

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR NOVEMBER 24, 2025**

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

Deputy Mayor Nappen read the following Open Public meeting notice into the record:
“In compliance with the Open Public Meetings Law, I wish to state that on November 21, 2025, the notice of this meeting of the Upper Township Committee was posted on the official Township Bulletin Board, the Upper Township Website, and emailed to the Atlantic City Press, the Ocean City Sentinel-Ledger, the Herald Times and filed with the Township Clerk. Tonight’s meeting is being video recorded up until the closed session portion of this meeting and will be available on the Upper Township website. I hereby direct that this announcement be made a part of the minutes of this meeting.”

SALUTE TO THE FLAG

ROLL CALL

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

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 - November 10, 2025 Workshop, Regular, and Closed Session Minutes

No action was taken for this matter.

REPORT OF GOVERNING BODY MEMBERS

Samuel Palombo, Committeeman, reported that the pickleball courts project will be completed on December 8th. He then thanked the Public Works Department on their successful upkeep of the fields during the fall sports season. Lastly, he wished everyone a Happy Thanksgiving.

Zachary Palombo, Committeeman, also thanked the Public Works Department for their great job of maintaining the fields during the fall season. He next reported that leaf pickup is currently underway. Next, he reported that he attended the Upper Township Business Association event on November 12th at the Elementary School and stated that it was a well-attended event and he appreciated meeting the many local businesses showing their trades. Lastly, he wished everyone a Happy Thanksgiving

Victor Nappen, Deputy Mayor, invited everyone to attend the Tree Lighting Ceremony at Town Hall following tonight’s meeting at 7:00 pm. He next reported that he recently attended the Upper Township Chiefs meeting on November 19th and the discussion on current activities was positive. He then reported that more information will be added to our website and Facebook page on the Township’s door to door solicitation requirements. He reiterated there is currently only one approved business that can solicit door-to-door. Residents are able to post “No Solicitation” signs on their property if they want and should contact the New Jersey State Police if they are having an issue. He next thanked Lane Hendrick’s 5th

grade class for the great letters they sent to the Mayor on community concerns. Lastly, he wished everyone a Happy Thanksgiving.

ADMINISTRATOR OVERVIEW

James Van Zlike, Township Administrator, thanked resident, Chip Deegan, for donation of the beautiful 14-foot blue spruce for this year's holiday season. He next reported the Township received a letter from the NJDEP Commissioner stating that the state is committed to beach replenishment for Strathmere and Ocean City and that state funds have been allocated, we are just waiting on the federal funds to be available to move forward with the beach replenishment program in 2026.

Barbara Ludy, Chief Financial Officer, reported that Resolution No. 19 has been amended to increase the total of the bond purchases being authorized to \$13,950.00.

PRESENTATION

1. Sustainable Jersey Recertification. **Ralph Cooper was presented with a plaque for the Upper Township Green Team on successful recertification to the Upper Township Sustainable Jersey Initiative, with Upper Township being ranked a bronze community having earned 280 points, just 20 points short of a silver rank.**

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

Lou Barbato, Petersburg, inquired about agenda items #14, #2 and #26.

Nathalie Neiss, Petersburg, inquired about agenda items #2, #6 and Closed Session Item #31.

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 Zachary Palombo, second by Tyler Casaccio, to approve the consent agenda items listed below. During roll call vote all four Committee members present voted in the affirmative.

FILING OF REPORTS BY CONSENT

RESOLUTIONS TO BE APPROVED BY CONSENT

2. Resolution of the Township of Upper opposing S-4736 which would preempt certain local planning and zoning regulations.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
R E S O L U T I O N**

RESOLUTION NO. 359-2025

**RESOLUTION OF THE TOWNSHIP OF UPPER OPPOSING S-4736 WHICH
WOULD PREEMPT CERTAIN LOCAL PLANNING AND ZONING REGULATIONS**

WHEREAS, municipalities are required to establish a Municipal Master Plan with a combination of mandatory and optional elements including Goals and Objectives, Land Use, Circulation, Housing, Community Facilities, Downtown Economic Development, Historic Preservation, and Sustainability; and

WHEREAS, municipalities are also required to reexamine the Municipal Master Plan every 10 years to ensure that the master plan meets the community needs and is relevant as communities, evolve, grow, and change; and

WHEREAS, municipalities complete this effort at great cost and community input to ensure their community has a roadmap for growth; and

WHEREAS, a municipality is best suited to plan for and understand their community's needs, the existing infrastructure to address the municipality's public safety, health, traffic, and character and the ability to expand such infrastructure for desired growth; and

WHEREAS, there are many mechanisms for exceptions and variances to the local planning process; and

WHEREAS, municipalities have been diligently working to comply with the changes outlined in the passage of A-4/S-50 in 2024 that made substantial changes to the 4th Round of Affordable Housing obligations; and

WHEREAS, affordable housing construction has generally comprised between 10 – 20 % of a total development, but municipalities will end up constructing far more units during this current round of affordable housing; and

WHEREAS, recent legislative proposals that preempt the planning process by permitting the conversion of underutilized properties into mixed used developments, reducing the number of parking spaces required for new developments near transit, making Accessory Dwelling Units permissible, and most recently, legislation that enhances the ability of religious and nonprofit organizations to convert certain property to inclusionary developments with affordable housing undermine the careful planning process outlined in the Municipal Land Use Law; and

WHEREAS, this proposal, S-4736, is particularly egregious because the required percentage of affordable housing units is only 20% with the remaining 80% at market rate making it more challenging for municipalities to meet their 4th Round Affordable Housing obligations; and

WHEREAS, this legislation bypasses local planning for increased density and height, regardless of a municipality's ability to ensure safety; and

WHEREAS, a worthy project could, and should participate in the local planning and zoning process to engage with the public; and

WHEREAS, S-4736 permits the bypassing of the local planning process which is an egregious assault on municipal autonomy and local decision making.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, County of Cape May, New Jersey, that we urge the legislature to defeat S-4736 and similar legislation that denies local autonomy in land use planning and ignores the well thought out master plan; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be forwarded to Senator Michael Testa, Assemblyman Antwan McClellan, Assemblyman Erik Simonsen, Governor Phil Murphy, Governor-Elect Mikie Sherrill, and the New Jersey State League of Municipalities.

Offered by: Z. Palombo
Adopted: November 24, 2025
Roll Call Vote:

Seconded by: Casaccio

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

3. Congratulating Pastor Jonghwa Kim on being selected as the Ocean City-Upper Township Rotary Club's 2025 Upper Township Citizen of the Year.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 360-2025

**CONGRATULATING PASTOR JONGHWA KIM ON BEING SELECTED AS
THE OCEAN CITY-UPPER TOWNSHIP ROTARY CLUB'S
2025 UPPER TOWNSHIP CITIZEN OF THE YEAR**

WHEREAS, Pastor Jonghwa Kim has demonstrated extraordinary service and dedication to the Upper Township community since beginning his ministry at Trinity United Methodist Church in 2020; and

WHEREAS, Pastor Kim's commitment to helping others has been a consistent and inspiring force in our community, particularly through his ongoing support of the Ocean City-Upper Township Rotary Club's Free Community Thanksgiving Dinner, a beloved event that brings people together in a spirit of kindness, generosity, and goodwill; and

WHEREAS, through his unwavering support of the Rotary's Free Community Thanksgiving Dinner, Pastor Kim has played a significant role in ensuring that hundreds of people have access to meals during the holiday season, reinforcing his commitment to serving those in need; and

WHEREAS, in recognition of his outstanding service to the community, Pastor Kim has been selected as the 2025 Upper Township Citizen of the Year by the Ocean City-Upper Township Rotary Club, an honor that underscores his selflessness, leadership, and dedication to the principles of service and compassion; and

WHEREAS, in honor of Pastor Kim's recognition, 200 additional children will be immunized against polio, as part of Rotary International's ongoing efforts to eradicate polio worldwide, an act that reflects Pastor Kim's belief in the power of service to create lasting, positive change both locally and globally; and

WHEREAS, Pastor Kim’s contributions to Upper Township and beyond are a true testament to the values of kindness, service, and community, and he has set an inspiring example for others to follow; and

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of Upper Township, in the County of Cape May, New Jersey, hereby extends its heartfelt congratulations and deepest appreciation to Pastor Jonghwa Kim on being named the Ocean City-Upper Township Rotary Club’s 2025 Upper Township Citizen of the Year and acknowledges Pastor Kim’s exemplary leadership and his continued efforts to make Upper Township, as well as the world, a better place for all.

GIVEN UNDER OUR HANDS and the seal of the Township of Upper this 24th day of November, 2025.

Resolution No. 360-2025

Offered by: Z. Palombo

Seconded by: Casaccio

Adopted: November 24, 2025

Roll Call Vote:

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

- Canceling and refunding tax on exempt property Block 573, Lot 23.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 361-2025

**CANCELING AND REFUNDING TAX ON EXEMPT PROPERTY
BLOCK 573, LOT 23**

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, Stephen McGee is a 100% disabled American veteran residing at 5 White Oak Drive, Ocean View, NJ 08230, Block 573, Lot 23 on the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Department of Veterans Affairs has determined that Mr. McGee’s 100% permanent military service-connected disability was effective June 9, 2025; and

WHEREAS, Stephen McGee made application September 22, 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. 361-2025

Offered by: Z. Palombo

Seconded by: Casaccio

Adopted: November 24, 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

573/23

AMOUNT

\$4,469.30

NAME

Stephen McGee
5 White Oak Dr.
Ocean View, NJ 08230

REFUND TAX 2025

BLOCK/LOT

573/23

AMOUNT

\$4,469.30

NAME

Stephen McGee
5 White Oak Dr
Ocean View, NJ 08230

- 5. Canceling and refunding tax on exempt property Block 647, Lot 8.08.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 362-2025

**CANCELING AND REFUNDING 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 and refund 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 purchased the above property on July 17, 2025; and

WHEREAS, Resolution No. 315-2025 canceled the 4th quarter 2025 tax installment; and

WHEREAS, DHI Title Company paid the 3rd quarter 2025 tax installment; and

WHEREAS, it is necessary to cancel and refund the portion of the 3rd quarter 2025 tax installment which was exempt on the above mentioned property; and

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

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

Resolution No. 362-2025

Offered by: Z. Palombo

Seconded by: Casaccio

Adopted: November 24, 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

\$ 838.31

NAME

Eric & Heather Theriault
12 Henry Rd
Marmora, NJ 08223

REFUND TAX

BLOCK/LOT

647/8.08

AMOUNT

\$ 789.51

NAME

Eric & Heather Theriault
12 Henry Rd
Marmora, NJ 08223

100% Totally Disabled Veteran

- 6. Canceling tax on exempt property Block 414.02, Lot 78.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

RESOLUTION
RESOLUTION NO. 363-2025
CANCELING TAX ON EXEMPT PROPERTY
BLOCK 414.02, LOT 78

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, Jeffrey Burlaga is a 100% disabled American veteran residing at 5 E Sunrise Rd, Petersburg NJ, Block 414.02, Lot 78 on the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Department of Veterans Affairs has determined that Mr. Burlaga’s 100% permanent military service-connected disability was effective October 7th, 2025; and

WHEREAS, Jeffrey Burlaga made application August 7th, 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 below.

Resolution No. 363-2025

Offered by: Z. Palombo Seconded by: Casaccio

Adopted: November 24, 2025

Roll Call Vote:

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>
414.02/78	\$1,630.40	Jeffrey & Milka Burlaga 5 E Sunrise Rd Petersburg, NJ 08270

100% Totally Disabled Veteran

- Refund tax Block 453.10, Lot 337.07.

TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION

RESOLUTION NO. 364-2025

**REFUND TAX
BLOCK 453.10, LOT 337.07**

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

WHEREAS, the title company and the seller paid the 2025 4th quarter taxes on the above property; and

WHEREAS, Smart Title has requested a refund to the seller for the 4th quarter in the amount of \$713.04, 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. 364-2025

Offered by: Z. Palombo Seconded by: Casaccio

Adopted: November 24, 2025

Roll Call Vote:

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

REFUND TAX 2025

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
453.10/337.07	\$713.04	D.R. Horton, Inc.-New Jersey 2040 Briggs Road Suite A Mt. Laurel, NJ 08054

8. Refund tax Block 600, Lot 41.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 365-2025

**REFUND TAX
BLOCK 600, LOT 41**

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

WHEREAS, the mortgage company and the property owner paid a portion of the 2025 3rd quarter taxes on the above property; and

WHEREAS, Cotality paid the portion of taxes the property owner already paid creating an overpayment on the 2025 4th quarter.

WHEREAS, Cotality requested a refund 4th quarter in the amount of \$278.00, 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. 365-2025

Offered by: Z. Palombo

Seconded by: Casaccio

Adopted: November 24, 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

600/41

AMOUNT

\$278.00

NAME

Corelogic Commercial Tax Refunds
P.O. Box 9222
Coppell, TX 75019

9. Refund tax Block 600, Lot 43.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 366-2025

**REFUND TAX
BLOCK 600, LOT 43**

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

WHEREAS, the mortgage company and the property owner paid a portion of the 2025 3rd quarter

taxes on the above property; and

WHEREAS, Cotality paid the portion of taxes the property owner already paid creating an overpayment on the 2025 4th quarter; and

WHEREAS, Cotality requested a refund 4th quarter in the amount of \$278.00, 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. 366-2025

Offered by: Z. Palombo

Seconded by: Casaccio

Adopted: November 24, 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

600/43

AMOUNT

\$677.93

NAME

Corelogic Commercial Tax Refunds
P.O. Box 9222
Coppell, TX 75019

10. Refund tax Block 453.10, Lot 337.08.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 367-2025

**REFUND TAX
BLOCK 453.10, LOT 337.08**

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

WHEREAS, the mortgage company paid the 2025 4th quarter taxes on the above property twice in error; and

WHEREAS, Mr. Maxwell has requested a refund for the 4th quarter in the amount of \$4,585.66, 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. 367-2025

Offered by: Z. Palombo

Seconded by: Casaccio

Adopted: November 24, 2025

Roll Call Vote:

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

REFUND TAX 2025

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
453.10/337.08	\$3,654.20	Gregory & Marti Maxwell 12 Winchester Court Ocean View, NJ 08230

REFUND TAX 2026

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
453.10/337.08	\$931.46	Gregory & Marti Maxwell 12 Winchester Court Ocean View, NJ 08230

- Directing the distribution of the Township of Upper's net returned surplus funds held in trust by the Atlantic County Municipal Joint Insurance Fund.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 368-2025

RE: DIRECTING THE DISTRIBUTION OF THE TOWNSHIP OF UPPER'S NET RETURNED SURPLUS FUNDS HELD IN TRUST BY THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Township of Upper hereinafter referred to as MUNICIPALITY, participated as a member municipality of the Atlantic County Municipal Joint Insurance Fund, hereinafter referred to as FUND, for one or more of the following FUND fiscal years beginning January 1, 2007; and

WHEREAS, the FUND is a statutory filed municipal joint insurance fund as defined in N.J.A.C. 11:15-2.1 et seq.; and

WHEREAS, the MUNICIPALITY joined the FUND knowing that membership carries with it joint and several liability with all other member municipalities for each year of the MUNICIPALITY's membership; and

WHEREAS, the MUNICIPALITY understands that the FUND's Executive Committee are the only persons authorized in law to make decisions as to when and how much of any available statutory surplus will be released by the FUND; and

WHEREAS, the MUNICIPALITY understands that the FUND's Executive Committee are the only persons authorized in law to make decisions as to when and how much of any projected deficit will be declared as an additional assessment due to the FUND; and

WHEREAS, the MUNICIPALITY understands that Available Statutory Surplus is defined to be the amount of money in excess of the projected value of claims by line of coverage, plus an actuarially determined value for Incurred But Not Reported claims, subject to the surplus reserve calculations as defined in N.J.A.C. 11:15-4.6 et seq., and subject to review and approval by the Department of Banking and Insurance and Department of Community Affairs, State of New Jersey, prior to release by the Executive Committee of the FUND; and

WHEREAS, the MUNICIPALITY understands that it remains jointly and severally liable into perpetuity despite the earlier release of Available Statutory Surplus due to the possibility that a FUND year wherein a return of Statutory Surplus has been duly authorized could later be presented with a claim for which it could be responsible causing a demand for an additional assessment from each participating member municipality of that FUND year; and

WHEREAS, the MUNICIPALITY understands that it remains jointly and severally liable into perpetuity despite the earlier collection of an additional assessment due to the possibility that a FUND year wherein an additional assessment has been duly authorized could later be presented with a need for additional assessments from each participating member municipality of that FUND year; and

WHEREAS, the MUNICIPALITY understands that its options for directing the distribution of its net share of released Statutory Surplus are as follows:

1. Direct the FUND to apply the MUNICIPALITY's share to the MUNICIPALITY's premium as a credit in the next FUND fiscal year (N.J.A.C. 11:15-4.21(e)),
2. Direct the FUND to issue a check to the MUNICIPALITY for the MUNICIPALITY's share,
3. Direct the FUND to apply the MUNICIPALITY's share to the FUND's Aggregate Excess Loss Contingency Fund (A.E.L.C.F.), which provides member municipalities with an available individual contingency balance for use in satisfying any possible need for a supplemental assessment for any year they were a member and an annual capacity to use all or a portion of a member municipality's available balance in offsetting future premiums, **or**
4. Direct the FUND to apportion the MUNICIPALITY's share as a stated dollar amount among options 1, 2 and 3 above such that the sum total of allocated dollars equals the amount of the Net Distribution available to the MUNICIPALITY as noted above.

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 MUNICIPALITY does hereby direct the FUND to apply the MUNICIPALITY’S net returned surplus funds, in the amount of \$29,664.00, to the FUND’S A.E.L.C.F.
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. 368-2025

Offered by: Z. Palombo

Seconded by: Casaccio

Adopted: November 24, 2025

Roll Call Vote:

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

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

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 369-2025

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

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

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

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

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

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

2. Surenian, Edwards, Buzak & Nolan LLC with offices at 311 Broadway, Suite A, Point Pleasant Beach, New Jersey is hereby appointed Special Legal Counsel to handle legal matters with respect to the Township's affordable housing obligations as directed by the Township Committee.

3. This contract shall have a term of one (1) year, commencing January 1, 2026 and expiring December 31, 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 Surenian, Edwards, Buzak & Nolan LLC has professional knowledge as to legal matters which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

NOTICE OF CONTRACT AWARD

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

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

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

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

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

9. This Resolution shall be effective as of adoption.

Resolution No. 369-2025

Offered by: Z. Palombo

Seconded by: Casaccio

Adopted: November 24, 2025

Roll Call Vote:

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

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

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 370-2025

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

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

WHEREAS, the Township of Upper has previously contracted with Cape May County Council on Alcoholism and Drug Abuse, Inc., a New Jersey non-profit corporation (hereinafter referred to as “Cape Assist”) for such services and wishes to continue such relationship by entering into a Professional Services Contract to cover the period from January 1, 2026 to December 31, 2026; and

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

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

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

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Cape Assist has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Township of Upper.
3. The proposed Professional Services Contract between the Township of Upper and Cape Assist, a copy of which is on file in the office of the Township Clerk, is hereby approved and the Mayor and the Township Clerk are hereby authorized, directed and empowered to execute said Contract on behalf of the Township of Upper and the Township Clerk is further authorized, directed, and empowered to seal said Contract with the seal of the Township of Upper.
4. The Township Clerk shall cause a Notice of Award of this Contract to be published in the official newspaper of the Township of Upper as required by N.J.S.A. 40A:11-5.
5. This Contract has been awarded without competitive bidding for the following reason or reasons:
 - (A) Professional services of the type herein sought are of such a nature as to require a high degree of trust or confidence in the individual providing the service and, in fact, may require the creation of a confidential or fiduciary relationship between that individual and the municipality;
 - (B) The services required are highly specialized or technical in nature;
 - (C) The services require peculiar ability or skill and demand a high degree of specialized knowledge or expertise;
 - (D) The services are such that their relative work must be judged by subjective considerations that are not susceptible of valuation by competitive bidding; and

(E) The individuals who will provide these services have demonstrated their competence and particular expertise in the services required.

Resolution No. 370-2025

Offered by: Z. Palombo

Seconded by: Casaccio

Adopted: November 24, 2025

Roll Call Vote:

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

14. Authorizing a contract with Warwick Group Consultants, LLC for federal lobbying and advocacy services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 371-2025

**RE: AUTHORIZING A CONTRACT WITH WARWICK GROUP CONSULTANTS, LLC FOR
FEDERAL LOBBYING AND ADVOCACY SERVICES**

WHEREAS, the Township has decided to acquire the services of Warwick Group Consultants, LLC 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, Warwick Group Consultants, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Warwick Group Consultants, 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 Warwick Group Consultants, LLC from making any reportable contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Township Clerk are hereby authorized and directed to execute, on behalf of the Township of Upper, a professional contract with Warwick Group Consultants, LLC in accordance

with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto said contract shall become effective.

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

4. This Contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Warwick Group Consultants, LLC has specialized knowledge of policy, government relations, and the legislative process which is particularly valuable to the Township Committee.

NOTICE OF CONTRACT AWARD

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

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

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

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

8. This Resolution shall be effective as of adoption.

Resolution No. 371-2025

Offered by: Z. Palombo

Seconded by: Casaccio

Adopted: November 24, 2025

Roll Call Vote:

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

15. Authorizing the submission of a grant application to the Cape May County Open Space Board for the Amanda's Field Improvements project.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 372-2025

**RE: AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE
CAPE MAY COUNTY OPEN SPACE BOARD FOR
THE AMANDA'S FIELD IMPROVEMENTS PROJECT**

WHEREAS, the Township of Upper desires to further improve Amanda's Field to develop and provide park and recreation facilities for the public; and

WHEREAS, the County of Cape May provides funding for such projects through its Open Space Program, specifically through Development of Lands Project Grant; and

WHEREAS, the Township Engineer has prepared an application requesting a grant in the amount of \$1,129,576.00 for the Amanda's Field Improvements project, which involves replacing the existing skate park in its entirety and utilizing the existing footprint to rebuild a new skate park. Additionally, the Township proposes to construct a National Fitness Campaign (NFC) fitness court studio and other amenities such as water stations, picnic tables, benches and a shade structure at Amanda's Field; and

WHEREAS, a signed and sealed engineer's cost estimate of the total project costs is attached hereto and made a part of this resolution; and

WHEREAS, the Township of Upper acknowledges the project's adherence to the funding requirements and intends to apply under Funding Category 2C; and

WHEREAS, the Township of Upper has considered whether to use the Open Spaces Creative Placemaking Plan in the design of the project and has decided to not use it; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township of Upper hereby formally approves the application for the Amanda's Field Improvements project grant and authorizes the submission of the application to the Cape May County Open Space Board.
3. The Township of Upper hereby commits to providing the necessary matching funds for the

project and authorizes the expenditure of funds necessary to meet the terms and obligations of the awarded grant.

4. The Township of Upper hereby acknowledges and commits to the ongoing and long-term maintenance of the site and facilities associated with the project, should the grant be awarded.

5. The Mayor is hereby authorized to sign the grant application and any subsequent grant agreements or documents on behalf of the Township of Upper.

6. 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. 372-2025

Offered by: Z. Palombo

Seconded by: Casaccio

Adopted: November 24, 2025

Roll Call Vote:

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

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

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 373-2025

**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:

Surenian, Edwards, Buzak & Nolan (Affordable Housing Services)	\$ 579.00
Triad Associates (AA Technical Assistance/ AA Wait List Rentals/ AA/MTA Wait List Maint. Sales) AA/Harriet Lane Compliance	\$ 1,125.00 \$ 400.00 \$ 400.00 <u>\$ 862.50</u> \$ 2,787.50

Resolution No. 373-2025

Offered By: Z. Palombo

Seconded By: Casaccio

Adopted: November 24, 2025

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Casaccio	X			
Nappen	X			

S. Palombo	X			
Z. Palombo	X			
Corson				X

17. Chapter 159 Resolution requesting approval of items of revenue and appropriation into the 2025 budget - NJDOT Fiscal Year 2025 Municipal Aid Program Grant in the amount of \$142,371.00.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 374-2025

**RE: CHAPTER 159 RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION INTO THE 2025 BUDGET - NJDOT FISCAL YEAR 2025 MUNICIPAL
AID PROGRAM GRANT IN THE AMOUNT OF \$142,371.00**

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

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

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Upper, County of Cape May, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2025 in the sum of \$142,371.00, which is now available as a revenue from:

REVENUE: STATE & FEDERAL REVENUE OFFSET WITH APPROPRIATIONS:
NJDOT FISCAL YEAR 2025 MUNICIPAL AID PROGRAM GRANT, AND

BE IT FURTHER RESOLVED that a like sum of \$142,371.00 is hereby appropriated under the caption of:

APPROPRIATION: STATE AND FEDERAL PROGRAMS OFFSET BY REVENUE:
NJDOT FISCAL YEAR 2025 MUNICIPAL AID PROGRAM GRANT, AND

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

Resolution No. 374-2025

Offered By: Z. Palombo

Seconded By: Casaccio

Adopted: November 24, 2025

Roll Call Vote:

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

18. Chapter 159 Resolution requesting approval of items of revenue and appropriation into the 2025 budget - NJDOT Fiscal Year 2026 Municipal Aid Program Grant in the amount of \$159,757.00.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 375-2025

**RE: CHAPTER 159 RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION INTO THE 2025 BUDGET - NJDOT FISCAL YEAR 2026 MUNICIPAL
AID PROGRAM GRANT IN THE AMOUNT OF \$159,757.00**

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

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

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Upper, County of Cape May, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2025 in the sum of \$159,757.00, which is now available as a revenue from:

REVENUE: STATE & FEDERAL REVENUE OFFSET WITH APPROPRIATIONS:
NJDOT FISCAL YEAR 2026 MUNICIPAL AID PROGRAM GRANT, AND

BE IT FURTHER RESOLVED that a like sum of \$159,757.00 is hereby appropriated under the caption of:

APPROPRIATION: STATE AND FEDERAL PROGRAMS OFFSET BY REVENUE:
NJDOT FISCAL YEAR 2026 MUNICIPAL AID PROGRAM GRANT, AND

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

Resolution No. 375-2025

Offered By: Z. Palombo

Seconded By: Casaccio

Adopted: November 24, 2025

Roll Call Vote:

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

19. Authorizing the purchase of certain items with funds from Capital Improvement Bond Ordinance No. 012-2024 in the amount of \$13,950.00.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 376-2025

**RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS
WITH FUNDS FROM CAPITAL IMPROVEMENT BOND ORDINANCE NO. 012-2024
IN THE AMOUNT NOT TO EXCEED \$13,950.00**

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

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

WHEREAS, the Township’s Qualified Purchasing Agent has reviewed and approved the quote for a gas furnace at the Department of Public Works building from Lashley Heating and Cooling, Inc. of Woodbine, New Jersey; and

WHEREAS, the Township’s Qualified Purchasing Agent has also reviewed and approved the quotes for additional improvements to the pickleball courts at Caldwell Park from Action Supply, Inc. of Seaville, New Jersey and Gracetown Lumber Co., LLC of Cape May Court House, New Jersey; and

WHEREAS, the Township’s Qualified Purchasing Agent has additionally reviewed and approved the quote for replacement of architectural rooftop molding at the Tuckahoe Train Station building from Henry Property Management LLC of Ocean City, New Jersey; and

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes a gas furnace at the Department of Public Works building from Lashley Heating and Cooling, Inc. of Woodbine, New Jersey in the amount of **\$5,400.00** with funds from 2024 Capital Improvement Bond Ordinance No. 012-2024.

3. The Township Committee of the Township of Upper, County of Cape May, New Jersey also hereby authorizes additional improvements to the pickleball courts from Action Supply, Inc. of Seaville, New Jersey and from Gracetown Lumber Co., LLC of Cape May Court House, New Jersey in an amount not to exceed **\$3,500.00** with funds from 2024 Capital Improvement Bond Ordinance No. 012-2024.

4. The Township Committee of the Township of Upper, County of Cape May, New Jersey hereby authorizes the replacement of architectural rooftop molding at the Tuckahoe Train Station building from Henry Property Management LLC of Ocean City, New Jersey in the amount of **\$5,050.00** with funds from 2024 Capital Improvement Bond Ordinance No. 012-2024.

5. The Chief Financial Officer is hereby authorized, directed and empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 376-2025

Offered By: Z. Palombo Seconded By: Casaccio

Adopted: November 24, 2025

Roll Call Vote:

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

20. Adopting the Upper Township Division of Emergency Medical Services Financial Hardship Request Policy.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 377-2025

RE: ADOPTING THE UPPER TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES FINANCIAL HARDSHIP REQUEST POLICY

WHEREAS, the Township Committee of the Township of Upper has determined there is a need for a policy to maintain consistency in assisting uninsured and indigent patients who request a reduction or waiver of certain ambulance charges.; and

WHEREAS, the Township Committee of the Township of Upper has reviewed and approved said policy attached hereto as Exhibit A; 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 Upper Township Division of Emergency Medical Services Financial Hardship Request Policy set forth in the attached Exhibit A is hereby adopted.
3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 377-2025

Offered by: Z. Palombo

Seconded by: Casaccio

Adopted: November 24, 2025

Roll Call Vote:

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

21. Authorizing AT&T/Cingular Wireless to install and/or modify equipment and antennas on the licensed space of the cell tower and ground located at 1721 Mt. Pleasant Road.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 378-2025

**RE: AUTHORIZING AT&T/CINGULAR WIRELESS TO INSTALL AND/OR
MODIFY EQUIPMENT AND ANTENNAS ON THE LICENSED SPACE OF THE
CELL TOWER AND GROUND LOCATED AT 1721 MT. PLEASANT ROAD**

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

WHEREAS, AT&T has requested consent for the installation and/or modification of additional equipment and antennas on the licensed space; and

WHEREAS, in accordance with Sections 2(D) and 2(E) of the license agreement, AT&T has submitted plans and specifications and a structural analysis report verifying the tower and foundation

have sufficient capacity for the work associated with the installation of additional equipment and/or antennas; and

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

WHEREAS, the Township Committee has determined that it is appropriate to consent to the proposed project; and

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

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

2. The Mayor, on behalf of the Township of Upper, is hereby authorized to execute a consent letter permitting AT&T to install and/or modify additional equipment and antennas on the licensed space of the cell tower and ground located at 1721 Mt. Pleasant Road, Township of Upper, in accordance with the plans and specifications attached hereto as Exhibit A.

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

Resolution No. 378-2025

Offered by: Z. Palombo Seconded by: Casaccio

Adopted: November 24, 2025

Roll Call Vote:

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

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

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 379-2025

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

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

WHEREAS, Fire District No. 2 has established by resolution that each of the members of their Board of Fire Commissioners shall receive \$2,000.00 annually for the calendar year 2025 except for the secretary who shall receive \$2,500.00 annually and the treasurer will shall receive \$2,750.00; and

WHEREAS, Fire District No. 3 has established by resolution that each of the members of their Board of Fire Commissioners shall receive \$1,250.00 annually for the calendar year 2025 except for the chairman who shall receive \$1,500.00 annually; and

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township of Upper does hereby approve the annual compensation for Fire District No. 2 in the total amount of \$11,250.00.
3. The Township of Upper does hereby approve the annual compensation for Fire District No. 3 in the total amount of \$6,500.00.
4. A copy of this resolution shall be forwarded to the Board of Fire Commissioners for Fire District No. 2 and No. 3.

Resolution No. 379-2025

Offered By: Z. Palombo

Seconded By: Casaccio

Adopted: November 24, 2025

Roll Call Vote:

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

23. Authorizing Change Order No. 2 to the Replacement of Roof for Historic Structure contract with Kupex Exteriors LLC resulting in a decrease in the amount of \$3,120.00.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 380-2025

**RE: AUTHORIZING CHANGE ORDER NO. 2 TO THE REPLACEMENT OF ROOF FOR
HISTORIC STRUCTURE CONTRACT WITH KUPEX EXTERIORS LLC RESULTING IN A
DECREASE IN THE AMOUNT OF \$3,120.00**

WHEREAS, the Township of Upper awarded the Replacement of Roof for Historic Structure to Kupex Exteriors LLC of Trenton, New Jersey, in the original Contract amount of \$96,238.00 for the replacement of the Tuckahoe Train Station roof; and

WHEREAS, during the course of the project it was determined by the Construction Official that certain portions of the work could be reduced or eliminated without affecting the intended purpose of the project, resulting in a decrease in the overall contract quantity and cost; and

WHEREAS, the proposed modification constitutes a change in accordance with N.J.A.C. 5:30-11, and such reduction is considered a permissible change order because it does not alter the essential scope of the project nor undermine the basis on which competitive bids were solicited; and

WHEREAS, the aggregate amount of Change Order No. 2, consisting of a decrease of \$3,120.00, does not exceed twenty percent (20%) of the original contract award; and

WHEREAS, this Change Order is in the best interests of the Township.

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. Change Order No. 2 to the Replacement of Roof for Historic Structure contract with Kupex Exteriors LLC in the amount of (\$3,120.00) is hereby authorized.
3. A copy of the Change Order detailing the nature and the extent of the work to be done, together with all other prior Change Orders, if any, are attached to this Resolution as Exhibit "A".
4. The Mayor and Chief Financial Officer are hereby authorized, directed and empowered to execute the Change Order on behalf of the Township of Upper.

5. All Township officials and officers are hereby authorized and directed to take all action necessary to carry out the intent and purpose of this Resolution.

Resolution No. 380-2025

Offered by: Z. Palombo

Seconded by: Casaccio

Adopted: November 24, 2025

Roll Call Vote:

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

24. Authorizing the waiver of Requirement of Claimant Certification under certain circumstances pursuant to N.J.A.C. 5:30-9a.6(c) and N.J.A.C. 5:31-4.1.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 381-2025

**AUTHORIZING THE WAIVER OF REQUIREMENT OF CLAIMANT
CERTIFICATION UNDER CERTAIN CIRCUMSTANCES PURSUANT TO
N.J.A.C. 5:30-9A.6(c) AND N.J.A.C. 5:31-4.1**

WHEREAS, N.J.A.C. 5:30-9A.6(c) and 5:31-4.1 contain provisions giving local units discretion to not require claimant certification under certain circumstances; and

WHEREAS, Division of Community Affairs instructions as contained in Local Finance Notice 2018-13 states that a local unit can require claimant certification for transactions above a certain dollar threshold; and

WHEREAS, the Township Committee deems it prudent and appropriate to not require claimant certification for transactions less than 15% of the bid threshold established by the Governor of the State of New Jersey under N.J.S.A.40A:11-3(C).

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. For the year 2025, claimant certification, under certain circumstances as defined in N.J.A.C. 5:30-9A.6(c) and 5:31-4.1, shall not be required for transactions involving a

dollar amount less than 15% of the bid threshold established by the Governor, which for the year 2025 shall be \$7,950.00.

3. The Township reserves the right to require claimant certification at any time in its sole discretion.

Resolution No. 381-2025

Offered by: Z. Palombo

Seconded by: Casaccio

Adopted: November 24, 2025

Roll Call Vote:

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

ORDINANCES

25. Public hearing and final adoption of Ordinance No. 009-2025 RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER 17 (CONSTRUCTION OF BULKHEADS) OF THE MUNICIPAL CODE OF UPPER TOWNSHIP. **During the public hearing portion there were no speakers. Motion by Tyler Casaccio, second by Zachary Palombo to adopt Ordinance No. 009-2025. During roll call vote all four Committee members present voted in the affirmative.**

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

ORDINANCE NO. 009-2025

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE
CHAPTER 17 (CONSTRUCTION OF BULKHEADS) OF THE
MUNICIPAL CODE OF UPPER TOWNSHIP**

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

SECTION 1. Chapter 17 of the Revised General Ordinance of the Township of Upper, also known as the Code of Upper Township, shall be replaced in its entirety with the following:

§ 17-1. Purpose.

It is the purpose and intent of this chapter to establish uniform regulations for the construction, reconstruction, renovation or repair of existing or new bulkheads within the Township of Upper.

§ 17-2. Compliance.

- A. All bulkheads that are newly constructed, reconstructed, replaced, renovated, and repaired shall be done in accordance with the requirements of this chapter.
- B. Additionally, any property owner that demolishes an existing building or proposes to make a substantial improvement to an existing building shall be required to bring the existing bulkhead into compliance with this chapter. "Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement to a structure, the total cost of which equals or exceeds 40% of the market value of the structure before the start of construction of the improvement.

§ 17-3. Permits.

- A. Permit required. No person or legal entity shall construct, reconstruct, renovate or repair any bulkhead within the Township of Upper without first obtaining and having in possession a valid permit to do such work that has been issued by the office of the Construction Official upon approval of the Township Engineer.
- B. Permit application.
 - (1) Applications for bulkhead permits shall be made on an application form obtained from the Construction Official. Completed applications shall be returned to the Construction Official with the required fee along with the following items in quadruplicate:
 - (a) Plans and specifications of the bulkhead that have been prepared, signed and sealed by a New Jersey licensed professional engineer.
 - (b) A property survey, prepared, signed and sealed by a New Jersey licensed professional land surveyor.
 - (c) Authorization for the New Jersey Department of Environmental Protection and any other state or federal agency having jurisdiction over the property affected by the proposed work.
 - (d) Proof of notice of application to adjoining property owners.
 - (2) The Township Engineer may relax or waive any or all of the requirements that are set forth above within the application for a permit pertains to reconstruction, renovation or repair

work for which the cost of completion is less than \$5,000; however, in relaxing or waiving any such requirements, the Township Engineer shall have the authority to require the submission of such plans, drawings and contract documents as the Township Engineer, in his sole and absolute discretion, determines will accurately depict the reconstruction, renovations or repair work to be performed.

- (3) The Township Engineer shall review the application and plans and grant or deny the application within 20 business days upon receipt of a complete application.

C. Notice of application.

- (1) Notice of application for a bulkhead permit, the form of which is to be obtained from the Construction Official, shall be given by the applicant to the owners of all real property, as shown on the current tax duplicate, within 100 feet and whose property is adjacent to the same or similar tidal waters as is the applicant's property; provided that this requirement shall be deemed satisfied by notice to the condominium association, in the case of any unit owner whose unit has a unit above or below it; or horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it. Notice shall be given by mailing a copy thereof by regular, first-class mail and by certified mail to the property owner at his address as shown on the said current tax duplicate. 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. Notice to a condominium association, horizontal property regime, community trust or homeowners' association because of its ownership of common elements or areas located within 100 feet of the property which is the subject of the bulkhead application may be made in the same manner as to a corporation without further notice to unit owners, co- owners or homeowners on account of such common elements or areas.
- (2) Upon written request of an applicant, the Township Tax Assessor, within seven days, shall make and certify a list from said current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to this section. A sum of \$10.00 shall

be charged for the preparation of such list, which shall be issued by the Township Clerk's Office.

- D. Permit issuance. Upon receipt by the Construction Official of an application for a bulkhead permit, the Construction Official immediately shall transmit copies of the application and all accompanying documents to the Township Engineer for review. No permit shall be issued by the Construction Official unless the permit is approved for issuance by the Township Engineer. In the event that, upon review of the permit application, deficiencies are noted by the Township Engineer, the Construction Official shall be informed of the nature of the deficiencies and the Construction Official shall provide written notice, by regular first-class mail, of the deficiencies to the applicant at the address set forth on the application and the applicant then shall be afforded the opportunity to correct any application deficiencies. Permit fee. The permit fee shall be calculated in the following manner: \$250.00 for the first 50 feet of bulkhead to be constructed, and thereafter, \$15.00 per foot or any portion thereof.
- E. Inspection fee escrow. The inspection fee shall be 5% of the estimated project cost (as determined by the Township Engineer) or \$500, whichever is greater. However, said inspection fee escrow shall not be charged if the bulkhead project is part of a Land Use Board approval for which an escrow is already required.
- F. Appeal of permit denial. Any applicant aggrieved by the denial of a bulkhead permit may appeal the permit denial to Township Committee by submitting to the Construction Official written correspondence appealing the permit denial. Such written appeal correspondence briefly shall describe the reason for the appeal. Such written appeal correspondence shall be submitted to the Construction Official within 20 days of the permit denial. Upon receipt of the appeal correspondence, the Construction Official shall transmit to Township Committee copies of the permit application, all attachments thereto and any copies of any documents that have been generated by the Township Engineer in connection with review of the permit application. Thereafter, the Construction Official shall schedule a date for the hearing of the appeal, and notice of the hearing date shall be provided to the permit applicant. In all instances the Construction Official shall endeavor to schedule the appeal hearing date not later than 30 days after receipt of

the appeal correspondence. The hearing of the appeal shall be conducted by the Township Committee at a public meeting. The applicant shall be permitted to produce evidence to Township Committee in support of the permit application. Township Committee may consider evidence presented to it by the Township Engineer or any other individual that Township Committee deems to have relevant information. The decision of Township Committee to approve or deny the permit application shall be through adoption of a formal resolution.

§ 17-4. Notification of commencement of construction; inspections.

- A. The permittee shall provide to the Township Engineer and to the Township Zoning Officer notice of commencement of construction not less than two business days in advance of said commencement of construction. Not less than 14 days in advance of commencement of construction, the permittee shall provide notice of commencement of construction, on a form to be obtained from the Construction Official, to all property owners to whom the permittee would be required to provide notice of bulkhead permit application if the permittee were, at the time, making application for a bulkhead permit. Such notice shall be given in the same manner as is required for notices of permit application.
- B. The Township Engineer shall inspect the materials delivered to the job and verify that they are in conformance with the permit issued for that work, in size, quantity and quality. If such materials do not conform to permit requirements, they shall be marked as "rejected" and removed from the job site by the permittee and shall not be incorporated into the bulkhead construction.
- C. The Township Engineer shall make periodic visits to the job site to verify that the work is proceeding in accordance with permit requirements.

§ 17-5. Final inspection.

Prior to the backfilling of any bulkhead construction, reconstruction, renovation or repair, the Township Engineer shall perform an inspection to ascertain that the bulkhead has been built pursuant to the plans that were submitted with the permit application. Written notice of project completion shall be given to the Township Engineer and to the Township Zoning Official within seven business days of substantial completion of the project, but prior to backfilling, and that written notification shall be

accompanied by a certification from a licensed engineer or land surveyor of the elevations of the completed bulkhead height. If the Township Engineer determines that the work that was performed pursuant to the bulkhead permit and the subject bulkhead fail to comply with the plans, drawings or documents that were submitted with the permit application or fail to comply with the provisions of this chapter, then written notice of final inspection failure shall be transmitted by the Township Engineer by regular first-class mail to the permittee at the address set forth on the permit application. The notice of final inspection failure shall detail the reasons for inspection failure. Permittees shall correct all deficiencies that resulted in final inspection failure within 20 days of the date of the written notice of final inspection failure. If, upon the expiration of those 20 days, the bulkhead is not approved upon inspection by the Township Engineer then the permittee is deemed to be in violation of the duty to maintain and repair the subject bulkhead as established by this chapter.

§ 17-6. Bulkhead specification.

All bulkheads constructed, reconstructed, renovated or repaired within the Township of Upper shall conform to the following minimum specifications:

- A. All new bulkheads shall be designed by a New Jersey licensed professional engineer.
- B. All piles shall have a butt diameter of not less than 12 inches and a tip diameter of eight inches.
- C. All piles will be Douglas Fir or Southern Yellow Pine and shall be treated with an acceptable preservative for marine construction according to the latest American Wood Preservers' Association (AWPA) specifications.
- D. Sheet piles shall be wood, steel or vinyl. Wales shall be Douglas Fir or Southern Yellow Pine. Wood sheet piles shall be a minimum of two inches thick. Wood sheet piles shall be constructed in two rows with staggered joints. All timber materials shall be treated with an acceptable preservative designed for use in a salt-water environment.
- E. All components of the bulkhead system up to the minimum required elevation shall be constructed to be watertight. Bulkheads will be required to be backfilled to within one foot of the top of the bulkhead. In addition to backfilling, water stop sealants for steel and PVC sheet piles, continuous and solid landward capping and any other methods approved by the Township Engineer may be required.

- F. All hardware shall be hot-dipped galvanized steel in accordance with latest standards for saltwater applications.
- G. All outfall piping shall be fitted with a tide-control device that is approved by the Township Engineer.
- H. The means and methods for outfall piping extensions that are required to accommodate the new bulkhead shall be approved by the Township Engineer.
- I. Bulkhead construction, reconstruction, renovation or repair shall not adversely affect adjoining property.
- J. All existing utilities shall be protected from damage during any work performed pursuant to a bulkhead permit. The bulkhead permittee shall be responsible for obtaining current utility mark out from all appropriate state and local agencies prior to commencement of work.
- K. Deviations from construction materials set forth herein are allowed so long as all specifications and technical data concerning the proposed construction material are submitted to the Township of Upper and are approved in writing by the Township Engineer. The use of any construction material that is not specifically set forth above or approved by the Township Engineer is strictly prohibited.
- L. All design materials herein shall be subject to the requirements of the NJDEP and USACOE.

§ 17-7. Height of bulkheads.

The top elevation of any bulkhead to be constructed or reconstructed shall be set at the following heights:

A. Non-Oceanfront Bulkheads

- (1) Along Strathmere Bay (Blocks 825, 826, 841, 842, 849 and 850): 8.0 feet NAVD, 1988 Datum.
- (2) Along Strathmere Bay (Blocks 750, 756, 757 and 762): 8.0 feet NAVD, 1988 Datum.
- (3) Along Great Egg Harbor (Block 479, 682 and 735): 10.0 feet NAVD, 1988 Datum.
- (4) Along Tuckahoe River (Block 12, 15, 19 and 310): one feet above the existing bank along the spring high tide line.
- (5) Along Tuckahoe River (Block 348): 9.0 feet NAVD, 1988 Datum.

B. Oceanfront Bulkheads.

- (1) Oceanfront Bulkheads shall be required when adjacent to the Atlantic Ocean and extending along Corson's Inlet to the Corson's Inlet Bridge.
- (2) The minimum elevation of the top of the bulkhead shall be 11.0 feet NAVD, 1988 datum. The existing timber bulkhead along the oceanfront shall be considered grandfathered as meeting these standards.
- (3) If the proposed construction methods shall require access and/or disturbance of Township property, a detailed plan outlining the proposed limits of disturbance and proposed restoration shall be provided for approval by the Township Engineer. Township property shall be restored to a condition equal to preconstruction conditions.

§ 17-8. Maintenance; duty to repair.

- a. All private bulkheads within the Township of Upper shall be maintained so they shall not pose a danger to the health, safety or welfare of the citizens of the Township of Upper or to property within the Township of Upper. The bulkheads shall be kept in a state of repair to prevent erosion or damage to abutting, adjacent, or adjoining properties. Whenever a bulkhead has deteriorated to such a degree that it poses a danger to the property, or adjoining properties, or a bulkhead has not been constructed in conformance with this Chapter by January 1, 2029 as required by subsection (b) below, the Township Engineer shall notify the property owner, in writing, of the nature of the deterioration or violation and require the owner to make the necessary repairs or construction. Said repairs or construction shall be made in conformance with this Chapter. The property owner shall submit a plan of corrective action to the Township Engineer no later than 30 days from receipt of the notice. Upon approval of the corrective action by the Township Engineer, the property owner shall complete all necessary repairs or construction forthwith. If permits are required from the State of New Jersey or the Federal government, such permits shall be immediately applied for. In the event the property owner fails to submit a corrective action plan or fails to implement that plan, he shall be liable for the penalties and violations contained herein.
- b. Any property required a bulkhead must have a bulkhead constructed in conformance with this Chapter 17 by January 1, 2029.

§ 17-9. Violations and penalties.

Any person violating any provision of this chapter, upon conviction thereof, shall be punished by a fine not exceeding \$1,250.00 or by imprisonment for a term not exceeding 90 days, or both. A separate offense shall be deemed to be committed on each and every day during or on which a violation occurs or continues.

SECTION 2: EFFECTIVE DATE: This ordinance shall take effect immediately upon the following publication as required by law.

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

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 27TH DAY OF OCTOBER, 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 TO BE HELD ON THE 24TH DAY OF NOVEMBER, 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

26. Introduction and first reading of Ordinance No.012-2025 RE: AN ORDINANCE AMENDING ORDINANCE NO. 002-2025 KNOWN AS THE SALARY RANGE ORDINANCE FOR THE CALENDAR YEAR 2025. **Motion by Tyler Casaccio, second by Victor Nappen, to introduce Ordinance No. 012 -2025 with the public hearing scheduled for December 15, 2025. During roll call vote all four Committee members present voted in the affirmative.**

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

ORDINANCE NO. 012-2025

AN ORDINANCE AMENDING ORDINANCE NO. 002-2025 KNOWN AS THE SALARY RANGE ORDINANCE FOR THE CALENDAR YEAR 2025

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: Ordinance No. 002-2025, known as the Salary Range Ordinance of 2025. at Section 2 is hereby amended and supplemented as hereinafter provided for the line items as indicated below:

A. ADMINISTRATIVE / REVENUE AND FINANCE:

Deputy Tax Assessor P/T	No Min.	55.00/Hr.
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C. CODE ENFORCEMENT / ZONING ENFORCEMENT :

Code Enforcement Officer	No Min.	100,000.00
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The following item shall be **removed** from the 2025 Salary Range Ordinance in its entirety:

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

SECTION 2: SEVERABILITY: If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

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

SECTION 4: EFFECTIVE DATE: 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 24th DAY OF NOVEMBER , 2025, AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 15th DAY OF DECEMBER, 2025 AT 5:30 P.M. AT TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

JOANNE R. HERRON, TOWNSHIP CLERK
TOWNSHIP OF UPPER

27. Introduction and first reading of Ordinance No. 013-2025 RE: AN ORDINANCE ESTABLISHING SALARY RANGES FOR THE TOWNSHIP OF UPPER FOR THE CALENDAR YEAR 2026. **Motion by Tyler Casaccio, second by Victor Nappen, to introduce**

Ordinance No. 013 -2025 with the public hearing scheduled for December 15, 2025. During roll call vote all four Committee members present voted in the affirmative.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 013-2025

**AN ORDINANCE ESTABLISHING SALARY RANGES FOR THE
TOWNSHIP OF UPPER FOR THE CALENDAR YEAR 2026**

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

SECTION 1: TITLE: This Ordinance shall be known as the Salary Ordinance of 2026.

SECTION 2: SALARIES: Salary ranges for the various officials and employees of the Township of Upper for the calendar year 2026 shall be as follows:

POSITION **MINIMUM** **MAXIMUM- 2026**
(P/T denotes "Part-Time Position")

A. ADMINISTRATIVE / REVENUE AND FINANCE:

Mayor	3,750.00	6,000.00
Township Committee Member	7,000.00	13,500.00
Township Administrator	15,000.00	175,000.00
Personnel Officer	15,000.00	125,000.00
Township Clerk	15,000.00	125,000.00
Deputy Township Clerk	15,000.00	80,000.00
Chief Financial Officer	15,000.00	125,000.00
Assistant Municipal Treasurer	15,000.00	80,000.00
Township Tax Assessor	15,000.00	100,000.00
Tax Assessor P/T	No Min.	65.00/Hr.
Deputy Tax Assessor	15,000.00	80,000.00
Deputy Tax Assessor P/T	No Min.	55.00/Hr.
Township Tax Collector	15,000.00	125,000.00
Assistant Municipal Tax Collector	15,000.00	80,000.00
Senior Account Clerk	15,000.00	80,000.00
Account Clerk	15,000.00	5,000.00
Township Engineer	15,000.00	150,000.00
Keyboarding Clerk 2	15,000.00	75,000.00
Keyboarding Clerk 1	15,000.00	70,000.00
Keyboarding Clerk 1 (MAC)	No Min.	4,450.00
Keyboarding Clerk 1 (P/T)	10.00/Hr.	30.00/Hr.
Purchasing Agent/QPA	No Min.	5,000.00
Registrar of Vital Statistics/CMR(P/T)	No Min.	5,000.00
Deputy Reg. Vital Statistics (P/T)	No Min.	3,000.00
Alt. Deputy Reg. Vital Statistics (P/T)	No Min.	3,000.00

Public Information Officer	No Min.	10,000.00
Data Information Coordinator/COOP	No Min.	3,500.00
Fund Commissioner	No Min.	3,500.00
Alt. Fund Commissioner	No Min.	1,000.00
Claims Coordinator	No Min.	2,000.00
Assistant Claims Coordinator	No Min.	1,000.00
Mun. Improvement Official (P/T)	No Min.	1,850.00
Tax Search Officer (P/T)	No Min.	1,850.00
Director of Public Asst. (P/T)	No Min.	1,000.00
Assistant Personnel Officer (P/T)	No Min.	20,000.00
Benefits Coordinator(P/T)	No Min.	10,000.00
Safety Coordinator	No Min.	3,500.00
Assistant Safety Coordinator	No Min.	1,500.00
Computer Director	No. Min	2,000.00
Municipal Housing Liaison	No Min.	3,000.00
Floodplain Manager	No Min.	1,000.00
Passport Acceptance Agent	No Min.	1,000.00
ADA Coordinator	No Min.	3,000.00
Wellness Coordinator	No Min.	2,000.00
IT Specialist	No Min.	45.00/Hr.
Recreation Finance Coordinator	No Min.	5,000.00

B. MUNICIPAL COURT:

Municipal Judge (P/T)	15,000.00	70,000.00
Municipal Court Administrator	15,000.00	125,000.00
Deputy Mun. Court Administrator	15,000.00	80,000.00

C. CODE ENFORCEMENT / ZONING ENFORCEMENT :

Construction Official	15,000.00	125,000.00
Building Subcode Official (P/T)	No Min.	7,000.00
Electrical Subcode Official (P/T)	No Min.	38,000.00
Electrical Inspector (P/T)	No Min.	30,000.00
Zoning Officer	15,000.00	100,000.00
Zoning Officer (P/T)	No Min.	5,000.00
Assistant Zoning Officer (P/T)	No Min.	3,000.00
Supervisor Code Enforcement/Parking (Seasonal)	1,000.00	3,000.00
Code Enforcement Officer	No Min.	100,000.00
Code Enforcement Officer (P/T)	18.00/Hr.	35.00/Hr.
Housing Officer/Code Enforce. (P/T)	No Min.	35.00/Hr.
Fire Prevention Official (P/T)	No Min.	3,000.00
Plumbing Sub-Code Official (P/T)	No Min.	38,000.00
Plumbing Inspector (P/T)	No Min.	6,600.00
Fire Protection Subcode Official (P/T)	No Min.	45,000.00
Mechanical Sub-Code Official (P/T)	No Min.	25,000.00
Fire Protection Inspector (P/T)	No Min.	5,000.00
Temp. Building Subcode Official	No Min.	2,500.00

Temp. Construction Official	No Min.	2,500.00
Temp. Elect. Subcode Official/Inspector	No Min.	45.00/Hr.
Temp. Plumbing Subcode Official	No Min.	45.00/Hr.
Temp. Fire Protection Subcode Official	No Min.	35.00/Hr.
Technical Assistant to the Construction Official	No Min.	80,000.00
Technical Assistant to the Construction Official (P/T)	No Min.	35.00/Hr.
Lead Inspector	No Min.	2,500.00

D. PUBLIC SAFETY / EMERGENCY MANAGEMENT:

Mun. Emergency Management Coordinator (P/T)	No Min.	35,000.00
Coord. 911 Emergency Response, RTK	No Min.	2,000.00
Deputy Right to Know	No Min.	1,000.00
Deputy Director Emergency Management (P/T)	No Min.	4,100.00
Assistant Emergency Management (P/T)	No Min.	1,200.00
Parking Enforcement Officer (P/T)	18.00/Hr.	35.00/Hr.
Parking/Code Enforcement Officer (Seasonal)	18.00/Hr.	70.00/Hr.
Lifeguard, 1st yr. to 2 nd yr. (Seasonal)		18.50/Hr.
Lifeguard, 3rd yr. to 4th yr. (Seasonal)		19.20/Hr.
Lifeguard, 5th yr. and higher (Seasonal)		20.00/Hr.
EMT/Lifeguard (Seasonal)		22.00/Hr.
Chief Lifeguard (Seasonal)		34.00/Hr.
Captain Lifeguard (Seasonal)		32.00/Hr.
Senior Lieutenant (Seasonal)		28.00/Hr.
Lieutenant Lifeguard (Seasonal)		26.00/Hr.
Senior Lifeguard (Seasonal)		22.75/Hr.
Emergency Medical Technician 10+ year	15,000.00	71,610.00
Emergency Medical Technician 6-9 year	15,000.00	69,440.00
Emergency Medical Technician-4-5 year	15,000.00	67,270.00
Emergency Medical Technician-2-3 year	15,000.00	65,100.00
Emergency Medical Technician- 1 st year	15,000.00	62,930.00
Emergency Medical Technician-(P/T)-10+ year		28.98/Hr.
Emergency Medical Technician-(P/T)-6-9 year		26.91/Hr.
Emergency Medical Technician-(P/T)-4-5 year		24.84 Hr.
Emergency Medical Technician-(P/T)-2-3 year		23.81/Hr.
Emergency Medical Technician (P/T)-1 st year	No Min.	22.71/Hr.
Beach EMT (Seasonal)	23.50/Hr.	27.50/Hr.
School Traffic Guard (P/T)	No Min.	20.00/Hr.
Chief Emergency Medical Technician	15,000.00	125,000.00
Deputy Chief Emergency Medical Technician	15,000.00	100,000.00
Sr. Emergency Medical Technician	15,000.00	70,525.00
Supervising Emergency Medical Technician	15,000.00	75,950.00

E. PUBLIC WORKS / SPORTS AND RECREATIONAL PROGRAMS:

Superintendent of Public Works	12,500.00	130,000.00
Assistant Public Works Superintendent	12,500.00	125,000.00
General Supervisor Public Works	12,500.00	100,000.00

Supervisor Sanitation	12,500.00	100,000.00
Supervising Mechanic	12,500.00	100,000.00
Supervising Carpenter	12,500.00	100,000.00
Supervisor Equipment Operator	12,500.00	100,000.00
Supervisor Maintenance Repairer	12,500.00	100,000.00
Maintenance Supervisor, Grounds	12,500.00	100,000.00
Maintenance Worker 3, Grounds	12,500.00	100,000.00
Sr. Carpenter (0-9 yrs.)	No Min.	75,548.00
Sr. Carpenter (10 or more yrs.)	No Min.	76,608.00
Carpenter (0-9 yrs.)	No Min.	73,427.00
Carpenter (10 or more yrs.)	No Min.	74,487.00
Carpenter's Helper	No Min.	71,305.00
Senior Mechanic (0-9 yrs.)	No Min.	75,548.00
Senior Mechanic (10 or more yrs.)	No Min.	76,608.00
Mechanic (0-9 yrs.)	No Min.	73,427.00
Mechanic (10 or more yrs.)	No Min.	74,487.00
Mechanics Helper (0-9 yrs.)	No Min.	71,305.00
Mechanics Helper (10 or more yrs.)	No Min.	71,366.00
Equipment Operator (0-9yrs.)	No Min.	73,427.00
Equipment Operator (10 or more yrs.)	No Min.	74,487.00
Truck Driver, Heavy (0-9 yrs.)	No Min.	71,305.00
Truck Driver, Heavy (10 or more yrs.)	No Min.	72,366.00
Truck Driver (0-9 yrs.)	No Min.	69,182.00
Truck Driver (10 or more yrs.)	No Min.	70,244.00
Laborer 1, Probational	No Min.	42,280.00
Laborer 1, 1st year	No Min.	55,785.00
Laborer 1, 2nd year	No Min.	58,245.00
Laborer 1, 3rd year	No Min.	60,707.00
Laborer 1, 4th year	No Min.	63,169.00
Laborer 1, 5th year	No Min.	65,631.00
Laborer 1 (6-9 yrs.)	No Min.	67,511.00
Laborer 1 (10 or more yrs.)	No Min.	69,248.00
Laborer (P/T)	No Min.	20.32/Hr.
Laborer (Seasonal)	No Min.	20.32/Hr.
Sr. Sanitation Inspector	No Min.	76,608.00
Sanitation Inspector (0-9 yrs.)	No Min.	74,487.00
Sanitation Inspector (10 or more yrs.)	No Min.	75,548.00
Recycling Coordinator (P/T)	No Min.	5,700.00
Assistant Recycling Coordinator (P/T)	No Min.	2,850.00
Building Maintenance Worker (0-9 yrs.)	No Min.	54,725.00
Building Maint. Worker (10 or more yrs.)	No Min.	55,785.00
Maint. Worker 2, Grounds (0-9 yrs)	No Min.	73,427.00
Maint. Worker 2, Grounds (10 or more yrs.)	No Min.	74,487.00
Maintenance Repairer (0-9 yrs.)	No Min.	73,427.00
Maintenance Repairer (10 or more yrs.)	No Min.	74,487.00
Senior Maintenance Repairer	No Min.	75,548.00
Maint. Worker 1, Grounds (0-9 yrs.)	No Min.	71,305.00

Maint. Worker 1, Grounds (10 or more yrs.)	No Min.	72,366.00
Recreational Program Coordinator	No Min.	75,000.00
Recreation Supervisor	No Min.	75,000.00
Recreation Leader	No Min.	75,000.00
Recreation Aide	No Min.	60,000.00
Beach Sweeper (Seasonal)	No Min.	20.00/Hr.
Boat Ramp Attendant	No Min.	17.00/Hr.
Playground Safety Inspector	No Min.	1,000.00
Backflow Prevention Technician	No Min.	1,000.00
CDL Training Coordinator	No Min.	2,000.00
Air Brake Specialist	No Min.	1,000.00
Automotive Refrigerant Specialist	No Min.	1,000.00
Assistant CDL Training Coordinator	No. Min	1,000.00

Note: Italicized print reflects actual salary for said position.

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

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

H. ADDITIONAL COMPENSATION-REWARD-HOLIDAY GIFT CARD:

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

- a. A departmental staffing shortage which lasted 6 months or more.
- b. A savings to the Township of \$20,000 or more through the execution of official duties.

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

Holiday Food Gift Card or Article of Clothing: In addition to the salary set forth in this Ordinance, the Township Committee may provide each employee in the Township with a Holiday Food Gift Card or certificate in the amount of \$50 in advance of the Thanksgiving Holiday. Part-time employees may only receive up to half of the consideration. In lieu of a Holiday Gift Card, the Township may provide an Article of Clothing to the employee of equal value.

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

J. ADDITIONAL PAY TO PART-TIME EMTs: Part-time EMTs will receive an additional sum of \$1.00/hour for hours worked on the beach in the summer season. This is compensation for working on the beach in extreme conditions in the summer season.

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

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

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

Statutory Employees:

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

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

- This above class of employee shall have exempt status under the Fair Labor Standards Act (FLSA) (Section 13(a)(1))
- These employees are defined in section 3 of the “New Jersey Employer-Employee Relations Act” P.L.1941,c.100 (C.34:13A-3), and The Office of Emergency Medical Services (OEMS).
- This specifically includes Public Works Superintendent, Assistant Public Works Superintendent, Township Administrator, Personnel Officer, Chief EMT, Deputy Chief EMT, and members of the Township Committee including the Mayor.
- This class of employee is not eligible for Compensatory Time or Overtime. This class of employee is required to work outside of: “Fixed Hours”. This class of employee will be compensated accordingly.
- Salaries, wages and/or compensation shall be set according to (40A:9-165).

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

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

SECTION 3A: RESTRICTIONS ON LONGEVITY PAYMENTS: Notwithstanding the provisions of Section 3 hereof, a longevity payment or longevity bonus to any single official, officer or employee of the Township of Upper shall not exceed the sum of Three Thousand (\$3,000.00) Dollars. If, as of January 1, 1997, any such official, officer or employee of the Township of Upper was entitled to a

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

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

SECTION 4: RESOLUTION AS TO SALARIES: The salary ranges set forth in this Ordinance are the maximum salaries to be paid for the various positions during 2026 and for such period or periods as this Ordinance shall remain in effect. Such maximum salaries shall be paid for each of the positions indicated unless the Township Committee, by Resolution shall fix a lesser salary, in which event such lesser amount shall be paid.

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

- (A) As of January 1, 2026 for all officials, officers and employees of the Township who were employed or appointed as of December 31, 2025. For those officials, officers and employees appointed at the Reorganization Meeting of the Township Committee, such persons shall be deemed appointed and employed by the Township as of January 1, 2026. This provision shall not apply to members of a Collective Bargaining Unit.
- (B) The payment of any salary increment and longevity payment for members of a Collective Bargaining Unit shall be made in accordance with the provisions of the Collective Bargaining Agreement currently in effect, any other provisions herein to the contrary notwithstanding.
- (C) Upon the effective date of appointment for all officers and employees appointed subsequent to January 1, 2026.
- (D) Any salary increases provided for in this Ordinance shall not apply to any official, officer or employee of the Township who has resigned or otherwise terminated his or her employment with the Township of Upper prior to the effective date of this Ordinance.

SECTION 6: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

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

SECTION 8: EFFECTIVE DATE: This Ordinance shall take effect immediately upon passage and publication as required by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 24th DAY OF NOVEMBER, 2025 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 15th DAY OF DECEMBER, 2025 AT 5:30 P.M. AT TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

JOANNE R. HERRON, TOWNSHIP CLERK
TOWNSHIP OF UPPER

28. Introduction and first reading of Ordinance No. 014-2025 RE: AN ORDINANCE AMENDING CHAPTER 3, SECTION 17 (NOISE) OF THE MUNICIPAL CODE OF UPPER TOWNSHIP. **Motion by Tyler Casaccio, second by Victor Nappen, to introduce Ordinance No. 014 -2025 with the public hearing scheduled for December 15, 2025. During roll call vote all four Committee members present voted in the affirmative.**

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

ORDINANCE NO. 014-2025

**RE: AN ORDINANCE AMENDING CHAPTER 3, SECTION 17 (NOISE)
OF THE MUNICIPAL CODE OF UPPER TOWNSHIP**

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

SECTION 1. Chapter 3, Section 17 of the Revised General Ordinance of the Township of Upper, also known as the Code of Upper Township, shall be replaced in its entirety with the following:

§ 3-17. NOISE.

§ 3-17.1. Intent and Purpose.

The intent of this section is to proscribe conduct which causes unreasonable or unnecessary noise, which the Township endeavors to prohibit so as to foster and protect the public health, comfort, safety, and welfare of its citizens. As a matter of legislative determination and public policy, the provisions, regulations, and prohibitions of this Chapter are enacted in pursuit of, and for the purpose of, promoting the comfort, peace, and quiet to which the residents of the Township of Upper shall be entitled.

§ 3-17.2. Noise Prohibited.

It shall be unlawful to make or cause to be made any unreasonable or unnecessary noise which does, or is likely to, annoy, disturb, injure, or endanger the comfort, repose, health, peace, and/or safety of others.

§ 3-17.3. Determination of Unreasonable or Unnecessary Noise.

In the enforcement of this section the following circumstances shall be weighed in determining whether noise is unreasonable or unnecessary in violation of this section:

1. Whether the noise is unreasonable or unnecessary in relation to any approved use or activity.

2. Whether the noise is unreasonable or unnecessary in relation to historical and customary uses or activities.
3. Whether the use or activity creating the noise is subject to any conditions imposed by any governmental authority (site plan approval, licensing approval, etc.) and whether any such conditions relate to the alleged noise violation.
4. The reasonableness of the conduct of the alleged violator.
5. The time of day that the noise occurred, as well as its intensity and duration.
6. The competing interests and the rights of the parties involved in the noise complaint and the alleged violation.

§ 3-17.4. Restricted Uses and Activities.

The following standards shall apply to the activities or sources of sound set forth below:

1. A commercial establishment from which loud noise emanates as a result of musical instruments, bands, mechanical music devices, and/or any sound reproduction device, live entertainment or patrons, from either the inside or any outside portion of such establishment, shall be in violation of this section whenever such noise is plainly audible to the enforcing agent of this Chapter at a distance of one hundred (100') feet from the noise's point of origin between the hours of 10:00 p.m. and 8:00 a.m. the following day.
2. Commercial establishments, including but not limited to restaurants, from which loud noise emanates as a result of the operation of heating, venting, and air-conditioning motors and mechanical units and fans, or as a result of the operation of kitchen exhaust fans, or as a result of the operation of other mechanical equipment.
3. Power tools, home-maintenance tools, landscaping and/or yard-maintenance equipment, excluding emergency work, used by a residential property owner or tenant, shall not be operated before 7:00 a.m. or after 9:00 p.m., Monday through Saturday, or before 9:00 a.m. or after 6:00 p.m. on Sunday. All motorized equipment used in these activities shall be operated with a muffler and/or sound-reduction device consistent with the original manufacturer specifications for such motorized equipment.
4. Power tools, landscaping and/or yard-maintenance equipment used by nonresidential operators (i.e., commercial operators), excluding emergency work, shall not be operated on a residential, commercial, or industrial property during the following hours:
 - a. Labor Day through Memorial Day (exclusive): Monday through Saturday, all zones: before 7:00 a.m. or after 7:00 p.m.; Sunday, all zones: before 9:00 a.m. or after 6:00 p.m.
 - b. Memorial Day through Labor Day (inclusive): Monday through Saturday, Resort Residential (RR) and Resort Commercial (RC) Zones: before 8:00 a.m. or after 6:00 p.m.; Monday through Saturday, all zones except RR and RC: before 7:00 a.m. or after 9:00 p.m.; Sunday and official holidays, RR and RC Zones: no work is permitted; Sunday, all zones except RR and RC: before 9:00 a.m. or after 6:00 p.m.
 - c. All motorized equipment used in these activities shall be operated with a muffler and/or sound-reduction device consistent with the manufacturer specifications for such motorized equipment.
5. All construction and demolition activity within the Township of Upper, excluding emergency work, roadway work authorized by the Township, the New Jersey Department of

Transportation or the County of Cape May, or beach fill operations authorized by the U.S. Army Corps of Engineers or New Jersey Department of Environmental Protection, shall not be performed during the following hours:

- a. Monday through Friday, all zones: before 7:00 a.m. or after 9:00 p.m.; Saturday & Sunday, in all zones aside from the Resort Residential (RR) and Resort Commercial (RC) Zoning Districts, before 9:00 a.m. or after 6:00 p.m.
 - b. Between Memorial Day and Labor Day (inclusive), no construction work shall be permitted in the Resort Residential (RR) and Resort Commercial (RC) Zoning Districts on Saturdays or Sundays. Between Labor Day and Memorial Day (exclusive), construction work shall be permitted to be performed in the Resort Residential (RR) and Resort Commercial (RC) Zoning Districts on Saturdays between the hours of 9:00 a.m. and 6:00 p.m. No construction work shall be permitted in the RR and/or RC Zoning Districts on Sundays.
 - c. No construction work shall be permitted in the Resort Residential (RR) and Resort Commercial (RC) Zoning Districts on federally recognized holidays.
 - 1) All motorized equipment used in construction and demolition activity shall be operated with a muffler and/or sound-reduction device consistent with the manufacturer specifications for such motorized equipment. The Township Committee may authorize construction and demolition activities outside of the normally permitted hours subject to such conditions as may be imposed by the Township Committee.
 - 2) The Township Code Enforcement Official may authorize work outside of the hours set forth above in exceptional circumstances, in the sole discretion of the Code Enforcement Official.
6. Collection of solid waste and/or recycling shall not be performed between the hours of 6:00 p.m. and 6:00 a.m.
 7. Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, bus, truck, or other vehicle on any street, road, and/or public or private place, except as a warning pursuant to the provisions of N.J.S.A. 39:3-69, or any whistle or other device operated by engine exhaust, and the use of any such signaling device when traffic is held up for any reason.
 8. Radio and television sets, phonographs, etc. The use of radio or television receiving sets, musical instruments, phonographs, or any other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or, at any time, with volume louder than is necessary for the convenient hearing of the person or persons who are in the room or vehicle in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such device between the hours of 10:00 p.m. and 8:00 a.m. the following day in such a manner as to be plainly audible to the enforcing agent at a distance of one hundred (100') feet from the building, structure, or vehicle in which it is located or, in the case of such instruments operated in the open, at a distance of one hundred (100') feet from the location of the instrument shall create a rebuttable presumption of a violation of this section.
 9. Loudspeakers, amplifiers for advertising. The use of any radio receiving set, musical instrument, phonograph, loudspeakers, sound amplifier, or other machine or device for

producing or reproducing sound which is cast upon the public streets for the purpose of commercial advertising.

10. Hawkers, Peddlers. The shouting and/or crying of peddlers, hawkers, and vendors which disturbs the peace and quiet enjoyment of the neighborhood, except as is otherwise permitted by permit issued by the Township of Upper.
11. Schools, Courts, Churches. The creation of any unreasonable noise adjacent to any school, institution of learning, house of worship, or judicial court, while same is in use, provided that conspicuous signs are displayed on the adjacent streets which indicate that the same is a school, church, or judicial court.
12. Drums and Bells. The use of any drum, bell, horn, loudspeaker, or other instrument or device for the purpose of attracting attention to any performance, show, or the sale and/or display of merchandise by any creation of noise or sound.
13. Mobile Loudspeakers. The use of mechanical loudspeakers or amplifiers on vehicles or aircraft for commercial advertising purposes.
14. Yelling, Shouting, and the like on Public Streets. Yelling, shouting, hooting, whistling, or singing on the public streets at any time or place so as to annoy or disturb the quiet comfort or repose of persons in any office, dwelling, hotel, motel, or other type of residence or of any persons in the vicinity.
15. Yelling, Shouting, and the like in Private Residences. Yelling, shouting, hooting, whistling, or singing in private residences or places in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants. Yelling, shouting, hooting, whistling, or singing in private residences or places between the hours of 10:00 p.m. and 8:00 a.m. in such a manner to be plainly audible to the enforcing agent at a distance of one hundred (100') feet from the private residence or place shall create a rebuttable presumption of a violation of this section.
16. Loading and Unloading. The loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, liquids, garbage cans, or other similar objects or the pumped loading or unloading of bulk materials or the pickup or compacting of refuse by persons engaged in the business of garbage collection whether private or municipal between the hours of 6:00 p.m. and 6:00 a.m.

§ 3-17.5 Exceptions.

The prohibitions contained in this Chapter shall not apply to persons:

1. Who are engaged in the performance of any public or governmental function, such as the sounding of a church or school bell or police, fire, ambulance, air raid, or other like disaster warning, alert or alarm, whether such alarm is for an actual emergency purpose or for practice or drilling purposes;
2. Who are engaged in a religious, charitable, recreational, civic, or political activity by means of a sound truck or other amplifying device for non-profit purposes, provided that such person(s) shall have first obtained from the Township of Upper, upon written application, setting forth the sponsorship date, hours, and routes of such activity. The Township Committee shall not issue such a permit unless, having first considered the date, time, and route, it shall determine that the noise created by such activity shall not cause undue discomfort to the public;

3. Who are engaged in any activity specifically permitted or required by any ordinance, resolution, statute, or governmental regulation; and
4. Persons employed by public utility companies engaged in emergency repair services between the hours of 6:00 p.m. and 8:00 a.m.; provided, however, that such noise does not exceed levels that are reasonably necessary to accomplish such work.

§ 3-17.6 Enforcement.

Enforcement of this Chapter shall be the responsibility of the Township of Upper Code Enforcement Office during normal business hours. For any complaints that occur outside of normal operating hours of the Township of Upper, the Cape May County Board of Health and/or the New Jersey State Police (NJSP) shall be the enforcement agents of this Chapter. All complaints of violations under this Chapter shall be directed to the appropriate agency referenced herein.

§ 3-17.7 Violations & Penalties.

Any person who shall violate any of the provisions of this Chapter or any order promulgated hereunder shall, upon conviction, be punished by a fine not to exceed One Thousand (\$1,000.00) Dollars or by imprisonment in the county jail for a period not to exceed ninety (90) days, or by both a monetary fine and imprisonment. Each violation of any of the provisions of this Chapter and each day that the violation continues shall be deemed to be a separate and distinct offense.

SECTION 2: EFFECTIVE DATE: This ordinance shall take effect immediately upon the following publication as required by law.

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

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 24TH DAY OF NOVEMBER, 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 15TH DAY OF DECEMBER, 2025 AT 5:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

JOANNE R. HERRON, TOWNSHIP CLERK
TOWNSHIP OF UPPER

CORRESPONDENCE

NEW BUSINESS

29. Presbyterian Reformed Church of Corbin City request to purchase Township owned land Block 377, Lot 1; Block 381, Lot 1; and Block 382, Lot 2. **Motion by Tyler Casaccio, second by Zachary Palombo, to move forward with the request. During roll call vote all four Committee members present voted in the affirmative.**

UNFINISHED BUSINESS

PAYMENT OF BILLS

30. "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 Tyler Casaccio, second by Victor Nappen. During roll call vote three Committee members voted in the affirmative. Committeeman Casaccio abstained from voting on PO #25-00222 and PO #25-00173 and voted in the affirmative on the remaining items.**

Bills approved for payment: **\$180,688.57**

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

John Cameron, Poets Woods, inquired about the introduced Noise Ordinance regarding distances, noise occurring outside of prohibited hours, and recreational noise.

John Houston, Harbor Road, also inquired about the introduced Noise Ordinance regarding the use of recordings of alleged noise violations.

Nathalie Neiss, Petersburg, inquired about the invoices on the bill list from which Committeeman Casaccio abstained, and the litigation matters listed for closed session.

Lou Barbuto, Petersburg, inquired about the Senior Freeze Tax and Township's leaf collection schedule.

CLOSED SESSION

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

**RESOLUTION NO. 382-2025
MOTION GOING INTO CLOSED SESSION
NOVEMBER 24, 2025**

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

MATTERS:

1. Contract negotiation – Annual Professional Appointments
2. Contract negotiation – Borough of Woodbine Shared Services Agreement
3. Litigation – DeMarzo v. Upper Township, et al.
4. Pending litigation - Sharp v. Upper Township

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

- A. It is anticipated that the matters discussed in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.
- B. With respect to contract negotiations such matters will be made public when negotiations have ceased and there is no longer a reason for confidentiality.
- C. With respect to litigation matters such discussions will be made public when litigation is complete and the applicable appeal period has expired.

Moved by: Zachary Palombo

Motion seconded by: Victor Nappen

Roll Call Vote with all four Committee members present 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 four Committee members present voted in the affirmative.

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 6:44 P.M., with a motion by Tyler Casaccio, second by Zachary Palombo, and all four Committee members present voting in the affirmative. The next regular Committee meeting is scheduled for December 8, 2025 at 5:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC
Township Clerk

Bills

- 86572 11/24/25 A0075 ADAMS, JOSHUA 112.11 3453
- 86573 11/24/25 A0091 ATLANTIC CITY ELECTRIC 28,709.46 3453
- 86574 11/24/25 A0117 AT&T 505.16 3453
- 86575 11/24/25 A0191 ACTION UNIFORM CO. LLC 350.00 3453
- 86576 11/24/25 A0235 AMAZON CAPITAL SERVICES, INC. 214.38 3453
- 86577 11/24/25 A0257 ACCURATE LANGUAGE SERVICES 660.00 3453
- 86578 11/24/25 A0265 ARC REPROGRAPHICS SJ, INC 2,496.50 3453
- 86579 11/24/25 B0283 BRITTIN, JOHN 199.99 3453
- 86580 11/24/25 B0293 BURNS, ZACHARY 44.00 3453
- 86581 11/24/25 C0048 CAPE MAY COUNTY MUA 49,983.90 3453
- 86582 11/24/25 C0068 COMCAST 1,620.75 3453
- 86583 11/24/25 C0143 CODY'S POWER EQUIPMENT 91.94 3453
- 86584 11/24/25 C0223 CASA PAYROLL SERVICE 270.90 3453
- 86585 11/24/25 C0307 CNS ACQUISITION CORPORATION 2,000.00 3453
- 86586 11/24/25 C0346 CME ASSOCIATES 8,370.00 3453
- 86587 11/24/25 C0352 COLUMN SOFTWARE, PBC 307.16 3453
- 86588 11/24/25 D0014 DAN'S AUTO BODY 3,697.45 3453
- 86589 11/24/25 D0040 DELTA DENTAL OF N.J. INC. 5,610.07 3453
- 86590 11/24/25 D0186 DOCUTREND IMAGING SOLUTIONS 182.69 3453
- 86591 11/24/25 D0237 KERRY SCALFARO 125.00 3453
- 86592 11/24/25 D0251 THE DEWEESE LAW FIRM, P.C. 2,700.00 3453
- 86593 11/24/25 E0034 ESRI, INC. 465.00 3453
- 86594 11/24/25 F0222 FENTON, SEAN R 600.00 3453
- 86595 11/24/25 G0086 W.W. GRAINGER, INC. 41.59 3453
- 86596 11/24/25 G0120 PATRICK F. MARTIN 2,291.67 3453
- 86597 11/24/25 G0212 GIFT, MICHAEL 139.95 3453
- 86598 11/24/25 H0073 HOME DEPOT CRC/GECF 299.03 3453
- 86599 11/24/25 K0037 KOHLER, JOHN F 242.95 3453
- 86600 11/24/25 M0277 EQUITABLE FINANCIAL LIFE INS. 200.78 3453

86601 11/24/25 MO346 MOOVE NA DISTRIBUTION 962.00 3453
86602 11/24/25 N0052 NATL ALLIANCE FOR YOUTH SPORTS 80.00 3453
86603 11/24/25 N0146 NORTHEAST PRECAST LLC 9,965.00 3453
86604 11/24/25 N0173 NOREGON SYSTEMS LLC 2,199.00 3453
86605 11/24/25 O0006 SJSHORE MARKETING,LLC 358.50 3453
86606 11/24/25 R0030 RIGGINS, INC. 0.00 11/24/25 VOID 0
86607 11/24/25 R0030 RIGGINS, INC. 6,230.22 3453
86608 11/24/25 R0100 ROBERTS OXYGEN COMPANY, INC. 383.25 3453
86609 11/24/25 R0101 R.R. DONNELLEY 106.50 3453
86610 11/24/25 S0001 SAM'S CLUB 109.07 3453
86611 11/24/25 S0056 SEASHORE ASPHALT CORPORATION 2,906.80 3453
86612 11/24/25 S0057 SERVICE TIRE TRUCK CENTERS 1,465.16 3453
86613 11/24/25 S0113 LAW OFFICES OF THOMAS G SMITH 1,347.50 3453
86614 11/24/25 S0239 SHORE ANIMAL CONTROL SERV LLC 2,350.00 3453
86615 11/24/25 S0241 SAFEGUARD BUSINESS SYSTEMS INC 204.85 3453
86616 11/24/25 S0253 SAMPLE MEDIA, INC. 171.80 3453
86617 11/24/25 S0398 SNYDER, KRISTEN 25.00 3453
86618 11/24/25 S0401 Steiner, Sarah J. 50.00 3453
86619 11/24/25 S0412 SPATIAL DATA LOGIC LLC 17,136.66 3453
86620 11/24/25 T0067 TOWNSHIP OF UPPER PETTY CASH 66.00 3453
86621 11/24/25 T0085 TREASURER, STATE OF NEW JERSEY 323.00 3453
86622 11/24/25 T0159 TRIAD ADVISORY SERVICES, INC. 4,587.50 3453
86623 11/24/25 T0178 TRAINING UNLIMITED, LLC 190.00 3453
86624 11/24/25 T0180 TRI-COUNTY PEST CONTROL, INC 25.00 3453
86625 11/24/25 T0229 TREASURER STATE OF NEW JERSEY 1,060.00 3453
86626 11/24/25 U0075 Upper Township Democratic Club 300.00 3453
86627 11/24/25 V0001 VCI EMERGENCY VEHICLE 10,443.10 3453
86628 11/24/25 V0013 VERIZON WIRELESS 316.74 3453
86629 11/24/25 V0022 VERIZON 604.56 3453
86630 11/24/25 V0025 V.E. RALPH & SON,INC. 1,174.20 3453
86631 11/24/25 V0054 VAN ZLIKE, JAMES 25.00 3453
86632 11/24/25 W0087 W.B. MASON EGG HARBOR 441.27 3453
86633 11/24/25 W0135 THE LAW OFFICE OF BRANDON D 1,048.46 3453
86634 11/24/25 Z0014 MIKE ZYNDORF, LLC 1,500.00 3453
Total: \$180,688.57