

**TOWNSHIP OF UPPER  
2100 TUCKAHOE ROAD  
PETERSBURG, NJ 08270  
CAPE MAY COUNTY  
MINUTES FOR TUESDAY OCTOBER 14, 2025**

**WORKSHOP MEETING OF THE TOWNSHIP COMMITTEE – 5:00 P.M.**

**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 October 10, 2025 the notice of this Workshop meeting of the Upper Township Committee was posted on the official Township Bulletin Board and the Upper Township Website, emailed to the Atlantic City Press, the Ocean City Sentinel-Ledger, the Herald Times and filed with the Township Clerk. I hereby direct that this announcement be made a part of the minutes of this meeting.”

**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, and Township Administrator James Van Zlike.

**DISCUSSION**

1. Collection of used motor oil and anti-freeze. **A discussion was held regarding the Township’s weekly collection of used motor oil and anti-freeze and whether this is the best use of personnel. The Township Administrator stated that the Cape May County MUA accepts this material for a nominal fee. There was a consensus to eliminate the collection of used motor oil and anti-freeze effective January 2026.**
2. Policy for installation of speed bumps. **A discussion was held regarding the need for a policy to address requests for the installation of speed bumps on Township Road. The Township Administrator stated that the JIF recommends that an engineering study be performed prior to the installation of speed bumps. There was a consensus that a policy be established via Ordinance requiring a resident petition threshold to be met which will then prompt an engineering study.**
3. Cape May County Open Space Grant project. **The Township Administrator stated that individually each Committee member has approved adding a fitness court at Amanda’s Field, in addition to the skate park project, to the Open Space grant application, and requested confirmation. Each Committee member then confirmed agreement with the proposed application.**

**ADJOURNMENT OF WORKSHOP MEETING**

Motion by Zachary Palombo, second by Victor Nappen, to adjourn the workshop meeting. During roll call vote all five Committee members voted in the affirmative.

There was then a brief recess before the regular meeting began.

**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 October 10, 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.”

Mayor Corson then stated that unfortunately due to an equipment malfunction the microphones are not working. He requested that the audience members move towards the front of the room if they cannot hear and also advised that there will not be an audio or video recording 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, and Township Administrator James Van Zlike.

### **APPROVAL OF MINUTES** - September 22, 2025 Workshop, Regular, and Closed Session Minutes

Motion by Tyler Casaccio, second by Victor Nappen, to approve the September 22, 2025 Workshop, Regular, and Closed Session Minutes as submitted. During roll call vote all five Committee members voted in the affirmative.

### **REPORT OF GOVERNING BODY MEMBERS**

**Tyler Casaccio, Committeeman**, reported that Upper Township will host a free rabies clinic on October 25, 2025 from 3:00 to 5:00 pm at Shore Vets on Hope Corson Road. He then stated that the Township's Fall Fest was a great event and thanked the organizers.

**Samuel Palombo, Committeeman**, thanked the Department of Public Works, EMS, and employee Larry Cole for the great Fall Fest event. He then reported that the Upper Township Health Fair will be held on October 23<sup>rd</sup> from 3:00 to 5:00 pm at the Community Center, and will offer free flu shots, blood pressure checks, and various health vendors.

**Zachary Palombo, Committeeman**, reported that he recently attended the William G. Pomeroy Foundation's Historic Marker Dedication of the Ensign Henry Young Family Burying Ground, the Historical Preservation Society's Applefest, and the Township's Fall Fest. He thanked all of the organizers for the wonderful events. He then gave a brief rundown of Public Works' ongoing operations including leaf and brush pickup. He cautioned all residents that have leaves out for pickup to make sure they are free of sticks and debris. He then reported that the Township will be adopting a Resolution tonight to terminate participation in the State Health Benefits program because of the 36% increase in premium rates for 2026, and stated that the Township will be contracting for health benefits at a much lower rate. Lastly, he gave a presentation on the recent storm damage to the Strathmere beaches and highlighted the need for improved coastal defenses and collaboration with the DEP.

**Victor Nappen, Committeeman**, reported that an Upper Township update will be published after each meeting to inform those residents that are unable to attend or watch the Committee meetings. He next reported on the ongoing operations of the Division of EMS and reported that the Upper Township Rescue Squad will be holding their annual Trunk or Treat event on October 21<sup>st</sup> from 6:00 to 8:00 pm at Amanda's Field. He then reported that he and the Township Administrator recently attended the Chief's Association meeting where the subject of Ebike safety was discussed at length. Lastly, he made a motion, seconded by Tyler Casaccio, to authorize legal counsel to review the Township's Cannabis Ordinance and possible revenue opportunities. During roll call vote all five Committee members voted in the affirmative.

**Curtis Corson, Mayor**, reported that a Resolution has been prepared and will be added to the agenda tonight to declare a state of emergency for Strathmere and calls for immediate federal and state legislative action to address the severe beach erosion in Strathmere. He then made a motion, seconded by Zachary Palombo, to adopt said Resolution. During roll call vote all five Committee members voted in the affirmative. Mayor Corson then made a motion, seconded by Zachary Palombo, to authorize the Engineer to perform a post storm survey of the Strathmere beach. Durin roll call vote all five Committee members voted in the affirmative. Lastly, he thanked the Department of Public Works for their storm response and stated that they were able to maintain one emergency only access to the beach at Seacliff Avenue.

### **ADMINISTRATOR OVERVIEW**

**James Van Zlike, Township Administrator**, reported that he received a letter of commendation for Construction Office employees April Johnston and Dory Cooper and thanked them for all they do. He next reported on the recent storm response and stated that the Township will be meeting with DEP officials to discuss possible temporary solutions that can be implemented immediately to address the severe erosion.

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

There was no public comment.

**RESOLUTION TO BE ACTED ON SEPARATELY**

1. Declaring a local emergency and urging immediate state and federal legislative action to address severe and ongoing beach erosion in Upper Township.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 303 -2025**

**DECLARING A LOCAL EMERGENCY AND URGING IMMEDIATE STATE AND FEDERAL  
LEGISLATIVE ACTION TO ADDRESS SEVERE AND ONGOING BEACH EROSION IN  
UPPER TOWNSHIP**

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**WHEREAS**, Upper Township is a coastal municipality in Cape May County that includes the communities of Strathmere and Whale Beach, which are directly impacted by the Atlantic Ocean and dependent on stable, healthy beaches for storm protection, public safety, ecological balance, and tourism-based economic activity; and

**WHEREAS**, Upper Township is currently experiencing critical and accelerating beach erosion, including significant dune loss, destruction of protective berms, damage to infrastructure, and threats to both public and private property, placing the Township in an emergency state of vulnerability ahead of the winter storm season; and

**WHEREAS**, recent coastal storms, including the ongoing and dayslong powerful Nor'easter that has battered the coast, have exacerbated these conditions, severely diminishing the already compromised beach width and elevating the risk of coastal flooding and property damage during future weather events; and

**WHEREAS**, Upper Township lacks the financial resources to independently implement large-scale beach replenishment, dune restoration, or long-term protective measures, and requires urgent and immediate assistance and funding from both the State and Federal governments to prevent further damage and danger to its residents and infrastructure; and

**WHEREAS**, current beach replenishment efforts by the U.S. Army Corps of Engineers have excluded or deprioritized portions of Upper Township's coastline, leaving critical areas unprotected and without a clear timeline for remediation; and

**WHEREAS**, this Governing Body calls upon its Federal, State, and County elected officials to take immediate and coordinated action to advocate for Upper Township and to ensure emergency intervention, funding, and prioritization in state and federal coastal protection plans;

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee hereby declares a local emergency along the coastal beach areas in Strathmere and Whale Beach and authorizes Township officials to execute the document attached hereto as Exhibit "A", entitled "Proclamation of Local Disaster/Emergency."
3. The Township of Upper declares and urgently requests the direct intervention and assistance of its Federal, State, and County representatives to:
  - a. Secure emergency funding for immediate beach restoration and storm protection in Upper Township;

- b. Advocate for inclusion of Upper Township in all relevant beach replenishment and coastal resiliency programs through the NJ Department of Environmental Protection (NJDEP) and U.S. Army Corps of Engineers;
  - c. Support and introduce emergency legislation or appropriations to address the immediate erosion crisis in our coastal communities;
  - d. Coordinate with county, state, and federal agencies to develop a long-term coastal resiliency strategy for Strathmere and surrounding areas; and
  - e. Expedite permits, approvals, and environmental clearances required to allow rapid implementation of protective measures.
4. A certified copy of this Resolution and attached Proclamation of Local Disaster/Emergency shall be immediately transmitted to Governor Phil Murphy, Congressman Jeff Van Drew, Senator Michael Testa, Assemblyman Antwan McClellan, Assemblyman Erik Simonsen, Cape May County Board of Commissioners, Cape May County Office of Emergency Management, Commissioner of the NJ Department of Environmental Protection, U.S. Army Corps of Engineers (Philadelphia District), the New Jersey League of Municipalities, and all Municipalities in Cape May County.

**BE IT FURTHER RESOLVED** that the Township of Upper stands ready to work collaboratively with all levels of government to protect the lives, homes, economy, and natural resources of its residents, and demands that this growing crisis be met with the urgency and seriousness it warrants.

Resolution No. 303 -2025

Offered by: Corson

Seconded by: Z. Palombo

Adopted: October 14, 2025

Roll Call Vote:

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

**Exhibit "A"**

**TOWNSHIP OF UPPER  
COUNTY OF CAPE MAY, NEW JERSEY**

**PROCLAMATION OF LOCAL DISASTER/EMERGENCY**

**TO ALL CITIZENS AND PERSONS WITHIN THE MUNICIPALITY OF UPPER TOWNSHIP, NEW JERSEY, AND TO ALL DEPARTMENTS, DIVISIONS AND BUREAUS OF THE MUNICIPAL GOVERNMENT OF UPPER TOWNSHIP, NEW JERSEY:**

**WHEREAS**, pursuant to the powers vested in me by (Chapter 251 of the Laws of 1942, as amended and supplemented, N.J.S.A. App. A:9-30 et. seq.; N.J.S.A. 40: 48-1(6), and ordinances enacted pursuant thereto; N.J.S.A. 2C: 33-1 et. seq.; -- whichever law or laws apply), and by ordinances adopted by the Township of Upper, I have declared that a local disaster/emergency exists within the Township of Upper; and

**WHEREAS**, the aforesaid laws authorize the promulgation of such orders, rules and regulations, as are necessary to meet the various problems which have or may be presented by such a disaster/emergency; and

**WHEREAS**, by reason of the **rapid erosion to the beaches and dunes in Strathmere and Whale Beach**; there are conditions which presently exist in certain areas of the Township of Upper as stated above, which may affect the health, safety, and welfare of the people of the Township of Upper; and

**WHEREAS**, it has been determined that these areas, of the Township of Upper should then be declared disaster areas, and further that certain measures should then be taken to insure that the authorities will be unhampered in their efforts to maintain law and order as well as in order to protect the persons and property of the residents affected by the conditions; and

**WHEREAS**, the following areas are designated disaster areas:

**Coastal Beach areas in Strathmere and Whale Beach**

**NOW, THEREFORE, IN ACCORDANCE WITH** the aforesaid laws, I do hereby promulgate and declare the following regulations shall be in addition to all other laws of the State of New Jersey and of the Township of Upper.

**That appropriate short-term remedies will be undertaken to protect the beach and dune in Strathmere and Whale Beach.**

### **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**

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

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

11. Accepting the performance bond from Tractor Supply Company, a Delaware Corporation for preliminary and final major site plan improvements for the project known as Proposed Tractor Supply Co., Prototype G+, Block 561, Lots 3, 4.02, and 9.

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

### **RESOLUTION NO. 304 -2025**

**RE: ACCEPTING THE PERFORMANCE BOND FROM TRACTOR SUPPLY COMPANY, A DELAWARE CORPORATION FOR PRELIMINARY AND FINAL MAJOR SITE PLAN IMPROVEMENTS FOR THE PROJECT KNOWN AS PROPOSED TRACTOR SUPPLY CO., PROTOTYPE G+, BLOCK 561, LOTS 3, 4.02, AND 9**

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**WHEREAS**, Tractor Supply Company, A Delaware Corporation and HSC Seaville, LLC, (hereinafter "Developer"), are the owner and/or developer of a site within the Township of Upper, described as follows: Proposed Tractor Supply Co., Prototype G+, Block 561, Lots 3, 4.02 and 9; and

**WHEREAS**, pursuant to N.J.S.A. 40:55D-53, the Developer is required to furnish a Performance Guarantee in favor of the Township for improvements which the Upper Township Planning Board may deem necessary or appropriate; and

**WHEREAS**, as further required by N.J.S.A. 40:55D-53, the Municipal Engineer has prepared an Engineer's Estimate of an itemized cost estimate of the improvements covered by the Performance Guarantee, which itemized cost estimate shall be appended to each Performance Guarantee posted by the Developer and a copy of which is annexed to this Resolution as Exhibit "A"; and

**WHEREAS**, the Developer has presented to the Township a Performance Guarantee as follows:

**Site Improvement Bond No.: 285079107**

**Principal: Tractor Supply Company, a Delaware Corporation**

**Surety: Liberty Mutual Insurance Company**

**Issue Date: September 18, 2025**

**Bond Amount, Surety: \$37,513.80**

**Bond Amount, Cash: \$ 4,168.20**

**Inspection Escrow, Cash: \$43,571.35**

**Safety and Stabilization, Cash: \$10,000.00**

WHEREAS, the Municipal Attorney has reviewed the Performance Bond and has determined that the same complies with the New Jersey Statutes and Township Ordinances applicable thereto and has recommended acceptance of same by the Township Committee;

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 cost estimate of the Municipal Engineer, which is attached hereto as Exhibit "A", is hereby accepted and approved.
3. The Performance Bond described in this Resolution is hereby accepted and approved.
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. 304 -2025

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: October 14, 2025

Roll Call Vote:

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

12. Authorizing participation in the South Jersey Power Cooperative for electric supply service.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 305 -2025**

**RE: AUTHORIZING PARTICIPATION IN THE SOUTH JERSEY POWER COOPERATIVE  
FOR ELECTRIC SUPPLY SERVICE**

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WHEREAS, the County of Camden on behalf of the South Jersey Power Cooperative ("SJPC") publicly advertised bids for the purpose of procuring electric supply services; and

**WHEREAS**, Cape May County is currently a member of the SJPC with Camden County as Lead Agency for the purchase of electric supply services for Cape May County and its Cooperative members; and

**WHEREAS**, the Township of Upper has been a member and wishes to continue its participation with the Cape May County Cooperative; and

**WHEREAS**, Camden County has awarded a 14-month contract to Great American Gas & Electric, LLC to provide facility electric supply services for Rate Class MGS-S at the rate of \$0.11230 per kilowatt-hour; and to Constellation NewEnergy Inc. to provide facility electric supply services for Rate Class SPL, CSL at the rate of \$0.06590 per kilowatt-hour;

**WHEREAS**, the Township of Upper, as a participant of the SJPC, wishes to obtain electric services from Great American Gas & Electric, LLC and Constellation NewEnergy, Inc.; and

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Upper, Cape May County, that the Township hereby authorizes participation in the Cape May County Cooperative and the SJPC with Camden County as the Lead Agency; and

**BE IT FURTHER RESOLVED** that the Township of Upper hereby acknowledges the following:

1. The Lead Agency of the SJPC will enter into a contract with the winning suppliers on behalf of the entire SJPC including Cape May County and its Cooperative members.
2. The Township of Upper will not sign a contract directly with the winning bidders but will adhere to the terms and conditions of the master contract.
3. The contract for electric generation supply services under the SJPC will begin with the first meter reading after July 1, 2026 and continue to August 31, 2027; and

**BE IT FURTHER RESOLVED** that the Township of Upper shall appropriate sufficient funds for the contract upon the adoption of the 2026 and 2027 budgets; and

**BE IT FURTHER RESOLVED** that no participating contracting unit in the Energy Cooperative shall be responsible for any items ordered or for performance by any other participating contracting unit. Each participating contracting unit shall be liable only for its own performance and for items ordered and received by it and none assumes any additional responsibility of liability.

Resolution No. 305-2025

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: October 14, 2025

Roll Call Vote:

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

13. Appointing Louis A. Bonato as an Appraiser for the Township of Upper.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 306-2025**

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

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

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

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

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Louis A. Bonato with offices at 22 Mockingbird Lane, Petersburg, New Jersey is hereby appointed appraiser for the Township of Upper for the appraisal of lots in connection with the Township's anticipated sale of said lots.
3. This Contract shall have a term of one (1) year from date of full execution.

4. This Contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Louis A. Bonato has professional knowledge as to appraisal issues which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

**NOTICE OF CONTRACT AWARD**

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

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

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

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

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

10. This Resolution shall be effective as of adoption.

Resolution No. 306 -2025

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: October 14, 2025

Roll Call Vote:

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

14. Authorizing a contract with K.D. National Force Security & Investigations, LLC for professional security services.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 307 -2025**

**RE: AUTHORIZING A CONTRACT WITH K.D. NATIONAL FORCE SECURITY &  
INVESTIGATIONS, LLC FOR PROFESSIONAL SECURITY SERVICES**

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

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

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

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with K.D. National Force Security & Investigations, LLC with offices at 3122 Fire Road, Suite B210, Egg Harbor Township, New Jersey, 08234, to provide professional security services.

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

4. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because K.D. National Force Security & Investigations, LLC has professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

**NOTICE OF CONTRACT AWARD**

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

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

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

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

Resolution No. 307 -2025

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: October 14, 2025

Roll Call Vote:

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

15. Authorizing a contract with Marsh & McLennan Agency, LLC for insurance and broker consultant services.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 308 -2025**

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

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

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

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

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

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

3. The allegations of the preamble are incorporated herein by this reference.
4. The Mayor and Township Clerk are hereby authorized, directed and empowered to execute a contract with Marsh & McLennan Agency, LLC to provide insurance and broker consultant services.
3. The term of this contract shall be for a period of one (1) year from October 1, 2025 through September 30, 2026.
4. This Contract is awarded without competitive bidding as a professional service in

accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Marsh & McLennan Agency, LLC has professional knowledge which is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

**NOTICE OF CONTRACT AWARD**

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

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

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

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

9. This Resolution shall be effective as of adoption.

Resolution No. 308 -2025

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: October 14, 2025

Roll Call Vote:

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

16. Authorizing a Shared Services Agreement with the Township of Dennis for CDL-A training services.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 309-2025**

**RE: AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE  
TOWNSHIP OF DENNIS FOR CDL-A TRAINING SERVICES**

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**WHEREAS**, the Uniform Shared Services Act, N.J.S.A. 40A:65-1, et seq., provides that any local governmental unit may enter into a contract with any other local governmental unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement was empowered to render within its own jurisdiction; and

**WHEREAS**, the Township of Upper is registered on the FMCSA Training Provider Registry for the provision of CDL-A training; and

**WHEREAS**, the Township of Dennis has requested to enter into a Shared Services Agreement with the Township of Upper, whereby the Township of Upper will provide said CDL-A training services to the Township of Dennis; and

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

1. **SHARED SERVICES AGREEMENT.** Pursuant to the provisions of the Uniform Shared Services Act, N.J.S.A. 40A:65-1, et seq., the Township of Upper is hereby authorized and empowered to enter into a Shared Services Agreement with the Township of Dennis for CDL-A training services.

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

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

forward a certified copy of this resolution and the executed Agreement to the Township of Dennis and the New Jersey Division of Local Government Services.

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

5. CONTRACT TERM. The term of this Agreement shall be for a period of three (3) years, commencing upon full execution hereof.

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

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

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

Resolution No. 309-2025

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: October 14, 2025

Roll Call Vote:

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

17. Authorizing a Shared Services Agreement with the Cape May County Municipal Utilities Authority for solid waste disposal and recycling services.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 310 -2025**

**RE: AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE  
CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY FOR  
SOLID WASTE DISPOSAL AND RECYCLING SERVICES**

---

**WHEREAS**, the Cape May County Municipal Utilities Authority ("CMCMUA"/"Authority") has designed, financed, acquired, constructed, expanded, and currently operates a solid waste management system ("System") which presently serves the entire County of Cape May in the State of New Jersey, for the disposal, transfer, and recycling of solid waste; and

**WHEREAS**, the Township of Upper has utilized and desires to continue to utilize the services of the CMCMUA's System; and

**WHEREAS**, there presently exists a contract between the Township of Upper and the Authority for the use of the CMCMUA's System for the disposal, transfer, and recycling of solid waste entitled "Shared Services Agreement for Solid Waste Disposal and Recycling Services" ("Agreement") which will expire on December 31, 2025; and

**WHEREAS**, the Township of Upper and the Authority desire to enter into a new Agreement and to fix the expiration date of said Agreement to occur on December 31, 2026; and

**WHEREAS**, the Authority has offered the "Shared Services Agreement for Solid Waste Disposal and Recycling Services" to the Township of Upper in order to more efficiently provide and continue to offer municipalities within Cape May County the use of the CMCMUA's Solid Waste System from January 1, 2026 through December 31, 2026; and

**WHEREAS**, the Authority has submitted the same proposed form of Agreement to all Cape May County Municipalities which will provide for both Solid Waste disposal and certain recycling services through December 31, 2026; and

**WHEREAS**, N.J.S.A. 40A:65-1 et seq., the Uniform Shared Services and Consolidation Act, authorizes a municipality to enter into a contract with any other local unit for the sharing of governmental services.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Township of Upper, 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 Municipal Clerk are hereby authorized and directed to execute an agreement with the CMCMUA entitled "Shared Services Agreement for Solid Waste Disposal and Recycling Services", effective January 1, 2026 through December 31, 2026.

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. 310 -2025

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: October 14, 2025

Roll Call Vote:

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

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

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 311 -2025**

**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 further replaced this Spending Plan pursuant to Resolution No. 209-2025 adopted on July 15, 2025 and consistent with the amended 1985 New Jersey Fair Housing Act, P.L. 2024, c.2 and Administrative Office of the Courts Directive No. 14-24 and applicable regulations; 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 Municipal Housing Liaison is required to provide a recommendation as to the expenditure of development fees, and upon a recommendation of approval, the Township Committee is required to adopt approval of such expenditures by way of adoption of a resolution; and

**WHEREAS**, the Municipal Housing Liaison has provided a recommendation for approval of the development fees that are subject of this resolution, and 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:

Triad Associates	\$ 150.00
(AA Technical Assistance/ AA Wait List Rentals/ AA/MTA Wait List Maint. Sales)	\$ 200.00 <u>\$ 200.00</u> \$ 550.00
The DeWeese Law Firm (Affordable Housing Services)	\$ 160.00
Daniel J. Young, Esquire (Affordable Housing Services)	\$ 810.00

Resolution No. 311-2025

Offered By: Nappen

Seconded By: Z. Palombo

Adopted: October 14, 2025

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Casaccio	X			

Nappen	X			
S. Palombo	X			
Z. Palombo	X			
Corson	X			

19. Canceling tax on Township exempt properties.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 312-2025**

**CANCELING TAX ON TOWNSHIP EXEMPT PROPERTIES**

---

**WHEREAS**, certain corrections have been recommended by the Upper Township Tax Collector in order to correct tax records; and

**WHEREAS**, the Township of Upper Tax Assessor did not make certain properties exempt for the tax year 2025; and

**WHEREAS**, certain Township properties were billed for 2025 taxes; and

**WHEREAS**, it is necessary to cancel taxes on Township owned properties for the year 2025; and

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

Resolution No. 312 -2025

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: October 14, 2025

Roll Call Vote:

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

**CANCEL TAX 2025**

<b><u>BLOCK/LOT</u></b>	<b><u>AMOUNT</u></b>
24/13	\$106.68
24/22	\$171.19
29/84	\$84.35
30/32	\$84.35
30/98	\$84.35

331/28	\$84.35
600/1	\$84.57
367/19	\$12.41
513/30	\$111.14
632/15	\$183.62

20. Canceling and refunding tax on exempt property Block 453, Lot 80.04.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 313 -2025**

**CANCELING AND REFUNDING TAX ON EXEMPT PROPERTY  
BLOCK 453, LOT 80.04**

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

**WHEREAS**, certain properties became tax exempt in the year 2025; and

**WHEREAS**, John Schulke is a 100% disabled American veteran residing at 7 Camlough Rd, Petersburg, NJ 08270, Block 453, Lot 80.04 on the municipal tax map of Upper Township, New Jersey; and

**WHEREAS**, the Department of Veterans Affairs has determined that Mr. Schulke’s 100% permanent military service-connected disability was effective February 12, 2025; and

**WHEREAS**, John Schulke made application August 7, 2025 and requested a refund for the taxes paid in 2025; and

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

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

Resolution No. 313 -2025  
Offered by: Nappen  
Adopted: October 14, 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			

**CANCEL TAX 2025**

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
453/80.04	\$6,748.30	John & Nicole Schulke 7 Camlough Rd Petersburg, NJ 08270

**REFUND TAX 2025**

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
453/80.04	\$4,738.24	John & Nicole Schulke 7 Camlough Rd Petersburg, NJ 08270

21. Canceling and refunding tax on exempt property Block 453, Lot 264.13.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 314-2025**

**CANCELING AND REFUNDING TAX ON EXEMPT PROPERTY  
BLOCK 453, LOT 264.13**

---

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

**WHEREAS**, certain properties became tax exempt in the year 2025; and

**WHEREAS**, Ryan Tassone is a 100% disabled American veteran residing at 23 Indian Walk, Ocean View, NJ 08230, Block 453, Lot 264.13 on the municipal tax map of Upper Township, New Jersey; and

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

**WHEREAS**, Ryan Tassone made application August 7, 2025 and requested a refund for the taxes paid in 2025; and

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

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

Resolution No. 314 -2025  
 Offered by: Nappen  
 Adopted: October 14, 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			

**CANCEL TAX 2025**

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
453/264.13	\$1,342.68	Ryan & Laura Tassone 23 Indian Walk Rd Ocean View, NJ 08230

**REFUND TAX 2025**

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
453/264.13	\$3,763.99	Ryan & Laura Tassone 23 Indian Walk Rd Ocean View, NJ 08230

22. Canceling tax on exempt property Block 647, Lot 8.08.

**TOWNSHIP OF UPPER  
 CAPE MAY COUNTY  
 RESOLUTION**

**RESOLUTION NO. 315-2025**

**CANCELING TAX ON EXEMPT PROPERTY  
 BLOCK 647, LOT 8.08**

---

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

**WHEREAS**, certain properties became tax exempt in the year 2025; and

**WHEREAS**, Eric Theriault is a 100% disabled American veteran residing at 12 Henry Rd, Marmora, NJ, Block 647, Lot 8.08 on the municipal tax map of Upper Township, New Jersey; and

**WHEREAS**, the Department of Veterans Affairs has determined that Mr. Theriault's 100% permanent military service-connected disability was effective June 28, 2024; and

**WHEREAS**, Eric Theriault made application August 7, 2025; and

**WHEREAS**, in receipt of the 2025 tax rate; it is necessary to cancel taxes on 4<sup>th</sup> quarter of 2025 on the above mentioned property; and

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

Resolution No. 315 -2025

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: October 14, 2025

Roll Call Vote:

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

**CANCEL TAX 2025**

**BLOCK/LOT**

647/8.08

**AMOUNT**

\$ 1,014.80

**NAME**

Eric & Heather Theriault  
12 Henry Rd  
Marmora, NJ 08223

100% Totally Disabled Veteran

23. Tax refund Block 838, Lot 6.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 316 -2025**

**TAX REFUND  
BLOCK 838, LOT 6**

---

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

**WHEREAS**, the title company and mortgage company paid the 2025 3<sup>rd</sup> quarter taxes on the above property; and

**WHEREAS**, Surety Title has requested a refund in the amount of \$4,353.38; and

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

Resolution No. 316-2025

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: October 14, 2025

Roll Call Vote:

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

**REFUND TAX 2025**

**BLOCK/LOT**

838/6

**AMOUNT**

\$4,353.38

**NAME**

Surety Title Company  
111 E. 9<sup>th</sup> Street, 2<sup>nd</sup> Floor  
Ocean City, NJ 08226

24. Certification of costs for abatement of nuisance on Block 653.01, Lot 4.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 317-2025**

**CERTIFICATION OF COSTS FOR ABATEMENT OF NUISANCE  
ON BLOCK 653.01, LOT 4**

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**WHEREAS**, pursuant to Township Code Section 11-1, the Code Enforcement Officer is empowered to enforce the Township’s Property Maintenance Code; and

**WHEREAS**, in accordance with Township Code, the Code Enforcement Officer served a notice of violation of Section 11-1.9 (Grass, Weeds and Debris), to the property owners/agents of Block 653.01, Lot 4; and

**WHEREAS**, 10 days passed from the date of such notice of violation with no response from the property owners/agents and the Township thereafter remedied the violation; and

**WHEREAS**, pursuant to Township Code Section 11-1.19(a) and N.J.S.A. 40:48-2.14, the Code Enforcement Officer has certified the costs of remedying the said violations as set forth on the attached list; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee hereby declares that the costs as set forth on the attached list shall be certified to the Township Tax Collector as a lien against the properties in question which lien shall become and form a part of the taxes assessed and levied upon the properties pursuant to Township Code Section 11-1.19(b) and N.J.S.A. 40:48-2.14.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 317-2025  
 Offered by: Nappen  
 Adopted: October 14, 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			

**ABATEMENT OF GRASS, WEEDS, AND DEBRIS**

<u>BLOCK/LOT</u>	<u>LOCATION</u>	<u>COST</u>	<u>ADMIN FEE</u>	<u>TOTAL</u>
653.01/4	10 RT US 9 SO	\$250.00	\$50.00	\$300.00

25. Resolution to terminate participation in the State Health Benefits Program.

**TOWNSHIP OF UPPER  
 CAPE MAY COUNTY  
 RESOLUTION**

**RESOLUTION NO. 318-2025**

**A RESOLUTION TO TERMINATE ALL PARTICIPATION UNDER THE SHBP AND SEHBP  
(INCLUDING PRESCRIPTION DRUG PLAN AND/OR DENTAL PLAN COVERAGE)**

BE IT RESOLVED:

1. The Upper Township hereby resolves to terminate its participation in the Program (Medical Plan, Prescription Drug Plan, and/or Dental Plan coverage) thereby canceling coverage provided by the SHBP and/or SEHBP (N.J.S.A. 52:14-17.25 et seq.) for all its active and retired employees.
2. We shall notify all active employees of the date of their termination of coverage under the Program.
3. We understand that the New Jersey Division of Pensions & Benefits (NJDPB) will notify retired employees of the cancellation of their coverage.
4. We understand that all COBRA participants will be notified by the NJDPB and advised to contact our office concerning a possible alternative health, prescription drug, and dental insurance plan.
5. We understand that this resolution shall take effect the first of the month following a 60-day period beginning with the receipt of the resolution by the State Health Benefits Commission or School Employees' Health Benefits Commission.

I hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Upper Township.

Resolution No. 318-2025

Offered by: Nappen

Seconded by: Z. Palombo

Adopted: October 14, 2025

Roll Call Vote:

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

26. Authorizing the Chief Financial Officer to sign a Medicare Advantage and/or Medicare Advantage Prescription Drug Employer Group application.

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 319-2025**

**RE: AUTHORIZING THE CHIEF FINANCIAL OFFICER TO SIGN A MEDICARE  
ADVANTAGE AND/OR MEDICARE ADVANTAGE PRESCRIPTION DRUG EMPLOYER  
GROUP APPLICATION**

**WHEREAS**, the Township wishes to complete a Medicare Advantage and/or Medicare Advantage Prescription Drug (MAPD) Employer Group Application with Braven Health; 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 Chief Financial Officer is hereby authorized, directed and empowered to sign and submit said application, attached hereto as Exhibit A, on behalf of the Township of Upper.

3. All Township officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

Resolution No. 319 -2025

Offered By: Nappen

Seconded By: Z. Palombo

Adopted: October 14, 2025

Roll Call Vote:

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

**ORDINANCES**

**27. Public hearing and final adoption of Ordinance No. 006-2025 RE: AN ORDINANCE CHANGING THE NAME OF THE STREET KNOWN AS “NO NAME ROAD” AND “UNNAMED ROAD”, LOCATED IN THE PETERSBURG SECTION OF THE TOWNSHIP OF UPPER, TO “EMPRESS COURT”. During the public hearing portion there was the following speakers:**

**Nathalie Neiss, Petersburg, inquired as to who owns No Name Road and the dimensions of the road.**

**There being no more speakers, Mayor Corson then closed the public hearing. There was then a motion by Victor Nappen, second by Tyler Casaccio, to adopt Ordinance 006-2025. 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. 006-2025**

**AN ORDINANCE CHANGING THE NAME OF THE STREET KNOWN AS “NO NAME ROAD” AND “UNNAMED ROAD”, LOCATED IN THE PETERSBURG SECTION OF THE TOWNSHIP OF UPPER, TO “EMPRESS COURT”**

**WHEREAS**, the Township Committee of the Township of Upper has determined that it is in the best interest of the public to change the name of No Name Road, also known as Unnamed Road, located off of NJSH 50 in the Petersburg section of the Township of Upper, to Empress Court; and

**WHEREAS**, N.J.S.A. 40:67-1(k) authorizes the governing body of a municipality to provide for the naming and for the changing of the names of streets and highways, and the erection thereof of signs showing the names thereof, and guideposts for travelers

**WHEREAS**, notice of the proposed name change will be given in accordance with applicable laws; and

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

**SECTION 1:** The street currently known as No Name Road, also known as Unnamed Road, located off of NJSH Route 50 in the Petersburg section of the Township of Upper, shall hereafter be known as Empress Court.

**SECTION 2:** All municipal records, maps, and databases shall be updated to reflect this street name change, and notice shall be provided to the following:

Affected property owners  
Emergency services (police, fire, EMS)  
Upper Township Tax Assessor's Office  
United States Postal Service  
Local utility companies  
Any other relevant agencies or departments

**SECTION 3:** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

**SECTION 4:** If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

**SECTION 5:** This Ordinance shall take effect immediately upon final adoption 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 8<sup>TH</sup> DAY OF SEPTEMBER, 2025 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 14<sup>TH</sup> DAY OF OCTOBER, 2025 AT 5:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

JOANNE R. HERRON, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

28. Introduction and first reading of Ordinance No. 007-2025 RE: AN ORDINANCE AMENDING CHAPTER 10, SECTION 2 (LEAD-BASED PAINT INSPECTION IN RESIDENTIAL DWELLINGS) OF THE MUNICIPAL CODE OF UPPER TOWNSHIP. **Motion by Zachary Palombo, second by Victor Nappen, to introduce Ordinance No. 007-2025 with the public hearing scheduled for November 10, 2025. During roll call vote all five Committee members voted in the affirmative.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
ORDINANCE**

**ORDINANCE NO. 007-2025**

**AN ORDINANCE AMENDING CHAPTER 10, SECTION 2  
(LEAD-BASED PAINT INSPECTION IN RESIDENTIAL DWELLINGS)  
OF THE MUNICIPAL CODE OF UPPER TOWNSHIP**

---

**WHEREAS**, pursuant to P.L. 2021, c.182, all municipalities are required, with certain exceptions, to inspect every single-family, two-family, and multiple rental dwelling located within the municipality for lead-based paint hazards; and

**WHEREAS**, pursuant to P.L. 2021, c. 182, the Township Committee of the Township of Upper desires to amend Chapter 10, Section 2, of the Revised General Ordinances of the Township of Upper, also known as the Municipal Code of Upper Township, with respect to the requirements and regulations for inspections of lead-based paint in rented residential dwellings.

**NOW, THEREFORE, 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.** Chapter 10 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

Amend Section 2: LEAD-BASED PAINT INSPECTION IN RESIDENTIAL DWELLINGS as follows:

**§10-2.1 Definitions.**

**Rental Dwelling Units**

Shall mean any residential property, regardless of the number of units, which is not occupied by the owner.

**Dust Wipe Sampling**

Shall mean a sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and Urban Development.

**Lead Abatement**

Shall mean measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by the Commissioner of Community Affairs in compliance with standards promulgated by the appropriate federal agencies.

**Lead Evaluation Contractor**

Shall mean a person certified by the New Jersey Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:171.1 et seq.

### **Lead-based Paint Hazard**

Shall mean any condition that causes exposure to lead from lead-contaminated dust or soil or lead-contaminated paint that is deteriorated or present in surfaces that would result in adverse human health effects.

### **Visual Assessment**

Shall mean a visual examination for deteriorated paint or visible surface dust, debris, or residue.

### **Tenant Turnover**

Shall mean the time at which all existing occupants vacate a dwelling unit and all new tenants move into the dwelling unit.

### §10-2.2 Lead-Based Paint Inspection.

- (1) The owner, landlord and/or agent of every rental dwelling unit shall be required to obtain an inspection of the rental dwelling unit for lead-based paint hazards every three years.
- (2) If lead-based paint hazards are identified, then the owner, landlord, and/or agent of the dwelling shall remediate the lead-based paint hazard using lead abatement or lead-based control methods in accordance with N.J.S.A. 52:27D-437.16(d). Upon the remediation of the lead-based paint hazard, the Township of Upper's lead evaluation contractor shall conduct an additional inspection of the rental dwelling unit to certify that the hazard no longer exists. If no lead-based paint hazards are identified, then the Township of Upper's lead evaluator shall certify the rental dwelling unit as lead-safe on a form prescribed by the Department of Community Affairs, which shall be valid for two (2) years.
- (3) Pursuant to N.J.S.A. 52:27D-437.16(e), property owners shall:
  - a. Provide evidence of valid lead-safe certification and the most recent tenant turnover at the time of the cyclical inspection
  - b. Provide evidence of a valid lead-safe certification obtained pursuant to this Section to new tenants of the property at the time of tenant turnover unless not required to have had an inspection by a lead evaluation contractor or permanent local agency pursuant to this Chapter.
  - c. Maintain records of lead-safe certification, which shall include name(s) of the unit tenant(s), if inspection was conducted during a period of tenancy.

### §10-2.3 Rental Dwelling Units Required to be Inspected.

- (1) Inspections for lead-based paint hazards through visual assessment and dust wipe sampling in rental dwelling units shall be governed by the standards set forth in N.J.S.A. 52:27D-437.1 et seq. Any rental dwelling unit in the Township of Upper shall be subject to a lead-based paint inspection as set forth in this Section, unless said rental dwelling unit meets one of the following conditions:
  - (i) has been certified to be free of lead-based paint;
  - (ii) was constructed during or after 1978;

- (iii) is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least 10 years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling building under the “Hotel and Multiple Dwelling Law,” P.L. 1967, c.76 (C.55:13A-1 et seq.);
- (iv) is a single-family or two-family seasonal rental dwelling which is rented for less than six months duration each year by tenants that do not have consecutive lease renewals; or
- (v) has a valid lead-safe certification.

§10-2.4 Fee for Inspection.

a. The Township of Upper shall charge the rental dwelling unit owner or landlord, and the rental dwelling unit owner or landlord shall pay the Township of Upper in advance of any inspection, a fee sufficient to cover the cost to the Township of Upper of the inspection, which shall be dedicated to meeting the costs of implementing and enforcing this section, which shall include the following:

- a. \$250.00 per rental dwelling unit for a visual assessment performed by the lead inspector.
- b. \$50.00 per rental dwelling unit filing fee.
- c. If necessary, a fee of \$295.00 per rental dwelling unit for reinspection of a rental dwelling unit.

b. In accordance with N.J.S.A. 52:27D-437.16(h), an additional fee of \$20.00 per rental dwelling unit inspected by the Township of Upper’s lead evaluation contractor or the owner’s private lead evaluation contractor shall be addressed for the purpose of the Lead Hazard Control Assistance Act, unless the owner demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of \$20.00. The fees collected pursuant to this subsection shall be deposited into the Lead Hazard Control Assistance Fund.

c. In a common interest community, any inspection fee charged pursuant to this subsection shall be the responsibility of the rental dwelling unit owner and not the homeowners’ association, unless the association is the owner of the rental dwelling unit.

d. In lieu of having the dwelling inspected by the Township’s lead evaluator, a dwelling owner or landlord may directly hire a private lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs to perform the lead-based paint inspection in accordance with N.J.S.A. 52:27D-437.1 et seq.

§10-2.5 Violations.

- a. If a property owner has failed to conduct the required inspection or initiate any remediation as required by N.J.S.A. 52:27D-437.1 et seq. the owner shall have thirty (30) days to cure the violation. If a property owner fails to cure the violation after thirty (30) days, the property owner shall be subject to a penalty not to exceed one thousand (\$1,000.00) dollars per week until the required inspection has been conducted or remediation efforts have been initiated.

**SECTION 2: REPEALER:** All Ordinances or parts of Ordinances inconsistent with this

Ordinance are hereby repealed to the extent of such inconsistency only.

**SECTION 3: EFFECTIVE DATE:** This Ordinance shall take effect immediately upon final adoption and publication as required by law.

**SECTION 4: SEVERABILITY:** If any section, paragraph, subdivision, subsection, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause, or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

**SECTION 5: CODIFICATION:** This Ordinance shall be codified in the Upper Township Code at the sections referred to above.

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 14<sup>TH</sup> DAY OF OCTOBER, 2025 AT THE TOWNSHIP HALL, AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 10<sup>TH</sup> DAY OF NOVEMBER, 2025 AT 5:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

JOANNE R. HERRON, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

29. Introduction and first reading of Ordinance No. 008-2025 RE: AN ORDINANCE AMENDING CHAPTERS 19 AND 20 OF THE MUNICIPAL CODE OF UPPER TOWNSHIP TO ABSOLISH THE UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT AND TO GRANT THE UPPER TOWNSHIP PLANNING BOARD THE POWERS FORMERLY HELD BY THE UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT PURSUANT TO THE NEW JERSEY MUNICIPAL LAND USE LAW. **Motion by Curtis Corson, second by Victor Nappen, to introduce Ordinance No. 007-2025 with the public hearing scheduled for November 10, 2025. During roll call vote all five Committee members voted in the affirmative.**

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
ORDINANCE**

**ORDINANCE NO. 008-2025**

**ORDINANCE AMENDING CHAPTERS 19 AND 20 OF THE UPPER TOWNSHIP MUNICIPAL CODE TO ABSOLISH THE UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT AND TO GRANT THE UPPER TOWNSHIP PLANNING BOARD THE POWERS FORMERLY HELD BY THE UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT PURSUANT TO THE NEW JERSEY MUNICIPAL LAND USE LAW**

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**WHEREAS,** the Municipal Land Use Law of the State of New Jersey, set forth at N.J.S.A. 40:55D-1, *et seq.*, specifically permits municipalities with a population of 15,000 residents or

less to grant the powers of a zoning board of adjustment to the municipal planning board by ordinance;  
and

**WHEREAS**, the Township of Upper has a total resident population of less than 15,000 residents, as confirmed by the most recent federal census; and

**WHEREAS**, pursuant to Chapter 20-7.2 of the Municipal Code of the Township of Upper, a Zoning Board of Adjustment presently exercises the powers afforded to it pursuant to the Upper Township Municipal Code and the New Jersey Municipal Land Use Law; and

**WHEREAS**, pursuant to Chapter 20-7.1 of the Municipal Code of the Township of Upper, a Planning Board presently exercises the powers afforded to it pursuant to the Upper Township Municipal Code and the New Jersey Municipal Land Use Law; and

**WHEREAS**, the governing body of the Township of Upper believes it is in the best interests of the Township of Upper and its residents to consolidate the functions and powers of the Upper Township Zoning Board of Adjustment into the Upper Township Planning Board in order to streamline the land use application and review processes, to reduce administrative expenses, and to ensure uniform and consistent application of land use regulations and procedures within the Township of Upper; and

**WHEREAS**, through consolidation of the land use functions of the Township of Upper into the Upper Township Planning Board, as set forth above, Chapter 19 of the Upper Township Municipal Code shall be revised to effectuate that purpose.

**NOW THEREFORE 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: Chapter 19-3 of the Municipal Code of the Township of Upper shall be amended to replace the current definition of “Board” as follows:

BOARD — Shall mean the Planning Board of the Township of Upper.

Section 2: Chapter 19-4 of the Municipal Code of the Township of Upper shall be amended to read as follows upon the effective date of this Ordinance:

**§ 19-4.1.** Planning Board and Zoning Board of Adjustment. [Ord. #006-2002 § 1]

A Planning Board is hereby established pursuant to N.J.S.A. 40:55D-2 et seq. and amendments thereto and Subsection 20-7.1 of the Zoning Ordinance of the Township of Upper, as amended.

The Planning Board Secretary is the administrative officer given the responsibility for ensuring orderly and expeditious processing of subdivision and site plan applications.

**§ 19-4.2.** Jurisdiction. [Ord. #006-2002, § 1; Ord. #001-2004, § 2; Ord. No. 013-2017 § 2; amended 11-13-2023 by Ord. No. 015-2023]

Pursuant to the authority provided for in N.J.S.A. 40:55D-25, the Planning Board shall have powers and authority to review all aspects of a development plan, including applications for variance relief pursuant to N.J.S.A. 40:55D-70(c) and/or N.J.S.A. 40:55D-70(d), minor and/or major site plan, and minor and/or major subdivision, subject to the limitations in the Municipal Land Use Law.

Section 3: Chapter 19-5 of the Municipal Code of the Township of Upper shall be amended to read as follows upon the effective date of this Ordinance.

**§ 19-5.3.** Application. [Ord. #006-2002, § 1; Ord. #004-2007, § 1]

- a. Assignment. The applicant shall have the option of seeking the direction of the Zoning Official as to which approvals are required and the appropriate Board for hearing same, or of filing an application and proceeding before the Board which the applicant believes to be appropriate. The administrative official's determination shall be presumed to be correct. The following applications may be filed:

1. Minor subdivision - subdivision classification.
2. Major subdivision, preliminary.
3. Major subdivision, final.
4. Site plan preliminary.
5. Site plan final.
6. Site plan waiver.

(Note: Certain applications may involve a combination of actions and may require simultaneous applications for variances under N.J.S.A. 40:55D-70.)

- b. Content. An application for development shall include the items specified in § 19-9 of this chapter which constitutes a checklist of items to be submitted for subdivision and site plan review.
- c. Complete Application. A subdivision and/or site plan application shall be complete for purposes of commencing the applicable time period for action by the Planning Board when so certified by the Planning Board or its authorized committee. For an application to be certified complete, it must include each item in the checklist in § 19-9 of this chapter.
- d. Waiver. The applicant may request that one or more of the submission requirements in the checklist be waived. Such request shall be made in writing.

If a waiver is requested, the applicable time period shall toll until the regular Planning Board Meeting.

Nothing herein shall be construed as diminishing the applicant's obligation to prove in the application process that the applicant is entitled to approval of the application. The Planning Board may subsequently require correction of any information found to be in error and submission of additional information not specified in the Chapter or any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the Planning Board.

**§ 19-5.4. Minor Subdivision/Subdivision Classification Procedure.** [Ord. #006-2002, § 1]

- a. Any applicant requesting classification of a proposed subdivision or approval of a minor subdivision as defined in this chapter shall submit to the Planning Board Secretary 20 copies of the plat and the items required in § 19-9 of this chapter, together with an executed application form, the prescribed fees, and evidence that no taxes or assessments are outstanding against the property, no more than 35 or less than 21 days before the regular scheduled monthly meeting of the Planning Board.

- b. The application shall be declared complete or incomplete within a 45-day period from the date of its submission according to the provisions of Subsection 19-5.3c of this section.
- c. The Planning Board shall take action on minor subdivision/subdivision classification applications within 45 days after the submission of a complete application or within 120 days, if a variance under N.J.S.A. 40:55D-70 is sought, or within such further time as may be consented to by the applicant.
- d. Any subdivision determined by the Board to be creating, imposing, aggravating or leading to the possibility of an adverse effect upon either the original property being subdivided or upon any adjacent properties may be required to be revised by the subdivider to remove such adverse effect(s) prior to further review, classification or approval by the Board, or where the remaining portion of the original tract is of sufficient size to be subdivided further, the subdivider may be required to submit a sketch plat of the entire remaining portion of the tract to indicate a feasible plan whereby the applied for subdivision together with subsequent subdivision(s) may be submitted that will not create, impose or aggravate or lead to any such adverse effect.
- e. The Planning Board shall condition any approval that it grants upon the timely receipt of a favorable report on the application by the Cape May County Planning Board or approval by the County Planning Board by its failure to report thereon within the required 30-day time period.
- f. If classified and approved as a minor subdivision, the Board shall waive notice and hearing thereon, except where relief is requested pursuant to C. 40:55D-60 or C.40:55D-76, and the subdivision shall be deemed approved. However, no action shall be taken by the Planning Board unless either the applicant or his attorney is present.
- g. Approval of a minor subdivision shall expire 190 days from the date of municipal approval unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law, N.J.S.A. 46:23-9.9 et seq., or a deed clearly describing the approved minor subdivision is filed by the developer with the County Recording Officer, the Municipal Engineer and the Municipal Tax Assessor as specified by N.J.S.A. 40:55D-1 et seq. Any such plat or deed proposed by filing shall be presented to the Board Solicitor with a copy of the plat approved by

the Planning Board. He shall conform the plat and descriptions and form and, if acceptable, direct the Board Chairman and Secretary to sign the document for the Planning Board.

- h. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted, shall not be changed for a period of two years after the date of minor subdivision approval.
- i. If the plat is classified as a major subdivision, a notation to that effect shall be made on the plat which shall be returned to the subdivider.

Section 4: Chapter 19-8 of the Municipal Code of the Township of Upper shall be amended to read as follows upon the effective date of this Ordinance.

**§ 19-8.1.** Performance Guarantee Estimate. [Ord. #006-2002, § 1; Ord. #006-2008, § 1; amended 7-22-2024 by Ord. No. 010-2024]

Before recording of final subdivision plats or as a condition of final site plan approval, the Planning Board shall require the provision of performance and maintenance guarantees in accordance with the following standards. If improvements are installed prior to final subdivision approval, construction plans and specifications shall be approved by the Township Engineer prior to construction of the improvements.

- a. A performance guarantee estimate shall be prepared by the developer's design engineer and forwarded to the Township Engineer for his approval. The performance guarantee estimate shall set forth the costs of all required improvements, which shall be limited to the following:
  - 1. Those improvements required by an approval or developer's agreement, ordinance, or regulation to be dedicated to a public entity, and that have not yet been installed, which cost shall be determined by the municipal engineer, according to the method of calculation set forth in N.J.S.A. 40:55D-53.4, for the following improvements as shown on the approved plans or plat: streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, as shown on the final map and required by "the map filing law," N.J.S.A. 46:23-9.9 et seq. or N.J.S.A. 46:26B-1 through N.J.S.A. 46:26B-8, water mains, sanitary sewers, community septic systems, drainage structures, public

improvements of open space, and any grading necessitated by the preceding improvements, showing quantity, unit price and total amount;

2. Privately owned perimeter buffer landscaping; and
  3. For safety and stabilization guarantee, which shall be solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition during the time periods and subject to the conditions set forth in N.J.S.A. 40:55D-53(d), as may be amended from time to time.
- b. The Township Committee shall pass a resolution either approving or adjusting this performance guarantee estimate and a resolution to the developer for use in obtaining and posting a performance guarantee.
- c. The approved performance guarantee estimate shall fix the requirements of maintenance of the utilities and improvements to be installed and completed by the developer. A surety company or cash bond meeting the requirements hereinabove set forth may be furnished to secure the maintenance guarantee, or the performance bond may be styled or amended to provide such security in reduced amount in keeping with the requirements.

**§ 19-8.6. Conditions for Acceptance of Municipal Improvements.** [Ord. #006-2002, § 1; Ord. #006-2008, § 1]

The approval of any plat under this chapter by the Planning Board shall in no way be considered as acceptance of any street or drainage system, or any other improvement required by this chapter, nor shall such plat approval obligate the Township in any way to maintain or exercise jurisdiction over such street or drainage system or other improvement. No improvements shall be accepted by the Township Committee unless and until all of the following conditions have been met:

- a. The Township Engineer shall have certified that the improvements are complete and that they comply with the requirements of this chapter.
- b. The final plat shall have been approved by the Planning Board.

- c. The developer for major subdivision shall have filed with the Township Committee a maintenance guarantee in an amount equal to not more than 15% of the original estimate of the cost of installing the improvements and shall run for a period of two years. The procedures and requirements governing such maintenance guarantee shall be identical with the procedures and requirements for a performance guarantee set forth in Subsection 19-8.1 of this section. The requirements for a maintenance guarantee may be waived by the Township Committee only if the Township Engineer has certified that the improvements have been in continuous use for not less than two years from the date the Township Engineer certified completion of such improvements in accordance with the provisions of Subsection 19-8.6a of this section and that during this period, the subdivider has maintained the improvements in a satisfactory manner.
- d. The subdivider shall file with the secretary of the Planning Board deeds for all street rights-of-way, easements, and lands shown on the final plat that are dedicated to the Township. Deeds will be filed by the Township after approval by the Board and Township Solicitor.
- e. During the period covered by the maintenance bond the developer is responsible for any damage to the subdivision improvements including pavements, curbs, sidewalks, driveways, storm drains, and drainage structures.
- f. Maintenance bond shall not be released until a final inspection at the end of the two-year period is made by the Township Engineer.

Section 5: Chapter 19-11 of the Municipal Code of the Township of Upper shall be amended to read as follows upon the effective date of this Ordinance.

**§ 19-11.1.** Reviews and Requests for Approvals. [Ord. #006-2003 § 1; Ord. #006-2008 § 1; Ord. #008-2014 § 1]

- a. Applications for the following reviews and requests for approvals shall be accompanied by checks payable to the Township of Upper in accordance with the following fee schedule:

Type of Application	Fees	
	Nonrefundable Application Fee	Escrow Review Fee
Minor Subdivision	\$200	\$800
D Variance	\$300	\$1,000

C Variance	\$250	\$600
Major Subdivision-Sketch Plat	\$200	\$600
Major Subdivision-Preliminary	\$500 plus \$50 per lot	\$150 per lot
Major Subdivision-Final	\$500 plus \$50 per lot	\$100 per lot
Site Plan-Preliminary (under 10 acres)	\$300	\$1,500
Site Plan-Preliminary (10 acres and above)*	\$600	\$1,500 plus \$150 per add'l acre over 10 acres
Site Plan-Final**	\$300	\$1,000
Conditional Use	\$300	\$1,000
Planning Variance	\$300	\$1,000
Extension	\$200	\$400
Site Plan Waiver	\$200	\$800
Request for Rezoning	\$400	\$5,000
Special Meeting	\$500	
Concept Plan Review (Planning Board only)***	\$200	\$1,000
Application Not Listed	\$300	\$1,000

Type of Application	Nonrefundable Application Fee	Escrow Review Fee
Tax Map Changes		
Minor Subdivision	\$150	—
Major Subdivision		
1 to 5 lots	\$240	—
6 to 15 lots	\$325	—
Over 15 lots	\$440	—
Street Vacation	\$100	—
Lot Consolidation	\$100	—
Zoning Permit for fence, sign, shed	\$10	—
Zoning Permit for pool, detached garage, clearing	\$25	—
Zoning Permit Revision of house	\$25	—
Zoning Permit for buildings, additions or for any other purpose	\$50	—

\* Partial acres are considered full acres for purposes of determining escrow amount.

\*\* If applicant is applying for both preliminary and final site plan approval at the same time, the applicant shall deposit fees equal to both preliminary and final approval.

\*\*\* Applications for concept plan review require full notice to property owners and publication pursuant to N.J.S.A. 40:55D-12.

- b. All application fees and escrow review fees pursuant to the Schedule listed above shall be submitted at the time of the application. These monies are intended to cover all necessary and reasonable costs incurred by the technical and/or professional staff retained by the Planning Board to review and make recommendations on such applications. The technical and professional staff is intended to include but not be limited to the following: Board Attorneys, Municipal Planner, Municipal Engineer, other professionals as may be required on particular applications. The fee for the services of the technical and professional staff shall be determined by resolution of the Planning Board or Township, as appropriate.
- c. The amount specified for escrow deposits are estimates, and it is recognized additional escrow fees may be necessary in particular applications. In the event that more than the amount specified for escrow is required in order to pay the reasonable costs incurred, the applicant shall, prior to being permitted to move forward in the approval procedure, or prior to obtaining construction permits or Certificates of Occupancy for any portion of the application project, pay all additional required sums.
- d. Escrow fees shall be controlled by the Township Chief Financial Officer. In the event that the escrow deposit is more than required to pay necessary and reasonable costs of the technical and professional staff, the excess funds shall be returned to the applicant within 180 days of publication of the resolution approving the application.
- e. Additionally, if the Planning Board creates as a condition of any approval a requirement that ongoing inspections or approvals are necessary by the professional staff or Township officials to insure compliance of a condition of approval by an applicant, then it shall be the obligation of the applicant to bear the cost of the additional fees by placing a sum designated by the Planning Board or the Township, as appropriate, in an escrow fund. When all approvals or inspections have

been completed to the satisfaction of the Planning Board or Township as appropriate, any excess escrow fund shall be returned to the applicant within 60 days of the last approval or inspection.

- f. When applications for preliminary and final approval are made simultaneously the Planning Board shall have the right to waive the payment of additional deposits.

Section 6: Chapter 20-7.2 of the Municipal Code of the Township of Upper, which established the Upper Township Zoning Board of Adjustment, shall be stricken in its entirety as of the effective date of this Ordinance.

Section 7: The terms of all members of the Upper Township Zoning Board of Adjustment shall expire upon the effective date of this Ordinance.

Section 8: Chapter 20-7.1 of the Township of Upper Municipal Code shall be amended to read as follows upon the effective date of this Ordinance:

- a. Establishment of the Planning Board.

(1) A Planning Board is hereby established consisting of nine members in accordance with the State Municipal Land Use Law, set forth at N.J.S.A. 40:55D-23, et seq. Up to four (4) alternate members may be appointed in accordance with N.J.S.A. 40:55D-23, et seq.

- b. Powers and Jurisdiction of the Planning Board. The Planning Board shall have the power to:

(1) Pursuant to N.J.S.A. 40:55D-25(c)(1), the Planning Board shall exercise, subject to the same extent and subject to the same restrictions, all the powers of a zoning board of adjustment; but the Class I and Class III members shall not be permitted to participate in the consideration of any applications for development which involve relief pursuant to N.J.S.A. 40:55D-70(d).

(2) Make and adopt and amend a Master Plan for the physical development of the Township, including any areas outside its boundaries, which, in the Board's judgment, bear essential relation to the planning of the Township.

(3) Administer the provisions of Chapter 19, Land Subdivision and Site Plan and Chapter 20, Zoning of the Township in accordance with the provisions of these ordinances.

(4) Participate in the preparation and review of programs or plans required by State or Federal law or regulations.

(5) Assemble data on a continuing basis as part of a continuous planning process.

(6) Annually, prepare a program of municipal capital improvement projects projected over a term of six years, and amendments thereto, and recommend same to the governing body.

(7) Consider and make report to the governing body within 35 days after referral as to any proposed development regulation submitted to it and also pass upon other matters specifically referred to the Planning Board by the Township Committee.

(8) The Planning Board shall have such other powers as prescribed by law.

(9) The Planning Board shall exercise the powers and perform the duties set forth in N.J.A.C. 7:50-6.153(a) and shall issue Certificates of Appropriateness pursuant to Subsection 20-5.14 (1.2) of this chapter.

(10) Direct Issuance of a Permit Within the Bed of a Mapped Street or Flood Control Basin. Direct issuance of a construction permit for the construction of a building or structure within the bed of a mapped street or public drainageway, flood control basin or public area as shown on a duly adopted Official Map Ordinance of the Municipality whenever one or more parcels of land within the bed cannot yield a reasonable return to the owner unless a construction permit is granted. The Board may grant such relief only by an affirmative vote of a majority of the full authorized membership of the Planning Board, ensuring that such relief will tend to cause a minimum change of the Official Map Ordinance and will not significantly add to the cost of opening any proposed street. The Planning Board shall impose reasonable requirements as a condition of granting the construction permit so as to promote the health, morals, safety and general welfare of the public.

(11) Direct Issuance of Permit When Lot Not Abutting a Street. Direct issuance of a construction permit for the construction of a building or structure on a lot not abutting a street which is shown on a duly adopted Official Map Ordinance of the Municipality, or which is a) an existing State, County or Municipal street or highway, or b) a street shown upon a plat approved by the municipal Planning Board, or c) a street on a plat duly filed in the office of the County Recording Officer. The Planning Board may

grant such relief only where the enforcement of the statute requirement that a building lot abut a street would entail practical difficulty or unnecessary hardship or where the circumstances of the case do not require the building or structure to abut a street. The Planning Board shall impose requirements or conditions that will provide adequate access for firefighting equipment, ambulances and other emergency vehicles necessary for the protection of the health and safety and will protect any future street layout shown on the Official Map Ordinance or on the general circulation plan element of the municipal Master Plan.

(12) Any municipal variance approval which grants relief from the density or lot area requirements set forth in subsections 20-4.4, 20-4.10 or 20-4.13 for a residential or principal nonresidential use in the PV Zone, in that portion of the TV Zone located in the Pinelands Area or in that portion of the CM Zone located in a Pinelands Village shall require that Pinelands Development Credits be used for all dwelling units or lots in excess of that permitted without the variance.

c. Actions by the Planning Board

1. Appeals to the Planning Board

(a) Appeals to the Planning Board may be taken by an interested party affected by any decision of the Construction Official of the Municipality based on or made in the enforcement of this Chapter or Official Map. Such appeal shall be taken within 45 days by filing a notice of appeal with the officer from whom the appeal is taken, specifying the grounds of such appeal. The officer from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

(b) A developer may file an application for development with the Planning Board for action under any of its powers without prior application to the Construction Official.

2. Time for Decision.

(a) The Planning Board shall render a decision not later than one hundred twenty (120) days after the date (1) an appeal is taken from the decision of the Construction Official, or (2) the submission of a complete application for development to the Planning Board, as determined by the Secretary of the Planning Board.

(b) Failure of the Planning Board to render a decision within such one hundred twenty (120) day period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant.

(c) The Planning Board may reverse or affirm, wholly or in part, or may modify the action, order, requirement, decision, interpretation, or determination appealed from and to that end have all the powers of the Construction Official from whom the appeal is taken.

(d) An appeal to the Planning Board shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made, unless the officer from whose action the appeal is taken certifies to the Planning Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court upon notice to the officer from whom the appeal is taken and on due cause shown.

(e) Unless otherwise specified by the Planning Board, a variance granted by the Planning Board shall expire and become null and void two (2) years from the grant by the Planning Board, unless within the period, the applicant obtains a construction permit or otherwise avails himself of the grant or approval. The Planning Board, upon application and within the period, may extend the period for one (1) year, but not to exceed three (3) extensions.

### 3. Use Variances Involving Subdivision and/or Site Plan and/or Conditional Use Approval.

(f) Whenever an application for development requests relief pursuant to this subsection, the Planning Board shall grant or deny approval of the application within one hundred twenty (120) days after submission by a developer of a complete application to the Secretary of the Planning Board or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute approval of the application, and a certificate of the Secretary of the Planning Board as to the failure of the Planning Board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written

endorsement or other evidence of approval herein required and shall be so accepted by the County Recording Officer for purposes of filing subdivision plats.

(g) Applicants seeking simultaneous approvals under this subsection shall follow the procedures and details outlined under Chapter 23, Site Plan Review, and, if applicable, the details required in Chapter 19, Land Subdivision.

### 3. Notice of Decision.

(a) The Secretary of the Planning Board shall mail a copy of the decision to the applicant within ten (10) days of the date of the decision. If the applicant was represented by an attorney, a copy of the decision shall also be mailed to the attorney. One (1) copy of the decision shall be filed with the Township Clerk and one copy retained for the Planning Board's file.

(b) The Secretary of the Planning Board shall cause a brief notice of the decision to be published in the official newspaper of the Planning Board or a newspaper of general circulation within the Township of Upper. The period of time in which an appeal of the decision may be made, pursuant to the requirements of the New Jersey Municipal Land Use Law, set forth at N.J.S.A. 40:55D-1, et seq., shall run from the first publication of the decision.

Section 9: Chapter 20-7.3 of the Township of Upper Municipal Code shall be amended to read as follows upon the effective date of this Ordinance:

Provisions Applicable to the Planning Board.

[Ord. #006-2002, § 2]

1. Conflicts of Interest. No member of the Planning Board shall act on any matter in which he has either directly or indirectly any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he shall not continue to sit with the Board on the hearing of such matter nor participate in any discussion or decision relating thereto.

### 2. Meetings.

(a) Meetings of the Planning Board shall be scheduled no less often than once a month, and any meeting so scheduled shall be held as scheduled unless cancelled for lack of applications for development to process.

(b) Special meetings may be provided for at the call of the chairman or on the request of any two (2) Planning Board members, which shall be held on notice to its members and the public in accordance with all applicable legal requirements.

(c) No action shall be taken at any meeting of the Planning Board without a quorum of the Planning Board membership being present.

(d) All actions of the Planning Board shall be taken by majority vote of a quorum except as otherwise required by a provision of N.J.S.A. 40:55D-1, et seq.

(e) All regular meetings and all special meetings of the Planning Board shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meeting Law, C.231, Laws of New Jersey, 1975. An executive session of the Planning Board for the purpose of discussing and studying any matters to come before the Planning Board shall not be deemed a regular or special meeting of the Planning Board in accordance with the provisions of N.J.S.A. 40:55D-9.

Section 10: Chapter 20-8 of the Township of Upper Municipal Code shall be amended to read as follows upon the effective date of this Ordinance:

APPEAL OF DECISION OF EITHER BOARD.

1. Appeals.

[Ord. #006-2002, § 2]

All appeals of decisions made by the Planning Board shall be filed directly to the Superior Court of New Jersey and not to the Upper Township Committee.

Section 11: Chapter 20-9 of the Township of Upper Municipal Code shall be amended to read as follows upon the effective date of this Ordinance:

NOTICES, HEARINGS AND RECORDS.

1. Public Notice of a Hearing.

[Ord. #006-2002, § 2; Ord. #006-2008, § 2]

(a) Application of Requirements. Public notice of a hearing on any application for development shall be given in accordance with the strict requirements of N.J.S.A. 40:55D-12.

b. Responsibilities of the Applicant.

1. The Secretary of the Planning Board shall notify the applicant at least two (2) weeks prior to the public hearing at which the application will be discussed. Notice of a hearing requiring public notice pursuant to Subsection a, above, shall be given as follows at least ten (10) days prior to the date of the hearing:

(a) By publication in the official newspaper of the Planning Board, if there be one, or in a newspaper of general circulation in the Township of Upper.

(b) To all owners of real property as shown on the current tax duplicate located within two hundred (200) feet in all directions of the property which is the subject of the hearing, which notice shall be given by serving a copy thereof on the property owner as shown on the current tax duplicate or his agent in charge of the property; or by mailing a copy thereof by certified mail to the property owner at his address as shown on the current tax duplicate. It is not required that a return receipt be obtained. Notice is deemed complete upon mailing (N.J.S.A. 40:55D-14). The current tax duplicate is considered to be a list of property owners within two hundred (200) feet in all directions of the subject property which is no more than six (6) months old at the date of the mailing of the certified notices.

(c) Notice to a partnership owner may be made by service upon any partner; notice to a corporate owner may be made by service upon its president, a vice president, secretary, or other person authorized by appointment or by law to accept service on behalf of the corporation.

(d) To the clerk of any adjoining municipality or municipalities and to the Cape May County Planning Board when the property involved is located within two hundred (200) feet of the adjoining municipality or municipalities, which notice shall be given by personal service or certified mail.

(e) To the Cape May County Planning Board when the application for development involves property adjacent to an existing County Road or proposed road shown on the official Cape May County map or a Cape May County Master Plan or adjoins other County land.

(f) To the Commissioner of Transportation of the State of New Jersey when the property abuts a State highway.

(g) To the Director of the Division of State and Regional Planning in the Department of Community Affairs when the hearing involves an application for development of property which exceeds one hundred fifty (150) acres or five hundred (500) dwelling units, in which case the notice shall include a copy of any maps or documents required to be on file with the Municipal Clerk pursuant to N.J.S.A. 40:55D-10b.

(h) Within the Pinelands Area, to the Pinelands Commission when the application is subject to Subsection 20-11.5, such notice shall contain at least the following information:

(1) The name and address of the applicant;

(2) The docket number of the Certificate of Filing, if any, issued by the Pinelands Commission and the date on which it was issued;

(3) The date, time and location of the meeting, hearing, or other formal proceeding;

(4) The name of the approval agency or representative thereof which will be conducting the meeting, hearing, or other formal proceeding;

(5) Any written reports or comments received by the approval agency on the application for development which have not been previously submitted to the Commission; and

(6) The purpose for which the meeting, hearing, or other formal proceeding is to be held.

(i) To the New Jersey Department of Environmental Protection when development includes land located in the CAFRA Zone, involves more than twenty-five (25) dwelling units, or when development includes or borders lands designated as freshwater wetlands, or tidal wetlands.

(j) Such other parties as may be required by existing statutes and regulations.

2. Upon the written request of an applicant, the Township Clerk shall make and certify a list from the current tax duplicates of names and addresses of owners to whom the applicant is required to

give notice pursuant to Subsection b1(b). The applicant shall be entitled to rely upon the information contained in such list, and failure to give notice to any owner not on the list shall not invalidate any hearing or proceeding.

3. The applicant shall file an affidavit or proof of service with the Planning Board.

c. Contents of Notice. The notice shall state the date, time, and place of the hearing and the nature of the matters to be considered, and an identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Municipal Tax Assessor's office, and the location and times at which any maps or documents for which approval is sought are available for inspection.

## 2Notice of Decisions.

[Ord. #006-2002, § 2]

(a) Any decision of the Planning Board or the Township Committee when acting on an application for subdivision or site plan approval, variance, conditional use, or appeal shall require notice.

Notice shall be given in the following ways:

1. A copy of the decision shall be mailed to the applicant or his attorney within ten (10) days of the date of the decision, without charge, and likewise a copy of the decision shall be mailed to all persons who have requested that a copy of the decision be sent to them; and

2. A notice of the decision shall be published in the official newspaper of the Planning Board, if there is one, or in a newspaper of general circulation in the Township of Upper. The publication of such notice shall be arranged for by the Secretary of the Planning Board or Township Clerk, depending upon which agency makes the decision.

3. A copy of the decision shall also be filed with the Township Clerk.

4. Within the Pinelands Area, to the Pinelands Commission pursuant to Subsection 20-11.5d of this chapter.

(b) The period of time in which an appeal to the Township Committee or court of competent jurisdiction may be made shall run from the first publication.

## 3Hearing.

[Ord. #006-2002, § 2]

(a) The Planning Board shall hold a hearing on each application for a request for site plan or subdivision approval, zoning variance, conditional use, or direction for the issuance of a permit.

b. Planning Board shall make the rules governing such hearings. Any maps and documents for which approval is sought at a hearing shall be on file and available for public inspection at least ten (10) days before the date of the hearing, during normal business hours in the office of the Planning Board Secretary. The applicant may produce other documents, records, or testimony at the hearing to substantiate or clarify or supplement the previously filed maps and documents.

c. The Chairman presiding at the hearing (or such person as he may designate) shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the "County and Municipal Investigations Law," P.L. 1953, C.38 (C.2A:67A-1 et seq.) shall apply.

d. The testimony of all witnesses relating to an application shall be taken under oath or affirmation by the Chairman, and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.

e. Technical rules of evidence shall not be applicable to the hearing, but the Planning Board may exclude irrelevant, immaterial, or unduly repetitious evidence.

f. The Pinelands Commission may participate in a hearing held by the Township involving the development of land in the Pinelands Area pursuant to N.J.A.C. 7:50-4.36.

4Records.

[Ord. #006-2002, § 2]

(a) Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Planning Board and of the persons appearing by attorney, the action taken by the Planning Board, the findings, if any, made by it and reasons therefore. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the

Township Clerk. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matter of such minutes.

b. A verbatim recording shall be made of every hearing on an application required under Subsection 20-9.3. The recording of the proceedings shall be made by either stenographer, mechanical or electronic means. The Planning Board or Township Committee shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his expense.

#### 5Application Requirements.

[Ord. #004-2007, § 2]

(a) Application Forms. The Planning Board shall approve application forms for Site Plan Preliminary, Site Plan Final, Minor Subdivision, Major Subdivision - Classification, Major Subdivision - Preliminary, Major Subdivision — Final, Environmental Assessment Checklist, Site Plan Waiver, and Variances to the Planning Board. Current application forms are available from the Planning Board Secretary.

b. Content. An application to the Planning Board shall include the items specified in Subsection 19-9.9.

c. Complete Application. An application shall be complete for purposes of commencing the applicable time period for action by the Planning Board when so certified by the Planning Board or its authorized committee. For an application to be certified complete, it must include each item in the checklist specified in Subsection 19-9.9.

d. Waiver. The applicant may request that one or more of the submission requirements in the checklist be waived. Such request shall be made in writing.

Section 12: Chapter 20-10 of the Township of Upper Municipal Code shall be amended to read as follows upon the effective date of this Ordinance:

#### FEES.

[Ord. #006-2002, § 2; Ord. #006-2008, § 2]

1. Application and escrow fees for every application for review by the Planning Board shall be submitted by the applicant at the time of application submission in accordance with § 19-11.

Section 13: Any sections of Chapter 19 and/or Chapter 20 of the Upper Township Municipal Code that are not expressly amended through this Ordinance shall remain in full force and effect subsequent to adoption of this Ordinance.

Section 14: This Ordinance shall take effect as of January 1, 2026, a date certain that will arise after final adoption by the governing body of the Township of Upper and after 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 14<sup>TH</sup> DAY OF OCTOBER, 2025 AT THE TOWNSHIP HALL, AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 10<sup>TH</sup> DAY OF NOVEMBER, 2025 AT 5:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

JOANNE R. HERRON, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

### CORRESPONDENCE

#### NEW BUSINESS

30. Ocean City Crew Boosters request to hold Bingo BA-607 and Raffles RA-608 and RA-609 at the Upper Township Community Center on November 15, 2025. **Motion by Victor Nappen, second by Zachary Palombo, to approve the request. During roll call vote all five Committee members voted in the affirmative.**
31. 2025 Municipal Best Practices Inventory. **CFO Barbara Ludy reported that this is an annual state requirement for all municipalities. A score of 32 or higher is needed for no reduction to a municipality’s state aid. The Township has scored a 39.5, resulting in no impact to the Township’s State aid.**

#### UNFINISHED BUSINESS

32. Noise Ordinance discussion. **The Municipal Attorney reported that a draft Ordinance has been prepared for the Committee’s review and includes specific language regarding commercial businesses, live music, hours of operations, and uses a “plainly audible” benchmark at a 100-ft distance. After a brief discussion, Mayor Corson requested that the Committee members review the draft and the matter be relisted for further discussion at the next meeting.**

#### PAYMENT OF BILLS

33. “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 Zachary Palombo, second by Curtis Corson. During roll call vote four Committee members voted in the affirmative. Committeeman Casaccio abstained from voting on PO #25-00173, PO #25-00222, and PO #25-00615, but voted in the affirmative on the remaining items.**

Bills approved for payment: \$1,050,532.24

Payroll 10/2/25: \$215,701.50  
Payroll 10/16/25 : 225,753.53

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

**Nathalie Neiss, Petersburg,** inquired as to whom provided the Committee the legal basis to consolidate the land use boards. She then thanked the Administrator for his September 18<sup>th</sup> correspondence.

**Barbara Leary, Seaville,** requested an update on the Area in Need of Redevelopment designation in Marmora. It was stated that the matter has been referred to the Planning Board.

**Linda Bateman, Strathmere,** inquired about Ordinance 008-2025 and how the members of the consolidated board will be appointed. It was stated that the consolidated board will change from 9 to 11 members with two additional alternates. Mrs. Bateman then thanked the Township for their storm response.

**Dodie, Strathmere,** thanked the Committee and the Department of Public Works for their storm response. She then offered a suggestion on how to deter people from breaching the closed beach crossovers and also spoke about the Township’s enforcement capabilities should they choose to amend the cannabis ordinance. Last, she requested a copy of the draft noise ordinance. It was stated that the noise ordinance is still a work product, but once the final version is introduced it will be available to the public for review prior to the public hearing.

**James Milroy, Petersburg,** spoke about the proposed noise ordinance and whether the activities at Amanda’s Field will be held to the same standards.

**Robert Grimley, Ocean Avenue,** thanked the Committee for changing the name of No Name Road to Empress Court. He then requested maintenance of the road.

**CLOSED SESSION**

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

**RESOLUTION NO. 320-2025  
MOTION GOING INTO CLOSED SESSION  
OCTOBER 14, 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. Personnel
2. Attorney Client Privilege – Amendment to Cannabis Ordinance
3. Contract negotiation – Substitute Public Defender
4. Contract negotiation – Affordable Housing Administrative Services
5. Contract negotiation – Block 545, Lot 27
6. Contract negotiation – Block 858, Lot 1.05
7. Contract negotiation – Shared Services Agreement for OEM Coordinator
8. Contract negotiation – Shared Services Agreement for EMS services

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

- A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.
- B. With respect to employment and personnel matters such discussions will be made public if and when formal action is taken or when the individuals involved consent that it can be made public.
- C. With respect to contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.

Moved by: Zachary Palombo

Motion seconded by: Victor Nappen

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

### **RECONVENE PUBLIC PORTION OF MEETING**

Motion by Zachary Palombo, second by Tyler Casaccio, 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 7:15 P.M., with a motion by Victor Nappen, second by Tyler Casaccio, and all five Committee members voting in the affirmative. The next regular Committee meeting is scheduled for October 27, 2025 at 5:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC  
Township Clerk

### Bill List

86303 10/14/25 A0025 ADVANTAGE RENTAL & SALES 645.03 3443  
86304 10/14/25 A0091 ATLANTIC CITY ELECTRIC 36,135.02 3443  
86305 10/14/25 A0117 AT&T 99.84 3443  
86306 10/14/25 A0175 Adams Rehmann & Haggan Assoc 3,450.00 3443  
86307 10/14/25 A0212 ANCERO, LLC 9,981.68 3443  
86308 10/14/25 A0235 AMAZON CAPITAL SERVICES, INC. 3,192.98 3443  
86309 10/14/25 A0248 AIRESRING, INC. 1,230.77 3443  
86310 10/14/25 A0260 AMENHAUSER, JOHN P. 7,500.00 3443  
86311 10/14/25 B0076 BOND,LAURENCE E. 942.00 3443  
86312 10/14/25 B0287 BIGLEAF NETWORKS, INC. 697.00 3443  
86313 10/14/25 B0304 BLUE MOUNTAIN DISTRIBUTORS 145.76 3443  
86314 10/14/25 C0019 CITY OF OCEAN CITY 79,007.46 3443  
86315 10/14/25 C0068 COMCAST 1,854.34 3443  
86316 10/14/25 C0143 CODY'S POWER EQUIPMENT 811.93 3443  
86317 10/14/25 C0223 CASA PAYROLL SERVICE 276.10 3443  
86318 10/14/25 C0247 CMRS-FP 2,000.00 3443  
86319 10/14/25 C0275 COACHING SYSTEMS LLC 256.71 3443  
86320 10/14/25 C0279 CASA REPORTING SERVICES LLC 255.60 3443  
86321 10/14/25 C0340 COLLIERS ENGINEERING & DESIGN 2,000.00 3443

86322 10/14/25 C0346 CME ASSOCIATES 1,141.25 3443  
86323 10/14/25 C0352 COLUMN SOFTWARE, PBC 48.00 3443  
86324 10/14/25 C0365 CASACCIO, ERNEST 258.95 3443  
86325 10/14/25 D0040 DELTA DENTAL OF N.J. INC. 5,578.55 3443  
86326 10/14/25 D0186 DOCUTREND IMAGING SOLUTIONS 122.00 3443  
86327 10/14/25 D0237 KERRY SCALFARO 125.00 3443  
86328 10/14/25 D0251 THE DEWEESE LAW FIRM, P.C. 3,860.00 3443  
86329 10/14/25 D0252 DEBLASIO & ASSOCIATES PC 15,046.25 3443  
86330 10/14/25 E0012 EHRLICH PEST CONTROL INC 151.05 3443  
86331 10/14/25 E0069 EVERSAN,INC 3,480.00 3443  
86332 10/14/25 E0079 EVANS III, WILLIAM 600.00 3443  
86333 10/14/25 F0016 FAZZIO, JOSEPH INC. 1,197.55 3443  
86334 10/14/25 G0016 GARDNER HARDWARE INC. 132.76 3443  
86335 10/14/25 G0028 GENTILINI FORD, INC. 323.95 3443  
86336 10/14/25 G0120 PATRICK F. MARTIN 2,291.67 3443  
86337 10/14/25 G0147 GREATAMERICA FINANCIAL SVCS. 165.00 3443  
86338 10/14/25 G0194 E.M. GRANT 863.50 3443  
86339 10/14/25 H0022 HR DIRECT 97.95 3443  
86340 10/14/25 H0073 HOME DEPOT CRC/GECF 4,328.97 3443  
86341 10/14/25 H0096 HARBOR OUTFITTERS 30.00 3443  
86342 10/14/25 H0097 HERRON, JOANNE R. 30.00 3443  
86343 10/14/25 J0041 JONES, JAMES M. 626.00 3443  
86344 10/14/25 J0079 JAMES WYERS LANDSCAPING, LLC 475.00 3443  
86345 10/14/25 K0019 KELTEX APPAREL 1,150.00 3443  
86346 10/14/25 L0027 LASHLEY HEATING & COOLING INC. 325.00 3443  
86347 10/14/25 L0075 LEXISNEXIS 444.00 3443  
86348 10/14/25 L0146 LAWSON PRODUCTS, INC. 361.54 3443  
86349 10/14/25 L0158 LWG LASERTAG 300.00 3443  
86350 10/14/25 M0035 MARMORA FIRE CO. DISTRICT #3 398,597.07 3443  
86351 10/14/25 M0193 MAYNE, MICHAEL 76.98 3443  
86352 10/14/25 M0277 EQUITABLE FINANCIAL LIFE INS. 194.96 3443  
86353 10/14/25 M0308 McHENRY PRESSURE CLEAN SYSTEMS 3,870.70 3443  
86354 10/14/25 N0004 NJ-AMERICAN WATER CO. 440.34 3443  
86355 10/14/25 N0043 NAPA AUTO PARTS 0.00 10/14/25 VOID 0  
86356 10/14/25 N0043 NAPA AUTO PARTS 2,060.55 3443  
86357 10/14/25 N0094 NEW JERSEY PLANNING OFFICIALS 480.00 3443  
86358 10/14/25 N0100 N.J. LEAGUE OF MUNICIPALITIES 75.00 3443  
86359 10/14/25 N0143 NATIONAL TIME SYSTEMS 594.80 3443  
86360 10/14/25 N0154 NEW HORIZON COMMUNICATIONS 1,136.07 3443  
86361 10/14/25 O0006 SJSHORE MARKETING,LLC 575.00 3443  
86362 10/14/25 O0028 OAR HOUSE LLC 125.00 3443  
86363 10/14/25 P0032 PEDRONI FUEL CO. 3,534.99 3443  
86364 10/14/25 P0078 PRO VIDEO ENGINEERING 1,465.50 3443  
86365 10/14/25 P0140 PIONEER MANUFACTURING CO, INC 614.66 3443  
86366 10/14/25 P0170 PEACH COUNTRY MULCH 3,700.00 3443  
86367 10/14/25 P0201 PUBLIC SAFETY TRAINING OF SJ 2,128.00 3443  
86368 10/14/25 P0212 PAVING PLUS LLC 181,940.00 3443  
86369 10/14/25 P0221 PITNEY ELM, LLC 375.00 3443  
86370 10/14/25 P0222 PHASE Int'l 691.00 3443  
86371 10/14/25 R0030 RIGGINS, INC. 7,719.08 3443  
86372 10/14/25 R0100 ROBERTS OXYGEN COMPANY, INC. 127.75 3443  
86373 10/14/25 R0128 RECORD MANAGEMENT SERVICES LLC 1,500.00 3443  
86374 10/14/25 S0057 SERVICE TIRE TRUCK CENTERS 3,566.08 3443  
86375 10/14/25 S0072 SEGIN, STEWART S. 324.98 3443  
86376 10/14/25 S0109 SNAP-ON-INDUSTRIAL 372.34 3443  
86377 10/14/25 S0134 SO. JERSEY GAS COMPANY 321.73 3443  
86378 10/14/25 S0139 SOUTH JERSEY WATER COND SERV 413.94 3443  
86379 10/14/25 S0191 STRATHMERE FIRE CO.DISTRICT #1 55,670.15 3443  
86380 10/14/25 S0209 STAPLES ADVANTAGE 526.13 3443  
86381 10/14/25 S0253 SAMPLE MEDIA, INC. 64.00 3443  
86382 10/14/25 S0254 SHOPRITE 145.53 3443  
86383 10/14/25 S0363 STARR SEPTIC, LLC. 2,202.25 3443  
86384 10/14/25 S0416 SHEPPARD BUS SERVICE 1,290.00 3443  
86385 10/14/25 T0159 TRIAD ADVISORY SERVICES, INC. 218.75 3443  
86386 10/14/25 T0180 TRI-COUNTY PEST CONTROL, INC 50.00 3443

86387 10/14/25 T0192 MARSH & McLENNAN AGENCY/TRION 204.25 3443  
86388 10/14/25 T0213 TREASURER, STATE OF NEW JERSEY 157,196.04 3443  
86389 10/14/25 U0028 UPPER TOWNSHIP BD.OF EDUCATION 600.00 3443  
86390 10/14/25 U0038 UPPER TOWNSHIP RESCUE SQUAD 350.00 3443  
86391 10/14/25 U0067 UT HEALTH REIMB. ACCOUNT 8,411.15 3443  
86392 10/14/25 U0076 U.S.BANK NATIONAL ASSOCIATION 244.28 3443  
86393 10/14/25 U0077 UNITED UNIFORMS LLC 1,134.70 3443  
86394 10/14/25 V0001 VCI EMERGENCY VEHICLE 4,600.78 3443  
86395 10/14/25 V0013 VERIZON WIRELESS 1,016.17 3443  
86396 10/14/25 V0025 V.E. RALPH & SON,INC. 622.00 3443  
86397 10/14/25 V0052 VIKING TERMITE & PEST CONTROL 74.83 3443  
86398 10/14/25 V0053 VERIZON CONNECT FLEET USA LLC 545.60 3443  
86399 10/14/25 W0050 MOTOROLA SOLUTIONS INC. 939.45 3443  
86400 10/14/25 W0087 W.B. MASON EGG HARBOR 1,090.11 3443  
86401 10/14/25 W0135 THE LAW OFFICE OF BRANDON D 1,048.46 3443  
86402 10/14/25 X0008 XEROX FINANCIAL SERVICES 157.63 3443  
86403 10/14/25 Z0017 ZOLL DATA SYSTEMS, INC. 1,072.30 3443  
Total: 1,050,532.24