

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY
MINUTES FOR MARCH 23, 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 March 20, 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. Maintenance of Trees in the Right-of-Way. The Township Administrator reported that the Township’s regulation of overgrown vegetation within the right-of-way is currently fragmented and inconsistent. He presented two potential courses of action: (1) the Township would maintain the roadway, while the abutting property owner would be responsible for all vegetation between the private property line and the roadway; or (2) the Township would assume full operational and financial responsibility for the maintenance and removal of all vegetation within areas for which it holds title. Following discussion, there was a consensus to approve Option 1. The Municipal Attorney was directed to draft an ordinance for further consideration.

ADJOURNMENT OF WORKSHOP MEETING

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

There was then a brief recess before the regular meeting began

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

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

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

“In compliance with the Open Public Meetings Law, I wish to state that on March 20, 2026, the notice of this meeting of the Upper Township Committee was posted on 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

MOMENT OF SILENCE AND REFLECTION

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 – March 9, 2026 Regular and Closed Session Minutes

Motion by Victor Nappen, second by Tyler Casaccio, to approve the March 9, 2026 Regular Minutes as submitted. During roll call vote four Committee members present voted in the affirmative. Samuel Palombo abstained.

REPORT OF GOVERNING BODY MEMBERS

Samuel Palombo, Committeeman, reported that the Township’s Easter Egg Hunt will be held on Saturday, March 28th, at Amanda’s Field from 10:30 a.m. to 12:00 pm. He also reported that the Township’s Fourth of July and fireworks event will be held on July 4th.

Zachary Palombo, Committeeman, reported that the Department of Public Works began the collection of storm debris on Monday, March 16th, and 162 total tons have been collected so far. He asked for the public’s patience during this extended process as there is a lot of material to collect. A short time later, he and Mayor Corson provided a drone video presentation of beach erosion in Strathmere, including a timeline of erosion and related meetings over the past year concerning beach replenishment.

Curtis Corson, Mayor, also spoke about the storm debris collection, noting that the process will take some time. Later he commented on the drone video presentation of the severe beach erosion and the inevitable loss of the Beach Patrol headquarters building. He reported that the Township has received quotes for a temporary lifeguard headquarters for the summer, and quotes to shore up and repair the current building. He stated that money spent repairing an antiquated structure that does not meet the current needs is not money well spent. After discussion, there was a unanimous consensus to proceed with the removal of the building and the rental of a temporary trailer for the 2026 summer season.

ADMINISTRATOR OVERVIEW

James Van Zlike, Township Administrator, reported on preparations for bond purchases. He also reported that Ronnie Town of Atlantic City Electric will be giving a presentation tonight regarding the modernization and upgrade project in Upper Township and Dennis Township. The project will involve

the use of a helicopter from March 24 through late April, between the hours of 7:00 a.m. and 5:00 p.m., daily except Sundays.

PRESENTATION

1. **Atlantic City Electric Storm Restoration Process.** Ronnie Town, External Affairs Manager for Atlantic City Electric for Cape May and Cumberland Counties gave a brief presentation on the storm restoration process. She encouraged customers to update their contact information and to report any outages promptly. Ms. Town noted that a helicopter will be used for the modernization and upgrade project along the right-of-way from BL England through late April. She also reported that Atlantic City Electric is exploring solutions to improve energy affordability and encouraged customers to consider the energy assistance and efficiency programs currently available.

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

Diane Leo, Marmora, inquired as to the change of appointed members in Item #15 amending Resolution 72-2026. It was stated that the Municipal Attorney was removed from the subcommittee to avoid any potential conflict, and was replaced with the Chief of EMS, John Brittin.

Lou Barbuto, Petersburg, inquired as to the credentials of the subcommittee members and the job description of the subcommittee, Item #15. It was stated that the credentials speak for themselves. The duties of the subcommittee will be to evaluate any proposals submitted if the Ordinance is adopted and an RFP is issued for the cannabis license. Mr. Barbuto then inquired as to where to locate the road improvement list for Item #19. It was stated that the list has been posted on the Township's website and Facebook page.

Nathalie Neiss, Petersburg, inquired on the procedure for public comments. It was stated that there are two public comment portions during the meeting, one for consent agenda items and one for general comments. Public comment on Ordinances are held during the public hearing for the Ordinance.

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.

Mayor Corson requested that the Resolution authorizing payments from the Affordable Housing Trust Fund be removed from the consent agenda and placed under resolutions to be acted on separately. Motion by Victor Nappen, second by Tyler Casaccio, to approve the remaining consent agenda items listed below after the removal of that Resolution. During roll call vote all five Committee members present voted in the affirmative.

FILING OF REPORTS BY CONSENT

2. Municipal Court
3. Public Works
4. Tax Collector

RESOLUTIONS TO BE APPROVED BY CONSENT

5. Honoring the Atlantic City Electric linemen for their service and dedication.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

RESOLUTION

RESOLUTION NO. 94-2026

**HONORING THE ATLANTIC CITY ELECTRIC LINEMEN
FOR THEIR SERVICE AND DEDICATION**

WHEREAS, the Township Committee of the Township of Upper recognizes the critical role that electrical linemen play in maintaining the safety, reliability, and resiliency of our electric infrastructure; and

WHEREAS, the skilled and dedicated linemen of Atlantic City Electric work under demanding and often dangerous conditions to construct, maintain, and restore power lines and electrical equipment that serve residents, businesses, schools, and public institutions throughout the region; and

WHEREAS, during severe weather events, natural disasters, and emergency situations, linemen are among the first to respond, working long hours, often away from their families, to restore essential electrical service and ensure public safety; and

WHEREAS, in February 2026, a major winter blizzard impacted New Jersey and the surrounding region, bringing heavy snowfall, strong winds, and hazardous conditions that caused power outages and damage to electrical infrastructure; and

WHEREAS, in the aftermath of this storm, Atlantic City Electric linemen worked tirelessly and under extremely challenging weather conditions to assess damage, repair power lines, and restore electricity to affected homes, businesses, and critical facilities as quickly and safely as possible; and

WHEREAS, the Township Committee wishes to express its appreciation for the professionalism, courage, and dedication demonstrated by the linemen of Atlantic City Electric, whose efforts help keep our communities powered and safe; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Upper, County of Cape May, State of New Jersey, that we do hereby honor and recognize the linemen of Atlantic City Electric for their outstanding service and dedication to the residents of our community; and

BE IT FURTHER RESOLVED, that the Township extends its sincere appreciation for their continued efforts to maintain and restore electrical service and for their commitment to protecting the health, safety, and welfare of the public.

GIVEN UNDER OUR HANDS, and the seal of the Township of Upper on this 23rd day of March,

2026.

Resolution No. 094-2026

Offered by: Nappen

Seconded by: Casaccio

Adopted: March 23, 2026

Roll Call Vote:

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

6. Honoring Scott Halliday on attaining the designation of "Eagle Scout".

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 95-2026

**RE: HONORING SCOTT HALLIDAY ON ATTAINING THE
DESIGNATION OF "EAGLE SCOUT"**

WHEREAS, Scott Halliday of Troop 79, Seaville, New Jersey has recently achieved the designation of Eagle Scout in the Boy Scouts of America; and

WHEREAS, the Township of Upper wishes to acknowledge the outstanding accomplishment of this remarkable young man; and

WHEREAS, the Township Committee extends its sincere congratulations to Scott on the occasion of his receiving the designation of Eagle Scout and commends him for this outstanding accomplishment and the completion of his Eagle Scout project, which consisted of updating and reinforcing multiple planter boxes in "Mrs. Helphenstine's Helping Hands Garden" located at the Ocean City Primary School; a memorial garden established in 2002 in honor of beloved teacher and coach Mikenzie Helphenstine, and used as an outdoor classroom for students in kindergarten through third grade; and

WHEREAS, Scott's project included reinforcing eight garden beds and composting boxes by encasing them in black locust wood, with added perimeter supports and cedar caps, ensuring their structural integrity, safety, and longevity; and

WHEREAS, through his efforts, Scott has helped preserve a valuable educational resource that provides hands-on learning opportunities in gardening, nutrition, environmental sustainability, and

stewardship, while also maintaining a space for community connection and honoring the legacy of Mrs. Helphenstine; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee extends its sincere congratulations and best wishes to Scott’s parents, family, and friends on this happy occasion; and it is

FURTHER RESOLVED, that the Township Committee also extends its congratulations and appreciation to the Scout Masters and others who give so freely and generously of their time for the benefit of our youth.

GIVEN UNDER OUR HANDS, and the seal of the Township of Upper on this 23rd day of March, 2026.

Resolution No. 095-2026

Offered by: Nappen

Seconded by: Casaccio

Adopted: March 23, 2026

Roll Call Vote:

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

7. Designating the 1st Thursday in May “A Day of Prayer in Upper Township”.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 096-2026

**RE: DESIGNATING THE 1ST THURSDAY IN MAY
“A DAY OF PRAYER IN UPPER TOWNSHIP”**

WHEREAS, Civic Prayers and National Days of Prayer have a long and revered history in our constitutional democracy, dating back to the First Continental Congress in 1775; and

WHEREAS, the Declaration of Independence, our first statement as Americans of national purpose and identity, made “the Laws of Nature and Nature’s God” the foundation of our United States of America and asserted that people have inalienable rights that are God-given; and

WHEREAS, the Supreme Court has affirmed the right of state legislatures to open their sessions with prayer and the Supreme Court and the U.S. Congress themselves begin each day with prayer; and

WHEREAS, in 1988, legislation setting aside the first Thursday in May in each year as a National Day of Prayer was passed unanimously by both Houses of Congress and signed by President Ronald Reagan; and

WHEREAS, the National Day of Prayer is an opportunity for Americans of all faiths to join in united prayer to acknowledge our dependence on God, to give thanks for blessings received, to pray for peace, to request healing for wounds endured; and to ask God to guide our leaders and bring wholeness to the United States and her citizens; and

WHEREAS, it is fitting and proper to give thanks to God by observing a day of prayer in the Township of Upper when all may acknowledge our blessings and express gratitude for them, while recognizing the need for strengthening religious and moral values in our State and nation;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, that the first Thursday in May 2026 is hereby designated as “A DAY OF PRAYER IN UPPER TOWNSHIP”, and all citizens of Upper Township are encouraged to observe the day in ways appropriate to its importance and significance.

Resolution No. 096-2026

Offered by: Nappen

Seconded by: Casaccio

Adopted: March 23, 2026

Roll Call Vote:

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

8. A Resolution of the Township of Upper respectfully requesting that the \$94 million increase in state aid in the FY 2027 state budget be fairly distributed to all Municipalities throughout the State of New Jersey.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 097-2026

**A RESOLUTION OF THE TOWNSHIP OF UPPER RESPECTFULLY
REQUESTING THAT THE \$94 MILLION INCREASE IN STATE AID IN THE
FY 2027 STATE BUDGET BE FAIRLY DISTRIBUTED TO ALL MUNICIPALITIES
THROUGHOUT THE STATE OF NEW JERSEY**

WHEREAS, for the past 30 years, the State’s budgets have either cut or held municipal funding flat; and

WHEREAS, each year, the State Legislature and governors in Trenton have claimed that there simply is not enough funding available to provide even a modest cost-of-living adjustment to help support local budgets and control property taxes; and

WHEREAS, the State budget proposed by Governor Sherrill on March 10, 2026, includes a \$94 million proposed increase in "Transitional Aid" for about a dozen municipalities that have previously requested special State assistance (which some would call "bailouts"); and

WHEREAS, some of the municipalities receiving Transitional Aid, like all of the other municipalities in our State, work hard to do what is necessary to balance their budgets appropriately, and these municipalities would benefit from cost-of-living adjustments in the assistance they receive from the State; and

WHEREAS, some of the municipalities lobbying for portions of the \$94 million increase in Transitional Aid, in addition to State bailouts, face negative financial situations largely of their own making due to fiscal mismanagement and payment to these municipalities based on such fiscal mismanagement would be unfair to the other municipalities throughout the State of New Jersey.

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

1. The allegations of the preamble are hereby incorporated by this reference.
2. The Township of Upper respectfully requests that Governor Sherrill support reallocating the proposed \$94 million increase in municipal aid to all New Jersey municipalities that are grappling with challenges including high inflation, extraordinary increases in health benefits costs, and prior cuts in State aid.
3. The Township of Upper respectfully requests that the New Jersey League of Municipalities lobby on behalf of all New Jersey municipalities by insisting that additional municipal aid be allocated to all their members equitably, and not to just a handful of municipalities, some of whom have created their own dire financial predicaments.
4. The Township of Upper respectfully requests that the elected representatives of the New Jersey Legislature adopt a budget that allocates all municipal aid increases equitably and fairly amongst all New Jersey municipalities.
5. This Resolution shall be transmitted to Governor Mikie Sherrill, Senator Mike Testa, Assemblyman Antwan McClellan, Assemblyman Erik K. Simonsen, and the New Jersey League of Municipalities.

Resolution No. 097-2026

Offered by: Nappen

Seconded by: Casaccio

Adopted: March 23, 2026

Roll Call Vote:

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

9. Authorizing support of Congressman Van Drew’s H.R. 7459.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY**

RESOLUTION

RESOLUTION NO. 098-2026

AUTHORIZING SUPPORT OF CONGRESSMAN VAN DREW'S H.R. 7459

WHEREAS, following the widespread destruction caused by Hurricane Sandy along the State of New Jersey's coastline, the United States Army Corps of Engineers (USACE) initiated numerous federally authorized shore protection projects throughout the State of New Jersey; and

WHEREAS, the current funding mechanisms involving programmatic requests and earmarks provides no certainty for seaside communities regarding consistent scheduling of shoreline stabilization projects; and

WHEREAS, the current funding mechanisms' inconsistencies produce vulnerable shorelines that threaten lives, property, and the tourism, the primary economic driver in Cape May County; and

WHEREAS, the inconsistency in funding shoreline stabilization projects causes unnecessary funding problems when beach fills are missed and elevates costs of future beach fills, needlessly stressing municipal budgets; and

WHEREAS, in the FY2025 federal budget, beach nourishment efforts were not funded, leaving many beachfront municipalities in Cape May County without a scheduled renourishment project; and

WHEREAS, the beaches in Upper Township and throughout Cape May County are critical economic, environmental, and public safety assets that support tourism, protect property values, and provide resilience against coastal erosion and storm impacts; and

WHEREAS, the Township Committee of the Township of Upper recognizes the urgent need for sustainable, long-term solutions to address coastal erosion and supports collaborative efforts with federal, state, and local partners to advance such initiatives; and

WHEREAS, Congressman Jeff Van Drew recently introduced H.R. 7459, known as the "Coastal Trust Fund Act", to the United States House of Representatives; and

WHEREAS, H.R. 7459 establishes a trust fund to be known as the "Coastal Storm Risk Management Trust Fund" to obligate the Federal share of the costs of construction, operation, maintenance, repair, rehabilitation, and periodic nourishment of coastal storm risk management projects; and

WHEREAS, in H.R. 7459, provides that the Treasury of the United States shall credit the trust fund \$1,000,000,000 every fiscal year to support beach nourishment and related coastal storm risk management activities; and

WHEREAS, the Coastal Trust Fund Act alleviates coastal communities from competing for, and queuing up for limited federal funding if and when it becomes available; and

WHEREAS, the Coastal Trust Fund Act eliminates inconsistency in shoreline stabilization projects, permitting coastal communities to plan for cost shares in regularly scheduled beach fills, and plan interim measures in between these beach fill project; and

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

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

2. The Township of Upper fully supports Congressman Van Drew’s continued efforts to secure federal funding and implement stable beach replenishment projects to protect and restore our coastline.
3. The Township of Upper hereby endorse H.R. 7459, the Coastal Trust Fund Act, and urge its adoption to become legislation.
4. A copy of this Resolution shall be submitted to the Offices of Congressman Van Drew, Senator Booker, Senator Kim, the United States Army Corps of Engineers, and the Cape May County Board of County Commissioners for their review, consideration, and support.

Resolution No. 098-2026

Offered by: Nappen

Seconded by: Casaccio

Adopted: March 23, 2026

Roll Call Vote:

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

10. Authorizing the adoption of social media guidelines for Township operated platforms.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 099-2026

**RE: AUTHORIZING THE ADOPTION OF SOCIAL MEDIA GUIDELINES FOR
TOWNSHIP OPERATED PLATFORMS**

WHEREAS, the Township of Upper (the "Township") maintains official social media accounts, including, but not limited to, Facebook, in order to provide timely and accurate information to residents and visitors regarding municipal services, public notices, and community events; and

WHEREAS, the Township Committee finds that its social media accounts are utilized primarily as a tool for the one-way dissemination of information and are not intended to serve as a primary forum for public comment or as a replacement for official public meetings; and

WHEREAS, the Township does not possess the resources required to monitor, moderate, and/or respond to social media comments made by members of the public on a full-time basis; and

WHEREAS, the Township understands that, in order to ensure viewpoint neutrality, any restriction on public commenting on the Township's social media accounts must be applied uniformly across all of the Township's social media accounts and postings to said accounts; and

WHEREAS, the Township Committee believes it is in the best interests of its residents and other visitors to the Township's social media accounts to ensure that any, and all, inquiries pertaining to Township social media accounts and/or postings to those social media accounts are handled in a timely manner through established official channels such as telephone, email, or in-person at the Township Municipal Building where appropriate staff can be assigned to assist.

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 reference.
2. The Township Administrator and the Township’s social media coordinators are hereby authorized and directed to disable the public commenting feature on all official Township social media accounts and individual postings to said accounts.
3. This Township social media policy shall be applied uniformly to all postings to ensure a content neutral and informational-only platform.
4. All Township social media accounts shall include a clear notice that directs residents or other visitors to the social media account(s) to contact the Township Municipal Building pertaining to any questions, needs for assistance, or other official inquiries.
5. This Resolution shall take effect immediately upon adoption by the Township Committee of the Township of Upper.

Resolution No. 099-2026

Offered by: Nappen

Seconded by: Casaccio

Adopted: March 23, 2026

Roll Call Vote:

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

11. Authorizing the Upper Township Fourth of July Celebration event to be held on July 4, 2026 at Amanda’s Field and setting the vendor fees.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 100-2026

**RE: AUTHORIZING THE UPPER TOWNSHIP FOURTH OF JULY
CELEBRATION EVENT TO BE HELD ON JULY 4, 2026 AT AMANDA’S FIELD AND
SETTING THE VENDOR FEES**

WHEREAS, Section 26-2.3 of the Code of Upper Township authorizes the Township to hold and sponsor events at Township facilities and charge fees for vendors or others to participate in the event; and

WHEREAS, the Township of Upper desires to hold a Fourth of July Celebration Event on July 4, 2026, (rain date July 5, 2026), at Amanda’s Field; and

WHEREAS, appropriate advice and approvals from the Township’s Risk Management Consultant, the New Jersey State Police, and the Division of EMS shall be obtained prior to the event; 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 does hereby authorize the Upper Township Fourth of July Celebration Event to be held on July 4, 2026, with a rain date scheduled for July 5, 2026, at Amanda’s Field.
3. The following fees will be charged for participation in the Upper Township Fourth of July Event:
 - A. Food Vendor Fee - \$110.00, per 20 x 15 space
 - B. Non-Food Vendor Fee - \$40.00, per 10 x 15 space
 - C. Veteran Owned Business – No Fee
4. All Vendors will be assigned their spaces prior to arrival and will be required to provide their own canopy/tent, table, chairs, electricity, and any other equipment or supplies they may need for their space.
5. All Food Vendors must submit a Certificate of Insurance naming the Township of Upper, its officials, officers and employees as additional insureds. If a Non-Food Vendor currently has insurance in place, a Certificate of Insurance shall be requested naming the Township of Upper, its officials, officers, and employees as additional insureds.
6. All Food Vendors shall submit a Temporary Retail Food Vendor Application to the Cape May County Department of Health and shall follow the “Guidelines for Compliance with Chapter 24, Subchapter 8 Temporary Retail Food Establishments” as established by the Cape May County Department of Health.

7. Applicable Food Vendors shall obtain a Temporary Cooking Vendor Permit through the New Jersey Department of Community Affairs, Division of Fire Safety.

8. The Township of Upper reserves the right to limit the size, amount, and type of Vendors that will participate during the event.

9. The Township Administrator shall have the authority to establish such additional rules, terms or conditions relating to the event as may be appropriate due to safety, cost or efficiency reasons, including any such terms or conditions recommended by the New Jersey State Police, the Township Department of EMS or the Township's Risk Management Consultant.

10. 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. 100-2026

Offered by: Nappen

Seconded by: Casaccio

Adopted: March 23, 2026

Roll Call Vote:

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

12. Authorizing a Fourth of July fireworks display by KS Productions/DbA Schaefer Fireworks, Inc.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 101-2026

**RE: AUTHORIZING A FOURTH OF JULY FIREWORKS DISPLAY BY
KS PRODUCTIONS/DBA SCHAEFER FIREWORKS, INC.**

WHEREAS, the Township wishes to provide a display of fireworks during the Upper Township Fourth of July Celebration event on July 4, 2026 (rain date July 5, 2026); and

WHEREAS, the Township has solicited proposals from several fireworks companies and has selected KS Productions/DBA Schaefer Fireworks, Inc., PO Box 100, Strasburg, PA 17579; and

WHEREAS, the State of New Jersey, Department of Community Affairs, requires that the Township provide a Resolution approving same; and

WHEREAS, the site for the fireworks display will be determined in conjunction with a State of New Jersey Fire Inspector; and

WHEREAS, FAA Clearance will be applied for; and

WHEREAS, a plot/site plan for site display, showing the distances from the public and structures to the fireworks discharge area, has been provided by the Township Engineer; and

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

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 in full herein by this reference.2. Upon meeting all requirements of the State of New Jersey, Department of Community Affairs as well as any and all recommendations or requirements of the Township’s Risk Management Consultant and the Joint Insurance Fund, the Township Clerk is hereby directed and authorized to provide a certified copy of this Resolution, with all attachments, to the Department of Community Affairs for their review and issuance of a Fireworks Permit.

3. The contractor shall comply with all terms and provisions of the Municipal Excess Liability Joint Insurance Fund Bulletin MEL 26-05, dated January 1, 2026.

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

5. 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, including but not limited to the entering into and execution of a Display Contract with KS Productions/DBA Schaefer Fireworks, Inc. for the sum of \$28,000.00.

Resolution No. 101-2026

Offered by: Nappen

Seconded by: Casaccio

Adopted: March 23, 2026

Roll Call Vote:

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

Corson	X			
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13. Declaration of Emergency pursuant to Township Code Section 7-3.2 in order to provide Temporary No Parking restrictions during the Upper Township Fourth of July Celebration event on July 4, 2026 (rain date July 5, 2026).

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 102-2026

**RE: DECLARATION OF EMERGENCY PURSUANT TO TOWNSHIP CODE SECTION
7-3.2 IN ORDER TO PROVIDE TEMPORARY NO PARKING RESTRICTIONS DURING THE
UPPER TOWNSHIP FOURTH OF JULY CELEBRATION EVENT ON
JULY 4, 2026 (RAIN DATE JULY 5, 2026)**

WHEREAS, The Upper Township Code Section 7-3.2 provides that upon the declaration of an emergency temporary no parking restrictions may be instituted; and

WHEREAS, the Upper Township Fourth of July Celebration Event scheduled for Saturday, July 4, 2026 (rain date July 5, 2026) requires temporary parking restrictions for this public event consistent with the provisions of said Code Section 7-3.2; and

WHEREAS, the Township Committee deems it appropriate to declare an emergency so as to institute temporary no parking restrictions along the following roads in Upper Township:

**Route 50 between Sunset Road and Perry Road
Sunset Road
California Road
Jonathan Drive**

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 an emergency pursuant to Township Code Section 7-3.2 and directs the posting of “EMERGENCY-NO PARKING” signs on Route 50 between Sunset Road and Perry Road, Sunset Road, California Road, and Jonathan Drive.
3. Said no parking restrictions shall be effective on Saturday July 4, 2026, or in the event of inclement weather, July 5, 2026.
4. A copy of this resolution shall be provided to the New Jersey State Police and the Cape May County Sheriff’s Office.

5. 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. 102-2026

Offered by: Nappen

Seconded by: Casaccio

Adopted: March 23, 2026

Roll Call Vote:

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

14. Authorizing the Upper Township Fall Fest to be held on Sunday, October 4, 2026 at Amanda's Field and setting the vendor fees.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 103-2026

**RE: AUTHORIZING THE UPPER TOWNSHIP FALL FEST TO BE HELD
ON SUNDAY, OCTOBER 4, 2026 AT AMANDA'S FIELD
AND SETTING THE VENDOR FEES**

WHEREAS, Section 26-2.3 of the Code of Upper Township authorizes the Township to hold and sponsor events at Township facilities and charge fees for vendors to participate in the event; and

WHEREAS, the Township of Upper desires to hold the Upper Township Fall Fest on Sunday, October 4, 2026, with operational hours being 11:00 am until 5:00 pm, at Amanda's Field; and

WHEREAS, appropriate advice and approvals from the Township's Risk Management Consultant, the New Jersey State Police, and the Division of EMS shall be obtained prior to the event; 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 does hereby authorize the Upper Township Fall Fest to be held on October 4, 2026, at Amanda's Field.
3. The following fees will be charged for participation in the Upper Township Fall Fest Event:

Food Vendor Fee - \$110.00, per 20 x 15 space

Non-Food Vendor Fee - \$40.00, per 15 x 10 space

Veteran Owned Business – No Fee

4. All Vendors will be assigned their spaces prior to arrival and will be required to provide their own canopy/tent, table, chairs, electricity, and any other equipment or supplies they may need for their space.

5. All Food Vendors must submit a Certificate of Insurance naming the Township of Upper, its officials, officers and employees as additional insureds. If a Non-Food Vendor currently has insurance in place, a Certificate of Insurance shall be requested naming the Township of Upper, its officials, officers, and employees as additional insureds.

6. All Food Vendors shall submit a Temporary Retail Food Vendor Application to the Cape May County Department of Health and shall follow the “Guidelines for Compliance with Chapter 24, Subchapter 8 Temporary Retail Food Establishments” as established by the Cape May County Department of Health.

7. Applicable Food Vendors shall obtain a Temporary Cooking Vendor Permit through the New Jersey Department of Community Affairs, Division of Fire Safety.

8. The Township of Upper reserves the right to limit the size, amount, and type of Vendors that will participate during the event.

9. The Township Administrator shall have the authority to establish such additional rules, terms or conditions relating to the event as may be appropriate due to safety, cost or efficiency reasons, including any such terms or conditions recommended by the New Jersey State Police, the Township Department of EMS or the Township’s Risk Management Consultant.

10. 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. 103-2026

Offered by: Nappen

Seconded by: Casaccio

Adopted: March 23, 2026

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Casaccio	X			
Nappen	X			

S. Palombo	X			
Z. Palombo	X			
Corson	X			

15. Amending Resolution 72-2026 appointing members to the Upper Township Cannabis Subcommittee.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 104-2026

**RE: AMENDING RESOLUTION 72-2026 APPOINTING MEMBERS TO THE
UPPER TOWNSHIP CANNABIS SUBCOMMITTEE**

WHEREAS, Resolution 72-2026, adopted on February 25, 2026, created and appointed persons to a Cannabis Subcommittee tasked with the review of proposals submitted in connection with a potential Class 5 cannabis license and the formulation of recommendations to the Township Committee; and

WHEREAS, a need exists to amend the appointees to this subcommittee; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The following persons are hereby appointed to the Upper Township Cannabis Subcommittee:

Curtis Corson, Mayor
Zachary Palombo, Committeeman
James Van Zlike, Township Administrator
John Brittin, Chief EMT
Lt. Thomas Campolo, NJSP or designee

3. The foregoing appointees shall constitute the sole members of the Upper Township Cannabis Subcommittee.
4. The Cannabis Subcommittee shall be tasked with reviewing proposals submitted in response to a Request for Proposals for a potential Class 5 cannabis license and making recommendations to the Township Committee; provided, however, that nothing herein shall be construed as authorizing the issuance of a cannabis license or obligating the Township to adopt an ordinance permitting such use.
5. The Township Committee expressly reserves the right to supplement or amend this Resolution at any time it deems appropriate to change the membership or mission of the Upper Township Cannabis Subcommittee.

Resolution No. 104-2026

Offered by: Nappen

Seconded by: Casaccio

Adopted: March 23, 2026

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Casaccio	X			

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

16. Authorizing a Shared Services Agreement with the County of Cape May for funding of the project known as “Amanda’s Field Improvements”.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 105-2026

**RE: AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE
COUNTY OF CAPE MAY FOR FUNDING OF THE PROJECT KNOWN AS “AMANDA’S
FIELD IMPROVEMENTS”**

WHEREAS, the Township of Upper submitted an application for the 2025 Open Space Program Park grant funding for the project known as “Amanda’s Field Improvements”; and

WHEREAS, on December 16, 2025, the Open Space Review Board thoroughly reviewed, deliberated and voted to make a recommendation to the Board of County Commissioners to fund the project known as “Amanda’s Field Improvements” in an amount not to exceed \$1,129,576.00; and

WHEREAS, the Township of Upper has determined that it is in the best interest of the Township to enter into a Shared Services Agreement with the County of Cape May in order for the County to provide funding to the Township for the aforementioned project; and

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

1. **SHARED SERVICES AGREEMENT.** Pursuant to the provisions of the Uniform Shared Services Act, (N.J.S.A. 40A:65-1, et seq., the Township of Upper is hereby authorized and empowered to enter into a Shared Services Agreement with the County of Cape May for the funding of the project known as “Amanda’s Field Improvements”.

2. **SERVICES TO BE PROVIDED; CONTRACT.** The Shared Services Agreement authorized in paragraph 1 hereof shall cover those services, which shall be enumerated in said Agreement.

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 said Agreement with the official seal of the Township of Upper.

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

5. CONTRACT TERM. The term of this Agreement is for the period as stipulated in the Shared Service Agreement.

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

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

Resolution No. 105-2026

Offered by: Nappen

Seconded by: Casaccio

Adopted: March 23, 2026

Roll Call Vote:

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

17. Appointing J. P. Bainbridge & Associates, Inc. and J. Paul Bainbridge as an appraiser for the Township of Upper.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 106-2026

**RE: APPOINTING J. P. BAINBRIDGE & ASSOCIATES, INC. AND
J. PAUL BAINBRIDGE AS AN APPRAISER FOR THE TOWNSHIP OF UPPER**

WHEREAS, the Township requires an appraiser to provide services to obtain the market value of real property in the Township with respect to tax appeals and other matters; and

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

WHEREAS, J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge have completed and submitted a Business Entity Disclosure Certification which certifies that J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge have not made any reportable contributions to a political or candidate committee in the Township that would bar the award of this contract and that the contract will prohibit J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge from making any reportable contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge with offices at 6 Woodland Road, Cape May Court House, New Jersey is hereby appointed appraiser for the Township of Upper to provide services relating to the appraisal of real property for tax appeals and other matters.
3. The contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because J.P. Bainbridge & Associates, Inc. and J. Paul Bainbridge have professional knowledge as to appraisal issues which knowledge is particularly valuable to the Township Committee and this service is acquired as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5.

NOTICE OF CONTRACT AWARD

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

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

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

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

9. A notice of this contract award shall be posted on the Legal Notices page of the official website of the Township of Upper within ten (10) days from the date of adoption.

10. This Resolution shall be effective as of adoption.

Resolution No. 106-2026

Offered by: Nappen

Seconded by: Casaccio

Adopted: March 23, 2026

Roll Call Vote:

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

18. Appointing Frank L. Corrado, Esquire to act as special legal counsel.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 107-2026

**RE: APPOINTING FRANK L. CORRADO, ESQUIRE TO ACT
AS SPECIAL LEGAL COUNSEL**

WHEREAS, the Township Committee of Upper Township desires special legal counsel in matters in which the regular legal counsel has a conflict and such other matters as the Township Committee may direct; and

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

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

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

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

1. The allegations of the preamble are incorporated herein by this reference.
2. Frank L. Corrado, Esquire with offices at 2700 Pacific Avenue, Wildwood, New Jersey is hereby appointed Special Legal Counsel as directed by the Township Committee.
3. This contract shall have a term of one (1) year from date of full execution.
4. This Contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law because Frank L. Corrado, Esquire has professional knowledge as to legal matters which knowledge is particularly valuable to the Township Committee.

NOTICE OF CONTRACT AWARD

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

5. A certificate from the Chief Financial Officer of Upper Township showing the availability of adequate funds for this contract and showing the line item appropriation of the official budget

to which this contract will be properly charged has been provided to the governing body and shall be attached to this Resolution and kept in the files of the municipal clerk.

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

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

8. A notice of this contract award shall be posted on the Legal Notices page of the official website of the Township of Upper within ten (10) days from the date of adoption.

9. This Resolution shall be effective as of adoption.

Resolution No. 107-2026

Offered by: Nappen

Seconded by: Casaccio

Adopted: March 23, 2026

Roll Call Vote:

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

19. Authorizing the Township Engineer to prepare specifications and solicit bids for the 2026 Road Improvement Program.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 108-2026

RE: AUTHORIZING THE TOWNSHIP ENGINEER TO PREPARE SPECIFICATIONS AND SOLICIT BIDS FOR THE 2026 ROAD IMPROVEMENT PROGRAM

WHEREAS, the Township of Upper participates in a yearly maintenance program to pave various streets throughout the municipality; and

WHEREAS, pursuant to the provisions of the Local Public Contracts Law, the Township of Upper intends to solicit bids as herein indicated; 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 Engineer is hereby authorized and directed to prepare specifications, bid documents and solicit bids for the following project:

2026 ROAD IMPROVEMENT PROGRAM

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

Resolution No. 108-2026

Offered by: Nappen

Seconded by: Casaccio

Adopted: March 23, 2026

Roll Call Vote:

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

20. Cancelling and refunding tax on exempt property Block 596, Lot 1.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 109-2026

**CANCELLING AND REFUNDING TAX ON EXEMPT PROPERTY
BLOCK 596, LOT 1**

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 2026; and

WHEREAS, Stephen Jankowski is a 100% disabled American veteran residing at 8 Evio John Court, Marmora, NJ 08223, Block 596, Lot 1 on the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Department of Veterans Affairs has determined that Mr. Jankowski's 100% permanent military service-connected disability was effective July 19, 2022; and

WHEREAS, Stephen Jankowski made application January 8, 2026 and requested a refund for the taxes paid in 2026; 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. 109-2026

Offered by: Nappen

Seconded by: Casaccio

Adopted: March 23, 2026

Roll Call Vote:

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

CANCEL TAX 2026

BLOCK/LOT

596/1

AMOUNT

\$4,074.01

NAME

Stephen & Aubrey Jankowski
8 Evio John Ct
Marmora, NJ 08223

REFUND TAX 2026

BLOCK/LOT

596/1

AMOUNT

\$2,037.01

NAME

Stephen & Aubrey Jankowski
8 Evio John Ct
Marmora, NJ 08223

21. Cancelling and refunding tax on exempt property Block 670, Lot 1.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 110-2026

**CANCELLING AND REFUNDING TAX ON EXEMPT PROPERTY
BLOCK 670, LOT 1**

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 2026; and

WHEREAS, Roy Gras is a 100% disabled American veteran residing at 2 W. Hollywood Lane, Marmora, NJ 08223, Block 670, Lot 1 on the municipal tax map of Upper Township, New Jersey; and

WHEREAS, the Department of Veterans Affairs has determined that Mr. Gras' 100% permanent military service-connected disability was effective February 12, 2026; and

WHEREAS, Roy Gras made application February 12, 2026 and requested a refund for the taxes paid in 2026; 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. 110-2026

Offered by: Nappen

Seconded by: Casaccio

Adopted: March 23, 2026

Roll Call Vote:

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

CANCEL TAX 2026

BLOCK/LOT

670/1

AMOUNT

\$2,147.26

NAME

Roy & Lyn Gras
2 W Hollywood La
Marmora, NJ 08223

REFUND TAX 2026

BLOCK/LOT

670/1

AMOUNT

\$746.87

NAME

Roy & Lyn Gras
2 W Hollywood La
Marmora, NJ 08223

- 22. Authorizing the purchase of certain items and for the Chief Financial Officer to withdraw funds in the amount of \$9,478.00 from the account entitled Recycling Trust Account for such purposes.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 111-2026

RE: AUTHORIZING THE PURCHASE OF CERTAIN ITEMS AND FOR THE CHIEF FINANCIAL OFFICER TO WITHDRAW FUNDS IN THE AMOUNT OF \$9,478.00 FROM THE ACCOUNT ENTITLED RECYCLING TRUST ACCOUNT FOR SUCH PURPOSES

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

WHEREAS, the Township of Upper has available \$9,478.00 in the Recycling Trust account to make such a purchase; and

WHEREAS, the Township’s QPA has reviewed and approved the quote from Cascade Engineering of Grand Rapids, Michigan and a contract pursuant to N.J.S.A. 19:44A-20.5 is required; 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 of the Township of Upper, Cape May County, New Jersey hereby authorizes the purchase of recycling containers in an amount of \$9,478.00 from Cascade Engineering of Grand Rapids, Michigan.
3. The Chief Financial Officer of the Township of Upper is hereby authorized, directed and empowered to withdraw funds in the amount of \$9,478.00 from the Recycling Trust Account to pay for the recycling containers and is empowered to execute any and all necessary documents in order to implement the intent of this Resolution.

Resolution No. 111-2026

Offered By: Nappen

Seconded By: Casaccio

Adopted: March 23, 2026

Roll Call Vote:

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

23. Amending Resolution No. 012-2026 establishing salaries for various officers and employees.

TOWNSHIP OF UPPER

**CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 112-2026

**RE: AMENDING RESOLUTION NO. 012-2026
ESTABLISHING SALARIES FOR VARIOUS OFFICERS AND EMPLOYEES**

WHEREAS, Resolution No. 012-2026 fixed the salaries for various administrative, clerical, and other personnel for the year 2026; and

WHEREAS, the Township Committee has determined it necessary to amend said Resolution No. 012-2026; 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. Resolution No. 012-2026 is hereby amended to reflect the positions and salary for the

following employees effective April 3, 2026 in accordance with the Salary Ordinance as follows:

NAME	POSITION	SALARY
John Brittin	Chief Emergency Medical Technician	\$ 96,255.00*
	9-1-1 Coordinator/Right to Know Director	\$ 1,000.00
Paula Lechner	Keyboarding Clerk 1, Administration	\$ 57,000.00*
	Safety Coordinator	\$ 3,500.00
	Computer Director	\$ 4,000.00

3. The asterisk notation indicates that the listed salaries are the pensionable salary according to the criteria outlined in the New Jersey Statute Annotated (NJSA) 43:15A-25.2 and NJAC 17:2-2.2.

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

Resolution No. 112-2026

Offered by: Nappen

Seconded by: Casaccio

Adopted: March 23, 2026

Roll Call Vote:

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

24. Appointing the 2026 season Beach Patrol personnel.

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 113-2026

RE: APPOINTING THE 2026 SEASON BEACH PATROL PERSONNEL

WHEREAS, the individuals hereinafter named have been determined to possess the requisite skills, training and are otherwise eligible for appointment to the position of lifeguard; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The following individuals are appointed as lifeguards in the Township of Upper,

contingent upon successful pre-employment testing at a salary as stated below in accordance with the Salary Ordinance:

CHIEF

William Handley \$35.19 per hour

CAPTAIN

Joseph O'Neil \$33.12 per hour
Andrew Tobiasen \$33.12 per hour

SENIOR LIEUTENANT

James Dugan \$28.98 per hour

LIEUTENANT

Meredith Steele \$26.91 per hour
Grace Steele \$26.91 per hour
Blake Boffa \$26.91 per hour

SENIOR LIFEGUARD

William Schlucter \$23.50 per hour

RETURNING GUARDS

Gabriella Culmone EMT/Lifeguard \$23.15 per hour
 Michael Parsons 5+ yrs \$22.75 per hour

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. 113-2026

Offered by: Nappen Seconded by: Casaccio

Adopted: March 23, 2026

Roll Call Vote:

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

25. Appointing Hunter Tomlin as a full-time Laborer 1 to the Upper Township Department of Public Works.

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 RESOLUTION**

RESOLUTION NO. 114-2026

**RE: APPOINTING HUNTER TOMLIN AS A FULL-TIME LABORER 1 TO THE UPPER
 TOWNSHIP DEPARTMENT OF PUBLIC WORKS**

WHEREAS, a need exists to appoint qualified personnel as a full-time employee to the Upper Township Department of Public Works to ensure optimal operation; and

WHEREAS, Hunter Tomlin 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. Hunter Tomlin is hereby appointed to the Upper Township Department of Public Works as a full-time Laborer 1, effective April 7, 2026, at a salary of \$55,785.00 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. 114-2026
 Offered by: Nappen
 Adopted: March 23, 2026
 Roll Call Vote:

Seconded by: Casaccio

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

RESOLUTIONS TO BE ACTED ON SEPARATELY

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

**TOWNSHIP OF UPPER
 CAPE MAY COUNTY
 RESOLUTION**

RESOLUTION NO. 115-2026

**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, on March 9, 2026, pursuant to Resolution No. 83-2026, the Township of Upper further replaced the most recent Spending Plan noted above and requested that the Program and/or Court review and approve the Township’s Fourth Round Spending Plan; 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:

The DeWeese Law Firm (Affordable Housing Services)	\$ 680.00
Surenian, Edwards, Buzak & Nolan (Affordable Housing Services)	\$ 1,268.00

Resolution No. 115-2026

Offered By: Corson Seconded By: Z. Palombo

Adopted: March 23, 2026

Roll Call Vote:

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

ORDINANCES

27. Public hearing and final adoption of Ordinance No. 001-2026 RE: AN ORDINANCE AMENDING CHAPTER 20, ZONING, OF THE CODE OF UPPER TOWNSHIP TO CREATE A CANNABIS OVERLAY ZONE WITHIN THE CM2 ZONING DISTRICT AND TO ALLOW CLASS 5 CANNABIS RETAIL SALES WITHIN THE CANNABIS OVERLAY DISTRICT. **Mayor Corson invited Krista Nash, Vice Chair of the New Jersey Cannabis Regulatory Commission, to speak. Ms. Nash introduced Matthew Craig, Director of Government Affairs, noting that he serves as an important resource for New Jersey municipalities when shaping cannabis ordinances. Ms. Nash then provided an overview of New Jersey cannabis laws and market regulations, emphasizing the Commission’s prioritization of community safety and the protection of children.**

Mayor Corson opened the public hearing. During the public hearing portion there were the following speakers:

Susan Phiefer inquired about the use of medical prescriptions at a retail store.

Spencer Belles, Marmora, thanked the Committee for their thorough due diligence during this process and for prioritizing safety. He also commented on the robust regulations of the Cannabis Regulatory Commission.

Kristen Meyers, Tuckahoe, spoke in opposition to the ordinance.

Diane Leo, Marmora, spoke in opposition to the ordinance.

Joe Devine, Petersburg, inquired about smoking lounges attached to cannabis retail stores in New Jersey and whether Upper Township would permit them. The Municipal Attorney responded that the Township's ordinance specifically prohibits smoking lounges. Mr. Devine also inquired about revenue estimates and whether any studies had been reviewed regarding the negative impacts of cannabis retail stores.

Nathalie Neiss, Petersburg, requested a postponement of the vote and read a letter from Sean Mack dated February 25, 2026. She also submitted two newspaper articles to the Clerk from the March 4, 2026 Sentinel and the March 4, 2026 Cape May Herald.

Carrie Faulk, Ocean City, spoke in opposition to the ordinance.

Glenn Faulk, Ocean City, spoke in opposition to ordinance.

Carol Sabo, West Cape May, spoke in favor of the ordinance.

Lou Barbuto, Petersburg, spoke in opposition to the ordinance.

Niles Webb, Marmora, spoke in opposition to the ordinance.

Jessica, Egg Harbor Township, spoke in opposition to the ordinance.

Anna Nistorenko, Ocean View, spoke in opposition to the ordinance.

Liz Nicolleti, Ocean City, spoke in opposition to the ordinance.

Elsie Jamison, Seaville, spoke in favor of the ordinance.

Sherry Morakian, Marmora, spoke in opposition to the ordinance.

Jessica Russell, Ocean City, spoke in opposition to the ordinance.

Thomas Drinkard, Seaville, spoke in opposition to the ordinance.

Carrie Faulk, Ocean City, spoke again in opposition to the ordinance.

Liz Nicolleti, Ocean City, spoke again in opposition to the ordinance.

There being no more speakers, Mayor Corson then closed the public hearing. Motion by Zachary Palombo, second by Victor Nappen, to adopt Ordinance No. 001-2026. 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 CREATE A CANNABIS OVERLAY ZONE WITHIN THE CM2 ZONING DISTRICT AND TO ALLOW CLASS 5 CANNABIS RETAIL SALES WITHIN THE CANNABIS OVERLAY 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 shall be required to be provided to the Township of Upper prior to operation of a Cannabis Retail Store by a licensee.

- (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, shall be required to be provided to the Township of Upper prior to operation of a Cannabis Retail Store by a licensee.
- (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, except for the installation of an exterior door to the Cannabis Retail Store that is required to be installed pursuant to the requirements of the New Jersey Cannabis Regulatory Commission and CREAMM Act requirements.

- (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 WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 25TH DAY OF FEBRUARY, 2026 AT 6:30 P.M., AND PURSUANT TO RESOLUTION NO. 92-2026, ANY, AND ALL, FORMAL ACTION TAKEN BY THE TOWNSHIP COMMITTEE ON FEBRUARY 25, 2026, RELATED TO THIS ORDINANCE HAS BEEN RESCINDED. THIS ORDINANCE WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A SECOND PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER ON THE 23RD DAY OF MARCH AT 5:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

JOANNE R. HERRON, TOWNSHIP CLERK
TOWNSHIP OF UPPER

28. Introduction and first reading of Ordinance No. 008-2026 RE: AN ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION) AND CHAPTER 5 (PERSONNEL) OF THE CODE OF UPPER TOWNSHIP. **Motion by Tyler Casaccio, second by Zachary Palombo, to introduce Ordinance 008-2026 with a public hearing and final adoption scheduled for April 27, 2026. During roll call vote all five Committee Members voted in the affirmative.**

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

ORDINANCE NO. 008-2026

**RE: AN ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION) AND CHAPTER 5
(PERSONNEL) OF THE CODE OF UPPER TOWNSHIP**

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

SECTION 1. Chapter 2, Section 2-2.5 of the Revised General Ordinance of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

2-2.5 - Deputy Township Administrator.

- a. Appointment and Term. The Deputy Township Administrator shall be appointed by the majority vote of the Township Committee, upon recommendation of the Township Administrator, and subject to the provisions of the New Jersey Civil Service Act, codified at N.J.S.A. 11A:1-1, *et seq.*
- b. Compensation. Compensation to perform the duties and responsibilities of Deputy Township Administrator shall be determined and established by the Township Committee according to law.
- c. Qualifications. The Deputy Township Administrator shall possess knowledge and experience in local government for the appointment as Deputy Township Administrator.
- d. Powers and Duties. The Deputy Township Administrator shall have the following powers and duties:
 - a. Oversight of the Township's personnel system, including, but not limited to, recruitment, selection, and onboarding of Township employees;
 - b. Primary point of contact for employee grievances, disciplinary matters involving employees, and labor contract interpretation issues involving Township employees;
 - c. Responsibility for maintaining the Township Personnel Manual and Township Employee Handbook for legal compliance purposes;
 - d. Assistance with employee benefit programs issues, workers' compensation matters, and risk management issues; and
 - e. In the absence of a Township Administrator, the Deputy Township Administrator shall have all the powers and duties associated with the role of Township Administrator, as set forth in subsection 2-2.4(e)(1) – 2:2.4(e)(8) of this Chapter.

SECTION 2. Chapter 2, Section 2-2.5 through 2-2.9 (existing), of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be revised and identified hereafter as Chapter 2, Section 2-2.6 through 2-2.10.

SECTION 3. Chapter 5-6.2 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be revised and supplemented to add the following position of employment to the list of classified positions within the Township of Upper, subject to the qualifications established by the New Jersey Civil Service Commission for such position, including any applicable knowledge, experience, or certification requirements:

Deputy Township Administrator

SECTION 4: REPEALER: All Ordinances or parts of Ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

SECTION 5: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 6: EFFECTIVE DATE: This Ordinance shall take effect upon final adoption and publication as required by law.

SECTION 7: CODIFICATION: This Ordinance shall be codified in the Upper Township Code in the sections referred to above.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 23RD DAY OF MARCH, 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 HELD ON THE 27TH DAY OF APRIL, 2026, AT 5:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

JOANNE R. HERRON, TOWNSHIP CLERK
TOWNSHIP OF UPPER

29. Introduction and first reading of Ordinance No. 009-2026 RE: AN ORDINANCE AMENDING CHAPTER 7 (TRAFFIC) OF THE CODE OF UPPER TOWNSHIP. **Motion by Tyler Casaccio, second by Victor Nappen, to introduce Ordinance 009-2026 with a public hearing and final adoption scheduled for April 27, 2026. During roll call vote all five Committee Members voted in the affirmative.**

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

ORDINANCE NO. 009-2026

**RE: AN ORDINANCE AMENDING CHAPTER 7 (TRAFFIC)
OF THE CODE OF UPPER TOWNSHIP**

WHEREAS, the Township desires to amend various parking regulations of the Code of Upper Township as contained herein.

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

SECTION 1. Chapter 7 (entitled “Traffic”) of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

Replace Chapter 7, Section 3.7 in its entirety with the following:

7-3.7 LICENSED VEHICLES ONLY.

Unless authorized otherwise by Township Ordinance, the parking of anything other than a licensed vehicle on public streets or alleys shall be unlawful and a violation of this chapter.

Add the following section to Chapter 7:

7-3.9 ROLL-OFF CONTAINER REGULATIONS.

7-3.9.1 Definitions.

Roll-Off Container shall be defined as any large waste or refuse container, whether containing an open or closed top, that is used for temporary storage of personal property or temporary storage of waste disposal.

7-3.9.2 Parking Requirements for Roll-Off Containers.

- a. No person shall park or leave unattended any roll-off container on or along any roadway or right of way located within the Township of Upper without first obtaining a permit for parking from the Township Construction Office. The permit application must indicate the exact location and the length of time requested for parking. Upon recommendation of the Township Engineer, the Township Construction Office may issue a permit for a specific space for a maximum of 30 days.
- b. Permit Fees and Duration:
 1. The fee for the issuance of any such permit is hereby fixed at one hundred dollars (\$100.00), which amount may be amended from time to time by resolution duly adopted by the Township Committee.
 2. Permits may be renewed for additional thirty day periods up to a maximum of 180 days.
 3. Upon expiration of any permit, a new permit is required for the container to continue to be parked on any roadway or right of way.
- c. Safety and Placement Standards:
 1. Permittees must adhere to specific parameters including the maintenance of sight triangles, maintenance of ADA compliant sidewalks, and providing clear sidewalk width for pedestrians.
 2. Containers must display yellow reflective diamond shaped panels at least eighteen inches by eighteen inches.
 3. Panels must be mounted at the edge of the container at both ends nearest the path of passing vehicles and facing oncoming traffic.
 4. Markers shall have a minimum mounting height of three feet from the bottom of the panels to the roadway surface.

5. Wood blocks or metal plates must be installed between the container and the street to prevent damage to the underlying surface.
 6. All containers must be covered at all times when not in active use, including those situated on private property.
- d. Maintenance and Enforcement:
1. No leakage or odors shall be released from the container while situated on a roadway or right of way.
 2. Any debris released must be cleared immediately upon removal of the container.
 3. Any roll off container parked or standing in violation of this section is declared a nuisance and a menace to the safe and proper regulation of traffic.
 4. Any person convicted of a violation of this section shall pay a fine of one hundred dollars (\$100.00) for each violation.
 5. Upon a second or subsequent violation not remedied within three days of receipt of notice, the Township may remove the container.
 6. The permittee shall be charged the actual and reasonable costs of relocation and storage incurred by the Township.
 7. The requirements of N.J.S.A. 27:5I-1 are incorporated herein by reference.
- e. Appeals and Denials:
1. The Township Construction Office may deny an application upon the recommendation of the Township Engineer if denial is in the best interest of public health, safety, or traffic circulation.
 2. Any denial may be appealed to the Township Committee for a hearing.

7-3.9.3 Exemptions to Parking Requirements.

The Township of Upper is exempted from these requirements when utilizing roll off containers for governmental or public use. In the event of an emergency, the responsible party shall apply for a permit as promptly as possible and will not be liable for a violation if the Code Enforcement Official deems the emergent need reasonable and necessary.

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

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

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

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

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 23RD DAY OF MARCH, 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 HELD ON THE 27TH DAY OF APRIL, 2026, AT 5:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

JOANNE R. HERRON, TOWNSHIP CLERK

CORRESPONDENCE

NEW BUSINESS

30. Ocean City High School Theater Boosters, Inc. request to hold Raffle RA #621 at 34 Lyndhurst Road, Marmora on April 26, 2026. **Motion by Victor Nappen, second by Tyler Casaccio, to approve the request. During roll call vote all five Committee members voted in the affirmative.**

UNFINISHED BUSINESS

PAYMENT OF BILLS

31. "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 all five Committee members voted in the affirmative.**

Bills approved for payment: **\$342,527.60**
Payroll: **\$253,703.24**

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

Carol Sabo, West Cape May, stated the average age of customer at the West Cape May dispensary is 59.

Kristen Myers, Tuckahoe, spoke in opposition to Cannabis.

Diane Leo, Marmora, questioned the ethics of two committee members voting on Ordinance 001-2026. The Municipal Attorney verified that there is no ethical issue with any of the Committee members voting on the Ordinance.

Nathalie Neiss, Petersburg, also questioned ethical conflicts with the Committee members voting on the Ordinance.

Glenn Faulk, Ocean City, spoke again about cannabis.

CLOSED SESSION

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

**RESOLUTION NO. 116-2026
MOTION GOING INTO CLOSED SESSION
MARCH 23, 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 – Trinity Code Enforcement
2. Contract negotiation - Block 382, Lots 11.01 and 11.02

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 present voting in the affirmative.

RECONVENE PUBLIC PORTION OF MEETING

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

Motion by Tyler Cacaccio, second by Victor Nappen, to proceed with obtaining two appraisals for the potential purchase of Block 382, Lots 11.01 and 11.02. 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 8:02 P.M., with a motion by Victor Nappen, second by Tyler Casaccio, and all five Committee members voting in the affirmative. The next regular Committee meeting is scheduled for April 13, 2026 at 5:30 P.M.

Minutes prepared by,

Joanne R. Herron, RMC
Township Clerk

Bills

87193 03/23/26 A0027 ACE PLUMBING SUPPLY,INC 368.48 3484
87194 03/23/26 A0091 ATLANTIC CITY ELECTRIC 32,486.50 3484
87195 03/23/26 A0235 AMAZON CAPITAL SERVICES, INC. 1,207.71 3484
87196 03/23/26 A0251 ACT ENGINEERS, INC. 724.61 3484
87197 03/23/26 A0265 ARC REPROGRAPHICS SJ, INC 285.00 3484
87198 03/23/26 B0139 BATTELINI TRANSPORTATION 1,400.00 3484
87199 03/23/26 C0010 CMC MUNICIPAL JUDGES ASSOC 75.00 3484
87200 03/23/26 C0031 CAPE ASSIST 2,508.00 3484
87201 03/23/26 C0048 CAPE MAY COUNTY MUA 28,956.01 3484
87202 03/23/26 C0068 COMCAST 1,434.91 3484
87203 03/23/26 C0078 CARTER, EDWARD, SR. 600.00 3484
87204 03/23/26 C0143 CODY'S POWER EQUIPMENT 1,305.60 3484
87205 03/23/26 C0223 CASA PAYROLL SERVICE 302.15 3484
87206 03/23/26 C0279 CASA REPORTING SERVICES LLC 609.10 3484
87207 03/23/26 C0305 CM3 BUILDING SOLUTIONS, INC. 810.00 3484
87208 03/23/26 C0307 CNS ACQUISITION CORPORATION 1,000.00 3484
87209 03/23/26 C0346 CME ASSOCIATES 4,195.25 3484
87210 03/23/26 C0352 COLUMN SOFTWARE, PBC 407.12 3484
87211 03/23/26 D0040 DELTA DENTAL OF N.J. INC. 5,682.95 3484
87212 03/23/26 D0149 DANZIGER & MARKOFF, LLP 1,530.00 3484
87213 03/23/26 D0186 DOCUTREND IMAGING SOLUTIONS 85.33 3484
87214 03/23/26 D0253 DURST & TAYLOR STRUCTURAL 3,500.00 3484
87215 03/23/26 E0012 EHRlich PEST CONTROL INC 309.63 3484

87216 03/23/26 F0232 FAMILY AUTO GLASS 350.00 3484
87217 03/23/26 G0028 GENTILINI FORD, INC. 459.17 3484
87218 03/23/26 G0100 THE GUTTER GUYS 4,023.00 3484
87219 03/23/26 G0120 PATRICK F. MARTIN 2,083.33 3484
87220 03/23/26 H0002 H.A. DEHART & SON CORP. 7,763.51 3484
87221 03/23/26 H0142 HUB, THE 180.00 3484
87222 03/23/26 J0024 JERSEY CAPE DIAGNOSTIC 3,010.00 3484
87223 03/23/26 J0074 J.A. MONTGOMERY RISK CONTROL 4,101.00 3484
87224 03/23/26 K0086 K D NATIONAL FORCE SECURITY 900.00 3484
87225 03/23/26 L0007 LC EQUIPMENT, INC. 500.00 3484
87226 03/23/26 L0146 LAWSON PRODUCTS, INC. 1,205.47 3484
87227 03/23/26 M0235 MODERN GROUP, LTD 5,578.70 3484
87228 03/23/26 M0277 EQUITABLE FINANCIAL LIFE INS. 195.44 3484
87229 03/23/26 M0345 MAJESTIC OIL 5,060.74 3484
87230 03/23/26 N0004 NJ-AMERICAN WATER CO. 64.97 3484
87231 03/23/26 N0046 NJ EMERGENCY PREPAREDNESS ASSO 550.00 3484
87232 03/23/26 N0052 NATL ALLIANCE FOR YOUTH SPORTS 218.00 3484
87233 03/23/26 N0176 NJ SOLUTIONS JOINT HEALTH 174,754.44 3484
87234 03/23/26 O0006 SJSHORE MARKETING,LLC 270.00 3484
87235 03/23/26 P0056 TURF EQUIPMENT AND SUPPLY CO 1,312.09 3484
87236 03/23/26 P0201 PUBLIC SAFETY TRAINING OF SJ 130.00 3484
87237 03/23/26 R0030 RIGGINS, INC. 4,168.40 3484
87238 03/23/26 R0147 REVASCENT LLC 801.01 3484
87239 03/23/26 S0001 SAM'S CLUB 232.15 3484
87240 03/23/26 S0057 SERVICE TIRE TRUCK CENTERS 740.10 3484
87241 03/23/26 S0113 LAW OFFICES OF THOMAS G SMITH 1,087.69 3484
87242 03/23/26 S0126 LUDY, BARBARA 50.00 3484
87243 03/23/26 S0134 SO. JERSEY GAS COMPANY 2,256.21 3484
87244 03/23/26 S0193 STRYKER SALES, LLC 1,450.18 3484
87245 03/23/26 S0253 SAMPLE MEDIA, INC. 195.40 3484
87246 03/23/26 S0254 SHOPRITE 169.99 3484
87247 03/23/26 S0270 HOFFMAN SERVICES, INC 880.00 3484
87248 03/23/26 S0275 SCHAEFER FIREWORKS 15,500.00 3484
87249 03/23/26 T0085 TREASURER, STATE OF NEW JERSEY 749.00 3484
87250 03/23/26 T0131 TROUT, ROSEMARY 30.00 3484
87251 03/23/26 T0221 TEAM LIFE, INC. 366.00 3484
87252 03/23/26 T0231 TCTA CAPE MAY COUNTY 150.00 3484
87253 03/23/26 U0043 ULINE, INC. 122.68 3484
87254 03/23/26 V0013 VERIZON WIRELESS 372.00 3484
87255 03/23/26 V0022 VERIZON 613.62 3484
87256 03/23/26 V0025 V.E. RALPH & SON,INC. 712.92 3484
87257 03/23/26 V0052 VIKING TERMITE & PEST CONTROL 14.82 3484
87258 03/23/26 W0087 W.B. MASON EGG HARBOR 942.61 3484
87259 03/23/26 W0135 THE LAW OFFICE OF BRANDON D 1,048.46 3484
87260 03/23/26 W0137 WARWICK GROUP CONSULTANTS LLC 5,000.00 3484
87261 03/23/26 X0008 XEROX FINANCIAL SERVICES 161.15 3484
87262 03/23/26 Y0020 YOUNG, BARBARA L. 2,220.00 3484
Total: \$342,527.60