

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 013-2026

**RE: ESTABLISHING PROCEDURES TO BE FOLLOWED IN WORK SESSION
MEETINGS AND REGULAR MEETINGS OF THE TOWNSHIP COMMITTEE AND
OTHER RULES AND REGULATIONS PERTAINING TO SAME**

WHEREAS, the Open Public Meetings Law of the State of New Jersey requires that meetings of the Governing Body be open to the public, except in certain limited instances; and

WHEREAS, the Township Committee may hold a work session meeting prior to the regularly scheduled meeting of the Township Committee, which work session meeting shall be open to the public in accordance with the provisions of Resolution No. 008-2026, unless the subject matter under discussion involves one or more matters set forth in N.J.S.A. 10:4-12(b), in which event the public shall be excluded from that portion of the meeting; and

WHEREAS, regular meetings of the Township Committee may be held remotely by electronic means due to a declared emergency; and

WHEREAS, it is necessary to establish a procedure for the orderly transaction of such business.

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 regular meeting of the Township Committee will commence at 5:30 p.m., on those dates which have been designated as meeting dates by Resolution 008-2026. The Township Committee may convene publicly, however, at 5:00 p.m. for a work session meeting.
3. Any member of the Township Committee, is hereby authorized to attend and participate in a meeting of the Township Committee remotely/electronically for any reason.
4. At regular meetings of the Township Committee, the agenda may set forth a Consent Agenda wherein proposed resolutions are considered to be routine in nature and will be enacted by one motion for all such resolutions; provided however, the Mayor or any Committee Member may direct that a particular resolution be considered separately at which time said resolution shall be removed from the Consent Agenda and shall be acted on separately.
5. Promptly at 5:30 p.m., on those dates which have been designated as meeting dates by Resolution 008-2026, the work session of the Township Committee, whether opened or closed to the public, shall terminate and the regular meeting of the Township Committee shall commence. All meetings shall continue unless a recess occurs, until 10:30 p.m., at which time the public shall be excluded from the meeting in order to permit the Township Committee to take up one or more of the matters enumerated in Section 6 of this Resolution. Such closed session shall terminate so as to permit the meeting to be reopened to the public and to be adjourned not later than 11:00 p.m.
6. The public may be excluded from a meeting upon the adoption of an appropriate Resolution in order to discuss one or more of the following subject matters:
 - (A) Any matter which, by express provision of Federal Law or State Statute or Rule of Court shall be rendered confidential or excluded from the provisions of subsection

a. of N.J.S.A. 10:4-12;

(B) Any matter in which the release of information would impair a right to receive funds from the Government of the United States;

(C) Any material, the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, dates, reports, recommendations, or other personal material of any educational, training, social service, medical health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request, in writing, that the same be disclosed publicly;

(D) Any Collective Bargaining Agreement, or the terms and conditions which are proposed for inclusion in any Collective Bargaining Agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body;

(E) Any matter involving the purchase, lease, or acquisition of real property with public funds, the setting of bank rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed;

(F) Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law;

(G) Any pending or anticipated litigation or contract negotiations other than in subsection (D) herein in which the public body is, or may become, a party. Any matter falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer;

(H) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request, in writing, that such matter or matters be discussed at a public meeting;

(I) Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.

7. The Resolution which shall be adopted closing the meeting to the public shall be adopted in accordance with the provisions of N.J.S.A. 10:4-13, which shall state the general nature of the subject to be discussed and shall state, as precisely as possible, the time when and the circumstances under which the discussion conducted in closed session of the Governing Body can be disclosed to the public.

RULES PERTAINING TO PUBLIC COMMENT:

8. In the conduct of public meetings and the course of receiving public comments, the following procedures shall apply:

(A) Any member of the public wishing to address the Township Committee on any matter, including public hearings on the adoption of Ordinances or the adoption of the Township Budget, shall be limited to a total of five (5) minutes, at which point such individual shall cease speaking and shall not thereafter be recognized, except in the exercise of the sound discretion of the Mayor or other presiding officer, which discretion should only be exercised after all other persons desiring to address the Township Committee on any issue have had an opportunity to do so.

(B) In receiving public comments on a particular issue or in conducting public hearings on the adoption of an Ordinance or the Annual Budget, or in conducting any other public hearing, the Mayor, or the presiding officer in the absence of the Mayor, shall determine, either in the exercise of his discretion or on a motion adopted by a majority of the members of the Township Committee, the amount of time that is to be devoted to the particular issue and discussion thereon shall be limited accordingly. Any such determination made by the Mayor or presiding officer may be the subject of an appeal to the Township Committee as a whole, which may overrule such determination by majority vote.

(C) In calling for public comment, the Mayor or presiding officer shall recognize a particular member of the public. Upon being recognized, such person shall state his or her full name, address, and general nature of the matter to be commented upon, unless such comments are in the course of a public hearing on a particular subject, in which event such comments must be limited to the matter under discussion and shall not relate to any other issue.

(D) The Mayor or other presiding officer shall give preference to residents of the Township of Upper who shall be afforded an opportunity to speak first before any non-resident is recognized. Such determination shall not apply to any public official seeking to address the Township Committee, nor shall it apply to any attorney or other representative appearing on behalf of any resident of the Township, provided that the identity and address of the Township Resident is first disclosed.

(E) All comments made by the public shall be addressed to the Township Committee and shall not be addressed to any other member of the public, nor shall such comments provide a forum for debate between or among members of the public. Any person violating this provision shall be declared "out of order" and shall thereupon forfeit his or her right to address the Governing Body.

(F) In order to ensure a transparent and efficient public hearing process, written comments, including letters, emails, or other forms of written communication, will not be accepted as public comment during public hearings on Ordinances, the Township Budget, or any other matter. Public comment shall only be accepted in oral form during the designated comment period at the meeting. Written materials submitted will not be read aloud, entered into the record, or considered by the Township Committee as part of the public hearing process.

9. The procedures outlined in this Resolution are intended to encourage and to foster the greatest possible participation in municipal government by members of the public and in order to achieve that purpose, these rules and regulations are intended to reduce multiplicitous comments by a single individual, as well as comments of long duration or which are or may be repetitive or argumentative in nature.

Resolution No. 013-2026

Offered by: Z. Palombo

Seconded by: Casaccio

Adopted: January 5, 2026

Roll Call Vote:

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