JERSEY**

**D.V. TOWER LLC/ACTION SUPPLY, INC.
BLOCK 565.03, LOT 54;
BLOCK 549, LOTS 110, 132, 133, 134, 135 & 136
1413 STAGECOACH ROAD
SEAVILLE, NEW JERSEY**

**D.V. TOWER LLC/ATLANTIC MASONRY SUPPLY, INC.
BLOCK 549, LOTS 111, 127, 128 & 129;
BLOCK 565.03, LOTS 55.02, 56 & 57
1413 STAGECOACH ROAD
SEAVILLE, NEW JERSEY**

**SEASHORE ASPHALT CORPORATION
BLOCK 453, LOT 3
1701 ROUTE 610**

PETERSBURG, NEW JERSEY

**HEIDELBERG MATERIALS NORTHEAST LLC
UPPER TOWNSHIP SAND & GRAVEL
BLOCK 453, LOT 4
1401 ROUTE 610
PETERSBURG, NEW JERSEY**

**HEIDELBERG MATERIALS NORTHEAST LLC
JULIES PIT
BLOCK 414, LOT 44
1100 ROUTE 610
PETERSBURG, NEW JERSEY**

**TUCKAHOE SAND AND GRAVEL
BLOCK 247, LOTS 4, 9 & 10
BLOCK 248, LOTS 1, 2, 3, 4, 5, 6, 7 & 8
BLOCK 249, LOT 1
BLOCK 453, LOT 2
ROUTE 610 & SHARP ROAD
TUCKAHOE, NEW JERSEY**

WHEREAS, Chapter XV of the Code of Upper Township requires a license for the excavation or mining of sand, gravel, earth, soil, or mineral products which license shall be issued on an annual basis;

WHEREAS, each of the mining operations hereinafter designated has completed the application process in accordance with the Code of Upper Township; and **WHEREAS**, the Township Committee has reviewed the recommendation of the Township Engineer after his inspection of said mining facilities and review of each application for license renewal and has determined to renew said licenses in accordance with the terms hereinafter specified;

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 following mining and soil excavation licenses are hereby renewed for a term of one (1) year commencing February 1, 2025:
 - A. Mojave Materials, LLC, Block 414, Lot 45 and Block 451, Lot 4; 850 Route 610, Petersburg, New Jersey, in accordance with and subject to compliance with all terms, conditions and other approvals as specified in

any resolution of the Upper Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.

- B. D.V. Tower LLC/Action Supply, Inc., Block 565.03, Lot 54; Block 549, Lots 110, 132, 133, 134, 135 & 136; 1413 Stagecoach Road, Seaville, New Jersey, in accordance with and subject to compliance with all terms, conditions and other approvals as specified in any resolution of the Upper Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.
- C. D.V. Tower LLC/Atlantic Masonry Supply, Inc., Block 549, Lots 111, 127, 128 & 129; Block 565.03, Lots 55.02, 56 & 57; 1413 Stagecoach Road, Seaville, New Jersey, in accordance with and subject to compliance with all terms, conditions and other approvals as specified in any resolution of the Upper Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.
- D. Seashore Asphalt Corporation, Block 453, Lot 3; 1701 Route 610, Petersburg, New Jersey, in accordance with and subject to compliance with all terms, conditions and other approvals as specified in any resolution of the Upper Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.
- E. Heidelberg Materials Northeast LLC/Upper Township Sand & Gravel, Block 453, Lot 4; 1401 Route 610, Petersburg, New Jersey, in accordance with and subject to compliance with all terms, conditions and other approvals as specified in any resolution of the Upper Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.
- F. Heidelberg Materials Northeast LLC/Julies Pit, Block 414, Lot 44; 1100 Route 610, Petersburg, New Jersey, in accordance with and subject to compliance with all terms, conditions and other approvals as specified in any resolution of the Upper Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.
- G. Tuckahoe Sand and Gravel, Block 247, Lots 4, 9 & 10; Block 248, Lots 1, 2, 3, 4, 5, 6, 7 & 8; Block 249, Lot 1; Block 453, Lot 2; Route 610 & Sharp Road, Tuckahoe, New Jersey, in accordance with and subject to compliance with all terms, conditions and other approvals as specified in any resolution of the Upper Township Planning Board or Upper Township Zoning Board of Adjustment, as applicable.

3. Notwithstanding the forgoing, the Township Clerk, on advice of legal counsel, shall not issue any such license where the appropriate bond is not in place or where other terms and conditions of approval are not yet satisfied.

4. All officials of the Township are hereby authorized to take such action as may be necessary or required to carry out the intent and purpose of this Resolution.

5. This Resolution shall become effective on February 1, 2025.

Resolution No. 040-2025
 Offered by: Nappen
 Adopted: January 27, 2025
 Roll Call Vote:

Seconded by: Z. Palombo

NAME	YES	NO	ABSTAIN	ABSENT
Casaccio	X			
Nappen	X			
S. Palombo	X			
Z. Palombo	X			
Corson	X			

6. Rescinding of award of professional services contract as set forth in Resolution 35-2025 and as set forth in portions of Resolution 003-2025, and re-appointment of professional contractors identified in Resolution 003-2025 and Resolution 35-2025 whose original appointments have been subject to rescission as set forth herein.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 RESOLUTION**

RESOLUTION NO. 041-2025

RE: RESCINDING OF AWARD OF PROFESSIONAL SERVICES CONTRACT AS SET FORTH IN RESOLUTION 35-2025 AND AS SET FORTH IN PORTIONS OF RESOLUTION 003-2025, AND RE-APPOINTMENT OF PROFESSIONAL CONTRACTORS IDENTIFIED IN RESOLUTIONS 003-2025 AND RESOLUTION 35-2025 WHOSE ORIGINAL APPOINTMENTS HAVE BEEN SUBJECT TO RESCISSION AS SET FORTH HEREIN

WHEREAS, the Governing Body of the Township of Upper appointed multiple professionals through the awarding of professional services contracts, in accordance with the requirements of the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.), through approval and execution of Resolution 003-2025 and Resolution 35-2025; and

WHEREAS, the professional services contracts awarded Brandon D. Walcott, Esquire, and Patrick F. Martin, Esquire, each as awarded through Resolution 003-2025, and to Blaney, Donohue & Weinberg, P.C., as awarded through Resolution 35-2025, were awarded as non-fair and open contracts pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, pursuant to the requirements of N.J.S.A. 19:44A-20.26, any entity awarded a professional services contract under the non-fair and open provisions of the Local Public Contracts Law, shall, at least ten (10) days prior to the date of the professional services contract being awarded, be required to provide a Business Entity Disclosure Certification to the municipality, which shall certify that such

professional service contractor has not made any reportable contributions pursuant to N.J.S.A. 19:44A-1, et seq., that, pursuant to P.L. 2004, c.19, would bar the award of such professional services contracts and that the professional services contractor shall not make any reportable contributions during the term of such contract; and

WHEREAS, it has been determined that the Business Entity Disclosure Statements provided by Blaney, Donohue & Weinberg, P.C., Brandon D. Walcott, Esquire, and Patrick F. Martin, Esquire, were not submitted at least ten (10) days prior to the date of the Township of Upper's awarding of professional services contracts to each of the aforementioned professionals; and

WHEREAS, it has been determined that the Business Entity Disclosure Statement submitted by Brandon D. Walcott, Esquire, was received by the Township of Upper on December 26, 2024; that the Business Entity Disclosure Statement submitted by Patrick F. Martin, Esquire, was received by the Township of Upper on January 8, 2025; and that the Business Entity Disclosure Statement submitted by Blaney, Donohue & Weinberg, P.C., was received by the Township of Upper on January 13, 2025, each of which were within ten (10) days of the awarding of professional services contracts to each of the above-referenced professional contractors by 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. In order to reconcile the professional service appointments of Brandon D. Walcott, Esquire, and Patrick F. Martin, Esquire, with the requirements of state statute, the appointments of Brandon D. Walcott, Esquire, and Patrick F. Martin, Esquire, for their respective professional services appointments in the Township of Upper, as more fully set forth in Resolution 003-2025, shall hereby be rescinded.

2. Brandon D. Walcott, Esquire, is hereby re-appointed as the Municipal Public Defendant for the Township of Upper for a term of one (1) year, commencing as of January 5, 2025, and until his successor is duly appointed and qualified. Such reappointment of Brandon D. Walcott, Esquire, as Municipal Public Defender is declared to be a professional service performed by persons authorized by law to practice recognized professions, which professions are regulated by law within the meaning of the

Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.), and hence is exempt from competitive bidding. Such reappointment is also awarded as a non-fair and open contract, pursuant to the provisions of N.J.S.A. 19:44A-20.5, and the requirements of N.J.S.A. 19:44A-20.26 have been satisfied by the professional contractor.

3. Patrick F. Martin, Esquire, is hereby re-appointed as the Municipal Prosecutor for the Township of Upper for a term of one (1) year, commencing as of January 18, 2025, and until his successor is duly appointed and qualified. Such reappointment of Patrick F. Martin, Esquire, as Municipal Prosecutor is declared to be a professional service performed by persons authorized by law to practice recognized professions, which professions are regulated by law within the meaning of the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.), and hence is exempt from competitive bidding. Such reappointment is also awarded as a non-fair and open contract, pursuant to the provisions of N.J.S.A. 19:44A-20.5, and the requirements of N.J.S.A. 19:44A-20.26 have been satisfied by the professional contractor.

4. In order to reconcile the professional service appointment of Blaney, Donohue & Weinberg, P.C., with the requirements of state statute, the appointment of Blaney, Donohue & Weinberg, P.C., for its respective professional services appointment in the Township of Upper, as more fully set forth in Resolution 35-2025, shall hereby be rescinded.

5. Blaney, Donohue & Weinberg, P.C., is hereby re-appointed as Municipal Labor Attorney/Counsel for the Township of Upper for a term of one (1) year, commencing as of January 23, 2025, and until their successor is duly appointed and qualified. Such reappointment of Blaney, Donohue & Weinberg, P.C., as Municipal Labor Attorney/Counsel is declared to be a professional service performed by persons authorized by law to practice recognized professions, which professions are regulated by law within the meaning of the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.), and hence is exempt from competitive bidding. Such reappointment is also awarded as a non-fair and open contract, pursuant to the provisions of N.J.S.A. 19:44A-20.5, and the requirements of N.J.S.A. 19:44A-20.26 have been satisfied by the professional contractor.

6. All remaining terms and conditions of Resolution 003-2025 and Resolution 35-2025 that have not been revised and/or rescinded as set forth herein shall remain in full force and effect as it pertains

to both those professional contractors referenced herein and those not referenced herein whose appointments are set forth in aforementioned Resolutions.

7. The Mayor and the Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, revised professional services contracts with the duly appointed professional contractors referenced in this Resolution in accordance with the terms and provisions of the Local Public Contracts Law.

8. Notices of the rescinding of the prior professional services appointments of the professional contractors referenced in this Resolution, as well as their respective re-appointments for the awarding of professional services contracts, shall be published in the Official Newspaper of the Township of Upper within ten (10) days from the date of adoption of this Resolution.

9. The Business Entity Certification and Determination of Value required for the award of professional services contracts to the professional service contractors referenced in this Resolution shall be placed on file with this Resolution.

10. This Resolution shall be effective immediately and the re-appointments of the professional service contractors, as set forth in Paragraphs 2, 3, and 5 of this Resolution, shall be effective as of the retroactive date of their respective re-appointments. This Resolution is further intended to ratify, confirm and approve any formal action taken by the Township Committee of the Township of Upper.

Resolution No. 041-2025

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: January 27, 2025

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Casaccio	X			
Nappen	X			
S. Palombo	X			
Z. Palombo	X			
Corson	X			

7. Authorizing a contract with Tiffany Morrissey, PP, AICP and Tiffany A. Cuiello, PP, LLC for professional planning services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 042-2025

**RE: AUTHORIZING A CONTRACT WITH TIFFANY MORRISSEY, PP, AICP AND
TIFFANY A. CUVIELLO, PP, LLC FOR PROFESSIONAL PLANNING SERVICES**

WHEREAS, the Township requires professional planning services; and

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

WHEREAS, the Township has decided to acquire the services of Tiffany Morrissey, PP, AICP and the firm of Tiffany A. CuvIELLO, PP, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Tiffany Morrissey, PP, AICP and Tiffany A. CuvIELLO, PP, LLC have completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit Tiffany Morrissey, PP, AICP and Tiffany A. CuvIELLO, PP, 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 and directed to execute, on behalf of the Township of Upper, a professional contract with Tiffany Morrissey, PP, AICP and Tiffany A. CuvIELLO, PP, 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.
3. This contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Tiffany Morrissey, PP, AICP and Tiffany A. CuvIELLO, PP, LLC have professional knowledge which knowledge is particularly valuable to the Township Committee.

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 Tiffany Morrissey, PP, AICP and Tiffany A. CuvIELLO, PP, LLC for professional planning 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. 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.

8. This Resolution shall be effective as of adoption.

Resolution No. 042-2025

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: January 27, 2025

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Casaccio	X			
Nappen	X			
S. Palombo	X			
Z. Palombo	X			
Corson	X			

8. Authorizing the Mayor and Township Clerk to sign and submit a safety contract for participation in the Atlantic County Municipal Joint Insurance Fund 2025 Safety Incentive Program.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 043-2025

**RE: AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO
SIGN AND SUBMIT A SAFETY CONTRACT FOR PARTICIPATION IN THE
ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND
2025 SAFETY INCENTIVE PROGRAM**

WHEREAS, the Atlantic County Municipal Joint Insurance Fund (ACMJIF) has offered a Safety Incentive Program to participating members in order to promote workplace safety and wellness in our community; and

WHEREAS, the goal of the Safety Incentive program is to build a program that will be effective in promoting safe work practices, employee morale, and claims management; and

WHEREAS, the Township of Upper wishes to take advantage of the Safety Incentive Program and to authorize the execution and submittal of the 2025 Safety Contract to the ACMJIF; and

WHEREAS, the Safety Contract has been reviewed and approved by the Municipal Attorney and is attached hereto; 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 of the Township of Upper are hereby authorized, directed, and empowered to sign and submit the Atlantic County Municipal Joint Insurance Fund 2025 Safety Contract.
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. 043-2025

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: January 27, 2025

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Cassacio	X			
Nappen	X			
S. Palombo	X			
Z. Palombo	X			
Corson	X			

9. Authorizing the Engineer to prepare specifications and solicit bids for the Reconstruction of Putnam Avenue.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 044-2025

**RE: AUTHORIZING THE ENGINEER TO PREPARE SPECIFICATIONS AND SOLICIT BIDS
FOR THE RECONSTRUCTION OF PUTNAM AVENUE**

WHEREAS, the Township Committee of the Township of Upper has determined a need to provide improvements to Putnam Avenue; and

WHEREAS, pursuant to the provisions of the Local Public Contracts Law, the Township of Upper intends to solicit bids as herein indicated;

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:

RECONSTRUCTION OF PUTNAM AVENUE

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

Resolution No. 044-2025

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: January 27, 2025

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Casaccio	X			
Nappen	X			
S. Palombo	X			
Z. Palombo	X			
Corson	X			

10. Canceling and refunding tax on exempt property Block 723, Lot 20.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 045-2025

**CANCELING AND REFUNDING TAX ON EXEMPT PROPERTY
BLOCK 723, LOT 20**

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, Karl Ruf is a 100% disabled American veteran residing at 8 Lake Corson Lane, Marmora, Block 723, Lot 20 on the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Department of Veterans Affairs has determined that Mr. Ruf’s 100% permanent military service-connected disability was effective July 22, 2024; and

WHEREAS, Karl Ruf made application November 18, 2024 and requested a refund for the third and fourth quarters of 2024;

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. 045-2025

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: January 27, 2025

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Casaccio	X			
Nappen	X			
S. Palombo	X			
Z. Palombo	X			
Corson	X			

CANCEL TAX 2024

BLOCK/LOT

723/20

AMOUNT

\$ 3,804.98

NAME

Karl Ruf
8 Lake Corson Lane
Marmora, NJ 08223

REFUND TAX 2024

BLOCK/LOT

723/20

AMOUNT

\$ 3,804.98

NAME

Karl Ruf
8 Lake Corson Lane
Marmora, NJ 08223

100% Totally Disabled Veteran

- Refund EMS ambulance billing overpayment to United Healthcare Insurance.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

RESOLUTION

RESOLUTION NO. 046-2025

RE: REFUND EMS AMBULANCE BILLING OVERPAYMENT TO UNITED HEALTHCARE INSURANCE

WHEREAS, an overpayment has occurred in the account of an EMS ambulance billing patient, where the monies sent to the Township of Upper from Horizon Blue Shield (Blue Card) were in excess as evidenced by a copy of a letter attached hereto as Exhibit A.

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

<u>AMOUNT</u>	<u>NAME</u>
\$1,035.00	Horizon Blue Shield (Blue Card) Out of State P.O. Box 1301 Neptune, NJ 07754-1301

Resolution No. 046-2025

Offered By: Nappen

Seconded By: Z. Palombo

Adopted: January 27, 2025

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Casaccio	X			
Nappen	X			
S. Palombo	X			
Z. Palombo	X			
Corson	X			

- 12. Authorizing the purchase of certain items and for the Chief Financial Officer to withdraw funds in the amount of \$8,267.00 from the Account entitled Recycling Trust Account for such purposes.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 047-2025

RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS AND FOR THE CHIEF FINANCIAL OFFICER TO WITHDRAW FUNDS IN THE AMOUNT OF \$8,267.00 FROM THE ACCOUNT ENTITLED RECYCLING TRUST ACCOUNT FOR SUCH PURPOSES

WHEREAS, it is necessary for the Township of Upper to purchase certain recycling containers; and

WHEREAS, the Township of Upper has available \$8,267.00 in the Recycling Trust account to make such purchases; and

WHEREAS, the Township's QPA has reviewed and approved the quote from Cascade Engineering of Grand Rapids, Michigan.

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, Cape May County, New Jersey hereby authorizes the purchase of recycling containers in the amount of \$8,267.00 from Cascade Engineering of Grand Rapids, Michigan.

3. The Chief Financial Officer of the Township of Upper is hereby authorized, directed and empowered to withdraw funds in the amount of \$8,267.00 from the Recycling Trust Account to pay for the recycling containers and is empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 047-2025

Offered By: Nappen

Seconded By: Z. Palombo

Adopted: January 27, 2025

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Casaccio	X			
Nappen	X			
S. Palombo	X			
Z. Palombo	X			
Corson	X			

13. Authorizing the disposal of blank banking checks which are no longer of use to the Township of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 048-2025

RE: AUTHORIZING THE DISPOSAL OF BLANK BANKING CHECKS WHICH ARE NO LONGER OF USE TO THE TOWNSHIP OF UPPER

WHEREAS, there exists blank banking checks for the Township’s Payroll account that contain incorrect authorized signatures that are no longer of use; and

WHEREAS, the Township Committee of the Township of Upper hereby determines that the blank checks listed below are no longer needed for public use and should be disposed of accordingly to assure security:

<u>Account Name</u>	<u>Check Numbers to be Destroyed</u>
Payroll	77238-77242 77773-77777 78336-78339

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 blank banking checks listed above are hereby determined to be useless for any public purpose and the Township Committee authorizes their disposal by shredding.
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. 048-2025

Offered By: Nappen

Seconded By: Z. Palombo

Adopted: January 27, 2025

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Casaccio	X			
Nappen	X			
S. Palombo	X			
Z. Palombo	X			
Corson	X			

14. Resolution of the Committee of the Township of Upper committing to Round 4 present and prospective need affordable housing obligations.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 049-2025

**RESOLUTION OF THE COMMITTEE OF THE TOWNSHIP OF UPPER
COMMITTING TO ROUND 4 PRESENT AND PROSPECTIVE NEED
AFFORDABLE HOUSING OBLIGATIONS**

WHEREAS, the Township has a demonstrated history of voluntary compliance as evidenced by its Round 3 record; and

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 2, 2015, the Township of Upper (hereinafter “Upper” or the “Township”) filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”), to be amended as necessary, satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine,” and

WHEREAS, that culminated in a Court-approved Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes builder’s remedy lawsuits until July 1, 2025; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2 (hereinafter “A4” or “Amended FHA”); and

WHEREAS, A4 calculates the size of the regional affordable housing need as follows “projected household change for a 10-year round in a region shall be estimated by establishing the household change experienced in the region between the most recent federal decennial census, and the second-most recent federal decennial census. This household change, if positive, shall be divided by 2.5 to estimate the number of low- and moderate-income homes needed to address low- and moderate-income household change in the region, and to determine the regional prospective need for a 10-year round of low- and moderate-income housing obligations...”; and

WHEREAS, this means that the regional need equates to 40% of regional household growth; and

WHEREAS, the 1985 version of the Fair Housing Act and A4 both prohibit a result that would compel a municipality to spend its own money on compliance; and

WHEREAS, the theory which permits a municipality to meet its obligations without municipal subsidy is zoning for “inclusionary zoning”; and

WHEREAS, inclusionary zoning most typically requires a 15% or 20% set aside; and

WHEREAS, it is not clear how a regional need predicated upon 40% of anticipated growth can be met with 15-20% set asides and without municipal subsidy; and

WHEREAS, this is exacerbated by the fact that certain other municipalities in the region have an allocation of 0% of the prospective need (new construction obligation), irrespective of the growth in that particular municipality; and

WHEREAS, A4 yields a statewide new construction obligation of over 8,400 affordable units per year; and

WHEREAS, this is a substantially higher annual number than was imposed by COAH in the “Prior Round” or any iteration of its Round 3 regulations; and

WHEREAS, A4 determines the size of the regional need, but does not calculate allocation of the need to individual municipalities; and

WHEREAS, instead, A4 required the Department of Community Affairs (“DCA”) to produce non-binding estimates of need on or before October 20, 2024, which it did provide on October 18, 2024 (“DCA Report”); and

WHEREAS, the DCA Report calculates the Township’s Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 0 units and a Prospective Need or New Construction Obligation of 47 units; and

WHEREAS, A4 further provides that, irrespective of the DCA’s calculation, municipalities are to determine “present and prospective fair share obligation(s)…by binding resolution no later than January 31, 2025”; and

WHEREAS, this resolution satisfies the requirements of A4 by accepting the DCA estimate of need as described in the DCA Report; and

WHEREAS, Section 3 of A4 provides that: “the municipality’s determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7” of A4; and

WHEREAS, Township’s calculation of need is entitled to a “presumption of validity” because it complies with Sections 6 and 7 of A4; and

WHEREAS, the Township specifically reserves the right to adjust those numbers based on one or any of the foregoing adjustments: 1) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment (whether predicated upon lack of sewer or lack of water); and/or 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, including, but not limited to Cape May County planning documents to include any document from the County which could affect the Township’s planning, the Pinelands or Meadowlands regulations and planning documents; and

WHEREAS, in addition to the foregoing, the Township specifically reserves all rights to revoke or amend this resolution and commitment, as may be necessary, in the event of a successful challenge to A4 in the context of the Montvale case (MER-L-1778-24), any other such action challenging A4, or any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of A4; and

WHEREAS, in addition to the foregoing, the Township reserves the right to take a position that its Round 4 Present or Prospective Need Obligations are lower than described herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and

WHEREAS, in light of the above, the Mayor and Committee finds that it is in the best interest of Township to declare its obligations in accordance with this binding resolution and in accordance with the Act and

WHEREAS, in addition to the above, the Acting Administrative Director issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

WHEREAS, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the Act shall file an action in the form of a declaratory judgment complaint “. . . within 48 hours after

adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner"; and

WHEREAS, nothing in this Resolution shall be interpreted as an acknowledgment of the legal validity of the AOC Directive and the Township reserves any and all rights and remedies in relation to the AOC Directive; and

WHEREAS, the Township seeks a certification of compliance with the Act and, therefore, directs its Affordable Housing Counsel to file a declaratory relief action within 48 hours of the adoption of this resolution; and

NOW, THEREFORE, BE IT RESOLVED on this 27th day of January, 2025 by the Committee of the Township of Upper, Cape May County, State of New Jersey, as follows:

1. All of the Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Mayor and Committee hereby commit to the DCA Round 4 Present Need Obligation of 0 units and the Round 4 Prospective Need Obligation of 47 units as described in this resolution subject to all reservations of rights, which specifically include:
 - a) The right to adjust the number based on a windshield survey, lack of land, sewer, water, regional planning inputs, or any combination thereof;
 - b) As described in the WHEREAS section, all rights to revoke or amend this resolution in the event of a successful legal challenge, or legislative change, to A4;
 - c) All rights to take any contrary position in the event of a third party challenge to the obligations.
3. The Township hereby directs its Affordable Housing Counsel to file a declaratory judgment complaint within 48 hours after adoption this resolution attaching this resolution.
4. The Township hereby directs its Affordable Housing Counsel to file this Resolution with the "Program" pursuant to the requirements on A4.
5. The Township hereby directs that this Resolution be published on the municipal website within forty-eight (48) hours of its passage, pursuant to A4.
6. This resolution shall take effect immediately, according to law.

Resolution No. 049-2025

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: January 27, 2025

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Casaccio	X			
Nappen	X			
S. Palombo	X			
Z. Palombo	X			
Corson	X			

ORDINANCES

CORRESPONDENCE

NEW BUSINESS

15. Request to donate a memorial bench for the Chadwyn Drive Playground. **Motion by Curtis Corson, second by Victor Nappen, to approve the request contingent upon approval of the bench specifications by the Township Engineer and placement of the bench by the Superintendent of Public Works. During roll call vote all five Committee members voted in the affirmative.**

16. Strathmere 4th of July Parade along Commonwealth Avenue and Bayview Drive from Prescott Avenue to Williams Avenue. **Motion by Curtis Corson, second by Tyler Casaccio, to authorize the Clerk to send a letter in support of the Strathmere 4th of July parade to the County. During roll call vote all five Committee members voted in the affirmative.**

17. Historical Preservation Society of Upper Township request use of the Tuckahoe Train Station for themed train rides on various dates beginning February 7, 2025 to June 28, 2025. **Motion by Tyler Casaccio, second by Zachary Palombo, to approve the request contingent upon no conflict with other Township approved use of the facility. During roll call vote all five Committee members voted in the affirmative.**

18. Discussion related to employment of Township Administrator, Gary DeMarzo. Resolution memorializing any action taken regarding this matter may be voted upon and signed at the conclusion of the matter. **The Municipal Attorney stated that this is a personnel matter which is often discussed in closed session, however, Mr. DeMarzo upon receiving a RICE notice, requested that the matter be discussed in open session. Mr. DeMarzo then attempted to question the Municipal Attorney and the Committee members. The Municipal Attorney stated that this is not a hearing, the Township Committee has been provided with a legal opinion as to the action that can be taken on this matter, and any discussion is up to the Committee. He further stated that there was a public comment section earlier in the meeting which allowed anyone in the public to discuss any item on the agenda. There was then a motion by Samuel Palombo, second by Zachary Palombo to remove Gary DeMarzo from the position of Township Administrator. Before the vote on the motion the Municipal Attorney advised that the Municipal Code of Upper Township as well as state statute creates the position of administrator. There is also state statute that discusses what is required to terminate the role of administrator, and what the requirements are in terms of payouts should the Committee choose to do so. That statute is NJSA 40A:9-138, which states that an Administrator can be removed without cause by 2/3 vote of the Committee. If the Committee chooses to remove Mr. DeMarzo immediately, he will be paid any unpaid balance of his salary as Administrator and his salary as Administrator for the next three (3) calendar months. Conversely the Committee could choose to have him stay on as Administrator for the next three months and the removal will take place on the 91st day. Mayor Corson then called for a roll call vote on the motion to remove Gary DeMarzo from the position of Township Administrator effective immediately. During roll call vote, 4 Committee members voted in the affirmative. Committeeman Casaccio abstained.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 050-2025

**RE: REMOVAL OF GARY DEMARZO FROM THE POSITION OF TOWNSHIP
ADMINISTRATOR OF THE TOWNSHIP OF UPPER**

WHEREAS, the Governing Body of the Township of Upper resolved to appoint Gary DeMarzo as Administrator of the Township of Upper on a temporary basis through the execution of Resolution #134-2022 on April 11, 2022, with an effective date of April 12, 2022; and

WHEREAS, such appointment of Gary DeMarzo as Township Administrator for the Township of Upper was provided for in Chapter 2, Section 2.4, of the Upper Township Municipal Code; and

WHEREAS, such appointment of Gary DeMarzo as Township Administrator for the Township of Upper was also permitted and governed pursuant to N.J.S.A. 40A:9-136, *et seq.*; and

WHEREAS, subsequent to the appointment of Gary DeMarzo as Township Administrator, the Governing Body of the Township of Upper resolved through Resolution #290-2023 to enter into an agreement with Gary DeMarzo, which included, in pertinent part, a provision stating, “it has been determined that DeMarzo shall continue to receive his current salary with 70% of such salary allocated to the job duties of fulltime Personnel Officer and 30% of such salary allocated to the duties he performs as the Township Administrator”; and

WHEREAS, pursuant to the Upper Township Municipal Code, as well as state statute, the Township Administrator serves at the pleasure of the Governing Body of the municipality; and

WHEREAS, pursuant to the requirements of N.J.S.A. 40A:9-138, a Township Administrator may be removed without cause by a 2/3 vote of the Governing Body and, in the discretion of the Governing Body, such resolution shall have an immediate effect, provided that the Governing Body resolves to pay the Administrator forthwith any unpaid balance of his salary as Administrator as of the date of his termination, as well as his salary as Administrator for the next three (3) calendar months following adoption of such resolution.

NOW THEREFORE, BE IT RESOLVED, by the Township Committee for the Township of Upper, County of Cape May, State of New Jersey, that:

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

2. The Township Committee finds that it is in the best interest of the Township of Upper and the operation of Township of Upper government to remove the current Township Administrator. Such removal of the Township Administrator is being made in the exercise of the judgment and discretion invested in the Township Committee pursuant to state statute.
3. In accordance with N.J.S.A. 40A:9-138, Gary DeMarzo is hereby removed from his duties as Township Administrator, with payment of his salary as Township Administrator for the time period prescribed in and required by N.J.S.A. 40A:9-138.
4. This Resolution shall be effective immediately and is further intended to ratify, confirm, and approve any formal action taken by the Township Committee.

Resolution No. 050-2025

Offered by: S. Palombo Seconded by: Z. Palombo

Adopted: January 27, 2025

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Casaccio			X	
Nappen	X			
S. Palombo	X			
Z. Palombo	X			
Corson	X			

19. Discussion regarding authorization for Blaney, Donohue & Weinberg, P.C., to formulate a layoff plan for the position of Personnel Officer for purposes of economy and efficiency. Resolution memorializing any action taken regarding this matter may be voted upon and signed at the conclusion of the matter. **The Municipal Attorney again stated that this is a personnel issue but Mr. DeMarzo, after receiving a RICE notice which stated that this position would be discussed, has chosen to have this discussion in open session. He further stated that he has provided the Committee with a legal opinion as to the action that can be taken on this matter. There was then a motion by Zachary Palombo, second by Samuel Palombo, to authorize Blaney, Donohue & Weinberg, P.C., to formulate a layoff plan for the position of Personnel Officer for purposes of economy and efficiency. During roll call vote four Committee members voted in the affirmative. Committeeman Casaccio abstained.**

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 51-2025

**RE: AUTHORIZING LABOR COUNSEL TO PREPARE A LAYOFF PLAN FOR POSITION
OF PERSONNEL OFFICER FOR PURPOSES OF ECONOMY AND EFFICIENCY**

WHEREAS, the Township of Upper currently employs a personnel officer who is tasked with handling certain personnel affairs of the Township; and

WHEREAS, it has been determined by the governing body of the Township of Upper that there no longer exists a need for the continued existence of a separate position of personnel officer in the Township of Upper as the job duties of said position will be assumed by other employees and/or contracted agents of the municipality;

WHEREAS, the current personnel officer of the Township of Upper is a Civil Service employee and is entitled to the rights and protections afforded by such designation; and

WHEREAS, the Township of Upper seeks to authorize its appointed labor counsel to prepare a layoff plan for the position of personnel officer for purposes of economy and efficiency that is to be submitted to the New Jersey Civil Service Commission 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 hereby authorizes Blaney, Donohue & Weinberg, P.C., to prepare a layoff plan for the position of personnel officer for submission to the New Jersey Civil Service Commission for review and approval.
3. This Resolution shall be effective immediately and is further intended to ratify, confirm and approve any formal action taken by the Township Committee.

Resolution No. 51-2025

Offered by: Z. Palombo

Seconded by: S. Palombo

Adopted: January 27, 2025

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Casaccio			X	
Nappen	X			
S. Palombo	X			
Z. Palombo	X			
Corson	X			

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 Victor Nappen, second by Zachary Palombo. During roll call vote all five Committee members voted in the affirmative.**

Bills approved for payment: **\$2,041,108.16**
Payroll: **\$213,704.34**

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

Nathalie Neiss, Block 456, Lot 13 and Block 476, Lot 29, spoke about pay to play, the Township's planner, requested a 4th of July parade in Marmora, and requested Mayor Corson to resign. She next asked Mr. DeMarzo if he had anything to add. Mr. DeMarzo questioned the cost of the Township's actions.

Rhonda Sharp, Beesley's Point, Tax Collector for Upper Township, spoke in support of Mr. DeMarzo.

John Grubb, Tuckahoe, inquired as to the status of the Rt 50 road paving project. The Township Engineer reported that the state project resurface Rt 50 from Upper Bridge Road to New Jersey Avenue should begin in the summer or fall of 2025. He next spoke regarding a project he was working on with the former Committee and Mr. DeMarzo regarding parking near the Community Center.

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. 052-2025
MOTION GOING INTO CLOSED SESSION
JANUARY 27, 2025**

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 – Athletic Court Resurfacing
2. Contract negotiation – Additional Municipal Prosecutor
3. Contract negotiation – Municipal Advisor
4. Contract negotiation – Use of Facilities
5. Contract negotiation – Recruitment and Temporary Administrator Services
6. 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 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: Victor Nappen

Motion seconded by: Zachary Palombo

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

RECONVENE PUBLIC PORTION OF MEETING

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

22. Authorizing a contract with JPM Advisors, LLC, DBA Jersey Professional Management, for recruitment and temporary administrator services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 053-2025

**RE: AUTHORIZING A CONTRACT WITH JPM ADVISORS, LLC, DBA JERSEY
PROFESSIONAL MANAGEMENT, FOR RECRUITMENT AND TEMPORARY
ADMINISTRATOR SERVICES**

WHEREAS, the Township requires professional recruitment and temporary administrator services; and

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

WHEREAS, the Township has decided to acquire the services of JPM Advisors, LLC, dba Jersey Professional Management, (hereinafter “JPM”) as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, JPM has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit JPM 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 and directed to execute, on behalf of the Township of Upper, a professional contract with JPM 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.

3. This contract shall have a term of one (1) year from date of full execution.

4. This Contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because JPM has professional knowledge which knowledge is particularly valuable to the Township Committee.

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 JPM for professional recruitment and temporary administrator 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. 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.

8. This Resolution shall be effective as of adoption.

Resolution No. 053-2025

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: January 27, 2025

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Cassacio	X			
Nappen	X			

S. Palombo	X			
Z. Palombo	X			
Corson	X			

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 6:47 P.M., with a motion by Victor Nappen, second by Zachary Palombo, and all five Committee members voting in the affirmative. The next regular Committee meeting is scheduled for February 10, 2025 at 5:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC
Township Clerk

Bills

- 84854 01/27/25 A0017 ATLANTIC CO. MUNICIPAL JIF 148,116.00 3402
- 84855 01/27/25 A0025 ADVANTAGE RENTAL & SALES 571.25 3402
- 84856 01/27/25 A0075 ADAMS, JOSHUA 272.94 3402
- 84857 01/27/25 A0091 ATLANTIC CITY ELECTRIC 8,542.34 3402
- 84858 01/27/25 A0117 AT&T 532.05 3402
- 84859 01/27/25 A0191 ACTION UNIFORM CO. LLC 65.00 3402
- 84860 01/27/25 A0193 ATLANTIC INVESTIGATIONS, LLC 208.50 3402
- 84861 01/27/25 A0212 ANCERO, LLC 2,033.46 3402
- 84862 01/27/25 A0235 AMAZON CAPITAL SERVICES, INC. 490.48 3402
- 84863 01/27/25 B0035 BELMONT & CRYSTAL SPRINGS 107.98 3402
- 84864 01/27/25 B0076 BOND, LAURENCE E. 833.98 3402
- 84865 01/27/25 B0092 BROKER, EUGENE JR. 4,192.80 3402
- 84866 01/27/25 B0288 KINGBARNES LLC 1,797.50 3402
- 84867 01/27/25 C0042 CAMPBELL SUPPLY COMPANY 214.06 3402
- 84868 01/27/25 C0048 CAPE MAY COUNTY MUA 41,105.66 3402
- 84869 01/27/25 C0052 CAPE MAY COUNTY TREASURER 1,664,703.32 3402
- 84870 01/27/25 C0056 CAPE MEDIATION SERVICE, INC. 3,388.32 3402
- 84871 01/27/25 C0068 COMCAST 1,574.76 3402
- 84872 01/27/25 C0223 CASA PAYROLL SERVICE 1,620.00 3402
- 84873 01/27/25 C0346 CME ASSOCIATES 8,466.50 3402
- 84874 01/27/25 C0358 CASTAGNA, CHRISTOPHER 146.50 3402
- 84875 01/27/25 C0359 CAMANO, ROCCO 299.98 3402
- 84876 01/27/25 D0186 DOCUTREND IMAGING SOLUTIONS 108.40 3402
- 84877 01/27/25 D0237 KERRY SCALFARO 250.00 3402
- 84878 01/27/25 E0012 EHRlich PEST CONTROL INC 138.58 3402
- 84879 01/27/25 F0080 FAMILIES UNITED NETWORK 300.00 3402
- 84880 01/27/25 G0002 GAGLIONE, WANDA 4,192.80 3402
- 84881 01/27/25 G0006 GARBUTT, PATRICIA A. 2,096.40 3402
- 84882 01/27/25 G0028 GENTILINI FORD, INC. 335.91 3402
- 84883 01/27/25 G0092 GRUND, BARBARA J. 249.99 3402
- 84884 01/27/25 G0120 PATRICK F. MARTIN 4,583.34 3402
- 84885 01/27/25 H0073 HOME DEPOT CRC/GECF 75.84 3402
- 84886 01/27/25 J0090 JPMORGAN CHASE BANK, N.A. 159.90 3402
- 84887 01/27/25 J0317 JONES, PAMALA 31.75 3402
- 84888 01/27/25 K0037 KOHLER, JOHN F 337.46 3402
- 84889 01/27/25 K0086 K D NATIONAL FORCE SECURITY 993.75 3402
- 84890 01/27/25 L0027 LASHLEY HEATING & COOLING INC. 1,060.00 3402
- 84891 01/27/25 L0034 LAYTON, BRENDA 4,192.80 3402
- 84892 01/27/25 L0038 LAYTON, WILLIAM 4,192.80 3402
- 84893 01/27/25 M0081 MID-ATLANTIC WASTE SYSTEMS 1,349.87 3402
- 84894 01/27/25 M0166 MOTOROLA SOLUTIONS, INC. 97,863.10 3402
- 84895 01/27/25 M0188 MCCARTHY TIRE SERVICE OF PHILA 3,497.57 3402
- 84896 01/27/25 M0235 MODERN GROUP, LTD 604.75 3402

84897 01/27/25 M0263 MANGAM SR., ANDREW C 159.99 3402
84898 01/27/25 M0277 EQUITABLE FINANCIAL LIFE INS. 189.38 3402
84899 01/27/25 N0070 MARSH & MCLENNAN AGENCY, LLC 2,000.00 3402
84900 01/27/25 O0025 OLD DOMINION BRUSH 163.80 3402
84901 01/27/25 P0008 PALMER, NANCY 2,096.40 3402
84902 01/27/25 P0032 PEDRONI FUEL CO. 513.26 3402
84903 01/27/25 P0140 PIONEER MANUFACTURING CO, INC 1,986.24 3402
84904 01/27/25 P0166 PARKER MCCAY P.A. 117.83 3402
84905 01/27/25 P0216 PROMOFECT, LLC 1,250.00 3402
84906 01/27/25 R0030 RIGGINS, INC. 3,254.17 3402
84907 01/27/25 R0076 REGISTRARS' ASSOCIATION N.J. 75.00 3402
84908 01/27/25 R0092 RUTGERS, THE STATE UNIVERSITY 130.00 3402
84909 01/27/25 S0057 SERVICE TIRE TRUCK CENTERS 563.70 3402
84910 01/27/25 S0072 SEGIN, STEWART S. 247.81 3402
84911 01/27/25 S0134 SO. JERSEY GAS COMPANY 641.56 3402
84912 01/27/25 S0196 STEWART BUSINESS SYSTEMS LLC 41.40 3402
84913 01/27/25 S0239 SHORE VET. ANIMAL CONTROL LLC 2,250.00 3402
84914 01/27/25 S0254 SHOPRITE 168.37 3402
84915 01/27/25 S0405 South Millville Gun Club 300.00 3402
84916 01/27/25 S309 Sharp, Joseph 406.93 3402
84917 01/27/25 T0028 TRACTOR SUPPLY COMPANY CREDIT 1,049.98 3402
84918 01/27/25 T0032 THE PRESS OF ATLANTIC CITY 58.12 3402
84919 01/27/25 T0067 TOWNSHIP OF UPPER PETTY CASH 60.00 3402
84920 01/27/25 T0159 TRIAD ADVISORY SERVICES, INC. 3,825.00 3402
84921 01/27/25 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3402
84922 01/27/25 V0013 VERIZON WIRELESS 637.18 3402
84923 01/27/25 V0025 V.E. RALPH & SON, INC. 459.90 3402
84924 01/27/25 V0052 VIKING TERMITE & PEST CONTROL 131.52 3402
84925 01/27/25 W0135 LAW OFFCE OF BRANDON D WALCOTT 2,096.92 3402
84926 01/27/25 Z0017 ZOLL DATA SYSTEMS, INC. 310.31 3402
Total: \$2,041,108.16