

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR JANUARY 12, 2026**

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

SUNSHINE ANNOUNCEMENT

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

“In compliance with the Open Public Meetings Law, I wish to state that on January 9, 2026 the notice of this Workshop meeting of the Upper Township Committee was posted on the official Township Bulletin Board and the Upper Township Website, emailed to the Atlantic City Press, the Ocean City Sentinel-Ledger, the Herald Times and filed with the Township Clerk. I hereby direct that this announcement be made a part of the minutes of this meeting.”

ROLL CALL

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

Also present were Municipal Clerk Joanne Herron, Municipal Attorney John Amenhauser, Chief Financial Officer Barbara Ludy, and Township Administrator James Van Zlike.

DISCUSSION

1. Consideration of instituting an Invocation at Township Committee Meetings. A discussion was held on whether the Township should have an Invocation at the beginning of Committee meetings with mixed opinions as to the necessity or benefit. Mayor Corson then opened the discussion to the public during which there were the following speakers:

Spencer Bells, spoke in opposition to having an Invocation during the Committee meeting.

Thomas Drinkard, spoke in support of the Invocation.

After the public comment it was decided to table the matter for further discussion.

ADJOURNMENT OF WORKSHOP MEETING

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

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

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

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

“In compliance with the Open Public Meetings Law, I wish to state that on January 9, 2026, the notice of this meeting of the Upper Township Committee was posted on the official Township Bulletin Board, the

Upper Township Website, and emailed to the Atlantic City Press, the Ocean City Sentinel-Ledger, the Herald Times and filed with the Township Clerk. Tonight’s meeting is being video recorded up until the closed session portion of this meeting and will be available on the Upper Township website. I hereby direct that this announcement be made a part of the minutes of this meeting.”

SALUTE TO THE FLAG

ROLL CALL

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

Also present were Municipal Clerk Joanne Herron, Municipal Attorney John Amenhauser, Chief Financial Officer Barbara Ludy, and Township Administrator James Van Zlike.

APPROVAL OF MINUTES – December 15, 2025 Workshop, Regular, and Closed Session Minutes and January 5, 2026 Reorganization Minutes

Motion by Victor Nappen, second by Zachary Palombo, to approve the December 15, 2025 Workshop, Regular, and Closed Session Minutes and the January 5, 2026 Reorganization Minutes as submitted. During roll call vote all five Committee members voted in the affirmative.

REPORT OF GOVERNING BODY MEMBERS

Samuel Palombo, Committeeman, thanked the Department of Public Works for installing sound deadening material at the Community Center at a cost savings for the Township. He next reported that he and Committeeman Zachary Palombo recently met with the Upper Township Football, Softball, and Cheerleading Associations and made great strides in establishing long term planning and asset maximalization at the Amanda’s Field complex. He thanked the Township Administrator for taking the lead on this issue.

Tyler Casaccio, Committeeman, reported that the Township will be holding free rabies clinics on January 24th and February 21st at Shore Veterinarians from 1:00 pm to 3:00 pm. Next, he gave a brief report on the agenda item regarding RFP results for renewable energy on Township property, and stated that this is a good way to utilize the old Township landfill property.

Zachary Palombo, Committeeman, reported that Public Works has completed phase 1 of leaf collection and has collected well over 1,400 tons of leaves. Phase 2 has started today and will hopefully all be collected before the next snow fall. He then echoed Committeeman Sam Palombos comments regarding the great meeting that was held with the recreation associations to discuss long term planning for Amanda’s Field. Lastly, he commented on the outdoor fitness court grant award on tonight’s agenda.

Victor Nappen, Committeeman, reported that an IT meeting will be held soon regarding updates to the Township’s website. He next reported that the grant application for a new Public Safety building has stalled. He reported that the Township Administrator is pursuing other avenues. Lastly, he requested that the undefeated JV Football team be invited to a meeting.

Curtis Corson, Mayor, reported that the beach erosion has subsided some however the beaches are one storm away from a catastrophic event. He reported that on Wednesday he and the Township Administrator will be travelling to Washington DC with the Township’s lobbyist group to meet with our legislators to request that they obtain permanent funding for beach replenishment.

ADMINISTRATOR OVERVIEW

James Van Zlike, Township Administrator, gave a brief report on the trip to Washington, the meeting with the sport associations, and gave a detailed timeline and procedures for leaf collection. He then

apologized for the lack of communication to the public of these procedures and reported on the communication fixes moving forward.

Joanne Herron, Township Clerk, requested that a Resolution be added to the consent agenda to authorize payments from the Affordable Housing Trust Fund.

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

Barbara Leary, Seaville, inquired about agenda item #16 the outdoor fitness court. It was stated that the Township received a grant to install an outdoor fitness court as part of the Skate Park renovations at Amanda’s Field.

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 five Committee members present voted in the affirmative.

FILING OF REPORTS BY CONSENT

1. Clerk’s Office
2. Construction Code
3. Division of EMS
4. Finance Office
5. MUA Report
6. Municipal Court
7. Public Works
8. Tax Collector

RESOLUTIONS TO BE APPROVED BY CONSENT

9. Honoring the Upper Township Pee Wee Cheerleading Squad.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 028-2026

**RE: HONORING THE UPPER TOWNSHIP
PEE WEE CHEERLEADING SQUAD**

WHEREAS, the Upper Township Cheerleading program provides a dynamic sport for our youth by championing the ideals of sportsmanship, fair play, and physical fitness both on and off the field; and

WHEREAS, with their infectious and energetic spirit, the Upper Township Pee Wee Cheerleading Squad’s whole-hearted participation in the Island Championship Cheer Competition in Wildwood with a strong showing by placing 4th in the Pee Wee Category; and

WHEREAS, it is appropriate that on behalf of the citizens of Upper Township we recognize and honor the following members of the Upper Township Cheerleading Squad:

Upper Township Pee Wee Cheerleaders

Felicity Anglada	Raelin Gillespie	Norah Mitchell
Riley Bernard	Julianne Haberman	Brooklyn Modder
Carley Bossuyt	Chloe Kilroy	Lizzie Mullen
Mackenzie Brown-Gerber	Jordan Lauer	Ava Perry
Helena Butterfield	Addy Mayer	Madyn Robinson
Brenna Dever	Mia McDevitt	Taylor Ruban
Emma Fagerstrom	Malani Mckinley	Marissa Shone
Margo Gentilini		Nora Zappasodi

WHEREAS, we also extend this recognition and thanks to Michelle Drewnowski, Bernadette Gentilini, Evelyn Grisinger, Katrina Warren for the generous donation of their personal time and service to coach this team; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee on behalf of the citizens of the Township of Upper, to honor the 2025 Pee Wee Cheerleading Squad for their dedication and hard work, and to each coach our heartfelt thanks and gratitude for the generous donation of their time and service to the young people of this community.

GIVEN UNDER OUR HANDS, and the seal of the Township of Upper on this 12th day of January, 2026.

Resolution No. 028 -2026
 Offered by: Z. Palombo
 Adopted: January 12, 2026
 Roll Call Vote:

Seconded by: Casaccio

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

10. Congratulating Pamala Jones of the Upper Township Division of Emergency Medical Services for being chosen as Upper Township 2025 Safety Employee of the Year.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 RESOLUTION**

RESOLUTION NO. 029 -2026

**RE: CONGRATULATING PAMALA JONES OF THE UPPER TOWNSHIP
 DIVISION OF EMERGENCY MEDICAL SERVICES FOR BEING CHOSEN AS
 UPPER TOWNSHIP 2025 SAFETY EMPLOYEE OF THE YEAR**

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

WHEREAS, the safety suggestion submitted by Pamala Jones was chosen by the Upper Township Safety Committee from entries submitted in the 4th quarter for the promotion of safety for employees and the community; and

WHEREAS, of the 2025 quarterly winners, the safety suggestion of Pamala Jones submitted in the 4th quarter was selected as the best overall safety suggestion for 2025 and Ms. Jones was chosen as the “2025 Safety Employee of the Year” by the Upper Township Safety and Wellness Committee; and

WHEREAS, Pamala is publicly recognized for identifying and reporting a safety hazard when emergency responding ambulances enter onto Tuckahoe Road from the Upper Township EMS building and for her suggestion of placing a flashing electric light sign to make the community aware when these emergency vehicles need to enter the road; 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. That this Committee extends its appreciation and publicly recognizes Pamala Jones for her participation in this program and her commitment to safety by identifying a potential hazard and presenting a solution.

2. That this Committee, on behalf of Pamala’s fellow employees and the citizens of this community, extend to her our congratulations and present her with the “2025 Safety Employee of the Year” award.

BE IT FURTHER RESOLVED, that this Committee also extends its appreciation to all of the employees who submitted safety suggestions in 2025 and encourages continued participation in this program.

Resolution No. 029 -2026
Offered by: Z. Palombo
Adopted: January 12, 2026
Roll Call Vote:

Seconded by: Casaccio

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

11. Affirming the Township of Upper’s civil rights policy with respect to all officials, appointees, employees, prospective employees, volunteers, independent contractors, and members of the public that come into contact with Municipal employees, officials, and volunteers.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 030-2026

**RE: AFFIRMING THE TOWNSHIP OF UPPER'S
CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS,
APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT
CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH
MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS**

WHEREAS, it is the policy of the Township of Upper to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of the of the Township of Upper has determined that certain procedures need to be established to accomplish this policy; and

NOW, THEREFORE BE IT RESOLVED to affirm and adopt the Township of Upper's civil rights policy as follows:

Section 1: No official, employee, appointee or volunteer of the Township of Upper by whatever title known, or any entity that is in any way a part of the Township of Upper shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Township of Upper's business or using the facilities or property of the Township of Upper.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Township of Upper to provide services that otherwise could be performed by the Township of Upper.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Township Committee shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Personnel Officer shall establish written procedures that require all officials, employees, appointees and volunteers of the Township of Upper as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Personnel Officer shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Personnel Officer shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Township of Upper. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Township of Upper’s web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Township of Upper in order for the public to be made aware of this policy and the Township of Upper’s commitment to the implementation and enforcement of this policy.

Resolution No. 030-2026

Offered by: Z. Palombo Seconded by: Casaccio

Adopted: January 12, 2026

Roll Call Vote:

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

12. Adopting revisions to the Upper Township Personnel Policies and Procedures Manual.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 031-2026

**RE: ADOPTING REVISIONS TO THE UPPER TOWNSHIP PERSONNEL POLICIES
AND PROCEDURES MANUAL**

WHEREAS, the Township Committee of the Township of Upper has determined there is a need to adopt revisions to the Township’s Personnel Policies and Procedures Manual (the “Manual”) to revise the sections entitled “Overtime”, “Health Benefits Insurance Policies”, and “Security Policy”; and

WHEREAS, the Township Committee of the Township of Upper has reviewed and approved such revisions attached hereto as Exhibit A; and

WHEREAS, the Township Committee has determined that these revisions should be adopted to revise the existing Township Personnel Policies and Procedures Manual; 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 revisions to the Personnel Policies and Procedures Manual as set forth in the attached Exhibit A are hereby adopted and approved and modify the existing personnel policies, procedures, manuals and handbooks of the Township.
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. 031 -2026

Offered by: Z. Palombo

Seconded by: Casaccio

Adopted: January 12, 2026

Roll Call Vote:

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

13. Appointing Steven Myers as a full-time employee to the Upper Township Division of Emergency Medical Services.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 032-2026

**RE: APPOINTING STEVEN MYERS AS A FULL-TIME EMPLOYEE TO THE
UPPER TOWNSHIP DIVISION OF EMERGENCY MEDICAL SERVICES**

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

WHEREAS, Steven Myers possesses all the requisite qualifications for appointment to said position; and

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

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

2. Steven Myers is hereby appointed to the Division of Emergency Medical Services as a full-time Emergency Medical Technician effective January 13, 2026 at an annual salary of \$62,930.00, in accordance with the Salary Ordinance.

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

Resolution No. 032-2026

Offered by: Z. Palombo

Seconded by: Casaccio

Adopted: January 12, 2026

Roll Call Vote:

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

14. Authorizing the acceptance of a Maintenance Bond and the release of a Performance Bond to Cedar Lane Development, LLC for the major subdivision known as Church Road Estates subdivision, Block 647, Lot 8.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 33-2026

**RE: AUTHORIZING THE ACCEPTANCE OF A MAINTENANCE BOND
AND THE RELEASE OF A PERFORMANCE BOND TO CEDAR LANE DEVELOPMENT, LLC
FOR THE MAJOR SUBDIVISION KNOWN AS
CHURCH ROAD ESTATES SUBDIVISION, BLOCK 647, LOT 8**

WHEREAS, Cedar Lane Development, LLC, hereinafter “Developer”, has requested the release of a performance bond for the major subdivision known as Church Road Estates Subdivision, located on Block 647, Lot 8, as shown on the official Tax Map of the Township; and

WHEREAS, the Developer has completed all work in conformance with the plans and specifications for the project known as Church Road Estates Subdivision, as certified and inspected by the Township Engineer, and the performance bond now held by the Township should be released; and

WHEREAS, pursuant to N.J.S.A. 40:55D-53, the Developer is required to furnish a maintenance bond for the aforesaid project; and

WHEREAS, said maintenance bond shall be for two (2) years in an amount equal to 15% of the original performance guarantee estimate of \$225,231.60, or \$28,153.95, in accordance with the Township of Upper Municipal Ordinance No. 19 of 1989; and

WHEREAS, the Developer has presented to the Township a maintenance bond as follows:
Cash Maintenance Bond

Principal: Cedar Lane Development, LLC
PO Box 508
Ocean City, NJ 08223

Bond Amount Cash: \$28,153.95

Bond Date: December 29, 2025

WHEREAS, the Municipal Attorney has reviewed the maintenance bond and has determined that the same complies with the New Jersey Statutes and the Township Ordinances applicable thereto and has recommended the acceptance of same by the Township Committee; 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 cash maintenance bond described in this Resolution is hereby accepted and approved.
3. The cash performance bond now held by the Township is hereby released.
4. All Township officials and officers are hereby authorized and empowered to take all actions deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

Resolution No. 33-2026

Offered by: Z. Palombo Seconded by: Casaccio

Adopted: January 12, 2026

Roll Call Vote:

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

15. Authorizing the execution of a Shared Services Agreement with the Borough of Woodbine for the use of facilities for storage.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 34-2026

**RE: AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT
WITH THE BOROUGH OF WOODBINE FOR THE USE OF FACILITIES FOR STORAGE**

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et. seq., (“Act”) provides that any local governmental unit may enter into a contract with any other local governmental unit to provide or receive any service that each local unit is empowered to provide or receive within its own jurisdiction; and

WHEREAS, Woodbine and Upper desire to enter into a Shared Services Agreement to permit Upper to utilize certain facilities owned by Woodbine for the storage of municipal vehicles and/or equipment, in exchange for Upper’s forgiveness of outstanding debt owed by Woodbine for legal services previously rendered pursuant to a Shared Services Agreement, dated December 7, 2023, entitled “Legal Representation for Host Benefit Negotiation with the County of Cape May”; and

WHEREAS, the Township of Upper and the Borough of Woodbine deem that a Shared Services Agreement for the purposes expressed herein is to the mutual benefit of both parties and is also in the public interest; and

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

1. **SHARED SERVICES AGREEMENT.** Pursuant to the provisions of the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et. seq., the Township of Upper is hereby authorized and empowered to enter into a Shared Services Agreement with the Borough of Woodbine for use of facilities for vehicle and equipment storage.

2. **SERVICES TO BE PROVIDED BY CONTRACT.** The Shared Services Agreement authorized in paragraph 1 shall delineate the services, promises and covenants of each party and a copy of such Agreement shall be maintained by the Township Clerk and shall be available for public inspection.

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

4. **COMPLIANCE WITH STATUTORY REQUIREMENTS.** The Shared Services Agreement between the Township of Upper and the Borough of Woodbine meets and satisfies the requirements of N.J.S.A. 40A:65-7, as may be amended and supplemented.

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

Resolution No. 34-2026

Offered by: Z. Palombo

Seconded by: Casaccio

Adopted: January 12, 2026

Roll Call Vote:

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

16. Resolution to adopt and allocate funds for an Outdoor Fitness Court® as part of the 2026 National Fitness Campaign.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 035-2026

**RESOLUTION TO ADOPT AND ALLOCATE FUNDS FOR AN OUTDOOR FITNESS COURT®
AS PART OF THE 2026 NATIONAL FITNESS CAMPAIGN**

WHEREAS, the Township of Upper has submitted a Grant Application to the National Fitness Campaign (NFC) for their 2026 initiative to install and activate outdoor Fitness Courts® in municipalities and schools across the country; and

WHEREAS, the Township of Upper will accept a \$40,000.00 National Grant from the NFC Grant Committee and Statewide Partners, and will endeavor to provide funds in the approximate amount of \$170,000.00 from budgeted or internal funds within fiscal year 2026 to promote and implement a free-to-the-public outdoor Fitness Court®; and

WHEREAS, the Township of Upper will endeavor to provide a local funding confirmation in the amount designated on the quote detailing the remaining funds for participation, provided by the National

Fitness Campaign no later than April 16, 2026 as identified on the official Grant Program Requirement document.

WHEREAS, the Township Committee believes joining the National Fitness Campaign is an important step in building a healthier community, commits to funding/fundraising to participate in NFC's 2026 Campaign, and will earn local and regional recognition as a leader in providing accessible health and wellness infrastructure and programs.

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

1. The allegations of the preamble are hereby incorporated by this reference.
2. The Township Committee will collaborate with NFC to join the National Fitness Campaign, implement the outdoor Fitness Court® program, and make fitness free for community residents and visitors.
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. 035 -2026

Offered by: Z. Palombo

Seconded by: Casaccio

Adopted: January 12, 2026

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

17. Authorizing the submission of a FY26 Local Recreation Improvement Grant application to the New Jersey Department of Community Affairs.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 36-2026

AUTHORIZING THE SUBMISSION OF A FY26 LOCAL RECREATION IMPROVEMENT GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS

WHEREAS, the Township of Upper desires to apply for funding under the FY26 Local Recreation Improvement Grant (LRIG) Program administered by the New Jersey Department of Community Affairs; and

WHEREAS, the purpose of the LRIG Program is to fund improvements to municipal recreation facilities; and

WHEREAS, the Township of Upper proposes to undertake recreation improvements at Caldwell Park for the Phase 2 Improvements at Caldwell Park project, to include interior court separation fencing, wind/privacy screening, and any necessary surfacing restoration; and

WHEREAS, the total project cost is expected to not exceed \$75,000.00, and the Township similarly seeks grant funding in an amount not to exceed \$75,000.00; and

WHEREAS, the Township of Upper certifies that it has the legal authority to undertake the proposed project and to apply for and receive grant funding from the State of New Jersey.

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

4. The allegations of the preamble are hereby incorporated by this reference.
5. The Township of Upper hereby authorizes the submission of an application to the New Jersey Department of Community Affairs for funding under the FY26 Local Recreation Improvement Grant (LRIG) Program.
6. The Township of Upper acknowledges that the DCA may award a grant amount that is lesser or greater than the amount requested.
7. The Township of Upper hereby authorizes the execution of a grant agreement with the DCA upon award of funding, in such form as required by the State of New Jersey.
8. Upon receipt of a fully executed grant agreement, the Township of Upper authorizes the expenditure of grant funds in accordance with the terms and conditions of the agreement.
9. The Mayor and the Township Clerk are hereby authorized to execute any and all documents necessary to effectuate the submission of the application and acceptance of the grant award.

Resolution No. 36-2026

Offered by: Z. Palombo Seconded by: Casaccio

Adopted: January 12, 2026

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

18. Declaring certain Township property and equipment as surplus and authorizing its disposal by sale on an online auction website.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 037-2026

**RE: DECLARING CERTAIN TOWNSHIP PROPERTY AND EQUIPMENT AS SURPLUS AND
AUTHORIZING ITS DISPOSAL BY SALE ON AN ONLINE AUCTION WEBSITE**

WHEREAS, N.J.S.A.40A:11-36 authorizes a municipality to sell or dispose of certain personal property or equipment which is not needed for public use; and

WHEREAS, the Township of Upper has determined that the items listed on the attached sheet as Exhibit "A" are not needed for any public purpose and intend to sell these items on an online auction site; and

WHEREAS, the Director of the Division of Local Government Services, a Division of the Department of Community Affairs of the State of New Jersey permits the sale of surplus property no longer needed for public use through the use of online auction services, pursuant to the Local Unit Electronic Technology Pilot Program and Study Act, P.L. 2001, c.30, and has granted approval to Upper Township, copy of approval is attached as Exhibit “B”; 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 property and equipment aforementioned on Exhibit “A” is hereby determined to be useless for any public purpose and is determined to be surplus property and will forthwith be advertised for public sale pursuant to the provision of N.J.S.A. 40A:11-36; and
3. The said material will be sold at a public sale to the highest bidder through a contracted government on-line auction service, that being GovDeals, Inc., Internet web address at www.govdeals.com.
4. The required notice publication will include the following information:
 - a. The dates and times that the auction will take place.
 - b. No minimum bid requirement for an item unless otherwise stated.
 - c. The Township of Upper reserves the right to reject any and all bids.

Resolution No. 037-2026
 Offered by: Z. Palombo
 Adopted: January 12, 2026
 Roll Call Vote:

Seconded by: Casaccio

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

Exhibit “A”

1.	2016 CASE Model TR270 Skid Steer– JAFTR270CGM423422 / NGM423422	\$5,000.00
2.	2008 Freightliner Unimog – 1FG999992JM450838	\$5,000.00
3.	2014 Mack LEU Truck – 1M2AU02C4EM008629	\$7,500.00
4.	2006 GMC Truck – 1GDK7C1386F418774	\$500.00
5.	2017 Ford F550 XLT Chassis – 1FDUF5HT5HEE51155	\$7,500.00
6.	2014 Ford F450 Mini Packer – 1FDUF4GY2FEB12048	\$1,000.00
7.	1991 Ford New Holland Tractor Backhoe– A415812	\$5,000.00

8.	1991 Ford Tractor – A414267	\$2,000.00
9.	1994 Wells Cargo Box Trailer - 1WC200J22R1066448	\$100.00
10.	1988 Center Line Dual Axle Trailer – 1C9BT2626J1193636	\$1,000.00
11.	1998 Wells Cargo Box Trailer – 1WC200K24W1083827	\$500.00
12.	1999 ODB Trailer – 1992620	\$1,000.00
13.	2000 Spectrum Genset Generator - 10065	\$500.00

Exhibit "B"



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS

September 7, 2007

JON S. CORZINE
GOVERNOR

CHARLES A. RICHMAN
ACTING COMMISSIONER

Barbara Spiegel, Deputy Municipal Clerk
Township of Upper
P.O. Box 205
Tuckahoe, New Jersey 08250

Dear Ms. Spiegel:

Thank you for your interest in participating in the E-Procurement Pilot Program. The Division has reviewed your application dated August 10, 2007, which sets forth the preliminary plan for the online sale by the Township of Upper of municipal surplus property no longer needed for public use.

It is the Division's understanding that the Township intends to utilize the services of GovDeals, Inc. to conduct the auction. Further, it is our understanding that GovDeals will be paid by the Township a percentage of the sales of the auction for the use of its services.

The application has been approved. Enclosed is a copy of the Township's resolution approving the online sale of the surplus property. As with a traditional auction, the Township must do a newspaper advertisement for the online sale. Please provide the Division with a copy of the newspaper advertisement.

Finally, please be advised that, if the total amount from the sale of surplus property for the year that is due to GovDeals will exceed 15% of the Township's bid threshold, the Township will be required to obtain a Business Registration Certificate (BRC) from GovDeals. It is our understanding that GovDeals has previously acquired a BRC certificate.

The Division appreciates your efforts and cooperation in this program and wishes you well in the endeavor. If you have any questions, please contact Daniel Kaminski at 609-292-9757 or by e-mail at dkaminski@dca.state.nj.us.

Sincerely,


Susan Jacobucci, Director
Division of Local Government Services

SJ:djk
enc.



19. Approving the application of the Marmora Volunteer Fire Company for highway coin drops.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 038-2026

**RE: APPROVING THE APPLICATION OF THE MARMORA
VOLUNTEER FIRE COMPANY FOR HIGHWAY COIN DROPS**

WHEREAS, the Marmora Volunteer Fire Company, a non-profit corporation providing firefighting services, has made application to the Township Committee to hold coin drop solicitations in Upper Township; and

WHEREAS, the Township Committee has approved the request; and

WHEREAS, the request requires approval from the County of Cape May; 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 application of the Marmora Volunteer Fire Co. to hold a coin drop within Upper Township at Roosevelt Boulevard from the intersection of Vernon Road to the end of the shopping plaza is hereby approved for the following dates:

Saturday, May 23, 2026 from 9:00 a.m. to 3:00 p.m.; and

Saturday, July 25, 2026 from 9:00 a.m. to 3:00 p.m.; and

Saturday, August 8, 2026 from 9:00 a.m. to 3:00 p.m.; and

Saturday, August 22, 2026 from 9:00 a.m. to 3:00 p.m.

3. Attached to this Resolution is a certified copy of Ordinance No. 7-2001, authorizing coin drops within Upper Township enacted pursuant to N.J.S.A. 39:4-60.

4. A certified copy of this Resolution shall be provided to the Cape May County Board of Commissioners.

Resolution No. 038 -2026

Offered by: Z. Palombo

Second by: Casaccio

Adopted: January 12, 2026

Roll Call Vote:

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

20. Certification of costs for abatement of nuisance on Block 303, Lot 7.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 039-2026

**CERTIFICATION OF COSTS FOR ABATEMENT OF NUISANCE
ON BLOCK 303, LOT 7**

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

WHEREAS, in accordance with Township Code, the Code Enforcement Officer served a notice of violation of Section 11-1.9 (Grass, Weeds and Debris), to the property owners/agents of Block 303, Lot 7; and

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

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

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

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

Resolution No. 039 -2026

Offered by: Z. Palombo

Seconded by: Casaccio

Adopted: January 12, 2026

Roll Call Vote:

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

Z. Palombo	x			
Corson	x			

ABATEMENT OF GRASS, WEEDS, AND DEBRIS

<u>BLOCK/LOT</u>	<u>LOCATION</u>	<u>COST</u>	<u>ADMIN FEE</u>	<u>TOTAL</u>
303/7	129 Reading Ave	\$150.00	\$30.00	\$180.00

21. Cancelling and refunding tax on exempt property Block 479, Lot 48.04.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 040-2026

**CANCELLING AND REFUNDING TAX ON EXEMPT PROPERTY
BLOCK 479, LOT 48.04**

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

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

WHEREAS, Matthew Neri is a 100% disabled American veteran residing 200 Bergen Ave, Marmora, NJ 08223, Block 479, Lot 48.04 on the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Department of Veterans Affairs has determined that Mr. Neri’s 100% permanent military service-connected disability was effective October 6, 2025; and

WHEREAS, Matthew Neri made application October 6, 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. 040-2026

Offered by: Z. Palombo

Seconded by: Casaccio

Adopted: January 12, 2026

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>
479/48.04	\$3,161.74	Matthew & Lindsay Neri 200 Bergen Ave Marmora, NJ 08223

REFUND TAX 2025

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
479/48.04	\$3,161.74	Matthew & Lindsay Neri 200 Bergen Ave Marmora, NJ 08223

22. Refunding tax on exempt property Block 647, Lot 8.02.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 041-2026

**REFUNDING TAX ON EXEMPT PROPERTY
BLOCK 647, LOT 8.02**

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

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

WHEREAS, David VanAltvorst is a 100% disabled American veteran residing at 3 Henry Rd., Marmora, NJ 08223, Block 647, Lot 8.02 on the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Department of Veterans Affairs has determined that Mr. VanAltvorst's 100% permanent military service-connected disability was effective October 24, 2021; and

WHEREAS, David VanAltvorst made application January 21, 2025 and requested a refund for the taxes paid in 2025; and

WHEREAS, Resolution #254-2025 cancelled taxes for the 3rd and 4th quarters of 2025 on the above mentioned property; and

WHEREAS, the mortgage company paid the 3rd quarter 2025 taxes 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; 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. 041-2026

Offered by: Z. Palombo

Seconded by: Casaccio

Adopted: January 12, 2026

Roll Call Vote:

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

REFUND TAX 2026

BLOCK/LOT

647/8.02

AMOUNT

\$975.06

NAME

David VanAltvorst
3 Henry Rd.
Marmora, NJ 08223

23. Refunding tax on exempt property Block 453, Lot 264.13.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 042 -2026

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

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

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

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

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

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

WHEREAS, Resolution #356-2025 cancelled and refunded taxes for 2025 on the above-mentioned property; and

WHEREAS, the mortgage company paid the 4th quarter 2025 taxes 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. 042 -2026

Offered by: Z. Palombo

Seconded by: Casaccio

Adopted: January 12, 2026

Roll Call Vote:

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

REFUND TAX 2026

BLOCK/LOT

453/264.13

AMOUNT

\$1,342.68

NAME

Ryan & Laura Tassone
23 Indian Walk
Ocean View, NJ 08230

24. Refunding tax on exempt property Block 453, Lot 80.04.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 043-2026

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

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

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

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

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

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

WHEREAS, Resolution #313-2025 canceled and refunded taxes for the year 2025 on the above mentioned property; and

WHEREAS, the mortgage company paid the 4th quarter 2025 taxes 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. 043-2026
Offered by: Z. Palombo
Adopted: January 12, 2026
Roll Call Vote:

Seconded by: Casaccio

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

REFUND TAX 2026

BLOCK/LOT
453/80.04

AMOUNT
\$2,010.06

NAME
John & Nicole Schulke
7 Camlough Rd
Petersburg, NJ 08270

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

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 044-2026

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

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

WHEREAS, the Township of Upper replaced this Spending Plan pursuant to Resolution No. 167-2020 adopted on May 26, 2020 and consistent with P.L. 2008, c.46 COAH regulations and the Fair

Share Housing Center Settlement Agreement, which was subsequently approved by the Court on June 30, 2020 in connection with the Township's Declaratory Judgment Action; and

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

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

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

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

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

Township's Spending Plan:

Daniel J. Young, Esquire
(Affordable Housing Services) \$ 540.00

Resolution No. 044 -2026

Offered By: Z. Palombo

Seconded By: Casaccio

Adopted: January 12, 2026

Roll Call Vote:

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

ORDINANCES

26. Introduction and first reading of Ordinance No. 001-2026 RE: AN ORDINANCE AMENDING CHAPTER 20, ZONING, OF THE CODE OF UPPER TOWNSHIP TO DESIGNATE CLASS 5 CANNABIS RETAIL LICENSES AS A CONDITIONAL USE IN THE CM-2 ZONING DISTRICT OF THE TOWNSHIP OF UPPER AND TO CREATE A CANNABIS OVERLAY ZONE WITHIN THE CM2 ZONING DISTRICT. **Motion by Victor Nappen, second by Zachary Palombo, to introduce Ordinance No. 001-2026 with the public hearing scheduled for February 23, 2026. During roll call vote all five Committee members voted in the affirmative.**

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

ORDINANCE NO. 001-2026

RE: AN ORDINANCE AMENDING CHAPTER 20, ZONING, OF THE CODE OF UPPER TOWNSHIP TO DESIGNATE CLASS 5 CANNABIS RETAIL LICENSES AS A CONDITIONAL USE IN THE CM-2 ZONING DISTRICT OF THE TOWNSHIP OF UPPER AND TO CREATE A CANNABIS OVERLAY ZONE WITHIN THE CM2 ZONING DISTRICT

WHEREAS, on November 3, 2020, registered New Jersey voters approved by a ratio of 67.08% voting in favor of legalizing recreational cannabis and 32.9% voting against, Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of recreational cannabis for adults at least twenty-one (21) years of age; and

WHEREAS, in the Township of Upper, a majority of the registered voters voted in favor of legalizing recreational cannabis in the State of New Jersey; and

WHEREAS, February 22, 2021, New Jersey Governor Philip Murphy signed the ‘New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act’ (the “Act”), N.J.S.A. 24:6I-1 et seq., into law, thereby effectively legalizing cannabis throughout the State of New Jersey; and

WHEREAS, the Act legalized the recreational use of cannabis and established a comprehensive regulatory and licensing scheme for the creation of a commercial cannabis industry within the state of New Jersey and specifically created six (6) distinct classes of commercial cannabis licenses related to growing, processing, distributing, wholesale, delivery, and retail uses; and

WHEREAS, the Act expressly authorized Municipalities the right to prohibit and/or permit the operation of any one or more classes of cannabis licenses, with the exception of the right of an outside delivery service to deliver cannabis within the jurisdiction of the municipality; and

WHEREAS, through the adoption of Ordinance 011-2021 on May 10, 2021, the Township of Upper previously enacted and Ordinance prohibiting the operation of any class of cannabis businesses within the Township of Upper’s geographical boundaries and amended Chapter 20, Section 1.5, of the Revised General Ordinances of the Township of Upper to reflect the same; and

WHEREAS, despite the prior adoption of Ordinance 011-2021, the Township of Upper is now permitted to amend Chapter 20 of the Revised General Ordinances of the Township of Upper to permit all or certain classes of cannabis businesses to operate within the Township of Upper upon approval by the Township Committee; and

WHEREAS, Chapter 20, Zoning, of the Municipal Code of the Township of Upper outlines permitted and prohibited land uses throughout the Township of Upper within all existing zoning districts; and

WHEREAS, upon consideration of the overwhelming number of New Jersey voters, specifically the majority of voters within the Township of Upper, who voted to approve Public Question No. 1 on November 3, 2020, the Township Committee of the Township of Upper finds it appropriate to exclusively permit one (1) Class 5 Cannabis Retail License to operate within the boundaries of the Township of Upper and further finds it necessary to amend Chapter 20 of the Municipal Code of the Township of Upper to permit cannabis retail sales within the Township of Upper; and

WHEREAS, The Township Committee of the Township of Upper deems it appropriate to prohibit Class 1 Cannabis Cultivation Licenses; Class 2 Cannabis Manufacturing Licenses; Class 3 Cannabis Wholesaler Licenses; Class 4 Cannabis Distributor Licenses; and Class 6 Cannabis Delivery Licenses for deliveries not conducted by a licensed Class 5 Cannabis Retail Sales licensee, throughout the Township of Upper.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Upper, County of Cape May, and State of New Jersey that Chapter 20, Zoning, of the Municipal Code of the Township of Upper, be and hereby is amended as follows:

SECTION 1. The following subsections of **Chapter 20, Zoning**, are hereby added and/or amended as follows:

§ 20-1.5(b)(2) – Prohibited Uses shall be amended to read as follows: “Drug paraphernalia shop, commonly referred to as “head” shops, except persons registered with the State Health Commissioner or referred to in N.J.S.A. 24:21-10, and also exempting any Class 5 Cannabis Retail licensee lawfully operating a cannabis retail sales facility within the Township of Upper.

§ 20-1.5(b)(4) - Prohibited Uses is amended to delete the entirety of the existing Code section and to replace the Code section as follows: “Prohibited uses shall also include the following classes of cannabis licenses created pursuant to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, set forth at N.J.S.A. 24:6I-1, et seq.;

Class 1 Cannabis Cultivation Licenses;

Class 2 Cannabis Manufacturing Licenses;

Class 3 Cannabis Wholesaler Licenses;

Class 4 Cannabis Distributor Licenses; and

Class 6 Cannabis Delivery Licenses for deliveries not conducted by a licensed Class 5 Cannabis Retail Sales licensee.

Nothing contained herein shall prohibit the delivery of cannabis items and related supplies by an approved and licensed cannabis delivery service.”

SECTION 2. **§ 20-2.1 - Definitions** shall be amended to add the following:

CANNABIS

“Cannabis” means all part of the plant Cannabis sativa L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, P.L.2021, c.16 (C. 24:6L-1, et seq.) for use in cannabis products, and medical cannabis intended for consumption by registered qualifying patients pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, P.L.2009, c.307 (C.24:6I-1, et al.) and P.L.2015, c.158 (C.18A:40-12.22, et al.); but shall under no circumstance include

marijuana as defined in N.J.S. 2C:35-27 and applied to any offense set forth in Chapter 35, 35A, and 36, of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1, et seq.), or marihuana as defined in section of P.L.1970, c.226 (C.24:21-2) and applied to any offense set forth in the “New Jersey Controlled Dangerous Substances Act,” P.L.1970, c.226 (C.24:21-1, et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the “New Jersey Hemp Farming Act,” P.L.2019, c.238 (C.4:28-6, et al.)

CANNABIS DELIVERY SERVICE

Any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which, after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer. Cannabis Delivery Services shall hold either a Class 5 Cannabis Retail License and maintain required approvals and authorizations outlined within N.J.A.C. 17:30-14.8 and N.J.S.A. 24:6I-44, or a Class 6 Cannabis Delivery license.

CANNABIS RETAILER

Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers and sells these items to consumers from a retail store and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. This person or entity shall hold a Class 5 cannabis retail license. The Holder of a Class 5 cannabis retail license shall also be permitted to provide delivery services subject to the provisions of N.J.A.C. 17:30-14.8 and N.J.S.A. 24:6I-44 and subject to obtaining the necessary authorizations and approvals from the New Jersey Cannabis Regulatory Commission.

SECTION 3. § 20-4.23 shall be enacted as follows:

Cannabis Overlay Zone

The Cannabis Overlay Zone shall be located within the CM2 Zoning District and same shall be specifically confined to Block 735, Lot 48; Block 735, Lots 50-52; Block 735, Lot 56; Block 735, Lots 61, 62.01, 62.02, 64, and 65; Block 736, Lots 42-43. The Cannabis Overlay Zone created herein shall be the only zone located within the boundaries of the Township of Upper where Class 5 Cannabis Retail Sales shall be permitted.

A. Purpose.

- (1) The CM2 Cannabis Overlay Zone is hereby enacted order to ensure that class 5 cannabis retail licenses are confined to specific areas of the CM2 Zoning District that are deemed to be appropriate locations for such use.
- (2) The CM2 Cannabis Overlay Zone establishes regulations in an effort to facilitate this type of use while protecting and promoting the general welfare of the community and the quality of life of existing residential and commercial uses located in close proximity to same.

B. Impact on underlying zoning.

- (1) The CM2 Cannabis Overlay Zone shall not replace the existing CM2 zoning regulations.
- (2) Any individual or entity seeking to develop property within the CM2 Cannabis Overlay Zone shall have the option to utilize or develop the

property in accordance with the regulations of either the underlying CM2 zone or regulations outlined herein.

C. Permitted Uses.

- (1) All uses deemed to be permitted within the CM2 Zoning District;
- (2) Class 5 Cannabis Retail Stores.

D. Area and Yard requirements.

- (1) The area and bulk requirements of the underlying CM2 zone shall apply to the permitted uses within the CM2 Cannabis Overlay Zone.

E. Additional Requirements.

- (1) There shall be no more than one (1) Class 5 Cannabis Retail License issued in the Cannabis Overlay Zone of the CM2 Zoning District. Cannabis retail stores shall not be permitted within any other zoning district located within the Township of Upper.
- (2) Submission of a license application that is approved by the State of New Jersey and/or State of New Jersey Cannabis Regulatory Commission that permits the individual or entity to engage in the retail sales of cannabis.
- (3) Submission of a copy of the application for a Class 5 Cannabis Retail Sales license that was submitted to and approved by the State of New Jersey and/or Cannabis Regulatory Commission, along with all attachments submitted therewith.
- (4) Compliance with any, and all, requirements that are set forth within the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, codified at N.J.S.A. 24:6I-1, et seq.
- (5) Compliance with all the area and bulk requirements of the CM2 Zoning District of the Township of Upper.
- (6) The design of any building must conform to the general character of the area and shall not adversely affect the safe and comfortable enjoyment of property rights in the zone in which it is located. All signage on any Class 5 Cannabis Retail Facility property shall be non-descript and shall not contain any pictorial display of cannabis plants, cannabis leaves, or any other commonly associated cannabis-related items.
- (7) No cannabis retail stores shall be located within 1,000 feet of any residential neighborhood, fire house, school, playground, church, hospital, public building, recreation facility, library, or public institution.
- (8) Hours of operation of any cannabis retail sales facility shall be limited to the hours between 9:00 a.m. and 10:00 p.m., seven days per week.
- (9) Cannabis consumption areas are prohibited on the licensed premises.
- (10) All cannabis delivery vehicles operating within the Township of Upper shall only be permitted to display the name of the Class 5 Cannabis Retail Facility in non-descript black lettering on the front driver's side and/or front passenger side of the delivery vehicle. No colorful and/or descript signage shall be permitted on cannabis delivery vehicles operating within the Township of Upper at any time.

- (11) All other applicable requirements of this Chapter shall be met.
- (12) To the extent that any of the provisions outlined herein are in conflict with rules and regulations promulgated by the New Jersey Cannabis Regulatory Commission, the rules and regulations of the New Jersey Cannabis Regulatory Commission shall govern and control

F. Site Plan Review.

- (1) Cannabis Retail Stores and/or Cannabis Delivery Stores/Services proposed to be located in existing buildings shall be exempt from site plan review provided no expansion or external renovations are proposed to same.
- (2) Cannabis Retail Stores and/or Cannabis Delivery Stores/Services proposed to be located in new construction shall require site plan review and approval by the Planning Board of the Township of Upper.

SECTION 4. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

SECTION 5. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION 6. This Ordinance shall become effective twenty (20) days after final passage and publication according to law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 12TH DAY OF JANUARY, 2026 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 23RD DAY OF FEBRUARY, 2026 AT 6:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

JOANNE R. HERRON, TOWNSHIP CLERK
TOWNSHIP OF UPPER

- 27. Introduction and first reading of Ordinance No. 002-2026 RE: AN ORDINANCE AMENDING CHAPTER 4, GENERAL LICENSING, OF THE CODE OF UPPER TOWNSHIP, IN ORDER TO ESTABLISH ANNUAL LICENSING AND REGISTRATION FEES IN RELATION TO CANNABIS RETAIL AND DELIVERY BUSINESSES. **Motion by Victor Nappen, second by Zachary Palombo, to introduce Ordinance No. 002-2026 with the public hearing scheduled for February 23, 2026. During roll call vote all five Committee members voted in the affirmative.**

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

ORDINANCE NO. 002-2026

RE: AN ORDINANCE AMENDING CHAPTER 4, GENERAL LICENSING, OF THE CODE OF UPPER TOWNSHIP, IN ORDER TO ESTABLISH ANNUAL LICENSING AND REGISTRATION FEES IN RELATION TO CANNABIS RETAIL AND DELIVERY BUSINESSES

WHEREAS, pursuant to N.J.S.A. 40:52-1, *et seq.* the Township of Upper is provided with the power to license and regulate commercial activities within its jurisdiction; and

WHEREAS, pursuant to N.J.S.A. 40:52-2, the Township of Upper “may fix the fees for all such licenses, which may be imposed for revenue, and may prohibit all unlicensed persons and places and vehicles, businesses, and occupations from acting, being used, conducted, or carried on” within its jurisdiction; and

WHEREAS, on November 3, 2020, registered New Jersey voters approved, by a ratio of 67.08% voting in favor of legalizing cannabis and 32.92% against, Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of cannabis for adults at least twenty-one (21) years of age; and

WHEREAS, on February 22, 2021, New Jersey Governor Philip Murphy signed the ‘New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act’ (the “Act”), N.J.S.A. 24:6I-1, *et seq.*, into law, which effectively legalized cannabis throughout the state of New Jersey; and

WHEREAS, the Act legalized the recreational use of cannabis and established a comprehensive regulatory and licensing scheme for the creation of a commercial cannabis industry within the state of New Jersey and by creating six (6) distinct classes of commercial cannabis licenses related to growing, processing, distributing, wholesale, delivery, and retail uses; and

WHEREAS, in light of the overwhelming number of New Jersey voters, specifically voters residing in the Township of Upper, the Township Committee of the Township of Upper finds it appropriate to exclusively permit one (1) Class 5 Cannabis Retail License to operate within the Township of Upper and the Township Committee further finds that it is necessary to amend Chapter 4 of the Code of the Township of Upper pertaining to General Licensing in order to permit said cannabis retail license within the Township of Upper; and

WHEREAS, pursuant to the Act, specifically N.J.S.A. 24:6I-45(c)(2), “a municipality may impose a separate local licensing or endorsement requirement as a part of its restrictions on the number of cannabis establishments, distributors, or delivery services, or their location, manner, or times of operation;” and

WHEREAS, in light of the fact that the Township Committee of the Township of Upper has elected to permit one (1) Class 5 Cannabis Retail License to operate within the Township of Upper, the Township Committee finds it appropriate to promulgate and enact licensing requirements in order to regulate same.

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

SECTION 1. Chapter 4, Section 4-7, is hereby enacted to incorporate a new section titled “Cannabis Retail Licenses”, which shall read as follows:

Chapter 4-7.1 - Cannabis Retail Licenses. Businesses approved by the Township of Upper and the New Jersey Cannabis Regulatory Commission to be engaged in the sale of cannabis items within the Township of Upper shall pay an annual licensing fee as follows:

- (1) Class 5 Cannabis Retail Licenses: \$7,500.00.

Chapter 4-7.2 – Required License Renewal Date. Licensed cannabis retail businesses shall be required to renew their annual license on or before December 1st of each calendar year in which the license is active.

Chapter 4-7.3 – Cannabis License Application Procedure. The Township of Upper has determined that the issuance of any Class 5 Cannabis Retail License shall be subject to a successful applicant’s proposal that is submitted pursuant to a Request for Proposals (“RFP”) that contains evaluation criteria that is determined to be necessary and appropriate for the awarding of such Class 5 Cannabis Retail License by the Township of Upper, in its sole and absolute discretion. Such RFP evaluation criteria shall be publicly posted on the Township of Upper’s website and shall be made available to any interested member of the general public who requests same.

Chapter 4-7.4 – Cannabis License Application Fee. The Township of Upper has determined that an application fee in the amount of Ten Thousand (\$10,000.00) Dollars shall accompany any application submitted in response to an RFP for the issuance of a Class 5 Cannabis Retail License. The application fee shall be made up of a Five Thousand (\$5,000.00) Dollar non-refundable administrative fee and a Five Thousand (\$5,000.00) Dollar refundable escrow fee that will be returned to any applicants who are not selected for issuance of a Class 5 Cannabis License. Any successful applicant who receives a Class 5 Cannabis Retail License from the Township of Upper shall not be entitled to a return of the escrow fee.

SECTION 2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

SECTION 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

SECTION 4. This Ordinance shall become effective twenty (20) days after final passage and publication according to law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 12TH DAY OF JANUARY, 2026 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 23RD DAY OF FEBRUARY, 2026 AT 6:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

JOANNE R. HERRON, TOWNSHIP CLERK
TOWNSHIP OF UPPER

28. Introduction and first reading of Ordinance No. 003-2026 RE: AN ORDINANCE AMENDING CHAPTER 27, TAXATION, OF THE CODE OF UPPER TOWNSHIP, TO IMPOSE A TRANSFER TAX ON THE SALE OF CANNABIS BY LICENSED BUSINESSES OPERATING WITHIN THE TOWNSHIP OF UPPER. **Motion by Zachary Palombo, second by Tyler Casaccio, to introduce Ordinance No. 003-2026 with the public hearing scheduled for February 23, 2026. During roll call vote all five Committee members voted in the affirmative.**

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

ORDINANCE NO. 003-2026

RE: AN ORDINANCE AMENDING CHAPTER 27, TAXATION, OF THE CODE OF UPPER TOWNSHIP, TO IMPOSE A TRANSFER TAX ON THE SALE OF CANNABIS BY LICENSED BUSINESSES OPERATING WITHIN THE TOWNSHIP OF UPPER

WHEREAS, on November 3, 2020, registered New Jersey voters approved, by a ratio of 67.08% voting in favor of legalizing cannabis and 32.92% against, Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of cannabis for adults at least twenty-one (21) years of age; and

WHEREAS, in the Township of Upper, a majority of registered voters voted in favor of legalizing cannabis in the State of New Jersey; and

WHEREAS, on February 22, 2021, New Jersey Governor Philip Murphy signed the ‘New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act’ (the “Act”), N.J.S.A. 24:6I-1 et seq., into law effectively legalizing cannabis throughout the State of New Jersey; and

WHEREAS, the Act legalized the recreational use of cannabis and established a comprehensive regulatory and licensing scheme for the creation of a commercial cannabis industry within the state of New Jersey and specifically created six (6) distinct classes of commercial cannabis licenses related to growing, processing, distributing, wholesale, delivery, and retail uses; and

WHEREAS, pursuant to Section 40 of the Act, N.J.S.A. 40:48I-1, a municipality is permitted to enact a local Ordinance levying a cannabis transfer tax and user tax on the retail sales of cannabis or cannabis items by a cannabis establishment that is limited to 1% of wholesale activities and 2% of cultivation, processing, and retail activities; and

WHEREAS, the Act further provides that any municipal ordinance imposing a transfer tax shall also include provisions for imposing a user tax, at the equivalent rates outlined above, on any concurrent license holder operating under more than one class of cannabis license; and

WHEREAS, the Township Committee of the Township of Upper has elected to enact a cannabis transfer tax and user tax as permitted under the Act in order to avail itself of the opportunity to enhance the Township’s revenue stream for the benefit and general welfare of its residents.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Upper, County of Cape May, and State of New Jersey that Chapter 27, Taxation, of the Code of the Township of Upper, be and hereby is amended as follows:

SECTION 1. Chapter 27, Taxation, Article II, Cannabis Transfer and User Tax, is hereby enacted as follows:

§ 27-2.1 Purpose.

The purpose of this chapter is to impose a tax on the sale of cannabis or cannabis products by licensed commercial cannabis businesses operating in the Township of Upper pursuant to the New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act, to specify the type of tax and rate of tax to be levied and the method of collection, and to comply with all requirements for the imposition of a transfer or user tax pursuant to State law. This chapter is enacted solely to raise revenue and not for purposes of regulation. This chapter does not authorize the conduct of any business or activity in the Township of Upper but provides for the taxation of such businesses or activities as they occur.

§ 27-2.2 Definitions.

The terms and definitions enumerated in Chapter 20 of the Township Code and the definitions set forth within N.J.S.A. 24:6I-33 are hereby incorporated by reference as if more fully set forth at length herein. For the purpose of this Chapter, words and phrases herein shall have the same meanings as codified under state law, N.J.S.A. 40:481-1(d), and any amendments or supplements thereto, and the rules and regulations of the Cannabis Regulatory Commission. In the event of a

conflict in the meaning of words or phrases as between the Township of Upper Municipal Code and the foregoing laws or regulations of the State of New Jersey concerning legal cannabis, State law or regulations shall govern and control.

§ 27-2.3 Imposition of Cannabis Transfer Tax and User Tax.

The Township of Upper hereby imposes and shall collect certain local option taxes on cannabis business activity as follows:

- A. A municipal transfer tax is hereby imposed on the receipts of each sale by a licensed cannabis business operating in the Township of Upper at the rate of two (2%) percent of the receipts from the sale of cannabis and/or cannabis-related items from one cannabis establishment to another cannabis establishment and two percent (2%) of the receipts from the sale of cannabis and/or cannabis-related items by a Cannabis Retailer to retail consumers who are twenty-one (21) years of age or older.
- B. A municipal user tax is hereby imposed, at the equivalent transfer tax rates, on any concurrent license holder operating more than one cannabis establishment. The user tax shall be imposed on the value of each transfer or use of cannabis or cannabis-related items not otherwise subject to the transfer tax imposed pursuant to this section, from the license holder's establishment that is located in the municipality to any of the other license holder's establishments, whether located in the municipality or another municipality.

§ 27-2.4 Payment of Taxes.

All revenues collected pursuant to this section shall be remitted to the Chief Financial Officer of the Township of Upper in the manner provided by this Ordinance. The taxes imposed by this section shall be computed and paid for each calendar month. Said taxes are due and payable to the Chief Financial Officer on or before the twentieth (20th) day of the succeeding month.

§ 27-2.5 Disposition of Tax Proceeds

For all revenues collected by the Township of Upper pursuant to Section 2.3, above, the Township of Upper shall be required to disperse all such funds into the following accounts held by the Township of Upper in the following increments:

- Township of Upper Reserve Fund for Beach Replenishment (33.33%)
- Township of Upper General Fund (33.34%)
- Township of Upper Recreation Trust Fund from Donations (33.33%)

§ 27-2.6 Administration.

- A. The Chief Financial Officer of the Township of Upper is hereby authorized and empowered to administer, regulate, and collect payment of all taxes imposed by this Ordinance.
- B. The Chief Financial Officer of the Township of Upper may order an audit of any taxpayer under this chapter for the purpose of ascertaining the correctness or completeness of any return or payment.

§ 27-2.7 Penalties.

- A. The payment of delinquent taxes or transfer fees imposed by this Ordinance shall be enforced in the same manner as provided for delinquent real property taxes.
- B. In the event that the transfer tax or user tax imposed by this Ordinance is not paid as and when due by a cannabis establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis establishment's premises in the same manner as all other unpaid municipal taxes, fees, or

other charges. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien the parcel for unpaid property taxes due and owing in the same year.

- C. In the event that a lien is imposed on a delinquent taxpayer pursuant to this section, the Township of Upper shall file in the office of the Upper Township Tax Collector a statement showing the amount and due date of the unpaid balance and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis establishment's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.

SECTION 2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

SECTION 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

SECTION 4. This Ordinance shall become effective twenty (20) days after final passage and publication according to law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 12TH DAY OF JANUARY, 2026 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 23RD DAY OF FEBRUARY, 2026 AT 6:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

JOANNE R. HERRON, TOWNSHIP CLERK
TOWNSHIP OF UPPER

CORRESPONDENCE

NEW BUSINESS

29. RFP results for Renewable Energy Generating Facility on Township Property. **The Municipal Attorney reported that an RFP was issued for a renewable energy generating facility at the former landfill property on Butter Road. The Township received one proposal from Cultivate Power for a lease of the property for \$144,000 per year (\$12,000 per acre, assuming 12 acres), with a 2% annual escalator. The costs for the building and operations rest solely with Cultivate Power. After a brief discussion there was a motion by Curtis Corson, second by Victor Nappen, to award the contract to Cultivate Power. During roll call vote all five Committeemen 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 Victor Nappen, second by Tyler Casaccio. During roll call vote four Committee members voted in the affirmative. Committeeman Casaccio abstained from voting on PO #25-00615, PO #25-00173 and #25-00222, voting in the affirmative on the remaining items.**

Bills approved for payment: \$1,958,916.80
Payroll:\$ 240,670.36

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

Diane Lihou, Marmora, spoke on her concerns with having a cannabis dispensary in Upper Township.

Thomas Drinkard, Seaville, also spoke about his concerns with promoting the use of cannabis and spoke about other ways to generate revenue. He also spoke about the tennis and pickleball courts at Caldwell Park.

Carol Griffith, Osprey Point, spoke in favor of a cannabis dispensary in Upper Township.

Spencer Bells, Marmora, spoke in favor of a cannabis dispensary in Upper Township. He also recommended that the Township follow Dennis Township’s program of educating the public on the benefits of letting the leaves compost.

Bill Brewer, Osprey Point, spoke about his concerns with having a cannabis dispensary in Upper Township.

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. 045-2025
MOTION GOING INTO CLOSED SESSION
JANUARY 12, 2026**

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 – Shared Services Agreement for CDL-A
2. Contract negotiation – Fixed Asset Inventory
3. Contract negotiation – NJ Turnpike Authority
4. Safety and Security – Cybersecurity

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.

Moved by: Zachary Palombo

Motion seconded by: Victor Nappen

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

RECONVENE PUBLIC PORTION OF MEETING

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

ADJOURNMENT

There being no further business this evening the meeting was adjourned at 7:30 P.M., with a motion by Zachary Palombo, second by Tyler Casaccio, and all five Committee members voting in the affirmative. The next regular Committee meeting is scheduled for January 23, 2026 at 5:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC
Township Clerk

Bill List

86801 01/12/26 A0018 ACTION SUPPLY INC. 1,737.28 3471
86802 01/12/26 A0091 ATLANTIC CITY ELECTRIC 5,088.19 3471
86803 01/12/26 A0117 AT&T 451.40 3471
86804 01/12/26 A0191 ACTION UNIFORM CO. LLC 12.00 3471
86805 01/12/26 A0202 ACTIVE 911, INC 2,627.00 3471
86806 01/12/26 A0212 ANCERO, LLC 23,339.87 3471
86807 01/12/26 A0235 AMAZON CAPITAL SERVICES, INC. 1,342.65 3471
86808 01/12/26 A0248 AIRESRING, INC. 1,259.37 3471
86809 01/12/26 A0260 AMENHAUSER, JOHN P. 7,500.00 3471
86810 01/12/26 A0265 ARC REPROGRAPHICS SJ, INC 7,600.20 3471
86811 01/12/26 B0032 BLANEY WEINBERG & CURIO PC 157.50 3471
86812 01/12/26 B0232 BLUE FLAME GAS 292.67 3471
86813 01/12/26 B0287 BIGLEAF NETWORKS, INC. 732.88 3471
86814 01/12/26 B0288 KINGBARNES LLC 1,625.00 3471
86815 01/12/26 B0305 BUSINESSOLVER 23,650.55 3471
86816 01/12/26 C0002 C.M.C. CHAMBER OF COMMERCE,INC 735.00 3471
86817 01/12/26 C0046 CAPE MAY COUNTY CLERK 39.00 3471
86818 01/12/26 C0048 CAPE MAY COUNTY MUA 41,506.35 3471
86819 01/12/26 C0052 CAPE MAY COUNTY TREASURER 1,611,634.57 3471
86820 01/12/26 C0068 COMCAST 1,536.30 3471
86821 01/12/26 C0223 CASA PAYROLL SERVICE 288.50 3471
86822 01/12/26 C0279 CASA REPORTING SERVICES LLC 176.40 3471
86823 01/12/26 C0346 CME ASSOCIATES 10,527.50 3471
86824 01/12/26 C0352 COLUMN SOFTWARE, PBC 437.36 3471
86825 01/12/26 D0040 DELTA DENTAL OF N.J. INC. 5,718.95 3471
86826 01/12/26 D0251 THE DEWEESE LAW FIRM, P.C. 4,120.00 3471
86827 01/12/26 D0252 DEBLASIO & ASSOCIATES PC 6,403.07 3471
86828 01/12/26 E0012 EHRLICH PEST CONTROL INC 155.58 3471
86829 01/12/26 G0030 GENERAL SPRING SERVICE 2,465.58 3471
86830 01/12/26 G0120 PATRICK F. MARTIN 2,083.33 3471
86831 01/12/26 G0147 GREATAMERICA FINANCIAL SVCS. 191.00 3471
86832 01/12/26 H0073 HOME DEPOT CRC/GECE 1,084.31 3471
86833 01/12/26 H0148 THOMAS H. HEIST INS AGENCY INC 1,667.00 3471
86834 01/12/26 H0195 HOHMAN, CHRISTOPHER 440.00 3471
86835 01/12/26 K0014 KEENAN,BRIAN 505.39 3471
86836 01/12/26 K0037 KOHLER, JOHN F 279.59 3471
86837 01/12/26 K0038 KINDLE FORD LINCOLN, INC. 2,287.55 3471
86838 01/12/26 K0047 KLINE, EDWARD T. 320.39 3471
86839 01/12/26 K0119 KATES SCHNEIDER ENGINEERING 332.50 3471
86840 01/12/26 L0075 LEXISNEXIS 444.00 3471
86841 01/12/26 L0146 LAWSON PRODUCTS, INC. 591.85 3471
86842 01/12/26 L0163 LEW ENVIRONMENTAL SERVICES LLC 511.50 3471
86843 01/12/26 M0193 MAYNE, MICHAEL 205.47 3471
86844 01/12/26 M0277 EQUITABLE FINANCIAL LIFE INS. 208.76 3471
86845 01/12/26 M0345 MAJESTIC OIL 4,350.25 3471
86846 01/12/26 N0004 NJ-AMERICAN WATER CO. 151.14 3471
86847 01/12/26 N0043 NAPA AUTO PARTS 1,062.69 3471
86848 01/12/26 N0052 NATL ALLIANCE FOR YOUTH SPORTS 96.00 3471
86849 01/12/26 N0088 N.J. CONFERENCE OF MAYORS 600.00 3471
86850 01/12/26 N0094 NEW JERSEY PLANNING OFFICIALS 428.76 3471
86851 01/12/26 N0154 NEW HORIZON COMMUNICATIONS 1,274.25 3471
86852 01/12/26 N0176 NJ SOLUTIONS JOINT HEALTH 132,230.09 3471
86853 01/12/26 O0014 ATLANTIC SALT, INC. 7,139.44 3471
86854 01/12/26 O0025 OLD DOMINION BRUSH 6,923.49 3471
86855 01/12/26 P0136 POSTNET 32.42 3471
86856 01/12/26 R0030 RIGGINS, INC. 6,307.78 3471
86857 01/12/26 R0149 REMINGTON & VERNICK ENGINEERS 4,750.00 3471
86858 01/12/26 S0057 SERVICE TIRE TRUCK CENTERS 1,428.66 3471
86859 01/12/26 S0113 LAW OFFICES OF THOMAS G SMITH 1,571.75 3471
86860 01/12/26 S0134 SO. JERSEY GAS COMPANY 3,742.05 3471
86861 01/12/26 S0196 STEWART BUSINESS SYSTEMS LLC 314.56 3471
86862 01/12/26 S0209 STAPLES ADVANTAGE 136.63 3471

86863 01/12/26 S0253 SAMPLE MEDIA, INC. 54.50 3471
86864 01/12/26 S0363 STARR SEPTIC, LLC. 280.00 3471
86865 01/12/26 S0401 Steiner, Sarah J. 250.00 3471
86866 01/12/26 T0020 TERWILLIGER, DUANE E. 150.00 3471
86867 01/12/26 T0067 TOWNSHIP OF UPPER PETTY CASH 100.00 3471
86868 01/12/26 T0192 MARSH & McLENNAN AGENCY/TRION 209.00 3471
86869 01/12/26 U0076 U.S.BANK NATIONAL ASSOCIATION 431.86 3471
86870 01/12/26 V0001 VCI EMERGENCY VEHICLE 713.24 3471
86871 01/12/26 V0013 VERIZON WIRELESS 1,013.10 3471
86872 01/12/26 V0025 V.E. RALPH & SON,INC. 295.20 3471
86873 01/12/26 V0054 VAN ZLIKE, JAMES 313.20 3471
86874 01/12/26 W0135 THE LAW OFFICE OF BRANDON D 2,096.88 3471
86875 01/12/26 W0137 WARWICK GROUP CONSULTANTS LLC 5,000.00 3471
86876 01/12/26 Y0016 YAKOPCIC, WESLEY 144.00 3471
86877 01/12/26 Z0014 MIKE ZYNDORF, LLC 1,012.50 3471
Total: 1,958,916.80